

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Mar 17 2021**

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
Post-Conviction Relief

**SC Court of Appeals**

R. Scott Sprouse, Circuit Court Judge

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Appellate Case No.: 2017-002494

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Jaquwn Brewer #347482,..... Petitioner,

vs.

State of South Carolina, .....Respondent.

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APPENDIX

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1 State of South Carolina )  
2 County of Aiken )

In the Court  
Of General Sessions

3 Indictment No.: 2009-GS-07-1279  
4 2009-GS-07-1293  
5 2009-GS-07-1296

6 State of South Carolina, )  
7 Plaintiff. )

 ORIGINAL

8 vs. )

Transcript of  
Record

9 )  
10 Jaquwn Brewer, )  
11 Defendant. )

Volume I

12 August 22, 2011  
13 Beaufort, South Carolina

14  
15 B E F O R E:

16 The Honorable William H. Seals, Jr.,  
17 Judge, and a Jury.

18  
19 A P P E A R A N C E S:

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22 Attorneys for the State

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MONDAY, AUGUST 22, 2011

THE COURT: My name is William Seals. I am a circuit court judge from the metropolis of Marion County and it's my pleasure to be here to serve y'all this week for this one week term of general sessions court here in Beaufort County.

Now, up to this point in time, you all have been qualified to serve as jurors this week. But right now, I need to make sure you are qualified to serve on a particular case. To do that, I need to ask you certain questions and, again, I need for you to remember you are under oath. And secondly, at any point in time, if you would like to answer up here in relative privacy with me, feel free to do so. If you do, just raise your hand and say, Judge, I'd like to come up there to answer a question, I'd be glad to have you come up here. Most of them, you can probably answer out there. They are very straightforward and they are as follows.

**JURY VOIR DIRE**

THE COURT: In this particular case, the State alleges that on or about May 24th, 2009, a Jaquawn Dominique Brewer did kill and murder one, Henry Jones, by means of shooting him with a gun.

1 Also, Mr. Breeland (sic) is charged with assault  
2 and battery with intent to kill. Pointing and  
3 presenting a firearm at a person, possession of a  
4 weapon during the commission of a violent crime,  
5 obstruction of justice, and several other crimes.

6 In that regard, has anybody heard anything  
7 about this case? Read anything about this case?  
8 Talked to anybody that knows anything about this  
9 case? If you have any information whatsoever  
10 about this case, please stand.

11 All right.

12 THE BAILIFF: One's standing, Your Honor.

13 THE COURT: All right. If you would, come  
14 on up here. The lawyers may come up here as well  
15 if that's all right.

16 THE JUROR: Penny Russell, 192.

17 THE BAILIFF: Penny Russel, 192, Judge.

18 THE COURT: Thank you.

19 THE JUROR: How are you doing this morning?

20 (WHEREUPON there was a discussion with the  
21 juror out of the hearing of the Court Reporter and  
22 the jury panel.)

23 THE BAILIFF: There's one more, Judge.

24 THE COURT: All right. Good.

25 THE BAILIFF: Juror 196.

1 THE COURT: Thank you.

2 (WHEREUPON there was a discussion with the  
3 juror out of the hearing of the Court Reporter and  
4 the jury panel.)

5 THE CLERK: What's her juror number again.

6 THE BAILIFF: 196.

7 THE CLERK: No, we don't have a 196.

8 THE BAILIFF: 176, I'm sorry.

9 THE CLERK: Thank you.

10 THE COURT: All right. Is the defendant in  
11 the courtroom, Mr. Newman?

12 MR. NEWMAN: He is, Your Honor.

13 THE COURT: If you would, please have him  
14 stand, turn, and face the jury panel.

15 MR. NEWMAN: This is Mr. Jaquwn Brewer.

16 THE COURT: Thank you, you may be seated.  
17 In that regard, is any member of the jury panel  
18 related by blood or marriage or has a close  
19 personal or social relationship with this  
20 individual? If so please stand.

21 All right. Let the record reflect that no  
22 one stood.

23 All right. Mr. Bannon and Ms. Bannon, if  
24 the two lawyers over there would please stand,  
25 turn, and face the jury panel and introduce

1 yourselves.

2 MS. BANNON: I am Meredith Bannon, I work  
3 for the solicitor's office and I'm co-counsel with  
4 Jim Bannon, who also works for the solicitor's  
5 office.

6 THE COURT: Thank you.

7 Is any member of the jury panel related by  
8 blood or marriage or has a close personal or  
9 social relationship with either of these lawyers.  
10 If so, please stand.

11 All right. Let the record reflect that no  
12 one stood.

13 Mr. Newman, if you could please stand and  
14 introduce yourself and any member of your firm.

15 MR. NEWMAN: Thank you, Judge.

16 Hi y'all. My name is Jared Newman. I  
17 practice here in Beaufort and surrounding counties  
18 and I practice by myself. Thank you.

19 THE COURT: Thank you very much.

20 In this regard, is any member of the jury  
21 panel related by blood or marriage or has a close  
22 personal or social relationship with Mr. Newman?  
23 If so, please stand.

24 All right. Let the record reflect that no  
25 one stood.



1           In this particular case, there are a bunch  
2 of witnesses. I'm going to read you those names  
3 and then ask you questions very similar to what  
4 you just heard. The witnesses we expect in this  
5 case will be a Sergeant Jason Wilson, a Lance  
6 Corporal Jason Malphrus; is that correct? A  
7 Corporal Brian Chapman, Sergeant Jeremiah Fraser,  
8 Corporal Timothy Clarkson, Corporal Andrew Rice,  
9 Corporal Latasha Robinson, Corporal Shannon  
10 Robinson, Tracy Thrower, John G. Roberts with  
11 SLED, Dr. Cynthia Schandl --

12           MS. BANNON: Schandl.

13           THE COURT: -- Schandl, with MUSC, Dr.  
14 Thomas Duff at the Beaufort Memorial Hospital,  
15 Dr. Scott Strohmeier --

16           MR. NEWMAN: Strohmeier.

17           THE COURT: -- Strohmeier with the Beaufort  
18 Orthopedics Sports and Spine Center, Mike Freed  
19 with the Beaufort County EMS, Donald Parker,  
20 Charles Cox, John Doctor, Sheena Parker Gardner,  
21 Deon Stevenson, Ivori Polite, Octavia Jones, Maria  
22 Griffin, Debra Jones, Gary Bright, Calay Grant,  
23 Houston Chaneyfield, Paul Chisolm?

24           MR. NEWMAN: Chisolm.

25           MS. BANNON: Chisolm.

1 THE COURT: Chisolm. Ashley Gadson,  
2 Brandon Parker.

3 In this regard, is any member of the jury  
4 panel related by blood or marriage or has a close  
5 personal or social relationship with any of these  
6 witnesses? If so, please stand.

7 All right. The gentleman in the back,  
8 please give me your name and your jury number.

9 THE JUROR: Andrew Frischen, No. 71.

10 THE COURT: Okay. Which one do you know?

11 THE JUROR: I knew Mr. Fraser when he was  
12 one of my marines at Paris Island.

13 THE COURT: All right. Taking that into  
14 account, if you were selected to serve on a jury  
15 in this case, could you be fair and impartial, not  
16 only to the State, but to the defendant as well?

17 THE JUROR: Yes.

18 THE COURT: Would you be fair and impartial  
19 to both sides?

20 THE JUROR: Yes.

21 THE COURT: Thank you very much. You may  
22 be seated.

23 Gentleman in the red shirt.

24 THE JUROR: Leslie Bryson, Juror No. 24.

25 Jason Malphrus is a personal friend of mine; and

1 Mike Freed is a coworker of my wife's.

2 THE COURT: All right. Taking that into  
3 account, if you were selected to serve on a jury  
4 in this case, could you be fair and impartial not  
5 only to the State, but to the defendant as well?

6 THE JUROR: Yes, sir.

7 THE COURT: Would you be fair and impartial  
8 to both sides?

9 THE JUROR: Yes, sir.

10 THE COURT: All right. Thank you, you may  
11 be seated.

12 Your name and your jury number?

13 THE JUROR: Jury -- jury -- Juror No. 34.  
14 I have a close personal relationship with Dr.  
15 Strohmeyer.

16 THE COURT: All right. Taking that into  
17 account, if you were selected to serve on the jury  
18 in this case, could you be fair and impartial to  
19 both sides, the State and the defendant?

20 THE JUROR: (The juror nodded his head.)

21 THE COURT: Would you be fair and impartial  
22 to both sides?

23 THE JUROR: Yes, Your Honor.

24 THE COURT: Thank you very much.

25 The gentleman in the front.

1           THE JUROR: My name is Matthew McDowell,  
2 Juror No. 147. I have had a working -- a working  
3 relationship with Mike Freed with EMS.

4           THE COURT: All right. I'm going to ask  
5 you the same thing. If you were selected to serve  
6 on the jury in this case, could you be fair and  
7 impartial to the State as well as the defendant?

8           THE JUROR: Yes, sir.

9           THE COURT: Would you be fair and impartial  
10 to both sides?

11          THE JUROR: Yes, sir.

12          THE COURT: Thank you.

13          And the lady that's standing behind him,  
14 your name and your number.

15          THE JUROR: No. 161, Linda Nelson.

16          THE COURT: Okay.

17          THE JUROR: It's not a social relationship,  
18 but Dr. Strohmeyer has treated me as a patient.

19          THE COURT: All right. Taking that into  
20 account, if you were selected to serve on the jury  
21 in this case, could you be fair and impartial not  
22 only to the State but to the defendant as well?

23          THE JUROR: Yes, sir.

24          THE COURT: Thank you.

25          THE JUROR: Margarie Lamb, Juror 121. Dr.

1 Strohmeyer treated my son as well.

2 THE COURT: All right. Taking that into  
3 account, if you were selected to serve on the jury  
4 in this case, could you be fair and impartial not  
5 only to the State but to the defendant as well?

6 THE JUROR: Yes, sir.

7 THE COURT: Would you be fair and impartial  
8 to both sides?

9 THE JUROR: Yes.

10 THE COURT: Thank you.

11 All right. How about the defense? Do you  
12 have any witness -- witnesses you would like me  
13 to --

14 MR. NEWMAN: Your Honor, there should be a  
15 list of voir dire on your -- on the bench. The  
16 second page of the defendants.

17 THE COURT: Thank you. All right. And we  
18 are also -- we may have a witness by the name of  
19 Shakira Smalls, Janice Douglas, Bryant Revere,  
20 Travis Polite, Deon Stevenson.

21 In this regard, is any member of the jury  
22 panel related by blood or marriage or has a close  
23 personal relationship with any of those witnesses?  
24 If so, please stand.

25 All right. Let the record reflect that no

1 one stood.

2 Is there any member of the jury panel that  
3 is related by blood or marriage to any law  
4 enforcement officer? If so, please stand.

5 Nobody out there's related to the --

6 THE BAILIFF: We have one, Your Honor, I  
7 know.

8 THE COURT: All right. You go ahead and  
9 give me your name and your jury number.

10 THE JUROR: 173, Dyflorie Pascoe. My  
11 husband has been in the law enforcement for  
12 twenty-five years.

13 THE COURT: All right. Taking that into  
14 account, if you were selected to serve on the jury  
15 in this case, could you be fair and impartial not  
16 only to the State, but the defendant as well?

17 THE JUROR: Yes, sir.

18 THE COURT: Would you be fair and impartial  
19 to both sides?

20 THE JUROR: Yes, sir.

21 THE COURT: Thank you. And I think there's  
22 a gentleman back here?

23 THE JUROR: Raymond Mathiesen, No. 138. My  
24 cousin was a retired New York City Detective.

25 THE COURT: Taking that into account, if

1 | you were selected to serve on the jury in this  
2 | case, could you be fair and impartial to the  
3 | State and the defendant?

4 |         THE JUROR: Yes, sir.

5 |         THE COURT: Would you be fair and impartial  
6 | to both sides?

7 |         THE JUROR: Yes, sir.

8 |         THE COURT: All right. Thank you. Anybody  
9 | else?

10 |         (WHEREUPON no one stood.)

11 |         THE COURT: Is any member of the jury panel  
12 | aware of or conscious of any bias or prejudice for  
13 | or against the State in this case? If so, please  
14 | stand.

15 |         Let the record reflect that no one stood.

16 |         Has any member of the jury panel formed an  
17 | opinion as to the guilt or innocence of the  
18 | defendant, Mr. Jaquawn Dominique Brewer in this  
19 | case? If so, please stand.

20 |         Let the record reflect that nobody stood.

21 |         Is there any member of the jury panel who  
22 | is a member of or a contributor to any group which  
23 | has as it's primary concern a promotion of law  
24 | enforcement or victim's rights? These groups  
25 | would include, but certainly not be limited to

1 MADD, SADD, or CAVE, Citizens Against Violent  
2 Crimes? If so, please stand.

3 Let the record reflect that no one stood.

4 Has many member of the jury panel or any  
5 member of your immediate family ever been involved  
6 in a crime of personal violence. Crime of  
7 personal violence could be criminal sexual  
8 conduct, assault and battery of a high and  
9 aggravated nature, assault and battery with intent  
10 to kill, murder, manslaughter, kidnapping, armed  
11 robbery, et cetera. These are just a few  
12 examples, but with that, I think you get the idea.

13 Now, if you or any member of your immediate  
14 family have ever been a victim or defendant in a  
15 crime such as these just mentioned, please stand.

16 If you would come around, so that I could  
17 speak with you.

18 THE BAILIFF: Matthew McDowell, 147.

19 THE JUROR: My sister-in-law's father is  
20 incarcerated for, I believe it's a sexual assault  
21 of his own child.

22 THE COURT: Taking Taking that into  
23 account, if you were selected to serve on the jury  
24 in this case, could you be fair and impartial not  
25 only to the State, but the defendant as well.



1 THE JUROR: I would be able to do that.

2 THE COURT: Would you be fair and  
3 impartial to both sides?

4 THE JUROR: Yes, sir.

5 THE BAILIFF: Amelia Jude, 115.

6 THE COURT: How are you?

7 THE JUROR: Good. My uncle, he just got  
8 out after seven years and I don't know exactly  
9 what it was for, but I know it involved like  
10 sexual predator things, peeping tom type of thing.  
11 I'm not real sure of the facts or anything.

12 THE COURT: Taking Taking that into  
13 account, if you were selected to serve on the jury  
14 in this case, could you be fair and impartial not  
15 only to the State, but the defendant as well.

16 THE JUROR: Yes, sir.

17 THE COURT: Would you be fair and  
18 impartial to both sides?

19 THE JUROR: I would.

20 THE COURT: Thank you for coming.

21 THE CLERK: Samuel Adkins, No. 2.

22 THE COURT: How are you?

23 THE JUROR: Good.

24 THE COURT: What's your situation?

25 THE JUROR: My nephew was killed two or

1 three years ago home invasion.

2 THE COURT: Taking that into account, if  
3 you were selected to serve on the jury in this  
4 case, could you be fair and impartial not only to  
5 the State, but the defendant as well.

6 THE JUROR: Yes, sir.

7 THE COURT: Would you be fair and  
8 impartial to both sides?

9 THE JUROR: Yes, sir.

10 THE COURT: Thank you very much, I  
11 appreciate you being here.

12 THE CLERK: Richard Hamilton, No. 86.

13 THE COURT: Hey there. What's your  
14 situation?

15 THE JUROR: I was accused of assault by my  
16 ex.

17 THE COURT: Taking that into account, if  
18 you were selected to serve on the jury in this  
19 case, could you be fair and impartial not only to  
20 the State, but the defendant as well?

21 THE JUROR: Yes.

22 THE COURT: Would you be fair and impartial  
23 to both sides?

24 THE JUROR: Yes, sir.

25 THE COURT: Thank you so much.

1 THE CLERK: Anna Craig, No. 43.

2 THE COURT: Hello there.

3 THE JUROR: Hey. My nephew was, I believe,  
4 convicted of a violent assault and battery. I'm  
5 not exactly sure of all the details of it. Also  
6 my husband is a former police officer, it's been  
7 back a long time.

8 THE COURT: Taking those two things into  
9 account, if you were selected to serve on the jury  
10 in this case, could you be fair and impartial not  
11 only to the State but to the defendant as well?

12 THE JUROR: Yes, sir.

13 THE COURT: Would be be fair and impartial  
14 to both sides?

15 THE JUROR: Yes, sir.

16 THE COURT: Thank you very much.

17 (WHEREUPON there was a bench conference out  
18 of the hearing of the court reporter and the jury  
19 panel.)

20 THE COURT: Is there any member of the jury  
21 panel who knows of any reason whatsoever of why  
22 they could not give the parties in this case a  
23 fair and impartial trial? If so, please stand.

24 Let the record reflect that no one stood.

25 Does any member of the jury panel have any

1 religious or philosophical objections to rendering  
2 judgment against their fellow man? If so, please  
3 stand.

4 Let the record reflect that no one stood.

5 Has any member of the jury panel or any  
6 member of their family every been prosecuted by  
7 this solicitor or any member of the solicitor's  
8 staff, regardless of whether the case was  
9 dismissed or not? If so, please stand.

10 THE BAILIFF: Your Honor...

11 THE COURT: If you would, you can come on  
12 up here.

13 Y'all are welcome to come up too.

14 THE CLERK: Eddie Middleton, 151.

15 THE COURT: What you got?

16 THE JUROR: I got a son that is  
17 incarcerated.

18 THE COURT: You've got a son that's  
19 incarcerated.

20 THE JUROR: Yes, sir.

21 THE COURT: Taking that into account, if  
22 you were selected to serve on the jury in this  
23 case, could you be fair and impartial not only to  
24 the State, but the defendant as well?

25 THE JUROR: Well, I don't believe he got a

1 fair trial.

2 THE COURT: Do what now?

3 THE JUROR: He didn't get a fair trial.

4 THE COURT: You do not believe he got a  
5 fair trial?

6 THE JUROR: No, sir.

7 THE COURT: Let me ask you this. If your  
8 were selected to serve on the jury in this case,  
9 would you be fair and impartial to the State as  
10 well as to the defendant?

11 THE JUROR: Yeah.

12 THE COURT: All right. If you were  
13 selected to serve on this jury would be you be  
14 fair and impartial.

15 THE JUROR: I think so.

16 THE COURT: I need to know if you can.

17 THE JUROR: Yes, sir.

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

20 Anything from the defense?

21 MR. NEWMAN: Other than what I had  
22 submitted, I would ask you to ask the questions  
23 that have not been covered under the Court's  
24 standard.

25 THE COURT: Okay. Let me look at it.

1           Would any member of the jury panel believe  
2 the testimony of a police officer over another  
3 witness simply because that witness currently  
4 holds the position of an officer. If so, please  
5 stand.

6           All right. Let the record reflect that no  
7 one stood.

8           Does any member of the jury panel hold the  
9 belief that Mr. Brewer must be guilty of something  
10 merely because he was arrested? If so, please  
11 stand.

12           All right. No one stood.

13           Is any member of the jury panel unusually  
14 opposed to or afraid of firearms. If so, please  
15 stand.

16           No one stood.

17           Does any member of the jury panel disagree  
18 with the fact that Mr. Brewer is presumed, in law,  
19 to be innocent of the charge brought against him  
20 and that it is the duty of the State to provide  
21 evidence which proves his guilt beyond a  
22 reasonable doubt? If so, please stand.

23           (WHEREUPON there was no response from the  
24 jury).

25           THE COURT: Anything further from the

1 defense?

2 MR. NEWMAN: No, sir. Thank you.

3 THE COURT: Anything further from the  
4 State?

5 MS. BANNON: No, Your Honor.

6 THE COURT: All right. For the record, I  
7 find the jury panel qualified for this case.

8 All right. Ms. Clerk, if you would give us  
9 a jury of twelve and one alternate.

10 THE CLERK: One alternate?

11 THE COURT: Yes, ma'am.

12 MS. BANNON: Judge, the strikes will be?

13 THE BAILIFF: Excuse me, Your Honor, may I  
14 approach?

15 (WHEREUPON there was a conversation at the  
16 bench with the bailiff and the Court.)

17 THE COURT: Sure.

18 Just so you'll know, the computer is doing  
19 it's thing right now. And of course computers are  
20 supposed to speed things up, that's why we're  
21 sitting here waiting right now.

22 **JURY SELECTION**

23 THE CLERK: I will call your juror number  
24 and your name, if you'll just bring your things  
25 with you and come up front and face the attorneys

1 and the pool.

2 Juror No. 87, Kathleen Harris (white  
3 female).

4 What says the State?

5 MS. BANNON: Please present Ms. Harris.

6 THE CLERK: What says the defense?

7 MR. NEWMAN: Please excuse this juror.

8 (WHEREUPON the juror returned to her seat.)

9 THE CLERK: Juror No. 12, James Bartlett  
10 (white male).

11 What says the State?

12 MS. BANNON: Please present Mr. Bartlett.

13 THE CLERK: What says the defense?

14 MR. NEWMAN: What did you say?

15 MS. BANNON: Present Mr. Bartlett.

16 THE CLERK: What says the defense?

17 MR. NEWMAN: Please excuse this juror.

18 (WHEREUPON the juror returned to his seat.)

19 THE CLERK: Juror No. 23, Nancy Thurston  
20 (white female).

21 What says the State?

22 MS. BANNON: Please present Ms. Thurston.

23 THE CLERK: What says the defense?

24 MR. NEWMAN: Please swear the juror.

25 (WHEREUPON the juror took a seat in the



1 jury box.)

2 THE CLERK: Juror No. 234, Matthew Weldy  
3 (white male).

4 What says the State?

5 MS. BANNON: Please present Mr. Weldy.

6 THE CLERK: What says the defense?

7 MR. NEWMAN: Please swear the juror.

8 (WHEREUPON the juror took a seat in the  
9 jury box.)

10 THE CLERK: Juror No. 6, Valerie Althoff  
11 (white female).

12 What says the State?

13 MS. BANNON: Please present Ms. Althoff.

14 THE CLERK: What says the defense?

15 MR. NEWMAN: Please excuse the juror.

16 (WHEREUPON the juror returned to her seat.)

17 THE CLERK: Juror No. 148, Grace McGilton  
18 (white female).

19 What says the State?

20 MS. BANNON: Please present Ms. McGilton.

21 THE CLERK: What says the defense?

22 MR. NEWMAN: Please swear the juror.

23 (WHEREUPON the juror took a seat in the  
24 jury box.)

25 THE CLERK: Juror No. 50, Francis Ditommaso

1 (white male).

2 What says the State?

3 MS. BANNON: Please present Mr. Ditommaso.

4 THE CLERK: What says the defense?

5 MR. NEWMAN: Please excuse the juror.

6 (WHEREUPON the juror returned to his seat.)

7 THE CLERK: Juror No. 78, John Gonzalez

8 (hispanic male).

9 What says the State?

10 MS. BANNON: Please present Mr. Gonzalez.

11 THE CLERK: What says the defense?

12 MR. NEWMAN: Please swear the juror.

13 (WHEREUPON the juror took a seat in the  
14 jury box.)

15 THE CLERK: Juror No. 167, Hugh Okane  
16 (white male).

17 MR. NEWMAN: One, sixty-seven?

18 THE CLERK: One, sixty-seven.

19 What says the State?

20 MS. BANNON: Beg the Court's indulgence.

21 Please present Mr. Okane.

22 THE CLERK: What says the defense?

23 MR. NEWMAN: Please swear the juror.

24 (WHEREUPON the juror took a seat in the  
25 jury box.)

1 THE CLERK: Juror No. 247, Sam Yater (white  
2 male).

3 What says the State?

4 MS. BANNON: Please present Mr. Yater.

5 THE CLERK: What says the defense?

6 MR. NEWMAN: Please excuse this juror.

7 (WHEREUPON the juror returned to his seat.)

8 THE CLERK: Juror No. 138, Raymond  
9 Mathiesen (white male).

10 What says the State?

11 MS. BANNON: Please present Mr. Mathiesen.

12 THE CLERK: What says the defense?

13 MR. NEWMAN: Please excuse the juror.

14 (WHEREUPON the juror returned to his seat.)

15 THE CLERK: Juror No. 86, Richard Hamilton  
16 (black male).

17 What says the State?

18 MS. BANNON: Please excuse Mr. Hamilton.

19 (WHEREUPON the juror returned to his seat.)

20 THE CLERK: Juror No. 20, Elizabeth Brown  
21 (black female).

22 What says the State?

23 MS. BANNON: Please present Ms. Brown.

24 THE CLERK: What says the defense?

25 MR. NEWMAN: Please swear the juror.

1 (WHEREUPON the juror took a seat in the  
2 jury box.)

3 THE CLERK: Juror No. 145, James McCready  
4 (white male).

5 What says the State?

6 MS. BANNON: Please present Mr. McCready.

7 THE CLERK: What says the defense?

8 MR. NEWMAN: Please swear the juror.

9 (WHEREUPON the juror took a seat in the  
10 jury box.)

11 THE CLERK: Juror No. 169, Leah Ortega  
12 (white female).

13 What says the State?

14 MS. BANNON: Please present Ms. Ortega.

15 THE CLERK: What says the defense?

16 MR. NEWMAN: Please swear the juror.

17 (WHEREUPON the juror took a seat in the  
18 jury box.)

19 THE CLERK: Juror No. 249, William Young  
20 (black male).

21 What says the State?

22 MS. BANNON: Please present Mr. Young.

23 THE CLERK: What says the defense?

24 MR. NEWMAN: Please swear the juror.

25 (WHEREUPON the juror took a seat in the

1 | jury box.)

2 |         THE CLERK: Juror No. 24, Leslie Bryson  
3 | (white male).

4 |         What says the State?

5 |         MS. BANNON: Please present Mr. Bryson.

6 |         THE CLERK: What says the defense?

7 |         MR. NEWMAN: Could we approach Your Honor?

8 |         THE COURT: Sure.

9 |         (WHEREUPON there was a bench conference out  
10 | of the hearing of the jury pool and the Court  
11 | Reporter.)

12 |         THE CLERK: What says the defense?

13 |         MR. NEWMAN: Please excuse this juror.

14 |         THE CLERK: Juror No. 146, Whitney McDaniel  
15 | (white female).

16 |         What says the State?

17 |         MS. BANNON: Please present Ms. McDaniel.

18 |         THE CLERK: What says the defense?

19 |         MR. NEWMAN: Please swear the juror.

20 |         (WHEREUPON the juror took a seat in the  
21 | jury box.)

22 |         THE CLERK: Juror No. 119, Frank Kulbertis  
23 | (white male).

24 |         What says the State?

25 |         MS. BANNON: Please excuse Mr. Kulbertis

1 from this trial.

2 (WHEREUPON the juror returned to his seat.)

3 THE CLERK: Juror No. 121, Margery Lamb  
4 (white female).

5 What says the State?

6 MS. BANNON: Please present Ms. Lamb.

7 THE CLERK: What says the defense?

8 MR. NEWMAN: Please excuse this juror.

9 (WHEREUPON the juror returned to her seat.)

10 THE CLERK: Juror No. 22, Melvin Brown  
11 (black male).

12 What says the State?

13 MS. BANNON: Please present Mr. Brown.

14 THE CLERK: What says the defense?

15 MR. NEWMAN: Please swear the juror.

16 (WHEREUPON the juror took a seat in the  
17 jury box.)

18 THE CLERK: Juror No. 45, Jerry Cutrer  
19 (white male).

20 What says the State?

21 MS. BANNON: Please present Mr. Cutrer.

22 THE CLERK: What says the defense?

23 MR. NEWMAN: Please excuse this juror.

24 (WHEREUPON the juror returned to his seat.)

25 THE CLERK: Juror No. 102, James Hubbard

1 (white male).

2 What says the State?

3 MS. BANNON: Please present Mr. Hubbard.

4 THE CLERK: What says the defense?

5 MR. NEWMAN: Please swear the juror.

6 (WHEREUPON the juror took a seat in the  
7 jury box.)

8 THE CLERK: And we're going to go for the  
9 alternate.

10 Juror No. 2, Samuel Adkins (white male).

11 What says the State?

12 MS. BANNON: Please present Mr. Adkins.

13 THE CLERK: What says the defense?

14 MR. NEWMAN: Please swear the juror.

15 (WHEREUPON the juror took a seat in the  
16 jury box.)

17 THE COURT: All right. Is there any  
18 objections to the jury or the process from which  
19 they were drawn.

20 What says the State?

21 MS. BANNON: No, Your Honor.

22 THE COURT: What about the defense?

23 MS. NEWMAN: No, sir.

24 THE COURT: All right. Ms. Clerk, do you  
25 have any further instructions for the rest of the

1 jury panel?

2 THE CLERK: I'm guessing that Judge Mullen  
3 is going to select her jury when you leave.

4 THE COURT: All right. Mr. Okane, is that  
5 your name?

6 THE JUROR: Correct.

7 THE COURT: I'm going to appoint you  
8 foreperson for the jury. Tomorrow morning at  
9 9:30, when you come in, if you would sit in Ms.  
10 Brown's chair. You look wise and you look patient  
11 to me, so I'm going to put you in that spot.

12 The rest of you are excused. I'm going to  
13 need you back at nine --

14 -- do they have to be -- they're not going  
15 to be here for Judge Mullen's jury, are they?

16 THE CLERK: No, sir.

17 THE COURT: All right. You will be excused  
18 until 9:30 in the morning. And you have heard  
19 just a little bit about this case, don't go out  
20 and investigate the case. Don't talk about the  
21 case. Don't try to read about it on the internet.  
22 Don't try to look it up in the newspaper or  
23 anything. Just forget about it and come back with  
24 clear minds tomorrow morning at 9:30 and we'll  
25 start promptly at 9:30.



1           If everybody else would remain seated while  
2 the jury is excused.

3 (WHEREUPON the jury left the courtroom at  
4 12:16 p.m.)

5 THE COURT: All right. At this time, I'm  
6 going to turn it over to Judge Mullen and she's  
7 going to pick another jury from you as well. I  
8 enjoyed meeting most of you today and good luck  
9 with the next jury.

10 (WHEREUPON this trial was at ease until  
11 later in the day.)

12 MOTIONS

13 MR. BANNON: Your Honor, at this point,  
14 we're going to return to the State versus Jaquawn  
15 Brewer. I believe that the first matter is  
16 that -- well first, we would need Mr. Brewer. I  
17 apologize, Your Honor.

18 (WHEREUPON Mr. Brewer was brought into the  
19 courtroom.)

20 Your Honor, in June of this year, it was  
21 ordered that Mr. Brewer was to go under an  
22 evaluation to determine his competency. Recently,  
23 we received a summary of his evaluation from the  
24 Department of Mental Health. I suppose I'd like  
25 to have this marked as a Court's Exhibit and I'll

1 hand it up.

2 (WHEREUPON Court's Exhibit No. 1 was marked  
3 for evidence.)

4 MR. BANNON: The finding was that Mr.  
5 Brewer was found to be competent and so we would  
6 just ask for him to be -- for Your Honor to rule  
7 him competent before we proceed any further in  
8 this case.

9 THE COURT: Based on the report -- you want  
10 that in the record?

11 MR. BANNON: Yes, Your Honor.

12 THE COURT: Dated August 15, 2012, I find  
13 that Mr. Brewer is competent to stand trial.

14 Anything further from you in that regard,  
15 Mr. Newman.

16 MR. NEWMAN: No, sir.

17 THE COURT: Okay. Thank you.

18 MR. BANNON: And then, Your Honor, I think  
19 what makes the most sense to proceed from most  
20 dispositive to least dispositive. So I believe  
21 Mr. Newman had a motion to sever several of the  
22 matters, so I suppose we should begin with that.

23 THE COURT: All right.

24 MR. NEWMAN: Thank you, Your Honor.

25 THE COURT: Thank you.

1           MR. NEWMAN: I just -- out of really an  
2 abundance of caution, I don't think that -- I just  
3 want to make sure there are no jurors present.

4           THE COURT: Are there any jurors in the  
5 courtroom at this time?

6           THE BAILIFF: Do we have any jurors in the  
7 courtroom?

8           No one responded, Your Honor.

9           MR. NEWMAN: Thank you. And I'm sorry,  
10 Your Honor, I just -- I had that happen to me one  
11 time.

12           There are -- what I think are three  
13 separate issues in this case. The case we're here  
14 to try happened at the location known as the  
15 Semper Fi Club. It's basically just a cinderblock  
16 building. It's available for people to rent for  
17 parties or whatever they want to do with it.  
18 There was a shooting in that club. There was two  
19 people, one person was shot in the leg and the  
20 other person was unfortunately shot -- struck in  
21 the head to kill him.

22           Mr. Brewer faces the charge of assault and  
23 battery with intent to kill and a charge of murder  
24 based on that incident that happened about -- on  
25 May 23rd or 4th, at about -- I believe the 24th at

1 about 1:45 in the a.m.

2 Earlier that night, a little after nine at  
3 a ball field in another part of the the county,  
4 Mr. Brewer is alleged to have been in car and shot  
5 at a girl named Maria Griffin after having some  
6 type of altercation with her. The State alleges  
7 that Mr. Brewer along with a fellow named Mr.  
8 Brevair and maybe one or two other people, unknown  
9 or maybe not, chased Ms. Griffin and fired guns at  
10 her car, which resulted in a side window being  
11 blown out.

12 Mr. Brewer is charged with assault and  
13 battery with intent to kill on that. Maybe  
14 conspiracy, but I don't know; and pointing and  
15 presenting a firearm in that instance. That was,  
16 as I said, I think around 9:30, several miles from  
17 this location in another part of the county.  
18 Clearly, that's four hours before this incident.

19 What the State, I think wants to -- to try  
20 and get in under the guise of a res gestae type  
21 issue is, the person that confronted Mr. Brewer  
22 about having a pistol at the Semper Fi Club was a  
23 fellow named Deon Stevenson. Turns out Deon  
24 Stevenson is the boyfriend or Daddy's baby of Ms.  
25 Griffin. It is alleged at the party that Mr.

1 Stevenson confronted Mr. Brewer after they saw Mr.  
2 Brewer with a gun.

3           There were -- Mr. Brewer was allegedly  
4 taking pictures at the party and he had his hands  
5 up. Several people saw what appeared to be the  
6 butt of looked like a .45 in his waist band.  
7 Allegedly, Mr. Stevenson approached Mr. Brewer.  
8 One of the witnesses says Mr. Stevenson pushed Mr.  
9 Brewer, other witnesses -- Mr. Stevenson denies  
10 that and just says, We told Mr. Brewer he needed  
11 to take the gun out of here. Mr. Stevenson  
12 alleges at that time Mr. Brewer pulled out the gun  
13 and started just firing at random. And that's  
14 kind of the thumbnail of that.

15           As it turns out, Mr. Stevenson did not know  
16 Mr. Brewer at all. I believe he identifies him  
17 out of lineup, but did not know him. What the  
18 State, I think, wants to weave in is that this is  
19 somehow some type of gang-related thing. That --  
20 to put in context of why either Mr. Stevenson  
21 would have a conflict with Mr. Brewer or Mr.  
22 Brewer would have a conflict with Mr. Stevenson.  
23 In their own written motion, it's clear that these  
24 two men don't even know each other.

25           What I think they want to put it in is just

1 to besmirch Mr. Brewer's reputation. Of course  
2 his character doesn't come into this unless or  
3 until we put him on the witness stand. Our  
4 supreme courts made clear that when you're looking  
5 at a Lyle-type issue, one, I don't know how  
6 there's a Lyle issue. There are a number of  
7 witnesses that would testify they know who Mr.  
8 Brewer is. They know him by his name and his  
9 nickname. They identify him by that way. A  
10 couple of other witnesses identify him from the  
11 photo lineup. So I don't think identity -- and  
12 there's a photograph of Mr. Brewer in the club  
13 that the State is going to introduce into  
14 evidence.

15 I don't think there's any question about  
16 identity in this case. There -- I don't know how  
17 motive comes in, motive is not an element of  
18 assault and battery with intent to kill or murder.  
19 It certainly could explain the actions of a  
20 defendant if the person that was murdered was by  
21 all accounts a bystander that had nothing to do  
22 with anybody at the party, he was just helping bar  
23 tend and is actually older than most of the  
24 members at the party. I believe he was forty-four  
25 years old. And these are younger people in their

1 | early to mid-twenties.

2 |         So I think the pointing a firearm and the  
3 | assault and battery with the intent to kill charge  
4 | is -- is unduly prejudicial in this case; it goes  
5 | directly to character. The other problem with it,  
6 | Your Honor, our supreme court said when the  
7 | crime -- under a 404 analysis and 403 analysis --  
8 | when the crime is the same crime for which the  
9 | defendant is charged at trial, that the curve on  
10 | the potential for prejudice goes up out of the  
11 | roof.

12 |         I don't think there are any Lyle issues in  
13 | here. I don't think res gestae works. It's too  
14 | attenuated and it certainly goes to assassinate  
15 | the character of Mr. Brewer. I think it would  
16 | lead to jury confusion of the State trying to  
17 | weave in what happened on -- on -- at a ballpark  
18 | some; over four hours earlier in the day with  
19 | people that aren't related to this incident. The  
20 | State says well, they want to use it as a motive  
21 | of why he may have wanted to pull a gun out.

22 |         The State supplies their own motive through  
23 | their witnesses. One witness puts Mr. Stevenson  
24 | pushing Mr. Brewer and a host of witnesses put  
25 | that -- that there was an exchange -- a heated

1 exchange between Mr. Stevenson and Mr. Brewer.  
2 So, you know, that's their motive as to why Mr.  
3 Brewer would start pulling out a gun and shooting  
4 wilddy. You know, that's -- that's fine, we'll  
5 deal with that at trial; but to put in this  
6 incident with the girl named Maria Griffin,  
7 certainly it's not needed. It's not res gestae,  
8 and it is incredibly prejudicial. We would move  
9 to sever those two charges.

10 There are two other charges that I'm also  
11 moving to sever and if you want to take them -- if  
12 you them one at the time, we can do that, or if  
13 you want me to get to the next set of charges...

14 THE COURT: Go ahead.

15 MR. NEWMAN: All right. The next set of  
16 charges. I have a couple of different problems  
17 with. They have a charge of obstruction of  
18 justice and I've never even heard of the thing,  
19 some kind of gang-intimidation charge of a  
20 witness. What the State is alleging through a  
21 known jailhouse rat named Paul Chisolm is, Mr.  
22 Chisolm -- or Mr. Brewer approached Mr. Chisolm,  
23 which, of course, we vehemently deny, in the jail;  
24 and Mr. Chisolm's testimony is going to be that  
25 Mr. Brewer contacted him and said how do I -- you



1 know, I want to get a statement from a witness.

2 And Mr. Chisolm, since he's, quote, been through  
3 the ringer tells Mr. Brewer, Well what you need to  
4 do is get a signed statement from -- from the  
5 victim.

6 The State's alleging that through agency,  
7 Mr. Brewer was able to get a Donald Parker -- he  
8 is the victim of the -- being shot in the leg at  
9 the Semper Fi Club -- to write the statement that  
10 he didn't see who shot him, which I don't know how  
11 you can intimidate a witness, that's what he told  
12 the police through the police report. He didn't  
13 see who shot him, he heard it was a fellow named  
14 Wheezy, which is Mr. Brewer's nickname. He is  
15 shot in the back of the leg. The -- it's clear  
16 through the report that Donald Parker himself did  
17 not see who shot him.

18 The State's alleging that Mr. Brewer paid a  
19 \$1,000 to the victim to get him to write that one  
20 sentence statement that said, I didn't see --  
21 consistent with what he said in the police  
22 report -- I didn't see who shot me. And that a  
23 fellow named Brandon Parker, a relative of Donald  
24 Parker the ABIK that Mr. Brewer arranged for his  
25 bond to be posted; Brandon Parker bonded out of

1 jail; interestingly enough, Mr. Parker was  
2 rearrested and is back in jail on other charges.

3 But they are alleging that Mr. Brewer  
4 obstructed justice by that action and then the  
5 State wants to put up, I'm guessing, a witness who  
6 has not answered my subpoena for information to  
7 say that Mr. Brewer is a member of what's known as  
8 the Poppy Hill Posse. They have identified about  
9 eleven members of the Poppy Hill Posse. Ten of  
10 which live on Poppy Hill Road and one of which  
11 lives in Hampton County, this one right here.

12 So we're going to get into issues of -- I  
13 don't even know what we're going to get into  
14 issues of; that Mr. Brewer -- they're going to go  
15 to the extent to prove that he was a member of a  
16 gang and that Mr. Brewer, through that obstructed  
17 justice and intimidated the witness by getting a  
18 witness to sign a statement, one sentence  
19 statement which was consistent with the one  
20 sentence statement that he gave the police during  
21 the initial investigation.

22 I think those are clearly separate issues.  
23 They go, once again, to putting Mr. Brewer's  
24 character on trial, which is extremely improper.  
25 At least to the point unless and until Mr. Brewer

1 puts his credibility at issue by testifying.

2       Lastly, on that issue, those charges are  
3 relatively new. I was appointed to those cases on  
4 a motion of the solicitor. I'm retained in this  
5 case, but was appointed on those cases on motion  
6 of the solicitor about a month ago. I got my  
7 discovery in, some of the discovery as late as  
8 eleven o'clock Friday, this coming -- this past  
9 Friday. I am not prepared to go forward on the  
10 obstruction and gang-intimidation charges and I do  
11 think that I don't need to go forward on them  
12 because all it is is for going over the top on  
13 character assassination of Mr. Brewer. We will  
14 get into collateral issues that have nothing to do  
15 with this trial.

16       The facts of this trial are allegedly Mr.  
17 Brewer was at this club and that he broke out a  
18 gun and started shooting and two people were hit.  
19 And -- that's where I am on that, Your Honor. The  
20 State's having me defend the before, and after and  
21 the during all in one trial that -- that aren't  
22 related. And the last, based on just getting the  
23 information, I'm not prepared to go forward on it.  
24 I subpoenaed Andrew Rice last week when I did get  
25 this information about this gang stuff coming up

1 and my subpoena has not been answered. I  
2 subpoenaed information for gang affiliation if  
3 any. I don't even know his qualifications on  
4 that. I guess we'd have to get into that if you  
5 allow that to go forward.

6 And I've not received any of that  
7 information on the witnesses in this case to see  
8 if they are members of a rival gang, you know,  
9 because the State's trying to weave that this  
10 might be some kind of gang -- gang-on-gang type of  
11 thing.

12 Thank you, Judge.

13 THE COURT: Thank you. Now, I'll hear from  
14 the State.

15 MS. BANNON: Your Honor, if I might address  
16 that last thing about the subpoena and Detective  
17 Rice, he's actually here in the courtroom today,  
18 and he just received that subpoena on Thursday;  
19 and he did go through and he found that there was  
20 no known relationships so there was nothing to  
21 turn over to Mr. Newman on that account.

22 A little history on this case, Your Honor,  
23 is that Mr. Brewer's been sitting in the jail for  
24 two years since this occurred. This was called  
25 for trial in June at which point Mr. Newman moved

1 for a continuance due to personal reasons and to  
2 get the defendant evaluated. The facts  
3 surrounding the obstruction and the gang charge  
4 occurred a week after this continuance was  
5 granted. The State's concern is that given more  
6 time, more witnesses will be affected. To go  
7 back -- to go chronologically, Your Honor, I'm not  
8 trying to confuse you, it would just make more  
9 sense to go chronologically.

10 On May 23rd about four o'clock in the  
11 afternoon, Maria Griffin, who has a history with  
12 Billy Webb, who's an identified Poppy Hill Posse  
13 gang member was at the Gray's Hill Community  
14 Center. She's currently married to Travis Polite,  
15 who's one of Mr. Newman's named witnesses. Mr.  
16 Brewer went up to her, pulled a pistol out, held  
17 it to her head, threatened to kill her if she came  
18 back, and said it was for Mr. Webb's benefit. She  
19 didn't report it at that time.

20 About three hours later -- so we're now at  
21 seven p.m., 7:45 p.m., on May 23rd, she's driving  
22 in -- down the road and she sees a car which she  
23 recognizes as Brian Revere and Mr. Brewer in it.  
24 She sees Mr. Brewer hang out the window and shoots  
25 out of the back of the car. She doesn't go to the

1 party, but all this happens within a span of  
2 hours. She calls the police.

3 The police get called to the club at about  
4 one o'clock, on the 24th, so it's a mere matter of  
5 hours between the incident with the gun, the  
6 shooting, which is actually charged as an AWIK and  
7 the ABWIK and the murder charges.

8 It was such a close time that actually, the  
9 same officer, Officer Malphrus, was the same  
10 responding officer to both the drive-by and  
11 pointing and presenting report and the murder  
12 report.

13 The State has flushed out all arguments in  
14 our memo. I don't want to belabor the point for  
15 you, Your Honor. You're quite aware of the law,  
16 it's just, honestly these two events leading up to  
17 the murder, they comply with case law, it's very  
18 clear, and there are a number of exceptions  
19 supporting their admittance into trial.

20 It certainly does furnish a context,  
21 whereas if the facts were as Mr. Newman had  
22 proposed, it would be a completely senseless crime  
23 with no meaning. However, given the -- his events  
24 and choices that Mr. Brewer chose leading up to  
25 the murder, it makes more sense. Additionally,

1 Deon Stevenson has no known relationship to Maria  
2 Griffin is actually -- has children and a very  
3 long-term relationship with Sheena Parker Gardner.  
4 He's one of the State's witnesses.

5 And that -- I'm sure the judge heard the  
6 reaction from the victim's family, who's sitting  
7 over there, as it was unknown to any of us prior  
8 to Mr. Newman making that statement.

9 The arrest happens and then the two years  
10 happens. We call it for trial in June and we wait  
11 for -- we get the continuance, Your Honor, and  
12 then we have the obstruction and the gang charges.  
13 The gang statute -- it is a unique and a very  
14 specifically crafted statute, Your Honor, and it  
15 is a special situation that we are not dealing  
16 with a national gang, but rather a local gang.  
17 And I believe that the Statute 16-8-250 and the  
18 preceding section really outlines how you prove a  
19 gang. And that is the challenge in this case is  
20 proving, this is, in fact, a gang and that Mr.  
21 Brewer was a gang member.

22 This is different than other cases that I'm  
23 aware of where either it's known that they're a  
24 gang member or it's stipulated that they're a gang  
25 member. However, the same characters from that

1 | night of the shooting, from the ballpark shooting,  
2 | the pointing -- I'm sorry, the pointing and  
3 | presenting, the drive-by shooting, and the murder  
4 | appear in the obstruction, same names, same people  
5 | reoccur. They do live in the same area. It is a  
6 | group of people who get together for criminal  
7 | activity and they just happen to be very close to  
8 | one another, Your Honor.

9 |         The State is relying on the consciousness  
10 | of guilt as an argument more than a 404(b)  
11 | argument for the obstruction and the gang charges  
12 | being that it goes to show Mr. Brewer's awareness  
13 | of his guilt. These are certainly actions that  
14 | are not encouraged or really stood for by the  
15 | State or the justice system, Your Honor.

16 |         What happened is, I was contacted by Mr.  
17 | Chisolm and -- who was incarcerated -- and then  
18 | Investigator Fraser followed up on his statements  
19 | and we discovered that my victim's brother -- I'm  
20 | sorry, my victim's cousin was housed in the same  
21 | pod as Mr. Brewer. We interviewed him and he  
22 | substantiated everything that Mr. Chisolm said.

23 |         We interviewed my victim and he  
24 | substantiated everything that Mr. Chisolm alleged.  
25 | And since that time, my victim has now become



1 | rather uncooperative and desirous of changing his  
2 | statement, which I believe arose only after Mr.  
3 | Brewer's involvement. And Mr. Bannon and I meet  
4 | with him in June to prepare for this case, he was  
5 | extremely cooperative, extremely forthcoming, and  
6 | completely on board with his prior statements.

7 |         Now, he is reticent and rather evasive.  
8 | The only change that we can find and determine is  
9 | his contact with Mr. Brewer.

10 |         Another thing -- wrinkle to this mess is  
11 | that the State hasn't seen the proposed, supposed  
12 | notarized statement that Mr. Parker signed. It is  
13 | believed to be with Mr. Newman. We have asked for  
14 | it pursuant to pursuant to Rule 5, haven't  
15 | received it. But we -- we do have at least two  
16 | witnesses who will state that they know that this  
17 | statement exists and it was signed and tendered  
18 | over to Mr. Brewer's attorney pursuant to Mr.  
19 | Brewer's request.

20 |         The State feels that all these charges do  
21 | go part and parcel to one another, being that they  
22 | all arise out of the same incident and all were  
23 | noticed.

24 |         Mr. Newman received trial notice about a  
25 | month ago with all the charges, including the new

1 | obstruction and gang charges noticed on those. We  
2 | met last week and had a two hour talk just to make  
3 | sure we went over everything a week prior. Mr.  
4 | Bannon and I sent a letter detailing all of the  
5 | discovery for Mr. Newman that we believe he should  
6 | have had; and at no point did any objection over  
7 | trying all these charges together based on  
8 | discovery come up.

9 | MR. NEWMAN: Based on discovery.

10 | MS. BANNON: Based on discovery.

11 | MR. NEWMAN: I think he did have an  
12 | objection on the other stuff.

13 | MS. BANNON: Yes, you did, Mr. Newman.

14 | MR. NEWMAN: That's before I got my  
15 | discovery.

16 | MS. BANNON: But based on that, Your Honor,  
17 | and the points made in our separate memos on the  
18 | consciousness of guilt, on the obstruction  
19 | charges, as well as the prior incidences at the  
20 | ballpark and the AWIK. The -- the State believes  
21 | that we should be able to talk about them, if not  
22 | try them together, but we believe we should be  
23 | allowed to try all of those incidences together,  
24 | as well.

25 | THE COURT: Okay. Y'all come on up here.

1 I want to talk to you.

2 (WHEREUPON there was a bench conference out  
3 of the hearing of the Court Reporter.)

4 THE COURT: All right. We'll be in recess  
5 for about fifteen minutes and then come back and  
6 go from there.

7 (WHEREUPON a recess was observed.)

8 THE COURT: All right. For the record, I'm  
9 going to grant the defendant's motion to sever  
10 these cases. In that are regard I find that  
11 trying all these matters together is extremely  
12 prejudicial. In fact, I find that the probative  
13 value of trying all these together is  
14 substantially outweighed by the prejudicial  
15 effect. Try them separately.

16 All right. Any other motions?

17 MR. BANNON: Yes, Your Honor. I think that  
18 the best way to proceed would be to proceed with  
19 the Jackson vy Denno Hearing.

20 THE COURT: All right. I'm ready whenever  
21 you are.

22 **JACKSON V DENNO HEARING**

23 MR. BANNON: The State would first call  
24 Investigator Chapman to the stand.

25 MR. NEWMAN: Can I also -- coming up,

**Brian Chapman - Direct Examination In Camera by Mr. Bannon**

1 Judge, part of the Jackson v Denno, a portion of  
2 it, I do not contest. The other portion I contest  
3 under Edwards versus Arizona.

4 THE COURT: Anybody here who can swear him  
5 in?

6 THE BAILIFF: I'll take care of it, Your  
7 Honor.

8 THE COURT: Thank you

9 THEREUPON,

10 BRIAN CHAPMAN,  
11 after being duly sworn, testified as follows:

12 **DIRECT EXAMINATION - IN CAMERA**

13 By Mr. Bannon:

14 Q Good afternoon, sir.

15 A Good afternoon.

16 Q Could you please state your name for the  
17 record.

18 A Sargent Brian, B-r-i-a-n, Chapman,  
19 C-h-a-p-m-a-n.

20 Q And where do you work?

21 A Beaufort County Sheriff's Office.

22 Q How long have you been working there?

23 A Since 2002.

24 Q Okay. And did you happen to become  
25 involved in the investigation into Mr. Jaquwn

## Brian Chapman - Direct Examination In Camera by Mr. Bannon

1 Brewer in late May of 2009?

2 A Yes, sir, I did.

3 Q Okay. And did you have an opportunity to  
4 speak with Mr. Brewer?

5 A I did.

6 Q Do you remember what day you talked with  
7 him.

8 A I don't remember the exact date, but he  
9 came to our office.

10 Q Okay. And -- so -- did you go out and  
11 arrest him or how did he come to speak with you?

12 A I believe he showed at our office after one  
13 of our other investigators contacted him.

14 Q Okay. And was this -- do you remember what  
15 time of the day it was?

16 A I believe it was in the later part of the  
17 afternoon.

18 Q Okay. Where did you conduct the interview?

19 A In the investigations office.

20 Q Okay. Was he handcuffed at the time?

21 A No, sir, I don't believe he was.

22 Q Okay. When you were speaking with him did  
23 you have an opportunity to observe his demeanor?

24 A I did.

25 Q Did he appear to understand, you know, and

## Brian Chapman - Direct Examination In Camera by Mr. Bannon

1 respond to the questions you were asking?

2 A Yes, sir.

3 Q Did he appear to be under the influence of  
4 any drugs or alcohol?

5 A No, sir.

6 Q Was anybody else present when up spoke with  
7 Mr. Brewer?

8 A Sargent Fraser.

9 Q And at any point did you go over  
10 Mr. Brewer's Miranda warnings with him?

11 A Yes, sir, I did.

12 Q And did you go over them orally or in  
13 writing? Or how did you do that?

14 A I presented it to Mr. Brewer with a Miranda  
15 form. I read it off to him as he read along with  
16 me.

17 Q Okay.

18 MR. BANNON: Permission to approach the  
19 witness, Your Honor?

20 THE COURT: Sure.

21 By Mr. Bannon:

22 Q I'm going to show what's been marked for  
23 identification as State's Exhibit No. 1, if you  
24 could take a look another that for me, please.

25 MR. NEWMAN: Your Honor, I don't object to

**Brian Chapman - Direct Examination In Camera by Mr. Bannon**

1 that as a Court's Exhibit for purposes of this  
2 hearing.

3 MR. BANNON: That would be fine, so the  
4 State would move it into the record as a Court's  
5 Exhibit, Your Honor.

6 THE COURT: Yes, sir.

7 By Mr. Bannon:

8 Q And Investigator Chapman, what is that that  
9 you're looking at?

10 A This is a Beaufort County Sheriff's Office  
11 Statement of Miranda Rights. I read it to  
12 Mr. Brewer.

13 Q Okay. And did he have an opportunity to  
14 review it himself?

15 A Usually, what I have him do is sit it down  
16 in front of him and I read along with him as they  
17 are present right there.

18 Q Okay. And you did that in this case?

19 A Yes, sir.

20 Q Okay. Did he have any questions or  
21 concerns about the rights when you were going over  
22 them with him?

23 A I don't believe so.

24 Q Okay. And once you were finished with  
25 that, did you begin speaking with him about the

## Brian Chapman - Direct Examination In Camera by Mr. Bannon

1 incident ?

2 A Yes, sir.

3 Q Okay. In -- during the conversation, I  
4 guess just briefly, what did y'all talk about?

5 A We talked about the incident at the Semper  
6 Fi Club, his involvement in it.

7 Q Okay. What did he say his involvement was  
8 in the shooting at the Semper Fi Club?

9 A Well, he said he was there, but he said he  
10 didn't shoot anyone.

11 Q Okay. At any point did he express a wish  
12 to stop the interrogation?

13 A I do not believe so.

14 Q Okay. At some point was his mother  
15 present?

16 A I believe she came with him. I don't  
17 remember if she was actually in the room. I don't  
18 think so.

19 Q Okay.

20 A She may have come at a later time, I don't  
21 remember.

22 Q Okay. Was the interview recorded?

23 A Yes, sir, it was.

24 Q Okay. And was Investigator Fraser in there  
25 with you the entire time?



**Brian Chapman - Cross-Examination In Camera by Mr. Newman**

1 A Yes, sir.

2 Q Okay.

3 MR. BANNON: Beg the Court's indulgence for  
4 just a moment.

5 THE COURT: Sure.

6 MR. BANNON: No further questions for  
7 Investigator Chapman, Your Honor.

8 THE COURT: Mr. Newman?

9 MR. NEWMAN: Thank you.

10 **CROSS-EXAMINATION - IN CAMERA**

11 By Mr. Newman:

12 Q Have you talked to Detective Fraser or --  
13 y'all are called investigators now?

14 A Investigators, yes, sir.

15 Q Okay. Back when I worked there, we were  
16 call detectives. So it's investigator.

17 Investigator Chapman, you said you talked  
18 to Investigator Fraser about this case? You  
19 talked with Investigator Fraser about this case?

20 A Yes, sir.

21 Q Okay. And you've talked to him recently  
22 about this case?

23 A We talked about what's going on in the  
24 trial, yes, sir.

25 Q Okay. And did you recently speak with the

## Brian Chapman - Cross-Examination In Camera by Mr. Newman

1 solicitors in this case?

2 A Just we had our trial meetings.

3 Q Okay. And did you speak about the  
4 statement?

5 A I don't recall, sir.

6 Q Okay. I'm reading a memorandum that the  
7 State has passed to the Court, and you were asked  
8 whether or not Mr. Brewer ever indicated that he  
9 indicated that he didn't want to make any further  
10 statements and you said you don't recall him doing  
11 that?

12 A I don't recall him making -- that he didn't  
13 want to...

14 Q Okay. Because I'm reading the State's  
15 motion -- response to a motion at page 3, that  
16 quote, it says, The defendant continued to deny  
17 any involvement in the shooting and then inquired  
18 as to whether he could leave. Do you recall that?

19 A I don't recall that specific statement, no,  
20 sir.

21 Q And it says, quote, The defendant says that  
22 he, quote, don't want to talk no more, end quote.  
23 Fraser continues to question the defendant about  
24 the location of the gun. So you don't recall that  
25 happening?

## Brian Chapman - Cross-Examination In Camera by Mr. Newman

1 A No, sir, I don't.

2 Q Okay. And they brought the defendant's  
3 mother into the room?

4 A Like I said I know she was there. I don't  
5 remember her coming into the room.

6 Q And then I'll go on to quote from the  
7 State's motion presented to the Court. It says,  
8 quote, The defendant continues to deny any  
9 involvement, and then says, colon, internal quote,  
10 I'm ready to go whatever, whatever, end quote.  
11 Still quoting from it, The question regarding the  
12 whereabouts of the gun continues. The defendant  
13 finally says you guys told me I could stop talking  
14 and I want to stop talking. At that time the  
15 interview is terminated the defendant's placed  
16 under arrest. You don't recall it happening that  
17 way?

18 A I don't remember the exact statement, no,  
19 sir.

20 Q Okay.

21 MR. NEWMAN: I don't have any further  
22 questions of this witness, Your Honor.

23 THE COURT: Anything further, Solicitor.

24 MR. BANNON: Not for Investigator Chapman.

25 THE COURT: You can go ahead and call your

## Jeremiah Fraser - Direct Examination In Camera by Mr. Bannon

1 next witness.

2 MR. BANNON: The State calls Investigator  
3 Fraser to the stand.

4 THEREUPON,

5 JEREMIAH FRASER,

6 after being duly sworn, testified as follows:

7 **DIRECT EXAMINATION - IN CAMERA**

8 By Mr. Bannon:

9 Q Investigator Fraser, how you doing this  
10 morning?

11 A Good, sir.

12 Q Were you involved in the interrogation of  
13 Mr. Brewer?

14 A I was.

15 Q And who was present for that interrogation?

16 A Sargent Chapman and myself. His mother and  
17 I believe his girlfriend were in the lobby.

18 Q Okay. And before you started with the  
19 interrogation, was Mr. Brewer supplied with his  
20 Miranda Warnings?

21 A He was.

22 Q And was that done by you or who did that?

23 A Sargent Chapman read his Miranda Warning to  
24 him.

25 Q And were you you in the room when that was

## Jeremiah Fraser - Direct Examination In Camera by Mr. Bannon

1 done?

2 A I was.

3 Q And did Mr. Brewer seem to have any  
4 problems understanding those warnings?

5 A No, he didn't.

6 Q Okay. Did he appear to be under the  
7 influence of any drugs or any alcohol?

8 A No, sir.

9 Q At any point either before or after your  
10 conversation with him did you offer him anything  
11 in exchange for him making a statement?

12 A No.

13 Q Okay. Did you or Investigator Chapman man  
14 threaten him in any way before, after, or during  
15 the interview?

16 A No, sir.

17 Q Okay. Was he in handcuffs when the  
18 questioning was conducted?

19 A No.

20 Q Okay.

21 (WHEREUPON there was a discussion between  
22 the attorneys.)

23 MR. NEWMAN: Judge, can we approach. We're  
24 trying to maybe shorten something up.

25 (WHEREUPON, there was a bench conference

**Jeremiah Fraser - Direct Examination In Camera by Mr. Bannon**

1 out of the hearing of the Court Reporter.)

2 THE COURT: Let's go ahead a resume with  
3 probation.

4 (WHEREUPON the trial was in recess.)

5 THE COURT: Ready to pick back up with  
6 where we stopped?

7 MR. BANNON: Yes, Your Honor.

8 (WHEREUPON Court's Exhibit No. 2 was marked  
9 for evidence.)

10 Permission to approach the witness, Your  
11 Honor.

12 THE COURT: Sure.

13 By Mr. Bannon:

14 Q Investigator Fraser, I'd like to show you  
15 what has been marked as State's Exhibit No. 2. Do  
16 you recognize that?

17 A This is a recorded interview we made with  
18 Jaquwn Brewer.

19 Q And have you had an opportunity to review  
20 what's on that disk prior to testifying today?

21 A Yes, I have.

22 Q And is it a fair and accurate recording of  
23 the conversation that you had with Mr. Brewer that  
24 day?

25 A It is.

**Jeremiah Fraser - Direct Examination In Camera by Mr. Bannon**

1 MR. BANNON: Your Honor, the State would  
2 move that State's 2 be admitted as Court's Exhibit  
3 No. 2.

4 THE COURT: Any objections?

5 MR. NEWMAN: No, sir. Limited for the  
6 purposes of this hearing.

7 THE COURT: All right. Go ahead.

8 (WHEREUPON Court's Exhibit No. 2 was  
9 entered into evidence.)

10 MR. BANNON: Yes, Your Honor. And Your  
11 Honor, in speaking with Mr. Newman, I think that  
12 basically there's sort of a couple of main areas  
13 that we would like to play for the Court. Mr.  
14 Newman's expressed a concern over whether or not  
15 the defendant clearly invokes his right to stop  
16 and so we'll play that portion. I think it'd be  
17 relevant for the Court to hear portions of the  
18 conversation where Mr. Brewer's mother is present  
19 just so you get the idea of sort of what that  
20 conversation is like. And then also I think that  
21 we can cover it now, is that towards the end of  
22 the defendant's statement, he admits to the police  
23 officers that he's wearing the same pants at the  
24 interviews that he was wearing the night before,  
25 which sort of leads to, I think, Mr. -- what would

## Jeremiah Fraser - Direct Examination In Camera by Mr. Bannon

1 be Mr. Newman's motion to suppress these fruits of  
2 the poisonous tree.

3 It's also my understanding that Mr. Newman  
4 has a -- he's not contesting, I guess, initially  
5 the defendant's voluntariness of the statement or  
6 that it was made pursuant to Miranda.

7 MR. NEWMAN: I am not. Up until the point  
8 where he says, I don't want to talk no more,  
9 everything prior to that except for the mother if  
10 that's prior to, I don't have a problem with.  
11 It's at that point under Edwards versus Arizona  
12 that I had the problems from there on out.

13 THE COURT: Very well.

14 (WHEREUPON the recording was played for the  
15 Court.)

16 By Mr. Bannon:

17 Q Investigator Fraser, shortly after that,  
18 was the interview terminated?

19 A It was.

20 Q And was the defendant placed under arrest?

21 A He had been placed under arrest earlier,  
22 yes.

23 Q Oh -- Well, did he remain there at the  
24 investigation's office?

25 A No. During that long hiatus in the -- in



**Jeremiah Fraser - Cross-Examination In Camera by Mr. Newman**

1 the interview, we had actually stopped and we were  
2 filling out paperwork to take him over to the  
3 jail. When we were done with that interview, we  
4 just took him straight over, everything was done.

5 Q Okay.

6 MR. BANNON: Your Honor, I don't have  
7 anymore questions with -- for Investigator Fraser  
8 with regards to the Jackson v. Denno hearing.

9 THE COURT: Mr. Newman?

10 MR. NEWMAN: Thank you, Judge.

11 **CROSS-EXAMINATION - IN CAMERA**

12 By Mr. Newman:

13 Q That -- the portion that the solicitor  
14 turned on is only a portion of this interview; is  
15 that correct?

16 A The vast majority of it, yes, sir.

17 Q Okay. Because it may have it wrong from  
18 where it -- where it turned on, this is -- this is  
19 in the paperwork that the solicitor's office filed  
20 with the Court. Basically says, At this point the  
21 defendant began to inquire about whether or not he  
22 could call his mother. Investigators did not  
23 allow him to speak with anybody at that time. The  
24 defendant continued to deny any involvement in the  
25 shooting and then inquired as to whether he could

## Jeremiah Fraser - Cross-Examination In Camera by Mr. Newman

1 | leave. Quote, Chapman and Fraser tell him that he  
2 | cannot leave the interview. The defendant then  
3 | says, he don't want to talk no more. Fraser  
4 | continues to question the defendant about the  
5 | location of the gun pictured in the defendant's  
6 | pants.

7 |         Then it says that the defendant continued  
8 | to deny involvement and said, I'm ready to go,  
9 | whatever, whatever.

10 |         As I heard that tape, we got a audio, if we  
11 | cut it to the point where it -- the defendant  
12 | said, I'm ready to go, whatever, whatever. So  
13 | prior to that, he had made a statement saying, I  
14 | don't want to talk no more?

15 | A         Somewhere along those lines.

16 | Q         Okay.

17 | A         I don't think it was, I don't want to talk  
18 | no more. I think it was, I'm done --

19 | Q         Okay.

20 | A         -- something like that.

21 | Q         I was just reading you the quote they have  
22 | in here?

23 | A         I'm just telling as I remember, sir.

24 | Q         Okay.

25 | A         But that sounds -- if that's what that

## Jeremiah Fraser - Cross-Examination In Camera by Mr. Newman

1 | says.

2 | Q        You agree that's what that says?

3 | A        Yes, sir.

4 | Q        Okay. And part of your training in  
5 | interrogating suspects is to try and keep -- to  
6 | get them talking, right?

7 | A        Yes, sir.

8 | Q        You -- you, not necessarily by whatever  
9 | means, but if somebody's kind of wobbling around,  
10 | sitting on the fence, you can -- you can do  
11 | different techniques. You can calm them down.  
12 | Say maybe you want a cigarette or you want a, you  
13 | know, soda or something like that?

14 | A        Yes, sir.

15 | Q        Because you want to keep them engaged.

16 | A        Yes, sir.

17 | Q        Okay. And you did hear on the tape that --  
18 | or on the audio that he tells you, I don't want to  
19 | talk anymore, I can't say anymore, you told me of  
20 | my own free will I could stop, can I go? And the  
21 | answer to that was, No. And that's prior to you  
22 | arresting him?

23 | A        Yes, sir.

24 | Q        It was clear because you already had an  
25 | arrest warrant for him when he came in?

## Jeremiah Fraser - Cross-Examination In Camera by Mr. Newman

1 A That's right.

2 Q So you knew absolutely he wasn't walking  
3 out the door?

4 A That's right, yes, sir.

5 Q All right. He told you, I'm ready to go.  
6 I can't tell you nothing, I'm ready to go, can I  
7 go?

8 You answered, no.

9 You told me I could stop at my own free  
10 will, I don't want to talk, I can't say no more, I  
11 still can't say no more.

12 And then finally it says in here he says,  
13 You guys told me I could stop talking and I'm  
14 going to stop talking.

15 A Okay.

16 Q Okay. And then there's a hiatus and his  
17 mother comes in.

18 A Yes, sir.

19 Q Okay. And again, you're trying to keep  
20 people engaged.

21 Now, when he was talking to his mother, he  
22 asked if he could be alone with his mother, did he  
23 not?

24 A No, he didn't.

25 Q Okay. If I got it right then, you said,

## Jeremiah Fraser - Cross-Examination In Camera by Mr. Newman

1 You can't be alone with her because you're under  
2 arrest?

3 A I -- I told him I couldn't leave him. I  
4 actually stood in the doorway --

5 Q Okay.

6 A -- of my office right -- right there with  
7 him.

8 Q Okay. All right. And in continuing police  
9 education, I guess we'd call it -- you do take  
10 those, correct?

11 A I do.

12 Q And they have legal updates for you guys,  
13 correct?

14 A They do.

15 Q And they've made you aware of cases that  
16 when somebody says that they don't want to talk,  
17 that's supposed to be scrupulously honored; isn't  
18 that correct?

19 A No, sir. Not that I recall.

20 Q Oh, it's not? So if they say they don't  
21 want to talk --

22 A They're supposed to ask for an attorney.

23 Q Okay. They did not teach you --

24 A I've also been told that silence is not an  
25 invocation of rights.

1 Q Okay. Well, when he says, I'm ready to go,  
2 I can't tell you nothing. You told me I could  
3 stop talking of my own free will. I don't want to  
4 talk. You didn't believe him to be saying that he  
5 did not want to remain silent?

6 A No. He never asked for an attorney either.

7 Q Okay. I understand that. Do you not  
8 understand the concept --

9 A Apparently I don't, sir.

10 Q Okay. Okay. I -- that -- that's fair  
11 enough. That's fair enough.

12 MR. NEWMAN: Thank you, Judge.

13 THE COURT: Redirect?

14 MR. BANNON: No redirect, Your Honor.

15 All right. Your Honor, those are -- those  
16 are all the witnesses that we would offer as to  
17 the Jackson v. Denno?

18 THE COURT: All right. I'll be glad to  
19 hear arguments from both sides.

20 THE WITNESS: May I step down, sir?

21 THE COURT: Yes, sir.

22 MR. NEWMAN: May it please the Court,  
23 Judge. As you know, I've kind of got a tripartite  
24 problem with the -- with the statements up to a  
25 certain point. I think it's very clear that

1 Investigator Fraser, and of course, he's not a  
2 lawyer and I'm not holding him to any standards  
3 like that, but they're -- under Miranda and  
4 interrogation even without Miranda, even if it's  
5 not in custody, there are two different rights  
6 involved.

7       There is a Fifth Amendment right to remain  
8 silent. That is independent of asking for a  
9 lawyer. There's also a Sixth Amendment right to  
10 counsel when you are arrested. And clearly the  
11 defendant was asserting a Fifth Amendment right  
12 when he was saying, Can I go? I don't want to  
13 talk anymore. You told me of my own free will I  
14 can stop talking. I can't say no more.

15       When a defendant says that, he is invoking  
16 his right to remain silent. He does not have to  
17 request an attorney in order to invoke his right  
18 to remain silent. It's a bedrock principle of law  
19 that no person has to answer questions from a  
20 government official if he does not want to and  
21 cannot be compelled to answer questions.

22       And I believe when he invoked his right to  
23 silence early on by saying he wanted to go, I've  
24 got nothing to say, you told me I could stop on my  
25 own free will, I don't want to talk, that they

1 engage him in conversation. This is a technique  
2 that is taught to law enforcement, I even had it  
3 on the back of my card when I had, Know your  
4 rights. And the third one on there is, quote,  
5 Don't be tricked into chatting with the cops,  
6 because what we have is a seamless transition when  
7 they stop and put the cuffs on him and he says, I  
8 don't want to talk anymore and they cuff him.  
9 They leave him there. And then they bring the  
10 mother in and then they engage in a conversation  
11 and it's opened back up. So it's a seamless  
12 transition from, I don't want to talk anymore, to  
13 opening that back up.

14 And the State can argue, well, he  
15 voluntarily kept talking. Once that curtain comes  
16 down and you say, I don't want to talk to a  
17 lawyer, you've got to get rid of the suspect.  
18 You've got to get him out of there. If he  
19 wants -- and there's got to be a break so there's  
20 not a seamless transition in -- in the chain.  
21 Now, if he -- they put Mr. Brewer in the jail and  
22 he wrote them a note saying, Detective Fraser,  
23 come see me, then that would be perfectly  
24 appropriate because he did not invoke his right to  
25 counsel, but he did invoke his Fifth Amendment



1 right to remain silent which he has an absolute  
2 right to do. That is as to the issue of ending --  
3 ending the statement at that point because it  
4 should come down like a steel curtain.

5 Now, they can say the defendant reinitiated  
6 contact by talking, but as I said, the transition  
7 is to bring the mother in and coming back in, it's  
8 just we start all over again.

9 Once he says, no, you've got to break that  
10 exchange. There was no reason at that point when  
11 they put the cuffs on him just to march him  
12 straight over here to the county jail rather than  
13 leaving him in there. The investigator told you  
14 they're trained to keep people engaged and that's  
15 exactly what they did. Under Rhode Island versus  
16 Innis, that's the functional equivalent of still  
17 interrogating a defendant after he has asserted  
18 his Fifth Amendment right.

19 The second part that I have problems with,  
20 obviously, are the conversation with the -- with  
21 the mother.

22 The third problem -- there is a third and  
23 fourth problem now that I've listened to it again.  
24 The detective -- or the investigator puts so  
25 much hearsay in there. They're calling your name,

1 | they say you did this, I have witnesses that said  
2 | they saw you shooting. Those are all hearsay.  
3 | statements that were this investigator in this  
4 | courtroom, he would not be allowed to testify to,  
5 | but they put it in the guise of an interrogation.  
6 | Those statements from the investigator, I think  
7 | you've got a twin problem. Not only the  
8 | statements of the defendant, but the statements of  
9 | the investigator are two-fold, that numerous in  
10 | there who uses hearsay. We have a witness that  
11 | says this. They say that you were doing that.  
12 | They called your name out. A bunch of people  
13 | called your name out.

14 |         If the investigator were in court, he would  
15 | not be allowed to say that. I don't think they  
16 | should be able to get those hearsay statements in  
17 | under the guise of an interrogation. Those should  
18 | be, if nothing else, redacted or deleted from that  
19 | recording.

20 |         And then infected throughout the interview  
21 | is an -- for the jury to hear that you can prove  
22 | yourself innocent. Get us this gun, it'll prove  
23 | you innocent. You can prove yourself innocent.  
24 | Help me prove you innocent. I believe the  
25 | Court -- it's contrary to the Court's charge

1 initially when you charge the jury and finally  
2 you're going to tell them, I believe, in the  
3 general charge that the defendant is under no  
4 burden to prove himself innocent at any time.

5 It's up to the State and the State solely to amass  
6 and collect evidence and present it to show guilt.  
7 Infected throughout the entire interrogation, that  
8 burden under Sandstrom versus Montana has shifted  
9 to the defendant.

10 The jury's going to hear that and question  
11 themselves. Well, if he was innocent, why didn't  
12 he come forward with the evidence to prove himself  
13 innocent. He does not have to do that and you  
14 can't un-ring that bell out of the jury's mind.  
15 It's wholly infected throughout that audio. Those  
16 are the four problems I have, Your Honor. Thank  
17 you.

18 THE COURT: Thank you.

19 I'll be glad to hear from you, Mr. Bannon.

20 MR. BANNON: Your Honor, it's the State's  
21 position with regards to the interrogation, is  
22 that -- first of all, it's not being contested  
23 that he was read his Miranda warnings. It's clear  
24 that he understood them. And that then they  
25 commence the questioning. It's our position with

1 | regards to his invocation of his right to remain  
2 | silent that when -- when the officer stopped  
3 | questioning and placed him under arrest that  
4 | that's when he had clearly articulated his wish to  
5 | remain silent. I believe the ones that Mr. Newman  
6 | mentioned that came previously weren't a clear  
7 | invocation of his right to remain silent. And  
8 | that's mentioned in my -- in my memo, Your Honor.

9 |         Moving on to, I guess Mr. Newman's problem  
10 | with Mr. Brewer's mother being brought into the  
11 | room. Essentially, the defendant had requested  
12 | earlier to speak with his mother and that request  
13 | was initially denied. When he clearly invoked his  
14 | right to remain silent, all questioning ceased.  
15 | Now, in listening to the tape, it's clear that the  
16 | next statements that are heard come from the  
17 | defendant inquiring about a couple of different  
18 | things.

19 |         First, he inquires about what charges he's  
20 | facing, and then there's a pause and then there's  
21 | a pause; and then second, he inquires about the  
22 | possibility of taking a lie detector test and  
23 | those other things. Your Honor, it -- the case  
24 | law tells us that essentially, what needs to be  
25 | adhered to is that the defendant needs to be the

1 captain of his own ship in this particular  
2 interrogation. As soon as he starts talking  
3 about, you know, making other statements or taking  
4 lie detector tests, to me that shows his  
5 willingness to offer further statements.

6         Then the officers merely comply with his  
7 request to have his mother -- for the ability to  
8 speak with his mother. She is brought into the  
9 room. It's quite clear that the detectives are in  
10 the room also and that Mr. Brewer then willingly  
11 engages them in conversation along with his  
12 mother. This -- this is just a situation where,  
13 you know, he wanted to speak with her, he shows  
14 the willingness before he's given the opportunity  
15 to speak with his mother to make further  
16 statements and then he willingly chooses to engage  
17 in conversation with the detectives as well as his  
18 mother.

19         I don't see that there's anything the  
20 matter with that particular portion of the  
21 interrogation. As to Mr. Newman's distaste for  
22 the tactics used by the investigators.  
23 Essentially, what they're asking the defendant for  
24 is for the gun. Because what they're telling him  
25 is is that, we have these bullets, if you give us

1 the gun, we can do a comparison on these -- on  
2 these items. It's clear from the tape that  
3 Investigator Fraser says that you can -- you can  
4 prove yourself innocent, and I don't dispute that  
5 fact, Your Honor; however, essentially what  
6 Investigator Fraser is going after is -- is to try  
7 to put pressure on the defendant to show him the  
8 importance of why this gun is required.

9 And, Your Honor, those are essentially the  
10 State's positions. I don't know if I -- if I left  
11 out one of Mr. Newman's arguments.

12 THE COURT: How about in regards to the  
13 hearsay arguments?

14 MR. BANNON: Oh the hearsay arguments.  
15 Well, Your Honor, as I stated up at the bench, it  
16 would be the State's position that the statements  
17 that the mother make we're not offering for the  
18 truth of the matter asserted and that therefore  
19 they aren't hearsay. They're obviously  
20 out-of-court statements, but we just -- we're  
21 offering they're not of the truth of the matter  
22 asserted, and clearly we think they're extremely  
23 reliable as there's a, you know, word-for-word  
24 recording of it and so we're just relying on the  
25 fact that we're not offering them for the truth of

1 the matter asserted, which would make them not  
2 hearsay.

3 THE COURT: How about the other hearsay  
4 statements. Such as, so and so said he saw him  
5 shoot or whatever.

6 MR. BANNON: Well, Your Honor, I think  
7 that -- that's very similar to, you know, the  
8 police officers are permitted to use tactics even  
9 if they aren't true. I mean, it would be --  
10 Investigator Fraser would have been within his  
11 rights to say to the defendant, we have the gun  
12 and we found a print on it, even though that was  
13 not true. I mean, the mere fact that there were a  
14 number of witnesses who saw the defendant and that  
15 these people did -- you know, identify Mr. Brewer  
16 as the shooter, that doesn't in and of itself make  
17 Mr. -- or the investigator's tactics inadmissible.  
18 He could've used completely false statements to  
19 try to get Mr. Brewer to admit to his involvement  
20 and I don't see what would preclude him from using  
21 things that are true and that will be testified in  
22 the trial during the course of this interrogation.

23 MR. NEWMAN: And I would just briefly  
24 respond to that, Your Honor. The tactics and all  
25 that is fine. I mean, I -- I was a police

1 | detective for a number of years, okay. I  
2 | understand all that, but when -- the problem with  
3 | it is, that would go to the issue of coercion or  
4 | voluntariness of the statement. The problem of it  
5 | is that the detective through a audio recording is  
6 | allowed to testify to so and so said they saw  
7 | you -- statements that he clearly could not  
8 | testify to in this courtroom and they're coming  
9 | out just the same. That's the problem that I have  
10 | with it, not the voluntariness issue as to that  
11 | aspect. Of course, I think the State admitted  
12 | that the detective was trying to pressure him into  
13 | making a statement, but be that as it may.

14 |       THE COURT: What's your response to that?

15 |       MR. BANNON: To the fact that he was trying  
16 | to pressure him into making a statement?

17 |       THE COURT: That he was making -- trying to  
18 | get these statements in through the backdoor  
19 | through this interview.

20 |       MR. BANNON: Well -- well, Your Honor, I  
21 | don't believe that that was Investigator Fraser's  
22 | intent to try to backdoor the statements in. What  
23 | I believe is the case is Investigator Fraser was  
24 | trying to plainly state the facts as he knew them  
25 | to the defendant in order to try to get him to



1 | come around to actually admit to his involvement  
2 | is that there were a club full of people, a lot of  
3 | whom knew the defendant, saw him with a gun.  
4 | There was a picture of him with a gun and that  
5 | then he produced it and began firing into a  
6 | crowded room. I think that those were just  
7 | Investigator Fraser confronting him with the  
8 | evidence, not making an attempt to sort of  
9 | backdoor in hearsay evidence.

10 |         THE COURT: All right.

11 |         MR. BANNON: And -- and a number of these  
12 | witnesses are going to be testifying, Your Honor.  
13 | I can see Mr. Newman's point more if individual  
14 | people were named and, you know, I don't know if  
15 | it was, you know, Joseph Smith saw you with a gun  
16 | and he told me that this day. You know, and if  
17 | for whatever reason we weren't able to produce Mr.  
18 | Smith --

19 |         THE COURT: Were any of those particular  
20 | people named? Did he give specific names? Or did  
21 | he just say witnesses?

22 |         MR. NEWMAN: Well, and that's the further  
23 | problem I have with it, Your Honor. The  
24 | declarants aren't even identified. There's going  
25 | to be people coming here, sure they're going to

1 | testify that, I know this guy, I saw him with a  
2 | gun. I understand that. But the -- the -- the  
3 | problem is when they say, they, we've got a lot of  
4 | people and all that -- and I'm not questioning the  
5 | detectives motives for an interrogation, that's  
6 | not what I'm talking about. That -- that's  
7 | perfectly fine, I don't have problems with that.  
8 | It's when it comes in here, the jury's going to  
9 | hear, oh they got all these witnesses and they're  
10 | not specifically named. They might put up  
11 | witnesses, but that also leaves in the jury's  
12 | mind, there may be dozens of witnesses out there  
13 | that they didn't call. It --

14 |         THE COURT: That's where you would be a  
15 | good defense lawyer and bring that up. Challenge  
16 | it. Question it.

17 |         MR. NEWMAN: I shouldn't have to.

18 |         THE COURT: Dig into it.

19 |         MR. NEWMAN: That's just -- if he attempted  
20 | to testify to what he was telling Mr. Brewer, I  
21 | have a witness, ladies and gentlemen, that said  
22 | they saw him with the gun and did this, if I made  
23 | an objection, I believe the Court would overrule  
24 | that -- would sustain that objection. And  
25 | that's --

1 THE COURT: What's your response to that?

2 MR. BANNON: Well, Your Honor, it's the  
3 fact that it's not testimony. It's -- it's being  
4 offered to the defendant, you know, in order to --  
5 I mean, it essentially was a tactic to try to get  
6 the defendant to admit his guilt. It's not what's  
7 being offered into evidence through testimony.  
8 And I suppose to the defendant's credit, you know,  
9 these tactics were unsuccessful.

10 THE COURT: All right.

11 MR. BANNON: That -- you know, as to  
12 whether or not they will convince a jury of twelve  
13 people of his guilt or innocence, but, you know,  
14 that's for the jury to decide. But, you know,  
15 that's not evidence which is being admitted this  
16 is, you know, information which is being used to  
17 confront the defendant.

18 THE COURT: Based on the preponderance of  
19 the evidence, I'm going to find that the  
20 defendant was properly Mirandized and that the  
21 defendant's statements were given freely and  
22 voluntarily. I will allow the statement.

23 What other issues do we have?

24 MR. NEWMAN: In -- Your -- as to the  
25 statement, I'm not arguing with you, Your Honor, I

1 understand you've ruled and we, obviously, take  
2 exception for the record; however, that can be  
3 really on parts of it, other than the invocation,  
4 I believe -- I would move to suppress the audio  
5 portion of that and have the detective testify as  
6 to what the defendant told him under your ruling.  
7 Still continuing on our objection on that. All of  
8 that techniques and garbage that's on that audio,  
9 I don't think these should be played for the jury.  
10 He can orally testify, I questioned him, I asked  
11 him where the gun is, he refused to tell me. All  
12 he kept saying is he, he didn't shoot anybody.  
13 But all of the other blabber that's in there does  
14 not need to go to the jury. The detective --  
15 detective -- investigator can testify to that  
16 without that audio recording.

17 THE COURT: What's your response?

18 MR. BANNON: Well, Your Honor, we think  
19 that -- that essentially that that's the evidence  
20 the documents -- the defendant and his situation.  
21 I mean, particularly, I think it's relevant in the  
22 fact that on a number of occasions when he's  
23 confronted with exactly where this pistol is,  
24 there are incredibly long pauses in which the  
25 defendant essentially has no answer before he

1 | retreats to, I didn't shoot anyone. And I think  
2 | that that's the information which is very  
3 | informative to the jury. You know, that -- that  
4 | can't fully be brought out during, you know,  
5 | simply examining the police officer to say, well,  
6 | did you ask him if he shot anyone, well no, he  
7 | told me no. I just don't believe that that --

8 |         THE COURT: I will allow the statement as  
9 | it is.

10 |         All right. What else do you have, Mr.  
11 | Newman?

12 |                     **PRETRIAL MOTIONS**

13 |         MR. NEWMAN: The last thing I have, Judge,  
14 | is to have the witnesses sequestered. I  
15 | understand Investigator Fraser is the lead  
16 | investigator on this. I do not have a problem --

17 |         THE COURT: I don't have any problem with  
18 | that. Do you solicitor?

19 |         MR. BANNON: No, Your Honor, we don't have  
20 | any objection to that. The one thing is that we  
21 | do have the victim's widow who's been in the  
22 | courtroom the entire day today. We would just  
23 | ask -- and -- and the other victim. We just ask  
24 | that they be allowed to remain present because I  
25 | believe it's their right.

1 THE COURT: Okay.

2 MR. BANNON: But the other witnesses, we  
3 have no problem with sequestering as long as we  
4 too would invoke the rule. I know Mr. Newman has  
5 a couple of witnesses.

6 THE COURT: I have no problem with that.

7 MR. NEWMAN: I have no problem with that  
8 either, Judge.

9 THE COURT: All right. Good.

10 MR. BANNON: Your Honor, finally, I think  
11 the only motion that we have left is that after  
12 your previous ruling, there was only one  
13 identification that was made by a person who  
14 wasn't already familiar with the defendant. In  
15 conversations with Mr. Newman, he doesn't have any  
16 problem with not holding a Biggers Hearing for the  
17 vast majority of the people who were planning on  
18 testifying as they were familiar with the  
19 defendant from previous contact --

20 Correct me if I'm wrong.

21 MR. NEWMAN: Yeah. Judge, I've seen the  
22 lineups. I always question the method on how they  
23 do them because they don't do them correctly, they  
24 don't use the double system but y'all are going to  
25 admit it anyway. So I don't -- I don't see the

1 need in doing a Biggers Hearing particularly as  
2 the solicitor said, there are a number of  
3 witnesses that know Mr. Brewer at least by sight  
4 and by name or nickname. And I don't -- I don't  
5 see any identification problems with those. I  
6 mean, I obviously, may cross-examine the  
7 witnesses on their identification, but I think for  
8 the base level of constitutionality, at a minimum  
9 rise to a Sixth Amendment preponderance that --  
10 that they are not unduly suggestive.

11 Only -- there is only one witness as the  
12 solicitor said, a Mr. Doctor who they tell me does  
13 not anticipate till -- calling him on Thursday.  
14 I -- I may talk to my defendant, Mr. Brewer. I  
15 may or may not challenge the Biggers Hearing on  
16 that, but if I did one it would be limited to  
17 that one witness they propose on Thursday.

18 MR. BANNON: Yes, Your Honor. The  
19 situation is that Mr. Doctor lives and goes to  
20 school in Columbia, South Carolina and because of  
21 the scheduling difficulties with this case, he's  
22 not traveling down to Beaufort County until later  
23 on in the week. I can certainly provide the Court  
24 with the photo lineup that he was shown, complete  
25 with his, you know, signature and circle for you

1 to determine whether or not it's unduly  
2 suggestive; but as for -- an actual full Biggers  
3 Hearing, we couldn't conduct that until later on  
4 into the week. That's why I'm happy to proceed  
5 however the Court would like.

6 THE COURT: We can go through that whenever  
7 it comes up and see what happens.

8 MR. BANNON: Thank you, Your Honor.

9 THE COURT: That all right with you?

10 MR. BANNON: Yes, sir.

11 THE COURT: Anything else?

12 We're going to start it at 9:30 in the  
13 morning, go through all day, take Wednesday off,  
14 is that right? You need a whole day, Mr. Newman?

15 MR. NEWMAN: I talked to Judge Mullen  
16 briefly about that. My hearing with the Supreme  
17 Court is at eleven o'clock, and I've not done a  
18 hearing in the supreme court in quite a while. I  
19 don't know if I'm in line. I'm assuming if they  
20 say eleven, I need to be there at eleven.  
21 However, the type of hearing it is -- I think  
22 they're doing a number of hearings that day. If I  
23 can get back -- It is -- I don't anticipate it  
24 would take the supreme court any longer than an  
25 hour, if that, but if I left right at twelve, that



1 | would put me back here at two, assuming good  
2 | traveling conditions.

3 |         I would say on the safe side, I would  
4 | probably be back -- unless I get delayed, at  
5 | three. I guess the Court's problem would be  
6 | getting the jury here and having me call you from  
7 | Columbia and say I'm still hanging around.

8 |         THE COURT: Let me ask you, if we go all  
9 | day Tuesday and all day Thursday, do you think we  
10 | could wrap it up?

11 |         MR. BANNON: That's what we've been  
12 | scheduling, Your Honor. And we think we're going  
13 | to need for testimony to be heard on Friday. At  
14 | this point, because of certain pairing down on the  
15 | case, right now, we're anticipating one witness to  
16 | be called on Friday, provided that we're able to  
17 | get through our schedule, so -- and just because  
18 | we have a number of witnesses coming from out of  
19 | town and different parts of the state, we hadn't  
20 | scheduled any of them to be here on Wednesday, so  
21 | in all honesty, we try to prefer to get through as  
22 | many witnesses on Tuesday, break until Thursday  
23 | and then just start right at nine o'clock on  
24 | Thursday morning.

25 |         THE COURT: All right. Why don't we start

1 at 9:30 Tuesday and just truck on through.

2 MR. NEWMAN: That would be fine, Your  
3 Honor. And I'll tell you, I did meet with the  
4 solicitors and investigator --

5 When we meet? On Thursday?

6 MR. BANNON: Uh-huh.

7 MR. NEWMAN: We met on Thursday. I agreed  
8 to -- this case would have an enormous amount of  
9 chain witnesses that I don't need -- that I don't  
10 see as necessary. I told them they'd want to save  
11 their pathologist in case they have certain  
12 questions. I'll stipulate that the man died in  
13 Beaufort County and that he died as a result of a  
14 single gunshot wound to the head, with the caveat  
15 that I may be able to question the investigators  
16 about certain information that's in the autopsy  
17 report, such as bullet wound angles and things  
18 like that.

19 THE COURT: Any problem with that?

20 MR. BANNON: Well -- no, Your Honor. Well,  
21 we plan on calling the medical examiner so  
22 Mr. Newman can cross-examine her, he can  
23 cross-examine the officers as he sees fit.

24 MR. NEWMAN: That's fine. I'll stipulate  
25 to it, but if they want to call her, that's fine.

1           MR. BANNON: The one other thing that Mr.  
2 Newman had mentioned possibly a Franks Hearing. A  
3 search warrant was executed after Mr. Brewer was  
4 arrested. A search warrant was executed on  
5 clothing of his, which he -- you know, that was  
6 the last thing that was heard because he said that  
7 these were the pants that I was wearing the night  
8 before. Investigator Fraser obtained a search  
9 warrant and seized those items at the jail and  
10 took them into custody and then ultimately a  
11 gunshot residue test was conducted on them.

12           So I don't know if Mr. Newman would like to  
13 hold that hearing or if it's just now based on the  
14 ruling of the Denno hearing or --

15           MR. NEWMAN: I think based on your ruling,  
16 which for the record I take exception to, the  
17 issue would have been you're ruling all the  
18 statements come in and the statement was, I'm  
19 wearing the same pants. They used that statement  
20 as the probable cause to get a search warrant.  
21 With the Court's ruling on that, I think that  
22 precludes me from coming back and trying to argue  
23 again that that statement's not voluntary. But  
24 that's what I have to do that needs to be excised  
25 for the search warrant. So for the record, I do

1 make a Franks issue that that statement was not  
2 voluntary, should not be -- not necessarily not  
3 voluntary, in violation of the defendant's Fifth  
4 Amendment right to remain silent and should be  
5 stricken from the search warrant. I assume your  
6 ruling would be -- since it's coming in, the  
7 search warrant would be good.

8 THE COURT: You want a hearing or not?

9 MR. NEWMAN: I -- you know the facts of it.  
10 I would ask for a ruling on --

11 MR. BANNON: I'd be happy to -- if Mr.  
12 Newman will stipulate to the search warrant simply  
13 being the search warrant, I mean it's sort of  
14 bound by the four corners of the warrant, so I'd  
15 be happy to stipulate that that's the warrant, let  
16 the Court review the warrant to see if probable  
17 cause existed to seize the pants.

18 MR. NEWMAN: The probably cause in the  
19 warrant is that based on the statement of Jaquwn  
20 Brewer on such and such a date and that the  
21 detectives had seen a photograph of the pants and  
22 they appear to be the same pants and the  
23 defendant's admission they're the same pants, I  
24 would swear there is probable cause for me to ask  
25 a judge to seize them. A judge did issue.

1 There's no question with the signature, a Master  
2 did issue a search warrant. A search warrant was  
3 executed on the property over at the jail and the  
4 pants were delivered to the sheriff's department.  
5 So my objection to the warrant would be that  
6 statement needs to be excised because it was taken  
7 in violation of the Fifth Amendment. If that  
8 statement is excised out of it, the warrant is not  
9 good.

10 THE COURT: I think that the warrant is  
11 good, based on that statement.

12 Okay. Anything further?

13 MR. BANNON: No, Your Honor, not from the  
14 State.

15 THE COURT: All right. We'll start at  
16 9:30. Make sure you have people here and we'll  
17 try to move on through.

18 MR. BANNON: Your Honor, the one thing  
19 which I would like to clarify very briefly is  
20 based off of your -- based off of your ruling to sever  
21 the obstruction of justice and the other -- the  
22 gang gang charge, it's my understanding that we  
23 aren't to get into, you know, anything related to  
24 an obstruction charge, you know, unless a door is  
25 open to it. You know, such as like, you know,

1 that statement which may or may not have been  
2 bought and paid for, being brought up.

3 THE COURT: Correct.

4 MR. BANNON: All right. Thank you, Your  
5 Honor.

6 THE COURT: 9:30 in the morning.

7 (WHEREUPON this trial was in recess until  
8 the following day.)

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1 State of South Carolina ) In the Court  
2 County of Aiken ) Of General Sessions

3 Indictment No.: 2009-GS-07-1279  
4 2009-GS-07-1293  
5 2009-GS-07-1296

6 State of South Carolina, )  
7 Plaintiff. )  
8 vs. ) Transcript of  
9 Record  
10 Jaquwn Brewer, ) Volume II  
11 Defendant. )

 ORIGINAL

12 August 23, 2011  
13 Beaufort, South Carolina

14  
15 B E F O R E:

16 The Honorable William H. Seals, Jr.,  
17 Judge, and a Jury.

18  
19 A P P E A R A N C E S:

20 Meredith A. Bannon, Assistant Solicitor  
21 James J. Bannon, Assistant Solicitor  
22 Attorneys for the State

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24 Jared S. Newman, Esquire  
25 Attorney for the Defendant

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27 Brenda J. Sigwald, Circuit Court  
28 P.O. Box 206, Jackson, South Carolina 29831

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**TUESDAY, AUGUST 23, 2011**

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THE COURT: Is the State ready to proceed?

MR. BANNON: Yes, Your Honor; the State's  
ready.

THE COURT: The defense ready to proceed?

MR. NEWMAN: Yes, sir. I need the  
defendant.

THE COURT: Yeah, we need the defendant.

All right. Go ahead and bring out the  
jury.

THE BAILIFF: They jury's ready to enter.

(WHEREUPON the jury entered the courtroom  
at 9:34 a.m.)

THE BAILIFF: The jury is present.

THE COURT: All right. Good morning.

THE JURY: Good morning.

THE COURT: Ms. Clerk, if you'll go ahead  
and swear the jury.

THE CLERK: Yes, sir.

(WHEREUPON the jury was sworn.)

THE CLERK: You may be seated. Thank you.

**OPENING REMARKS BY THE COURT**

THE COURT: All right. Members of the  
jury, I want to talk to you just for a few minutes  
and just informally go over a few things with you

1 just so you'll have a little bit of working  
2 knowledge about this case and what your role is  
3 and what my role is and so forth and so forth and  
4 then we'll actually begin the trial.

5 First thing I want to let you know is that  
6 the State of South Carolina has a burden of proof.  
7 They have to prove the defendant guilty beyond a  
8 reasonable doubt in order to prove their case. I  
9 will explain that to you in greater detail at the  
10 end of this case. The next thing I want to  
11 explain to you is what your role is and what my  
12 role is and how they differ.

13 You are the judge of the facts. I am the  
14 judge of the law. In that regard, that means that  
15 you determine what the facts of this case are.  
16 Not me, not the bailiff, not my clerk, nobody else  
17 in this courtroom, just you. Well, you ask  
18 yourselves, how do I determine what the facts of  
19 this case are? You look at two things. You look  
20 at the witnesses that come up here and testify.  
21 You judge their credibility, you judge their  
22 believability.

23 Please understand, you can believe  
24 everything a witness tells you or just like your  
25 children, you can believe nothing they tell you.

1 You can believe half of what they tell you -- I  
2 mean, it's up to you. You can believe one against  
3 many, many against one. So you listen to the  
4 witnesses and you examine any documents admitted  
5 into evidence, such as papers, pictures, or maybe  
6 a weapon, maybe a bullet, photographs, things of  
7 that nature. That's where you determine the facts  
8 of this case are.

9 Now, I am the judge of the law, I am here  
10 to make sure the parties get in a fair trial. I'm  
11 here to instruct you on the law applicable to this  
12 case and I will do that in great detail at the end  
13 of this case, and you have to accept the law as I  
14 give it to you. If you have any preconceived  
15 ideas as to what you think the law is or what you  
16 think the law ought to be, and it doesn't jive  
17 with what I tell you the law is, you've got to  
18 accept it like I give it to you.

19 And then only when I tell you to begin your  
20 deliberations will you take the facts as you find  
21 them, the law as I give it to you, put the two  
22 together, and make a decision therefrom. A lot of  
23 common sense, very simple. Your job will be  
24 there -- your job to be to sit there and just to  
25 soak it all up.



1           Furthermore, I want you to understand that  
2 what the lawyers tell you is not evidence. They  
3 are spokespersons and advocates for their clients;  
4 they fight for their clients. Evidence is the two  
5 things I told you: The witnesses that testify,  
6 any documents or any matters admitted into  
7 evidence into the record.

8           All right. Another thing I want to tell  
9 you and this is very very important. At no point  
10 during this trial, until I specifically tell you  
11 to begin deliberations, do you even start talking  
12 about the case. That's very important because I  
13 want to make sure that you don't start  
14 deliberating on this case until you have seen and  
15 heard everything you need to hear.

16           In other words, you need to hear from the  
17 State. You need to hear from all of their  
18 witnesses; see everything they want to put into  
19 the record. You need to hear from the defendant  
20 if the defendant wants to testify. And then you  
21 need to hear from me in regards to the law. I  
22 want to make sure you have all of the ingredients  
23 you need to make a decision before you even start  
24 deliberating. It wouldn't be proper to start  
25 prior to that.

1           So I will specifically tell you at the very  
2 end to begin and only then do you start discussing  
3 the case. So if we take a break for lunch, if we  
4 take a break where we have to go over some matters  
5 of law out here, or you just need a break, when  
6 you go back there, talk about the hurricane, talk  
7 about politics, talk about religion, anything you  
8 want to talk about. Just don't talk about this  
9 case until I tell you and that will be at the very  
10 end.

11           Furthermore, I want you understand that you  
12 are not to undertake any independent investigation  
13 into this case. Don't leave here and get on the  
14 internet and try to look up names. Don't go to  
15 the scene, don't try to blog anybody -- whatever  
16 that means -- tweet anybody, look on the internet,  
17 all that kind of stuff. Just -- just forget that.  
18 What I want you to do is to get everything you  
19 need to make a decision right there in that seat,  
20 in this courtroom. That way I can make sure you  
21 get it properly according to our laws. That's  
22 very, very important.

23           All right. What we're going to do is we're  
24 going to try to push hard today. I think we'll  
25 work all day long. Tomorrow afternoon, Mr. Newman

1 has to go to the supreme court, they have  
2 precedence over me so he gets to go. We're going  
3 to try to have him back here at three o'clock and  
4 take up a rather lengthy witness and get that out  
5 the way. Then we're going to try to work hard  
6 Thursday and see if we can't maybe get the case to  
7 you, if not early Friday morning.

8 But at any point in time, if anybody needs  
9 anything, if you have any trouble, I'm here to  
10 make you comfortable, I'm here to make your job as  
11 pleasant as I can. Don't hesitate to raise your  
12 hand or just do your thing here and when I find a  
13 stopping point I'll try to address it and make  
14 sure you're taken care of.

15 Okay. Everybody good to go?

16 (WHEREUPON the jury answered in the  
17 affirmative.)

18 THE COURT: All right. Right now, you just  
19 sit back, you just relax, and I'll recognize the  
20 State's opening statement.

21 **OPENING STATEMENTS**

22 MR. BANNON: Thank you, Your Honor. May it  
23 please the Court?

24 THE COURT: Sure.

25 MR. BANNON: You're going to hear two very

1 different stories about two very different men.  
2 First, I'd like to tell you a little bit about  
3 Henry Jones. Henry Jones was a family man. On  
4 May the 23rd of 2009, he was at a family reunion.  
5 He agreed to help his nieces out and tend bar at a  
6 party after the family reunion. He was a family  
7 man.

8 Now, the other man that I want to tell you  
9 about is Jaquawn Brewer, this guy right over here.  
10 Because on the night of May the 23rd, he was  
11 hanging out with his buddies. And he went to the  
12 same party, but at that party, he took a pistol  
13 with him and put it in his pants. Mr. Brewer is  
14 not a particularly tall man; but that night with  
15 that pistol in his pants, he felt like he was the  
16 biggest man in the room. He was with his friends,  
17 here at this party. He wanted to be part of the  
18 group.

19 You'll see photos of them hanging out  
20 together, taking pictures at the party, making  
21 hand gestures for the camera. And then, in one of  
22 the last pictures, you see him flash that pistol  
23 sticking out of his pants.

24 Now, Henry Jones had agreed to tend bar for  
25 this party. He was in the other room tending bar.

1 When the people saw Mr. Brewer flash this pistol,  
2 well, they told Deon Stevenson who was one of the  
3 organizers of the party. Said, Hey, that guy's  
4 got a gun. When they had arranged security at the  
5 party, the last thing anybody wanted was for there  
6 to be any weapons inside this club. So Deon  
7 Stevenson walked over to him and said, Hey, you  
8 can't have a pistol in here, you need to take that  
9 pistol outside. And Jaquawn Brewer could not live  
10 with that. He could not be disrespected like that  
11 in front of his friends. He could not be made to  
12 feel small. So did he take that pistol outside,  
13 put it in the car and come back in? No.

14 What he did was, he took that pistol out of  
15 his pocket and he held it at Deon Stevenson in a  
16 crowded night club. What you're going to hear is  
17 that Deon Stevenson knocked Mr. Brewer's hand away  
18 and turned and ran, fearing for his life. And  
19 that's when Mr. Brewer started firing round after  
20 round into the crowd.

21 Now, Donald Parker, he was a young man that  
22 was at the party that night. He was there with  
23 his brother; he was there with his friends. By  
24 all accounts, he was just standing there when all  
25 of this started. And the first bullet that was

1 shot smashed into the back of his leg, shattering  
2 it. He dropped to the floor. The only way he  
3 made it out of that nightclub was because somebody  
4 drug him to the door and his friends got him to an  
5 SUV where he was taken to the hospital. They were  
6 not only able to save his life but also save his  
7 leg.

8 Now, as all this is happening, the  
9 defendant's still firing. Everybody inside the  
10 club scatters. Mr. Brewer takes this opportunity  
11 to get outside of the club. So he runs outside of  
12 the club too. But he's not happy. He's not  
13 satisfied. He doesn't feel big enough yet. So he  
14 turns back at the club and starts firing shots  
15 back at the nightclub.

16 Now, this is where I'd like to get back to  
17 Henry Jones. For a second when the firing stopped  
18 inside the club, he came out from around the bar.  
19 He had a cell phone in his hand. He was getting  
20 ready to call 9-1-1; he was a good family man.  
21 And he was surrounded by what was mostly scared  
22 young women, most of whom he was related to. And  
23 as he was standing there, trying to do the right  
24 thing and call 9-1-1, is when a bullet came flying  
25 into the club and struck Mr. Jones on the left

1 side of his head; and it dropped him to the  
2 ground.

3 That was a gunshot wound that Henry Jones  
4 never woke up from. He never recovered from it.  
5 That gunshot wound took his life. And ladies and  
6 gentlemen, you will not hesitate to find that it  
7 was Jaquawn Brewer who fired that shot. Not only  
8 the shot that struck Donald Parker in the leg but  
9 also the shot that struck Henry Jones in the head.  
10 You will not hesitate to find him guilty just as  
11 he did not hesitate to take a handgun to a  
12 peaceful party, to flash it in the middle of a  
13 crowded room; just as he did not hesitate to take  
14 it out at the first sign of disrespect shown to  
15 him; just as he did not hesitate to point it right  
16 at a person; just as he did not hesitate to fire  
17 it time after time into a room, striking one young  
18 man in the leg; and just as he did not hesitate to  
19 take one last shot that took a good man's life.

20 Thank you.

21 THE COURT: Defense, your recognized.

22 MR. NEWMAN: Thank you, Judge Seals.

23 Mr. Foreman, ladies, gentlemen of the jury,  
24 my name is Jared Newman. We met briefly yesterday  
25 during jury selection and I practice law here in

1 Beaufort. And I represent Mr. Brewer that's  
2 sitting over there. Mr. Brewer is charged with  
3 two very serious crimes; they're probably two of  
4 the most serious crimes we have. He's charged  
5 with murder and he's charged with assault and  
6 battery with the intentions to kill somebody.

7         The prosecutor in opening statements,  
8 sounded more like a closing argument, but in his  
9 opening statement, has told you several things  
10 that he cannot prove. He cannot prove them  
11 because he's got witnesses, if he chooses to call  
12 them -- or if they dummy them up -- they're all  
13 over the board in this place. The State's going  
14 to tell you, that the solicitor didn't tell you,  
15 that there was more than one person at that party  
16 shooting firearms at that party. Another thing  
17 that the solicitor didn't tell you that should  
18 come out in proof, is their witnesses say that Mr.  
19 Brewer, who was there, who had a gun, was not the  
20 only one, their witnesses say that Mr. Brewer  
21 fired time after time after time inside that club,  
22 just like the solicitor for the State just told  
23 you. And what you're going to hear from the  
24 witnesses are going to be absolutely  
25 irreconcilably, impossibly against the physical



1 evidence that was found. And I ask you to pay  
2 attention to the witnesses' testimony, but also  
3 the physical testimony because what they're going  
4 to show you is that Mr. Brewer allegedly had a  
5 semi-automatic pistol. And if you're familiar or  
6 not familiar with a semi-automatic pistol, it's  
7 the one that has the clip, slide rack, and when it  
8 fires, you can just keep pulling the trigger and  
9 it shoots the shell out of the right side. It's  
10 called an ejection.

11           They say Mr. Brewer fired time after time  
12 after time in that club. Some of the witnesses  
13 will say that, but yet inside the club they did a  
14 detailed check and they found one, one, one shell  
15 casing. That's it. That's it. Period. They're  
16 going to have witnesses, if they choose to bring  
17 them up, if not we'll have to cross-examine the  
18 investigators on it, that said that inside the  
19 club, Mr. Donald Parker was shot. I don't know if  
20 it was right or left in the back of the calf.

21           Right after that the witnesses saw Mr.  
22 Henry Jones stricken with a bullet and go down.  
23 That will be what some of their witnesses say.  
24 Now, the State is changing up their theory after  
25 two years. They realize that it would be

1 impossible for Mr. Brewer to have fired one shot  
2 and struck somebody over here with an impact  
3 bullet that you'll see that they dug out of his  
4 leg; and with one shot, shoot a person in another  
5 room inside that club.

6         They have witnesses that say there was  
7 another shooter outside that had a gun with a -- a  
8 laser, the thing that puts the dot on you -- have  
9 you seen them -- was shooting from outside. They  
10 have a witness that said they saw Mr. Brewer shoot  
11 outside, but into the air. There's another  
12 witness, if they choose to call him to say that  
13 Mr. Brewer, as he was leaving, shot out of a car  
14 window, far away from the club.

15         What they need to do now is, because they  
16 realize after two years they have this horrible  
17 problem with their case, is they now need to say  
18 that, Well, Mr. Brewer must have been outside when  
19 he shot and came around the door in a room and  
20 around in another room and hit Mr. Jones.

21         Now, I do agree with the solicitor on some  
22 things. This is a tragic case. Mr. Jones by all  
23 accounts was a good fellow. It had nothing to do  
24 with any involvement with whatever fracas might  
25 have been going on and was an innocent bystander

1 and that's that, as is Mr. Parker; I don't think  
2 he had anything to do with anything.

3           However, the question in this case is, not  
4 is Mr. Brewer a bad guy or whatever because he  
5 took his gun. That's not the question. That's  
6 not the question. You can pass on that. The  
7 question is whether the State of South Carolina,  
8 because it is their burden completely -- no burden  
9 rests on Mr. Brewer, although the detectives think  
10 it does when you hear the statement. They  
11 challenge Mr. Brewer to prove his innocence, and  
12 that's not how it works because our system of  
13 justice says that you are presumed innocent --  
14 innocent. You don't have to do anything else.  
15 You can rest and stand on that presumption of  
16 innocence. It's up to the State of South Carolina  
17 to clearly and completely prove to you that Mr.  
18 Brewer fired the fatal shot.

19           And we can see, there's no doubt about it.  
20 You might hear testimony from a pathologist to get  
21 into gory details and all that. Unfortunately,  
22 Mr. Jones is dead. He died of a single gunshot  
23 wound to the head. The State can put up witnesses  
24 for hours to say that, to tell you that. That's  
25 not at issue. The issue is that they have to

1 prove that Mr. Brewer ends up firing that fatal  
2 shot from that gun. They have to prove in the  
3 other case for Mr. Parker that Mr. Brewer fired  
4 that shot that struck Mr. Parker.

5       They won't have a witness that will  
6 actually tell you this. They have a witness that  
7 said he was inside that club shooting it up.  
8 Listen to the evidence, to the physical evidence.  
9 The reason physical evidence is important and  
10 detectives and investigators are trained to do  
11 that, is witnesses' memories go bad. Witnesses  
12 under the heat and passion of excitement get  
13 things wrong, get things mixed up, timing  
14 sequences. It would be if a witness told a  
15 detective, Well, I saw blood running up the wall.  
16 Well, maybe that's what the witness thought she  
17 saw, but we all know the laws of physics. Gravity  
18 doesn't force blood to run up a wall; it's going  
19 to go down the wall. That's why the forensics are  
20 critical in law enforcement.

21       This isn't the old days in Texas when you  
22 just round up a couple of witnesses, say somebody  
23 did it, and go to a lynching. This is a  
24 deliberative, rational process and we're going to  
25 take you through it and I just ask that you listen

1 to the direct examination, you listen to the  
2 cross-examination, and when you take all the  
3 evidence together, the State's going to fail  
4 miserably, including that Mr. Brewer was the one  
5 that fired the fatal shot, and Mr. Brewer was the  
6 one that fired the shot that struck Mr. Parker  
7 behind in his calf.

8 I know jury service is difficult. This is  
9 a difficult case. It's not a happy case. There's  
10 going to be no good result in this case. But  
11 there's really going to be a bad result in this  
12 case to make it worse. I just ask for you to do  
13 that for Mr. Brewer as one of your fellow  
14 citizens, whether you like him or not. That's the  
15 oath that you took and all we ask is that you  
16 follow that oath; that we believe if you do, you  
17 will see that the State failed in its attempt to  
18 prove who faired -- fired the fatal shot and who  
19 fired the other shot as well.

20 Mr. Foreman, ladies and gentlemen, thank  
21 y'all.

22 THE COURT: Solicitor, if you'll call your  
23 first witness.

24 MR. BANNON: Thank you, Your Honor. The  
25 State calls Staff Sergeant Jason Wilson.

## Jason Wilson - Direct Examination by Mr. Bannon

1       THEREUPON,

2                       JASON WILSON,

3       after being duly sworn, testified as follows:

4               THE CLERK:   Please be seated.   State you  
5       name and spell it for the court, please.

6               THE WITNESS:   Jason Eugene Wilson.

7               THE COURT:   Thank you.

8                               **DIRECT EXAMINATION**

9       By Mr. Bannon:

10      Q       And could you spell your last name, please,  
11      sir?

12      A       W-i-l-s-o-n.

13      Q       Where do you work?

14      A       For the Beaufort County Sheriff's Office.

15      Q       What are your duties there at the Sheriff's  
16      Office?

17      A       Currently, I'm a road supervisor staff  
18      sergeant.

19      Q       Okay.   And were you a staff sergeant back  
20      in May of 2009?

21      A       I was a sergeant back then.

22      Q       And what training and experience do you  
23      have in order to be a police officer?

24      A       Aside from the normal -- the normal  
25      academy?

**Jason Wilson - Direct Examination by Mr. Bannon**

1 Q Well, including the academy.

2 A You start off at some in-house training.  
3 Go to the police academy and learn your basic law  
4 enforcement. After that, you go to other  
5 continual training, whether it be investigation,  
6 firearms, driving, things of that nature.

7 Q Do you receive training and instruction on  
8 what to do if you're dispatched to the scene of a  
9 shooting?

10 A You do receive some training for that and  
11 then also on-the-job training for a lot of that.

12 Q Typically, if you're dispatched to the  
13 scene of a shooting, what are your priorities as a  
14 member of law enforcement?

15 A The first thing you want to do is secure  
16 that area. Try to secure it as much as possible.  
17 Get to the victim as quickly as possible. Make  
18 sure that area is secure so that you can get  
19 medical attention to them.

20 Q Did you do anything before you were a  
21 police officer?

22 A Yes.

23 Q What did you do?

24 A Starting out of high school, I went into  
25 the service, I joined the navy. Shortly after

## Jason Wilson - Direct Examination by Mr. Bannon

1 that, when I got out of the -- of the navy, I  
2 became a fireman. Did the ambulance thing as a  
3 EMT and then eventually law enforcement.

4 Q And were you working on May the 24th of  
5 2009?

6 A Yes, sir.

7 Q And on May the 24th, did you have an  
8 opportunity to go to 279 Broad River Road in  
9 Beaufort?

10 A Yes, sir.

11 Q And is that located in Beaufort County?

12 A Yes, sir.

13 Q And could you tell me where exactly that  
14 is?

15 A On Broad River Boulevard. It's most  
16 commonly referred to as the Semper Fi Club. It's  
17 right next to the Pepsi Distribution Plant, pretty  
18 close to the high school.

19 Q Okay. And why did you go to that location  
20 anyway?

21 A At that time, we were dispatched to a  
22 shooting.

23 Q Did you know anything about the scene when  
24 you were headed there?

25 A We knew that they were having a function



**Jason Wilson - Direct Examination by Mr. Bannon**

1 | there from just earlier patrols throughout the  
2 | night. I knew it was a large function, they had  
3 | cars parked on the sides of the roads and so we we  
4 | went frequent through there to make sure things  
5 | were as safe as possible.

6 | Q       Okay. But did you receive any preliminary  
7 | reports about what kind of a -- what kind of a  
8 | scene you were going to arrive on?

9 | A       From dispatch?

10 | Q       Yeah.

11 | A       Pretty much that there -- we had at least  
12 | one person shot. There was somebody shooting --  
13 | that somebody had been shooting inside the club  
14 | and then also we knew that there was shooting  
15 | outside of the club.

16 | Q       And once you arrived, what did you see?

17 | A       For lack of better terms, total chaos. The  
18 | parking lot was full of people in cars that were  
19 | trying to get out. All the doors to the club were  
20 | open with people streaming out as quickly as  
21 | possible. I mean it was -- everybody trying to  
22 | find cover and safety is what it looked like for  
23 | us.

24 | Q       So what steps did you take to sort of deal  
25 | with all of this chaos?

## Jason Wilson - Direct Examination by Mr. Bannon

1 A Initially as I started pulling in there, it  
2 was all these people leaving, one of the things  
3 that we know from the investigation side, keep as  
4 many people there as possible. So at that time I  
5 ordered the -- the road shut down so we could keep  
6 people there. The -- blocking the side of the  
7 building, it was just stuff strung about, tables  
8 turned over, shoes laying all over the place, it  
9 was -- like I said, it was just total chaos.

10 Q When you arrived, did you think that the  
11 shooter was still on the scene?

12 A We -- in the beginning, we had the  
13 potential of it. There was a report of someone  
14 shooting in the parking lot.

15 Q Okay.

16 A So we weren't sure if somebody was there or  
17 not.

18 Q So based on the information that there  
19 could have been a shooter at the scene, what did  
20 you do?

21 A Secured that -- secured that area.

22 Q And did you find the shooter on the scene?

23 A No. After walking into the building to try  
24 continue to secure that area, we started getting  
25 preliminary reports from people screaming and

## Jason Wilson - Direct Examination by Mr. Bannon

1 things of that nature that the shooter has already  
2 left -- left that area.

3 Q Okay. Now you're talking about the  
4 building. Could you just briefly sort of describe  
5 to us the rough layout of this building?

6 A Yeah. It's -- when you walk into it --  
7 you're going through a metal door. It's got a  
8 large -- like a -- like a meeting place -- like a  
9 dance hall type situation. Straight back off of  
10 that is some bathrooms and off to the right-hand  
11 side is like a kitchen and another meeting area.  
12 It's -- it's a pretty good size. I mean, you  
13 could put a lot of people in there.

14 Q Okay. Was there anyone inside of the club  
15 when you went in there?

16 A Oh, there was several people in the club.  
17 A rough estimation when I walked through the door  
18 was fifty to sixty people at least.

19 Q Okay. And what was the mood inside the  
20 club?

21 A Panic.

22 Q Were you ever able to identify or find a  
23 victim?

24 A Yes. I found the victim rather quickly.

25 Q What -- what seemed to be his condition

## Jason Wilson - Direct Examination by Mr. Bannon

1 | when you arrived?

2 | A He had -- it was very apparent that he had  
3 | a gunshot wound to the head.

4 | Q Okay. Was he conscious?

5 | A No, he wasn't -- not to speak or anything  
6 | of that nature. He was definitely still alive but  
7 | not very well.

8 | Q Okay. Was he standing or how was he  
9 | positioned?

10 | A No. He was -- he was laying face down.  
11 | Obviously, there was blood around him.

12 | Q Were there any other members of the  
13 | sheriff's department on the scene?

14 | A Officers were -- I was the first officer on  
15 | the scene. As I was pulling in, other officers  
16 | were starting to come in behind me too.

17 | Q Were you ever able to identify the person  
18 | who had been shot in the head?

19 | A I was after we got the scene secured and  
20 | had the EMS come in. When they started their  
21 | treatment, I was able to retrieve the wallet from  
22 | his pocket and I identified him off of his South  
23 | Carolina ID.

24 | Q Okay. What was -- who was -- who did you  
25 | identify him as?

**Jason Wilson - Direct Examination by Mr. Bannon**

1 A The victim was a Henry Jones.

2 Q Do you have protocols? Because you said  
3 that EMS responded to the scene. Do you have  
4 protocols to try to help them treat a patient?

5 A Our -- our first priority is to secure that  
6 scene and to get medical treatment there. With  
7 that many people and the chaos and still not sure  
8 exactly what's going on. As soon as we deem it  
9 safe enough for EMS, we're going to still  
10 maintain a vigilant for them and protect them at  
11 the same time. So...

12 Q Did -- was there any documentation of what  
13 the scene looked like that evening?

14 A From my police report.

15 Q Well, and -- did anyone take any  
16 photographs?

17 A Oh. Yes, sir.

18 Q Did you take photographs?

19 A I did not. I had an officer take those  
20 photographs.

21 Q Okay. And did you learn anything about how  
22 any of this occurred?

23 A Oh, yes, sir.

24 Q Okay. And how did you find that out?

25 A Just quickly talking to several people just

## Jason Wilson - Direct Examination by Mr. Bannon

1 to -- to get an idea of what was going on. We  
2 were advised that there was a single shooter that  
3 had been standing down in the main part of the  
4 building and had shot up towards the door where --  
5 the door to the kitchen where we found the victim.

6 Q Okay. At that point in time, how many  
7 victims did you believe that you had?

8 A The one at the time.

9 Q Okay. Did you have any information as to  
10 who the shooter might be?

11 A We started getting the nickname of who the  
12 shooter may be.

13 Q And what was that nickname?

14 MR. NEWMAN: Your Honor, I object to  
15 hearsay.

16 THE COURT: Any response?

17 MR. BANNON: Your Honor, I would just say  
18 that I'm offering this for effect on the listener  
19 and not for the truth of the matter asserted.

20 THE COURT: I'm going to sustain the  
21 objection.

22 By Mr. Bannon:

23 Q Was there -- was there a person taking  
24 photographs at the party that evening?

25 A Yes, sir.

**Jason Wilson - Direct Examination by Mr. Bannon**

1 Q Okay. And were you able to determine who  
2 that was?

3 A Yes. He was -- he'd been there to -- he  
4 was hired to take photographs so people could have  
5 individuals taken, group pictures taken, things of  
6 that nature.

7 Q And was this person -- was he there when  
8 you arrived on the scene?

9 A Yes, yes.

10 Q Did you speak with him?

11 A Yes, I did.

12 Q Did you find out what his name was?

13 A I don't think I found that information out.  
14 I definitely kept him to one side so that the  
15 detectives would be able to talk to him.

16 Q Did you ever obtain any photographs from  
17 the photographer for that evening?

18 A I viewed the photographs that he had on  
19 his -- on the digital camera and then I also  
20 obtained the memory card from that camera.

21 MR. BANNON: Your Honor, may we approach  
22 for a moment?

23 (WHEREUPON there was a bench conference out  
24 of the hearing of the jury and the court  
25 reporter.)

## Jason Wilson - Direct Examination by Mr. Bannon

1 MR. BANNON: Okay. I'm sorry.

2 By Mr. Bannon:

3 Q I'm sorry, Staff Sergeant. Where were we?

4 A The -- the pictures.

5 Q Okay. So, you spoke with the photographer  
6 at the scene?

7 A Yes, sir..

8 Q Okay. And what was he able to show you?  
9 Do you recall?

10 A He showed me several pictures of group  
11 photos that he had been taking.

12 Q Okay. I'd like to show you what has been  
13 marked as 5A, 5B, and 5C. Do you recognize those?

14 A Yes, sir.

15 Q And what are they?

16 A They're group photos of anywhere from three  
17 to five individuals.

18 Q And are these the photos that you were  
19 shown that evening?

20 A Yes, sir.

21 Q Okay. Are they -- do they appear to be  
22 altered in anyway from the ones that you saw that  
23 night?

24 A No, sir.

25 Q Okay. And did you collect anything else



**Jason Wilson - Direct Examination by Mr. Bannon**

1 from the photographer that evening?

2 A The memory card.

3 Q I'd like to approach and show you what has  
4 been marked as State's Exhibit 5E. If you could  
5 take a look in there. And do you recognize it?

6 A Yes, sir.

7 Q And what is it?

8 A It's the memory card from -- the  
9 photographer would have had in his camera.

10 Q Okay. When you collected these items, what  
11 did you do with them?

12 A As soon as I collected them, I would have  
13 done the proper procedure with the photographer so  
14 he had for his records and I placed it in this  
15 bag.

16 Q Okay. Did you give this to anyone?

17 A Investigators.

18 Q Okay.

19 MR. BANNON: Your Honor, at this point in  
20 time, the State would move to admit State's  
21 Exhibit 5A, 5B, 5C, and 5E into evidence?

22 THE COURT: Any objection?

23 MR. NEWMAN: Without objection.

24 THE COURT: All right. 5A, 5B, 5C, 5E into  
25 evidence without objection.

## Jason Wilson - Direct Examination by Mr. Bannon

1 (WHEREUPON State's Exhibits 5A, 5B, 5C, and  
2 5E were entered into evidence.)

3 By Mr. Bannon:

4 Q And now, you were speaking a little bit  
5 earlier that you were able to identify Mr. Jones  
6 by looking at his wallet, right?

7 A Yes, sir.

8 Q Okay. Deputy, I'd like to show you what's  
9 been marked as State's Exhibit No. 3. If you  
10 could open that up for me. What is it?

11 A A wallet.

12 Q And could you take a look at it? Does it  
13 appear to be -- who's wallet does it appear to be?

14 A Henry Jones' wallet, sir.

15 Q Okay. And is it in the same or  
16 substantially the same condition as it was the  
17 night that you found it?

18 A Yes, sir.

19 MR. BANNON: Your Honor, I suppose I would  
20 like to have the wallet marked as State's Exhibit  
21 3A admitted into evidence?

22 THE COURT: Any objection?

23 MR. NEWMAN: No objection.

24 THE COURT: Exhibit 3A is into evidence  
25 without objection.

**Jason Wilson - Direct Examination by Mr. Bannon**

1 (WHEREUPON State's Exhibit 3A was entered  
2 into evidence.)

3 MR. NEWMAN: Your Honor, are photographs.  
4 We have not objection to them.

5 THE COURT: All right. State's 24 through  
6 37 into evidence without objection?

7 MR. NEWMAN: If -- if they move them into  
8 evidence, I will have no objection.

9 THE COURT: So is the State moving them  
10 into evidence?

11 MR. BANNON: Yes, sir. I'd like to move  
12 them --

13 THE COURT: Without objection.

14 MR. BANNON: Yes, Your Honor.

15 THE COURT: State's 24 through 37 into  
16 evidence without objection.

17 (WHEREUPON State's Exhibits 24-37 were  
18 entered into evidence.)

19 By Mr. Bannon:

20 Q And if you could take a look at these for  
21 me. What are those photographs of?

22 A These photographs are of that scene and  
23 also of the victim.

24 Q And are they essentially as you remember  
25 them?

## Jason Wilson - Direct Examination by Mr. Bannon

1 A Yes, sir. They would have been the initial  
2 photographs that I had had one of the officers  
3 take for me as soon as -- shortly after we showed  
4 up on the scene.

5 Q Okay.

6 MR. BANNON: Your Honor, if I may beg the  
7 Court's indulgence, I'd just like to get copies of  
8 those images on the smart board and have the  
9 officer go through them with the jury.

10 THE COURT: Go ahead.

11 (WHEREUPON the solicitors were setting up  
12 the smart board.)

13 MR. NEWMAN: Your Honor, may I stand on  
14 the --

15 THE COURT: Sure.

16 MR. NEWMAN: So that I can see the board.

17 By Mr. Bannon:

18 Q Now, if you could please step down for a  
19 moment. And could you please just explain to the  
20 jury sort of what we're looking at here.

21 A This is the -- the front of the building.  
22 Broad River Boulevard is going to be out about  
23 right here. And this is my patrol car and this is  
24 another officer's responding patrol car. So this  
25 is -- to describe the building, this is the main

**Jason Wilson - Direct Examination by Mr. Bannon**

1 | door that everybody was walking into. So this  
2 | whole side would be like a dance floor area and  
3 | then this is up where the kitchen area and then  
4 | the meeting hall would be at. So this is the main  
5 | front right off the roadway.

6 | Q       Okay.

7 |           (WHEREUPON the photograph was being  
8 | changed.)

9 | By Mr. Bannon:

10 | Q       And what is this a picture of?

11 | A       This is a picture of -- one of the pictures  
12 | of the inside of the building. It shows a lot of  
13 | what we -- the scene that we walked into. You can  
14 | tell from everything that there was a lot of  
15 | people there. We'd already started getting people  
16 | sequestered in certain areas so we could have the  
17 | investigators interview them. So I had them take  
18 | this picture to just show the amount of the people  
19 | and the debris, the chairs turned over and things  
20 | of that nature.

21 | Q       Okay. And where is this sort of relative  
22 | to the inside of the club?

23 | A       This would be close to standing with the  
24 | kitchen behind. So the victim would be more so  
25 | behind this is going toward the very back outside

## Jason Wilson - Direct Examination by Mr. Bannon

1 the wall.

2 Q Okay.

3 (WHEREUPON the photograph was being  
4 changed.)

5 By Mr. Bannon:

6 Q And what is this picture pointed at?

7 A It's the same area. This is more towards  
8 the doorway. This door here would be the door  
9 that was farthest to the left when we were facing  
10 the building where, if you saw my patrol car, it  
11 was off to that left-hand side. The main entrance  
12 was just off -- came up this way, so I had the  
13 officer take that picture with the -- with the  
14 doorway to the kitchen still behind him to  
15 triangulate that area.

16 Q Okay. And so is this -- you were talking  
17 about earlier. This is sort of the main open  
18 area?

19 A Yeah. This was where the main people were  
20 as you -- the DJ booth was down here. The  
21 photographs or the photographer, you can see him  
22 on the last picture with that table that was  
23 against that far back wall. That's where he was  
24 doing his pictures of -- of members when they  
25 wanted to have them taken.

## Jason Wilson - Direct Examination by Mr. Bannon

1 Q Okay.

2 (WHEREUPON the photograph was being  
3 changed.)

4 By Mr. Bannon:

5 Q And what is this picture of?

6 A This is the -- the doorway that leads into  
7 the kitchen and a small ramp that leads into that  
8 main hallway that we were just talking about. And  
9 this is where the victim was laying.

10 Q Okay. And what is that black object right  
11 there?

12 A This?

13 Q Yeah.

14 A That's a cell phone.

15 Q Okay. And did you collect that?

16 A I did not collect the cell phone, no, sir.

17 Q Okay. And is -- did anything -- did  
18 anything else used to be in this area before this  
19 picture was taken?

20 A Well, this is where the victim was.

21 Q Okay. And is this the general area where  
22 you also found the wallet or did you find the  
23 wallet somewhere else?

24 A Well, the wallet was on the victim.

25 Q Okay.

## Jason Wilson - Direct Examination by Mr. Bannon

1 A And then I removed it and I set it -- after  
2 I identified it, I set it out of the way so we  
3 could take -- take everything.

4 Q All right.

5 (WHEREUPON the photograph was being  
6 changed.)

7 By Mr. Bannon:

8 Q What is this a picture of?

9 A This is the -- the smaller meeting area  
10 they have up -- right off of the kitchen. The  
11 kitchen is directly behind this. So the victim  
12 would be right behind -- where the officer was  
13 taking the picture from.

14 Q Okay. So this is -- is this a separate  
15 room?

16 A It's the upper room where the kitchen is  
17 at. When you go through that doorway where the  
18 victim was laying.

19 (WHEREUPON the photograph was being  
20 changed.)

21 By Mr. Bannon:

22 Q Could you just describe this for us?

23 A It's -- it's the same room. The victim  
24 would be laying right here. The doorway is right  
25 behind where the officer is taking. So he's



## Jason Wilson - Direct Examination by Mr. Bannon

1 triangulating it off the area where the victim was  
2 at.

3 Q Okay. So is this -- this is sort of just a  
4 picture just to left of the last picture?

5 A Yes, sir. Yes, sir.

6 (WHEREUPON the photograph was being  
7 changed.)

8 By Mr. Bannon:

9 Q And what about this one?

10 A We're still continuing that -- that left  
11 hand view as you came in the room. This just  
12 shows the kitchen area. As you can see, I had  
13 the -- the victim's wallet was in that picture so  
14 it was identified to that.

15 Q Okay.

16 (WHEREUPON the photograph was being  
17 changed.)

18 By Mr. Bannon:

19 Q And this picture?

20 A It's -- we're still up in that same room.  
21 As you can tell, this is the doorway that goes  
22 down into the main hall with the kitchen behind  
23 this. I had that officer take that picture just  
24 to give us more of a triangulation of that area.

25 Q Okay.

## Jason Wilson - Direct Examination by Mr. Bannon

1 (WHEREUPON the photograph was being  
2 changed.)

3 By Mr. Bannon:

4 Q And what is this a picture of?

5 A This is down on the main floor area, the --  
6 the big common room. Obviously, you can see a  
7 shell casing that's right there. So we placed a  
8 chair over it for protection.

9 Q Okay.

10 A So that it wouldn't be kicked by EMS or  
11 fire -- fire department when they were coming in.

12 Q Okay.

13 A So it would be kept as pristine as  
14 possible.

15 Q Okay. Is that a concern in the crime  
16 scene. You know, like a -- like a crowded club?

17 A We try to keep it as pristine as we find  
18 it.

19 Q Uh-huh.

20 A So that we can piece together the picture  
21 as best as possible.

22 Q Okay. And so the chair is to prevent  
23 someone from --

24 A Yes.

25 Q -- moving it --

## Jason Wilson - Direct Examination by Mr. Bannon

1 A Yes.

2 Q -- or damaging it or something like that.

3 A (The witness nodded.)

4 (WHEREUPON the photograph was being  
5 changed.)

6 By Mr. Bannon:

7 Q And what is that a picture of?

8 A That's just the second picture of that same  
9 chair and the casing. Just a closer one. Just to  
10 show you just the casing itself.

11 Q Okay.

12 (WHEREUPON the photograph was being  
13 changed.)

14 By Mr. Bannon:

15 Q And what is that a picture of?

16 A This is a picture of the victim. This is  
17 the initial one when we first walked in. This is  
18 who we found and this is the condition that we  
19 found him in prior to EMS even getting inside the  
20 building.

21 Q Okay. So as far as you know, this is --  
22 this is him untouched?

23 A Yes, sir.

24 Q This is before EMS --

25 A This is be --

## Jason Wilson - Direct Examination by Mr. Bannon

1 Q -- worked on him?

2 A This is before the ambulance showed up;  
3 this is initially right after we walked in and  
4 deemed the scene secure enough.

5 Q Uh-huh.

6 A Before the ambulance could -- could even  
7 make it there, I had the officer start taking the  
8 pictures.

9 (WHEREUPON the photograph was being  
10 changed.)

11 By Mr. Bannon:

12 Q And -- is this just the first picture that  
13 we were looking at?

14 A Yes, sir.

15 Q Okay. Thank you. You may return to the  
16 witness stand.

17 And were you involved in the collection of  
18 any evidence?

19 A Aside from just taking the pictures --

20 Q Uh-huh.

21 A -- from the photographer?

22 Q Right.

23 A I did not personally collect any evidence  
24 besides that.

25 Q Okay. So your responsibilities were

**Jason Wilson - Cross-Examination by Mr. Newman**

1 | essentially to secure the scene and make sure that  
2 | anyone who was treated needed to be treated and to  
3 | keep everyone on scene that you could?

4 | A       And also as the sergeant on the road, it is  
5 | also to make sure if the detectives need anything  
6 | to coordinate and things of that nature.

7 | Q       Okay. And is there anything else that you  
8 | would like to add?

9 | A       Nothing that I can think of. No, sir.

10 | Q       Okay. Thank you.

11 |       MR. BANNON: No further questions.

12 |       THE COURT: Mr. Newman?

13 |       MR. NEWMAN: Thank you.

14 |                   **CROSS-EXAMINATION**

15 | By Mr. Newman:

16 | Q       Hey, Sergeant Wilson, how are you?

17 | A       I'm doing fine, sir, how are you?

18 | Q       Did you get that pack of photographs?

19 | A       I just have these ones.

20 | Q       Oh, okay. Yeah. Let me take a look at  
21 | these.

22 |       Let me -- and I'll refer to it as State's  
23 | 24. I know it's kind of dark.

24 | A       It's okay.

25 | Q       This -- this is your patrol car, correct?

## Jason Wilson - Cross-Examination by Mr. Newman

1 A Yes, sir.

2 Q Okay. And this is the juicy fruit car?

3 A I'd have to look it up in pictures, but I  
4 do remember it was a car there --

5 Q Yeah. Take a look at it and see if it's  
6 that yellow car; it was panted like the juicy  
7 fruit gum wrapper?

8 A It's a yellow car. I can't tell you if  
9 that car was the juicy fruit car or not.

10 Q Okay.

11 A It wasn't something I was concerned with at  
12 the time.

13 Q Okay. But you do agree it's obviously a  
14 yellow car that's backed in?

15 A Yes, sir.

16 Q Okay. And it's approximate location -- I  
17 guess you can't see that, but we were talking  
18 about that car right there?

19 A The one that's obviously in front of my  
20 patrol car?

21 Q Yes, sir.

22 A Yes, sir.

23 Q Okay. And the front door of the club --  
24 this rather wide door is right here, correct?

25 A Yes, sir, the common door that they were

## Jason Wilson - Cross-Examination by Mr. Newman

1 using.

2 Q Okay. And this door here is actually  
3 sealed up?

4 A No, not -- not at that time, sir.

5 Q Okay.

6 A When I -- when I arrived, all those doors  
7 in the front were wide open.

8 Q Okay. So somebody had closed that door  
9 before this picture was taken?

10 A Well, if you look at it hard enough, it's  
11 not completely closed.

12 Q Okay. And in securing the scene, would it  
13 be fair to say you're not the guy that does the  
14 evidence processing?

15 A Generally speaking, no.

16 Q All right. You're a field supervisor,  
17 correct?

18 A Yes, sir.

19 Q And your job is to -- just as the solicitor  
20 said -- in this particular instance, secure the  
21 scene, make sure everything's safe, protect the  
22 scene as much as possible, give treatment to the  
23 victim, EMS in and out, and then turn the scene  
24 over to investigators are coming?

25 A In that general order, yes.

## Jason Wilson - Cross-Examination by Mr. Newman

1 Q I know it's a little more complicated than  
2 just a big flow line. And the only shell casing  
3 that you observed -- I'm going to go to State's  
4 34 -- is the shell casing that was found in the  
5 floor?

6 A Like I said, these pictures were taken  
7 rather soon after we got there, so that was the  
8 one that we observed inside of the -- inside of  
9 the building. So that's the one that I looked at  
10 and -- I stayed inside after that, so anything  
11 else that -- in that area being canvassed, I was  
12 not involved in any of that.

13 Q You didn't find any other shell casings  
14 inside the building?

15 A Personally, no. I was -- I can't remember  
16 if there was anymore inside the building or not; I  
17 know some more were outside.

18 Q Okay.

19 A But I -- I'm not the person who found them.  
20 So I was advised that they were found.

21 Q Okay. It would be safe to assume that if  
22 there were more shell casings inside, your boys  
23 would have found them?

24 A That scene was pretty chaotic. I mean,  
25 there was debris all over the place, so I mean,



**Jason Wilson - Cross-Examination by Mr. Newman**

1 I'm not the person that canvassed that area, so...

2 Q Okay. Where exactly was that shell casing?

3 A I mean, somewhere in the center of the  
4 floors, down when you come through that front  
5 door, generally in between that door and the  
6 kitchen door; right in that general area.

7 Q In between which door and the kitchen?

8 A The one coming out -- what you referred to  
9 as the front main door.

10 Q Yeah. That -- that wide door that's --

11 A Yes. When you walk in there, kind of in a  
12 ten or fifteen foot span, you know, wide area  
13 you're going up towards where that kitchen door  
14 was, where the victim was.

15 Q Uh-huh.

16 A It was -- it was in the middle of that  
17 general area.

18 Q Okay. And that shell would have been  
19 collected by not you, but an investigator that  
20 came through, correct?

21 A In this case, yes, sir.

22 Q In this case?

23 A -- because investigators were coming out  
24 there.

25 Q Okay. Cool. Thank you very much.

## Jason Wilson - Redirect Examination by Mr. Bannon

1 A Yes, sir.

2 THE COURT: Any redirect?

3 MR. BANNON: Yes, Your Honor. Just very  
4 briefly.

5 **REDIRECT EXAMINATION**

6 By Mr. Bannon:

7 Q Staff Sergeant, where the -- where the  
8 victim fell, how -- how's that related sort of  
9 height-wise to the main room? Are they all on the  
10 same level?

11 A No, sir. That area is above what you would  
12 consider the main level. There's a ramp that  
13 leads up into that section.

14 Q All right. So -- okay. And I think we  
15 talked about this a little bit, but like, are  
16 these two rooms separated?

17 A There's a wall that separates them. They  
18 have a doorway in common, that's it.

19 Q Okay. All right. Thank you.

20 MR. BANNON: No further questions.

21 THE COURT: Anything further, Mr. Newman?

22 MR. NEWMAN: No, sir. Thanks, Judge.

23 THE COURT: You may step down.

24 THE WITNESS: Thank you, sir.

25 THE COURT: You can call your next witness.

**Michael Freed - Direct Examination by Mr. Bannon**

1           MR. BANNON: Your Honor, actually, can we  
2 approach for just a minute? Something's come to  
3 my attention.

4           (WHEREUPON there was a bench conference out  
5 of the hearing of the court reporter and the  
6 jury.)

7           MR. BANNON: Thank you, Your Honor. The  
8 State would call EMT Freed.

9           THEREUPON,

10           MICHAEL FREED,  
11 after being duly sworn, testified as follows:

12           THE CLERK: Please be seated. State your  
13 name and spell it for the Court, please.

14           THE WITNESS: My name is Michael Freed,  
15 M-i-c-h-a-e-l F-r-e-e-d.

16                           **DIRECT EXAMINATION**

17           By Mr. Bannon:

18           Q       Thank you, sir. And where do you work?

19           A       Beaufort County EMS.

20           Q       How long have you been working for EMS?

21           A       I have worked for Beaufort County for ten  
22 years.

23           Q       And is that all of your experience in EMS?

24           A       No. Total of about sixteen years of EMS.

25           Q       Okay. And I suppose -- what level of EMT

Michael Freed - Direct Examination by Mr. Bannon

1 are you?

2 A I am a paramedic.

3 Q Okay. And what is that relative to the  
4 other levels?

5 A That's the highest level of triage hospital  
6 care that you can -- that you can get.

7 Q Okay. And, I suppose, what sort of -- what  
8 sort of medical training have you had?

9 A Well, I've had my, of course, paramedic  
10 training. I have a pretty significant background  
11 instructing EMS classes including trauma life  
12 support, tactical medicine, advanced cardiac life  
13 support, as much as I can possibly get really.

14 Q And are you trained in any sort of, you  
15 know, more advanced medical treatments?

16 A To some extent, yes. We are limited by our  
17 protocol, but I do have more advanced training,  
18 especially in dealing with things like trauma and  
19 stroke and cardiac injury and things like that.

20 Q Okay.

21 MR. BANNON: Your Honor, at this time I  
22 would ask that Mr. Freed be deemed an expert in  
23 the field of pre-hospital para-medicine.

24 THE COURT: Any objections?

25 MR. NEWMAN: He's an EMT. I think he's

**Michael Freed - Direct Examination by Mr. Bannon**

1 well qualified. No objections.

2 THE COURT: Go ahead.

3 By Mr. Bannon:

4 Q And were you working as an EMT in May 2009?

5 A Yes, sir.

6 Q And did you have an opportunity to go to  
7 278 Broad River Boulevard?

8 A Yes, sir.

9 Q And why did you go there?

10 A That would have been for a gunshot wound, I  
11 believe.

12 Q And where were you when you got the call to  
13 go to that location?

14 A If memory serves, I was on another call at  
15 the time. There was a motor vehicle accident not  
16 too far up the road and we were finishing up there  
17 when the call with the gunshot wound came in.

18 Q Okay. And do you remember about how far  
19 you were from the club that evening?

20 A Just a couple of miles.

21 Q What is your protocol when you're going to,  
22 you know, the scene of a shooting?

23 A Once we get the information, we head there.  
24 We get as close as we can deem safe and wait for  
25 the scene to be secured by the police. At that

## Michael Freed - Direct Examination by Mr. Bannon

1 | time, we also -- we have protective body armor  
2 | we'll put on and basically just wait until we get  
3 | the word that this team is secure, that there's no  
4 | one actively shooting and we can go in safely and  
5 | render care.

6 | Q       Is that what you did in this instance?

7 | A       Yes.

8 | Q       Okay. Did you ever received a sort of all  
9 | clear that it was safe to go to the scene?

10 | A       Yes, we did.

11 | Q       Okay.

12 | A       I believe there was still activity going  
13 | on, but the immediate area we were responding to  
14 | was clear.

15 | Q       Okay. And so when you arrived on scene at  
16 | the club, what did you see?

17 | A       I do remember there were people outside.  
18 | There was still a fairly sizeable amount of people  
19 | coming out. There were police cruisers there, a  
20 | lot of kind of panicked activity -- as you would  
21 | assume when there's been a shooting.

22 | Q       And do you remember how many people were  
23 | outside of the club that evening when you arrived?

24 | A       It is hard to recollect, but I would say  
25 | probably more than ten.

## Michael Freed - Direct Examination by Mr. Bannon

1 Q And were you able to get inside of the  
2 club?

3 A Yes. Yes, I was.

4 Q And what did you see on the inside?

5 A As I walked in, I noticed there were still  
6 some people inside the club and when I walked in  
7 off to the right there was an open doorway; I saw  
8 two deputies and a victim face down in a pool of  
9 blood.

10 Q And so what did you do then?

11 A I moved over -- initially, I thought the  
12 patient was deceased. The amount of blood, the  
13 head injury I could see, and there were just -- he  
14 kept -- somehow he was breathing. So we had to  
15 roll him over to access his airway.

16 Q And what treatment did you provide to him  
17 there?

18 A Most basic thing I could do was simply  
19 provide care to make sure that nothing was  
20 injured, rolled him over to his back and opened  
21 his airway so that he could breathe.

22 Q Okay. And could you describe sort of the  
23 injury you saw to the victim's head?

24 A There was -- I do remember a wound, I  
25 believe the temple, the left or right eye -- I

## Michael Freed - Direct Examination by Mr. Bannon

1 | honestly cannot remember. There was a lot of  
2 | blood and there was already some swelling of the  
3 | head. It was consistent with a gunshot wound.

4 | Q Did you see any brain matter?

5 | A Yes.

6 | Q Okay. Was that -- I guess, is that  
7 | consistent with a gunshot wound to the head?

8 | A Yes.

9 | Q How did the victim's -- did the victim's  
10 | skull aside from the entry wound, did it appear --  
11 | appear normal? Or how did it appear to you?

12 | A Initially, when I -- when I took hold,  
13 | there was some crepitus, that's kind of the bone  
14 | grading together, There was a little bit of that,  
15 | but there was also a lot of swelling which will  
16 | kind of stabilize it, so it was kind of a minimum  
17 | amount of movement. It was -- it was a bit  
18 | abnormal.

19 | Q Okay. Was the victim vomiting?

20 | A Yes, yes. And again, that is normal with a  
21 | head injury, especially a very traumatic one. And  
22 | he was vomiting copious amounts and continued to  
23 | bleed also.

24 | Q And is this vomiting a concern?

25 | A Yes, it is. It is a sign of a very serious



## Michael Freed - Direct Examination by Mr. Bannon

1 head injury.

2 Q Okay. Were you able to check and see if he  
3 had a pulse at the time?

4 A Yes, I was.

5 Q Okay. So was he alive?

6 A He was alive. At the time I got there he  
7 was alive, he was breathing, he had a pulse.

8 Q Okay. So once you found out that you -- or  
9 once you confirmed that you sort of had a live  
10 patient there, what did you do?

11 A I continued on with the treatment we do,  
12 trying to stop any bleeding that we find, trying  
13 to find other injuries. The main concern on this  
14 patient was protecting his airway. Without an  
15 airway there's really nothing left to work with so  
16 my main concern was making sure that the airway  
17 was open and clear.

18 Q Okay. In your opinion, was it -- was it  
19 critical that Mr. Jones receive, you know, sort of  
20 advanced medical care at a hospital?

21 A Yes. Yes, it was.

22 Q Okay. Was that a priority for you?

23 A That was my main priority was to get him to  
24 a place where he could receive advanced airway  
25 care and surgery if possible.

**Michael Freed - Direct Examination by Mr. Bannon**

1 Q Okay. And so what did you do with Mr.  
2 Jones?

3 A We packaged him. He was put on a cervical  
4 collar and long spine board in case, of course,  
5 for neck injury. He was then ventilated with  
6 oxygen and we assisted the ventilations. There  
7 wasn't a lot we could do in the way of advanced  
8 airway. His -- his jaw was clenched, again  
9 consistent with the head injury. There was tissue  
10 coming from his nose. So really there were --  
11 there were a lot of areas of access of care that  
12 weren't available to us so we did what we could,  
13 which was provide him with ventilations, secure  
14 him to the board and initiate transport as fast as  
15 possible.

16 Q Okay. What is posturing?

17 A Posturing is when you have swelling of the  
18 brain or traumatic brain injury where the -- the  
19 body will actually -- the response of painful  
20 stimuli where they bring the arms to the core or  
21 spread them out. It's an abnormal reaction to the  
22 pain or any stimuli whatsoever; and again, that's  
23 a sign of a very serious head injury.

24 Q Did you show any signs of sort of advanced  
25 signs of life in Mr. Jones when you arrived on the

## Michael Freed - Direct Examination by Mr. Bannon

1 scene?

2 A Advanced signs of -- no. This was life at  
3 it's most basic and there was breathing, there was  
4 a pulse and that was basically it.

5 Q Okay. So you said you loaded him on to a  
6 sort of spinal stabilizer and were you able to  
7 transport him?

8 A Yes, we were.

9 Q And where did you transport him to?

10 A Beaufort Memorial Hospital.

11 Q And did you remain with the victim?

12 A Up until the transfer of care to the  
13 emergency department. I -- I was -- I stayed for  
14 a little bit longer to try and get as much  
15 information that I could to the ER physician.

16 Q Okay. Do you remember who you transferred  
17 it to?

18 A I -- offhand, I would be guessing, but I  
19 believe it might have been Dr. Duff and the  
20 nursing staff.

21 Q And did that essentially end your  
22 involvement in Mr. Jones' care that night?

23 A At that point, yes.

24 MR. BANNON: No further questions.

25 THE COURT: Cross?

**Timothy Clarkson - Direct Examination by Ms. Bannon**

1 MR. NEWMAN: No questions. Thank you,  
2 Judge.

3 THE COURT: You may step down.  
4 Call your next witness.

5 MS. BANNON: The State calls Corporal  
6 Clarkson.

7 THEREUPON,

8 TIMOTHY CLARKSON,  
9 after being duly sworn, testified as follows:

10 THE CLERK: Please be seated. State your  
11 name and spell it for the Court, please.

12 THE WITNESS: Timothy Clarkson. T-i-m --  
13 excuse me, T-i-m-o-t-h-y C-l-a-r-k-s-o-n.

14 **DIRECT EXAMINATION**

15 By Ms. Bannon:

16 Q And where do you work?

17 A Beaufort County Sheriff's Office.

18 Q And what's your rank there?

19 A Corporal.

20 Q And how long have you worked with Beaufort  
21 County Sheriff's Office?

22 A Seven years.

23 Q And so what are your job responsibilities  
24 with the sheriff's office?

25 A I'm currently assigned to the traffic

**Timothy Clarkson - Direct Examination by Ms. Bannon**

1 enforcement team; and primarily involved with  
2 investigating traffic collisions and enforcing  
3 traffic laws.

4 Q And now, let's say, a be on the lookout  
5 goes out. Would you respond to that or would you  
6 remain with your traffic responsibilities?

7 A It would be something that we would inquire  
8 about, be observant, see if we have any contact  
9 with that type of vehicle.

10 Q And now were you working for Beaufort  
11 County Sheriff's Office on May 24th, 2009?

12 A Yes, ma'am.

13 Q Do you remember what shift you were  
14 working?

15 A We were working a night shift that evening.

16 Q And so you were on patrol around 1:30 that  
17 night?

18 A Yes, ma'am.

19 Q And do you remember receiving a be on the  
20 lookout?

21 A Yes, ma'am.

22 Q What is a be on the lookout?

23 A A BOLO is basically information that we  
24 receive that we're looking for a vehicle that was  
25 involved or potentially involved in some type of

## Timothy Clarkson - Direct Examination by Ms. Bannon

1 activity or crime.

2 Q And do you recall where you were when you  
3 received this notification?

4 A I was responding to an incident at the  
5 Semper Fi Club.

6 Q And this BOLA, do you remember what it  
7 concerned?

8 A Yes, ma'am. I was responding to a shooter  
9 at the -- a active -- possibly active shooter --  
10 for a shooting that just occurred at the Semper Fi  
11 Club and on the radio, they advised that the  
12 potential vehicle leaving that area, heading in my  
13 direction as I was responding.

14 Q And did you find a vehicle that matched  
15 that description?

16 A Yes, ma'am.

17 Q What was that vehicle?

18 A The only information we had was it was a  
19 darkly colored SUV that was leaving the Semper Fi  
20 Club heading towards Paris Island Gateway at a  
21 high risk speed.

22 Q And were you able to make contact with that  
23 vehicle?

24 A Yes, ma'am. I observed a vehicle that was  
25 on Broad River Boulevard in the area of Lady's

**Timothy Clarkson - Direct Examination by Ms. Bannon**

1 Drive, a dark SUV that was heading in my direction  
2 towards Paris Island Gateway.

3 Q So what'd you do?

4 A After observing this I turned around and  
5 caught up to it just before the intersection of  
6 Paris Island Gateway and Broad River Boulevard.  
7 The blue lights and siren activated and attempted  
8 to stop the vehicle.

9 Q Is that over by the Burger King?

10 A It's about a mile away from that -- that  
11 intersection.

12 Q What did you find when you made contact  
13 with that car?

14 A After stopping the vehicle on Boundary  
15 Street I observed that it was loaded with several  
16 occupants, six occupants inside the vehicle.  
17 After another officer arrived on the scene, we  
18 pulled all the occupants out except for the sixth  
19 person because he was injured and left inside the  
20 vehicle and identified everybody.

21 Q All right. And you said that the sixth  
22 person was injured. Do you recall how he was  
23 injured?

24 A He had a single gunshot wound to his leg.

25 Q And what was his general appearance?

## Timothy Clarkson - Direct Examination by Ms. Bannon

1 A He was in pain because, well obviously,  
2 he's been shot and concerned.

3 Q And were you able to identify who this  
4 person who had been shot in the leg was?

5 A That evening, yes, ma'am.

6 Q And who was that?

7 A I don't recall his name right now.

8 Q Did you memorialize your actions on that  
9 evening in a departmental report?

10 A Yes, ma'am.

11 Q Is that in Departmental Report Number  
12 2009-05240067?

13 A Yes, ma'am.

14 Q Would looking at this report refresh your  
15 memory?

16 A It should, yes, ma'am.

17 (WHEREUPON the report was given to the  
18 witness.)

19 By Ms. Bannon:

20 Q Deputy Clarkson, in your departmental  
21 report, did you remark that the person in the  
22 truck was a Darnell Parker?

23 A Yes, ma'am.

24 Q And once you saw that he'd been shot,  
25 what'd you do?



**Timothy Clarkson - Direct Examination by Ms. Bannon**

1 A We contacted Beaufort County EMS to respond  
2 to treat him for his injuries.

3 Q What did you do with the other five people  
4 who had been in the car?

5 A We asked them to give voluntary statements,  
6 written statements at the scene.

7 Q And did you find any weapons on these  
8 people?

9 A No, ma'am. No weapons.

10 Q How about any guns inside the car?

11 A No weapons inside the vehicle, either.

12 Q Were you able to establish whether or not  
13 any of these people were suspects in the shooting?

14 A At that time, they denied to identify  
15 themselves or no one pointed them out to be any  
16 type of suspects. The only thing we could  
17 establish that the one person had be shot,  
18 potential victim.

19 Q And so after you saw that he had been  
20 treated and you interviewed these people, what did  
21 you do?

22 A We photographed the vehicle, collected the  
23 written statements and released the vehicle over  
24 to the registered owner.

25 Q And then did you just go back on patrol?

**Timothy Clarkson - Cross-Examination by Mr. Newman**

1 A I responded to another incident immediately  
2 after that, yes, ma'am.

3 Q All right. Thank you. Please answer any  
4 questions Mr. Newman may have for you.

5 THE COURT: Mr. Newman?

6 MR. NEWMAN: Bear with me one second  
7 please, Judge?

8 Do you have the officer's police report?

9 MS. BANNON: Yeah the report is right  
10 there.

11 **CROSS-EXAMINATION**

12 By Mr. Newman:

13 Q Good morning, Corporal Clarkson?

14 A Good morning, sir.

15 Q We usually see each other in the  
16 magistrates' court, don't we?

17 A A lot, yes, sir.

18 (WHEREUPON Mr. Newman gave the witness the  
19 report again.)

20 By Mr. Newman:

21 Q Okay. Is that what you testified to --  
22 your complete report?

23 A My supplemental report, yes, sir.

24 Q Okay. And you didn't leave anything out?

25 A Not that I recall, sir.

**Timothy Clarkson - Cross-Examination by Mr. Newman**

1 Q Okay. Well, the vehicle did not initially  
2 stop to your blue light; is that correct?

3 A Yes, sir. It failed to yield for about a  
4 quarter of a mile.

5 Q Okay. It ran a red light. Made another  
6 right onto Broad River Extension, continued to  
7 accelerated to sixty miles an hour, failed to  
8 yield to my blue lights and siren. The SUV then  
9 ran the stop sign at Highway 21 and Broad River  
10 Boulevard Extension. The vehicle continued onto  
11 Highway 21 southbound heading to Beaufort City.  
12 The vehicle then came to a stop in the median at  
13 Highway 21 near the intersection of O'Neal Street;  
14 is that --

15 A Yes, sir.

16 Q -- pretty much what it sounds like?

17 A Yes, sir.

18 Q Now, you said there were no -- no weapons  
19 found in the car. You've had cars run from you  
20 before and then stop; have you not?

21 A Yes, sir.

22 Q All right. And is it not -- it does happen  
23 that when they run from you for a brief period and  
24 then stop that they are throwing things out of the  
25 car; is that correct?

## Timothy Clarkson - Cross-Examination by Mr. Newman

1 A It has happened before, yes, sir.

2 Q And -- in a normal case, sometimes you have  
3 an officer back track and sure enough you find the  
4 gun or you find a bag of dope or whatever; isn't  
5 that true?

6 A It has happened before, yes, sir.

7 Q Okay. And the -- there were how many  
8 people in this car?

9 A Six.

10 Q It would be Joshua Rivers, Amber Simmons --

11 A Yes, sir.

12 Q Rasheem Jamar Jones?

13 A Yes, sir.

14 Q Kendall Dubon Hayward?

15 A Yes, sir.

16 Q Domario Rickard Jones?

17 A Yes, sir.

18 Q And you have a fellow listed as Darnell  
19 Parker. I think his name might be Donald Parker,  
20 but I'm not sure.

21 A That -- that is the information given that  
22 evening, yes, sir.

23 Q He gave the information as Darnell Parker?

24 A Yes, sir.

25 Q Okay. Thank you.

**Timothy Clarkson - Recross-Examination by Mr. Newman**

1 MR. NEWMAN: No further questions.

2 THE COURT: Anything further, Solicitor?

3 MS. BANNON: Briefly, Your Honor.

4 **REDIRECT EXAMINATION**

5 By Ms. Bannon:

6 Q Corporal Clarkson, did you see when you  
7 were following this car and trying to pull it  
8 over, did you see anything thrown out of the car?

9 A I did not observe anything come from the  
10 vehicle.

11 Q So not from the driver's side or  
12 passenger's side?

13 A No, ma'am.

14 Q And would you be surprised if you got the  
15 victim's name wrong because he was in a lot of  
16 pain?

17 A Yes, ma'am. That's possible.

18 Q All right. Thank you, that's all the  
19 questions I have?

20 THE COURT: Anything further Mr. Newman?

21 **RECROSS-EXAMINATION**

22 By Mr. Newman:

23 Q You have in the past had people initially  
24 give you not quite their right name; isn't that  
25 correct?

**Gary Bright - Direct Examination by Mr. Bannon**

1 A Yes, sir.

2 Q Okay. Thank you.

3 MR. NEWMAN: Nothing further, Judge.

4 THE COURT: Okay. You may step down..

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: The jury okay? Do y'all need a  
7 quick restroom break or anything or you want to  
8 keep on going? Everybody okay?

9 (WHEREUPON all the jurors indicated they  
10 were okay.)

11 THE COURT: All right. You may call your  
12 next witness.

13 MR. BANNON: Thank you, Your Honor. The  
14 State calls Gary Bright.

15 THEREUPON,

16 GARY BRIGHT,  
17 after being duly sworn, testified as follows:

18 THE CLERK: Please be seated. State your  
19 name and spell it for the Court, please.

20 THE WITNESS: My name is Gary Bright.

21 G-a-r-y B-r-i-g-h-t.

22 **DIRECT EXAMINATION**

23 By Mr. Bannon:

24 Q And good morning, Mr. Bright. How you  
25 doing today?

**Gary Bright - Direct Examination by Mr. Bannon**

1 A Good morning.

2 Q Where do you work?

3 A Aaron's Sales and Lease.

4 Q And do you do anything else?

5 A I'm a photographer and designer.

6 Q Okay. Is that a business of yours?

7 A Yes.

8 Q What's the business called?

9 A Hotspot Enterprise.

10 Q Okay. And I suppose, what sort of  
11 photography do you do?

12 A I do portraits, you know, club photography,  
13 parties -- parties, and advertising photography.

14 Q Okay. Now, I'd like to talk to you  
15 specifically about photography you do in clubs and  
16 parties and that sort of thing, okay?

17 How do you typically get involved, you  
18 know, to come to a party to take photographs?

19 A Well, whoever's party it is or, you know,  
20 if it's a personal party or promoter, they usually  
21 contact me and let me know, you know, where the  
22 party is and, you know, to come out.

23 Q Okay.

24 A Invite me out.

25 Q And are you paid by the person who's

## Gary Bright - Direct Examination by Mr. Bannon

1 putting on the party or -- how does -- how does  
2 all that work?

3 A Well, I sell pictures. I set up a back  
4 drop and set up a printer. And, you know, each  
5 person comes up, if they want a picture, I'll take  
6 it and print it out.

7 Q Okay. So it's not so much that you're paid  
8 by the person throwing the party as you collect  
9 money from the people who are having their  
10 pictures taken?

11 A Right.

12 Q Okay. And how long have you been taking  
13 photographs like this?

14 A Since 2003.

15 Q And were you -- does Hotspot, you know,  
16 Photography, was that going on back in May of  
17 2009?

18 A Yes.

19 Q And did you go -- did you ever go to the  
20 Semper Fi Club, which is on Broad River Road back  
21 in May of 2009 to take pictures for a party?

22 A Yes.

23 Q Okay. Do you remember that evening?

24 A Yes.

25 Q Okay. Could you sort of tell me a little



## Gary Bright - Direct Examination by Mr. Bannon

1 bit about what happened?

2 A Well, I came in and set up, you know, to  
3 take pictures as usual and, you know, the club  
4 was -- pretty much people started taking pictures  
5 and then there was -- one of the people who were  
6 taking pictures, you know, pulled out a -- a gun.

7 Q Okay.

8 A And then one of the guys that was standing  
9 behind me to take pictures, he went and got the  
10 security guard.

11 Q Okay. Do -- do you know who that person  
12 was?

13 A I don't know him personally.

14 Q Uh-huh.

15 A You know, you want me to say his name or  
16 point him out?

17 Q Well first, are we talking about the person  
18 with the gun or are we talking about the person  
19 who went to tell that he had seen the gun.

20 A Well, the person with the gun --

21 Q Uh-huh.

22 A Okay. Yeah. I know him. I don't know him  
23 like that, but you know. I know him when I see  
24 him.

25 Q Okay. Had you seen him before that

## Gary Bright - Direct Examination by Mr. Bannon

1 evening?

2 A Yeah, I mean, you know, in passing. We  
3 seen each other in clubs.

4 Q Okay. And the person who had a gun, do you  
5 see him in the courtroom here today?

6 A Yeah.

7 Q And could you point him out for us?

8 A (Witness pointed.)

9 Q And what color shirt is he wearing?

10 A He's wearing a white shirt.

11 Q Okay.

12 MR. BANNON: Your Honor, let the record  
13 reflect that the witness has identified the  
14 defendant.

15 By Mr. Bannon:

16 Q And now -- I'd like to back up just a  
17 little bit. Who -- do you remember who told you  
18 about the party and to come on over to the party  
19 that, you know, that was taking place that  
20 evening?

21 A Deon Stevenson.

22 Q Okay. And who is Deon Stevenson?

23 A He's a promoter for me.

24 Q And have you worked with Deon before?

25 A Yeah. I did a couple of parties for him.

**Gary Bright - Direct Examination by Mr. Bannon**

1 Q Okay. And when did you arrive at the  
2 Semper Fi Club that evening?

3 A Just as the party was getting started.  
4 Maybe I was like the first -- not the first in  
5 there, but, you know, everybody who was there, you  
6 know, was throwing the party, some girls and some  
7 guys; people were just coming in.

8 Q Okay. Was it late at night or --

9 A I don't remember the exact time, but it  
10 wasn't too late. It was probably around -- come  
11 into the party say around nine, between nine and  
12 ten.

13 Q Okay. And we've heard a little bit about  
14 what the layout of the Semper Fi Club is, and now  
15 I'd like to ask you -- you know, we've heard that  
16 there was a main door that you walk in. And so if  
17 I'm standing at the main door, where were you set  
18 up to take pictures?

19 A The far left corner.

20 Q Okay. So -- like, over here? This room?

21 A I would have been in that corner.

22 Q Okay. All the way in the corner?

23 A Uh-huh.

24 Q And I know that you said that you bring  
25 like a backdrop with you?

## Gary Bright - Direct Examination by Mr. Bannon

1 A Right.

2 Q Okay. So that's not just like up, you  
3 know, it's -- it's you know, something that you  
4 put up?

5 A It's something that I set up.

6 Q Okay. So I'd like to talk to you for just  
7 a second. So you saw this man over here show a  
8 gun.

9 Well, what happened next?

10 A Okay. It was like maybe about four, four  
11 people taking pictures. I don't know exactly, but  
12 a couple people taking pictures with them and he  
13 pulled out a gun and then he started, you know,  
14 taking pictures with it.

15 Q Uh-huh.

16 A The guy behind me was like, Hey man, that  
17 dude got a gun. And he went and got security.

18 Q Okay.

19 A So security walked back over with -- with  
20 Deon.

21 Q Uh-huh.

22 A And he was like telling me now, you know,  
23 you can't have a gun in the club. So I was like,  
24 I don't have a gun.

25 Q Uh-huh.

## Gary Bright - Direct Examination by Mr. Bannon

1 A And --

2 Q And -- and so -- so who was talking to you  
3 at this point?

4 A This was the security guard.

5 Q Okay.

6 A And then at that point, he turned over and  
7 he looked at, I guess the defendant, and he walked  
8 over to him and he was like, you can't be in here,  
9 you know, with a gun.

10 Q Okay.

11 A And from that point, the defendant, he put  
12 the gun on the security guard's head.

13 Q Okay.

14 A And started walking him backwards toward,  
15 you know, the camera. At that point, you know,  
16 people started kind of backing up. And then he  
17 just like pushed him off with the gun and then he  
18 put it back on Deon's head.

19 Q Okay.

20 A And at that point, when he put the gun on  
21 Deon's head, I just like turned away.

22 Q Why did you turn away?

23 A I just didn't want to see nothing like  
24 that.

25 Q And did Deon have a gun?

## Gary Bright - Direct Examination by Mr. Bannon

1 A No, Deon didn't have a gun.

2 Q Okay. Did the security guard have a gun?

3 A No, the security guard didn't have a gun.

4 Q Did you see anybody threaten the defendant?

5 A No, I didn't see anybody threaten him.

6 Q And now, when you turned your head, what  
7 happened next?

8 A Well, I turned away and then I started  
9 hearing gun fire.

10 Q All right.

11 A And then it was just like everybody was  
12 running for the door. People trying to get out of  
13 the way.

14 Q And what did you do?

15 A The same thing. I walked -- I walked  
16 like -- I went toward the wall -- everything was  
17 going that way, so I went this way. I didn't want  
18 to go into the direction of anything that was  
19 going on.

20 Q Okay. And do you remember how many  
21 gunshots you heard?

22 A Maybe about four or five. Maybe three or  
23 four or five -- something -- something like that.

24 Q Okay. Was it more than one.

25 A Yeah. It was more than one.

## Gary Bright - Direct Examination by Mr. Bannon

1 Q That night, had you seen anyone else with a  
2 gun inside the club?

3 A No, I hadn't. I didn't see anybody else  
4 with it.

5 Q And now, the defendant, do you know  
6 approximately how tall he is?

7 A I'd say between -- a little bigger than  
8 five, maybe.

9 Q A little -- about five feet?

10 A (Witness nodded head.)

11 Q And now, you just need to answer yes or no,  
12 you can't just shake your head. So was he a  
13 little bit taller than five feet?

14 A Yeah.

15 Q Were you able to make it out of the club  
16 that evening?

17 A No, because like -- I was trying to get,  
18 you know, my equipment and everything together  
19 after, you know, everybody ran out and by that  
20 time, you know, the police came in and they took,  
21 you know, my cameras and --

22 Q Okay.

23 A -- and they said, you can't leave, and I  
24 had to make a statement. And they took my memory  
25 cards and my -- most of my equipment and stuff

## Gary Bright - Direct Examination by Mr. Bannon

1 like that.

2 Q I got you.

3 So when you went back to try and get your  
4 stuff, was the defendant still in the club?

5 A No.

6 Q Okay.

7 A I -- I never left the club.

8 Q Well -- yes. Well, that's -- but did you  
9 see him in the club when you were doing that --  
10 when you were -- when you were getting your stuff?

11 A No.

12 Q Okay. Do you know where he went?

13 A No.

14 Q Okay. Did you ever hear gunshots from  
15 outside of the club?

16 A Yeah.

17 Q Do you remember about how many of those you  
18 heard?

19 A A lot.

20 Q Once the gunfire stopped, what happened?

21 A Well, the people, you know, that the  
22 police, you know, everybody that they caught in  
23 the club, you know, they closed the doors and I  
24 guess they -- what they call secured the scene.  
25 And they started getting statements.



**Gary Bright - Direct Examination by Mr. Bannon**

1 Q Okay. Well, did you ever see that someone  
2 had been hit?

3 A Yeah. I saw that. I heard -- first I  
4 heard the girls screaming.

5 Q Uh-huh.

6 A And then when I turned over and looked, I  
7 saw the man, Mr. Henry, laying in the door.

8 Q Okay. Had -- had you ever seen him before?

9 A Yeah. I'd seen him because, you know, I  
10 went up there and got a drink.

11 Q Okay.

12 A He was the bartender.

13 Q Okay. And so you hear the girls screaming  
14 and you go up there and you see Mr. Jones; is that  
15 before or after the police arrive?

16 A That was just -- it was almost like they  
17 were coming in the door, like -- you know, it was  
18 real close.

19 MR. BANNON: I beg the Court's indulgence,  
20 Your Honor.

21 (WHEREUPON State's Exhibits 38-54 were  
22 marked for evidence.)

23 THE COURT REPORTER: Your Honor, this is 38  
24 through 54.

25 THE COURT: Okay.

## Gary Bright - Direct Examination by Mr. Bannon

1 MR. BANNON: Permission to approach, Your  
2 Honor?

3 THE COURT: Sure.

4 MR. NEWMAN: I think it's 34 through 50  
5 that -- type of photos I don't have any objection  
6 to.

7 MR. BANNON: Yeah. Just for the record,  
8 it's 38 through 54.

9 MR. NEWMAN: Thirty-eight through  
10 fifty-four.

11 MR. NEWMAN: Thirty-eight through  
12 fifty-four.

13 THE COURT: Thirty-eight through  
14 fifty-four into evidence without objection?

15 MR. NEWMAN: If they move them, I don't  
16 object.

17 MR. BANNON: Yes, Your Honor, I would move  
18 them into evidence.

19 THE COURT: All right. State's 38 through  
20 54 are into evidence without objection.

21 (WHEREUPON State's Exhibits 38 through 54  
22 were entered into evidence.)

23 By Mr. Bannon:

24 Q Mr. Bright, if I could, I'd just like you  
25 to come down off the witness stand for just a

**Gary Bright - Direct Examination by Mr. Bannon**

1 second and have you take a look at some of the  
2 photos that you took that night.

3 THE COURT: Mr. Bright, if you would, make  
4 sure that you speak up. This lady right here is  
5 having a hard time hearing you and she has to  
6 write down everything that you say. So if you  
7 would, raise your volume.

8 By Mr. Bannon:

9 Q Now, Mr. Bright, was -- was your photo  
10 booth busy that evening?

11 A It was getting busy.

12 THE COURT: Speak up.

13 THE WITNESS: It was -- it was getting  
14 busy.

15 By Mr. Bannon:

16 Q And did you take a -- do you know about how  
17 many photos you took?

18 A I -- I don't know. I don't remember.

19 Q And is -- I'd just like to talk about -- a  
20 little bit about the photos that you took that  
21 night.

22 A Okay.

23 Q Does this look like one of the photographs  
24 you took that evening?

25 A No.

## Gary Bright - Direct Examination by Mr. Bannon

1 Q Okay. Well, is this your backdrop?

2 A Yeah. That's my backdrop.

3 Q Okay.

4 A That was from another club.

5 Q So it was -- was this photograph taken that  
6 evening?

7 A No.

8 THE COURT: Speak up.

9 THE WITNESS: No.

10 By Mr. Bannon:

11 Q Okay. So the ones where the woman in  
12 orange appears, that wasn't the night of the  
13 shooting?

14 A No.

15 Q Okay. What about the woman in pink? Is  
16 that the night of the shooting?

17 A No.

18 Q Okay. What about these folks?

19 A I don't think so. I don't think so.

20 Q Not that night?

21 A No.

22 Q Then that was still -- wasn't the same  
23 evening of pictures of the same people?

24 A No.

25 Q Okay. What about these guys?

## Gary Bright - Direct Examination by Mr. Bannon

1 A I don't think so, but I'm not absolutely  
2 sure.

3 Q Okay. So these guys could've been at the  
4 party that evening?

5 A See I use that -- I used that backdrop like  
6 on the card that you have -- I might have used  
7 that backdrop at another club.

8 Q Okay.

9 A You know, those particular girls, I  
10 didn't -- I know -- I knew where they were from --

11 Q Uh-huh.

12 A -- so that's how I knew it wasn't that  
13 night.

14 Q Okay.

15 A But everybody that takes a picture, I might  
16 not know them.

17 Q Got you. And so. It's possible that you  
18 used the same backdrop in different clubs?

19 A Right.

20 Q Okay. These are the same guys that we were  
21 talking about?

22 A Yeah. They're the same guys.

23 Q Same guys?

24 A Same guys.

25 Q Different pose?

## Gary Bright - Direct Examination by Mr. Bannon

1 A Different pose.

2 Q Okay. And now is this sort of thing -- is  
3 this sort of like a typical picture that you would  
4 take?

5 A Yeah.

6 Q Okay. And now do people sort of pay you  
7 per picture or how does that work?

8 A They pay per picture.

9 Q What about these folks?

10 A I don't know.

11 Q Okay.

12 A They could be and they might not be.

13 Q Could be from the night of the shooting?

14 A Yeah.

15 Q Okay.

16 THE COURT: I need for you to speak up.

17 THE WITNESS: Okay.

18 By Mr. Bannon:

19 Q Same folks as before?

20 A Same folks.

21 Q Do you recognize these folks?

22 A Yeah.

23 Q Okay. Was this from the night of the  
24 shooting?

25 A That's from the night of the shooting.

**Gary Bright - Direct Examination by Mr. Bannon**

1 Q Okay. Do you know any of the people in the  
2 photograph?

3 A I think that's Deon's brother.

4 Q Okay.

5 THE COURT: Speak up now. Both of you.

6 MR. BANNON: Yes, Your Honor.

7 By Mr. Bannon:

8 Q And was this from the night of the  
9 shooting?

10 A I'm not sure.

11 Q Okay. Okay. Was this from the night of  
12 the shooting?

13 A Yeah. That's from the night of the  
14 shooting.

15 THE COURT: Mr. Bright, they can't hear  
16 you. You're not --

17 THE WITNESS: Yes, sir.

18 THE COURT: -- doing me any good, you're  
19 not doing the jury any good, the court reporter  
20 any good. Speak up.

21 THE WITNESS: Yes, that's from the night of  
22 the shooting.

23 THE COURT: A little bit louder than that.

24 By Mr. Bannon:

25 Q Okay. Now, who is this person in black

## Gary Bright - Direct Examination by Mr. Bannon

1 here?

2 A That's the defendant.

3 THE COURT: Louder.

4 THE WITNESS: That's the defendant.

5 By Mr. Bannon:

6 Q Okay. And is this the same group of  
7 people?

8 A That's the same group of people.

9 THE COURT: A little bit louder.

10 THE WITNESS: That's the same group of  
11 people.

12 THE COURT: Thank you.

13 By Mr. Bannon:

14 Q Okay. And do you notice anything unusual  
15 or different about this picture than you did the  
16 last one?

17 A Yeah -- Yes.

18 Q What's that?

19 A There's a gun.

20 THE COURT: A little bit louder.

21 THE WITNESS: There's a gun in this  
22 picture.

23 By Mr. Bannon:

24 Q And now, is -- is that how -- because when  
25 you were telling -- when you were telling us about



**Gary Bright - Direct Examination by Mr. Bannon**

1 | what happened earlier, you said that you saw the  
2 | defendant take pictures with the gun because you  
3 | were taking them? Remember you've answered that?

4 | A Yes.

5 | Q Now is -- is this the gun that you saw?

6 | A Yes, that's the gun that I saw.

7 | Q And who's the person in black again?

8 | A That's the defendant.

9 | THE COURT: Louder.

10 | THE WITNESS: That's the defendant.

11 | By Mr. Bannon:

12 | Q Okay. Same guy?

13 | A Same guy.

14 | Q And that's back to the beginning?

15 | A That's back to the beginning.

16 | THE COURT: A little bit louder.

17 | THE WITNESS: That's back to the beginning.

18 | THE COURT: These people that you have --  
19 | that you have your back to them, they can't hear  
20 | you.

21 | MR. BANNON: Okay. You can go back up on  
22 | the witness stand.

23 | THE COURT: Ms. Bailiff, Could you put that  
24 | microphone right in front of him, please.

25 | THE BAILIFF: Yes, Your Honor.

## Gary Bright - Direct Examination by Mr. Bannon

1 THE COURT: Okay.

2 By Mr. Bannon:

3 Q Now, you said that the police officers came  
4 and they were asking you about, you know, taking  
5 some of the photographs that you had taken?

6 A Well, they talked to Deon first.

7 Q Okay.

8 A So Deon brought the -- the police over to  
9 me and was like, Well, he got pictures of the guy  
10 who had the gun.

11 Q Okay. And did you turn -- what did you  
12 turn over to them?

13 A They took the memory cards out the camera.

14 Q Okay.

15 A And I just remember they took all the  
16 memory cards.

17 Q I got you. Okay.

18 I just have a couple more questions for  
19 you, sir.

20 I think there might have been some  
21 confusion. Was this the fellow, the guy that you  
22 pointed out to the Court earlier?

23 A Yes.

24 Q Okay. And now -- I think you said when we  
25 were talking earlier that you had seen him before

## Gary Bright - Direct Examination by Mr. Bannon

1 at other clubs?

2 A Yeah.

3 Q Okay. To your knowledge does he have a  
4 nickname? Or do you know if he does?

5 A I don't really know him like that.

6 Q Okay. So you just know him by sight. You  
7 don't really know him by name?

8 A I don't really know him by name only faces.

9 I mean --

10 Q Okay. Now, some of the pictures that we  
11 looked at -- I want to try to figure out a  
12 timeline. So there was a -- a couple of different  
13 pictures that we looked at of the defendant, okay.  
14 What I want to sort of try to figure out is when  
15 the security and Deon came over to y'all at the  
16 picture booth, okay. Do you remember, was the  
17 picture with the gun the last picture that you  
18 took?

19 A Yeah.

20 Q Okay. Because as memory serves, there was  
21 a photo of Mr. Brewer and two other people, and  
22 then another photo and Mr. Brewer and I think  
23 three other people. And then there was the photo  
24 with those same three people where he was showing  
25 the gun?

## Gary Bright - Direct Examination by Mr. Bannon

1 A Well --

2 Q And if you want, we can take a look through  
3 them again. Would that help?

4 A I remember when the gun came out, that was  
5 really about the end of the show.

6 Q Okay. And so when the gun came out,  
7 that's -- that's when security came over?

8 A Maybe about a minute after that because  
9 there was a guy standing behind me. He went and  
10 got security.

11 Q Okay. And the whole time that you were  
12 there, did you see anyone else with a gun besides  
13 Mr. Brewer?

14 A No.

15 MR. BANNON: No further questions, Your  
16 Honor.

17 THE COURT: All right. Jurors, we've been  
18 going about two hours. Let's take a fifteen  
19 minute break and we'll come back and resume. Do  
20 not talk about this case at all. Anything else is  
21 perfectly fine.

22 Mr. Bright, if you would stay on the  
23 witness stand and do not talk to anybody, okay?

24 We'll be back at quarter till.

25 (WHEREUPON the jury left the courtroom at

**Gary Bright - Direct Examination by Mr. Bannon**

1 11:28 a.m.)

2 THE BAILIFF: The jury is clear, Your  
3 Honor.

4 (WHEREUPON, a recess was observed.)

5 THE COURT: All right. Everybody be  
6 seated.

7 All right. Go get and bring in the jury.

8 MR. BANNON: Your Honor, before we bring  
9 the jury back in, the witness that is going to go  
10 immediately after Mr. Bright is the victim's widow  
11 and I don't know if Mr. Newman has any objections  
12 to her testifying. I just want to take care of  
13 that before we brought the jury back in.

14 MR. NEWMAN: I just -- I don't understand  
15 the relevancy. If it's any type of impact  
16 testimony, I think that would be proper at  
17 sentencing, certainly, but I don't know what  
18 relevance it would be here at this trial.

19 MS. BANNON: Your Honor, Mr. Newman has  
20 couched Mr. Jones as a bartender. Mrs. Jones will  
21 actually provide the reason why he was at the  
22 party, which, in fact was a family reunion and he  
23 was asked to be there by his nieces and --

24 MR. NEWMAN: I'll stipulate to that and  
25 they can bring that in through the nieces who were

**Gary Bright - Cross-Examination by Mr. Newman**

1 at the party.

2 MS. BANNON: Your Honor, it's how the State  
3 wants this case to --

4 THE COURT: Go ahead and bring her on in  
5 and just ask those questions and establish what  
6 you need and we'll move on out quickly.

7 MS. BANNON: In front of the jury, Your  
8 Honor?

9 THE COURT: Yes...

10 MS. BANNON: Okay.

11 THE COURT: In front of the jury.

12 MS. BANNON: Okay. All right.

13 THE BAILIFF: The jurors are ready to  
14 enter.

15 (WHEREUPON the jury entered the courtroom  
16 at 11:48 a.m.)

17 THE COURT: Mr. Newman, go ahead.

18 MR. NEWMAN: Thank you, sir.

19 THE COURT: Continue with your  
20 cross-examination.

21 **CROSS-EXAMINATION**

22 By Mr. Newman:

23 Q How are you?

24 A I'm okay, and yourself?

25 Q I'm doing all right. Thank you.

**Gary Bright - Cross-Examination by Mr. Newman**

1                   Where are you from, sir?

2   A            I'm from Ridgeland.

3   Q            From Ridgeland?

4   A            Yes, sir.

5   Q            Okay. Let me show you a -- a floor plan of

6   the Semper Fi Club and see if this is consistent

7   with your memory. This would be like the big door

8   up front?

9   A            Yes.

10  Q            And then there's a kind of ramp that goes

11  up maybe a foot, two foot?

12  A            Yes.

13  Q            And this is like a bar area with a kitchen

14  back here?

15  A            Yes.

16  Q            Okay. And there's chairs and a carpet and

17  stuff over here?

18  A            Yes.

19  Q            And a bar here. I think the bathrooms are

20  in the back?

21  A            Yes.

22  Q            So if you -- if you would -- I want the

23  jury to see this, I don't know exactly the best

24  way to do this. Point out to me where you were

25  you were set up?

**Gary Bright - Cross-Examination by Mr. Newman**

1 THE COURT: Why don't you go ahead and step  
2 down where the jury can see you.

3 MR. NEWMAN: Thank you, yes, sir.

4 THE COURT: Just speak up, Mr. Bright.

5 MR. NEWMAN: Can we use that right there?

6 THE BAILIFF: You sure can.

7 (WHEREUPON they were setting up the diagram  
8 on the easel.)

9 MR. NEWMAN: Oh, great. That'd be great,  
10 thank you.

11 By Mr. Newman:

12 Q All right, Mr. Bright. What we were  
13 doing --

14 MR. NEWMAN: (To the jury:) We're just  
15 standing over here so all of y'all can see this.

16 By Mr. Newman:

17 Q -- On the floor plan area, this is the  
18 front door to the club?

19 A Yes.

20 Q Okay. And this door right here on the  
21 floor plan, this is the door?

22 A Yes.

23 Q Okay. You were set up in this back corner?

24 A Yes.

25 Q Okay. Where was your -- was your backdrop?



**Gary Bright - Cross-Examination by Mr. Newman**

1 Was it on the wall or was it angled?

2 A It was on this wall.

3 Q It was on this wall right here.

4 MR. NEWMAN: (To the jury:) Can y'all see  
5 that?

6 By Mr. Newman:

7 Q All right. And your camera would have  
8 been -- did you have your camera on a tripod?

9 A No.

10 Q Okay. You just take -- stand?

11 A Right.

12 Q And people pay you -- what do you charge,  
13 \$5 a picture?

14 A Yeah, five -- five and ten.

15 Q Five and ten depending on if they want a  
16 couple pictures --

17 A Depends on the size.

18 Q Okay. I understand. Okay. So you  
19 would've been -- when you're taking pictures --  
20 facing the wall?

21 A Yeah. I would've been facing the wall.

22 Q And you would have been -- other than the  
23 people taking the pictures there would've been  
24 nobody else because there's a wall right there,  
25 correct?

## Gary Bright - Cross-Examination by Mr. Newman

1 A Right.

2 Q Okay. And you never left the club,  
3 correct?

4 A No, I never left the club.

5 Q Okay. That's -- that's good. Thank you.  
6 Please return to the stand.

7 You stated you had a -- you saw Mr. Jones  
8 because you had a -- a drink on that evening?

9 A Yeah.

10 THE COURT: Go ahead and slide a little bit  
11 closer to the microphone.

12 THE WITNESS: Yeah.

13 By Mr. Newman:

14 Q Okay. Is that the only drink you had?

15 A Yeah.

16 Q Because you were working, correct? I mean,  
17 it's part of how you make your living,  
18 supplementing your income is taking photos,  
19 correct?

20 A Right.

21 Q Okay. So you would have had clear  
22 memories; is that correct?

23 A Yeah.

24 Q Okay. And it's your testimony that you  
25 heard three, four, or five shots, correct?

## Gary Bright - Cross-Examination by Mr. Newman

1 A Yes.

2 Q All from inside the club?

3 A From inside the club.

4 Q Okay. And you did not see anybody get hit  
5 with those shots; is that correct?

6 A That's correct.

7 Q Okay. And you did not see who fired those  
8 shots; is that correct?

9 A That's correct.

10 Q Okay. When the one, two -- when the two,  
11 three, four, or five shots, there were no more  
12 shots inside; isn't that correct?

13 A That's correct.

14 Q You heard some shots from the outside, a  
15 good number of them?

16 A That's correct.

17 Q Nobody came back in the building and shot  
18 again; isn't that correct?

19 A I didn't see anybody come in during the  
20 shooting.

21 Q Okay. And you didn't hear any shots?

22 A I didn't hear anymore shots in the  
23 building; that's correct.

24 Q In fact, pretty close to after you heard  
25 the shots inside the building and outside is about

## Gary Bright - Redirect Examination by Mr. Bannon

1 when the police arrived?

2 A It was a short time between.

3 Q A very short time?

4 A Yes.

5 Q Okay.

6 MR. NEWMAN: Just one minute, Judge. I

7 don't think I have anything further.

8 THE COURT: All right.

9 Solicitor?

10 MR. NEWMAN: I don't have anything further.

11 MR. BANNON: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 By Mr. Bannon:

14 Q Mr. Bright, based on that diagram that Mr.  
15 Newman showed you, the main entrance, is that how  
16 people were getting in and out of the club?

17 A Yes.

18 Q Okay. To your knowledge, were people  
19 getting in any other way?

20 A Not to my knowledge.

21 Q Okay. And now, Mr. Newman asked you if you  
22 saw the shooter, right?

23 A The shooter?

24 Q Yeah. And -- inside the club. And as  
25 memory serves, you told me that you didn't see the

**Gary Bright - Recross-Examination by Mr. Newman**

1 person fire the shots, right?

2 A Right.

3 Q Okay. Why -- why didn't you see who fired  
4 the shots?

5 A Because I turned away.

6 Q And why did you turn away?

7 A Because I didn't want to see anybody get  
8 shot.

9 Q And who did you see with a gun right before  
10 you turned away?

11 A The defendant.

12 Q And who did he have it pointed at?

13 A Deon.

14 MR. BANNON: No further questions.

15 THE COURT: Anything further, Mr. Newman?

16 **RECROSS-EXAMINATION**

17 By Mr. Newman:

18 Q Just to be very clear that when you heard  
19 the three, four, or five shots, nobody came back  
20 in that building and shot again, correct?

21 A Not to my knowledge, no.

22 Q You didn't hear anything, you didn't see  
23 anything?

24 A I didn't hear any more shots in the  
25 building.

## Debra Jones - Direct Examination by Ms. Bannon

1 Q I'm sorry?

2 A I didn't hear anymore shots inside the  
3 building.

4 Q All right thank you.

5 MR. NEWMAN: Nothing further. Thank you,  
6 Judge.

7 THE COURT: Solicitor, you can call your  
8 next witness.

9 You may step down.

10 MS. BANNON: The State calls Debra Jones.

11 MR. BANNON: And Your Honor, may Mr. Bright  
12 be excused?

13 THE COURT: Any objections?

14 MR. NEWMAN: I have no objection.

15 THE COURT: He's excused.

16 THEREUPON,

17 DEBRA JONES,

18 after being duly sworn, testified as follows:

19 THE CLERK: Please be seated. State your  
20 name and spell it for the Court please.

21 THE WITNESS: Debra Jones.

22 **DIRECT EXAMINATION**

23 By Ms. Bannon:

24 Q And how do you spell that?

25 A J-o-n-e-s.

**Debra Jones - Direct Examination by Ms. Bannon**

1 Q And how about your first name?

2 A D-e-b-r-a.

3 Q And Ms. Jones, where are you from?

4 A Beaufort.

5 Q And are you related to Henry Jones?

6 A Yes.

7 Q How?

8 A I was his wife.

9 Q For how long?

10 A Twenty-three years.

11 Q And now, do you remember the weekend of May  
12 23rd, 2009?

13 A Yes.

14 Q And what was that weekend?

15 A It was the Jones Family Reunion.

16 Q And did Mr. Jones have a big family?

17 A Yes, very large.

18 Q And over the course of that weekend, were  
19 there family events planned?

20 A Yes.

21 Q Do you remember the night of May 23rd?

22 A Yes, I do.

23 Q What did y'all do that night?

24 A That night, we had a banquet at the Army  
25 Hall near the air station.

## Debra Jones - Direct Examination by Ms. Bannon

1 Q And at that banquet, was there a  
2 photographer?

3 A Yes.

4 Q And did you have your photo taken?

5 A Yes, ma'am.

6 Q And who was with you in that photo?

7 A We had two sets taken and one with my  
8 husband, my son, and myself; and then we had  
9 another one taken with my mother-in-law, my son,  
10 my husband, and myself. And maybe another one  
11 taken with the whole guests. I remember we  
12 took -- we took other -- an extra picture with  
13 siblings, grands.

14 (WHEREUPON State's Exhibit 55 was marked  
15 for evidence.)

16 By Ms. Bannon:

17 Q Now, Ms. Jones, I'm showing you State's  
18 Exhibit 55. Do you recognize this?

19 A Yes.

20 Q And is that a fair and accurate depiction  
21 of you and your family?

22 A Yes.

23 Q And is that how Mr. Jones looked that night  
24 before he went to the night club?

25 A Yes.



**Debra Jones - Direct Examination by Ms. Bannon**

1 MS. BANNON: At this point, the State would  
2 move State's Exhibit 55 into evidence?

3 THE COURT: Any objections?

4 MR. NEWMAN: At this juncture as to  
5 relevancy.

6 THE COURT: And your response?

7 MS. BANNON: Your Honor, it's a photo of  
8 the victim just prior to him being shot.

9 THE COURT: How is that relevant?

10 MS. BANNON: Showing that he's living,  
11 breathing, functioning.

12 THE COURT: All right. I'll overrule the  
13 objection.

14 MS. BANNON: All right.

15 THE COURT: State's Exhibit 55 is into  
16 evidence.

17 (WHEREUPON State's Exhibit 55 was entered  
18 into evidence.)

19 MS. BANNON: Thank you, Your Honor.

20 By Ms. Bannon:

21 Q Now, after you had this banquet and you had  
22 this photo taken, did Mr. Jones go home with you?

23 A No.

24 Q Why not?

25 A He went to a party -- his nieces had a

## Debra Jones - Direct Examination by Ms. Bannon

1 birthday party after the banquet -- family reunion  
2 banquet.

3 Q And was it a party for the entire family or  
4 the younger part of the family? What was this  
5 party for?

6 A It was mostly -- the way everyone put it --  
7 mostly all the younger ones went --

8 Q So --

9 A --from the family reunion.

10 Q So why did Mr. Jones go to the party?

11 A Because he was the bartender. They asked  
12 him be bartender.

13 Q And when did you see Mr. Jones next?

14 A At the hospital.

15 MS. BANNON: At this time, the State would  
16 ask to publish the photo?

17 THE COURT: Okay. You may.

18 (WHEREUPON the photo was shown to the  
19 jury.)

20 By Ms. Bannon:

21 Q Ms. Jones, if you wouldn't mind stepping  
22 down.

23 All right. Is this the photo you were  
24 talking about?

25 A Yes.

**Debra Jones - Direct Examination by Ms. Bannon**

1 Q And could you please point out Mr. Jones in  
2 this photo?

3 A (Witness pointed at photo.)

4 Q All right. And who's standing next to you?

5 A My son.

6 Q Thank you. That's all the questions I have  
7 for you. If you wouldn't mind taking a seat back  
8 there.

9 THE COURT: Mr. Newman?

10 MR. NEWMAN: I don't have any questions for  
11 Ms. Jones.

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

13 You may call your next witness.

14 MS. BANNON: The State calls Houston  
15 Chaineyfield.

16 THEREUPON,

17 HOUSTON CHAINEYFIELD,

18 after being duly sworn, testified as follows:

19 THE CLERK: State your name and spell it  
20 for the Court.

21 THE WITNESS: Houston Chaineyfield.

22 H-o-u-s-t-o-n. Chaineyfield

23 C-h-a-i-n-e-y-f-i-e-l-d.

24 ///

25 ///

## Houston Chaneyfield - Direct Examination by Ms. Bannon

## DIRECT EXAMINATION

1  
2 By Ms. Bannon:

3 Q Mr. Chaineyfield, how old are you?

4 A Thirty-two, ma'am.

5 Q All right. And where do you currently  
6 live?

7 A Jasper County.

8 Q And are you presently incarcerated?

9 A Yes, ma'am.

10 Q And what -- are you housed at the Coastal  
11 Pre-release Center?

12 A Ma'am?

13 Q Are you at the Coastal Pre-release Center?

14 A Yes, ma'am.

15 Q Of Charleston?

16 A Yes, ma'am.

17 Q What are you there for?

18 A Possession of cocaine.

19 Q And do you know when you're set to be  
20 released?

21 A November 1st.

22 Q And do you know a Deon Stevenson?

23 A Yes, ma'am.

24 Q How do you know him?

25 A He's a friend of my cousin.

## Houston Chaneyfield - Direct Examination by Ms. Bannon

1 Q And do you recall going to a party thrown  
2 by Deon Stevenson on May 23rd, 2009?

3 A Yes, ma'am.

4 Q Were you at that party?

5 A Yes, ma'am.

6 Q Why were you at that party?

7 A He invited me out there.

8 Q And did you go with anyone to that party?

9 A Yes, ma'am.

10 Q Who'd you go with?

11 A Lawanda Ferguson, my little cousin named  
12 Man (phonetic).

13 Q And Ms. Ferguson, was she your girlfriend?

14 A Yes, ma'am.

15 Q And were you excited to be at this party?

16 A Yes, ma'am.

17 Q Okay. Do you know a Jaquawn Brewer?

18 A Not personally, ma'am.

19 Q Okay. Do you know someone named Queezy?

20 A Yes, ma'am.

21 Q All right. And how do you know him?

22 A I heard of him before; I don't really know  
23 him like that.

24 Q Okay. And did you see him at that party  
25 that night?

## Houston Chaneyfield - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q All right. What did you see him doing?

3 A Well -- when I saw him, as far as I know,  
4 he looked like he had something, you know what I'm  
5 saying. So I told Deon about it and I guess they  
6 went to go to him, I was on my way out. After I  
7 told Deon, but I was on my way out the club.

8 Right after that, I just heard something that went  
9 off and I ain't know what happen after that.

10 Q Okay. Well, let's slow it down a little  
11 bit, okay? So you said you knew that he had  
12 something?

13 A Yeah.

14 Q What something?

15 A It looked like he had something bulging out  
16 of his pants.

17 Q Okay. So what'd you think it was?

18 A Assumed it'd be a gun.

19 Q Okay. They guy that you saw with the bulge  
20 in his pants that you think is a gun, do you see  
21 him hear in this courtroom?

22 A Yes, ma'am.

23 Q All right. Can you point him out to us?

24 A Right there sitting with the blue shirt on.

25 Q All right.

## Houston Chaneyfield - Direct Examination by Ms. Bannon

1 MS. BANNON: May the record reflect he's  
2 identified the defendant.

3 By Ms. Bannon:

4 Q All right. Where were you in the club when  
5 you saw Mr. Brewer with the bulge in his pants?

6 A All the way in the back in the right far  
7 corner.

8 Q So you were like across from where the  
9 photographer was?

10 A Yes, ma'am.

11 Q Where was Mr. Brewer?

12 A Mr. Brewer, you're talking about that guy  
13 right there?

14 Q Uh-huh.

15 A All right. He had come through the club  
16 and stand almost like in the front of us.

17 Q Okay. And so how'd you happen to see the  
18 gun?

19 A When I stand up and look and I seen all  
20 that -- I seen all that, I started going toward  
21 the backside, let Deon know as I was going out the  
22 door.

23 Q Okay. So you decided to leave at that  
24 point once you saw the gun?

25 A Yes, ma'am.

## Houston Chaneyfield - Direct Examination by Ms. Bannon

1 Q Did you have a gun on you?

2 A No, ma'am.

3 Q Did Deon have a gun on him?

4 A No, ma'am.

5 Q Okay. So you stopped on the way out the  
6 door to tell Deon about the gun?

7 A Yes, ma'am.

8 Q And then after you told Deon, what'd you  
9 do?

10 A I went out the door.

11 Q Okay. Were you there when the shooting  
12 started?

13 A No, I was -- I went outside and heard it in  
14 the parking lot.

15 Q Did you see any shooting outside in the  
16 parking lot?

17 A No, ma'am.

18 Q So -- but you could hear the shots being  
19 fired inside?

20 A Yes, ma'am.

21 Q And were you there when Deon went up to Mr.  
22 Brewer?

23 A No, ma'am.

24 Q All right. Do you remember how many  
25 gunshots you heard when you were leaving?



**Houston Chaneyfield - Cross-Examination by Mr. Newman**

1 A About seven or eight.

2 Q So a lot?

3 A Yes, ma'am.

4 Q All right. That's all I have. You can  
5 answer any questions Mr. Newman has for you. I  
6 appreciate it.

7 THE COURT: Cross.

8 MR. NEWMAN: Beg the Court's indulgence for  
9 one minute; I'm looking for a document.

10 **CROSS-EXAMINATION**

11 By Mr. Newman:

12 Q Hey, Mr. Chaineyfield. How you doing?

13 A All right.

14 Q All right. You're currently in prison for  
15 possession of cocaine base?

16 A Yes, sir.

17 Q Okay. Which is crack cocaine, right?

18 A No... Cocaine...

19 Q You pled to cocaine?

20 A Yes, sir.

21 Q Okay. You were charged with crack cocaine?

22 A Yes, sir.

23 THE COURT: Make sure to speak up.

24 THE WITNESS: Yes, sir.

25 THE COURT: Lean into that microphone.

**Houston Chaneyfield - Redirect Examination by Ms. Bannon**

1 By Mr. Newman:

2 Q Were you using crack cocaine on the night  
3 of this incident?

4 A No, sir.

5 Q When was the last time you used crack  
6 cocaine?

7 A I don't use crack cocaine.

8 Q You sell it?

9 A I used to.

10 Q Okay.

11 A And you have another conviction for  
12 possessing with intent that you caught seven years  
13 on; isn't that correct?

14 A Yes, sir.

15 Q Okay. I don't have anymore questions, Mr.  
16 Chaineyfield.

17 THE COURT: Anything further?

18 **REDIRECT EXAMINATION**

19 By Ms. Bannon:

20 Q Mr. Newman's been your lawyer, before,  
21 hasn't he?

22 A Yes, ma'am.

23 Q Thank you.

24 MS. BANNON: No further questions.

25 THE COURT: Okay. Anything further?

**Brian Chapman - Direct Examination by Mr. Bannon**

1 MR. NEWMAN: I guess I'm going to have to  
2 testify now because I disapprove of that, Your  
3 Honor.

4 THE COURT: You may call your next witness.

5 MR. BANNON: The State calls Investigator  
6 Chapman.

7 THEREUPON,

8 BRIAN CHAPMAN,  
9 after being duly sworn, testified as follows:

10 THE CLERK: Please be seated. State your  
11 name and spell it for the Court, please.

12 THE WITNESS: Brian Chapman. B-r-i-a-n.  
13 C-h-a-p-m-a-n.

14 MR. BANNON: Thank you, Your Honor.

15 **DIRECT EXAMINATION**

16 By Mr. Bannon:

17 Q Where do you work, sir?

18 A Beaufort County Sheriff's Office.

19 Q What do you do for the sheriff's office?

20 A I'm a criminal investigator.

21 Q And what does that mean?

22 A I investigate general crimes that are  
23 reported in the public.

24 Q Is this the sort of thing where you go out  
25 on patrol?

## Brian Chapman - Direct Examination by Mr. Bannon

1 A No, sir. Usually we respond out after a  
2 major incident.

3 Q And how long have you been with the  
4 sheriff's office?

5 A Since 2002.

6 Q Okay. So you were working there back in  
7 2009?

8 A Yes, sir, I was.

9 Q Were you an investigator at that time or  
10 were you doing something else?

11 A Yes, sir, I was an investigator.

12 Q I want you to think back to May of 2009 on  
13 the early morning hours of May the 24th. Did you  
14 receive -- were you dispatched anywhere that  
15 evening?

16 A I received a call from Sergeant Fraser  
17 requesting assistance for a case he was working.

18 Q Okay. And where did you go based on that  
19 call?

20 A I responded to the Semper Fi Club on Broad  
21 River Boulevard.

22 Q Okay. What did you see when you got there?

23 A Deputies walking around. There was people  
24 mulling around in the secure area, vehicles, and  
25 the structure, Semper Fi Club.

## Brian Chapman - Direct Examination by Mr. Bannon

1 Q When you arrive on a crime scene to begin  
2 your investigation, what are the sorts of things  
3 that you do?

4 A Usually, the first thing I do is find  
5 whoever the initial responding officer was and  
6 receive a brief of exactly what was the nature of  
7 the call, what they had done up to that point,  
8 what they had seen, who they had talked to; that  
9 sort of thing.

10 Q Okay. And who was the initial officer on  
11 the scene in this particular case?

12 A The person I spoke to was Sergeant Wilson.

13 Q Okay. And was he able to bring you up to  
14 speed with sort of what was the general happenings  
15 that night?

16 A Yes, sir, he was.

17 Q Okay. And based off the -- this  
18 conversation with -- with Mr. Wilson, excuse me,  
19 Deputy Wilson, what did you do next?

20 A He showed me where a couple things were and  
21 I began documenting the scene with pictures.

22 Q Okay. When you say a couple of things,  
23 what do you mean?

24 A There were some shell casings that had been  
25 found prior to my arrival.

## Brian Chapman - Direct Examination by Mr. Bannon

1 Q Okay. Let's just talk about in general.

2 Were there shell casings located inside the club?

3 A There was.

4 Q Okay. And were there shell casings located  
5 outside the club?

6 A Yes, sir, there was.

7 Q Okay. Did you collect these items?

8 A I documented them first and put placards on  
9 them to mark where they were and then went back  
10 and collected them.

11 Q Okay. Did you collect -- well, let me ask  
12 you this first; was Mr. Jones still on the scene  
13 when you arrived?

14 A I don't -- I don't believe so. I believe  
15 he had been transported already.

16 Q Okay. Were you able to view the area where  
17 he had fallen?

18 A Yes, sir.

19 Q Okay. Did you collect any evidence in that  
20 area?

21 A I believe Mr. Jones' wallet and  
22 identification and maybe some other personal items  
23 were in that general area where he was located.

24 Q Okay. Was there a cell phone in the area?

25 A Yes, sir, I believe there was.

**Brian Chapman - Direct Examination by Mr. Bannon**

1 Q Okay. Did you collect that item?

2 A Yes, sir.

3 (WHEREUPON the attorneys were conferring.)

4 MR. NEWMAN: Your Honor, for the record,  
5 the State and I have discussed -- this is the cell  
6 phone that was found at the scene. There's no  
7 objection to that. I do have, similarly -- and I  
8 see the solicitor's prepared for that, to take it  
9 out of the packaging it's in and place it in just  
10 a clear bag so the jury can see it.

11 THE COURT: All right. Solicitor, what  
12 number is that?

13 MR. BANNON: This is State's Exhibit No. 4.

14 THE COURT: No. 4 into evidence without  
15 objection; is that correct, Mr. Newman?

16 MR. NEWMAN: Yes, sir.

17 MR. BANNON: Your Honor, would you just  
18 like this bag to now be marked as Exhibit No. 4?

19 THE COURT: Any objections Mr. Newman?

20 MR. NEWMAN: No -- no objections, Your  
21 Honor.

22 MR. BANNON: And -- I'm sorry Your Honor,  
23 was this admitted into evidence?

24 THE COURT: It's in evidence --

25 MR. BANNON: Okay.

## Brian Chapman - Direct Examination by Mr. Bannon

1 THE COURT: -- without objection.

2 (WHEREUPON State's Exhibit 4 was entered  
3 into evidence.)

4 By Mr. Bannon:

5 Q Investigator Chapman, I'd like to have you  
6 take a look at Exhibit No. 4. Does that appear to  
7 be the cell phone that you recovered from Mr.  
8 Jones?

9 A Yes, sir.

10 Q Okay. Now, when you collected it at the  
11 time, presently is it open or closed?

12 A It's open.

13 Q When you collected it that night, was it  
14 open or closed?

15 A I do not remember if it was opened or  
16 closed. If that's -- if that's the way it was,  
17 that's probably the way I collected it.

18 Q Okay.

19 MR. NEWMAN: If it'll save some time, I'll  
20 stipulate that the photograph shows that the phone  
21 was open when the --

22 MR. BANNON: That -- that'd be fine.

23 MR. NEWMAN: Okay.

24 By Mr. Bannon:

25 Q The phone was open and the photograph shows



## Brian Chapman - Direct Examination by Mr. Bannon

1 | that the phone was opened.

2 |       Do you recall whether the phone was on or  
3 | operating at the time?

4 | A       I believe it was on, but I'm -- I'm not  
5 | sure.

6 | Q       Okay. And you testified earlier that you  
7 | found some shell casings that were in the area?

8 | A       Yes, sir.

9 | Q       Okay. Do you recall -- how many shell  
10 | casings did you find inside of the club that  
11 | night?

12 | A       I believe there was one in the middle of  
13 | the floor.

14 |       MR. BANNON: And Your Honor, I -- I would  
15 | like to show the -- the witness what's been  
16 | labeled as State's Exhibit No. 9. I'm going to  
17 | repackage it in a separate plastic bag.

18 |       THE COURT: Any objections to State's No. 9  
19 | being admitted?

20 |       MR. NEWMAN: No, Your Honor.

21 |       THE COURT: State's No. 9 is into evidence  
22 | without objection.

23 |       MR. BANNON: We'll just label the new No. 9  
24 | as No. 9 as well.

25 |       THE COURT: Correct.

## Brian Chapman - Direct Examination by Mr. Bannon

1 (WHEREUPON State's Exhibit 9 was entered  
2 into evidence.)

3 By Mr. Bannon:

4 Q And I'd like for you to take a look at  
5 the -- the shell casing, and just based off of  
6 what's printed on there, can you tell what kind of  
7 gun it goes to?

8 A Yes, sir. This is from a .45 caliber  
9 handgun.

10 Q Okay. And were there shell casings located  
11 outside of the Semper Fi Club?

12 A Yes, sir, there were.

13 Q Okay. The shell casings that were located  
14 outside of the Semper Fi Club, were they located  
15 all together in a pile or were some in different  
16 places? How, sort of, were they found?

17 A I believe there was one right outside the  
18 entranceway to the Semper Fi Club.

19 Q Okay.

20 A I believe there was another one toward the  
21 top of the road where the driveway meets Broad  
22 River Boulevard.

23 Q Uh-huh.

24 A And I believe on the left side of the  
25 parking lot, there was a -- a large grouping of

## Brian Chapman - Direct Examination by Mr. Bannon

1 shell casings.

2 Q Okay. I'd like to talk about the large  
3 grouping of shell casings first.

4 A Okay.

5 MR. NEWMAN: No Objection.

6 THE COURT: What number is that?

7 MR. BANNON: This is State's Exhibit No. 6,  
8 Your Honor.

9 THE COURT: State's No. 6 entered into  
10 evidence without objection.

11 MR. NEWMAN: Without objection after being  
12 repacked, yes.

13 (WHEREUPON State's Exhibit No. 6 was  
14 entered into evidence.)

15 By Mr. Bannon:

16 Q Okay. I'd like to show you what's already  
17 been admitted into evidence and is marked as  
18 State's Exhibit No. 6. How many shell casings  
19 are -- are in that bag?

20 A Eight.

21 Q Okay. And was that the same number of  
22 shell casings that you collected, I believe that  
23 you said, were off to the left of the Semper Fi  
24 Club?

25 A Yes, sir.

## Brian Chapman - Direct Examination by Mr. Bannon

1 Q Okay. And now, I kind of want to try to  
2 get an idea of where these things are -- are  
3 located. So let's start with the eight shell  
4 casings which you hold in your hand right now.

5 So let's say that I'm standing in the main  
6 entranceway of the Semper Fi Club. Relative to  
7 me, sort of where did you find this pile of shell  
8 casings?

9 A That would be off to the left.

10 Q Okay.

11 A Well, to my left. It would be to your  
12 right. If you're standing in the entranceway to  
13 the Semper Fi Club --

14 Q Uh-huh.

15 A It would be off to the parking lot -- the  
16 main parking area would be off to your right in  
17 this area over here.

18 Q Okay. -- So if -- okay. So if I pull in --

19 The shell casings were kind of over here?

20 A If you -- If you're standing in the doorway  
21 of the Semper Fi Club --

22 Q I'm -- I'm trying to orient myself. I'm  
23 looking in -- I'm standing outside looking into  
24 the main entryway.

25 A Okay. From the road?

## Brian Chapman - Direct Examination by Mr. Bannon

1 Q Yes.

2 A Okay. They would be on -- that would be  
3 over here.

4 Q Okay. And sort of, you know, were they  
5 located in front of you know -- the structure that  
6 faces the road, were they located in front of that  
7 wall or where -- relatively, where were they  
8 located?

9 A They were -- I believe they were off to the  
10 section nearest the wood line that separates the  
11 parking lot of the Semper Fi Club and I believe it  
12 was a taxi cab company or -- or residences on the  
13 other side of the brush of the woods.

14 Q Okay. Approximately how far to the left  
15 were they from that front entrance?

16 A I would say forty yards maybe.

17 Q Forty yards?

18 A Thirty, forty yards, somewhere around  
19 there.

20 Q Okay. Were they roughly parallel with the  
21 front of the building or were they behind the  
22 building or in front of the building?

23 A They were -- they would be in the front.

24 Q Okay. So they're kind of like over here?

25 A Correct. They would be in between the

## Brian Chapman - Direct Examination by Mr. Bannon

1 roadway and the building on the -- on the side.

2 Q Okay. Were they located past the end of  
3 the Semper Fi Club?

4 A I don't believe so, but they were all  
5 before the end of the Semper Fi Club.

6 Q Okay. Did you find anything else near  
7 those eight shell casings?

8 A Yes, sir. It was a -- like a red laser dot  
9 that would go on a -- a handgun.

10 Q Like a laser sight?

11 A Yes, sir.

12 MR. BANNON: Your Honor, we have repackaged  
13 State's Exhibit No. 10 and move for it to be  
14 admitted into evidence.

15 THE COURT: Any objections?

16 MR. NEWMAN: No, Your Honor.

17 THE COURT: State's No. 10 is into  
18 evidence.

19 (WHEREUPON State's Exhibit No. 10 was  
20 entered into evidence.)

21 By Mr. Bannon:

22 Q Is that the laser sight that you collected  
23 that evening?

24 A Yes, sir.

25 Q Okay. And, I guess sort of, how was it

## Brian Chapman - Direct Examination by Mr. Bannon

1 relative to the eight shell casings that you  
2 collected?

3 A I don't remember the precise location, but  
4 it was in the same general vicinity of the -- of  
5 the shell casings.

6 Q Okay. It was within five feet?

7 A Five to ten feet.

8 Q Okay.

9 A Yes, sir. I'll make sure. Yes.

10 Q Okay. Now, I believe that you said that  
11 there was -- correct me if I'm wrong -- there was  
12 one other shell casing located near, like the  
13 entrance to the actual club itself?

14 A Yes, sir.

15 Q And then there was another one located in  
16 the driveway of the Semper Fi Club?

17 A Yes, sir.

18 Q Okay.

19 (WHEREUPON the attorneys were conferring.)

20 MR. BANNON: Your Honor, the State would  
21 move State's Exhibit 8 and 11 into evidence?

22 THE COURT: Any objections?

23 MR. NEWMAN: No objection. The only thing  
24 I was asking the solicitor, and I think he agrees  
25 with me is, so that we don't get confused, there

**Brian Chapman - Direct Examination by Mr. Bannon**

1 is a labeling that says that one was found near an  
2 SUV and one was found in a driveway.

3 THE COURT: All right. State's 8 and 11  
4 are into evidence without objection.

5 (WHEREUPON State's Exhibits 8 and 11 were  
6 entered into evidence.)

7 MR. BANNON: Okay. This is State's No. 11  
8 which could also please be tagged with, driveway  
9 of Semper Fi Club just for identification  
10 purposes.

11 MR. NEWMAN: Driveway was what number?

12 MR. BANNON: No. 11.

13 MR. NEWMAN: And the SUV is 9?

14 MR. BANNON: The SUV is No. 8.

15 MR. NEWMAN: Eight. Thank you.

16 MR. BANNON: And Your Honor, I'm just going  
17 to take a black sharpie marker and write driveway  
18 of Semper Fi Club on the baggy itself.

19 THE COURT: Any objections to what he's  
20 doing?

21 MR. NEWMAN: No, sir, that's fine.

22 MR. BANNON: And I'll do the same thing  
23 with No. 8 except this one will read, next to SUV  
24 backed up to building, which is what's written on  
25 the packaging it's currently in.



**Brian Chapman - Direct Examination by Mr. Bannon**

1 THE COURT: Any objections, Mr. Newman?

2 MR. NEWMAN: No, sir.

3 MR. BANNON: So now this will be labeled as  
4 State's Exhibit 8.

5 By Mr. Bannon:

6 Q Like I said, if you could take a look at  
7 State's Exhibit 11. And now, it's already been  
8 admitted into evidence, and that's the one that  
9 you collected from the driveway, correct?

10 A Yes, sir.

~~11 Q Okay. Same sort of thing, if this is the~~  
12 entrance to the Semper Fi Club and I'm -- my back  
13 is to the road, sort of relative to me, where was  
14 that shell casing collected?

15 A It was around in the area, right where you  
16 are.

17 Q Okay.

18 A Right in the entranceway.

19 Q Okay. So it was near the entrance to the  
20 building --

21 A I believe -- not to the -- to the road.

22 Q Oh, to the road. Okay. So how far from  
23 the road to the entrance to the building -- or how  
24 far from where the shell casing was found to the  
25 entrance of the building was it found in the

## Brian Chapman - Direct Examination by Mr. Bannon

1 | driveway?

2 | A I would estimate twenty yards maybe.

3 | Q Twenty yards?

4 | A Thirty yards, somewhere around there.

5 | Q Now, I'd like to show you what's been  
6 | admitted into evidence as State's Exhibit No. 8.

7 | And this is the item which was labeled as being  
8 | next to the SUV which was backed up to the  
9 | building. Again, same sort of question, if my  
10 | back is to the road and I'm facing the building  
~~11 | and I'm sort of -- where was this SUV and where~~

12 | was the bullet collected from?

13 | A I believe the SUV was backed up near like  
14 | right close to the building.

15 | Q Okay.

16 | A With its rear tailgate to -- not up against  
17 | it, but right near the wall, the shell casing was  
18 | located right around the SUV.

19 | Q Okay. And was that near the front entrance  
20 | of the building?

21 | A Yes, sir, it was.

22 | Q Okay. All right. So --

23 | MR. BANNON: I believe, Madame Bailiff, we  
24 | may have an easel.

25 | It might easier to come down, Deputy

Brian Chapman - Direct Examination by Mr. Bannon

1 Chapman.

2 MR. NEWMAN: If I may I step over here,  
3 Your Honor?

4 THE COURT: Sure.

5 By Mr. Bannon:

6 Q I guess mainly I'd like to talk about where  
7 the ones that were found on the outside were sort  
8 of located and I think -- is this a fair and  
9 accurate representation of sort of the basic front  
10 of the club as it faces the street?

11 A Yes, sir.

12 Q Okay. So relative to the dimensions of the  
13 club, where were the -- the pile of eight shell  
14 casings which accompanied the laser sight found?

15 A They would have been over in this area  
16 right here.

17 Q Okay. And then where was the shell casing  
18 which was located next to the SUV; where was that?

19 A Would've been in this area right here.

20 Q Okay. And then the one that was collected  
21 from the driveway?

22 A Would've been -- if you're coming out,  
23 like -- this is the parking lot going up to the  
24 road, it would have been in this general area  
25 here.

Brian Chapman - Direct Examination by Mr. Bannon

1 Q Okay. All right. If you would return to  
2 the stand please. I'm sorry, deputy. I just got  
3 confused. I thought we had more evidence to show  
4 you but it -- it --

5 MR. BANNON: Your Honor, it's my  
6 understanding that State's Exhibit No. 9, which is  
7 a shell casing found inside the club has been  
8 admitted into evidence?

9 THE COURT: It has.

10 MR. BANNON: Okay.

11 By Mr. Bannon:

12 Q If you could step down for one moment?

13 MR. BANNON: I apologize, Your Honor, that  
14 was my mistake.

15 By Mr. Bannon:

16 Q If this is the rough, sort of interior  
17 layout of the club, where was Exhibit No. 9, which  
18 was the shell collected from inside the club.

19 Where did you collect that item from?

20 A It would've been right in this area right  
21 here.

22 Q Okay. So sort of -- sort of in the center  
23 of the room?

24 A Yes, sir.

25 Q Okay. All right. Thank you. Now you may

Brian Chapman - Direct Examination by Mr. Bannon

1 return to your seat.

2 We've seen some photographs which have been  
3 admitted into evidence. Were you able to review  
4 the photographs that were collected from the  
5 photographer?

6 A Yes.

7 Q I'd like to show you what has been marked  
8 as State's Exhibit No. 54. Were you able to  
9 review that photograph?

10 A Yes, sir.

11 Q Okay. And the person wearing the black  
12 t-shirt, can you see a weapon on him?

13 A Yes, sir, I can.

14 Q Okay. And what does that weapon appear to  
15 be?

16 A It appears to be a variant of a 1911 .45  
17 caliber handgun.

18 Q Okay. And where is that handgun located?

19 A It's located in his front waistband on his  
20 right-hand side.

21 Q Okay.

22 (WHEREUPON the attorneys were conferring.)

23 Your Honor, the State would move State's  
24 Exhibit 5-D into evidence.

25 THE COURT: Any objections?

..... **Brian Chapman -- Direct Examination by Mr. Bannon**

1. MR. NEWMAN: I -- I do. I'm a little lost.  
2 We have the photographs that are in 5-D are  
3 already in evidence.

4 MR. BANNON: Your Honor, there were just --  
5 these are the complete record of photographs which  
6 were taken by Mr. Bright and Investigator Chapman  
7 ultimately collected. The photographs are in  
8 evidence, but we just want to complete sort of the  
9 record as it were.

10 THE COURT: You just want to duplicate it?

11 ~~MR. BANNON: What's that?~~

12 THE COURT: You just want to duplicate  
13 photographs?

14 MR. BANNON: Yes, Your Honor, I -- this is  
15 just an item that was collected and then  
16 ultimately those pictures were printed, I just  
17 want to move them into the record for  
18 completeness's sake.

19 THE COURT: I'll allow it.

20 (WHEREUPON State's Exhibit 5-D was entered  
21 into evidence.)

22 By Mr. Bannon:

23 Q I would just like to show you what's been  
24 admitted as State's Exhibit 5-D. Did you take  
25 possession of that that night?

## Brian Chapman - Direct Examination by Mr. Bannon

- 1 A The photographs?
- 2 Q Yes.
- 3 A Yes, I did.
- 4 Q Okay. And now, based on your
- 5 investigation, did you come to interview Mr.
- 6 Brewer in regards to this case?
- 7 A Yes, sir.
- 8 Q Okay. Can you tell me sort of -- well,
- 9 where did you interview him?
- 10 A He was interviewed at the Beaufort County
- 11 Sheriff's Office, Investigations Office.
- 12 Q Okay. How did you set that interview up?
- 13 A I believe he was contacted by Sergeant
- 14 Fraser and he came in.
- 15 Q Okay. So he came into your office?
- 16 A Yes, sir.
- 17 Q Okay. When you were speaking with him, was
- 18 he under arrest?
- 19 A We had a warrant for his arrest, yes.
- 20 Q Okay. Was he in handcuffs?
- 21 A No, sir, he was not.
- 22 Q Okay. When you spoke with him, did you go
- 23 over his Miranda warnings with him?
- 24 A Yes, sir, I did.
- 25 Q Okay. Did he appear to understand those

## Brian Chapman - Direct Examination by Mr. Bannon

1 | warnings? .

2 | A Yes, sir.

3 | Q And did you do it to -- did you go over  
4 | these warnings with him orally or in writing?

5 | A He was provided a BCSO, Beaufort County  
6 | Sheriff's Office Miranda form, which has all the  
7 | Miranda rights on it and I remember I read it to  
8 | him.

9 | MR. NEWMAN: In the interest of saving some  
10 | time, initially, we agreed that Mr. Brewer was  
11 | ~~provided his Miranda warnings and that he freely,~~  
12 | voluntarily, knowingly, and intelligently waived  
13 | those complete warnings and talked to the  
14 | investigator.

15 | THE COURT: We did. Continue.

16 | MR. BANNON: All right.

17 | MR. NEWMAN: At least up to that point.

18 | MR. BANNON: And based off of that, I would  
19 | just move State's Exhibit 1 into evidence.

20 | THE COURT: Any objections?

21 | MR. NEWMAN: No, sir.

22 | THE COURT: State's 1 is in evidence  
23 | without objection.

24 | (WHEREUPON State's Exhibit 1 was entered  
25 | into evidence.)



**Brian Chapman - Cross-Examination by Mr. Newman**

1 By Mr. Bannon:

2 Q When -- when Mr. Brewer came in for the  
3 interview, was it just you speaking with him?

4 A No, sir. It was Sergeant Fraser and  
5 myself.

6 Q Okay. And was -- was Investigator Fraser  
7 involved in the investigation into this case or  
8 was it just the interrogation?

9 A Yes, sir. He was the primary case officer  
10 for this.

11 ~~Q Okay. Thank you.~~

12 MR. BANNON: No further questions, Your  
13 Honor.

14 THE COURT: Mr. Newman?

15 MR. NEWMAN: Yes, sir. Thank you.

16 **CROSS-EXAMINATION**

17 By Mr. Newman:

18 Q Now, I apologize. I'm like extremely  
19 confused from left to right, military left and  
20 military right. Can you come down here for me,  
21 please?

22 A Sure.

23 Q I took this photograph. Do you recognize  
24 that to be the incident location, the Semper Fi  
25 Club off of Broad River Road?

## Brian Chapman - Cross-Examination by Mr. Newman

1 A Yes, sir.

2 Q I think they actually said it was 278, it  
3 looks like -- 279. Okay. But that's -- this is  
4 where we're talking about?

5 A Yes, sir.

6 Q Okay. Now, the Juicy Fruit vehicle backed  
7 in was backed in over here, correct?

8 A Yes, sir, I believe it was around in this  
9 area right here.

10 Q Right in this area here?

11 A Yes, sir.

12 Q So, if Mr. Stevenson was a promoter running  
13 the party, he'd be able to have -- makes sense to  
14 back in and have access in and out this door right  
15 here?

16 A Yeah. It would have made a lot of sense.

17 Q Yeah. Exactly. Sound stuff or whatever.

18 Okay.

19 And the SUV is backed in; this is the Juicy  
20 Fruit SUV belonging to Mr. Stevenson?

21 A Correct.

22 Q Y'all ran the tag.

23 And the shell casing was actually found on  
24 the other side of -- the SUV is here, the shell  
25 casing's found here; isn't that correct?

## Brian Chapman - Cross-Examination by Mr. Newman

1 A I don't remember exactly which one. I know  
2 it was next to the Juicy Fruit car. If I saw the  
3 actual picture, I'd be able to tell you.

4 Q Okay. Would it help if I dug through the  
5 photographs?

6 A It should.

7 Q Now, I'm trying to think of where those  
8 photographs are; they're on the desk. All right.  
9 We may have to follow up on it.

10 Would you need to see the photograph?

11 ~~Because as I saw it the shell casing was by the~~  
12 back tire on the backed in passenger's side.  
13 There's a deputy holding a flashlight over it when  
14 y'all photographed it.

15 A Yeah. I don't want to tell you wrong, but,  
16 I mean, it was next to the Juicy Fruit SUV. Like  
17 I said, it's escaped my mind if it was to the  
18 right of it or to the left of it, but it was next  
19 to the Juicy Fruit car.

20 Q Okay. Well, that may be very important.  
21 Do you have a photograph of that?

22 A It would be in those photographs that we  
23 turned in.

24 Q Okay. Do you have that with you?

25 A I do not have that with me right now.

**Brian Chapman - Cross-Examination by Mr. Newman**

1 Q Does anybody on your team have that?

2 A I don't know, sir.

3 MS. BANNON: It hasn't been moved yet. Mr.  
4 Newman, if you would like to admit it, feel free  
5 to.

6 MR. NEWMAN: I'm -- I'm not going to admit  
7 it, but I'd like to see it.

8 MS. BANNON: It has been labeled as, I  
9 believe, 12.

10 MR. NEWMAN: You know how to fire that  
11 thing up?

12 THE WITNESS: If you have a computer.

13 MS. BANNON: Your Honor, at this point, the  
14 State would ask that Mr. Newman actually enter the  
15 photo instead of whatever's going on right now.

16 MR. NEWMAN: I'm not going to admit it into  
17 evidence, I just want to show it to him.

18 THE COURT: But if you're going to let the  
19 jury see it, it's not in evidence.

20 MR. NEWMAN: It's not in evidence.

21 THE COURT: Correct.

22 MR. NEWMAN: Right.

23 THE COURT: The jury doesn't need to see  
24 it.

25 MR. NEWMAN: Sir?

**Brian Chapman - Cross-Examination by Mr. Newman**

1           THE COURT: The jury doesn't need to see it  
2 until you put it into evidence if you're going to  
3 display it on the TV in front of the jury. You  
4 follow me? I mean, if you're going to pop it up  
5 on the big screen; the jury's sitting right there.  
6 They're going to see it.

7           MR. NEWMAN: I -- so the --

8           THE COURT: If you want to let him hold it  
9 and look at it outside of the jury's present, then  
10 if you want to put it into evidence, then they can  
11 see it.

12          MR. NEWMAN: All right, Your Honor. Then I  
13 ask to do that to refresh the investigator's  
14 recollection without entering it into evidence.

15          THE COURT: All right. There was -- the  
16 jury will be going to the jury room for just one  
17 minute, and we'll be back with you.

18          (WHEREUPON the jury left the courtroom at  
19 12:49 p.m.)

20          MR. NEWMAN: Twelve?

21          MS. BANNON: Yeah. It should be twelve  
22 because that has nineteen photos?

23          MR. BANNON: It just says photos.

24          MS. BANNON: Yeah.

25          MR. BANNON: Is it State's 12?

Brian Chapman - Cross-Examination by Mr. Newman

1 THE BAILIFF: The jury is clear, Your  
2 Honor.

3 MS. BANNON: State's 12.

4 MR. BANNON: Because this is State's 13.

5 MS. BANNON: All right. State's 13 is  
6 pictures of...

7 MR. BANNON: So we're looking for State's  
8 12?

9 MS. BANNON: I believe so. If -- if I  
10 remember correctly.

11 ~~MR. NEWMAN: There was one set of photos~~  
12 that are of the parking lot area and then there  
13 was another set that are, I think y'all already  
14 showed the inside.

15 MR. BANNON: Your Honor, I'll just go ahead  
16 and show this on here.

17 THE COURT: Go ahead.

18 MR. BANNON: Mr. Newman hasn't got a  
19 computer with him.

20 MR. NEWMAN: Does that refresh your  
21 recollection?

22 THE WITNESS: Yes, sir.

23 MR. NEWMAN: Okay.

24 THE COURT: All right. You ready to go?

25 MR. NEWMAN: Yes, sir, I am.

**Brian Chapman - Cross-Examination by Mr. Newman**

1 THE COURT: Go ahead and bring in the jury.

2 THE BAILIFF: All right, Your Honor.

3 MR. BANNON: Do you want me to set this up  
4 to that particular picture?

5 MR. NEWMAN: I don't want to -- I'm not  
6 putting any evidence in this case. So...

7 THE COURT: All right. We'll bring in the  
8 jury and you can come back on up and if he needs  
9 you to step down, he can.

10 MR. BANNON: Do you need me to point it out  
11 again?

12 MR. NEWMAN: No, I'm just going to ask him.

13 MR. BANNON: Okay.

14 THE BAILIFF: The jury is ready to enter.

15 (WHEREUPON the jury entered the courtroom  
16 at 12:53 p.m.)

17 THE BAILIFF: The jury is present.

18 THE COURT: Thank you.

19 MR. NEWMAN: Thank you, sir.

20 By Mr. Newman:

21 Q Investigator Chapman, you have had a chance  
22 to review a photo that's in -- or a couple of  
23 photos that's in State's Exhibit, I believe, 12?

24 A Yes, sir.

25 Q Did that refresh your recollection as to

## Brian Chapman - Cross-Examination by Mr. Newman

1. where the shell casing was found?

2 A Yes, sir, it did.

3 Q All right. And in fact, what is State's  
4 No. 8 labeled, next to SUV backed up to building,  
5 this shell casing --

6 A Yes, sir.

7 Q That, in fact, was found on the rear --  
8 near the rear passenger back tire --

9 A Yes, sir.

10 Q -- of the Juicy Fruit SUV belonging to Deon  
11 Stevenson?

12 A Correct.

13 Q All right. And that would've been on the  
14 other side, away from the main entrance?

15 A Correct.

16 Q All right. And the other shell casing  
17 that's not with the group, I think you have up  
18 here. Right. State's 11 labeled, Driveway of  
19 Semper Fi Club. You said that was approximately  
20 twenty yards?

21 A I believe so, yes.

22 Q All right. Which, if my math is right,  
23 it's about sixty feet. Okay. You did not take  
24 any measurements of the -- at the crime scene, did  
25 you?



**Brian Chapman - Cross-Examination by Mr. Newman**

1 A No, sir, I didn't.

2 Q Y'all did not return in the light of day,  
3 did you?

4 A I don't remember, sir.

5 Q All right. The shell casing that was  
6 found, I think that's 9, I'm not sure, inside the  
7 Semper Fi Club was somewhere in the central  
8 area -- in the larger area?

9 A Correct.

10 Q Okay. Took no measurements?

11 A No, sir.

12 Q All right. And from that shell casing,  
13 there's no way to determine which way a shot was  
14 fired; isn't that correct?

15 A No, sir.

16 Q It could've been fired this way, this way,  
17 this way, or this way. You can't determine that  
18 from a shell casing?

19 A Correct.

20 Q All right. How long did y'all spend at the  
21 Semper Fi Club?

22 A I don't remember the exact time, sir. It  
23 was a while.

24 Q All right. And upon your arrival, how many  
25 people were left?

## Brian Chapman - Cross-Examination by Mr. Newman

1 A Deputies? Total? People that were ...  
2 attending the club?

3 Q Attendees -- just forget -- forget about  
4 law enforcement just --

5 A Attendees, I don't know, sir, I didn't  
6 count how many people were --

7 Q Okay.

8 A -- still there.

9 Q Did you take down everyone's name?

10 A I personally did not, no, sir.

11 Q Did anybody?

12 A I don't know. I'm pretty sure they took a  
13 crime scene log of who was there.

14 Q And would you agree if Sergeant Wilson said  
15 when he came on the scene he thought there was  
16 probably fifty to sixty people there?

17 A I -- I didn't arrive then, sir. If that's  
18 what he -- if that's what he saw. I didn't arrive  
19 there first, so I don't know how many people were  
20 there when I got there.

21 Q What time did you arrive there?

22 A It probably would have been between  
23 forty-five minutes to an hour after that first  
24 call.

25 Q Okay. And you didn't take any

## Brian Chapman - Cross-Examination by Mr. Newman

1 | measurements?

2 | A       No, sir.

3 | Q       All right. Did you make a detailed  
4 | examination of the Semper Fi Club?

5 | A       A detailed examination? Yeah.

6 | Q       Well, let me ask you this. Part of your  
7 | job is to log and document evidence, correct?

8 | A       Correct.

9 | Q       And in criminal cases, physical evidence is  
10 | particularly relevant; is it not?

11 | A       Yes, sir.

12 | Q       Because physical evidence is much better  
13 | than eyewitness testimony?

14 | A       It can be, yes, sir.

15 | Q       It can be because eyewitnesses can be under  
16 | stress, under fear, some can lie. All of those  
17 | things, correct?

18 | A       Correct.

19 | Q       So if a witness told you he saw blood  
20 | running up -- up a building, your common sense  
21 | says, that -- that can't happen. He's either  
22 | mistaken or he's not telling the truth.

23 | A       It's possible.

24 | Q       Okay. When I say detailed examination of  
25 | the building, what I meant, you had received

**Brian Chapman - Cross-Examination by Mr. Newman**

1 reports that there were a number of shots fired  
2 inside of the Semper Fi Club; isn't that correct?

3 A I believe that was in one of the calls,  
4 yes, sir.

5 Q I'm sorry?

6 A I believe that's what some people told me,  
7 yes.

8 Q Right. In fact, you had witnesses tell you  
9 up to ten to twelve shots inside. Some said three  
10 to five?

11 MS. BANNON: Objection. Calls for hearsay.

12 THE COURT: Sustained.

13 THE WITNESS: I don't remember who all said  
14 what, sir, but I know it was varying accounts of  
15 how many shots were there.

16 By Mr. Newman:

17 Q Okay. The physical evidence you found  
18 would lead you to believe that there was only one  
19 shot fired inside the club; would it not?

20 MS. BANNON: Objection, calls for  
21 speculation.

22 THE COURT: Overruled.

23 By Mr. Newman:

24 Q The physical evidence is consistent with  
25 one shot being fired inside the club?

**Brian Chapman - Cross-Examination by Mr. Newman**

1 A I found one shell casing inside the club.

2 Q And is that not consistent with one shot  
3 being fired?

4 A That's -- I found one shell casing.

5 Q Well, my question --

6 A There could have been more, there could  
7 have been -- I mean, I found them, I physically  
8 found one shell casing inside the club.

9 Q All right. Nobody else found any other did  
10 they?

~~11 A Not that I'm aware of, sir.~~

12 Q There's none in evidence, is there?

13 A I don't believe so, sir.

14 Q All right. And would common sense not tell  
15 you if there's one shell casing, there should be  
16 one shot?

17 A Yes, sir.

18 Q However, a revolver doesn't leave shell  
19 casings, does it?

20 A No, sir.

21 Q Unless you physically open the cylinder and  
22 dump them out?

23 A Correct.

24 Q All right. And you were the investigator  
25 that actually recovered the shell casings?

## Brian Chapman - Cross-Examination by Mr. Newman

1 A Yes, sir.

2 Q The one inside; the one in the driveway;  
3 the one next to the rear passenger tire of the  
4 SUV; and State's 6, it has eight shell casings in  
5 it, correct?

6 A Correct.

7 Q All right. And how did you collect those  
8 shell casings?

9 A They were documented with pictures and then  
10 used gloves to pick them up and put them in  
11 evidence bags.

12 Q Why did you use gloves to pick them up?

13 A I always use gloves.

14 Q Use gloves to pick them up so you don't get  
15 your fingerprints on them; isn't that correct?

16 A Yes, sir, what's there.

17 Q Correct.

18 A Sure.

19 Q And are you not taught that if you don't  
20 use a pen or a pencil you pick a shell casing up,  
21 touching as little as possible on it?

22 A You pick it up trying to touch as little as  
23 possible; yes, sir.

24 Q Okay. And the reason for that is, somebody  
25 had to load shell casings into a magazine; isn't

## Brian Chapman - Cross-Examination by Mr. Newman

1 | that correct?

2 | A       Correct.

3 | Q       All right. And you can retrieve  
4 | fingerprints off of shell casings; can you not?

5 | A       It's possible, yes, sir.

6 | Q       It is. And that would tell you who loaded  
7 | that particular weapon?

8 | A       It'll tell you who touched that, those  
9 | rounds.

10 | Q       All right. Are you familiar with loading a  
11 | ~~clip into a semi-automatic pistol?~~

12 | A       Yes, sir.

13 | Q       And is one method to push it in with your  
14 | thumb?

15 | A       Yes, sir.

16 | Q       Make sure they're seated?

17 | A       Yes, sir.

18 | Q       Okay. In looking inside this building, you  
19 | found no bullet holes or ricochet marks in any  
20 | part of the structure; isn't that true?

21 | A       I do not remember any, sir.

22 | Q       As a good investigator, if there had been,  
23 | you would have documented, would you not?

24 | A       Yes, sir.

25 | Q       And you would agree all through your

## Brian Chapman - Cross-Examination by Mr. Newman

1 reports there is no documentation of a ricochet  
2 mark or a bullet hole?

3 A I do not remember any.

4 Q Or a suspected bullet hole?

5 A No, sir.

6 Q All right. And there are none through the  
7 windows?

8 A No, sir.

9 Q All right. Did you look in the ceiling  
10 panels?

11 ~~A I don't remember, sir.~~

12 Q Okay. The club had a drop ceiling; did it  
13 not --

14 A I believe so.

15 Q -- with pads -- those acoustic kind of  
16 panels in it?

17 A I believe. I'm not sure of the exact  
18 makeup of the ceiling, but it does have a ceiling,  
19 yes, sir.

20 Q Okay. Photographs would show that; would  
21 you agree that's how it looked?

22 A If they show that, yes, sir.

23 Q Okay. All right. So detailed all through  
24 this building, no bullet holes, no ricochet marks  
25 that you could find or document?



**Brian Chapman - Redirect Examination by Mr. Bannon**

1 A No, sir.

2 Q And had there been, you would have  
3 documented it?

4 A Correct.

5 MR. NEWMAN: I think I'm done, Judge. Let  
6 me just check one moment.

7 Thank you, Investigator Chapman.

8 THE WITNESS: Thank you, sir.

9 MR. BANNON: Thank you, Your Honor.

10 **REDIRECT EXAMINATION**

11 By Mr. Bannon:

12 Q Investigator, when we were on a break, Mr.  
13 Newman had you take a look at some photographs off  
14 of a CD that was labeled State's Exhibit No. 12.

15 A Yes, sir.

16 Q Okay. Well, when you were taking a look at  
17 those, were those a fair and accurate description  
18 of what the outside of the club looked like?

19 A Yes, sir.

20 Q Okay.

21 MR. BANNON: Your Honor, the State would  
22 move Exhibit No. 12 into evidence.

23 THE COURT: Any objections?

24 MR. NEWMAN: Without objection.

25 THE COURT: State's No. 12 will be added

## Brian Chapman - Redirect Examination by Mr. Bannon

1 without objection.

2 (WHEREUPON State's Exhibit No. 12 was  
3 entered into evidence.)

4 By Mr. Bannon:

5 Q Investigator, if you would step down,  
6 please. Okay.

7 Can everybody see all right?

8 Let's try to get to the picture. These are  
9 all pictures of the -- that were taken of the  
10 exterior?

11 ~~A Yes, sir.~~

12 Q Okay. And was that the bullet that was  
13 collected from the driveway?

14 A Yes, sir.

15 Q Okay. Okay. Now, was this the -- was this  
16 the SUV that Mr. Newman was talking about? The  
17 Juicy Fruit SUV?

18 A Yes, sir.

19 Q And could you point out to us, you know, in  
20 this photograph, where you found that shell casing  
21 to be collected?

22 A See where the -- the light is from that  
23 flashlight.

24 Q Right here. Is the light still sort of on  
25 where the shell casing was?

**Brian Chapman - Redirect Examination by Mr. Bannon**

1 A It's over here. The shell casing was next  
2 to the tire. Right here's the light.

3 Q And that's just another closer -- closer  
4 image of it?

5 A Right.

6 Q And when you arrived, what was the -- well,  
7 tell me a little bit about these chairs.

8 A These chairs were all lined out on the  
9 ground where someone had knocked them over or  
10 thrown them.

11 Q Okay. Were there -- did you go inside the  
12 club that evening?

13 A Yes, sir.

14 Q Were there chairs similar to that on the  
15 inside of the club?

16 A Yes, sir.

17 Q So did they match these chairs? The red --  
18 it looks like red, plastic chairs?

19 A I believe so, yes, sir.

20 Q Now, Investigator -- or Mr. Newman was  
21 asking you a little bit about the .45 caliber  
22 semi-automatic pistol?

23 A Uh-huh.

24 Q And you were also talking about revolvers.  
25 So if someone fires a revolver, what happens with

**Brian Chapman - Redirect Examination by Mr. Bannon**

1 the shell casing that's inside a revolver?

2 A With the revolver, it stays in the revolver  
3 until you physically eject the shell casing.

4 Q And what's the mechanism of the  
5 semi-automatic?

6 A It has an automatic ejection board so when  
7 you fire -- when a round is in the chamber, it  
8 fires after the fire ignites and the bullet and  
9 projectile goes out of the gun. Blow back  
10 recycles the slide and it goes back and the shell  
11 casing flies out.

12 Q Okay. Does -- is there any sort of rhyme  
13 or reason with what happens with a shell casing  
14 after it's ejected from the gun?

15 A No, sir.

16 Q Okay. Thank you. I think you can go back  
17 on the witness stand.

18 Still talking about shell casings, Mr.  
19 Newman was talking about finding one shell casing  
20 inside the club. And did you find any others  
21 inside the club?

22 A No, sir.

23 Q Based on the condition of the interior of  
24 the club, when you arrived on the scene would you  
25 say there were -- or did it seem like there were a

## Brian Chapman - Redirect Examination by Mr. Bannon

1 lot of people that were there that night?

2 A Yes, sir.

3 Q Okay. Would you describe the inside of the  
4 club when you arrived as orderly?

5 A No, sir.

6 Q Okay. Could you just sort of briefly  
7 describe it?

8 A Dust, debris, beer cans, general trash all  
9 over the place, chairs --

10 Q Were they set up neatly?

11 A I believe they'd been in disarray.

12 Q Were there personal items from who --  
13 whomever may have been inside the club still  
14 there?

15 A I believe so, yes, there was.

16 Q Were there shoes?

17 A I don't believe -- I don't remember if  
18 there were shoes or not, all I know is --

19 Q There were -- there were items from people?

20 A Yes, sir.

21 Q Okay. Now, is it -- is it possible that in  
22 a -- in a crowded room full of people that the  
23 shell casings that are randomly ejected from a  
24 semi-automatic handgun that they could be sort of  
25 moved outside of the club?

## Brian Chapman - Redirect Examination by Mr. Bannon

1 A Absolutely.

2 Q Okay. Is it possible that could've, you  
3 know, gotten stuck in someway and just been  
4 carried away from the scene all together like in  
5 the bottom of someone's shoe or boot?

6 A Yes, sir.

7 Q Have you ever seen that happen before?

8 A Yes, sir.

9 Q And now, Mr. Newman asked you a little bit  
10 about fingerprinting the shell casings that were  
11 found. Did you fingerprint the shell casings?

12 A I did not, no, sir.

13 Q Okay. And why didn't you fingerprint the  
14 shell casings?

15 A I don't remember.

16 Q Well, let me ask you this. Based off of  
17 your -- based off of your experience, how many  
18 fingerprints have you found on shell casings?

19 A Zero.

20 Q Okay. And based off of the reports that  
21 you got and the number of shots fired inside the  
22 club, was it surprising to not find more shell  
23 casings inside the club?

24 A I try not to speculate when I get there, I  
25 just go with what I got on the scene.

**Brian Chapman - Recross-Examination by Mr. Newman**

1 Q Thank you. No further questions.

2 THE COURT: Mr. Newman?

3 **RECROSS-EXAMINATION**

4 By Mr. Newman:

5 Q All right. We talked about what's  
6 possible. So your theory now is that all those  
7 bullet casings got sucked out into various places  
8 in the parking lot by the members of the Jones'  
9 family that were attending the party?

10 MS. BANNON: Objection, speculative.

11 THE COURT: Any response to that?

12 MR. NEWMAN: Yes, sir, it's followup to the  
13 solicitor's questions.

14 THE COURT: Overruled.

15 THE WITNESS: Can you repeat the question  
16 for me sir?

17 By Mr. Newman:

18 Q Yeah. You -- your theory now is that these  
19 shell casings were inside the club but were all  
20 sucked outside in various places in the parking  
21 lot?

22 A I submitted no such theory. I merely  
23 answered the question that it was possible that  
24 that can happen.

25 Q Okay. In fact, though, in this case, that

## Brian Chapman - Recross-Examination by Mr. Newman

1 | would be a ridiculous proposition; would it not?

2 | A       No, sir.

3 | Q       It would not be a ridiculous proposition?

4 | A       No, sir.

5 | Q       Because all these people left their

6 | personal belongings but took shell casings

7 | outside?

8 | A       It's possible, yes, sir.

9 | Q       It's possible. If the shell casings were  
10 | inside, shouldn't other people have been hit?

11 | Shouldn't there be ricochet marks on the walls?

12 | Shouldn't there be slugs somewhere?

13 | A       I wasn't there, sir, I don't know how many  
14 | shots were fired, I don't know who it was aimed  
15 | at, you know what I'm saying. I wasn't there. I  
16 | just collected what was there, sir.

17 | Q       And what you collected is one shell casing  
18 | inside the club?

19 | A       Yes, sir.

20 | Q       And you think it's probable that these  
21 | shell casings were inside the club and came out in  
22 | people's cuffs and people moving them out there?

23 | A       It's possible that shell casings could've  
24 | left the inside of the club.

25 | Q       Okay. And there's no evidence of the



**Brian Chapman - Recross-Examination by Mr. Newman**

1 | bullets being fired inside the club?

2 | A       I didn't find any. All I have is what is  
3 | in evidence.

4 | Q       Thank you.

5 |       THE COURT: Anything further, Solicitor?

6 |       MR. BANNON: Not for this witness, Your  
7 | Honor.

8 |       THE COURT: You may step down.

9 |       THE WITNESS: Thank you, sir.

10 |       THE COURT: Members of the jury, let's take  
11 | an hour lunch break. If you would, be back at  
12 | 2:15 and like I instructed you yesterday, don't  
13 | talk about the case among yourselves or with  
14 | anybody.

15 |       (WHEREUPON the jury left the courtroom at  
16 | 1:14 p.m.)

17 |       THE COURT: All right. We'll be in recess  
18 | until 2:15.

19 |       THE BAILIFF: The jury is clear, Your  
20 | Honor.

21 |       (WHEREUPON a recess was observed for  
22 | lunch.)

23 |       THE BAILIFF: Are we ready for the jury,  
24 | Your Honor?

25 |       THE COURT: We are.

## Brian Chapman - Recross-Examination by Mr. Newman

1 THE BAILIFF: Okay.

2 MR. BANNON: Your Honor, we're just  
3 checking to make sure that both of -- both of our  
4 good doctors are here and they're -- they'll be  
5 our next two witnesses.

6 THE COURT: If y'all want to speed it up.

7 MR. BANNON: Judge, I'm trying to speed it  
8 up.

9 THE COURT: You do that. You show it to  
10 him and if he don't want to --

11 MR. BANNON: And I know both of my doctors  
12 -- I know their qualifications. I stipulate that  
13 one's qualified in general ER and the other is an  
14 orthopedic surgeon.

15 THE COURT: You ready?

16 MR. BANNON: As soon as I -- Are they both  
17 here?

18 MS. BANNON: They are, in fact, both here.

19 MR. BANNON: Then we are ready.

20 THE COURT: All right. Somebody go ahead  
21 and bring out the jury.

22 THE BAILIFF: The jury is ready to enter.

23 THE COURT: Go ahead and bring them on in.

24 (WHEREUPON the jury entered the courtroom  
25 at 2:17 p.m.)

**Scott Strohmeier - Direct Examination by Mr. Bannon**

1 THE COURT: Go ahead and call your next  
2 witness.

3 MR. BANNON: Your Honor, the State calls  
4 Doctor Strohmeier.

5 THEREUPON,

6 SCOTT STROHMEYER,  
7 after being duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 By Mr. Bannon:

10 Q Good afternoon, Doctor. Would you please  
11 state and spell your name for the record?

12 A Scott Everett Strohmeier.  
13 S-t-r-o-h-m-e-y-e-r.

14 Q And where do you work?

15 A In Beaufort.

16 Q And what do you do here in Beaufort?

17 A I'm an orthopedic surgeon.

18 Q Okay. And how long have you been doing  
19 that?

20 A I've been here since 2000.

21 Q Okay. Do you ever get called in to do  
22 consultations in the emergency room?

23 A Yes, sir.

24 MR. BANNON: Your Honor, I would ask that  
25 Dr. Strohmeier be certified as an expert witness

**Scott Strohmeier - Direct Examination by Mr. Bannon**

1 in the field of orthopedic medicine and surgery?

2 THE COURT: Any objections?

3 MR. NEWMAN: So stipulated, Your Honor.

4 THE COURT: Very good.

5 By Mr. Bannon:

6 Q Dr. Strohmeier, did you ever -- were you  
7 called into the emergency room on May the 24th of  
8 2009?

9 A I assume so, yes, sir.

10 Q And are you familiar with a young man named  
11 Donald Parker?

12 A Yes, sir.

13 Q How -- how do you know Mr. Parker?

14 A I met him in the ER.

15 Q Okay. And what was -- the night of the  
16 24th, what was Mr. Parker's condition when you  
17 first saw him?

18 A He had an isolated gunshot wound to his  
19 right lower tibia.

20 Q Okay. And when you say tibia, what does  
21 that mean?

22 A It was below -- right below the knee.

23 Q Okay. So it's sort of back here?

24 A Yes, sir.

25 Q And what was the condition of his tibia?

## Scott Strohmeier - Direct Examination by Mr. Bannon

1 A Multiple pieces. He had a shattered  
2 proximal torn tibia.

3 Q And in your opinion, what does that mean  
4 for his leg?

5 A Well, potentially, he could lose it.  
6 He's -- Mr. Parker's a very lucky man. There's a  
7 few structures that you hit the neurovascular  
8 bundle, you'd probably lose your leg.

9 Q Is -- what about the muscle in the back of  
10 his leg? What was the condition of the muscle in  
11 the back of the leg?

12 A Well, the entrance wound was in the calf  
13 muscle.

14 Q Uh-huh.

15 A And it shredded it, basically.

16 Q And what was your treatment of Mr. Parker?

17 A We had to go to the operating room.  
18 Initially, I evaluated in the ER, and like I said,  
19 he was a very lucky man. He didn't hit the  
20 neurovascular bundle so his foot was still viable.  
21 The nerve was still intact. So he went to the  
22 emergent -- emergent to the -- he had to go to the  
23 operating room where I debrided the wound,  
24 debrided all the dead muscle, and actually removed  
25 part of the bullet fragment because it had lodged

## Scott Strohmeier - Direct Examination by Mr. Bannon

1 | inside the canal of the bone. And then I did an  
2 | inch of nailing which is where you basically put a  
3 | big nail, titanium rod between -- in the canal of  
4 | the bone to hook the two ends together that broke.

5 | Q And let me ask you this. Were the injuries  
6 | that Donald Parker had sustained were -- are those  
7 | what you would consider life threatening injuries?

8 | A Could've been. They weren't in this case  
9 | but could've been.

10 | Q Okay. Well, did Mr. Parker survive the  
11 | procedure?

12 | A Yes, he did. Yes, he did.

13 | Q Okay. Without -- without medical  
14 | intervention, what's -- what's your opinion about  
15 | his odds of surviving?

16 | A Well, it probably would have gotten  
17 | infected and -- and potentially lost his life  
18 | without medical treatment.

19 | Q And during the surgery, were you able to  
20 | remove the bullet from Mr. Parker's leg?

21 | A I did, yes, sir.

22 | Q Okay.

23 | (WHEREUPON the attorneys were looking at  
24 | some pieces of evidence.)

25 | MR. NEWMAN: No objection.

**Scott Strohmeier - Direct Examination by Mr. Bannon**

1 MR. BANNON: Your Honor, as we've done for  
2 the other items that have been admitted into  
3 evidence, I'm removing the contents from one of  
4 the bags from what's already been labeled as  
5 State's Exhibit 14 and transferring it to an  
6 unmarked bag per the Court's instruction and I  
7 will be labeling that as State's Exhibit 14-A.

8 THE COURT: State's 14-A into evidence  
9 without objection; is that correct, Mr. Newman?

10 MR. NEWMAN: Yes, sir.

11 (WHEREUPON State's Exhibit 14-A was entered  
12 into evidence.)

13 THE COURT: And, Solicitor, you've got your  
14 help over there to mark things, let's keep  
15 trucking along.

16 MR. BANNON: Yes, Your Honor.

17 And Your Honor, just for identification  
18 purposes, I'm just going to write, Donald Parker  
19 on the bag.

20 THE COURT: Any objections, Mr. Newman?

21 MR. NEWMAN: I apologize, Your Honor?

22 THE COURT: He's going to write, Donald  
23 Parker on the bag --

24 MR. NEWMAN: Oh no, not at all.

25 THE COURT: All right.

## Scott Strohmeier - Direct Examination by Mr. Bannon

1 By Mr. Bannon:

2 Q Doctor, I'd like to have you to take a look  
3 at what has been admitted into evidence as State's  
4 Exhibit 14-A.

5 A Yes, sir.

6 Q Do you recognize it?

7 A It looks like the bullet I took out of his  
8 leg.

9 Q Okay. And does it seem to be essentially  
10 in the same condition that it was the day that you  
11 found it?

12 A Yes, sir.

13 Q Okay. And if you take a look at it, it's,  
14 you know, what -- what -- what is the -- what's  
15 the condition of the bullet sort of, if you can  
16 tell us?

17 A It's basically exploded into -- there's  
18 multiple pieces still in his leg.

19 Q Oh, okay. So -- so is this the entire  
20 bullet?

21 A No, sir.

22 Q Okay.

23 A I just -- we normally don't take them out.  
24 In this case, I had to take it out because it was  
25 lodged in the canal of the bone where I had to put



**Scott Strohmeier - Direct Examination by Mr. Bannon**

1 the nail. But normally we -- unless they're --  
2 obviously, we just leave them in.

3 Q Was it -- was it all sort of smushed and  
4 peeled back like it is now when you took it out of  
5 his leg?

6 A Yes, sir.

7 Q Okay. And in your medical opinion, what  
8 would have caused it to sort of smush like that?

9 A Well, I'm sure it hit the bone.

10 Q Oh okay. So it just -- it impacted the  
11 bone --

12 A It impacted the bone and just shattered.

13 Q Okay.

14 A And like I said, there -- he probably has  
15 twenty or thirty more pieces in his leg still.

16 Q All right. So this is just sort of the --

17 A That's the biggest --

18 Q -- the majority?

19 A That's the majority of it, yes, sir.

20 Q Okay. And the other item that's in the  
21 bag, is that just -- what is that?

22 A It's probably smaller fragments that I took  
23 out.

24 Q Okay.

25 A That were -- you know, when I washed,

## Scott Strohmeier - Direct Examination by Mr. Bannon

1 | debride the wounds in the muscle --

2 | Q Uh-huh.

3 | A Part of that.

4 | Q Okay.

5 | MR. BANNON: Your Honor, the State has no  
6 | further questions for Dr. Strohmeier.

7 | THE COURT: Mr. Newman?

8 | MR. NEWMAN: No questions for Mr.  
9 | Strohmeier. See you later.

10 | THE COURT: Thank you. You're excused  
11 | unless somebody objects.

12 | MR. NEWMAN: Without objection.

13 | THE COURT: Have a good day.

14 | Your next witness.

15 | MR. BANNON: Your Honor, the State calls  
16 | Dr. Duff.

17 | MR. NEWMAN: And again, Your Honor, for the  
18 | record, we stipulate that the -- Mr. Jones died as  
19 | a result of a single gunshot wound to the head.

20 | THE COURT: All right. Thank you.

21 | MR. BANNON: Thank you, Your Honor.

22 | THEREUPON,

23 | THOMAS DUFF,

24 | after being duly sworn, testified as follows:

25 | THE CLERK: Please be seated. State your

**Thomas Duff - Direct Examination by Mr. Bannon**

1 name and spell it for the Court, please.

2 THE WITNESS: It's Thomas Duff.

3 **DIRECT EXAMINATION**

4 By Mr. Bannon:

5 Q Good afternoon. Could you please spell  
6 your name for the court reporter, please?

7 A Okay. Thomas, T-h-o-m-a-s. Duff, D-u-f-f.

8 Q Where do you work, sir?

9 A Beaufort Memorial Hospital.

10 Q How long have you worked there?

11 A Four years.

12 Q And what do you do at the hospital?

13 A Emergency medicine and I work in the  
14 emergency department.

15 Q Okay. And how long have you been an  
16 emergency room doctor?

17 A About five years.

18 Q Okay. And do you have any experience with  
19 gunshot wounds?

20 A Yes.

21 Q Do you have any particular experience with  
22 gunshot wounds to the head?

23 A Yes.

24 Q Okay.

25 MR. BANNON: Your Honor, the State would

**Thomas Duff - Direct Examination by Mr. Bannon**

1 just ask that Dr. Duff be qualified as an expert  
2 in the field of emergency medicine.

3 THE COURT: Any objections?

4 MR. NEWMAN: So stipulated.

5 THE COURT: All right.

6 By Mr. Bannon:

7 Q Dr. Duff, were you working in the Beaufort  
8 Memorial Hospital ER on, you know, the early  
9 morning hours of May the 24th of 2009?

10 A Yes.

11 Q And did you happen to treat a Henry Jones?

12 A Yes.

13 Q Could you please tell us about, sort of,  
14 your treatment of him?

15 A He was brought in by EMS after a gunshot  
16 wound to the head. They were unable to get an  
17 airway secured so the first issue was to get him  
18 hooked up to the ventilator and start primary  
19 resuscitation measures, run some tests, and just  
20 evaluate the situation.

21 Q Okay. And in -- in your opinion, what  
22 condition was Mr. Jones in when he -- when he  
23 entered the ER?

24 A Critical.

25 Q Okay. What does that mean?

**Thomas Duff - Direct Examination by Mr. Bannon**

1 A He was very critically injured and the  
2 wound, even on first look, was basically a  
3 nonsurvivable wound.

4 Q Okay. Now, what about this gunshot wound  
5 to the head would make it a nonsurvivable wound?

6 A The caliber of the bullet and also the  
7 pathway of the bullet are the two major factors.

8 Q And let's talk a little bit about Mr.  
9 Jones' head. When you were able to examine it,  
10 what were you able to determine from your  
11 examination of his head?

12 A Swelling and an entrance wound on one side  
13 of the head with swelling to the other side of the  
14 head. Basically it had gone across the head up  
15 near the temporal region.

16 Q Was there an exit wound?

17 A I did not see an exit wound.

18 Q Okay. What was the condition of Mr. Jones'  
19 skull?

20 A He had a skull fracture that had gone  
21 basically around the skull, almost as if a partial  
22 decapitation. His scalp did keep him from being  
23 decapitated basically.

24 Q Okay. And well, let me ask you a very  
25 basic question, was he alive or dead when he came

## Thomas Duff - Direct Examination by Mr. Bannon

1 to the emergency room?

2 A He was alive.

3 Q Okay.

4 A He did have a blood pressure, a heartbeat.

5 Q Okay. And did this, you know, sort of  
6 partial decapitation, do you think that had  
7 anything to do with his ability to still remain  
8 alive?

9 A Most likely it had something to do with it.

10 Q Why -- why would you say that?

11 A With injury to almost any body part,  
12 swelling occurs. The brain being inside the skull  
13 is like being confined in a box. The brain starts  
14 to swell and the box doesn't have any openings for  
15 the swelling to be able to move, then the pressure  
16 ends up causing further damage.

17 Q Okay.

18 A So basically, the skull fracture from the  
19 bullet allowed him to survive as long as he did.

20 Q Okay. Did you perform any tests to attempt  
21 to determine at what level his neurological  
22 functions were currently at?

23 A He had no neurological functions. He was  
24 comatose, unconscious, unresponsive.

25 Q Okay. Would it be fair to say that he was

## Thomas Duff - Direct Examination by Mr. Bannon

1 brain dead at the time?

2 A Now, that would have to be proven by a  
3 neurologist, but for our intents and purposes, it  
4 was a nonsurvivable wound.

5 Q Okay. Now, I -- I think you said when you  
6 were testifying earlier that the bullet  
7 transversed both hemispheres of the brain?

8 A Yes.

9 Q And what does that mean?

10 A One side of the brain -- the left side of  
11 the brain for example governs part of the body,  
12 the right side governs part of the body as well.  
13 If you go through both then you damaged any --  
14 basically in a wound such as this, if you go  
15 through both hemispheres of the brain, it's  
16 considered nonsurvivable.

17 Q Okay. So what would you -- when you were  
18 working with Mr. Jones or working on him, in your  
19 opinion, what were the odds that he was going to  
20 survive this injury that he sustained?

21 A Zero.

22 Q And are you aware of how Henry Jones  
23 ultimately passed away?

24 A After he got transferred to Charleston, no.  
25 The family did not wish him to be considered for

## Thomas Duff - Direct Examination by Mr. Bannon

1 organ harvest and they did withdraw the  
2 ventilator, so we left him in Beaufort and he was  
3 evaluated the next morning by the hospital after  
4 he had been admitted by hospitalist doctors --

5 Q Okay.

6 A -- and transferred to MUSC.

7 Q To your knowledge, when he left Beaufort,  
8 did he have all of his organs intact?

9 A Yes, he did.

10 Q Okay. To your knowledge, were they ever  
11 ultimately donated?

12 A I think they were, but I'm not certain.

13 Q Okay. Well, did you ever treat Henry Jones  
14 after he left --

15 A No.

16 Q -- Beaufort Memorial Hospital?

17 A No.

18 Q Okay. Did Henry Jones, aside from the  
19 gunshot wound to the head, did he have any other,  
20 you know, observable trauma to him when you  
21 treated him?

22 A I saw no other injuries.

23 MR. BANNON: Beg the Court's indulgence,

24 Your Honor.

25 ///



**Thomas Duff - Cross-Examination by Mr. Newman**

1 By Mr. Bannon:

2 Q Dr. Duff, I'm sorry, I forgot one thing.

3 If -- if there was an entrance wound and no exit  
4 wound, why didn't you attempt to remove the bullet  
5 from Mr. Jones' brain?

6 A I'm not a neurosurgeon for one and  
7 considering the damage that it had done, it  
8 wouldn't have made any difference either way.

9 Q Okay. So it -- in your opinion, would it  
10 have been -- would it have been helpful to try and  
11 remove the bullet?

12 A I'm not a neurosurgeon, but I don't think  
13 it would have changed the course.

14 Q All right.

15 MR. BANNON: Thank you, Your Honor. No  
16 further questions.

17 THE COURT: Mr. Newman?

18 **CROSS-EXAMINATION**

19 By Mr. Newman:

20 Q Thank you, Dr. Duff. If I -- I'm trying to  
21 speed this along a little bit. If I had told you  
22 the pathologist said that Mr. Jones died as a  
23 result of a single gunshot wound to the head,  
24 would you agree with that assessment?

25 A Yes.

**Ivori Polite - Direct Examination by Ms. Bannon**

1 Q Thank you. Nice seeing you sir.

2 THE COURT: You may step down.

3 Call your next witness.

4 MS. BANNON: The State calls Ivori Polite.

5 THEREUPON,

6 IVORI POLITE,

7 after being duly sworn, testified as follows:

8 THE CLERK: You may be seated. State your  
9 name and spell it for the Court, please.

10 THE WITNESS: My name is Ivori Polite.

11 I-v-o-r-i P-o-l-i-t-e.

12 **DIRECT EXAMINATION**

13 By Ms. Bannon:

14 Q Ms. Polite, how old are you?

15 A Twenty-five.

16 Q And where are you from?

17 A Port Royal.

18 Q And are you related to Henry Jones?

19 A Yes, ma'am.

20 Q How are you related to him?

21 A Well, he's my cousin, but you know, he's  
22 like an uncle to me.

23 Q And do you remember May 24th of 2009?

24 A Yes, ma'am.

25 Q That weekend, was it -- was there anything

## Ivori Polite - Direct Examination by Ms. Bannon

1 special going on?

2 A Yes, our family reunion.

3 Q And how big's your family?

4 A Huge family.

5 Q So it was a lot of people coming in town?

6 A Yes, ma'am.

7 Q Did you have just one event or multiple  
8 events?

9 A Multiple, you know, throughout the weekend.

10 Q Okay. So on that Saturday, May 23rd, what  
11 events did y'all have?

12 A We had our family reunion banquet and then  
13 we had a -- I guess it was like a party  
14 afterwards.

15 Q Okay. And this party, where was that held  
16 at?

17 A The Pepsi Cola Plant; I think it's the  
18 Shriner's Club.

19 Q And now, the Shriner's Club, is that a club  
20 that like, you could go to every night of the week  
21 and have a party at or is it a rental space or  
22 what was it?

23 A It was like a rental space mostly on the  
24 weekends.

25 Q And who was this after party for?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A It was basically for like -- like some of  
2 the family, you know, who came from out of town,  
3 something for them to do afterwards, and then, you  
4 know.

5 Q Was it aimed at every member of the family?  
6 Or the younger generation, the older generation?

7 A Everyone.

8 Q Okay. Who was putting it together?

9 A My cousin, Rochelle and some other family  
10 members, some other cousins.

11 Q Was Shawnee helping putting it together?

12 A Yes, ma'am.

13 Q Is she a cousin?

14 A Yes.

15 Q Who's Sheena Parker?

16 A She is my cousin.

17 Q And was she helping y'all put it together?

18 A Yes, ma'am. I wasn't involved with it,  
19 but, you know, they did plan it.

20 Q You -- you mean they were planning it?

21 A Uh-huh.

22 Q And was it closed to just family members or  
23 were other people -- who all was invited?

24 A Everyone. Basically everyone.

25 Q So people from the community?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q How did you get the word out to the  
3 community that this was happening?

4 A They had flyers and, I guess, word of  
5 mouth.

6 Q And was your Uncle Henry invited?

7 A Yes, of course.

8 Q Why was he invited?

9 A Because he was family too.

10 Q And now did he have a special role at this  
11 party or was he just there to hang out?

12 A He was the bartender.

13 Q And is that something he did a lot for  
14 y'all or...

15 A You know, sometimes.

16 Q Was he well suited for it?

17 A Yeah, I mean, mixed drinks and just mostly  
18 drinks.

19 Q And what all kind of things did y'all have  
20 at this party?

21 A Food and drinks, that's it. A  
22 photographer.

23 Q I'm sorry?

24 A And a photographer.

25 Q Okay. Did y'all have security?

## Ivori Polite - Direct Examination by Ms. Bannon

- 1 A Yes, ma'am.
- 2 Q Do you know who was running security?
- 3 A No, ma'am.
- 4 Q How would people get into the party?
- 5 A How did they get in?
- 6 Q Uh-huh.
- 7 A Through the one entrance.
- 8 Q So there are a couple doors at the Semper
- 9 Fi Club, right?
- 10 A Uh-huh.
- 11 Q How many were open to let people in?
- 12 A One.
- 13 Q And was that where security was?
- 14 A Yes, ma'am.
- 15 Q And were y'all charging a cover?
- 16 A Yes, ma'am.
- 17 Q What about music? What were y'all doing
- 18 for music?
- 19 A They had a DJ.
- 20 Q And now when people came in, what would
- 21 security do with them?
- 22 A He would search some people, wave them, put
- 23 they arms out and they searched them.
- 24 Q And do you remember around what time you
- 25 got to the club?

## Ivori Polite - Direct Examination by Ms. Bannon

- 1 A Maybe about 11:30. Maybe ten-something. I  
2 don't remember.
- 3 Q Sometime in the evening?
- 4 A Uh-huh. Late that night.
- 5 Q How crowded was it when you got there?
- 6 A It wasn't crowded at all; we got there  
7 early.
- 8 Q And did it get crowded at some point?
- 9 A Yes.
- 10 Q How many people would you estimate were  
11 there?
- 12 A Well, it was packed. I don't know
- 13 Q And where were most of the people in the  
14 club?
- 15 A On the dance floor.
- 16 Q All right. Would you mind stepping down  
17 off the stand for me for a little bit.
- 18 All right. Do you recognize this as a  
19 layout of the floor plan of the club? This looks  
20 to be the entrance. This is the club and that's  
21 the front?
- 22 A This is the entrance.
- 23 Q That looks just to be like the door?
- 24 A Oh, okay.
- 25 Q But is this consistent with -- if this is

## Ivori Polite - Direct Examination by Ms. Bannon

1 the front door --

2 THE COURT: Solicitor, why don't you have  
3 her stand to the side; there's people behind her.

4 MS. BANNON: Yeah.

5 By Ms. Bannon:

6 Q If you wouldn't mind, just stand to the  
7 side. If this is the door right here --

8 A The entrance door.

9 Q Uh-huh.

10 A Uh-huh.

11 Q Where would the dance floor be?

12 A All this is the dance floor.

13 Q Okay. And where was the DJ?

14 A The DJ was set up, I think, somewhere over  
15 here. I'm really not sure.

16 Q And now, this looks to be a door. Was that  
17 opened or shut?

18 A It was shut.

19 Q And where was the photographer?

20 A Over on this side.

21 Q So right across from the DJ?

22 A Yes, ma'am.

23 Q But far from the door?

24 A Yes.

25 Q And do you know what this would be?



## Ivori Polite - Direct Examination by Ms. Bannon

1 A At the bathroom area.

2 Q Okay. How about over here, what's over  
3 here?

4 A This is the ramp, and over here was like  
5 the bar basically. And over here were like tables  
6 and chairs for people to sit at.

7 Q From the top of the ramp, can you see into  
8 the club?

9 A From the top of the ramp?

10 Q Uh-huh.

11 A Uh-huh.

12 Q And from the club can you see up to the bar  
13 and the top of the ramp?

14 A From the ramp can you see where?

15 Q If I'm here on the dance floor, could I see  
16 up into there?

17 A Yeah. I mean, you couldn't see all the way  
18 in there, but you probably could see the beginning  
19 of the ramp.

20 Q You could see a corner?

21 A Yeah.

22 Q Like over here?

23 A Uh-huh.

24 Q Okay. If you wouldn't mind taking your  
25 seat again.

**Ivori Polite - Direct Examination by Ms. Bannon**

1           What was the general mood that night?

2   A           It was cool; we were happy.

3   Q           It was -- I'm sorry?

4   A           I said, we were happy, you know. All our  
5 family came in, we was ready to go, you know, and  
6 have fun.

7   Q           To your knowledge was anyone having like  
8 any big fights or anything that night?

9   A           No, ma'am.

10   Q           So there wasn't any neighborhood beef or  
11 anything going on?

12   A           I'm not sure. You know, it's something  
13 always going on in Beaufort. So, I mean, I'm not  
14 sure.

15   Q           But it wasn't a situation where you knew  
16 trouble was a brewing?

17   A           No, ma'am.

18   Q           At some point, was there a scuffle at the  
19 club?

20   A           Not that I remember at all, no.

21   Q           Well then, did something happen to break up  
22 the party?

23   A           Yeah. I mean, there was a shooting and we  
24 don't even know where it came from.

25   Q           All right. Do you know Jaquawn Brewer?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q How do you know him?

3 A From school.

4 Q And do you know if he goes by any other  
5 names?

6 A Quan or Queezy.

7 Q Queezy?

8 A Uh-huh.

9 Q It's like a nickname?

10 A Yes, ma'am.

11 Q And do you see Jaquwn Brewer here in the  
12 courtroom today?

13 A Yes, ma'am.

14 Q Where do you see him?

15 A Over there.

16 Q What color shirt is he wearing?

17 A I think it's a light blue; I can't see that  
18 far.

19 MS. BANNON: Let the record reflect she's  
20 identified Mr. Brewer.

21 By Ms. Bannon:

22 Q Did you see Mr. Brewer at the Semper Fi  
23 Club that night?

24 A Yes, ma'am.

25 Q Do you recall what he was wearing?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A No, not --

2 Q Do you recall where you saw him?

3 A Yeah. At one point, he was standing right  
4 behind us on the dance floor.

5 Q And so you said, at some point, someone  
6 started shooting?

7 A Uh-huh.

8 Q Do you know where the shooting started  
9 from?

10 A I know it was coming from like where the  
11 picture booth area was because that's the area we  
12 were headed to.

13 Q Where were you going from, that you were  
14 walking towards the picture area?

15 A A little bit like in front of the bathroom;  
16 we was going towards the picture booth.

17 Q All right. And who were you walking with?

18 A It was me, Shawnee, a couple of cousins  
19 Kanitra, Dominique.

20 Q And why were y'all headed over to the  
21 picture area?

22 A Because we wanted to take a picture.

23 Q And did you get to the picture area?

24 A No, ma'am, we didn't really get there.

25 Q Why?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Because we heard the shooting and they  
2 started shooting.

3 Q And so how many shots did you hear?

4 A How many shots? I can't recall. I just  
5 heard a bunch of gunshots.

6 Q So a bunch of them?

7 A Yeah.

8 Q So when you hear these gunshots, what do  
9 you do?

10 A We turned around and ran -- run to the  
11 bathroom.

12 Q Okay. You previously showed us that  
13 bathroom. So you went to that room?

14 A Uh-huh.

15 Q So you're in the bathroom; do you ever come  
16 out of the bathroom?

17 A Yes, after a while. After like we heard  
18 the gunshots stop inside the club --

19 Q Uh-huh.

20 A -- my cousin Shawnee came out first and  
21 then I came out right behind her.

22 Q And could you still hear gunshots outside  
23 the club?

24 A I could -- I could hear them, but very like  
25 it sounded like it was like far away, but then a

**Ivori Polite - Direct Examination by Ms. Bannon**

1 young lady started yelling again saying that they  
2 coming back or they still shooting and I could  
3 hear them louder --

4 Q Okay.

5 A -- coming back closer.

6 Q And when you hear that, where are you?

7 A I'm inside, like right -- like the opening  
8 in front of the bathroom, I'm still standing right  
9 there.

10 Q And who else do you see in the club when  
11 you're in that opening?

12 A In the opening, Shawnee right there at the  
13 ramp, my Uncle Henry, and my cousin Kenny.

14 Q Okay. When you say that Shawny's on the  
15 ramp --

16 A Uh-huh.

17 Q -- what do you mean?

18 A She was like right in front of Uncle Henry.  
19 She was on the ramp too, standing on the ramp.

20 Q And where was Uncle Henry?

21 A He was like right in the corner of the door  
22 where the opening is, where the bar is at, that's  
23 where he was.

24 Q And could you see your uncle?

25 A Uh-huh.

**Ivori Polite - Direct Examination by Ms. Bannon**

1 Q Do you know what he and Shawnee were doing?

2 A Yeah. Shawnee told him to call the police,  
3 call 9-1-1 and he was, you know -- he started to  
4 call the police on his phone.

5 Q Do you know if he was ever able to make  
6 that phone call?

7 A I know that after the shooting happened, I  
8 saw that 9-1-1 was on the phone, you know, still  
9 on the phone, so I don't think it actually went  
10 through, but I know he was trying to.

11 Q Why wasn't he able to complete that call?

12 A Because after -- the last two shots, the  
13 last one hit him and he fell down.

14 Q Did you see the person who shot him?

15 A No, ma'am.

16 Q If you wouldn't mind stepping down again, I  
17 want to show you some pictures and just go through  
18 this diagram a little bit.

19 Okay. You said that you ran to the -- here  
20 if you just want to stand to the side so that  
21 everyone can see you -- that you were heading  
22 towards the pictures which were over here,  
23 correct?

24 A Uh-huh.

25 Q And you heard the shots?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q And so where did you go?

3 A Turned around and ran through there to the  
4 bathroom, the ladies bathroom.

5 Q Okay. And then you said you came out  
6 beside the bathroom?

7 A Yeah. I came outside after the shots  
8 stopped -- well, the shooting stopped.

9 Q The first set inside the club?

10 A Uh-huh.

11 Q So where were you standing when you came  
12 out?

13 A I was standing right here in the door  
14 because I was still kind of hesitant and making  
15 sure that they stopped shooting.

16 Q And where was Shawnee?

17 A Shawnee was on the ramp.

18 Q She was on the ramp?

19 A Uh-huh.

20 Q Where was your Uncle Henry?

21 A Right here.

22 Q Okay. And were you able to tell what  
23 direction the bullet that struck your uncle came  
24 from?

25 A No, I couldn't tell, but I mean, it had to



## Ivori Polite - Direct Examination by Ms. Bannon

1 | come through the door.

2 | Q       Why?

3 | A       Well, it sort of a brick building.

4 | Q       Did you have a gun?

5 | A       No, ma'am.

6 | Q       Did your cousins have a gun?

7 | A       No, ma'am.

8 | Q       Did your Uncle Henry have a gun?

9 | A       No, ma'am.

10 | Q       So after the shooting first stopped and  
11 | y'all come out, was it mostly partygoers or mostly  
12 | family or did you know?

13 | A       When we came out?

14 | Q       Uh-huh.

15 | A       The club was empty. It was just the people  
16 | that were in the back that were in there with us.

17 | Q       And did you know them?

18 | A       Some of the people, yeah.

19 | Q       And did you know them to have guns?

20 | A       No.

21 | Q       Okay. If you wouldn't mind, I'm going to  
22 | direct your attention to the big screen, Jim's  
23 | going to pull it over. I just want to go through  
24 | some photos with you?

25 |       Do you know this girl?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A No.

2 Q Here, if you just want to stand on the side  
3 right next to Ms. Radford, she'll hold that for  
4 you so everyone can hear and see. Okay?

5 A Okay.

6 Q So you've never seen this girl in your  
7 life?

8 A No, ma'am.

9 Q Okay. How about these girls?

10 A No.

11 Q Okay. Same girls, don't know them?

12 A Uh-huh.

13 Q Do you know that girl?

14 A (The witness shook her head.)

15 THE COURT: Make sure you speak up.

16 THE WITNESS: Oh, okay.

17 By Ms. Bannon:

18 Q Do you know that girl in the pink?

19 A No, it's a picture of --

20 Q Okay. How about these people?

21 A My cousin Ron and his friend Donald..

22 Q Okay. And so they were at the party that  
23 night?

24 A Uh-huh.

25 Q This is just another shot of them?

**Ivori Polite - Direct Examination by Ms. Bannon**

1 A Uh-huh.

2 Q Them mugging for the camera again?

3 A Uh-huh.

4 Q Ivori, did y'all stick together?

5 A No, ma'am.

6 THE COURT: Speak up.

7 THE WITNESS: No, ma'am.

8 By Ms. Bannon:

9 Q All right. Do you know these guys?

10 A No, ma'am.

11 Q Are these pretty typical of the pictures  
12 people were taking that night?

13 A Uh-huh.

14 Q Do you know these people?

15 A No, ma'am.

16 Q Would you be surprised if they were at your  
17 party?

18 A No.

19 Q Is this typical? You take a couple of  
20 shots with the photographer?

21 A Uh-huh. Yes, ma'am.

22 Q And pick out whichever one you like the  
23 best?

24 A Yes.

25 Q These people were at your party?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Yes.

2 Q Do you know them?

3 A I just know the young lady with the shorts

4 on.

5 Q Okay. Who is she?

6 A My friend Kia from Hilton Head.

7 Q Okay. Just take another shot of Kia?

8 A Uh-huh.

9 Q All right. How about this picture? Is

10 that from that night?

11 A Yes, sir -- yes, ma'am.

12 Q Do you know the people in this photo?

13 A Yes.

14 Q Okay. If you wouldn't mind getting that

15 pointer from Ms. Radford. Going from left to

16 right, would you mind telling us who these people

17 are?

18 A This is Bull Rod, I don't know him by his

19 name.

20 Q Okay, that's a nickname Bull Rod. Okay.

21 A Quan and Brian and T.K.

22 Q Okay. Now, when you say Quan --

23 A Uh-huh.

24 Q -- who do you mean?

25 A Queezy.

## Ivori Polite - Direct Examination by Ms. Bannon

1 Q Okay. So the defendant that you previously  
2 pointed out?

3 A Yes.

4 Q Do you know Brian's last name?

5 A I don't.

6 Q Does he have a nickname?

7 A Chocolate.

8 Q Okay. And the last guy on the right, who's  
9 that?

10 A T.K. That's a nickname too.

11 Q Okay. And so do you recognize what they're  
12 doing? I think the one that Mr. -- that Bull  
13 Rod's doing; we all recognize what that means,  
14 right?

15 A Yeah.

16 Q Do you understand what this hand symbol  
17 means that Mr. Brewer is showing?

18 A I want to say hill posse. I think that's  
19 what it means.

20 Q What does that mean to you?

21 A The area that he came from; the area he  
22 live in.

23 Q And what area is that?

24 A Poppy Hill.

25 Q The Poppy Hill area?

## Ivori Polite - Direct Examination by Ms. Bannon

1 A Yeah.

2 Q So that could symbolize the Poppy Hill?

3 A Uh-huh.

4 Q Okay. So what about the hand signal Mr.

5 Brian or Chocolate's making?

6 A He looks like he has the same thing.

7 Q Okay. How about T.K.? Do you know what

8 that means?

9 A No, ma'am.

10 Q Okay. It looks like -- how about this

11 photo? It looks like the same four people?

12 A Yes.

13 Q And do you recognize this guy?

14 A Yes, but I don't know his name.

15 Q Okay. And do you recognize what hand

16 gesture Mr. Bull Rod is making?

17 A Looks like he's making the same one as T.K.

18 Q The one that you don't know what it means?

19 A Uh-uh.

20 Q How about Mr. Brewer?

21 A The same thing.

22 Q As --

23 A Hill Posse.

24 Q So he's making the same --

25 A Uh-huh.

**Ivori Polite - Direct Examination by Ms. Bannon**

1 Q I'm sorry, the same gesture as Brewer in  
2 this picture?

3 A Yes, ma'am.

4 Q The Hill posse sign?

5 A Yes, ma'am.

6 Q And how about Chocolate?

7 A The same thing, the hill posse.

8 Q The hill posse?

9 A Uh-huh.

10 Q You didn't see this picture when it was  
11 taken, did you?

12 A No, ma'am.

13 Q And did you talk to any of these guys that  
14 night?

15 A No. I probably said, you know, What's up,  
16 and that was it.

17 Q But you know most of these guys from  
18 growing up?

19 A Yes, from the area.

20 Q All right. How about this picture? Who is  
21 this in the black shirt?

22 A Quan.

23 Q The defendant?

24 A Yes.

25 Q All right. And what hand gesture is he

## Ivori Polite - Direct Examination by Ms. Bannon

1 making in that one?

2 A The same gesture from the last one.

3 Q So the Hill Posse?

4 A Uh-huh.

5 Q And who's in the middle?

6 A Brian.

7 Q Chocolate?

8 A Chocolate.

9 Q And what's he doing?

10 A I can't tell you that right now. I don't  
11 know.

12 Q Okay. And how about the third guy?

13 A He's standing there.

14 Q Okay. And is that Bull Rod?

15 A Yes, ma'am.

16 Q Okay. All right. If you wouldn't mind  
17 grabbing a seat.

18 Now, you said that y'all made up flyers for  
19 this party?

20 A Yes, ma'am.

21 Q How'd y'all distribute those, do you know?

22 A Pass them out to different stores, you  
23 know.

24 MS. BANNON: This will be 19-A.

25 THE COURT: 19-A into evidence without



## Ivori Polite - Direct Examination by Ms. Bannon

1 objection?

2 MR. NEWMAN: That's correct.

3 (WHEREUPON States Exhibit 19-A was entered  
4 into evidence.)

5 By Ms. Bannon:

6 Q All right, Ms. Polite. I'm showing you  
7 what has been identified as State's Exhibit 19-A;  
8 do you recognize it?

9 A Yes, ma'am.

10 Q What is it?

11 A The flyer.

12 Q It's the flyer for the party?

13 A Yes, ma'am.

14 MS. BANNON: The State would move State's  
15 19-A into evidence.

16 THE COURT: It's in evidence without  
17 objection.

18 MS. BANNON: Permission to publish?

19 THE COURT: Sure.

20 By Ms. Bannon:

21 Q So y'all just hand these out to get people  
22 to come?

23 A Yes.

24 MS. BANNON: Beg the Court's indulgence,  
25 Your Honor.

**Ivori Polite - Cross-Examination by Mr. Newman**

1 THE COURT: Sure.

2 By Ms. Bannon:

3 Q All right. Ms. Polite, thank you so much  
4 for answering my questions, if you wouldn't mind  
5 answering any Mr. Newman might have for you, I'd  
6 appreciate it.

7 THE COURT: Mr. Newman?

8 **CROSS-EXAMINATION**

9 By Mr. Newman:

10 Q Hey, Ms. Polite?

11 A Hi.

12 Q You are from Stewart Point; is that  
13 correct?

14 A Yes, sir.

15 Q How about Travis Polite?

16 A Travis Polite?

17 Q Yep.

18 A Stewart Point.

19 Q Stewart point?

20 A Yes.

21 Q Travis was at the party, wasn't he?

22 A I don't remember seeing him there.

23 Q And you said you went to school with Mr.  
24 Brewer?

25 A Yes.

**Ivori Polite - Cross-Examination by Mr. Newman**

1 Q So you went to school in Hampton County?  
2 A No, I went to school down here.  
3 Q Oh, okay.  
4 A Uh-huh.  
5 Q What -- what school was Mr. Brewer in?  
6 A Well, I believe it was middle school,  
7 Robert Smalls.  
8 Q All right. Now, it's been testified to  
9 that there were probably fifty or sixty people at  
10 this party. Would that be consistent with your  
11 recollection or you think there's more?  
12 A That there was fifty or sixty people at the  
13 party?  
14 Q Yes.  
15 A No, there was more.  
16 Q A hundred?  
17 A A little more than a hundred.  
18 Q More than a hundred?  
19 A Yeah.  
20 Q Okay.  
21 A It was pretty packed.  
22 Q And this -- this was the pre-Memorial Day  
23 jump off?  
24 A Yes, sir.  
25 Q Hosted by Rochelle, Shawnee, Sheena,

## Ivori Polite - Cross-Examination by Mr. Newman

- 1 Keshia, Money, and Deon?
- 2 A Yes.
- 3 Q And Deon would be Deon Stevenson?
- 4 A I believe that's his last name. I don't
- 5 know.
- 6 Q The fellow from Ridgeland?
- 7 A Yes, he's from Ridgeland.
- 8 Q Okay. It had a \$10 admission price?
- 9 A Yes.
- 10 Q Who is DJ Dat Daddy?
- 11 A This guy named Gary from Stewart Point.
- 12 Q From Stewart Point?
- 13 A Uh-huh.
- 14 Q How about DJ Vous?
- 15 A He's from Ridgeland.
- 16 Q He's from Ridgeland?
- 17 A Uh-huh. Hardeeville. Hardeeville.
- 18 Q Hardeeville?
- 19 A Uh-huh.
- 20 Q Jasper County?
- 21 A Yes.
- 22 Q Okay. Now, it's true that according to
- 23 your statement and your testimony that you never
- 24 saw Mr. Brewer shoot?
- 25 A No, sir.

**Ivori Polite - Cross-Examination by Mr. Newman**

- 1 Q Okay. What was the name of the security  
2 guard? Was there more than one?
- 3 A It was more than one, but I don't know any  
4 of the guys' names.
- 5 Q Did they have any kind of shirt on that  
6 said security?
- 7 A Yes.
- 8 Q They did?
- 9 A Uh-huh.
- 10 Q And let me make sure I got this right  
11 because I'm getting a little confused and I don't  
12 want to be. Shawnee and Sheena are two different  
13 people; is that correct?
- 14 A Yes.
- 15 Q Okay. Now, who is Shawnee?
- 16 A Shawnee is my older cousin.
- 17 Q Okay. And Sheena --
- 18 A Is my younger cousin.
- 19 Q Sheena Gardner?
- 20 A Yes.
- 21 Q All right. Is Shawnee a Gardner too?
- 22 A No, she's a Jones.
- 23 Q Okay. Was it Shawnee or Sheena that was on  
24 the ramp?
- 25 A Shawnee.

**Ivori Polite - Redirect Examination by Ms. Bannon**

1 Q Shawnee?

2 A Shawnee Jones, uh-huh.

3 Q Okay.

4 A Octavia, is her real name.

5 Q Excuse me, I'm sorry, I was looking at  
6 something?

7 A Oh. Her real name is Octavia.

8 Q Oh. Her real name is Octavia?

9 A Uh-huh.

10 Q Okay. Shawnee is Octavia?

11 A Uh-huh.

12 Q And that's who was on the ramp?

13 A Yes, sir.

14 Q All right. Thank you ma'am.

15 THE COURT: Anything further solicitor?

16 **REDIRECT EXAMINATION**

17 By Ms. Bannon:

18 Q So you're related to Shawnee?

19 A Yes.

20 Q And all these people?

21 A Yes.

22 Q So you might know them by nicknames rather  
23 than --

24 A Uh-huh.

25 Q -- their christian name?

**Donald Parker - Direct Examination by Mr. Bannon**

1 All right. No further questions.

2 THE COURT: You may step down.

3 Call your next witness.

4 MR. BANNON: The State calls Donald Parker.

5 MS. BANNON: Your Honor, just to clarify,

6 may Ms. Polite be excused and remain if she so

7 desires for the remainder of the trial?

8 THE COURT: Any objections, Mr. Newman?

9 MR. NEWMAN: Just as long as she not be

10 called.

11 THE COURT: All right.

12 THEREUPON,

13 DONALD PARKER,

14 after being duly sworn, testified as follows:

15 THE CLERK: Please be seated. State your

16 name and spell it for the Court, please.

17 THE WITNESS: Donald Parker. D-o-n-a-l-d

18 P-a-r-k-e-r.

19 **DIRECT EXAMINATION**

20 By Mr. Bannon:

21 Q How you doing this afternoon, Donald?

22 A I'm doing all right.

23 Q Where do you live?

24 A On Seaside Road.

25 Q How long have you lived in Beaufort County?

## Donald Parker - Direct Examination by Mr. Bannon

1 A I've lived here forever.

2 Q Okay. Where do you work?

3 A Well, I work -- now, I work with my dad  
4 doing -- it's a moving company.

5 Q All right. And what were you doing back in  
6 May of 2009?

7 A Working wise?

8 Q Yeah.

9 A I was working at Beaufort Memorial  
10 Hospital.

11 Q All right. And were you going to school at  
12 all?

13 A No, sir.

14 Q I want you to think back to May the 24th of  
15 2009. Did you go to a party that evening?

16 A Yes, sir.

17 Q Did you go by yourself?

18 A No, sir.

19 Q Who all went with you?

20 A Me and a couple of friends.

21 Q Okay. Do you remember who they were?

22 A Yes.

23 Q Who were they?

24 A Myself, my brother Ronald, my friend John,  
25 and my other friend Sam.



**Donald Parker - Direct Examination by Mr. Bannon**

1 Q Do John and Sam have last names?

2 A Yes. It's John Doctor and Sam Pope.

3 Q Okay. And I guess your brother, Ronald --  
4 are you guys identical twins?

5 A Yes, sir.

6 Q Okay. Did all you guys go together in the  
7 same car or did you take separate cars?

8 A Oh, we went in the same car. It was like  
9 two cars and we followed right behind each other.

10 Q Okay. And whose care were you in?

11 A I was in the car with my brother.

12 Q Okay. Was it just the two of you guys in  
13 the car?

14 A It was three of us. Me and my other friend  
15 Sam Pope.

16 Q Okay. And what time did you arrive at the  
17 party?

18 A Maybe like around noon -- I mean, around  
19 midnight.

20 Q Okay. It was -- it was dark outside. It  
21 was late at night?

22 A Yeah.

23 Q When you arrived, what was the -- what was  
24 the atmosphere like inside the club?

25 A Inside the club it was just a bunch of

**Donald Parker - Direct Examination by Mr. Bannon**

1 | people just standing around. Music was playing.

2 | Some people were dancing, some people were just  
3 | having drinks, so that's where we was at.

4 | Q Were you guys excited to be there?

5 | A Yes, we was. And we went there to actually  
6 | promote -- we had a party -- we were supposed to  
7 | have one the next night so we wanted to promote  
8 | ours too. Like to get the word out.

9 | Q Oh, okay. Why were you guys having a  
10 | party?

11 | A Well, just like basically like a fund  
12 | raiser.

13 | Q Oh, okay. What were you raising funds for?

14 | A Just for -- just for us because we was --  
15 | my friends was in school at the time so just some  
16 | extra funds for us for school.

17 | Q Okay. Well, which friend are you talking  
18 | about?

19 | A My brother was in school, my other friend  
20 | John was in school, and my other friend, Sam Pope  
21 | was in school, too.

22 | Q Okay. Are you talking about high school or  
23 | what level of school were you --

24 | A College.

25 | Q What's that?

## Donald Parker - Direct Examination by Mr. Bannon

1 A College.

2 Q College. Now, when you first arrived at  
3 the club, what was the mood like inside the room?

4 A It was a good mood. Everybody was just  
5 vibing, you know what I'm saying. Talking.

6 Q Did -- now, I'm talking about before the  
7 shooting started, did you see any fights or any  
8 sort of trouble that evening?

9 A No, sir.

10 Q Was there shooting that evening?

11 A That night?

12 Q Yes, sir.

13 A Yes, sir.

14 Q Okay. I'd like to talk to you a little bit  
15 about that. Where were you standing just before  
16 the shooting started?

17 A Just before the shooting started, I was  
18 standing like -- like in between -- in between the  
19 door and like in between like where the -- where  
20 the ramp was at to go to the bar. Like sort of --  
21 sort of like in the middle.

22 Q Okay. This might help. If you step down  
23 off the stand for just a second, I'll just show  
24 you something. Just stand off to the side.

25 And does this look like the -- sort of the

## Donald Parker - Direct Examination by Mr. Bannon

1 top view of the Semper Fi Club there?

2 A Yes, sir.

3 Q And so which room were you in?

4 A I was in -- I was in this room right here.

5 Q Okay.

6 A And this the room where they were serving  
7 drinks at.

8 Q All right. And if you could just point  
9 to -- where about were you when the shooting  
10 started?

11 A When the shooting started I was about like  
12 right here.

13 Q Okay. Just kind of in the middle of the  
14 room?

15 A Yeah. Just kind of in the middle.

16 Q All right.

17 A Off to the side though.

18 Q Okay. You can go back up to the witness  
19 stand.

20 Okay. Could you tell us -- well, let me  
21 ask you this. Were you -- were you shot that  
22 evening?

23 A Yes, sir.

24 Q Okay. Where were you hit?

25 A In the -- in the right calf.

## Donald Parker - Direct Examination by Mr. Bannon

1 Q Okay.

2 A In the back.

3 Q Could you tell me a little bit about what  
4 happened just before you got shot?

5 A Well, just before I got shot, me and a  
6 couple of friends were just standing around  
7 socializing and then I just heard a bunch of  
8 commotion going on and as soon as I turned my head  
9 and looked back -- as soon as I turned my head and  
10 looked back, that's when I saw fire came from the  
11 gun, first shot, hit me in the back of the leg.

12 Q Okay. So -- okay. So you're standing  
13 there and you hear something from behind you?

14 A Yes.

15 Q Do you -- do you remember which -- and you  
16 said you turned and looked, right?

17 A Yes, sir.

18 Q Okay. Do you remember which way you  
19 turned?

20 A Left.

21 Q Okay.

22 A I looked left over my --

23 Q So you turned to your left --

24 A I looked left over my shoulder.

25 Q Okay. So you turned around to see what's

## Donald Parker - Direct Examination by Mr. Bannon

1 going on, what do you see?

2 A All I saw was a black pistol and fire came  
3 from it.

4 Q Okay. Did you see who was holding it?

5 A No, sir.

6 Q Okay. Do you remember talking to  
7 Investigator Fraser after you made it to the  
8 hospital?

9 A Yes, sir.

10 Q Okay. And did he ask you questions about,  
11 you know, sort of what had happened that evening  
12 and what you saw?

13 A Yes, sir.

14 Q Do you remember telling Investigator  
15 Fraser --

16 MR. NEWMAN: Your Honor, I going to object  
17 to that line of questioning. I object to it.

18 (WHEREUPON there was a bench conference out  
19 of the hearing of the jury and the court  
20 reporter.)

21 MR. BANNON: Okay.

22 By Mr. Bannon:

23 Q So you remember speaking with Investigator  
24 Fraser?

25 A Yes, sir.

**Donald Parker - Direct Examination by Mr. Bannon**

1 Q Do you remember what you told Investigator  
2 Fraser?

3 A Well, I don't remember everything I told  
4 him.

5 Q Okay.

6 A I just remember what I wrote in my  
7 statement.

8 Q Okay. Well, can you tell us what you  
9 remember telling to Investigator Fraser?

10 A What I just -- I was standing in the club,  
11 heard a bunch of commotion so when I turned around  
12 all I saw was fire came from a pistol and hit me  
13 in the leg.

14 Q Okay. Do you remember telling Investigator  
15 Fraser what color shirt the person was wearing?

16 A No, sir.

17 Q Do you remember telling Investigator Fraser  
18 how tall the person was?

19 A No, sir.

20 Q Do you remember telling Investigator Fraser  
21 about the --

22 MR. NEWMAN: Your Honor, again, I have the  
23 same objection.

24 THE COURT: Sustained. Rephrase the  
25 questions.

## Donald Parker - Direct Examination by Mr. Bannon

1 | By Mr. Bannon:

2 | Q Did you make any statements about the  
3 | person's hair?

4 | MR. NEWMAN: Your Honor, the same  
5 | objection.

6 | (WHEREUPON there was a bench conference out  
7 | of the hearing of the jury and the court  
8 | reporter.)

9 | THE COURT: Do you need to use it?

10 | MR. BANNON: I can dig out the other one or  
11 | we can just use that one.

12 | THE COURT: Sure. Save time.

13 | MR. BANNON: Mark this as .

14 | MR. NEWMAN: I object to it coming into  
15 | evidence, I thought he was going to let the  
16 | defendant -- I'm sorry, the witness --

17 | MR. BANNON: Well -- and -- and I'm not --  
18 | I'm not offering it as evidence Your Honor. It's  
19 | just my understanding that if I'm going to show  
20 | the witness I'm going to need to mark it as an  
21 | exhibit --

22 | THE COURT: All right.

23 | MR. BANNON: -- for identification.

24 | MR. NEWMAN: Just for ID, then.

25 | THE COURT REPORTER: It'd be 62 for ID.



**Donald Parker - Direct Examination by Mr. Bannon**

1 MR. BANNON: Uh-huh.

2 MR. BANNON: Madame Court Reporter, will I  
3 be able to get a copy of that at a break?

4 THE COURT REPORTER: Sure.

5 MR. BANNON: Okay. Because that's the only  
6 copy I have.

7 (WHEREUPON State's Exhibit No. 62 was  
8 marked for identification.)

9 By Mr. Bannon:

10 Q Donald, I'd like to show you what has been  
11 marked as -- as -- well as State's Exhibit No. 62.

12 A All right.

13 Q Would you take a look at that for me? Now,  
14 is -- is that -- is that your statement?

15 A Yes, sir.

16 Q Okay. Did you sign it?

17 A Yes, sir.

18 Q Okay. And does it have sort of a brief  
19 recitation of what you wrote down and gave to  
20 Investigator Fraser?

21 A You said -- do it have a brief --

22 Q You just sort of wrote down what happened  
23 for Investigator Fraser?

24 A Yes.

25 Q Okay. All right. Does that sort of help

## Donald Parker - Direct Examination by Mr. Bannon

1 | you remember a little bit about what happened?

2 | A        Yeah.

3 | Q        Okay. Can I see that back?

4 |        Okay. Do you remember whether the shooter  
5 | was a man or a woman?

6 | A        I didn't see no face; all I saw was a  
7 | pistol.

8 | Q        Okay. But --

9 | A        It was -- it was quick. Like soon as I  
10 | turned my head, it happened like that so I ain't  
11 | get a chance to identify or nothing.

12 | Q        Okay. So you saw the pistol?

13 | A        Yeah.

14 | Q        Okay. But what you wrote in your statement  
15 | is that your pistol --

16 |        MR. NEWMAN: Your Honor, Your Honor I  
17 | object --

18 |        THE COURT: Sustained.

19 | By Mr. Bannon:

20 | Q        Could you take a look at your statement?  
21 | And I'd like to ask you, do you have written down  
22 | in there anywhere whether or not --

23 |        MR. NEWMAN: Your Honor --

24 |        MR. BANNON: -- he --

25 |        THE COURT: Sustained.

**Donald Parker - Direct Examination by Mr. Bannon**

1 MR. BANNON: Your Honor, may we approach  
2 for a second?

3 THE COURT: Sure.

4 (WHEREUPON there was a bench conference out  
5 of the hearing of the jury and the court  
6 reporter.)

7 By Mr. Bannon:

8 Q Now, in this statement, you wrote down  
9 that, he had a gun, right?

10 A Yes, sir.

11 Q Okay. So does that help you to remember as  
12 to whether or not it was a man or a woman?

13 A No, sir. I ain't see no face.

14 Q Okay. So you saw the gun in what you say  
15 was his hand, but you don't know if it was a man  
16 or a woman. Do you remember what color the  
17 person's hand was? Was it a black person, a white  
18 person?

19 A I ain't see the hand, no, sir. It was too  
20 dark in there, it was pitch black. All I saw was  
21 fire from the gun.

22 Q Once you were -- once you were hit, what  
23 happened next?

24 A Once I was hit, I buckled, my leg buckled,  
25 and I dropped to the ground and everybody was

## Donald Parker - Direct Examination by Mr. Bannon

1 | trying to get out, so I tried to get out too. But  
2 | I hold on -- I grabbed on to someone's shirt and  
3 | they pulled me by the door and right by the door  
4 | where I tried to get up on my own.

5 | Q        Okay.

6 | A        And right outside the club --

7 | Q        Now --

8 | A        -- To where my friend was standing.

9 | Q        Oh, I'm sorry.

10 |           Now, when you say the door, do you mean  
11 | like the front door, the way that everybody was  
12 | coming in and out?

13 | A        Yes.

14 | Q        And was the club crowded when the shooting  
15 | started?

16 | A        Yes, sir, very packed.

17 | Q        After the first shot, did you hear anymore  
18 | gunshots?

19 | A        Yes, sir.

20 | Q        While you were inside the club?

21 | A        Yes, sir.

22 | Q        Okay. How many do you remember hearing?

23 | A        Like -- maybe like three or four -- three  
24 | or four.

25 | Q        Okay. And once you make it through the

**Donald Parker - Direct Examination by Mr. Bannon**

1 back door, what do you see out there?

2 A Well, once I made it to the outside, my  
3 buddy came and put me on his shoulder and he  
4 was -- as they was taking me to the truck, all I  
5 still heard was gunshots going on.

6 Q Okay. And when you say your buddy, who do  
7 you mean?

8 A John Doctor.

9 Q Okay. And so where did you guys go?

10 A Well, he put -- he put me in the vehicle.  
11 From there, we was on the way to the hospital --

12 Q Uh-huh.

13 A -- and we got stopped by -- by cops on the  
14 way to the hospital.

15 Q Okay. Did they pull you over or how did  
16 that happen?

17 A Well, they were -- they were following us  
18 for a minute because I was telling them -- I was  
19 telling my driver, don't stop til we get to the  
20 hospital because I was just afraid of losing my  
21 leg.

22 Q Uh-huh.

23 A And then they finally came to a stop when  
24 they -- when they got like three or four cars --  
25 like three cop cars behind us, we finally came to

## Donald Parker - Direct Examination by Mr. Bannon

1 a stop.

2 Q Were you afraid you were going to die?

3 A Yes, sir.

4 Q How is your leg doing now?

5 A It's doing a hundred percent now.

6 Q Okay. And now, just before the gunshots  
7 started, did you hear any -- was there any sort of  
8 like fight or commotion?

9 A No, sir. All of a sudden before I heard  
10 the gunshot, it just got loud.

11 Q Okay.

12 A It got kind of louder and then as soon as I  
13 turn my head and look over my shoulder, that's  
14 when I saw the fire and everything just started.

15 Q Afterwards, did the police officers come  
16 talk to you about what happened a couple days  
17 later?

18 A Well one of them came that night in the ER.

19 Q Uh-huh.

20 A In the emergency room, came to talk to me.

21 Q And did any of the investigators follow up  
22 with you afterwards?

23 A Yes. A couple days later on, I got out and  
24 they came to the house.

25 Q Okay. Did they ever show you any photo

## Donald Parker - Direct Examination by Mr. Bannon

1 lineups?

2 A Yes, sir.

3 Q Were you ever able to pick anyone out of  
4 those photo lineups?

5 A No, sir.

6 Q Okay. Okay. So you don't know who shot  
7 you?

8 A I was -- I got hit from the back, I wasn't  
9 really paying attention.

10 Q Do you recognize the fellow who's sitting  
11 at the table or wearing the light blue shirt?

12 A Do I recognize him? I don't know him.  
13 If -- if I was to see him outside, I wouldn't know  
14 him.

15 Q Okay. So you -- you have no -- you have  
16 never seen him before?

17 A I saw him one time before. A long time  
18 ago.

19 Q Okay.

20 A Other than that, I could see him and walk  
21 right by.

22 Q Did you see him in the -- at the Semper Fi  
23 Club that evening?

24 A No, sir. I didn't know what he looked  
25 like.

## Donald Parker - Direct Examination by Mr. Bannon

1 Q When you -- you said that that night, one  
2 of the investigators came and spoke with you at  
3 the hospital?

4 A Yes, sir.

5 Q Okay. Do you remember what you told him  
6 that night right after it happened?

7 A No, sir.

8 Q You were conscious when you made it to the  
9 hospital, right?

10 A Yes, sir.

11 Q And you remember speaking with the  
12 investigator?

13 A Yes, sir. I remember him coming up there.  
14 I do not remember what -- what was exactly said.

15 Q Okay. Well, do you remember -- do you  
16 remember any talk about who the shooter might have  
17 been?

18 A No, sir. He didn't talk to me about who  
19 the shooter was, no.

20 Q Did he ever ask you for a description of  
21 the shooter?

22 A No, sir. I don't recall.

23 MR. BANNON: Your Honor, may we approach  
24 again?

25 THE COURT: Sure.



**Donald Parker - Direct Examination by Mr. Bannon**

1 (WHEREUPON there was a bench conference out  
2 of the hearing of the jury and the court  
3 reporter.)

4 MR. BANNON: I have no further questions  
5 for Mr. Parker.

6 THE COURT: All right. Mr. Newman?

7 MR. NEWMAN: No questions.

8 THE COURT: All right. You may step down.  
9 You can call your next witness.

10 MR. BANNON: Your Honor, at this point, we  
11 would like to call Jeremiah Fraser, but I think we  
12 might just need a five minute recess before we do.

13 THE COURT: All right.

14 Members of the jury, if you'll take a ten  
15 minute break. Do not discuss the case.

16 (WHEREUPON the jury left the courtroom at  
17 3:26 p.m.)

18 THE BAILIFF: The jury is clear, Your  
19 Honor.

20 THE COURT: All right. Thank you.

21 MR. BANNON: Your Honor, not for the  
22 record, but I just wanted to make sure that the  
23 statement we were going to use with Investigator  
24 Fraser was -- you know, that we have the proper  
25 times to stop it before we put him on the stand

**Donald Parker - Direct Examination by Mr. Bannon**

1 to -- so the -- so the statement about the lie  
2 detector didn't come into evidence.

3 (WHEREUPON a recess was observed while the  
4 attorneys made sure the CD was properly cued.)

5 THE COURT: And if the bailiff would go  
6 ahead and bring out the jury.

7 THE BAILIFF: All right.

8 MS. BANNON: Briefly, Your Honor, the next  
9 witness, Investigator Fraser, you had earlier  
10 stated that you wanted us to edit out that certain  
11 part of the interview.

12 THE COURT: Right.

13 MS. BANNON: And we believe it is during  
14 that quiet time where they stop the interview and  
15 when the defendant's mom comes back in, so we just  
16 won't play that quiet time if that's okay with Mr.  
17 Newman.

18 THE COURT: That's fine.

19 MR. NEWMAN: I don't remember where --

20 THE BAILIFF: The jury's ready to enter.

21 THE COURT: Thank you.

22 (WHEREUPON the jury entered the courtroom  
23 at 3:39 p.m. )

24 THE BAILIFF: The jury is present.

25 THE COURT: Thank you.

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 All right, Solicitor, we're ready when you  
2 are.

3 MS. BANNON: Thank you, Your Honor, the  
4 State calls Investigator Fraser.

5 THEREUPON,

6 JEREMIAH FRASER,  
7 after being duly sworn, testified as follows:

8 THE CLERK: Please be seated. State your  
9 name and spell it for the Court, please.

10 THE WITNESS: Jeremiah Fraser,  
11 J-e-r-e-m-i-a-h F-r-a-s-e-r.

12 **DIRECT EXAMINATION**

13 By Ms. Bannon:

14 Q Investigator Fraser, where do you work?

15 A Beaufort County Sheriff's Office.

16 Q What do you do there?

17 A I'm a criminal investigator.

18 Q And how long have you worked at Beaufort  
19 County Sheriff's Office?

20 A Nine and half years.

21 Q And prior to working for the sheriff's  
22 office, what did you do?

23 A I was in the Marine Corp.

24 Q And how long have you been an investigator?

25 A Coming up on five years.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And now were you working -- so five years,  
2 does that mean that you were working as an  
3 investigator on May 24th, 2009?

4 A I was.

5 Q Okay. And were you on duty that night?

6 A I was.

7 Q And did you get any call outs?

8 A I did.

9 Q Where'd you get called out to?

10 A I got called out to the Semper Fi Club on  
11 Broad River Boulevard regarding a shooting.

12 Q And did you respond to the Semper Fi Club?

13 A No, I responded to the ER. When I received  
14 the call from the patrol staff -- staff sergeant,  
15 who requested my presence, he requested additional  
16 people as well because of the large scale of the  
17 scene. I've worked several cases like this and I  
18 knew that the best way to proceed with this was to  
19 get multiple investigators involved and working  
20 from different angles.

21 Q Did you get a chance to talk with Sergeant  
22 Chapman?

23 A I did. I called and requested that he and  
24 Sergeant Cox respond to the Semper Fi Club and I  
25 responded to the hospital.

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 Q So you pulled them out of bed to help you?

2 A I did.

3 Q Now, are you familiar with the Semper Fi  
4 Club?

5 A I am.

6 Q What is it?

7 A It's a private building owned by some local  
8 residents. They rent the building out for various  
9 types of functions.

10 Q So it's not like a dance club?

11 A No, it's not like a dance club.

12 Q You know what it's made out of?

13 A Cinder block.

14 Q And it's over there kind of behind the  
15 Walmart?

16 A Yes, on Broad River Boulevard. It's right  
17 beside the Pepsi Cola Plant on Broad River  
18 Boulevard. Like Burton Wells area where the  
19 baseball fields are. Over by the Battery Creek  
20 High School back entrance.

21 Q And now, you went to the hospital, you  
22 said?

23 A I did.

24 Q And what did you do once you got to the  
25 hospital?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A That's when I initiated the real part of my  
2 investigation in this. I knew that the victims  
3 were being transported to the hospital and I knew  
4 that there was going to be a bunch of witnesses at  
5 the hospital. I responded to the hospital with  
6 the intention of talking to the victims. I was  
7 aware that one had been shot in the head and I was  
8 also aware that another had been shot in the leg.

9 My first priority was to try to talk to the  
10 witnesses before they went -- I'm sorry, the  
11 victims before they went into any kind of surgery  
12 so I could get an idea of where I needed to  
13 proceed. And then to follow that up with the  
14 victims.

15 Q Why would it be important to talk to the  
16 victims so quickly?

17 A A lot of times in a traumatic incident like  
18 this, when the victim comes into the hospital with  
19 a gunshot wound especially, they'll be medicated  
20 prior to any like operation or anything like that.  
21 Pain medication, things like that. I wanted to  
22 get there as quick as I could to get a -- get out  
23 ahead of this, if you will, and talk to the  
24 victims before they were ever medicated.

25 Q And were you able to identify who the

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | victims were?

2 | A I was.

3 | Q You said that one had been shot in the  
4 | head?

5 | A That's correct.

6 | Q And who was that?

7 | A That was Henry Jones.

8 | Q And did you get a chance to talk to him  
9 | before he went to surgery?

10 | A No, no, I did not.

11 | Q Why not?

12 | A Henry Jones was unresponsive. He was  
13 | comatose. It was apparent to me that he had  
14 | suffered a terrible head injury from what appeared  
15 | to me to be a gunshot wound.

16 | Q Did you do anything with Mr. Jones?

17 | A Yes. I photographed him. What we  
18 | typically do is we photograph as soon as we can as  
19 | well to give an exact picture of what was going on  
20 | at the time and that's what -- that's what we do.

21 | Q How about the guy that got shot in the leg?  
22 | Were you able to identify him?

23 | A I was. Donald Parker.

24 | Q And you were sitting in here when he  
25 | testified?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A I was.

2 Q Was that Donald Parker?

3 A It was.

4 Q Does he seem to be in the same condition  
5 today as he was when you talked to him?

6 A No, no, ma'am.

7 Q What was different?

8 A When I got to the ER, Donald was conscious,  
9 he was alert. As far as I know, he hadn't been  
10 medicated yet. He was in a lot of pain; he was in  
11 a great deal of pain. He was actually the very  
12 first person, aside from the doctors and the  
13 nurses telling me where people were, he was the  
14 very first person that I spoke to.

15 Q Okay. And were you able to -- well, I  
16 guess, if he's the very first person you talked  
17 to, what'd he tell you?

18 A He gave me a very brief description of what  
19 was going on, what the party was. I asked him how  
20 he got shot. He said that he was standing near  
21 the photo booth with his friends. He said that  
22 there was some kind of commotion behind him. He  
23 turned and saw the gunshots, but he also told me a  
24 brief description of the person he saw with the  
25 gun, the person that he saw shoot.



**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 Q Well, if he was shot from behind, how --  
2 did he explain to you how he was able to see the  
3 person who shot him?

4 A He said he had turned when he had -- when  
5 he had heard the commotion.

6 Q Was he able to tell you -- how soon after  
7 him being shot would you say that you talked to  
8 him?

9 A I got there very quickly. It was -- it was  
10 very quickly. They were still evaluating him when  
11 I arrived and you know if anybody's ever been to  
12 the ER, you know they move pretty quick once you  
13 get in there with a serious situation. And they  
14 were still evaluating him when I got there.

15 Q Was he able to tell you the gender of the  
16 person who shot him?

17 A He was.

18 Q And what was that?

19 A It was a male.

20 Q It was a male. How about the race of the  
21 person who shot him?

22 A Yes, he told me it was a black male.

23 Q All right. So that night he tells you that  
24 a black man shot him. Was he able to give you  
25 any -- any other description of the shooter that

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | night?

2 | A       He was. Essentially, he said that he was  
3 | the smallest guy at the club. He was a five foot  
4 | tall guy. He said he black shirt and  
5 | close-cropped hair -- or his hair -- his hair  
6 | style was close cropped.

7 | Q       Did he tell you anything else?

8 | A       He said that he knew the guy before and he  
9 | had seen him before. He didn't really get into  
10 | where he'd seen him before but he told me that he  
11 | had seen the -- the gentleman in the past.

12 | Q       And now, with close-cropped hair, what does  
13 | that mean?

14 | A       As opposed to -- similar to mine. Close to  
15 | the scalp.

16 | Q       Okay. So not wearing braids or like --

17 | A       That's right.

18 | Q       Okay.

19 | A       That's right.

20 | Q       So after you talked with Mr. Parker, did  
21 | you take any photos of Mr. Parker?

22 | A       I did.

23 | Q       Okay. What was that?

24 | A       I photographed the entry wound to his leg.  
25 | I photographed -- I believe I photographed him

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 | himself in the condition that he was in and I took  
2 | a couple of different photographs from different  
3 | angles of the wound, I believe.

4 | Q        Now, talking to him, did he seem pretty  
5 | forthcoming?

6 | A        Yes.

7 | Q        Was he more or less talkative than he was  
8 | today?

9 | A        He was much more talkative than he was  
10 | today.

11 | Q        So after you got done talking with Mr.  
12 | Parker, what did you do?

13 | A        I identified witnesses that were at the  
14 | hospital and I started separating witnesses,  
15 | bringing them back -- Beaufort Memorial ER is a  
16 | secure ER, meaning that they've got to buzz you  
17 | in, you can't just roam in and out of the ER,  
18 | which makes it nice for me, believe it or not,  
19 | because I can interview one person at a time. At  
20 | night at the ER, there's a lot of open space in  
21 | the back. I'm able to get one person, bring them  
22 | in the back and conduct an interview, take them  
23 | back out, get another one, conduct a brief  
24 | interview, so on and so forth until I get through  
25 | everybody that's at the ER.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And roughly how many people were you able  
2 to interview that night at the ER?

3 A Several.

4 Q And were you able to get a feel on who  
5 these people were?

6 A I was, yes, ma'am.

7 Q Who were they?

8 A I had the -- Donald, his brother, John  
9 Doctor who was Donald's friend, Sam Pope, I had a  
10 large number of Mr. Jones' family there.

11 Q So not necessarily everyone you talked to  
12 was at the club?

13 A Not necessarily, no, ma'am. A lot of  
14 people came in and that's part of the process, is  
15 when an incident like this happens, phone calls  
16 are made to other family members and everybody  
17 comes running. So I have to separate out the  
18 people, if you will. Find out who's involved in  
19 the incident, who was a witness to the incident,  
20 who was there, and who wasn't even there. That's  
21 a lengthy process.

22 Q And that -- you said you talked to Donald  
23 Parker's brother. Who's that?

24 A Ronald Parker.

25 Q Is that the same Ronald Parker that just

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 got drafted by the Seahawks out in Illinois?

2 A Yes, ma'am.

3 Q Okay. So after you're done at the  
4 hospital, what'd you do?

5 A We all met up at the investigations office.  
6 We reviewed all the evidence that had been  
7 collected at the Semper Fi Club, the witness  
8 statements that we had, one of the other things  
9 that I did is, in talking to the witnesses, I  
10 gained more information on other people that were  
11 there who weren't at the hospital. The idea is to  
12 get as many -- is to talk to as many people as you  
13 can. If you can talk to everybody that was there,  
14 that's what I want to do is talk to every single  
15 person that was there.

16 I went through all the names. We started  
17 getting an idea of who we needed to talk to, in  
18 what order. Some people may have been closer to  
19 the shooting, some people may have been out in the  
20 parking lot, some people may have been up at the  
21 bar. We were trying to determine what order we  
22 needed to start proceeding to determine what --  
23 and also reviewed the evidence that had been  
24 collected and we started reviewing statements and  
25 comparing statements from the people that were

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 still at the club to the people that I spoke to at  
2 the ER.

3 Q And now, not just that day, but throughout  
4 your whole investigation, do you have a rough  
5 estimate of the number of people you talked to?

6 A I'd say somewhere in the neighborhood of  
7 forty to fifty.

8 Q And now, were they all forthcoming?

9 A No, no, they were not all forthcoming.

10 Q And those who were, were they always  
11 helpful to your investigation?

12 A No, they were not.

13 Q So after you have this pow wow at your  
14 office, you were meeting with other investigators,  
15 other officers?

16 A Yes, ma'am.

17 Q Had you gotten home, taken a nap or  
18 anything at this point?

19 A No.

20 Q Were you able to figure out a suspect from  
21 this information?

22 A We were. We were able to quickly identify  
23 a Queezy or a Jaquwn Brewer as the person who had  
24 done the shooting. We were able to do that  
25 through various -- quite a few eyewitnesses. At

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 | that point --

2 |       MR. NEWMAN: Based on that, I'm going to  
3 | have an objection to this line of testimony.

4 |       THE COURT: You want to come on up?

5 |       (WHEREUPON there was a bench conference out  
6 | of the hearing of the jury and the court  
7 | reporter.)

8 | By Ms. Bannon:

9 | Q       Did you go to a residence looking for  
10 | Jaquwn Brewer?

11 | A       I did. Several.

12 | Q       Was one in Poppy Hill?

13 | A       Yes, it was.

14 | Q       Did you find Mr. Brewer there?

15 | A       No.

16 | Q       Did you find anything indicating that he  
17 | lived there?

18 | A       In one of the residences we searched, I  
19 | found a summary court summons with Jaquwn Brewer's  
20 | name on it, yes, ma'am.

21 | Q       And whose house was that?

22 | A       Robbie Drayton's house.

23 | Q       And where is that house located?

24 | A       Sandhill Estates.

25 | Q       Is that near the Poppy Hill area?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Yes, ma'am, it is.

2 Q Were you able to make contact with Mr.  
3 Brewer eventually?

4 A I was. I was provided his phone number by  
5 Robbie and I made contact. I called him on his  
6 cell phone.

7 Q And were you able to arrange a meeting?

8 A I was, for later in that day.

9 Q All right. Where was that meeting?

10 A We requested Jaquwn Brewer come into the  
11 investigations office, which is located in the  
12 sheriff's office here in Beaufort County.

13 Q And did he come in?

14 A He did.

15 Q Did he bring anyone with him?

16 A He brought his mother and I believe a  
17 girlfriend.

18 Q And were all of them present when you  
19 started talking to him?

20 A In the beginning, no. In the beginning, we  
21 brought Jaquwn back into my office where we went  
22 through Miranda and we started the process of  
23 interviewing him. At a later point in the  
24 interview, I did -- he asked for his mother. I  
25 went ahead and got his mother for him. Brought



## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 him in -- brought her in.

2 Q So then the three of y'all started talking?

3 A Yes, ma'am. And my partner, Sergeant

4 Chapman.

5 Q Did you show Mr. Brewer the -- did you have  
6 that photo that we've been showing from Mr.

7 Bright?

8 A Yes, I did. I had that photo.

9 Q And did you show that to Mr. Brewer?

10 A I did.

11 Q And did he have anything to say about that?

12 A Before or after?

13 Q What do you mean before or after?

14 A Are you asking what his statement to me was  
15 before I showed him or after I showed him the  
16 photo.

17 Q Well, why did you show him the photo?

18 A During my interview with him, Jaquwn  
19 Brewer, the only thing he would tell me was, he  
20 didn't have a gun. I showed him the picture of  
21 him with the gun and then it changed from, I  
22 didn't have a gun to, I didn't shoot nobody. And  
23 that was his response almost all the way through  
24 the whole thing was, I didn't shoot nobody.

25 Q So when did you show him the photo?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A It was -- it was almost right away. It was  
2 right at the beginning of the interview process.

3 Q And why do you care about this gun? What's  
4 the focus of the gun?

5 A The focus of the gun, simply put, is we can  
6 send that gun to SLED and we recovered two  
7 projectiles as you guys have already heard. One  
8 projectile we recovered from Donald Parkers' leg  
9 and the second projectile was recovered at autopsy  
10 from Mr. Jones. We could have taken that gun and  
11 most likely matched it not only to the projectiles  
12 but also to the shell casings.

13 Q So do you need the gun to do that kind of  
14 match?

15 A Yes, I do.

16 Q Did y'all ever collect a gun in this  
17 investigation?

18 A No, ma'am. He never would tell us where he  
19 took the gun.

20 Q Did you notice anything about Mr. Brewer's  
21 appearance?

22 A Yes, ma'am. He was wearing the same shorts  
23 that he had on the night before.

24 Q How do you know that?

25 A The shorts are pretty distinctive. As you

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 saw in that picture, the shorts are dark in color.  
2 The front of them faded and around the front  
3 pockets are -- it's very colorful. There's --  
4 there's like woven colorful patches around the  
5 edge of the pocket. It makes them easy -- fairly  
6 easy to identify.

7 Q How about his shirt? Was he wearing the  
8 same shirt?

9 A No, he was not. He had on a different  
10 shirt.

11 Q And when you realized he was in the same  
12 pants, what did you do?

13 A After the interview, we did collect those  
14 pants as evidence for forensic testing for gunshot  
15 residue.

16 Q And where is forensic testing done?

17 A The State Law Enforcement Division does the  
18 forensic testing for gunshot residue at SLED in  
19 Columbia. As far as I know that's where they do  
20 it.

21 Q So you didn't do it?

22 A No, I sent it to SLED for that testing.

23 Q And were you able through your talking with  
24 Mr. Brewer and arresting him, did you determine  
25 how tall he is?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Yes, ma'am. He's approximately five feet  
2 tall, he's very short.

3 Q Were you able to figure out where he lives?

4 A Yes, ma'am. He lives at an address in  
5 Yemassee. I believe a Bing Street address in  
6 Yemassee. But what we gathered during our search  
7 for him --

8 MR. NEWMAN: Your Honor, I would object to  
9 that.

10 THE COURT: On what grounds?

11 MR. NEWMAN: Speculation from what they  
12 gathered and relevancy.

13 THE COURT: Your response to that?

14 MS. BANNON: It's a part of his  
15 investigation, Your Honor.

16 THE COURT: I'm overruling it. Go ahead.

17 THE WITNESS: Yes, sir.

18 From what we gathered during our  
19 investigation, I found a summary court summons at  
20 Robbie Drayton's residence and I believe that's  
21 where he had been staying as well.

22 Q So this is the house over at Sandhill  
23 Estates in the Poppy Hill area?

24 A Yes, ma'am.

25 Q Okay. So let's go back to Mr. Jones. At

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 | some point were you informed of his status --  
2 | medical status?

3 | A        When he passed away, yes, ma'am, I was.

4 | Q        Do you know when he died?

5 | A        I believe it was the next day at MUSC.

6 | Q        And so after he died up at MUSC, was  
7 | anything ordered for his body for further  
8 | investigation?

9 | A        Yes, ma'am. I scheduled an autopsy for Mr.  
10 | Jones; and also I scheduled an investigator to go  
11 | up there to attend the autopsy.

12 | Q        Why would you do that?

13 | A        Just for evidence gathering. For the  
14 | projection -- to recover the projectile, bring it  
15 | back, and any physical evidence that MUSC takes in  
16 | as they're doing their autopsy.

17 | Q        Okay. And so after you get this  
18 | information, is your investigation over or do you  
19 | continue?

20 | A        No, the investigation is really just  
21 | beginning at that point. Like I said earlier, we  
22 | had identified so many witnesses. We had -- the  
23 | interviews were just starting. We had -- we had  
24 | only scratched the surface.

25 | Q        Did you at some point go back and talk to

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Donald Parker?

2 A I did.

3 Q And is that when he gave the written  
4 statement?

5 A Yes, ma'am, yes, ma'am. He was laid up in  
6 his bedroom, leg elevated when I met him. It was,  
7 I believe, the day after he had been released  
8 from the hospital.

9 Q And now did that statement differ from what  
10 he had told you right after he got shot?

11 A He -- yes, it did. In that statement, the  
12 only thing that he had put down was that he  
13 remembered seeing the gunshot -- or, yeah -- the  
14 gunshot and the gun and that was all he remembered  
15 at that time laying in the bed.

16 Q All right. You talked about a whole lot of  
17 evidence you collected. I just want to go back  
18 through those if that's okay with you.

19 A Yes, ma'am.

20 Q All right. You were talking about those  
21 hospital photos, right?

22 A Yes, ma'am.

23 Q I'm showing you what's been labeled for  
24 identification as State's Exhibit 56. Do you  
25 recognize that?

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 A Yes, ma'am.

2 Q Is that a fair and accurate depiction of  
3 Mr. Parker's leg?

4 A Yes, ma'am, it is.

5 Q The State would move State's Exhibit 56  
6 into evidence?

7 THE COURT: Any objections?

8 MR. NEWMAN: Not as to that. Not as to  
9 that, no.

10 THE COURT: State's 56 into evidence  
11 without objection.

12 (WHEREUPON State's Exhibit 56 was entered  
13 into evidence.)

14 By Ms. Bannon:

15 Q I'm showing you what's been identified as  
16 State's Exhibit 57. Do you recognize that?

17 A I do.

18 Q Is that a fair and accurate depiction of  
19 Mr. Jones the night you went to the hospital?

20 A Yes, it is.

21 MS. BANNON: The State would move State's  
22 Exhibit 57 into evidence.

23 THE COURT: Any objections?

24 MR. NEWMAN: I object under 401 and 403 as  
25 to relevancy.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 THE COURT: I will overrule that.

2 Fifty-seven is in evidence.

3 (WHEREUPON State's Exhibit 57 was entered  
4 into evidence.)

5 By Ms. Bannon:

6 Q Showing you for identification is what's  
7 been labeled as State's -- State's Exhibit 58; do  
8 you recognize that?

9 A Yes, ma'am, I do.

10 Q Is that a fair and accurate depiction of  
11 Mr. Jones the night you went to the hospital?

12 A Yes, ma'am it is.

13 MS. BANNON: The State would move State's  
14 Exhibit 58 into evidence.

15 THE COURT: Any objections? Fifty-eight?

16 MR. NEWMAN: That's the same as the other  
17 picture?

18 MS. BANNON: No, it's a different picture.

19 MR. NEWMAN: Make sure I'm not getting  
20 mixed up.

21 (WHEREUPON Mr. Newman was looking at the  
22 photo.)

23 MR. NEWMAN: Yes. I object under 403 --

24 THE COURT: I'll overrule it.

25 MR. NEWMAN: And it is not relevant.



**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 THE COURT: Fifty-eight's in evidence.

2 (WHEREUPON State's Exhibit 58 was entered  
3 into evidence.)

4 MS. BANNON: All right. And -- Mr.  
5 Bannon, could you help me with the thing?

6 (WHEREUPON the attorneys were setting up  
7 exhibits.)

8 By Ms. Bannon:

9 Q Did you take anything off of Mr. Parker  
10 when you were at the hospital?

11 A I seized -- or -- yes, ma'am. I took the  
12 clothes. I took his clothing, yes, ma'am.

13 Q Why would you take his clothes?

14 A The clothes -- I can't see the jury.

15 A lot of times the clothing gives you an  
16 idea of what happened. Sometimes it'll even give  
17 you a -- an idea of where the guy was shot if you  
18 don't know for sure. In this case, I did know for  
19 sure but there may also be other evidence that's  
20 attached to that clothing such as blood, if -- if  
21 the bullet penetrated the clothing, it would show  
22 where the bullet penetrated the clothing, where it  
23 would have struck the body at in relation to the  
24 pants or shirt whatever the case may be.

25 Q All right. I'm showing you what's been

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | labeled as State's Exhibit 20. Do you recognize  
2 | that?

3 | A Yes, ma'am.

4 | Q And is that those pants you were just  
5 | talking about?

6 | A Yes, ma'am. They appear to be.

7 | Q Do they look to be in the same -- same  
8 | condition? Now, are they inside a baggy?

9 | A Yes, ma'am. They're inside a bio-hazard  
10 | bag because of the amount of blood on them.

11 | Q Okay. And did you put them in that bag?

12 | A Yes, ma'am. Yes, ma'am.

13 | Q They're the same -- substantially the same  
14 | condition?

15 | A Yes, ma'am.

16 | Q At this time, the State would move the  
17 | bio-hazard bag containing the pants as State's  
18 | Exhibit 20-A into evidence?

19 | THE COURT: Any objections?

20 | MR. NEWMAN: Relevancy.

21 | THE COURT: Overruled. 20-A is into  
22 | evidence.

23 | (WHEREUPON State's Exhibit 20-A was entered  
24 | into evidence.)

25 | ///

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1    By Ms. Bannon:

2    Q        All right. Before you tie it up, could you  
3    take them out?

4    A        The pants?

5    Q        Yeah. Show the jury.

6    A        You want me to come down?

7    Q        Please do just so everyone can see it.

8            (WHEREUPON the witness stepped down to show  
9    the exhibit to the jury.)

10   By Ms. Bannon:

11   Q        And now the marks that you found on those  
12   pants, were they consistent with Mr. Parkers'  
13   story?

14   A        I'm sorry. With his account of being shot?

15   Q        Uh-huh.

16   A        Yes, ma'am.

17   Q        Okay. And the placement of the blood,  
18   consistent?

19   A        Yes, ma'am.

20   Q        All right. Thank you.

21   A        Can I...

22   Q        Uh-huh. Just put them back in that red bag  
23   so we don't --

24            Now, did you send those pants off for  
25   further analysis?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Donald Parkers' pants? No, ma'am.

2 Q Why not?

3 A No.

4 Q Please just tie up the red bag, we'll put  
5 the identification sticker and I'll take this bag  
6 back. I'll give you the 20-A sticker.

7 Okay. So why didn't you send those off for  
8 testing?

9 A I'm sorry, ma'am.

10 We didn't -- we didn't send them off for  
11 testing. Donald was not identified as someone who  
12 shot a gun. He was not identified as having any  
13 role whatsoever in the shooting other than being  
14 the victim of the shooting. We knew the blood on  
15 the pants was his, so there really wasn't a reason  
16 to send them off.

17 Q How about Mr. Brewer's pants?

18 A Yes, ma'am, we did send those off.

19 Q Okay. I'm showing you what's been labeled  
20 for identification as State's Exhibit 21, do you  
21 recognize it?

22 A I believe these are the pants inside the  
23 box.

24 Q Okay. If you wouldn't mind opening the box  
25 and without showing the jury, just look in it and

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 tell me if those are the pants?

2 A The evidence bags contained inside of it,  
3 can I pull them out and remove that.

4 Q Yes, but please do so out of the sight of  
5 the jury.

6 A Yes, ma'am.

7 Q All right. And do they look the same or in  
8 substantially the same condition as when you  
9 seized them?

10 A They appear to be, yes, ma'am.

11 Q All right. At this time, State would move  
12 what's -- would move State's Exhibit 21-A, the  
13 pants taken from Mr. Brewer, into evidence?

14 THE COURT: Any objections?

15 MR. NEWMAN: No, sir.

16 THE COURT: All right. Twenty-one A into  
17 evidence without objection.

18 (WHEREUPON State's Exhibit 21-A was entered  
19 into evidence.)

20 By Ms. Bannon:

21 Q All right. If you wouldn't mind taking  
22 those out for us Investigator Fraser.

23 If you wouldn't mind stepping down just so  
24 everyone can see and you're not blocked.

25 And now, earlier you said that they had

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | remarkable stitching on them. Could you just  
2 | point to the jury...

3 | A Yes, ma'am. As you can see, the red and  
4 | green stitching around the pockets and on the belt  
5 | loops. It's very distinctive.

6 | Q Okay. I'm just going to go ahead and  
7 | staple to it so the identification number doesn't  
8 | fall off, okay? If you wouldn't mind putting  
9 | those -- if you wouldn't mind putting them right  
10 | here, Investigator Fraser, I'd appreciate it.  
11 | Just right there.

12 | And, Investigator Fraser, I know we talked  
13 | about it a little bit before, I just want to get  
14 | back to it. You said that you interviewed the  
15 | defendant, right?

16 | A I did.

17 | Q And you were here when Investigator Chapman  
18 | testified, right?

19 | A Yes, ma'am.

20 | Q And he mentioned something about the  
21 | Miranda form?

22 | A Yes, ma'am.

23 | Q I'm showing you what's been previously  
24 | admitted as State's Exhibit 1; do you recognize  
25 | that?

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A I do, ma'am. This is the Miranda form we  
2 used.

3 Q Okay. And so when -- you know, we always  
4 see on TV and stuff, Oh, he was Mirandized. What  
5 does that mean? Like, what's the process of that?

6 A Miranda involves -- a Miranda advisement is  
7 advising someone of their rights of counsel before  
8 any questions.

9 Q Do you have a standard way of doing it?

10 A We do. We typically try -- especially in  
11 the investigations office, we go off one of these  
12 forms which, whoever it is that we're reading the  
13 Miranda rights to, in this case, Mr. Jaquawn  
14 Brewer, what we typically try to do is as we read  
15 each and every one of these bullets, we have them  
16 initial. We'll ask them, do you understand, and  
17 we'll have them initial. And then we'll go  
18 through the waiver of rights. We usually have  
19 them read the waiver of rights to make sure that,  
20 number one, they can read; and number two that the  
21 statement's given voluntarily.

22 Q And did y'all do that here with Mr. Brewer?

23 A Yes, we did.

24 Q And did he seem to understand you?

25 A He did.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 Q And did he seem to get what y'all were  
2 telling him?

3 A Yes, yes, he did.

4 Q And did he sign that form?

5 A Yes, he did.

6 Q And --

7 MR. NEWMAN: Your Honor, if to save time,  
8 I've already stipulated the first guy. He read  
9 Miranda, he was complied with under the law and he  
10 voluntarily waived his rights and spoke to the  
11 cops.        n

12 MS. BANNON: I'm getting there, Your Honor.

13 By Ms. Bannon:

14 Q Did he agree to talk to you after signed  
15 that form?

16 A Yes, he did.

17 Q All right. And did y'all record that  
18 interview?

19 A Yes, ma'am.

20 Q I'm now showing you what's been labeled  
21 State's Exhibit 2. Do you recognize this?

22 A Yes, ma'am. This is a recorded interview  
23 that we conducted with Jaquawn Brewer.

24 Q And have you had an opportunity to review  
25 that interview?



## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 A Yes, ma'am, I have.

2 Q Okay. And is that a fair and accurate copy  
3 of the interview --

4 A Yes.

5 Q -- depiction of the interview?

6 Okay. I just realized I asked Mr. Bannon  
7 to pull that out for me and I never actually did  
8 anything with it. If you wouldn't mind stepping  
9 down.

10 I'm jumping around a little bit and I  
11 apologize, Investigator Fraser. It just slipped  
12 my mind.

13 You were talking about these pictures that  
14 we already admitted that you took at the hospital,  
15 right?

16 A Yes, ma'am.

17 Q Okay. Can everybody see?

18 All right. What are -- what are we looking  
19 at here?

20 A This is Donald Parker's leg. This is the  
21 entrance wound on the back of the leg.

22 Q Okay. Could you just point to where --  
23 where you're talking about?

24 A This right here is the entrance wound.

25 Q Okay. And that's Donald Parker who just

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 testified?

2 A Yes, ma'am.

3 Q Okay. How about this? What are we looking  
4 at?

5 A This is Henry Jones as -- at the time I  
6 arrived, this is the condition that Henry was in.

7 Q And how about this?

8 A That is the protrusion out of the side of  
9 Mr. Jones' head. It appeared to be swelling, I  
10 believe.

11 Q Okay. And you took these all right when you  
12 got to the hospital?

13 A Yes, ma'am. That is one of the first  
14 things that I did.

15 Q All right. Great. Thank you.

16 If you wouldn't mind going back to the  
17 stand.

18 MS. BANNON: At this time, Your Honor, the  
19 State would move to publish to the jury -- the  
20 State would move to enter State's Exhibit 2, Mr.  
21 Brewer's recorded interview.

22 THE COURT: Any objections?

23 MR. NEWMAN: Subject to my afore specific  
24 objection that has been made and heard by this  
25 Court. I renew those at this time Your Honor.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 THE COURT: Okay.

2 (WHEREUPON State's Exhibit No. 2 was  
3 entered into evidence.)

4 MS. BANNON: Your Honor, it's about an  
5 hour, I hope that that's okay for me to publish it  
6 at this point.

7 THE COURT: Anybody have any problem with  
8 going until 5:15 at least?

9 (WHEREUPON there was no response.)

10 THE COURT: Nobody objects.

11 MS. BANNON: Thank you, Your Honor.

12 (WHEREUPON, a recording was played for the  
13 jury.)

14 MR. NEWMAN: May it please the Court, if we  
15 could pause that for a minute.

16 (WHEREUPON the recording was stopped.)

17 MR. BANNON: Sure.

18 MR. NEWMAN: And I don't know if you want  
19 me to make the objection now or approach.

20 THE COURT: Come on up.

21 (WHEREUPON there was a bench conference out  
22 of the hearing of the jury and the court  
23 reporter.)

24 MR. NEWMAN: I know we had a bench  
25 conference, but for the record, that objection was

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 | sustained?

2 |         THE COURT: It was.

3 |         MR. NEWMAN: Thank you.

4 |         THE COURT: For the record, we're going to  
5 | skip over those parts of the interview.

6 |         MR. BANNON: And Your Honor, just for the  
7 | record, we're currently at five minutes and  
8 | thirty-six seconds into the examination or the  
9 | interview with Mr. Brewer. I'm going to skip to  
10 | six minutes and nine seconds and resume playing  
11 | the interview.

12 |         THE COURT: Okay.

13 |         (WHEREUPON a recording was played for the  
14 | jury.)

15 |         MR. BANNON: Your Honor, as we discussed  
16 | previously, I'm stopping the recording at eighteen  
17 | minutes and forty-five seconds and I'm going to  
18 | forward it to 27 minutes. And before I get to it,  
19 | the exact time is 27 minutes and 3 seconds is  
20 | where we'll resume the interview.

21 |         (WHEREUPON a recording was played for the  
22 | jury.)

23 |         MR. BANNON: Your Honor, at this point in  
24 | time, I've stopped the tape at 38 minutes and 23  
25 | seconds and I'll move it ahead to 39 minutes even.

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 (WHEREUPON a recording was played for the  
2 jury.)

3 MR. BANNON: Your Honor, at this point I'm  
4 stopping it at 59 minutes and 7 seconds and I'll  
5 advance it to one hour and 52 seconds.

6 (WHEREUPON a recording was played for the  
7 jury.)

8 MR. BANNON: And Your Honor, at this point  
9 I'm stopping the tape at one hour, 2 minutes, and  
10 45 seconds.

11 THE COURT: Is that the end of it?

12 MR. BANNON: There appears to be a very  
13 small portion of it left.

14 THE COURT: So you're done?

15 MR. BANNON: Yeah, we're done.

16 By Ms. Bannon:

17 Q Investigator Fraser, are all your  
18 interviews that long?

19 A No, no, they're not.

20 Q Okay. The Jaquwn and the Quan that we hear  
21 on the tape, do you see that person here in the  
22 courtroom today?

23 A I do.

24 Q Where is he?

25 A He's the defendant in the light blue shirt

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 with the blue striped tie.

2 MS. BANNON: Let the record reflect that  
3 Investigator Fraser has identified the defendant.

4 By Ms. Bannon:

5 Q Now, when you're conducting -- you've been  
6 an investigator for five years, right?

7 A Right. Yes, ma'am.

8 Q Have you ever seen any training on how to  
9 conduct interviews?

10 A I have.

11 Q And are you always truthful in these?

12 A Not always.

13 Q Why?

14 A A lot of times in an interview, what you  
15 first want to do is establish rapport with the  
16 person and a lot of times we deal with people who  
17 have committed some pretty heinous crimes.  
18 They --

19 MR. NEWMAN: Your Honor, I have an  
20 objection to, a lot of times, and the evidence --  
21 it has nothing to do with this case.

22 THE COURT: Overruled. Go ahead.

23 THE WITNESS: A lot of times what happens  
24 is, I have to -- I have to build a rapport. I  
25 have to connect with that person in order for them

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 to want to talk to me and tell me about what  
2 happened. In order for me to do that, sometimes I  
3 have to put myself out there as if I've -- I've  
4 experienced some of the same things or if I'm  
5 trying to downplay what they've done in order for  
6 them to feel more comfortable with me or  
7 comfortable enough to talk to me about what's  
8 happened. And in that sense, I'm not truthful  
9 because most of the time I can't imagine what --  
10 what was going through that person's mind or what  
11 they were feeling or anything like that.

12 But as they're sitting there looking at me,  
13 they think I do and they're more willing to talk  
14 to me and express their emotions, their -- what  
15 actually happened, and it gives the appearance  
16 that I'm not sitting there acting judgemental with  
17 them such as a parent would do. I appear more as  
18 someone they can talk to, someone that understands  
19 what they're -- what they've done or what they're  
20 going through and that's usually not the case.

21 I don't understand why they do, it's just  
22 my job to find out why they did what they did. In  
23 order to draw that out of them, sometimes I tell  
24 them things like, it's not that bad or I  
25 understand why you did it. When, in fact, I don't

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 understand.

2 By Ms. Bannon:

3 Q So it's an investigative tool?

4 A It is.

5 Q Now, there was another man on that tape.

6 Was that Sergeant Chapman?

7 A That was Sergeant Chapman.

8 Q And were y'all playing a little bit of good  
9 cop, bad cop?

10 A Not really -- not really bad cop. We never  
11 yelled at him. We never slammed desks. We never  
12 got angry with him. We tried to convey to him,  
13 and in this case, we didn't lie to him. We care  
14 about the truth. We want to get to the truth of  
15 the matter and that's exactly what we tried to  
16 convey to him. You've heard the saying, you can  
17 get more flies with honey, and I find that to be  
18 true.

19 In my interview techniques, I don't like  
20 yelling, I don't like screaming, I don't like  
21 hollering. It just doesn't work.

22 People don't want to talk to you when  
23 you're screaming, yelling, and hollering. They  
24 tend to shut down. So I come at them as a real  
25 person, which is what you heard today. I don't



## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 yell, I don't scream, and even my partner,  
2 Sergeant Chapman, he feels the same way. At no  
3 time did we get angry or loud or overly boisterous  
4 with him. We were trying to impress upon him that  
5 the only thing we care about is getting to the  
6 truth. The truth of the matter.

7 Q Now, about that, at the beginning of this  
8 tape, we heard Jaquwn say he spent the night with  
9 this Sherri lady, right?

10 A Right.

11 Q What'd you do with that information?

12 A We tried to determine who Sherri was. We  
13 weren't able to do that. He had given me a phone  
14 number, an 803 area code. I called L-3  
15 Communications, which is that company provider to  
16 find out if that was a cell phone. If that in  
17 fact was a cell phone, we could have possibly  
18 tracked that cell phone through towers. It turns  
19 out it was actually a landline, not -- not a cell  
20 phone. We weren't able to determine who Sherri  
21 was.

22 Q And so I'm assuming Sherri didn't pick up  
23 at that number?

24 A No.

25 Q How about -- he also said that they went

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 and got a room, I think at the Budget Inn?

2 A Yes, ma'am. We weren't able -- we weren't  
3 able to substantiate that.

4 Q Did you try?

5 A Budget Inn in Pointe South, I mean, no. I  
6 mean, we went to Budget Inn, but nothing.

7 Q Okay. So, just to clarify. You went to  
8 Budget Inn to substantiate Mr. Brewer's story?

9 A I believe we did, yes, ma'am.

10 Q And did they have a receipt or a record of  
11 anyone named Sherri?

12 A Not that I -- not that I recall.

13 Q And did they have a record of Mr. Brewer  
14 staying there on the night of May 24th?

15 A I don't believe so.

16 Q All right. One second. Investigator  
17 Fraser, I don't have anymore questions for you. I  
18 just ask that you answer any questions that Mr.  
19 Newman might have for you.

20 A Yes, ma'am.

21 THE COURT: Okay. It's your witness.

22 MR. NEWMAN: We're going to be here for a  
23 while, Judge.

24 THE COURT: How long?

25 MR. NEWMAN: I would imagine.

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 THE COURT: Do y'all want to come back  
2 tomorrow and resume with his testimony or do y'all  
3 want to keep going? It's the only thing you've  
4 got to do. If we finish this case, you're done  
5 for the week so it doesn't matter to me. Whatever  
6 y'all want to do.

7 Y'all want to stick around and keep going  
8 and finish him or do you want to go home and come  
9 back tomorrow?

10 A JUROR: Can we take a break and then keep  
11 going?

12 THE COURT: Take a break and come back?

13 A JUROR: What's the schedule for tomorrow  
14 if we resume?

15 THE COURT: Three o'clock in the afternoon  
16 is when we would start tomorrow.

17 MR. NEWMAN: If I'm out of --

18 THE COURT: If you're back from Columbia?

19 MR. NEWMAN: I just -- my problem is I  
20 can't guarantee that because we don't know where I  
21 am on the schedule.

22 THE COURT: We hope to start at three  
23 o'clock tomorrow afternoon.

24 A JUROR: Does that mean we may not be here  
25 at all tomorrow?

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 THE COURT: You'll be here at three.

2 A JUROR: Okay.

3 THE COURT: And we'll hope that Mr. Newman  
4 is back from Columbia.

5 MR. NEWMAN: I'm going to use every effort  
6 to make that happen.

7 A JUROR: How long does he need?

8 THE COURT: We can pick it up and -- How  
9 long did you say you needed?

10 MR. NEWMAN: Probably at least I would  
11 think maybe an hour, ninety minutes, two hours,  
12 somewhere around there.

13 THE COURT: Come back here tomorrow at  
14 three and resume?

15 A JUROR: Let's take a break, a five minute  
16 break, and we'll do it today.

17 THE COURT: Okay. We'll go ahead and knock  
18 him out and -- All right. Don't talk about the  
19 case.

20 A JUROR: Yes, sir.

21 (WHEREUPON the jury left the courtroom at  
22 5:22 p.m.)

23 MR. BANNON: Your Honor, may we approach?

24 (WHEREUPON a bench conference was heard out  
25 of the hearing of the court reporter.)

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 THE BAILIFF: The jury is clear, the door  
2 is closed, Your Honor.

3 MR. NEWMAN: If it pleases the Court, Your  
4 Honor, in a bench conference that we had prior  
5 to -- at the point I'd object to audio recording,  
6 I had requested of the Court because of the  
7 problems that I raised in my earlier motion that  
8 we did in pretrial on the same grounds. I'd have  
9 to request that the audio in fact be transcribed  
10 so that it could be properly redacted and my  
11 motion on that in the bench conference was denied.

12 Did I state that correctly?

13 THE COURT: You did. And then we just  
14 skipped over it so hopefully we solved the  
15 problem.

16 MR. NEWMAN: That's what I needed to put on  
17 the record, right?

18 THE COURT: Yeah.

19 MS. BANNON: As far as scheduling, Judge,  
20 today has gone really quickly. We never really  
21 planned on Wednesday. If -- we have a bunch  
22 out-of-state witnesses coming Thursday.

23 THE COURT: Okay.

24 MS. BANNON: So should we call them in the  
25 hopes of maybe going --

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1           THE COURT: All right. Let's knock him out  
2 and come back Thursday.

3           MS. BANNON: Okay. If -- if that would  
4 work.

5           MR. BANNON: Yeah, that'd be fine with us.

6           THE COURT: That way you don't have to  
7 worry about it. Mr. Newman can take all the time  
8 he needs.

9           MS. BANNON: Because we anticipate wrapping  
10 up Thursday with argument and charge.

11          MR. BANNON: Yeah. It certainly looks like  
12 it -- that we'll be done by Thursday.

13          MR. NEWMAN: I -- in the interim, I did  
14 kind of want to get out of here to get to Columbia  
15 as I understand. In the interim, I just want to  
16 let the Court know that I'm going to prepare a  
17 motion for a mistrial on this case based on  
18 everything that came out, you know, the 99 percent  
19 of the talking by the detective because I -- it is  
20 in evidence and I can't see -- if it's in evidence  
21 how the solicitor is going to be able to argue  
22 that Mr. Brewer could have proven his innocence  
23 which is an absolute fundamental thing that cannot  
24 be said in a closing argument.

25          THE COURT: I'm going to instruct the jury

**Jeremiah Fraser - Direct Examination by Ms. Bannon**

1 | who has the burden of proof in this case; and that  
2 | Mr. Brewer does not have any burden of proof.  
3 | I'll be clear on that.

4 |         MR. NEWMAN: And what about any references  
5 | in the solicitor's closing argument?

6 |         THE COURT: We don't need to argue that.  
7 | He has no burden of proof.

8 |         MS. BANNON: Of course not.

9 |         THE COURT: It's not true, it's not  
10 | allowed.

11 |         MR. NEWMAN: I don't know --

12 |         THE COURT: And I will read that part of my  
13 | closing -- my charge, very slowly and carefully to  
14 | make sure I get that clear.

15 |         MS. BANNON: One more thing, Your Honor, we  
16 | have a witness, Paul Chisolm --

17 |         THE COURT: Uh-huh.

18 |         MS. BANNON: He came up in the obstruction  
19 | case, but he also made statements about the  
20 | defendant admitting being in the club, shooting,  
21 | thinking it was joke, and saying he was high that  
22 | night. The State completely agrees that we cannot  
23 | get into the obstruction pursuant to the Court's  
24 | ruling, we would like to call Mr. Chisolm to  
25 | testify about the defendant's statements made to

## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 him.

2 THE COURT: Okay.

3 MR. BANNON: And the one other thing is  
4 he's arriving -- he's in the department of  
5 corrections currently serving his sentence.

6 THE COURT: Uh-huh.

7 MR. BANNON: He is going to be arriving on  
8 Thursday. So if it's all right with the Court,  
9 whichever one of us is going to be directing Mr.  
10 Chisolm, we're just going to need a couple of  
11 minutes just to make sure he understands what he  
12 can and can't talk about.

13 THE COURT: Okay. Sure. No problem.

14 MR. NEWMAN: May I be allowed to interview  
15 Mr. Chisolm?

16 MS. BANNON: You've had that interview with  
17 him and you've had his contact information. He's  
18 here and he's available.

19 MR. NEWMAN: You just gave me that stuff  
20 this morning.

21 MS. BANNON: You've had that interview  
22 since July 7th.

23 MR. NEWMAN: Okay.

24 THE COURT: All right. Let's go ahead  
25 and -- does anybody need a break before we get



## Jeremiah Fraser - Direct Examination by Ms. Bannon

1 started?

2 MR. NEWMAN: I need to go to the restroom.

3 MS. BANNON: A quick restroom break, yes,  
4 Your Honor.

5 THE COURT: You can just stay in the chair  
6 if you'd like.

7 THE WITNESS: Sir, sir? If we're going to  
8 go another two hours, may I use the restroom?

9 THE COURT: Yeah. And if the bailiff will  
10 go with you, just don't talk to anybody.

11 THE WITNESS: Yes, sir.

12 THE COURT: Hopefully it's not going to  
13 take two hours.

14 THE WITNESS: Yes, sir.

15 (WHEREUPON a recess was observed.)

16 THE COURT: And if the bailiff would go  
17 ahead and bring out the jury.

18 THE BAILIFF: All right.

19 The jury is ready to enter.

20 THE COURT: All right. Thank you.

21 (WHEREUPON the jury entered the courtroom  
22 at 5:33 p.m.)

23 THE BAILIFF: The jury is present.

24 THE COURT: Anytime you're ready Mr.  
25 Newman.

## Jeremiah Fraser - Cross-Examination by Mr. Newman

## CROSS-EXAMINATION

1

2 By Mr. Newman:

3 Q Investigator Fraser, your training and  
4 experience with the sheriff's department, is it  
5 not true that witnesses in cases can be  
6 unreliable?

7 A Sometimes, yes, sir.

8 Q Okay. And what I mean by unreliable, many  
9 times, witnesses are very bad about judging  
10 distance, speed, those types of things?

11 A Sometimes, yes, sir.

12 Q Witnesses have difficulty sometimes in  
13 their ability to relate and recall what they saw  
14 accurately?

15 A Yes, sir, sometimes.

16 Q This is true under stressors as well?

17 A Yes, sir, sometimes.

18 Q This tape for example here, would you  
19 imagine that the witnesses were under a stressful  
20 situation?

21 A Which witnesses are we speaking of, sir?

22 Q Okay. Let's talk about the lay witnesses,  
23 the people at the club site, Ivori Polite, Gary  
24 Bright, John Doctor?

25 A Were they under stress, sir? Is that what

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 you're asking?

2 Q Yes.

3 A I don't know if they were.

4 Q Okay. You don't think it would be fair to  
5 imagine that they would be?

6 A I think that would be fair, yes, sir.

7 Q Okay. I mean, even as a police officer, if  
8 you were inside that club and a shooting broke  
9 out, I know you're trained, but it's still a  
10 stressful situation; is it not?

11 A Yes, it is, yes, sir.

12 Q All right. And being an investigator, it's  
13 very important to document all the relevant facts;  
14 is it not?

15 A Yes, it is, sir.

16 Q All right. And the reason you document  
17 those facts is because two years later, you may  
18 need to come testify about those facts?

19 A Yes, sir, that's correct.

20 Q All right. And when you're preparing your  
21 reports, you try and prepare them accurately?

22 A As best I can, yes, sir.

23 Q As best you can. You try to prepare them  
24 completely?

25 A As best I can, yes, sir.

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Best you can. And you try to prepare them  
2 truthfully?

3 A Yes, sir.

4 Q All right. Now, you heard -- you've been  
5 in trial and you've heard Ms. Polite testify that  
6 there were approximately a hundred people in this,  
7 what'd they call it -- the pre-Memorial Day jump  
8 off for ten dollars a pop.

9 A Yes, sir.

10 Q All right. And obviously, you weren't able  
11 to locate those witnesses -- all of those  
12 witnesses?

13 A Not all of them, no, sir.

14 Q And when your investigator got on the  
15 scene -- or when Sergeant Wilson got on the scene  
16 and you discussed this case -- I would think, with  
17 Sergeant Wilson and Investigator Chapman, right?

18 A At the time, yes, sir.

19 Q Yeah. He related to you what he testified  
20 to you in court between fifty and sixty people  
21 were still there upon the sheriff's office  
22 arrival?

23 A I believe so, yes, sir.

24 Q All right. And out of all those people,  
25 y'all were only able to identify a handful; is

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | that correct?

2 | A        Out of -- I'm sorry, sir?

3 | Q        Out of those fifty to sixty people, y'all  
4 | were only able to identify and get statements from  
5 | about a dozen; isn't that correct?

6 | A        That were on scene when Sergeant Wilson  
7 | arrived?

8 | Q        Yes.

9 | A        That doesn't -- that doesn't sound quite  
10 | right because a lot of them had come to the ER,  
11 | sir.

12 | Q        Okay. Do you know how many witnesses you  
13 | interviewed?

14 | A        May I refer to my notes?

15 | Q        You may.

16 | A        Would you like for me to read off their  
17 | names, sir?

18 | Q        Can I see?

19 | A        Yes, sir, absolutely.

20 | Q        Okay. You're talking about the police  
21 | reports, correct?

22 | A        Yes, sir.

23 | Q        Okay. I -- I want to make sure because I  
24 | have the police reports.

25 | A        Okay.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q I wanted to make sure that when you said  
2 notes that you didn't have a separate document  
3 of -- like the old days when they had the  
4 hand-written notes?

5 A No, sir. This is what I have.

6 Q Okay. Yeah. If you'll refer to your  
7 report please?

8 A Yes, sir. Donald Parker, Charles Cox,  
9 Ronald Parker, Natalia Simmons, and that was at  
10 the ER initially. I was able to identify Octavia  
11 Jones, Sasha Johnson, Kenneth Jenkins, Shachar  
12 Smalls, Trameka Smalls, Calay Grant, Marcus Wren,  
13 from the Semper Fi Club; Beaufort Memorial along  
14 with Ronald Parker, Sam Pope, Charles Cox, Warren  
15 Lucas, Justin Parker, and Natalia Simmons, Latasha  
16 Goldman.

17 People that were in the vehicle with Donald  
18 Parker, we also received statements from Anastasia  
19 Simmons, Damario Jones, Kendall Hayward, Rasheem  
20 Jones, Joshua Rivers. I made contact with Kevin  
21 Moultry; I conducted a lengthy interview with him,  
22 Mr. Brewer.

23 I went out and interviewed Donald again, as  
24 well as his brother Ronald, John Doctor, Natalia  
25 Simmons, Ivori Polite, Sheena Gardner, Deon

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Stevenson.

2           After meeting with Deon Stevenson, he  
3 informed us -- informed us of other witnesses. In  
4 Jasper County, Calvin Stevenson, Shaun Stevenson.  
5 I also attempted to make contact again with  
6 Octavia Jones, Sasha Johnson, Kevin -- Kenneth  
7 Jenkins, Shakara Smalls, Tramika Smalls, Marcus  
8 Wren, Takeshia Chaplain, Natalia Simmons,  
9 Anastasia Simmons, Kendall Hayward, Gary Bright,  
10 again, Octavia Jones; and I continued to attempt  
11 to make contact with Sasha Johnson, Dominique  
12 Wilson, Kenneth Jenkins, Shakara Smalls, Jamika  
13 Smalls, Calay Grant, Marcus Wren, Takeshia  
14 Chaplan, Sam Pope again, Anastasia Simmons and  
15 Kendall Hayward.

16 Q       All right. And were you able to make  
17 contact with those folks?

18 A       No.

19 Q       All right. So you --

20 A       I did make initial contact with Sam Pope.  
21 Some of them I was trying to recontact again to do  
22 another followup interview with them again. I  
23 believe Sam Pope was one that I met at the  
24 hospital. I'm sorry, that's wrong, Charles Cox is  
25 the one at the hospital; Sam Pope is another

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 person.

2 Q Well, no, I think you're right, you said  
3 Beaufort Memorial Hospital, Sam Pope?

4 A Yes, sir.

5 Q Okay. All right.

6 A Thank you.

7 Q And you never spoke with Shakara Smalls?

8 A I'm sorry, may I look back at that?

9 Q Sure.

10 A I don't believe I did.

11 Q Okay. Now, Ivori Polite identified that  
12 they were two security guards at this location?

13 A That was what she said, yes, sir.

14 Q Okay. And that they were wearing shirts  
15 that identified them as security?

16 A I believe that's what she said, yes, sir.

17 Q All right.

18 A No where in your investigation or  
19 investigator knowledge including Brian Chapman's  
20 testimony, was anybody ever identified as security  
21 wearing a shirt.

22 A We knew there was security, we just didn't  
23 know about the shirts -- the security shirts.

24 Q Okay. And who did you interview from the  
25 security staff, sir?



**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 A To be honest, sir, I don't know who the  
2 security was, and we interviewed Deon who was the  
3 one that set up the party; he informed us that  
4 there was security, I believe.

5 Q All right. And you didn't try and find out  
6 who the security was so that you could interview  
7 them?

8 A At the time, sir, it didn't dawn on me.

9 Q Okay. In fact, whoever security was, were  
10 never interviewed, were they?

11 A They may have been, sir. They may have  
12 been one of the people I interviewed. I just  
13 didn't ask them if they were security. Sometimes  
14 we don't ask people to --

15 Q Well, do you think if they were security  
16 they'd say, Hey, man, I was security there, here's  
17 what happened?

18 A I don't know. A lot of times in clubs like  
19 this, security is just a friend who they give a  
20 security shirt to. They're not actually a trained  
21 security guard, sir.

22 Q All right. So when you spoke with Ms.  
23 Polite, it never dawned on you to ask about her  
24 identifying security?

25 A No, sir. She -- she -- no, it didn't, no,

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 sir.

2 Q And in fact, in her statement to you, she  
3 never mentions about security or anybody wearing a  
4 security shirt; isn't that correct?

5 A May I review that section, sir?

6 Q Sure.

7 A Do you have it open, sir? There's a lot in  
8 here.

9 Q Yes, there is. That's why I keep flipping  
10 through papers back and forth.

11 A Yes, sir. I found it, sir, on a report  
12 dated 6/9/2009, bullet 9; is that what you're  
13 referring to?

14 Q I don't have that. I have the 5/26 one up  
15 here with the interview with Kevin Moultry.

16 A Yes, sir, it's a report dated 6/9/2009,  
17 page 4 of 11, bullet 9, Interview with Ivori  
18 Polite.

19 Q All right. In 9 and 10 does she ever  
20 mention anything about security?

21 A In 9 and 10, sir?

22 Q I think 10 is a continuation, but I'm not  
23 sure -- nope, I'm sorry, that's Sheena Gardner.

24 In 9, yes?

25 A No, sir. She does not mention security.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q Okay. Now, Ivori Polite testified that  
2 Shawnee -- did you know that Shawnee was Octavia?

3 A No, I did not.

4 Q But you interviewed Octavia?

5 A I did.

6 Q And you heard Ivori say that Shawnee was on  
7 the ramp when her uncle was in the doorway at the  
8 kitchen and she was on -- Octavia, Shawnee was on  
9 the ramp; is that correct?

10 A Yes, sir. I wasn't aware Shawnee -- or  
11 Octavia went by Shawnee.

12 Q Me neither till today, no.

13 Now, you interviewed Octavia; is that  
14 correct?

15 A I believe so, sir.

16 Q And Octavia told you that a shooter came  
17 back in, shot her uncle, but she didn't see it?

18 MS. BANNON: Objection, hearsay.

19 MR. NEWMAN: It's through his  
20 investigation.

21 THE COURT: Sustained.

22 MS. BANNON: It's the same objection he's  
23 been making about back-dooring.

24 THE COURT: I sustain her objection.

25 MR. NEWMAN: Okay. Thank you. I didn't --

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 I didn't hear you.

2 By Mr. Newman:

3 Q All right. Well let's -- let's go back to  
4 Ivori. Ivori puts Octavia, Shawnee on the ramp,  
5 adjacent to her uncle; is that correct? Is that  
6 what she testified to?

7 A Yes, sir.

8 Q All right.

9 A Shawnee, not Octavia. I don't think she  
10 ever said her name was Octavia. That's what's  
11 kind of throwing me because I don't think she ever  
12 said her name was Octavia, or did she?

13 Q I'm sorry, that's what I -- I thought I  
14 asked her about Shawnee?

15 A You did ask her about Shawnee and she said  
16 that Shawnee, I think, was her older cousin and  
17 the other one was a younger cousin. I don't know  
18 that she said Octavia was her name. I may have  
19 missed that, sir.

20 Q Okay. Nonetheless, you didn't interview  
21 anybody name Shawnee?

22 A No, sir.

23 Q Okay.

24 A Not that I'm aware of; I did not.

25 Q Okay. Did you ever go out to the Semper Fi

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Club?

2 A That night I did not, sir.

3 Q Okay.

4 A My focus was on collecting all of the  
5 statements from the people there. Once we  
6 identified the suspect in the case it shifted to  
7 finding him. And that's when we proceeded out to  
8 look for Jaquwn Brewer, sir.

9 Q Right. He called you?

10 A No, sir.

11 Q Or you called him?

12 A He came in while we were searching for him,  
13 yes, sir. I was able to obtain a phone number.

14 Q Okay. And he came in?

15 A He did, yes, sir.

16 Q He didn't have to do that?

17 A No, sir.

18 Q Okay. Now, I asked you if you'd ever gone  
19 out to the Semper Fi Club and your response was  
20 not that night and my question was, have you ever  
21 gone out in reference to this case to the Semper  
22 Fi Club?

23 A No, sir.

24 Q Okay. And you're the lead investigator on  
25 this case?

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A Yes, sir.

2 Q All right. So you never, as the lead  
3 investigator, went to the scene of the crime?

4 A Sir, I trust the investigators that were  
5 there implicitly.

6 Q All right. And in that implicit trust, did  
7 anybody on your investigative team find any bullet  
8 holes inside or outside of the club?

9 A I don't believe they did.

10 Q All right. Did they find any lead paint  
11 marks or ricochet marks?

12 A I don't believe they did, sir.

13 Q All right. And they would have been  
14 trained to look for those, correct?

15 A Yes, sir.

16 Q All right. And your understanding through  
17 your investigative team is that there was one  
18 shell found inside the Semper Fi Club.

19 A As far as shell casings go, yes, sir.

20 Q I'm sorry. Let me use the specific term, a  
21 shell casing.

22 A Yes, sir.

23 Q And that would be in what's marked as  
24 State's Exhibit 9?

25 A What is State's Exhibit 9.

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Found this inside the club?

2 A Yes, sir.

3 Q All right. And to your knowledge, that was  
4 the only shell casing that was found?

5 A Inside, yes, sir.

6 Q Yes. Now, through your investigative  
7 expertise, a semi-automatic pistol is designed to  
8 eject shell casings as they're fired?

9 A Yes, sir.

10 Q All right. In your experience as an  
11 investigator, a revolver will not eject a shell  
12 casing; is that correct?

13 A Yes, sir, that's correct.

14 Q Unless manually pushed out and manually  
15 done?

16 A Yes, sir, that's correct.

17 Q All right. And the bullet that was  
18 extracted from Mr. Parker --

19 A I believe that's it right there, sir, the  
20 last one.

21 Q Which one?

22 A That one.

23 Q This one. Oh, yeah. That is separate and  
24 distinct from the bullet that was removed from Mr.  
25 Jones?

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A Yes, sir, it is.

2 Q All right. So we know that there are two  
3 projectiles that had been fired?

4 A Yes, sir.

5 Q Okay. And there's no possibility  
6 whatsoever that the projectile -- that there was  
7 only one projectile?

8 A I'm not following the question, sir.

9 Q There -- my question was, there's no  
10 possibility whatsoever that there was only one  
11 projectile taken from --

12 A Two people.

13 Q -- two people?

14 A No, no, sir.

15 Q Okay. So there had to be two shots?

16 A Yes, sir.

17 Q All right. Now you had mentioned the South  
18 Carolina Law Enforcement Division?

19 A Yes, sir.

20 Q All right. And it's commonly known as  
21 SLED?

22 A Yes, sir.

23 Q And as an investigator, you deal with those  
24 guys all the time?

25 A Yes, sir.



**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q All right. I know we have certain testing  
2 at the sheriff's office such as drugs and  
3 marijuana and things like that, but the sheriff's  
4 department does not have a trace evidence lab; is  
5 that correct? Currently in operation or in  
6 operation in '09?

7 A No, not in '09, sir.

8 Q Okay. They did not have a firearms  
9 examiner and laboratory?

10 A No, sir.

11 Q Now, y'all do have the ability to check for  
12 latent prints; is that correct?

13 A Yes, sir.

14 Q All right. And in major cases, is it not  
15 uncommon that even though the sheriff's department  
16 has the ability to check for latent prints, in  
17 major cases a lot of times, those are sent off to  
18 the South Carolina Law Enforcement Division?

19 A I have never -- I don't believe I have ever  
20 sent a shell casing into SLED, sir.

21 Q That's not my question.

22 A You -- are you asking me if it's -- I'm  
23 sorry.

24 Q What I'm asking you, in major cases, in a  
25 homicide, in another shooting, do you consider

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 that a major case?

2 A Yes, sir.

3 Q Okay.

4 A Absolutely.

5 Q In major cases, y'all have sent items off  
6 to be tested for fingerprinting analysis?

7 A Yes, sir, we have.

8 Q All right. And SLED has a number of  
9 techniques in fingerprint analysis; isn't that  
10 correct?

11 A Yes, it is.

12 Q All right. And the shell casings in this  
13 case were not sent off for analysis?

14 A No, sir.

15 Q All right. And they could've been sent off  
16 for analysis?

17 A They could have been, yes, sir.

18 Q And when you load a magazine to a  
19 semi-automatic pistol, normally jam them in don't  
20 you? Make sure they're seated in good and pressed  
21 one on top of the other?

22 A Yes, sir.

23 Q So shell casings weren't sent off?

24 A No, sir.

25 Q All right. Now, in firearms, SLED has an

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | entire firearms laboratory; do they not?

2 | A        Yes, they do, yes, sir.

3 | Q        All right. They are able to fire pistols;  
4 | they are able to attempt to match as you said the  
5 | lands and grooves or striations?

6 | A        Yes, sir.

7 | Q        On rifled --

8 | A        Yes, sir.

9 | Q        -- bullets?

10 | A       Yes, sir.

11 | Q       They are also able to examine with or  
12 | without a gun the primer on the shell casing; is  
13 | that correct?

14 | A       I'm -- I'm not sure about that, sir.

15 | Q       You're not aware that SLED is able to  
16 | microscopically and grossly look at primer stripes  
17 | to determine --

18 | A       I would imagine that they could  
19 | microscopically, sir. I have never sent anything  
20 | up there for that and I don't know that I've ever  
21 | heard of it.

22 | Q       Okay.

23 | A       It may have been; I don't know, sir.

24 | Q       So you cannot say, can you, that the  
25 | State's 11, State's 8, and State's 6, which has

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | eight shell casings in it were fired by the same  
2 | gun?

3 | A        I cannot.

4 | Q        In fact, every one of those could have been  
5 | fired by a different gun?

6 | A        They could have been.

7 | Q        Okay. And even though some of the shells  
8 | are Spear or CCI and Winchester, that's still  
9 | meaningless, they could have been fired by  
10 | different guns?

11 | A        Yes, sir.

12 | Q        Okay. And the same gun could have  
13 | different loads in it. It could have a Spear or a  
14 | CCI and a Winchester in it?

15 | A        Yes, sir.

16 | Q        Any random draw?

17 | A        Yes, sir.

18 | Q        Okay. Now, the witnesses' statements that  
19 | you had collected, did you not detect that there  
20 | are glaring differences in those statements as how  
21 | to -- how this incident happened?

22 |           MS. BANNON: Objection, calls for  
23 | conclusion.

24 |           MR. NEWMAN: I'm asking for a conclusion  
25 | from the primary investigator.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 THE COURT: Overruled.

2 THE WITNESS: Can you say the question  
3 again, sir?

4 By Mr. Newman:

5 Q Yes. Did -- in reviewing -- you reviewed  
6 the witnesses' statements, correct?

7 A Yes, I did.

8 Q And part of what you do is compare those to  
9 one another.

10 A Yes, sir.

11 Q Check for consistencies?

12 A Yes, sir.

13 Q As you said, sometimes witnesses will lie  
14 to you even though they're just witnesses,  
15 correct?

16 A I didn't say that, sir, you did.

17 Q Okay. Well, I'm asking you. You ever had  
18 a witness lie to you?

19 A Yes, sir.

20 Q Okay. So sometimes that happens, correct?

21 A Yes, sir.

22 Q All right. Sometimes witnesses make  
23 mistakes in their ability to recall and relate?

24 A Yes, sir.

25 Q All right.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q So when you reviewed the statements, let's  
2 say for example, Gary Bright versus Ivori Polite,  
3 they have two different, distinct versions of how  
4 this happened; do they not?

5 A Yes, sir, but they were in different areas  
6 of the club as well.

7 Q I understand that and we're going to get to  
8 that. Mr. Bright says that three to five shots  
9 were fired inside the club and that the shooter  
10 left the club and never returned.

11 A Right.

12 Q That was -- that was his testimony?

13 A Yes, sir.

14 Q All right. And he's not related to any of  
15 the people at the party?

16 A Not that I'm aware of.

17 Q Okay. Now, Ivori Polite who is related to,  
18 I think both the victims and several of the  
19 witnesses; isn't that correct?

20 A I believe so.

21 Q All right.

22 A Yes, sir.

23 Q She says that the shot or shots were fired  
24 in the club, that people were running out. I  
25 think she said that she went to the bathroom; is

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 | that correct?

2 | A        Yes, sir.

3 | Q        For cover. And that when she came out, her  
4 | uncle was fine, making a 9-1-1 call and then  
5 | another shoot -- shooter, although she didn't see  
6 | it came inside -- or a shooter came inside and  
7 | shot her uncle?

8 | A        I believe she said close to the door.

9 | Q        Okay.

10 | A        Not necessarily inside, sir.

11 | Q        All right. Well, we'll quibble with you on  
12 | that, I don't recall. Now, close to the door,  
13 | there was no shell casing found; isn't that  
14 | correct?

15 | A        That one beside the truck was pretty close,  
16 | sir.

17 | Q        The one beside the truck?

18 | A        Yes, sir, beside the Juicy Fruit truck off  
19 | the rear wheel.

20 | Q        All right. How close was it?

21 | A        Fairly close.

22 | Q        How close?

23 | A        I couldn't tell you an exact measurement,  
24 | but just looking at the picture, you can tell it  
25 | was pretty close, sir.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q In fact, nobody did any measurements, did  
2 they?

3 A Not that I'm aware of.

4 Q All right. Photographs.

5 All right. Let's take a look at State's  
6 Exhibit 24.

7 MR. NEWMAN: Is there anyway y'all can put  
8 24 up on the screen.

9 MR. BANNON: What is 24?

10 MR. NEWMAN: The -- the photograph of the  
11 outside of the club. If you can or don't want to  
12 do it, just tell me, we'll just come down and do  
13 it.

14 MS. BANNON: Well no, it's just not how  
15 it's saved on the computer.

16 MR. NEWMAN: Okay. All right.

17 By Mr. Newman:

18 Q Maybe we should come on down?

19 A Yes, sir.

20 Q We'll start over here. And we're referring  
21 to State's Exhibit 24?

22 A Yes, sir.

23 Q You and I are looking at it upside down.

24 This appears to be the Juicy Fruit vehicle backed  
25 in, does it not?



## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A Sure. It does, yes.

2 Q Okay. And as described by Investigator  
3 Chapman, the shell casing was found near the rear  
4 passenger -- because it was backed in for facing  
5 out?

6 A Yes, sir.

7 Q -- side of the car?

8 A Yes, sir.

9 Q Okay. This dark hole right here is the  
10 main doorway; is it not?

11 A Yes, sir, it is.

12 Q Okay. The picture of the Juicy Fruit --  
13 this is the Juicy Fruit vehicle backed in?

14 A Yes, sir, I'm sorry, yes, sir.

15 Q Okay. This dark area right here where my  
16 pen tip is, is that main -- that wide door?

17 A Yes, sir.

18 Q Correct?

19 The shell casing was found at the rear  
20 passenger -- near the rear passenger tire on this  
21 side of that car; is that correct?

22 A I believe that's right, yes, sir.

23 Q All right. Do you know how wide this  
24 doorway is?

25 A No, I don't.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q All right. If I told you it's four feet,  
2 would you agree or disagree it was that from your  
3 memory of the club?

4 A I would disagree.

5 Q All right. How many feet wide do you think  
6 it is?

7 MS. BANNON: Objection, Your Honor,  
8 Investigator Fraser has already testified he never  
9 actually went to the club so this is well beyond  
10 the scope of his knowledge and he's stated that  
11 the investigators at the scene did not measure --

12 THE COURT: Any response?

13 MR. NEWMAN: Let me just ask this.

14 By Mr. Newman:

15 Q Have you been to that club before?

16 A I have.

17 Q Okay. Let me show you a photograph to see  
18 if it will help your recollection.

19 MS. BANNON: Your Honor, we would object to  
20 this. If Mr. Newman would like to enter this  
21 photo, that is fine, however, the witness has not  
22 said he fails to remember and he has prior  
23 knowledge of this photo and he needs his  
24 recollection to refresh it.

25 THE COURT: Well, we haven't even -- I

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 haven't even seen the photo yet, and I don't know  
2 what the question is.

3 MR. NEWMAN: Well --

4 THE COURT: I'll need to hear --

5 MR. NEWMAN: I want to do -- I asked the  
6 investigator, have you been to the Semper Fi Club  
7 before.

8 THE COURT: Correct.

9 MR. NEWMAN: I believe he has responded he  
10 has.

11 THE COURT: Right.

12 MR. NEWMAN: I asked him how wide the door  
13 -- he thought it was. Doesn't -- he does not  
14 remember off hand. I have a photograph I'd like  
15 to show him of the door to see if that refreshes  
16 his recollection on how wide the door may be.

17 THE COURT: Go ahead.

18 MR. NEWMAN: Thank you.

19 By Mr. Newman:

20 Q Do you recognize that to be the --

21 A I do.

22 Q -- the Shriner's club?

23 And that's the main door we were talking  
24 about, correct?

25 A Yes, sir.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q All right. And that's the secondary door  
2 where the Juicy Fruit truck was, correct?

3 A Right.

4 Q All right. And again, this is just a  
5 little closer, that's the same door?

6 A Okay.

7 Q All right. Based on your knowledge and  
8 experience, how wide do you think that door is?

9 A I can't give you an exact --

10 Q I'm not asking for an exact. Give me a --  
11 give me a ballpark?

12 A Sir, I -- I don't --

13 MS. BANNON: Again, Your Honor, asked and  
14 answered, this is speculative, the witness has  
15 stated he cannot answer this.

16 THE COURT: Overruled. He can ask him, he  
17 can ask him again. He can give what he can and if  
18 he can't, he can't.

19 MR. NEWMAN: Thank you.

20 THE WITNESS: It may be three feet, sir.  
21 It's wider than an average door.

22 By Mr. Newman:

23 Q Okay. Wider than an average -- three  
24 feet's what you're thinking?

25 A Best guess, yes, sir.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q All right. Going across the building -- if  
2 you put that up there, I calculated that door as  
3 just a little less than a centimeter on that  
4 scale.

5 A I -- yes, sir.

6 Q Would you agree with that?

7 A Yes, sir.

8 Q Okay. Now, if you take that little less  
9 than centimeter and move it over to where the  
10 other side of the Juicy Fruit car is --

11 A Uh-huh.

12 Q How many -- how many centimeters would that  
13 be?

14 A Five and a half.

15 Q Five and a half. So if the door's three  
16 feet, that's fifteen to seventeen feet away; is  
17 that correct?

18 A That sounds right.

19 Q Okay. Now, the door at the Shriner's club  
20 opens -- if you're looking at the Shriner's club,  
21 it opens out, going to the right, correct?

22 A That sounds right.

23 Q Okay. So if a person were outside and  
24 wanted to fire into that door, they'd have to be  
25 somewhere either at the door or the other side of

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 the door, correct?

2 A I'm sorry, I'm not following.

3 Q Okay. Let me ask you -- if this were the  
4 door opening.

5 A Yes, sir.

6 Q The SUV over on this side.

7 MS. BANNON: Your Honor, the State would  
8 request to see this diagram that Mr. Newman just  
9 drew.

10 THE COURT: Sure, go ahead.

11 MR. NEWMAN: Come on up.

12 MS. BANNON: Did you draw that or that?

13 MR. NEWMAN: No, it's been there, that'  
14 the --

15 MS. BANNON: All right. Then I would  
16 object to you showing the witness that.

17 MR. NEWMAN: Okay.' All right.

18 By Mr. Newman:

19 Q So we've got the front of the Shriner's  
20 club. The SUV was backed in over here. The shell  
21 casing was found to the left-hand side of the SUV.  
22 The door opens from the right, swings out toward  
23 the left, correct?

24 A I believe so.

25 Q Okay. So in order for this angle to shoot

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 into the club, you would need to be somewhere in  
2 front of the door or over this way?

3 A I actually believe that door swings all the  
4 way open, sir.

5 Q Okay. And how do you know that?

6 A I believe I've seen it all the way open.

7 Q Okay.

8 A And in this circumstance, you would have to  
9 be in line with that door.

10 Q Right.

11 A If it swings all the way open, you could be  
12 by the SUV.

13 Q And have it go into the club?

14 A Yes, sir.

15 Q And on to a line where Mr. Jones was  
16 standing in the second room?

17 A Yes, sir, I guess so.

18 Q Okay. Are you guessing at that?

19 A I would have to say so, sir, yeah.

20 Q Okay. But you didn't go out and do any  
21 type of angles of where shots may have come from?

22 A I did not, no, sir.

23 Q Chapman didn't either, did he?

24 A No, sir.

25 Q Okay. In fact, nobody did?

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 A I'm not -- no, sir.

2 Q All right.

3 A It was melee coming out of there.

4 Q Right. And you have the power as a deputy  
5 sheriff in this county to block off a crime scene;  
6 is that not -- for a reasonable period of time; is  
7 that not correct?

8 A Yes, sir.

9 Q All right. You also would be able to ask  
10 the cooperation of the owner of the building, Mr.  
11 Lawing, to say, Look, can we tape the place up  
12 tonight and come back in the morning.

13 A Yes, sir.

14 Q You can say yes or no. You could ask for a  
15 court order perhaps, correct?

16 A Yes, sir.

17 Q Okay. But you didn't do any of that.

18 A No, sir.

19 Q Didn't come back in the daytime?

20 A No, sir.

21 Q Didn't want to determine where the angle or  
22 most likely angle of shot where the shooter would  
23 be that shot Mr. Jones?

24 A If I thought we could have done that, sir,  
25 we would have.



## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Okay. But you didn't --

2 A I didn't -- I didn't view that as possible,  
3 sir.

4 Q And you didn't measure -- or your  
5 investigative team didn't measure where any of  
6 those shell casings were by measurement?

7 A No, sir.

8 Q Okay. You didn't measure where the shell  
9 casings were in relationship to one another?

10 A No, sir.

11 Q By measurement?

12 A No, sir. Sergeant Chapman gave rough  
13 estimates.

14 Q Okay. Rough estimates, I understand that.  
15 Nobody ever made a diagram of the parking lot and  
16 diagrammed out where shell casings were found?

17 A No, sir, they photographed it.

18 Q I understand that, my question was, nobody  
19 made a diagram of where they were found. They  
20 just took a photograph on the ground where they  
21 were?

22 A In relation to the building, yes, sir.

23 Q Okay. Now, you -- of your own knowledge  
24 have no idea who shot Mr. Parker; isn't that  
25 correct?

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 A Based on the statements I was given, I  
2 mean, I wasn't there, sir.

3 Q Oh, no. I understand -- when you say based  
4 on statements that means not on your own  
5 knowledge? You don't --

6 A I wasn't invited to the party, no, sir.

7 Q Right. You don't know. And in fact, when  
8 the solicitor asked whether it was a black man or  
9 white man, y'all didn't identify any Caucasians at  
10 the party; isn't that correct?

11 A No, sir.

12 Q Okay. So it would be a safe assumption  
13 that a black man or woman was the one doing the  
14 shooing; would it not?

15 A It would be a safe assumption, yes, sir.

16 Q Okay. Now, you do agree that Ms. Polite's  
17 statement differs from Mr. Bright's statement of  
18 what happened?

19 A I do.

20 Q All right. And in your job as an  
21 investigator, is it not part of your job to try  
22 and reconcile the statements or throw one  
23 statement out and accept another?

24 A I -- I've never thrown a statement out. I  
25 understand what you're saying --

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Or rule it out, let's say?

2 A Yes.

3 Q All right.

4 A As it comes to credibility from a witness,  
5 is that what you're asking?

6 Q Yes.

7 A Yes.

8 Q In other words, back to my example, if you  
9 had one witness say there was blood running up a  
10 wall, you go, Okay. I've got that statement,  
11 maybe that's what they thought they saw --

12 A That's right.

13 Q -- but that can't -- because of physics --  
14 can't be correct?

15 A That's right.

16 Q All right. So the question in this case is  
17 who shot Mr. Parker and who shot Mr. Jones; is it  
18 not?

19 A Yes, sir.

20 Q It's a fact that Mr. Parker was shot. It's  
21 a fact Mr. Jones was shot and tragically killed.  
22 We know that. We know that based on hard  
23 evidence, correct?

24 A Yes, sir.

25 Q Now, we have to go, Who fired those rounds,

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 correct?

2 A Yes, sir.

3 Q Okay. And so far, we've had two eye  
4 witnesses or three witnesses that have given  
5 varying accounts of what happened, correct?

6 A They vary slightly, yes, sir.

7 Q Okay.

8 A But that's to be expected from where they  
9 were at and different angles.

10 Q Okay. And is that to be expected because  
11 the club was dark, very dark?

12 A That can -- that can influence it too, yes,  
13 sir.

14 Q Okay. And that there were approximately a  
15 hundred people moving about?

16 A Yes, sir, absolutely.

17 Q All right. So with your investigation, you  
18 don't know which version to accept, do you?

19 A Sir, I believe all the statements were  
20 pretty consistent with one another. There's  
21 slight variations in them, but they are all fairly  
22 consistent.

23 Q All right. Well, let's talk about one of  
24 the slight variations that Mr. Bright testified,  
25 who has nothing to do apparently with any of the

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 people at the party, he's just making -- getting  
2 some pocket change taking pictures. He said,  
3 quite clearly, that the shots were fired, three to  
4 five; and the shooter left the building and didn't  
5 return.

6 A That's correct.

7 Q Okay. So your slight variation would be  
8 Ms. Polite's version that the -- Mr. Jones was  
9 alive when the shooter left and another shooter  
10 came in -- or another -- the person or person came  
11 in and shot Mr. Jones --

12 A Came back to the doorway.

13 Q Yeah.

14 A Yes, sir. If Mr. Bright was along that  
15 wall, he probably wouldn't have seen him.

16 Q Okay. But what did he also say?

17 A I'm sorry?

18 Q What did he also say? What did Mr. Bright  
19 also say, that you say he might not have seen  
20 that? What did he also say?

21 A I --

22 MS. BANNON: Objection, Your Honor. He's  
23 basically asking Investigator Fraser to recap  
24 testimony that we all heard in this courtroom.

25 THE COURT: I'm going to overrule that;

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 | it's cross-examination, he may.

2 |         THE WITNESS: I'm sorry, I don't know.

3 | By Mr. Newman:

4 | Q         Mr. Bright, you're postulating, although  
5 | Mr. Bright testified that he did not see the  
6 | shooter return.

7 | A         Right.

8 | Q         All right. You're speculating that he  
9 | might not have seen that?

10 | A         He said he didn't come back in the door.

11 | Q         He didn't come back -- I thought his  
12 | testimony was that the shooter left?

13 | A         Right.

14 | Q         All right. And you're speculating that he  
15 | might not have seen the shooter come back?

16 | A         Right.

17 | Q         What did he also say? Didn't he say, I  
18 | didn't even -- I didn't hear another gunshot?

19 | A         I guess so, I don't recall that far.

20 | Q         Were you listening when Mr. Bright  
21 | testified?

22 | A         I was.

23 | Q         Okay. On a .45 pistol, semi-automatic,  
24 | what's the average range where a shell is thrown?

25 | A         I couldn't tell you.

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Shell casing?

2 A Are you asking me from personal experience

3 or --

4 Q Sure, we'll take it from --

5 A I've never -- I've never measured one.

6 Q Okay. We'll take it from personal  
7 experience.

8 A I would say somewhere between eight and ten  
9 feet.

10 Q Okay. Depending on different variations,  
11 wind conditions?

12 A Sure.

13 Q Different things?

14 A You can say that.

15 Q Right. Now, you have interviewed -- you  
16 interviewed Ms. Polite?

17 A Yes, sir.

18 Q And bear with me one moment, please. Okay.

19 You have interviewed Sheena Gardner?

20 A Yes, sir.

21 Q Is that correct?

22 And do you know whether or not she intends  
23 to testify in this trial?

24 A I -- I don't know, sir.

25 Q Now, you -- it would be much better in this

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 case to have ballistic information; would it not?

2 A Yes, sir, absolutely.

3 Q Okay. Because that cannot only convict  
4 someone in a case, it can clear someone in the  
5 case?

6 A Yes, sir.

7 Q All right. Now, the bullets were actually  
8 sent to SLED for examination; is that correct?

9 A Yes, they were.

10 Q All right. And they were not sufficient to  
11 enter into a system called IBIS.

12 MS. BANNON: Objection, again outside the  
13 scope of this witness' knowledge.

14 THE COURT: Any response to that?

15 MR. NEWMAN: I believe the witness does  
16 have knowledge of that, it's in his report.

17 THE COURT: Okay. Overruled.

18 By Mr. Newman:

19 Q And they were not identifiable enough to be  
20 entered into the IBIS system?

21 A I believe the one removed from Donald's leg  
22 was mangled beyond what they could do. Yes, sir.

23 Q Okay. And the other one from Mr. Jones was  
24 not sent to SLED?

25 A It was.



## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Okay. And what was the report on that? ~  
2 Was it able to be entered into IBIS?  
3 A Which report is the -- may I look at the --  
4 Q Sure, look at the -- I want you to, yes,  
5 please.  
6 A I don't know that I have a copy of SLED's  
7 return attached to this. This is what I  
8 completed.  
9 Q Okay.  
10 A I don't know that I have a copy of SLED's  
11 report.  
12 Q Do you know if the SLED guy's coming?  
13 A I believe so.  
14 Q The firearms guy?  
15 A I believe so.  
16 Q Okay. We'll just ask him. You either  
17 interviewed or attempted to interview a number of  
18 other suspects in this case; is this not correct?  
19 A We didn't identify any other suspects.  
20 Q You didn't identify Kevin Moultry?  
21 A We did.  
22 Q Okay. You interviewed Travis Polite?  
23 A Yes, sir.  
24 Q You interviewed --  
25 A Travis Polite? I'm sorry.

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 Q Travis Polite?

2 A I don't know if we interviewed him  
3 regarding this case.

4 Q Okay.

5 A I don't know that he was at that club.

6 Q Okay. And you interviewed, in response to  
7 witnesses providing information, a fellow named  
8 Dominique?

9 A Dominique Middleton?

10 Q Yeah?

11 A We were never able to track Dominique  
12 Middleton down.

13 Q Okay. But through your investigation, he  
14 was developed as a suspect?

15 A He was identified as the person shooting on  
16 the other end of the parking lot.

17 Q Okay.

18 A With a laser sight.

19 Q And did you try to make contact with Mr.  
20 Middleton?

21 A We did.

22 Q All right. And you did not make contact  
23 with Mr. Middleton?

24 A No, sir.

25 Q Do you know where he is?

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 A I don't.

2 Q Do you have an arrest warrant for him?

3 A I don't. We had no information that he was  
4 inside the club shooting where both people were  
5 shot.

6 Q Well, is -- I'm kind of getting your  
7 testimony, that when I asked you about the shell  
8 casings outside and whether the -- the shooter  
9 came back into the club -- correct me if I'm  
10 wrong, but you're putting it out that the shooter  
11 could have possibly been standing by the front  
12 door or by the Juicy Fruit van or the SUV?

13 A Right.

14 Q Okay. Well, if Dominique Middleton was  
15 shooting outside, then you -- he could have well  
16 been the one that shot with the shell casing by  
17 the Juicy Fruit?

18 A Keep in mind that he was identified as the  
19 one that had the laser sight on the gun.

20 Q I understand that.

21 A Investigator Chapman said that they found  
22 the laser sight off the gun over by the pile of  
23 eight rounds further out in the parking lot.

24 Q Which would be directly lined up on the  
25 front door?

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 A I believe it was off to the side of it.

2 Q You believe --

3 A And further away.

4 Q You believe, but you don't know?

5 A I couldn't see where he pointed them out.

6 They were on the ramp.

7 Q Okay. So you wouldn't be interested in  
8 talking to Dominique?

9 A Yes, sir, we tried.

10 Q Okay. And since then, you've just given  
11 up?

12 A Sir, everybody that we identified as  
13 witnesses to the club party identified Jaquwn  
14 Brewer, not Dominique. The only -- the only  
15 person identified Dominique was that he had a  
16 laser sight, he was further out in the parking  
17 lot, and he was shooting. Nobody said any -- and  
18 that was it. Everything else was Jaquwn Brewer.

19 Q All right. Well, how do you know that  
20 Dominique wasn't the one that shot?

21 A He did shoot in the parking lot.

22 Q Okay. How do you know that he wasn't the  
23 one that shot Mr. Jones?

24 A Because he was further out in the parking  
25 lot and from what I gather from Sergeant Chapman,

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 | it -- where he was shooting was too far away.

2 | Q But you don't have any fingerprints on the  
3 | shell casing?

4 | A No, sir.

5 | Q You have nothing other than some witness --  
6 | I guess what I'm asking is, you can't prove that  
7 | Dominique wasn't the one that shot the shell  
8 | casing near the Juicy Fruit car, can you?

9 | A Sir, I don't know, no.

10 | Q The answer is you can't --

11 | A No.

12 | Q -- can't rule that out?

13 | A Right.

14 | Q Okay. Now, through your investigation, you  
15 | had received information that Mr. Jones was shot  
16 | while the shooter was in the club from witnesses;  
17 | isn't that correct?

18 | A I believe initial reports were either as he  
19 | was in the club or as he was exiting out of the  
20 | club.

21 | Q So you had that information?

22 | A Yeah, but I don't know where -- I think I  
23 | got that from patrol officers on the scene.

24 | Q Who interviewed witnesses?

25 | A I believe so.

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 Q Okay. That were on the scene?

2 A And that was -- yeah. And that was initial  
3 information that wasn't developed throughout the  
4 investigation.

5 Q I understand. So we have no ballistics  
6 evidence?

7 A With regards?

8 Q With regards to, let's say the shell  
9 casings?

10 A Can I match it with the gun he had in his  
11 picture? No.

12 Q Right?

13 A No.

14 Q Or Kevin Middleton's gun?

15 A No.

16 Q You don't have Kevin Middleton's gun?

17 A No.

18 Q You have a laser sighting in which --

19 A It was on Kevin Middleton's gun by the pile  
20 of eight shells in the parking lot.

21 Q Assuming that was even Kevin Middleton?

22 A Or, I'm sorry --

23 Q Dominique?

24 A Not Kevin Middleton, Dominique.

25 Q Assuming it was him and not Kevin Moultry

**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 | or Travis Polite?

2 | A       No, sir, it wasn't them.

3 | Q       All right. You said in this case you were  
4 | asked about investigative techniques about lying  
5 | to suspects?

6 | A       Yes, sir.

7 | Q       Okay. And that's done. That's done for  
8 | the various reasons that you said. And I believe  
9 | you said in this case that you did not lie to Mr.  
10 | Brewer?

11 | A       I believe I didn't.

12 | Q       Okay. So when you told Mr. Brewer you  
13 | believed that he didn't mean to shoot anybody and  
14 | that he didn't do it on purpose, that was your  
15 | honest belief?

16 | A       No, no, I do believe he shot him.

17 | Q       Okay. So you did lie?

18 | A       Yes, sir. Trying to build a rapport.

19 | Q       Okay.

20 | A       That's correct.

21 | Q       So you were incorrect when you said that  
22 | you didn't lie to him?

23 | A       Yes, sir.

24 | Q       Okay. And through your investigation, it  
25 | was developed that at some point, Deon Stevenson

## Jeremiah Fraser - Cross-Examination by Mr. Newman

1 pushed Mr. Brewer?

2 A One witness said that he did. The rest  
3 didn't.

4 Q And, of course, Deon denies that as well in  
5 his statement?

6 A Right. When he confronted him about taking  
7 the gun out in the parking lot right before he  
8 pulled it --

9 Q Right.

10 A -- and shooting inside, yeah.

11 Q Okay. You asked Mr. Parker to provide you  
12 a written statement and Mr. Parker did that; is  
13 that correct?

14 A Yes, sir, he did.

15 Q The statement was made -- did you leave the  
16 form with Mr. Parker or did you wait with him  
17 while he wrote it out?

18 A No, I sat there.

19 Q Okay. You stayed there and you accepted  
20 the statement, State's 62 as he gave it?

21 A Right. Right.

22 Q All right. At that time, you believed he  
23 was lucid?

24 A Yes, sir.

25 Q Was not in pain?



**Jeremiah Fraser - Cross-Examination by Mr. Newman**

1 A No, he was in pain.

2 Q Okay. Was he on pain medications?

3 A I don't -- I don't know.

4 Q Did he appear to be under the influence of  
5 anything when you took this thing?

6 A I don't believe so.

7 Q All right. In fact, wouldn't it be true  
8 that if he had been loopy or had been given  
9 morphine or something like that, you would not  
10 have attempted to get a written statement from him  
11 at that time?

12 A That's right.

13 Q So you were satisfied when you had him  
14 write the statement that he was clear of mind and  
15 thought when he gave that statement?

16 A That's right.

17 Q Okay. And that's State's 62. Is it  
18 State's 62?

19 A I believe so.

20 Q Okay. I just wanted you to look at it.

21 A Yes, sir.

22 Q Okay.

23 MR. NEWMAN: I believe I'm about done. Let  
24 me just check, Your Honor. If you'll bear with me  
25 one moment.

**Jeremiah Fraser - Redirect Examination by Ms. Bannon**

1 Thank you, Your Honor.

2 THE COURT: Any Redirect?

3 MS. BANNON: Briefly, Your Honor.

4 **REDIRECT EXAMINATION**

5 By Ms. Bannon:

6 Q Investigator Fraser, Mr. Newman went into  
7 suspects and people you talked to. How many total  
8 suspects did you have in this case?

9 A One.

10 Q Okay. And now, he was also talking about  
11 Donald Parker's statement. Is it unique to you  
12 that someone's written statement might not be as  
13 detailed as their oral statement?

14 A No, that's not odd at all. Typically  
15 people will tell you more than they're willing to  
16 write down.

17 MS. BANNON: No further questions.

18 THE COURT: Anything further?

19 MR. NEWMAN: No, sir.

20 THE COURT: All right. You may stand down.

21 And members of the jury, you are dismissed  
22 until Thursday at 9:30. Since we went late today,  
23 you don't have to come back tomorrow.

24 Thank you. Do not discuss the case with  
25 anybody.

**Jeremiah Fraser - Redirect Examination by Ms. Bannon**

1           (WHEREUPON the jury left the courtroom at  
2   6:33 p.m.)

3           THE COURT: See everybody at 9:30.

4           THE BAILIFF: The jury is clear, the door  
5   is closed, Your Honor.

6           MS. BANNON: Actually, Your Honor, the  
7   State does have a brief motion. We believe that  
8   Mr. Newman opened the door.

9           Briefly. On Monday we had the hearing on  
10   the joinder and discussion of the prior  
11   incidences. During his cross of Investigator  
12   Fraser, he brought up Mr. Brewer's intent as well  
13   as his identity. Both issues that the prior  
14   incidence would go to show and disprove. The  
15   Court had previously ruled that we are not allowed  
16   to bring that in our case in chief, however, the  
17   State believes that Mr. Newman has opened the door  
18   to this.

19          THE COURT: Any response to that?

20          MR. NEWMAN: Yes, I do have a response.  
21   Mr. Bravere was clearly mentioned in this trial;  
22   they showed photographs of him, picture here. I  
23   didn't get into any of that. I just asked if he  
24   was developed as a suspect, he was interviewed in  
25   this case. He was interviewed like any other

1 witness was interviewed. I don't see how that  
2 opens the door to some other shooting.

3 THE COURT: All right. That motion has  
4 been denied.

5 Anything further?

6 MS. BANNON: No, Your Honor.

7 THE COURT: All right. 9:30, Thursday.

8 MS. BANNON: Thank you, Judge.

9 (WHEREUPON a recess was observed until  
10 Thursday morning.)

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1 State of South Carolina ) In the Court  
2 County of Aiken ) Of General Sessions

3 Indictment No.: 2009-GS-07-1279  
4 2009-GS-07-1293  
5 2009-GS-07-1296

6 State of South Carolina, )  
7 Plaintiff. )  
8 vs. ) Transcript of  
9 Record  
10 Jaquwn Brewer, ) Volume III  
11 Defendant. )

12 August 25, 2011  
13 Beaufort, South Carolina

14  
15 B E F O R E:

16 The Honorable William H. Seals, Jr.,  
17 Judge, and a Jury.

18  
19 A P P E A R A N C E S:

20 Meredith A. Bannon, Assistant Solicitor  
21 James J. Bannon, Assistant Solicitor  
22 Attorneys for the State

23 Jared S. Newman, Esquire  
24 Attorney for the Defendant

25 Brenda J. Sigwald, Circuit Court  
P.O. Box 206, Jackson, South Carolina 29831

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THURSDAY, AUGUST 25, 2011

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THE COURT: Everybody ready to go.

MR. BANNON: Yes, Your Honor, the State's ready?

THE COURT: If the bailiff would go ahead and bring in the jury.

MR. BANNON: And Your Honor, just before we get started, I had a brief conversation with Mr. Newman. The next witness which we're going to present, he -- he is not familiar -- he did not know the defendant the night of the shooting. He was shown a photo -- a photo lineup of him, he picked him out. I talked to Mr. Newman. Mr. Newman said he didn't wish to hold a Bigger's Hearing so I just wanted to put that on the record.

THE COURT: Okay. Good.

Is that correct, Mr. Newman?

MR. NEWMAN: This is as to John Doctor?

MR. BANNON: John Doctor.

MR. NEWMAN: Yeah, that's correct. And for the record, I changed my name to Edwin M. Brown.

THE COURT: Yeah, I saw that, I saw that. Is that good or bad?

MR. NEWMAN: I don't know. Let's see if I

**John Doctor - Direct Examination by Mr. Bannon**

1 get any calls.

2 THE COURT: How'd it go in federal court?

3 MR. NEWMAN: Federal court was lovely, but  
4 I unfortunately was in the Supreme court in  
5 Columbia. Mr. Brown may have been in federal  
6 court.

7 THE COURT: Okay.

8 THE BAILIFF: The jury is ready to enter.

9 THE COURT: Go ahead and bring them in.

10 (WHEREUPON the jury entered the courtroom  
11 at 9:33 a.m.)

12 THE BAILIFF: The jury is present.

13 THE COURT: Call your next witness.

14 MR. BANNON: The State calls John Doctor.

15 THEREUPON,

16 JOHN DOCTOR,

17 after being duly sworn, testified as follows:

18 THE CLERK: Please be seated. State your  
19 name and spell it for the Court, please.

20 THE WITNESS: My name is John Doctor, III.  
21 J-o-h-n D-o-c-t-o-r, I-I-I.

22 **DIRECT EXAMINATION**

23 By Mr. Bannon:

24 Q Thank you, sir. And where did you grow up?

25 A St. Helena Island.

**John Doctor - Direct Examination by Mr. Bannon**

1 Q Where do you live right now?

2 A Columbia.

3 Q And why are you in Columbia?

4 A I'm a student -- full time student in the  
5 fall.

6 Q What are you studying?

7 A Rehab consultant or vocational.

8 Q Okay. And were you in Columbia or were you  
9 in Beaufort County in May of 2009?

10 A I was in Beaufort County.

11 Q Okay. Were you still going to school at  
12 that point?

13 A I just graduated.

14 Q Okay. From?

15 A Undergrad.

16 Q Okay. And do you know Donald and Ronald  
17 Parker?

18 A Yes.

19 Q How -- how do you know them?

20 A My partners.

21 Q Okay. What does that mean?

22 A We grew up together.

23 Q Okay.

24 A Same neighborhood and stuff like that.

25 Q And what's Ronald Parker up to right now?

## John Doctor - Direct Examination by Mr. Bannon

1 A In the NFL.

2 Q Okay. And do you know what Donald Parker's  
3 up to now?

4 A Right now, he's currently working and stuff  
5 like that.

6 Q Okay. And the night of May the 23rd of  
7 2009, were you with Donald and Ronald?

8 A Yes.

9 Q Okay. Could you tell us about that night?

10 A Yeah. We showed up to a little spot, you  
11 know what I'm saying, about 11:30, and you know,  
12 everything was closed, we was chilling at the time  
13 or whatever. Long story short, we were just  
14 standing up by like the photo booth part and there  
15 was a party going on and then, you know what I'm  
16 saying, my partner whispered to me, like, Well,  
17 he got a gun? And I was like, Well, you know what  
18 I'm saying, that place -- he got a gun and we  
19 going to get out of here in a few seconds, this  
20 that and the third.

21 So when he told me, you know what I'm  
22 saying, that he had a gun on him or whatever, I  
23 looked back and it was like some cat's taking a  
24 picture. You know what I'm saying. I saw him  
25 taking a picture or whatever, but I ain't really

**John Doctor - Direct Examination by Mr. Bannon**

1 | paid him no attention. And then the fact that he  
2 | had a gun, I was like, well, see, every party,  
3 | that's just what it is, you know what I'm saying,  
4 | so it wasn't nothing like -- it just make it  
5 | bigger or something, you know.

6 |         We just turned around and start partying  
7 | and was chilling, paying no attention. Shoot,  
8 | about five minutes later, you heard a female voice  
9 | screaming like, he got a gun. You know, all you  
10 | just heard was like gunshots and everybody just  
11 | scattered. And so I just dipped to the left and  
12 | all my partners, they just left and so I was in  
13 | the female bathroom or whatever, until I went out  
14 | to try to leave, unlocked the door.

15 |         I unlocked the door, you know what I'm  
16 | saying, there was a red light was in my face. It  
17 | was like a beam from another firearm. So when I  
18 | exit the door or whatever and, I saw my partner,  
19 | Donald, shot and on the ground. So when I saw him  
20 | I just, you know, I carried him and picked him up,  
21 | put him on my shoulders, and ran him to the  
22 | nearest vehicle and just threw him in there and  
23 | got him to the hospital as fast as we could with  
24 | some friends of mine.

25 | Q         Now, I just want to go back through a



## John Doctor - Direct Examination by Mr. Bannon

1 little bit about what you just told us, okay?

2 A All right.

3 Q Who did you go to the party with?

4 A I went to the party with a couple of my  
5 partners; it was like eight of us.

6 Q Okay.

7 A Yeah.

8 Q Do you remember -- do you remember who  
9 exactly?

10 A Yeah, it was my partners, Ronald, Donald,  
11 Ryan, another partner Jerry, and Gerald.

12 Q Okay.

13 A Yeah.

14 Q And do you remember what time you got  
15 there?

16 A About 11:30.

17 Q Okay. And was -- was it crowded at that  
18 point?

19 A Yeah. It was a nice size party or  
20 whatever.

21 Q Okay. Was it a good party? Was it a fun  
22 party?

23 A Yeah, it was all right.

24 Q Up until the point that you were talking  
25 about at the picture booth, did you see anyone

## John Doctor - Direct Examination by Mr. Bannon

1 | else there with a gun?

2 | A       No, I didn't.

3 | Q       Was there any -- before the shooting  
4 | started, was there any, sort of trouble or fights  
5 | in the club?

6 | A       Yeah, it was crazy because everything was  
7 | copacetic like. It was real cordial, whatever.  
8 | Everything was cool, calm, collected up until that  
9 | one incident; you know what I'm saying.

10 | Q       Okay. Did you have a gun with you?

11 | A       No, I ain't have no gun with me.

12 | Q       Okay. Did any of the people that you came  
13 | with have guns?

14 | A       No, not on them.

15 | Q       Okay. Did Donald have a gun?

16 | A       No.

17 | Q       Now, when you first arrive at the club, is  
18 | it -- was it free to get in or did you have to pay  
19 | a cover?

20 | A       Yeah. You had to pay.

21 | Q       Okay.

22 | A       You know what I'm saying, you go through  
23 | the little security or whatever. Now, they had  
24 | official security with the little wands or  
25 | whatever, mask and uniform. So they pat you down

## John Doctor - Direct Examination by Mr. Bannon

1 and whatever, paid your money --

2 Q Okay.

3 A -- and you just went in.

4 Q Okay. So you -- did you pay your money  
5 first or were you wanded first?

6 A You were wanded first.

7 Q Okay. And was it kind of like the thing  
8 that's down stairs where you put your arms out?

9 A No. Yeah, yeah it is, the little wand,  
10 yeah.

11 Q Yeah.

12 A Not the walkthrough part.

13 Q Yeah, not the walkthrough part.

14 A The wands --

15 Q Okay.

16 A -- yeah.

17 Q Okay. And do you know about what time it  
18 was when you first found out about the gun?

19 A It was about 1:30, I believe. Or one, two.  
20 It was like -- it was late like, 1:15 or 1:30,  
21 something like that -- I don't remember; that was  
22 two years ago.

23 Q Okay. So it wasn't -- it wasn't right  
24 after you arrived?

25 A No, it was a little minute.

**John Doctor - Direct Examination by Mr. Bannon**

1 Q And did you see the person who had the gun?

2 A Well, kind of, sort of, man. Because like,  
3 when my partner he told me, you know what I'm  
4 saying, he saw the dude with the pistol first.

5 MR. NEWMAN: Your Honor.

6 THE COURT: Sustained.

7 MR. NEWMAN: Thank you.

8 THE COURT: Don't say what other people  
9 say.

10 THE WITNESS: Oh, word.

11 By Mr. Bannon:

12 Q Okay. So when the shooting started, did  
13 you see the person who was shooting?

14 A No.

15 Q Okay. Did police officers ever ask you to  
16 write a written statement?

17 A Correct.

18 Q Okay. And did you write one for them?

19 A Correct.

20 Q Okay.

21 MR. BANNON: Your Honor, I suppose I'd like  
22 to have this marked for identification purposes.

23 THE COURT: Sure.

24 By Mr. Bannon:

25 Q Mr. Doctor, I'd like to have you take a

## John Doctor - Direct Examination by Mr. Bannon

1 look at what has been marked as State's Exhibit  
2 No. 74.

3 A Uh-huh.

4 Q Well, is -- is -- did you write that?

5 A Correct.

6 Q Do you remember when you wrote it?

7 A Uh-huh.

8 Q When was that?

9 A After I wrote my statement.

10 Q Okay. And is that your signature at the  
11 bottom?

12 A Yes.

13 Q Okay. And now could you just take a second  
14 to read through it for me?

15 A The whole statement?

16 Q Yeah, just go ahead and read through it for  
17 me.

18 A We arrived at the club --

19 Q Well, no, just to yourself.

20 A Okay. Okay.

21 Q Okay. And so based off of that, did you  
22 see the person with the gun?

23 A Yes.

24 Q Okay. Did you ever see the person who was  
25 shooting the gun?

## John Doctor - Direct Examination by Mr. Bannon

1 A No.

2 Q Okay. Were you ever shown photo lineups of  
3 some of the people who were at the party?

4 A Yes.

5 Q Okay.

6 MR. BANNON: Permission to approach, Your  
7 Honor?

8 THE COURT: Sure.

9 By Mr. Bannon:

10 Q I'd like to have you take a look at what  
11 has been marked as State's Exhibit No. 17. Do you  
12 recognize that?

13 A Yes.

14 Q Okay. And what is it?

15 A It's a photo of -- of gentlemen.

16 Q Okay. And did -- were you ever shown that  
17 lineup?

18 A Yes.

19 Q Okay. And were you asked to pick out who  
20 was in the lineup?

21 A Yes.

22 Q Okay. And were you able to pick someone  
23 out of the lineup?

24 A Yes.

25 Q Okay. And how did you do that on the

## John Doctor - Direct Examination by Mr. Bannon

1 sheet?

2 A How do you mean?

3 Q Well, like how did you indicate that you  
4 recognized one of the people on the sheet?

5 A Because I remember taking the picture.

6 Q Okay. And did you make any marks on the  
7 sheet?

8 A Yeah.

9 Q Okay. And did you initial them?

10 A Uh-huh.

11 Q Okay. And who do you -- well, who is the  
12 person who you selected in that photo lineup?

13 A Number 3.

14 Q And was that person at the club?

15 A Yes.

16 Q Did that person have a gun?

17 A Yeah.

18 Q Okay. Do you see that person in the  
19 courtroom here today?

20 A Yes.

21 Q Okay. Could you please point him out to  
22 us?

23 A (Witness makes a pointing gesture.)

24 MR. BANNON: Your Honor, let the record  
25 reflect that the witness has identified the

## John Doctor - Direct Examination by Mr. Bannon

1 defendant.

2 THE COURT: Sure.

3 By Mr. Bannon:

4 Q And was -- when the defendant -- when you  
5 saw the defendant with the gun, was he with any  
6 other people?

7 A Yes.

8 Q Okay. And were you shown any other photo  
9 lineups?

10 A Yes.

11 Q I'd like to show you what's been marked for  
12 identification as State's Exhibit No. 18.

13 Okay. Were you ever shown that?

14 A Yes.

15 Q And what is it?

16 A A photo.

17 Q Okay. Is it a -- well, how many photos are  
18 there?

19 A Six.

20 Q All right. And did you recognize one of  
21 the people in the photos?

22 A Yes.

23 Q And who was the person that you recognized?

24 A You got the photo.

25 (WHEREUPON the sheet was shown to the



## John Doctor - Direct Examination by Mr. Bannon

1 witness.)

2 THE WITNESS: Number 2.

3 By Mr. Bannon:

4 Q Number 2? Okay.

5 And did you see him the night of the  
6 shooting?

7 A Yeah.

8 Q Okay. And where did you see him?

9 A Taking pictures.

10 Q Okay. Was he with the defendant?

11 A Yes.

12 Q Okay. And did you ever see that person  
13 with a gun?

14 A No.

15 Q Okay.

16 MR. BANNON: Beg the Court's indulgence,  
17 I'm going to ask the witness to step down off the  
18 stand for just a moment.

19 THE COURT: Go ahead, sir.

20 By Mr. Bannon:

21 Q Mr. Doctor, first I'd like to show you what  
22 has been marked as State's Exhibit No. 54. If you  
23 could take a look at that for me.

24 A Yeah.

25 Q Do you recognize any of the people in that

## John Doctor - Direct Examination by Mr. Bannon

1 | photograph?

2 | A        Yeah.

3 | Q        All right. Now, I'd like to show you a  
4 | slightly bigger version of that photograph. Okay.  
5 | Just stand right there. And so is this the -- is  
6 | this the same photograph as the one that I just  
7 | showed you?

8 | A        Yeah.

9 | Q        All right. And first, what I'd like you to  
10 | do is, I'd like for you to point out the person  
11 | who you saw that night with the gun?

12 | A        The dude in the picture with the gun.

13 | Q        Okay. What color shirt is he wearing?

14 | A        Black.

15 | Q        Okay. And is that the -- is that the  
16 | person who you identified earlier as the  
17 | defendant?

18 | A        Yes.

19 | Q        Okay. And is the other person who you  
20 | picked out of the photo lineup in this picture?

21 | A        Yeah.

22 | Q        Okay. Could you point him out for us?

23 | A        (Witness points).

24 | Q        Okay. And when you saw the defendant that  
25 | night, was -- is he -- how tall is he?

**John Doctor - Direct Examination by Mr. Bannon**

1 A He's pretty short. I don't know but --  
2 so -- but he looked pretty short.

3 Q Okay. You can go back on the stand,  
4 please. Okay. Once the shooting started, what  
5 did you do?

6 A I ran.

7 Q Okay. After -- and when -- when the  
8 shooting first started, did you hear it from  
9 coming from inside the club or outside?

10 A All I heard was shooting. I can't tell you  
11 where it was at, But there was shooting. It was  
12 obviously inside the club; the doors were closed,  
13 but you know, it was shooting.

14 Q Okay.

15 A Yeah.

16 Q And after the shooting started, did you  
17 ever see the defendant with a gun?

18 A No, I ain't -- I don't -- that's the only  
19 time I saw him when they -- when they was taking  
20 the picture.

21 Q Okay.

22 A You know what I'm saying. I didn't see  
23 them, you know what I'm saying, after that.

24 Q Okay. Next you said you ran into the  
25 women's restroom?

## John Doctor - Direct Examination by Mr. Bannon

1 A Yeah.

2 Q Okay. Were you the only one in there?

3 A No. There was a bunch of people in there.

4 Q Okay. And what did you do in there?

5 A I was just trying to wait for the gunshots  
6 to stop so I could go.

7 Q Okay. Did they ever stop?

8 A Eventually.

9 Q Okay.

10 A In the inside.

11 Q All right. And so when you heard the --  
12 the gunshots from the inside stop, what did you  
13 do?

14 A Tried to leave.

15 Q Okay. And where did you go?

16 A Outside.

17 Q When -- did you make it outside?

18 A Yeah.

19 Q Okay. What did you see when you were out  
20 there?

21 A A popping of a gunshot.

22 Q Okay. Was there any shooting going on  
23 outside when you got there?

24 A Yeah.

25 Q Okay. And now I think earlier you said

## John Doctor - Direct Examination by Mr. Bannon

1 something about like a red light?

2 A Yeah.

3 Q Okay. Could you tell us a little about  
4 that?

5 A It's just basically like -- you know what  
6 I'm saying, most guns got red beams on them so,  
7 you know, when I tried to exit, you know what I'm  
8 saying, I guess the shooter beam landed on me. So  
9 the beam landed on me so I just ditched, I dove,  
10 you know what I'm saying, so I wouldn't get shot.  
11 And I went and saw my partner and picked him up  
12 and had to get him out of there.

13 Q Okay. And the person you picked up was  
14 Donald Parker?

15 A Right.

16 Q Once you got Donald into the car, what did  
17 you do next?

18 A Speed to the hospital. Because see I put  
19 him in the opposite car of mine but my car was  
20 blocked in, so I put him in the first thing  
21 smoking, the closest thing to get him to the  
22 hospital so he won't be bleeding, so he wouldn't  
23 bleed to death or nothing. And so once I put him  
24 in the car of a fellow that I -- that I knew from  
25 around here and we ain't from that side of town,

## John Doctor - Direct Examination by Mr. Bannon

1 | you know, so I knew a few people over there. So  
2 | once I put him in the car there, I just hopped in  
3 | my car and speed to the hospital.

4 | Q        Okay. So the party wasn't -- wasn't in St.  
5 | Helena?

6 | A        No.

7 | Q        Okay.

8 | A        It was in Burton.

9 | Q        Okay. And do you remember the name of the  
10 | place?

11 | A        They call it the Pepsi Cola Plant, Cola  
12 | Cola Plant. It was -- that was called -- I don't  
13 | know the exact name of it, but we called it the  
14 | Pepsi Cola Plant.

15 | Q        Okay. How many guns did you see inside the  
16 | club that night?

17 | A        I only saw one gun.

18 | Q        Okay. And who had that gun?

19 | A        The gentleman in the photo.

20 | Q        And do you see that person in the room here  
21 | today?

22 | A        Yeah.

23 | Q        Could you point him out to us again?

24 | A        (Witness points.)

25 |        MR. BANNON: No further questions, Your

**John Doctor - Cross-Examination by Mr. Newman**

1 Honor.

2 THE COURT: Mr. Newman.

3 MR. NEWMAN: Thank you, Judge.

4 **CROSS-EXAMINATION**

5 By Mr. Newman:

6 Q Hey, Mr. Doctor, how are you?

7 A What's happening, man?

8 Q I don't know if we've met. My name is  
9 Jared Newman.

10 A No, we've never met.

11 Q Okay. You said there were people shooting  
12 outside?

13 A There was a lot of shooting outside.

14 Q Okay. And I was curious, when you come  
15 into the club through the door, there was -- was  
16 there a table there where you -- like with a cash  
17 box where you pay your \$10 and you come in?

18 A It was somebody that collected money.

19 Q Somebody --

20 A Like I said, it's been two years, so --

21 Q I know it's been two years?

22 A -- details, you know what I'm saying.

23 There was somebody that collected the bread, the  
24 money.

25 Q Okay. And if I have your statement right,

**John Doctor - Cross-Examination by Mr. Newman**

1 | when the shooting started inside the club, you  
2 | were able to make it into the women's bathroom  
3 | area where a lot of people went?

4 | A Right.

5 | Q Okay. And when you heard things calm down,  
6 | you're going to head straight out the door?

7 | A Right.

8 | Q And if I got your statement right, it says,  
9 | As I got to the door, the exit, I saw a red dot on  
10 | me?

11 | A Yeah.

12 | Q Okay. And you took that red dot to be like  
13 | a laser, you knew --

14 | A Right --

15 | Q -- what that -- I mean you knew know maybe  
16 | from TV or whatever?

17 | A Yeah.

18 | Q Somebody's got -- so you went back into the  
19 | building?

20 | A Right.

21 | Q And it says you waited about five minutes  
22 | and then you went back out.

23 | A Yeah.

24 | Q That's when you noticed Mr. Doctor was hit  
25 | and y'all went --



**John Doctor - Redirect Examination by Mr. Bannon**

1 A No, Mr. Parker, man.

2 Q I'm sorry, I'm sorry. I apologize. Mr.  
3 Parker was hit and y'all loaded him in the car and  
4 sped off toward the hospital?

5 A Right.

6 Q Okay. Thank you, Mr. Doctor.

7 THE COURT: Solicitor, anything further?

8 **REDIRECT EXAMINATION**

9 By Mr. Bannon:

10 Q Mr. Doctor, just one question.

11 A Go ahead.

12 Q When you were inside the club, did you ever  
13 see the red dot?

14 A No.

15 Q Okay. Thank you.

16 MR. BANNON: No further questions.

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

18 Thank you.

19 THE WITNESS: All right.

20 THE COURT: Thank you.

21 You may go ahead and call your next  
22 witness.

23 MS. BANNON: The State calls Deon  
24 Stevenson.

25 ///

**Deon Stevenson - Direct Examination by Ms. Bannon**

1           THEREUPON,

2                   DEON STEVENSON,

3 after being duly sworn, testified as follows:

4           THE CLERK: Please be seated. State your  
5 name and spell it for the Court, please.

6           THE WITNESS: Deon Stevenson. D-e-o-n  
7 S-t-e-v-e-n-s-o-n.

8                   **DIRECT EXAMINATION**

9   By Ms. Bannon:

10 Q       Mr. Stevenson, where do you live?

11 A       Columbia, South Carolina.

12 Q       And what do you do out in Columbia?

13 A       I work for a landscaping company.

14 Q       And did you just start a new job?

15 A       Yes, ma'am.

16 Q       And in May 2009, where were you living?

17 A       I was still in Columbia.

18 Q       Where are you from originally?

19 A       Ridgeland, Jasper County.

20 Q       And so do you still have family down in  
21 this area?

22 A       Yes, ma'am.

23 Q       The weekend of May 23rd, were you up in  
24 Columbia or were you down here?

25 A       I was down here.

## Deon Stevenson - Direct Examination by Ms. Bannon

1 Q What were you doing?

2 A Well, earlier that day, we was preparing  
3 the party and I was talking to Mr. Jones, we was  
4 under the tree while the girls were out and we  
5 prepared for the party.

6 Q Okay. Hold on a second. So you were down  
7 here in Beaufort; were you here for a family  
8 reunion?

9 A Yes, ma'am.

10 Q Was it your family?

11 A No, ma'am.

12 Q Who's family was it?

13 A Sheena family.

14 Q Who's Sheena?

15 A She's my girlfriend.

16 Q And how long y'all been together?

17 A We've been together for four years.

18 Q And do y'all have any kids together?

19 A Yes, ma'am.

20 Q And how old's your kid?

21 A He'll be two in October.

22 Q And so during this weekend, 2009, was  
23 Sheena pregnant?

24 A Yes, ma'am.

25 Q How far along was she?

## Deon Stevenson - Direct Examination by Ms. Bannon

1 A I think she was like in between four and  
2 five.

3 Q Okay. And so -- have you ever worked as a  
4 party promoter?

5 A No, ma'am.

6 Q You said that the girls were getting the  
7 party ready; what party are you talking about?

8 A We was going to a Memorial Day party after  
9 the family and they wanted something to do, so we  
10 decided we were going to have a party.

11 Q Did you say a Memorial Day party?

12 A Yes, ma'am.

13 Q So that was a Memorial Day Weekend?

14 A Yes, ma'am.

15 Q And so who was in charge of planning the  
16 party?

17 A Basically the girls.

18 Q And when you say the girls, who do you  
19 mean?

20 A Sheena, Octavia, Money, Keasha.

21 Q Do you know Octavia by another name?

22 A Ma'am?

23 Q Do you call Octavia something else, like by  
24 a nickname?

25 A Yes, ma'am.

## Deon Stevenson - Direct Examination by Ms. Bannon

- 1 Q What's that?
- 2 A Octavia, Shawnee.
- 3 Q So Octavia is Shawnee?
- 4 A Yes, ma'am.
- 5 Q Okay. Do you remember what time you got to
- 6 the party?
- 7 A Probably around 10:30 or 11:00.
- 8 Q And do you remember who arranged for the
- 9 DJ?
- 10 A No, ma'am.
- 11 Q Did you do it?
- 12 A No.
- 13 Q How about for security?
- 14 A We all did it.
- 15 Q Do you remember who was security?
- 16 A Yes, ma'am.
- 17 Q Who was that?
- 18 A I remember, I think it was like three of
- 19 them, but I only remember like two of them.
- 20 Q Okay. And were y'all paying them to do
- 21 that?
- 22 A No, ma'am.
- 23 Q And how was the party going?
- 24 A It was going good.
- 25 Q Were there a lot of people there?

## Deon Stevenson - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q And to your knowledge, why did you have  
3 security there?

4 A Well, just to -- you know, make things more  
5 safe.

6 Q Okay. Were they searching people?

7 A Yes, ma'am.

8 Q And were y'all allowing guns into the  
9 party?

10 A No, ma'am.

11 Q At some point, did it come to your

12 attention that someone had gotten a gun into the

13 party?

14 A Yes, ma'am.

15 Q How'd that happen?

16 A Well, actually, I didn't know how it  
17 happened, but to my knowledge, they were just  
18 saying it.

19 Q Once you found out there was someone with a  
20 gun at the party, what did you do?

21 A I went and approached the person, and you  
22 know, tell them, you know, take the gun outside.

23 Q Do you remember where in the club, the guy  
24 that you approached was?

25 A Yes, ma'am.

## Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Where was he?

2 A Standing at -- right by the picture booth.

3 Q And when you said you approached him, where  
4 were you coming from?

5 A I actually was coming out of the kitchen  
6 and Houston Chaineyfield approached me and, you  
7 know, informed me that, you know, the guy, you  
8 know, Jaquwn Brewer had a gun in the club. So  
9 that's when, you know, I went and approached him,  
10 you know, I asked him to take it out.

11 Q Prior to this night, did you know Jaquwn  
12 Brewer?

13 A No, ma'am.

14 Q Okay. So you went over to the guy by the  
15 photographer?

16 A Yes, ma'am.

17 Q And you talked to him?

18 A Who? Mr. Brewer.

19 Q Uh-huh.

20 A Yes, ma'am, I just asked him nicely to take  
21 the gun out of the club.

22 Q Now, did you get in his face about it?

23 A No, ma'am.

24 Q Were you aggressive about it?

25 A No, ma'am.

## Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Did you push him?

2 A No, ma'am.

3 Q Now, you've been saying it was Mr. Brewer.

4 Do you see that person that you talked to about  
5 having the gun here in the courtroom today?

6 A Yes, ma'am.

7 Q All right. Could you please tell us where  
8 he is?

9 A Right there on the left side of the room.

10 Q Okay. And what color shirt is he wearing?

11 A A white shirt.

12 MS. BANNON: Let the record please reflect  
13 that the witness has identified Mr. Brewer.

14 By Ms. Bannon: \_\_\_\_\_

15 Q All right. So when you go up to him,  
16 what'd you tell him to do with the gun?

17 A I told him to take it outside.

18 Q So you weren't kicking him out of the party  
19 permanently?

20 A No.

21 Q You just didn't want the gun in the club?

22 A Right.

23 Q What was his reaction to that?

24 A Well, I told him to take the gun out the  
25 club. Tell him I don't want no problems. He



## Deon Stevenson - Direct Examination by Ms. Bannon

1 tell me it's none of my f'ing business. He pulled  
2 it out, cocked it, pointed at me. So I pushed it  
3 out the way and then I hit it --

4 Q Okay. Hold up a second. So you tell him,  
5 take your gun out of the club and he says, mind  
6 your own f'ing business?

7 A Yes, ma'am.

8 Q Okay. And then what does he do with the  
9 gun after he says that?

10 A Pulled it out, cocked it, put it in my  
11 face. I slightly hit it away and he started

12 firing.

13 Q And I'm sorry?

14 A He started firing.

15 Q I -- I don't understand.

16 A He started shooting.

17 Q He started shooting, okay.

18 Okay. So did you have a gun?

19 A No, ma'am.

20 Q Okay. Where were you when the guns started  
21 going off?

22 A When they started going off, I just start  
23 running back.

24 Q All right. Prior to it going off, had  
25 people in the club noticed what's going on?

## Deon Stevenson - Direct Examination by Ms. Bannon

1 A Yes, ma'am, because they see -- I was like  
2 running back.

3 Q Uh-huh.

4 A And they started running.

5 Q And when we were talking about security,  
6 how many doors were people coming in?

7 A One door.

8 Q Okay. At some point, did other doors get  
9 open?

10 A Yeah. Other doors got open when everybody  
11 started exiting because everybody couldn't go out

12 one door.

13 Q All right. So once someone tried to leave  
14 the club, the other doors got kicked open or  
15 pushed open?

16 A Yes, ma'am.

17 Q Okay. Did you see Mr. Brewer firing that  
18 gun?

19 A Yes, ma'am.

20 Q Inside the club?

21 A Yes, ma'am.

22 Q How many other people did you see shooting  
23 inside the club?

24 A Nobody.

25 Q Once he started -- Mr. Brewer started

## Deon Stevenson - Direct Examination by Ms. Bannon

1 firing in the club, what did you do?

2 A I pulled back from that and started running  
3 for the exit and trying to find Sheena because she  
4 was pregnant.

5 Q And where was Sheena when you went up to  
6 Mr. Brewer to tell him to put the gun away?

7 A I don't know exactly where she was located.

8 Q But y'all somehow got separated because of  
9 the crowd?

10 A Yes, ma'am.

11 Q And were you able to get out of the club?

12 A Yes, ma'am.

13 Q Were you able to find Sheena?

14 A Yes, ma'am.

15 Q Where was she?

16 A She was over -- over -- I can't explain the  
17 area where she was at, but she was like hiding  
18 down by a car.

19 Q So you found her outside?

20 A Yes, ma'am.

21 Q Were you upset when this all happened?

22 A Very.

23 Q And so you knew Mr. Jones?

24 A Yeah.

25 Q Prior to this?

## Deon Stevenson - Direct Examination by Ms. Bannon

1 A Yes, ma'am.

2 Q How did you know Mr. Jones?

3 A Through Sheena.

4 Q And how does Sheena know Mr. Jones?

5 A He's her uncle.

6 Q Her uncle?

7 A Yes, ma'am.

8 Q And did you know Donald Parker prior to  
9 this night?

10 A No, ma'am.

11 Q Did you see anyone shooting outside the  
12 club?

13 A No, ma'am.

14 Q Were you focused on just trying to find  
15 Sheena?

16 A Yes, ma'am.

17 MS. BANNON: Beg the Court's indulgence.

18 By Ms. Bannon:

19 Q You said that Mr. Brewer began firing  
20 inside the club. Do you remember -- I know it's  
21 been two years -- but do you remember how many  
22 shots were fired inside the club?

23 A Yes, ma'am.

24 Q How many?

25 A Five.

## Deon Stevenson - Direct Examination by Ms. Bannon

1 Q Five?

2 A Yes, ma'am.

3 Q How did you come to that number?

4 A Because I know it was a lot of shots.

5 Q And it was coming from the same gun that  
6 had just been pointed in your face?

7 A Yes, ma'am.

8 Q Okay. Would you mind stepping down from  
9 the bench for me and just go right by that monitor  
10 for me.

11 All right. Mr. Stevenson, if you wouldn't  
12 mind just standing over here with me so everyone  
13 on the jury can see and taking this little pointer  
14 for me and would you point out if you recognize  
15 from that picture, the guy who pointed the gun in  
16 your face?

17 A (Witness points).

18 Q And the guy who opened fire in the club?

19 A (Witness points).

20 Q Thank you. I'll take the pointer now, you  
21 can go to your seat.

22 So can you think of anything you did to set  
23 Mr. Brewer off?

24 A No, ma'am. It's nothing like that.

25 Q It's not like that?

**Deon Stevenson - Cross-Examination by Mr. Newman**

1 A I said, it's nothing like that, no, ma'am.

2 Q Mr. Stevenson, I don't have anymore  
3 questions for you, but if you wouldn't mind  
4 answering any Mr. Newman might have, I'd  
5 appreciate it.

6 A Okay.

**CROSS-EXAMINATION**

7  
8 By Mr. Newman:

9 Q Hey, Deon, how you doing?

10 A How you doing, sir?

11 Q How's everything over in Ridgeland?

12 A Quite sure it's perfect over there.

13 Q All right. Now, your partner, Houston  
14 Chaineyfield, he's currently in prison right now;  
15 isn't that right?

16 A Yes, sir, that's my cousin.

17 Q Okay. Now, you say when Mr. Brewer pointed  
18 the gun at you and put it in your face, there was  
19 no laser beam on that gun, was there?

20 A No, sir.

21 Q Okay. Because you would have seen that  
22 because it was right in your face; you're  
23 absolutely positive there's no laser beam on it?

24 A Yes, sir.

25 Q Okay. And once the shooting inside the

## Deon Stevenson - Cross-Examination by Mr. Newman

1 club stopped, you didn't see Mr. Brewer anymore,  
2 did you?

3 A No.

4 Q Okay. Now, who were the security guards  
5 that had the wands?

6 Q I think it was a guy named Troy and Harry?

7 Q Troy and who?

8 A Harry.

9 Q Harry. You know their last names?

10 A No, sir.

11 Q Now, you've been convicted of felonies

12 before, haven't you?

13 A Yes, sir.

14 Q For possession of crack cocaine?

15 A Yes, sir.

16 Q And for forgery?

17 A Yes, sir.

18 Q And possession with intent to distribute

19 schedule two drugs?

20 A Yes, sir.

21 Q And for unlawfully carrying a pistol?

22 A Yes, sir.

23 Q Okay. Thank you, Mr. Stevenson.

24 THE COURT: Anything further, solicitor?

25 ///

## Deon Stevenson - Recross-Examination by Mr. Newman

**REDIRECT EXAMINATION**

1

2 By Ms. Bannon:

3 Q When did you get those convictions?

4 A Back in '01 and I think it was 2000 that I  
5 got the -- the crack charge.

6 Q All right. So when you were younger?

7 A Yes, ma'am.

8 Q And that night when you went to the party,  
9 were you planning on being a witness to a shooting  
10 and a murder?

11 A No, ma'am.

12 Q All right. Thank you.

13 MS. BANNON: No further questions.

14 MR. NEWMAN: I'd like to follow up on that.

**RECROSS-EXAMINATION**16 By Mr. Newman:17 Q You got that crack charge in 2001, but you  
18 were also convicted on the -- with intent to  
19 distribute in 2010; isn't that correct?

20 A Yes, sir.

21 Q Okay. And you were convicted on the  
22 unlawful carrying of a pistol in; it looks like  
23 October of 2010?

24 A Yes, sir.

25 Q Okay. Thank you.