VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Horry County
Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CALVIN D. FORD,

APPELLANT

APPELLATE CASE NO. 2019-001912

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

FROM TRANSCRIPT OF HEARING DATED MARCH 5, 2019: STATE'S EXHIBIT #1 (PICTURE OF WHITE ST. & WARREN ST.); STATE'S EXHIBIT #2 (PICTURE OF MS. HOLOMAN'S HOUSE); STATE'S EXHIBIT #5 (PICTURE OF CRIME SCENE); STATE'S EXHIBIT #6 (PICTURE OF EVIDENCE MARKERS); DEFENDANT'S EXHIBIT #1 (PHOTOGRAPH OF JAMAL); DEFENDANT'S EXHIBIT #2 (PHOTOGRAPH OF JAMAL).

FROM TRIAL TRANSCRIPT DATED NOVEMBER 4-8, 2019: STATE'S EXHIBIT #61 (INTERVIEW OF SHERIKA GORE).

burglary charge?
A I just got arrested on that January 6th.
Q Okay. Of this year?
A Yes, sir.
Q Okay. And were you there until you pled in October?
A Yes, sir.
Q Okay. You stayed there those nine months. At some time during your incarceration -- back in 2017 was that, you didn't talk to the police. That's right. Do you recall writing a statement saying, "I don't know nothing about nothing about Aliga?" Do you recall writing that?
A Yes, sir. I said I don't know nothing about nothing. I was --
Q You wrote that out in a statement; correct?
A -- I was, I was incarcerated.
Q Right. And you wrote that out; right?
A I did write that out, sir.
Q And you had an officer, Officer Grubb at the detention center witness that for you; correct?
A Yes, sir.
Q All right. And can I show you -- let's mark that for identification. I'm going to show you what's been marked Defendant Campbell for identification one. Just take a look at it. Don't have to say anything yet. Is that the statement you recall writing, the one you just said you wrote?

A Yes, sir.
Q Okay. And that's -- and this -- you say that's a copy? Can you tell?
A It look like a copy.
Q Okay. Is it, is it fully accurate to what you recall writing?
A Yes, sir.
Q Okay.
MR. FOX: Your Honor, at this time we'd offer Defendant Campbell Exhibit for identification One into evidence.

REDIRECT EXAMINATION

BY MR. HOLFORD:
Q Just one question on that, you never wrote a statement out; did you?
A I ain't got nothing to say to you, man.
Q Did you ever write a statement in this case?
MR. FOX: Well, Judge, I'm not finished, I mean.
MR. HOLFORD: Oh, I thought --
MR. FOX: I'm sorry. I didn't mean to cut you -- I'm not -- probably have -- right, just on the issue of admissibility, so I'd move this into evidence.
MR. HOLFORD: Oh, I don't know if he's identified it, but I don't have an objection to --
MR. FOX: He did identify it.

MR. HOLFORD: I don't have an objection to that coming in.

THE COURT: In without objection.

(Defendant Campbell Exhibit Number One [Written Statement of Robert Campbell entered into evidence and appropriately marked.)

MR. FOX: Thank you.

THE COURT: Is that it?

MR. FOX: Yes. That's it.

REDIRECT EXAMINATION

BY MR. HOLFORD:

Q Did you write a statement in this case?

A Your Honor, I have nothing further to say to him.

MR. HOLFORD: I mean, Judge, he's choosing who he wants to cooperate with. He's clearly answering questions for his cousin's attorney and Calvin's attorney and then all of a sudden he doesn't remember.

THE COURT: All right. Ladies and gentlemen of the jury, if you'll step out to your room, please.

(Whereupon, the following takes place outside the presence of the jury.)

THE COURT: It's a little strange circumstance. In most cases it's where Defendant on the initial presentation on the stand says, "I'm not going to testify," but however, in apparently this witness to the Court, now, we're outside the

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: All right.

MR. HOLFORD: Your Honor, the State calls Sergeant Jeremiah Beam.

Whereupon, Jeremiah Beam is called to the stand, duly sworn by the clerk and testified as follows:

THE COURT: If you'll come up and be sworn, please, Sergeant.

THE CLERK: State and spell your name for the Court.

MR. BEAM: It's Jeremiah Beam, J-E-R-E-M-I-A-H and then B-E-A-M.

DIRECT EXAMINATION

BY MR. HOLFORD:

Q Sergeant Beam, you're still a sergeant with Myrtle Beach Police?

A Yes, sir.

Q How long have you been at the police department?

A Fifteen years.

Q What's your current assignment?

A I currently run our narcotics and street crimes unit as well as supervisor of task force officers.

Q And how long have you been doing that?

A About two years now.

Q All right. So prior to that back in 2016 what was your

assignment then?
A I was assigned to violent crimes as a detective.
Q Okay. How long had you been a detective?
A About three years, sir.
Q Okay. And then prior to being a detective?
A I was a patrol supervisor.
Q Let me ask this, did you have an opportunity to view the, the witness in an orange jumpsuit that just got off the stand?
A Yes, sir.
Q And are you familiar with that individual?
A Yes, sir.
Q And who was that?
A That was Robert Campbell.
Q Had he spoken to you before?
A Yes, sir.
Q Did you go out seeking information from him?
A No, sir. Both times we were notified that he had information.
Q And did you record those statements that he gave?
A Yes, sir.
Q Did you turn those statements over to the State?
A Yes, sir. I downloaded them into the, the case file and then they were transmitted.
Q And did he speak to you on multiple occasions?
A Two occasions.

Q Did you promise him anything?
A No, sir. I don't have any ability to promise him anything.
Q And on those recordings would you have said that you weren't going to promise him anything?
A I know on the first interview, yes, sir, I said that, you know, I, I can't promise you anything.
Q Were you threatening him?
A No, sir.
Q Again, who contacted who?
A He notified a jailer the first instance, and I was notified by one of our detention staff that he had information on a murder.
Q And, and what, what murder was that in regards to?
A That would be the Warren Street homicide.
Q Okay. And is there any doubt that the person who just got off the stand that you were able to view was the same person who gave you the -- gave those statements to you?
A It's, it's the same person. His appearance has changed over the years. He's gained a lot of weight, and he had more facial here when, when I interviewed him, but yes, sir, it's the same gentleman.
Q And, and those Robert Campbell interviews were turned over?
A Yes, sir.

Q Now, other involvement you have in this case, talk to us about Milestone. What is Milestone?
A So Milestone is our -- we have cameras all over the city. I think back then we had estimated close to 300 cameras, but all that video is transferred to the Milestone system. So it's how we view and maintain the surveillance cameras throughout the city.
Q How many cameras would you estimate are in Myrtle Beach now?
A I believe we're close to a thousand now.
Q Is it safe to say three times as many as you had in --
A Yes, sir.
Q -- 2016?
A Yes, sir.
Q Did -- what you'd do in regards to this case?
A I did export some video from the Milestone system. I did that in order -- basically after like 30 days you lose it if you don't export it. So one of the things I did was export certain videos from the Milestone system.
Q And would you have exported those videos from the Milestone system before the 30 days?
A Yes, sir. That was to ensure that we didn't, didn't lose any data.
Q And what, what cameras were you looking at, what specifically?

A It's mainly there was a camera on Mr. Joe White and Warren Street.

MR. HOLFORD: May I approach?

BY MR. HOLFORD:

Q I'm going to show you what's been entered as -- let's see, this is State's 40. Are you able to show the jury about where that camera is based on this map?

A I believe it's, it's on the corner here, but I'm not certain exactly where that the camera was. I know that it doesn't shoot all the way down Warren Street, that basically you just have this general area here.

Q Okay.

A It doesn't -- it's not intrusive or it doesn't go into people's residences there on Warren Street.

Q And so the area you just circled, just for the record, is on Warren Street just to the right on this map of Mr. Joe White?

A Yes, sir.

Q Okay. Does it show other angles?

A Yes, sir. It shows like an east and a west angle on Mr. Joe White.

Q Okay. So it goes up and down Mr. Joe White?

A Yes, sir.

Q And did you review those Milestone videos?

A Briefly I reviewed some. I, I did do some time a few

days later where I did -- we were trying to locate some additional witnesses, located a van or a van that was a cab leaving a few minutes after the incident occurred.

Q Now, do any of those cameras there, do they show the incident?

A No, sir.

Q Do they point down Warren Street far enough to see the house?

A No, sir.

Q But you reviewed those?

A Yes, sir.

Q And it certainly would have been helpful if it had?

A It would have been great if it captured the incident, but it did not.

Q Now, in relation to this cab, why did that, why did that come to your attention?

A It was, it was leaving, made a quick trip and it just left right after the incident. So I was trying to determine if that was a potential witness.

Q And did you track that cab down?

A We, we found the cab number. We were able to talk to the cabdriver. Yes, sir.

Q And who was that cabdriver?

A It was a Chad Brown, I believe.

Q And you talked to him?

A Yes, sir.
Q And did you determine if Chad Brown had any involvement in this case?
A I don't believe that Mr. Brown had any involvement. Basically he picked up a, a cab fair in the Racepath area of Myrtle Beach and that's why he was -- he was dropping somebody off.
Q So did you exclude that cab as being related to this?
A Yeah. Did not believe that it was related.
MR. HOLFORD: No further questions, Your Honor.

CROSS EXAMINATION

BY MR. MCCOY:
Q Agent Beam, my name is Jonny McCoy. I appreciate you being here today. I am Calvin Ford's Defense attorney. So you were present during Robert Campbell's interview; correct?
A Yes, sir.
Q Do you remember him telling you, "J Money went to reach and Calvin went to shooting"?
A I don't recall that. If it's, if it's on the audio then it's on there.
Q Do you want me to play it back for you? Are you going to --
A I'm not arguing with you. I just --
Q So he did say, "J Money went to reach and Calvin went to shooting"?

A If that's what it said, yes, sir.
Q Okay. And do you recall him saying that J Money knocked -- Jamal knocked Calvin's teeth out some years prior; correct?
A Sounds familiar, yes, sir.
Q Let's go ahead and -- I'm going to play the J Money went to reach and Calvin went to shooting just so we're, just so we're clear. I don't want the jury getting mixed. So that's at two, two, exactly two minutes in the second interview.
MR. HOLFORD: Your Honor, I'd just ask that the disk be identified as what we're, what we're playing.
MR. MCCOY: It's a USB.
BY MR. MCCOY:
Q But you -- you've turned over the -- of course, the one that we're talking about, you recall it?
A Yes, sir.
Q Right. And that was the second interview that took place September 15th; correct?
A There were two interviews, yes, sir.
Q Okay.
MR. HOLFORD: So are we introducing the second interview?
MR. MCCOY: No. We're not. I'm using it to refresh his recollection.
THE COURT: Okay.
MR. MCCOY: Two minutes, please. You're okay.
(Statement played in open court.)

BY MR. MCCOY:

Q Okay. So J Money went to reach --

A Okay.

Q -- for a gun; correct? That's what he -- that's, that's --

A That's what he implied. Yes, sir.

Q All right. And then Calvin shot is what he implied?

A That's what he implied.

Q Okay. And do you recall him saying, "I'm not sure if you all can help me"; right?

A He did say that. Yes, sir.

Q And then do you recall him saying, "Agent Beam did help me," and that, that's part of the response of you saying, "Now, hold on. I can't help you out," and all that other stuff; right?

A I don't how he helped him. I mean, he, he went to --

Q I know. But he alleged that you helped him?

A I mean, people, people talk for a variety of reasons.

Q But you agree he alleged that you helped him?

A I'm not sure how, how I helped him. I mean, I didn't help him with his bond or make any, any --

Q I, I, I get that. You agree he's -- he alleged that you helped him?

A Yes, sir.

Q Okay. Now, Milestone is black. Now, you said that you

viewed the Milestone videos. We're going to have to bring this all the way out.

MS. WALTER: Is this being introduced as an exhibit?

MR. MCCOY: No. One second.

BY MR. MCCOY:

Q So, now, you said that you used the -- that you reviewed the Milestone videos; correct?

A I exported it and I viewed some of it, yes, sir.

Q Yes. So you viewed for -- as you were looking for witnesses; correct?

A Yeah.

Q That's what you just stated?

A Yes, sir.

Q Okay. Now, that would be important for you to view who was pulling in and out of Warren Street; correct?

A Yes, sir. We, we were trying to identify additional witnesses. Yes, sir.

Q Okay. So who pulled into Warren Street in between the time the, the alleged incident happened -- or let's say this. You saw Calvin cross the street in the Milestone videos; correct?

A I didn't do any of that, that stuff. I did after-the-fact looking for vehicles coming out of Warren Street.

Q Okay. So you, you did look for vehicles coming in and out of Warren Street?

A Yes.
Q Okay. Do you remember which vehicles came in and out of Warren Street?
A I think I -- I worked on the van is mainly what I did.
Q Okay.
A Tracking down the van.
Q Okay. So the van came out of Warren Street prior to the shooting; correct?
A Yes, sir.
Q Okay. So you did view the prior to shooting?
A Yes, sir.
Q Okay. So what other vehicles came in and out of Warren Street prior to the shooting?
A I can't tell you how many. I don't -- you know, didn't spend time seeing how many vehicles or --
Q If I showed you the five minutes prior to the shooting, the vehicles coming in and out of Warren Street, that would help refresh your recollection; right?
A I'm sure there's traffic. I mean, they were -- there was a party. Warren Street typically has constant traffic. So I mean, there's vehicles in and out of Warren Street.
Q No. I get that. I'm just asking specifically do you know which vehicles came in and out?
A No, no, sir.
Q Okay.

A No, sir.
Q So when I show you this video that'll help refresh you?
A Okay.
Q All right. Come on. Let's bring it all the way.
MR. HOLFORD: Your Honor, this is not a recorded recollection of a statement given by this officer at a prior time. I understand what Mr. McCoy is trying to do, but if he wants to introduce a video he needs to introduce it. The State doesn't object to the video being introduced into evidence. He would just need to do that. That doesn't fall under a hearsay exception of, of a video being shown that --
MR. MCCOY: All right. I'll -- I'd love for the video to be entered. So I now move to enter the video into evidence.
MS. WALTER: Do you have something to mark?
MR. HOLFORD: Is it marked? Is there any exhibit number?
MR. MCCOY: Yeah. We'll mark it. It's a USB. I'll get it, I'll get it marked and everything. I didn't know that you guys were calling this witness. I'll get it marked. We're not going to -- a video to mark it as Defendant's.
THE COURT: Let's make sure it gets in and properly marked you don't have an objection.
MR. MCCOY: Defendant's Five.
MR. HOLFORD: I, I don't have an objection to the video, Your Honor.

THE COURT: Okay.

MR. MCCOY: All right. So Defense Five moving it into evidence, Your Honor.

(Defense Ford Exhibit Number Five [Milestone Video] entered into evidence and appropriately marked.)

MR. MCCOY: Can we bring this forward, please? Uh-oh, what was that? Go back. Go back. Well, what'd you do? All right.

BY MR. MCCOY:

Q Agent Beam, be so kind to have you step down. Let's go to 8:51, 8:50. Now, now, you know, you know about what time Mr. Ford crossed the street, approximately 8:52, does that sound, sound about right?

A Yeah. I didn't do any of that.

Q That sounds about right, you're an investigator?

A Yes. Yes, sir.

Q All right. Let's go ahead and start it here. [Defense Exhibit Ford Five played in open court.] Everybody see? Step back just a few feet? Oh, I'm sorry. I'm going to get this microphone over here. Sir, I'm sorry. Okay. So what we're looking at, what is this street right here?

A That should be Grey Street, I believe.

Q Grey Street, and what's this right here?

A That's the general area of where Warren Street is.

Q This is Warren back in here?

A Yes, sir.
Q Okay. And this is?
A Mr. Joe White.
Q And this is?
A That's still Mr. Joe, Joe White.
Q Okay. So this is the ocean down here; correct?
A Yes, that's -- yes, sir, east toward the ocean and west toward Robert Grissom.
Q All right. Okay. Towards 17 Bypass and all that. Okay. And do you agree with me that the time is 8:52; correct?
A Yes, sir.
Q And you would, you would agree through your investigation that's approximately the time they say Calvin Ford crossed the street on his GPS; correct, or got to the party; correct?
A I can't attest for other officers and what they, what they said and, you know.
Q Okay. And you're not disputing that's Calvin Ford crossing the street at 8:52?
A It could be him.
Q Okay.
A Again, it's not the best video.
Q I understand, but this is the, this is the, the angle that you turned over; correct?
A Yes, yes, sir.
Q And then the only other angle you turned over is pointing

left; correct?
A I think there was multiple angles, east, west and --
Q Okay. So I'm going to show you what's been marked as Defense One, Two and Three. So if we're looking at the videos from the pole right here, you see that? Is that the cameras that we're looking at?
A Yes, sir.
Q Okay. And this is a close-up of these cameras. Which camera are we looking at? Would you, would you --
A I have no, no idea which way they --
Q Okay. But we're certainly not looking at the one that's going over the sidewalk over Warren Street, the one closest to Warren Street; correct?
A That could be any. I don't know, Mr. McCoy.
Q Okay. So my question is there's four cameras here; correct?
A Yes, sir.
Q Okay. So we're looking at the middle of the street; right?
A Yes, sir.
Q We're not looking at the entrance to Warren Street; are we?
A No, sir.
Q And there are, there are four cameras; correct?
A Yes, sir.

Q And there was four cameras at this time; right?
A Yes, sir.
Q You were the one who exported these?
A Yes, sir.
Q Where are the other two cameras?
A I exported what I had.
Q I'm, I'm confused. So did you not export the other cameras, the one that would have been facing here and the one that would have shown the entranceway to Warren Street?
A In reviewing for this case there were nine exports that I saw in the file.
Q So I'm confused. So, so just tell me what I have. So I do not have the video showing the entrance to Warren Street; correct?
A I don't know what -- I exported nine, there's nine folders under the Milestone export.
Q Did you ever, did you, did you export the video showing the entrance to Warren Street?
A I would have to review what was transmitted.
Q Okay. Can you do that where you -- do you have your notes?
A Well, that's -- it's video. It's not --
Q Okay. Well, I don't know what that means. What do you need to do to tell us what cameras you --
A I, I would have to see the file and what was transmitted.

Q Okay. Who has that file?
A It was, it was transmitted.
Q To who?
A To the Solicitor's Office.
Q Okay. Do you want to confer with the Solicitor's Office about that?
MS. WALTER: No. It's, it's a database.
Q It's a database. Oh, so, the Solicitor -- it's a database that you guys work with, all that you guys exchange the cameras and videos and stuff?
A It was cloud-based, yes, but it's, you know, we have a drive where all the data is put into a drive, into a file.
Q But essentially there is a video showing the entrance to Warren Street?
A There should be.
Q There should be. Okay. Where are we? Oh, okay. Can you bring us back? Now, we just saw Calvin cross the street; okay. So if someone testifies, "I arrived after Calvin crossed the street and before -- and, and I arrived when Calvin was already conversing with Jamal," we would know to start when Jamal -- when Calvin crosses the street and that this person should arrive after or before the 911 call. So Calvin crossed the street, 911 calls. We know, we know Calvin crossed the street at 8:52. We know the 911 calls were at 8:58. So if one of the witnesses says, "I got there after

Calvin arrived," they should be -- they -- we should see them turn in here; isn't that right, seemingly; correct?
A Yes, sir.
Q All right. Let's go ahead and see if we can do that. Now, I know it's dark, and I know we don't have the other videos showing directly over the entrance to Warren Street, but let's just see if we can see anybody turning in. You got me? It's got no signal. It's not playing at all. All right. All right. Go back. Just start over right where he crossed. All right. So they should turn from here down in through here and if they're not on camera we'll see if we can see headlights or whatever. You just you yell out when you see if you see somebody turn in. Okay? They turn in.
A Yes, sir.
Q Does that look like a moped?
A Possibly, yes, sir.
Q A moped. Okay. So we've got one moped at about 8:53:15, something like that. Let's see who else. Got a big gray SUV or whatever color that was turning in from the right; correct?
A Yes, sir.
Q Okay. So we've got those two have turned in now. Let's see if anybody else turns in before 8:58. We're approaching 8:55. We've got about three minutes to go before the 911 call. Okay. About a minute to go. Okay. So we are -- we're at the first 911 call; correct; get the call, 8:58:22. Now,

the only two cars seemingly -- you seen pull in are a moped from this angle and a like grey looking SUV from this angle; correct?

A Yes, sir.

Q All right. Now, you know, somebody could have turned quick or whatever. So let's, let's see if somebody turns in with their headlights and you can't see the car. Let's just see what that looks like. Hit play and let's see if another 30 seconds tells us what that may look. The 911 call has already been made.

Got some people crossing the street the other way, and everybody see that? Let's go back just, just real quick. Do you see somebody turn in right there? Couldn't see the car though; right?

A Yes, sir.

Q How could you tell they turned in?

A The lights.

Q But that's clear on this video; correct? Go ahead again. It happened quick. Now, let's see. So there should be some people crossing the street, and as they do, focus our attention down here, we'll see some headlights as they turn in, not the car, headlights. Okay. Now, you would agree with me, okay, please, please, thank you very much. Now, would another camera angle, thank you, guys, very much. Would another camera angle closer to the road been able to help? I

mean, not that we need it, but that would have been helpful for, for daylight hours; correct?

A Yes, sir.

Q So if somebody said, "I arrive when Calvin and Jamal were already talking," that means that they came after 8:52 and then they say, "I saw the incident," that means that they must have been in either that silver big SUV that came from whatever street that -- what, what?

A Mr. Joe White.

Q Yeah. Mr., Mr. Joe White to the right or on that moped; correct? If they came in a car; correct?

A Yes, sir.

Q So if somebody says, "When I arrived on the road I was in a, a dark green Kia," that was not on the video; right?

A Did not appear to be a dark green Kia.

Q Okay.

MR. MCCOY: The Court's indulgence, Your Honor.

THE COURT: Sure.

MR. MCCOY: Nothing further. Thank you, Agent Beam.

CROSS EXAMINATION

BY MR. FOX:

Q Mr. Beam, I'm not going to ask you about Milestone. You were -- you interviewed Robert Campbell, Robert Lee Campbell, Jr., on two occasions; correct?

A Yes, sir.

Q Okay. And he contacted, if not you directly, contacted Myrtle Beach Police, said, "I got information" --
A Correct.
Q -- "about this shooting"; correct?
A Yes, sir.
Q And so he indicated that his relative, Aliga Campbell, had basically confessed to him about being involved in a shooting?
A Yes, yes, sir.
Q And he indicated that happened about a week and a half after Mr. Ford -- that conversation happened about a week and a half after Mr. Ford was arrested?
A Yes, sir.
Q Okay. So that would be -- this happened July 23rd of 2016, the shooting; correct?
A Yeah.
Q All right. So a week or a week and a half would put us at the end of July, early August of 2016; correct?
A Yes, sir.
Q Okay. Now, a few days after the initial, that was on September the 5th of 2017, about a week later he contacted you all again; correct?
A He reached out to Christine Snyder, who's an employee at J. --
Q That's Christine Snyder at the jail and then through Ms.

Snyder she contacted you?
A Yes, sir.
Q Okay. And this time Mr. Campbell said and he was asked directly, "Did Aliga tell you," Robert Lee Campbell, Jr., "that he was a shooter," and Robert Lee Campbell, Jr., said no. That was his response; correct?
A Yes, sir. And then he was called out on the inconsistencies and then --
Q That's right.
A Yes, sir.
Q So he changed his tune. So he told you one story and then he told you another story.
A Yes, sir.
Q And they also asked him, "Did he tell you -- did Aliga Campbell tell you," Robert Lee Campbell, Jr., "that he was there"?
A He, he was not there.
Q Well, no, no, that Aliga was there. Did Aliga tell Robert Campbell and Robert Campbell said, "Well, he didn't say that directly"?
A Okay.
Q Correct?
A Yes, sir.
Q And then you confronted him with what he'd told you a week before?

A Detective Jones did, yes, sir.
Q That's right. And then there was some conversation, he said, "Well, I'm not sure you all are going to help me," and you say, "No, no, no, it's not our place to, to make any promises like that"; correct?
A Yes, sir.
Q Okay. But he was concerned about that; wasn't he?
A Yes, sir.
Q Okay. And then his story changed another time when he was back to what he had told you the first time?
A Right. When, when he was confronted then it matched.
Q That's right. And you told him, "Look, this doesn't do," or it might have been Detective Jones, and if it wasn't you, you can correct me, but one of you all in that second interview said, "No, no, no, there's no backing up. Number one, you're contradicting what you said before," and, in effect, "That does us no good."
A May have been Detective Jones.
Q Okay. But that was said to him; right?
A Yes.
Q Pointed out that this new, this, this, "What you're telling me today, the second interview, what you're telling us today that doesn't help us," and then his tune changed and he was back to what he said the first time.

A Yeah. He was confronted on the inconsistencies or the different story.
Q Right. Okay. And he was, he was incarcerated on charges at that time at J. Reuben Long Detention Center?
A Yes, sir.
Q Okay. And I know it might sound obvious, but that's here in Horry County; correct?
A That is. Yes, sir.
Q And people on charges in Horry County are prosecuted by the 15th Circuit Solicitor's Office?
A Yes, sir.
Q Okay. And that's the same Solicitor's Office that's prosecuting this case?
A Yes, sir.
Q Okay. Thank you. No further questions.

REDIRECT EXAMINATION

BY MR. HOLFORD:
Q Detective Beam, did you download and export all the videos that Milestone had in that intersection?
A I believe all the, the cameras should have been downloaded.
Q In that angle we saw are we able to see everything from that intersection?
A No, sir.
Q Were you able to tell the make and model and color of all

the cars that turned in there?
A No, sir.
Q Were you able to tell what car turned in that we just saw the headlights on?
A No, sir.
Q Were you able to see anyone coming or walking from a different angle onto Warren Street?
A I mean, there's, there's traffic, yes, sir.
Q Does that angle show the back of Warren Street or the sides of Warren Street?
A No, sir. It doesn't shoot all the way down.
Q So that, that short 10-minute video, does that show everyone who came in and out of Warren Street?
A No, sir.
Q Now, Mr. Fox just asked you about Robert Campbell's story changing. Initially he said Aliga was the shooter?
A Yes, sir.
Q In the second interview he said Aliga did what?
A Initially he said he gave him the gun, but then when he was confronted on the different version that's when he confirmed that he was, in fact, the shooter.
Q And so during that second interview did he also say that Aliga was the shooter?
A Yes.
Q And where had he told you he got that information from?

A He said it was directly with Aliga in front of his grandmother's house.
Q So when his -- now, I want to talk about the first part of that second interview, when, with the story changed --
A Yes, sir.
Q -- did he remove Aliga from the situation all together?
A As being the shooter, yes, but I believe he indicated that he provided the gun.
Q That Aliga provided the gun?
A Yes.
Q I have no further questions.
MR. MCCOY: Redirect [sic], Your Honor?
THE COURT: Yes, sir.

RECROSS EXAMINATION

BY MR. MCCOY:

Q The State didn't just show you another camera angle that would have been better, you know, closer to the entrance of Warren Street and ask you to confirm what color the moped was and what color the big gray SUV was; did they?
A No, sir.
Q But Warren Street's a dead end; right?
A Yes, sir.
Q Only one way in, one way out, if you're in a car; right?
A Yes, sir.
Q Nothing further. Thank you very much.

MR. FOX: Just one follow-up on what the Solicitor asked.

RECROSS EXAMINATION

BY MR. FOX:

Q Again, between these two interviews, and the second interview you say that, that Mr. Campbell, Robert Campbell said, again, Aliga was not the shooter but he provided a gun; correct?

A Yes, sir.

Q That's a detail that he did not include in his first interview; did he?

A That is correct.

Q Thank you.

MR. HOLFORD: The State would ask that Sergeant Beam be excused from his subpoena.

MR. MCCOY: Certainly, Your Honor. Thank you, Agent Beam.

MR. FOX: No objection.

THE COURT: Thank you. You're excused.

MS. WALTER: Your Honor, the State calls Tiffany Whitmire.

Whereupon, Tiffany Whitmire is called to the stand, duly sworn by the clerk and testified as follows;

THE CLERK: Please say and state your name for the Court.

MS. WHITMIRE: Tiffany Whitmire. Whitmire is W-H-I-T-M-

I-R-E.

MS. WALTER: May I, Your Honor?

DIRECT EXAMINATION -BY MS. WALTER:

Q Detective Whitmire, where do you work?

A City of Myrtle Beach Police Department.

Q How long have you been with the police department?

A Next month will make 17 years.

Q I already gave away the answer, but what's your current position?

A I am a violent crimes detective.

Q How long have you been a detective?

A About four, four and a half years.

Q How long have you been with the violent crimes division or unit?

A All but six months of that time.

Q What types of crimes does the violent crimes unit cover?

A We work robberies, sexual assaults, aggravated assaults, to include shootings and homicides.

Q What are some of the duties and responsibilities of a detective in the violent crimes unit?

A We respond to the violent crimes when they occur and investigate them and then carry them through to trial.

Q What are some of the ways that you investigate a case?

A There are numerous ways, through interviews, through video, through search warrants at locations, of evidence, of

phones, online, just a multitude of different things that we do.

Q Now, were you, just to be clear, you were working as a violent crimes detective back on July 23rd of 2016?

A Yes, ma'am.

Q Were you called to respond to the scene of a double homicide that occurred at [redacted] Warren Street on that date?

A Yes, ma'am.

Q What did you do when you first got the call?

A When the call came out myself and Detective Carol Allen were the only two detectives actually working that evening. So when it came out and I first heard the call, I pulled up our Milestone cameras to see if we had a camera that showed that area, particularly that showed down Warren Street to see what had actually happened. A short time after that I received the phone call from Sergeant Chanaca, that was the supervisor on scene advising me --

Q Sorry. I'm going to stop you right there, C-H-A-N-A-C-A.

A Okay. Yes, ma'am. Sorry.

Q Go ahead.

A And I received a phone call from her and she advised me that -- well, we had heard on the radio traffic that two individuals were reported to be shot. So she advised me on the phone call that there were two individuals that had been shot and that they were Jamal Burgess and Dameion Alston.

Q When you pull -- let me backtrack for one second. You said you pulled up the Milestone video. Did you ever determine whether there was a camera that did point down Warren Street?
A No cameras point down Warren Street.
Q Okay. So once you received the information about the two victims did you respond actually to the scene?
A Yes, ma'am.
Q And where had you been prior to that?
A I work out of a building that's down on the old Air Force Base. So I responded from that location.
Q Do you recall approximately --
A Uh-huh.
Q -- what time you got to the scene?
A Approximately 9:40, give or take.
Q When you got there can you give us an estimate of how many civilians were there?
A I have no idea. They -- there were civilians everywhere. They were up and down the street, standing in the roadway or in the different yards. As we approached I parked out. Because of all the traffic and the way that the crime scene was set up, I had to park out on Joe White down past the fire department and walk up Joe White and then down.
Q More than ten?
A Yes.

Q More than 20?
A Probably.
Q Okay. And of those people did you try to find witnesses who would speak with you?
A Yes, ma'am.
Q How did that go for you?
A Unfortunately not very well. There -- a few people that I had prior encounters with and knew that I saw as I approached spoke with me, but unfortunately, they had not been present during the incident. They had just showed up right before I did, and they spoke to me with no problem, but then as I went down the road and tried to speak to other individuals on the street, the majority of the individuals refused to even give their names. They would not give me any information. They would not tell me who they were, if they were present, what they saw, any information at all.
Q Did some actually even refuse to look at you?
A Yes.
Q And now, at that point, were you -- did you also become aware that one of the block residents had made a 911 call, James Smith?
A Yes, ma'am.
Q Did you try and speak with James Smith?
A Yes, ma'am, myself and Detective Allen responded to his residence, and he refused to open the door and he called

dispatch and said that he was not going to open the door and to ask us to leave his property and that was prior to Corporal Harlow contacting him.

Q Okay. So what did you do -- what else did you do at the scene?

A Myself and Detective Carol Allen, along with Crime Scene Officer Bailey, we walked that area. We walked through the bushes. We walked around the houses, around the porches, just all the areas down at the end of Warren Street where Mr. Smith had said in his call that someone had ran, and we walked that area along with the actual crime scene.

Q Did you find a gun?

A No.

Q Did Detective Allen find a gun?

A No.

Q Did Crime Scene Investigator Bailey find a gun?

A No.

Q Showing you State's Exhibit 40 and just make sure you still speak into the microphone.

A Yes, ma'am.

Q So if you can just show the jury, and I'll have to narrate along, where you searched for evidence?

A Obviously, let's see, obviously through the crime scene but also I had parked way -- this is the fire station. So I had parked down below out of this shot and walked up the

street and up this direction.
Q And let me just stop you. So you parked on Joe White?
A On Joe White down here by the fire department and then walked up the sidewalk and down --
Q Warren Street?
A -- Warren Street, and as I walked down there were groups of people in driveways and on the road, and I would try to speak to them and get statements as we went down the road. Down -- Mr. Smith lived down at the end of Warren near where the bushes are. So when we went down we searched around this house, around this -- just everywhere that we could access around these locations.
Q And let me just stop you there. So you're indicating the houses that are on the dead end side of Warren Street?
A Yes.
Q All right. And then how long would you say you spent searching for the gun?
A The amount of time it would take to walk through that area but also, after we did our -- some of our street crimes officers were out there and they also walked the area.
Q So you had approximately how many officers or detectives were looking for a gun actively?
A Oh, goodness, the only detectives there at that exact time were me and Detective Allen.
Q Okay.

A Street crimes officers, I'm unsure. I know that there were at least two or three at a minimum.
Q Okay. Along with Crime Scene Investigator Bailey?
A Yes, ma'am.
Q And to this day has anyone in the Myrtle Beach Police Department been able to find a gun connected with this incident?
A No, ma'am.
Q Okay. Directing your attention to the next day, July 24th, were you present when Calvin Ford was taken into custody?
A Yes, ma'am.
Q And did that end your investigation into the case?
A No, ma'am.
Q So what else did you do?
A Okay. That initial night we were constantly developing information. We had a lot of officers. I called the chain of command and had additional detectives also respond in to start working. So we broke up assignments between all the officers and different detectives. So, let's see --
Q And you're referring to your report that's been turned over to Defense?
A Yes, ma'am. So that initial evening we tried to build some background and profiles on the victims. We also were given information through the different street crimes officers speaking with people of several different possible suspects

that initial evening.
Q So suspects in addition to Calvin Ford?
A Yes, ma'am.
Q What -- when you receive information about a suspect what do you do to either rule them in or rule them out?
A We do that through whatever evidence we have available, whether it be interviews with them, interviews with witnesses, if there's any video, if we have any, anything at all that we can track to find out if they were there and what participation they may have had.
Q Was one of the names that you tried to rule in or rule out Everett Ford?
A Yes.
Q Were you able to rule him in or rule him out as a suspect?
A We ruled him out.
Q Based on what?
A Based on interviews.
Q What about Kendrick Green?
A He was also named as a suspect.
Q Were you able to rule him in or rule him out?
A Out.
Q Were you able -- did, did your investigation also lead you to have Aliga Campbell as a suspect?
A Yes, ma'am, that first evening.

Q And at that time were you able to rule him in or rule him out?
A Not at that time.
Q So if you had -- if your investigation revealed him as a suspect why didn't you arrest him that day?
A Because we didn't have any supporting evidence, corroborating evidence to make an arrest that day.
Q So as your investigation continues on did you interview more and more people?
A Yes, ma'am.
Q All right. So directing your attention specifically to September 6th of 2016 did you -- that would have been just about a month and a half after the shooting?
A Yes, ma'am.
Q Did you conduct interviews on that day?
A Yes, ma'am, I did.
Q Who did you interview?
A On that day we actually made numerous attempts to interview a variety of different people, but the ones that we were actually able to interview that day, we first spoke with Neto Dennison.
Q Okay. And who else?
A And then we also spoke with Darlene Campbell -- Darlene Young. Excuse me. Cup.
Q And just for the record, is Neto Dennison, N-E-T-O?

A N-E-T-O and I believe it's D-E-N-N-I-S-O-N.
Q Did Ms. Young, Cup --
A Yes. Yes.
Q -- actually give you information?
A Reluctantly she did.
Q Was that interview recorded in any way?
A Yes, ma'am. It was recorded on our Milestone, which also records our interview rooms.
Q So that would be audio and video recorded?
A Yes, ma'am.
Q Have you had an opportunity to review that recording?
A Yes, ma'am.
Q And other than a few agreed-upon redactions is that an accurate copy of the interview of Ms. Young or Cup that day?
A Yes, ma'am.
MS. WALTER: And, Your Honor, this has been previously admitted.
BY MS. WALTER:
Q While our tech person comes back up, you said that Ms. Young reluctantly gave you information?
A Yes, ma'am.
Q We'll get to that -- back to that in a minute. Is that reluctance of witnesses common or uncommon in a case like this?
A Common.

Q And then directing your attention to nearly a year after the shooting or a little bit more than a year after the shooting, September 5th, of 2017, sometime around that date did you receive information about an interview that had been conducted with Robert Campbell?

A Yes.

Q Based on that interview how did that further your investigation?

A Once that interview took place with Robert Campbell, it corroborated some of the other information that had been developed throughout the course of the investigation, and at that time we had probable cause to issue an arrest warrant for Aliga Campbell.

Q Did you, in fact, obtain arrest warrants or did Myrtle Beach Police Department obtain arrest warrants for Mr. Campbell?

A Yes, ma'am.

Q That he, in fact, turn himself in on those arrest warrants?

A Yes, ma'am.

Q Was that around September 14th about of 2017?

A Somewhere around there.

Q Now, let's just go back to the crime scene for a minute. When you were looking around for evidence and trying to interview witnesses did you walk the crime scene trying to get

a sense of what had happened?
A Yes, ma'am.
Q Can you tell us how that survey of the crime scene informed your investigation as to how many people you might be looking for?
A Yes, ma'am. That evening, as I said, I first approached from Joe White going toward [redacted] Warren Street. As we were looking through the crime scene I observed shell casings, as previously described, somewhat in a line on the east side, which is closest to [redacted] Warren Street. I also observed the one shell casing that was toward the center of the road which is almost, almost across from the driveway. In walking the scene I observed a pool of blood at the foot of the driveway where I was told Jamal Burgess had been located, along with some clothing and playing cards on the driveway, and then I observed a mark on the white car in the driveway where it appeared that a bullet had possibly hit that car, and walking it I observed the bullet fragment and the projectile that were collected, and then as I got to the back of the driveway there was a large pooling of blood below the basketball court.
Q The -- so with the firearms evidence that was located on the scene, how did that factor into your investigation?
A That initial night, due to the different shell casings and the actual locations of the casings at the crime scene, we initially believed that we were looking for two shooters.

Q And now, let's go back to after Aliga Campbell turns himself in, did you still continue your investigation?
A Yes, ma'am.
Q In fact, it's continued up until even you taking the stand; correct?
A Yes, ma'am.
Q Okay. So thinking specifically to sometime around September 26th of 2017 did you interview someone named Patrick Brave or P.J. Brave?
A Yes, ma'am.
Q And did he -- how did you come into contact with him?
A I was conducting an interview with him on a separate investigation.
Q Okay. Did he give you any information that you were able to act on?
A When I spoke with him he initially said he didn't have anything to say on that.
MR. FOX: Objection, Your Honor. That would be hearsay. They can call Mr. Brave to testify what he, what he said. You may also call him as a witness, but at the moment it's hearsay.
Q Without telling us what he said, did he give you any information that you were able to act on?
A He provided information that he had heard, not from being present at the scene, and we were -- I'm trying to think of

how to word it to not --
Q Did he -- would -- the information that he gave you, did you know who that information came from?
A No. He did not tell us who it came from.
Q Were you -- any -- were you able to corroborate anything that he told you in that interview?
A No. Nothing he told us matched any of what we had developed up to that point.
Q Did what he tell you contradict what you had developed up until that point?
A Yes, and since that point.
Q Now, were you present at a prior proceeding in this matter on March 5th of 2019?
A Yes, ma'am.
Q And did Calvin Ford testify at that hearing?
A Yes, ma'am.
Q Were you present during his testimony?
A Yes, ma'am.
Q And the Judge warned him that what he said could be used against him?
A Yes, ma'am.
Q He was represented by counsel at that hearing?
A Yes, ma'am.
Q No force or threats or promises were made to him prior to his testifying?

A Not to my knowledge.
Q Did he testify that day as to whether or not he was present on Warren Street during the shooting?
A Yes, ma'am.
MR. MCCOY: Objection, Your Honor. I think I have to -- just have to enter it in, my objection that we already agreed with before trial.
THE COURT: Overruled.
Q Did he testify as to whether not he was present on Warren Street at the time of the shooting?
A Yes, ma'am. He did.
Q What did he testify to?
A That he was present.
Q Did he testify as to whether or not he fired a gun?
A Yes, ma'am.
Q What did he say?
A That he did.
Q Where did he say he got that gun?
A He said that he picked it up off the ground, that Dameion Alston had had that gun and dropped it.
Q Is that information anything you have been able to corroborate?
A No, ma'am.
Q In fact, have you received information that contradicts that?

A Yes, ma'am.
Q Did he testify as to what he did with that gun once he supposedly picked it up off the ground?
A Yes, ma'am. He did.
Q What did he testify?
A He testified that as he ran away from the scene through Futrell Park that he threw it in the pond.
Q Sorry. I think I jumped ahead. After he -- right after he picked it up off the ground.
A Oh, I apologize.
Q That's okay.
A That he picked it up and fired the gun at Jamal Burgess.
Q Did he testify as to whether or not he ever saw a gun in Jamal's hand?
A He did testify to that.
Q What did he testify to?
A There were actually two separate almost statements when he was responding to his attorney, Mr. McCoy. He said that Jamal had pulled a gun and fired at him prior to him picking up the gun and firing back, but when Solicitor Walter talked to him about that same timeframe of the incident he said that Dameion and Jamal were tussling over a gun, when Dameion's gun dropped he picked it up and fired.
Q And now I think we'll get back to -- what you said before, did he testify as to what he did with the gun after he

shot Jamal Burgess?
A Yes, ma'am.
Q What did he say?
A He said that he fled the scene, and as he went through Futrell Park, that he threw it in the pond. He also advised that the gun had jammed he noticed at that time, too.
Q As, as he was running he noticed it?
A I don't recall if it was as he was running or as he was in the park.
Q But at some point he noticed -- he testified that he noticed?
A He testified that it was jammed.
MR. MCCOY: Objection, Your Honor. We're getting outside of those five questions.
THE COURT: I'm a little --
MR. MCCOY: Wasn't anything about the gun jamming in the five, in the five previewed questions that she agreed to prior to going into it.
MS. WALTER: That's fine. I'll move on.
THE COURT: Sustained.
BY MS. WALTER:
Q Did he testify as to where he went after the shooting?
A Yes.
Q Where did he go after the shooting?
A His aunt's house on Spivey.

Q Where did he go after that?
A Back to White Street.
Q Based on his testimony in that hearing did you do any further investigation?
A Yes. After that hearing I had gone back and researched various calls between Jamal or four calls or reports between Jamal and Calvin.
Q What were you looking for?
A Anything about the incident that they were saying had happened previously or just any incidents that had been reported between the two to our department.
Q Did you find any police report relating to Calvin Ford's teeth being knocked out?
A No, ma'am.
Q Did you find any reports indicating any incidents of violence, harassment, any interaction whatsoever between Calvin Ford and Jamal Burgess prior to the shooting?
A No, ma'am.
Q Based on your investigation have you uncovered any information, credible information other than what Calvin Ford said that indicated that Jamal Burgess had a gun?
A No, ma'am.
MS. WALTER: Your Honor, I think we're ready now to play Defense Four, Ms. Young's interview. The Court's indulgence.
MR. FOX: Judge, I'm going to -- can we approach?

THE COURT: Sure.

(Whereupon, a bench conference is held in the presence, but out of the hearing of the jury.)

BY MS. WALTER:

Q Detective Whitmire, you were present for that interview with Darlene Young?

A Yes, ma'am.

Q Were you here in court yesterday when she testified?

A Yes, ma'am.

Q Was her testimony yesterday consistent in, in its major components with the interview that she gave?

A Yes, ma'am.

Q Were there, in fact, some inconsistencies?

A Yes, ma'am.

Q When you interviewed Ms. Young you've already testified that she was reluctant to cooperate. Can you describe her demeanor?

A Similar to yesterday is probably the best way to describe it. At the beginning she was extremely upset, wanted to know why we were talking to her, who sent us to talk to her and that type, and then once we moved forward with that she began to talk to us and tell us what she observed that evening.

Q And again, that's consistent in the major components from her testimony yesterday?

A Yes, ma'am.

Q Now, and, in fact, you've been present for all of the testimony and opening statements and everything here; right?
A Yes, ma'am.
Q And there has been some talk about, I believe it was in Mr. McCoy's opening statement, about how long it took for this case to get to trial?
A Yes, ma'am.
Q And I'm not even going to ask you about your whole career. Just in the time period around this double murder, did you, in fact, get assigned to other homicides in the City of Myrtle Beach?
A Yes, ma'am, during that same time period, within a couple of months.
Q How many homicides were you specifically assigned to?
A I was assigned this double homicide and two other homicides.
Q So we know that this double homicide is on trial today?
A Yes.
Q Of the other two homicides, have they both gone to trial?
A No.
MR. MCCOY: Objection, Your Honor. We're getting into irrelevant information at this point.
THE COURT: Sustained.
MS. WALTER: Your Honor, if I may, in his opening statement Mr. McCoy said, and I will paraphrase, "That if they

really wanted him they would have brought him to trial more than three -- earlier than three years."

MR. MCCOY: Is she the one bringing it to trial?

THE COURT: Sustained.

MR. MCCOY: Thank you, Judge.

MS. WALTER: Nothing further at this time.

MR. MCCOY: Excuse me, sorry.

CROSS EXAMINATION - BY MR. MCCOY:

Q Okay. Detective Whitmire, my name is Jonny McCoy. You know me. Thanks for being here.

A Yes, sir.

Q I'm Mr. Calvin Ford's Defense attorney. Okay. Let's just start with what you just testified to. You said that the Milestone cameras don't shoot down Warren Street; correct?

A Correct, not directly down Warren Street.

Q But there is one that shows the, the entire entrance of Warren Street; correct?

A There is one that points up that sidewalk.

Q And you can see the entrance to Warren Street; correct?

A Yes, sir.

Q And do you know where that camera is?

A When, when the case was transmitted, at some point during after everything had been transmitted, the Solicitor's Office contacted me about the video. The video was exported by Sergeant Beam. We were having a lot of difficulty with that

Milestone system during that time, and what would happen is you would set it to download and it would finish and it would go into a folder, and the folder is there with the date, the time and, and the right location, and that's what we would transmit. I have since learned that there were some errors in the exporting process and that was, unfortunately, one of the cameras that erred and did not maintain that video.

Q Really unfortunate if you're on trial for murder; right?

A I --

MS. WALTER: Objection, Your Honor.

THE COURT: Was that a question?

MR. MCCOY: Yes, sir. I said right.

THE COURT: Okay.

BY MR. MCCOY:

Q Really unfortunate if you're on trial for murder; correct?

A I wish that video was there.

Q I do, too.

MS. WALTER: That was not a question, Your Honor. So perhaps we can stop the editorial comments.

THE COURT: Careful.

MR. MCCOY: Yes, sir, Your Honor.

BY MR. MCCOY:

Q But that camera would have definitively shown whether or not one of the State's witnesses who says she arrived after

the, after the conversation started and saw the incident, that would have shown definitively whether or not this person was actually there?

A Yes, sir.

Q Okay. Well, we just saw a video as you, as you are aware and Agent Beam, as you just saw testify, said, "I saw the moped turn in and a gray SUV," and then we all saw the headlights showing what, what a car looks like that turned in afterwards, he testified about.

A Yes, sir.

Q Okay. You said that witnesses wouldn't cooperate; correct?

A Yes, sir.

Q As a matter of a fact, some witnesses wouldn't even look at you is what you said; correct?

A Yes, sir.

Q And do you -- do you think the reason why is because people in this community don't trust the police?

A I can't speculate as to why. That is one of many possibilities, yes.

Q Do you feel when you're talking to people out in this community that there is a distrust between the police department and them?

A In some instances, yes.

Q And you work for the Myrtle Beach Police Department;

correct?
A I do.
Q And it was the Myrtle Beach Police Department who didn't check the fingerprints, the shell casings for fingerprints; correct? They didn't ask for that. You heard somebody testify to that; correct?
A Yes. I can actually tell you about that if you would like.
Q I just need a yes or no. It wasn't -- there -- that they can ask you on recross [sic].
A Okay. Yes.
MS. WALTER: Your Honor, I believe she's also allowed to explain her answer.
THE COURT: That's true.
Q Certainly. You can. Okay. Go ahead and explain.
A Okay. When we submit evidence and we know we're going to submit it for DNA testing, like the touch DNA, we have to make a decision of which we're going to actually submit it for. We can't submit it for fingerprints, for serology, for DNA, if we've Bluestarred it to look for the presence of blood because it has the possibility of damaging, excuse me, damaging the DNA. So at the point when we're submitting the evidence we have to make that decision on what we're going to submit it for, and we made the decision once our crime scene had collected it, our crime scene visually looks at everything,

we made the decision that we were going to submit it for DNA.
Q And it's Myrtle Beach Police Department's fault, as you just said, there was errors that we don't have the video pointing to the entrance of Warren Street; correct?
A The Milestone cameras erred.
Q Yes?
A Yes.
Q And that is -- that means that evidence in this case was mishandled by the Myrtle Beach Police Department; is that correct?
MS. WALTER: Objection, Your Honor. That is a mischaracterization.
THE COURT: Well, it's a question. Go ahead.
A Can you repeat?
Q And that means that evidence in this case, double homicide, double murder was mishandled by the Myrtle Beach Police Department; correct, whether it was by you all's fault or whatnot? The Myrtle Beach Police Department was responsible for that evidence getting to us to be able to view and we don't have it; correct?
A I wouldn't call it mishandling, but yes, I do agree that it needed to be there and there was an error and it's not.
Q And you said that you didn't find a gun at the scene; right?
A Yes, sir.

Q Now, you also said that after you heard Calvin Ford's stand your ground testimony that you started to investigate some stuff; right, just to corroborate what went on that day at the stand your ground; right?
A Yes.
Q And you were -- and, and you, you, you've been the lead investigator in this entire case; right?
A Yes, sir.
Q So, so this is your case?
A Yes, sir.
Q And Felicia Williams is a name that you are incredibly familiar with; correct?
A Yes, sir.
Q She's one of the key witnesses in this case; correct?
A Yes, sir.
Q She testified at the stand your ground; correct?
A Yes, sir. But I was not there for that portion.
Q Okay. Now, but you, but you know that she's been interviewed --
A Yes, sir.
Q -- in this case, and you, and you know that, that that was recorded; correct?
A Yes, sir.
Q And you've gone over that with your detectives; right, this is your investigation?

A Yes, sir.
Q Now, you know that in her recorded interview she said that --
MS. WALTER: Well, objection, Your Honor. Isn't this hearsay along the lines of what Mr. McCoy objected to when I tried to do it?
MR. MCCOY: And it came in.
MS. WALTER: It didn't.
BY MR. MCCOY:
Q That's what we just did. Okay. I'll, I'll ask it another way. After reviewing the evidence, reviewing the interview, recorded interview of Felicia Williams, did you ever talk to a man named Lance Gamble?
A I personally did not.
Q Did any of your investigators talk to Lance Gamble?
A I know that we had a list of people that we were trying to locate and speak with, but we did not speak with him.
Q It's a good thing you've had three and half years. Were you able to ever talk to him for three and half years, Lance Gamble?
A I never talked to Lance Gamble.
Q And any of your detectives; right?
A I can't speak. All I can say is it's not in the case file. I was never notified that anyone spoke with him.
Q This is your case file; right?

A Yes.
Q Lance Gamble's never been interviewed in this case; correct?
A Not to my knowledge.
Q But to the best of your knowledge you, you know from, from all of your investigation that Lance Gamble was standing over Jamal Burgess as, as he was still -- he wasn't passed away yet.
MS. WALTER: Objection, A, where's the question; B, this is certainly calling for --
MR. MCCOY: I'm getting, I'm getting to it.
MS. WALTER: Excuse me. This is certainly calling for hearsay.
MR. MCCOY: I'm not calling for hearsay. She knows through her investigation, not who told her, not how they told her.
MS. WALTER: And --
MR. MCCOY: She doesn't know, she can say no.
MS. WALTER: Well, given that the detective was not there during the shooting, unfortunately, it would have to be based on hearsay.
MR. MCCOY: It can come in through all of her discussions with all of her investigators. This is her investigation. You put your lead detective on the stand. They want to know what the lead detective knows.
MS. WALTER: I'm happy to have Detective Whitmire tell us

everything that she knows, but if the State cannot introduce hearsay --

MR. MCCOY: It's not hearsay. Go ahead. I'm sorry.

MS. WALTER: -- then I don't see how the Defense is able to.

MR. MCCOY: Your Honor --

MS. WALTER: Because none of the investigators were present at the scene. So the only way they would know anything about what happened at the scene is if someone told them.

MR. MCCOY: Then let her --

MS. WALTER: That is hearsay.

MR. MCCOY: So, Your Honor, so let me rephrase my question.

THE COURT: Go ahead. Pose your question.

BY MR. MCCOY:

Q Throughout the course of your investigation and all of the stuff that you've done --

A Uh-huh.

Q -- including talking with your own officers, you came to learn that Lance Gamble was standing over Jamal before he died; correct?

MS. WALTER: Objection. It's based on hearsay.

MR. MCCOY: It's not.

MS. WALTER: If she wasn't there she couldn't have seen

it. The only way she would know it is if someone else said it to her. Therefore, it is calling for a hearsay response.

THE COURT: Yeah. That's right.

MR. MCCOY: All right. We'll get, we'll get to it through Felicia then.

BY MR. MCCOY:

Q All right. Now, so, so you said that Kendrick Green and Everett Ford's name got brought up in this like they were suspects at one point; correct, and then they were cleared; right?

A Yes, sir.

Q How does that happen? People's names get brought up in murder cases?

A Yes.

Q You're telling me that people give false information to police?

A Unfortunately, yes.

Q In a murder case people implicate the wrong person?

A Yes.

Q Now, you said that you interviewed two people, Patrick Brave and Darlene Young. I want to talk about, I want to talk about Patrick Brave first.

A Okay.

Q You, you know who Patrick Brave is; correct?

A Yes.

Q Patrick Brave is Jamal's brother; correct?
A I don't know the exact relation, but I know they were close and he -- when I spoke with him he said, "That's my brother."
Q Okay. Okay.
A Sometimes people say, "That's my brother," meaning a friend. I don't know.
Q And you know that he has a tattoo of J Money on his arm?
A Yes.
Q And that is Jamal; correct?
A Yes.
Q So he said he's his brother. He has a tattoo of the guy on his arm; correct?
A Yes.
Q And this guy didn't come to you -- you -- or, or he was arrested and you guys went to talk to him; correct?
A Yes.
Q And seemingly this guy doesn't like Calvin and Aliga; correct?
A Correct.
Q But this man told you --
MS. WALTER: Objection.
THE COURT: Whoa, whoa, whoa. We've got an objection.
MR. MCCOY: I got the --
MS. WALTER: That, that is absolutely hearsay even just

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: All right. Counsel.

BY MR. MCCOY:

Q Detective Whitmire --

A Yes, sir.

Q -- thank you for still being here. All right. Let me see where I was. Have you come across any evidence in this case that would suggest Jamal was shooting?

A In the course of this investigation I have not come across any physical evidence, and in the course of the interviews that I have conducted during the course of this investigation, out of all the interviews there was only one person that made that comment and he also advised he was not present.

Q And did you find him to be reliable?

A I was not able to corroborate the majority of what he said comparing with all the statements we obtained.

Q Was he biased towards Calvin?

MS. WALTER: Objection, basis of knowledge.

MR. MCCOY: If she knows she, she can answer that.

THE COURT: Overruled. Go ahead.

BY MR. MCCOY:

Q Was she biased towards Calvin?

A He did not care for Calvin.

Q Biased towards Aliga?
A He did not care for him either.
Q So, in effect, the evidence that you got that Jamal was shooting came from somebody who doesn't like my clients, my client I should say?
A Yes.
Q Correct? Do you recall the interview that you had with Patrick Brave being recorded?
A Yes.
Q As a result of your conversation with Patrick Brave do you recall saying, "There's nothing more I want than for people to get justice no matter what the situation, no matter if they had a gun, too, no matter what it is over and I want justice for that." Do you recall saying that?
A I can't say verbatim, but yes, that sounds like something I said.
Q And do you also recall saying as a result of talking with Patrick Brave on the recorded interview do you recall saying, "Straight up today is the first time that I've heard anyone say that there" --
MS. WALTER: Objection. This is still hearsay.
MR. MCCOY: It's her statement.
MS. WALTER: It's -- that's actually not what hearsay is. Hearsay is an out-of-court statement by a declarant whether they're on the witness stand or not that is being offered for

the truth of the matter asserted.

MR. MCCOY: What? This her statement.

THE COURT: He's asking her what she said.

MS. WALTER: Right. It's still -- Your Honor, it's still hearsay if it's an out-of-court statement. It must still come in under an exception.

THE COURT: No. Overruled.

BY MR. MCCOY:

Q Okay. Let's ask it again. Did you say while you were talking with Patrick Brave to Patrick Brave, "Straight up today is the first time that I've heard anyone say that there was three shooters"?

A Yes.

Q And, and that we were just talking about the bias, Patrick Brave's the one who's biased against Calvin; correct?

A Yes.

Q Now, throughout the course and the course of your investigation you've learned from multiple witnesses on the, the deceased's side that Calvin got his teeth knocked out by Jamal; correct?

A Yes.

Q And that Calvin got his teeth knocked out by Jamal by a gun; correct?

A Yes.

Q And that this took place approximately four years ago;

correct or four years prior to this incident; correct?
A Yes.
Q And that Jamal had his arm around Calvin when he struck and knocked his teeth out; correct?
A Yes.
MR. MCCOY: The Court's indulgence, Your Honor.
BY MR. MCCOY:
Q And you were in the courtroom when Ms. Young testified; right?
A Yes.
Q And you stated that the day that she gave you your recorded statement was the same that she was when she testified; correct?
A Very similar.
Q The behavior?
A Very similar behavior.
Q You were in the courtroom when she said, "I was on, I was on every kind of drug possible during," when she gave you that statement; correct?
A Possibly.
Q She stated, "I was, I was on Molly"; correct?
A Yes.
Q "I was on weed"; correct?
A Yes.
Q "I was on cocaine"; correct?

A Uh-huh. Yes.
Q She stated, "I was drunk"; correct?
A No. She stated she doesn't drink.
Q Okay. She said -- okay, but she stated she was on all those things and her Seroquel; correct?
A Yes.
Q On her first recording; correct?
A I believe so.
Q And you're saying that she was acting the exact same way that she, that she was during her recording as she testified here in court; correct?
A Not exactly, but similar.
Q Okay.
A The reluctance, the -- I don't know what word to use -- the --
Q Impaired?
A No. She didn't act impaired. She acted disgruntled and like she didn't want to be telling us what we were asking her and did not want to be involved.
Q Okay. And she, she, she told you that she was -- Jamal's -- Jamal was her best friend; correct, in that recording, and on the stand?
A I can't -- in that recording I can't recall if she said that he was her son's best friend or her best friend, but she made a statement around that affect.

Q You don't recall her saying when she was on this stand earlier in this courtroom that she hugged J Money, he was her best friend? Do you recall her saying that?
A That sounds familiar, but there's a lot of information and I don't want to misquote anyone.
Q I understand that.
A So I --
Q Yes, ma'am.
A -- agree it was something to that effect.
Q And she said that that recorded statement is completely wrong. You agree with that? She was on drugs, she, and she doesn't -- she literally testified, I think she may have cussed during it, but she said, "That don't mean nothing." Do you remember her saying that?
A She did not say that that entire statement was not true.
Q So only parts of it were true?
A She made a comment directly about one thing in that statement saying it was not what she remembered.
Q Okay. But all right. So, so she told you that she -- as an investigator, let's, let's go back. As an investigator are you given any training on how to deal with people with mental health issues?
A Yes.
Q And why don't you tell us how you're supposed to approach somebody who's going through a paranoid schizophrenic episode

if you encounter them and you're attempting to or are you supposed to interrogate them or question them?
A She did not appear to be going through a paranoid schizophrenic episode.
Q No? Did she tell you that in 2011 and 2012 she feels like she was being followed the entire two years and that, and that's the reason that she had to move out of her house?
A She discussed that, yes.
Q And this was during the recorded time where you had this moment in a police room, interrogation room; correct?
A Yes.
Q That's what it is, an interrogation room?
A Uh-huh.
Q Three chairs, camera in the corner, no pictures on the wall; right?
A Right.
Q And she initially thought that you were calling her there to investigate her; correct?
A Yes.
Q And she was scared from that; correct?
A Yes.
Q And after she informed you that she's a drug addict and homeless and had paranoid schizophrenia and for this occasion wanted to jump on a plane to Nebraska or was about to jump on a plane to Nebraska, when did your training kick in and you

start to go through some of the mental health stuff?
A Her saying she wanted to jump on a plane to Nebraska was because she told us that she was receiving threats regarding this case.
Q And somebody who is paranoid don't they think that people are threatening them all the time?
A I can't speak to that.
Q You have training on mental health; correct?
A I am not an expert on schizophrenia.
Q You have training on mental health?
A Yes.
Q And throughout the course of your training on mental health issues did you ever talk about paranoid schizophrenia?
A The statement was brought up.
Q So as a detective when you're getting trained on how to deal with somebody with mental health issues did they say when you come across somebody with a mental health issue this is how you handle it? Have you ever been trained on how to converse with somebody in an, in an interrogation or in an interview who has mental health issues? Have you ever been trained on how to deal with somebody who's going through a mental health or has mental health issues?
A We have mental health training.
Q Okay. And in that training are you ever instructed or were you instructed to or let me just ask you. What are you

instructed to do if somebody starts showing signs of paranoid schizophrenia while you're interviewing them?
A We're not instructed specifically on how to respond to different mental illnesses in those different situations.
Q So it's --
A It's an overall mental health training.
Q So you are not trained on how to deal with somebody who's -- who, who has paranoid schizophrenia and who may be going through an episode? You're not trained on how to question them?
A We're trained overall on how to respond with people in mental health situations --
Q Okay. Tell me how that is.
A -- not specifically what you're asking me.
Q Okay. So tell me how, tell me how that your training would have affected you from, from interviewing somebody with and who are going through a mental health crisis or do you not know?
A I did not believe she was going through a mental health crises when I was interviewing her.
Q I get that. Had she have been how would you have done it differently?
A If she needed assistance we have -- I can't remember honestly at that time if we had, we currently have mental health people that work with us at the department, but I can't

recall if we did in 2016.
Q So you didn't offer this lady any help at all?
THE COURT: Well, come on, counsel. She's already -- she testified she --
MR. MCCOY: I understand. I understand.
THE COURT: -- that she didn't think that she was having an episode.
BY MR. MCCOY:
Q Okay. So in this case dealing with this woman, how she was acting with you in that interrogation room you said was very similar to how she was on the stand; correct?
A Yes.
Q You said that you went out to the scene; is that right?
A Yes.
Q And walked around; correct?
A Yes.
Q Did you notice any broken glass anywhere in the vicinity --
MR. MCCOY: May I approach, Your Honor?
BY MR. MCCOY:
Q -- in the vicinity of where the bodies were or anything?
A Can I refer to my notes?
Q You can, and we can, we can pull up some of these photos, too?

A Okay.
Q Here's the -- here --
MR. MCCOY: I'm showing her State's Exhibit Three, Four.
BY MR. MCCOY:
Q Or let's just do -- those are on the top. So let's just do Three and Four. Do you see any -- first of all, why don't you tell the Court what that is, what the -- what that picture shows, what those pictures show?
A They are crime scene photos of the scene.
Q Okay. And what exactly of the scene?
A They are from the road facing down to the dead end of Warren Street and to [redacted] Warren Street.
Q Okay. And seemingly, that's where -- sorry -- so and the casings are there as well?
A Yes, sir.
Q And so seemingly that's where the encounter took place, the incident took place; correct?
A Correct.
Q And you see any broken glass anywhere in that vicinity?
A I don't believe, not in these pictures, no.
Q Or a bottle?
A No.
Q All right. Thank you, Detective Whitmire. No further questions.
A Okay.

MR. FOX: May it please the Court, Your Honor?

CROSS EXAMINATION

BY MR. FOX:

Q Detective Whitmire --

A Yes, sir.

Q -- talk about that Milestone video.

A Yes, sir.

Q You did not like, and I understand, the characterization of, of the police mishandling that footage, but it's gone?

A It is.

Q Correct? This is not the first time in your personal experience that that has been an issue with surveillance video in a murder case at the Myrtle Beach Police Department; is it?

A Correct.

Q Okay. You and I, not to belabor it, you and I had a similar conversation in a murder trial a year or so ago where about 11 hours of surveillance video from a hotel was not available?

A Yes, sir.

Q Okay. Now, you say that you spoke, of course, spoke to as many people as you could, many people were uncooperative, not interested, would not speak to you or minimal information, but you were able to speak to people who had information? You were able to develop a case; correct?

A Yes, sir.

Q Okay. And you did speak to many individuals and some you say ruled out as suspects?
A Yes, sir.
Q And some you didn't rule in or rule out other than Mr. Ford, Mr. Ford was arrested within a couple of days, I believe; correct?
A Yes, sir.
Q All right. Mr. Campbell was not arrested for over a year, about 14 months?
A Yes, sir.
Q Okay. And that was directly after Mr. Robert Campbell, who was on the stand earlier today, I won't say testifying, was on the stand earlier today, gave a statement to law enforcement; correct?
A Yes, sir.
Q So at some point in this investigation, in all your investigations, you have to make a decision who you're going to believe; correct?
A Yes, sir.
Q Who's credible, who's not; correct?
A Yes, sir.
Q Whose statements are corroborated by other evidence you may have, physical evidence or other witness statements; correct?
A Yes, sir.

Q Okay. Because you're not in the business of just arresting people for the heck of it?
A Yes, sir.
Q Is that correct? Now, Mr. Campbell turned himself in?
A Yes, sir.
Q To your knowledge he stays in this general area? There's White Street, Warren Street, Mr. Joe White, they're all within a couple of blocks of each other; correct?
A Yes, sir. They are.
Q Mr. Campbell at that time and up until his arrest was in that -- lives in that general neighborhood; correct?
A I believe so, yes, sir.
Q Okay. And so there's no difficulty in finding him during that time if you want or any time?
A Correct.
Q Now, you stated on cross-examination that people, witnesses, people you were interviewing, generally, sometimes give false information to the police; right?
A Sometimes.
Q Right. And to the point sometimes even implicating somebody else in a crime?
A Sometimes.
Q Right. And after all your investigating -- and this investigation continued? I mean, Mr. Ford was arrested, but that did not stop the investigation; correct?

A Correct.
Q Okay. So there were over the course -- well, for instance, Ms. Young was interviewed a couple of months later; correct?
A Yes, sir.
Q All right. So during the period between July of 2016 and, and Mr. Campbell's summoned to law enforcement that he had information, Robert Campbell statements to the police, over that 14 months there were periodically information that you and other detectives would follow up on?
A Yes, sir.
Q Okay. In that entire time there was not enough information in your mind or anyone -- were you making the decisions at that point as lead detective in terms of who would be charged or not? Would that have been your call?
A It was. We investigate together so that we have co-leads so not solely my call but together.
Q I understand. Would have been at least part of that consultation?
A Yes, sir.
Q And I'm sure you would have involved -- the Solicitor's Office would have been involved in, in those sorts of conversations at that point. Okay. But in that entire time, with all the people that you talked to, including Darlene Young, with all the evidence that you had, all the information

you had from July of 2016 till September 2017, you did not feel you had enough to arrest Aliga Campbell; correct?

A Correct.

Q And it was only after Robert Campbell gave his statement the decision was made, "Now we have enough"; correct?

A Correct.

Q So the decision was made that Robert Campbell was a credible witness?

A Correct.

Q Were you here for Mr. Campbell's testimony this morning?

A I was.

Q Now, Ms. Young, I assume that she is -- part of her statement is part of the I would say body of, of the investigation that coupled with Mr. Robert Campbell's testimony gave you the belief that you had enough to arrest Aliga Campbell, and Ms. Young was a part of that evidence; correct, her statement?

A All of the statements and everything --

Q Right.

A -- were considered, the totality of everything to make these decisions.

Q Right. Including Ms. Young's; correct?

A Yes.

Q Okay. You said -- you testified this afternoon that Darlene Young's testimony from the witness stand yesterday was

pretty much consistent with both in demeanor and in substance to what she told you and Detective Jones back in 2016; correct?

A Yes.

Q Okay. And what she testified to was she didn't see Aliga with a gun?

A Yes.

Q All right. That she did not see Aliga and Calvin Ford walk up to this party or whatever was going on together; correct?

A That was her testimony here.

Q And she testified that she was emphatic that they were, that Mr. Campbell was nowhere near Mr. Burgess or Mr. Alston; that was her testimony?

A I'm trying to get all that, put them together.

Q If you don't remember, that's okay.

A No. Will you just repeat it for me?

Q That she testified that Aliga Campbell was not near Mr. Burgess or Mr. Alston?

A Yes.

Q That she doesn't know if anybody other than Calvin Ford, her testimony was saw she Calvin Ford with a gun, but she doesn't know if anybody else was shooting; correct?

A Yes.

Q And that she never saw Aliga with a gun?
A Yes.
Q So what you're saying is that you found Darlene Young and Robert Campbell to be reliable enough witnesses to arrest Aliga Campbell?
A With the other information we had developed in the investigation, not solely itself.
Q Yes, ma'am. Thank you. No further questions.

REDIRECT EXAMINATION

BY MS. WALTER:

Q Detective Whitmire, in your experience is it common or uncommon for witnesses in a case like this to back off as we say or retract or take back a statement that they have given to police?
A It's common.
Q Have you experienced instances where a witness will speak freely to you outside of court but then when called to court it changes?
A Yes, ma'am.
Q And again, is that common or uncommon?
A It's common.
Q Now, there was also some questions about isn't it true that sometimes people falsely accuse others?
A Yes. In the context I was speaking in when I first brought all of that up with the other people being identified,

when these crimes happen, when you're on the scene we were not having cooperation, but information was coming in through other means like confidential informants and such that were giving names and giving information. Again, that's not evidence we can use because we have to be able to corroborate it. So that's when we moved forward to try to corroborate or not on the other suspects.

Q So when someone accuses someone of a crime do you just say, "Oh, well, good, let me arrest him"?

A No, ma'am.

Q And I think we talked about before that's when you do investigation to either rule someone in or rule someone out?

A Yes, ma'am.

Q And then regarding -- Mr. McCoy asked you a number of questions about Cup's paranoia and she talked something about the interview, which the jury will have, in 2011 and 2012, I guess, being followed, did she -- and I think you responded that she had been threatened regarding this case?

A Yes.

Q Was she able, without telling us what she said, was she able to give you specifics about any threats that she had received regarding this case?

A Yes.

Q Did that appear to you to factor into her reluctance to speak with you?

A Absolutely.
Q During that interview did Cup seem at all under the influence to you?
A No.
Q Did she appear to be going through any sort of paranoid schizophrenic mental health episode?
A I did not feel she was.
Q Going back to the question about, well, there was one person in this entire investigation who said that Jamal had a gun.

MR. MCCOY: Objection. Jamal fired a gun, not had a gun. Multiple people have said he had a gun, Your Honor. It's already been admitted. My objection is mischaracterization of my question, fired a gun, one person, not had.

MS. WALTER: Well, if we want to go with mischaracterization, multiple people have not said that Jamal had a gun. In fact, multiple people have said Jamal did not have a gun.

MR. MCCOY: Her own detective testified on the stand.

THE COURT: Ask your question.

BY MS. WALTER:
Q So this person who said that Jamal fired a gun, that person also said they were not at the scene; correct?
A Correct.
Q So there -- if you are not at the scene of a shooting is

there any possible way that you can see whether someone was firing a gun or not?
A No.
Q Did you find that person to be a credible witness?
A Not that information he provided, no.
Q And then wrapping up, Mr. McCoy said isn't it -- isn't it possible that people are reluctant to talk to the police because they distrust the police?
A Yes.
Q And you said, "Well, that's one possibility," or he said that's one possibility. What are some other possibilities of why people don't want to talk to you?
A I mean, there are numerous possibilities. Some might have that mistrust. Others are in fear of some type of retaliation. Some people just don't want to get involved.
MR. MCCOY: Objection, Your Honor.
MR. FOX: Objection, Your Honor.
MR. MCCOY: We going to speculate all day? Objection, speculation, Judge.
MS. WALTER: It's in direct response to his question.
THE COURT: There's been a lot of speculation going on. Go ahead.
BY MS. WALTER:
Q So finish up, please.
A Okay. Some people just don't want to get involved. They

don't want to come to court. They don't want to speak on people that are their friends or their family, and some people, once we get them to talk, you know, cooperate or talk with us they'll tell us that they feel it's just our job to figure it out on our own.

Q Thank you. Nothing further.

MR. MCCOY: A couple of questions on redirect [sic], Your Honor.

THE COURT: Please don't speculate though.

MR. MCCOY: Yes, sir. I'll speculate my shirttail won't come out, but that's a bad speculation.

MS. WALTER: It's already out.

THE COURT: Well, it's out again.

RECROSS EXAMINATION

BY MR. MCCOY:

Q Are we good now? All right. So you just testified that when you interviewed Darlene Young that she did not appear to be under the influence; correct?

A Correct.

Q And you were here when she was put under oath in this courtroom, swore to tell the truth, nothing but the truth so help her God and she testified, "I was as high as an unbelievable kite in the Myrtle Beach wind"?

A Yes, sir.

Q So, so is she telling the truth or are you telling the

truth?

MS. WALTER: Objection, Your Honor.

THE COURT: No. You're pitting witnesses. You can't do that now.

MR. MCCOY: Yes, sir.

BY MR. MCCOY:

Q All right. Now, you said a moment ago when, when, when Prosecutor Walter asked you was that witness reliable, I'm talking, talking about who, who said that they saw Jamal fire a gun or that they knew Jamal fired a gun, and you said, "We didn't find him to be credible." She said, "Did he say he was at the scene?" And you said, "No. He, he said he wasn't at the scene." You remember saying that; right?

A Yes.

Q Did he say that person told him that he fired a gun or that other people told him he fired a gun?

MS. WALTER: Objection, wait. That Jamal, who was dead, told this witness that he fired a gun?

Q Did, did he say someone told him they saw him fire a gun?

MS. WALTER: That's an objection for hearsay.

MR. MCCOY: But you asked did he say that that was him and that's hearsay.

THE COURT: Well, that's not asking what they said.

MS. WALTER: No. It is. He's saying did someone tell this witness that they saw Jamal fire a gun. That's hearsay

because it's asking what someone else said.

THE COURT: True.

BY MR. MCCOY:

Q That witness was Jamal's brother; correct?

A Correct.

Q That witness had Jamal tattooed on his arm; correct?

A Correct.

Q But you don't find that guy credible; right, not about that; correct?

A I look at the totality of everything to determine what parts of the statements are credible.

Q But you found Aliga's cousin, Robert Campbell, credible when he implicated Aliga; correct?

A Well, it was not me there personally, but as a collective investigation we did. Yes.

Q So when somebody says, "No, Calvin Ford was acting in self-defense," that you don't find credible; right?

A Nobody told to me Calvin Ford was acting in self-defense.

Q Well, of course, they're not going to use the legal terminology, but they told you that Calvin Ford was under fire; correct?

A They told me, the person you are referring to said that, that you're referring to is the only person that said that Jamal shot, said Jamal was acting in self-defense is what he said in that recording.

Q And did he say -- well, now we're getting into hearsay. I'll object to myself, but regardless, I think we got the, I think we got the point.

MR. FOX: Very briefly, Your Honor.

THE COURT: Okay.

MR. FOX: In response to something the, the Solicitor brought up on redirect.

RECROSS EXAMINATION

BY MR. FOX:

Q Darlene Young, when you interviewed her, was not under oath; correct?

A Correct.

Q She's not in a courtroom, no reason to put her under oath?

A Correct.

Q Robert Campbell, when he was interviewed by a detective he was not under oath; correct?

A Correct.

Q Today under oath; right?

A Yes, sir.

Q And we do that for reason?

A Yes, sir.

Q Right. Because even if it's not a person's intention to lie about someone else, saying something out-of-court and having to come and sit where you're sitting and put your hand

on the Bible and promise to tell the truth and then face cross-examination --

A Yes, sir.

Q -- really tests whether a person is going to stick with their story, is being truthful; right?

A Yes, sir.

Q That's the fundamental basis for making witnesses come to court, testify in the open in an open courtroom, it's open to the public, the press can be here, anyone who wants to can come in and watch it; correct?

A Yes, sir.

Q Because the idea is that's a better test of credibility than something they say in the safety of an interview room or their own home when they might be talking to police? Doesn't mean they're lying when they talk outside of a courtroom, it's just they don't put them to the test that they do in the courtroom; correct?

A Yes, sir.

Q Thank you. No further questions.

MS. WALTER: Nothing further, Your Honor.

THE COURT: All right. You may step down. Thank you.

A Thank you.

MR. MCCOY: I don't have a problem with this witness being excused, Your Honor.

MR. FOX: No objection.

(On the record, November 7, 2019. The following takes place outside the presence of the jury.)

THE COURT: We've got all the jury here. So we ready to go we can start early.

MS. WALTER: We are ready.

MR. FOX: Ready.

THE COURT: All right. Anything before we bring them in?

MS. WALTER: No, Your Honor.

THE COURT: Sheriff.

MR. MCCOY: Nothing, Your Honor.

MR. FOX: No, Your Honor.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: Good morning. We are ready to get started. We'll a little bit early. Good. Solicitor.

MS. WALTER: Thank you, Your Honor. The State calls Sherika Gore.

Whereupon, Sherika Gore is called to the stand, duly sworn by the clerk and testified as follows:

THE CLERK: State and spell your name for the Court.

MS. GORE: Sherika Gore, S-H-E-R-I-K-A, G-O-R-E.

DIRECT EXAMINATION

BY MS. WALTER:

Q Good morning, Sherika.

A Good morning.

Q And just make sure you speak into the microphone so the jury can hear what you're saying; okay?
A Okay.
Q How long have you lived in Horry County?
A All of my life.
Q What section of Horry County do you live in, like what --
A Canal Street.
Q Okay. I'm going to ask you if you know a couple of people. Okay?
A Okay.
Q So do you know Calvin Ford?
A I do.
Q How do you know Calvin?
A He lives in the area as well.
Q All right. How would you -- how long have you known him?
A All my life.
Q How would you describe your relationship with him?
A It's cordial.
Q Okay. Prior to July 23rd, 2016, would you see each other frequently, not so frequently?
A Periodically.
Q Okay. And what about Aliga Campbell, do you know Aliga Campbell?
A Kind of. I think he's a little younger than me.
Q But still someone you would see around the neighborhood?

A Right.
Q And then do you -- did you know Jamal Burgess?
A I did.
Q How did you know Jamal?
A We grew up together.
Q Knew him your whole life?
A Right, like my family.
Q He was like family to you?
A Correct.
Q And then what about Dameion Alston?
A The same thing, we knew each other. We grew up together.
Q So these are people that you would see fairly frequently in your life?
A Correct.
Q Directing your attention back to July 23rd of 2016 do you remember what you were doing that day?
A I was going on Dudley Row to take my daughter to see Jamal.
Q Okay. Let me back up for a second. Dudley Row that's Warren Street?
A Warren Street, yes.
Q And is that where Ms. Holoman lives?
A Correct.
Q And they call her Ms. Dudley?
A Correct.

Q Now, you were taking your daughter. How many children did you have at that point?
A Four.
Q How old were they, and now I making you do math. I'm sorry.
A She would have been three months and my boys would have been 10, 11 and 12 or either nine, 10 and 11, I think, I think they were nine, 10 and 11.
Q Okay. So why were you taking your daughter to see Jamal?
A Because he had just been released and he didn't get to see her yet.
Q Do you -- so did you take all of your children with you?
A I did.
Q How did you get to Warren Street?
A I drove.
Q When -- do you know what time you got there?
A I don't remember the time. I just remember it being early in the day because it was still hot. The sun was still out.
Q When you got there can you tell us were other people there?
A There was.
Q Do you know how many?
A Maybe about 10 or so.
Q Do you remember recognizing anyone who was there when you

first got there?
A There was a lot of guys.
Q Was Jamal there when you got --
A He was.
Q Was Calvin there when you got there?
A He wasn't.
Q What about Aliga Campbell?
A I can't remember about him.
Q And Dameion Alston?
A Dameion was.
Q So when you got there what were Jamal and Dameion doing?
A They were celebrating Dameion's birthday. So they were drinking, laughing.
Q What were they drinking? Do you know?
A Hennessey.
Q Did you see the Hennessey?
A I did.
Q Okay. You said that you brought your four children there. Other than your children did you go with anyone else or just you and your kids?
A Just me.
Q I'm going to ask you a couple of people, if you saw them at the party --
A Okay.
Q -- at any point while you were there.

A Okay.
Q Did you ever see Everett Ford?
A Did not.
Q And is he known as Bill Bill?
A Yes.
Q What about Patrick Brave or P.J. Brave?
A No.
Q Dominic Alston?
A No.
Q So, now, when you got there you said Dameion and Jamal were just drinking and celebrating. What did you do while you were at the party?
A I was talking to everybody.
Q And you had said the purpose of your going was so that Jamal could see your daughter?
A Right.
Q Before I get further into that, did you -- do you remember what Jamal was wearing that day?
A I do.
Q What was he wearing?
A A baseball jersey and a white wife beater, some jeans.
Q How was he wearing his jeans?
A He was sagging, like kind of around his hips.
Q Okay. So were you able to see his waistline?
A You was.

Q When you saw him did you ever see a gun on him?
A I did not.
Q What would you have done if you had seen a gun on him?
A He wouldn't have held Mia [spelled phonetically].
Q Mia's your daughter?
A Correct.
MS. WALTER: May I approach, Your Honor?
THE COURT: Yes.
BY MS. WALTER:
Q I'm showing you what's been marked as State's Exhibit 38.
A Uh-huh.
Q Do you recognize the people in that photo?
A I do.
Q Who are they?
A Jamal and Mia.
Q Is that a picture that was taken that day?
A It was.
Q So is that a fair and accurate representation of how Jamal looked that day?
A It was.
MS. WALTER: Your Honor, at this time I would ask that State's Exhibit 38 be admitted and published.
MR. MCCOY: Without objection, Your Honor.
MR. FOX: No objection.
THE COURT: Without objection.

(State's Exhibit Number 38 [Photograph] admitted into evidence and appropriately marked.)

BY MS. WALTER:

Q As the night went on did more people get to the party?

A It did.

Q Were people sort of coming and going all day?

A Correct.

Q Let me ask you about another person. Did you see Darlene Young there?

A I did.

Q And everyone calls her Cup?

A Yes.

Q Okay. Now, at some point did you see Calvin come to the party?

A Yes.

Q What did you see happen once Calvin got to the party? What did he do?

A He walked to where Jamal was. So he, he didn't come like in the yard. Him and Jamal kind of walked off and they started talking.

Q So let me back you up, when -- did you see what direction Calvin was coming from?

A Across 10th.

Q So across Joe White Avenue?

A Yes.

Q When you saw Calvin approaching where was Jamal?
A Jamal was standing across the street. He wasn't in Ms. Dudley's yard. He was standing across the street.
Q I'm going to show you State's Exhibit 41. If -- and this is where Ms. Dudley lives; right?
A Correct.
Q So and just make sure you speak into the microphone.
A Okay.
Q Can you tell me where Jamal was standing when you saw Calvin walk up?
A Maybe about somewhere over here but it wasn't -- it was closer over here than it was to Ms. Dudley's.
Q Okay. So closer to the other side of Warren Street than Ms. Dudley's house?
A Right.
Q Okay.
A Right.
Q So when, when Jamal and Calvin got close to each other what happened?
A They were talking. They had a conversation. I'm not sure what about.
Q Can you -- were you able to see them talking?
A Right. Yes.
Q Could you hear anything they were saying?
A I could not.

Q Could you tell the tone of their voice? Was it friendly, was it shouting, was it whispering?
A It started off, it started off kind of quiet. I couldn't hear anything, and then it eventually turnt [sic] into voices being raised, getting loud.
Q At this point was it still light out or was it dark out?
A It was turning dark.
Q As the voices started getting loud were you able to tell anything that was being said?
A I, I couldn't hear what was still being said. I wasn't really paying that close enough attention to listen. So I don't really know.
Q That's fine. At some point did you turn to look and see what was going on?
A I did.
Q When you looked in that direction were they still where you just showed us that Jamal had been standing?
A Kind of. They was kind of getting closer though.
Q Closer to Ms. Dudley's?
A To Ms. Dudley's, yes.
Q And who all was standing there?
A I only remember whenever I looked to see I only seen Jamal and Calvin.
Q You didn't see Dameion there?
A I didn't.

Q Okay. And as this argument got heated what did you see next?
A When I, when I looked next, the only thing I seen was Calvin take out a gun and fire it. So I ran to see where my daughter was because she was outside and so was my son.
Q So let me stop you again. Could you tell where Calvin got his gun from?
A It looked like from his waist.
Q Did you ever see Calvin bend down to the ground?
A No.
Q Did you ever see Jamal with a gun?
A No.
Q Did you ever see anyone else with a gun that night?
A No.
Q Did you -- you said you saw Calvin pull out a gun. Did you see when he fired the gun?
A I did.
Q What did you see?
A I, I seen the fire come from the barrel.
Q Were you able to see if he hit anything or anyone?
A I didn't.
Q You just turned around?
A I just went -- yes.
Q Okay. Did you hear any more shots after that shot?

A I did.
Q Do you know how many?
A No.
Q More than two?
A Yes.
Q So you turned around to look for your children. Were you able to find your children?
A I did. Well, my daughter was in the house and Cup grabbed my boys.
Q How did -- did your children -- did you get your children away from that scene?
A I did.
Q How did they get away from the scene?
A Felicia took them.
Q Do you know when Felicia got to the party?
A I don't. I was talking to everybody. So before all of this happened I didn't get a chance to speak to her because this happened so fast. So the next time I saw her I was trying to get her to take my kids with her.
Q And I actually forgot something. So let me back up. When -- this party is at Ms. Dudley's house?
A Uh-huh.
Q When you first got there was Ms. Dudley there?
A She wasn't.
Q Did she get there at some point while you were there?

A She did.
Q Did you see her interact with Jamal at all?
A He helped her carry in some groceries.
Q So that was obviously before the shooting. How much time passed between Jamal helping Ms. Dudley with the groceries and the shooting?
A It wasn't that long, maybe about 15, 10, 15 minutes. It wasn't long because she wasn't -- she hadn't been home long.
Q Okay. And if you ever don't know if I ask you a question that you don't know or you don't remember you can just tell us that.
A Okay.
Q That's fine. Between the time that you saw Jamal help Ms. Dudley or Ms. Holloman and the shooting, did you ever see Jamal and Aliga Campbell talking?
A I seen them talking before him and Calvin.
Q Okay. So did Calvin come over before or after Jamal helped Ms. Dudley with the groceries?
A He came over after.
Q Okay. So did you see Jamal and Aliga talking before or after Jamal helped Ms. Dudley with the groceries?
A I think that was before.
Q Okay. Could you tell from the way they -- Jamal and Aliga were interacting did it seem friendly, aggressive?
A From the outside looking in it seemed like whatever

issues that they had that they were trying to resolve them. I didn't hear anybody yelling or anything crazy.

Q And can you describe Jamal's mood that day?

A He seemed happy.

Q Happy to be home?

A Yes.

Q Okay. How did you get to the party that day?

A I drove.

Q I'm approaching you with State's Exhibit Three.

A Okay.

Q And I'm going to hold it this way.

A Okay.

Q Is this Ms. Dudley's house in the background?

A Yes.

Q Do you see your car in that picture?

A My car here.

Q Okay. So you're pointing to the SUV that's in the driveway?

A Correct.

Q Okay. And do you know whose car is parked next to you? Let me -- I'll show it to you again. Sorry. I'll show you, I'll show you State's Four, which has a side view of it, and if you don't know that's fine.

A Okay.

Q You don't know?

A Okay.
Q That's fine, but this -- the SUV is yours?
A It's mine, uh-huh.
Q So you ran after the shooting. Did you see Jamal and Dameion again?
A I did.
Q Let's start with Jamal. Where was Jamal when you saw him again?
A He was kind of at the end of the driveway.
Q Can you describe what he looked like?
A He looked like he was fighting.
Q Fighting for what?
A For his life.
Q Okay. Did you see blood?
A I did.
Q Were there people around him?
A There was.
Q What were they -- were they saying anything to him, doing anything?
A They was just trying to keep him calm.
Q Did you -- at that point when you saw Jamal did you see a gun anywhere near him?
A I didn't.
Q Did you see anyone taking a gun from the area around him?
A I didn't.

Q Did you hear anyone saying anything about a gun?
A I didn't.
Q Did you see -- where did you see Dameion?
A He was like in front of the basketball goal.
Q Okay. And so where is that on State's Exhibit 41?
A Basketball goal would have been like right here.
Q So at the end of the driveway?
A Kind of, sort of, yes.
Q In between the two homes [redacted] Warren Street in that center?
A Right, uh-huh.
Q How well lit was that area back there?
A It wasn't too much of light back there.
Q Okay. And when you saw Dameion can you describe what he looked like?
A It was blood everywhere. It was really bloody.
Q Did he appear to be fighting for his life?
A He didn't.
Q Did you see a gun anywhere around Dameion?
A I did not.
Q Did you see anyone picking up a gun from anywhere around the body?
A I did not.
Q Did you hear anyone talking about a gun around him?
A No.

Q Did you, after the shooting, did you see Calvin or Aliga Campbell again?
A No.
Q Now, is it -- let me think of how to phrase this. Are you happy that you were subpoenaed to come in and testify? Are you glad to be here?
A I'm okay.
Q Why, why are you willing to be here?
A Because somebody got to say something for them because they not able to speak for themselves.
MS. WALTER: The Court's indulgence.
I don't have any further questions at this time. Please answer questions from Mr. McCoy and Mr. Fox.
A Uh-huh.

CROSS EXAMINATION

BY MR. MCCOY:
Q All right. Ms. Gore, my name is Jonny McCoy. I'm Calvin Ford's Defense lawyer. I appreciate you being here today. The State asked you if you saw Everett Ford there and you said no; correct?
A Yes.
Q And they asked you if you saw Dominic Alston there and you said no; correct?
A Correct.
Q But they didn't ask you if you saw Felicia Williams

there; did they?
A No.
Q Because you didn't see Felicia Williams?
A I did. She was the reason why my kids left.
Q Right. You saw her after the shooting; correct?
A I seen her before and I seen her after. I wasn't able to speak to her before, however, because everything happened so fast.
Q Okay. Where was she before the shooting?
A She was across the street, I want to say, talking to some people.
Q And where exactly was she across the street?
A She was -- she wasn't in Ms. Dudley's yard. I think she was -- hold on. Her car was parked in this yard.
Q Yeah.
A But I, I think she was over here.
Q So her car was here and you think she was over here. Okay. All right. And did she get there just before the shooting?
A A little before.
Q A little before. How much is a little before?
A I'm not sure.
Q After Calvin arrived?
A She got there a little before everything got crazy.
Q Okay. And is this the first time that you ever said to

anyone in this -- involved in this investigation, including your recording -- you remember you, you gave an interview to the police; correct?

A Uh-huh.

Q Do you remember never mentioning that Felicia Williams was there in that recording?

A I was never asked that.

Q Right. And you remember in the, in the -- under oath and I, I questioned you and the Solicitor questioned you, and you never mentioned that Felicia Williams was there; correct?

A Right. I was never asked that either.

Q Okay. So the first time that you've ever said that your -- and I'll ask you this. Is Felicia Williams your best friend?

A She's not. She's a friend, but she's not my best friend.

Q Okay. So if you posted on Facebook, if you posted on Facebook that she's your best friend can you explain that or do you deny that?

A That I posted on Facebook that Felicia Williams is my best friend?

Q Yes, ma'am.

A When -- what date was that?

Q January -- a dear friend, is she a dear friend?

A Yes. I said she's a friend but I didn't say she was my best friend.

Q Okay. So on January 25th, 2017, "Everyone, please, if you know the, the word" --

MS. WALTER: Objection, Your Honor. There's been no foundation laid for this.

MR. MCCOY: I'm asking her if she recalls saying that she was her dear friend?

A I said she was a friend, but I didn't say she was my best friend.

Q Is she your dear friend?

A She's a friend.

Q Okay. So you do not remember calling her your dear friend?

A She's a friend.

Q Okay. So if I read your statement on Facebook where you called her your dear friend would that help refresh your recollection?

A Was it a statement or was it something that I copied and pasted?

Q That -- it's, it's your post. You want to take a look at it?

A Yes.

MR. MCCOY: Your Honor, may I approach?

THE COURT: Yes.

MS. WALTER: Can we get that marked for identification, Your Honor, please?

A Okay.
Q So now, after you had your recollection refreshed --
MS. WALTER: You need to mark it for identification.
Q -- after you --
THE COURT: Let her preserve that.
MR. MCCOY: Okay.
BY MR. MCCOY:
Q After you've had your recollection refreshed, did you call Felicia Williams your dear friend?
A I did.
Q Okay.
A Never a best friend though.
Q I understand.
A Okay. And that was to prayer for her baby; right?
Q I understand.
A Okay.
Q Just making sure.
A Okay.
Q So now Felicia's -- so Felicia's now present at the party today, okay. Did you instruct Felicia to get your kids during the shooting or after when you were in your house, in Dudley's house?
A After.
Q So in the house you said, "Get my kids"? Is that, is that a yes?

A In, in the house I was looking for them. Then when I fount [sic] her I told her to get my kids.
Q Okay. All right. So just to be clear, they weren't arguing, Calvin and Jamal; correct?
A At first they weren't arguing. It turnt [sic] into an argument.
Q Okay. And -- but you have no idea what they were talking about?
A I don't.
Q They were just, as you say, their voices were just -- or voices were being raised. You don't even say Calvin's voice was raised or Jamal's. You just heard loud voices; correct?
A Both of their voices were being raised.
Q Okay. But you have no idea what they were, what they were talking about?
A I don't.
Q Could've been sports or anything else. You have no clue?
A Definitely wasn't sports.
Q But you have no idea?
A I don't, but I know it wasn't sports.
Q Okay. And you said after you first saw a gun you ran into Ms. Dudley's house after you first saw a gun?
A After I first saw the gun being fired --
Q Okay.

A -- I ran into Ms. Dudley's house.
Q Do you remember testifying at the -- where is the stand your ground -- at, at the stand your ground hearing?
A Uh-huh.
Q Do you remember giving a -- do you remember being sworn by the judge, put under oath like you were here today?
A I do.
Q Swore to tell the truth, the whole truth and nothing but the truth so help you God?
A Uh-huh.
Q Do you remember saying on page 160, and I'll give it to you, the -- to refresh your recollection on page 160 do you remember stating -- where's mine? Did you -- we'll get you a copy in case you don't remember it. [As read], "The only thing I can remember I seen Jamal and Calvin talking and they was kind of like in the road. I wasn't paying that close of attention, and the next thing when I looked up I seen Calvin with a gun and then I ran." Do you remember saying that under oath?
A No.
Q You don't remember saying that?
A Huh-uh.
Q If I showed you your stand your ground motion would that help refresh your recollection?
A Yes.

Q Okay. Let's go to page 160. It is line eight, nine, 10 and 11. Does that help refresh your recollection?
A Okay.
Q So after you saw Calvin with a gun you said under sworn testimony, "I ran"; correct?
A Correct.
Q And then we clarified again on page 162, "Once you saw him with a gun what did you do?" Do you recall saying, "I ran?" "Where did you run?" "Inside Ms. Dudley's house." Do you recall saying that?
A Correct.
Q So under oath under penalty of perjury, this was this year in May, you recall saying as we have just refreshed your recollection when you saw a gun you ran into Ms. Dudley's house; correct?
A When I saw Calvin pull a gun?
Q Yes.
A Right.
Q So not after he fired a shot; correct?
A I --
Q That's, that's what you just read?
MS. WALTER: Your Honor, I'm asking that the witness be able to answer the question.
THE COURT: That -- let her answer.
MR. MCCOY: Okay. I'm sorry.

A I saw Calvin take out a gun. It looked like he was about to fire towards Jamal.
Q Okay.
A And I ran inside Ms. Dudley's house.
Q Right. But today you just testified under oath, penalty of perjury, "I saw the gun fire, I saw the smoke, I saw the fire"?
A Out of the barrel.
Q Out of the barrel, but in May of this year you testified --
MS. WALTER: Objection, Your Honor. Asked and answered several times.
THE COURT: Well, no.
A Well, does it matter? I seen him with a gun.
Q Right. But today under sworn testimony you just testified, "I saw the fire."
A He, he had a gun. Either way it went I seen him with a gun.
Q But you're, you're under oath. You got to tell the truth. Do you understand --
MS. WALTER: Objection, Your Honor. Objection. Objection.
A And I did.
THE COURT: Whoa, whoa, whoa.
MR. MCCOY: I'm sorry. Sorry, Judge.

THE COURT: Ask a question. Let her answer it. Let's don't have an argument in here now.

MR. MCCOY: Yes, sir.

BY MR. MCCOY:

Q We're here -- you understand we're here for the truth; correct?

A I do.

Q Is it truthful that you saw fire from the end of the gun?

A It's truthful that I saw him pull out a gun.

Q What did the gun look like?

A It was black.

Q Do you recall stating that it was a big black gun during your recorded interview?

A I do.

Q Do you recall stating that it was a big ass gun?

A I do.

Q During this whole incident you were having your own conversation; correct?

A I was.

Q And you weren't paying attention to what they were talking about?

A I wasn't.

Q You were focused on your conversation?

A I was.

Q So Calvin when he came up he was in the road, he came

straight up; is that, is that your interpretation of the things?

A When he came up, he, he walked to Jamal.

Q But he -- but Jamal was in the road on Warren Street?

A They was kind of -- they wasn't directly in the road. They was kind of off to the house that's across the street.

Q Okay. But you weren't paying that close attention to them?

A I wasn't.

Q But you saw where Jamal -- where Calvin walked up to?

A I did.

Q Okay. And do you remember telling detectives that you're aware that Jamal knocked Calvin's teeth out with a gun in the past?

A I didn't say a gun because I didn't know how he knocked his teeth out. I told them that I remember him knocking his teeth out.

Q Do you know if it was with a gun?

A I do not because I wasn't there.

Q Calvin comes over to Mr. Dudley's house a lot; correct?

A Periodically, I said, yes.

Q And he plays basketball over there; correct?

A Right.

Q And to chill; correct?

A I guess.
Q Do you remember telling the detectives in your recorded interview you're not sure if Calvin came to confront Jamal; correct?
A No. I don't remember.
Q Do you remember that interview with -- do you remember the you gave an interview?
A I do remember the interview, but I don't remember stating that.
Q Okay. If I played you back that interview would that help refresh your recollection?
A Yes.
Q All right.
MS. WALTER: It needs to be marked for identification --
MR. MCCOY: Yes, ma'am.
MS. WALTER: -- on a separate CD.
MR. MCCOY: Your Honor, we're going to play -- we are going to play Ms. Gore's interview that she gave to Detective Jones and Beam, and we'll mark that for identification purposes.
THE COURT: Good.
MR. MCCOY: Thank you, Your Honor, will get better at that process. The cords are gone. Get -- the Court's indulgence, Your Honor.
THE COURT: Yes, sir.

MR. MCCOY: Does anyone know what happened to the cords?
THE COURT: I didn't get them.
MR. MCCOY: I would expect not, Judge. Does anybody know what happened to the cords?
THE COURT: Is that, is that locked? Who's got a key to that?
MS. WALTER: I can see if someone in our office has it.
MR. MCCOY: I believe it's the Solicitor's Office, Judge.
THE COURT: Somebody probably borrowed them for another use. It may be in that cabinet if we can get a key.
MS. WALTER: We're calling someone, Your Honor.
MR. MCCOY: I don't think the plug's there either.
THE COURT: Any way to watch it on the computer?
MR. MCCOY: I think we can just like put it real close to this. Right, Judge? Let's try that.
THE COURT: Let's try.
MR. MCCOY: All right. Give it to me at -- give it to me at 3:33. Let's see if we can get this microphone. We've got a long way to go, man.
(Portion of State's Exhibit Number 61 played in open court.)
BY MR. MCCOY:
Q Did you hear that?
A Yes. But you said I said he came over there to confront him. I said I think he came over there to talk to him but I'm

not a hundred percent sure.
Q Okay.
A Okay.
Q Now, do you recall stating during your stand your ground hearing today, I'm sorry, double question. Do you recall stating during your stand your ground hearing, question, [as read], "Now, you say you saw Calvin with a gun?"
MS. WALTER: What page, what page are you on, counsel?
MR. MCCOY: Oh, 161.
BY MR. MCCOY:
Q [As read], "Now, you say you saw Calvin with a gun. Did you see where he got the gun from?" Answer, "I didn't." You recall that?
A Yes.
Q Do you recall saying that?
A I do.
Q So in May of this year you recall stating, "I don't recall where Calvin got the gun from"?
A Right. But this was three years ago. So if I didn't remember then, I've gone over my, my statement that I made. Some things I refreshed on. I think that if you're going to point to anything you should point to three years ago because that would have been the, the most freshest of my memory.
Q So you recall the stand your ground hearing being in May of 2019?

A Right.
Q Do you recall being under oath for that?
A Right.
Q So your statement during May of 2019 under oath do you recall stating, "I do not recall seeing Calvin pull or where he pulled his gun from," in May of 2019?
A No, no.
Q Do you want to see your statement?
A Yes.
MR. MCCOY: And again, Your Honor, we're showing the stand your ground from the hearing that took place March 5th, 2019. I apologize for the May, Judge, and we are on page 161. Wrong way. There it is. We're on page 161 and we're going to go to line 16, okay, Ms. Gore?
A Uh-huh.
Q Thank you.
A Okay. So maybe I didn't remember then but I remember now.
Q Thank you, Ms. Gore.
A Uh-huh.
Q Do you remember stating in your recorded interview with detectives that you believed Dameion was an innocent bystander?
A Yes.
Q Have you and Felicia Williams ever discussed your version

of events? Have you told each other what you thought happened?
A No.
Q So your dear friend, you guys have never talked about that night?
A Exactly. I said she was my friend, not a best friend. It's nothing for us to discuss.
Q So you've never said, the young woman who you told to get your children, you've never gone over, "That's crazy," or anything like that?
A I've never -- we've never gone over what we -- what our testimonies if that's what you're getting at.
Q Have you ever talked about what you saw that night?
A We have. Everybody has.
Q Do you recall stating here today that Calvin Ford walked across White Street when he walked up, go across 10th Avenue to get to the party?
A He came across 10th, yes.
Q Do you remember telling detectives that Calvin arrived in a white two-door car and parked and got out?
A I remember saying that, yes.
Q So --
A I, I don't how he got there. I know that he was there. If you're asking me what today, I don't know. I know that he was on -- I know that he was on Ms. Dudley's road.

Q So --
A How he got there I can't remember. That's -- it's been three years. Some things I'm not going to remember.
Q So earlier when you stated he walked across the street and arrived on Warren Street, that was inaccurate; correct?
A I said that he, that he came on Warren Street, that he was on Warren Street. I don't how he got there. It's been three years.
Q Okay. Okay. But your, your statement that you gave to the police was the day after the incident; correct?
A Yes. So we better go with that.
Q Okay. And in your statement you gave the police you said Calvin arrived in a white two-door?
A I did.
Q Okay. Are you aware that there are videotapes of that entrance into Warren Street?
A Yes.
Q Are you aware that those videos show Calvin walking?
A Okay.
Q So --
A It was -- that's been three years. I seen someone that I grew up with that I considered my brother get killed. So some things I don't know it may have, may have been wrong, but the fact still remains and it's the truth.
Q What's the truth?

A The truth is that Calvin shot Jamal. So some things might have been wrong. I'm -- I might have, might have not said something or I might have said something, but I was emotionally drained and I went through a lot. So however he got to Warren Street he got there. He was there, if he walked, road a bike, drove a bus.

Q I understand, Ms. Gore. Now, you stated earlier that this is a photo of Jamal holding your child; correct?

A It is, yes.

Q And you stated earlier that you would have never let Jamal hold your child if he had a gun on him; correct?

A Correct.

Q And you stated earlier that Jamal did not appear to have a gun on him?

A Correct.

Q Do you see any objects in his waistband?

A I do. Looks like his cell phone case to me.

Q Looks like a cell phone case?

A It does.

Q Can you describe what it looks like?

A It looks like a cell phone case. It looks like a, a --

MR. MCCOY: Your Honor, I'd like --

A --- black Otterbox.

Q Okay. Black Otterbox. Okay. Let's see if we can get a

clearer picture. Hang on.

MS. WALTER: Do you want to show me, counsel?

MR. MCCOY: Yeah. I'm sorry.

May I approach, Your Honor?

THE COURT: Sure.

MS. WALTER: You need to have it marked as an exhibit.

BY MR. MCCOY:

Q Do you recall what Jamal was wearing on that day?

A I do. He was wearing exactly what he has on in that picture.

Q Okay.

MR. MCCOY: Your Honor, we are going to mark this as a Court's Exhibit. Do you want me to mark it as a Defense Exhibit, the same photo? All right. We'll mark it as Defense Exhibit, what am I at here?

THE COURT: Seven.

MR. MCCOY: We're, we're asking to introduce this into evidence.

THE COURT: Any objection?

MS. WALTER: No objection.

THE COURT: In without objection.

(Defendant Ford Exhibit Number Seven [Photograph] entered into evidence and appropriately marked.)

BY MR. MCCOY:

Q All right. So let's -- so you can tell which one's a

little bit more clear; correct?
A Correct. It looks the same.
Q I know but is this one a little better picture?
A I guess.
Q Okay. So let's go with this one. Can you see the black object in that picture?
A Still looks like an Otterbox to me.
Q Okay. And that is on which side of him? I'm sorry for being so close to you. I promise.
A That's okay. It's on the right.
Q It's on the right side. Okay. And you went out into the scene in the area after, after you came out of the house, you saw, as you stated, Jamal on the ground; correct?
A Correct.
Q And did you see any cell phone holder on the ground or anything like that?
A No.
Q You didn't see any gun on the ground or anything like that?
A No.
Q Do you know if any cell phone holder was given to the police or entered into evidence?
A I don't.
Q Do you know if any cell phone holder was, was pointed out to anybody who may have entered it into evidence in this case?

A I don't, huh-uh.
Q Do you know if anybody picked up that cell phone holder that was in his waistband?
A No. It could have been clipped onto his pants, too.
Q I'm going to show you what I believe to be a close-up of that photo. You tell me if that's accurate.
MS. WALTER: It needs to be marked.
A Still looks the same to me.
Q Okay.
MR. MCCOY: Your Honor, we're going to ask to mark this as Defense Exhibit Eight, a close-up of the object, Your Honor. Would ask to move this into evidence as Defense Eight.
THE COURT: Any objection?
MS. WALTER: No, Your Honor.
THE COURT: In without objection.
MR. MCCOY: Thank you.
(Defendant Ford Exhibit Number Eight [Photograph] entered into evidence and appropriately marked.)
BY MR. MCCOY:
Q And again, this is just a close-up of a black object in Jamal's waistband that you say is a cell phone holder.
MR. MCCOY: The Court's indulgence, Your Honor.
THE COURT: Yes, sir.
MR. MCCOY: Nothing further, Ms. Gore. Thank you.

A Uh-huh.

THE COURT: Mr. Fox.

MR. FOX: Your Honor.

CROSS EXAMINATION

BY MR. FOX:

Q Ms. Gore, just a couple of questions. Your testimony today was you did see Mr. Campbell talking to Jamal Burgess; correct?

A Correct.

Q There was nothing in there that made you think of anything confrontational or any problems at all; right?

A No.

Q And that, in fact, is consistent with what you testified to in May in that hearing that we've been hearing about; correct? You said the same thing?

A Correct.

Q And you were specifically asked, I want to get it right, that the Solicitor specifically asked you, "Did you have any idea" -- I want to do one thing at a time. Excuse me. In May you were asked, "Did you have any idea there was a problem between them," and your answer was no; correct?

A Correct.

Q And that's between Aliga --

A And Jamal, correct.

Q Thank you. No further questions.

REDIRECT EXAMINATION

BY MS. WALTER:

Q Ms. Gore, you and I have spoken and I've prepared you for testimony a couple of times; correct?

A Correct.

Q And as part of that preparation did we listen to the interview that you gave to police shortly after the shooting?

A No.

Q Did you -- did I give you a transcript of that?

A You did.

Q Did that appear to be a fair and accurate transcript of your testimony?

A Yes.

Q Or, excuse me, of your interview with the police, and in fact, Mr. McCoy played a portion of that interview for you?

A Right.

MS. WALTER: Your Honor, at this time the State would ask to have this marked as Exhibit 61. It is the full interview of Ms. Gore, and would ask that it be published to the jury.

MR. MCCOY: With objection, Your Honor. She's on the stand. Let's just ask her whatever they want to ask her. Why are we playing her whole recording? She can ask her a question and play it if she can't remember. Why are we going to play her the entire interview, Judge?

MS. WALTER: Because there has been an allegation of recent fabrication by the Defense. He has used portions of the interview to cross-examine the witness, and therefore, the State is permitted by the rules of evidence to play the prior consistent statement.

MR. MCCOY: Then have her question her about it and then play whatever's consistent.

THE COURT: Well, considering all the testimony that's been given up to this point I'm going to allow them to do it.

MS. WALTER: We just need a moment to set up the laptop, Your Honor.

THE COURT: So, yes. I overrule the objection so we'll be clear on the record.

MS. WALTER: Thank you, Your Honor.

(State's Exhibit Number 61 [CD - Sherika Gore Interview] admitted into evidence and appropriately marked.)

MR. MCCOY: And just so we're clear, Judge, this is the recording between you and -- or her and the detective, not her sworn statement.

MS. WALTER: Correct.

MR. MCCOY: Correct? Okay.

(State's Exhibit Number 61 played in open court.)

BY MS. WALTER:

Q So, Ms. Gore, as you sit here today is there any doubt in your mind that you saw Calvin Ford pull a gun and saw fire

come out of that gun?
A No. No doubt.
Q Thank you. Nothing further.
MR. MCCOY: Redirect [sic], Your Honor?
THE COURT: Yes, sir.

RECROSS EXAMINATION

BY MR. MCCOY:
Q Ms. Gore, I understand that you lost a fried, and I know this is hard.
A Family.
Q I just have a couple of questions left for you. I promise. Do you recall stating at your stand your ground hearing in March of 2019 of this year that you, that you heard that taping in preparation for your March 2019 testimony? So did you listen to this taping prior to your stand your ground testimony?
A I got the transcript.
Q So you got to go through that, the transcript, prior to your March 2019 testimony; correct?
A I looked over it. Yes.
Q And after looking over it, you still said under oath, "I ran after he -- after I saw Calvin with the gun"; right?
A Huh?
Q After you -- so you reviewed your transcript prior to your stand your ground testimony; correct?

A Yes. I looked over it.
Q And then --
A I didn't review it.
Q And then --
A Didn't study it.
Q -- you still testified that you saw -- that you ran after you saw the gun presented? You didn't say that you saw anything fire or any, any gunshot; correct, in the May stand your ground hearing or March stand your ground hearing?
A I guess. Yes.
Q And that you were under oath for; correct?
A Uh-huh.
Q And you understood the serious consequences of that?
MS. WALTER: Objection, Your Honor.
THE COURT: Whoa.
MR. MCCOY: Okay.
BY MR. MCCOY:
Q Now, do recall that -- in that recording the detective asked you in an effort to try to help you, as you say, find justice, "Who else may give us any information?" You recall him asking that; correct?
A Right.
Q And you recall saying, "I don't know"; correct?
A Correct.
Q You didn't want to tell him Felicia Williams was out

there?
A I'm sure she spoke to them on her own time. I was worried about myself.
Q I thought you were worried about Jamal?
A Yeah. But I was worried about him talking to me. I wasn't, I wasn't worried about him talking to Felicia.
Q You weren't worried about him talking --
A She spoke to him on her own time.
Q But you didn't know that at the time of this recording; correct?
A No. I said they, they went -- they talked to Felicia.
Q After they talked to you when she called them; correct?
A Yes.
Q So you --
A I told her to.
Q But you didn't tell them?
A No. But I told her.
Q Okay.
A Yeah.
Q So after you guys had told each other what stories --
A No. I didn't say that. I didn't say we told each other what stories. I told her to reach out to them and that's what she did. Whatever she told them is whatever she told them. I didn't -- we didn't coerce [sic] over no stories. I didn't say that.

Q So when you found out they're having a hard time with people saying this was Calvin's fault --
A I told Felicia to call them.
Q After you found out they're having a hard time finding people saying this is Calvin's fault?
A No. They never said that. They never told me they was having a hard time doing anything. I told Felicia to call them off of my own will.
Q I thought you just said --
A Not because they asked me to.
Q I thought you said in that recording, "I don't understand why these people ain't" --
A Right. And I told Felicia to call them.
Q After you found out they're having a hard time finding witnesses you told your best friend, your dear friend, to call the police?
A They never told me they was having a hard time.
Q In that recording you --
A He never told me that. The detective never stated they was having a hard time, never did he once tell me that.
Q Did you state in that recording, "I don't know why people ain't" --
A I said I don't understand. I told her to call them, not because of that reasoning, because that's what she needed to do.

Q And then --
A Because I can speak to her better than they could. If they would have reached out to her, no, but me, she would have.
Q So why didn't you just say Felicia Williams saw it?
A Because I wanted to tell her to do that on my time, on -- it was better coming from me than it would have been coming from them.
Q Why didn't you say Darlene Young was out there?
A I didn't.
Q And you recall stating that Calvin had a big ass gun?
A Yes. I do.
Q And you were -- and you stated that the argument started or the incident, I should say, started across the street about this area; correct?
A Kind of.
Q And then over here is about where Jamal ended up; correct, in front of?
A Yes.
Q Okay. Are you, are you aware that the shell casings, the five 380's were found right in this area? You're not aware of that?
A No.
Q Are you aware that the 9 millimeter was found right over here?

A No. But I'm aware of Jamal's -- where Jamal body was found at.
Q Okay. So --
A He was, I mean, does it matter?
Q So you're not aware that the five 380 casings were found near where Jamal was laying?
A No, huh-uh.
Q And you're not aware that a, a 380 can never be mistaken as a big ass gun?
MS. WALTER: Objection, Your Honor.
MR. MCCOY: Can't ask that?
THE COURT: You're testifying.
MR. MCCOY: Oh, okay.
BY MR. MCCOY:
Q Do you know, I'll ask it this way, do you know anything about guns?
A I do not.
Q Okay.
MR. MCCOY: Sorry, Your Honor.
THE COURT: That's all right.
MR. MCCOY: No further questions. Thank you.
MR. FOX: Nothing more, Your Honor.
MS. WALTER: Nothing, Your Honor. I would ask that Ms. Gore be released from her subpoena?
A I'm released?

MR. MCCOY: Yes, ma'am.

A Thank you.

MR. FOX: No objections.

THE COURT: All right. The witness is excused. Thank you.

MS. WALTER: Your Honor, the State would call Felicia Williams.

THE COURT: Any juror need a brief recess?

(No response.)

THE COURT: All right. We'll proceed.

Ms. Williams, if you'll come up and be sworn, please.

Whereupon, Felicia Williams is called to the stand, duly sworn by the clerk and testifies as follows:

THE CLERK: State and spell your name for the Court.

MS. WILLIAMS: Felicia Williams, F-E-L-I-C-I-A, W-I-L-L-I-A-M-S.

MS. WALTER: May I, Your Honor?

THE COURT: Yes.

DIRECT EXAMINATION

BY MS. WALTER:

Q Good morning, Ms. Williams.

A Good morning.

Q Are you happy to be here?

A No.

Q Did it take some convincing to get you here?
A Yes.
Q Why is that?
A Because I'm scared.
Q What are you scared of?
A Because of the outcome of this situation.
Q Can you tell us just generally where you live?
A In Myrtle Beach.
Q And where -- back in 2016 were you familiar with the area of Warren Street and Mr. Joe White Avenue?
A Yes. That's my family.
Q Is that an area that you would go to a lot?
A Yes. I go over there every day.
Q And Ms. Holoman, known as Ms. Dudley, you know her?
A Yes. That's my aunt.
Q Okay. I'm going to ask you about a couple of other people, too. Do you know Calvin Ford?
A Yes. I do.
Q How do you know him?
A I grew up with him. We were childhood friends. My grandmother stayed in Sandy Gate when I was growing up and we used to play together.
Q So how would you describe your relationship with Calvin?

A A good relationship.
Q What about Aliga Campbell?
A I know Aliga off of Dudley Row.
Q How would you describe your relationship with him?
A It's fairly good.
Q But you don't know him as well as you know Calvin?
A No. I don't know him as well as I know Calvin.
Q Did you know Jamal Burgess?
A Yes. Very well.
Q How did you know Jamal?
A Jamal stayed at the end of the road on Canal Street where my dad stayed where I grew up on. He stayed at the end of the road and we played together a lot.
Q So did you know Jamal his whole life?
A Yes. You could say that.
Q What about Dameion Alston?
A No. Not his whole life.
Q Okay. He --
A We were just fairly like as he got older we just happened to see each other and know each other.
Q Kind of ran in the same crowd?
A Yes.
Q Okay. But you did know Dameion Alston?
A Uh-huh.
Q All right. And do you know Sherika Gore?

A Yes. I do.
Q Do you know Darlene Young, Cup?
A Yes. I do.
Q Now, I want you to think back to July 23rd of 2016.
A Uh-huh.
Q Do you remember that night?
A Yes, ma'am.
Q Okay. Did you at any point in that night go to [redacted] Warren Street?
A Yes. I did.
Q When you -- how did you get there?
A I drove my car.
Q How -- what -- do you know which direction you came from and I'll ask it this way. Would you have made a left turn onto Warren Street or a right turn onto Warren Street?
A I would have made a right turn because I was coming from Sandy Gate.
Q When you got there did you see how many people were there?
A It was, it was a good bit of people out there.
Q More than 10? More than 20?
A About 20 to 30 people.
Q Did you recognize anyone when you first pulled up?
A Yes. I did.
Q Who -- just tell me some people that you recognized?

A I seen Calvin, Dameion and Jamal in the row. I seen, I want to say I seen, I'm not sure if I -- I can't remember if I seen Lige there when I first got on that road.
Q And when you say Lige, L-I-G-E, you mean Aliga Campbell?
A Yes. Aliga Campbell.
Q Did you see -- do you know who Bill Bill is or Everett Ford?
A Yes. I do.
Q Did you see him there at all that night?
A No.
Q Did you see Dominic Alston there at all that night?
A No.
Q You said that -- I'm showing you State's Exhibit 40. Do you recognize this area?
A Yes.
Q Okay. And so when you pulled up can you tell us where you parked your car?
A My car was parked right up in here on this side of the road by this house right there.
Q Okay. And so you're pointing to a portion of the map directly across from Ms. Dudley's house on the other side of the road?
A Uh-huh.
Q All right. And you just remember you have to say yes or no.

A Yes. I'm sorry.
Q No. You're fine. And then can you tell us where you saw Jamal, Calvin and Dameion standing?
A They were in the road like right up in here.
Q Okay. And so you're indicating in the middle of Warren Street kind of in front of the driveway to Ms. Dudley's house?
A Yes. Saying like not in right but kind of like in front of Tara's [spelled phonetically] house.
Q Okay.
A This is Tara's house with the red roof on it.
Q Okay. Thank you. When you saw them can you tell us how they were standing?
A Jamal's back was faced towards Warren Street. So his back was to Warren Street. Dameion was in the middle and Calvin's back was towards 10th Ave.
Q Okay. When you first saw them what were they doing?
A It just look like they were talking. I really wasn't paying attention to them because I had came over there for like I went to go talk to one of my classmates.
Q Okay. As you were talking to your classmate, did you -- did anything draw your attention?
A A glass bottle fell. It cracked on the ground.
Q What did you do once you heard that glass bottle fall?
A I stepped back from the car and looked to see what it was.

Q Were you able to tell what had fallen?
A It just looked like, it looked like a bottle of liquor that fell on the ground.
Q What happened after you turned and looked back up and when you were looking back that way what direction were you looking at?
A I was looking -- when I stepped back from the car to look to see if the glass -- when the glass bottle dropped I was looking like towards 10th Ave.
Q And were you looking in the direction of any particular people?
A I was looking at Jamal, Dameion and Calvin in the road.
Q When you looked back at them what did you see?
A I saw them talking. I saw Dameion in the middle and I seen Jamal take his arm and move Dameion out the way and then I seen Calvin take the gun up off his side and pull it out and shoot.
Q Okay. And I'm going to take you through that step-by-step. So you said you saw Jamal move Dameion out of the way and you're sort of doing a sweeping?
A Yes, sway him with his arm.
Q If you recall do you know did Jamal move Dameion closer to the side of Warren Street that Ms. Dudley's house is on or closer, and if you don't remember it's fine?
A I don't remember.

Q Okay. And after Jamal moved to Dameion out of the way could you see where Calvin got the gun from?
A It was off of his side.
Q Did you ever see Calvin lean down to the ground to pick up a gun?
A No, ma'am.
Q Did you at that time see Jamal with a gun?
A No, ma'am.
Q Did you see Dameion with a gun?
A No, ma'am.
Q Did you see anyone else with a gun?
A No, ma'am.
Q So after Calvin pulled out the gun where was he pointing it?
A He pointed it at Jamal.
Q And what did you see?
A I seen him when he shot and I took off running.
Q Did you see what happened to Jamal?
A I can't remember.
Q Did you -- do you know whether Jamal fell right there? Did he move?
A No. It look like he was taking off running because I took off running, too.
Q Do you know what direction he was running in?
A I, I don't recall. I can't remember.

Q Okay. So you said you took off running. Where did you go?
A I was running towards Dudley's house.
Q What did you do once you got to Ms. Dudley's house?
A I went into the house. I was scared.
Q Just trying to get out of the gunfire?
A Uh-huh.
Q Okay. So at some point did the shooting stop?
A Yes. It did.
Q Do you know how many shots you heard?
A I heard maybe three or four.
Q Not stopping to count them?
A No. I was scared.
Q And by the way, do you know what type of gun Calvin had?
A No. I don't -- I don't know nothing about guns.
Q Okay. So at some point did you come outside, back outside?
A Yes. I did.
Q Why were you coming back outside?
A Because I was leaving. My car was outside.
Q Were you taking anyone with you?
A Yes. As I was coming out the door Sherika yelled, "Felicia, get my kids. Get my kids. Get my kids." So I was like, "Okay," because we were scared like it was a shooting over here. We was just trying to -- I was trying to get off

the road. So I got her kids, put them in the car and we left off the road.

Q Okay. As you were outside did you see Jamal and Dameion?

A Yes. I seen Jamal at like the end of the driveway and Dameion I didn't know who Dameion was at all because his -- how he was his head was turned toward the woods and blood was coming out his head. So I didn't know who he was. At first I thought it was Calvin. I didn't know who, who it was on the ground.

Q So you just saw --

A He was by the basketball court towards the back of Dudley's yard.

Q Okay.

MS. WALTER: Your Honor, may I have the witness step down, please?

THE COURT: Sure.

MS. WALTER: I'm going to have her stand by the microphone.

BY MS. WALTER:

Q So, now, for the court reporter, when I ask you a question I just want you to make sure you're near the microphone so she can hear you, although she'll tell me if she can't. So let's go -- let's back up, and when you first pulled up can you just show the jury and make sure that the gentleman behind you can see, where did you first pull up?

A I pulled up over here.
Q And where were Calvin, Jamal and Dameion standing?
A They were a little back here, right here, up in here.
Q Okay. So you're indicating, again, sort of across the street from Tara's house, the house with the red roof?
A Uh-huh.
Q And remember you just have to say yes or no. I have a loud voice. I'm sorry.
A Yes. I'm sorry.
Q No. You're fine. About how far would you say you were from Calvin, Jamal and Dameion?
A About 10 to 15 feet.
Q And then when you saw -- you said it looked like Jamal took off running, what -- could you tell where he was going?
A Kind of towards Dudley's yard.
Q Okay. And when you came outside, where did you see Jamal?
A Jamal was over here.
Q Okay. And so you're indicating sort of the end of the driveway closest to the dead end but still in front of Ms. Dudley's house?
A Yes, ma'am.
Q And where was Dameion?
A Dameion was back here.
Q So the end of it?

A Where the, where the basketball court was.
Q Okay. So that's the back --
A Where the basketball goal.
Q That's the backend of the driveway.
A Uh-huh.
Q And again, when you saw them in the road you said Calvin's back was facing towards Joe White?
A Calvin's back is facing towards this way. Jamal's back is facing towards this way. Dameion was in the middle.
Q Okay. So Jamal's back was facing --
A Uh-huh.
Q -- towards the dead end and Dameion was just sort of standing in the middle?
A Yes.
Q Okay. Thank you. You can sit down. Now, you testified that you've known Calvin Ford your whole life?
A Yes, ma'am.
Q Have you, in fact, had conversations with him since then, since the shooting?
A Yes. I have.
Q Why would you do that?
A Because Calvin came to me and told me that he knew that me and Sherika wrote a statement on him about the shooting. I was just trying to be comfortable with him. I did see him shoot someone. So, you know, I didn't want him to retaliate

against me for writing a statement. So I did communicate with Calvin through Snapchat. It was a couple of Facebook messages, personal conversations. I mean, I see -- we stay in the community where we're five minutes apart from each other. So I did see Calvin on a day-to-day basis.

Q Were you just trying to keep the peace then?

A Yes. I was trying to keep the peace. I didn't want him to retaliate or anything because I wrote a statement against him. He was just kind of like asking me and Felicia, "Are you going to testify against me or are you going to go to trial, are you going to" --

MR. MCCOY: Objection, Your Honor, hearsay.

MS. WALTER: It's a statement of a Defendant. It is not hearsay.

THE COURT: Overruled.

BY MS. WALTER:

Q Continue.

A Okay. He basically didn't want me to go to trial or testify against him. That's what he was trying to deter me from doing.

Q Now, let's go back to the night of the shooting. At -- you've testified that you saw Jamal's body and the body that you later learned was Dameion?

A Yes, ma'am.

Q Did you see Calvin Ford again that night after the

shooting?
A No.
Q When you came outside after?
A Yes. Him and Aliga were running across 10th Avenue as I was coming out with Sherika's kids to go back home.
Q Okay. So you saw both Defendants together?
A Running across the road of 10th Avenue. It was a couple of other people with them, too, but I couldn't make out who it was, but I knew it was Aliga and Calvin.
Q Okay.
MS. WALTER: The Court's indulgence.
BY MS. WALTER:
Q I just want to clarify something if I may. Showing you Exhibit 40 again. You said that when you came to Warren Street you, you were coming from Sandy Gate?
A Yes. I would have been coming this way.
Q Okay. So which way would you have turned onto Warren Street?
A I'm, I'm sorry, a left.
Q Okay.
A Not a right. I'm sorry, a left.
Q No. You're fine. That's why I wanted to clarify it. So you actually made a left onto Warren Street?
A Yes. I'm sorry.
Q Okay. I don't have anything further for you. Just

answer Mr. McCoy's questions or Mr. Fox's questions.

MR. MCCOY: Thank you, Your Honor. May it please the Court, Judge?

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. MCCOY:

Q Ms. Williams, my name is Jonny McCoy and I'm Calvin Ford's Defense attorney. Thank you for being here today. You remember testifying March 5th of 2019 of this year at the stand your ground hearing; correct?

A Yes, sir, I do.

Q And do you remember at that stand your ground hearing being sworn under penalty of perjury; correct?

A Yes, sir.

Q To tell the truth, the whole truth and nothing but the truth just like you are here today; correct?

A Yes, sir.

Q Just now the Solicitor said or asked you why did you send text messages to Calvin Ford and we'll get to those in a second, why did you send messages to Calvin Ford?

A They were back-and-forth.

Q And you said it was to keep the peace because you didn't want him to retaliate against you; correct?

A Yes, sir.

Q Do you recall stating at the stand your ground hearing

when I said, "And you're not afraid of Calvin; right," and you said no?
A It's, it's not that I'm afraid of him. I just wanted to keep the peace. He was asking me about why I did a statement, why did me and Sherika write a statement on him that night.
Q I'm, I'm confused. So you're not afraid that Calvin's going to hurt you in any way?
A It's, it's not that I'm scared of him. I just wanted to keep the peace. I didn't want him to retaliate. I saw Calvin shoot someone. So why would I, why would I try and be on bad terms with Calvin after I saw him shoot someone.
Q But you're not afraid that Calvin's going to hurt you physically?
A No.
Q Under no circumstances. You know Calvin; correct?
A Yes. I know Calvin but I just --
Q Calvin's not that guy; correct?
A Oh, he is that guy.
Q So you stated and you're not afraid of Calvin. I said, "You're not afraid of Calvin; right," and you said no?
A Okay.
Q I'm asking. That's correct; right?
A It's -- yes. It is correct. I'm not scared of Calvin but I'm just saying that that's why me and him were having conversations because he kept like just coming at me about me

testifying and coming to trial and writing a statement against him.

Q We're going to get to the messages; okay?

A Okay. All right. That's fine.

Q All right. Now, you were driving a dark green Kia that night; correct?

A Yes, sir. I was.

Q That's a four-door vehicle?

A Yes.

Q And you were coming -- and you, you just testified that you came in and you turned left; correct?

A Yes, sir.

Q Okay. And do you recall testifying at the stand your ground and telling the detectives on your recorded statement that you arrived after Calvin got there; correct, you arrived -- when you arrived Calvin and Jamal were already talking?

A In the road, yes, sir. They were.

Q So when you arrived it was after Calvin got there and before the shooting?

A Yes, sir.

Q So you must have arrived sometime between 8:52 and 8:58; correct?

A I'm not sure of the time.

Q And does that sound about right?

A I mean, it was dark. I don't know what time it was.

Q And you follow traffic rules; correct?
A Yes, sir.
Q You ready -- you use your headlights and turn signal; correct?
A Uh-huh.
Q Is that a yes?
A Yes, sir.
Q Okay. And you testified a moment ago that you couldn't hear what was said; correct?
A Yes, sir. I did. It was -- I heard them talking, but I, I don't remember. I don't remember what was said that night.
Q That's okay. Do you remember where Cup, Ms. Darlene Young was standing during all this?
A Look, I didn't see Cup out there personally. I didn't see her with my own eyes. I didn't lay my eyes on Cup.
Q Yes, ma'am.
A I, I knew Cup was out there was because when I put Sherika's son in the car he told me --
Q Stop you right there.
MR. MCCOY: That's hearsay, Your Honor, Cup, Cup's son told me.
A No. It's not Cup son. It's Sherika's son.
Q Okay.
MR. MCCOY: Sherika's son told me, hearsay, Judge.
MS. WALTER: Well, it's not offered for the truth of the

matter asserted, quite frankly.

THE COURT: Well, let's just avoid what somebody says.

MR. MCCOY: Yeah. Let's just --

THE COURT: But she's responding to your question though.

MR. MCCOY: I, I, Judge, I just asked if she saw Sherika. Now we're talking about --

THE COURT: All right. Go ahead.

A No. You didn't ask me Sherika. You said Darlene.

Q I'm sorry. I'm sorry. Darlene, now we're talking about Darlene's kids, just Darlene.

A Is not Darlene's child. It was Sherika's child.

Q I understand. I don't want to talk about the child.

A Okay.

Q You didn't see Darlene out there at all?

A No. I didn't see her.

Q Okay. And you just testified under oath today as you did during your stand your ground and as you did during your recorded statement that you heard a bottle drop and crash as you just testified; correct?

A Yes.

Q And that was what, that was where they were standing, the incident location; correct?

A Uh-huh.

Q Is that a yes?

A Yes, sir.

Q And that's what brought your attention over to the incident location was the bottle, presumably a Hennessey bottle dropping and crashing on the concrete; correct?
A Yes. A bottle, a bottle dropping, yes.
Q Okay. I want to show you what's been marked as State's Exhibit Three or Four. Can you see any glass in those two pictures, a bottle on the ground or anything like that?
A No, sir. It was more a little bit over this way though but I don't see it in here but it was a bottle that dropped.
Q Okay. So there's -- so you would agree there's no glass on any of the pictures of the incident location; correct?
A Well, I see some -- I don't know what's over here, but it was a bottle that cracked, sir. That's what brought my attention.
Q But you would agree you don't see anything in these photos; correct?
A Yeah.
MS. WALTER: That's actually not what she said. She said there's something over here and she then also said it would have been in a different spot.
THE COURT: I think we well covered it.
MR. MCCOY: Thank you, Judge.
BY MR. MCCOY:
Q All right. Now, you said that you saw Jamal push Dameion out of the way; correct?

A Yes.
Q And did you happen to hear why Dameion was being pushed out of the way by Jamal?
A I don't recall. I can't remember that, sir.
Q Was it because Dameion was trying to --
A Diffuse the situation.
Q Because Dameion was trying to chill Jamal out and Jamal pushed him out of the way; correct, because you just said diffuse the situation?
A Yes, sir. Diffuse the situation.
Q But Jamal did not want to be diffused; correct?
A That's not what I'm saying.
Q And you stated afterwards, after the shooting, you, you just testified you ran straight back in the house; correct?
A Yes. I ran in Dudley's house.
Q Okay. So you stated that you were standing about here; right?
A I was -- yes, my car was right there and I came in the front --
Q So you --
A -- at the car and went in Dudley's house.
Q Okay.
A Like that.
Q And the shooting took place about here?
A Yes.

Q Okay. So you ran through --
A I ran in the front of my car.
Q Okay. So you ran across the road where the shooting was taking place?
A Yes.
Q Okay. And you did not duck behind your car?
A I didn't. I don't recall ducking behind my car. I was scared, Jonny. I ran.
Q Yes, ma'am.
A If you hear gunshots you're going to run as well; aren't you?
Q I'd run -- well, I'm not going to answer that. Wouldn't you run to the nearest safe point?
A And that was to Dudley's house. What, what, what was the safe point?
Q Would, would --
A What safe point are you speaking of?
Q Would it be behind your car or --
A No.
Q -- up here?
A Because the -- he was shooting, like I said, Jamal's back was turned this way. So he was shooting this way. So when he hit Jamal I took off running. The bullet hit Jamal. That first shot hit Jamal and I seen it, and I took off running.
Q Okay.

A Because Jamal was like, "Ah, ah."
Q Yeah. And you didn't say where the other -- you now know that there was other people shooting; correct, or at least one?
A I didn't know it was other people shooting till the next morning when the detectives came to my job and told me.
Q Okay. So the fact that you didn't see Jamal with a gun or anybody else with a gun --
A I didn't see anyone else with a gun that night.
Q -- that doesn't mean that there weren't other people with a gun; correct?
A No. It doesn't mean it wasn't other people with a gun. I'm just saying with my --
Q Right.
A -- with my two eyes and my glasses I didn't see that.
Q As a matter of a fact, there were other people with guns; correct?
A It may have been. I'm not sure.
Q Now, do you recall your giving a statement to the police the day after the incident?
A Yes. I do.
Q Do you recall that being recorded?
A Yes, sir. I do.
Q And do you recall in that recording you telling the police that right after the shooting before anything going

into Ms. Dudley's house you got in your car, you backed it up, you parked it in front of Tara's house and that's when you heard Felicia yell to you, "Come get my kids."

A I'm Felicia. You -- I heard Sherika.

Q I'm sorry, and that's when you heard Sherika yell to you, "Come get my kids." So you put it back in park, and you ran inside of the house of Ms. Dudley's and you got the kids and then you went back to the car. Do you recall stating that --

A Yes. Yes, sir. I do.

Q So --

A I just I didn't remember. I'm telling you honestly I didn't remember, but I'm telling you that's -- when the shots rung off, I'm not sure if I got in my car or ran. I, I don't know. I, I don't remember.

Q So when the incident's going down, all this stuff is happening, you're telling me you don't remember crucial facts of what's going on?

A I don't. It's been three years, Jonny. I mean, I --

Q The day after -- I'm -- go ahead. I'm sorry.

A It's been three years. I mean, I don't remember a lot of things.

Q But the day after the incident do you recall telling the officer you got in your car and you backed up?

A Yes. I know -- I do recall that because I looked at my statement that I gave the officer and that is what it does say

in there.
Q But that's not what you're testifying under oath here today?
A But I'm --
MS. WALTER: Objection, Your Honor, that's actually not accurate.
MR. MCCOY: What? What do you mean? She's -- so --
MS. WALTER: May we approach, Your Honor?
MR. MCCOY: So she is testifying she got in her car and backed up?
A At some point I did get in the car and back up, sir.
MS. WALTER: Felicia, don't answer it.
(Whereupon, a bench conference is held in the presence, but out of the hearing of the jury.)
MR. MCCOY: Should be 117, 125.
(Portion of statement of Felicia Williams played in open court.)
BY MR. MCCOY:
Q So, again, you got in your car, according to that recording, you got in your car, backed up and you parked in front of -- you were -- your car was parked here; correct?
A Uh-huh.
Q This is Tara's house; correct?
A No. Tara's house has the red roof on it.
Q Okay. So that recording just stated that you got in your

car, you backed it up and you parked in front of Tara's house; correct?

A Yes.

Q And then you ran into Dudley's; correct?

A Yes.

Q That's not what you're testifying here today; correct?

A No, sir. I didn't remember. I'm sorry.

Q So which one -- which one do you want to go with?

THE COURT: Counsel.

MR. MCCOY: Yes, sir.

THE COURT: She just answered you.

MR. MCCOY: Okay.

A I don't remember. I don't remember. It's been three years ago. I'm not going to sit up here and say I remember something and I don't remember it.

Q Okay. How did Dameion get shot?

A I don't know how Dameion got shot.

Q But you saw the Calvin and Jamal exchange. So it wasn't Calvin that shot Jamal or Dameion?

A I don't, I don't know how Dameion got shot.

Q Okay. Did Jamal shoot a gun?

A No.

Q You're sure about that?

A I'm a hundred percent positive about that that night. Not that I saw. Let me rephrase that.

Q Yes.
A I didn't see Jamal shoot a gun.
Q So --
A The only way I knew Jamal was shooting was because the next morning the detectives told me it was gunshot residue on Jamal's hands.
Q Do you recall in that recording that we just played a minute ago, do you recall in that interview with the detectives at three minutes and 55 seconds stating, "I don't know if J Money had a gun"?
A Yes. I don't know if he had one or not. I'm telling you. I don't know.
Q So then how, how do you answer your question here today, "I'm a hundred percent sure he was firing"?
A I didn't, I didn't see him shoot no gun.
Q Okay.
A I can't tell you I saw something and I didn't see. That would be lying.
Q But it's possible he had a gun; correct? Anything like that possible?
A Anything could have happened out there. You could've been out there and you could've had a gun. I don't know.
Q What did Calvin do after the shooting?
A I want -- I don't recall. I don't remember what Calvin did. All I know is when I came out of Dudley house I saw

Calvin running back across the street off -- running back across 10th Avenue going back towards White Street.

Q Do you recall telling detectives that you saw Calvin and Aliga running together?

A Yes. I did see them running across the road together. They ran back across 10th Avenue. I seen that as I was leaving out with Sherika's kids in my car.

Q You're aware in your recorded interview as a matter of a fact that you've seen the video cameras at the end of Warren Street; correct?

A I see the video cameras at the end of Warren Street all the time.

Q And you've been down to the police station and you've seen where they point and stuff; correct?

A No. I haven't been down to no police station to see where the cameras points. Why would I do that?

Q You never stated that in your recorded statement that you've seen those cameras?

A I've seen the cameras. I know they're good cameras but I don't know where they're pointing at. Why, why would they -- why would they enclose [sic] that information to me.

THE COURT: All right. Let's get on with proper cross-examination and cut out the arguing. Okay?

MR. MCCOY: Yes, sir.

BY MR. MCCOY:

Q You know that Calvin and Dameion were good friends; correct?
A I knew that they were friends because prior to that we were all together at a funeral and Dameion was out there with Calvin. We were at Trey Trey's funeral. So I knew they were -- they talked and they dealt with each other. I don't know about good friends or any of that.
Q Were, were you at the -- what were you doing just prior to the, the arriving at the party?
A What was I doing prior?
Q Yes, ma'am.
A I was at home. I had just found out I was pregnant. So I didn't partake in the gathering, if you want to say it was a party, because I don't understand how it was a party when the homeowner, nobody was home to say it was a party, but I didn't partake in the gathering because I had just found out I was pregnant with my third child.
Q Yes, ma'am.
A Dudley and everyone else, Dudley, Tara, everyone else was at a funeral. One of our cousins, a state trooper had died. They were at a funeral in Spartanburg along with my father and a couple of other family members.
Q Okay. Do you recall telling detectives in your recorded interview that you saw Jamal's best friend?
A No. I did not say I seen Jamal's best friend anything.

Q Okay. That you saw Lance Gamble at the party?
A Yes. I did see Lance Gamble at the party.
Q And you saw Lance Gamble over Jamal saying, "Fight, fight Jamal"?
A No. I did not say I seen Lance Gamble over Jamal. I said they were over Jamal. They, now, I didn't give a name. I said they.
Q Okay. So if I replayed the recording of your interview with the detectives would that help refresh your recollection whether or not you said --
A You can play the recording but I looked over my statement and I clearly did not say Lance Gamble was standing over Jamal saying fight, fight. It said, "They told Jamal to fight, keep your eyes open, don't die." It says they.
Q Okay.
A It didn't say Lance Gamble.
Q Okay. Let's just see what we got. Thank you. Yes, ma'am.
(Portion of statement of Felicia Williams played in open court.)
BY MR. MCCOY:
Q Does that refresh your recollection that you told detectives, "He was like, 'J money, don't do this to me, don't do this to me'"?
A It kind of does refresh my recollection.

Q So Jamal's best friend was the last person talking to Jamal?
A No. He was not the only person. It was a lot of people over there trying to get Jamal to like, "Don't, don't do this to me." Lance was not the only person over there.
Q I understand, but his best friend was there?
A He has a lot of best friends.
Q I get it. I, I do, but his best friend as you described, Lance Gamble, was there over Jamal before the police got there; correct?
A It was him and a couple of other people.
Q And then when the police got there --
A But Lance didn't stay long. He just told him that and then he left.
Q And Jamal was still alive?
A Yes. Jamal was alive when I left off that road.
Q And Jamal was alive when Lance left; correct?
A Yes. I want to say Lance left before I did.
Q Okay. Now let's get to those snap messages. Okay?
A Okay.
Q Do you recall telling Calvin, "Everyone is not against you. I said it like this, if you wouldn't have killed Jamal he would have killed you. Somebody was going to get killed that night regardless, just with both of you all could have talked that shit out and squashed it."

A Yes. I do remember saying that to Calvin and that's only after that the detective told me that Jamal had a gun and he was shooting, that he had gunshot residue on his hands. He had gunshot residue on his hands what does that mean? He was shooting or what? What does that mean?

Q So you just infer from what other people tell you what happened?

A Yes, sir, I do.

Q No further questions.

A And took it from the detective. I just thought it was truthful.

MR. MCCOY: No further questions, Your Honor.

MR. FOX: Briefly.

THE COURT: Yes, sir.

CROSS EXAMINATION

BY MR. FOX:

Q Good morning, Ms. Williams.

A Hello. How are you doing?

Q I'm fine. Thank you. Do you recall, I know you do, testifying earlier this year in a hearing in this courthouse under oath?

A Yes, sir.

Q Okay. And questions very similar to what you've been through today; correct?

A Yes, sir.

Q I didn't get a chance to ask you questions that day, though; did I? So today you said after the shooting you ran?
A Uh-huh.
Q So there was bullet bullets flying; right?
A Yes, sir.
Q And everybody ran; didn't they?
A Uh-huh.
Q Right?
A Yes, sir.
Q And I think you used the word dispersing; correct?
A Yes. They were dispersing everywhere.
Q They going every which way?
A Yes, sir.
Q Right? Because, and you're right, thank goodness, never been involved in a shooting or around a shooting, but when bullets are flying you're looking for the quickest and safest place to go; correct?
A Yes, sir.
Q Okay. So everybody is running. Do you recall telling -- testifying back in May at the previous hearing that the only time you saw Aliga was, "When I ran into Dudley's house"?
A Yes. I did say that.
Q Okay. Not running off with Calvin Ford?
A I didn't remember at that time but I did see Aliga in Dudley's house that night.

Q Okay.
A Uh-huh.
Q And that was in the event -- and that's the only time you saw Aliga?
A No. I did see him running across -- back across Tenth with Calvin.
Q Well, everyone was running different places; correct?
A Yes. They were dispersing. Everyone was running. You're absolutely right.
Q Okay. And what you testified in May was, "I saw Aliga after the shooting in Ms. Dudley's house, when I ran inside Ms. Dudley's house I saw him there"?
A Yes.
Q In other words immediately after the shooting?
A Yes. I seen -- I did see Aliga in the house.
Q Now, you also told in your interview with the police that in, in your mind based on being out there and what you saw Aliga had nothing to do with the shooting? Do you remember telling the police that?
A Yes. I did say. I don't think as till -- still to this day I don't think Aliga would have did that because Aliga's family members are in that house and he know it was kids in that house.
Q Thank you. I have no further questions.

REDIRECT EXAMINATION

BY MS. WALTER:
Q But you don't know what Aliga did that night; correct?
A No. I don't know for a fact what Aliga did that night.
Q Okay. Now, there was some talk about, during your interview with the police did they say to you, I'm going to give you two different options, did they say to you that Jamal had been shooting or did they say to you that there was gunshot residue on him?
A They said there was gunshot residue on him.
Q Are you a gunshot residue expert?
A No. I'm not.
Q Did you take the presence of gunshot residue to mean that Jamal must have been shooting?
A Yes. I did.
Q Are you -- are you aware of the fact that if you are shot you may have gunshot residue?
MR. MCCOY: Objection, Your Honor. Gunshot residue expert, I wasn't allowed to ask expertise on guns. Objection. She's not a gunshot residue expert, Judge.
THE COURT: Sustained.
Q And you testified that you think Lance left before you. Did you -- let me -- as you saw Jamal laying on the ground did you see a gun around him?
A No.
Q Did you see anyone pick a gun up from the area where he

was laying on the ground?
A No. I didn't.
Q Did you and let's go to Dameion. Did you see a gun anywhere around Dameion?
A No.
Q See anyone pick up a gun from around that?
A No.
Q Was -- did you see any other guns other than the one you saw in Calvin Ford's hand as he shot Jamal?
A No. I didn't.
Q And then lastly, let me just go back to Jamal. You said that there were a group of people standing over him like, "Come on. Don't do this to me. Fight." Did Jamal say anything?
A He was like, "He got me, he got me."
Q Nothing further.
MR. MCCOY: Just one final question, Judge.

RECROSS EXAMINATION

BY MR. MCCOY:
Q So because of what the detectives told you you inferred that to be the truth; correct?
A Yes. I did.
Q And you adopted that as to be your perception of what took place?
A Yes. I did. I didn't think the detective will come and

lie.
Q Do you think that your friend would lie to you?
A Who is my --
MS. WALTER: Objection, what friend?
A Who was my friend?
Q Do you think Sherika Gore would lie to you about what took place that night?
A Sherika didn't tell me what took place that night. I was there to see it myself.
Q You and Sherika have never talked about what you all saw that night?
A No. Not, not before I talked to the detectives we didn't.
Q Have you and Sherika talked about what took place that night ever?
A I mean, we have conversations. That's my best friend. So I mean like what are you trying to, what you trying to say?
Q Isn't it fair to say that you would have adopt -- just like you adopted what the detective told you as truth, you would adopt --
A No. I wouldn't adopt what -- I wouldn't adopt anything from Sherika because I was there. I know what I saw with my eyes. Me and Sherika story is not the same because she didn't see what I saw. Sherika ran just as well as I ran. Me and Sherika stories are not the same.

Q Which, which story are you referring to? Your story where you ran straight in the house or the one where you backed up after the shooting?

A Jonny, you're trying to be real funny.

MR. MCCOY: No further questions, Judge.

A You trying to be funny.

MR. FOX: No more questions, Your Honor.

THE COURT: Any further questions?

MR. WALTER: No, Your Honor. We would ask that Ms. Williams be released from her subpoena.

THE COURT: Thank you, Ms. Williams.

A Thank you, sir.

THE COURT: You may step down.

MS. WALTER: Your Honor, at this time the State would rest.

THE COURT: Ladies and gentlemen of the jury, it's time for a break. I have to take up some matters of law. You all step back to the jury room and relax, please.

(Whereupon, the following takes place outside the presence of the jury.)

THE COURT: Need to do some homework up here with Madam Court Reporter.

MS. WALTER: We'll, we'll supply it for him because he has the USB port. So this is --

MR. MCCOY: Thank you. That's it.

MR. MCCOY: He's not up first.

THE COURT: All right.

MS. WALTER: Okay. Just so everyone's aware that before he testifies we would like to --

THE COURT: Testifies.

MS. WALTER: -- address the Court outside the presence of the jury.

THE COURT: Got you. Okay. Dan, if you'll bring them in.

(Whereupon, the following takes place in the presence of the jury.)

MR. MCCOY: Your Honor, at this time the Defense calls Ms. Emily Ford.

THE COURT: Ms. Ford, if you'll come around and be sworn, please.

Whereupon, Emily Ford is called to the stand, duly sworn by the clerk and testified as follows:

THE CLERK: State and spell your name for the Court.

MS. FORD: My name's Emily Ford. It's E-M-I-L-Y, F-O-R-D.

DIRECT EXAMINATION

BY MR. MCCOY:

Q Hello, Ms. Ford. My name is Jonny McCoy. I appreciate you being here this afternoon. I am your son, Calvin Ford's, Defense attorney, as you know. Can you tell us a little bit about yourself? Who are you? Are you, are you Calvin Ford's

mother?
A Yes.
Q And where do you live?
A [redacted] White Street.
Q And is that where Calvin lives?
A Well, right now, he's --
Q Okay. No, no. Is that where --
A Yes.
Q All right.
A Yes.
Q Is that where he stays when --
A Yes.
Q Okay. And what do you do for a living?
A I am a kitchen prep at Bob Evans.
Q Okay. And do you know what we're here about?
A Yes.
Q Now, I want to take you to the night before July 23rd. So that would be July 22nd, 2016. Do you remember what you were doing that night?
A Yes.
Q Why don't you tell us what you were doing that night.
A Well, actually, we had just buried my nephew and we were all up to my sister's house and we were getting ready to do a big crab boil, and I left to go back to my house to get my money and stuff and go to Walmart.

Q And what happened when you got to your house?
A As I was pulling in I saw Jamal Burgess in front of my house, and I looked and he like pulled off, and I didn't think anything else of it. So I went on to Walmart.
Q And this was the night before the incident?
A Yes.
Q And was Calvin living there at the time?
A Yes.
Q And Jamal didn't say anything to you?
A No. He just looked at me and pulled off. So I didn't think nothing of it.
Q But did you tell Calvin you saw Jamal out in front of the house that night?
A Yes.
Q And did Calvin seem afraid?
A No. Not really. I mean, we just didn't think nothing much of it.
Q Okay. And the next day did you see your son at all on July 23rd?
A Yes.
Q What -- when did you see Calvin?
A Mainly all day.
Q Okay.
A I was off that day. I was home.
Q Tell us about that day.

A It was just like a normal day. We were at home doing whatever, you know. I was getting my hair done. He was in and out, out in the front yard and back in the house. He wasn't going, I mean, too far or nothing.
Q Were there kids there?
A Yes.
Q Whose, whose kids were there?
A Calvin son was there and I have an 11-year-old that was there.
Q Okay.
A At that time I think she was maybe eight.
Q Was Calvin drinking at the house?
A No. Not to my knowledge.
Q Calvin wasn't partying at the house or anything?
A No. We was around with the kids and stuff.
Q And what -- when's the last time that you saw Calvin on that day?
A It was later in the afternoon, maybe -- I don't know what time it was. It was after dark.
Q Okay. And the last time you saw Calvin on that afternoon did he seem mad or upset or anything?
A No. We were there. He was playing with his kid and we was out just having fun playing with the baby and messing with his little sister.
Q At some time did Calvin's girlfriend get home?

A Yeah.
Q And did Calvin spend any time with her?
A Yes.
Q And was that in the late afternoon, early afternoon, morning?
A Late afternoon. We were all still at the house. It was maybe after seven. I'm, I'm thinking about after seven, something like that.
Q And then sometime after that Calvin left the house?
A Yeah. I didn't see him leave. So I didn't know he even had left at that time, so.
Q Okay. And you never saw him agitated or upset?
A No.
Q Drunk?
A No.
Q Get a phone call and act angry?
A No.
Q And then at some time he came back to the house; correct?
A Yes.
Q And he stayed at the house after he came home; correct?
A Yes.
Q He didn't go anywhere?
A No.
Q He didn't try to run?
A No.

Q He didn't try to hide?
A No.
Q And then the police came; correct?
A Yes.
MR. MCCOY: The Court's indulgence, Your Honor.
BY MR. MCCOY:
Q Ms. Ford, this may be a weird question, but how tall are you?
A Five, two.
Q And is Calvin a lot taller than you or just a little bit?
A Not a lot.
Q Would you say that he's shorter than five, six?
A Probably right at five, six.
Q Okay. No further questions.
MR. MCCOY: Thank you, Your Honor. Nothing further, Your Honor. Thank you.
MS. WALTER: No. I just wasn't sure what order you wanted to go in, whether Mr. Fox had any.
THE COURT: Mr. Fox, any?
MR. FOX: I have no questions, Your Honor.
THE COURT: Solicitor.
MS. WALTER: I, I should be brief.

CROSS EXAMINATION

BY MS. WALTER:
Q Ms. Ford, so I just want to make sure I have the timing

right. Your son's girlfriend got home around seven; is that what you said?
A No. I said I was there. I said he probably left around that time. I wasn't sure what time it was, but I'm guessing around about seven, 7:30.
Q You did not see him when left the house at that time; correct?
A He told me he was leaving but I was in the process of getting my hair done. So I really wasn't looking at a clock.
Q Did you see him leaving at that time?
A He was in the house when he was getting ready to leave and told me that he was leaving and I said okay.
Q Did you lay eyes on your son --
A Yes. That's what I'm telling you. He was looking me in my face.
Q Okay. And you're saying that that was around 7:00 o'clock?
A Seven, 7:30.
Q Are you aware of him coming back to your home shortly after that?
A What do you mean?
Q Did you stay home the rest of the night?
A Yes. I was there.
Q Okay. Did Calvin come back to your home shortly after he left at seven, 7:30?

A I'm not sure what time it was.

MS. WALTER: The Court's indulgence.

BY MS. WALTER:

Q So I'm just trying to get this straight. You were home all day. You, you saw Calvin as he left sometime around seven or 7:30?

A Yes, ma'am.

Q The next time you saw him can you give us an approximate time?

A Maybe about 8:30 or so. I'm not, I'm not exactly sure.

Q Was that the last time that Calvin left -- let's -- that's not phrased correctly. Did Calvin leave the home again after he got back at what you're estimating is 8:30?

A No. Not to my knowledge. That's -- at that time if he did leave I didn't see him at that time.

Q Okay. So you see him leave around seven, 7:30. He returns around 8:30 and as far as you know he never left again?

A Far as to me.

Q Okay. Nothing further.

REDIRECT EXAMINATION

BY MR. MCCOY:

Q Briefly, Ms. Ford. Calvin had a 10:00 p.m. curfew; correct?

A Yes.

MR. BRAVE: Patrick Brave.

DIRECT EXAMINATION

BY MR. MCCOY:

Q Mr. Brave, my name is Jonny McCoy. I'm Calvin Ford's Defense lawyer. I know you don't want to be here.

A No.

Q All right. I completely understand that, sir. Jamal is your brother; correct?

A Yeah.

Q Now, I know that you all were close; right?

A Yeah.

Q Do you recall, do you recall Jamal calling you on, on July 23rd, 2016, the day of his death?

A Yeah.

Q Do you recall him telling you when he called you on the phone that day that he was going to -- well, first of all, do you recall him asking you if you were going to come out?

A Yes.

Q And you stating that, "Yeah, I'm coming out"?

A Yeah.

Q And do you remember telling Jamal or do you remember -- I'm sorry. You remember Jamal telling you, he said, "Well, I'm about to go and talk to that boy about the situation we had about his teeth being knocked down"? Do you remember him telling you that?

A Yeah.
Q And do you remember saying to Jamal, "I was like, all right, don't go over there by yourself. I'm going to be there in a minute?"
A Yeah.
Q Thanks, man. No further questions.
A All right.
THE COURT: Hold, hold up, hold up.
MR. FOX: I have no questions, Your Honor.
THE COURT: Solicitor.

CROSS EXAMINATION

BY MS. WALTER:
Q Mr. Brave, what did you take that to mean when Jamal said he was going to talk to that guy about the situation with the teeth?
A To squash the situation.
Q Squash the situation?
A Like, like end the situation.
Q So when you say squash the situation, does that mean to get in a fight or does it mean to try and resolve it?
A Resolve it.
Q Thank you.
MS. WALTER: Nothing further.

REDIRECT EXAMINATION

BY MR. MCCOY:

Q Mr. Brave, I got to ask now. Then why would you tell him to hold up and wait on you to come with him?
A That's my brother, like and, and, and I know the situation that happened at hand already.
Q So you wanted to make sure he had somebody there when he was confronting Calvin; right?
A Yeah.
MR. MCCOY: No further questions.
THE COURT: Anything further?
MS. WALTER: No, Your Honor.
MR. FOX: No, Your Honor. We ask that he be excused. Thank you, Mr. Brave.
A All right.
THE COURT: Thank you, sir.
MR. MCCOY: Your Honor? No, no, I'm good. Sorry. At this time the Defense would like to recall Detective Tiffany Whitmire to the stand, Your Honor.
Whereupon, Tiffany Whitmire is called to the stand, duly sworn by the clerk and testified as follows:

DIRECT EXAMINATION

BY MR. MCCOY:
Q Detective Whitmire?
A Yes, sir.
Q That was Mr. Brave that you interviewed during your recorded conversation; correct?

A Yes, sir.
Q And do you recall during that discussion, that interview with Mr. Brave telling Mr. Brave in response to whatever he told you, "You said J Money was shooting, too. Do you know what happened to his gun?"
MS. WALTER: Objection, Your Honor. This is hearsay.
MR. MCCOY: It's her statement, Judge.
MS. WALTER: Again, hearsay. It's still hearsay if it's an out-of-court statement of anyone.
MR. MCCOY: It's the declarant, Judge.
MS. WALTER: Right. Out-of-court statement by the declarant. That's the hearsay part. So then there needs to be an exception to that.
MR. MCCOY: She's the, she's the person who's made the statement. Hearsay is to protect us from saying whoever else it's a, it's a third party.
THE COURT: Overruled. Go ahead.
MR. MCCOY: Thank you, Judge.
BY MR. MCCOY:
Q Do you remember saying to Mr. Brave who was just on the stand, "You said J Money was shooting, too. Do you know what happened to his gun"? Do you recall saying that to him?
A Yes.
Q And then whatever he responded about what happened to the gun do you remember saying, "Well, I know that by now"?

A I don't remember what his response was. So I don't -- I'm sure I said whatever it was, but I don't remember his response.
Q Okay. But you agree that your response was, "Well, I know that by now"?
A If that's what you say. I don't remember the whole interview. It was a while ago, but --
Q Okay.
A -- I agree that if that's what --
Q But you did --
A -- the recording says that's what I said.
Q You would agree you did ask him what happened to Jamal's gun; right?
A Yes, when he said that he heard he had a gun.
Q And you testified yesterday that you were present at Mr. Ford's stand your ground hearing; correct?
A Yes, sir.
Q And you testified on several things that Mr. Ford said during that stand your ground hearing; correct?
A Yes, sir.
Q Do you recall Calvin saying during that stand your ground that he saw Jamal reach for a gun; correct?
A Yes, sir.
Q Do you recall in that stand your ground that Calvin stated that the gun was on Jamal's waist; correct?

A I believe so, yes.
Q And you recall Calvin stating during that stand your ground, "And when he told me that he should shoot me I was scared he was going to shoot me"?
MS. WALTER: Your Honor, objection. This is all leading questions and she is now his witness. So it should be direct exam.
MR. MCCOY: Adversarial, Your Honor. She's a hostile witness.
MS. WALTER: She he has not established that she's hostile. She's answered every question.
MR. MCCOY: Yesterday she did.
THE COURT: Well, just, just for safety sake just try to --
MR. MCCOY: Okay.
THE COURT: -- clean your question up.
MR. MCCOY: Okay.
BY MR. MCCOY:
Q Did Calvin state during the stand your ground, "When Jamal told me he should shoot me I was scared he was going to shoot me"?
MS. WALTER: Objection, Your Honor. May we approach, please?
THE COURT: Sure.
(Whereupon, a bench conference is held in the presence,

but out of the hearing of the jury.)
BY MR. MCCOY:
Q Calvin testified during the stand your ground, "When he told me he should shoot me I was scared he was going to shoot me"; correct?
A I believe so, yes.
Q And that was before Calvin shot; right?
A Yes.
Q No further questions. Thank you.
MS. WALTER: The Court's indulgence. Do you have any questions?
MR. FOX: Oh, I'm sorry.
MS. WALTER: I'm sorry. I don't --
MR. FOX: The order has been -- I have no questions, Your Honor. I'm used to being last.
MS. WALTER: The Court's indulgence for just one moment, please. The Court's indulgence for just one second.
THE COURT: Sure.
MS. WALTER: Nothing further, Your Honor.
THE COURT: You can step down. Thank you.
MR. MCCOY: Yeah. Yes, sir, Your Honor. At this time, the Defense calls Mr. Everett Ford, Your Honor.
Whereupon, Everett Ford is called to the stand, duly sworn by the clerk and testifies as follows:
REPORTER: Could I get you to spell your first name?

MR. FORD: E-V-E-R-E-T-T.

DIRECT EXAMINATION - BY MR. MCCOY:

Q Mr. Ford, my name is Jonny McCoy. I'm Calvin Ford's Defense attorney. I appreciate you being here today, sir. Can you tell everybody in this courtroom how you know the Defendant, Mr. Calvin Ford?

A Yes. He's my cousin, first cousin.

Q And how do you know -- do you, do you know Aliga Campbell?

A Yes, sir.

Q How do you know Aliga Campbell?

A All his life, next-door neighbor.

Q A did you know Jamal Burgess?

A Yes, sir.

Q How did you know Jamal Burgess?

A All us from the same basically community, area, all my life.

Q What about Dameion -- sorry. What's that?

A All my life.

Q What about Dameion Alston?

A Know him all my life.

Q And how do you know Dameion Alston?

A Same community, same area.

Q Did you guys all hang out together?

A Yes, sir, one point in time.

Q At one point in time. As far as this were you guys hanging out with Jamal or only Dameion?
A Like when?
Q Were you guys hanging out with Jamal?
A At any point in time like coming up.
Q Towards this incident?
A Oh, no, no, no.
Q Okay. And are you aware of an incident that took place between Calvin and Jamal prior to this incident?
A Yes, sir.
Q What took -- what happened with that?
A He knocked his teeth out with a gun.
Q Who did?
A Jamal.
Q Knocked whose teeth out?
A Calvin's.
Q And how did he do that?
A He hit him in his -- he basically hit him in his face with a gun, knocked his teeth out, fractured his face.
Q Did you see Calvin after? Well, did he go to the hospital?
A He went to the hospital I think.
Q Did you see Calvin after he got out of the hospital?
A Not personally, but yeah.
Q But ever.

A Yeah. Yeah. I seen him.
Q Did you, did you see him without his teeth and all that?
A Yeah.
Q Did you see him with surgery marks?
A I see his teeth gone.
Q Was he afraid of Mr. Burgess after that?
A You could say so because we stayed away from him after -- ever since then kind of stayed away from him.
Q So Calvin -- well, you knew new that Mr. Burgess had -- carried a gun on him; correct?
A Yeah. Yes, sir.
Q And did you and Calvin ever talk about Jamal having a gun on him, Jamal casually carrying a gun on him?
A Yeah. Everybody know that, but, yeah, like everybody knows -- it's known he -- he known to have a gun.
Q Now, the day before this incident did you -- were you hanging out with -- what'd you do the day before this incident, July 22nd, 2016?
A What I --
Q You remember what was going on?
A We was just chilling because my little brother just died around like a couple weeks prior to that. So the family was really together right at that point in time.
Q Okay.
A So they was like chilling.

Q Were you guys all together at someone's house the night before?
A Yes. My granddaddy house.
Q Was Dameion Alston there?
A Yes. Always.
Q Was Calvin Ford there?
A Yes.
Q Was Aliga Campbell there?
A Yes.
Q Were you there?
A Yes.
Q Was there any fights going on between anybody?
A No. We cool, all of us, you feel me, all of us cool, we hung together.
Q Did you see Jamal at all that night?
A I seen him earlier that day and later on that evening. Yeah. I saw him.
Q Did you guys have any words exchanged or anything like that?
A Like, I think -- he, he had -- nah, he rode through, he had rode through by my granddaddy house, though.
Q What does that mean he rode through?
A He ride -- he rode -- he rode through on a dirt bike.
Q On a dirt bike?
A Yeah. All of us on the porch, all the family was on the

porch. He was doing it right with his little gun showing.
Q What do you mean with a gun showing?
A Just, just with his gun on his side, like he riding a little dirt bike, he just rode through down the street looking.
Q So the day before this incident you saw Jamal with a gun?
A Yeah.
Q Now, let's talk about the day of the incident. Did you go -- what'd you do the day of the incident, July 23rd, 2017 -- 2016?
A What I did the day of the incident?
Q Yeah. What was going on in your morning, your afternoon?
A Oh, just woke up. It was my little cousin Rasheed birthday which is his brother.
Q Which is whose brother?
A Calvin's, Calvin Ford brother.
Q So go ahead.
A It was his birthday, and we basically plan to get together like his brother because him and Dameion Alston -- well, Rasheed and Dameion Alston birthday they share the same birthday.
Q Okay.
A The plan basically get together and just chill.
Q And was the plan to chill in any one certain location?

A It's people kind of leave like kind of ventured, ventured off, you know how the community is, you got people just.
Q Was the plan to meet at Dudley Row?
A Yeah.
Q Okay.
A That's where they met at -- yeah. This where the meeting at.
Q So just to make sure I got this correct. Dameion and Rasheed McKnight are having a birthday gathering on Dudley Row; correct?
A Yes, sir.
Q And what -- were you invited to that birthday gathering?
A Yes, sir, of course.
Q Was Calvin invited to that birthday gathering?
A Yes, sir. It's his brother's birthday, like you feel me?
Q What time did you get to the birthday gathering?
A I was arriving about -- it was dark. It was getting, it was getting kind of dark outside. It was kind of dark. I particularly I can't remember the time but I know it wasn't late. It wasn't late at all.
Q And did you come with Calvin or did you come by yourself?
A I came by myself.
Q And how did you, how did you enter the birthday?
A From the back of the projects way.
Q Back of the projects way?

A Yeah.
Q Hang on. Let's figure this out. So this is -- what is -- is that Ms. Dudley's house?
A Yeah. That's Ms. Dudley's house.
Q Okay. What's this right here?
A That's the main avenue, Joe White, Mr. Joe White Avenue.
Q All right. And where did you come from?
A I came from right here, the apartments.
Q What's back over there?
A My house.
Q Your house. All right. Can you tell -- show this jury the route you took?
A Well, everything not on there but I came basically around, came back beside -- I came down this dead end way.
Q Hang on. Hang on. All right. Sorry. Go ahead.
A I came from the back side of the street, Spivey Street, but there's a park right here. I walked -- where this right here I came through this back way. I was walking, and I came back through the -- through this dead end where I was coming down the street down this dead end way.
Q And you ended up where?
A Coming down the street. My destination was going over here, Warren Street, Ms. Dudley house.
Q Okay. And where were you when the incident took place?
A I was coming down the street like walking, basically when

at the commotion was going on, basically I was coming down the street.

Q Okay. And if this is Ms. Dudley's house where were you in this -- where, what, what location?

A I was back here because back here you can't see the trees, it's a dead end sign. So I was basically walking down the street right here.

Q Okay.

A Coming down.

Q So how far did you make it down?

A I made it about before I turned around, about -- her house right here, about up in this area I'd say.

Q Okay. Now, did you talk to Mr. Ford before, on your way to the party?

A Not earlier. I seen him right before because I went by my granddaddy house.

Q Okay.

A And he was at my granddaddy house about to go to the party or little get-together.

Q Did you guys have any plans? Did you guys have a plan to go to the party together?

A Basically we just was gonna' go over there and just have drinks with each other, me, Dameion, Rasheed because we had bought a bottle together that day, a big Hennessey bottle, yeah, and we just go over there and just -- that's what --

that was the plans, to just go chill at Ms. Dudley house and just get together and chill.

Q Did you all, you all have a plan to confront anybody?

A No.

Q Did you all have a plan to fight anybody?

A No.

Q Did you all have a plan to hurt anybody?

A No.

Q Now, as you're walking up the road, do you see Jamal Burgess?

A Yes.

Q And how does, how does Jamal appear? What's his demeanor like?

A Aggressive.

Q Was he -- did he appear to be intoxicated, I mean?

A Something wrong with him, you feel me? Something was wrong with him. Probably was intoxicated or something.

Q Okay. Now, did you see Calvin Ford as you were walking up the road?

A Yes, sir.

Q And why don't you tell us in your own words what happened when you saw Mr. Burgess and Mr. Ford. Describe the situation.

A Basically I was coming down the street. Basically we was -- basically, he -- we were arriving. I was coming down. He

crossed the other street. He was coming across the street, but I was coming down the street from behind the projects way, and basically like you see somebody like wave somebody over, "I'm coming." So I ain't really hearing that shit, in and out, but I'm, excuse my language, but things in and out. I'm coming down the street and I seen him flag Calvin over, Jamal.

Q All right.

A And I see Calvin approach him. I'm walking because I know they ain't -- they don't really get along. So I'm trying to, you feel me, try to speed up a little bit, but he put his arm, he put his arm around like, like you know how you put -- like, like around, he came from the side and grabbed him and --

Q Who, who came from the side and grabbed him?

A Jamal.

Q Grabbed?

A Calvin like, like, like come here type junk. You feel me?

Q Okay.

A Yeah.

Q Now, you stated -- at, at one time you've -- the, the, the -- there's been a point made by the State that you stated in a statement given to our investigator that as, as you stated Jamal put his arm around him acting like they were friends.

A The key word is acting. Yeah. They -- we know that they not friends. Aggression was in that though. I use that

terminology because like you grab a buddy, say how you grab a buddy but put your arms around them but it's aggressive.
Q Okay. So if you say --
A Yeah. But not friendly.
Q So if you say Jamal put his arm around him like they were friends --
A Yeah.
Q -- what does that mean? I want to hear you say it the way you meant to say it without being on paper.
A Because you -- what I mean the only -- like if you my friend if I mess with you I can put my around you in a loving embrace.
Q Yeah.
A You get what I'm saying? Not no aggressive manner. This is aggressive. Like you grab somebody, you like, like you sonning somebody, you get what I'm saying? You can tell like your demeanor like he --
Q Okay.
A -- his attitude.
Q And to your knowledge is that how Jamal grabbed Calvin on the night that he knocked his teeth out four years ago?
A Yeah. Exactly what he did.
Q So did you see -- at that point did you see Jamal with a gun?
A You could see the print. You could see it was a print,

but I was walking up like I said, but you, you -- yeah. He had a gun.

Q All right. Why don't you go ahead and just tell --

A Yeah. Well, yeah.

Q -- why don't you just go ahead and tell us the whole story.

A But anyway, I was coming down the street and Jamal put his arms around him like aggressively, aggressively put his arm around him and Calvin been like basically like move like you move an arm from around him like, "Man, get your arm from around my neck," basically like, "Get your arm from around my neck," is the motion I get from him. Then they had little words in and out 'cause I was coming up the street, you hear what I'm saying? You know, like people talking, everybody out there, whoo, whoo, whoo, whoo, whoo.

Q You didn't hear what they were saying?

A Huh?

Q You didn't hear what they were saying; correct?

A Nah. Not -- it's in its small little.

Q It's okay.

A Small, people trying to break it up, "You all, chill, chill, chill, chill," type junk, and I was coming down the street.

Q Who was trying to break it up? Was Dameion?

A Dameion.

Q Okay. Who was trying to break it up?
A Dameion.
Q And was he facing Jamal trying to break it up?
A He was just like I see somebody -- he was just like, "You all chill, chill, man," between it was like, "Chill, chill."
Q Okay. And what happened next? What happened?
A When, when it -- well, anyway, when it -- when he was breaking it up, when Dameion got in, when Dameion got in the middle of breaking it up, Dameion which is Dameion, he's got in the middle just breaking it up. Jamal like, like when he was, like when he was stepping back he came up with his gun and pulled and he fired.
Q Fired at who?
A Calvin.
Q And where was Dameion when Jamal pulled a gun?
A He's -- by that time, all that time he pulled, tried to get out the way, stepped to the side.
Q Did, did -- okay. So let's slow down. At that point had you seen Calvin produce a gun?
A No, sir.
Q So when Jamal pulled his gun had Calvin done anything aggressive?
A Not really, no, nothing. He just walked up. He, he couldn't had. The only thing he did was like move his arm from around his neck and you could see a tone like, "What you

tell," he been like, man, he been like, "Why you telling such and such, such, such, such, like be."
Q Who said that?
A That's what Jamal was saying basically to Calvin.
Q So Jamal was in -- Jamal was the one being aggressive?
A Yeah. You could tell like his motions, body motions, you know, "Why you such, such, such, such, such.
Q But Calvin was not being aggressive?
A No. He was standing there. He just standing there like, like talking about, "Chill, you all, chill."
Q Okay.
A When he did that Jamal stepped back, went to his side, he came up with a, a gun, a silver gun, a chrome gun, whatever. He came up with a gun and he fired. When he fired everybody start -- I ran, too. You feel me? Well, you feel me? When he fired everybody like, "Oh, you fired," you feel me? When I look -- when he fired -- because I thought he, he -- I thought he shot him. You with me? When I look I seen Calvin like go down like he, like he was falling.
Q Back up to the microphone, man.
A Oh, yeah. Like he was falling when he shot.
Q You got to face the jury; okay?
A And when he shot I thought he had shot him because he had like went down a little bit. You feel me?
Q You thought, you thought Jamal shot Calvin?

A Yeah. That's what I think.
Q Okay.
A That's what I thinking.
Q And you testified about Calvin with, with a gun; correct, at the stand your ground hearing?
A Yes, sir.
Q I want you to describe that to the jury.
A About the stand your ground hearing?
Q No. No. No. Why don't you tell us what happened after Jamal shot Calvin?
A Oh, after Jamal he pulled a gun, like somebody in between trying to dispuse [sic] it, like diffuse the situation he step back. When he was stepping back he eased his gun out. He pulled and he just fired. He shot -- Calvin had like, like he went down a little bit. I thought he was hit like I said, you feel me, and by that time when I was running I was going back the other way from. I ain't going to run across no fire, but anyway, I looked back, I just see like, like he picked something up, you feel me, like he came off the ground. I thought he was hit, when he came up and when I look and I just, now you heard like there's gunshots going off, loud, big, whatever, you feel me? I two guns -- it's like multiple guns was shooting anyway. When I look back, you feel me, I just see people -- Jamal in the middle of the street shooting running.

Q But you did Calvin with a gun; correct?
A After all that, yeah.
Q Yeah. After he was shot at; right?
A Yeah.
Q And where did you think Calvin got the gun from?
A He had to get it, he had to get it off the ground or something. He ain't had one because when they was tussling, now, because when they was tussling, I mean, when they, when they tried to diffuse the situation, what was going on, they tried to diffuse the situation and somebody dropped a gun. They --
Q Who dropped, who dropped a gun? What does that mean?
A Somebody had dropped one.
Q Who do you think dropped a gun?
A It had to, it had to be, had to be, had to be, had to be Dameion because he's the only one actually really trying to diffuse the situation.
Q Now, you -- your testimony here to this jury is that Jamal or whoever during the tussle something, something dislodged a gun from Dameion and it fell out and that's the gun Calvin picked up and shot?
A Had to be.
Q What do you mean it had to be?
A Because no -- like --
Q Sorry. I keep walking around. Just face the jury.

A I'm trying to follow you. All right. Because, because he ain't had no gun, and in the middle of the altercation was going on, like I say, trying to diffuse the situation when I was walking up and something fell. I don't know who it was off of, but it had to be Dameion because he's the one that was really -- the man was trying to diffuse the situation, "Like you all chill, chill, chill."

Q But you're not real sure about that; are you?

A Huh-uh.

Q Because it -- but you are --

A Because multiple people was out there, a lot of people.

Q But are you sure, but are you sure about Jamal pulling a gun first?

A Yes, sir. I seen it. He did.

Q And then after the shots rang out what did you do? Don't follow me walking over here. I've got to get my notes.

A All right. What I did after the shooting?

Q Yeah. After he fired a shot how did you feel in that moment? Walk, walk the jury through it.

A Like, "Uh oh," you feel me? Trouble. That's it, and I ran. Scared. Like I say, I thought he was hit at first.

Q And did Jamal appear to be shot or what -- did he go down? Was he moving? What had happened to Jamal?

A Nah. When I looked back he was still standing in the middle of the street. Well, he was still standing, shooting,

firing. You hear, you hear the gunshots but I know he was firing. He was shooting.

Q Were you over there earlier in the day?

A Yes, sir.

Q Did you see Jamal drinking earlier in the day?

A Yes, sir.

Q Who shot Dameion?

A That's something I really, I really don't know.

Q Is it, is it possible Jamal shot Dameion?

MR. HOLFORD: Objection.

A Yeah. Yes, sir, because he shot multiples times.

MR. HOLFORD: That's speculation. He just said he doesn't know who shot him.

A I don't know.

THE COURT: You're asking him to speculate. He said he didn't know.

MR. MCCOY: Is it -- I said is it possible. Okay. No. Okay. Yes, Your Honor.

MR. HOLFORD: Move to strike that answer.

THE COURT: Jury, disregard that answer.

BY MR. MCCOY:

Q All right. But Jamal was -- did he -- did -- was Jamal still firing after he fired once at Calvin?

A Yeah. He was firing.

Q Could Jamal have hit multiple people?

A Of course. Most definitely.
Q Now, you've been or you've been convicted of a crime before; haven't you?
A Yes, sir.
Q Assault and battery with intent to kill?
A Yes, sir.
Q Possession of a stolen vehicle?
A Yes, sir.
Q You lying because of those convictions on your record?
A Am I lying because of my record?
Q Yeah. Are you lying?
A For what? No. They on my record. I can't -- yeah, they on my record.
MR. MCCOY: The Court's indulgence, Your Honor.
BY MR. MCCOY:
Q When Jamal pulled a gun on Calvin were you afraid for your life?
A Of course as I ran, really, I ain't want to get hit by no stray bullets.
Q Could you tell from the way Calvin reacted whether or not he feared for his life?
A Of course. He ran. Everybody ran. He ran fast. All of us ran.
Q But you said Calvin fired a shot. So was he afraid? Could you tell if he was afraid before he fired a shot?

A Yes, sir.
Q How could you tell?
A Body language, like body language, just you could tell somebody scared. He ran.
Q He didn't look, he didn't look mad?
A Nah. He looked, he looked like basically like, you know, like, oh, and ran.
Q He didn't look, he didn't look aggressive?
A Not really. Not when I was walking up.
Q He didn't? You know Jamal; right?
A Yes, sir.
Q You know Calvin; right?
A Yes, sir.
Q Is Jamal significantly bigger than Calvin?
A Way bigger.
Q When Jamal put his arm around Calvin was he controlling his movements?
A Basically, yeah, sonning him like. When I'm -- when I say son son that's what I mean like, like, like he's son controlling him. When I say son son that's what I meant by that.
Q Do what now?
A When I say he, he sonned him, that's what I meant by that, yeah, like he like controlling him, yeah. That's what I meant by that --

Q Okay.
A -- when I say son.
Q Now, did Calvin ever -- did -- did Calvin ever have any or plans to retaliate ever against Jamal for knocking his teeth out?
A Never. He used to tell me like, "Man, leave that alone, man, like leave that done," never.
Q And on that night was Calvin going to retaliate against Jamal for what happened four years ago with his teeth?
A Nah. That happened four years ago. You feel me? No. He was going over there to celebrate with my little cousin, Rasheed, which is his brother.
Q I don't have any further questions for you, Mr. Ford. Thank you.
A All right.
MR. FOX: No questions, Your Honor.
THE COURT: Solicitor.
MR. HOLFORD: May it please the Court?
THE COURT: Yes, sir.

CROSS EXAMINATION - BY MR. HOLFORD:

Q Mr. Ford, we've kind of done this before; haven't we?
A Right.
Q And, and some of the questions that Mr. McCoy was asking come from a prior, a prior hearing; right?
A Right.

Q And you've -- you had a statement, I think we've talked about this statement, but the statement you initially gave, you gave one to, to Calvin's investigator; right?
A Yes, sir.
Q But you didn't write that statement; did you?
A I mean, I gave a statement.
Q You typed it up?
A I guess so.
Q And then you signed it?
A Yes, sir. I signed it. I know I signed it.
Q But you weren't out there on July 23rd, 2016, when the police showed up; were you?
A No. I wasn't there when the police showed up.
Q Okay.
A I saw -- yeah. I was there when they pulled up, as a matter of a fact.
Q All right. Did you talk to them that night?
A No. They didn't talk to me either.
Q All right.
A They ain't asked no questions really.
Q Did -- you didn't go tell the police, "Hey, this man, Jamal, he tried to shoot, shoot my cousin and he acted in self-defense?" You didn't tell them that?
A No, sir.
Q Okay.

A After I ran, after they been saying like what happened then I came back on the scene.
Q Okay.
A To see like --
Q You didn't, you didn't talk to them then though?
A No. I didn't see. The EMS was on the scene when I was there and stuff. Yeah.
Q You, you never talked to Myrtle Beach Police Department after it; did you?
A No. Never.
Q Not even till this day you haven't gone and talked to the police?
A No. I didn't.
Q Was this statement that the investigator typed up for you was it, was it recorded? Were you on a record saying it?
A I can't really remember, but I know I made a statement after the incident had happened.
Q Now, now, at that prior hearing you said -- it's true you said that Jamal had a gun; right?
A Yes, sir.
Q Okay. And you said it was a nine or a 45; is that right?
A Something big. That's what I said. It's something big.
Q So Jamal had a big gun, according to you, a nine or a 45? That's what you said?
A I said it a big gun. I don't know what kind of gun it

was. He had a big gun. That's all I can tell you, and I know the color of it, silver or chrome.
Q Silver or chrome?
A Yeah. I know the color. Yeah.
Q Okay. So a silver or chrome gun is what you're saying Jamal had and it was a big gun?
A Yeah, a big gun.
Q Now, I kind of want to get this straight. So I know that you -- you are saying, and I don't mean to walk up on you.
A Man, I ain't aggressive. You ain't got to worry about that.
Q I'm not trying to be either.
A All right.
MR. HOLFORD: May I approach?
BY MR. HOLFORD:
Q About how far are Calvin and Jamal when they're, when they're talking? Is it about like this, man?
A I say he, he, he embraced him.
Q Right.
A So there's kind of, kind of closer than that.
Q Okay. So after that --
A But then he, he, he stepped, walked a little bit closer.
Q Okay. So a little closer?
A A little bit closer, yeah.
Q And then is that when Jamal pulls a gun?
A After the -- after they -- my other homeboy, Dameion Alston

--

Q Yeah.

A -- trying to diffuse the situation I guess he found a little bit of time, I guess, to ease it out. I guess. You feel me?

Q And, and so they're about this far when you're saying Jamal shot at Calvin?

A It was close.

Q And he didn't hit him?

A He missed.

Q Okay. Jamal got shot; right?

A He shot. Yes, sir.

Q Dameion got shot; right?

A Yes, sir.

Q But you're saying Jamal was this close to Calvin, shot at him first and he didn't hit him?

A Well, I mean, I don't know his aim. I'm telling you what happened. He shot at him. He missed.

Q Okay. Then you're saying that Jamal fired multiple shots.

A Yes. He did. I seen it with my own eyes. He did.

Q And your testimony is that Calvin shot Jamal; right?

A Yeah. Yeah.

Q And no question that Jamal got shot and he's dead.

A Yeah. He's dead.

Q They were close enough for Jamal to get shot?

A We, we talking about two different individuals. What Jamal got going on he had going on. What Calvin had going on he had going on. You get what I'm saying? I, I wasn't in control of the gun. God was.
Q Dameion got shot three times; right?
A That's what I'm hearing. I really don't know.
Q Okay.
A I really don't know.
Q Now, let's talk about this. You -- Aliga, you, you saw Aliga out there?
A Yes, sir.
Q And Aliga had some conversation with Jamal earlier that night?
A They had a conversation.
Q Did he?
A Well, I ain't say conversation, but yeah. I don't know it was a one-sided or a conversation, but yeah, they, they -- yeah, they called each other, yo.
Q And then you said after that that's when Aliga tried to call Calvin?
A Right.
Q Okay. So after Jamal has a conversation with Aliga Campbell Aliga tried to call Calvin Ford and then Calvin Ford showed up; right?
A More like this, Jamal told, Jamal Burgess told him to

call Calvin.
Q Okay.
A Nothing on his own will. He told him to call Calvin, but didn't reach Calvin. In the process of doing all that, Calvin was coming across the street so he didn't have to call Calvin. You get what I'm saying?
Q Okay.
A Then when he seen Calvin across the street he motions for Calvin. You can see hand motion. He motioned for him.
Q Jamal did?
A Right.
Q Okay. And so Calvin comes up to Jamal and within five minutes there's the shooting; right?
A Guess so.
Q Now, you had said that you didn't see Calvin with a gun before; did you?
A No, early that day. I just left at my granddaddy's house early that day.
Q And so your testimony is that --
A Well, not too.
Q -- Jamal's shooting at Calvin about this close and Calvin is playing around on the ground trying to pick up --
A Nah. Nobody playing around. It's a real situation. Nobody playing, nobody.
Q So they're this close and he's bending over trying to

pick up a gun?
A Nah. Not like that.
Q All right. So how, how was it?
A I thought he was falling. So it was like a backwards motion, thought he got hit.
Q All right. So you thought he got shot --
A Fast, like that like.
Q -- and he falls back.
A Backwards, yeah.
Q And Dameion's gun happened to land where?
A I don't know. It, it fell before that. It fell before that, all that fell when he was diffusing, trying to diffuse the situation and all that. There was multiple people out there, a lot of people out there. You get what I'm saying?
Q Yeah. I understand.
A Multiple people out there, a lot of people.
Q And so then Calvin picks up his gun where he fell and that's when he starts shooting?
A Yes. When he -- when, when I seen him, when he went down, he came up with it off the ground. He never reached no waist, none of that.
Q And he fired multiple shots; right?
A Who?
Q Calvin.
A Jamal did, a lot of them. I'm quite sure you all got the

records. You all know.
Q Yeah. No question you say Jamal fired multiple bullets.
A He, he fired a lot, he, a lot. You know that.
Q From a 9 or a 45, big gun? Now, but you also said that Calvin fired multiple shots; right?
A Nah, nah. You -- I don't know how many times he fired. I was running. I heard loud noises and low. You could tell they two different guns by the sound of them. You hear what I'm saying?
Q Now, before you had testified though that, that he fired two to three, multiple shots; is that right?
A He fire, fire. I hear. I, I hear. I'm listening, different sounds now.
Q Because guns sound different; right?
A Of course.
Q So there are, there are two different guns out there that night?
A Yeah. One sound big and one sound small. You hear him, like a small gun and one sound big. So I know, and the gun I seen Jamal with was big. So that loud noise I heard, that pop, pop, I know it was him shooting it.
Q Okay.
A Because I seen him. You get what I'm saying?
Q And so the smaller gun is the one that Calvin had?
A Had to because Jamal had the big gun. Whatever type guns

they had, I don't know. You feel me? What type gun they had because I didn't see Calvin prior with a gun. Like I said, I just left from at my granddaddy house to go to my momma house, park my car and I was going to walk and meet them on Warren Street so we could celebrate his birthday, his 21st birthday. Him and Dameion shared the same birthday, no intention to do nothing violent, no intention.

Q Rasheed and Dameion?

A Yeah. They share the same birthday, which is his brother.

Q Yeah. July 23rd, that was a birthday party; right?

A Yeah.

MR. HOLFORD: I have no further questions, Your Honor.

MR. MCCOY: Redirect, Your Honor? Redirect, Your Honor? Cross.

REDIRECT EXAMINATION - BY MR. MCCOY:

Q You said Jamal was drinking earlier in the day; right?

A Yes, sir.

Q And would you expect somebody who's twice the legal limit to be able to aim properly? Would that affect their aim?

A Somebody on pills and liquor ain't going to aim properly.

Q Okay. Do you know if a call, call log or have you seen, have you seen a call log between Aliga and Calvin to confirm that there was no, there was no connection between the two of them?

A No. Basically like I know it wasn't a connection.

Q Okay.
A Because no phone -- Calvin -- if you all probably look at the cameras if you, if you all got cameras, you will see Calvin wasn't on no phone.
Q Okay. And Calvin didn't approach Jamal; correct?
A No. I mean, he's -- he, he got across the street, 10th Avenue to get to Ms. Dudley house. You get what I'm saying?
Q But Jamal approached Calvin; correct?
A Yeah. Like come here, walking towards, like yeah, like that, yeah, he approached Calvin though.
Q But did Calvin come off his step and go to Jamal --
A No.
Q -- or did Jamal come to Calvin?
A He walked towards Calvin. Calvin walking down the street, like I said, come across the street he, "Oh, hey, come here," basically, you know, yeah.
Q But you're not saying Calvin obeyed that command?
A Nah, not really, he ain't obeyed it.
Q I'm asking did Jamal approach Calvin or Calvin approach Jamal?
A Jamal approached Calvin.
Q Okay.
A He called him. You feel me, and he motioned for him. Basically, I guess, when he seen like he, like kind of hesitant, I guess, I guess, he -- my cousin I'm seeing he, he

seemed kind of hesitant so he walked towards him basically like, "Man, you feel me?"

Q Oh, okay.

A Yeah.

Q So let's slow this down.

A And he embraced him.

Q So after he saw --

A Right.

Q -- Calvin not coming to him --

A He was trying to walk towards him like, "Yo," because now he put the arm around, somebody like I say son son. What I mean son like controlling. You feel me?

Q Son sonned him?

A Yeah. Like, yeah, in a controlling way.

Q Okay. Now, you don't know what kind of gun Calvin used; correct?

A I don't because he didn't have a gun prior. I didn't see no gun like.

Q Right. And you don't know what kind of gun anybody else had out there; correct?

A Nobody. The only gun I saw visibly is a chrome gun. I don't even know what type gun it is. All I know it was big.

Q Okay. And that's Jamal's gun; correct?

A Right.

Q And there could have been multiple guns out there that

night; correct?
A Most, most likely it was the environment, the type environment we live in. So ain't telling what somebody got on you.
Q In your environment that you've been do people pick up shell casings after an incident happens?
A All the time.
Q Do people pick up guns if the boys are involved in a crime?
A All the time. You pick up, you pick up the shells, and say, really, they, they'll do that.
MR. MCCOY: No further questions, Judge. Thank you.
MR. FOX: Nothing further, Your Honor.
MR. HOLFORD: Nothing, Your Honor.
THE COURT: Thank you, sir. You may step down.
A All right.
MR. MCCOY: Your Honor, at this time the Defense calls from lockup Maurice Vereen.
THE COURT: Maurice Vereen.
MR. MCCOY: Maurice Vereen, Judge.
THE COURT: Vereen.
OFFICER: There is no Maurice Vereen, Judge.
MR. MCCOY: Well, he's on the transport list. Have they got him on the way?
(Mr. McCoy confers with Solicitor's Administrative Assistant.)

THE COURT: Jerome Thompson.

Mr. Thompson, if you'll come around.

Whereupon, Jerome Thompson is called to the stand, duly sworn by the clerk and testified as follows:

THE CLERK: Just state your name for the Court.

DIRECT EXAMINATION

BY MR. MCCOY:

Q Good afternoon, Mr. Thompson. My name is Jonny McCoy. I'm Calvin Ford's Defense attorney. I appreciate you being here today. I know you don't want to be here; right? I just have a few questions for you. Did you serve time inside of prison with Jamal Burgess?

A Yes, sir.

Q And during that time that you served time in prison with Jamal Burgess was it prior to July 23rd of 2016?

A Yes, sir.

Q And at any time that you were in prison with Jamal Burgess did he tell you that he planned to kill anybody?

MR. HOLFORD: Objection.

MR. MCCOY: 803(3), Your Honor.

MR. HOLFORD: It's hearsay, Your Honor.

MR. MCCOY: Comes in under 803(3) under, okay, under the exception to the rule of plan, motive, all the other good stuff, Judge.

THE COURT: Overruled.

BY MR. MCCOY:

Q Did Jamal tell you while you were together in prison that he planned to kill anybody when he got out?

A Well, we had a conversation.

Q That's okay. And who did he say he was going to kill?

A Ford.

Q Calvin Ford, anybody else? Were you, were you and Jamal friends while you were in prison?

A No. We wasn't in the same dorm, but I knew him almost my whole life.

Q Where did this conversation take place?

A On the rec field.

Q But you've known Jamal?

A Yes, sir.

Q How, how long had you known Jamal?

A A long time, at least 20 years.

Q 20 years, so you guys are friends?

A You could say that.

Q Nothing further, Mr. Thompson. Thank you, sir.

MR. FOX: No questions, Your Honor.

THE COURT: Solicitor.

CROSS EXAMINATION

BY MR. HOLFORD:

Q Mr. Thompson, we know which other; don't we? I, I mean, we're not related. You know who I am; right?

A No, sir. I have no idea.
Q Do you know I'm prosecuting your case against you?
A No, sir. No.
Q You don't know that?
A Okay. Yeah. I know who you are.
Q Okay.
A Mr. Holford.
Q Yes, sir.
A You look different.
Q Now, I'm not going to ask you anything about that. That's got nothing to do with what we're today; does it?
A No, sir.
Q You're not locked up in relation to this at all?
A No, sir.
Q Okay. But, but your testimony today is that when you were in prison before with Jamal he said he was going to kill Calvin?
A Yeah.
Q When did that happen?
A It's been about -- 2019 -- about 10 years ago.
Q Ten years ago. Okay. Did you, did you approach Myrtle Beach Police Department and tell them that or have you -- have you told anyone that --
A No, sir.
Q -- before today?

A No, sir.
Q No. So this is the first time that you're, you're telling this statement that Jamal said he was going to kill Calvin?
A Yes, sir.
Q Who -- did you approach someone about that or did someone come talk to you about it?
A What you mean approach somebody?
Q Like did you, I mean, from, from where you are at J. Reuben did you reach out to people and say, "Hey, I got something to tell you," or did someone come see you?
A No, sir. Somebody reached out to me. They just --
Q Who, who reached out to you?
A A private investigator. He just said he knew I was from the area, asked me about the incident, and I told him I couldn't speak for the incident itself I wasn't there.
Q Right.
A He just asked me a few questions about Burgess and about Ford.
Q Was that Calvin's investigator asked you those questions?
A I have -- I'm assuming --
Q Okay.
A -- it's his investigator. I don't know the guy.
Q And, and just to be clear, you don't, you don't know about the incident itself because you were, you were actually

in jail at the time; right?
A Yes, sir.
Q Did you, did you ever tell Calvin that Jamal had said he was going to kill him?
A No.
Q Okay. Nothing further.
MR. MCCOY: That's it, Your Honor. Thank you.
THE COURT: Mr. Fox, anything?
MR. FOX: I'm sorry. No, Your Honor.
THE COURT: You may step down. Thank you.
MR. MCCOY: Your Honor, at this time the Defense calls Mr. Maurice Vereen.
Whereupon, Maurice Vereen is called to the stand, duly sworn by the clerk and testified as follows:
THE CLERK: State and spell your name for the Court.
MR. VEREEN: Maurice Vereen, M-A-U-R-I-C-E, V-E-R-E-E-N.

DIRECT EXAMINATION

BY MR. MCCOY:
Q Mr. Vereen, how old are you, sir?
A All right. 41.
Q 41. And how are you doing?
A I'm good.
Q My name is Jonny McCoy. I'm Calvin Ford's Defense attorney. I appreciate you being here. Do you know Calvin Ford, the Defendant in this case?

A Yes, sir.
Q Do you know the alleged victims and the deceased Jamal Burgess?
A Yes, sir.
Q Do you know Dameion Alston?
A Yes, sir.
Q And how do you know Dameion Alston?
A From the neighborhood.
Q How long have you known Dameion Alston?
A About 20 some years.
Q How long have you known Jamal Burgess?
A About the same.
Q How long have you known Calvin Ford?
A About the same.
Q And are you closer to any one above the other?
A No.
Q You know them all the same?
A Basically.
Q Do you like them all the same?
A Yes, sir.
Q In your time knowing Jamal Burgess did you ever see him with a gun?
A He got a reputation.
Q Did you ever see him with a gun though?
A No. I haven't.

Q But he had a reputation for having a gun? On the night of Saturday, July 23rd, 2016, the night of the alleged incident, you aware of what's going on here today?
A Yes, sir.
Q Do you recall being at the party on that night of the incident?
A Yes.
Q So why don't you just, why don't you just tell us a little bit about how you -- what time did you get to the party?
A I got there like six.
Q Six. And what did you do when you got there?
A Did what you do, get intoxicated, play cards.
Q Hang out?
A Yeah, basically.
Q And did you see Jamal Burgess at the party while you were there?
A Yes.
Q Did you see Dameion Alston at the party while you were there?
A Yes.
Q And at some point did you see Calvin Ford at the party while you were there?
A Later on. Yes.
Q Okay. Did you see Jamal Burgess drinking that day?

A Yes.
Q Did you see Jamal Burgess have a gun that day?
A I can't say I did.
Q Now, at the time of the incident, do you, do you recall being there at the time of the incident?
A No, sir.
Q Do you recall meeting with Mr. Ford's private investigator in this case?
A Yes. I do.
Q Do you recall giving him a statement in this case?
A Yes, sir.
Q Do you recall that statement being, being signed by you and sworn? Do you remember him going over that with you?
A Yes, sir.
Q Have you had a chance to look at that statement?
A Yes. I did.
Q How long ago did you look at that statement?
A About a week, two weeks ago.
Q Do you recall in that statement stating that, "I observed Burgess appear to pull at his waist, waistband where his handgun was located, then shots were fired, I ducked and ran"?
A I did say that.
Q Is that the truth?
A Yes, sir.

Q So did Burgess have a gun that night?
A I don't know if he had a gun but I seen him reaching for his waist. I can't say did he have a gun.
Q Okay. But you saw him reaching for, for what you appeared to be --
A To be a gun. Yes.
Q Okay. Now, why, why don't we back up just a little bit. What happened when, when Mr. Ford got there?
A Jamal sort of like put him in a little lock and started talking to him. Then Calvin like came up out it. Words was said.
Q Is that when you saw Jamal reach?
A Yeah or pull at his waist.
Q Right. And did you see Calvin reach for a gun before that?
A No. I didn't.
Q And then after that what did you see?
A I ain't see nothing. I just heard shots.
Q And then you ran?
A Then I ran.
Q Did you see Aliga Campbell? Did you see Dameion Alston near the incident?
A Yeah. He was out there.
Q Did you see Jamal Burgess push Dameion Alston at any time during the incident?

A I don't remember.
Q Okay. But you did see Jamal Burgess reaching at his waistband --
A Yes.
Q -- prior, prior to Calvin doing anything?
A Yes.
MR. MCCOY: No further questions, Your Honor. Thank you.
MR. FOX: I have no questions, Your Honor.
MR. HOLFORD: May I, Your Honor?

CROSS EXAMINATION

BY MR. HOLFORD:
Q How are you, Mr. Vereen?
A All right.
Q We've talked before, too; haven't we?
A Yes. We did.
Q And we talked about this; right --
A Yes.
Q -- your statement. Now, did you actually write that statement out or did someone come, come to you with it typed up?
A It came typed up.
Q Okay. And then you signed it?
A Yes.
Q And it was Mr. Ford's investigator?
A Yes.

Q Now, you had talked about this, this kind of headlock; right, that Jamal put Calvin in. Was that aggressive?
A It could have been aggressive or it could have been friendly.
Q Okay. So you're not really sure?
A I'm not sure.
Q Have you seen anyone do that kind of motion before, put an arm around someone?
A Yeah.
Q Is that uncommon?
A No. It's not.
Q Okay. Whenever that happens do people get shot every time that happens?
A No.
Q Now, you said that you saw Jamal reach at his, at his waistband; right?
A Right.
Q Pulling at his waistband, but you did not see a gun?
A I didn't.
Q You never saw Jamal with a gun?
A No.
Q And you heard shots?
A Yes, sir.
Q And, and that's kind of when you ducked?
A And I left.

Q Because you were up on the porch; right?
A Right.
Q And I'm just going to use this because we've, we've been talking about this. This is State's 40. When, when you're up on the porch which house were you at? Do you know where Ms. Dudley's house is?
A I can't even see it from here.
Q Okay. I'm sorry. I'm sorry. I didn't realize that you were still -- let me. Can I do this for you? Do you know Ms. Tara's house?
A Yeah.
Q Okay.
A Ms. Dudley.
Q Would that be Ms. Dudley's house?
A Right.
Q Okay. Were you up there?
A I was on the carport.
Q And, all right, I'm going to point on here. Is this the carport over here or is it over here? Do you know?
A Right there.
Q Right here?
A Yeah.
Q Okay. Where were they at? Were they, were they up in this part of the driveway or down here?
A It was next the road.

Q Next to the road down here?
A Right.
Q Okay. Do you remember about how long Calvin had been out there before the shots were fired?
A About 15, 20 minutes.
Q Okay. Let me ask you this. Did you know about this whole teeth get knocked out incident? Had you heard about that?
A No.
Q You don't do anything about that?
A No.
Q Okay. No further questions.

MR. MCCOY: Redirect, Your Honor?

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. MCCOY:

Q So you saw Jamal pulling at his waistband; correct?
A Yes, sir.
Q You never saw Calvin pulling at anything?
A No. I didn't.

MR. MCCOY: No further questions, Your Honor.

MR. FOX: None for me, Your Honor.

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

MR. MCCOY: Thank you, Your Honor. Would ask that he be released from subpoena and back to custody.

THE COURT: Hearing no objection?

MR. HOLFORD: No objection, Your Honor.

THE COURT: You're excused.

MR. FOX: No objection.

MR. MCCOY: Your Honor, at this time the Defense calls Mr. Walter Stanley. He is not in lockup. Mr. Stanley, hold on.

THE COURT: Why did he get up and leave after I told him not --

UNIDENTIFIED LADY IN AUDIENCE: He had to go pee.

THE COURT: Pardon?

UNIDENTIFIED LADY IN AUDIENCE: He had to go pee.

THE COURT: He went with a sheriff?

UNIDENTIFIED LADY IN AUDIENCE: Yeah.

MR. FOX: He did.

THE COURT: Oh, okay. That's fine.

MR. FOX: I watched the deputy walk out with him, Your Honor.

THE COURT: Come ahead. Come ahead. You're fine.

MR. MCCOY: Go ahead. Yes, sir. Thank you, Mr. Stanley.

Whereupon, Walter Stanley is called to the stand, duly sworn by the clerk and testified as follows:

THE CLERK: State and spell your name for the Court.

MR. STANLEY: My name is Walter Stanley. Walter, W-A-L-T-E-R, Stanley, S-T-A-N-L-E-Y.

DIRECT EXAMINATION

Q Good afternoon, Mr. Stanley.
A Yes.
Q How you doing?
A All right.
Q I'm Jonny McCoy. I'm Calvin Ford's Defense attorney. I appreciate you being here.
A Yes, sir.
Q When's the first time you and I met?
A We met about a couple of days ago.
Q At this trial?
A At this trial, right here, uh-huh.
Q I want to talk to you about a few things, but let's get a little background on who you are first. Okay? How old are you?
A I'm 59.
Q Fifty-nine years old. Where do you live?
A I live on [redacted] Warren Street.
Q On Warren Street. We've heard a lot about Warren Street. Is that Dudley Avenue?
A That's better known A/K/A as Dudley Row.
Q So you live on Dudley Row when the incident took place?
A Yes, sir.
Q Where were you on July 23rd, 2016, before the incident happened?

A Spartanburg.
Q And tell us a little bit about that day.
A I went to Spartanburg to pay tribute to a best friend that passed away, Alexander Holoman. We went to Spartanburg to his services.
Q And were you with Ms. Dudley?
A I rode behind them. They rode ahead of us. It was her and two of her friends in the car together.
Q But you guys are all friends?
A Yeah. We're all friends, and as a matter of a fact, I've known the Holomans ever since 1966, and her mother was my, my brother and myself babysitters, Ms. Annie Holoman. So I was in the first set of kids that played in that yard, uh-huh.
Q Right there on Dudley Row?
A Right there on Dudley Row.
Q Now, do you know Calvin Ford?
A Yes. I do.
Q And how do you know Calvin Ford?
A I know him by him being a family member. My mother is kin to Mr. Mike Ford. Mr. Mike Ford was married to Lorena Lance Ford. That's where the connection came in at. My mom was kin to Rena Ford.
Q Okay.
A Uh-huh.
Q And have you seen Calvin grow up?

A Yes. I did. I seen him grow up, seen him growed up all part of, part of his life until I got married and moved to Georgetown.
Q Okay.
A Uh-huh.
Q And when did you move back to Myrtle Beach?
A I moved back to Myrtle Beach in 2011 prior to my wife's death.
Q I'm sorry to hear that. And do you -- did you know Mr. Dameion Alston?
A Yes. I did.
Q And how did you know Dameion Alston?
A I knew Dameion Alston because his mother was my classmate.
Q And did you know Dameion Alston from growing up and things like that?
A Yes, sir.
Q And what about Jamal Burgess? Do you know Jamal Burgess?
A Yes, sir. I know Jamal Burgess because he's also family connected.
Q How so?
A He's, he's the father of, of the sons of Martina Harriet, his -- her mother, Martina Harriet mother is my first cousin, which is Rose Nell Harriet. Her mother is Hazel Stanley Harriet, which is my dad's sister.

Q Do you care about Jamal Burgess?
A Yes. I do. I care about all of the kids in my community.
Q Do you care about Dameion Alston?
A As well.
Q Do you care about Calvin Ford?
A As well.
Q Now, at some point after the funeral you arrived back on Warren Street; correct?
A Yes, sir.
Q And do you remember about what time that was?
A That was possibly around 8:30.
Q 8:30 p.m.?
A Uh-huh.
Q Okay. So you came back on Warren Street about 8:30 p.m.?
A Uh-huh.
Q Was -- when you pulled in on Warren Street, why don't you just go ahead and tell me what you saw?
A When I -- when, when I arrived back into Myrtle Beach I came in off of 501 and or Grissom Parkway and I came onto Joe White. As I approached my street, I, I saw Mr. Calvin to -- saw him crossing the street, and by the time I made my left turn onto Warren he was already at the, at the head of my street. I turnt [sic] in and we spoke, had a few words. Like I say, "Hey, how you doing," because he said, "Hi," you know,

"how you doing," and then he kept right on walking. Okay. He wound up walking ahead of me because I was moving kind of slow because there were cars on my street like always. It's always a lot of cars on my street, you know. Like I said, Ms. Holoman's house was always the house that had all the kids. Kids regular there. So it's not unusual for a lot of kids being in her yard. Okay. And so I, I was moving kind of slow, you know, because of the cars ahead of me and cars moving, past, past me, stuff like that, and all of a sudden when he -- when Calvin approached Jamal they head, headlock together, and Calvin did this (indicating), and when he did this that's --

Q What do you mean, what do you mean when he did this? Was he --

A He broked [sic] away from, from Jamal.

Q So Jamal had --

A In like a headlock.

Q Okay.

A Uh-huh.

Q Go ahead. I'm sorry. I didn't mean to interrupt.

A Okay. And he broked [sic] away and when they broked away that's when Jamal pulled the hand revolver and fired after Calvin. Calvin ducks and when he comes up Calvin comes up with his revolver and he fired a shot. His shot connected with Jamal. When that -- when he connected with Jamal, Jamal

spun around, and as he spun around his revolver continue going off. Okay. Not knowing that Dameion was at the back end of the driveway, I guess he didn't see him or whatever, but as he spun around the bullets kept going and somehow Dameion got hit.

Q So it's your testimony here today that Jamal shot Dameion?

A As far as I can see his -- Jamal bullet hit Dameion and it could have been a mistake. He probably didn't mean to do it, but his bullet did hit Dameion.

Q And where did all this take place?

A It took place at [redacted] Warren Street, [redacted] [redacted]

Q And where were you positioned?

A I was facing inside my, my mom's car, was driving a black Jeep Compass, 2007 black Jeep Compass, and like I said, we were coming from Spartanburg, and I was going home. I was -- my house is the last house on the right, right beside Dudley's house, uh-huh.

Q Okay. So is this your house?

A Yeah.

Q This is your house right there?

A Okay. Let me look, look again.

Q I'm sorry.

A I'm looking wrong here. Okay. This is Tara. This is Dudley. This is us.

Q Okay. And so --
A Because that's the wheelchair ramp going into my house.
Q Yes, sir. And so you pulled down this road here?
A Uh-huh.
Q Turned left?
A Uh-huh.
Q And you're, and you're coming up the road?
A Uh-huh.
Q And where did you stop?
A I stopped right here.
Q And where --
A Sees the light, this the light pole right here.
Q Okay.
A So I stopped in and around right up in here.
Q And where did the incident take place?
A Right here at the foot of the driveway.
Q Okay.
A Dameion was back here.
Q Okay. Could it have been this driveway?
MS. WALTER: Objection. Objection. Objection.
A Oh, well, yeah. I couldn't see.
THE COURT: Hold up. Hold up. Hold up. Hold up.
A Okay. That's the first house.
Q Okay. I'm sorry.
MS. WALTER: Well, because he did not give the answer

that Mr. McCoy wanted he's trying to correct him and say, "Well, do you really mean up here?"

MR. MCCOY: Okay. I'll ask it better.

BY MR. MCCOY:

Q Which one is Ms. Dudley's house?

A This is Dudley.

Q Okay.

A This is her daughter.

Q And whose driveway is that?

A That's Brenda Davis.

Q Did the incident happen in front of Brenda Davis's house?

A No. No. It's over here. I was looking for the light pole. This is the light pole.

Q Okay. Did I coerce your answer into that?

A No.

Q Tell me -- am I directing you how to answer these questions?

A No. No. Huh-uh.

Q You sure about that?

A I'm sure. I'm sure.

Q You good? All right. So --

A Okay. Because I was -- because Dudley or Tara has the only house that has the, the what you call it, tabbed top.

Q Oh, I see. Okay.

A Yeah. So if you notice her house is the only house that

has the red on the street.
Q I meant, I meant, can you all see, not, not, if you could like that. Can everybody see?
A Tin top, I call it the tin top.
Q Okay.
A She has the only house that has a tin top.
Q Okay. So now where was your car? I'm sorry.
A Okay. My car was right here.
Q Okay.
A Okay. As I came up, as I turned Jamal --
Q I'm sorry. Let me get this out of your way. Go ahead.
A Okay. As I turned in from here, I turnt in, came in. I spoke to Calvin here. Okay. There were cars in front of me, okay, leading in. Okay. Calvin was on foot. So he was moving a lot faster than I was. Okay. So by the time he got here I was right about here. This is the Fords' house here.
Q Okay.
A Okay. I was right about here. So when he got right about here they started approaching each other.
Q Calvin was --
A He was going up. Jamal came this way.
Q Okay.
A He was coming towards him.
Q Jamal was coming towards Calvin?
A Yes. And that's when they headlock right up in here.

Q That's and by "they headlock" what do you mean?
A He went like this.
Q Who is he?
A Jamal, Jamal did the headlock.
Q Okay.
A Calvin --
Q Removed it?
A -- removed it and that's when Jamal pulled the hand revolver, fired the first shot.
Q All right.
A That's what I saw. He retaliated. Calvin retaliated and ducked and came up and fired the next shot. He spun around. The bullets were going all over.
Q Who's he? Who's he?
A Jamal spun around and the bullets started spraying. There were kids all in here. Okay. So they ran in and, and picked up all of these kids and ran into Ms. Holoman's house.
Q Right.
A Bullet connected with Dameion Alston back here near the basketball goal.
Q Now --
A And by that time I threw in reverse. My cousin, which is Janelle Gore [spelled phonetically], threw her car in reverse once she saw my car reverse lights and we backed out.
Q And what kind of car does she drive?

A She drives the gold Ford Tempo, and I was in my mom's car, which is the Jeep Compass. She backs out. We come -- and then we continue going down Joe White, and we --

Q After the incident?

A After the incident.

Q Okay. Now, from where you were standing if Calvin hadn't fired at Jamal would Jamal -- do, do you believe Jamal could have killed Calvin?

MS. WALTER: Objection, speculation.

THE COURT: You're asking him to speculate.

MR. MCCOY: Okay.

BY MR. MCCOY:.

Q Come up a little bit. Are you surprised that Jamal, Jamal's bullet missed Calvin?

MS. WALTER: Objection.

THE COURT: I'm going to allow that.

A Yes. I was surprised that Jamal's bullet missed because they were so close.

Q Now --

A Because I really thought that Calvin had gotten hit because he was down. He, he -- once they, they unloosed from the headlock and the -- and he pulled the revolver or, or when Jamal pulled his revolver Calvin ducked, he went down when the bullet went off, when the gun went off. So I thought that he have gotten -- he had gotten hit.

Q And when you say revolver, are you -- you mean actual revolver or you mean pistol?
A Handgun. I did say a pistol, handgun. I call them all revolvers. I'm, I'm terrified of guns because my brother is a recipient of a violent shooting. That's why the wheelchair ramp is on my house. My, my -- yeah, my brother is paralyzed for the rest of his life from a bullet, a 38 bullet.
Q So you wouldn't be here lying for Calvin in this case; would you?
A No. I would not.
Q I've got one more question. Did you ever tell anybody that you were out there and that you saw this?
A No.
Q What about the --
A No, no one knew. I mean, a lot of them didn't even see my car.
Q What -- and I'm not talking about other people --
A Uh-huh.
Q -- involved in this case.
A Uh-huh.
Q I'm talking about --
A Well --
Q -- I'm talking about media?
A Oh, yes. The media they did not know until they came up the next morning and I was in Tara's yard. That's Dudley's

daughter. When they come up, they came up asking people to be interviewed about the incident the next morning. I volunteered. So if you all look -- try to get that footage you'll see me being interviewed by the media about this incident, and what I told the media that, that our community has real -- really went bad, you know, because of these handguns and reason why I feel that way because just like I just said earlier my brother is a recipient of one of those bullets.

Q All right.

A You see what I'm saying? And I feel very bad about what happened, you know, because I love all of these kids in my community, you know, whether they're connected to me or not. You know, we are a community of Booker T. Washington Coastal Lanes, and we are just tearing down the very fiber of our community, you know? So, therefore, this is why I told -- this is what I told the media. We need to drop these guns, you know? A good fight with your hand, my daddy said, a good fight with your hands you'll live to see another day. You see what I'm saying? But simple fact I've had many fights with many of my classmates in the day with my hands, but some, some of those kids are my very, very best friends today. You know? You will disagree, you'll never could agree on everything. You never will. You can't please everybody either. So don't expect that. You know? So when I got through with my

interview with, with the media they, they, they, they aired it the next day. A lot of them got mad with me when they saw it. A lot of them were very pleased with what I said.

Q Did you tell the media that you were there and witnessed the incident?

A Yes. I did. I told the media. That's when they found out that I was there. I told the media that I was there.

Q And did the, did the police department ever, ever --

A No.

Q -- send anybody to talk to you?

A No.

Q Did the Prosecutor's Office ever, ever send anybody to talk to you?

A No, no one, nope. No one ever came to my house until after I, I was incarcerated in, in, in January of this, of this year on a double charge which was driving under, driving under suspension. My license had gotten suspended since then and a breach of trust.

Q And you were in there for traffic violations?

A Yes.

Q That's okay.

A Yeah.

Q We don't have to get into that.

A So, therefore, that's when they found out -- that's when the, the investigator I connected with Calvin.

Q Our investigator?
A Yes. Yeah. And then Calvin I connected with him inside, inside J. Reuben and I asked him how's his case going, and he goes, "It's going pretty good, but do you know anything about it?" I say, "Calvin, you, you don't remember? I spoke with you," and his eyes lit up, and that's when he asked me to testify and I said, yes, I would.
Q Are you here lying for Calvin?
A No.
Q Are you afraid of Calvin?
A No.
Q What are you doing here, Mr. Stanley?
A I'm here to speak on his behalf and speak up for our community.
Q Are you here telling the truth?
A The whole truth.
MR. MCCOY: Nothing further for this witness, Judge.
MR. FOX: No questions of this witness, Your Honor.
THE COURT: Solicitor?
MS. WALTER: Thank you, Your Honor.

CROSS EXAMINATION - BY MS. WALTER:

Q And I'm sorry, Mr. Stanley, did you say when you had been incarcerated at J. Reuben Long that you reconnected with the Defendant?
A Yes, ma'am.

Q No, when, when, what date?
A I connected with him -- I was arrested January 28th this, this year here, 2019. I -- when I was placed into my pod I was placed into an honor pod. So I got to move around and go into all the other pods because I picked up a job in there, which was in the laundry department, and, and --
Q Okay. I, I actually --
A -- so therefore --
Q -- think that answered my question.
A -- so -- well, I'm getting to your answer. Therefore, when I went into one of the pods he was in that pod and that's where we connected. That was like three or four days later.
Q Right. So --
A From --
Q -- January of 2019 was what I asked.
A -- yeah. So it was probably in February.
Q February of 2019.
A Uh-huh.
Q Okay. So that was two and a half years after Jamal Burgess and Dameion Alston were killed?
A Uh-huh. This -- exactly.
Q So other than talking to the media the morning after --
A Uh-huh.
Q -- and then after reconnecting with Calvin at J. Reuben Long, in that two and a half years --

A No one did I speak to.
Q You knew that Calvin had been charged with two counts of murder; right?
A Yes. I did.
Q And you knew from what you saw and what you testified to --
A Yes.
Q -- he was just acting in self-defense?
A Right.
Q So you didn't go to the Myrtle Beach Police Department and say --
A No. I did not.
Q Why?
A Because I really -- at that time I didn't want to get involved and then my mother did not want me to get involved.
Q But you knew that according to --
A Yes. I did.
Q Let me just finish my questions, if you don't mind?
A Uh-huh.
Q You knew that according to what you're telling this jury Calvin Ford was wrongly accused, wrongly charged with two counts of murder, but you didn't go to the Myrtle Beach Police Department?
A No. I didn't.
Q So now, did you -- when did you get out of J. Reuben

Long?
A April 14th.
Q And tell me about making contact with the investigator.
A That was about -- April 14th, it was after Easter when I --
Q Did you call him, did he call you?
A He -- I called him through, through his cousin.
Q Right. And did you talk to him over the phone or did you --
A Over the phone.
Q Did you arrange to meet?
A Yes. We arranged to meet and that's when I gave my statement.
Q And by the statement, like to get this marked for identification. Thank you. So this has been marked for identification as State's Exhibit 62 and just take a look at that.
A Uh-huh.
Q Is that the statement you're talking about?
A Yes, ma'am. This is it.
Q And where is it that you gave this statement?
A I gave this statement over the phone.
Q Okay. So did you sign the statement?
A I signed the statement a couple of days later.
Q And who worded this statement for you? Did you prepare

this statement yourself?
A No. I didn't.
Q So these aren't your words in the statement?
A These are my words, but he recorded the, the -- recorded the, the conversation over the phone.
Q So there's a recording of an interview with the -- with you?
A Yes.
Q Do you know whether the Defense has turned that over to the State as required?
A I would not know. We were over the phone.
Q And so your testimony that you referred to Jamal Burgess, the man that you claim you loved, cared about as the alleged victim, those were your words?
A Yes. I care about all of them.
Q No. Were the words alleged victim were those words that you used when describing a man that you cared about who had been killed? Did you say alleged victim?
A Yeah. Because -- yes. I did say alleged victim.
Q Okay.
A Yeah.
Q And then you said State's Exhibit 41 and describe the area where that phone pole is that you were talking about before?
A Right here.

Q Not point to it. Describe it. How would you -- if I asked you with your words to describe where that light pole is what would you say?
A It's in the middle of the driveway at the foot of Ms. Holoman's driveway.
Q So you wouldn't say at the property line demarcation between the two combined driveways?
A Uh-huh. I wouldn't have said that. I would say at the end of Dudley, Holloman's driveway because the driveway is between both houses, between her and her daughter.
Q So if the statement that you, that you signed says property line demarcation between the two combined driveways those are not your words?
A Yeah. Those are my words. Yeah. But those words are -- those -- the two houses are right together, daughter and the mother. The, the, the light pole is at the foot of the driveway, their driveway, both driveways. So whether they combined or not they're still the Holoman's driveway the way I've always said it all of my life.
Q Now, you said that you saw the Defendant -- now, and you said you refer to everything as revolvers; right?
A Yeah. Just about, revolver, handgun, 38, whatever. If I, if I knew the name of the gun I would say the name of the gun, but I did not see the type gun it was. I saw I'm saying revolver, handgun, whatever.

Q Well, on, on your direct testimony until asked by Mr. McCoy you repeatedly said revolver?
A Yeah, yeah, revolver, handgun, revolver, handgun, whatever.
Q Well, you said revolver?
A Uh-huh.
Q Do you agree with me that in the beginning of your testimony you continually said revolver, Jamal pulled a revolver, Calvin pulled a revolver.
A Uh-huh.
Q Right?
A Yeah.
Q Okay. And it wasn't until Mr. McCoy asked you that you said, "Well, revolver, handgun, whatever it is."
A Uh-huh.
Q Okay. So then and you just have to say yes or know so the, the nice court reporter --
A Yes. Oh, yes, yes.
Q -- can get down everything you're saying.
A Okay.
Q So then in this statement when you repeatedly refer to it as a handgun --
A Uh-huh.
Q -- back then you referred to it as a handgun all the time?

A Uh-huh.
Q But now you're referring to it as a revolver?
A They all shoot.
Q Yes. They do.
A Okay. Then so what's your point?
Q Now, when you, when you pulled your car up, but let me back up. You said that you were following Ms. Holloman home from the funeral; right?
A Yes.
Q How -- like when I follow someone home I normally -- I try and keep them in sight just so I make sure that nothing happens to them. Is that what you were doing?
A No. I wasn't.
Q So you just -- when you say you were following her home you just meant that she left first and you came home at some point later?
A I came, yeah, because we, we, we did not really travel together as a family, but we all wounded [sic] up in the same location and around the same time. We left Myrtle Beach in one destination going to Spartanburg. Then we left Spartanburg in destination back to Myrtle Beach. They left ahead of us from Myrtle Beach to, to Spartanburg, about 10, 15 minutes, 20 minutes ahead of us going, and then on the way back she pulled out a little bit ahead of me.
Q How much further ahead of you would you say Ms. Holoman

was?
A I would say about 10, 20 minutes ahead of me, but I guess my foot is a little bit heavier than hers.
Q Okay.
A So I, I must have caught up to her a little bit because I arrived at eight -- I arrived back home in around 8:30. Far as I know she had just gotten home.
Q So you left 20 minutes --
A Behind her --
Q -- behind her --
A -- coming from --
Q -- but got home at just about the same time?
A Just about the same time.
Q And now when you pulled up and I know you were going slowly because of all the children?
A Uh-huh.
Q Whose home did you park in front or pull up?
A I did not, I, I did not park. I did not put my car in park. I stopped --
Q Okay. Where did you --
A -- and I stop and go, I stop and go.
Q -- where -- where did you stop your car?
A I stopped it right almost in front of between Tara and the Fords. The Fords is on the -- the Fords was on my left, Tara is on my right.

Q Okay.
A So I'm right in the middle of both houses, which is the Holoman's driveway is about maybe a feet or two ahead of that.
Q Where did you stop, not park your car?
A Stop right about here.
Q Okay.
A So that's the Fords' house, that's Tara's house.
Q So you are indicating a point on Warren Street in front of Tara's house not quite to the driveway?
A Not quite to the driveway.
Q And where were Calvin and Jamal in relation to where you stopped, not parked your car?
A They were right there at, at -- again, at the foot of Ms. Holoman or you may say, per se, Ms., Ms. Campbell because she's married to a Campbell, Ms. Campbell's driveway.
Q So --
A At the foot.
Q -- were they in front of you, behind you, beside you --
A They were in front --
Q -- to your right, to your left?
A -- in the front on the right of me.
Q Okay. Whose back -- were, were they facing sideways?
A Jamal was facing me. Calvin back was to me.
Q Where was Dameion Alston? Was he standing there?
A Dameion Alston was in the back of the driveway.

Q By the basketball court?
A By the basketball goal.
Q When -- and when you first pulled up --
A There were a lot of movement going on.
Q Let me just, if you don't mind, sir, I just really just want to ask you a question and then I'll give you plenty of time to answer.
A Uh-huh.
Q What -- so when you are driving up the street you're saying that you saw Calvin and Jamal come together somehow? They approached each other, came together?
A Uh-huh.
Q And all of that time Dameion Alston is back by the basketball court?
A Yes. But he was -- I guess he was walking around but he wound, probably wound up in the back after everything started unfolding.
Q Right. But I'm just asking you when you saw Jamal and Calvin come together --
A Uh-huh.
Q -- Dameion, you're testifying, was back at the basketball court?
A Was -- he was in the back.
Q Not standing --
A Uh-huh. Not standing --

Q -- next to Jamal and Calvin?
A -- not standing with them.
Q And did you see anyone trying to defuse this interaction between Jamal and Calvin?
A No.
Q No. No. Okay. Now, where did Calvin pull his revolver, handgun, whatever from?
A Pulled it from in the front right here.
Q From his waistband?
A Uh-huh.
MS. WALTER: The Court's indulgence. Nothing further, Your Honor.

REDIRECT EXAMINATION

BY MR. MCCOY:
Q Mr. Stanley.
A Yes.
MR. MCCOY: A little bit of redirect here, Judge.
BY MR. MCCOY:
Q Mr. Stanley, this affidavit that you signed for my investigator, you remember that?
A Yes.
Q Do you remember them just talking about that and going over with you?
A Uh-huh.
Q You know that's the State of South Carolina; right?

A Yes.
Q That's the first time you've ever talked to anybody from the State of South Carolina about this?
A Yes.
Q About the incident?
A Yes. Now, any -- the -- when the investigator came to me --
Q That's our -- the Defense private investigator, but that's the first time that anybody --
A Uh-huh, anyone.
Q And you live, and you live on Warren Street?
A Yes.
Q And you did an interview --
A And they --
Q -- with WPDE.
A Right.
Q Or who'd you do an interview with, I'm sorry?
A Yeah. It was WPDE, 15.
Q And that aired; correct?
A And that aired.
Q And the first time that anybody that you see over here on this side of the --
A No.
Q -- State, their lead investigator, the Prosecutor --
A No.

Q -- anybody has ever talked to you --
A No.
Q -- and you live right there?
A I live right next door.
Q And you're the next-door neighbor?
A Next-door neighbor since 1966.
Q And nobody knocked on your door?
A No one knocked on that door. That house has been there -- my, my exact words, my exact words earlier my parents' home was the third house built on that street before it was even paved.
Q Now, this affidavit that my investigator was able to draw up, was it your understanding that this was for me to know what you were going to say?
A No. It was, it was for my testimony to help my family member.
Q Okay. And so when you say -- when, when the affidavit says whatever that crazy language was about some kind of pole?
A The light pole.
Q Yeah, the light pole, oh, property line demarcation, was that coming from the 20-year investigator and Iraq war veteran or was that coming from you?
A It coming from me.
MS. WALTER: Objection.
A From me, from me, from here.

MS. WALTER: I -- I'm not really sure how the investigator's background, excuse me, is relevant. I certainly don't think that has anything to do with the proceedings here.

MR. MCCOY: I'll withdraw the question, Your Honor. I'll withdraw the question.

THE COURT: Jury disregard the question.

BY MR. MCCOY:

Q The wording wasn't coming from you; correct?

A Right.

Q The exact wording is not your wording; correct?

A No. No.

Q Oh, but you did say --

A Uh-huh.

Q -- whatever property line demarcation --

A Uh-huh.

Q -- between the two combined driveways means; correct?

A Uh-huh.

Q So let me ask you, the Defendant was standing in the roadway and Burgess was standing at the curb near a telephone pole in between [redacted] --

A Uh-huh, [redacted] Warren Street.

Q -- and [redacted] Warren Street that serves as a property line demarcation --

A Demarcation, uh-huh.

Q -- between the two combined driveways. Do you understand what that sentence means?
A Uh-huh.
Q You understand what that means?
A Uh-huh. That means that's the property line of those -- of that property, the daughter and the mother. It has -- those -- I mean, they, they, they, they share -- I always say they share driveways because their -- because mother and daughter. I don't separate mother and daughter or children because they own all of that to me.
Q And you understand that to mean the telephone pole is the property line demarcation?
A Yes. Right here. That's, I mean, that's.
Q So that's, that's the marker?
A That's a marker, you know.
Q So that, that demarcation that's not your word, that's the investigator's word; right?
A It's the, it's the investigator's word, yeah.
Q But it's the same meaning as saying --
A It's the same meaning to me.
Q And you -- and you're here to testify; right?
A Yes.
Q You're not trying to put in this affidavit; correct?
A Not trying, but I am trying to put in that affidavit, yes.

Q But your testimony is what you're here to give; correct?
A My testimony, that's what it is.
Q You don't -- this isn't what you're here to give?
A No.
Q You're here to give your own testimony?
A My testimony, my own testimony of what I saw.
Q Now, the Solicitor said to you a moment ago you said it was self-defense; correct?
A Yes.
Q Now, and, and your response was --
A Yes. It was --
Q -- the Solicitor said -- go ahead. I'm sorry.
A Yeah. The Solicitor said --
Q Let me ask it and let's get it over with. You said it was self-defense; correct, and your response was?
A Yes. Yes.
Q No further questions.

MR. FOX: No questions, Your Honor.

MS. WALTER: No need, Your Honor.

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

MR. MCCOY: Your Honor, we'd ask for this witness to be excused from his subpoena. Thank you, Mr. Stanley.

MR. HOLFORD: No objection.

MR. FOX: No objection.

THE COURT: Without objection.

MR. MCCOY: Your Honor, at this time the Defense rests.

MR. FOX: Your Honor, if I may, we've been going a little over an hour. If we could have a very brief break for myself and then I have two what will be very short witnesses. I feel very confident we'll be done before four if can have a very brief break.

THE COURT: Sure. The jury can step back. Let's take about 10, 15.

(Whereupon, the following takes place outside the presence of the jury.)

THE COURT: The Court will stand at ease for a few minutes.

OFF THE RECORD

(On the record. The following takes place outside the presence of the jury.)

THE COURT: Bring them on.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: All right. Mr. Fox.

MR. FOX: Thank you, Your Honor. Defendant Campbell recalls Nick Alter to the stand.

Whereupon, Nick Alter is called to the stand, duly sworn by the Court and testified as follows:

DIRECT EXAMINATION

BY MR. FOX:

Q Thank you for not swearing yourself in. Would you please state your name for the record.
A Nick Alter, A-L-T-E-R.
Q Okay. And Mr. Alter, seems like a lifetime ago you testified previously in this trial; correct?
A Yes, sir.
Q Would you please remind the jury what your duties are, what your job title is?
A I work for the Horry County Clerk of Court and an administrative assistant in the General Sessions department.
Q Okay. And as part of that is it your job to be familiar with and oversee various records relating to General Sessions Court?
A Yes, sir.
Q Including sentencing sheets?
A Yes, sir.
Q Sentencing sheets being when someone is either found guilty or pleads guilty in court then there's a written record of the charge, the Defendant, the attorneys, the judge; correct?
A Yes, sir.
Q The sentence that is given, and of course, it's dated?
A Yes, sir.
Q I'm going to show you what's been marked as Defendant's Exhibit for ID Number Two and tell me if you can recognize,

generally, what that document is?
A Yes, sir. It's one of our sentencing sheets.
Q Okay. Can you tell me the name of the Defendant on that sentencing sheet?
A Robert Lee Campbell, Jr.
Q Can you give me the Social Security number for Mr. Campbell?
A You want the whole number or the last four?
Q You can do the last four.
A [redacted].
Q Date of birth?
A Date of birth is [redacted].
Q Does that sentence sheet tell you whether this was a -- after a plea or a trial?
A It was, give me one second, looks like it was a plea.
Q And I'm sorry. I skipped a question. Is what -- is Defense Number Two for ID a certified copy of that sentencing sheet?
A Yes, sir. It is.
Q Okay. So that's like official?
A Yes, sir.
Q Okay. And then does it tell you what -- the date that that sentence sheet was signed by the Judge?
A January 20th, 2016.
Q Okay. And can you tell on there what the sentence was?

A Give me one second to read the judge's handwriting. It looks like it was four years concurrent with three other cases, credit for time served.

Q Okay. So on January 20th, 2016, Robert Lee Campbell, Jr., was sentenced to four years in the Department of Corrections?

A Yes, sir.

Q Thank you. Please answer any --

MR. FOX: And, Your Honor, at this time I'd move Defense Exhibit Number two into evidence.

MS. WALTER: If we could just see it. That's fine. No objection.

THE COURT: In without objection.

(Defendant Campbell Exhibit Number Two [Sentencing Sheet] entered into evidence and appropriately marked.)

BY MR. FOX:

Q Please answer any questions the Solicitor has.

A Yes, sir.

MS. WALTER: May I?

CROSS EXAMINATION

BY MS. WALTER:

Q Mr. Alter.

A Yes, ma'am.

Q I'm going to show you Defendant Ford's [sic] Exhibit Number Two.

A Yes, ma'am.

Q Does that sentencing sheet indicate, you had said that the sentence was four years concurrent with credit for time served?
A Yes, sir. Yes, ma'am.
Q How much time served did he get credit for?
A Looks like 251 days.
Q And so in your understanding that would come off of the sentence?
A Yes, ma'am.
MS. WALTER: The Court's indulgence. Nothing further.
MR. FOX: Just very quickly on redirect.

REDIRECT EXAMINATION

BY MR. FOX:
Q Mr. Alter, there'd be nothing from that sentence sheet that would allow you or any other person to be able to tell when a person would be released how much time they would serve or when they would have been released after that sentence?
A No, sir.
Q All right. Thank you. No further questions.
MR. FOX: Ask this witness be excused or return to duty.
THE COURT: You may return to duty.
MR. FOX: Thank you, Your Honor.
Your Honor, at this time Mr. Campbell calls Michael Stobbe. He's right in the ante room right there.
Whereupon, Michael John Stobbe is called to the stand,

duly sworn by the clerk and testified as follows:

THE CLERK: State and spell your name.

MR. STOBBE: Michael John Stobbe, S-T-O-B-B-E.

DIRECT EXAMINATION - BY MR. FOX:

Q Mr. Stobbe, where are you employed?

A South Carolina Department of Corrections.

Q And what are your duties with the South Carolina Department of Corrections?

A I'm a branch chief in the inmate records office. I'm responsible for records management and release.

Q So you are familiar -- give us some idea of what kind of records those would be that you would have access to and knowledge of?

A Sentencing sheets, consent orders.

Q Would you have -- would there be records maintained by SCDC regarding transportation or movement of inmates between facilities to and from court for court appearances?

A In the automated system. Yes, sir.

Q Okay. And is that automated system something that you are familiar with?

A Yes, sir. I've been using it since 1979.

Q Okay. And from that automated system can you generate reports or records from which you can print out and bring with you to court?

A Yes, sir.

Q Okay. And those would be official documents, kind of official documents in your mind that are generated by the Department of Corrections, maintained and generated by the Department of Corrections?

A Yes, sir.

Q Okay. Now, let me show you what's been marked as Defense Number Two, and tell me, generally speaking, you can recognize what that is?

A That's the General Sessions sentencing sheet that's used by all 46 South Carolina counties. This one happens to be from Horry County.

Q Okay. Okay. So you answered my next question. This is from Horry County, and if you would, please, again, what is the date, the sentencing date on that sheet?

A January 20th, 2016.

Q Okay. And the individual listed as the Defendant?

A Robert Lee Campbell, Jr.

Q And could you give us the last four digits of his Social Security number?

A [redacted].

Q Okay. And then the sentence that he, that he received?

A Four, four years for petit or simple larceny.

Q Okay. Now, did you bring with -- you're here pursuant to a subpoena that I served on the Department of Corrections; correct?

A Yes, sir.
Q Okay. And then at my request did you review and bring with you some records relating to Mr. Robert Lee Campbell, Jr.?
A Yes, sir.
Q Okay. You have those with you?
A Yes, sir.
Q Okay, if you need to refer to those to refresh your recollection. Do your records reflect when Mr. Campbell, and I'm going to talk about the period from January, January 1st of 2016 until today. Okay. Let me ask you this, does Mr. Robert Lee Campbell have some -- do you have records relating to Mr. Campbell prior to January of 2016 in terms of incarceration?
A Yes, sir.
Q Okay. But do you also have records for him after January of 2016?
A Yes, sir.
Q Okay. Regarding that period, what does -- what do those records reflect regarding where he was? Let's start with January 20th of 2016. Is there any information about where he was or any movement?
A He, he left the Turberville Correctional Institution on January 20th, 2016, and came to court here in Horry County.
Q Okay. And then when did he return or does it reflect whether he returned to the Department of Corrections?

A Yes, sir. January 20th, 2016, went back to Turberville, which is the same day he came to court.
Q Okay. Is there any other movement reflected regarding Mr. Campbell?
A Yes, sir, several.
Q Okay. Let me ask you this, when was -- and would that reflect when he was released from that sentence, that four year sentence, the sentence you referred to, would it reflect when he was released from the custody of the Department of Corrections?
A Yes, sir.
Q And when was that?
A May 2nd of 2017. Now, he was, he was released from our custody but he was placed on a supervised reentry program.
Q But he was physically -- and that's still at Turberville?
A Let's see. No. He was at Evans on May 2nd of 2017 when he was released.
Q That's at Evans Correctional Facility?
A I'm sorry. Yes, sir.
Q Okay. And that's obvious to you and me that is a prison within the South Carolina Department of Corrections?
A Yes, sir.
Q Okay. So from January 20th of 2016 until May -- I'm sorry. What was the date?
A May 2nd of 2017.

Q During that interval he was in the custody, control and physical presence of one facility or another of the South Carolina Department of Corrections?
A With the exception of the, the day he went to the Palmetto Richland Hospital.
Q Okay. And that's Palmetto Richland is in Columbia?
A Yes, sir.
Q And what date's that?
A November 16th of 2016.
Q Okay. So from January to November of 2016 he's in prison. In November he has some health issues. They take him to the hospital?
A Yes, sir.
Q And I assume he would have been under -- in custody and under escort?
A Right.
Q Guarded the entire time? So can you safely say from those records that he was not in Myrtle Beach in late July or August of 2016?
A July of 2016?
Q Late July and the first week of August?
A No, sir. He was at the Trenton Correctional Institution or the Wateree River Correctional Institution.
Q Thank you. Please answer any questions the Solicitor has for you.

MR. FOX: Whenever --

MR. HOLFORD: To go back to me, Your Honor?

MR. MCCOY: I'm good, Judge.

THE COURT: You're good. Go ahead.

CROSS EXAMINATION

BY MR. HOLFORD:

Q Mr. Stobbe, do, do inmates have access to phones?

A They're not supposed to, but yes, sir. We, we have hundreds of them in the Department of Corrections.

Q Okay. And I'm sorry. I honestly did not mean to get into that issue. I mean, are there telephones in the Department of Corrections that inmates are allowed to use, permitted to use?

A That's kind of out of my scope of expertise, but yes.

Q Okay. And, and are they allowed to have contact with family members?

A To my knowledge, yes, sir.

Q Since I did open the door, I didn't intend to, but since I did, are there illegal phones also in SCDC?

A Yes, sir. Those were the ones, I'm sorry, I thought you were -- anyway, I assumed and I should not have, but yes, sir, there's hundreds of illegal phones within the confines of the Department of Corrections.

Q And are those sometimes cell phones that an inmate might have that he's not supposed to?

A Yes, sir.
Q I have no further questions.
MR. FOX: No redirect. We ask that the witness be excused, Judge, from his subpoena.
THE COURT: Thank you, sir.
A I can be excused?
MR. FOX: Thank you, Mr. Stobbe. Defendant Aliga Campbell rests, Your Honor.
THE COURT: Anything in rebuttal or reply?
MS. WALTER: The Court's indulgence. No, Your Honor, no rebuttal. So the State would rest again.
THE COURT: All right. Okay. It's right at four. We're going to stop for today. That completes the evidentiary portion of the trial, ladies and gentlemen. So the next portion we will move to will be closing arguments and then after that the Judge's charge of the law. We're going to do that at 9:30 in the morning. Court will stay in session after the jury is released for the afternoon. You all have a good evening. Remember my instructions, don't allow anybody to communicate with you. If there's an attempt, contact law enforcement. No independent research. Avoid any press coverage until after this case is completed. You all have a good evening and we'll see you in the morning.
(Whereupon, the following takes place outside the presence of the jury.)

THE COURT: All right. Anything else?

MS. WALTER: No, Your Honor.

MR. MCCOY: Nothing from me, Judge.

MS. WALTER: No, Your Honor.

MR. FOX: No, Your Honor.

THE COURT: All right. The principals in this case, the State and the Defense, you are free to leave at this time. However, I have an issue about court security. You're welcome to stay if you want to, but I've got to resolve this with the Sheriff's Department.

MR. FOX: And I, and I, I misunderstood when you said anything else. Obviously, there's no more testimony. Obviously, we do have motions at the close of all evidence. We have -- I believe Mr. McCoy probably does, too. So to be clear, we do have motions prior to court adjourning today.

THE COURT: All right. Yeah. I wondered what was going on. You all knew something I didn't know.

MR. MCCOY: Thought we were --

MR. FOX: That, that was my misunderstanding, Your Honor, and I don't know if -- Mr. McCoy, why don't you go.

THE COURT: Defense number one.

MR. MCCOY: Thank you, Judge.

MR. FOX: There you go.

MR. MCCOY: At this time Defendant Number One, Calvin Ford, renews all of his motions during the trial, especially

-- including objections, including hearsay and some things that were -- at, at -- ruled admissible that we objected to, the playing of Ms. Young's statement and her referring to it as well as inadmissible hearsay, and we also renew our motion for a directed verdict at this time, Judge, and we renew our -- all standing objections at, at, at the close of our argument as well. Thank you, Your Honor.

THE COURT: Solicitor.

MR. HOLFORD: Yes, Your Honor. As before, the State's concerned with existence or nonexistence of evidence and whether that existence of evidence does support the charges, in this case the charges being possession of a weapon by a person convicted of a violent crime. There has been competent evidence introduced into the record. The Defendant was convicted of a violent crime and possessed a weapon. As to the murder charges there has been competent evidence both by physical evidence as well as testimony that the Defendant did shoot and, and kill with malice aforethought two individuals in this case Jamal Burgess and Dameion Alston. The State would argue that there is certainly competent evidence enough to survive a directed verdict motion and submit the case to a jury.

MR. MCCOY: Your Honor, in reply, there is absolutely no evidence of malice aforethought. There is no mention that or no proof that Mr. Ford at any time showed any plan, any

State then gets rebuttal close as well.

THE COURT: Pardon?

MS. WALTER: That's our -- the State's position is that because both Defendants have presented evidence --

THE COURT: Oh, yeah.

MS. WALTER: -- the State then gets a second close.

THE COURT: Yes. Try to stick to your timing. You know, there's statutory controls on that, but once you tell the Court what -- how much time you're going to use, now, what I do sometimes I'll let you know that you've used your time and then give a few minutes to close out, but I don't think I'm going to have to do that. Okay. All right. You all ready?

MS. WALTER: Yes, Your Honor.

THE COURT: Everybody tuned up and ready to go?

MR. MCCOY: Yes, sir.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: Move on to the argument portion of the trial. Counsel.

MS. WALTER: Thank you, Your Honor. May it please the Court?

THE COURT: Yes.

MS. WALTER: I have a love-hate relationship with television. After days like we've had this week I love to go home, turn on the TV and just let my mind sort of chill out,

not think about anything, but I also hate it because a lot of the shows that I tend to watch are shows like Law and Order, CSI, and those set up false expectations for the general public. For me it just makes me sit there and argue going, "That would never happen," but in a show like Law and Order this case would have been concluded in half an hour, and we clearly know that that is not accurate. Justice in the real world is very different than justice on TV. It involves many more rules, much more tedium and for you certainly a lot more back and forth to the jury room, but setting that aside, any criminal case is a combination of law and facts. As Judge Burch told you in the beginning of the trial, he is the judge of the law, and he will instruct on the law when we are done with our closings. You collectively are the judges of the facts, the fact finder. You determine what actually happened on the night of July 23rd, 2016.

Now, I'm going to give you what I hope is an accurate preview of what Judge Burch will say, but as I said, he is the judge of the law. So what he says controls.

You are here to decide verdicts against two different Defendants. I'm going to start with the one charge against Calvin Ford that sets him apart. He is charged with possessing a firearm after having been convicted of a violent crime. In the State's mind this should be the most straightforward decision that you make because there is

absolutely no contention that Calvin Ford did not possess a gun that day, and I just did a double negative. Everyone agrees that Calvin Ford had a gun that night, even his own witnesses, and there is uncontroverted evidence that he has a conviction for a violent crime. Those are the two elements of that charge, and the State would submit to you that we have proven that beyond a reasonable doubt. Now, both Calvin Ford and Aliga Campbell are charged with two counts of murder, one naming Jamal Burgess as the victim and one naming Dameion Alston as the victim.

So what is murder? Essentially, murder is the unlawful killing of another with malice aforethought, legal terms. What's malice? Malice is ill will or hatred. That's how we qualify malice, and you can infer malice from a number of circumstances in this case. You can infer malice from the fact that Calvin Ford brought a gun to that party. You can infer malice from the fact that Calvin Ford pointed that gun and fired at Jamal Burgess striking Jamal Burgess, continuing to fire, striking Dameion Alston. Malice can be inferred from conduct showing a total disregard for life. You have a celebration out on Warren Street that day. Anywhere from 20 people or more, celebrating, small children celebrating, and that Defendant and that Defendant, Calvin Ford and Aliga Campbell, took it on themselves to turn it into a shooting gallery sending people running for cover. You can infer

malice from that, and don't think that malice has to be some thought out plan that they sketched out a week before. Malice can be formed in an instant. There's no timing requirement. So that's what constitutes murder.

Now, Calvin Ford, again, sets himself apart a little bit because I would imagine he is going to argue self-defense. "I killed Jamal Burgess because I felt threatened by him," and make no mistake, the State has to prove that this was not self-defense. The Defendant does not have to prove anything, but in order to prove self-defense or the three elements are that the Defendant is without fault in bringing on the difficulty. So again, let's look to the fact that he went to a party where the State would submit he knew Jamal Burgess was because they had been there together a couple of other times earlier in the evening, which I'll touch on again, and he brought a gun there, and you'll hear, again, and I'll touch on this later, Aliga Campbell allegedly had a fight with Jamal Burgess and then tried to call Calvin but Calvin was already on his way over. So the State would submit he brought on the difficulty.

Next, the Defendant has to be either be in actual imminent danger of great bodily injury or a reasonable person would have to believe that in that circumstance they were in danger of imminent physical injury, and we would submit that that's just not reasonable. Even if you believe that Calvin

Ford was in fear, which the State would submit he was not, was that reasonable.

So there was testimony about this teeth knocking out incident, but it occurred four years, four years before Jamal Burgess was shot to death. There were some allegations, whether or not you believe them, that Jamal had said at times that he was going to kill Calvin Ford, and I think it was Jerome Thompson that said, but it was 10 years ago, and he never communicated the threats to Calvin. So how could that make Calvin afraid if he didn't know about the threats. Calvin's mother testified, "Well, Jamal Burgess was on the block the day before. I told Calvin, but neither one of us thought anything of it." So there's no evidence of any fear on Calvin Ford's part, no evidence of any reason for him to fear Jamal Burgess.

Lastly, there must be no other way for Calvin Ford to have avoided the danger. Well, there are a lot of ways he could have avoided this, don't go to the party, don't bring a gun, don't get near Jamal Burgess. All of those are ways to avoid killing Jamal Burgess.

Now, in his opening Mr. Fox said, "Well, okay, that's all good with Calvin Ford but Aliga Campbell is separate. They are not one. They may be sitting at the table together but they are separate." The Judge is going to issue you a charge known as the hand of one is the hand of all. What that means

is that if two people act together, the actions of one apply to both of them. So if Mr. Holford and I go up and try to rob Investigator Pop and I'm the one that takes her wallet, Mr. Holford is just as guilty as I am because we're acting together. So although the initial incident started with Calvin Ford, Aliga Campbell certainly joined in and they acted as one and the hand of one is the hand of all.

Now, we do have two victims. Jamal Burgess, I think, is clearly the intended victim in this case. I don't think anyone would dispute that, and I think it's clear that Dameion Alston was an innocent bystander, but there is also this concept of transferred intent, that if I intend to do something to one person, if I intend to shoot a person and either I'm a bad shot or the bullet goes through them and hits another person, my intent to shoot, my intent to kill transfers to that second victim. So whether or not they intended to shoot Dameion Alston they are still guilty of shooting and killing Dameion Alston. So, again, that's just a very brief summary of the law. The Judge will instruct you more fully. So I want to turn to the facts. This is where your collective decision-making comes in.

One of the Court's instructions to you will be that you have no friends to reward and no enemies to punish, meaning you sit there as unbiased fact finders. He will also instruct you about credibility because this case rests on credibility,

who do you believe, and credibility, quite frankly, is do -- who, who do you believe. This is something that you decide every day. Every interaction you have with someone you make a determination of whether or not you believe them, whether or not they're credible, and how do you do that? Are they looking you in the eye? Are they kind of turning away? Are they speaking to you directly? Just use your common sense and you will be able to tell who told the truth in this case.

So I know it's been a week. It's been a long week. There have been a lot of witnesses. So I thought it would be helpful just to give a little summary of each and how it fits into the State's theory of the case. Let's start with the State's police witnesses.

So you had officers, Devoid and Turner. They both testified that they arrived on the scene within minutes of that first 911 call, and they both went to render aid, one to Jamal Burgess, one to Dameion Alston, who was beyond help at that point. They did testify it was dark out, there was a crowd, crowd around both, both young men, and that they began lifesaving techniques, never saw a gun, didn't see a gun on either one of them, didn't see a gun near either one of them. Didn't see a gun taken from either one of them, and I would suspect, sometimes I have to predict what the Defense will argue, I expect that perhaps the Defense will say, "Well, you know, all their friends were around, probably someone just

took the gun for them" but if you remember Ms. Williams' testimony she said that the crowd around Jamal, "Come on, come on, J. Money, come on, Jamal, don't do this to us. Hang on. Hang on. Hang on," do you think that they were so concerned at that point with the crime scene and potentially a police officer finding a gun or were they concerned with keeping their friend alive? There was absolutely no evidence to support the notion that someone removed a gun from either victim.

Officer Harlow, Officer Harlow testified that when he responded to the scene in addition to crime scene control, he and Officer Householder, move this over, he and Officer Householder walked the crime scene looking for any evidence. He testified that they walked all back here, all where all of these trees and bushes are at the dead end of Warren Street, did not find a gun, no evidence that a gun had been thrown there. Crime Scene Investigator Bailey, his responsibility was to photograph the scene, and what he found were the five 380 shell casings all in a row right about here on Warren Street. Those are the markers that you see in State's Four. The 9 millimeter shell casing is found in the middle of the street. When he talked about the shell casings he said, well, that indicates to him two shooters, one where the 9 millimeter was and then where the 380 shell casings were it indicated to him someone in a straight line, whether -- but he couldn't

tell honestly whether they were advancing or retreating, but one gun moving forward or backward, and if you remember, there was also a -- there was a passenger car in the driveway and this is, again, State's Four, this white car remember there was a strike mark on the car. You'll see it right by the door of the car showing you the direction of the shots being fired from the street up towards the driveway as Jamal and Dameion fled for their lives, and again, David Bailey, CSI Bailey walked the entire scene, the entire street. That's his job, to look for evidence, and he could not find a gun or any evidence that Jamal or Dameion ever had a gun.

Then we had Jason Shumpert, and Jason told you how he tried to interview people. He went knocking on doors. He had a list of people that he tried to contact including Everett Ford, and I believe the testimony, and by the way, the Judge, you've heard the Judge will instruct you several times that what the attorneys say is not evidence. It is what your recollection says that controls, and I hope that you keep that in mind. So Jason Shumpert told you that he tried several times to contact Everett Ford, was never able to make contact, and I'll get back to that in a moment. He testified that people were very reluctant to get involved, and unfortunately, that is not unusual in these cases. Now lucky for, for us, we had a number of people who were brave enough to come forward, and I'll talk to, to you about them in just a minute, and then

there's Detective Whitmire, the lead investigator on the case, who has worked this case for well over three years now and continued working all the way up through this trial. She testified that when she got there that night there were people who wouldn't even look at her. You have two young men shot to death laying in the road, were laying in the driveway in, in two different spots and people wouldn't even look at her. People who were clearly on the scene would not give her any information.

Now, if this was truly a case of self-defense don't you think that they would have said, "Hey, you know what, I saw Jamal try and shoot Calvin. This was self-defense." You know, end it all right here, but no one did. No one would talk to her. She was getting leads, developing suspects as early as that night, but she didn't want, she didn't want to arrest someone just based on a rumor. She wanted corroboration, and she told you how she either ruled suspects in or ruled suspects out. She doesn't look at something in a vacuum. She looks at all of the evidence and says, "Well, how does this fit in with this information that I'm being given," and even though Aliga Campbell's name came up very early in the investigation, she just didn't believe that she had enough at that point. It is not her job to just simply go out and arrest people for murder. It is her job to make sure that there is enough evidence to arrest them for murder, and that

came through the statement of Robert Campbell, and I can pretty much guarantee you that the Defense will spend quite a bit of time on Mr. Campbell. He was an interesting fellow, and I venture to say most of you have seen more people or inmates in different colored jumpsuits this week than you have in your entire life.

So Robert Campbell came in and you'll be asked to judge his credibility at two different points, when he gave a statement to Detective Beam, Sergeant Beam, and when he sat on that witness stand. Now, when he spoke with Detective Beam he's in the relative privacy of the police station or the jail, no family members around. He thinks to himself even though Sergeant Beam clearly says, "No, I cannot make you any promises. I can't give do anything for you," but he thinks, he thinks he can help himself. So he tells the truth. He tells the truth of what Aliga Campbell said to him. "There were two shooters out there. I'm one of them. One of those bullets is mine. I had a 9 millimeter gun." The State would submit that that was when he was telling the truth. Now then he comes out from lockup, and you could see him sitting on the stand, not looking at you, smirking, looking at the audience, the Defense side of the courtroom, mouthing words, laughing. He wouldn't even admit that he had done an interview. You heard his voice on the interview. He wouldn't even admit that that was him. So don't think that someone coming in and

placing their hand on the Bible automatically means that they're telling the truth because it certainly doesn't because Robert Campbell didn't tell the truth when he was in here facing you. He told the truth when he was speaking with Sergeant Beam, that Aliga Campbell admitted to murder. Now, so that gave Detective Whitmire enough evidence that the team believed, "We can now arrest Aliga Campbell."

Detective Whitmire, again, still investigating, also sat through a prior proceeding where the Defendant, Calvin Ford, admitted being at the party, admitted having a gun, admitted firing a gun, admitted fleeing the scene and admitted throwing that gun in the pond. Now, if you have really just defended yourself against a real threat, if you are justified in killing another human being are you going to flee the scene? Are you going to throw the gun in the pond? Those actions show a consciousness of guilt. Those actions show that Calvin Ford knew then that this was not a case of self-defense.

Then we have our SLED witnesses, and from them we know that the fired bullet that was found in the driveway had passed through Dameion Alston's body. If you remember the DNA analyst Sarah Goodman said that she was able to match the DNA profile from the fired bullet to Dameion Alston's DNA and it was some astronomical number more than the world's population that she would be wrong, couple that with the testimony of Jamie Green, who said that that bullet was mostly consistent,

he couldn't make a definitive finding, but mostly consistent with a 380 caliber. Lo and behold, what we have at the scene? Five 380 casings. Jamie Green also tells you there was definitely more than one gun involved. Now, the State would submit that if you look at the evidence as a whole there were two guns involved, a 9 millimeter and a 380, but here's the thing with forensics and this is another thing that drives me nuts with TV because on TV, number one, the forensics are always done instantaneously, would that that were true, but number two, the forensics always are so definitive that it solves the case one way or the other, but the reality is that oftentimes the forensics can say, "I can tell you this. I can get you this far, but I can't get you a hundred percent definitive answer." So Jamie Green has to say, "Well, there were at least two, maybe three or four guns," because with the five 380 cartridge casings he can say, for sure, four of them were fired from the same gun. The fifth one he said probably, "But there weren't enough markings for me to say, yes, absolutely, it was fired from the same gun." The 9 millimeter we know was not fired from the same gun. So that gives us two and a half guns, but we would submit two guns, and then the reason why he has to say two or more guns is, again, that bullet that passed through Dameion Alston, the one that was likely a 380. Because he couldn't match that definitively to one of the casings he has to say, "Well, maybe there was

another gun," but logic should tell you there was a 9 millimeter and a 380 out there and that's it.

Then we have Dr. Proctor. I mean, I think -- I don't think there's any dispute that both Jamal Burgess and Dameion Alston were shot to death. Dameion Alston was shot once through and through. Dameion Alston was shot three times. Now, Dr. Proctor also talked about the toxicology screening that's done routinely, and Jamal Burgess, they were drinking, no doubt about it. It was a birthday party. Jamal Burgess had a BAC of .134. Not that bad, not twice the legal limit. Dameion Alston, the birthday boy, the birthday celebrant, was .223. Neither one of them, neither one of them had drugs in their system.

So now that brings us to the other civilian witnesses, and remember, think back to how difficult it was for the police to get anyone to cooperate, and then think to the women who were brave enough to come in here and testify to you to what they saw, who have been consistently telling what they saw from right around the time of the shooting, and remember that phrase I said to you, "No friends to reward, no enemies to punish."

Cup, Darlene Young, Felicia Williams and Sherika Gore, they don't have friends and enemies on either side. They are friends. They all grew up together. You could see how difficult this was for them. It's not like, "Oh, I hate

Calvin. I hate Aliga, so I'm going to say whatever I have to." They grew up together. They're friends, were friends. So they had no friends to reward, no enemies to punish. So and then you also have Ms. Holoman, Ms. Dudley, whose house the party was at. So what does she add to our story? Ms. Dudley came home from the funeral. She sees Jamal and describes him as friendly and happy. He's talking on the phone, remember the phone case on his waist, talking on the phone, and he stops his conversation to help her in with her groceries. Now, the Defense would have you believe that five minutes after this happy, friendly young man, helps an older woman with her groceries, he then turns around and tries to kill Calvin Ford. Does that fit their logic? It doesn't with the State's.

When Ms. Holloman saw Jamal Burgess, and remember, she had got -- she had a full view of him as he helped her, never saw a gun, never saw him with a gun that day, and then she went inside and about five minutes later that's when she heard the shots ring out.

Darlene Young, Darlene certainly has had some trouble in her past, but she is actually quite a charming young woman, and she, although reluctant at first because who wouldn't be in this situation, she did tell the police shortly after the murder what she saw. She has been consistent in every major way with what she said happened, all the way through to

testifying on the witness stand. "I saw Calvin come up. He and Jamal sort of met up." Now, Darlene was standing sort of right by the light post. Calvin came from across Joe White Avenue. Jamal kind of met up with him. They were in the street. It seemed friendly, nothing -- nothing -- no problems because she said if she had heard anything at that point it would have caught her attention. So she just hears this friendly conversation. Then she hears the voices raising and she turns. She sees Dameion get pushed out of the way. Jamal has his hands up, no gun, no gun in his hands, and Calvin takes a gun from his waistband, from his waistband, and as Darlene said, boom, shoots Jamal Burgess, shoots him in the side, which is exactly where he got shot, which tells you that's corroboration for what she said happened. She never saw Dameion with a gun. She never saw Jamal with a gun. The only person she saw with a gun that night was Calvin Ford.

Now, Sherika Gore, Sherika Gore was there. She had her four children there, which gave her that sort of special angst at the end, but she says, also, she saw Jamal and Calvin having a friendly conversation. Again, didn't think anything about what was going on because if she had seen a problem she would have tried to defuse it, but it was nothing, everyone was just sort of hanging out having a good time celebrating the birthdays. Then again, she hears an argument start, and she turns and she sees Jamal push Dameion out of the way. She

sees Calvin Ford take a gun from his waistband, not bend down and get it from the ground. She sees Calvin Ford shoot Jamal Burgess. She does not see Jamal with a gun. She does not see Dameion Alston with a gun, and like any smart person would do, she ran. Now, there was some back-and-forth when she was on the stand. "Well, you testified that you ran when you saw the gun. Now you're saying you saw the gun fire." Well, let's think about it, if you're pulling a gun, are you going to go slow motion, wait a couple of seconds and then fire or does it all happen simultaneously? So she didn't contradict herself. The gun is pulled, it's fired, she's running, she's running. She testified, she said to the detectives, "I saw the fire come out of that gun. I saw the fire come out of that gun."

Now, there was also some question about, "Well, you testified it was a big ass gun. A 380 is so small." If you're a young woman with four children, your youngest being three months, wandering around, playing outside and you have no familiarity with guns, and you see someone take out a gun and shoot your friend, I'd call it a big ass gun because it would look huge to me at that point. I'm not going to sit there and say, "Oh, well, you know, it was about a five-inch barrel." It was a big ass gun and it killed her friends, and again, neither -- Sherika did not see either Jamal or Dameion with a gun. She saw them after they had fallen to the ground,

did not see a gun on them, did not see a gun around them, didn't see anyone pick up a gun from around them, didn't hear any talk about a gun being taken.

And then Felicia, Felicia Williams who had it out with Mr. McCoy a little bit. Felicia Williams also has been telling consistently from the day or two after the murders through to her time on the witness stand. She got onto Warren Street shortly before the shootings and, yes, Milestone, it doesn't show her car, but we also know that there was one video that didn't download correctly, but here's my question for you with her. Why would she say she was there if she wasn't? Did she look like she was enjoying her, her time on the witness stand? So she got there shortly before the shooting, and as she parked she parked kind of in front of I think it was Mr. Herman's house she said right across the street from Ms. Dudley's house and she sees Calvin, Jamal and Dameion standing in the road. Calvin is face -- is -- has his back towards Joe White Avenue facing down Warren Street. Jamal has his back towards Warren Street facing towards Joe White Avenue. Dameion is in the middle of them, standing all in a row. She wasn't really paying that much attention, didn't seem like there was a problem, and then she heard a glass break, that bottle of Hennessy that a number of witnesses have talked about, and that caught her attention. So she stepped back and she looked to see what was going on,

and she saw Calvin Ford pull a gun from his waistband, not from the ground, from his waistband. She saw Jamal moving Dameion out of the way, and she saw Calvin forward hit Jamal Burgess, and she testified that she saw Jamal Burgess start to run away, never saw him with a gun, never saw Dameion with a gun. She ran into Ms. Dudley's house. She saw Aliga Campbell in there, and then she comes out and she sees Sherika Gore and Sherika is screaming, "Get my kids, get my kids, get them out of here," and so she does, and in that timeframe, Aliga Campbell is now out of the house and running across the street with Calvin Ford.

When Felicia comes outside she sees Dameion Alston, barely recognizable, face down, head in a pool of blood, no gun, no gun on him, no gun around him, no one picking up a gun from him, no talk of a gun being picked up from him, and remember that Dameion's body was found all the way back here by the basketball court in a very dark area. Jamal Burgess, on the other hand, fell mortally wounded right there on the sidewalk in the driveway, and there was a crowd of people over him, "Come on, Jamal, don't do this to me. Hang on, buddy, hang on," and what does he say, "He got me. He got me," but again, no gun on him, no gun around him, no one taking a gun from him, no one talking about a gun. They have given consistent details from the time of the shooting until now.

So now let's look at the Defense witnesses. Emily Ford, the Defendant's mother, okay, well, you know, how do you expect her to testify, but first of all, her timing doesn't match up to the GPS. She doesn't see really, and I think she said the last time she saw Calvin that day was at 7:30 when he left, but we know that Calvin was at the party at three different times. So he was there from 5:11 to 5:26, from 6:56 to 7:13, and then the fatal seven minutes, 8:52 to 8:58, but according to Ms. Ford he left the house at 7:30, but the other thing that she adds to this is she did say she saw Jamal on her block the day before, didn't think anything of it. Jamal didn't say anything to her, didn't threaten her, didn't point a gun at her, nothing. She mentioned that Calvin, Calvin didn't seem concerned either. Does that sound like someone who's fearing for his life, excuse me, and then Patrick Brave, Patrick Brave is actually a friend of Jamal's, but he did testify that Jamal called him that night, "Hey, man, you coming out. I'm going to go talk to that guy about the teeth incident," but what did he say when I said, "Well, what does that mean to you? How did you take that? I mean, this is your friend. What did you think he meant?" "He was going to squash the beef," because remember, Jamal had just gotten out of jail the Wednesday before. I think he had been out three or four days before he's killed. Everyone testified he was in a happy, friendly mood. So it makes sense that he is trying

to squash this beef. That's what Patrick Brave told you, and I mentioned this before, Jerome Thompson was in custody with Calvin and said 10 years ago. So that would be 2009, a full seven years before this incident. "Well, Jamal said he was going to kill Calvin about, you know, and but he never communicated that threat to Calvin." So again, that could not add in to Calvin's alleged fear of Jamal because he never knew about it.

Now, Maurice Vereen, and, you know, this is where I think it gets interesting. So Maurice Vereen comes in to testify to you, and you know, he, he gave a statement, but that's not a statement that he wrote. It was a statement that the war veteran wrote, and his testimony didn't match the statement that he wrote, so maybe the wrong witness testified because on the stand Maurice Vereen said, "I never saw Jamal with a gun." He said he saw him reach, but never, never saw him with a gun, and he said that he had been out there -- Calvin had been out there for 15 to 20 minutes before the shooting, but we know that's wrong because he got there and six minutes later Jamal and Dameion were either dead or very close to it.

And then we get to Everett Ford, Everett Ford. Now, Calvin Ford's cousin, certainly a bias there, and let me just even start this with if your cousin were on trial for two counts of murder and you knew from the date that those two young men were killed that your cousin had acted in self-

defense are you just going to sit there and wait? You know, the Defense has made a big deal about how long it took this case to get to trial, which, by the way, is not unusual in Horry County, but would you sit there and let your cousin face these charges if you knew truthfully there's self-defense. You wouldn't, but I think there are some things that we can get from his testimony. So first of all, he says that Jamal and Aliga got into a disagreement and that Aliga tried to call Calvin but Calvin was already on his way, and the State submits to you that that's what drags Aliga and Calvin Ford together into this.

So Everett says when Calvin came over Jamal motions to him, "Hey, come here." Okay, if I am mortally afraid of you, if I am terrified that you're going to knock my teeth out, kill me, punch me, hit me, kick me, anything, I am not going to walk over to you. I am not. There was no need to. Go talk to one of the other 20 people that's at the party, walk back home, make your curfew, but you're not going to walk up to someone that you think is going to kill you. So and other things to consider about his testimony, now, Everett Ford says he was coming from this back end of Warren Street. Now, remember, that all of our witnesses say that Jamal, though if he's coming from the back of Warren Street, Jamal's back would have been to him, then Dameion in the middle and then Calvin Ford facing him. Well, first of all, Walter Stanley's car,

which was stopped, not parked, was here. So the headlights would have been shining directly in Everett Ford's eyes, but again, Jamal Burgess' back was to him. So how does he tell what Jamal Burgess is doing, but he said, "No. I saw it, and he pulled out a silver gun." Said it again, "The only color I remember is chrome."

Now, on cross examination of Sherika Gore the State used -- the Defense used State's Exhibit 38 and Defense Exhibit Eight trying to say that's the gun. Even if you believe that this is the gun, what color is it? It's black. It's not silver. It's not chrome. It's black, which means that Sherika Gore was correct when she said it looks like an Otterbox cell phone case. That is not a gun, and then Everett Ford says, "Well, you know, yeah, Jamal took out the gun and boom, but he missed." Well, if I'm standing and I don't want to threaten any of the jurors, if I'm standing this close to someone I don't care how drunk I am, how bad a shot I am, I'm pretty sure I can hit him. Why didn't the shot hit Calvin? Because it never got fired. Jamal never had a gun, never fired a gun, and then according to Mr. Ford, Calvin did some sort of falling back and picked up what must be Dameion's gun on the ground, but remember that Everett Ford said Dameion was trying to break them up, must -- his gun must have fallen out, then Calvin's falling into the gun and then just starts firing. It doesn't makes sense. The shots, the shell casings

are coming in a line along Warren Street. The strike mark is on the passenger side of a vehicle in the driveway, and remember that Investigator Bailey said typically shells eject to the right. So that matches with Calvin Ford standing in the road and firing at Jamal Burgess and Dameion Alston as they fled because if Jamal was firing you'd start seeing shell casings over here. So the crime scene doesn't fit Everett Ford's story, and again, go back to the fact that he never told anyone that his cousin had been wrongfully charged with murder. That just doesn't make sense.

And then Mr. Stanley, ah, Mr. Stanley. So he's saying he followed Ms. Holoman back from the funeral. Although he left 20 minutes later than her he said he got home at 8:30. She got home, by all accounts, at about 8:50. So he leaves 20 minutes before her and gets home, I mean, leaves 20 minutes, yeah, after her and gets home 20 minutes before her. So that is quite a lead foot as he claimed. He says that when he carefully parked his car up the street that he saw Dameion Alston back by this basketball court. Now, remember, and understand that there are crime scene lights here. This is that basketball court back there. Okay. His car is parked here. How does he see back to the basketball court? Even if he were parked closer it wouldn't be light enough for him to see Dameion Alston back there, and not a single other person testified that Dameion was back there. That's where he died,

but even every other Defense witness who testified that they saw the shooting said Dameion was in the middle of the street trying to break up a fight, and again, Mr. Stanley admittedly cares for Calvin Ford and Aliga Campbell. He knew what happened that night. "Well, you know what, I didn't want to get involved." Oh, you gave a news radio -- a news interview, "But I'm not going to tell the police that a man that I care about is in custody for a murder, because that's where they met -- met back up. No. No. I just don't want to get involved." That just doesn't make sense, but even Mr. Stanley says, "I saw Calvin pull a gun from his waistband." There are consistencies even when the Defense witnesses are not telling the truth. Another, and let me jump back to Dameion for a minute. Another reason why you should know that Dameion could not have been back at the basketball court when he was shot, if you look, you will see a trail of blood leading in the driveway back to where Dameion fell. That trail of blood would not be there if Dameion was standing back at the basketball court when he had been shot because Jamal falls much closer to the head of the driveway. You can see his belt and blood there. So Walter Stanley's well-meaning testimony does not match the facts of this case.

Again, ladies and gentlemen, this case will rest on -- one second. Let me say one other thing about Mr. Campbell and this whole idea of a revolver, "I saw Jamal pull out a

revolver. I saw Calvin pull out a revolver. Oh, you know what, they're all the same. They're a gun. They fire," but even if you don't know a lot about guns, that's a very basic distinction that most people know, a revolver has a little barrel and if it had, had been a revolver there'd be no shell casings. So I would suggest that Mr. Stanley's testimony is not even, even worthy of consideration.

So, again, ladies and gentlemen, this case comes down to who do you believe. Who does your common sense tell you has come in and told you the truth as they have been telling it since July 23rd of 2016. That truth was told by Darlene Young, Sherika Gore and Felicia Williams when they testified that under oath Calvin Ford pulled a gun out of his waistband and started firing killing Jamal Burgess and Dameion Alston. Robert Campbell when he spoke at the police station and the crime scene evidence supports Aliga's statement, Aliga Campbell's admission that he was one of the shooters, that one of those bullets that killed those boys was his, and based on that I'm asking that you find them both guilty of all charges. Thank you. Did I make my time? I didn't run over my time?

THE COURT: You're fine. Mr. McCoy.

MR. MCCOY: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. MCCOY: I'm not going to sit down. I promise. Although I am exhausted. Takes a lot of action to fight for a man's life.

You know, I talk about TV. I can't watch TV anymore, you know. The news the way it is, you go from one station, they say one thing, and you go to the other station it's like the polar opposite. It's like living in a parallel world. On one news station they say, "A .13 blood alcohol level, that's not that bad." The Prosecutor just said that in open court, and then they -- on the other news station they say, "Well, if he had a .13 alcohol level he was probably going crazy. He was raging," and then the Prosecutor says, "It doesn't matter what they said on the stand. They said the truth in a recorded interview right after the date of the incident. So don't recognize what they said on the stand. Don't recognize what they said in the stand your ground. Recognize what they said on the statement," and then you flip the other channel and it's like, "Oh, you got to listen to what they say on the, on the stand. They're swearing under oath to tell the truth, the whole truth", and you're, you're the 12, you're there and you're listening to them, but then the Prosecutor goes, "Well, well, let's submit the recording into evidence, let's let you play back the recording, because this isn't any good for us when she says, 'I'm as high as a kite. I was high as heck, heck when I went to the party and I went to the party to get

more drugs. I was there waiting on drugs. I wasn't paying any attention to anything else.' We don't like that." I'm going to address one more thing, you don't think Everett Ford was reaching out with all of his heart and soul saying, "Somebody's got to do something about this situation. What do you think these affidavits are for? You think these affidavits are so that I can bring him here and present him to you guys with crazy words that my investigator uses so that when we give them to the Prosecutor over three and a half years and say, "For God's sakes, end this madness. Look at what Everett Ford swears to tell the truth about, not the commas, not the vernacular, not the grammar. Look at what Walter Stanley, the next door, swears to tell the truth about. We give these to them so that they know what they're going to say, not so that they can beat them up. This wasn't evidence. This was so that we could say, "Hey, guys, look, let's end this," so we didn't have to get here. These guys are on trial for their lives. They've got these sworn affidavits the whole time, they guy's next door neighbor. I know that I'm seeming -- it's seeming like I'm losing it because I am. I've been living this for three and a half years. I have seen Walter Stanley twice ever, once was Monday and once was yesterday, and now that I've seen him and talked to him I would let that man babysit my niece and nephew right now. I would leave him at home alone with my wife.

Aliga Campbell is here because of the word of a guy in prison, but yet all the guys we brought from prison to say, "Yeah. Jamal said he was going to kill him when he get out. Yeah. I was there. I was there the night," they, they didn't dispute that, that Maurice Vereen wasn't there. "I was there the night. I saw him tugging at his waistband like he had a gun." Those guys are lying because they're in jail, but let's put a guy on trial for murder and the only evidence that we have is a guy in jail and a guy who refuted it and rebuked his testimony over and over again. What are we doing here? This is an outrage. No wonder these -- the community members don't talk to the police. The police don't even talk to the next door neighbors, and when they do hear from the next-door neighbor they say, "Nah, nah, nah, nah, he talks to the media." He's signed sworn affidavits that get to our desks, but he's lying because he got home faster from Greenville, South Carolina? The three and a half hour ride, there's not a question for Ms. Dudley, "Did you stop and go to the bathroom?" You're 90 something years old.

I can't believe that we're here. I'm sorry for the emotion. I swear to God I'm not normally like this. Okay. All right. Let's regroup. Let's regroup.

All right. So the Judge is going to -- the Judge is going to instruct you on the law in this case. I've got to get my paperwork in order. I'm through that now. Okay?

The law on this case is that my client's charged with an unlawful person carrying a weapon. A guy has to be convicted of a violent crime carrying a gun; correct? I'm going to go ahead and tell you this right now, Calvin was allowed to have a gun in this case because he was allowed to arm himself at the time that he pulled it. Let me say that again. The Judge is going to tell you Calvin was allowed to have a gun in this case because he was allowed to arm himself when he did. Everybody got that? Just because Calvin had a gun doesn't mean anything. If you're, if you're some college girl and you get convicted of a felony or a violent crime you don't have to stand there for the rest of your life and watch some attacker come at you when you're 50 years old. You can pull a gun on him, too. You're not a sitting duck. We have rights in this country, and in this world, in this community, if Calvin didn't have a gun on him he'd be dead. That's why the law's there. That's exactly what it's for. Walter Stanley said it. If Calvin didn't fire at him he'd be dead. That's self-defense. I don't know what we're doing here. Self-defense.

First of all, the case that we're here for is murder, which is the unlawful killing of a human being with malice aforethought, and the unlawful killing of a human being. It is lawful to kill somebody if you are doing it in self-defense. It is lawful to kill somebody. I know that it is just coming out of my mouth. It makes me sick, sick to say

it. I studied stoicism. I don't, I don't like violence, but I'm telling you right now it's the world we live in, and until we can find harmony against each other we have got to stick to the rules in place, and the rules in place are that Calvin had the right to save his own life at that moment.

Self-defense, Calvin, the Judge is going to instruct you on all of it. Calvin must be without fault in bringing upon the difficulty. That doesn't mean he couldn't go to his best friend's and brother's birthday party at a house that he's at all the time. He could certainly go over there. That's not bringing about the difficulty. Where is it that it ends? If somebody's in their car and somebody with road rage starts yelling at them and they get killed, "Well, you shouldn't have gotten in your car that night." That's madness. We're on a different channel now. Calvin didn't bring upon the difficulty, and this Everett said he waved him over. Go back and listen to Everett's testimony. You can listen to anybody's testimony you want. He said, "When Calvin hesitated, when he saw him waving at him and Calvin hesitated when he saw him waving at him, that's when Jamal approached him and put him in a headlock like son son." That's the new words that I've learned, but he son sonned him." Like everybody else said, "He put him in a headlock." Everybody testified to that and everybody testified they knew Calvin got his teeth out, knocked out, and everybody testified, including

Detective Whitmire, that she learned throughout the course and scope of her investigation that the, the first Calvin got his teeth knocked out was exactly the same, boom, with a gun, right across the face. Jamal -- you know what the craziest thing about this whole case is Jamal didn't even have to have a gun. Jamal didn't have to have a gun. Calvin was entitled to defend himself the moment Jamal put his arm around his neck. Nothing further was required. He could have shot him right there. That's self-defense, but that's not what happened. Jamal had a gun in his waistband, which was proven by, by all of our witnesses, which I'll get to in a second, and, and when, when Calvin was in this headlock he sees the gun. He sees the gun. You heard Detective Whitmire testify, "When I heard Calvin Ford discussing at the stand your ground, he said, 'When I saw that gun I feared for my life,'" and everybody testified Calvin shrugged him off. They're down there like this and Dameion's going, "You hurt." Darlene Young say Dameion was going, "Calm down, Jamal. Calm down, Jamal," not -- nobody's like, "Calm down, Calvin." "Calm down, Jamal. Calm down," and what happens everybody testified, "Move out the way, Dameion," and what happens when you move somebody out of the way, that's self defense right there. You can defend somebody who's six-three, 200 pounds from coming at you to beat your face in. He had every right to shoot him right there, but no, the witnesses say he was --

one says, "He was tugging at a gun and I, and I ran," and then the most credible person over anybody, including the lawyers in this case, Walter Stanley testified, "He pulls his gun and fires from his waistband."

Actual or imminent danger or, or believed in actual or imminent danger. He was in actual or imminent danger. Walter Stanley said he shot at him and missed, but or so we have actual or imminent danger but you can go down to or believed in imminent danger. Of course he believed he was in imminent danger, this guy who he, he, he knows from previous instances and the Judge will instruct you on that, you can take that into account. You can take into account bad blood, you can take into account reputation. You can take in the fact that, that Jamal has a reputation for violence, that Jamal has a reputation for carrying a gun, you can take into account all of these things that are in Calvin's head at that moment, and the belief is reasonable. Of course it's reasonable that he was in imminent danger. The guy knocked his teeth out before. He knows he's got a gun on him. He's, he's heard from everybody that he has a gun on him. He's -- always see that he has a gun. Everett Ford testified, "Everybody knows Jamal carries a gun all the time," and of course I got it in through every single -- I mean, this is a regular self-defense case. Every, every single witness that this guy -- they didn't even put up one person to dispute that he got his teeth knocked

out, that Calvin caused his teeth to be knocked out the first time, that somebody who was there the first time and said, "You know, Calvin was the one running his mouth, Calvin" -- they didn't bring in anybody.

No other probable means of avoiding danger. Of course, he was already shot at. Everybody testified. Walter Stanley testified that he was in a headlock. He couldn't get away, and he saw him in the -- and, and Calvin testified on the stand your ground he saw the gun. That's it, but by the time, but by the time Jamal pulls his gun and shoots that's over with. That means you're already in the danger. You got no way of getting away, and you heard Walter Stanley testify, "If Calvin hadn't shot he'd be dead." He shot him and that spun him, and those five shots that he fired, boom, boom, boom, boom, boom, those were, those were meant for Calvin.

Now, the State must disprove beyond a reasonable doubt these things. You know what that means? Beyond a reasonable doubt they must prove that, that Calvin was without fault, that Calvin was -- the whole time Calvin was the one who caused the whole thing. Beyond a reasonable doubt they got to prove Calvin caused the whole thing. They didn't bring in one text message, one phone call, one phrase, one old cellmate, one aunt, one cousin, one rap song saying that Calvin had a beef or intended or didn't like or wanted Jamal dead or planned to hurt him, planned to confront him, anything. They

didn't bring in one thing saying that Calvin wanted to hurt Jamal. We found Jamal's brother and he testified, bless his heart, for God's sakes, I didn't want to put that guy on the stand. I don't even want to be here, but we've got to do what they didn't do. We put him on the stand, he said, "Yeah. My brother was going to confront this dude, and I told him to wait till I get there because I was worried about the confrontation that was about to go down." Calvin had no clue that a confrontation was about to go down. He just left his, his mom's house a block away with his child. She was there or he was there, and his girlfriend came home and then he walks over. This guy wasn't with any fault bringing about difficulty. They got to disprove that beyond a reasonable doubt. They didn't bring in one -- they don't bring in one shred of evidence. They've got to bring beyond a reasonable doubt that he's in fear for his life.

In murder cases you don't -- you show somebody who, who was like in their face like, "Nah, man, nah," you know, "I'll mess you up like." Not one person testified that Calvin said a word of aggression, that Calvin said, "I'm going to kill you MF'er," that Calvin said, "I'm going to hurt you, dog," that Calvin said, "This is your time. This is it," not one person testified that Calvin was going to hurt this dude or that he said he was going to hurt this dude. The whole time Calvin believed he was the one in danger. It's not that he was about

to give the danger, and of course the belief's reasonable from prior difficulty. We've already been through that. We're going to move on from that.

Now, let's go over some of the evidence for a second. Everything adds up to what Walter Stanley stated. The State's witnesses said that or the State's cops, I mean, or police, they put up a lot of police and then three witnesses that we'll get to in a minute, but they put up a lot of police and all they could show was there was five shells, boom, boom, boom, boom, leading up to where Jamal's body was; right? And there was one shell in the middle of the road from when the incident was. That was a 9 millimeter. Walter Stanley said he saw Jamal or Calvin fire one shot, the 9 millimeter in the middle of the road. Then he saw and then he saw Jamal Burgess go boom, boom, boom, boom, boom, five shots, the 380, running straight to where boom, boom, boom, boom, right, right where he fell. Their own physical evidence, their own experts say exactly what happened, and they don't want to, they don't want to know that it's a 380 in Dameion because that's Jamal's 380. It was an accident, but then Aliga's out the door. How did Aliga -- nobody even saw Aliga outside and now Aliga's in the middle of the road with a 9 millimeter? Not one person said they saw Aliga out there. Now he's in the middle of the road with a 9 millimeter because it doesn't fit their theory. We're back on their news channel again.

Oh, I want to address one more thing, when Calvin ran away Jamal was still alive and still shooting. Let me tell you that again. When Calvin ran away all he was hearing was bow, bow, bow, bow, bow, running away, family's house on Spivey Avenue, back in his house in nine minutes after he sees all the police there. You think this guy is going to call the police on Jamal Burgess. He didn't know the guy was dead. What's he supposed to say, "Hey, I think I just killed somebody in self-defense." This guy didn't know that he killed anybody. He went home and called me. What's he supposed to say? How was he supposed to know? Nobody knew Jamal was dead. Even his own friends were going, "Fight for your life," and picking up all this stuff, "Fight for your life, Man," and then they're out of there. All the witnesses testified Jamal was still alive, and nobody knew how Dameion got hit. There's no way Calvin knew that any of this stuff happened. When Calvin ran he thought he ran from a -- just a, just a shooting, just a shooting in the neighborhood. He didn't leave a guy dying, bleeding in the road. That's not what he ran from. He ran from shots, and then you're going to throw a gun in a pond? What are you going to do? He's not going to call the police. You're going to call these guys who don't even look at the cameras or they do look at the cameras and then they kind of lose them or mishandle them or delete them or export them or whatever they do, numerous cases as

Eric Fox pointed out. You're going to go, you're going to go give these people evidence? They don't even knock on the neighbor's door. You're going to call these people?

Now, we just went over some of the physical evidence. There's six shells, five 380 casings all in a row. We've gone over the fact that they match exactly what Walter Stanley said. Calvin here, Jamal here, Jamal pulls his gun after the headlock situation. I think we've covered that. After the headlock situation Jamal pulls, he fires, he misses because he's not that drunk from a .13. I'll be using that in another case later and he -- so he pulls, he fires, he misses and then Calvin hits him one time in the stomach. Murder? Is he aiming for the guy? I mean, he hits him one time in the stomach and he spins him and then Calvin takes off. He's gone. That's it, one 9 millimeter, one 9 millimeter in the road, intended to kill this guy? He was defending himself. Bam, bam, bam, bam, running, running the direction of Calvin's GPS, so he's running at Calvin, and just like Walter Stanley and then he drops. The evidence matches Walter Stanley's story correctly, perfectly.

Now, the GSR, here we are on their new station, GSR on -- you -- did you all hear that what she said the GSR guy, the GSR witness? "Well, GSR, yes, it's on, it's on Jamal's hand, and it's on Dameion's hand, but we're doing away with GSR; aren't we?" That was her own witness. Could you imagine if

like there was no GSR on them. It would have been like, "This is fatal to the Defense's case," and I would have been like, "Well, they could have wiped it off or ran or sweating?" They would have been like, "Absolutely not." You've got to change the channels and now we're into an alternate world of madness, and if it doesn't fit their theory it's just not true and there'll be no -- you'll never be convinced even after you all, you all say not guilty.

I mean, the autopsy, you heard the autopsy. They left a bullet in the guy's leg. Why? I mean, let's get some more evidence in this case. They left the bullet in his leg. They never asked for it. They never asked for the bullet.

The, the expert, the gun expert said there was two to four guns, two to four guns and the Prosecutor on, on her closing just now goes, "Well, there's two, maybe two and a half, but you know, that still fits our theory." What? This is beyond a reasonable doubt. There's so much doubt in this case like.

Now, also, also, the autopsy showed exactly how big Jamal was, six-four, 210, and you heard from Calvin's mom, Calvin's only five-five, five-six. I'm sorry, a little guy.

The videos, the videos show Calvin was walking across the street casual. As a matter of a fact, the videos show Calvin was in the sidewalk. He was in the sidewalk. He wasn't acting aggressive. He was chilling. He was walking. He's

been there his whole life. He knew where the Milestone videos or cameras are, one, two, three, four. Walked straight underneath them. Said hey to everybody. "Hey, Walter Stanley. Hey, everybody. Let's go," and Jamal hesitates, just like Everett Ford says, and then all of a sudden he comes, headlock and we all know the rest of the situation.

Now, they, they want to say there's no gun, there's no gun, there's no gun on, on Jamal Burgess; right? No gun anywhere. Well, you heard testimony from Everett Ford says, "We always be picking up guns in that situation." You heard from Felicia Williams that she said Lance Gamble was there. He's Jamal's best friend. He was standing over him, screaming at him, telling him, "Hold on. Hold on," and then he left. Before the police got there he left. She told that in her recording. Remember the recordings are valuable only when they want them to be, but they never went and questioned Lance Gamble. They never went and said one word. "Hey, Lance, did you see a gun when you were standing over him? Maybe we should check that out, Lance." Nothing.

And then Sherika's -- Sherika, bless her heart, says it was a big ass gun, big ass gun. 380 fits inside the palm of your hand. She says it was a big ass gun. Right? Jamal's hands are huge, guy six-four, whatever. She says it was a big ass gun. If she would have said that, that it was, it, it was a teeny tiny gun, the State's theory would have been

completely different; right? They would have gone, "Oh, well, you know, she, she was dead on. She wasn't scared," but now that it doesn't fit their theory but it fits exactly what Walter Stanley said, "I don't know. She was a scared woman. Her kids were out there." Her kids were in the house. They testified that Felicia Williams said, if you believe anything that she says, "When I got inside the kids were there. I gathered them and I ran out. Cup had the oldest son in the bushes." We'll get to that in a minute, and the expert, of course, said you can never -- their own expert said you could never, never mistake a 380 for a big ass gun. Their expert said that, not a scared woman, not a scared mother, not scared kids out there. Jamal didn't have a 380, I mean, a -- wait. Calvin didn't have a 380. She said Calvin had, Calvin had a big ass gun. Calvin had the 9 millimeter, the one shot 9 millimeter in the middle of the road, right through Jamal, which Calvin's admitted to this whole time. This whole time he said, "I shot the guy. It's self-defense."

And Devoid, their own witness said, "Well, I wasn't" -- their own witness, Devoid, the first guy on the stand, he goes, "I wasn't expecting to find a gun out there. I wasn't expecting to find shells out there." That's their own witness. You don't call these people to the stand unless you expect them to, you know, provide evidence for your case. All right.

And so when the detectives get to the scene they don't find a glass bottle anywhere. They go through all of it. They cover the entire scene, Howitt, Bailey, all of them. They cover the whole scene. They don't find a glass bottle. They don't find a cell phone holder. They don't find a cell phone, or they do find a cell phone but they don't find a cell phone holder, whatever's in the guy's waistband right there, and by the way, if any of you all know anything about guns you can explain what a silver handgun looks like. The whole thing's not silver. This isn't John Wayne. There's black around the entire handle and upon and around the hammer of it and then the silver is the stripe and the silver's the hand. You guys can all talk amongst yourselves about what you know about guns back there. I hope you do.

Now, let's talk about, let's talk about Darlene Ford [sic]. Let's talk about, let's talk about Darlene, Darlene Young. Now, now, how, how on earth, and I told you before the trial, I said my heart's going to be broken if I have to cross-examine a paranoid schizophrenic who is homeless and on drugs and they're not giving her any help. Let's hear what Ms. Young's got to say. It's in evidence. Let's hear what she's got to say. Go ahead, please. You good. I'll just keep going. You just tell me when you're ready. You're okay. I promise. You're not as nervous as me. So Ms. Young says without a shadow of a doubt, without a shadow of a doubt she

says that Felicia Williams wasn't there. I'm going to play the little teeny clip for you. I'm not going to be annoying with it. She says, "I know Felicia Williams said she was there, but I'm telling you all she got there after you all got there, after it was over." We'll play it again, and remember, her recording is perfect evidence. I guess maybe -- you ready? All right. Let's hear what Felicia's got to say or Darlene's got to say.

(Defendant Ford Exhibit Number Four played in open court.)

THE COURT: All right. Go ahead. Did everybody hear that? "She was out there after you all got out there, but she wasn't out there." That was the recording that is introduced into evidence. Can you imagine you are sitting on a jury where the State of South Carolina put a sworn witness on the stand who said, "This witness ain't -- wasn't even out there." Then they admit it into evidence, that statement. They said, "This statement's true because she's acting crazy and can't remember anything. So this one must be true," and then they call as their final witness the one that the other witness says wasn't out there.

And then we -- what about Agent Beam? What do you think I was playing on that video? She says under oath and on the stand she says, "I got there. I turned left." You guys can watch the video. I admitted it into evidence. "I got there

after Calvin and Jamal were already arguing or talking," or you know, she said already talking in the middle of the road. So she pulled up after Calvin had already crossed the street at 8:52 and before the 911 call at 8:58. Agent Beam sat right here and goes, "Moped and a big silver SUV. An SUV came from another angle. I don't see another car." Then at, at a little after the shooting we saw another car turn in, remember the headlights turn in. Never did Felicia turn in during the altercation. She wasn't there. She wasn't there.

You want to talk about investigating? We've had to do the entire investigation ourselves. Why? I told you why. They want you to deliver the bad news to the community. They've shifted that burden to you unfairly and unjustly but, thank God, we have the 12 and bless Darlene or Darlene Young's heart. She -- that's what happened. That's what happened. That's what happened. Police, the State, Prosecutor's Office, it doesn't matter if your stories don't match up. It doesn't matter if you are in complete, in complete confliction with each other. It doesn't matter if you are mentally ill and that you are going through the worst struggle of your entire life. They will grab you off the street and put you on the stand and put you through all of this if it fits their agenda. They should have left out either Darlene or Felicia and that leaves us with Sherika and Sherika said, all that Sherika said

was, "I couldn't hear anything, I couldn't see anything. All I know is Calvin fired," or, "All I know is Calvin fired a gun maybe." In one instance she says, when, when she gets here she says, "I saw the gun blast one shot, 9 millimeter, I saw the gun blast," but in the stand your ground under oath on the stand, just like it was here, she says, "No. I only saw him present a gun and then I ran." Well, that would make sense that she didn't see Jamal going boom, boom, boom, boom, boom afterwards but she didn't see Jamal pull the gun and fire first because that's her best friend and then she tells Felicia, "Ain't nobody talking. You need to call up there. You need to talk. You need to call up there. These are the little details," and Felicia told you right here on the stand, "I said -- I texted, I texted Calvin Ford and I said, 'Calvin,' I said, 'Calvin, if you wouldn't have -- if you wouldn't have -- if you wouldn't have killed Jamal he would have killed you.'" The Snapchats are in evidence. She told, she told, the guy's own witnesses told my client that, my -- the Defendant that in written evidence after the shooting, and we're still here. "You wouldn't have killed the guy he would have killed you." This is classic self-defense, and then she says, "I was scared of," what, no. All of her, all of her stuff, everything she's ever said, says, "I'm not scared of this guy," under all her sworn statements and testimony. That doesn't fit the State's theory. So that changes here, but

they all say they were trying to chill -- Dameion was just trying to chill Jamal out, his own friend. Dameion was friends with everybody but he, he didn't choose Calvin to turn to. He chose Jamal to turn to, "Chill out." "Move out of the way, man. I got this. I told my brother what I was coming to do. Jerome Thompson knew what I was coming to do. I'm here to do something."

Now, the State went over our witnesses but they, they left out one, Dominic Alston. You remember when, when Agent Shumpert testified; right? Agent Shumpert said, "Well, I, I, I pulled over somebody and we interrogated this random guy who wasn't on the Defendant side or the victims' side, Dominic Alston, and he said randomly while we were investigating him for another crime, 'Yeah, Jamal was out there and he had a gun and he was the one who was the aggressor.'" That's what Jason Shumpert testified that random Dominic Alston said. Did they track Dominic Alston down? Did they, you know, say Dominic Alston's credible? Did they bring Dominic Alston in here? No, because it doesn't fit their theory. That's not justice. It's the Prosecutor's job to seek justice and not a conviction. Do you think this is about justice and not a W? This whole thing is about winning and losing, and that's, that's the only reason I still do criminal law because I hate the, I hate the optics, winning and losing. This isn't about winning and losing. It's about what's doing right, the reason

this community is so divided.

Butler on the GPS, the GPS guy, he comes in and says Calvin Ford could have turned it off, could have cut it off, could have done his crimes like other people do. We'd never known. We'd tried to figure it out through other means. When it happened, he came back around, went to house and there he sat nine minutes after. "Went to the house and we arrested him."

And, and then we get to Agent Whitmire, Detective Whitmire. Detective Whitmire says that she -- that people on the scene wouldn't even look at her. It was just so hard to get people to talk to them, but yet, "Mr. Stanley, will you open the door? You're the next-door neighbor. We got a few questions for you." Again, the Prosecutor said you get to judge credibility. The Judge is going to tell you about credibility. Nobody testified they questioned Walter Stanley. She was on the stand. She didn't say, "I went to a single neighbor's house." They got their testimony from their one witness and then she told a friend and told another friend and then they came in here trying to convict two guys of murder. They didn't even go to Walter Stanley's house. The guy was on the news saying, "I saw the incident." What is going on here? Doubt, doubt, doubt, reasonable, beyond reasonable. Usually we're just trying to find reasonable doubt. I think we found the truth. I think we found the actual truth. That's never

happened in my whole career. I just had to prove doubt.

What about, what about Agent Whitmire saying she follows her leads in the investigations. Did she investigate whether or not, whether or not Felicia Williams was there? I'm the one who watched the video. I'm the one who, who added it up and subtracted the time. It wasn't that hard. I had to do it in the kitchen with my wife with really large glasses, but, "I arrived after they were already in the street confronting each other." I had to work with the only camera angle I got. You can infer whether or not they turned over the, the, the -- all the cameras that they had. You can infer whether or not there was another camera pointing straight over the street with more witnesses for me to prove my client's innocence, which is not the law in this country, but I looked at the one random angle I got and we surmised in front of you and had Agent Beam testify under oath, "Nobody pulled in when Felicia Williams said she did." Agent, they never, they didn't, they didn't investigate it at all. We're talking about TV, and this isn't CSI and Law and Order. This isn't even PBS 1981. They didn't talk to a single homeowner on the street. They didn't even watch the video and see who really was there. I've had to ask all the questions the police were supposed to ask. I've had to look at all the videos the police were supposed to look at. I've had to do all of this investigation that the police were

supposed to do over three and a half years and there's a reason that we're here and there's a reason that we're here and I'm going to tell you what it is in just a second. I promise I'm almost done.

P.J. Brave, Detective Whitmire gets on the stand and testifies that P.J. Brave -- she says to P.J. Brave, "There's nothing more that I would like -- there is nothing more that I want than for people to get justice no matter if they had a gun, too." P.J. Brave must have been lying, although she interrogated him in the jail just like all the other ones, P.J. Brave is literally Jamal's brother, bless his heart. I'm in -- you can infer from that that P.J. Brave told her, "My brother had a gun. He called me right before the incident. He told me what he was going to do." This guy said, "My brother had a gun," to her. No investigation on that. Tunnel-vision. Then she says to P.J. Brave, "Straight up, today is the first time that I've heard anyone say there were three shooters." Then we get here to trial and, and the Prosecutor gets up a hundred times and says, "Your Honor, there's not three shooters. Mr. McCoy is putting evidence in the case that's not there, that's not going to be produced there." What? You have the interview. You listened to the guy say it. You listened to Detective Whitmire say it.

And then finally, "You said J. Money was shooting, too. Do you know what happened to his gun?" That's what Detective

Whitmire said to Jamal's brother. You want me to read it again?

MS. WALTER: Objection, Your Honor.

MR. MCCOY: "You said J" --

MS. WALTER: None of this is in evidence.

MR. MCCOY: Yes, it is. She testified to it, and this is closings, Judge. "You said J Money was shooting, too. Do you know what happened to his gun," and do you remember, do you remember me saying during the trial, I'll bring it all back in so we can all remember. You remember me saying, "And don't tell me what his response was, but what did you say back to him as your response?" You all remember me saying that? "Well, I know that by now." You all remember me saying all that now? You remember me saying that now? " Well, I know that by now." What could she have known by now? What was his answer I wonder? What can you infer? The State tells you you can infer malice. The Judge isn't going to tell you that you can infer malice from Calvin having a gun and from Calvin getting there with a gun. That's just State talking in closing argument. You're not going to be able to infer malice because Calvin was trying to protect himself. He won't say it or maybe he will, but either way don't believe that, you know, let's not believe P.J. Brave, Jamal's brother, but let's believe Robert Campbell? You've got to believe Robert Campbell otherwise what's Aliga doing here, and if Aliga's not

here then that 9 millimeter in the middle of the road where nobody saw Aliga doesn't make any sense, doesn't fit their theory. Let's squeeze that thing in because this is about a W on the wall downstairs in the Prosecutor's Office, not justice. Sherika Gore, bless her heart, Sherika Gore says Calvin arrived in a, in a car, in a white car. She wasn't paying attention to what was going on out there. I know that she loves Jamal. Everybody knows that she loves Jamal. God bless her heart. I wouldn't want to come here and say my best friend pulled a gun on somebody and, and caused his death. Jamal caused his death. I wouldn't want to say that. It makes me sick saying it here in front of you right now, but it's what happened. We know it's what happened. Bless her heart. She's left stuff out in her prior statements. She left stuff out here. Jamal had a gun. Calvin didn't arrive in a white car. She's never said before today or before yesterday that Felicia Williams was there, never in three and a half years. "Well, Bill Bill never said anything to us in three and a half years." Sherika Gore never said anything about Felicia Williams being there in three and a half years including when the detective asked her the day after, but let's ignore that. We're on -- we're back on their channel, back on their news channel. Let's ignore that. That doesn't make any sense. Nobody asked her, and again, Felicia doesn't confirm anything. She says, "I saw, I saw them come

together." She never says Calvin approached. She says, "I saw, I saw them talking and conversing. I saw Dameion get pushed out of the way and at some point I saw Calvin pull the gun and fire." She left out the part about her best friend causing his own death, God bless her. Can you blame her? Now, and, and by the way, she testified under oath, "The first time that I told Felicia to get my kids was inside the house." That's what she said under oath. Now let's get to Felicia Williams, Felicia Williams.

Which one do you want to talk about? Do you want to talk about her testimony here or stand your ground or her recording that they played or whatever they did. I think they might have played some of it or all of it. I can't remember where we're at right now. We've got 10 different testimonies from three different witnesses. I've never seen anything like it. Now, Felicia Williams gets up there and says, she says, "I got in my car and I backed up right after the shooting and I parked the car in front of Tara's house and then, and then Sherika comes out of the house and says, 'Yo, get my kids, get my kids.' So then I ran into the house." I asked her that, she's like, "I don't remember." I asked her why she told Calvin that if he didn't kill Jamal Jamal would have killed him, and she says, "Well, I just inferred that from what I heard." She's inferring everything from what she heard. She didn't see anything. Sherika told what happened or what she

thought happened. Then she sees Jamal in a photo with a glass bottle and hears that he drinks Hennessy and puts it into her mind, into her story, boom, glass bottle. Let's just make that part in there like a, like a -- I mean, you guys are all -- we've all heard people that make stuff up. It's like, like I used to do. I've got now I went to BP and for some reason I went to a Kangaroo station, but I used to just make up little parts of it because I was, you know, an adolescent. She just added that stuff in. There was no glass bottle. Nobody found a glass bottle. This is a crime scene. Everything would have been taken a picture of, just adding the stuff in because she doesn't know what happened. Those are the State's three witnesses.

And then you get to our witnesses, and I'll add Dameion, Dameion Alston and Dominic Alston in there who Detective Shumpert testified, "Yeah. I pulled this guy randomly over and he said Jamal had a gun." This guy didn't talk to Calvin, didn't talk to any of us. "Jamal caused the whole situation," that, that came from one of their own witnesses. P.J. Brave came from one of their own investigations, Patrick Brave, Jamal's brother. Emily Ford, she didn't make anything up. She could have said that the guy threatened her. She could have said that Jamal had a gun. She didn't make anything up, bless her heart. She said, "I saw Jamal in front of our house." We didn't ask her anymore questions. We aren't here

to make anything up. We're supposed to just be here to cast doubt, but I think we found the truth. Jamal got out of jail on a Wednesday. He told people he was going to kill Calvin. He told his brother he was going to confront him. He ran in front -- he was in front of Calvin's house on Friday night on a moped. Ms. Ford came home and saw him. He said, "I'll wait till the next day." He calls his brother, says, "This is the day." His brother says, "Wait for me." He goes to the party. He drinks, he drinks, he drinks. He sees Ms. Dudley. He gets all fired up. Calvin comes across the street. "You're going to make me holler? You ain't going to come to me. I'm going to wrap my arm around you. Oh, you don't like that," boom. Miss. Hit. Boom, boom, boom, boom, Dameion dead, Jamal on the ground bleeding. That's what happened.

Now we get, now we get to the rest of our witnesses. Maurice Vereen, the guy wouldn't even meet the guy credibility. I was like, "Did he have a gun," and there's so much going on in this case. I go, "You saw him with a gun; right?" And he said, "Nah, I didn't see him with a gun. I saw him tugging at his waistband." Remember, all Calvin had to see was Jamal put his around him. That's self-defense. Right there when that happens. Maurice Vereen says, "I saw him tugging at his waistband." He didn't say, "I sat there and watched him tug at his waistband for an hour." He said,

"I saw him tug at a waistband and then I was gone." What did Everett Ford say? "He was tugging at his waistband, eased his gun out while he was moving Dameion out of the way." That's what Everett Ford said. I'm asking Maurice Vereen.

Then what did we get to? We get to Walter Stanley, the most credible guy in any case I've ever had. This guy went on the news the next day and said, "This community is hurting. This community is spread apart. This community is wrecked. These guns have got to stop. We got to do away with the pistols." This man was in here speaking from his heart and soul about doing away with what this man used to save his own life because his brother got killed by a gun. He wouldn't come in here and make this stuff up. That's a man with conviction. That's a man with moral integrity and a moral compass. That's what that looks like coming from the, the witness stand, and they couldn't do anything with it and all they had to do was watch the news or knock on his door, but you think that we'd still be standing here if they interviewed him? Yes. We would, and I probably would have never found them. Walter Stanley said the truth, the whole truth and nothing but the truth and he did it to heal this community because they don't need more lies. They've seen what went on in this trial. They saw how the Prosecutor played and manipulated people from their own community and put them on the stand. You think a guilty verdict because Calvin had a,

had a, an ankle monitor on and Calvin had a bad -- a record in his past and Calvin had a gun you think a guilty verdict because of those three things and only those three things is going to make this community any better? We cannot bad prosecute our way out of this situation. We cannot bad police our way out of this situation. The only thing that we can do is offer them justice and show them, and show them that this works, that this works, this works, this works, this works. So join us, join us. Start talking to the police. Start trusting your lawyers. Start trusting the investigators because when it comes down to it, when it comes down to the final blow here in the courtroom the 12 will get it right even if the entire time the truth has been overlooked, the 12.

I asked you at the beginning of this case what will be the moral of your story. I -- that's up for you guys to still decide, but whatever you decide I promise you this, the moral of the story for me will be serving on a jury can change the world. Thank you.

MR. FOX: May it please the Court, Your Honor?

THE COURT: Yes, sir.

MR. FOX: I guarantee you I'm going to be brief. This is a watch my wife gave me our first Christmas together 30 years ago, and I wish, I always carry it with me for good luck when I have a trial. I don't use it any other time, but I get the pocket watch, give my wife's ear a tug, give her a kiss, that

Carol Burnett thing, for those of you that are my age, and I put this in my pocket because I tend to fiddle in my pocket, with coins and stuff. So instead of jangling noisy coins, I have this, but I wish it had been a stopwatch this week, and I would have loved to hit that stop watch very time Aliga Campbell's name was mentioned or hit it any time any scrap of evidence involving Aliga Campbell and then total it up at the end, and I bet you it wouldn't have been ten -- I bet it wouldn't have been five minutes, and you notice how much time the Solicitor spent talking about Aliga Campbell in her closing argument and about the one witness and the one piece of evidence they had about Aliga Campbell and that's Robert Campbell, and she spent, I didn't clock her, 30 minutes or so talking about a very complicated case and a very serious case. I don't mean to minimize it in any way, shape or form, but this is all about Calvin Ford.

As you know he's represented by a very good and a very passionate attorney, and whatever you decide about Calvin Ford decide about Calvin Ford, but that ain't got nothing at all to do with Aliga Campbell. The only testimony you have, and I'm going to talk to Robert Campbell, about Robert Campbell at the very end, very briefly and give as much attention as he deserves, but the only evidence you have that Aliga Campbell is even involved in this in any way is that one witness says, "I saw him running," although that same witness said, and by

the way, everybody is running because there are shots fired. It's crazy and you don't know what's happening, "So I saw him running," but the same witness said, "I saw him right inside."

The other piece of evidence is, supposedly, Aliga may have called Calvin Ford and a short time later Calvin Ford arrived. So what? And where did you get that evidence from? Not from any of the State's witnesses. That was Everett Ford, Bill Bill, and what did Bill Bill say? He said Jamal Burgess told Aliga to call Calvin. What, do you think Jamal said, "Aliga, call Calvin because I want him to come over here and kill me?" Give me a break, and that's it. If this wasn't so damn serious this would be a bad joke.

Now, every single witness that came in this court, let me put it this way, not a one of them, not Elizabeth Holoman, not Darlene Young, not Sherika Gore, not Felicia Williams, not Everett Ford, not Walter Stanley, not Maurice Vereen, not a single one of those witnesses, and these are all people that claim to be there; right, said they were there, not a single one put a gun in Aliga's hand, not a single one even said he was in the middle of whatever happened between Calvin and Jamal Burgess, not a single one of those witnesses said that Aliga was part of that. Ms. Walter said in her closing argument there may have been some kind of fight between Aliga and Jamal Burgess. Didn't hear that from the witness stand. That is a misstatement. That is not correct. You did not

hear that word, and in fact, Sherika Gore when asked about her previous testimony in here today, "Was there anything about the contact between Aliga and Jamal that was at all confrontational, argumentative, anything?" "No." Felicia Williams said, "I don't think Aliga had anything to do with it." Darlene Young, they love to call her Cup because it's short for Cupcake and that makes her cute and I have an enormous amount of sympathy for that woman.

Detective Whitmire said is everything Darlene Young said in court today consistent with what she said in her interview. Yes. What did she say from the witness stand? "Aliga didn't have no gun. Aliga didn't shoot nobody." Come on, the hand of one is the hand of all. Yeah, if you're actually acting together. If I go and make a plan to rob a bank with somebody and I stay outside, I don't touch a gun, I don't go in with a mask, I don't pass the note, but I'm a part of it, I'm a lookout or a getaway driver, yeah, I'm in there, and if someone gets hurt inside I can be responsible for that murder or that injury, whatever. Okay? That's the hand of one is the hand of all. If I'm at a party and two people get into a fight that I have nothing to do with and someone gets killed, just because I know the person that may have done the shooting in self-defense or not in self-defense, that's not the hand of one is the hand of all. You have absolutely no evidence that Aliga Campbell and Calvin Ford acted in any way together to

murder anybody, not a scrap.

All right. So, I actually want you to accept the State's witnesses because they were there and they say Aliga Campbell had nothing to do with it. The one person who says he did was not there, had a lengthy criminal record, was back in jail, again, in trouble, and as he admits and as Detective Beam admitted, he was looking to help himself, Robert Campbell. He is the only reason, the only reason Aliga Campbell has been here all week on trial for his life. I didn't say -- tell you that. Detective, Detective Whitmire told you that. As you gathered already, lots of talk, lots of names, this and that, we hear this and that. You heard the phrase hearsay a million times this week and that's very simple. It's like the old song heard it from a friend who heard it from a friend who heard it from another. That's hearsay. Right? I heard someone else say something.

So lots of talk, no surprise Aliga's name was out there, but from July 23rd, 2016, through every witness they talk to, including Darlene Young, including Felicia Williams, including Sherika Gore, every witness they talked to, every video they looked at, every statement they took, Detective Whitmire told you, "We did not have enough to even arrest Aliga Campbell until Robert Campbell came along."

Ladies and gentlemen, to get an arrest warrant you need what's called probable cause. Okay? Something probably

happened, something could happen, some basis for it. Right? Not just, "I feel like arresting somebody," but it's a low standard. That's probable cause, that's just to get an arrest warrant. That is nowhere near the standard you need that applies today, reasonable doubt. Okay? So getting an arrest warrant is one thing, go arrest somebody and charge them. It's quite another to convict them. Okay? They didn't even have enough to arrest Aliga Campbell. I didn't say that. Detective Whitmire told you that. For 14 months, and that's all that they had pretty much all the evidence. Okay. Now, this continues to go, right, any investigation it's never really over because people do come forward. There are things that happen later, maybe testing that goes on at SLED comes in later. So it is an open investigation until you finally get to court, but all of this stuff, they had all of that by the time Robert Campbell talked to them, 14 months later, and isn't it strange that Mr. McCoy's witnesses may not have gone to law enforcement and said anything for 14 or two years, whatever it is, how about Robert Campbell? "Hey, you're missing somebody. I know who the second shooter is," because they got to have a second shooter because if there's not a second shooter that plays into self-defense, and you heard Detective Beam admit, back up to the second interview that you didn't get to hear, now, well, why didn't Robert Campbell come forward, he's so concerned and he's so worried? 14 months

later he's not back talking to the police until he's in trouble again and looking for help. "Oh, yeah, just remember, my good buddy, my cousin, not my first cousin, well, I said he's my first cousin. He's not my first cousin, but you know, by the way he confessed to me." Really?

A week later he's saying the opposite. You guys, he had two interviews. Detective Beam told you that. "I talked to him twice." You heard the first one. You heard the bad one, and if you believe it then you have enough evidence, if you believe Robert Campbell, you could, I would submit it's still not enough, because there ain't nothing else to back up Robert Campbell, not another witness says what he said, but that's the bad one. That's the one they wanted you to hear, Aliga confessed.

Then the second one, and Detective Beam admitted there's a second one, went back and we played it, and the first thing Robert Campbell said to him was, "Nah, Aliga didn't shoot, and I need to make sure I'm going to get help here," and Detective Beam says, "Oh, no, no, no, no. Wait a minute now. That doesn't help us and we can't promise you anything. We don't do that. You've got to tell us the truth," but made it very clear that, "There's one path that's good for us, and there's one path that's not." Well, they could have played both statements if they'd chosen to, but they did not. I did not because I got the detective to say the things that I needed

him to say, which was Robert Campbell changed what he had said and said, "Nope, Aliga didn't shoot nobody and that he was seeking help," and you'll have in evidence the note that Robert Campbell wrote and had an officer at the jail sign. So before he left jail, before he got out of jail on September 22nd -- I'm not sure when he got out, but when he, when he was back at J. Reuben, right, he was in prison, SCDC, in May he gets out, back in jail locally September of 2017. Talks to Detective Beam two times, "Aliga confessed. Oh, wait, no, he didn't." While he's still there, he writes out a statement and says, "What I told Detective Beam ain't true. I don't know nothing about nothing," and has it witnessed by an officer there, PFC Chubb. That's in evidence. He comes into court and clearly he doesn't want to be here, didn't want to say. Ladies and gentlemen, it's just this simple. I'm going to stop right now. If you believe Robert Campbell, great. Then consider if there's anything else that backs up what he said and there is not a thing, but if you don't believe Robert Campbell, and there is no reason why you should, if you don't believe Robert Campbell, you have to return a verdict of not guilty on Aliga Campbell on both counts because there is literally not another piece of evidence that connects him to these crimes.

MS. WALTER: Thank you, Your Honor.

Since Mr. Fox went last I'll deal with his closing

argument first.

So, yes. It is true that the bulk of the State's case against Aliga Campbell comes from Robert Campbell, but it actually comes from Aliga Campbell's mouth because Robert Campbell when he told the truth to Sergeant Beam in that first interview said, "Aliga Campbell told me that he shot, told me that one of the bullets was his," and in the second interview, although initially, now as he's, I guess, about to get out he says, "Ah, ah, no, let me back up off that," but then when they say, "Look, dude, you got to be straight with us," he says again, "Aliga told me that he was one of the shooters," and the physical evidence does support and corroborate what Robert Campbell said because even Everett Ford said you could hear two guns fire. That 9 millimeter and its placement in the street shows that that, that second shooter was away from the fray a little bit, and there was this testimony about Aliga Campbell and Calvin Ford are friends. If Jamal goes to Aliga Campbell and says, "Hey, call your buddy over here," and Calvin is so terrified of Jamal Burgess, why is Aliga calling him over? Because that's not true. What happened, likely, is that Aliga Campbell called Calvin and said, "Hey, Jamal's here. He's drunk. I bet this is your time to get him."

MR. MCCOY: Objection, Your Honor. Facts not in evidence. They didn't put any evidence forward that the phone

call actually took place or that the call went through. Now she's testifying to a jury that what likely happened in that phone call, he called him and they likely talked about this. It was put in evidence that the phone call was never connected. It never went through.

MS. WALTER: It's argument, Your Honor.

MR. MCCOY: It's argument? That's facts not in evidence. There's no phone call.

MS. WALTER: No. It's, it's an inference, Your Honor.

THE COURT: Go ahead.

MS. WALTER: So if you believe Robert Campbell's testimony, it comports with the physical evidence and you can convict Aliga Campbell of murder, but now let's deal with Mr. McCoy watching his version of TV which can only be the science fiction channel because I don't think I was in the same courtroom as him, and remember what I said, and remember what the Judge has instructed you any number of times, what we say is not evidence. It is your recollection and not his that rules. So I hope to heck you guys have a better recollection than he does because, for instance, he was saying Everett Ford just was only trying to calm down Jamal, but if you remember, when Everett Ford's on the stand he's like, he did this so many times. "He was trying to diffuse the situation, man. Trying to diffuse the situation. That's when the gun fell out." So he's trying to stop both of them from doing anything

further, not just Jamal.

He talked about an affidavit from Everett Ford. I don't remember an affidavit from Everett Ford. Now, if you do, maybe I'm wrong, but I don't remember an affidavit from Everett Ford. He said that Walter Stanley talked about a 9 millimeter. As a matter of a fact, Walter Stanley said a revolver. He said Jamal had a revolver and Calvin had a revolver. Now, in the statement that was written for him by the Defense investigator he talked about a handgun, and when confronted with that difference, "I don't know. They're all guns. I don't anything about them. They all fire." He never said anything about a 9 millimeter.

Both Officer Harlow, Detective Shumpert and Detective Whitmire each testified to the efforts that they made to locate witnesses on that block and in the surrounding area, but I guess that was conveniently forgotten, and then this is really not germane to the case but Walter Stanley's brother was not killed. He was injured because Mr. Stanley pointed out the handicap ramp at his house. So again, it's not what counsels says the facts are. It's what you remember the facts to be.

Now, with self-defense, and again, the Judge is the judge of the law. So when Mr. McCoy tells you that the State has to disprove each of those three elements for self-defense, that is not accurate. We do not have to disprove each element.

Each of those elements must be present for you to accept self-defense, but if the State can show you beyond a reasonable doubt that the Defendant was neither in imminent danger, nor would a reasonable person believe that he was in imminent danger, no self-defense. If the State proves to you beyond a reasonable doubt that the Defendant brought on the difficulty by coming to a party armed with a gun that he was not permitted to have that would disprove self-defense, and now, Mr. McCoy made a, a great show of saying, "He's allowed to defend himself. He could have a gun," but he brought the gun to the party. He's not allowed to just walk along the streets with a gun. What that is meant for, that you can arm yourself for self-defense, is if, you know, you just happen upon a gun, someone's attacking you, then you can fire at them, but he, make no mistake about it, Calvin Ford was not permitted to have a gun. He brought it with him from home and brought it with him to Warren Street where he used it to kill Jamal and Dameion. Mr. McCoy said if Calvin didn't have a gun he'd be dead, and quite to the contrary, if he didn't have a gun, Jamal and Dameion would still be alive because Jamal and Dameion didn't have guns. Calvin Ford did, and then again, this talk about, "Well, she called it a big ass gun." Now, Mr. McCoy has also made a point of how small his client is. So perhaps the gun looks bigger in his hand than in someone else's hand, but again, if you are in the middle of a

situation, innocent bystander, your children are somewhere around and someone pulls out a gun, shoots your friend, shots start going, are you going to sit there and try and say, "Okay, let's see. Let me compare the size of the gun that I just saw with any other gun that I've seen. Let's see. How would I describe it." No. It's ridiculous. It's a gun. It got fired. It killed Jamal and Dameion.

Now, I also kind of think that we must have -- I must have been in a different trial or perhaps we just have radically different standards of credibility, Mr. McCoy and I, because he said that Mr. Stanley was the most credible person in this entire courtroom, and yet the physical evidence, even when you consider the statements from the Defense witnesses, does not match what he said because he said, "No, Dameion was not standing with Calvin and Jamal. Dameion was back up by the basketball court." He is the only person to say that. Every other person has said Dameion was there trying to diffuse the situation, and then according to Mr. Stanley, when Jamal misses, and by the way, the .134, Jamal wasn't driving. That's why the .134 isn't that bad. That whole legal limit thing is for when you're driving if you get behind an automobile, but if you're standing in a yard celebrating someone's birthday you can be a .134. It's not against the law, but so then go back -- going back to Mr. Stanley, he says Jamal pulled out the gun, but somehow missed when he's

standing, you know, five or six feet away, and then Calvin shoots Jamal and then Jamal spins around and according to his courtroom testimony the revolver kept firing, which means that the shell casings would be in a semicircle as Jamal is being spun around, but the shell casings, the 380 shell casings that came from Calvin Ford's gun are in a line.

Another correction or I'll say a difference in recollection, Mr. Stanley didn't give that affidavit three years ago. It was dated 2019 because that's when he came forward, right. He said he reconnected with Calvin in prison in February 2019. So there's no way that that affidavit that was written by the Defense investigator was given to the Prosecution three years ago. It actually wasn't given until about two weeks ago and let's talk about that affidavit.

MR. MCCOY: Objection, Judge. Facts not in evidence. She's testifying about things that we did during the discovery process now.

THE COURT: You're overruled on that. You brought it up about the thing.

MR. MCCOY: I understand.

THE COURT: Go ahead.

MS. WALTER: So let's talk about that affidavit. If you remember when he was questioning him he said, "Well, this affidavit you -- this affidavit was for your testimony here today; right," and he said, "No. That affidavit was to help

my family." Now, there are some things that I would say cut both ways, and Mr. McCoy argued, "Well, Calvin Ford, why did he come over to kill Jamal Burgess? He was on GPS." So was Jamal Burgess. Jamal Burgess had just gotten out of J. Reuben Long. You think he wasn't smart enough to know that they were tracking him by his GPS. Just because you have that GPS on does not mean you don't commit more crime. So if Mr. McCoy wants you to say Calvin wouldn't have committed a crime because he was on GPS, Jamal Burgess wouldn't have committed a crime if he was on GPS. It cuts both ways, and then this whole thing about the Milestone video, which again, a difference in recollection. I think Detective Whitmire explained exactly what happened, that there was a download error. Anyone that has a computer, anyone that has ever tried to save a document knows computers are great when they work and they are maddening when they don't. It wasn't mishandled. There was no nefarious scheme to hide evidence, and there's been no evidence of that, but again, Mr. McCoy wants to say, "Well, Felicia Williams couldn't have been there because the Milestone video, the angle that we have, doesn't show her car." Guess what else it doesn't show? Mr. Stanley's car. It cuts both ways. He wants you to believe that Felicia was making things up because she talked about this Hennessey bottle. He talked about that photo of Jamal with that Hennessey bottle, which I have not seen. Again, maybe a

different -- difference in recollection, but again, their own witnesses talked about a Hennessey bottle, and Everett Ford talked about that Hennessey bottle, and if the police are on the scene of a shooting where people are scattering, running for their lives, they're not necessarily going to focus on bits of glass on the roadway because they didn't know the significance of that at the time that they were taking the crime scene photos. It wasn't until Felicia gave her statement a few days later, and by then you can't go back and get that. Mr. McCoy wants you to offer justice. So does the State, but the State wants you to offer justice to Jamal Burgess and Dameion Alston, and you can do that by convicting these Defendants of all counts.

THE COURT: Okay. Thank you, counsel.

Does anybody on the jury need a brief recess? Okay. I'm going to go ahead and give about 10 minutes because the charge is going to take a little while. So the jury can step back, but I do need court to stay in session because I need the counsel to approach the bench. So you all step back, please.

(Whereupon, the following takes place outside the presence of the jury. A bench conference is held.)

MS. WALTER: You're saying that you're not requesting any lesser includeds?

MR. MCCOY: We do not, we do not want nor request any lesser included offenses, Defense one, Jonny McCoy, attorney

MR. MCCOY: Yes, sir.

THE COURT: Let me get my -- everything in order here since I got to put that in. If you'll let them know to bring them in. If you'll lock that door. I don't need any distractions.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: Ladies and gentlemen, if I could have your attention. It now becomes my duty to give you the charge of the law. I'm going to go ahead and forewarn you, now, I'm going to probably take a little more time than I normally will. I have developed a little infection in my right eye and it keeps blurring on me. So I'm going to take it slow and easy with this charge. I don't -- in case I misread something. I want to certainly get it correct. Okay?

First of all, I want to thank you all for being patient. I want to thank you for listening to the presentation of the evidence, and I want to thank all counsel present in this case in getting the case presented to you for a decision. I appreciate them working together and working with the Court to have the case presented to you.

As I said, it is my duty now under the Constitution of this State to charge and instruct you the law applicable to the case, and it is your duty as jurors to accept and apply the law as the Court now states it to you. As jurors, it's

your exclusive duty to decide all the issues of fact in this case, and for that purpose, to determine the effect, the value and the weight of the evidence. Both the State and the Defense have a right to expect that you will conscientiously consider and evaluate the evidence and apply the law of the case thereto to the end that both the State of South Carolina and the Defendants will receive and obtain a fair and impartial trial in the case. When I use the word Defendants I am referring to Mr. Calvin D. Ford and also to Mr. Aliga Campbell.

In the bill of indictments, Mr. Ford is charged in the bill of indictment 2017-02914 with the offense of murder. It alleges that he did willfully, feloniously and intentionally kill the victim, Jamal, Jamal Burgess with malice aforethought either express or implied by means of gunshot wounds and that the victim did die as a proximate result thereof on or about July the 23rd, 2016, in Horry County. Also, in indictment 2017-02913 the Defendant, Calvin D. Ford, it is alleged that he did willfully, feloniously and intentionally kill the victim Dameion Alston with malice aforethought either express or implied by means of gunshot wounds, and that occurring on July the 23rd, 2016, in Horry County and that he -- the victim did die as a proximate result thereof. Also, on indictment 2017-02915 the Defendant, Calvin D. Ford, is charged with the possession of a weapon during the commission of a violent

crime that occurring in Horry County on or about July the 23rd, 2016. Also, in indictment 2017-02912, Calvin D. Ford is charged with unlawful possession of a firearm by a person convicted of a violent offense occurring in Horry County on or about July the 23rd, 2016.

The indictment 2017-06725 the Defendant, Aliga Campbell, did in Horry County on or about July the 23rd, 2016, willfully and feloniously and intentionally kill the victim Jamal Burgess with malice aforethought either express or implied by means of gunshot and the victim did die as a proximate, proximate result thereof on or about July the 23rd, 2016, in Horry County, and in indictment 2017-06729 the Defendant, Aliga Campbell, did in Horry County on or about July the 23rd, 2016, did willfully, feloniously and intentionally kill the victim Dameion Alston with malice aforethought either express or implied by means of a gunshot, and the victim did die as a proximate result thereof on or about July the 23rd, 2016, in Horry County.

Now, to these charges and indictments the Defendants have entered pleas of not guilty. A plea of not guilty by a Defendant places the burden of proof on the State to prove by evidence the guilt of the Defendant beyond a reasonable doubt before you, the jury, can find a Defendant guilty. A Defendant is presumed in law innocent of the charges contained in an indictment. It is a cardinal and fundamental rule of

law that a Defendant, irrespective of the enormity of the charge against him, will always be presumed innocent of the crime for which he is indicted unless and until the guilt of the Defendant has been approved by evidence that satisfies you, the jury, of his guilt beyond a reasonable doubt. The presumption of innocence is not a mere legal theory and it's not just a legal phrase. The presumption of innocence is a substantial right to which every accused is entitled. Our Supreme Court has declared that the presumption of innocence is like a robe of righteousness placed about the shoulders of a Defendant and it remains with him and assigns him to that class, the innocent, until that presumptive robe of righteousness has been stripped from his person by evidence satisfying you, the jury, of the guilt of the Defendant beyond a reasonable doubt. The presumption of innocence accompanies a Defendant from the time of his arraignment and appearance in the court and continues with the Defendant throughout every stage of the trial and continues with the Defendant after you retire to the jury room to deliberate your verdict. The presumption of innocence continues in existence to the benefit of a Defendant until you, the jury, reach the conclusion that the State has proved the guilty of the Defendant beyond a reasonable doubt.

The State is not required to prove the guilt of a Defendant beyond all doubt or beyond every doubt, but beyond a

reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you are firmly convinced that the Defendant is guilty of the crime charged, you must find him guilty. If on the other hand you think there is a possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty. I charge you that the Defendant is entitled to every reasonable doubt arising in the case or arising in any defenses. If upon any issue of a fact essential to conviction and a verdict of guilty you have a reasonable doubt as to how that issue should be resolved it will be your duty to resolve that reasonable doubt in favor of the Defendant. A Defendant, ladies and gentlemen, is not required to prove his innocence, but the State is required in law to prove every essential element of the offense charged against the Defendant by evidence which satisfies you, the jury, of the guilt of the Defendant beyond a reasonable doubt before you can convict the Defendant and find him guilty.

If then upon the whole case you have a reasonable doubt as to the guilt or the innocence of a Defendant, he is entitled to that reasonable doubt and would be entitled to an

acquittal and a verdict of not guilty, but on the other hand, if upon the whole case you find the State has proved by evidence which satisfies you, the jury, of the guilt of the Defendant beyond a reasonable doubt then in such circumstance it would equally be your duty to convict the Defendant and find him guilty.

I instruct you at this time the indictments in this case, which I have up here on the bench, that you will have in a few minutes, are not evidence and cannot be considered by the jury as evidence in the case. The indictment is simply the formal written instrument which contains the charge against the Defendant and it serves as the formal document by which a case is processed into the court.

Now, during the trial, each of us, you and I, have certain duties to perform. As the trial judge it is my responsibility to preside over the trial of this case and I also have the duty to rule upon or pass upon the admissibility of evidence offered during the progress of the trial. You are to consider only the competent evidence before you, and you are to disregard and disabuse from your mind any testimony ordered stricken from the record of the case during the progress of the trial, if there be any, and you are to consider only the testimony which has been presented from the witness stand together with any exhibits admitted into the record of this case and any stipulations of counsel made into

the record if there be any. Once again, I charge you in this concluding charge that what the attorneys say in a case is not evidence. It may be a situation where they quote the evidence or refer back to the evidence, but the case is to be decided upon the evidence presented from the witness stand and any exhibits.

Now, I have the additional duty to charge you the applicable law of the case. As the presiding judge I am the sole judge of the law and it is your duty to accept and apply the law as I state it to you. If you have a preconceived idea as to what the law is or what the law ought to be in the case and it should not agree with what I tell you the law is, you're obligated under your oath to abandon this preconception on your part because you are sworn to accept the law precisely as I now state it to you. In every case tried in this court before a jury the jury becomes the sole and exclusive judge of the facts of a case. You the jury are the judge of the facts in this case. The Court is the judge of the law in this case. The Constitution of this State has declared that a trial judge shall not intimate, state, comment upon or make any statement to a trial jury about the facts in a case. Since you are the sole judge of the facts you are not to infer from anything that I have said during the progress of this trial in ruling upon the admissibility of evidence or otherwise or anything that I say during the course of this charge to you that I have

an opinion about the facts in the case. The law does not permit me to have an opinion about the facts in this case. That is a matter solely for you the jury to determine such facts, and as jurors then it is your duty to determine as I have stated to you the effect, the value and the weight of the evidence presented during the course of this trial.

Necessarily, then, you must assess the credibility of the witnesses who have testified in the case. Credibility is simply a legalistic term which means believability. I charge you that in determining the question of the credibility or believability of the witnesses you may believe one witness as against several witnesses or several witnesses as against one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited any interest, any bias or any prejudice in the case. You may consider the demeanor of a witness and the appearance of a witness from the witness stand, and you may consider the opportunity for knowledge concerning those things about which a witness testified, and in doing so you exercise your mental processes and the law simply requires that you exercise your good judgment, your common sense, your sense of logic and reason and your experiences in life. You then apply these

attributes of ability to the evidence and determine the weight of the evidence and to these state of facts as I determine -- as you determine, you, the jury, determine you take and apply the law as I state it to you and thus arrive at a verdict in the case.

Now, in this particular case we had some expert testimony and I need to charge you concerning expert testimony. In considering the opinion of an expert witness that has been admitted in this case you should consider the factual evidence first. An expert may base his or her opinion upon the factual evidence presented at trial. Alternatively, the expert may base the opinion upon facts and data not in evidence. You may consider the expert opinion if you find that the testimony is based upon facts that are reasonably relied upon by experts in that particular field. You may consider expert testimony in the same manner as you do any other testimony and give to it such weight as you may believe it is entitled to when considered with all the other evidence in the case. Such testimony is given for the purpose of helping you understand the evidence and not for the purpose of controlling your judgment. The value of it does not depend upon the skill and the knowledge professed by the expert, but rather upon the skill and knowledge he or she actually possesses. It is for you to judge whether he or she possesses such knowledge. In this regard you may consider his or her training, experience,

ability to communicate their ideas, the logic of their opinion, the factual support for their opinion and all other factors as you would judge and weigh the testimony of other witnesses. The value and effect of expert testimony is a matter solely, solely to be estimated by you the jury. No opinion of an expert can be accepted as in and of itself truthful or reliable, but must be weighed by you and convince your judgments beyond a reasonable doubt and with the same force and effect as any other fact proved in the case before you can rely upon it as the basis of a conviction. You have heard the testimony of witnesses who have special knowledge, skill, experience, training or education in a particular field and who have given their opinion as an expert as to the matters in which he or she was skilled. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the expert and the reasons given for their opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem entitled.

Now, I'm going to speak to you about direct and circumstantial evidence. There are two types of evidence which are generally presented during a trial, and I in no way insinuate to you what the evidence is. You have to decide that on -- as, as you heard it. Anyway, direct evidence and circumstantial evidence, direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as

an eyewitness. It is evidence which immediately establishes the main fact to be proved. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all of the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt you must find the Defendant not guilty.

I will now charge you on the specific alleged charges in these indictments. You've heard some of the charges of that of murder. I am going to read to you section 16-310 of the Code of Laws of the State of South Carolina of 1976 as amended, which states, murder is the killing of any person with malice aforethought, either express or inferred, and I point out to you sometimes the word implied is, is used and basically mean the same thing.

Murder is the unlawful killing of any person with malice aforethought, either express or inferred. Hence, in order to convict one of murder, the State must not only prove the

killing of the deceased by the Defendant, but that it was done with malice aforethought, and such proof must be beyond a reasonable doubt. Malice aforethought is an essential element in the crime of murder. What is malice? Malice is defined in the law of homicide as a term of art. Malice does not necessarily mean an actual intent to kill. This is a technical term importing wickedness and excluding just cause or legal excuse. It is something which springs from wickedness, from depravity, from a depraved spirit, from a heart devoid of social duty and fatally bent on mischief. The words express or inferred malice do not mean different kinds of malice, but merely the manner in which the only kind of malice known to the law may be shown to exist, that is to say either by direct evidence or by inference malice may be express as where previous threats of vengeance or lying in wait or other circumstances show directly that an intent to kill was entertained. Malice may be inferred where, though no express intent to kill is proved by direct evidence, it may be inferred from the facts and circumstances which are proved. Malice may be inferred from the willful, deliberate and intentional doing of an unlawful act without just cause or legal excuse. In other words, in its general definition, malice means the doing of an unlawful -- correction, the doing of a wrongful act intentionally without justification or legal excuse, but even if facts proved are sufficient to raise an

inference of malice, this inference would be simply an evidentiary fact to be taken into consideration by you the jury along with all the other evidence in the case, and you may give it such weight as you determine it should receive as to whether or not malice has been proved beyond a reasonable doubt. Ladies and gentlemen, it will be observed that there must be malice aforethought, and while the law does not require that malice shall exist for any particular length of time before the commission of the act, it must be aforethought. There must be a combination of the previous evil intent and the act producing the fatal result. I charge you the State is not required to prove a motive for homicide.

All right. You heard me mention in the indictments the charge of possession of a firearm during the commission of a violent crime. Section 16-23-490 of our code of laws makes it illegal to possess a firearm during the commission of a violent crime. Section 16-1-60 provides that a violent crime includes the offense of murder. For you to find the Defendant guilty of this separate statutory offense of possessing a firearm during a violent crime, you must first find the Defendant guilty of the violent crime, and which as you know in this case the alleged offense is that of murder. If you find the Defendant guilty of murder, then you must determine whether the State has proved beyond a reasonable doubt that the Defendant was in possession of a firearm during the

commission of the murder. As used in Section 16-23-490 of the South Carolina Code a firearm is defined as any machine gun, automatic rifle, revolver, pistol or any weapon which will or is designed to or may be readily converted to expel a projectile. As to that indictment concerning the unlawful possession of a firearm by a person convicted of a violent offense, I charge you Section 16-23-500 of our Code of Laws it is unlawful for a person who has been convicted of a violent crime as defined by Section 16-160 that is classified as a felony offense to possess a firearm or ammunition within this state.

During the trial of the case you have heard the term hand of one is the hand of all. I charge you that it is a crime or if a crime is committed by two or more persons who are acting together in the commission of that offense the act of one is the act of all. This is true if there are two people or more than two involved in the act. Two or more than two people can be guilty of killing another when only one of the persons fired the shot or committed the act that caused the death. If two or more people are together acting together assisting each other in the commission of an offense, the law says that under these circumstances the act of one is the act of all. The hand of one is the hand of all. Now, I charge you that mere presence at the scene of a crime is not a crime.

I instruct you now and emphasize to you that the election

of a Defendant in the trial of a criminal case not to testify in his own behalf is not a factor to be considered by you in any way in your deliberation and your consideration on the question of the guilt or innocence of the accused. It must not be considered by you in any manner whatsoever against the Defendant or mitigate against him in any respect whatsoever. Under your oath you are to reach no inference and draw no conclusion whatsoever from the fact that a Defendant in the case did not himself testify. This should not be discussed in the jury room.

All right. You've heard the term self-defense. Self-defense is a complete defense. If established you must find the Defendant not guilty. Generally the elements required by law to establish self-defense include the following: the Defendant must be without fault in bringing on the difficulty; two, the Defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury or he actually was in such imminent danger; three, in his defense or if his defenses is based upon his belief of imminent danger, a reasonably prudent person of ordinary firmness and courage would have entertained the same belief. If the Defendant actually was in imminent danger the circumstances were such as would warrant a person of ordinary prudence, firmness and courage to shoot the fatal shots in order to save himself from serious bodily injury or losing his

own life; four, the Defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in the particular instant.

If one reasonably believes he is in danger of death or serious bodily harm then he is entitled to defend with deadly force if necessary even though, in fact, he was not in such danger, for the law says he is entitled to act on reasonable appearances. The law of self-defense encompasses preventive action taken to protect one's life if such action is taken in anticipation of danger and in response to an immediate threat. One may act on appearances. He may be mistaken. The law does not hold someone to a refined assessment of the danger, provided, of course, he acted as a person of ordinary coolness and courage would have acted or should have acted in meeting the appearance of danger. He does not have to wait until his assailant gets the drop on him or he has the right to act under the law of self-preservation and prevent his assailant from getting the drop on him. There is a requirement of objectivity that the belief be reasonable, that the hypothetical reasonable person would have so believed or would have been warranted in so acting. This hypothetical reasonable person is defined as a man of ordinary prudence, firmness and courage. Factors that would give the Defendant the right to judge the conduct of an adversary more harshly

than otherwise would include, but are not limited to, age difference, prior bad blood or prior difficulties between the two, the deceased alcohol or drug consumption, prior threats by deceased against the Defendant, the deceased's reputation for violence. In determining whether the Defendant's belief in the apparent danger and then the necessity of his actions meets the objective standards, you should consider a hypothetical person of ordinary firmness but one who shares some of the physical characteristics of Defendant such as age, general physical condition and sex in contrast to those physical characteristics of the aggressor.

From the evidence, if there are prior difficulties between the parties you may consider these prior difficulties in assessing the reasonableness of the Defendant's actions. These prior difficulties are relevant in showing the Defendant's state of mind on the particular occasion. Evidence of prior difficulties may be considered by you as showing the animus or attitude of the parties to each other to assist you in determining who was the aggressor. However, this evidence may be considered by you for that purpose only.

If there is evidence in the case regarding bad blood or ill feelings between the party, if there is bad blood existing between two citizens and there have, and there have been antecedent threats between them, that would not give either one of them in itself the right to injure the other. In

considering the actions of the Defendant the jury is warranted in considering the propensity for acts of violence of the victim. If the Defendant knew the victim was of such propensity then the Defendant would be warranted in construing the victim's actions more harshly in acting upon hostile appearances more readily than he would have been entitled to to a man who was not of such propensity.

Ladies and gentlemen, you're not partisans or advocates for the State of South Carolina or these Defendants. You do not serve as jurors to reward friends or punish enemies. Obviously, such a perverted system of justice would be intolerable. You have been selected by both the State and the Defendants as fair and impartial jurors. It is your duty then by your joint deliberations to determine the facts in this case giving to the Defendant the benefit of every reasonable doubt on each and every issue, then to the facts which you determine, you then take and apply the law which has been given to you by the Court and thus arrive at a verdict, and when you have accomplished these responsibilities you will have satisfied your oath as jurors and you will have discharged your duty to the Court.

Now, ladies and gentlemen, we have between the two Defendants one, two, three, four, five, six indictments. Mr. Foreman, ladies and gentlemen of the jury, you will have to reach a verdict on each of the six indictments. Mr. Foreman,

on the back page of each indictment there is a section down here called verdict. Once the jury has reached a verdict on each of these indictments, it will be your duty to write in that verdict, sign your name and put the date that that verdict is reached. Okay? Once again, on each of these indictments if the State has failed to prove the guilt of the Defendants beyond a reasonable doubt your verdict on that particular indictment would be two words, not guilty. If the State has proved the guilt of the Defendant beyond a reasonable doubt your verdict would be one word, guilty.

Now, the verdict that you render in this case must be the verdict of each and every juror. It must be your unanimous verdict. All 12 jurors must agree on the verdict which you authorize the foreman to write for the jury. At this time I'm going to ask the 12 of you, the first 12 to step, step back to the jury room and relax a few minutes. I've got to check in with the attorneys before I can send the indictment back to you and they also have to check off to make sure all exhibits are present. Once we have accomplished that, Mr. Foreman, I'll send these indictments back to you and we will send the evidence or the exhibits back to you and you may then begin your deliberation but don't begin until we do that.

Now, when you begin your deliberations, if you have a juror that needs to step out of the deliberations, such as bathroom, whatever, cease your deliberations until you have

all 12 back in place. Okay?

All right. If the 12 of you will step back and I'm going to ask Mr. Dan if he would the alternate juror let's put him in a separate room for right now.

(Whereupon, the following takes place outside the presence of the jury.)

THE COURT: I, I included the charge there, about had all you had on your charges anyway. That was in my standard charge.

MR. MCCOY: Yes, sir, Judge. The only thing that we would ask of the Court is under 618, bad blood, the, the first -- that sentence or that, that Your Honor read, if there is bad blood existing between two citizens and there have been antecedent threats between them, that would not give either one of them in itself the right to injure another, we believe that taken in context with the second paragraph is what would be intended under the charge, Your Honor.

THE COURT: All right. Which one is it now?

MR. MCCOY: 618, bad blood.

THE COURT: Is there -- what did I do, fail to read the second paragraph?

MR. MCCOY: Yes, sir, Your Honor.

THE COURT: I'm sorry.

MR. MCCOY: -- it's just kind of a mishap.

THE COURT: You're right. I did. I was looking at those

MR. MCCOY: Yes, sir.

THE COURT: All right. You all got it on the record.

All right. Mr. Fox, I'm going to need what you want me to read.

MR. FOX: Yes, sir.

(Court and Mr. Fox confer at bench.)

THE COURT: All right. Glad to do it.

MR. FOX: Thank you.

THE COURT: We need them back, and I bet somebody is going to be in the bathroom.

OFFICER: Your Honor, do you need the alternate as well?

THE COURT: Yes.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: I apologize. I had to bring you back out, Mr. Foreman, ladies and gentlemen. I left off part of a charge and I'm going to blame it on this blurred vision. I need to give you that complete charge, and also I've got an additional charge concerning evidence as far as circumstantial and direct.

I'll do the evidence one first. There are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of

facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the Defendant's behavior as suspicious the proof has failed. The State has the burden of proving the Defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence or some combination of the two, and as I said previously I do not comment upon what evidence is present. That is for you to deduce as the jury, and I need to reread the six -- well, it's entitled self-defense, bad blood. I left off part of it inadvertently. If there's evidence in the case regarding bad blood or ill feelings between the parties, if there is bad blood existing between two citizens and there have been antecedent threats between them, that would not give either one of them in itself the right to injure the other. If there are ill feelings between you and me, if you had received word that I expected to injure you, the effect would be you would have a right to judge more harshly my conduct than you would otherwise. If we

are friends and I happen to meet you on the street and I put my hand in my pocket to get my pocketknife with no bad intent, ordinarily you would not be justified in concluding that I was trying to get a weapon out with which to kill you or to do you serious bodily harm. If there is a violent feeling between us and I put my hand in my pocket to get something, you would be justified in interpreting that act of mine more harshly than in the case of friends. If you receive threats of harm and you meet the person who made them, you can judge them more harshly in determining whether there is any necessity to act in defense of your safety. It is for you to judge under all facts, all the facts whether the State has proven the guilt beyond a reasonable doubt.

One other thing I didn't say that I should have, Mr. Foreman, if you get back there and I send the word along with the indictments and the exhibits to begin deliberations and you have a juror or jurors that immediately state to you that they are not going to participate, in other words, refuse to deliberate, you will immediately notify the Court of that. Okay? Mr. Alternate will be close by where I can remedy that.

All right. Anything else? Did I cover everything you all asked me to cover?

MR. MCCOY: Yes, sir. Nothing further, Your Honor.

MS. WALTER: Nothing further, Your Honor.

MR. FOX: Nothing further, Your Honor.

stirred up. So my warning to you there is the best thing you can do is just leave things alone and don't be communicating with any Defendants if something like this comes up again, you know. We appreciate the calming influence, but don't be saying anything to get somebody stirred up like he was stirred up out there. You know, this doesn't look good and had people concerned out there. Okay?

MR. EVERETT FORD: Yes, sir.

THE COURT: So with that said, time served.

MR. EVERETT FORD: Thank you.

THE COURT: We'll stand at ease.

OFF THE RECORD

(On the record. The following takes place outside the presence of the jury. Question from jury at 3:18 p.m. Question discussed with Court and counsel for State and Defense.)

THE COURT: Hold, hold them up till we get the Defendants in. I'm sorry.

Okay. To get everybody up to snuff, the jury has requested to see the timeline. It's not an exhibit that can go back. So I have to bring them into the courtroom and let them look. Okay.

(Whereupon, the following takes place in the presence of the jury. A bench conference is held in the presence, but out of the hearing of the jury.)

THE COURT: All right. We're in receipt of your question. The autopsy report is not in evidence. There was testimony, I believe, from Dr. Proctor, but nothing is in evidence. That takes care of that question. The report or the timeline that you requested, I had to bring you back in the courtroom to observe that because it's not an actual exhibit. So I couldn't send it back there, but Mr. Foreman, you'll have to let me know when, when you have completed your review.

MS. WALTER: May we approach, Your Honor?

MR. FOX: May we approach?

(Whereupon, a bench conference is held in the presence, but out of the hearing of the jury.)

THE COURT: I've been -- okay. Let me explain, the same situation with this, they're marked in -- they were in the testimony, but they're not marked or admitted into evidence. So you can look at them here in the courtroom. Hold on.

(Whereupon, a bench conference is held in the presence, but out of the hearing of the jury.)

THE COURT: Can't do that. Back to what I originally said, we got Dr. Proctor's testimony. You can help the Court if there's some specific question about any of his testimony we can pull that back up, but as far as sending any autopsy report it's not into evidence. Okay? Let me know about that.

Everybody good? You may return to your jury room.

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

THE COURT: All right. What we're going to do, Madam Court Reporter is going to mark that as an exhibit so we can keep track of it. Okay?

OFF THE RECORD

(On the record. The following takes place outside the presence of the jury. Verdict reached at 5:48 p.m.)

THE COURT: Everybody be seated. We got everybody? Yeah. All right. I know emotions are high. Whatever this jury verdict may be, you're going to have to live with it. We're not going to have any disruption. We're not going to have any extreme show of emotions in here to get everybody upset. So my standard procedure is to give you this warning. If you feel like that you cannot handle whatever the verdicts may be that have been reached by this jury you need to step outside. So I'm not going to allow any violence to break out in this courtroom. All right. Sheriff, if you'll tell Dan to bring them in.

(Whereupon, the following takes place in the presence of the jury.)

THE COURT: Mr. Foreman, has the jury reached verdicts?

FOREPERSON: Yes, sir, Your Honor.

THE COURT: If you'll pass them up to Mr. Clerk.

(Complies with request and Court reviews.)

THE COURT: Signed and dated. Mr. Clerk, you may publish

the verdicts.

THE CLERK: Indictment number 2017-GS-26-6725, State of South Carolina, County of Horry versus Aliga Campbell on the indictment of murder, we, the jury, unanimously find the Defendant not guilty.

2017-GS-26-6729, the State of South Carolina, County of Horry versus Aliga Campbell, indictment for murder, we, the -- we, the jury, unanimously find the Defendant not guilty.

2017-GS-26-2913, State of South Carolina, County of Horry versus Calvin Ford, indictment for murder, we, the jury unanimously find the Defendant not guilty.

2017-GS-26-2914, State of South Carolina, County of Horry versus Calvin D. Ford, indictment for murder, we, the jury unanimously find the Defendant guilty.

2017-GS-26-2915, State of South Carolina, County of Horry versus Calvin D. Ford, indictment for possession of a weapon during the commission of a violent crime, we, the jury unanimously find the Defendant guilty.

Docket number 2017-GS-26-2912, State of South Carolina, County of Horry versus Calvin D. Ford, on the indictment for unlawful possession of a firearm by a person convicted of a violent offense, we, the jury unanimously find the Defendant guilty, signed by, signed by Perry Hubbard, foreperson on November 8th, 2019.

Ladies and gentlemen of the jury, if this is your verdict

just tell him -- just give him an excuse, please, please. Courtney, I love you with all my heart. I love them boys with all my heart, and I just want you to, I just want you to continue to stay strong and take care of them and continue to let them know that I love them every day. I'll never stop loving you all, every -- not with my last breath I won't stop loving you all, and that's all I got to say.

THE COURT: Okay, Mr. Ford. I need to advise Mr. Ford at this time of your appellate rights. I'm sure Mr. McCoy will discuss this with you, but the basic principle I need to discuss with you at this time is that you have ten days to file a notice of appeal to preserve your appellate rights. Counsel will assist you with that if that's your desire. Anything else concerning the record?

MS. WALTER: No, Your Honor. The only ones that were in our system were the two counts of burglary second and the burglary second degree violent. I would note that the two open cases the Defendant, as you know, was wearing an ankle monitor at the time of this murder. That ankle monitor was as a result of bond conditions on an attempted murder case where he also had a gun and then he also has an open drug case.

MR. MCCOY: The offer on the attempted murder case was probation prior to this, Your Honor.

THE COURT: All right. Based on what's before me, and I listened very carefully to the testimony and evidence that was

presented in this trial. It gives me great concern about the fact -- well, let me say, you know, I certainly recognize your remorse here, but you know, based on the criminal record and the fact that you were not supposed to have a gun to start with with that prior record and you go knowing that you'd had difficulty with this victim before and lost some teeth in a fight or whatever why you would go up there knowing you did not have a right to have that gun on you and you see what happens and now the whole community is suffering. You got two families that are absolutely devastated about what went on that night, but I don't, I don't want anybody to think in this courtroom that that's just isolated to Horry County. It's, it's everywhere, any, any town, small town, medium, Charlotte, North Carolina, Atlanta, here. It's these same scenarios, fairly young people get a hold of a gun and then you have a disaster.

All right. On the murder, the conviction on 2017-2914, the sentence of the Court is Calvin D. Ford be confined to the State Department of Corrections for a term of life. On 2017-2915, possession of a weapon during a violent crime, the sentence is five years concurrent, 2017-2912, possession of a firearm by a person convicted of a violent felony, the sentence is five years concurrent, and I want to thank all the attorneys involved for getting this case presented, and with that said, the sentencing sheets are executed. Sheriff, Mr.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	**NOTICE OF MOTION AND**
vs.	)	**MOTION TO DISMISS PURSUANT TO**
	)	**SECTION 16-11-450 OF THE SOUTH**
CALVIN D FORD,	)	**CAROLINA CODE OF LAWS**
	)	
DEFENDANT.	)	
	)	

TO: JOSHUA D. HOLFORD, SENIOR ASSISTANT SOLICITOR

YOU WILL PLEASE TAKE NOTICE, that the Defendant, through his undersigned attorney, will move before the presiding judge of the Fifteenth Circuit General Sessions Court as soon as counsel may be heard for an order dismissing all charges against the Defendant based upon Section 16-11-450 of the South Carolina Code of Laws, commonly referred to as "the Castle Doctrine," *State v. Duncan*, 709 S.E.2d 662 (2011) and *State v. Burriss*, 334 S.C. 256 (1999).

FACTS

On July 23, 2016, Defendant Calvin D. Ford (Defendant) was lawfully present at [redacted] Warren Street, where he was attending his cousin's birthday party. Upon arriving to the party, the Defendant was approached by Jamal Burgess, Deceased (D1). D1 grabbed Defendant around his neck and walked him to the side of the house. Defendant tried to remove D1's arm/hand from around his neck for fear that D1 was planning on physically attacking him. While his arm/hand was around Defendant's neck, D1 repeatedly made aggressive movements, threats and actions towards Defendant. While Defendant was attempting to remove himself from D1's grasp and the area, he could smell a strong odor of alcohol on D1, as well as visually see a gun in D1's waistband. This was later corroborated by witnesses and an earlier photo (See Exhibit 1 - Facebook Photo of D1 just prior to the incident).

Defendant was finally able to maneuver out of D1's grasp. At this time, D1 became visibly angry, agitated and even more aggressive as he shouted threats of violence towards Defendant. As D1 began yelling at Defendant, Damien Alston, also deceased (D2), and several other bystanders approached the scene. In an attempt to diffuse the situation, D2 stepped between the two men. D1 shoved D2 aside causing D2 to drop a firearm. It should be noted that Defendant and D2 were related and good friends, which is why D2 attempted to calm D1 down. D1 then drew a firearm from his waistband and began to shoot at Defendant while yelling at him and into the crowd, potentially fatally shooting D2.

Defendant was in great fear that not only his life was in danger but also the lives of the other bystanders present at the party. Defendant, in rational and obvious fear for his life, retrieved the firearm D2 dropped and began to shoot in the direction of the firing as he ran from D1. Soon thereafter, D1 and D2 were pronounced deceased from gunshot wounds and Defendant was charged with two counts of murder as well as possession of a weapon during a violent crime.

The State initially claimed that Defendant came to his cousin's birthday party with the intention of confronting and shooting D1. However, this theory was soon changed approximately one year later when another Defendant (Defendant 2) was arrested and charged with the murders of D1 and D2. Assuming the State's new theory is that Defendant and Defendant 2 acted together, the State has provided no evidence of this whatsoever.

Multiple witnesses as well as evidence shows that D1 was acting aggressively, threatening and pulled his gun and shot first towards the Defendant and D2 (See exhibit 2 - witnesses statements). Furthermore, at D1's funeral (while only Defendant 1 had been charged), many family members and supporters, some of whom were at the birthday party, wore t-shirts with the quote "It's Hard But It's Fair" (See exhibit 3 - photographs from Facebook). It is clear

that the onlookers at the party and the community as a whole knew that the incident was tragic, but, that Defendant would not have ever needed to use a gun but for D1's life-threatening actions.

The State will present evidence claiming Defendant willingly attended the birthday party with the intent of starting a physical altercation with D1. However, evidence shows Defendant was unaware D1 would be present until his arrival at the party at which time he attempted to avoid D1. (See exhibit 2 and 4). D1 told Defendant 2 to call Defendant and ask him if he was coming to the party because D1 had assumed Defendant would be there and he was growing anxious as he waited on Defendant so he could aggressively and surprisingly confront him. (See exhibit 4 – Aliga Cambpell's Statement). There are currently no phone records to show that a phone call took place between the Defendants. Furthermore, the State will show that Defendant was located at the party and near the scene because he was on an ankle monitor at the time. This only shows how wildly outrageous the accusation that Defendant went to a crowded party where almost everyone knew him, on a GPS tracking device, with the intent to commit a violent crime against D1 or his friend and cousin D2 actually is.

The State will also present evidence alleging Defendant is barred from claiming he acted in self-defense due to the fact that he was a felon in possession of a firearm. However, Defendant, according to the Supreme Court of South Carolina, is not barred from unlawfully possessing a firearm and using it in self-defense as long as the act of possessing the firearm was not the "proximate cause" of the death. *State v. Burriss* states "the burden rests upon the State to prove beyond a reasonable doubt that the unlawful act in which the accused was engaged was at least the proximate cause of the homicide." *Burriss*, 334 S.C. at 262 (citing *State v. Goodson*, 312 S.C. 278, 440 S.E.2d 370, 372). Furthermore, *Burriss* states "a person can be acting

lawfully, even if he is in unlawful possession of a weapon, if he was entitled to arm himself in self-defense at the time of the shooting." Id. at 262. This puts the burden directly on the State to prove that the unlawful carrying of the gun was the cause of D1 and D2's death. Here, D1's actions of pulling a firearm and shooting wildly at Defendant and into a crowd of innocent bystanders was the proximate cause of D1 and D2's deaths. Defendant's actions were solely due to the "fear of great bodily injury or death," perpetrated by D1.

THE SOUTH CAROLINA PROTECTION OF PERSONS AND PROPERTY ACT

The South Carolina General Assembly codified the so-called "Castle Doctrine" by passing the "Protection of Persons and Property Act" in 2006. S.C. Code Ann. § 16-11-410 et. seq. The General Assembly memorialized the legislative intent of the Act as follows:

(A) It is the intent of the General Assembly to codify the common law Castle Doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business.

(B) The General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force...

(D) The General Assembly finds that persons residing in or visiting this State have a right to expect to remain unmolested and safe within their homes, businesses, and vehicles.

(E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

S.C. Code Ann. § 16-11-420.

The sections of the Act relevant to this matter includes the following:

(C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force...

(E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

The Act textually proves immunity from criminal prosecution:

(A) A person who uses deadly force as permitted by the provisions of this article or another applicable provision of law is justified in using deadly force and is immune from criminal prosecution and civil action for the use of deadly force.

S.C. Code Ann. § 16-11-450(A).

The Defendant maintains that the language in S. C. Code Section 16-11-420(C)&(E), "a person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force... that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack." is unambiguous. The Defendant likewise asserts that he was acting lawfully at the time of the shooting as stated in *State v. Burriss*, 334 S.C.

256 (1999). Furthermore, the Defendant submits that his conduct falls within the circumstances set forth in Section 16-11-440 and *State v. Duncan*, 709 S.E.2d 662 (2011) and he should therefore be immune from prosecution.

STANDARD OF PROOF

In a criminal case where the immunity of Code Section 16-11-420 is asserted, the proper procedure is for the trial court to hold a pretrial evidentiary hearing on the issue of immunity to decide the factual question of the applicability of the statutory immunity. The South Carolina Supreme Court has rejected the idea that the State may defeat the assertion of immunity by a showing of probable cause. The proper standard of proof in determining Immunity under this Code Section is whether the Defendant has produced evidence that he is immune from prosecution by a preponderance of the evidence. *State v. Duncan* 392 S.C. 404, 709 S.E.2d 662 (2011).

WHEREFORE, the Defendant prays that the warrants and charges be dismissed and he be ruled immune from prosecution pursuant in this matter.

Respectfully submitted,

_____

Jonny McCoy, Esq.
Bar #: 77540
1240 21st Avenue North, Suite 105
Myrtle Beach, SC 29577
843-848-7325 Telephone
843-839-0455 Fax

Myrtle Beach, South Carolina

Date:_____, 2018

EXHIBIT

1

lilmeezy93
10h ago
CHAT

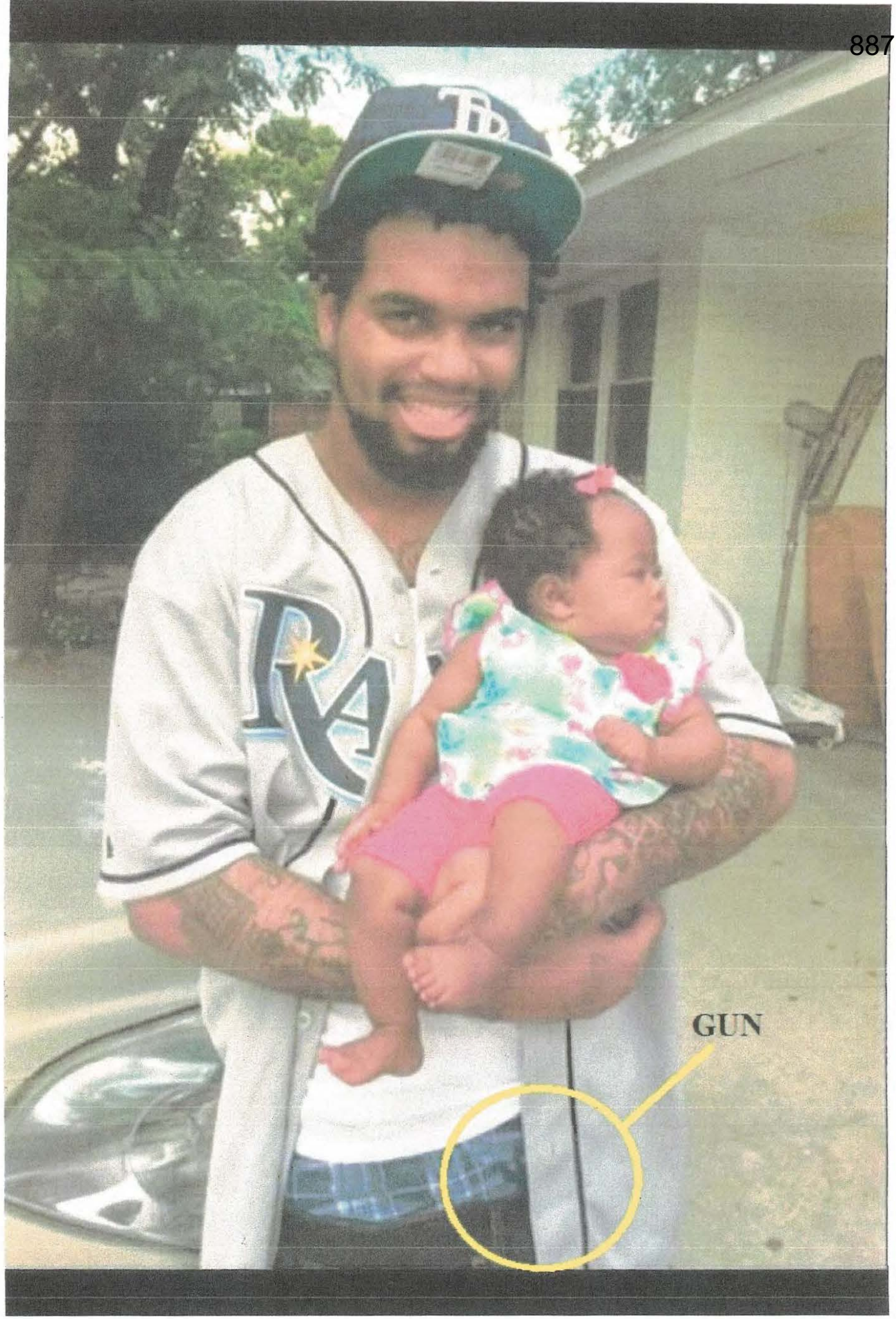
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EXHIBIT

2

WRITTEN STATEMENT

OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, RASHEED MCKNIGHT Date of Birth: [redacted] SSN: XXX XX [redacted] TEL# 843-597-4030
Gender M Ethnicity B Hgt 510 Wgt Hair BLK Eye BRO reside at [redacted] WHITE STREET
in the city/town of MYRTLE BEACH which is located within HORRY County in the State of SOUTH CAROLINA do on this 4 day of AUGUST 20 16 state that the following is true and accurate to the best of my knowledge:

There has been ongoing hostility between Jamal Burgess and Calvin Ford instigated and perpetuated by Jamal Burgess. Th hostility started about two years ago when Jamal struck Calvin in the mouth with the butt of a pistol causing Calvin to lose his two front teeth. The incident was very similar to what happened on the night of the shooting. Jamal put his arm around Calvin and walked with him to the side of the street where he suddenly removed his arm, pulled a gun from his waist band and pistol whipped Calvin in the mouth. The night of the shooting was almost identical to that. Upon seeing Jamal at the party, Calvin was fearful of what Jamal might do to him this time and tried to walk the other way to avoid the conflict.

On the night of the shooting, Jamal was drinking heavily and on "Molly". Jamal didn't pay any attention to me or my frien but then Jamal saw one of my other friends, (Alijah Campbell) at a house next door. Jamal began to argue with him (Alijal Campbell) about Calvin. Jamal was demanding Alijah Campbell call Calvin on the phone and make him come to the party

I do not know why Jamal was angry and demanding Calvin to come to the party. He just doesn't like Calvin and everyone knew it.

Jamal just got out of jail on 7/21, two days before the shooting. Since getting out of jail and up to the day of the shooting, Jamal kept coming through the neighborhood like he was looking for Calvin. On at least one occasion, Jamal rode by the house really slow on a scooter, and pulled up his t shirt to show everyone outside he had a gun. Calvin was home at the tim on house arrest, but I do not know if he was outside to see this. A lot of other people were outside and saw it, including women and kids.

When Calvin got to the party on Warren Street, me and another friend were sitting inside of a car, so I could not hear what was being said. However, I saw Calvin walking toward the party and when he saw Jamal, he turned to walk the other way. At that point, Jamal had already seen Calvin and went over to him, putting his arm around him as though they were close friends - just like the last time two years ago when for no reason he knocked Calvin's teeth out with the gun. I saw Jamal walking with Calvin to the side of the road where he removed his arm from around Calvin and appeared to start yelling at him.

It looked like a fight was about to start as other people started to try to step between them to stop things from getting out of control. Everyone knows they do not get along, and Calvin had tried to walk away to avoid the situation. Jamal appeared to be very angry and threatening toward Calvin. Jamal was yelling at Calvin and so agitated I could actually see spit flying ou of his mouth while he was yelling at him. Jamal looked extremely agitated and angry.

I could see things starting to heat up and a fight looking like it was going to happen between Jamal and Calvin, so me and my friend got out of the car and started to walk over.

I was about 10 yards behind Calvin. Jamal was facing Calvin and Damien Alston was standing next to Jamal trying to get Jamal to calm down. I could hear Jamal telling Damien Alston to run and get out of the way as he kept trying to push him (Alston) to the side.

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
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CASE NUMBER: 2016A2620601884,885,886,887

At one point during all this, Jamal pushed Damien Alston to one side as he leaned to the other, pulling his gun from his waistband. Calvin had not pulled a gun or threatened Jamal.

As Jamal pulled the gun out and pointed it at Calvin, Calvin pulled his own gun and shot at Jamal but I am not sure because it all happened so fast. ~~I am not sure if~~ Jamal shot first ~~or if Calvin shot first, but Jamal was the first to pull a gun and he pointed it at Calvin~~. When Jamal fired, he missed and the bullet struck the ground somewhere passed Calvin. At this point, everyone started to run, including Calvin Ford.

Jamal kept shooting everywhere trying to hit Calvin who was running away. Jamal was crazy, shooting at anyone and anything. Anyone could have gotten killed. Damien Alston was running near me when he went down. He got hit by one of Jamal Burgess' shots. It could have been me or anyone.

When it was over, everyone was standing over Jamal, picking up his gun and bullets, saying get everything off him. They were trying to make him look like the "good guy" when he actually started the whole thing. Maybe two people at the most were trying to help Damien Alston, but for the most part he just laid there and bled out.

Jamal started the whole thing and Calvin was defending himself. Jamal was arguing with at least 2 people during the day and saying how he wanted to hurt Calvin.

Calvin was not looking for trouble. When he got to the party and saw Jamal, he even tried to walk away to avoid any problems. Jamal went after him and didn't let him leave. Jamal is responsible for the whole thing.

Subscribed and sworn to before me this
4 day of AUGUST, 2016

(L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Edward McKnight
Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, EVERETTE FORD Date of Birth: [redacted] SSN: XXX-XX [redacted] TEL# 843-443-5292
Gender M Ethnicity B Hgt 509 Wgt ___ Hair BLK Eye BRO reside at [redacted] WHITE STREET
in the city/town of MYRTLE BEACH which is located within HORRY County in the State of SOUTH CAROLINA do on this 4 day of AUGUST 20 16 state that the following is true and accurate to the best of my knowledge:

Before discussing what happened on the night of the party, I want to describe other incidents where Jamal Burgess showed aggression toward Calvin Ford because I think it is relevant to what happened on the night of the shooting.

I was incarcerated and was released in ~~December~~ FEBRUARY (EF) 2015. While I was incarcerated, I heard about Jamal Burgess shooting different people. I also heard about Jamal Burgess pistol whipping Calvin Ford and knocking his front teeth out. Jamal Burgess was messing with some younger boys. Calvin saw this, walked over and asked Jamal Burgess to leave the young boys alone. Jamal put his arm around Calvin as if to talk to him, and then suddenly pulled his pistol out, stepped back and pistol whipped Calvin in the face causing his two front teeth to be knocked out. Calvin was just trying to look out for the younger boys and Jamal took it as a disrespect to him. This happened in 2014 while I was still incarcerated. I didn't see it but everyone was talking about it.

~~Sometime in July of this year, after July 4th but before July 21st,~~ SOMETIME IN DECEMBER 2014 (EF) Jamal got tied into some kind murder that happened at a club because everyone knew Jamal as an agitator. Jamal ended up getting arrested for it and got out on bond on July 21st. Some people that knew the boy who got shot came through the neighborhood looking for Jamal. These people stopped Calvin on White Street and asked where Jamal lived. Calvin told them he did not know where Jamal lived. Even though he did know, he was not going to betray Jamal to these people. We all grew up together and are like family, despite the issues between us. Jamal heard these guys came looking for him and accused Calvin of telling them where he lived. ~~Jamal was angry, believing Calvin had given him up.~~ (EF)

After Jamal got out of jail on July 21st, he rode by our house on White Street on a scooter, pulled up his shirt, and showed a gun. I took that as a threat toward Calvin. Honestly, I wanted to do something about that because I never really liked Jamal, he had knocked Calvin's teeth out, and now he was riding by our house threatening Calvin. Calvin told me to let it go, that ~~Jamal~~ just had a baby, and to just let it go. I did.

HE, CALVIN (EF)

On the night of the party when the shooting happened, Jamal was there drinking a lot of ~~beer~~ ALCOHOL (EF) and doing "Molly". Everyone knows Jamal loved to drink and loved his "Molly". Jamal had his gun in his waistband under his shirt, it's in a picture on Facebook of him holding his baby at the party.

I saw Jamal confront Alijah Campbell. I was too far away to hear what was being said, but you can tell when someone is angry by their body language. It looked like Jamal was very agitated. I already didn't like Jamal and it looked like he was about to do something to hurt Alijah Campbell, so I started to move in a little closer to protect Alijah Campbell if it was needed. Jamal made Alijah Campbell take out his lower "grill" and give it to him. Jamal held the lower "grill" and was making fun of it and making fun of Alijah Campbell in front of everyone. Jamal was showing dominance and power over the younger boys. I heard Jamal tell Alijah Campbell to call Calvin and tell him to come to the party. I saw Alijah Campbell try to call Calvin but Calvin didn't answer. About the same time, I looked and saw Calvin already walking across the street toward the party from White Street.

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
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CASE NUMBER: 2016A2620601884,885,886,887

When Jamal saw Calvin, he went over to him and put his arm around him like they were friends. Calvin told Jamal to take his arm from around his neck, because of what happened the last time when Jamal knocked his teeth out. Calvin didn't trust that Jamal wasn't going to do something again. Jamal took his arm from around Calvin and started questioning Calvin about "why you tell those guys..." talking about the friends of the boy who got shot that had come looking for him. Calvin told Jamal he did not tell the guys anything. Jamal did not seem to accept that and continued to get more agitated. The whole time Jamal was questioning Calvin, Jamal kept putting his hand on his gun like he was trying to slide it up and out of his waistband but it was stuck or something. Damien Alston stepped between Jamal and Calvin to try and break it up, saying "chill, chill..."

It all happened so fast. Jamal was clutching at the gun. Calvin asked Jamal if he was going to shoot him and told him they could just fight and to put the gun down. Jamal just kept clutching at the gun and started telling Damien Alston to move out of the way, "move dean (Alston), move dean, move dean..." Jamal pushed Damien Alston to the side, leaned back, pulled out his gun, and started shooting. Jamal fired at least 7-8 times. I heard another three shots of a different gun about the same time. Jamal shot first and it hit the ground behind / passed Calvin. Everyone, including Calvin started running. Jamal kept shooting all over the place and at everyone. Damien Alston started running like everyone else and was hit by Jamal as he ran. Jamal was crazy and shooting everywhere and at everyone. ~~I think Jamal had been shot by Calvin because he pulled his gun out to shoot Calvin first, and seemed to be holding his side.~~ Calvin and everyone started running after that as Jamal was "chasing" Calvin with the gun - meaning shooting at Calvin as he Calvin ran. Anyone in the way could have gotten shot by Jamal as he was just shooting wildly. Even Damien Alston was running, and that is why I believe he was hit by a shot fired from Jamal and not shot by Calvin.

Calvin Ford and Damien Alston were very close and like family. Calvin Ford would never shoot Damien Alston. We could go to Damien Alston's house right now and they would say the same thing. Everyone knew Jamal Burgess was crazy and that is why hardly anyone hung around with him. Calvin Ford tried to avoid the situation, but if he shot Jamal it was in self-defense.

Subscribed and sworn to before me this
4 day of AUGUST, 2016

(L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE:
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, Emily Ford Date of Birth: [redacted] SSN: [redacted] TEL# 843-940-0085
Gender F Ethnicity BLK Hgt 5'2 Wgt 216 Hair BLK Eye BRN reside at [redacted] White St
in the city/town of Myrtle Beach which is located within Horry County in the State of South Carolina do on this 10 day of August 2016 state that the following is true and accurate to the best of my knowledge:

I went and brought 2 bushels of blue crabs on friday July 22, 2016. On my way to wal-mart. I stopped by home. On white street I stopped and was speaking to my neighbor that's when I saw Jamal Burgess come riding by on a moped like he was looking for someone or something in front of my house. He then kept going he came back through a few times. Thats when I realised that he was released from jail. Friday July 22, 2016 when we had the Crab cookout. Damien Alston was there with Calvin and the rest of their friends enjoying the crabs bringing in his birthday with all of us. He even stayed later that night maybe about 2:30 am. He helped us clean up and get the trash together before he left.

Subscribed and sworn to before me this
10 day of AUGUST, 2016

_____ (L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Emily Ford
Claimant / Witness Signature

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, PHYLLIS CAMPBELL (aka, Miss Peach) Date of Birth: [redacted] SSN: _____ TEL# No Phone
Gender F Ethnicity B Hgt 510 Wgt ____ Hair BLK Eye BRO reside at [redacted] WHITE STREET
in the city/town of MYRTLE BEACH which is located within HORRY County in the State of SOUTH CAROLINA do on this 12 day of August 2016 state that the following is true and accurate to the best of my knowledge:

I am familiar with the shooting that happened in the area of Warren Street on July 23, 2016. However, I did not go to the birthday party where the shooting occurred and therefore I did not witness the actual incident.

I was aware that Jamal Burgess was released from jail on July 21, 2016, just two days before the shooting.

I was aware of bad blood between Jamal Burgess and the defendant, Calvin Ford ever since Jamal Burgess knocked out Ford's front teeth a couple of years ago.

Jamal was a dangerous person and everyone knows it. He is "Death Struck", meaning he is looking to die or get shot or something. I am not sure why he was like that, but everyone knew he was. Jamal has been that way for quite a while and that is why he is so dangerous. Whenever he is around, someone usually gets shot.

On July 22, 2016, a day after Jamal got released from jail and a day before the shooting on Warren Street, there was a crab cookout at the house next door (Ford's). I was outside and saw Jamal ride by the Ford house really slow on a small motorbike. He looked like he was looking for someone.

Jamal rode to the end of the street, turned around and rode back by the house. I did not wait around to see what was going to happen, because I knew where it involved Jamal there was likely going to be shooting. I got my kids, got into my car, and left the area to avoid any trouble.

A lot of people were outside at the Ford house when Jamal rode by on the motorbike, but no one at the Ford house did anything. I did not see that Jamal had a gun at the time, but everyone knows he always has a gun all the time.

I believe that Jamal kept riding by to start trouble

Subscribed and sworn to before me this

12 day of August, 2016

_____ (L.S)
Notary Public for South Carolina

My commission expires 2/5/23

_____
Claimant / Witness Signature

EXHIBIT

3

Long Live Jamonce

EXHIBIT

4

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I, ALIGA CAMPBELL Date of Birth: [redacted] SSN: _____ TEL# 843-605-2563
Gender M Ethnicity B Hgt 510 Wgt ___ Hair BLK Eye BRO reside at [redacted] WHITE STREET
in the city/town of MYRTLE BEACH which is located within HORRY County in the State of SOUTH CAROLINA do on this 10 day of AUGUST 20 16 state that the following is true and accurate to the best of my knowledge:

Mr. Campbell states he was at the birthday party the night the shooting happened.

It started off when me and his homeboy "sheed" (witness, Rasheed McKnight) got to the party. Jamal Burgess saw us and walked over.

I had my "grill" tucked behind my ear and Burgess tried to grab it. I flinched back away from Burgess and my "grill" fell on the ground. Burgess picked it up and looked at it.

Burgess told me to walk with him to talk.

We walked a short distance and Burgess started asking me questions like "You fuck with me?"

I asked Burgess what he meant. Burgess replied "You fuck with me...cause I know at the end of the day you gonna ride with Smooth (Calvin Ford)?"

The conversation between me and Burgess was pretty heated and Burgess was angry talking about Ford, but Burgess changed his tone and started to sound nice about Ford toward the end. That is what Burgess does, he changes to make people think he isn't angry anymore, but he is. That is exactly how he knocked out Ford's teeth.

Burgess was trying to sound nice about Ford and went into a conversation describing how back in the day, he (Burgess) and Smooth (Ford) used to be cool, and then he talked about how he knocked Smooth's teeth out, and the reason he knocked Smooth's teeth out.

Burgess told me to call Smooth (Ford) and tell him to come to the party.

I tried to call Calvin Ford but he didn't answer.

A few minutes later, I saw Calvin Ford walking across the street and up to the party. I told Ford that Burgess wanted to talk to him. Ford asked why Burgess wanted to talk with him. I told Ford that I didn't know but Burgess acted like he wanted to talk things out with him.

Ford didn't really trust Burgess so he (Ford) didn't go over to talk with Burgess. Instead, Ford walked over and talked with some other people.

Burgess must have seen Ford, because Burgess walked right over to Ford and said "Man, let me holler at you."

WRITTEN STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INCIDENT DATE: July 23, 2016
INCIDENT LOC: Warren Street, Myrtle Beach, SC

INCIDENT TYPE: Criminal Defense - Murder
CASE NAME: State of SC v. Calvin Ford
CASE NUMBER: 2016A2620601884,885,886,887

I saw Burgess and Ford talking.

Damien Alston had stepped between Burgess and Ford to try and break it up because it started to look like Burgess was trying to fight Ford.

At one point, I saw Burgess push Damien Alston to the side and turned to walk away like the conversation was over, but the whole time he (Burgess) was whipping out his gun.

When Burgess pushed Damien Alston to the side, Alston's gun fell out onto the ground.

When Burgess whipped out his gun, turned and fired, Ford had picked up Damien Alston's gun that had fallen on the ground and fired back at Burgess in self-defense.

But Burgess fired first. It was self-defense

When Burgess started shooting, everyone started running including Ford.

The way Burgess was shooting, any one could have gotten hit. Burgess was waving the gun all around and shooting at everyone. The way Burgess was shooting and Damien was running, I think Burgess shot Damien Alston.

Burgess was highly intoxicated drinking Hennessy liquor and high on "Molly". Burgess was not on the same planet with the rest of us.

The day before the shooting, Burgess rode by my house on White Street. Me and Smooth (Ford) were outside. Burgess saw us and pulled up his shirt and showed his gun in his waistband.

I took this as a threat and a warning against Ford and anyone with Ford.

The way Burgess was acting at the party and during their argument, he might have even shot me.

What Ford did was completely self-defense. Burgess was going to kill him.

I believe that Burgess shot Damien Alston in the process of trying to shoot Ford.

Subscribed and sworn to before me this

10 day of AUGUST, 2016

(L.S)
Notary Public for South Carolina

My commission expires 2/5/23

Claimant / Witness Signature

902

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF GENERAL SESSIONS

ORDER IN A CRIMINAL CASE
WARRANT(S):
INDICTMENT(S): 2017GS2602912
2017GS2602913
2017GS2602914
2017GS2602915

State of South Carolina

Calvin Ford
DEFENDANT(S)

This form order submitted by: Benjamin H. Culbertson Presiding Judge	Attorney for : ☐ State ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE

☑ **DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered. ☑ See below for additional information.

☐ **DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. ☐ See below for additional information.

☑ MOTION: **Defendant's Motion for Immunity From Prosecution Pursuant to S.C. Code Ann. §16-11-450**

☐ GRANTED ☑ DENIED ☐ CONTINUED ☐ WITHDRAWN

☐ WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party

☐ OTHER:

FILED
2019 MAR -6 AM 10:02
JEANNETTE ELVIS
CLERK OF COURT
HORRY COUNTY, SC

IT IS ORDERED AND ADJUDGED: ☑ See Order of the Court below ☐ See attached order
☐ Formal Order to follow; to be prepared by: ☐ State ☐ Defendant ☐ Other:

ORDER INFORMATION

This order ☐ ends ☑ does not end the case.
Additional Information for the Clerk : _____

At the close of the defendant's case, the court GRANTS the State's Motion for Directed Verdict as to indictment 2017GS2602914 (alleging the murder of Damien Alston) and, therefore, DENIES the defendant's Motion for Immunity From Prosecution as to indictment 2017GS2602914.

The court DENIES the defendant's motion as to indictments 2017GS2602912 (Possession of a Firearm By a Felon) and 2017GS2602915 (Possession of a Weapon During the Commission of a Violent Crime) as S.C. Code Ann. §16-11-450 does not provide immunity from prosecution for those crimes.

(CONTINUED ON PAGE 2)

prove (BHC)

Defendant failed to ~~provide~~ by a preponderance of the evidence that he is entitled to immunity from prosecution under S.C. Code Ann. §16-11-450 for indictment 2017GS2602913 (alleged murder of Jamal Burgess). Therefore, the defendant's motion for immunity is DENIED.

Circuit Court Judge	2148 Judge Code	March 5, 2019 Date

Court Reporter: Sallie Beth Todd

FILED
2019 MAR -6 AM 10: 02
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

For Clerk of Court Office Use Only

This judgment was entered on the 6 day of March, 2019 and a copy mailed first class or placed in the appropriate attorney's box on this 6 day of March 2019 to attorneys of record or to parties (when appearing pro se) as follows:

Mary Ellen Walter
Josh Wolford

ATTORNEY(S) FOR THE STATE

Jonathan McCoy

ATTORNEY(S) FOR THE DEFENDANT(S)

Renee Elvis

CLERK OF COURT

Court Reporter:

FILED
2019 MAR -6 AM 10:02
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Honorable Paul M. Burch Circuit Court Judge

Case No. 16H03929

State of South Carolina.....Respondent

v.

Calvin Durrell Ford.....Appellant

NOTICE OF APPEAL

Calvin Durrell Ford appeals the ruling by the Court, the conviction, the issue of self-defense, and sentence in this case. The sentence was imposed by the Honorable Paul M. Burch on November 8, 2019.

November 13, 2019

Jonny D. McCoy, Esquire
Trial Counsel for Appellant

Trial Counsel:

Jonny D. McCoy
1240 21st Ave North, Suite 105
Myrtle Beach, SC 29577

Other counsel of Record:

Mary Ellen Walter, Esq.
Senior Assistant Solicitor
Fifteenth Judicial Circuit
PO Box 1276
Conway, SC 29526
Attorney for the Respondent

RECEIVED
NOV 14 2019
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Honorable Paul M. Burch Circuit Court Judge

Case No. 16H03929

State of South Carolina.....Respondent

v.

Calvin Durrell Ford.....Appellant

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, in Tuesday, November 13, 2019 addressed to the attorney of record:

Mary Ellen Walter, Esq.
Senior Assistant Solicitor
Fifteenth Judicial Circuit
PO Box 1276
Conway, SC 29526

November 13, 2019

Jonny D. McCoy, Esquire
Trial Counsel for Appellant for
Calvin Durrell Ford
1240 21st Avenue North, Suite 105
Myrtle Beach, SC 29577
843-848-7325
Fax: 843-839-0455

RECEIVED
NOV 14 2019
SC Court of Appeals

WITNESSES

Ofcr Hugh Jones Myrtle Beach Police Department

Shea Clarkson

ARREST WARRANT NUMBER

6A2620601884
CDR: 3434 16-23-0500(A)
DOA: 7/25/2016

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUN 22 2017

VERDICT

Guilty 11-08-19

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-26- 02912

The State of South Carolina

County of Horry

Joshua D. Holford 16H03929

COURT OF GENERAL SESSIONS

June, 2017 TERM

THE STATE

vs.

Calvin D Ford
B/ M
[redacted] **White Street**
Myrtle Beach, SC 29577
DOB: [redacted]
SSN:

ATTORNEY: Jonny D. McCoy

Indictment for

Unlawful Possession of Firearm by Person Convicted of a Violent Offense

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2017 JUN 23 PM 3:18
BELLE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

907

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

UNLAWFUL POSSESSION OF FIREARM BY PERSON CONVICTED OF A VIOLENT OFFENSE

CDR: 3434 16-23-0500

That Calvin D Ford did in Horry County on or about 2016-07-23, knowingly possess or acquire a firearm and or ammunition after having been convicted of a violent crime defined in Section 16-1-60, S. C. Code of Laws, 1976, as amended, in violation of Section 16-23-0500, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
STATE VS.)
Calvin D Ford)
AKA:)
Race: BLACK Sex: M Age: 32)
DOB: [redacted] SS#:)
Address: [redacted] White Street)
City,State,Zip: Myrtle Beach, SC 29577)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2602912
A/W#: 2016A2620601884
Date of Offense: 7/23/2016
S.C. Code § : 16-23-0500(A)
CDR Code #: 3434

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Possession of Firearm or Ammunition by person convicted of violent felony 0-5 years and/or $2,000
in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Mary-Ellen Walter SC103036 _____ SCB77540
Walter, Mary-Ellen SC Bar# Defendant McCoy, Jonny D. Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☐ **State Department of Corrections,** ☑ **County Detention Center,** for a determinate term of 5 ~~days/months~~/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED
CLERK OF COURT
HORRY CO. S.C.
NOV 6 2019
9:44 AM

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐Deferred ☐Def. Waives Hearing ☐Ordered **PTUP** _____

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$
TOTAL		$

_____ days/hours Public Service Employment

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Renee Clark
Court Reporter: Steve Hall

Presiding Judge
Judge Code: 2048
Sentence Date: 11/5/2019

SCCA/217 (04/2018)

WITNESSES

H Jones Myrtle Beach Police Department

Shea Clarkson

ARREST WARRANT NUMBER

6A2620601886
CDR: 0116 16-03-0010, 0020
DOA: 7/25/2016

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUN 22 2017

VERDICT

Guilty 11-08-19

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-26- 02914

The State of South Carolina

County of Horry

Joshua D. Holford 16H03929

COURT OF GENERAL SESSIONS

June, 2017 TERM

THE STATE

vs.

Calvin D Ford
B/ M
[redacted] White Street
Myrtle Beach, SC 29577
DOB: [redacted]
SSN:

ATTORNEY: Jonny D. McCoy

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2017 JUN 23 PM 3:18
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Calvin D Ford did in Horry County, on or about July 23, 2016, willfully, feloniously, and intentionally kill the victim, Jamal / deceased Burgess, with malice aforethought, either express or implied, by means of gunshot wounds, and the victim did die as a proximate result thereof on or about July 23, 2016 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

912

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
STATE VS.)
Calvin D Ford)
AKA:)
Race: BLACK Sex: M Age: 32)
DOB: [redacted] SS#:)
Address: [redacted] White Street)
City,State,Zip: Myrtle Beach, SC 29577)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2602914
A/W#: 2016A2620601886
Date of Offense: 7/23/2016
S.C. Code § : 16-03-0010, 0020
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Murder 30 - life

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Mary-Ellen Walters

Walter, Mary-Ellen	SC103036		Defendant	McCoy, Jonny D. Attorney for Defendant	SCB77540
	SC Bar#				SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,** for a determinate term of Life ~~days/months/years~~ or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☑CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
2019 NOV 8 PM 6:44
REGINA ELVIS
CLERK OF COURT
HORRY COUNTY, SC

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐Deferred ☐Def. Waives Hearing ☐Ordered PTUP _____

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$
TOTAL		$

_____ days/hours Public Service Employment

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive ~~weekly/monthly~~ pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Regina Elvis
Court Reporter: Grace Fluty

Presiding Judge
Judge Code: 2048
Sentence Date: 11/8/2019

SCCA/217 (04/2018)

WITNESSES

H Jones Myrtle Beach Police Department

Shea Clarkson

ARREST WARRANT NUMBER

6A2620601887
CDR: 0549 16-23-0490
DOA: 7/25/2016

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JUN 22 2017

VERDICT

Guilty 11-08-19

Foreperson of Petit Jury
Date:

DOCKET NO. 2017-GS-26-02915

The State of South Carolina

County of Horry

Joshua D. Holford 16H03929

COURT OF GENERAL SESSIONS

June, 2017 TERM

THE STATE

vs.

Calvin D Ford
B/ M
[redacted] White Street
Myrtle Beach, SC 29577
DOB: [redacted]
SSN:

ATTORNEY: Jonny D. McCoy

Indictment for

Possession of a Weapon During the Commission of a Violent Crime

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2017 JUL 23 PM 3:18
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 22, 2017, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Calvin D Ford did in Horry County, on or about July 23, 2016, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)
STATE VS.)
Calvin D Ford)
AKA:)
Race: BLACK Sex: M Age: 32)
DOB: [redacted] SS#:)
Address: [redacted] White Street)
City,State,Zip: Myrtle Beach, SC 29577)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2602915
A/W#: 2016A2620601887
Date of Offense: 7/23/2016
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Possession of weapon during violent crime, if not also sentenced to life without parole or death 5 years
in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST Mary-Ellen Walter SC103036 _____ McCoy, Jonny D. SCB77540
Walter, Mary-Ellen SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☐ **State Department of Corrections,** ☑ **County Detention Center,** for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐**Deferred** ☐**Def. Waives Hearing** ☐**Ordered** **PTUP** _____

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
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§14-1-212 (Law Enforce. Funding)	$25	$
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$
TOTAL		$

Clerk of Court/ Deputy Clerk Renee Elvis
Court Reporter: Gracie Hwy

FILED
2019 NOV -8 PM 2:44
RENEE ELVIS
CLERK OF COURT
HORRY COUNTY, SC

_____ days/hours Public Service Employment ☐
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge
Judge Code: 2048
Sentence Date: 11/8/2019

SCCA/217 (04/2018)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
May 25 2021
SC Court of Appeals

s/*Susan B. Hackett*
Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 25th day of May, 2021.