

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Anderson County

Honorable Carmen T. Mullen, Circuit Court Judge

TERRANCE J. GOSS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000127

APPENDIX

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STATE OF SOUTH CAROLINA)
 COUNTY OF ANDERSON)

IN THE CIRCUIT COURT
 OF THE TENTH JUDICIAL CIRCUIT
 2009-GS-04-70,72

STATE OF SOUTH CAROLINA,)

PLAINTIFF,)

TRANSCRIPT OF RECORD

vs)

TERRANCE JAREL GOSS,)

DEFENDANT.)

MAY 17-19, 2010
 ANDERSON, SOUTH CAROLINA

BEFORE: THE HONORABLE R. LAWTON MCINTOSH

FOR THE STATE:

RAME CAMPBELL, ESQUIRE
 TENTH CIRCUIT SOLICITOR'S OFFICE
 POST OFFICE BOX 8002
 ANDERSON, SC 29622

FOR THE DEFENSE:

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 ATTORNEY AT LAW
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 ANDERSON, SC 29621

JO RICE
 COURT REPORTER

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JURY SELECTION

1 **THE COURT:** DO YOU HAVE THE INDICTMENT?

2 **MR. CAMPBELL:** YES, SIR. DO YOU WANT ME TO CALL IT?

3 **THE COURT:** YES, GO AHEAD AND THEN HAND IT UP TO ME, PLEASE.

4 **MR. CAMPBELL:** IF IT PLEASE THE COURT. YOUR HONOR, THE STATE IS
5 READY IN THE CASE OF THE STATE VERSUS TERRANCE JAREL GOSS. HE'S
6 BEEN INDICTED ON INDICTMENT NUMBER 2009-70 FOR CONSPIRACY TO
7 COMMIT ARMED ROBBERY AND IN 2009-72, COUNT ONE FOR ARMED ROBBERY
8 AND COUNT TWO, POSSESSION OF A WEAPON DURING THE COMMISSION OF
9 A VIOLENT CRIME, REPRESENTED BY MS. GOODWIN.

10 (MR. CAMPBELL HANDS DOCUMENTS TO THE JUDGE)

11 **THE COURT:** GOOD MORNING, LADIES AND GENTLEMEN. MY NAME IS
12 LAWTON MCINTOSH. I AM THE RESIDENT CIRCUIT COURT JUDGE FOR
13 ANDERSON COUNTY. I KNOW JUDGE MADDOX HAS GONE THROUGH SOME
14 GENERAL QUALIFICATION QUESTIONS WITH YOU. WE ARE ABOUT TO START
15 THE TRIAL OF THE STATE VERSUS TERRANCE JAREL GOSS, WHO IS INDICTED
16 AS MENTIONED AND READ OUT BEFORE YOU BY THE SOLICITOR'S OFFICE.
17 BEFORE WE GET STARTED, LET ME EXPLAIN TO YOU, LADIES AND
18 GENTLEMEN, THESE ARE SIMPLY PAPER. THE FACT THAT THIS GENTLEMAN
19 HAS BEEN INDICTED, ARRESTED AND CHARGED IS NOT EVIDENCE OF HIS
20 GUILT. YOU WILL BE EXPLAINED THAT MORE FULLY LATER. I HAVE TO ASK
21 YOU SOME MORE SPECIFIC QUESTIONS TO DETERMINE YOUR ELIGIBILITY TO
22 SERVE IN THIS TRIAL, SO IF YOU WILL LISTEN CAREFULLY TO ME. IF THE
23 QUESTION APPLIES TO YOU AND YOU NEED TO RESPOND, I'M GOING TO ASK
24 YOU TO STAND, TO GIVE ME YOUR JUROR NUMBER AND THEN GIVE US YOUR
25 RESPONSE. OKAY?

JURY SELECTION

1 HAS ANYONE EVER BEEN RELATED BY BLOOD OR MARRIAGE TO
2 TERRANCE JAREL GOSS? IF SO, WOULD YOU PLEASE STAND. (NO ONE
3 STANDS)

4 HAS ANYONE EVER HAD A CLOSE, PERSONAL OR SOCIAL RELATIONSHIP
5 WITH TERRANCE JAREL GOSS? IF SO, WOULD YOU PLEASE STAND. (NO ONE
6 STANDS)

7 ALL RIGHT, LADIES AND GENTLEMEN, I'M GOING TO READ TO YOU A LIST
8 OF POTENTIAL, AND I EMPHASIZE POTENTIAL, WITNESSES THAT MAY BE
9 CALLED IN THIS TRIAL TODAY. THE LIST IS A LITTLE BIT LENGTHY, SO IF YOU
10 WILL LISTEN CLOSELY AND BEAR WITH ME. IT HAS APPROXIMATELY, WELL IT
11 HAS TWENTY-SIX POTENTIAL WITNESSES. YOU DO NOT NEED TO RESPOND
12 UNTIL THE END AFTER ALL THE WITNESS' NAMES HAVE BEEN READ OUT TO
13 YOU. HOWEVER, IF YOU DO HAVE SOMEBODY THAT YOU KNOW AND NEED TO
14 RESPOND, IF THE QUESTION APPLIES TO YOU, PLEASE MAKE A MENTAL NOTE
15 AND RESPOND AT THE END. THE POTENTIAL WITNESSES ARE: ROB GEBING,
16 ANDERSON COUNTY SHERIFF'S OFFICE; ANDY TRIBBLE, ANDERSON COUNTY
17 SHERIFF'S OFFICE; TOMMY CLAMP, ANDERSON COUNTY SHERIFF'S OFFICE;
18 BLAIR HILL, ANDERSON COUNTY SHERIFF'S OFFICE; CHRIS SCOTT,
19 ANDERSON COUNTY SHERIFF'S OFFICE; DWAYNE MCELRATH, ANDERSON
20 COUNTY SHERIFF'S OFFICE; BRIAN BAXTER, ANDERSON COUNTY SHERIFF'S
21 OFFICE; THOMAS MERRITT; STEPHEN LATTIMORE; JAVARIS HILL;
22 CHRISTOPHER RONOKE; TRENTON STEVENSON; JOCASTAVIOUS TIMPSON;
23 DERRICK JONES; RICH MASTERS, GREENVILLE TECH P-D; K.W. RIGGS,
24 GREENVILLE P-D; JAMES ARMSTRONG, GREENVILLE COUNTY PUBLIC SAFETY;
25 W. SCOTT WORSHAM, SLED; COLLIS FLAVELL, GREENVILLE P-D; WOODROW

JURY SELECTION

1 BURGESS; RODNEY JAY WILLIAMS; JEFF MOSHER, ANDERSON POLICE
2 DEPARTMENT; J.R. FINLEY, ANDERSON COUNTY SHERIFF'S OFFICE; MIKE
3 DUTTA; SANCHEZ GALLIARD; TRAVIS PETERSON. DID EVERYBODY GET ALL
4 THOSE NAMES? COULD YOU HEAR ME OKAY?

5 **MS. GOODWIN:** YOUR HONOR, THE LAST ONE IS PATTERSON.

6 **THE COURT:** EXCUSE ME. THANK YOU, COUNSEL. THE LAST ONE IS
7 TRAVIS PATTERSON. COULD EVERYBODY HEAR THE NAMES AND GET
8 THOSE? HAS ANYONE EVER HAD A CLOSE, SOCIAL OR PERSONAL
9 RELATIONSHIP WITH ANY OF THE POTENTIAL WITNESSES I JUST READ OUT?
10 IF SO, WOULD YOU PLEASE STAND.

11 **MR. GAMBRELL:** JUROR #55, LARRY GAMBRELL. BRIAN BAXTER WENT
12 TO SCHOOL WITH ME.

13 **THE COURT:** JUST A SECOND, SIR. YOU SAID, #55, LARRY GAMBRELL?
14 AND I BELIEVE YOU SAID MISTER BAXLEY?

15 **MR. GAMBRELL:** BAXTER, BRIAN BAXTER.

16 **THE COURT:** AND YOU WENT TO SCHOOL WITH HIM?

17 **MR. GAMBRELL:** YES, SIR.

18 **THE COURT:** DID YOU HAVE ANY SOCIAL RELATIONSHIP WITH HIM
19 OUTSIDE OF GOING TO SCHOOL WITH HIM?

20 **MR. GAMBRELL:** JUST FRIENDS IN SCHOOL.

21 **THE COURT:** OKAY. WOULD THE FACT THAT YOU WENT TO SCHOOL
22 WITH OR WERE FRIENDS AT SCHOOL WITH MISTER BAXTER PREVENT YOU
23 FROM BEING FAIR AND IMPARTIAL TO BOTH THE STATE AND TO THE
24 DEFENDANT IN THIS MATTER?

25 **MR. GAMBRELL:** NO, SIR.

JURY SELECTION

1 **THE COURT:** ANY ADDITIONAL VOIR DIRE FROM THE DEFENSE?

2 **MS. GOODWIN:** NO VOIR DIRE, YOUR HONOR. I JUST ASK THAT HE BE
3 EXCUSED.

4 **THE COURT:** FROM THE STATE?

5 **MR. CAMPBELL:** NO, YOUR HONOR. WE ASK THAT HE STAY SINCE HE
6 SAID HE COULD BE FAIR TO BOTH SIDES.

7 **THE COURT:** THANK YOU, SIR. ALL RIGHT. THIS GENTLEMAN BEHIND
8 HIM. GIVE ME YOUR JUROR NUMBER AND YOUR NAME.

9 **MR. MCCLELLAN:** #110, GARY MCCLELLAN. THE SAME PERSON, MISTER
10 BAXTER.

11 **THE COURT:** MISTER BAXTER. DID YOU GO TO SCHOOL WITH HIM?

12 **MR. MCCLELLAN:** NO, SIR. I'M CLOSE FRIENDS WITH HIS BROTHER.

13 **THE COURT:** YOU ARE CLOSE FRIENDS WITH HIS BROTHER?

14 **MR. MCCLELLAN:** YES, SIR.

15 **THE COURT:** YOU ARE?

16 **MR. MCCLELLAN:** GARY MCCLELLAN.

17 **THE COURT:** WHAT NUMBER AGAIN?

18 **MR. MCCLELLAN:** #110.

19 **THE COURT:** #110. OKAY, I'M SORRY. GARY MCCLELLAN. AND DO YOU
20 SOCIALIZE, I KNOW YOU SAID YOU ARE CLOSE FRIENDS WITH MISTER
21 BAXTER'S BROTHER, BUT DO YOU SOCIALIZE WITH MISTER BAXTER AT ALL?

22 **MR. MCCLELLAN:** AT BIRTHDAY PARTIES OR WHATEVER, I GUESS YOU
23 WOULD SAY.

24 **THE COURT:** OKAY. WOULD THE FACT THAT YOU HAVE A SOCIAL
25 RELATIONSHIP WITH MISTER BAXTER PREVENT YOU FROM BEING FAIR AND

JURY SELECTION

1 IMPARTIAL TO BOTH THE DEFENDANT AND TO THE STATE IN THIS CASE?

2 MR. MCCLELLAN: NO, SIR.

3 THE COURT: I DIDN'T HEAR YOUR RESPONSE. EVEN THOUGH I'VE
4 GOTTEN HEARING AIDS, SOMETIMES THEY MIGHT NOT BE AS GOOD AS I
5 THINK THEY ARE.

6 MR. MCCLELLAN: I THINK I COULD BE FAIR.

7 THE COURT: YOU DO?

8 MR. MCCLELLAN: YES, SIR.

9 THE COURT: OKAY. ANY ADDITIONAL QUESTIONS FROM THE DEFENSE?

10 MS. GOODWIN: NO QUESTIONS. I'D JUST ASK HE BE EXCUSED.

11 THE COURT: FROM THE STATE?

12 MR. CAMPBELL: NO, YOUR HONOR.

13 THE COURT: THANK YOU, MISTER MCCLELLAN. THIS GENTLEMAN OVER
14 HERE.

15 MR. JOHNSON: JUROR #87, JOSHUA T. JOHNSON. BLAIR HILL AND CHRIS
16 SCOTT.

17 THE COURT: THERE ARE TWO OF THEM, MISTER SCOTT AND MISTER
18 HILL?

19 MR. JOHNSON: YES, SIR.

20 THE COURT: WHAT'S THE NATURE OF YOUR RELATIONSHIP WITH
21 THESE GENTLEMEN?

22 MR. JOHNSON: MISTER HILL IS CURRENTLY WORKING ON A CASE FOR
23 ME. MISTER SCOTT, I KNOW HIM BECAUSE I WORKED WITH HIM IN
24 WILLIAMSTON.

25 THE COURT: YOU SAY MISTER SCOTT IS WORKING ON A CASE FOR

JURY SELECTION

1 YOU?

2 **MR. JOHNSON:** NO, MISTER HILL IS WORKING ON A CASE FOR US.

3 **THE COURT:** OKAY. INVOLVING A CRIMINAL MATTER?

4 **MR. JOHNSON:** YES, SIR. IT'S NOT PERTAINING TO ME, BUT I HAD MY
5 HOUSE BROKEN INTO NEW YEARS. HE WAS THE OFFICER INVESTIGATING IT.

6 **THE COURT:** OKAY. I TELL YOU WHAT, I'M GOING TO EXCUSE YOU FROM
7 THIS TRIAL.

8 **MR. JOHNSON:** OKAY.

9 **THE COURT:** ANY OBJECTIONS FROM THE STATE?

10 **MR. CAMPBELL:** NO OBJECTION, YOUR HONOR.

11 **THE COURT:** ANY OBJECTION FROM THE DEFENSE?

12 **MS. GOODWIN:** NO, SIR.

13 **THE COURT:** ALL RIGHT. THANK YOU VERY MUCH. ANYBODY ELSE?
14 (NO ONE STANDS) OKAY. HAS ANYONE EVER BEEN RELATED BY BLOOD OR
15 MARRIAGE TO ANY OF THE POTENTIAL WITNESSES THAT I JUST READ TO
16 YOU? IF YOU WOULD, PLEASE STAND. (NO ONE STANDS) ALL RIGHT.

17 **MS. GOODWIN,** WOULD YOU PLEASE STAND UP AND INTRODUCE
18 YOURSELF.

19 **MS. GOODWIN:** MY NAME IS M.J. GOODWIN. I AM AN ATTORNEY HERE IN
20 ANDERSON.

21 **THE COURT:** THANK YOU, MA'AM. MISTER CAMPBELL.

22 **MR. CAMPBELL:** MY NAME IS RAME CAMPBELL. I AM AN ASSISTANT
23 SOLICITOR HERE IN ANDERSON. I WORK FOR SOLICITOR CHRISSY ADAMS,
24 SEATED RIGHT HERE AT THE TABLE WITH ME. ALSO WORKING WITH ME ON
25 THIS CASE WILL BE JADA THOMAS, ALSO WITH OUR OFFICE.

1 **THE COURT:** COULD EVERYBODY HEAR THAT? COULD YOU ALSO HEAR
2 MS. GOODWIN? OKAY. HAS ANY MEMBER OF THE JURY PANEL EVER BEEN
3 REPRESENTED BY ANY OF THE ATTORNEYS INVOLVED IN THIS CASE OR
4 THEIR FIRMS? IF SO, WOULD YOU PLEASE STAND.

5 **MR. BOGGESS:** M. J. GOODWIN.

6 **THE COURT:** OKAY. I NEED YOU TO GIVE ME YOUR JUROR NUMBER AND
7 NAME.

8 **MR. BOGGESS:** JUROR #12.

9 **MS. GOODWIN:** EDWARD BOGGESS, YOUR HONOR.

10 **THE COURT:** EDWARD BOGGESS?

11 **MS. GOODWIN:** BOGGESS, YOUR HONOR.

12 **THE COURT:** BOGGESS. OKAY. I'M SORRY.

13 **MR. BOGGESS:** I HAD RETAINED M. J. GOODWIN TO REPRESENT ME.

14 **THE COURT:** AND THAT IS SOMETHING THAT HAS BEEN COMPLETED BY
15 NOW?

16 **MR. BOGGESS:** YES. IT IS.

17 **THE COURT:** OKAY. THE FACT THAT MS. GOODWIN WAS FORMALLY
18 YOUR ATTORNEY PREVENT YOU FROM BEING FAIR AND IMPARTIAL TO BOTH
19 THE STATE AND TO MS. GOODWIN AND HER CLIENT?

20 **MR. BOGGESS:** I BELIEVE I COULD.

21 **THE COURT:** YOU'VE GOT TO KNOW.

22 **MR. BOGGESS:** I BELIEVE I COULD BE FAIR-MINDED.

23 **THE COURT:** WELL, YOU HAVE TO DO A LITTLE BIT MORE, MISTER
24 BOGGESS, THAN BELIEVE. YOU THINK YOU CAN BE FAIR AND IMPARTIAL TO
25 BOTH PARTIES?

JURY SELECTION

1 **MR. BOGGESS:** YES. I DO.

2 **THE COURT:** I THINK THAT'S WHAT YOU'RE SAYING. ANY ADDITIONAL
3 VOIR DIRE FROM THE STATE?

4 **MR. CAMPBELL:** NO, YOUR HONOR.

5 **THE COURT:** MS. GOODWIN?

6 **MS. GOODWIN:** NO, SIR.

7 **THE COURT:** THANK YOU, SIR, VERY MUCH. ANYONE ELSE? (NO ONE
8 STANDS) HAS ANYONE EVER BEEN RELATED BY BLOOD OR MARRIAGE OR
9 HAVE YOU EVER HAD A CLOSE PERSONAL OR SOCIAL RELATIONSHIP WITH
10 ANY OF THE ATTORNEYS INVOLVED IN THIS CASE OR THEIR FIRMS? IF SO,
11 WOULD YOU PLEASE STAND?

12 **MS. KESLER:** I'M NOT SURE IF THIS MATTERS, SINCE I HAVEN'T MET
13 HER, BUT I JUST REALIZED ---

14 **THE COURT:** LET ME GET YOU -- JUST ONE MINUTE, PLEASE. GIVE ME,
15 PLEASE, MA'AM, YOUR JUROR NUMBER AND NAME.

16 **MS. KESLER:** KAY KESLER, #95.

17 **THE COURT:** #95. OKAY, KAY KESLER.

18 **MS. KESLER:** YES, SIR.

19 **THE COURT:** GO AHEAD, PLEASE.

20 **MS. KESLER:** I JUST REALIZED THAT MS. GOODWIN HAS JUST BECOME A
21 MEMBER OF ONE OF THE ORGANIZATIONS THAT I'M INVOLVED WITH. I
22 HAVEN'T MET HER. THIS IS THE FIRST TIME I'VE SEEN HER.

23 **MS. GOODWIN:** SHE'S SPEAKING OF THE DAUGHTERS OF THE
24 AMERICAN REVOLUTION, YOUR HONOR. I'VE JUST BEEN TAKEN INTO THAT
25 ORGANIZATION. THAT'S WHAT SHE'S TALKING ABOUT. WE'VE NEVER MET

JURY SELECTION

1 BECAUSE I HAVEN'T BEEN TO A MEETING YET.

2 THE COURT: OKAY. WELL, MS. KESLER, THE FACT THAT MS. GOODWIN
3 IS A MEMBER OF THE SAME ORGANIZATION AS YOU, WOULD THAT PREVENT
4 YOU FROM BEING FAIR AND IMPARTIAL TO BOTH THE STATE AND TO THE
5 DEFENDANT IN THIS MATTER?

6 MS. KESLER: NO, SIR.

7 THE COURT: OKAY. ANY ADDITIONAL VOIR DIRE FROM THE STATE?

8 MR. CAMPBELL: NO, YOUR HONOR.

9 THE COURT: MS. GOODWIN?

10 MS. GOODWIN: NO, SIR.

11 THE COURT: THANK YOU VERY MUCH. HAS ANY MEMBER OF THE JURY
12 PANEL FORMED OR EXPRESSED AN OPINION ABOUT ANY ISSUE OR MATTER
13 INVOLVED IN THIS CASE? IF SO, WOULD YOU PLEASE STAND. (NO ONE
14 STANDS)

15 IS THERE ANY MEMBER OF THE JURY PANEL AWARE OF ANY BIAS OR
16 PREJUDICE TOWARDS EITHER THE STATE OR THE DEFENDANT IN THIS CASE?
17 IF SO, WOULD YOU PLEASE STAND. (NO ONE STANDS)

18 IS THERE ANY MEMBER OF THE JURY PANEL THAT WAS A MEMBER OF
19 THE ANDERSON COUNTY GRAND JURY THAT ISSUED THE INDICTMENTS IN
20 THIS MATTER? IS SO, WOULD YOU PLEASE STAND. (NO ONE STANDS)

21 IS THERE ANY MEMBER OF THE JURY PANEL WHO IS A MEMBER OF OR
22 A CONTRIBUTOR TO ANY GROUP WHICH HAS AS ITS PRIMARY CONCERN THE
23 PROMOTION OF LAW ENFORCEMENT OR VICTIM'S RIGHTS? THESE GROUPS
24 WOULD INCLUDE BUT NOT NECESSARILY BE LIMITED TO MADD, SADD, OR
25 CAVE. IF YOU ARE A MEMBER OF OR CONTRIBUTOR TO ANY OF THESE

JURY SELECTION

1 GROUPS OR OTHER GROUPS WHOSE PRIMARY CONCERN IS THE PROMOTION
2 OF LAW ENFORCEMENT OR VICTIM'S RIGHTS, WOULD YOU PLEASE STAND.
3 (NO ONE STANDS)

4 DOES ANY MEMBER OF THE JURY PANEL KNOW OF ANY REASON
5 WHATSOEVER WHY HE OR SHE SHOULD NOT SERVE AS A JUROR IN THIS
6 MATTER, WITH PARTICULAR EMPHASIS BEING PUT ON YOUR ABILITY TO BE
7 FAIR AND IMPARTIAL TO BOTH THE STATE AND TO THE DEFENDANT IN THIS
8 MATTER? IF SO, WOULD YOU PLEASE STAND. (NO ONE STANDS)

9 HAS ANY MEMBER OF THE JURY PANEL OR MEMBER OF THEIR
10 IMMEDIATE FAMILY BEEN A VICTIM OF A VIOLENT CRIME? IF SO, WOULD YOU
11 PLEASE STAND.

12 **MR. PARSONS:** I HAD A BROTHER-IN-LAW ---

13 **THE COURT:** JUST ONE SECOND. GIVE ME YOUR JUROR NUMBER.

14 **MR. PARSONS:** #119.

15 **THE COURT:** #119. YOU ARE WARREN PARSONS?

16 **MR. PARSONS:** YES, SIR.

17 **THE COURT:** GO AHEAD.

18 **MR. PARSONS:** I HAD A BROTHER-IN-LAW THAT WAS STABBED, I
19 BELIEVE IT WAS THREE OR FOUR YEARS AGO, HERE AT THE WAL-MART IN
20 ANDERSON.

21 **THE COURT:** OKAY. WOULD THE FACT THAT YOUR BROTHER-IN-LAW
22 WAS PREVIOUSLY STABBED AT THE WAL-MART IN ANDERSON PREVENT YOU
23 FROM BEING FAIR AND IMPARTIAL TO BOTH THE STATE AND THE DEFENDANT
24 IN THIS MATTER?

25 **MR. PARSONS:** NO, SIR.

JURY SELECTION

1 **THE COURT:** ANY ADDITIONAL VOIR DIRE FROM THE DEFENSE?

2 **MS. GOODWIN:** NO, YOUR HONOR.

3 **THE COURT:** FROM THE STATE?

4 **MR. CAMPBELL:** NO, YOUR HONOR.

5 **THE COURT:** THANK YOU, MISTER PARSONS. DID I SEE SOMEBODY
6 ELSE STANDING UP OVER HERE?

7 **MR. JOHNSON:** YES, YOUR HONOR. BUT YOU'VE ALREADY DISMISSED
8 ME FROM THIS CASE.

9 **THE COURT:** THAT'S CORRECT. THANK YOU. ALL RIGHT. ANY
10 ADDITIONAL VOIR DIRE FROM THE DEFENSE?

11 **MS. GOODWIN:** NO, SIR.

12 **THE COURT:** FROM THE STATE?

13 **MR. CAMPBELL:** NO, YOUR HONOR.

14 **THE COURT:** ALL RIGHT. LADIES AND GENTLEMEN, I DON'T KNOW WHAT
15 JUDGE MADDOX EXPLAINED TO YOU AT THE BEGINNING OF THE
16 QUALIFICATION, BUT UNLIKE CIVIL MATTERS, THIS IS CRIMINAL COURT AND
17 SO WHAT WILL HAPPEN IS THAT IN JUST A FEW MINUTES, THEY ARE GOING
18 TO GENERATE A LIST AND GIVE IT TO MYSELF AND A COUPLE OTHERS AND
19 YOUR NAMES WILL BE CALLED. IN THE OLD DAYS, WE HAD A LITTLE ROLODEX
20 AND THE CLERK UP HERE WOULD SPIN IT AROUND AND PULL YOUR NAMES.
21 YOU'D BE SUMMONED TO COME UP IN FRONT OF THE DEFENSE AND THE
22 STATE AND AT THAT POINT IN TIME THEY WILL DETERMINE WHETHER OR NOT
23 YOU WILL BE QUALIFIED AND SO WHAT HAPPENS NOW, THERE IS A LIST AND
24 WE'LL GO OVER IT. WHEN YOUR NAME IS CALLED COME UP AND STAND
25 BASICALLY BETWEEN THIS LITTLE ENTRANCE BETWEEN OUR CLERK AND MY

JURY SELECTION

1 COURT REPORTER OVER HERE, JO RICE, FACE THE DEFENSE AND THE
2 STATE. THERE YOU GO. (THE CLERK OF COURT STANDS IN DESIGNATED
3 SPOT) AND THEN THEY'LL DETERMINE WHETHER OR NOT YOU'LL BE SEATED
4 ON THIS JURY.

5 (BRIEF BREAK TO ASSEMBLE LIST OF JURORS)

6 **CLERK OF COURT:** PLEASE COME FORWARD AND PRESENT YOURSELF
7 TO THE TWO TABLES.

8 JUROR #52, BARBARA FRAZIER. #52.

9 (WHEREUPON, BARBARA FRAZIER, A BLACK FEMALE COMES FORWARD)

10 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

11 **MR. CAMPBELL:** PLEASE EXCUSE THIS JUROR.

12 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU.

13 JUROR #117, TERRY OWENS. #117.

14 (WHEREUPON, TERRY OWENS, A WHITE MALE, COMES FORWARD.)

15 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

16 **MR. CAMPBELL:** PRESENT MISTER OWENS.

17 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

18 **MS. GOODWIN:** SWEAR MISTER OWENS, PLEASE.

19 **CLERK OF COURT:** IF YOU'LL HAVE A SEAT IN THE JURY BOX RIGHT
20 OVER HERE, PLEASE, MISTER OWENS, RIGHT TO YOUR RIGHT. THANK YOU.

21 #150, RUSSELL J. TALLYEN, #150.

22 (WHEREUPON, RUSSELL J. TALLYEN, A WHITE MALE, COMES FORWARD)

23 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

24 **MR. CAMPBELL:** PRESENT THE JUROR.

25 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

JURY SELECTION

1 **MS. GOODWIN:** SWEAR THE JUROR.

2 **CLERK OF COURT:** HAVE A SEAT, PLEASE SIR, OVER THERE IN THE
3 JURY BOX. #40, MARK DOUGLAS. JUROR #40.

4 (WHEREUPON, MARK DOUGLAS, A WHITE MALE, COMES FORWARD)

5 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

6 **MR. CAMPBELL:** PRESENT MISTER DOUGLAS.

7 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

8 **MS. GOODWIN:** SWEAR THE JUROR.

9 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE SIR.
10 #112, SUE METZ. #112.

11 (WHEREUPON, SUE METZ, A WHITE FEMALE, COMES FORWARD)

12 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

13 **MR. CAMPBELL:** PRESENT MS. METZ.

14 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

15 **MS. GOODWIN:** EXCUSE THE JUROR FROM THE TRIAL OF THIS CASE,
16 PLEASE.

17 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU, MS.
18 METZ. #73, TRACY HENRY, JUROR #73.

19 (WHEREUPON, TRACY HENRY, A WHITE FEMALE, COMES FORWARD)

20 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

21 **MR. CAMPBELL:** PRESENT MS. HENRY.

22 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

23 **MS. GOODWIN:** SWEAR MS. HENRY.

24 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, MA'AM.
25 #67, GABRIENNE HAROUFF, #67.

JURY SELECTION

1 (WHEREUPON, GABRIENNE HAROUFF, A WHITE FEMALE, COMES FORWARD)

2 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

3 **MR. CAMPBELL:** PRESENT THE JUROR.

4 **CLERK OF COURT:** EXCUSE THE JUROR FROM THE TRIAL OF THIS CASE,
5 PLEASE.

6 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU,
7 MA'AM. JUROR #64, JENNA HALLMAN, #64.

8 (WHEREUPON, JENNA HALLMAN, A WHITE FEMALE, COMES FORWARD)

9 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

10 **MR. CAMPBELL:** PRESENT MS. HALLMAN.

11 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

12 **MS. GOODWIN:** EXCUSE THE JUROR FROM THE TRIAL OF THIS CASE,
13 PLEASE.

14 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU, MS.
15 HALLMAN. #126, PEGGY RAINEY.

16 (WHEREUPON, PEGGY RAINEY, A WHITE FEMALE, COMES FORWARD)

17 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

18 **MR. CAMPBELL:** PRESENT MS. RAINEY.

19 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

20 **MS. GOODWIN:** EXCUSE THE JUROR FROM THE TRIAL OF THIS CASE,
21 PLEASE.

22 **CLERK OF COURT:** THANK YOU, MS. RAINEY.

23 JUROR #127, SYBIL RAINEY. #127.

24 (WHEREUPON, SYBIL RAINEY, A WHITE FEMALE, COMES FORWARD)

25 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

JURY SELECTION

1 **MR. CAMPBELL:** PRESENT MS. RAINEY.

2 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

3 **MS. GOODWIN:** PRESENT MS. RAINEY.

4 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE MA'AM.

5 JUROR #11, RALPH BLIHAR, #11.

6 (WHEREUPON, RALPH BLIHAR, A WHITE MALE, COMES FORWARD)

7 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

8 **MR. CAMPBELL:** PLEASE EXCUSE THIS JUROR.

9 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU, SIR.

10 #56, CARLA GENTRY. JUROR #56.

11 (WHEREUPON, CARLA GENTRY, A WHITE FEMALE, COMES FORWARD)

12 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

13 **MR. CAMPBELL:** PRESENT MS. GENTRY.

14 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

15 **MS. GOODWIN:** PLEASE SWEAR THE JUROR.

16 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, MA'AM.

17 #86, YUSEF JENKINS. JUROR #86.

18 (WHEREUPON, YUSEF JENKINS, A BLACK MALE, COMES FORWARD)

19 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

20 **MR. CAMPBELL:** PLEASE EXCUSE MISTER JENKINS.

21 **CLERK OF COURT:** THANK YOU, MISTER JENKINS.

22 #137, ROBIN SEWREY, #137.

23 (WHEREUPON, ROBIN SEWREY, A WHITE MALE, COMES FORWARD)

24 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

25 **MR. CAMPBELL:** PRESENT THE JUROR.

JURY SELECTION

1 **CLERK OF COURT: WHAT SAY YOU FOR THE DEFENDANT?**

2 **MS. GOODWIN: EXCUSE THE JUROR, PLEASE.**

3 **CLERK OF COURT: YOU MAY RETURN TO YOUR SEAT. THANK YOU, SIR.**

4 **#41, DARLENE DOWDY, #41.**

5 **(WHEREUPON, DARLENE DOWDY, A WHITE FEMALE, COMES FORWARD)**

6 **CLERK OF COURT: WHAT SAY YOU FOR THE STATE?**

7 **MR. CAMPBELL: PRESENT MS. DOWDY.**

8 **CLERK OF COURT: WHAT SAY YOU FOR THE DEFENDANT?**

9 **MS. GOODWIN: PLEASE EXCUSE THE JUROR FROM THE TRIAL OF THIS**

10 **CASE.**

11 **CLERK OF COURT: #18, TONY BRUCE. JUROR #18.**

12 **(WHEREUPON, TONY BRUCE, A WHITE MALE, COMES FORWARD)**

13 **CLERK OF COURT: WHAT SAY YOU FOR THE STATE?**

14 **MR. CAMPBELL: PLEASE EXCUSE MISTER BRUCE.**

15 **CLERK OF COURT: YOU MAY RETURN TO YOUR SEAT. THANK YOU,**

16 **MISTER BRUCE.**

17 **#119, WARREN PARSONS. JUROR #119.**

18 **(WHEREUPON, WARREN PARSONS, A WHITE MALE, COMES FORWARD)**

19 **CLERK OF COURT: WHAT SAY YOU FOR THE STATE?**

20 **MR. CAMPBELL: PRESENT MISTER PARSONS.**

21 **CLERK OF COURT: WHAT SAY YOU FOR THE DEFENDANT?**

22 **MS. GOODWIN: PLEASE EXCUSE THE JUROR.**

23 **CLERK OF COURT: THANK YOU, MISTER PARSONS.**

24 **JUROR #4, JOHNNY BANNISTER, #4.**

25 **(WHEREUPON, JOHNNY BANNISTER, A WHITE MALE, COMES FORWARD)**

1 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

2 **MR. CAMPBELL:** PRESENT MISTER BANNISTER.

3 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

4 **MS. GOODWIN:** PLEASE SWEAR THE JUROR.

5 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, MISTER
6 BANNISTER. #97, RONALD LATIMER. JUROR #97.

7 (WHEREUPON, RONALD LATIMER, A BLACK MALE, COMES FORWARD)

8 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

9 **MR. CAMPBELL:** PRESENT MISTER LATIMER.

10 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

11 **MS. GOODWIN:** PLEASE SEAT THE JUROR.

12 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, MISTER
13 LATIMER. #22, THOMAS CABANISS, #22.

14 (WHEREUPON, THOMAS CABANISS, A WHITE MALE, COMES FORWARD)

15 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

16 **MR. CAMPBELL:** PRESENT MISTER CABANISS.

17 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

18 **MS. GOODWIN:** PLEASE EXCUSE THE JUROR FROM THE TRIAL OF THIS
19 CASE.

20 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU, SIR.
21 JUROR #146, FAITHE STAMEY, #146.

22 (WHEREUPON, FAITHE STAMEY, A WHITE FEMALE, COMES FORWARD)

23 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

24 **MR. CAMPBELL:** PRESENT MS. STAMEY.

25 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

JURY SELECTION

1 **MS. GOODWIN:** PLEASE SWEAR THE JUROR.

2 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, MA'AM.

3 **#7, MARK BAXA, #7.**

4 (WHEREUPON, MARK BAXA, A WHITE MALE, COMES FORWARD)

5 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

6 **MR. CAMPBELL:** PRESENT MISTER BAXA.

7 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

8 **MS. GOODWIN:** SWEAR THE JUROR.

9 **CLERK OF COURT:** HAVE A SEAT, PLEASE SIR, IN THE JURY BOX.

10 **#44, JAMES DYAR, #44.**

11 (WHEREUPON, JAMES DYAR, A WHITE MALE, COMES FORWARD)

12 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

13 **MR. CAMPBELL:** PRESENT MISTER DYAR.

14 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

15 **MS. GOODWIN:** PLEASE SEAT THE JUROR.

16 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX.

17 **JUROR #61, ANGELA GROVE, #61.**

18 (WHEREUPON, ANGELA GROVE, A BLACK FEMALE, COMES FORWARD)

19 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

20 **MR. CAMPBELL:** PLEASE EXCUSE MS. GROVE.

21 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU.

22 **JUROR #142, LASHAUNDA SOTO, #142.**

23 (WHEREUPON, LASHAUNDA SOTO, A WHITE FEMALE, COMES FORWARD)

24 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

25 **MR. CAMPBELL:** PRESENT MS. SOTO.

1 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

2 **MS. GOODWIN:** EXCUSE THE JUROR FROM THE TRIAL OF THIS CASE.

3 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU.

4 #166, RICHARD WILLIAMS, #166.

5 (WHEREUPON, RICHARD WILLIAMS, A WHITE MALE, COMES FORWARD)

6 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

7 **MR. CAMPBELL:** PRESENT MISTER WILLIAMS.

8 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

9 **MS. GOODWIN:** PLEASE SWEAR THE JUROR.

10 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, SIR.

11 **THE COURT:** ONE OR TWO ALTERNATES?

12 **MR. CAMPBELL:** ONE, YOUR HONOR. I DON'T THINK WE'LL NEED TWO.

13 **THE COURT:** I DIDN'T HEAR YOU.

14 **MR. CAMPBELL:** I THINK ONE WILL BE FINE.

15 **MS. GOODWIN:** I WOULD HOPE SO.

16 **THE COURT:** ONE IS OKAY?

17 **MS. GOODWIN:** YES, SIR.

18 **THE COURT:** OKAY.

19 **CLERK OF COURT:** FOR ALTERNATE. JUROR #147, PAMELA STECKER,
20 #147.

21 (WHEREUPON, PAMELA STECKER, A WHITE FEMALE, COMES FORWARD)

22 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

23 **MR. CAMPBELL:** PRESENT MS. STECKER.

24 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

25 **MS. GOODWIN:** PLEASE EXCUSE THE JUROR.

JURY SELECTION

1 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT.

2 **#6, HAROLD BATES, #6.**

3 **(WHEREUPON, HAROLD BATES, A WHITE MALE, COMES FORWARD)**

4 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

5 **MR. CAMPBELL:** PRESENT MISTER BATES.

6 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

7 **MS. GOODWIN:** PLEASE EXCUSE THE JUROR.

8 **CLERK OF COURT:** YOU MAY RETURN TO YOUR SEAT. THANK YOU.

9 **#105, CATHERINE MANLEY. JUROR #105.**

10 **(WHEREUPON, CATHERINE MANLEY, A WHITE FEMALE, COMES FORWARD)**

11 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

12 **MR. CAMPBELL:** PLEASE EXCUSE MS. MANLEY.

13 **CLERK OF COURT:** #55, LARRY GAMBRELL. JUROR #55.

14 **(WHEREUPON, LARRY GAMBRELL, A WHITE MALE, COMES FORWARD)**

15 **CLERK OF COURT:** WHAT SAY YOU FOR THE STATE?

16 **MR. CAMPBELL:** PRESENT MISTER GAMBRELL.

17 **CLERK OF COURT:** WHAT SAY YOU FOR THE DEFENDANT?

18 **MS. GOODWIN:** PLEASE EXCUSE THE JUROR.

19 **CLERK OF COURT:** ONE MOMENT, PLEASE.

20 **MS. GOODWIN:** I'M SORRY. WE'VE ALREADY USED OUR STRIKES.

21 **CLERK OF COURT:** HAVE A SEAT IN THE JURY BOX, PLEASE, SIR. IF
22 YOU'LL HAVE A SEAT ON THE SECOND ROW. YOU'LL BE OUR ALTERNATE
23 JUROR, MISTER GAMBRELL.

24 **THE COURT:** ALL RIGHT. LADIES AND GENTLEMEN OF THE JURY,
25 BEFORE WE GET STARTED WITH YOUR CASE, I'M GOING TO ASK THAT YOU

JURY SELECTION

1 FOLLOW MISTER HAMBY BACK TO THE JURY ROOM AND YOU GET AMONGST
2 YOURSELVES, INCLUDING THE ALTERNATE, AND PICK WHO YOU WOULD LIKE
3 TO SERVE AS FOREPERSON IN THIS TRIAL. ONCE YOU COME UP WITH A
4 NAME, IF YOU'D WRITE IT DOWN ON A PIECE OF PAPER AND GIVE IT TO
5 MISTER HAMBY, HE'LL PASS IT FORWARD TO US AND THEN WE'LL DETERMINE
6 WHAT TIME WE WILL BEGIN THE TRIAL OF THIS MATTER. BUT IF YOU'D GO
7 BACK AT THIS POINT TO YOUR JURY ROOM, PLEASE.

8 (JURY OUT AT 11:31 A.M.)

9 THE COURT: MAY I SEE THE ATTORNEYS UP HERE, PLEASE.

10 (BRIEF BENCH CONFERENCE OFF THE RECORD)

11 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, THE REST OF YOU
12 REMAINING ON THE JURY PANEL, WE HAVE A MATTER TWO OF LAW THAT WE
13 NEED TO REVIEW HERE IN THE COURTROOM. IT'S REALLY NOT APPROPRIATE
14 FOR YOU TO BE IN HERE BASED ON THE NATURE OF THE MOTION. I'M GOING
15 TO ASK THAT EACH ONE OF YOU, IF YOU ARE A JUROR, ALTHOUGH YOU
16 WERE NOT PICKED, TO GO OUT TO THE LOBBY AND STAY THERE FOR A FEW
17 MINUTES AND I'LL CALL YOU BACK IN TO DETERMINE WHETHER OR NOT YOU
18 ARE GOING TO BE EXCUSED UNTIL THE NEXT TRIAL OR NOT. AT THIS TIME,
19 WOULD YOU PLEASE STEP OUT TO THE LOBBY, PLEASE.

20 (JURY PANEL OUT AT 11:32 A.M.)

21 THE COURT: ALL RIGHT, MISTER FRAZIER, IF YOU WOULD, MAKE SURE
22 NONE OF THOSE JURORS COME BACK INTO THE COURTROOM, PLEASE. ANY
23 EXCEPTIONS OR OBJECTIONS TO THE MANNER IN WHICH THE JURY WAS
24 PICKED?

25 MS. GOODWIN: YES, SIR, YOUR HONOR. THERE WERE A NUMBER OF

JURY SELECTION

1 AFRICAN AMERICANS THAT WERE STRUCK. WE WOULD ASK THE STATE TO
2 ARTICULATE A RACIALLY NEUTRAL REASON FOR THAT SPECIFIC ACT.

3 **THE COURT:** OKAY. ACCORDING TO MY STRIKE SHEET, JUROR #1 WAS
4 AN AFRICAN AMERICAN FEMALE. JUROR NUMBER -- I SAY NUMBER #1, THIS IS
5 ON THE STRIKE LIST, ON THE LEFT SIDE -- JUROR #13. IS THAT CORRECT?
6 ARE Y'ALL CONSISTENT WITH ME SO FAR?

7 **MR. CAMPBELL:** YOUR HONOR, THE STRIKES WERE #52 --

8 **THE COURT:** #86, #97 AND #61.

9 **MR. CAMPBELL:** #11, #86, #18 AND #61 WERE THE ONES I STRUCK.

10 **MS. GOODWIN:** I'M SORRY. GO OVER THOSE NUMBERS AGAIN, PLEASE.

11 **MR. CAMPBELL:** OKAY. THE NUMBERS I STRUCK IN THE ORDER THEY
12 WERE CALLED WERE #52, WHICH WAS MS. FRAZIER, A BLACK FEMALE. #11,
13 WHICH WAS RALPH BLIHAR, WHICH WAS A WHITE MALE. THE THIRD ONE I
14 STRUCK WAS MISTER JENKINS, #86 AND THE FOURTH ONE I STRUCK WAS
15 MISTER BRUCE, A WHITE MALE AND THE FIFTH ONE THAT I STRUCK WAS #61,
16 MS. GROVE, A BLACK FEMALE.

17 **THE COURT:** RIGHT. SO, I HAVE FROM THE STRIKES, JUROR #52, #86
18 AND #61, THAT YOU NEED TO PROVIDE EXPLANATION FOR. IS THAT
19 CORRECT? WOULD Y'ALL AGREE WITH ME THAT THESE ARE THE JURORS
20 INVOLVED?

21 **MS. GOODWIN:** YES, SIR.

22 **THE COURT:** THAT'S CORRECT?

23 **MS. GOODWIN:** YES, SIR.

24 **THE COURT:** DO YOU AGREE WITH THAT?

25 **MR. CAMPBELL:** YES.

1 **THE COURT:** OKAY. LET'S GO WITH #52, BARBARA FRAZIER.

2 **MR. CAMPBELL:** YOUR HONOR, MS. FRAZIER WAS CONVICTED OF -- SHE
3 WAS STRUCK BECAUSE SHE HAS A PREVIOUS CONVICTION FOR FRAUDULENT
4 CHECKS, DEALING WITH THE ANDERSON COUNTY SHERIFF'S OFFICE BACK IN
5 '99.

6 **THE COURT:** OKAY.

7 **MR. CAMPBELL:** AND JUST FOR THE RECORD, ALL THE STRIKES THAT I
8 DID, INCLUDING THE WHITE MALE, WERE ALL STRUCK FOR PAST CRIMINAL
9 HISTORY. #86.

10 **THE COURT:** THAT WOULD BE YOUSEF JENKINS.

11 **MR. CAMPBELL:** MISTER JENKINS. HE HAS BEEN IN TROUBLE IN '94 FOR
12 ASSAULT AND BATTERY AND DEALT WITH THE ANDERSON COUNTY SHERIFF'S
13 OFFICE.

14 **THE COURT:** AND #61?

15 **MR. CAMPBELL:** #61, FRAUDULENT CHECK CONVICTION IN '91 AND IT
16 ALSO DEALT WITH THE ANDERSON COUNTY SHERIFF'S OFFICE.

17 **THE COURT:** ALL RIGHT. MS. GOODWIN.

18 **MS. GOODWIN:** YOUR HONOR, I WOULD ASK IF ANY OF THE JURORS
19 THAT HAVE BEEN SEATED HAVE ANY FRAUDULENT CHECK CONVICTIONS.

20 **MR. CAMPBELL:** NO, YOUR HONOR. I STRUCK EVERYBODY ELSE WHO
21 POTENTIALLY HAD A RECORD. I'LL JUST GO DOWN THE LIST. #11 -- I'LL GO
22 AHEAD AND MAKE A FULL RECORD. A WHITE MALE, MISTER BLIHAR, HE ALSO
23 IN THE PAST HAS BEEN CHARGED WITH FRAUDULENT CHECK AND THAT WAS
24 OUT OF PICKENS COUNTY. I STRUCK HIM BECAUSE I STRUCK EVERYBODY
25 THAT HAD PREVIOUS EXPERIENCE WITH LAW ENFORCEMENT. THE SECOND

JURY SELECTION

1 AND THIRD ONE I STRUCK, #86, WE TALKED ABOUT. THE FOURTH ONE, #18,
2 MISTER BRUCE, HE HAD A DUI IN 1980. IN '84, ANOTHER DUI. A CDV CHARGE
3 IN '87 AND THESE ALL DEALT WITH THE SHERIFF'S OFFICE AND AN '08, OPEN
4 CONTAINER. #61, WE'VE ALREADY TALKED ABOUT AND JUST FOR
5 CLARIFICATION, FOR THE COURT'S RECORD, THE LAST ONE SEATED, #166,
6 MISTER WILLIAMS, BECAUSE SHE RAN OUT OF STRIKES. I WOULDN'T HAVE
7 STRUCK HIM BECAUSE HE HAD BEEN FOUND NOT GUILTY, OR ON HIS
8 CHARGE, HE HAD BEEN FOUND NOT GUILTY. A STEP FURTHER ON THE
9 ALTERNATES, I STRUCK #105, A WHITE FEMALE, BECAUSE SHE ALSO HAD A
10 FRAUDULENT CHECK. SO, THE PEOPLE THAT I STRUCK WERE THOSE WHO
11 HAD PREVIOUS EXPERIENCE WITH LAW ENFORCEMENT, EVEN IF IT WAS A
12 MINOR OFFENSE, ESPECIALLY THOSE WITH THE SHERIFF'S OFFICE. THOSE
13 THAT WERE SEATED HAD NO EXPERIENCE OR ASSOCIATION WITH ANY CASES
14 WITH THE LAW.

15 **THE COURT:** AND JUST SO I MAKE SURE I UNDERSTAND YOUR
16 ARGUMENT, THE LAST JUROR SEATED BEFORE THE ALTERNATE WAS
17 RICHARD D. WILLIAMS, #166 AND HE HAD A CHARGE BUT NO CONVICTION.

18 **MR. CAMPBELL:** HE WAS FOUND NOT GUILTY, YOUR HONOR.

19 **THE COURT:** BUT YOU HAD USED YOUR LAST STRIKE ON ACTUALLY
20 TWO JURORS PRIOR TO THAT, AT THAT POINT IN TIME, AND SO WHETHER OR
21 NOT YOU WOULD HAVE HAD TO SEAT HIM ANYWAY. CORRECT?

22 **MR. CAMPBELL:** THAT WAS JUST FOR CLARIFICATION. EVEN IF I HAD A
23 STRIKE, I WOULD NOT HAVE STRUCK HIM BECAUSE HE WAS FOUND NOT
24 GUILTY. HE WOULD HAVE HAD TO HAVE BEEN FOUND GUILTY OR HAVE
25 PENDING CHARGES.

1 THE COURT: ALL RIGHT. MS. GOODWIN, ANYTHING FURTHER?

2 MS. GOODWIN: NO, SIR.

3 THE COURT: SO, DO YOU WITHDRAW YOUR MOTION AS TO THE
4 MANNER IN WHICH THE JURY WAS PICKED?

5 MS. GOODWIN: WE'D JUST ASK YOUR HONOR TO RULE ON IT.

6 THE COURT: I WILL RULE ON IT. NOW, I'M GOING TO FIND THAT THE
7 STATE HAS NOT USED HIS PEREMPTORY CHALLENGE IN A RACIALLY
8 DISCRIMINATORY MANNER AND HAS GIVEN A RACIALLY NEUTRAL
9 EXPLANATION, WHICH IS PLAUSIBLE AND REASONABLE. I FIND THAT THERE
10 WAS NO CAUSE TO THE BATSON CHALLENGE.

11 **MS. GOODWIN: THANK YOU, YOUR HONOR.**

12 THE COURT: THANK YOU. ALL RIGHT. WOULD YOU BRING THE -- DO
13 YOU THINK THIS WILL BE A TWO-DAY TRIAL, AT LEAST GOING INTO
14 TOMORROW FOR SURE?

15 **MR. CAMPBELL: YES, SIR.**

16 THE COURT: MS. PHILLIPS, JUST IN CASE, JUST HAVE THEM CALL IN
17 TONIGHT AFTER SIX.

18 **CLERK OF COURT:** THAT WOULD BE GREAT, YOUR HONOR. WE HAVE
19 SHEETS, BUT WE HAVE NOT PASSED THEM OUT YET.

20 THE COURT: MISTER FRAZIER, WOULD YOU BRING THE JURY BACK IN?

21 (JURY PANEL IN AT 11:40 A.M.)

22 THE COURT: JO, WOULD YOU MARK THAT AS COURT EXHIBIT #1,
23 PLEASE?

24 (NOTE FROM THE JURY IS MARKED AS COURT'S EXHIBIT #1)

25 THE COURT: MISTER FRAZIER, WOULD YOU MIND CHECKING TO MAKE

JURY SELECTION

1 SURE THAT IS ALL THE JURY PANEL, PLEASE, SIR.

2 (BAILIFF CHECKS THE HALLWAY)

3 **THE COURT:** ALL RIGHT. LADIES AND GENTLEMEN OF THE JURY, IT
4 APPEARS ALL OF YOU ARE BACK IN THE COURTROOM. FORTUNATELY, FOR
5 YOU, ALL THINGS ARE GOING FORWARD AS SCHEDULED ON THE FIRST TRIAL
6 AND SO I WILL BE IN THE POSITION TO BE ABLE TO EXCUSE YOU FOR THE
7 REMAINDER OF THE DAY. MS. PRUITT, RIGHT OVER HERE, HAS A SHEET SHE
8 IS GOING TO HAND OUT TO ALL OF YOU WHICH HAS A NUMBER ON IT. IF YOU
9 WOULD CALL THAT NUMBER AFTER 6:00 P.M. THIS EVENING, THERE WILL BE A
10 MESSAGE RECORDED ON THAT TELLING YOU WHETHER OR NOT YOU NEED
11 TO REPORT TOMORROW, AND IF NOT, WHEN YOU NEED TO REPORT. DO YOU
12 WANT THEM TO CALL EACH DAY UNTIL WE CHANGE THE RULES, MADAM
13 CLERK, OR HOW DO YOU WANT TO WORK THAT?

14 **CLERK OF COURT:** WE'LL PUT A MESSAGE ON AND TELL THEM WHEN
15 THEY NEED TO CALL BACK AND WHEN THEY NEED TO STOP CALLING BACK.

16 **THE COURT:** OKAY. SO, LADIES AND GENTLEMEN, WHAT THAT MEANS
17 IS, IF YOU WILL CALL BACK AFTER 6:00 P.M. TONIGHT, THERE WILL BE A
18 MESSAGE WHETHER OR NOT THEY NEED YOU BACK HERE TOMORROW. IF
19 NOT, THERE WILL BE A MESSAGE THAT SAYS YOU NEED TO CALL BACK AND
20 CHECK AGAIN AT SUCH-AND-SUCH A TIME AND DATE. WE APPRECIATE YOUR
21 SERVICE HERE THIS WEEK AND YOUR WILLINGNESS TO BE HERE, BUT YOU
22 ARE EXCUSED FOR THE REMAINDER OF THE DAY. THANK YOU VERY MUCH.

23 (JURY PANEL OUT AT 11:44 A.M.)

24 **THE COURT:** I'VE MARKED THIS AS COURT'S EXHIBIT #1. THE
25 FOREPERSON WILL BE JUROR #166, RICHARD D. WILLIAMS. IT'S MY

1 UNDERSTANDING, MS. GOODWIN, THAT YOU HAVE SOME PRE-TRIAL MOTIONS
2 OR THAT THERE ARE PRE-TRIAL MOTIONS. IS THAT CORRECT?

3 **MS. GOODWIN:** YES, SIR.

4 **THE COURT:** WHAT IS THE NATURE OF YOUR MOTIONS?

5 **MS. GOODWIN:** YOUR HONOR, LAST WEEK I FILED A *MOTION IN LIMINE*
6 MOVING TO ASK THAT THE PROSECUTION BE REQUIRED TO REFRAIN FROM
7 MAKING ANY REFERENCES TO ANY GANGS OR GANG MEMBERSHIP, GANG
8 ASSOCIATIONS AND THINGS OF THAT NATURE.

9 **THE COURT:** SO, THIS IS A *MOTION IN LIMINE* JUST TO PREVENT ANY
10 DIRECT MENTION OF OR INNUENDO OF GANG AFFILIATIONS? IS THAT
11 CORRECT?

12 **MS. GOODWIN:** YES, SIR.

13 **THE COURT:** MISTER CAMPBELL?

14 **MR. CAMPBELL:** YOUR HONOR, MY OFFICERS IN THIS CASE DO NOT
15 PLAN ON GOING INTO ANYTHING ABOUT GANGS. HE HAS BEEN DOCUMENTED
16 AS A GANG MEMBER. IT'S ON HIS RAP SHEET. HOWEVER, IN THE CASE OF
17 THIS TRIAL WE ARE NOT GOING TO GO INTO IT. IF THEY OPEN THE DOOR,
18 THEN SO BE IT. HOWEVER, IN THE STATE'S CASE I DO NOT PLAN ON GOING
19 INTO IT. SOME OFFICER'S QUALIFICATIONS, THOUGH, DEAL WITH GANGS,
20 NOT SPECIFICALLY DEALING WITH HIM, BUT JUST IN GENERAL
21 QUALIFICATIONS, THEY HAVE EITHER BEEN ON A GANG UNIT OR ON A TASK
22 FORCE AND SOMETHING OF THAT NATURE, BUT NOTHING SPECIFICALLY
23 DEALING WITH HIM BEING INVOLVED IN A GANG.

24 **MS. GOODWIN:** HE'S NOT ON TRIAL FOR ANYTHING TO DO WITH A GANG
25 AND SO I WOULD SAY TO LAW ENFORCEMENT, THAT THEY DON'T NEED TO

MOTIONS

1 SAY ANYTHING. IT WOULD BE PREJUDICIAL.

2 **THE COURT:** WAS HE ARRESTED BY THE OFFICERS OR INVESTIGATED
3 BY THE OFFICERS IN THEIR POSITION AS GANG TASK FORCE MEMBERS?

4 **MR. CAMPBELL:** DETECTIVE GEBING IS ACTUALLY A PART OF A GANG
5 TASK FORCE AND HE'S THE CASE OFFICER IN THIS CASE. ANDERSON
6 COUNTY AND THE ANDERSON CITY POLICE DEPARTMENT HAVE A UNIT
7 TOGETHER WHERE THEY ATTEMPT TO TARGET THESE INDIVIDUALS ---

8 **THE COURT:** I UNDERSTAND.

9 **MR. CAMPBELL:** --- AND TRACK THESE INDIVIDUALS IN OUR
10 COMMUNITY AND HE IS A MEMBER OF THAT. HOWEVER, INVOLVING THIS
11 CASE, THAT WASN'T THE OVERRIDING PRECEDENT. BASICALLY, THE BASIS
12 OF THIS CASE WAS THE ARMED ROBBERY OF A CONVENIENCE STORE. HE
13 JUST SO HAPPENS TO BE A MEMBER OF THAT.

14 **THE COURT:** I HAVE NO PROBLEM WITH AN OFFICER TESTIFYING THAT
15 HIS BACKGROUND AND TRAINING INVOLVES GANG TASK FORCE. I THINK IF
16 YOU GO BEYOND THAT AND HE SAYS, YOU KNOW, "I WAS A MEMBER OF THE
17 TASK FORCE AND WE WERE INVESTIGATING THIS," I THINK IT GOES INTO
18 EXACTLY WHAT MS. GOODWIN IS SAYING. IT DRAWS SOME INFERENCE THAT
19 THIS MAN IS IN A GANG AND THAT, THEREFORE, HE'S GUILTY BECAUSE OF
20 THAT AFFILIATION. NOW, I AGREE WITH YOU, IF SHE OPENS THE DOOR, THEN
21 SO BE IT AND WE'LL CROSS THAT ROAD AT THAT TIME. SO, MY FEELING IS,
22 THAT WHEN YOU ARE DOING QUALIFICATIONS, THE BACKGROUND OF YOUR
23 OFFICERS, YOU CAN BRING OUT THE FACT THAT THEY ARE ON THE GANG
24 TASK FORCE AND THEY'VE BEEN TRAINED IN GANG TASK FORCE, BUT YOU
25 CAN'T GO FURTHER IN YOUR DIRECT SAYING SOMETHING LIKE, "IN

1 FURTHERANCE OF MY OBLIGATION, DUTIES, WHATEVER, AS A MEMBER OF A
2 GANG TASK FORCE, I WAS DOING THAT.” NOW, DO YOU HAVE AN OBJECTION
3 TO PROCEEDING IN THAT MANNER MS. GOODWIN?

4 **MS. GOODWIN:** I UNDERSTAND YOUR HONOR’S RULING. WHAT YOU’RE
5 SAYING IS THAT IT WOULD BE OKAY FOR THEM TO SAY THEY’VE BEEN
6 TRAINED IN THAT AREA.

7 **THE COURT:** RIGHT. IN OTHER WORDS, IF YOU ARE QUALIFYING A
8 DOCTOR AS AN EXPERT, JUST BY ANALOGY, AND YOU DID YOUR RESIDENCY
9 HERE AND YOU DID YOUR INTERNSHIP HERE, I’VE TRAINED IN THIS, THAT AND
10 THE OTHER AND THEN GO BACK OUT AND BASICALLY SHOWING THEIR
11 QUALIFICATIONS, BUT NOT – THEN YOU STOP AND YOU DON’T GO FURTHER
12 AT THAT POINT AND SAY DID YOU HAVE THE OPPORTUNITY TO INVESTIGATE
13 THIS GENTLEMEN AS PART OF YOUR DUTIES ON A GANG TASK FORCE.

14 **MS. GOODWIN:** MY PREFERENCE WOULD BE THAT WE NOT USE THE
15 WORD “GANG” AT ALL, BUT ---

16 **THE COURT:** RIGHT. I UNDERSTAND. I DON’T THINK JUST THE FACT
17 THAT THEY’VE BEEN TRAINED IN GANG TASK FORCE ALONG -- IF THAT’S THE
18 ONLY THING THEY’VE BEEN TRAINED IN, I’VE NEVER SEEN ONE THAT HAS
19 BEEN LIKE THAT BUT I ASSUME IF IT’S A LAUNDRY LIST, YOU MIGHT EVEN
20 HAVE TESTIFIED IN FRONT OF ME BEFORE, BUT IF YOU HAVEN’T, EVERY
21 OFFICER I’VE SEEN BEFORE HAS A FAIRLY LONG, YOU KNOW, LIST OF
22 TRAININGS AND CERTIFICATIONS AND I DON’T HAVE A PROBLEM WITH HIM
23 SAYING THAT, BUT OTHER THAN THE FACT THAT HE’S TRAINED IN GANG TASK
24 FORCE, I’M NOT GOING TO ALLOW IT IN. OKAY?

25 **MS. GOODWIN:** YES, SIR.

MOTIONS

1 **THE COURT:** NOW, I'LL NOTE YOUR OBJECTION TO ANY REFERENCE TO
2 GANGS WHATSOEVER.

3 **MS. GOODWIN:** THANK YOU, YOUR HONOR. THE OTHER MOTION,
4 MISTER CAMPBELL AND I WERE DISCUSSING SOME THINGS HE WAS GOING
5 TO MARK AS EXHIBITS AND I, FOR WHATEVER REASON, DON'T HAVE THEM.
6 I'M NOT ASSERTING ANY BAD FAITH ON HIS PART, BUT I DON'T HAVE THOSE
7 PICTURES AND I WOULD OBJECT TO THE PICTURES.

8 **MR. CAMPBELL:** YOUR HONOR, AND I'LL HAND THEM UP TO YOU AND
9 LET YOU LOOK AT THEM. WHAT SHE'S REFERRING TO ARE PHOTOGRAPHS
10 OF THE GENERAL CRIME SCENE. I INITIALLY THOUGHT WHEN WE ACTUALLY
11 RECEIVED THEM, THEY HAD GONE OUT. THERE WERE NUMEROUS ITEMS IN
12 DISCOVERY AND NORMALLY, AS SOON AS I GET THEM, I GET THEM TO HER.
13 APPARENTLY, THIS FELL THROUGH THE CRACKS, SO TO SPEAK. IT HAS
14 NOTHING THAT'S INFLAMMATORY OR AGAINST THE DEFENDANT IN THIS CASE.
15 ALL IT DOES IS SHOW IS THE GENERAL CRIME SCENE AS OFFICERS SAW IT
16 AND AS INVESTIGATORS RECALL IT. I'LL HAND THEM UP TO YOUR HONOR.

17 **THE COURT:** FIRST, MS. GOODWIN, HAVE YOU SEEN THEM?

18 **MS. GOODWIN:** I'VE SEEN THEM, YOUR HONOR. I WAS CERTAIN -- I'VE
19 GONE OVER AND OVER AND OVER THIS A LOT AND I'M CERTAIN I DON'T HAVE
20 THOSE.

21 **MR. CAMPBELL:** AND I WAS UNDER THE ASSUMPTION SHE HAD THEM
22 AND, YOU KNOW, IT WOULD BE MY FAULT.

23 **THE COURT:** SO, BASICALLY, WHAT YOU'RE SAYING IS, "I GAVE THEM
24 DISCOVERY. I ANSWERED THEIR DISCOVERY AND THEY HAVEN'T DISCLOSED
25 THESE UP TO THIS TIME OF TRIAL." IS THAT THE BASIS OF YOUR MOTION?

1 **MS. GOODWIN:** YES, SIR. I EVEN TOLD THEM I'D GO SO FAR AS TO
2 STIPULATE THAT A ROBBERY OCCURRED. I DON'T THINK THAT THAT IN ANY
3 WAY PREJUDICES MY CLIENT.

4 (THE JUDGE LOOKS AT PHOTOGRAPHS)

5 **THE COURT:** ALL RIGHT. I'LL SAY, I THINK EVEN THOUGH IT SLIPPED
6 THROUGH THE CRACKS, I KNOW YOU AND THE SOLICITOR'S OFFICE WOULD
7 NEVER, EVER ENGAGE IN ANYTHING THAT WOULD BE UNETHICAL OR TRYING
8 TO GET UNDUE ADVANTAGE, BUT THE RULE IS THERE FOR A REASON AND SO
9 I'M GOING TO EXCLUDE THOSE PICTURES. I THINK WE'LL GO AHEAD AND
10 MAKE THEM A PART OF THE COURT'S EXHIBIT, TO MAKE SURE THERE IS
11 SOMETHING IN THE RECORD TO SHOW THAT.

12 **MR. CAMPBELL:** ALL RIGHT. WHAT I'M GOING TO DO, YOUR HONOR, IS
13 I'M GOING TO PUT IN THE ONES I WAS INTENDING TO PUT IN IN THE CASE IN
14 CHIEF.

15 **THE COURT:** RIGHT. AND JUST SO YOU ARE PROTECTED ON THE
16 RECORD TO THE EXTENT THAT YOU NEED TO BE, IF YOU WANT, WE CAN
17 TREAT IT AS IF YOU MADE A PROFFER OF THOSE EXHIBITS OR IF YOU WANT
18 TO MAKE A PROFFER AND LET ME DENY IT BASED ON THOSE GROUNDS.

19 **MR. CAMPBELL:** WITHOUT THEM ALREADY BEING MARKED, WHAT
20 THESE PICTURES SHOW, THERE ARE A COUPLE OF PICTURES SHOWING
21 SHELL CASINGS FOUND AT THE CONVENIENCE STORE WHEN OFFICERS
22 RESPONDED TO THE CRIME SCENE. THERE'S A PICTURE SHOWING TWO
23 HOLES IN THE CEILING WHERE THE GUN SHOTS WENT OFF, ANOTHER
24 PICTURE SHOWING SHATTERED GLASS.

25 **THE COURT:** FROM THE BULLET HOLE?

MOTIONS

1 **MR. CAMPBELL:** FROM THE BULLET HOLE. YES, SIR, YOUR HONOR.
2 TWO PHOTOGRAPHS SHOWING THE LAYOUT OF THE STORE. ANOTHER ONE
3 SHOWS A BULLET THAT WAS FOUND AFTER IT HIT THE GAS PUMP AND WENT
4 THROUGH THE WINDOW OF THE CLERK'S, A PICTURE OF THE GAS PUMP THAT
5 THE BULLET HIT AND ALSO TWO PHOTOGRAPHS SHOWING WHERE A THIRD
6 SHELL CASING WAS FOUND.

7 **THE COURT:** AND HOW MANY PHOTOGRAPHS ARE THERE?

8 **MR. CAMPBELL:** ELEVEN.

9 **THE COURT:** IF YOU WOULD MARK THOSE, PLEASE, MADAM COURT
10 REPORTER, AS COURT EXHIBIT'S #2 - #12.

11 (WHEREUPON, ELEVEN PHOTOGRAPHS ARE ENTERED AS COURT'S
12 EXHIBITS #2 - #12)

13 **THE COURT:** ANYTHING FURTHER FROM THE DEFENSE?

14 **MS. GOODWIN:** I THINK THAT THAT WOULD BE ALL. I DON'T KNOW
15 EXACTLY WHAT I'D LIKE TO INTRODUCE, BUT I'VE GOT PLENTY OF COPIES OF
16 PICTURES OF THE GUN, BUT ANYTHING GIVEN AHEAD OF TIME, WE AREN'T
17 CONCERNED ABOUT.

18 **THE COURT:** YOU CAN'T ANTICIPATE THAT UNTIL IT HAPPENS. ARE YOU
19 GOING TO HAVE A GUN IN HERE? ARE YOU ANTICIPATING THE HANDLING OF
20 A GUN OR WEAPON IN HERE?

21 **MR. CAMPBELL:** I AM. ACTUALLY, THE WEAPON USED IS STILL BAGGED
22 AND I'LL MARK THIS AS AN EXHIBIT.

23 **THE COURT:** AS FAR AS HANDLING IT, HAS IT BEEN DISABLED SO IT'S
24 INOPERABLE?

25 **MR. CAMPBELL:** THIS HAS, YES, SIR. I HAVEN'T OPENED THIS BAG UP,

1 BUT ACCORDING TO THE OFFICERS, WHEN THEY RETRIEVED IT, THE
2 OFFICERS MADE IT SAFE.

3 THE COURT: IF YOU WOULD BRING OUT WITH EACH WITNESS WHO,
4 YOURSELF AND ANY OFFICERS THAT ARE GOING TO TESTIFY ABOUT THE GUN
5 AND WHO HANDLE THE GUN, TO REPEAT TO THIS JURY THAT IT HAS BEEN
6 DISABLED, IT'S NOT CAPABLE OF DISCHARGE AND MAKE SURE THAT THEY DO
7 NOT EVER POINT IT IN THE DIRECTION OF ANY LIVING SOUL IN THE
8 COURTROOM?

9 MR. CAMPBELL: TYPICALLY, WHEN I HAND IT UP TO THE WITNESS, I GO
10 THROUGH THAT IMMEDIATELY. BASED ON PAST EXPERIENCE, I LIKE TO GET
11 THAT OUT SO EVERYBODY KNOWS IT ISN'T LOADED.

12 THE COURT: ANY ADDITIONAL INSTRUCTIONS THAT YOU WOULD ASK
13 FOR FROM THE DEFENSE ON THE HANDLING OF THE GUN?

14 MS. GOODWIN: NO, SIR. I'M CONFIDENT THEY WILL BE SAFE.

15 THE COURT: I AM, TOO. I JUST WANT TO MAKE SURE WE'RE CLEAR.

16 MR. CAMPBELL: I GUESS WHAT WE WILL DO, WHEN WE TAKE A BREAK,
17 WE WILL OPEN IT UP IN THE PRESENCE OF THE COURT REPORTER AND MS.
18 GOODWIN. WE'LL GET IT OUT AND CONFIRM EVERYTHING AND I ALSO HAVE
19 ONE MOTION IF SHE'S FINISHED.

20 MS. GOODWIN: I HAVE ONE FINAL THING. DURING THE COURSE OF THE
21 TIME THAT WE WERE WAITING FOR THIS TRIAL, MY CLIENT WAS PROVIDED BY
22 ANOTHER DEFENDANT WITH A STATEMENT WRITTEN BY SOMEBODY ELSE
23 THAT SEEMS EXCULPATORY IN NATURE. WE WERE NEVER GIVEN THAT BY
24 THE STATE. IT'S A STATEMENT OF SANCHEZ GALLIARD WAS GIVEN MARCH
25 17, 2009, IN WHICH HE CLAIMS THAT HE, DEREK JAMES AND TRAVIS

MOTIONS

1 PATTERSON DID THE ROBBERY THAT MY CLIENT IS ON TRIAL UP HERE FOR
2 TODAY AND I WOULD JUST ASK THE STATE TO STIPULATE ON THE RECORD
3 THAT THERE IS NOTHING ELSE EXCULPATORY IN NATURE, THAT NOBODY
4 ELSE CONFESSED TO THIS. I FOUND OUT ABOUT THIS ONE THROUGH MY
5 CLIENT, BUT I WANT TO MAKE SURE THAT ALL EXCULPATORY INFORMATION
6 HAS BEEN DISCLOSED.

7 **MR. CAMPBELL:** YOUR HONOR, I DON'T KNOW EXACTLY WHICH
8 STATEMENT SHE'S REFERRING TO, HOWEVER, MISTER GALLIARD HAS
9 ALREADY BEEN CONVICTED OF SEVERAL ARMED ROBBERIES IN WHICH HE
10 PLAYED A PART OF. THIS STORE HAD BEEN ROBBED THREE TIMES AND HE
11 WAS ONE OF THE INDIVIDUALS THAT AT ANOTHER TIME HAS ROBBED THIS
12 SAME STORE. WE'RE NOT DEALING WITH THAT ONE. THE CASE IN WHICH WE
13 ARE HERE ON TODAY IS WHERE WE ARE ALLEGING MISTER GOSS WAS ONE
14 OF THE THREE THAT WENT IN AND HELD THIS PLACE UP.

15 **THE COURT:** RIGHT. AND IT SEEMS TO ME WHAT MS. GOODWIN IS
16 SIMPLY ASKING IS IF THERE IS ANY EXCULPATORY EVIDENCE, THAT IT HAS
17 BEEN PRESENTED TO HER FOR HER EVALUATION AT THIS POINT. IS THAT
18 CORRECT?

19 **MS. GOODWIN:** YES, SIR. MY CLIENT JUST WANTS TO BE SURE THAT
20 WE HAVE EVERYTHING THAT COULD BE POTENTIALLY EXCULPATORY. I'LL
21 ADMIT THIS STATEMENT DOES NOT SAY WHAT DAY SANCHEZ GALLIARD,
22 TRAVIS PATTERSON AND DEREK JAMES ROBBED THE STORE.

23 **THE COURT:** HAVE YOU PRESENTED TO MS. GOODWIN ALL THE
24 EXCULPATORY INFORMATION?

25 **MR. CAMPBELL:** YES, SIR. OTHER THAN THOSE PICTURES WHICH I

1 FOUND THIS MORNING SHE DIDN'T HAVE. OTHER THAN THAT, TO MY
2 KNOWLEDGE, SHE HAS EVERYTHING. WE HAVE A VIDEO THAT IS GOING TO
3 BE PLAYED.

4 MS. GOODWIN: I ONLY HAVE AUDIO.

5 MR. CAMPBELL: WE'LL TAKE CARE OF THIS OVER THE BREAK, YOUR
6 HONOR.

7 THE COURT: LET ME ASK YOU -- FROM THE TIME THAT YOU -- BEFORE
8 YOU GET INTO YOUR MOTION -- FIRST, HAVE YOU FINISHED YOUR MOTIONS,
9 MS. GOODWIN?

10 MS. GOODWIN: ALL MY MOTIONS ARE FINISHED. YES.

11 THE COURT: THANK YOU, MA'AM. WHAT TIME DO YOU GUYS WANT TO
12 DO OPENING STATEMENTS TO THE JURY? I'LL DO WHATEVER YOU WANT TO
13 DO. IF YOU WANT TO DO THEM NOW AND BREAK FOR LUNCH AND COME BACK
14 OR DO YOU WANT TO WAIT? I DON'T KNOW IF SHE'S EVEN GOING TO GIVE AN
15 OPENING, BUT DO YOU WANT TO COME BACK AFTER LUNCH?

16 MR. CAMPBELL: I'D LIKE TO DO IT ALL AT ONCE. I PREFER THAT WAY.

17 THE COURT: DO YOU AGREE, MS. GOODWIN? IS THAT HOW YOU WANT
18 TO HANDLE IT?

19 MS. GOODWIN: I'M SORRY, YOUR HONOR.

20 THE COURT: TO TAKE A BREAK FOR LUNCH, COME BACK AND SWEAR
21 THE JURY AND START THE TRIAL AT THAT POINT ---

22 MS. GOODWIN: YES, SIR, YOUR HONOR.

23 THE COURT: --- AND GIVE YOUR OPENING STATEMENTS AT THAT POINT?

24 MS. GOODWIN: YES, SIR.

25 THE COURT: OKAY.

MOTIONS

1 **MS. GOODWIN:** I'D LIKE TO SEE THE VIDEO. IT MAY THAT IT'S FINE.

2 **THE COURT:** IF WE START BACK AT 2:00, THAT SHOULD GIVE YOU
3 SUFFICIENT TIME TO LOOK AT ANY VIDEO AND GET A BITE TO EAT. DON'T
4 YOU THINK?

5 **MS. GOODWIN:** YES, SIR.

6 **MR. CAMPBELL:** YOUR HONOR, I'M GOING TO TAKE A LOOK, BECAUSE
7 I'M SHOWING HERE THAT ON APRIL 16, 2010, WE DID GIVE HER FOOTAGE OF
8 THE DISC ON C-D. I'LL DOUBLE CHECK.

9 **THE COURT:** YOU'RE TALKING ABOUT COURT EXHIBIT'S #2 THROUGH
10 #12?

11 **MR. CAMPBELL:** YES, SIR. I'LL TAKE A LOOK AT THAT DURING THE
12 BREAK. SHE MAY HAVE BEEN PROVIDED IT.

13 **THE COURT:** WELL, THEN, MY DECISION WOULD BE TO GIVE YOU LEAVE
14 TO ESTABLISH THAT THEY WERE PRESENTED TO MS. GOODWIN AND I'LL
15 REVISIT THAT, IF YOU CAN ESTABLISH THAT TO MY SATISFACTION. WHAT IS
16 YOUR NEXT MOTION?

17 **MR. CAMPBELL:** YOUR HONOR, LET ME JUST CALL ONE NAME OUT IN
18 COURT. IS JAVARIS HILL PRESENT IN THE COURTROOM? (NO ANSWER) YOUR
19 HONOR, THIS IS A STATE'S WITNESS WHO WAS SERVED ON APRIL 21, 2010 TO
20 BE HERE AT 9:00 THIS MORNING. I HAVE PERSONALLY SPOKEN TO HIM A
21 WEEK-AND-A-HALF TO TWO WEEKS AGO AND TOLD HIM TO BE PRESENT IN
22 COURT. DETECTIVE GEBING SPOKE TO HIM ON FRIDAY BEFORE TODAY AND
23 TOLD HIM TO BE IN COURT TODAY AT 9:00 AND HE HAS FAILED TO SHOW. AS
24 SUCH, I WOULD ASK THE COURT TO ISSUE A BENCH WARRANT AND HAVE HIM
25 PICKED UP.

1 **THE COURT:** AND HE WAS, IN FACT, SERVED WITH A SUBPOENA TO BE
2 HERE?

3 **MR. CAMPBELL:** YES, SIR. I WILL HAND THIS UP. THIS IS THE ORIGINAL
4 THAT WE HAVE IN WHICH HE WAS SERVED, YOUR HONOR. AND IT'S ON THE
5 BACK.

6 (MISTER CAMPBELL HANDS DOCUMENT TO THE JUDGE)

7 **THE COURT:** ALL RIGHT. I WILL ISSUE THAT BENCH WARRANT.
8 ANYTHING ELSE?

9 **MR. CAMPBELL:** NO, SIR, YOUR HONOR.

10 **THE COURT:** DO YOU HAVE A PROPOSED ORDER ON THAT?

11 **MR. CAMPBELL:** ON THIS RIGHT HERE? (INDICATING DOCUMENT JUST
12 HANDLED UP TO THE JUDGE)

13 **THE COURT:** YES, SIR.

14 **MR. CAMPBELL:** NO, SIR. I DON'T.

15 **THE COURT:** WOULD YOU MIND GETTING ME ONE UP?

16 **MR. CAMPBELL:** YES, SIR. AND OVER THE BREAK, I WILL GO THROUGH
17 MY DISCOVERY AND WE'LL GET EVERYTHING AND CLARIFY IT, WHAT GOES IN
18 AS EVIDENCE.

19 **THE COURT:** OKAY. ANYTHING FURTHER?

20 **MS. GOODWIN:** NO, SIR.

21 **THE COURT:** FROM THE STATE?

22 **MR. CAMPBELL:** NO, SIR, YOUR HONOR.

23 **THE COURT:** ALL RIGHT. I'M GOING TO BRING THIS JURY IN. I'M GOING
24 TO EXCUSE THEM UNTIL 2:00. DOES THAT GIVE EVERYBODY ENOUGH TIME?

25 **MS. GOODWIN:** YES, SIR.

23 THE COURT: ALSO, I'M GOING TO ASK YOU THAT THROUGHOUT THIS
24 TRIAL, I'M SURE MISTER HAMBY HAS PROBABLY TOLD YOU, BUT YOU ARE TO
25 STAY IN THAT SEAT THROUGHOUT THE TRIAL AND MISTER GAMBRELL. YOU

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 ARE THE ALTERNATE AND I'M SURE MISTER HAMBY PROBABLY INSTRUCTED
2 YOU AS WELL, BUT IF YOU WOULD REMAIN IN THAT SEAT THROUGHOUT THE
3 TRIAL. THE REASON BEING, IT HELPS ME TAKE CARE OF CERTAIN
4 ADMINISTRATIVE MATTERS, BUT AS FAR AS THE REST OF YOU GOES, YOU
5 CAN SIT WHEREVER YOU LIKE WHEN YOU COME IN AND OUT OF THE
6 COURTROOM. WE DO WANT YOU TO BE COMFORTABLE. IF, AT ANY TIME
7 DURING THE COURSE OF THESE PROCEEDINGS ANY OF YOU DO NOT
8 UNDERSTAND WHAT'S GOING ON AS FAR AS YOU CAN'T HEAR IT, IF YOU
9 WOULD INDICATE, THEN I WILL STOP AND MAKE SURE THAT YOU DO. IF, AT
10 ANY TIME -- I HAVE A TENDENCY AND YOU CAN ASK MY COURT REPORTER
11 DOWN HERE PROBABLY AS GOOD AS ANYBODY THAT I HAVE A TENDENCY TO
12 WORK A LITTLE BIT OVER. I GENERALLY RUN COURT IN AN HOUR TO TWO
13 HOUR LOTS, BUT SOMETIMES I MAY GO TWO-AND-A-HALF HOURS. IF YOU
14 NEED A BREAK, I DON'T WANT YOUR MIND THINKING ABOUT THINGS OTHER
15 THAN WHAT THE TESTIMONY AND THE EVIDENCE IS IN THIS TRIAL AND SO IF
16 ANY OF YOU NEED TO, JUST INDICATE TO ME THAT YOU NEED A QUICK
17 RESPITE AND I'LL BE CERTAINLY GLAD TO GIVE THAT TO YOU. WE WANT TO
18 MAKE YOU AS COMFORTABLE AS POSSIBLE THROUGHOUT THIS TRIAL. FROM
19 SPEAKING WITH THESE FINE ATTORNEYS, I ANTICIPATE THAT THIS WILL BE A
20 COUPLE DAY TRIAL. WE HAVE A FEW MORE ADMINISTRATIVE MATTERS WE
21 NEED TO DEAL WITH BEFORE WE TAKE UP THE ACTUAL BEGINNING OF THE
22 TRIAL AND SO I'M GOING TO EXCUSE YOU NOW UNTIL 2:00 AND THEN ASK
23 THAT YOU BE IN YOUR JURY ROOM AND MISTER HAMBY WILL SHOW YOU
24 HOW TO GET IN AND OUT, NO LATER THAN 2:00 AND PREFERABLY ABOUT FIVE
25 MINUTES BEFORE 2:00 AND THAT WAY WE CAN GO AHEAD AND GO FORWARD

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 WITH THE CASE.

2 THIS IS TO ADMONISH YOU AND INSTRUCT YOU THAT WHILE YOU ARE
3 OUT OF COURT AND UNTIL SUCH TIME THAT I TELL YOU THAT YOU ARE TO
4 BEGIN YOUR DELIBERATIONS, YOU ARE NOT TO DISCUSS THIS CASE WITH
5 ANYBODY. THAT MEANS AMONGST YOURSELVES AS WELL. SO, DURING
6 THESE BREAKS, DO NOT TALK ABOUT THE CHARGE, DO NOT TALK ABOUT THE
7 PARTIES, THE LAWYERS, THE WITNESSES OR EVEN ME. AFTER THE TRIAL
8 YOU WILL HAVE PLENTY OPPORTUNITY TO DO THAT, BUT THE REASON THAT
9 YOU ARE INSTRUCTED THAT WAY IS THAT WE WANT YOU TO HAVE A CLEAR
10 MIND AND TO HAVE YOUR DECISION BASED SOLELY ON THE EVIDENCE THAT
11 YOU HEAR PRESENTED IN THE COURTROOM AND NOT FROM ANYTHING THAT
12 MAY NOT BE ADMISSIBLE NOR PROPER. SO, THEREFORE, AT THIS TIME, I'M
13 GOING TO ASK YOU TO GO AHEAD AND GO WITH MISTER HAMBY.

14 I ADMONISH YOU AGAIN NOT TO DISCUSS THIS CASE WITH ANYONE OR
15 DISCUSS IT AMONGST YOURSELVES AND LATER I'M GOING TO TELL YOU
16 ABOUT THIS A LITTLE BIT FURTHER, BUT IF AT ANY TIME YOU RUN INTO ANY
17 OF THE ATTORNEYS INVOLVED IN THIS MATTER, ANY OF THE WITNESSES
18 INVOLVED IN THIS MATTER OR THE DEFENDANT AND THEY DON'T SPEAK WITH
19 YOU, THEY HAVE BEEN INSTRUCTED THAT THEY ARE NOT TO HAVE ANY
20 COMMUNICATIONS WITH YOU. I KNOW BOTH OF THESE ATTORNEYS QUITE
21 WELL. I PRACTICED LAW HERE IN ANDERSON FOR OVER TWENTY-FIVE
22 YEARS AND I UNDERSTAND THAT WHAT THEY DO IS GOING TO BE ABOVE
23 BOARD, BUT SOMETIMES IF YOU ARE NOT A PART OF THE PROCESS AND YOU
24 SEE ONE SIDE OR THE OTHER SPEAKING TO A WITNESS OR SOMEBODY ELSE,
25 WITH ONE OF YOU, THE OTHER SIDE IS GOING TO LOOK AROUND AND SAY

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 THAT'S IMPROPER AND THEY THINK SOMETHING BAD IS GOING ON AND SO
2 WE WANT TO KEEP YOU SEPARATED THROUGHOUT THE TRIAL. LIKEWISE, IF
3 YOU RUN INTO THEM AND THEY DON'T SPEAK WITH YOU, THAT'S BECAUSE
4 THEY'VE BEEN TOLD NOT TO. IF ANYBODY TRIES TO TALK TO YOU ABOUT
5 THIS CASE, THE ATTORNEYS, THE WITNESSES OR ANY THIRD PARTY, YOU
6 ARE TO MAKE NOTE OF IT, YOU ARE TO TELL THEM, "I'M A JUROR." SHOW
7 THEM THE STICKER YOU HAVE ON. IF THEY PERSIST, YOU BRING THAT TO
8 THE BAILIFF'S ATTENTION, HE'LL BRING THAT TO MY ATTENTION AND I CAN
9 ASSURE YOU THAT THAT WILL BE DEALT WITH FORTHWITH. HOWEVER, AT
10 THIS TIME, I'M GOING TO EXCUSE YOU FOR YOUR LUNCH AND ASK YOU TO BE
11 BACK IN YOUR JURY ROOM NO LATER THAN 2:00. THANK YOU VERY MUCH.

12 (JURY OUT AT 12:05 P.M.)

13 THE COURT: ANY ADDITIONS OR EXCEPTIONS FROM THE STATE?

14 MR. CAMPBELL: NO, YOUR HONOR.

15 THE COURT: FROM THE DEFENSE?

16 MS. GOODWIN: NO, YOUR HONOR.

17 THE COURT: IF Y'ALL HAVE ANY PROPOSED CHARGES, IF Y'ALL WOULD
18 GO AHEAD AND GET THEM TO ME AS SOON AS YOU CAN GET THEM
19 TOGETHER.

20 MS. GOODWIN: YES, SIR. I WILL HAVE THEM AFTER LUNCH.

21 THE COURT: OKAY. WE'LL BE IN RECESS UNTIL 2:00. IS YOUR CLIENT
22 OUT ON BOND?

23 MS. GOODWIN: NO, SIR.

24 THE COURT: HE'S BEING HELD?

25 MS. GOODWIN: YES, SIR. HE'S BEING HELD.

23 THE COURT: WELL, I WAS ABOUT TO GO THROUGH, I MEAN, WHAT IS
24 THE PREJUDICE? I SAW THE BULLETS AND I SAW THE HOLES AND THAT KIND
25 OF THING AND I CAN UNDERSTAND —

1 **MS. GOODWIN:** RIGHT. I DON'T DOUBT THAT THERE WAS AN ARMED
2 ROBBERY. OUR DEFENSE IS THAT HE DIDN'T DO IT.

3 **THE COURT:** RIGHT. WELL, OTHER THAN THEM TRYING TO ATTRIBUTE
4 HIM BEING A CHARACTER IN AN EVENT, THE PHOTOS THEMSELVES, IS THERE
5 ANY PREJUDICE TO YOU THAT YOU CAN ARTICULATE OTHER THAN ---

6 **MS. GOODWIN:** THERE'S -- OTHER THAN WE DID NOT HAVE THEM AHEAD
7 OF TIME.

8 **THE COURT:** IS THERE ANY OTHER SIMILARLY SITUATED
9 PHOTOGRAPHS THAT YOU HAVE?

10 **MR. CAMPBELL:** I'VE GIVEN HER A COPY OF THE DISC A WHILE AGO.

11 **THE COURT:** IN OTHER WORDS, ARE THEY CUMULATIVE TO OTHER
12 PHOTOGRAPHS OR ARE THEY ---

13 **MR. CAMPBELL:** THE PHOTOGRAPHS WILL JUST BACK UP WHAT THE
14 OFFICERS SAY, THAT'S ALL IT IS. IT GIVES US MORE OF A LAYOUT, WHICH WE
15 WILL SEE ON THE VIDEO, ACTUALLY, SO.

16 **THE COURT:** THAT'S WHY I ALWAYS HAS MY PARALEGAL PUT A LIST OF
17 EVERYTHING SO --I KNOW I DIDN'T DEAL WITH VOLUMES LIKE YOU GUYS DO,
18 BUT JUST A LIST. I'M INCLINED TO GO AHEAD AND LET THEM IN
19 MS. GOODWIN.

20 **MS. GOODWIN:** YES, SIR.

21 **THE COURT:** UNLESS YOU CAN TELL ME SOMETHING ELSE. LET ME
22 LOOK AT SOMETHING. MY LAW CLERK IS HANDING ME SOMETHING.

23 **MS. GOODWIN:** THEY DON'T, IN ANY WAY, IDENTIFY OR PREJUDICE MY
24 CLIENT, YOUR HONOR

25 **THE COURT:** I'M SORRY?

MOTIONS - RESUMED

1 **MS. GOODWIN:** THAT DON'T IDENTIFY OR PREJUDICE MY CLIENT.

2 **THE COURT:** I'M GOING TO, I'M GOING TO REVERSE MYSELF. I'M GOING
3 TO LET THOSE IN, THAT WOULD BE, FOR THE RECORD, COURT'S EXHIBITS #2
4 THROUGH #12. I'M GOING TO FIND THAT THEY ARE ADMISSIBLE. I'VE STILL
5 GOT TO GO THROUGH THE FOUNDATIONAL TESTIMONY, MISTER CAMPBELL,
6 BUT I WILL REVERSE MY RULING AS FAR AS MAKING THEM ADMISSIBLE FROM
7 A PRELIMINARY STANDPOINT. IT SEEMS TO ME THERE WAS ONE OTHER
8 THING WE HAD TO DEAL WITH UP HERE, TOO, BEFORE WE GOT STARTED AND
9 FOR THE LIFE OF ME I'M NOT THINKING OF IT. IS THERE ANYTHING FURTHER
10 FROM THE STATE?

11 **MR. CAMPBELL:** WE'VE HAD THE VIDEO OF THE CRIME, WHICH I TALKED
12 TO MS. GOODWIN ABOUT. SHE'S HAD AN OPPORTUNITY TO SEE IT. IT'S
13 ABOUT 35 SECONDS, ONE PORTION AND THE OTHER PORTION IS ABOUT THE
14 SAME. SHE ADMITTED TO ME SHE WILL STIPULATE TO IT.

15 **THE COURT:** IS THAT CORRECT?

16 **MS. GOODWIN:** YOUR HONOR, I'VE DISCUSSED IT WITH MY CLIENT. THE
17 WAY IT TRANSPIRED IS, INITIALLY, WE WERE GOING TO OBJECT TO IT
18 BECAUSE I DON'T HAVE IT, BUT I DON'T THINK THERE'S ANYTHING IN IT THAT --
19 AGAIN, I DON'T THINK THERE IS ANY MALICE ASSOCIATED WITH IT. I THINK
20 IT'S JUST THERE ARE A WHOLE LOT OF LITTLE PIECES THAT HE'S HAD TO PUT
21 TOGETHER ON THE CASE, BUT IF WE SEEK TO EXCLUDE IT, THEN HE'S GOING
22 TO ASK TO HAVE THE CASE CONTINUED AND MY CLIENT DOES NOT WANT
23 ANY FURTHER DELAY. HE'S WAITED TWO YEARS.

24 **THE COURT:** WELL, NOW, I'LL TELL YOU WHAT. THE CASE IS GOING TO
25 GO FORWARD TODAY REGARDLESS. I MEAN, WHATEVER I RULE ON IT, WE'RE

1 GOING TO TRY THIS CASE TODAY. HOW LONG ARE THE CHARGES ON THIS,
2 MISTER CAMPBELL?

3 MR. CAMPBELL: '08.

4 THE COURT: '08, AND —

5 MR. CAMPBELL: WELL, THESE INDICTMENTS — I'M SORRY.

6 THE COURT: BUT THEY'VE BEEN PENDING FOR SOME TIME AND WE
7 NEED TO GET THEM DISPOSED OF.

8 MS. GOODWIN: YES, SIR. WE NEED TO GET IT DISPOSED OF.

9 THE COURT: SO, REGARDLESS OF WHATEVER I RULE, WE'RE GOING
10 FORWARD.

11 MS. GOODWIN: YOUR HONOR, THE REASON THAT MY CLIENT WANTED
12 ME TO STIPULATE ON THE ADMISSIBILITY OF THE VIDEO WAS, HE DIDN'T
13 WANT THIS TRIAL DELAYED. I WILL STATE TO THE COURT THAT WE DID NOT
14 HAVE IT IN ADVANCE AND WE DO OBJECT TO IT IF IT'S ADMITTED.

15 THE COURT: WELL, AGAIN, WE'RE GOING TO GO FORWARD AND SO
16 THAT SHOULDN'T BE THE BASIS FOR YOUR STIPULATION. THIS VIDEO IS
17 WHAT, MISTER CAMPBELL?

18 MR. CAMPBELL: YOUR HONOR, THE VIDEO SHOWS — I THINK THE MIX-
19 UP OCCURRED, WE ACTUALLY SENT A DOUBLE DISC OR SOMETHING TO HER
20 IN DISCOVERY AND IT'S PROBABLY WHAT HAPPENED. WE SENT HER TWO OF
21 THE SAME THING. THIS VIDEO SHOWS THREE MASKED, FULLY CLOTHED
22 INDIVIDUALS COME INTO THE B-P CONVENIENCE STORE. ONE GOES BEHIND
23 THE COUNTER. TWO STAY OUT FRONT. THEY ROB THE PLACE. IT'S A TOTAL
24 OF ABOUT THIRTY-FIVE SECONDS. YOU CANNOT IDENTIFY WHO THEY ARE. IT
25 JUST SHOWS WHAT TOOK PLACE AS IT WAS HAPPENING AS IT WAS CAUGHT

MOTIONS - RESUMED

1 BY SURVEILLANCE. IT'S MENTIONED NINE OR TEN TIMES THROUGHOUT THE
2 REPORT THAT THE OFFICER'S RELIED ON IT AND WHEN THEY SHOWED UP,
3 THEY IMMEDIATELY ASKED FOR AND LOOKED AT IT. THEY LOOKED AT IT TO
4 TRY TO DETERMINE IF THE SUSPECTS TOUCHED ANYTHING TO TRY TO LIFT
5 EVIDENCE, DO FINGERPRINTS. THEY USED IT TO TRY TO IDENTIFY WHO THE
6 INDIVIDUALS WERE, ANY FACIAL RECOGNITION OFF OF IT AND ANYTHING
7 INVOLVED. IT SHOWS, LIKE I SAID, IT SHOWS WHAT TOOK PLACE AS IT
8 TRANSPIRES. IT'S A TOTAL OF 35 SECONDS.

9 **THE COURT:** AND SO, IF I UNDERSTAND WHAT YOU'RE TELLING ME, YOU
10 SAID THAT YOU -- YOU ACKNOWLEDGED THAT YOU DID NOT PROVIDE THAT
11 TO --

12 **MR. CAMPBELL:** THAT'S TRUE. I WAS UNDER THE ASSUMPTION IT HAD
13 GONE. IT NEVER HAD BEEN BROUGHT TO MY ATTENTION THAT MS. GOODWIN
14 HAD NOT RECEIVED IT. I ASSUMED IT HAD GONE, BUT SHE HAS HAD AN
15 OPPORTUNITY TO LOOK AT IT AND DOESN'T SPECIFICALLY POINT OUT -- SAY
16 IT'S HIM. IT DOESN'T PREJUDICE HIM IN THE STATE'S VIEW BECAUSE NOBODY
17 IS ABLE TO IDENTIFY MISTER GOSS OR ANY OF THE OTHER SUSPECTS IN THE
18 CASE. THE CLERK IS UNABLE TO IDENTIFY THEM, NOR WAS LAW
19 ENFORCEMENT ABLE TO IDENTIFY WHO THE INDIVIDUALS WERE FROM THE
20 VIDEO. YOU KNOW, WE ARE GOING TO GO FORWARD, YOUR HONOR. IF SHE
21 WOULD LIKE TO HAVE TIME TO REVIEW IT WITH HER CLIENT, I WOULD BE
22 MORE THAN HAPPY TO DO THAT.

23 **THE COURT:** I THOUGHT THAT WAS WHAT WE JUST DID DURING THE
24 LUNCH BREAK.

25 **MS. GOODWIN:** I REVIEWED IT.

1 **MR. CAMPBELL:** SHE REVIEWED IT, NOT HER CLIENT. SHE HAS A COPY
2 THAT WE GAVE TO HER.

3 **THE COURT:** DO YOU HAVE THE ABILITY TO REVIEW IT WITH YOUR
4 CLIENT?

5 **MS. GOODWIN:** DO I HAVE THE ABILITY? I DON'T. NO, SIR.

6 **THE COURT:** MECHANICALLY?

7 **MS. GOODWIN:** NO, SIR.

8 **MR. CAMPBELL:** SHE CAN USE HER COMPUTER.

9 **THE COURT:** YEAH, LET'S DO THAT. I'D RATHER MAKE AN INFORMED
10 DECISION AND I WANT THIS GENTLEMAN TO MAKE AN INFORMED DECISION
11 ABOUT WHAT HE'S GOING TO DO AS FAR AS HIS DISCUSSIONS WITH HIS
12 ATTORNEY. MY INCLINATION -- GO AHEAD AND LOOK AT IT FIRST, PLEASE.

13 **MS. GOODWIN:** YES, SIR.

14 (THE SOLICITOR SHOWS THE VIDEO TO MS. GOODWIN AND MISTER GOSS)

15 **THE COURT:** YOUR CLIENT...

16 **MS. GOODWIN:** WE DON'T OBJECT TO IT, YOUR HONOR.

17 **THE COURT:** MA'AM?

18 **MS. GOODWIN:** WE HAVE NO OBJECTION TO IT. I'VE TALKED WITH MY
19 CLIENT ABOUT IT.

20 **THE COURT:** VERY WELL. ANY OTHER PRE-TRIAL MATTERS?

21 **MR. CAMPBELL:** NO, YOUR HONOR.

22 **MS. GOODWIN:** NO, SIR.

23 **THE COURT:** MS. GOODWIN, Y'ALL READY TO BRING THE JURY IN AND
24 PROCEED?

25 **MS. GOODWIN:** YES, SIR.

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 **MR. CAMPBELL:** YES, SIR.

2 **THE COURT:** ALL RIGHT. LET'S DO IT. MISTER HAMBY?

3 (JURY IN AT 2:16 P.M.)

4 **THE COURT:** COUNSEL, ARE YOU READY TO GO?

5 **MR. CAMPBELL:** YES, YOUR HONOR.

6 **MS. GOODWIN:** YES, YOUR HONOR.

7 **THE COURT:** ALL RIGHT. GOOD AFTERNOON, LADIES AND GENTLEMEN.

8 I HOPE YOU HAD A NICE LUNCH. I DON'T EVEN KNOW WHETHER OR NOT IF
9 IT'S RAINING OR SUNSHINING OUTSIDE, BUT WE'RE ABOUT TO BEGIN THE
10 CASE, AS I TOLD YOU EARLIER, OF THE CASE OF TERRANCE JAREL GOSS. HE
11 HAS BEEN INDICTED FOR ROBBERY/ARMED ROBBERY WHILE ARMED OR
12 ALLEGEDLY ARMED, POSSESSION OF A WEAPON DURING THE COMMISSION
13 OF A VIOLENT CRIME AND ALSO CONSPIRACY TO COMMIT ARMED ROBBERY.
14 AS I TOLD YOU EARLIER, THOSE ARE SIMPLY THE INDICTMENTS IN THIS
15 MATTER AND THOSE ARE NOT EVIDENCE OF GUILT AND I'LL TELL YOU ABOUT
16 THAT AGAIN.

17 BEFORE I GET STARTED WITH MY GENERAL CHARGE TO YOU, PLEASE
18 UNDERSTAND THAT THERE MAY BE INTRODUCED INTO EVIDENCE DURING
19 THE TRIAL OF THIS CASE, OR REFERENCE TO, A WEAPON. IF THAT HAPPENS,
20 IF THAT OCCURS, YOU HAVE MY ASSURANCES AND ALL THE OFFICERS'
21 ASSURANCES THAT THAT WEAPON HAS BEEN DISABLED AND IS NOT
22 CAPABLE OF DISCHARGING DURING THE COURSE OF THIS TRIAL.

23 BUT THAT BEING SAID, I DON'T KNOW IF ANY OR ALL OF YOU HAVE
24 EVER BEEN INVOLVED ON A JURY OR ANY TYPE OF COURT PROCESS AND
25 THAT WOULD INCLUDE EITHER CIVIL OR CRIMINAL, BUT I WOULD SUSPECT

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 THAT EACH AND EVERY ONE OF YOU HAS WATCHED SOME TYPE OF MOVIE
2 INVOLVING THE COURT PROCESS AND PROBABLY SOME T.V. SHOWS SUCH
3 AS *LAW AND ORDER* OR THINGS IN THAT NATURE. LET ME TELL YOU, WHAT
4 YOU ARE ABOUT TO WATCH AND SEE IS VERY DIFFERENT THAN WHAT YOU
5 HAVE SEEN ON T.V. OR IN MOVIES. CASES DON'T GET SOLVED AND TRIED
6 AND RULED ON BY JURIES IN FIVE MINUTE VIGNETTES. THEY ARE NOT
7 ENTERTAINMENT, BUT IS A FUNDAMENTAL PART OF OUR DEMOCRACY AND
8 THE SOLE BASIS THAT YOU ARE ENGAGED IN AND THAT WE'RE ENGAGED IN
9 IS A SEARCH FOR THE TRUTH TO ENSURE THAT JUSTICE IS DONE IN THE
10 CASE.

11 YOU HAVE TWO FINE ATTORNEYS IN THIS MATTER. I'VE KNOWN BOTH
12 OF THEM FOR QUITE A WHILE. PLEASE NOTE THAT THEY ARE ADVOCATES
13 FOR THEIR CLIENTS, BUT THEY ARE ALSO OFFICERS OF THE COURT. THAT
14 MEANS, AND YOU CAN EXPECT THAT THESE ATTORNEYS WILL BE
15 PROFESSIONAL, THAT THEY WILL BE COURTEOUS AND THAT THEY WILL BE
16 COMPETENT IN THEIR DEALINGS BEFORE YOU. LIKEWISE, IN JUST A MOMENT,
17 YOU WILL TAKE AN OATH TO TRY THIS CASE AND BE FAIR AND IMPARTIAL IN
18 DOING SO. AS SUCH, THESE ATTORNEYS AND THIS COURT HAVE A RIGHT TO
19 EXPECT THAT YOU ALSO BE COMPETENT AND ETHICAL IN YOUR DEALINGS IN
20 THIS MATTER.

21 WHAT I'M TELLING YOU NOW IS NOT THE LAW IN THIS CASE. AT THE
22 END OF THIS TRIAL, I WILL GIVE YOU THE EXACT INSTRUCTIONS THAT ARE
23 THE LAW THAT YOU ARE TO APPLY IN THIS CASE. BUT THESE REMARKS ARE
24 TO HELP SIMPLY TO GUIDE YOU THROUGH THE PROCESS, TO HELP YOU
25 UNDERSTAND WHAT YOU ARE ABOUT THE EMBARK ON.

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 FIRST, IN CASES THAT DON'T LAST MORE THAN A WEEK, I DON'T ALLOW
2 NOTE TAKING AND THAT MEANS NOTE TAKING EITHER OUTSIDE OF THE
3 COURTROOM OR IN THE COURTROOM. SO, THROUGHOUT THIS CASE, I'M
4 GOING TO ASK YOU TO PAY CLOSE ATTENTION TO THE PARTIES, THESE
5 ATTORNEYS AND THE PROCEEDINGS BEFORE YOU, BUT PLEASE DO NOT TRY
6 TO TAKE NOTES IN THE COURTROOM OR OUT. IN FACT, I HAD A JUROR IN
7 ANOTHER COUNTY THE OTHER DAY WHO, NOT WITH MALICIOUS MIND BEHIND
8 IT, BUT WOULD GO OUT OF THE COURTROOM AND TAKE NOTES ABOUT WHAT
9 THEY HEARD AND INEVITABLY, THEY ARE GOING TO HAVE, THEY WILL TAKE
10 SOMETHING DOWN WRONG AND IT WILL CAUSE PROBLEMS IN THE
11 DELIBERATIONS AS TO WHAT YOU BELIEVE, UNDERSTAND, WHAT
12 SOMEBODY'S NOTES WERE. THIS IS NOT GOING TO BE AN EXCESSIVELY
13 LONG TRIAL AND SO PLEASE DO NOT TAKE NOTES.

14 AS I TOLD YOU, THE DEFENDANT HAS TWO INDICTMENTS IN THIS
15 MATTER AND THAT IS SIMPLY THE MECHANISM BY WHICH THE STATE BRINGS
16 THE CHARGES BEFORE YOU FOR YOUR DETERMINATION AS TO HIS GUILT OR
17 HIS INNOCENCE. THE FACT THAT THE DEFENDANT HAS BEEN ARRESTED, THE
18 FACT THAT HE HAS BEEN INDICTED AND THE FACT THAT HE IS HERE TODAY IS
19 NOT IN ANY SENSE OF THE WORD EVIDENCE OF HIS GUILT. IN FACT, IN THIS
20 CASE, THE DEFENDANT HAS SAID, "I'M NOT GUILTY." THEREFORE, THAT PUTS
21 THE BURDEN ON THE STATE TO PROVE EACH AND EVERY ELEMENT OF ALL
22 THE CHARGES WITH WHICH HE IS CHARGED WITH BEYOND A REASONABLE
23 DOUBT. AT THE END OF THIS CASE, IT WILL BE YOUR OBLIGATION AS JUDGES
24 OF THE FACTS TO DETERMINE WHETHER OR NOT THE STATE HAS MET THIS
25 BURDEN OF PROOF.

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 AND YOU HEARD ME USE THE TERM, JUDGES OF THE FACTS. THAT IS
2 WHAT YOU ARE. IN FACT, IN THE VERNACULAR OF ATTORNEYS, WE SAY THE
3 JUDGE IS THE JUDGE OF THE LAW AND YOU ARE THE JUDGES OF THE FACTS.
4 YOU ARE THE SOLE JUDGES OF THE FACTS. WHAT THAT MEANS IS, THAT IF,
5 AT ANY TIME, I DO ANYTHING, MAKE ANY SUGGESTION, MAKE ANY COMMENT
6 OR GESTURE WHICH SEEMS TO INDICATE TO YOU ONE WAY OR THE OTHER,
7 YOU ARE SUPPOSED TO FIND THE FACTS IN THIS CASE, YOU ARE TO
8 DISREGARD THAT. FIRST, I CAN ASSURE YOU THAT I HAVE NO PREFERENCE
9 ONE WAY OR THE OTHER AS TO WHICH FACTS THAT YOU FIND IN THIS
10 MATTER. MY JOB IS TO MAKE SURE THAT THE PROCESS IS FOLLOWED AND
11 THAT BOTH SIDES AND ALL PARTIES RECEIVE A FAIR AND IMPARTIAL TRIAL
12 AND THAT, AND THAT ALONE. SO, IF I DO ANYTHING TO INDICATE TO YOU
13 OTHERWISE, PLEASE DISREGARD IT. I'LL INSTRUCT YOU TO DISREGARD IT
14 BECAUSE IT HAS NO MEANING. YOU ARE TO DETERMINE WHAT THE FACTS
15 ARE IN THIS CASE FROM WHAT YOU HEAR FROM THIS WITNESS STAND, FROM
16 SWORN TESTIMONY. I AM THE GATEKEEPER, SO TO SPEAK, AS TO WHAT
17 TESTIMONY AND EVIDENCE IS ALLOWED. ANY INFERENCE THAT YOU WANT
18 TO ASSIGN TO THAT TESTIMONY OR EVIDENCE IS SOLELY UP TO YOU. AS I
19 TOLD YOU, THIS IS NOT GOING TO BE A LONG TRIAL. IT WILL BE CERTAINLY
20 LESS THAN A WEEK AND I ENVISION IT WILL BE TWO, AT THE MAXIMUM,
21 THREE DAYS. THEREFORE, VERY SHORTLY YOU WILL BE CALLED UPON TO
22 MAKE A DETERMINATION AS TO WHAT THE FACTS ARE AND WHETHER OR
23 NOT THE STATE HAS CARRIED ITS BURDEN OF PROOF TO ESTABLISH THE
24 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT. THAT MEANS THAT
25 YOU NEED TO BE DILIGENT, YOU NEED TO BE CONSCIENTIOUS IN YOUR

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 DUTIES AS JURORS BECAUSE, ORDINARILY, CONTRARY TO POPULAR BELIEF,
2 IF YOU MAKE AN ERROR IN YOUR FINDINGS OF FACT OR YOUR ASSIGNMENT
3 OF FACT, THERE IS NO WAY TO CORRECT THAT ON APPEAL. TYPICALLY, THE
4 ONLY CORRECTIONS ON APPEAL ARE ERRORS OF LAW.

5 SPEAKING OF ERRORS OF LAW, THE LAW THAT MAKES YOU THE SOLE
6 JUDGES OF THE FACTS, MAKES ME THE SOLE JUDGE OF THE LAW AND THAT
7 IS WITH EQUAL EMPHASIS AS YOU ARE THE JUDGES OF THE FACTS. WHAT
8 THAT SIMPLY MEANS IS, YOU MAY NOT AGREE WITH ME AS TO WHAT YOU
9 THINK THE LAW IS. YOU MAY NOT AGREE WITH ME AS TO WHAT YOU THINK IT
10 SHOULD BE OR YOU MAY THINK IT SHOULD BE SOMETHING ELSE. I'LL TELL
11 YOU, IN THIS SETTING, IN THIS FORM, YOU ARE TO DISREGARD ANY SUCH
12 CONSIDERATIONS. YOU ARE REQUIRED TO ACCEPT THE LAW AS I CHARGE IT
13 TO YOU AND TO THAT LAW, YOU APPLY THE FACTS AS YOU FIND THEM TO BE
14 IN PERFORMING YOUR DUTIES AS JURORS.

15 NOW, FROM TIME TO TIME DURING THIS TRIAL, AS IN ANY OTHER TRIAL
16 I'VE EVER BEEN INVOLVED WITH, THERE ARE GOING TO BE BREAKS. AS I
17 ASKED YOU BEFORE YOU WENT TO LUNCH AND I INSTRUCTED YOU, DO NOT
18 BEGIN YOUR DELIBERATIONS UNTIL THE VERY END OF THIS CASE AND I WILL
19 BE VERY SPECIFIC AND CLEAR. THERE WILL BE NO DOUBT IN YOUR MIND
20 WHEN YOU ARE ALLOWED TO START YOUR DELIBERATIONS. THAT SIMPLY
21 MEANS THAT UNTIL THAT TIME OCCURS, YOU ARE NOT TO TALK ABOUT THIS
22 CASE AMONGST YOURSELVES. YOU ARE NOT TO TALK ABOUT THIS CASE
23 AMONGST YOUR FAMILY MEMBERS, YOUR FRIENDS, YOUR SPOUSES OR
24 ANYONE ELSE THAT YOU MAY KNOW OR THAT YOU MAY SEE. THAT INVOLVES
25 NOT ONLY, OR INCLUDES NOT ONLY FACE TO FACE COMMUNICATIONS, BUT

1 EMAILS OR AS MY COLLEGE-AGED DAUGHTER DOES, THESE TWITTER TYPE
2 THINGS. YOU'RE NOT SUPPOSED TO DO ANY OF THAT. OKAY? NO
3 TELEPHONE CALLS. IN FACT, OUR CHIEF JUSTICE, CHIEF JUSTICE JEAN TOAL
4 HAS SAID TO ALL CIRCUIT COURT JUDGES, WE ARE TO TELL YOU THAT YOU
5 ARE NOT TO COMMUNICATE ABOUT THIS CASE, YOU ARE NOT TO DO ANY
6 RESEARCH ABOUT THE CASE. THAT MEANS, ANY OF THESE LAWYERS, ANY
7 OF THESE POTENTIAL WITNESSES, COURT PERSONNEL, MYSELF, MY LAW
8 CLERK OR CLERK OF COURT. THE REASON BEING, WE WANT YOU TO MAKE
9 YOUR MIND UP ABOUT WHAT THE FACTS ARE BASED ON WHAT YOU HEAR
10 AND WHAT YOU INFER FROM THE EVIDENCE HERE IN THE COURTROOM, NOT
11 FROM ANY OTHER SOURCE AND IF YOU START TO LOOK UP THE PARTIES OR
12 ISSUES INVOLVED IN THIS CASE OR WHAT YOU THINK SHOULD BE INVOLVED
13 IN THIS CASE, THERE IS A THREAT AND A VERY LARGE POTENTIAL THAT YOU
14 MAY RUN ACROSS INFORMATION THAT IS NOT RELEVANT AND WOULD BE
15 PREJUDICIAL TO ONE SIDE OR THE OTHER.

16 NOW, LET ME TELL YOU, IN EVERY SINGLE CASE YOU HAVE BASICALLY
17 FIVE PARTS. NUMBER ONE, YOU HAVE OPENING STATEMENTS AND THEN YOU
18 HAVE THE PRESENTATION OF THE EVIDENCE, THEN YOU HAVE THE CLOSING
19 ARGUMENTS OF THESE ATTORNEYS, THEN YOU HAVE THE CHARGE ON THE
20 LAW FROM ME AND THEN YOU BEGIN YOUR DELIBERATIONS. I TELL YOU
21 THAT FOR TWO REASONS: ONE, AT THE VERY END OF THE CASE IS WHEN
22 YOU DELIBERATE, NOT BEFORE, AND YOU WILL HEAR ME REPEAT THAT
23 BECAUSE THAT IS VERY IMPORTANT. NUMBER TWO, IT ALLOWS YOU TO KIND
24 OF KEEP TRACK ON WHERE YOU ARE THROUGHOUT THIS PROCESS.

25 NOW, IN JUST A MOMENT THE SOLICITOR IS GOING TO MAKE WHAT IS

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 CALLED AN OPENING STATEMENT. HE'S GOING TO EXPLAIN TO YOU WHAT HE
2 THINKS OR WHAT HE CONTENDS ARE THE ISSUES IN THE CASE ARE ABOUT.
3 HE IS NOT A SWORN WITNESS. WHAT HE TELLS YOU IS HELPFUL, BUT IT IS
4 NOT TESTIMONY. IT IS NOT EVIDENCE. LIKEWISE, IN JUST A MOMENT MS.
5 GOODWIN MAY, BUT SHE IS NOT REQUIRED, TO GIVE AN OPENING
6 STATEMENT. AGAIN, SHE'S NOT SWORN, SHE'S NOT A WITNESS. WHAT SHE
7 SAYS IS HELPFUL, BUT IT IS NOT EVIDENCE. IT IS SOLELY WHAT SHE
8 CONTENDS ARE THE ISSUES IN THIS CASE FROM HER PERSPECTIVE.

9 IN EVERY TRIAL, THERE ARE OBJECTIONS. AS YOU HEARD ME SAY
10 EARLIER, I'VE BEEN INVOLVED IN LITIGATING CASES FOR TWENTY-FIVE
11 YEARS PLUS. I HAVE NEVER SEEN A TRIAL WHERE WE DID NOT HAVE
12 OBJECTIONS DURING TRIAL. ANYTIME A PARTY RAISES AN OBJECTION, THEY
13 ARE DOING THAT BECAUSE THEY ARE ADVOCATES FOR THEIR CLIENT.
14 THAT'S THEIR JOB AS ATTORNEYS AND TO BE PROFESSIONAL. AT ANY TIME
15 THAT THEY CONSIDER SOMETHING IS IMPROPER, THEY OBJECT. YOU ARE
16 NOT TO CONSIDER THE FACT THAT AN ATTORNEY OBJECTED, NOR MY
17 RULING ON THAT OBJECTION IN THIS CASE WHATSOEVER. THAT IS PURELY A
18 PART OF THE PROCESS THAT THE PARTIES WILL FOLLOW.

19 IN PERFORMING YOUR DUTIES AS JUDGES OF THE FACTS, YOU ARE
20 GOING TO BE CALLED UPON WHAT WITNESS TESTIMONY THAT YOU BELIEVE
21 OR YOU FIND BELIEVABLE AND WHAT WITNESS TESTIMONY THAT YOU FIND
22 NOT BELIEVABLE OR WHAT YOU WANT TO DISBELIEVE AND I WILL INSTRUCT
23 YOU ON THIS AGAIN LATER, BUT YOU CAN BELIEVE ALL OR PART OF A
24 WITNESS' TESTIMONY OR YOU MAY DISBELIEVE ALL OR IT OR BELIEVE ALL OF
25 IT. IT'S PURELY UP TO YOU. ONCE THAT EVIDENCE IS ADMITTED INTO TRIAL

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 BY ME, WHAT EMPHASIS YOU GIVE TO IT IS PURELY UP TO YOUR
2 DETERMINATION. BUT SOME HELPFUL HINTS IN DETERMINING THE
3 CREDIBILITY OF THE WITNESSES IN PERFORMING YOUR FUNCTIONS AS
4 JUDGES OF THE FACTS, YOU CAN CONSIDER, BUT YOU'RE NOT REQUIRED TO,
5 ANY INTERESTS THAT A WITNESS MAY HAVE IN THE MATTER IN WHICH THEY
6 ARE TESTIFYING TO, ANY BIAS OR PREJUDICE THAT THAT WITNESS MAY
7 HAVE IN THE ISSUES OR FOR THE STATE OR AGAINST THE STATE OR FOR THE
8 DEFENSE OR AGAINST THE DEFENSE, ANY OPPORTUNITY THIS WITNESS MAY
9 HAVE HAD TO HAVE SEEN OR HEARD THE MATTERS IN WHICH THEY TESTIFY
10 ABOUT, YOU CAN CONSIDER THE WAY THE WITNESS ACTS ON THE STAND
11 AND THAT IS, WHAT WE COMMONLY REFER TO AS THEIR DEemeanor. YOU
12 HAVE A RIGHT TO CONSIDER ANYTHING THAT IS IN THIS RECORD THAT I
13 ALLOW INTO EVIDENCE THAT WILL HELP YOU EVALUATE WITNESS
14 TESTIMONY IN DETERMINING CREDIBILITY.

15 NOW, I'M GOING TO ASK YOU TO PAY CLOSE ATTENTION TO THIS TRIAL.
16 AGAIN, IT'S NOT GOING TO BE VERY LONG. DON'T LET YOUR THOUGHTS
17 WANDER. SOON, YOU WILL BE GIVEN THE OPPORTUNITY TO START YOUR
18 DELIBERATIONS AND YOU WANT TO BE IN THE POSITION THAT YOU WILL BE
19 ABLE TO CONTRIBUTE AND MAKE AN INFORMED DECISION.

20 NOW, MISTER WILLIAMS, AGAIN, YOU ARE GOING TO HAVE THE ADDED
21 DUTY OF PRESIDING OVER THE JURY ROOM. YOU ARE GOING TO BE
22 SPOKESPERSON. AGAIN, IF YOU HAVE ANY QUESTIONS OR MATTERS
23 BROUGHT TO MY ATTENTION, TO THE COURT'S ATTENTION, WRITE IT DOWN,
24 GIVE IT TO THE BAILIFF AND HE'LL GIVE IT TO US. THAT INCLUDES ANY
25 MATTERS, INCLUDING EMERGENCIES OF ANY JURY MEMBERS MAY HAVE.

INTRODUCTORY REMARKS TO THE JURY BY THE COURT

1 YOU MAY HAVE SCHEDULING MATTERS. OKAY? FOR ALL THE JURY, IF AT ANY
2 TIME YOU NEED TO TAKE A BREAK, RAISE YOUR HAND. I WILL STOP. I'LL
3 MAKE SURE THAT YOU DO BECAUSE IT IS VERY IMPORTANT THAT YOU DO
4 GET ALL THE INFORMATION THAT IS BEING PRESENTED IN THIS TRIAL SO
5 THAT YOU CAN MAKE AN INFORMED DECISION.

6 NOW, BEFORE WE OPEN UP WITH OUR OPENING STATEMENTS, I'M
7 GONG TO SEND YOU BACK TO YOUR JURY ROOM. I'M GOING TO ASK BOTH
8 THESE ATTORNEYS TO GO OVER WITH ME WHETHER OR NOT I'VE SAID
9 SOMETHING I SHOULDN'T HAVE SAID OR I'VE OVERLOOKED SOMETHING THAT
10 I SHOULD HAVE ADDED TO IT AND SO IF YOU'LL STEP BACK TO YOUR JURY
11 ROOM RIGHT NOW, PLEASE SIR.

12 (JURY OUT AT 2:33 P.M.)

13 **THE COURT:** ANY ADDITIONS OR EXCEPTIONS FROM THE STATE?

14 **MR. CAMPBELL:** NO, YOUR HONOR.

15 **MS. GOODWIN:** NO, SIR, BUT I RECALL WHAT YOU TOLD US AT LUNCH
16 TIME, THAT YOU WANTED PROPOSED JURY INSTRUCTIONS.

17 **THE COURT:** IF YOU'D JUST PASS THOSE UP. DID YOU GIVE A COPY TO
18 MISTER CAMPBELL?

19 **MS. GOODWIN:** YES, I HAVE COPIES.

20 **THE COURT:** IF YOU'LL PASS THOSE TO MS. WALDREP. (LAW CLERK)
21 WE'LL BE IN RECESS FOR FIVE MINUTES AND THEN COME BACK WITH
22 OPENING STATEMENTS.

23 (BRIEF BREAK)

24 **MR. CAMPBELL:** THERE IS A STATEMENT WRITTEN BY MISTER GOSS
25 REGARDING THIS. WE HAVE REDACTED PORTIONS WHICH THERE WAS

1 REFERENCE TO GANG ACTIVITY AS WELL AS HIM GOING TO FEDERAL COURT
2 AND WHAT TYPE OF SENTENCE HE'S RECEIVING BECAUSE HE'S CURRENTLY
3 DOING FEDERAL TIME. WE'RE HAVING THAT REDACTED AND WHAT I'M GOING
4 TO DO IS HAVE MY ASSISTANT TAKE THE ORIGINAL, BECAUSE A LOT OF TIMES
5 A PORTION OF THE TOP KEEPS GETTING CUT OFF AND HAVE HER PUT IT
6 DOWN AND HAVE MS. GOODWIN GO THROUGH AND DELETE THOSE AND
7 WE'LL BRING IT BACK AND PRESENT IT TO HER AND THEN WE'LL PUT BOTH
8 THE ORIGINAL AS A COURT'S EXHIBIT IN AND THEN AS THE REDACTED
9 STATEMENT AS A STATE'S EXHIBIT.

10 **THE COURT:** VERY WELL.

11 **MR. CAMPBELL:** (MISTER CAMPBELL TAKES GUNS OUT OF WRAPPING)
12 AND FOR THE COURT'S INFORMATION, WE HAVE PLACED BOTH WEAPONS
13 AND ONE IS A PISTOL —

14 **THE COURT:** THAT SHOWS, IF I'M LOOKING AT THAT CORRECTLY, THAT
15 SHOWS THE CLIP NOT IN IT.

16 **MR. CAMPBELL:** THE CLIP IS NOT IN IT, THE SLIDE HAS BEEN DISABLED.
17 IT'S BEEN PULLED BACK AND TWIST TIES HAVE BEEN APPLIED TO IT AND
18 YOUR HONOR, THE OTHER WEAPON, A KEL TEK RIFLE ALSO HAS A TWIST TIE
19 ON THE BOTTOM WHERE THE MAGAZINE GOES IN THROUGH THE CHAMBER
20 AND SO IT'S NOT FUNCTIONAL. WHAT I PROPOSE TO DO, THERE ARE SOME
21 CLIPS WHICH WE WILL INTRODUCE BECAUSE THEY ARE IMPORTANT.
22 HOWEVER, THE BULLETS ARE SEPARATE AND OUT OF AN ABUNDANCE OF
23 CAUTION, I'D PREFER THE BULLETS NOT GO BACK WITH THE JURY WHEN
24 THEY DELIBERATE. THAT'S THE SAFEST THING TO DO. WE'LL CROSS THAT
25 BRIDGE WHEN WE GET THERE, BUT I WANTED TO REMIND THE COURT ABOUT

1 THAT AND THAT'S JUST FOR SAFETY.

2 THE COURT: ALL RIGHT. ARE YOU GOING TO TRY TO ADMIT THOSE
3 INTO EVIDENCE OR ARE YOU GOING TO SUBMIT THEM FOR ---

4 MR. CAMPBELL: I'M GOING TO ADMIT THEM INTO EVIDENCE, YOUR
5 HONOR.

6 THE COURT: OKAY. ANYTHING FURTHER?

7 MS. GOODWIN: NO, SIR.

8 THE COURT: NEED A BREAK? ARE YOU READY?

9 COURT REPORTER: NO, BUT I HAVE A QUESTION ABOUT THE EXHIBITS.
10 SINCE THEY ARE INTRODUCING THOSE COURT EXHIBITS, DO I START WITH #2
11 IN COURT'S OR GO WITH #14 FOR THE NEXT ONE?

12 THE COURT: I'D THINK THAT YOU WOULD PROBABLY ADD YOUR
13 SECOND EXHIBIT NUMBER -- HAS HE ALREADY PRE-MARKED THE OTHERS?

14 COURT REPORTER: YES.

15 THE COURT: START IT IN ORDER AND MARK #2 THROUGH #12 AND
16 DON'T MARK OVER THEM BECAUSE THE RECORD MAY NEED TO BE VIEWED.
17 WHICH WOULD BE EASIER FOR YOU?

18 COURT REPORTER: IT DOESN'T MATTER.

19 THE COURT: WELL, I THINK YOU CAN ADMIT THEM IN THE ORDER
20 YOU'VE STARTED THE OTHERS AND GO FROM THERE. (MARKED AS STATE'S
21 EXHIBITS #1 - #11) AND GUYS, IF YOU WOULD, WHEN DEALING WITH EXHIBITS,
22 I KNOW YOU KNOW THIS ANYWAY, BUT LOOK AT THE EXHIBIT AND REFER TO
23 THE NUMBER SO WE KEEP A CLEAN RECORD. ALL RIGHT, READY?

24 (WHEREUPON, ELEVEN PHOTOGRAPHS PREVIOUSLY MARKED AS
25 COURT'S EXHIBITS #2-#12 ARE NOW RE-MARKED AND ENTERED INTO

OPENING STATEMENT BY MISTER CAMPBELL

1 EVIDENCE AS STATE'S EXHIBITS #1 - #11)

2 **MS. GOODWIN:** YES, SIR.

3 **MR. CAMPBELL:** YES, YOUR HONOR.

4 **THE COURT:** MISTER HAMBY.

5 (JURY IN AT 2:45 P.M.)

6 **THE COURT:** MADAM CLERK.

7 (THE JUROR'S OATH IS ADMINISTERED BY THE CLERK OF COURT)

8 **THE COURT:** MISTER FRAZIER, DO NOT LET ANYONE IN OR OUT OF THE
9 COURTROOM DURING OPENING STATEMENTS, PLEASE SIR. MISTER
10 CAMPBELL.

11 **MR. CAMPBELL:** MAY IT PLEASE THE COURT.

12 **THE COURT:** YES, SIR.

13 **OPENING STATEMENT BY MISTER CAMPBELL**

14 LADIES AND GENTLEMEN OF THE JURY, DURING THE EARLY MORNING
15 HOURS OF FEBRUARY 5, 2008, JUST SHORTLY PAST 3:00 IN THE MORNING,
16 STEPHEN LATTIMORE, AND HE'S IN THE COURTROOM TODAY, WAS WORKING
17 AS A CASHIER AT A B-P GAS STATION/CONVENIENCE STORE LOCATED AT 301
18 EAST SHOCKLEY FERRY ROAD. HE WAS WORKING THE NIGHT SHIFT THAT
19 NIGHT, AS HE'S DONE MANY TIMES BEFORE. AS HE WAS BEHIND THE
20 COUNTER, TALKING ON THE PHONE, THREE MEN DASHED IN FROM A SIDE
21 DOOR, ONE WITH A BAG, TWO CARRYING GUNS AND THEY WERE DEMANDING
22 MONEY. LIKE THAT MOVIE WITH THE TITLE, "GONE IN SIXTY SECONDS", THIS
23 COULD BE ENTITLED, "GONE IN THIRTY-FIVE." BECAUSE IN THIRTY-FIVE
24 SECONDS, THOSE THREE INDIVIDUALS ROBBED THE STORE OF \$927.00.
25 AND DURING THE ROBBERY, AS IT WAS GOING ON, THE TWO INDIVIDUALS

OPENING STATEMENT BY MISTER CAMPBELL

1 WHO HAD THE GUNS FIRED OFF THREE ROUNDS. TWO WENT INTO THE
2 CEILING, ONE WENT BEHIND THE CLERK AND HIT THE GLASS BEHIND WHERE
3 HE WAS.

4 DETECTIVE ROB GEBING WITH THE ANDERSON COUNTY SHERIFF'S
5 OFFICE WAS ASSIGNED THIS CASE AND HE GATHERED THE EVIDENCE,
6 TALKED TO WITNESSES AND EVENTUALLY THIS CASE WENT COLD. I KNOW
7 YOUR PARENTS PROBABLY SAID PATIENCE, PATIENCE IS A VIRTUE, GOOD
8 THINGS COME TO THOSE WHO WAIT. WELL, THIS CASE WENT COLD FOR
9 ABOUT SEVEN MONTHS AND WHAT DID YOUR PARENTS TELL YOU ABOUT
10 WAITING? THAT THINGS WILL HAPPEN. WELL, THE SAME THING HAPPENS TO
11 LAW ENFORCEMENT. YOU ALWAYS WANT TO SOLVE A CASE RIGHT THEN
12 AND THERE. SOMETIMES THINGS HAVE TO HAPPEN FOR YOU TO COME UP
13 WITH SUSPECTS TO SOLVE A CRIME.

14 IN THIS CASE, SEVEN MONTHS LATER, A STUDENT, CHRIS RONOKE,
15 WHO WAS ATTENDING GREENVILLE TECH ACCIDENTALLY SHOT HIMSELF
16 WITH A PISTOL AND WHAT THEY DETERMINED, LAW ENFORCEMENT, WAS
17 THAT THAT GUN WAS ALSO USED IN THIS ROBBERY THAT WE'RE HERE ABOUT
18 TODAY. NOT ONLY WAS THAT PISTOL RECOVERED, ANOTHER WEAPON WAS
19 RECOVERED AND THE FACTS THAT WE INTEND TO SHOW TO YOU IS THAT
20 THE SHELL CASINGS THAT WERE RECOVERED IN THE GRASS THAT WERE
21 LEFT AT THE CRIME SCENE AT THE B-P GAS STATION, THAT WAS COMPARED
22 TO THE WEAPONS THAT WERE FOUND AT GREENVILLE TECH AND IT WAS
23 LEARNED THAT THOSE WEAPONS WERE USED IN THIS ROBBERY.

24 NOW, WHAT WE HAVE HERE IN THIS CASE, WE HAVE A SMOKING GUN.
25 WHAT WE DON'T HAVE IS DIRECT EVIDENCE THAT SAYS, "YES, MISTER GOSS

OPENING STATEMENT BY MISTER CAMPBELL

66

1 WAS THE ONE THAT WAS HOLDING IT ON FEBRUARY 5, 2008. WE DON'T HAVE
2 ANY DIRECT EVIDENCE BECAUSE THE THREE GUNMEN, THE INDIVIDUALS
3 THAT ROBBED THE STORE WERE ALL COVERED UP AND THEY HAD MASKS
4 ON. BUT WHAT WE DO HAVE AND HOW WE INTEND TO SHOW AND PROVE
5 THAT MISTER GOSS IS ONE OF THE GUNMEN IN THIS CASE IS THROUGH WHAT
6 WE CALL CIRCUMSTANTIAL EVIDENCE. DIRECT EVIDENCE SAYS THAT YOU
7 ACTUALLY SEE SOMETHING HAPPEN. IF I DROP A PIN, YOU SEE THAT HAPPEN
8 AND THAT'S DIRECT. CIRCUMSTANTIAL EVIDENCE IS THIS; THE FACTS AND
9 CIRCUMSTANCES TELL YOU ABOUT OTHER FACTS AND CIRCUMSTANCES. IF
10 SOMEONE WALKS IN THIS BACK DOOR RIGHT NOW CARRYING AN UMBRELLA
11 AND THEY HAVE WATER COMING OFF THEM, WHAT ARE YOU LIKELY TO
12 CONCLUDE? IT'S RAINING OUTSIDE. THAT'S CIRCUMSTANTIAL EVIDENCE.
13 YOU MAY NOT ACTUALLY SEE IT RAINING, YOU MAY NOT HAVE OBSERVED
14 THAT PERSON BEING OUTSIDE, BUT WHAT YOU HAVE FROM YOUR COMMON
15 EXPERIENCES IS WHAT YOU SEE AND VIEW AND DETERMINE AND YOU SAY
16 THAT'S WHAT HAS HAPPENED AND THAT'S HOW WE INTEND TO PROVE THIS
17 CASE.

18 MISTER GOSS HAS BEEN CHARGED WITH ARMED ROBBERY. THAT IS
19 THE MAIN CHARGE OF THE CASE, ALONG WITH POSSESSION OF A WEAPON
20 DURING THE COMMISSION OF A VIOLENT CRIME AND CONSPIRACY TO
21 COMMIT ARMED ROBBERY. WHAT WE HAVE TO PROVE IN OUR CASE IS THAT
22 THERE WAS A TAKING AWAY OF PROPERTY OF ANOTHER AND IN THIS CASE,
23 THAT IS THE STORE, THE B-P, WITH THE INTENT TO DEPRIVE THAT OWNER,
24 THESE ROBBERS INTENDED TO TAKE THAT AND NOT GIVE IT BACK BY USE OF
25 FORCE WITH A DEADLY WEAPON. IN THIS CASE WHAT WE WILL SHOW IS A

OPENING STATEMENT BY MISTER CAMPBELL

1 .9MM RIFLE. AND THE POSSESSION OF A WEAPON DURING THE COMMISSION
2 OF A VIOLENT CRIME IS FOR THE WEAPONS THAT WERE USED AND
3 CONSPIRACY IS THE THREE INDIVIDUALS ACTING TOGETHER TO
4 EFFECTIVELY KNOCK-OFF OR ROB THIS STORE.

5 NOW, THIS CASE IS INTERESTING IN THE FACT THAT WHAT YOU ARE
6 GOING TO HEAR ABOUT IS, THERE ARE TWO DIFFERENT CASES. AT TIMES
7 THIS CASE MAY SEEM CONFUSING. IT MAY TAKE A LOT OF TWISTS AND
8 TURNS, BUT STAY WITH IT BECAUSE AT THE END OF THIS TRIAL EVERYTHING
9 IS GOING TO FALL INTO PLACE. SOME OF THE WITNESSES ARE GOING TO
10 HAVE TO BE TAKEN OUT OF ORDER DUE TO PRIOR OBLIGATIONS, BUT WE
11 INTEND TO PROVE TO YOU AND PROVE BEYOND A REASONABLE DOUBT THAT
12 MISTER GOSS WAS ONE OF THOSE YOUNG MEN THAT NIGHT ON FEBRUARY 5,
13 2008, AT THAT B-P STATION. YOU ARE GOING TO HEAR ABOUT CASES FROM
14 THE GREENVILLE TECH POLICE DEPARTMENT, THE GREENVILLE POLICE
15 DEPARTMENT, HOW THEY WORKED THEIR CASE AND HOW THEY ASSISTED
16 THE ANDERSON COUNTY SHERIFF'S OFFICE INVESTIGATION IN THE ROBBERY
17 OF THE B-P GAS STATION BECAUSE THE TWO ARE THREE DAYS APART. AND
18 BASED UPON THAT, YOU WILL HEAR ALL THE EVIDENCE, YOU WILL GET TO
19 VIEW EVIDENCE, YOU WILL HEAR TESTIMONY AND AT THE END OF THIS TRIAL,
20 YOU WILL HAVE, IN THE STATE'S OPINION, ENOUGH EVIDENCE AND YOU'LL
21 HAVE THE TOOLS YOU'LL NEED, BECAUSE YOU ARE THE FACT FINDERS, TO
22 REACH A DECISION, A VERDICT THAT SPEAKS THE TRUTH AND JUSTICE
23 PREVAILS. I THANK YOU FOR YOUR TIME.

24 THE COURT: MS. GOODWIN.

25 MS. GOODWIN: THANK YOU, YOUR HONOR.

1 OPENING STATEMENT BY MS. GOODWIN

2 I'M M. J. GOODWIN. I PRACTICE LAW HERE IN ANDERSON. I HAVE AN
3 OFFICE HERE ON NORTH MAIN STREET ACROSS FROM PHIL JEWELERS. THIS
4 DAY IS REALLY IMPORTANT FOR THIS YOUNG MAN HERE, TERRANCE GOSS.
5 THIS IS THE MOST IMPORTANT DAY OF HIS LIFE AND RIGHT NOW YOU ARE
6 THE MOST IMPORTANT PEOPLE IN HIS LIFE. YOU WERE CHOSEN THIS
7 MORNING OUT OF A POOL OF MANY, MANY OTHERS TO DO ONE THING AND
8 THAT'S TO DECIDE. I'M SURE SOME OF YOU AREN'T VERY HAPPY ABOUT
9 BEING HERE. I'M SURE ALL OF YOU HAVE THINGS TO DO, BUT YOU STOOD UP
10 THIS MORNING AND TOLD US ABOUT YOUR SPOUSES AND YOUR JOBS AND
11 YOUR LIVELIHOOD OR YOUR RETIREMENT AND WHATEVER IS GOING ON WITH
12 YOUR LIFE, YOU ARE HERE TODAY FOR A REASON THAT'S MORE IMPORTANT
13 FOR TODAY. YOUR DUTY IS SO IMPORTANT THAT OUR GOVERNEMENT
14 THINKS IT NECESSARY AND REASONABLE TO KEEP YOU HERE EVEN IF YOU
15 DON'T WANT TO BE AND TERRANCE IS GRATEFUL FOR THAT. HE'S GRATEFUL
16 TO HAVE THE TWELVE OF YOU TO DECIDE.

17 DURING THE COURSE OF THIS TRIAL AND DURING THE COURSE OF
18 YOUR DELIBERATIONS LATER ON, YOU WILL HAVE MORE POWER THAN YOU
19 WILL LIKELY EVER HAVE IN YOUR LIFE. IT'S AN AWESOME THING AND I WANT
20 YOU TO THINK ABOUT THAT. AS A JUROR, YOU ARE GOING TO HAVE TO
21 DECIDE WHETHER OR NOT THE STATE HAS PROVEN THEIR CASE BEYOND A
22 REASONABLE DOUBT. THAT'S IMPORTANT. THERE IS NO DOUBT THAT AN
23 ARMED ROBBERY OCCURRED. BUT THERE IS PLENTY OF DOUBT THIS YOUNG
24 MAN OVER HERE COMMITTED THAT ROBBERY. I KNOW YOU ARE UP TO THAT
25 AWESOME RESPONSIBILITY. THAT'S WHY WE CHOSE YOU. I CANNOT STRESS

OPENING STATEMENT BY MS. GOODWIN

1 THAT TO YOU ENOUGH. JURY DUTY IS NOT EASY, THOUGH. ANYTIME YOU
2 ARE ASKED TO DECIDE SOMEBODY ELSE'S FATE, IT'S NOT AN EASY THING.
3 IT'S NOT SUPPOSED TO BE EASY. IF IT WERE EASY, IT WOULD BE
4 MEANINGLESS. I WANT YOU TO UNDERSTAND THAT AND TO CARRY THAT
5 WITH YOU.

6 SITTING HERE DEMANDS THAT YOU DO WHAT'S JUST AND WHAT'S
7 RIGHT. IT DEMANDS YOU SET ASIDE ANY PREVIOUS IDEAS, EMOTIONS,
8 PREJUDICES THAT YOU MIGHT HAVE AND DECIDE, DECIDE GUILTY OR NOT
9 GUILTY. I'LL ASK YOU TO BE CONSCIOUS OF THAT POWER ALL THE WAY
10 THROUGH THIS. WHEN YOU VOTE IN A PRESIDENTIAL ELECTION, YOU VOTE
11 IN A SEA OF THOUSANDS. WHEN YOU HAVE A MEETING AT YOUR OFFICE,
12 YOU ARE ONE OF SEVERAL VOICES THERE. EACH OF YOU HERE HAS
13 SIGNIFICANT POWER OVER TERRANCE GOSS' LIFE.

14 NOW, THE UNITED STATES IS THE GREATEST COUNTRY IN THE
15 WORLD AND I THINK EVERYBODY CAN AGREE ON THAT. THERE ARE MANY
16 REASONS IT'S THE GREATEST COUNTRY IN THE WORLD, BUT ONE OF THE
17 PRIMARY ONES IS THIS JURY SYSTEM. THERE ARE PLACES IN THIS WORLD
18 THAT DON'T HAVE COURT LIKE WE HAVE. SO, WHILE IT'S INCONVENIENT FOR
19 YOU TO BE HERE, REMEMBER, THIS IS A VALUABLE PART OF OUR
20 GOVERNMENT AND OUR SYSTEM. THERE ARE PLACES IN THE WORLD THAT
21 WHEN YOU ARE ACCUSED OF A CRIME, YOU ARE SIMPLY SENT TO PRISON OR
22 IN SOME PLACES, JUST SHOT RIGHT THERE OR IN SOME PLACES THEY HAVE
23 A MOCKERY OF A TRIAL WITHOUT MEANINGFUL DISPUTE OVER WHAT
24 HAPPENED AND THEN THOSE PEOPLE ARE SENTENCED. THAT'S NOT HOW
25 WE DO IT HERE. IN AMERICA, THE STATE HAS TO PROVE THAT THE

1 DEFENDANT IS GUILTY BEYOND A REASONABLE DOUBT. AND AGAIN, THAT'S
2 AN AWESOME THING.

3 NOW, ONE THING I'LL ASK YOU TO DO TODAY AND THROUGHOUT THIS
4 TRIAL IS TO SET ASIDE ANY FEELINGS, GUT REACTIONS, PRECONCEIVED
5 IDEAS. I'LL GIVE YOU AN EXAMPLE OF WHAT I MEAN. I'M SURE PROBABLY
6 EVERYONE HAS A TELEVISION SET. YOU GET UP IN THE MORNING, PICK UP
7 YOUR COFFEE OR LIKE ME, A DIET COKE. YOU CUT ON THE T.V. AND YOU SEE
8 THE POLICE HAVE APPREHENDED SOME DANGEROUS FUGITIVE. MAYBE
9 THERE'S BEEN A SHOOTING OR MAYBE THERE'S BEEN A POLICE CHASE. YOU
10 ARE SITTING THERE DRINKING YOUR CUP OF COFFEE AND READING YOUR
11 NEWSPAPER AND YOU THINK TO YOURSELF, "WOW, I AM GLAD THEY CAUGHT
12 THAT GUY." NOW, THAT'S A VERY NATURAL RESPONSE. VERY NATURAL. BUT
13 WHAT YOU'VE DONE RIGHT THERE IS ALSO VERY INTERESTING BECAUSE AT
14 THAT MOMENT, AT THAT MOMENT WHEN YOU SAID, "BOY, I'M GLAD THEY
15 CAUGHT THAT GUY" YOU ARE ASSUMING HE IS GUILTY. YOU ARE ASSUMING
16 HE'S GUILTY BECAUSE HE WAS ACCUSED. IT'S FINE TO DO THAT IN YOUR
17 LIVING ROOM. IT'S NOT FINE TO DO THAT IN THIS COURTROOM. IN THIS
18 COURTROOM, OUR CONSTITUTION DEMANDS THAT HE BE PROVEN GUILTY
19 BEYOND A REASONABLE DOUBT.

20 TERRANCE HERE IS ACCUSED. ACCUSED. NOT PRESUMED GUILTY. TO
21 THE CONTRARY, HE'S PRESUMED INNOCENT. YOU ARE SITTING HERE
22 LOOKING AT AN INNOCENT MAN. RIGHT HERE. (MS. GOODWIN STANDS
23 BEHIND DEFENDANT AND PLACES HER HANDS ON HIS SHOULDERS) RIGHT
24 HERE. AND YOU'RE THE POWERFUL VOICE. THIS IS AN INNOCENT MAN UNTIL
25 YOU ARE CONVINCED BEYOND A REASONABLE DOUBT THAT HE IS GUILTY.

DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MR. CAMPBELL

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1 THIS INNOCENT MAN TRUSTS YOU TO DO YOUR JOB. ASK YOURSELF
2 THROUGHOUT THIS CASE, IS WHAT THEY PRESENT TO YOU ENOUGH TO TAKE
3 THAT TITLE OF INNOCENT MAN AWAY FROM TERRANCE GOSS. THANK YOU.

4 **THE COURT:** CALL YOUR FIRST WITNESS, PLEASE, SIR.

5 **MR. CAMPBELL:** YOUR HONOR, THE STATE CALLS STEPHEN LATTIMORE
6 TO THE STAND.

7 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, STEPHEN
8 LATTIMORE TESTIFIED AS FOLLOWS)

9 **CLERK OF COURT:** GO UP AND HAVE A SEAT IN THE WITNESS CHAIR,
10 PLEASE, SIR. IF YOU WILL STATE YOUR FULL NAME AND SPELL YOUR LAST
11 NAME FOR THE RECORD.

12 **MR. LATTIMORE:** STEPHEN LUTHER LATTIMORE, JUNIOR.
13 L-A-T-T-I-M-O-R-E.

14 **DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MISTER CAMPBELL**

15 Q MR. LATTIMORE, DO YOU LIVE IN ANDERSON?

16 A YES, SIR.

17 Q ARE YOU CURRENTLY EMPLOYED?

18 A YES, SIR.

19 Q WHERE ARE YOU EMPLOYED?

20 A STILL AT THE B-P AND A FAST FOOD RESTAURANT.

21 Q AND YOU SAID THE B-P. IS THIS THE B-P LOCATED ON 301 ON
22 SHOCKLEY FERRY ROAD?

23 A YES, SIR.

24 Q NOW WERE YOU WORKING AT THAT B-P GAS STATION BACK ON
25 FEBRUARY 05, 2008?

- 1 A YES, SIR.
- 2 Q WHAT IS EXACTLY THE LOCATION OF THIS GAS STATION?
- 3 A IT IS ON THE CORNER OF MCDUFFIE AND SHOCKLEY FERRY ON THE
- 4 SOUTH SIDE.
- 5 Q THAT IS THE SOUTH SIDE OF ANDERSON HERE IN ANDERSON COUNTY?
- 6 A YES, SIR.
- 7 Q NOW, IS THIS STORE OPEN TWENTY-FOUR HOURS?
- 8 A YES. SIR.
- 9 Q AND BESIDES GAS, WHAT ELSE DO Y'ALL SELL THERE?
- 10 A BEER, CIGARETTES, CANDY, CHIPS, COLAS.
- 11 Q DO YOU SELL LOTTERY TICKETS?
- 12 A YES, SIR.
- 13 Q AND BRIEFLY, CAN YOU DESCRIBE THE STORE? HOW MANY
- 14 ENTRANCES OR EXITS IN YOUR STORE?
- 15 A DURING THE DAY -- WELL, WE HAVE TWO ENTRANCES BUT DURING THE
- 16 THIRD SHIFT HOURS ONE ENTRANCE IS CLOSED.
- 17 Q DO Y'ALL HAVE A POLICY AT NIGHT OF CLOSING OR LOCKING ONE OF
- 18 THOSE DOORS?
- 19 A YES, SIR.
- 20 Q NOW, DOES YOUR STORE ALSO HAVE A POLICY REGARDING WHAT, IF
- 21 ANYTHING, THE EMPLOYEES SUCH AS YOURSELF SHOULD DO IN CASE
- 22 THE STORE IS ROBBED?
- 23 A JUST GIVE THEM THE MONEY. GIVE THEM WHAT THEY ASK FOR,
- 24 BASICALLY.
- 25 Q YOU ARE TO COOPERATE FULLY?

DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MR. CAMPBELL

1 A FULLY.

2 Q AND ARE YOU SUPPOSED TO PUT UP ANY RESISTANCE?

3 A NO, SIR.

4 Q NOW, I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
5 EXHIBITS #1 AND #2. I WANT YOU TO LOOK AT THESE, SIR. STATE'S
6 EXHIBITS #1 AND #2. COULD YOU PLEASE IDENTIFY WHAT THESE
7 PHOTOGRAPHS ARE.

8 A PICTURES OF THE INSIDE OF THE STORE AND THE ENTRY.

9 Q IS THAT THE STORE AT 301 EAST SHOCKLEY FERRY ROAD?

10 A YES, SIR.

11 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I'D ENTER STATE'S #1 AND
12 #2 INTO EVIDENCE.

13 THE COURT: ANY OBJECTIONS?

14 MS. GOODWIN: NO, SIR.

15 THE COURT: ADMITTED WITHOUT OBJECTION.

16 (WHEREUPON, TWO 4x6 PHOTOGRAPHS ARE ENTERED INTO EVIDENCE
17 AS STATE'S EXHIBITS #1 AND #2, WITHOUT OBJECTION)

18 MR. CAMPBELL: YOUR HONOR, MAY I PUBLISH THESE TO THE JURY?

19 THE COURT: YES, SIR.

20 (MISTER CAMPBELL HANDS DOCUMENTS TO THE FOREPERSON OF THE
21 JURY)

22 Q MISTER LATTIMORE, I AM GOING TO TURN THIS AROUND FOR YOU. CAN
23 YOU SEE THAT FROM THERE? (PORTRAYING PHOTOGRAPH ON LARGE
24 SCREEN)

25 A YES, SIR.

- 1 Q AND IS THIS THE ENTRANCE IN THIS CASE IN WHICH THE ROBBERS
2 CAME THROUGH?
- 3 A YES, SIR.
- 4 Q AND WHICH SIDE OF THE STORE IS THIS FACING? MCDUFFIE OR IS IT
5 FACING SHOCKLEY FERRY?
- 6 A SHOCKLEY FERRY.
- 7 Q AND YOU SAY THIS IS THE INSIDE OF THE STORE RIGHT HERE.
8 (INDICATING) WHICH SIDE -- IS THIS DOOR FACING SHOCKLEY FERRY
9 OR IS THIS SIDE FACING MCDUFFIE?
- 10 A FACING MCDUFFIE.
- 11 Q SO, THE DOORS ARE DIRECTLY IN LINE WITH ONE ANOTHER. IS THAT
12 RIGHT?
- 13 A YES, SIR.
- 14 Q IS THIS THE CLERK'S COUNTER? (INDICATING ON SCREEN)
- 15 A YES. SIR.
- 16 Q IS THAT WHERE YOU WERE BEHIND?
- 17 A YES. SIR.
- 18 Q NOW, I WANT TO TALK TO YOU ABOUT THE ROBBERY THAT TOOK
19 PLACE IN FEBRUARY 05, 2008. BUT BEFORE I GET TO THAT, YOU'VE HAD
20 PROBLEMS WITH THE LAW BEFORE, YOURSELF. IS THAT RIGHT?
- 21 A YES, SIR.
- 22 Q BACK IN 1998, YOU WERE CONVICTED OF GIVING FALSE INFORMATION
23 TO A POLICE OFFICER.
- 24 A YES, SIR.
- 25 Q AND YOU ALSO IN 1999 WERE CONVICTED AS ACCESSORY AFTER THE

1 FACT. IS THAT RIGHT?

2 A YES, SIR.

3 Q NOW, I WANT TO TALK TO YOU ABOUT TUESDAY, FEBRUARY 05, 2008.

4 ON THAT DAY WERE YOU WORKING AT THE B-P GAS STATION WHEN IT

5 WAS ROBBED?

6 A YES, SIR.

7 Q AND WORKING AS A CASHIER?

8 A YES, SIR.

9 Q WERE YOU ALONE OR DID YOU HAVE SOMEONE WITH YOU?

10 A I WAS – THE COOLER GUY, WOODROW, WAS THERE. AND THERE WAS

11 A CUSTOMER, AS WELL.

12 Q DO YOU REMEMBER WHAT SHIFT YOU WERE WORKING THAT DAY?

13 A THIRD SHIFT.

14 Q THIRD SHIFT?

15 A YES, SIR.

16 Q AND WHAT TYPICALLY WERE YOUR HOURS WHEN YOU WERE WORKING

17 THE THIRD SHIFT?

18 A ELEVEN TO SEVEN.

19 Q SEVEN TO SEVEN?

20 A ELEVEN TO SEVEN.

21 Q 11 P.M. TO 7 A.M.?

22 A YES, SIR.

23 Q OKAY. AND TALK A LITTLE BIT ABOUT THAT DAY, WHEN YOU CAME TO

24 WORK THAT NIGHT DID YOU LOCK, WHEN YOU WENT ON SHIFT, THIRD

25 SHIFT, DID YOU LOCK ONE OF THOSE DOORS?

- 1 A ALWAYS.
- 2 Q AND WHICH DOOR DO YOU TYPICALLY LOCK?
- 3 A THE ONE FACING MCDUFFIE.
- 4 Q AND WHAT WAS THE PURPOSE OR WHY DID YOU DO THIS? WHY DO
- 5 THE EMPLOYEES DO THIS?
- 6 A IT'S CROWD CONTROL. LIKE A LOT OF TIMES WHEN THE STORE GETS
- 7 PACKED AND PEOPLE WILL GRAB CASES, OR ATTEMPT TO, AND RUN
- 8 OUT THAT DOOR.
- 9 Q TO SHOPLIFT?
- 10 A YES. UH-HUH.
- 11 Q AND ON THESE DOORS, THEY HAVE LITTLE -- THEY HAVE LITTLE HEIGHT
- 12 METERS OR HEIGHT RULERS, IN THIS CASE, ON THE DOOR FRAME. IS
- 13 THAT RIGHT?
- 14 A YES, SIR.
- 15 Q NOW, I WANT YOU TO TELL THE LADIES AND GENTLEMEN OF THE JURY
- 16 ABOUT WHAT TOOK PLACE ABOUT ONE O'CLOCK IN THE MORNING
- 17 WHILE YOU WERE WORKING AS A CASHIER.
- 18 A WELL, I WAS JUST SITTING THERE TALKING ON THE PHONE AND I JUST
- 19 HEARD FEET RUNNING UP TO THE DOOR. AND AS I LOOKED, THREE
- 20 GUYS CAME IN. I DON'T KNOW HOW MANY GUYS -- SOMEBODY SAID,
- 21 "GET DOWN." SOMEBODY CAME AROUND TO THE CASH REGISTER AND
- 22 SAID, "GIVE ME THE MONEY." SO, I GAVE HIM THE DRAWER OF MONEY.
- 23 THEN HE SAID, "GIVE ME ALL THE MONEY." SO THEN I GAVE HIM THE
- 24 CHANGE AND THE LOTTERY MONEY.
- 25 Q AND...

- 1 A AND I GOT DOWN.
- 2 Q DO YOU RECALL ANYTHING ABOUT THESE INDIVIDUALS? WERE THEY
- 3 SHORT, TALL OR WHAT THEY WERE WEARING OR ANYTHING LIKE
- 4 THAT?
- 5 A JUST THE -- JUST THE RED STUCK OUT.
- 6 Q AND BESIDES RED, DID YOU NOTICE ANYTHING ABOUT THE INDIVIDUALS
- 7 THEMSELVES?
- 8 A THEY WERE -- EVERYBODY WAS COVERED UP.
- 9 Q AND WERE THEY SMALL, SHORT, OR WERE THEY TALL? HOW WOULD
- 10 YOU DESCRIBE THEM?
- 11 A THE LAST GUY WAS THE BIGGEST GUY. THE BIGGEST GUY WAS A TALL
- 12 GUY. THE OTHER GUYS WAS LIKE MEDIUM BUILT.
- 13 Q AND WHILE YOU COULDN'T SEE -- YOU COULDN'T SEE THEIR FACES, IS
- 14 THAT RIGHT?
- 15 A YES, SIR.
- 16 Q WERE YOU ABLE - WERE YOU FAMILIAR WITH THEIR VOICES?
- 17 A NO, SIR.
- 18 Q AND AT THIS TIME, WHEN THESE INDIVIDUALS CAME IN, WERE THERE
- 19 CUSTOMERS IN THE STORE AT THAT TIME, AT THE SAME TIME?
- 20 A WOODROW AND ANOTHER CUSTOMER.
- 21 Q WHEN YOU SAY WOODROW, WHO IS THAT?
- 22 A THE COOLER GUY.
- 23 Q OKAY.
- 24 A AND HE SAW EVERYTHING.
- 25 Q THE COOLER GUY YOU ALSO SAY WORKS WITH Y'ALL?

- 1 A YES, SIR.
- 2 Q WAS WORKING WITH YOU AT THE TIME?
- 3 A YES, SIR.
- 4 Q WELL, WHAT, IF ANYTHING, DID HE DO?
- 5 A HE GOT DOWN.
- 6 Q WHEN YOU SAY HE GOT DOWN, HE GOT DOWN ON THE FLOOR?
- 7 A HE LAID ALL THE WAY DOWN.
- 8 Q AND WHILE THIS ROBBERY WAS TAKING PLACE, WHAT DID THE
- 9 ROBBERS DO?
- 10 A SHOT THREE TIMES. TWICE IN THE CEILING AND ONE BEHIND -- TO THE
- 11 RIGHT OF MY SHOULDER.
- 12 Q AND DID THAT SCARE YOU?
- 13 A YEAH. YEAH, ANYTIME A GUN IS FIRED, IT WILL SCARE YOU, BUT I
- 14 DIDN'T THINK I WAS BEING SHOT AT.
- 15 Q THEY WERE KIND OF WARNING SHOTS?
- 16 A YEAH.
- 17 Q AND DO YOU RECALL, DID BOTH OF THEM DO THE SHOOTING?
- 18 A THAT PART I DON'T REMEMBER. I JUST REMEMBER HEARING THE
- 19 SHOTS AND SEEING THE BULLET HOLES, BUT I WASN'T PAYING
- 20 ATTENTION TO SEE WHO WAS DOING THE SHOOTING AND ALL THAT. I
- 21 KNOW A DUDE WAS COMING AROUND AT MY RIGHT HAND SIDE AND I
- 22 KNOW THEY WERE MAKING ORDERS AND SOMEBODY SHOT.
- 23 Q AND HOW LONG DID THIS ROBBERY TAKE PLACE? HOW LONG DID IT
- 24 TAKE? THE ROBBERY?
- 25 A HOW LONG AGO WAS IT?

DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MR. CAMPBELL

- 1 Q NO, SIR. HOW LONG DID IT TAKE?
- 2 A OH, 30 SECONDS? THEY WERE IN AND OUT.
- 3 Q AND HOW MUCH DID THEY GET AWAY WITH?
- 4 A NINE HUNDRED AND TWENTY-SEVEN. \$927.00.
- 5 Q AND THIS \$927.00, THAT CONSISTED OF WHAT WAS IN THE CASH
- 6 REGISTER AND ALSO WHAT THE LOTTERY HAD IN IT?
- 7 A YES, SIR. AND THE CHANGE AS WELL.
- 8 Q AND WAS ANYBODY ELSE HARMED AFTER THEY LEFT THE STORE?
- 9 A NO, SIR.
- 10 Q AND DID YOU ATTEMPT TO CALL 9-1-1?
- 11 A YES, SIR. I PUSHED THE PANIC BUTTON. I BELIEVE I MIGHT HAVE
- 12 PICKED UP THE PHONE AFTER THAT.
- 13 Q NOW, IS THIS THE FIRST TIME YOU HAVE BEEN ROBBED WHILE
- 14 WORKING AT THIS B-P GAS STATION?
- 15 A NO, SIR.
- 16 Q HOW MANY OTHER TIMES HAVE YOU BEEN ROBBED?
- 17 A WELL, I HAVE BEEN THERE FOR THREE ROBBERIES, THIS ONE BEING
- 18 THE THIRD. BUT THERE WAS A PREVIOUS ROBBERY BEFORE THAT I
- 19 WAS ROBBED. AND THEN MY BOSS MAN, MIKE, THE FIRST ONE, HE GOT
- 20 ROBBED. I JUST HAPPENED TO BE DOING WOODROW'S JOB AT THE
- 21 TIME AND THEY CAME IN AND ROBBED HIM BECAUSE HE WAS BEHIND
- 22 THE REGISTER.
- 23 Q AND THE FIRST TIME THE ROBBERY TOOK PLACE HOW MANY
- 24 INDIVIDUALS WERE THERE?
- 25 A TWO GUYS.

1 Q AND HOW ABOUT THE SECOND TIME?

2 A THREE GUYS.

3 Q AND IS THIS THE FIRST TIME ANY SHOTS WERE FIRED DURING A
4 ROBBERY WHILE YOU WERE WORKING AT THE STORE?

5 A DURING A ROBBERY, YES.

6 Q AND THE STORE YOU WORKED, THIS B-P GAS STATION, ALSO HAS
7 VIDEO SURVEILLANCE CAMERAS. IS THAT CORRECT?

8 A THERE'S LIKE ABOUT THIRTY-TWO CAMERAS.

9 Q AND YOU'VE HAD AN OPPORTUNITY TO REVIEW THE VIDEO THAT WAS
10 TAKEN ON FEBRUARY 05, 2008. IS THAT RIGHT?

11 A YES, SIR.

12 Q DOES THAT FAIRLY AND ACCURATELY REPRESENT WHAT WAS SEEN
13 OR SHOWN AS IT OCCURRED ON THAT NIGHT?

14 A PRECISELY.

15 Q NOW, WHAT -- BEFORE THIS VIDEO SURVEILLANCE IS SHOWN, DO YOU
16 RECALL ANYTHING SPECIFIC ABOUT THE GUNS?

17 A JUST THAT I HAD NEVER SEEN A "TEC" BEFORE. I HAD NEVER SEEN A
18 GUN LIKE THAT.

19 Q AND WHAT COLOR WAS IT? DO YOU RECALL?

20 A IT WAS BLACK.

21 Q AND CAN YOU DESCRIBE WHAT IT LOOKED LIKE?

22 A I WOULDN'T KNOW WHAT TO COMPARE IT TO, BUT IT WAS ABOUT THIS
23 BIG. I MEAN IT HAD A LONG HANDLE ON IT.

24 Q LET ME SHOW YOU WHAT'S BEEN...

25 MR. CAMPBELL: LET ME MARK THIS AS A STATE'S EXHIBIT FOR

DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MR. CAMPBELL

1 IDENTIFICATION. YOUR HONOR, I AM GOING TO SHOW THIS TO THE JURY.

2 JUST FOR SAFETY, IT HAS BEEN ---

3 **THE COURT:** LADIES AND GENTLEMEN OF THE JURY, REMEMBER AT THE
4 BEGINNING OF THE CASE I INFORMED YOU THAT AT ANY TIME THAT ANY
5 WEAPONS ARE BEING HANDLED THROUGHOUT THIS TRIAL THAT THEY HAVE
6 BEEN DISABLED. THEY ARE NOT CAPABLE OF BEING FIRED OR DISCHARGED
7 IN ANY FORM OR FASHION. GO AHEAD.

8 **MR. CAMPBELL:** JUST FOR REFERENCE, IT HAS BEEN DISABLED WITH A
9 TWIST TIE IN THE BOTTOM OF THE MAGAZINE THROUGH THE CHAMBER OF
10 THE GUN. (INDICATING TO JURY)

11 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED FOR
12 IDENTIFICATION ONLY, STATE'S EXHIBIT #18. DOES THIS APPEAR TO BE
13 THE TYPE OF RIFLE THAT WAS USED WHEN THE GUY FIRED OFF TWO
14 ROUNDS?

15 A WHEN THE ROUNDS WERE FIRED? YES, SIR.

16 **MR. CAMPBELL:** OKAY. AND YOUR HONOR, AT THIS TIME I AM GOING TO
17 MOVE THE VIDEO, STATE'S EXHIBIT #17, INTO EVIDENCE.

18 **THE COURT:** ANY OBJECTIONS?

19 **MS. GOODWIN:** THE VIDEO? NO OBJECTION.

20 **THE COURT:** ADMITTED WITHOUT OBJECTION.

21 (WHEREUPON, A DVD IS ENTERED INTO EVIDENCE AS STATE'S
22 EXHIBIT #17, WITHOUT OBJECTION.)

23 **MR. CAMPBELL:** AT THIS TIME, YOUR HONOR, I WOULD LIKE TO
24 PUBLISH THIS TO THE JURY. (PORTRAYS VIDEO ON LARGE SCREEN)

25 **THE COURT:** YES, SIR.

1 Q MISTER LATTIMORE, CAN YOU SEE THIS SCREEN RIGHT HERE?

2 A YES, SIR.

3 (MR. CAMPBELL SHOWS VIDEO OF INSIDE THE STORE ON LARGE SCREEN)

4 Q MISTER LATTIMORE, THAT IS YOU RIGHT THERE THAT THEY WERE
5 SHOWING INSIDE THE STORE. IS THAT CORRECT?

6 A YES, SIR.

7 Q AND YOU ALSO HAD VIEWS FROM THE CAMERA SHOWING OUTSIDE THE
8 STORE?

9 A YES, SIR.

10 Q AROUND THE BUILDING?

11 A YES, SIR.

12 (MR. CAMPBELL SHOWS SURVEILLANCE VIDEO OF OUTSIDE THE BUILDING)

13 Q MISTER LATTIMORE, YOU JUST WATCHED THE VIDEO TAPE. IS THAT
14 EXACTLY HOW IT HAPPENED ON THE NIGHT OF FEBRUARY 05, 2008, IN
15 THE EARLY MORNING HOURS?

16 A YES, SIR.

17 Q IN THE SECOND VIDEO WITH THE TIME STAMP WAS ACTUALLY THE
18 FIRST VIDEO. THAT IS THE OUTSIDE SHOTS. IS THAT RIGHT?

19 A YES, SIR.

20 Q AND IN WHAT DIRECTION OR WHERE ARE THOSE CAMERAS LOCATED?

21 A DIRECTLY ABOVE THE DOOR THAT IS FACING SHOCKLEY FERRY. AS
22 YOU COME OUT IT AND GO TO THE LEFT, IT IS RIGHT THERE IN THAT
23 BACK CORNER. THAT'S LIKE THE BACKYARD CAMERA LIKE.

24 Q AND HOW FAR IS IT FROM THAT BACK CORNER TO THE DOOR THEY
25 CAME IN?

CROSS EXAMINATION OF STEPHEN LATTIMORE BY MS. GOODWIN

1 A ABOUT TWELVE FEET.

2 MR. CAMPBELL: YOUR HONOR, AT THIS TIME THIS IS ALL THE
3 QUESTIONS I HAVE FOR MISTER LATTIMORE. WOULD YOU PLEASE ANSWER
4 ANY QUESTIONS MS. GOODWIN MAY HAVE.

5 THE COURT: CROSS EXAMINATION?

6 MS. GOODWIN: THANK YOU, YOUR HONOR.

7 **CROSS EXAMINATION OF STEPHEN LATTIMORE BY MS. GOODWIN**

8 Q MISTER LATTIMORE, YOU SAY YOU HAVE BEEN THERE THREE TIMES
9 WHEN THE STORE HAS BEEN ROBBED? IS THAT RIGHT?

10 A YES, MA'AM.

11 Q IT MUST BE A PRETTY SCARY JOB.

12 A YES, MA'AM.

13 Q DID YOU QUIT YOUR JOB SHORTLY AFTER THIS ROBBERY?

14 A YES, MA'AM.

15 Q AND FOR A PERIOD OF TIME THE POLICE SUSPECTED YOU. DIDN'T
16 THEY?

17 A UH-HUH. YES, MA'AM.

18 Q IS THAT A YES?

19 A YES.

20 Q SO THEY WRONGLY ACCUSED YOU?

21 A UH-HUH. YES, MA'AM.

22 Q AND I BELIEVE YOU TESTIFIED THAT LOTS OF CRIMINALS COME IN AND
23 OUT OF THE STORE STILL? THAT'S WHY Y'ALL KEEP THAT SIDE DOOR
24 LOCKED.

25 A YES, MA'AM.

1 Q I GUESS YOU ARE GLAD THAT THEY GOT OFF YOU AS A SUSPECT. IS
2 THAT RIGHT?

3 A YES, MA'AM.

4 Q YOU DID NOT LIKE BEING WRONGLY ACCUSED, DID YOU?

5 A I WASN'T WORRIED ABOUT IT. LIKE I TOLD MY BOSS, MAN IT WAS
6 ALREADY THREE DUDES. I WOULD HAVE BEEN THE FOURTH GUY IN
7 LINE FOR JUST \$927.00.

8 Q BUT YOU DO ADMIT IT WAS UNPLEASANT BEING ACCUSED?

9 A I WASN'T WORRIED ABOUT IT.

10 Q YOU WEREN'T WORRIED ABOUT IT? NOW, YOU CAN'T SAY THAT
11 TERRANCE GOSS WAS THE MAN THAT ROBBED YOU?

12 A NO, MA'AM. I CAN'T SAY THAT.

13 Q YOU DON'T KNOW THIS MAN? (INDICATING)

14 A (SHAKES HEAD NO)

15 Q IS THAT A NO? YOU HAVE TO SAY YES OR NO.

16 A NO, MA'AM. NO, MA'AM. I DON'T KNOW HIM.

17 Q ALL RIGHT. THANK YOU.

18 THE COURT: ANY RE-DIRECT?

19 **RE-DIRECT EXAMINATION OF STEPHEN LATTIMORE BY MR. CAMPBELL**

20 Q MR. LATTIMORE, WERE YOU CHARGED WITH ANYTHING TO DO WITH
21 THIS CRIME THAT TOOK PLACE?

22 A NO, SIR.

23 Q INITIALLY, YOU WERE JUST A SUSPECT. IS THAT RIGHT?

24 A YES, SIR.

25 Q NO FURTHER QUESTIONS.

DIRECT EXAMINATION OF BRIAN BAXTER BY MR. CAMPBELL

1 **THE COURT:** MAY MISTER LATTIMORE?

2 **MR. CAMPBELL:** YES, SIR.

3 **THE COURT:** OKAY. MAY MISTER LATTIMORE BE EXCUSED?

4 **MS. GOODWIN:** I HAVE NO OBJECTIONS TO THAT, YOUR HONOR.

5 **THE COURT:** THANK YOU. CALL YOUR NEXT WITNESS, PLEASE, SIR.

6 **MR. CAMPBELL:** YOUR HONOR, THE STATE CALLS BRIAN BAXTER TO
7 THE STAND.

8 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, BRIAN BAXTER
9 TESTIFIED AS FOLLOWS:) GO AROUND AND HAVE A SEAT IN THE WITNESS
10 CHAIR. IF YOU WILL PLEASE STATE YOUR FULL NAME AND SPELL YOUR LAST
11 NAME FOR THE RECORD.

12 **MR. BAXTER:** BRIAN KEITH BAXTER. B-A-X-T-E-R.

13 **DIRECT EXAMINATION OF BRIAN BAXTER BY MISTER CAMPBELL**

14 Q MISTER BAXTER, YOU ARE EMPLOYED BY THE ANDERSON COUNTY
15 SHERIFF'S OFFICE?

16 A I AM.

17 Q AND WERE YOU EMPLOYED WITH THEM ON FEBRUARY 08, 2008?

18 A YES, SIR.

19 Q AND IN WHAT POSITION ARE YOU EMPLOYED AS?

20 A THAT NIGHT OF THE ROBBERY, I WAS JUST A DEPUTY ON THE ROAD.

21 Q AND ON THAT NIGHT, WERE YOU DISPATCHED TO 301 SHOCKLEY
22 FERRY ROAD?

23 A I WAS.

24 Q WHAT WAS THE PURPOSE OF YOU GOING TO THAT LOCATION?

25 A IT WAS AN ARMED ROBBERY DISPATCH. A ROBBERY.

- 1 Q AND THIS IS IN ANDERSON COUNTY. IS THAT CORRECT?
- 2 A YES, SIR.
- 3 Q WERE YOU THE FIRST OFFICER ON THE SCENE?
- 4 A I WAS.
- 5 Q DO YOU RECALL, APPROXIMATELY, WHAT TIME YOU ARRIVED?
- 6 A IT WAS AFTER ONE O'CLOCK. SOMEWHERE AFTER ONE O'CLOCK.
- 7 Q AND AS THE FIRST OFFICER ON THE SCENE WHAT, IF ANYTHING, DID
- 8 YOU DO?
- 9 A MAKE SURE EVERYBODY WAS SAFE THAT WAS INSIDE THE PLACE AND
- 10 THEN SECURE THE CRIME SCENE.
- 11 Q WHEN YOU SAY SECURE, DID YOU TAPE IT OFF?
- 12 A YES, SIR.
- 13 Q DID YOU GET ALL THE PEOPLE OUT OF THE BUILDING OR OUT OF THE
- 14 CONVENIENCE STORE?
- 15 A YES, SIR.
- 16 Q AND DID YOU HAVE AN OPPORTUNITY TO VIEW THE STORE VIDEO
- 17 WHILE YOU WERE THERE?
- 18 A I -- I -- NO, I DIDN'T OBSERVE IT, I DON'T THINK. I JUST CALLED
- 19 FORENSICS.
- 20 Q AND IS THAT THE PURPOSE OF WHY YOU SECURED IT? FOR THE
- 21 FORENSICS TEAM TO THEN COME IN AND TAKE OVER?
- 22 A YES, SIR.
- 23 Q AND BASED ON THAT, THAT IS ALL YOU DID. IS THAT RIGHT? YOUR
- 24 INVOLVEMENT INVOLVING THIS CASE?
- 25 A THAT'S RIGHT.

DIRECT EXAMINATION OF TOMMY CLAMP BY MR. CAMPBELL

1 Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY QUESTIONS
2 MS. GOODWIN MAY HAVE.

3 THE COURT: CROSS EXAMINATION?

4 **CROSS EXAMINATION OF BRIAN BAXTER BY MS. GOODWIN**

5 Q WAS TERRANCE GOSS THERE WHEN YOU GOT TO THE B-P?

6 A NO.

7 A THANK YOU.

8 THE COURT: MAY OFFICER BAXTER BE EXCUSED?

9 MR. CAMPBELL: YES SIR, YOUR HONOR.

10 THE COURT: THANK YOU SIR. CALL YOUR NEXT WITNESS, PLEASE SIR.

11 MR. CAMPBELL: YOUR HONOR, THE STATE CALLS TOMMY CLAMP TO
12 THE STAND.

13 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, TOMMY CLAMP
14 TESTIFIED AS FOLLOWS:)

15 CLERK OF COURT: GO UP AND HAVE A SEAT IN THE WITNESS CHAIR.
16 STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR THE RECORD.

17 MR. CLAMP: MY NAME IS JOHN THOMAS CLAMP, JUNIOR. MY LAST
18 NAME IS SPELLED C-L-A-M-P.

19 MR. CAMPBELL: THE COURT'S INDULGENCE. I NEED TO ASK
20 MS. GOODWIN A QUESTION.

21 THE COURT: YES, SIR.

22 MR. CAMPBELL: (CONFERS WITH MS. GOODWIN.) THANK YOU, SIR.

23 THE COURT: YES, SIR.

24 **DIRECT EXAMINATION OF THOMAS CLAMP BY MISTER CAMPBELL**

25 Q MISTER CLAMP, YOU ARE CURRENTLY EMPLOYED BY THE ANDERSON

1 COUNTY SHERIFF'S OFFICE?

2 A YES, SIR. I AM.

3 Q IN WHAT POSITION OR CAPACITY ARE YOU EMPLOYED IN?

4 A I AM WITH THE SHERIFF'S OFFICE. I HOLD THE RANK OF SERGEANT. I

5 AM EMPLOYED IN THE EVIDENCE DIVISION.

6 Q AND WHAT WERE YOUR DUTIES OR WHERE ARE YOU CURRENTLY?

7 A MY DUTIES ON A CURRENT DAILY BASIS ARE TO MAINTAIN THE

8 INTEGRITY OF THE EVIDENCE, ANY EVIDENCE, THAT IS SUBMITTED INTO

9 THE SHERIFF'S OFFICE. SOME OF THE PERSONAL DUTIES ALONG

10 THESE LINES ARE WORKING IN THE CRIME SCENE SECTION.

11 Q AND WERE YOU WORKING IN THIS CAPACITY ON FEBRUARY 05, 2008?

12 A THAT'S CORRECT. I WAS.

13 Q AND ON THAT NIGHT YOU WERE CALLED OUT TO THE B-P GAS STATION

14 ON SHOCKLEY FERRY ROAD?

15 A YES, SIR.

16 Q WERE YOU THE FIRST VEHICLE ON CALL THAT NIGHT?

17 A YES, SIR. I WAS.

18 Q YOU WERE ON CALL?

19 A YES, SIR.

20 Q AND WHEN YOU ARRIVED, WAS THE CRIME SCENE ALREADY SECURE?

21 A YES, SIR. ACCORDING TO MY NOTES, NO ONE WAS INSIDE THE STORE

22 AND THE SCENE HAD BEEN TAPED OFF AND SECURED.

23 Q IS THAT HOW YOU LIKE TO SEE IT WHEN YOU ARRIVE?

24 A YES, SIR.

25 Q AND WHAT IS THE PURPOSE OR REASONING BEHIND THAT?

DIRECT EXAMINATION OF TOMMY CLAMP BY MR. CAMPBELL

1 A THAT IS TO MAINTAIN THE SCENE AS IT WAS AT THE TIME OF THE
2 INCIDENT, TO MAINTAIN THE INTEGRITY OF THE SCENE.

3 Q AND CAN YOU PLEASE BRIEFLY DESCRIBE WHAT YOU DID ON THAT
4 NIGHT TO PROCESS THIS CRIME SCENE?

5 A AS WE DO ON MOST ALL CRIME SCENES, WE PHOTO-DOCUMENT THE
6 CRIME SCENE AS IT IS. I DO A CURSORY WALK THROUGH. IF THERE IS
7 A SURVEILLANCE VIDEO AVAILABLE, I USE THAT VIDEO TO AID ME IN
8 WHAT AREAS THAT I NEED TO PROCESS FOR FINGERPRINTS.

9 Q AND DID YOU DO THAT IN THIS CASE?

10 A YES. SIR. I DID.

11 Q AND WHAT, IF ANYTHING, EVIDENCE REGARDING THIS ARMED ROBBERY
12 DID YOU RECOVER OR WERE ABLE TO RETRIEVE?

13 A ON THAT NIGHT I COLLECTED TWO FIRED CARTRIDGE CASINGS, OR
14 SPENT-SHELL CASINGS. I PROCESSED THE IMMEDIATE AREA OF THE
15 COUNTER FOR FINGERPRINTS AND I BELIEVE THE CASH REGISTER FOR
16 FINGERPRINTS, BUT DID NOT OBTAIN ANY IDENTIFIABLE FINGERPRINTS.

17 Q I WANT TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBITS
18 #3, #4, #5, AND #6. (SHOWS TO MS. GOODWIN) MISTER CLAMP, I WANT
19 YOU TO PLEASE REVIEW STATE'S OR WHAT HAS BEEN MARKED AS
20 STATE'S EXHIBITS #3 THROUGH #6 AND PLEASE IDENTIFY WHAT THESE
21 ARE, SIR.

22 A STATE'S EXHIBIT #3 IS A FIRED CARTRIDGE CASING ON THE FLOOR.
23 STATE'S EXHIBIT #4 IS ALSO A FIRED CARTRIDGE CASING, OR A SPENT
24 SHELL CASING. STATE'S EXHIBIT #5, BULLET HOLES IN THE CEILING
25 CASING OR CEILING TILE. STATE'S EXHIBIT #6 IS JUST AN OVERALL

1 VIEW OF THE SHELL CASINGS THAT WERE LYING ON THE FLOOR.

2 Q YOUR HONOR, AT HIS TIME I WOULD LIKE TO ADMIT STATE'S #3

3 THROUGH #6 INTO EVIDENCE.

4 THE COURT: ANY OBJECTIONS?

5 MS. GOODWIN: NO, SIR.

6 THE COURT: ADMITTED WITHOUT OBJECTION.

7 (WHEREUPON, FOUR 4x6 PHOTOGRAPHS ARE ENTERED INTO EVIDENCE

8 AS STATE'S EXHIBITS #3, #4, #5 AND #6, WITHOUT OBJECTION)

9 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I WOULD LIKE TO PUBLISH
10 THEM TO THE JURY.

11 THE COURT: YES, SIR.

12 (MR. CAMPBELL PROJECTS PHOTOGRAPHS ON LARGE SCREEN)

13 Q THESE ARE A LITTLE OUT OF ORDER. I AM GOING TO SHOW YOU -- CAN
14 YOU SEE THIS, SARGENT CLAMP?

15 A YES, SIR.

16 Q STATE'S EXHIBIT #6. PLEASE IDENTIFY WHAT THIS IS, SIR.

17 A THIS IS THE OVERALL PHOTOGRAPH SHOWING THE GENERAL AREA OF
18 WHERE THE SHELL CASINGS WERE COLLECTED.

19 Q I THINK IF YOU WILL LOOK CLOSE ENOUGH YOU WILL SEE ONE RIGHT IN
20 THIS AREA? (INDICATING ON SCREEN)

21 A THAT'S CORRECT.

22 Q AND ANOTHER ONE RIGHT IN THIS AREA? (INDICATING ON SCREEN)

23 A THAT'S CORRECT.

24 Q AND YOU TOOK A CLOSER VIEW, PICTURE OF THOSE ITEMS? STATE'S
25 EXHIBIT #3?

- 1 A YES, SIR. THAT'S A SHELL CASING.
- 2 Q AND THIS ONE WAS JUST OFF THE RUG?
- 3 A CORRECT. ON THE TILE FLOOR.
- 4 Q STATE'S EXHIBIT #4?
- 5 A THAT'S THE SPENT SHELL CASING OR FIRED CARTRIDGE CASING THAT
- 6 WAS LYING ON THE RUG IN FRONT OF THE DOOR.
- 7 Q WHAT IS THE PURPOSE OF THIS RULER YOU HAVE RIGHT HERE?
- 8 A IT'S JUST TO PHOTOGRAPH TO SCALE, SO IF YOU NEED TO SCALE
- 9 THAT.
- 10 Q TO SCALE THE SHELL, TO SHOW HOW BIG IT IS?
- 11 A CORRECT.
- 12 Q AND THEN STATE'S EXHIBIT #5. WHAT DOES THAT INDICATE TO YOU?
- 13 A THOSE ARE THE BULLET HOLES IN THE CEILING TEXTURE OR THE
- 14 CEILING TILES OF THE STORE.
- 15 Q AND AS A RESULT OF THE BULLET HOLES THAT WERE IN THE TILE OF
- 16 THE CEILING, DID YOU ATTEMPT TO LOCATE OR RECOVER THESE
- 17 PROJECTILES?
- 18 A YES, SIR. I DID. ACTUALLY, I CLIMBED UP ON A STOOL AND REMOVED
- 19 THE CEILING TILES, THE CEILING CASINGS PUSH OUT, TO LOOK INTO
- 20 THE CEILING TO SEE IF I COULD FIND THE FIRED PROJECTILES. I COULD
- 21 SEE WHERE ONE HAD STRUCK A RAFTER OR WOODEN BEAM IN THE
- 22 CEILING, BUT I WAS NOT ABLE TO RECOVER THE ACTUAL -- TO
- 23 RECOVER THE PROJECTILE THAT CAME OUT.
- 24 Q I AM GOING TO SHOW YOU WHAT HAS ALREADY BEEN MARKED AS
- 25 STATE'S EXHIBITS #12 AND #13. (SHOWS TO MS. GOODWIN) LET ME

1 SHOW YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT #12 AND #13.
2 PLEASE IDENTIFY WHAT THESE ARE, SIR.

3 (WITNESS OPENS THE ENVELOPES OF EXHIBITS AND LOOKS AT CONTENTS)

4 A STATE'S EXHIBITS #12 AND #13 ARE THE CARTRIDGE CASINGS THAT I
5 COLLECTED FROM THE B-P STATION THAT NIGHT.

6 Q AND ARE THOSE THE SHELL CASINGS THAT WERE RECOVERED THAT
7 YOU SAW IN THE PHOTOGRAPHS THAT WE SHOWED YOU?

8 A THAT'S CORRECT.

9 Q AND WHAT, IF ANYTHING, DID YOU DO WITH THESE SHELL CASINGS
10 AFTER YOU COLLECTED THEM?

11 A THEY WOULD HAVE BEEN TAKEN BACK TO THE SHERIFF'S OFFICE,
12 LOCKED IN A SECURE STORAGE AREA THAT ONLY FOUR PERSONS IN
13 THE SHERIFF'S OFFICE WOULD HAVE ACCESS TO.

14 Q YOU KEPT THESE IN YOUR CARE, CUSTODY, AND CONTROL UNTIL WHAT
15 TIME?

16 A UNTIL THEY WERE DETERMINED THAT THEY WERE NEEDED FOR
17 FURTHER ANALYSIS IN THIS CASE.

18 Q AND WHERE DID YOU TAKE THEM TO?

19 A THEY WERE TAKEN TO THE GREENVILLE COUNTY DEPARTMENT OF
20 PUBLIC SAFETY FOR BALLISTICS ANALYSIS.

21 Q AND THESE SHELL CASINGS WERE RETURNED TO YOU AFTER THEY
22 WERE ANALYZED?

23 A THAT'S CORRECT.

24 Q AND KEPT IN YOUR CARE, CUSTODY, AND CONTROL UNTIL SUCH TIME
25 AS YOU BROUGHT IT TO COURT TODAY?

- 1 A UNTIL THIS MORNING, YES SIR.
- 2 Q YOUR HONOR, I WOULD LIKE TO ADMIT STATE'S EXHIBITS #12 AND #13
- 3 INTO EVIDENCE.
- 4 **THE COURT:** ANY OBJECTIONS?
- 5 **MS. GOODWIN:** NO OBJECTIONS.
- 6 **THE COURT:** ADMITTED WITHOUT OBJECTION.
- 7 (WHEREUPON, SHELL CASINGS ARE ENTERED INTO EVIDENCE AS
- 8 STATE'S EXHIBITS #12 AND #13, WITHOUT OBJECTION)
- 9 Q NOW, MISTER CLAMP, AS PART OF YOUR DUTIES AS CUSTODIAN OF THE
- 10 EVIDENCE, YOU ALSO COLLECTED AND MAINTAINED OTHER EVIDENCE
- 11 IN THIS CASE. IS THAT CORRECT?
- 12 A THAT'S CORRECT.
- 13 Q I'LL SHOW YOU WHAT HAS BEEN MARKED FOR IDENTIFICATION AS
- 14 STATE'S EXHIBIT #19. IS THIS ALSO A LETTER -- WOULD YOU PLEASE
- 15 BRIEFLY JUST STATE WHAT THIS IS?
- 16 A IT APPEARS TO BE A COPY OF A LETTER THAT WAS, A HANDWRITTEN
- 17 LETTER OR NOTE, THAT WAS SUBMITTED INTO EVIDENCE.
- 18 Q AND THIS --
- 19 A AND THIS IS STATE'S EXHIBIT #19.
- 20 Q AND THIS HAS BEEN IN YOUR CARE, CUSTODY, AND CONTROL UNTIL
- 21 SUCH TIME AS YOU BROUGHT IT INTO THE COURTROOM TODAY?
- 22 A YES, SIR.
- 23 Q AND ALSO, IN THIS CASE, YOU ALSO MAINTAINED TWO FIREARMS THAT
- 24 WERE INVOLVED. IS THAT CORRECT?
- 25 A THAT'S CORRECT.

1 Q I WANT TO SHOW YOU WHAT HAS BEEN MARKED FOR IDENTIFICATION
2 AS STATE'S EXHIBIT #16. WHICH FOR THE RECORD AND FOR THE
3 JURY'S INFORMATION, HAS ALSO HAS TIES TO IT THROUGH THE
4 CHAMBER INTO THE BOTTOM WHERE THE MAGAZINE GOES AND IS
5 STATE'S EXHIBIT #18.

6 THE COURT: LET ME STOP YOU. WHAT YOU ARE TELLING THE JURY IS,
7 NEITHER ONE OF THESE WEAPONS CAN BE DISCHARGED IF YOU TRIED. IS
8 THAT CORRECT?

9 MR. CAMPBELL: NO, THESE GUNS CANNOT BE SHOT, BECAUSE, FIRST
10 OF ALL, THERE IS NO MAGAZINE, THERE ARE NO BULLETS, AND WE HAVE HAD
11 THEM SAFETY TIED OFF.

12 THE COURT: OKAY. THANK YOU SIR. EXCUSE ME FOR INTERRUPTING.

13 Q STATE'S EXHIBITS -- I AM GOING TO SHOW YOU #16 AND #18. NOW,
14 THESE ITEMS HAVE BEEN IN YOUR CARE, CUSTODY, AND CONTROL?

15 A YES, SIR. THEY WERE.

16 Q AND THESE ARE THE WEAPONS THAT WERE SUBMITTED IN REFERENCE
17 TO THIS CASE?

18 A YES, SIR. BY DETECTIVE GEBING.

19 Q AND I BELIEVE THERE ARE ALSO SOME CLIPS OF AMMO OR SOME
20 MAGAZINES THAT WENT WITH THESE GUNS AND SOME BULLETS IN
21 THERE? IS THAT CORRECT?

22 A YES, SIR.

23 Q NOW, REGARDING WHAT HAS BEEN MARKED AS STATE'S EXHIBIT #19,
24 THE LETTER, YOU ALSO SUBMITTED THAT TO SLED FOR ANALYSIS. IS
25 THAT CORRECT?

DIRECT EXAMINATION OF TOMMY CLAMP BY MR. CAMPBELL

1 A YES, SIR. I SUBMITTED THAT TO SLED, MORE COMMONLY KNOWN AS
2 THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, I BELIEVE ON
3 APRIL 19TH, FOR ADDITIONAL ANALYSIS.

4 Q AND THESE WEAPONS I ALSO MARKED AS #16 AND #18, YOU ALSO
5 SUBMITTED THOSE FOR ANALYSIS TO THE GREENVILLE COUNTY
6 PUBLIC SAFETY LAB?

7 A THOSE -- THOSE WERE RETRIEVED FROM THE GREENVILLE COUNTY
8 DEPARTMENT OF PUBLIC SAFETY. THEY WEREN'T ORIGINALLY IN OUR
9 CUSTODY UNTIL DETECTIVE GEBING SUBMITTED THEM.

10 Q BUT THEY WERE USED FOR ANALYSIS. IS THAT RIGHT?

11 A OH, YES, SIR.

12 **MR. CAMPBELL:** YOUR HONOR, I HAVE NO FURTHER QUESTIONS FOR
13 THIS WITNESS.

14 Q PLEASE ANSWER ANY QUESTIONS MS. GOODWIN MAY HAVE.

15 **MS. GOODWIN:** I HAVE NO QUESTIONS.

16 **THE COURT:** MAY OFFICER CLAMP BE EXCUSED?

17 **MR. CAMPBELL:** YES SIR, YOUR HONOR.

18 **THE COURT:** THANK YOU, SIR. CALL YOUR NEXT WITNESS, PLEASE, SIR.

19 **MR. CAMPBELL:** YOUR HONOR, THE STATE CALLS DWAYNE MCELRATH
20 TO THE STAND.

21 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, DWAYNE
22 MCELRATH TESTIFIED AS FOLLOWS:)

23 **CLERK OF COURT:** HAVE A SEAT IN THE WITNESS CHAIR, PLEASE.

24 STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR THE RECORD.

25 **MR. MCELRATH:** MY FULL NAME IS ROBERT DWAYNE MCELRATH.

1 M-C-E-L-R-A-T-H.

2 **DIRECT EXAMINATION OF DWAYNE MCELRATH BY MR. CAMPBELL**

3 Q MISTER MCELRATH, YOU ARE EMPLOYED BY THE ANDERSON COUNTY
4 SHERIFF'S OFFICE?

5 A YES, SIR. I AM.

6 Q IN WHAT POSITION OR CAPACITY ARE YOU EMPLOYED IN?

7 A I AM A CRIME SCENE TECH WITH THE FORENSIC DIVISION.

8 Q YOU ALSO WORK WITH DETECTIVE CLAMP?

9 A I DO.

10 Q AND WERE YOU EMPLOYED IN THIS POSITION ON FEBRUARY 05, 2008?

11 A YES, SIR. I WAS.

12 Q ON THAT DAY DID YOU HAVE AN OCCASION TO GO TO THE B-P STATION
13 ON SHOCKLEY FERRY ROAD?

14 A YES, SIR. I DID.

15 Q WHAT WAS THE PURPOSE OR WHY DID YOU GO THERE?

16 A I WAS CONTACTED BY DEPUTY FINLEY IN REFERENCE TO ANOTHER
17 FOUND SHELL CASING, SPENT SHELL CASING, A CARTRIDGE CASING
18 THAT WAS FOUND IN A BUBBLE GUM RACK INSIDE THE STORE.

19 Q IS THIS STANDARD PROCEDURE FOR THE ROAD DEPUTY WHO
20 HAPPENS TO BE THERE TO CALL OUT A FORENSIC TECNICIAN TO COME
21 OUT AND COLLECT EVIDENCE?

22 A YES, SIR.

23 Q AND DID YOU GO TO THE STORE IN THIS CASE?

24 A YES, SIR. I DID.

25 Q AND WHAT, IF ANYTHING, DID YOU DO WHILE YOU WERE THERE?

1 A WHILE I WAS THERE I PHOTOGRAPHED AND COLLECTED ALL EVIDENCE
2 FOUND.

3 Q AND BESIDES THE SHELL CASING, DID YOU PHOTOGRAPH ANYTHING
4 ELSE?

5 A YES, SIR. I DID. I ACTUALLY FOUND ANOTHER BULLET HOLE THAT
6 WENT THROUGH SOME FABRIC, THROUGH A GLASS INTO AND HIT A
7 GAS PUMP OUTSIDE.

8 Q WERE YOU ABLE TO RECOVER THE PROJECTILE FROM IT?

9 A YES. I WAS.

10 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
11 EXHIBITS #7 THROUGH #11. LET ME SHOW YOU WHAT HAS BEEN
12 MARKED AS STATE'S #7 THROUGH #11. (HANDS DOCUMENTS TO
13 WITNESS) IF YOU WOULD PLEASE LOOK AT THOSE AND TELL ME, ARE
14 THOSE THE PICTURES THAT YOU TOOK ON FEBRUARY 05, 2008?

15 A YES, SIR. THEY ARE.

16 Q DO THEY FAIRLY, ACCURATELY, REPRESENT THE ITEMS YOU
17 DOCUMENTED THAT DAY BY CAMERA?

18 A YES, SIR.

19 Q YOUR HONOR, AT THIS TIME I WOULD LIKE TO MOVE STATE'S EXHIBITS
20 #7 THROUGH 11 INTO EVIDENCE.

21 THE COURT: ANY OBJECTIONS?

22 MS. GOODWIN: NO OBJECTION.

23 THE COURT: ADMITTED WITHOUT OBJECTION.

24 (WHEREUPON, FIVE 4x6 PHOTOGRAPHS ARE ADMITTED INTO EVIDENCE
25 AS STATE'S EXHIBITS #7, #8, #9, #10 AND #11, WITHOUT OBJECTION)

1 **MR. CAMPBELL:** YOUR HONOR, I WOULD LIKE TO PUBLISH THESE TO
2 THE JURY.

3 **THE COURT:** PLEASE DO. WHEN YOU PUBLISH THEM, PLEASE GIVE US
4 THE EXHIBIT NUMBER.

5 **MR. CAMPBELL:** YES, SIR.

6 (MISTER CAMPBELL PROJECTS PHOTOGRAPH ONTO LARGE SCREEN)

7 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
8 EXHIBIT #7, AND WOULD YOU PLEASE IDENTIFY WHAT THIS IS, SIR.

9 A THAT IS A BULLET HOLE FROM – THAT IS A PICTURE OF THE BULLET
10 HOLE FROM OUTSIDE OF THE STORE.

11 Q AND THIS IS STATE'S EXHIBIT #9. IN RELATIONSHIP TO THIS BULLET
12 HOLE, WHAT DOES THIS SHOW?

13 A THE BULLET HOLE IS DIRECTLY IN BEHIND THE GAS PUMP THERE. THE
14 SCALE ON THE GROUND IS A PROJECTILE CASING.

15 Q IS THIS BASICALLY WHERE THE BULLET HOLE IS RIGHT HERE?
16 (INDICATING)

17 A YES, SIR.

18 Q IN THE GLASS? THIS IS SHOWING IN STATE'S EXHIBIT #7?

19 A YES, SIR.

20 Q AND STATE'S EXHIBIT #8. DOES THIS BETTER SHOW WHAT YOUR
21 SCALE WAS ON THE GROUND IN STATE'S EXHIBIT #9?

22 A YES, SIR. IT DOES.

23 Q AND STATE'S EXHIBIT #11. WHAT, IF ANYTHING, DOES THIS DEPICT,
24 SHOW?

25 A THAT IS THE BUBBLE GUM RACK, CANDY RACK, DIRECTLY IN FRONT OF

1 THE COUNTER. THAT PICTURE IS UPSIDE DOWN. THERE YOU GO. IT IS
2 DIRECTLY IN FRONT OF THE COUNTER OF THE B-P STATION.

3 Q AND IS THIS THE CLERK'S STATION AREA? IS THAT WHERE THIS IS
4 LOCATED?

5 A YES, SIR. IT IS.

6 Q AND DOES THIS SHOW WHERE THE BULLET SHELL CASINGS WERE
7 RECOVERED?

8 A YES, SIR. IT DOES.

9 Q IN FACT, THIS IS SHOWING THE SHELL CASINGS BEFORE YOU REMOVED
10 IT. IS THAT RIGHT?

11 A YES, SIR. IT DOES.

12 Q ALL RIGHT. THANK YOU. I AM ALSO GOING TO SHOW YOU WHAT HAS
13 BEEN MARKED STATE'S EXHIBITS #14 AND #15. WOULD YOU PLEASE
14 LOOK AT THESE SIR AND IDENTIFY WHAT, IF ANYTHING, THEY ARE?

15 A EXHIBIT #15 IS THE CASING FROM THE PROJECTILE THAT WAS FOUND
16 OUTSIDE THE STORE.

17 Q IS THIS THE ONE THAT WAS RECOVERED ON THE GROUND NEXT TO
18 THE PUMP?

19 A YES, IT WAS. ALL RIGHT, EXHIBIT #14 IS THE SHELL CASING, THE SPENT
20 SHELL CASING, FROM THE BUBBLE GUM RACK.

21 **MR. CAMPBELL:** YOUR HONOR, AT THIS TIME I WOULD LIKE TO MOVE
22 STATE'S EXHIBITS #14 AND #15 INTO EVIDENCE.

23 **MS. GOODWIN:** NO OBJECTION.

24 **THE COURT:** ADMITTED WITHOUT OBJECTION.

25 (WHEREUPON, TWO SHELL CASINGS ARE ENTERED INTO EVIDENCE AS

1 STATE'S EXHIBITS #14 AND #15, WITHOUT OBJECTION)

2 **MR. CAMPBELL:** I HAVE NO FURTHER QUESTIONS OF THIS WITNESS.

3 Q PLEASE ANSWER ANY QUESTIONS MS. GOODWIN MAY HAVE.

4 **MS. GOODWIN:** I HAVE NO QUESTIONS, YOUR HONOR.

5 **THE COURT:** MAY MISTER MCELRATH BE EXCUSED?

6 **MR. CAMPBELL:** YES, SIR.

7 **THE COURT:** THANK YOU, SIR. ALL RIGHT, LADIES AND GENTLEMEN WE
8 HAVE BEEN GOING FOR A LITTLE BIT. I AM GOING TO TAKE ABOUT A TEN
9 MINUTE BREAK. IF Y'ALL WILL GO BACK TO YOUR JURY ROOM AND GET YOU A
10 GLASS OF WATER, DO WHAT YOU NEED TO, AND WE WILL RESUME
11 TESTIMONY IN JUST A FEW MINUTES.

12 (JURY OUT AT 3:42 PM)

13 **THE COURT:** ALL RIGHT WE WILL BE IN RECESS TEN MINUTES

14 (BRIEF BREAK)

15 **THE COURT:** ARE THERE ANY STIPULATIONS AS TO THE ADMISSABILITY
16 OF EVIDENCE? I HEARD THERE MIGHT NEED TO BE A JACKSON/DENNO.

17 **MS. GOODWIN:** NO, SIR. WE DON'T NEED A JACKSON/DENNO.

18 **THE COURT:** OKAY, WE DO NOT?

19 **MS. GOODWIN:** WE DO NOT.

20 **MR. CAMPBELL:** I WANT TO PUT THIS ON THE RECORD. YOUR HONOR,
21 IT IS GOING TO BE STATE'S EXHIBITS #20 AND #21. #20 BEING THE
22 GREENVILLE TECHNICAL COLLEGE CAMPUS POLICE DEPARTMENT'S "ADVICE
23 OF RIGHTS" FORM, AND #21 BEING THE STATEMENT THAT HE GAVE TO
24 CAPTAIN RICK MASTERS WHO IS PRESENT IN THE COURTROOM TODAY..

25 **THE COURT:** THAT'S #21?

STIPULATIONS

1 **MR. CAMPBELL:** YES, SIR. #20 AND #21. WE ARE NOT GOING TO HAVE A
2 JACKSON/DENNO HEARING ON THAT AND FURTHERMORE, I HAVE DISCUSSED
3 THIS WITH MS. GOODWIN AND THEN SHE HAS DISCUSSED THIS WITH HER
4 CLIENT, THEY ARE GOING TO STIPULATE THAT THEY AUTHORED THE LETTER
5 AS MARKED IN STATE'S EXHIBIT #19. STATE'S EXHIBIT #19.

6 **THE COURT:** IS THAT CORRECT?

7 **MS. GOODWIN:** THAT'S RIGHT.

8 **THE COURT:** SO AS I UNDERSTAND IT, EXHIBIT #19, THE DEFENDANT
9 HAS IT STIPULATED THAT HE IS THE AUTHOR?

10 **MS. GOODWIN:** YES, SIR.

11 **THE COURT:** #20 IS THE PROTECTION OF RIGHTS FORM AND YOU ARE
12 STIPULATING THAT AS ADMISSIBLE WITHOUT A JACKSON/DENNO HEARING
13 UPON THE PROPER FOUNDATION?

14 **MR. CAMPBELL:** THAT'S CORRECT.

15 **THE COURT:** THE SAME WITH THE STATEMENT OF THE OFFICER FROM
16 GREENVILLE HERE. IS THAT CORRECT ON #21? WHAT'S THE OFFICER'S LAST
17 NAME? I'M SORRY

18 **MR. CAMPBELL:** CAPTAIN RICK MASTERS.

19 **THE COURT:** OKAY. EXCUSE ME, I APOLOGIZE. IS THAT CORRECT?

20 **MS. GOODWIN:** THAT'S RIGHT. YES, SIR.

21 **MR. CAMPBELL:** YOUR HONOR, ON STATE'S EXHIBIT #19, WHAT
22 LIEUTENANT CHRIS SCOTT FROM THE ANDERSON COUNTY SHERIFF'S OFFICE,
23 WHO IS HEAD OF THE FORENSIC DIVISION, HE FINGERPRINTED IT FOR
24 CLARIFICATION AND FOR THE RECORD AND MR. GOSS' RIGHT THUMB WAS
25 RECOVERED AND COMPARED WITH HIS TEN-PRINT CARD SHOWING THAT HE

1 HELD THIS LETTER. AND ALSO, SO WE WILL CUT HIM OUT. WE WILL ALSO,
2 WE CAN DO AWAY WITH THE SLED CHEMIST WHO ANALYZED THIS COMPARED
3 TO HIS OTHER HANDWRITING.

4 THE COURT: OKAY. GOOD. ALL RIGHT, ARE YOU READY TO PROCEED?

5 MS. GOODWIN: YES, SIR.

6 THE COURT: ARE YOU READY TO PROCEED, THEN?

7 MR. CAMPBELL: YES, SIR, YOUR HONOR.

8 THE COURT: OKAY. WOULD YOU BRING THE JURY BACK PLEASE
9 MISTER HAMBY?

10 (JURY IN AT 4:01 PM)

11 THE COURT: MISTER WILLIAMS, DID YOU GET MY MESSAGE BACK TO
12 YOU THAT IF ANYBODY ON THE JURY CARES TO, YOU KNOW, HAVE WATER IN
13 HERE, YOU ARE MORE THAN WELCOME TO BRING IT IN HERE? IF YOU ASK
14 ONE OF THE BAILIFFS, THEY WILL MAKE IT AVAILABLE TO YOU. OKAY, SIR.

15 MR. WILLIAMS: YES, SIR.

16 THE COURT: ALL RIGHT, MISTER CAMPBELL ARE YOU READY TO
17 PROCEED WITH YOUR NEXT WITNESS?

18 MR. CAMPBELL: YES SIR, YOUR HONOR. YOUR HONOR, THE STATE
19 CALLS CHRIS RONOKE TO THE STAND.

20 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, CHRIS RONOKE
21 TESTIFIES AS FOLLOWS:)

22 CLERK OF COURT: YOU MAY GO UP AND HAVE A SEAT IN THE WITNESS
23 CHAIR, PLEASE SIR. PLEASE STATE YOUR FULL NAME AND SPELL YOUR LAST
24 NAME FOR THE RECORD.

25 MR. RONOKE: CHRIS RONOKE. R -O-N-O-K-E.

1 CLERK OF COURT: I'M SORRY, CAN YOU SPELL THAT AGAIN?

2 MR. RONOKE: R-O-N-O-K-E.

3 CLERK OF COURT: THANK YOU.

4 DIRECT EXAMINATION OF CHRISTOPHER RONOKE BY MISTER CAMPBELL

5 Q MISTER RONOKE, HOW OLD ARE YOU?

6 A TWENTY-ONE.

7 Q AND WHERE DO YOU LIVE?

8 A ALABAMA.

9 Q IN WHAT TOWN?

10 A MONTGOMERY.

11 Q DO YOU GO TO SCHOOL THERE?

12 A I DO.

13 Q WHAT SCHOOL DID YOU ATTEND?

14 A ALABAMA STATE UNIVERSITY.

15 Q AND WHAT GRADE OR LEVEL ARE YOU?

16 A SOPHOMORE. I WILL BE A JUNIOR.

17 Q YOU WILL BE A JUNIOR THIS UPCOMING YEAR?

18 A YES, SIR.

19 Q WHAT ARE YOU MAJORING IN?

20 A RECREATIONAL THERAPY.

21 Q AND YOU ARE ORIGINALLY FROM ANDERSON?

22 A YES, SIR.

23 Q DID YOU GO TO HIGH SCHOOL HERE?

24 A YES, SIR.

25 Q WHAT SCHOOL DID YOU GO TO?

- 1 A T.L. HANNA.
- 2 Q WHAT YEAR DID YOU GRADUATE?
- 3 A '07.
- 4 Q BACK IN FEBRUARY 2008, FEBRUARY 08, 2008, WHERE WERE YOU
- 5 ATTENDING SCHOOL?
- 6 A GREENVILLE TECH.
- 7 Q AND DID YOU LIVE IN OR ON IN-STUDENT CAMPUS HOUSING?
- 8 A YES, SIR.
- 9 Q NOW, DO YOUR PARENTS STILL LIVE HERE IN ANDERSON?
- 10 A YES, SIR.
- 11 Q AND WHEN YOU HAVE A BREAK FROM SCHOOL DO YOU COME BACK TO
- 12 ANDERSON?
- 13 A YES, SIR.
- 14 Q DO YOU KNOW TERRANCE GOSS?
- 15 A YES, SIR.
- 16 Q HOW LONG HAVE YOU KNOWN HIM?
- 17 A SINCE WE WERE LIKE FOURTEEN, 9TH GRADE AT T.L. HANNA.
- 18 Q DID Y'ALL PLAY SPORTS TOGETHER?
- 19 A IN 9TH GRADE, YEAH.
- 20 Q WHAT KIND OF SPORTS DID Y'ALL PLAY?
- 21 A BASKETBALL.
- 22 Q IS HE IN THE COURTROOM TODAY?
- 23 A IS HE IN HERE TODAY?
- 24 Q YES, SIR.
- 25 A YES, SIR.

- 1 Q IS THAT HIM WEARING THE PURPLE OR LAVENDER SHIRT?
- 2 A (NODS HEAD)
- 3 Q YOU HAVE TO SAY YES OR NO.
- 4 A YES, SIR.
- 5 Q SHE IS TAKING DOWN WHAT YOU ARE SAYING.
- 6 A OKAY.
- 7 Q YOU KNOW TERRANCE ALSO BY THE NICKNAME HE GOES BY, IS THAT
- 8 RIGHT?
- 9 A YES, SIR.
- 10 Q AND WHAT IS THAT NAME?
- 11 A "SNOW".
- 12 Q DID YOU SAY "SNOW"?
- 13 A YES.
- 14 Q AND YOU KNOW HE HAS BEEN CHARGED WITH ROBBERY IN THIS CASE.
- 15 IS THAT RIGHT?
- 16 A YES, SIR.
- 17 Q IN FACT, HE HAS ALSO BEEN CHARGED ALONG WITH A FAMILY MEMBER
- 18 OF YOURS. IS THAT RIGHT?
- 19 A YES, SIR.
- 20 Q AND WHO IS THIS OTHER PERSON?
- 21 A THE FAMILY MEMBER?
- 22 Q YES.
- 23 A T.J.
- 24 Q WHEN YOU SAY T.J., IS THAT TRAVIS PATTERSON?
- 25 A YES, SIR.

- 1 Q AND WHAT RELATIONSHIP WERE YOU TO HIM?
- 2 A UNCLE AND NEPHEW.
- 3 Q I AM SORRY, I DIDN'T HEAR YOU.
- 4 A UNCLE AND NEPHEW.
- 5 Q UNCLE AND NEPHEW?
- 6 A YES, SIR.
- 7 Q AND ARE TRAVIS AND TERRANCE FRIENDS?
- 8 A SOMEWHAT.
- 9 Q AND BACK IN 2008, WERE THEY PRETTY CLOSE?
- 10 A YEAH, THEY ARE NOW.
- 11 Q WHEN YOU SEE ONE, YOU SEE THE OTHER?
- 12 A SOMETIMES.
- 13 Q AND I WANT TO TALK TO YOU ABOUT THAT WEEK IN 2008, FEBRUARY OF
- 14 2008. I AM GOING TO TAKE YOU BACK TO FEBRUARY 05, ACTUALLY, TO
- 15 START WITH. WERE YOU IN ANDERSON THAT NIGHT?
- 16 A YES, SIR.
- 17 Q AND DID YOU SEE TRAVIS AND TERRANCE THAT NIGHT?
- 18 A (NODS HEAD)
- 19 Q WAS THAT A YES?
- 20 A YES, SIR.
- 21 Q AND WHEN YOU SAW THEM, WHAT IF ANYTHING, DID THEY HAVE WITH
- 22 THEM?
- 23 A THE GUNS.
- 24 Q IN FACT, YOU ACCIDENTALLY SHOT YOURSELF WHEN YOU PICKED UP
- 25 ONE OF THE GUNS. IS THAT RIGHT?

1 A YES, SIR.

2 Q OKAY. I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED FOR
3 IDENTIFICATION, WHICH HAS GOT TWIST TIES ON IT AND NO AMMO
4 WITH THE GUN, STATE'S EXHIBIT #16. DOES THIS LOOK LIKE THE
5 PISTOL YOU SHOT YOURSELF WITH?

6 A YES, SIR.

7 Q AND THIS IS THE PISTOL YOU SAW TRAVIS WITH ON TUESDAY NIGHT?

8 A IT MAY BE. THEY ALL LOOK ALIKE.

9 Q AND THE GUN THAT TERRANCE, YOU SAW HIM WITH. CAN YOU
10 DESCRIBE IT?

11 A IT WAS ---

12 Q I WILL SHOW YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT #18.
13 DOES THIS LOOK LIKE IT?

14 A IT WAS KIND OF SIMILAR.

15 Q IT WAS SIMILAR TO THIS? IT WAS A GUN WITH A FOLD-OUT STOCK?

16 A YES, SIR. IT'S LIKE IT.

17 Q AND WHAT TIME THAT NIGHT ON FEBRUARY 05, 2008, DID YOU SEE
18 THEM WITH THESE GUNS?

19 A IT WAS PROBABLY -- I DON'T REMEMBER WHAT TIME. IT WAS SO LONG
20 AGO.

21 Q WAS IT AFTER DINNER TIME?

22 A YES.

23 Q WAS IT DARK OUTSIDE?

24 A YES, SIR.

25 Q BUT YOU WENT BACK TO SCHOOL THAT NIGHT. IS THAT RIGHT?

- 1 A YES, SIR.
- 2 Q DID YOU HAVE ANY -- DID YOU TALK TO THEM ANY TIME AFTER THAT?
- 3 A NO, SIR.
- 4 Q ON THAT TUESDAY?
- 5 A (SHAKES HEAD)
- 6 Q HOW ABOUT THAT WEDNESDAY? DID YOU TALK TO THEM?
- 7 A NO, SIR. I THINK, NO -- NUH-UH.
- 8 Q AND THURSDAY NIGHT YOU DID SEE THEM. IS THAT RIGHT?
- 9 A YES, SIR.
- 10 Q AND WHERE DID YOU SEE THEM AT?
- 11 A WE ALL MET UP AT THE DORM ROOM.
- 12 Q THEY CAME TO YOUR DORM ROOM?
- 13 A YES, SIR.
- 14 Q AND THAT IS LOCATED ON THE CAMPUS OF GREENVILLE TECHNICAL
- 15 COLLEGE IN GREENVILLE?
- 16 A YES, SIR.
- 17 Q AND YOU SAW TRAVIS THERE?
- 18 A YES, SIR.
- 19 Q AND YOU ALSO SAW TERRANCE GOSS. IS THAT RIGHT?
- 20 A YES, SIR.
- 21 Q AND THE PURPOSE OF Y'ALL MEETING UP , WHERE WERE Y'ALL GOING?
- 22 WHAT WERE YOU GOING TO DO?
- 23 A WE WERE GOING OUT.
- 24 Q YOU SAY GOING OUT. WHERE WERE YOU GOING?
- 25 A A CLUB CALLED "ROLEX".

DIRECT EXAMINATION OF CHRIS RONOKE BY MR. CAMPBELL

- 1 Q AND DID Y'ALL GO THERE?
- 2 A YES, SIR.
- 3 Q DID TERRANCE GO THERE?
- 4 A YES, SIR.
- 5 Q AND DID TRAVIS GO THERE?
- 6 A YES, SIR.
- 7 Q AND TRAVIS, OR T.J., ALSO HAS A KIND OF NICKNAME HE ALSO GOES
- 8 BY. IS THAT RIGHT?
- 9 A YES, SIR. IT'S WHAT HE IS KNOWN BY.
- 10 Q WHAT IS THAT?
- 11 A "ACE."
- 12 Q "ACE." DID Y'ALL ALL RIDE TOGETHER TO "CLUB ROLEX" THAT NIGHT?
- 13 A I DON'T REALLY REMEMBER, BUT I JUST KNOW WE WAS THERE
- 14 TOGETHER.
- 15 Q AND HOW LONG DID Y'ALL STAY AT THE CLUB THAT NIGHT?
- 16 A PROBABLY 'TIL IT ALMOST ENDED.
- 17 Q UNTIL IT WAS CLOSING TIME?
- 18 A YES, SIR.
- 19 Q AND DID Y'ALL ALL LEAVE TOGETHER OR DID Y'ALL LEAVE
- 20 SEPARATELY?
- 21 A WE LEFT PROBABLY TOGETHER.
- 22 Q AND WHO WERE YOU RIDING WITH?
- 23 A I DRIVE MYSELF.
- 24 Q WAS ANYBODY RIDING WITH YOU?
- 25 A I DON'T REMEMBER.

- 1 Q WAS TERRANCE WITH YOU?
- 2 A I DON'T REALLY REMEMBER WHO I REMEMBER, WHO I LEFT WITH AFTER
- 3 THE CLUB.
- 4 Q DO YOU KNOW IF TRAVIS PATTERSON WAS WITH T.J.?
- 5 A I DON'T REMEMBER NONE OF THEM LEAVING.
- 6 Q SO, ABOUT WHAT TIME IN THE MORNING DID Y'ALL LEAVE?
- 7 A THE CLUB PROBABLY ENDED AROUND 3:00, SOMEWHERE AROUND
- 8 THAT TIME.
- 9 Q DID YOU GO BACK TO YOUR APARTMENT?
- 10 A NO, SIR.
- 11 Q WHERE DID YOU GO?
- 12 A I STAYED WITH MY GIRL.
- 13 Q AND DID YOU LEAVE YOUR APARTMENT OPEN?
- 14 A YES, SIR.
- 15 Q UNLOCKED?
- 16 A (NODS HEAD)
- 17 Q AND THAT WAS SO THAT TRAVIS AND TERRANCE COULD GO AND KIND
- 18 OF CRASH OUT THERE?
- 19 A YES, SIR.
- 20 Q AND TO YOUR KNOWLEDGE, DID THEY DO THAT?
- 21 A YES, SIR. I GUESS, YEAH.
- 22 Q AND WHERE YOU WERE LIVING, HOW MANY LIKE ROOMS WERE IN
- 23 THESE KIND OF COMMON AREA APARTMENTS?
- 24 A FOUR.
- 25 Q YOU HAD FOUR ROOMS. DID YOU HAVE LIKE A COMMON AREA OR

1 LIVING AREA, KITCHEN, AND THEN A COMMON BATHROOM FOR THE
2 FOUR ROOMS FOR PEOPLE TO SHARE?

3 A YES, SIR.

4 Q AND WHAT WAS YOUR ROOM NUMBER?

5 A "1."

6 Q AND DURING THAT TIME, TO YOUR KNOWLEDGE, WAS TERRANCE GOSS
7 AND TRAVIS PATTERSON BOTH STILL LIVING IN ANDERSON AT THAT
8 TIME?

9 A YES, SIR.

10 Q AND THEY CAME FROM ANDERSON TO MEET YOU AT THE APARTMENT
11 BEFORE Y'ALL LEFT. IS THAT RIGHT?

12 A YES, SIR.

13 Q AND DID YOU SEE THEM WITH THEIR GUNS THAT NIGHT?

14 A NO, SIR.

15 Q ON THAT THURSDAY NIGHT YOU WENT TO THE CLUB?

16 A NO, SIR.

17 Q AND THE CLASS SCHEDULE THAT YOU WERE KEEPING WHILE YOU
18 WERE ATTENDING GREENVILLE TECH, DID YOU GO TO CLASS EVERY
19 DAY?

20 A YES, SIR.

21 Q AND DID YOU COME BACK AND FORTH FROM ANDERSON TO
22 GREENVILLE OR WERE YOU LIVING IN GREENVILLE FOR THE MOST
23 PART?

24 A YEAH, FOR THE MOST PART LIVING IN GREENVILLE AND COMING TO
25 ANDERSON PROBABLY LIKE EVERY OTHER WEEK-END OR EVERY

1 WEEK-END.

2 Q BUT IN THIS CASE, YOU CAME TO ANDERSON ON THAT TUESDAY NIGHT.
3 IS THAT RIGHT?

4 A YES, SIR.

5 Q AND BASICALLY, YOU'D TAKE YOUR CLOTHES HOME ON THE WEEK-END
6 TO GET THEM WASHED?

7 A YES, SIR.

8 Q NOW, THE NEXT MORNING DURING THE DAYLIGHT HOURS, DID YOU GO
9 BACK TO YOUR APARTMENT, [REDACTED], I BELIEVE IT WAS?

10 A YES, SIR.

11 Q AND WHAT, IF ANYTHING, HAPPENED WHILE YOU WERE THERE?

12 A WHEN I FIRST WALKED IN THERE WAS PROBABLY LIKE TEN, TEN DUDES
13 SMOKING AND -- YOU KNOW, AH -- WELL, WHEN I WALKED IN MY UNC --
14 WELL, TRAVIS AND TERRANCE HAD ALREADY LEFT.

15 A DID YOU SEE THEM LEAVE?

16 A YEAH. THEY HAD ALREADY WALKED OUT THE DOOR, SO WHEN I
17 WALKED IN THE MUSIC WAS SO LOUD EVERYBODY TALKING
18 EVERYWHERE AND SOON AS I WENT TO BRUSH MY TEETH, A LADY
19 CAME IN OR WHATEVER, BUSTING IN SAYING SHE WAS GOING TO CALL
20 THE CAMPUS SECURITY. SO, I WAS GETTING MY CLOTHES TO GET
21 READY, GETTING MY CLOTHES READY TO GO HOME, WHATEVER, TO
22 GET THEM WASHED. THAT'S WHEN I SAW IT.

23 Q AND LET ME JUST STEP BACK HERE. YOU SAW TRAVIS PATTERSON, OR
24 T.J. AS YOU CALL YOUR UNCLE, AND YOU SAW TERRANCE GOSS AT
25 YOUR APARTMENT, OR IN THAT LITTLE AREA, AS YOU WERE COMING

1 OR GOING TO IT. IS THAT RIGHT?

2 A YES, SIR.

3 Q NOW, ABOUT WHAT TIME OF THE DAY WAS THIS? DO YOU RECALL?

4 A MAYBE AROUND LIKE ONE.

5 Q IN THE AFTERNOON?

6 A YES, SIR.

7 Q AND WHEN YOU SAY, "THAT'S WHEN IT HAPPENED, WHAT EXACTLY
8 WERE YOU REFERRING TO OR TALKING ABOUT? JUST GO AHEAD AND
9 TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT HAPPENED AT
10 THAT POINT IN TIME AS YOU WERE COLLECTING YOUR CLOTHES.

11 A THAT'S WHEN I SAW THE PISTOL, OR WHATEVER, AND I TRIED TO PICK
12 IT UP. WHEN I SAW IT I WAS SO SHOCKED AND THE LADY HAD ALREADY
13 SAID SHE WAS GOING TO CALL THE COPS SO WHEN I SAW THE PISTOL I
14 TRIED TO PICK IT UP WITH THE BOTTOM OF MY SHIRT SO I WOULDN'T
15 GET MY FINGERPRINTS ON IT OR NOTHING AND GET RID OF IT,
16 BASICALLY, AND THEN IT WENT OFF INTO MY KNEE.

17 Q SO IT ACCIDENTLY WENT OFF AND SHOT YOU IN THE KNEE. IS THAT
18 RIGHT?

19 A YES, SIR.

20 Q AND I'M SURE IT SCARED YOU.

21 A YES, SIR.

22 Q AND DID IT BREAK ANY BONES OR ANYTHING OR DID IT PASS CLEAN
23 THROUGH?

24 A IT TORE A CARTILAGE.

25 Q IT TORE YOUR CARTILAGE?

- 1 A YES, SIR.
- 2 Q AND WAS E-M-S CALLED?
- 3 A YES, SIR.
- 4 Q AND DID YOU HAVE TO GO TO THE HOSPITAL?
- 5 A YES, SIR.
- 6 Q DID YOU REQUIRE SURGERY OR ANYTHING LIKE THAT?
- 7 A YES, SIR.
- 8 Q AND TO THIS DAY DO YOU HAVE PROBLEMS WITH YOUR KNEE?
- 9 A NO, SIR.
- 10 Q SO YOU HAVE HEALED?
- 11 A YES, SIR.
- 12 Q AND SO YOU SAW THE ONE GUN, THE PISTOL IS WHAT YOU SHOT
- 13 YOURSELF WITH, ACTUALLY SHOT YOURSELF WITH. DID YOU SEE THE
- 14 OTHER WEAPON?
- 15 A NOT WHEN I WAS IN THE ROOM. WELL, NO I DIDN'T SEE IT.
- 16 Q BUT YOU WEREN'T LOOKING FOR IT. IS THAT RIGHT?
- 17 A NO, I WASN'T LOOKING FOR IT. I WASN'T LOOKING FOR NEITHER ONE
- 18 OF THEM.
- 19 Q AND AFTER THIS, DID YOU EVER TALK TO MISTER GOSS?
- 20 A NO, SIR. NOT THAT I KNOW OF.
- 21 Q AND WERE YOU CLOSE TO HIM? DID YOU HAVE HIS PHONE NUMBER OR
- 22 KNOW HOW TO GET AHOLD OF HIM OR GET IN TOUCH WITH HIM?
- 23 A MAY BE.
- 24 Q AND -- LET ME ASK YOU ABOUT THAT NIGHT AGAIN. WHEN YOU WERE
- 25 GOING TO THE CLUB, DID YOU HAVE ANYBODY NAMED JARED OR

DIRECT EXAMINATION OF CHRIS RONOKE BY MR. CAMPBELL

1 JAROD RIDING WITH YOU?

2 A I DON'T REMEMBER A JARED OR JAROD.

3 Q DO YOU KNOW WHO THAT IS?

4 A NOT THAT I KNOW OF.

5 Q AND DID YOU KIND OF HANG OUT WITH MISTER GOSS, TERRANCE
6 GOSS, AND T.J. PATTERSON THAT NIGHT WHILE YOU WERE AT THE
7 CLUB?

8 A YES, SIR.

9 Q AND I THINK TRENT STEVENSON WAS ALSO THERE?

10 A YES, SIR.

11 Q WAS AKEEM PAYNE THERE, TOO

12 A YES, SIR.

13 Q BUT YOU DIDN'T SEE ANYBODY OR KNOW ANYBODY BY THE NAME OF
14 JARED OR JAROD THAT WAS THERE?

15 A I DON'T THINK I REMEMBER JARED.

16 Q YOU DON'T REMEMBER HIM?

17 A NO, SIR.

18 Q AND DID YOU EVER SEE TRENT WITH ANY GUNS?

19 A NO, SIR.

20 Q AND WHEN DID YOU LEAVE FROM ANDERSON, WHEN DID YOU START
21 ATTENDING ---

22 (A CELL PHONE IS RINGING)

23 THE COURT: STOP. TAKE THAT PHONE PLEASE. GO AHEAD.

24 Q WHEN DID YOU LEAVE ANDERSON TO GO TO SCHOOL IN
25 MONTGOMERY? WHAT YEAR WAS IT?

1 A THAT FOLLOWING SEMESTER, LIKE AFTER THE SPRING SEMESTER,
2 AFTER THAT SPRING SEMESTER AT GREENVILLE TECH, THAT
3 FOLLOWING AUGUST, THAT'S WHEN I WENT DOWN TO MONTGOMERY.

4 Q OKAY. I DON'T HAVE ANY FURTHER QUESTIONS. PLEASE ANSWER ANY
5 QUESTIONS MS. GOODWIN MAY HAVE.

6 THE COURT: CROSS EXAMINATION?

7 **CROSS EXAMINATION OF CHRISTOPHER RONOKE BY MS. GOODWIN**

8 Q I BELIEVE THAT YOU SAID THEIR WERE ABOUT TEN GUYS IN YOUR
9 ROOM. IS THAT RIGHT?

10 A YES, MA'AM.

11 Q AND THEY WERE YOUR ROOMMATE'S FRIENDS. IS THAT CORRECT?

12 A YES, MA'AM.

13 Q OKAY, WHO WAS YOUR ROOMMATE?

14 A PAYNE.

15 Q PAYNE? OKAY. SO, YOU DIDN'T KNOW ALL THOSE GUNS WERE IN
16 YOUR ROOM?

17 A NO, MA'AM.

18 Q OKAY. AND YOU WERE SHOCKED WHEN YOU SAW THE PISTOL UNDER
19 YOUR BED?

20 A YES, MA'AM.

21 Q OKAY. AND YOU WERE SCARED BECAUSE THE HOUSING LADY HAD
22 ALREADY SAID SHE CALLING THE POLICE ABOUT THE NOISE?

23 A YES, MA'AM.

24 Q OKAY. SO, THE GUN THAT YOU SAW UNDER THE BED WAS KIND OF LIKE
25 THIS ONE? (INDICATING) IS THAT RIGHT?

1 THE COURT: COUNSEL, DO ME A FAVOR. EXCUSE ME. WHEN YOU PICK
2 IT UP DON'T POINT IT TOWARD THIS JURY OVER HERE. I KNOW IT'S DISABLED,
3 BUT IT'S JUST SOMETIMES PEOPLE FOCUS ON THAT.

4 MS. GOODWIN: YES, SIR.

5 THE COURT: THANK YOU.

6 MS. GOODWIN: AND I AM REFERRING TO STATE'S EXHIBIT #16.

7 THE COURT: OKAY.

8 Q IT KIND OF LOOKED LIKE THAT BUT ---

9 A YES, MA'AM.

10 Q BUT YOU'RE NOT -- YOU DON'T KNOW FOR SURE THAT THE ONE YOU
11 SAW ---

12 A BECAUSE IT HAPPENED SO QUICK. SO, I DIDN'T REALLY GET TO LOOK
13 AT THE GUN, BASICALLY. I JUST HAPPENED TO JUST SAW IT AND JUST
14 QUICKLY PICKED IT UP WITH MY SHIRT AND IT JUST WENT OFF AND
15 AFTER THAT I JUST BLANKED OUT.

16 Q OKAY. ALL RIGHT. NOW, HOW MANY DAYS BEFORE THE DAY YOU
17 ACCIDENTLY SHOT YOURSELF, DID YOU SEE YOUR UNCLE AND
18 TERRANCE IN ANDERSON?

19 A PROBABLY LIKE THREE, THREE DAYS.

20 Q OKAY. AND YOU SAID THAT YOU SAW THEM WITH GUNS?

21 A YES, MA'AM.

22 Q OKAY. BUT YOU DID NOT SEE THEM WITH GUNS ON THE DAY THAT YOU
23 SHOT YOURSELF?

24 A NO, MA'AM.

25 Q OKAY. AND YOU CAN'T SAY WITH ANY SORT OF CERTAINTY THAT THE

1 GUNS YOU SAW THEM WITH THREE DAYS BEFORE YOU SHOT

2 YOURSELF, IS THIS GUN?

3 A IT'S PROBABLY SIMILAR BUT I CAN'T REALLY SAY.

4 Q OKAY. SO IT'S SIMILAR BUT YOU DON'T KNOW WITH CERTAINTY THAT

5 THIS IS —

6 A NO, MA'AM.

7 Q — THE GUN THAT YOUR UNCLE HAD. IS THAT RIGHT?

8 A YES, MA'AM.

9 Q OKAY. AND YOU DIDN'T SEE THIS GUN AT ALL AT GREENVILLE TECH?

10 A NO, MA'AM.

11 Q OKAY.

12 **MS. GOODWIN:** BEG THE COURTS INDULGENCE JUST ONE MOMENT.

13 Q OKAY, AND YOU KNOW TRENT STEVENSON?

14 A TRENT? YES, MA'AM.

15 Q OKAY. IS HIS BROTHER NAMED JARED?

16 A YEAH, THAT IS RIGHT. YES, MA'AM.

17 Q ALL RIGHT. THANK YOU.

18 **MS. GOODWIN:** THAT'S ALL THE QUESTIONS I HAVE.

19 **THE COURT:** ANY RE-DIRECT?

20 **MR. CAMPBELL:** YES, SIR.

21 **RE-DIRECT EXAMINATION OF CHRISTOPHER RONOKE BY MR. CAMPBELL**

22 Q MISTER RONOKE, WHEN YOU GAVE A STATEMENT TO CAPTAIN RICK

23 MASTERS — DO YOU REMEMBER GIVING A STATEMENT TO HIM?

24 A YES, SIR.

25 Q AND IN IT WHEN YOU REFERRED TO THE GUNS, YOU ARE REFERRING

1 TO THE ONES THAT T.J. AND TERRANCE HAD. IS THAT RIGHT?

2 A YES, SIR.

3 Q IN FACT, YOU DID TELL HIM THEY BELONGED, AND THE GUN YOU SHOT
4 YOURSELF WITH, THEY BELONGED TO T.J. AND TERRANCE?

5 A YES, SIR.

6 Q AND ON THAT NIGHT DID YOU SEE JARED WITH THOSE TEN THAT WERE
7 IN YOUR APARTMENT?

8 A THAT NIGHT OR THAT EVENING?

9 Q THAT EVENING WHEN YOU WERE THERE WHEN YOU WALKED IN?

10 A MAYBE SO. PROBABLY DID. I DON'T KNOW FOR SURE, CAUSE IT WAS
11 SO, WHAT, TWO YEARS AGO?

12 Q SO YOU ARE NOT 100% POSITIVE?

13 A NO, SIR.

14 Q YOU DIDN'T KNOW -- YOU DON'T WANT TO ---

15 A PROBABLY THE NIGHT BEFORE, THEN HE PROBABLY WAS WITH US
16 BECAUSE ONLY -- THAT WAS THE FIRST TIME I MET HIM, THAT WEEK.

17 Q AND YOU DIDN'T SEE HIM AT THE CLUB THAT NIGHT, AT CLUB "ROLEX"?

18 A YEAH, I THINK HE WAS THERE.

19 Q AND DID YOU EVER SEE JARED WITH ANY GUNS?

20 A NO, SIR. NOT THAT I KNOW OF.

21 **MR. CAMPBELL:** I HAVE NO FURTHER QUESTIONS.

22 **THE COURT:** MAY THIS WITNESS BE EXCUSED?

23 **MR. CAMPBELL:** YOUR HONOR, I NEED TO SPEAK WITH HIM. HE IS
24 UNDER MY SUBPOENA. I NEED TO TALK TO HIM AFTER THIS.

25 **THE COURT:** OKAY, I AM GOING TO ASK YOU TO STEP DOWN, BUT STAY

1 IN THE COURTROOM PLEASE, MISTER RONOKE.

2 **MR. CAMPBELL:** YOUR HONOR, THE STATE CALLS CAPTAIN RICK
3 MASTERS TO THE STAND.

4 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, RICK MASTERS
5 TESTIFIED AS FOLLOWS:)

6 **CLERK OF COURT:** YOU CAN GO UP AND HAVE A SEAT IN THE WITNESS
7 CHAIR. IF YOU WILL STATE YOUR FULL NAME AND SPELL YOUR LAST NAME
8 FOR THE RECORD.

9 **MR. MASTER:** RICK MASTERS. M-A-S-T-E-R-S.

10 **DIRECT EXAMINATION OF RICK MASTERS BY MISTER CAMPBELL**

11 Q MISTER MASTERS, WHERE ARE YOU EMPLOYED?

12 A GREENVILLE TECHNICAL COLLEGE IN GREENVILLE, SOUTH CAROLINA.

13 Q IN WHAT POSITION OR CAPACITY ARE YOU EMPLOYED IN?

14 A PARDON ME, SIR?

15 Q WHAT POSITION OR CAPACITY ARE YOU EMPLOYED IN?

16 A I AM CAPTAIN OF THE POLICE DEPARTMENT.

17 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

18 A SEVENTEEN YEARS.

19 Q HOW LONG HAVE YOU BEEN AT GREENVILLE TECH IN GREENVILLE?

20 A THE LAST THREE YEARS.

21 Q AND YOU WERE THE LEAD OFFICER OR THE CASE OFFICER, IF YOU
22 WILL, REGARDING THE SHOOTING EVENT THAT TOOK PLACE ON
23 FEBRUARY OF 2008 INVOLVING CHRIS RONOKE?

24 A YES, SIR. I WAS.

25 Q AND DO YOU RECALL THAT DAY?

1 A YES. I DO.

2 Q AND DO YOU REMEMBER WHAT APARTMENT YOU WERE CALLED TO?

3 A IT WAS "█", BUILDING "█", APARTMENT █

4 Q AND WHAT REASON OR WHAT WAS THE PURPOSE -- WHY WERE YOU
5 CALLED THERE?

6 A I HAD GOT A CALL FROM MY CHIEF SAYING THAT THERE HAD BEEN A
7 SHOOTING ON CAMPUS AND I WAS AT HOME AT THE TIME AND HE
8 NEEDED ME TO COME THERE IMMEDIATELY.

9 Q AND WERE YOU THE FIRST OFFICER ON THE SCENE?

10 A NO, SIR. I WASN'T. GERALD JOHNSON, A ROOKIE OFFICER, WAS THE
11 FIRST ONE ON THE SCENE.

12 Q WAS THE SCENE SECURE AND CLEAR WHEN YOU ARRIVED?

13 A YES, IT WAS SECURED. THEY HAD CALLED GREENVILLE CITY TO ASSIST
14 THEM, OFFICER JOHNSON DID, AND THE CHIEF WAS ALREADY THERE
15 WHEN I GOT THERE AND SEVERAL GREENVILLE CITY OFFICERS.

16 Q DID YOU SPEAK TO MISTER RONOKE, WHO JUST TESTIFIED, AT THE
17 SCENE THAT DAY?

18 A NO. I DID NOT.

19 Q AND WHY DIDN'T YOU?

20 A AS SOON AS I ARRIVED, HE WAS BEING PLACED INTO THE AMBULANCE
21 TO BE TRANSPORTED TO THE HOSPITAL.

22 Q AND THROUGH YOUR INVESTIGATION OR WHAT YOU LEARNED WHILE
23 YOU WERE ON THE SCENE, DID IT APPEAR THAT HIS INJURIES WERE
24 SELF-INFLICTED OR CAUSED BY ANOTHER INDIVIDUAL?

25 A WE WERE NOT SURE AT THE TIME. ACCORDING TO DETECTIVE

1 FLAVELL OF THE GREENVILLE CITY POLICE DEPARTMENT, HE DID GET
2 TO TALK TO CHRIS, I BELIEVE IT IS.

3 MS. GOODWIN: YOUR HONOR, I OBJECT TO WHAT SOMEBODY ELSE
4 SAID.

5 MR. CAMPBELL: AND ON ---

6 THE COURT: SUSTAINED. LET ME JUST SUSTAIN THE OBJECTION,
7 OKAY?

8 MR. CAMPBELL: OKAY.

9 Q ON THIS DATE, DID YOU, THROUGH YOUR INVESTIGATION, DID YOU
10 LEARN THAT IT WAS SELF-INFLICTED?

11 A YES, SIR.

12 Q NOW, DID YOU LOCATE OR IN YOUR WORK, WAS THE GUN THAT HE
13 SHOT HIMSELF WITH, WAS IT LOCATED IN HIS BEDROOM?

14 A NO. IT WAS NOT.

15 Q IN FACT, IT WAS FOUND IN ANOTHER ROOM. IS THAT RIGHT?

16 A THAT'S CORRECT.

17 Q A BEDROOM INSIDE THE CAMPUS HOUSING?

18 A THAT'S CORRECT.

19 Q COULD YOU JUST TELL THE MEMBERS OF THE JURY, THIS BUILDING "I",
20 AREA ■■■ WHAT DOES THAT MEAN OR CONSIST OF?

21 A THE DORMS ARE BROKEN UP INTO FOUR BUILDINGS. IT'S "A", "B", "C",
22 AND "D". THIS WAS "I" BUILDING AND IT HAS THREE FLOORS. THERE IS
23 ONE THROUGH TEN APARTMENTS ON EACH FLOOR. THEY ARE
24 NUMBERED 101 TO 110.

25 Q AND HOW MANY BEDROOMS DID EACH OF THESE APARTMENTS HAVE?

- 1 A EACH ONE HAS -- WELL, SOME OF THEM HAVE FOUR BEDROOMS. THIS
2 ONE DID HAVE FOUR BEDROOMS. SOME OF THEM HAVE TWO AND I
3 BELIEVE THIS ONE HAD ONE OR TWO BATHROOMS.
- 4 Q AND ARE STUDENTS ALLOWED TO HAVE FIREARMS OR WEAPONS ON
5 CAMPUS?
- 6 A NO. THEY ARE NOT.
- 7 Q IS THAT WHY YOU WERE DOING THE INVESTIGATION REGARDING THIS
8 SHOOTING INCIDENT EVEN THOUGH IT WAS SELF-INFLICTED?
- 9 A THAT'S CORRECT.
- 10 Q AND ACTUALLY YOU DID NOT PERSONALLY RECOVER THE GUNS. THEY
11 WERE RECOVERED BY ANOTHER OFFICER. IS THAT RIGHT?
- 12 A THAT'S CORRECT.
- 13 Q AND DID YOU TALK ABOUT OR DISCUSS THE CASE WITH THE
14 WITNESSES OR THE PEOPLE WHO WERE THERE THAT DAY AND AT
15 OTHER TIMES?
- 16 A YES. I DID.
- 17 Q IT'S MY UNDERSTANDING -- DO YOU RECALL APPROXIMATELY HOW
18 MANY STATEMENTS AND INTERVIEWS THAT YOU CONDUCTED?
- 19 A PROBABLY ALL TOGETHER, ABOUT SEVEN OR EIGHT.
- 20 Q AND ON THAT DAY IN FEBRUARY OF 2008, DID YOU -- WAS TERRANCE
21 GOSS THERE?
- 22 A I DID NOT SEE HIM THERE, BUT I DO BELIEVE HE WAS THERE.
- 23 Q YOU DID NOT PERSONALLY TALK TO HIM THAT DAY. IS THAT RIGHT?
- 24 A NO, SIR.
- 25 Q AND TRAVIS PATTERSON WAS THERE?

- 1 A THAT'S CORRECT.
- 2 Q YOU DID TALK TO HIM?
- 3 A YES, SIR, I DID TALK TO HIM.
- 4 Q IN FACT, YOU EVENTUALLY DID TAKE A STATEMENT FROM MISTER
- 5 GOSS. IS THAT RIGHT?
- 6 A THAT'S CORRECT.
- 7 Q I'M GOING TO SHOW YOU WHAT HAS BEEN MARKED FOR
- 8 IDENTIFICATION AS STATE'S EXHIBITS #20 AND #21. CAPTAIN MASTERS,
- 9 CAN YOU PLEASE LOOK AT STATE'S EXHIBIT #20 AND #21. PLEASE
- 10 IDENTIFY WHAT THESE ARE, SIR. FIRST #20.
- 11 A YES, SIR. #20 IS A ADVICE OF RIGHTS FORM FROM THE GREENVILLE
- 12 TECHNICAL COLLEGE CAMPUS POLICE DEPARTMENT.
- 13 Q AND IS YOUR SIGNATURE -- AND WHO WAS GIVING -- WHO'S ADVICE OF
- 14 RIGHTS WERE YOU GIVING AT THAT POINT IN TIME?
- 15 A TERRANCE J. GOSS.
- 16 Q AND ON WHAT DATE WAS THIS?
- 17 A 02-20-08.
- 18 Q AND IS HIS SIGNATURE AT THE BOTTOM OF THIS?
- 19 A THAT'S CORRECT.
- 20 Q IS YOUR SIGNATURE ALSO AT THE BOTTOM OF THIS AS A WITNESS?
- 21 A THAT'S CORRECT.
- 22 Q AND LOOK AT STATE'S EXHIBIT #21. WOULD YOU PLEASE TELL THE
- 23 LADIES AND GENTLEMEN OF THE JURY WHAT #21 IS?
- 24 A THIS IS AN OFFICIAL STATEMENT FROM FROM THE GREENVILLE
- 25 TECHNICAL COLLEGE.

1 Q AND WHO WAS GIVING THE STATEMENT ON THAT STATEMENT?

2 A TERRANCE J. GOSS.

3 Q AND IS HIS SIGNATURE AT THE BOTTOM OF PAGE ONE?

4 A THAT'S CORRECT. IT IS.

5 Q AND HOW ABOUT -- AND IS YOUR SIGNATURE ALSO AT THE BOTTOM OF
6 THE PAGE ONE?

7 A THAT'S CORRECT.

8 Q AND HOW ABOUT PAGE TWO?

9 A INITIALS AT THE BOTTOM.

10 Q AND DID HE FREELY AND VOLUNTARILY GIVE YOU THIS STATEMENT?

11 A THAT'S CORRECT. HE DID.

12 Q WAS HE FORCED, THREATENED, OR COERCED OR INTIMIDATED IN ANY
13 SHAPE, WAY, OR FORM IN ORDER TO GET HIM TO SPEAK OR TALK TO
14 YOU AND PUT SOMETHING DOWN ON PAPER?

15 A NO COERCION WHATSOEVER.

16 Q AND WHERE -- THIS STATEMENT WAS TAKEN IN ANDERSON? IS THAT
17 RIGHT?

18 A THAT'S CORRECT.

19 Q AND IS THIS HIS HANDWRITING OR IS THIS YOUR HANDWRITING?

20 A THIS IS MY HANDWRITING.

21 Q AND WHY IS THAT?

22 A HE AGREED TO GIVE ME A STATEMENT, BUT HE DID NOT WANT TO
23 WRITE IT.

24 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I WOULD LIKE TO ADMIT
25 STATE'S EXHIBITS #20 AND #21 INTO EVIDENCE.

1 THE COURT: ANY OBJECTIONS?

2 MS. GOODWIN: NO, SIR.

3 THE COURT: ADMITTED WITHOUT OBJECTION.

4 (WHEREUPON, A POLICE ADVICE OF RIGHTS FORM AND A STATEMENT
5 BY TERRANCE GOSS ARE ADMITTED INTO EVIDENCE AS STATE'S EXHIBITS #20
6 AND #21, WITHOUT OBJECTION)

7 Q AND CAPTAIN MASTERS, I WANT TO GO THROUGH THE PROCESS YOU
8 DID WHEN YOU GAVE HIM, TOOK THE STATEMENT FROM HIM, OKAY?
9 YOU FIRST ADVISED HIM OF HIS RIGHTS. IS THAT CORRECT?

10 A THAT'S CORRECT. I DID.

11 Q AND YOU TOLD HIM HE HAD THE RIGHT TO REMAIN SILENT?

12 A THAT'S CORRECT.

13 Q "ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW?"

14 A THAT'S CORRECT. I DID.

15 Q "YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY AND HAVE HIM OR
16 HER PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED."

17 A THAT'S CORRECT.

18 Q "IF YOU CAN NOT AFFORD TO HIRE AN ATTORNEY, ONE WILL BE
19 APPOINTED TO REPRESENT YOU BEFORE QUESTIONING IF YOU WISH."

20 A THAT'S CORRECT.

21 Q "YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT
22 ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS."

23 A THAT'S CORRECT.

24 Q "YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO
25 YOU, MAINLY YOUR RIGHT TO REMAIN SILENT AND BE REPRESENTED

1 BY AN ATTORNEY.”

2 A THAT'S CORRECT.

3 Q AND AT THAT POINT, WHAT DID HE HAVE ON THE SIGNATURE LINE?

4 A HE REFUSED TO SIGN IT. I WROTE THAT IN THERE AND PUT MY INITIALS
5 BESIDE IT.

6 Q AND IS THERE A REASON WHY?

7 A HE REFUSED TO SIGN IT.

8 Q BUT HE DID SIGN THE WAIVER OF RIGHTS?

9 A THAT'S CORRECT. HE DID.

10 Q AND YOU READ TO HIM, “I HAVE READ, OR HAVE HAD READ TO ME, THIS
11 STATEMENT OF MY RIGHTS AND UNDERSTAND WHAT MY RIGHTS ARE
12 AND AM WILLING TO ANSWER ANY QUESTIONS AND/OR MAKE ANY
13 STATEMENTS. I DO NOT WANT A LAWYER PRESENT AT THIS TIME. I
14 UNDERSTAND AND KNOW WHAT I AM DOING AND NO THREATS OR
15 PROMISES HAVE BEEN MADE TO ME TO COERCE ME TO SIGN THIS
16 WAIVER UNDER ANY PRESSURE OR FORCE USED AGAINST ME AS
17 WORDED.”

18 A THAT'S CORRECT.

19 Q AND YOU READ THAT TO HIM?

20 A YES, SIR. THAT'S CORRECT.

21 Q AND AFTER THAT HE SIGNED IT AND DATED IT FEBRUARY 20, 2008?

22 A THAT'S CORRECT.

23 Q AT THAT POINT DID YOU TAKE A STATEMENT OR ASK HIM ABOUT THE
24 EVENTS REGARDING FEBRUARY 08, 2008?

25 A THAT'S CORRECT. I DID.

1 Q AND YOU REDUCED THIS DOWN TO WRITING?

2 A YES, SIR. I DID.

3 Q AND AFTER YOU FINISHED WRITING IT, HE HAD AN OPPORTUNITY TO
4 READ IT?

5 A THAT'S CORRECT.

6 Q AND DID HE READ IT AND MAKE ANY CORRECTIONS OR CHANGES TO IT?

7 A HE READ IT AND DID NOT MAKE ANY CHANGES.

8 Q AND WAS THAT STATEMENT -- WAS THIS STATEMENT GIVEN TO HIM, A
9 COPY OF IT GIVEN TO HIM AFTER YOU COMPLETED IT?

10 A THAT'S CORRECT.

11 Q AND HE DID SIGN THIS, THAT HE HAD RECEIVED TWO PAGES AND READ
12 THE TWO PAGES, AND HE SIGNED IT TERRANCE --

13 A THAT'S CORRECT.

14 Q -- J. GOSS, FEBRUARY 20, 2008?

15 A THAT'S CORRECT.

16 Q AND WHAT IS HERE IS TRUE AND ACCURATE AS TO WHAT HE TOLD YOU
17 AND YOU WROTE IT DOWN AS HE WAS SAYING IT TO YOU?

18 A VERBATIM.

19 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I WOULD LIKE TO PUBLISH
20 THIS TO THE JURY.

21 THE COURT: GO RIGHT AHEAD, PLEASE.

22 MR. CAMPBELL: IT SAYS, "I, TERRANCE J. GOSS, DO HEREBY, FREELY
23 AND VOLUNTARILY, GIVE THIS STATEMENT TO OFFICER RICK MASTERS
24 AND DAVID GRAHAM WHO IDENTIFIED THEMSELVES AS OFFICERS OF
25 THE CAMPUS POLICE DEPARTMENT OF GREENVILLE TECHNICAL

DIRECT EXAMINATION OF RICK MASTERS BY MR. CAMPBELL

1 COLLEGE, GREENVILLE, SOUTH CAROLINA. I HAVE BEEN ADVISED I DO
2 NOT HAVE TO MAKE THIS STATEMENT OR ANY -- AND I HAVE TO MAKE
3 THIS OR ANY OTHER STATEMENT. I AM NINETEEN YEARS OLD AND
4 RESIDE AT [REDACTED], ANDERSON, SOUTH CAROLINA 29625
5 AND MY PHONE NUMBER IS [REDACTED]." AND HE GAVE THIS
6 STATEMENT: "WE WERE AT THE CLUB "ROLEX" IN GREENVILLE; ME, T.J.,
7 CHRIS, JARED, BRANDY, TRAVIS PATTERSON, AND TRENT. I RODE IN
8 THE CAR WITH TRENT (LIKE SATURDAY). TRAVIS MET US THERE. WE
9 WERE IN HIS SATURN. JARED HAD GOT IN AN ARGUMENT WITH
10 SOMEONE THERE. WE THEN DECIDED TO LEAVE. WE WENT TO THE
11 PARKING LOT WITH JARED AND JARED GOT A GUN FROM THE TRUNK OF
12 THE CAR. HE THEN SAID, "HOLD THIS FOR ME." I TOOK THE GUN FOR
13 JUST A MINUTE. WE THEN RODE AROUND LOOKING FOR THE GUY THAT
14 HE GOT INTO THE ARGUMENT WITH. JARED HAD THE GUN IN HIS LAP
15 AND HE WAS DRIVING THE CAR. WE THEN LEFT AND THEN WENT BACK
16 TO THE DORMS WHICH WERE INSIDE CHRIS' APARTMENT. I TOLD
17 JARED TO LET ME SEE THAT GUN AGAIN. THEN THE OTHER DUDE THAT
18 WAS WITH US SAID HE WAS GOING TO BUST, TOO, MEANING HE HAD A
19 GUN, TOO. I ASKED WHAT HE GOT AND HE PULLED OUT A BLACK
20 HANDGUN. I THEN WENT INTO CHRIS' ROOM AND WENT TO SLEEP, BUT
21 I THINK THEY STAYED UP AND SMOKED WEED. CHRIS WAS AT HIS
22 GIRLFRIENDS HOUSE AND WAS NOT THERE AT THE TIME. WE GOT UP
23 ABOUT 10:00 A.M. AND WENT TO GET SOMETHING TO EAT. WE CAME
24 BACK AND WENT TO BRANDY'S ROOM AND ATE. WE THEN STARTED
25 BACK TO CHRIS' APARTMENT AND I SAW JARED AND HIS FRIEND

- 1 IN THE PARKING LOT. WE WENT ON TO THE APARTMENT BUT THE
2 DOOR WAS LOCKED. THE POLICE HAD ARRIVED AND GRABBED T.J.
3 BECAUSE A SHOT HAD BEEN HEARD. THIS IS ALL I KNOW ABOUT THIS. I
4 THEN TALKED TO CHRIS LATER AND HE TOLD ME -- I DID TALK TO CHRIS
5 LATER AND HE TOLD ME THAT JARED HAD THE BIG GUN AND TRENT
6 HAD THE SMALL ONE. TRENT TRIED TO HAND HIM THE GUN AND CHRIS
7 TRIED TO GRAB IT WITH HIS SHIRT AND THE GUN WENT OFF. I DON'T
8 KNOW WHO HAD THEIR HANDS ON THE TRIGGER." THIS STATEMENT
9 WAS WRITTEN BY OFFICER R. MASTERS AT MY REQUEST. (INITIALS T.G.)
10 END OF STATEMENT. IS THAT THE STATEMENT HE GAVE YOU?
- 11 A CORRECT.
- 12 Q NOW, THROUGH YOUR INVESTIGATION, YOU TOOK STATEMENTS FROM
13 OTHER INDIVIDUALS REGARDING THE INCIDENT THAT TOOK PLACE
14 THAT NIGHT. IS THAT CORRECT?
- 15 A YES, SIR. I DID.
- 16 Q DID YOU ALSO TALK TO CHRIS RONOKE, WHO IS STILL HERE IN THE
17 COURT TODAY. IS THAT RIGHT?
- 18 A YES, SIR. I DID.
- 19 Q AND WHAT, IF ANYTHING, DID HE TELL YOU?
- 20 A I WOULD HAVE TO REFER TO THE STATEMENT, BUT HE TOLD ME
21 PRETTY MUCH THAT HE HAD PICKED UP THE GUN FROM UNDER HIS
22 BED. HE SAW IT UNDER THERE AND THE GUN WENT OFF. HE HAD ALSO
23 TOLD ME THAT HE HAD BEEN WITH THEM ON TUESDAY NIGHT BEFORE
24 AND THAT THEY BOTH, HE AND TERRANCE GOSS AND T.J., TRAVIS
25 PATTERSON, BOTH HAD THOSE GUNS WITH THEM. I CAN'T REMEMBER

1 WHICH ONE HAD WHICH, BUT THEY HAD THE GUNS.

2 Q WERE THOSE THE GUNS RECOVERED AT THE DORM ROOMS AT
3 GREENVILLE TECHNICAL COLLEGE?

4 A YES.

5 Q NOW THROUGH YOUR INVESTIGATION YOU ALSO TOOK TERRANCE
6 GOSS' STATEMENT AND EVERYBODY ELSE'S. DID YOU JUST STOP
7 THERE OR DID YOU TRY TO LOOK INTO AND SEE WHO ACTUALLY HAD
8 OWNERSHIP OF THESE GUNS?

9 A YES, WE DID. WE TRIED. AND WE ALSO RAN A N-C-I-C CHECK ON THE
10 GUNS THAT COME BACK NEGATIVE. THERE WASN'T ANY RECORD
11 FOUND ON THEM.

12 Q WHEN YOU SAY N-C-I-C. COULD YOU EXPLAIN WHAT THAT IS.

13 A IT IS THE NATIONAL CRIME INDEX COMPUTER. YOU CAN PUT ITEMS IN
14 THERE FROM ANYWHERE IN THE UNITED STATES AND SEE IF THERE IS,
15 WHAT WE CALL, A HIT ON IT.

16 Q TO SEE IF THEY WERE STOLEN?

17 A YES.

18 Q AND THESE GUNS WERE NOT INDICATED TO BE STOLEN?

19 A NO, THEY WEREN'T.

20 Q AND THROUGH YOUR INVESTIGATION, WERE YOU ABLE TO DETERMINE
21 WHO OWNED, OR WHO HAD OWNERSHIP OF THE PISTOL THAT MISTER
22 RONOKE SHOT HIMSELF WITH?

23 A NO. WE WEREN'T.

24 Q WOULD YOU LIKE TO REFER TO YOUR NOTES?

25 A (WITNESS LOOKS AT DOCUMENT)

1 Q LOOK AT PAGE THIRTEEN OF YOUR NOTES.

2 A I'M NOT SURE I CAN FIND IT HERE. PAGE THIRTEEN?

3 Q I WILL SHOW YOU RIGHT HERE. (INDICATING)

4 A OKAY.

5 Q AND ON THAT PAGE THIRTEEN, YOU DID TALK TO TRAVIS PATTERSON?

6 A YES. THAT'S CORRECT.

7 Q AND --

8 MS. GOODWIN: YOUR HONOR, I OBJECT. HE CAN'T REFER TO THINGS
9 SOMEBODY ELSE SAID.

10 THE COURT: RE-PHRASE YOUR QUESTION, PLEASE.

11 Q THROUGH YOUR INVESTIGATION, DID YOU LEARN WHO THE
12 OWNERSHIP OF THOSE GUNS WAS?

13 A YES.

14 MS. GOODWIN: YOUR HONOR, I OBJECT AND I DON'T THINK YOU CAN
15 ADMIT THAT, AS IT'S HEARSAY.

16 THE COURT: JUST ONE SECOND. LET ME DO THIS FIRST. I WANT TO
17 HEAR A LITTLE BIT MORE ON THAT. MISTER WILLIAMS, IF YOU WOULD,
18 WOULD YOU TAKE THE JURY BACK TO THE JURY ROOM? I HAVE A MATTER OF
19 LAW I NEED TO TAKE UP AT THIS TIME, PLEASE, SIR.

20 (JURY OUT AT 4:38 P.M.)

21 THE COURT: ALL RIGHT. MS. GOODWIN, STATE YOUR OBJECTION FOR
22 THE RECORD, PLEASE.

23 MS. GOODWIN: YOUR HONOR, THE ONLY WAY HE CAN ANSWER THAT
24 QUESTION IS -- THE BASIS OF IT WOULD BE HEARSAY. IT WOULD BE THE
25 STATEMENT OF TRAVIS PATTERSON ALLEGEDLY ADMITTING TO OWNING THE

1 GUN.

2 THE COURT: WHAT WAS YOUR QUESTION AGAIN?

3 MR. CAMPBELL: I AM GOING TO RE-PHRASE THE QUESTION. I WAS JUST
4 GOING TO TELL YOU, THERE WERE CHARGES BROUGHT BY THE GREENVILLE
5 TECH POLICE DEPARTMENT, WHO HE HAD BROUGHT TO FOR OWNERSHIP OF
6 THESE PISTOLS AND HE CAN TESTIFY TO THAT SINCE HE WAS THE ONE
7 TAKING OUT THE WARRANTS.

8 THE COURT: I DON'T SEE A REASON WHY HE CAN'T. HE'S GOING TO
9 ASK NOT WHAT HE SAID BUT WERE ANY CHARGES BROUGHT AS A RESULT OF
10 THE OWNERSHIP OF THE PISTOL.

11 MS. GOODWIN: YES, SIR.

12 THE COURT: WHAT'S YOUR POSITION ON THAT?

13 MS. GOODWIN: YOUR HONOR, I BELIEVE THAT CHARGES WERE
14 BROUGHT AGAINST MY CLIENT AND DISMISSED AND IF HE IS GOING TO
15 TESTIFY THESE CHARGES WERE BROUGHT AGAINST SOMEONE, I WOULD
16 LIKE IT TO BE COMPLETE.

17 MR. CAMPBELL: WELL, I AM GOING TO GO INTO ALL THE CHARGES THAT
18 HE HAS BROUGHT. THREE CHARGES WERE BROUGHT IN THE CASE, YOUR
19 HONOR, AT THE GREENVILLE TECHNICAL COLLEGE. ONE AGAINST CHRIS
20 RONOKE, ONE AGAINST PATTERSON, AND ONE AGAINST GOSS AND THE ONE
21 AGAINST RONOKE WAS DROPPED. THAT'S WHAT ---

22 MS. GOODWIN: THERE IS NOTHING PENDING IN GREENVILLE COUNTY
23 ON TERRANCE GOSS.

24 MR. CAMPBELL: THE ONE WARRANT ON MISTER GOSS HAS YET TO BE
25 SERVED AND IT IS MY UNDERSTANDING TALKING TO MISTER MASTERS, HE

1 HAS SPOKEN TO HIS SOLICITOR'S OFFICE AND THEY TOLD HIM TO HOLD OFF
2 ON SERVING IT UNTIL THESE ISSUES WERE RESOLVED HERE IN ANDERSON,
3 BUT IT IS STILL PENDING. IT IS STILL AN OUTSTANDING WARRANT.

4 **MS. GOODWIN:** WELL, I THINK THAT IS VERY PREJUDICIAL.

5 **THE COURT:** I CAN'T HEAR YOU. CAN YOU SPEAK UP?

6 **MS. GOODWIN:** I THINK THAT IS VERY PREJUDICIAL.

7 **THE COURT:** OF COURSE, EVERY PIECE OF EVIDENCE IN TRIAL IS
8 INTENDED TO BE PREJUDICIAL, BUT ---

9 **MS. GOODWIN:** WELL, ABSOLUTELY.

10 **THE COURT:** SO, MY UNDERSTANDING IS, HE HASN'T BEEN SERVED
11 WITH ANY CHARGES AS YET.

12 **MR. CAMPBELL:** THAT'S CORRECT.

13 **THE COURT:** THEY ARE SUPPOSEDLY PENDING SINCE 2008.

14 **MR. CAMPBELL:** WELL, HE SPOKE TO THE SOLICITOR'S OFFICE OVER
15 THERE AND THAT'S WHAT THEY TOLD HIM.

16 **MR. MASTERS:** MAY I SAY SOMETHING, JUDGE?

17 **THE COURT:** NO. NO, SIR. EXCUSE ME. I DIDN'T MEAN TO ---

18 **MR. MASTERS:** YES, SIR.

19 **THE COURT:** ALL RIGHT, I AM GOING TO TAKE THIS -- I AM GOING TO
20 LOOK AT IT FOR A SECOND. I WILL BE BACK AND GIVE YOU A RULING. LET ME
21 MAKE SURE I'M CLEAR ON THE RECORD, IS THAT YOU CONDUCTED YOUR
22 INVESTIGATION ON FRIDAY OR A THURSDAY OR FRIDAY, IN 2008.

23 **MR. MASTERS:** THAT'S CORRECT.

24 **THE COURT:** IN FEBRUARY.

25 **MR. MASTERS:** FEBRUARY 8TH.

5 CAPTAIN MASTERS: YES, SIR.

7 (BRIEF BREAK)

9 MR. CAMPBELL: YES, SIR.

13 **MR. CAMPBELL:** I'M SORRY. I COULDN'T HEAR WHAT YOU SAID.

18 MR. CAMPBELL: THAT'S RIGHT.

19 **THE COURT:** IN LOOKING AT RULE 803, WE HAVE HEARSAY EXCEPTIONS
20 IN SUBSECTION (8). IT GOES DOWN AND SAYS RECORDS, REPORTS,
21 STATEMENTS, OR DATA COMPILATIONS, IN ANY FORM OF PUBLIC OFFICES OR
22 AGENCIES SETTING FORTH THE ACTIVITIES OF THE OFFICES OR AGENCIES
23 OR MATTERS OBSERVED PURSUANT TO THE DUTY IMPOSED BY LAW AS TO
24 WHICH MATTERS THERE WAS A DUTY TO REPORT, EXCLUDING, HOWEVER, IN
25 CRIMINAL CASES MATTERS OBSERVED BY POLICE OFFICERS AND OTHER LAW

1 ENFORCEMENT PERSONNEL PROVIDED, HOWEVER, THE INVESTIGATIVE
2 NOTES INVOLVING OPINIONS, JUDGMENTS, CONCLUSIONS ARE NOT
3 ADMISSIBLE. I MEAN JUST SITTING -- AND MY LAW CLERK SHOWED ME, AND
4 THAT IS FROM JUDGE KAHN'S SOUTH CAROLINA EVIDENCE HANDBOOK,
5 ANNOTATED, THERE IS AN AUTHOR'S BEST EVIDENCE 4TH EDITION AND IN
6 THAT HAS THE ADMISSIBILITY OF PUBLIC RECORDS AND IT SAYS, "FINDINGS
7 FROM AN OFFICIAL INVESTIGATION" AND THAT SHOWS THAT THEY CAN'T.
8 NOW, IN MY VIEW, AND CORRECT ME IF I AM WRONG, IF YOU SHOW -- IF YOU
9 ARE SAYING THAT THESE CHARGES ARE PENDING, I'M NOT GIVING ANY
10 CREDENCE TO THE DELAY IN TIME, BUT MORE UNDER THE HEARSAY
11 EXCLUSION BECAUSE, OTHERWISE, I THINK WHAT MS. GOODWIN IS SAYING
12 VERY WELL MAY BE CORRECT. THERE IS NO WAY HE CAN TESTIFY AS TO
13 THESE PENDING CHARGES WITHOUT SAYING THIS IS BECAUSE IT'S HIS
14 CONCLUSION, JUDGMENT, OR BASED ON SOMETHING ELSE UNLESS THERE IS
15 SOMETHING ELSE IN THE RECORD SHOWING OWNERSHIP OTHER THAN HIM.
16 AM I INCORRECT ON THAT?

17 **MR. CAMPBELL:** YES, YOUR HONOR.

18 **THE COURT:** OKAY. SO, AT THIS TIME I AM GOING TO SUSTAIN THE
19 OBJECTION AS TO HIS TESTIMONY ON PENDING CHARGES. OKAY. ANYTHING
20 FURTHER ON THIS MATTER?

21 **MS. GOODWIN:** NO, SIR.

22 **MR. CAMPBELL:** NO, YOUR HONOR.

23 **THE COURT:** OKAY. ARE Y'ALL READY TO PROCEED?

24 **MS. GOODWIN:** YES, SIR.

25 **MR. CAMPBELL:** YES, SIR.

23 Q AND DID YOU EVER IN YOUR INVESTIGATION, IN THE COURSE OF YOUR
24 INVESTIGATION, DETERMINE HOW THE PISTOL THAT WAS IN CHRIS
25 RONOKE'S APARTMENT, APARTMENT [REDACTED], HOW IT GOT OUT OF THAT

1 ROOM?

2 A YES. I DID.

3 Q AND WHAT, IF ANYTHING, DID YOU LEARN ON HOW IT GOT REMOVED?

4 A I FOUND OUT THAT TRAVIS PATTERSON HAD BROUGHT ONE OF THE
5 GUNS THERE.

6 MS. GOODWIN: YOUR HONOR, I HAVE THE SAME OBJECTION TO THAT.
7 HEARSAY.

8 THE COURT: LAY THE FOUNDATION, PLEASE, SIR.

9 Q DID YOU TALK TO MISTER PATTERSON?

10 A YES. I DID.

11 Q AND WHERE DID YOU TALK TO MISTER PATTERSON AT?

12 A AT THE SUBSTATION OF OUR POLICE DEPARTMENT, WHICH IS LOCATED
13 AT THE DORMS.

14 Q AND WHAT DAY WAS THIS?

15 A THE SAME DAY OF THE SHOOTING, FEBRUARY 08.

16 Q 2008?

17 A YES, SIR.

18 Q AND YOU SPOKE TO MR. T.J., TRAVIS PATTERSON. IS THAT CORRECT?

19 A THAT'S CORRECT. I DID.

20 Q AND WAS HE READ HIS RIGHTS?

21 A YES. HE WAS.

22 Q AND DID HE GIVE A STATEMENT REGARDING WHAT HE KNEW OF THE
23 EVENTS THAT TOOK PLACE REGARDING THE SHOOTING IN THE
24 INVESTIGATION OF THE SHOOTING OF CHRIS RONOKE?

25 A YES. HE DID.

1 Q AND WAS HE PRESENT -- HE WAS PRESENT AT THE SCENE WITH AN
2 OFFICER AT THE TIME OF THE SHOOTING?

3 A YES.

4 Q I MEAN, SHORTLY AFTER THE SHOOTING?

5 A YES. HE WAS.

6 Q AND SHORTLY AFTER THE SHOOTING, HE WAS TAKEN BACK TO THE
7 SUBSTATION. IS THAT RIGHT?

8 A YES. THAT'S CORRECT.

9 Q AND HE WAS DEBRIEFED OR HE DEBRIEFED YOU TO WHAT TOOK PLACE
10 TO HIS KNOWLEDGE?

11 A THAT'S CORRECT.

12 Q AND DID HE TELL YOU ABOUT THE PISTOL?

13 MS. GOODWIN: I OBJECT, YOUR HONOR. IT'S HEARSAY.

14 THE COURT: MISTER WILLIAMS, I DO NEED TO GO OVER ONE MATTER.

15 IF YOU WOULD STEP BACK TO THE JURY ROOM FOR A BRIEF MINUTE AND LET
16 ME GO OVER ONE PIECE OF EVIDENCE, PLEASE, SIR.

17 (JURY OUT AT 4:59 PM)

18 THE COURT: ALL RIGHT. NOW, MS. GOODWIN, MY UNDERSTANDING
19 WAS FROM THE QUESTION THAT MISTER CAMPBELL WAS ASKING, THE
20 STATEMENT IS DIRECTLY ATTRIBUTABLE TO YOUR CLIENT.

21 MS. GOODWIN: THE STATEMENT WAS ATTRIBUTED TO TRAVIS
22 PATTERSON. THAT'S WHO HE IS TALKING ABOUT.

23 THE COURT: OKAY.

24 MS. GOODWIN: WHO IS NOT UNAVAILABLE. HE IS AT THE DETENTION
25 CENTER. THEY COULD CALL HIM AS A WITNESS AND THIS MAN IS TESTIFYING

1 TO HEARSAY THAT TRAVIS PATTERSON SAID, NOT TERRANCE GOSS.

2 THE COURT: WHY WOULD THAT NOT CONSTITUTE HEARSAY?

3 MR. CAMPBELL: YOUR HONOR, IT'S NOT HEARSAY IN THIS CASE DUE TO
4 THE FACT THAT IN HIS INVESTIGATION, HE CAN TESTIFY TO WHAT HE
5 LEARNED IN HIS INVESTIGATION. WHAT WE HAVE --

6 THE COURT: ALL RIGHT. I THINK THAT THERE IS A LIMITATION ON THAT
7 AND THE REASON I SAY THAT IS RULE 803(8), GOING BACK TO THE RULE WE
8 JUST WENT OVER --

9 MR. CAMPBELL: BUT THE QUESTION WAS, HOW DID HE LEARN HOW
10 THE PISTOL -- THE PISTOL WAS NOT FOUND IN THE ROOM HE ACTUALLY SHOT
11 HIMSELF AND SO THE QUESTION WAS, DID HE LEARN THROUGH HIS
12 INVESTIGATION HOW THE PISTOL GOT MOVED FROM APARTMENT "B" TO
13 APARTMENT "A". THAT'S ALL HE IS TESTIFYING TO. HE STATED THAT TRAVIS
14 PATTERSON TOLD ME HE MOVED IT. AND THAT --

15 THE COURT: BUT WHY IS THAT -- I MEAN I UNDERSTAND IT, BUT WHY IS
16 THAT NOT HEARSAY IN THE CLASSICAL SENSE BECAUSE IT IS AN
17 OUT-OF-COURT STATEMENT? CORRECT?

18 MR. CAMPBELL: IT IS AN OUT-OF-COURT STATEMENT.

19 THE COURT: IF HE'S IN COURT --

20 MR. CAMPBELL: BUT IT'S NOT OFFERED FOR THE TRUTH IN THE
21 MATTER ASSERTED AND THAT IS THAT IT IS TRAVIS PATTERSON'S GUN. HE IS
22 OFFERING TO SHOW THAT HE MOVED THIS GUN FROM ONE APARTMENT,
23 FROM ONE ROOM TO THE NEXT AND THAT IS WHERE WE ARE GETTING -- SHE
24 IS CLAIMING -- WHAT SHE IS CLAIMING IS THAT WE ARE TALKING ABOUT "HE
25 OWNED THE GUN," BUT WE ARE NOT TALKING ABOUT THAT. WE ARE TALKING

1 ABOUT HOW DID IT GET FROM THE ROOM WHERE THE VICTIM SHOT HIMSELF.
2 WHEN THE OFFICERS WENT IN, THE GUN WAS NOT FOUND THERE. IT WAS
3 FOUND IN ANOTHER ROOM THAT WAS LOCKED AND WHAT HE TESTIFIED TO IS
4 THAT THIS GUN WAS REMOVED AND TRAVIS PATTERSON TOLD ME HE
5 REMOVED IT. I AM NOT SAYING THAT HE CLAIMED OWNERSHIP OF IT, BUT
6 THAT HE REMOVED IT. FURTHERMORE, THE PROBLEM YOU HAVE IN THIS
7 TYPE OF CASE, ESPECIALLY DEALING WITH TWO DIFFERENT AGENCIES AND
8 TWO DIFFERENT CRIMES IS THAT YOU ARE DEALING BASICALLY WITH
9 *RES GESTAE*. WE'VE GOT EVIDENCE OF OTHER CRIMES BEING USED TO TALK
10 ABOUT THIS CRIME ---

11 THE COURT: I WILL ALLOW THE QUESTION ON THE ISSUE OF
12 *RES GESTAE*. OKAY? I AM GOING TO DENY YOUR MOTION ON HEARSAY,
13 BECAUSE I THINK THAT FALLS UNDER THE EXCEPTION AND THAT GOES INTO
14 THE FULL PICTURE THAT IS GOING ON RIGHT NOW, BUT IT IS NOT GOING TO
15 THE ISSUE OF OWNERSHIP. I WILL NOTE YOUR OBJECTION FOR THE
16 RECORD, BUT I'LL LET HIM GO INTO IT FOR THAT.

17 MS. GOODWIN: YES, SIR. THANK YOU.

18 THE COURT: OKAY. WOULD YOU BRING THEM BACK PLEASE, MISTER
19 HAMBY?

20 (JURY IN AT 5:02 PM)

21 THE COURT: THANK YOU, SIR. ARE YOU READY TO PROCEED? I
22 REMIND YOU THAT PART OF THE PROCESS OF OBJECTIONS IS PART OF WHAT
23 IS DONE IN EVERY CASE AND YOU KNOW, LIKE ANY OTHER, SOMETIMES YOU
24 ARE GOING TO FEEL LIKE CATTLE BEING HERDED IN AND OUT, BUT I
25 INSTRUCT YOU AGAIN, DO NOT DRAW ANY ADVERSE INFERENCE ONE WAY

1 OR THE OTHER TO THE FACT OF OBJECTIONS MADE NOR MY RULINGS. OKAY.
2 THANK YOU.

3 **MR. CAMPBELL:** THANK YOU, YOUR HONOR.

4 Q CAPTAIN MASTERS, AS WE WERE TALKING ABOUT BEFORE, THE GUN
5 THAT MISTER RONOKE SHOT HIMSELF WAS NOT FOUND IN THE ROOM
6 WHERE, ACTUALLY, E-M-S TOOK HIM OUT OF. IS THAT CORRECT?

7 A NO. IT WAS NOT FOUND IN THAT ROOM.

8 Q AND DID YOU LEARN WHO, IF ANYBODY, REMOVED THAT GUN,
9 REMOVED IT FROM THAT ROOM "B" TO ROOM "D"?

10 A NO. WE REALLY DIDN'T FIGURE OUT WHO MOVED IT, BUT WE JUST
11 FOUND IT IN THE OTHER ROOM.

12 Q AND DID ANYBODY TELL YOU WHO MOVED IT?

13 A NO. THEY DIDN'T.

14 Q AND YOU ALSO HAD THE VICTIM IN THIS CASE TESTED FOR GUNSHOT
15 RESIDUE? IS THAT RIGHT?

16 A THAT IS CORRECT.

17 Q AND IT DID INDICATE -- IT WAS POSITIVE?

18 A THAT IS CORRECT. IT WAS POSITIVE.

19 **MR. CAMPBELL:** YOUR HONOR, MAY WE HAVE A BENCH CONFERENCE
20 REAL QUICK?

21 **THE COURT:** YES, SIR.

22 (BRIEF BENCH CONFERENCE OFF THE RECORD)

23 Q A FEW MORE QUESTIONS. CAPTAIN MASTERS, YOU DID AT SOME POINT
24 CHARGE CHRIS RONOKE WITH HAVING POSSESSION OF THAT GUN IN
25 HIS ROOM. IS THAT RIGHT?

1 A THAT IS CORRECT. I DID.

2 Q AND WHAT HAPPENED TO THOSE CHARGES?

3 A THEY WERE DISMISSED AT THE PRELIMINARY HEARING.

4 Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY QUESTIONS
5 MS. GOODWIN MAY HAVE.

6 THE COURT: CROSS EXAMINATION?

7 MS. GOODWIN: NO QUESTIONS, YOUR HONOR.

8 THE COURT: MAY THIS WITNESS BE EXCUSED?

9 MR. CAMPBELL: YES SIR, YOUR HONOR.

10 THE COURT: THANK YOU SIR. YOU MAY STEP DOWN. LET ME SEE THE
11 ATTORNEYS UP HERE FOR ONE MOMENT, PLEASE.

12 (BRIEF BENCH CONFERENCE OFF THE RECORD)

13 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY,
14 BELIEVE IT OR NOT, WE ARE DONE NOW FOR THE DAY, SO I AM GOING TO
15 EXCUSE YOU FROM COURT THIS AFTERNOON. I AGAIN REMIND YOU THAT
16 YOU ARE NOT TO DISCUSS THIS CASE, LOOK UP ANY MATTERS OR ANY
17 ISSUES INVOLVED IN THIS CASE OR HAVE ANY CONVERSATIONS WITH
18 YOURSELVES OR FAMILY MEMBERS OR OTHERS. I KNOW IF I WAS GOING
19 HOME TONIGHT MY SPOUSE WOULD BE ASKING ME, "WHAT HAPPENED?
20 WHAT HAPPENED?" AND JUST -- I AM INSTRUCTING YOU TO NOT SPEAK
21 ABOUT THE CASE AND TELL THEM TO WAIT UNTIL IT IS OVER SO WE DON'T
22 HAVE THE CASE WHERE THEY MAY HAVE HEARD SOMETHING ABOUT IT
23 OUTSIDE THAT YOU ARE NOT AWARE OF. I AM GOING TO ASK THAT YOU BE IN
24 YOUR JURY ROOM NO LATER THAN 9:30 IN THE MORNING AND WE'LL RESUME
25 TESTIMONY AT THAT TIME. THANK YOU VERY MUCH.

1 (JURY OUT AT 5:08 PM)

2 THE COURT: ALL RIGHT, ANY ADDITIONS OR EXCEPTIONS FROM THE
3 STATE?

4 MR. CAMPBELL: NO, YOUR HONOR.

5 THE COURT: THE DEFENSE?

6 MS. GOODWIN: NO, SIR.

7 THE COURT: THANK YOU MS. GOODWIN. TAKE A MINUTE AND LOOK AT
8 THIS VERDICT FORM AND SEE...

9 (ATTORNEYS LOOK AT DOCUMENT)

10 THE COURT: IS THAT ALL RIGHT?

11 MS. GOODWIN: THAT'S GOOD.

12 MR. CAMPBELL: YES, SIR.

13 THE COURT: THANK YOU. ALL RIGHT, WE WILL BE IN RECESS UNTIL
14 TOMORROW MORNING. THE DEFENDANT IS BOUND OVER AND CONTINUES.
15 WE WILL SEE Y'ALL IN THE MORNING.

16 (COURT OVER AT 5:10 PM)

17 MORNING - MAY 18, 2010

18 THE COURT: ARE WE READY TO PROCEED?

19 MR. CAMPBELL: YOUR HONOR, THERE ARE A COUPLE OF MATTERS TO
20 TAKE UP PRIOR TO THE JURY COMING BACK IN. I AM ABLE TO, FIRST --
21 (SHOWS DOCUMENT TO MS. GOODWIN) AS I SPOKE TO THE COURT LAST
22 NIGHT BEFORE WE LEFT, WE HAVE ENTERED IN A REDACTED STATEMENT OF
23 THE LETTER THAT WE STIPULATED THAT MISTER GOSS WROTE AT THE
24 DETENTION CENTER. WE HAVE TAKEN OUT CERTAIN PORTIONS OF THAT
25 LETTER. THIS IS A COPY OF THE ORIGINAL AND I WILL MOVE IT IN AS A

1 COURT'S EXHIBIT OF OUR NOTICE.

2 THE COURT: OKAY.

3 (DEFENDANT'S LETTER IS ENTERED INTO EVIDENCE AS A COURT'S
4 EXHIBIT #13, WITHOUT OBJECTION)

5 MS GOODWIN: YOUR HONOR, I WOULD ASK THAT THE LETTER
6 REFERRED TO, NOT BE REFERRED TO AS BEING SENT FROM THE JAIL. IT
7 WOULD JUST BE A LETTER THAT MISTER GOSS WROTE.

8 MR. CAMPBELL: IT WAS FOUND IN THE DETENTION CENTER, SO I CAN'T
9 GET AROUND THAT. IT HAS IMPORTANCE OF WHY WE TIE IT IN.

10 MS. GOODWIN: I'LL STIPULATE THAT IT WAS WRITTEN, BUT IT DOESN'T
11 HAVE TO BE WHERE.

12 MR. CAMPBELL: WE STILL HAVE TO SHOW IT WAS GOING TO A
13 CO-DEFENDANT WHO WAS ALSO IN JAIL AT THE SAME TIME. THIS IS THAT
14 PART WHERE WE CAN'T -- WE HAVE TO FILL THE WHOLE PITCHER IN ORDER
15 FOR US TO EXPLAIN IT. HE IS ARRESTED AND LOCKED UP ON THIS CHARGE
16 AND THAT IS SHORTLY AFTER THIS WHEN THIS LETTER WAS FOUND AND
17 THAT IS WHAT WE ARE GOING TO GO WITH.

18 THE COURT: MS. GOODWIN, PART OF MY STANDARD CHARGE IS I TELL
19 THE JURY, AND I HAVE TOLD THEM ALREADY, THAT THE MERE FACT THAT HE
20 HAS BEEN ARRESTED, CHARGED AND INDICTED IS NOT EVIDENCE OF GUILT
21 AND I WILL CHARGE THAT AGAIN IN MY FINAL CHARGE TO THE JURY, BUT I
22 THINK HE HAS THE RIGHT TO REFER TO THAT AND I THINK YOU ARE
23 PROTECTED ON THE RECORD, BUT I AM GOING TO ALLOW HIM TO DO THAT.

24 MS. GOODWIN: THANK YOU, YOUR HONOR.

25 THE COURT: YES, MA'AM.

1 **MS. GOODWIN:** I HAVE ONE OTHER IF MISTER CAMPBELL IS FINISHED.
2 ARE YOU FINISHED?

3 **MR. CAMPBELL:** WE ALSO, AFTER LAST NIGHT, TWO NEW WITNESSES
4 HAVE COME TO LIGHT REGARDING THIS CASE THAT WE DID NOT KNOW
5 ABOUT UNTIL LAST NIGHT AND THIS MORNING. JARED STEVENSON WAS -- IT
6 STATED IN MISTER GOSS' LETTER THAT JARED WAS AT THE CLUB THAT
7 NIGHT AND ALSO THAT HE HAD THE BIG GUN AND MS. GOODWIN DID ASK
8 MISTER RONOKE ABOUT WHO JARED WAS AND HE SAID THAT IS TRENT
9 STEVENSON'S BROTHER. AND HE SAID, "OH YEAH, THAT'S TRENT'S
10 BROTHER." WE HAVEN'T SPOKEN TO HIM, HAVEN'T TALKED TO HIM. IT WAS
11 WHEN, AT THE LAST TIME WE SPOKE TO MISTER TRENT STEVENSON THAT
12 WE LEARNED THAT IS HIS BROTHER AND HE IS IN THE COURTROOM TODAY.
13 HE CAME FROM FOUNTAIN INN WHERE HE LIVES. ALSO, HE CAME WITH
14 MS. BRANDY MYERS WHO WAS ALSO AT THE CLUB THAT NIGHT AND IS
15 ACTUALLY THE CLUB PROMOTER FOR COLLEGE NIGHT AND WE DIDN'T KNOW
16 ABOUT HER UNTIL FIRST THING THIS MORNING AND SHE JUST HAPPENED TO
17 COME WITH HIM.

18 **THE COURT:** WHY DIDN'T YOU KNOW ABOUT THEM?

19 **MR. CAMPBELL:** SIR?

20 **THE COURT:** WHY DID YOU NOT KNOW ABOUT THEM?

21 **MR. CAMPBELL:** WE DIDN'T KNOW WHO THEY WERE.

22 **THE COURT:** OKAY.

23 **MR. CAMPBELL:** WE DIDN'T KNOW THAT JARED WAS TRENT'S BROTHER
24 UNTIL CHRIS RONOKE SAID IT ON THE STAND LAST NIGHT AND WE CALLED
25 TRENT STEVENSON LAST NIGHT AND HE SAID, "YEAH, THAT'S MY BROTHER."

1 **THE COURT:** OKAY.

2 **MR. CAMPBELL:** SO HIS BROTHER CAME THIS MORNING TO COURT AND
3 HE IS HERE TODAY.

4 **THE COURT:** MS. GOODWIN, HAVE YOU HAD A CHANCE TO SPEAK WITH
5 EITHER ONE OF THESE WITNESSES?

6 **MS. GOODWIN:** JUST VERY BRIEFLY, YOUR HONOR. BOTH THE
7 WITNESSES ARE MENTIONED IN MY CLIENT'S STATEMENT THAT WAS
8 ADMITTED YESTERDAY WHICH THEY HAVE HAD SINCE FEBRUARY 20, 2008.
9 AND IF THEY COULD NOT IDENTIFY THESE FOLKS, THAT'S A POLICE PROBLEM,
10 NOT MY CLIENT'S PROBLEM. THIS JURY PANEL HAS NOT BEEN ASKED ABOUT
11 THESE PEOPLE. THERE COULD VERY WELL BE SOMEONE ON THE PANEL
12 THAT KNOWS ONE OF THESE WITNESSES. IT COULD HAVE CHANGED
13 ENTIRELY HOW THE JURY PANEL FELT. HOW THE STRIKES WENT. IT IS
14 PATENTLY UNFAIR AND I'D ASK THAT THE TESTIMONY BE EXCLUDED. WE
15 WERE NOT NOTIFIED OF THIS AHEAD OF TIME. WE WERE AMBUSHED THIS
16 MORNING WITH THIS.

17 **MR. CAMPBELL:** IT'S NOT AN AMBUSH, YOUR HONOR. IT WAS ONE
18 THING ASKED OF CAPTAIN MASTERS WHILE HE WAS ON THE STAND AND HE
19 WAS ASKED IF HE KNEW JARED AND HE SAID "NO". WE DIDN'T KNOW, AND HE
20 WAS THE ONE DOING THE LEAD INVESTIGATION THROUGH THE GREENVILLE
21 TECH DEPARTMENT. THIS OFFICER, DETECTIVE GEBING, DIDN'T KNOW WHO
22 THESE INDIVIDUALS WERE UNTIL LAST NIGHT AND THIS MORNING. THEY ARE
23 HERE AND SHE HAS THE OPPORTUNITY TO SPEAK TO THEM. THE JURY CAN
24 ALSO BE QUESTIONED. THE SAME THING LIKE THEY ARE OUT THERE, "DO
25 THEY KNOW THESE INDIVIDUALS.". AND, IN FACT, THEY DIDN'T USE ALL THEIR

1 STRIKES IF THAT COMES UP, BUT THEY CAN BE ASKED WHETHER OR NOT
2 THEY KNOW THESE TWO PEOPLE AND IF THEY DO, THEN WE CAN TAKE THAT
3 MATTER UP AT THAT POINT IN TIME.

4 THE COURT: WELL, I THINK THAT IS A FAIRLY REASONABLE APPROACH.
5 WHAT I WILL DO IS THIS. MS. GOODWIN, I WILL -- GIVE ME THOSE TWO
6 PEOPLE'S NAMES. JUST WRITE THEM DOWN SO I CAN ASK THE JURY BEFORE
7 YOU CALL THEM. IF YOU ARE GOING TO CALL THEM OFF THE BAT THEN I AM
8 GOING TO STOP AND LET YOU HAVE AMPLE OPPORTUNITY TO GO TALK TO
9 THEM AND NOT JUST TWO MINUTES IN THE COURTROOM BEFORE YOU GO TO
10 TRIAL.

11 MS. GOODWIN: YES, SIR, I WOULD LIKE TO SPEAK WITH THEM.

12 THE COURT: AND IF YOU NEED TO, WE CAN CONTINUE THIS, THIS
13 AFTERNOON OR IN THE MORNING, BUT I WANT TO GO FORWARD WITH THE
14 CASE.

15 MS. GOODWIN: YES, SIR.

16 THE COURT: BUT ON THE OTHER HAND, IF ANY JURORS ARE RELATED
17 BY BLOOD OR MARRIAGE OR HAVE A CLOSE SOCIAL PERSONAL
18 RELATIONSHIP WITH THEM, I WILL EXCLUDE THEM AT THIS STAGE BECAUSE --

19 MS. GOODWIN: YES, SIR.

20 THE COURT: IT'S NOT A WHOLE LOT WE CAN DO ABOUT IT.

21 MS. GOODWIN: YES, SIR.

22 THE COURT: ARE YOU PLANNING ON CALLING THEM STRAIGHT OFF THE
23 BAT, MISTER CAMPBELL?

24 MR. CAMPBELL: SIR? I COULDN'T HEAR YOU.

25 THE COURT: ARE YOU PLANNING ON CALLING THEM STRAIGHT OFF THE

DISCUSSION OF ADDITIONAL WITNESSES FOR THE STATE

1 BAT?

2 MR. CAMPBELL: NO, SIR.

3 THE COURT: YOU ARE NOT. WELL, IF YOU WOULD, BEFORE YOU DO,
4 LET ME KNOW, BECAUSE I AM GOING TO GIVE AN OPPORTUNITY TO MS.
5 GOODWIN TO SIT DOWN AND TALK WITH THEM BY THEMSELVES WITHOUT
6 THE STATE BEING THERE. I THINK THAT'S ONLY FAIR.

7 MR. CAMPBELL: WE HAVE NO PROBLEM WITH THAT.

8 THE COURT: I AM GOING TO GO AHEAD AND VOIR DIRE THE JURY
9 BEFORE WE GET STARTED THIS MORNING AS FAR AS THESE TWO
10 WITNESSES AND WE WILL AT LEAST HAVE THAT OUT OF THE WAY AND KNOW
11 WHERE WE ARE.

12 MS. GOODWIN: THANK YOU, YOUR HONOR.

13 THE COURT: IS THERE ANYTHING FURTHER FROM THE STATE?

14 MR. CAMPBELL: NO, YOUR HONOR.

15 THE COURT: FROM THE DEFENSE?

16 MS. GOODWIN: NO SIR, YOUR HONOR.

17 THE COURT: ARE YOU GUYS READY TO PROCEED?

18 MS. GOODWIN: YES, SIR.

19 MR. CAMPBELL: YES, SIR.

20 THE COURT: MISTER HAMBY, WILL YOU BRING THE JURY IN PLEASE SIR?
21 WHO IS YOUR FIRST WITNESS, MISTER CAMPBELL?

22 MR. CAMPBELL: SIR?

23 THE COURT: WHO IS YOUR FIRST WITNESS?

24 MR. CAMPBELL: TRENT STEVENSON.

25 (JURY IN AT 9:40 A.M.)

1 **THE COURT:** GOOD MORNING, LADIES AND GENTLEMEN. DID YOU HAVE
2 A GOOD EVENING? WE ARE ABOUT TO RESUME THE TRIAL IN THIS CASE. I
3 DO HAVE A COUPLE OF QUESTIONS THAT I WANT TO ASK YOU. WE HAVE A
4 COUPLE OF WITNESSES THAT MAY BE CALLED THAT WERE NOT REVIEWED
5 WITH YOU YESTERDAY. SO IF YOU WOULD, LET ME DO THIS BEFORE WE GET
6 STARTED. THE WITNESSES, OR POTENTIAL WITNESSES, ARE BRANDY
7 NICOLE MYERS AND DONDOLE JARED STEVENSON. HAS ANYBODY EVER
8 BEEN RELATED BY BLOOD OR MARRIAGE OR HAVE A CLOSE PERSONAL OR
9 SOCIAL RELATIONSHIP WITH EITHER OF THESE POTENTIAL WITNESSES? IF
10 SO, WOULD YOU RAISE YOUR HAND. (NO ONE RAISED THEIR HAND) VERY
11 GOOD. THANK YOU. ARE YOU READY TO PROCEED, MISTER CAMPBELL?

12 **MR. CAMPBELL:** YES SIR, YOUR HONOR. YOUR HONOR, THE STATE
13 CALLS TRENT STEVENSON TO THE STAND.

14 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, TRENT
15 STEVENSON TESTIFIED AS FOLLOWS:)

16 **CLERK OF COURT:** YOU GO RIGHT AROUND THERE AND HAVE A SEAT IN
17 THE WITNESS CHAIR, PLEASE.

18 **THE COURT:** MISTER STEVENSON, BEFORE WE GET STARTED, WOULD
19 YOU SPIT YOUR GUM IN THAT CUP FOR ME, PLEASE, SIR? (WITNESS
20 COMPLIES) THANK YOU.

21 **CLERK OF COURT:** IF YOU WILL STATE YOUR FULL NAME AND SPELL
22 YOUR LAST NAME FOR THE RECORD.

23 **MR. STEVENSON:** TRENT STEVENSON.

24 **CLERK:** ALL RIGHT, SIR. WOULD YOU PLEASE SPEAK UP AND INTO THE
25 MICROPHONE?

DIRECT EXAMINATION OF TRENT STEVENSON BY MR. CAMPBELL

1 **MR. STEVENSON:** TRENT STEVENSON. S-T-E-V-E-N-S-O-N.

2 **DIRECT EXAMINATION OF TRENT STEVENSON BY MISTER CAMPBELL**

3 Q MISTER STEVENSON, HOW OLD ARE YOU?

4 A TWENTY.

5 Q AND ARE YOU IN SCHOOL OR WORKING RIGHT NOW?

6 A NO, SIR.

7 Q NOW, WHERE DO YOU LIVE?

8 A IN FOUNTAIN INN.

9 Q WHAT COUNTY IS THAT IN?

10 A LAURENS.

11 Q HAVE YOU EVER BEEN TO ANDERSON?

12 A NO, SIR.

13 Q IS THIS YOUR FIRST TIME IN ANDERSON?

14 A YES, SIR.

15 Q AND BACK IN THE FALL OF 2000 -- OR FEBRUARY OF 2008, WERE YOU
16 ATTENDING SCHOOL?

17 A YES, SIR.

18 Q WHERE DID YOU ATTEND?

19 A GREENVILLE TECH IN GREENVILLE, THE MAIN CAMPUS.

20 Q AND DID YOU LIVE ON CAMPUS OR STAY THERE?

21 A YES, SIR.

22 Q AND WHO DID YOU STAY WITH?

23 A MY COUSIN, AKEEM, CHRIS, TILLMAN, AND THIS OTHER DUDE NAMED
24 LAWRENCE.

25 Q WHEN YOU SAY AKEEM, WHO ARE YOU REFERRING TO?

- 1 A MY COUSIN.
- 2 Q AND WHAT IS HIS LAST NAME?
- 3 A PAYNE.
- 4 Q AND WHEN YOU SAY CHRIS, WHO ARE YOU REFERRING TO?
- 5 A CHRIS RONOKE.
- 6 Q AND Y'ALL STAYED AT THE SAME CAMPUS HOUSING APARTMENT AREA?
- 7 A YES, SIR.
- 8 Q AND DO YOU KNOW WHERE CHRIS IS FROM? WHAT COUNTY HE IS
- 9 FROM?
- 10 A YES, SIR.
- 11 Q WHAT'S THAT?
- 12 A ANDERSON.
- 13 Q AND PRIOR TO ATTENDING GREENVILLE TECH, DID YOU KNOW CHRIS
- 14 RONOKE?
- 15 A NO, SIR.
- 16 Q DID YOU EVER COME -- DID YOU HANG OUT WITH PEOPLE FROM
- 17 ANDERSON?
- 18 A NO, I DIDN'T EVEN KNOW NOBODY FROM ANDERSON.
- 19 Q AND WHILE YOU WERE ATTENDING TECH, DID YOU MEET SOME PEOPLE
- 20 FROM ANDERSON?
- 21 A YES, SIR.
- 22 Q AND DID YOU KNOW TERRANCE GOSS?
- 23 A NO, I DON'T KNOW HIM, BUT I --
- 24 Q YOU DON'T KNOW HIM CLOSELY, BUT DO YOU KNOW WHO HE IS?
- 25 A YES, SIR.

- 1 Q IS HE IN COURTROOM TODAY?
- 2 A YES, SIR.
- 3 Q CAN YOU IDENTIFY HIM?
- 4 A RIGHT HERE, SITTING RIGHT HERE. (INDICATING)
- 5 Q IN THE BLUE SHIRT?
- 6 A YES, SIR.
- 7 Q NOW, DID YOU KNOW HIM BY TERRANCE OR DID YOU KNOW HIM BY
- 8 ANOTHER NAME?
- 9 A I KNOW HIM AS "SNOW".
- 10 Q NOW, DID YOU HANG OUT WITH HIM?
- 11 A NO, SIR.
- 12 Q HOW MANY TIMES DID YOU SEE HIM BEFORE?
- 13 A ONE OR TWO. ONE OR TWO TIMES.
- 14 Q AND WHEN YOU WOULD SEE HIM WAS HE WITH ANYBODY? DO YOU
- 15 KNOW WHO HE HUNG WITH?
- 16 A T.J.
- 17 Q AND WHO WAS T.J.?
- 18 A I THINK THAT'S CHRIS' BROTHER OR UNCLE OR SOMEBODY.
- 19 Q DO YOU KNOW WHAT HIS LAST NAME IS?
- 20 A NO, SIR.
- 21 Q DID HE GO BY ANOTHER NAME, TOO?
- 22 A I JUST KNOW HIM AS T.J.
- 23 Q T. J. AND HOW TALL ARE YOU?
- 24 A PROBABLY ABOUT FIVE TEN, FIVE ELEVEN.
- 25 Q DO YOU KNOW HOW MUCH YOU WEIGH?

- 1 A ONE SIXTY-FIVE OR ONE SEVENTY.
- 2 Q NOW I WANT TO TALK TO YOU – DO YOU RECALL THE DAY THAT CHRIS
- 3 SHOT HIMSELF?
- 4 A YES, SIR.
- 5 Q I WANT TO TALK TO YOU ABOUT THAT TIME FRAME, OKAY? ON THAT
- 6 DAY, DID YOU GO TO CLUB ROLEX?
- 7 A THAT NIGHT, YES, SIR.
- 8 Q THAT THURSDAY NIGHT?
- 9 A YES, SIR.
- 10 Q AND WHAT WAS GOING ON THAT NIGHT AT CLUB ROLEX?
- 11 A IT WAS COLLEGE NIGHT.
- 12 Q AND DID YOU MEET A BUNCH OF PEOPLE UP THERE?
- 13 A YES, SIR.
- 14 Q WHO DID YOU MEET UP THERE?
- 15 A TERRANCE AND A COUPLE OF OTHERS. A LOT OF ANDERSON BOYS.
- 16 Q OKAY. AND DID Y'ALL FIRST MEET UP AT YOUR CAMPUS APARTMENT
- 17 OR DID Y'ALL JUST MEET UP AT THE CLUB?
- 18 A AT THE CLUB.
- 19 Q AND HOW DID YOU GET TO THE CLUB THAT NIGHT?
- 20 A I DROVE.
- 21 Q ANYBODY RIDE WITH YOU?
- 22 A NO, SIR.
- 23 Q AND WHAT KIND OF CAR DO YOU DRIVE?
- 24 A A SATURN.
- 25 Q WHAT COLOR IS IT?

- 1 A LIKE YELLOW.
- 2 Q AND -- BUT NOBODY RODE WITH YOU TO THE CLUB?
- 3 A NO, SIR.
- 4 Q DO YOU RECALL APPROXIMATELY WHAT TIME YOU ARRIVED THERE?
- 5 A KIND OF LIKE 10:30 OR 11:00.
- 6 Q AND DID YOU SEE TERRANCE GOSS AT THE CLUB THAT NIGHT?
- 7 A YES, SIR.
- 8 Q DID YOU SEE T.J. PATTERSON THERE AT THE CLUB THERE THAT NIGHT?
- 9 A YES, SIR.
- 10 Q APPROXIMATELY WHAT TIME DID Y'ALL LEAVE?
- 11 A AROUND 2:30 OR 3:00. 3:00.
- 12 Q IN THE MORNING?
- 13 A YES, SIR.
- 14 Q NOW, WHEN YOU WERE LEAVING, DID ANYBODY GO OR LEAVE WITH
- 15 YOU?
- 16 A YES, SIR.
- 17 Q WHO WAS THAT?
- 18 A TERRANCE.
- 19 Q AND DID ANYBODY ELSE RIDE WITH YOU?
- 20 A NO, SIR.
- 21 Q NOW, I WANT YOU TO TELL THE LADIES AND GENTLEMEN OF THE JURY
- 22 ABOUT WHAT HAPPENED WHEN Y'ALL WENT HOME AND YOU GOT INTO
- 23 THE CAR TO LEAVE TO GO FROM THE CLUB.
- 24 A WELL, WHEN I GOT IN THE CAR, I SAW A GUN ON THE FLOOR, ON THE
- 25 PASSENGER SIDE FLOORBOARD. A BIG GUN THAT WAS LIKE KIND OF

1 FOLDED UP WITH A BIG CLIP. AND WE WENT – WE WENT STRAIGHT TO
2 CAMPUS.

3 Q SIR, I COULDN'T UNDERSTAND THE LAST PART.

4 A WE WENT STRAIGHT TO CAMPUS.

5 Q STRAIGHT BACK TO CAMPUS. AND WHO IS WE?

6 A ME AND TERRANCE.

7 Q AND WHO WAS DRIVING?

8 A ME.

9 Q HE WAS IN THE PASSENGER SEAT?

10 A YES, SIR.

11 Q AND HAD YOU SEEN THIS GUN BEFORE?

12 A NO, SIR.

13 Q AND DID TERRANCE TALK ABOUT THIS GUN TO YOU?

14 A YES, SIR.

15 Q AND WHAT DID HE SAY TO YOU?

16 A HE WAS LIKE, "A KEL TEC, LIKE A CLIP WILL HOLD LIKE 32, A CLIP FROM
17 LIKE A 32.

18 Q SO IT WAS A KEL TEC?

19 A YES, SIR.

20 Q AND YOU SAY IT HELD WHAT?

21 A LIKE 32 BULLETS WITH THE GUN CLIP.

22 Q DO YOU OWN A GUN?

23 A NO, SIR.

24 Q HAVE YOU EVER FIRED A GUN?

25 A NO, SIR.

1 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
2 EXHIBIT #18.

3 THE COURT: MR. CAMPBELL, IF YOU WOULD BEFORE YOU GET
4 STARTED. I AM SORRY TO INTERRUPT YOU, BUT IF YOU WOULD ADVISE THE
5 WITNESS ABOUT THE GUN AND IT'S CAPABILITIES.

6 Q MISTER STEVENSON, YOU WILL NOTICE THAT THIS GUN HERE HAS A TIE
7 THROUGH IT FROM THE BOTTOM OF THE MAGAZINE AND IN THROUGH
8 THE CHAMBER SO IT CAN NOT BE OPERATED. IT HAS NO AMMO,
9 BULLETS IN IT, AND IT CAN NOT BE FIRED.

10 THE COURT: THANK YOU, SIR.

11 Q NOW, WHEN HE GOT INTO THE PASSENGER -- WHEN YOU SAW THE GUN
12 ON THE PASSENGER FLOORBOARD, DID IT LOOK ANYTHING LIKE THIS?

13 A YES, SIR.

14 Q AND THE GUN YOU SAW, WAS IT FOLDED UP?

15 A YES, SIR.

16 Q DOES THIS LOOK LIKE THE GUN TO YOU?

17 A YES, SIR.

18 Q AND WAS IT LIKE THIS OR WAS IT FOLDED?

19 A IT WAS FOLDED, YOU KNOW.

20 Q OKAY. AND TO YOUR KNOWLEDGE, DO YOU -- ALSO, I SHOW YOU WHAT
21 HAS BEEN MARKED STATE'S EXHIBIT #22. DO YOU KNOW WHAT THIS
22 IS?

23 A A CLIP.

24 Q AND DID YOU SEE IT IN THIS GUN?

25 A I CAN'T REMEMBER WHETHER IT WAS IN HE GUN OR...

- 1 Q OR WAS IN HIS POCKET?
- 2 A IT WASN'T IN HIS POCKET BECAUSE WE HAD JUST LEFT THE CLUB.
- 3 Q BUT HE WAS TALKING ABOUT THE CLIP. IS THAT RIGHT?
- 4 A YES, SIR.
- 5 Q NOW, BASED UPON WHAT YOU KNEW, WHO DID YOU THINK OWNED
- 6 THIS GUN?
- 7 A TERRANCE.
- 8 Q DO YOU KNOW A LOT ABOUT THE GUN?
- 9 A WHO, ME?
- 10 Q DID HE?
- 11 A OH. YES, SIR.
- 12 Q DID YOU TOUCH THE GUN OR HANDLE THE GUN?
- 13 A NO, SIR.
- 14 Q AND BEFORE THAT NIGHT HAD YOU SEEN THAT GUN?
- 15 A NO, SIR.
- 16 Q AND AFTER YOU WENT BACK TO CAMPUS, DID YOU LET HIM OUT, LET
- 17 HIM OFF?
- 18 A YES, SIR.
- 19 Q AND WHAT HAPPENED TO THE GUN WHEN YOU LET HIM OUT?
- 20 A HE TOOK IT WITH HIM.
- 21 Q IT DIDN'T STAY IN YOUR CAR?
- 22 A NO, SIR.
- 23 Q AND WHERE DID YOU GO AFTER THAT?
- 24 A I WENT OVER TO BRANDON'S ROOM.
- 25 Q NOW, NEXT MORNING DID YOU GO BACK TO YOUR CAMPUS

- 1 APARTMENT?
- 2 A YES, SIR.
- 3 Q AND WHAT WAS THE PURPOSE OF THAT?
- 4 A TO TAKE A SHOWER.
- 5 Q AND WHO DID YOU SEE WHEN YOU WENT BACK TO YOUR APARTMENT?
- 6 A JUST CHRIS AND AKEEM. THAT'S ALL.
- 7 Q ANYBODY ELSE IN THE APARTMENT?
- 8 A NO, SIR.
- 9 Q THAT YOU RECALL?
- 10 A NO, SIR.
- 11 Q AND DID YOU SEE TERRANCE -- OR WERE TERRANCE AND T.J. THERE?
- 12 A NO, SIR.
- 13 Q WAS -- YOU HAVE A BROTHER. IS THAT RIGHT?
- 14 A YES, SIR.
- 15 Q HOW MANY BROTHERS DO YOU HAVE?
- 16 A ONE.
- 17 Q AND WHAT'S HIS NAME?
- 18 A JARED.
- 19 Q HIS LAST NAME?
- 20 A STEVENSON.
- 21 Q WAS HE AT THE CLUB "ROLEX" THAT NIGHT?
- 22 A NO, SIR.
- 23 Q WAS HE AT YOUR APARTMENT THAT DAY Y'ALL WENT TO THE CLUB?
- 24 A NO, SIR.
- 25 Q WAS HE AT THE APARTMENT THE MORNING THAT CHRIS ACCIDENTLY

1 SHOT HIMSELF?

2 A NO, SIR.

3 Q WHERE WAS HE?

4 A AT HOME.

5 Q WHERE DO YOU LIVE?

6 A WE LIVED ON [REDACTED] AT FOUNTAIN INN AT THE TIME.

7 Q WHO LIVES THERE?

8 A WELL, ME AND MY BROTHER, MY MAMA, AND MY SISTER.

9 Q THAT'S YOUR FAMILY HOME?

10 A YES, SIR.

11 Q NOW, TELL ME WHAT YOU RECALL ABOUT THE MORNING, OR WHEN

12 CHRIS SHOT HIMSELF.

13 A WELL, I WAS BACK GETTING A SHOWER AND CHRIS WAS ON THE

14 PHONE. I DON'T KNOW, HE WAS ON THE PHONE AND HE WAS LIKE,

15 "COME GET THIS GUN OUT MY ROOM" AND I GOT IN THE SHOWER AND I

16 JUST HEARD A "POW" AND I GOT OUT AND I SAW A HANDGUN ON THE

17 FLOOR. I SLID IT OUT OF THE WAY AND THE POLICE CAME IN AND I RAN

18 OUT THE ROOM. ABOUT FIVE MINUTES LATER I CAME BACK AND

19 POLICE WAS EVERYWHERE. THEY WAS EVERYWHERE.

20 Q AND I'LL SHOW YOU WHAT HAS BEEN MARKED STATE'S EXHIBIT #16,

21 WHICH HAS BEEN SAFETY TIED SO THAT IT CAN NOT BE OPERATED. DO

22 YOU RECOGNIZE THIS?

23 A YES, SIR.

24 Q WHERE DO YOU RECOGNIZE IT FROM OR WHY DO YOU RECOGNIZE IT?

25 A IT LOOKS LIKE THE GUN THAT CHRIS SHOT HIMSELF WITH.

1 Q IS IT THE GUN YOU SLID OUT OF THE WAY?

2 A YES, SIR.

3 Q AND WHEN YOU SAY, "SLID OUT OF THE WAY," WHAT DO YOU MEAN BY
4 THAT?

5 A WELL, I MOVED THAT GUN OUT OF THE WAY SO IT WOULDN'T BE IN THE
6 WAY.

7 Q WERE YOU WORRIED ABOUT IT GOING OFF AGAIN?

8 A YES, SIR.

9 Q AND WHEN YOU WENT BACK OUT TO THE ROOM, WERE THE CAMPUS
10 POLICE ALREADY COMING UP?

11 A YES, SIR.

12 Q DID YOU SAY ANYTHING TO THEM?

13 A NO, SIR.

14 Q AND AFTER THIS HAD TAKEN PLACE, E-M-S CAME. IS THAT RIGHT?

15 A YES, SIR.

16 Q DD YOU TALK TO THE CAMPUS POLICE THAT MORNING?

17 A AFTER ---

18 Q OR AFTER THIS INCIDENT?

19 A YES, SIR.

20 Q DID YOU COOPERATE WITH THEM?

21 A YES, SIR.

22 Q WERE YOU CHARGED WITH POSSESSING THAT GUN?

23 A NO, SIR.

24 Q WAS MISTER GOSS ATTENDING SCHOOL THERE AT GREENVILLE TECH?

25 A NO, SIR.

- 1 Q HOW ABOUT MISTER PATTERSON?
- 2 A NO, SIR.
- 3 Q DO YOU KNOW WHAT HAPPENED TO THESE TWO GUNS AFTER HE SHOT
- 4 HIMSELF?
- 5 A THE GREENVILLE COUNTY POLICE DEPARTMENT TOOK THEM.
- 6 Q DID YOU SEE THEM COME OUT OF THE ROOM WITH THEM?
- 7 A YEAH, IN A BROWN PAPER BAG.
- 8 Q A BAG LIKE THIS? (INDICATING)
- 9 A YES, SIR.
- 10 Q SIR?
- 11 A YES, SIR.
- 12 Q NOW, HOW MANY TIMES DID YOU TALK TO CAMPUS POLICE?
- 13 A TWO, TWO OR THREE. TWO OR THREE TIMES.
- 14 Q AND YOU ALSO TALKED TO DETECTIVE GEBING. IS THAT RIGHT?
- 15 A YES, SIR.
- 16 Q YOU ALSO GAVE A STATEMENT TO DETECTIVE GEBING. IS THAT RIGHT?
- 17 A YES, SIR.
- 18 Q NOW SINCE THIS INCIDENT WHEN CHRIS SHOT HIMSELF, HAVE YOU
- 19 SPOKEN TO TERRANCE GOSS?
- 20 A YEAH, HE CALLED ME LIKE LAST WEEK.
- 21 Q AND DID YOU TALK TO HIM?
- 22 A NO. I HUNG UP THE PHONE.
- 23 Q DID HE SAY ANYTHING TO YOU?
- 24 A YEAH. HE WAS LIKE, "SO WHAT'S UP LIL' HOMIE. DID THE POLICE WRITE
- 25 THE STATEMENT?" AND I HUNG UP THE PHONE.

CROSS EXAMINATION OF TRENT STEVENSON BY MS. GOODWIN

1 Q WHY DID YOU HANG UP THE PHONE ON HIM?

2 A BECAUSE I DIDN'T WANT TO TALK TO HIM.

3 Q AND WHY IS THAT?

4 A BECAUSE HE ALREADY TRIED TO BLAME ME FOR THE GUNS WHEN THE
5 SHOOTING HAPPENED.

6 Q AND HOW DID YOU KNOW THAT?

7 A BECAUSE I GOT KICKED OUT OF SCHOOL FOR TWO YEARS.

8 Q AND WERE YOU EVER CHARGED WITH THIS?

9 A NO, SIR.

10 Q WERE YOU IN ANDERSON, SOUTH CAROLINA ON FEBRUARY 05, 2008,
11 THE TUESDAY BEFORE THE SHOOTING?

12 A THIS IS MY FIRST TIME EVER BEING IN ANDERSON.

13 Q DID YOU EVEN KNOW HOW TO GET HERE TODAY?

14 A NO, SIR. I HAD TO CALL AND GET DIRECTIONS.

15 Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY QUESTIONS
16 MS. GOODWIN MAY HAVE.

17 **THE COURT: CROSS EXAMINATION?**

18 MS. GOODWIN: YES. THANK YOU, YOUR HONOR.

19 **CROSS EXAMINATION OF TRENT STEVENSON BY MS. GOODWIN**

20 Q ISN'T IT TRUE, MISTER STEVENSON, THAT YOU HAVE BEEN TO
21 ANDERSON BEFORE, BUT YOU DON'T WANT TO TALK ABOUT IT
22 BECAUSE YOU CAME HERE TO BUY MARIJUANA?

23 A PFFF, NO.

24 Q THAT IS NOT TRUE?

25 A NO.

1 Q DID YOU CALL AND ASK DIRECTIONS ABOUT WHERE YOU COULD GET
2 SOME WEED?

3 A NO.

4 Q NO? BUT ISN'T IT TRUE THAT YOUR MOTHER CAME AND GOT JARED
5 AFTER THE SHOOTING AT GREENVILLE TECH?

6 A NO. HE WASN'T THERE. THEY CAME THERE AFTER THE SHOOTING.

7 Q AND YOU MOVED THE GUN BEFORE THE POLICE GOT THERE BECAUSE
8 YOU WERE SCARED YOU WERE GOING TO BE CAUGHT WITH IT. DIDN'T
9 YOU?

10 A I MOVED THE GUN BECAUSE CHRIS SHOT HIMSELF AND I SLID IT OUT
11 THE WAY AND I DIDN'T WANT IT TO GO OFF AGAIN.

12 Q YOU ALSO DIDN'T WANT TO GET CAUGHT WITH IT?

13 A GET CAUGHT WITH IT? IT WASN'T MY GUN.

14 Q WASN'T IT IN YOUR ROOM?

15 A NO. IT WAS IN CHRIS' ROOM.

16 Q ISN'T IT LIKE A FOUR SUITE, FOUR ROOMS TO A SUITE?

17 A I WAS STAYING THERE, BUT I DIDN'T HAVE A ROOM IN THE HOUSE. I
18 WOULD SLEEP ON THE COUCH EVERY NIGHT.

19 Q BUT YOU HAD A KEY TO THE ROOM?

20 A YEAH, I HAD A KEY TO THE ROOM. YES.

21 Q AND WHEN YOU GAVE YOUR STATEMENT TO THE POLICE AT
22 GREENVILLE TECH, YOU SAID, "IT STARTED THURSDAY NIGHT.
23 TERRANCE HAD A GUN IN MY CAR AND WE WENT TO THE CLUB." SO HE
24 RODE WITH YOU TO THE CLUB. DIDN'T HE?

25 A HE PUT THE GUN IN MY CAR DURING THE CLUB.

- 1 Q I'M SORRY, I DIDN'T HEAR YOU.
- 2 A HE PUT THE GUN IN MY CAR DURING THE CLUB.
- 3 Q DURING THE CLUB?
- 4 A HE TOLD ME HE HAD TO PUT SOMETHING IN MY CAR.
- 5 Q BUT YOU SAID HE WENT --
- 6 A CAUSE HE --
- 7 Q --- TO THE CLUB?
- 8 A EVERYBODY WENT TO THE CLUB. I MET HIM AT THE CLUB.
- 9 Q AND YOU DRIVE A WHITE SATURN?
- 10 A NO, I HAVE A YELLOW SATURN. WELL, NOT ANYMORE, BUT I DROVE A
- 11 YELLOW SATURN.
- 12 Q WHAT COLOR?
- 13 A A YELLOW.
- 14 Q YELLOW. WELL, YOU CERTAINLY DON'T WANT TO SIT HERE TODAY AND
- 15 TELL THIS JURY THAT YOU CAME TO ANDERSON TO BUY MARIJUANA.
- 16 ISN'T THAT RIGHT?
- 17 A IF I DID I WOULD TELL THEM, BUT I DIDN'T.
- 18 **MS. GOODWIN:** THAT'S ALL, YOUR HONOR.
- 19 **THE COURT:** ANY REPLY?
- 20 **MR. CAMPBELL:** NO FURTHER QUESTIONS, YOUR HONOR.
- 21 **THE COURT:** MAY THIS WITNESS BE EXCUSED?
- 22 **MS. GOODWIN:** YES, SIR.
- 23 **THE COURT:** THANK YOU. YOU MAY STEP DOWN, SIR.
- 24 **MR. CAMPBELL:** YOUR HONOR, MAY WE APPROACH?
- 25 **THE COURT:** YES, YOU MAY.

1 (BRIEF BENCH CONFERENCE OFF THE RECORD)

2 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY, WE
3 ARE GOING TO TAKE A FAIRLY LENGTHY BREAK. I KNOW YOU THINK THIS IS
4 CRAZY SOMETIMES, BUT WE HAVE SOME THINGS TO TAKE UP AND SOME
5 FOLKS TO TALK TO. I WOULD SUSPECT IT WILL TAKE AROUND THIRTY
6 MINUTES, SO I AM GOING TO ASK YOU TO STEP BACK TO YOUR JURY ROOM
7 AND WE WILL RESUME THIS CASE AT 10:30 OR THEREABOUTS.

8 (JURY OUT AT 10:04 A.M.)

9 THE COURT: ALL RIGHT. WE ARE AT RECESS UNTIL 10:30. DO YOU
10 HAVE A PARTICULAR ORDER, MS. GOODWIN, THAT YOU WANT TO SPEAK TO
11 THESE WITNESSES?

12 MS. GOODWIN: YES, SIR. I DO.

13 THE COURT: OKAY, WHICH ONE DO YOU WANT TO SPEAK WITH FIRST?

14 MS. GOODWIN: I WANT TO SPEAK WITH MS. MYERS FIRST.

15 THE COURT: OKAY, IS BRANDY NICOLE MYERS HERE? WHERE IS MS.
16 MYERS? WOULD YOU PLEASE STAND UP, PLEASE. MS. MYERS, THIS LADY IS
17 GOING TO SPEAK WITH YOU. I ASSUME YOU ARE GOING TO TAKE HER OUT
18 TO ONE OF THE ROOMS?

19 MS. GOODWIN: YES, I WILL TAKE HER OUT TO THE AREA OUT THERE.

20 THE COURT: OKAY.

21 MS. GOODWIN: WE WILL FIND SOMEWHERE OUT THERE TO TALK.

22 THE COURT: OKAY, I AM GOING TO LET HER SPEAK WITH YOU IN
23 PRIVATE. OKAY. AND IF YOU GET THROUGH AHEAD OF TIME, MS. GOODWIN, I
24 AM NOT RUSHING YOU, BUT IF YOU GET THROUGH BEFORE 10:30, JUST LET
25 ME KNOW.

23 **CLERK OF COURT: GO AROUND AND HAVE A SEAT IN THE WITNESS**
24 **CHAIR. IF YOU WILL STATE YOUR FULL NAME AND SPELL YOUR LAST NAME**
25 **FOR THE RECORD.**

1 **MR. STEVENSON: DONDRED JARED STEVENSON. S-T-E-V-E-N-S-O-N.**

2 **DIRECT EXAMINATION OF JARED STEVENSON BY MISTER CAMPBELL**

3 Q MISTER STEVENSON, HOW OLD ARE YOU?

4 A TWENTY-THREE.

5 Q AND WHERE DO YOU LIVE?

6 A IN FOUNTAIN INN.

7 Q AND WHO DO YOU LIVE WITH?

8 A MY MAMA.

9 Q AND DO YOU HAVE ANY BROTHERS OR SISTERS?

10 A YES, SIR.

11 Q WHO DO YOU HAVE?

12 A I'VE GOT TRENT, TILT, AND LIKE TWO MORE SISTERS ON MY DADDY'S
13 SIDE.

14 Q AND THE TRENT STEVENSON THAT TESTIFIED EARLIER, IS THAT YOUR
15 BROTHER?

16 A YES, SIR.

17 Q YOUR OLDER BROTHER OR YOUNGER BROTHER?

18 A MY OLDER BROTHER.

19 Q NOW, YOU HAVE BEEN IN TROUBLE WITH THE LAW BEFORE. IS THAT
20 RIGHT?

21 A YES, SIR.

22 Q YOU WERE CONVICTED OF STARTING A FIRE BACK IN '09 IN LAURENS
23 COUNTY. IS THAT RIGHT?

24 A YES, SIR.

25 Q HAVE YOU EVER BEEN TO ANDERSON?

- 1 A NO, SIR.
- 2 Q FIRST TIME HERE?
- 3 A YES, SIR.
- 4 Q BEEN TO GREENVILLE?
- 5 A I HAVE BEEN TO GREENVILLE NUMBERS OF TIMES, SIR.
- 6 Q DO YOU KNOW TERRANCE GOSS?
- 7 A NO, SIR.
- 8 Q DO YOU KNOW THIS MAN SITTING RIGHT HERE IN THE BLUE SHIRT?
- 9 A NO, SIR. I MET HIM LIKE ONE TIME IS ALL. I ONLY MET HIM ONE TIME.
- 10 Q AND WHERE DID YOU MEET HIM AT?
- 11 A I HAD TOOK MY BROTHER SOME MONEY UP TO GREENVILLE TECH ONE
- 12 DAY AND HE WAS UP THERE.
- 13 Q AND DID YOU TALK TO HIM?
- 14 A NO, SIR.
- 15 Q DO YOU KNOW ABOUT THE INCIDENT WHEN CHRIS RONOKE SHOT
- 16 HIMSELF?
- 17 A NO, SIR.
- 18 Q WERE YOU AT THE CLUB "ROLEX" BACK IN FEBRUARY OF 2008?
- 19 A NO, SIR.
- 20 Q WERE YOU ON CAMPUS AT GREENVILLE TECHNICAL COLLEGE ON
- 21 FEBRUARY 08, 2008?
- 22 A NO, SIR.
- 23 Q DID YOU EVENTUALLY COME TO THE CAMPUS THAT DAY?
- 24 A YES, SIR.
- 25 Q AND WHY WAS THAT?

- 1 A BECAUSE WE HAD SEEN ON THE NEWS THAT SOMEBODY HAD BEEN
2 SHOT, SHOT HIMSELF, AND MY BROTHER WAS IN THE ROOM WITH HIM
3 AND SO ME AND MY MAMA AND MY SISTER CAME UP THERE.
- 4 Q DID YOU SEE HIM THERE THAT DAY? (REFERRING TO TERRANCE GOSS)
- 5 A NO, SIR.
- 6 Q SO YOU WERE IN LAURENS THAT MORNING OR FOUNTAIN INN?
- 7 A MY MAMA LIVED ON [REDACTED]. THAT WAS IN FOUNTAIN INN.
- 8 Q AND THE TIME THAT YOU WENT TO THE CAMPUS WAS AFTER THIS
9 INCIDENT?
- 10 A YES, SIR.
- 11 Q DO YOU HANG OUT WITH PEOPLE FROM ANDERSON?
- 12 A NO, SIR. I DON'T KNOW NOBODY FROM ANDERSON.
- 13 **MR. CAMPBELL:** COURT'S INDULGENCE.
- 14 Q LET ME SHOW YOU WHAT HAS BEEN MARKED FOR IDENTIFICATION AS
15 STATE'S EXHIBIT #18, WHICH HAS A SAFETY TIE THROUGH IT SO IT 'S
16 NOT ABLE TO BE OPERATED AND IT'S NOT LOADED. DO YOU
17 RECOGNIZE THIS?
- 18 A NO, SIR. I HAVE NEVER SEEN THAT.
- 19 Q YOU HAVE NEVER SEEN THIS BEFORE?
- 20 A NO, SIR.
- 21 Q HAVE YOU EVER HANDLED A GUN LIKE THIS BEFORE?
- 22 A NO, SIR.
- 23 Q THE FIRST TIME YOU HAVE SEEN IT?
- 24 A YES, SIR.
- 25 Q HAVE YOU EVER SEEN YOUR BROTHER WITH THAT GUN?

1 A NO, SIR.

2 Q HAVE YOU EVER SEEN YOUR BROTHER WITH A GUN?

3 A I HAVE NOT SEEN MY BROTHER WITH NOT NARY A GUN.

4 Q WITH WHAT?

5 A NOT ONE GUN.

6 Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY QUESTIONS
7 MS. GOODWIN MAY HAVE.

8 THE COURT: CROSS EXAMINATION?

9 MS. GOODWIN: THANK YOU, YOUR HONOR.

10 **CROSS EXAMINATION OF JARED STEVENSON BY MS. GOODWIN**

11 Q NOW ISN'T TRUE THAT YOU JUST GOT OUT OF PRISON?

12 A YES, MA'AM.

13 Q YOU WERE IN PRISON ON A GUN CHARGE?

14 A YES, MA'AM.

15 Q BUT THAT'S NOT THE EXTENT OF YOUR CRIMINAL HISTORY. YOU HAVE
16 A CONVICTION OF GIVING FALSE INFORMATION. IS THAT CORRECT?

17 A YES, MA'AM.

18 Q IS THAT A YES?

19 A YES, MA'AM.

20 Q AND A HIT AND RUN ACCIDENT WITH PROPERTY DAMAGE? YOU LEFT
21 THE SCENE OF AN ACCIDENT?

22 A YES, MA'AM.

23 Q CONVICTED OF THAT?

24 A YES, MA'AM.

25 Q YOU'VE BEEN CONVICTED OF DOMESTIC VIOLENCE?

- 1 A YES, MA'AM.
- 2 Q HAVE YOU EVER BEEN TO THE CLUB ROLEX IN GREENVILLE?
- 3 A NO, MA'AM.
- 4 Q YOU NEVER HAVE?
- 5 A NO, MA'AM.
- 6 Q DO YOU KNOW WHERE YOU WERE ON FEBRUARY 08, 2008?
- 7 A NO, MA'AM. MOST LIKELY I WAS AT HOME.
- 8 Q DO YOU KNOW WHERE YOU WERE ON FEBRUARY 05, 2008?
- 9 A I KNOW I WAS AT HOME.
- 10 Q HOW DO YOU KNOW YOU WERE HOME ON FEBRUARY 5TH?
- 11 A BECAUSE I KNOW I WAS AT HOME BOTH TIMES, BECAUSE I DON'T KNOW
- 12 NOTHING ABOUT WHY I AM HERE TODAY.
- 13 Q WHERE WERE YOU ON FEBRUARY 1ST OF 2008?
- 14 A I WAS AT HOME AGAIN.
- 15 Q PROBABLY, BUT YOU DON'T KNOW.
- 16 A MOST LIKELY, I WAS AT HOME.
- 17 Q DO YOU WORK?
- 18 A NO, MA'AM.
- 19 Q HOW DO YOU SUPPORT YOURSELF?
- 20 A MY GIRLFRIEND TAKE CARE OF ME.
- 21 Q YOUR GIRLFRIEND TAKES CARE OF YOU?
- 22 A YES, MA'AM.
- 23 Q ALL RIGHT, SO YOU ARE A CONVICTED FELON WHO IS UNEMPLOYED
- 24 AND YOUR GIRLFRIEND TAKES CARE OF YOU?
- 25 A YES, MA'AM.

DIRECT EXAMINATION OF BRANDY MYERS BY MR. CAMPBELL

1 Q THANK YOU.

2 THE COURT: RE-DIRECT?

3 **RE-DIRECT EXAMINATION OF JARED STEVENSON BY MISTER CAMPBELL**

4 Q MISTER STEVENSON, HAVE YOU EVER BEEN TO THE B-P GAS STATION
5 ON EAST SHOCKLEY FERRY ROAD IN ANDERSON ON FEBRUARY 05,
6 2008?

7 A NO. NO, SIR.

8 MR. CAMPBELL: NO FURTHER QUESTIONS.

9 THE COURT: MAY THIS WITNESS BE EXCUSED?

10 MR. CAMPBELL: FOR THE STATE, YES, SIR.

11 MS. GOODWIN: YES, SIR.

12 THE COURT: THANK YOU, SIR. CALL YOUR NEXT WITNESS, PLEASE.

13 MR. CAMPBELL: YOUR HONOR, THE STATE CALLS BRANDY MYERS.

14 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, BRANDY MYERS
15 TESTIFIED AS FOLLOWS:)

16 CLERK OF COURT: PLEASE GO AROUND AND HAVE A SEAT IN THE
17 WITNESS CHAIR. IF YOU WILL STATE YOUR FULL NAME AND SPELL YOUR LAST
18 NAME FOR THE RECORD.

19 MS. MYERS: BRANDY NICOLE MYERS. M-Y-E-R-S.

20 **DIRECT EXAMINATION OF BRANDY MYERS BY MISTER CAMPBELL**

21 Q MS. MYERS, HOW OLD ARE YOU?

22 A TWENTY-ONE.

23 Q AND YOU ARE FROM ANDERSON?

24 A I AM.

25 Q DID YOU GRADUATE HIGH SCHOOL HERE?

- 1 A I DID.
- 2 Q WHICH HIGH SCHOOL DID YOU ATTEND?
- 3 A WESTSIDE.
- 4 Q WHAT YEAR DID YOU GRADUATE?
- 5 A '05.
- 6 Q AND DO YOU HAVE SOME COLLEGE?
- 7 A YES, SIR.
- 8 Q IN FACT, I UNDERSTAND YOU GRADUATED?
- 9 A I DID.
- 10 Q AND WHAT SCHOOL DID YOU GRADUATE FROM?
- 11 A GREENVILLE TECH.
- 12 Q WHAT TYPE OF DEGREE DID YOU EARN?
- 13 A HEALTH SCIENCES AND I HAVE A CERTIFICATE IN PHLEBOTOMY
- 14 AND C-N-A.
- 15 Q ARE YOU CURRENTLY ENROLLED BACK IN SCHOOL OR ARE YOU
- 16 WORKING RIGHT NOW?
- 17 A I AM WORKING RIGHT NOW.
- 18 Q AND WHERE ARE YOU EMPLOYED?
- 19 A D. JEFFERSON AND ASSOCIATES.
- 20 Q AND WHERE IS THAT LOCATED?
- 21 A IT'S -- WE HAVE TWO DIFFERENT LOCATIONS, BOTH DOWNTOWN.
- 22 Q IN ANDERSON OR IS IT IN GREENVILLE?
- 23 A IN ANDERSON. ONE IS ACROSS FROM THE P-T-I OFFICE AND ONE IS
- 24 FURTHER UP.
- 25 Q NOW, DO YOU KNOW TERRANCE GOSS?

- 1 A I KNOW HIM.
- 2 Q IS THIS HIM SITTING HERE IN THE BLUE SHIRT?
- 3 A YES, SIR.
- 4 Q AND HOW DO YOU KNOW HIM?
- 5 A I KNOW HIM THROUGH A MUTUAL FRIEND.
- 6 Q AND DO YOU KNOW TRAVIS PATTERSON OR T.J. PATTERSON?
- 7 A I KNOW T.J.
- 8 Q AND BOTH OF THESE INDIVIDUALS ARE FROM ANDERSON?
- 9 A YES, SIR. FROM WHAT I KNOW.
- 10 Q NOW, BACK IN FEBRUARY 2008, WERE YOU STILL IN SCHOOL?
- 11 A I WAS. I DIDN'T GRADUATE UNTIL MAY.
- 12 Q I DIDN'T CATCH THAT.
- 13 A I DIDN'T GRADUATE UNTIL MAY.
- 14 Q UNTIL MAY OF THAT YEAR, MAY OF 2008?
- 15 A YES, SIR.
- 16 Q AND DURING THAT TIME YOU WERE TAKING CLASSES?
- 17 A I WAS.
- 18 Q WERE YOU ALSO EMPLOYED?
- 19 A I WAS.
- 20 Q AND WHERE DID YOU WORK?
- 21 A AT THE TIME I WAS WORKING AT HAYWARD MALL, "PIERCING PAGODA".
- 22 Q AND DID YOU DO ANY OTHER TYPE OF SIDE JOBS?
- 23 A I WAS A PROMOTER FOR THE CLUB "ROLEX".
- 24 Q SO YOU WORKED AT CLUB ROLEX?
- 25 A I DID.

- 1 Q NOW IN FEBRUARY 2008, WERE YOU PROMOTING ANYTHING THAT NIGHT
2 THERE?
- 3 A IT WAS COLLEGE NIGHT.
- 4 Q AND DID A LOT OF PEOPLE SHOW UP?
- 5 A A LOT OF PEOPLE.
- 6 Q NOW WHEN YOU SAY PROMOTE, WHAT IS YOUR JOB?
- 7 A I PASSED OUT FLYERS, JUST MINGLE, BRING THE COLLEGE CROWD TO
8 "ROLEX", BASICALLY.
- 9 Q NOW ON THAT DAY, HAD YOU HAD ALREADY WORKED AT THE MALL
10 THAT DAY?
- 11 A I DID. I CLOSED THAT DAY.
- 12 Q AND WHEN YOU CLOSE, ABOUT WHAT TIME DID YOU CLOSE?
- 13 A THE MALL CLOSSES AROUND 9:30 ON THE WEEK-ENDS. I MIGHT HAVE
14 GOT OUT ABOUT 10:00 OR 10:15.
- 15 Q AND THEN DID YOU GO TO CLUB "ROLEX" AFTER THAT?
- 16 A NO. I WENT HOME AND I GOT A SHOWER AND I GOT DRESSED AND THEN
17 I WENT.
- 18 Q APPROXIMATELY, WHAT TIME DID YOU GET TO CLUB "ROLEX" THAT
19 NIGHT?
- 20 A PROBABLY 11:30, 11:00. SOMETHING LIKE THAT.
- 21 Q AND DO YOU KNOW TRENT STEVENSON?
- 22 A I DO.
- 23 Q HOW DO YOU KNOW HIM?
- 24 A WELL, HE WENT TO SCHOOL WITH ME AND WE TALKED AND WE, I GUESS
25 IF YOU WANT TO SAY, DATED.

DIRECT EXAMINATION OF BRANDY MYERS BY MR. CAMPBELL

- 1 Q YOU DATED OFF AND ON?
- 2 A WE DID.
- 3 Q AND DO YOU KNOW JARED STEVENSON THAT JUST TESTIFIED?
- 4 A I'VE SEEN HIM A FEW TIMES.
- 5 Q HAVE YOU EVER SEEN HIM IN ANDERSON?
- 6 A NO, SIR.
- 7 Q HAS TRENT EVER COME TO ANDERSON?
- 8 A NO, SIR.
- 9 Q AND THAT NIGHT AT THE CLUB, DID YOU SEE TRENT STEVENSON
- 10 THERE?
- 11 A I DID.
- 12 Q DID YOU TALK TO HIM?
- 13 A OF COURSE.
- 14 Q DID YOU SEE JARED STEVENSON, HIS BROTHER, THERE THAT NIGHT?
- 15 A I DIDN'T.
- 16 Q HOW ABOUT MISTER TERRANCE GOSS? DID YOU SEE HIM THERE THAT
- 17 NIGHT?
- 18 A I DID. I SPOKE.
- 19 Q YOU TALKED TO HIM?
- 20 A (NODS HEAD)
- 21 Q HOW ABOUT T.J. OR TRAVIS PATTERSON?
- 22 A I DID. I SPOKE TO HIM AS WELL. I SPOKE TO EVERYBODY THAT WAS
- 23 THERE FROM ANDERSON. IT WAS A BIGGER CROWD THAN NORMAL
- 24 FROM ANDERSON THAT NIGHT.
- 25 Q AND ABOUT WHAT TIME DOES THE CLUB TYPICALLY CLOSE?

- 1 A CLOSE TO 3:00.
- 2 Q AND AFTER THAT, YOU KNEW ABOUT THE INCIDENT IN WHICH CHRIS
- 3 RONOKE ACTUALLY SHOT HIMSELF?
- 4 A YES. I DID.
- 5 Q AND YOU WERE LIVING ON CAMPUS AT THE TIME?
- 6 A RIGHT. IN THE BUILDING ACROSS FROM HIS.
- 7 Q WERE YOU THERE THE MORNING, OR I GUESS THE DAY, WHEN ALL THE
- 8 LAW ENFORCEMENT WAS COMING IN?
- 9 A KINDA. I STEPPED OUT FOR A MINUTE. WELL, AFTER TRENT LEFT MY
- 10 PLACE, WE WENT AND GOT BREAKFAST AT BURGER KING WHICH
- 11 WASN'T FAR FROM THE SCHOOL. I THINK RIGHT AROUND THE TIME WE
- 12 WERE PULLING BACK ONTO THE CAMPUS IS WHEN WE GOT THE PHONE
- 13 CALL THAT CHRIS HAD SHOT HIMSELF.
- 14 Q AND DID YOU SEE TERRANCE THERE OR T.J. THERE?
- 15 A I DID.
- 16 Q THAT MORNING?
- 17 A I DID.
- 18 Q AND AFTER THAT AGAIN?
- 19 A HUH-UH.
- 20 Q DID YOU TALK TO HIM THAT MORNING?
- 21 A NO, HUH-UH. I DON'T REMEMBER TALKING TO HIM IN DEPTH. I
- 22 REMEMBER WALKING BY THE ROOM AND SEEING LIKE WHERE THE
- 23 OFFICERS HAD T.J., BUT NOT IN DEPTH.
- 24 Q AND HOW LONG HAVE YOU KNOWN TRENT STEVENSON?
- 25 A I MET HIM WHEN I GOT TO SCHOOL. PROBABLY NOW TWO YEARS,

CROSS EXAMINATION OF BRANDY MYERS BY MS. GOODWIN

1 CLOSE TO THREE.

2 Q CLOSE TO THREE. AND HAVE YOU EVER KNOWN HIM TO HAVE A GUN?

3 A NO.

4 Q HAVE YOU EVER BEEN TO HIS HOUSE IN FOUNTAIN INN?

5 A I HAVE.

6 Q I HAVE NO FURTHER QUESTIONS OF THIS WITNESS.

7 THE COURT: CROSS EXAMINATION?

8 MS. GOODWIN: YES, SIR. THANK YOU, YOUR HONOR.

9 **CROSS EXAMINATION OF BRANDY MYERS BY MS. GOODWIN**

10 Q NOW, MS. MYERS, WHEN YOU SAY WE WENT TO BURGER KING,
11 TERRANCE WENT TO BURGER KING, TOO. DIDN'T HE?

12 A I AM NOT SURE WHO WAS IN THE CAR. I KNOW LIKE I SEEN THEM AND I
13 SAW TRAVIS. I KNOW THE PEOPLE THAT STAYED IN MY HOUSE BUT I
14 DON'T – I CANNOT RECALL. EVERYBODY COULDN'T GO. I WAS DRIVING
15 A TWO-SEATER AT THE TIME.

16 Q OKAY. BUT SOMEBODY WENT WITH YOU TO BURGER KING, BUT YOU
17 DON'T REMEMBER WHO IT WAS.

18 A RIGHT.

19 Q AND THERE WERE A WHOLE LOT OF PEOPLE THERE THAT WERE FROM
20 ANDERSON?

21 A THAT'S CORRECT.

22 Q AND I BELIEVE SOME NAMES YOU GAVE ME WERE JOSH, QUORME, AND
23 TRAVIS?

24 A RIGHT.

25 Q ANYBODY ELSE FROM ANDERSON THAT YOU REMEMBER?

- 1 A NOT THAT I CAN REMEMBER.
- 2 Q NOW, DO YOU REMEMBER WHO BOUGHT THE FOOD AT BURGER KING
- 3 THAT DAY?
- 4 A I DON'T. IT COULD HAVE BEEN ME. I DON'T ---
- 5 Q COULD IT ALSO HAVE BEEN TERRANCE?
- 6 A IT COULD HAVE BEEN. ANYBODY WHO WAS RIDING, BUT I PROBABLY
- 7 PAID FOR MY OWN. I DON'T KNOW.
- 8 Q YOU, FRANKLY, DON'T REMEMBER. IT HAS BEEN A LONG TIME AGO.
- 9 A IT HAS BEEN A WHILE AGO.
- 10 Q OKAY. SO THERE ARE PROBABLY A LOT OF THINGS FROM OVER TWO
- 11 YEARS AGO THAT YOU DON'T REMEMBER.
- 12 A THERE ARE A LOT OF THINGS I DON' REMEMBER, BUT THERE ARE A LOT
- 13 OF SPECIFICS, I DO.
- 14 Q OKAY. NOW TRENT WAS YOUR BOYFRIEND AT THE TIME?
- 15 A IF YOU WANT TO SAY. HE WAS THE ONLY PERSON I WAS TALKING TO.
- 16 Q OKAY. AND DIDN'T YOU AND TRENT BRING TERRANCE OVER TO THE
- 17 JOCKEY LOT ONE DAY?
- 18 A NO. I DON'T REMEMBER BRINGING HIM TO THE JOCKEY LOT WITH TRENT
- 19 AND TRENT NEVER CAME TO ANDERSON.
- 20 Q TRENT HAS NEVER BEEN TO ANDERSON?
- 21 A I COULDN'T EVEN GET HIM TO COME SEE ME IN ANDERSON.
- 22 Q HE WOULDN'T COME SEE YOU EVEN THOUGH YOU WERE HIS
- 23 GIRLFRIEND?
- 24 A RIGHT. I ALWAYS WENT THERE.
- 25 Q NOW, WEREN'T YOU KICKED OUT OF THE CLUB "ROLEX" FOR THIRTY DAYS
- 

DIRECT EXAMINATION OF BRANDY MYERS BY MR. CAMPBELL

1 FOLLOWING A FIGHT, SORT OF AN INCIDENT?

2 A I WAS BANNED FROM "ROLEX" FOR AN AMOUNT OF TIME.

3 Q YOU WERE BANNED FROM "ROLEX" FOR THIRTY DAYS? WHEN DID THAT
4 HAPPEN?

5 A I'M NOT SURE WHEN THAT HAPPENED. IT WASN'T EVEN MY FIGHT.

6 Q OKAY. BUT YOU STILL WERE BANNED FROM IT?

7 A THAT'S CORRECT.

8 Q ALL RIGHT. SO YOU WERE PUNISHED FOR SOMETHING YOU DIDN'T DO?

9 A THAT'S CORRECT.

10 Q IT'S NOT A GOOD FEELING. IS IT?

11 A NO.

12 Q THANK YOU.

13 THE COURT: RE-DIRECT?

14 MR. CAMPBELL: NO, YOUR HONOR.

15 THE COURT: MAY THIS WITNESS BE EXCUSED?

16 MR. CAMPBELL: YES, SIR.

17 THE COURT: THANK YOU, MA'AM. CALL YOUR NEXT WITNESS, PLEASE.

18 MR. CAMPBELL: YOUR HONOR, THE STATE CALLS KELLY RIGGS TO THE
19 STAND..

20 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, K.W. RIGGS
21 TESTIFIED AS FOLLOWS:)

22 CLERK OF COURT: IF YOU'LL HAVE A SEAT IN THE WITNESS CHAIR. IF
23 YOU WILL PLEASE STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR
24 THE RECORD.

25 MS. RIGGS: KELLY WARREN RIGGS. R-I-G-G-S.

1 DIRECT EXAMINATION OF K.W. RIGGS BY MISTER CAMPBELL

2 Q MISTER RIGGS, WHERE ARE YOU EMPLOYED?

3 A GREENVILLE CITY POLICE DEPARTMENT.

4 Q IN WHAT CAPACITY OR POSITION ARE YOU EMPLOYED IN?

5 A I AM A SERGEANT AND SUPERVISOR OVER THE VIOLENT CRIMES UNIT.

6 Q AND WERE YOU IN THAT POSITION BACK IN FEBRUARY 08, 2008?

7 A NOT YET.

8 Q BUT YOU WERE STILL A DETECTIVE?

9 A I WAS ACTUALLY OVER WHITE COLLAR CRIMES, ECONOMIC CRIMES AT
10 THE TIME.

11 Q AND ON FEBRUARY 08, 2008, WERE YOU CALLED TO ASSIST THE
12 GREENVILLE TECHNICAL POLICE DEPARTMENT, THE CAMPUS POLICE
13 DEPARTMENT?

14 A YES, SIR.

15 Q AND WHAT TYPE OF INCIDENT OR THE REASON WHY YOU WERE
16 CALLED?

17 A WE HAD A GUNSHOT VICTIM.

18 Q YOU WENT TO THE CAMPUS?

19 A YES, SIR.

20 Q WAS THE SCENE ALREADY SECURE WHEN YOU ARRIVED? DO YOU
21 RECALL?

22 A YES, SIR. IT WAS.

23 Q AND WHAT, IF ANYTHING, DID YOU DO AT THAT POINT IN TIME AS IN THE
24 ROLE OF ASSISTING THE GREENVILLE TECHNICAL COLLEGE POLICE
25 DEPARTMENT?

1 A BASICALLY, I STOOD BACK AND THE DETECTIVES WERE BASICALLY
2 WORKING WITH GREENVILLE TECH CAMPUS. THEY HAD REQUESTED
3 OUR ASSISTANCE. THEY HAD A GUN SHOT VICTIM. WHEN WE FIRST
4 GOT THERE WE WEREN'T EXACTLY SURE WHAT HAD HAPPENED
5 BECAUSE THE CALL ACTUALLY CAME OUT AND SEVERAL PEOPLE HAD
6 RUN FROM THE AREA. SO, WE DIDN'T KNOW IF WE HAD A SHOOTING OR
7 WHAT. AND IT WAS IDENTIFIED ---

8 **MS. GOODWIN:** YOUR HONOR, I CAN'T HEAR HIM.

9 **THE COURT:** COULD YOU SPEAK UP AND GET A LITTLE CLOSER TO THE
10 MICROPHONE PLEASE, MISTER RIGGS.

11 **MS. GOODWIN:** COULD HE REPEAT THAT LAST SENTENCE. I COULDN'T
12 HEAR WHAT HE SAID.

13 A WE HAD BASICALLY RESPONDED TO THE AREA. WE WEREN'T SURE
14 WHETHER THERE WAS A GUN SHOT, WHETHER IT WAS SELF-INFLICTED
15 OR WHAT. WE HAD SEVERAL PEOPLE RUN FROM THE AREA. SO WE
16 WERE TRYING TO CONTAIN IT AND FIND OUT EXACTLY WHAT HAD
17 HAPPENED. WE LEARNED PRETTY QUICKLY THAT IT WAS A SELF-
18 INFLECTED GUNSHOT FROM WHAT THE VICTIM BASICALLY TOLD THE
19 DETECTIVES.

20 Q AND DID YOU GO INTO THE APARTMENT WHERE THE INDIVIDUAL HAD
21 SHOT HIMSELF?

22 A I EVENTUALLY DID. YES SIR.

23 Q OKAY. DID YOU SEARCH THE APARTMENT FOR THE GUNS?

24 A INITIALLY, NO SIR.

25 Q THE GUN?

1 A I WAS -- WE WERE TOLD THAT WE COULDN'T FIND THE GUN OR THE
2 OFFICERS COULDN'T FIND THE GUN. THEY FOUND THE SHELL CASING IN
3 THE ROOM WHERE THE VICTIM SHOT HIMSELF AND I DIDN'T GO IN UNTIL
4 THEY SAID THEY COULDN'T FIND THE GUN. I JUST STARTED, BASICALLY,
5 WALKING THROUGH. THERE WERE TWO ROOMS THAT WERE LOCKED.
6 ONCE A MASTER KEY WAS RETRIEVED AND THOSE ROOMS WERE
7 OPENED, WE JUST STARTED WALKING THROUGH THE ROOMS, LOOKING.

8 Q AND WHAT, IF ANYTHING, DID YOU FIND IN ONE OF THESE ROOMS?

9 A IN THAT FAR BACK ROOM THEY HAD A "D" ON THE DOOR AND AS YOU
10 WALKED INTO THE ROOM, TO YOUR RIGHT, THERE WAS A CLOSET AND
11 WHEN YOU OPENED THAT CLOSET DOOR, ACTUALLY ON THAT LEFT-
12 HAND SIDE, WHAT I INITIALLY SAW WAS WHAT WAS LATER IDENTIFIED
13 AS A KEL TEC .9 MILLIMETER.

14 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
15 EXHIBITS #18 AND #22, WHICH HAS BEEN CLEARED SAFE WHERE THE
16 STRAP WENT. DO YOU RECALL -- I WANT YOU TO LOOK AT THESE
17 EXHIBITS #18 AND #22. CAN YOU CAN PLEASE IDENTIFY THESE, SIR.

18 A THIS LOOKS LIKE THE INITIAL GUN THAT I SAW. IT'S A KEL TEC AND
19 ALSO THE MAGAZINE.

20 Q AND WAS THE MAGAZINE IN THE GUN?

21 A IT WAS.

22 Q AND WAS THIS GUN, WHEN YOU FOUND IT, FOLDED UP LIKE IT IS RIGHT
23 NOW OR WAS IT EXTENDED OUT?

24 A IT WAS ACTUALLY FOLDED UP.

25 Q AND WHEN YOU COLLECTED THIS GUN, YOU ALSO PUT DOWN ON A

DIRECT EXAMINATION OF K.W. RIGGS BY MR. CAMPBELL

1 PROPERTY EVIDENCE SHEET THE GUNS THAT YOU HAD COLLECTED?

2 A THAT'S CORRECT.

3 Q AS WELL AS WHAT TYPE OF AMMUNITION AND EVERYTHING INVOLVING
4 THIS GUN. IS THAT RIGHT?

5 A THAT IS CORRECT.

6 Q IN FACT, YOU WROTE DOWN THE SERIAL NUMBER. IS THAT RIGHT?

7 A THAT IS CORRECT.

8 Q AND THE SERIAL NUMBER THAT MATCHED THIS WAS E3B56.

9 A E3B56 IS CORRECT.

10 Q SO, THIS IS THE WEAPON THAT YOU RETRIEVED FROM THE GREENVILLE
11 TECHNICAL COLLEGE CAMPUS ON FEBRUARY IN 2008.

12 A THAT IS CORRECT.

13 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I MOVE STATE'S EXHIBITS
14 #18 AND #22 INTO EVIDENCE.

15 THE COURT: ANY OBJECTIONS?

16 MS. GOODWIN: NO, SIR. THEY WERE FOUND AT GREENVILLE TECH AND
17 STIPULATED.

18 THE COURT: ADMITTED WITHOUT OBJECTION.

19 (WHEREUPON, A GUN AND A MAGAZINE CLIP ARE ENTERED INTO
20 EVIDENCE AS STATE'S EXHIBITS #18 AND #22, WITHOUT OBJECTION)

21 Q NOW, SERGEANT RIGGS, WHEN YOU FOUND THIS WEAPON, WAS IT
22 LOADED?

23 A YES, SIR. IT WAS.

24 Q AND DID YOU UNLOAD IT?

25 A YES, SIR.

1 Q DO YOU RECALL HOW MANY ROUNDS, BULLETS, AMMO, IT HAD IN IT?

2 A I WOULD HAVE TO LOOK AT THE P & E SHEET TO REMEMBER.

3 (MR. CAMPBELL SHOWS MS. GOODWIN A DOCUMENT)

4 Q I AM GOING TO SHOW YOU THIS DOCUMENT. WOULD YOU PLEASE
5 IDENTIFY WHAT THIS IS, SIR?

6 A THIS IS OUR PROPERTY AND EVIDENCE SHEET THAT WE FILL OUT
7 EVERY TIME WE HAVE EVIDENCE THAT WE SECURE. WE IDENTIFY IT BY
8 IT'S OWN UNIQUE CASE NUMBER, FOR WHICH THIS ONE IS 08, WHICH
9 STANDS FOR THE YEAR, AND IT IS DASH 13956 WHICH IS THE ACTUAL
10 CASE NUMBER ASSIGNED TO THAT PARTICULAR INCIDENT THAT WE
11 RESPOND TO. IT IS LABELED FOR █████ CLEVELAND STREET WHICH IS
12 THE GREENVILLE TECH CAMPUS. IT IS IN ROOM █████ BUILDING "█",
13 WHICH IS THE ROOM THAT WE OBTAINED THE WEAPONS FROM. THEN I
14 IDENTIFIED THAT BACK ROOM WHICH IS ROOM "D" ON THE LEFT-SIDE
15 FLOOR OF THE CLOSET WHICH IS WHERE I ACTUALLY LOCATED THIS
16 WEAPON AND MAGAZINE AND ANOTHER WEAPON ALONG WITH IT.
17 THEN, I HAVE LISTED ON THIS AS ITEM "B" WHICH IS A KEL TEC SUB2000
18 .9 MILLIMETER LUGER, SERIAL NUMBER E3B56 AND ALSO WHICH WAS
19 ATTACHED IN A MAGAZINE, IT'S 19 ROUNDS OF .9 MILLIMETER ROUNDS
20 FROM THE KEL TEC MAGAZINE.

21 Q AND THAT IS WHAT YOU LABELED AS "E"?

22 A THAT'S CORRECT.

23 Q I AM GOING TO SHOW YOU THIS AND WILL YOU PLEASE IDENTIFY WHAT
24 THIS IS, SIR?

25 A (HANDS WITNESS AN ENVELOPE) IT'S A .9 MILLIMETER HARDBALL

1 AMMUNITION.

2 Q IS THIS THE AMMO THAT WAS TAKEN OUT OF THIS WEAPON RIGHT
3 HERE?

4 A THAT'S CORRECT.

5 Q AND, IN FACT, IT'S LABELED "E" ON THE PACKAGE. IS THAT RIGHT?

6 A THAT IS CORRECT.

7 **MR. CAMPBELL:** YOUR HONOR, AT THIS TIME I AM GOING TO MOVE THE
8 AMMO IN AS A STATE'S EXHIBIT WHATEVER THE NEXT NUMBER IS.

9 **COURT REPORTER:** #23.

10 **MR. CAMPBELL:** #23.

11 **THE COURT:** ANY OBJECTIONS?

12 **MS. GOODWIN:** NO, SIR.

13 **THE COURT:** ADMITTED WITHOUT OBJECTION.

14 (WHEREUPON, AMMUNITION IS ADMITTED INTO EVIDENCE AS STATE'S
15 EXHIBIT #23, WITHOUT OBJECTION)

16 Q DETECTIVE RIGGS, HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

17 A TWENTY-FIVE YEARS IN AUGUST.

18 Q ALL IN GREENVILLE COUNTY?

19 A GREENVILLE CITY. YES, SIR.

20 Q DURING YOUR TIME IN TWENTY-FIVE YEARS, HAVE YOU EVER SEEN A
21 WEAPON LIKE THIS BEFORE?

22 A I HAVE NEVER SEEN A KEL TEC.

23 Q YOU HAVE NEVER RUN ACROSS THAT, ANYTHING LIKE THAT?

24 A NO, SIR.

25 Q EVEN DURING YOUR TIME AS A SUPERVISOR IN VIOLENT CRIMES?

1 A THAT IS THE FIRST AND ONLY TIME I HAVE SEEN A WEAPON LIKE THAT.

2 Q NOW, YOU ALSO RECOVERED ANOTHER WEAPON. IS THAT CORRECT?

3 A THAT IS CORRECT.

4 Q AND I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED STATE'S
5 EXHIBIT #16. SERGEANT RIGGS, I AM GOING TO SHOW YOU WHAT HAS
6 BEEN MARKED STATE'S EXHIBIT #16, WHICH HAS TWIST TIES THROUGH
7 THE WEAPON SO IT CAN'T BE FIRED. COULD YOU PLEASE IDENTIFY THIS
8 PLEASE SIR?

9 A IT IS A HIGHPOINT FIREARM, MODEL "C", A .9 MILLIMETER. IT HAS A
10 SERIAL NUMBER OF P ,PAPA, 015373 WHICH IS WHAT WAS ACTUALLY
11 UNDERNEATH THE KEL TEC IN THE CLOSET IN THE SAME AREA.

12 Q SO, THIS WEAPON WAS FOUND UNDERNEATH THIS KEL TEC ?

13 A YES, SIR. INITIALLY, I DIDN'T SEE IT. THERE WAS ACTUALLY A PAIR OF
14 BLACK SHOES . THE GUN WAS LAYING ON TOP OF THE SHOES AND THE
15 KEL TEC WAS OVER THE TOP OF IT. ALL I SAW WAS THE KEL TEC. LIKE I
16 SAID IT WAS THE FIRST TIME I HAD SEEN ONE AT THE TIME.

17 Q AND DID -- WAS THIS PISTOL HERE, THIS HIGHPOINT .9 MILLIMETER
18 PISTOL, WAS IT LOADED?

19 A YES, SIR. IT WAS.

20 Q AND DID IT HAVE A CLIP IN IT?

21 A IT DID.

22 Q LET ME SHOW YOU FOR IDENTIFICATION -- I AM GOING TO SHOW YOU
23 WHAT HAS BEEN MARKED STATE'S EXHIBITS #24 AND #25. COULD YOU
24 PLEASE IDENTIFY WHAT THESE ARE, SIR?

25 A EXHIBIT #25 IS ACTUALLY THE MAGAZINE WHICH GOES INSIDE THE

DIRECT EXAMINATION OF K.W. RIGGS BY MR. CAMPBELL

1 WEAPON AND WAS INSIDE THE WEAPON. EXHIBIT "C" IS 8 .9 MILLIMETER
2 ROUNDS OF HARDBALL AMMUNITION THAT WERE INSIDE THE MAGAZINE
3 WHICH WAS INSIDE THE GUN.

4 Q NOW, WHEN YOU FOUND THESE WEAPONS YOU UNLOADED THEM. IS
5 THAT RIGHT?

6 A THAT IS CORRECT.

7 Q RIGHT THERE ON THE SPOT?

8 A YES, SIR. WE MADE THEM SAFE.

9 Q AND THEN YOU BASICALLY BAGGED THEM UP AND KEPT THEM IN YOUR
10 POSSESSION?

11 A THAT IS CORRECT. AND TRANSPORTED THEM TO GREENVILLE COUNTY
12 LAW ENFORCEMENT CENTER AND PLACE THEM IN PROPERTY AND
13 EVIDENCE.

14 MR. CAMPBELL: YOUR HONOR, AT HIS TIME I PLACE EXHIBITS #24 AND
15 #25 AND #16 INTO EVIDENCE .

16 THE COURT: ANY OBJECTION?

17 MS. GOODWIN: NO OBJECTION.

18 THE COURT: ADMITTED WITHOUT OBJECTION.

19 (WHEREUPON, A PISTOL, AMMUNITION, AND A GUN MAGAZINE ARE
20 ENTERED INTO EVIDENCE AS STATE'S EXHIBITS #16, #24 AND #25, WITHOUT
21 OBJECTION.)

22 Q AND THESE WEAPONS STAYED IN YOUR CARE, CUSTODY, AND CONTROL
23 UNTIL ANDERSON COUNTY CAME?

24 A THEY STAYED IN THE PROPERTY AND EVIDENCE ROOM IN THE
25 GREENVILLE COUNTY LAW ENFORCEMENT CENTER.

1 Q I HAVE NO FURTHER QUESTIONS FOR THIS WITNESS. SERGEANT RIGGS,
2 PLEASE ANSWER ANY QUESTIONS MS. GOODWIN MAY HAVE.

3 THE COURT: CROSS EXAMINATION?

4 MS. GOODWIN: THANK YOU, YOUR HONOR.

5 CROSS EXAMINATION OF SERGEANT KELLY RIGGS BY MS. GOODWIN

6 Q SERGEANT RIGGS ---

7 A YES, MA'AM.

8 Q DO YOU KNOW WHO'S ROOM WAS ROOM "D"?

9 A I DO NOT.

10 Q YOU DO NOT? OKAY. BUT THE ROOM WAS LOCKED?

11 A THAT'S CORRECT.

12 Q OKAY, SO THEY HAD TO GET A MASTER KEY TO UNLOCK IT. RIGHT?

13 A THAT IS CORRECT.

14 Q AND THAT IS NOT THE ROOM WHERE CHRIS RONOKE SHOT HIMSELF?

15 A NO, MA'AM. IT WASN'T.

16 Q SO, SOMEBODY MOVED THE GUN FROM WHERE CHRIS RONOKE SHOT
17 HIMSELF TO ROOM "D"?

18 A YES, MA'AM. THAT'S WHAT I BELIEVE.

19 Q OKAY. AND AS YOU SAID, THIS IS HIGHLY UNUSUAL. IS THAT CORRECT?

20 A IT IS FOR ME.

21 Q VERY DISTINCTIVE.

22 A YES, MA'AM.

23 Q YOU WOULD BE A PRETTY GOOD AUTHORITY ON DISTINCTIVE
24 FIREARMS. WOULDN'T YOU?

25 A I WOULDN'T CONSIDER MYSELF AN AUTHORITY, NO.

1 Q YOU WOULDN'T CONSIDER YOURSELF AN AUTHORITY?

2 A NO, MA'AM.

3 Q WELL I CONSIDER YOU AN AUTHORITY. BUT THAT IS A DISTINCTIVE
4 GUN?

5 A YES, MA'AM.

6 Q ONE CAN LOOK AT THAT AND REMEMBER IT?

7 A YES, MA'AM.

8 Q OKAY. THANK YOU.

9 THE COURT: RE-DIRECT?

10 MR. CAMPBELL: NO, SIR.

11 THE COURT: MAY MISTER RIGGS BE EXCUSED?

12 MR. CAMPBELL: YES, SIR.

13 THE COURT: THANK YOU, SIR.

14 MR. RIGGS: THANK YOU, YOUR HONOR.

15 THE COURT: CALL YOUR NEXT WITNESS, PLEASE SIR.

16 MR. CAMPBELL: YOUR HONOR, THE STATE CALLS JAMES ARMSTRONG.

17 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, JAMES

18 ARMSTRONG TESTIFIED AS FOLLOWS:)

19 CLERK OF COURT: OKAY. HAVE A SEAT IN THE WITNESS CHAIR. IF YOU
20 WILL STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR THE
21 RECORD.

22 MR. ARMSTRONG: JAMES WILLIAM ARMSTRONG. A-R-M-S-T-R-O-N-G.

23 DIRECT EXAMINATION OF JAMES ARMSTRONG BY MISTER CAMPBELL

24 Q MISTER ARMSTRONG, WHERE ARE YOU EMPLOYED?

25 A I AM EMPLOYED WITH THE GREENVILLE COUNTY DEPARTMENT OF

1 PUBLIC SAFETY, FORENSIC DIVISION OF THE CRIME LABORATORY.

2 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

3 A A LITTLE OVER SIXTEEN-AND-A-HALF YEARS.

4 Q HOW LONG HAVE YOU BEEN A FORENSIC TECHNICIAN?

5 A I HAVE BEEN IN THE AREA OF FORENSICS FOR A LITTLE OVER FIFTEEN
6 YEARS.

7 Q AND AS FAR AS YOUR DUTIES AND JOBS, YOU DEAL WITH FIREARM
8 IDENTIFICATION?

9 A YES, SIR. I DO.

10 Q HAVE YOU EVER BEEN QUALIFIED IN COURT AS AN EXPERT IN FIREARM
11 IDENTIFICATION?

12 A YES, SIR. I HAVE.

13 Q IN STATE AND FEDERAL COURT?

14 A IN STATE AND FEDERAL COURT TWENTY-TWO TIMES.

15 Q AND CAN YOU BRIEFLY TELL THE MEMBERS OF THE JURY A QUICK
16 SYNOPSIS OF YOUR TRAINING AND EXPERIENCE IN FIREARM
17 IDENTIFICATION?

18 A YES, SIR. FIRST I HAVE, IN THE AREA OF SCIENCE, A CHEMISTRY
19 DEGREE FROM ERSKINE COLLEGE. I TRAINED IN THE AREA OF FIREARM
20 IDENTIFICATION AND HAD APPRENTICE-STYLE TRAINING UNDER THE
21 DIRECTION OF A RETIRED FIREARM EXAMINER FROM PHILADELPHIA P. D.
22 I HAVE ATTENDED NUMEROUS SCHOOLS SPONSORED BY ALCOHOL,
23 TOBACCO , FIREARMS, AND EXPLOSIVES IN WASHINGTON, D. C. I HAVE
24 TRAINING WITH DIFFERENT MANUFACTURERS WITH TOURS OF TWELVE
25 DIFFERENT MANUFACTURING PLANTS FOR FIREARMS SALES OF THE

1 PRODUCT FROM RAW MATERIAL TO THE FINISHED PRODUCT. I WENT TO
2 THREE DIFFERENT AMMUNITION MANUFACTURING FACILITIES
3 WATCHING THEIR PRODUCTION OF AMMO FROM RAW MATERIAL TO THE
4 FINISHED PRODUCT. I'VE PARTICIPATED IN NUMEROUS PROFICIENCY
5 TESTING AND OUTSIDE TESTING AT AGENCIES TO SHOW PROFICIENCY
6 IN THE AREA OF FIREARM IDENTIFICATION. I HAVE TESTIFIED IN
7 FEDERAL AND STATE COURTS AT LEAST TWENTY-TWO TIMES AS AN
8 EXPERT.

9 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I MOVE THAT MISTER
10 ARMSTRONG BE QUALIFIED AS AN EXPERT IN FIREARM IDENTIFICATION.

11 THE COURT: ANY VOIR DIRE?

12 MS. GOODWIN: NO, SIR. I STIPULATE.

13 THE COURT: YOU STIPULATE HIM AS AN EXPERT?

14 MS. GOODWIN: YES, SIR. HE IS STIPULATED AS AN EXPERT.

15 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN OF THE JURY,
16 NORMALLY A PERSON IS NOT ALLOWED TO GIVE THEIR OPINION. THEY ARE
17 LIMITED TO TESTIFYING ABOUT WHAT THEY SAW, WHAT THEY HEARD, AND
18 WHAT THEY FELT, TYPICALLY, WHAT YOU CONSIDER YOUR SENSES.
19 HOWEVER, BECAUSE OF EXPERIENCE, EDUCATION, OR BOTH, A PERSON MAY
20 BE QUALIFIED AS AN EXPERT IN A PARTICULAR AREA AND ALLOWED TO GIVE
21 THEIR OPINION IN THAT AREA. IN THIS PARTICULAR CASE, MISTER
22 ARMSTRONG HAS BEEN STIPULATED TO BE AN EXPERT IN FIREARM
23 IDENTIFICATION. IS THAT CORRECT, MISTER CAMPBELL?

24 MR. CAMPBELL: YES, SIR.

25 THE COURT: THAT MEANS HE WILL BE ALLOWED TO GIVE HIS OPINION IN

1 THAT AREA. IT'S LIKE ANY OTHER EVIDENCE IN HIS TRIAL. YOU CAN ACCEPT
2 IT AND USE IT ANYWAY YOU SEE FIT. THANK YOU. GO AHEAD MR. CAMPBELL.

3 MR. CAMPBELL: THANK YOU, YOUR HONOR.

4 Q NOW, MISTER ARMSTRONG, WERE YOU ASKED BY THE ANDERSON
5 COUNTY SHERIFF'S OFFICE TO MAKE SOME COMPARISONS OF SOME
6 SHELL CASINGS AND SOME WEAPONS THAT WERE FOUND AT
7 GREENVILLE TECHNICAL COLLEGE?

8 A YES, SIR. I WAS.

9 Q I AM GOING TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
10 EXHIBIT #18 AND #16, WHICH HAVE TWIST TIES IN THEM AND ARE NOT
11 OPERABLE. I AM GOING TO HAND THESE UP TO YOU AND CAN YOU
12 PLEASE IDENTIFY THESE, SIR?

13 A STATE'S EXHIBIT #18, THE KEL TEC, SUB 2000, CALIBER .9 MILLIMETER
14 LUGER RIFLE, WITH SERIAL NUMBER E3B56.

15 Q IS THAT ONE OF THE WEAPONS THAT YOU MADE A COMPARISON ON?

16 A YES, SIR. IT IS.

17 Q AND HOW ABOUT THE PISTOL, STATE'S EXHIBIT #16?

18 A EXHIBIT #16 IS A HIGHPOINT FIREARM BY B. MILLER, INCORPORATED. IT
19 IS A MODEL "C". THE CALIBER IS .9 MILLIMETER LUGER.

20 Q NOW, AS YOU TESTIFIED BEFORE, YOU HAVE SPENT FIFTEEN YEARS IN
21 FIREARM IDENTIFICATION?

22 A A LITTLE OVER TEN YEARS SO FAR, IN FIREARMS.

23 Q TEN YEARS AND ABOUT SIXTEEN YEARS IN LAW ENFORCEMENT?

24 A YES, SIR.

25 Q AS MS. GOODWIN ASKED SERGEANT RIGGS, THIS KEL TEC RIFLE IS KIND

- 1 OF UNIQUE. IS THAT RIGHT?
- 2 A I HAVE ONLY SEEN, I BELIEVE IT IS TWO, IN MY AREA OF ACTUALLY
- 3 DOING FIREARM IDENTIFICATION. I HAVE SEEN SEVERAL THROUGHOUT
- 4 THE AREA, BUT ONLY IN THE SHOOTING FIELD.
- 5 Q AND THIS TYPE OF RIFLE THEN, IS DISTINCT IN THE FIREARMS WORLD.
- 6 IS THAT RIGHT?
- 7 A IT'S FAIRLY UNIQUE. YES, SIR.
- 8 Q READILY IDENTIFIABLE BY SOMEONE IF HE WAS TO SEE IT?
- 9 A YES, SIR.
- 10 Q NOW THEY ASKED -- THE ANDERSON COUNTY SHERIFF'S OFFICE ASKED
- 11 YOU TO COMPARE THREE SHELL CASINGS TO THESE TWO WEAPONS
- 12 RIGHT HERE, STATE'S EXHIBITS #16 AND #18. IS THAT RIGHT?
- 13 A YES, SIR.
- 14 Q I AM GOING TO HAND UP STATE'S EXHIBITS #12, #13, AND #14. FIRST OF
- 15 ALL, I'LL HAND THESE UP TO YOU. IF YOU WILL PLEASE TAKE A LOOK AT
- 16 THEM ON THE OUTSIDE OF THE PACKAGES. ARE THESE THE ITEMS
- 17 THAT YOU WERE ASKED TO COMPARE TO THESE WEAPONS?
- 18 A YES, SIR. THEY ARE.
- 19 Q AND HOW DO YOU KNOW THAT?
- 20 A ON THE OUTSIDE OF THE PACKAGE I HAVE AN IDENTIFYING CASE
- 21 NUMBER WHICH OUR DEPARTMENT WILL ASSIGN ANY OUTSIDE AGENCY
- 22 THAT COMES THROUGH AND ASKS FOR CASINGS TO BE LOOKED AT,
- 23 WHICH IS 11-08-265 AND ALSO HAS THE ITEM NUMBER WHICH I
- 24 ASSIGNED IT AS 1-A, 1-B, AND 3 WITH MY INITIALS.
- 25 Q AND DID YOU MAKE A COMPARISON -- WELL, FIRST OF ALL, WHAT'S

1 INSIDE THOSE EXHIBITS?

2 A INSIDE THESE EXHIBITS ARE SUPPOSED TO BE FIRED CARTRIDGE
3 CASINGS. EXHIBIT 1-A, THERE IS A SEALED PACKAGE WITH A FIRED
4 CARTRIDGE CASE WITH MY INITIALS AND THE ITEM NUMBER INSCRIBED
5 ON THE INSIDE OF THIS CASE. ITEM 1-B, THERE IS ALSO A FIRED
6 CARTRIDGE CASE FROM A .9 MILLIMETER LUGER AND ITEM 3 IS A FIRED
7 CARTRIDGE CASE IN THE CALIBER .9 MILLIMETER LUGER WITH THE
8 HEADSTAMP OF WINCHESTER.

9 Q AND DID YOU MAKE A COMPARISON OF THESE THREE SHELL CASINGS
10 TO THESE TWO GUNS, THE KEL TEC AND THE HIGHPOINT PISTOL?

11 A YES, SIR. I DID.

12 Q AND WHAT TYPE OF METHOD OR MANNER DID YOU GO ABOUT MAKING
13 THE EXAMINATION OF THESE SHELL CASINGS AND THESE WEAPONS? IF
14 YOU WOULD JUST BRIEFLY EXPLAIN TO THE JURY HOW YOU GOT THESE
15 FINDINGS.

16 A WHEN I RECEIVE THE PACKAGE, I INVENTORY THE CONTENTS AND I
17 ACTUALLY WRITE THE ITEM NUMBER ON THE EVIDENCE SO I DON'T GET
18 THEM MIXED UP. THE ITEM NUMBER IS INSCRIBED WITH A METAL
19 SCRIBE AS WELL AS MY INITIALS TO KEEP THOSE SEPARATE. I THEN
20 TAKE THE ITEM TO BE COMPARED TO, WHICH IS THE FIREARM AND I GO
21 AND GENERATE TEST SHOTS. I WILL LOAD THE FIREARM WITH
22 REFERENCE AMMO THAT I HAVE IN MY OFFICE WHICH IS BRAND NEW
23 AMMO WHICH HAS NEVER BEEN IN A FIREARM BEFORE AND TEST FIRE
24 ANYWHERE FROM TWO TO SIX OF THE CARTRIDGES AND HAVE THOSE
25 AS MY TEST SAMPLES TO COMPARE AGAINST THESE QUESTIONABLE OR

1 PIECES OF EVIDENCE. I WILL THEN SIT DOWN AT A COMPARISON
2 MICROSCOPE AND DO AN OVERLAPPING COMPARISON WHERE YOU ARE
3 COMPARING TWO ITEMS SIDE BY SIDE. YOU CAN ACTUALLY ROLL WHAT
4 IS CALLED A CENTER LINE ACROSS AS YOU PUT ONE IMAGE ON TOP OF
5 THE OTHER IF YOU NEED TO AND WE CAN ACTUALLY COMPARE THEM
6 BY LOOKING FOR THE STRIATIONS, OR FINGERPRINTS OF THE FIREARM,
7 WHICH ARE TRANSFERRED TO THE EVIDENCE ONCE THE FIREARM IS
8 FIRED.

9 Q AND YOU DID THAT IN THIS CASE?

10 A YES, SIR. I DID.

11 Q AND WHAT, IF ANYTHING, DID YOU LEARN AS A RESULT OF DOING THESE
12 TESTS?

13 A ACCORDING TO THESE, I EXAMINED ITEMS 1-A, 1-B, AND ITEM 3
14 COMPARING THEM AGAINST EACH OTHER AND FOUND THAT ITEM 1-B
15 AND ITEM 3 WERE FIRED IN THE SAME FIREARM AND THAT ITEM 1-A WAS
16 FIRED IN A DIFFERENT FIREARM. AND COMPARING THEM TO THE TWO
17 FIREARMS, I FOUND THAT THE ITEM 1-A FIRED CARTRIDGE CASE WAS
18 FIRED IN THE ITEM A PISTOL, WHICH IS THE HIGHPOINT PISTOL. THE
19 ITEMS 1-B AND 3 WERE FIRED IN THE KEL TEC SUB 2000.

20 Q AND WHEN YOU ARE SAYING THIS CASE ITEM 1-A, WHAT STATE'S
21 EXHIBIT NUMBER ARE YOU REFERRING TO?

22 A ITEM 1-A IS STATE'S EXHIBIT #12.

23 Q AND #12 IS DIRECTLY ASSOCIATED TO THE FIREARM STATE'S EXHIBIT
24 #16?

25 A THAT GOES WITH STATE'S EXHIBIT #16. YES, SIR.

1 Q AND STATE'S EXHIBITS #13 AND #14, THOSE TWO SHELL CASINGS WERE
2 FIRED OUT OF STATE'S EXHIBIT #18, THE KEL TEC RIFLE?

3 A THAT IS TRUE.

4 Q NOW, WHEN YOU RECEIVED THESE WEAPONS, DID YOU ALSO RECEIVE
5 THE CLIPS THAT THEY CAME WITH?

6 A THEY WERE INCLUDED. YES, SIR.

7 Q AND STILL DEALING WITH STATE'S EXHIBIT #18, THE KEL TEC RIFLE, I AM
8 GOING TO SHOW YOU WHAT HAS BEEN MARKED INTO EVIDENCE AS
9 STATE'S EXHIBIT #22. WOULD THAT BE THE CLIP THAT CAME WITH THAT
10 WEAPON?

11 A YES, SIR. THIS IS THE GLOCK MAGAZINE, WHICH HAS A CAPACITY OF 33
12 .9 MILLIMETER CARTRIDGES, WHICH WILL FIT AND FUNCTION ON THE
13 KEL TEC RIFLE.

14 Q AND DID YOU USE THIS CLIP YOURSELF WHEN YOU WERE ACTUALLY
15 TEST FIRING YOUR AMMO OUT OF THIS WEAPON?

16 A YES, SIR. I DID.

17 Q NOW, REFERRING TO THE PISTOL, THE HIGHPOINT PISTOL, THE
18 ANDERSON COUNTY SHERIFF'S OFFICE ALSO ASKED YOU TO COMPARE
19 THIS TO TWO OTHER CASES IN ANDERSON. IS THAT CORRECT?

20 A YES, SIR. THEY DID.

21 Q AND WHAT, IF ANYTHING, DID YOUR FINDINGS FIND?

22 A ON ANOTHER INCIDENT, THERE WERE FIVE FIRED CARTRIDGE CASINGS
23 THAT CAME TO MY ATTENTION. I COMPARED IT TO BOTH OF THESE
24 FIREARMS AND FOUND THAT THEY WERE -- THAT THE FIVE WERE FIRED
25 IN THE ITEM A PISTOL FROM THE POLICE DEPARTMENT IN GREENVILLE.

1 AND THEN ONCE AGAIN, EARLIER THIS YEAR, IT CAME TO MY ATTENTION
2 AGAIN, FIVE MORE FIRED CARTRIDGE CASINGS THAT HAD BEEN
3 PREVIOUSLY SENT TO THE STATE LAB FOR COMPARISON FOR ANOTHER
4 INCIDENT. I THEN COMPARED THOSE ITEMS AS WELL, TO THESE TWO
5 FIREARMS AS WELL. AND ONCE AGAIN, I FOUND THAT THIS FIREARM
6 WAS USED TO FIRE THOSE FIRED CARTRIDGE CASINGS THAT WENT
7 WITH THEM.

8 Q AND BASED UPON YOUR EXAMINATION OF THOSE THREE SHELL
9 CASINGS FROM THE KEL TEC AND THE PISTOL, IT IS YOUR OPINION THAT
10 THOSE WEAPONS FIRED THOSE THREE SHELL CASINGS?

11 A YES, SIR. THEY WERE.

12 Q TWO OUT OF THE KEL TEC AND ONE OUT OF THE PISTOL.

13 A THAT IS CORRECT.

14 Q MISTER ARMSTRONG, I HAVE NO FURTHER QUESTIONS FOR YOU.
15 WOULD YOU PLEASE ANSWER ANY QUESTIONS THAT MS. GOODWIN
16 MAY HAVE.

17 THE COURT: CROSS EXAMINATION?

18 MS GOODWIN: MAY IT PLEASE THE COURT.

19 **CROSS EXAMINATION OF JAMES ARMSTRONG BY MS. GOODWIN**

20 Q I AM PROBABLY BEATING A DEAD HORSE HERE, BUT I WOULD JUST LIKE
21 TO MAKE THIS REAL CLEAR.

22 A NO PROBLEM.

23 Q THIS GUN --

24 MS. GOODWIN: YOUR HONOR, MAY I APPROACH?

25 THE COURT: YES, MA'AM.

1 Q THIS GUN, STATE'S EXHIBIT #20, LET ME SEE. I'M SORRY. LET ME GET
2 THE RIGHT ONE. #18.

3 A YES, MA'AM.

4 Q IS HIGHLY UNUSUAL?

5 A IT'S UNUSUAL. IT IS AT A DIFFERENT FORMAT. THE WAY IT FOLDS BACK
6 IS A LITTLE DIFFERENT. IT'S A DIFFERENT DESIGN. IT IS NOT A -- NOT
7 ONE YOU COMMONLY SEE ON A DAY TO DAY USE.

8 Q OKAY. THAT'S ALL.

9 THE COURT: RE-DIRECT?

10 MR. CAMPBELL: NO, YOUR HONOR.

11 THE COURT: MAY THIS WITNESS BE EXCUSED?

12 MR. CAMPBELL: YES, SIR.

13 THE COURT: THANK YOU, SIR.

14 MR. ARMSTRONG: THANK YOU.

15 THE COURT: CALL YOUR NEXT WITNESS, PLEASE SIR.

16 MR. CAMPBELL: YOUR HONOR, MAY WE APPROACH?

17 THE COURT: YES, SIR.

18 (BRIEF BENCH CONFERENCE OFF THE RECORD)

19 THE COURT: I'LL ASK THE JURY TO STEP BACK TO THE JURY ROOM AT
20 THIS TIME. ANYTIME MISTER WILLIAMS, YOU NEED ADDITIONAL TIME BACK
21 THERE JUST SEND WORD THROUGH MISTER HAMBY AND AGAIN, IF Y'ALL NEED
22 COKES OR WATER OR ANYTHING, Y'ALL ASK FOR IT AND YOU HAVE GOT IT,
23 OKAY? THANK YOU.

24 (JURY OUT AT 11:35 A.M.)

25 THE COURT: WE WILL BE IN RECESS FOR ABOUT ---

1 **MR. CAMPBELL: I WOULD LIKE TO PUT SOMETHING ON THE RECORD**
2 **ABOUT WHAT WE TALKED ABOUT AT THE BAR HERE. IT IS THAT MS. GOODWIN**
3 **AGREED TO STIPULATE THAT THE LETTER THAT WAS WRITTEN BY MISTER**
4 **GOSS WAS FOUND IN THE GREENVILLE COUNTY DETENTION CENTER.**

5 THE COURT: OKAY.

6 **MR. CAMPBELL:** AND AS SUCH WE WILL BE ABLE TO REFER TO IT.

7 THE COURT: DO YOU HAVE ANOTHER WITNESS?

8 **MR. CAMPBELL:** WE HAVE ANOTHER WITNESS, YES, SIR.

9 THE COURT: IS THAT CORRECT, MS. GOODWIN?

10 **MS. GOODWIN:** THAT'S RIGHT, YOUR HONOR.

11 THE COURT: AND I KNOW THAT IS SUBJECT TO YOUR PRIOR OBJECTION.

12 MS. GOODWIN: YES, SIR.

13 THE COURT: ALL RIGHT, SO WE ARE --

14 **MS. GOODWIN:** I'D RATHER STIPULATE THAN HAVE A LOT OF TESTIMONY
15 ABOUT IT.

16 THE COURT: ALL RIGHT, WE ARE AT RECESS FOR FIVE MINUTES.

17 (BRIEF BREAK)

18 THE COURT: ALL RIGHT, MISTER CAMPBELL, CALL YOUR NEXT WITNESS,
19 PLEASE.

20 **MR. CAMPBELL:** YOUR HONOR, THE STATE CALLS JOCASTAVIOUS
21 TIMPSON TO THE STAND.

22 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, JOCASTAVIOUS
23 TIMPSON TESTIFIED AS FOLLOWS:)

24 **CLERK OF COURT:** GO RIGHT AROUND THERE AND HAVE A SEAT IN THE
25 WITNESS CHAIR, PLEASE. IF YOU'LL JUST STATE YOUR FULL NAME AND SPELL

1 YOUR LAST NAME FOR THE RECORD, PLEASE.

2 MR. TIMPSON: JOCASTAVIOUS TIMPSON. LAST NAME, T-I-M-P-S -O-N.

3 DIRECT EXAMINATION OF JOCASTAVIOUS TIMPSON BY MISTER CAMPBELL

4 Q HOW OLD ARE YOU, MISTER TIMPSON?

5 A NINETEEN.

6 Q YOU ARE CURRENTLY INCARCERATED IN THE DEPARTMENT OF

7 CORRECTIONS?

8 A YES, SIR.

9 Q AND YOU HAVE BEEN CONVICTED FOR EIGHT COUNTS OF ARMED

10 ROBBERY?

11 A YES, SIR.

12 Q THREE COUNTS OF POSSESSION OF A WEAPON DURING THE

13 COMMISSION OF A VIOLENT CRIME?

14 A YES, SIR.

15 Q ASSAULT AND BATTERY WITH ATTEMPT TO KILL?

16 A YES, SIR.

17 Q TWO COUNTS OF KIDNAPPING?

18 A YES, SIR.

19 Q AND YOU ARE SERVING TIME FOR THAT RIGHT NOW?

20 A YES, SIR.

21 Q DO YOU KNOW TERRANCE GOSS?

22 A YES, SIR.

23 Q AND IS HE IN THE COURT TODAY?

24 A YES, SIR.

25 Q CAN YOU IDENTIFY HIM, PLEASE SIR?

- 1 A YEAH.
- 2 Q IS HE IN THE BLUE SHIRT?
- 3 A YES, SIR.
- 4 Q DO YOU KNOW HIM BY ANOTHER NAME?
- 5 A I JUST KNOW HIM BY TERRANCE.
- 6 Q DO YOU KNOW HIM BY A NICKNAME?
- 7 A NO, SIR.
- 8 Q AND YOU KNEW HIM BY THE NAME "SNOW." DIDN'T YOU?
- 9 A WELL, SEE, I HEARD OF HIS NAME, BUT I DIDN'T KNOW HIM BY THAT
- 10 NAME.
- 11 Q ARE YOU FROM ANDERSON?
- 12 A YES, SIR.
- 13 Q AND HOW LONG HAVE YOU KNOWN TERRANCE?
- 14 A PROBABLY ABOUT LIKE A YEAR.
- 15 Q AND THE YEAR BEFORE THE YEAR OF 2008?
- 16 A YES, SIR.
- 17 Q IN SEPTEMBER OF 2008, YOU WERE INCARCERATED IN THE ANDERSON
- 18 COUNTY DETENTION CENTER?
- 19 A YES, SIR.
- 20 Q IN FACT, YOU WERE IN THE SAME CELL WITH MISTER GOSS. IS THAT
- 21 CORRECT?
- 22 A YES, SIR.
- 23 Q CELL C-11?
- 24 A YES, SIR.
- 25 Q AND WHAT, IF ANYTHING, DID HE TELL YOU ABOUT THE ROBBERIES AT

1 THE B-P GAS STATION?

2 A I SAY HE DIDN'T TELL ME NOTHING. LIKE I TOLD -- I SAID THAT TO TELL
3 YOU BECAUSE I WAS IN A CELL WITH SOME PEOPLE AND PEOPLE IN THE
4 CELL WERE TELLING ME THAT IF I WRITE A STATEMENT ON TERRANCE
5 THEY WOULD PROBABLY GET MY TIME CUT. THAT'S WHY I TOLD ABOUT
6 THE B-P STUFF.

7 Q LET ME ASK YOU THIS. YOU APPROACHED LAW ENFORCEMENT. DID
8 YOU NOT?

9 A YES, SIR.

10 Q AND YOU SPOKE TO DETECTIVE ANDY TRIBBLE. IS THAT CORRECT?

11 A YES, SIR.

12 Q THIS DETECTIVE SITTING RIGHT HERE ON THE FRONT ROW?

13 A YES, SIR.

14 Q I AM GOING TO SHOW YOU -- CAN YOU READ AND WRITE?

15 A YES, SIR. I ALREADY KNOW WHAT THE STATEMENT SAID.

16 Q YOU ARE NOT EXACTLY SAYING WHAT IT SAYS. WHAT DATE DOES IT
17 SAY UP THERE?

18 A FEBRUARY 11, '08.

19 Q THAT YOUR SIGNATURE AT THE BOTTOM?

20 A YES, SIR.

21 Q THAT IS DETECTIVE ANDY TRIBBLE'S SIGNATURE?

22 A YES, SIR.

23 Q OKAY. IT STATES HERE YOU DID HEREBY FREELY AND VOLUNTARILY
24 GIVE THIS STATEMENT TO DETECTIVE ANDY TRIBBLE?

25 A YES, SIR.

- 1 Q AND READ WHAT YOU SAID DOWN ON THE HIGHLIGHTED PART.
- 2 A I ALSO KNOW TERRANCE GOSS, "SNOW", AND HE ALSO TOLD ME ABOUT
- 3 BEING INVOLVED IN A ROBBERY AT B-P.
- 4 Q AND DID HE TELL YOU ANY DETAILS ABOUT THEM?
- 5 A NO, SIR.
- 6 Q DID HE TELL YOU THEY WERE HARD OR EASY TO DO?
- 7 A HE DIDN'T TELL ME NONE OF THAT.
- 8 Q AND WHAT DOES IT SAY DOWN HERE? THE SECOND LINE FROM THE
- 9 BOTTOM.
- 10 A THAT THEY DID IT AND HOW EASY IT WAS.
- 11 Q THAT IS THE STATEMENT THAT YOU GAVE TO DETECTIVE ANDY TRIBBLE.
- 12 IS THAT CORRECT?
- 13 A YES, SIR.
- 14 Q THIS IS STATE'S EXHIBIT #18. MISTER TIMPSON, THERE IS A STRAP
- 15 THROUGH IT SO IT CAN NOT BE USED. DO YOU RECOGNIZE THIS
- 16 WEAPON?
- 17 A YEAH, I SEEN THAT GUN SOME BEFORE.
- 18 Q WHERE DID YOU SEE IT?
- 19 A ON THE STREET.
- 20 Q AND WHO HAD THIS WEAPON?
- 21 A I DON'T KNOW. A LOT OF PEOPLE HAD THAT WEAPON.
- 22 Q LET ME HELP REFRESH YOUR MEMORY A LITTLE. MISTER TIMPSON, DO
- 23 YOU RECALL GIVING A STATEMENT TO DETECTIVE ANDY TRIBBLE? I
- 24 MEAN DETECTIVE ROB GEBING?
- 25 A YES, SIR.

- 1 Q HE'S SEATED RIGHT HERE AT THE MIDDLE OF THE TABLE?
- 2 A YES, SIR.
- 3 Q DID YOU GIVE A STATEMENT TO HIM ON SEPTEMBER 18, 2008?
- 4 A YES, SIR.
- 5 Q IS THIS YOUR INFORMATION? JOCASTAVIOUS DEQUAN TIMPSON?
- 6 A YES, SIR.
- 7 Q IS THAT YOUR SIGNATURE AT THE BOTTOM?
- 8 A YES, SIR.
- 9 Q ON PAGE ONE AND AT THE BOTTOM OF PAGE TWO?
- 10 A YES, SIR.
- 11 Q DID YOU INITIAL THE TOP OF THIS PAGE?
- 12 A YES, SIR.
- 13 Q DID YOU INITIAL THE BOTTOM OF THIS PAGE?
- 14 A YES, SIR.
- 15 Q AND WHAT DID YOU SAY IN THAT HIGHLIGHTED PART?
- 16 A I SAW "SNOW" WITH A KEL TEC. IT IS LIKE A HIGH TECH GUN. IT WAS
- 17 BLACK.
- 18 Q SO, YOU HAVE SEEN HIM WITH THAT WEAPON BEFORE. IS THAT RIGHT?
- 19 A NO, SIR. LIKE I TOLD YOU BEFORE. I SAID THAT BECAUSE I KNOW A
- 20 GOOD THING. LIKE I SAID, I WAS IN A MESSED UP SITUATION. I WAS IN
- 21 FEAR FOR MY LIFE CAUSE I DIDN'T KNOW WHAT THE COPS WERE GOING
- 22 TO DO WITH ME. I WAS TRYING TO SAVE MYSELF YOU HEAR ME?. SO I
- 23 WAS SAYING THAT. I DIDN'T MEAN TO PUT THESE PEOPLE'S NAME IN IT,
- 24 BUT THAT'S WHO NAMES I COULD THINK OF AT THE TIME. YOU HEARD
- 25 ME.

1 Q THAT IS WHAT YOU PUT ON THE STATEMENT WHEN YOU TOLD
2 DETECTIVE GEBING ON SEPTEMBER 18, 2008, THAT HE HAD THIS
3 WEAPON? IS THAT CORRECT?

4 A YES, SIR.

5 Q NO FURTHER QUESTIONS.

6 THE COURT: CROSS EXAMINATION?

7 MS. GOODWIN: THANK YOU, YOUR HONOR.

8 **CROSS EXAMINATION OF JOCASTAVIOUS TIMPSON BY MS. GOODWIN**

9 Q YOU GO BY "JOCK", RIGHT?

10 A YES, MA'AM.

11 Q NOW, I WANT TO MAKE SURE I UNDERSTAND. YOU WERE IN TROUBLE.

12 A YES, MA'AM.

13 Q PRETTY BAD TROUBLE.

14 A YES, MA'AM.

15 Q WITH EIGHT SEPARATE COUNTS OF ARMED ROBBERY?

16 A YES, MA'AM.

17 Q OKAY. AND YOU WERE TRYING TO GET YOUR TIME CUT?

18 A YES, MA'AM.

19 Q AND YOU HAD FIGURED OUT THAT LAW ENFORCEMENT WAS LOOKING
20 FOR STATEMENTS ABOUT GOSS?

21 A YES, MA'AM.

22 Q SO, YOU DECIDED YOU WOULD GIVE A STATEMENT ABOUT GOSS?

23 A YES, MA'AM. SOMEBODY IN THE CELL HAD TOLD ME ABOUT SAYING
24 THAT. I DIDN'T KNOW NO NAMES BUT WE WAS ALL IN THE SAME CELL
25 AND WE WAS TALKING ONE NIGHT. I HAD BEEN SLEEPING. SOMEBODY

1 HAD TOLD ME ABOUT IT SO -- TOLD ME ABOUT THE SITUATION. SO I WAS
2 LIKE, IF I SAY, THEY TOLD ME I CAN GET MY TIME CUT, SO I WENT WITH
3 THE FIRST FOUR.

4 Q SO YOU LIED TO DETECTIVE TRIBBLE.

5 A YES, MA'AM.

6 Q AND YOU LIED TO DETECTIVE GEBING.

7 A YES, MA'AM.

8 Q TO TRY TO REDUCE YOUR TIME.

9 A YES, MA'AM.

10 Q ALL RIGHT. THOSE STATEMENTS YOU GAVE WERE IN 2008. RIGHT?

11 A YES, MA'AM.

12 Q AND THEN YOU WERE CONVICTED SEPTEMBER 24, 2009.

13 A YES, MA'AM.

14 Q ALL RIGHT. HOW LONG ARE YOU DOING?

15 A TWENTY.

16 Q TWENTY YEARS?

17 A YES, MA'AM.

18 Q BUT THESE STATEMENTS ARE NOT TRUE?

19 A NO, MA'AM.

20 Q THANK YOU.

21 THE COURT: ANY REPLY?

22 MR. CAMPBELL: YES, SIR.

23 **RE-DIRECT EXAMINATION OF JOCASTAVIOUS TIMPSON BY MISTER CAMPBELL**

24 Q MISTER TIMPSON, YOU DON'T WANT TO BE HERE TODAY. DO YOU?

25 A NO, SIR.

1 Q IN FACT, THE ONLY REASON YOU ARE HERE TODAY IS BECAUSE OF MY
2 SUBPOENA. IS THAT CORRECT?

3 A YES, SIR.

4 Q AND YOU DON'T WANT TO BE KNOWN IN THE DEPARTMENT OF
5 CORRECTIONS AS TELLING ON SOMEONE ELSE. IS THAT RIGHT?

6 A THAT AIN'T IT, THOUGH. I'M SAYING, I JUST DON'T WANT TO BE HERE,
7 PERIOD.

8 Q AND YOU TALKED TO DETECTIVE GEBING, THIS OFFICER RIGHT HERE,
9 ON FRIDAY. IS THAT RIGHT?

10 A YES, SIR.

11 Q AND YOU WERE BROUGHT OUT FROM THE DEPARTMENT OF
12 CORRECTIONS ON FRIDAY?

13 A YES, SIR.

14 Q WHAT CORRECTIONAL INSTITUTE ARE YOU STAYING AT, HOUSED AT?

15 A LEIBER. AT LEIBER.

16 Q WHAT TOWN IS THAT IN?

17 A CHARLESTON. RIDGEVILLE. RIDGEVILLE.

18 Q AND YOU CLAIM ON THESE STATEMENTS, THE TWO STATEMENTS YOU
19 MADE, ONE IN DECEMBER AND ONE IN SEPTEMBER 2008, AND NOW YOU
20 ARE SAYING YOU LIED ON THESE STATEMENTS. IS THAT RIGHT?

21 A YEAH. I TOLD HIM THAT FRIDAY THOUGH.

22 Q WE WILL GET INTO THAT. LET ME ASK YOU THIS. IF YOU MADE UP
23 THESE STATEMENTS ON THIS MAN RIGHT HERE, MISTER GOSS, OF ALL
24 THE PEOPLE YOU COULD HAVE NAMED, WHY DID YOU NAME HIM?

25 A BECAUSE HE BROUGHT HIS NAME UP TO ME.

1 Q WHO BROUGHT HIS NAME UP TO YOU?

2 A DETECTIVE GEBING.

3 Q BACK IN SEPTEMBER?

4 A YES, SIR.

5 Q 2008?

6 A YEAH. HE BROUGHT EVERYBODY'S NAME UP, SO I'M SAYING.

7 Q SO YOU JUST OUT OF RANDOM, PICKED THIS MAN HERE AND PUT HIS
8 NAME IN A STATEMENT ABOUT HIM BEING INVOLVED IN THIS CRIME?

9 A YES, SIR. I'M SAYING HE ASKED ME ABOUT HIM, SO I JUST SAID THE
10 FIRST THING THAT CAME TO MY MIND.

11 Q AND THE FIRST THING THAT CAME TO MIND WAS THE TRUTH. WASN'T IT?

12 A NO. IT WASN'T THE TRUTH.

13 Q LET ME ASK YOU THIS. HOW DID YOU KNOW TO USE THE NAME OF THE
14 B-P GAS STATION?

15 A MAN, I DIDN'T WRITE THIS STATEMENT WHEN I FIRST CAME. I WROTE
16 THAT STATEMENT LATER ON WHEN I WAS DOING MY TIME. I TOLD YOU I
17 WAS IN CELL 11 WITH SOMEBODY THAT WAS IN THE CELL THAT KNOWED
18 HIM. THEY WAS TELLING ME SOME INFORMATION.

19 Q YOU WERE IN THE SAME CELL WITH HIM. WERE YOU NOT?

20 A YEAH.

21 Q AND HOW DID YOU KNOW TO DESCRIBE THIS AS SEPTEMBER OF 2008
22 AND TO DESCRIBE THIS AS A BLACK HIGH TECH RIFLE AS A KEL TEC?

23 A EVERYBODY KNOW WHAT A KEL TEC IS, MAN. MY LITTLE COUSIN KNOW
24 WHAT A KEL TEC IS.

25 Q AND WHEN YOU WROTE THOSE STATEMENTS, YOU READ THEM BEFORE

1 YOU SIGNED THEM. DID YOU NOT?

2 A YES, SIR.

3 Q YOU READ THE STATEMENT THAT DETECTIVE TRIBBLE WROTE FOR
4 YOU?

5 A YES, SIR.

6 Q AND YOU READ THE STATEMENT THAT DETECTIVE GEBING WROTE
7 DOWN?

8 A YES, SIR.

9 Q AND YOU SIGNED YOUR NAME TO THE BOTTOM OF BOTH OF THEM?

10 A YES, SIR.

11 Q AND YOU PLED GUILTY TO THE CRIMES THAT YOU WERE CHARGED
12 WITH. IS THAT RIGHT?

13 A YES, SIR.

14 Q AND THOSE CRIMES THAT YOU TALKED ABOUT ARE IN THOSE
15 STATEMENTS.

16 A YES, SIR.

17 Q AND WHAT YOU SAID ABOUT THOSE CRIMES IS TRUE. IS THAT NOT
18 CORRECT?

19 A NOT ALL OF THEM.

20 Q I HAVE NO FURTHER QUESTIONS.

21 MS. GOODWIN: A COUPLE, YOUR HONOR.

22 RE-CROSS EXAMINATION OF JOCASTAVIOUS TIMPSON BY MS. GOODWIN

23 Q YOU DIDN'T JUST GIVE A STATEMENT AGAINST GOSS. YOU ALSO GAVE A
24 STATEMENT AGAINST SANCHEZ GILLIARD, DERRICK JAMES, ZACHARY
25 GARDNESS. IS THAT RIGHT?

1 A YES, MA'AM.

2 Q WERE THESE ALL NAMES THAT THE DETECTIVES WERE ASKING YOU
3 ABOUT?

4 A YEP.

5 Q THANK YOU.

6 THE COURT: ALL RIGHT. MAY THIS WITNESS BE EXCUSED?

7 MR. CAMPBELL: YES, SIR.

8 MS. GOODWIN: YES, SIR.

9 THE COURT: YOU MAY BE EXCUSED. ALL RIGHT, LADIES AND
10 GENTLEMEN OF THE JURY, IT IS GOING TO TAKE A FEW MINUTES JUST TO GET
11 THE OTHER WITNESS UP HERE. I DON'T SEE ANY REASON -- DOES ANYBODY
12 NEED TO TAKE A BREAK OVER THERE? Y'ALL OKAY? ALL RIGHT. WE ARE
13 JUST GOING TO STAND DOWN FOR A FEW MINUTES AND LET THEM BRING HIM
14 UP THEN.

15 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, JAVARIS HILL
16 TESTIFIED AS FOLLOWS:)

17 CLERK OF COURT: IF YOU WILL GO RIGHT AROUND THERE AND HAVE A
18 SEAT RIGHT THERE IN THE WITNESS CHAIR. IF YOU WILL SPEAK INTO THE
19 MICROPHONE AND STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR
20 THE RECORD, PLEASE.

21 MR. HILL: MY NAME IS JAVARIS HILL. H-I-L-L.

22 **DIRECT EXAMINATION OF JAVARIS HILL BY MISTER CAMPBELL**

23 Q HOW OLD ARE YOU, MISTER HILL?

24 A TWENTY YEARS OLD.

25 Q DO YOU LIVE IN ANDERSON?

DIRECT EXAMINATION OF JAVARIS HILL BY MR. CAMPBELL

- 1 A YES, SIR.
- 2 Q HOW LONG HAVE YOU LIVED IN ANDERSON?
- 3 A ALL MY LIFE.
- 4 Q DO YOU KNOW TERRANCE GOSS?
- 5 A YES, SIR.
- 6 Q IS THAT HIM IN THE COURTROOM IN THE BLUE SHIRT?
- 7 A YES, SIR.
- 8 Q DO YOU KNOW HIM BY ANOTHER NAME?
- 9 A UM.
- 10 Q DOES HE GO BY A NICKNAME?
- 11 A YES, SIR.
- 12 Q WHAT'S THAT?
- 13 A "SNOW".
- 14 Q NOW, OBVIOUSLY, I KNOW YOU DON'T WANT TO BE HERE TODAY. IS
- 15 THAT RIGHT?
- 16 A NO, SIR.
- 17 Q YOU HAVE HAD TROUBLE YOURSELF WITH THE LAW?
- 18 A YES, SIR.
- 19 Q YOU ARE ON PROBATION RIGHT NOW?
- 20 A YES, SIR.
- 21 Q THAT'S FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR AND
- 22 POSSESSION OF A STOLEN GUN?
- 23 A YES, SIR.
- 24 Q AND HAVE YOU EVER SEEN THIS WEAPON?
- 25 A YES, SIR.

1 Q THERE IS A TIE THROUGH IT SO IT CANNOT BE USED. WHERE HAVE YOU
2 SEEN THIS WEAPON BEFORE?

3 A AT AN AREA IN MY NEIGHBORHOOD.

4 Q EVER SEEN MISTER GOSS WITH IT? (HOLDING OUT THE KEL TEC) YES
5 OR NO?

6 A YES, SIR.

7 Q IN FACT, IT'S KNOWN AS HIS GUN. IS THAT RIGHT?

8 A YES, SIR.

9 Q AND YOU WATCHED A VIDEO BACK IN SEPTEMBER OF 2008 IN WHICH
10 YOU RECOGNIZED THAT WEAPON. IS THAT RIGHT?

11 A YES, SIR.

12 Q AND TO YOUR KNOWLEDGE, WHAT HAPPENED TO THAT GUN?

13 A TO MY KNOWLEDGE, THEY STASHED IT.

14 Q STASHED IT WHERE?

15 A IN GREENVILLE.

16 Q WHERE AT IN GREENVILLE?

17 A AT A COLLEGE.

18 **MS. GOODWIN** YOUR HONOR, I'M ASKING FOR THE FOUNDATION FOR
19 THIS. TO HIS KNOWLEDGE DOESN'T SAY HOW HE KNOWS.

20 **THE COURT:** LAY SOME FOUNDATION FOR THAT, PLEASE COUNSEL.

21 **MR. CAMPBELL:** YES, SIR.

22 Q AND HOW DO YOU KNOW THIS?

23 A HOW DO I KNOW WHAT?

24 **THE COURT:** JUST ONE SECOND. MISTER HILL, SIT UP, SPEAK UP, AND
25 SPEAK INTO THE MICROPHONE, PLEASE, SIR.

- 1 **MR. HILL:** YES, SIR.
- 2 A HOW DO I KNOW THAT?
- 3 Q YES, SIR.
- 4 A BECAUSE I HAVE KNOWN TERRANCE, I'VE KNOWN HIM OFF ---
- 5 Q SINCE HE---
- 6 A --- I'VE KNOWN HIM SINCE HE CAME TO ANDERSON. AND I KNOW -- WE
- 7 USED TO BE FRIENDS AND HE DIDN'T STASH IT THERE IN GREENVILLE
- 8 BUT-- I DON'T KNOW HIS LAST NAME BUT WE CALL HIM T.J., HE STASHED
- 9 IT THERE.
- 10 Q T.J. PATTERSON?
- 11 A YEAH.
- 12 Q YOU KNOW HIM AS "ACE"?
- 13 A (NODS HEAD)
- 14 Q AND IS T.J. PATTERSON, "ACE", FRIENDS WITH MISTER GOSS?
- 15 A YES, SIR.
- 16 Q AND AFTER THE GUNS WERE SEIZED, DID YOU TALK TO MISTER
- 17 PATTERSON AND MISTER GOSS?
- 18 A YES, SIR.
- 19 Q WHAT, IF ANYTHING, DID THEY TELL YOU ABOUT IT?
- 20 A WELL, I DIDN'T TALK TO -- I DIDN'T TALK TO GOSS ABOUT WHERE THEY
- 21 STASHED IT. I HAD A CONVERSATION WITH T.J. OR WHATNOT AND HE
- 22 SAID HIS NEPHEW HAD GOT SHOT.
- 23 Q DID YOU LEARN WHAT HAPPENED TO THE WEAPONS?
- 24 A I HEARD -- I LEARNED THAT THE POLICE GOT IT.
- 25 Q I HAVE NO FURTHER QUESTIONS. ANSWER ANY QUESTIONS MS.

1 GOODWIN MAY HAVE.

2 THE COURT: CROSS EXAMINATION?

3 **CROSS EXAMINATION OF JAVARIS HILL BY MS. GOODWIN**

4 Q EVERYTHING YOU LEARNED, YOU LEARNED FROM T.J.?

5 A NOT EVERYTHING I LEARNED.

6 Q YOU SAID THEY TOLD YOU AND YOU SAID THAT T.J. TOLD YOU. IS THAT
7 CORRECT?

8 A YEAH, THEY -- I MEAN I'VE HEARD SOME FROM TERRANCE AND SOME
9 FROM T.J.

10 Q OKAY. AND YOU ALSO HAVE A CONVICTION FOR CARRYING A WEAPON.

11 A YES, MA'AM.

12 Q AND YOU HAVE A SEX OFFENSE CONVICTION.

13 A YES, MA'AM.

14 Q ALL RIGHT. THANK YOU.

15 THE COURT: RE-DIRECT?

16 **RE-DIRECT EXAMINATION OF JAVARIS HILL BY MISTER CAMPBELL**

17 Q AND WHAT YOU SAID, YOU HEARD SOMETHING FROM MISTER GOSS.
18 WHAT DID YOU HEAR FROM HIM?

19 A I HEARD -- WELL, I'VE HEARD ON THE STREET, I MEAN, THAT WAS HIS
20 GUN. THAT'S ALL I HEARD.

21 **MS. GOODWIN:** THAT IS NOT A STATEMENT OF MY CLIENT AND I OBJECT
22 TO THAT, YOUR HONOR.

23 **THE COURT:** UNLESS IT COMES FROM MISTER GOSS --

24 A YEAH. THAT'S WHAT I AM --

25 **THE COURT:** STOP FOR A SECOND, PLEASE SIR. UNLESS IT COMES

1 FROM MISTER GOSS, IT'S HEARSAY.

2 MR. CAMPBELL: YOUR HONOR, WHAT I ASKED HIM WAS WHAT HE
3 HEARD FROM HIM. I DIDN'T ASK FOR THAT.

4 THE COURT: MISTER HILL, LIMIT WHAT YOUR RESPONSE IS TO ---

5 MR. HILL: WELL, WHAT I ---

6 THE COURT: --- MISTER HILL, JUST ONE SECOND, PLEASE. OKAY? LIMIT
7 YOUR RESPONSE TO INFORMATION YOU HEARD DIRECTLY FROM THE
8 DEFENDANT. OKAY, SIR?

9 A WELL, I SEEN THE DEFENDANT WITH THE GUN.

10 Q DO YOU REMEMBER TALKING TO DETECTIVE GEBING THIS MORNING?

11 A YES, SIR.

12 Q WHAT DID YOU TELL HIM ABOUT TERRANCE'S INVOLVEMENT WITH THIS
13 GUN? DID YOU SPEAK TO HIM AFTER THE FACT?

14 A I'VE SEEN HIM WITH THE GUN IN MY NEIGHBORHOOD.

15 Q AND AFTER IT WAS SEIZED, AFTER IT WAS TAKEN BY GREENVILLE TECH
16 POLICE DEPARTMENT, DID YOU EVER SPEAK TO MISTER GOSS?

17 A I SPOKE TO HIM IN THE COUNTY.

18 Q AND HE TELL YOU THOSE GUNS GOT SEIZED?

19 A HE DIDN'T TELL ME THE GUN GOT SEIZED. I FOUND OUT THE GUN GOT
20 SEIZED BY THOMAS, BUT I HEARD OUT OF HIS MOUTH, OUT TERRANCE'S
21 MOUTH, THAT THEY HAD STASHED THE GUN IN GREENVILLE AND
22 THOMAS TOLD ME THAT THE POLICE CAME AND THEY ENDED UP WITH
23 THEM AFTER THE SHOOTING ACCIDENT.

24 Q WHEN YOU ARE SAYING THOMAS, ARE YOU REFERRING TO T.J.?

25 A YEAH.

1 Q PATTERSON?

2 A YES, SIR.

3 Q NO FURTHER QUESTIONS.

4 **RE-CROSS EXAMINATION OF JAVARIS HILL BY MS. GOODWIN**

5 Q WHEN DID YOU SEE MISTER GOSS WITH THE GUN?

6 A THAT WAS RIGHT BEFORE I GOT ARRESTED FOR MY, FOR MY EVENTS,
7 ASSAULT AND BATTERY WITH ATTEMPT TO KILL.

8 Q AND YOU WERE ARRESTED FOR ASSAULT AND BATTERY WITH ATTEMPT
9 TO KILL ON OCTOBER 02, 2007?

10 A YEAH.

11 Q SO, ABOUT FIVE MONTHS BEFORE FEBRUARY 05, 2008?

12 A YES, MA'AM.

13 Q AND YOU WERE ACTUALLY IN JAIL AT THE TIME THE B-P WAS ROBBED.

14 A YES, MA'AM.

15 Q ALL RIGHT. THANK YOU.

16 **RE-DIRECT EXAMINATION OF JAVARIS HILL BY MISTER CAMPBELL**

17 Q AND WHILE YOU WERE IN JAIL, WAS MISTER GOSS ALSO
18 INCARCERATED?

19 A NO, HE WAS ON THE STREET AT FIRST BUT...

20 Q ON SEPTEMBER OF '08, WAS HE INCARCERATED?

21 A YEAH. HE ENDED UP BEING INCARCERATED.

22 Q HOW FAR DO YOU LIVE FROM THE B-P GAS STATION ON SHOCKLEY
23 FERRY ROAD?

24 A RIGHT DOWN THE STREET. ABOUT TEN MINUTES AWAY.

25 Q NO FURTHER QUESTIONS.

1 **THE COURT:** MAY THIS WITNESS BE EXCUSED?

2 **MS. GOODWIN:** YES, SIR.

3 **MR. CAMPBELL:** YES, SIR.

4 **THE COURT:** ALL RIGHT, THANK YOU SIR. YOU ARE EXCUSED. ALL
5 RIGHT, LADIES AND GENTLEMEN, THERE IS ONE MORE WITNESS THAT IS
6 GOING TO TAKE A MINUTE TO GET UP THERE JUST LIKE MISTER HILL. AGAIN,
7 IF YOU PREFER TO TAKE A QUICK BREAK I WILL LET YOU DO THAT OR IF YOU
8 WANT TO STAY IN HERE WE WILL FINISH THIS WITNESS. WHATEVER YOU
9 WANT TO DO, MISTER WILLIAMS.

10 **MR. WILLIAMS:** STAY HERE.

11 **THE COURT:** MY UNDERSTANDING FROM COUNSEL AS WELL, MISTER
12 WILLIAMS, JUST SO THE JURY KNOWS, IS THAT IF YOU WANT TO TAKE A
13 BREAK FOR LUNCH RIGHT AFTER THIS NEXT WITNESS. IS THAT CORRECT?

14 **MS. GOODWIN:** YES, SIR. THAT WILL BE FINE.

15 **MR. CAMPBELL:** YES, SIR. I HAVE THIS ONE MORE WITNESS AND THAT'S
16 PROBABLY ALL WE CAN DO.

17 **THE COURT:** OKAY. SO WE WILL GO THROUGH THAT NEXT WITNESS
18 AND THEN WE WILL BREAK FOR LUNCH AND COME BACK FOR MORE
19 TESTIMONY AFTER THAT.

20 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, DERRICK JONES
21 TESTIFIED AS FOLLOWS:)

22 **CLERK OF COURT:** ALL RIGHT. JUST GO RIGHT AROUND THERE AND
23 HAVE A SEAT IN THE WITNESS CHAIR. IF YOU WILL PLEASE STATE YOUR FULL
24 NAME AND SPELL YOUR LAST NAME FOR THE RECORD.

25 **MR. JONES:** DERRICK JONES. J-O-N-E-S.

1 DIRECT EXAMINATION OF DERRICK JONES BY MISTER CAMPBELL

2 Q HOW OLD ARE YOU, MISTER JONES?

3 A EIGHTEEN.

4 Q AND ARE YOU CURRENTLY INCARCERATED IN THE SOUTH CAROLINA
5 DEPARTMENT OF CORRECTIONS?

6 A YES, SIR.

7 Q FOR SIX COUNTS OF ARMED ROBBERY. IS THAT CORRECT?

8 A YES, SIR.

9 Q TWO ABWIKS, ASSAULT AND BATTERY WITH THE INTENT TO KILL?

10 A YES, SIR.

11 Q THREE KIDNAPPINGS? IS THAT CORRECT?

12 A YES, SIR.

13 Q AND THREE POSSESSION OF A WEAPON DURING THE COMMISSION OF A
14 VIOLENT CRIME?

15 A YES, SIR.

16 Q ARE YOU FROM ANDERSON?

17 A YES, SIR.

18 Q AND DO YOU HAVE A NICKNAME YOU GO BY?

19 A NO, I DON'T. BUT PEOPLE CALL ME -- THEY GAVE ME A NICKNAME.

20 Q WHAT IS YOUR NICKNAME THEY CALL YOU?

21 A "COOL".

22 Q AND DO YOU KNOW MISTER GOSS, TERRANCE GOSS?

23 A YES, SIR.

24 Q IS HE IN THE COURTROOM TODAY?

25 A YES, SIR.

DIRECT EXAMINATION OF DERRICK JONES BY MR. CAMPBELL

1 Q CAN YOU IDENTIFY HIM?

2 A YES, SIR.

3 Q WHAT IS HE WEARING?

4 A A BLUE COLLARED SHIRT.

5 Q AND DOES HE GO BY A NICKNAME ALSO?

6 A I CALL HIM "GOSS".

7 Q "CUZ"?

8 A "GOSS". THAT'S WHAT I CALL HIM ON THE STREET, BUT HE'S GOT A
9 NICKNAME "SNOW". BUT I CALL HIM "GOSS".

10 Q AND HOW LONG HAVE YOU KNOWN HIM?

11 A A GOOD MANY.

12 Q SIR?

13 A FOR A GOOD MANY. FOR A LITTLE WHILE.

14 Q FOR A LONG TIME?

15 A YES.

16 THE COURT: STOP FOR A SECOND. IS THAT TOO DISTORTED FOR YOU
17 GUYS TO HEAR BACK THERE? DON'T SPEAK SO CLOSE INTO IT PLEASE,
18 MISTER JONES, BUT CLOSE ENOUGH SO THAT IT AMPLIFIES, BUT NOT SO
19 CLOSE THAT IT DISTORTS YOUR VOICE. OKAY, SIR?

20 MR. JONES: YES, SIR.

21 Q DID YOU GROW UP WITH HIM HERE IN ANDERSON?

22 A YES, SIR.

23 Q NOW, LET ME SHOW YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT
24 #18. THIS HAD BEEN TIED OFF SO THAT IT'S SAFE. DO YOU RECOGNIZE
25 THIS?

- 1 A YEAH, I'VE SEEN IT.
- 2 Q WHERE HAVE YOU SEEN THIS GUN BEFORE?
- 3 A I'VE SEEN PLENTY OF THEM, SIR.
- 4 Q AND MISTER GOSS HAS ONE LIKE THIS. DOESN'T HE?
- 5 A I CAN'T SAY.
- 6 Q IN FACT, YOU WERE -- WERE YOU PRESENT WHEN HE PURCHASED THIS
- 7 GUN?
- 8 A NO, SIR.
- 9 Q DO YOU RECALL, ON FRIDAY, TALKING TO DETECTIVE GEBING?
- 10 A YES, SIR.
- 11 Q DO YOU RECALL TALKING TO ME?
- 12 A YOU WAS IN THERE.
- 13 Q AND DO YOU RECALL BACK ON SEPTEMBER 10, 2008, WHEN YOU GAVE A
- 14 STATEMENT TO DETECTIVE GEBING?
- 15 A YES, SIR.
- 16 Q DO YOU KNOW WHAT HAPPENED TO THIS KEL TEC RIFLE?
- 17 A WHAT YOU MEAN?
- 18 Q DO YOU KNOW WHAT HAPPENED TO IT? EVER SEEN IT BEFORE?
- 19 A I TOLD YOU I SEEN PLENTY OF THEM.
- 20 Q WELL, LET ME ASK YOU THIS. DO YOU RECALL GIVING THIS
- 21 STATEMENT? (HOLDS UP DOCUMENT)
- 22 A YES, SIR.
- 23 Q ON SEPTEMBER 10, 2008?
- 24 A YES, SIR.
- 25 Q IS THIS YOUR INFORMATION? DERRICK HARRIS JONES?

- 1 A YES, SIR.
- 2 Q IS THAT YOUR INITIALS AT THE TOP AND THE BOTTOM OF THE PAGE?
- 3 A YES, SIR.
- 4 Q IS THIS YOUR SIGNATURE AT THE BOTTOM?
- 5 A YES, SIR.
- 6 Q AND IS THAT WHAT YOU GAVE -- THE STATEMENT YOU GAVE DETECTIVE
- 7 GEBING?
- 8 A YES, SIR.
- 9 Q AND WHAT DOES THE HIGHLIGHTED PART SAY?
- 10 A I SEEN SNOW WITH THE KEL TEC AT THE PAD BEFORE HE GOT LOCKED
- 11 UP. I THINK THE POLICE HAD CONFISCATED IT AT GREENVILLE BACK
- 12 WHEN DOMINICK GOT SHOT IN THE LEG. BOUGHT IT FROM THE DUDE
- 13 THAT SELLS GUNS.
- 14 Q AND THAT IS WHAT YOU TOLD DETECTIVE GEBING. IS THAT RIGHT?
- 15 A YES, SIR.
- 16 Q AND YOU READ THIS STATEMENT BEFORE YOU SIGNED IT. IS THAT
- 17 CORRECT?
- 18 A YES, SIR.
- 19 Q NOW, DO YOU RECALL TALKING TO DETECTIVE GEBING ON FRIDAY?
- 20 A YES.
- 21 Q AND IN FACT, DID YOU TELL HIM YOU WERE PRESENT WHEN THIS GUN
- 22 WAS BOUGHT?
- 23 A NO, SIR.
- 24 Q SO WHAT YOU TOLD DETECTIVE GEBING WAS A LIE ON FRIDAY?
- 25 A I AIN'T NEVER SAY I WAS PRESENT WHEN HE BOUGHT ANY GUN.

1 Q IN FACT, YOU HAD MENTIONED THAT THIS GUN WAS BOUGHT FROM A
2 GUY NAMED NEW YORK. IS THAT RIGHT?

3 A YES, SIR.

4 Q SELLING GUNS ON THE STREET?

5 A YEAH.

6 Q THAT HE SOLD THIS GUN TO TERRANCE?

7 A NO, SIR.

8 Q NO FURTHER QUESTIONS FOR THIS WITNESS.

9 THE COURT: CROSS EXAM?

10 MS. GOODWIN: THANK YOU, YOUR HONOR.

11 **CROSS EXAMINATION OF DERRICK JONES BY MS. GOODWIN**

12 Q NOW, MISTER JONES, YOU ARE IN PRISON FOR SOME ARMED
13 ROBBERIES.

14 A YES, MA'AM.

15 Q AND YOU HAVE SOME CO-DEFENDANTS IN YOUR ARMED ROBBERY. IS
16 THAT RIGHT?

17 A YES, MA'AM.

18 Q WAS IT COMMON AMONG YOUR CO-DEFENDANTS, OR GROUP, THAT
19 Y'ALL WOULD TRADE GUNS OR SWAP GUNS OR SELL GUNS TO ONE
20 ANOTHER?

21 A YES, MA'AM.

22 Q IS THAT A FAIRLY COMMONPLACE THING?

23 A YES, MA'AM.

24 Q AND ARE THERE, IN FACT, MORE THAN ONE OF THESE KEL TEC'S
25 FLOATING AROUND THE STREETS OF ANDERSON?

RE-DIRECT EXAMINATION OF DERRICK JONES BY MR. CAMPBELL

1 A YES, MA'AM.

2 Q ALL RIGHT. SO, FROM YOUR PERSPECTIVE, IS THIS A REAL UNUSUAL
3 GUN OR NOT?

4 A LIKE I SAID, I SEEN PLENTY. IT AIN'T UNUSUAL TO ME.

5 Q OKAY. THANK YOU.

6 THE COURT: RE-DIRECT?

7 MR. CAMPBELL: YES, SIR.

8 **RE-DIRECT EXAMINATION OF DERRICK JONES BY MISTER CAMPBELL**

9 Q MISTER JONES, HAVE YOU EVER ROBBED A B-P GAS STATION AT
10 301 EAST SHOCKLEY FERRY ROAD?

11 A NO, SIR.

12 Q REGARDING THIS TYPE OF WEAPON, YOU SAY YOU SEE PLENTY OF
13 THEM ON THE STREET?

14 A YES, SIR.

15 Q WELL, JUST TELL ME WHO THE NAMES ARE OF THE PEOPLE YOU HAVE
16 SEEN WITH THESE GUNS? (HOLDS UP THE KEL TEC)

17 A TELL YOU THE NAMES I HAVE SEEN WITH THEM?

18 Q YES.

19 A PEOPLE THAT LIVE IN THE HOOD?

20 Q YES. THINK OF ANY OFF THE TOP OF YOUR HEAD?

21 A YEAH, BUT I'M NOT GIVING UP NAMES OF THE PEOPLE I HAVE SEEN WITH
22 THE GUN, BUT I HAVE SEEN PLENTY.

23 Q OKAY. I HAVE NO FURTHER QUESTIONS.

24 THE COURT: MAY THIS WITNESS BE EXCUSED?

25 MR. CAMPBELL: YES, SIR.

1 **THE COURT:** MS. GOODWIN? MS. GOODWIN?

2 **MS. GOODWIN:** YES, SIR. JUST BEG THE COURT'S INDULGENCE FOR ONE
3 SECOND.

4 **THE COURT:** OKAY.

5 **MS. GOODWIN:** NO QUESTIONS.

6 **THE COURT:** OKAY. YOU MAY BE EXCUSED. ALL RIGHT, LADIES AND
7 GENTLEMEN, THAT IS GOING TO END THE MORNING'S TESTIMONY. WE WILL
8 BREAK FOR LUNCH NOW AND I AM GOING TO ASK THAT YOU TO BE BACK IN
9 YOUR JURY ROOM NO LATER THAN 1:45, THEN WE WILL RESUME TESTIMONY
10 IN THIS CASE. DOES THAT GIVE BOTH COUNSEL SUFFICIENT TIME?

11 **MR. CAMPBELL:** YES, SIR.

12 **MS. GOODWIN:** I'M SORRY, WHAT TIME DID YOU SAY?

13 **THE COURT:** 1:45.

14 **MS. GOODWIN:** 1:45? YES, SIR.

15 **THE COURT:** I REMIND YOU WHILE YOU ARE OUT ON BREAK NOT TO
16 DISCUSS THIS CASE AMONGST YOURSELF OR OTHERS AND IF ANYBODY
17 PERSISTS IN TRYING TO SPEAK WITH YOU ABOUT THE CASE PLEASE BRING IT
18 TO OUR ATTENTION. WE WILL BE IN RECESS UNTIL 1:45.

19 (JURY OUT AT 12:15 P.M.)

20 **THE COURT:** ALL RIGHT, ANYTHING ADDITIONAL BEFORE WE GO ON
21 BREAK FROM THE STATE?

22 **MR. CAMPBELL:** NO, YOUR HONOR.

23 **THE COURT:** FROM THE DEFENSE?

24 **MS. GOODWIN:** NO, SIR.

25 **THE COURT:** ALL RIGHT, WE WILL BE IN RECESS UNTIL 1:45.

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 (LUNCH BREAK)

2 **THE COURT:** MISTER WILLIAMS, LADIES AND GENTLEMEN OF THE JURY,
3 DID YOU HAVE A NICE LUNCH? GOOD. ALL RIGHT, WE ARE GOING TO FINISH
4 UP THE TESTIMONY AND JUST TO KIND OF GIVE YOU AN OUTLINE WHAT WILL
5 HAPPEN THIS AFTERNOON, I ANTICIPATE TAKING JUST A FEW MINUTES WITH
6 THE ATTORNEYS WITH WHAT WE CALL A CHARGE CONFERENCE. WE WILL GO
7 OVER THE LAW THAT I WILL CHARGE TO YOU GUYS ON THE LAW APPLICABLE
8 TO THIS CASE, THEN WE WILL COME BACK AND HAVE CLOSING ARGUMENTS
9 AND I WILL CHARGE YOU WITH THE LAW IN THE CASE AND PUT IT IN YOUR
10 HANDS. OKAY? MISTER CAMPBELL, WILL YOU CALL YOUR NEXT WITNESS,
11 PLEASE.

12 **MR. CAMPBELL:** THANK YOU, YOUR HONOR. THE STATE CALLS
13 DETECTIVE ROB GEBING.

14 (AFTER BEING DULY SWORN BY THE CLERK OF COURT, DETECTIVE ROB
15 GEBING TESTIFIED AS FOLLOWS:)

16 **CLERK OF COURT:** PLEASE HAVE A SEAT IN THE WITNESS CHAIR. IF YOU
17 WILL STATE YOUR FULL NAME AND SPELL YOUR LAST NAME FOR THE
18 RECORD.

19 **DETECTIVE GEBING:** MY NAME IS ROBERT KIM GEBING, JR. THE LAST
20 NAME IS G-E-B-I-N-G.

21 **DIRECT EXAMINATION OF DETECTIVE ROB GEBING BY MISTER CAMPBELL**

22 Q MISTER GEBING, WHERE DO YOU WORK?

23 A I WORK FOR THE ANDERSON COUNTY SHERIFF'S OFFICE IN ANDERSON,
24 SOUTH CAROLINA.

25 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

1 A I HAVE BEEN WITH THIS DEPARTMENT NINE YEARS. PRIOR TO THAT I
2 WAS WITH THE UNITED STATES ARMY IN THE MILITARY POLICE FOR
3 FIVE.

4 Q AND WHILE YOU HAVE WORKED FOR THE ANDERSON COUNTY
5 SHERIFF'S OFFICE, HOW LONG HAVE YOU BEEN IN THE DETECTIVE
6 DIVISION?

7 A IT WILL BE FIVE YEARS ON JUNE 1ST.

8 Q AND WERE YOU IN THAT POSITION BACK ON FEBRUARY 05, 2008?

9 A I WAS A DETECTIVE BACK THEN, YES, SIR.

10 Q AND WHAT TYPE OF CRIMES OR WHAT AREA WERE YOU ASSIGNED TO
11 IN ANDERSON COUNTY?

12 A BACK THEN I WAS WORKING PRIMARILY PROPERTY CRIMES. MY AREA
13 OF RESPONSIBILITY FOCUSED MAINLY ON HOMELAND PARK IN SOUTH
14 ANDERSON AND I ALSO HAD SOME RESPONSIBILITIES TOWARD THE
15 APPLETON AND MILL HILL AREAS OF PROPERTY CRIMES INVOLVING
16 BURGLARIES, LARCENIES AND THINGS OF THAT NATURE. BUT AS THE
17 NEED AROSE WE WOULD FILL IN AND CATCH SOME OF THESE
18 ROBBERIES OR SOME OF THE VIOLENT CRIMES DEPENDING ON THE
19 CALL VOLUME AT THAT TIME. IF IT HAPPENED TO HAVE HAPPENED IN
20 MY PARTICULAR AREA, SOMETIMES I WOULD CATCH THESE ADDITIONAL
21 CASES AS WELL.

22 Q AND YOU ARE STILL DOING PROPERTY CRIMES TODAY OR ARE YOU
23 ASSIGNED SOMEWHERE ELSE?

24 A NO. FOR THE PAST YEAR AND THREE MONTHS I HAVE BEEN WORKING
25 SOLELY VIOLENT CRIMES, ROBBERIES, AND VIOLENT ASSAULTS, THINGS

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 OF THAT NATURE.

2 Q NOW, AND A PART OF YOUR AREA IS 301 SHOCKLEY FERRY ROAD, IS
3 THAT IN YOUR AREA OR ZONE?

4 A CURRENTLY, EVERYTHING IS IN MY ZONE. BACK THEN THAT WAS IN MY
5 AREA OF RESPONSIBILITY.

6 Q NOW, ON FEBRUARY 05, 2008, THE B-P GAS STATION AT EAST SHOCKLEY
7 FERRY ROAD THERE WAS ROBBED.

8 A YES.

9 Q AND YOU WERE ASSIGNED THIS CASE?

10 A I WAS ASSIGNED FOLLOW-UP IN THIS CASE, YES SIR.

11 Q AND JUST BRIEFLY, TELL THE LADIES AND GENTLEMEN OF THIS JURY
12 WHEN YOU GET A CASE – YOU DIDN'T GO OUT THERE THAT NIGHT
13 WHEN IT'S ROBBED, BUT WHEN YOU WERE ASSIGNED THE CASE, HOW
14 DO YOU START YOUR PROCESSING AND START YOUR INVESTIGATION?

15 A TYPICALLY, WHEN YOU ARE ASSIGNED A CASE YOU WANT TO MAKE
16 CONTACT WITH THE WITNESSES OR THE VICTIMS THAT YOU DO HAVE,
17 GO OVER SOME OF THE DETAILS THAT THEY MIGHT HAVE GIVEN TO THE
18 OFFICERS THE NIGHT BEFORE, ESTABLISH THAT THERE ISN'T ANYTHING
19 THAT THEY MIGHT HAVE MISSED. IN THE CASE OF A STORE, YOU KNOW,
20 YOU TRY TO FIND OUT HOW MUCH MONEY WAS TAKEN, IF THERE WAS
21 VIDEO AVAILABLE, GATHER UP THAT. YOU WOULD GET WITH YOUR
22 EVIDENCE TECHNICIANS AND FIND OUT EXACTLY WHAT WAS ACQUIRED
23 WHEN THEY SEARCHED THE PREMISES THAT NIGHT, EVALUATE WHAT
24 EVIDENCE YOU DO HAVE, START INTERVIEWING PEOPLE AND THEN
25 SEEING IF YOU CAN DEVELOP LEADS BASED ON WHAT YOU'VE GOT.

1 Q AND DID YOU DO THAT IN THIS CASE?

2 A I DID.

3 Q AND WHEN YOU WENT -- YOU WENT TO THE STORE?

4 A YES.

5 Q TO THE B-P GAS STATION?

6 A YES.

7 Q DID YOU REVIEW ANY TYPE OF VIDEO THEY MAY HAVE HAD?

8 A I GOT A COPY FROM THE OWNER, SO I DIDN'T REVIEW IT THERE. I

9 REVIEWED IT BACK AT MY OFFICE, BUT I WAS ABLE TO, I THINK, AFTER
10 TWO DAYS OR SO.

11 Q AND THAT'S THE SAME VIDEOTAPE THAT YOU VIEWED THAT IS IN
12 EVIDENCE?

13 A CORRECT.

14 Q AND DO YOU KNOW APPROXIMATELY HOW LONG IT TOOK FOR THESE
15 THREE INDIVIDUALS TO ROB THIS B-P GAS STATION?

16 A IT WAS 34, 34 OR 35 SECONDS, SOMETHING ALONG THOSE LINES. THEY
17 HAD ACTUALLY MILLED AROUND OUT BACK OF THE BUILDING FOR A
18 PERIOD OF TIME, BUT ONCE THEY WERE INSIDE IT WAS QUICK.

19 Q AND WHEN YOU WATCHED THE TAPE, DID ANYTHING KIND OF GET YOUR
20 ATTENTION OR JUMP OUT AT YOU TO HELP WITH YOUR INVESTIGATION
21 OR AT LEAST START YOU IN THE RIGHT DIRECTION?

22 A INITIALLY, THERE IS NO DELICATE WAY TO SAY IT, BUT INITIALLY I HAD
23 SOME SUSPICIONS ABOUT THE CLERK. HE WAS ALMOST TOO
24 COOPERATIVE. HE -- WHEN THEY CAME IN, YOU KNOW, HE DID WHAT
25 EVERYBODY WOULD EXPECT, PUT HIS HANDS UP, BUT THEN WHEN HE

- 1 HANDED THEM THE MONEY HE WAS ACTUALLY REACHING ACROSS
2 THESE GUYS' BODIES. I JUST THOUGHT IT WAS A LITTLE BIT UNUSUAL.
3 AND SO, I MEAN, FOR A BRIEF TIME I DID SUSPECT THAT THE CLERK
4 MIGHT HAVE BEEN IN ON IT, BUT WE'VE LATER FOUND THAT WAS NOT
5 THE CASE.
- 6 Q DID THIS STORE HAVE A POLICY ABOUT WHAT THE CLERKS SHOULD DO
7 IF THEY WERE ROBBED?
- 8 A IT'S PER THE OWNER. THEIR POLICY IS TO OFFER NO RESISTANCE AND
9 GIVE UP THE MONEY.
- 10 Q AND, IN FACT, THE OWNER DIDN'T THINK HE WAS INVOLVED. DID HE?
- 11 A NO. I SPOKE WITH THE OWNER. HE BACKED HIS EMPLOYEE AND
12 STATED HE WAS A GOOD EMPLOYEE AND HAD BEEN THERE A NUMBER
13 OF YEARS. I DID ASK MISTER LATTIMORE ABOUT IT. I NEVER REALLY
14 CONFRONTED HIM ABOUT IT. I NEVER ACCUSED HIM OF BEING IN ON IT,
15 BUT I ASKED HIM, "HOW COME IT IS THAT YOU WERE THAT
16 COOPERATIVE?" AND HE SAID, "I'M NOT GETTING SHOT OVER
17 SOMEBODY ELSE'S MONEY. IT SEEMED TO MAKE A REASONABLE
18 AMOUNT OF SENSE AT THE TIME.
- 19 Q AND DURING YOUR INVESTIGATION, DID YOU ALSO GO BACK AND PULL
20 RECORDS AND SEE IF THIS STORE HAD BEEN ROBBED IN THE PAST?
- 21 A I DID.
- 22 Q AND TO YOUR KNOWLEDGE HAD IT BEEN ROBBED BEFORE?
- 23 A YES.
- 24 Q HOW MANY OTHER TIMES?
- 25 A IN RECENT -- SINCE THAT ROBBERY IT HAD BEEN ROBBED, THIS WAS

1 AGAIN FEBRUARY 05, IT HAD BEEN ROBBED DECEMBER OF '07, AND IN
2 APRIL OF '07, BOTH OF WHICH MISTER LATTIMORE WAS PRESENT.

3 Q NOW, WHEN YOU VIEWED THIS VIDEOTAPE -- FIRST OF ALL YOU TALKED
4 ABOUT THE MILLING AROUND OUTSIDE THAT YOU VIEWED ON THE TAPE.
5 THAT WAS THE VIDEO THAT SHOWED -- THE CLIP THAT WAS SHOWN IN
6 COURT. IS THAT CORRECT?

7 A CORRECT. IT WAS THE ONE -- THE BLACK AND WHITE SHOWING THEM
8 AT THE BACK OF THE BUILDING.

9 Q WHAT DID YOU GLEAN FROM THAT OR WHAT DID YOU LEARN? BECAUSE
10 YOU WENT OUT TO THE SCENE AND TOOK A LOOK AROUND, DID YOU
11 EVER DETERMINE HOW THEY GOT THERE, HOW THEY ARRIVED AND
12 THAT TYPE OF STUFF?

13 A JUST KNOWING THE PLACEMENT OF THE CAMERA, WHICH IS STILL
14 THERE TODAY, THE WAY THAT IT POINTS ACROSS THE BACK OF THE
15 BUILDING, ALL THAT YOU REALLY COULD ASCERTAIN WAS THAT THEY
16 WALKED UP FROM THE AREA OF SOUTH MCDUFFIE STREET TOWARD
17 THE HALL STREET AREA. YOU COULDN'T DETERMINE WHETHER THEY
18 HAD A CAR PARKED ANYWHERE BECAUSE THAT WAS OFF VIEW. YOU
19 COULD, YOU KNOW, ROUGHLY MAKE OUT THE GENERAL CLOTHING AND
20 WHAT NOT. YOU COULD SEE THAT THEY CAME CARRYING ITEMS, A BAG.
21 ONE OF THEM APPEARED TO HAVE SOMETHING RIGID IN HIS HAND
22 WHICH I BELIEVED TO BE THE GUN, BUT THERE REALLY WAS NOT A LOT
23 TO DETERMINE FROM THAT FOOTAGE. IT WAS NOT OF GOOD ENOUGH
24 QUALITY THAT WE COULD REALLY ENHANCE IT AND IT ALSO APPEARED
25 THAT THEY WERE COVERED WHEN THEY APPROACHED.

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1 Q AND WERE YOU ABLE TO, WHEN YOU VIEWED THE TAPE, DID IT APPEAR
2 THERE WAS A LOT OF FOOT TRAFFIC, CAR TRAFFIC IN AND OUT AND
3 AROUND THIS STORE DURING THIS TIME?

4 A YES. IT WAS EVIDENT THERE WAS A LOT OF FOOT TRAFFIC AND A LOT
5 OF CAR TRAFFIC. THERE WERE CUSTOMERS STEADILY IN AND OUT AND
6 I WOULD SPECULATE THAT BASED ON THE TIME THAT THEY WERE AT
7 THE BACK OF THE BUILDING THAT THERE WERE ACTUALLY CUSTOMERS
8 COMING IN AND OUT. YOU COULD SEE WHERE THE PEOPLE KIND OF
9 WOULD DISAPPEAR FROM THE SCREEN AS IF THEY WERE GOING
10 AROUND THE CORNER MAYBE AND WATCHING. THERE WAS ALSO A
11 VEHICLE THAT PASSED BY THEM GOING UP AS IF THEY WERE GOING TO
12 THE GAS PUMPS WHILE THEY WERE ACTUALLY STANDING OUT BEHIND
13 THE BUILDING.

14 Q DID YOU, LOOKING AT THE CLIP WHILE THE ROBBERY WAS TAKING
15 PLACE ON THE INSIDE OF THE STORE, DID ANYTHING JUMP OUT AT YOU
16 ABOUT THE SUSPECTS OR ABOUT THE WEAPONS THEY WERE USING?

17 A YES, THE -- UPON REVIEWING THE FOOTAGE THE THING THAT I
18 NOTICED AND, YOU KNOW, I QUESTIONED MY FORENSIC GUY ABOUT
19 THIS, NONE OF THEM APPEARED TO BE WEARING GLOVES. THERE WAS
20 ONE CARRYING A BACKPACK WHICH WE LATER RECOVERED. HE
21 APPEARED TO NOT HAVE GLOVED HANDS. THE OTHER TWO THAT WERE
22 ARMED WITH GUNS DID NOT HAVE GLOVES. I NOTED THAT THE GUY
23 WITH THE BACKPACK APPEARED TO BE THE SHORTEST. THE GUY WITH
24 THE HANDGUN APPEARED TO BE A LITTLE BIT TALLER MAYBE SIX
25 FOOT-ISH AND THEN THE GUY WITH WHAT APPEARED TO BE SOME KIND

1 OF A LONG GUN WAS SIGNIFICANTLY TALLER THAN THE OTHER TWO.

2 Q AND YOU PERSONALLY WENT TO THE STORE. DID YOU LOOK INTO THE
3 INSIDE OF THE STORE ABOUT HOW THE LAYOUT WAS?

4 A I WAS VERY FAMILIAR WITH THE STORE PRIOR TO THE ROBBERY, BUT I
5 HAD BEEN BACK THE VERY NEXT DAY TO FOLLOW UP.

6 Q AND DOES THIS STORE HAVE THE HEIGHT TAPE ON THE DOOR? WHEN
7 YOU COME IN YOU WILL SEE LIKE METERS OR FEET THAT SAY 4, 5, AND
8 6 AND LITTLE LINES INDICATING THE POSSIBLE HEIGHTS?

9 A THEY DO. IT'S STILL THERE AS OF FRIDAY.

10 Q AND BASED UPON THAT, DID YOU ALSO COMPARE IT TO THE SUSPECTS
11 IN THE VIDEO AS THEY WERE EXITING THE DOOR?

12 A I DID.

13 Q AND WHAT, IF ANYTHING, DID YOU DETERMINE OR BASE UPON YOUR
14 OBSERVATIONS, DID YOU LEARN?

15 A YOU NOTICE THAT WHEN THEY COME IN AND WHEN THEY GO OUT, IT IS
16 KIND OF CONSISTENT WITH WHAT MISTER LATTIMORE SAID,
17 ESPECIALLY ABOUT THE GUY WITH THE LONG GUN, THAT HE WAS REAL
18 TALL. AS HE GOES OUT HE ALMOST KIND OF CROUCHES DOWN AS HE IS
19 RUNNING BUT HIS HEAD IS STILL ABOVE THE SIX FOOT MARK BY A
20 COUPLE OF INCHES. THE OTHER GUY IS JUST BELOW IT BY A COUPLE
21 OF INCHES. AND THEN THE THIRD GUY, THE SHORTEST ONE WITH THE
22 BACKPACK, HE IS A GOOD BIT BELOW THE SIX FOOT MARK. THE SIX
23 FOOT MARK IN THE STORE IS THE LAST MARK ALONG THE EDGE OF THE
24 DOOR. THERE IS NO SEVEN.

25 Q AND DID ANYTHING ABOUT THIS GUN, AND TO BE MORE PARTICULAR,

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1 THE LONG GUN, JUMP OUT AT YOU?

2 A IT DID. UPON REVIEWING THE VIDEO, I WAS ABLE TO STOP IT AND JUST
3 PAUSING THE PLAYER THAT WAS PROVIDED BY THE STORE, THE GUN
4 APPEARED TO ME TO RESEMBLE THIS KEL TEC CARBINE. IN FACT, I HAD
5 GOTTEN WITH OUR CRIME ANALYST AND ASKED HER TO CIRCULATE
6 LIKE LAW ENFORCEMENT FLIERS, "TO BE ON THE LOOK-OUT", A KIND OF
7 ADVISORY THING AND IT HAD A STILL IMAGE FROM THE ROBBERY, BUT I
8 HAD ALSO OBTAINED A PICTURE OF THIS TYPE OF GUN FROM THE
9 INTERNET AND HAD THAT AFFIXED JUST BECAUSE IT WAS SUCH A
10 UNIQUE GUN. IT'S -- IN NINE YEARS, I HAVE NEVER COME ACROSS ONE
11 OF THESE IN PROPERTY CRIMES AND IN VIOLENT CRIMES, IN ANYTHING.
12 SO, I WAS HOPING THAT THIS GUN, BEING AS UNIQUE AS IT WAS, THAT IF
13 IT TURNED UP IN ANOTHER CRIME THAT I WOULD AT LEAST GET A CALL.

14 Q NOW I SHOW YOU WHAT IS STATE'S EXHIBIT #18. OF COURSE, IT HAS A
15 SAFETY CLIP IN IT. PLEASE IDENTIFY WHAT THIS IS, SIR.

16 A THIS IS A KEL TEC .9 MILLIMETER PISTOL CALIBER CARBINE BEARING
17 THE SERIAL NUMBER E3B56. THE MODEL IS A SUB 2000 AND IT IS
18 MARKED CALIBER .9 MILLIMETER.

19 Q AND DOES THIS GUN APPEAR TO BE SIMILAR IN TYPE AND THE TYPE OF
20 GUN THAT WAS USED ON THE B-P ROBBERY?

21 A IN MY OPINION, YES.

22 Q AND WHAT PARTICULARLY STANDS OUT ABOUT THIS WEAPON THAT
23 YOU WERE ABLE TO VIEW?

24 A THE THINGS THAT I NOTED THAT MADE ME BELIEVE THAT IT WAS THIS
25 TYPE OF GUN; BY THIS POINT I ALREADY KNEW WE HAD ONLY

1 RECOVERED .9 MILLIMETER ROUNDS AND SO I KNEW WE WEREN'T
2 DEALING WITH A TYPICAL ASSAULT RIFLE, SOMETHING THAT SHOOTS A
3 5.56 OR A MILITARY GRADE ROUND. NOTHING THAT SHOOTS AK-47 OR
4 SKS AMMUNITION BEING 7.62x39. SO, THAT AGAIN, KIND OF LIMITS THE
5 KIND OF GUN THAT YOU CAN HAVE. THERE'S ONLY SEV -- THERE IS
6 ONLY A FEW MANUFACTURERS THAT I KNOW OF, I'M NOT SAYING I'M A
7 FIREARMS EXPERT BY ANY MEANS, BUT I ONLY PERSONALLY KNOW OF
8 A FEW MANUFACTURERS THAT PRODUCE SOMETHING CAPABLE, THAT
9 AGAIN, WOULD LOOK LIKE A RIFLE BUT WILL ACCEPT AND SHOOT A
10 PISTOL-TYPE CARTRIDGE. COLT MAKES ONE THAT, YOU KNOW, IT
11 REQUIRES A SPECIAL MAGAZINE BUT THEY ARE VERY EXPENSIVE.
12 HIGHPOINT MAKES ONE THAT HAS A DIFFERENT BODY STYLE AND THEN
13 KEL TEC. RUGER MAKES ONE THAT SHOOTS A PISTOL CALIBER, BUT IT
14 DOESN'T HAVE A PISTOL GRIP. I NOTED THAT THE SUSPECT WAS
15 HOLDING IT BY THE PISTOL GRIP. I DID NOTE THAT THERE WAS NOT A
16 FORWARD MAGAZINE WHICH YOU WOULD PROBABLY SEE IN AN
17 ASSAULT RIFLE TYPE WEAPON. I ALSO NOTED THE SLENDER PORTION
18 BACK HERE. (INDICATING) IF THIS WAS A HIGHPOINT PISTOL CALIBER
19 CARBINE THIS WOULD BE MUCH THICKER IN HERE, ALMOST LIKE A
20 TRADITIONAL RIFLE STOCK EVEN THOUGH IT STILL HAS THE PISTOL
21 GRIP AND THE HIGH FRONT SIGHT POST, THIS SLENDER PORTION UP
22 HERE. THIS IS WHAT MADE ME BELIEVE WHEN I DISTRIBUTED THAT
23 FLYER THAT THIS WAS THE TYPE OF GUN I WAS LOOKING FOR.

24 (WITNESS HANDS GUN BACK TO THE SOLICITOR)

25 Q NOW, AFTER YOU DID THIS, YOU SENT OUT FLYERS TO LAW

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1 ENFORCEMENT AGENCIES REGARDING THIS ROBBERY, DID YOU GET
2 ANY LEADS OR TIPS OR DID THIS CASE GO COLD?

3 A THIS CASE ACTUALLY WENT COLD. AFTER I HAD COME TO THE
4 CONCLUSION THAT MISTER LATTIMORE WAS NOT INVOLVED, THIS
5 PARTICULAR CASE WENT COLD. THERE WAS ALSO ANOTHER ONE FROM
6 THE SAME NIGHT THAT I HAD COMPARED SOME NOTES WITH ONE OF
7 THE OTHER INVESTIGATORS AND WE HAD LINKED THE TWO TOGETHER.
8 THAT CASE WENT COLD AS WELL, BUT THAT WAS ACTUALLY ABOUT
9 11:00 ON FEBRUARY 5TH, WHICH MISTER ARMSTRONG TESTIFIED
10 EARLIER ABOUT THE PISTOL ROUNDS COMING FROM THAT ONE AS
11 WELL. THIS SAME GUN WAS ACTUALLY SEEN ON VIDEO FROM THAT
12 CASE. I WAS NOT INITIALLY ASSIGNED THAT ---

13 **MS. GOODWIN:** YOUR HONOR --

14 **THE COURT:** STOP FOR A SECOND, PLEASE, SIR. STATE YOUR ---

15 **MS. GOODWIN:** I HAVE NOT HEARD OF ANY TESTIMONY OF ANOTHER
16 CRIME. I DO NOT SEE THE RELEVANCE OF THAT CRIME WITH THIS CRIME.

17 **THE COURT:** WELL, LET ME JUST SAY THIS FIRST, LADIES AND
18 GENTLEMEN, THE ONLY CHARGE THAT THIS DEFENDANT IS ON TRIAL FOR ARE
19 THE CHARGES THAT HE IS INDICTED FOR, WHICH IS THE B-P ROBBERY. I AM
20 EXCLUDING ANY TESTIMONY AND STRIKING IT FROM THE RECORD
21 CONCERNING ANY OTHER ALLEGED CONNECTED CRIMES TO THIS THAT WENT
22 COLD OR NOT. THAT'S NOT WHAT THIS TRIAL IS ABOUT. THIS TRIAL IS ABOUT
23 THE B-P ROBBERY DONE AND THE ALLEGED CONSPIRACY ONLY. OKAY? SO, I
24 AM GOING TO INSTRUCT YOU PLEASE, MISTER GEBING, TO LIMIT YOUR
25 TESTIMONY TO THE B-P ROBBERY AND NOT TO ANY OTHER ALLEGED CRIMES

1 OR COMMITTED CRIMES. OKAY?

2 **DETECTIVE GEBING:** I UNDERSTAND, YOUR HONOR.

3 **THE COURT:** ALL RIGHT. THANK YOU.

4 Q NOW, THE CASE WENT COLD AT THIS POINT IN TIME.

5 A YES.

6 Q WHEN DID THE FIRST LEAD COME IN THAT KIND OF START – GOT THIS
7 CASE ROLLING AGAIN?

8 A ON SEPTEMBER 8TH.

9 Q AND HOW DID THAT COME ABOUT?

10 A OVER THE COURSE OF THE SUMMER, WE HAD NUMEROUS OTHER
11 ROBBERIES AND IT GOT TO THE POINT WHERE MY SUPERVISOR
12 ASSIGNED ABOUT SIX OR EIGHT OF US TO GET TOGETHER AND KIND OF
13 POOL RESOURCES. ONE OF THESE STEMMING FROM AN INCIDENT NOT
14 RELATED TO MISTER GOSS IN ANY WAY, BUT DURING THE COURSE OF
15 THAT, MY SERGEANT, ANDY TRIBBLE, FORWARDED ME SOME
16 INFORMATION THAT HE HAD SPOKEN TO A PERSON, HAD SHOWN THEM
17 THE VIDEO FROM THE B-P ROBBERY. THAT PERSON INDICATED TO HIM
18 THAT THESE GUNS HAD POSSIBLY BEEN SEIZED IN AN INCIDENT AT
19 GREENVILLE TECH AND THAT'S WHAT CAUSED ME TO FOLLOW UP ON
20 THIS WITH GREENVILLE TECH. THAT'S WHAT STARTED ALL THIS.

21 Q IN FACT, THAT WAS JAVARIS HILL THAT TESTIFIED EARLIER.

22 A CORRECT.

23 Q AND WHEN HE WAS REFERRING TO WATCHING THE VIDEO, THAT WAS
24 WHAT HE WAS TALKING ABOUT?

25 A CORRECT.

1 Q AND AS A RESULT OF THAT, DID YOU GO TO GREENVILLE TECHNICAL
2 COLLEGE IN GREENVILLE AND TALK TO THE CASE OFFICER IN THAT
3 CASE?

4 A I MADE CONTACT WITH GREENVILLE TECH OVER THE PHONE AND
5 ASKED THEM TO FORWARD A COPY OF THEIR ENTIRE INCIDENT WITH
6 ME. WHEN I CALLED I SPOKE TO THEIR ADMINISTRATIVE PERSON, JOEL
7 FOSTER AND HE TOLD ME YEAH, THAT HE REMEMBERED IT VERY
8 VIVIDLY. HE TOLD ME WHAT KIND OF GUNS WERE SEIZED. THAT
9 IMMEDIATELY PEAKED MY INTEREST BECAUSE AGAIN, I HAD A PRETTY
10 GOOD IDEA WHAT KIND OF LONG GUN I WAS LOOKING FOR. HE
11 FORWARDED ME HIS ENTIRE CASE FILE AND THEN I ACTUALLY WENT TO
12 THE GREENVILLE COUNTY LAW ENFORCEMENT CENTER TO VIEW THE
13 ACTUAL GUNS.

14 Q AND AT THIS TIME YOU DIDN'T KNOW THAT STATE'S EXHIBIT #16, THIS
15 PISTOL, AND STATE'S EXHIBIT #18, THIS KEL TEC, WERE INVOLVED IN
16 THE B-P ROBBERY.

17 A NOT UNTIL I FOUND THIS OUT FROM GREENVILLE TECH.

18 Q AND YOU WENT AND VIEWED THESE WEAPONS AT GREENVILLE TECH.
19 IS THAT CORRECT?

20 A I VIEWED THOSE WEAPONS AT THE GREENVILLE COUNTY LAW
21 ENFORCEMENT CENTER. GREENVILLE TECH DOES NOT HAVE THE
22 CAPABILITY OF STORING FIREARMS SEIZED IN THEIR CASES. SO THE
23 DEPARTMENT OF PUBLIC SAFETY STORES THEM FOR THEM.

24 Q AND -- BUT YOU LOOKED AT THE WEAPONS.

25 A CORRECT.

1 Q IN GREENVILLE COUNTY.

2 A YES, SIR.

3 Q AND AT SOME POINT, DID YOU HAVE THESE GUNS, EXHIBITS #16 AND
4 #18, COMPARED TO THE SHELL CASINGS THAT WERE RECOVERED AT
5 THE B-P GAS STATION ON SHOCKLEY FERRY ROAD?

6 A YES. FOLLOWING A HUNCH, THESE WEAPONS MATCHING WHAT I HAD
7 SEEN ON THE VIDEO, THE LONG GUN IN PARTICULAR. YOU KNOW, THE
8 VIDEO WAS KIND OF VAGUE AS FAR AS THE HANDGUN, BUT FOLLOWING
9 A HUNCH, I DID REQUEST THROUGH GREENVILLE COUNTY THAT OUR
10 SHELL CASINGS FROM THIS ROBBERY BE SENT TO GREENVILLE FOR A
11 COMPARISON TO THESE PARTICULAR GUNS.

12 Q AND MISTER ARMSTRONG, OFFICER ARMSTRONG, WAS THE ONE THAT
13 ANALYZED THE SHELL CASINGS AND COMPARED THEM TO THE GUNS. IS
14 THAT RIGHT?

15 A CORRECT.

16 Q AND WHAT HE TOLD US ON THE STAND WAS THE SAME THING HE TOLD
17 YOU, THAT THESE SHELL CASINGS CAME FORM THESE WEAPONS?

18 A CORRECT.

19 Q AS A RESULT OF THAT, HOW DID YOU PROCEED NOW WITH YOUR
20 INVESTIGATION?

21 A AFTER THAT, I STARTED REVIEWING THE GREENVILLE TECH CASE. THIS
22 IS SEVEN MONTHS OLD AT THIS TIME, BUT NOTING THE DATES, YOU
23 KNOW, MY ROBBERY WAS THE 5TH OF FEBRUARY AND THEIR SHOOTING
24 WAS THE 8TH. SO, I STARTED GOING THROUGH A LOT OF THEIR
25 STATEMENTS AND TRYING TO BACK UP A LOT OF WHAT THEY ALREADY

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- 1 HAD OBTAINED DURING THE COURSE OF THEIR INVESTIGATION TRYING
2 TO SEE IF THEY HAD IDENTIFIED PERSONS WHO MIGHT HAVE BEEN
3 INVOLVED, PERSONS CONNECTED WITH THESE FIREARMS.
- 4 Q AND DID ANY NAMES KIND OF JUMP OUT AT YOU?
- 5 A THEY DID.
- 6 Q AND WHO WAS THAT?
- 7 A TERRANCE GOSS AND TRAVIS PATTERSON.
- 8 Q SO, AT THIS POINT IN TIME, DID YOU START FOCUSING YOUR
9 INVESTIGATION ON WHETHER OR NOT THEY HAD THESE WEAPONS AND
10 IF THEY DID, DID THEY HAVE THEM IN ANDERSON ON TUESDAY NIGHT?
- 11 A I DID.
- 12 Q OR ON TUESDAY? NOW WHEN YOU ALSO GOT THIS WEAPON HERE ,
13 STATE'S EXHIBIT #18, WHEN YOU WENT TO THE GREENVILLE POLICE
14 DEPARTMENT AND LOOKED AT IT, DID YOU ATTEMPT TO HAVE THIS
15 WEAPON FINGERPRINTED?
- 16 A NO.
- 17 Q WHAT WAS THE REASON WHY YOU DID NOT DO THAT?
- 18 A WHEN THEY BROUGHT IT FROM THE EVIDENCE VAULT THEY WERE
19 HANDLING IT BAREHANDED. THEY HANDED IT TO ME BAREHANDED. I
20 DID NOT SEE THE LIKELIHOOD THAT THEY WOULD BE ABLE TO PRODUCE
21 ANYTHING AT THAT POINT.
- 22 Q SO, IT HAD ALREADY BEEN HANDLED BY OTHER PEOPLE WITHOUT
23 PROPERLY --
- 24 A CORRECT.
- 25 Q -- GLOVES ON. NOW, DID YOU -- AT THIS POINT YOU STARTED

1 NARROWING DOWN YOUR INVESTIGATION TO MISTER PATTERSON AND
2 MISTER GOSS. WHAT, IF ANYTHING, DID YOU DO TO ASCERTAIN
3 WHETHER OR NOT (1) THEY OWNED THESE WEAPONS AND (2) THESE
4 WEAPONS WERE USED IN THE B-P GAS STATION ROBBERY ON
5 FEBRUARY 05, 2008?

6 A WELL, AS WAS EVIDENT IN THE GREENVILLE TECH CASE FILE AND AS
7 MISTER RONOKE EARLIER TESTIFIED, HE HAD OBSERVED MISTER
8 PATTERSON AND MISTER GOSS WITH THESE WEAPONS IN ANDERSON
9 TUESDAY. HAVING GIVEN THIS STATEMENT, YOU KNOW, IN RELATION
10 TO THE SHOOTING ON FRIDAY. SO, THAT MADE ME BELIEVE THAT THEY
11 HAD THESE GUNS IN ANDERSON THE DAY OF THIS ROBBERY.
12 ADDITIONALLY, YOU HAVE TO BEAR IN MIND, TOO, THAT WE GOT
13 TWENTY- SOMETHING OPEN ROBBERIES THAT I AM NOW HEADING UP
14 AND I HAVE IDENTIFIED SEVERAL SUSPECTS FROM OTHER ROBBERIES,
15 AGAIN NOT RELATED TO MISTER GOSS. SO, BEING AWARE OF WHO IS
16 WHO AROUND ANDERSON AND THEIR RELATION TO ALL THESE
17 ROBBERIES, I BEGAN INTERVIEWING SOME OF THESE PEOPLE WHO
18 WERE FAMILIAR WITH MISTER GOSS AND MISTER PATTERSON. PEOPLE
19 LIKE MISTER TIMPSON AND MISTER JONES, MISTER HILL WHO TESTIFIED
20 PREVIOUSLY. I DID GO TO THEM TO TRY TO DETERMINE WHAT THEY
21 KNEW OF THIS SITUATION.

22 Q AND DID YOU ALSO TALK TO LIKE TRENT STEVENSON?

23 A I TALKED TO TRENT STEVENSON AFTER ALL THIS, YES, SIR.

24 Q AND HE WAS COOPERATIVE?

25 A VERY.

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 Q AND MISTER RONOKE?

2 A I MADE EFFORTS TO TALK TO MISTER RONOKE. I HAD NOT BEEN ABLE
3 TO DO SO UNTIL THIS.

4 Q HE HAD BEEN OUT OF STATE?

5 A YES, SIR. HE HAD BEEN OUT OF STATE. I HAD BEEN TO HIS HOUSE,
6 SPOKEN TO HIS FATHER. I SENT PEOPLE TO HIS MOTHER'S HOUSE TO
7 TRY TO SPEAK TO HIM. HE DIDN'T RETURN CALLS, BUT HE CAME HERE.
8 WHEN HE CAME HERE WE WERE ABLE TO SPEAK.

9 Q AND THAT WAS THE FIRST TIME THAT YOU SAW HIM IS WHEN HE WAS
10 ON THE STAND?

11 A CORRECT. HE HAD TRAVELED BACK FROM ALABAMA FOR THIS. YES.

12 Q NOW, EVENTUALLY YOU TOOK OUT WARRANTS IN THIS CASE
13 REGARDING THIS ROBBERY OF THE B-P GAS STATION.

14 A I DID.

15 Q AND HOW MANY WARRANTS DID YOU TAKE OUT?

16 A ON EACH OF THE DEFENDANTS, I TOOK OUT A COUNT OF ARMED
17 ROBBERY, ONE COUNT OF CONSPIRACY, ONE COUNT OF POSSESSION
18 OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME.

19 Q AND HOW MANY PEOPLE DID YOU TAKE OUT WARRANTS ON?

20 A JUST TWO OF THE THREE. I'VE STILL TO THIS DAY HAVE NO IDEA WHO
21 THE THIRD GUY IS.

22 Q AND WHO ARE THE PEOPLE THAT YOU TOOK WARRANTS OUT ON?

23 A MISTER GOSS, THE DEFENDANT, AND A CO-DEFENDANT, TRAVIS
24 HOWARD PATTERSON, JUNIOR, "T.J.", "ACE". HE GOES BY MANY NAMES.

25 Q AND ON WHAT DID YOU BASE YOUR PROBABLE CAUSE TO MAKE THIS

1 ARREST ON MISTER GOSS AS WELL AS MISTER PATTERSON?

2 A I BASED MY CHARGES AT THE TIME ON THE STRENGTH OF GREENVILLE
3 TECH'S INVESTIGATION, THEM HAVING RECOVERED WEAPONS WHICH
4 AT THAT POINT HAD BEEN MATCHED IN THE LAB BACK TO MY CRIME
5 SCENE. THE SHELLS WERE MATCHED 100% BACK TO THESE
6 PARTICULAR WEAPONS. GREENVILLE TECH, WHAT THEIR
7 INVESTIGATION INDICATED TO ME, OR AT LEAST WHAT THEIR
8 PAPERWORK INDICATED TO ME, WAS THAT TRAVIS PATTERSON ,
9 TERRANCE GOSS HAD BEEN AT GREENVILLE AND THAT PEOPLE UP
10 THERE INDICATED THAT THEY HAD BEEN THE ONES WHO HAD THESE
11 GUNS, DESPITE MISTER GOSS' CLAIM THAT SOMEONE ELSE HAD THEM.
12 AND THEN CHRIS RONOKE WHO IS OF RELATION TO MISTER
13 PATTERSON, HIS STATEMENT THAT HE HAD OBSERVED THEM WITH
14 THESE GUNS IN ANDERSON TUESDAY, WHICH WAS THE NIGHT OF THIS
15 ROBBERY.

16 Q AND AS A RESULT, BOTH THESE INDIVIDUALS, PATTERSON AND GOSS,
17 WERE ARRESTED BASED ON YOUR ARREST WARRANTS.

18 A WELL, BASED ON -- THEY WERE ARRESTED FOR THIS -- IF YOU'LL ALLOW
19 ME TO BACK UP FOR A SECOND, JUST TO CLARIFY. I DID ALSO HAVE
20 MISTER TIMPSON AND MISTER JONES, MISTER HILL, AND SOME OTHER
21 PEOPLE AT THE TIME, WERE PROVIDING SOME CORROBORATIVE
22 DETAILS TO BACK UP THE OWNERSHIP OF THESE WEAPONS.

23 Q NOW, WHAT DAY, DO YOU RECALL WHAT DAY, THEY WERE ARRESTED
24 ON?

25 A WHO IS THAT, SIR?

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 Q SIR?

2 A WHO?

3 Q MISTER GOSS AND MISTER PATTERSON.

4 A SEPTEMBER 23, 2008.

5 Q AND DURING THE PROCESS WHEN A PERSON IS ARRESTED, THEY GO
6 THROUGH A BOOKING PROCESS. IS THAT RIGHT?

7 A THAT IS CORRECT.

8 Q AND BASED UPON THE BOOKING PROCESS, YOU LEARNED THE HEIGHT
9 OF MISTER GOSS AND HIS WEIGHT?

10 A THEY -- THEY ARE -- ITS -- ALL THEIR VITAL DATA: COLOR HAIR, COLOR
11 EYES, HEIGHT, WEIGHT, PHONE NUMBERS, ADDRESSES, ALL THAT IS
12 ENTERED IN OUR BOOKING SYSTEM AT THE JAIL.

13 Q AND WHAT IS MISTER GOSS' HEIGHT AND WEIGHT AS LISTED?

14 A IT WAS LISTED AS SIX FOOT THREE, 140 POUNDS.

15 Q AND WHAT ABOUT MISTER PATTERSON?

16 A SIX FOOT AND 167 POUNDS, OR 176. YOU WILL HAVE TO FORGIVE ME ON
17 THAT, BUT I KNOW IT WAS SIX FOOT.

18 Q NOW, YOU WERE PRESENT WHEN THE BOOKING PROCESS WAS GOING
19 ON. IS THAT RIGHT?

20 A FOR WHO, SIR?

21 Q SIR, I DIDN'T UNDERSTAND YOU.

22 A FOR WHO?

23 Q MISTER GOSS.

24 A NO.

25 Q HOW ABOUT MISTER PATTERSON?

1 A I WAS THERE WHEN HE WAS BROUGHT IN TO BEGIN THE BOOKING
2 PROCESS.

3 Q AND AT ANY POINT DURING THIS TIME, DURING THE BOOKING PROCESS,
4 DID ANYTHING GO ON THAT CAUGHT YOUR ATTENTION?

5 A YES. ON SEPTEMBER 23RD, MISTER PATTERSON WAS ARRESTED BY
6 OUR WARRANTS DIVISION AND TRANSPORTED TO MY OFFICE WHERE I
7 DID ATTEMPT TO INTERVIEW HIM. HE DECLINED TO BE INTERVIEWED
8 STATING THAT HE WAS REPRESENTED BY A LOCAL ATTORNEY AND WAS
9 NOT FURTHER QUESTIONED. HE WAS PLACED IN ONE OF OUR HOLDING
10 CELLS DOWNSTAIRS AWAITING TRANSPORT OVER TO THE JAIL. DURING
11 THAT TIME, I WENT WITH OFFICER MIKE CLARDY OF THE ANDERSON CTY
12 POLICE DEPARTMENT OVER TO TRY TO SPEAK TO MISTER GOSS. AFTER
13 COMPLETION OF OUR MEETING WHEN I CARRIED MISTER GOSS BACK UP
14 TO THE BOOKING AREA TO TURN HIM BACK OVER TO JAIL STAFF SO
15 THEY COULD TRANSPORT HIM TO ANOTHER PORTION OF THE JAIL,
16 MISTER PATTERSON HAS NOW ENTERED THE BOOKING COUNTER. I
17 ASKED MISTER GOSS TO HAVE A SEAT AND WHEN I TURNED AROUND IT
18 APPEARED THAT MISTER PATTERSON -- IT DIDN'T APPEAR, HE MUMBLED
19 SOMETHING TO MISTER GOSS BUT TO BE HONEST, I DON'T KNOW WHAT
20 HE SAID, BUT IT WAS OBVIOUS HE WAS SAYING SOMETHING TO HIM.

21 Q NOW, AT THE TIME, DID YOU THINK THAT WAS IMPORTANT?

22 A YES AND NO. I MEAN I WOULD HAVE LIKED TO HAVE KEPT THEIR
23 COMMUNICATION SEPARATE, BUT IT DIDN'T STRIKE ME AS ANYTHING. IT
24 WAS NOT LIKE THEY WERE CARRYING ON A CONVERSATION. IF HE
25 MUMBLED SOMETHING, IT WAS A COUPLE OF WORDS, SO IT DIDN'T

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 STRIKE ME AS OVERLY IMPORTANT.

2 Q BUT LATER ON, IT BECAME IMPORTANT TO YOU?

3 A YES.

4 Q NOW, I WANT TO SHOW YOU...

5 MR. CAMPBELL: YOUR HONOR, THIS IS STATE'S EXHIBIT #19.

6 MS. GOODWIN AND I HAVE STIPULATED THAT THIS IS THE LETTER THAT

7 MISTER GOSS WROTE THAT WAS FOUND IN THE DETENTION CENTER.

8 THE COURT: OKAY, SIR.

9 Q DETECTIVE GEBING, I AM GOING TO SHOW YOU WHAT HAS BEEN

10 MARKED FOR -- IS MARKED AS STATE'S EXHIBIT -- JUST ONE SECOND.

11 WHAT HAS BEEN MARKED AS STATE'S EXHIBIT #19. I'M GOING TO GET

12 YOU TO LOOK AT IT AND IDENTIFY WHAT THIS IS, SIR. EXHIBIT #19.

13 PLEASE LOOK AT THAT, DETECTIVE GEBING, AND LET ME KNOW ---

14 A THIS IS A PHOTOCOPY OF A TWO-PAGED HANDWRITTEN LETTER. IT IS

15 NOT THE ORIGINAL, BUT IT HAS SINCE BEEN PHOTOCOPIED AND EDITED,

16 BUT THE BULK OF THIS IS A PHOTOCOPY OF A LETTER THAT WAS

17 INTERCEPTED AT THE JAIL.

18 Q AND YOU ARE ABLE TO DETERMINE OWNERSHIP OF WHO WROTE THIS

19 LETTER?

20 A I WAS.

21 Q AND WHO WAS THAT?

22 A MISTER GOSS.

23 Q AND THIS LETTER WAS BROUGHT TO YOU BY AN OFFICER IN THE

24 DETENTION CENTER?

25 A IT WAS.

1 Q AND YOU LOOKED AT IT?

2 A YES.

3 Q AND AS A WHOLE, DID IT KIND OF MEAN ANYTHING TO YOU? JUST BY
4 ITSELF?

5 A THE LETTER BY ITSELF, TO SOMEBODY WHO ISN'T AWARE OF WHAT'S
6 GOING ON, NO, IT MIGHT NOT HAVE. TO ME, IT WAS IMMEDIATELY
7 EVIDENT WHAT IT WAS. IT WAS OF EXTREME IMPORTANCE TO ME.

8 Q AND IS THAT -- THAT IS A COPY OF THE SAME LETTER THAT WAS
9 RECOVERED IN THE DETENTION CENTER. IS THAT RIGHT?

10 A CORRECT. THIS IS THE COPY OF THE ORIGINAL.

11 MR. CAMPBELL: YOUR HONOR, AT THIS TIME I WOULD HAVE THE
12 DETECTIVE TO STEP DOWN AND I'D LIKE TO PUBLISH IT TO THE JURY.

13 THE COURT: YES, SIR.

14 Q DETECTIVE GEBING, IF YOU WOULD LIKE TO COME DOWN OFF THE
15 STAND, PLEASE SIR. (WITNESS COMPLIES) I AM GOING TO DO AN
16 OVERHEAD. NOW DETECTIVE GEBING, I WANT YOU TO, AS YOU ARE
17 PUBLISHING THIS TO THIS JURY, TO FIRST READ IT AND THEN WHAT I
18 WANT TO DO IS GO BACK THROUGH IT AND EXPLAIN TO THE LADIES AND
19 GENTLEMEN OF THE JURY WHAT IS SIGNIFICANT AND IMPORTANT TO
20 YOU.

21 A " LISTEN BRO, THIS AIN'T MY FIRST TIME GOING THROUGH THIS SHIT,
22 HOMIE. YOU JUST GOTS TO TRUST ME DOG. REMEMBER HOW THEY
23 TRIED TO PLAY YOU WHEN WE GOT JAMMED UP IN THAT CAR
24 TOGETHER. MAN, WE GOTS TO KEEP IT REAL, LEAVE THE REST OF
25 THESE NIGGERS OUT OF IT, BECAUSE ACE, THEY ONLY HURTING

1 THEYSELVES. YOU FEEL ME? MAN, HOW THE HELL YOU GONNA TO SAY
2 THAT I'M SNITCHING WHEN I GOT THE SAME FUCKING CHARGES YOU
3 DO? MAN, LOOK, HOMIE, YOU MAY NOT BELIEVE ME WHEN I SAY I
4 HAVEN'T TOLD ON NOBODY, BUT THAT'S REAL, DOG. I KNOW I WAS
5 TALKING THAT BULLSHIT ON THE PHONE WHEN I WAS TALKING ABOUT
6 TELLING ON EVERYBODY BUT SHIT, NIGGER, I HAVEN'T TOLD NOBODY
7 NOTHING. THAT'S ON MY SON. I HOPE HE DIE IF I'M LYING. I WOULDN'T
8 NEVER TELL ON YOU, JOEY OR DALE AND THAT'S REAL. MAN YOU MAY
9 NOT WANT TO HEAR THIS SHIT, BUT MAN, THE ONLY REASON THEY
10 CHARGING ME AND YOU IS BECAUSE OF THE GREENVILLE TECH SHIT.
11 HE SAID THAT HE ALREADY GOT YOU BECAUSE YOU DONE ADMITTED TO
12 THE GUN UP THERE AND HE SAID THAT GUN MATCHES THE SAME FROM
13 THE B-P STORE AND HE SAID THAT HE GOT A STATEMENT FROM ME
14 SAYING THE KEL TEC WAS MINE. BRO, I PUT THIS ON EVERYTHING. I
15 KEPT SAYING, "I DON'T KNOW WHAT HE WAS TALKING ABOUT." THAT'S
16 MY WORD. ('EXCUSE ME, I WANT TO SLIDE THIS UP CLOSER.')

17 (DETECTIVE GEBING SLIDES SHEET OF PAPER ON PROJECTOR) THEY
18 ARE GOING TO TRY TO PLAY US, BUT GET YOUR LAWYER TO SHOW YOU
19 YOUR MOTION OF DISCOVERY SO THAT YOU'LL KNOW I DIDN'T GIVE
20 THEM ONE. EVEN GET YOUR LAWYER TO CALL MY LAWYER AND HE'LL
21 TELL HIM THAT THEY TRIED TO GET ME TO TALK BUT I WOULDN'T. MAN,
22 NIGGER, I STUCK WITH YOUR ASS EVERY DAY AND NOW YOU'LL BELIEVE
23 THEM CRACKERS OVER A NIGGER THAT YOU KNOW HAS LOVE FOR YOU.
24 MAN THAT SHIT HURT ME, DOG. ('THE VOID HERE IS -- THIS IS NOT
25 ORIGINAL, THE VOID, BUT IT IS SOMETHING THAT HAS BEEN EDITED.') I

1 STILL KEPT SAYING I DON'T KNOW WHAT YOU TALKING ABOUT. I TRIED
2 TO TELL JOCK TO TELL YOU WHAT THE REAL DEAL WAS BRO. WHAT
3 GUN YOU TALKING ABOUT YOU NOT PLEADING TO? WHAT DID THEY
4 TELL YOU I SAID? MAN, WE MIGHT'VE NOT SEEN EYE TO EYE, BUT THIS
5 SHIT RIGHT HERE IS SERIOUS AND WE GOTS TO FORGIVE AND FORGET
6 BEFORE WE GET OFF THE SAME PAGE. MAN, AS SOON AS THEY WERE
7 FINISHED WITH ME I WAS GONNA CALL YOU AS SOON AS I GOT BACK TO
8 THE CELL, BUT YOU WAS ALREADY UP FRONT. MAN, THAT'S REAL, MAN.
9 I NEVER TOLD ON YOU ABOUT NOTHING. I'M NOT GOING TO PLEAD TO
10 NOTHING BECAUSE IF I SAY THAT THE GUN WAS MINE AT GREENVILLE
11 TECH, THEN THEY GONNA MAKE THE CONSPIRACY CHARGE STICK. WE
12 ALREADY GOT THAT ARMED ROBBERY BEAT BECAUSE THEY DON'T GOT
13 A FACE OR PROOF. ALL THEY GOT IS TWO GUNS THAT SOMEBODY SAID
14 WAS OURS. MAN, YOU DON'T HAVE TO WRITE ME BACK BUT I'M KEEPING
15 IT 100% WITH YOU, HOMIE. THAT'S REAL. JUST ASK YOUR LAWYER TO
16 GIVE YOU A MOTION AND THAT'LL TELL YOU EVERYTHING. REAL TALK,
17 BRO. I WOULDN'T NEVER PUT YOU IN NO SHIT LIKE THIS BECAUSE COOT
18 AND THE REST OF THEM NIGGERS TELLING ON EACH OTHER THINKING
19 THAT SNITCHING GONNA CUT THEIR TIME. ('AGAIN FOLKS, THERE ARE
20 TWO VOIDS ON THIS PAGE THAT WERE NOT ORIGINAL WHICH, OF
21 COURSE, HAS BEEN EDITED') MAN, WE CAN'T TAKE NO CHARGES FOR
22 THIS BULLSHIT BRO. MY LAWYER SAID THAT THEY SUPPOSED TO
23 DISMISS EVERYBODY CHARGES FOR THAT G'VILLE SHIT SINCE THEY
24 DROPPED CHRIS SHIT. MAN, TO BE REAL, YEAH, I TOLD ON DEE DEE
25 AND HOTNEY, BUT THEM ARE THE ONLY PEOPLE AND I PROMISE I NEVER

1 TOLD ON NOBODY ELSE. THEN YOU TOLD THEM NIGGERS THAT I'M
2 TRYING AND GET MY TIME CUT. SO, IT AIN'T NO REASON FOR ME TO
3 TELL ANYTHING ELSE, ESPECIALLY NOT ABOUT SHIT LIKE THIS. MY
4 BOND IS \$45,000.00 FOR THIS SHIT. MAN, I'M LET YOU KNOW THAT I
5 HAVEN'T SAID SHIT AND THAT'S ON K. DOG. REAL TALK. "

6 Q DETECTIVE, IF YOU WILL TAKE YOUR SEAT.

7 (WITNESS RETURNS TO THE WITNESS STAND)

8 Q NOW, BY ITSELF TO SOMEONE NOT FAMILIAR WITH THIS INVESTIGATION,
9 DO YOU THINK THIS WOULD MEAN ANYTHING TO THEM?

10 A PERHAPS NOT.

11 Q NOW, YOU READ THIS LETTER. I WANT YOU TO GO THROUGH -- I AM
12 GOING TO HAND THIS BACK UP TO YOU, STATE'S EXHIBIT #19. IF YOU
13 WILL JUST GO THROUGH -- FIRST OF ALL, WE'LL WALK THIS THROUGH
14 TOGETHER. WHAT IS IMPORTANT TO YOU AND WHAT STOOD OUT THAT
15 IS RELEVANT TO THIS CASE?

16 A WHEN I FIRST GOT THIS LETTER, ONE OF THE THINGS THAT I REALLY
17 WANTED TO BE ABLE TO DO LATER ON WAS PROVE OWNERSHIP AND
18 PROVE WHO THE INTENDED RECIPIENT WAS. OWNERSHIP WAS PRETTY
19 EASY. WE LATER HAD A FINGERPRINT MATCH TO THE LETTER WHICH I
20 DON'T KNOW IF I NEED TO GO INTO ALL THIS SINCE IT'S BEEN
21 STIPULATED THAT MISTER GOSS WAS THE AUTHOR OF THIS, BUT I DID
22 HAVE IT PROCESSED FOR FINGERPRINTS. I DID OBTAIN A COPY OF
23 MISTER GOSS' SON'S BIRTH CERTIFICATE BECAUSE OF THE WAY THAT
24 HE SPELLS K. IN THE END IS VERY DISTINCT AND THERE ARE
25 THINGS IN THIS LETTER THAT ONLY MISTER GOSS AND ONLY MISTER

1 PATTERSON WOULD HAVE KNOWN ABOUT, SUCH AS THE INCIDENT
2 WHERE HE MENTIONS, AS SOON AS HE WAS FINISHED HE WAS GOING
3 TO CALL HIM WHEN HE GOT BACK TO THE CELL BUT HE WAS ALREADY
4 UP FRONT. THAT'S SOMETHING THAT THEY WOULD HAVE ONLY KNOWN
5 ABOUT. ADDITIONALLY, AS FAR AS THE INTENDED RECIPIENT, HE
6 MENTIONS THE NAME "ACE" WHICH OTHERS HAVE TESTIFIED THAT
7 TRAVIS PATTERSON IS "ACE". I HAVE KNOWN TRAVIS PATTERSON TO BE
8 "ACE" FOR A NUMBER OF YEARS AT THIS POINT. THESE ARE THE ONLY
9 PEOPLE THAT I HAVE CHARGED WITH CONSPIRACY. THESE ARE THE
10 ONLY PEOPLE I HAVE CHARGED WITH THE B-P. THESE ARE TWO OF THE
11 PEOPLE WHO WERE INVOLVED IN THE GREENVILLE TECH CASE. I KNOW
12 IT WASN'T INTENDED TO BE CHRIS BECAUSE HE REFERS TO CHRIS. IT
13 WASN'T INTENDED TO BE JOEY AND DALE BECAUSE HE REFERS TO
14 THEM. I KNOW IT WASN'T INTENDED TO BE JOCK, BECAUSE HE REFERS
15 TO JOCK. SO, IT NARROWED DOWN THE LIST AND THEN WHEN YOU GO
16 BACK TO "ACE", THAT WAS HOW I DETERMINED AUTHORSHIP AND
17 RECIPIENT. SOME OF THE THINGS THAT STOOD OUT TO ME AS
18 PARTICULARLY IMPORTANT IS WHEN HE WAS REFERRING TO THE
19 CONNECTION BETWEEN GREENVILLE AND THE B-P. HE COMES OUT
20 RIGHT AND SAYS, YOU KNOW, THAT THE ONLY REASON WE ARE
21 CHARGED US WITH THIS IS BECAUSE OF THAT GREENVILLE TECH SHIT.
22 HE EVEN MENTIONS, YOU KNOW, IF I PLEAD TO THE GUN THERE, THEN
23 THIS CONSPIRACY CHARGE IS GOING TO STICK. I THOUGHT THAT WAS
24 KIND OF COMPELLING, AS IF IN ACKNOWLEDGING YES, THAT ONE
25 WOULD LEAD TO THE OTHER.

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 Q SO, AT THIS POINT, HE'S WORRIED ABOUT OWNERSHIP OF THAT GUN
2 LEADING BACK TO HIM?

3 A ALMOST AS A SIDE NOTE. IT'S MORE LIKE HE'S WORRIED ABOUT BEING
4 LABELED A SNITCH. NOWHERE IN HERE DOES HE COME OUTRIGHT AND
5 SAY, "YEAH, WE ROBBED THAT STORE TOGETHER." BUT NOWHERE IN
6 HERE IS THERE A DENIAL, EITHER.

7 Q AND LOOKING AT IT, WHEN HE TALKS ABOUT THE STUFF ON CHRIS,
8 THAT THE CHARGES ON CHRIS HAD BEEN DROPPED, IS HE REFERRING
9 TO CHRIS RONOKE?

10 A HE IS.

11 Q AND DETECTIVE -- CAPTAIN MASTERS TESTIFIED THAT THE CHARGES
12 AGAINST HIM IN GREENVILLE HAD BEEN DROPPED.

13 A I HAD LEARNED THAT AS WELL. I CALLED THE SOLICITOR'S OFFICE UP
14 THERE AND FOUND THAT IT HAD BEEN DROPPED.

15 Q AND IN ANOTHER PART HE TALKS ABOUT JOCK. WHO IS HE REFERRING
16 TO AS JOCK?

17 A JOCK, HE IS REFERRING TO JOCK TIMPSON.

18 Q THE INDIVIDUAL WHO TESTIFIED EARLIER BEFORE LUNCH?

19 A CORRECT.

20 Q AND WERE YOU ABLE TO GO BACK AND LOOK AT DETENTION CENTER
21 RECORDS TO SEE IF MISTER GOSS AND MISTER TIMPSON WERE
22 HOUSED TOGETHER IN THE SAME CELL?

23 A I WAS.

24 Q AND WHAT DID YOU LEARN?

25 A THIS LETTER WAS BROUGHT TO ME ON SEPTEMBER 26, 2008 BY

1 OFFICER THOMAS MERRITT. ON SEPTEMBER 26, 2008, THE HOUSING
2 ASSIGNMENTS SHOW THAT MISTER TIMPSON AND MISTER GOSS WERE
3 BOTH HOUSED IN CELL 11. SO AGAIN IT GOES BACK TO -- HE MENTIONS
4 TRYING TO TELL JOCK WHAT THE REAL DEAL WAS TO PASS IT ON TO
5 HIM. THAT WAS SOMETHING THAT VERY WELL COULD HAVE HAPPENED
6 BECAUSE THEY WERE ACTUALLY HOUSED TOGETHER.

7 Q WHEN HE REFERRED TO THAT, SECOND PAGE, "AS SOON AS THEY
8 WERE FINISHED WITH ME I WAS GOING TO CALL YOU SOON AS I GOT
9 BACK TO THE CELL YOU WERE ALREADY UP FRONT." WHAT DID THAT
10 SIGNIFY TO YOU?

11 A IT WAS MY INTERPRETATION THAT HE IS REFERRING TO WHEN I
12 BROUGHT HIM BACK TO THE BOOKING AREA TO BE TAKEN TO ANOTHER
13 PORTION OF THE JAIL AND MISTER PATTERSON WAS IN THERE
14 STANDING AT THE BOOKING AREA. HE IS ALMOST, AND AGAIN IT IS MY
15 INTERPRETATION, HE WAS ABOUT TO CALL AND WARN HIM, BUT WHEN
16 HE GOT UP FRONT, "YOU WERE ALREADY THERE".

17 Q NOW THE CONSPIRACY. IN THIS B-P GAS STATION ROBBERY, IS THIS
18 THE ONLY CONSPIRACY THAT HAS BEEN CHARGED?

19 A FOR THESE TWO, YES.

20 Q AND HOW ABOUT IN THE PREVIOUS ROBBERIES? WERE ANY CHARGES
21 EVER BROUGHT ON THOSE CRIMES?

22 A ON?

23 Q ON THE B-P GAS STATION THAT OCCURRED, I THINK YOU SAID ONE IN
24 APRIL AND ONE IN DECEMBER OF '07?

25 A NO.

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 Q WERE ANY CHARGES EVER BROUGHT ON ANY INDIVIDUALS, PERIOD, IN
2 THOSE CASES?

3 A NO -- ACTUALLY THE DECEMBER ONE WAS BROUGHT ON A HERMAN LEE
4 SCOTT BY ANOTHER OFFICER FROM THIS AGENCY. THAT MAN HAS
5 SINCE BEEN EXONERATED, IT APPEARS.

6 Q BUT NO CONSPIRACY CHARGES ENTERED THERE EITHER RELATING TO
7 THIS ROBBERY OF THE BP GAS STATION ON EAST SHOCKLEY FERRY
8 ROAD?

9 A CORRECT.

10 Q NOW, AS PART OF YOUR INVESTIGATION, YOU DID REVIEW GREENVILLE
11 TECH CAMPUS POLICE DEPARTMENT'S CASE FILE REGARDING THE
12 SHOOTING INCIDENCE OF CHRIS RONOKE?

13 A I DID.

14 Q AND IN THAT CASE YOU SAW A STATEMENT WRITTEN BY MISTER GOSS
15 TO -- FOR CAPTAIN RICK MASTERS?

16 A YES.

17 Q AND THAT IS THIS CASE EXHIBIT, STATE'S EXHIBIT #21. I WANT YOU TO
18 LOOK AT THAT. IS THIS EXHIBIT THE SAME? IS THIS A COPY OF, IS THIS
19 FROM THEIR CASE FILE?

20 A YES.

21 Q NOW, WHEN YOU RECEIVED THIS, AT THIS POINT WAS MISTER GOSS A
22 PRIME SUSPECT IN YOUR OPINION?

23 A YES. MY INVESTIGATION SWUNG THAT WAY. HE HAD NOT BEEN NAMED
24 AT THAT POINT. HE HAD NOT BEEN CHARGED AT THAT POINT, BUT HE
25 WAS DEFINITELY ON THE RADAR.

1 Q AT THIS POINT, YOU STARTED FOCUSING ON TRAVIS PATTERSON AND
2 MISTER GOSS AS BEING THE LEAD SUSPECTS, THE TWO OF THREE
3 BEING INVOLVED IN THIS ROBBERY?

4 A POSSIBLY. YES.

5 Q DID YOU DO ANYTHING TO CONFIRM, DENY, DISPROVE, GIVE CREDIT
6 FOR WHAT THIS STATEMENT SAID?

7 A WELL, AGAIN, I GOT TO SPEAKING TO THE HOUSING DETECTIVE IN
8 GREENVILLE CITY WHO HAD ACTUALLY SPOKEN TO SOME OF THE
9 OTHER PERSONS INVOLVED WITH THIS. I SPOKE TO A LOT OF PEOPLE
10 AROUND TOWN HERE AS FAR AS WHAT THEY KNEW. I USED SOME OF
11 WHAT -- SOME OF THE GUYS WE HAD HERE EARLIER TODAY TO KIND OF
12 FURTHER CORROBORATE THIS. I HAVE SINCE THIS, ACTUALLY SPOKEN
13 TO TRENT AND ASKED FOR JARED TO COME TODAY AND FURTHER
14 CLEAR THAT PORTION OF IT AS WELL.

15 Q ON THIS STATEMENT THAT HE GAVE TO CAPTAIN MASTERS, I BELIEVE
16 THE DATE WAS FEBRUARY THE 25TH?

17 A THE 20TH.

18 Q THE 20TH? 2008?

19 A CORRECT.

20 Q THAT HE INDICATED IN HIS STATEMENT THAT TRENTON HAD THE LONG
21 GUN AND JARED HAD THE PISTOL.

22 A CORRECT.

23 Q AND WERE YOU ABLE OR DID YOU ATTEMPT TO DISPROVE THIS, THAT
24 THEY WERE THE OWNERS OF THOSE GUNS?

25 A MISTER RONOKE'S STATEMENT WAS FAIRLY COMPELLING TO ME IN

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

- 1 THAT HE NEVER MENTIONED TRENT AND JARED HAVING THESE GUNS
2 AND ACCORDING TO HIM HE HAD SEEN THESE GUNS TUESDAY, THE DAY
3 OF THESE ROBBERIES IN ANDERSON AND THEN THE NEXT THING YOU
4 KNOW HE SHOOTS HIMSELF WITH ONE OF THEM. SINCE TALKING TO
5 TRENT, I MEAN, I WENT BACK OVER TRENT'S STATEMENT AND HE
6 FURTHER STATED, "NO I -- THERE WAS NO --JARED WASN'T THERE AND
7 WHEN I GOT IN THE CAR THAT GUN WAS ON THE FLOORBOARD AND IT
8 WAS MISTER GOSS', NOT MINE."
- 9 Q AND JARED. DID YOU EVEN KNOW WHO JARED WAS UNTIL ---
- 10 A NOT UNTIL YESTERDAY.
- 11 Q --- YESTERDAY. AND HOW DID YOU LEARN OR COME ABOUT KNOWING
12 WHO JARED WAS OTHER THAN THAT WAS WHO WAS IN THAT
13 STATEMENT?
- 14 A AFTER MISTER RONOKE'S TESTIMONY, I ACTUALLY CALLED TRENT'S
15 MOTHER AND ASKED HER.
- 16 Q IT WAS BASED UPON WHAT MISTER RONOKE SAID ON THE STAND?
- 17 A CORRECT.
- 18 Q JARED IS TRENT'S BROTHER?
- 19 A CORRECT.
- 20 Q AND DID YOU SPEAK TO JARED STEVENSON LAST NIGHT?
- 21 A NOT UNTIL THIS MORNING. HE WAS ---
- 22 Q DID YOU SUBPOENA HIM?
- 23 A HE WASN'T SUBPOENAED. I ASKED HIS MOTHER TO TELL HIM TO COME
24 WITH HER AND HE DID.
- 25 Q AND BASED ON YOUR INVESTIGATION, WERE YOU EVER ABLE TO PROVE

1 THAT TRENT AND JARED STEVENSON WERE EVER IN ANDERSON ON
2 FEBRUARY 5, 2008?

3 A NO. I HAVE NEVER HEARD THEIR NAMES BEFORE AND THEY HAVE NO
4 DOCUMENTED TIES TO ANDERSON AND NO INCIDENT REPORTS EVER
5 LISTING THEM AS BEING IN ANDERSON.

6 Q THEY ARE NOT EVEN FROM ANDERSON COUNTY. ARE THEY?

7 A WELL, I CAN ONLY SPEAK FOR TRENT. YOU KNOW, JARED, I JUST
8 FOUND OUT WHO JARED WAS LAST NIGHT.

9 Q NOW ALSO IN YOUR INVESTIGATION -- NOW, YOU ALSO USED -- DID YOU
10 GO THROUGH OTHER WAYS AND MEANS TO DETERMINE WHETHER OR
11 NOT MISTER GOSS WAS THE ONE THAT HELPED TO COMMIT THIS CRIME
12 AT THE B-P GAS STATION?

13 A THAT'S RIGHT.

14 Q AND WHEN THEY WERE INCARCERATED IN ANDERSON COUNTY
15 DETENTION CENTER, ARE THERE PHONES THERE?

16 A YES.

17 Q ARE THE INMATES WHO ARE BEING HOUSED THERE ALLOWED TO USE
18 THE TELEPHONES?

19 A THEY ARE, UNLESS THEY ARE BEING PUNISHED OR ON LOCK-DOWN.

20 Q AND DID YOU CHECK ANY TYPE OF PHONE RECORDS OR PHONE CALLS
21 THAT MISTER GOSS HAD MADE?

22 A I DID.

23 Q AND WHAT DID YOU LEARN OR DETERMINE FROM THAT?

24 A I ACTUALLY FOUND ONE THAT THE WORDING OF IT JUST, TO ME,
25 SEEMED PARTICULARLY INCRIMINATING.

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 Q WELL, FIRST LET ME STEP BACK. I AM GOING TO SHOW YOU WHAT HAS
2 BEEN MARKED STATE'S EXHIBIT #26. COULD YOU PLEASE IDENTIFY
3 THIS, SIR?

4 A THIS IS A COPY OF A -- IT IS A COMPACT DISC THAT IS MARKED
5 TERRANCE GOSS #7. MY ORIGINAL COPY WAS MARKED IN THE SAME
6 MANNER SO THAT'S WHY THESE MARKINGS ARE ON IT.

7 Q AND YOU GOT TO LISTEN TO WHAT WAS ON THIS AUDIOTAPE --

8 A YES.

9 Q -- OR THIS DISC? NOW, HOW DID THIS COME INTO YOUR POSSESSION?

10 A I WENT DOWN TO THE JAIL AND LISTENED TO PHONE CALLS THAT
11 MISTER GOSS WAS PLAYING -- PLACING TO HIS GIRLFRIEND.

12 Q AND WHEN PHONE CALLS ARE MADE BY INMATES THAT'S OUTGOING, IS
13 THERE ANY TYPE OF MESSAGE OR ANY TYPE OF WARNING THAT TELLS
14 THEM THAT THESE PHONE CALLS ARE GOING TO BE RECORDED?

15 A THERE IS. AT THE BEGINNING -- THE SYSTEM, THIS DESIGN IS CALLED
16 PAY-TELL. IT'S A PAY FOR USE TYPE SYSTEM. THE PERSON WHO
17 HOLDS THE PHONE, THE PERSON WHO IS NOT LOCKED UP HAS TO PAY
18 TO HAVE MINUTES ON THEIR PHONE. THE PERSON IN THE JAIL HAS TO
19 ENTER NUMBERS AND SUCH, BUT PART OF THE RECORDING BEFORE
20 THEY ARE ALLOWED TO SPEAK IS THAT THE CALL IS BEING RECORDED
21 AND IS SUBJECT TO MONITORING AT ANY TIME. THERE ARE ALSO SIGNS
22 POSTED BY ALL THE PHONES WITHIN THE JAIL.

23 Q HAVE YOU LISTENED TO THE RECORDING ON THIS C-D?

24 A I HAVE.

25 Q AND IS MISTER GOSS' VOICE ON THAT?

1 A IT IS.

2 Q THE PARTICULAR TRACK THAT WE ARE INTERESTED IN MAINLY, IS #5.
3 DID YOU LISTEN TO THAT?

4 A I DID.

5 Q HOW LONG IS THAT?

6 A A BRIEF TWO MINUTES AND -- IT'S UNDER THREE MINUTES. TWO
7 MINUTES, FORTY-FIVE SECONDS, SOMETHING LIKE THAT.

8 Q AND WHO WAS THIS CALL MADE TO?

9 A IT WAS MADE TO HIS, I GUESS, THEN GIRLFRIEND, ALEXIS HOWARD.

10 Q WERE YOU ABLE TO CONFIRM WITH HER THAT WAS ---

11 A THAT'S HOW I GOT MY NUMBER.

12 Q HOW YOU GOT THE NUMBER?

13 A SHE CALLED ME SEPTEMBER 29, 2008, ASKING WHAT THIS CASE WAS
14 ABOUT. I DIDN'T GIVE HER ANY INFORMATION ABOUT IT BECAUSE I KIND
15 OF JUST SUSPECTED SHE WAS FISHING, BUT THAT IS HOW I OBTAINED
16 HER NUMBER. PART OF THE SYSTEM IS YOU HAVE TO KNOW THE
17 TARGET NUMBER THE DEFENDANT MIGHT BE CALLING AND THAT IS
18 HOW I GOT HER NUMBER. SO IF WE PLUGGED HER NUMBER INTO THE
19 SYSTEM, IT PULLS UP A LIST OF THE CALLS.

20 Q AND WHAT TIME FRAME -- DO YOU KNOW WHAT THE DATE THIS EXACT
21 RECORDING WAS DONE?

22 A I DO NOT, SADLY.

23 Q DO YOU KNOW ABOUT THE PERIOD OF TIME THIS WAS DONE?

24 A SOMETIME BETWEEN SEPTEMBER 24, 2008 AND DECEMBER 15, 2008.

25 Q AND WHY THOSE DATES?

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 A WELL, I PULLED A LOG OF ALL THE CALLS MADE TO HER THEN NUMBER
2 RANGING FROM FEBRUARY 01, 2008 TO 2010. THOSE ARE -- THERE ARE
3 SOME BEYOND THAT, BUT THE TEXT, OR THE BODY OF THE CALL,
4 MENTIONS THIS ROBBERY CHARGE. AND AGAIN, HE WASN'T CHARGED
5 WITH THAT UNTIL SEPTEMBER 23RD. SO, I KNOW THE CALL HAD TO
6 HAVE BEEN PLACED AFTER SEPTEMBER 23RD BECAUSE HE WOULDN'T
7 BE AWARE OF THE CHARGES UNTIL THEN, AND THEN AROUND
8 DECEMBER 15TH THE CALLS STOPPED TO THAT NUMBER, POSSIBLY
9 CHANGED PHONE NUMBERS OR SOMETHING BUT THAT IS THE LAST
10 TIME ANY CALLS WERE MADE TO THAT NUMBER. I COULD NARROW IT
11 DOWN SOME, BUT I HAVE NO WAY OF DEFINITELY SAYING WHAT DATE
12 THIS CALL WAS MADE. UNFORTUNATELY, WHEN YOU BURN DIRECTLY
13 ONTO A C-D, WHEN YOU GET THE C-D BACK, IT JUST SAYS TRACK 1,
14 TRACK 2, TRACK SO AND SO, TRACK SO AND SO. IT DOESN'T TIME
15 STAMP IT WITH ANYTHING UNLESS YOU PUT IT ON A FLASH DRIVE OR
16 THUMB DRIVE AND YOU CARRY IT TO ANOTHER COMPUTER.

17 **MR. CAMPBELL:** YOUR HONOR, AT THIS TIME I WOULD LIKE TO MOVE
18 STATE'S EXHIBIT, I BELIEVE IT IS STATE'S EXHIBIT #26, #26 INTO EVIDENCE.

19 **THE COURT:** ANY OBJECTIONS?

20 **MS. GOODWIN:** NO, SIR.

21 **THE COURT:** ADMITTED WITHOUT OBJECTION.

22 (WHEREUPON, A C-D IS ENTERED INTO EVIDENCE AS STATE'S EXHIBIT
23 #26, WITHOUT OBJECTION.)

24 **MR. CAMPBELL:** YOUR HONOR, AT THIS TIME I WOULD LIKE TO PUBLISH
25 TRACT #5 TO THE JURY.

1 **THE COURT:** YES, SIR.

2 Q DETECTIVE, I WANT YOU TO, LIKE WE DID WITH THE LETTER, I WANT
3 YOU TO LISTEN TO THIS. AND THEN EXPLAIN WHAT IT MEANS.

4 (THE BEGINNING OF THE C-D IS PLAYING IN OPEN COURT. MAINLY
5 NUMBERS PUNCHED AND THE OPERATOR TALKING)

6 Q WHILE WE ARE WAITING, DETECTIVE GEBING, AS IT'S GOING THROUGH
7 ABOUT TWO MINUTES OF THIS. IS THIS STANDARD FOR ALL PHONE
8 CALLS TO HAVE THIS TYPE OF PLAY IN IT?

9 A THE INITIAL RECORDING?

10 Q YES, SIR.

11 A EVERY ONE I HAVE EVER HEARD FROM THE JAIL HAS THAT.

12 (C-D CONTINUES TO PLAY RECORDING OF TELEPHONE CALL)

13 Q IS THAT IT ON THAT ONE?

14 A THAT'S IT ON THAT ONE.

15 (C-D IS STOPPED)

16 Q NOW, DETECTIVE GEBING, YOU HAVE HEARD THIS TAPE BEFORE. IS
17 THAT RIGHT?

18 A I HAVE.

19 Q AND WHY IS THAT TAPE OF INTEREST TO YOU IN YOUR INVESTIGATION?

20 A THE GIST -- I HOPE Y'ALL WERE ABLE TO HEAR THAT -- BUT THE GIST OF
21 THAT CONVERSATION ---

22 **MR. WILLIAMS:** WE COULDN'T UNDERSTAND IT.

23 **MS. GOODWIN:** YOUR HONOR, I OBJECT TO THIS. THE JURY IS

24 COMMUNICATING, SOME OF YOU ARE SHAKING YOUR HEADS LIKE YOU COULD
25 NOT HEAR THAT.

17 A THE SIGNIFICANCE OF IT TO ME WAS THE MENTION OF THE ROBBERY
18 OR THE WORDING OF IT IN PARTICULAR, THAT HE WANTED HIS
19 GIRLFRIEND TO GET WITH A FEMALE AND GET WORD BACK THAT T.J.
20 HAD BETTER NOT BE PUTTING HIM IN THIS AND HE MENTIONS
21 SPECIFICALLY, "HE RUNNING AROUND TELLING PEOPLE THAT ME AND
22 HIM DONE DID AN ARMED ROBBERY. HOW STUPID IS THAT DUDE?"
23 THEN HE GOES ON TO MENTION, "HE BETTER NOT PLEA TO THEM GUNS
24 UP IN GREENVILLE." AGAIN, THE CONNECTION TO THE GUNS IN
25 GREENVILLE CONNECTING TO THE ROBBERY HERE. BUT THE WORDING

- 1 OF IT WAS WHAT STRUCK ME. "ME AND HIM DONE DID A ARMED
2 ROBBERY." WHY WOULD T.J., OR WHY WOULD TRAVIS PATTERSON,
3 WHY WOULD HE INSINUATE THAT MISTER GOSS WAS RUNNING AROUND
4 TELLING ANYBODY THAT, IF IT WASN'T POSSIBLE. IF MISTER GOSS
5 DIDN'T DO THIS, WHY WOULD MISTER PATTERSON BE MAKING THOSE
6 ACCUSATIONS, THAT HE'S THE ONE THAT TOLD THEY DID THE ARMED
7 ROBBERY TOGETHER. THERE IS JUST A DOZEN DIFFERENT WAYS THAT
8 I COULD HAVE THOUGHT THAT SOMEBODY ELSE MIGHT HAVE WORDED
9 THAT IF CONFRONTED WITH THAT SAME SITUATION THAT HAD NOTHING
10 TO DO WITH IT. THAT IT'S JUST THE WORDING OF IT THAT SEEMED
11 PARTICULARLY INCRIMINATING TO ME. I DIDN'T THINK THAT IT WAS
12 APPROPRIATE FOR AN INNOCENT PERSON TO BE ACTUALLY USING THE
13 WORDS, YOU KNOW, "ME AND HIM DID AN ARMED ROBBERY TOGETHER."
14 A AND TAKEN IN CONTEXT, THIS WAS TAKEN AS A WHOLE AS PART OF
15 YOUR INVESTIGATION?
16 A CORRECT.
17 Q BECAUSE THIS INVESTIGATION HAD A LOT OF DIFFERENT PARTS,
18 DIFFERENT PIECES, FROM DIFFERENT AREAS AND YOU WERE HAVING
19 TO PIECE ALL OF IT TOGETHER.
20 A IT WAS A LOT OF PARTS AND A LOT OF PIECES.
21 Q NOW, YOU WERE HERE AND YOU WERE PRESENT WHEN JOCK TIMPSON,
22 OR JOCASTAVIOUS TIMPSON AND DERRICK JONES TESTIFIED THIS
23 MORNING?
24 A YES, SIR.
25 Q AND I GUESS ONE OF THE FIRST QUESTIONS I HAVE TO ASK YOU IS WHY

DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

1 ARE YOU INTERVIEWING OR TALKING TO THESE TYPE OF PEOPLE THAT
2 GO AROUND COMMITTING ARMED ROBBERIES AND HAVE BAD RECORDS
3 WITH LAW ENFORCEMENT AND IN THE DEPARTMENT OF CORRECTIONS?
4 WHY DO YOU TALK TO THEM?

5 A THE SIMPLE TRUTH OF IT IS, JOCK TIMPSON AND DERRICK JONES ARE
6 THE PEOPLE OUT COMMITTING ARMED ROBBERIES AND ARE, AT THE
7 TIME, THE PEOPLE WHO ARE FAMILIAR WITH MISTER GOSS AND MISTER
8 PATTERSON. THEY ARE DIRTY ENOUGH TO HAVE DIRT ON SOMEBODY
9 ELSE. THEY ARE THE ONLY SOURCES OF REAL INFORMATION AT THE
10 TIME RELATED TO ROBBERIES THAT I HAD. SO, THEY WERE THE
11 SOURCE OF INFORMATION I HAD TO GO TO.

12 Q AND WERE YOU SURPRISED BY THEIR TESTIMONY THIS MORNING?

13 A NO. I WAS NOT.

14 Q WHY IS THAT?

15 A MISTER TIMPSON, ON FRIDAY WE VISITED HIM. I VISITED HIM ACTUALLY
16 TWICE. I WENT DOWN WITH YOU AND I WENT DOWN WITH DEFENSE
17 COUNSEL AND DURING THE SECOND VISIT, YOU KNOW, HE HAD
18 EXPRESSED EARLY ON HIS EXTREME DISPLEASURE WITH HAVING BEEN
19 BROUGHT UP HERE. HE INDICATED THAT HE WAS NOT INTERESTED IN
20 TESTIFYING AND THAT, YOU KNOW, HE HAD ALREADY GOTTEN HIS TIME
21 AND THIS HAS GOT NOTHING TO DO WITH HIM. HE TOLD ME, YEAH, I AM
22 NOT GOING TO GET UP THERE AND TESTIFY. I SAID YOU KNOW WE HAVE
23 GOT THIS STATEMENT. WE WILL GET UP THERE AND SHOW IT TO YOU.
24 YOU KNOW YOU, YOU VERIFY YOUR SIGNATURE AND THE TEXT OF IT
25 AND HE WAS JUST REAL BELLIGERENT ABOUT IT. AFTER I WENT DOWN

1 AND SPOKE WITH, OR WENT DOWN THERE WITH MS. GOODWIN, AS SHE
2 WAS LEAVING HE ACTUALLY ASKED ME TO STAY FOR A MINUTE, SAID HE
3 WAS GOING TO GET UP HERE AND SAY THAT HE LIED ABOUT THE GUN
4 PORTION OF IT. HE WAS GOING TO SAY THAT HE DIDN'T ACTUALLY SEE
5 MISTER GOSS WITH IT AND SO WE SAT AND TALKED FOR A MINUTE AND I
6 TOLD HIM, YOU KNOW, THE PROSECUTOR WANTED HIM HERE. IT WAS
7 RELEVANT. LET'S JUST GET THROUGH WITH IT AND, YOU KNOW, GET
8 OVER WITH IT. THERE'S NO CHANGING IT. HE STILL INSISTED THAT HE
9 WAS GOING TO GET UP HERE AND SAY THAT HE LIED ABOUT THE GUN
10 AND I SAID, "WHAT ABOUT THE OTHER ONE WHERE HE ADMITS TO
11 HAVING ROBBED THESE STORES AND" -- ON FRIDAY HE TOLD ME THAT
12 THAT WAS THE TRUTH. SO I WAS KIND OF TAKEN ABOUT BY THAT ONE. I
13 EXPECTED THE FIRST PORTION, I DIDN'T EXPECT THE SECOND.

14 Q NOW, DID YOU GO BACK AND LOOK AT -- AND DIDN'T MISTER TIMPSON
15 IN HIS TESTIMONY STATED THAT HE NEVER ACTUALLY TALKED TO
16 MISTER GOSS OR KNEW ABOUT THE GUN, THAT HE GOT THIS FROM
17 OTHER PEOPLE. DID YOU GO BACK AND PULL HIS RECORDS AT THE
18 DEPARTMENT OR IN THE DETENTION CENTER AND DETERMINE WHEN, IN
19 FACT, HE GAVE THAT STATEMENT OR WAS ARRESTED?

20 A THE FIRST STATEMENT THAT HE GAVE WAS ACTUALLY ON THE DAY OF
21 HIS ARREST, WHICH WOULD HAVE BEEN NOVEMBER 18TH --

22 Q SEPTEMBER 18TH?

23 A I'M SORRY, SEPTEMBER 18, 2008. I WAS ACTUALLY PRESENT FOR HIS
24 ARREST. I WAS THE ONE WHO ARRESTED HIM AND I BROUGHT HIM
25 BACK TO MY OFFICE. HE WAS INTERVIEWED FIRST BY THE HONEA PATH

1 POLICE DEPARTMENT PERTAINING TO ANOTHER CASE UNRELATED TO
2 MISTER GOSS AND THEN I INTERVIEWED HIM ABOUT NUMEROUS
3 ROBBERIES IN AND AROUND ANDERSON. THIS WAS JUST MISTER
4 TIMPSON. AT THAT POINT, HE'D NOT BEEN TO THE JAIL. THERE IS NO
5 WAY THAT HE COULD HAVE HEARD ANYTHING FROM THE JAIL OR
6 SOMEBODY IN THE JAIL OR SOMEBODY IN THE CELL WHO KNEW
7 ANYTHING ABOUT THIS GUN WITH MISTER GOSS. IN FACT, HE
8 DESCRIBED THE GUN TO ME. I FEEL THAT THAT FIRST STATEMENT
9 WHEN HE WAS SPEAKING OF THE GUN WAS GENUINE. THE WAY,
10 TODAY, HE WAS JUST NOT INTERESTED IN PARTICIPATING.

11 Q AND IT WASN'T UNTIL MISTER GOSS WAS ARRESTED ON
12 SEPTEMBER 23RD?

13 A CORRECT.

14 Q 2008?

15 A CORRECT.

16 Q SO, IT'S A DIFFERENCE OF FIVE DAYS HE WAS IN JAIL BEFORE HE EVEN
17 SAW MISTER GOSS.

18 A BUT AGAIN, IF HE IS ALLEGING TO HAVE HEARD ABOUT THIS GUN
19 THROUGH PEOPLE IN THE JAIL, HE GAVE ME THAT STATEMENT BEFORE
20 HE GOT TO JAIL. SO, WHERE DID HE GET THAT INFORMATION FROM?

21 Q AND ALSO MISTER JONES, THE SAME TYPE OF DEAL?

22 A MISTER JONES INITIALLY EARLY ON REALIZED HE WAS IN SOME
23 TROUBLE AND WAS SEEMINGLY COOPERATIVE SO -- BUT AGAIN,
24 YESTERDAY, OR FRIDAY, WHEN HE GOT BROUGHT UP FROM THE
25 DEPARTMENT OF CORRECTIONS I DID GO AND SPEAK TO HIM AND KIND

1 OF LET HIM KNOW WHY HE WAS HERE. THEY, UP UNTIL THIS POINT HAD
2 NO IDEA WHY THEY WERE HERE. HE, AGAIN, EXPRESSED THAT HE WAS
3 NOT LOOKING FORWARD TO THE PROSPECT OF HAVING TO TESTIFY IN
4 COURT. HE WAS NOT INTERESTED IN TESTIFYING DESPITE THE FACT
5 THAT HE ALREADY HAD GIVEN A STATEMENT. AGAIN, WHEN I TOOK THE
6 STATEMENT FROM HIM I HAD NO REASON TO DOUBT THAT IT WAS
7 GENUINE. HE DESCRIBED THIS GUN. HE IS THE ONE THAT DESCRIBED
8 IT AS IT FOLDED UP. THE STATEMENT HE GAVE ARE HIS WORDS AS WE
9 WERE SPEAKING OR HIM ANSWERING QUESTIONS DOWN ON PAPER.
10 FRIDAY, WHEN I WENT WITH MISTER CAMPBELL DOWN TO SPEAK WITH
11 HIM, INITIALLY, STARTING OUT, HE WAS ANSWERING QUESTIONS. IT
12 DIDN'T COME UNTIL AFTERWARDS THAT HE REALLY DUG HIS HEELS IN
13 ABOUT I DON'T WANT TO TESTIFY. BUT HE TOLD US FRIDAY THAT NOT
14 ONLY WAS HE AWARE THAT MISTER GOSS HAD THIS GUN BUT THAT HE
15 WAS PRESENT WHEN HE BOUGHT IT, STATED HE BOUGHT IT FROM A
16 GUY FOR \$500.00, THE GUY'S NAME WAS NEW YORK AND HE STAYED
17 SOMEWHERE DOWN ON THE SOUTH END. I'M FAMILIAR WITH A GUY
18 NAMED NEW YORK SO I ACTUALLY QUESTIONED HIM ABOUT IF IT WAS
19 AN OLDER GUY WITH RED HAIR, GOLD TEETH IN THE FRONT, STAYS
20 DOWN THERE BY SUCH AND SUCH STREET AND HE SAID, "NO, IT WAS A
21 YOUNG GUY IN HIS 30s." SO, PART OF ME IS NOT SURPRISED -- PART OF
22 ME IS SURPRISED AND PART OF ME IS NOT SURPRISED BY THE WAY
23 THAT HE ACTED TODAY.

24 Q NOW --

25 MR. CAMPBELL: YOUR HONOR, MAY WE APPROACH?

1 (BRIEF BENCH CONFERENCE OFF THE RECORD)

2 THE COURT: YOU CAN TAKE YOUR JURY BACK TO THE JURY ROOM AND
3 Y'ALL CAN GO AHEAD AND TAKE A BREAK AND JUST DO THIS FOR THE
4 AFTERNOON BREAK, PLEASE SIR AND WE WILL BE BACK IN JUST A FEW
5 MINUTES.

6 (JURY OUT AT 2:53 P.M.)

7 MR. CAMPBELL: YOUR HONOR, THE NEXT LINE OF QUESTIONING I WILL
8 ATTEMPT TO GET INTO WITH MISTER, DETECTIVE GEBING IS THAT -- YOUR
9 HONOR, IN MISTER GOSS' STATEMENT, WHICH IS STATE'S EXHIBIT #21, WHICH
10 IS THE STATEMENT 02-28-08 TO CAPTAIN RICK MASTERS. IT STATES IN IT THAT
11 "JARED HAD THE BIG GUN AND TRENT HAD THE SMALL GUN." BOTH OF THESE
12 INDIVIDUALS TESTIFIED EARLIER, ARE FROM LAURENS COUNTY IMPLYING
13 THAT THIS GUN HERE, WHICH STATE'S EXHIBIT #16, WHICH IS THE PISTOL
14 THAT WAS USED IN THE B-P ROBBERY AND WE ARE TRYING THIS CASE ON,
15 WAS IN THE HANDS OF THESE GUYS FROM LAURENS COUNTY. IN PART OF
16 DETECTIVE GEBING'S WORKING ON THIS CASE, HE ATTEMPTED TO TRACE
17 BACK THIS WEAPON AS WELL AS STATE'S EXHIBIT #18, THE KEL TEC RIFLE, TO
18 NOT ONLY -- TO TRACE IT BACK TO ANDERSON COUNTY. AND WHAT THE
19 FIREARMS EXPERT TESTIFIED TO WAS THAT I HAD THIS WEAPON, STATE'S
20 EXHIBIT #16, COMPARED TO TWO OTHER CASES IN ANDERSON COUNTY. ONE
21 OF THEM WAS A CASE THAT OCCURRED ALSO ON FEBRUARY 5TH IN WHICH
22 THIS GUN WAS USED. THE FIVE SHELL CASINGS WERE SUBMITTED AND THEY
23 DID MATCH THAT. THE OTHER CASE WAS A DRIVE-BY SHOOTING THAT
24 OCCURRED ON JANUARY 20, 2008 WHICH ACTUALLY MISTER PATTERSON WAS
25 IN THAT CAR AND WHAT I AM WANTING TO SHOW OR TO GET OUT TO THE

1 JURY IS, IS THAT THIS WEAPON HERE WAS IN ANDERSON COUNTY THIS
2 ENTIRE TIME, THAT WE CAN SHOW THAT IT WAS HERE ON THE 20TH AND IT
3 WAS HERE ON THE 5TH AND THEY CAN DRAW THEIR OWN CONCLUSIONS ON
4 WHETHER THE LIKELIHOOD IT WAS IN LAURENS COUNTY OR NOT, BUT I WAS
5 GOING TO GO INTO THAT TYPE OF TESTIMONY. I KNOW WHAT YOUR RULING
6 WAS ON THE EARLIER TESTIMONY WHICH IS WHY I WANTED TO STOP AND
7 BRING MS. GOODWIN UP HERE WITH YOU AND BRING IT BEFORE YOU SO WE
8 HAVE A RULING OUTSIDE OF THE JURY'S PRESENCE.

9 THE COURT: AND APPRECIATE YOUR DOING THAT. MS. GOODWIN, WHAT
10 IS YOUR POSITION ON THIS?

11 MS. GOODWIN: I OBJECT. I THINK IT IS HIGHLY PREJUDICIAL, IF NOT
12 PROBATIVE AT ALL. IT STILL DOESN'T CONNECT TERRANCE GOSS TO
13 ANYTHING. IT, IT'S --

14 THE COURT: WELL, HERE IS MY CONCERN ABOUT THE TYPE OF
15 TESTIMONY THAT THAT PRESENTS. I AM GOING TO -- WE WILL COME UP WITH
16 SOMETHING THAT -- I KNOW WHAT YOU ARE TRYING TO ACCOMPLISH, BUT MY
17 CONCERN IS HE'S NOT CHARGED WITH THAT AND IT MAKES IT SOUND AS IF
18 HE'S INVOLVED IN OTHER CRIMES AND HE'S JUST A CONTINUING BAD GUY.
19 AND HE VERY WELL MAY BE, BUT I AM JUST SAYING THAT THAT IS NOT
20 PROPER IN THIS CASE. HOWEVER, I DO THINK THAT THIS OFFICER HAS A
21 RIGHT TO TESTIFY, BUT BASED ON HIS INVESTIGATION AND THAT HE CAN
22 PLACE THIS GUN IN ANDERSON COUNTY ON JANUARY 20, 2008 BASED ON HIS
23 INVESTIGATION, AND AGAIN ON SUCH AND SUCH, ON FEBRUARY THE 5TH,
24 WHATEVER IT IS, IT'S THE 5TH?

25 DETECTIVE GEBING: CORRECT, SIR.

1 THE COURT: ALL RIGHT. AND I DON'T HAVE A PROBLEM WITH THAT.

2 NOW ---

3 MS. GOODWIN: YOU ARE SAYING HE CAN SAY ON ---

4 THE COURT: BASED ON HIS INVESTIGATION, HE CAN PLACE THIS GUN ---

5 MS. GOODWIN: --- IN ANDERSON COUNTY ---

6 THE COURT: --- IN ANDERSON COUNTY.

7 MS. GOODWIN: --- BEFORE FEBRUARY 5TH?

8 THE COURT: YES.

9 MS. GOODWIN: OKAY.

10 THE COURT: AND NOW, LET ME WARN YOU, M. J., OR MS. GOODWIN,
11 THAT IF YOU START QUESTIONING ANYBODY BE CAREFUL.

12 MS. GOODWIN: YES, SIR.

13 THE COURT: BECAUSE YOU MIGHT OPEN THE DOOR TO HIM SAYING,
14 "YEAH, I WAS DOING A DRIVE-BY SHOOTING." OKAY?

15 MS. GOODWIN: I UNDERSTAND.

16 THE COURT: OKAY. SO, I DON'T WANT YOU, OFFICER, TALKING ABOUT
17 THE DRIVE-BY SHOOTING ON JANUARY 20TH, BUT IF YOU WOULD, BASED ON,
18 YOU KNOW, MAKE SURE IT'S RESPONSIVE TO MISTER CAMPBELL'S
19 QUESTIONS. YOU CAN SAY I CAN PLACE THIS GUN, OR GUNS, IN ANDERSON
20 COUNTY ON JANUARY 20, 2008 BEFORE, YOU KNOW, WHATEVER. ALONG
21 THOSE LINES. OKAY?

22 DETECTIVE GEBING: YES, SIR.

23 THE COURT: IT'S AFTER 3:00 NOW. IF Y'ALL WANT TO TAKE A BREAK.
24 AND MISTER GEBING, YOU ARE STILL ON THE STAND AND AS MY ESTEEMED
25 COURT REPORTER REMINDS ME, I'M TELLING YOU SHE IS SO GOOD, THAT I

1 NEED TO REMIND ALL MY WITNESSES WHENEVER I TAKE A BREAK AND
2 SOMEONE IS ON THE STAND THAT, I KNOW YOU KNOW THIS, BUT YOU ARE
3 NOT TO TALK ABOUT YOUR TESTIMONY TO MISTER CAMPBELL OR ANYBODY
4 RELATED TO THIS CASE. OKAY, SIR?

5 DETECTIVE GEBING: YES, SIR.

6 THE COURT: OR TO ANYONE.

7 DETECTIVE GEBING: I UNDERSTAND, SIR.

8 THE COURT: ALL RIGHT.

9 (BRIEF BREAK)

10 MR. CAMPBELL: THE STATE IS READY.

11 THE COURT: MISTER CAMPBELL.

12 (JURY IN AT 3:10 P.M.)

13 Q NOW, DETECTIVE GEBING, BASED UPON WHAT YOU SAW IN MISTER
14 GOSS' STATEMENT IN STATE'S EXHIBIT #21 -- WHICH WAS INDICATED
15 THAT TRENT HAD THE PISTOL, THE ONE THAT WAS USED TO SHOOT
16 CHRIS RONOKE, WHICH IS STATE'S EXHIBIT #16 -- DID YOU HAVE OTHER
17 CASES, OTHER EVIDENCE THAT WAS IN PENDING CASES IN ANDERSON
18 COUNTY, THAT WERE COMPARED TO THE SHELL CASINGS THAT CAME
19 FROM THIS PISTOL?

20 A YES.

21 Q HOW MANY DIFFERENT CASES DID YOU HAVE THAT COMPARED TO?

22 A ONE ADDITIONAL BEYOND THE FEBRUARY 5TH INCIDENCE. THERE WAS
23 A CASE FROM JANUARY 20, 2008 THAT I HAD RECEIVED SOME LATE
24 INFORMATION THAT MADE ME BELIEVE THAT THAT GUN MIGHT HAVE
25 BEEN INVOLVED IN THAT. I SUBMITTED THE SHELLS FROM THAT

CROSS EXAMINATION OF ROB GEBING BY MS. GOODWIN

1 PARTICULAR CASE UP AND THOSE ARE THE ONES THAT MISTER
2 ARMSTRONG SPOKE OF EARLIER FROM JANUARY 20TH THUS TYING
3 THAT GUN, AGAIN, BACK TO AN ANDERSON CASE.

4 Q SO ALL IN ALL IN THIS CASE, THIS GUN RIGHT HERE IS WHAT TIED THE
5 TWO CASES.

6 A CORRECT.

7 MR. CAMPBELL: THE COURT'S INDULGENCE, PLEASE. YOUR HONOR,
8 THAT IS ALL THE QUESTIONS I HAVE FOR DETECTIVE GEBING AT THIS TIME.

9 THE COURT: ALL RIGHT. JUST ONE SECOND, PLEASE. LADIES AND
10 GENTLEMEN, AGAIN, ANY EVIDENCE OF ANY ALLEGED CRIMES OTHER THAN
11 THE CRIMES THAT THE DEFENDANT, OR THE CHARGES THE DEFENDANT IS ON
12 TRIAL FOR HERE TODAY ARE TO BE DISREGARDED BY YOU AS FAR AS
13 EVIDENCE OF THIS DEFENDANT'S GUILT. IT'S NOT EVIDENCE OF THIS
14 DEFENDANT'S GUILT. HE IS NOT ON TRIAL FOR ANY OTHER ALLEGED CRIMES.
15 THE ONLY CHARGES ARE THESE. THE SOLE PURPOSE OF THAT TESTIMONY
16 WAS TO PLACE OR ATTEMPT TO PLACE THE WEAPON OR WEAPONS IN
17 ANDERSON COUNTY DURING A GIVEN POINT OF TIME. THANK YOU.

18 MS. GOODWIN: THANK YOU, YOUR HONOR.

19 **CROSS EXAMINATION OF DETECTIVE ROB GEBING BY MS. GOODWIN**

20 Q DETECTIVE GEBING, I JUST WANT TO MAKE IT REAL CLEAR. LATTIMORE
21 AT ONE POINT, EARLY ON, YOU THOUGHT MAYBE HE LOOKED GOOD FOR
22 THE B-P ROBBERY. IS THAT RIGHT?

23 A I HAD SOME SUSPICIONS ABOUT, LIKE I SAID, THE LEVEL OF
24 COOPERATION. IT WAS ALMOST TOO MUCH FOR ME. I MEAN, IT NEVER
25 GOT TO THE POINT WHERE I CONFRONTED HIM OR OUTRIGHT

1 QUESTIONED HIM ABOUT, "HEY, I KNOW YOU ARE IN ON THIS." HE WAS
2 NEVER LISTED AS A SUSPECT IN THE INCIDENT REPORT. BUT YEAH,
3 INITIALLY, I DID HAVE SOME HEARTBURN OVER JUST THE LEVEL OF
4 COOPERATION THAT HE GAVE THE ROBBERS.

5 Q OKAY. AND HE WAS PRESENT FOR ALL THREE TIMES THE B-P WAS
6 ROBBED?

7 A CORRECT.

8 **MS. GOODWIN:** BEG THE COURT'S INDULGENCE FOR JUST A MOMENT.

9 Q I BELIEVE YOU NOTED THAT IN YOUR NOTES THAT HE WAS VERY
10 HELPFUL TO THE ROBBERS. IS THAT CORRECT?

11 A THAT'S CORRECT.

12 Q AND YOU OBSERVED HIM REACH ACROSS ONE OF THE SUSPECTS
13 TWICE TO GIVE THEM THE MONEY.

14 A CORRECT.

15 Q AND YOU FOUND THAT TO BE VERY UNUSUAL.

16 A I DID.

17 Q AND YOU WOULD AGREE WITH ME, I THINK, THAT'S NOT GOOD QUALITY
18 VIDEO THAT YOU HAD FROM THE B-P.

19 A I DISAGREE, MA'AM. I HAVE SEEN SOME POOR VIDEO'S IN MY DAY AND
20 THAT IS ACTUALLY ONE OF THE BETTER ONES.

21 Q BUT YOU CAN'T REALLY IDENTIFY ANYTHING ABOUT THE PEOPLE IN THE
22 VIDEO.

23 A IF HE WALKED INTO THIS ROOM COVERED IN A BANDANA OVER HIS FACE
24 I WOULDN'T BE ABLE TO IDENTIFY HIM EITHER.

25 Q YOU COULDN'T TELL IF, YOU CAN'T TELL IF THEY ARE BLACK OR WHITE.

CROSS EXAMINATION OF ROB GEBING BY MS. GOODWIN

- 1 A YES. YOU CAN.
- 2 Q YOU THINK YOU CAN?
- 3 A FROM THEIR HANDS. THEY ARE NOT WEARING GLOVES. I'VE ACTUALLY
- 4 GOT A STILL OF THE THIRD GUY WITH THE BACKPACK WHERE I CAN
- 5 MAKE OUT THAT HE DOES NOT HAVE A TATTOO ON THE TOP OF HIS
- 6 HANDS. THAT'S HOW I ELIMINATED SOME POTENTIAL SUSPECTS.
- 7 Q AND YOU SUGGEST THAT ONE OF THE PEOPLE IN THAT VIDEO WAS
- 8 PRETTY TALL?
- 9 A YES.
- 10 Q OKAY. A LOT OF PEOPLE ARE PRETTY TALL.
- 11 A YES.
- 12 Q HOW TALL ARE YOU?
- 13 A I AM SIX FOUR.
- 14 Q MISTER GOSS IS ABOUT YOUR HEIGHT?
- 15 A CORRECT.
- 16 Q OKAY. MISTER CAMPBELL IS PRETTY TALL?
- 17 A YES.
- 18 Q I'M PRETTY SHORT.
- 19 A I DIDN'T WANT TO SAY IT BUT, YES, YOU ARE.
- 20 Q I APPRECIATE THAT. AND I NOTICED THAT IN YOUR TESTIMONY YOU
- 21 USED THE WORD "HUNCH" SEVERAL TIMES. THAT YOU HAD A "HUNCH".
- 22 YOU FOLLOWED A "HUNCH" AND I REALIZE THAT'S SOMETHING THAT
- 23 COPS DO, BUT A HUNCH ISN'T EVIDENCE. IS IT?
- 24 A NO. NO.
- 25 Q AND YOU DIDN'T EVEN TRY TO GET ANY FINGERPRINTS OFF THIS GUN?

1 A NO, MA'AM.

2 Q ALL RIGHT. SO, WE DON'T KNOW WHETHER OR NOT MR. GOSS'
3 FINGERPRINTS ARE ON THIS GUN?

4 A THAT'S CORRECT.

5 Q AND YOU HAVE INTERVIEWED A WHOLE LOT OF PEOPLE.

6 A A GOOD MANY.

7 Q OKAY. THERE WERE ONLY ABOUT FOUR FELONS BROUGHT HERE
8 TODAY TO TESTIFY. IS THAT RIGHT?

9 A THOSE JUST HAPPENED TO BE THE PEOPLE WHO WOULD HAVE BEEN
10 FAMILIAR WITH MISTER GOSS OR MISTER PATTERSON AT THE TIME BUT,
11 YES, WE BROUGHT THREE.

12 Q BUT YOU -- YOU DID INTERVIEW AT LEAST ONE PERSON THAT SEEMED
13 TO EXONERATE MISTER GOSS. ISN'T THAT RIGHT?

14 A IF YOU ARE REFERRING TO MISTER LATTIMORE, YES.

15 Q AND SANCHEZ GAILLIARD.

16 A THE EXONERATION THAT YOU ARE TALKING ABOUT, THE ---

17 Q YES.

18 A IS THIS THE ONE WHERE SOMEBODY ELSE WAS CHARGED AND HAS
19 SINCE BEEN EXONERATED?

20 Q SANCHEZ GAILLIARD NAMED THREE OTHER PEOPLE THAT DID THE B-P
21 ROBBERY.

22 A RIGHT. BUT THE EXONERATION OF THE GUY WHO WAS ARRESTED IN
23 THAT ONE WAS NOT BASED ON SANCHEZ GAILLIARD'S STATEMENT.

24 Q OKAY. BUT SANCHEZ GAILLIARD DID GIVE A STATEMENT THAT SAID
25 THAT HE AND TWO OTHER PEOPLE, WHO WERE NOT MISTER GOSS,

1 ROBBERED THE B-P STATION?

2 A RIGHT. ONE OF THE OTHER TIMES.

3 Q NOW, HIS STATEMENT DOESN'T SAY WHICH TIME.

4 A CORRECT. BUT HIS STATEMENT DOES MENTION THAT ONE OF THE
5 PEOPLE WHO SUPPOSEDLY DID THIS WITH HIM BRAGGED ABOUT DOING
6 ONE OF THE -- DOING THE -- HITTING THAT SAME STORE AGAIN, WHICH
7 LED ME TO BELIEVE THAT MISTER GAILLIARD WAS REFERRING TO THE
8 SECOND OF THE INCIDENTS.

9 Q WHAT MISTER GAILLIARD SAID WAS THE FIRST ROBBERY HE DID WAS
10 THE B-P AND IT WAS HIM, "COOT", AND "ACE".

11 A CORRECT.

12 Q "COOT" IS DERRICK JONES AND "ACE" IS TRAVIS PATTERSON.

13 A CORRECT.

14 Q AND HERMAN SCOTT WAS THE ONE CHARGED WITH ROBBING THE B-P
15 AND WAS EXONERATED. IS THAT RIGHT?

16 A THAT'S CORRECT.

17 Q AND THE TAPES THAT YOU'VE TALKED ABOUT THAT PUTS THE PISTOL IN
18 ANDERSON COUNTY IN JANUARY OF '08, MISTER GOSS IS NOT CHARGED
19 IN THAT CASE.

20 A NO. HE'S NOT. HE'S NOT NAMED IN THAT CASE IN ANY, IN ANY
21 CAPACITY.

22 Q IN ANY FORM OR FASHION.

23 A NO. HE IS NOT.

24 Q THANK YOU.

25 THE COURT: RE-DIRECT?

1 **MR. CAMPBELL:** YES, SIR, YOUR HONOR.

2 **RE-DIRECT EXAMINATION OF DETECTIVE ROB GEBING BY MISTER CAMPBELL**

3 Q NOW DETECTIVE GEBING, YOU SPOKE TO SANCHEZ GAILLIARD?

4 A YES.

5 Q AND MISTER GAILLIARD HAS ALREADY PLED GUILTY TO SEVERAL ARMED
6 ROBBERIES. IS THAT CORRECT?

7 A SEVERAL. YES.

8 Q I THINK IT'S LIKE NINE OF THEM?

9 A I HATE TO SAY IT, BUT I'VE LOST COUNT.

10 Q I THINK IT MAY BE ELEVEN. MISTER GAILLIARD HAS ACTIVELY
11 PARTICIPATED IN ARMED ROBBERIES THROUGHOUT ANDERSON. IS
12 THAT FAIR TO SAY?

13 A THAT'S FAIR TO SAY.

14 Q AND YOU ALSO TOOK A STATEMENT FROM HIM. IS THAT RIGHT?

15 A THAT'S CORRECT.

16 Q AND AT ANY POINT, DID YOU CHARGE MISTER GAILLIARD WITH ROBBING
17 THE B-P ON SHOCKLEY FERRY?

18 A I DID NOT.

19 Q AND WHY DID YOU NOT DO THAT?

20 A THERE WASN'T ENOUGH CORROBORATIVE DETAIL TO SPECIFICALLY
21 SAY WHICH DATE, WHICH TIME, AND THEN WE HAVE THE ISSUE OF ALL
22 THE CHARGES THAT HE'S ALREADY GOTTEN. IT WAS JUST DECIDED
23 THAT RATHER THAN FURTHER PROSECUTE THAT, THAT WE WERE JUST
24 GOING TO TAKE THAT INTO CONSIDERATION JUST NOT PROSECUTE HIM
25 FOR THAT ONE BECAUSE IT WOULD BE ADDING 30 YEARS TO 270 YEARS.

RE-DIRECT EXAMINATION OF ROB GEBING BY MR. CAMPBELL

- 1 Q AND THIS STORE HAD BEEN HIT SEVERAL TIMES?
- 2 A YES.
- 3 Q BY SEVERAL DIFFERENT PEOPLE?
- 4 A YES.
- 5 Q AND THIS IS THE ONLY -- IN THIS CASE RIGHT HERE THAT WE'RE
- 6 DEALING WITH, FEBRUARY 05, 2008, IS THE ONLY CASE IN WHICH
- 7 CHARGES HAVE BEEN BROUGHT AGAINST INDIVIDUALS?
- 8 A CORRECT.
- 9 Q AND WHAT MS. GOODWIN WAS TALKING ABOUT WHEN SHE WAS
- 10 TALKING ABOUT MISTER GAILLIARD, THAT ONE OF HIS CO-DEFENDANTS,
- 11 HE IS SAYING, OR SHE WAS SAYING, WAS "COOT", DERRICK JONES.
- 12 A YES.
- 13 Q AND THAT WAS THE INDIVIDUAL THAT TESTIFIED THIS MORNING.
- 14 A CORRECT.
- 15 Q AND HAS HE BEEN CHARGED WITH ROBBING THE B-P?
- 16 A NO.
- 17 Q IN FACT, HE CONFESSED TO THE CRIMES THAT HE HAS BEEN CHARGED--
- 18 A CORRECT.
- 19 Q --- CHARGED WITH OR CONVICTED OF?
- 20 A CORRECT. HE WAS QUESTIONED ABOUT THE B-P. HE WAS
- 21 QUESTIONED ABOUT PRETTY MUCH EVERY ROBBERY THAT WE HAD
- 22 DURING THAT SPAN BUT HE NEVER ADMITTED INVOLVEMENT IN THE B-P
- 23 ROBBERY.
- 24 Q AND IS SANCHEZ GAILLIARD A TALL INDIVIDUAL?
- 25 A FIVE ELEVEN. TALL TO SOME. NOT TO ME.

1 Q AND YOU SAY TRAVIS PATTERSON IS SIX FOOT?

2 A SIX FOOT.

3 Q AND DERRICK JONES? HOW TALL DO YOU THINK HE IS?

4 A HE IS RIGHT AROUND SIX FOOT.

5 Q AND AS A RESULT, EVEN THOUGH HE STATED THAT IN HIS STATEMENT,
6 YOU DIDN'T CHARGE HIM.

7 A THAT'S CORRECT.

8 Q AND BASICALLY, THAT'S BECAUSE YOU DIDN'T HAVE ENOUGH
9 CORROBORATIVE EVIDENCE TO ACTUALLY PUT HIM THERE AT THE TIME
10 THIS HAPPENED.

11 A AGAIN WE HAD ALREADY -- WE ALREADY HAD NUMEROUS CHARGES ON
12 HIM. HE SPITS OUT THAT THEY ROBBED THE B-P. THE ONE THING THAT
13 HE MAKES MENTION OF IS THAT "COOT" SAID, "OH, YEAH, WE WENT
14 BACK." WE BELIEVE AT THAT POINT, THAT HE HAD CHARGED THE
15 SECOND ROBBERY -- THAT HE HAD COMMITTED THE SECOND OF THE
16 THREE ROBBERIES THERE AND THERE WAS NO EVIDENCE OF
17 ANYTHING. THERE WAS NO GUNS EVER FOUND THAT LINKED BACK TO
18 HIM. THERE WAS NO SHELL CASINGS THAT WERE EVER FOUND THAT
19 LINKED BACK TO HIM TO INDICATE THAT HE HAD COMMITTED THIS
20 PARTICULAR ROBBERY.

21 Q IN FACT, HE STATES THAT THIS IS THE FIRST ROBBERY ---

22 A THAT HE EVER DID.

23 Q --- THAT HE EVER DID?

24 A YES.

25 Q AND THIS PLACE HAD BEEN ROBBED THREE TIMES?

1 A YES.

2 MR. CAMPBELL: I HAVE NO FURTHER QUESTIONS.

3 THE COURT: RE-CROSS?

4 RE-CROSS EXAMINATION OF DETECTIVE ROB GEBING BY MS. GOODWIN

5 Q MISTER GAILLIARD DOESN'T SAY WHAT DATE HIS FIRST ROBBERY WAS?

6 A NO. HE DOES NOT.

7 Q THANK YOU.

8 THE COURT: MAY MISTER GEBING BE EXCUSED OR MAY HE STEP
9 DOWN?

10 MR. CAMPBELL: JUST ONE SECOND, PLEASE, YOUR HONOR. THAT'S ALL
11 THE QUESTIONS I HAVE, YOUR HONOR.

12 THE COURT: YOU MAY STEP DOWN. MISTER WILLIAMS, LADIES AND
13 GENTLEMEN OF THE JURY, WHEN I WAS IN LAW SCHOOL, ONE OF MY
14 PROFESSORS, WHO ACTUALLY WAS ONE OF MY FATHER'S PROFESSORS AT
15 THE SAME LAW SCHOOL, USED TO GIVE US AN EXAMPLE OF WHAT
16 PRACTICING LAW WAS LIKE AND THE EXAMPLE HE GAVE US WAS THAT YOU
17 HAVE FIVE BASKETS AND FOUR TOPS AND EACH ONE OF THE BASKETS HAD
18 SOME SNAKES IN THEM AND THEY WERE CONSTANTLY SHUFFLING AROUND
19 BACK AND FORTH TRYING TO KEEP THE SNAKES FROM COMING OUT AND
20 BITING THEM. WHAT THEY DIDN'T TELL ME WAS THAT WHEN YOU GET TO BE A
21 JUDGE, THEY TAKE ONE OF THE BASKETS AWAY, I MEAN TAKE ONE OF THE
22 TOPS AWAY SO WE HAVE THREE TOPS WITH EVEN MORE SHUFFLING. THE
23 POINT BEING, I ANTICIPATED THAT WE WOULD BE THROUGH WITH THIS CASE
24 THIS AFTERNOON, BUT BY THE TIME WE GET THROUGH WITH CLOSING
25 ARGUMENTS AND MY INSTRUCTIONS ON THE LAW AND THINGS LIKE THAT, WE

1 HAVE TO DO A CHARGE CONFERENCE, IT WILL BE 5:30 BEFORE WE COULD
2 PUT THE CASE IN YOUR HANDS AND I KNOW YOU HAVE THINGS TO DO. I
3 KNOW THIS COURT STAFF DO AND SO DO THE ATTORNEYS. SO, I AM GOING
4 TO USE MY PREROGATIVE AS A JUDGE TO FINISH UP THE TESTIMONY TODAY
5 AND BRING YOU BACK TOMORROW AT 9:30 AND AT THAT POINT IN TIME, WE
6 WILL DO CLOSING ARGUMENTS, I WILL CHARGE YOU ON THE LAW AND THEN
7 YOU WILL BE ABLE TO BEGIN YOUR DELIBERATIONS AT THAT TIME. SO, I AM
8 GOING TO EXCUSE YOU NOW, MISTER WILLIAMS AND LADIES AND GENTLEMEN
9 OF THE JURY, AND I AGAIN ADMONISH YOU AND REMIND YOU NOT TO DISCUSS
10 THIS CASE AMONGST YOURSELVES OR ANYONE ELSE. HAVE A GOOD
11 EVENING, PLEASE.

12 (JURY OUT AT 3:22 P.M.)

13 **THE COURT:** MISTER CAMPBELL, I DIDN'T GIVE YOU AN OPPORTUNITY TO
14 ANNOUNCE THE END OF YOUR CASE, SO I AM GOING TO LET YOU DO THAT IN
15 THE MORNING. JUST GO AHEAD AND DO IT.

16 **MR. CAMPBELL:** YOUR HONOR, THAT ENDS THE STATE'S CASE. THE
17 STATE RESTS.

18 **MS. GOODWIN:** I HAVE A MOTION, YOUR HONOR.

19 **THE COURT:** I WILL BE GLAD TO HEAR YOU.

20 **MS. GOODWIN:** WE MAKE A MOTION FOR A DIRECTED VERDICT OF NOT
21 GUILTY. THERE IS NO EVIDENCE TO CONNECT MY CLIENT TO B-P.

22 **MR. CAMPBELL:** YOUR HONOR, I CAN'T HEAR.

23 **MS. GOODWIN:** DIRECTED VERDICT. I MAKE A MOTION FOR A DIRECTED
24 VERDICT FOR NOT GUILTY. THERE IS NO EVIDENCE TO CONNECT MY CLIENT
25 TO THIS FEBRUARY 05, 2008 ROBBERY. WE RESPECTIVELY ASK THAT YOU

CHARGE CONFERENCE

1 GRANT OUR MOTION.

2 THE COURT: I AM GOING TO DENY YOUR MOTION. AT THE DIRECTED
3 VERDICT STAGE, I WOULD DISAGREE. THERE IS EVIDENCE TO CONNECT HIM.
4 IT'S NOT THE WEIGHT OF THE EVIDENCE, IT'S THE EXISTENCE OF THE
5 EVIDENCE, SO I AM GOING TO DENY YOUR MOTION.

6 MS. GOODWIN: THANK YOU, YOUR HONOR.

7 THE COURT: NOW, ARE YOU GUYS READY TO DO A CHARGE
8 CONFERENCE?

9 MS. GOODWIN: YES, SIR.

10 **CHARGE CONFERENCE**

11 THE COURT: SO THE RECORD IS CLEAR, ON THE PROPOSED CHARGE
12 OF MINE, WHICH WOULD BE ON THE SPECIFIC LAW APPLICABLE TO THIS CASE
13 WHICH CONSISTS OF SIX PAGES, IS THERE ANY OBJECTION FROM THE STATE
14 TO THE PROPOSED CHARGE? AND SPECIFICALLY, THAT WOULD BE ---

15 MR. CAMPBELL: NO, YOUR HONOR. NO, SIR.

16 THE COURT: OKAY.

17 MS. GOODWIN: I DON'T HAVE AN OBJECTION TO ANYTHING THAT YOUR
18 HONOR HAS.

19 THE COURT: OKAY. JUST FOR THE RECORD TO BE CLEAR, THAT'S THE
20 LAW OF ARMED ROBBERY, POSSESSION OF A WEAPON DURING THE
21 COMMISSION OF A VIOLENT CRIME, AND CONSPIRACY. AND THOSE, BY THE
22 WAY, ARE TAKEN PRETTY MUCH IN TOTAL FROM THE BENCH BOOK.

23 SO, NOW GOING OVER TO THE VERDICT FORM, WHICH I BELIEVE I
24 SHOWED BOTH PARTIES YESTERDAY AFTERNOON, JUST SO WE ARE CLEAR
25 ON THE RECORD, EVERYBODY IS IN AGREEMENT TO THE VERDICT FORM AND

1 HAS NO OBJECTION TO IT. IS THAT RIGHT?

2 MR. CAMPBELL: YES, SIR. STANDARD AND STRAIGHTFORWARD.

3 MS. GOODWIN: I AGREE.

4 THE COURT: OKAY. NOW, AND I'LL GO OVER MY GENERAL CHARGES IN A
5 MINUTE, BUT LETS LOOK AT YOUR SPECIFIC REQUESTS. OKAY. NOW, I AM
6 SPEAKING TO MS. GOODWIN. YOUR DEFINITION OF ROBBERY, NUMBER ONE,
7 I THINK IS PRETTY MUCH ACTUALLY TAKEN UP IN MY STANDARD CHARGE.

8 MS. GOODWIN: I WOULD AGREE.

9 THE COURT: BUT I DO TAKE AN EXCEPTION TO NUMBER SIX. I DON'T
10 THINK NECESSARILY THAT -- IT'S NOT ONE OF THE ELEMENTS OF THE
11 CHARGE AS OUTLINED IN THE BOOKS I HAVE. OKAY? SO I AM GOING TO DENY
12 YOUR REQUEST FOR NUMBER ONE, WHICH IS THE DEFINITION OF ROBBERY.
13 OKAY?

14 MS. GOODWIN: SO THAT WOULD BE BECAUSE OF THE SIXTH
15 PARAGRAPH?

16 THE COURT: THAT WOULD COVER THAT ENTIRE REQUEST. I MEAN, I
17 THINK THAT COMING UP -- THE VAST MAJORITY OF THAT REQUEST IS TAKEN
18 UP IN MY GENERAL CHARGE. I DON'T KNOW THAT ---

19 MS. GOODWIN: IT IS.

20 THE COURT: --- THAT SIX IS A CORRECT STATEMENT AND I ALSO TELL --
21 I HAVE A REASONABLE DOUBT ON ONE OF YOURS LATER THAT I AM GOING TO
22 CHARGE. OKAY? SO I AM GOING TO DENY NUMBER ONE. NUMBER TWO IS
23 JUST PART OF MY STANDARD CHARGE, SO I AM GOING TO QUELL THAT,
24 WHICH IS JUST ANOTHER DEFINITION OF ARMED ROBBERY. OKAY?

25 MS. GOODWIN: YES, SIR.

CHARGE CONFERENCE

1 **THE COURT:** NUMBER THREE. ALL RIGHT, WHAT IS YOUR POSITION ON
2 THE THIRD REQUEST ON MENTAL STATE FOR CONSPIRACY, MISTER
3 CAMPBELL?

4 **MR. CAMPBELL:** YOUR HONOR, I THINK THIS IS COVERED IN THE
5 CONSPIRACY CHARGE ITSELF, IN THAT IT IS AN AGREEMENT BETWEEN TWO
6 OR MORE PEOPLE TO COMMIT A CRIME AND I THINK THE GENERAL CHARGE
7 OF CONSPIRACY ITSELF COVERS WHAT MS. GOODWIN WAS ALLEGING IN
8 NUMBER THREE. I THINK IT IS COVERED BY THE COURT'S GENERAL CHARGE
9 AND THAT'S WHAT WE SHOULD USE.

10 **THE COURT:** I AGREE WITH THAT. SO, NUMBER THREE, I AM NOT GOING
11 TO CHARGE. NUMBER FOUR, MERE KNOWLEDGE, ASSOCIATION. MISTER
12 CAMPBELL?

13 **MR. CAMPBELL:** YOUR HONOR, I DON'T BELIEVE THIS ONE SHOULD BE
14 CHARGED, THE FOREKNOWLEDGE AND MERE ASSOCIATION, BECAUSE MISTER
15 GOSS' DEFENSE IS SOMEONE ELSE DID IT AND THAT HE WASN'T PRESENT AND
16 WASN'T INVOLVED IN THIS CRIME, SO I DON'T THINK THAT SHOULD BE
17 CHARGED. FURTHERMORE, THE SECOND PARAGRAPH IS MORE ON
18 CONSPIRACY AND IS ALREADY COVERED IN THE CONSPIRACY STATUTE, OR
19 CHARGE, AND THEREFORE, I THINK THAT SHOULD BE COVERED. I THINK THE
20 ONE ON INTENT IS, LIKE MERE PRESENCE, MISTER GOSS WOULD NEED TO
21 HAVE KNOWLEDGE THE STORE WAS BEING ROBBED OR HE HAPPENED TO BE
22 HANGING OUT WITH THOSE PEOPLE, BUT IN THIS CASE I DON'T THINK THE
23 EVIDENCE WARRANTS THIS TYPE OF CHARGE.

24 **THE COURT:** ALL RIGHT.

25 **MS. GOODWIN:** YOUR HONOR, I WOULD DISAGREE .THE CRUX OF THEIR

1 CASE IS THE LETTER THAT HE WROTE AND THE CALL THAT HE MADE WHERE
2 HE SAYS, "I'M NOT TELLING ON Y'ALL," BUT IT SHOWS THAT HE KNOWS ABOUT
3 WHAT THESE OTHERS HAVE DONE AND I THINK IT NEEDS AN INSTRUCTION,
4 BUT THAT, BY ITSELF, IS NOT ENOUGH TO CONVICT HIM OF THE CRIMES AT
5 HAND. YOUR HONOR, IF WE TAKE AWAY THE SECOND PARAGRAPH, I AGREE
6 THAT THAT IS COVERED IN THE CONSPIRACY CHARGE.

7 THE COURT: WELL, I WAS GOING TO TAKE THAT AWAY AND I AM REALLY
8 LOOKING AT THE FIRST ONE.

9 MS. GOODWIN: THE FIRST SENTENCE IS SPECIFICALLY WHAT IS MOST
10 IMPORTANT TO ME, YOUR HONOR. THE MERE KNOWLEDGE THAT ANOTHER
11 PERSON IS ENGAGED OR OTHER PERSONS ARE ENGAGED IN CRIMINAL
12 CONDUCT IS NOT SUFFICIENT TO SHOW AGREEMENT THAT HE WOULD JOIN IN
13 THAT CONDUCT. I THINK THAT'S IMPORTANT.

14 THE COURT: THERE WAS CERTAINLY TESTIMONY TO THE FACT THAT HE
15 ASSOCIATED WITH KNOWN CRIMINALS OR ASSOCIATED WITH THEM.

16 MS. GOODWIN: AND FOUR KNOWN CRIMINALS TESTIFIED.

17 THE COURT: IF THAT IS A CORRECT STATEMENT OF THE LAW, AND IT
18 SOUNDS LIKE IT IS TO ME, I WILL CHARGE IT. OKAY. SUBJECT TO YOUR
19 OBJECTION, MISTER CAMPBELL?

20 MR. CAMPBELL: SUBJECT TO MY OBJECTION AND JUST FOR
21 CLARIFICATION, I DON'T KNOW IF IT'S 16 AND 17 OR 40, THAT'S WHAT IS
22 STATED.

23 THE COURT: IS THAT QUOTE FROM MOUZON?

24 MR. CAMPBELL: YES, SIR.

25 THE COURT: I AM NOT GOING TO – I DON'T ATTRIBUTE MY CHARGE TO A

CHARGE CONFERENCE

1 PARTICULAR CASE, EXCEPT WHEN I AM --

2 **MS. GOODWIN:** IT'S BASED ON PROFESSOR HUBBARD'S BOOK.

3 **THE COURT:** WHO?

4 **MS. GOODWIN:** PROFESSOR HUBBARD.

5 **THE COURT:** HE WAS ALWAYS PRETTY GOOD TO ME.

6 **MS. GOODWIN:** THAT'S WHY I GOT IT FROM HIM.

7 **THE COURT:** BUT NORMALLY, WHEN I CHARGE THE LAW ON ARMED
8 ROBBERY, I WILL SAY WHAT'S UNDER §16-11-330, BUT UNDER THAT, THAT
9 LANGUAGE IS NOT IN THAT STATUTE. IS IT?

10 **MR. CAMPBELL:** THIS -- THIS KIND OF --

11 **MS. GOODWIN:** THE LANGUAGE COMES FROM MOUZON.

12 **MR. CAMPBELL:** THIS IS UNDER §16-17-40: "ANY CORPORATION OR
13 UNINCORPORATED ASSOCIATION CONVICTED OF BARRATRY SHALL BE
14 BARRED TO DOING BUSINESS IN THE STATE."

15 **THE COURT:** WELL, I CAN SAFELY SAY THAT WE'RE NOT DEALING WITH---

16 **MS. GOODWIN:** WE ARE NOT DEALING WITH THAT, YOUR HONOR.

17 **THE COURT:** WHEN I READ THAT --

18 **MS. GOODWIN:** THEY MAY HAVE MIS-CITED THE CODE SECTION, BUT
19 THEY DO COME FROM MOUZON,

20 **THE COURT:** ALL RIGHT. AND AGAIN, WE WILL DOUBLE CHECK AND
21 MAKE SURE, BUT THEN THAT TAKES US TO NUMBER FIVE AND I WAS GOING TO
22 READ THAT. I WAS GOING TO PUT THAT AT THE END OF MY GENERAL
23 CHARGE.

24 **MR. CAMPBELL:** THAT'S JUST THE STANDARD CHARGE, YOUR HONOR.

25 **THE COURT:** YEAH.

1 **MR. CAMPBELL:** TYPICAL, NUMBER SIX, IS THE RIGHT TO TESTIFY
2 WHETHER HE TESTIFIES OR NOT.

3 **THE COURT:** WELL, I HAVE THE GENERAL FAILURE TO TESTIFY CHARGE
4 IN THAT, "I INSTRUCT YOU AND EMPHASIZE THAT THE FACT THAT THE
5 DEFENDANT DID NOT TESTIFY IS NOT A FACTOR TO BE CONSIDERED BY YOU
6 IN ANY WAY IN YOUR DELIBERATIONS." BUT I HAVE ADDED NUMBER SIX
7 PROPOSED BY MS. GOODWIN. I HAVE NO OBJECTION TO CHARGING THAT.

8 **MS. GOODWIN:** I WOULD LIKE THAT ADDED.

9 **THE COURT:** OKAY. NOW, THAT BRINGS US TO NUMBER SEVEN. I AM
10 DENYING SEVEN AND EIGHT. I DON'T KNOW, NECESSARILY, WHETHER THAT IS
11 A CORRECT STATEMENT, BUT I THINK THEY ARE COVERED IN MY GENERAL
12 CHARGE JUST AS TO WHAT DIRECT EVIDENCE IS AND CIRCUMSTANTIAL
13 EVIDENCE IS AND I THINK THAT YOU GET CLOSE TO A CHARGE ON THE FACTS.

14 **MS. GOODWIN:** I'M SORRY, YOUR HONOR, I DIDN'T HEAR YOU.

15 **THE COURT:** I DON'T THINK THAT'S A CORRECT STATEMENT UNDER
16 CIRCUMSTANTIAL EVIDENCE, EITHER OUTLINED IN SEVEN AND EIGHT. I THINK
17 THEY GO TOO FAR AND "ALL THE FACTS SHOULD BE CONSISTENT WITH EACH
18 OTHER AND TAKEN TOGETHER SHOULD BE OF A CONCLUSIVE NATURE OR
19 TENDENCY" AND IT GOES A LITTLE BIT FAR, I THINK, AND IT APPEARS TO BE
20 CLOSE TO BEING A STATEMENT ON THE FACTS OR A COMMENT ON THE FACTS
21 AND MORE IMPORTANTLY I HAVE IT COVERED IN MY GENERAL CHARGE AND I
22 BELIEVE —

23 **MS. GOODWIN:** DO I HAVE THAT, YOUR HONOR?

24 **THE COURT:** NO, BUT I WILL BE HAPPY FOR YOU TO LOOK AT IT.

25 **MS. GOODWIN:** OKAY. I WOULD LIKE TO TAKE A LOOK AT IT.

CHARGE CONFERENCE

1 **THE COURT:** OKAY. NUMBER NINE, CO-CONSPIRATOR'S STATEMENTS.
2 THAT IS NOT APPLICABLE IN THIS CASE AND I KNOW YOU PROBABLY
3 ANTICIPATED A CO-CONSPIRATOR BUT THERE IS NO CO-CONSPIRATOR IN THIS
4 CASE.

5 **MS. GOODWIN:** YES, SIR, YOUR HONOR. WE SUBMITTED THIS WHEN WE
6 DIDN'T KNOW EXACTLY WHAT THEY WERE GOING TO DO.

7 **THE COURT:** RIGHT.

8 **MS. GOODWIN:** I AGREE. THAT ONE DOES NOT APPLY.

9 **THE COURT:** OKAY. CREDIBILITY, CHARACTER, OPINION, AND I HAVE
10 THAT IN MY STANDARD CHARGE AS FAR AS CREDIBILITY AND I'M NOT GOING
11 TO CHARGE ON THE POLICE OFFICER. I THINK I'M GOING TO DO THAT AS A
12 GENERAL CHARGE. I THINK THAT'S CLOSE TO A COMMENT ON THE FACTS.
13 OKAY? SO, WHAT THAT MEANS IS, I AM DENYING NUMBERS ONE, THIS IS THE
14 DEFENSE'S REQUEST TO CHARGE NUMBER ONE, TWO, THREE, I'M CHARGING
15 FOUR AND FIVE AND SIX. NUMBER SIX, A PART OF NUMBER SIX, MINUS THE
16 LAST PARAGRAPH AND I AM DENYING THE REMAINDER OF YOUR REQUESTS
17 WHICH WILL BE SEVEN, EIGHT, NINE, TEN AND ELEVEN. OKAY?

18 NOW, FOR THE RECORD, MS. GOODWIN MADE HER REQUEST OF
19 CHARGE A COURT EXHIBIT BECAUSE I KNOW SHE OBJECTS TO MY RULING SO
20 I'M OVERRULING YOUR OBJECTIONS. OKAY?

21 **MS. GOODWIN:** YES, SIR. I ASK THAT YOU NOTE MY OBJECTIONS.
22 SPECIFICALLY, THE ONES YOU DENIED.

23 **THE COURT:** OKAY. NEXT, MY GENERAL CHARGE THAT I GIVE THE JURY.
24 I GOT THIS FROM JUDGE HILL. I AM UNABATEDLY AND SHAMELESSLY
25 PLAGIARIZING HIS CHARGE FOR THE MOST PART, BUT FIRST, I TELL THEM I AM

1 GIVING THEM THEIR INSTRUCTIONS AND THE GENERAL RULES THAT DEFINE
2 AND CONTROL THEIR DUTIES AS JURORS. THEN I GO TO, THEY'VE GOT TO
3 DETERMINE THE FACTS AND MAKE THEIR DECISION ON WHAT THE FACTS ARE
4 FROM ALL THE EVIDENCE IN THE CASE AND APPLY THE LAW AS I GIVE IT TO
5 THEM AND MAKE THEIR FINDINGS BASED ON THE LAW IN THIS MATTER AND
6 NOTHING ELSE AND THEY ARE NOT TO BE INFLUENCED BY PERSONAL
7 DISLIKES, OPINIONS, PREJUDICE, OR UNDUE SYMPATHY, AND TELL THEM THEY
8 HAVE TAKEN AN OATH SAYING THEY ARE GOING TO DO THAT. THEY HAVE TO
9 FOLLOW ALL MY INSTRUCTIONS, NOT JUST SOME OF THEM AND TELL THEM
10 ABOUT, YOU HAVE TO DECIDE WHAT THE FACTS ARE BY EVALUATING AND
11 WEIGHING THE EVIDENCE FROM THE TRIAL. UNLIKE THE CIVIL CHARGE. I AM
12 TELLING THEM THERE IS NO WAY FOR YOU TO WEIGH THE EVIDENCE IN A
13 LITERAL SENSE, I CAN'T GIVE YOU A SET OF SCALES, IT'S A MENTAL PROCESS,
14 ET CETERA. THEN I GO THROUGH AND TELL THEM WHAT EVIDENCE IS AND IN
15 THAT, I TELL THEM WE HAVE SWORN TESTIMONY BOTH ON DIRECT AND
16 CROSS EXAMINATION, REGARDLESS OF WHO CALLED THE WITNESS IT'S
17 EVIDENCE. EXHIBITS RECEIVED IN THE TRIAL ARE EVIDENCE. THEN ANY
18 STIPULATIONS. OTHER THAN THE EXPERTISE OF MISTER ARMSTRONG, ARE
19 THERE ANY STIPULATIONS? I'M NOT GOING TO CHARGE THAT AS A
20 STIPULATION AT THIS STAGE.

21 **MS. GOODWIN:** HE WAS THE ONLY EXPERT.

22 **MR. CAMPBELL:** HE WAS THE ONLY EXPERT WE USED.

23 **THE COURT:** YES, BUT ARE THERE ANY OTHER STIPULATIONS?

24 **MR. CAMPBELL:** THE ONLY STIPULATION WE DID WAS THAT THE LETTER
25 ACKNOWLEDGING THAT HE WAS THE AUTHOR OF THE LETTER ---

CHARGE CONFERENCE

1 **THE COURT:** I DON'T THINK IT'S GOOD FOR EITHER SIDE FOR ME TO
2 CHARGE THE STIPULATION OF THE LETTER IS ADMISSIBLE. THOSE ARE JUST
3 EVIDENTIARY.

4 **MS. GOODWIN:** NO, SIR. I DON'T THINK THAT'S NECESSARY.

5 **THE COURT:** OKAY. DO YOU AGREE WITH THAT, MISTER CAMPBELL?

6 **MR. CAMPBELL:** YES, SIR.

7 **THE COURT:** ALL RIGHT. THEN -- SO, I'M NOT GOING TO CHARGE ANY
8 STIPULATIONS. OKAY? THEN I SAY WHAT IS NOT, AND I GO BACK AND SAY
9 YOUR ARGUMENTS, YOUR QUESTIONS, YOUR OBJECTIONS, ET CETERA, ET
10 CETERA IS NOT EVIDENCE. THAT'S WHAT YOU ARE TRAINED TO DO. THAT'S
11 WHAT YOU ARE SUPPOSED TO DO, BUT IT IS NOT EVIDENCE. ANYTHING THAT
12 THEY HAVE HEARD WHILE COURT IS NOT IN SESSION IS NOT EVIDENCE. ONLY,
13 AND I WILL SAY IT TO THEM OR TELL THEM THIS ABOUT THREE OR FOUR
14 TIMES, ONLY THE TESTIMONY THEY HEARD FROM THE WITNESS STAND OR
15 THE EXHIBITS RECEIVED IN THE TRIAL IN THIS MATTER IS EVIDENCE. AND
16 THAT IS IT. AND THEN I GO IN AND DESCRIBE TO THEM WHAT IS DIRECT AND
17 CIRCUMSTANTIAL EVIDENCE AND YOU WANTED TO HEAR IT. OKAY. "THERE
18 ARE TWO TYPES OF EVIDENCE WHICH ARE GENERALLY PRESENTED DURING A
19 TRIAL. DIRECT EVIDENCE AND CIRCUMSTANTIAL. DIRECT EVIDENCE IS THE
20 TESTIMONY OF A PERSON WHO ASSERTS OR CLAIMS TO HAVE ACTUAL AND
21 DIRECT KNOWLEDGE OF A FACT SUCH AS AN EYE WITNESS. CIRCUMSTANTIAL
22 EVIDENCE IS INDIRECT PROOF OR TO PUT IT ANOTHER WAY, IT IS PROOF OF A
23 CHAIN OF FACTS AND CIRCUMSTANCES FROM WHICH YOU COULD FIND
24 ANOTHER FACT EXISTS EVEN THOUGH IT HAS NOT BEEN PROVEN DIRECTLY."
25 THEN I GIVE AN EXAMPLE ABOUT THEM WAKING UP IN THE MORNING AND

1 SEEING TRACKS IN THE SNOW IN THE FRONT YARD AND THEY CAN INFER
2 THAT SOMEONE WALKED THROUGH THE YARD LAST NIGHT. OKAY? AND "THE
3 LAW MAKES ABSOLUTELY NO DISTINCTION BETWEEN THE WEIGHT OR VALUE
4 TO BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. YOU ARE
5 ENTITLED TO CONSIDER BOTH KINDS OF EVIDENCE AND THERE IS NOT A
6 DEGREE -- A GREATER DEGREE OF CERTAINTY REQUIRED OF
7 CIRCUMSTANTIAL EVIDENCE." AND I SAY, "AFTER WEIGHING ALL THE
8 EVIDENCE, IF YOU ARE NOT CONVINCED OF THE GUILT OF THE DEFENDANT
9 BEYOND A REASONABLE DOUBT THEN YOU MUST FIND HIM NOT GUILTY."
10 OKAY? AND THAT'S IT. NOW, I LOOKED AT YOURS AND I THINK THEY JUST GO
11 A LITTLE BIT TOO FAR, QUITE FRANKLY. THAT'S ALL I DO ON CIRCUMSTANTIAL
12 EVIDENCE. IF YOU WANT TO TRY TO COME UP WITH SOMETHING ELSE
13 BETWEEN NOW AND IN THE MORNING I WOULD BE GLAD TO LOOK AT IT, BUT I
14 AM NOT GOING TO CHARGE THE ONES YOU HAVE. OKAY? NOW, AND THEN I
15 GO INTO THE CREDIBILITY OF THE WITNESSES AND THE FACT THAT THEY CAN
16 GO AHEAD AND BELIEVE OR DISBELIEVE ALL, OR SOME, OR PART AND THEN I
17 GO OVER THE FACTORS THEY CAN CONSIDER IN DETERMINING THE
18 CREDIBILITY AND ALSO TELL THEM, YOU KNOW, THEY DON'T CHECK THEIR
19 COMMON SENSE AT THE DOOR, ET CETERA, ET CETERA. THEN I WILL GIVE
20 THEM A CHARGE ON EXPERT TESTIMONY SINCE THAT WAS IT AND THEN AT
21 THIS STAGE I WOULD SAY IT WAS STIPULATED THAT MISTER ARMSTRONG
22 WAS AN EXPERT IN THE FIELD OF GUN IDENTIFICATION OR -- WAS IT GUN
23 IDENTIFICATION OR FIREARM IDENTIFICATION? IS THAT WHAT IT WAS?

24 **MR. CAMPBELL:** YES, SIR. FIREARM IDENTIFICATION.

25 **THE COURT:** AND THEN I WILL GO OVER THE FACT THAT THERE ARE

CHARGE CONFERENCE

1 MULTIPLE INDICTMENTS AND THOSE ARE SEPARATE AND DISTINCT CHARGES
2 AND THEY HAVE TO DECIDE EACH INDICTMENT SEPARATELY BASED ON THE
3 LAW AND THE APPLICABLE EVIDENCE TO THOSE AND HE MAY BE ACQUITTED
4 OR CONVICTED OF ANY OR ALL OF THE OFFENSES CHARGED AND YOU WILL
5 BE ASKED TO WRITE A SEPARATE VERDICT FOR EACH ONE AND I GO A LITTLE
6 BIT FURTHER AND REMIND THEM OF THE FACT THAT HE WAS ARRESTED,
7 CHARGED, AND INDICTED IS NOT EVIDENCE AND CANNOT BE CONSIDERED AS
8 EVIDENCE OF GUILT AND IT DOES NOT CREATE AN ASSUMPTION NOR
9 INFERENCE OF GUILT. THEN I GO THROUGH AND DESCRIBE THE
10 PRESUMPTION OF INNOCENCE. THEN I GO INTO A DESCRIPTION OF
11 REASONABLE DOUBT. AND IN THIS CASE, NEXT I WILL CHARGE DEFENSE
12 REQUEST NUMBER FIVE, THE RESOLUTION OF DOUBT IN FAVOR OF THE
13 DEFENDANT AND THEN I GO INTO INTENT. THEN I GO INTO THE FAILURE OF
14 THE DEFENDANT TO TESTIFY AND THEN I CHARGE THE DEFENSE REQUEST ON
15 THAT INSTEAD OF MY GENERAL, MORE LIMITED, CHARGE. THEN FROM THERE
16 I READ THE STANDARD LAW, THE LAW APPLICABLE IN THIS CASE THAT WE
17 JUST WENT OVER. THEN I GO BACK AND GIVE THEM THEIR CHARGE ON THEIR
18 DELIBERATIONS, THAT THEY ARE NOT TO BE PARTISANS OR ADVOCATES AND
19 THEY ARE NOT TO LOSE THEIR COMMON SENSE AND DESCRIBE TO THEM
20 WHAT THEY ARE SUPPOSED TO DO, BY WHAT DELIBERATIONS MEANS, THAT
21 THEY NEED TO BE UNANIMOUS BUT THEY ARE NOT TO CHANGE A HONEST
22 BELIEF ABOUT THE WEIGHT AND THE EFFECT OF THE EVIDENCE JUST
23 BECAUSE EVERYBODY WANTS TO REACH AN UNANIMOUS VERDICT, BUT TO
24 LISTEN TO EVERYBODY AND CONSIDER THEIR VIEWS AND COME UP WITH A
25 VERDICT. OKAY? THEN I GO OVER THE FINAL INSTRUCTIONS ABOUT

1 COMMUNICATION WITH THE COURT. I WILL GO DOWN AND TAKE THE VERDICT
2 FORM TO THE FOREPERSON, WALK THROUGH IT ABOUT HOW TO FILL IT OUT
3 AND I WILL SEND THEM OUT AND ASK IF YOU HAVE ANY OBJECTIONS OR
4 ADDITIONS FOR ME TO DECIDE. IF NOT, THEN I WILL BRING THEM BACK THE
5 ALTERNATE AND THEY WILL BE OFF TO THE RACES. OKAY? ANY OBJECTIONS
6 OR ADDITIONS AT THIS STAGE FROM THE STATE?

7 **MR. CAMPBELL:** NO, YOUR HONOR.

8 **THE COURT:** FROM THE DEFENSE?

9 **MS. GOODWIN:** NO. FROM MY UNDERSTANDING YOU SAID THAT IF I CAN
10 COME UP WITH SOMETHING DIFFERENT ON CIRCUMSTANTIAL EVIDENCE BY
11 TOMORROW YOU WILL CONSIDER THAT?

12 **THE COURT:** YES, MA'AM.

13 **MS. GOODWIN:** ALL RIGHT.

14 **MR. CAMPBELL:** YOUR HONOR, THE ONLY THING FROM THE STATE ON
15 CIRCUMSTANTIAL EVIDENCE IS, IS THAT CHARGE IS BASICALLY JUDGE RALPH
16 KING ANDERSON, JUNIOR'S REQUEST TO CHARGE AND THAT IS A CHARGE WE
17 USE A LOT AND THE STATE ASKS THAT YOU STAY WITH THAT CHARGE.

18 **THE COURT:** I CAN TELL YOU THAT IT IS ENTIRELY FROM THE BENCH
19 BOOK. I MEAN, IT'S NOT LIKE I AM A LEGAL THEORIST IN THIS.

20 **MS. GOODWIN:** NO, I CAN GO ALONG WITH THAT, BUT I JUST MAY WANT
21 TO ADD TO IT.

22 **THE COURT:** SURE. AND THE SAME THING WITH YOU, MISTER
23 CAMPBELL. IF YOU HAVE ANYTHING YOU WANT TO ADD TO THE CHARGE AND
24 IF Y'ALL HAVE ANYTHING ELSE. I MEAN, I'M NOT LIMITING YOU TO THE
25 CIRCUMSTANTIAL, BUT IF YOU WANT TO GIVE ME ANYTHING ELSE, I WOULD BE

CHARGE CONFERENCE

1 GLAD TO CONSIDER THEM.

2 **MS. GOODWIN:** YES, SIR.

3 **THE COURT:** MORE OFTEN THAN NOT, I DON'T, BUT I WILL BE GLAD TO.

4 **MS. GOODWIN:** I UNDERSTAND.

5 **THE COURT:** OKAY? LET ME TELL YOU THIS, TO BOTH ATTORNEYS, YOU
6 DID A FINE JOB IN PRESENTING YOUR CASE AND I APPRECIATE IT AND
7 REGARDLESS OF WHATEVER HAPPENS, YOU HAVE BEEN VERY
8 PROFESSIONAL AND WELL PREPARED. ALL RIGHT. I'LL SEE YOU IN THE
9 MORNING AT 9:30. ANYTHING ELSE?

10 **MORNING - MAY 19, 2010**

11 **THE COURT:** M. J., DO YOU HAVE ANYTHING ABOUT THE CHARGE FOR ME
12 TO CONSIDER THIS MORNING?

13 **MS. GOODWIN:** I TYPED UP THE STATE VERSUS GRIFFIN, WHICH IS THE
14 CORRECT CHARGE.

15 **THE COURT:** AND THAT IS THE KNOWLEDGE OF ASSOCIATION, OR WHICH
16 ONE IS IT?

17 **MS. GOODWIN:** THE STATE VERSUS GRIFFIN THE CHARGE IS -- IN THE
18 STATE VERSUS GRIFFIN THEY FOUND, THE SUPREME COURT FOUND, WE
19 RECOMMEND THE JURY BE INSTRUCTED AS FOLLOWS: THERE ARE TWO
20 TYPES OF EVIDENCE GENERALLY PRESENTED DURING TRIAL, DIRECT AND
21 CIRCUMSTANTIAL AND THEN IT GOES THROUGH HOW CIRCUMSTANTIAL
22 EVIDENCE IS A CHAIN OF PROOF AND THAT NO MATTER WHAT EVIDENCE IS
23 PUT UP, THAT YOU HAVE TO BE CONVINCED BEYOND A REASONABLE DOUBT.

24 **THE COURT:** RIGHT.

25 **MS. GOODWIN:** RIGHT. AND I THINK THAT'S ESSENTIALLY WHAT YOUR

1 CHARGE SAYS.

2 THE COURT: YES. I MEAN, AND HERE --

3 MS. GOODWIN: I DIDN'T HAVE YOUR CHARGE WITH ME WHEN I WAS
4 READING THIS LAW, BUT I THINK THAT'S WHAT YOU SAID.

5 THE COURT: YES. LET ME GO BACK OVER IT. CIRCUMSTANTIAL
6 EVIDENCE IS INDIRECT EVIDENCE OR PUT ANOTHER WAY, CIRCUMSTANTIAL
7 EVIDENCE IS PROOF OF THE CHAIN OF FACTS OR CIRCUMSTANCES FROM
8 WHICH YOU CAN FIND ANOTHER FACT EXISTS EVEN THOUGH IT HAS NOT BEEN
9 PROVEN DIRECTLY. THAT'S WHEN I GIVE THEM AN EXAMPLE OF, THEY WAKE
10 UP IN THE MORNING AND THERE IS SNOW IN THE YARD AND IF THERE ARE
11 TRACKS IN THE SNOW THEY CAN INFER THAT SOMEBODY WALKED THROUGH
12 THEIR YARD LAST NIGHT, AND I GO FURTHER AND TELL THEM THERE IS NO
13 DISTINCTION BETWEEN THE WEIGHT AND VALUE TO EITHER ONE. THERE IS
14 NOT A GREATER DEGREE OF CERTAINTY REQUIRED OF CIRCUMSTANTIAL
15 EVIDENCE AND AFTER WEIGHING ALL THE EVIDENCE THAT YOU FIND THAT IF
16 YOU ARE NOT CONVINCED OF THE GUILT OF THE DEFENDANT BEYOND A
17 REASONABLE DOUBT YOU MUST FIND HIM NOT GUILTY.

18 MS. GOODWIN: THAT'S RIGHT. I THINK YOU ALSO SAID YOU ARE GOING
19 TO CHARGE THEM ON THE PRESUMPTION OF INNOCENCE.

20 THE COURT: YES.

21 MS. GOODWIN: OKAY.

22 THE COURT: AND ON YOUR -- IN FACT, I WAS LOOKING AT THAT JUST A
23 SECOND AGO. I HAVE A LITTLE BLURB OF YOURS ON REASONABLE DOUBT.
24 PRESUMPTION OF INNOCENCE IS -- YOU REMEMBER NUMBER FIVE, I WAS
25 GOING TO CHARGE YOUR NUMBER FIVE REQUEST.

CHARGE CONFERENCE

1 MS. GOODWIN: YES, SIR.

2 THE COURT: THEN YOUR NUMBER SIX, FAILURE TO TESTIFY. I JUST
3 STRUCK OUT SOUTH CAROLINA CONSTITUTION. I THINK IT JUST, I REALLY
4 THINK IT'S JUST UNITED STATES, BUT THAT'S JUST... THEN WE HAVE
5 SPECIFIC LAW, THEN DELIBERATIONS -- YOU'VE HEARD IT.

6 **MR. CAMPBELL:** YOUR HONOR, DO YOU WANT ME TO REST WHEN THEY
7 COME IN, YOU WANT ME TO REST FOR THEM?

8 THE COURT: YES, I THINK THEY TOLD ME IN THE HALLWAY THEY ARE
9 STILL HAVING JURORS COME IN.

10 MR. CAMPBELL: ALL RIGHT.

11 THE BAILIFF: ALL JURORS ARE HERE, YOUR HONOR.

12 THE COURT: THEY ARE HERE? ARE YOU GUYS READY TO GO?

13. **MR. CAMPBELL: THE STATE IS READY, YOUR HONOR.**

14 THE COURT: OKAY. MS. GOODWIN, ARE YOU READY TO GO?

15 MS. GOODWIN: YES, SIR.

16 THE COURT: OKAY. WILL YOU BRING THEM IN?

17 THE BAILIFF: YES, SIR.

18 (JURY IN AT 9:34 A.M.)

19 THE COURT: MISTER WILLIAMS, LADIES AND GENTLEMEN OF THE JURY, I
20 HOPE YOU HAD A NICE EVENING. ARE Y'ALL READY TO PROCEED? GOOD.
21 GOOD. CALL YOUR NEXT WITNESS, PLEASE.

22 **MR. CAMPBELL:** YOUR HONOR, THE STATE RESTS IT'S CASE.

23 THE COURT: OKAY. THANK YOU, SIR. MS. GOODWIN?

24 **MS. GOODWIN:** YOUR HONOR, THE DEFENSE IS NOT GOING TO CALL ANY
25 WITNESSES

1 THE COURT: YOU HAVE NO WITNESSES TO CALL?

2 MS. GOODWIN: NO WITNESSES TO CALL.

3 THE COURT: OKAY. LADIES AND GENTLEMEN, WHAT THAT MEANS IS,
4 WE HAVE NOW HAD THE OPENING STATEMENTS AND WE HAD THE
5 PRESENTATION OF THE EVIDENCE. REMEMBER I GAVE YOU THE FIVE PHASES
6 OF THE TRIAL AT THE BEGINNING OF THIS CASE? WE HAVE FINISHED PHASE
7 TWO. THE NEXT PHASE WILL BE WHERE THE ATTORNEYS GIVE YOU THEIR
8 CLOSING ARGUMENTS AND THEN I WILL INSTRUCT YOU ON THE LAW AND
9 THEN YOU WILL BE ALLOWED TO BEGIN YOUR DELIBERATIONS. MISTER
10 CAMPBELL, ARE YOU READY TO PROCEED?

11 MR. CAMPBELL: YES, SIR.

12 THE COURT: THEN GO AHEAD.

13 MR. CAMPBELL: MAY IT PLEASE THE COURT.

14 **CLOSING ARGUMENT - MISTER CAMPBELL**

15 GOOD MORNING, LADIES AND GENTLEMEN OF THE JURY. ON MONDAY
16 WHEN WE STARTED THIS CASE, MS. GOODWIN SAID A COUPLE OF THINGS I
17 ACTUALLY AGREED WITH. ONE IS, MISTER GOSS IS INNOCENT AS HE SAT
18 THERE MONDAY MORNING, INNOCENT UNTIL PROVEN GUILTY. I AGREE WITH
19 THAT. THE SECOND THING THAT SHE SAID IS, THAT THIS CASE IS IMPORTANT
20 TO HIM. I AGREE WITH THAT, TOO. BUT, WHAT SHE DIDN'T TELL YOU THEN,
21 WHAT SHE DIDN'T TELL YOU IS, THAT THIS CASE IS IMPORTANT TO THE
22 PEOPLE OF THE STATE OF SOUTH CAROLINA. IT'S IMPORTANT TO THE
23 PEOPLE LIKE STEPHEN LATTIMORE WHO IS WORKING AS A CASHIER EARNING
24 A LIVING. IT'S IMPORTANT TO PEOPLE WHO GO AND SHOP AT CONVENIENCE
25 STORES, WHO GO TO BUY GAS. THESE PEOPLE HAVE A RIGHT TO WORK

CLOSING ARGUMENT - MISTER CAMPBELL

1 WITHOUT FEAR OF BEING ROBBED, TO SHOP AND PURCHASE ITEMS WITHOUT
2 FEAR THE PLACE THEY ARE GOING TO, BEING ROBBED BY ARMED GUNMEN.
3 THIS CASE IS IMPORTANT. IT'S IMPORTANT TO THE STATE ALSO.

4 NOW, WE IN THE STATE OF SOUTH CAROLINA, PASS LAWS TO HOLD
5 THOSE WHO COMMIT CRIMES SUCH AS THIS, ACCOUNTABLE. TERRANCE
6 GOSS IS ONE OF THREE MEN WHO ROBBED THE B-P GAS STATION ON
7 SHOCKLEY FERRY ROAD ON FEBRUARY 05, 2008. I TOLD YOU ON OPENING
8 THAT THIS CASE IS NOT ABOUT WHAT IS CALLED DIRECT EVIDENCE, BEING
9 THAT THE CLERK GETS UP TO -- STEVE LATTIMORE, THE CLERK, GETS ON THE
10 STAND AND SAYS THAT MAN RIGHT THERE IS THE ONE THAT ROBBED ME. I
11 SAW HIM DO IT. THAT'S HIS FACE. I REMEMBER IT. IT'S NOT THAT TYPE OF
12 CASE. BY THE TIME THE LAW ENFORCEMENT FINISHES IT'S INVESTIGATION,
13 YES, YOU WILL HAVE THAT WHEN YOU START WITH A SUSPECT AND WORK
14 FORWARD. THIS CASE IS DIFFERENT. WHEN YOU HAVE A CIRCUMSTANTIAL
15 CASE, YOU TAKE ALL THE PIECES AND PUT THEM TOGETHER AND IT COMES
16 OUT TO ONE CONCLUSION. TYPICALLY, IN AN INVESTIGATION, AND IN THIS
17 CASE I THINK IT'S DIFFERENT IN THE FACT THAT WE ARE WORKING
18 BACKWARDS. THIS CASE WENT COLD FOR SEVEN MONTHS AND WHAT WE
19 WOUND UP WITH WAS HAVING TWO GUNS THAT WERE RECOVERED AT
20 GREENVILLE TECH CAMPUS. THESE GUNS TURNED OUT TO BE MATCHED TO
21 THE GUNS USED IN THE ROBBERY AT THE B-P GAS STATION ON FEBRUARY 05,
22 2008. SO NOW, WHAT WE DO IN THE STATE IS, WE WORK BACKWARDS FROM
23 THERE AND SAY, "WHO HAD THOSE GUNS IN ANDERSON ON TUESDAY? WHO
24 IS THE OWNER OF THOSE GUNS?" NOW, IN THIS CASE WE GOT A LUCKY
25 BREAK. LET ME JUST BE HONEST WITH YOU. LAW ENFORCEMENT WILL TELL

1 US, THAT'S WHAT HAPPENS, SOMETIMES YOU GET A LUCKY BREAK. WHEN
2 THIS CASE WENT COMPLETELY COLD, WE HAD NO SUSPECTS WHATSOEVER.
3 IT WASN'T UNTIL CHRIS RONOKE SHOT HIMSELF THAT THIS CASE GOT
4 STARTED AGAIN. IF HE HAD NOT SHOT HIMSELF, THOSE GUNS WOULD NOT
5 HAVE BEEN RECOVERED. IF HE HAD NOT SHOT HIMSELF, WE WOULD NOT
6 HAVE BEEN ABLE TO TIE THAT PISTOL DIRECTLY TO HIS UNCLE, T. J.
7 PATTERSON, WHO IS FROM ANDERSON. HIS BUDDY, THE ONE HE RUNS WITH,
8 HANGS OUT WITH, DO EVERYTHING WITH. WE WOULD NOT BE ABLE TO TIE
9 THAT PISTOL TO HIM. THAT KEL TEC RIFLE WOULDN'T HAVE BEEN FOUND.
10 THOSE TWO WEAPONS WOULD NOT HAVE HAD THOSE SHELL CASINGS
11 MATCHED TO THEM, IF HE HAD NOT SHOT HIMSELF. SOMETIMES YOU JUST
12 GET A LUCKY BREAK AND THAT'S WHAT THIS CASE DID.

13 NOW, LET'S TALK ABOUT THE ROBBERY. THAT NIGHT -- YOU SAW THE
14 VIDEO, THE CLIPS GOT REVERSED. THE FIRST CLIP WAS ACTUALLY THREE
15 INDIVIDUALS WALKING UP, ALREADY HAD THEIR GUNS ON, ALREADY HAD
16 THEIR MASKS ON, MILLED AROUND OUTSIDE. YOU COULD SEE IN THE VIDEO,
17 ONE OF THEM HAD SOMETHING RIGID DOWN NEXT TO HIM LIKE THIS.
18 (DEMONSTRATES WITH GUN) YOU CAN SEE THAT. AND THEY WAIT FOR
19 TRAFFIC TO GO AND YOU CAN SEE IN THAT VIDEO, CARS GOING IN AND OUT
20 AND PEOPLE GOING IN AND OUT. IN FACT, IN THE ACTUAL VIDEO WHEN THEY
21 COME IN THE STORE FOR THAT THIRTY-FIVE SECONDS, YOU CAN SEE CARS
22 GOING BY THE WINDOW. YOU CAN SEE A CAR PULL OFF IMMEDIATELY AS
23 THEY COME IN THE DOOR. WE ARE LUCKY NO ONE GOT HURT. THESE
24 INDIVIDUALS HAD NO CONCERN ABOUT SAFETY OR CARE ABOUT OTHER
25 PEOPLE. FIRED THREE ROUNDS, THREE SHOTS WERE FIRED. TWO IN THE

CLOSING ARGUMENT - MISTER CAMPBELL

1 CEILING AND THAT OTHER ONE, AS THE OFFICER STATED, WAS CHEST HIGH
2 BEHIND THE CLERK, WENT THROUGH THE GLASS OUT TO WHERE OTHER
3 PEOPLE ARE. FORTUNATELY, HE HIT A GASOLINE PUMP.

4 NOW, WHAT DID WE LEARN FROM THAT VIDEO CLIP, THAT THIRTY-FIVE
5 SECONDS THEY WERE IN THERE? TWO OF THE SUSPECTS WERE TALL AND
6 ONE WAS TALLER. THE GUNMAN. AND ONE THING THAT YOU CAN GLEAN
7 FROM THIS IS, THEY PLANNED IT. YOU CAN TELL THEY ALL GOT TOGETHER
8 AND PLANNED THIS BECAUSE THEY WALKED UP WITH THEIR HOODS ON AND
9 THEY ALREADY HAD THEIR MASKS ON. THEY HAD THEIR GUNS AND WEAPONS
10 READY. THEY ALREADY BROUGHT A BAG TO GET THE MONEY THEY WERE
11 AFTER. THEY ALREADY KNEW HOW THEY WERE GOING TO ESCAPE. AND
12 HOW DO WE KNOW THIS WAS ALSO PLANNED? THEY KNEW WHICH DOOR TO
13 GO INTO. THEY KNEW WHICH DOOR WAS NOT GOING TO BE LOCKED AND
14 WHEN THEY CAME IN YOU COULD SEE A LITTLE STRIP OF TAPE THEY KEEP UP
15 THERE ON HEIGHT. AND THE TALLEST ONE, THE ONE WITH THIS KEL TEC
16 RIFLE, EVEN CROUCHED DOWN, STILL HITS SIX FOOT. MISTER GOSS IS LISTED
17 ON HIS BOOKING REPORT AS SIX, THREE. THE OTHER INDIVIDUAL, TRAVIS
18 "T.J." PATTERSON, ALSO KNOWN AS "ACE", THE ONE THIS GUN IS DIRECTLY
19 LINKED TO, (HOLDING UP GUN) HE IS SIX FOOT. THAT MATCHES.

20 NOW, ONE OF THE THINGS I THOUGHT WAS PARTICULAR. YOU KNOW,
21 WHAT WE ARE DOING IS, WE ARE TYING THIS WEAPON TO MISTER GOSS,
22 DESPITE WHAT DERRICK JONES, ALSO KNOWN AS "COOT" SAID, THAT, "OH,
23 THIS IS COMMON. I SEE IT EVERY DAY ON THE STREET." YOU'VE GOT
24 DETECTIVE ROB GEBING, NINE YEARS WITH THE ANDERSON COUNTY
25 SHERIFF'S OFFICE, HAS NEVER SEEN A WEAPON LIKE THIS. SERGEANT RIGGS,

1 TWENTY -FIVE YEARS WITH GREENVILLE, A LOT BIGGER THAN ANDERSON,
2 GREENVILLE P-D HAS NEVER SEEN ONE OF THESE WEAPONS ON THE
3 STREETS IN GREENVILLE. JAMES ARMSTRONG, THE FIREARMS EXPERT, WHO
4 HAS DONE THIS FOR FIFTEEN YEARS SAID DURING THAT WHOLE TIME HE HAS
5 ONLY SEEN TWO OF THESE EVER COME THROUGH. THIS, LADIES AND
6 GENTLEMEN, AS MS. GOODWIN ASKED, IS A UNIQUE GUN. IT STICKS OUT.
7 THIS IS LIKE A FINGERPRINT TO PROVE OWNERSHIP. THIS IS NOT A GUN YOU
8 SEE EVERY DAY. THIS IS NOT A SATURDAY NIGHT SPECIAL. THIS IS NOT ONE
9 OF THOSE \$25.00 HOCKED PISTOLS. THIS IS SOMETHING THAT STANDS OUT
10 AS UNIQUE. AND AS THE OFFICER EXPLAINED, WHEN THE STOCK HOLDS A
11 CLIP, HOLDS 33 ROUNDS AS THE OFFICER STATED, (DEMONSTRATES) LIKE
12 THAT, THIS MAGAZINE IS ABLE TO GO IN, IT HAS A HIGH FRONT SIGHT. THIS
13 GUN IS UNIQUE. IDENTIFIABLE. EVERYBODY SAYS THE OWNER OF THIS GUN
14 IS TERRANCE GOSS. ONE THING THAT I ASKED DERRICK JONES, I SAID, "OKAY,
15 YOU SAY YOU SEE THIS GUN EVERY DAY ON THE STREET. NAME, NAME A
16 PERSON WHO HAS THIS. YOU HEARD HIM. HE HEMMED AND HAWED AROUND
17 UP THERE. I MEAN, HE COULDN'T EVEN THINK OF WELL, BRENT, GEORGE,
18 SAM, MIKE. NO, HE COULDN'T EVEN THINK OF A GUY'S NAME. NO, HE
19 COULDN'T EVEN DO THAT. WHY? BECAUSE THE TRUTH IS, THE ONLY PERSON
20 HE HAS EVER SEEN THIS GUN WITH IS THE PERSON HE WAS WITH WHEN THIS
21 GUN WAS PURCHASED, IS TERRANCE GOSS. \$500.00 FOR THIS. I GUESS HE
22 GOT A GOOD RETURN ON HIS INVESTMENT BECAUSE IN THAT THIRTY-FIVE
23 SECONDS, THEY STOLE \$927.00. THAT IS \$26.49 A SECOND. THAT'S A PRETTY
24 GOOD RETURN ON YOUR INVESTMENT.

25 LET'S TALK ABOUT MISTER LATTIMORE. NOW, MISTER LATTIMORE, I

CLOSING ARGUMENT - MISTER CAMPBELL

1 GUESS, HAS TO BE ONE OF THE MOST UNLUCKY PEOPLE AROUND. HE IS
2 APPARENTLY WORKING IN A STORE THAT'S CONSIDERED AN A-T-M FOR
3 CRIMINALS AND ROBBERS. HE WAS UNFORTUNATE TO BE THERE THREE
4 TIMES WHEN THIS PLACE WAS HIT. AND HE TOLD YOU, "THE FIRST TIME I GOT
5 HIT IT WAS TWO GUYS IN THERE, TWO GUYS THAT CAME IN. THAT SECOND
6 TIME, THERE WERE THREE GUYS THAT CAME IN AND THIS TIME, AND THIS
7 TIME, YOU KNOW, SHOTS WERE FIRED." THERE WAS A QUESTION ABOUT,
8 WELL, HE WAS A SUSPECT THIS AND THAT, BUT HE TOLD YOU AND THAT
9 OFFICER TOLD YOU THAT, YEAH, HE COOPERATED. HE COOPERATED A LOT.
10 \$927.00 IS NOT WORTH GETTING KILLED OVER. THIS MAN IS WORKING A JOB.
11 AS HE TOLD YOU HIMSELF, "I'M WORKING TWO JOBS RIGHT NOW." HE'S NOT
12 OUT ROBBING AND STEALING. HE IS WORKING. IT CAME UP JUST LIKE WELL,
13 YOU LAUGHED RIGHT AT THEM. I THOUGHT ABOUT THAT. LIKE, OKAY, DOES
14 THAT SHOW GUILT OR SUSPICION, YOU KNOW. THEN I THOUGHT LIKE THIS, A
15 LOT OF PEOPLE DON'T PANIC WHEN THINGS ARE GOING WRONG. THEY KEEP
16 THEIR COOL, THEIR WITS ABOUT THEM, THEIR HEAD ABOUT THEM, KEEP
17 THEIR SENSES. IT'S ONLY AFTER THE FACT WHEN THEY START THINKING
18 ABOUT WHAT COULD HAVE HAPPENED, WHEN THEY START GETTING
19 NERVOUS. IF SOMETHING HAPPENS TO A CHILD, AT THE MOMENT IT'S
20 HAPPENING, YOU DON'T PANIC. YOU ARE DOING SOMETHING TO PROTECT
21 YOUR CHILD AND TAKE CARE OF YOUR CHILD. IT'S NOT UNTIL LATER THAT AS
22 A PARENT YOU START GETTING NERVOUS OR UPSET ABOUT WHAT COULD
23 HAVE HAPPENED, WHEN YOU START THINKING ABOUT ALL THE NEGATIVES.
24 AND WHAT DID HE SAY? "I REMEMBER A VERY TALL GUY, BLACK MALE, WITH A
25 LONG GUN." YOU'VE SEEN IN THAT VIDEO THE GUN COMES UP AND IN THE

1 VIDEO, HE FIRES TWICE. YOU CAN SEE THE SIGHT. YOU CAN SEE IT'S
2 DEFINITELY THIS WEAPON.

3 NOW, LET'S TALK ABOUT WHAT LINKS MISTER GOSS AND THIS WEAPON.
4 FIRST OF ALL, THIS STATEMENT THAT HE GAVE, STATE'S EXHIBIT #21, THAT HE
5 GAVE CAPTAIN RICK MASTERS. THIS STATEMENT HERE IS ONLY FULL OF HALF
6 TRUTHS. AND WHY IS THAT? WELL, WHAT YOU CAN GLEAN FROM THIS IS
7 SEVERAL THINGS. ONE IS, THIS MAN IS FROM ANDERSON. WITNESSES
8 TESTIFIED HE IS FROM ANDERSON, HIS PEOPLE ARE FROM ANDERSON, HIS
9 FRIENDS ARE FROM ANDERSON. THEY GO AROUND AND DO THINGS
10 TOGETHER. ANDERSON IS WHERE THE ROBBERY OCCURRED. YOU KNOW,
11 HE'S CLOSE WITH PATTERSON. EVERYBODY SAYS WHEN YOU SEE ONE YOU
12 SEE THE OTHER, THEY ARE ALWAYS TOGETHER. AND THEY EVEN WENT TO
13 CLUB "ROLEX" THAT NIGHT, WENT TO COLLEGE NIGHT. BOTH OF THEM
14 ACKNOWLEDGED THAT BOTH OF THEM WERE THERE. PATTERSON HIMSELF
15 THE NEXT DAY, THE NEXT MORNING, ADMITTED THAT WHEN THE CLUB SHUT
16 DOWN AT THREE O'CLOCK, WE WENT BACK TO THE DORM ROOM, CRASHED
17 OUT, SLEPT IN CHRIS' ROOM. THE SAME ROOM WHERE HE SHOT HIMSELF
18 WITH HIS UNCLE'S PISTOL. HE WAS THERE THE NEXT MORNING. THE NEXT
19 DAY WHEN LAW ENFORCEMENT, WHEN CHRIS SHOOTS HIMSELF AND LAW
20 ENFORCEMENT IS CALLED, HE'S THERE. BUT TO MISTER GOSS' CREDIT, HE'S
21 A SMART MAN. HE KNOWS EXACTLY WHAT HE'S DOING AND ONE OF THE
22 THINGS HE IS SMART ENOUGH TO KNOW IS THAT, "HEY, THIS PISTOL IS LINKED
23 TO CHRIS." THAT DIRECTLY LINKS IT BACK TO T. J., TRAVIS PATTERSON, ALSO
24 KNOWN AS "ACE", WITH THIS GUN, (HOLDS UP GUN) THE GUN THAT WAS
25 DIRECTLY USED IN THE ROBBERY THREE DAYS BEFORE ON THE FIFTH. THIS

CLOSING ARGUMENT - MISTER CAMPBELL

1 WEAPON HERE, WAS FOUND DIRECTLY ON TOP OF THIS GUN WHEN LAW
2 ENFORCEMENT FINDS IT. SO, NOW WHAT? WELL, WHAT IF LAW
3 ENFORCEMENT FINGERPRINTS THIS AND MY FINGERPRINTS COME BACK ON
4 IT? I NEED TO HAVE A GOOD ALIBI, BASICALLY, OR EXPLANATION OF WHY I
5 HANDLED THIS WEAPON. SO, "OKAY, I ADMIT IT. I TOUCHED THIS GUN NOT
6 ONCE BUT TWICE THAT NIGHT," JUST TO BE ON THE SAFE SIDE, TO ERR ON
7 THE SIDE OF CAUTION, JUST IN CASE. HE IS JUST LUCKY ENOUGH THAT LAW
8 ENFORCEMENT, WHEN THEY HANDLED THIS WEAPON, THEY DID A POOR JOB.
9 THEY DIDN'T WEAR GLOVES OR ANYTHING LIKE THAT. AS DETECTIVE GEBING
10 SAID, THERE WAS NO POINT IN FINGERPRINTING IT. "WHEN THEY BROUGHT
11 THIS WEAPON OUT TO ME THEY SAID HERE, HERE YOU GO."
12 (DEMONSTRATING) HANDS JUST LIKE MINE THAT DESTROYS ANY TYPE OF
13 EVIDENCE THEY MIGHT GET OFF OF IT LIKE FINGERPRINTS. AND ANOTHER
14 THING IS, IN HIS STATEMENT, HE'S, WELL, YOU KNOW, HE'S WORRIED ABOUT
15 BEING TIED TO THIS WEAPON AND SO, WHAT DO I NEED TO DO? OKAY, LET'S
16 BLAME TRENT AND JARED STEVENSON. YOU KNOW, IT'S JUST FUNNY, AND I
17 GUESS MISTER GOSS IS LIKE THE PIED PIPER OF KEL TEC RIFLES. IT'S LIKE
18 NO MATTER WHERE HE GOES THIS WEAPON SHOWS UP. THIS WEAPON IS
19 ALWAYS IN CLOSE PROXIMITY TO HIM OR NEAR HIM OR AROUND HIM. YOU
20 KNOW AT THE CLUB THAT NIGHT WHEN THEY LEFT ABOUT THREE O'CLOCK IN
21 THE MORNING, AS MISTER TRENT STEVENSON TOLD YOU, "WHEN I GOT INTO
22 THE CAR IN THE PASSENGER SEAT, THIS WEAPON WAS FOLDED UP. THE
23 ONLY OTHER PERSON IN MY CAR WAS MISTER GOSS. HE HAD THIS GUN WITH
24 HIM." MISTER GOSS KNEW A WHOLE LOT ABOUT IT AND HE KNEW IT WAS A
25 KEL TEC RIFLE, .9MM. HE KNEW THIS GUN HELD THIRTY-TWO ROUNDS. THE

1 CLIP COULD HOLD THAT MANY. NOW, THAT'S AN AWFUL LOT OF KNOWLEDGE
2 FOR SOMEONE WHO CLAIMS NOT TO HAVE ANY ASSOCIATION WITH THIS
3 WEAPON. AND, YOU KNOW, IN THIS LETTER, THIS STATEMENT HE GAVE, THIS
4 BLAMES SOME GUYS FROM LAURENS. LAW ENFORCEMENT WILL NEVER
5 KNOW THE DIFFERENCE. YOU KNOW, WHY DON'T WE JUST SAY THAT TRENT
6 HAD THE LITTLE GUN AND HIS BROTHER JARED HAD THE BIG GUN. AND THAT
7 SHOWS ME IMMEDIATELY THAT HE KNOWS ABOUT THESE GUNS AND HE JUST
8 SWITCHES WHO ACTUALLY ARE THE ONES THAT HAD IT, HIM AND TRAVIS
9 PATTERSON. AND THIS GUN RIGHT HERE, AS LAW ENFORCEMENT, MISTER
10 ARMSTRONG TESTIFIED, AS DETECTIVE GEBING TESTIFIED, WELL, HE'S
11 CLAIMING THESE GUYS FROM LAURENS HAD THESE WEAPONS. THE GUN
12 THAT IS DIRECTLY TIED TO TRAVIS PATTERSON, ADMITTED TO CAMPUS
13 POLICE IS HIS, THAT WAS USED IN A ROBBERY AT THE B-P, TRAVIS
14 PATTERSON IS ALSO CHARGED IN THIS CRIME AND THIS GUN GOES DIRECTLY
15 BACK TO HIM. WHY THIS GUN WAS ALSO TESTED AND WHY HE TESTIFIED ON
16 THE STAND IS, THIS GUN HAS NEVER BEEN IN LAURENS, NEVER BEEN IN
17 FOUNTAIN INN. HOW DO WE KNOW THAT? BECAUSE LAW ENFORCEMENT
18 TESTIFIED THAT THIS WEAPON WAS USED IN ANOTHER CRIME IN ANDERSON
19 COUNTY ON JANUARY 20, 2008. FIFTEEN, SIXTEEN DAYS PRIOR TO THE
20 ROBBERY WE ARE HERE ABOUT TODAY. THIS GUN WAS IN ANDERSON AND
21 WHERE THIS GUN GOES, THIS GUN IS RIGHT NEXT TO IT.

22 NOW, ANOTHER THING THAT TIES MISTER GOSS TO THIS, STATE'S
23 EXHIBIT #19, THIS LETTER THAT MISTER GOSS WROTE AND YOU WILL HAVE AN
24 OPPORTUNITY TO REVIEW IT, THAT WAS FOUND IN THE ANDERSON
25 DETENTION CENTER. AND DETECTIVE GEBING TESTIFIED THAT IT SHOWED UP

CLOSING ARGUMENT - MISTER CAMPBELL

1 ON DECEMBER 26, 2008, THREE DAYS, THREE DAYS AFTER HE WAS CHARGED
2 WITH THIS CRIME. THIS LETTER IS TELLING. AND IT WAS ALSO TESTIFIED TO
3 THAT BY ITSELF, A PERSON MAY NOT TAKE ANY SIGNIFICANCE FROM IT, BUT
4 WHEN YOU LOOK AT ALL THE FACTS, TAKEN AS A WHOLE AND IN CONTEXT,
5 EVERYTHING THAT IS GOING ON FROM TWO DIFFERENT AGENCIES, THE CRIME
6 THAT HAS BEEN COMMITTED IN ANDERSON, IT MAKES PERFECT SENSE. THIS
7 LETTER IS TELLING. AND MISTER GOSS IS RIGHT IN THIS LETTER WHEN HE
8 SAYS, "THIS SHIT RIGHT HERE IS SERIOUS." HE IS CORRECT. AND HE STATES
9 IT IN HERE. THIS IS SERIOUS. HE KNOWS IT. AND WHAT HE IS TRYING TO GET
10 ACROSS TO HIS CO-DEFENDANT, "ACE", TRAVIS PATTERSON, IS, DON'T TALK.
11 AND MY THINKING THAT I GLEAN FROM THIS IS NOT WHAT IS SAID BUT WHAT
12 IS NOT SAID. NOT ONCE, AND YOU WILL GET A CHANCE TO READ THIS, NOT
13 ONCE IS THERE A DENIAL OF BEING INVOLVED IN THIS ROBBERY. AND IF YOU
14 ARE AN INNOCENT PERSON, WHAT DO YOU THINK THE FIRST WORDS OUT OF
15 YOUR MOUTH IS? "HEY MAN, I DID NOT DO THIS. WHY ARE THEY PINNING THIS
16 ON ME? WHY ARE YOU PINNING THIS ON ME? I HAD NOTHING TO DO WITH
17 THIS. I WAS AT HOME IN BED ASLEEP. I WAS WATCHING A MOVIE." NO. NONE
18 OF THAT WAS SAID IN THIS LETTER. WHAT IS SAID? I WANT Y'ALL TO READ
19 THIS WHEN YOU GO BACK THERE, BECAUSE IT IS TELLING. FIRST OF ALL, IS
20 WHY WORRY IF YOU ARE NOT INVOLVED? WHY DO YOU HAVE TO WRITE A
21 LETTER TO A CO-DEFENDANT IF YOU ARE NOT INVOLVED IN THIS ROBBERY
22 THAT YOU ARE CHARGED WITH AND HE IS CHARGED WITH? YOU HAVE
23 NOTHING TO WORRY ABOUT IF YOU ARE INNOCENT. WHY DO YOU HAVE TO
24 BE ON THE SAME PAGE AS HE STATES IN THIS. "ACE", WE NEED TO BE ON THE
25 SAME PAGE. WHY? WHY WORRY IF YOU ARE NOT INVOLVED? WHY WORRY

1 THAT THESE GUNS COULD BE TRACED BACK TO BOTH OF YOU IF YOU ARE
2 NOT INVOLVED? WHY WORRY THAT T. J., TRAVIS PATTERSON, OWNED UP TO
3 THIS PISTOL KNOWING THIS GUN CAN BE LINKED BACK TO THE B-P SHOOTING
4 OR ROBBERY IF YOU ARE NOT INVOLVED? WHY GO TO SUCH MEASURES AS
5 TO SWEAR ON THE LIFE OF YOUR SON IF YOU ARE NOT INVOLVED? WHY ASK
6 YOUR LAWYER TO CONTACT MY LAWYER TO SHOW, I DIDN'T TELL ON YOU, IF
7 YOU ARE NOT INVOLVED? WHY WORRY ABOUT THE CONSPIRACY CHARGE? IF
8 YOU ARE WORRIED ABOUT A CONSPIRACY, WHY WORRY IF YOU ARE NOT
9 INVOLVED? HE STATES, "MAN, IF THEY PUT THOSE GUNS UP IN GREENVILLE
10 TECH, THAT CONSPIRACY IS GOING TO STICK." AS DETECTIVE GEBING
11 STATED, THREE TIMES THIS STORE HAS BEEN KNOCKED OFF, ROBBED, HIT,
12 ONLY ONE CONSPIRACY CHARGE HAS EVER BEEN NAMED AND THAT IS IN THIS
13 CASE RIGHT HERE. WHY BOAST THAT, "WE'VE GOT THIS ARMED ROBBERY
14 BEAT," IF YOU ARE NOT INVOLVED? WHAT DOES THIS, "WE GOT THIS ARMED
15 ROBBERY BEAT," MEAN? WHAT DOES "BEAT" MEAN? IT MEANS, WE CAN GET
16 AROUND THIS, WE CAN GET AWAY WITH SOMETHING. THIS ISN'T, WE HAD
17 NOTHING TO DO WITH IT. NO. WE GOT THIS BEAT AND ONE OF THE MAIN
18 THINGS IS, HE'S NOT WORRIED ABOUT BEING CHARGED WITH A CRIME HE'S
19 SUPPOSEDLY INNOCENT OF IT. HE'S WORRIED ABOUT BEING A SNITCH. THAT
20 IS WHAT HE IS AFRAID OF. THAT'S WHAT HE DOESN'T WANT TO BE LABELED
21 AS. I TOLD ON HIM. NO. HE DOESN'T WANT TO BE LABELED THAT. NOT, "I AM
22 WRONGLY ACCUSED. I AM INNOCENT." THAT'S NOT WHAT HIS CONCERN IS.
23 HIS CONCERN IS, "I DON'T WANT TO BE LABELED A SNITCH IN THIS CASE."
24 THE OTHER THING YOU HAVE IS THAT AUDIO. I KNOW IT IS A LITTLE
25 GARBLED, THE TECHNOLOGY AT THE JAIL, BUT THAT AUDIO IS TELLING. WHAT

CLOSING ARGUMENT - MISTER CAMPBELL

1 YOU CAN MAKE OF IT IS, "WE DONE DID THIS ROBBERY. DON'T OWN UP TO
2 THEM GUNS IN GREENVILLE." AND HE'S WORRIED, STILL, HE'S CONCERNED,
3 HIS MAIN CONCERN IS THIS WEAPON, AND THIS WEAPON BEING TIED BACK TO
4 BOTH OF THEM, BECAUSE THEY KNOW THEY DID IT. LIKE I SAY, THIS WEAPON
5 RIGHT HERE (INDICATING) IS ALMOST AS GOOD AS A FINGERPRINT. IT'S JUST
6 LIKE A FINGERPRINT. IT TIES DIRECTLY TO ANDERSON. IT'S UNIQUE. IT'S
7 EASILY IDENTIFIABLE AND EVERYBODY SAYS THAT HE OWNS THIS GUN, THAT
8 THIS IS HIS GUN.

9 NOW, THE WITNESSES IN THIS CASE. I TOLD YOU UP FRONT YOU MAY
10 NOT LIKE SOME OF THESE WITNESSES. WE HAVE WHAT WE HAVE. BUT THE
11 PEOPLE HE HANGS OUT WITH ARE OTHER CRIMINALS, THOSE WHO DO BAD
12 THINGS TO OUR COMMUNITY, THOSE THAT HAVE BEEN CONVICTED OF DOING
13 BAD THINGS TO OUR COMMUNITY. THIS IS THE PEOPLE HE RUNS WITH,
14 HANGS OUT WITH, PALS AROUND WITH. SO, WE HAVE TO USE THESE TYPE
15 OF PEOPLE. IT IS NOT OUR CHOICE. WE DO NOT PICK OUR WITNESSES. IF
16 WE DID, WE WOULD HAVE A PREACHER, WE WOULD HAVE A BOY SCOUT
17 LEADER, YOU KNOW, WE WOULD HAVE PEOPLE WITH CREDIBILITY. WHAT WE
18 HAD IS WHAT YOU SAW. WHAT WE HAD TO USE. WE HAD TO WORK WITH
19 WHAT WE HAVE. YOU, YOURSELF, ARE TO JUDGE THEM. THAT IS PART OF
20 YOUR DECISION MAKING PROCESS. YOU JUDGE THEIR CREDIBILITY. YOU
21 JUDGE EVERYTHING ABOUT THEM. THAT'S WHAT YOUR JOB IS TO DO. LET'S
22 TALK ABOUT THE WITNESSES. CHRIS RONOKE. THE MAN WHO SHOT
23 HIMSELF. THE UNCLE OR NEPHEW, THE NEPHEW-UNCLE RELATIONSHIP
24 BETWEEN TRAVIS PATTERSON AND HIMSELF AND HE HAD THE COURAGE TO
25 COME HERE AND TESTIFY. HAD TO COME FROM MONTGOMERY, ALABAMA.

1 YOU KNOW, HE IS IN SCHOOL THERE. AND WHAT DOES HE SAY? I SAW
2 TERRANCE AND I SAW T. J. ON TUESDAY WITH THESE WEAPONS RIGHT HERE.
3 THIS ROBBERY OCCURRED THAT MORNING AND THESE GUNS HERE ARE NOT
4 IN LAURENS OR IN ANYBODY ELSE'S HANDS. AS HE STATED AND TOLD
5 CAMPUS POLICE ON THURSDAY, THE GUN I SHOT MYSELF WITH IS THE SAME
6 GUN I SAW ON TUESDAY AND IS THE GUN MY UNCLE HAD. THIS GUN RIGHT
7 HERE. (INDICATING) TRAVIS PATTERSON'S. AND THIS GUN THAT LAW
8 ENFORCEMENT BROUGHT OUT IS TERRANCE'S. I SAW THAT TUESDAY IN
9 ANDERSON. IT'S NOT IN LAURENS. THIS GUN WAS NOT IN TRENT'S OR JARED
10 STEVENSON'S HANDS. IT'S IN TERRANCE GOSS' HANDS. AND YOUR COMMON
11 SENSE LEADS YOU TO KNOW THAT HEY, IF HE HAS POSSESSION OF THIS GUN
12 AND THIS GUN IS SO UNIQUE AND RARE THAT LAW ENFORCEMENT HARDLY
13 EVER SEES IT, IT'S OBVIOUS THAT HE'S THE ONE THAT COMMITTED THIS. AND
14 IT'S FUNNY THAT ON THURSDAY, THAT ONCE AGAIN, WHERE TERRANCE GOES,
15 THIS WEAPON SHOWS UP. WHEN HE GOES TO GREENVILLE, THIS TRUSTY
16 BABY HERE WAS THERE WITH HIM. WHEN HE GOT IN THAT CAR, MISTER
17 STEVENSON STATED, TRENT STEVENSON, THERE THAT WEAPON WAS. IT'S
18 KIND OF LIKE, YOU KNOW, WHEN YOU ARE AT SCHOOL AND YOU HAVE
19 FRACTIONS AND YOU'RE IN MATH AND ONE-HALF PLUS ONE-HALF EQUALS
20 ONE. HERE YOU HAVE ONE-HALF EQUALS TRAVIS PATTERSON WITH THIS
21 PISTOL IN ANDERSON AND THE SHELL CASINGS FROM THIS GUN MATCH
22 THOSE FOUND AT THE B-P GAS STATION AND THIS GUN IN GREENVILLE TECH
23 THREE DAYS LATER PLUS WHAT? THIS GUN RIGHT HERE BEING IN ANDERSON
24 ON TUESDAY AND BEING USED IN A ROBBERY AT THE B-P GAS STATION AND
25 THIS GUN BEING FOUND IN GREENVILLE ALONG WITH THE OTHER GUN ON

CLOSING ARGUMENT - MISTER CAMPBELL

1 THURSDAY, EQUALS A ROBBERY.

2 TRENT STEVENSON IS NOT FROM ANDERSON, FROM LAURENS. NEVER
3 BEEN TO ANDERSON. HAD TO ASK DIRECTIONS ON HOW TO GET HERE, HAD
4 TO LOOK IT UP. YET HE WAS ABLE TO DESCRIBE THE MAKE, CALIBER, AND
5 HOW MUCH THIS ROUND CLIP. HOW DID HE KNOW THAT? BECAUSE HE HAD
6 HEARD IT DIRECTLY FROM THE PERSON WHO OWNED THIS GUN, TERRANCE
7 GOSS. AND AS HE TOLD YOU, AND I THINK ONE OF THE TELLING THINGS IN
8 THIS CASE IS LIKE HEY, LAST WEEK THIS MAN CALLED ME, WANTED TO KNOW
9 IF I DID THAT STATEMENT OR DID THE POLICE DO IT? ONCE AGAIN, MISTER
10 GOSS IS CONCERNED ABOUT WHAT WITNESSES SAY ABOUT HIM, THAT IT WILL
11 TIE HIM TO THIS WEAPON. THIS WEAPON IS THE KEY TO THIS CASE. THAT'S
12 WHY THIS WEAPON, WE'VE BEEN HARPING ON IT A WHOLE LOT, BECAUSE IT
13 TIES MISTER GOSS DIRECTLY TO THIS CRIME. AND WHY WOULD MISTER GOSS
14 HAVE TO CALL ANOTHER WITNESS IF HE WASN'T CONCERNED AND WANTS TO
15 KNOW WHAT HE'S GOING TO SAY? WHY DID HE HANG UP ON HIM? BECAUSE
16 MISTER GOSS HAD ACCUSED HIM OF DOING THIS CRIME, BECAUSE HE WAS
17 TELLING HIM HE COULD SHOW TRENT STEVENSON DID COMMIT IT. AND ONE
18 OF THE THINGS I THOUGHT WAS INTERESTING WHEN HE WAS ACCUSING HIM,
19 HE SAID, "AH, YOU COME TO ANDERSON TO BUY MARIJUANA." YOU KNOW,
20 WITHOUT ANY FACTS OR PROOF OR EVIDENCE ABOUT THAT. AND HE SAID,
21 "NO." WHY WOULD HE WANT TO COME TO ANDERSON? EVEN IF HE DID? HE
22 LIVES IN LAURENS AND HANGS OUT IN GREENVILLE. PLENTY OF
23 OPPORTUNITY THERE. WHY WOULD HE COME TO ANDERSON? AND THAT IS
24 JUST THE KIND OF UNSUBSTANTIATED CLAIMS THAT HE WAS TRYING TO
25 MAKE. A FALSE ACCUSATION? KIND OF WHAT WE ARE DEALING WITH? AND

1 MISTER GOSS' STATEMENT FALSELY ACCUSING TRENT STEVENSON AND HIS
2 BROTHER. ARE THEY THE ONES WHO COMMITTED THIS? THAT'S WHERE THE
3 FALSE ACCUSATION IS.

4 LET'S TALK ABOUT JARED STEVENSON. THIS MAN, WE DIDN'T KNOW
5 EXISTED UNTIL CHRIS RONOKE STATED, "OH, YES, THAT'S TRENT'S BROTHER."
6 WHEN QUESTIONED WHY DIDN'T YOU SAY IT, TELL THIS TO THE POLICE
7 EARLIER? HE DIDN'T TELL THE POLICE BECAUSE JARED WAS NEVER THERE.
8 HE WASN'T AT THE CLUB, HE WASN'T ON THE CAMPUS WHEN IT HAPPENED.
9 SO, THERE WAS NOTHING TO TELL. AND YET, HE CAME IN HERE
10 VOLUNTARILY, KNOWING HE HAS A PAST RECORD, KNOWING HE WAS GOING
11 TO GET ON THE STAND AND BE ASKED ABOUT HIS PAST HISTORY, KNOWING
12 HE IS GOING TO HAVE TO TELL ALL OF Y'ALL. AND HE DID IT. HE TOLD YOU,
13 YOU KNOW YOU SAW HIM, HE'S SHORT, FIVE, FIVE. THERE ISN'T A FIVE, FIVE
14 INDIVIDUAL ROBBING THIS STORE. HIS BROTHER IS AROUND FIVE, ELEVEN.
15 THEY ARE THE ONES THAT ARE BEING FALSELY ACCUSED, FALSELY ACCUSED
16 ABOUT BEING WITH MISTER GOSS HERE.

17 ANOTHER THING WE HAVE IS MISTER GAILLIARD. MISTER GAILLIARD
18 SAID THE GUYS AT THE JAIL PLANNED THIS STUFF, THAT MISTER GOSS DID
19 THIS, THAT HE ROBBED IT WITH DERRICK JONES, THAT YOU SAW YESTERDAY,
20 AND ALSO TRAVIS PATTERSON. THAT TESTIMONY CAME OUT AS WELL, BUT
21 UNLIKE IN THIS ROBBERY, THOSE THREE INDIVIDUALS WERE ALL SIX FOOT OR
22 LESS. IN THIS CASE, WE'VE GOT A GUY THAT IS TALL AND AS DETECTIVE
23 GEBING TESTIFIED, IS CLOSE TO HIS HEIGHT, THAT WAS BRANDISHING THIS
24 WEAPON, THIS KEL TEC. THIS GUN. (HOLDING GUN UP) THIS STORE HAS BEEN
25 HIT THREE TIMES. THE SECOND TIME IT GOT ROBBED, MAYBE MISTER

CLOSING ARGUMENT - MISTER CAMPBELL

1 GAILLARD DID IT. HE DIDN'T DO THIS ONE. HE NEVER SUBSTANTIATED IT AT
2 ALL. EVERYTHING IN THIS CASE POINTS TO MISTER GOSS. THERE IS NOTHING
3 LIKE WORD ON THE STREETS SAYING SOMEBODY ELSE DID IT. EVERYTHING
4 POINTS TO MISTER GOSS.

5 JOCK TIMPSON, ANOTHER ONE OF OUR LITTLE GUYS THAT'S
6 COMMITTED A LOT OF ARMED ROBBERIES IN SOUTH ANDERSON COUNTY AND
7 ARE DOING TIME FOR TWENTY YEARS, I BELIEVE HE SAID. WHAT WAS
8 INTERESTING ABOUT HIS TESTIMONY IS THIS, IS THAT THEY CLAIMED THAT HE
9 FABRICATED THIS AND HE MADE IT UP AND HE GOES, "OH, I JUST MADE ALL
10 THAT UP." HE DIDN'T MAKE THAT UP. HE WAS TELLING THE TRUTH WHEN HE
11 GAVE HIS STATEMENT TO BEGIN WITH, BECAUSE HE WANTED TO GET A CUT IN
12 HIS TIME FOR COMMITTING THE SIX OR SEVEN ROBBERIES HE COMMITTED,
13 THE KIDNAPPINGS, THE WEAPONS CHARGES, ASSAULT WITH ATTEMPT TO
14 KILL CHARGES. ON SEPTEMBER 18, 2008, HE WAS ARRESTED BY THIS
15 OFFICER, DETECTIVE GEBING. HE NEVER WENT TO THE DETENTION CENTER
16 IMMEDIATELY. HE DIDN'T GO DIRECTLY TO THE DETENTION CENTER. HE
17 WENT TO THE SHERIFF'S OFFICE AND HE GAVE HIS STATEMENT. THIS
18 STATEMENT WAS GIVEN FIVE DAYS PRIOR TO BEFORE MISTER GOSS WAS
19 EVEN SERVED WARRANTS IN THIS CASE AND YET WHAT DID HE SAY? "THAT
20 BLACK KEL TEC RIFLE, A HIGH TECH LOOKING THING, MISTER GOSS'. THIS
21 ISN'T SOMETHING HE HEARD IN THE JAIL, SOMETHING HE MADE UP. THIS IS
22 SOMETHING HE WAS FREELY GIVING. IT WAS WRITTEN OUT AND AFTER IT
23 WAS WRITTEN DOWN, HE HAD A CHANCE TO READ IT. BUT, YOU KNOW, OF
24 COURSE HE WANTS TO COME AND CHANGE HIS TESTIMONY. HE DOESN'T
25 WANT TO BE LABELED AS A SNITCH. I WANT TO TELL YOU ALSO THAT WHEN

1 HE GAVE HIS SECOND STATEMENT, "YEAH, TERRANCE, "SNOW", TERRANCE
2 GOSS WHO IS KNOWN AS "SNOW", BRAGGED TO ME ABOUT ROBBING THE B-P
3 AND HOW EASY IT WAS." HE WENT TO LAW ENFORCEMENT. NO ONE ELSE.
4 NOW HE WANTS TO CHANGE HIS STORY. YOU JUDGE THAT. WHAT CAME OUT
5 OF HIS MOUTH IN THOSE STATEMENTS, WE CONTEND WAS THE TRUTH AT THE
6 TIME AND IT'S STILL THE TRUTH TODAY. NO MATTER WHAT HE SAYS OR HOW
7 HE TRIES TO DISASSOCIATE HIMSELF WITH THIS, ONCE AGAIN, IT'S BECAUSE
8 HE DIDN'T WANT TO BE A PERSON LABELED AS A SNITCH AT THE
9 DEPARTMENT OF CORRECTIONS.

10 DERRICK JONES, "COOT", WHO'S BEEN CONVICTED OF NUMEROUS
11 ARMED ROBBERIES, TOO. POSSESSION OF A WEAPON, KIDNAPPING, ASSAULT
12 WITH ATTEMPT TO KILL, SHOOTING SOMEONE. YEAH, THESE AREN'T FARM
13 BOYS WE ARE DEALING WITH. THEY ARE BAD MEN. HE TOLD YOU, "I WAS
14 THERE WHEN HE BOUGHT THIS KEL TEC RIFLE. HE PAID \$500.00 ON THE
15 STREET FROM A GUY NAMED NEW YORK."

16 JAVARIS HILL, ANOTHER ONE WITH A BAD RECORD. HOW DID HE KNOW
17 WHEN HE SAW THE VIDEO THAT THIS KEL TEC IS THE SAME ONE THAT "SNOW"
18 HAS? HOW DID HE KNOW? HE DIDN'T GO LOOK AT GREENVILLE TECH WHERE
19 THESE GUNS WERE CONFISCATED. "YOU NEED TO GO LOOK THERE."
20 EVERYBODY KNOWS THAT THIS WEAPON, THAT WAS AT GREENVILLE TECH,
21 THAT THIS IS TERRANCE GOSS', "SNOW'S," GUN.

22 WHEN YOU START TO DELIBERATE YOU ARE NOT ASKED TO LEAVE
23 YOUR COMMON SENSE AT THE DOOR. YOU ARE NOT ASKED TO LEAVE YOUR
24 EVERYDAY WALK AROUND EXPERIENCES, YOUR LIFE EXPERIENCES AT THE
25 DOOR. YOU ARE SMART PEOPLE. Y'ALL WILL ALL WORK TOGETHER TO COME

CLOSING ARGUMENT - MISTER CAMPBELL

1 TO A DECISION IN THIS CASE AND THIS CASE IS NOT ABOUT US CHARGING AN
2 INNOCENT MAN, A FAMILY MAN, BECAUSE HE HAS A SON. MISTER GOSS IS
3 NOT A FAMILY MAN, BECAUSE WHILE HE MAY HAVE A CHILD, HE IS NOT TAKING
4 CARE OF HIM. HE'S HANGING OUT AT CLUBS. HE'S HANGING OUT WITH ALL
5 THESE CONVICTED CRIMINALS. BIRDS OF A FEATHER FLOCK TOGETHER, YOU
6 KNOW. HE RUNS WITH THESE PEOPLE WHO DO BAD THINGS. HE'S OUT AT
7 ALL HOURS OF THE NIGHT. HE'S COMMITTING ROBBERIES. HE'S HANGING
8 OUT, YOU KNOW, HE'S GOT GUNS LIKE THIS. (INDICATING) THIS IS NOT AN
9 INNOCENT FAMILY MAN.

10 MS. GOODWIN STATED THAT Y'ALL HAD THE POWER OVER TERRANCE'S
11 LIFE. I TAKE EXCEPTION TO THAT. I HAVE TO BEG TO DIFFER ON THAT. Y'ALL
12 DON'T HAVE THE POWER OVER TERRANCE'S LIFE. Y'ALL ARE JUST THE
13 JUDGES OF THE FACTS IN THIS CASE . Y'ALL DECIDE GUILT. DID HE OR DID HE
14 NOT DO THAT? THAT'S IT. THAT IS WHAT YOUR ROLE IS. YOU DON'T HAVE
15 THE POWER OVER HIM. LET ME TELL YOU DOES HAVE THE POWER OVER HIM.
16 THE PERSON WHO HAS THE POWER OVER MISTER GOSS IS MISTER GOSS.
17 HE, HIMSELF, PUT HIMSELF IN THIS CHAIR. NO ONE ELSE PUT HIM THERE BUT
18 HIMSELF BECAUSE OF HIS ACTIONS. HE HAS THE POWER TO DECIDE WHO HE
19 HANGS OUT WITH, THE POWER TO DECIDE WHO HIS FRIENDS ARE, WHO HE
20 ASSOCIATES WITH. HE HAD THE POWER TO HELP PLAN THIS ROBBERY. HOW
21 TO HELP PARTICIPATE IN THIS ROBBERY. HE HAS THE POWER TO DO RIGHT IN
22 THE EYES OF THE LAW. HE HAS THE POWER TO BE WRONG IN THE EYES OF
23 THE LAW. HE HAD THE POWER OVER HIMSELF TO PULL THAT TRIGGER TWICE
24 IN THAT CONVENIENCE STORE IN THE EARLY MORNING OF FEBRUARY 5TH. HE
25 HAD THE POWER TO BRAG ABOUT THIS TO "JOCK". AS YOU HAVE SEEN, LATER

1 HE TRIED TO GET "JOCK" TO GET WITH "ACE" TO MAKE SURE THEY WERE ON
2 THE SAME PAGE IN THIS STATEMENT, IN THIS JAIL HOUSE LETTER. "JOCK"
3 WAS IN THE SAME CELL WITH HIM WHEN THEY WERE IN CELL C-11. HE HAS
4 THE POWER OVER HIS OWN ACTIONS. ACTIONS THAT VIOLATE THE LAWS OF
5 THE STATE OF SOUTH CAROLINA, ACTIONS THAT HE SHOULD BE HELD
6 ACCOUNTABLE FOR AND ACTIONS THAT HE IS RESPONSIBLE FOR.

7 LADIES AND GENTLEMEN, AT THE BEGINNING OF THIS TRIAL HE WAS
8 INNOCENT. HE HAD THAT CLOAK OF INNOCENCE. THE STATE CONTENDS
9 THAT AT THIS POINT, WE HAVE REMOVED THAT CLOAK OF INNOCENCE. WE
10 HAVE MET OUR BURDEN BEYOND A REASONABLE DOUBT THAT ON FEBRUARY
11 05, 2008, HE WAS THE TALL MAN BRANDISHING THIS WEAPON, THIS KEL TEC
12 RIFLE, THIS SEMIAUTOMATIC .9 MM RIFLE AND THAT HE DID COMMIT ARMED
13 ROBBERY, THE TAKING AWAY OF THE PERSONAL PROPERTY OF ANOTHER
14 WITH FORCE OR DEADLY THREAT AND ATTEMPTED TO DEPRIVE THAT OWNER
15 OF IT. AND THIS WEAPON HE POSSESSED, HE POSSESSED IN THE
16 COMMISSION OF A VIOLENT CRIME, ARMED ROBBERY AND THAT HE
17 CONSPIRED WITH TWO OTHER INDIVIDUALS TO COMMIT THIS CRIME BY
18 PLANNING, BY BRINGING THE BAG, BY HAVING THE ESCAPE ROUTE, BY
19 HAVING THE HOODS UP AND HAVING THE MASKS ON.

20 LADIES AND GENTLEMEN, WHEN YOU GO BACK TO DELIBERATE, LOOK
21 AT ALL THE EVIDENCE. THINK ABOUT IT, TALK ABOUT IT, AND COME BACK
22 WITH A VERDICT THAT SPEAKS THE TRUTH. IN THIS CASE, TERRANCE GOSS IS
23 GUILTY OF ROBBERY OF THE B-P GAS STATION ON SHOCKLEY FERRY ROAD
24 ON FEBRUARY 05, 2008. I THANK YOU FOR YOUR TIME.

25 THE COURT: MS. GOODWIN?

CLOSING ARGUMENT - MS. GOODWIN

1 **MS. GOODWIN:** YES, SIR. THANK YOU, YOUR HONOR.

2 **CLOSING ARGUMENT - MS. GOODWIN**

3 GOOD MORNING. MISTER CAMPBELL POINTED OUT TO YOU THAT THIS
4 IS AN IMPORTANT TRIAL. CERTAINLY, IT'S IMPORTANT TO THE PEOPLE, BUT
5 THE MOST IMPORTANT PERSON IN THIS TRIAL IS TERRANCE GOSS. THIS MAN
6 HERE SITTING IN THIS CHAIR. AND ANY CITIZEN IN AMERICA CAN SIT IN THAT
7 CHAIR, BECAUSE THE STATE HAS THE POWER TO PUT YOU THERE BY
8 ARRESTING YOU. ANY PERSON CAN HAVE THAT HAPPEN. BENJAMIN
9 FRANKLIN ONCE SAID THAT IT'S BETTER FOR NINE GUILTY MEN TO GO FREE
10 THAN FOR ONE INNOCENT MAN TO BE CONVICTED WRONGLY. THAT IS WHAT
11 THE STATE IS ATTEMPTING TO DO IN THIS CASE AND YOU DO HAVE THE
12 POWER. TODAY YOU HAVE MORE POWER THAN YOU LIKELY WILL EVER HAVE
13 AGAIN IN YOUR LIVES. THAT IS AN AWESOME THING AND SO I ASK YOU TO
14 PLEASE BEAR WITH ME AS I GO THROUGH WHAT WE HAVE GONE OVER IN THE
15 LAST TWO DAYS. IT'S A LOT TO ABSORB, BUT IT IS IMPORTANT TO TERRANCE.

16 AT THE BEGINNING OF THE TRIAL, I TOLD YOU THAT THERE WAS NO
17 EVIDENCE. NO EVIDENCE TO SUPPORT THE IDEA THIS INNOCENT MAN IS
18 GUILTY BEYOND A REASONABLE DOUBT OF THESE CRIMES AND THERE IS A
19 REASON THAT THERE IS NO EVIDENCE. THE REASON THERE IS NO EVIDENCE
20 IS BECAUSE HE DID NOT DO THIS. THAT'S WHY THERE IS NO EVIDENCE. AND
21 REMEMBER THAT UNTIL YOU ARE CONVINCED BEYOND A REASONABLE
22 DOUBT, THAT HE REMAINS AN INNOCENT MAN. THE STATE HAS PUT UP
23 FIFTEEN WITNESSES IN AN EFFORT TO REMOVE THAT CLOAK OF INNOCENCE
24 FROM HIM AND THEY FAILED TO DO SO.

25 I WANT TO GO OVER SOME OF THIS EVIDENCE THEY PRESENTED TO

1 YOU. FIRST, WE HEARD FROM STEPHEN LATTIMORE WHO, I AGREE, HAS TO
2 BE ONE OF THE UNLUCKIEST PEOPLE THAT I HAVE EVER SEEN. HE HAS BEEN
3 ROBBED THREE TIMES AND ARMED ROBBERY IS A SERIOUS OFFENSE. BUT
4 THE SEVERITY OF THE OFFENSE IS NOT A BASIS FOR FINDING MISTER GOSS
5 GUILTY OF THE CHARGE. YOU STILL HAVE TO FIND SUFFICIENT EVIDENCE TO
6 CONNECT HIM TO THE CHARGE BEFORE YOU CAN TAKE THE TITLE OF
7 INNOCENT MAN FROM HIM. MISTER LATTIMORE CAN TELL YOU THAT HE WAS
8 ROBBED ON FEBRUARY 05, 2008. THAT IS REALLY ALL HE COULD TELL YOU.
9 HE COULDN'T TELL YOU ANY MORE THAN THAT. HE DIDN'T IDENTIFY
10 ANYBODY. HE DIDN'T RECOGNIZE TERRANCE GOSS. I ASKED HIM, "DO YOU
11 RECOGNIZE THIS MAN?" AND HE SAID, "NO." HE DIDN'T. DISTURBINGLY, HE
12 WAS EVEN A SUSPECT HIMSELF FOR A PERIOD OF TIME. WHY? BECAUSE HE
13 WAS TOO COOPERATIVE WITH THE PEOPLE WHO WERE ROBBING HIM. HE
14 WAS TOO COOPERATIVE, AND SO HE WAS A SUSPECT. THAT IS DISTURBING.
15 NOW A PIECE OF VIDEO EVIDENCE WAS INTRODUCED DURING MISTER
16 LATTIMORE'S TESTIMONY. THIS IS IMPORTANT, BECAUSE THEY MAKE A LOT
17 OF THIS. WHAT I DID IS I TOOK A STILL FROM IT. (PROJECTS ON LARGE
18 SCREEN) NOW, ALSO YOU HAVE TO LOOK AT TWO PIECE'S OF EVIDENCE
19 TOGETHER AND PART OF WHAT YOU ARE GOING TO HAVE TO DO BACK THERE
20 IS LOOK AT EVIDENCE TOGETHER. ALL RIGHT. HERE IS THE TWO INDIVIDUALS
21 THAT HAD GUNS. RIGHT HERE AND RIGHT HERE, (INDICATING) IS THE SIX
22 FOOT MARK ON THE DOOR AND YOU CAN TELL THAT FROM THIS PICTURE
23 THAT I WILL SHOW YOU IN A MINUTE. BUT IF YOU PUT THIS UP HERE, THOSE
24 ROBBERS ARE BELOW THAT SIX FOOT MARK. THEY ARE BELOW THAT SIX
25 FOOT MARK. AND LOOK AT THIS MAN. (INDICATING) THIS MAN IS BIGGER,

CLOSING ARGUMENT - MS. GOODWIN

1 WIDER THAN TERRANCE GOSS. TERRANCE GOSS HAS SAT HERE NOW FOR
2 TWO-AND-A-HALF DAYS AND YOU CAN SEE HE IS TALL AND SKINNY. HE IS
3 MUCH TALLER THAN THE INDIVIDUAL IN THIS PICTURE. NOW, A PICTURE OF
4 THE STORE AND YOU CAN SEE THAT THERE IS THE SIX FOOT MARK AND
5 ABOVE IT IS THE SIX-AND-A-HALF FOOT MARK. (COURT REPORTER ASKS
6 WHICH EXHIBIT) I'M SORRY, THIS IS STATE'S EXHIBIT #1 THAT I AM REFERRING
7 TO AND IT HAS A SUB-NUMBER #7 ON IT. IT'S THE PICTURE OF THE DOOR,
8 JUST TO BE CLEAR, YOUR HONOR. THERE IS A SIX-AND-A-HALF FOOT MARK.
9 RIGHT ABOUT THERE. NOW, SIX-AND-A-HALF FEET IS SIX FEET SIX INCHES, SO
10 THAT MARK IS ABOUT, ON A RULER, ABOUT FROM THERE TO THERE.
11 (INDICATING WITH THE RULER ON THE PHOTOGRAPH) YOU DON'T GET
12 ANYWHERE CLOSE TO THAT SIX-AND-A-HALF FOOT MARK. YOU ARE MUCH
13 CLOSER TO THE SIX FOOT MARK THAN YOU ARE THE SIX-AND-A-HALF FOOT
14 MARK. RIGHT THERE. STATE'S EVIDENCE THAT SHOWS YOU THIS IS THE
15 WRONG MAN. THERE IS SOME REASONABLE DOUBT.

16 I'LL ALSO SUBMIT TO YOU, ON THAT VIDEO, YOU CAN'T EVEN TELL IF
17 THOSE PEOPLE ARE MALE OR FEMALE. WOMEN COULD DRESS UP LIKE THAT
18 AND ROB THAT STORE.

19 ALL RIGHT. NEXT WE HEARD FROM THE FIRST OFFICER ON THE SCENE,
20 A VERY NICE POLICEMAN. HE TOLD YOU TERRANCE GOSS WASN'T THERE
21 WHEN HE GOT THERE. AND THEN WE HAD THE EVIDENCE GUYS COME IN LIKE
22 C-S-I, LIKE YOU SEE ON T V. HE TESTIFIED ABOUT THE FORENSIC STUFF,
23 BULLET HOLES AND THINGS LIKE THAT, ALL OF THAT FASCINATING STUFF.
24 NONE OF WHICH WAS CONNECTED TO TERRANCE GOSS. NONE OF IT.

25 NOW, FINALLY WE GET TO CHRISTOPHER RONOKE, THE YOUNG MAN

1 WHO SHOT HIMSELF OVER AT GREENVILLE TECH AND THIS IS THE VERY FIRST
2 MENTION THAT YOU HAVE OF HIM, TERRANCE GOSS. AND ALL HE CAN TELL
3 YOU IS HE SAW TERRANCE GOSS AND HIS UNCLE, T. J. PATTERSON, WHO
4 THERE HAS BEEN A LOT OF TESTIMONY ABOUT , IN ANDERSON WITH GUNS
5 SIMILAR TO THESE. SIMILAR TO THESE, A FEW DAYS BEFORE HE SHOT
6 HIMSELF AND HE WAS NOT ABLE TO IDENTIFY THE BIG GUN. HE SAID ALL
7 THESE GUNS LOOK THE SAME TO HIM. THAT IS WHAT HE SAID. THEY ALL
8 LOOK THE SAME. SO, HERE YOU ONLY HAVE CONNECTION TO A SIMILAR GUN
9 OBSERVED IN ANDERSON A FEW DAYS BEFORE CHRIS RONOKE SHOT
10 HIMSELF. CHRIS RONOKE DID NOT SIT HERE AND TELL YOU THAT TERRANCE
11 GOSS ROBBED THE B-P ON FEBRUARY 05, 2008, AND THAT'S WHAT HE IS
12 CHARGED WITH DOING, ROBBING THE B-P.

13 ALL RIGHT. THEN, WE HEARD FROM RICK MASTERS, THE POLICE
14 OFFICER AT GREENVILLE TECH, AND HE'S THE ONE THAT TOOK THIS
15 STATEMENT FROM TERRANCE GOSS. NOW, MISTER CAMPBELL TALKED TO
16 YOU ABOUT THIS. HE WENT THROUGH A LOT OF STUFF ABOUT WHAT
17 TERRANCE GOSS MUST HAVE KNOWN OR NOT KNOWN WHEN HE GAVE HIS
18 STATEMENT. ALL OF THAT IS CONJECTURE. WHAT YOU'VE GOT TO DO IS
19 LOOK AT THE EVIDENCE. LOOK AT THE EVIDENCE. AND WHAT TERRANCE
20 SAID WAS THEY WENT TO THE PARKING LOT AND JARED GOT A GUN FROM
21 THE TRUNK OF THE CAR AND SAID, "HOLD IT," "SO, I TOOK THE GUN." THEN HE
22 TALKS ABOUT SOME OTHER DUDE WHO ALSO HAD A GUN. SO TERRANCE
23 GOSS ACCOUNTS FOR TWO GUNS IN THIS STATEMENT THAT HE GIVES AND HE
24 ALSO SAID THAT TRENT HAD ONE OF THESE GUNS. ALL RIGHT. SO, HE
25 ACCOUNTS FOR TWO GUNS AND TWO PEOPLE. IT DOESN'T INCRIMINATE HIM.

CLOSING ARGUMENT - MS. GOODWIN

1 IT DOESN'T SAY ANYTHING ABOUT THE B-P ROBBERY. AND AT THAT POINT,
2 TERRANCE WAS NOT EVEN A SUSPECT IN THE B-P CASE. AT THIS POINT, THIS
3 WAS FIFTEEN DAYS AFTER THE B-P ROBBERY. THE CASE HAD GONE COLD
4 HERE. HE WASN'T EVEN A SUSPECT.

5 NEXT CAME TRENT STEVENSON AND WHAT DID HE SAY? HE SAID HE
6 MOVED THE GUN AFTER CHRIS RONOKE SHOT HIMSELF. THAT'S WHAT HE
7 SAID. HE SAID HE MOVED THE GUN TO WHERE IT WAS FOUND IN THE LOCKED
8 ROOM THAT HE HAD THE KEY TO. HE HAD THE KEY TO KEITH TILLMAN'S
9 ROOM. THAT'S WHAT HE SAID. BUT YOU HAVE TRENT STEVENSON HAVING
10 CONTROL OF THE GUN AT GREENVILLE TECH. THAT'S WHAT YOU HAVE.

11 ALL RIGHT. THEN THE STATE BEGINS WITH THE PARADE OF FELONS.
12 YOU ALL GOT TO SEE THE FELONS COME. JARED HAS A CONVICTION FOR
13 GIVING FALSE INFORMATION IN AN INVESTIGATION AND SO, HE'S NOT JUST AN
14 ACCUSED LIAR, HE'S A CONVICTED LIAR AND HE'S NOT CREDIBLE AT ALL. HIS
15 BODY LANGUAGE WASN'T CREDIBLE, HIS DEemeanOR WASN'T CREDIBLE, AND
16 MORE IMPORTANTLY, HE'S A CONVICTED LIAR. IF IT COMES DOWN TO
17 CONVICTING TERRANCE GOSS ON JARED'S STATEMENTS, IT IS A SAD DAY
18 INDEED IN THE AMERICAN JUSTICE SYSTEM.

19 NOW "JOCK". I CAN'T PRONOUNCE HIS FULL NAME, BUT I REFER TO HIM
20 AS "JOCK". HE'S THE ONE THAT'S GIVEN TWO DIFFERENT STATEMENTS. HE
21 SAID, TO BEGIN WITH, THAT HE HAD SEEN TERRANCE WITH THE GUN, BUT HE
22 COULDN'T TELL YOU WHEN. HE DIDN'T KNOW WHEN HE SAW HIM, HE'D JUST
23 SEEN HIM WITH A GUN LIKE THAT. AND THEN HE RECANTED ALL OF HIS
24 STATEMENTS. HE SAID THAT TERRANCE HAD BRAGGED TO THEM IN THE CELL
25 AND THEN HE RECANTED THAT. NOW, IT'S IMPORTANT TO KNOW WHEN HE

1 SAID THESE THINGS. THE FIRST STATEMENT ABOUT SEEING TERRANCE WITH
2 THE GUN WAS IN SEPTEMBER OF '08. THE NEXT STATEMENT AFTER HE HAD
3 BEEN IN THE CELL WITH TERRANCE, AND AFTER HE, "JOCK" HAS BEEN
4 ARRESTED ON A WHOLE LOT OF ARMED ROBBERIES, KIDNAPPINGS, AND
5 SOME REALLY BAD STUFF, IS GIVEN OR HE SAYS, "HE BRAGGED TO ME, BUT
6 HE DIDN'T GIVE ME ANY DETAILS." OKAY. WELL, THAT'S A LITTLE FISHY. THAT
7 WAS GIVEN IN DECEMBER OF '08. IN SEPTEMBER OF '09, HE PLEADS GUILTY
8 AND DESPITE MULTIPLE, MULTIPLE, CHARGES OF ARMED ROBBERY,
9 KIDNAPPING, AND I THINK HE'S THE ONE WITH ASSAULT AND BATTERY WITH
10 INTENT TO KILL, HE GETS TWENTY YEARS. ONLY TWENTY YEARS FOR ALL
11 THAT? SO, HE SAID, HE GOT UP HERE AND TOLD YOU WHY HE LIED. "I
12 WANTED TO GET MY TIME CUT. THEY WANTED GOSS FOR THIS CRIME. I
13 KNEW THEY WANTED GOSS FOR THIS CRIME. SO I CALLED UP GEBING AND I
14 SAID, "YEAH, HE BRAGGED TO ME ABOUT THIS, BECAUSE I WANT TO SAVE ME.
15 I WANT TO GET MY TIME CUT." AND HE DID. THAT'S A GOOD DEAL. IF YOU
16 ONLY GET TWENTY YEARS ON EIGHT ARMED ROBBERIES? THAT'S A GOOD
17 DEAL.

18 JAVARIS HILL. THIS ONE IS A SEX OFFENDER. A CONVICTED FELON. HE
19 COULDN'T OFFER YOU MUCH EXCEPT TO SAY THAT HE HAD SEEN TERRANCE
20 SOMETIME IN THE PAST WITH A GUN LIKE THAT. HE SAID HE THOUGHT THAT
21 WAS THE GUN ON THE VIDEO. AGAIN, A CONVICTED FELON. CAN'T OFFER
22 YOU MUCH.

23 AND DERRICK JONES, ALSO A CONVICTED FELON. MULTIPLE ARMED
24 ROBBERIES, KIDNAPPING, AND AGAIN, ONLY DOING A VERY SHORT SENTENCE
25 ON THAT. IF YOU BELIEVE HIS TESTIMONY THAT HE SAW TERRANCE BUY A

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1 SIMILAR GUN IN 2007, THEN YOU ALSO NEED TO BELIEVE HIS TESTIMONY THAT
2 THESE GUNS ARE COMMONPLACE ON THE STREET IN HIS WORLD. AND YOU
3 ALSO HAVE TO BELIEVE THE TESTIMONY THAT THEY ROUTINELY SWAP GUNS.
4 IF SOMEBODY NEEDS FIFTY BUCKS, HERE, I WILL GIVE YOU FIFTY BUCKS, YOU
5 GIVE ME THAT GUN. AND SO, THOSE GUNS GETS PASSED AROUND.

6 WE DON'T KNOW WHO HELD THE GUN THAT TERRANCE BOUGHT IN 2007.
7 WE DON'T EVEN KNOW THAT THIS IS THE GUN THAT TERRANCE BOUGHT IN
8 2007. WE DON'T KNOW THAT IT'S THE SAME GUN. AGAIN, THERE IS NOT ANY
9 MENTION OF A ROBBERY. DEREK DOESN'T SAY TERRANCE TOLD ME HE DID
10 THE ROBBERY OR ANYTHING LIKE THAT. NOW, IT'S IMPORTANT TO
11 REMEMBER THAT DERRICK JONES SAID THIS GUN IS COMMONPLACE. LAW
12 ENFORCEMENT AND OTHER FOLKS SAY THIS GUN IS REAL UNUSUAL AND
13 THAT'S WHERE THE CIRCUMSTANTIAL EVIDENCE. STARTS TO GET SCARY. I'LL
14 TALK ABOUT THAT IN JUST A FEW MINUTES.

15 NOW, THIS CASE HAD BEEN COLD FOR SEVEN MONTHS AND OFFICER
16 GEBING WAS THE POLICE OFFICER, AND HE HAD TO BE GETTING NERVOUS
17 ABOUT THAT, BECAUSE THAT AIN'T GOOD. HE WANTED TO CATCH SOMEBODY
18 FOR A CRIME LIKE THIS, BECAUSE THAT'S BAD. HE WANTED TO CATCH
19 SOMEBODY. SO, HE STARTED LOCKING UP THESE OTHER FELONS AND HE
20 SAID, "WELL, LET'S SEE WHO ELSE WE CAN GET," AND THAT'S WHAT THEY DID.
21 GO TO THESE FELONS, CONTACT THESE FELONS AND THEY PUT THE WORD
22 OUT WE ARE LOOKING FOR INFORMATION ON GOSS. SOMEBODY COME TELL
23 US ABOUT GOSS AND WE'LL CUT YOUR TIME AND THAT'S WHAT THEY DID. SO,
24 ONE BY ONE, THE FELONS MADE EFFORTS TO HELP THEMSELVES AND IT
25 WORKED. THEY'RE NOT DOING AS MUCH TIME AS MAYBE THEY OUGHT TO BE.

1 NOW, A LOT HAS BEEN MADE OF THIS LETTER THAT TERRANCE SENT TO
2 T. J. NOW, I WANT Y'ALL -- I AGREE WITH MISTER CAMPBELL, I WANT Y'ALL TO
3 READ THIS LETTER. THIS LETTER IS IMPORTANT. REAL IMPORTANT. NOW,
4 THERE IS A WAY TERRANCE -- ON THE FIRST PAGE HE SAYS," I WOULDN'T
5 NEVER TELL ON YOU, JOEY OR DALE. THAT'S REAL." HE ACCOUNTS FOR
6 THREE PEOPLE RIGHT THERE. YOU, BEING TRAVIS, (T. J. PATTERSON) JOEY,
7 OR DALE. HE'S ACCOUNTED FOR THREE PEOPLE IN THAT B-P ROBBERY. AND
8 A LITTLE BIT FURTHER DOWN, "THEY ARE GOING TO TRY TO PLAY US." WELL,
9 THAT'S TRUE. THERE'S BEEN A LOT OF TESTIMONY ABOUT THAT. WHO'S
10 GOING TO TELL ON WHO NEXT. "THEY TRIED TO GET ME TO TALK." YEAH,
11 THEY TRIED TO GET HIM TO TALK. HE DIDN'T TELL THEM ANYTHING. "THIS
12 SHIT RIGHT HERE IS SERIOUS." ABSOLUTELY. "I NEVER TOLD ON YOU ABOUT
13 NOTHING. I'M NOT GOING TO PLEAD TO NOTHING." HE HAS MAINTAINED HIS
14 INNOCENCE FROM THE VERY BEGINNING, FROM THE MOMENT OF HIS ARREST.
15 "ALL THEY GOT IS TWO GUNS THAT SOMEBODY SAID WAS OURS." AGAIN,
16 TRUE. THAT'S ALL THEY'VE GOT. SO, LOOK CLOSELY AT THAT LETTER,
17 PLEASE. NOWHERE IN THAT LETTER IS THERE AN ADMISSION THAT
18 TERRANCE GOSS DID THAT B-P ROBBERY. THAT LETTER MAKES IT CLEAR
19 THAT HE KNOWS, THAT TERRANCE KNOWS WHO NAILED HIM. THAT'S WHAT
20 THE LETTER IS FOR. AND THE LETTER MAKES CLEAR THAT HE DIDN'T WANT
21 T. J., JOEY, AND DALE TO THINK THAT HE HAD SNITCHED. ALL RIGHT? HE
22 DIDN'T WANT T. J., JOEY, AND DALE -- THAT'S WHO HE WANTS -- YOU "ACE" (T.
23 J., TRAVIS) -- HE LISTS THREE DIFFERENT NAMES, "ACE" (T.J., TRAVIS), HE
24 MAKES CLEAR THAT YOU, JOEY OR DALE. "I WOULD NEVER TELL ON YOU,
25 JOEY, DALE. THOSE ARE YOUR THREE PEOPLE. T. J. PATTERSON, JOEY, AND

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1 DALE. ALL RIGHT? AND THIS LETTER MAKES IT CLEAR THAT HE DOESN'T
2 WANT THEM TO THINK THAT HE'S TELLING WHAT HE KNOWS. NOW, WHY
3 WOULDN'T HE WANT T. J. PATTERSON TO THINK THAT HE HAD TOLD ON HIM?
4 THERE IS A WHOLE LOT OF TALK ABOUT T.J. PATTERSON. THERE IS A WHOLE
5 LOT OF TALK ABOUT HOW BAD AND SCARY T.J. PATTERSON IS, THAT HE IS
6 LOOKING AT ANOTHER CHARGE AND THAT T. J. PATTERSON IS THIS BAD GUY.
7 WHY MIGHT YOU WANT T. J. PATTERSON TO HEAR FROM YOU, "I HAVEN'T TOLD
8 WHAT I KNOW. I DIDN'T TELL. I DIDN'T TELL ON YOU." HE DOESN'T SAY WE DID
9 THIS CRIME AND I AM NOT TELLING. HE SAYS I DIDN'T TELL ON YOU, JOEY, OR
10 DALE. AND THAT IS IMPORTANT. THE ONLY POSSIBLE THING THAT YOU CAN
11 TAKE FROM THIS LETTER IS THAT TERRANCE DOESN'T WANT TRAVIS
12 PATTERSON TO THINK THAT HE TOLD ON HIM AND THERE IS A REAL GOOD
13 REASON FOR THAT. BECAUSE TRAVIS PATTERSON IS SCARY. "I HAVEN'T SAID
14 SHIT AND THAT'S ON K. ." WELL, THAT PROVES HE USES BAD
15 LANGUAGE, BUT IT ALSO PROVES THAT HE SWEARS ON THAT SWEET LITTLE
16 BOY THAT WAS HERE IN THE COURTROOM ON MONDAY, THAT HE DIDN'T TELL.
17 AND SO, YOU CAN ONLY REASONABLY SURMISE THAT TERRANCE KNOWS
18 SOMETHING ABOUT T.J., JOEY, AND DALE AND WHAT THEY DID AND THAT HE'S
19 NOT GOING TO TELL AND THAT HE DOESN'T WANT THEM TO THINK THAT HE
20 TOLD. AND EVERYTHING IN THAT LETTER IS TRUE. ALL TRUE. THERE IS NO
21 ADMISSION OF GUILT IN THIS LETTER AND WHEN OFFICER GEBING TESTIFIED
22 ABOUT THE LETTER, HE ACKNOWLEDGED THAT ONE INTERPRETATION WOULD
23 BE THAT IT'S OF NO SIGNIFICANCE AT ALL AND IS MERELY A STATEMENT FROM
24 GOSS TO PATTERSON THAT GOSS IS NOT A SNITCH. IT IS -- GEBING'S
25 TESTIMONY WAS THAT IT SEEMS FROM THE LETTER THAT GOSS IS WORRIED

1 ABOUT BEING LABELED A SNITCH AND THAT'S ALL THIS LETTER AMOUNTS TO.
2 THEN WE HEARD THAT PHONE CALL THAT GOSS MADE TO HIS CHILD'S
3 MOTHER, ALEXIS HOWARD. NOW, I'VE LISTENED TO THAT CALL OVER AND
4 OVER AND THIS IS WHAT HE SAYS: FIRST, THERE IS A MECHANICAL VOICE
5 THAT INDICATES THE CALL IS BEING RECORDED. SO, HE KNOWS HE'S BEING
6 RECORDED. THERE IS A STATEMENT THAT HE HAS FIFTY-SEVEN CENTS LEFT
7 ON HIS CALLING CARD. THAT'S WHAT THE COMPUTER SAYS. SO, HE KNOWS
8 HE DOESN'T HAVE A WHOLE LOT OF TIME, SO HE TALKS FAST. I DON'T KNOW
9 HOW MUCH TIME THAT ALLOWS YOU, BUT IT CAN'T BE MUCH. SO, HE DOESN'T
10 HAVE TIME TO CHOOSE HIS WORDS CAREFULLY. HE NEEDS TO MAKE A POINT
11 AND HE NEEDS TO MAKE IT NOW. HE SAYS, "WHAT YOU DOING?" AND YOU
12 CAN'T MAKE OUT WHAT SHE SAYS. "WHERE YOU AT?" AND YOU CAN'T HEAR
13 WHAT SHE SAYS. HE SAYS, "CALL KEARA AND TELL HER TO TELL T. J., MAN HE
14 A BITCH MAN NIGGER. TELL THAT NIGGER DON'T BE TRYING TO PULL -- TO
15 PUT (EXCUSE ME) THAT SHIT ON ME LIKE THAT. THAT NIGGER TALKING ABOUT
16 I'M THE ONE TOLD THAT ME AND HIM DONE AN ARMED ROBBERY." HE DOESN'T
17 SAY ME AND HIM DONE THE ARMED ROBBERY. HE'S SAYING THAT T. J. IS
18 GOING AROUND CLAIMING THAT HE'S A SNITCH. AGAIN, WE HAVE CONCERN
19 THAT T. J. PATTERSON IS SAYING THAT TERRANCE GOSS IS A SNITCH. YOU
20 HAVE TO BE CAREFUL TO GET THE WHOLE PICTURE THERE, OKAY? "BECAUSE
21 THAT NIGGER TALKING ABOUT THAT I'M THE ONE THAT TOLD" IS VERY
22 DIFFERENT THAN JUST ME AND HIM DONE AN ARMED ROBBERY. YOU'VE GOT
23 TO TAKE IT IN CONTEXT. TO SAY THAT THAT IS A CONFESSION IS A MIS-
24 CHARACTERIZATION OF THAT STATEMENT. ONCE AGAIN, HE WAS CONCERNED
25 ABOUT BEING LABELED A SNITCH.

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1 NOW, GEBING HAS BEEN IN LAW ENFORCEMENT FOR NINE YEARS AND I
2 HAVE NOTHING BUT RESPECT FOR LAW ENFORCEMENT IN GENERAL AND
3 GEBING IN PARTICULAR, BUT HE'S GOT THE WRONG MAN HERE AND THIS IS
4 NOT THE FIRST TIME HE'S BEEN WRONG. HE WRONGLY SUSPECTED
5 LATTIMORE, THE STORE CLERK, BECAUSE HE SEEMED TOO COOPERATIVE
6 AND BECAUSE HE WAS THERE FOR THREE ROBBERIES AND HE WAS WRONG.
7 AT SOME POINT, THEY CHARGED A MAN NAMED HERMAN SCOTT WITH ONE OF
8 THE B-P ROBBERIES AND HE WAS EXONERATED. ONCE AGAIN, THEY WERE
9 WRONG. GEBING INTERVIEWED AT LEAST ONE PERSON WHO CLAIMED TO
10 HAVE DONE THE B-P ROBBERY OR A B-P ROBBERY, BUT IT WAS NOT CLEAR AS
11 TO WHICH B-P ROBBERY. THERE IS DOUBT EVERYWHERE. SANCHEZ
12 GAILLIARD CLAIMED THAT HE AND JOEY OLIVER AND DERRICK JONES ROBBED
13 THE B-P. BUT YOU KNOW WHAT, FOR SOME REASON GAILLIARD WASN'T
14 CHARGED. THESE GUNS WERE NEVER CHECKED FOR FINGERPRINTS. THEY
15 MADE THEIR CASE, ACCORDING TO GEBING, ON THE STRENGTH OF THE
16 GREENVILLE TECH CASE AND THERE'S NOT MUCH STRENGTH IN THE
17 GREENVILLE TECH CASE. THE GREENVILLE TECH OFFICER TESTIFIED THAT
18 HE DIDN'T DETERMINE WHO OWNED THE GUNS. HE SAT RIGHT HERE AND
19 TESTIFIED TO THAT. THEY TALKED A LOT ABOUT T. J. PATTERSON AND THE
20 SMALL GUN BEING ATTRIBUTED TO HIM. NO WHERE DID THEY CONNECT THAT
21 SMALL GUN TO TERRANCE GOSS. THIS CASE OOZES REASONABLE DOUBT.
22 IT'S ALL OVER EVERY PIECE OF EVIDENCE THEY SHOWED YOU.

23 NOW, LET'S TALK A LITTLE BIT ABOUT CIRCUMSTANTIAL EVIDENCE AND
24 HOW IT'S DIFFERENT FROM DIRECT EVIDENCE. I SAID DIRECT EVIDENCE IS
25 FROM AN EYE WITNESS. MISTER LATTIMORE WAS UNABLE TO SAY, "THAT'S

1 THE ONE THAT ROBBED ME." CIRCUMSTANTIAL EVIDENCE IS MUCH MORE
2 SINISTER BECAUSE IT REQUIRES YOU TO TAKE A LEAP ALONG THAT CHAIN.
3 THAT'S WHERE IT GETS SCARY. NOW WHEN MISTER CAMPBELL GAVE HIS
4 OPENING, HE CITED AN EXAMPLE OF A PERSON COMING INTO A ROOM WITH A
5 WET UMBRELLA. HE SAID FROM THAT OBSERVATION HE WOULD SURMISE
6 THAT IT WAS RAINING OUTSIDE. WELL, THAT'S TRUE, BUT THAT'S ONLY ONE
7 POSSIBLE EXPLANATION. I WENT HOME THAT EVENING AND I STARTED
8 THINKING ABOUT HIS OPENING STATEMENT. I WAS THINKING OF MY SON WHO
9 HAS RECENTLY TAKEN TO PLAYING OUTSIDE IN THE SPRINKLER. THE
10 WEATHER IS WARM AND HE ENJOYS IT OUT THERE. ONE OF HIS FAVORITE
11 THINGS TO DO IS TAKE MY UMBRELLA OUT THERE AND PUT IT UP AND STAND
12 UNDER THE SPRINKLER. SO, IF MY SON COMES IN THE HOUSE WITH A WET
13 UMBRELLA, I DON'T KNOW IF IT'S RAINING OUTSIDE OR IF HE HAD BEEN UNDER
14 THE SPRINKLER AGAIN. SO, YOU CAN'T JUST ASSUME IT'S RAINING OUTSIDE
15 BECAUSE SOMEBODY HAS A WET UMBRELLA. NOW, THE C.S.I. TEAM COULD
16 EXAMINE THE WATER ON THAT UMBRELLA AND TELL IF IT'S RAINING OR
17 WHETHER IT CAME FROM A HOSE PIPE, BUT WE DON'T HAVE THAT HERE. WE
18 DON'T HAVE ANY FINGERPRINTS ON THAT GUN TO SAY TERRANCE GOSS HAD
19 THAT GUN ON FEBRUARY 05, 2008. WE DON'T HAVE THAT.

20 ANOTHER EXAMPLE OF CIRCUMSTANTIAL EVIDENCE IS, WE HAVE ONE
21 OF OUR EXTREMELY RARE SNOW STORMS. YOU GET UP IN THE MORNING
22 AND THERE ARE SOME PRINTS ACROSS THE YARD. WELL, YOU COULD
23 SURMISE SOMEONE WALKED ACROSS YOUR YARD. WHAT YOU CAN'T
24 DETERMINE IS WHO THAT PERSON WAS. YOU NEED MORE EVIDENCE. YOU
25 NEED MORE EVIDENCE TO DETERMINE THIS WITH SHOE SIZE, TREAD

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1 PATTERN, ALL THAT GREAT STUFF LIKE YOU SEE ON C.S.I. BUT JUST FROM
2 THE FACT THAT IT SNOWS AND THERE ARE FOOTPRINTS IN YOUR YARD, YOU
3 CAN'T ASSUME THAT YOUR NEIGHBOR DID IT.

4 YOU'VE GOT NO FINGERPRINTS FROM THE GUNS, NO FINGERPRINTS ON
5 THE SHELLS, NOTHING. THE CASES OF CIRCUMSTANTIAL EVIDENCE EXISTS
6 THROUGHOUT HISTORY AND I CAN GIVE YOU AN EXAMPLE OF ONE THAT YOU
7 PROBABLY ALL KNOW ABOUT. IT'S AN EARLY CASE OF CIRCUMSTANTIAL
8 EVIDENCE. IT COMES OUT OF THE BOOK OF GENESIS. IT'S THE STORY OF
9 JOSEPH AND HIS COAT OF MANY COLORS. YOU PROBABLY ALL KNOW THAT
10 STORY. JOSEPH WAS JACOB'S FAVORITE SON. JACOB HAD A LOT OF
11 CHILDREN, BUT JOSEPH WAS HIS FAVORITE. HE GAVE JOSEPH A SPLENDID
12 COAT OF MANY COLORS. BOY THAT COAT WAS DISTINCTIVE TO PEOPLE THAT
13 SAW IT. IT MIGHT HAVE BEEN COMMONPLACE AROUND THE HOUSE. HIS
14 BROTHERS KNEW, AND YOU KNOW, IT WAS A COMMONPLACE COAT, BUT IT
15 WAS AS DISTINCTIVE AS THIS GUN RIGHT HERE. IT WAS AS DISTINCTIVE AS
16 THIS. THIS COAT OF MANY COLORS RIGHT HERE. (INDICATING THE KEL TEC)
17 THIS COAT OF MANY COLORS. EASY TO RECOGNIZE. JOSEPH HAD SOME
18 ISSUES WITH PRIDE. HIS BROTHERS DIDN'T LIKE HIM VERY MUCH. THEY
19 DECIDED THEY WOULD GET RID OF HIM. THEY SOLD JOSEPH. THEY SOLD HIM
20 INTO SLAVERY IN EGYPT. THEY COULDN'T TELL THEIR DADDY THAT THEY HAD
21 DONE THAT, BECAUSE THAT WAS DADDY'S FAVORITE SON. SO, WHAT DID
22 THEY DO? THEY TOOK HIS COAT OF MANY COLORS AND THEY ROUGHED IT UP
23 A LITTLE BIT, THEY TORE IT, THEY SHREDDED IT A LITTLE BIT AND THEY TOOK
24 A GOAT, TOOK THE GOAT'S BLOOD AND THEY PUT IT ALL OVER THAT COAT
25 AND THEY TOOK THAT COAT TO THEIR FATHER. THEY SAID, "DADDY, DADDY

1 LOOK AT THIS COAT AND EXAMINE THIS COAT AND SEE FOR YOURSELF
2 DADDY, IF IT'S JOSEPH'S." AND JACOB LOOKED AT THAT COAT AND HIS HEART
3 BROKE. HE LOOKED AT THAT COAT AND HE SAID, "OH, IT'S MY SON'S COAT.
4 IT'S MY SON'S COAT. SURELY SOME FEROCIOUS BEAST HAS DEVoured MY
5 BELOVED JOSEPH AND TORN HIM TO SHREDS." HE MADE THAT CONCLUSION
6 BASED ON THAT COAT. IT WASN'T UNTIL YEARS LATER THAT JACOB WAS
7 REUNITED WITH JOSEPH. BY THEN JOSEPH WAS THE RULER OF EGYPT. HE
8 JUMPED TO THAT CONCLUSION BASED ON ONE PIECE OF CIRCUMSTANTIAL
9 EVIDENCE.

10 THE STATE WOULD HAVE YOU BELIEVE THAT BECAUSE OF THE GUN
11 THAT TERRANCE MAY HAVE BEEN ASSOCIATED WITH AT SOME POINT THAT
12 WAS USED IN THAT B-P ROBBERY, THAT HE'S GUILTY. THEY WOULD HAVE YOU
13 BELIEVE THAT BECAUSE OF THIS LETTER WHICH HE MAKES NO ADMISSIONS,
14 BECAUSE THEY FOUND THAT, HE'S GUILTY. THEY WOULD HAVE YOU BELIEVE
15 BECAUSE HE MADE A PHONE CALL TO HIS GIRL THAT HE'S GUILTY. THAT'S
16 NOT ENOUGH. THAT IS NOT ENOUGH. NO WHERE CLOSE. THIS IS NOT WHAT
17 WE DO IN AMERICA. WE DO NOT DECIDE CASES BASED ON MAYBES.

18 IT'S IMPORTANT ALSO TO THINK ABOUT WHAT THE STATE DOES NOT
19 HAVE. THEY DO NOT HAVE ANY IDENTIFICATION FROM ANY VICTIM OF THIS
20 CRIME. THEY DID NOT CALL THE OTHER FOLKS THAT WERE IN THE STORE,
21 ANOTHER CUSTOMER AND THERE WAS SOMEBODY ELSE THAT WAS WORKING
22 IN THE BACK. THEY DON'T HAVE ANY FINGERPRINTS. THEY DON'T HAVE THE
23 MONEY. THEY DON'T HAVE ANY PICTURES WHERE YOU CAN SEE TERRANCE
24 GOSS' FACE. THEY DON'T HAVE ANY TESTIMONY FROM ANY ALLEGED CO-
25 CONSPIRATORS THAT TERRANCE DID THIS. THEY DON'T HAVE ANY CLOTHING

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1 WORN AT THE ROBBERY AND THEY DON'T HAVE ANY CONFESSION FROM MY
2 CLIENT. THEY DON'T HAVE ANY PROOF AT ALL THAT TERRANCE WAS
3 ANYWHERE NEAR THE B-P ON FEBRUARY 05, 2008. THE AMOUNT OF EVIDENCE
4 THAT'S MISSING IS ASTOUNDING. IT IS ASTOUNDING. AT THE BEGINNING
5 MISTER CAMPBELL TOLD YOU THAT EVERYTHING WOULD FALL INTO PLACE.
6 THAT IT WAS GOING TO BE CONFUSING. IT'S NOT CONFUSING. THERE'S NO
7 EVIDENCE. IT DOESN'T FALL INTO PLACE. IT FALLS APART.

8 I WAS THINKING ABOUT THIS CASE AND IT SORT OF REMINDS ME OF
9 COTTON CANDY. I KNOW THAT SOUNDS LIKE A STRANGE THING, BUT IT'S LIKE
10 COTTON CANDY. YOU GO TO THE FAIR AND THERE ARE VENDORS AROUND
11 WITH COTTON CANDY. IT SMELLS GREAT. THEY PUT THAT STUFF OUT AND IT
12 SMELLS WONDERFUL AND IT LOOKS GOOD, IT'S FLUFFY AND WONDERFUL AND
13 YOU PAY MAYBE \$5.00 FOR A BAG OF IT. SWEET, SWEET STUFF. THE SECOND
14 YOU PUT IT IN YOUR MOUTH IT'S FINISHED. IT'S GONE. IT DISAPPEARS. THIS
15 CASE IS THE SAME WAY. ONCE YOU PUT YOUR HEAD AROUND IT AND YOU
16 ATTACK IT WITH REASON, IT DISAPPEARS. IT'S GONE. JOHN F. KENNEDY
17 ONCE SAID, "WHERE THERE IS SMOKE THERE MAY NOT ALWAYS BE FIRE. IT
18 MAY BE A SMOKE MACHINE." AND THAT'S TRUE. THAT'S THE SITUATION HERE
19 THAT TERRANCE IS FACED WITH.

20 THERE IS NO DOUBT THAT A SERIOUS CRIME OCCURRED. FOR THE
21 VICTIMS OF THAT CRIME, I HAVE NOTHING BUT SYMPATHY. BUT THERE IS NO
22 EVIDENCE THAT THIS INNOCENT MAN RIGHT HERE, (INDICATING) THIS
23 INNOCENT MAN, COMMITTED THAT CRIME. WOULDN'T IT BE A SHAME TO FIND
24 OUT YEARS LATER, JUST LIKE JACOB DID, THAT THIS IS THE COAT OF MANY
25 COLORS. (HOLDS UP GUN) WOULDN'T IT BE A SHAME TO FIND THAT OUT

1 YEARS LATER? WHAT IF THAT PIECE OF PURELY CIRCUMSTANTIAL EVIDENCE
2 CONVINCES YOU WRONGLY THAT TERRANCE IS GUILTY?

3 MR. CAMPBELL: YOUR HONOR, I'M GOING TO OBJECT TO THIS LINE OF –
4 THIS CLOSING ARGUMENT.

5 THE COURT: SUSTAINED.

6 MS. GOODWIN: REMEMBER, YOU CAN'T ASSUME THAT HE'S GUILTY. YOU
7 HAVE TO BE CONVINCED. NOW LET'S TALK A LITTLE BIT ABOUT THE BURDEN
8 OF PROOF.

9 THE JUDGE IS GOING TO TELL YOU IN A LITTLE BIT THAT YOU'VE GOT TO
10 HAVE PROOF BEYOND A REASONABLE DOUBT. THAT'S THE HIGHEST
11 STANDARD IN ANY COURT. THAT'S HIGHER THAN IN FAMILY COURT OR IN CIVIL
12 COURT. BEYOND A REASONABLE DOUBT. THE COURTS HAVE DEFINED
13 REASONABLE DOUBT AS THE KIND OF DOUBT THAT CAUSES PEOPLE TO
14 HESITATE TO ACT. SO, IF YOU ARE THINKING TO YOURSELF, OOH, I DON'T
15 KNOW IF HE DID IT OR NOT, THAT'S REASONABLE DOUBT. NOW, I WOULD
16 SUBMIT TO YOU THAT SOMEWHERE ALONG HERE, IN THE SUSPICIOUS OR MAY
17 BE POSSIBLE, IS AS HIGH AS THE STATE CAN GET. THAT'S AS HIGH AS THE
18 STATE CAN GET, BUT EVEN IF YOU TAKE IT A STEP FARTHER, IF THEY CAN GET
19 TO PROBABLE, YOU'RE STILL GOING TO HAVE TO TAKE TWO LEAPS TO GO
20 BEYOND A REASONABLE DOUBT. YOU CAN'T DO IT. YOU CANNOT MAKE IT
21 THAT FAR.

22 SO, SOON YOU ARE GOING TO BEGIN YOUR DELIBERATIONS. THE WORD
23 DELIBERATE MEANS TO WEIGH IN YOUR MIND AND CONSIDER CAREFULLY.
24 THAT'S WHAT I AM ASKING YOU TO DO. TERRANCE TRUSTS YOU TO DO THIS .
25 I TRUST YOU TO DO THIS. MISTER CAMPBELL TRUSTS YOU TO DO THIS. ANY

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1 MISTAKES THAT I MADE ARE MINE ALONE. PLEASE DON'T HOLD MY CLIENT IN
2 CONTEMPT. IF I HAVE SAID SOMETHING OFFENSIVE OR DONE SOMETHING
3 THAT YOU DIDN'T LIKE, THAT'S NOT HIS FAULT. PLEASE DON'T HOLD THAT
4 AGAINST HIM. BUT REMEMBER, MARTIN LUTHER KING ONCE SAID THAT
5 INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE. SO
6 REMEMBER THAT. DON'T JUMP TO CONCLUSIONS. LISTEN TO THE JUDGE'S
7 INSTRUCTIONS. AS LONG AS YOU DON'T KNOW WHETHER OR NOT HE DID IT,
8 THAT'S REASONABLE DOUBT. THIS MAN RIGHT HERE, (STANDS BEHIND
9 DEFENDANT) THIS MAN RIGHT HERE IS INNOCENT. HE'S STILL INNOCENT
10 BECAUSE THEY HAVE NOT PROVEN THEIR CASE BEYOND A REASONABLE
11 DOUBT. HE DID NOT DO THIS CRIME. TERRANCE AND I WILL BE HERE WAITING
12 FOR YOUR DECISION. SO WILL HIS FAMILY. THANK YOU.

13 **THE COURT:** ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY, WE
14 HAVE BEEN GOING ABOUT AN HOUR AND FIFTEEN MINUTES. I'M GOING TO
15 TAKE ABOUT A TEN MINUTE BREAK BEFORE I COME BACK AND GIVE YOU MY
16 CHARGE ON THE LAW. I WILL LET Y'ALL HAVE A FEW MINUTES TO DO WHAT
17 YOU NEED TO DO, GET A DRINK, WHATEVER. MY CHARGE I ANTICIPATE TO BE
18 SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT TWENTY-FIVE TO THIRTY
19 MINUTES. SO WE WILL TAKE A BREAK UNTIL LET'S SAY ELEVEN O'CLOCK
20 STRAIGHT UP. IF THAT IS NOT ENOUGH TIME, MISTER WILLIAMS, PLEASE LET
21 THE BAILIFF KNOW, BUT AT THIS TIME I AM GOING TO ASK YOU TO GO BACK
22 TO THE JURY ROOM.

23 (JURY OUT AT 10:46 A.M.)

24 **THE COURT:** ALL RIGHT, I WANT TO THANK THE ATTORNEYS AGAIN FOR
25 THEIR PREPARATION AND HARD WORK ON THIS CASE. I THINK YOU BOTH

1 REPRESENTED YOUR RESPECTIVE SIDES ON AN EXTREMELY PROFESSIONAL
2 AND GOOD BASIS. I AM GOING TO PUT US IN RECESS UNTIL ELEVEN O'CLOCK.

3 MS. GOODWIN: THANK YOU, JUDGE.

4 (BRIEF RECESS)

5 THE COURT: ARE YOU READY FOR FINAL INSTRUCTIONS?

6 MR. CAMPBELL: YES, YOUR HONOR.

7 THE COURT: DEFENSE?

8 MS. GOODWIN: FOR THE FINAL INSTRUCTIONS? IS THAT RIGHT?

9 THE COURT: YES, MA'AM.

10 MS. GOODWIN: YES, SIR.

11 THE COURT: BRING THE JURY IN.

12 (JURY IN AT 11:03 A.M.)

13 THE COURT: ALL RIGHT MISTER WILLIAMS, LADIES AND GENTLEMEN OF
14 THE JURY, IT'S NOW MY DUTY TO INSTRUCT YOU ON THE LAW THAT IS
15 APPLICABLE TO THIS CASE. I TOLD YOU AT THE BEGINNING OF THE CASE
16 THAT I WOULD DO SO AND NOW'S THE TIME. THESE INSTRUCTIONS WILL BE IN
17 THREE PARTS. FIRST, I AM GOING TO GIVE YOU INSTRUCTIONS ON THE
18 GENERAL DUTIES THAT DEFINE AND CONTROL YOUR ROLE AS JURORS IN THIS
19 MATTER. THAT WILL BE PHASE ONE OF MY CHARGE. PHASE TWO WILL BE
20 THE SPECIFIC LAW THAT YOU WILL APPLY TO THE CHARGES IN THIS CASE
21 AND THEN THE THIRD PART OF MY CHARGE WILL BE SOME CONSIDERATIONS
22 FOR YOU AND SOME RULES THAT REGARD YOUR DELIBERATIONS. IF, AT ANY
23 TIME, ANY OF YOU CANNOT UNDERSTAND ME, RAISE YOUR HAND SO I CAN
24 STOP, REPHRASE IT, AND SAY IT IN SUCH A MANNER THAT YOU DO
25 UNDERSTAND WHAT I'M SAYING, BECAUSE WHAT I HAVE TO SAY, AT LEAST

CHARGE OF THE COURT

1 HERE TODAY, IS IMPORTANT TO YOU AND TO ALL PARTIES. YOU'VE HEARD
2 ALL THE EVIDENCE IN THIS CASE. YOU'VE HEARD THE ARGUMENTS OF THE
3 ATTORNEYS. NOW IT IS TIME FOR ME TO INSTRUCT YOU ON THE LAW. IT WILL
4 BE YOUR DUTY AS JUDGES OF THE FACTS -- IF YOU WILL RECALL AT THE
5 BEGINNING OF THIS CASE I TOLD YOU THAT YOU ARE THE JUDGES OF THE
6 FACTS -- YOU MUST APPLY THE LAW TO THE FACTS AS YOU FIND THEM AND
7 AS I GIVE IT TO YOU. YOU MUST NOT BE CONCERNED ABOUT WHAT THE LAW
8 SHOULD BE. YOU MUST NOT BE CONCERNED BY WHAT YOU THINK IT IS. YOU
9 SHOULD APPLY THE LAW AS I GIVE IT TO YOU, TO THE FACTS AS YOU FIND
10 THEM. AS I TOLD YOU AT THE BEGINNING OF THE CASE, I CANNOT INFRINGE
11 ON YOUR DUTY TO FIND FACTS OR BE THE JUDGES OF THE FACTS AND
12 NEITHER CAN YOU INFRINGE ON MY ABILITY TO INSTRUCT YOU ON THE LAW
13 THAT'S APPLICABLE TO THIS CASE.

14 NOW, IN PERFORMING YOUR DUTIES AS JURORS, YOU ARE NOT TO BE
15 INFLUENCED BY ANY PERSONAL LIKES OR DISLIKES, ANY OPINIONS, ANY
16 PREJUDICE, OR UNDUE SYMPATHY FOR ONE SIDE OR THE OTHER. THAT
17 MEANS YOU ARE TO DECIDE THIS CASE SOLELY ON THE EVIDENCE THAT YOU
18 HEARD FROM THE WITNESS STAND AND THE EVIDENCE PRESENTED INTO
19 EVIDENCE IN THIS CASE. REMEMBER, I TOLD YOU SEVERAL TIMES IN THE
20 BEGINNING OF THIS CASE, THAT IS GOING TO BE YOUR JOB AND IT STILL
21 REMAINS TO BE YOUR JOB. IN FACT, YOU TOOK AN OATH PROMISING TO DO
22 JUST THAT. AND AGAIN, IN FOLLOWING MY INSTRUCTIONS ON WHAT THE LAW
23 IS, AND WHAT IS APPLICABLE TO YOU, YOU MAY NOT SINGLE OUT ANY ASPECT
24 OF IT THAT YOU LIKE AND APPLY THAT AND DISREGARD OTHERS THAT YOU
25 MAY NOT LIKE. ALL THESE INSTRUCTIONS ARE EQUALLY IMPORTANT AND AS I

1 TOLD YOU AT THE BEGINNING OF THIS CASE YOU MAY NOT READ INTO ANY OF
2 THESE INSTRUCTIONS OR ANYTHING THAT I HAVE DONE THROUGHOUT THIS
3 TRIAL, ANY SUGGESTION ABOUT WHAT YOUR VERDICT SHOULD BE. THAT IS A
4 MATTER ENTIRELY UP TO YOU. I'M NOT ALLOWED, UNDER OUR
5 CONSTITUTION, TO HAVE AN OPINION ON THE FACTS OF THIS CASE AND QUITE
6 FRANKLY, I DON'T. YOU, AND YOU ALONE, ARE THE SOLE JUDGES OF WHAT
7 THE FACTS ARE AND YOU MUST DECIDE THOSE FACTS BY EVALUATING AND
8 WEIGHING THE EVIDENCE THAT YOU HEARD DURING THE TRIAL. THERE'S NO
9 WAY FOR YOU TO WEIGH THE EVIDENCE ON A LITERAL SENSE. I CAN'T GIVE
10 YOU A SET OF SCALES. IT REALLY IS ENTIRELY JUST A MENTAL PROCESS AND
11 YOU WEIGH AND EVALUATE TESTIMONY AND EVIDENCE THAT YOU HEARD IN
12 THIS CASE BY SIMPLY USING YOUR GOOD COMMON SENSE AND SOUND
13 JUDGMENT THAT YOU BROUGHT TO COURT WITH YOU TODAY AND THIS WEEK.

14

15 NOW, THERE ARE CERTAIN THINGS THAT ARE EVIDENCE AND CERTAIN
16 THINGS THAT ARE NOT EVIDENCE. FIRST, WHAT IS EVIDENCE? IN THIS CASE,
17 THE SWORN TESTIMONY OF THE WITNESSES IS EVIDENCE BOTH ON DIRECT
18 EXAMINATION AND ON CROSS EXAMINATION REGARDLESS OF WHOEVER
19 PRESENTED THE WITNESS. ANY EXHIBIT THAT HAS BEEN ADMITTED BY ME
20 INTO EVIDENCE IS ALSO EVIDENCE THAT YOU CAN CONSIDER. IN THIS CASE,
21 THOSE ARE THE ONLY TWO THINGS YOU MAY CONSIDER AS EVIDENCE IN THIS
22 CASE. THAT IS; THE SWORN TESTIMONY WHETHER DIRECT OR INDIRECT OR
23 ON CROSS EXAMINATION, OR THE EXHIBITS. THAT'S IT.

24 NOW, LET ME TELL YOU WHAT'S NOT. ALTHOUGH IT IS HELPFUL AND IT
25 IS DESIGNED TO HELP YOU UNDERSTAND AND APPRECIATE WHAT THE FACTS

CHARGE OF THE COURT

1 AND THE ISSUES IN THIS CASE ARE, THE ARGUMENTS OF THESE ATTORNEYS
2 ARE NOT EVIDENCE. THEY HAVE NOT BEEN SWORN. THEY HAVE NOT BEEN
3 CALLED AS WITNESSES. SO, WHATEVER THEY TOLD YOU, IN THEIR OPENING
4 STATEMENTS AND THEIR CLOSING STATEMENTS OR AT ANY OTHER TIME
5 DURING THIS TRIAL, IS NOT EVIDENCE. IN FACT, IF YOUR MEMORY OF THE
6 FACTS DIFFERS FROM WHAT EITHER ONE OF THESE ATTORNEYS TOLD YOU
7 THEN YOUR MEMORY CONTROLS. ANY QUESTIONS OR OBJECTIONS RAISED
8 BY THE ATTORNEYS IN THIS CASE, AGAIN, IS NOT EVIDENCE. IF YOU WILL
9 RECALL, I TOLD YOU AT THE BEGINNING OF THIS CASE THAT IT IS THE JOB
10 AND THE FUNCTION OF AN ATTORNEY THAT THEY RAISE OBJECTIONS TO ANY
11 EVIDENCE THEY DEEM TO BE INADMISSIBLE OR THEY PERCEIVE OR DEEM TO
12 BE IMPROPER. THE MERE FACT THAT AN ATTORNEY HAS RAISED AN
13 OBJECTION, NOR MY RULING ON THAT OBJECTION, IS TO BE CONSIDERED BY
14 YOU IN ANY FORM OR FASHION. THAT IS SOLELY THE PROCESS THAT YOU
15 HEAR IN EVERY SINGLE TRIAL THAT OCCURS IN THIS STATE AND ACROSS THE
16 COUNTRY. THIRDLY, ANYTHING THAT YOU MAY HAVE HEARD OUTSIDE OF THIS
17 COURTROOM WHEN COURT WAS NOT IN SESSION IS NOT EVIDENCE. AGAIN,
18 THE ONLY EVIDENCE IS THE WITNESS TESTIMONY AND THE EXHIBITS THAT
19 HAVE BEEN ADMITTED IN THE TRIAL OF THIS CASE.

20 NOW, IN SOUTH CAROLINA, WE RECOGNIZE TWO TYPES OF EVIDENCE.
21 WE HAVE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. DIRECT
22 EVIDENCE IS SIMPLY LIKE IT SOUNDS. IT IS TESTIMONY OF A PERSON WHO
23 ASSERTS OR CLAIMS TO HAVE ACTUAL KNOWLEDGE OF A FACT, SUCH AS AN
24 EYE WITNESS. THERE IS ALSO CIRCUMSTANTIAL EVIDENCE WHICH IS
25 INDIRECT EVIDENCE OR PUT ANOTHER WAY, CIRCUMSTANTIAL EVIDENCE IS

1 PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES FROM WHICH YOU MAY
2 FIND ANOTHER FACT EXISTS, ALTHOUGH THAT FACT HAS NOT BEEN PROVEN
3 DIRECTLY. FOR EXAMPLE, IF YOU WALK OUT IN THE MORNING AND THE SUN IS
4 SHINING, BUT THE ROADWAY IS WET, YOU CAN INFER THAT IT HAS RECENTLY
5 RAINED. THAT IS INDIRECT, THAT IS CIRCUMSTANTIAL EVIDENCE. AND I WILL
6 CHARGE YOU AND I INSTRUCT YOU THAT THE LAW MAKES ABSOLUTELY NO
7 DISTINCTION BETWEEN THE WEIGHT AND THE VALUE THAT YOU ARE TO GIVE
8 TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. YOU ARE TO CONSIDER
9 BOTH KINDS. THERE IS NOT A GREATER DEGREE OF PROOF REQUIRED OF
10 CIRCUMSTANTIAL EVIDENCE. IF, AFTER CONSIDERING ALL THE EVIDENCE,
11 BOTH DIRECT AND CIRCUMSTANTIAL, YOU ARE NOT CONVINCED OF THE GUILT
12 OF THE DEFENDANT BEYOND A REASONABLE DOUBT, IT IS YOUR JOB TO FIND
13 THE DEFENDANT NOT GUILTY.

14 NOW, IN DECIDING IN THIS CASE WHAT THE FACTS ARE, YOU MUST
15 CONSIDER ALL THE EVIDENCE AND I WILL TELL YOU THAT MULTIPLE TIMES,
16 BUT IN DOING THIS, YOU MUST DECIDE WHICH TESTIMONY TO BELIEVE AND
17 WHICH TESTIMONY TO DISBELIEVE. YOU MAY DISBELIEVE ALL OR PART OF
18 ANY WITNESS' TESTIMONY. YOU MAY BELIEVE ALL OF ANY WITNESS'
19 TESTIMONY, BUT IN MAKING THAT DETERMINATION AND THAT DECISION, YOU
20 SHOULD, AND YOU MAY, TAKE INTO ACCOUNT A NUMBER OF FACTORS
21 INCLUDING, BUT NOT LIMITED TO: WAS THE WITNESS ABLE TO SEE OR HEAR
22 OR KNOW THE THINGS ABOUT WHICH THE WITNESS TESTIFIED, HOW WELL
23 WAS THE WITNESS ABLE TO RECALL AND DESCRIBE THOSE THINGS, WHAT
24 WAS THE WITNESS' MANNER WHILE TESTIFYING -- IN OTHER WORDS, WHAT
25 WAS THAT WITNESS' DEemeanor, IS THERE SOME REASON THAT A WITNESS

CHARGE OF THE COURT

1 WOULD WANT TO GIVE TESTIMONY THAT WOULD HELP OR HURT ONE SIDE OR
2 THE OTHER, DID THE WITNESS HAVE AN INTEREST IN THE OUTCOME OF THIS
3 CASE OR ANY BIAS, OR ANY PREJUDICE TOWARDS EITHER PARTY OR
4 TOWARDS ANY ISSUE INVOLVED IN THIS CASE. YOU MAY ALSO CONSIDER
5 HOW REASONABLE THE WITNESS' TESTIMONY WAS, CONSIDERED IN LIGHT OF
6 ALL THE OTHER TESTIMONY ABOUT WHICH YOU HEARD IN THIS CASE AND YOU
7 MAY ALSO CONSIDER WAS THE WITNESS' TESTIMONY CONTRADICTED BY
8 WHAT THAT WITNESS HAD SAID OR DONE AT ANOTHER TIME OR BY THE
9 TESTIMONY OF OTHER WITNESSES OR BY OTHER EVIDENCE INTRODUCED IN
10 THE CASE. LADIES AND GENTLEMEN, THOSE ARE SOME, BUT NOT ALL, OF THE
11 FACTORS YOU MAY CONSIDER IN DETERMINING WHETHER TO BELIEVE OR
12 DISBELIEVE WITNESS TESTIMONY. AND OF COURSE, AS I HAVE TOLD YOU,
13 YOU DO NOT CHECK YOUR COMMON SENSE AND GOOD JUDGMENT ONCE YOU
14 ARE SWORN IN AS JURORS AND YOU SHOULD NOT DO SO NOW AND YOU
15 SHOULD USE THOSE THINGS THAT IN YOUR DAY TO DAY EXPERIENCES THAT
16 YOU FIND INDICATIVE OF TRUTHFULNESS OR INDICATIVE OF LACK OF
17 TRUTHFULNESS IN MAKING YOUR DETERMINATION OF THE CREDIBILITY OF
18 THE WITNESSES.

19 YOU HAVE ALSO HEARD THE TESTIMONY OF PERSONS DESCRIBED AS
20 AN EXPERT. PERSONS WHO BY EDUCATION OR EXPERIENCE HAVE BECOME
21 AN EXPERT IN SOME FIELD MAY STATE AN OPINION ON MATTERS IN THAT
22 FIELD AND THEY MAY ALSO STATE THEIR REASONS FOR THAT OPINION.
23 EXPERT OPINION TESTIMONY SHOULD BE JUDGED AS ANY OTHER TESTIMONY
24 IN THIS CASE. YOU MAY ACCEPT IT OR YOU MAY REJECT IT AND GIVE IT AS
25 MUCH WEIGHT AS YOU THINK IT DESERVES CONSIDERING THE WITNESS'

1 EDUCATION, THEIR EXPERIENCES, THE REASON GIVEN FOR THEIR OPINION AS
2 WELL AS ALL OF THE EVIDENCE THAT HAS BEEN SUBMITTED IN THIS MATTER.

3 NOW, LADIES AND GENTLEMEN, AS I SHOWED YOU AT THE BEGINNING
4 OF THIS CASE THERE ARE TWO INDICTMENTS AND I WILL NOT BE SENDING
5 THEM BACK TO YOU TO YOUR JURY ROOM. BUT THE DEFENDANT TERRANCE
6 JAREL GOSS HAS BEEN INDICTED FOR ARMED ROBBERY WHILE ALLEGEDLY
7 ARMED AND IN THE POSSESSION OF A WEAPON DURING THE COMMISSION OF
8 A VIOLENT CRIME. HE HAS ALSO BEEN INDICTED FOR CONSPIRACY TO COMMIT
9 ARMED ROBBERY. I WILL INSTRUCT YOU AND I WILL GO OVER THIS WITH YOU,
10 MISTER WILLIAMS, LATER, AFTER I GET THROUGH CHARGING YOU ON THE
11 LAW. EACH INDICTMENT CHARGES A SEPARATE AND DISTINCT OFFENSE AND
12 YOU MUST DECIDE EACH INDICTMENT SEPARATELY BASED ON THE EVIDENCE
13 THAT HAS BEEN PRESENTED AND THE LAW AS I GIVE IT TO YOU IN THIS
14 CHARGE AND YOUR DECISION ON EACH INDICTMENT MUST BE UNINFLUENCED
15 BY YOUR DECISION AS TO ANY OTHER INDICTMENT. THE DEFENDANT MAY BE
16 CONVICTED OR ACQUITTED ON ANY OR ALL OF THE OFFENSES CHARGED.
17 AND AGAIN, MISTER WILLIAMS, YOU WILL BE ASKED TO WRITE A SEPARATE
18 VERDICT FOR EACH ONE OF THE CHARGES THAT MISTER GOSS IS ON TRIAL
19 FOR. AS I INSTRUCTED YOU AT THE BEGINNING OF THIS CASE, AND I DO SO
20 AGAIN, THE MERE FACT THAT THE DEFENDANT HAS BEEN ARRESTED, THAT HE
21 HAS BEEN CHARGED, THAT HE HAS BEEN INDICTED, IS NOT EVIDENCE IN THIS
22 CASE, AND CANNOT AND SHALL NOT, BE CONSIDERED BY YOU AS EVIDENCE
23 OF GUILT IN ANY FORM OR FASHION. NOR DOES THE FACT THAT HE HAS BEEN
24 ARRESTED, CHARGED, AND INDICTED, CREATE ANY TYPE OF PRESUMPTION
25 OR INFERENCE OF GUILT. IN FACT, IN THIS CASE, THE DEFENDANT HAS PLEAD

CHARGE OF THE COURT

1 NOT GUILTY TO ALL THE CHARGES THAT HE IS STANDING TRIAL FOR. WHAT
2 THAT DOES IS PUT THE BURDEN ON THE STATE OF SOUTH CAROLINA TO
3 PROVE HIM GUILTY BEYOND A REASONABLE DOUBT ON EACH OF THE
4 CHARGES. I WILL TELL YOU THAT A PERSON CHARGED WITH COMMITTING A
5 CRIMINAL OFFENSE IN SOUTH CAROLINA IS NEVER REQUIRED TO PROVE
6 HIMSELF INNOCENT. IT IS AN IMPORTANT RULE OF LAW THAT A DEFENDANT IN
7 A CRIMINAL TRIAL, NO MATTER WHAT THE SERIOUSNESS OF THE CHARGE
8 MAY BE, WILL ALWAYS BE PRESUMED TO BE INNOCENT OF THE CRIME FOR
9 WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS BEEN PROVEN BY
10 EVIDENCE SATISFYING YOU OF GUILT BEYOND A REASONABLE DOUBT.

11 THE PRESUMPTION OF INNOCENCE DOES NOT END WHEN YOU BEGIN
12 YOUR DELIBERATIONS BUT IT ACCOMPANIES THE DEFENDANT THROUGHOUT
13 THE TRIAL UNTIL YOU REACH A VERDICT OF GUILT BASED ON EVIDENCE
14 SATISFYING YOU OF GUILT BEYOND A REASONABLE DOUBT. I WILL TELL YOU
15 IN THE VERNACULAR OF ATTORNEYS THE PRESUMPTION OF INNOCENCE IS
16 LIKE A ROBE OF RIGHTEOUSNESS PLACED ABOUT THE SHOULDERS OF THE
17 DEFENDANT WHICH REMAINS ON HIS SHOULDERS UNTIL IT HAS BEEN
18 STRIPPED FROM THE DEFENDANT BY EVIDENCE SATISFYING YOU, THE JURY,
19 OF HIS GUILT BEYOND A REASONABLE DOUBT. THE PRESUMPTION OF
20 INNOCENCE IS NOT A MERE LEGAL THEORY, IT'S NOT JUST A LEGAL PHRASE,
21 BUT IT IS A SUBSTANTIAL RIGHT WHICH EVERY DEFENDANT IS ENTITLED
22 UNLESS YOU, THE JURY, ARE SATISFIED FROM THE EVIDENCE OF THE
23 DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT.

24 SO, WHAT IS A REASONABLE DOUBT? A REASONABLE DOUBT IS A KIND
25 OF DOUBT THAT WOULD CAUSE A REASONABLE, SINCERE, HONEST AND

1 CONSCIENTIOUS PERSON TO HESITATE TO ACT IN AN IMPORTANT MATTER IN
2 THEIR OWN AFFAIRS. PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT
3 LEAVES YOU FIRMLY CONVINCED OF THE DEFENDANT'S GUILT. THERE ARE
4 VERY FEW THINGS IN THE WORLD THAT WE KNOW WITH ABSOLUTE
5 CERTAINTY AND IN CRIMINAL CASES THE LAW DOES NOT REQUIRE PROOF
6 THAT OVERCOMES EVERY POSSIBLE DOUBT. IF, BASED ON YOUR
7 CONSIDERATION OF THE EVIDENCE, YOU ARE FIRMLY CONVINCED THAT THE
8 DEFENDANT IS GUILTY OF THE CRIME CHARGED YOU, MUST FIND THE
9 DEFENDANT GUILTY. IF, ON THE OTHER HAND, YOU THINK THERE IS A REAL
10 POSSIBILITY THAT THE DEFENDANT IS NOT GUILTY, YOU MUST GIVE THE
11 DEFENDANT THE BENEFIT OF THE DOUBT AND FIND HIM NOT GUILTY. A
12 REASONABLE DOUBT MAY ARISE FROM THE EVIDENCE OR FROM THE LACK OF
13 THE EVIDENCE I FURTHER INSTRUCT YOU THAT THE DEFENDANT IS ENTITLED
14 TO EVERY REASONABLE DOUBT THAT MAY ARISE IN THE CASE AND WHAT
15 THAT SIMPLY MEANS, LADIES AND GENTLEMEN, IS THIS; IF, UPON ANY ISSUE
16 OF FACT ESSENTIAL TO A CONVICTION AND A VERDICT OF GUILTY TO AN
17 OFFENSE, IF YOU HAVE ANY REASONABLE DOUBT AS TO HOW THAT ISSUE
18 SHOULD BE RESOLVED, IT IS YOUR DUTY TO RESOLVE THAT DOUBT IN FAVOR
19 OF THE DEFENDANT. IF YOU HAVE A REASONABLE DOUBT AS TO WHETHER
20 THE DEFENDANT IS GUILTY OF ARMED ROBBERY, THEN YOU MUST RESOLVE
21 THAT DOUBT IN FAVOR OF THE DEFENDANT AND FIND HIM NOT GUILTY OF
22 ARMED ROBBERY.

23 LADIES AND GENTLEMEN, IN ORDER TO ESTABLISH CRIMINAL LIABILITY,
24 CRIMINAL INTENT IS REQUIRED. FOR EXAMPLE, THE MENTAL STATE
25 REQUIRED TO BE PROVEN BY THE STATE FOR A PARTICULAR CRIME MIGHT BE

CHARGE OF THE COURT

1 PURPOSE, IT MIGHT BE INTENT, KNOWLEDGE, RECKLESSNESS, OR CRIMINAL
2 NEGLIGENCE. CRIMINAL INTENT MUST BE PROVEN BY THE STATE BEYOND A
3 REASONABLE DOUBT. CRIMINAL INTENT IS ALWAYS A MATTER THAT MUST BE
4 DETERMINED BY THE JURY FROM CIRCUMSTANCES SURROUNDING THE
5 SITUATION. THERE'S NO WAY TO PROVE INTENT TO A MATHEMATICAL
6 CERTAINTY. THERE'S NO WAY THAT MEDICAL SCIENCE CAN DISSECT A
7 PERSON'S BRAIN TO DETERMINE WHAT THAT PERSON HAD IN MIND. SO THE
8 LAW SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE
9 CIRCUMSTANCES SHOWN TO HAVE EXISTED. THIS IS HOW YOU MAKE A
10 DETERMINATION OF WHETHER OR NOT THE ELEMENTS REQUIRING INTENT IS
11 PRESENT. IT IS NOT NECESSARY TO ESTABLISH INTENT BY DIRECT OR
12 POSITIVE EVIDENCE, BUT INTENT MAY BE ESTABLISHED BY INFERENCE IN THE
13 SAME WAY AS ANY OTHER FACT BY TAKING INTO CONSIDERATION THE ACTS
14 OF THE PARTIES, ALL THE FACTS, AND ALL THE CIRCUMSTANCES IN THE CASE.
15 CRIMINAL INTENT IS A MENTAL STATE, IT IS A CONSCIOUS WRONGDOING, AND
16 IT IS UP TO YOU TO DETERMINE WHAT THE DEFENDANT INTENDED TO DO,
17 BASED ON THE CIRCUMSTANCES THAT EXISTED AS SHOWN IN THIS CASE.

18 LADIES AND GENTLEMEN, THE LAW NEVER IMPOSES UPON A CRIMINAL
19 DEFENDANT IN A CRIMINAL CASE THE BURDEN OR DUTY OF CALLING ANY
20 WITNESSES OR PRODUCING ANY EVIDENCE AND THE DEFENDANT IN A
21 CRIMINAL CASE HAS A RIGHT UNDER OUR UNITED STATES CONSTITUTION NOT
22 TO TESTIFY AND NOT TO TAKE THE WITNESS STAND. THE EXERCISE BY THE
23 DEFENDANT OF THE RIGHT NOT TO TESTIFY OR TO PRESENT EVIDENCE
24 SHOULD NOT WEIGH IN THE SLIGHTEST AGAINST THE DEFENDANT. IT SHOULD
25 PLAY NO ROLE IN YOUR DISCUSSIONS AND DELIBERATIONS. NO INFERENCE

1 OF ANY KIND MAY BE DRAWN FROM THE FAILURE OF A DEFENDANT TO
2 TESTIFY OR TO PRESENT ANY FORM OF EVIDENCE. IN PARTICULAR, NO
3 PRESUMPTION OR INFERENCE OF GUILT MAY BE DRAWN FROM THE FAILURE
4 OF THE DEFENDANT TO TESTIFY.

5 ALL RIGHT, LADIES AND GENTLEMEN OF THE JURY, THOSE ARE THE
6 GENERAL RULES THAT DEFINE AND CONTROL YOUR DUTIES AS JURORS AND
7 THAT WOULD END THE FIRST SECTION OF MY CHARGE ON THE LAW TO YOU.
8 THE NEXT SECTION IS THE LAW THAT IS APPLICABLE TO THIS CASE. THE LAW
9 OF ARMED ROBBERY, THE LAW OF POSSESSION OF A WEAPON DURING THE
10 COMMISSION OF A VIOLENT CRIME AND THE LAW OF CONSPIRACY.

11 FIRST, THE LAW ON ARMED ROBBERY. IN ORDER TO PROVE THIS
12 OFFENSE, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE
13 DEFENDANT TOOK PERSONAL PROPERTY FROM THE PERSON OR PRESENCE
14 OF ANOTHER PERSON. PROPERTY IS IN THE PRESENCE OF A PERSON IF IT IS
15 WITHIN THE PERSON'S REACH, INSPECTION, OBSERVATION, OR CONTROL SO
16 THAT THE PERSON COULD, IF NOT OVERCOME WITH VIOLENCE OR
17 PREVENTED BY FEAR, KEEP POSSESSION OF THE PROPERTY. THE STATE
18 MUST ALSO PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT
19 CARRIED THE PROPERTY AWAY INTENDING TO PERMANENTLY DEPRIVE THE
20 OWNER OF THE PROPERTY AND TO KEEP THE PROPERTY FOR THE
21 DEFENDANT'S OWN USE. THE SLIGHTEST REMOVAL OF THE PROPERTY OR
22 THE COMPLETE POSSESSION OF THE PROPERTY, EVEN FOR AN INSTANT, BY
23 THE DEFENDANT IS SUFFICIENT TO SHOW A TAKING AND CARRYING AWAY OF
24 THE PROPERTY. THE TAKING AND CARRYING AWAY OF THE PROPERTY MUST
25 HAVE BEEN DONE WITH VIOLENCE OR BY PUTTING THE OWNER OF THE

CHARGE OF THE COURT

1 PROPERTY IN FEAR OF VIOLENCE. FINALLY, THE STATE MUST PROVE BEYOND
2 A REASONABLE DOUBT THAT THE DEFENDANT WAS ARMED WITH A DEADLY
3 WEAPON DURING THE ROBBERY. A DEADLY WEAPON IS ANY ARTICLE,
4 INSTRUMENT, OR SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH OR GREAT
5 BODILY HARM. WHETHER AN INSTRUMENT HAS BEEN USED AS A DEADLY
6 WEAPON DEPENDS ON THE FACTS AND CIRCUMSTANCE OF EACH CASE. THE
7 FOLLOWING ARE EXAMPLES OF INSTRUMENTS WHICH MAY BE CONSIDERED
8 DEADLY WEAPONS: A PISTOL, A SHOTGUN, A RIFLE, A DAGGER, A KNIFE, A
9 SLINGSHOT, METAL KNUCKLES, A RAZOR, GASOLINE, A FIREBOMB, A MOLOTOV
10 COCKTAIL, OR LIGHTER FLUID. A GUN MAY BE A DEADLY WEAPON EVEN IF IT
11 IS NOT OPERATING. THAT IS THE LAW ON ARMED ROBBERY.

12 THE NEXT THAT I WILL CHARGE YOU IS THE LAW THAT APPLIES TO
13 POSSESSION OF A WEAPON DURING THE COMMISSION OR THE ATTEMPT TO
14 COMMIT A VIOLENT CRIME. IN THIS CASE, THE DEFENDANT IS CHARGED WITH
15 POSSESSION OF A WEAPON DURING THE COMMISSION OF OR ATTEMPT TO
16 COMMIT A VIOLENT CRIME. THE STATE MUST PROVE, BEYOND A REASONABLE
17 DOUBT, THAT THE DEFENDANT WAS IN POSSESSION OF A FIREARM, OR
18 VISIBLY DISPLAYED WHAT APPEARED TO BE A FIREARM, DURING THE
19 COMMISSION OF A VIOLENT CRIME. A FIREARM MEANS ANY MACHINE GUN,
20 AUTOMATIC RIFLE, REVOLVER, PISTOL, OR ANY WEAPON WHICH WILL, OR
21 WAS DESIGNED TO, OR MAY CAUSE, OR BE READILY CONVERTED, TO EXPEL A
22 PROJECTILE. LET ME DO THAT ONE MORE TIME. A FIREARM MEANS ANY
23 MACHINE GUN, AUTOMATIC RIFLE, REVOLVER, PISTOL, OR ANY WEAPON
24 WHICH IS, OR WAS DESIGNED TO, OR WHICH MAY BE READILY CONVERTED TO
25 EXPEL A PROJECTILE. IN ORDER TO FIND THE DEFENDANT GUILTY OF

1 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME,
2 YOU MUST FIRST FIND THE DEFENDANT GUILTY OF EITHER COMMITTING A
3 VIOLENT CRIME OR ATTEMPTING TO COMMIT A VIOLENT CRIME. AND THAT IS
4 THE LAW APPLICABLE TO POSSESSION OF A FIREARM IN THE COMMISSION OF
5 A VIOLENT CRIME.

6 THE FINAL CHARGE THAT THE DEFENDANT IS INDICTED WITH IS
7 CONSPIRACY AND THE STATE, IN ORDER TO ESTABLISH CONSPIRACY, THE
8 STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT
9 COMBINED WITH ONE OR MORE PERSONS FOR THE PURPOSE OF COMMITTING
10 AN UNLAWFUL ACT OR COMMITTING A LAWFUL ACT BY UNLAWFUL MEANS.
11 THERE MUST BE A MUTUAL UNDERSTANDING, AGREEMENT, OR COMMON
12 INTENTION AND PLAN. MERE PASSIVE KNOWLEDGE OF OR CONSENT TO THE
13 CRIMINAL CONDUCT OF ANOTHER IS NOT ENOUGH TO MAKE A PERSON GUILTY
14 AS A CONSPIRATOR. THERE MUST BE GUILTY KNOWLEDGE AND
15 PARTICIPATION. SIMILARLY, THE MERE FACT THAT THE DEFENDANT MAY
16 HAVE ASSOCIATED WITH ANOTHER PERSON OR MET WITH ANOTHER PERSON
17 AND DISCUSSED COMMON AIMS AND INTERESTS DOES NOT NECESSARILY
18 ESTABLISH PROOF OF THE EXISTENCE OF A CONSPIRACY OR THAT THE
19 DEFENDANT WAS INVOLVED IN A CONSPIRACY. ON THE OTHER HAND, IT'S
20 NOT NECESSARY THAT THE AGREEMENT BE A FORMAL ONE, THAT IT BE IN
21 WRITING, THAT THE PERSONS HOLD A MEETING AND EXPRESSLY STATE THE
22 TERMS OF THE COMMON PLAN, OR THAT THE AGREEMENT BE STATED IN
23 WORDS BETWEEN THEM. THE AGREEMENT OF A CRIMINAL CONSPIRACY MAY
24 COME INTO BEING THROUGH AN IMPLIED MUTUAL UNDERSTANDING. THE
25 WILLFUL INTENTION AND KNOWING ADOPTION BY TWO OR MORE PERSONS OF

CHARGE OF THE COURT

1 A COMMON PLAN IS SUFFICIENT. NO OVERT ACTS NEED BE SHOWN TO
2 ESTABLISH CONSPIRACY. A CONSPIRACY MAY BE SHOWN BY
3 CIRCUMSTANTIAL EVIDENCE AND THE CONDUCT OF THE PARTIES. IN ORDER
4 TO CONVICT THE DEFENDANT OF CONSPIRACY, THE STATE MUST PROVE,
5 BEYOND A REASONABLE DOUBT, NOT ONLY THAT THE DEFENDANT KNEW OF
6 THE UNLAWFUL CONDUCT, BUT THAT THE DEFENDANT AGREED TO COMBINE
7 WITH THE OTHER PERSONS FOR THE PURPOSES OF ACCOMPLISHING THE
8 UNLAWFUL CONDUCT.

9 LADIES AND GENTLEMEN, THAT IS THE LAW APPLICABLE TO THE
10 CHARGES IN THIS CASE AND LET ME TAKE A FEW MINUTES TO GIVE YOU SOME
11 INSTRUCTIONS AS TO YOUR DELIBERATIONS. FIRST, IT IS IMPORTANT THAT I
12 POINT OUT TO YOU THAT YOU DON'T SERVE AS JURORS TO BE PARTISANS OR
13 ADVOCATES FOR ONE SIDE OR THE OTHER. YOU WERE CHOSEN BY BOTH
14 SIDES IN THIS CASE BECAUSE EACH SIDE THOUGHT YOU COULD BE FAIR AND
15 IMPARTIAL TO BOTH OF THEM IN DECIDING THIS CASE. IN DOING THAT, DON'T
16 FORGET TO USE YOUR EXPERIENCES IN LIFE, YOUR GOOD COMMON SENSE,
17 AND YOUR SENSE OF LOGIC AND JUDGMENT. YOU BRING THOSE THINGS TO
18 BEAR AS JURORS AND YOU SHOULD CONTINUE TO DO SO IN YOUR
19 DELIBERATIONS, BUT IT IS IMPORTANT THAT YOU NOT BE AN ADVOCATE ONE
20 WAY OR THE OTHER.

21 IN PREPARING THESE CHARGES SOME TIME AGO, I LOOKED UP THE
22 DEFINITION OF DELIBERATION AND HERE IS WHAT THE DEFINITION IS; IT IS
23 CAREFUL CONSIDERATION WEIGHING UP WITH A VIEW TO A DECISION. NOW,
24 THE GENIUS OF OUR JURY SYSTEM IS IT ALLOWS TWELVE FOLKS JUST LIKE
25 YOURSELVES FROM DIFFERENT WALKS OF LIFE – YOU HAVE DIFFERENT LIFE

1 EXPERIENCES, DIFFERENT BACKGROUNDS AND PERSPECTIVES -- TO
2 CONSIDER THE EVIDENCE, TO CALMLY, RATIONALLY AND COURTEOUSLY
3 DISCUSS THE EVIDENCE AND ULTIMATELY TO REACH A VERDICT. WE CALL
4 THEM DELIBERATIONS FOR A REASON, BECAUSE YOU DO SO CAREFULLY AND
5 DELIBERATELY AND DISCUSS THEM CALM AND COURTEOUSLY WITH ONE
6 ANOTHER. AND AGAIN, YOU ARE NOT PARTISANS OR ADVOCATES FOR ONE
7 SIDE OR THE OTHER, YOU ARE JUDGES OF THE FACTS. YOUR SOLE INTEREST
8 IN PERFORMING YOUR DUTIES AS A JUROR IS TO FIND THE TRUTH BASED ON
9 THE EVIDENCE THAT HAS BEEN PRESENTED TO YOU FROM THE WITNESS
10 STAND AND THE EVIDENCE IN THIS CASE IN THIS COURTROOM. I WILL ASK
11 YOU AND I ALSO WILL INSTRUCT YOU TO LISTEN TO THE VIEWS OF YOUR
12 FELLOW JURORS, CONSIDER ALL PEOPLES POINTS OF VIEW. THOROUGHLY
13 TALK THROUGH THE ISSUES AND DISCUSS THE EVIDENCE AND REMEMBER, IF
14 YOU ARE DOING SOMETHING DELIBERATELY, YOU SHOULD NOT BE IN A BIG
15 HURRY AND IN THIS CASE YOU SHOULD NOT BE AS WELL. THIS CASE IS
16 IMPORTANT BOTH TO THE STATE AND TO THE DEFENDANT BECAUSE
17 NORMALLY THIS WOULD BE EACH SIDES ONLY DAY IN COURT AND WHEN YOU
18 RETIRE TO YOUR JURY ROOM, I REMIND YOU LADIES AND GENTLEMEN, THAT
19 IN ORDER FOR YOUR VERDICT TO BE VALID IT MUST BE UNANIMOUS. WITH
20 THAT BEING SAID, IT IS IMPORTANT THAT EACH OF YOU DECIDE YOUR CASE
21 BY YOURSELF. THAT MEANS THAT YOU SHOULD ONLY COME TO A DECISION
22 AFTER YOU HAVE IMPARTIALLY CONSIDERED ALL THE EVIDENCE, DISCUSSED
23 IT WITH YOUR FELLOW JURORS, AND LISTENED TO THE VIEWS OF YOUR
24 FELLOW JURORS. DO NOT BE AFRAID TO CHANGE YOUR POSITION IF THE
25 DISCUSSION PERSUADES YOU THAT YOU SHOULD DO SO, BUT YOU SHOULD

CHARGE OF THE COURT

1 NOT COME TO A DECISION SIMPLY BECAUSE THE OTHER JURORS DECIDE
2 THAT THAT IS WHAT YOU SHOULD DO. IT IS IMPORTANT THAT YOU ATTEMPT
3 TO REACH AN UNANIMOUS VERDICT, BUT OF COURSE YOU CAN ONLY DO THAT
4 AFTER EACH OF YOU HAVE MADE UP YOUR OWN DECISION. DO NOT CHANGE
5 AN HONEST BELIEF ABOUT THE WEIGHT AND THE EFFECT OF THE EVIDENCE
6 SIMPLY TO REACH A VERDICT. IN OTHER WORDS, DO NOT CHANGE YOUR
7 OPINION SOLELY FOR THE SAKE OF REACHING AN UNANIMOUS VERDICT.

8 NOW, MISTER WILLIAMS, IF AT ANY TIME DURING YOUR DELIBERATIONS
9 THERE NEEDS TO BE COMMUNICATION WITH THE COURT, FOLLOW THE SAME
10 PROCEDURE AND WRITE IT DOWN, HAND IT TO THE BAILIFF AND THEY WILL
11 BRING IT TO OUR ATTENTION. WE WILL DEAL WITH IT HERE IN OPEN COURT.
12 REMEMBER THAT YOU, LADIES AND GENTLEMEN, ARE BOUND BY THE RECORD
13 THAT HAS BEEN ESTABLISHED IN THIS COURTROOM. WHAT THAT SIMPLY
14 MEANS IS, AND I KNOW I AM REPEATING MYSELF, BUT IT IS IMPORTANT. THAT
15 THE ONLY EVIDENCE THAT YOU SHALL CONSIDER IS THE EVIDENCE FROM THE
16 WITNESS STAND AND THE EVIDENCE THAT HAS BEEN ADMITTED OR THE
17 EXHIBITS THAT HAVE BEEN ADMITTED INTO EVIDENCE.

18 NOW, MISTER WILLIAMS, I AM GOING TO COME DOWN AND SHOW YOU
19 THIS VERDICT FORM AND SHOW YOU HOW TO FILL IT OUT. OKAY, SIR?
20 (JUDGE LEAVES THE BENCH AND STANDS BY THE JURY FOREMAN) AND LET
21 ME JUST SAY THIS TOO, LADIES AND GENTLEMEN, WE HAD TO LINE THESE UP
22 IN SOME KIND OF ORDER AND SO THE ORDER IN WHICH THE CHARGES
23 APPEAR OR IN WHICH THE OPTIONS APPEAR SHOULD NOT BE CONSIDERED BY
24 YOU IN ANY WAY. THEY HAVE TO BE LISTED IN SOME ORDER, SO JUST
25 DISREGARD THAT. THE FIRST CHARGE THAT YOU WILL CONSIDER IS, "WE,

1 THE JURY, UNANIMOUSLY FIND THE DEFENDANT, TERRANCE GOSS IS, NOT
2 GUILTY OF CONSPIRACY TO COMMIT ARMED ROBBERY OR GUILTY OF
3 CONSPIRACY TO COMMIT ARMED ROBBERY." OKAY, SIR? WHEN YOU FIND
4 FOR EITHER ONE OF THOSE, YOU SIMPLY CHECK IT. ALL RIGHT? NEXT, YOU
5 GO DOWN TO THE NEXT CHARGE. "WE, THE JURY, UNANIMOUSLY FIND THE
6 DEFENDANT, TERRANCE GOSS IS, NOT GUILTY OF ARMED ROBBERY OR
7 GUILTY OF ARMED ROBBERY. GOT IT? YOU CHECK WHICH IS APPLICABLE.
8 NOW, IF, AND ONLY IF, YOU FIND THAT THE DEFENDANT IS GUILTY OF ARMED
9 ROBBERY, YOU WILL CONTINUE TO THE NEXT PAGE. "WE, THE JURY,
10 UNANIMOUSLY FIND THE DEFENDANT, TERRANCE GOSS IS, NOT GUILTY OF
11 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME
12 OR GUILTY OF POSSESSION OF A WEAPON DURING THE COMMISSION OF A
13 VIOLENT CRIME. DO YOU UNDERSTAND? CHECK THAT AND AT THE END, SIGN
14 HERE AND KNOCK ON THE DOOR AND LET THE BAILIFF KNOW THAT YOU HAVE
15 REACHED A VERDICT AND IT IS UNANIMOUS AND WE WILL RECEIVE IT IN THE
16 COURTROOM. NOW, GOING BACK, FINALLY, IF YOU FIND NOT GUILTY HERE
17 AND NOT GUILTY HERE, YOU STOP, YOU SIGN IT, KNOCK ON THE DOOR, AND
18 WE WILL RECEIVE THAT AS WELL. YOU UNDERSTAND? ALL RIGHT, THANK
19 YOU SIR. (JUDGE RETURNS TO THE BENCH)

20 ALL RIGHT, LADIES AND GENTLEMEN, THAT CONCLUDES MY
21 INSTRUCTIONS. WHAT I AM GOING TO DO I AM GOING TO ASK ALL OF YOU,
22 INCLUDING YOU, MISTER GAMBRELL, TO GO BACK TO YOUR JURY ROOM. DO
23 NOT BEGIN YOUR DELIBERATIONS AT THIS POINT. I NEED TO FIND OUT IF I
24 HAVE OVERLOOKED SOMETHING THAT I SHOULD INSTRUCTED YOU ABOUT OR
25 IF I HAVE SAID SOMETHING THAT I SHOULDN'T HAVE SAID AND I NEED TO

CHARGE OF THE COURT

1 CORRECT THAT. IN JUST A FEW MINUTES, WE WILL SEND BACK THE EXHIBITS
2 AS WELL AS THIS VERDICT FORM AND MISTER GAMBRELL, WE WILL BRING
3 YOU BACK OUT. WE WILL SEND YOU BACK TO THE JURY ROOM AT THIS TIME.
4 AGAIN, DO NOT BEGIN YOUR DELIBERATIONS AT THIS POINT.

5 (JURY OUT AT 11:34 A.M.)

6 **THE COURT:** ANY ADDITIONS OR EXCEPTIONS FROM THE STATE?

7 **MR. CAMPBELL:** NO, YOUR HONOR.

8 **THE COURT:** FROM THE DEFENSE?

9 **MS. GOODWIN:** NO, SIR.

10 **THE COURT:** OKAY, WOULD Y'ALL CHECK YOUR EXHIBITS AND DOUBLE
11 CHECK THIS VERDICT FORM TO MAKE SURE THERE IS NOTHING ABOUT IT
12 THAT YOU DON'T LIKE. IT IS THE SAME FORM FROM YESTERDAY. WE JUST
13 CHANGED THE DATE TO TODAY.

14 **MR. CAMPBELL:** YOUR HONOR, ON THE EXHIBITS, WE HAVE ALREADY
15 GONE OVER THEM AND THEY ARE ALL HERE .

16 **THE COURT:** THE BULLETS, DON'T TAKE BACK.

17 **MR. CAMPBELL:** I WAS FIXING TO SAY, YES ---

18 **THE COURT:** AND THERE IS SOMETHING ELSE, TOO.

19 **MR. CAMPBELL:** EXHIBITS #23 AND #24 ---

20 **THE COURT:** ANY AUDIO OR VISUAL, I GENERALLY LIKE TO RECEIVE
21 HERE IN THE COURTROOM TO MAKE SURE WE KEEP CONTROL OF HOW IT IS
22 PRESENTED.

23 **MS. GOODWIN:** I WAS GOING TO SAY THAT BECAUSE THE C-D THAT HAS
24 THE AUDIO ON IT, ACTUALLY, HAS A NUMBER OF OTHER TRACKS ON IT.

25 **THE COURT:** RIGHT. IT IS ADMITTED, BUT I THOUGHT ABOUT THAT. BUT

1 EVEN SO, I GENERALLY JUST WAIT AND JUST PRESENT IT IN THE
2 COURTROOM.

3 MS. GOODWIN: THAT'S FINE.

4 MR. CAMPBELL: THAT'S FAIR.

5 MS. GOODWIN: THAT'S FINE.

6 THE COURT: OKAY?

7 MS. GOODWIN: AND WE ARE GOING TO RELEASE THE ALTERNATE, IS
8 THAT RIGHT?

9 THE COURT: ONCE WE GET EVERYTHING BACK, AND Y'ALL, YOU KNOW,
10 DOUBLE CHECK THIS PLEASE MS. GOODWIN. AND LET ---

11 MS. GOODWIN: I DID. OH, I DIDN'T HAND IT TO HIM.

12 THE COURT: MR. CAMPBELL?

13 MR. CAMPBELL: HERE ARE, STATE'S EXHIBIT #23 AND 24 ARE THE
14 BULLETS, WHICH I DON'T THINK SHOULD GO BACK.

15 THE COURT: ALL RIGHT. IF YOU WILL LEAVE THOSE WITH OUR
16 ESTEEMED COURT REPORTER. (MISTER CAMPBELL COMPLIES)

17 THE COURT: DO YOU HAVE THE VERDICT FORM IN THERE?

18 BAILIFF: YES, SIR.

19 THE COURT: OKAY. WOULD YOU BRING THE ALTERNATE BACK IN?

20 (EXHIBITS GO BACK AT 11:36 A.M.)

21 (THE JUDGE RELEASES ALTERNATE JUROR)

22 FIRST QUESTION FROM THE JURY

23 THE COURT: ALL RIGHT, THEY WANTED TO WATCH THE VIDEO. LET'S
24 MARK THIS.

25 (WHEREUPON, THE FIRST QUESTION FROM THE JURY IS MARKED AS

FIRST QUESTION FROM THE JURY

1 COURT'S EXHIBIT #17.) BRING THEM BACK IN.

2 (JURY IN AT 11:41 A.M.)

3 THE COURT: MISTER WILLIAMS.

4 MR. WILLIAMS: YES, SIR?

5 THE COURT: YOU WANT TO WATCH THE VIDEO. IS THAT CORRECT?

6 MR. WILLIAMS: YES, SIR.

7 THE COURT: LET ME TELL YOU THE PRACTICE I DO. ALL THE JUDGES
8 HAVE DIFFERENT PRACTICES BUT WHAT I DO FOR AUDIO OR VIDEO, AND THIS
9 CASE WE HAVE BOTH, WHAT I WILL DO IS PLAY IT HERE IN THE COURTROOM.
10 WE WILL PLAY IT UNTIL YOU ARE SATISFIED WITH IT OR YOU CAN, YOU KNOW,
11 GO BACK IN THE BACK AFTER YOU HAVE WATCHED IT A FEW TIMES AND COME
12 BACK AND WATCH IT AGAIN, BUT I TYPICALLY LIKE TO KEEP CONTROL OF
13 WATCHING IT HERE IN THE COURTROOM. IS THAT ACCEPTABLE TO THE JURY?

14 MR. WILLIAMS: YES, SIR.

15 THE COURT: OKAY. IF YOU WOULD -- IS IT THE VIDEO YOU WANT TO SEE
16 OR THE AUDIO OR BOTH?

17 MR. WILLIAMS: IT'S THE VIDEO OF THE STORE, NOT THE BACK. WE
18 DIDN'T CARE ABOUT THE BACK.

19 THE COURT: OKAY.

20 MR. WILLIAMS: JUST THE STORE VIDEO.

21 THE COURT: JUST THE INSIDE?

22 MR. WILLIAMS: JUST THE INSIDE.

23 THE COURT: JUST THE INSIDE.

24 MR. CAMPBELL: FOR THE COURT RECORD, THIS WILL BE NUMBER #17.

25 THE COURT: AND LADIES AND GENTLEMEN, BEFORE HE TEES THAT UP,

1 IF YOU WANT TO REPLAY IT, I DON'T CARE HOW MANY TIMES YOU REPLAY IT,
2 JUST LOOK AT EACH OTHER AND TELL MISTER WILLIAMS AND HE WILL LET US
3 KNOW WHAT YOU WANT TO DO. OKAY?

4 **MR. CAMPBELL:** YOUR HONOR, FOR THE COURT RECORD, WE ARE
5 GOING TO START IT EXACTLY WHERE WE DID WHEN WE SHOWED IT IN THE
6 CASE-IN-CHIEF. IT'S JUST THIRTY-FIVE SECONDS AND SO... THERE ARE
7 SEVERAL MINUTES BEFORE THAT, BUT WE WILL GO RIGHT TO THAT POINT.

8 (MS. THOMAS PLAYS THE VIDEO)

9 **MR. WILLIAMS:** CAN YOU GO BACK AGAIN AND START AT THE
10 BEGINNING?

11 (MS. THOMAS REPLAYS THE VIDEO)

12 **MR. WILLIAMS:** WHEN THE GUY WITH THE LONG RIFLE GETS TO THE
13 DOOR, CAN YOU PAUSE IT?

14 **MS. THOMAS:** I WILL DO MY BEST, YOUR HONOR.

15 (VIDEO IS SHOWN FRAME BY FRAME)

16 **MR. WILLIAMS:** GO AHEAD A COUPLE OF FRAMES UP.

17 (MS. THOMAS COMPLIES)

18 **THE COURT:** MISTER WILLIAMS, DO YOU FEEL LIKE THAT ANSWERS THE
19 INFORMATION OR THE RESPONSE TO THE INFORMATION THE JURY WAS
20 SEEKING?

21 **MR. WILLIAMS:** (CONSULTS WITH THE JURY) THAT'S GOOD.

22 **THE COURT:** OKAY. ALL RIGHT, GOOD. IF YOU WOULD RETURN TO YOUR
23 JURY ROOM AND RETURN TO YOUR DELIBERATIONS. THANK YOU VERY MUCH.

24 (JURY OUT AT 11:58 A.M.)

25 **THE COURT:** ALL RIGHT, ANY ADDITIONS OR EXCEPTIONS FROM THE

SECOND QUESTION FROM THE JURY

1 STATE AS TO THE MANNER IN WHICH I HANDLED THE JURY'S QUESTION?

2 **MR. CAMPBELL:** NO, YOUR HONOR. I'M GOING TO HAND THIS BACK TO
3 THE COURT REPORTER. THIS IS STATE'S EXHIBIT #17.

4 **THE COURT:** OKAY. FROM THE DEFENSE?

5 **MS. GOODWIN:** NO. THAT WAS FINE.

6 **THE COURT:** WE ARE IN RECESS. IF YOU START TO LEAVE PLEASE JUST
7 LEAVE US YOUR NUMBERS SO WE CAN CALL YOU.

8 (JURY IN AT 12:39 P.M.)

9 (SECOND QUESTION FROM THE JURY MARKED AS COURT'S EXHIBIT #18)

10 **THE COURT:** WE HAVE TWO QUESTIONS. "TRENT STEVENSON AND
11 CHRIS RONOKE, STATEMENTS OF BOTH." I DON'T RECALL ANY STATEMENTS
12 FROM EITHER ONE ENTERED INTO EVIDENCE.

13 **MR. CAMPBELL:** THEY WERE NOT.

14 **MS. GOODWIN:** NO, THEY WERE NOT.

15 **THE COURT:** OKAY. SO, THAT ANSWERS THAT. TRANSCRIPT OF AUDIO
16 TRACK. WE DON'T HAVE REAL TIME CAPABILITY. I CAN REPLAY THE AUDIO,
17 BUT THERE'S NO TRANSCRIPT FOR THEM AVAILABLE TO USE. IS THAT
18 CORRECT?

19 **MS. GOODWIN:** CORRECT.

20 **THE COURT:** OKAY. I WOULD ANSWER THE STATEMENTS QUESTION,
21 SAYING, "LADIES AND GENTLEMEN, YOU CANNOT CONSIDER ANYTHING NOT IN
22 EVIDENCE. THERE WERE NO STATEMENTS OF EITHER ONE OF THESE
23 SUBMITTED. THEREFORE, YOU HAVE TO CONSIDER WHAT WAS.

24 **MR. CAMPBELL:** THE STATEMENTS ARE IN TESTIMONY. I DON'T KNOW IF
25 THEY ARE REFERRING TO TESTIMONY OR TO PHYSICAL STATEMENTS THAT

1 THEY GUYS WROTE.

2 **THE COURT:** WELL, THAT'S A GOOD QUESTION. I'LL FIND THAT OUT. IF
3 THERE IS TESTIMONY, WE CAN GO BACK AND REVIEW THAT. THE ONLY THING
4 ABOUT THE AUDIO IS TO TELL THEM THAT WE CAN REPLAY THE AUDIO TRACK
5 THAT THEY LISTENED TO. WE HAVE NO ABILITY AS FAR AS REAL TIME TO RE-
6 DO IT AND THERE IS NO TRANSCRIPT OF IT. OKAY? NOW, THEY MAY ASK
7 ABOUT WHAT M.J. SAID IN CLOSING, BUT THAT'S CLOSING ARGUMENT, NOT
8 EVIDENCE. ALL RIGHT. SO, WOULD YOU BRING THE JURY IN, PLEASE.

9 JURY IN AT 12:48 P.M.)

10 **THE COURT:** MISTER WILLIAMS, I HAVE TWO QUESTIONS, A REQUEST
11 FROM THE JURY. LET ME MAKE SURE I UNDERSTAND WHAT THE REQUESTS
12 ARE. ONE IS, IT SAYS, "TRENT STEVENSON AND CHRIS RONOKE, STATEMENTS
13 OF BOTH." ARE YOU ASKING FOR WRITTEN STATEMENTS OR A REPLAY OF
14 THEIR TESTIMONY?

15 **MR. WILLIAMS:** REPLAY OF THEIR TESTIMONY.

16 **THE COURT:** OKAY. WE CAN DO THAT. TRANSCRIPT OF AUDIO TRACK.
17 OKAY. LET ME TELL YOU, SOME PLACES, NOT HERE AND ACTUALLY VERY FEW
18 PLACES IN THE STATE HAVE WHAT IS CALLED REAL TIME WHERE, WHILE IT'S
19 DONE, IT'S PRINTED AT THE SAME TIME. HERE, THERE'S NOT A TRANSCRIPT
20 OF THAT AUDIO TRACK. SO ---

21 **MR. WILLIAMS:** THE PHONE CONVERSATION?

22 **THE COURT:** RIGHT. I KNEW THAT'S WHAT YOU WERE TALKING ABOUT.
23 THE ONLY THING THAT'S IN EVIDENCE IS THE ACTUAL AUDIO ITSELF, AS FAR
24 AS WHAT YOU LISTENED TO. I KNOW IT'S NOT GOOD QUALITY. WHAT I'M
25 SAYING IS, NEITHER PARTY SUBMITTED A TRANSCRIPT, SO WE DON'T HAVE

SECOND QUESTION FROM THE JURY

1 THE CAPABILITY AS FAR AS THE EQUIPMENT THAT'S HERE, IT'S NOT
2 TRANSCRIBED REAL TIME. OKAY? SO, WHAT THAT MEANS IS THE BEST I CAN
3 DO IS LET YOU RE-LISTEN TO THAT TRACK, THAT AUDIO TRACK, IF THAT'S
4 WHAT Y'ALL WOULD LIKE TO DO.

5 **MR. WILLIAMS:** WE GOT DIFFERENT VERSIONS OF WHAT IT SOUNDED
6 LIKE. WE'D LIKE TO HEAR IT AGAIN.

7 **THE COURT:** ALL RIGHT. Y'ALL AGREE? SO, MY UNDERSTANDING IS
8 THAT, IF I'M NOT INCORRECT, YOU WANT TO REPLAY THE TESTIMONY OF
9 TRENT STEVENSON AND CHRIS RONOKE. IS THAT CORRECT? AND REPLAY
10 THE AUDIO TRACK.

11 **MR. WILLIAMS:** YES, SIR.

12 **THE COURT:** OKAY. LET'S DO THIS. IT'S GOING TO TAKE HER A MINUTE
13 TO GET BACK TO GET THAT SET UP TO BE DONE. I'M GOING TO ASK YOU TO
14 GO BACK TO THE JURY ROOM TO MAKE SURE I ASKED THESE QUESTIONS
15 WITHOUT OBJECTIONS OR COMMENTS TO ADD AND THEN WE'LL BRING YOU
16 BACK OUT HERE TO LISTEN. OKAY, SIR?

17 **COURT REPORTER:** COULD THEY BRING THE AUDIO TAPE WHEN THEY
18 COME?

19 **THE COURT:** IF YOU HAVE THAT AUDIO DISK BACK THERE, COULD YOU
20 BRING THAT AUDIO DISK?

21 (JURY OUT AT 12:43 P.M.)

22 **THE COURT:** ANY ADDITIONS OR EXCEPTIONS TO MY INSTRUCTIONS OR
23 PROPOSED RESOLUTION BY THE STATE?

24 **MR. CAMPBELL:** NO, YOUR HONOR.

25 **THE COURT:** FROM THE DEFENSE?

25 (AUDIOTAPE PLAYED ON TRACT FIVE)

16 (THE JURY IS ALLOWED TO STAND AROUND THE COURT REPORTER IN
17 HOPES OF IMPROVING THEIR ABILITY TO HEAR WHAT WAS SAID IN THE
18 AUDIOTAPE. IN THE SECOND PLAYING OF THE AUDIOTAPE, TRACK SIX WAS
19 INADVERTENTLY PLAYED FOR A FEW SECONDS BEFORE OBJECTIONS WERE
20 MADE AND THEN TRACK FIVE WAS REPLAYED. THE AUDIOTAPE, AS PLAYED IN
21 COURT, IS RECORDED ON TRACK 33 OF DIGITAL RECORDING RECORDED BY
22 COURT REPORTER. I HAVE INCLUDED A C-D OF THAT RECORDING WITH THIS
23 TRANSCRIPT SO THAT YOU CAN HEAR THE PORTION OF TRACK SIX THAT WAS
24 INADVERTENTLY PLAYED. THE PART THAT INCLUDES THE PLAYING OF TRACK
25 SIX STARTS AT 5:26 ON TRACT 33 OF THE INCLUDED COMPACT DISK)

25 **MS. GOODWIN:** I WILL RESPECTIVELY DISAGREE.

SECOND QUESTION FROM THE JURY

1 **THE COURT:** I UNDERSTAND THAT.

2 **MS. GOODWIN:** YOUR HONOR, I WOULD ASK THAT BE NOTED AS WELL.

3 **THE COURT:** AS TO ---

4 **MS. GOODWIN:** MISTER CAMPBELL AND I DISCUSSED WHAT HE WAS
5 GOING TO PLAY. I READILY CONCEDED THAT TRACK 5 WAS FINE AND THAT
6 WAS THE TRACK THAT HE AND I DISCUSSED.

7 **THE COURT:** AND I CERTAINLY WASN'T PART OF THAT. MY
8 UNDERSTANDING WAS THAT THE WHOLE ENTIRE THING WAS ADMITTED,
9 WITHOUT ---

10 **MS. GOODWIN:** AND, IN FACT ---

11 **THE COURT:** OBJECTION.

12 **MS. GOODWIN:** --- THIS MORNING, HE AND I DISCUSSED HOW WE
13 WOULD KEEP THE OTHER TRACKS OUT OF THE HANDS OF THE JURY AND SO, I
14 THINK THE STATE HAD THE SAME IDEA THAT I DID.

15 **THE COURT:** RIGHT. AND I NOTE YOUR OBJECTION. I AM STILL GOING
16 TO OVERRULE IT AND I WILL NOTE THAT WHAT I HEARD, AND WHO KNOWS IF
17 WHAT I HEARD WAS RIGHT, YOU KNOW, "I NEED TO GET SOME MONEY TO GET
18 ME A LAWYER." NOTWITHSTANDING ANY OF THAT, I FIND THAT EVEN IF I AM
19 INCORRECT IN MY RULING THAT ALL THE ENTIRE TRACK WAS ADMITTED AND
20 NOT JUST THAT PARTICULAR SECTION AND WHATEVER CAME IN WAS
21 HARMLESS ERROR AND SO I AM JUST GOING TO OVERRULE YOUR OBJECTION,
22 BUT IT IS NOTED ON THE RECORD.

23 **MS. GOODWIN:** THANK YOU, JUDGE.

24 **THE COURT:** THANK YOU. ANYTHING FURTHER FROM THE STATE?

25 **MR. CAMPBELL:** NO, YOUR HONOR.

14 THE COURT: OKAY. I AM GOING TO GO SLOW. IF ANYONE CANNOT
15 UNDERSTAND ME, RAISE YOUR HAND AND I WILL MAKE SURE THAT YOU DO,
16 BUT THIS IS THE CHARGE. THE DEFENDANT IS CHARGED WITH CONSPIRACY
17 TO COMMIT ARMED ROBBERY. THE STATE MUST PROVE BEYOND A
18 REASONABLE DOUBT THAT THE DEFENDANT COMBINED WITH ONE OR MORE
19 PERSONS FOR THE PURPOSE OF COMMITTING AN UNLAWFUL ACT OR OF
20 COMMITTING A LAWFUL ACT BY UNLAWFUL MEANS. THERE MUST BE A
21 MUTUAL UNDERSTANDING, AGREEMENT, OR COMMON INTENTION OR PLAN.
22 MERE PASSIVE KNOWLEDGE OF OR CONSENT TO THE CRIMINAL CONDUCT OF
23 ANOTHER IS NOT ENOUGH TO MAKE A PERSON A CONSPIRATOR. THERE
24 MUST BE GUILTY KNOWLEDGE AND PARTICIPATION. SIMILARLY, THE MERE
25 FACT THAT THE DEFENDANT MAY HAVE ASSOCIATED WITH ANOTHER PERSON

THIRD QUESTION FROM THE JURY

1 OR MET WITH ANOTHER PERSON AND DISCUSSED COMMON AIMS AND
2 INTERESTS DOES NOT NECESSARILY ESTABLISH PROOF OF THE EXISTENCE
3 OF A CONSPIRACY OR THAT THE DEFENDANT WAS INVOLVED IN A
4 CONSPIRACY. ON THE OTHER HAND, IT'S NOT NECESSARY THAT THE
5 AGREEMENT BE A FORMAL ONE, THAT IT BE IN WRITING, THAT THE PERSONS
6 HOLD A MEETING AND EXPRESSLY STATE THE TERMS OF THE COMMON PLAN
7 OR THAT THE AGREEMENT BE STATED IN WORDS BETWEEN THEM. THE
8 AGREEMENT OF A CRIMINAL CONSPIRACY MAY COME INTO BEING THROUGH
9 AN IMPLIED MUTUAL UNDERSTANDING. THE WILLFUL, INTENTIONAL, AND
10 KNOWING ADOPTION BY TWO OR MORE PERSONS OF A COMMON PLAN IS
11 SUFFICIENT. NO OVERT ACTS NEED TO BE SHOWN TO ESTABLISH A
12 CONSPIRACY. A CONSPIRACY MAY BE SHOWN BY CIRCUMSTANTIAL EVIDENCE
13 AND THE CONDUCT OF THE PARTIES. IN ORDER TO CONVICT A DEFENDANT
14 OF CONSPIRACY, THE STATE MUST PROVE, BEYOND A REASONABLE DOUBT,
15 NOT ONLY THAT THE DEFENDANT KNEW OF THE UNLAWFUL CONDUCT, BUT
16 THAT THE DEFENDANT AGREED TO COMBINE WITH THE OTHER PERSONS FOR
17 THE PURPOSE OF ACCOMPLISHING THE UNLAWFUL CONDUCT, IN THIS CASE
18 THE ARMED ROBBERY. DOES EVERYONE UNDERSTAND THAT? DID Y'ALL GET
19 THAT? DO Y'ALL NEED ANY FURTHER READING OF THE CHARGE?

20 **MR. WILLIAMS:** NO, SIR.

21 **THE COURT:** VERY WELL, MISTER WILLIAMS, WILL YOU TAKE YOUR JURY
22 BACK AND RESUME YOUR DELIBERATIONS?

23 (JURY OUT AT 2:31 P.M.)

24 **THE COURT:** ANY ADDITIONS OR EXCEPTIONS FROM THE STATE?

25 **MR. CAMPBELL:** NO, YOUR HONOR.

25 THE COURT: MISTER GOSS -- I'M SORRY. THE LAST THING YOU SAID WAS

FOURTH QUESTION FROM THE JURY

1 WHAT?

2 **MR. CAMPBELL:** I WAS JUST GOING TO TOUCH ON THE THIRD ISSUE.
3 THAT PICTURE, THE STILL PICTURE SHE TOOK OFF THAT VIDEO. IT SHOULD
4 SPEAK FOR ITSELF AND THAT WAS NOT IN EVIDENCE.

5 **THE COURT:** RIGHT. YEAH, ANYTHING NOT IN EVIDENCE ---

6 **MR. CAMPBELL:** THAT WAS JUST PART OF HER ARGUMENT.

7 **THE COURT:** WELL, AND THAT IS WHAT IS KIND OF STANDING OUT TO
8 ME. BUT LET ME TELL YOU, MISTER GOSS. YOU ARE FREE -- YOU HAVE THE
9 CHOICE, AND I WILL LET YOU, CERTAINLY, MAKE THAT CHOICE SINCE YOUR
10 LIBERTY IS AT ISSUE IN THIS TRIAL.

11 **MR. GOSS:** YES, YOUR HONOR.

12 **THE COURT:** IF YOU WANT TO STAND UP IN FRONT OF THE JURY THEN
13 YOU CAN. I JUST WANT YOU TO UNDERSTAND THAT IF YOU DO SO, YOU MAY
14 NOT LATER USE THAT AS A GROUND TO GET ANY TYPE OF RELIEF. DO YOU
15 UNDERSTAND THAT? EITHER THROUGH DIRECT APPEAL OR A POST
16 CONVICTION RELIEF. DO YOU UNDERSTAND THAT?

17 **MR. GOSS:** YES, SIR.

18 **THE COURT:** DO YOU WANT TO STAND UP?

19 **MR. GOSS:** IF IT IS PLEASING TO THE COURT.

20 **THE COURT:** SIR?

21 **MR. GOSS:** IF IT WILL DO ME ANY GOOD, YES, SIR.

22 **THE COURT:** I CAN'T HEAR YOU. CAN YOU SPEAK UP?

23 **MS. GOODWIN:** HE SAYS, "IF IT DOES HIM ANY GOOD."

24 **THE COURT:** WHY, I CAN'T -- LISTEN, NOBODY HAS A CRYSTAL BALL,
25 MISTER GOSS, AND I DON'T KNOW WHAT THE JURY IS LOOKING AT. I DON'T

1 KNOW WHY THEY WANT YOU TO STAND UP. I SUSPECT IT IS BECAUSE BOTH
2 OF YOU ARE -- THE ATTORNEYS IN THIS CASE, MADE A BIG DEAL OF HEIGHT.
3 THEY MAY BE THINKING YOU ARE THAT HIGH OR NOT THAT HIGH. I DON'T
4 KNOW.

5 MS. GOODWIN: COULD WE HAVE A MINUTE TO CONFER?

6 THE COURT: I WOULD BE GLAD FOR YOU TO TAKE A MINUTE.

7 MS. GOODWIN: AND ON THE OTHER THING, I THINK, AND I WOULD JUST
8 ASK THAT YOU TELL THEM THAT THAT STILL SHOT IS NOT IN EVIDENCE AND
9 THEN THAT'S WHY THEY CAN'T SEE IT.

10 THE COURT: AND JUST SO THE RECORD IS CLEAR, THE PHOTO OF THE
11 ROBBERY IS WHAT YOU ARE TALKING ABOUT.

12 MS. GOODWIN: RIGHT. AND IT'S ON 43 AND 42 ON THE TAPE. SO, THEY
13 CAN SEE IT ON THE TAPE. IT'S AT 43 AND THEN AT 42. THAT'S WHERE THAT
14 STILL SHOT COMES FROM AND I SAID THAT WHEN I DID MY CLOSING.

15 THE COURT: DO YOU AGREE WITH THAT, MISTER CAMPBELL?

16 MR. CAMPBELL: YES, SIR.

17 (BRIEF BREAK)

18 MS. GOODWIN: HE DOESN'T WANT TO STAND UP, YOUR HONOR, SINCE
19 THAT'S NOT IN EVIDENCE.

20 THE COURT: MA'AM?

21 MS. GOODWIN: IS THAT WHAT YOU WOULD TELL THEM?

22 THE COURT: LET ME -- MY FEELINGS WERE, AND I WANT TO HEAR FROM
23 BOTH OF YOU. I WAS TALKING TO MY LAW CLERK ON THE WAY UP HERE AND I
24 DON'T RECALL ANY TIME DURING THE COURSE OF THE TRIAL THAT THE
25 DEFENDANT STOOD UP FROM BEHIND THE DEFENSE TABLE.

FOURTH QUESTION FROM THE JURY

1 **MS. GOODWIN:** RIGHT.

2 **THE COURT:** THE POINT BEING, I EQUATE THAT TO NEW EVIDENCE.
3 THAT'S NOT ADMITTED INTO EVIDENCE. I MEAN, CERTAINLY HIM BEING
4 ACROSS THE COURTROOM IS SOMETHING THAT IS NOT, IN THE CLASSICAL
5 SENSE OF THE WORD, EVIDENCE BECAUSE IT DID NOT COME FROM THE
6 WITNESS STAND OR INTRODUCED INTO THE TRIAL, BUT MAKING HIM STAND
7 UP WOULD BE DEMONSTRATIVE.

8 **MS. GOODWIN:** RIGHT.

9 **THE COURT:** AND IT'S NOT DONE IN THE TRIAL, SO MY INCLINATION WAS
10 I WOULD NOT ALLOW IT UNLESS HE AGREED TO IT AND YOU AGREED TO IT.

11 **MS. GOODWIN:** RIGHT.

12 **THE COURT:** NOW, ON THE SAME BASIS, IF THE STATE OPPOSED IT, I
13 WOULDN'T ALLOW IT IF HE WANTED TO.

14 **MS. GOODWIN:** LET ME TALK TO HIM JUST A FEW MINUTES.

15 **MR. CAMPBELL:** YOUR HONOR, I WILL PUT THIS ON THE RECORD. YOUR
16 HONOR, THE STATE'S NOT OPPOSED TO IT. WHATEVER HE WANTS TO DO.
17 IT'S HIS DECISION. THERE IS TESTIMONY IN THIS CASE THAT HE'S ---

18 **THE COURT:** SIX THREE.

19 **MR. CAMPBELL:** SIX THREE. MS. GOODWIN ASKED DETECTIVE GEBING
20 HOW TALL ARE YOU? SIX FOUR. MISTER CAMPBELL IS PRETTY TALL, TOO.
21 HE'S AROUND SIX TWO AND I'M PRETTY SHORT. SO, THERE IS EVIDENCE
22 REGARDING HEIGHT IN THE CASE. MS. GOODWIN DID BRING THAT UP IN HER
23 CLOSING ARGUMENT ABOUT HEIGHT AND THE TAPE MEASUREMENT ON THE
24 SIDE OF THE DOOR.

25 **THE COURT:** RIGHT.

25 THE COURT: THE DEFENSE?

25 THE COURT: LET ME YELL YOU. REMEMBER WHEN I WAS GIVING YOU

1 THE CHARGE THAT YOU HAVE TO BASE YOUR DECISION AND YOUR FINDINGS
2 OF THE FACTS ON THE EVIDENCE AND THE TESTIMONY FROM THE WITNESS
3 STAND. OKAY? AND ONCE THAT CASE CLOSED OFF, NO MORE EVIDENCE IS
4 COMING IN. BUT LET ME JUST TELL YOU, AND I AM INFORMED BY BOTH OF
5 THESE ATTORNEYS, THAT PHOTOGRAPH THAT SHE WAS USING IS A STILL
6 SHOT FROM THE VIDEO AT 43-42. SO SLIDE NUMBER 43-42. IS THAT CORRECT
7 COUNSEL?

8 **MS. GOODWIN:** THAT'S RIGHT, YOUR HONOR.

9 **THE COURT:** YOU WILL BE ABLE TO SEE THAT SAME SLIDE, SO I'M NOT
10 COMMENTING ON ANY NEW EVIDENCE. THAT LEAVES ME TO THE THIRD
11 REQUEST AND THAT IS TO HAVE THE DEFENDANT STAND UP. LET ME JUST
12 TELL YOU THIS. I TREAT THAT AS ADDITIONAL TESTIMONIAL TYPE EVIDENCE
13 THAT'S DEMONSTRATIVE. THAT CERTAINLY WOULD NOT BE SENT TO THE
14 JURY ROOM WITH YOU, BUT IT'S IN THE NATURE OF NEW TESTIMONY AND I AM
15 NOT GOING TO ALLOW THAT TO HAPPEN. YOU WILL JUST HAVE TO BASE
16 YOUR DECISION ON WHAT THE TESTIMONY WAS AND THE EVIDENCE THAT
17 WAS ADMITTED AND THE EXHIBITS THAT WERE ADMITTED INTO EVIDENCE.
18 OKAY, SIR? THAT BEING SAID, WE WILL GO AHEAD AND REDO THE
19 SLIDESHOW. DO YOU WANT IT PLAYED THROUGH ON FAST BASIS FIRST AND
20 THEN SLOW OR HOW?

21 (DISCUSSION AMONG THE JURORS)

22 **THE COURT:** I'LL TELL YOU. CAN YOU GET US TO SLIDE 43-42 FIRST? UP
23 TO WHERE THE PHOTO WAS TAKEN?

24 (PLAYING VIDEO)

25 **THE COURT:** IS THAT 43-42?

24 THE COURT: ALL RIGHT, JUST FOR THE RECORD. ANY ADDITION OR
25 EXCEPTIONS FROM THE STATE WITH REGARD TO ANY MANNER OF MY

1 DEALING OR THE PRESENTATION OF THE TWO QUESTIONS?

2 **MR. CAMPBELL:** NO, SIR, YOUR HONOR.

3 **THE COURT:** AND FROM THE DEFENSE, THERE ARE NONE EITHER. IS
4 THAT CORRECT?

5 **MS. GOODWIN:** ABSOLUTELY NOTHING.

6 **THE COURT:** THANK YOU. WE ARE IN RECESS.

7 (BREAK)

8 **VERDICT**

9 **THE COURT:** ALL RIGHT, COUNSEL, IT'S MY UNDERSTANDING IS THAT WE
10 HAVE A VERDICT. WILL YOU BRING THEM IN?

11 (JURY IN AT 3:44 P.M.)

12 **THE COURT:** ALL RIGHT, MISTER WILLIAMS, LADIES AND GENTLEMEN OF
13 THE JURY, MY UNDERSTANDING IS THAT YOU HAVE REACHED A VERDICT. IS
14 THAT CORRECT?

15 **MR. WILLIAMS:** YES, YOUR HONOR.

16 **THE COURT:** IS IT UNANIMOUS?

17 **MR. WILLIAMS:** YES, YOUR HONOR.

18 **THE COURT:** WOULD YOU PASS IT TO THE BAILIFF, PLEASE, SIR. (BAILIFF
19 PASSES IT TO THE CLERK WHO HANDS IT TO THE JUDGE. JUDGE RETURNS IT
20 TO THE CLERK) MADAM CLERK, WOULD YOU PUBLISH THE VERDICT, PLEASE,
21 MA'AM?

22 **CLERK OF COURT:** THANK YOU, YOUR HONOR.

23 INDICTMENT 2009-GS-04-70, THE STATE OF SOUTH CAROLINA VERSUS
24 TERRANCE GOSS, THE DEFENDANT. THE VERDICT: WE, THE JURY,
25 UNANIMOUSLY FIND THAT THE DEFENDANT, TERRANCE GOSS, IS GUILTY OF

VERDICT

1 CONSPIRACY TO COMMIT ARMED ROBBERY.

2 TO INDICTMENT 2009-GS-04-72, THE STATE OF SOUTH CAROLINA
3 VERSUS TERRANCE GOSS, THE VERDICT: WE, THE JURY, UNANIMOUSLY FIND
4 THAT THE DEFENDANT, TERRANCE GOSS, IS GUILTY OF ARMED ROBBERY. ON
5 COUNT TWO: WE, THE JURY, UNANIMOUSLY FIND THAT THE DEFENDANT,
6 TERRANCE GOSS, IS GUILTY OF POSSESSION OF A WEAPON DURING THE
7 COMMISSION OF A VIOLENT CRIME.

8 MISTER FOREMAN, LADIES AND GENTLEMEN OF THE JURY, IF THESE ARE
9 YOUR VERDICTS, WOULD YOU PLEASE INDICATE BY RAISING YOUR RIGHT
10 HANDS. ALL HANDS RAISED FOR EACH OF THE JURORS, YOUR HONOR.

11 (MISTER GOSS SPEAKS. INAUDIBLE)

12 **THE COURT:** MISTER GOSS. MISTER GOSS. MISTER GOSS, YOU WILL BE
13 DEALT WITH IN JUST A MINUTE. YOU WILL HUSH AND YOU WILL REFRAIN OR I
14 WILL REMOVE YOU OUT OF THIS COURTROOM RIGHT THIS MINUTE. DO YOU
15 UNDERSTAND?

16 (MISTER GOSS SPEAKS. INAUDIBLE)

17 **THE COURT:** DO YOU UNDERSTAND ME? YOU WILL HUSH. ALL RIGHT,
18 LADIES AND GENTLEMEN OF THE JURY, ANY TIME YOU ARE CALLED TO MAKE
19 DECISIONS SUCH AS YOU DID IN THIS CASE IS TOUGH, BUT YOU PAID
20 ATTENTION TO ALL THE EVIDENCE, YOU WERE DILIGENT, AND IT'S TIME AWAY
21 FROM YOUR JOBS, IT'S TIME AWAY FROM YOUR FAMILY AND WE APPRECIATE
22 YOUR TIME THAT YOU HAVE GIVEN TO ANDERSON COUNTY AND TO THE STATE
23 OF SOUTH CAROLINA AND WE ARE GOING TO DISMISS YOU FOR THE REST OF
24 THE WEEK. THERE ARE NO MORE TRIALS. THE GOOD THING IS, YOU DON'T
25 HAVE TO COME BACK AND DO THIS AGAIN FOR THREE YEARS, EITHER FROM

1 THE CRIMINAL SIDE OR FROM THE CIVIL SIDE. MISTER WILLIAMS, I AM GOING
2 TO ASK YOU TO SIGN OFF ON THE INDICTMENT SHEETS FOR ME AND I AM
3 GOING TO ASK ALL THE JURORS IF THEY WOULD, TO GO BACK TO THE JURY
4 ROOM. BEFORE YOU LEAVE, I WOULD JUST LIKE TO COME BACK INTO THE
5 JURY ROOM AND JUST SPEAK WITH YOU INFORMALLY, IF I MAY. AT THIS TIME
6 YOU MAY STEP BACK. MISTER WILLIAMS, MAY I ASK YOU TO STEP FORWARD.

7 (JURY OUT AT 3:47 P.M.)

8 (MISTER WILLIAMS SIGNS DOCUMENTS)

9 THE COURT: I WILL BE BACK IN JUST ONE MINUTE AND WE WILL IMPOSE
10 THE SENTENCING. WE WILL BE IN RECESS UNTIL THEN.

11 (BRIEF BREAK)

12 **SENTENCING**

13 THE COURT: COME AROUND TO THE BAR, PLEASE. ALL RIGHT, WE'VE
14 HEARD THE EVIDENCE ABOUT THIS CASE, SO I DON'T NEED TO HEAR
15 ANYMORE ABOUT THAT, BUT I WANT TO HEAR FROM THE SOLICITOR'S OFFICE.

16 MR. CAMPBELL: REGARDING HIS PRIOR RECORD?

17 THE COURT: YES, SIR.

18 MR. CAMPBELL: YOUR HONOR, AS A JUVENILE, CONVICTED OF ASSAULT
19 AND BATTERY OF A HIGH AND AGGRAVATED NATURE. IN NOVEMBER OF '04,
20 UNLAWFUL CARRYING OF A WEAPON, SHOPLIFTING, MALICIOUS INJURY TO
21 PERSONAL PROPERTY. IN '06, SIMPLE POSSESSION OF MARIJUANA AND
22 DISTRIBUTION OF COCAINE BASE. '08, PROWLING AND IS ALSO CURRENTLY
23 SENTENCED FOR A FEDERAL WEAPONS VIOLATION THAT OCCURRED AND HE
24 WAS SENTENCED ON 11-17-09 FOR THIS.

25 THE COURT: 11-17-09?

SENTENCING

1 **MR. CAMPBELL:** THAT'S WHAT THIS SAYS, DISPOSITION NOVEMBER 17,
2 '09. ACTUALLY, EXCUSE ME, MARCH 11, 2009 WAS A GUILTY PLEA TO THE
3 FEDERAL WEAPONS CHARGE.

4 **THE COURT:** HOW MUCH -- WHAT WAS HIS SENTENCE ON THAT?

5 **MS. GOODWIN:** TWENTY-FOUR ---

6 **MR. CAMPBELL:** TWENTY-FOUR MONTHS. TWENTY-FOUR MONTHS,
7 YOUR HONOR.

8 **THE COURT:** OKAY. ALL RIGHT, MS. GOODWIN.

9 **MS. GOODWIN:** YOUR HONOR, MY CLIENT IS EXTREMELY UPSET WITH ME
10 AND DOES NOT FEEL THAT I HAVE ADEQUATELY REPRESENTED HIM DURING
11 THIS TRIAL, SO HE MAY WANT TO SAY HIS OWN THING, BUT I WOULD TELL
12 YOUR HONOR THAT --

13 **MR. GOSS:** SHE NEEDS TO ---

14 **THE COURT:** MISTER GOSS, YOU STOP. I'M GOING TO LET YOU SPEAK.

15 **MS. GOODWIN:** I THINK THE CASE IS VERY MINIMAL AGAINST HIM. I
16 THINK IT'S A LEAP. I WOULD ASK THAT YOU IMPOSE THE MINIMUM THAT THE
17 LAW ALLOWS IN THIS CASE. I WILL TELL YOU THAT AT ONE POINT THE STATE
18 OFFERED HIM LESS THAN THE MINIMUM AND A DIFFERENT CHARGE, IF HE
19 WOULD HAVE PLED. I BELIEVE HE SHOULD HAVE TAKEN THAT. HINDSIGHT IS
20 20/20, BUT IT WOULD SEEM VERY UNFAIR FOR HIM TO BE GIVEN A GREATER
21 SENTENCE BECAUSE HE REQUESTED HIS DAY IN COURT.

22 **THE COURT:** ALL RIGHT, LET ME TELL YOU SOMETHING. I NEVER
23 REQUEST -- I MEAN I NEVER PUNISH PEOPLE FOR EXERCISING THEIR
24 CONSTITUTIONAL RIGHTS AND THAT WILL NOT HAPPEN HERE. I AM GOING TO
25 SENTENCE HIM BASED ON WHAT I THINK WOULD BE THE APPROPRIATE

1 SENTENCE.

2 MS. GOODWIN: YES, SIR.

3 THE COURT: OKAY.

4 MS. GOODWIN: I JUST WANTED TO BE SURE THAT YOUR HONOR KNEW
5 OUR POSITION ON THAT. HE MAY WELL HAVE SOMETHING TO SAY. HE'S
6 UPSET WITH ME RIGHT NOW AND I DON'T KNOW THAT I HAVE SAID
7 EVERYTHING THAT HE WANTS TO SAY AND — (SPEAKS TO DEFENDANT)

8 THE COURT: MISTER GOSS.

9 MR. GOSS: YES, SIR?

10 THE COURT: IF Y'ALL PREFER THAT I DEFER THE SENTENCING TO
11 TOMORROW I WILL BE GLAD TO DO THAT. I WILL BE GLAD TO HEAR FROM YOU
12 NOW. YOUR PLEASURE.

13 MR. GOSS: THANK YOU. I'M SORRY.

14 THE COURT: LET ME ASK YOU THIS, MS. GOODWIN, IN ORDER FOR ME TO
15 HEAR ANYTHING FURTHER ON MITIGATION FROM THIS GENTLEMEN, WOULD
16 YOU PREFER THAT I HOLD HIM OR DETAIN HIM TONIGHT?

17 MS. GOODWIN: HE WOULD — MITIGATION WOULD BE THAT HE HAS A
18 SMALL CHILD. YOUR HONOR HAS SEEN THAT CHILD IN THE COURTROOM. HE
19 HAS THE CHILD'S MOTHER AND HIS MOTHER IS HERE. SHE SEEMS TO HAVE
20 LEFT. HE HAS FAMILY THAT LOVE HIM AND HE MAINTAINS STILL, THAT HE DID
21 NOT DO THIS AND WHILE HE HAS BEEN FOUND GUILTY, HE DOES CONTINUE TO
22 MAINTAIN THAT. I WOULD ASK YOU TO IMPOSE THE MINIMUM SENTENCE.

23 THE COURT: LET ME ASK YOU THIS. THE CRIMINAL CONSPIRACY IS A
24 SENTENCE OF FIVE?

25 MR. CAMPBELL: THE CONSPIRACY IS FIVE. THE WEAPONS CHARGE IS

SENTENCING

1 FIVE. THE ARMED ROBBERY IS TEN TO THIRTY. WE DO STILL HAVE A PENDING
2 CASE REGARDING -- THERE WERE TWO CRIMES THAT DAY. THE OTHER ONE
3 WAS AT HICKORY POINT. THAT IS STILL PENDING ALSO.

4 THE COURT: AGAINST THIS GENTLEMAN?

5 MR. CAMPBELL: YES, SIR.

6 THE COURT: OKAY.

7 MR. GOSS: I DON'T EVEN WANT TO GO TO TRIAL FOR THE NEXT ONE. I
8 JUST WANT TO TELL THE TRUTH.

9 THE COURT: SIR?

10 MR. GOSS: I WANT TO TELL THE TRUTH. I JUST WANT TO TELL THE
11 TRUTH. I COULDN'T GET ON THE STAND BECAUSE I DIDN'T WANT THEM TO
12 FIND ME GUILTY BECAUSE OF MY RECORD AND I AIN'T GONNA TELL ON
13 NOBODY BECAUSE OF MY FAMILY. THE DUDE WHO DID IT, MAN, HE GOT TWO
14 MURDER CHARGES AND I CAN'T DO THAT. I CAN'T TELL ON THAT MAN.

15 MS GOODWIN: YOUR HONOR, IN SUPPORT OF THAT, I AM AWARE THAT
16 JAVARIS HILL, WHO TESTIFIED HERE YESTERDAY, WAS BEATEN SEVERELY
17 LAST NIGHT AT THE JAIL. SO, HE HAS A VALID REASON FOR NOT WANTING TO
18 TELL. HE LOVES THESE WOMEN THAT SAT HERE BEHIND HIM AND HE DOESN'T
19 WANT TO TELL.

20 MR. GOSS: EITHER WAY, IF YOU GIVE ME TIME, IF THEY FIND OUT I TELL
21 THEN I WILL STILL BE FORCED TO DEFEND MYSELF.

22 THE COURT: LET ME ASK YOU THIS. I KNOW AT THE BEGINNING OF THIS
23 TRIAL, THERE WAS CONCERN ABOUT THERE BEING ALLEGATIONS OF THERE
24 BEING GANG RELATED ACTIVITY. IT WAS POINTED OUT TO ME THAT IN THE
25 VIDEO AT LEAST TWO OF THE THREE HAD RED JACKETS ON WHICH WOULD

1 INDICATE THAT THEY WERE PART OF THE BLOODS OR CRIPS OR WHATEVER
2 AND THAT THE THIRD ONE HAD A ---

3 **MR. CAMPBELL:** YOUR HONOR ---

4 **THE COURT:** I WANT TO HEAR MORE ABOUT THIS GANG RELATED
5 ACTIVITY AND WHAT CONNECTION YOU HAVE TO THIS GENTLEMAN AND THAT
6 KIND OF ACTIVITY.

7 **MR. CAMPBELL:** DETECTIVE GEBING IS HERE, YOUR HONOR. HE WORKS
8 ON THE GANG TASK FORCE BETWEEN THE SHERIFF'S OFFICE AND THE CITY,
9 THE JOINT TASK FORCE, AND HE IS MORE IN A BETTER POSITION TO TESTIFY
10 TO THAT, YOUR HONOR.

11 **DETECTIVE GEBING:** YOUR HONOR, I AM THE CRIMINAL INVESTIGATION
12 DIVISION LIAISON TO OUR GANG TASK FORCE. MISTER GOSS WAS
13 DOCUMENTED AS A GANG MEMBER SEVERAL YEARS AGO. HE'S ACTUALLY
14 LISTED IN THE N-C-I-C NETWORK IN THE VIOLENT GANG TERRITORY POSITION
15 FILE AND AS A DOCUMENTED GANG MEMBER.

16 **THE COURT:** WHAT BASIS DID THEY HAVE FOR PUTTING HIM IN THAT?

17 **DETECTIVE GEBING:** SOME OF THE PAST CRIMES AND THE ASSOCIATES
18 THAT HE'S WITH. ASSOCIATES NAMED HIM AS A GANG MEMBER AND IT WAS
19 ACTUALLY SPECULATED THAT EARLY ON, BEFORE HIS ARREST, HE WAS
20 ACTUALLY IN A LEADERSHIP POSITION IN A LOCAL SET OF THE BLOODS. ALL
21 OF THESE OTHER PEOPLE, INCLUDING SOME OF THE PEOPLE THAT HAVE
22 BROUGHT IN SOME OF THE PEOPLE THAT HAVE BEEN PREVIOUSLY
23 CONVICTED OF THINGS, ALL ARE FROM THE SAME GROUP OR GANG, YOUR
24 HONOR. AND AGAIN, I DON'T ATTRIBUTE THIS TO MISTER GOSS, BUT IN THE
25 SUMMER OF 2008, STARTING AT ABOUT FEBRUARY AND ALL THE WAY

SENTENCING

1 THROUGH SEPTEMBER, THAT PARTICULAR GROUP OF BLOODS WERE
2 RESPONSIBLE FOR TWENTY-SOMETHING ARMED ROBBERIES. MISTER GOSS'
3 INVOLVEMENT WAS LIMITED IN THAT. HE GOT ARRESTED VERY EARLY ON.

4 THE COURT: IS THERE ANY MARKINGS OR TATTOOS OR ANYTHING ON
5 MISTER GOSS TO INDICATE, YOU KNOW, THAT ---

6 MR. GOSS: I HAVE A TATTOO ON MY CHEST. IT DOESN'T HAVE NOTHING
7 TO DO WITH GANGS ON IT.

8 THE COURT: YOU DON'T HAVE ANY GANG RELATED ---

9 DETECTIVE GEBING: I'M NOT AWARE OF WHAT HE'S GOT ON HIM. I
10 KNOW HE HAS HIS INITIALS HERE ON A BULLET ON HIS HAND BUT I DON'T
11 KNOW OF ANY SPECIFICALLY. HIS DOCUMENTATION ---

12 THE COURT: WHAT DOES THE BULLET SUPPOSEDLY INDICATE TO YOU?

13 DETECTIVE GEBING: I'VE SEEN IT ON SEVERAL PEOPLE. IT DOESN'T
14 NECESSARILY MEAN, "OH, I'VE COMMITTED AN ACT OF VIOLENCE WITH A GUN,"
15 OR ANYTHING LIKE THAT, BUT I HAVE SEEN IT. IN FACT, ONE OF THE PERSONS
16 HE WAS ASSOCIATED WITH, JOEY OLIVER, HE'S GOT ONE ON HIS HAND AS
17 WELL, BUT TO MY KNOWLEDGE IT DOESN'T NECESSARILY INDICATE, "OH, I'VE
18 DONE SOMETHING BULLET-RELATED OR ANYTHING LIKE THAT.

19 THE COURT: OR I AM AFFILIATED WITH THIS GROUP OR THE OTHER?

20 DETECTIVE GEBING: CORRECT.

21 THE COURT: I MEAN, I'VE BEEN GIVEN IN THE PAST, YOU KNOW, SOME
22 THINGS THAT SHOWS TATTOOS FROM VARIOUS GANGS AND I WAS CURIOUS
23 IF THERE WAS ANYTHING OF THAT NATURE IN THIS CASE.

24 DETECTIVE GEBING: NONE THAT I KNOW OF, YOUR HONOR. AND I
25 APOLOGIZE FOR NOT HAVING A MORE THOROUGH ANSWER FOR YOU. I DID

1 NOT DOCUMENT HIM. JEFF MOSER OF THE ANDERSON CITY POLICE
2 DEPARTMENT DOCUMENTED HIM LONG BEFORE I GOT TO THE GANG WORLD.

3 **MS. GOODWIN:** YOUR HONOR, TRYING TO PROVE YOU'RE NOT IN A GANG
4 IS VIRTUALLY IMPOSSIBLE.

5 **THE COURT:** WELL, NOW I DIDN'T -- LISTEN, LET ME TELL YOU
6 SOMETHING. I WAS GOING TO MAKE SURE THAT THAT DIDN'T COME OUT IN
7 TRAIL BECAUSE I WANTED TO GET A -- UNLESS, IN MY VIEW, THERE IS A
8 CONNECTION BETWEEN THE GANG AFFILIATION AND THE CRIME, IT'S JUST
9 NOT RELEVANT TO THE DETERMINATION OF GUILT. BUT WHEN IT COMES
10 DOWN TO SENTENCING OR SOMETHING, I DO WANT TO KNOW.

11 **MS. GOODWIN:** WELL, YES, SIR. BUT AGAIN, THEY DON'T CARRY
12 MEMBERSHIP CARDS. THERE'S NOT A ROSTER THAT I'M AWARE OF. HE HAS
13 MAINTAINED THAT HE'S NOT IN THE GANG.

14 **THE COURT:** ALL RIGHT. ALL RIGHT.

15 **MS. GOODWIN:** AND CONTINUES TO DO THAT. BUT HE IS AFRAID OF THE
16 PEOPLE THAT ARE. HE'S AFRAID OF T. J. PATTERSON AND JOEY OLIVER AND
17 THAT CROWD.

18 **MR. CAMPBELL:** AND YOUR HONOR, ONE THING. THE TESTIMONY THAT I
19 SKIPPED OVER AND DIDN'T GO INTO BASED ON THE COURT'S RULING, IS THAT
20 SOME OF THE WITNESSES IN THE CLUB THAT NIGHT WERE SAYING THAT, YOU
21 KNOW, THAT HIM AND "T. J.", TRAVIS PATTERSON, GOT INTO AN ARGUMENT
22 WITH GANG MEMBERS, BEING BLOODS. THEY WERE, THE WITNESSES, WERE
23 TELLING US, "I DON'T KNOW WHY, BECAUSE THEY'RE BLOODS, TOO." AND I
24 DIDN'T GO INTO THAT BECAUSE I DIDN'T WANT ANYTHING PREJUDICIAL TO
25 COME OUT IN THE TRIAL, BUT THAT'S WHAT THE WITNESSES TOLD US IN

SENTENCING

1 VOLUME.

2 **MR. GOSS:** YOUR HONOR, COULD I ASK NOT TO BE TAKEN FROM MY SON
3 FOREVER?

4 **THE COURT:** SIR?

5 **MS. GOODWIN:** HE WAS ASKING YOU NOT TO TAKE HIM FROM HIS SON
6 FOREVER.

7 **THE COURT:** MISTER GOSS, I WILL BE GLAD TO HEAR ANYTHING YOU
8 WANT TO SAY. I MEAN, I KNOW THAT YOUR ATTORNEY HAS TOLD ME THAT
9 YOU DENY INVOLVEMENT WITH THE GANGS AND YOU DENY GUILT FOR ANY OF
10 THESE CHARGES. IS THAT CORRECT?

11 **MR. GOSS:** YES, SIR.

12 **THE COURT:** ANYTHING YOU WANT TO ADD? ANYTHING YOU WANT TO
13 SAY?

14 **MR. GOSS:** I DIDN'T DO IT.

15 **MS. GOODWIN:** YOUR HONOR, I WOULD LIKE TO ADD THAT IT SEEMS TO
16 ME THAT EVEN IF YOU BELIEVE WHAT THE STATE SAYS, THAT HE IS PART OF
17 THE BLOODS, IF YOU BELIEVE THAT, WHICH HE DENIES, BUT IF YOU BELIEVE
18 THAT, TWO OF THEM WITH MULTIPLE, MORE SERIOUS CHARGES ARE DOING
19 TWENTY AND TWENTY-FIVE YEARS. SO, IT WOULD SEEM TO ME THAT A
20 CONVICTION ON ONE, WITH ONE CHARGE WOULD MERIT A LESSER SENTENCE
21 THAN THOSE TWO SENTENCES. THOSE TWO FELLOWS DID A HEAP OF
22 CRIMES AND ONE IS DOING TWENTY AND ONE IS DOING TWENTY-FIVE.

23 **THE COURT:** WELL, YOU KNOW, YOU UNDERSTAND THAT I HAVE
24 NOTHING TO DO WITH THEIR SENTENCING ---

25 **MS. GOODWIN:** I UNDERSTAND.

1 **THE COURT:** AND MY SENTENCING ---

2 **MS. GOODWIN:** I UNDERSTAND AND I AM PUTTING IT OUT THERE FOR
3 YOUR HONORS CONSIDERATION.

4 **MR. GOSS:** I JUST WANT TO BE OUT FOR MY SON WHEN HE GRADUATES.

5 **THE COURT:** ALL RIGHT. ANYTHING FURTHER FROM ANYONE ELSE?

6 **MR. CAMPBELL:** NO, YOUR HONOR.

7 **THE COURT:** ALL RIGHT. LET ME MAKE SURE I AM CLEAR ON THIS FOR
8 EVERYBODY. UNDER INDICTMENT 2009-GS-04-072, WHICH IS THE ARMED
9 ROBBERY. I SENTENCE YOU TO A TERM OF SEVENTEEN YEARS. EXCUSE ME, I
10 MIS-SPOKE. THAT IS FIFTEEN YEARS. HOWEVER, I AM PROVIDING THAT THAT
11 SENTENCE IS CONSECUTIVE TO HIS FEDERAL COURT CHARGES. IN OTHER
12 WORDS, HE STARTS SERVING STATE AFTER FEDERAL. OKAY? UNDER HIS
13 WEAPONS AND HIS CONSPIRACY, THOSE ARE FIVE APIECE. THOSE WILL BE
14 CONCURRENT WITH THE STATE CHARGES, OKAY? SO THE ARMED ROBBERY,
15 THE POSSESSION OF A WEAPON DURING A VIOLENT CRIME AND CONSPIRACY
16 WILL ALL BE CONSECUTIVE AND THOSE TWO ARE FIVE AND FIVE AND THE
17 ARMED ROBBERY IS FIFTEEN. THOSE CHARGES ARE CONSECUTIVE TO HIS
18 FEDERAL SO THAT HE SERVES HIS FEDERAL TIME AND THEN HE COMES BACK
19 AND GOES TO STATE AND SERVES NEW TIME AND HE DOESN'T GET CREDIT
20 WHILE IN THE FEDERAL PENITENTIARY.

21 **MS. GOODWIN:** HE HAS BEEN IN JAIL FOR, I THINK, TWENTY-FIVE
22 MONTHS, TWENTY-SEVEN MONTHS AT THIS POINT. WILL HE GET CREDIT FOR
23 THOSE?

24 **THE COURT:** ON THIS CHARGE?

25 **MS. GOODWIN:** YES, SIR.

SENTENCING

1 **THE COURT:** DO YOU AGREE WITH THAT SOLICITOR?

2 **MR. CAMPBELL:** HE'S BEEN IN FOR A WHILE, YOUR HONOR.

3 **THE COURT:** ALL RIGHT. HE IS CERTAINLY ENTITLED TO CREDIT FOR
4 TIME SERVED. AND HOW MUCH IS THAT?

5 **MS. GOODWIN:** TWENTY-SEVEN. IS IT TWENTY-SEVEN MONTHS NOW?

6 **THE COURT:** THE REASON I ASK, THEY TOLD US THE OTHER DAY AT A
7 MEETING WITH THE DEPARTMENT OF CORRECTIONS THAT Y'ALL NEED TO
8 WRITE IT DOWN BECAUSE THE CALCULATIONS ARE DIFFERENT.

9 **MS. GOODWIN:** YES, SIR. I CAN FIND THE DATE THAT HE WENT IN ON
10 AND GET IT TO YOU.

11 **THE COURT:** WOULD YOU JUST -- HOW ABOUT YOU RUN IT BY MISTER
12 CAMPBELL AND MAKE SURE Y'ALL AGREE WITH THAT AND I WILL GIVE HIM
13 CREDIT FOR TIME SERVED.

14 **MS. GOODWIN:** OKAY. IT WAS FEBRUARY 20, 2008, YOUR HONOR.

15 **THE COURT:** THAT WAS FEBRUARY 20, 2008?

16 **MS. GOODWIN:** YES, SIR.

17 **MR. CAMPBELL:** YOUR HONOR, I DON'T THINK THE WARRANT ON THIS
18 CASE WAS SERVED UNTIL SEPTEMBER 23, 2008.

19 **MR. GOSS:** IT WAS BACKDATED TO APRIL 04, 2008, BUT I HAVE BEEN IN
20 JAIL SINCE FEBRUARY 20, 2008.

21 **DETECTIVE GEBING:** HIS INITIAL ARREST WAS ON CHARGES UNRELATED
22 TO THIS ROBBERY, YOUR HONOR. I THINK IT WAS THE FEDERAL CHARGE
23 THAT STEMMED FROM A CITY INVESTIGATION WAS HIS INITIAL, BUT THAT
24 DOES SOUND ABOUT RIGHT, THE FEBRUARY 20, 2008.

25 **THE COURT:** YOU GUYS GET TOGETHER ON THAT AND THAT WAY, I WILL

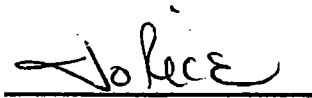
- 1 JUST HOLD ON TO THIS AND FILL IT IN.
- 2 **MS. GOODWIN:** YES, SIR.
- 3 **THE COURT:** ALL RIGHT. GOOD LUCK TO YOU.
- 4 **MR. CAMPBELL:** THANK YOU, YOUR HONOR.

CERTIFICATE

I, THE UNDERSIGNED JO RICE, OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING THREE HUNDRED EIGHTY-FOUR PAGED TRANSCRIPT IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF THE TRIAL IN THE CAPTIONED CASE, IN THE COURT OF GENERAL SESSIONS FOR ANDERSON COUNTY, SOUTH CAROLINA ON MAY 17-19, 2010, AT THE ANDERSON COUNTY COURTHOUSE, TO THE BEST OF MY SKILL AND ABILITIES.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

SEPTEMBER 5, 2010

A handwritten signature in cursive script, appearing to read "Jo Rice", is written over a horizontal line.

JO RICE

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 COPY

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRANCE GOSS,

APPELLANT

FINAL ANDERS BRIEF OF APPELLANT

LANELLE CANTEY DURANT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT

RECEIVED

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SC Court of Appeals

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<u>State v. Kennedy</u> , 272 S.C. 231, 250 S.E.2d 338 (1978)	8
<u>State v. Patterson</u> , 337 S.C. 215, 522 S.E.2d 845 (Ct. App. 1999).....	7

STATEMENT OF ISSUE ON APPEAL

Did the trial court err in not granting a mistrial when Detective Gebing testified that the same Kel Tec gun which was seen in the video of the BP robbery and which allegedly belonged to appellant, was seen in the video of another crime that occurred the same night after he had testified that this gun was unique and he had never seen one in the nine years he had worked in violent crimes?

STATEMENT OF THE CASE

On January 2, 2009, the Anderson County Grand Jury indicted Terrance Jarel Goss on the charges of armed robbery, possession of a weapon during the commission of a violent crime, and conspiracy to commit armed robbery. On May 17 – 19, 2010, Goss proceeded to trial before the Honorable R. Lawton McIntosh and a jury. He was represented by Mary Jane Goodwin, and the state was represented by Rame Goodwin. The jury returned verdicts of guilty as indicted. Judge McIntosh sentenced Goss to fifteen years on the armed robbery; five years on the gun charge; and five years on the conspiracy charge. These sentences were to run concurrently to each other but consecutive to the Federal sentence Goss had previously received on a gun charge. Tr. 382. Goss's attorney filed a notice of appeal. This appeal follows.

ARGUMENT

The trial court erred in not granting a mistrial when Detective Gebing testified that the same Kel Tec gun which was seen in the video of the BP robbery, and which allegedly belonged to appellant, was seen in the video of another crime that occurred the same night after he had testified that this gun was unique and he had never seen one in the nine years he had worked in violent crimes.

Stephen Lattimore was a clerk at the BP gas station on Shockley Road in Anderson on February 5, 2008 when three masked men robbed the store at gunpoint around one o'clock a.m. They fired shots before leaving the store with over \$900. R. 71; R. 76 – 79.

On February 7, 2008, Chris Ronoke, who was a student at Greenville Technical College, went to the Club Rolex for college night with friends. Terrance Goss and Travis Patterson were among these friends. R. 103 – 105; R. 108; R. 176, ll. 1 – 8. They left the club around three o'clock a.m. Ronoke went to his girlfriend's apartment, and Goss and Patterson went to spend the night in Ronoke's dorm room. R. 109 – 110.

Trent Stevenson testified that he knew Goss but did not "hang out" with him. However, Stevenson went to Club Rolex on college night also, and Goss rode back with Stevenson to Greenville Technical College. When Stevenson got in his car, he saw a big gun on the passenger floor board which Goss said was his. According to Stevenson, Goss said the gun was a Kel Tec which held thirty-two bullets and would fold. R. 151; R. 153; R. 155; R. 156.

The next morning, Ronoke returned to his dorm room. He saw Goss and Patterson briefly as they were leaving as he came in. R. 112. When Ronoke started collecting his

clothes to wash, he discovered a pistol. When he tried to pick it up, it accidentally went off and shot him in the knee. EMS was called and took him to the hospital. R. 113 – 114.

Captain Rick Masters of the Greenville Tech Police Department testified that he investigated the shooting incident with Ronoke on February 8, 2008 at Greenville Tech. R. 120 – 121. During his investigation, he took a statement from Goss about the incident, and Goss said he slept in Ronoke's room that night. R. 124; R. 128 – 130. Captain Masters said two guns were found in a closet in Ronoke's dorm room. R. 131.

Detective Rob Gebing of the Anderson County Sheriff's Office was assigned to the BP robbery case on Shockley Road. R. 227 – 229. When he viewed the videotape of the robbery, he could tell that the long gun was a Kel Tec which looks like a rifle but can shoot pistol cartridges. He said it was a unique gun and he had never "come across one" in the nine years he worked in violent crimes. R. 234 – 235. He said the BP robbery had gone cold as they had no leads. During the summer, some of the officers pooled their resources to try to solve some of the many robberies that had occurred. R. 238.

When one of the other officers saw the guns in the videotape from the BP robbery, he said those guns may have been seized in the Greenville Tech shooting incident on February 8, 2008. R. 238, ll. 10 – 25. Detective Gebring contacted Greenville County Law Enforcement Center and had the shell casings collected from the BP robbery compared to the guns seized from the Greenville Tech shooting when Ronoke was shot. The analysis confirmed that the shell casings from the BP robbery came from the two guns found in Ronoke's apartment at Greenville Tech. R. 239; R. 240.

Detective Gebring then studied the Greenville Tech case and came up with the names of Goss and Patterson in relation to the two guns. R. 240, ll. 21 – 25; R. 241. He took

out warrants on Goss and Patterson. He did not learn who the third robber was. R. 243, ll. 15 – 25; R. 244. Terrance Goss and Travis Patterson were charged with robbing the BP gas station on Shockley Road in Anderson on February 5, 2008 at gunpoint. R. 244.

Detective Rob Gebing testified that the Kel Tec was “such a unique gun”. He testified that the Kel Tec was used in the BP robbery. R. 235; R. 236. He then said that this same gun was actually seen on video from another crime that occurred the same night as the BP robbery. R. 237. Defense counsel then objected saying she had not heard any testimony of another crime and this testimony was not relevant. R. 237, ll. 14 – 16.

The trial judge then instructed the jury that the defendant was on trial for the BP robbery charges only. He said he was excluding any testimony concerning any other alleged connected crimes and striking it from the record. He instructed Detective Gebing to limit his testimony to the BP robbery. R. 237, ll. 17 – 25; R. 238, ll. 1 – 2.

The decision to grant a mistrial is within the sound discretion of the trial court and will not be overturned on appeal absent an abuse of discretion amounting to an error of law. State v. Ferguson, 376 S.C. 615, 658 S.E.2d 101 (Ct. App. 2008) citing State v. Edwards, 373 S.C. 230, 236, 644 S.E.2d 66, 69 (Ct. App. 2007). A mistrial should be granted only when absolutely necessary. State v. Culbreath, 377 S.C. 326, 659 S.E.2d 268 (Ct. App. 2008). It is only in cases of abuse of discretion which result in prejudice that appellate court will intervene and grant a new trial. Id.

The party moving for a mistrial has the burden to show not only error, but resulting prejudice. State v. Patterson, 337 S.C. 215, 522 S.E.2d 845 (Ct. App. 1999). In State v. Bowman, 366 S.C. 485, 623 S.E.2d 378 (2006), the Supreme Court ruled that the curative instruction removed any prejudice because the curative instruction made it clear that the

question asked by the prosecutor was improper and asked the jury to disavow that question from their minds.

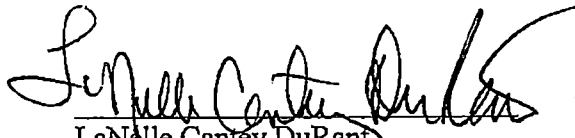
However, in State v. Kennedy, 272 S.C. 231, 250 S.E.2d 338 (1978), the Supreme court ruled that a mistrial should have been granted because the error was so egregious that the curative instruction was not sufficient. The Court reversed the case and remanded for anew trial. In State v. Kennedy, Id., the trial judge commented to the jury that the defendant's testimony would be lies.

In Goss's case, a mistrial should have been granted because he was denied a fair trial after Detective Gebing implied that Goss had been involved in another crime that same night. Although he said that this gun was seen in the video of another crime, testimony from other witnesses connected that Kel Tec gun to Goss. Chris Ronoke testified that he saw Goss on February 5, 2008 with a gun like the one marked State's Exhibit which was the Kel Tec gun. R. 107, ll. 9 – 24. Javaris Hill testified that he knew Goss, and had seen him with the Kel Tec gun. In fact, he said, the Kel Tec was known as Goss's gun. R. 214.

CONCLUSION

Based on the above, the conviction and sentence should be reversed and the case remanded for a new trial.

Respectfully submitted,



LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

This 12th day of July, 2011.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson CountyR. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRANCE GOSS,

APPELLANT

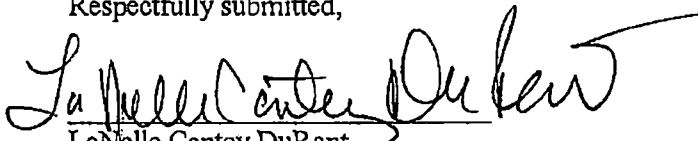
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Terrance J. Goss states:

1. She is Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Lawton McIntosh, which was held on May 19, 2010, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Terrance J. Goss.

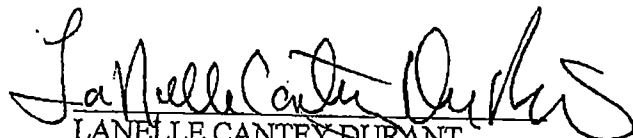
Respectfully submitted,


LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

This 12th day of July, 2011.

The undersigned certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."


 LANELLE CANTEY DURANT
 Appellate Defender

S.C. Commission on Indigent Defense
 Division of Appellate Defense
 1330 Lady Street, Suite 401
 Post Office Box 11589
 Columbia, South Carolina 29211-1589

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

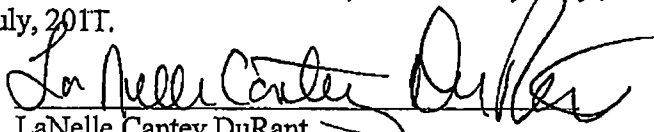
V.

TERRANCE GOSS,

APPELLANT

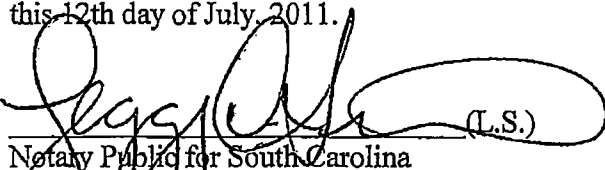
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Anders Brief of Appellant in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, SC 29201; and Final Anders Brief of Appellant, Record on Appeal and Supplemental Record on Appeal on Terrance J. Goss, #340914 at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 12th day of July, 2011.


LaNelle Cantey DuRant
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 12th day of July, 2011.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: December 4, 2017

2012 WL 10841357

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK
COURT RULES BEFORE CITING.

Court of Appeals of South Carolina.

The STATE, Respondent,

v.

Terrance GOSS, Appellant.

No. 2012–UP–204.

|

Submitted March 1, 2012.

|

Decided March 28, 2012.

Appeal From Anderson County, R. Lawton McIntosh,
Circuit Court Judge.

Attorneys and Law Firms

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, and Assistant Deputy

Attorney General Salley W. Elliott, all of Columbia;
and Solicitor Christina T. Adams, of Anderson, for
Respondent.

Opinion

PER CURIAM.

*1 Terrance Goss appeals his convictions for armed robbery, conspiracy to commit armed robbery, and possession of a weapon during the commission of a violent crime, arguing the trial court erred in not granting a mistrial after an officer's testimony implied he had been involved in another crime. After a thorough review of the record and counsel's brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Williams*, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss the appeal and grant counsel's motion to be relieved.¹

APPEAL DISMISSED.

WILLIAMS, THOMAS, and LOCKEMY, JJ., concur.

All Citations

Not Reported in S.E.2d, 2012 WL 10841357

Footnotes

1 We decide this case without oral argument pursuant to Rule 215, SCACR.

End of Document

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The South Carolina Court of Appeals

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FAX: (803) 734-1839
www.sccourts.org

April 13, 2012

REMITTITUR

RECEIVED

APR 16 2012

The Honorable Richard A. Shirley
PO Box 8002
Anderson, SC 29622

SC OFFICE OF
APPELLATE DEFENSE

Re: The State v. Goss, Terrance
2009-GS-04-00070 2009-GS-04-00071 2009-GS-04-00072

Dear Mr. Shirley:

The above referenced matter is hereby remitted to the lower court. A copy of the judgment of this Court is attached.

Sincerely,

Renee S. Johnson
Case Specialist II

vck
AK/rj

cc: Appellate Defender LaNelle C. Durant
Terrance Goss #340914
Assistant Deputy Attorney General Salley W. Elliott
Christina Theos Adams, Esquire

CLOSING LETTER SENT
ON 3/29/12

Attorney initials LEW

Assistant initials PPJ

FORM 5

STATE OF SOUTH CAROLINA

County of AndersonIN THE COURT OF COMMON PLEAS
FILED-CLERK'S OFFICE
ANDERSON SC

2012 AUG 23 P 4: 06

TERRANCE J. COSS #340914

Full name and prison number (if any) of Applicant

v.

COMMON PLEAS AND
GENERAL SESSIONS

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

2012-CP-04-02834

INSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee C. I., Det. No #
990 W. 2nd Ave Bishopville, S.C. 29010
2. Name and location of Court which imposed sentence
Anderson County General Sessions Court
3. Name(s) of co-defendant(s) (if any)
TRAVIS PATTERSON JR.
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) #2009-05-04-00070

A TRUE COPY

AUG 23 2012

B. O. Kelly
CLERK OF COURT

- (b) #2009-05-04-00072
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 5/19/10 15 yrs. to run concurrently to 2
- (b) 5/19/10 5 yrs. plus 5 years, All concurrently.
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES.
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina State Supreme Court (4/8/11)
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. MARCH 28, 2012
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
 (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: Ineffective Assistance of Counsel /
 (a) DENIAL OF SIXTH AMENDMENT RIGHT TO LEGAL COUNSEL.
Denied due process as guaranteed by the 14th Amendment
 (b) DENIAL OF FOURTH AMENDMENT RIGHT TO LEGAL DUE PROCESS.
 (c) Prosecutorial Misconduct
 (d) Abuse of discretion of the trial courts
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 (a) SEE "ATTACHMENT A" (PAGE # 8 HEREIN)
 (b) SEE "ATTACHMENT B" (PAGE # 10 HEREIN)
 (c) SEE "ATTACHMENT C" (PAGE # 12)
 (d) SEE "ATTACHMENT D" (PAGE # 13)
12. Prior to this application have you filed with respect to this conviction:
 (a) any petition in a State Court under South Carolina Law? YES.
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No.
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No.
 (d) any other petitions, motions or applications in this or any other Court? No.
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
 (a) the specific nature thereof:
 i. DIRECT APPEAL
 ii. _____
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. S.C. STATE SUPREME COURT, COLUMBIA S.C.
 ii. _____
 iii. _____

iv. _____

(c) the disposition thereof:

i. Appeal Dismissed

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. March 28, 2012

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No.

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. A

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) Applicant's lack of legal knowledge/procedure.
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? No.
- (b) your trial, if any? YES.
- (c) your sentencing? YES.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No.
18. If you answered Ayes@ to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. MARY JANE CARDWIN
113 N. MAIN ST., ANDERSON, S.C.
- ii. LANELLE CANTY DURANT / APPELLANT DEFENSE
P.O. Box 11589, Columbia, S.C.
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. TRIAL AND SENTENCING
- ii. DIRECT APPEAL FROM CONVICTION & SENTENCING.
- iii. _____

19. State clearly the relief you seek in filing this application:

That all current convictions and sentences
be vacated and Defendant be remanded back
to Anderson County, S.C., for ~~trial~~ ^{Retrial} or resentencing.

20. Are you now under sentence from any other court that you have not challenged?

No.

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of _____)

VERIFICATION

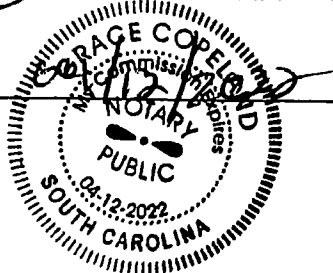
I, TERRANCE T. Goss, # 340914, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Terrance J. Goss

SWORN to and subscribed before me this 25th
 day of July, 2012.

[Signature] (L.S.)
 Notary Public

My Commission Expires: _____



FILED-CLERK'S OFFICE
 ANDERSON SC
 2012 AUG 23 P 4:06
 COMMON PLEAS AND
 GENERAL SESSIONS

A TRUE COPY

AUG 23 2012
 6

Richard A. Huley
 CLERK OF COURT

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, TERRANCE T. COSS, #340914, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

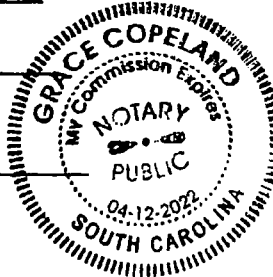
Terrance T. Coss #340914
Applicant SDC

SWORN or affirmed to and subscribed before me this

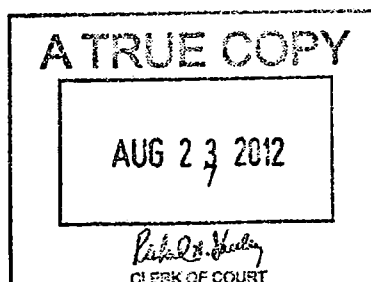
17th day of August, 2012.

[Signature]
Notary Public

My Commission Expires: 04/12/2022



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ANDERSON SC
2012 AUG 23 P 4:06
COMMON PLEAS AND
GENERAL SESSIONS



Allegation "A"
 Ineffective Assistance of Counsel /
 Denial/Violation of Sixth Amendment
 Right to Proper legal Counsel

- // #A
- Trial Counsel failed to raise issues of Hearsay on direct appeal that ~~she~~ was objected to during trial.
 - Trial Counsel was ineffective in not investigating all facts of the case, and in not acting in Applicant's Best Interests.
 - Trial Counsel failed in Presenting clients best defense, by not pursuing and Subpoenaing defense witness.
 - Trial Counsel failed to object to the testimony of prior bad acts, by officers of Greenville County, therefore depriving client from having a fair trial.
 - Trial Counsel failed to object to testimony from Anderson County Detectives regarding unrelated crimes, therefore depriving client from having a fair trial.
 - Trial Counsel failed to call client to witness stand after client notified the Attorney of his wishes to testify.
 - Trial Counsel was ineffective for misleading the client, by stating ~~innocent~~ untrue facts that prevented client from testifying, therefore client was deprived of ~~his~~ rights.
 - Trial Counsel failed to object to evidence that was used in trial, that was not in discovery for the defense.

The Legal record itself will prove to the Court that trial counsel in this case was woefully unprepared to defend her client in a state court of law against such serious criminal matters, when Trial Counsel herself will testify she does not have now, nor has ever had everything allowed to her and her client through Brady from Anderson, South Carolina Solicitor's office Critical to her Clients "best defense". BRADY v. Maryland

Irrespective of the State's determination of whether or not a witness Statement or a particular letter or Exhibit can help the defendant, this Applicant, Terrance J. Guss #340914, will undoubtedly prove beyond any doubt that the Anderson County Solicitor's Office consistently and willfully violated the defendant's fourth Amendment right to legal due process by failing to relinquish all legal documentation to defendant's Trial Counsel, thereby depriving the defendant his opportunity for a fair and best defense, and Trial Counsel herself could only provide her client inadequate and ineffective legal representation as a result, thereby trial Counsel deprived defendant of his sixth Amendment right for a fair and best defense. Had client known that the Counsel's negligence would result in the rush to Trial without knowing or preparing all the facts, the outcome would have been different.

Citing: Strickland v. Washington - The Court in Strickland states the negligence of attorney resulted in a unreliable or fundamentally unfair outcome in the proceeding. Trial Counsel ERRED in not pressing to have Sentence considered on all facts "not presumptive".

Citing: Young v. Simmons - The deficient Performance of trial Counsel seriously undermined the effective representation of Applicant. To not move for dismissal on the violation of due process denied Applicant the means to garner Evidence favorable to his Innocence.

Allegation "B"

Denied due process as guaranteed
by fourteenth Amendment/

Denial/violation of fourth Amendment

Right to legal due process and Equal protection

- 11(B)
- Prosecutor failed to disclose information and/or evidence favorable to defense case; Brady violation
 - Prosecutor failed to disclose witness statement given to Anderson County Detectives Brady v. Maryland
 - Prosecutor knowingly and willfully withheld and/or tampered with favorable evidence, which is a crime of Obstruction of Justice.
 - Prosecutor knowingly and willfully withheld and/or tampered with state's witness, which is a crime of Obstruction of Justice.
 - Due process right was intentionally violated when Anderson County Detectives illegally procured arrest warrants #J-875144; #J-875146; and #J-875148 without proper legal probable cause.

The Applicant will prove through the legal record itself and will leave no doubt whatsoever that the "facts" stated above will most certainly show that his fourth Amendment right to legal due process was intentionally violated, which deprived Client of a fair trial, and also, how the Anderson County detectives were severely lacking constitutional as well as U.S. state levels of probable cause, when detectives swore under oath to an honorable state court magistrate on

September 17th, 2008 that they possessed sufficient probable 411
cause to Arrest and confine this Applicant, when in fact
Anderson County Detectives merely made ~~an~~ malicious
accusations against Applicant when obtaining Arrest
Warrants # J-875144, J-875146, and J-875148.

Beck vs Ohio

Allegation "C"
Prosecutorial Misconduct

- 11(C)
- Prosecutor failed to disclose witness statement for the defense in order to gain tactical advantage.
 - Prosecutor knowingly and willfully used perjured testimony and/or statements to obtain a conviction through the pretense of a Trial.
 - Prosecutor knowingly and willfully used statements of other alleged crimes to confuse the jury, which deprived the right to a fair Trial.

Allegation "D"Abuse of Discretion of
the Trial Courts

11(D) Trial Judge ~~erred~~ ^{erred} in allowing testimony of unrelated crimes which deprived Applicant of a fair trial by jury. Trial Judge erred in allowing the testimony of Greenville Tech police Rick Masters to testify to the unrelated incident in Greenville County that ^{Applicant} ~~I~~ have yet to go to trial on. Also the trial judge erred in allowing the testimony of two officers of Anderson county to testify to unrelated crimes that allegedly took place in Anderson. Trial Judge erred in not ~~allowing~~ ^{granting} directed verdict of acquittal due to errors in the evidence. Trial Judge did error in allowing several of the State's witnesses to testify to hearsay, which the Record will prove in itself.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
Terrance J. Goss, #340914	)	Case No. 2012-CP-04-2834
	)	
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

The Respondent, making its Return to the Application for Post-Conviction Relief (PCR) filed August 23, 2012, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Anderson County. The Applicant was indicted at the June 2009 term of the Court of General Sessions for Anderson County for robbery / armed robbery, robbery while armed or allegedly armed and possession of a weapon during the commission of a violent crime (2009-GS-04-0072) and conspiracy to commit armed robbery (2009-GS-04-0070). He was represented by Mary Jane Goodwin, Esquire. On May 17, 2010, the Applicant proceeded to trial after which he was found guilty on all charges. He was sentenced by the Honorable R. Lawton McIntosh, to confinement for a period of fifteen (15) years for robbery / armed robbery, robbery while armed or allegedly armed and five (5) years for possession of a weapon during the commission of a violent crime (2009-GS-04-0072) and conspiracy to commit armed robbery (2009-GS-04-0070) all to be served

concurrently. A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The Applicant was represented by LaNelle C. Durant, Esquire on direct appeal. The South Carolina Court of Appeals dismissed Applicant's appeal and remitted to the lower court. State v. Terrance Goss, Op. No. 2012-UP-204 (S.C. Ct. App. filed March 28, 2012).

Attached herewith and incorporated herein by reference are the records of the Lexington County Clerk of Court regarding the subject conviction(s), the Applicant's records from the Department of Corrections. Respondent reserves the right to amend its return upon the receipt of other relevant records.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Trial Counsel;
2. Prosecutorial Misconduct;
3. Violation of Due Process;
4. Abuse of Discretion of the Trial Courts

III.

The Applicant's first claim is an allegation of ineffective assistance of trial counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as

having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

The Applicant further alleges that he was denied due process of law. The Applicant's allegation claims infringement of his rights under certain amendments to the United States Constitution. However, the Applicant fails to set forth with specificity the grounds upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." S.C. Code § 17-27-50 (2003). In an application for post-conviction relief, it is incumbent upon the Applicant to make at least a *prima facie* showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Since the Applicant has failed to make even a *prima facie* showing, the Respondent would submit that this allegation should be dismissed for failing to meet the requirements of the Uniform Post-Conviction Procedures Act. This allegation is so vague that it is impossible for the State to respond.

V.

Applicant raises additional direct appeal allegations. These allegations are not proper matters for PCR. Simmons v. State, 264 S.C. 417, 215 S.E.2d 833 (1975). Therefore Applicant's direct appeal allegations must be summarily dismissed.

VI.

The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the

basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code §17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

VIII.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

IX.

WHEREFORE, having made its Return, the Respondent requests that a hearing be held.

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

WALT WHITMIRE
Assistant Attorney General

By: 
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Telephone: (803) 734-3737

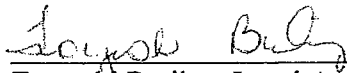
March 11th, 2013

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	IN THE TENTH CIRCUIT
COUNTY OF ANDERSON	)	
	)	2012-CP-04-02834
	)	
Terrance J. Goss, # 340914	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ernest C. Trammell, Esquire
Post Office Box 1656
Anderson, SC 29622

DATED this 11th day of March, 2013



 Troyeshi Brailey, Legal Assistant
 For Respondent

State of South Carolina

County of Anderson

In the Court of Common Pleas

Terrence Goss,

Applicant,

-vs-

State of South Carolina,

Respondent.

)
)
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)
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)
)
)

2012-CP-04-2834

Post-conviction Relief Hearing

December 1, 2014

Transcript of Record

B E F O R E:

The Honorable Carmen Mullen, Judge

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

Linda Whisenhunt, Esquire
Attorney for the Applicant

John W. Whitmire, Esquire
Attorney for the State

Renee H. Tollison, CVR
Circuit Court Reporter

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1 (WHEREUPON, court convened with all parties present,
2 and the following proceedings were had commencing at
3 approximately 12:17 p.m.)

4 MR. WHITMIRE: May it please the Court, Your
5 Honor.

6 THE COURT: Yes, sir.

7 MR. WHITMIRE: The next matter before this
8 Court is Terrence Goss v. State of South Carolina,
9 2012-CP-04-2834. Mr. Goss was indicted in June 2009 for
10 a robbery, armed robbery, possession of a weapon during
11 the commission of a violent offense. He was represented
12 by Ms. Goodwin.

13 On May 17, 2010, the State called its case to trial.
14 He was convicted as indicted. Judge McIntosh sentenced
15 him to a term of imprisonment of fifteen years for armed
16 robbery, five years for possession of a deadly weapon.
17 Those sentences were to be served concurrently. A timely
18 notice of appeal was filed on his behalf and perfected by
19 Mr. Rand of the Office of Appellate Defense pursuant to
20 Anders.

21 The Court of Appeals denied and dismissed his appeal
22 and affirmed his conviction in an unpublished opinion
23 filed March 28, 2012. I believe Your Honor should have
24 all the appellate records in the clerk's records for this
25 case. For matters of analysis, Ms. Whisenhunt.

1 MS. WHISENHUNT: May it please the Court.
2 Linda Whisenhunt representing Terrence Goss, and he's our
3 first witness we would like to call, Your Honor.

4 THE COURT: Thank you.

5 Come on up, Mr. Goss. We will swear you in right
6 here. Put your left hand on the Bible, and raise your
7 right hand.

8 **TERRENCE GOSS,**

9 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION

11 BY MS. WHISENHUNT:

12 Q. Mr. Goss, I know you left your papers here at the
13 counsel table. If there's something you need to refer
14 to, you're welcome to ask me for those. I know you and I
15 talked at great length about the transcript, so you may
16 not need it. But if you do, you ask me. All right?

17 A. Yes, ma'am.

18 Q. Do you understand the purpose of a PCR, Mr. Goss?

19 A. Yes, ma'am.

20 Q. And do you understand that if you are successful in
21 this hearing, you're not automatically going to be
22 released?

23 A. Yes, ma'am.

24 Q. Have I explained to you the purpose of a PCR?

25 A. Yes, ma'am.

1 Q. Have I also explained to you the risk of a PCR?

2 A. Yes, ma'am.

3 Q. Okay. If you are successful in this PCR and your
4 guilty verdict is set aside, I've explained that you
5 would have the ability to start the process over
6 essentially. Do you understand that?

7 A. Yes, ma'am.

8 Q. That might mean you could negotiate a plea; correct?

9 A. Yes, ma'am.

10 Q. But you might not be able to?

11 A. Yes, ma'am.

12 Q. That might mean that you might be retried and have
13 an additional trial; correct?

14 A. Correct.

15 Q. And do you understand that either through a plea or
16 a new trial, you might actually get more time than you
17 have now?

18 A. Yes, ma'am.

19 Q. And knowing that risk and knowing what the purpose
20 of the PCR is and understanding that, do you want to go
21 forward today?

22 A. Yes, ma'am.

23 Q. Okay. You have filed a PCR application with various
24 allegations. In summary, there are four points:
25 ineffective assistance of counsel, you were denied due

1 process, prosecutorial misconduct, and abuse of
2 discretion of the trial court. So those are the four
3 points. We're going to address the specifics of those
4 points. But before we do, let's give the Court some
5 background on your representation. Okay?

6 When you were first arrested on these charges, the
7 ones for which you were tried, did you apply for a public
8 defender?

9 A. Yes, ma'am.

10 Q. And were you appointed a public defender?

11 A. Yes, ma'am.

12 Q. And who was that?

13 A. I think his name was Scott Thomason.

14 Q. Scott Thomason? Okay. And for a period of time, he
15 was your lawyer; correct?

16 A. Yes, ma'am.

17 Q. At some point was he replaced as your lawyer?

18 A. Yes, ma'am.

19 Q. And who was it that replaced him?

20 A. Ms. Goodwin.

21 Q. Okay. And from that time on and through the trial,
22 was Ms. Goodwin, in fact, your lawyer?

23 A. Yes, ma'am.

24 Q. Okay. Did you meet with Ms. Goodwin and discuss
25 your case?

1 A. Yes, ma'am.

2 Q. Did you discuss pleading versus going to trial with
3 Ms. Goodwin?

4 A. Yes, ma'am.

5 Q. Okay. And did you come to a joint decision with Ms.
6 Goodwin that it was the best course of action to proceed
7 with a trial?

8 A. Yes, ma'am.

9 Q. All right. And did you discuss that during a trial,
10 there was evidence that may come out about an unrelated
11 incident in Greenville County?

12 A. Can you ask that again?

13 Q. Did you discuss with Ms. Goodwin when you were
14 preparing for trial that at trial there may be evidence
15 of an incident that occurred in Greenville County that
16 may come out at your trial?

17 A. Yes, ma'am.

18 Q. Okay. So you were aware there was a risk that
19 evidence about that Greenville County incident would come
20 out at trial?

21 A. Yes, ma'am.

22 Q. Did you realize that that evidence might connect you
23 to guns that were used in the incident for which you were
24 on trial?

25 A. Yes, ma'am.

1 Q. Okay. In discussing that risk that that testimony
2 might come out, did you talk with Ms. Goodwin about how
3 she may keep that evidence out?

4 A. No, ma'am.

5 Q. Did you have concerns about this evidence coming
6 out?

7 A. Yes, ma'am.

8 Q. Okay. And did you, in fact, ask her to do anything
9 specific to keep that evidence out?

10 A. She never let me know anything about she can do
11 anything like that.

12 Q. Okay. Is this what you're referring to when you
13 allege in your PCR application that counsel failed to
14 object to the testimony of prior bad acts by officers of
15 Greenville County, therefore depriving you from having a
16 fair trial?

17 A. Yes, ma'am.

18 Q. So do you believe at some point in the trial she
19 should have objected or more vigorously objected to keep
20 that evidence of the Greenville County incident out of
21 the trial?

22 A. Yes, ma'am.

23 Q. Okay. And do you believe that what she did or
24 didn't do led to you not having an effective assistance
25 of counsel at trial at that point?

1 A. Yes, ma'am.

2 Q. Okay. During the course of the trial -- you also
3 allege in your motion that trial counsel failed to object
4 to testimony from Anderson County detectives about
5 unrelated crimes. In the transcript, there's testimony
6 of an incident that occurred on January 20th. Is that
7 the incident of an unrelated Anderson County charge that
8 you're referring to?

9 A. Yes, ma'am, dealing with Travis Patterson. He was
10 my codefendant.

11 Q. Okay. And is it your belief that Ms. Goodwin could
12 have done something or didn't do something that should
13 have been able to keep that evidence of the January 20th
14 incident out?

15 A. Yes, ma'am.

16 Q. Okay. Do you believe that she failed to object to
17 this testimony?

18 A. During the solicitor's closing arguments, I felt
19 like she should have been more objective like because my
20 whole -- during my whole -- during this whole closing
21 argument or whatever, he kept referring to Travis
22 Patterson admitting to a gun. And where he goes I go,
23 and wherever the gun is, the gun ---

24 Q. And we'll get to some more specifics of the closing
25 argument in a minute. But as it relates to just the

1 initial evidence, the testimony of that January 20th
2 incident, which I believe Detective Gebing testified to,
3 do you believe that Ms. Goodwin could have done something
4 to keep that from coming in?

5 A. Yes, ma'am.

6 Q. Now, let's talk about some of those other times
7 during the trial that you were starting to allude to in
8 terms of the closing. Do you believe that Ms. Goodwin
9 failed to make objections regarding hearsay? I believe
10 that's one of the things that is listed in your motion,
11 that she failed to raise issues of hearsay.

12 A. Can I see my paper?

13 Q. You'd like to see your -- I believe it's the first
14 one you have listed under allegation A, failed to raise
15 issues of hearsay on direct appeal.

16 A. Yes, ma'am. I was talking about the crimes or
17 whatever that was committed, like -- I mean, like, what
18 they was testifying to or whatever like was just hearsay.
19 I'm not sure.

20 Q. Okay. Well, let's move on to another one then.

21 You believe she also failed to testify [sic] during
22 closing. You've alluded to that. Is it your belief that
23 the State made inflammatory statements or some kind of
24 statements during the closing argument that Ms. Goodwin
25 should have objected to?

1 A. Yes, ma'am. Like during the closing arguments, the
2 solicitor, like I say, continuously kept saying that
3 Travis Patterson admitted to the guns or whatever. And
4 he kept saying things like birds that flock together or
5 whatever. Because like all the people that testified
6 went back and committed crimes.

7 Q. And also, you mentioned when we discussed some of
8 the things that did or didn't occur during trial that she
9 should have objected or raised issues in her request for
10 jury instructions. Is it your belief that she did
11 something that was ineffective in terms of requesting
12 specific jury instructions?

13 A. Yes, ma'am. Like my case was involving an armed
14 robbery, but they used another case from Greenville to
15 connect -- or whatever -- used the gun shell casings to
16 match the robbery. And I felt like the jury -- they
17 asked, like, to hear -- like at the end, like, to hear
18 statements from people that was from Greenville. And I
19 had a couple people testifying from Greenville -- from
20 the Greenville incident. And I felt like she could have
21 asked for a cautionary instruction like -- I mean, then
22 that they could have found me guilty just saying that I
23 had a gun instead of on the armed robbery itself.

24 Q. Okay. In your application, you also allege that
25 trial counsel was ineffective in not investigating all

1 the facts in the case, and you indicate that she was
2 ineffective in failing to present the client's best
3 defense and not pursuing or subpoenaing defense
4 witnesses. I want to talk a minute about what you were
5 referring to in regards to what witness or what defense
6 could have been better prepared for you. Who was the
7 defense witness that Ms. Goodwin should have called in
8 your opinion?

9 A. Sanchez Gilliard.

10 Q. All right. And how did you come to learn about this
11 potential witness, Sanchez Gilliard?

12 A. Another defendant that was his codefendant had a
13 statement that was involving a robbery that they were
14 saying that I done. He gave it to me because everybody
15 kept saying, like, a statement that everybody was right
16 for saying that Sanchez Gilliard was bragging to them
17 about doing the armed robbery. So he gave me the
18 statement. I made a copy and signed sent it to M.J.

19 Q. So this particular statement that you got your hands
20 on of Sanchez Gilliard, you did provide it to Ms.
21 Goodwin?

22 A. Yes, ma'am.

23 Q. Okay. And was this statement, though, provided to
24 you in response to the discovery motion that your
25 attorneys made on your behalf?

1 A. No, ma'am.

2 Q. So the State never provided the Sanchez Gilliard
3 statement to you?

4 A. No, ma'am.

5 Q. Okay. And is that, in fact, the basis for some of
6 the allegations in your application for what the State
7 may have done wrong? I believe it's in some of the other
8 attachments or other sections of your application that
9 you were denied due process and that you -- there was
10 prosecutorial misconduct. Is that the basis, the fact
11 that they failed to provide that statement of Sanchez
12 Gilliard in discovery?

13 A. Yes, ma'am.

14 Q. Okay. Now, why is that statement of Sanchez
15 Gilliard so important? Sanchez Gilliard actually
16 discusses an incident that occurred at the same location
17 for which you were on trial for?

18 A. Yes, ma'am.

19 Q. And does Sanchez Gilliard -- and I believe this came
20 up at trial -- it's in the transcript. Does Sanchez
21 Gilliard say three people committed that robbery, that
22 particular incident?

23 A. Yes, ma'am. He say him, Edward Jones and Travis
24 Patterson were the ones that committed the robbery.

25 Q. And does Sanchez Gilliard ever implicate you in the

1 robbery?

2 A. No, ma'am.

3 Q. Okay. So it references a burglary at the same
4 location; correct?

5 A. Yes, ma'am.

6 Q. It references a burglary of three individuals;
7 correct?

8 A. Yes, ma'am.

9 Q. And it states who those three individuals are;
10 correct?

11 A. Yes, ma'am.

12 Q. And you were not one of these three individuals?

13 A. No, ma'am.

14 Q. Now, in Detective Gebing's testimony, he tries to
15 explain or give his spin on it that it's related to a
16 different robbery at the same location?

17 A. Yes, ma'am.

18 Q. You would concede, in fact, that there was testimony
19 in the trial by an employee of the BP station that said
20 this particular location had been robbed three times.

21 You would concede that; correct?

22 A. Yes, ma'am. He said they been robbed three times.

23 One time, the first time, he wasn't there; the second
24 time was two people; and the third time was three people.

25 Q. Okay. And so there was only one incident that had

- 1 three people?
- 2 A. Yes, ma'am.
- 3 Q. And so it's your belief that Sanchez Gilliard's
- 4 statement and potential testimony would have exonerated
- 5 you from this crime?
- 6 A. Yes, ma'am.
- 7 Q. Okay. So why wasn't he called in your defense?
- 8 A. I'm not sure why. I asked M.J. to talk to him and
- 9 investigate.
- 10 Q. Okay. Do you, in fact, know whether Ms. Goodwin
- 11 spoke to Sanchez Gilliard?
- 12 A. No, ma'am.
- 13 Q. Okay. Do you know whether she interviewed him or
- 14 talked to him on the phone?
- 15 A. No, ma'am.
- 16 Q. Okay. All right. In your application, you also
- 17 allege ineffective assistance of counsel in failing to
- 18 call you to the stand. And you had, in fact, notified
- 19 the attorney of your wishes to testify and that she was
- 20 ineffective in misleading you and preventing you from
- 21 testifying. Now, did you want to testify?
- 22 A. Yes, ma'am.
- 23 Q. You wanted to testify at the trial in your own
- 24 behalf?
- 25 A. Yeah, I let her know that from the get-go.

1 Q. And did you have a discussion on why she felt that
2 that would be a good idea or be a bad idea?

3 A. Well, she told me, like -- she told me that she
4 didn't think that it would be good because I was caught
5 with an AK-47 and the drug charge. She said it would be
6 easy for a jury to say that I committed a robbery with
7 those charges.

8 Q. Okay. So there were some fears that your prior
9 record would come out at trial?

10 A. Yes, ma'am.

11 Q. But did you tell Ms. Goodwin that despite that prior
12 record, you still wanted to testify?

13 A. Yeah, I told her I wanted to testify.

14 Q. And why was it important for you to testify?

15 A. Because they made a big issue about a letter that I
16 had wrote to my codefendant.

17 Q. And when you said they made a big issue of that
18 letter, that letter, in fact, was made part of the
19 record, was put into evidence; correct?

20 A. Yes, ma'am.

21 Q. And I believe it was again Detective Gebing who
22 testified about that letter that you wrote?

23 A. Yes, ma'am.

24 Q. And he put his spin or his thought about what that
25 letter meant in his testimony, didn't he?

1 A. Yes, ma'am.

2 Q. Okay. So it's your belief that you could have taken
3 the stand and done what?

4 A. I could have told them, like, what the meaning was
5 to the letter. You know what I mean? Like he put it in
6 his own words what it means. Like I didn't have a chance
7 to tell them, like, that ain't what this means, you know.

8 Q. So you believe it was critical for the jury to hear
9 you and your explanation of what that letter meant?

10 A. Yes, ma'am.

11 Q. So the only explanation of the letter that was given
12 was Detective Gebing's explanation; correct?

13 A. Yes, ma'am.

14 Q. You never got that chance?

15 Q. No, ma'am.

16 Q. I know you testified that you talked to Ms. Goodwin
17 about whether you should testify or not. Did the judge
18 ever discuss with you your right to testify or not
19 testify?

20 A. No, ma'am. Nobody never asked me did I want to
21 testify. Like when it was time for the closing
22 arguments, he looked at her and like, he's not going to
23 testify, right.

24 Q. Was but there was never a portion of time when the
25 judge spoke directly to you and advised you of what that

1 right to testify was or what that right to remain silent
2 was?

3 A. No, ma'am.

4 Q. And I'm going to show you this particular statement.
5 I want to make sure the Court has a copy of it as well.
6 That's the statement of Sanchez Gilliard, is that
7 correct, the statement that we've talked about here in
8 your testimony?

9 A. Yes, ma'am.

10 MS. WHISENHUNT: Your Honor, may I approach?

11 THE COURT: You may.

12 MS. WHISENHUNT: This is the statement to which
13 he testified.

14 THE COURT: Thank you. I appreciate it.

15 MS. WHISENHUNT: And I have no further
16 questions at this time of this witness.

17 Please answer any questions Mr. Whitmire has.

18 MR. WHITMIRE: Is this admitted into evidence?

19 MS. WHISENHUNT: Yes, if we could admit that
20 statement into evidence.

21 THE COURT: Do you mind marking this for me?

22 MS. WHISENHUNT: I apologize.

23 MR. WHITMIRE: I have no objection.

24 THE COURT: Okay.

25 (WHEREUPON, Applicant's Exhibit Number 1 was marked

1 and admitted into evidence.)

2 MR. WHITMIRE: Authenticity was laid last week.
3 I've just never seen it. If there's any way I could get
4 a copy of it right now.

5 (WHEREUPON, court stood at ease.)

6 MR. WHITMIRE: May it please the Court.

7 CROSS-EXAMINATION

8 BY MR. WHITMIRE:

9 Q. Good afternoon, Mr. Goss.

10 Anderson County Sheriff's Department broke this case
11 based on finding some guns in a Greenville Tech campus
12 apartment?

13 A. Yes, sir.

14 Q. You gave the statement to the Greenville Tech police
15 right after they located these guns?

16 A. Yeah. I was in Anderson City then.

17 MR. WHITMIRE: Refer to page 139, Your Honor.

18 Q. And this all happened because one of the residents,
19 Roanoke, shot himself accidentally with one of these guns
20 that were left there?

21 A. Yes, sir.

22 Q. Correct me if I'm wrong. You gave a statement
23 saying that these guns belonged to Trent Stephenson and
24 Jared, that you saw them with them earlier?

25 A. They never were made -- when they asked me for my

1 statement for guns, I told them I seen a big gun and a
2 small gun.

3 Q. Did you discuss that with your attorney prior to
4 trial, that statement?

5 A. No.

6 Q. Did you and your attorney go over any statements
7 that Mr. Roanoke made in connection with who had
8 possession of these guns?

9 A. Yes, sir.

10 Q. And what was that? What did she talk to you about?

11 A. Basically she just told me what -- I mean, like, she
12 just told me what -- like, she told me what they wrote or
13 whatever.

14 Q. And that Roanoke put you with the Keltec 9 around
15 the same time?

16 A. Yes.

17 Q. And if I recall correctly, your statement to police
18 was that these other people that were with you had the
19 guns, but it wasn't you. It was an identity issue? It
20 was Trent Stephenson; correct?

21 A. Yes.

22 Q. And they both testified at trial?

23 A. Yes.

24 Q. Now, during their testimonies, did you ever nudge
25 your attorney and say, hey, can you cross-examine this

1 witness on this matter?

2 A. She cross-examined.

3 Q. Did you write any notes or whisper in her ear and

4 say, hey, can you ask this question or ask that question?

5 A. I don't remember.

6 Q. Did you guys talk about their testimonies prior to

7 trial in preparation?

8 A. No, sir.

9 Q. And I believe you testified you desired to take the

10 stand because you wanted to be able to explain your

11 letter to Mr. Patterson. Was that, in fact, your letter?

12 A. Yes, sir.

13 Q. Did you and your attorney talk about that?

14 A. She said never did -- yes, sir, we talked about it.

15 Q. Now, when the detective was testifying to his

16 investigation, did you again nudge your attorney, write a

17 note, say, hey, can you ask this question, to get your

18 side of the story out?

19 A. I mean, like, I asked her can I testify. I mean,

20 she was the lawyer.

21 Q. And if I recall correctly -- please correct me if

22 I'm wrong. But one of your allegations to which you

23 testified to is that you wanted to take the stand to

24 explain this and other things, that she just gave you bad

25 advice?

1 A. Can you repeat that? I mean, like what?

2 Q. That you think your attorney was deficient or not
3 sufficiently prepared in advising you not to testify?

4 A. Yes, sir.

5 Q. So did you make that choice, or did she make that
6 choice for you?

7 A. She made the choice.

8 Q. Okay. Now, let's flip it around just a little bit.

9 Do you remember sentencing with Judge McIntosh?

10 A. Yes, sir.

11 Q. Do you remember talking to him about your decision
12 not to testify?

13 A. No, sir.

14 Q. You don't recall telling Judge McIntosh that you
15 couldn't -- you didn't take the stand specifically
16 because of your prior record?

17 A. I don't remember saying that.

18 Q. You don't recall saying that you were -- you really
19 knew who did this crime but you were terrified and feared
20 for your life?

21 A. I said something like -- can look back and see what
22 I said?

23 Q. Absolutely.

24 A. I said that I want to tell the truth. I just want
25 to tell the truth. I couldn't get on the stand because I

1 didn't want them to find me guilty because of my record,
2 which M.J. said they would because of me being caught
3 with a gun and drugs.

4 Q. Mr. Goss, can you continue through that statement
5 you gave to the judge?

6 A. I said because of my record, I ain't going to tell
7 on nobody because of I ain't got nothing to do with this.
8 They got two murder charges. I can't do that. I can't
9 tell on that man. And my lawyer, she's the one that said
10 it.

11 Q. And this is at the very end when you're going to
12 give that one last statement before the judge sentences
13 you?

14 A. Yes.

15 Q. Was he asking you whether or not you wanted to even
16 testify after the fact right now, or is this just you
17 talking to him?

18 A. Me talking to him.

19 Q. Okay. And regarding not wanting to be a snitch and
20 having fear, did you talk to Ms. Goodwin about who the
21 real culprits were according to your version?

22 A. When she come to see me and was talking about the
23 case, she basically said they can't put me nowhere with
24 this. They just said that the letter is just saying that
25 I know who did it. She never asked me anything like

1 that. She just said it was no evidence to put me there.

2 Q. But specifically addressing these comments you made
3 to the judge, did you tell her at any time during the
4 representation that I can tell you who really did this
5 even though I can't testify to it?

6 A. No, sir.

7 Q. So this is the first time she's hearing about the
8 fact that you know who the purported culprits are?

9 A. No, ma'am. I gave her Sanchez Gilliard's statement.
10 I asked her to speak with Sanchez Gilliard.

11 Q. And did y'all talk about his statement?

12 A. No, sir.

13 Q. So she never followed up with you on that?

14 A. No, sir.

15 Q. Did you guys review the video surveillance of the --
16 I believe it's the BP station?

17 A. In the courtroom.

18 Q. Did you ever have a chance to see it before then?

19 A. No, because they didn't -- she told me that they
20 didn't give it to her. So McIntosh let us see it on the
21 TV during the trial.

22 MR. WHITMIRE: Beg the court's indulgence.

23 Just a few more questions.

24 Q. And I'm trying to tie this together personally.

25 Specifically, Mr. Goss, are you alleging that Travis

1 Patterson was the real assailant who did this crime?

2 A. No. I'm saying Sanchez Gilliard would know who the
3 one did it.

4 Q. Didn't Mr. Gilliard implicate Mr. Patterson and, I
5 believe, Mr. Jones in one of these three or four prior
6 robberies of the BP station?

7 A. I mean, from the statement right here, they say he
8 gave a statement admitting to all the robberies that he
9 did in Anderson, and that one particular robbery was
10 dealing with three people. On the video, it showed that
11 one man was behind the counter and two people came in
12 with a gun. And he stated in his statement that he went
13 behind and got the money and two people came in with a
14 gun.

15 Q. Now, you ended up appealing this conviction, right,
16 and taking it to the Court of Appeals?

17 A. Yes, sir.

18 Q. When did you come to terms with, I guess, some of
19 your issues with Ms. Goodwin's representation in filing
20 this application?

21 A. Well, I was going to file a PCR, like, as soon as
22 possible, but they said I had to deal with the direct
23 appeal process first.

24 Q. You were just going to wait because you knew the PCR
25 was coming if you didn't win on the appeal?

1 A. I told her already -- she even told the judge that I
2 wasn't happy with her representation because I asked to
3 testify and she wouldn't put me on the stand.

4 Q. Which kind of brings me to an interesting question.
5 You pled guilty five months later to a strong-armed
6 robbery?

7 A. Yes, sir.

8 Q. And you were indicted for that in 2009-GS-04 ---

9 MS. WHISENHUNT: Objection, relevance.

10 MR. WHITMIRE: It goes to the attorney's
11 representation and credibility.

12 THE COURT: And it was a state attorney?

13 MR. WHITMIRE: Uh-huh (affirmative).

14 MS. WHISENHUNT: I didn't know that.

15 THE COURT: I didn't either, but now we both
16 do.

17 So go ahead.

18 Q. You were indicted for that same offense the same day
19 you were indicted for the armed robbery here?

20 A. Yes, sir.

21 Q. And it occurred allegedly on the same days; correct?

22 A. Yes, sir.

23 Q. Same night. And Ms. Goodwin continued to represent
24 you on that?

25 A. Yes, sir.

1 Q. Did you express any concerns about her representing
2 you five months after you were upset about this
3 conviction?

4 A. I told her from the jump, like, I wanted to go to
5 trial on that one too. I told her, like, immediately
6 that I wanted to go to trial. She told me that wouldn't
7 be a good idea because they're going to convict me off
8 the same evidence.

9 Q. In fact, did you have the same judge too?

10 A. Yes, sir.

11 Q. Did you tell the judge any of this?

12 A. No, sir.

13 Q. But you went ahead and pled guilty and told him you
14 were satisfied with Ms. Goodwin's representation?

15 A. Yes, sir.

16 Q. But you had already decided you were going to PCR
17 her for the prior armed robbery?

18 A. Yes. It's two different separate charges.

19 Q. Okay.

20 MR. WHITMIRE: Beg the court's indulgence.

21 THE WITNESS: I went to trial and was found
22 guilty and sentenced to fifteen years, so it would be
23 crazy for me to go to trial with her again on the same
24 one that she's saying that they're going to use the same
25 evidence again.

1 Q. Did you ever ask to have a new attorney for that
2 strong-arm charge?

3 A. No, sir. I sat in the County for thirty months, so
4 I done seen it -- like I done seen all type of, like,
5 trying to fire counsel. So I felt like I just -- it was
6 five years nonviolent is what she wanted me to -- what I
7 pled out to.

8 Q. And you had a codefendant on the strong-arm charge?

9 A. Yes, I suppose.

10 Q. Travis Patterson?

11 A. I'm the only one being convicted of these robberies.
12 Me alone, no one else.

13 Q. Of the strong-arm too?

14 A. Both robberies, from my understanding.

15 MR. WHITMIRE: No further questions, Your
16 Honor.

17 Thank you, Mr. Goss.

18 THE COURT: Any redirect, Ms. Whisenhunt?

19 MS. WHISENHUNT: No redirect, Your Honor.

20 THE COURT: You may step down, Mr. Goss.

21 MS. WHISENHUNT: Your Honor, we would call Ms.
22 M.J. Goodwin.

23 THE COURT: Come forward, Ms. Goodwin.

24 M.J. GOODWIN, ESQ.,

25 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

1 DIRECT EXAMINATION

2 BY MS. WHISENHUNT:

3 Q. Good afternoon, I guess.

4 A. Good afternoon.

5 Q. I'd like to first address some of the issues related
6 to the State's failure to provide evidence. I noticed
7 in some of the pretrial discussions that there were a
8 number of items that they didn't provide or didn't
9 provide clearly for you.

10 The first was some pictures that they said they had
11 given you a CD or a disc but didn't provide that; is that
12 correct?

13 A. There were several things -- what they did was they
14 gave us two discs that had some pictures on it, but not
15 the video. I think they thought they had given us the
16 video. I don't think that was intentional on the State's
17 part. I think it was -- on the State, but we were
18 allowed an opportunity to view that video and in fact use
19 the video in the defense in my closing argument.

20 I think the other thing that you're probably talking
21 about is the Sanchez Gilliard statement.

22 Q. So let me just back you up. So there were three
23 things. There were photos that they maybe didn't give
24 you completely, but then that was maybe just an error on
25 the disc. And then they gave you video but -- they gave

1 you audio but no video?

2 A. No. We had the audio. There were several pieces of
3 evidence. There was video from the gas station. There
4 was audio from a phone call from the jail.

5 Q. Okay.

6 A. That's what I think ultimately nailed Mr. Goss.
7 There was a statement from Sanchez Gilliard, and there
8 was confusion about printed pictures versus pictures on a
9 disc, as I recall.

10 Q. And so they were able to clear up the questions with
11 the pictures and the video by providing them to you
12 pretrial?

13 A. Right. We had enough time to look at that. Judge
14 McIntosh gave us plenty of time to review that.

15 Q. And the Sanchez Gilliard statement, you had already
16 seen because your client gave it to you?

17 A. Right. He got it. And I've thought about that a
18 lot. And in fairness, I don't know that anybody would
19 have thought to put that statement, when it doesn't even
20 have Terrence's name in it, with this case file. I don't
21 think that there was a logical connect there. Once he
22 got it, I could use it, and I did use it.

23 Q. Well, let's talk about how you used it.

24 A. Okay.

25 Q. Did you talk with Sanchez Gilliard prior to trial?

1 A. I can't remember if I talked to him or not. I
2 remember talking to Terrence about him. But Sanchez
3 Gilliard is a multiple convicted felon. He's not
4 somebody you want to put up in a case.

5 Q. Most of the witnesses in this trial were convicted
6 felons?

7 A. Absolutely, they were. They were. But I just -- I
8 really don't think that that -- and I remember discussing
9 that with Terrence, and I don't think that Sanchez
10 Gilliard was the way to go.

11 Q. Would you acknowledge, though, that in the very
12 first paragraph in that statement, he talks about three
13 people that committed the armed robbery at the BP station
14 and doesn't mention Terrence Goss at all?

15 A. He doesn't mention Terrence Goss, but when you look
16 at it in the whole picture, this gas station is one of
17 the most unlucky places in Anderson. They've been robbed
18 three times in a very short period of time. And Terrence
19 is incorrect when he says the second robbery only had two
20 guys. The second robbery had three guys, and the State
21 alleges that that statement Sanchez Gilliard made was
22 about the second robbery, not the third robbery. So
23 there was confusion there, but you could use that
24 confusion toward reasonable doubt in a closing argument.
25 And if you don't put up any witnesses, you get last close

1 as the defense. And I think that was much more valuable
2 than Sanchez Gilliard.

3 Q. So you made that decision not to call Sanchez
4 Gilliard?

5 A. I did.

6 Q. Okay. And how about making the decision about
7 whether Terrence should testify or not?

8 A. Terrence and I talked about that a long time over
9 many different jail visits. Terrence's biggest concern
10 throughout this trial, even in that letter, was not being
11 labeled a snitch. That was the overriding consideration
12 over everything else because these people that he was
13 afraid of -- their names were Joey Oliver, T.J.
14 Patterson, I believe is his last name -- are dangerous.
15 And he is terrified of them for himself and for his
16 family. In fact, during the trial, one of those four
17 fellows that testified was beaten almost to death at the
18 jail the night after he -- the night -- he testified that
19 afternoon and was beaten almost to death that night. So
20 that was a very real fear. And he's really didn't want
21 to be labeled a snitch.

22 Q. But couldn't you have fashioned testimony of
23 Terrence that didn't require him to be a snitch but
24 allowed him to explain that statement that he had written
25 while he was in jail?

1 A. You could, but you could also open the door to
2 questioning that would more likely than not not help him.
3 I don't think the jury cared whether or not he's labeled
4 a snitch; the jury cared whether or not they thought he
5 did this crime. And we hedged our bets on the State not
6 having enough evidence. And I think but for the phone
7 call and the letter, the State didn't have enough
8 evidence.

9 Q. Now, I know you said you had many conversations with
10 Terrence about whether to call him to the stand or not.
11 Did the judge also discuss that at length with him during
12 the trial?

13 A. Apparently not. I've read this transcript several
14 times now -- and it's been almost five years. I can't
15 from memory tell you. I've had a lot of trials since
16 then. But apparently he did not, according to this
17 transcript.

18 Q. Okay. So you've done a lot of trials since then,
19 and I know probably before then as well?

20 A. Yes.

21 Q. Isn't it unusual that the judge didn't counsel him
22 about that right?

23 A. I would say yes, that it's unusual. But it was --
24 there was also a clear understanding between Terrence and
25 myself that he didn't want to testify. And I think by

1 necessity, had he testified, he might have had to
2 implicate some of these people he was afraid of.

3 MS. WHISENHUNT: One moment, please, Your
4 Honor.

5 Q. I'm just going to direct us back to where we were
6 discussing the testimony of the clerk of the BP station.
7 There seems to be some confusion, and it may be because
8 there is confusion about how many times the BP station
9 was robbed and how many people were located or who were
10 there participating in the robbery. Would it be fair to
11 say that there is some inconsistency between what the
12 clerk says and what Detective Gebing ultimately testifies
13 to as to how many robberies and how many people are
14 present at each of those robberies?

15 A. Well, the clerk's testimony is on page 79 and 80,
16 and he talks about ---

17 Q. Referring to that page you just talked about, 80, at
18 the top he says, how about the second time? There were
19 three guys the second time?

20 A. Right. And then the third time was the robbery that
21 Terrence was charged with. And he starts out, there have
22 been three robberies, this one being the third. And
23 there was previous robberies before that. So actually
24 there were a total of four robberies. The first time
25 there were two guys, the second time three guys.

1 Q. Okay. And so he was only actually the clerk for two
2 of the robberies. He was working in the store stocking
3 or something one of the other times?

4 A. Right. I think he was present for three out of, he
5 says, a total of four.

6 Q. So he was present, but he was only actually the
7 person who was the clerk twice. One time there were two
8 guys and another time there were three guys?

9 A. Correct.

10 Q. Okay.

11 A. And one of the things we raised to try to raise
12 reasonable doubt is that this guy was suspected at some
13 point because he was labeled too cooperative by the
14 police.

15 Q. Right. I remember that in the transcript, I think.

16 Q. I have no further questions at this time. I'm sure
17 Mr. Whitmire has some questions for you.

18 MR. WHITMIRE: Just a handful of questions,
19 Your Honor. I believe Ms. Whisenhunt did a good job of
20 narrowing it all in.

21 CROSS-EXAMINATION

22 BY MR. WHITMIRE:

23 Q. Ms. Goodwin, when were you retained in this matter?

24 A. I was appointed, and I don't remember the exact
25 date. Scott Thomason started it, and then some sort of

1 conflict of interest developed at the public defender's
2 office. There should be an order of appointment in the
3 court file. Terrence had already written a letter and
4 made the phone call from the jail by the time I was
5 appointed.

6 Q. Approximately how close was this to trial?

7 A. Oh, gosh, a long time before trial. I had this case
8 for a long time. We worked on this for a great long
9 time. A lot of thought, energy and effort was put into
10 this trial.

11 Q. What efforts did you initially make to get caught up
12 on the case when you were substituted?

13 A. Well, I read everything. I went to the jail several
14 times to talk to Terrence. I reviewed everything over
15 and over that we had. I tried to make a coherent case
16 for the lack of evidence, and I think I was able to do
17 that as well as it could be done.

18 Q. How many times did you meet with Mr. Goss, if you
19 can recall?

20 A. I can't recall exactly. I would say at least six,
21 but I can't recall exactly.

22 Q. Did he ever give you a version of events that said
23 that he knew who the culprit was in this?

24 A. No. He denied any involvement in this and denied
25 any association with the group that was designated as a

1 gang. We were able to keep all mention of gang out of
2 the trial. That word was not said until the end at the
3 sentencing.

4 Q. So you would have learned for the first time about
5 this version of events when he tells the judge in
6 sentencing that he apparently knows who the culprit is?

7 A. Yes. He had not said anything like that. He had
8 steadfastly maintained that he did not do this and did
9 not know anything about it.

10 Q. There was some discussion testimony today about what
11 you did and did not receive in discovery. If I recall
12 correctly, you did not receive the Sanchez Gilliard
13 statement?

14 A. I did not. Terrace got that at the jail. I don't
15 know exactly how he got it, but he got it.

16 Q. How close was this to trial?

17 A. Pretty close.

18 Q. Do you recall your working relationship with the
19 solicitor in this case?

20 A. Very good working relationship. Also, I thought I
21 had a very good working relationship with Mr. Goss until
22 the jury came back and said guilty. At that point, he
23 became very unhappy very quickly.

24 Q. Did you bring it to the solicitor's attention about
25 this Gilliard statement?

1 A. I did right before trial and said that we were not
2 provided that. And I wanted to make sure there was
3 nothing else potentially exculpatory out there, and there
4 was a great deal of discussion about that in the
5 transcript. And the State took the position, of course,
6 that Sanchez Gilliard's statement is not dated, is
7 ambiguous as to when the robbery occurred and that they
8 did not intentionally exclude exculpatory evidence. But
9 we had a long discussion about that. That's beginning on
10 page 38 of the transcript.

11 Q. Did you make any other efforts to kind of look into
12 Mr. Gilliard to see if he would match the culprit on the
13 video?

14 A. He is a known convicted felon, so I did not. As I
15 said, I don't remember interviewing him.

16 Q. Now, Mr. Jones and Mr. Patterson he names in the
17 statement. They testified at trial; correct?

18 A. Yes.

19 Q. Did you look into -- I'm sorry. Have you
20 answered the question? I do apologize. I might have
21 missed something. Did you look into Mr. Gilliard's
22 height physical description to see if the would match up
23 with those two guys?

24 A. I don't recall if I did that or not.

25 Q. Regarding this statement, what was the extent of

1 your discussions with him about its potential use,
2 benefit, and the advantages and disadvantages of calling
3 Mr. Gilliard to testify?

4 A. Well, we talked about using it to create reasonable
5 doubt. And we were able to use this statement by asking
6 Officer Gebing questions about it, asking him some very
7 pointed questions about it, and got, I think, some very
8 good testimony about it. So I don't know that we needed
9 to take the risk of calling people that you don't know
10 what they're going to say. And those four that did
11 testify were brought in from the Department of
12 Corrections the week before the trial. And actually I
13 went to the jail and talked to them, and their testimony
14 varied wildly just from one week to the next. So you
15 don't know what these guys are going to say from one
16 second to the next.

17 Q. Going on that, Mr. Derek Jones and Travis Patterson
18 named in the statement, did they corroborate any account
19 of the statement from Sanchez Gilliard?

20 A. I don't believe they did. I haven't compared it
21 that way.

22 Q. And they were all already in corrections?

23 A. Oh, yeah.

24 Q. And they gave statements when they were in Anderson
25 County awaiting sentencing or trial?

1 A. They did.

2 Q. Did any of them implicate Mr. Goss at trial, or did
3 they recant, if you recall?

4 A. I don't recall which one said what. Nobody said I
5 saw him do that. They would say I knew he was known to
6 have a gun like that. That was the push and the focus of
7 this trial, was this distinctive firearm and how they
8 knew about that.

9 Q. And speaking on something you mentioned earlier,
10 testified to earlier, regarding some of your strategy
11 keeping out potentially harmful testimony evidence on a
12 gang affiliation, was there any red flags, any need to
13 object to the investigative testimonies?

14 A. Well, I think I objected a lot, and I think I got a
15 good number of curative instructions because there was
16 discussion about these other fellows who were criminals.
17 There was a discussion about the letter being found in
18 the jail. I objected to that, and I think we got a
19 curative instruction on that. We got curative
20 instructions about other crimes and the fact that the BP
21 was a hot zone for robbery. I objected a lot, and I
22 don't think I could have done any more on that.

23 Q. Did you try this case to the best of your ability?

24 A. Absolutely.

25 Q. Just a few questions going back to -- going with

1 your relationship after the conviction. You still
2 represented Mr. Goss at his strong-arm plea?

3 A. I did. We were able to negotiate that case.

4 Q. And one of his codefendants, do you recall who that
5 is in the case at this point?

6 A. Not off the top of my head. I'm sorry.

7 Q. That's okay. Did he express any concerns to you
8 about getting a different attorney?

9 A. No.

10 Q. What would you have done had he desired a different
11 attorney on those charges?

12 A. What I always do. I would bring it to the court's
13 attention. That's happened one or two times in my
14 twenty-three years, and I always bring it to the court's
15 attention. Sometimes the court relieves appointed
16 counsel; sometimes it doesn't. But if he -- I did tell
17 Judge McIntosh the day of court that he was extremely
18 upset. That occurred immediately after the verdict. He
19 had been fine up until then, but he became very explosive
20 and upset with me after the verdict. So I tried to help
21 him through that.

22 Q. Just one more question. I appreciate your patience
23 today. Did you have a good working relationship with the
24 solicitor?

25 A. I did. I do.

1 Q. What is their general discovery policy here?

2 A. They have an open file policy. You can get -- they
3 don't -- I've never thought the solicitor intentionally
4 withheld something from me. I don't think they
5 intentionally withheld the Sanchez Gilliard statement. I
6 don't think they realized its potential connection to
7 this case.

8 Q. But you were still able to use it to represent him?

9 A. Yeah. He was able to get it. And I think it was a
10 good trial. Rob Gebing thought I had it won. I'll tell
11 you that. Unfortunately for Mr. Goss, it did not go that
12 way. But we worked hard on it, and I think it was a
13 clean trial. But unfortunately that does not always
14 equal a verdict that your client wants.

15 Q. No further questions, Ms. Goodwin. Thank you very
16 much.

17 REDIRECT EXAMINATION

18 BY MS. WHISENHUNT:

19 Q. Mr. Whitmire raised the issue of Mr. Gilliard's
20 build. I know you didn't meet with him. But if you had
21 met with him, would it surprise you that in fact he's six
22 feet and weighs about -- a little bit more actually than
23 Mr. Goss?

24 A. Then he wouldn't fit the profile.

25 Q. But the size of the defendant was at issue in trial,

1 and Mr. Gilliard is close in size to Mr. Goss?

2 A. Well, it wouldn't have gone with my trial or my
3 closing strategy because I went through and actually
4 froze a film of the video, and the folks were six feet or
5 less. And he's six three or four, if I remember
6 correctly. So we were looking for somebody over six
7 foot.

8 Q. But Mr. Gilliard wasn't a short man?

9 A. I don't recall that.

10 Q. The jury could have seen that if he had been called
11 to testify?

12 A. Sure.

13 Q. Okay. And would it surprise you -- you mentioned
14 that you were relieved for a conflict of interest, and
15 that's how you came to represent Mr. Goss initially. Do
16 you know that in fact that that conflict of interest was
17 that the PD's office actually represented Sanchez
18 Gilliard?

19 A. I was not made privy to what the conflict was, just
20 that there was one.

21 Q. No additional questions. Thank you.

22 MR. WHITMIRE: No further questions. I just
23 ask that Ms. Goodwin be released from her subpoena.

24 THE COURT: Any objection if I release her?

25 MS. WHISENHUNT: No objection.

1 THE COURT: All right.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Thank you.

4 Any other witnesses?

5 MS. WHISENHUNT: No additional witnesses.

6 Thank you.

7 THE COURT: Thank you. I appreciate it.

8 MR. WHITMIRE: Respondent ---

9 THE COURT: Are you going to call anyone?

10 MR. WHITMIRE: No, Your Honor. The respondent
11 rests. I'll be happy to answer any questions you may
12 have about these allegations.

13 THE COURT: I'm good.

14 (WHEREUPON, the hearing ended at approximately 1:12
15 p.m.)

16 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

CERTIFICATE OF REPORTER

I, the undersigned Renee H. Tollison, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 1st day of December 2014.

10 This transcript may contain quoted material. Such
11 material is reproduced as read by the speaker.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.

14 October 9, 2016

15

16 S/ *Renee H. Tollison*

17 Circuit Court Reporter

Statement of: Sanchez Antonio Gilliard 9/11/1989
 212 Wellington St. 250-79-2659
 Anderson SC

3/17/09

COPY

SG

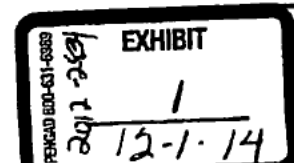
This is being written for me by R. Gebing of the ACSO. The first robbery I did was at the BP on Shockley Ferry Rd. It was right after I got kicked out of my house. It was me, Coot (Derrick Jones) and Ace (Travis Patterson). Coot was driving a black Expedition that was in his yard, I guess it's his parents. We parked by a ticket place down the street and walked up and ran in. Ace and Coot ran straight in and they had guns. I just had a bag and got the money. We ran back to the car from there and dropped off Ace, then went back to Coot's house. I heard it was hit a couple more times and I know Coot talked about being in on it.

One night, we were all at Joey's (Joey Oliver) house in Iva and he was talking about needing some money or whatever. He asked who wanted to do it and Ace and Dale volunteered. He wanted me to do it but I didn't want to. We went to Greenville at somebody's house looking at some pit bulls and on the way back, we let them out at the building near where we got pulled over. We pulled down the street and they were supposed to call and by the time we went back down to the store to pick them up, we got pulled over. It was me, Joey, and Soldier Boy in the car while Ace and Dale robbed the place. After we left walking, I called my baby's mama to come and pick us up. I never heard anything else about it from Ace or Dale.

While Joey was locked up, I got a call from Ragina. She wanted to know if I would get Joey out of jail. Me and Joey had discussed robbing Zaxby's before he was in jail, but never did it. She was passing along a message about what me and him had talked about. She did not know what we were talking about at first, I got with her about it afterwards, about robbing Zaxby's. After I told her what it was that I wanted to do, she told me not to do it, but I did it anyway. I called Zach Harkness and asked him if he wanted to make some money. He said yes because his brother was in jail. I didn't tell him what it was, just to come and pick me up. He picked me up and I was discussing it with him and we went and picked Jock up (Jocastarius Timpson). We went behind Zaxby's behind the hill and he let me and Jock out of the car. Me and Jock got out of the car and I called CoCo (Shirleasha Gillard) and told her to open the door (I had already told her what I was gonna do). We had to wait on cars that were coming through the drive thru and she went in and closed the door. I ran up to the door and pointed a gun at her and told her to open the door. She opened it and I grabbed her and she took me towards where the office was at while Jock was in the front with the rest of the people. I got the money and ran out and told Jock to come on. We ran down the hill to the street and got back in the car and we went to the Huntington's. Zach had to take us to Jock's house and my baby mama picked me up from there. The next day or day after that, I gave the money to Ace and Ace was supposed to have gave it to Ragina. Me, Zach, and Jock got about 6 stack and we gave Ace about \$3500.00. I had a BB gun, Jock had a real gun with no bullets in it.

I was in on the robbery at the store across from Zaxby's on 28 near the Wal-Mart. I needed some more money and Jock was calling me asking me if I had another lick to doo, that he needed another one. He said that his little cousin wanted in on it. His cousin is DJ Cowans. I got Porschia to drop us off at Wal-Mart and we walked down the big hill SG

X Summary signed



COPY

56 near the place that makes neon signs, we were waiting for it to get empty, but it never got empty. We just ran in down the hill and I went behind the car. DJ and Jock had two BB guns, I ran in and got the money. I got the money out of the register but it wouldn't open no safe or nothing, it was just a little bit of money in the register. I know DJ took some moans wallet and took some money out of it. We ran back up the hill and Posrchia wasn't around to be found, I called her on my way up the hill and told her to pick us up, but I told her the wrong road. By the time we found her and were about to get in the car, the police were coming, so we ran into the woods and got across 28 bypass. She picked us up at a store across the road from there, she was telling me how the police had stopped her.

I hooked up with a dude that I know from the south side named Killa Cam, I went to school with him at Westside too. Me, him, and Zach robbed a place out of town, it was Zach's idea, I don't really mess around with places out of town like that, I just know it was going towards Pendleton. Zach dropped us off behind the building and me and Cam ran in. there wasn't nobody there. The dude came out and we tried to get the money but he wouldn't give it to us, so I jacked the whole register. He was trying to fight us in the store. Cam fired at him, I didn't know he was going to do that though. Zach picked us up around the corner and took us back to Anderson on our way to work and dropped us off at Anderson Village by the mall, Cam's people lived there I think.

I robbed the High Volume on Westside (28) twice. The first time was me and Zach (Solider Boy, the same guy I was pulled over with near the Jockey Lot when Ace and Dale robbed the place). Joy Oliver was driving and it was his idea again. He parked at a little building to the side of the store, a street that dead ends. Me and Zach ran straight in and the woman emptied out the register and we ran back out. I don't remember who ha a gun. Joey was waiting where he dropped us off and we went to a club after that.

The other time at that store was with me, Jock, and Coot. We left from the Huntington's and walked over and there4 were people outside, we ran in and made them go in. They wouldn't open the register and I had a real gun at the time, so I fired a shot in the air. We4 got the money and ran back to where Zach was supposed to be waiting but he wasn't there. We ran back to his house and that girl from Greenville was there and she opened the door for us.

Me, Coot, and Jock robbed the High Volume up near Juwann's house. Zach had parked across the street and we ran up. There was a man outside and a woman in the store. We made him go in and by the time we got the registers open, the alarm went off, so we ran back out.

Me and Ace parked at the Colony trailer park and walked through the woods on a pathway that comes out by the car wash. We robbed the Citgo, we ran in, there was a woman in there and Ace had a gun, I just had a bag and got the money. We ran back to the car and left.

Me and Coot robbed Lucky's in Homeland Park. We ran in and the man wasn't in front at first so we were about to go back out, then he came out of the back. We just made him open the front cash register and we got the money. I went to the back to see if there was some more money and I looked and saw that the man had tried to pull Coot's flag down or something and Coot was hitting him with a gun, it was a BB Gun. We ran back out and got in the car and left.

I robbed the store near Frigidaire, I was working there at the time. Joey was driving and it was his idea. He was driving around Frigidaire Me and Buddah were 56

X Sanchez signed

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behind the store. There was a man outside and we made him go back in. We emptied the cash register and I went into the back and got some more money and then we left. Joey picked us up around by Frigidaire.

Me, Zach Harkness, and DJ Cowans robbed to the store C&L Store near FairView Gardens Apartments. DJ walked in and came back out to tell me it was clear. I ran in and the alarm went off so I ran back out. I never got anything from there. Zach was just driving, he was waiting across the street at some hotel.

I robbed a Little General near Coot's house a while back, with Coot and Jock. I know we went in with BB Guns and the lady gave everything up and we ran to a building near Coot's house, like a shed. We counted the money and that was it. It was a black lady with something with something wrong with her face. SG

~~XXXXXXXXXXXXXXXXXXXX~~ XXXXXXXXXXXX
received copy

R. Gobing - ACSO - 10/84

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Terrance J. Goss, #340914,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

2012-CP-04-2834

A TRUE COPY

JAN 19 2018

Richard A. Kuty
CLERK OF COURT

ORDER OF DISMISSAL

**FILED-CLERK'S OFFICE
ANDERSON SC**
2018 JAN 19 AM 10:50

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on August 23, 2012. Respondent submitted its Return on April 11, 2013. An evidentiary hearing was convened on December 1, 2014, at the Anderson County Courthouse. Applicant was present at the hearing and was represented by Linda Whisenhunt, Esquire. Respondent was represented by Assistant Attorney General John W. Whitmire of the South Carolina Attorney General's Office. At the evidentiary hearing, Applicant testified on his own behalf and presented testimony from Mary Jane Goodwin, Esquire (Counsel). After reviewing all the evidence and testimony presented, this Court finds Applicant has failed to establish any constitutional deprivations or other grounds for relief and denies this application for post-conviction relief.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. Applicant was indicted at the June 2009 term of the Court of General Sessions of Anderson County for armed robbery and possession of a weapon during the commission of a violent crime (2009-GS-04-0072) and conspiracy to commit armed robbery (2009-GS-04-070). Mary Jane Goodwin, Esquire, represented Applicant. Applicant proceeded to a jury trial before the Honorable R. Lawton

McIntosh. Applicant was convicted as indicted. On May 17, 2010, Judge McIntosh sentenced Applicant to a fifteen year term of imprisonment for armed robbery and concurrent five-year terms of imprisonment for possession of a weapon during the commission of a violent crime and conspiracy to commit armed robbery.

A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected by LaNelle C. Durant, Esquire, pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Applicant's appeal. State v. Goss, Op. No. 2012-UP-204 (S.C. Ct. App. filed March 28, 2012). The Remittitur was returned to the Circuit Court on April 17, 2012.

II. ALLEGATIONS

In his application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Trial Counsel
 - a. Failure to object to testimony regarding prior bad acts and to introduction of evidence not provided in discovery
 - b. Failure to investigate
 - c. Failure to present adequate defense, including failing to subpoena defense witnesses or call Applicant to testify
2. Prosecutorial Misconduct
 - a. Knowingly eliciting false testimony
 - b. Using statements regarding other crimes to confuse the jury
3. Violation of Due Process pursuant to Brady
 - a. Failing to turn over witness statement in discovery
4. Abuse of Discretion of the Trial Court
 - a. Error in allowing testimony regarding prior/unrelated crimes

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the record in its entirety and has heard the testimony and arguments presented at the evidentiary hearing. The Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. The

Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80.

Ineffective Assistance of Counsel

Applicant has asserted several allegations of ineffective assistance of counsel. Each allegation presented at the evidentiary hearing is addressed below. Applicant alleges Counsel failed to object to the detective's testimony regarding prior bad acts and unrelated crimes. Applicant also alleges Counsel failed to conduct a reasonable investigation, which resulted in an inadequate defense, including failing to call favorable witnesses and refusing to allow Applicant to testify.

In this post-conviction relief action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Griffin v. Martin, 278 S.C. 620, 300 S.E.2d 482 (1983)). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove counsel's "conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Id. at 442, 334 S.E.2d at 814 (citing Strickland v. Washington, 466 U.S. 668 (1984)). The proper measure of performance is whether counsel provided representation within the range of competence required in criminal cases. Id. (citing Strickland, 466 U.S. at 687; Turner v. Bass, 753 F.2d 342 (4th Cir. 1985); Marzullo v. Maryland, 561 F.2d 540 (4th Cir. 1977)). The Court presumes counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The Court uses a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, Applicant must prove Counsel's performance was deficient. Id. Under this prong, the Court measures Counsel's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

In general, this Court finds Counsel was adequately prepared for Applicant's trial and did not fall below the standards of professional norms in any manner. Counsel credibly testified she had enough time to prepare for trial and did not have any reason to request more time. She communicated properly with Applicant and reviewed all discovery materials with him. Finally, Counsel testified she later represented Applicant on another charge, and he did not express any concerns about retaining her again; if he had raised those concerns, she would have brought it to the court's attention. Applicant admitted five months later, he pled guilty to strong arm robbery, with Counsel representing him on that charge as well. Applicant testified he had already planned to pursue a PCR against Counsel on the prior armed robbery charge, and Counsel was aware he was unhappy with her representation in that case. However, Applicant further testified he did not inform Counsel of any concerns at that time regarding her representation on the new charge and also never expressed his concerns to the judge. Applicant acknowledged he told the judge he was satisfied with Counsel's representation in that matter as well. Applicant testified he never asked to be appointed a new attorney for the new charge.

Based on this testimony and the record before the court, this Court finds Counsel's representation was not deficient in any regard.

Failure to Object to Detective's Testimony

Applicant testified at the evidentiary hearing Counsel failed to object to the testimony of prior bad acts by officers of Greenville County, thereby depriving him of having a fair trial. Applicant testified Counsel also allegedly failed to object to testimony from Anderson County detectives about unrelated crimes that occurred on January 20th with Applicant's codefendant. Counsel testified, and the record confirms, she objected repeatedly to the detective's testimony, and her objections resulted in the judge issuing multiple curative instructions and kept harmful information, such as Applicant's gang affiliation, from coming in front of the jury.

This Court finds Applicant has failed to meet his burden of establishing Counsel was ineffective for failing to object to the detective's testimony because Counsel did in fact object, repeatedly, to such testimony. Because there was no deficiency, Applicant was not prejudiced.

Failure to Investigate, Subpoena Favorable Witnesses, and Allow Applicant to Testify

Applicant testified he wanted Counsel to call Sanchez Gilliard as a witness because he believed Gilliard's statement was exculpatory. Counsel testified she did not interview Sanchez Gilliard because he is a convicted felon, and she did not think he was an appropriate witness. Counsel further testified there was confusion over the Gilliard statement, and which robbery it refers to. Counsel testified the gas station had been robbed three times in short succession, and Applicant was charged in the third robbery, along with two other people. Counsel testified Applicant incorrectly believed there were only two people involved in the second robbery when actually that robbery also involved three people. Counsel further testified the Gilliard statement concerned the second robbery, not the third one, but since it was confusing, she felt it was helpful to use in her closing argument.

Additionally, Counsel testified two other individuals mentioned in the Gilliard statement did testify at Applicant's trial, and neither corroborated any account of the statement. Counsel then testified she interviewed several potential witnesses, but she declined to call them as the witnesses' version of events varied wildly from one week to the next leading up to trial. She testified no one specifically said they witnessed Applicant commit the crime; the only connection was the gun used in the robbery and Applicant's letter and audio recording from the jail. Counsel testified to her belief the audio recording was the most significant evidence against Applicant.

Applicant further testified Counsel did not call Applicant to the stand against Applicant's wishes to testify. Applicant testified the State entered into evidence a letter Applicant had written to his codefendant, and the State's witness, one of the detectives on the case, testified as to the meaning of the statements in the letter. Applicant testified he wanted the jury to hear his explanation of the letter. Applicant further testified he informed Counsel he wished to testify, but she told him he should not testify due to his prior criminal history.

Counsel also testified that though the judge did not discuss with Applicant his right to testify, there was a clear understanding between Applicant and Counsel that he did not want to testify. Counsel testified she and Applicant discussed many times about whether he should testify, as Applicant did not want to be labeled as a snitch. Counsel testified Applicant told her he was afraid for the safety of himself and his family, as one of the witnesses was beaten in jail after testifying. Counsel further testified there was not really a way in which Applicant could testify without opening the door to unfavorable testimony.

On cross examination, Applicant testified the Anderson County Sheriff's Department broke the case after discovering some guns in an apartment on the Greenville Tech campus.

Applicant testified, at that time, he gave a statement to the Greenville Tech police, stating he saw a big gun and a small gun in the apartment, but they belonged to other occupants of the apartment, not to him. Applicant testified he and his attorney did not review his statement, and when he asked her if he could testify, she would not let him. Applicant acknowledged he told the judge he did not take the stand because of his prior record and because he feared for his life. Applicant further testified that, other than giving Counsel Sanchez Gilliard's statement, he never told her during the representation he knew who really committed the crime. Applicant then testified Sanchez Gilliard would know who really committed the crime.

Counsel testified she was appointed several months before trial after the initial attorney recused himself due to a conflict of interest at the public defender's office. Counsel testified she read everything in the case file and met with Applicant at least six times at the jail. Counsel also testified Applicant continuously denied any involvement in the robbery, and he never gave any version of events that implied he knew who the culprit was. Only during sentencing did Applicant make it known he may know who is responsible for the robbery.

"[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case. Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011) (citing Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007)). Failure to conduct an independent investigation is not *per se* ineffective assistance of counsel, especially where an investigation would not have uncovered any helpful information. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998).

In this case, Counsel's investigation was reasonable. Counsel thoroughly reviewed all evidence and discovery materials in the case, discussed possible defenses with Applicant, and

pursued leads Applicant provided. Specifically, Counsel reviewed all photos, video, audio from jail, and the Sanchez Gilliard statement. Counsel testified she had plenty of time to review all materials. In addition, Counsel met with Applicant at least six times in jail to review the case.

Counsel also discussed with Applicant her strategy for how to cast reasonable doubt on the culpability of Applicant. Counsel tried and investigated the case to the best of her ability by pursuing the most advantageous trial strategy, which involved deciding not to call Sanchez Gilliard as a witness at trial due to credibility concerns. This Court finds Counsel conducted a reasonable and proper investigation, adequately conferred with Applicant, and was thoroughly competent in her representation.

Likewise, Applicant has failed to show prejudice, and this Court can only speculate as to what additional investigation Counsel could have done and what evidence that investigation would have uncovered. See Jackson v. State, 339, S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (finding no prejudice where applicant “failed to present any evidence of what counsel could have discovered or what other defenses respondent would have requested counsel pursue had counsel more fully prepared for the trial.”). Applicant testified on his own behalf that Counsel should have called Sanchez Gilliard as a witness at trial. However, Counsel had sound justification for not doing so, as the statement was not corroborated by other testimony and came from an unreliable convicted felon. Most importantly, Applicant failed to present any other witnesses, including Gilliard, at the evidentiary hearing and produced no evidence of what Counsel might have uncovered had she conducted any additional investigation, although Applicant admitted a copy of the Gilliard statement into evidence.

Therefore, Applicant has failed to demonstrate any alleged deficiency prejudiced him. See Glover v. State, 318 S.C. 496, 499, 458 S.E.2d 538, 540 (1995) (“The applicant’s mere

speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice."). Accordingly, this Court finds Applicant has failed to demonstrate either deficiency or prejudice with respect to this allegation. Therefore, Court finds that this allegation must be denied and dismissed with prejudice.

A. Prosecutorial Misconduct/Violation of Due Process

Applicant testified he was denied due process of law because the State did not provide the Sanchez Gilliard statement, which he believed to be exculpatory, in response to his discovery request.

Brady v. Maryland, 373 U.S. 83 (1963). requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). "Determining whether evidence withheld by the state is 'material' under Brady turns on whether the cumulative effect of the withheld evidence results in a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different." State v. Hill, 368 S.C. 649, 661, 630 S.E.2d 274, 280–81 (2006).

Counsel testified she did not receive the Gilliard statement from the State, but instead obtained it from Applicant. Counsel further testified she did not believe anyone could reasonably have been expected to put that statement in the case file, as it did not even have Applicant's name in it. She testified she did not think it had an obvious logical connection to this case, although she did ultimately use it in her defense. Lastly, Counsel testified she had a good

working relationship with the solicitor, and he had an open file policy, so she never believed he intentionally withheld any discovery from her, including the Gilliard statement. She testified she believed the solicitor never realized the statement's potential connection to this case.

Counsel further testified she received photos, video from the gas station, and an audio recording from jail in discovery from the State. Counsel further testified there was some confusion over exactly which items had been turned over, but she had plenty of time to review all materials before trial began.

This Court finds Applicant has not established the State committed a Brady violation, or any other violation of Applicant's constitutional rights, when it failed to turn over the Gilliard statement in discovery. The Court finds the statement was not material because it was not material of Applicant's guilt or punishment, as it related to a different robbery than the one Applicant was charged with. The Court also notes Counsel did eventually receive the statement and was able to use it to impeach the detective's testimony at trial, so Applicant suffered no prejudice from the State's initial failure to turn the document over to Counsel.

B. Prosecutorial Misconduct

This Court finds Applicant failed to present any testimony, argument, or evidence at the hearing regarding the allegations in his application that the prosecutor knowingly elicited perjured testimony and purposely sought to confuse the jury. Therefore, this Court deems them abandoned, and those allegations are dismissed.

C. Trial Court Error

This Court finds Applicant failed to present any testimony, argument, or evidence at the hearing concerning the allegation in his application that the trial court erred in admitting the detective's testimony. Additionally, the Court finds this allegation is a direct appeal issue and is

procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 420 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief, and the allegation is dismissed.

IV. CONCLUSION

Based on all the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

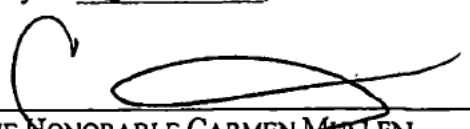
This Court notes Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

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IT IS THEREFORE ORDERED:

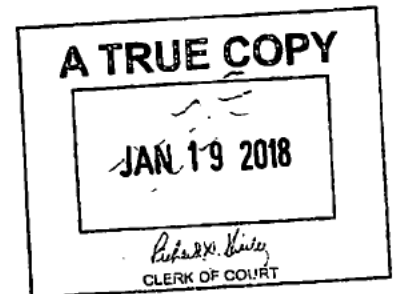
1. The application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 10 day of Jan, 2017.


THE HONORABLE CARMEN MULLEN
Presiding Judge
Tenth Judicial Circuit

Beaufort, South Carolina

FILED-CLERK'S OFFICE
ANDERSON SC
2018 JAN 19 AM 10:50
COMMON PLEAS AND
GENERAL SESSIONS



487

WITNESSES
GEBING, ACSD

ARREST WARRANT NUMBER

J875144, J875148

ACTION OF GRAND JURY

TRUE BILL

JAN 20 2009

Foreperson of Grand Jury

Date: Foreperson

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-04-00072

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 20 2009

Term

THE STATE

vs.

Terrance Jarel Goss

RLC

Indictment for

Robbery / Armed Robbery, robbery while armed
or allegedly armed

SC Code: 16-11-0330(A)

CDR Code: 0139

Possession of a Weapon During the
Commission of a Violent Crime

SC Code: 16-23-0490

CDR Code: 0549

COMMITMENT

05/19/10 - copy

TRUE COPY

AUG 23 2012

Richard G. Harty
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JAN 20 2009, the Grand Jurors of Anderson County present upon their oath:

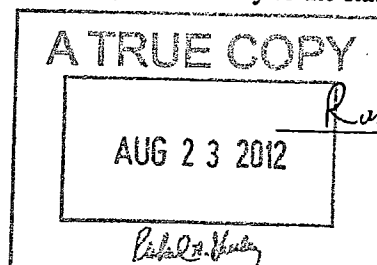
Robbery / Armed Robbery, robbery while armed or allegedly armed

That Terrance Jarel Goss did in Anderson County, on or about February 5, 2008, while armed, or accompanied by individuals who were armed with a deadly weapon, to wit: a firearm, take by means of force or intimidation, goods or monies described as: U. S. Currency from the BP gas station located at 301 E. Shockley Ferry Road, in Anderson, South Carolina. This is in violation of §16-11-330(A) of the *South Carolina Code of Laws (1976)*, as amended.

Possession of a Weapon During the Commission of a Violent Crime

That Terrance Jarel Goss did, in Anderson County, on or about February 5, 2008, possess a firearm during the commission of the violent crime of Armed Robbery, in violation of Code Section 16-23-0490, *Code of Laws of South Carolina*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Ronald Campbell
 ASSISTANT SOLICITOR

483

WITNESSES

GEBING, ACSD

DOCKET NO. 2009-85-04-00070

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 20 2009
Term

ARREST WARRANT NUMBER

J875146

THE STATE

vs.

Terrance Jarel Goss

ACTION OF GRAND JURY

TRUE BILL

JAN 20 2009

Foreperson of Grand Jury

Date: Foreperson

VERDICT

Foreperson of Petit Jury

Date:

RLC

Indictment for

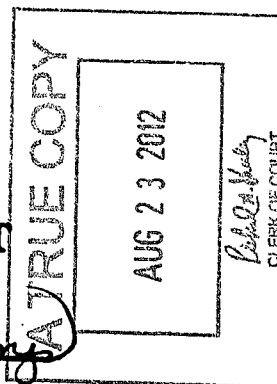
Conspiracy to Commit Armed Robbery

SC Code: 16-17-0410

CDR Code: 0049

COMMITMENT

05/19/10 - comp



STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

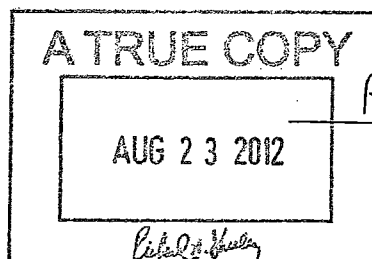
INDICTMENT

At a Court of General Sessions, convened on JAN 20 2009, the Grand Jurors of Anderson County present upon their oath:

CONSPIRACY TO COMMIT ARMED ROBBERY

That Terrance Jarel Goss did in Anderson County, on or about February 5, 2008, willfully and unlawfully conspire to accompany, aid, abet, and/or assist another for the purpose of committing an armed robbery, or had knowledge that another was committing an armed robbery. This is in violation of §16-17-410 of the *South Carolina 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.



Rumel Campbell
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 485

COUNTY OF
STATE

Anderson

VS.

Terrance Jarel Goss

INDICTMENT/CASE#:

2009GS0400072

AW#: J875144

Date of Offense: 2/5/2008

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139



AKA:

Race: B Sex: M Age: 21

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Anderson, SC 29625

DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☐ PLEADS

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

10-30

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentation to Grand Jury.

(defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 10-30 days/months/years or ☐ under the Youthful Offender Act not to exceed 10-30 yearsand/or to pay a fine of \$ 100.00; provided that upon the service of 10-30 days/months/years and or payment of \$ 100.00; 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 ☐ CONSECUTIVE to sentence on:

Concurrent with 2009-GS-04-0072 & 2009-GS-04-007

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ 100.00 plus 20% fee: \$ 20.0010-30 days/hours Public Service EmploymentPayment Terms: Set by SCDPPPSObtain GED ☐Attend Voc. Rehab. Or Job Corp. 10-30

Recipient:

May serve W/E beginning 2/5/2008
Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§90.7 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$
TOTAL		\$ 130.00

Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 26.00 Beginning 2/5/2008
\$ 26.00 Paid to Public Defender FundOther: 10-30☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probationClerk of Court/Deputy Clerk
Court Reporter: Jo RicePresiding Judge [Signature]
Judge Code: 2155
Sentence Date: 5/11/10

SCCA/217 (11/2009)

AUG 23 2012

CLERK OF COURT

COUNTY OF Anderson
STATE

VS.
Terrance Jarel Goss

AKA:
Race: B Sex: M Age: 21
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Anderson, SC 29625
DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#: 2009GS0400072

AW#: J875148
Date of Offense: 2/5/2008
S.C. Code #: 16-23-0490
CDR Code #: 0549



SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death
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 ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 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: concurrent with 2009GS040070; 2009GS040072
consecutive to Federal charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department
of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

☐ Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning _____
Substance Abuse Counseling ☐

*Fine:
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ _____
§47.12 (Public Def/Prob) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§14-1-213 (Drug Court Surcharge) \$100 \$ _____
§50-21-114 (BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
§90.7 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
\$47.12 requires \$500 be paid to Clerk
during probation

Clerk of Court/Deputy Clerk
Court Reporter: Jo Rice

Presiding Judge [Signature]
Judge Code: 2158
Sentence Date 3/19/10

AUG 23 2012

[Signature]
CLERK OF COURT

COUNTY OF Anderson

STATE

VS.

Terrance Jarel Goss

INDICTMENT/CASE#: 2009GS0400070

AW#: J875146

Date of Offense: 2/5/2008

S.C. Code §: 16-17-0410

CDR Code #: 0049

AKA:

Race: B Sex: M Age: 21

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Anderson, SC 29625

DL# [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☐ PLEADS

TO: Conspiracy / Criminal Conspiracy. Common Law conspiracy defined

In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

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:concurrent with 2009GS040070; 2009GS040072
consecutive with Federal charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$47.12 (Public Def/Prob)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

\$90.7 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$	
\$	
\$	100.00
\$	
\$	
\$	
\$	
\$	25.00
\$	
\$	
\$	
\$	5.00
\$	
\$	130.00

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

Clerk of Court/Deputy Clerk

Court Reporter: Jo Rice

SCCA/217 (11/2009)

Presiding Judge

Judge Code:

Sentence Date

AUG 23 2012

Richard A. Kuehly