

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jun 14 2021

SC Court of Appeals

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WALTER MURREY,

APPELLANT

APPELLATE CASE NO. 2019-001795

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

LARA M. CAUDY
Appellate Defender

DONALD J. ZELENKA
Deputy Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General

JULIANNA E. BATTENFIELD
Assistant Attorney General

ATTORNEYS FOR APPELLANT

ERNEST A. FINNEY, III
Solicitor, Third Judicial Circuit

Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3727

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD OCTOBER 14-18, 2019.....	1
IMMUNITY HEARING ON MOTION TO FIND DEFENDANT IMMUNE FROM PROSECUTION PURSUANT TO THE PROTECTION OF PERSONS AND PROPERTY ACT.....	3
TESTIMONY	
WALTER MURREY	
Direct Examination by Mr. Routzong.....	10
Cross-examination by Mr. Meadors	25
Re-direct Examination by Mr. Routzong.....	65
Re-cross Examination by Mr. Meadors	69
CALEB GOMEZ	
Direct Examination by Mr. Routzong.....	71
Cross-examination by Mr. Meadors	78
Re-direct Examination by Mr. Routzong.....	86
Re-cross Examination by Mr. Meadors	88
RAFAEL RODRIGUEZ	
Direct Examination by Mr. Routzong.....	90
Cross-examination by Mr. Meadors	97
Re-direct Examination Mr. Routzong.....	106
REPLY TESTIMONY	
LASHAY ANDREWS	
Direct Examination by Mr. Meadors	109
Cross-examination by Mr. Routzong.....	119
Re-direct Examination by Mr. Meadors	123
ARGUMENT BY MR. ROUTZONG	125
ARGUMENT BY MR. MEADORS.....	127
REPLY ARGUMENT BY MR. ROUTZONG	131
COURT’S RULING DENYING IMMUNITY	137
OPENING STATEMENT BY MR. MEADORS.....	138

OPENING STATEMENT BY MR. ROUTZONG	149

TESTIMONY

CAROLINE SHEPPARD-LEWIS

Direct Examination by Mr. Meadors	156
Cross-examination by Mr. Routzong.....	169

<u>NEIL V. BIGGERS HEARING</u>	174

TESTIMONY (IN CAMERA)

LASHAY ANDREWS

Direct Examination by Mr. Meadors	174

TESTIMONY CONTINUED (BEFORE JURY)

LASHAY ANDREWS

Direct Examination by Mr. Meadors	175
Cross-examination by Mr. Routzong.....	202
Re-direct Examination by Mr. Meadors	211

TESTIMONY (IN CAMERA)

SHAUNE GILL

Re-direct Examination by Mr. Meadors	214

TESTIMONY CONTINUED (BEFORE JURY)

DOCTOR JANICE ROSS

Direct Examination by Mr. Meadors	217
Cross-examination by Mr. Routzong.....	231

SHAUNE GILL

Direct Examination by Mr. Meadors	234
Cross-examination by Mr. Routzong.....	256
Re-direct Examination by Mr. Meadors	258

CODY SHELTON

Direct Examination by Mr. Meadors	262
Cross-examination by Mr. Routzong.....	279
Re-direct Examination by Mr. Meadors	284
Re-cross Examination by Mr. Routzong.....	285
Re-direct Examination by Mr. Meadors	287

IRENE CULICK	
Direct Examination by Mr. Meadors	288
Cross-examination by Mr. Routzong	300
Re-direct Examination by Mr. Meadors	303
Re-cross Examination by Mr. Routzong	304
HOWIE AUSTIN	
Direct Examination by Mr. Meadors	308
Cross-examination by Mr. Routzong	331
Re-direct Examination by Mr. Meadors	338
THE STATE RESTS	338
MOTION FOR A DIRECTED VERDICT	340
DEFENSE TESTIMONY	
SHONDA FULLARD	
Direct Examination by Mr. Routzong	349
Cross-examination by Mr. Meadors	352
Re-direct Examination by Mr. Routzong	352
WALTER MURREY	
Direct Examination by Mr. Routzong	353
Cross-examination by Mr. Meadors	381
Re-direct Examination by Mr. Routzong	434
THE DEFENSE RESTS	437
RENEWED MOTION FOR A DIRECTED VERDICT	439
COURT’S RULING DENYING MOTION	441
RENEWED MOTION FOR IMMUNITY UNDER THE PROTECTION OF PERSONS AND PROPERTY ACT	441
MOTION IN LIMINE FOR DEFENSE NOT TO MAKE “GOLDEN RULE” ARGUMENT	444
COURT’S RULING ON MOTION FOR IMMUNITY UNDER THE PROTECTION OF PERSONS AND PROPERTY ACT	446
CLOSING ARGUMENT BY MR. MEADORS	449
JURY CHARGE	450

QUESTION FROM THE JURY	464
NOTE FROM THE JURY	467
RECHARGE ON THE LAW	468
VERDICT	470
SENTENCING	471
INDICTMENT	472
CERTIFICATE OF COUNSEL	474

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SUMTER) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 WALTER MURREY, JR.,) 2018-GS-43-52
8 DEFENDANT.)

9
10 October 14th - 18th, 2019
11 Sumter, South Carolina
12

13 B E F O R E:

14 THE HONORABLE GEORGE M. McFADDEN, JR., Judge; and a
15 jury.

16 A P P E A R A N C E S:

17 ERNEST A. FINNEY, III and JOHN MEADORS
18 SOLICITOR and ASSISTANT SOLICITOR
Attorneys for the State

19
20 MICHAEL ROUTZONG
ASSISTANT PUBLIC DEFENDER
21 Attorney for the Defendant
22
23

24 Transcribed by Pamela E. Green, from
25 DCRP, Courtroom Recorder Project

1 THE BAILIFF: The same.

2 THE BAILIFF: Same one.

3 SOLICITOR MEADORS: Same one.

4 THE CLERK: Same one.

5 THE COURT: Same one.

6 okay?

7 THE BAILIFF: Yes, sir.

8 THE JUROR: Juror 12. Again, sir, I'm a member of the
9 South Carolina Sheriffs Association in good standing.

10 THE COURT: Would your answer be the same, sir?
11 Can you be fair and impartial?

12 THE JUROR: Yes, sir, I can be.

13 THE COURT: All right. Thank you.

14 THE JUROR: Thank you, sir.

15 THE COURT: Mr. Meadors, Mr. Routzong, I think Number
16 5's gonna be clearly redundant, but -- I'm inclined not to
17 ask it. I just, I just actually did that.

18 would you agree?

19 MR. ROUTZONG: I agree, Your Honor.

20 THE COURT: Okay. Has any member of the jury panel,
21 their immediate family, or close friend ever been the victim
22 of an assault or crime of violence or charged with a crime
23 of violence or assault?

24 (WHEREUPON, one juror responds.)

25 THE BAILIFF: Got one, Your Honor.

1 Tuesday, October 15th, 2019

2

3 (WHEREUPON, three photographs were marked as State's
4 Exhibits Nos. 1 through 3 for identification purposes only
5 at this time.)

6 THE COURT: Gentlemen, this is the Duncan hearing, and,
7 Mr. Routzong, I think you would be the moving party, right?

8 MR. ROUTZONG: That's correct, Your Honor.

9 May it please the Court?

10 THE COURT: Yes, sir.

11 And, before you start, let me tell y'all lawyers this.
12 I may put ice on my cheek while we're in here for my teeth.
13 So, just bear with me.

14 okay?

15 SOLICITOR MEADORS: Yes, sir.

16 THE COURT: All right. Mr. Routzong.

17 SOLICITOR MEADORS: Your Honor, for the record, Mr.
18 Routzong served me this morning with a Motion to Dismiss
19 pursuant to the Protection of Property -- Persons and
20 Property Act, 16-11-410.

21 THE COURT: Yes, sir.

22 MR. ROUTZONG: I, I think Mr. Meadors, Your Honor, will
23 agree with me that he, he and I have been discussing this
24 for quite some time.

25 THE COURT: I know. I know.

1 MR. ROUTZONG: Thank you, Your Honor.

2 Your Honor, at this time the Defendant moves the Court
3 to find that he is immune from prosecution pursuant to the
4 Protection of Persons and Property Act.

5 Under the Act, a citizen may protect himself, his
6 family, and others from intruders and attackers. Mr. Murrey
7 must prove that he is immune from prosecution by a
8 preponderance of the evidence, and that's citing State v.
9 Currie, Your Honor. 406 SC 364.

10 THE COURT: Yes, sir.

11 MR. ROUTZONG: Your Honor, the Court has held that the
12 Defendant -- if the Defendant moves to have the case
13 dismissed pursuant to the Act, he's entitled to a pretrial
14 determination by the Trial Court. That's also Duncan, Your
15 Honor.

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: Pursuant to the hearing, a Trial Judge
18 is a finder of fact, and is required to make a determination
19 of whether a movant is entitled to immunity. Immunity,
20 under the Act, is not a jury question. And that's also
21 Duncan, Your Honor, and I mention that because it has
22 happened in the past that the Trial Judge will simply say
23 that that's a jury question, and not the -- actually rule on
24 the immunity.

25 THE COURT: Yes, sir, I think that was the Attorney

1 General's argument in Duncan to begin with.

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: Yes, sir.

4 MR. ROUTZONG: Your Honor, on May 17th, 2017,
5 Mr. Murrey boarded a pickup truck. It was driven by, I
6 believe, Mr. Rafael Rodriguez, and traveled to Sumter, South
7 Carolina.

8 Mr. Murrey was employed---

9 SOLICITOR MEADORS: Your Honor, I'm, I'm -- is he, is
10 he gonna call this as a -- a witness to say this?

11 I mean I don't think he can just put evidence in the
12 record for a, for -- for a --

13 MR. ROUTZONG: May I respond---

14 SOLICITOR MEADORS: ---this hearing.

15 MR. ROUTZONG: ---Your Honor?

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: I'm just simply trying to lay what we
18 intend to show, Your Honor. It's very -- relatively brief.
19 It's just a recitation of the facts that I intend -- it's
20 kind of a road mark -- road map---

21 THE COURT: I, I---

22 MR. ROUTZONG: ---for the Court.

23 THE COURT: I will accept it as, as something akin to
24 an opening statement --

25 MR. ROUTZONG: Yes, sir.

1 THE COURT: -- giving it no weight until I hear the
2 testimony.

3 okay?

4 MR. ROUTZONG: Yes, sir.

5 THE COURT: All right, sir. Proceed.

6 MR. ROUTZONG: Mr. Murrey was employed through
7 Mr. Rodriguez by DPS. That's lo -- that's a contractor
8 that's located in Georgia, Your Honor.

9 THE COURT: Yes, sir.

10 MR. ROUTZONG: Mr. Rodriguez hired Mr. Murrey to hang
11 drywall on Shaw Air Force Base.

12 while on the ride to Sumter, one of his co-workers,
13 Caleb Gomez, informed him that he, Caleb, had been robbed at
14 the hotel -- motel he was lodging at. Mr. Murrey arrived in
15 Sumter and immediately began work on Shaw. That same day,
16 Your Honor, on May 17th. He worked from approximately
17 11:00AM in the morning till 5:00PM.

18 Mr. Murrey had not slept for over 24-hours as he was
19 traveling from Louisiana to Augusta, and then from Augusta
20 to Sumter, South Carolina, Your Honor.

21 After work wrapped up on Shaw Air Force Base, Mr.
22 Murrey and his coworkers traveled from Shaw to the Quality
23 Inn. The Quality Inn is located at 2390 Broad Street, Your
24 Honor, in Sumter.

25 After arriving at the Quality Inn, Mr. Murrey checked

1 in to the motel. He took a shower. Joined his co-workers
2 for supper.

3 One of his coworkers, Joshua Alva, grilled chicken just
4 outside of Mr. Murrey's room. Some time during the cookout
5 Brandon Cummings, who is the deceased, Your Honor, in this
6 case, interrupted the gathering and asked for a cigarette
7 lighter. Mr. Murrey claims that he was, at that moment,
8 told that Brandon Cummings is the person that robbed Caleb
9 Gomez.

10 The Defendant claims that, after the cookout, Brandon
11 Cummings spoke to the Defendant at one of the corners of the
12 motel building. This was not an encounter initiated,
13 initiated by Mr. Murrey, Your Honor. It was just
14 coincidence.

15 Defendant walked over to the -- excuse me, Your Honor.
16 Defendant, at one of the corners of the motel building,
17 Mr. Cummings seemed to be speaking to him in what
18 Mr., Mr. Murrey categorized as a mean way. The Defendant
19 walked over to his coworker's rooms on the opposite side of
20 the wing of the motel.

21 Mr. Murrey encountered a large man with whom he was
22 unacquainted. The large man asked him if he could accompany
23 the Defendant, Mr. Murrey, into Mr. Murrey's room, and
24 Mr. Murrey said no, and I'll let Murrey get into that a
25 little bit more, Your Honor.

1 Mr. Murrey returned to his room. He placed a pistol in
2 his pocket. Mr. Murrey was not aware of any ongoing
3 confrontation.

4 He left his room to look for his co-workers.
5 Mr. Murrey walked towards the breezeway located a few doors
6 down from his room.

7 In the breezeway, he claims he saw Caleb Gomez backed
8 up against the wall. In front of Mr. Gomez was Brandon
9 Cummings. In addition to Mr. Murrey, Gomez, and Cummings,
10 there was present at that conference -- well, I will call it
11 a, a confrontation that was apparently initiated by the
12 deceased, Your Honor. Rafael Rodriguez and Cody Shelton all
13 agree that the group of coworkers asked Cummings to leave
14 them alone. All agree that Mr. Cummings threatened to shoot
15 them.

16 The discussion in the breezeway broke up. Mr. Cummings
17 and Mr. Murrey walked towards Mr. Murrey's room.
18 Mr. Cummings was walking ahead. Mr. Murrey followed moving
19 towards his room, Your Honor.

20 At some point Mr. Murrey lost sight of Cummings. The
21 time is approximately 9:20PM to around 9:30PM, Your Honor.
22 Obviously it is dark at that time.

23 Mr. Murrey says that Cummings came from behind a bush.
24 He appeared to have something in his hand. Mr. Murrey says
25 he feared that Mr. Cummings would fulfill his promise to

1 shoot Mr. Murrey and his co-workers. Mr. Murrey pulled a
2 gun from his pocket and fired at Cummings until he
3 reasonably believed the danger to himself and others were
4 concluded -- was concluded.

5 Your Honor, Mr. Murrey is entitled to immunity because
6 he was at his dwelling. It is not in dispute in this State,
7 Your Honor, that an apartment, and, under the statute, the,
8 the Castle Doctrine, and a, a motel room is a dwelling, a
9 residence. He was not at fault in bringing about the
10 conflict, and he had reasonable fear of imminent death or
11 bodily harm.

12 Mr. Murrey was not engaged in an un -- unlawful
13 activity for purposes of the Act. Even if he un -- even if
14 he was unlawfully carrying a pistol, which, Your Honor, I
15 think there may be an issue there, but even if he was, we
16 intend to show that that is not dispositive under the Act,
17 Your Honor.

18 Based on his observations of Cummings irrational
19 behavior and the statements by his coworkers, Mr. Murrey
20 reasonably believed that Cummings would fulfill his threat
21 to kill Mr. Murrey at that moment.

22 Your Honor, at this time I'd like to call Walter Murrey
23 to the stand.

24 THE COURT: Yes, sir.

25 THE BAILIFF: Place your left-hand on the Bible.

10 Walter Murrey - Direct examination
By Mr. Routzong

1 (WHEREUPON, the witness complies.)

2 THE BAILIFF: Raise your right-hand.

3 (WHEREUPON, the witness complies.)

4 THE BAILIFF: State your name.

5 THE WITNESS: Walter Murrey, Junior.

6 WALTER MURREY, JUNIOR, having first
7 duly affirmed, testified as follows:

8 THE BAILIFF: Step around please.

9 (WHEREUPON, the witness complies.)

10 THE BAILIFF: State your name for the record, and spell
11 your last name please.

12 THE WITNESS: Walter Murrey, Junior. The last name
13 spelled M-U-R-R-E-Y.

14 DIRECT EXAMINATION

15 BY MR. ROUTZONG:

16 Q Morning, Mr. Murrey.

17 How are you?

18 A Good morning.

19 Q Mr. Murrey, how old are you?

20 A Thirty-two.

21 Q Where are you from?

22 A From Louisiana. I was -- stayed in Augusta two years.
23 I had just prior moved back home maybe not even two, three
24 days I was back home before I received a call for this job.

25 Q Why did you receive the call?

1 A I had -- before I left Augusta, when I was working for
2 Rafael, he brought me to an office to sign up for a job that
3 was coming up on the Shaw Air Force Base to do a background
4 check. And he called me to let me know that my background
5 check came through good, and that I can come down and work.

6 At the time I didn't have money. So, I asked him if he
7 could pay for my bus ticket to get me down there, and I'll
8 pay him back with my first check. He was able to make that
9 happen.

10 Q What day did you come up to Sumter, South Carolina?

11 A I left the day before the ordeal. So, it was the
12 16th, and the bus left at 12:00 noon.

13 Q When did you get to Augusta?

14 A It was like 7:00, 8:00 in the morning I was picked up
15 by Rafael from the Augusta Greyhound Bus Station.

16 Q Where did you go after he picked you up?

17 A We went to the Shaw Air Force Base.

18 Q On the way up on the ride up to, to Shaw Air Force
19 Base, did you come to believe that there may be a problem
20 with folks in the motel?

21 A Yes.

22 Q Why did you believe that?

23 A Well, when we was riding in the truck, we was talking
24 and Caleb informed me, he said there's a lot that goes on at
25 the hotel. So, I really didn't understand what, what he

12 Walter Murrey - Direct examination
By Mr. Routzong

1 meant. So, I was like what do you mean, and he was like
2 well, there's a lot of guys come in the hotel. They wear a
3 red like they're a---

4 SOLICITOR MEADORS: Objection to hearsay.

5 A ---gang members or, or drug dealers.

6 THE COURT: Sustained. Sustained.

7 MR. ROUTZONG: May I?

8 May I respond, Your Honor?

9 THE COURT: Yes, sir.

10 MR. ROUTZONG: I know you've already ruled, but if you
11 hadn't already ruled, my response would of been I'm not
12 asking him this for the truth of the matter asserted. I'm
13 asking him for the purpose of him telling me why he believed
14 there was a problem.

15 THE COURT: Mr. Meadors, any reply to that?

16 SOLICITOR MEADORS: No, sir.

17 THE COURT: All right. I'll allow that.

18 MR. ROUTZONG: Thank you, Your Honor.

19 THE WITNESS: Okay. You want me to continue?

20 Q Yes, sir.

21 A And -- all right. So, when I told him, I said it
22 doesn't really matter because I say we gonna be using the
23 hotel only really to sleep, you know, and wash up. We gonna
24 be at the Base most of the time for work, you know, besides
25 what was going on at the hotel, and he was like well, I got

1 robbed, and I was like what happened.

2 He was like they had a guy, and another guy, who I
3 believe I think was his brother, I went to buy some
4 marijuana from them, and it took my money, and I told them
5 to give me my money back or would he ask for the marijuana
6 and he said---

7 SOLICITOR MEADORS: Your Honor, I'm gonna object.

8 A ---they, they---

9 SOLICITOR MEADORS: This is hearsay.

10 A ---raised they shirt up---

11 THE COURT: Shhh. Shhh.

12 A ---and they showed---

13 THE COURT: Sustained. Sustained. Sustained.

14 Q Mr. Murrey, what was going on in your personal life at
15 that time?

16 why were you so happy to come here if you were happy?

17 A Because, upon moving back to Louisiana, it was hard to
18 get a job not having transportation, and I have four kids,
19 and my baby mother had just had -- well, I have five kids.
20 I just had a little boy at the time. And she was a stay at
21 home mom, and I also have a first born son that I'm on child
22 support for that I pay 246 a month.

23 So, I'm constantly at work to provide for all five of
24 my kids, and my baby mother who does not work.

25 Q Is that why you came to Sumter, South Carolina?

1 A To take care of my family, yes, sir.

2 Q What time did you get to Shaw Air Force Base?

3 A We made it there some time around about -- it was
4 around noontime, and I went to the office to get my, my ID
5 so I can be able to get on Base.

6 Q Okay. What time did you knock off?

7 A It was about, about normal time knock off. Probably
8 about 5:00. Somewhere around there. I'm not exactly sure,
9 but around five o'clock.

10 Q What did you do after you knocked off?

11 A We went to the hotel room. I was informed that I was
12 gonna be in a room with Anthony Gordon, who was Joshua
13 supply at drywall finishing.

14 Q Okay. What, what motel was that?

15 A This was Quality Inn.

16 Q Okay. About what time did you get there did you say?

17 A It was around about 5:00. Somewhere around there. I'm
18 not sure exact time, but around about normal. The time
19 people knock off from work. About five o'clock.

20 Q What time did you -- excuse me.

21 When you got to the motel, what did you do?

22 A When I got in the motel, I went -- showered up. I got
23 out the shower. I asked Anthony Gordon if he knew anything
24 about what happened to Caleb, and he said -- he didn't, he
25 didn't speak on that. He said I got robbed too, and I said

1 what do you mean.

2 SOLICITOR MEADORS: Objection. Hearsay.

3 THE COURT: Sustained.

4 Q Mr. Murrey, you can't say what other people told you
5 when -- in your responses except under certain
6 circumstances.

7 A Okay.

8 Q So, when you got to the motel, did you check in?

9 A Yeah, we checked in.

10 Q Okay. After you checked in, what did you do?

11 A Took a shower and we went to the -- me and Anthony
12 Gordon went to the, the front office, and the front office
13 gave me a keycard to the room, and let me know that that's
14 my residence.

15 Q After you checked in, you got your keycard, what did
16 you do then?

17 A We waited. Anthony Gordon -- I mean Joshua was pulling
18 a grill out in front of the room. We all was standing
19 together. I hooked my phone up to a little speaker that
20 play some music, and we all were gathered together talking
21 while Joshua barbecued.

22 Q At the barbecue, did you see Brandon Cummings?

23 A He walked into the circle, and he had the cigarette in
24 his mouth, and he asked for a lighter.

25 Q What was your impression of that?

1 A It, it kind of scared me because, you know, if, if what
2 I was told was true, for him to come ask for a lighter
3 knowing that these were the people that he already had
4 been -- had done robbed---

5 SOLICITOR MEADORS: Judge, I'm gonna object to that.
6 There's no connection to that.

7 THE COURT: I'll sustain that, Mr. Routzong.

8 Q why did you believe -- why did you believe that Brandon
9 Cummings was the person that robbed Caleb Gomez?

10 A Because I was told by him.

11 Q How were you told?

12 A He, he, he said---

13 SOLICITOR MEADORS: Objection, Your Honor.

14 A ---that's him, that's him---

15 THE COURT: Sustained.

16 A ---that's the guy that robbed me when he walked off.

17 THE COURT: Sustained.

18 MR. ROUTZONG: Your Honor, this goes---

19 THE COURT: Sustained.

20 MR. ROUTZONG: I'm sorry. You've already ruled, but---

21 THE COURT: Same reasons as before?

22 MR. ROUTZONG: Yes, sir.

23 THE COURT: Is that right?

24 All right. I'll allow that in.

25 MR. ROUTZONG: Yes, sir.

1 THE COURT: Yes, sir.

2 Q The reason that you believe, if I understand your
3 testimony so far, is that, during the, during the cookout,
4 Caleb Gomez let you -- let everybody know or let you know
5 that Brandon Cummings is the person that he says robbed him?

6 A Yes, sir.

7 Q Okay. Where did Mr. -- how long was Mr. Cummings there
8 at the cookout?

9 A You can see him walk around the hotel both sides up and
10 down the stairs going to different rooms, multiple rooms. I
11 don't know what he was doing, but he was easy to see.

12 Q Okay. So, he wasn't at the cookout very long at that
13 time?

14 A No, he, he passed by a couple of times. One time he
15 passed by he put his hands up like as if they were guns like
16 going like this, but I, I tried to pay it no mind.

17 Q You saw him do that?

18 A Yes.

19 Q Okay. Why did you think he was doing that?

20 A I think he might of heard when -- as he got ready to
21 walk off, when Caleb told me that's the guy that robbed him.

22 Q Okay. Did there come a time when the cookout ended?

23 A Yes.

24 Q What did you do after the cookout ended?

25 A When the cookout ended, I went in my room. I

18 Walter Murrey - Direct examination
By Mr. Routzong

1 disconnected the speaker from my phone. I got my
2 headphones, put my headphones in, and I started talking to a
3 friend on the phone, and I left out of my room. I didn't
4 see the guys.

5 So, I walk around the backside of the hotel to go to
6 they room where they room is at. When I got to the first
7 back corner, when I turned the corner, right when I turned
8 the corner, Brandon was coming the opposite way. So we like
9 kind of met right on the corner, and he said what's up. I
10 said what's up. He said what's up then. I said I'm just
11 saying hey. I'm on the phone. And he said oh, that's what
12 I thought.

13 So, I just kept walking cause it seemed like he wanted
14 to bring on an altercation. I don't know. It wasn't like a
15 hey, what's up. It was like more of like, like if you want
16 to -- do you want to do something, you know.

17 Q Let -- just for clarity sake, your room was where?

18 It -- I, I guess it's in agreement that the motel is
19 kind of shaped like a U.

20 Were you on the inside of the U or---

21 A Yes.

22 Q ---the outside?

23 A I'm on the inside.

24 Q And the rooms of -- that -- your coworkers, where were
25 they at?

1 A On the outside where the parking lot is.

2 Q And, and---

3 A On the backside.

4 Q Was that where you were headed to?

5 A Yes, sir.

6 Q Okay. And then you met Mr. Cummings at the corner?

7 A Right. Like, like maybe a door or two doors past my
8 room.

9 Q Okay. Tell me, tell the Court what happened next.

10 A Okay. I kept walking. I got around the second corner.
11 I got to Rafael and them room. I knock on they door. And
12 so they had a guy come down the opposite side of the
13 breezeway. Not the way I walk around, but the other way
14 walking towards me. And it sounded like, in a gay voice, he
15 said can I come in your room. That's his exact words. I
16 was like what you mean.

17 You know, I kind of squenched (phonetic) my face up
18 like cause the way he said it, you know, and I didn't know
19 him. And he said you know what the F I mean, and he started
20 walking off looking back at me.

21 So, at that point, I went the same way I came, back
22 around the hotel, and went in my room. And when I went in
23 my room, I put the gun in my pocket before I go back out
24 cause I wanted to go to sleep. But I wanted to make sure
25 the guys was all right with all that happened at the hotel,

1 you know.

2 Q why did you want to go to sleep?

3 A Because I had been up over 37 hours to be exact.

4 Q Okay. So you put the gun in your pocket. You wanted
5 to check on the, the---

6 SOLICITOR MEADORS: Objection to leading.

7 THE COURT: Sus---

8 MR. ROUTZONG: I'm repeating what he's already
9 testified to, Your Honor.

10 THE COURT: well, he said he wanted to check on his
11 friends. So---

12 THE WITNESS: Yes, sir.

13 THE COURT: ---what's the next question after that?

14 THE WITNESS: Yes, sir.

15 MR. ROUTZONG: Okay.

16 You're going to check on your friends?

17 A Yeah.

18 Q Go ahead, Mr. Murrey.

19 what happened next?

20 A Okay. So when I left out the room, I already went the
21 other way, and I didn't see nobody. So, at this time, I
22 went the opposite way to see if I'll see them. So, when I
23 went the opposite way, there's a breezeway coming up to my
24 left.

25 So, when I turned the corner, soon as I turned the

1 corner, there's the stairs going up from the back. There's
2 a garbage can underneath the stairs. The ice machine is on
3 the opposite side.

4 well, when I looked, as soon as I looked to my left,
5 when I turned the corner, I see Caleb with his back up
6 against the wall right next to the garbage can, and, and
7 Brandon right in front of him like as if he walked up on him
8 and he was throwing trash away. Caleb had one beer bottle
9 left in his hand he was holding with his back up against the
10 wall.

11 So, at that point, Rafael came from the backside of the
12 hotel like where his truck or where his rooms were at from
13 the backside, and Cody came from the patio area where the,
14 where the -- where they got tables at and stuff. So, they
15 were pretty much behind him in different areas, and I was
16 kind of on the side of him and Caleb.

17 So, soon as I walked up I can tell something wasn't
18 right. So, I tried to deescalate whatever was going on. I
19 said whoa, whoa, whoa, what's going on.

20 So, Brandon said -- he looking at me crazy, and I said
21 do you know him. So, when I said that, he look at me. He
22 said no, and he looking back at Caleb. And I said if you
23 don't know him, man, I said ain't no sense in arguing with
24 somebody you don't know. Just leave, you know. And, at
25 that point, he started back at Caleb again, you know, to

1 make the altercation worse, and I was like do you really
2 know him. And then he said no again but still looking at
3 Caleb like all the way up on him while Caleb up against the
4 wall not saying nothing.

5 So, I say if you don't know him, man, I said just
6 leave. There's no sense in arguing with somebody you don't
7 know. I said it's like you looking for trouble. At that
8 point it got silent for a couple of seconds, maybe about
9 five seconds. At that point, Rafael said why are you here,
10 you know. He---

11 Q Don't, don't say what Rafael said.

12 A Well, a, a remark was made, and, at that point, when a
13 remark was made, Brandon exploded saying this my town. This
14 my hotel. I run this. Y'all not from around here. They
15 don't have no cameras. I'm going to be back. All you gonna
16 hear is gunshots clapping his hands as he walked going past
17 our room towards the back.

18 Q Let me stop you right there.

19 Did it sound like this?

20 (WHEREUPON, Mr. Routzong claps his hands at this time.)

21 A Yeah, clapping his hands.

22 Q What did you take that to mean?

23 A I take that to mean that was the shots we were gonna be
24 hearing.

25 Q Okay. What happened next?

1 A Okay. As we were walking, a, a, a remark was made as I
2 passed the room, and I looked back when I heard the remark
3 from behind.

4 So, when I looked, the guys were past my room still
5 walking. I was walking slow. I was shaking, you know,
6 because he had done been going in his pockets already, you
7 know, and I ain't know what he can have.

8 At that point, when I got towards the end corner of the
9 building, he had done already disappeared. When I got to
10 the corner, I seen him again coming back, and, fearing for
11 my life---

12 Q Let me ask you a question.

13 Did he go upstairs?

14 A No, he went around the stairs cause the stairs are on
15 the corner.

16 Q Okay. Go ahead, Mr. Murrey.

17 A So---

18 Q What happened next?

19 A When I seen him coming back, because he had done past
20 and had done left, you know, to where he had time to leave
21 before we even made it to the backside of the hotel that
22 walk to the room, you know, so, when I seen him in the dark
23 coming back, I pulled out fearing for my life to, to kind of
24 act the same force that he said he was gonna be exerting.

25 And when I -- after I finish shooting, and I notice

1 that he had done went down, I knew that was my opportunity
2 to better get to my room and safety. And me and the guys
3 not too far from behind me, we went around the room towards
4 they room, and we went in they room.

5 Q When you pulled out your gun, was Brandon walking
6 towards you?

7 A Yes, it was hard to see. It was dark, but he had to
8 been coming back because he had done passed the corner, and
9 where he was at, he would have been way past that.

10 Q Did you see anything in his hand?

11 A It looks like he had something, but it was so dark, you
12 know, I took him at his word because, if he was telling the
13 truth, that would be my life especially with him saying all
14 you gonna hear is gunshots. That mean if I do see you, and
15 I try to run, you gonna shoot me in my back. I can't dodge
16 a bullet, you know, and all it takes is one shot to kill
17 someone.

18 Q Did you believe he was armed?

19 A Yes.

20 Q Had you ever met him before this day, May 17th, 2017?

21 A This was my first day coming to Sumter and to work to
22 try to take care of my family. First time ever entering
23 Sumter.

24 Q So your testimony is that somebody you did not know --
25 when somebody you do not know threatens you, what do you

1 think about that?

2 A You got to take them at they word especially with the,
3 with the evidence that you see that's been displayed since
4 you seen him.

5 MR. ROUTZONG: I don't have any other questions, Your
6 Honor.

7 THE COURT: Mr. Meadors.

8 SOLICITOR MEADORS: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY SOLICITOR MEADORS:

12 Q What room were you in, Mr. Murrey?

13 A I think two -- I'm not exactly sure what room. It's
14 two---

15 Q You don't know what room?

16 A ---two -- maybe 224 or something. I'm, I'm -- I don't
17 want to give you a wrong answer. I don't have it right
18 offhand, but they -- you should have it in the
19 documentation.

20 Q How many times did you shoot Brandon?

21 A I don't know exactly how many time I shot, but I know
22 there's seven rounds. I think I shot at least four or five
23 times.

24 Q You say there were seven rounds in your gun?

25 A I think so, yes.

1 Q what kind of gun was it?

2 A I think it was a .22 caliber.

3 Q .22 caliber?

4 A Yes.

5 Q So what kind of bullets was it shooting?

6 A It's just .22 if I'm not mistaken.

7 Q Where did you get the gun?

8 A When I was staying in, in Augusta, I stayed at [REDACTED]
9 Sanford Court, and it's a dead end street, and there's
10 apartment complex right on the other side from where my
11 house is at, and there's a hole in the gate. And I bring my
12 kids there to ride on them, they Power Wheels, and I bring
13 the goal out to play basketball. I had found that gun in
14 the hole in a gate at my residence.

15 Q You weren't suppose to have a gun, were you?

16 A Yes, I can have a gun.

17 Q Aren't you on probation?

18 A No, I'm not on probation.

19 Q weren't you on probation at the time?

20 A No, my probation -- I'm off of probation.

21 Q When did you get off probation?

22 A I got off probation May, May 5th.

23 Q Of what year?

24 A 2017.

25 Q And what were you on probation for?

1 A I was on probation for -- I had like a gram---

2 Q Did you---

3 A ---a gram of, of marijuana.

4 Q When did you plead---

5 A One, one---

6 Q When did you---

7 A One gram of marijuana.

8 Q Okay. When did you plead guilty to that?

9 A That was a year ago cause my probation was up May 5th.

10 Q And you had a criminal domestic violence too?

11 A A criminal domestic with that charge, no.

12 Q Not with that charge, but have you had a criminal
13 domestic violence?

14 A Yes, I had a criminal domestic violence a while back.

15 Q And that was a conviction?

16 You got -- you were found guilty or pled guilty?

17 A Actually, actually, what happened with that situation
18 was I stayed in the apartment complex where me and my wife,
19 when we had altercations, the neighbors would always call
20 the police. And they came to the house so many times that
21 they ended up charging me with domestic violence. And when
22 everything was being brought to light in the courtroom, and
23 my baby mother was explaining to them that I didn't touch
24 her or do her any harm, and they were like they was gonna
25 charge her, and I stood up and I, I plead because I didn't

1 want her to end up getting in trouble.

2 So, it was not a domestic battery. I'm not a violent
3 person if that's what you're asking.

4 Q I wasn't asking you that. I was asking about domestic
5 violence, and you pled guilty to it.

6 Correct?

7 A Yes, I did.

8 Q When was that?

9 A That was back I don't know how many years ago.

10 Q And what else do you have on your record?

11 A That's it. Maybe a one -- when I was back 19-years
12 old, another one gram getting caught with marijuana charge,
13 a year misdemeanor probation. That's it. That's it.

14 (WHEREUPON, a photograph was marked as State's Exhibit
15 No. 4 for identification purposes only at this time.)

16 Q I'm gonna show you what's marked State's 4 for
17 identification.

18 You were wearing the shirt -- this shirt May
19 17th when this incident happened, correct?

20 A Yes, that's my shirt.

21 Q That's you and that's the shirt you were wearing?

22 A Yes, sir, that's not that day, but yeah, that's,
23 that's---

24 Q Yeah, the picture isn't taken that day, but that's the
25 same shirt that you were wearing, correct?

1 A Yes, sir.

2 Q Okay. And you didn't know Walter Murrey?

3 A Huh?

4 I'm Walt---

5 Q Excuse me.

6 A I'm Walter Murrey.

7 Q You didn't know Brandon Cummings?

8 A No, I didn't know him.

9 Q You didn't know Lashay Andrews?

10 A No, I never seen her.

11 Q You didn't know anybody there really --

12 A No.

13 Q -- did you, at the motel?

14 And, after you shot, you didn't call the police, did
15 you?

16 A My roommate called the police. He called the police up
17 on him threatening to kill us when he walked past our room.

18 Q Did you call the police after you shot Brandon
19 Cummings?

20 A I was informed, when I went in the room, that the
21 police were already on they way. It was no need for me to
22 call.

23 Q Did you tell -- okay. So, the answer's no, you didn't
24 call?

25 A There was no need. They was on a call to come for

1 him---

2 THE COURT: Sir?

3 A ---threatening to kill us.

4 THE COURT: Hold on. Hold on. Hold on. Hold on.

5 Sir, please just answer the question, and then you may
6 explain your answer.

7 Q Did you call the police?

8 A No, I didn't call the police.

9 Q why?

10 A Because I was told the police were called when I was
11 getting ready to call.

12 Q Did you go tell them I shot him?

13 A No, I didn't.

14 Q The police.

15 A I was nervous, posttraumatic stress. I'd been up 37
16 hours. I was trying to calm down from shaking so badly.

17 Q Okay.

18 A Have you ever---

19 Q Did you---

20 A Have you ever been in a situation like that?

21 THE COURT: Hold on. Hold on.

22 Q I'm asking you the questions.

23 THE COURT: Story -- Mr. Meadors.

24 A Okay.

25 THE COURT: Mr. Meadors, hold on. Hold on.

1 Sir---

2 A You don't have to be so aggressive.

3 Q And you don't either.

4 THE COURT: Sir, let us take a break.

5 Mr. Routzong, I want you to have a conference with your
6 client about decorum in the courtroom, please.

7 MR. ROUTZONG: Yes, sir.

8 THE COURT: Let's take about 15 minutes.

9 Thank you.

10 (WHEREUPON, a short recess was taken at this time.)

11 THE COURT: All right. We may resume.

12 (WHEREUPON, the witness returns to the stand.)

13 THE WITNESS: Thank you.

14 THE COURT: Mr. Murrey, you're still under oath, sir.

15 THE WITNESS: Yes, sir.

16 THE COURT: Mr. Murrey---

17 THE WITNESS: I apo---

18 THE COURT: ---let's, let's understand one thing here.

19 I'm not mad at you. I'm not upset with you. I know
20 you're nervous. I know it's a lot of stress on you. I, I
21 get all that.

22 THE WITNESS: I want to apologize too. I'm not use to
23 being up here.

24 THE COURT: I know. I know. But, but, see, my job is
25 to keep things rolling, and people who testify just don't

1 get to ask questions.

2 okay?

3 THE WITNESS: All right.

4 THE COURT: Thank you.

5 THE WITNESS: Sorry.

6 THE COURT: Proceed, sir.

7 SOLICITOR MEADORS: May it please the Court.

8 CONTINUED CROSS-EXAMINATION

9 BY SOLICITOR MEADORS:

10 Q why did you get rid of the gun?

11 A Because I had no need for it. I had made it to safety.

12 Q when did you throw it away?

13 A when I got to the room as they were opening the doors.

14 Q As who was opening the doors?

15 A Rafael or one of the guys that were with me were
16 opening the hotel room---

17 Q So, whose room did you go in---

18 A ---with the keycard.

19 Q ---after you shot Brandon Cummings?

20 A Rafael and Josh room are both right next door to one
21 another. I'm not sure which room it was. I think it
22 might -- it was Rafael's room.

23 Q And you threw the gun away before you went in the room?

24 A Yes.

25 Q where did you throw it?

1 A I threw it towards the woods.

2 Q And you did that why?

3 A It was no need for it. I made it to safety now. I
4 really didn't want it in my hand after having used it cause
5 I ain't even want to have to use it from the start.

6 Q When the police -- and you were staying with Anthony
7 Gordon, right?

8 A Yes, sir.

9 Q And the police came to the room that night to find out
10 what happened, and you went to the bathroom when they came
11 to the door.

12 Do you remember that?

13 A Nah, I was sleeping.

14 Q Okay. But you remember that's what Mr. Gordon said?

15 A What Mr. Gordon said was he came back in the room. I
16 was coming out of the bathroom.

17 Q Okay.

18 A I woke up once he went out of the door, and I got up
19 and used the bathroom. When I come out of the bathroom, he
20 was coming back in the room.

21 Q And who had he been talking to?

22 A He told me he been talking to the police.

23 Q So, when the police came to the door, you went to the
24 bathroom?

25 A Nah, he came back inside from talking to the police.

1 Q Did you go outside and talk to the police then?

2 A No.

3 Q Why not?

4 A Cause he told me he had done talked to them, and told
5 them what happened, and I was tired. Been up 37 hours.

6 Q Okay. So, you didn't feel a need to tell the police
7 that you thought you were in danger of suffering serious or
8 scared and you had to kill somebody?

9 You didn't think you should tell them that?

10 A Another reason is I was a child, and I had to
11 testify---

12 Q Can you just answer that yes or no?

13 You didn't think you should tell them that at that
14 moment?

15 A No, that's not how I felt.

16 Q And why did you get rid of your shirt?

17 A I didn't get rid of my shirt. When I went in the room,
18 I took my shirt off to see if I had done got shot. I was
19 shaking. I was in shock. They told me they didn't see any
20 gun shots. They told me to calm down, try to calm down, go
21 to your room.

22 (WHEREUPON, a photograph was marked as State's Exhibit
23 No. 5 for identification purposes only at this time.)

24 Q And I'll show you what's State's 5 for ID.

25 Your shirt was found outside the motel room, correct?

1 A I don't know where it was found. I took it off inside
2 of the room.

3 Q You didn't tell any of your coworkers that night what
4 happened, did you?

5 A The people that I was with me, that was it. I went to
6 sleep.

7 Q So, you didn't tell any of them you had to kill
8 somebody because you felt in danger?

9 A They were with me. They were behind me. We all ran to
10 the room together. Everyone know exactly what happened. We
11 all was there when the ordeal took place.

12 Q But none of them saw the shooting except maybe one,
13 Cody?

14 Rafael didn't see the shooting.

15 A They were behind me. I don't think they seen.

16 Q They didn't see.

17 Gomez -- raise your hand, Caleb, for the Judge to see
18 you.

19 (WHEREUPON, a person in the audience raises their
20 hand.)

21 Q Caleb Gomez, he didn't see the shooting?

22 He didn't see the shooting?

23 A They were behind me.

24 Q You said---

25 A I was, I was ahead of them.

1 Q So, why didn't you go back and tell them man, I had to
2 kill him?

3 A They were -- they experienced everything that happened
4 that day.

5 Q Yeah.

6 And they didn't kill anybody or shoot them five times
7 either, did they?

8 A Yeah, but I was fixing to lose my life. It wasn't like
9 I just killed him. He threatened to kill us. I had to take
10 him at his word cause, if not, that would of been my life
11 especially---

12 Q And you actually---

13 A Especially---

14 Q Go ahead.

15 A Especially when you specific, and you say there's no
16 cameras.

17 Q And you actually -- he was actually leaving, wasn't he?
18 Brandon Cummings was leaving cause you said why don't
19 you just leave and he was leaving, wasn't he?

20 A He say he was leaving or come back to shoot us. He was
21 on his way back. He had done left.

22 Q So he was on his way leaving?

23 A He was on his way back. He had done disappeared.

24 Q So you're saying he was on his way back?

25 A Yes.

1 Q And you followed him, didn't you?

2 A No, we were going to the room.

3 Q So, you didn't follow him to the stairwell?

4 A No, we---

5 Q You didn't follow him to the end of the hotel?

6 A We was going -- I was walking them to their room.

7 That's where we were headed. I was---

8 Q To whose room?

9 A I was the one that had protection on me. I didn't want
10 them to walk to they room, and something happen to them.

11 So, just in case he was serious, I walked them to their room
12 so they could be safe before I go to my room.

13 Q Okay. And, and we'll show you a picture later, but
14 who, who were you walking to their room?

15 A It was Cody, Rafael, and Caleb.

16 Q But they were behind you?

17 A Yes.

18 Q Okay. So, I mean---

19 A They had done passed my room. When I looked back, they
20 passed my room. So, with that being said, I figured they
21 were taking that way to go to their room because it was
22 shorter that way to their room.

23 Q And why didn't you just go in your room?

24 A Because I was walking them to they room. I didn't want
25 anything to happen to them.

1 Q well, why didn't you---

2 A I know I had protection on me to protect them.

3 Q well, if their room was before your encounter with
4 Brandon, why didn't you go in their room?

5 A Their room wasn't before my encounter. Their room was
6 around the corner to the backside which the way we were
7 headed.

8 Q And that was May 17th.

9 The next morning, did you tell your boss or anybody
10 what happened?

11 A No, we went to work.

12 Q May 18th?

13 A No, we went to work.

14 Q You went to work.

15 And, after that, you went back to Georgia, right?

16 A When we made it back in the room, I -- Rafael told me
17 we was going back to work to -- at the VA Hospital in
18 Augusta. So, we went back to work at the VA Hospital in
19 Augusta. That's where I was picked up at off the job site.

20 Q But you, you -- from the 17th until you were picked
21 up till -- on May 30th, you never called law enforcement,
22 told law enforcement hey, I felt like I had to shoot to
23 protect myself?

24 You never told law enforcement that, did you?

25 A I never talked to law enforcement.

1 Q And you never called them and said that---

2 A No.

3 Q ---I had to defend myself?

4 A No.

5 Q And I can't -- I can ask you this now. I wouldn't in
6 front of the jury if you decide to testify if we get that
7 far.

8 When you first encountered Shaune Gill, you asked for
9 an attorney, right, on May 30th?

10 Didn't want to talk to him?

11 A Right.

12 Q Okay. So -- but up until that time, and, again, I
13 wouldn't say that in front of the jury, but from May
14 17th to May 30th, you never contacted law enforcement or
15 anybody and said I had to, I had to shoot to defend myself,
16 did you?

17 A No.

18 Q And your next encounter with law enforcement would of
19 been May 30th of 2017.

20 Would you dispute that?

21 A May 30th?

22 Q Yes, sir.

23 A You saying when he came to pick me up?

24 I think they picked me up on the 24th, which was ■

25 ■.

1 Q Okay. So, you were picked up.

2 were -- the Marshals pick you up?

3 A Yes, I was on the job site working.

4 Q Okay.

5 A And---

6 Q And you said---

7 A ---this just a little background so you, so you could
8 know.

9 As a child, I had to testify against my daddy in Court,
10 and they use to come to our house a lot cause my daddy was
11 on drugs. And I seen the police a lot coming up my life.

12 And, with that being said, you know, I really didn't
13 like to be around police and, and, and to talk with them
14 especially after being -- having to take the stand as a
15 child against my father with incidents that happened in our
16 life when I was younger --

17 Q But you---

18 A -- for the, for the record.

19 Q But you did talk to Shaune Gill and actually bonded
20 with him?

21 So, you didn't mind talking to that police officer,
22 correct?

23 A Well, what ended up happening was, my lawyer, I
24 constantly called him. He would not answer. And my
25 preliminary hearing was being held at the courthouse, and I

1 was on the list to be picked up from the jail. And I asked
2 the officers that morning was I on the list. They told me
3 yeah.

4 On my paper that I had letting me know that I can be
5 present if I wanted to, that -- I had to be there at 11:45.
6 Twelve o'clock came for them to give us a lunch, and they
7 still not was transporting me to my preliminary hearing.

8 So, I stepped outside of my door when they brought
9 lunch, and they told me that I needed to go back in my room.
10 I held my paper in my hand to let them know I just wanted to
11 go to my preliminary hearing. I have a right to be there.
12 Y'all said my name was on the list.

13 The sergeant came. She told me okay, we understand
14 what's going on. I'm fixing to go check into it. Just go
15 back in your room. I went back in my room. She made a
16 call. They said they was gonna be on their way to come get
17 me.

18 Okay. She came back and told me they said they wasn't
19 coming to get me, that she was gonna let me call my lawyer.
20 I called my lawyer office. They say he was in Court.

21 So, the sergeant called the courthouse, the Clerk of
22 Courts, and let them know the situation with me being on the
23 list and not being picked up. So, they said they was gonna
24 come get me again.

25 So, she brought me back to my room, and came back and

1 said they was rescheduling it for another day. And once
2 that happened, I was waiting on my lawyer to come see me.
3 They didn't come see me, and I was ready to let people know
4 what was going on for the fact that I'm -- found out that
5 they are holding me for murder with malice, and it's clearly
6 not what it is, and the truth needs to be brought out.

7 SOLICITOR MEADORS: Mark this.

8 (WHEREUPON, an interview form was marked as State's
9 Exhibit No. 6 for identification purposes only at this
10 time.)

11 Q I show you what's marked State's 6 for ID.

12 So, my question was did you decide to talk with Shaune
13 Gill on July the 6th?

14 A Yes.

15 Q And, matter of fact, you called him, didn't you?

16 A No, I told the, the, the officer that I would like to
17 speak with him and see what's going on with, with them
18 charging me with murder with malice because it's not what it
19 is so we can get to the bottom of this, and they can
20 understand what happened and what's going on.

21 Q So, you tried to get in contact -- you asked him to
22 come see you?

23 A Yes, clearly something was being said that wasn't truth
24 about the situation.

25 Q If you could just answer the question, and then you can

1 explain.

2 You asked him to come see you?

3 A Yes.

4 Q Okay.

5 A I wanted to speak with him.

6 Q And then you remember he read you your rights?

7 You remember that?

8 A Yes.

9 Q And---

10 A If I'm not mistaken---

11 Q ---asked you---

12 A ---I think he did.

13 Q ---if you understood your rights?

14 A Yes.

15 Q And you said you did?

16 A Yes.

17 Q And he didn't threaten you or coerce you in any way?

18 A No, sir.

19 Q Matter of fact, you asked to, to, to see him?

20 A No, sir.

21 Q And you -- right?

22 A Oh, yeah. Yeah. Yeah.

23 Q And you, and you signed the waiver of rights saying I'm
24 willing to talk to you?

25 A Yes.

1 Q And that you -- he hadn't threatened you, he being
2 Officer Gill, in any way and you were waiving all your
3 rights, understood your rights, and you wanted to talk to
4 him, right?

5 A Yeah, one, one thing too. Upon---

6 Q So, that was a yes for---

7 A Yes.

8 Q Okay. Just asking.

9 A One thing too, upon coming down, I remember, when I was
10 in my preliminary hearing, he asked did me and the
11 investigator talk about anything in the case previous to
12 that time when we -- when I gave the statement, and the
13 answer they said was no. And he did speak to me about
14 incidents that happened in my case upon transporting me from
15 Richmond to Sumter, and he told me that the guy was
16 definitely selling drugs at the hotel. But the problem was
17 that no one called the police. They were calling the front
18 office.

19 So, he did start speaking to me about some incidents in
20 the case before that time I gave that statement. So, even
21 though they said no, and then the preliminary hearing, the
22 answer was really yes.

23 Q And, and then Officer Gill was just basically telling
24 you what type of evidence they had on you, right?

25 I mean you've listened to the tape?

1 A Yes.

2 Q I've listened to it.

3 A Yes.

4 Q He was basically giving you a summary of the evidence,
5 wasn't he?

6 A Yes, and he also informed that so this is not murder.
7 This is self-defense case.

8 Q No, he never said that.

9 A He said -- it's on the recording.

10 Q Right, it's on the recording.

11 You initially told him that the clothes, these clothes
12 that were found, State's 5, were in Rafael's truck, and
13 anybody could of worn it that night?

14 You remember telling him that initially?

15 A Yes, because he was telling me that they got my DNA off
16 the shirts. That's why they was holding me, and I was
17 letting him know that, just cause y'all have my shirt, that
18 doesn't mean, you know, I did anything.

19 Q Right.

20 A Of course my DNA are gonna be on my shirt, and my
21 clothes are in the truck. So, you know --.

22 Q No question that's your shirt, your DNA's---

23 A Yes, that's---

24 Q ---on the---

25 A That's my clothes, yes.

1 Q I guess my question is here it is. You've asked to
2 speak to him. You know what he's there for. You don't tell
3 him I did it. You actually say anybody could of been in
4 my -- wearing my shirt that day.

5 A Well, when I went---

6 Q Isn't that right?

7 A When I went to talk to him, he told me -- he said I'm
8 gonna play a couple of cards. You play a couple of cards.
9 So, as he started telling me things, I started telling him
10 things.

11 Q So, your first card was a lie?

12 A No, it was not a lie.

13 Q Well, it was. You said anybody else could of had this
14 shirt and done it.

15 A I said it---

16 Q I mean that's a lie.

17 A I said it my clothes. I say anyone could have taken
18 (sic) my clothes to be exact.

19 Q But you did not admit to him, at the start of the
20 interview, that you shot the victim, correct?

21 A We were gonna get to that. The fact of the matter is I
22 was trying to see what evidence they had so I could know why
23 they holding me for this charge.

24 THE COURT: Mr. Murrey, please answer the question, and
25 then you may explain.

1 THE WITNESS: Okay.

2 Q And about 40 minutes into the interview, you said we
3 got to the corner, and that's where we heard shots.

4 You remember telling him that?

5 So---

6 A I don't.

7 Q You don't remember that?

8 A I don't remember saying that.

9 SOLICITOR MEADORS: Could you bring that up, Tommy?
10 we'll get to it in a minute.

11 We got to the corner and we heard shots and we take off
12 running at 40 minutes, 05 seconds.

13 A We heard shots?

14 I don't, I don't remember -- recall saying that.

15 Q Okay. But if you did say---

16 A I say after the shots maybe, but I -- not we heard
17 shots.

18 Q You, you -- do you deny that you said, around 40
19 minutes into the interview, we get to the corner, and we
20 heard shots. You, you were telling him I didn't shoot him.

21 Do you remember saying---

22 A We---

23 Q ---I didn't -- that---

24 A We heard shots?

25 Q ---somebody else must of done it?

1 A I don't, I don't recall that.

2 Q Yes, sir.

3 A When I talked to Mr. Gills (sic), I told him what
4 happened. When I got to the corner, it was dark. He was
5 coming back.

6 Q Okay. We're---

7 A Fearing for my life---

8 Q ---gonna get to that.

9 Okay. But I'm taking it 40 minutes 5 seconds.

10 A Yeah.

11 Q Well, if you had told him that, that when we got to the
12 corner we heard shots and ran, that would be a lie, wouldn't
13 it?

14 A Yes, it would.

15 Q Okay. And, at 41:20, do you remember telling him we
16 woke up in the morning?

17 The police came and my room, my roommate told them what
18 happened. Still not telling the truth to Investigator Gill.

19 You remember that?

20 A What you mean not telling the truth?

21 What you mean by that?

22 Q Not telling that you shot. You didn't tell him you
23 shot him until way in the interview. You were still denying
24 that you shot him until the end.

25 A I was explaining exactly what happened --

1 Q All right.

2 A -- piece by piece.

3 Q By saying that you didn't do it?

4 A I didn't say I didn't do it. I never had to do to keep
5 from losing my life and the people around me withstanding
6 bodily harm or even death. I, in no way, brought this
7 altercation on. I wanted to try to be the peacemaker and
8 make peace.

9 This is my first day being there. I didn't even know
10 what was going on at this place. I come down here for work.
11 If I'd of been informed of the things that were going on, I
12 wouldn't even went down in the first place.

13 Q Mr., Mr. Murrey, I'm not asking you anything.

14 A I -- oh, okay. I'm --.

15 (WHEREUPON, a portion of the audio was played at this
16 time.)

17 Q Now, did you hear that?

18 A The sound of him clapping his hands, and---

19 Q No. No, sir. No, sir.

20 When you said we hear shots---

21 A Right.

22 Q ---and we take off running.

23 A Right. It could of been him clapping his hands.

24 Q Well, what---

25 A This, this, this sound like shots.

1 (WHEREUPON, the witness claps his hands at this time.)

2 A You hear noise like this---

3 (WHEREUPON, the witness claps his hands at this time.)

4 A When you hear noise like that, when somebody already
5 telling you they gonna kill you, and you get to the corner,
6 and they coming back, you know, I don't know. It could of
7 been him clapping or what it was, but --.

8 Q That is when we hear the shot.

9 You said those words?

10 A Yeah.

11 Q And then y'all took off running?

12 A Yes, sir.

13 Q Okay. That was a lie?

14 A Yes, sir. It's, it's not really a lie. I was
15 explaining exactly how it happened at the time.

16 Q That y'all heard somebody else shoot and you ran?

17 A We heard shots.

18 Q That's how you explained it.

19 A That---

20 Q Okay.

21 A Can play -- can you play it again?

22 Q Sure. I mean if the Judge will let us.

23 THE COURT: Sure.

24 Q I don't want to be---

25 A Yeah, play it again, and, and let it keep going so we

1 can hear what all happens.

2 Q No, sir, we'll decide when it stops.

3 A Okay.

4 Q If your lawyer wants to hear it, you can.

5 (WHEREUPON, a portion of the audio was played at this
6 time.)

7 Q And, and then you told him you went back to the room,
8 the room and woke up in the morning.

9 Do you remember telling him that about 41:20?

10 A Yes, sir, when we went back to the room, yes.

11 Q And an hour and two minutes in the interview, you said
12 I had a couple of striped shirts in the truck. Anybody had
13 access to, to Rafael's, Rafael's truck.

14 A No, it was in the back.

15 Q Okay. In the back?

16 A Yes.

17 Q And you actually said, at 103:13, document this, man.
18 Anybody had access to the -- in Rafael's truck.

19 A Meaning the back cab part of the truck that's opened.
20 That's where my bags was.

21 Q And you said something about, at 104, shooter says or
22 the witness says went upstairs. I never went upstairs, man.

23 You're still, you're still denying that you did it at
24 an hour and four minutes in the interview?

25 A No, I was letting him know I never went up or down the

1 stairs being at the hotel because someone said we came from
2 down the stairs. The altercation -- and, and we never -- I
3 never was up or down the stairs. Our room was on the bottom
4 floor.

5 Q But you were still denying this incident happened
6 though?

7 A I wasn't denying the incident. I was letting him know
8 that I never went up the stairs.

9 Q Now, I think you told Mr. Routzong you got off work.
10 You had a few beers?

11 A No.

12 Q You didn't have anything to drink?

13 A I had one beer after I ate, then drank my food -- eat
14 my food with. That's it.

15 Q And you've never seen Murrey before -- Cummings before
16 in your life?

17 A No, not till that day.

18 Q Never had an altercation with him?

19 A No.

20 Q No bad blood between y'all before this day?

21 A No.

22 Q And, prior to the incident, you may of seen him and
23 y'all -- or there was some barbecue.

24 You were barbecuing, right?

25 A Joshua was barbecuing.

1 Q Okay. Did you eat some?

2 A Yes.

3 Q Okay. And you said Cummings came up and asked for a
4 light?

5 A Yes.

6 Q Okay. And, and, and, and that was your first
7 encounter?

8 A Yes.

9 Q And somebody gave him a light?

10 A Right.

11 Q A lighter?

12 A Yes.

13 Q A light to use it?

14 A Yes.

15 Q Okay.

16 A And he, he said he made sure he got it back.

17 Q Exactly.

18 And then Brandon left?

19 A Yes.

20 Q And then somebody said that may be the guy that robbed
21 him, right?

22 A Nah, he said that was the guy. That's him. That's
23 him.

24 Q And, and you didn't see Brandon again after that
25 until -- when's the next time you saw him?

1 A The whole while we were barbecuing. He was all around
2 the hotel. Upstairs, downstairs---

3 Q But you didn't have an encounter with him, did you?

4 A ---going in different rooms.

5 Q But you didn't have any encounter with him up close?

6 A No, besides him walking by us one time making like he
7 was shooting at us.

8 Q Okay. And, and -- but after that is when this fellow
9 thought you were cute, I guess, or good looking. This guy
10 hit on you.

11 I mean this large black man, and, on the record, that
12 wasn't Brandon, was it?

13 A No.

14 Q Okay. So, it was a man who thought you were attractive
15 or whatever said can I come in your room?

16 You remember?

17 A Yes.

18 Q And you said what you talking about?

19 A Right.

20 Q And he said, and I think you did it a minute ago, you
21 went the -- you used a feminine voice. No offense to
22 anybody. No offense to homosexuals. I'm not trying to say
23 that.

24 But you said that he was acting gay, correct?

25 A Yes, he had---

1 Q Wanting to come in your room to, to be with, right?

2 A That's what I took by the way his voice was and --.

3 Q Okay. And, and you---

4 A I don't know what he, what he could of meant. But I
5 know---

6 Q Well, you know---

7 A ---it wasn't right.

8 Q ---you didn't like it?

9 A Right.

10 Q Okay.

11 A Cause I don't know you, and you asking to come in my
12 personal dwelling.

13 Q Exactly.

14 A Yes, sir.

15 Q And that ticked you off?

16 A No, it didn't.

17 Q Well, you said it did.

18 A It didn't tick me off. It, it made me scared.

19 Q So, it made you scared---

20 A Yes, that's a difference.

21 Q ---that the gay man wanted to come in your room?

22 A Yes, cause he's six -- about 6'2", 240, 50 pound.

23 That's somebody you'll have a struggle with.

24 Q And that's when you went and got your gun after your
25 encounter with the 6-foot man who was hitting on you?

1 A Also the encounter with Brandon on the corner saying
2 oh, that's what I thought. Like, in other words, he -- like
3 he wanted to see if maybe -- I took it like maybe I might be
4 there for him or something with him hearing a guy tell me
5 that that's the guy that robbed me cause he informed me of
6 what he was doing at the hotel.

7 Q And that's a long time prior to that?

8 A That was right after that. I hit this -- after I
9 passed this corner, the very next corner, when I knocked on
10 the door, that's when I ran into the guy.

11 Q And that's when you went and got the gun?

12 A Yes.

13 Q And you said you were tired.

14 why didn't you just go to bed?

15 A Because I wanted to make sure the guys all right, and
16 let them know I was going in for the night. It was too much
17 that went on that day that I just felt like I wanted to make
18 sure they were safe.

19 Q They didn't ask you to help them, did they?

20 A They didn't, no.

21 Q Okay. And, matter of fact, you could of just gone to
22 bed then, couldn't you?

23 A what you mean gone to bed?

24 Q You could of gone to sleep cause you said you were
25 tired.

1 A Yeah, I wanted to let them know I was going to sleep --

2 Q Okay.

3 A -- cause we all there together, and a lot happened at
4 the hotel that night.

5 Q And then, after that, you go and they're with Brandon,
6 some of them are, and you interject yourself into that
7 situation, don't you?

8 A No, I don't interject myself. I try to make peace
9 because I didn't want nothing to get out of hand. Come down
10 here to work and I didn't want no altercations between them
11 either way. I didn't want nothing to happen to him, and I
12 didn't want nothing to happen to the people that we were
13 with cause the way the situation was, was, you know, we
14 walked up on him while he had, you know, this, this -- he --
15 Caleb, you can see he's nothing about 17, 18, 19. He's
16 young, you know, and he had him in the corner. He was real
17 scared and I didn't want the guys to maybe do him nothing by
18 the way we walked on him.

19 So, I was trying to make peace on both sides, you know.
20 That's why I said whoa, whoa, whoa. I didn't want nobody to
21 make no moves. I just wanted peace, you know.

22 Q You interjected yourself and said whoa, whoa, whoa?

23 A I walked into the situation.

24 Q You actually said---

25 A We were together.

1 Q ---do you know this guy to Brandon?

2 You approached Brandon and said do you know this guy?

3 A I asked him if he know him from what I -- from where I
4 was told.

5 Q And the only difference between then and prior to
6 seeing Brandon was you now had a gun, didn't you?

7 A Yes, I did have a gun.

8 Q And nobody else knew that but you, did they?

9 A Right.

10 Q And you've told Brandon you don't know this man, why
11 don't you just leave, right?

12 You said that to him before he said anything to you?

13 A When he told -- no, he said no, I don't know him. I
14 said well, if you don't know him, I said it's no sense in
15 arguing with somebody you don't know since he the one had
16 Caleb cornered.

17 Q And that's right. He had to say no, I don't know him
18 in response to your question you said do you know this man.

19 So, you started the conversation with Brandon, do you
20 know this man?

21 You did.

22 A I was trying to get him from having Caleb cornered.

23 Q And, and you said just leave, right?

24 A Yes.

25 Q And Brandon was leaving, wasn't he?

1 A He was leaving to go say he'd kill us. He wasn't
2 leaving like oh, I'm going---

3 Q He said this is my---

4 A I'm going about my business.

5 Q ---motel. This is my hood---

6 A I run this.

7 Q ---and I'm leaving, clap, clap, clap, I'm gonna come
8 back---

9 A He didn't---

10 Q ---tomorrow and kill you?

11 A Nah, he didn't say he'd come back tomorrow. He saying
12 I'm going to the back. All you're gonna hear is gunshots.

13 Q And you didn't see a gun on Brandon?

14 A I don't know if he had a gun. I know he was going---

15 Q You did -- did you see a gun---

16 A ---in and---

17 Q ---on Brandon?

18 A ---in and out of his pockets. It was dark. I can't
19 see good at night.

20 Q So, you couldn't?

21 You definitely didn't see a gun?

22 A I had to take him at his word cause that's my life.

23 Q Did you see a gun on him?

24 A No, not necessarily.

25 Q That's a no then. I'd like the record to reflect.

1 You didn't see a gun?

2 A No.

3 Q Okay. And when you followed him---

4 A I felt he, I felt he had one.

5 Q Okay. That's not the question. The question is did
6 you see one.

7 A I just wanted -- for the record.

8 Q Okay. You didn't see it. He's leaving.

9 You actually looked at the backside of him, aren't you?

10 A No.

11 Q And you didn't know the girlfriend was waiting on him,
12 did you?

13 A I don't know. I didn't know nothing about him.

14 Q No way you could of known that, and he told you they
15 weren't cameras out there, right?

16 A That's what he told me. In other words, to let me know
17 that, when he was gonna kill us, that's why because he knew
18 he can get away with it.

19 Q But you knew -- you thought there weren't any cameras
20 out there?

21 A That scared me even more cause that made me take him
22 more at his word.

23 Q And it gave you cover too, didn't it?

24 A What do you mean?

25 Q It would---

1 A what do you mean cover?

2 Q You don't understand that?

3 A No, I don't mean---

4 Q It means, if you fired, you didn't think they'd be a
5 video if you fired?

6 A No, that just let me know that, if he was serious, that
7 when I had to do what I needed to do, I was gonna have to
8 protect myself. I was gonna lose my life.

9 Q So, how long was it -- you were right behind him,
10 right?

11 A No, I wasn't right behind him. I was walking slow.

12 Q How far---

13 A It was---

14 Q ---behind him were you?

15 A He had done disappeared already. If you back up, I can
16 show you how about far he was once he disappeared.

17 (WHEREUPON, Solicitor Meadors complies.)

18 A Go back some more. Go back. About -- matter of fact,
19 about, about to where your, your desks was cause he was
20 walking fast. He disappeared. That's about where the steps
21 was at. He disappeared around the corner. I was taking
22 slow steps like how I got these chains on trying to give him
23 time, distance to leave cause I know we was going that way
24 to get to the room because the guys were past my room.

25 Q what's that, 30 feet?

1 A I don't know. You counted them.

2 Q So, he was out of your sight?

3 A (WHEREUPON, there was no audible response.)

4 Q What happens next?

5 A We was walking slow. Once I got to the corner, I seen
6 him coming back.

7 Q Then what happened?

8 A I took him for his word. Couldn't see good. I created
9 distance between us. When he fell from me shooting, I went
10 to my room to safety.

11 Q You created distance between you?

12 A Right.

13 Q How did you do that?

14 A By stopping him from shooting me.

15 Q How far was he from you when you shot him?

16 A Maybe about -- I'll say in-between where these two mics
17 are.

18 Q Ten feet?

19 A Yeah.

20 Q Twelve feet?

21 A Something about, about that.

22 Q And you shot him once?

23 A I shot all at once.

24 Q Where did you shoot him?

25 A I don't know where the bullets hit.

1 Q You didn't know---

2 A All I know is he fell.

3 Q And how many times did you shoot him?

4 A Like I said, at least about half -- I shot like maybe
5 about four times, four or five times all at once.

6 Q You remember him said (sic) I'm leaving, man?

7 A No.

8 Q Fuck you, and then he used the N word, I won't use it,
9 but I'm leaving?

10 A He never said that.

11 Q Leave me alone. Stop. Leave me alone. Stop.

12 You remember him saying that?

13 A No, he never said that.

14 Q And the first shot you shot him was in the head, wasn't
15 it?

16 A I don't know where he was shot it.

17 Q Okay. He went to the ground, didn't he?

18 A Yes, when he---

19 Q He fell facedown on the ground, didn't he?

20 A I don't know how he fell. I know I seen him fall.

21 Q Okay.

22 A When I seen him going down, that was the time for me to
23 get to my room where I can have a window from him being able
24 to harm me to get to safety like he said he was gonna do.

25 Q So you went straight to your room after you shot him?

1 A Yes. Not in my room. In the room -- the guy's room
2 where we were headed.

3 Q Straight to your room after you shot him cause you were
4 scared?

5 A Not my room. Their room --

6 Q Okay.

7 A -- where I was going cause I was walking into their
8 room because I had protection for us if he was serious.

9 Q But you went straight from shots to their room?

10 A Yes.

11 Q Okay.

12 A To safety. That's the goal.

13 Q Okay. And do you remember walking over him and
14 shooting him three more times?

15 Twice in the head. One in the back.

16 A No, that's not what happened.

17 Q So, you shot all four times?

18 Three in the head, one in the back?

19 A I don't know how many time I shot. Like I said, it was
20 about at least five shots, and, when I shot, I shot it all
21 at once.

22 Q Okay. And then back to their room?

23 A Yes.

24 Q Okay. I thought you threw the gun away after you shot.

25 A Yes, when I got to the room when they was opening the

1 door.

2 Q Okay. well, earlier you said you threw it in the back
3 right after you shot---

4 A I never said---

5 Q ---before you went to their room.

6 A Okay. I didn't say that. I'm trying to be respectful
7 as possible. When we got to the room, they were opening the
8 room door, and the lady typing everything. So you probably
9 can go back and look at it. I threw the gun when they were
10 opening the door.

11 Q So you were mistaken earlier?

12 A I said exactly just now what I said earlier, sir.

13 SOLICITOR MEADORS: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (Pause.)

16 SOLICITOR MEADORS: That's all. Thank you.

17 THE COURT: Mr. Routzong.

18 MR. ROUTZONG: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. ROUTZONG:

21 Q Mr. Murrey, the State's really focusing on what
22 happened afterwards, but the issue's not really that. The
23 issue is what happened---

24 SOLICITOR MEADORS: Your Honor, I'm gonna object to a
25 statement being---

1 MR. ROUTZONG: Well---

2 SOLICITOR MEADORS: If he could put it in the form of a
3 question.

4 THE COURT: Yes, sir, just redo it, Mr. Routzong,
5 please.

6 MR. ROUTZONG: Thank you, Your Honor.

7 Was your, was your room on the ground floor?

8 A Yes, sir.

9 Q Okay. When you went into your room, and you picked up
10 that gun, put it in your pocket, did you know what was going
11 on over here where all this confrontation was going on?

12 A No, sir.

13 Q So you weren't interjecting yourself into anything,
14 were you?

15 A No, sir.

16 Q What were you trying to do?

17 A Make sure I was safe.

18 Q What were you looking for?

19 Who were you looking for?

20 A I was looking for my crew, the people I was there with,
21 making sure they were in with the gay guy coming -- asking
22 me to come in my room, and, and with the other guy like he
23 wanted to have an altercation on the other corner. I just
24 wanted to make sure they were all right.

25 Q That big man that, that, that met you on the other

1 side, did you know him?

2 A No.

3 Q Did you know if he was with Brandon Cummings?

4 A No.

5 Q To this day, do you know, do you know whether he's with
6 Brandon Cummings?

7 A No.

8 Q But what affect did he have on you?

9 A I, I felt like, you know, what he said that, you know,
10 he could be a real threat. Especially by his size.

11 Q After that assembly of people that were in the
12 breezeway, and you were walking down and Brandon Cummings is
13 ahead of you, what were you trying to do?

14 A I was trying to make sure that we were safe going to
15 the room.

16 Q Did you lose sight of him?

17 A Yes.

18 Q Did you know if he had a gun?

19 A No, he acted like it though.

20 Q Mr. Meadors asked you did you see a gun, but the
21 question really is did you know if he had one or not?

22 A I didn't know for sure, but he said he was gonna shoot
23 us. That made me believe he did have one, but I don't know
24 for sure.

25 Q Do you feel like you had to assume---

1 A I had---

2 Q ---he had a gun if he's threatening to shoot you?

3 SOLICITOR MEADORS: Objection to leading.

4 A Yes, cause if, if not---

5 THE COURT: Sustained.

6 A ---I would, I would---

7 THE COURT: Sustained. Sustained.

8 Q If somebody threatens to shoot you, what do you have to
9 assume?

10 A They gonna shoot you.

11 Q How are they gonna shoot you?

12 A With a gun.

13 Q Brandon Cummings comes walking towards you.

14 Did you know if he had a gun?

15 A No.

16 Q Did he have something in his hand?

17 A No, not in -- no, not in his hand. He was digging in
18 his pockets though. I don't know what he had. He acted as
19 if he had one.

20 Q Were you afraid?

21 A Yes, I was shaking.

22 Q What did you think he might do?

23 A Thought he was -- say he was gonna kill us. Thought he
24 said he was gonna do what he said he was gonna do.

25 MR. ROUTZONG: Okay. I don't have any other questions,

1 Your Honor.

2 THE COURT: Mr. Meadors.

3 SOLICITOR MEADORS: Very briefly.

4 RECROSS EXAMINATION

5 BY SOLICITOR MEADORS:

6 Q You said he was walking towards you?

7 A (WHEREUPON, there was no audible response.)

8 Q You said he was walking towards you from the bush?

9 A Yes, I believe so.

10 Q And you shot him five times in the back?

11 A I didn't shoot him five times in the back.

12 Q Three times in the head?

13 A When I---

14 Q One in the back?

15 A I don't know where he was shot. It was dark. All I
16 know was he came back, and what he said, I had to take him
17 at his word or that would of been my life. It only---

18 Q But he was walking towards you---

19 A It only takes---

20 Q ---when you shot?

21 A ---one shot to kill someone.

22 Q Please answer my questions.

23 A He was---

24 Q He was walking towards you when you shot him?

25 A He was on his way back.

1 Q And you said you didn't -- just said you didn't see a
2 gun, but you -- he had something in his hand.

3 Do you remember telling that to the officer at
4 11:31:43---

5 A I---

6 Q ---on the tape?

7 A I assume he had something in his hand.

8 Q No, sir.

9 On the tape you said I saw something in his hand, but I
10 don't know if it was a gun. Now you're saying you didn't --
11 couldn't see anything in his hand. You just assumed.
12 Matter of fact, your lawyer said you -- what you're gonna
13 assume.

14 A Right. Right. Now I could see nothing but blurry
15 people right now. As far as where you're at right now, I
16 can't see too far past that.

17 Q So, this was a lie when you told him you saw him with
18 something in his hand?

19 A No, it's not a lie. He made it know. He say he was
20 gonna shoot us. We gonna shoot someone. You got to have a
21 gun.

22 Q And you got poor vision?

23 A Yes.

24 Q Thank you. That's all.

25 THE COURT: Mr. Routzong.

1 MR. ROUTZONG: Nothing further, Your Honor.

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

3 Mr. Routzong.

4 MR. ROUTZONG: Defense calls Caleb Gomez, Your Honor.

5 THE BAILIFF: Place your left-hand on the Bible.

6 (WHEREUPON, the witness complies.)

7 THE BAILIFF: Raise your right-hand.

8 (WHEREUPON, the witness complies.)

9 THE BAILIFF: State your name.

10 THE WITNESS: Caleb Gomez.

11 CALEB GOMEZ, being first duly
12 sworn, testified as follows:

13 THE BAILIFF: Thank you much. Step around please.

14 (WHEREUPON, the witness complies.)

15 THE BAILIFF: State your name for the record, and spell
16 your last name please.

17 THE WITNESS: Caleb Gomez. G-O-M-E-Z.

18 DIRECT EXAMINATION

19 BY MR. ROUTZONG:

20 Q Good afternoon, Mr. Gomez.

21 A Afternoon.

22 Q How old are you?

23 A I'm 23 years old.

24 Q Where do you live at?

25 A North Augusta, South Carolina.

1 Q That's in Aiken County?

2 A Yeah.

3 Q Mr. Gomez, on May 17th, this time period that we've
4 been discussing this morning, where were you?

5 A I was in Sumter.

6 Q Earlier in the day, where were you?

7 A Work.

8 Q Okay. In, in the morning, where were you?

9 A In Augusta.

10 Q How did you get up here?

11 A Rode with Rafael and Walter.

12 Q Okay. On the way up, did you tell Walter anything?

13 A Yes.

14 Q What did you tell him?

15 A We spoke about the crazy things happening at the hotel.

16 Q What kind of crazy things?

17 A Robberies and such.

18 Q Why do you think they were robberies?

19 A Because we were easy pickings because we were coming
20 from out of town. We didn't know anybody, and we were just
21 coming for work.

22 Q Did it happen to you?

23 A It did.

24 Q Tell us about that.

25 How did it happen?

1 A So, there's a guy walking around the, the hotel, and I
2 asked him if he could give me some bud and he say yeah. So,
3 he wanted me to take him up there and get it. So, I took
4 him up there and get it, and gave him the money, and then he
5 came into my car after having gone to get it, and he was
6 kind of acting like he didn't, he didn't want to give it to
7 me.

8 Q Then what happened?

9 A Like I kept asking for it, and kept like dodging the
10 question, and leading me cause I didn't know where I was.
11 So, he was telling me where to go, and he was sending me
12 around in circles circling blocks.

13 Q Were you in his car?

14 A He was in my car.

15 Q Did he ask you to drive him somewhere?

16 A Yes.

17 Q Where did he ask you to drive him to?

18 A To go get the weed.

19 Q Okay. After you kind of went in circles, what
20 happened?

21 A Well, I was getting nervous and Rafael had called me
22 asking where I was, and cause he was feeling some type of
23 way also. So, I was trying to kind of -- at this point I
24 already knew he was gonna try to get me cause he wouldn't
25 give me the weed, and he wouldn't give me back the money,

1 and he was just sending me around circling blocks. So, I
2 just kind of wanted to end the situation. I just wanted him
3 to get out, and I just go back home.

4 Q Did you ever get your money back?

5 A No.

6 Q Do you know who that person was?

7 Did you ever see him again, in other words?

8 A I thought I did.

9 Q Where'd you see him at?

10 A At the hotel.

11 Q On May 17th, did you see that person?

12 A I don't remember that date like --.

13 Q May 17th is the day this shooting happens.

14 A Okay.

15 Q So, on, on May 17th, 2017, did you see the person that
16 took your money?

17 A I believe so.

18 Q Who was that?

19 A Brandon.

20 Q Okay. Do you remember the cookout?

21 A Yeah.

22 Q Do you remember saying anything about Brandon at the
23 cookout?

24 A Yeah.

25 Q Do you remember seeing him at the cookout?

1 A Yeah.

2 Q After you saw him, did you say anything about him?

3 A Yeah.

4 Q what did you say?

5 A I told -- I let the -- walter know that that was the
6 guy that I was talking about.

7 Q After the cookout, after that event, you've heard
8 testimony about the lighter and all that.

9 Did there come a time when you were in the breezeway
10 with Brandon?

11 A Yeah.

12 Q what did you think Brandon was trying to do?

13 SOLICITOR MEADORS: Objection to that.

14 MR. ROUTZONG: I'm asking him what he thinks, Your
15 Honor. what he thinks---

16 THE COURT: what he thinks.

17 MR. ROUTZONG: ---he's allowed to testify to that.

18 THE COURT: I'll allow that.

19 A I thought that he was gonna either try to rob me again
20 or just intimidate me, bully me. I, I haven't -- I don't
21 know.

22 Q why did you think that?

23 A Just the way his demeanor, his tone, the way he was
24 looking at me, the way he was mocking us the whole time.

25 Q Did you ever feel threatened?

1 A Very.

2 Q How?

3 why, why did you feel threatened?

4 A The body language and later whenever he started
5 clapping and directly threatening our lives.

6 Q what did you take the clapping to mean?

7 A That he was gonna shoot us.

8 Q why did you think he -- that that's what the clapping
9 meant?

10 A Cause he literally said that he was gonna send shots.
11 He's gonna shoot.

12 Q After he said that, what did you do?

13 A I'm not sure. Like the, the time I know you're
14 stating, what do you, what do you mean?

15 Q There was, there was this incident in the breezeway.
16 Is that where the threat to shoot you happened?

17 A That's where it started.

18 Q To shoot everybody?

19 A Yeah, that's where it started. That's where he started
20 saying it, and he didn't stop saying that.

21 Q At some point in time that, that gathering broke up.
22 Is that correct?

23 A Yeah.

24 Q what did you do after everybody is breaking up?
25 what did you do?

1 A Just kind of standing back a little bit, assessing the
2 situation, just looking at what was going, and just kind of
3 staying back.

4 Q Was Brandon in your sight, in your viewpoint the whole
5 time?

6 A Not the whole time.

7 Q Where was he at when he disappeared from your view?

8 A He was going around the corner. I couldn't see him
9 past the line of trees.

10 Q Did he -- did you ever see him go up the stairs?

11 A Yeah, before -- after he came by and asked for the
12 lighter, he circled the whole building. He went up and down
13 stairs.

14 Q Okay. I, I asked that question poorly. Let me try
15 again.

16 After he left your sight, disappeared from your
17 viewpoint, right before this shooting, did you ever see him
18 go up the stairs or descend back down the stairs?

19 A No.

20 MR. ROUTZONG: I don't have any other questions, Your
21 Honor.

22 Thank you, Mr. Gomez.

23 THE COURT: Mr. Meadors.

24 CROSS-EXAMINATION

25 BY SOLICITOR MEADORS:

1 Q You don't, you don't really know where he went, do you,
2 Brandon?

3 A I could hear him. I could hear him. I know he was
4 still in the area, and I just knew that he was out of my
5 line of sight.

6 Q Okay. And he'd been upstairs?

7 A He had been upstairs.

8 Q Been downstairs?

9 A Been downstairs.

10 Q And you don't know where he was before he got shot or
11 where he was going?

12 A I knew he was out of my line of sight in the area.

13 Q Okay. Out of your line of sight in the area.

14 So, you could of gone on?

15 You weren't in any danger to this?

16 A Not -- I could not say.

17 Q I mean you weren't in any danger at that moment?

18 A I don't know. I knew -- I couldn't see him. I don't
19 know where -- if he was -- if he could see me, and he was
20 threatening our life.

21 Q But you couldn't see him anywhere?

22 He -- he'd left, right?

23 A He had not left.

24 Q Okay. Where'd he gone?

25 A He was out of my line of sight, but he had not left our

1 area cause I could still hear him.

2 Q Okay. So you're hearing him upstairs?

3 A Yeah, I could hear him.

4 Q He wasn't in your line, line of sight would of had to
5 been upstairs so you could hear him?

6 A He was in -- do you have a picture of the, the hotel,
7 and I'll tell you exactly where he was.

8 Q I got this is as No. 1 right now.

9 You need more than that?

10 A Yeah, if, if you have a picture of the layout from
11 SkyView I could show you.

12 Q I've got a whole video of the outside if that would
13 help.

14 well, tell me and then maybe I'll see if I can find it
15 on the video.

16 A There is a -- in the central area near the pool --

17 Q Right.

18 A -- there's some landscaping --

19 Q Yes, sir.

20 A -- and it's about 8-feet high. So, that's what's
21 blocked my line of sight from him, and I was more towards
22 the, the breezeway.

23 Q Okay. So, you couldn't see him --

24 A No.

25 Q -- Brandon?

1 And when y'all had told him to left (sic), he, he left
2 toward the back of the hotel, didn't he?

3 A Towards the other breezeway opposite.

4 Q And you could of gone in your room then, right?

5 A Well, I didn't go back to my room because I didn't want
6 him to see what room I went into --

7 Q But---

8 A -- in case he came back.

9 Q But he wasn't in your sight. You couldn't see him.
10 Never saw a gun on him. This other encounter, you said you
11 think it was Brandon.

12 Are you sure?

13 You said well, I thought I knew who it was that had
14 robbed you before.

15 Was it, was it Brandon?

16 A I don't think it was Brandon.

17 Q Okay. Now you -- so, it wasn't Brandon who robbed you
18 before?

19 A It was his brother.

20 Q Okay. So, it wasn't even Brandon that had robbed you
21 that Mr. Routzong asked you about before?

22 A Right.

23 Q He asked you was that the same person, and you said yes
24 under oath, but it wasn't?

25 It was his brother?

1 A I said it's the guy I believed.

2 Q Right.

3 So now you're saying it wasn't Brandon though. You
4 know it was his brother.

5 A Yeah.

6 Q Is that right?

7 I don't -- I'm not -- Caleb, you seem like a nice
8 fellow, but what you told us earlier was not the truth. It
9 wasn't Brandon.

10 A I said I believed it was Brandon, right?

11 Q But now you're saying it wasn't?

12 A But I'm not saying I was definitely sure it was him.

13 Q Okay. But now you're saying you're definitely sure it
14 was his brother though?

15 A Yes.

16 Q Okay. So, that is totally irrelevant. Everything you
17 were telling him on the way down here was about Brandon's
18 brother.

19 A Yeah.

20 Q Okay.

21 A And may I say something?

22 Q Sure.

23 A I, I mistook it -- mistook Brandon for his brother
24 because they look really similar, and they was acting in the
25 same manner.

1 Q So that kind of puts the whole thing into question,
2 doesn't it?

3 If -- so when somebody said that -- that's the guy who
4 robbed me, well, that wasn't the guy who robbed you?

5 A That guy still threatened our lives regardless of
6 whether or not it was him that robbed us -- that robbed me.

7 Q But you knew it wasn't him when you're telling me?

8 A I, I didn't know because I mistook him for the man that
9 robbed me because they look similar.

10 Q And you said Brandon said that he was gonna come back
11 and, and, and, and shoot us. I got your statement.

12 Do you remember giving a statement --

13 A I do.

14 Q -- to Natalie Kelley?

15 Caleb, is that your signature down there?

16 A It is.

17 Q Okay. And right here on Page 1, Brandon told us he was
18 going to come back the next day and that he'd kill us.

19 Those are your words, right?

20 A They were.

21 Q So, he's telling y'all, clapping, I'm gonna come back
22 tomorrow and kill y'all, right?

23 A And that wasn't the only thing he said.

24 Q Okay. But, but did---

25 A That---

1 Q ---he say I'm coming back tomorrow, and I'm gonna kill
2 you?

3 A Yes, sir.

4 Q Okay. And everybody heard that, I'll be back tomorrow,
5 right?

6 A But right there in my statement that I made a few years
7 ago, like -- how do I say this?

8 It was -- man.

9 Q You actually said I, I, I was like fuck this shit.
10 Brandon said something to the fact of the two of you. I'm,
11 I'm unsure of what he was talking about. I was like fuck
12 this shit. I started heading for my room.

13 So you were starting to head toward your room?

14 A Yeah.

15 Q So, you weren't worried about where he was going?

16 You were going to your room?

17 A I was -- if, if you show -- if you, if you give me the
18 picture of the SkyView, I'll tell you everything.

19 Q Well, just the truth's the truth.

20 I mean you don't need a picture just to---

21 A No. But say I can explain to you how I was heading
22 away because I can head away backing up slowly.

23 Q But then you said Walter started walking behind
24 Brandon?

25 A He was going more towards the -- nah, I want to say

1 behind because I, I didn't even know which way he was
2 looking. I just know he was going away from where I was.

3 Q And you said I thought Walter was making sure he was
4 leaving, that Brandon was leaving.

5 You remember saying that?

6 A (WHEREUPON, there was no audible response.)

7 Q You just have to say it---

8 A Oh, yes.

9 Q ---for the court reporter.

10 Okay. And that's when I heard gunshots?

11 A Yeah.

12 Q So you weren't anywhere near the shooting?

13 A I was near it. If you -- this -- how do I say this?

14 Near as -- near -- this is near. Like that's near, you
15 know.

16 Am I explaining myself?

17 Q I made a beeline for my room. I took off my shirt and
18 pants, and I tried to go to sleep.

19 A Yeah.

20 Q You were drunk, weren't you?

21 A Yeah.

22 Q And you grabbed a bucket just in case you threw up and
23 put it down beside you that night, right?

24 A Yeah.

25 Q And none of y'all knew that Walter Murrey had a gun,

1 did you?

2 A No.

3 Q And you didn't have a gun?

4 A No.

5 Q And when the police first came in your room, you
6 didn't, you didn't say anything, right?

7 A No.

8 Q And the next day was Tuesday.

9 Y'all went to the job site, right?

10 A That's correct.

11 Q All right. And Walter never ever, ever told you I had
12 to shoot him cause he was gonna kill me, did he?

13 A No.

14 Q And he never said that man, I had to shoot him cause
15 I -- he was gonna shoot me?

16 He never said that, did he?

17 A I don't remember.

18 Q Well, first you said no, and then you say I don't
19 remember.

20 A But I don't remember him saying that. So --.

21 Q Okay. So no. I'm not trying to be difficult.
22 He didn't tell you that, right?

23 A No.

24 Q He never told you I shot him?

25 A No.

1 Q Had he told you the night before he shot him?

2 A Hu huh. (Negative).

3 Q Did he ever tell you he shot him?

4 A I don't believe so.

5 Q Thank you, Mr. Gomez. That's all?

6 THE COURT: Mr. Routzong.

7 MR. ROUTZONG: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. ROUTZONG:

10 Q why didn't you want Brandon to know what room you were
11 in?

12 A Cause he was threatening to kill us.

13 Q Mr. Meadors, Mr. Meadors asked you if you had a gun.

14 A That's right.

15 Q Did you know if Brandon had a gun?

16 A No.

17 Q You knew he threatened to shoot you?

18 A Definitely.

19 Q If someone threatens to shoot you, and you don't --
20 did, did you know Brandon other than from the motel?

21 A No.

22 Q If someone threatens to shoot you, and your testimony
23 is you don't know him very well, what do you have to assume?

24 A That they're serious, and their intent is to kill me.

25 (WHEREUPON, a photograph was marked as Defendant's

1 Exhibit No. 1 for identification purposes only at this
2 time.)

3 Q I'm gonna show you what's been marked for
4 identification purposes as Defendant's Exhibit No. 1.

5 Do you know what that is?

6 A That's the birdseye view of the hotel, Quality Inn.

7 Q Where was your room at and make sure -- I'll, I'll,
8 I'll hold it up so the Judge can see it.

9 A My room was on this side.

10 SOLICITOR MEADORS: Judge, can I approach and look at
11 that?

12 THE COURT: Yes, sir.

13 A My room was over here.

14 Q Where was that breezeway at?

15 A The breezeway was right in this area. This is the line
16 of trees I was telling you about.

17 Q Where did Brandon walk?

18 A Brandon was walking in this area right here.

19 Q And that's where you lost sight of him?

20 A That's where I lost sight of him.

21 Q Could you still hear him?

22 A I could hear him.

23 Q Did you hear the shots?

24 A Yeah.

25 Q Right before the shots, did you see Brandon come down

1 the stairs?

2 A No, I didn't see him right before the shots.

3 Q Did you hear anybody say fuck, N word?

4 A No.

5 Q Did you hear Brandon yell anything?

6 A Still with the clapping and the I'm gonna shoot you.

7 MR. ROUTZONG: I don't have any other questions, Your
8 Honor.

9 THE COURT: Mr. Meadors.

10 SOLICITOR MEADORS: Yes, sir.

11 RE CROSS EXAMINATION

12 BY SOLICITOR MEADORS:

13 Q Well, when, when did you hear that -- you're saying you
14 heard it again?

15 A What?

16 Q The clapping.

17 A Yeah, the, the clapping was continuous.

18 Q When's the last time you heard it?

19 A I can't be sure, but like probably not, not too, too
20 long before he was shot.

21 Q But you didn't put any of that in your statement, did
22 you?

23 A I'm -- I don't -- no.

24 Did I?

25 Q No, you didn't.

1 And, and the only thing y'all talked about that next
2 day on the ride home was that man, this -- that was some
3 crazy shit last night?

4 You remember that?

5 A Yeah.

6 Q You remember putting that in your statement?

7 A I do.

8 Q Very well.

9 why was Cody so upset?

10 A Because we, we just saw somebody get murdered.

11 Q You saw them?

12 A Well, I mean we were there.

13 Q You saw somebody get murdered?

14 Did you see them get shot three times in the head and
15 one in the back?

16 A No.

17 Q Did Cody tell you what happened?

18 A Nah.

19 Q Cody did not tell you that he saw him, the Defendant,
20 shoot him?

21 A I don't know, man.

22 Did he?

23 SOLICITOR MEADORS: That's all.

24 THE COURT: Mr. Routzong.

25 MR. ROUTZONG: I don't have any other questions, Your

Rafael Rodriguez - Direct examination
By Mr. Routzong

1 Honor.

2 THE COURT: Step down, sir.

3 Mr. Routzong.

4 MR. ROUTZONG: Defense calls Rafael Rodriguez, Your
5 Honor.

6 THE BAILIFF: Left-hand on the Bible.

7 (WHEREUPON, the witness complies.)

8 THE BAILIFF: Raise your right-hand.

9 (WHEREUPON, the witness complies.)

10 THE BAILIFF: State your name.

11 THE WITNESS: Rafael Rodriguez.

12 RAFAEL RODRIGUEZ, being first duly
13 sworn, testified as follows:

14 THE BAILIFF: Thank you much. Step around please.

15 (WHEREUPON, the witness complies.)

16 THE BAILIFF: State your name for the record, and spell
17 your last name please.

18 THE WITNESS: Rafael Rodriguez. R-O-D-R-I-G-U-E-Z.

19 DIRECT EXAMINATION

20 BY MR. ROUTZONG:

21 Q Good morning, Mr. Rodriguez.

22 How are you?

23 A Doing all right.

24 How you doing?

25 Q How old are you?

1 A I am 31.

2 Q where do you live?

3 A I live in Aiken, South Carolina.

4 Q On May 17th, 2017, in the morning---

5 A Yeah.

6 Q ---where were you at?

7 A May 27th in the morning, I was in Augusta, Georgia.

8 Q what were you doing?

9 A I was getting ready to head up to Sumter, South
10 Carolina.

11 Q why were you coming up here?

12 A I was coming to work cause one of the contractors
13 called that we was, you know, ready to be back on-the-job.

14 Q who was with you?

15 A Let's see. It was me, Caleb, and Walter.

16 Q what were you guys driving?

17 A In my vehicle. The truck.

18 Q Pickup truck?

19 A Pickup truck, correct.

20 Q Okay. About how long it take you to get to Sumter?

21 A About two hours.

22 Q Is this your first -- was this your first time in
23 Sumter?

24 A No.

25 Q How many times you been in Sumter before that?

1 A Before that, I was there maybe a week, two weeks at the
2 most.

3 Q where'd you stay at?

4 A At the Quality Inn.

5 Q Okay.

6 A Yes.

7 Q Did you ever see Brandon Cummings at the Quality Inn?

8 A Yes.

9 Q About -- when you say you were there about -- when was
10 that?

11 A Oh, cause I was there before everybody else too.

12 Q About -- this, this happened on May 17th.

13 About how long before that?

14 A Maybe a couple weeks.

15 Q Okay.

16 A It wasn't long. Just a few weeks --

17 Q Okay.

18 A -- before.

19 Q And so you, you, you testified you'd, you'd seen
20 Brandon Cummings around?

21 A Yes.

22 Q what did you see him doing?

23 A Just walking.

24 Q Did you see him do anything else?

25 A No.

1 Q Did you see him -- had you ever seen him go upstairs?

2 A Yeah. Oh, no, he was all over the hotel, yeah. I
3 mean---

4 Q Did you ever see him go in rooms?

5 A No. Me personally, no.

6 Q Okay. You heard testimony from both Caleb and Walter
7 that there was some discussion in your truck---

8 A Yes.

9 Q ---about things that were happening in, in Quality Inn.
10 Did you join in that discussion?

11 A Not necessarily.

12 Q Did you say anything about the things that you'd seen
13 at the Quality Inn?

14 A I might of said yeah, I seen people walk around or
15 something, but---

16 Q Okay.

17 A ---nothing direct to nobody.

18 Q Fair enough.

19 A Yeah.

20 Q Were you at the cookout?

21 A Yes.

22 Q Did you see Brandon coming through the cookout?

23 A Yes.

24 Q Did you see him ask for a lighter?

25 A Yes.

1 Q Did you see him leave?

2 A Yes.

3 Q Were you there when that, that, that little
4 congregation in the breezeway?

5 Were you there?

6 A Yes.

7 Q What was your impression of, of Brandon Cummings at
8 that moment?

9 A Well, me seeing Brandon, I already saw the, the vibe
10 that was already there. So, I also approached Caleb while
11 he was there speaking with Mr. Brandon, and that's when
12 everybody else started to walk up also.

13 Q What did you think was going on?

14 A I mean me hearing the stories, I, I felt like something
15 was wrong. Not all the way, but, you know, you don't really
16 know --

17 Q Well---

18 A -- especially after somebody just came back two to
19 three times---

20 Q From whom did---

21 A ---walking around.

22 Q I'm sorry. I didn't mean to interrupt you.

23 A No, that's fine. I'm sorry.

24 Q From whom did you hear stories?

25 A Oh, the -- actually other people from the hotel that

1 were just there also working. Caleb, of course. I believe
2 Tony Gordon also said something about other people, stuff
3 going on in the hotel. Other than that, I believe that's
4 what I remember.

5 Q Based on those stories, did you form an impression of
6 Brandon Cummings?

7 A Yes.

8 Q What was that impression?

9 A Well, I felt like, at that moment, the way everything
10 just took place, I felt like my life was in danger, and
11 everybody else's life could of been in danger also.

12 Q Why did you think that?

13 A The first thing that came through my thoughts were my
14 kids mostly. But I felt like Caleb was into a bad situation
15 to be in because, you know, you don't really go through this
16 stuff every day. But --.

17 Q Did Brandon Cummings do anything that made you afraid?

18 A Yes.

19 Q What did he do?

20 A He -- the, the words he was saying, the, the -- mostly
21 I believe it was the, the clapping cause that, that makes
22 you know that, that somebody's coming for you.

23 Q When you say somebody's coming for you, what do you
24 mean by that?

25 A Basically to take my life.

1 Q what did you mean -- what did you think he meant by
2 clapping his hands?

3 A That he was gonna take my life or --

4 Q Huh?

5 A -- anybody there close to me.

6 Q How was he gonna take your life?

7 A Cause he's -- by the -- maybe a firearm because that's
8 what that means.

9 Q Did you know if Brandon had a firearm?

10 A No, I did not.

11 Q Did he threaten to shoot you with a firearm?

12 A Yes.

13 Q Did you hear him clap his hands?

14 A Yes, constantly. Yes.

15 Q what did you think that meant?

16 A That he was gonna take my life or anybody that was
17 there.

18 Q Did all that happen -- did you hear all those things
19 other than the stories you heard previously, the clapping,
20 then the threats?

21 A Yes, I heard.

22 Q where did that happen at?

23 A All that happened between the breezeway, and I'm
24 guessing -- I want to say Walter's -- and where the barbecue
25 was at.

1 Q Did that happen right before the gunshots?

2 A The, the -- what happened right before the gunshots?

3 Q Did -- in other words, it -- did it happen on May
4 17th, those threats?

5 A Yes.

6 Q And it happened at that little congregation around the
7 breezeway, and you're saying it was actually a little bit
8 closer to Walter's room?

9 A Yes, it was all in that area, yes.

10 Q And you -- did you hear a threat?

11 A Yes.

12 Q Did you hear him clap his hands?

13 A Yes.

14 Q And then it was some time later you heard gunshots?

15 A Yes, maybe three, four, I don't know. It happened so
16 fast, but yes.

17 Q Thank you, Mr. Rodriguez.

18 I don't have any other questions, Your Honor.

19 THE COURT: Mr. Meadors.

20 CROSS-EXAMINATION

21 BY SOLICITOR MEADORS:

22 Q Can I call you Rafael?

23 A That's fine, yes, sir.

24 Q Rafael, why didn't y'all call the police?

25 A I say probably the emotions, the -- just being in a

1 situation where you don't know what to do is -- it's -- it
2 was, it was hard. It was hard to make out what was the
3 right thing to do.

4 Q And you gave two statements to the police, right?

5 A Correct.

6 Q And the first one you didn't, didn't really say
7 anything?

8 A No, I was trying to avoid the whole situation, correct.

9 Q I mean you didn't tell them about anything?

10 A Nothing. Exactly.

11 Q And in that first one, you said, when we got to go to
12 Sumter, I've heard that you have to watch out for a skinny
13 black male stealing things, right?

14 A Correct.

15 Q I've never had anything stolen while I was working, and
16 that was kind of the talk that you're talking about somebody
17 stealing stuff?

18 A Yes, sir.

19 Q And then you gave another statement -- and the first
20 statement was on May, excuse me, May 24th, and then
21 another statement on May 26th, correct?

22 A Correct.

23 Q And did you talk to -- had you known Walter Murrey had
24 shot Brandon Cummings that night?

25 A Yes.

1 Q How did you know?

2 A I mean cause I saw him, of course.

3 Q You saw him---

4 A On the morning---

5 Q ---shoot -- go ahead.

6 Strike that.

7 You saw---

8 A Okay.

9 Q ---who?

10 A Walter.

11 Q Okay.

12 A Okay.

13 Q Okay. So, how did you know Walter had shot Brandon?

14 A How did I know Walter had shot Brandon?

15 Yeah, cause I, I saw Walter after the altercation.

16 Q Okay. And---

17 A So---

18 Q ---did Walter tell you he shot him?

19 A No.

20 Q So, how do you know he shot him?

21 A Just the gunshots and seeing him. Obviously somebody
22 have to get shot. That was -- I mean that's what you're
23 looking for. Yes, somebody got shot.

24 Q And did you talk with somebody at your work about y'all
25 gonna have to get rid of Walter?

1 A By getting rid of walter, that seems harsh. But no, we
2 had to make a plan in the situation to where what was
3 gonna -- we was gonna do with walter.

4 Q Okay. But I'm just reading your words.

5 Are you -- did your boss man say he was mad and upset
6 about walter shooting someone and to get him off the job?

7 A Yes.

8 Q I mean that's your words.

9 A Yes, sir.

10 Q So, you and one of the boss -- somebody else knew
11 walter had done it at this point?

12 A Yes.

13 Q And that was six days before the -- well prior to the
14 police getting involved, wasn't it?

15 A One moment---

16 Q Not getting involved.

17 A ---no.

18 Q Prior to him being arrested. Let me, let me---

19 A Okay.

20 Q ---say that.

21 A Okay. Okay.

22 Q Yeah.

23 So, you knew that walter Murrey had shot and killed
24 somebody and you didn't tell the police?

25 A That is correct. I did not say nothing for them days,

1 yes, sir.

2 SOLICITOR MEADORS: where's that picture?

3 Do you have that picture up there?

4 I think this is -- did you enter that picture you had,
5 Mr. Routzong?

6 Did you mark that as an exhibit?

7 MR. ROUTZONG: I did.

8 SOLICITOR MEADORS: Can I have it please?

9 I'm referring you to State's -- Defendant's 1. I'm
10 sorry---

11 A All right.

12 Q ---Rafael.

13 Can you show the Judge and me---

14 A Uh-huh. (Affirmative).

15 Q ---and Mr. Routzong, you recognize this?

16 A Yes.

17 Q All right. where were you standing?

18 what room were you in?

19 A My room, I believe, is on this side of the hotel.

20 Q It's on the outside?

21 A Looking that way, yes, sir.

22 Q where was the barbecue?

23 A Inside the hotel. I want to say around here.

24 Q Okay. whose room was that in here?

25 A I believe that was Anthony Gordon's or Walter's room.

1 Q So, Walter's right here?

2 A Correct.

3 Q On this side?

4 A Correct.

5 Q Okay. And you're over here with who?

6 A Caleb.

7 Q And who else was there with y'all?

8 A Our room in specifically or --?

9 Q Sure.

10 A Well, just -- no, my room is just me and Caleb, and
11 then it's another room over here with two other individuals
12 also staying with us, which was---

13 Q And---

14 A ---Cody maybe.

15 Q Cody Shelton?

16 A Yeah.

17 Q Okay. But Walter's over here?

18 A Correct.

19 Q With Anthony Gordon?

20 A Okay.

21 Q And the barbecue's down here or show me where you---

22 A Well, nah, you went way down there.

23 Q You did---

24 A No, it's like about right here.

25 Q I tried to go down way here. You pointed down here at

1 the barbecue.

2 A Okay. About right here.

3 Q So it's near Walter's room?

4 A Correct.

5 Q And where was the breezeway where --?

6 A Right here. This is the breezeway.

7 Do you see this little channel right here?

8 I'm pretty sure that's the breezeway.

9 Q Okay. So which side were you closer to when you said
10 you encountered Walter and Caleb?

11 A This side right here.

12 Q So, it's closer to that side?

13 A Correct.

14 Q And which way did Brandon Cummings go?

15 A When he go---

16 Q When he left.

17 When's the last time you saw him?

18 A When he was leaving, this way.

19 Q So, he's leaving this way?

20 A Yeah, this way.

21 Q Okay. And which way did Walter go?

22 A Same way.

23 Q Okay.

24 A This way.

25 Q Which way did you go?

1 A I went --.

2 Q Your living's over here, right?

3 A I was -- no, I was about right here.

4 Q Okay.

5 A So, I was---

6 Q Where did you go?

7 A Probably say waited there probably a couple seconds,
8 and then started to walk back that way.

9 Q So you came through this way, the breezeway, to get to
10 your room?

11 A Yeah, I have to go that way.

12 Q That would be the closest way?

13 A Yes.

14 Q So, you wouldn't of been walking toward the direction
15 that Brandon was going?

16 A No.

17 Q Okay. So you're walking this way.
18 Was Caleb walking this way too?

19 A Correct.

20 Q Okay. So y'all both went this way. Brandon's going
21 the other way.

22 A Correct.

23 Q And Walter's going the other way?

24 A Correct.

25 Q So he wasn't -- y'all weren't following behind him at

1 all, were you, walter, cause you were going this way?

2 A well, you're saying like I wasn't going that way. Yes,
3 we were.

4 Q No, you said that.

5 A Yes, that is the way I'm trying to -- like I -- yes,
6 that's the way we was going.

7 Q Okay.

8 A Yes.

9 Q Okay. And Brandon was going this way, and walter was
10 going that way?

11 A Correct.

12 Q Had you been drinking that night, Rafael?

13 A Yes.

14 Q A lot?

15 A For most of the time.

16 Q I mean y'all working.

17 A Yeah.

18 Q I'd drink. I'm not gonna judge you on that.

19 A I, I drank, yes.

20 Q Ain't nothing wrong with drinking. Nothing.

21 A I was drinking.

22 Q Hey, you had been drinking a good bit?

23 A Yeah, you could say that.

24 Q All right. And did you take walter back home?

25 I say home, back to Georgia?

1 A Back to Georgia. Yes, we came back to Georgia.

2 Q Okay. And he never said anything to y'all on the way
3 back or did he say anything that day about the shooting, the
4 day after when y'all were working with him?

5 A Mostly, no.

6 Q Okay. And, and I don't, I don't mean to be
7 disrespectful. You say mostly no.

8 Do you---

9 A Cause I don't remember.

10 Q Okay. So, he didn't say anything that you remember?

11 A I believe not.

12 Q Okay. And on the way back to Georgia did he say
13 anything?

14 A I believe not.

15 Q That's all. Thank you.

16 THE COURT: Mr. Routzong.

17 MR. ROUTZONG: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. ROUTZONG:

20 Q Mr. Gomez.

21 A Rafael.

22 Q Are you under oath this morning?

23 A Yes, sir.

24 Q Did you tell the truth?

25 A Yes, sir.

1 Q Let me show you again what's been previously marked as
2 Defendant's No. 1. I'll wait for Mr. Meadors to come up
3 here. You say Walter walked this way.

4 Is that correct?

5 A Yes.

6 Q Where was Walter's room at?

7 A About right there.

8 Q So, Walter was walking back towards his room?

9 A Yeah, towards his room basically kind of, yes, sir.

10 Q Do you remember saying to Brandon Cummings just leave
11 or anything like that?

12 A Yes, I -- when we was right there beside the ice
13 machine, I did say please -- well, I didn't -- I don't, I
14 don't remember saying please, but go away, yes.

15 Q Why did you tell him that?

16 A I -- he was just too much. I mean, you know, do you
17 want to just stay there in those situations or do you want
18 to just -- somebody say leave. Just basically leave.

19 Q Did you want any of this?

20 A No.

21 Q Why were you up here?

22 A Well, I'm just -- I'm up here now just trying to get
23 the truth out.

24 Q On May 17th, 2017, why were you in---

25 A Yes, sir.

1 Q why were you in Sumter?

2 A I was in Sumter to work, yes, sir.

3 Q That was the reason you were here?

4 A Yes.

5 MR. ROUTZONG: Thank you, Your Honor.

6 THE COURT: Mr., Mr. Meadors.

7 SOLICITOR MEADORS: No, sir. Thank you.

8 THE COURT: All right. You may step down, sir. Thank
9 you.

10 MR. ROUTZONG: Your Honor, I don't have any more
11 witnesses.

12 THE COURT: All right. Would y'all like to take a
13 break?

14 SOLICITOR MEADORS: Just a short one. Just to use the
15 bathroom.

16 THE COURT: Certainly. Approximately 15 minutes.
17 Thank you.

18 MR. ROUTZONG: Thank you, Your Honor.

19 SOLICITOR MEADORS: Thank you.

20 (WHEREUPON, a short recess was taken at this time.)

21 SOLICITOR MEADORS: State of South Carolina would call
22 Lashay Andrews.

23 THE COURT: All right.

24 THE BAILIFF: Yes, ma'am, place your left-hand.

25 (WHEREUPON, the witness complies.)

1 THE BAILIFF: Raise your right-hand.

2 (WHEREUPON, the witness complies.)

3 THE BAILIFF: State your name.

4 THE WITNESS: Lashay Andrews.

5 LASHAY ANDREWS, being first duly
6 sworn, testified as follows:

7 THE BAILIFF: Thank you very much. Step around please.
8 watch your step.

9 (WHEREUPON, the witness complies.)

10 THE BAILIFF: State your name for the record, and spell
11 your last name please.

12 THE WITNESS: Lashay Andrews. A-N-D-R-E-W-S.

13 DIRECT EXAMINATION

14 BY SOLICITOR MEADORS:

15 Q Good afternoon, Ms. Andrews.

16 A Hello.

17 Q Do you go by Shay?

18 A Shay.

19 Q Can I call you Shay?

20 A You can.

21 Q Ms. Shay, on -- in May of 2017, what was your
22 relationship with Brandon Cummings?

23 A His girlfriend.

24 Q Okay. How long had y'all been together?

25 A I've known him since I was 13.

1 Q Okay. You've known him since you were 13, and y'all
2 had a, no disrespect, a relationship of maybe man and woman
3 for how long?

4 A Well, we had an actual relationship for a year, but we
5 were friends since 13 -- I was 13.

6 Q Okay. So you've known him since you were a child?

7 A Yes.

8 Q Now, on May 17th at approximately 9:15, 9:20, did you
9 have an occasion to go to the Quality Inn on Broad Street?

10 A Yes.

11 Q Okay. And whose car were you in?

12 A I was in my grandmother's car.

13 Q Okay. What kind of car does she drive?

14 A A blue Equinox and sometimes I would be in my car, but
15 yeah.

16 Q Okay. But on the evening of May 17th, approximately
17 9:15, 9:20, you were in your grandmama's car?

18 A Yeah, the blue Equinox.

19 Q And how long had you been at Quality Inn prior to this
20 shooting that evening?

21 A For about a good I'd say 15 minutes.

22 Q And, and tell the Judge where did you go specifically
23 when you went in the Holiday Inn?

24 where did you park?

25 Not when you went in, when---

1 A Oh, the park---

2 Q When you went to the Quality Inn, where did you park?

3 A I parked on like the backside on the side. It's kind
4 of like on the sidewalk.

5 Q And showing you what's marked State's No. 1, and we've
6 got other pictures of your car, let me --.

7 A Uh-huh. (Affirmative.)

8 Q Excuse me. Defendant's No. 1.

9 Is -- can you show the Judge, and me, and Mr. Routzong,
10 approximately, and I've got another picture with your car,
11 approximately where you were parked.

12 A This the entrance. Right here on this side.

13 Q Back side?

14 A Yeah.

15 Q And that's Defense No. 1 you're referring to.

16 Now I'm gonna show you State's No. 3, and both of those
17 are for ID.

18 A Uh-huh. (Affirmative).

19 Q Can you show the Judge where your car is?

20 A Right here.

21 Q Right there.

22 Okay. And you had been there approximately how long?

23 A Well, I was there for 15 minutes, but I went to the
24 restroom.

25 Q Okay. And you went to the restroom prior to the

1 shooting?

2 A Yeah, as soon as I dropped him off, I told him I had to
3 go to the restroom. He told me to hurry up. So, I went
4 ahead and go to the restroom, and then I came back, and
5 that's when he was walking down.

6 Q Okay. When you got back to your car from the restroom,
7 how long was it before Brandon came into your sight again?

8 A About five more minutes.

9 Q Okay.

10 A Five minutes.

11 Q Tell the Judge what you observed on May 17th, 2017,
12 at approximately 9:20 to 9:30PM.

13 A I was sitting in the car. Then I saw Walter and
14 Brandon coming down the steps from the stairwell, and I
15 saw -- I heard commotion going on, but it's like Brandon.
16 He, he argues, but he usually just be playing. And I heard
17 the arguing and stuff, and I heard Brandon turning around
18 and he was coming down the steps, but he was walking real
19 fast, and Walter was walking real fast behind him like
20 trailing him on.

21 So, Brandon, he was saying fuck you, nigga, and then he
22 was like, you know, leave me alone. I'm 'bout to go.

23 So that's when he pulled -- Walter pulled out the gun
24 and shot him the first time in the head. He went down. I
25 didn't want him to see me in the car, and he shot him two

1 more times and ran off, and that's when I got out the car.

2 Q So, the first thing you was, and excuse everybody, you
3 heard Brandon saying F you, N?

4 A Yeah.

5 Q And then I'm about to go.

6 A Uh-huh. (Affirmative). He said I'm 'bout to go.

7 Q And did you say then he said stop, man?

8 A Yeah, he said stop, man. He was holding his hand up
9 while Walter was trailing behind him cause he was trying to
10 get away from him, but Walter kept trying to walk fast. So,
11 yeah, he hold his head -- his hand up, and that's when he
12 shot him in the head, and he went down, and he shot two more
13 times, and then he ran like on the bottom part of the
14 stairwell.

15 Q Two or three more times?

16 A Like -- I probably say like three.

17 SOLICITOR MEADORS: Judge, could I ask Mr. Miller to
18 come up here?

19 THE COURT: Yes, sir.

20 (WHEREUPON, Mr. Miller complies.)

21 Q would you go stand up, Mr. Miller, next to Lashay, and,
22 Judge, permission -- I'd ask Ms. Shay to stand up.

23 (WHEREUPON, the witness comes down from the stand.)

24 A Yes, sir.

25 Q Todd, would you go around the back too?

1 Now, Shay, if---

2 A He's Brandon and I'm Walter.

3 Q Okay. If he's Brandon, and you---

4 A You can walk like --.

5 Q All right. But, but why don't you Brandon---

6 A Okay. Brandon, he's -- yeah. He's walking and
7 Walter's like right behind him, and he's like stop. Like,
8 you know.

9 Q So, he turns around and says stop?

10 A Says stop like that, and then that's when Walter shoots
11 him in the head.

12 Q Shot him in the head.

13 All right. And then what happened to Brandon's body?

14 A He went face down onto the ground.

15 Q Okay.

16 A His head was kind of like facing the stairwell, but his
17 body was on the ground, and that's when he shot two more
18 times, and he ran under the stairwell.

19 Q Did he come closer to the body, he being the Defendant,
20 Walter Murrey, when he shot him again?

21 A Yeah, he was just a tiny little bit of distance, but he
22 was real close to the body.

23 Q And where was Brandon's bodies (sic) when the -- after
24 the first shot, where was Brandon's body -- Brandon Cummings
25 body?

1 A Face down on the ground.

2 Q And then, after that, you saw Walter Murrey shoot him
3 again when he was on the ground?

4 A Like three more times, and then he ran off.

5 Q Three more times when he's on the ground?

6 A Uh-huh. (Affirmative).

7 Q And then he ran off?

8 A He ran off under the stairwell.

9 Q Thank you.

10 A (WHEREUPON, the witness returns to the stand.)

11 Q Did you see anybody else with Walter Murrey?

12 A No.

13 Q Did you know Walter Murrey?

14 A No.

15 Q Can you describe what, what type of shirt he was
16 wearing?

17 A He had on like a Polo type striped blue and white
18 shirt.

19 Q Okay. I'm gonna show you what's marked State's 4.
20 Is that it?

21 A Yes.

22 Q And State's 5, is that it --

23 A Yes.

24 Q -- appear to be the shirt?

25 A And a durag.

1 Q And a durag?

2 A A white durag.

3 Q Now, State's 1, there appears to be a red hat in there.

4 Can you tell me where was Brandon Cummings body in
5 relation to that red hat?

6 A Right there where the blood stain is. That's Brandon's
7 hat right there.

8 Q Okay. And his body was --?

9 A His head was like here, and his legs was right here.

10 Q So he -- and he was face down?

11 A Face down.

12 Q Okay. And that's his hat?

13 A Yes.

14 Q It's got Atlanta Braves.

15 Was he a Braves fan?

16 A Yes.

17 Q Okay. So, if this is State's 1, you see this marker
18 here that says 5?

19 Is that -- that's State's 5. Excuse me. Placard 5 in
20 State's No. 2?

21 A Yes.

22 Q Okay. And this is your car?

23 A Right here.

24 Q And State's No. 3, right?

25 A Yeah.

1 Q So you can see that placard, and---

2 A Yeah, that's the blood right there.

3 Q You see a little bit of blood in the picture?

4 A Uh-huh. (Affirmative).

5 Q So you were close to where the shooting---

6 A Yeah.

7 Q ---happened?

8 A He was almost to the car.

9 Q Did Brandon have a gun?

10 A No, he never carried a gun.

11 Q Now, we're gonna go through a hearing later, but is the
12 person that shot Brandon in the courtroom?

13 A Yes.

14 Q Can you point him out?

15 A Right there.

16 Q That's Walter Murrey next to Mr. Routzong?

17 A (Witness nods affirmatively.)

18 Q Do you remember Caroline Sheppard-Lewis, the police
19 officer, the female officer, that came -- the first officer
20 that came that night?

21 A Yes.

22 Q Okay. So do you remember a police officer coming?

23 A Yes.

24 Q Okay.

25 A Sorry.

1 Q And do you remember talking to that person?

2 A Yes.

3 Q And that's on tape.

4 Okay. Were you pretty distraught?

5 A Yeah, I was upset.

6 Q I mean you just saw your boyfriend shot --

7 A Yeah.

8 Q -- in the head?

9 Did you actually go up to his body and look at the
10 injuries?

11 A Yeah, I was talking to him cause he was still
12 struggling to breathe. He was still living for a little
13 while.

14 Q But he couldn't say anything, could he?

15 A No, he was just saying -- you can hear him trying to
16 say help me.

17 Q And was he shot in the back of the head?

18 A Yeah, in the back of the head.

19 SOLICITOR MEADORS: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 (Pause.)

22 SOLICITOR MEADORS: Thank you. That's all.

23 THE COURT: Mr. Routzong.

24 MR. ROUTZONG: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. ROUTZONG:

2 Q Good morning, Ms. Andrews.

3 A Good morning.

4 Q Or actually good afternoon I guess. It seems like
5 morning.

6 Looking at what, what's been previously marked as
7 Defense No. 1, can you show the Judge where the stairwell is
8 at?

9 A It wouldn't be on this photo. But it's on the back
10 part of the Quality Inn. It's better on the other picture.
11 He had a real good one. That one.

12 Q Showing you what's been marked as State's No. 2.

13 A This is the stairwell right here. He was coming down,
14 and my car is parked this way.

15 Q You're parked this way?

16 A Yes.

17 Q What were you doing when, when you were sitting in the
18 car?

19 A When I got back from the bathroom, I parked back on
20 that side, and I was just sitting in the car waiting
21 listening to music till he came out cause he say he was
22 coming right out, and he told me not to get out the car.

23 Q Why did he tell you not to get out the car?

24 Why do you think he told you not to get out of the car?

25 A He usually doesn't -- I mean when he makes transactions

1 and stuff like that, he tells me not to get out the car like
2 when he's buying weed and stuff like that. So --.

3 Q I'm, I'm not sure I understand what you're saying.

4 A We went out there to buy weed.

5 Q Okay. And you guys go out there pretty often?

6 A Yes, we did.

7 Q Are you aware that Mr. Cummings was selling weed out
8 there?

9 A No, I know he was getting weed.

10 Q Do you recall saying in your statement that he usually
11 goes to see somebody named whip?

12 A Whip, yeah, that's his friend, but he doesn't stay out
13 there.

14 Q That's who he usually goes to buy weed from, right?

15 A Yeah, he usually goes to whip, but whip didn't have it
16 that night.

17 SOLICITOR MEADORS: I'll object to relevance.

18 THE COURT: Yes, sir. Sustained.

19 MR. ROUTZONG: May I respond, Your Honor?

20 THE COURT: Yes, sir.

21 MR. ROUTZONG: I know you've already ruled.

22 THE COURT: Go ahead.

23 MR. ROUTZONG: But if you hadn't ruled, what I would of
24 said probably, the relevance is, Your Honor, she's
25 testifying that he doesn't go out there and sell weed.

1 There's been testimony that, that, that he has been out
2 there selling weed --

3 THE COURT: So---

4 MR. ROUTZONG: -- and my next question for the
5 witness---

6 THE WITNESS: I mean he probably does---

7 SOLICITOR MEADORS: Your Honor, can I respond
8 respectfully?

9 THE WITNESS: ---go out there to sell weed.

10 THE COURT: Hold, hold on.

11 All right. So, you wanted to ask her if she's -- if
12 he's selling weed out there?

13 MR. ROUTZONG: If she's aware of that, yes, sir.

14 SOLICITOR MEADORS: I just want to say there hadn't
15 been -- there was testimony earlier that it was his brother.
16 Although it said it was him to start with.

17 THE COURT: That's right. His brother.

18 SOLICITOR MEADORS: So, there hasn't been testimony to
19 that.

20 THE COURT: well, I'll let it go.

21 Ask her.

22 Q why do you think Mr. Cummings was coming out there?

23 A Because he didn't sell weed. He sell Coke. So, he had
24 contractors that he used to deal with out there.

25 Q He sold Coke?

1 A Uh-huh. (Affirmative).

2 Q I'm sorry. I misunderstood.

3 And you put in your statement that you were present
4 when Mr. Cummings went into a room, and he came back out
5 with a tablet and a chain I think it was?

6 A Yeah, that was like two nights before that happened. A
7 night or two.

8 Q In your statement, did you say it was on the 16th?

9 A Probably the 15th or the 16th.

10 Q Okay. And he, he didn't go in that room with
11 permission, right?

12 A No, I didn't know he was going in a room.

13 Q But you saw him come out of the room?

14 A Yeah, he came out. Well, he came from down the
15 stairwell, that same stairwell you showed me.

16 Q Did he have a card to get in a room?

17 A No.

18 Q Did somebody---

19 A He said somebody gave him the tablet and the chain.

20 Q Somebody gave it to him?

21 A Yes, I guess for collateral.

22 Q You testified that Mr. Murrey had on -- he was wearing
23 this shirt just like this?

24 A Yes.

25 Q Was he wearing it just like that?

1 A Yes.

2 Q Not on his head?

3 A No, he had on whites -- something white on his head.

4 Like a durag type thing.

5 Q Not that shirt?

6 A Yeah, he had that shirt on.

7 Q But it wasn't on his head?

8 A No, he had a white durag on his head.

9 Q Ms. Andrews, how, how, how many lineups were you shown
10 by the police?

11 A One.

12 Q You've only been shown one lineup?

13 A Yes.

14 Q What day was that?

15 Do you remember what day that was?

16 A I think it was the following day cause I was getting
17 questioned all night and --.

18 Q It was on the following day?

19 A Yes.

20 MR. ROUTZONG: Okay. I don't have any more questions,
21 Your Honor.

22 THE COURT: Mr. Meadors.

23 REDIRECT EXAMINATION

24 BY SOLICITOR MEADORS:

25 Q Were you shown a lineup prior to the lineup with this

1 Walter Murrey in it?

2 A Yes.

3 Q Okay. And there wasn't anybody involved in that
4 shooting in the first lineup, right?

5 A No.

6 Q And we're not getting into that lineup now, but we'll
7 do that maybe later.

8 You picked Mr. Murrey out of the second lineup?

9 A Yes.

10 Q Shown to you by Sergeant Culick?

11 A Yes.

12 Q Okay. Of that same person you saw shoot Brandon
13 Cummings?

14 A Yes.

15 Q Is that the same person you identified earlier to His
16 Honor?

17 A Yes.

18 Q Thank you.

19 THE COURT: Mr. Routzong.

20 MR. ROUTZONG: No questions, Your Honor.

21 THE COURT: You may step down, ma'am. Thank you.
22 Thank you.

23 SOLICITOR MEADORS: We have nothing further.

24 THE COURT: All right. Gentlemen, I've taken, as Ralph
25 King Anderson would say, copious notes. If you wish to sum

1 up your positions, that's fine. All I ask is that you don't
2 recite everything because I've written everything down just
3 about. Not quite as well as a court reporter could, but I
4 try to. So, if y'all wish to do that.

5 Mr. Routzong.

6 MR. ROUTZONG: As Your Honor said, you've heard all the
7 testimony, Your Honor. I will get my -- Your Honor, under
8 the Protection of Persons and Property Act, Mr. Murrey,
9 based on the evidence that has been presented to Your Honor,
10 has proven, by a preponderance of the evidence, that he was
11 at a place where he was allowed to be. He was attacked by
12 another. He was not engaged in an unlawful activity. He
13 had no duty to retreat, and, Your Honor, he testified and,
14 and you heard from everybody -- there's agreement on
15 everything, Judge.

16 Everyone agrees that he was, that he -- that Brandon
17 Cummings threatened the entire group. That was the
18 testimony. And Mr. Murrey was standing there. He heard
19 that threat.

20 Mr. Murrey was armed. Mr. Murrey is walking back
21 towards his room. Mr. Murrey testified that he was going to
22 make sure everyone was okay.

23 Brandon Cummings disappeared from his sight. He --
24 Mr., Mr. Murrey testified that he was surprised. He came at
25 Mr. Murrey. He thought he was going to be in danger of

1 being killed.

2 The most -- one of the most important facts here,
3 Judge, he -- there's actually two really important facts.
4 He came up here to work. He doesn't know these people.
5 There's no allegations that he's up here in Sumter buying
6 drugs, or purchasing drugs, or selling drugs. He came up
7 here, Your Honor, to work at Shaw Air Force Base. He does
8 not know Brandon Cummings from anybody.

9 The question before the Court, what other reason would
10 there be for him to pull a gun and kill Brandon Cummings but
11 for the fact he's in fear of his life. This is his room.
12 This is his dwelling under the statute.

13 It's pretty clear, Judge, the case law says that even
14 if he's -- even if he's not allowed to possess a firearm,
15 under Burris, that's not dispositive.

16 THE COURT: Agree.

17 MR. ROUTZONG: The, the -- it goes back, Your Honor,
18 was he entitled to defend himself, and, Your Honor, based on
19 the evidence that you've heard, it's pretty clear. We've
20 proven, by a preponderance of the evidence, that he should
21 be immune from prosecution.

22 THE COURT: All right, sir.

23 Mr. Meadors.

24 SOLICITOR MEADORS: May it please the Court?

25 THE COURT: I may have some questions for both of you,

1 but let me hear Mr. Meadors first.

2 SOLICITOR MEADORS: Thank you, Your Honor.

3 May it please the Court?

4 THE COURT: Yes, sir.

5 SOLICITOR MEADORS: I, I think, as much as ever, it's a
6 credibility issue, which, as Your Honor's heard, it starts
7 off with the defense implying and presenting testimony that
8 it was the victim who had robbed one of the witnesses. It
9 turned out it wasn't even him. It was his brother. And
10 that was the whole basis of, I believe, the Defendant saying
11 initially he was worried, and this was his own home -- on
12 alert being at the motel itself. But it wasn't even the
13 victim that committed that robbery.

14 Also the Defendant says that he was going to protect,
15 protect and walk the other individuals to the room. They
16 actually testified and said they went the other way through
17 the breezeway. Clearly inconsistent testimony from the
18 Defendant and his two witnesses who said they went to the
19 breezeway to their room. They weren't following Walter
20 Murrey as he headed down from the incident location from the
21 encounter in the breezeway.

22 Judge, credibility, believability throughout. We
23 didn't just focus on afterwards. It's before and
24 afterwards, and it is significant for credibility
25 afterwards, he throws away the gun, doesn't tell law

1 enforcement what happened, doesn't try to talk to law
2 enforcement. When he initially does talk to law
3 enforcement, he denies again that he did it. Said somebody
4 else could of done it. Says they walked to the corner,
5 which is a lie, we now know from his defendants (sic). They
6 didn't even walk to the corner with him is what he wants you
7 to believe. They walked back to their rooms.

8 So his story to Shaune Gill, we walked to the corner,
9 we heard gunshots, again denying he did it, but it -- even
10 in that scenario, the two witnesses weren't with him.

11 Judge, I think what happens, Mr. Routzong says he's
12 come here and never been to Sumter before. I wish he'd
13 never come, and maybe Brandon would be -- still be here, but
14 why did this happen?

15 He got mad. He got mad when the gay person was hitting
16 on him. That made him angry. That's when he got the gun.
17 Prior to that they just had a visual with Brandon. He said
18 something about his hands.

19 Prior to that, if you believe his testimony, he was in
20 the middle and asked for a light, and he overheard somebody
21 say well, that's the guy that robbed me. Well, that
22 couldn't even be right cause that wasn't the guy that robbed
23 him he admitted on the stand. One of the witnesses did.

24 So, at that point, we think the only emotions is
25 madness and anger from the Defendant, and that's why he goes

1 and gets his gun. Now, he could of gone on to sleep right
2 there.

3 He then sees Mr. Gomez and some other individuals down
4 there and they tell Brandon to leave. Why don't you just
5 leave. Brandon leaves. He leaves toward the direction
6 where a witness saw him leaving.

7 His witnesses, again, went the other way, which, again,
8 is inconsistent with the Defendant's story. He's leaving,
9 Judge.

10 Now, he makes some clapping sounds. Says I'm gonna
11 come back and get y'all. This is my world. This is my
12 hood. But he's leaving when he says it, but he claps that,
13 and he does leave. He says I'll be back tomorrow. That's
14 in their statement, I'll be back tomorrow. The Defendant
15 didn't want to meet that -- admit that, but he's leaving.

16 The only difference, from all the encounters at this
17 point, is that the Defendant has armed himself with a gun.
18 So, he's got courage now. He's armed himself with a gun,
19 and he's walking out now. He's the only one there who knows
20 he's got a gun, and then we got an eye witness who has never
21 seen him before. Never ever seen him before.

22 And she says that they come down the steps and she says
23 three things. Fuck you, and uses the N word. I'm about to
24 go. Stop, man. Words I'm leaving. Stop, I'm leaving, and
25 then she says he sees -- she sees him shot in the back of

1 the head. I didn't put it in here. Probably should have.
2 But the autopsy's gonna show four pictures -- four shots.
3 Three to the back of the head, and one to the head.

4 I think I've said it before during questioning and
5 nobody objected. So I think I can argue that.

6 Eye witness who sees the victim leaving, not with a
7 gun, matter of fact said never, never, never had a gun,
8 victim -- the Defendant says well, I couldn't see in his
9 statement to Shaune. He says well, I thought he had
10 something. I could see it, but I couldn't tell what it was.
11 Very inconsistent testimony, we respectfully say, Judge,
12 and, at this point, the eye witness says Walter Murrey got
13 out after the first shot and shot Brandon Cummings again --
14 this ain't after either. This is during the killing. Again
15 two to three more times while he's down on the ground face
16 down.

17 And Walter Murrey says in his testimony, he came at me.
18 He was approaching me when I shot him.

19 well, how did he get the shots in the back?

20 Judge, we respectfully submit that he's not entitled to
21 immunity. There's a -- issues and eye witness to the murder
22 of numerous issues of credibility, and respectfully think
23 this is a matter that a jury should decide.

24 Thank you.

25 THE COURT: All right. Any reply---

1 MR. ROUTZONG: May I respond?

2 THE COURT: ---Mr. Routzong?

3 MR. ROUTZONG: Mr. Meadors is, is incorrect on a couple
4 things here, Your Honor, I think.

5 It does not matter who robbed Caleb Gomez. What
6 matters is, while they're there at that cookout, Caleb
7 Gomez, and he testified to this, said hey, there's the guy
8 that robbed me. He doesn't know. Walter Murrey doesn't
9 know whether that's the guy or not.

10 THE COURT: Well, I can tell you, Mr. Routzong, I'm
11 not -- that version I'm not even gonna use in my decision
12 making.

13 MR. ROUTZONG: I'm sorry, Your Honor?

14 THE COURT: I'm not even gonna consider that version
15 about who, who was --

16 MR. ROUTZONG: Which one it was.

17 THE COURT: About the brother and the confusion between
18 the brother. I'm not, I'm not even gonna consider that in
19 my, my consideration anyway.

20 MR. ROUTZONG: Yes, sir, Your Honor.

21 THE COURT: I mean I'm not trying to cut you off,
22 but---

23 MR. ROUTZONG: Yes, sir.

24 THE COURT: ---I'm not gonna give that any weight
25 whatsoever.

1 MR. ROUTZONG: Yes, sir.

2 The, the issue about -- it is complete speculation
3 about whether or not he got mad about that other person
4 approaching him there.

5 Your Honor, what that -- what this is is a totality of
6 the circumstances. He's being primed. The pump is being
7 primed on the way to Sumter. Hey, there's weird things
8 going on here. Some things are not good. I got robbed. He
9 goes to work. He's been up for 37 hours he testified to.
10 Then, as luck would have it, a concatenation of very, very
11 dangerous events from Walter's prospective, and he's
12 reasonable in that.

13 He gets to -- and I know, Your Honor, but one of those
14 events is he's told that's the guy right there.

15 THE COURT: Uh-huh. (Affirmative).

16 MR. ROUTZONG: Then he meets him again on the corner,
17 and this person, who he doesn't know from anybody, is very
18 confrontation (sic).

19 Okay. He leaves it alone. This is when he has his
20 headphones on. Then he goes over to this other room. He's
21 minding his own business trying to be with his own people.

22 Here comes somebody else. He doesn't -- he testified,
23 he doesn't know whether this man is with that other man or
24 not.

25 Imagine, Your Honor, imagine anybody being accosted by

1 a stranger and saying hey, can I come in your room. That
2 would put anybody on notice, and make them be aware.

3 THE COURT: Yes, sir.

4 MR. ROUTZONG: He goes back to his room, and he does
5 arm himself. He does not know there's a confrontation over
6 there. He goes and he testified I'm looking for my friend,
7 my coworkers, people I know.

8 Here's the confrontation where threats are being made
9 about shooting somebody.

10 Judge, imagine if somebody you don't know threatens to
11 shoot you.

12 THE COURT: Uh-huh. (Affirmative).

13 MR. ROUTZONG: Who's not gonna take that seriously?

14 And there's no other reason. There -- respectfully to
15 Mr. Meadors, it's not a reason. There's no testimony to
16 that I don't believe if I recall correctly, and it's not
17 enough. But getting threatened by someone you don't know --

18 (WHEREUPON, Mr. Routzong claps his hands at this time.)

19 MR. ROUTZONG: -- gunfire, shots. That goes to the
20 reasonableness of his actions.

21 And, Judge, there's one other thing. Ms. Andrews
22 testified, and Mr. Meadors, I don't think, has disagreed
23 with, with, with this, this part of the case. Everybody
24 agrees that Walter and this guy are walking this way.

25 Shortly after that, shots are fired. The stairwells

1 are there.

2 If he's walking this way, Judge, how did he get up, and
3 how did walter get up there to be able to follow him down
4 when there's a very short period of time from when they left
5 at the breezeway till the shots are fired?

6 How is that possible, Judge?

7 That calls in the credibility of the witness.

8 THE COURT: Okay.

9 MR. ROUTZONG: The boyfriend, bias, Judge. This is a
10 biased witness. She lost her boyfriend, someone she's known
11 since she was 13 years old.

12 We respectfully submit, Your Honor, that he should be
13 granted immunity.

14 THE COURT: Yes, sir.

15 MR. ROUTZONG: He acted reasonably.

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: And he was in fear. Their evidence is
18 there by a preponderance, Your Honor.

19 THE COURT: Yes, sir.

20 All right, folks.

21 MR. ROUTZONG: Thank you, Your Honor.

22 THE COURT: I think y'all know my ways now. I don't
23 like to -- I'm not gonna go back here and sit on it for two
24 or three days or hours. But I don't want to throw out a
25 fast foot (phonetic) ruling as I call it either.

1 Just give me some time to put together my thoughts. I
2 have lots of them here, and I'll be back with a ruling very
3 shortly.

4 NOW---

5 SOLICITOR MEADORS: Your Honor, could we add one thing
6 to that?

7 THE COURT: Oh, yes, sir.

8 SOLICITOR MEADORS: I'm sorry. Just since he added
9 that.

10 You know, it's our position too that Mr. Murrey put
11 himself back into the altercation when he got his gun. So,
12 would, would -- as to the first, but he interjected himself
13 into that, and that was after he got his gun.

14 That's all we have.

15 THE COURT: Yes, sir.

16 I'm gonna be a few minutes. If y'all have something
17 y'all can consume, you want to take the time to do that,
18 just -- I mean the jury's coming back at two o'clock
19 roughly.

20 Let's just plan to gather about a little after two
21 o'clock here---

22 SOLICITOR MEADORS: Okay.

23 THE COURT: ---please.

24 SOLICITOR MEADORS: Thank you.

25 THE COURT: Thank y'all.

1 (WHEREUPON, Court was in recess for the lunch hour.)

2 THE COURT: I think we're all here now.

3 As to the matter before the Court earlier today, I
4 preface my decision by saying that I started as a magistrate
5 in two -- 1998, Family Court 2002, this job in 2017, and the
6 most onerous thing I still have to deal with is issuing
7 rulings not in favor of a lawyer because I know how hard
8 lawyers work, and these two lawyers here today worked hard
9 even on this matter today. I've never taken any joy in
10 issuing rulings where, where I disappoint one side. But
11 that goes with my job.

12 I don't know what either one of you could of done
13 better or, or more of today. But my ruling is not to grant
14 the motion sought by Mr. Routzong's client.

15 When I sit here without a jury, I am the fact finder,
16 and then I have the right to rely upon assigning
17 believability, which is credibility. I'm bothered by a lot
18 of parsing of answers and questions by, by those who
19 testified for the Defendant. I'm troubled by changing
20 versions of what happened.

21 We hear from Caleb Gomez and he ended up his
22 testifying -- testimony by simply agreeing yeah, I was drunk
23 that night, and, and, and you say well, none of this goes to
24 the elements of, of, of Duncan or the statute. But it goes
25 to the element of credibility and believability.

1 So I don't know how I can even cross the threshold or
2 get to those elements when I have so much trouble believing
3 so much of what was said that was contradictory at times,
4 several times. And then, at the very end, we have a clash,
5 a very divergent clash of versions of what happened.

6 I don't find that Mr. -- find the names here. I got so
7 many names going on right now. That the Defendant met his
8 burden of proof, which wasn't high. It wasn't that high. I
9 would have preferred much straightforward testimony and
10 answers to a lot of questions.

11 But, if I were to cross over and get past that into the
12 Duncan and statutory matters, it, it, it troubles me that
13 this happened in a breezeway. Not in, not in his room. Not
14 even near his room. And then it's the, the, the -- this --
15 the statement made by Mr. Meadors that he interjected
16 himself into it.

17 Now, I understand Mr., Mr. Routzong's position on that,
18 but I'm, I'm not, I'm not sure he was entirely free of
19 getting involved in this situation, and to what degree he
20 was involved.

21 So, for that reasons -- for those reasons, then I, I
22 respectfully deny the motion not, not because of anything
23 Mr. Routzong did, Mr. Routzong did or did not do. So,
24 that's out of the way now.

25 What do we have now, the Biggers hearing, gentlemen?

1 to the Court. Don't let your minds wonders, but pay strict
2 attention to the testimony in this case so that, at the end
3 of the trial, you will be able to determine what the facts
4 are, to apply the law to those facts, and render a true and
5 just verdict.

6 At some point here shortly I will appoint a foreperson,
7 but, for now, gentlemen, any exceptions or concerns about my
8 instructions thus far?

9 SOLICITOR MEADORS: No, sir.

10 THE COURT: Mr. Routzong.

11 MR. ROUTZONG: No, sir.

12 THE COURT: All right. Mr. Meadors.

13 SOLICITOR MEADORS: May it please the Court?

14 THE COURT: Yes, sir.

15 SOLICITOR MEADORS: Okay. Thank you.

16 Beg the Court's indulgence.

17 THE COURT: Yes, sir.

18 SOLICITOR MEADORS: Apparently I got all of my --
19 covered up.

20 (Pause.)

21 SOLICITOR MEADORS: Fuck you, N. I'm about to go.
22 Stop, man. Fuck you, N. I'm about to go. Stop, man.

23 Those are the ten words Lashay Andrews, raise your
24 hand, Lashay --

25 (WHEREUPON, Ms. Andrews raises her hand.)

1 SOLICITOR MEADORS: -- heard Brandon Cummings yell, the
2 victim in this case, Brandon Cummings, yell seconds before
3 Walter Murrey put a bullet in the left side of his forehead,
4 seconds, seconds after Brandon Cummings fell on the ground,
5 and Walter Murrey went over and put two more bullets in the
6 back of his head and in his back.

7 F you. I'm leaving. Stop, man. That's what this case
8 is about, the execution, execution of Brandon Cummings by
9 Walter Murrey on May 30th of 2017.

10 Good afternoon. Good afternoon. My name's John
11 Meadors. I was introduced to you yesterday. I may of
12 introduced myself. I can't remember. I work for your
13 elected solicitor, Ernest "Chip" Finney, III. I'm here
14 today representing the people of the State of South
15 Carolina, the people of Sumter against the Defendant, Walter
16 Murrey, who's represented by Michael Routzong.

17 I'm also representing the family of Brandon Cummings
18 sitting on the front row. Tom Miller's helping me. Irene
19 Culick, with the police department, will be helping me. I
20 think I introduced Natalie Kelley yesterday. She got called
21 on some other matters. Irene will be here. Several of the
22 officers that you will hear as a part of this case.

23 First and foremost, thank you for being here. Thank
24 you for the attention that you're gonna give this case, and
25 I know you will. And, first and foremost, we want to thank

1 you for listening.

2 They're two things that are so important in this case.
3 One the judge is already mentioned, credibility. I'll get
4 that in a minute. And just listening and watching. Thank
5 you for being here.

6 Walter Murrey's charged with murder. Murder is the
7 unlawful, intentional killing of another human being with
8 malice aforethought. Intentional killing with malice
9 aforethought.

10 What's malice?

11 Malice is a meanness, an evilness, a wickedness one
12 person shows to the other. It can be expressed or it can be
13 inferred under the circumstances. One, two, three, four
14 shots to the side, and back of Brandon Cummings. Malice
15 aforethought.

16 We have to prove that the Defendant killed Brandon
17 Cummings on May 30th, 2017, that he did it with malice
18 aforethought, express or inferred or implied, and that
19 Brandon Cummings died as a result of those gunshot wounds
20 inflicted by Walter Murrey. That's what we've got to prove
21 to you.

22 The pathologist, Doctor Ross, will be here tomorrow,
23 and she'll describe the injuries to the victim, and where
24 they entered his body. And she will bring and we will
25 present the actual projectiles from Brandon's body, and

1 present them into evidence for y'all. But that's what we
2 must prove for y'all, those elements, if you will, of
3 murder.

4 Now, what do we have to prove it by?

5 I always wish we could talk back and forth but we
6 can't.

7 what's our burden?

8 It's the same burden in this case as it is with every
9 other case that's being tried in this country now, beyond a
10 reasonable doubt. That will be up to all of you. Beyond a
11 doubt that would cause a reasonable person to hesitate to
12 act. His Honor will instruct you on that later, but that's
13 your burden, and we'll talk about that more later.

14 what types of evidence are you gonna hear?

15 There's direct evidence. That's evidence that you
16 gather with one of your senses, and y'all know all this
17 stuff. You either see something. You smell something. You
18 hear something. You taste something. Then you come in here
19 or a witness comes in here, takes the oath, and says this is
20 what I heard. This is what I smell, I saw, I touched.
21 That's direct evidence.

22 Circumstantial or indirect, indirect evidence is
23 evidence of a fact, and you take another fact which leads to
24 a fact in question. You didn't see it happen, but you know
25 it happened. You may have heard a gunshot, but didn't hear

1 it. You know there was a gunshot, and then you find shell
2 casings. That would be an example of somebody who didn't
3 even hear something, knowing there's a gunshot, and you find
4 shell casings.

5 Like if you went to bed last night and it wasn't
6 snowing, you got up and you saw snow on the ground, you know
7 it snowed even though you don't see it. That's
8 circumstantial evidence.

9 You're also gonna have documentary evidence, pictures,
10 maybe some videos, a car video, maybe a video to -- from a
11 motel. I don't know. But you're gonna potentially have
12 some of that evidence.

13 Now, what's your role?

14 Y'all came here yesterday, and, Mr. Campbell, our fine
15 clerk, didn't put you through a judge's school on how to be
16 a juror, but -- and this is important. You've been going to
17 that school your whole life. It's the school of common
18 sense. You role -- cause His, His, His Honor, Judge
19 McFadden, is, is -- he's the law. I mean he, he is the law.
20 He tells us what the law is, and we have to follow the law.
21 He does it very well. That's his job. He's the judge of
22 the law. We have our roles.

23 But you're also a judge. You're a judge, and I submit,
24 submit respectfully to His Honor, that your, your job's the
25 most important. You're a judge. You're the judge of the

1 facts. It's why this system is so incredible. I think
2 whoever -- I think Judge Cothran said something, when
3 qualifying you on yesterday, how important your role is. I
4 mean it really is. Y'all are the judges of the truth.

5 what is the truth?

6 And that's when you use your experiences in life, your
7 whole life, and come in here and you decide what is the
8 truth from the witnesses that take the stand cause the only
9 evidence you can consider is what His Honor lets in through
10 documents or what a witness takes the stand and swears to
11 tell the truth. You have to decide what's believable,
12 what's credible. And the older I get, I realize more and
13 more that credibility is what life's all about. You're
14 either full of it or you aren't for the most part, and
15 people usually know it. Credibility. Believability.

16 And that's what you got to decide, what the truth is.
17 It's true in every case, especially true in this case. Use
18 your common sense when evaluating. Decide what the truth
19 is.

20 We're gonna take you back through pictures, through car
21 videos to May of 2017. Specifically, May 17th, 2017, at
22 approximately 9:20 to 9:30 at the Quality Hotel here at
23 2030 -- 2390 Broad Street in Sumter.

24 The first witness you're gonna hear in a minute is Lead
25 Corporal Carolina Sheppard-Lewis.

1 Raise your hand, Lead Corporal.

2 (WHEREUPON, an individual in the courtroom raises their
3 hand.)

4 SOLICITOR MEADORS: And then you're gonna see her
5 responding to 2390 Broad Street here in Sumter. And she
6 asked where do I go. Where are the shots fired. They're in
7 the back. And you're gonna see her driving around going
8 into the back of the motel. And one of the first things
9 you're gonna hear is Shay Andrews, the victim's girlfriend,
10 back at the body of Brandon Cummings, distraught, yelling,
11 angry, frustrated, excited. You'll hear her voice. And
12 Lead -- Sheppard-Lewis is gonna tell you what she did, what
13 she observed. You'll see some of it on camera.

14 That led to an investigation. You'll find out where
15 the body of Brandon Cummings was, how it was laying, where
16 the gunshots were on his body.

17 Law enforcement identified the victim. Ms. Andrews
18 told them what she said. Didn't know who it was. Had no
19 idea who the shooter was. She's gonna tell you she knew
20 what she saw. Saw Brandon leaving. Saw him get shot in the
21 back, and then shot three more -- two to three more times.

22 She described the person. Said what they were wearing.
23 Said she saw them run off. She didn't know who it was. Law
24 enforcement started investigating. Talked to people in the
25 motel. They couldn't find the shooter. That led to the

1 next day. They couldn't find the shooter. They kept
2 investigating, kept investigating.

3 Sergeant Culick, Culick, Howie Austin investigating,
4 gathering evidence. Shaune Gill, who's no longer with the
5 police department, but will be here tomorrow, he started
6 investigating. He was actually the lead detective in this
7 case at the time.

8 Evidence is developed which you'll hear about. That a
9 shirt that was found outside of a motel room that matched
10 the description of what the Defendant was wearing, according
11 to Ms. Andrews, led back to Walter Murrey, and Walter Murrey
12 was arrested in Decatur, Georgia on May 30th, 2017.
13 Brought back to Sumter.

14 Credibility. Believability. Credibility.
15 Believability.

16 Brandon Cummings had been to that motel before.
17 Brandon Cummings had sold drugs at that motel before.
18 Serviced, distributed some to people that were here to work
19 for Shaw. Some bought. Some didn't. But he had been
20 around there. Wasn't an angel. But he was a living,
21 breathing human being.

22 On this day in question, Walter Murrey, who'd never
23 been to Sumter before in his life, came and was doing some
24 work at Shaw. And, at this time, a lot of folks in the
25 construction group that have worked at Shaw, they stayed at

1 some of the motels near Shaw, and one of them was Quality
2 Inn. Quality.

3 we're on this -- you'll hear evidence from Ms. And,
4 Ms. Andrews, other witnesses, who may or may not have been
5 around, may of been at the motel that night or other times,
6 you'll find out that Brandon Cummings was at the motel that
7 night. The Defendant was there. Several of the other
8 workers, constructions (sic) workers were there, and they
9 had a barbecue after they got off work.

10 Brandon Cummings talked to some of them during that
11 barbecue. Asked for a lighter from some of them. Gave them
12 a lighter. Then walked off.

13 You'll hear that the Defendant and Brandon may of
14 looked at each other. Kind of stared at each other. Just
15 kind of stared down at each other. You'll hear that the
16 Defendant was approached -- and let me say this.

17 I ain't -- my dad's a retired Methodist Bishop. My
18 mama raised me to love people. She's in Heaven. I'm not
19 saying anything bad about anybody, but you will hear that
20 the Defendant, and I don't care, I just say this, but you'll
21 hear that the Defendant was approached by a homosexual, a
22 gay person, and he kind of hit on him. And he said what are
23 you talking about. He said well, can I come in your room.
24 He said what are you talking about. Said I want to come in
25 your room. Said nah, you ain't gonna come in my room.

1 We submit the Defendant got mad. The Defendant went
2 and got a gun out of his room. He then went down to a
3 breezeway, and encountered some of his coworkers and Brandon
4 Cummings, who he had seen previously, may of said he made
5 some gestures at him. But he, the Defendant, goes down
6 after he had gotten his gun out, wants to show it,
7 interjects himself into this group, and there's a
8 disagreement between Brandon and some of these other
9 workers.

10 I don't know what exactly was said. You'll have to
11 decide what the truth is. But I'm not -- credibility, there
12 was a disagreement down there. There were words back and
13 forth, and the Defendant says to Brandon Cummings, do you
14 know these people. why don't you leave. why don't you
15 leave. He says, after he's gotten his gun, and comes down
16 there, why don't you leave.

17 Brandon, maybe -- y'all got to decide what was really
18 said based on the witnesses. Brandon may of said this is my
19 world. This is my hood. I'm from here. Y'all aren't. You
20 leave. Harsh words may of been exchanged back and forth. I
21 don't know. Y'all got to decide that, what was said, if
22 threats were made. That's up to y'all. I ain't gonna hold
23 nothing back, but y'all gonna decide what was said, and what
24 wasn't based on the testimony.

25 But you know what happened after that?

1 Brandon Cummings left. He left the situation. He left
2 the situation.

3 The other folks down there with the Defendant, they go
4 back to their room, and Walter Murrey follows Brandon
5 Cummings as he's leaving. He may of said I'll be back
6 tomorrow. You'll have to decide that. But Brandon Cummings
7 is leaving, and Walter Murrey's following.

8 And then the ten words, and as he's turning, and then
9 he's shot once according to Ms. Andrews. Falls to the
10 grounds. Shot again and again and again as he was leaving
11 the motel.

12 That's the scenario. Y'all've got to decide what the
13 truth was. You've got to decide. And this won't be a long
14 case. And don't let that -- this is an important case in
15 the world that's been tried, I tell you, not just in Sumter,
16 in this world today, in this country.

17 It's important to the victim's family. It's important
18 to the Defendant. I know you will listen to everything, and
19 listen to Doctor Ross as she described the injuries for the
20 record and where they were.

21 Ladies and gentlemen, that's, that's all I have right
22 now. It's called opening statements. We can let you know
23 what we believe that you -- the evidence will show. Some
24 things I can't go into cause we hadn't had pretrial hearings
25 yet on those. That's why I'm not allowed to say it now. I

1 certainly will address them all in the end.

2 But I want to, again, thank you, thank you all for
3 being here. Thank you for your attention. And I lost my
4 train of thought.

5 we'd probably be through Thursday, Friday at the
6 latest, and, at that point, I'll be back, after you've heard
7 all the evidence, and what we believe has come in, and I'm
8 gonna respectfully ask each and every one of you to find
9 that, on May 17th the Defendant, Walter Murrey, murdered
10 Brandon Cummings. He killed him. He didn't need to, and
11 Brandon was leaving. I'm gonna ask you for a verdict of
12 guilty.

13 Thank you.

14 THE COURT: Mr. Routzong.

15 MR. ROUTZONG: Please the Court, Your Honor,
16 Mr. Meadors.

17 (WHEREUPON, Mr. Routzong starts clapping his hands at
18 this time.)

19 MR. ROUTZONG: I want you to know I'm not applauding
20 Mr. Meadors opening statement although he did very well.

21 That was a physical demonstration of the threat that
22 Brandon Cummings made towards at least four people,
23 including Mr. Murrey.

24 My name is Michael Routzong. I met you-all yesterday.
25 I represent Mr. Murrey.

1 This is a self-defense case. Mr. Meadors told you a
2 lot of things. He told you a part of the story. Let me try
3 to explain the rest of it to you.

4 Mr. Murrey, a man who's a father, a man who has
5 problems in his family life, bills to pay, kids to feed,
6 family members that are not doing well, came from Louisiana,
7 where he's from, to Augusta, Georgia. In Augusta, Georgia,
8 he got in a truck, pickup truck, by the -- owned by the
9 people and driven by the people that actually hired him,
10 Rafael Rodriguez, and Caleb Gomez.

11 The only reason he came up to Sumter, South Carolina
12 was to work on Shaw Air Force Base to hang drywall on a
13 construction project. He did not know Brandon Cummings at
14 all. But, on the way up here, he heard about the Quality
15 Inn, and the things that were going on. He heard about
16 Brandon Cummings.

17 You'll hear from Caleb Gomez. Caleb's gonna tell you
18 yes, on the way up here, I told Walter Murrey I'd been
19 robbed. Walter had been up for over 30 hours -- well,
20 actually over 24-hours when, when he reported to work. He
21 worked about six hours on Shaw. Very same day. Rode up
22 here from Augusta, got to Shaw, worked for about five or six
23 hours, came back to the motel, he checked in, and then he
24 began to see some of the activities that Brandon Cummings
25 was involved in.

1 Mr. Meadors alluded to some of them. He goes to his
2 room. He takes his shower. Right in front of his room the
3 people he worked with were doing a cookout. They were
4 cooking chicken. Brandon Cummings imposes himself on this
5 little group, and he asked for a lighter. They give him a
6 lighter.

7 Eventually the cookout's done. Walter goes walking
8 around the side of the building, and, by chance, he meets
9 Brandon Cummings again. Walter will tell you the
10 interaction wasn't real pleasant. He doesn't know Brandon.
11 That's the thing. That's what I want you to keep in your
12 mind.

13 There has to be some reason that Walter Murrey felt it
14 was necessary to protect his life from Brandon Cummings.
15 Has to be some reason. It's not like they had a similar
16 girlfriend, or he took money, or there -- it's road rage or
17 something. It's none of that. You got to keep that in
18 mind.

19 What could it possibly be?

20 I'll tell you what it is.

21 (WHEREUPON, Mr. Routzong starts clapping his hands at
22 this time.)

23 MR. ROUTZONG: It was that threat. This is the sound
24 of gunshots according to Brandon Cummings. That's all
25 you're gonna hear.

1 There was a -- there was a little -- at, at that
2 cookout, Caleb mentions hey, that's the guy that robbed me.
3 Whether he was mistaken or not about that fact, the fact is
4 that's what Walter Murrey heard.

5 So, for Walter Murrey, that was a true fact. That's
6 what Caleb said. That's the guy.

7 Now you're on notice you're dealing with somebody who's
8 not on the up and up as Mr. Meadors said. He wasn't in
9 (indiscernible). That's an understatement.

10 Walter had -- there, there comes a time when Walter
11 walks, and he meets Brandon. Words were exchanged. It was
12 just -- Walter had headphones on, and he just says or
13 Brandon Cummings says to him what's up, and they just kind
14 of go back and forth. What's up. And then they part.

15 Walter goes looking for his coworkers on the opposite
16 wing -- the opposite side of this -- this wing of the motel,
17 and he's accosted by this big heavy man who asked him can I
18 come into your room.

19 Ladies and gentlemen, we must all ask ourselves, you're
20 just up here. You hear all this stuff on the way up here.
21 And now this, this big guy, bigger than Walter, comes up and
22 says hey, can I go in your room. You don't know if he's
23 with Brandon Cummings, the guy whose been a problem. You
24 don't know what's going on. But Walter didn't start
25 anything, and Walter wasn't mad. But Walter's on notice

1 that there's something wrong.

2 He goes back to his room. He puts a gun in his pocket.
3 He leaves his room. He's not mad. That didn't make him
4 mad. There's not gonna be any evidence of that, but he
5 leaves his room. He's going this way now, the opposite
6 side, the side that his room's on. He walks over to where
7 there's a breezeway.

8 This breezeway connects to the other side of the motel,
9 and there he meets Caleb Gomez back up against the wall with
10 Brandon Cumming (sic), and Walter stands here, and other
11 people join in, and they ask him please just leave us alone.
12 They're not, they're not up here starting any drama. They
13 don't want any mess. They want to work. They're here to
14 make money.

15 You got to remember that. There is no reason until
16 Brandon Cummings --

17 (WHEREUPON, Mr. Routzong claps his hands at this time.)

18 MR. ROUTZONG: -- makes that threat. That's all you're
19 gonna hear, and you're gonna hear testimony that says we
20 understand that to mean he was gonna shoot us.

21 They said leave us alone, leave us alone, and it's
22 true, Brandon Cummings walks down one side of the building
23 towards where Walter lives. The one he's staying at.
24 You're gonna hear testimony that Walter lost sight of
25 Brandon Cummings, and then suddenly he came out.

1 You're gonna hear testimony that Walter believed he was
2 getting ready to be shot. In South Carolina, and United
3 States, ladies and gentlemen, you don't have to wait and see
4 whether somebody's gonna shoot you or not.

5 A man that you don't know threatens to shoot you, can
6 any of us say we're not gonna take that seriously?

7 If I said that to Mr. Meadors -- Mr. Meadors has known
8 me for a little while, Mr. Meadors, I consider him a friend.
9 If I said something like that to him, he's probably not
10 gonna take me seriously too much because we joke all the
11 time.

12 But a total stranger.

13 What?

14 A total stranger threatens you, and you don't take that
15 seriously?

16 That's what's not credible. You have to take that
17 seriously, and Walter Murrey did take it seriously. He shot
18 four or five times. He struck Brandon Cummings and Brandon
19 Cummings went down on the ground, and Walter stopped firing
20 when he got on the ground.

21 That's this case. This is self-defense. He was in
22 reasonable fear because a total stranger threatened to kill
23 him in a place where his entire experience thus far had been
24 nothing but confrontation with total strangers.

25 That's what you call acting reasonably. That's why

1 he's entitled to be found not guilty because he was simply
2 defending himself.

3 Thank you, ladies and gentlemen.

4 THE COURT: Yes, sir.

5 SOLICITOR MEADORS: Please the Court.

6 THE COURT: Yes, sir.

7 SOLICITOR MEADORS: The State would call Corporal
8 Caroline Sheppard-Lewis.

9 THE BAILIFF: Place your left-hand on the Bible.

10 (WHEREUPON, the witness complies.)

11 THE COURT: Raise your right-hand.

12 (WHEREUPON, the witness complies.)

13 THE BAILIFF: State your name.

14 THE WITNESS: Caroline Day Sheppard-Lewis.

15 CAROLINE SHEPPARD-LEWIS, being first
16 duly sworn, testified as follows:

17 THE BAILIFF: You may step around please.

18 THE WITNESS: Yes, sir.

19 THE BAILIFF: Watch yourself coming up.

20 State your -- excuse me. State your name for the
21 record, and spell your last name please.

22 THE WITNESS: Caroline Sheppard-Lewis.

23 S-H-E-P-P-A-R-D-L-E-W-I-S.

24 DIRECT EXAMINATION

25 BY SOLICITOR MEADORS:

1 Q Good afternoon.

2 A Good afternoon.

3 Q Are you a lead, lead corporal?

4 A Yes, sir.

5 Q Tell us about your background, and where you're from,
6 your background, training, and your education in law
7 enforcement please, ma'am.

8 A I'm originally from New York. I was brought here by
9 military. My husband's military. Have been with the Sumter
10 Police Department for six years. I serve with the patrol
11 division. So I answer calls for service. All the 9-1-1
12 calls that come out through the 9-1-1 center are dispatched
13 to officers, and I'm one of the officers that would respond
14 to the calls. I have -- as far as my law enforcement
15 credentials, I have a criminal justice degree, a Bachelor's.

16 Q And how long have you been in law enforcement?

17 A I've been in law enforcement for six years.

18 Q What are the different roles you've had here in the
19 Sumter, Sumter Police Department?

20 A I stayed on patrol, but I've worked my way up to the
21 point where I was an officer, then I was an officer first
22 class, corporal, now lead corporal, which is the first line
23 supervisor for a patrol shift.

24 Q And, corporal, do you remember what time you got the
25 call to respond?

1 A It was approximately 9:32PM.

2 Q And where were you at the time?

3 A When the initial call came out, I was sitting at the --
4 I believe it's Industrial Medicine on Wesmark right there at
5 the corner of Wesmark and Alice Drive. I was working on a
6 report.

7 Q And, and when y'all get a call, I mean what did you
8 know when you -- what did they tell you, they being
9 dispatch?

10 A They told me that there were shots fired in the parking
11 lot of the Quality Inn on Broad Street.

12 Q Okay. And that's 2390 Broad Street?

13 A Yes, sir.

14 Q In the City?

15 A 2390 Broad Street.

16 Q City?

17 A City of Sumter, yes, sir.

18 Q Sumter County.

19 Judge, this -- as, as fate would have it, our computer
20 is dead. We've gone to get a charging cord for it.

21 THE COURT: Okay. That's fine.

22 Q Is your car equipped with a camera?

23 A Yes, sir, I have an in car camera.

24 Q Okay. And how was it activated?

25 A It is activated with blue lights, and once the lights

1 are activated, it will actually go back two minutes prior to
2 the lights being activated.

3 Q And the video we're about to see, does it show you
4 responding to Quality Inn?

5 A Yes, sir.

6 Q Okay. And, and while we're waiting on the cord, please
7 tell these ladies and gentlemen what, what did you observe
8 when you first got to Quality Inn.

9 A When I arrived on scene, I was -- as I was in route, I
10 was told that there was a, a victim that had a gunshot wound
11 to the head. I asked the dispatcher to provide me with a
12 location as to -- cause we were originally provided a room
13 number. I was -- they told me towards the back of the
14 building.

15 As I pulled to the back of the building, there is a --
16 like a drive with some grass to the side, and, as I pulled
17 up, there are two stairwells, and in -- and by the farthest
18 stairwell, I observed a male subject laying face down in the
19 grass. I immediately exited my vehicle, approached -- the
20 individual was laying down on the ground, who was later
21 identified as Mr. Cummings. He had a gunshot wound to his
22 head.

23 He was breathing, but not responsive. He was face down
24 and we could just barely hear him breathing, and then we
25 saw -- there was Ms. Lashay who the -- who was in the

1 courtroom as well. She was yelling that her boyfriend had
2 been, been shot in the back of the head. He just got shot.

3 Q And that's Lashay Andrews?

4 A Yes, sir.

5 Q You were the true first responder?

6 A Yes, sir.

7 SOLICITOR MEADORS: Beg the Court's indulgence.

8 (Pause.)

9 SOLICITOR MEADORS: Your Honor, while we're waiting on
10 that, could we ask that this be marked as State's, State's
11 7, the in car camera of Lead Corporal Caroline
12 Sheppard-Lewis I believe without objection.

13 THE COURT: Mr. Routzong.

14 MR. ROUTZONG: No objection, Your Honor.

15 THE COURT: All right.

16 (WHEREUPON, the in car video was marked as State's
17 Exhibit No. 7, and received into evidence at this time.)

18 Q Have you reviewed this recently, at least the initial
19 part of it?

20 A Yes, sir.

21 Q Okay. Does that accurate, accurately reflect you
22 driving up in the back of Quality Inn and, and what you
23 did---

24 A Yes, sir.

25 Q ---when you arrived on the scene?

1 All right. And while we're preparing that, did you,
2 you identify who Ms. Andrews was?

3 You asked her who she was?

4 A Yes, sir, I asked what her relationship was to the male
5 that was laying on the ground.

6 Q And is that how you identified Brandon Cummins so
7 quick?

8 Did she tell you Brandon---

9 A Yeah, she was able to provide me with his name and his
10 date of birth.

11 Q And I think she even gave his middle name, didn't she?

12 A Yes.

13 SOLICITOR MEADORS: Judge, we beg the Court's
14 indulgence.

15 THE COURT: Yes, sir.

16 SOLICITOR MEADORS: I think we got to turn them on.

17 THE BAILIFF: Yes, sir.

18 SOLICITOR MEADORS: That's what---

19 THE WITNESS: There won't be any volume until the blue
20 lights come on or audio I should say.

21 (Pause.)

22 Q I think you said there won't be any audio.

23 So, you don't -- when does the audio come on?

24 A Once the blue lights are activated, you'll have audio.

25 At this point I'm on Alice Drive coming up towards Broad

1 Street. You'll actually see me cut through the parking lot
2 of Gateway Plaza to avoid the light.

3 Q So that's why you take a left instead of going straight
4 through?

5 A Up -- that's why I take a left through the parking
6 right by going through the intersection. That light takes a
7 while to change. At this point we were still being told it
8 was just shots fired. We had not been told that there was
9 injury yet.

10 Q Okay. Now, this black truck here, I bet he eventually
11 thinks you're following him, doesn't he?

12 A I think he believed I was gonna pull him over,
13 correct---

14 Q Okay.

15 A ---after we turned into the parking lot.

16 Q Okay. And, again, why were -- you were going this way
17 and this is---

18 A To avoid the light.

19 Q Okay.

20 A The traffic light. Now I'm on---

21 (WHEREUPON, the audio starts playing at this time.)

22 A Now I've been told --.

23 Q Now you're coming back on Broad?

24 A Correct.

25 Q And that's wally's?

1 A Correct. Directly in front, yes, sir.

2 (WHEREUPON, the audio is continued to be played at this
3 time.)

4 Q Is it fair to say Ms. Andrews was very upset?

5 A Yes, sir.

6 Q Okay. And these other police cars that are coming, was
7 that the other officers with your department?

8 A Correct. Those are the other responding officers.

9 Q Okay. And---

10 A We, we ride single manned units. So, I was the only
11 officer by myself there until those officers pulled up.

12 Q Okay. And your job, to that point, is to what --

13 A Um.

14 Q -- till you get other help?

15 A To try and protect him now he's on the ground, and also
16 to, to wait for EMS, and, and try and secure the best I
17 can -- the scene as best I can until other officers can
18 arrive and start to secure the location.

19 Q And it takes EMS a little bit to get there, but not
20 that long, correct?

21 A I'm not sure of the exact timeframe.

22 Q Okay.

23 A It took a while.

24 Q And Ms. Andrews was getting frustrated with EMS not
25 coming as quickly as she was hoping they would get there,

1 correct?

2 A Yes, sir.

3 Q And -- but eventually they came?

4 A Yes, sir.

5 Q Okay. I mean not---

6 A Not at the speed that---

7 Q within in 10 minutes?

8 A Right.

9 Q Did you get down and actually get to where you could
10 touch or see Brandon?

11 You got close to his body?

12 A Yes, sir, I actually did put hands on him. I had
13 gloves on.

14 Q And, and were you able to tell, from, from where you
15 were, where his injuries were?

16 A I did see that he had what appeared to be a gunshot to
17 the back of his head, and it was bleeding.

18 Q Now, I'm, I'm gonna show you what's marked State's 1,
19 2, and 3.

20 would you please look at them and tell, tell me if you
21 recognize them, and do, do they relate to your testimony, to
22 your responding to Quality Inn?

23 A Yes, they do.

24 Q Okay. Starting with -- well, I guess -- you want to do
25 the ELMO?

1 Can everybody see that?

2 This is State's 1.

3 Can, can you -- can you tell us where the body of
4 Brandon Cummings was?

5 A There's the red hat with the letter A on it.

6 Q That's right here?

7 A Correct. His head was right about in that area. The
8 blood is gonna be underneath him, and then he was laying
9 with his feet going back towards the stairwell face down.

10 Q Okay. So that blood is where Brandon was laying --

11 A Correct.

12 Q -- face down, and that was a hat that was consistent
13 with being on his head?

14 A Correct.

15 Q And this is State's 2.

16 Does that also basically -- depict the same picture?

17 A Yes, sir.

18 Q And State's 3, can you tell us what that is?

19 A The different angle. The -- what you see in the
20 vehicle there, that's actually a bullet hole with a back
21 glass window or the black window on that --

22 Q Right here?

23 A -- on that vehicle, correct. That's gonna be a bullet
24 hole.

25 Q Okay. And this down here, is that placard or placard,

1 whatever you say it, Number 5?

2 A Correct.

3 Q Was that correct?

4 A Yes, sir.

5 Q I think you can see it better in that picture.

6 Is that Number 5 here?

7 A Yes, sir.

8 Q Okay. And, and, and going back to this picture -- that
9 was on two I just showed you, State's 2.

10 Going back to State's 3, that shows the car -- Number 5
11 back to this vehicle here, correct?

12 A Correct.

13 Q And, and was that Ms. Andrews vehicle?

14 A Yes.

15 Q Okay. So, her vehicle and the body location where the
16 red hat is, correct?

17 A Correct.

18 Q Was there anything obstructing her view from that
19 vehicle where the body was?

20 A When she told me where she was standing, it didn't
21 appear as though she would of had anything that would of
22 ob -- would of obstructed her view.

23 Q Now, is your job, as a first responder, to take
24 statements from individuals or is it just to preserve the
25 scene and wait till everybody gets there, and let the

1 investigation continue?

2 A Try and get as much information that we can to possibly
3 provide information for all the officers to be looking for a
4 possible suspect, which is why I asked her what the
5 individual looked like, what he could of been possibly
6 wearing just to try and get something on the radio, and so
7 other people are aware of who, who we may be looking for.

8 Q And she -- did she tell you a type of shirt this
9 individual that she saw shoot Brandon Cummings was wearing?

10 A She told me that the male was wearing a striped shirt.

11 Q Did she tell you it was a, a male?

12 Did she tell you it was a black male or white male?

13 A I asked her a couple times. She did finally tell me it
14 was a, a black male.

15 Q All right. I don't know if you said this. I'm just
16 tired. I'm sorry.

17 Was Cummings, Brandon Cummings, still breathing when
18 you got there?

19 A He was still breathing, but he was unresponsive. It
20 almost sounded like he was gargling when he would take a
21 breath. In, in the audio, if you really listen real
22 closely, you might be able to hear him. It was almost like
23 a cach, cach (phonetic) noise as he was trying to breathe in
24 and out.

25 Q Okay. But you were not able to have a conversation

1 with Brandon Cummings?

2 A Correct.

3 Q And, and when you -- and that Number 5 down there, and
4 I know you didn't gather it, but what is -- what's by Number
5 5 there, the placard that's in the picture?

6 A I believe that was a shell casing.

7 Q Okay. But you didn't gather those?

8 A No, I didn't collect any evidence.

9 Q Okay. Did anybody else come up to you while you were
10 there, and tell you they knew what happened?

11 A No.

12 Q Nobody?

13 A No.

14 Q And you had your lights going?

15 I mean your blue lights were going?

16 I mean people knew you were there?

17 A Correct.

18 Q And other---

19 A When we -- well, when I firstly -- initially got that
20 there were people that were standing up on like the second
21 level --

22 Q Right.

23 A -- kind of watching, observing what was going on. But
24 I predominately stayed down on the ground -- on the ground
25 level with Mr. Cummings until he -- EMS got him into the

1 ambulance, and then stayed right in that area.

2 Q And you actually can see or can you see EMS coming and
3 take Mr. Cummings' body away?

4 A Correct. On my---

5 Q Okay.

6 A Yes, it does cross in front of my video.

7 Q Did you see Walter Murrey that night?

8 A No, sir.

9 SOLICITOR MEADORS: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 (Pause.)

12 Q Did you search Walter Murrey's body?

13 A The only -- as far as taking anything off -- well, we
14 originally kind of patted him down to see if he had anything
15 on him. The only thing that he had on him was a cup in his
16 left pocket.

17 Q No gun?

18 A No, there was no weapon present.

19 Q And if you did it before, it's just the length of the
20 day, is this, this Ms. Lashay Andrews that you saw at the
21 scene?

22 A Yes, that's who I made contact with on scene.

23 Q And, and did you end up taking her to use the bathroom
24 at the station later?

25 A I did.

1 Q Thank you. That's all.

2 THE COURT: Mr. Routzong.

3 MR. ROUTZONG: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. ROUTZONG:

6 Q Please tell me your rank again.

7 A Lead corporal.

8 Q Lead corporal.

9 Okay. Good afternoon.

10 How are you?

11 My name's Michael Routzong. I'm the attorney for
12 Mr. Murrey.

13 A Nice to meet you, sir.

14 Q Lead Corporal, part of what you do as a police officer,
15 you have to, you have to qualify with a firearm.

16 Is that correct?

17 A Correct.

18 Q And so you get kind of an idea of, of, when you're
19 shooting at something, how the bullet lands, and, at least
20 in your experience, how it hits the target.

21 Is that correct?

22 A For the most part. As far as analysis of an actual
23 hole, no, but as far as the direction that -- if we were to
24 fire our weapon, the direction our bullet would go, and
25 where it would be going to would be correct.

1 Q So, when you shoot -- I don't know what -- do you shoot
2 bullets at targets or are they silhouette -- man size
3 silhouettes?

4 what do you shoot at?

5 A Silhouette -- a majority -- all different things, but
6 silhouettes, yes.

7 Q Most of them they make a, like a -- when you're
8 shooting, like you're standing right here and you're
9 shooting at them, they -- it punches a, a round hole in it,
10 right?

11 A Correct.

12 Q Like to show you what Mr. Meadors entered in as, if I
13 can figure out how to work this contraption right here,
14 that's that, that -- I believe it's a Dodge Charger.

15 Is that right?

16 A Is it a -- I believe it's a---

17 Q Right there.

18 A I can tell you exactly what it is. It is -- yes. Oh,
19 it's a Challenger.

20 Q Oh, Challenger. I'm sorry.

21 A It's a 2016.

22 Q Okay. And that, that fairly and accurately depicts on,
23 on where that car was at when you got there, right?

24 A Correct.

25 Q Did you happen to observe how many holes were in that

1 vehicle?

2 This is -- I'm putting in there what's been admitted as
3 State's No. 3.

4 Do you remember how many holes was in that vehicle?

5 A I believe there was two. One in the window, and one in
6 the trim.

7 Q So you had a good chance to take a look at that hole,
8 right?

9 A I did not observe it as a detective does. I just
10 observed there was damage, damage to the vehicle. The
11 detectives responded and actually observed all that stuff,
12 and took pictures of that, and can tell you about those
13 holes and everything.

14 Q But you did get to see the hole?

15 A I did observe the hole, correct.

16 Q So just as a lead corporal, somebody with experience
17 shooting and, and all that, let me ask your opinion.

18 You, you see that hole right there, right?

19 A Yes, sir.

20 Q And that's kind of at an angle. So, let me, let me go
21 back here and kind of get a better idea of it. So, let's
22 imagine that like -- that this is the car right here.

23 Well, maybe I'll be -- I, I, I don't, I don't want to
24 put my back to you.

25 Here's the car right here. So, the front part is --

1 would be going this way. No, the front part would be going
2 that way. We're kind of opposite. So, so, Mr. Cummings was
3 right here, and, and the stairway's over here, and it looks
4 like the car is right here.

5 Is that fair to say?

6 A Yes, sir.

7 Q Where would I have to be standing to put that hole in
8 that car?

9 Would I have to be standing over here?

10 That's where I'd have to stand, right, somewhere over
11 here?

12 A No, sir.

13 Q If---

14 A That -- I mean you'd almost be in a stairwell. You'd
15 have a stairwell blocking you if you were over in that
16 direction.

17 Q Well, no. Let me go back. I'll show you that picture
18 again.

19 Going back to what's been admitted as State's No. 3,
20 that's the hole, right in the window?

21 I'm sorry.

22 Did you see that?

23 My finger's right there?

24 A Yes, sir.

25 Q That's the hole and it's -- you saw the hole, and it's

1 just straight in, right?

2 A I don't know if it was straight in this way at an angle
3 coming from -- back from the stairwell or if it was coming
4 from the actual angle that the bullet entered. I can't tell
5 you that. I don't know how it entered the window.

6 Q Okay. well, let me ask you this, and I'll let you go
7 after this. Here's the car.

8 If the bullet's straight in that way, I have to be
9 standing over here to shoot in that car, don't I?

10 Somewhere over here for it to go straight in?

11 A If the bullet went straight in like you're saying,
12 then, yes, you would have to be that direction versus at an
13 angle by the stairwell.

14 Q All right. Thank you, Lead Corporal, very much.

15 THE COURT: Mr. Meadors.

16 SOLICITOR MEADORS: Nothing further. Thank you.

17 THE COURT: Thank you, ma'am.

18 SOLICITOR MEADORS: we'd ask she be excused to get back
19 on the road or where --.

20 THE COURT: Thank you.

21 THE WITNESS: Thank you.

22 SOLICITOR MEADORS: Judge, can we approach?

23 THE COURT: Yes, sir.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

1 Q And then do you see the red hat in State's No. 1?

2 A Yes.

3 Q So, was anything blocking your view from your car to
4 where you saw Brandon getting shot?

5 A No.

6 Q And, and where were you in your car?

7 A Just sitting in the car facing towards the stairwell.

8 Q Okay. And what brought your attention to it?

9 A I heard them arguing coming down the stairwell.

10 Q Okay. And, and, and you've heard me say those words in
11 my opening, and I got them from your statement.

12 Is that what you heard Brandon saying?

13 A Yes.

14 Q F you, N?

15 A Yes, he said fuck you, nigga. I'm about to go.

16 Q Stop, man?

17 A Stop, man.

18 Q F you, N word, I'm about to go, stop, man?

19 A Yes.

20 Q And how far was the Defendant behind or where was the
21 Defendant in relation to Brandon?

22 A He was right up behind him.

23 Q Okay. So, how close?

24 A Like very close.

25 Q And, again, if you'd describe what the Defendant was

1 Andrews.

2 THE BAILIFF: Place your left-hand on the Bible, raise
3 your right-hand, and state your name.

4 THE WITNESS: Lashay Andrews.

5 LASHAY ANDREWS, being first duly
6 sworn, testified as follows:

7 THE BAILIFF: Thank you. You might step around. Watch
8 your step.

9 (WHEREUPON, the witness complies.)

10 THE BAILIFF: State your name for the record, and spell
11 your last name please.

12 THE WITNESS: Lashay Andrews. A-N-D-R-E-W-S.

13 DIRECT EXAMINATION

14 BY SOLICITOR MEADORS:

15 Q Good morning, Ms. Andrews.

16 A Good morning.

17 Q would you please tell these ladies and gentlemen about
18 you, where you were born---

19 A I was born---

20 Q ---where you were raised, where you went to school?

21 A I was raised in Pinewood, born in Columbia, and I went
22 to school in Irmo.

23 Q In Irmo?

24 A Yes.

25 Q When did you go to Columbia?

1 How old were you?

2 A I was six.

3 Q And did you live anywhere else besides South Carolina?

4 A Yes.

5 Q where?

6 A On Regenia (phonetic), North Carolina.

7 Q And why were you there?

8 A My parents. They're in school.

9 Q And you went to Furman High School for a while?

10 A No, my dad did.

11 Q Okay. What's your dad's name?

12 A Michael Andrews.

13 Q And then you -- when did you graduate from Irmo?

14 A 2009.

15 Q Tell these folks what you did after that.

16 A I started working.

17 Q All right. Okay. Where, where did you work?

18 A I started at Teleperformance. No, Applebee's and
19 Teleperformance.

20 Q And what did you do at Teleperformance?

21 A Customer service.

22 Q How long were you there?

23 A For three years.

24 Q What did you do after that?

25 A I started working at G -- GIS.

- 1 Q what is GIS?
- 2 A Background information.
- 3 Q How long did you do that?
- 4 A For a couple of months.
- 5 Q what's Primary Colors?
- 6 A It's child care.
- 7 Q Okay. Did you do that for a while?
- 8 A I did it for about a year. Then I moved.
- 9 Q where was that?
- 10 A That was in West Columbia.
- 11 Q And did you ever work at wal-Mart?
- 12 A Yes, I did that for seasonal.
- 13 Q Seasonal?
- 14 A Uh-huh. (Affirmative).
- 15 Q And what wal-Mart?
- 16 A In Dutch Fork.
- 17 Q When did you move back to Sumter?
- 18 A In 2014.
- 19 Q Okay. And what did you do when you moved back to
- 20 Sumter?
- 21 A I started working at Continental.
- 22 Q Okay. Continental.
- 23 And what did you, what did you do at Continental?
- 24 A It was like security at the door.
- 25 Q Security at the door?

1 A Uh-huh. (Affirmative).

2 Q Okay. And how long did you do that?

3 A It was for three years because it was two different
4 branches.

5 Q Okay.

6 A They transferred me.

7 Q Where else did you work in Sumter when you came back?

8 A Sykes and Lowe's.

9 Q What did you do at Sykes?

10 A Customer service.

11 Q And what about Lowe's?

12 A Cashier.

13 Q How long did you do that?

14 A Well, the Lowe's was seasonal, and, Sykes, I was there
15 for about a year.

16 Q I can't read my own writing. I got Lake Marion down
17 here.

18 What is, what is that?

19 A It's a nursing home.

20 Q Okay. Did you work there?

21 A Yes.

22 Q For how long?

23 A For about six, seven months.

24 Q And you don't have any children?

25 A No.

1 Q Okay. And where are you working now?

2 A Now I'm doing home care.

3 Q Who are you doing that with?

4 A Never Alone.

5 Q Never Alone?

6 A Uh-huh. (Affirmative).

7 Q And, Ms. Andrews, tell these ladies and gentlemen when
8 did you -- how long have you known Brandon Cummings?

9 A Since I was 13.

10 Q Since you were 13.

11 Were y'all in school together?

12 A No, we were just friends.

13 Q And did there come a point where that friendship became
14 more than a friendship?

15 A relationship I guess?

16 A It was something like that. We were just friends for a
17 while. Then we decided to start dating.

18 Q Okay. And when did you decide to start dating?

19 A In 2017.

20 Q And y'all were talking then?

21 I guess y'all were exclusive?

22 A Yes.

23 Q Where were you living back in 2017?

24 A Here in Sumter.

25 Q And he was here too?

1 A Yes.

2 Q Were y'all -- I don't mean to pry, but I'm just, just
3 to -- were y'all living together?

4 A No.

5 Q Okay. And how often would you see each other?

6 A Every day.

7 Q And if you said it, when you were going over it, I just
8 can't remember.

9 what -- where -- were you working during that time
10 period?

11 A Yes, at Lowe's.

12 Q That's when you were working at Lowe's?

13 A Uh-huh. (Affirmative).

14 Q And what was Brandon doing?

15 A He wasn't working.

16 Q Okay. And how did he get money?

17 A He did other stuff.

18 Q What did he do?

19 A He sold drugs sometimes, and he did side work.

20 Q What kind of side work?

21 A Like help with houses and stuff.

22 Q Help with houses?

23 A Uh-huh. (Affirmative).

24 Q Okay. Now, would you go with him on occasion, and
25 let's get specific, were you with him at Quality Inn?

1 A Yes.

2 Q On May 17th of 2017?

3 A Yes.

4 Q All right. Let's tell the folks what -- do you
5 remember that day?

6 I mean I know you're here about it, but do you remember
7 what you did that morning?

8 A I went to work.

9 Q Okay. And what time did you go to work?

10 A I think it was 8:00. I'm not sure.

11 Q Okay. But you went to Lowe's?

12 A Yes.

13 Q And did you work a full day?

14 A No.

15 Q What time did you get off?

16 A I think I got off like around 4:00 that day.

17 Q Could it have been 5:45?

18 A Yes, it's around that time for --.

19 Q But you worked that day?

20 A Yes.

21 Q And what did you do after that --

22 A I went and---

23 Q -- after you got work?

24 A I went and picked him up.

25 Q All right. And who's him?

1 A Brandon.

2 Q And where did you pick him up from?

3 A His sister house.

4 Q Say it again.

5 A His sister house.

6 Q Is that LaKim?

7 A Yes.

8 Q LaKim Cummings.

9 Is she in the courtroom?

10 LaKim, will you raise your hand or stand up?

11 (WHEREUPON, a female in the audience stands up.)

12 Q Is that LaKim?

13 A Yes.

14 Q Okay. So, you went and picked Brandon up from LaKim's
15 house?

16 A Yes.

17 Q All right. Was he staying there then?

18 Was that his---

19 A Yes.

20 Q That was his permanent place?

21 A Yes.

22 Q Okay. And where did y'all go after that?

23 A We went back to my grandma house.

24 Q Back to --?

25 A My grandmother's house.

1 Q Okay. Is that where you were staying permanently?

2 A Yes.

3 Q Then what did y'all do?

4 A We just sat for a little while and talked.

5 Q Okay. And what did you do after that?

6 A We went back to his sister house cause he had wanted a
7 cigarette.

8 Q Cause what?

9 A He went back to his sister house cause he wanted a
10 cigarette.

11 Q Okay. Brandon wanted a cigarette?

12 A Uh-huh. (Affirmative).

13 Q And did he get one?

14 A No.

15 Q Okay. What did y'all do after that?

16 A We stopped by the store. Then we went to the Quality
17 Inn.

18 Q You remember what store you stopped by?

19 A I think we went to El Cheapo.

20 Q All right. Why did you stop there?

21 A Cause he wanted some cigarettes.

22 Q Did he get one there?

23 A Yes.

24 Q Okay. All right. Then you went to the Quality Inn?

25 A Yes.

1 Q why were you and Brandon Cummings going to the Quality
2 Inn, Ms. Andrews?

3 A He had to go pick up some money that day, and then he
4 wanted to get some weed.

5 Q He had to pick up some money, and he wanted to get some
6 weed?

7 A Yes.

8 Q And, by weed, you mean marijuana?

9 A Yes.

10 Q was he buying it or was he selling it too?

11 A Buying.

12 Q He was buying it.

13 Okay. And had y'all been to the Quality Inn before?

14 A Yes.

15 Q where did you park when you went to the Quality Inn on
16 May 17th --

17 A Towards---

18 Q -- 2017?

19 A Towards the back of Quality Inn.

20 Q Is that where you usually parked?

21 A No, it, it would be on the other side usually.

22 Q Okay. why did you park there this day?

23 A He asked me to.

24 Q Say that last part again.

25 why did you park there?

1 A He asked me to park towards the back.

2 Q Okay.

3 A Yeah.

4 Q And when you pulled in, tell these folks what kind of
5 car you were in.

6 A A blue Equinox.

7 Q Whose car was that?

8 A My grandmother's.

9 Q Did you -- is that the car you usually used?

10 A No, but at the time it was.

11 Q So, your grandmama let you borrow it?

12 A Yes.

13 Q And can you tell the folks, while I look for a picture
14 of where, specifically you parked?

15 When you're coming in the Quality Inn, where did you
16 go?

17 A When you come straight all the way backwards the back
18 on that sidewalk on the way back.

19 Q And once you got there, what did Brandon do?

20 A I told him I had to use the restroom. Then he told me
21 to hurry up, and then he got out the car.

22 Q And where did he go?

23 A He was just walking. I was already driving off.

24 Q Okay. And where did you -- you dropped him off then.
25 You were at the back.

1 where did you drive off to?

2 A To the front to use the restroom.

3 Q Okay. So, you drove around to the front?

4 A Uh-huh. (Affirmative).

5 SOLICITOR MEADORS: Your Honor?

6 THE COURT: Yes, sir.

7 SOLICITOR MEADORS: Your Honor, there's an agreement
8 between the State through it's Assistant Solicitor, John
9 Meadors, and the defense, through its representative Mike
10 Routzong, that State's 11 is a video of the Quality Inn,
11 different camera views, from May 17th, 2017, and we're
12 both -- there's no, no objection to State's 11.

13 MR. ROUTZONG: No objection, Your Honor.

14 THE COURT: All right. Thank you, sir.

15 (WHEREUPON, the thumb drive was marked as State's
16 Exhibit No. 11, and received into evidence at this time.)

17 Q Now, look at -- have, have you got your screen on?

18 A Yeah.

19 (WHEREUPON, a portion of State's Exhibit No. 11 was
20 played for the jury at this time.)

21 Q Okay. There's somebody walking in there right there.
22 Is that you?

23 A Yes, with the -- I'm in -- yeah, I'm going down the
24 hallway.

25 Q But coming in the door with the black top on?

1 A Yeah.

2 Q That was you?

3 A Yes.

4 Q And that's 8:53:19?

5 A Yes.

6 Q And why were you going in there?

7 A To use the restroom.

8 Q Could you play that one more time?

9 (WHEREUPON, the same portion of State's Exhibit No. 11
10 was played for the jury at this time.)

11 Q And you've moved your car up front?

12 A Yes, I was in the front.

13 Q Again, not a crime, but you used the bathroom?

14 A Yes.

15 Q And then you left, right?

16 A Yes.

17 (WHEREUPON, another portion of State's Exhibit No. 11
18 was played for the jury at this time.)

19 Q who's that coming down the hallway there?

20 A Me.

21 Q That's after you used the bathroom?

22 A Yes.

23 Q And that's 8:55:27?

24 A Yes.

25 Q You wouldn't dispute that?

1 A Yes.

2 Q I mean yes, you wouldn't dispute it?

3 A Yeah -- well no.

4 Q All right. That's all for now on that.

5 You got back in your car.

6 where did you go?

7 A Back to the back.

8 Q Okay. To the same spot?

9 A Yes.

10 Q And what were you gonna do there?

11 what was your intention when you moved back to the
12 back?

13 A To pick him up.

14 Q All right. So you were just waiting on Brandon?

15 A Yeah.

16 Q And I'm gonna show you what's State's 3. I believe
17 it's already been entered without objection at a previous
18 hearing, but, if not, we're offering State's 3 without
19 objection.

20 (WHEREUPON, State's Exhibit No. 3 was received into
21 evidence at this time.)

22 Q Do you recognize that, State's No. 3?

23 A Yeah -- talking about where my car is?

24 Q Yes.

25 A Yes.

1 Q Okay. I don't want to tell you.

2 Just point to where your car is.

3 A Right here.

4 Q And that's where you parked on the night of May 17th?

5 A Yes.

6 Q All right. And where were you -- were you in the
7 driver's side as you were waiting on Brandon?

8 A Yes.

9 Q What were you doing?

10 A Listening to music.

11 Q How long was it approximately when you got back to that
12 parking place a second time, after using the bathroom,
13 before you saw Brandon again?

14 A About five minutes.

15 Q You're listening to music?

16 A Yes.

17 Q What happened next, Ms. Andrews?

18 A They were coming down the stairs, but I heard like
19 arguing, but I'm not sure what they were arguing about. And
20 as they were going down the steps, he was -- Brandon was
21 walking fast. The -- and Walter was walking like right
22 behind him. And then that's when he threw his hands up, and
23 he was like fuck you, nigga. He was like I'm about to go.

24 Q Did they stop?

25 A Yes, he said stop.

1 Q And what was Brandon, physically, what did you see him
2 doing?

3 A He just threw his hands up like trying to, I guess,
4 block him.

5 Q Doing like that?

6 A Yes.

7 Q Show me.

8 A Like this. well, looking back.

9 Q Do that again.

10 A Like that.

11 Q And he was looking back?

12 A Yes.

13 Q And you say walter, did you, did you know who that was
14 at the time?

15 A No.

16 Q You're just saying walter cause you know it's walter?

17 A Yeah, from here. Yeah.

18 Q But did you have any idea who that person was?

19 A No.

20 Q So, what, what -- tell me one more time what Brandon
21 said.

22 A He said fuck you, nigga. Then he looked back and he
23 said stop. I'm 'bout to go.

24 Q Stop. I'm about to go. F you, N.

25 A Yeah.

1 Q Then what happened?

2 A That's when he shot him in the head, and then, when he
3 went down face first, he shot him two more times and ran.

4 Q Shot him in the head first?

5 A Then he went down face first, and then he shot him two
6 more times. Then he ran under the breezeway.

7 Q And you said he shot him two more times.

8 Did you see him, after the first shot, go and shoot him
9 two more times?

10 A Yes, I was in the car.

11 Q How close did he get to Brandon's body when he -- the
12 second and third shot came?

13 A From right here to like right there.

14 Q Three feet?

15 A Yeah.

16 Q And did you see him point the gun?

17 A Yes.

18 Q And he shot him again?

19 A Two more times when he was on the ground.

20 Q He was on the ground.

21 Is there any doubt in your mind about it?

22 A No.

23 Q And then you said he ran in the breezeway?

24 A He ran under the breezeway.

25 Q You ever seen anybody shot like that before or seen

1 anybody shot before?

2 A No.

3 Q what did you do?

4 A I called the police.

5 Q And what did you do?

6 Did you get out of the car?

7 A Yeah, I got out the car and ran towards him.

8 Q Could you -- could he talk, Brandon?

9 A He was trying to, but he couldn't get his words out.

10 Q was he still breathing?

11 A He was trying to get breath -- well, gasp for air.

12 Q Gasp for air?

13 A Uh-huh. (Affirmative).

14 Q This is a stupid question, but you, you were upset?

15 A Yes.

16 Q Excited?

17 A Yes.

18 Q Screaming?

19 A Yes.

20 Q Can you describe what the person was wearing that shot
21 Brandon?

22 A white and blue striped polo shirt.

23 Q was it a white male, black male?

24 A Black.

25 Q Did he have any pants on?

1 A Yes.

2 Q what kind of pants?

3 A Blue jeans.

4 Q Anything on his head?

5 A A white durag.

6 Q Let me get it open.

7 Your Honor, State's 12 without objection.

8 THE COURT: Yes, sir.

9 (WHEREUPON, the shirt was marked as State's Exhibit No
10 12, and received into evidence at this time.)

11 Q I'm gonna show you what's marked State's 12.

12 Does that appear to be the shirt you saw the individual
13 who shot Brandon wearing?

14 A Yes.

15 Q And did you tell the police that?

16 A Yes.

17 Q Do you remember the female officer showing up?

18 A Yes.

19 Q And did you tell her -- did you tell her what you saw?

20 A Yes, I did.

21 Q Have you seen this paper before?

22 Have you seen this tape before?

23 Did you see it yesterday when you were in here, parts
24 of it?

25 A Yes.

1 (Pause.)

2 Q All right. Watch this video please.

3 (WHEREUPON, a portion of State's Exhibit No. 7 was
4 played for the jury at this time.)

5 A Oh, I saw that yesterday.

6 Q Okay. Is that your voice we hear on there talking to
7 the officer?

8 A Yes.

9 SOLICITOR MEADORS: Your Honor, this will be State's
10 No. 7 --

11 THE COURT: Yes, sir.

12 SOLICITOR MEADORS: -- for the record.

13 (WHEREUPON, State's Exhibit No. 7 was played for the
14 jury at this time.)

15 Q Did you see the EMS coming and taking Brandon back?

16 A Yes.

17 SOLICITOR MEADORS: Judge, could I ask Mr. Miller to go
18 up front?

19 THE COURT: Yes, sir.

20 Q Put, put Mr. -- Mr. Miller, if you'd go around the
21 back.

22 (WHEREUPON, Mr. Miller complies.)

23 Q Lashay, will you get up please---

24 A Uh-huh. (Affirmative).

25 Q ---stand there?

1 (WHEREUPON, the witness comes down from the stand.)

2 Q I want you -- Mr. Miller to be Walter, and you be
3 Brandon.

4 Can you put him where you -- and where Walter's
5 actually and what was going on?

6 A He was like fuck you, nigga. Stop. I'm 'bout to go.

7 Q And, and then, and then -- and then did Brandon fall
8 face down?

9 A Yes.

10 Q And then what happened?

11 A He shot him two more times.

12 Q Was anything -- thank you.

13 A (WHEREUPON, the witness returns to the stand.)

14 Q Was anything back -- was anything blocking your view?

15 A No.

16 Q Nothing, nothing obstructed your view from your vehicle
17 to where you could see what you just described?

18 A No.

19 Q You -- you're cussing and doing all that on there,
20 right?

21 A Yes.

22 Q You just couldn't help yourself?

23 A No.

24 Q Did you -- were you scared too?

25 A Yes.

1 Q Did you jump right out of the car or when did you get
2 out of the car?

3 A As soon as he ran.

4 Q Okay. And why did you wait until he ran?

5 A Cause he would of shot me cause I was the only one out
6 there.

7 Q You say you -- he could of shot you?

8 A Yeah.

9 Q So, as far as you know, he had no idea you were out
10 there, did he?

11 A No.

12 Q Was there anybody else out there?

13 A No.

14 SOLICITOR MEADORS: Your Honor, State's 1 and 2 without
15 objection. They've been entered previously in a hearing.

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: Without objection, Your Honor.

18 SOLICITOR MEADORS: Just for this record.

19 (WHEREUPON, State's Exhibit Nos. 1 and 2 were received
20 into evidence at this time.)

21 Q State's 3 again, is that -- point to your car.

22 A (WHEREUPON, the witness complies.)

23 Q State's 2, where -- tell these folks -- show these
24 folks -- can I get her to stand up, Judge?

25 THE COURT: Yes, sir.

- 1 Q Come down here please.
- 2 A (WHEREUPON, the witness comes down from the stand.)
- 3 Q This is State's 1. Look over here.
- 4 Show the folks where you saw Brandon's body.
- 5 A Right here where the blood is.
- 6 Q And he was---
- 7 A His head was right here.
- 8 Q And, and was that his hat?
- 9 A Yes.
- 10 Q Was he a Braves fan?
- 11 A Yes.
- 12 Q Did he wear that hat a lot?
- 13 A Yes.
- 14 Q And your car -- you see this Number 5 right here --
- 15 A Yes.
- 16 Q -- on State's No. 1?
- 17 When you see this Number 5 right here on State's 2?
- 18 A (Witness nods affirmatively.)
- 19 Q And, on State's 3, is that that same Number 5?
- 20 A Yes.
- 21 Q And then that's your car?
- 22 A (No audible response.)
- 23 Q And you didn't see anybody else out there?
- 24 A No.
- 25 Q All right. You can have a seat back.

1 A (WHEREUPON, the witness returns to the stand.)

2 Q Did you give a statement?

3 A Yes.

4 Q Okay. To Sergeant Culick?

5 Sergeant, would you raise your hand?

6 (WHEREUPON, a person in the audience raises their
7 hand.)

8 A Yes.

9 Q And did you give a statement -- well, you kind of gave
10 a statement this night on the video, right?

11 A Yes.

12 Q And, and did, did Lead Corporal Sheppard-Lewis, what
13 did she -- where did she take you after Quality Inn?

14 where did you go?

15 A To the police station.

16 Q Did you have to use the bathroom?

17 A Yes.

18 Q Okay. And, and did you give a statement to Ms. Culick,
19 Sergeant Culick, on May 19th?

20 A Yes.

21 Q And you said earlier you gave them a description of the
22 individual you saw, correct?

23 A Correct.

24 Q Did you have any trouble seeing his face?

25 A Just a little bit, but I remember what he had on.

1 Q But you saw him shoot him?

2 A Yes.

3 Q And you did -- you have no idea who this was?

4 A No.

5 Q Did Sergeant Culick show you a photo lineup?

6 A Yes.

7 Q And where was that?

8 A The police station.

9 Q And you say the police station.

10 was that the old one or the new one?

11 A The old one.

12 MR. ROUTZONG: No objection, Your Honor.

13 THE COURT: Yes, sir. Thank you.

14 SOLICITOR MEADORS: State's 8 and 9 without objection.

15 (WHEREUPON, State's Exhibit Nos. 8 and 9 were received
16 into evidence at this time.)

17 Q I'm gonna show you what's marked State's No. 8.

18 Have you seen that before?

19 A Yes.

20 Q Okay. And did Sergeant Culick ask you to look at
21 State's No. 8?

22 A He did.

23 Q She did?

24 A Yes, she did.

25 Q And did she ask you to see if you recognized anybody

1 that shot, shot Brandon?

2 A Yes.

3 Q And were you able to pick any -- out somebody?

4 A Yes.

5 Q who did you pick out?

6 A walter.

7 Q Okay. And, again, you say walter. We've all been
8 living with this case for a while now?

9 A Uh-huh. (Affirmative).

10 Q You didn't know who he was, did you?

11 A No.

12 Q was he the person that shot Brandon?

13 A Yes.

14 Q Okay. Did you indicate, on State's 8, by signing or
15 initials or anything, that it was -- that was the
16 individual?

17 A Yes.

18 Q what did you do?

19 A I signed it, and initialed it.

20 Q You initialed it?

21 A Yes.

22 Q That was by Number 4?

23 A Yes.

24 Q And is that the person that shot Brandon?

25 A Yes.

1 Q And on State's 9, did you also indicate on here that
2 you had picked Number 4?

3 A Yes.

4 Q And did you sign it?

5 A Yes.

6 Q And as far as you know, Sergeant Culick witnessed it?

7 A Yes.

8 Q Did, to your knowledge, did Brandon Cummings have a gun
9 that day?

10 A No.

11 Q You didn't see him with a gun?

12 A No.

13 Q Did you know him to carry a gun?

14 A No.

15 Q Let me ask you something.

16 was Brandon leaving the motel?

17 A Yes.

18 Q He was leaving?

19 A Yes.

20 Q Is the individual in this courtroom that you heard
21 Brandon say F you, N, I'm leaving, stop it, as he turned
22 around, and the individual who you saw shoot Brandon and
23 Brandon fall to the ground, and the individual you, in this
24 courtroom, that you then saw come up and shoot Brandon again
25 and again, is that person in this courtroom?

1 A Yes.

2 Q would you point him out for the ladies and gentlemen of
3 this jury?

4 A (WHEREUPON, the witness points to the Defendant.)

5 Q Are you pointing to the Defendant, Walter Murrey?

6 A Yes.

7 Q Next to Mr. Routzong?

8 A Yes.

9 SOLICITOR MEADORS: we would ask the record so reflect.

10 THE COURT: Yes, sir.

11 SOLICITOR MEADORS: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 (Pause.)

14 SOLICITOR MEADORS: Thank you. That's all.

15 THE COURT: Mr. Routzong.

16 MR. ROUTZONG: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. ROUTZONG:

19 Q Morning, Ms. Andrews.

20 A Good morning.

21 Q I believe you testified that you'd known Brandon since
22 he was 13 years old.

23 Is that right?

24 A Correct.

25 Q Or you were 13 years old at that---

1 A Correct.

2 Q And this happened in May of 2017.

3 Is that correct?

4 A May 17th.

5 Q Of 2017?

6 A Yes.

7 Q How old were you in May of 2017?

8 A I was 27.

9 Q Twenty-seven.

10 So, you've known Brandon about 14 years at that point?

11 A Yes.

12 Q You guy's been dating and kind of girlfriend/boyfriend
13 that whole time?

14 A Well, we were friends.

15 Q Friends.

16 When did you really get serious about Brandon?

17 A Later on like in 2017.

18 Q But you'd known him for years?

19 A Yes.

20 Q And you've testified that you knew he dealt -- he, he
21 sold drugs.

22 Is that correct?

23 A Yes.

24 Q In fact, you've, you've, you've previously gave
25 statements to the police that he would go to several motels.

1 You were aware of that?

2 A Yes.

3 Q And you went with him?

4 A Yes.

5 Q And you knew what he was doing?

6 A Yes.

7 Q And you also knew that, on the night before this
8 happened, he went into a room, got a tablet, and a chain,
9 and came back out, and got in the car with you.

10 Is that correct?

11 A I didn't know he -- what he was doing in the room, but
12 I know he came back with a tablet and a chain.

13 Q He didn't live there?

14 He didn't, he didn't have a room there?

15 A No.

16 Q You didn't see him meet with anybody?

17 A No.

18 Q You've heard him actually threaten to kill people
19 before.

20 Isn't that true?

21 A No, I heard him get angry before, but not threaten to
22 kill anybody.

23 Q Do you admit or deny that you told Officer Culick, I'm
24 sorry, Culick, that you'd heard -- overheard Brandon
25 threaten to kill a bounty hunter?

1 A Oh.

2 Q That's true, isn't it?

3 A Yeah, they got upset with each other.

4 Q So, it is true you've heard him threaten to kill
5 people?

6 A Yeah, I forgot about that one.

7 Q why were you there on May 17th of 2017 at the Quality
8 Inn?

9 A To get some weed.

10 Q You didn't have a room there?

11 A No.

12 Q Brandon didn't have a room there?

13 A No.

14 Q Brandon wasn't going to meet anybody?

15 A He was going to get some weed.

16 Q Do you know who he was gonna get weed from?

17 A No.

18 Q Did he have any money?

19 A Yes.

20 Q where'd he get the money from?

21 A I'm not sure. He had money though.

22 Q But he had to stop at his sister's house, his sister's
23 house to get a cigarette.

24 what -- do you know why he didn't just go out and buy
25 one?

1 A I'm not sure. I guess he'd just rather have one than
2 to buy a whole pack.

3 Q Okay. So when you -- when you ride up, you've already
4 gone to the restroom, and you ride up, and you parked your
5 car, you told the police that you were listening to music.
6 You told these folks here this morning that.

7 Right?

8 A Yes.

9 Q Was the radio on loud or was it --?

10 A It wasn't that loud.

11 Q You were looking at Facebook?

12 A I was scrolling through my phone.

13 Q And you admit or deny you told the police you were
14 looking at your Facebook account?

15 A Yes, I was scrolling through my phone and listening---

16 Q Say again.

17 A Listening to music and scrolling through my phone.

18 Q So, when you up -- when you came up, you were looking
19 at or you were listening to music. You were looking at
20 Facebook.

21 What else were you doing?

22 A Scrolling through my phone. That's it.

23 Q I'm sorry. I can hardly hear you.

24 A Scrolling through my phone.

25 Q Scrolling through your phone.

1 Oh, okay. About how long were you sitting there?

2 A For about five minutes.

3 Q Five minutes.

4 And your testimony is that you saw Brandon followed by
5 Walter Murrey coming down the stairs?

6 A Yes.

7 Q You didn't see him go up the stairs?

8 A No, cause at the time I went to the restroom. When I
9 came back, he was coming down.

10 Q Have you, have you been to this motel before?

11 A Yes.

12 Q You walked around?

13 A No, I always stayed in the car.

14 Q Well, there's only so many ways you could get up, up --
15 on -- up to a second floor of a motel. You have to go up
16 the ladder -- the stairwell.

17 Is that correct?

18 A Correct.

19 Q So, there's the one you were in front of?

20 A Yes.

21 Q And you didn't see him go up that one?

22 A No, cause I was going to the restroom.

23 Q So, it would have to be another stairwell for them
24 to -- that they had to go up?

25 A He was walking towards the back stairwell.

1 Q But your testimony was that he would -- descended down
2 the stairwell?

3 A Yeah, coming down. When I was back, that's when they
4 were coming down.

5 Q And they would of had to have gone up the stairwell to
6 get up there, right?

7 SOLICITOR MEADORS: This is not---

8 Q Isn't that right?

9 A Yes.

10 SOLICITOR MEADORS: Your Honor, I object to that.

11 THE COURT: Grounds.

12 SOLICITOR MEADORS: That's totally out of context. I
13 mean there's several stairwells there. She went to the
14 bathroom. She said she didn't know how they got up there.

15 THE COURT: Okay.

16 MR. ROUTZONG: Judge, that's the -- precisely the
17 point. I mean she didn't see him go -- they had -- they
18 would -- she states -- she's saying she's aware of what's
19 going on, and---

20 THE COURT: Okay.

21 MR. ROUTZONG: ---it's right in front of her, and she's
22 testifying---

23 THE COURT: All right.

24 MR. ROUTZONG: ---that she didn't see him go up.

25 THE COURT: Right.

1 MR. ROUTZONG: That means, if they went up, they would
2 of had to have done it on a different stairwell.

3 THE COURT: Well, I mean she's testified she didn't see
4 him go up, but they came down, right?

5 MR. ROUTZONG: Yes, sir.

6 THE COURT: Okay. There you go, sir.

7 Q I notice it's in the video. One of the first things
8 you said to the police officers -- I'm sorry. It's actually
9 the police officer. You said I didn't see his face too
10 good.

11 Right?

12 A Yes.

13 Q And you said he had dreadlocks?

14 A Well, he had something like braids. It was hanging on
15 his shoulder, but he had a durag on.

16 Q Okay. You'll have to break that down for me again.

17 What, what are---

18 A Like he had long braids. So --.

19 Q ---you saying?

20 A So, it's hanging kind of over his shoulder a little
21 bit, but he had a durag over his braids.

22 Q They were braids?

23 A Like braids or dreads. I know they were hanging on the
24 bottom.

25 Q Can you kind of -- can you kind of describe that?

1 You've got relatively long hair.

2 Can you---

3 A Right.

4 Q ---kind of show the jury?

5 A Like these are his braids, and he got like a rag around
6 his head.

7 Q Was it twisted?

8 A No, just---

9 Q I'm trying to find out what you mean by braids.

10 A Like just braided.

11 Q Is that---

12 A I don't know how to describe it.

13 Q Does that mean it was twisted like this?

14 A Yeah, like twisted.

15 Q Okay. And you're sure about that?

16 A Yes.

17 Q And you're sure that what -- what did you say he had on
18 his head?

19 A Like a white durag.

20 Q White durag?

21 A Yes.

22 Q I'm sorry. I've just got another question.

23 Do you remember telling law enforcement that you heard
24 a commotion?

25 A Yes.

1 Q I think you, you testified to that this morning.

2 A Yes.

3 Q And you weren't concerned about that because Brandon
4 was always getting into a mess with somebody.

5 Is that correct?

6 A I mean it's normal for him to just talk junk, but he be
7 playing.

8 MR. ROUTZONG: Your Honor, I don't have any other
9 questions.

10 Thank you, Ms. Andrews.

11 THE COURT: Mr. Meadors.

12 SOLICITOR MEADORS: Briefly.

13 REDIRECT EXAMINATION

14 BY SOLICITOR MEADORS:

15 Q So he looks different today --

16 A Yes.

17 Q -- then he did then?

18 Just a few brief questions. Mr. Routzong asked you
19 about something in a -- about a bounty hunter, which the
20 Judge let in. I want to show you your statement.

21 Is this your statement that you gave to Sergeant
22 Culick, and I guess I better mark this for identification.

23 (WHEREUPON, the statement was marked as State's Exhibit
24 No. 13 for identification purposes only at this time.)

25 Q This fellow bounty hunter and, and Brandon that had a

1 disagreement over some money?

2 A Yes.

3 Q Okay. And they were arguing on texting and the phone
4 call?

5 A Yes.

6 Q So they were on the phone?

7 A Yes.

8 Q And Mr. Routzong asked did you -- did Brandon threaten
9 him.

10 Did you say they were both talking about how they were
11 each going to kill each other?

12 A Yes.

13 Q So, they were both talking trash to each other?

14 A Yes.

15 Q He didn't ask you that, but they were both doing it?

16 A Yes.

17 Q And they didn't kill each other, did they?

18 A No.

19 Q That ain't got nothing to do with this, does it?

20 A No.

21 Q Was Brandon or was he already down the stairs when he
22 got shot?

23 A Yes.

24 Q And you just saw him coming down the stairs and
25 arguing?

1 A Yes.

2 Q But he was already down the stairs when he was shot?

3 A Yes.

4 Q And is that the man that did it?

5 A Yes.

6 Q Thank you. That's all.

7 THE COURT: Mr. Routzong.

8 MR. ROUTZONG: No questions, Your Honor.

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

11 well, let's take approximately 15 minutes for a break
12 here. I'm going to ask the jury to do something that you'll
13 hear me say many times. Please do not begin your
14 deliberations. Do not discuss this case among yourselves or
15 with any other person, and we will summon you shortly.

16 Thank you.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 SOLICITOR MEADORS: we'll come back in maybe 10 minutes
20 or so.

21 THE COURT: Yes, sir.

22 SOLICITOR MEADORS: I don't think we'll take long.

23 THE COURT: Yes, sir. Yes, sir.

24 SOLICITOR MEADORS: All right.

25 (WHEREUPON, a short recess was taken at this time.)

1 yourselves, and do not initiate any deliberations please.

2 Thank you very much.

3 (WHEREUPON, the following takes place outside the
4 presence of the jury.)

5 SOLICITOR MEADORS: You want, you want Mr. Gill to get
6 back on the stand?

7 THE COURT: Yes, sir.

8 (WHEREUPON, the witness returns to the stand.)

9 SOLICITOR MEADORS: Is it all right if we take off
10 where we left off or --?

11 THE COURT: Yes, sir.

12 SOLICITOR MEADORS: Mr. Gill, we may have a question or
13 two as we go through, but if you just please listen to your
14 interview with the Defendant.

15 (WHEREUPON, State's Exhibit No. 14 was played for the
16 Court at this time.)

17 THE COURT: Mr. Routzong, just a second.

18 (WHEREUPON, the recording was stopped at this time.)

19 THE COURT: This is where I want it -- are we now into
20 the actual statement or---

21 SOLICITOR MEADORS: Sixteen minutes from there.

22 THE COURT: Okay. So, sixteen minutes he does---

23 SOLICITOR MEADORS: A few more minutes and I think
24 we're, we're---

25 THE COURT: Okay. That's fine. I didn't know how

1 close we -- if we already. That's fine. I'm good.

2 Proceed, sir.

3 (WHEREUPON, the remainder of State's Exhibit No. 14 was
4 played at this time.)

5 CONTINUED REDIRECT EXAMINATION

6 BY SOLICITOR MEADORS:

7 Q Is it fair to say, after a few minutes, when he's
8 talking again about his history, do you give him the
9 opportunity to give a written statement?

10 A Correct.

11 Q Tell him you, tell him you don't have to?

12 A Correct.

13 Q But it might be better coming from you if it's in your
14 own words?

15 A Correct.

16 Q And is that a part of your interview technique that
17 you're trying to give an oral and, and a written statement?

18 A Yes, sir.

19 Q And is that why you said some of the things you did in
20 here?

21 A Yes, sir.

22 Q Uh-huh. (Affirmative).

23 You wanted him to give a written statement?

24 A Yes, sir.

25 Q And I think I asked you. It's been so long.

1 This is the person who gave you the oral and written
2 statement---

3 A Yes, sir.

4 Q ---Walter Murrey?

5 That's, that's it, Judge, as far as---

6 THE COURT: Mr. Routzong.

7 MR. ROUTZONG: I don't have any questions for Mr. Gill,
8 Your Honor.

9 THE COURT: All right. You may step down, sir. Thank
10 you, sir.

11 MR. ROUTZONG: I would like to call Mr. Murrey, Your
12 Honor --

13 THE COURT: Okay.

14 MR. ROUTZONG: -- if the State's finished with their
15 presentation.

16 THE COURT: All right, sir.

17 MR. ROUTZONG: Or do you need -- do you want to take a
18 break first?

19 THE COURT: Let's take a break, folks.

20 MR. ROUTZONG: Yes, sir.

21 THE COURT: The jury's gonna be back around 2:00. As
22 much as I regret it, they may just have to sit a few minutes
23 cause we, we --

24 MR. ROUTZONG: My---

25 THE COURT: I've got---

1 went back to work, and we just finished another legal matter
2 and now we're back to you. I am so sorry for the delay, but
3 there's a method to this madness. There really is. But I
4 appreciate your patience.

5 Mr. Meadors.

6 SOLICITOR MEADORS: May it please the Court.

7 Your Honor, the State would call Doctor Janice Ross.

8 THE BAILIFF: Left-hand. Raise your right. State your
9 name, ma'am.

10 THE WITNESS: Janice Edwards Ross.

11 JANICE ROSS, being first duly
12 sworn, testified as follows:

13 THE BAILIFF: If you could, step around please.

14 (WHEREUPON, the witness complies.)

15 THE BAILIFF: State your name for the record. Spell
16 your last name please.

17 THE WITNESS: Janice Edwards Ross. R-O-S-S.

18 DIRECT EXAMINATION

19 BY SOLICITOR MEADORS:

20 Q Good afternoon, Doctor Ross.

21 A Good afternoon.

22 Q Please tell the ladies and gentlemen of this jury about
23 Doctor Ross, where you're from, your background, your
24 training, and, in particular, your training in the field of
25 expertise I've asked you to testify about today please.

1 A Yes. I'm -- presently I live in Charleston, South
2 Carolina, and work for the coroner down there. Before that,
3 for 18 years, I worked in Newberry, South Carolina, and
4 for -- with Newberry Pathology Associates.

5 I am a, a doctor. I have four years of college at the
6 University of South Carolina, four years of Medical School
7 where I received my M.D. in Syracuse, New York, and that's
8 where I did training in pathology.

9 The field of pathology, as opposed to surgery or
10 pediatrics, is a discipline where we learn how to identify
11 diseases by using the microscope, and by using laboratory
12 tests. We also learn how to do an autopsy to find a cause
13 of death. I further trained in the field of forensic
14 pathology where we learned how to identify patterns of
15 injury, and I do autopsies to identify things like homicide,
16 suicide, accidents, and document those injuries, and then
17 provide materials for the Court of law.

18 Q Where do you perform -- where is your office when
19 you're performing an autopsy?

20 A In Newberry, we were in the morgue at Newberry County
21 Memorial Hospital.

22 Q And how many autopsies have you performed?

23 A Over 14,000.

24 SOLICITOR MEADORS: Your Honor, at this time we would
25 offer Doctor Janice Ross as an expert in the field of

1 forensic pathology.

2 THE COURT: Mr. Routzong.

3 MR. ROUTZONG: No objection, Your Honor.

4 THE COURT: Without objection. So admitted.

5 Q Doctor, in an ideal world, how would you like to find
6 the body of a victim?

7 A I would like to go to the scene and see what, what
8 information the scene had to have, where the body -- the
9 patient was, and where blood was, et cetera.

10 Q And, and since that's not practical, at the request of
11 our coroner, were you asked to perform an autopsy on Brandon
12 Cummings?

13 A Yes.

14 Q Okay. And where was that autopsy performed, doctor?

15 A In the, the morgue at Newberry County Memorial
16 Hospital, Newberry, South Carolina.

17 Q Please tell these ladies and gentlemen, when you get a
18 body, in this case Brandon Cummings body, what, what do you
19 do first when you have a body and preparing to perform an
20 autopsy?

21 A The patient's brought to us in a body bag. We open it.
22 We identify clothing and document what clothing there is,
23 take photographs front to back, clothed and unclothed. In
24 this case, the patient was not clothed. Then, because we
25 could identify gunshot wounds, we further did x-rays to

1 identify if there was any bullet or bullet fragments still
2 in the body.

3 Q And, and you said he was not clothed.

4 Had he been treated at the hospital prior to you
5 getting it?

6 A Yes.

7 Q Okay. Now, do you measure the body?

8 A Yes.

9 Q Okay. And did you do that in this case?

10 A Yes.

11 Q And can you tell us what your results of that were?

12 A Huh. I don't see it on here. I don't usually do -- I
13 don't have it on here. Sorry.

14 Q That's fine, and can you tell us, you examined the
15 outside.

16 Do you take pictures?

17 A Yes.

18 Q And, obviously, you, you open the body up, right?

19 Is that what an autopsy is?

20 A Yes.

21 Q You take -- do you take pictures before you open the
22 body up and after?

23 A Yes.

24 Q Okay. And you, and I guess the way to ask this, do, do
25 you clean the body before you take a picture?

1 A Yes.

2 Q Okay. How do you do that?

3 A With a sponge and water and --.

4 Q And, specifically, as you looked at the body of Brandon
5 Cummings, what did you observe?

6 A I observed a total of four entrance gunshot wounds.

7 Q And you, you got a report. Mr. Routzong has it also.

8 Would this aid you in your testimony today, your
9 report?

10 A Yes.

11 Q Do you have it with you?

12 A Yes.

13 Q Okay. And you say four gunshot wounds?

14 A Yes.

15 Q And, and did you see those -- first of all, did you see
16 them with your eyes?

17 A Yes.

18 Q Okay. And did you also do x-rays?

19 A Yes.

20 Q Okay. Could, could we start with the gunshot wound --
21 was one of them to the back?

22 A Yes.

23 Q Okay. And what do you designate that in your report
24 as?

25 What number?

1 A That's Number 4. We---

2 Q Okay.

3 A We just number the gunshot wounds going from top to
4 bottom. It doesn't mean when they were received by the
5 patient. It just gives us an organization.

6 Q Okay. So, you---

7 A The manner of, of enumerate them.

8 Q So you start from the top, and one, two, three, going
9 all the way down?

10 A Correct.

11 Q Okay. Just to have a way to order, order them?

12 A Correct.

13 Q Okay. Well, if I'll just, for my purposes, if you'd
14 reverse it to Number 4?

15 Can you tell the ladies and gentlemen about Gunshot
16 wound Number 4 on Brandon Cummings?

17 A Yes, that was in the mid back just to right of the
18 midline, and that bullet went -- just went underneath the
19 skin all the way up to the lower mid neck underneath the
20 skin, and that's where we were able to retrieve the bullet.

21 Q So, what direction was it going?

22 A It was going -- well, if you're in a standing position,
23 it would be going upwards and slightly towards the midline
24 from right to left. It did not go into the body cavities.
25 It just stayed underneath the skin.

1 Q So, if you were upward, then somebody would of had to
2 been shooting this way?

3 A Correct.

4 Q Can you put my body in a position, if I wasn't
5 stranding straight, where it would be consistent with the
6 path of Bullet Number 4?

7 A Just bend all the way down so that it would be going up
8 like this underneath the skin.

9 Q So, that entrance and the direction of that bullet
10 would be consistent with someone doing this, standing like
11 this?

12 A Yeah, even more, yes.

13 Q And this has been entered as State's 16.

14 Does this show the body of, of, of Brandon Cummings?

15 MR. ROUTZONG: Objection, Your Honor.

16 THE COURT: Sir?

17 MR. ROUTZONG: For the reasons I've already mentioned.

18 THE COURT: Oh, that are already on the record, right?

19 MR. ROUTZONG: Contemporaneously, Your Honor.

20 THE COURT: Yes, sir. Yes, sir. So respectfully
21 overruled for the reasons stated earlier.

22 Q This is State's 16.

23 Is that the, the picture of the gunshot wound on the
24 victim?

25 A Yes. And you can see the middle of the back, and, and

1 this wound is right to the right of midline.

2 Q Okay. Tell us what kind of -- if that was the only
3 shot Mr. Cummings had received, what, what damage would that
4 have done, and was that life threatening?

5 A No.

6 Q So, could he have still moved some, and walked some
7 after that?

8 A Yes.

9 Q Okay. Now, could -- if we could start with Gunshot
10 wound Number 1, doctor, and I'm gonna show you State's 16.

11 Is -- does that depict Gunshot Wound Number 1?

12 A Yes, it's in the left forehead.

13 Q And could you describe which path this bullet took?

14 A That bullet went from front to back and slightly toward
15 the midline. The bullet itself was found inside the head
16 towards the back of the head.

17 Q Okay. Could of done that -- you don't mind touching
18 me, do you, doc?

19 A No.

20 Q Can you show me if you don't mind?

21 A In here and -- I mean in here and all the way back
22 inside the skull.

23 Q And, and, and what directions do bullets go?

24 A Straight.

25 Q So, if, if the shooter was over there, and I was

1 turning this way, would that be consistent with receiving
2 that bullet?

3 A Yes, it -- bullet just goes straight. So --.

4 Q And, doctor, next I'd liked to go to Gunshot wound
5 Number 2 that you located on Brandon Cummings body.

6 Could you describe that for us?

7 A Yes, that went in the left side of the head towards --
8 almost to the top of the head. Just to the left of the, of
9 the middle. That bullet went downward, slightly frontward,
10 and, and towards the, the middle of the body.

11 Q I'm gonna show you again State's 16, which contains all
12 of these.

13 Can, can you show us which one is Gunshot Wound Number
14 2?

15 A This one right here.

16 Q Okay. And the direction it went was what?

17 A Downward from left to right downward, and, you know,
18 just left to right and downward. It was found basically
19 behind the nose.

20 Q And would that be consistent with someone on the
21 ground, if they're face down, receiving that injury?

22 A It's one way it could happen, yes.

23 Q What's another way it could of happened?

24 A Well, bullets go straight. So, you have two people who
25 are moving. Any way you can think of the bullet going

1 downward, and, and from left to right.

2 Q And it would be somebody that -- up higher over the
3 person, correct?

4 A That could be.

5 Q And tell me about -- well, I forgot to ask you about
6 Gunshot Wound Number 1.

7 was that life threatening?

8 A Yes.

9 Q And Gunshot Number 2, was that life threatening?

10 A Yes.

11 Q And, and we're saying life threatening.

12 Could you have -- how, how, how quickly would you have
13 lost all of your---

14 A well, anytime a bullet goes through the brain you have
15 kind of an explosive effect, and that would cause
16 unconsciousness and basically immediately.

17 Q And Gunshot Wound Number 3, doc, please describe it.

18 A That went in the back of the head and towards the
19 midline, and that went from back to front, and slightly to
20 the right. It was found in the base of the skull here, and
21 it went down and was found in the base of the skull.

22 Q would that be consistent with Brandon Cummings being
23 face down on the ground?

24 A That's one way it could be, yes.

25 Q So we won't have to -- these pictures, I just want you

1 to just, very briefly if you don't mind, I'm gonna --.

2 (WHEREUPON, a styrofoam head was marked as State's
3 Exhibit No. 18 for identification purposes only at this
4 time.)

5 Q Doc, I'm gonna show you what's -- styrofoam head and I
6 think we've used these before.

7 Can you approximately show Gunshots 1, 2, and 3 --
8 let's see if we have a felt pen.

9 Doctor, thank you.

10 would you please use whichever one of these pens you
11 want to?

12 A Okay.

13 Q And here's State's 16 if you need to refer to that.

14 A Okay. So this one is -- comes in the left forehead.
15 That's Number 1. Number 2 is on the left side of the head
16 here, and Number 3 here.

17 Q There's no question these are coming from behind him,
18 correct?

19 A Well, this---

20 Q From back to front?

21 A This one, this one is.

22 Q Yeah.

23 A Yes.

24 SOLICITOR MEADORS: Your Honor, if I said it, I can't
25 remember, State's 18 without objection.

1 THE COURT: Yes, sir.

2 (WHEREUPON, State's Exhibit No. 18 was received into
3 evidence at this time.)

4 Q Now, doctor, when you opened Brandon up, and, and I
5 don't want to get too gory, but you have -- you saw these,
6 you identified them, and then you -- were you able to
7 collect the projectiles?

8 A Yes.

9 Q And I'm showing you what's marked -- Your Honor, I
10 believe State's 17 without objection.

11 THE COURT: Yes, sir.

12 (WHEREUPON, State's Exhibit No. 17 was received into
13 evidence with objection.)

14 SOLICITOR MEADORS: Jim. Jim. Got your -- thank you.

15 Doctor, when you're performing an autopsy, and if you
16 collect evidence in this case, bullet fragments from a body,
17 do you document that?

18 A Yes, we put them in these little plastic bags. I
19 initial and, and we heat seal them where I initial and date
20 and---

21 Q would you like me to open this up also?

22 A And it---

23 Q Thank you.

24 A Gonna say four bullets sealed in a plastic bag, and
25 label with where they came from. This one points from the

1 neck. This one, the right petrous ridge, which is the base
2 of the skull. This one in the back of the brain, which was
3 back here from Gun, Gunshot Wound Number 1, and this one is
4 from the nose from Gunshot Wound Number 2.

5 Q So these are gunshots one, two, three, and four you
6 took from the body---

7 A Yes.

8 Q ---of Brandon Cummings?

9 A Yes, and they're sent to SLED.

10 Q And do you hand these over to somebody from local law
11 enforcement?

12 A Yes.

13 Q Okay. And it ends up -- well, you may not know this,
14 but would Jim Alice (indiscernible) cut, cut this open, and
15 it's sealed now for you to say this is what I got from his
16 body, right?

17 A Correct.

18 Q No question this is what you got from Brandon's---

19 A Those---

20 Q ---body?

21 A Those are my initials, yes.

22 SOLICITOR MEADORS: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 (Pause.)

25 Q And this, this is where you found these bullets.

1 It's not the entry wound?

2 That's where you found them, correct?

3 A Correct.

4 Q Doctor, based on your observation of Mr. Cummings body,
5 your examination of his body, can you tell this jury, to a
6 reasonable degree of medical certainty, the cause of death
7 of Brandon Cummings?

8 A Yes.

9 Q Please tell us what your opinion is.

10 A A laceration of the brain due to the gunshot wounds,
11 pleural, of the head.

12 Q And, and Gunshot Wound Number 4 he could of survived?

13 A Yes.

14 Q Could of moved afterwards?

15 A Yes.

16 Q Gunshot Wound Number 1.

17 A One, two, and three all lacerated the brain, and would
18 cause unconsciousness and death.

19 Q And we've heard some gurgling on a tape that's already
20 in.

21 Is that unusual --

22 A No, because---

23 Q -- to hear some body sounds?

24 A Yeah, the, the lungs and---

25 MR. ROUTZONG: Objection, Your Honor. Relevance.

1 THE COURT: Solicitor.

2 SOLICITOR MEADORS: Your Honor, she's an expert and
3 forensic pathologist. I'm asking how long he should of
4 lived after.

5 THE COURT: I'll allow it.

6 MR. ROUTZONG: Thank you.

7 THE COURT: Overruled, sir. Respectfully.

8 Proceed, ma'am.

9 A The lungs and heart can continue for a, a few seconds
10 on their own.

11 Q And that would explain gurgling sounds that we heard?

12 A Yes.

13 Q Thank you, doctor. That's all.

14 THE COURT: Mr. Routzong.

15 MR. ROUTZONG: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. ROUTZONG:

18 Q Good afternoon, doctor.

19 How are you?

20 A Good afternoon. Fine. Thank you.

21 Q My name is Michael Routzong. I think we've met before.
22 You probably don't remember.

23 A Yes, I --.

24 Q Doctor, when -- you testified that bullets travel in a
25 straight path, right?

1 A Correct.

2 Q What you're really saying, I guess, is kind of like
3 Newtonian particle physics, they just go straight until
4 something impedes it, right?

5 A Correct.

6 Q And then can, over time that, you know, if it were far
7 away, it would start to drop, and it'd hit the ground,
8 right?

9 A Are you talking about from a gunshot wound?

10 Yes.

11 Q That's correct.

12 A Yes.

13 Q So, the same thing is true in bodies, right?

14 So, if it hits a bone, it could change directions,
15 right?

16 A Not really. In -- three of the -- two of these bullets
17 were embedded in bone. The -- one at the base of the skull.
18 Sometimes a bullet will go in, and they will hit the inside
19 of the skull and rim around, but they don't bounce back and
20 forth.

21 Q So sometimes they don't go straight?

22 A Well, they go straight, yeah, until they hit something
23 like bone.

24 Q My point exactly.

25 So, as you're here today, doctor, can you testify to

1 how Brandon Cummings body reacted to any of these shots?

2 I mean Brandon Cummings body.

3 Can you tell the jury, in terms of whether he moved
4 like this, whether he moved like that, whether it was down
5 like Mr. Meadors was, any of that?

6 Can you tell this jury any of that?

7 A The bullets go straight, and you have two -- you have
8 the, the shooter and the, the victim moving -- they're
9 several different ways that they could enter the, you know,
10 the body that way.

11 Q But, but my question was can you tell the jury, to a
12 degree of medical certainty, how Brandon Cummings reacted,
13 if he went like this or he went like that, he fell
14 backwards, he went forwards?

15 Can you testify to any of that?

16 A No, sir.

17 MR. ROUTZONG: Thank you, Your Honor.

18 Thank you, Doctor Ross.

19 THE COURT: Mr. Meadors.

20 SOLICITOR MEADORS: we'd ask the doctor be excused
21 please.

22 THE COURT: Yes, sir.

23 Thank you very, much.

24 THE WITNESS: Thank you.

25 SOLICITOR MEADORS: Thank you, doctor. Safe travels.

1 Your Honor, the State of South Carolina would call
2 Shaune Gill.

3 THE BAILIFF: Right, right-hand. State your name.

4 THE WITNESS: Shaune Gill.

5 SHAUNE GILL, being first duly
6 sworn, testified as follows:

7 THE BAILIFF: State your name for the record, and spell
8 your last name please.

9 THE WITNESS: Shaune Gill. G-I-L-L.

10 DIRECT EXAMINATION

11 BY SOLICITOR MEADORS:

12 Q Good afternoon, Mr. Gill.

13 A Good afternoon.

14 Q Now tell these ladies and gentlemen, you, you use to be
15 Investigator Gill, correct?

16 A Yes, I was Detective Gill.

17 Q Detective. I'm sorry. Detective Gill.

18 And how long were you in law enforcement?

19 A About 13 years total.

20 Q And where were you in law enforcement?

21 A Started off in Georgia, went to South Dakota, and ended
22 up here working for the Sumter Police Department.

23 Q And how many of those years were you here?

24 A I think about seven.

25 Q Okay. what different positions did you hold here in

1 Sumter Police Department?

2 A I was hired in patrol. So, just patrolman, and then I
3 was promoted to detective where I worked in violent crimes.

4 Q And you retired or left the Sumter Police Department
5 when?

6 A March of 2018.

7 Q And you've got -- started -- went into private
8 business?

9 A Yes.

10 Q And what do you do?

11 A I'm a window tinter.

12 Q And a successful business?

13 A Yes.

14 Q Going back to May, 2017, you were still employed with
15 the Sumter Police Department?

16 A Yes.

17 Q And were you the lead detective on this case?

18 A I was.

19 Q And thank you for being here today.

20 A You're welcome.

21 Q Investigator, I'm just gonna lead you through this real
22 quick. Yes or no answer.

23 was the Defendant placed under arrest for murder?

24 A Yes.

25 Q On June 5th of 2017?

1 A Yes.

2 Q Now, on July 6th, 2017, did you have the opportunity
3 to or occasion to see Walter Murrey, Junior, the Defendant
4 in this case?

5 A Yes.

6 Q Okay. Can you tell us how that came about?

7 A I got a call on my phone from someone working at the
8 jail. They informed me that Mr. Murrey was requesting that
9 I come out to the jail and speak with him.

10 Q And, at this point -- and this, this happened on May
11 17th, correct, the incident?

12 A Yes.

13 Q Okay. And we're July 16th.

14 Had you gone out to the scene to Quality Inn that
15 night?

16 A Yes, I did.

17 Q And were you familiar with some of the interviews that
18 had been done?

19 A Yes.

20 Q Okay. Some of the evidence that had been collected?

21 A Yes.

22 Q Okay. Items that may have been sent to SLED?

23 A Yes.

24 Q Okay. And you had that background and knowledge with
25 you when you went to speak with Mr. Murrey?

1 A That's correct.

2 Q Okay. And you -- he requested you come see him?

3 A Yes.

4 Q And did you go do that?

5 A I did.

6 Q And where did you go?

7 A To the Sumter Lee Regional Detention Center.

8 Q And when you got there, did you tell Mr. Murrey you
9 were there at his request?

10 A I did.

11 Q And did he agree with that?

12 A He did.

13 Q Did he say he wanted to talk to you?

14 A He did.

15 Q Okay. Did you inform Walter Murrey of his Miranda
16 rights?

17 A I did.

18 Q Okay. Can you tell the ladies and jury -- gentlemen of
19 the jury exactly what you did?

20 A We have a form that pretty much details all of the
21 rights, and I customarily will always read directly from
22 that form. That where -- that way there's no question on
23 whether it was done properly or not. So, with him, I read
24 directly from the form.

25 Q Can you read them now?

1 A Sure. Sumter Police Department Interview Form.

2 Before we ask you any questions, you must understand
3 your rights. You have the right to remain silent. Anything
4 you say can be used against you in Court. You have the
5 right to talk to a lawyer for advice before we ask you any
6 questions, and to have him or her with you during that
7 questioning. If you can not afford a lawyer, one will be
8 appointed for you before any questioning if you wish.

9 If you decide to answer any questions now without a
10 lawyer present, you will still have the right to stop
11 answering at anytime until you talk with a lawyer.

12 Q And you read those to him?

13 A I did.

14 Q Did you then also read him his waiver of rights?

15 A I did.

16 Q Read that as you did.

17 A Before any questioning, I was furnished the above
18 statement of my rights at, and, at that time, it was 2:10PM,
19 on July 6th of 2017, at the Sumter Lee Regional Detention
20 Center by Officer Gill of the Sumter Police Department. And
21 it further states that I have read or had read to me this
22 statement of my rights.

23 I understand what my rights are. I'm willing to answer
24 questions at this time without a lawyer present. No
25 promises or threats have been made to me, and no pressure

1 has been used against me.

2 Q And, and did he sign that form saying he understood the
3 rights, and wanted to waive them and talk to you?

4 A He did.

5 Q Okay. And did you also sign as a witness?

6 A I did.

7 Q If I call you investigator during this, I'm sorry. But
8 I'm just use to doing it.

9 During this process of reading him -- the Defendant his
10 rights and the waiver of rights, did he appear to understand
11 them to you?

12 A He did.

13 Q And could you understand him when he answered you?

14 A I could.

15 Q Did he appear to understand your questions based on
16 your -- on his answers?

17 A He did.

18 Q Okay. Were they subject matter appropriate?

19 A Yes.

20 Q Okay. And were they timely?

21 A Yes.

22 Q Did he seem to have trouble answering your questions?

23 A He did not.

24 Q At anytime during the reading of these rights, and the
25 waiver of rights, and at anytime during this statement that

1 you took, did you threaten the Defendant?

2 A No, sir.

3 Q Okay. Hold out any hope of reward?

4 A No, sir.

5 Q Did he appear to be under the influence of anything?

6 A He did not.

7 Q Okay. He appeared to you to understand what he was
8 doing?

9 A He did.

10 Q Matter of fact, he'd asked to talk to you?

11 A That's correct.

12 SOLICITOR MEADORS: Okay. Your Honor, we'd offer this
13 as State's No. 6.

14 THE COURT: Mr. Routzong.

15 MR. ROUTZONG: Objection, Your Honor, based on our
16 previous arguments.

17 THE COURT: Yes, sir. Respectfully overruled.

18 (WHEREUPON, State's Exhibit No. 6 was received into
19 evidence at this time.)

20 Q And after, after you read him his rights, did you say
21 you could stop at anytime?

22 A I did.

23 Q And did you -- and, and were you equipped with anything
24 to help you memorialize this statement?

25 A Yes. Especially after just the, the timeframe, I, I

1 took my phone out and put it -- placed it on record to
2 record the entire interview.

3 Q So it was recording?

4 A Yes.

5 Q Okay. And it's at the jail?

6 A It was.

7 Q And anything -- during this process too, if he had
8 wanted something to eat or to use the bathroom, would you
9 have let him?

10 A Yes.

11 Q Okay. That's just your practice?

12 A Yes.

13 Q Did you then conduct an approximately two hour 40
14 something minute interview with the Defendant?

15 A I did.

16 Q Okay. And we've listened to that earlier today, didn't
17 we?

18 A Yes.

19 Q And does that accurately reflect your conversation with
20 the Defendant?

21 A It does.

22 Q That's you on there, and that's him on there?

23 A Yes.

24 Q All right. At, at the end of the interview, maybe the
25 last hour or so, approximately for the record, I'm not

1 trying to -- did the Defendant put in writing a statement in
2 addition to -- we have a, we have an oral statement, and a
3 written statement, correct?

4 A That's correct.

5 Q And, and did he put this in writing in front of you?

6 A He did.

7 Q All right. And, and at the top, it's got date filled
8 out, his name, and where he lived.

9 who filled that out?

10 A He did.

11 Q So, he filled all that out himself?

12 A Yes.

13 Q Did he have any trouble doing that?

14 A No, sir.

15 Q Okay. And were these his words he put down?

16 A Yes, sir.

17 Q And did he sign, he being Walter Murrey, ink to the
18 Pages 1, 2, 3, and 4?

19 A He did.

20 Q Okay. And I'll offer that after we get to it I guess,
21 but it's -- start now for State's 15, but I'll go ahead.
22 Offer State's 15, Your Honor, in evidence.

23 THE COURT: Yes, sir.

24 MR. ROUTZONG: Objection, Your Honor.

25 THE COURT: Same, same objection. Overruled.

1 (WHEREUPON, State's Exhibit No. 15 was received into
2 evidence at this time.)

3 SOLICITOR MEADORS: Your Honor, at this point we'd
4 offer to publish State's No. 14, and Your Mam -- Your Honor,
5 there may be certain parts that -- of course, it all will be
6 in evidence where there's not much there that we may be able
7 to agree that there's just nothing there. It's not worthing
8 sitting, but we'll certainly---

9 THE COURT: Yes, sir.

10 SOLICITOR MEADORS: ---Your Honor---

11 THE COURT: Yes, sir.

12 (WHEREUPON, a portion of State's Exhibit No. 14 was
13 played for the jury at this time.)

14 Q Did you just say I'm gonna read you your rights before
15 I see what you called me for or --?

16 A That's correct.

17 Q So in the process now of reading the rights?

18 A Yes, sir.

19 (WHEREUPON, another portion of State's Exhibit No. 14
20 was played for the jury at this time.)

21 Q Actually says we can't talk without this, right?

22 A That's -- he did.

23 (WHEREUPON, another portion of State's Exhibit No. 14
24 was played for the jury at this time.)

25 Q And is that him actually signing right now?

1 A Yes.

2 Q Okay.

3 (WHEREUPON, another portion of State's Exhibit No. 14
4 was played for the jury at this time.)

5 SOLICITOR MEADORS: Judge, may I sit down?

6 THE COURT: Yes, sir.

7 Q I'm not gonna interrupt again for a long time, but did
8 he just say -- did you just say why did you call me?

9 A I did.

10 (WHEREUPON, another portion of State's Exhibit No. 14
11 was played for the jury at this time.)

12 SOLICITOR MEADORS: Your Honor, my -- may I just
13 inquire of everybody if they can hear?

14 THE COURT: Yes, sir.

15 SOLICITOR MEADORS: Thank you.

16 (WHEREUPON, another portion of State's Exhibit No. 14
17 was played for the jury at this time.)

18 Q Was he -- did he just say anybody could have access to
19 his clothes?

20 A Yes.

21 Q Cause they were in Rafael's truck?

22 A That's correct.

23 Q And this is right after he said you've opened your
24 hand, I'm gonna open my hand to you?

25 A Yes, sir.

1 (WHEREUPON, another portion of State's Exhibit No. 14
2 was played for the jury at this time, and then the recording
3 stopped playing.)

4 THE COURT: Gentlemen, do we need to take a break while
5 you---

6 SOLICITOR MEADORS: No, sir, I, I just -- I think we
7 --.

8 THE COURT: Members of the jury, I'm gonna send you,
9 respectfully, to your jury room while we address another
10 matter. Please do not begin deliberations, and do not
11 discuss this case among yourselves.

12 Thank you.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 THE COURT: Y'all ready, gentlemen?

16 SOLICITOR MEADORS: Yes. Yes, sir.

17 THE COURT: Bring them in, sir.

18 SOLICITOR MEADORS: Judge, I -- our, our monitor's not
19 working. So, I've got to sit over here so that I can just
20 watch it to see where to---

21 THE COURT: Okay.

22 SOLICITOR MEADORS: ---stop it if that's okay.

23 THE COURT: Yes, sir.

24 SOLICITOR MEADORS: Judge, we have agreed that we're
25 gonna skip ahead to 32:30 so we'd at least save 20 minutes

1 there.

2 THE COURT: Yes, sir.

3 SOLICITOR MEADORS: 32:26, excuse me, and then we're
4 gonna stop at approximately 42:45, and then play a minute of
5 45:00, and then stop from 45:00 to 57:00, another 12
6 minutes. Excuse me. 45:00 to 58:25, which will be about 13
7 minutes we're gonna skip there.

8 THE COURT: Yes, sir.

9 SOLICITOR MEADORS: And then there's one reference at
10 the end where he says his lawyer's an atheist. We're gonna
11 try to keep that out.

12 THE COURT: Yes, sir.

13 SOLICITOR MEADORS: All right. That's it.

14 THE COURT: Yes, sir, I'm ready.

15 (WHEREUPON, the following takes place within the
16 presence of the jury.)

17 THE BAILIFF: The jury's all seated, Your Honor.

18 THE COURT: Proceed, sir.

19 SOLICITOR MEADORS: Permission to keep playing?

20 THE COURT: Yes, sir.

21 (WHEREUPON, another portion of State's Exhibit No. 14
22 was played for the jury at this time.)

23 Q Now, does he say, when we get to the corner, that's
24 where we hear shots?

25 A That's correct.

1 Q And we took off running?

2 A That's correct.

3 Q So, he didn't, didn't say he was the shooter there?

4 A Not at that point, no, sir.

5 (WHEREUPON, another portion of State's Exhibit No. 14
6 was played for the jury at this time.)

7 Q Now, investigator, is he describing what he did after
8 he heard the shots and they ran?

9 A That is correct.

10 (WHEREUPON, another portion of State's Exhibit No. 14
11 was played for the jury at this time.)

12 SOLICITOR MEADORS: Your Honor, I'd like the record to
13 reflect that defense counsel and the State have, what we're
14 doing, was we played it to 10:36 --

15 THE COURT: Yes, sir.

16 SOLICITOR MEADORS: -- and then skipped to 32:26, and
17 this is with the consent of both parties.

18 THE COURT: Yes, sir.

19 SOLICITOR MEADORS: And we played that till 42:34, and
20 we're gonna pick back up at, I believe, 45:00. Both parties
21 stipulate that what is now being played is not relevant to
22 this case.

23 THE COURT: Yes, sir.

24 (WHEREUPON, another portion of State's Exhibit No. 14
25 was played for the jury at this time.)

1 SOLICITOR MEADORS: And, Your Honor, after the I never
2 went up those stairs, we're skipping from 45:21 to 58:25.

3 THE COURT: Yes, sir.

4 (WHEREUPON, another portion of State's Exhibit No. 14
5 was played for the jury at this time.)

6 SOLICITOR MEADORS: Somebody -- you okay to start with
7 58:30?

8 MR. ROUTZONG: Yes, sir.

9 (WHEREUPON, another portion of State's Exhibit No. 14
10 was played for the jury at this time.)

11 Q Was he saying anybody had access to my shirts?

12 A Yes.

13 Q Okay.

14 A Cause they were on the back of the truck.

15 Q Rafael's truck?

16 A Yes.

17 (WHEREUPON, another portion of State's Exhibit No. 14
18 was played for the jury at this time.)

19 Q Is he still denying he did it?

20 A At this point, yes, sir.

21 (WHEREUPON, another portion of State's Exhibit No. 14
22 was played for the jury at this time.)

23 Q So he now asked you what about self-defense?

24 A Yes, sir.

25 Q And that's an hour and eight minutes into the

1 interview?

2 A Yes, sir.

3 (WHEREUPON, another portion of State's Exhibit No. 14
4 was played for the jury at this time.)

5 Q At this point in, in the interview, were you, were you
6 trying to get to -- him to admit that he was the shooter?

7 A Basically he asked me the question of self-defense.
8 And so basically I was just answering his question to the
9 best of my ability.

10 Quite frankly, it was the end of the day. So, I mean I
11 wasn't trying to really even go any further. But he asked
12 me a question. So I just answered it to the best of my
13 ability.

14 (WHEREUPON, another portion of State's Exhibit No. 14
15 was played for the jury at this time.)

16 Q Is he saying he came from around the bush?

17 A Yes, he's saying that the victim went around the bush,
18 and, when he came back around from the bush, that's where
19 he's at now.

20 (WHEREUPON, another portion of State's Exhibit No. 14
21 was played for the jury at this time.)

22 Q He say he went around that bush and was coming back?

23 A Yes, sir.

24 Q And that's his story he's saying after he had left the
25 group and was heading away, right?

1 A He was---

2 Q The victim.

3 A According to him, yes. Yes, the victim had left the
4 group and would -- left, went towards the bush, and was
5 coming back from the bush.

6 (WHEREUPON, another portion of State's Exhibit No. 14
7 was played for the jury at this time.)

8 Q Now he's talking about somebody else beside Brandon
9 Cummings, correct?

10 A That's correct.

11 Q Is that a male who he -- whose hit on him?

12 A Yes.

13 (WHEREUPON, another portion of State's Exhibit No. 14
14 was played for the jury at this time.)

15 SOLICITOR MEADORS: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 (Pause.)

18 SOLICITOR MEADORS: Judge, we're skipping ahead to --
19 there's some conversation about a prior lawyer that we've
20 agreed we'd keep out.

21 THE COURT: Yes, sir.

22 (WHEREUPON, another portion of State's Exhibit No. 14
23 was played for the jury at this time.)

24 Q Again, you're rehashing what he's told you, and he's
25 got him coming from behind a bush?

1 A That's correct.

2 (WHEREUPON, another portion of State's Exhibit No. 14
3 was played for the jury at this time.)

4 Q He say nine times out of ten I'll be honest with you?

5 A Yes, sir.

6 (WHEREUPON, another portion of State's Exhibit No. 14
7 was played for the jury at this time.)

8 Q Now, at this point in the interrogation, were you --
9 did you want him to write a written statement?

10 A If he, if he wanted to.

11 Q And you said earlier I really believe you.

12 Is that part of your investigation---

13 A Yes.

14 Q ---technique?

15 A Just to -- not to go against anything. Not to go
16 against the flow. Just allow him to just keep going in
17 whatever direction he wanted it to go.

18 Q Okay. And did you ask him, and I think I got it right
19 here, and, again, Your Honor, we have gone through these
20 meticulously, and did you ask him if he wanted to give a
21 written statement?

22 A I did.

23 (WHEREUPON, another portion of State's Exhibit No. 14
24 was played for the jury at this time.)

25 Q Now, is it fair to say, for the next maybe less than an

1 hour, he gave a written statement?

2 A That is correct.

3 Q And you can actually hear him -- the pencil on the
4 page?

5 A That's correct.

6 Q And is that what's written on State's 15?

7 A That's correct.

8 Q And I think there's one more place in here at 2:25,
9 there may be others, but at 2:25:45, does, does he ask you
10 what should he say about the gun?

11 (WHEREUPON, another portion of State's Exhibit No. 14
12 was played for the jury at this time.)

13 Q He was basically asking you what should he say about
14 the gun, correct?

15 A Correct.

16 Q Let me ask you, on State's 3, excuse me, Page 3 of
17 State's 15, and I'm not gonna get you to read all of it, is
18 this basically a summary of what he told you?

19 And the jury will have it in evidence.

20 This written statement a summary of one of the, the
21 versions he gave you at the end?

22 A Yes, sir.

23 Q All right. I just want to ask you one thing to point
24 out or say -- to please read.

25 Does he say, on Page 3, I seen Cummings coming from

1 behind the bush?

2 A Yeah.

3 Q Looked like he was pulling something out of his pocket?

4 A Yes, sir.

5 Q Looked like a gun. So I pulled out and started
6 shooting. After the last shot, we ran to my boss's room,
7 which we were headed -- that, that's what he said?

8 A Yes.

9 Q Okay. I think he -- is this Mr. Walter Murrey, Junior,
10 the person who gave you this statement, and the written
11 statement?

12 A Yes, sir.

13 Q I think I've already asked you that. I apologize.
14 Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 Q Great question.

18 Did y'all go look for the gun?

19 A We did.

20 Q And where did you search?

21 A In the marsh area west of the hotel property.

22 Q All right. And I'm terrible on directions. If I'm
23 facing Quality, which way would --?

24 A To the right.

25 Q Where the Days Inn is?

1 Days Inn side --

2 A Yes.

3 Q -- of Quality Inn?

4 A Yes.

5 Q Okay. You searched back in there in the marsh area?

6 A Yes.

7 Q Were y'all able to find it?

8 A No, sir.

9 Q Okay.

10 (Pause.)

11 Q Thank you. That's all.

12 THE COURT: May I speak to y'all?

13 SOLICITOR MEADORS: It's really truly about scheduling,
14 Judge.

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 THE COURT: Mr., Mr. Meadors.

18 (WHEREUPON, a bench conference was held out of the
19 hearing of the jury at this time.)

20 THE COURT: Members of the jury, first of all, it is
21 now time to appoint a foreperson, and that person will be
22 Rachel Bradford.

23 Will you raise your hand?

24 (WHEREUPON, the juror complies.)

25 THE COURT: All right. Now, I want you to go to your

1 jury room. This is your first decision to make in this
2 case, but only this decision. Nothing else.

3 We got a situation here where I would like to finish
4 this man today. We need about 30 to 45 minutes to do that
5 or we come back in the morning and start, and I, I discussed
6 this with the lawyers. I want you to make this decision
7 because he's got a lot lined up tomorrow, and I don't want
8 to keep him any longer or make him come back tomorrow. But
9 you make the decision for me please.

10 So, go to your jury room, and come back in with your
11 decision when you're ready please.

12 Thank you.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 MR. ROUTZONG: Your Honor, can we go to the restroom?

16 THE COURT: That's fine.

17 (WHEREUPON, a short recess was taken at this time.)

18 SOLICITOR MEADORS: Sir, really appreciate it.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE BAILIFF: The jurors are all seated, Your Honor.

22 THE COURT: All right. Let me offer my genuine sincere
23 thanks for working with us a few more minutes here today.
24 We're doing our best and obviously y'all are doing your best
25 too. So we do appreciate it.

1 Proceed, sir.

2 MR. ROUTZONG: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. ROUTZONG:

5 Q Good evening, Detective Gill. I guess Mr. Gill now.

6 A Good evening.

7 Q You knew Brandon Cummings from before, right?

8 A I knew of him. I've never actually dealt with him.

9 Q Okay. What, what did you know about him?

10 SOLICITOR MEADORS: Your Honor, I'm gonna object.

11 THE COURT: Grounds, Mr.---

12 SOLICITOR MEADORS: Relevance. I don't know what he's
13 talking about.

14 THE COURT: Mr. Routzong.

15 SOLICITOR MEADORS: Can we approach?

16 THE COURT: Yes, sir.

17 (WHEREUPON, a bench conference was held out of the
18 hearing of the jury at this time.)

19 THE COURT: Proceed, sir.

20 MR. ROUTZONG: Thank you, Your Honor.

21 Q Mr. Gill, I'm gonna show you what's been previously
22 marked as Defense 6, 7, and 5.

23 SOLICITOR MEADORS: No objection.

24 THE COURT: All right, sir.

25 (WHEREUPON, Defendant's Exhibit Nos. 5, 6, and 7 were

1 received into evidence at this time.)

2 Q Can you tell me what those are?

3 A Looks like a Dodge Challenger that's been -- a quarter
4 window's been struck by -- looks to be by a bullet.

5 Q That's the ones from those (sic) night, right?

6 A I guess. I didn't spend -- I was -- I responded to the
7 scene, but I didn't spend very much time on scene.

8 Q You were the lead detective.

9 You didn't look at all the pictures?

10 A I mean I've looked through the pictures, but, if
11 they're in the file, they're from -- they're related to the
12 case. I didn't take the pictures. I'll say that.

13 Q On No. 7, is that consistent with what you saw that
14 night?

15 A I didn't see that car that night.

16 Q Well, you, you were a detective for how many years?

17 A Here in Sumter, going on three, four years. South
18 Dakota, three years.

19 Q Okay. So you know about stippling, and powder burns,
20 and gas transfer, right?

21 A Yes.

22 Q You observed the body or the pictures of the body,
23 right?

24 A Yes.

25 Q You didn't see stippling, powder burns, or gas transfer

1 on that body, did you?

2 A Not to my knowledge.

3 Q would you explain to the -- for the jury what stippling
4 is?

5 A Stippling is burns to the skin that occurs from the
6 barrel of a firearm being close to the skin when it's fired.
7 The hot gas and residue that come out of the barrel tend to
8 burn the skin if it's close enough to the skin when the shot
9 is fired.

10 Q You didn't see any of that?

11 A No.

12 Q what are powder burns?

13 A Powder burns, the same thing. It's, it's burns from
14 the gases and powders that come out of the muzzle of the
15 firearm when a shot is fired.

16 Q Okay. And you didn't see any of that?

17 A No.

18 SOLICITOR MEADORS: Okay. No other questions, Your
19 Honor.

20 REDIRECT EXAMINATION

21 BY SOLICITOR MEADORS:

22 Q And that usually means the firearm was greater than 18
23 inches from the body if there's no stippling approximately,
24 correct?

25 A Yeah, and it depends on the firearm cause some firearms

1 fire at a high, higher velocity, which would disburse those
2 items further. But generally the, the muzzle has to be
3 pretty close for that to occur.

4 Q Thank you.

5 THE COURT: Mr. Routzong.

6 MR. ROUTZONG: No other questions, Your Honor.

7 THE COURT: Okay.

8 SOLICITOR MEADORS: Your Honor, could he please be
9 excused from his subpoena?

10 THE COURT: Yes, sir. Yes, sir. Thank you, sir.

11 But I must say that took long -- took shorter than I
12 thought.

13 Gentlemen, let's talk about where we go next please.

14 (WHEREUPON, a bench conference was held out of the
15 hearing of the jury at this time.)

16 THE COURT: Members of the jury, we thought we'd be
17 here a little longer. We won't be. I don't want to start
18 anybody else now. So, we will stop -- we'll stop, and be
19 back in your jury room at 9:30 in the morning.

20 No discussions. No deliberations please. And, again,
21 I truly don't know what to say now. I really thank you for,
22 for working with us a while ago, and being able to work with
23 out, being willing to do so. It matters a lot. So, I'll
24 see you at 09:30.

25 Thank you.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury.)

3 THE COURT: See y'all in the morning.

4 SOLICITOR MEADORS: Thank you, sir.

5 THE COURT: Thank y'all.

6

7 (WHEREUPON, Court was in recess for the evening.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Thursday, October 17th, 2019

2
3 (WHEREUPON, eighteen photographs were marked as State's
4 Exhibit Nos. 19 through 36 for identification purposes only
5 at this time.)

6 SOLICITOR MEADORS: Yes, sir.

7 MR. ROUTZONG: Yes, sir.

8 THE COURT: All right. If you bring the jury back in,
9 sir.

10 THE BAILIFF: Yes, sir.

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE BAILIFF: The jurors are seated, Your Honor.

14 THE COURT: All right. Good morning to you, jurors. I
15 appreciate you being here on time.

16 I had one minor housekeeping matter to address before
17 we brought you in here this morning, but we are ready to go
18 now.

19 And Mr. Meadors.

20 SOLICITOR MEADORS: Thank you.

21 May it please the Court.

22 Your Honor, the State of South Carolina would call Cody
23 Shelton.

24 THE BAILIFF: Sir, place your left-hand on the Bible,
25 raise your right-hand, and state your name.

1 THE WITNESS: Cody Shelton.

2 CODY SHELTON, being first duly
3 sworn, testified as follows:

4 THE BAILIFF: Thank you. Step around and watch your
5 step.

6 (WHEREUPON, the witness complies.)

7 THE BAILIFF: State your name for the record, and spell
8 your last name please.

9 THE WITNESS: Cody Shelton. S-H-E-L-T-O-N.

10 DIRECT EXAMINATION

11 BY SOLICITOR MEADORS:

12 Q Good morning, Mr. Shelton.

13 A Morning.

14 Q If you need to talk -- just speak into that microphone
15 so these ladies and gentlemen, gentleman can hear you, and
16 just -- so the court reporter can take down everything you
17 say please.

18 A Yes, sir.

19 Q As I do with every witness, tell, tell these folks
20 about Cody Shelton, where you're from, and where you went to
21 school, and that kind of stuff.

22 A I'm from Thompson, Georgia, born and raised. I went to
23 Thompson High School, and --.

24 Q When did you get out of high school?

25 A 2015, '16.

1 Q what did you do after that?

2 A I come straight to my grandfather's business, which was
3 work as a carpenter.

4 Q And where is your grandfather's business?

5 A Located in Evans, Georgia.

6 Q What's his name?

7 A Dale Sprouse.

8 Q And what's his business?

9 A The name?

10 Q Yes, sir.

11 A DPS Evans, Incorporated.

12 Q What type of work do y'all do?

13 A We do sheetrock, metal stud framing, acoustical
14 ceilings, and sheetrock finishing.

15 Q And does your work -- is it just in Georgia or do you
16 go around to different states?

17 A It's mostly located in Georgia and South Carolina.

18 Q And have y'all, your company or you, ever done any work
19 out at Shaw?

20 A Yes, sir.

21 Q And is that what brought you here, and why you're here
22 today?

23 A Yes, sir.

24 Q All right. So let's go back to May, 2017.

25 Specifically May 17th in 2000 -- May 17th of 2017.

1 were you here working for your grandfather on that day?

2 A Yes, sir.

3 Q What were your -- what was the -- what job were you on?

4 A We were out there at Shaw Air Force Base working in
5 the -- it's the -- one of the buildings where they fix heavy
6 equipment.

7 Q How long was that job gonna last or did it last?

8 A I think it lasted a little over a year.

9 Q To -- and, and, and, when you do an out-of-town job, I
10 know this may sound crazy, but do y'all commute back and
11 forth to Georgia or do you stay in motels?

12 A Generally, if it's an hour out of Augusta, we will stay
13 --

14 Q In Georgia.

15 A -- for the week. In---

16 Q Ah, I'm sorry.

17 A ---South Carolina.

18 Q In, in the motel.

19 Okay.

20 A Yes, sir.

21 Q And so you stayed in the motel at this job?

22 A Yes, sir.

23 Q What motel did you stay in?

24 A Quality Inn.

25 Q And was it a Wednesday, the day of the week when this

1 happened?

2 A Yes, sir.

3 Q All right. Can you tell the folks what time y'all --
4 you went to work that day, and what time you finished?

5 A I went to work at 7:00AM, and we finished at 5:30PM.

6 Q And, and after that, though, where did you go?

7 A We went back to the motel to check into the motel.

8 Q Okay. Is that Quality Inn on Broad Street?

9 A Yes, sir.

10 Q All right. Now, had the Defendant, Walter Murrey, was
11 he working with you that day?

12 A Yes, sir, he come halfway through the day.

13 Q All right. And had you ever met him before?

14 A No, sir.

15 Q That's the first time he'd worked with you?

16 A Yes, sir.

17 Q All right. And after y'all finished up work that day,
18 did Mr. -- did the Defendant, Walter Murrey, go back to the
19 motel also?

20 A Yes, sir.

21 Q Tell these folks, you, you had a hard day?

22 A (WHEREUPON, there was no audible response.)

23 Q How many of y'all -- how many of your group was staying
24 at the Quality Inn?

25 A There was me, my cousin.

1 Q who's your cousin?

2 A Joshua Alva. Anthony. Walter.

3 Q what's Anthony's last name?

4 Do you remember?

5 A Oh, I'm -- can't say---

6 Q That's okay.

7 A ---that I do.

8 Q Go ahead.

9 A Rafael and Caleb. That was our entire crew out here in
10 South Carolina.

11 Q Rafael Rodriguez and Caleb Gomez?

12 A Yes, sir.

13 Q All right. what did you-all do after work?

14 A We proceeded to clean up a little bit, and decided we
15 were gonna grill out and just relax.

16 Q And, and did somebody bring a grill?

17 A Yes, sir, my cousin did, Joshua Alva.

18 Q Okay. And is that not unusual, after a days work,
19 y'all might grill out at the motel?

20 A No, sir.

21 Q Okay. Not unusual?

22 A No, it's not unusual, no.

23 Q I'm sorry.

24 So, y'all grilled?

25 A Yes, sir.

1 Q All right. And what else were y'all doing?

2 A Listening to music. There was beer flowing through a
3 couple people, but --.

4 Q Now, what do you mean by that, flowing through a couple
5 people?

6 Just---

7 A A couple people had a couple beers.

8 Q Okay. So, drinking and grilling out?

9 A Yes, sir.

10 Q All right. What time did y'all finish the cookout best
11 you can remember?

12 A Best I can remember, I think we ate around seven, eight
13 o'clock or so, and then, within the next hour, hour and a
14 half, we started cleaning up, getting ready for bed.

15 Q What time did you have to be at work the next day?

16 A 7:00AM.

17 Q Now, did, did you know Brandon Cummings, the victim in
18 this case?

19 A On a personal level, no. I knew him from bump-ins at
20 the motel. He would always come by, and talk at the motel.

21 Q And how many times had you seen Brandon before this?
22 How many approximately?

23 A Just about every day.

24 Q Okay. And I -- maybe -- that was a terrible question.
25 How many times have you been to Quality, Quality Inn

1 prior to this, and I'm not looking for an exact number.

2 This probably was a year---

3 A Yes, sir, I'd say we were staying there for about
4 seven, eight months at the time.

5 Q Okay. And you'd see Brandon about every time you were
6 there?

7 A About every time, yes, sir.

8 Q Okay. After y'all had cleaned up and whoever cleaned
9 up, I don't know, but did anything happen after that?

10 Did you hear anybody -- any arguing?

11 A Yes, sir.

12 Q Okay. Tell them about it.

13 A I was going to put an ashtray back at the pool in the
14 middle of the motel, and I heard Caleb and Brandon arguing
15 in the breezeway, and I stopped to make sure a fight was not
16 going to break out.

17 Q Caleb Gomez?

18 A Yes, sir.

19 Q And Brandon Cummings arguing?

20 A Yes, sir.

21 Q All right. And so you just observed it?

22 A Yes, sir.

23 Q All right. Then what happened?

24 A The arguing got Walter's and Rafael's attention also,
25 and they come up to make sure a fight didn't break out also.

1 Q So, they, Walter and, and who?

2 A Rafael.

3 Q Rafael.

4 They went to where the arguing was?

5 A Yes, sir.

6 Q Okay. Then what happened?

7 A Then words were exchanged between all of us trying to
8 get Brandon to leave, and just leave everybody alone, and
9 that's what he was in the process of doing.

10 Q Leaving?

11 A Yes, sir.

12 Q All right. And then what happened?

13 A He was walking away, and we were slowly following him,
14 and he was threatening us, and -- but he was leaving, and
15 Walter shot him.

16 Q Where, where was the victim when Walter shot him?

17 A At the end of the motel.

18 Q And when you say at the end of the motel, you're
19 talking on the bottom?

20 A Yes, sir.

21 Q All right.

22 A Bottom floor.

23 Q And you said that the, the victim was leaving?

24 A Yes, sir.

25 Q All right. Who was behind him?

1 A Walter.

2 Q All right. And then you were behind Walter?

3 A Yes, sir.

4 Q All right. And you said Brandon was, was saying some
5 stuff?

6 A Yes, sir.

7 Q Was he clapping his hands?

8 A Yes, sir.

9 Q Could you see his hands?

10 A Yes, sir.

11 Q Did he have anything in his hands?

12 A No, sir.

13 Q All right. And if this is -- well, where, where --
14 what room -- outside what room were y'all barbecuing?

15 A I can not remember the room number, but I do remember
16 it was about midways from the breezeway to the end of the
17 motel.

18 Q So, if we say this is the breezeway right here, the end
19 of the jury box --

20 A Yes, sir.

21 Q -- and let's just say this is the cookout halfway, so
22 you said that Brandon was walking away?

23 A Yes, sir.

24 Q And Walter's behind him?

25 A Yes, sir.

1 Q And if this is the end of the breezeway or the end of
2 the walkway --

3 A Yes, sir.

4 Q -- what -- where, where did Walter shoot Brandon?

5 A Brandon was about right there about to turn the corner
6 and Walter was right behind him.

7 Q And he just shot him?

8 A Yes, sir.

9 Q And that was lit underneath there?

10 I mean you could see, right?

11 A Yes, sir.

12 Q Did that scare you?

13 A Yes, sir.

14 Q What did you do after you heard the shot?

15 A I ran back to my motel room.

16 Q Which way did you run?

17 A I ran straight back up and come through the breezeway,
18 and then come back down to hit my motel room on the opposite
19 side of where it occurred.

20 Q So, if this is the breezeway, you came back from here,
21 ran through the breezeway?

22 A Yes, sir.

23 Q And if behind the jury box, is it -- was your room back
24 on that side?

25 A Yes, sir.

1 Q And that's the way you came -- went?

2 A Yes, sir.

3 Q So you don't know which way the Defendant went?

4 A No, sir.

5 Q All right. Did you hear more than one shot?

6 A Yes, sir.

7 Q Do you know how many you shot?

8 A I'm not sure---

9 Q How many you heard. I'm sorry.

10 If you're not sure, you're not sure.

11 Did you---

12 A Four maybe, five. I'm not sure.

13 SOLICITOR MEADORS: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q Did you think Brandon needed to be shot?

17 A No, sir.

18 Q Was he leaving?

19 A Yes, sir.

20 Q And---

21 A Slowly but surely he was leaving.

22 (WHEREUPON, two photographs were marked as State's
23 Exhibit Nos. 37 and 38 for identification purposes only at
24 this time.)

25 SOLICITOR MEADORS: I want to put this up here.

1 MR. ROUTZONG: No objection, Your Honor.

2 THE COURT: Okay. Thank you.

3 SOLICITOR MEADORS: Your Honor, these are State's 37
4 and 38 without objection.

5 THE COURT: All right, sir.

6 (WHEREUPON, State's Exhibit Nos. 37 and 38 were
7 received into evidence at this time.)

8 SOLICITOR MEADORS: Judge, we ran out of boards, and
9 we're just gonna put this up here for now.

10 THE COURT: Yes, sir.

11 SOLICITOR MEADORS: Judge, with your permission, can I
12 ask the witness if he'd come down?

13 THE COURT: Yes, sir.

14 Q If you'd just please speak up also so the Madam Court
15 Reporter can get down everything you say.

16 A Yes, sir.

17 Q I think, if you'll face this way, so she can see your
18 lips.

19 Now, I've never showed you this before, have I?

20 A Not -- no, sir.

21 Q And does, does this appear to you to be -- and, and you
22 need -- this lady's over here again.

23 If you'd get back to where she can -- all of them can
24 see please?

25 A All right.

1 Q Can you tell -- is this an aerial photo of Quality Inn
2 at 2390 Broad Street?

3 A Yes, sir.

4 Q And you recognize it?

5 A Yes, sir.

6 Q And what side of the motel were you staying on?

7 A I was staying out here.

8 Q Okay. And we see what's right here in the middle.

9 Is that what you refer to as the breezeway?

10 A Yes, sir.

11 Q Okay. And you've testified that Brandon was at the
12 corner and turning.

13 Was that down here?

14 A Yes, sir.

15 Q Approximately where were y'all grilling?

16 A I know the breezeway comes out right here. We were
17 somewhere right around in here.

18 THE COURT: Mr. Meadors, they're having trouble seeing.

19 SOLICITOR MEADORS: I'm sorry. Dang-it.

20 All right. Let's start over again.

21 Where's the breezeway -- and I'm -- and you're gonna
22 need to back up. We're too close.

23 All right. Show them where the breezeway is please.

24 A That's the breezeway.

25 Q Where were y'all grilling?

1 A We were grilling right around in here.

2 Q All right. Where's the corner you said that Brandon
3 was turning?

4 A Right in here.

5 Q And, and how far were you from the Defendant when he
6 shot Brandon?

7 A Four feet.

8 Q And then show the jury where you went after shots were
9 fired?

10 A I went straight back up through the breezeway, back
11 down to my room, and went in my room.

12 Q What happened after that?

13 A Walter followed me in the room, told him he needed to
14 leave, and he left, and then we tried to get some sleep.

15 Q You told him he needed to leave?

16 A Yes, sir.

17 Q All right. You can take back---

18 A Thank you.

19 (WHEREUPON, the witness returns to the stand.)

20 Q Thank you.

21 A Yes, sir.

22 Q Okay. How long after you got back to your room did you
23 see Walter Murrey?

24 A Not long at all.

25 Q And what did you tell him then?

1 A He needed to leave the motel -- my motel room.

2 Q And why, why did you want him to leave?

3 A I didn't want him in there with me.

4 Q Did you see a shirt he had?

5 A Yes, sir.

6 Q Tell us about that.

7 A He took it off and threw it on the floor in my motel,
8 and, after he left, I picked it up and threw it outside.

9 Q Why did you do that?

10 A Because I didn't want it in my room.

11 Q All right. Did y'all have any conversation, you and
12 Walter Murrey, while you were in his room?

13 A Not really. There was -- there, there was shouting,
14 but I mean it wasn't really conversation I mean.

15 Q When Brandon was leaving, did he say when he was gonna
16 come back?

17 A Thursday.

18 Q Thursday.

19 And this was a Wednesday?

20 A Yes, sir.

21 Q So he was telling y'all he was gonna be back the next
22 day?

23 A Yes, sir.

24 Q But he was leaving?

25 A Yes, sir.

1 Q And then -- and I don't mean -- but he, he was doing
2 like this?

3 A Yes, sir.

4 Q And that's when he was shot?

5 A I guess so.

6 Q Now, did you give a statement on May 24th of 2017?

7 A Yes, sir.

8 Q Is that your signature?

9 A Yes, sir.

10 Q And you gave a statement to law enforcement about what
11 you just testified to?

12 A Yes, sir.

13 SOLICITOR MEADORS: well, these obviously can't go to
14 the jury, but we'd mark them as ID please.

15 THE COURT: Yes, sir.

16 (WHEREUPON, Mr. Shelton's statement was marked as
17 State's Exhibit No. 39 for identification purposes only at
18 this time.)

19 Q Do, do you have a concealed weapons permit?

20 A Yes, sir.

21 Q Did you have a gun on you that night?

22 A No, sir.

23 Q Did you know that Walter had a gun on -- that he would
24 have a gun?

25 A No, sir.

1 Q And had he -- had y'all gone straight to -- had y'all
2 gone -- had he gone straight to work before he went to the
3 motel?

4 A Yes, sir.

5 Q All right. And are you suppose to have weapons with
6 you on the -- Shaw?

7 A No, sir.

8 Q Mr. Shelton, is the individual that you saw shoot
9 Brandon Cummings as he was leaving the Quality Inn on May
10 7th of 2017, is he in the courtroom?

11 A I think so.

12 Q Could you point him out?

13 A (Witness complies.)

14 Q Sitting next to Mr. Routzong?

15 A Yes, sir.

16 Q The Defendant, Walter Murrey?

17 A Yes, sir.

18 Q Is that the person that worked with you that day?

19 A Yes, sir.

20 Q Is that the only time you'd seen him?

21 A Yes, sir.

22 Q Thank you. That's all.

23 THE COURT: Mr. Routzong.

24 MR. ROUTZONG: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. ROUTZONG:

2 Q Morning, Mr. Shelton.

3 A Good morning.

4 Q The real question is on that night, May, 2017, May
5 17th, 2017, you don't know if Brandon Cummings had a gun,
6 do you?

7 A No, sir.

8 Q Mr. Meadors, Mr. Meadors referred to this as the
9 breezeway, and that as the end.

10 This building's much longer than that, isn't it?

11 A Yes, sir.

12 Q Very important question.

13 where are the stairways at the Quality Inn---

14 A Also---

15 Q ---best of your recollection?

16 A ---in the breezeway.

17 Q I'm sorry?

18 A Also in the breezeway and at the end of the motel.

19 Q Nobody ever went up the stairwell, did they?

20 A Not to my recognition.

21 Q Okay. How far -- let's look at this, this picture
22 right here. Oh, we can do it this way.

23 About how far away is the breezeway, I'll just keep
24 walking, you tell me to stop, from where the corner's at?

25 Do I have to keep going?

1 A The corner of the motel?

2 Q Yes, sir.

3 A Oh, it'd be on out in the hallway. Probably out of the
4 building.

5 Q Much farther than this?

6 A Yes, sir.

7 Q Okay. And what was going on, as what you say, you and
8 Walter and Brandon, you heard a lot of arguing?

9 A Yes, sir, between---

10 Q A lot of shouting?

11 A Yes, sir.

12 Q What did Brandon say?

13 What did -- what, what did he say?

14 Why did you think it was arguing?

15 Why did you think he was yelling?

16 Why did you think it was threatening?

17 A Because he was stating he was going to come back and
18 get us.

19 Q Actually the, the day after this you guys had to leave
20 the motel room, didn't you?

21 SOLICITOR MEADORS: Judge, I'm gonna object to any
22 hearsay regarding some other folks that he knows nothing
23 about. That's totally irrelevant to this case.

24 If we can approach?

25 THE COURT: Yeah, let's, let's talk up here about that.

1 (WHEREUPON, a bench conference was held out of the
2 hearing of the jury at this time.)

3 Q So we're waiting way out there somewhere from the
4 breezeway to where the corner's at --

5 A Yes, sir.

6 Q -- and nobody went up the stairs?

7 That's your testimony so far?

8 A Not to my recognition.

9 Q Okay. And one thing I wanted to ask you, and let me
10 see. It's in the statement. For purposes of
11 identification, it was State's No. 39 it looks like.

12 You repeatedly, in your statement, referred to Brandon
13 Cummings as a drug dealer, right?

14 A Yes, sir.

15 Q You knew he was a drug dealer for what reason?

16 A He would always try to sell us drugs.

17 Q You said you were following behind Walter?

18 A Yes, sir.

19 Q That means you couldn't see what Walter saw, could you?

20 A I guess not, from the same prospective, no, sir.

21 Q You have been working there for, I'm sorry, what did
22 you say, a year?

23 A At this point it was not a year yet. It was -- I want
24 to say seven, eight months.

25 Q Seven or eight months?

1 A Somewhere along them lines.

2 Q Seven or eight months.

3 Okay. Walter had been there one day, right?

4 A Yes, sir.

5 Q And your testimony is Brandon Cummings threatened him,
6 right --

7 A Yes, sir.

8 Q -- with shooting him?

9 Is that correct?

10 A Threatened him that he was gonna come back and shoot
11 him or --?

12 Q I'm asking you a simple question.

13 He threatened to shoot Walter Murrey, didn't he?

14 A Yes, sir.

15 (WHEREUPON, Mr. Routzong claps his hands at this time.)

16 Q He clapped his hands.

17 That meant gunshots, right?

18 A Yes, sir.

19 Q And you'd known him for a while?

20 Brandon Cummings I mean?

21 A Yes, sir.

22 Q And I know it's, it's not gonna be exact, but we're --
23 I guess we're way back here.

24 Was, was everybody walking real fast or were they --
25 was it slow?

1 A It was really slow.

2 Q So, how much time are we talking about getting from --
3 just guess.

4 From the, from the confrontation, the moment of
5 confrontation till everybody starts walking this way.

6 A I'd have to say the confrontation lasted four or five
7 minutes I would guess, and then walking to the end of the
8 breezeway took another four or five minutes I would guess.

9 Q Did you, at any point -- you say you were close.
10 Did you, at any point, hear Brandon Cummings say any --
11 like fuck, nigger, or anything like that?

12 A I can't say that I did.

13 Q That's, that's, that's the answer to the question.
14 Thank you.

15 I, I, I don't think I -- I may have to ask you about
16 time with you.

17 If it's slow, do you think it took like one minute, or
18 30 seconds, something like that?

19 How, how long?

20 A The walking or --?

21 Q From, from the -- way out here. From the confrontation
22 to the, to the moment the shots were fired.

23 A Maybe three minutes. I mean I'm not quite positive on
24 that.

25 Q Less than three minutes?

1 A Possibly.

2 Q Okay. You're not really sure how long it took?

3 A No, sir.

4 Q Okay. Thank you, Mr. Shelton.

5 SOLICITOR MEADORS: Very briefly.

6 THE COURT: Mr. Meadors.

7 SOLICITOR MEADORS: Yes, sir.

8 REDIRECT EXAMINATION

9 BY SOLICITOR MEADORS:

10 Q Mr. Shelton, Mr. Routzong asked you about the clapping.
11 when he was clapping, did he have a gun in his hand?

12 A No, sir.

13 Q And you could see his hands clapping?

14 A Yes, sir.

15 Q You started to say, and you said that's the answer when
16 he asked did you hear Brandon say F You, N, or anything
17 else, and you said I can't say, and then you started like
18 you were thinking.

19 what were you thinking about?

20 A I was trying to remember if I heard him say it, and I,
21 I can't say that I remember him saying it. But I'm not
22 saying that it wasn't said. I just -- I don't remember.

23 Q Okay. would you have shot Brandon?

24 A No, sir.

25 Q why not?

1 A Because, at the time, he was not posing an immediate
2 threat to my life.

3 Q Was he leaving?

4 A Yes, sir.

5 Q Thank you.

6 THE COURT: Mr. Routzong.

7 RECROSS EXAMINATION

8 BY MR. ROUTZONG:

9 Q Would -- but you testified you didn't have the same
10 prospective as Walter had.

11 A I couldn't. I wasn't exactly where Walter was. I was
12 behind Walter.

13 Q And you knew Brandon?

14 A Yes, sir.

15 Q So, your, your level of awareness of the possibility of
16 danger was probably a little bit less, wasn't it?

17 A No.

18 Q So the danger level was high?

19 SOLICITOR MEADORS: Your Honor, that's not the question
20 he asked.

21 MR. ROUTZONG: Your Honor, he opened the door.

22 THE COURT: No, he---

23 SOLICITOR MEADORS: No.

24 THE COURT: I'll let---

25 SOLICITOR MEADORS: I'm not asking.

1 THE COURT: I'll let him ask it.

2 SOLICITOR MEADORS: I'm not admitting the subject
3 matter. I'm saying that -- okay.

4 THE COURT: I know. I know.

5 MR. ROUTZONG: He opened---

6 THE COURT: Go ahead, Mr. Routzong. I'll allow it.

7 Q The danger level was high then?

8 It was either low or it was high.

9 So if it's not the other, it's, it's high, right?

10 A I wouldn't say that either. I would say Brandon was
11 making us feel very uncomfortable at the time.

12 Q But you knew Brandon?

13 A I only knew him from him coming up to me outside of the
14 motel.

15 Q Since we're speculating about what you would do, the
16 State's allowing you to speculate, so---

17 SOLICITOR MEADORS: I'm gonna object to that, Your
18 Honor.

19 Q ---you're a little ways from---

20 SOLICITOR MEADORS: His comments on that.

21 THE COURT: Sir?

22 SOLICITOR MEADORS: I'm gonna object to that, his
23 comments on the State speculating. He said he wasn't --
24 wouldn't of shot.

25 THE COURT: All right. Proceed, Mr. Routzong.

1 MR. ROUTZONG: Thank you, Your Honor.

2 when you were walking down, you heard walter say just
3 leave, right?

4 A Yes, sir.

5 Q walter sound angry?

6 A His voice was definitely raised, but everybody's voices
7 were.

8 Q So he was just like everybody else.

9 I don't have any other questions, Your Honor.

10 Thank you, Mr. Shelton.

11 THE COURT: Yes, sir.

12 Mr. Routzong. I mean Mr. Meadors.

13 REDIRECT EXAMINATION

14 BY SOLICITOR MEADORS:

15 Q You didn't see a bush in that walkway, did you?

16 A Sir?

17 Q There wasn't a bush in that walkway, was there?

18 A No, sir.

19 Q Thank you.

20 THE COURT: Mr. Routzong.

21 MR. ROUTZONG: I don't have any other questions, Your
22 Honor.

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

24 SOLICITOR MEADORS: Your Honor, we'd ask that he be
25 excused.

1 THE COURT: Yes, sir.

2 SOLICITOR MEADORS: State would call Sergeant Irene
3 Culick.

4 THE BAILIFF: Raise your right-hand.

5 (WHEREUPON, the witness complies.)

6 THE BAILIFF: State your name.

7 THE WITNESS: Irene Culick.

8 IRENE CULICK, being first duly
9 sworn, testified as follows:

10 THE BAILIFF: Have a seat.

11 (WHEREUPON, the witness complies.)

12 THE BAILIFF: State your name for the record, and spell
13 your last name.

14 THE WITNESS: It's Irene Culick. C-U-L-I-C-K.

15 DIRECT EXAMINATION

16 BY SOLICITOR MEADORS:

17 Q Morning, sergeant.

18 A Morning.

19 Q Please tell the ladies and gentlemen about Sergeant
20 Culick, your background, where you're from, your education,
21 and particularly your education in law enforcement please.

22 A I've lived in Sumter all my life. I started the police
23 department in February of '98. I've been in investigations
24 since June of 2002. I attended school here, and at Saint
25 Leo's. Also the Criminal Justice Academy.

1 And through my years in investigations, I'm a sergeant
2 and in the investigative division, and I've been to numerous
3 classes and training, and a lot of years of experience.

4 Q How many, how many different positions have you held at
5 Sumter P.D.?

6 A I started off in evidence. Then I went to patrol, and
7 then, in 2002, I was put in investigations as a detective,
8 and I've been there in the detective division ever since.
9 I'm a sergeant there now.

10 Q And Sergeant Shaune Gill was the lead investigator on
11 this case, correct?

12 A That's correct.

13 Q And he retired or went to another occupation?

14 A Yes, he left to start his own business.

15 Q And you were, were also involved in this case?

16 A Yes.

17 Q And assisted -- did you assist the -- Investigator Gill
18 at the time in his investigation?

19 A I did. Anytime we have a shooting incident that's of
20 serious nature or someone dies as result of that, then
21 several, several officers from the detective division come
22 out, and start working, and continue working the case
23 together.

24 Q And, and, as a part of that, do you, you get involved
25 or you -- do you talk to potential witnesses?

1 A I do.

2 Q And did you have an occasion to see Lashay Andrews in
3 this case?

4 A I did. That night. When I was called about the
5 shooting incident, I was not the supervisor on call that
6 night, but I did come out to help. And so I went to the
7 station instead of the crime scene. They had enough there
8 already. So I went to the station to start interviewing
9 witnesses, and one of them was Ms. Andrews.

10 SOLICITOR MEADORS: Beg the Court's indulgence.

11 THE COURT: Yes, sir.

12 (Pause.)

13 Q And did you talk to her that, that evening or morning,
14 the 17th, that night?

15 A I talked to her that night all the way into the next
16 morning. We were still there all night.

17 Q And did she also give you a written statement on May
18 19th, which is marked State's 13 for ID?

19 A She did. Initially, when I talked to her that night,
20 as a lot of you saw on the recording, she was really upset.
21 So, a lot of that time was just talking to her trying to
22 calm her down, and get as much information as I could. I
23 called for a victim's advocates (sic) to come out and help
24 with her.

25 So, I did not attempt to get a written statement from

1 at that time due to her being upset, and what she just
2 witnessed. So, I basically took some notes as far as
3 suspect and what she knew, and what she had observed just to
4 try to help with the investigation, and develop any possible
5 suspects or leads for the other detectives to help follow-up
6 on that night.

7 Q And, and she described the shirt the suspect was
8 wearing?

9 A Yes, she did.

10 Q And described the suspect, black male, wearing a durag?

11 A That's correct.

12 Q Shirt and pants on?

13 A Uh-huh. (Affirmative).

14 with a Polo style shirt with stripes.

15 Q And did y'all, y'all -- and I say y'all, and I say that
16 too much, but did law enforcement locate a shirt?

17 A We did. The officers on the crime scene located a
18 shirt, and called to report that. We were calling each
19 other back and forth letting them know what he had, what
20 witnesses were saying, and they were calling to us, and
21 telling us what they had found, located shirts, shell
22 casings, things like that.

23 Q And I'm gonna show you what's marked State's No. 10
24 for -- no, State's No. 10.

25 Is that what you're talking about right now?

1 A That is. That's the---

2 Q Okay.

3 A ---shirt that the officers on scene located at the
4 hotel.

5 Q That JoAnn and Alec actually located, and turned it
6 into evidence, correct?

7 A Yes, she was on scene with forensics along with
8 Sergeant Howie Austin from forensics.

9 SOLICITOR MEADORS: And, Your Honor, I'm not sure if
10 this is in. If it is, it's without objection, State's 10.

11 MR. ROUTZONG: I don't object, Your Honor.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit No. 10 was received into
14 evidence at this time.)

15 Q Did anybody come forward that night and say to law
16 enforcement hey, I, I, I did this?

17 A No, and I instructed the officers on scene, and the
18 detectives on scene to go door-to-door to the different
19 individuals staying in the rooms there, and they documented
20 the rooms they went to, whether it was vacant, whether
21 someone was there, who was there at the time, what they
22 witnessed, saw, or heard, and no one came forward that night
23 other than saying they heard shots. Some heard shouting.
24 Some heard different things. But no one came forward and
25 said I shot or my co-worker shot or --.

1 Q Okay. And y'all talked to -- again, law enforcement
2 talked to as many folks as you could that evening?

3 A That's correct.

4 Q You didn't know what happened?

5 A That's right.

6 Q You didn't know who did it?

7 A (WHEREUPON, there was no audible response.)

8 Q And, in that light, and as -- in your investigation,
9 what did you do with the shirt?

10 A We sent the shirt to our State Law Enforcement Division
11 commonly known as SLED, and asked them to analyze it to give
12 us ownership information.

13 Q And as a result of that, did the name Walter Murrey
14 come back as his DNA being on the shirt?

15 A Yes, it did.

16 Q And is that the first you knew of Walter Murrey?

17 A Yes, sir.

18 Q And armed with that information, what did you do?

19 A I requested the State Law Enforcement Division to
20 prepare a photo lineup for us, and what that means is they
21 take pictures from six different individuals, and they
22 arrange them into a lineup form that we can show our
23 witnesses or victims of crime. They make sure that the
24 photos are similar in nature, and match the description
25 that's given from our victims. If they say that it's a

1 black male, approximately 35 years old, the lineup would
2 consist of other males similar age, skin tone, if they have
3 facial hair. SLED would prepare it and make sure that the
4 others look similar in nature for us to show the victim---

5 Q Okay.

6 A ---or witness.

7 Q I'm showing what I believe is already in as State's No.
8 8.

9 Is that the lineup you're talking about?

10 A Yes, it is.

11 Q And just following up on your words, if you had a white
12 suspect, would you want to put him in here with five
13 African-American males --

14 A No, sir.

15 Q -- or vice versa?

16 A That's correct.

17 Q So, you're trying to -- is the intent of the lineup to
18 try to get as many similar features as possible?

19 A That's correct.

20 Q So that no one will be -- just jump and suggestive?

21 A That's correct.

22 Q And did you show this lineup to Ms. Andrews, Lashay
23 Andrews?

24 A Yes, sir, I did.

25 Q And did you show that to her on May 23rd of 2017?

1 A I did. I called her to the police department, and
2 showed her the lineup.

3 Q And did you ask her if she was -- could recognize
4 anybody that shot Brandon Cummings that night?

5 A I did. I told her to take her time, to look at each
6 individual. And if she saw the person that shot Brandon
7 that night, to let me know, and she did. She looked at the
8 lineup, and she identified Number 4 as the person who shot
9 Brandon that night.

10 Q And did, did she put her initials there indicating that
11 that's who I did---

12 A She circled Number 4, and put her initials.

13 Q And that's L.A.

14 Does that stand for Lashonda---

15 A Lashay.

16 Q Lashay Andrews. Excuse me.

17 A Lashay.

18 Q Lashay?

19 A Uh-huh. (Affirmative).

20 Q And is -- State's No. 9, did she indicate on this form
21 also that she picked out Number 4?

22 A Yes. That's the corresponding form that goes with it,
23 and she circled Number 4, and also signed it, put her name
24 at the top, and the date---

25 Q And this is---

1 A ---and then I signed as a witness.

2 Q And that's the form -- this is what y'all used, correct
3 --

4 A That's correct.

5 Q -- when you're investigating a case?

6 You got DNA on a shirt. Now you put her in a lineup
7 and say do you recognize anybody.

8 A That's correct.

9 Q Did you suggest, in any way, who she should pick out,
10 Sarge?

11 A No, I did not.

12 Q Now, by this time, May 23rd, had anybody come forward
13 and said hey, I did this shooting?

14 A No. But after having that information, that's when we
15 went to look for more witnesses, was a room registered at
16 that time, things like that, once we were given this name,
17 and our witness picked him.

18 Q And, and, and is that when you went back and talked to
19 some more witnesses that may of been there working at Shaw?

20 A That's correct.

21 Q And one of those, this is marked State's 39 for iden,
22 identification, was Cody Shelton?

23 A Yes, myself and a couple other detectives went out to
24 Shaw Air Force Base, and started interviewing the co-workers
25 of walter Murrey.

1 Q Including Joshua Alva?

2 A Yes.

3 Q Caleb Gomez?

4 A That's correct.

5 Q Rafael Rodriguez?

6 A Uh-huh. (Affirmative).

7 Q And maybe, maybe others, correct?

8 A Anthony Gordon, yes, sir.

9 Q Vincent Blanding perhaps?

10 A Rafael Rodriguez was not on site. He was interviewed
11 in Georgia.

12 SOLICITOR MEADORS: Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 (Pause.)

15 Q Prior to June 5th, prior to June 5th, had anybody
16 come forward and said I did this killing, I had to shoot?

17 Had anybody -- did anybody come forward prior to
18 June 5th?

19 A No, sir.

20 Q Now, after you had the information about the shirt,
21 picked out of a photo lineup, was the Defendant arrested on
22 June 5th of 2006 -- '17?

23 A I believe he was arrested on May 24th, 2017, in
24 Georgia. We got the U.S. Marshals to assist us.

25 Q That was my question. We have on here a

1 June 5th date, 2017.

2 A Oh. well, we had to extradite him and come back. So
3 --.

4 Q So, the U.S. Marshals got involved?

5 A Yes, sir.

6 Q And he was arrested in Georgia and came back here?

7 A Yes, sir, we had him extradited back to South Carolina.

8 Q Were you present in the courtroom yesterday when
9 Investigator Gill testified?

10 A Yes, sir.

11 Q And whatever date that was, it was July 6th I think,
12 did the Defendant request to talk to Sergeant Gill?

13 A Yes, he did. Detective Gill came and told me that --.

14 Q Excuse me. Detective Gill.

15 A He came and told me that there was a request---

16 MR. ROUTZONG: Objection, Your Honor. Hearsay.

17 SOLICITOR MEADORS: We're not offering it for the truth
18 of the matter asserted, but --.

19 THE COURT: Just, just stop right there and just, just
20 move, move on.

21 Q Were you aware that he was investigated -- talking to
22 the Defendant?

23 A Yes. Since I'm the sergeant over investigations,
24 detectives check in with me, and let me know what they're
25 doing, and, you know, where they're headed to when they

1 leave the building, and what they're gonna be working on.

2 Q So, procedurally, you knew that Gill was going to talk
3 to the Defendant at his request?

4 A I did.

5 Q Was a search made for the gun?

6 Was there a search?

7 A Yes, there was. When Detective Gill learned that the
8 weapon used in this crime was tossed in a nearby area
9 near -- next to the hotel, they described it as overgrown,
10 wooded area, we sent detectives out, along with forensics,
11 that evening, and also the next day, and continued the
12 search. We were not able to locate the gun, but we did not
13 want to leave it out there in case a child or someone finds
14 it or --.

15 SOLICITOR MEADORS: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 (Pause.)

18 Q I showed you another picture of the church -- shirt.

19 Can I also show you what's marked State's 5, and see --
20 is that the shirt after it was taken out of the package?

21 A That's correct.

22 Q This is already in evidence now.

23 That's the same shirt?

24 A Yes, sir, it is.

25 SOLICITOR MEADORS: Your Honor, State's 5 without

1 objection.

2 MR. ROUTZONG: No objection, Your Honor.

3 THE COURT: Okay. Without objection.

4 (WHEREUPON, State's Exhibit No. 5 was previously
5 received into evidence.)

6 SOLICITOR MEADORS: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 (Pause.)

9 Q Had you shown Ms. Lashay another lineup previous to
10 that?

11 A I did.

12 Q Okay. And was she able to pick out anybody in that
13 lineup---

14 A She was---

15 Q ---pertaining to this shooting?

16 A She was not.

17 Q Thank you. That's all, sergeant.

18 THE COURT: Mr. Routzong.

19 CROSS-EXAMINATION

20 BY MR. ROUTZONG:

21 Q Good morning, sergeant.

22 A Good morning.

23 Q I'll just be very brief.

24 So, there's two lineups, right?

25 Two photo lineups shown to Ms. Lashay?

1 A At different times, yes, sir.

2 Q Okay. And who -- who was your suspect in the first
3 one?

4 A The first one was the night that we were interviewing.
5 We ended up getting the name of a Lorenzo Brown that
6 possibly had an incident with the Defendant the night before
7 or the day prior in reference to a cellphone being left in
8 his car that he didn't return. So, we looked at his age,
9 his height. The day before he was at the hotel. He was
10 also wearing a polo shirt and a black durag.

11 And so we still had Ms. Lashay there with our victim
12 advocates while we're interviewing, and we were interviewing
13 Mr. Lorenzo Brown, and we asked SLED to come in, and they do
14 in the middle of the night. They have people on call, and
15 they did a rush lineup for us, and I think it was around
16 3:00 in the morning on the 18th.

17 So, this happened on the night of the 17th. So, this
18 is into the next morning. We're all still out working, and
19 Ms. Lashay was still there. And so I had that lineup
20 prepared by SLED and showed her that that evening. I mean
21 with that -- early morning hours, and she did not pick
22 anyone.

23 Q Just to make sure -- give you a chance to correct that.
24 You said the Defendant's car, and the Defendant the night
25 before.

1 You actually meant the victim, Brandon Cummings, right?

2 The altercation between Lorenza Brown and---

3 A Yes, sir. I'm sorry.

4 Q Okay. I just wanted to make sure.

5 And, and pursuant to that investigation, you actually
6 collected a couple guns, right?

7 A Yes, we actually -- he gave consent to search his room.
8 He stated that he was not a part of this, that he was
9 staying there with his family, his mother, his brother. I'm
10 not sure if there was someone else, and he gave consent and
11 Sergeant Austin went in with some other detectives in the
12 forensics division, and they searched the room and located a
13 couple guns.

14 Q Whose room was that again?

15 A It was -- this was at another hotel. This was at the
16 Days Inn, and that was Lorenzo Brown and his brother and
17 mother. I'm not sure who the name --.

18 Q But Lorenzo's phone was found in the, the --
19 Mr. Brandon Cummings car.

20 Is that correct?

21 A I don't know if we ever recovered his phone.

22 Q There were some items belonging to Lorenzo Brown---

23 A That he left when he was -- when he was in Brandon
24 Cummings vehicle the day prior, he had left his phone in
25 there, and it wasn't returned, and he was upset that he

1 didn't get his phone back.

2 Q Okay. Thank you.

3 I don't know.

4 when did this, when did this photograph get obtained by
5 our police department?

6 A That's a question for Detective Gill.

7 Q Okay.

8 A He was working this case, and he obtained that
9 photograph. So, I'm not sure when he obtained that.

10 Q Were you aware of the -- that the -- Detective Gill had
11 obtained that prior to the other lineup, the second lineup,
12 where Ms. Lashay picked Walter out of it?

13 A No, that, that was not shown to me prior to that.

14 Q Excuse me for just a second.

15 (Pause.)

16 MR. ROUTZONG: Your Honor, I don't have any other
17 questions.

18 Thank you, sergeant.

19 THE COURT: Mr. Meadors.

20 SOLICITOR MEADORS: Just direct -- follow-up.

21 REDIRECT EXAMINATION

22 BY SOLICITOR MEADORS:

23 Q He asked you about this Lorenzo Brown.

24 That was a different motel?

25 A Yes, sir.

1 Q And y'all---

2 A Days Inn.

3 Q ---investigated that lead?

4 A Yes, we did.

5 Q So, Mr. Brown cooperated and said I don't have anything
6 to do with this?

7 A He did. And the guns that he had did not match the
8 shell casings for the ones we had.

9 Q So that has nothing to do with this case?

10 A That's correct. He was eliminated as a suspect.

11 Q Thank you.

12 THE COURT: Mr. Routzong.

13 MR. ROUTZONG: Thank you, Your Honor.

14 RECROSS EXAMINATION

15 BY MR. ROUTZONG:

16 Q Sergeant, if -- and you've already testified to this.

17 If -- Brandon Cummings and, and Lorenzo Brown obviously
18 knew each other, right?

19 You said that, that Lorenzo was in his car the day
20 before. Brandon is the, is the, is the person that was
21 killed.

22 A That's correct.

23 Q Okay. So, they knew each other and there were guns?

24 Lorenzo had guns?

25 A There were, there were guns in the room. Now I'm going

1 from memory. If memory serves correct, I believe his
2 brother said that they were his, and they were staying at
3 the hotel, and didn't want to leave them at home where they
4 were. And so that's why they were in his book bag in the
5 hotel room and another location in the hotel room. There
6 were two in the hotel room.

7 Q Pursuant to your investigation, you found out that
8 actually Lorenzo and Brandon were, were doing stuff with
9 drugs, right?

10 A Lorenzo Brown was in his car and was going to get
11 some -- I'm not sure if it was marijuana at the time, but
12 was going to get something from him, and took a ride with
13 him.

14 Now, I'm not sure if he got it and his phone was left
15 in the vehicle. When he got out, he said he forgot his
16 phone, and when he kept calling his phone, he wanted it
17 back. So, he was upset with Brandon for not coming back to
18 the hotel and bringing him the phone.

19 Q Thank you, Sergeant.

20 I don't have any other questions, Your Honor.

21 A You welcome.

22 THE COURT: Mr. Meadors.

23 SOLICITOR MEADORS: No, sir.

24 THE COURT: You can step down, ma'am.

25 THE WITNESS: Thank you.

1 SOLICITOR MEADORS: Judge, can we have a five minute
2 break just to make sure and go through the exhibits and make
3 sure---

4 THE COURT: Yes, sir.

5 SOLICITOR MEADORS: ---we have everything.

6 THE COURT: Yes, sir. Let's just go ahead and stretch.
7 About 15 minutes. It will take us that much time to do what
8 we need to do.

9 Please go to your jury room. Do not discuss the case
10 among yourselves, and do not begin deliberations.

11 Thank you.

12 (WHEREUPON, a short recess was taken at this time.)

13 SOLICITOR MEADORS: State's ready.

14 THE COURT: All right, sir. If you'd bring the jury in
15 please.

16 THE BAILIFF: Yes, sir.

17 SOLICITOR MEADORS: Your Honor, we have one final
18 witness. We've been through the exhibits. They're a couple
19 that, just out of an abundance of caution, I'm gonna move in
20 that -- with no objection.

21 THE COURT: Yes, sir.

22 SOLICITOR MEADORS: But other than that, we've, we've
23 gone through all of them.

24 THE COURT: Yes, sir.

25 (WHEREUPON, the following takes place within the

1 presence of the jury.)

2 THE BAILIFF: Your Honor, the jurors are seated.

3 THE COURT: All right, sir. Can I speak with the
4 attorneys?

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 THE COURT: Members of the jury, I've been asked to
8 answer an inquiry from you about taking notes, and, at this
9 late juncture in this trial, my answer will be please do
10 not.

11 Proceed, sir.

12 SOLICITOR MEADORS: Howie -- the State would call Howie
13 Austin.

14 THE BAILIFF: Left-hand on the Bible. Raise your
15 right-hand.

16 (WHEREUPON, the witness complies.)

17 THE BAILIFF: State your name.

18 THE WITNESS: Howie Austin.

19 HOWIE AUSTIN, being first duly
20 sworn, testified as follows:

21 THE BAILIFF: Step around, sir.

22 (WHEREUPON, the witness complies.)

23 THE BAILIFF: State your name for the record, and spell
24 your last name please.

25 THE WITNESS: Howie Austin. A-U-S-T-I-N.

Howie Austin - Direct examination
By Solicitor Meadors

1 DIRECT EXAMINATION

2 BY SOLICITOR MEADORS:

3 Q Morning, Detective Austin.

4 A Morning.

5 Q Please tell the ladies and gentlemen of our jury about
6 Howie Austin, where you're from, your background, your
7 training, and particularly your training in law enforcement
8 please.

9 A I'm originally from the midwest. My father retired
10 military here at Shaw. I stayed, went to college here, went
11 to school here, graduated. Joined law enforcement a little
12 over 23 years ago. Started off here with the City of Sumter
13 as well. Went through the Criminal Justice Academy,
14 finished my degree, Bachelor's of Criminal Justice. Went on
15 to other experience in schools, educated, further education,
16 and, in law enforcement, I've done everything from patrol,
17 to patrol supervisor, to SRO, to K-9, to traffic, to
18 investigations, and now I'm currently the
19 sergeant/supervisor over the forensic unit and polygraph
20 unit.

21 Q And how long have you been in Sumter?

22 A Been in Sumter since 1983.

23 Q How long with the police department?

24 A Been 23 years.

25 Q Prior to that, you were with Kershaw County?

1 A I do work for Kershaw County for a brief what, four
2 years I believe it was.

3 Q And, Sarge, part of your duties are crime scene?

4 A Yes, sir.

5 Q And on May 17th of 2017, did you respond to 2390
6 Broad River -- excuse me. Not Broad River. Broad Street in
7 Sumter to a scene at Quality Inn?

8 A Yes, sir, I did.

9 Q And tell the folks when you, when you, as a crime scene
10 officer, arrive at a scene and you get out of your car,
11 what's on your mind?

12 A Protecting the crime scene first off, firsthand.
13 Trying to make sure we've got the crime scene protected so
14 we can gather what evidence was left behind to help put
15 pieces of puzzle together to help the investigation.

16 Q And I think I asked the pathologist yesterday, in an
17 ideal world, what she wanted, and she said she'd want to be
18 on the scene, but you can't be on the scene right after
19 something happens, right?

20 A That's correct.

21 Q And were you -- did you observe the video of Lead
22 Corporal Carolina Sheppard-Lewis' vehicle the other day?

23 A Yes, sir.

24 Q And prior to you getting there, are there people at the
25 scene?

1 A Yes, sir.

2 Q Witnesses at the scene?

3 A Yes, sir.

4 Q And were you there prior to EMS getting there?

5 A No, sir.

6 Q Okay. And I think we see on the -- where the EMS came
7 and the gurney comes to get Brandon's body.

8 Do you see that?

9 A I did not see that part, sir.

10 Q But that was prior to you getting there?

11 A That is correct.

12 Q Okay. And I guess that leads to the question was
13 Brandon's body there when you got there?

14 A No, sir.

15 Q Okay. And that's not unusual, is it?

16 A No, sir, not at all.

17 Q If there's potential life, you're gonna get in the
18 hospital before you take crime scene photos?

19 A That's correct.

20 Q So, when you did get there, tell these folks what you
21 did.

22 A When I arrived on the scene, of course, I notated the
23 time that I arrived, immediately started gathering
24 information from either officers or any detective that may
25 have been on scene at this point in time. From that point

1 on, I immediately start taking photographs of the scene.

2 So, I start off taking like a 360 zoom, 360 area
3 photograph, and then I start focusing on what evidence has
4 already been marked or located.

5 A lot of times too some of the officers or detectives
6 that are on scene prior to my arrival, if they see something
7 that they think is evidence, they'll mark it for me. That
8 way it's me -- easier for me. It's kind of team work. Kind
9 of easier for me when I get there to notify it, and identify
10 it as any kind of evidence.

11 Again, I take my photographs, pictures. I relay
12 information back to the detectives or officers that are
13 assisting in, again, just assisting in the investigation
14 cause that's where -- support system.

15 So, after the photographs are taken, then I start, of
16 course, measuring out a crime scene. Specifically on
17 something that deals with a death, we start measuring out
18 certain locations where the shell casings may be to certain
19 pinpoints, and before I start collecting any kind of
20 evidence. After all that is done, then I start collecting
21 evidence and preserving that evidence for, for the
22 processing when I take it to our evidence section.

23 SOLICITOR MEADORS: Your Honor, during the break, we
24 did review these pictures with the defense counsel, and
25 State's 19 through 36 we're offering in, and there's no

1 objection.

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: Thank you.

4 SOLICITOR MEADORS: Thank you.

5 (WHEREUPON, State's Exhibit Nos. 19 through 36 were
6 received into evidence at this time.)

7 THE COURT: And I would -- if we could activate the,
8 the monitors, please.

9 THE BAILIFF: It's on.

10 SOLICITOR MEADORS: Is it on?

11 I'm sorry.

12 THE BAILIFF: Go down.

13 SOLICITOR MEADORS: Thank you.

14 (Pause.)

15 Q Howie, you got yours?

16 A Yes, sir.

17 Q I'm just gonna go through the way they're numbered.

18 Okay. This is State's 19.

19 what is this?

20 A It's a photograph I took of part of the aerial location
21 where Shell Casing Number 5 was identified or a vehicle that
22 was struck by a bullet was located right outside the
23 breezeway in the stairwell of the claudine (phonetic) and
24 the rear section.

25 Q Okay. And, and these placards or placards, whatever

1 you call them---

2 A Photo markers.

3 Q Okay. Or, or photo markers, that's -- what number is
4 that one?

5 A Number 5.

6 Q Okay. And there appears to be another one here?

7 A Number 4.

8 Q Okay. And, and why are those there?

9 A They're identifying where the location of the shell
10 cases are when I arrive.

11 Q Okay. And does that help you when you're -- well, now,
12 when you come to Court to say this is where I got something?

13 A Yes, sir.

14 Q Okay. And, again, you said this, this vehicle here is
15 what?

16 A That is a Challenger, Dodge Challenger.

17 Q This goes straight to No. 20.

18 what does this depict?

19 A That is a picture, kind of an overall picture, showing
20 Casings 1, 2, 3, 4 right there in front of you, and the, and
21 the Dodge Challenger, and where other vehicles are located
22 and parked.

23 Q And, and I guess you can see if you -- a little bit.

24 Have you actually picked up the shell casings yet?

25 A No, sir.

1 Q So, you want to identify where they are, put a photo
2 marker, take a picture, and then go collect it?

3 A That is correct.

4 Q Twenty-one, what is that?

5 A That is the breezeway section kind of on the other side
6 of the Quality Inn, other side of where we were. That's
7 closer to probably Markers 1 and 3 behind me. I'm doing,
8 again, a 360 view.

9 Q So, behind these two?

10 A That's correct.

11 Q And, and for, for everybody's that's familiar with
12 Sumter, would that be the Days Inn side?

13 A That's---

14 Q Days Inn?

15 A That's---

16 Q If you just kept walking through the mud?

17 A Yes, sir.

18 Q Okay.

19 A Days Inn.

20 Q Other side of, of Quality Inn, there's a restaurant,
21 isn't there?

22 A Yes, sir.

23 Q Be over in this area?

24 This is so I won't have to move it.

25 Can you stand up?

1 what's this restaurant over here?

2 A If I may?

3 Q Sorry. I was trying to get you to---

4 A That's okay.

5 (WHEREUPON, the witness comes down from the stand.)

6 Q Just so we -- be sure where we are, and the photo you
7 just showed -- that I just showed you, which is Number --?

8 A Twenty-one.

9 Q ---21---

10 A Uh-huh. (Affirmative).

11 Q Was it on the back side of the motel?

12 A It's right over here, yes, sir.

13 Q Okay. So, the Days Inn's located where?

14 A Over across the marsh over here.

15 Q And is there a restaurant over in here?

16 A Yes, that's the Mother's Eye. There's a motel there.

17 Then there's a restaurant, Waffle House, things like that
18 would be -- well, no, no, no, no. That's the old Ryan's.

19 Q Okay.

20 A I think that's the old Ryan's. I can't think -- it's a
21 Hibachi Grill or something like that.

22 Q There's a restaurant there?

23 A Restaurant, yes, sir.

24 Q Okay. That's all. Thank you.

25 A (WHEREUPON, the witness returns to the stand.)

1 Q State's 22, investi -- detective.

2 Is that a close-up of Photo Marker Number 5?

3 A Yes, sir.

4 Q Okay. And what is depicted to the left of the five?

5 A A, a shell casing.

6 Q I'm just gonna go through these.

7 Is that four and five?

8 A Yes, sir, it's four and five in correspondence of how
9 close they were together.

10 Q Okay. And, again, those mark what?

11 A Mark shell casings where they lie.

12 Q State's 24.

13 A Yes, sir, that's Markers 1 and 2.

14 Q And they depict shell casings?

15 A That's correct.

16 Q Or marked shell casings?

17 A Marked, yes, sir.

18 Q No. 25.

19 A That's a little bit closer view for Marker Number 3, a
20 shell casing.

21 Q Okay. Is this a closer photo of one, two, and four?

22 A Yes, sir.

23 Q And that's State's 26?

24 A Yes, sir.

25 Q All right. Not to be ridiculous, but you take a far

1 picture, and then you -- do you get a close-up picture of
2 what you're gonna pick up?

3 A Yes, sir, I start from the outside basically and work
4 my way in.

5 Q And No. 27.

6 A No. 27 is a photo marker of Number 1 with a shell
7 casing marked, of course, and then a scale to it.

8 Q Number 2?

9 A Same thing. Marker Number 2 is a shell casing that was
10 identified, and a scale was added to it.

11 Q All right then. And then to go back and just add a --
12 one more. This may be redundant. I apologize.

13 State's 23, does that show one, two, and -- what does
14 that show?

15 A That shows Markers 1, 2, and 4. And if you look really
16 hard to your left, you'll see Marker Number 3.

17 Q Okay. Over here?

18 A Yes, sir.

19 Q Now, as part of your investigation, were you told where
20 the -- where Brandon Cummings body was?

21 A Yes, I was. When I arrived on scene, I was informed
22 that the victim's body was located basically where the red
23 hat was, and the blood pool was located on the ground.

24 Q And is that depicted in State's 29?

25 A Yes, sir, it is.

1 Q State's 30?

2 A Yes, sir, it's the victim's hat. I was informed that
3 he was wearing that hat, and that was the blood pool where
4 he was lying.

5 Q State's 31.

6 A Another angle. Same sit -- same picture.

7 Q State's 32.

8 A Close-up picture of the hat.

9 Q Now these have already been intro -- introduced into
10 evidence, but here's State's 1.

11 Did you also take this?

12 A Yes, sir, I did.

13 Q This car -- what car is this?

14 A That's the Dodge Challenger.

15 Q Okay. And did it have any injuries to the -- was,
16 was -- were there damage to the window?

17 A Yes, sir, there was a bullet lodged in the window on
18 the driver's side rear corner window of the Dodge
19 Challenger.

20 Q And, and is this Challenger, how far is it from this
21 entrance to the lower level?

22 A That Challenger is approximately, let me refer to my
23 notes I believe, about 21 feet. 21.25 feet.

24 Q And you're, you're reading stuff -- something there.
25 What have you got?

1 A I've got my notes on the measurements that I took,
2 which you should have a copy of as well, of the drawings
3 that I, that I did.

4 SOLICITOR MEADORS: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 (Pause.)

7 (WHEREUPON, the notes were marked as State's Exhibit
8 No. 40 for identification purposes only at this time.)

9 Q Now, detective, did you make these calculations while
10 you were at the scene?

11 A Yes, sir, I did.

12 Q You got another copy?

13 A Yes, sir.

14 SOLICITOR MEADORS: Your Honor, at this time we'd offer
15 State's 40 without objection.

16 THE COURT: Mr. Routzong.

17 MR. ROUTZONG: No objection, Your Honor.

18 THE COURT: Thank you.

19 (WHEREUPON, State's Exhibit No. 40 was received into
20 evidence at this time.)

21 THE COURT: Thank you.

22 Q Now, I think I'd asked you how far the damaged vehicle
23 was from the breezeway there.

24 A That is correct.

25 Q And what was your testimony?

1 A My testimony was 21.25 feet. It shows 255 inches.
2 when we do our measurements, everything is done in inches,
3 and basically what I did was I converted from inches to feet
4 from where these corner, corner pole is, the top right where
5 the stairwell would be, to where the Dodge Challenger was.

6 Q So show us on here where you're talking.

7 From where to where?

8 A Oh, from basically the corner pole right there on the
9 right as you're looking right by the bush, that corner pole,
10 to where the Dodge Challenger is.

11 Q Okay. Now, did you make calculations how far the --
12 Brandon's body was from any particular point?

13 A From that corner pole was 4 feet 11 inches, and from
14 Number 5 marker shell casing, it was 11.59 inches, which
15 would of been a hundred and thirty -- one thirty --
16 139.1 inches marked on my paper.

17 Q And now we've got a heat -- State's 34.

18 Were you informed this vehicle may be particularly
19 relevant?

20 A I was not initially when I arrived on scene, but later,
21 through the investigation, it was determined that that was
22 the girlfriend's vehicle that he may have been walking to,
23 and that the girlfriend, I believe it was Ms. Lashay
24 Anderson, was actually in the vehicle when the incident
25 transpired.

1 Q And could that be Andrews instead of Anderson?

2 A It could be. I'm sorry. Yes, sir.

3 Q That's fine.

4 And is her -- is that Equinox depicted on here?

5 A Yes, sir, it is.

6 Q And at the, the point in this, did you not -- when you
7 were making these measurements, you did not know the
8 potential relevance of that vehicle?

9 A That is correct.

10 Q Okay. Can you give us an idea of how far the Equinox
11 was from Number 5, the car?

12 A It was basically about a little bit shorter distance
13 than probably 15-foot from the corner pole. The, the Number
14 5 marker shell casing was closer to the Equinox than it was
15 the pole. So, probably around 12-foot maybe to give a good
16 estimate.

17 SOLICITOR MEADORS: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 (Pause.)

20 SOLICITOR MEADORS: State's No. 3 is what I was looking
21 for, Your Honor.

22 Going back to our previous conversation, is that the
23 Equinox?

24 A Yes, sir, it is.

25 Q That's Number 5?

1 A Yes, sir, it is.

2 Q That's the Charger that's messed up?

3 A Yes, sir, it is.

4 Q And if you look at Number 5 on State's 3, that's five
5 to where Brandon's body is?

6 A That is correct.

7 Q And I think what I was just asking you, if, if you had
8 an idea how far that was from five.

9 A Five was closer to the Equinox then it was the, the
10 pole. Like I, I can, I can vouch for that. I can tell you
11 that.

12 Q Any -- you were out there.

13 was anything appeared to you obstruction of the --
14 obstructing the view from the Equinox to this area in here?

15 A I'm sorry. Repeat that question.

16 Q Was there anything blocking the view, from what you
17 saw, from the Equinox to this way?

18 A No, sir.

19 Q Now let's look at some evidence.

20 You got any evidence?

21 A Yes, sir, I've got the actual shell casings that were
22 collected.

23 Q Would you open that then?

24 A Yes, sir.

25 MR. ROUTZONG: Without objection, Your Honor.

1 THE COURT: Yes, sir.

2 (WHEREUPON, the shell casings were marked as State's
3 Exhibit No. 41, and received into evidence at this time.)

4 Q Detective, I'm gonna show you what's now been marked as
5 41, and, Your Honor, 41 without objection.

6 THE COURT: Yes, sir.

7 Q Could you please tell us what's in, what's in State's
8 41?

9 A These are the shell casings, the .380 shell casings
10 that I collected the night of the incident. Shell Casing
11 Number 1 was marked RP .380 auto shell casing marked from
12 the parking lot, Marker Number 1.

13 Marker Number 2, again, was a .380 shell casing marked
14 RP .380 auto from the parking lot as well.

15 Marker Number 3, RP .380 auto shell casing again from
16 the parking lot marked as Photo -- Placard 3.

17 Number 4, RP .380 auto shell casing from the parking
18 lot.

19 And then Number 5, RP .380 auto marked Number 5 shell
20 casing from the grassy area or dirt area by the curb.

21 So that's notated on the photographs.

22 Q When a shell casing's coming out of a weapon, which way
23 does it usually go?

24 A Normally ejects from the right-hand side.

25 Q And, at that point, where a shell casing goes, is there

1 exact science on where a shell casing goes?

2 A No, sir, once you fire a weapon, the shell casing can
3 bounce, roll. When other people are on the scene, I've
4 noticed, of all the years I've been doing this, they can get
5 kicked, transferred to different locations. There's just so
6 many different areas and ways that a shell casing can travel
7 and move.

8 Q And, and was one of those shell casings damaged?

9 A Yes, sir, I believe it was Shell Casing Number 3 from
10 my recollection.

11 Q And would you go -- can you just pull them out?

12 A Sure.

13 Q Okay. Start with Number 1.

14 A You want Number 1?

15 Q And I don't know if we need to go back here, but the,
16 the, the photos that are marked Number 1, that's where you
17 found Number 1?

18 A That's correct.

19 Q Okay.

20 A That's Number 1 right there.

21 Q And what is Number 1?

22 A Its a .380, RP .380 auto.

23 Q And is, is this ejected out, out of a gun after it's
24 fired?

25 A Yes, sir, it's a spent shell casing, yes, sir. This

1 one will be Number 2. This one is marked Number 3. And
2 this is the damaged one.

3 Q Okay. well, let's look -- and you say damaged.

4 Can you see that it's dented?

5 A Yes, sir.

6 Q And can we go back perhaps and find where Number 3 is
7 in the pictures?

8 A Sure.

9 Q I'm talking to myself.

10 A Sure.

11 Q Hold on.

12 was that the one in the far left corner?

13 This is State's 23, detective.

14 A That's the one in the far left corner in front of the
15 white police Tahoe that's, that's marked in that photograph.

16 Q And, and, and, and you said you watched the -- Caroline
17 Sheppard-Lewis' video from her car.

18 A Yes, sir.

19 Q Was there car's on that side of the road?

20 A That's correct.

21 Q Were the police cars coming in?

22 A Coming both ways, yes, sir.

23 Q Okay. Ambulance came in?

24 A Yes, sir.

25 Q Could that potentially be why that shell casing is

1 damaged?

2 A That's correct. It could be.

3 Q Okay. And you got Number 4?

4 A Yes, sir, Number 4's right here.

5 Q And Number 5?

6 A Five's right here.

7 Q Are they all the same type brand?

8 A Yes, sir, every one of them's the same.

9 Q And it's a what?

10 A .380, RP .380 auto.

11 Q Thank you.

12 A Yes, sir.

13 Q Thank you.

14 A Yes, sir.

15 Q State's 35, tell these folks what is this?

16 A That is the driver's side of the Dodge Challenger
17 that's parked in the parking lot.

18 Q And how far is this -- now, you said it a minute ago.

19 Dag gummit. I'm sorry.

20 A 21.25 feet. Approximately 255 inches.

21 Q So, 21.5 feet?

22 A That's correct, from that pole.

23 Q Okay. And, your diagram, you got an arrow coming.

24 Is that to approximately where the damage is or just to
25 the car?

1 A That's just to the vehicle.

2 Q Okay.

3 A It's showing the distance.

4 Q So, back on 35, tell the folks what this is.

5 A We believe that to be another bullet marking where a
6 bullet would of struck the vehicle. I did get a consent
7 from the owner of that vehicle to extract the bullet that
8 was in the window. You could actually see another
9 photograph that the bullet was in the window, and we tried
10 to determine if that was a bullet hole as well. We were not
11 able, able to, to obtain a -- an extraction projectile from
12 that section. We believe it was probably disintegrated when
13 it hit.

14 Q So you were not able to recover it?

15 A No, sir.

16 Q And, and, and -- but you believe, based on your
17 experience, your training, and your eyes that night, that
18 that's damage from a bullet?

19 A We do believe so, yes.

20 Q And, and what about this?

21 A That is definitely a bullet -- damage from a bullet.

22 Q I'm gonna show you.

23 Do you take a closer-up picture of it, 36?

24 A Yes, sir.

25 Q Describe it to the jury.

1 A That is a spider web shaped window from damage where
2 the bullet struck the window.

3 Q So, based on your investigation that night, the whole
4 case, how many shots do you believe were fired?

5 A I believe seven shots were fired. Six or seven shots
6 were fired.

7 Q And that's based on -- how many are in Brandon?

8 A Four.

9 Q And how many in this vehicle?

10 A Two in the vehicle we believe.

11 Q Okay. And you believe how many were shot?

12 A I believe six for -- I was believing six at -- that
13 night as well too.

14 Q Okay. And you found, found five shell casings?

15 A Found five shell casings.

16 Q Is it unusual for you not to find the fifth shell
17 casing?

18 A No, sir, with the amount of traffic that goes in and
19 out of a scene prior to our arrival, with people running,
20 different vehicles coming through the area, EMS bringing a
21 gurney in, you know, and doing their job to render aid, it's
22 not uncommon to not locate all the shell casings on a scene.

23 Q But you looked?

24 A Oh, yes.

25 Q And if I'm walking -- I'm referring to State's 1.

1 If I'm coming out here near the bottom of this
2 stairwell, okay?

3 Like if this is it?

4 If I'm leaving right here.

5 Okay?

6 A Uh-huh. (Affirmative).

7 Q And this is coming to this stairs, does that make
8 sense?

9 A Yes, sir.

10 Q If I'm walking out straight, am I gonna run into that
11 car?

12 A Yes, sir.

13 Q Is that car---

14 A Just pretty much, yes. It's at a slight angle, but
15 almost pretty straight.

16 Q If I'm walking out right here, I'm gonna -- that
17 Charger's gonna be right there?

18 A Yes, sir.

19 Q If I'm firing right there, I could hit that Charger?

20 A Yes, sir.

21 Q Is that consistent with firing from right there in that
22 area?

23 A Yes, sir.

24 (Pause.)

25 SOLICITOR MEADORS: Your Honor, there's some items that

1 we're not quite sure whether they're entered or not. For
2 the record, I'm gonna offer State's 15, which was the
3 Defendant's statement as -- and seven, which was the stop of
4 Sheppard-Lewis. We think it was. We're not sure. It's for
5 the record. There's---

6 THE COURT: Yes, sir.

7 SOLICITOR MEADORS: ---no objection.

8 THE COURT: Thank you.

9 (WHEREUPON, State's Exhibit Nos. 7 and 15 were
10 previously received into evidence.)

11 SOLICITOR MEADORS: And then --.

12 (WHEREUPON, a photograph was marked as State's Exhibit
13 No. 42 for identification purposes only at this time.)

14 SOLICITOR MEADORS: And State's 47 without objection,
15 Your Honor.

16 THE COURT: All right, sir.

17 THE DIGITAL REPORTER: Forty-two.

18 SOLICITOR MEADORS: Forty-two. I'm sorry.

19 (WHEREUPON, State's Exhibit No. 42 was received into
20 evidence at this time.)

21 SOLICITOR MEADORS: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 (Pause.)

24 Q Thank you. That's all, detective.

25 THE COURT: Mr. Routzong.

1 MR. ROUTZONG: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. ROUTZONG:

4 Q Good morning, sir.

5 How are you?

6 A Doing well, sir. Good morning.

7 Q I just wanted to -- I just got a couple questions, and
8 I'll start out with this. I'm gonna see if I can operate
9 this thing.

10 Sir, right -- my finger is pointing right -- I don't
11 know if you can see that.

12 Can you see that?

13 A Yes, sir.

14 Q My finger's pointing at what right there?

15 A That's the blood pool.

16 Q And---

17 A That is the pool at the corner of the building by the
18 stairwell.

19 Q So, that's, that's four feet eleven -- about 5-feet?

20 A Four feet 11 inches from that area. Now, this is not
21 to scale, of course. It's my---

22 Q Yes, sir.

23 A ---hand drawing. I'm not a very good drawer.

24 Q How, how far is it from over here to over there?

25 A Sir, I did not take a measurement at that point from

1 that location. I was not aware of, at the time that I was
2 doing this, of anything up and down a breezeway or I was
3 taking actual measurements from corner part areas is what we
4 do.

5 Q Yes, sir.

6 well, you were -- you're familiar with that area.

7 Can you -- is it farther -- is, is it this far or is it
8 closer than that?

9 A It's probably a little closer because the 4-foot 11
10 from that corner post, you could estimate maybe, maybe
11 another 8-feet of the stairwell before you hit the
12 breezeway. So, maybe 12, 13, 14-feet. Something like that.

13 Q I'm, I'm gonna just go -- I'm just -- 1, 2, 3, 4, 5, 6,
14 7, 8, 9, 10, 11, 12, 13, 14.

15 seem about right?

16 A It'd probably be a little closer than that.

17 Q Right here?

18 A From the breezeway to where the body was located,
19 probably a little bit closer than that. I'd say probably
20 maybe closer, close to there.

21 Q Right here?

22 A About right there.

23 Q Okay.

24 A About right there. Estimated.

25 Q Yes, sir, I know, I know it's an estimate. I'm

1 gonna -- I'm gonna stand -- okay. I'll stand right here.

2 I -- Mr. Meadors asked you something, and I just wanted
3 to -- you had a picture up here of -- well, I, I think
4 everybody's probably gotten in their mind what's included --
5 the picture of that, that Charger, that hole in that window.

6 A Uh-huh. (Affirmative).

7 Q Have you seen the -- to there -- here we go. There it
8 is.

9 And, for the record, Your Honor, what -- the, the, the
10 diagram that I was showing, in fact, I say this, was State's
11 Exhibit No. 40, Your Honor, that has been admitted.

12 THE COURT: Yes, sir.

13 Q Now I'm gonna show -- well, that's -- again, that's the
14 wrong one.

15 You have that picture, Mr. Meadors, of that -- that you
16 had up there a second ago with that Charger with the bullet
17 in the window?

18 SOLICITOR MEADORS: Did you look up there?

19 MR. ROUTZONG: I did, but I think the -- you might have
20 shown this one.

21 Did you show this one?

22 Okay. There we go. That's the one. Thank you,
23 Mr. Meadors.

24 SOLICITOR MEADORS: Yes, sir.

25 MR. ROUTZONG: Thank you very much.

1 Now, I think Mr. Meadors was standing somewhere right
2 here, and he had his, his finger out like that, and he said
3 it was a -- that you could shoot into -- I don't remember
4 exactly how he said, but he said you could shoot into the
5 Dodge. He has his gun pointed like this, but the, the
6 hole -- both holes are on this side. So, that's not
7 actually the case. It, it would -- you'd have to be
8 standing somewhere back here, right?

9 So, let's suppose this thing right here is this hole
10 right here, and I'll put my finger on it. That hole right
11 there, it, it looks kind of long, right?

12 So, it looks like the person would have to be back here
13 farther to make that hole.

14 Is that, is that your opinion?

15 A No.

16 Q Would, would a bullet make a hole like that if you're
17 right beside it?

18 A It depends. It depends on the type of bullet that's
19 used, whether it's -- what kind of grain bullet is used,
20 what kind of caliber is used. It don't -- it's a lot of
21 variations to that. There's variations to the type of
22 material that it strikes. I mean I pulled a bullet out from
23 the window there, which kind of surprised me that the bullet
24 did go through the window.

25 Q It surprised me too. And so it looks like -- it almost

1 looks like somebody would have to be almost like this
2 shooting that way.

3 I mean -- I'll, I'll put that -- this is -- I'm gonna
4 show you what's been marked as, and admitted as No. 36 for
5 the State.

6 That -- that's the bullet right there, right?

7 A That's correct.

8 Q So, it looks like it's almost like, like -- that's
9 almost straight into that window, doesn't it?

10 A It, it -- it's hard to tell. The, the way it looks
11 here, where the bullet is located at on the right-hand side,
12 if you're looking at the photograph on the right-hand side,
13 it is not as spider webbed as, as much on the left-hand
14 side, which would tell me that that bullet came probably
15 from a little bit more of an angle than straight on.

16 Q So, if you got---

17 A It's kind of like---

18 Q I'm sorry.

19 A Kind of like a, a -- if you drop some water or blood,
20 if you drop it straight down, it's gonna -- the sphere of it
21 is gonna go up pretty evenly. If you drop it from an angle,
22 it's gonna go out basically at an angle showing more, more
23 spatter on one side then it would on the other if that makes
24 sense.

25 Q well, I'm gonna pick up what's been marked as State's

1 No. 18, and I'll put it right there. And I'll show you
2 again what's been marked as State's 40. I know that's not
3 to scale, but -- I guess I don't have it on there quite
4 good. Here's the car with the bullet in it.

5 Is that correct?

6 A That's correct.

7 Q And here's the, the blood spot.

8 Is that correct?

9 A That's correct.

10 Q So, according to your diagram, the car's back here
11 farther, right?

12 A Again, that's not to scale, and the actual photos would
13 depict a better scale of -- view of it. The Challenger was
14 actually probably a little bit further back more even with
15 the breezeway off to an angle then it would -- then it notes
16 on my diagram. Again, it's not to scale. This was late at
17 night, hand drawing, free drawing, and trying to get your
18 measurements. That's why they call it a rough, rough scale,
19 rough draft.

20 Q I'm gonna show you what's been marked as -- I think it
21 is admitted as State's No. 19.

22 Do you recognize that?

23 A I do.

24 Q And is -- I guess -- I don't see the hat in that
25 picture.

1 A Cause it's behind the Challenger.

2 Q It's behind the Challenger?

3 A Yes.

4 Q So it would have to be somewhere like right over here?

5 A Yes, sir.

6 Q In that area?

7 A Yes, sir.

8 Q That'd be about 4-feet from there, right?

9 A It's 4-feet, yes, sir.

10 Q And so the bullet hole would be -- the bullet hole --
11 the window with the bullet hole is back that way farther,
12 right?

13 A Correct.

14 Q So, no matter what, to put that -- if it's at an
15 angle -- you testified that that bullet hole was at an
16 angle.

17 So, you'd have to be back this way a little bit farther
18 to make that bullet role, right?

19 A I think---

20 Q Farther back than the window?

21 A Well, all, all I know is the trajectory of a bullet, I
22 give you a -- an example. If I shoot it straight here,
23 then, of course, it's gonna go straight. But if I angle
24 just a, an eighth of an inch from where I'm located at, the
25 bullet's gonna travel a lot further to the left or wider

1 from what I -- wherever I'm shooting at. I would not say
2 that is a direct straight hit with the way that the spider
3 web on the window.

4 I would say that it was somewhat of a slight angle.
5 But that would all depend on where they were standing at or
6 where the Defendant was standing at when he fired, fired the
7 bullet, fired the round.

8 Q Exactly, sir. Thank you very much.

9 THE COURT: Mr. Meadors.

10 SOLICITOR MEADORS: Just two questions.

11 REDIRECT EXAMINATION

12 BY SOLICITOR MEADORS:

13 Q Did you find a weapon at the scene that night?

14 A No, sir.

15 Q Thank you. That's all.

16 THE COURT: Mr. Routzong.

17 MR. ROUTZONG: No questions, Your Honor.

18 THE COURT: Thank you, sir.

19 THE WITNESS: Thank you, sir.

20 SOLICITOR MEADORS: Your Honor, the State of South
21 Carolina rests.

22 THE COURT: All right, sir. I'm gonna ask the jury to
23 return to the jury room please with further instructions to
24 come shortly. Do not begin your deliberations. Do not
25 discuss this case among yourselves please.

1 Thank you.

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

4 THE COURT: Do y'all want to stop now or do you want to
5 come back and do your motions then -- later?

6 what do y'all want to do?

7 MR. ROUTZONG: I don't mind going to eat lunch to tell
8 you the truth, Your Honor.

9 THE COURT: Okay. Now, at two o'clock, I have a
10 hearing with two lawyers on a civil matter that is of some
11 urgency, and I have told them not to come here thinking
12 we're have a hearing this afternoon. They'll have 15
13 minutes.

14 So, with that said, let's aim to start back at 2:15.

15 SOLICITOR MEADORS: Judge, could you go -- head --
16 well, and I'm not -- at some point you're gonna advise him
17 just to -- whether he has the right to testify?

18 Are we gonna do that after lunch?

19 THE COURT: After lunch.

20 SOLICITOR MEADORS: Okay.

21 THE COURT: Yes, sir.

22 SOLICITOR MEADORS: And so we're to be here at what
23 time?

24 I want to be---

25 THE COURT: 2:15.

1 SOLICITOR MEADORS: I won't be late.

2 THE COURT: 2:15.

3 SOLICITOR MEADORS: Thank you, sir.

4 MR. ROUTZONG: Thank you, Your Honor.

5 THE COURT: And I promise you I will not let those two
6 lawyers drag it out.

7 Tell them they're free to go to lunch, and --.

8 (WHEREUPON, Court was in recess for the lunch hour.)

9 SOLICITOR MEADORS: Thank you, Judge.

10 THE COURT: Yes, sir.

11 SOLICITOR MEADORS: We had to catch some of the
12 witnesses he had let go, and we hadn't let them go. Thank
13 you.

14 THE COURT: So, so you did too?

15 You, you released them also, Mr.---

16 SOLICITOR MEADORS: Oh, no, sir. Well, I -- we've got
17 it handled.

18 THE COURT: Okay. That's all I needed to know.

19 All right. Let's see. Defendant's here.

20 Mr. Routzong, I assume you have some motions?

21 MR. ROUTZONG: Yes, Your Honor.

22 Your Honor, at this time the defense asks the Court to
23 consider a directed verdict motion in favor of the
24 Defendant.

25 Your Honor, our argument is that the State has failed

1 to prove, beyond a reasonable doubt, since the Defendant has
2 raised the defense of self-defense, the State has failed to
3 prove, beyond a reasonable doubt, each element of
4 self-defense, Your Honor.

5 THE COURT: Yes, sir.

6 MR. ROUTZONG: I can get to my case right there.

7 Coincidentally, with two hours of a break, Your Honor,
8 I left all my notes on my desk.

9 THE COURT: You want to go get them?

10 I can wait.

11 MR. ROUTZONG: Well---

12 THE COURT: I can wait.

13 MR. ROUTZONG: If I can sit down here for a second,
14 Your Honor. I hurried off to talk to Mr. Murrey, and
15 neglected to pick up my notes.

16 SOLICITOR MEADORS: We don't mind waiting on him if he
17 wants to go or either---

18 THE COURT: No, sir, I don't mind. Go get them, Mr.
19 Routzong.

20 MR. ROUTZONG: Thank you, Your Honor.

21 (Pause.)

22 MR. ROUTZONG: I don't know where I put them.

23 THE COURT: You remind me of me.

24 MR. ROUTZONG: And there they are.

25 Your Honor, I'll just start all over again.

1 Defense moves, Your Honor, for a directed verdict.
2 viewing the evidence in the light most favorable to the
3 State, the State has not produced evidence, beyond a
4 reasonable doubt, since Mr. Murrey has raised a self-defense
5 claim, and that's what they have to show, Your Honor, to
6 the, the jury, each element of self-defense. They have to
7 show, Your Honor, that he was without fault.

8 Your Honor, the testimony seems to -- the testimony is
9 that he was in a confrontation. Everybody was walking
10 towards Walter's room. Threats were being made. Walter
11 continues down to the corner of the building. He shoots in
12 self-defense. He's been threatened by somebody he doesn't
13 even know. He was armed for his own protection.

14 It wasn't like the cases like, for example, Slater,
15 where somebody arms themselves knowing that there's a
16 confrontation going to happen.

17 THE COURT: Uh-huh. (Affirmative).

18 MR. ROUTZONG: This is distinguishable from Slater,
19 Your Honor. He armed himself because then he went to look
20 for his coworkers. Not trouble. But trouble found
21 Mr. Cummings -- Mr. Murrey through Brandon Cummings, Your
22 Honor.

23 THE COURT: Uh-huh. (Affirmative).

24 MR. ROUTZONG: The State has not proven, beyond a
25 reasonable doubt, that he, that he didn't believe he was in

1 imminent danger. In fact, Your Honor, the State's presented
2 evidence, by his, his statement, recorded statement, that he
3 did believe he was in imminent danger.

4 The State hasn't proven, beyond a, a reasonable doubt,
5 Your Honor, that a reasonable person would not have believed
6 that they were in imminent danger. And, Your Honor, the
7 State has not proven, beyond a reasonable doubt, that he had
8 no other probable means of avoiding.

9 Your Honor, they were following this guy, the testimony
10 from even their own witness, Your Honor, Mr. Shelton,
11 encouraging him to leave this property, that he wasn't a
12 guest of. He was there doing dirty business, Your Honor.
13 When somebody is confronted, and we know this from the
14 statement that the State produced, and the jury heard from
15 Mr. Murrey that he did not feel there was anything else he
16 could do.

17 So, for those reasons, Your Honor, the, the Court
18 should direct a verdict in favor of Mr. Murrey based on the
19 facts presented do not amount to enough evidence to prove,
20 beyond a reasonable doubt, that he's not entitled to a
21 self-defense claim.

22 THE COURT: Yes, sir.

23 MR. ROUTZONG: Moreover, Your Honor, the State has
24 produced no evidence -- if the self-defense claim were to
25 fail, Your Honor, the State has not produced any evidence of

1 malice.

2 The State has actually done a pretty good job, it seems
3 to me, through Lashay Andrews, of saying that, rather than
4 malice, he was being provoked. The evidence was that Lashay
5 heard fuck, n word.

6 The most important issue, in terms of malice, Your
7 Honor, though is the fact that he doesn't know Brandon
8 Cummings from anybody. It isn't like -- it isn't like he's
9 there with years of experience, years of, of mess with
10 Brandon Cummings.

11 THE COURT: Uh-huh. (Affirmative).

12 MR. ROUTZONG: He -- he's there to work. Just that
13 day.

14 What other explanation could there be than he's in
15 reasonable fear in?

16 And that's why the State has filed to prove malice,
17 Your Honor. I'd ask for a directed verdict in favor of the
18 Defendant.

19 THE COURT: Yes, sir.

20 Mr. Meadors.

21 SOLICITOR MEADORS: May it please the Court?

22 THE COURT: Yes, sir.

23 SOLICITOR MEADORS: I think we're guided, at this
24 point, by Rule 19 after a motion that's made by the defense.
25 Judge will direct a verdict in defense favor on any charge

1 in the indictment, if there's a failure of competent
2 evidence tending to prove the charge. The judge may
3 consider only the existence or nonexistence of the evidence,
4 evidence and not its weight. Judge -- and I believe that's
5 the standard at this point.

6 As far as self-defense, without fault, we believe that
7 the evidence is that there was an argument between the, the
8 victim and another individual, and, in fact, the, the
9 Defendant interjected himself into that conversation. So,
10 in a way, he brought himself to the controversy, and, and
11 caused the problem at that point. He entered himself into
12 that.

13 As far as -- there's clearly no evidence that he was in
14 real imminent threat of losing his life or suffering serious
15 bodily injury cause we know now that the victim didn't have
16 a gun. He said he was leaving. He was clapping and showing
17 his hands.

18 And, if that's not true, then the nexus is would a
19 reasonable person, in similar circumstances, circumstances,
20 believe he had to use a deadly weapon because he was in
21 imminent, imminent fear of suffering death or serious bodily
22 injury. We almost, maybe and arguably, had that reasonable
23 person here who said no, I was right there with him. He
24 didn't need to shoot him. He was leaving.

25 Also, we believe, and I've got some case law, maybe we

1 can talk about it later if we get that far, that he could of
2 just walked away. He had a duty to retreat we believe, and
3 he interjected himself into the controversy, followed the
4 victim as he was leaving, and then executed him.

5 I don't know what else that four bullets, three to the
6 head, one to the back, would be if that isn't evidence of
7 malice. Direct evidence -- testimony that several of the
8 shots were in the victim after he's already on the ground.

9 I know State versus Belcher's out there, but I still
10 think I'm allowed to argue malice, and I think, at this
11 point, obviously, a lot of judges allowed to, for directed
12 verdict purposes, consider the shots, and where they were.
13 We think that's evidence of malice.

14 Judging -- and, again, in their cases at this stage,
15 State v. Butler, I believe it is, where, Judge, they're
16 different -- first the Defendant says that somebody else
17 could of done it. His clothes, somebody had access to them.
18 Then he takes it right to the corner, and he says well,
19 that's when we heard a shot and we left. Then later he
20 interjects self-defense to about an hour or so into his
21 statement.

22 Your Honor, we think there's ample evidence to go
23 forward, and this is a jury issue that should be decided by
24 them.

25 Thank you.

1 MR. ROUTZONG: Your Honor?

2 THE COURT: Yes, sir.

3 MR. ROUTZONG: If I may respond?

4 THE COURT: Yes, sir.

5 MR. ROUTZONG: Part of what Mr. Meadors says simply
6 isn't the law, Your Honor.

7 Immunity's possible, and, therefore, self-defense is
8 possible even when the victim is unarmed. The case
9 Cervantes-Pavon just came out, Your Honor. Here you had two
10 workers on a construction site. Appellate didn't want to
11 fight. End of the day, Appellate comes down off of a ladder
12 or don't know if you're familiar with this case, Your Honor.

13 THE COURT: Uh-huh. (Affirmative).

14 MR. ROUTZONG: But they got in a, a fight that both
15 sides picked up pipes. They dropped the pipes, but before
16 the fight, Cervantes-Pavon put a saw -- a, a drywall saw I
17 think, the pointy -- that's what I'm assuming it is.

18 THE COURT: Uh-huh. (Affirmative).

19 MR. ROUTZONG: Put that in his belt. Then they picked
20 up the pipes. They started fight, fighting. The, the, the
21 pipes were dropped, but Cervantes-Pavon started getting
22 choked out.

23 The other side wasn't armed, Judge. Cervantes-Pavon
24 was. He stabbed him one time and killed him.

25 The Court said that was okay if the other side -- if

1 the, if the person attacking you is unarmed, that doesn't
2 defeat self-defense. In other words, arming yourself in
3 self-defense does not defeat self-defense, and, Your
4 Honor---

5 SOLICITOR MEADORS: Judge, I don't believe---

6 MR. ROUTZONG: And Your Honor?

7 SOLICITOR MEADORS: ---I said that. It did.

8 THE COURT: Go ahead.

9 MR. ROUTZONG: Your Honor, in Fuller -- this is State
10 v. Fuller, 297 S.C. 440. It's -- he has a right to act on
11 appearances, Your Honor. Words accompanied by hostile acts
12 are enough to sustain self-defense.

13 Certainly, Your Honor, we had words. I would say, Your
14 Honor, we have hostile acts. Somebody threatening to kill
15 you, walking like this.

16 (WHEREUPON, Mr. Routzong was clapping his hands.)

17 MR. ROUTZONG: I'm going to come back and shoot you.

18 well, he didn't know if he had the gun or not. He
19 might of had the -- maybe he doesn't want to shoot anybody
20 right there in front of everybody.

21 This man probably knows where the cameras are at,
22 Judge. The testimony's gonna be he was there all the time
23 or the testimony has been. He's there all the time. We
24 don't know that. I do know he has a right to act on
25 appearances, Your Honor.

1 THE BAILIFF: Place your left-hand on the Bible.

2 (WHEREUPON, the witness complies.)

3 THE COURT: Raise your right-hand.

4 (WHEREUPON, the witness complies.)

5 THE BAILIFF: State your name.

6 THE WITNESS: Shonda Fullard.

7 SHONDA FULLARD, being first duly
8 sworn, testified as follows:

9 THE BAILIFF: Thank you very much. Come around. Watch
10 your step up the ramp.

11 (WHEREUPON, the witness complies.)

12 THE BAILIFF: State your name for the record, and spell
13 your last name please.

14 THE WITNESS: My name is Shonda Fullard. Last name's
15 spelled F-U-L-L-A-R-D.

16 DIRECT EXAMINATION

17 BY MR. ROUTZONG:

18 Q Good afternoon, Ms. Fullard.

19 How are you?

20 A I'm good, and you?

21 Q Would you please tell the jury a little bit about
22 yourself, where you went to school, where you're from, so on
23 and so forth?

24 A My name is Shonda Fullard. I'm from Sumter. I went to
25 Sumter High. I graduated in 1997.

1 Q where do you work at now?

2 A I'm currently employed at the Comfort Suites of Sumter.

3 Q On May 17th -- I'll correct that.

4 On May 16th, 2017, that was the day before this
5 shooting, did there come a time when you had a chance to
6 speak with Brandon Cummings?

7 A I'm not a hundred percent sure of the date, but, yes, I
8 briefly had a conversation with him.

9 Q what did you tell him?

10 A To leave off the property.

11 Q why did you tell him that?

12 A Number one, he wasn't a registered guest, and I don't
13 allow anyone that's not a registered guest to just hang
14 around the hotel.

15 Q why do you think he was hanging around?

16 A I don't know why he was hanging around, but we were
17 having, you know, complaints of people who were nonguests
18 hanging around the hotel, knocking on doors, having drug and
19 prostitution activity going on. So, I was just trying to
20 tell him to leave the property if he was not a registered
21 guest.

22 Q You don't think Brandon Cummings was involved in any of
23 that conduct?

24 A I don't know.

25 Q You don't know for sure.

1 On, on May 17th, 2017, was Brandon Cummings a
2 registered guest at that motel?

3 A No.

4 Q Did he have any reason that you're aware of to be
5 there?

6 A Not that I'm aware of.

7 Q Do you believe there was anybody, any staff person at
8 the, at the motel that was assisting him in doing anything
9 at the motel?

10 A Not that I'm aware of.

11 Q Were there ever any allegations that you're aware of
12 that he tried to enter any motel room?

13 SOLICITOR MEADORS: Objection, Your Honor.

14 THE COURT: Sustained. Sustained.

15 Q Excuse me for just a minute, Ms. Fullard.

16 (Pause.)

17 MR. ROUTZONG: Your Honor, Mr. -- Your Honor?

18 Your Honor, may we approach?

19 THE COURT: Yes, sir.

20 (WHEREUPON, a bench conference was held out of the
21 hearing of the jury at this time.)

22 MR. ROUTZONG: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 MR. ROUTZONG: I don't have any other questions, Your
25 Honor.

1 CROSS-EXAMINATION

2 BY SOLICITOR MEADORS:

3 Q Hey, Mrs. Fullard.

4 How are you?

5 A I'm good, and you?

6 Q Fine. Thank you.

7 So, you told him that day before to leave, Brandon, or
8 if he wasn't registered?

9 A Yeah, I'm not a hundred percent sure of the date---

10 Q Oh.

11 A ---but---

12 Q You're not even sure if it was then.

13 But he wasn't permanently banned from the motel?

14 A No, not at all.

15 Q Thank you. That's all.

16 THE COURT: Mr. Meadors.

17 I mean Mr. Routzong, anything on that?

18 REDIRECT EXAMINATION

19 BY MR. ROUTZONG:

20 Q To your knowledge, he wasn't registered on the
21 16th or the 17th of May of 2017.

22 Is that correct?

23 A No, he wasn't.

24 MR. ROUTZONG: Thank you, Your Honor.

25 THE COURT: All right. Mr., Mr. Meadors, you---

1 SOLICITOR MEADORS: No, sir. Thank you.

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

3 THE WITNESS: Thank you.

4 THE COURT: Mr. Routzong.

5 MR. ROUTZONG: Defense calls Walter Murrey, Your Honor.

6 THE COURT: Okay.

7 THE BAILIFF: Left-hand on the Bible.

8 (WHEREUPON, the witness complies.)

9 THE BAILIFF: Raise your right-hand.

10 (WHEREUPON, the witness complies.)

11 THE BAILIFF: Do you solemnly swear or affirm --
12 correction on that.

13 State your name.

14 THE WITNESS: Walter Murrey, Junior.

15 WALTER MURREY, first duly affirming,
16 testifies as follows:

17 THE BAILIFF: You may step around.

18 (WHEREUPON, the witness complies.)

19 THE BAILIFF: State your name for the record, and spell
20 your last name please.

21 THE WITNESS: Walter Murrey, Junior. M-U-R-R-E-Y.

22 DIRECT EXAMINATION

23 BY MR. ROUTZONG:

24 Q Good afternoon, Walter.

25 A Good afternoon.

1 Q Walter, I think everybody would like to know a little
2 bit about you. I'd like you to tell us about where you come
3 from, where you went to school, a little bit about your
4 family, a little bit about yourself.

5 A Well, I grew up in Louisiana. I have an older sister
6 and a younger sister. Three, three years old older sister.
7 I have a 10 year difference younger sister. I have one
8 stepbrother.

9 Went to Homeville High School. I got my GED. Been
10 doing drywall since I been 16-years old. I'm a professional
11 drywall finisher from anything from putting the rock on the
12 wall to getting ready to paint it or texturing it.

13 I have four biological kids. I have three also that's
14 not biological, but they are still my kids. I spend a lot
15 of time at work. My first child with my first baby mother,
16 we're not together, and I pay 246 a month child support to
17 her. And my fiancée, who I'm with, she a stay at home mom.
18 Just recently had a little boy. Well, he's three now, and
19 she don't work. I take care of everything.

20 Spend most of my time at work. Sometimes I come
21 home -- leave from work, my kids asleep. Come home from
22 work, they asleep. Just a little kiss on the forehead. See
23 them move a little bit is enough for me, but, other than
24 that, I'm a hard working man. Always on the job taking care
25 of my family.

1 Q Walter, on May 17th -- let's, let's go back to the
2 day before.

3 where were you at May 16th, 2017?

4 A The -- that morning I had an interview for a job in
5 Louisiana, and I was hired. It was like \$15.00 an hour, and
6 I ended up receiving a phone call from Rafael, my previous
7 boss from Augusta, for a job that I filled out for, for Shaw
8 Air Force Base, and for background check to be able to go on
9 that job. And he called me, when I stepped outside of the
10 office cause the guy who hired me was hiring another guy,
11 and he told me that the background check came through, and
12 it was a government funded job, \$19.00 an hour, and I told
13 him I had just got a job. But I don't know if I was gonna
14 be able to keep it because I really didn't have
15 transportation back home.

16 So, I ended up asking him if, if he can pay for me a
17 Greyhound bus ticket to make it down there. I'll pay him
18 back when I get my first check off the Air Force Base job.

19 So, he was able to do that. The ticket was for twelve
20 o'clock the day before, noon, and I, I got on a Greyhound
21 bus. Unfortunately they had layovers. So, I had to stop in
22 a lot of different places. So, I didn't make it to Augusta
23 the next day until 7:00 in the morning, 7:00, 8:00 in the
24 morning.

25 So I'd been on a bus the whole time the day before

1 pretty much.

2 Q what day did you get to Augusta?

3 A I got to Augusta 7:00 in the morning, 7:00, 8:00 the
4 next morning, the 17th.

5 Q The 17th.

6 what happened then?

7 when you got to Augusta, what did you do?

8 A Rafael picked me up from the Greyhound bus station, and
9 we made it -- started making our way to Sumter.

10 Q who else was with you, if anyone?

11 A Rafael and Caleb.

12 Q what's Caleb last name?

13 A I think Caleb Gomez.

14 Q So, you got in Rafael's truck, and Caleb was in there
15 as well?

16 A Yeah, that's my first time meeting him.

17 Q where'd you go then?

18 A We rode to Shaw Air Force Base.

19 Q Did you sleep on the way?

20 A No.

21 Q what time did you get to Sumter?

22 A We made it there some time around about 11:00 or, or
23 noontime. Took about two hours, give or take, from when I
24 was picked up.

25 Q On the, on the trip up to Sumter, did there come a time

1 when you began to wonder whether or not there were some
2 problems at the motel here in Sumter?

3 A Yes.

4 SOLICITOR MEADORS: We're gonna object to any hearsay,
5 Your Honor.

6 MR. ROUTZONG: I didn't---

7 THE COURT: Yes, sir.

8 MR. ROUTZONG: That's not -- there's no statement in
9 there. I'm asking him---

10 THE COURT: Yes, sir. Go ahead.

11 Q Did there come a time on the trip up to Sumter you
12 became aware there may have been problems in, in the Sumter
13 motel there?

14 A Yes, I was informed by Caleb that---

15 SOLICITOR MEADORS: Your Honor, objection to hearsay.

16 THE COURT: Sus---

17 Q Don't, don't say what somebody told you.

18 THE COURT: Sustained.

19 A I was informed that there's a lot go on at the hotel,
20 and there's a lot of guys come to the hotel. He said---

21 SOLICITOR MEADORS: Your Honor, objection to hearsay.

22 THE COURT: Sustained.

23 A Well, they said that---

24 THE COURT: Sustained.

25 Q Mr. Murrey, let me ask -- let me ask the question in a

1 different way.

2 Did you believe there were problems at the motel
3 here---

4 A Yes.

5 Q ---in Sumter?

6 A Yes.

7 Q why did you believe that?

8 A I was told.

9 Q what were you told?

10 SOLICITOR MEADORS: Your Honor, that's hearsay.

11 THE COURT: Yes, sir.

12 Sustained.

13 MR. ROUTZONG: I'm, I'm asking you in the context of
14 why he believes that that would not be for the truth of the
15 matter asserted, Your Honor.

16 THE COURT: Mr. Meadors.

17 SOLICITOR MEADORS: I don't know what else it would be
18 for.

19 THE COURT: I mean it would, it would be. So, I'll
20 sustain, Mr., Mr. Routzong.

21 Q So, there came a time -- you, you, you, you, you began
22 to believe there were problems?

23 For whatever reason, you believed there were problems
24 here at the motel?

25 A Yes.

1 Q Did -- based on what you heard, did that, did that make
2 you alert?

3 A Yes.

4 Q Did it make you -- did it make you reasonably fear that
5 something may be going on that, that you didn't want to be a
6 part of?

7 A It made me feel like if I'd of knew that, if I'd of
8 been told that on the phone, I wouldn't even took the job.

9 Q Okay. Well, you -- at some point in time you did get
10 to Sumter, right?

11 A Yes.

12 Q What time did you get over there?

13 A We made it there probably about, like I say, about --
14 probably about noontime.

15 Q What did, what did you do when you got there?

16 A We went on -- we went to the Base. They had a large
17 kitchen area that they gave me to do a job on that. All of
18 the drywall was hung in there, and I'm a professional
19 finisher. I'm the one put the mud on the wall, make the
20 whole wall even to where you can't see each individual sheet
21 of sheetrock. So, the room basically, to tell you the
22 truth, it's almost about the size of this room except it's,
23 it's probably about, about 10 to 12-foot cause I had to put
24 a double scaffold to do the top, and I was able to tape the
25 whole area out, the first, the first procedure, in

1 finishing, and put all of the beads on, and run all of the
2 corners. Just one man.

3 Q How long had you been up at this point in time?

4 A Since the, the day before that morning.

5 Q Please tell the jury how many hours is that?

6 A I counted. It's, it's a little over 37 hours.

7 Q Is that, is that the, the whole time you were working,
8 37 hours before you got any rest?

9 A I was, I was up, but the time I went on the Air Force
10 Base, that really drained me a lot, the time that I had to
11 work because I knew I had this big area to do by myself, and
12 I was happy to be at work, you know, and I really wanted to
13 show what I can do, you know.

14 Q Were you really wanting to do a good job there?

15 A Yes. Always.

16 Q Were you really wanting to show everybody you were a
17 good worker?

18 A Always.

19 Q So, you came all the way from Louisiana without any
20 sleep for over 30 hours, and worked how long?

21 How many hours did you work that day?

22 A I worked for about, if you -- about 11 or 12 we got
23 there. We got off about 5:00, 5:30.

24 Q You went all that way from Louisiana, came to Sumter
25 without any sleep, worked five, five and a half hours,

1 right?

2 A Yes, sir.

3 Q It sounds like you really wanted to work.

4 Is that true?

5 A Yes, I have a lot of kids. I have a lot of
6 responsibilities.

7 Q Is there any other reason why you came up to Sumter
8 other than to work?

9 A No, sir.

10 Q Walter, when you got off work, what happened?

11 A Well, when I got off from work, we made it to the
12 hotel, went in the hotel. I took a shower. After I took a
13 shower, my roommate was -- well, I had a roommate, and well
14 what I had heard, I wanted to confirm if my roommate knew
15 anything about what I was told. And he end up telling me he
16 had an altercation.

17 SOLICITOR MEADORS: Objection.

18 THE COURT: Sustained.

19 MR. ROUTZONG: Your Honor, if I'm not mistaken---

20 THE COURT: Yes, sir.

21 SOLICITOR MEADORS: Your Honor, could we approach if
22 he's gonna talk?

23 THE COURT: Sure.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

1 Q Mr. Murrey, I'm an old man. So you may have to start
2 all over again.

3 You left the Air Force Base, and then what happened?

4 A Went to the hotel.

5 Q What did you do then?

6 A Took a shower. Walked to the front to get my keycard
7 for the room being a residence (sic) at the hotel. Came
8 back. When I came back, they had the grill pulled out in
9 front of our room. The -- Joshua was starting to barbecue.
10 The head boss was -- well, the contractor was barbecuing in
11 front of our room.

12 Q Well, why don't you go ahead and tell us who all was
13 there at the, at the barbecue?

14 Who---

15 A Okay.

16 Q Just name everybody.

17 A Josh, the contractor, he was barbecuing, his cousin,
18 Cody, Rafael, my boss, his cousin, Caleb.

19 Q What's his cousin's name?

20 A Caleb.

21 You talking about---

22 Q His name's Caleb?

23 A Rafael's cousin. Yeah, Caleb.

24 Q Okay.

25 A Me and the other, older guy, he's another drywall

1 finisher, Anthony Gordon.

2 Q Okay. And so you -- where, where, where was this
3 grilling at?

4 A Right in front of our room.

5 Q Okay. Did there come a time when you saw Brandon
6 Cummings?

7 A Yes.

8 Q What did he do?

9 A He walked up and asked for a lighter for his, for his
10 cigarette.

11 Q Did somebody give him a lighter?

12 A Yes.

13 Q And then what happened?

14 A He gave them a lighter, and the guy waited to get his
15 lighter back. He gave him his lighter back. He stood there
16 for a second. No one said anything. Then he walked off.

17 Q When he -- as he's walking off, did Caleb Gomez say
18 anything?

19 A Yes.

20 Q What did he say?

21 A He said that's him, that's him, that's the guy that
22 robbed me kind of nervously tapping me on my shoulder.

23 Q Is, is that the same thing you heard on the way up to
24 Shaw Air Force Base from Augusta, Georgia?

25 A Yes.

1 SOLICITOR MEADORS: Your Honor, I'm gonna object and we
2 found out that wasn't, wasn't Brandon Cummings. I'll handle
3 that on cross.

4 THE COURT: Yes, sir.

5 SOLICITOR MEADORS: I'm sorry.

6 THE COURT: Yes, sir.

7 Proceed, sir.

8 Q Walter, is that what Caleb told you?

9 A Yes, sir.

10 Q Do you know if it was Brandon or his brother that
11 robbed Caleb Gomez?

12 A No, sir.

13 Q Were you there when someone robbed Caleb Gomez?

14 A No, sir.

15 Q Did you rely on what Caleb Gomez said when he said
16 that?

17 A I would say kind of in a way, but more on the side that
18 just for me to be alert with what's going on around here.

19 Q Did you have any reason to disbelieve Caleb Gomez when
20 he said the person that walked up, asked for a cigarette
21 lighter, was the same person that robbed him?

22 Did you have any reason to disbelieve that?

23 A Nah. The way he said it, he really seemed like he was
24 sure.

25 Q Okay. So, Mr. Cummings walks up. He asked for a

1 cigarette lighter. He stands there for a minute, and then
2 what happens next?

3 A He walks off, and, as he walk off, you see him go to
4 different rooms, upstairs and downstairs, stopping at
5 different doors by different rooms talking to people. I
6 don't really know what he was doing, you know.

7 Q Did there come a time when you met him a second time?

8 A Yeah.

9 Q Tell us about that.

10 A Well, the barbecue had ended. I was playing music off
11 a Bluetooth speaker, and I disconnected the Bluetooth
12 speaker, and I put my headphones in, and I started talking
13 to a friend on the phone. And I walked towards the back of
14 the hotel, and -- to turn the corner cause I didn't see the
15 guys. When I turned the first corner, he was coming the
16 opposite way turning a corner, and when we met we kind of
17 startled each other.

18 And he said what's up, and I said what's up, and he
19 said well, what's up then. And I said I'm on the phone.
20 I'm just saying hey and he said oh, that's what I thought
21 like that, like in an aggressive manner, like he wanted an
22 altercation.

23 So, I just kept walking, and I kind of feel like he
24 might of had done that for the fact that he heard when Caleb
25 told me that he was the guy that robbed him when he walked

1 off.

2 MR. ROUTZONG: Your Honor, can Mr. Murrey come down
3 here and show the jury on, on what's been marked as -- and
4 admitted---

5 THE COURT: Yes, sir.

6 MR. ROUTZONG: ---as State's No. 38?

7 THE COURT: Yes, sir.

8 (WHEREUPON, the witness comes down from the stand.)

9 Q Walter, you can't block anybody's -- you got to kind of
10 stand over there. Don't block anything, and just tell --
11 show, show us where the grill was -- the cookout was at.

12 A Okay. There you go. This is -- this side where we
13 were rooming at, our room's somewheres in this area.

14 Q whose room was that?

15 A This is me and Anthony Gordon's room.

16 Q where was Joshua, Cody, Rafael, and Caleb at?

17 where were, where were their room at?

18 A Their room was on this side.

19 Q Okay. And where did the cookout take place at?

20 A It was right here in front of our room.

21 Q Okay. Please show the jury -- you just -- you were
22 mentioning about the second time you met him. Just show the
23 jury where that happened at.

24 A where I met him on this corner right here. As I turned
25 this corner, he was coming this a way.

1 Q How did you feel about that, that, that second meeting?
2 what was your impression?

3 A I felt like he wanted to do me something, and I just---

4 Q Make sure---

5 A ---felt like---

6 Q ---the jury hears you.

7 A I felt like he wanted to do me something. I don't know
8 why. Like I said, the only assumption I had is from when he
9 heard Caleb let me know that he was the guy that robbed him.
10 You know, like, in other words, okay, this guy might look at
11 me some kind of way or he might be here for -- here for me
12 maybe for what I did to him, and it wasn't none of that, you
13 know. So, that's how I took it.

14 But to keep things cool, calm, and collective, I just
15 kept walking. I didn't say anything back cause I already
16 let him know. I just was saying hey like when you greet
17 someone. Hey, how you doing, how you doing, you know.

18 Q Where'd you go then?

19 A I come around. They still headed to they room. Turned
20 this corner. When I get to their room, I knock on they
21 door. No one answers the door. So, at that point, a guy
22 walked this a way about 6'3", about at least 240, 50 pounds,
23 and he walks about where you at, and he said can I come in
24 your room. And, and he said it with a voice to where it
25 sounds like he was, you know, he was, he was gay, you know.

1 So, I said what, what do you mean. He said you know
2 what the F I mean. And the way I responded what do you
3 mean, you can tell like, you know, like I don't know you.
4 You talking about coming in my dwelling at that, and, when
5 he seen the way I said that, when he said you know what the
6 F I mean, he walked back looking at me like this, you know.

7 So, at that point, I was shaking. I come back this a
8 way, and I come back around, and I went in my room.

9 Q Did you know that big guy?

10 A No.

11 Q You got anything against gay people?

12 A No.

13 Q What did you do when you went in your room?

14 A I went in my room, received the gun, put it in my
15 pocket just in case of safety. All I wanted to do is --
16 this is my last mission before I went in my room for the
17 night. I wanted to make sure all the guys I was with were
18 okay.

19 Q Why did you want to do that?

20 A From what happened with Caleb letting me know they had
21 someone on the premises that he said robbed him. Also
22 what -- the way he approached me at the back corner. And,
23 third, with the way this guy asked to come in my room.

24 Q What happened next?

25 A When I come back out the room, I done already went this

1 way. I didn't see nobody. So, I come the other way. When
2 I come this a way, there's a breezeway. When I get to the
3 breezeway, and turn the corner, there's stairs that lead up
4 on the backside coming up -- going upstairs. But underneath
5 those stairs, there's a garbage can.

6 Caleb was standing next to the garbage can with his
7 back up against the wall on this side of the breezeway.
8 Brandon was standing right in front of him toe to toe. As I
9 walked up, Rafael walked up from around this a way, and Cody
10 walked up from this area. I guess, like he said, he was
11 going -- coming from putting an ashtray back. So, we all
12 met up at the same time while Cummings had---

13 THE COURT: Mr. Routzong?

14 MR. ROUTZONG: Yes, Your Honor.

15 A ---Caleb in the corner.

16 THE COURT: I want to make sure these jurors can see
17 what he's pointing at, sir.

18 MR. ROUTZONG: I'm sorry.

19 Can everybody see -- anybody not able to see?

20 I'll, I'll move it out here a little bit more.

21 Can you pick up that end for me?

22 Just move it.

23 Is that better?

24 Okay. You were at the breezeway, Walter?

25 A Yes. Like I said -- okay. Say this is the corner that

1 I'm walking around.

2 Okay. The garbage can is right here. Caleb is
3 standing next to the garbage can like this with his back up
4 against the wall. He has one beer bottle left in his hand
5 and it's upside down.

6 Q You might need to move a little bit farther cause that
7 way the jury can see everything.

8 A Cummings is right in front of his face like this.
9 Rafael walk up behind him. He can't even see Rafael. Cody
10 walk up from this a way. He really probably can't even see
11 Cody. But he can see me cause I come around this corner
12 right here.

13 So, when I come around the corner, and I already see
14 him have Caleb in the corner, and then I see the two guys
15 coming like this from behind him. The first thing I say is
16 whoa, whoa, whoa like, you know---

17 Q Walter, before you came -- I want to ask you something
18 very specific.

19 When you left your room -- before you left your room,
20 did you know anything about that confrontation down there?

21 A No, I still was looking for the guys.

22 Q When did you know there was a confrontation?

23 A As soon as I turned the corner.

24 Q Is that when you entered the breezeway?

25 A Yes, sir.

1 Q Go ahead.

2 A So I -- soon as I walk around the corner, I see it
3 didn't look right, him having Caleb in the corner like that,
4 and with his back up against the wall, and the two guys
5 walking up behind. Just like I'm saying this. They seeing
6 it. And I know Rafael, that's, that's Caleb's cousin.

7 So, I said whoa cause I didn't want nobody to do
8 nothing. I didn't want him to do Caleb nothing or I didn't
9 want them to do him nothing being the way the situation was,
10 you know.

11 So, first thing I said, cause he was saying something
12 of Caleb in the form of, you know, you looking at me crazy
13 or something like that of that nature, and I said, to try to
14 diffuse the situation, I said do you know him. He said no,
15 I don't know him. I said man, if you don't know him, I said
16 there's no sense to argue with somebody you don't know. I
17 said---

18 Q Walter, what tone of voice were you using when you told
19 him all this?

20 A The same tone of voice. I said just leave.

21 Q Are you saying it's the same tone of voice that you're
22 using right now?

23 A Yes.

24 Q Okay. Go ahead.

25 A At that point, he started back telling him some more

1 stuff like he wasn't gonna move. So I said it again. I
2 said do you really know him. He said nah, I don't know him,
3 but he still looking at him in his face. And I said man, if
4 you don't know him, I said it's no sense to keep fussing
5 with somebody you don't know. I said just leave.

6 At that point, he got quiet. He didn't say nothing.
7 He didn't start back that time. He didn't say nothing at
8 all. He just was standing there like pretty much it was
9 being deescalated. He was gonna leave.

10 At that point, Rafael was standing about where you was
11 at behind him, and he said why are you here. When Rafael
12 said why are you here, he exploded. I'm a drug dealer.
13 This my hood. I run this motel. Y'all ain't from around
14 here. I'm going in the back. That's all you gonna hear.

15 (WHEREUPON, the Defendant starts clapping his hands.)

16 A I'm gonna shoot all y'all.

17 Q What did you think he meant by clapping his hand?

18 A Gunshots. He also said they ain't have no cameras.

19 Q Mr. Murrey, now you can have a seat back up there.

20 A (WHEREUPON, the witness returns to the stand.)

21 Q Actually, Mr. Murrey, I have -- I correct myself.

22 Come on back down here.

23 Your Honor, can he come back down?

24 MR. ROUTZONG: Yes, sir. Yes, sir.

25 Q I need, I need you to finish the story. Sorry, Walter.

1 A (WHEREUPON, the witness comes down from the stand.)

2 Q But -- so, so you understood him to mean that he was
3 threatening to shoot you?

4 A Right.

5 Q That's what your testimony is?

6 A Yes. And the way he said it, it's like all you gonna
7 hear is gunshots. The way I'm taking it as if, even if you
8 do come back, I'm not even gonna have time to run.

9 You know what I'm saying?

10 I mean that's all I'm gonna hear. All it take is one
11 shot to kill a person. We all know that. Guns are very
12 serious things. That's things you don't play with, you
13 know, and the whole while, even though I have a gun on me, I
14 have no intentions of using it, you know. It's just for my
15 protection.

16 So, being I do have it on me, I'm trying to do
17 everything within my means possible to -- nothing to result
18 to anything of that nature.

19 Q When you say you didn't intend to use that gun, you
20 mean as you're standing there in the breezeway---

21 A Yeah.

22 Q ---you didn't intend to use---

23 A Yes.

24 Q ---a gun?

25 A Yes.

1 Q what did you intend?

2 A I intended to separate them two from one another where
3 they didn't react off it, the, the situation that he had
4 Caleb in, or he didn't continue on and do whatever he was
5 gonna do because he was digging in his pockets, and I was
6 shaking. And I, I tend to shake a lot. I, I been through a
7 lot from being a little child.

8 My daddy was on drugs and it's a lot of things that,
9 you know, he did, and I seen. And I don't want to get off
10 of point. But I just want you to know a little bit about
11 me, and the situations that, that start to escalate that can
12 come out of control.

13 So, I'm shaking so much that I'm putting pressure on my
14 right leg to try to keep it -- keep him from seeing my leg
15 shaking.

16 Q Walter, after the clapping and all that, what happened
17 next?

18 A Okay. He was headed to the back. I had done walked
19 past my room. I'm walking like this. He walking like this.

20 Q Show us on the -- Walter, show us on the -- he was
21 walking quickly?

22 That's what---

23 A Yeah.

24 Q ---you're trying to say?

25 A Yeah.

1 Q Show us on this right here.

2 A He do---

3 Q Make sure everybody can see. Don't block anybody,
4 Walter.

5 A If this the breezeway, he take off going around the
6 corner. So, he's walking this a way. I'm walking slow. My
7 room is somewhere in this area. So I take a couple steps
8 past my room. Okay.

9 Q Why'd you take a couple steps past your room, Walter?

10 A Because he still was headed to the back facing our way,
11 and he was digging in his pockets, and I ain't know what he
12 had on him.

13 Q Okay.

14 A So, as I keep walking, when he gets to the corner, as
15 he's, as he's getting ready to turn the corner, Rafael
16 says -- I hear Rafael is like we don't stay too far from
17 here. So, I kind of look back cause I see he's leaving even
18 though he's threatening us, and when he said that, I looked
19 back. Rafael was walking past my room.

20 So, when I seen him walking past my room, they gave me
21 an impression that they was coming this a way to get to
22 their room. So, after I had looked back that one time, I
23 never looked back again. I figured that they was walking
24 still slow behind me.

25 Okay. He disappeared already. When I get to the

1 corner, I see him coming back. Even though they have lights
2 on the hotel wall around here, it's dark in the area past
3 the stairwell.

4 Q Walter, when you say he was coming back, what do you
5 mean?

6 A He had enough time from where he turned this corner, if
7 her car was here, to be in her car.

8 Q You didn't see him go in the car though, did you?

9 A No, he was back -- he was right here.

10 Q Walter, did you know if he had a gun?

11 A Well, what he told me, I felt he had a gun, and I felt,
12 if I wouldn't of did what I did, I would of lost my life.

13 Q What happened next, Walter?

14 He's turning the corner. He's coming back.

15 What happened?

16 A I pull my gun out, and I shoot. On the last shot, I
17 see him fall down. That's my time where I can get to
18 safety, which is my goal anyway, to keep him from shooting
19 me and to get to my room. When I look up, the guys are
20 coming my way.

21 We ran the same way around the hotel. That's one thing
22 that, that really hurts me that they didn't have cameras at
23 this hotel, and I don't understand this especially around
24 the walkways when you have a lot of people standing in a
25 place like this.

1 So, we get around the corner. We get to they room.

2 Once we get to their room, they're opening the door.

3 Once -- I stop running when I get to the room, and I realize

4 I got this gun in my hand because I'm shaking, and I'm not

5 even really paying attention. I didn't want to have to use

6 it. I throw it out of my hand because I'm going in the room

7 in safety now. I don't need it. And I didn't want to use

8 it.

9 Q Walter, where---

10 A I'm like just---

11 Q ---did you throw the gun?

12 A I'm just, just freaking out, you know.

13 Q Where'd you throw the gun?

14 A Where did I throw the gun?

15 I threw the gun here.

16 Q What is that right there?

17 A It has a little -- I know it had like a little pond or

18 something, a little area where you can fish at. Somewhere

19 right here.

20 Q Why did you throw that gun in there?

21 A Because I, I didn't need it, and it was like I was

22 freaking out. And the last thing, just looking at the gun,

23 and I didn't even want to have to use it. You know, I'm

24 going in my room. I just threw it, you know.

25 Q Walter, when you, when you went over there to those

1 rooms, what -- whose rooms are those over there?

2 A I think, if I'm not mistaken, Rafael's room and the
3 head contractor's room are right next to one another.

4 Q When, when you got there, what did you do?

5 A When I got in the room, I'm shaking. We all freaking
6 out. So, I take my shirt off. When I take my shirt off, I
7 had a gray shirt. The same gray shirt that you see. I had
8 it tied around my head cause I got out the shower with my
9 hair still wet. I have braids.

10 But when I have my shirt tied around my head, you can't
11 see my hair at all. You know, all you can see is the shirt
12 coming around my head, and the, and the rest of the back of
13 the shirt hanging down. I took my shirt off. That came off
14 with a hit.

15 I asked them did they see, am I bleeding, am I -- did I
16 get shot cause I don't know. I'm freaking out. They said
17 no, we don't see no blood. They say go to your room and try
18 to calm down. You know, I didn't even really want to leave
19 they room. But since I'm freaking out, and I felt like they
20 trying to help me, you know, I -- when I left the room, I
21 come this way with the -- I come this way with them. I
22 don't go back the other way cause I don't want to be in no
23 type of danger if he have anyone else with him because he
24 would normally be with more people.

25 So I come around the breezeway, and I go in my room.

1 My room door was still open. Anthony had left my room door
2 open for me because he witnessed -- he heard everything that
3 was going on, and he called the hotel because the guy --
4 when the guy walked past the room threatening to kill us.
5 When I got in the room, my roommate told me that---

6 Q Don't, don't say what somebody told you, Walter.

7 A Well, call was made to the front office---

8 Q How do you know?

9 A ---and a guy was threatening to kill our lives. Take
10 our lives.

11 Q Okay. Walter, can you show us where all the stairways
12 are at---

13 A Um---

14 Q ---that you're aware of?

15 A The only ones I know is they have a stairwell right
16 here that goes up, and it got a flat area. Then it goes up
17 this a way. And I knew, from being in that breezeway, they
18 got another stairwell. I think it shoots from this side
19 straight up, and that's how you get up on this side. But
20 the whole time I was at the hotel, our room's on the bottom
21 floor, I never went up the stairs ever at the hotel.
22 There's no reason to.

23 Q You ever been on the second floor of that motel?

24 A No. And if, if they do have cameras anywhere hopefully
25 cause I wish they did, you can look and see. If, if you

1 ever seen me upstairs, the camera would of caught me if they
2 had any view of any point upstairs.

3 Q So, the whole time you're on the ground floor?

4 A Yes, sir.

5 Q Now, Mr. Murrey, please have a seat in the witness
6 stand.

7 A (WHEREUPON, the witness returns to the stand.)

8 Q Walter, you didn't tell the police right away, did you?

9 A No. I was, I was freaking out.

10 Q You had an opportunity to tell the police though,
11 right?

12 A When I got in my room, I was more focused on trying to
13 stop shaking because I was shaking so bad. I mean it was
14 just -- it was too bad. So, I, I put my headphones in, and
15 tried to listen to some music to calm down, and I fell
16 asleep instantly. You know, I been up so long and I work so
17 hard, the last little bit of all of the time that I was up,
18 that, that I, I was out, you know.

19 Q In retrospect, do you wish you'd of told the police
20 what happened?

21 A Yes. That way no false -- wouldn't have to be in here
22 right now. Taking the long route with this.

23 MR. ROUTZONG: I don't have any other questions, Your
24 Honor.

25 THE COURT: Mr. Meadors.

1 CROSS-EXAMINATION

2 BY SOLICITOR MEADORS:

3 Q Mr. Murrey, when did you throw the gun away?

4 A As right before I entered the room. As we got around
5 the, the corner, and it were getting ready, it was opening
6 the door when I, I looked down at it. I just didn't want it
7 in my hand anymore.

8 Q So you went to your room first, and then threw the gun
9 away?

10 A I said when we made it to their room. Before we went
11 in their room I threw the gun.

12 Q Cause you remember testifying Tuesday under oath?

13 A This is exactly what I said.

14 Q No, sir, you, you kind of went both ways then, didn't
15 you?

16 You said one time you went to your room first---

17 A No, sir.

18 Q ---and then threw it?

19 Let me finish my question please.

20 One time you said you threw the gun away before you
21 went to the room, and then later on you said I went to the
22 room first, and then I said well, I thought you threw the
23 gun away first, and you said -- what'd you say then?

24 A I didn't say that.

25 Q You're denying that you said two different stories

1 about when you threw that gun away Tuesday?

2 A I don't know if you misheard me, but I said the exact
3 same thing exactly what happened, what I just said just now.

4 Q Tell me again.

5 A When we got round the corner, before we entered their
6 room, as they were unlocking the door, I threw the gun.

7 Q As who was unlocking the door?

8 A I guess it was Rafael cause that was his room.

9 Q So, you went in Rafael's room?

10 A Yes.

11 Q Right after you -- and did, did he see you throw the
12 gun?

13 A I don't know. They were opening the door. I couldn't
14 tell you that.

15 Q So, you ran to your room, and then where'd you throw
16 the gun?

17 A I didn't run to my room. We to their room.

18 Q You went to their room.

19 How did they go?

20 A They went my way.

21 Q So, which is which way?

22 This way?

23 A Yes.

24 Q So, you and Rafael and all those ran that way?

25 A Yes, they were behind me.

1 Q Okay. No question about that?

2 A No question. I don't know if it was of all of them,
3 but I had some well -- that was running with me. It was
4 three of us. So, I don't know if it was all of them or not.
5 But it was one of them or two of them that were with me
6 cause they walked my way.

7 Q And you went to the room first?

8 A Yes.

9 Q Tell me---

10 A That's, that's what -- that's the whole purpose of
11 going that way. I was making sure they were safe in case he
12 came back doing -- to the room because I had---

13 Q You were making sure---

14 A ---cause I had protection to protect them and me.

15 Q So, you were protecting Rafael and Caleb?

16 A Yes. And also my own life because I was the one
17 walking ahead of them to get to the room.

18 Q And so the three of y'all went this way?

19 At least the three of y'all?

20 A Yes.

21 Q Okay. And then---

22 A Like I say, I don't know if it was all of us. But they
23 did -- it was at least one or two that were with me. I was
24 not running by myself.

25 Q Okay. But it---

1 A If I can tell you who they were, I wasn't focused on
2 that. My focus at that time was to get around the side to
3 safety.

4 Q But, but Tuesday you said it was Caleb and Rodriguez,
5 but you -- the three of y'all went around here.

6 You remember saying that?

7 A I told you they came with me. I can't tell you if it
8 was all of them, but one or two people did come with me.

9 Like I said---

10 Q Okay.

11 A ---I was focused on my safety getting away from the
12 altercation where I could of lost my life.

13 Q And you said that those two were Caleb---

14 A It was---

15 Q ---and Rodriguez that came with you?

16 A It was, it was Caleb, Cody, and it was Rafael.

17 Q Rafael Rodriguez?

18 A Yes, that were---

19 Q Okay.

20 A ---that, that this incident happened with.

21 Q And that you went around this way with -- to their
22 room?

23 A Yes. You asking me specific questions, but, like I
24 said, I don't know exactly who all were with me, but I
25 didn't run that way by myself.

1 Q Okay. You said Tuesday that Caleb and Rafael were with
2 you, and then ran around that motel.

3 Do you remember that?

4 A I don't know what you heard. But I'm being honest with
5 what happened, and my recollection of this night that
6 happened two and a half years ago.

7 Q Did they run around the hotel with you after you
8 shot---

9 A I just answered. You keep asking me the same question.

10 Q What's the answer?

11 A I told you. Some people ran with me. I don't know who
12 all they were. I did not go that way by myself. It was no
13 reason for me to go that way if I wasn't walking them to
14 they room. My room is right there. My whole purpose was to
15 bring them to they room, get them to they room, get to
16 safety.

17 Q And show us where you throw the gun?

18 You mind stepping down a minute?

19 A I, I already showed you.

20 Q No, I'm asking you to come down here and show me. You
21 hadn't showed me.

22 THE WITNESS: You want me to show him again, Judge?

23 THE COURT: Yes, sir.

24 Let me ask the jury to step out for a few minutes
25 please. You're not to discuss this case or begin

1 deliberations.

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

4 THE COURT: Mr. Routzong, we're gonna take, while
5 they're out, we're gonna also take a break of about 15
6 minutes.

7 MR. ROUTZONG: Yes, sir.

8 THE COURT: And I'd like for you to get, once again, to
9 discuss with your client, the fact that this unpleasant
10 ordeal with only continue to last as long as we get
11 questions from him which are not allowed, just not allowed.
12 And the best policy he can take is, as you -- as your lawyer
13 has told him, is to simply answer the questions no matter
14 how many times it's asked.

15 Okay?

16 MR. ROUTZONG: Yes, sir.

17 THE COURT: All right. Thank y'all. We'll be back in
18 a few minutes.

19 (WHEREUPON, a short recess was taken at this time.)

20 SOLICITOR MEADORS: Yes, sir. State's ready.

21 MR. ROUTZONG: Yes, sir.

22 THE COURT: Mr. Murrey, once again, I tell you I'm not
23 chagrined with you. I'm not mad at you, but there's a
24 method of this.

25 All right, sir?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. Bring them in, sir.

3 THE BAILIFF: Put him back---

4 THE COURT: Yes, sir.

5 THE BAILIFF: ---back on the stand?

6 THE COURT: Yes, sir, back on the stand.

7 (WHEREUPON, the witness returns to the stand.)

8 (Whereupon, the following takes place within the
9 presence of the jury.)

10 THE BAILIFF: The jury's all seated and present, Your
11 Honor.

12 THE COURT: All right. Mr. Meadors.

13 SOLICITOR MEADORS: May it please the Court?

14 THE COURT: Yes, sir.

15 CONTINUED CROSS-EXAMINATION

16 BY SOLICITOR MEADORS:

17 Q With the Court's permission, Mr. Murrey, please come
18 back down to where he was.

19 A (WHEREUPON, the witness leaves the stand.)

20 Q Mr. Murrey, show us what room you went to after the --
21 you shot the gun.

22 A It was over somewhere in this area.

23 Q And show us where and how you threw the gun away.

24 A Threw the gun straight up this a way.

25 Q Okay. Did you run out in the parking lot and throw it?

1 A No.

2 Q So, you threw it from here?

3 A Yes, sir.

4 Q And how far did it go?

5 A I don't know.

6 Q Okay. Go back into the -- or did it land in the
7 parking lot?

8 A It should of went back there somewhere.

9 Q And you remember telling Investigator Gill that you
10 threw it back in the --?

11 A I threw it over the water. They got water right here
12 somewhere.

13 Q And you told him you threw it over the water?

14 A Yeah, if you, if you listened to what he was saying.

15 Q I did. Now I was asking you.

16 Now, you said a minute ago, just a minute ago, that you
17 came back and you were still worried about their protection
18 and yours, and that's why you went back with them, correct?

19 You were still worried there might be somebody else out
20 there you said?

21 You didn't know who else---

22 A No.

23 Q ---might be out there?

24 A That's not what I said.

25 Q Oh, what'd you say?

1 A I said, when I left back out of that room, after he was
2 in that room, and I had took my shirt off, and he told me to
3 go to my room and try to calm down, I went back this a way.
4 Not to go this a way to be in any more danger. That's what
5 I said.

6 Q And you said there may be somebody else out there with
7 him. You don't know.

8 You don't remember saying that?

9 A Cause it's (sic) normally be with more than one person
10 out there.

11 Q Exactly what you said.

12 And so you were still worried at that point, weren't
13 you?

14 A Yes, sir.

15 Q Why'd you throw your gun away?

16 A Because I was going into the room. I didn't know if I
17 was gonna have to leave back out.

18 Q But you were still worried about it.

19 So, you threw away your protection?

20 A Yes, sir. Like I said, when I left back out, I didn't
21 go back that way because that's where the danger was, where
22 we just came from.

23 Q So, you didn't need a gun -- you needed, needed a gun
24 that way, but not this way?

25 A No.

1 Q So you didn't feel in any danger when you threw the
2 gun?

3 A When I left this a way, I still felt in danger. That's
4 why I ran to my room.

5 Q But you threw your gun away?

6 A Yes, sir.

7 Q You can have a seat back.

8 why did you throw your gun away?

9 A (WHEREUPON, the witness returns to the stand.)

10 You know, for---

11 Q why did you throw it away?

12 A For the record, because I didn't want to use it from
13 the start, and once I seen it in my hand, I just wanted to
14 get it out of my hand.

15 Q And did you tell anybody there that you shot Brandon
16 Cummings?

17 A No.

18 Q You heard the sirens?

19 A I didn't hear sirens.

20 Q You, you didn't hear the police sirens at the motel?

21 A No.

22 Q You didn't hear the ambulance coming and all the
23 sirens?

24 A No, I was focusing on trying to calm down. I was
25 shaking severely.

1 Q Cause you were robbed -- your room was right, right
2 near where you shot Brandon, right?

3 A Yes, it's right---

4 Q You're staying right in here.

5 A Right down from it, yes.

6 Q So you didn't hear the ambulance, the sirens, or a --
7 Lashay yelling?

8 A No.

9 Q Did you know police were out there?

10 A Like I said, I was more -- yeah, I knew they were -- I
11 knew they should of been out there. The call was made for
12 our protection, him threatening our lives. So, I know they
13 was on the way.

14 Q And you didn't go out to any of the police officers,
15 and say look, I had to shoot this guy?

16 A I was, I was---

17 Q I was in danger.

18 A I was trying to calm---

19 Q I had---

20 A I laid down and I fell asleep.

21 Q Let me finish the question please.

22 I was in danger. I had to shoot this guy.

23 You didn't go tell anybody that?

24 A I was trying to calm down. I fell asleep.

25 Q Did you tell them when you woke up?

1 A No.

2 Q why not?

3 A Because we were headed to work, and I been through a
4 lot, and I really don't like courtrooms, and I don't like
5 police. I was, as a little child, testifying against my
6 daddy in Court when he tried to rape my sister when I was
7 seven years old.

8 Q And that---

9 A I have police office (sic) that done tried to harm me
10 in Louisiana. My daddy was a very violent man. I done went
11 with my mama to the hospital, visit police that he done
12 broke they noses. I done had police trying to get at me to
13 get at my daddy. That's the reason why I moved from down
14 there. Me, police, trouble, drama, I stay as far away from
15 it as I can.

16 Q well, that's not quite true now.

17 You don't---

18 A Some things you can't---

19 Q ---stay away from trouble.

20 A Some things you can't avoid, sir.

21 Q I mean you've had some trouble in your life. Don't say
22 you stayed away from trouble.

23 Now you've had trouble in your past, hadn't you?

24 A Go ahead.

25 Q No, sir. But don't act like you hadn't been in

1 trouble.

2 A what you consider trouble?

3 THE COURT: Gentlemen, let's get back on track, and
4 bring this to an end.

5 Q And I'm sorry about your past, but that's got nothing
6 to do with this night.

7 Now, did you talk to the police the day after that?

8 A No.

9 Q Matter of fact, you never talked to the police up to
10 your arrest, did you?

11 A No, I was more working on getting money to be able to
12 be there for my little girl birthday. It was a hard time
13 for me. My kids wasn't even staying with me no more. I
14 lost my place to stay. It was a lot going on in my life at
15 that time. I was more focused on my responsibilities with
16 my kids.

17 Q Then shooting a man four times?

18 You were more focused on that than shooting a guy four
19 times?

20 A I don't know how many times he was shot. All I know
21 was I did what I had to do to keep from dying so my kids
22 won't be wondering where they daddy at, and it be a, a
23 closed case cause someone said there was no cameras in --
24 was specific about taking my life for no reason when I was
25 only making peace.

1 Q And you didn't know -- so, you didn't think there were
2 any cameras out there, did you?

3 A That's what he said. So, yes, I, I, I took him at his
4 word because, if not, that would of been my life, and no one
5 wouldn't of knew nothing along with the people that was with
6 me.

7 Q And you didn't know Lashay was out here, did you, Ms.
8 Andrews --

9 A I haven't---

10 Q -- sitting in the car?

11 A I know. No, I'm here staying here. Only thing I'm at
12 the hotel for is to wash up, sleep, and go back to work,
13 take care of this Air Force Base down here.

14 Q So, when you came back down here, you didn't know
15 anybody was back here?

16 A I didn't know none of that. My whole focus was to get
17 my worker, my guys to they room, to safety.

18 Q Now, when you first got there -- and you'd never been
19 to this motel before, correct?

20 A No, sir, never been in Sumter. First day ever entering
21 Sumter, sir.

22 Q And you talked and I think it finally got out that,
23 that they had told you somebody been robbed at the motel
24 before, right?

25 A On the way coming down you're asking me?

1 Q Yeah.

2 A Cause I heard two different stories about two people
3 getting robbed. So, I'm asking you. I don't know which one
4 you're meaning.

5 Q Well, you really don't know what I'm about to ask you
6 about, when you were coming down here, and I think you said
7 you heard that people were being robbed, and you talked---

8 A Yes.

9 Q ---about it?

10 A Yes, that was the first time. That was in the vehicle
11 coming down here, yeah.

12 Q And matter of fact, it wasn't Brandon at all.

13 It was his brother, right?

14 A I don't know that, sir.

15 Q You, you hadn't heard testimony about that?

16 A I still---

17 Q Did you know that was Brandon's brother?

18 A I still don't know that, sir. Only they can verify
19 that.

20 Q So, you take a shower, and, at this point, and, and I
21 think you said that, when you heard that, that you -- if
22 you'd had known that before you got here, you wouldn't even
23 have come to work, that somebody had been robbed at a motel,
24 you wouldn't even have come down to this job?

25 A If, if he would of let me know all of the stuff that

1 was going on at the hotel when he told me about the job, I
2 wouldn't of came down and took the job. I stay as far as
3 away from trouble as I can, sir.

4 Q well, that's not true.

5 A I have to take---

6 Q You actually put yourself---

7 A ---care of my kids.

8 Q You put yourself in the middle of an argument you
9 weren't even involved in in this case.

10 A No, I didn't. I was looking for the guys that I was
11 working with to make sure they were safe cause they were
12 there with me, and we were there for one another.

13 Q So, you get there and Brandon asked for a light, right?

14 A Yes.

15 Q Somebody gives it to him?

16 A Yes.

17 Q And then you think somebody, somebody says that might
18 be the guy or that's the guy that robbed me, right?

19 A Yes.

20 Q After that, you don't see Brandon again until you say
21 you see him, and y'all walk by a corner and say what's up?

22 A Yes.

23 Q Okay. That didn't put you in danger, did it?

24 Did that scare you?

25 A Yes, it did.

1 Q Oh, it scared you?

2 A Yes.

3 Q Okay. You were really scared?

4 A Yes, I really was scared.

5 Q And then, after that, you didn't go get your gun, did
6 you, though?

7 A No.

8 Q So, you weren't scared enough to get your gun then?

9 A I was headed to the room.

10 Q And then -- and I've got nothing against homosexuals
11 either. Got a lot of friends, friends of that are. May
12 work with some. I don't know, but I don't care.

13 But I'll tell you this much, you got angry when that
14 guy hit on you, didn't you?

15 A I didn't get angry. I got even more scared cause it
16 seemed like he just wanted to just -- I don't know what he
17 had on his mind, but it, it didn't sound right, and it
18 didn't seem right. And for you to ask someone to go into
19 they room you don't know, that's just -- that's, that's big,
20 you know.

21 Q So, that didn't make you angry?

22 It made you scared?

23 A Yes. Yes, it scared me.

24 Q So, you, you got scared, and that's when you went and
25 got your gun?

1 A When I came back out of my room to go the other way, I
2 wanted to make sure I had -- I was safe. I had protection
3 on me especially with knowing that the guys out there had
4 guns.

5 Q But they didn't have guns.

6 A You don't know that, sir.

7 Q But if you hadn't of run into the gay person, the
8 homosexual person, again no offense in the world, you
9 wouldn't of gone and got your gun?

10 A It wasn't just that. I was -- it was multiple things.
11 It was the fact that I was told two different people would
12 be robbed, and a person who it was said suppose to been do
13 it to walk up with no problem and ask for a lighter. That
14 right there started it off to show like, if, if, if this
15 happened to be true, what type of person you're dealing with
16 that don't mind -- that they know they didn't rob two people
17 and walk up on them and ask them for something like I wish
18 he would try something or I run this or I'm in control here.

19 That -- the -- when I said what's up just as a, a
20 greeting, speaking, and well what's up then, and I'm just
21 saying hey, you know, I'm on the phone. I'm on the phone
22 with---

23 Q Who were you talking to?

24 A ---my friend. A friend of mine.

25 Q Who was it?

1 A Hiwatham (phonetic).

2 Q And what's the last name?

3 A Robinson.

4 Q And when did you call Hiwatham?

5 A When I was in my room. When I was leaving my room.

6 Q So you broke up the call with her to say what's up to
7 him?

8 A No, I was on -- yeah, I was still on the speakerphone
9 with her. It's, it's my headphones in. I was talking as I
10 was walking.

11 Q So you could hear him say what's up?

12 A Yes.

13 Q And after you got the gun, why didn't you just go to
14 bed?

15 A Why didn't I go to bed?

16 Q Yeah, you said you were shaking.

17 When did you start shaking?

18 A When I got to my room, I got the gun. But what I
19 was -- what my mission was, before going to sleep still
20 wasn't completed, my mission was to make sure the people
21 that I was with were okay with all the things that I seen
22 because my goal was to let them know hey, man, I'm about to
23 go in for the night to let them know I'm going in, you know.

24 Q And you---

25 A I didn't, I didn't run into them -- none of them yet.

1 My mission was to run into them and let them know hey, man,
2 I'm about to go to sleep for the night. Just want to make
3 sure y'all all right with everything that's been going on at
4 this hotel.

5 Q So, a lighter, somebody saying what's up, and the
6 person hitting on you, and then it's your mission to make
7 sure they're okay?

8 A I think you missed the part where he walking in a group
9 with two people that he robbed and asked for a lighter.

10 Q I, I don't know what you're talking about. He -- two
11 people that you -- that's not even the person that robbed.
12 Don't mislead them. That was Brandon's brother that did the
13 robbing.

14 A I, I don't---

15 MR. ROUTZONG: Objection, Your Honor.

16 THE COURT: Yes, sir.

17 MR. ROUTZONG: The -- obviously, Your Honor, there's
18 been con -- there's testimony, or at least there -- there's
19 been some indication that it wasn't Mr. Cummings. It was
20 his brother.

21 THE COURT: Right.

22 MR. ROUTZONG: That's not the point. The point is he
23 heard someone say that's the guy that robbed me. It doesn't
24 really matter if it was actually Brandon Cummings or not.

25 THE COURT: Okay.

1 MR. ROUTZONG: The point is he heard that.

2 THE COURT: Yes, sir.

3 Proceed, sir.

4 SOLICITOR MEADORS: Thank you.

5 And, and that was when he asked for a lighter -- for a
6 light?

7 A Yes.

8 Q Brandon did, and something -- you thought he might of
9 overheard somebody saying that's the guy who robbed me, and
10 you think that made him mad?

11 A Yes.

12 Q Matter of fact, the, the robbery was just stealing and
13 not -- it was over a drug deal gone bad, wasn't it?

14 Isn't that what they told you?

15 It wasn't even guns involved?

16 A I don't know.

17 Q He'd taken drugs?

18 A It's only what I was told. Like you asking me---

19 Q You don't even know.

20 A You asking me to answer a question that I was only told
21 to assume this is what happened, you know.

22 Q So, that conversation. You seen him. What's up. The
23 homosexual individual hitting on you. Then you feel like
24 you got to get a gun.

25 Correct?

1 A Yes, sir.

2 Q Thank you.

3 And, at that point, you could of gone to bed?

4 A (WHEREUPON, there was no audible response.)

5 Q Couldn't you.

6 A After I make sure the people that I was with okay.

7 Q And we get to that incident at the stairwell. You
8 heard some arguing.

9 Correct?

10 A Yes, sir. I didn't hear no arguing. I come around the
11 corner and he had him in the corner.

12 Q Okay. And you put yourself in that situation?

13 A I didn't put myself in that situation. That's my
14 residence there.

15 Q Well, no, that was the stairwell. That wasn't your
16 residence. The room might be, but the stairwell.

17 Did you put yourself in the middle of those people,
18 physically?

19 Did you go in there?

20 A No, I didn't go in there. I walked -- was looking for
21 the guys. I have a right to look for the people I'm with
22 and speak with them. That's who I'm there with.

23 Q And, at that point, you took control of that situation,
24 didn't you?

25 A I didn't take control over it. I try to diffuse it.

1 Q You diffused it and you told him you don't even know
2 this man, do you?

3 A I told him, if he didn't know him, once he answered no,
4 and no sense in arguing with somebody you don't know. Just
5 leave.

6 Q And there was four or one or they were over there
7 talking to him, just talking, right?

8 Four people?

9 A No, his -- it was him talking to Caleb that was in the
10 corner. Caleb wasn't saying a word.

11 Q But you put yourself in that conversation?

12 A I didn't put myself in that conversation.

13 Q You told him do you know him, if not, you need to
14 leave, correct?

15 A I walk over to the people that I was with.

16 Q Now, what's the difference between you then and when
17 you'd seen the homosexual?

18 A It was no difference. I still was scared.

19 Q But you had a gun on you then, didn't you?

20 A Yes, I did.

21 Q You knew you had the gun on you, didn't you?

22 A Yes, I did.

23 Q And did that give you some extra courage?

24 A Not really.

25 Q Okay. Well, you, you weren't as scared, were you?

1 A Yeah, I was still scared.

2 Q When -- and I don't mean this bad, but when you the
3 person -- the large man was talking to you, is that when you
4 were shaking?

5 A No, I was shaking when he was digging in his pockets
6 when I was asking him to leave.

7 Q I know.

8 But prior to that you said you started shaking?

9 A Yeah, I was -- yeah, I was shaking.

10 Q When was that?

11 A I was shaking.

12 Q The first time.

13 A I was shaking from when he first told me oh, that's
14 what I thought. When, when the conversation of a just
15 what's up, hey, how you doing, oh, that's what I thought,
16 from what I had already heard from earlier, you know.

17 Q That got you shaking?

18 A Yes.

19 Q Angry?

20 A No.

21 Q Scared?

22 A Not angry. Angry and shaking is two different things.
23 Some people---

24 Q Scared?

25 A Yeah. Scared, yes.

1 Q And after you -- what happened after you told him to
2 go, just leave?

3 A After the second time he got quiet. He didn't say
4 nothing like it was working. You know, like he was just
5 fixing to leave, and when Rafael said why are you here,
6 that's when he exploded.

7 Q What happened?

8 A He said this my -- this -- first he said -- cause he
9 said why are you here, he answered that question. He say
10 I'm a drug dealer. Then he said that's my hood. I run this
11 motel. They don't have no cameras. I'm going to the back.
12 All you gonna hear is---

13 (WHEREUPON, the Defendant claps his hands.)

14 A That's all you gonna hear.

15 (WHEREUPON, the Defendant claps his hands.)

16 Q Then what happened?

17 A He went to the back. I was walking slow, shaking. As
18 I get past the room, Rafael behind me. He says we don't
19 stay too far from here. He's about turning the corner at
20 that point. I looked back, Rafael's past my room coming the
21 same way that I'm going.

22 So, when I looked back his way, I never looked back
23 again. He hadn't disappeared. So, I walk slow to the
24 corner in my mind that these guys are still walking behind
25 me cause Rafael was one of them, and he had passed my room

1 already.

2 Q why didn't you just go up here?

3 A So, I felt like they were going to the room the same
4 way that I was going. When we got -- when I got to the back
5 corner, and seen him coming back --.

6 Q So, you saw him leave your sight and come back?

7 A Yes.

8 Q Okay. Go ahead.

9 A When I seen him coming back, when I got to the corner
10 in the dark, I pulled my firearm and I fired in his
11 direction. Once I seen he was down, I ran to my room.

12 Q So, you lost sight on him on the -- when you were
13 walking on the sidewalk?

14 A Yes.

15 Q And you're saying Rafael -- and you passed by your
16 room?

17 A Yes.

18 Q Okay. Couldn't you of just walked in your room?

19 A I was more focused on keeping my eyes on him.

20 Q Well, well, he was leaving.

21 A He was digging in his pockets --

22 Q He was---

23 A -- going to the back.

24 Q He's about---

25 A That doesn't mean he's leaving.

1 Q But he's, he's walking this way with his back to you?

2 A That doesn't mean -- he's (sic) didn't have his back to
3 me. He was walking like you walking back right now.

4 Q And you could of gone in your room and you didn't?

5 A No, I couldn't of went in my room. Not when somebody
6 digging in they pocket, and they threatening to kill you.

7 Q And when he was clapping, you could see his hands,
8 couldn't you?

9 A Yes.

10 Q So, he didn't have a gun, did he?

11 A Not at the time when he was clapping in-between digging
12 in his pockets.

13 Q And where was he when he was digging in his pockets?

14 A walking on the side of the walkway going towards the
15 back.

16 Q walking away from you?

17 A Yes, going towards the back.

18 Q And he makes a left?

19 A Yes.

20 Q And then where, where's the next time you see him?

21 A I seen him coming back from the left when I get to the
22 corner of he building.

23 Q From a bush?

24 A Yes.

25 Q So, you didn't fire until you got to the corner of the

1 building?

2 A Right.

3 Q You fired that way?

4 A Right.

5 Q You didn't fire that way to hit the car?

6 A That's the way I fired.

7 Q To the car?

8 A Yes.

9 Q Okay. But he was coming back this way?

10 A When I pull out, I started firing.

11 Q And so you just started firing everywhere?

12 A I started firing the way he was.

13 Q Well, he wasn't at the -- so, you were firing---

14 A And I---

15 Q ---straight across?

16 A And I didn't even see that car to be honest with you.

17 I did not see a car.

18 Q But your first shot---

19 A I didn't know, I didn't know a car got hit until I got
20 the pictures at the motion of discovery.

21 Q But you---

22 A It was dark. I can not see good at night.

23 Q But you're not gonna dispute you shot that car?

24 That car is your gun?

25 A Be honest with you, they, they said there was seven

1 or -- the guy that was up here say he believed there was
2 seven. There was only five shell casings. That does not
3 add up.

4 Q Six or seven I think he said, yeah.

5 A Some, some -- something is not right.

6 Q So the answer to my question is you're saying---

7 A Unless somebody took something off the scene or moved
8 some stuff around, but if you got five shell casings, that
9 should be five shots. That can be somebody that may be
10 trying to get they vehicle fixed, you know, cause I know one
11 of them is a -- looks like a gunshot. But the other one, it
12 really -- I don't know. It can be something else, but
13 however many shell casings you have, that's how many bullets
14 you should have.

15 Like who's gonna pick up one or two shell casings?

16 Q And when you shot or did you shoot straight as you were
17 going by?

18 Did you ever shoot straight as you were going by?

19 A I don't really know what you mean.

20 Q Okay. As you're walking back here and Walter's in
21 front of you, did you fire a shot straight?

22 A You said Walter's in front of me?

23 Q Excuse me. I apologize. Brandon's in front of you.

24 Did you ever fire straight?

25 A Did I fire?

1 I fired towards him.

2 Q Okay. So, he would of been in front of you?

3 A Yes.

4 Q And you said, in your story, scenario today, you said
5 he's walking back at you, right?

6 A walking back at me?

7 Q Yeah. well, you said he -- the next time you saw him
8 he's coming back. I think you said he's coming back from a
9 bush.

10 A Yes, he was coming back from the way that he went. He
11 had enough time, if he was going to that vehicle or whoever
12 he was with, he could of been in that vehicle.

13 Q So, you're saying he might of got to that vehicle?

14 A I don't know. I can't tell you that.

15 Q Okay. But you saw him coming back after that?

16 A Yes, he was coming back.

17 Q So he's coming straight at you?

18 A Exactly what he said he was gonna do---

19 Q You started shooting.

20 A ---when we was gonna hit him.

21 (WHEREUPON, the Defendant starts clapping his hand.)

22 Q And you---

23 A But what that mean, even if I turn, I can be shot down
24 in my back. It's nothing I can do.

25 Q So he's coming at you then, and you're shooting at him?

1 A My life was on the line, yes.

2 Q So, he's walking towards you, and you're shooting at
3 him?

4 A Yes.

5 Q Okay. He gets a shot here, right?

6 A I don't know where he was hit, sir.

7 Q He's shot in the back?

8 A All I know---

9 Q Did you hear the pathologist?

10 A ---is I fired to be able to get to my room. I, I don't
11 know where he was shot.

12 Q Shot twice in the back of the head?

13 A That's, that's where they, that's where they -- that's
14 where the bullets hits, but I didn't know that's where he
15 was hit at.

16 Q But you're saying he's walking towards you?

17 A Yes.

18 Q And you shot him---

19 A I seen---

20 Q ---and he didn't change directions, did he?

21 A I seen him coming back. You're asking me questions
22 like you're trying to trip me up.

23 Q No, sir.

24 A And I'm telling you exactly what happened. I don't
25 know exactly where he was hit. I pull out and I shot. Once

1 I seen he was down, I went to safety. That was my whole
2 purpose to keep from withstanding bodily harm, dying, or the
3 people getting shot behind me. I was walking them to they
4 room. You know, you, you -- go ahead, sir.

5 Q He was walking towards you when you shot him, correct?

6 A He was coming back.

7 Q You testified Tuesday.

8 I'm asking you today was he coming towards you, coming
9 back over here, coming straight?

10 A Yes, cause he---

11 Q He was walking towards you like this?

12 A He could of been gone.

13 Q Right.

14 A If he was leaving, he would of been gone. He wasn't
15 leaving.

16 Q Okay. So, he's coming back towards you?

17 A Yes.

18 Q Okay. And that's when you fired?

19 A Yes.

20 Q How many times did you fire?

21 A I don't know how many times I fired.

22 Q More than once?

23 A Yes, it was more than once though.

24 Q Okay. Nobody else out there with a gun but you, was
25 there?

1 A I don't know who all had a gun, sir.

2 Q Did you see another gun?

3 A No, but I thought there was another gun because someone
4 threatened to hit -- take my life.

5 Q And can you show us now how you shot him?

6 How did you do it?

7 A The same way you just hold your hand up and you shot.

8 Q Demonstrate it please.

9 A The same way you hold up here and then shot. Same way.

10 Q What were you firing -- what was the gun?

11 A What was the gun?

12 It was a .380 I think it was. I'm not, I'm not sure
13 what kind of gun it was really to be honest with you. It
14 wasn't my gun. Like I said, I found it.

15 Q Where did you find it?

16 A I found it where I stayed on [REDACTED] Sanford
17 Court in Augusta.

18 Q And on Tuesday---

19 A Where there's a hole in the gate where my kids ride
20 they Power Wheels, and where I bring my goal out to play
21 basketball.

22 Q And you -- on Tuesday, you said it was a .22, right?

23 A I don't know.

24 Q Do you remember that?

25 A To be honest with you, I don't know. It was one of the

1 two. It was a small caliber gun. You talking about
2 something that happened two and a half years ago. I been
3 waiting for the -- to have this trial.

4 Q Yeah, and we have too, and you -- something happened
5 two and a half years ago that you shot four times in the
6 Walter -- Brandon's body, right?

7 A Yes.

8 Q You never went and told anybody that before you were
9 arrested?

10 Never went to the police, did you?

11 A No.

12 Q Okay. And then will you admit on July of this -- of
13 2017, you, you called and asked to speak to Gill,
14 Investigator Gill?

15 A Yes.

16 Q I mean that's not in dispute, is it?

17 A Yes.

18 Q And you remember him -- read your rights, and you
19 understood your rights, and you agreed to talk to him?

20 A Yes, cause my lawyer wasn't responding with me, and I
21 needed to talk because I'm sitting here being charged with
22 murder with malice, and it's not what it is, and it need to
23 be brought to the light what's going on.

24 Q So, you, you asked to talk to him, and he came and
25 talked to you?

1 A Yes, he came and talked to me.

2 Q He didn't threaten you or coerce you?

3 A No.

4 Q And you agreed to talk to him?

5 A Yes.

6 Q And you signed the waiver?

7 A Yes, I did.

8 Q We've heard the tape.

9 Y'all were nice to each other?

10 I mean you've said earlier you didn't trust police.

11 That's one reason you didn't -- you threw---

12 A I'm sitting in jail---

13 Q ---the gun and you didn't talk---

14 A I'm sitting in jail. I'm being held with the charges

15 of, of, of murder with malice, and that's not what it is.

16 You would want the truth to come out too. And another thing

17 is, is it's not right or wrong, it's what you can prove.

18 The first part of that is really not right to me because it

19 has a lot to do with who's right and who's wrong, but that's

20 the law, and it's only what you can prove.

21 So, that's why we have a lot of problems these days

22 cause when you say it's not right or wrong, it's what you

23 can prove, people that don't have no regard for no other

24 people. As long as they know they can't prove it, they put

25 people that's innocent in harms way to where they have to do

1 things to protect they self cause, if not, they can lose
2 they lives.

3 Q Now you---

4 A Cause no one prove it, and they'll get away with it.

5 Q When you told---

6 A So, it's, it's a rough life.

7 Q When you talked to Mr. Gill, do you remember, at nine
8 minutes and 56 seconds into the interview, you said look my
9 clothes -- cause he was explaining to you -- you were trying
10 to kind of find out what the evidence was against you?

11 A Yes, cause it's not right or wrong. It's what you can
12 prove, according to the law. That's what I was doing before
13 I said anything.

14 Q Before you told the truth about hey, man, I had to
15 protect myself?

16 Did you---

17 A It's not who right or wrong. It's what you can prove.
18 I want to know why I'm being held. I never got a warrant,
19 as you heard that in the statement also.

20 Q You remember telling him at 9:56, look, that shirt was
21 in Rafael's truck, anybody could of had access to these?

22 A Right.

23 Q But you're still denying---

24 A No.

25 Q ---that you did the shooting?

1 A I'm trying to find out is what you can prove. Just
2 because you find a shirt with my DNA on it in the back of
3 the hotel that wasn't where the shooting happened, how can
4 you say I did it, and I'm sitting in jail with no warrant?

5 You got to think about it.

6 Q And then you get, 14:05, your scenario. You said we
7 all walked to the corner, and then we heard gunshots.

8 That's implying somebody else did it, isn't it?

9 A I wanted to know what do you have on me.

10 Q Answer my question first, and then you're saying
11 somebody else did it---

12 A That's what I said.

13 Q ---and you didn't?

14 A You have the recording. That's what I said.

15 Q So you're saying somebody else did it?

16 A That's what I said.

17 Q Okay.

18 A It's not right who wrong. It's what you can prove.
19 I'm trying to see what you can prove on me before I say
20 anything because that's the law. That's according to the
21 law.

22 Isn't it?

23 Never mind.

24 Q Then you said you woke up in the morning, the police
25 came, and your roommate told you what happened. You just

1 followed that scenario through like you didn't -- it wasn't
2 you, didn't you?

3 I mean did you follow -- you followed that through. I
4 woke up, and my roommate told me what happened.

5 That's telling the investigator I didn't have anything
6 to do with it.

7 Remember?

8 A He say he'll play a couple of cards. I'll play a
9 couple of cards. So that's what we did.

10 Q The police---

11 A If you listen -- if you listen to the interview you
12 will hear that.

13 Q The police actually came to your room that night, and
14 you went to the bathroom when they came, didn't you?

15 A I got up and used the bathroom after he left out the
16 door. It wasn't them coming to the room. You making it
17 seem like, when they came to the room, I went to the
18 bathroom.

19 Q That's exactly what I'm making it seem.

20 A I woke up when my roommate went out of the door.
21 That's---

22 Q And that's when you went to the bathroom?

23 A That's, that's -- I woke up and went to use the
24 bathroom.

25 Q But you didn't go out and tell the police look, I had

1 to kill this guy, I thought he had a gun?

2 A I didn't even know it was the police out there. You
3 got to understand. When the door shut, I woke up. I went
4 and used the bathroom. When I was coming out of the
5 bathroom, Anthony was coming back in the room. I laid back
6 down.

7 You saying it like as if the police knock on the door
8 and I ran in the bathroom. That's not what happened.

9 Q And then, at 1:02:05, you said you -- they're a couple
10 of striped shirts. Anybody, again, could of gotten Rafael's
11 shirt (sic).

12 You're just trying to see what he's got still?

13 A It's not who right or wrong. It's what you can prove
14 according to that's the law that, that, that we stand under
15 even though I don't feel it's right cause it matters who's
16 right and wrong.

17 Q Cause you took---

18 A But that's the law.

19 Q You said document this, man. Take it down. Anybody
20 else could of got those -- could of had access to those
21 shirts.

22 You remember that?

23 A When I was saying document, I'm not sure if I was
24 saying exactly towards that if that's how you taking it.

25 Q And then you even asked him, at 1:04:45, how does she

1 know I was the one who did it?

2 A Exactly. Cause I never seen her before. I know she
3 didn't see me.

4 Q You had---

5 A That's like she said she seen me. I had hair hanging
6 down with a shirt tied around my head. If I can put that
7 shirt on, and show you what it will look like, there's no
8 way you can, can see my hair. If she seen my hair, that's
9 from her looking at my hair in a six live lineup that they
10 probably pointed me out to her so they can have a reason to
11 come get me.

12 Q Did you shoot him?

13 A Yes, in self-defense.

14 Q You were the shooter?

15 A In self-defense, yes. Cause I was the one that was
16 being threatened and was told I was gonna be shot. All I
17 was gonna hear was gunshots. There's no camera. I'm going
18 to the back. You leave that part out.

19 Q Excuse me?

20 A I say you left that part out.

21 Q Where was, where was the, the -- come back down here
22 please if the judge will let you?

23 THE COURT: Yes, sir.

24 (WHEREUPON, the witness comes down from the stand.)

25 Q Show us where the bush is that he was coming from

1 behind.

2 A It's kind of hard to see it on this picture, but if
3 this is the walkway that I was on, he was coming from this
4 way where it was dark. I seen him coming from this
5 direction.

6 Q So, he came and came this far and then came back?

7 A I don't know what he did once he turned the corner. If
8 you in a breezeway, you can't see past the stairwell. You
9 ain't gonna be able to see nothing really past the stairwell
10 until you get to the corner.

11 Q But you saw him coming back this way?

12 A Yeah, he had done went this a way and was coming back.

13 Q And where were you when you fired your first shot?

14 A When I fired, I was on the corner where this stairwell
15 was at.

16 Q Okay. So, did you fire into this car?

17 A The car wasn't straight right here. The car was more
18 this a way.

19 Q Okay. Did you fire into the car?

20 A I didn't see the car.

21 Q So you could of fired?

22 A I seen him. I don't know if the car was behind him---

23 Q And he was coming at you---

24 A ---how he fell---

25 Q Sorry.

1 A ---or none of that. It was dark. Once I seen he went
2 down, that was my whole purpose is to keep him from getting
3 me. Well, when I turned my back to get to safety, which is
4 where I was headed with the people that was with me.

5 Q Caleb and Rodriguez right behind you?

6 A I don't know who all it was. I have more than one
7 person with me though. It wasn't me just by myself. It was
8 no way I'd of been able to get into they room. We all was
9 at the room. We went in the room together. It's not like I
10 came this a way, and I'm looking this a way, and I'm seeing
11 all the guys running this way, and we going to the room.

12 Q And let me ask you, you don't see real well you said?

13 A I can't see good, no.

14 Q Okay. Can you---

15 A I see good close-up like from me to you.

16 Q Yeah.

17 How far did you -- how close did he get to you when you
18 shot him?

19 A I really, I really don't know to be honest with you,
20 but I think it was about maybe -- I really don't know. It
21 was dark. Probably about from maybe here to the -- to where
22 this, this little bar is.

23 Q So, if you would of been out of the breezeway---

24 A Here's the bar.

25 Q ---and he would of been back toward the bush over

1 there?

2 A It wasn't towards the bush.

3 Q That's your---

4 A It was more like where the car was at. He had done
5 came from where the bush was at. So, he was right where the
6 car was at. When he fell, he fell like, like this a way.

7 And that's when I took off.

8 Q If you remember him---

9 A I, I---

10 Q You said he was coming at your front?

11 A I don't know---

12 Q We know how the -- how did the shots get---

13 A I really---

14 Q ---in the back of his head?

15 A I really don't even know if he was hit or not. But
16 when I seen him down on the ground, I knew there was enough
17 time for me to be able to get to safety.

18 Q Okay. You can have a seat.

19 A (WHEREUPON, the witness returns to the stand.)

20 Q No question Cody was coming with you, Cody Shelton,
21 right?

22 A Cody Shelton was behind me. When I looked back, I
23 remember seeing Rafael behind me as the, as the closest
24 person that was behind me really. I don't really know where
25 Cody and them was at cause, like I say, when I looked back,

1 it was specifically at Rafael because of what he said cause
2 then I was hoping this guy was just gonna leave.

3 Q Well, do you know now that Cody and, excuse me, Rafael
4 and Gomez actually went back this way to their room?

5 A I couldn't specifically tell you that because I know I
6 didn't, I didn't go the way I went by myself. I can assure
7 you that.

8 Q So, if you don't know---

9 A And, and the, and the thing about this is, you know, if
10 the question is that if they had cameras at this hotel,
11 which they should of had a security, ain't none of this
12 would of been -- none of this -- well, we wouldn't even be
13 in here right now, you know.

14 Q Matter of fact -- yeah, they're no cameras back here,
15 and I think -- yeah, I think, I think Gill talked to you
16 about that.

17 But cameras out here, and if you'd thrown that gun or
18 run out here, it'd of showed you throwing that gun, wouldn't
19 it?

20 A Exactly.

21 Q And it doesn't?

22 A I didn't run out there. I told you I stood by---

23 Q You threw it from the door?

24 A ---the door. Yes.

25 Q All the way---

1 A Yes.

2 Q ---out there?

3 A Yes.

4 You didn't hear when I was talking to Mr. Routzong and
5 I told him that?

6 Q So you admit you didn't go out in this parking lot at
7 all?

8 A No.

9 Q Cause you would of been on camera if you had?

10 A Exactly. You just said that. Exactly.

11 Q Now, when he's running away, he's clapping. You had a
12 gun. You, you fired once, and hit the car.

13 You could of done that, couldn't you?

14 A Say that again.

15 Q I said you could of fired once and hit that car?

16 A I didn't even see a car like I told you.

17 Q But tell this jury.

18 He's leaving, isn't he?

19 He is leaving the motel like you told him to.

20 A I don't know that he's leaving the motel. He say he's
21 going to the back. That don't mean he leaving the hotel.

22 Q He says I'm coming back---

23 A He, he didn't say I'm gone or I'm gonna leave y'all
24 alone. He say I'm going to the back. There's no cameras.
25 That's all you gonna hear.

1 (WHEREUPON, the Defendant claps his hands.)

2 A That's all you gonna hear.

3 (WHEREUPON, the Defendant claps his hands.)

4 Q And I'll see you tomorrow. I'm coming back. I'll see
5 you tomorrow.

6 A If that's what you want to add to it.

7 Q At what point---

8 A But that's not what he said.

9 Q ---did you bring your gun out?

10 what point on here---

11 A That's not what he said.

12 Q what point did you bring your gun out?

13 A Huh?

14 Q when did you bring your gun out of your pocket?

15 A when I got to the corner. When I seen him coming back.

16 Q You got to the corner?

17 A Yes.

18 Q You pulled your gun out?

19 A Yes.

20 Q And do you remember shooting him?

21 Did you shoot him in the back first?

22 Could that of been the first shot when he was running
23 away?

24 A why you --?

25 Q You don't remember---

1 A I---

2 Q ---shooting him in the back?

3 A I just told you I shoot in self-defense.

4 Q Okay. I didn't hear that.

5 A When I seen he was down, I went to my room. I don't
6 know what you keep asking me questions and trying to do.

7 I'm telling you exactly what happened. I know your strategy
8 is to try to trick me up and make it seem like I'm saying
9 one thing and I'm saying another. I'm not -- the same --
10 you just asked me these things over and over again. I'm up
11 here. I'm suppose to answer. So, I'm gonna keep asking --
12 I'm gonna keep answering them for you.

13 Q Okay. well, let -- well, please do that then.

14 A Okay. Go ahead.

15 Q Do you remember shooting him in the back?

16 A No.

17 Q How did he gun -- get gunshots in the back?

18 A You tell me.

19 THE COURT: wait a minute now. wait a minute.

20 THE WITNESS: I keep---

21 THE COURT: wait. Stop.

22 THE WITNESS: He asking me questions I can't answer---

23 THE COURT: Stop.

24 THE WITNESS: ---Your Honor.

25 THE COURT: Stop. Stop. When I say stop---

1 THE WITNESS: Shouldn't there be an objection though?

2 I can't answer that question.

3 THE COURT: I want y'all to go to your jury room

4 please.

5 THE WITNESS: I'm not doing nothing wrong. He asking

6 me questions I can't answer.

7 THE COURT: Hush. Be quiet.

8 (WHEREUPON, the following takes place outside the

9 presence of the jury.)

10 THE COURT: I read into the record earlier, when this

11 gentleman said he wanted to speak, that he would avail

12 himself of cross-examination just like every witness does

13 when they take the stand in this courtroom. Nobody made you

14 take the stand, sir. You did that of your own choice.

15 This will last as long as you keep playing this game or

16 trying the delay tactics by answering questions, and don't

17 talk back to me either.

18 Now, Mr. Routzong, I'm gonna want you to talk to him

19 one more time about this --

20 MR. ROUTZONG: Yes, sir.

21 THE COURT: -- and do your best. But we will be here

22 until this trial is over, and it will last as long as it

23 takes for this questioning from the witness, which is

24 totally improper, to go on.

25 I'll be back in a few minutes.

1 MR. ROUTZONG: May I say something for the record---

2 THE COURT: Yes, sir.

3 MR. ROUTZONG: ---Your Honor?

4 THE COURT: Yes, sir.

5 MR. ROUTZONG: I think, to a certain extent, I tried
6 to -- I'm trying not to -- I'll put it this way. There were
7 times I should of objected because the questions were being
8 repeated.

9 THE COURT: Yes, sir.

10 MR. ROUTZONG: I did not object.

11 THE COURT: Okay.

12 MR. ROUTZONG: And that's on, that's on me.

13 THE COURT: Okay.

14 MR. ROUTZONG: And I will try to---

15 THE COURT: Just be more vigilant---

16 MR. ROUTZONG: Yes, sir.

17 THE COURT: ---Mr. Routzong.

18 Okay. Again, sir, hold no ill will against you. But
19 my job is to make this trial run, and it doesn't run when
20 people who voluntarily take the stand want to become the
21 lawyer.

22 I'll be back shortly.

23 (WHEREUPON, a short recess was taken at this time.)

24 THE COURT: Bring the jury.

25 THE BAILIFF: Yes, Your Honor.

1 (WHEREUPON, the following takes place within the
2 presence of the jury.)

3 THE COURT: Mr. Meadors, Mr. Routzong, can I speak to
4 you please?

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 THE BAILIFF: The jury is seated.
8 Sir?

9 MR. ROUTZONG: Come back up there.

10 (WHEREUPON, the witness returns to the stand.)

11 THE COURT: Mr. Meadors.

12 SOLICITOR MEADORS: Thank you.

13 May it please the Court?

14 THE COURT: Yes, sir.

15 CONTINUED CROSS-EXAMINATION

16 BY SOLICITOR MEADORS:

17 Q why'd you take your shirt off?

18 A Because I was trying to see if I had done got shot.

19 Q Did you -- had you felt a blast?

20 A No.

21 Q So, you were just trying to see if you got shot?

22 A Yes.

23 Q And you took it off in whose room?

24 A In Rafael's room.

25 Q It wasn't Cody's room?

1 A It's Rafael's room.

2 Q Did you put it back on after you saw you hadn't been
3 shot?

4 A No.

5 Q Okay. Why not?

6 A I was shaking. Told me to go to my room, and try to
7 calm down.

8 Q And it was dark when you saw Brandon coming from the
9 bush, correct?

10 A Yes.

11 Q And I believe you said that you really couldn't see
12 good?

13 A Yes, I can't see good. Not far.

14 Q And you didn't, I believe at 1:31 or 43 or around that
15 area with your conversation with Investigator Gill, if -- do
16 you remember whether or not you told him you saw him with
17 the gun or not?

18 A I'm not sure.

19 Q Well, could you see him with a gun?

20 Could you see anything in his hand?

21 A I had to take it by the statement that he said.

22 Q Okay. I'm asking you now did you see something in his
23 hand when you shot him?

24 A I don't know what he had to be honest with you. But I
25 know, if he would of had what he told me he was coming back

1 with, I would of been dead.

2 Q well, yes or no, did you see anything in his hand?

3 A I'm not sure.

4 MR. ROUTZONG: Asked and answered, Your Honor.

5 THE COURT: Yes, sir.

6 Q And do you remember shooting him in the back?

7 A No.

8 Q And do you remember shooting him twice in the back of
9 the head?

10 A No.

11 Q And do you remember shooting once in the side of the
12 head?

13 A No.

14 Q And under your scenario, he was coming at you -- put
15 me -- if I -- if you were you, where was he coming at you?

16 Put me where you are.

17 which way was he coming?

18 A (WHEREUPON, the witness comes down from the stand.)

19 When I got to the corner, I shot right about in this
20 area right here.

21 Q So he was coming this way?

22 A And then like this. Yes, I shot like this.

23 Q So, you shot one there?

24 A I shot like this.

25 Q And then he was coming this way?

1 A Yes.

2 Q Okay. And stop me.

3 How far did he get to you?

4 A He wasn't close up on me like that. I'm talking about
5 this the corner. It's the corner where the stairs go up at.

6 Q Yes, sir.

7 A Stairs go up like this. When I seen him coming back
8 because he had done been went around the corner the way he
9 could of been at the car. I shot where the -- where you see
10 the bullets hit the car at and he fell.

11 Q So you---

12 A And I, and I took off to my room.

13 Q So, if he -- but if -- he's coming back towards you?

14 A Yes.

15 Q Okay.

16 A He had more than enough time. When he went around the
17 corner, he could of been in the car where that car was
18 located at in the picture.

19 Q And then -- and my final question did you move or shoot
20 anymore after those shots when you -- cause you unloaded the
21 weapon, right?

22 A Not all of the bullets.

23 Q You did not unload the weapon?

24 A No.

25 Q How many were---

1 A No.

2 Q ---in the gun?

3 A Seven.

4 Q Okay. So you didn't shoot all of them?

5 A No.

6 Q So you shot how many?

7 A That -- it had five shells. So they had two---

8 Q Sir?

9 A Two. Should of had two left in the gun.

10 (WHEREUPON, the witness returns to the stand.)

11 Q Should of had two left in the gun?

12 A Right.

13 Q But he was coming back towards you when you shot?

14 A Exactly.

15 Q No question about that?

16 A Exactly.

17 Q And you never shot any more after you started shooting?

18 A No.

19 Q That's all. Thank you.

20 THE COURT: Mr. Routzong.

21 MR. ROUTZONG: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. ROUTZONG:

24 Q Walter, some of the things that Mr. Meadors discussed
25 with you I'd like to kind of go over just a minute.

1 walter, if I -- let's suppose it was me. If I walked
2 up to you, a total stranger, you don't know me from
3 anything, if I walked up to you, and you just got in your
4 motel room, and I asked you can I go in your room, would
5 I -- let's say I don't give you the impression that I'm gay.

6 How would you feel?

7 A I would feel uncomfortable.

8 Q So, it doesn't matter if I'm gay or straight.

9 Is that correct?

10 A Right.

11 Q So none of that matters?

12 A Right.

13 Q walter, you heard the testimony from the, the, the
14 pathologist yesterday, that lady who was up there talking
15 about the gunshot wounds in the head.

16 Remember her?

17 A Yes.

18 Q Do you remember what she said when I asked her can she
19 say with any degree of medical certainty?

20 SOLICITOR MEADORS: Your Honor, I'm gonna object to
21 leading.

22 MR. ROUTZONG: I'm, I'm asking him do he -- does he
23 remember, Judge.

24 THE COURT: I'll allow that.

25 Go ahead.

1 Q Okay. I asked her does -- can she say with any degree
2 of medical certainty how Brandon Cummings, on that night,
3 reacted to these gunshots.

4 A Right.

5 Q Do you remember that?

6 A Right.

7 Q Can you say how he reacted?

8 A No.

9 Q So, if got shot here, and he spun around, and then --
10 and you were firing, of course, there would be bullets in
11 his back, wouldn't there?

12 A Right.

13 Q Walter, why did you come to Sumter, South Carolina?

14 A To work.

15 Q Any other reason?

16 A To work. My, my main focus was to save up enough money
17 where I can get a vehicle. That way, when I go back home,
18 by my kids, I'll be able to keep the job that I just got
19 that I asked the guy to hold for me because I didn't have
20 transportation, and I knew I was gonna end up losing the job
21 first impression not being able to make it to work.

22 Q Once again, did you know Brandon Cummings?

23 A No.

24 Q When he threatened you, did you -- were you afraid?

25 A Yes, I was thinking about my kids.

1 Q Did you know him from anybody else?

2 A No.

3 Q Do you have any -- I mean you didn't know him for 15
4 years, mess, girlfriends in common, did, did any of that --
5 is any of that true?

6 A First time seeing him when he walk up and asked for the
7 lighter.

8 Q Do you feel justified in what you did?

9 A Yes.

10 Q Did you hate him?

11 A No.

12 Q How did you feel towards him?

13 A He was my brother.

14 Q Were you afraid?

15 A Yes.

16 MR. ROUTZONG: I don't have any other questions, Your
17 Honor.

18 THE COURT: Mr. Meadors.

19 SOLICITOR MEADORS: No, sir.

20 THE COURT: You may step down, sir.

21 MR. ROUTZONG: Defense rests, Your Honor.

22 THE COURT: All right, sir.

23 May I ask if y'all -- about plans now?

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

1 MR. ROUTZONG: Thank you, Your Honor.

2 THE COURT: Members of this jury panel, you have been
3 so patient with us today. I'm going to ask you now to go
4 home. Meet us back at 10:30.

5 why did I say 10:30?

6 It's gonna take us about an hour in the morning to get
7 ready for what we've got to do tomorrow. So, I'll see you
8 at 10:30.

9 Do not deliberate. Do not, do not discuss this matter
10 with anyone, even among yourselves, and thank you for your
11 patience again.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: All right. Gentlemen, I'll see you in the
15 morning at 10:00 -- at 9:30.

16 SOLICITOR MEADORS: Thank you.

17

18 (WHEREUPON, Court was in recess for the evening.)

19

20

21

22

23

24

25

1 Friday, October 18th, 2019

2
3 THE COURT: Mr. Meadors, Mr. Routzong, are we ready,
4 gentlemen?

5 MR. ROUTZONG: Can I, can I just have one second---

6 THE COURT: Yes, sir.

7 MR. ROUTZONG: ---Your Honor?

8 THE COURT: Yes, sir.

9 MR. ROUTZONG: Thank you, Your Honor.

10 (Pause.)

11 MR. ROUTZONG: Ready, Your Honor.

12 THE BAILIFF: Sorry, Your Honor.

13 THE COURT: That's okay. That's all right.

14 MR. ROUTZONG: Your Honor, I have to renew my directed
15 verdict motion.

16 THE COURT: That's right. That's right.

17 Yes, sir.

18 MR. ROUTZONG: Your Honor, at this time I rise to renew
19 my motion for a directed verdict. Viewing, viewing the
20 light -- the evidence in the light most favorable to the
21 State, the State has failed to present any competent,
22 direct, or substantial circumstantial evidence reasonably
23 tending to prove malice, and, therefore, fails to prove Mr.
24 Murrey is guilty of murder.

25 The State has failed to present competent evidence that

1 he bore any ill -- any hatred, ill will, or hostility
2 towards Brandon Cummings. The State has failed to show that
3 he had a general malignant, recklessness towards the lives
4 and safety of others, or a condition of mind which shows a
5 heart regardless of social duty, and fatally bent on
6 mischief, Your Honor.

7 THE COURT: Yes, sir.

8 MR. ROUTZONG: And that, Your Honor, to the part of
9 malice aforethought --

10 THE COURT: Uh-huh. (Affirmative).

11 MR. ROUTZONG: -- Mr. Murrey -- the State has failed
12 to, to present competent evidence that Mr. Murrey had malice
13 aforethought, and that it existed aforethought prior to or
14 at the moment the fatal blow was struck, Your Honor.

15 THE COURT: Yes, sir.

16 Mr. Meadors.

17 MR. ROUTZONG: And, Your Honor, at the appropriate
18 time, I will renew my motion that he be -- that the Court
19 find him, by a preponderance of the evidence, under the,
20 under the Protection of Persons and Property Act, Your Honor
21 --

22 THE COURT: Yes, sir.

23 MR. ROUTZONG: -- and I'll renew my motion on that.

24 THE COURT: You do that now?

25 MR. ROUTZONG: Yeah, I don't know if you want to hear

1 from Mr. Meadors on the---

2 THE COURT: Mr. Meadors.

3 SOLICITOR MEADORS: Under Rule 19 --

4 THE COURT: Yes, sir.

5 SOLICITOR MEADORS: -- any evidence -- I think four
6 shots to -- three to the back, one to the -- well, three --
7 four shots to him shows there's any evidence that gets us to
8 the jury on malice, Your Honor.

9 THE COURT: Yes, sir.

10 SOLICITOR MEADORS: Plus two eye witnesses.

11 THE COURT: Yes, sir.

12 Mr. Routzong, I, for the same reasons offered earlier,
13 respectfully deny your motion, sir.

14 MR. ROUTZONG: Your Honor, I'd like to renew the motion
15 for immunity under the Persons -- Protection of Persons and
16 Property Act.

17 The Court has not -- the Court has now heard all the
18 evidence, and I think, Your Honor, you're, arguably, you're
19 in a much better position now to make a judgment based on
20 the evidence that you've heard.

21 THE COURT: Yes, sir.

22 MR. ROUTZONG: The burden of proof is preponderance of
23 the evidence, the evidence, Your Honor.

24 Your Honor, the, the thing is, the State presented
25 contradictory -- witnesses that contradicted one another.

1 Cody Shelton says there was never any going up the
2 stairs. Lashay Andrews said they descend from the stairs
3 and Mr. -- the stairs and Mr. Murrey began shooting him
4 while he was trying to leave, while he was trying or saying
5 I'm leaving. And I also asked Cody Shelton whether he heard
6 any, any very vile language, I won't repeat it now, and he
7 said not to his recollection.

8 Your Honor, that's conflicting evidence.

9 What's not in dispute, Judge, in all of this, the State
10 has conflicting witnesses about what happened, but what's
11 not in contradiction is the following:

12 There were encounters. Everyone said that Brandon
13 Cummings threatened Mr. Murrey, and, of course, Mr. Murrey
14 does -- is, is asserting self-defense, and admits that he
15 killed Mr. Cummings.

16 THE COURT: Uh-huh. (Affirmative).

17 MR. ROUTZONG: Those are the things that are not in
18 dispute, Your Honor.

19 THE COURT: Yes, sir.

20 MR. ROUTZONG: Just about everything else is in dispute
21 particularly with the State's case. And there's not just
22 Cody Shelton agreeing with Mr. Murrey.

23 You also heard from Rafael Rodriguez, Caleb Gomez, and
24 the Court specifically mentioned, at that time, that the
25 basis for your ruling was the contradictory evidence that

1 you heard from the defense witnesses.

2 Here, Your Honor, we have agreement with the State's
3 witnesses---

4 THE COURT: Uh-huh. (Affirmative.)

5 MR. ROUTZONG: ---except Ms. Andrews and the defense
6 witnesses. He was threatened.

7 They walked down in front of the rooms towards Mr., Mr.
8 Murrey's room. They went to the corner, but, at that point
9 in time, Your Honor, only Mr. Murrey can say what happened.

10 THE COURT: I see.

11 MR. ROUTZONG: And he told Your Honor what happened.
12 And I'd ask the Court to find that he's immune under the
13 Act, Your Honor.

14 THE COURT: Yes, sir.

15 Mr. Meadors.

16 SOLICITOR MEADORS: Your Honor, we stand on our prior
17 arguments.

18 In addition to that, there was conflicting evidence
19 from the Defendant himself in the Duncan hearing on the
20 tape, and, and in front of Your Honor specifically about
21 when he threw the gun, and when he didn't throw the gun, and
22 when he went to his room. Mr. Rodriguez first gave a
23 statement he didn't see anything, and then gave another
24 statement. So, there was conflicting evidence on -- all the
25 way around, and Your Honor, we believe, correctly ruled that

1 Defendant had not proved, by preponderance of evidence.

2 And then we had our witness who said she did see the
3 Defendant shoot the victim, and then put two more bullets in
4 his head. And that's not contradicted at all by Cody
5 Shelton. As a matter of fact, if you take the testimony
6 together, with the bullet especially in the car, it is as
7 consistent as it could be, in the State's opinion, that
8 that's the only thing that could of happened.

9 Judge, I'd like, at this point, to, obviously, Cody's
10 testimony, excuse me, Caleb Gomez's testimony and Rodriguez
11 testimony were not for the jury. So, we certainly don't
12 believe Mr. Routzong should argue that everybody there said
13 that cause the only testimony that's in front of the jury is
14 the Defendant and Cody Shelton.

15 THE COURT: Yes, sir.

16 SOLICITOR MEADORS: So, any testimony that came out in
17 the Duncan hearing certainly would not be admissible or
18 argued any inference from that since it wasn't in front of
19 the Judge, the jury, and that, and a couple examples
20 Mr. Routzong gave during questioning, I don't think he'd do
21 this, but abundance of caution, we'd just ask for a motion
22 in limine he not ask of the jurors to put themselves in the
23 place of the Defendant. You know, what would you do.

24 THE COURT: Yes, sir.

25 SOLICITOR MEADORS: Clearly that's a Golden Rule --

1 THE COURT: Yes, sir.

2 SOLICITOR MEADORS: -- and we can't do that --

3 THE COURT: Yes, sir.

4 SOLICITOR MEADORS: -- and I don't want to have to
5 object in his, in his closing. So, I'd just -- we'd put
6 that for the record.

7 THE COURT: Any reply, Mr. Routzong?

8 MR. ROUTZONG: Yes, sir. That doesn't go in front of
9 the jury, but it was before you at the Duncan hearing.

10 THE COURT: Yeah, it was then. Yeah.

11 MR. ROUTZONG: And they, they were consistent --

12 THE COURT: Yeah.

13 MR. ROUTZONG: -- in this way.

14 They all agreed he was threatened as were they all.
15 The question is have we proven, by preponderance of the
16 evidence, that he acted reasonably.

17 I disagree with the State on the testimony of Ms.
18 Andrews, Your Honor, because it's directly contradicted by
19 their own witness.

20 How could she have seen that when their own witness
21 says it didn't happen that way?

22 THE COURT: Yes, sir.

23 MR. ROUTZONG: I, I ask the Court to not consider that.

24 THE COURT: Okay. As I see it, the contradictions, to
25 use a phrase I often heard in the past with lawyers, is

1 global or all encompassing contradictions here, and I find
2 that it should be an issue for the jury.

3 So, I decline to grant the immunity, Mr. Routzong.

4 Otherwise, gentlemen, are we ready now?

5 SOLICITOR MEADORS: Yes, sir, and, and -- but -- and,
6 Your Honor, I think, I think he was just arguing for the
7 immunity. He's not gonna try to argue that Caleb and
8 Rodriguez---

9 THE COURT: I, I -- he, he said---

10 SOLICITOR MEADORS: Since it's not evidence.

11 THE COURT: Yes, sir, he said that only to me. That
12 was to me.

13 SOLICITOR MEADORS: Right. I just want to make sure
14 that wasn't---

15 THE COURT: Yes, sir.

16 SOLICITOR MEADORS: I understood that. I just didn't
17 know.

18 THE COURT: Yes, sir. I, I think---

19 MR. ROUTZONG: Your Honor?

20 THE COURT: I didn't get that.

21 Yes, sir.

22 MR. ROUTZONG: Just out of an abundance of caution, the
23 case law is pretty clear you have -- it -- by you saying
24 it's a jury question, that cast doubt on your -- on the, the
25 decision that -- there, there was a case that was reversed

1 because the Circuit Court said it was a jury question.

2 THE COURT: Okay.

3 MR. ROUTZONG: You are the finder of fact on this, Your
4 Honor. So, I think, for clarity sake, your ruling would --
5 probably would have to be that you're finding this, that, or
6 the other.

7 THE COURT: All right. Well, first of all, I find---

8 MR. ROUTZONG: Not that it's a jury question.

9 THE COURT: ---that, from the testimony I heard, which
10 may be somewhat contradicted to your client's position, is
11 that, when the shooting occurred, they were going towards
12 the end of the motel, and your client had had several
13 opportunities to turn and go back or go into his room or
14 another room. He did not. He kept on going.

15 I, I find that he had the chance, based on what he said
16 by his testimony, that he could of turned around. He could
17 of stopped, but he didn't do that.

18 And then I, I so find -- I'm telling Mr. Routzong, and
19 Mr. Meadors, this is not sufficient -- I'll go into greater
20 detail, but I, I really didn't want to get into commenting
21 on the facts here. Of course, the jury's not hearing what
22 I'm saying, but if, if you need more, Mr. Routzong, I'll be,
23 be glad to, to tell you.

24 MR. ROUTZONG: No, sir, but under the Persons -- the
25 Protection of Persons and Property Act, I don't think he has

1 a duty to retreat, and Your Honor said he had a chance to go
2 to his room or do something else. So, I would make that
3 objection to your ruling, Your Honor.

4 THE COURT: Okay.

5 SOLICITOR MEADORS: And I think your finding about
6 preponderance -- that he did not prove by a preponderance of
7 the evidence---

8 THE COURT: Yes, to use those---

9 SOLICITOR MEADORS: ---of the evidence.

10 THE COURT: Yes, sir.

11 SOLICITOR MEADORS: That---

12 THE COURT: To use those magic three words, I do. I
13 don't find that he, he's met his burden by the preponderance
14 of the evidence on that issue.

15 SOLICITOR MEADORS: And, Judge, for the record, there
16 was eye witness testimony---

17 THE COURT: Yes, sir.

18 SOLICITOR MEADORS: ---that he was shot twice after he
19 was on the ground, and eye witness testimony that he was
20 shot as he was leaving the motel.

21 THE COURT: Yes, sir.

22 SOLICITOR MEADORS: Thank you.

23 THE COURT: Yes, sir. By all means, folks, I always
24 welcome your guidance.

25 That being said, are we ready?

1 SOLICITOR MEADORS: Yes, sir.

2 MR. ROUTZONG: Yes, sir.

3 THE COURT: All right. Mr. -- bring them in please.

4 Now, as he brings the jury in, I learned something just
5 a couple weeks ago in Lee County.

6 I'm not one of these judges who has a stroke over a
7 cell phone ringing. But I want everybody, if you've got one
8 with you now, even the lawyers, if you got a cell phone on
9 you right now, pull it out and make sure it is silent. I'm
10 not asking you to bring it up to me. I don't want your
11 phones. But make sure your phones are on silent during the
12 closing arguments please.

13 SOLICITOR MEADORS: I turned mine off, Judge.

14 (WHEREUPON, the following takes place within the
15 presence of the jury.)

16 THE BAILIFF: The jurors are all seated and present,
17 Your Honor.

18 THE COURT: All right, sir.

19 Members of the jury, your patience is immensely
20 appreciated. On this side of the process, we have been
21 working here since 9:30 to prepare for this moment, and, Mr.
22 Rout -- Mr. Meadors.

23 SOLICITOR MEADORS: May it please the Court.

24 Madam Forelady, ladies and gentlemen, good morning.

25 First of all, I want to thank you-all for being here

1 would y'all make sure all that this evidence is ready and
2 packaged for the jury please, and once you've done that, I'd
3 appreciate it if you'd both come to my room one more time.

4 SOLICITOR MEADORS: Thank you, Judge.

5 THE COURT: Sure.

6 (WHEREUPON, a short recess was taken at this time.)

7 THE COURT: Gentlemen, is everything packaged for the
8 jury?

9 SOLICITOR MEADORS: She has done an excellent job
10 keeping it together and we are all together.

11 THE COURT: Okay.

12 MR. ROUTZONG: I agree, Your Honor.

13 THE COURT: All right, sir. If you bring them in
14 please.

15 THE BAILIFF: Yes, sir.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE BAILIFF: Your Honor, the jurors are present.

19 THE COURT: All right. Thank you, sir.

20 Members of the jury, I am now going to charge you on
21 the law to apply in this case. You have heard all of the
22 testimony and the evidence in this case, and it is now my
23 duty, as I said, to instruct you on the law.

24 The indictment charges the Defendant with murder. I
25 remind you that the fact the Defendant was arrested,

1 charged, and indicted in this case is not evidence in this
2 case, and can not be considered by you as evidence of guilt
3 in this case nor does it create any presumption or inference
4 of guilt.

5 This document is simply the formal written instrument
6 which contains the charge made against the Defendant. It is
7 the formal document by which this case is brought into this
8 Court.

9 I remind you that, during this trial, you and I have
10 and had certain duties to perform. As the trial judge, it
11 is my responsibility to preside over the trial of this case,
12 and I also have the duty to rule on the admissibility of the
13 evidence offered during this trial. You are to consider
14 only the competent evidence before you. You are to consider
15 only the testimony which has been presented from the witness
16 stand, and any exhibits which have been made a part of the
17 record in this case.

18 I have the additional duty to charge you the law
19 applicable to this case. As the presiding judge, I am the
20 sole judge of the law in this case, and it is your duty, as
21 jurors, to accept and apply the law as I now state it to
22 you. If you already have any idea as to what the law is or
23 what the law ought to be, and it does not agree with what I
24 now tell you the law is, you must abandon this idea because
25 you are sworn to accept the law, and apply the law exactly

1 as I state it to you.

2 In every case tried in this Court before a jury, the
3 jury becomes the sole and exclusive judge of the facts in a
4 case. A trial judge can not intimate, state, comment on, or
5 make any statement to a trial jury about the facts in a
6 case. Since you, the jury, are the sole judge of the facts
7 in this case, you are not to infer, from what I have said
8 during the progress of this trial in ruling upon the
9 admissibility of evidence or otherwise, or anything that I
10 say now during this -- course of the instruction to you,
11 that I have any opinion about the facts in this case.

12 The law does not allow me to have an opinion about the
13 facts in this case. This is a matter solely for you, the
14 jury, to determine. As jurors, it is your duty to determine
15 the effect, the value, weight, and truth of the evidence
16 presented to you during this trial.

17 The Defendant has pled not guilty to this indictment,
18 and that plea puts the burden on the State to prove the
19 Defendant guilty. A person charged with committing a
20 criminal offense in South Carolina is never required to
21 prove himself innocent.

22 I charge you that it is an important rule of the law
23 that the Defendant, in a criminal trial, no matter what the
24 seriousness of the charge may be, will always be presumed to
25 be innocent of the crime for which the indictment was issued

1 unless guilt has been proven by evidence satisfying you of
2 that guilt beyond a reasonable doubt.

3 This presumption of innocence, innocence does not end
4 when you begin your deliberations, but it accompanies the
5 Defendant throughout the trial until you reach a verdict of
6 guilt based on evidence satisfying you of that guilt beyond
7 a reasonable doubt. The presumption of innocence is not a
8 mere legal theory. It is not just a legal phrase. It is a
9 substantial right to which every Defendant is entitled
10 unless you, the jury, are satisfied, from the evidence, of
11 the Defendant's guilt beyond a reasonable doubt.

12 The State has the burden of proving the Defendant
13 guilty beyond a reasonable doubt.

14 What is a reasonable doubt in the law?

15 It is the kind of doubt for which you can give a
16 reason. It's also described as the kind of doubt that would
17 cause a reasonable person to hesitate to act.

18 Proof beyond a reasonable doubt is proof that leaves
19 you firmly convinced of the Defendant's guilt. There are
20 very few things in this world that we know with absolute
21 certainty, and, in criminal cases, the law does not require
22 proof that overcomes every possible doubt.

23 If, based on your consideration of the evidence, you
24 are firmly convinced that the Defendant -- I'm sorry, folks.
25 There's a word left out here.

1 If based on your consideration of the evidence, you are
2 firmly convinced that, that the Defendant --.

3 SOLICITOR MEADORS: May we approach?

4 THE COURT: Yes, sir. There's a comma or a period or
5 something missing here.

6 (WHEREUPON, a bench conference was held out of the
7 hearing of the jury at this time.)

8 THE COURT: Folks, I take all the blame for that, and I
9 am sorry.

10 Back to where I was. If, based on your consideration
11 of the evidence, you are firmly convinced that the Defendant
12 is guilty, you must find him guilty. If, on the other hand,
13 you think there's a real possibility that the Defendant is
14 not guilty, you must give the Defendant the benefit of the
15 doubt and find him not guilty.

16 There are two types of evidence which are generally
17 presented during a trial, direct evidence and circumstantial
18 evidence.

19 Direct evidence is the testimony of a person who claims
20 to have actual knowledge of a fact such as an eye witness.
21 It is evidence which immediately establishes the main fact
22 to be proved.

23 Circumstantial evidence is proof of a chain of facts
24 and circumstances indicating the existence of a fact. It is
25 evidence which immediately establishes collateral facts from

1 which the main fact may be inferred. Circumstantial
2 evidence is based on inference and not on personal knowledge
3 or observation.

4 The law makes absolutely no distinction between the
5 weight or value to be given to either direct or
6 circumstantial evidence nor is a great degree of certainty
7 required of circumstantial evidence than of direct evidence.

8 You should weigh all of the evidence in the case.
9 After weighing all the evidence, if you are not convinced of
10 the guilt of the Defendant beyond a reasonable, reasonable
11 doubt, you must find the Defendant not guilty.

12 Necessarily, you must determine the credibility of
13 witnesses who have testified in this case. Credibility
14 simply means believability. It becomes your duty, as
15 jurors, to analyze and to evaluate the evidence and
16 determine which evidence convinces you of its truth.

17 In determining the believability of witnesses who have
18 testified, you may believe one witness over several
19 witnesses or several witnesses over one witness. You may
20 believe a part of the testimony of a witness, and reject the
21 remaining part of the testimony of that same witness. You
22 may believe the testimony of a witness in its entirety or
23 reject the testimony of a witness in its entirety. You may
24 consider whether any witness has exhibited to you any
25 interest, bias, prejudice, or other motive in this case.

1 You may also consider the appearance and manner of a witness
2 while on the witness stand.

3 The Defendant is charged with murder. The State must
4 prove, beyond a reasonable doubt, that the Defendant killed
5 another person with malice aforethought.

6 Malice is hatred, ill will, or hostility towards
7 another person. It is the intentional doing of a wrongful
8 act without just cause or excuse, and with an intent to
9 inflict an injury or under circumstances that the law will
10 infer an evil intent.

11 Malice aforethought does not require that malice exist
12 for any particular time before the act is committed, but
13 malice must exist in the mind of the Defendant just before
14 and at the time of the act is committed. Therefore, there
15 must be a combination of the previous evil intent and the
16 act.

17 Malice aforethought may be expressed or inferred.
18 These terms, expressed and inferred, do not mean different
19 kinds of malice, but merely the manner in which malice may
20 be shown to exist. That is either by direct evidence or by
21 inference from the facts and circumstances which are proved.

22 Express malice is shown when a person speaks words
23 which express hatred or ill will for another or when the
24 persons prepared beforehand to do the act which was later
25 accomplished, accomplished. For example, lying in wait for

1 a person or any other acts of preparation going to show that
2 the deed was within the Defendant's mind will be express
3 malice. Malice may be inferred from conduct showing a total
4 disregard for human life.

5 If you find that the State has failed to prove, beyond
6 a reasonable doubt, that the Defendant committed murder, you
7 may consider whether the State has proved, beyond a
8 reasonable doubt, that the Defendant committed voluntary
9 manslaughter. Voluntary manslaughter is the unlawful
10 killing without malice.

11 The Defendant is charged with voluntary manslaughter.
12 To prove voluntary manslaughter, the State must prove,
13 beyond a reasonable doubt, that the Defendant took the life
14 of another in a sudden heat of passion based upon -- on
15 sufficient legal provocation. Both heat of passion and
16 sufficient legal provocation must be present at the time of
17 the killing to constitute voluntary manslaughter.

18 Sudden heat of passion may, for a time, affect a
19 person's self-control, and temporarily disturb a person's
20 reason. The sudden heat of passion must be the type that
21 would make an ordinary person unable to coolly reflect on
22 his actions, and would produce an uncontrollable impulse to
23 do violence.

24 Sufficient legal provocation must be the type that
25 would make a person of ordinary reason and caution become

1 enraged and to lose control temporarily. The provocation
2 needed for voluntary manslaughter must come from some act of
3 or related to the victim. Words alone, however vulgar or
4 insulting, are not enough to be legal provocation.

5 where death is caused by the use of a deadly weapon,
6 the words must be accompanied by some overt threatening act
7 which could have produced the heat of passion. The exercise
8 of a legal right, no matter how offensive it is to another,
9 is never sufficient legal provocation for voluntary
10 manslaughter. If the heat of passion had cooled or if there
11 was enough time between the provocation, if any, and the
12 killing for the passion of a reasonable person to cool, the
13 killing would not be voluntary manslaughter.

14 In deciding whether a reasonable person would have had
15 enough time to cool off, you should consider all the
16 circumstances surrounding the killing. You may consider the
17 nature of the provocation, if any, the Defendant's mental
18 and physical state, and the circumstances and relationships
19 between the parties.

20 The Defendant has raised the defense of self-defense.
21 Self-defense is a complete defense, and, if it is
22 established, you must find the Defendant not guilty. The
23 State has the burden of disproving self-defense by proof
24 beyond a reasonable doubt. If you have a reasonable doubt
25 of the Defendant's guilt, after considering all of the

1 evidence, including the evidence of self-defense, then you
2 must find the Defendant not guilty. On the other hand, if
3 you have no reasonable doubt of the Defendant's guilt, after
4 considering all of the evidence, including the evidence of
5 self-defense, then you must find the Defendant guilty.

6 The following elements are required to establish
7 self-defense.

8 First, the Defendant must be without fault in bringing
9 on the difficulty. If the Defendant's conduct was the type
10 which was reasonably calculated to and did provoke a deadly
11 assault, the Defendant would be at fault in bringing on the
12 difficulty, and would not be entitled to an acquittal based
13 on self-defense.

14 The second element of self-defense is that the
15 Defendant was actually in imminent danger of death or
16 serious bodily injury or that the Defendant actually
17 believed he was in imminent danger of death or serious
18 bodily injury. If the Defendant was actually in imminent
19 danger, it must be shown that the circumstances would have
20 warranted a person of ordinary firmness and courage to
21 strike the fatal blow to prevent death or serious bodily
22 injury. If the Defendant believed he was in imminent danger
23 of death or serious bodily injury, it must be shown that a
24 reasonably prudent person of ordinary firmness and courage
25 would have had the same belief.

1 In deciding whether the Defendant actually was or
2 believed he was in imminent danger of death or serious
3 bodily injury, you should consider all the facts and
4 circumstances surrounding the crime including the physical
5 condition and characteristic, characteristics of the
6 Defendant and the victim.

7 The Defendant does not have to show that he was
8 actually in danger. It is enough that the Defendant
9 believed he was in imminent danger, and a reasonably prudent
10 person of ordinary firmness and courage would have had the
11 same belief. The Defendant has the right to act on
12 appearances even though the Defendant's beliefs may have
13 been mistaken. It is for you to decide whether the
14 Defendant's fear of imminent -- immediate danger or death or
15 serious injury or bodily injury was reasonable, and the --
16 and would have been felt by an ordinary person in the same
17 circumstance or situation.

18 words accompanied by hostile acts may, depending on the
19 circumstances, establish self-defense. The reputation of
20 the victim as a violent person may be considered in deciding
21 whether there was a need for force, whether the Defendant
22 had a reason to believe that there was a need for force, and
23 whether deadly force was reasonably necessary. Threats made
24 by the victim may be considered in determining whether the
25 Defendant actually was or believed he was in imminent

1 danger.

2 The final element, element of self-defense is that the
3 Defendant had no other probable way to avoid the danger of
4 death or serious bodily injury than to act as the Defendant
5 did in this particular case. A person can not be required
6 to make an exact calculation as to the degree or amount of
7 force which may be needed to avoid death or serious bodily
8 injury. Therefore, in self-defense, the Defendant has the
9 right to use the force needed to avoid death or serious
10 bodily injury.

11 The force used in self-defense does not have to be
12 limited to the degree or amount of force used by the victim.
13 The Defendant has the right to use so much force as appeared
14 to be necessary for a complete self-protection, and which a
15 person of ordinary reason and firmness would have believed
16 to be needed to prevent death or serious bodily harm. If
17 the Defendant is justified in defending himself or others,
18 and in firing the first shot, then the Defendant is also
19 justified in continuing to shoot until it is apparent that
20 the danger of death or serious bodily injury has completely
21 ended.

22 There are three possible verdicts which you may find in
23 this case, murder, voluntary manslaughter, and not guilty.
24 There's no significance whatsoever in the order in which I
25 state these possible verdicts. It is simply that one must

1 be stated first.

2 Ladies and gentlemen, your verdict must be unanimous.

3 Madam Foreperson, when the jury agrees on a verdict,
4 you will write the verdict on the form of the -- on, on the
5 back of the indictment and sign your name on -- as
6 foreperson. Then knock on the jury door and inform the
7 bailiff that you have reached a verdict. At that time, we
8 will receive you back into the courtroom.

9 As to the verdict form, it is as follows, and your
10 verdict must be unanimous:

11 Number one, as to the charge of murder, we, the jury,
12 immediately find the Defendant either guilty or not guilty.
13 If guilty, you stop there. If not guilty, you go to
14 question number two.

15 As to the charge of voluntary manslaughter, we, the
16 jury, unanimously, unanimously find the Defendant either
17 guilty or not guilty. Once done, it is signed and dated and
18 notify the bailiff.

19 Do you understand, ma'am?

20 THE FORELADY: Yes.

21 THE COURT: Gentlemen, any matters we need to discuss
22 regarding the charge?

23 SOLICITOR MEADORS: Can we approach briefly?

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

1 THE COURT: Ladies and gentlemen, one of these very
2 good lawyers told me that I used the wrong word just now
3 regarding the verdict form and I may have. I do not claim
4 omniscience.

5 Each verdict, no matter which one it is, has to be
6 unanimous. Not immediate. I think I said immediate. I'm
7 sorry.

8 Anything else, gentlemen?

9 SOLICITOR MEADORS: No, sir. Thank you.

10 THE COURT: All right. If y'all will go to your jury
11 room. Please do not begin your deliberations just yet, but
12 you're very close.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 THE COURT: Gentlemen, anything else before we give it
16 to them?

17 SOLICITOR MEADORS: Sir, and I think we've been over
18 the evidence, and we're ready to roll. Thank you.

19 THE COURT: We need to, I think, release that
20 alternate.

21 Bring her -- bring that person in, and let me see which
22 one is that?

23 Which one do I need?

24 THE BAILIFF: Number 89.

25 THE COURT: Would you bring them in -- bring her in?

1 (WHEREUPON, the alternate juror was released at this
2 time.)

3 THE COURT: All right, sir. If you'd give the jury---

4 THE BAILIFF: Yes, sir.

5 THE COURT: ---the verdict form to them, and the
6 exhibits, and tell them they may begin deliberations.

7 THE BAILIFF: Yes, sir.

8 (WHEREUPON, the jury began deliberations at 1:09PM.)

9 THE COURT: May I see the lawyers please?

10 We have a question from the jury.

11 Can we please have Cody's statement?

12 Did Cody offer a statement?

13 Did he have a statement in evidence?

14 SOLICITOR MEADORS: They can't. Well, it was for ID
15 and I said, during the testimony---

16 THE COURT: Right.

17 SOLICITOR MEADORS: ---it can't go back to the jury. I
18 mean it's one of those that it can't go back. So, I assume
19 they're talking about---

20 THE COURT: I -- I'm guessing they actually mean---

21 SOLICITOR MEADORS: His statement.

22 THE COURT: ---testimony.

23 SOLICITOR MEADORS: Oh, okay.

24 THE COURT: Cause they, they don't know about that,
25 right?

1 They don't -- do they know about his written statement?

2 SOLICITOR MEADORS: well, I -- well, I -- but I showed
3 it to them. I said this is yours. It's for ID only. It
4 can't go back there. This is your statement. You made it.
5 That may -- I guess that'd be -- I guess ask them they,
6 they---

7 THE COURT: Can you---

8 SOLICITOR MEADORS: ---during this trial---

9 THE COURT: Can you bring---

10 THE BAILIFF: Yes, sir.

11 THE COURT: ---the forelady in please?

12 THE BAILIFF: Yes, sir, I will.

13 THE COURT: I'll, I'll hold this until you get back.

14 THE BAILIFF: All right.

15 SOLICITOR MEADORS: They may as well -- they have seen
16 the statement cause I marked it for ID.

17 THE COURT: Okay. But it's not in evidence?

18 SOLICITOR MEADORS: No, sir. I don't think it can come
19 in unless we both agree. I mean not now it can't.

20 THE COURT: Yeah.

21 SOLICITOR MEADORS: But I mean then.

22 THE COURT: Yeah. Yeah.

23 well then I'm inclined to tell her it simply is not in
24 evidence.

25 (WHEREUPON, the Forelady comes into the courtroom at

1 2:14PM.)

2 THE COURT: Yes, ma'am.

3 THE FORELADY: Yes.

4 THE COURT: Now, ma'am, let me ask you. Your question
5 is, from your jury, can we please have Cody's statement.

6 THE FORELADY: Uh-huh. (Affirmative).

7 THE COURT: Now, are you talking about a written
8 statement or his testimony?

9 THE FORELADY: The written statement.

10 THE COURT: Okay. Ma'am, that was not entered into
11 evidence.

12 THE FORELADY: That wasn't entered?

13 THE COURT: No, ma'am.

14 THE FORELADY: Okay.

15 THE COURT: Not his, not his written statement.

16 THE FORELADY: Cause we saw him referencing it while he
17 was on the stand.

18 THE COURT: Yes, ma'am.

19 THE FORELADY: Okay.

20 THE COURT: But that was, that was not entered into
21 evidence.

22 THE FORELADY: Okay.

23 THE COURT: Okay.

24 THE FORELADY: All right. I'll let them know.

25 THE COURT: All right. Thank you, ma'am.

1 THE FORELADY: All right.

2 (WHEREUPON, the note from the jury was marked as
3 Court's Exhibit No. 1, and received into evidence at this
4 time.)

5 THE COURT: You may come on up. I'll read it to you.
6 Can we have a copy of the definition of the charges in
7 the case?

8 Now, I assume that she means my -- I will ask. I've
9 got the murder and the manslaughter. That is in the case.

10 SOLICITOR MEADORS: The charges, yes, sir.

11 THE COURT: You agree?

12 MR. ROUTZONG: Yes, sir.

13 SOLICITOR MEADORS: I thought that might be what it is.

14 THE COURT: Yeah.

15 So, I can give them this murder all the way through the
16 manslaughter. well, down to the next heading.

17 Do y'all want this redacted off?

18 SOLICITOR MEADORS: what is that?

19 THE COURT: Believability of witnesses.

20 SOLICITOR MEADORS: And then what's behind that?

21 THE COURT: Self-defense. One -- be half of a page.

22 SOLICITOR MEADORS: whatever, whatever's easiest.

23 THE COURT: I can, I can tear this out and give them
24 that.

25 Is that all right, Mr. Routzong?

1 This will be the original charge, and I put it back
2 together just to save us some time to print it.

3 SOLICITOR MEADORS: whatever you want to do.

4 THE COURT: would you bring the foreperson in, sir?

5 THE BAILIFF: Yes, sir.

6 (WHEREUPON, the Forelady comes into the courtroom at
7 3:33PM.)

8 THE COURT: Madam Foreperson?

9 THE FORELADY: Yes, sir.

10 THE COURT: Your question, to be sure that we
11 understand, can we have a copy of the definitions of the
12 charges in the case. They're two, murder and manslaughter.

13 THE FORELADY: Uh-huh. (Affirmative).

14 THE COURT: So what we have agreed to do is I'm going
15 to give you to take, to take back in to you. This will
16 start here at this page on the bottom.

17 THE FORELADY: Okay.

18 THE COURT: The definition of murder. The same thing I
19 read to y'all.

20 THE FORELADY: Okay.

21 THE COURT: Then it will blend over into manslaughter.
22 Obviously this comes from another part about believability,
23 which is not what you need.

24 THE FORELADY: Uh-huh. (Affirmative).

25 THE COURT: And then, at the last page, there's a

1 little part about self-defense.

2 THE FORELADY: Okay.

3 THE COURT: But everything you want is in-between here.

4 THE FORELADY: All right.

5 THE COURT: All right, ma'am.

6 THE FORELADY: All right. Thank you.

7 (WHEREUPON, the note from the jury was marked as
8 Court's Exhibit No. 2, and received into evidence at this
9 time.)

10 THE COURT: I'll be in my little room.

11 (WHEREUPON, the jury began deliberations again, and
12 reached a verdict at 3:57PM.)

13 THE COURT: Gentlemen, I am informed we have a verdict.
14 would you please bring the jury in, sir?

15 THE BAILIFF: Yes, sir.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE BAILIFF: The jurors are all seated, Your Honor.

19 THE COURT: All right, sir. Madam Foreperson, I
20 understand your jury has reached a unanimous verdict.

21 THE FORELADY: Yes.

22 THE COURT: And is it unanimous?

23 THE FORELADY: Yes.

24 THE COURT: Ma'am, would you please hand it to the
25 bailiff please?

1 (WHEREUPON, the Forelady complies.)

2 THE COURT: All right, sir. Would you publish that
3 please?

4 THE BAILIFF: May it please the Court, Your Honor.

5 THE COURT: Yes, sir.

6 THE BAILIFF: State of South Carolina, County of
7 Sumter, in the Court of General Sessions, Third Judicial
8 Circuit, Case Number 2017A4310200384, the State of South
9 Carolina versus Walter Murrey, as charged of murder, we,
10 unanimously, unanimous find the Defendant guilty. Date
11 10/18/19.

12 Foreperson, Rachel Bradford.

13 It has been published, Your Honor.

14 THE COURT: Thank you, sir.

15 Any desire to poll the jury, gentlemen?

16 SOLICITOR MEADORS: Not from the State.

17 THE COURT: Mr. Routzong.

18 MR. ROUTZONG: Yes, sir.

19 THE COURT: All right, sir.

20 THE BAILIFF: Juror Number 28, Miranda Caesar.

21 Is this your verdict and still your verdict?

22 THE JUROR: Yes.

23 THE BAILIFF: Juror Number 158, Wayne Russ.

24 Is this your verdict and still your verdict?

25 THE JUROR: Yes, sir.

1 more than that. Hope it's a lot longer than 46 years.

2 Getting straight to the point here, the sentence of
3 this Court is that Mr. Murrey be confined at the South
4 Carolina Department of Corrections for a period of 30 years.
5 The mercy that he will seek has already been shown by my
6 decision not to go to life. This sentence will shake out to
7 approximately 26 years or roughly 56 percent of the rest of
8 his life.

9 To the family, I say this is not that I am diminishing
10 the value or the meaning of Mr. -- of the victim's life.
11 I'm not. But I've tried to balance all the factors here
12 knowing full well that I will not make everybody happy. I
13 take no pleasure in what I do sometimes, and this is one of
14 those times. But I can not dodge the unpleasantness that
15 comes with my job.

16 I appreciate all of the patience shown by every person
17 in this courtroom to me this week.

18 And, Mr. Murrey, I actually wish you the best, sir.

19 Thank y'all.

20 SOLICITOR MEADORS: Thank you, Your Honor.

21

22

23 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

24

25

WITNESSES

DOCKET NO. 2018-GS-43-0052

Eric D. Gill Sumter Police Dept.

County of SUMTER

COURT OF GENERAL SESSIONS

January TERM 2018

THE STATE

vs.

WALTER MURREY

ARREST WARRANT NUMBER

2017A4310200384

ACTION OF GRAND JURY

Indictment for

Murder

Foreperson of Grand Jury

Date: 11/17/18

/ERDICT

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

72

Foreperson of Petit Jury

Date:

8034362223

Sumter County Clerk of Court

09:43:58 a.m.

11-21-2019

2 / 5

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

INDICTMENT FOR

Murder

At a Court of General Sessions, convened on January 11, 2018 the Grand Jurors of
SUMTER County present upon their oath:

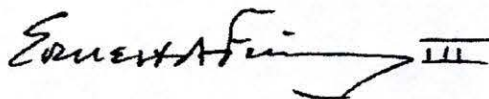
COUNT ONE

MURDER

That Walter Murrey did in Sumter County, on or about May 17, 2017, willfully, feloniously, and intentionally kill the victim, Brandon Cummings, with malice aforethought, either express or implied, by means of shooting the victim in the head with a handgun, and the victim did die as a proximate result thereof on or about May 17, 2017 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made
and provided.

Solicitor



RECEIVED

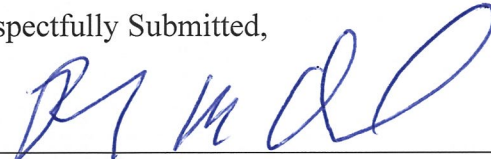
Jun 14 2021 474

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEYS FOR APPELLANT

This 14th day of June, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Jun 14 2021
SC Court of Appeals

Appeal from Sumter County

Honorable George M. McFaddin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

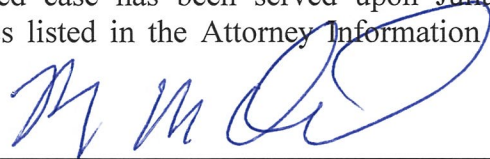
WALTER MURREY,

APPELLANT

APPELLATE CASE NO. 2019-001795

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Julianna E. Battenfield, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 14th day of June, 2021.



Robert M. Dudek
Chief Appellate Defender

Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEYS FOR APPELLANT