VOL. II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Berkeley County
Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GABRIELLE OLIVA LASHANE DAVIS KOCSIS,

APPELLANT

APPELLATE CASE NO. 2019-000687

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Pages 261-518

INDEX

TRIAL TRANSCRIPT DATED APRIL 8-10, 2019 1

JURY VOIR DIRE 7

MOTION TO EXCLUDE STATE'S EXHIBIT #1 (911 Call) 12

RULING OF THE COURT 14

MOTION TO EXCLUDE TESTIMONY OF A RACIAL SLUR 14

RULING OF THE COURT 16

MOTION TO EXCLUDE REFERENCE TO "ICE HIT" 16

RULING OF THE COURT 18

OPENING INSTRUCTIONS BY THE COURT 19

OPENING STATEMENT BY MS. SMITH 26

OPENING STATEMENT BY MR. SMALDONE 31

TESTIMONY

PEGGY BROWN
Direct Examination by Ms. Smith 37

ERIKA HAYNES
Direct Examination by Ms. Smith 40
Cross Examination by Mr. Smaldone 45

ALEXIS MURRAY
Direct Examination by Ms. Smith 48
Cross Examination by Mr. Smaldone 69
Redirect Examination by Ms. Smith 78

NICHOLAS VARNER
Direct Examination by Mr. Stegall 81
Cross Examination by Mr. Smaldone 98
Redirect Examination by Mr. Stegall 107

KIMBERLY VANDIVER
Direct Examination by Ms. Smith 108

TOMMY KENNEDY
Direct Examination by Mr. Stegall 113
Cross Examination by Mr. Smaldone 124
Redirect Examination by Mr. Stegall....126

CHRYSTAL PENCE
Direct Examination by Mr. Stegall 128
Cross Examination by Mr. Smaldone 136

RICHARD CURTIS
Direct Examination by Mr. Stegall 140
Cross Examination by Mr. Smaldone 150

WHITNEY CHANCE
Direct Examination by Ms. Smith 160
Cross Examination by Mr. Smaldone 168
Redirect Examination by Ms. Smith....179

SHANE COOK
Direct Examination by Mr. Stegall 179

ANGELINA PHILLIPS
Direct Examination by Ms. Smith 189
Cross Examination by Mr. Smaldone 201

MICHELLE EICHENMILLER
Direct Examination by Ms. Smith 208
Cross Examination by Mr. Smaldone 218

MELISSA FREEMAN
Direct Examination by Mr. Stegall 224
Cross Examination by Mr. Smaldone 240

GLENN LANE
Direct Examination by Mr. Stegall 248
Cross Examination by Mr. Smaldone 261
Redirect Examination by Mr. Stegall....266

GRAYSON GRIFFIN
Direct Examination by Mr. Stegall 267
Cross Examination by Mr. Smaldone 281

STATE RESTS 293

MOTION FOR DIRECTED VERDICT....294

RULING OF THE COURT 300

COLLOQUY WITH DAVIS-KOCSIS ON HER RIGHT TO TESITIFY 302

TESTIMONY

GABRIELLE DAVIS-KOCSIS
Direct Examination by Mr. Smaldone 307
Cross Examination by Ms. Smith 354
Redirect Examination by Mr. Smaldone 367

CURTIS JAMISON
Direct Examination by Mr. Smaldone 370
Cross Examination by Mr. Stegall 383
Redirect Examination by Mr. Smaldone 393

ERNIE COLLINS
Direct Examination by Mr. Smaldone 396

DEFENSE RESTS 405

CHARGE CONFERENCE 408

RENEWED MOTION FOR DIRECTED VERDICT 408

RULING OF THE COURT 409

CLOSING ARGUMENT BY MR. STEGALL 409

CLOSING ARGUMENT BY MR. SMALDONE 424

REPLY CLOSING ARGUMENT BY MR. STEGALL 451

CHARGE ON THE LAW 457

JURY QUESTIONS 482

VERDICT 484

SENTENCING 488

MOTION FOR NEW TRIAL 490

RULING BY THE COURT 492

APPELLANT'S MEMORANDUM REGARDING JURY CHARGES 494

STATE'S EXHIBIT #11 (GRAPH MAP).....499

STATE'S EXHIBIT #19 (EMAIL-FB).....501

INDICTMENTS AND SENTENCE SHEETS.....503

CERTIFICATE OF COUNSEL 518

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

APRIL 8-10, 2019 TRIAL: STATE'S EXHIBIT #1 (911 CALL); STATE'S EXHIBIT #2 (PHOTO); STATE'S EXHIBIT #3 (PHOTO); STATE'S EXHIBIT #4 (PHOTO); STATE'S EXHIBIT #5 (PHOTO); STATE'S EXHIBIT #6 (PHOTO); STATE'S EXHIBIT #7 (PHOTO); STATE'S EXHIBIT #8 (PHOTO); STATE'S EXHBIT #9 (PHOTO); STATE'S EXHIBIT #10 (PHOTO); STATE'S EXHIBIT #12 (PHOTO); STATE'S EXHIBIT #17 (PHOTO); STATE'S EXHIBIT #18 (PHOTO).

with it? I'm lost here.

MR. STEGALL: No further questions, Your Honor.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. SMALDONE:

Q. Mr. Lane, good afternoon?

A. How you doing?

Q. I'm all right. How are you?

A. (No response)

Q. I want to clear a few things up. I understand that you're still in jail, right?

A. That's correct.

Q. Okay. And you've been in jail since then, right?

A. That's correct.

Q. Okay. So you got a ride from Melissa?

A. No, that's incorrect.

Q. Who did you get a ride from?

A. Matt.

Q. You got a ride from Matt?

A. That's correct.

Q. You were in the back seat?

A. That's correct.

Q. Matt was in the driver's seat?

A. That's correct.
Q. Melissa was in the passenger seat?
A. That's correct.
Q. You went -- and it was your understanding you were going to go get some dope?
A. No, not my understanding.
Q. Okay.
A. I don't know where you got that from.
Q. Okay. Well, what did you think you were doing when you got there?
A. I was thinking that Matt was going to pick up some money for some dope.
Q. Okay. I'm sorry.
A. And that was an assumption. Nobody ever told me that.
Q. Right. Right. You thought -- you assumed you were getting money to get dope?
A. However you want to put it, yeah.
Q. I just want to clarify.
A. Well, I mean, you can ask me the same question 15 ways. I don't understand.
Q. Okay. All right. I just want to get an answer out of you.
A. You just did, three ways. How many more do you want, sir?

Q. Maybe four?
A. Well, shoot then.
Q. All right. So after you got to the house you saw Matt, who was in the driver's seat, right?
A. Uh-huh.
Q. And so you saw him -- was that the first time that you saw him with the gun?
A. That's correct.
Q. All right. And they -- Matt, does he run towards the house or does he get out slowly? When Matt got out of the car with the gun, how fast did he go towards the door?
A. I mean, it wasn't a marathon or anything like that, if that's what you're asking.
Q. Okay. All right. And I just want to make sure, no one in that car said anything about --
A. No --
Q. -- robbery?
A. -- they did not.
Q. Nothing about a robbery?
A. Huh-uh.
Q. Nothing about a murder?
A. No.

Q. Did they talk about money?
A. No.
Q. Okay. So you just rode silent, I'm assuming, the whole time?
A. Pretty much.
Q. On your phone the whole time?
A. Uh-huh.
Q. Just hanging out, right?
A. Pretty much.
Q. Okay. And the only thing you heard anyone say during all this -- I'm sorry, let me go back. The only thing you heard during this whole thing when the people were in the house was a gunshot, right?
A. Uh-huh. One.
Q. Right. Just one gunshot?
A. Uh-huh.
Q. Okay.
A. Just to clarify that.
Q. One gunshot. And after you left, you rode in the same car that you got there from -- you rode in the same car that you drove to there, right?
A. Uh-huh.
Q. With the same people, right?

A. Yes.
Q. In the same places in the car?
A. Right. Right.
Q. Okay. And that's really all you know about it?
A. That's correct.
Q. Because you never met Gabby before this, did you?
A. No.
Q. Okay. And you knew Grayson a little bit before this, didn't you?
A. No.
Q. You never bought drugs from him?
A. That's incorrect. I mean, that's correct; I have never met him in my life.
Q. So you did not buy drugs from him ever?
A. No.
Q. So the one person you knew was Melissa?
A. I met Melissa two days before that. I knew Matt half my life.
Q. Matt was your connection in that group?
A. That's correct.
MR. SMALDONE: Okay. That's all the questions I have for you.
THE COURT: Any redirect?

MR. STEGALL: Just real quick, Your Honor.

REDIRECT EXAMINATION

BY MR. STEGALL:

Q. So after you go on the porch the second time, you eventually --

A. When did I ever say I went on the porch?

Q. Where were you when you heard the gunshot?

A. At the bottom of the -- in the car.

Q. In the car?

A. That's correct.

Q. Was the door opened or closed?

A. What, the car door?

Q. Car door.

A. Closed at that point.

Q. How far was the car from the residence?

A. Me -- where I'm at right now to where that black lady is sitting at right there. (Indicating)

Q. Were all the car doors closed?

A. The ones in the vehicle that I was in, yeah.

Q. That you were in. That's what I'm

talking about.

A. Yeah.

Q. So all four car doors were closed and the only thing you heard was a gunshot?

A. That's correct.

MR. STEGALL: Thank you.

THE COURT: You may step down.

You may call your next witness.

MR. STEGALL: The State calls Griffin Grayson.

GRAYSON GRIFFIN,

being first duly sworn, testified as follows:

THE CLERK: Please have a seat. State your full name for the record, and spell your last name.

THE WITNESS: My name is Grayson Griffin. My last name is G-R-I-F-F-I-N.

THE COURT: Your witness.

MR. STEGALL: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. STEGALL:

Q. Grayson, how do you know Gabby Davis?

A. She was introduced to me by Dennis Justice. I knew her from drug use mostly.

Q. When were you first introduced to

Davis?

A. In August -- July or August of 2015.

Q. And I think you mentioned this, what was your relationship with her?

A. We used drugs, I sold drugs to her, back and forth.

Q. Did she introduce anyone else to you?

A. She introduced me to Matt Grainger.

Q. How did she introduce Grainger to you?

A. She brought him with -- she brought him to my hotel room.

Q. What was the purpose of that visit?

A. For me to sell Matt Grainger drugs.

Q. Was anybody with Grainger?

A. Yes, Melissa Freeman.

Q. Okay. And do you remember when this was?

A. This was -- this was the night before this incident.

Q. Okay. Did you agree to sell drugs to Matt Grainger?

A. No.

Q. Why not?

A. When I went downstairs to get the drugs, I noticed Melissa Freeman. And I knew her

to -- from what I heard she was a CI, an informant for the police, and so I decided against selling it to him.

Q. Okay. Where was the hotel that this took place?

A. At the Hyatt off of Montague.

Q. Okay. Once you saw -- did anybody else see Melissa Freeman that was with you?

A. Yes. I saw, Gabby saw, another person in my hotel room, person named Hailey saw, and Matt. Eventually, she came up to the hotel room with him.

Q. Did Gabby do anything when she saw Melissa Freeman?

A. Well, at first, she didn't know who she was. I told her at that point that she was an informant, and she offered to beat her up, but I told her not to do that, just to let it be.

And at that point, I said, if you guys could please sit and wait here while I leave, I said that you could have the room for the night. I just need to get out of here.

And that's when I packed my things and left with Hailey. I believe Gabby left at the same time, but as far as I know, Grainger and Freeman

stayed behind.

Q. Where did you go after you left?

A. I went across the highway and got a room at the Holiday Inn.

Q. What was the reason for that?

A. I was trying to get away and I was tired, but -- just to get another room to get away from where I was.

Q. What were you planning on doing next?

A. I was planning on going to Greensboro to buy a car that I had previously agreed to buy.

Q. And who was that from?

A. That was from a guy named D. J. Delucas.

Q. Did he work for anyone?

A. Enterprise, as far as I knew.

Q. So what happened next?

A. I was calling around to find somebody to drive to go pick this car up in Greensboro. And when I had exhausted all options, I decided to let Gabby do it.

Q. Did you call her?

A. Yes.

Q. So did you meet up with Gabby?

A. Yes.

Q. What did you do when you met up?

A. I met her at, I believe, a person named Melinda's house. And we picked her up and I asked her if I could -- if there was anyone that she knew that we could sell some meth to before we left to go pick up the car.

And she said, yes. And we were, I believe, headed to that person's house when she received a text from someone that somebody that owed her money was at a house where he was located.

Q. Did she say who the person was?

A. She said it was Bird. Someone named Bird.

Q. Did you know a Bird?

A. I heard her mention the name, but I didn't know him personally. Never met him.

Q. So did you make it to Jimmy's that night or that morning?

A. Eventually.

Q. Where did you go next?

A. We went to what -- we went to the house where this happened after that.

Q. Let me back up. Where are you from originally?

A. I'm from Texas.

Q. Did you know where you were?

A. No.

Q. Did you know the area the house was in?

A. Never been there except for that night. I was finding my way solely by where she told me to go and by my phone and maps.

Q. Did you pull right into the house or did you stop?

A. We pulled away from the house initially, and I turned on my fog lights because it was -- it was early morning, and I think that we were going to try to allude to us being the police, you know, because I was driving a charger.

Q. Was anybody else in the car?

A. Just me and Gabby at that point.

Q. Did she ask you to do anything?

A. Did she ask me to do anything? She -- she took -- she was just texting with someone nearby. And, originally, she called her -- I guess, her boyfriend on and off, Curtis Jamison, to have him meet her there.

She said the plan was to repo a -- a Suburban that the guy had bought with her money.

Q. Is that what she told you or told Curtis?

A. That's what she told me.
Q. Did Curtis show up?
A. No. Well, he didn't show up at the house. He showed up later.
Q. Did anybody else show up at the house while you were there?
A. Yes.
Q. Who was that?
A. Glenn Lane, my other co-defendant, and Melissa Freeman and Matt Grainger.
Q. How did they know to show up there?
A. Gabby was coordinating with them on the texts.
Q. Did you have their numbers or did you know them?
A. No.
Q. Where did they pull up when they showed up?
A. They pulled out of my line of sight. I didn't see where they actually pulled in, but it was behind my car and, I guess, a ways away from the house.
Q. And what did Gabby do when they pulled up?
A. She got out and met with them.

Q. Did she have anything in her hand or in her possession?

A. Not that I know of.

Q. Did she ever return to the car that you were in?

A. Yes.

Q. Did she say anything to you when she returned?

A. She said, they're behind me, let's go, let's pull in. And from there, we -- we pulled into the driveway about side by side and got up -- and I got out of the car. I went to the door and I knocked really hard.

And then I moved to the side, and I hit the window with the gun that I had in my hand and cracked it. And that was as Grainger kicked the door, but it was as if simultaneously he kicked the door and someone allowed him in at the same time.

Opened the door and he went in, and then Gabby went in, and then Glenn walked -- stepped into the doorway just long enough to see that there were a lot of people in the house. And I stood at the doorway, and that was when I saw Glenn covered his face with his shirt and turned around and walk out.

Q. Let's back up a little bit. You said that you hit the window with the gun. Were you armed?

A. Yes.

Q. What were you armed with?

A. A 45, 1911.

Q. Did you know who was there, who was at the house?

A. No.

Q. Did you know who Gabby was going to --

A. I knew -- I didn't know the guy's name. I knew that there was somebody that owed her money.

Q. Did you recognize anybody in the house?

A. No.

Q. So the door comes open. What did you do?

A. Well, when I saw him go inside and then turn around with his shirt, I had my gun in my hand and I was looking through the window. And it looked like there were two or three people on the couch and several people inside. It was hard to see, but it was a lot more than what I expected. I didn't expect there to be a bunch of people there.

So I -- that was when I turned around and I noticed Melissa Freeman behind me. And I

didn't know that she was with us at the time, so I was surprised by that. And that was when I heard a shot.

Q. Okay. I'm going to back up a little bit. I'm going to show you a couple of pictures premarked State's Exhibits 17 and 18. Just tell me if you recognize those photos.

A. I recognize them.

Q. Okay. Does that fairly and accurately represent the porch that you were on --

A. Yes.

Q. -- with everyone that night?

MR. STEGALL: Okay. Your Honor, the State moves to enter Exhibits 17 and 18 into evidence and publish to the jury.

THE COURT: Any objection?

MR. SMALDONE: No objection.

THE COURT: All right. They're in.

(PLF. EXH. 17, Photograph, in evidence.)

(PLF. EXH. 18, Photograph, in evidence.)

BY MR. STEGALL:

Q. Can you describe to the jury what Exhibit 17 is showing?

A. Exhibit 17 is showing a broken window to the right of the door.
Q. Is that the window that you were referring to?
A. Yes.
Q. Where was everybody else when you were at the window?
A. Going into the side of the house -- or inside the house.
Q. And how about 18?
A. Looks like a bunch of broken glass mostly on the ground.
Q. As a result of you hitting it?
A. Yes.
Q. Okay. All right. So everybody is on the porch, door comes open, and they go in. Did you see anybody else armed at that point?
A. Matt Grainger.
Q. What was he armed with?
A. I didn't know at the time.
Q. Okay. Do you know if Gabby had anything in her hand?
A. She had bear mace.
Q. So you saw it then?
A. Yes.

Q. Had you seen it any time prior to that?

A. Yes.

Q. When did you see it prior?

A. It was in my car. I saw her with it from the beginning.

Q. Okay. All right. Walk me through what happened once everybody goes in. Do you hear anything?

A. Everybody -- once everybody went inside, I -- like I said, I glanced in there and noticed there was a lot of people. Turned around, and that was when I saw Melissa Freeman, who earlier in the night I had done my best to get away from and was surprised to see her there.

And as I looked at her, I heard a gunshot. As soon as I saw the gunshot, I ran to the car and I peeled out of there. As I was peeling out, I saw Gabby run outside, and she ran up to the door and got in.

Q. Did she say anything?

A. She said drive, drive, drive. Get out of here.

Q. So who got back in the car?

A. Just Gabby.

Q. Okay. Where did you go?

A. We went to Jimmy's house, the person we were originally going to sell the -- sell the meth to.

Q. And what were you doing at Jimmy's house?

A. Well, I guess we were trying to figure out what the next move was.

Q. Did Gabby still have the mace at the present time?

A. Yes. And while we were there, we burned it.

Q. Where did you burn it?

A. In Jimmy's backyard.

Q. Did she receive any phone calls while you all were at Jimmy's?

A. She received a bunch of phone calls, but the majority of them I wasn't privy to.

Q. Okay.

A. When I was inside the house, she was getting lots of texts and calls. And I went outside to get better reception.

Q. Did you hear her say anything at any point during the phone calls?

A. Just sounded like she was talking to Curtis and then to Matt, back and forth.

Q. Did she say anything to Matt that you heard.

A. She told him to get rid of the gun.

Q. All right. What did you do next?

A. Well, Curtis came there and dropped off a vehicle, because I had left my car with Jimmy. And we drove the car that he brought Gabby and I to Greensboro to pick the car up that I was buying.

Q. So you all went on to Greensboro?

A. Yes.

MR. STEGALL: Beg the Court's indulgence?

BY MR. STEGALL:

Q. Grayson, are you charged in this case?

A. Yes.

Q. What are you charged with?

A. Charged with murder, seven counts of kidnapping, burglary first, possession of a weapon violent crime, and conspiracy to commit murder.

Q. Have you been promised anything to come testify today?

A. No, sir.

Q. Was it your choice to come testify today?

A. Yes, sir.

MR. STEGALL: No further questions, Your Honor.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SMALDONE:

Q. Mr. Griffin, good afternoon.

A. Hi.

Q. I have a few questions for you.

A. Okay.

Q. All right. It's your testimony that you met Gabby around August of 2015?

A. Right.

Q. And as soon as you met, you started selling her drugs?

A. Right.

Q. And what drug was that?

A. Meth.

Q. Was it exclusively meth?

A. Just meth.

Q. As soon as you met her, that was -- that was what your relationship was?

A. Well, actually, the first time I met her we were just smoking meth, and the second time I met her she sold me meth. And then after that, I was exclusively selling her meth.

Q. Okay. So you were moving meth in Berkeley County back then, right?

A. Yes.

Q. You had a pretty good connection, right?

A. Yes.

Q. You were a plug, right?

A. So to peak.

Q. So anything -- to your knowledge, any meth that Gabby got around this time was probably yours, right?

A. Right.

Q. And so is it fair to say that Gabby was basically an employee of yours?

A. I wouldn't go -- I wouldn't go that far, but she bought a bunch of meth from me.

Q. And if Gabby was selling other people meth, it was probably -- you were probably the one that sold her that quantity to resell, right?

A. Well, she had other people that she bought ice from as well.

Q. But, to your knowledge, you were her main connection?

A. Right.

Q. Okay. I want to talk about the ride

there. You rode -- I'm sorry, whose car did you and Gabby take to McCrystal Circle?

A. My car.

Q. It was your car. And so it was you and Gabby and Matt Grainger?

A. No.

Q. Okay. I'm sorry, it was just you and Gabby?

A. Yes.

Q. I get the cars confused. Just you and Gabby in the car?

A. Yes.

Q. And you had a gray Dodge Charger?

A. Yes.

Q. With flood lights on it?

A. Correct.

Q. All right. And you were in the driver's seat?

A. Yes.

Q. And she was in the passenger seat?

A. Right.

Q. Okay. And you didn't realize that -- you didn't know until later on until everyone arrived that Matt Grainger was there, right?

A. Yes.

Q. And Melissa Freeman was there?
A. Right.
Q. Or that Glenn Lane was there?
A. Right.
Q. Did you know Glenn Lane before this?
A. No.
Q. And you knew Matt Grainger before this, right?
A. I had met him the night prior to this.
Q. You all were -- pretty much in this whole circle, you all were pretty new acquaintances, right?
A. Yes.
Q. And you never talked to Matt Grainger earlier that day or anything, did you?
A. No.
Q. Okay. And you never exchanged words before he went in, right?
A. No.
Q. Okay. So you went in completely independently of Matt Grainger, right?
A. Yes.
Q. And you didn't know he would be there until you all kind of went in the front door?
A. Well, I knew that he was -- I knew that

she had called him to meet up, but, no, I didn't know that -- I mean, I knew that she was going to -- she called him in front of me, so --

Q. Right.

A. So, yeah, I knew that she would be meeting him.

Q. Okay. But you never went over to that car or anything?

A. No.

Q. Okay. So you go in the house by -- was it you that was trying to bust the door, or was that someone else?

A. I knocked. I didn't try to bust the door. Someone else busted the door.

Q. Okay. Was that Glenn Lane?

A. I believe it was Matt Grainger that kicked the door.

Q. Okay. And you said right as the door was being kicked, someone possibly opened it?

A. Right.

Q. You get into the house and you are armed, right?

A. I didn't go in the house, but I was in the doorway.

Q. You never went in the house?

A. No.

Q. All right. And you had a 45 during this time?

A. Right.

Q. You just stood on the porch just to see what was going on, right?

A. Well, I was spooked by the fact that there was so many people in the house, so...

Q. Okay. All right. So you were on the back porch or front porch?

A. Front porch.

Q. What happened in the bedroom?

A. I have no idea.

Q. Okay. You didn't see it?

A. No.

Q. You were just there on the outside?

A. Yes.

Q. Didn't see a thing?

A. Huh-uh.

Q. And didn't hear a thing, right?

A. Well, I heard a gunshot.

Q. Didn't hear a thing before the gunshot, did you?

A. No. Well, I heard screaming, but I didn't hear anything in particular. I couldn't

make out what the screaming was other than -- you know.

Q. And you were not -- did you bust out some windows in the back?

A. No.

Q. You didn't bust out the windows in the back, you didn't kick the door in, right?

A. No.

Q. You were just kind of there along for the ride?

A. I guess you'd say.

Q. Okay. And let's see. So -- and you knew Melissa Freeman how?

A. I met her six months prior to this.

Q. Okay. And you said she was a confidential informant?

A. That's what I'd heard.

Q. Kind of the rumor?

A. Uh-huh.

Q. Obviously, you didn't want to sell drugs around her, right?

A. Right.

Q. How well did you know her?

A. Not well.

Q. Like, you didn't hang out with her

socially?

A. No.

Q. She wasn't your girlfriend, right?

A. No.

Q. Never your girlfriend, right?

A. No.

Q. How about -- I'm sorry, if I've already asked you this, but I want to clarify. With Matt, you all had known each other for the longest period of time, right?

A. No.

Q. You had just met Matt?

A. Right.

Q. So of all these people, Gabby was the one that you knew the longest?

A. Right.

Q. And that was only like a month, right?

A. Yes.

Q. Now you have -- you're currently in there on this charge, right?

A. Right.

Q. You're not in there -- like some other people, you're not -- there's no pending drug charges or anything else? You're there for what happened that day, right?

A. Yes.
Q. Okay. And that charge is still pending, right?
A. Yes.
Q. To this date, you've pled not guilty to that charge, right?
A. Right.
Q. And the Solicitor said you haven't been promised anything or anything like that?
A. No.
Q. But is it fair to say you didn't give a statement right when it happened, did you?
A. No.
Q. And you're giving somewhat of a statement now, right?
A. Right.
Q. And you're met with the Solicitor's office in the recent weeks and talked with them about your testimony, right?
A. Right.
Q. Okay. So are you ready to plead guilty today to everything?
A. No.
Q. Fair to say, you hope something good happens because you testified, right?

A. Well, I wasn't promised anything.

Q. Right. I understand that, and I'm not saying you were, but you're hoping for some sort of reward, right?

A. Well, I don't -- I wasn't aware that, you know, that somebody was to be killed. And from what it really sounded like to me is that, that was the plan without my knowledge.

Q. Okay. And you base that on really nothing, right? Gabby never told you anything about killing anyone, right?

A. No.

Q. You were only one in the car with her, right?

A. Right.

Q. And Gabby didn't have a gun, did she?

A. No.

Q. Matt had the gun, didn't he?

A. Yes.

Q. So when you say that was the plan, you're just assuming that from what the Solicitor's office told you?

A. Well, no, not from what the Solicitor's office told me. What I'm assuming -- I didn't know this at the time, but most of what I'm assuming

this from is from things that have happened afterwards.

I found out a lot more about this entire thing being in jail than I knew prior to being incarcerated.

Q. And you've been back in jail now for about four years?

A. Three and a half.

Q. Okay. But just to clarify, that day you didn't know there was going to be a murder or anything like that, right?

A. No.

Q. And you didn't know there was going to be a robbery, right?

A. No.

Q. And you brought in a gun though, right?

A. Well, I had -- I had a gun on me most of the time, so...

Q. Okay. Was it concealed?

A. No.

Q. It was out, wasn't it?

A. Uh-huh.

Q. Did you carry the gun out in public just --

A. No.

Q. -- all the time?
A. No.
Q. Okay. And let's see --
MR. SMALDONE: Beg the Court's indulgence.
BY MR. SMALDONE:
Q. And, lastly, how old are you?
A. Thirty-two.
Q. You've got quite a significant prior record, right?
A. Drug charges. Never violence though.
Q. Right. You have prior drug offenses, right?
A. Right.
Q. In how many states?
A. In Texas mostly.
Q. Right. And so drug charges in Texas?
A. Right.
Q. Okay. And there is more than one, right?
A. Right.
Q. There's a pretty significant number; is that right?
A. Right.
Q. Okay. And you've been to prison

before?

A. No.

Q. And you're wanting to avoid that, aren't you?

A. I think everyone would want to avoid prison.

MR. SMALDONE: Okay. No further questions.

THE COURT: Any redirect?

MR. STEGALL: Beg the Court's indulgence?

Nothing on redirect.

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

You may call your next witness.

MR. STEGALL: The State rests, Your Honor.

THE COURT: Ladies and gentlemen of the jury, at this juncture we must take a brief recess. If you would please go to your jury room briefly, we'll be right back with you.

Although the State has rested their case, please remember my previous instructions not to discuss the case. Thank you.

(Jury out, 2:24 p.m.)

THE COURT: Any motions?

MR. LUCK: Yes, Your Honor. We would, of course, be making a motion for a directed verdict. It would be our contention that the State has not met their burden of proof generally, but in specifics, I would like to point out that in regards to burglary, on the indictments the victim is listed as a Rosemary Hoffberg.

The name Rosemary Hoffberg has not been mentioned once during this trial. It has been mentioned once during the jury qualification when the indictment was read. Other than that, the identity or the ownership interest, if any, of Ms. Hoffberg remains unknown and unproven in this case.

She is the victim and I would expect that if -- at least, according to the indictment, I would expect that if the case was to be prosecuted, the victim would come and testify.

More importantly, it would go to the issue of burglary itself. Burglary does require a proof of a possessory interest. I think a good case for this to look at would be State v. Singley, 392 S.C. 270. In that if you want -- if a victim wants to assert or if an alleged victim is going to be a victim of a burglary, they have to have a

protected interest. They have to have, in effect, an expectation of peace and security in their home.

In this case, there's been no testimony that this is, first of all, her home at all. First of all -- is her home. Who is Rosemary Hoffberg? We've heard of Miss Rose multiple times. We don't know -- there's been no testimony connecting Miss Rose to Rosemary Hoffberg.

There's been no testimony stating that this is her home. There's been no testimony that there is any expectation of sanctity or peace or security in this home; in fact, the testimony has been the exact opposite repeatedly, I believe, with Alexis Murray mentioning the commotion in there wasn't anything out of the ordinary in this house; nick Varner earlier stating or testifying that to call 911 and tell them it's Miss Rose's because they all know this address.

This was and -- then, of course -- sorry. So, ultimately, what you're looking at here is not a dwelling. This is a disorderly house. This is, as described earlier, a trap house. This is not a place where you have an expectation of peace and security so, therefore, it cannot be subject to burglary.

And, furthermore, like I said earlier, there just hasn't been proof that this is someone's dwelling. More specifically, there's been no proof that this is Rosemary Hoffberg's dwelling or even who Rosemary Hoffberg is.

So moving from that, secondly, again specifically speaking, a kidnapping. The two alleged victims are, at least according to the indictment, are Alexis Murray and Whitney Chance. There is no -- the State has not met its burden to prove any sort of mens rea regarding kidnapping of those two victims.

The mens rea for kidnapping is knowledge. Knowledge is -- the mens rea knowledge means that the result is practically certain to follow from the conduct. And I don't think there's any evidence presented that it was practically certain that these two persons, Alexis Murray and Whitney Chance, were to be kidnapped, or practically certain to be kidnapped, or be subject to kidnapping as a result of these actions.

Other than that, I could go into murder in that I just don't think -- because there is no burglary, because there is no kidnapping there are no felonies, there cannot be a felony murder rule.

There is no evidence really of any malice presented on any party here.

And, similarly, no common design and purpose amongst the parties that entered the house that evening or that morning.

And so that's the motion. And I'm happy to brief that out further if you would like, but that's the short version.

THE COURT: Sir, thank you.

Solicitor.

MR. STEGALL: Thank you, Your Honor.

As Your Honor knows, when granting a directed verdict, you look for the existence of evidence, not the weight. It's also viewed in the light most favorable to the nonmoving party.

We feel like that there is significant evidence for this case to go to the jury. I will address each charge of Mr. Luck's argument.

This is the burglary. Every witness that was at that house testified that it was Miss Rose's house. Richard Curtis testified that he gave Miss Rose a joint for the Klonopin that she gave Mark Connor. Alexis testified that Miss Rose gave Mark Connor Klonopin. Kimberly Farst with Berkeley County Sheriff's Office testified that she

got Miss Rose out of the house when she responded. So Miss Rose was definitely there.

Mr. Luck even cut against his own argument when he said that Nick Varner testified, call 911, tell them it's Miss Rose's house. So that tells me two things: A, Miss Rose was there, lives there; and B, it is a house, or a dwelling as the law requires.

Regardless of what activity goes on in the residence, it's still considered a dwelling under the law.

As to the kidnapping, Your Honor, Melissa Freeman testified that Grayson Griffin when he broke the window, he said, don't move. Now Grayson Griffin testified he was on the porch and he saw two people on the couch, one of them being Whitney Chance. She testified that she did not feel free to leave at that point between the mace and the commotion.

Alexis Murray testified that Matt Grainger pointed a gun at her forehead, and that by pointing the gun at her forehead she also felt like she wasn't free to leave.

There is evidence of conspiracy. We just heard a few minutes ago Grayson Griffin

testified that Gabby called Matt Grainger to come over here, you know.

So she set this whole thing up. She conspired with these individuals. She tells Grayson Griffin, we gotta go repo a car. She tells Matt Grainger, we gotta go collect money. She is conspiring with these other co-defendants.

As to the felony murder, they absolutely committed felonies. They committed kidnapping and burglary, and they even committed conspiracy, which is a felony under the law.

So we think that felony murder is also appropriate, and there is significant evidence of murder as well, Your Honor. We heard several people testify that Matt Grainger shot and killed Mark Connor.

SLED confirmed that the gun that Grainger used fired the casing that was found in the house and the bullet was conclusive to have been fired from a .40 caliber Smith and Wesson.

The pathologist testified that the manner of death was homicide and the cause of death was a shotgun wound to the leg, so there is a murder. So we -- and we also have three witnesses testify that she said, shoot him, right before he

was shot.

We believe there is more than enough evidence to go to the jury.

THE COURT: Thank you, sir.

Anything further?

MR. STEGALL: Nothing further.

THE COURT: In regards to your motion for a directed verdict on each of these charges, I will address the specific concerns that you raised regarding the burglary.

And as the Solicitor stated, there was testimony that it was Miss Rose's dwelling and she was there asleep. The definition of a dwelling is encompassed as to what was testified to. So there is direct and circumstantial evidence.

Certainly, it was a dwelling, and there's also evidence regarding that they entered with intent to commit a crime through circumstantial and direct evidence on that. Certainly, a crime was committed therein, i.e., Mr. Connor being shot and the manner of death being homicide.

Certainly, there is -- as far as kidnapping is concerned, both victims testified that they felt they were not free to leave. And,

certainly, under the present circumstances, it was a reasonable belief in their mind, and that is direct evidence of that element of the kidnapping crime.

And, certainly, the intent, although we can't know what the intent was of the defendant regarding the kidnapping, it certainly was inferred from the circumstances surrounding the crimes.

So there is direct and circumstantial evidence on those elements as well.

I think each of the elements of each of the alleged and charged indicted offenses has been -- there has been evidence, both direct and circumstantial evidence, on each of those charges and your motion is respectfully denied.

Have you discussed with your client whether or not she wishes to testify?

MR. SMALDONE: I have, Your Honor.

THE COURT: All right. Is she ready for me to question her on that?

MR. SMALDONE: I would ask for maybe 30 seconds --

THE COURT: Sure.

(Brief pause)

MR. SMALDONE: We've discussed it, Your

Honor.

THE COURT: Is she ready for me to question her?

MR. SMALDONE: She is.

THE COURT: Ma'am, if you would please stand and raise your right hand to be sworn.

GABRIELLE DAVIS-KOCSIS

being first duly sworn, testified as follows:

EXAMINATION

BY THE COURT:

Q. Ms. Davis, at this time, I'm going to explain to you certain of your rights. If you do not understand anything that I say, please let me know. If you want me to explain anything in more detail, let me know. Do you understand?

A. Yes, ma'am.

Q. We have now reached the stage of the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment of the Constitution of the United States, which states in part that no person shall be compelled in any criminal case to be a witness against themselves.

This means that you cannot be required to testify in this case. You have the right to

testify in your own behalf; however, no one can make you testify. This is a personal right and no one can waive this right except for you.

If you decide to testify, you will be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issues in this case.

If you have any convictions involving dishonesty or false statement or for crimes punishable by imprisonment for more than one year, and I determine that the probative value of admitting this evidence outweighs the prejudicial effect to you, the Solicitor will be able to introduce your record and attack your credibility.

If you decide to testify, this decision on your part must be made freely, voluntarily, and intelligently with the knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jurors they cannot give the fact that you did not testify any consideration whatsoever, and there's absolutely to be no prejudice to you because you did not testify.

It is left entirely up to you whether

or not you want to testify. You can talk to your attorney, family, friends; however, the ultimate decision is completely up to you.

Do you understand what I've explained to you?

A. Yes, ma'am.

Q. Do you need anymore time to discuss this with your attorney?

A. No, ma'am.

Q. Do you wish to testify?

A. Yes, ma'am.

THE COURT: All right. Anything further before we bring the jury out?

MR. SMALDONE: I would ask for a two-minute bathroom break.

THE COURT: Sure.

(A recess transpired.)

THE COURT: Ready to proceed?

MR. SMALDONE: Yes, Your Honor.

MS. SMITH: State is ready. Do we need to discuss the defendant's prior convictions before we proceed?

THE COURT: Right. Are there any that you all can agree on that either come in under 609 or do we need to make a ruling on those?

MS. SMITH: Judge, I believe that under 609, the defense is going to agree that the financial transaction card fraud and financial transaction card theft, those are 2010 convictions, that those are impeachable.

There is a 2010 grand larceny and a 2011 possession with intent to distribute that the State would contend comes in under 609. It's a felony with punishment over one year, and we would seek to impeach the defendant with those convictions as well.

THE COURT: Defense?

MR. SMALDONE: Your Honor, for the crimes of dishonesty, I don't think I have really any option, nor does Your Honor is my understanding.

Crimes that carry more than one year, Your Honor, I believe that there is a 403 balancing test. I don't believe those -- I think the prejudicial nature of those outweigh far the probative value in this case. I will leave it at Your Honor's discretion.

THE COURT: Although certainly they are prejudicial, they're not exact for the crimes. I think if it was another burglary or another murder,

or something of that nature, I would be more concerned regarding the probative value being outweighed by the prejudicial effect.

I think under 609, they are appropriate to come in as well.

MS. SMITH: Thank you, Judge.

THE COURT: Anything before I bring the jury out?

MS. SMITH: Not from the State.

MR. SMALDONE: Not from the defense.

THE COURT: Is she shackled? We can go ahead and put her up.

And, Mr. Smaldone, just for planning purposes, bringing the jury in and out, after she testifies, do you need to call any other witnesses?

MR. SMALDONE: I believe so, Your Honor. I'm probably calling two witnesses that will be short, at least on my end.

THE COURT: All right. I want to let the jury out so they don't see her coming in and out.

Does she have shackles?

THE DEFENDANT: I have a box.

THE DEPUTY: She has a cuff.

THE COURT: Oh, okay. We can swear

here in when the jury comes in, but we will swear here there.

(Jury in, 2:49 p.m.)

THE COURT: Welcome back, ladies and gentlemen.

Counsel for the defense, you may call your witness.

MR. SMALDONE: The defense calls Ms. Gabrielle Davis who is already seated.

GABRIELLE DAVIS-KOCSIS,

being first duly sworn, testified as follows:

THE CLERK: Please have a seat. State your full name for the record, and spell your last name.

THE DEFENDANT: Gabrielle Davis-Kocsis, K-O-C-S-I-S.

THE COURT: Your witness.

DIRECT EXAMINATION

BY MR. SMALDONE:

Q. All right. Ms. Davis, afternoon.

A. Good afternoon.

Q. Fair to say you go by Gabby?

A. Yes, sir.

Q. All right. So are you nervous today?

A. Yes, sir.

Q. That's understandable.

Tell me about yourself. Where were you born?

A. I was born here in Charleston, I'm 38 years old, I was brought up in the Goose Creek area.

Q. All right. What do you normally do for a living?

A. For a living for -- prior to my meth addiction, I have worked in restaurants. I have worked for -- been a property manager. I've -- pretty much I've done a lot.

Q. Okay. So you said that you were 38?

A. Yes, sir.

Q. Okay. And did you graduate from high school?

A. No, sir, but I have a GED.

Q. Do you have any children?

A. Yes, sir. I have a 16-year-old and a 9-year-old.

Q. Okay. And when was the last time that you held a steady job?

A. I would say 2013.

Q. Okay. 2013. Okay. And I know it's been awhile, but, obviously, you've been here this

whole week?

A. Yes.

Q. And you remember what everyone has been talking about?

A. Yes, sir.

Q. Tell me a little bit about how you know Matt Grainger.

A. Matt Grainger was -- my best friend growing up, her younger sister has a child with Matt Grainger.

Q. So Matt Grainger is not your best friend?

A. No, sir, he's not. We're -- we are only acquainted through drugs.

Q. Okay. And so is it your testimony that your best friend married Matt?

A. No. My -- her younger sister and them have a child together.

Q. Okay. And is that how you met him or did you meet him through drugs?

A. That's how I originally met him years ago, but recently -- because we fell out of touch, recently -- well, when my crime happened, probably -- he had just gotten out of jail on some trafficking charges in Charleston County.

And me and him got back together, I would say, about a month before our crime happened.

Q. What do you mean got back together? Were you dating?

A. No. No. Me and Matt Grainger have never dated. Just selling drugs, we got reacquainted selling drugs. He needed an ice plug and I had someone who could meet his needs as far as how much drugs he wanted to purchase at the time.

Q. Who was that?

A. Grayson Griffin.

Q. And how long did you know Grayson Griffin?

A. Very -- not long, maybe two months.

Q. Okay. And what about -- did you know Melissa Freeman?

A. I have never seen that lady before the night of the 26th of September 2015.

Q. Okay. What about Glenn Lane?

A. I have never seen him as well. I seen him on that morning, on the 27th. That's the first time that I had ever seen him.

Q. Okay. So going back, did -- you've heard -- obviously, you've been here this whole

week. Is it true that Matt Grainger -- I'm sorry, how do you know Mark Connor? I'll go back.

A. From drugs as well.

Q. Okay.

A. From selling drugs.

Q. I'm sorry, from what?

A. From selling drugs.

Q. Okay. And how long did you know Mark Connor?

A. Approximately, six months.

Q. Okay. And did Mark Connor ever stay at your house?

A. Yes, he did. As a matter of fact, him and Erika Haynes had gotten into an argument and he called my phone. He was scared to death. He was in the woods behind Dollar General on 17A, which is, approximately, about a mile away from my house, maybe two blocks from their home.

He told me that Erika was threatening to call the police on him and let them know that he had meth-making materials on his persons. So he left their home and he was hiding in the woods behind the Dollar General.

When -- when Markey called me -- when Mark Connor called me, he was hysterical. Gabby,

please come and get me. I'm like, where you at, Mark? He said, I'm behind the Dollar General. He's like, Erika is calling the cops.

So I'm like, okay, I'll be there in a second. So I got in the car and drove to the Dollar General. I called Mark on his phone and was like, where are you at? And he said, I'm in the woods. I'm scared to come out.

I was like, well, there is no one to be scared of. Come on out. I'm not sitting out here all day waiting on you to come out. Either you're coming out or I'm going to leave you.

He said, well, please just get out of the car and make sure that -- because there's a little hill that you have to walk up on to get to the sidewalk. He said, please make sure that Erika's not walking down the road and there's no cops.

So I got out of the car and walked up a little hill and looked both ways. And I'm like, Markey, come on, there's nobody out here. So he tells me to back up to where the dumpster is at the back of the parking lot. So I back into the back where the dumpster is, and he tells me to open the back door.

So I opened the back door. He comes running out of the woods and jumped into the back seat, leaning down, and closed the door. So he says, go. So I go, and we go back to my house.

Q. Is that the night -- it's a little bit of a long story.

A. Okay.

Q. I got the ADD, so I want to make sure that we're on the same page here. Was that the night that you heard about where he stayed at your house?

A. That's when he started to come and stay at my house.

Q. That was the first time?

A. And from that point until the point he took the money that was at my residence, he had stayed there.

Q. So tell me more. You mentioned he took some money from you. When was that?

A. I would say about a week prior -- probably seven to ten days prior to September 27th.

Q. All right. How did -- what happened there? How did he take it?

A. I left to come -- a friend of mine -- a friend of ours was up here at the jail. And he had

called and asked would I come to his bond hearing? I was supposed to be trying to help bond him out.

Q. Who was the friend?

A. Ronald Shepherd.

Q. Okay.

A. And so I left -- I was with a friend, Crystal Leggett. I left all the drugs and all my money at the house seeing as how you can't take -- I didn't want to walk in with a pocket full of money, and I definitely didn't want to walk into bond court with drug money.

So I left everything at the house, and me and Crystal Leggett come up here for bond court that morning.

Q. And do you know when that was? Or was that -- you said 10 to 14 days? When was it?

A. About seven to ten days.

Q. Before the --

A. Before -- yes, sir, before the crime happened.

Q. Okay. So what happened then? You left your money at home, left some drugs at home?

A. Right.

Q. And was he staying there at the time?

A. Yes, sir, he was staying there. He was

there that morning and so was Brendan Varner.

Q. And so how did you find out that he took it?

A. Whenever we come back, Markey was gone, my motorcycle was gone, and I went and looked for the money because I was fixing to go and start the bond process for Ronald Shepherd. So when I went to look for the money, it was gone.

At first I just thought -- you know, because the people that were staying at my house which were Richard Curtis, Brendan Varner, Tommy Kennedy, and also Mark Connor. Out of all four of those, Mark -- or Richard Curtis, Bird -- Brendan Varner and Tommy Kennedy couldn't really be trusted.

So my opinion was that he took the money so it wouldn't give them a chance to be able to take it.

Q. I'm sorry, clarify what you said. Who took the money?

A. Markey. Markey was the one that took the money.

Q. Did he ever admit to that?

A. Yes, he did.

Q. When did he do that?

A. He texted me, approximately, a day or two later telling me that he apologized, that he made the wrong decision, that in the meantime he had purchased a Yukon with the money that he had taken.

And from there we texted back and forth maybe about 20 minutes.

Q. Okay. And he apologized?

A. Yes, sir, he did.

Q. And whose money was it?

A. It was Grayson Griffin's. All the drugs I had, I had gotten on the front. I didn't have any money; I didn't have a job. I'm a drug addict myself, so I had no source of income.

Grayson Griffin was supplying me all the ice that I needed at the time on a front.

Q. And explain, in case the jury doesn't know, what is a front.

A. A front is where he gives me the drugs and -- with no money, and then in return I pay him, plus a little bit of interest, for him giving it to me without any money up front.

Q. Okay. So he would give you drugs and you would use them or sell them, is that --

A. Right, yes, sir. I was to sell them,

get the money, and then pay him the money -- the amount of money that he wanted back for the drugs.

Q. All right. And whose motorcycle was it?

A. It was my motorcycle.

Q. Okay. And what happened after you didn't have the drugs or money?

A. Well, the drugs were still there. He didn't take the drugs; he just took the money. I'd -- I'd called -- because I left the motorcycle there initially for him to use, because I had a vehicle.

And if he didn't have anywhere to go, I left the motorcycle and I allowed him to use the motorcycle when he needed it.

He'd helped me a lot. He was helping me sell drugs, he was helping me do things around -- I had just rented this mobile home. So he was helping me do things. He was helping me paint and fix the roof, along with the other guys that were there as well.

So whenever he took off, I didn't -- I wasn't really expecting him to have stollen the money from me.

Q. Okay. And so when you say -- so he

didn't take the drugs, right?

A. No, sir, he didn't.

Q. And the money belonged to Grayson?

A. The money belonged to Grayson. It was Grayson's money because it was the drugs -- the drug money that I had gotten on the front.

Q. And when did you tell Grayson that the money was missing?

A. I didn't really know that Markey had taken the money until later that night. I didn't let Grayson know until the next morning. I was trying to figure out a way to get Grayson's money back or let him know that all his money was gone.

Q. All right. So you were trying -- is it your testimony you were trying to arrange something before you told Grayson?

A. I was trying to figure out a way to either -- figure out a way to get his money back or to explain to him how this money got gone.

Q. And when you say Grayson, is that --

A. Grayson Griffin, yes, sir.

Q. That person who testified?

A. Yes, sir.

Q. Okay. So when did you -- I don't -- again, when did you finally tell Grayson?

A. The morning after Markey had stolen the money.

Q. Okay. How did you tell him?

A. I called him.

Q. Okay.

A. I called him over the phone. And I explained to him that I had left the money at the house while I went to bond court for Ronnie Shepherd, and whenever I come back he was gone and the motorcycle and the money were gone.

Later on that night how I found out that Markey had actually taken it was Brendan Varner come in and said, Gabby, I need to tell you something. And I was like, what is it, Bird?

Because I was aggravated; I was like, what is it? He said Markey give me $100 not to tell that he had taken the money. He had asked that I give him enough time that -- Markey asked Bird to give him enough time to take off, or whatever, before anything was said about the money being gone.

Q. All right. So that was the next day. Is that the next day when that happened that you talked to Bird?

A. It was that night. That night Brendan

confessed to me stating that Markey had taken the money and given him $100 for not telling.

Q. Okay. All right. And then so what -- was it after that or before that that you talked to Grayson?

A. After that.

Q. What did -- what was Grayson's response when you talked to him?

A. He was pretty upset, telling me that he couldn't believe that I was careless to leave the money around a bunch of addicts, what did I expect. He was pretty mad.

Q. And that was over the phone?

A. Yes, sir.

Q. And did you talk to Grayson? Did Grayson contact you or did you contact him after that?

A. We stayed in contact the entire time, yes, sir.

Q. And did he forget about the money or did he --

A. Definitely not, no. He kept on -- he was very persistent. He wouldn't give me no more drugs until I come up with the money or give him some type of indication where Mark Connor was so

that he could attempt to get the money back.

Q. Okay. Did he ever threaten you or anything like that?

A. He had.

Q. Had?

A. Yes, sir.

Q. In the past or around this time?

A. Around this time.

Q. Okay. Was it over this or --

A. It was over this. This is -- drugs was the only case that -- that was the only reason for me and Grayson Griffin to ever hang out. That was it. It was all drug related.

Q. What did he threaten with you?

A. Threatened -- he said if I didn't come up with the money, you know, he was going to take it out on me.

Q. What did you think that would mean?

A. I was wasn't sure, but it didn't sound good.

Q. Did he ever threaten you with violence?

A. That's how I took it. That if I didn't get his money back or if I didn't get a way to get his money back or locate Markey, that something bad would happen to me.

Q. Okay. Have you seen Grayson with guns?

A. Multiple guns. He -- he's had a MAC-10. Any time he would come to my house, he would always pop the trunk first. I had cameras at my house. He would pop his trunk first, and he would always put a gun in the back of his waistband and would put a gun like down where his feet where.

I don't know if there was a holster there. It was like down where his foot was. You could see him clearly on the camera.

Q. Okay. And he would come to your house?

A. Yes, sir.

Q. And was that for drugs or to -- what was that for?

A. For drugs.

Q. To give you drugs or for you to give him drugs?

A. For him to sell me drugs.

Q. Was he fronting you drugs during this time?

A. Yes, sir. I never paid up front for any drugs that I had gotten. It was all on a front.

Q. Okay. What was your contact with either -- what was your contact with Grayson like

in the next, I think you said, seven to ten days? Did you keep in contact?

A. Yes, sir. Well, actually, he kept in contact with me. He was constantly on top of me. I met up with him one time, and I finally convinced him to let me get some more drugs so I could -- for one, I'm an addict, so I wanted to get high as well, but, two, to help pay him back his money because I didn't want anything bad happening to me.

So I met up with him one time and he got me -- he give me a large amount of drugs. He gave me a couple of ounces and told me that I needed to take the money -- take the money that I made off of that and give him all the money that I made from all of the ounces, because he wanted me give him the money that was original -- that -- the for the amount of drugs that he had given me.

He wanted that money, plus the money that was taken from him.

Q. All right. And how long after that -- how long after the money was missing, did you have that talk?

A. Probably, about four days.

Q. Okay. And what was the total amount of money?

A. Total amount of money was $1700.

Q. $1700, plus a motorcycle?

A. Yes, sir.

Q. Okay. So we've heard a lot of talk -- did you offer -- did you offer an ice hit on somebody?

A. I didn't offer an ice hit, no, sir. What -- Grayson was the one that told me -- it was not my drugs; I had to pay for them. Grayson told me to offer someone seven grams for any information to tell him where Markey was.

He couldn't find him and he knows a lot of people because he's been selling drugs in the area for a while.

And he couldn't find anybody to find him, but he told me to let people know he would give seven grams for anyone that could tell where Markey was at.

Q. What time period was this?

A. Probably about -- either the second or third day after the money was taken.

Q. Okay. Did things escalate after the first day or did they fizzle down?

A. It was escalating. He was mad and upset, ticked off that somebody would -- because

Markey -- Markey knew Grayson. Well, he didn't know him.

Markey met Grayson from Grayson coming to my house and dealing with me from my house. So Grayson knew of Markey, and we had like all sat down and got high together. Everyone that lived in my house had come in contact with Grayson.

So Grayson felt as if it was like a slap in his face for someone to sit in there, all of us getting high together, like to take -- like, basically, like taking something from him. He felt like this was a slap in the face.

Q. Okay. So when you say Grayson offered -- is it your testimony that Grayson offered seven grams for Mark's whereabouts?

A. Yes, sir.

Q. Were you the one that communicated that?

A. Yes, sir.

Q. You admit you were the one that communicated that?

A. Yes, sir, but it wasn't to have him beat up or anything like that. Whenever Markey texted me on the phone and told me about the vehicle, one of the texts was back and forth.

As I explained to Markey, you know, we're friends. Just come on back, give me the money, we'll give it back to Grayson, and I'll help you come up with the rest of the money to give back. I was like, this dude is really not playing.

Q. And what dude were you --

A. Grayson.

Q. Okay. Did you ever try to -- did anyone else try to broker an agreement with Mark about squashing the beef, for lack of a better word?

A. I'm not sure.

Q. Okay.

A. I'm not sure. I can't speak on anybody's behalf.

Q. Okay. And so -- so this -- how long was this? It was seven to ten days?

A. Yeah. As a matter of fact, I'm sorry, there was a phone call after I got the text message from Matt -- yeah, from Markey, not Matt -- from Markey about the Yukon. I texted Curtis Jamison and let him know.

So he said, call him three way. And so I called Curtis Jamison on three way. And me, Markey, and Curtis on three way were trying to come

up with a solution as far as bringing the truck -- at first, to bring the truck and whatever cash he had left. And we would see if Grayson would take the truck and the cash.

Q. And what truck -- did you know what truck?

A. It was a Yukon. Markey told me he had purchased a Yukon with some of the money and was planning on giving me the Yukon for -- the Yukon and the money he had left. These were the text messages that we were texting back and forth.

Q. All right. Did that work out?

A. No, sir.

Q. Why not?

A. After that I never -- I tried contacting him again, and he never contacted me back.

Q. Okay. Now, did someone eventually find out the whereabouts of Mark?

A. Yes, sir.

Q. Okay. And how did that happen?

A. I'm not sure. I woke up on the morning of the 27th. I was at a friend's, Melinda Drigger's home, same neighborhood as mine. And I woke up to Grayson Griffin there. My phone was

dead.

I guess, it had died in the middle of the night because actually I was waiting on Grayson Griffin to call me, because he had money from the drugs that I had -- I had given him cash up front for -- for Matt Grainger and for someone else. I had given him cash up front for their drugs.

And whenever -- I guess, when the hotel incident went down with Melissa Freeman, he didn't -- he didn't feel comfortable, so he took off. He took off with their money, and I was texting him trying to get back in touch with him.

Well, my phone died in the middle of the night. So the next morning I woke up with Grayson Griffin, you know, like pulling me on the top of my hair a little bit, like, get up. And I was -- kind of like looked up -- because I hadn't been asleep in days. So I was kind of like out of it.

And I kind of seen who it was, and I woke up. And that's how I got with Grayson that morning.

Q. And was that at your house?

A. No. That was at Melinda Drigger's home.

Q. And how do you know Melinda?
A. I've known here roughly a year and a half through drugs.
Q. Okay. So you were asleep for the first time in days and woke up to Grayson?
A. Yes.
Q. What was his mood like?
A. Ornery. I don't know if anybody knows, but after you've been up on ice -- it's a stimulant. After a few days you start to get really edgy and aggravated and your demeanor gets pretty nasty. You get really rude.
Q. Was that the impression you got from him?
A. Yeah. He was like a ticking time bottom; pacing, he was really ornery.
Q. Now, he grabbed you by the hair I think you said. What you all do after that?
A. He tells me whenever we get -- whenever I sat up on the couch, or whatever, he tells me that he wants me to go -- because he had purchased a car from, I guess, an Enterprise or something. He had purchased one and he was trying to purchase another one that he was going to let me drive.
So he wanted me to ride with him to

Greensboro, North Carolina to pick the vehicle up. So that morning we get in the vehicle and go to my house. At my house I get changed, dressed.

From my house, we go to a gas station. My phone is plugged in inside the vehicle while I'm going into the gas station.

When I come out, Grayson has my phone in his hand and he's like, so who is Bird?

And I'm like, what do you mean, who is Bird? He said, well, there's a text message on your phone from Bird's phone saying that Markey's here at Aunt Rose's house. Where is Aunt Rose's house?

Q. Do you know -- did you know where Aunt Rose's house was?

A. I did. I did.

Q. All right. So what do you do after that?

A. He asked me did I know where Aunt Rose's house was. And at first I told him no, because I didn't know what he was going to do. Like, he has a lot of guns. He's really sketchy a lot of the time. He's really freaked out.

So at that time I didn't tell him. So he was like, call some people and have some people

tell you where Aunt Rose's is. So I pretended to text a few people. And probably about 15 minutes later I was like, okay, got a location.

I didn't know what was going to be the outcome if I didn't tell him. So I just went ahead; okay, I found somebody that told me. So we pulled up -- we pulled into the neighborhood at Crystal Shores and we rode past the house at first.

Q. And who was driving?

A. Grainger -- I mean, Griffin. Sorry.

Q. So Grayson is driving. And where are you?

A. I'm in the passenger seat.

Q. Is anyone else in the car?

A. No, sir.

Q. And what car were you driving?

A. A Charger.

Q. Okay. So you drive past the house?

A. Yes.

Q. He drives past the house?

A. Yes, sir.

Q. All right. What happens after he drives past the house?

A. He asked me to get in touch with Grainger. I asked him what for? See if Grainger

will come over here with us.

And I was like, okay. What are we going to do? He was like, I haven't figured that out. We'll figure it out whenever -- he said, I'll figure out something by the time Grainger gets here. So I was like, okay.

So I called Grainger and I asked him to meet up. And he was like, so what's the deal? And I said, well, we're by where supposedly Markey is at.

And he was like, all right. Grainger knew from the night before that the money was taken. So he was like, okay. I'll ride over there with you guys.

Q. Okay. So did he ride with you or did he ride in a separate car?

A. He rode in a separate vehicle.

Q. When was the first time you all saw that car?

A. That morning on the 27th.

Q. All right. Let me -- when you were in that neighborhood, how long did it take for him to show up?

A. Probably, about 20 to 30 minutes.

Q. And did he say where he was when you --

A. Yes, sir. He said he was on Ashley Phosphate Road.

Q. All right. And when did you see -- what happened when you saw his car pull up, Grainger's car?

A. Grainger's car? Okay. Whenever Grainger's car pulled up, me and Grayson were sitting on the side of the road. Grayson handed me a pistol and told me to give it to Griffin -- I mean, to Grainger.

So I take the pistol and get out, and I go to the driver's side on Grainger's vehicle. And I opened the back seat and Matt comes around to where I'm -- I'm sitting with my feet out of the car with my back to the passenger in the back seat.

And Matt comes out of the driver's seat and comes around and he squats down in front of me. And that's when I handed him the pistol.

Q. Okay. And was he in a different car?

A. He was in the car that I was -- yeah. He was in a different car than what we arrived in.

Q. Right. So what happens after he gets the pistol?

A. After he gets the pistol, I get back in the car with Griffin and we pull into the yard.

Q. Okay. And after you pull into the yard, who gets out?

A. Everybody gets out.

Q. Okay. Who gets out first?

A. I don't know who got out first, but everybody was exiting the vehicle. Grayson Griffin, me, Matt Grainger, Glenn Lane, and Melissa Freeman, all of us got out of the vehicle at the same time.

Q. You all get out of the car?

A. We all get out of the car and we're standing in front of the vehicles. When we're standing in front of the vehicles, Matt asks Griffin what does he expect to do.

Well, Griffin's idea was to take the butt of the pistol, and he said he was going to smash the window expecting people to come running out of the home. And Matt was like, that sounds stupid, ain't nobody going to come running out.

I remember the beginning of the conversation, because after that right there I was like, this is really stupid. I said, you all don't even have a plan together. So what are you planning to accomplish whenever we go in there?

It was like -- they didn't really know.

We were all high. They didn't really know what was going to take place once they went inside. So Grainger was like, bump this -- well, those weren't his exact words. He was like, bump this.

So Grainger goes up to the porch. Grayson comes -- Griffin comes up to the porch behind me. Me, Glenn Lane and Melissa Freeman are all up on the porch by this time. Grayson takes the butt of the pistol and smashes the window.

Grainger then goes to attempt to kick the door in. Grainger falls down on the ground and the door is not open. Grainger gets up again and kicks the door again. When he kicks the door again, at the same time, the door is coming open.

By this time, the door -- as a matter of fact, I think the door was kind of open because when he kicked, it didn't -- the door didn't splinter or anything like that.

The door just kind of like slowly opened. It wasn't like a kick where the door slings open. The door just kind of gradually come open.

Q. Okay. The door came open the second time or the first time?

A. That was the first time. The first

kick it never come open.

Q. Right. Okay. So did you see someone open it?

A. Rose Hoffberg, she was standing behind the door. When the door opened, that's -- she was the person facing as if -- as if I had just opened the door, she was standing right there.

Q. And had you seen her before?

A. No. Not until this day, no.

Q. How do you know it was her?

A. Being the owner of the house, it's a really old lady. I've heard about Miss Rose's house. She's like a 70-year-old lady that gets high on meth. I don't know.

Q. Distinctive?

A. Right.

Q. Okay. So the door gets opened. What happens after that?

A. Grainger comes in, Matt comes in, Lane comes in, I come in, Melissa Freeman is in. They're standing along the doorway. When the door opens, they're lined up. It's Grayson, Lane and Freeman. Me and Matt are standing over here. (Indicating)

And like in -- kind of like to the

right -- when you walk in, we're kind of standing right here. They're standing along the wall where the door is. (Indicating)

Q. Okay. Who is they? Who is standing along the wall?

A. Griffin, Lane and Freeman.

Q. Okay. So Grayson, Lane -- Glenn Lane and Melissa Freeman?

A. Yes, sir.

Q. And where are you and Matt Grainger?

A. Me and Matt Grainger are standing off to the right as if you first come into the door, right in the front of the windows.

Q. Okay. And what do Glenn, Grainger, and Melissa do?

A. Grainger -- Griffin has his pistol. He has a -- I don't know what type of pistol. I'm not familiar with guns. He has a pistol with a green laser light on it, and it's pointed, like sweeping the area like -- I don't know why, but it was kind of like sweeping the area.

Q. Okay. And that's Grayson?

A. Yes, that's Grayson Griffin.

Q. And then what about Glenn Lane?

A. Glenn Lane was just standing there.

Q. Okay. And what about Melissa?

A. She was standing there as well.

Q. Do you eventually go into the house?

A. Yes.

Q. And what happened when you go in the house?

A. When we go in the house, Grainger has a pistol. And whenever we went in, I asked where Markey was. Nobody said anything. The two people laying on the couch had their heads under a blanket.

I guess Grainger had seen movement in the room that's kind of catty-cornered -- when you come in it's kind of catty-corner off to the right. And he went into the room and called me in the room behind him.

When we went into the room, there was a bed. There was a female sitting on the bed and somebody laying on the bed. Grainger had walked over to the side of the bed to see if that was Matt -- to see if that was Markey. And it wasn't.

So I don't know -- next, Grainger comes in front of me, and there's a door -- okay. Like when you walk into the room, there's a -- okay. You walk in, there's a wall here, and then another

door right here. (Indicating) Okay.

This is a side bathroom. I guess Grainger had seen Markey in the bathroom. Whenever Grainger seen Markey in the bathroom, Grainger comes around to that side of the bed, and he puts his back to the wall where -- you've seen that bed with the headboard?

He put his back against that wall so he could see into that bathroom. So Grainger was basically facing me in that room.

Q. Okay. And where was Mark?

A. Markey was in that bathroom. He was -- okay. If you're standing at the doorway, he was like on this side. (Indicating) I couldn't see him, but from the way Grainger was standing, Grainger had a line of view on him.

I was standing facing Grainger, so I could only see in the bathroom this way. Grainger seen in the bathroom this way. (Indicating)

Q. Okay. And when -- so because of where Grainger was standing, I assume he saw Mark at some point?

A. Yes, sir.

Q. What happened when he saw Mark?

A. When he saw Markey, Markey come rushing

out of the room. When Markey come rushing out of the room, I sprayed Markey with the mace spray. I sprayed Markey with the mace. That was me. That was the only and first time that anywhere in the residence was mace sprayed. I sprayed Markey.

The back spray off of it hit Matt because Matt was behind Markey. Markey then goes back into the bathroom. When Markey goes back into the bathroom, now Grainger and Connor or both -- they're both sprayed.

So the next time when Connor comes out of the bathroom, Matt backs up -- Matt never had his pistol pointed. His pistol was always down by his side. When Connor come out of that bathroom that next time, Matt backed up.

It was like he was -- it kind of looked like he was kind of -- I guess Matt figured he was rushing at him. Neither one of them could really see. So I guess he was just coming out of the bathroom.

And when he did, Matt backed up. And when he backed up, he fell in the hole. When he did, he tensed up. And when he tensed up is when the gun went off.

There was never a struggle. He fell

through the floor and that's what caused him to -- (Indicating)

Q. And you saw that -- you saw the whole thing?

A. I saw everything firsthand.

Q. Okay. And where was your vantage point? Where were you when this -- he fell through the floor?

A. I was standing right in front of him. As if you're standing right there where you're at, I was standing in front of him. He backed up like maybe a foot and a half. And when he backed up, he fell through the floor.

Q. Was there a hole in the floor already?

A. I didn't see one.

Q. Were you paying attention --

A. I didn't look at the floor, so I don't know if there was a hole there or not.

Q. How far was he in the floor?

A. Like, he was pretty -- like, half of his -- half of him was like -- when he backed up, he fell through the floor. I don't know. I wasn't looking exactly at how far he fell.

When he backed up, he fell through the floor. Like, physically through the floor.

Q. Okay. And why did you pepper spray him?

A. I couldn't tell you; I was high. I honestly don't have a reason for pepper spraying him.

Q. Did you pepper spray him as soon as you saw him?

A. Yes. As soon as he come out of the hole is when I sprayed him. I was like -- the doorway is here, probably right here, and I'm standing about right here. (Indicating)

So I didn't know what my logic was or my thinking was at the time.

Q. And when did you get the pepper spray?

A. The pepper spray come out of the trunk of Grayson Griffin's car.

Q. Was it his idea for you to take it?

A. (Nodding head) I didn't have a weapon. He tried to give me a gun. I don't have a gun. I'm not a violent person. I've never had like any physical altercations. I don't have any violent crimes, like I'm not a violent person.

Q. Okay. So to recap what we've gone through so far, Matt Grainger, who was the shooter, was kind of in the floor, right?

A. Yes, sir.
Q. Did he shoot before or after he fell?
A. After he fell. Like, as he was like -- when he backed up, he was falling. And as he was falling, he tensed up. Both of his arms tensed up, and that's when -- when the gun went off.
Q. Okay. What happened -- what did you do when the gun went off?
A. When the gun went off, I was shocked. I didn't move. Grainger, as he climbed up out of the hole, I was still standing there. He grabbed me on his way through. He grabbed me by my shirt and pulled me out of the room, and then I fell in behind him.
Q. Okay. Did you ever say for anyone to shoot anybody?
A. No, I did not.
Q. The whole time?
A. No, I did not. That was not the intention when any of us went into the house that day.
Q. Right. So Grainger -- Matt Grainger grabbed you?
A. Yes.
Q. Not Grayson Griffin?

A. No.

Q. Matt Grainger grabbed you. And did he just kind of pull you outside? Is that how --

A. He kind of pulled me through that bedroom door. And by the time he pulled me through the bedroom door, it was like we just all like fell in -- fell in line and went out the door.

Q. Okay. And what -- did you get right in the car?

A. No. We stopped -- me and Matt, when we were coming down the steps, we both -- it was only a couple of steps. We both just kind of like took off the top of the step and jumped down.

Matt was in front of me and I grabbed Matt and I shook him. And I asked him, what the F did you shoot for?

And he just started crying and snatched away from me and got into the car. And I got into the other car and left.

Q. Was that outside or inside?

A. That was outside, right between the two vehicles.

Q. What were you feeling at that time?

A. I didn't know what to feel. I didn't know -- like, I hadn't had time to process it.

Everything happened so fast.

Q. Okay. What car did you get in?

A. To the Charger with Grayson Griffin.

Q. Was it the same one you rode in?

A. Yes, sir.

Q. Okay. And who was driving?

A. Grayson.

Q. And where did you drive to?

A. We drove to Jimmy Crow's house.

Q. And where is that?

A. It's in the same neighborhood, in Windwood.

Q. Okay.

A. And I don't know the address or anything.

Q. That's fine. What happened at Jimmy Crow's house?

A. At Jimmy Crow's house Grayson told me to take off the shirt that I had on. He said we could be identified by the shirt. He said we needed another vehicle to be able to leave, that we couldn't leave in the charger because the cops would be looking for the Charger.

I'm crying at this time. I'm hysterical like. So Grainger slaps me, tells me to

get it together, and I finally stopped crying. And I take my shirt off and he gets another shirt out of the trunk of the car. He hands me a T-shirt, he puts on another T-shirt, and he goes outside to make a phone call.

He takes the bear mace out of the trunk of the car. Whenever we left the residence, we went out the wrong way. And when he did, he pulled over to the side of the road and stopped and got the pistol, got the bear mace and put it back in the trunk of the vehicle.

Q. All right. So he put it in the trunk of the vehicle. So you went the wrong way?

A. Well, we went the wrong way, so he decided to stop then. And that was a good time to put the stuff up.

Q. Is that after you went to --

A. That was before we went to Bridles. After that then we went to Jimmy Crow's house.

Q. Okay. So Jimmy Crow's house, you were a group?

A. Yes.

Q. Anything else happen there?

A. He takes the -- he takes the bear mace and our clothes and he takes it outside, and the

next thing we know we hear a loud pop. And me and Jimmy Crow, we're getting high again at this time.

And Grayson comes in and now we're all getting high. We asked what the pop was. He told him it was the bear mace exploding.

Grayson says he need to get another vehicle, that we can't leave. So I knew of someone that would take some dope to be able to let us use their vehicle. So he told me to call her and ask her.

So I called her and asked her. He said that he would give her two grams of ice and $200 if we could use the car for two days. And she agreed.

And by this time, Curtis Jamison shows up, and Curtis agrees to give me a ride. He doesn't know what's going on. He has no clue as to what happened. He has no clue. He just showed up because I'd called him earlier.

He shows up and gives me a ride over to the lady's house that let us use her car.

Q. Okay. So he shows up there, and what happened after that?

A. We go get the vehicle and we bring the vehicle back. When we bring the vehicle back -- well, while we were there getting the vehicle is

whenever Curtis gets a phone call that Mark Connor was killed.

That's the first knowledge that I have known, because Matt said he shot him in the hip -- or in the thigh. That was the first knowledge that we had known that someone had died.

So we get back -- I take the car back to Jimmy Crow's house.

Q. Okay. And did you -- after that, did you go with Curtis or with --

A. With Grayson. Grayson was adamant about me going with him. Like, he was like pretty determined, like, for me to go with him. I didn't have a choice. I wanted to stay. I didn't want to go.

Like, I don't know Grayson like that, you know. Not as far as like to take off with him after we had committed a crime. Like, I didn't want to leave with him.

Q. All right. And where do you go?

A. We go to Greensboro, North Carolina.

Q. Okay. All right. How long -- to go back, I want to talk about you and Markey. How long had you known him?

A. I had known Markey probably about six

to eight months. Probably a year, somewhere in there. When you're an addict, you don't have a sense for time really. Not a long period of time.

Q. Okay. You had known him a while, but not sure?

A. Yes, sir.

Q. Okay. And were you friends or just --

A. I mean, I would call him a friend. I wouldn't let him stay at my house if I hadn't.

Q. Did you plot to kill him?

A. No, I did not.

Q. Did you want him dead?

A. No, I did not.

Q. Did you tell people that you wanted him dead?

A. No, I did not.

Q. Was this supposed to happen?

A. No, it was not.

Q. Whose idea was it?

A. As far as what?

Q. Whose idea was it to find Markey and go in that house?

A. Griffin.

Q. Is that Grayson Griffin?

A. Yes, sir.

Q. Did you feel like you had a choice?

A. No, sir.

Q. Why not?

A. For one, I was scared. Grayson had a lot of guns and I didn't know what he was capable of doing. Every time you see him, he's got a lot of weapons in the trunk of his vehicle.

Q. And he -- did he threaten you at some point?

A. Yes, sir, he did. It wasn't like an official, like, I'm going to do this or I'm going to do that, but like I felt very threatened.

Q. For your life or --

A. For my life, for my safety, and for my life and my well-being.

MR. SMALDONE: Okay. Beg the Court's indulgence?

BY MR. SMALDONE:

Q. Do you know -- did anybody tell you -- what was the point of going in there?

A. The point of going in there was to try to get some of the money back that Markey had taken.

Q. Okay. And did -- was anything -- did anyone take anything from there?

A. No, sir.
Q. Do you know why not?
A. That wasn't the intention whenever we went in there, to take anything.
Q. Well, you wanted the money back, though, right?
A. Of course.
Q. Did you want to steal it or have him give it back?
A. I guess they were hoping he would give it back. Like I said, when we first come out of the vehicle, they were standing outside trying to figure out what the purpose -- what they were going to do whenever they got there.
It was no -- it wasn't set in stone when we got there: Okay. We're going to go in and this is what we're going to do. It wasn't like that.
Q. Okay.
A. They couldn't figure out what they wanted to do whenever we pulled up. One was going to kick in the door and one was wanting to do this, one was wanting to do that. It was never determined what was to take place whenever.
Q. Okay. And did you wear a bandana

during this?

A. No. Nobody did. Nobody had nothing covering their faces, nothing of that nature.

Q. Okay. And did you smash a door or anything like that?

A. No, I did not.

Q. Okay. Do you know Erika Haynes?

A. Yes.

Q. How do you know her?

A. I met her and Markey at the same time. They were dating at the time.

Q. Okay. And so you met Markey about six to eight months before this, so I assume the same?

A. Right.

Q. What was your relationship like there?

A. We were friends. Same as with Mr. Markey. If she was the one calling me and saying, hey, look we got into it, I would be picking her up on the side of the road.

Q. All right. Did you threaten Markey in front of Erika?

A. No. If I would have threatened Markey in front of Erika, we'd have been fighting.

Q. Did you mention that he stole money?

A. She knew he had stolen the money. She

knew because right after all this happened, I talked to Erika. Because I was looking for Markey, so I called Erika.

I said, hey, look, Markey just took some money from the house that didn't belong to me, and we are trying to find out where Markey's at.

Q. Did you tell her about seven grams of ice for his whereabouts?

A. Not at that time I didn't. After Grayson told me to offer seven grams for his whereabouts, I did then.

Q. Okay. And what is seven grams of ice worth?

A. $100.

Q. Okay. And so you never threatened Markey in front of Erika?

A. No, sir, I didn't.

Q. If you wanted to hurt or injure Markey, would you have told his girlfriend?

A. No, I would not have.

Q. Okay. Do you know Whitney Chance?

A. Yes. Not before this incident, no.

Q. Okay. And did you know anyone in the house other than Mark?

A. Richard Curtis, like I said, was

staying with me. When Markey was staying with me, Richard Curtis was staying with me and Tommy Kennedy was staying with me, Brandon Varner was staying with me.

And I had never in my life met Alexis Murray. Other than that day, I had never laid eyes on her. When she was sitting on the bed, that was the first time that I had ever laid eyes on her. I had never seen her before that day.

Q. Okay. And my biggest fear is that I forget to ask an important question. Is there anything else that you need to say at this time that I forgot to ask?

A. I just want people to know the truth of what really happened. That's all.

MR. SMALDONE: Beg the Court's indulgence?

Gabby, I don't have anymore questions for you right now.

THE COURT: Cross examination?

MS. SMITH: Thank you, Judge.

CROSS-EXAMINATION

BY MS. SMITH:

Q. So, Gabby, you just told the jury that you didn't want to go with Grayson because you guys

had just committed a crime together. What crime was that? What crime did you commit together?

A. Someone was shot.

Q. So you agree that you were a participant in committing a crime where someone was shot, where someone was murdered?

A. Well, someone was shot there. That wasn't the intention when we got there to go in and murder someone, but that was the unlikeliness of the incident.

Q. So you'd just committed a crime with Grayson where somebody was shot?

A. Sure.

Q. Prior to this incident, you sold meth to who all that was there? Rick Curtis?

A. No. Rick Curtis never had any money. Brandon Varner never had any -- nobody in the house, besides Markey, ever had any money.

Q. You knew them through meth though, using it?

A. Sure.

Q. And we all agree here that the motive for this was that Mark stole your money and a motorcycle?

A. Yes.

Q. Was that motorcycle stollen too?

A. No.

Q. Okay. You were angry that Mark had stollen this from you?

A. Yes.

Q. You agree that about a week prior to this, maybe seven to ten days, you began telling people that you were looking for Mark because he had stolen money and a motorcycle?

A. Not seven to ten days. Like I said, the first day I didn't even know he had taken it until later that night, and then I never said anything.

Whenever Grayson Griffin mentioned the seven grams, that's whenever I started telling people that for his whereabouts I would give seven grams.

Q. So when did Grayson tell you that you needed to call this hit?

A. I wouldn't call it a hit. It was two days later, approximately.

Q. Do you know what day that was?

A. No, I'm not sure. I'm not sure. Like I said, meth addicts don't have a sense of time. So I don't know what day specifically it was. I

know it was, approximately, two days after the money was taken.

Q. So you don't know if it was before or after September 21st when Erika Haynes warned Mark Connor that you had a seven-gram ice hit out on him?

A. It was before.

Q. It was before. Okay. It had to have been before because he was the one that called the hit, right?

A. Sure.

Q. Well, that's your testimony here today, that this was all Grayson's setup; it was his hit?

A. He wanted to know where Markey was. It was his money.

Q. Right. So there's really not much factually that we disagree on. Fast-forwarding to September 26th, that's the night that you set up this meeting between Grayson and Grainger at the Hyatt on East Montague. You were there with Grayson on September 26th, that night? That's right?

A. Yeah.

Q. And you were there to introduce Matt Grainger to him for the purpose of buying drugs?

A. Yes.

Q. And so you were social with him that night. He still trusted you, even though he was so very mad at you for losing his product, that he was now going to sell to your friends, too.

A. He wasn't happy with me. That's why he wouldn't give me no more drugs on the front. That's why I had to introduce Grainger to him so Grainger could get -- so Grainger could pay for his drugs up front.

He was not happy with me at all. That's the reason I couldn't get a front anymore.

Q. And that night that you introduced Grainger to Grayson so that he could also buy drugs from him, Melissa Freeman was there?

A. Yes.

Q. And you tried to fight her that night because you were mad because you thought she was a CI?

A. No, that was not why. Grayson Griffin asked me whenever he found out that -- whenever he brought Melissa Freeman back up, he asked me to fight her. And Matt Grainger was the one that stepped in.

Q. You tried to fight her that night?

A. On Grayson Griffin's behalf, yes.
Q. What is Brandon Varner's nickname?
A. Bird.
Q. And he is the one that you got a text from on September 27th, 2015, that Mark Connor was at 512 McCrystal Circle?
A. He said that Markey was at Rose's house is what he said.
Q. And you know Aunt Rose's house to be 512 McCrystal Circle?
A. I didn't know it to be 512 McCrystal Circle, but I knew where the house was.
Q. You knew how to get there?
A. Sure.
Q. You led the charge for everybody getting there that morning, you told them exactly where to go?
A. Yes.
Q. Grayson being from Texas --
A. Well, they come to Farrell -- Lane and Grainger and Freeman, they came to Farrell Lane where we were on the side of the road.
Q. And where you gave Grainger the gun?
A. Well, Grayson Griffin give me the gun to give to Grainger.

Q. Where you gave Grainger the gun that was used to kill Mark Connor?

A. Sure. Sure.

Q. You ran up to 512 McCrystal Circle after you gave Grainger the gun? You ran up to the door, is that accurate?

A. No.

Q. You didn't go up the door?

A. We went up to the door, but not before we sat out in front and they was congregating on what to do before we went up to the door.

Q. So you went up to the door?

A. Okay.

Q. I'm asking you, did you go up to the door?

A. Everybody went up to the door.

Q. So you went up to the door and the door was kicked in?

A. Okay.

Q. Is that accurate?

A. Right.

Q. And did -- you kicked at the door?

A. No.

Q. Grainger kicked at the door?

A. Grainger kicked the door the first

time. When he went to go kick the door again, like I said, at the same time the door was opening. Because it didn't fling open. It was like a gradual opening movement.

Q. And you all went into the house?

A. Yes.

Q. And you had bear mace, you sprayed it?

A. Not first off, no.

Q. You had bear mace with you when you went into the house?

A. Yes.

Q. And you sprayed it while you were in the house?

A. In the bedroom, yes.

Q. Okay. You went into the bedroom with Grainger?

A. Yes.

Q. You told Grainger to shoot Mark Connor?

A. No.

Q. When you all were inside the house, you would agree with me that you all were acting together; Griffin broke the window, Grainger kicked in the door, and you admitted to macing?

A. Yeah.

Q. Do you know that Grainger pled guilty

to murder in this case?

A. Yes, I do.

Q. And did you know that as part of that murder he had to admit to a court that he was responsible for taking the life of Mark Connor?

A. Yes.

Q. Do you remember running over Brandon Varner's leg for his role in helping Mark Connor steal money and a motorcycle from you?

A. Brandon Varner's leg was ran over --

MR. SMALDONE: Objection.

THE COURT: Would you all please approach?

(Bench conference)

BY MS. SMITH:

Q. Gabby, in your testimony today you're telling a story that's different from what six people inside that residence observed and different from what three people inside that residence testified that they heard you say, and you expect this jury to believe you over all of those individuals?

A. Yes.

Q. Okay. You expect them to believe your story today over all of those other individuals,

even after -- after all this happened, you went over to Jimmy Crow's house. You left with Curtis Jamison. You had the opportunity to leave Grayson at that time if you were so scared of him; did you not?

A. Sure.

Q. And you didn't?

A. I was scared.

Q. And so you went back and you proceeded to go to Greensboro, North Carolina with him?

A. Yes.

Q. Did you?

A. Yes.

Q. How long did you all stay in Greensboro?

A. Overnight.

Q. And then did you come back home after that or go somewhere else?

A. No, we did not.

Q. You went to Savannah, didn't you?

A. Grayson took me to Savannah, Georgia, yes.

Q. And Curtis Jamison met you on your way to Savannah?

A. No, he did not.

Q. He met you down in Savannah?

A. No, he did not.

Q. And so you stayed down in Savannah with Grayson. You left this area and you went to North Carolina with him, and then you went to Savannah with him. When did you come back?

A. I didn't come back until the marshals had come and got me from where I was at. I didn't have a chance to be able to come back. I had contacted several people in an attempt to come back.

I had contacted the attorney that I had at the time, Jim Smiley, and told him I was trying to get back. I didn't know where I was. I didn't have a phone. The phone that I was using belonged to the people where Grayson left me at.

Q. Well, you just testified that you had an opportunity to not even go even though you were so scared of this mastermind manipulative person, but you still did, correct?

A. Yes.

Q. You testified on direct that this whole -- the whole intention of going into the house that day was just hoping that Mark would give back what he took from you; is that accurate?

A. Well, we figured he would give it back. If not, that he would make some kind of arrangements with Grayson to give back the money that he had taken.

Q. You figured that he would give it back. So you kicked in the door, you broke the windows out with a gun, you went in armed, you went in masked, and you hoped he would give it back?

A. I didn't go in armed, I didn't go in masked, and I did not break the windows.

Q. Why didn't you just ask Mark for your property --

A. I had.

Q. Oh, you had asked him? So then you just maced him in the face --

A. I had asked back on the text messages, but, no, I didn't just mace him for fun. We were all high. That affected my judgment.

Q. But you admit -- you agree that you and Grayson Griffin committed a crime in that house?

A. Of course.

Q. And you are absolutely aware that Matt Grainger pled to murder as a result of his role in this case?

A. Yes.

Q. And you just testified that you agree that when you guys were all in that house, you were acting together; Griffin broke the window; you maced Mark; and Matt Grainger kicked open the door and shot Mark Connor to death?

A. Well, I didn't know that was going to happen before we got to the residence. That was not something that was planned out. That was not the intent whenever we pulled up at that home.

Q. It's not the intent, but that is what happened?

A. That is what happened.

Q. While you were acting together going into that house?

A. I don't think it was acting together because it wasn't something that we conversed. We didn't sit there and say, okay, this is what's going to happen. This is going to my part. This is going to be your part. That wasn't the way that things went, no.

Q. You just testified that you guys were acting together earlier on cross.

MS. SMITH: I don't have any further questions.

THE COURT: Any redirect?

MR. SMALDONE: Yes.

REDIRECT EXAMINATION

BY MR. SMALDONE:

Q. Good afternoon, Gabby.

A. Good afternoon.

Q. All right. I want to give you the chance to clear a few things up.

A. Okay.

Q. Were you all physically together in the house?

A. Yes, we were all physically together in the home.

Q. Were you acting together?

A. No, we were not acting together as a group. This was not something that was planned whenever we went in there. It was not everybody had a different role to portray.

No, Mark Connor's life was not meant to be taken that day. That was not the intention when we went to the home that day.

Q. Okay. And she brought up something about pepper spray or bear mace. When you saw him, was he coming at you?

A. He come out of the bathroom and, like I said, I was standing -- the doorway is here,

probably about three feet of a wall, and then there was a doorway where he come out. When he come out, he come at me, towards me.

Q. Okay. So he was coming at you?

A. Yes.

Q. Did you feel like threatened? Was it scary?

A. I'm sure it was.

Q. Probably a little scarier because you were tweaked out?

A. Right.

Q. And is that why you pepper sprayed him?

A. Sure.

Q. Okay. I mean, I don't know. I want the truth.

A. Yes. Yes.

Q. Okay. So did you directly pepper spray anyone else in the house?

A. No.

Q. When the pepper spray got into the house, was everyone tearing up because of the close nature --

A. Yeah, it was in the room. It's a mobile home, and the bedroom was really small. So -- and I didn't like bare down on the handle or

anything. It was a spray for maybe three seconds and then I let go. I was in the room as well.

MR. SMALDONE: Okay. Beg the Court's indulgence?

That's all I have for you.

THE COURT: Ladies and gentlemen of the jury, we will take a very brief recess. Please don't discuss the case amongst yourselves or with anyone else.

We'll be right back with you.

(Jury out, 3:54 p.m.)

THE COURT: Ms. Davis, you may step down.

Do we need to call any other witnesses?

MR. SMALDONE: Yes, Your Honor, I have two witnesses. One of them probably will be short, and the other one will definitely be short.

THE COURT: All right. Let's have the jury back, please.

MR. SMALDONE: All right. Can I notify them to come in, because I don't have an investigator or anything?

THE COURT: Sure.

MR. SMALDONE: They're outside.

MR. STEGALL: The bailiff will get

them.

(Jury in, 3:55 p.m.)

THE COURT: Thank you, ladies and gentlemen. Welcome back. Call your next witness.

MR. SMALDONE: Defense would call Curtis Jamison.

CURTIS JAMISON,

being first duly sworn, testified as follows:

THE CLERK: Please have a seat. State your full name for the record, and spell your last name.

THE WITNESS: My name is Curtis Jamison, J-A-M-I-S-O-N.

THE COURT: Your witness.

DIRECT EXAMINATION

BY MR. SMALDONE:

Q. Good afternoon, Curtis.

A. How are you, sir?

Q. I'm all right. How are you?

A. Great.

Q. Okay. So I want to talk a little bit, just briefly, about what -- about this situation. Fair to say you know a little bit about this event?

A. Yes, sir.

Q. Fair to say you were at one point

charged in relation to this?

A. Correct.

Q. What were you charged with?

A. I was charged with obstruction with justice.

Q. Okay. Okay. And you wound up pleading to that, right?

A. Correct.

Q. And now you're here?

A. Yes, sir.

Q. And is your sentence over?

A. Yes.

Q. You are free?

A. Yes, sir.

Q. Okay. I just wanted to clear that up.

How do you know Gabby Davis?

A. I've know Gabby Davis for about 15 years. I would say about a year before this incident me and her had a relationship together for about four years.

Q. Okay. So a year before -- my math is not good. You said a year before the incident you dated for four years?

A. Yes, sir.

Q. So you dated her after this, too?

A. Well, we talked and we were not serious, but we still -- like I say, dated off and on I guess you could say.

Q. You were still in pretty good contact?

A. Yes, sir.

Q. What kind of person is Gabby?

A. Gabby is a great person, but -- at times she's smart and at times naive.

Q. Would you say she's more of a leader or a follower?

A. She is naive to certain situations.

Q. Okay.

A. She could be a good leader, but she is naive. She's the type of person that you go to a fair and she ends up wasting her whole check on a game that is obviously ripping her off, because she's naive sometimes.

Q. Is that -- has that happened before or is that just an example?

A. Well. Yeah, at the flea market. We had -- we go to the flea market, and there was one game that, like, Gabby, come on, you ain't going to win.

Q. All right. So you knew her. You know, you were charged -- you were a minor part, but you

knew her during this time frame, right?

A. Yes.

Q. What was she -- was she using drugs at the time?

A. Yes, she was.

Q. Okay. What drug?

A. From my understanding, methamphetamine.

Q. Okay. And do you know who she was getting it from?

A. Her connection was Grayson Griffin.

Q. How do you know that?

A. Because I also was in contact with Grayson Griffin.

Q. Okay. So do you know Grayson Griffin personally as well?

A. Yes.

Q. What is your -- what was your relationship like?

A. When I first met Grayson, you know, he -- we was at -- me and my friend, Ashley Krouse, we were at a friend's house on College Park Road, and we stayed the night there. And I left, and she called me and said, there was this white goofy guy that wanted to talk to me.

And I was like, how does he know me?

And she said something like, I don't know, but he wanted to know -- he had a bunch of meth that he was trying to get rid of, and he said that he'd heard my name.

Q. When was that?

A. I'm not good with dates, to be honest, but that was about maybe two weeks before the incident that we're here for.

Q. Okay. And so you got to know him after that?

A. No. We sat down and we talked. And he had like five ounces of methamphetamine that he wanted to get rid of because he had to pay someone off. And I called a friend of mine, and he came and he bought the majority of it. And I bought some of it.

And while we were talking, he said he also sold guns and he had a MAC -- either a MAC-10 or a MAC-11 and he had a 9-millimeter. I told him I wasn't into guns like that.

And he said he knew that I just got out of county for an assault charge. And he said he had a problem that I might could help him with. And I asked him what was the problem.

And he said there's a dude that I used

to do business with, Andrew -- I forgot --

MR. STEGALL: Objection to hearsay, Your Honor.

MR. SMALDONE: I don't think it's used to prove the truth of the matter asserted.

THE COURT: Will you all approach?

(Bench conference)

THE COURT: You may proceed.

BY MR. SMALDONE:

Q. And where we left off, was this at the jail or out of the jail when you talked to Grayson about --

A. This was at the house that -- that me and my friend Ashley Krouse was staying.

Q. Okay. Okay. And what did you hear from him?

A. He had wanted -- he was basically trying to solicitate me to kill a dude named Andrew. Grayson told me that he had followed Andrew in Goose Creek, and he tried to run him over while Andrew was on his motorcycle, but he got away.

And I listened, because I was trying to be -- I was trying to get a good deal, so I listened. And he -- he -- and I asked where -- how

do I contact Andrew? And he gave me Andrew's phone number.

And he said that Andrew was always on the move, and it's easy to get to him because he likes to meet people on Back Page. So if you've got a good female friend, that would be the best route.

Q. Fair to say you didn't kill Andrew?

A. I called Andrew and warned him about him.

Q. I'm sorry, what did you say?

A. I ended up calling Andrew and warning Andrew about him.

Q. Is that the extent of your dealings with Grayson?

A. Yes. Other than this incident right -- that we're here for.

Q. Tell me about this incident. Tell me when did you -- when did you become involved?

A. Okay. Me and Gabby have a mutual friend named Karen Pinkston. And Karen had called me, and she said that she heard that someone had robbed Gabrielle. And Gabrielle was looking for them and Gabrielle was talking reckless, and I needed to see if I could talk to her.

Q. Okay.

A. So I reached out to Gabrielle and I called her. And she told me that there was $1700, I think, was supposed to go to bail Ronnie Shepherd out of jail, but he had another holding charge in the county, that she gave it to Markey to hold. And she couldn't find Markey or her motorcycle.

So I told Gabby, I said, Gabby, I just got out of jail for assault charge. I said, the things that we used to do back in the day, we can't do that. I said, his brother is an enforcer for a gang. And me and him, we talk.

And I said, let me see if I can resolve the situation. And she said, well, I've got to give Grayson something. He said everybody tries to rip him off. And I could tell by her voice that she was scared.

I had $600 in my pocket, and I gave her $400 and told her to pay me back so she could give Grayson something. And I reached out to a couple of people in the network. And one of the people I talked to was Markey's baby momma, Katy Fagin.

And I didn't know her at the time, but I knew that she was like a little petty hustler. So I called her and I told her I wanted to buy

something. And she came over to my house.

And I said, well, I want to get what I want, but the reason I really called you is because of the situation; I didn't want it to get out of hand. And me and her talked for about 30 minutes, and we had a good conversation.

She said she was also mad at Markey and she hadn't seen Markey. And we kind of ended up being friends after that.

And I don't know if it was her or whoever, but Markey ended up calling me. And he was under the impression that I was looking for him to do something negative to him.

And I told Markey, I said, to be honest with you, I think it's funny because Gabrielle know that Erika Haynes, which is his other baby momma, felt about Markey being around her.

And I felt that Gabby should have never do that. And I said, but we got to resolve this issue. I don't care about the motorcycle, but she owes that money to somebody else, and I don't want it to get ugly. I know that he had a -- he had an association with a gun and I know how Grayson was, and it could easily get ugly.

So he was very apologetic. And he said

that he had a vehicle, it was an SUV with rims, and he would give it to Gabrielle to squash the beef.

And I said, yeah, well, call her up. I said, you all go ahead and handle that, and you work that out. And about 20 minutes later, Gabrielle called me and said that she talked to Markey, and she don't have a problem. She can sell the vehicle and give Grayson the rest of his money back.

So I thought the situation was dead right then.

Q. And what happened after that?

A. Well, a couple days later, seem like it was like 6 or 7:00 in the morning -- well, let me backtrack. When I talked to Gabrielle, one of the agreements that I made with her, I would go with her to get the title because she didn't trust Markey. And so I agreed to that.

A couple of days later she called me in the morning and said that Markey was at Rose's house. And Rose's house is in Windwood. It's a known drug house. And she asked me if I could meet her.

My drivers's license was suspended so I told her I had to call my driver, which was Ashley

Hicks. She was coming from Ashley Phosphate.

By the time she got -- my driver got there to pick me up, Gabby called me -- I was on Main Street, taking a back way to get to Moncks Corner. And I said, what's wrong. And she said, well, things didn't go very well. It was sloppy.

And I asked her what happened. And she said, I don't want to talk about it. I'll meet you. And she gave me an address, which I believe was Jimmy Crow's, and I met her there.

Q. Okay. When you said -- a few minutes ago you said things could get ugly. Were you worried about Gabby or Grayson?

A. I was worried about a lot of things because Grayson had a bad reputation on the street, and Gabby was threatened and intimidated by it. I don't know Gabby to be intimidated by too many people, but I could hear it in her voice that she was afraid of the dude.

I only had $600, and I know Gabby would pay me back. And to keep the piece, I gave her $400 to give to Grayson.

Q. Right. Did you learn -- when you tried to broker the deal about the car, was Gabby okay with it?

A. Yes. She was happy with it. She was kind of excited.

Q. Did it all work out?

A. I thought it did. And then when I met her at Jimmy Crow's house, I was kind of surprised and upset at the same when she told me Markey had got shot. And my reaction was, who had a gun? Where a gun came from?

And she was like -- she was telling me about it in the car. And Grayson was looking all crazy like a demon because he was spent out of his mind on drugs.

And I looked at Grayson and said, you're the plug. Why were you even there?

And Gabby saw my temper starting to flare and she said, we'll talk about it in the car. And she asked me to give her a ride to Carnes Crossing.

Q. Okay. So the car was going to get traded in exchange to squash the beef. Who blew up that deal?

A. Grayson Griffin. In the car she told me -- I said, we had an agreement. And she said, Grayson didn't want the car. He's tired of getting ripped off and he wanted his money.

Q. Okay. Okay. All right.

MR. SMALDONE: Beg the Court's indulgence?

Curtis, I don't have anymore questions for you. Answer anything that the State might have.

MR. STEGALL: May we approach?

(Bench conference)

THE COURT: Ladies and gentlemen, we are going to take a very brief recess. We will be right back with you. Don't discuss the case amongst yourselves. We will be right back with you.

(Jury out, 4:12 p.m.)

THE COURT: Mr. Jamison, we're going to take a brief recess. Are you okay to stay there for a few minutes?

THE WITNESS: Yes, ma'am.

(A recess transpired.)

THE COURT: Parties ready?

MR. STEGALL: State is ready.

MR. SMALDONE: Defense is ready.

THE COURT: Let's have the jury please.

Counsel, please approach briefly.

(Bench conference)

(Jury in, 4:23 p.m.)

THE COURT: Welcome back, ladies and gentlemen. Thank you for your patience. Trying to make sure that you get your exercise today.

You may proceed.

MR. STEGALL: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. STEGALL:

Q. How are you doing, Curtis?

A. How are you doing, sir?

Q. Did you say that you were in a relationship with Gabby Davis?

A. Yes, sir.

Q. Are you still in a relationship with her?

A. No.

Q. When did you end that relationship?

A. Years and years ago.

Q. Do you still care about her?

A. Of course I do.

Q. Okay. Let's go over -- you mentioned an assault charge, but I want to go back to 2010. Were you convicted of a crime in 2010?

A. I'm not good at years. If you can tell me the crime, I can let you know.

Q. Possession of cocaine?

A. Yes, sir.

Q. 2015, possession with intent to distribute meth?

A. Yes, sir.

Q. And obstruction of justice?

A. Yes, sir.

Q. Which was related to this case?

A. Correct.

Q. We'll get into that in a second.

A. Yes, sir.

Q. 2016, wasn't actually assault, was it? Wasn't it something a little different than assault?

A. It was assault, high and aggravated nature.

Q. High and aggravated nature?

A. Yes, sir.

Q. And going back to the obstruction charge, did you know that that charge sort of involves dishonesty?

In other words, in order to commit obstruction of justice, you would have to do something that would be dishonest or sort of, you know, trick the police?

A. Okay. To be honest with you, like I didn't feel like I was guilty of that, but my lawyer, when I went to court for my assault charge, at the last second he came to me and said, well, the Solicitor wants you to plead to this.

And I said, well, the grand jury hasn't seen it. And he said, well, in order to get the plea, it's what you have to do. So I initialed the paper to agree to take the plea, and that's how I got convicted of that.

It was over a cellphone that may or may not was related to the case. And I don't even think that the cellphone that was the issue was related to the case.

Q. Where did you put that cellphone?

A. I gave it to my girlfriend at the time, Ashley Krouse.

Q. Where did they locate that cellphone?

A. She had put it inside of -- in my home, there's a Red Bull sign. And she had it inside the Red Bull sign.

Q. Okay. Were you there the morning of September 27, 2015?

A. Was that the morning of the incident?

Q. At 512 McCrystal Circle?

A. I wasn't at the residence, no, I wasn't.

Q. So if you weren't there, you wouldn't know who said what or who did what, correct?

A. Correct.

Q. But you said you care about Gabby. So much so that you've visited her every day for the past two weeks; is that right?

A. That's not true.

Q. It's not?

A. No, it's not. That's not true at all.

Q. We can pull the --

A. I wish you would. Please do.

Q. We'll do that shortly.

A. Okay.

Q. How about anybody else? Isn't it true that you went to see Grayson Griffin on September 9, 2018?

A. Yes, sir.

Q. You did. And you identified yourself as Curtis Jamison?

A. Yes, sir, I did.

Q. What did he do once you identified yourself as Curtis Jamison?

A. He left.

Q. He got up and walked away?
A. Yes.
Q. As soon as he knew it was you, he got up and walked away?
A. Yes, sir.
Q. Do you remember what you did after that on October 1, 2018?
A. No, I don't.
Q. Okay. Do you remember sending a letter to Grayson Griffin?
A. Yes, sir.
Q. You do?
A. Yeah.
Q. Do you remember the contents of that letter?
A. It was basically a letter saying that I didn't agree with how he basically set her up to ruin her life, and being that he had a little bit of money and a better attorney that he was going to basically be looked at differently.
And I told him that when he got arrested -- when he go to prison, that a lot of gang members are going to take that personal because the guy that got killed was a gang member.
MR. STEGALL: May I approach the

witness?

THE COURT: You may.

BY MR. STEGALL:

Q. I want you to read from there to there.

A. You know, you are one of the biggest cowards I ever met in my life. You sit your bitch ass back there trying to tarnish people's names. Then when they came to look you in the eyes, like when I came to look you in the eye like a man, you get up and left like a bitch.

Q. He's the one that's scary though, right?

A. (No response)

Q. You just called him the name of a -- I'm not going to repeat the word in her honor's court.

A. Yes, I did.

Q. You called him a female dog?

A. Yes, I did.

Q. But he's the one that's scary?

A. I don't understand the question.

Q. I'm saying you didn't seem too scared of him when you were threatening him in this letter.

I'm going to keep going. Please try

and excuse the language when you read the next few lines.

A. You think you are going to get a couple of years and end up at MacDougall, or a level one yard. Get ready and pick up a football jersey because you're going to a level three SCDC land with the Bloods and Gs.

Q. What was the purpose of going to see Grayson?

A. The purpose of going to see Grayson was, the last time I talked to -- well, right after the incident, he said that I told him on the phone after I dropped Gabrielle off, I said, this girl was loyal to you and you just ruined her life.

And I told him, I said, you need to make sure that she gets the best lawyer. And he said, I would take good care of her. And then since that incident, I told him when I went to see him, you didn't even send this girl a Honey Bun, and this whole incident was because of your money.

Everybody in that incident that was involved was because of the money that was owed to him.

Q. Are you sure it wasn't because you knew he was testifying at that point?

A. No.

Q. But you knew Whitney Chance was testifying, and you reached out to her on Facebook two weeks ago. Why did you do that?

A. Me -- a lot of people that are in that circle -- me and Whitney been Facebook friends. We don't have hard feelings. Me and Whitney, we've talked several times before this incident.

We keep up, we gossip together. I mean, just because she's on that side doesn't make us enemies.

Q. You all were such good friends that when she got the Facebook message from you, she didn't write you back. She contacted my office.

A. Well, she wrote me back. If I had my phone, I could show you.

Q. Well, she's here.

A. Okay. If I can get my phone, I can show you. Me and her talking about hanging out and sitting down and just relaxing. Me and her don't have bad feelings.

I think I said to her, the only thing I want everybody to do is tell the truth.

Q. You're pretty concerned about this case. You want everybody to tell the truth. Is

that admirable?

A. I mean, of course, the truth is important.

Q. Okay. And you didn't go visit Gabby at all within this last month?

A. I always visit Gabby. You said every day. That's not true.

Q. How many days would you estimate that you went to go see her the last three weeks leading up to this trial?

A. I think I might have once a week.

Q. Once a week?

A. Yes, sir.

Q. And you also reached out to two people who you knew would be testifying in this trial; is that correct?

A. I mean, you have to give me the name.

Q. I just gave you two, Whitney Chance and Grayson?

A. I answered those questions.

Q. Did you not make contact with them?

A. With Whitney?

Q. With Whitney and --

A. Whitney also makes contact with me. We're not enemies.

Q. I mean, were you scared of Grayson? I mean, the whole -- what I'm hearing is that he was a pretty scary guy, makes people do things they didn't want to do.

Were you one of those people that would do things --

A. Grayson, to me, was unpredictable, and there's a thin line between scared and concerned. And he was -- to me, he was unpredictable.

Q. Were you worried about him?

A. I was concerned.

Q. I mean, in the letter you called him a coward, you called him a B-I-T-C-H, A-S-S, you know. You called him another B-I-T-C-H. Right here you call him a fake gangsta A-S-S.

Those don't sound like you're very intimidated by Grayson. Sounds like you were doing the intimidating to Grayson to me.

A. I was just being honest. The way his action was, to let a female go down along with other people who had nothing to do with that situation, to go throw their life away for $1700, when you're a man that come from money to have money, what is $1700? People ruined their lives because of your $1700.

Q. How do you know she wasn't involved in the situation? You just testified you weren't there that morning.

A. How do I know -- of course she was involved in it.

Q. Right.

A. Yes.

Q. So why did you just testify that she wasn't involved in the situation?

A. I never said she wasn't involved with that.

MR. STEGALL: No further questions, Your Honor.

THE COURT: Any redirect?

MR. SMALDONE: Little bit.

REDIRECT EXAMINATION

BY MR. SMALDONE:

Q. All right. Curtis, how tall are you?

A. Five, eleven.

Q. How much do you weigh?

A. 276.

Q. All right. You're a pretty strong guy, right?

A. Yes, sir.

Q. All right. Are you personally afraid

of Grayson?

A. No. No, I'm not personally afraid.

Q. Where is he right now?

A. He's in jail.

Q. Okay. Is it fair to say, are you afraid of maybe different people than Gabby?

A. Yes. I mean, this situation could have gotten very ugly because of the person who got killed. I went to prison. I was in prison for like three years. The prison is run by gangs.

There was times that I had to be careful, and I had to talk to higher gang members to make sure that I was all right. There was times when I was in Berkeley County and I ended up going to Dorchester County. And then when I went to the reception, someone told me that you are lucky because they were going to get you when you came back.

And that gang has a strong presence throughout the prison system.

Q. Okay. Why did you talk to Grayson?

A. I sent him a letter because I felt that -- I think at the time he was -- he was trying to -- he was trying to set a kite I think to Gabby. And I felt that he wasn't doing nothing to help

her, when he promised me that day I dropped her off that he would make sure that she have a lawyer and he would be there for her.

Gabby have nothing. She have no family. And that day when I talked to him on the phone, I told him, I said, you're going to ruin this woman's life. And I felt that he should have been there for her.

Q. And you said earlier you weren't there, but you saw him like a day later?

A. Yes, I did.

Q. Grayson and Gabby?

A. Yes, I did.

Q. And that's where you learned what happened?

A. Yes.

MR. SMALDONE: I don't have any further questions for you.

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

THE WITNESS: Thank you.

You may call your next witness?

MR. SMALDONE: Thank you, Your Honor.

The defense would call Mr. Ernie Collins.

ERNIE COLLINS,

being first duly sworn, testified as follows:

THE CLERK: Please have a seat. State your full name for the record, and spell your last name.

THE WITNESS: My name is Earnest Collins, C-O-L-L-I-N-S.

THE COURT: Mr. Collins, before you proceed, when you were sworn in you shook your head rather than say yes or no. Do you swear or affirm to tell the truth?

THE WITNESS: I swear to tell the truth.

THE COURT: Thank you, sir.

You may proceed. Your witness.

DIRECT EXAMINATION

BY MR. SMALDONE:

Q. Hey, Ernie. How, are you doing?

A. (Inaudible)

THE COURT REPORTER: Speak up, please.

THE WITNESS: I'm a little nervous.

BY MR. SMALDONE:

Q. Okay. Have you testified in court before?

A. (Shaking head)

THE COURT REPORTER: I need you to --

THE WITNESS: No, sir. I apologize.

BY MR. SMALDONE:

Q. I understand. Just so you know, I'm going to ask questions. We'll not talk over each other. And this is a very nice court reporter who literally needs to write down everything that you say.

A. I'm just overwhelmed.

Q. Did you say overwhelmed?

A. (Nodding head)

Q. Do you know Gabby?

A. Yes, I do.

Q. Okay. How do you know Gabby?

A. Let's see if I can get Ernie to come around in a minute. I know Gabby because I did some service work. I'm friends of hers.

I run a heating and air company. And I've always just found her to be a pretty cool chick. I flirted with her for a time or two, but for the most part I was on and off.

She's just basically been a young lady that I met one day when I was doing heating and air.

And she said that she needed some work

done somewhere. And I said, sure. Just give me a card, I gave her a card. And I think the relationship kind of started from there.

And that's -- she's just been a good friend, pretty cool chick.

Q. Okay. And how long have you known her?

A. Five or six years, maybe seven.

Q. Okay.

A. And I know -- she was a little younger at the time, I think. I'm thinking the age difference is there so, yes. I've known her some years.

Q. You still run a heating and air-conditioning business?

A. Yes, sir, I do.

Q. Where is that?

A. That's in Summerville.

Q. Okay. Is that where you live?

A. Yeah. Ladson, Summerville. I call it all the same, sir.

Q. Okay. So tell me about Gabby.

A. I've never known here to be -- and I hope I'm not doing any damages -- what they've pronounced her to be today -- she's always been a cool chick, caring, talking about her kids.

I knew about how she felt about her sister passing away and the way she passed away, and I just felt for Miss Gabby. She's a --

Q. And do you consider her like your best friend? A close friend?

A. I would have to put it here. (Indicating) Right up on the top. Never done me no harm. She's done nothing but bring money to my family and my table by pronouncing who I am and promoting who I am.

I'm just a straight up heating and air man, trying to do my best, and she's always pushed it. Nothing no more than that.

Like I said, occasionally flirting with her, something like that. For the most part, I couldn't degrade here or disrespect her in any way. She has done nothing to earn nothing of that.

Q. And do you think she is a leader or a follower? What kind of person is she?

A. Kind of hard to say. She's tough, so I would -- I have to give her maybe a leader role in something. She just -- she ain't going to let you roll over her, you know.

All in all, without any enticement, she's a good girl. I have never been involved with

anything negative about her.

Q. Would you consider her a violent person?

A. No. No. No. No. She might act tough, but she ain't no violent person. We all act tough, sir. I know I do. As you see today, I'm a pretty weak man so -- but for the most part, I have never, never, never heard nothing negative, violent, cruel, nor hurt somebody. Even if somebody needs to get hurt.

Now, I don't hang around her every day, but all the times I've ever been around here, she's never been negative.

Q. Have you met Grayson Griffin?

A. I know who he is. I have seen him once or twice maybe in my life. I just -- the only time I ever met him, I was over at her house she was moving into. She was raising cane about the air didn't work.

And I'm her buddy, so what am I going to do? I'm not going to let her sit there and sweat. I probably get a couple of phone calls throughout the day or the week because I ain't there fixing it or something, so I did. I got reamed for it.

But I met Grayson over there at that house. They were moving or something of that nature at that time I do believe. There was -- she was moving into a mobile home off of -- it's either Airport Road or -- it's in Moncks Corner. It's off of Whitesville Road I believe they call it.

I know my mobile home communities pretty well so -- and that's where I actually met him. We didn't have a lot of conversation. I was there to take care of work.

I just -- everybody was moving in and out, I kind of pay attention to my surroundings. It's my job to do so. I've been in predicaments where I was taking care of something and the next thing you know, the house gets bombarded by law enforcement and I have to back out. I'm the heating and air guy, wrong place, wrong time.

So that's the only time that I have seen him was at Ms. Gabby's place when they were moving in.

Q. And did you talk to him? Describe the interaction between you and him and him and Gabby.

A. My interaction wasn't much. Everybody was kind of wild, kind of wide open. One was moving and taking stuff out of a truck, someone was

taking something out of a big trailer, like a construction-type trailer.

The only thing I heard was a bunch of cussing and ranting and raving at times. Somebody screaming -- excuse me, I don't know if I'm allowed to.

Q. You can spell it out.

A. Where is my -- I need to get my f'ing money.

Q. That's good enough.

A. And I just kept hearing a little squabble between somebody in this room from where I was at the furnace, and then I paced back and forth across, and something about I don't care what it takes. I want my f'ing money. You know, he was very aggressive about it and abrupt.

Q. And who was he talking to?

A. That was the guy named Grayson.

Q. Okay. And who was Grayson speaking to?

A. Somebody in another room. I'm assuming it was either -- the only two people I seen in there was her and another guy. I don't know who he was. Like he might have been 20 or 21-year-old guy. He was a young guy.

The only people I knew was the ones I

was introduced to and, of course, Miss Gabby.

Q. Do you remember when that was?

A. Sir, I've been thinking real hard about it, and I would have to say it was right after my daughter's birthday because I remember that --

Q. The tissues are right there if you --

A. I try not to put my daughter involved in anything. I lost her a couple of months after that.

Q. Are you all right?

A. I'm fine.

Q. Okay. And when --

A. I would say that was right after Bridgett's birthday. That was in September or October. I think September maybe.

Q. Okay.

A. It was more leaning to -- because I've -- I know it was. Bridgett died in October.

Q. All right. And what -- do you remember what year it was?

A. That was 2015 --

Q. Okay.

A. -- is when she passed away.

Q. And that was the year your daughter --

A. Yes.

Q. I'll change track. Just to clarify, you really don't -- other than your interactions with Gabby and Grayson, you really don't know anything about the case or anything like that, right?

A. Nothing. All I know is I had a phone call and told me my friend was on trial. I just had to voice my opinion. Something ain't right. It ain't right. That child is not no killer right there.

Bottom line, you may be tough and act like you are, but that right there is no killer, my friend. That child is mush. That's something from where I come from.

MR. SMALDONE: All right. Sir, thank you.

THE WITNESS: I feel there is a lot of fingers aren't being pointed in the right direction. I will say that. And I don't see no killer in Gabrielle at all.

BY MR. SMALDONE:

Q. Just to clarify, just to make sure that the jury understands, you're not talking about the facts of the case or anything like that?

A. I know nothing about this case. I run

a heating and air company. I got a phone call that a friend of mine was on trial. I don't want to be here because -- I've been self-employed for over 20-something years.

And I started from nothing and I've made what I made today because I know how the public works. And, man, I -- I can't just sit back and worry about my edge when somebody's life is at stake.

MR. SMALDONE: I don't have anymore questions for you.

THE COURT: Any cross-examination?

MR. STEGALL: Nothing from the State.

THE COURT: You may step down, sir.

THE WITNESS: Thank you, ma'am.

MR. SMALDONE: At this time, the defense rests, Your Honor.

THE COURT: Ladies and gentlemen, both sides have rested their case. At this juncture, it's almost 5:00, so it's perfect timing for us to take our evening recess.

Although both sides have rested their case, please remember my previous instructions to you, that it is absolutely essential that you do not talk about this case with anyone. That

includes family, friends, amongst yourselves or anyone. You have not heard closing arguments or been charged on the law.

Please report back to your jury room at 9:30 in the morning and we will proceed at that juncture. Have a nice evening.

(Jury out, 5:03 p.m.)

THE COURT: Thank you. Anything before we recess for the evening?

MR. STEGALL: Nothing.

MR. SMALDONE: Nothing. I will renew and make motions tomorrow morning, I guess.

THE COURT: You are welcome to do it now, unless you want the time?

MR. SMALDONE: Sure. We'll wait until tomorrow.

THE COURT: Okay. If you all have any particular jury instructions, if you will e-mail those to Chandler and we'll work with those and have those ready in the morning. If you all could be here like 9:15, that way we can go over them before the jury gets here.

MR. STEGALL: Are we going to have a charge conference, Your Honor?

THE COURT: That's what I meant, we

could have the charge conference at 9:00 so we're all on the same page before we get started.

MR. STEGALL: Thank you.

THE COURT: We will go ahead and e-mail what we have right now to you, and you can look at them overnight. Then, if there's anything we need to add in the morning, we'll be ready to go.

MR. STEGALL: Thank you.

MR. SMALDONE: Thank you.

(These proceedings were recessed at 5:05 p.m., to be continued 4/10/19, 9:00 a.m.)

(The following proceedings were had 4/10/2019, 9:28 a.m., in re State v. Davis-Kocsis.)

THE COURT: We had the opportunity to have a charge conference, and we've had the proposed jury charges printed for both sides. Have you had an opportunity to review those proposed charges? State?

MR. STEGALL: We have, Your Honor.

THE COURT: Any objection?

MR. STEGALL: No objection.

THE COURT: The defense?

MR. LUCK: We have, Your Honor. The only objection is regarding the burglary charge. We -- I think it was filed with the court what we proposed, and we would object based on that.

THE COURT: Yes, sir. And I think the Court's charge covers your concerns as far as that's concerned, and your motion for that particular charge is denied.

MR. LUCK: Thank you, Your Honor.

We also need to renew our directed verdict motion before we move on. So for the record, we renew our motion for a directed verdict with all the grounds that were put forth earlier in the trial.

THE COURT: Yes, sir. And, again, for the same articulated reasons, your motion is respectfully declined.

MR. LUCK: Thank you, Your Honor.

THE COURT: Anything further before I bring the jury out?

MR. STEGALL: Nothing, Your Honor.

THE COURT: All right. Let's have the jury, please.

(Jury in, 10:17 a.m.)

THE COURT: Good morning, ladies and gentlemen of the jury. Welcome back. Thank you for your patience this morning. We are now ready to proceed with the closing arguments of counsel. Please pay close attention.

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

THE COURT: Yes, sir.

MR. STEGALL: Good morning.

THE JURY: Good morning.

(911 call played in open court.)

MR. STEGALL: It's Gabby. It was Gabby, charge her. Why would she do that?

Give my assistant just a brief second to pull up our presentation.

The Gabby that they're referring to is Gabby Davis-Kocsis, the defendant in this case. She is charged with murder, burglary first, kidnapping, and criminal conspiracy.

Now, this trial testimony lasted two days; it probably felt like a week. We threw a lot at you. You heard a lot of testimony from a lot of different witnesses. All that testimony was consistent. Everybody that took that witness stand told you the same story about what happened that morning.

The defense attorney even stood up in his opening statement, we agree with just about everything the State said. We agree that Gabby Davis had money and a motorcycle taken from her. We agree that she went over to 512 McCrystal Circle, she went in the house. We agree that Matt Grainger shot and killed Mark Connor while Gabby was there.

The defendant herself got on the witness stand and told you. She admitted it; we did all of these things together. Yet she said Grayson Griffin made her do it. Well, that's not good enough. That's not good enough.

Now, I want to briefly talk about the

witnesses. We saw some characters get up there and testify. You know, devils don't hang out with angels, ladies and gentlemen. We are not shying away from who our witnesses are. Half of them showed up in jumpsuits and chains, criminal records, but the fact that they smoke meth doesn't make them liars. It makes them addicts.

And just because they're addicts do they not get the -- have the right to tell their story to you all? I think they have a right to tell their story.

So this case revolves around drugs, specifically meth. You know, the cash and motorcycle were stolen, but what was offered either for a location or to kill Mark Connor? Meth, seven grams of meth. This is a story about meth. Everybody involved is involved with meth.

So what do we know? We've got a motive. Mark Connor stole $1700 and a motorcycle from Gabby Davis. That is not disputed. She admitted it. Right.

Everybody admitted it. Erika Haynes was in the car when they went to pay Ronald Shepherd's bond, and then they went to Summer Creek so Gabby could sell meth to somebody. And while

she was selling meth told that person, I need Mark Connor's location. He stole this from me. I'm going to give you seven grams to give it to me.

Tommy Kennedy, in her house, here's seven grams if you can give me his location. What did Tommy do? He didn't give a location. He moved back to Macedonia. He didn't want any part of that.

We've also got a Facebook message; today they were in the car together. Oh, Gabby is looking for you and wanting my help, but I ain't even thinking about helping this B-I-T-C-H. She dead on that S-H-I-T. 7:21.

And then 7:40: Baby, please let me know you good. Gabby putting a seven-gram hit on you. Baby, please be careful. Me love you bunches.

That was in realtime, folks, when she sent that message to Mark Connor. So we know why she wanted him dead.

You know who didn't have a motive? Grayson Griffin. What did he testify to? I don't know any of these people. I know Gabby. Gabby sells meth for me. I don't know Mark Connor.

Criminal conspiracy. Conspiracy is

defined as a combination between two or more persons for the purpose of accomplishing an unlawful object or lawful object by unlawful means.

Melissa Freeman testified that Matt Grainger gets a phone call at six in the morning. Once he gets that phone call he tells her to get dressed, we've got to go collect money. That call came from Gabby Davis. Gabby called Matt Grainger and said, come meet me at Windwood.

Grayson also testified; he was with Gabby. They were in the car together. She calls Curtis Jamison; hey, I need your help. And we all remember Curtis Jamison testifying yesterday. He was too busy to help. Then what did she do? She called Matt Grainger, and Matt Grainger showed up.

She put this plan in motion. She called the people and asked them to help. She conspired with three other people.

She also testified -- I thought this -- I actually made a note of this. I thought this was good, yesterday. She said, we all four went up to the door, but we didn't have assigned roles.

Jordan asked her, wasn't it true that Griffin broke out the window? Wasn't it true that you and Grainger kicked the door open? Wasn't it

true, you know, and you did all -- oh, well, we didn't go up there with assigned roles. That doesn't make them less guilty. That makes them disorganized. That makes them high on meth.

Four people got together in agreement to go to McCrystal Circle that day and murder Mark Connor.

Burglary first degree. The first part of this, a person is guilty of burglary in the first degree if the person enters the dwelling of another without consent and with the intent to commit a crime in that dwelling.

And before I move to the second part, let's talk about a dwelling. Or as the defense refers to it, a trap house. What is a trap house? It's a place where people go do drugs. Right? It's a house, otherwise known through the law as a dwelling.

Just because people go and do drugs in this house does not make them immune from being victims of a crime. All right. Miss Rose's house is a place where people go; they give her drugs in exchange for her letting them come and do drugs in her house.

It's not pretty. This case isn't

pretty. You know, we're not sugarcoating anything. This is a place where people went to do drugs.

But don't let the fact that it's a trap house fool you. You can still burglarize a trap house. What did Tommy Kennedy testify to? I put the doorjamb in when was time to go to sleep. I wasn't expecting anybody else.

What did Alexis Murray testify to? Gabby Davis wasn't welcome there. Why wasn't she welcome there? Because, in her words, she had a bullet for Mark Connor. She was not invited.

The second part; when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime -- and these are ors, ladies and gentlemen. We don't need every one of these elements. We need one of these elements, but I submit to you we have all of these elements -- either armed with a deadly weapon -- two people admitted they were armed with a deadly weapon. Matt Grainger had a gun. Grayson Griffin had a gun.

How about the other one? Causes physical injury to a person who is not a participant in the crime. Gabby Davis bear sprayed the entire house. Two people told you yesterday I

hurt, it was painful. Mark Connor had so much bear spray in his face that it was coming out of his mouth and his nose. Imagine that.

Uses or threatens to use a dangerous instrument. We know guns are dangerous, and I submit to you bear mace is dangerous. Right? Why is it dangerous? It's not dangerous because it's scary. It's dangerous because it disorients people; it confuses people.

That's what she was doing that day. She wanted to disorient the entire room so they could go murder Mark Connor.

Displays what is or appears to be a knife, pistol, or revolver. Well, we've got that. They displayed a gun. Alexis Murray said she had a gun pointed to her forehead before they saw Mark Connor in the bedroom.

We do not have two and three; they are not relevant. We meet the burden strictly on the first element.

There is the door that was kicked in. Now, there was some question if it was kicked in or opened right away as it was being kicked. The point is they were trying to forcibly open that door and the door opened.

Inside the door is the window that Grayson Griffin broke with his pistol. There is the glass that was broken.

And one more comment on the trap house, ladies and gentlemen. You don't go to a trap house armed with weapons, partially cover your face if you're going to use drugs or sell drugs. They went with a different purpose.

They didn't go to use drugs. They weren't invited. They went to go over there and commit a crime.

Kidnapping. A person who unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away another by any means whatsoever.

The important thing to remember is what Ms. Smith touched on in her opening. You do not have to carry the person away. That's not what kidnapping is. You can seize or confine the person. And what that means is, did they feel like they were free to leave. All right.

Whitney Chance wasn't free to leave. We asked her specifically; did you feel like you were free to leave. No. Nope. We know Alexis Murray wasn't free to leave, even though we asked

her the question. And how do we know that? Because the gun was pointed at her forehead. She wasn't free to go anywhere until they accomplished what they set out to accomplish.

They were both kidnapped that morning. However brief it may have been, that's still a kidnapping.

Murder. Murder is the killing of any person with malice aforethought, either express or implied. Well, we've got a killing of another. Right. Matthew Grainger pled to murder for the killing of Mark Connor.

We know the pathologist testified that the manner of death was homicide, the cause of death was a gunshot wound.

With malice aforethought, either express or implied. Malice, hatred, ill will, hostility towards another person. The intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury under circumstances that the law will infer an evil intent. And aforethought just refers to the time that ill will was conceived.

So let's talk about malice. It can either be express or implied. Express malice is

shown when a person speaks words which express hatred or ill will or when the person is prepared beforehand to do the act. Shoot him. Shoot that N-I-G-G-A, is what two people said.

I abhor that language, but that's what Gabby Davis said. Three people heard it. Two of those people were on the couch in the living room. The other person that heard it was in the room with her. That is express malice, ladies and gentlemen.

How else can we show malice? Let me back up. With an intent to inflict an injury or the intentional doing of a wrongful act without just cause or excuse. Mace, bear mace; she sprayed so much mace in Mark Connor's face that he was choking on it. It was coming out of his mouth, his nose.

Jordan asked her about it. You-all were friends, right? Yeah. Why didn't you ask him for the money? Why did you mace him? I was high on drugs. Ladies and gentlemen, that is not an excuse. I was high on drugs is not an excuse for macing somebody to the point of choking and then having your buddy shoot him to death. That's malice. That is hatred.

I put this in here because I wanted to

show you that is where Nick Varner and Whitney Chance were. That is where the shooting happened. That's where Alexis Murray was, and that's where Mark Connor eventually died. (Indicating) These people had bear mace all in their face.

Tommy Kennedy, who didn't want to be here, if you remember Tommy, ran down the hall through the kitchen out the utility room. He mentioned the bear mace. Everybody in every part of this house had bear mace in their eyes. She said, oh, I only squirted it in the bedroom. No.

You cannot squirt bear mace in that direction and hit everybody in here. (Indicating) They stormed that house and she sprayed everybody.

And why did she do it? To disorient, to confuse, to allow Matt Grainger to go in that bedroom with her and shoot and kill Mark Connor.

That's where they were, and that's where Whitney and Nick were. There's the door to the bedroom. There's the bathroom. If she is facing that way, how did they get maced? (Indicating)

Felony murder. The judge will instruct you on the law and pay attention to her, because what she says is the law. She is going to instruct

you on felony murder. And this one is important. If one intentionally kills another during the commission of a felony the inference of malice may arise.

So we just talked about malice. I just told you that we had malice because she said shoot him, and because she pepper sprayed him. We can also infer malice through felony murder.

Conspiracy, kidnapping, burglary, all felonies. If somebody happens to die during the commission of one of these felonies, it's a felony murder.

Gabby Davis took that witness stand yesterday and said, I knew we were guilty of committing a crime in that house. She told you. She admitted it. Jordan said, which crime. I just knew we were guilt of committing a crime.

Well, if she is guilty of committing a crime and Mark Connor gets shot to death, she is also guilty of murder.

Ladies and gentlemen, this is what this case boils down to. This is the crux of this case. Gabby Davis wasn't the shooter, but under this theory she doesn't have to be the shooter.

This is very important so I'm going to

read it slowly, and I may read it again: If a crime is committed by two or more people who are acting together in committing that crime, the act of one is the act of all.

I want to read that again. If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all.

That's why Glenn Lane was convicted (sic) of murder, burglary first, kidnapping. That's why Grayson Griffin is charged with murder, kidnapping, burglary first. They all are. We're not done with them yet.

Everybody was charged with murder, because the hand of one is the hand of all.

So Matt Grainger, who was the shooter, pled guilty to shooting Mark Connor. He pled to pulling a gun, pointing in his direction and shooting him, but under this theory, Gabby Davis' hand is also on that gun shooting Mark Connor. All right.

That's what this says. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a probable or natural

consequences of the action -- or excuse me, acts done in carrying out the common plan and purpose.

So what that means, ladies and gentlemen, is there are two stories in this case. There is the State's theory that Gabby Davis set this whole thing in motion, that she was the one that put this whole plan together over some money and a motorcycle.

And then there is what Gabby Davis testified to; yeah, I agree, we did everything that the State said, but Grayson made me do it.

Through her own admission on that witness stand yesterday, she is guilty of all these charges based on this theory, ladies and gentlemen. All she did was try and minimize her role in it. She didn't deny it. She admitted it. But a diminished role still makes you guilty.

And she can't say, I didn't know what we were going over there to do, I was just along for the ride. She is the one that got the text from Brendan Varner, Markey is here. He's at Miss Rose's.

She's the one that told Grainger -- or excuse me, Griffin, we're going to Miss Rose's. We're not going to Jim Crow's so I can sell the

meth right away. We're going to go confront this guy. She's the one that called Matthew Grainger and said, meet me over here.

So whatever story you believe -- if you believe what Gabby Davis said yesterday, that's fine. She's still guilty under this theory. I would ask you to believe the theory that we're presenting you today.

Melissa Freeman called her an orchestrator. That was her word, orchestrator. I thought that was a nice word. I think there are more appropriate words to call Gabby Davis than orchestrator.

I think you can call her a conspirator. I think you can call her a burglar. How about kidnapper? Murderer? But most important, ladies and gentlemen, you-all need to call her guilty. Whatever story you believe, whether it's our story or what she said, she is absolutely guilty of all these charges, and I ask that you find her guilty. Thank you.

THE COURT: Counsel?

MR. SMALDONE: May it please the Court?

THE COURT: Yes, sir.

MR. SMALDONE: Counsel. Ladies and

gentlemen of the jury, at the beginning of this case I told you you're getting a different side of life than you're probably used to. You're getting a different side of Berkeley County than what you're used to. It might make you uncomfortable, but it's the truth.

And you were exposed to that pretty much all week, right? Witness after witness. What are they? Drug addicts. Right?

So what do these drug addicts do? What do these drug addicts do? They come on the stand and they tell their story, right? They tell their story, they lie, they make stuff up. And here's how I know, right?

All of these people came in and they told a little bit of a different story, right? But it always has to do with Gabby being the bad guy. Even the people that don't know her just kind of, oh, it must have been Gabby, right? Because that's what I hear, right? Probably back there in jail where they basically all were.

So let's go through it. Okay. Let's talk. What did you hear? All right. You heard from Erika. Do you-all remember her? That was the first witness. That was Mark's -- I think that was

Mark's kind of on again, off again girlfriend.

Erika came in, and she was in jail. I don't judge people for being in jail, but she was in jail. She came in and what does she say? She said, Gabby told her that there was a hit on Mark, right? A hit on Mark.

Now, you have to ask yourself, does the State's version of that make sense or does the truth, what Gabby said, make sense? Would a reasonable person, any person -- would any human being tell someone while they're in a car with them, oh, yeah, hey, how is your day going? Pretty good. Oh, yeah, I want to kill your boyfriend. How is your meal? That didn't happen. That does not make sense in any logical world.

Gabby said what happened. Said, yeah, I'm sorry. And Gabby could have lied like everybody else. She could have tried to lie and make herself look a lot better. What did she do? She told the truth. Gabby said, yeah, exactly. I wanted to offer seven grams of ice to find out where Mark is because he stole my stuff. Seven grams of ice, she testified, is worth a hundred dollars.

We're in a different side of life than

we're use to. We're in a different side of Berkeley County than we're use to, but it ain't that bad. No one is going to get killed over a hundred dollars, or no one is going to get killed for a hundred dollars. That is inconsistent with reality. Maybe in Somalia, but not Berkeley County. Okay?

And you ask yourself, is it logical for her to tell her girlfriend that he wants to hurt Mark? No. If you want to say, hey, I need to find your boyfriend because he stole money from me, I'm going to give stuff -- I'm going to give seven grams of ice to anyone who finds it, yeah, that makes sense.

It's not great. Like, I'm not -- you know, I'm not saying that Gabby is, you know, worthy of -- I'm not going to hand her keys to the city. Okay. And I came at you with that. We were honest; my opening, right now, Gabby's testimony.

Look, she's not on trial for being a great person or being not a great person. She's not on trial for being a drug addict or not a drug addict, but she's on trial for some serious stuff. Obviously, you-all know that.

When the State or -- I'm sorry, when

the judge read the indictments at the beginning of this case, you know, there were things that made her sound like she was El Chapo, some gangster leader. Right? She's a drug addict.

Gabby didn't orchestrate anything. I submit to you that Gabby was -- it was impossible for Gabby to orchestrate just about anything back then probably.

So who else did you hear from? Who else did you hear from? Well, you heard from Alexis, right, talking about getting -- getting her car stolen and then getting the car unstolen by Mark. And she was also in jail, and she was -- I think she said that she got pepper sprayed, she was in the house, all that stuff. Not much there.

But who else did you hear from? Who else did you hear from? You heard from Whitney, Whitney Chance, the one -- I think she worked at -- she wasn't in jail. She worked in either a retail job or food and beverage job.

I'm sure she's a nice lady, but that's the one she didn't remember giving her own statement, right. Like she -- I showed her her statement, she said it wasn't hers. I said, is it forged? She said, I don't know. It's her

signature, but it's not her statement. She admitted finally, sure, it's my statement. Okay. But, fine.

In no one's statement that you heard from -- no one's prior statement that we talked about that you heard about was anything about Gabby saying what everyone else said, right? Gabby -- now, four years later, Gabby is saying shoot him or shoot that, you know, N-I-G-G-A person.

No one said it back then, though. Now -- they've had time to hang out, had time to think about things. Now they want to add a little spice to the story; Gabby saying shoot him. All right.

And who else did you hear from? Richard Curtis. And I'm not going to go through all of the witness because there were so many. Richard Curtis. He was basically asleep, right? I think he was the one that was asleep. He's in prison.

And then he said, you know, he doesn't know much, but a few weeks earlier he heard Grayson and Gabby. I think Grayson was on a cell phone if I recall correctly. He says, we can't let him get away with this, we got guns. That was what Grayson

said. And we're going to talk about Grayson shortly, but not quite yet. All right. I just want to introduce that to you.

I want to make sure you-all remember that, because at the time you probably didn't have the context for it, you didn't really know much about Grayson. But I think that was one of the first times you heard his name, Grayson, right? We got guns, we can't let him get away with this.

I want you to remember that, and I want you to remember what Curtis said. My witness, Curtis, interesting guy, but I want you to remember what he said. He said -- you heard basically the same thing, right? He tried to broker the deal. He tried to make peace along with Gabby with Mark, right?

Mark was going to give -- I think Mark was going to give a truck -- probably the same truck that he gave to Nicky or Alexis. Mark was going to give a truck to Gabby to kind of squash it. And Gabby was okay with that. And Grayson, no.

It's the same theme that you heard about Grayson. I'll talk about Grayson shortly, again. Sometimes I get head of myself. All right.

And then, who else did you hear from? You heard from people in the house. All right. All of those people, none of them talked about that language, but yet they all say it now. None of them talked about it back then, just four years later. All of those people. Okay.

So then you heard from Melissa, Melissa Freeman. And she was -- you remember her? She was along in the other car. She was riding along with Matt Grainger. And what did Melissa say? Melissa said, we just thought we were going to scare them.

We just thought -- you know, her understanding was, there's some money missing, we're going to scare them and maybe get some stuff back. That's what Melissa said. So that's all of their -- those are all their own witnesses.

So I want to talk about who Grayson Griffin is. When you first see him -- when I first saw him, I thought, who is this gay? You know, he really doesn't look particularly scarey to me. But even under his own admission, yeah, I sell a lot of drugs. That's what he said. I move a lot of weight.

He was supplying Gabby for what she needed to feed her addiction to crystal meth, or

meth, or ice. Grayson Griffin is the big guy. Big guy. He's got the drugs and he who has the drugs has the power. When you're around drug addicts, that is your currency. That is his power, along with violence. He's a violent guy. He always rides with guns, even he said he has guns.

He tried to minimize his role and say, oh, I happened to have a gun then, but I don't have it all the time. Remember, I said, you carry around a gun, just like swinging it around all the time? And he said no.

Grayson Griffin is also a liar. I'm sure I'm not shocking anyone, any of you-all there. And here's why I know. I'm not going to pull it out, but in this box, State's Exhibit 14, this is the gun. This is the gun that everyone said belonged to Grayson.

This is the gun they recovered, I believe, from Glenn Lane's house, if I recall correctly. It was someone's house affiliated with Glenn Lane.

This is Grayson's gun. Everyone agrees. Matt used this gun. Everyone agrees, right? But Grayson said he never made contact with Matt. Matt just happen to show up, and they all

kind of went in together. He never made contact with Matt. He never talked to Matt. So how did Grayson's gun get in Matt's hand? Grayson lied.

Gabby even admitted, I handed it to him because Grayson told me to. And he had a gun too. I'm going to listen to the guy with the gun. Yeah, that makes sense.

So that's one of many lies. That was just the most easily demonstrable lie that Grayson told, right? Grayson, the guy with the criminal record; Grayson, the guy that threatened Gabby according to two witnesses -- three witnesses, sorry; Grayson, the guy who orchestrated the whole thing; Grayson is the drug dealer.

Maybe I watch too much TV. I cannot imagine any situation where Gabby, being who she is -- where the drug dealer goes with Gabby. Drug dealers are not giving Gabby favors. They are not her friend. They are not in there for moral support.

Grayson made Gabby go with him. Because Mark, unfortunately, I don't want to speak ill of him, but he did take Gabby's money. But whose money was it really? It was Grayson's money. There is nothing that contradicts that, I submit to

you. Nothing.

Grayson is the orchestrator. What is Gabby? She's the unwilling participant. A guy bigger than her that sells her drugs that's a drug dealer is telling her what to do, she's going to do it. And she's already faced enormous consequences for it.

She's on trial this week for the most serious crime that you-all can think of, obviously; she's on trial for murder and everything else. Right. Because of that guy. The drug dealer. Who does the drug dealer blame? He even targets her. Gabby. Gabby went with the guy with the gun who made her go.

Gabby went because the guy with the gun drove. Remember that? Does Gabby look like she barks out orders to her drug dealer telling him where to go?

The State told you a little bit about the hand of one is the hand of all, right? That's their kind of theory of the case. And that's a tricky -- it's a tricky subject, because I think on a base level it sounds like, yeah, if you were there, you must be guilty of everything, right? That's -- you're there. We'll just -- someone else

did something, you're guilty.

That's really not how it works, and that's not what the law the judge is going to instruct you. The judge is going to instruct you that mere presence, if you're just there, that's not enough. Right. You have to either plan, aid, abet -- all that stuff. I'll pick up the language if I can find it. I have it right here.

All right. So -- and I'm not going to read it to you, and I don't like PowerPoint, I can't concentrate. So prior knowledge is not more. I submit to you that she didn't have prior knowledge. They just went there with no plan, right?

Even Grayson said they weren't sure what they were going to do. They just kind of -- he just kind of thought he was going to dim the head -- or not dim -- put on the fog lights and smoke everybody out, basically, of the house.

They had no prior knowledge anything was going to happen, right? So she has to be more than just there. An active, willing participant or planner, or something of that nature. That's not what she was. She went in because Grayson went in, because everybody else with guns went in. Right.

And remember -- also remember Grayson said -- I think he said he just kind of stood outside. Right. Because the State wants you to believe that Grayson Griffin, who said he just kind of stood outside, but also want you to believe Whitney Chance and Alexis who said Grayson had a gun in their face, and that's why they were kidnapped. They want you to believe all of these conflicting things as long as it hurts Gabby.

Don't really care what you believe just as long as it hurts her, it's fine. We'll just skip the inconsistency. That's their theory, right?

Gabby is in fear of her life. This guy with guns, multiple guns, who says he always carried guns, is making her get the money that was owed to him. Even Gabby said, yeah, I was the one who said I'll give seven grams of ice, Grayson's ice, if you can find him. Not to kill him or hurt him or anything like that. They just wanted their stuff back, and she was doing that because Grayson told her to.

Remember, Grayson is originally from Texas. He doesn't have the social connections, so Gabby was just, in a sense, his marketing manager

for that. She was trying to get the word out that, you know, hey, we'll give you something if you know where Mark is. No question it was Grayson's money, no question.

Drug addicts have extra money laying around just to be stolen? No. That was his money. He is responsible for this. The State backed the wrong horse on this one. They wanted to go with the supplier and orchestrator and just let it all fall on Gabby.

The State has charged her with a lot of things. You-all heard it all. First of all, they talked about conspiracy, right? Agreement between two or more people to commit a crime. There is no agreement, no plan. They went in like the five stooges and something terrible happened. Probably because they didn't plan it.

There was no planning in this. A bunch of meth heads -- no offense to Gabby. A bunch of meth heads probably can't plan much of anything, let alone this. It was just chaos. Grayson got out of the car, Matt Grainger got out of the car, and chaos ensued. And Gabby had to follow.

And Grayson made her take his -- the pepper spray that was in his car. And the only

time that she shot it, according to her, was at Matt -- or Mark kind of came at her. Right? Should she have done that? No. I don't think she is proud that she did that.

So maybe she's guilty of assault, something of that nature. That's not what she is charged with. Mark came at her and she sprayed him with bear mace.

Now, the State says that she must have come in and sprayed everybody, right? And you-all use your own -- you know, you-all use your own wisdom. Maybe you've been around bear spray and maybe you haven't, but I submit to you that if there's any bear spray loose in that house, that house is getting cleared out real quick.

It doesn't matter if it hits anyone directly; it doesn't matter if it hits anyone indirectly. That's why police use it to get people out of the home. They don't need to spray them directly to clear the house out. They just get a little bit in there, and people are out.

How do I know that not everybody was sprayed directly? Because on the 911 call they say what car she leaves in. I believe it was either Whitney Chance or Alexis Murray, and they say it

was a gray Charger.

If she had gotten bear maced, she probably -- well, she absolutely would not have seen a car or seen anyone leaving. Right. So that's a criminal conspiracy. There was no plan. Right.

Burglary. A lot of stuff has been made about this dwelling. And the State said it, right? It's a trap house. Anyone is free to get in and out of that house. No one has an interest in that house. In fact, when you heard at the beginning of this case the indictment that was read, it was Rosemary Hoffberg, I think her name was, who is the victim in the burglary.

You-all didn't hear a peep from Rosemary Hoffberg. She didn't even testify in this case. We don't know who was there illegally, legally, whatever. In fact, in the Solicitor's closing argument he said for the first time, I had never heard this before, but if you gave the lady some meth, she would let you stay at her house.

So does anyone expect that house to be secure? It's like -- you know, it's like saying trespassing in a park. Anyone is free to go in and out of that house. And Gabby did not bust in, she

did not break windows in that house. She had to follow him.

Even if you think it was a dwelling or a real house that someone owns and someone has interest in, someone is expecting some peace and quiet in, she was following. And she was following because she had to follow, because the guy with the gun that she owed money to was there. What's she going to do? Say, I'm going to sit this one out. I'm good.

The State wants you to believe that she had that kind of power. They want you to believe that Gabby is calling the shots and saying, all right, drug dealer, my drug dealer, here's what we're going to do, and you're going to drive, we're going to get the whole crew together. It does not make sense.

So anyone could have come in and out of the house. And she didn't break in and there wasn't -- and the judge will tell you the law, there has to be an intent to commit a crime therein, right? You've got to intend to commit a crime.

What was the intent for Gabby? For anybody? They were going to go in and scare him,

according to Melissa Freeman. They were going to scare him. Things went down that shouldn't have went down. They didn't know that. Should they have known that? Probably, honestly, yeah.

I'm not excusing anyone's behavior. I'm not saying this is -- again, she's not up for an award needless to say, but this is a murder trial.

So Gabby has also been charged with kidnapping. Now, the State's version of the law is a bit of an interpretation, a bit of a twist from what the judge will give you. And if you have a difference of opinion on the law between me and the Solicitor, don't listen to me, don't listen to the Solicitor. Listen to the judge, because she'll instruct you on the law and that is the absolute law that you're to follow. Okay.

But I submit to you that nowhere in the judge's charge on kidnapping is the word, feel like you're free to leave. Right. I don't feel free to leave right now. You-all probably don't feel particularly free to leave.

More than that, you have to seize them, confine them, or move them, something of that nature. Right. Just listen to the law. Is that a

kidnapping? No.

Also, if anyone is kidnapped -- and I submit to you there really was no kidnapping in this case. It's a horrible case. Matt Grainger has certainly been found responsible for what he did, but kidnapping didn't occur. But even under the State's theory of events, if anyone kidnapped anyone, it was Grayson Griffin who I believe held a gun to someone's head. Although, later on he said that he didn't go into the house. Okay. No kidnapping, right.

Obviously, the main charge, the controlling charge, what we are all here for, this is a murder trial. Everything else is important too, but Gabby is on trial for murder. The State and I also have a difference of law, and, again, I would ask you to follow the judge's law. I am not a judge, they're not judges. She is a judge.

The judge is the judge of the facts -- I'm sorry, the judge is the judge of the law, and you-all are in a way judges, too, of the facts. But the judge's law will say -- and the law of South Carolina -- the State first talked to you -- remember felony murder?

They told you a little bit about felony

murder and what that means. And the Solicitor said, if anyone happens to die during the commission of a felony, that's felony murder. I absolutely could not disagree more, respectfully.

The charge that the judge will read to you, if one intentionally kills another during the commission of a felony, the inference of malice may arise. So I submit to you just because someone dies doesn't make it murder or felony murder; and, again, I don't want to make light of a death. Tragic, right.

Just because someone happens to die is not felony murder. If one intentionally kills, that's literally the third word. So when she reads that, look out for that third word. I promise she's going to say it, intentionally.

And that kind of goes with what I want to talk to you about next, intent and what murder is. Did anyone intend -- we've got a few layers here, right? Did anyone intend for Mark to die as they went in the house? And we will talk about a few different layers. No.

Melissa said they thought they were just going to scare him. Grayson, who was in the same car, pretended like he didn't even know where

he was going or what he was doing, right? He was like, oh, look at me, I'm Grayson, I don't know what's going on. I didn't know what we were going to do and then, Gabby told me to do all this, and I listened Gabby her for some reason, right?

So Grayson never said much of anything, but he certainly didn't say that they were going to intend to kill anyone. I don't think anyone with any knowledge of what happened before, even under the State's version of the facts, said that Gabby or anyone was going in there to intend to kill him.

No intent to kill him. How do I know that? I know that from the witnesses. How else do I know that? I know that from Gabby, and Gabby agrees with the pathologist. Gabby certainly didn't go to medical school and, you know, she said she got her GED, which is good, but she is not a doctor.

But what did the pathologist tell you? I believe it was left thigh, right? Or I think she said upper to mid -- I think that was a guess though, so we'll just say left thigh with an upward trajectory. An upward trajectory is what she said. And I'm not a pathologist either so don't take my opinion as medical advice -- or medical diagnosis.

How did you get an upward trajectory when it hit in the thigh? Going from your thigh upwards to your hip. I just want to make sure everyone is clear on that. It was an accident. And that's exactly what Gabby said.

And someone else -- someone else talked about the hole in the floor too. I honestly can't remember who. I apologize. It's been an -- it's been a long week for me. I'm sure for you-all too. But Gabby said he fell through the hole in the floor and shot kind of as he was falling or as he fell. That explains the trajectory of the bullet.

I submit to you, you can't shoot someone with an upward trajectory unless you're a very, very small person, especially in the thigh, with an upward -- so that would mean it came from below his thigh.

It was an accident. Is he still responsible for his death? Of course. Was there an intent to kill? Is there malice aforethought? No. At the worst it's what they call -- and I don't think it's that because Gabby was not a -- Gabby was just there, right? Gabby was just kind of following orders being barked at her by Grayson Griffin, the ice plug, as he calls himself or

someone else called him.

But at worst -- even if you do find that, I submit to you it's at worst involuntary manslaughter. And the judge will read you the law on that shortly. I'm not going to go into it, but basically if -- this is a very broad view of involuntary manslaughter, so I ask that you pay close attention to her; but, basically, if someone dies, and it's not quite an accident, there is something illegal, but it's not murder, somewhere on that spectrum, that's involuntary manslaughter.

And I'm sure you could figure it out, that is not the official definition, but that is what the judge will -- the judge will charge you a much more eloquent version of that. And I submit to you it's not involuntary manslaughter for the same reason it's not a burglary, for the same reason it's not a kidnapping, for the same reason it's not a conspiracy. There is no plan, Gabby was marched around.

But I submit to you this should never have been a murder case, and the reason is because he slipped. He slipped through a literal hole in the floor, and that's why that bullet went that way. Witnesses lie; meth heads lie; people in jail

lie; people who have been friends for three and a half years who don't like Gabby lie. That autopsy report can't lie. It corroborates everything that she said.

I submit to you that Gabby is the only one with a consistent story that made any sense. She didn't try to make herself look great. I think that's why the State thinks that she said she was guilty, right? The word, guilty, I submit to you never came out of her mouth.

She said crime, right? A crime because someone died. A crime because Matt Grainger has already been held responsible for it, but she never said the word guilty. Because she's not.

There is no conspiracy because, bless 'em, I don't think they could do a conspiracy if they tried. There is no burglary. Because, one, basically, it's a public park for all intents and purposes; and, two, Gabby is being marched around. All right. No burglary. She didn't have a choice.

And there is certainly no murder, because there was no murder that day. There was a death. There was a homicide. I submit to you it was an accident. There was no plan.

So, ladies and gentlemen of the jury,

you heard from Gabby. I said she didn't try to make herself look good like other people. She didn't try to lie, I submit to you. Her story made perfect sense. It's the only one that does, other than the guys who were sleeping. Their story made sense, no inconsistencies.

And then you heard from Curtis. Curtis knows Gabby -- or he knows Grayson. And he told you -- like I said earlier, he tried to broker that deal and Grayson blew it up. Grayson said, no, we can't appear weak, which is exactly what -- I believe it was Richard Curtis said about too.

Remember, Richard Curtis said we can't appear weak because we have -- or something. We can't let them get away with this; we have guns; we can't appear weak. So Curtis and Curtis -- Curtis Jamison and Richard Curtis, who I don't know if they know each other or not, unwillingly told basically the same story. Two different sides of the case, same story. That's consistent.

And then, of course, you heard from Ernie who doesn't know a whole lot. He loves Gabby. He cares about Gabby. He said that Gabby is not a violent person. They're friends. I like Ernie. But he did say a very small thing. He

said, listen, I don't know much about this; I am not a fact witness. I don't know much about this case, but a few weeks before this I did hear him -- Grayson say where is my f'ing money.

And that matters because there's a theme. And that theme is consistent with the facts and it's consistent with common sense.

Common sense says the big-time drug dealer doesn't do favors for his meth head clients. No offense. A big-time meth dealer had favors done for him whether they like it or not. That's called duress. That's called, Gabby had no other logical option.

She was in that car, she's not driving, he had guns. She didn't make herself look great when she -- you know, unnecessarily, but she told the truth. She is not proud of what happened that day. No one is celebrating, I'm not celebrating, but she wasn't the orchestrator. She wasn't the planner. She went in because she needed to go in because she didn't have a choice.

Ladies and gentlemen, obviously I'm a defense lawyer; I represent people. In a few minutes the hardest part of my job is about to happen. In a few minutes I'm going to sit down.

And when I sit down, I'm going to think about all the things that I forgot to say or should have said or should I have said it different, and I'm going to stress out.

But that's my job. I'm not complaining about that, but I'm going to think about that. And the Solicitor will have a chance to talk again, which is -- that's the rule, but you're not going to hear from me again. And there's going to be a lot of things that I want to say when they respond, but I'm not going to be able to.

A lot of questions that you might have, that you maybe wished that I had talked about when I got back up here, but I'm not going to get back up here. So all I ask is that you answer them for me.

If you have that question, answer them for me. If you have that question, is that doubt? Is that reasonable doubt? Do you have reasonable doubt about this case? That's right.

So, ladies and gentlemen, like I said, I'm about to sit down and they're going to get back up. And it's tough, like I said. It's a tough time, because for the last quite a while I've represented Gabby.

I've been, you know, in charge of her. You know, I've helped her out, been her legal counsel, defended her. All right. And so I feel like she's been in my hands. You know, I've protected Gabby. I'm her legal orchestrator, to use their word. Gabby has been in my hands for the past, I don't know, two to three years.

So in just a few minutes after the Solicitor talks, after the judge talks, it's going to change and she's going to be in your hands. And I hope that you-all do the right thing. And I hope that you-all cut through the smoke screen that all these witnesses are trying to put up.

And I hope that you-all see the truth. And the truth is that Gabby is not guilty. She's not guilty. She's not guilt of conspiracy. She's not guilty of burglary. She's not guilty of kidnapping. She's not guilty of murder. And that's the truth. Thank you.

THE COURT: Solicitor.

MR. STEGALL: I brought my notepad up here, so I apologize if I refer to it, but I wrote something down that he said when he first started. And I'm going to read it. The State's witnesses are drug addicts. Drug addicts lie, they make

stuff up, they don't tell the truth, don't believe them. They're drug addicts.

The very next words out of his mouth, my client couldn't have planned this. Why? Because she's a drug addict. She is a drug addict. Don't believe my drug addict, but believe that drug addict, is what he's asking you to do.

And they brought up Erika, you know, why would he tell Mark Connor's girlfriend that she was looking for him to hurt him? My question is, she was friends with Mark Connor, why not tell Erika, hey, I'm looking for him, I think he took some money?

Why even bring a seven-gram meth head into this picture? And she didn't offer it to Erika. She offered it to other people. Erika overheard her.

And I believe he brought up Whitney Chance and made a big deal about that wasn't her statement, that wasn't her statement. What her testimony was, that wasn't her handwriting. She said, that's my statement, that's not my handwriting. That's two completely different things there.

He also made a -- made mention about,

well, people were maced. How could they tell what kind of car they left in? Go back and listen to the 911 tape. You're going to get a chance to review all of the evidence that's been put into the case. Listen to the 911 tape.

You know how they found out it was a Charger? Because the neighbor, Tray Dean, told them. That's how.

But let's picture that for a second. You know, when I was working this case up, talking to witnesses, it started to become pretty remarkable to me. I've got nine people that were situated differently within this case. Some were in the house that day, and some were with Gabby prior to being in the house, and some were with her during the commission. They're all drug addicts.

This crime happened almost four years ago. They gave statements to the police, and then they recalled that exact statement almost four years later while being under the influence of drugs. Imagine that. Imagine being asleep, being woken up by doors being kicked in and glass breaking, and somebody comes in and shoots your best friend and kills him, and then is out of the house in five minutes, and then having to recall

that every detail to the police.

Now throw in the added layer that they were possibly under the influence of drugs, and also, they're skittish of law enforcement, right? They themselves were possibly committing crimes by using meth. They didn't want to talk to the police, and yet they did. And they gave a very detailed statement as best they could that day.

Nick Varner got up here and said he doesn't do meth anymore; he's got a clear head.

You can remember other details as it comes. And I think it's remarkable that they told the same story up here today, this week as they did three and a half, four years ago while being drug addicts.

Now, I want to talk about mere presence and duress. The judge is going to instruct you on mere presence. Mere presence and prior knowledge that a crime is going to be committed without more is insufficient to constitute a killing. Do you know how you overcome mere presence? When there's a prearrangement.

And what was that prearrangement? Mark stole money and a motorcycle; we're going to get him. She could not claim mere presence because

there was a prearrangement to go back and get what was owed to her. That's a red herring. That's what I call it.

The other red herring in the case is duress. Gabby was scared of Grayson. Grayson made her go to this house and kill Mark Connor because she was scared of Grayson, but we never heard testimony that there was a gun pointed at Gabby's head. Grayson didn't have a gun pointed at her head, you're going in there and you're going to do that. He stayed back.

Now, there is a question whether he was on the porch holding the gun on the victims or whether he was in the house. He didn't go back to the room with her and make sure she did it. And if he was so concerned about this house, I mean, why didn't he go in and make sure she did what she was supposed to? Why did he hang back? He hung back because he didn't know anybody there.

The other reason this gives me pause that that is duress, what does Gabby do after she commits this crime? She goes back to Jimmy Crow's house and smokes meth. She admitted that.

Curtis Jamison shows up. At that time they were dating, Gabby and Curtis Jamison.

Gabby's got a chance to flee right there with Curtis, just to -- to put some distance between her and Grayson Griffin. Now is her opportunity, but she doesn't.

What does she do? She switches cars, gets in the car with Grayson Griffin, and drives to Greensboro to go buy another car with Grayson Griffin, and then drives to Savannah. She went to two different states with him. The only time she got separated from Grayson was when the US marshals picked them up. That doesn't sound like duress to me.

And, lastly, I want to talk about felony murder. Felony murder: There must be an intentional killing. I put that on my slide; I read it word for word; that's the law. Matt Grainger pled to murder, and by pleading to murder he admitted to an intentional killing. He admitted to intentionally killing Mark Connor. If he didn't agree with it, he wouldn't have pled to it.

And then we talked about the shooting in the leg. You know, how could it have been intentional if he was shot in the leg? You don't have to shoot somebody in the head to intentionally kill them. That's not what the law says.

I just want to end by saying that Gabby Davis's story is only consistent with Gabby Davis. You've got nine people that took that witness stand, some willingly and some not so willingly, and they told the same story. There might have been one or two small details about a bandana or not a bandana, but they told the same story.

So I ask that you go back there and you find her guilty.

THE COURT: It's time for me to charge you on the law in this case. I remind you that during this trial you and I have certain duties to perform.

As the trial judge, it's my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial. You are to consider only the competent evidence before you. If there is any testimony ordered stricken from the record in this case, you must disregard that testimony.

You are to consider only the testimony which has been presented from the witness stand, any exhibits which have been made part of the record in this case, and any stipulations of

counsel.

I have the additional duty to charge you on the law applicable to this case. And as the presiding judge, I'm the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I now state it to you.

If you already have an idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon this idea because you were sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in the case. A trial judge cannot intimate, state, comment on, or make any statement to a trial jury about the facts in the case.

Since you, the jury, are the sole judges of the facts in this case, you are not to infer from anything that I say during the progress of this trial in ruling upon the admissibility of the evidence or otherwise, or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this

case.

The law does not allow me to have an opinion as to the facts in this case. This is a matter solely for you, the jury, to determine. As jurors, it is your duty to determine the effect, value, weight, and truth of the evidence presented during this trial.

The indictments charge the defendant with the following: Burglary in the first degree, two counts of kidnapping, murder, criminal conspiracy. I remind you that the fact the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create a presumption or inference of guilt.

These indictments are simply the formal instrument which contain the charges made against the defendant. They are the formal documents by which this case was brought into this court.

The indictments in this case allege several different offenses against the defendant. Again, those charges are burglary in the first degree, kidnapping of Whitney Renee Chance, kidnapping of Alexis Nicole Murray, murder, and

criminal conspiracy.

Each indictment charges separate and distinct offenses. You must decide each indictment separately on the evidence and law applicable, uninfluenced by your decision as to any other indictment. The defendant may be convicted or acquitted on any or all of the offenses charged.

You will be asked to write a separate verdict of guilty or not guilty for each indictment.

The defendant has pled not guilty to these indictments and that plea puts the burden on the State to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove him or herself innocent.

I charge you that it is an important rule of the law that the defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence does not end when you begin your deliberations, but it

accompanies the defendant throughout the trial until you reach a verdict of guilt based upon the evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It's a substantial right to which every defendant is entitled to until you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or the preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond

a reasonable doubt.

What is a reasonable doubt in the law? A reasonable doubt is a kind of doubt that would cause a reasonable person to hesitate to act. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

They are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If on the other hand, you think there is a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find her not guilty.

There are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

The law makes absolutely no distinction between the weight or the value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all of the evidence in this case, and after weighing all of the evidence if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you find the defendant not guilty.

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness.

You may believe a part of the testimony of a witness and reject the remaining part of the

testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence.

Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There is no way science can dissect a person's brain and determine what the person had in mind, but the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make the determination of whether or not the element

requiring intent was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact by taking into consideration the acts of the party and all of the facts and circumstances of the case. Criminal intent is a mental state, a conscience wrongdoing.

It is up to you to determine what the defendant intended to do based upon the circumstances shown to have existed. Criminal intent can arise from actions or a failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent.

A person who has a past criminal record is competent to testify during a trial. A past record does not affect the ability of that witness to testify. A past record may only be considered by you, if at all, in determining the witness's credibility. Remember, you are the sole judges of the facts in this case and of the believability of any and all of the witnesses.

The defendant is charged with burglary

in the first degree. The State must prove beyond a reasonable doubt that the defendant entered a dwelling without consent.

A dwelling is any building or portion of a building in which a person ordinarily sleeps. A building constructed as a dwelling that has never been occupied cannot be considered a dwelling for purposes of burglary. But a building is a dwelling even if the residents are temporarily absent from the building.

In order to prove that the defendant entered the building, the State does not have to show that the defendant's entire body entered the building. The smallest entry is sufficient. It may be any part of the body, such as a hand or a foot, or even an instrument, such as a hook or other instrument.

In addition, the State does not have to prove that force was used to gain entry. If a person enters a building by using deception, artifice, trick, or misrepresentation to get consent to enter, this is an entry without consent.

Next, the State must prove beyond a reasonable doubt that the defendant intended to commit a crime, either a felony or a misdemeanor,

at the time of entry. Mere entry into a dwelling without consent is not burglary. If the intent to commit a crime is formed after the entry, it is not burglary.

On the other hand, if the defendant intended to commit a crime at the time of the entry, it is a burglary even if the intent was abandoned after the entry. It does not matter that the intended crime was not completed.

Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

Finally, the State must prove beyond a reasonable doubt that: When entering -- when entering, while in the dwelling, or when fleeing, the defendant or an accomplice was armed with a deadly weapon or explosive.

A deadly weapon is any article, instrument, or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and circumstances of each case.

The following are examples of instruments which may be deadly weapons. A pistol, a shotgun, a rifle, a dirk, a dagger, a knife, a

slingshot, metal knuckles, a razor, gasoline, a firebomb or Molotov cocktail and lighter fluid. A gun may be a deadly weapon even if it is not operating.

When entering, while in the dwelling, or when fleeing, the defendant or an accomplice caused physical injury to anyone not participating in the crime; or, three, when entering, while in the dwelling, or when fleeing, the defendant or an accomplice used or threatened to use a dangerous object; or, four, when entering, while in the dwelling, or when fleeing, the defendant or an accomplice displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm.

The defendant is also charged with two counts of kidnapping; specifically kidnapping Whitney Renee Chance and Alexis Nicole Murray. The State must prove beyond a reasonable doubt that the defendant knowingly and unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried either or both of these persons without the authority of law.

To do a thing unlawfully is to do it willfully against the law. A person is said to act

knowingly if he or she is aware the result is practically certain to follow from his or her conduct whatever the desire may be as to that result.

Seize means to take hold of suddenly or forcibly. Confine means to limit, restrict or enclose within bounds, imprison, or shut or keep in. Inveigle means to lure, entice, or lead astray by false representations, promises, or other deceitful means. Decoy means to lure by or as if by decoy. Decoy is something to entice a person into a trap.

To kidnap is to remove a person against his or her will by unlawful force or by fraud. Abduct means to carry off secretly or by force for an illegal purposes. Carry away means to remove.

The State does not have to prove that the defendant did all of these things. Instead, if you find beyond a reasonable doubt that the defendant did any of these things, you may find the defendant guilty of kidnapping.

Something done without the authority of law is something which the law does not sanction, permit, allow, condone, or provide justification for. The kidnapping does not have to be for any

personal or monetary gain or for any illegal purposes, but may be for any reason whatsoever.

The defendant is also charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought.

Malice is hatred, ill-will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will interfere an evil intent.

Malice aforethought does not require that malice exists for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time the act is committed. Therefore, there must be a combination of previous evil intent and the act.

Malice aforethought may be express or inferred. These terms, express and inferred, do not mean different kinds of malice but merely the manner in which the malice may be shown to have existed. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill-will for another or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other acts of preparation going to show that the deed was within the defendant's mind would be express malice.

Malice may be inferred from conduct showing a total disregard for human life. If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be an evidentiary fact to be considered by you along with the other evidence in this case, and you may give it the weight that you decide it should receive.

If a crime is committed by two or more people who are acting together in committing a crime, the act of one is the act of all. A person who joins with another to commit an unlawful act is criminally responsible for everything done by the other person which happens as a probable or natural consequence of the acts done in carrying out the common plan and purpose.

For example, two people can be guilty

of killing another person when only one of the two had a gun, there was only one bullet, and only one of the two fired the shot that caused the death. If two or more people are together, acting together, assisting each other in committing the offense, the act of one is the act of all; or as sometimes it is called, the hand of one is the hand of all.

Prior knowledge that the crime is going to be committed without more is not sufficient to make a person guilty of that crime. Mere knowledge that another person is going to commit a crime, even if the defendant is present when the crime is committed, is not sufficient to convict the defendant as a principal.

Guilt of a principal is shown by actual or constructive presence at the scene as a result of prior arrangement. Therefore, a finding of a prior arranged plan or common scheme is necessary for a finding of guilt as a principal.

The State must prove beyond a reasonable doubt by competent evidence the theory of the hand of one is the hand of all. A principal in a crime is one who either actually commits the crime or who is present aiding, abetting, or

assisting in committing the crime.

When a person does an act in the presence of and with the assistance of another, the act is done by both.

Where two or more acting with a common plan or intent are present at the commission of the crime, it does not matter who actually commits the crime; all are guilty. The hand of one is the hand of all.

Present at the commission of a crime means to be sufficiently near to aid and abet and assist in the commission of the crime; however, mere presence at the scene of a crime is not sufficient to convict one as a principal under the theory of aiding and abetting.

Intent is also a necessary element for there to have been a common design or intent to commit the crime and the crime must have been committed pursuant thereto with the person aiding and abetting by some overt act.

Intent means intending the result which actually occurs, not accidently or involuntarily. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

The State must prove these elements beyond a reasonable doubt. Mere presence and prior knowledge that the crime is going to be committed without more is insufficient to constitute guilt. However, the presence at the scene of the crime by prearrangement to aid, encourage or abet in the preparation of the crime constitutes guilt as the principal.

If one intentionally kills another during the commission of a felony, the inference of malice may arise. If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be an evidentiary fact to be taken into consideration by you along with all the other evidence in this case, and you may give it the weight that you decide it should receive.

Under South Carolina law, burglary in the first degree, kidnapping, and criminal conspiracy are all classified as felonies. If you find that the State has failed to prove beyond a reasonable doubt that the defendant committed murder, you may consider whether the defendant has proved -- whether the State has proved beyond a reasonable doubt that the defendant committed

involuntary manslaughter.

To prove involuntary manslaughter, the State must prove beyond a reasonable doubt that the defendant unintentionally killed the victim without malice but while engaged in an unlawful activity not naturally tending to cause death or great bodily harm, or that the defendant unintentionally killed the victim without malice while engaged in the lawful activity with reckless disregard for the safety of others.

Unintentional means that the defendant did not intend for anyone to be killed or seriously injured. Reckless disregard for the safety of others is more than mere negligence or carelessness.

Mere negligence or carelessness is the failure to use the care that a person of ordinary reason would use under the same circumstances. Recklessness is a conscious failure to use ordinary care. Reckless disregard for the safety of others means that you are not interested in the consequences of your acts or the rights and safety of others.

A person who knows or should know that ordinary care requires that certain precautions be

taken for the safety of others when using a dangerous instrumentality such as a gun or a car, but that person fails to use those precautions without concern, the person's actions are considered reckless.

The State must prove beyond a reasonable doubt that the defendant's act was the proximate cause of death. A proximate cause is a direct cause, an immediate cause. It is the immediate cause. It is the efficient cause. It is that cause without which the death of the victim would not have resulted.

There must be a chain of causation from the time of the injury inflicted by the defendant until the time of the victim's death. Proximate cause does not necessarily mean that it occurred immediately prior to death.

Criminal conspiracy: The defendant is also charged with criminal conspiracy. The State must prove beyond a reasonable doubt that the defendant combined with one or more persons for the purpose of committing an unlawful act or committing a lawful act by unlawful means. There must be a mutual understanding, agreement, or common intention and plan.

Mere passive knowledge of or consent to the criminal conduct of another is not enough to make a person a conspirator. There must be guilty knowledge and participation.

Similarly, the mere fact that the defendant may have associated with another person or met with another person and discussed common aims and interests does not necessarily establish proof of the existence of a conspiracy or that the defendant was involved in a conspiracy.

On the other hand, it is not necessary that the agreement be a formal one, that it be in writing, or that the person holds a meeting and expressly state in terms of the common plan, or that the agreement be stated in words between them.

The agreement of a criminal conspiracy may come into being through an implied mutual understanding. The willful intentional and knowing adoption by two or more persons of a common plan is sufficient. No overt act needs to be shown to establish a conspiracy.

A conspiracy may be shown by circumstantial evidence and the conduct of the parties. In order to convict the defendant of conspiracy, the State must prove beyond a

reasonable doubt not only that the defendant knew of the unlawful conduct, but the defendant agreed to combine with the other persons for the purpose of accomplishing the unlawful conduct.

The defendant has raised the defense of coercion or duress. Coercion or duress is when a person makes another person commit a crime against someone else's person or property by the threat of immediate physical violence. The coercion or duress must be present, imminent, and of the type to create a well-grounded fear of death or serious bodily harm if the act was to be done.

The fear of injury must be reasonable coercion or duress is not a defense if there is any reasonable way other than committing the crime for the defendant to escape the threat of harm. The defendant must prove the offense of duress by a preponderance of the evidence.

If you find that the defendant was coerced into committing a crime, you must fine the defendant not guilty; however, coercion or duress is not a defense to murder.

An accused when charged with a crime has the right of proving his or her good character. He or she may introduce evidence of his or her good

character which is inconsistent with the crime charged against her.

Evidence of general good character of the accused is for the purpose of showing the improbability that the defendant would have committed the crime charged.

Good character of the accused is like all other evidence in this case and is entitled to such effect and weight as you, the jury, may determine.

Good character evidence alone may create a reasonable doubt as to the commission of the crime charged. Thus, under some circumstances a person might be entitled to a verdict of not guilty when her good reputation is taken into consideration, even though a verdict of guilty might be authorized without the evidence of good character.

Ladies and gentlemen of the jury, your verdict, of course, must be a unanimous one which, of course, means that all 12 of you must agree on the verdict. You will have all of the exhibits and the verdict form in the jury room with you.

Madam Forelady, this is the verdict form which you will be responsible for filling out.

It is rather self-explanatory. You go from one to the next, and it goes through each of the charges against the defendant as, again, you must consider each indictment separately.

And it, basically, goes through each one. As to the charge of burglary in the first degree, we, the jury, unanimously find the defendant -- and then you circle the appropriate verdict on each of the charges.

At the end of the form there will be a place for you to sign as jury foreperson and date the actual verdict form. You will also have the indictments with you in the courtroom -- I mean, in the jury room.

In the front of the indictment, each indictment, you see a portion where it says verdict. If you would write the jury's verdict, whether it's not guilt or guilty, and then sign and date it on each of the indictments as well.

When you have reached a verdict, if you would please knock on the door, we will bring you back in to receive your verdict. You will also have all of the exhibits in the jury room with you.

The only exhibit that you will not have is the actual firearm. I will keep that in the

court's custody. During the deliberations, if for some reason you need to look at it and to see the exhibit, I will be happy to make those arrangements for you, but it does remain in the court's custody during the trial of the case.

If you would please return to your jury room. Again, for the last time I would ask you not to begin your deliberations until you have all of the court's exhibits, the verdict form, and the indictments in case I forget to instruct you on anything, but once you receive all of that documentation, you may begin your deliberations.

(Jury Out, 11:53)

THE COURT: Any exceptions or objections to the charge on the law from the State or from the defense?

MR STEGALL: None from the State, Your Honor.

MR. LUCK: We just reiterate our previous exceptions.

THE COURT: And for the same reason, though, the charge is given --

MR. LUCK: Correct, Your Honor. They're on file with the court.

THE COURT: And the only thing I did

notice while we were reading, I didn't include the expert testimony charge, but I did charge the jury when the expert was qualified.

So unless you all want me to bring them back, I don't really think it's necessary to charge them on it.

MR. STEGALL: I don't think it's necessary, Your Honor.

MR. SMALDONE: The defense doesn't think so. There was no dispute as to her qualifications or anything like that.

THE COURT: All right. Just want to make sure. All right. If you-all would please get together and make sure we have all of the exhibits.

(Jury deliberating, 11:56 a.m.)

(Verdict, 2:56 p.m.)

THE COURT: We have a verdict. Before we bring the jury in, I assume we have a verdict, but also we had several questions during their deliberations which I will mark as court's exhibits and just list them for the record.

The first question -- or actually it was a note stating: I accidently circled the wrong verdict. Could I please have a new verdict form?

All parties were consulted, and it was

agreed to that a new verdict form was issued. And we will mark that as a court's exhibit. And they did send in the original verdict form, which was wrongfully marked.

The next question was, that they asked for a definition of inveigle, which all parties agreed for me to just write the definition of that on that actual question. So when they bring that back, we will mark that as a court's exhibit.

The third question was: Can we listen to the 911 call again? And they were provided with that.

Any objections to any of the answers or the handling of the questions by either party?

MR. STEGALL: None from the State, Your Honor.

MR. SMALDONE: And none from the defense, Your Honor.

THE COURT: All right. Anything further before we bring our jury out?

MR. STEGALL: No, Your Honor.

(Jury in, 2:58 p.m.)

THE COURT: Madam Forelady, has the jury reached a verdict?

FORELADY: Yes, we have, Your Honor.

THE COURT: Please hand it to the bailiff.

Everything appears in order. Madam Clerk, would you please publish the verdict?

THE CLERK: The State of South Carolina, County of Berkley, versus Gabrielle Davis-Kocsis.

Indictments 2016-GS-08-1951, 1953, 1955, 1957, and 1959. As to the charge of burglary in the first degree, we, the jury, unanimously find the defendant guilty.

As to the charge of kidnapping Whitney Renee Chance, we, the jury, unanimously find the defendant guilty.

As to the charge of kidnapping Alexis Nicole Murray, we, the jury, unanimously find the defendant guilty.

As to the charge of criminal conspiracy, we, the jury, unanimously find the defendant guilty.

As to the charge of murder, we, the jury, unanimously find the defendant guilty.

Ladies and gentlemen of the jury, if this is your verdict, please signify by raising your right hand.

(The jury raised their hands.)

THE CLERK: The record will reflect that all of the jurors have raised their right hand.

THE COURT: Thank you, ladies and gentlemen of the jury. If you would please return to your jury room one last time. I will be there shortly to release you.

(Jury out, 3:14 p.m.)

THE COURT: Counsel, anything before I release the jury?

MR. SMALDONE: No, Your Honor.

THE COURT: Please prepare the sentencing sheet.

MR. STEGALL: Jordan is going to get them now, Your Honor.

(Off-the-record discussion)

THE COURT: Apparently, the jury took some notes, I don't think that should be part of the record. It was left in the jury room; is that right?

THE COURT REPORTER: Yes, Your Honor.

THE COURT: Right. That's their own notes that they took while deliberating. I don't think it should be in the court's exhibit unless

anybody has an objection to that.

MR. SMALDONE: The defense doesn't.

MR. STEGALL: No objection, Your Honor.

THE COURT: Are you ready to proceed?

MR. STEGALL: The State's ready, Your Honor.

MR. SMALDONE: Yes, Your Honor.

THE COURT: Anything from the State?

MR. STEGALL: The victim's family and friends have been here all week; they do not wish to address Your Honor. The only thing I will say is you take Gabby Davis out of this equation, Mark Connor is still alive. We believe that. You know, therefore, I think she played a significant role in this case. I'm going to ask for life. And that's all, Your Honor.

THE COURT: From the defense?

MR. SMALDONE: Thank you, Your Honor.

May it please the Court. I've represented Ms. Davis for probably over two years now. She's always been very pleasant. She's always been pretty forthcoming with me, Your Honor, and I think she was even forthcoming in her testimony. It's just that even -- you know, even her testimony was in a sense a confession,

unfortunately, for me, but I appreciated her honesty.

Your Honor, this is a sad case about what happens when people get caught up in drugs and get caught up in poverty and people get caught up in that cycle. Ms. Davis has two kids; and we'd just ask the Court for as much mercy as you can show.

I hate to ask for something as high as 30 years, but I just think 30 years would be appropriate, Your Honor. It's important to note that the triggerman in this case, Matt Grainger, is serving a 30-year sentence.

Additionally, Your Honor, she has been incarcerated for what I calculate as 1120 days, 1120, and so we would ask Your Honor to give her -- give her credit for that.

THE COURT: Anything else?

MR. SMALDONE: Nothing.

THE COURT: Mr. Solicitor, I heard her criminal record briefly. Can you please go over her criminal history again?

MR. STEGALL: She has a 2001 shoplifting; 2010, FTC fraud, FTC theft, grand larceny; 2011, PWID marijuana. And it looks like

out of Charleston a 2015 shoplifting, FTC fraud, and FTC theft.

THE COURT: Ms. Davis, obviously, this is always a difficult portion of these proceedings, the sentencing. Especially someone still young, 38 is still young, and you have children.

I understand that although your record is not extensive, you do have a record, but the actions that led you to be here today, they are your own actions. You chose this lifestyle.

And it's certainly not a mitigation that you were high when this happened, because you chose this way of life.

We talked about a trap house. It sounded like that's what you were running as well; where you lived, you were providing drugs for people who lived there. It doesn't appear that you were just a user being taken advantage of by Mr. Griffin, but you were actively a participant also in getting others hooked on this horrible drug, and it's certainly lead to the death of the victim in this case.

On Indictment 2016-GS-08-1959, kidnapping, you are hereby committed to the State Department of Corrections for a period of 30 years.

That's concurrent to 2016-GS-08-1957, also for kidnapping, you are hereby committed to the State Department of Corrections for a period of 30 years. That's concurrent to 2016-GS-08-1955 for criminal conspiracy, you are hereby committed to the State Department of Corrections for a period of 5 years. And Indictment 2016-GS-08-1953, for burglary in the first degree, you are hereby comitted to the State Department of Corrections for a period of 50 years. That's concurrent to 2016-GS-08-1951, where you are hereby committed to the State Department of Corrections for a period of 50 years, that is for murder.

These are concurrent to each other and you do get credit for the time that you have served.

Thank you, Counsel.

MR. STEGALL: Thank you, Your Honor.

MR. SMALDONE: Thank you, Judge.

MR. LUCK: While we are still on the record, Your Honor, do you want us to make post-trial motions now or wait a few minutes and let them clear out?

THE COURT: It's up to you.

MR. LUCK: If you don't mind, give me a

few minutes to collect my thoughts.

THE COURT: We have a plea so you can take your time.

(There was a break in these proceedings, and the following was had.)

MR. LUCK: Thank you, Your Honor.

Very briefly, just for purposes of preservation. I, of course, need to make a motion for a new trial. I believe that -- at least, the defense believes that there was not requisite evidence to prove any sort of legal possession necessary to prove a burglary charge against the defendant.

This has been the same argument made at prior stages throughout this trial. So I won't -- I won't belabor that point based on the Singley case. That's S-I-N-G-L-E-Y.

Furthermore, I do not believe there was sufficient evidence to support a mens rea aspect of the kidnapping charge. Again, argument made prior levels as well.

Another argument that I would like to at least bring up, my reading of State v East, which is 353 S.C. 634, seems to indicate that you give -- if a jury is to convict a defendant of a

kidnapping that is incident to another crime, which is what we see here, there needs to be a specific charge to the jury telling them that there must be requisite intent to commit two separate offenses.

And that being -- if that's -- if my reading of that is correct, then that would mean that there should not be two convictions for kidnapping, considering there is also a burglary and a murder conviction as well.

And I think that all of those individually and in the aggregate would demand that a new trial be ordered.

MR. SMALDONE: Briefly, Your Honor, also not necessarily a legal matter, but somewhat of one, I would ask that the sentencing sheets denote that the kidnappings are not sexual in nature.

THE COURT: Yes, I should have done that. Let me double-check.

MR. SMALDONE: Thank you.

MR. LUCK: And the -- I'm sorry, the objection earlier to the jury charges, I would just like to reincorporate that. That was going back to the charge in the burglary.

And so for all of those reasons that I

had mentioned, I would ask for a new trial.

THE COURT: Solicitor.

MR. STEGALL: Your Honor, for all the reasons that we stated for the directed verdict motion and the reasons we stated in the charge conference, we would ask that you deny the motion.

THE COURT: Thank you, counsel.

For the same reasons as previously articulated, your motions are denied. I think there was certainly sufficient evidence to, A, let it go to the jury and sufficient evidence for the jury to come back with a verdict that they did.

As far as the requisite instructions, they are instructed throughout the jury instructions that they are to consider each offense separately and each element of each offense separately within the jury instructions.

So I think they received the adequate jury instructions on each of the charges, and we did have a charge conference. Other than the burglary language, which was denied, that you requested, I included.

All of the parties had no objections to the instructions either before or after the jury was charged, but your objection is noted at this

juncture and your motion for a new trial is respectfully denied.

MR. LUCK: Thank you.

MR. STEGALL: Thank you.

MS. SMITH: Thank you, Your Honor.

(These proceedings were was concluded at 3:43 p.m.)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF BERKELEY	)	NINTH JUDICIAL CIRCUIT
	)	
The State of South Carolina,	)	
	)	2016-GS-08-1951
Plaintiff,	)	2016-GS-08-1953
	)	2016-GS-08-1955
v.	)	2016-GS-08-1957
	)	2016-GS-08-1959
Gabrielle Olivia Lashane Davis-Kocsis,	)	
	)	**Memorandum Regarding Jury Charges**
Defendant.	)	
	)	

I. Defendant requests the following change to the murder charge.

Please remove the section of the charge discussing malice inferred from the use of a deadly weapon. State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009), holds that if evidence is presented that would reduce, mitigate, excuse, or justify a homicide, then juries shall not be given this charge. See also State v. Price, 400 S.C. 110, 126, 732 S.E.2d 652 (Ct.App. 2012) (Huff, J., dissenting) (examples of such evidence under Belcher). During trial, several witnesses have provided evidence in mitigation of the homicide at issue:

1) Defendant testified she has no prior convictions for violent crimes. See S.C. Code § 16-3-20(C)(b)(1)[1] ("The defendant has no significant history of prior criminal conviction involving the use of violence against another person.").
2) Defendant testified the persons who entered 512 McCrystal Circle on September 27, 2015, were under the influence of crystal methamphetamine. See S.C. Code § 16-3-20(C)(b)(2) ("The murder was committed while the defendant was under the influence of mental or emotional disturbance."); S.C. Code § 16-3-20(C)(b)(7) ("The age or mentality of the defendant at the time of the crime."); S.C. Code § 16-3-20(C)(b)(7) ("The capacity

[1] While S.C. Code § 16-3-20 sets forth statutory mitigating circumstances in death penalty cases, they are persuasive in this context.

of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.").

3) Defendant did not actually kill Mark Connor; the State contends she aided and abetted in his death. See S.C. Code § 16-3-20(C)(b)(4) ("The defendant was an accomplice in the murder committed by another person and his participation was relatively minor.").

4) Defendant and defense witness Curtis Jamison testified Defendant acted under duress from, and was under the domination of, Grayson Griffin. See S.C. Code § 16-3-20(C)(b)(5) ("The defendant acted under duress or under the domination of another person.").

5) Defendant and the State's witness Melissa Freeman testified Mark Granger's gun went off accidentally when he fell through a hole in the floor. See State v. Burriss, 334 S.C. 256, 513 S.E.2d 104 (1999) (accident, involuntary manslaughter).

As this Court has been presented with substantial evidence that reduces, mitigates, excuses, or justifies a homicide, any language regarding an inference of malice from the use of a deadly weapon must be removed from the murder charge in this trial.

II. Defendant requests the following change to the kidnapping charge.

Please make the following change, which adds a verbatim quote of current South Carolina law to the charge:

Remove

KNOWINGLY MEANS WITH KNOWLEDGE, CONSCIOUSLY, NOT ACCIDENTALLY.

Replace with

A person is said to act knowingly if he is aware that that result is practically certain to follow from his conduct, whatever his desire may be as to that result.

See Ralph King Anderson, Jr., South Carolina Requests to Charge – Criminal, 2012, § 2-10; State v. Jefferies, 316 S.C. 13, n.8, 446 S.E.2d 427, n.8 (1994) (quoting U.S. v. Bailey, 444 U.S. 394, 405 (1980)).

III. Defendant requests the following change to the burglary charge.

Please make the following change, which adds current South Carolina law to the charge:

Remove

IF A PERSON ENTERS A BUILDING BY USING DECEPTION, ARTIFICE, TRICK, OR MISREPRESENTATION TO GET CONSENT TO ENTER, THIS IS AN ENTRY WITHOUT CONSENT.

Replace with

The entry must be without consent. "Enters a dwelling without consent" means to enter "without the consent of the person in lawful possession." In addition to the normal meaning of entry without consent, the phrase also includes entering by using deception, artifice, trick or misrepresentation to gain consent to enter from the person in lawful possession.

A person in "lawful possession" has custody and control of, and the right and expectation to be safe and secure in, the dwelling in question.

See Ralph King Anderson, Jr., South Carolina Requests to Charge – Criminal, 2012, § 2-13(2); State v. Singley, 392 S.C. 270, 277, 709 S.E.2d 603, 606-7 (2011).

IV. Defendant requests a charge for the defense of coercion/duress.

The law to be charged to a jury is determined by the evidence presented at trial. State v. Todd, 290 S.C. 212, 349 S.E.2d 339 (1986). Defendant and defense witness Curtis Jamison testified Defendant acted under duress from, and was under the domination of, Grayson Griffin. Accordingly, Defendant requests a charge for "Coercion or Duress" in the form found in the bench book.

V. Defendant requests a charge for the lesser included offense of involuntary manslaughter.

Defendant and the State's witness Melissa Freeman testified Mark Granger's gun went off accidentally when he fell through a hole in the floor. Involuntary manslaughter is a lesser-included offense of murder, particularly in the circumstance of an accidental discharge of a firearm. E.g. State v. Light, 378 S.C. 641, 649, 664 S.E.2d 465, 469 (2008) ("[T]he fact petitioner and [the victim] were struggling over the weapon is sufficient evidence for submission of an involuntary manslaughter instruction to the jury."); State v. Patrick, 289 S.C. 301, 305-06, 345 S.E.2d 481, 483-84 (1986) (stating the appellant's testimony that "the victim, apparently thinking that the appellant was going to shoot him, grabbed the end of the barrel causing the gun to fire...constituted a sufficient ground for submitting the possible verdict of involuntary manslaughter to the jury"). "A trial judge **must** charge the jury on a lesser-included offense if there is **any** evidence from which it could be inferred that the defendant committed the lesser rather than the greater offense." Magazine v. State, 361 S.C. 610, 606 S.E.2d 761 (2004) (emphasis added) (citing Brightman v. State, 336 S.C. 348, 350-351, 520 S.E.2d 614, 615 (1999)). Because there exists any evidence[2] in the trial record from which the jury can infer involuntary manslaughter, it must be charged.

---

[2] Furthermore, there exists evidence supporting acquittal of the remaining charges:
(1) Defendant testified that there was no common design or plan necessary for a criminal conspiracy.
(2) There exists no evidence in the record supporting the allegation that Defendant entered 512 McCrystal Circle without the consent of the person in lawful possession of that building. See State v. Singley, 392 S.C. 270, 277, 709 S.E.2d 603, 606-7 (2011).
(3) Defendant testified that there was no criminal intent to kidnap Alexis Murray and Whitney Chance (i.e. the acts were not performed knowingly, but accidentally).

VI. Defendant requests the following charge on good character.

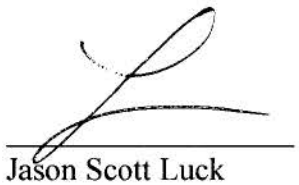
An accused, when charged with a crime, has the right of proving his or her general good character. He or she may introduce evidence of his good character which is inconsistent with the crime charged against him.

Evidence of the general good character of the accused is for the purpose of showing the improbability that the defendant would have committed the crime charged. The good character of the accused is like all other evidence in the case and is entitled to such effect and weight as you, the jury, may determine.

Good character evidence alone may create a reasonable doubt as to the commission of the crime charged. Thus, under some circumstances, a person might be entitled to a verdict of not guilty when his good reputation is taken into consideration even though a verdict of guilty might be authorized without the evidence of good character.

See State v. Green, 278 S.C. 239, 294 S.E.2d 335 (1982).

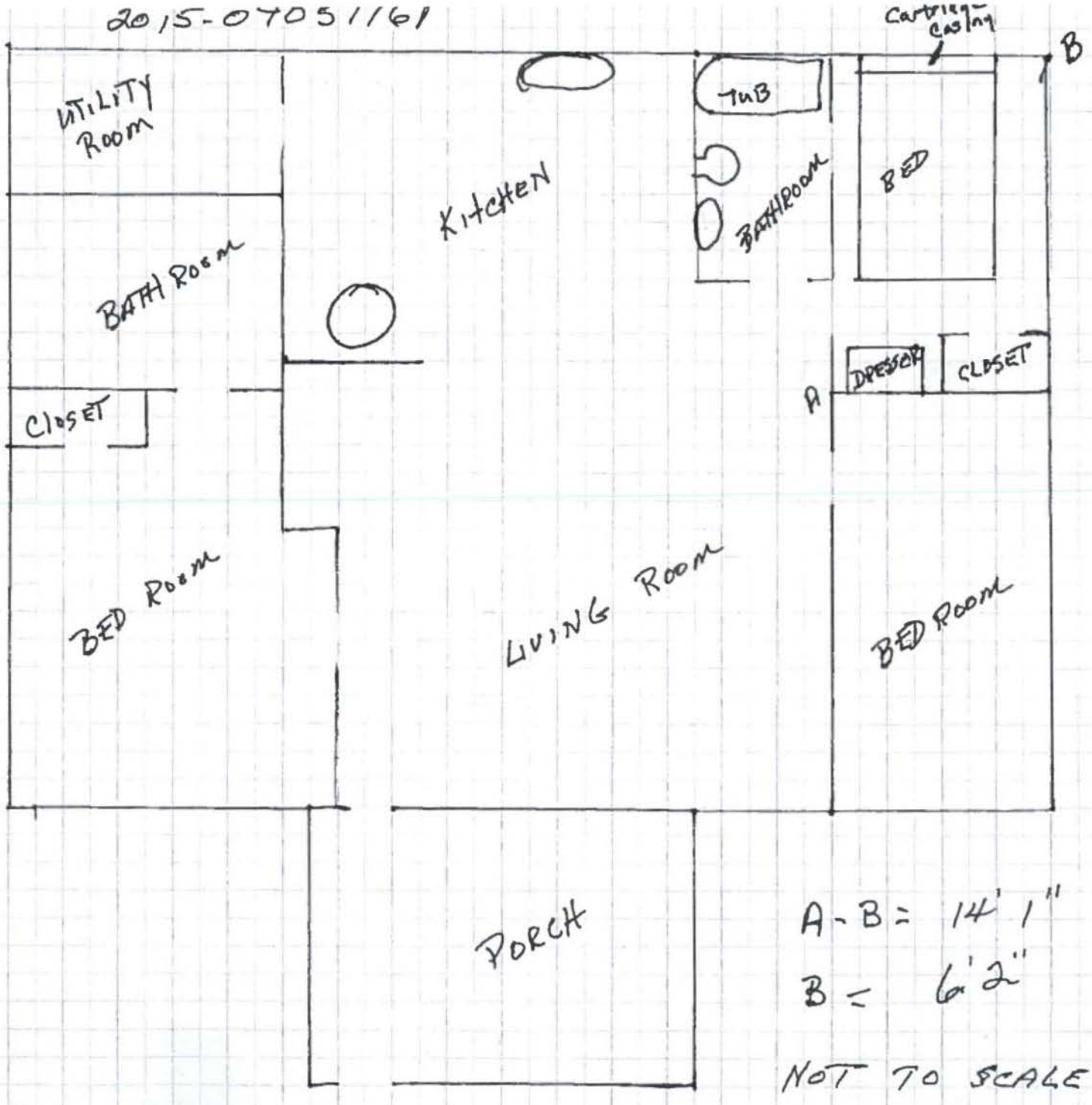
Dated: 04/10/2019



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2015-07051161
Cartridge Casing
B
UTILITY ROOM
TUB
KITCHEN
BATHROOM
BED
BATH ROOM
DRESSER
CLOSET
A
CLOSET
BED ROOM
LIVING ROOM
BED ROOM
PORCH
A-B = 14' 1"
B = 6' 2"
NOT TO SCALE


STATE'S
EXHIBIT
11
PENDAD 800-631-6989

15	Participants: 100000862337375 * * * Erica Haynes * * * 100010090720882 * * * Mark Connor * * * Identifier: ONE_TO_ONE:100010090720882:100000862337375 Source: Facebook Messenger Body file: chat-17.txt	Start Time: 8/27/2015 4:45:32 PM(UTC-4) Last Activity: 9/21/2015 7:40:13 PM(UTC-4) Number of attachments: 0	

9/21/2015 7:21:38 PM(UTC-4), 100000862337375 (Erica Haynes)
Oh gabby looking for you and wanting my help but I ain't even thinking about helping this bitch she dead on that shit

9/21/2015 7:40:13 PM(UTC-4), 100000862337375 (Erica Haynes)
Baby please let me know u good gabby putting a 7gram hit on u baby please be careful me love I bunches


STATE'S
EXHIBIT
19
PENDAD 800-631-6989

DBP/0315465
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2015-09057161

ARREST WARRANT NUMBER

2015A0810401147

DATE OF ARREST

03/17/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hadley 8-9-16
Foreperson of Grand Jury *Date:*

VERDICT

Guilty

Karen A Cole 4-10-19
Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-01951

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
W/F DOB: [redacted]

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

FILED
16 AUG -9 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened August 2016, the Grand Jurors of Berkeley County present upon their oath:

MURDER

That in Berkeley County, South Carolina on or about September 27, 2015, the defendant, Gabrielle Olivia Lashane Davis-Kocsis, with malice aforethought, did kill and murder Mark Connor by means of firearm, and Mark Connor did die in Berkeley County as a proximate result thereof on or about September 27, 2015; and/or defendant conspired with others to accomplish the same; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DANIEL B. POULOS
ASSISTANT SOLICITOR

DBP/0315465
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2015-09057161

ARREST WARRANT NUMBER

2015A0810401152

DATE OF ARREST

03/17/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hardy 8-9-16
Foreperson of Grand Jury *Date:*

VERDICT

Guilty

Karen A Cate 4-10-19
Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-01953

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
W/F DOB: [redacted]

Indictment for

BURGLARY FIRST DEGREE

SC Code: § 16-11-0311
CDR Code: 0079

FILED
16 AUG -9 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY S.C.

LJH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened August 2016, the Grand Jurors of Berkeley County present upon their oath:

BURGLARY FIRST DEGREE

That in Berkeley County, South Carolina on or about September 27, 2015, the Defendant Gabrielle Olivia Lashane Davis-Kocsis, did enter the dwelling of Rosemary Hoffberg without consent and with the intent to commit a crime therein. That, in addition, said entry or remaining occurred in the nighttime; and/or the defendant caused physical injury to a person who was not a participant in the crime; and/or the defendant displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; and/or the defendant used or threatened the use of a dangerous instrument; and/or the defendant was armed with a deadly weapon or explosive; and/or defendant conspired with others to accomplish the same; in violation of Section 16-11-311 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DANIEL B. POULOS
ASSISTANT SOLICITOR

DBP/0315465
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2015-09057161

ARREST WARRANT NUMBER

2015A0810401197

DATE OF ARREST

03/17/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Harley 8-9-16
Foreperson of Grand Jury *Date:*

VERDICT

Guilty

Karen A Cato 4-10-19
Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-01955

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
W/F DOB: [redacted]

Indictment for

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410
CDR Code: 0049

FILED
16 AUG -9 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened August 2016, the Grand Jurors of Berkeley County present upon their oath:

CRIMINAL CONSPIRACY

That in Berkeley County, South Carolina on or about September 27, 2015, the Defendant, Gabrielle Olivia Lashane Davis-Kocsis, did combine, conspire, confederate, agree or have tacit understanding with another or others for the purpose of accomplishing an unlawful object or a lawful object by unlawful means in violation of Section 16-17-410, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DANIEL B. POULOS
ASSISTANT SOLICITOR

DBP/0315465
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2015-09057161

ARREST WARRANT NUMBER

2015A0810401199

DATE OF ARREST

03/17/2016

ACTION OF GRAND JURY

True Bill

Christopher Harley 8-9-16
Foreperson of Grand Jury *Date:*

VERDICT

Guilty

Karen Daté 4-10-19
Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-01957

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
W/F DOB: [redacted]

Indictment for

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095

FILED
16 AUG -9 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

LH

LH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened August 2016, the Grand Jurors of Berkeley County present upon their oath:

KIDNAPPING

That in Berkeley County, South Carolina on or about September 27, 2015, the Defendant, Gabrielle Olivia Lashane Davis-Kocsis, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Alexis Nicole Murray, without authority of law; and/or defendant conspired with others to accomplish the same; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DANIEL B. POULOS
ASSISTANT SOLICITOR

DBP/0315465
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2015-09057161

ARREST WARRANT NUMBER

2015A0810401201

DATE OF ARREST

03/17/2016

ACTION OF GRAND JURY

True Bill

St. Augustine Hasty 8-9-16
Foreperson of Grand Jury *Date:*

VERDICT

Guilty

Karen Kate 4-10-19
Foreperson of Petit Jury *Date:*

DOCKET NO. 2016-GS-08-01959

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

AUGUST TERM 2016

THE STATE

VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
W/F DOB: [redacted]

Indictment for

KIDNAPPING

SC Code: § 16-03-0910
CDR Code: 0095

FILED
16 AUG -9 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened August 2016, the Grand Jurors of Berkeley County present upon their oath:

KIDNAPPING

That in Berkeley County, South Carolina on or about September 27, 2015, the Defendant, Gabrielle Olivia Lashane Davis-Kocsis, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Whitney Renee Chance, without authority of law; and/or defendant conspired with others to accomplish the same; all in violation of Section 16-3-910 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DANIEL B. POULOS
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS

STATE VS.
GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
AKA: Gabrielle Olivia Davis-Kocsis, Gabirelle Oliva Lashane Davis Kocsis
Race: White Non-Latino/Caucasian Sex: F
DOB: [redacted] SS#: [redacted]
Address: [redacted] Robin Wood Blvd.
City, State, Zip: Moncks Corner, SC 29461-3422
DL# [redacted] SID# SC01350530
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-08-01951
A/W: 2015A0810401147
Date of Offense: 09/27/2015

S.C. Code §: 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: **Murder**
In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Bart J. Stegall, Assistant Solicitor — 101867 SC Bar # — Defendant — Attorney for Defendant — 100410 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 50 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 04/10/19

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____
Total: $_____ plus 20% fee: _____ $_____
_____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Recipient: _____ Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____
$_____ Paid to Public Defender Fund
Other: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

FILED
APR 10 2019
LEAH DURRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC
CASE NO.

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/Deputy Clerk: L. Hill
Court Reporter: Denise Saunders

Presiding Judge: Marvin Kropf
Judge Code: 2164
Sentence Date: 4/10/19

SCCA/217 (04/2018)

514

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

STATE VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS

AKA: Gabrielle Olivia Davis-Kocsis, Gabirelle Oliva Lashane Davis Kocsis

Race: White Non-Latino/Caucasian Sex: F

DOB: [redacted] SS#: [redacted]

Address: [redacted] Robin Wood Blvd.

City, State, Zip: Moncks Corner, SC 29461-3422

DL# [redacted] SID# SC01350530

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-08-01953
A/W: 2015A0810401152
Date of Offense: 09/27/2015

S.C. Code §: 16-11-0311
CDR Code #: 0079

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: **Burglary First Degree**

In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Bart J. Stegall, Assistant Solicitor — 101867 SC Bar # | Defendant | Attorney for Defendant — 100410 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 04/10/19

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____

Total: $_____ plus 20% fee: _____ $_____ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____

$_____ Paid to Public Defender Fund

Other: _____

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

FILED
APR 10 2019
CASE NO
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/Deputy Clerk: L. Hill

Court Reporter: Denise Sanders

Presiding Judge: _____

Judge Code: 21ell

Sentence Date: 4/10/19

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS

STATE VS.
GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
AKA: Gabrielle Olivia Davis-Kocsis, Gabirelle Oliva Lashane Davis Kocsis
Race: White Non-Latino/Caucasian Sex: F
DOB: [redacted] SS#: [redacted]
Address: [redacted] Robin Wood Blvd.
City, State, Zip: Moncks Corner, SC 29461-3422
DL# [redacted] SID# SC01350530
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-08-01955
A/W: 2015A0810401197
Date of Offense: 09/27/2015

S.C. Code §: 16-17-0410
CDR Code #: 0049

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: **Criminal Conspiracy**
In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Bart J. Stegall, Assistant Solicitor — 101867 SC Bar # | Defendant | Attorney for Defendant — 100410 SC Bar #

WHEREFORE, the Defendant is committed to the ☐ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 04/10/19

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____
Total: $_____ plus 20% fee: _____ $_____ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Recipient: _____ Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

Fine may be pd. in equal consecutive weekly/monthly pmts. of $50 Beginning 4/10/19
$_____ Paid to Public Defender Fund
Other: _____

FILED
APR 10 2019
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC
CASE NO

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/Deputy Clerk: L. Hill
Court Reporter: Denise Zander

Presiding Judge: Kaite Kemp
Judge Code: 2104
Sentence Date: 4/10/19

SCCA/217 (04/2018)

KH

516

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

STATE VS.

GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS

AKA: Gabrielle Olivia Davis-Kocsis, Gabirelle Oliva Lashane Davis Kocsis

Race: White Non-Latino/Caucasian Sex: F

DOB: [redacted] SS#: [redacted]

Address: [redacted] Robin Wood Blvd.

City, State, Zip: Moncks Corner, SC 29461-3422

DL# [redacted] SID# SC01350530

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-08-01957
A/W: 2015A0810401199
Date of Offense: 09/27/2015

S.C. Code §: 16-03-0920
CDR Code #: 0017

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Kidnapping
In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Bart J. Stegall, Assistant Solicitor — 101867 SC Bar # — Defendant — Attorney for Defendant — 100410 SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 30 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 04/10/19

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____
Total: $_____ plus 20% fee: _____ $_____ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Recipient: _____ Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____
$_____ Paid to Public Defender Fund

Other: * NOT SEXUAL IN NATURE.

FILED APR 10 2019 LEAH GUERRY DUPREE CLERK OF COURT BERKELEY COUNTY, SC CASE NO.

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/Deputy Clerk: L. Hill
Court Reporter: Denise Lander

Presiding Judge: Hazel Kemp
Judge Code: 2144
Sentence Date: 4/10/19

SCCA/217 (04/2018)

AH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS

STATE VS.
GABRIELLE OLIVIA LASHANE DAVIS-KOCSIS
AKA: Gabrielle Olivia Davis-Kocsis, Gabirelle Oliva Lashane Davis Kocsis
Race: White Non-Latino/Caucasian Sex: F
DOB: [redacted] SS#: [redacted]
Address: [redacted] Robin Wood Blvd.
City, State, Zip: Moncks Corner, SC 29461-3422
DL# [redacted] SID# SC01350530

INDICTMENT/CASE#: 2016-GS-08-01959
A/W: 2015A0810401201
Date of Offense: 09/27/2015

S.C. Code §: 16-03-0920
CDR Code #: 0017

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Kidnapping
In violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or CSC w/minor 3rd) ☐ §17-25-45

The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Bart J. Stegall, Assistant Solicitor — 101867 SC Bar #
Defendant
Attorney for Defendant — 100410 SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Corrections** ☐ **County Detention Center,** for a determinate term of 30 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and or payment of $_____;plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 04/10/19
☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____
Total: $_____ plus 20% fee: _____ $_____
_____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED ☐

☐ Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____
May serve W/E beginning _____
Recipient: _____ Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____
$_____ Paid to Public Defender Fund
Other: # NOT equal in nature

*Fine: _____		$_____
§14-1-206 (Assessments 107.5%)		$_____
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$100.00
§14-1-211 (A)(2)(DUI Surcharge)	$100	$_____
§56-5-2995 (DUI Assessment)	$12	$_____
§56-1-286 (DUI Breath Test)	$25	$_____
Proviso (Public Def/Probation)	$500	$_____
§14-1-212 (Law Enforce. Funding)	$25	$25.00
§14-1-213 (Drug Court Surcharge)	$150	$_____
§50-21-114 (BUI Breath Test Fee)	$50	$_____
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3% to County (if paid in installments)	$	$3.75
TOTAL		$128.75

FILED
APR 10 2019
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC
CASE NO

☐ Appointed PD or appointed other counsel,
Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

~~Clerk of Court~~/Deputy Clerk: L. Hill
Court Reporter: Denise Sanders

Presiding Judge: Kaye Hughes
Judge Code: 2144
Sentence Date: 4/10/19

SCCA/217 (04/2018)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Jul 31 2020
SC Court of Appeals

s/*Susan B. Hackett*
Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 31st day of July, 2020.