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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMAL DEVONTAE COBURN,

APPELLANT.

APPELLATE CASE NO. 2020-001528

RECORD ON APPEAL

ADAM SINCLAIR RUFFIN
Appellate Defender

ALAN WILSON
Attorney General

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

ATTORNEY FOR APPELLANT

W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

S. RICK HUBBARD, III
Solicitor, Eleventh Judicial Circuit
205 East Main Street
Lexington, South Carolina 29072
(803) 785-8285

ATTORNEYS FOR RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

COURT’S EXHIBIT NO. 3 (CD-PHONE EXTRACTION)
COURT’S EXHIBIT NO. 6 (PHOTOGRAPH)
COURT’S EXHIBIT NO. 7 (NEWS 19 ARTICLE)
COURT’S EXHIBIT NO. 8 (PHOTOGRAPH)

1 MS. PATTERSON: No, sir, Your Honor, thank you.

2 THE COURT: Anything else?

3 MR. MYERS: No, sir, Your Honor.

4 THE COURT: There is evidence in the record from which
5 a jury could conclude that -- at this stage there's evidence
6 in the record in which the jury could find the defendant is
7 guilty of the offense of murder. There is no evidence of --
8 at this point of the purported victim having a gun at the
9 location. There are two different locations and two
10 different incidents even in the light most favorable to the
11 State. The mother and Mr. Anderson testified that the
12 defendant was unarmed. It's not my place to -- well, I know
13 the mother testified to that. Mr. Anderson testified
14 consistent with what the mother said, that Mr. Jamison was
15 trying to indicate to the defendant that they could solve
16 this without guns being involved. But there's ample
17 evidence in the record at this point. Self-defense. There
18 is no evidence of self-defense at this point. I understand
19 there may well be in a moment, but there's none now that I
20 can recall. The only evidence that I can remember in any
21 way that he might have a gun was that the mother testified
22 that there was a third gun on the ground, and you had the
23 evidence that he had a gun on his person at the prior
24 location. So the jury could infer that he still had the gun
25 on him and that that gun that was on the ground was

1 something that fell from him, or that he somewhat put it
2 there. I don't get to decide those issues, those are jury
3 issues. With regard to flight, I'm going to stick with the
4 ruling I previously made. So the motions are denied.

5 MR. MYERS: Thank you, Your Honor.

6 THE COURT: Mr. Coburn, I need to go over some things
7 with you now. I need your responses under oath, so would
8 you raise your right hand for me, please, sir?

9 (The defendant was sworn.)

10 THE COURT: Can you hear me all right?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Put your hand down. Mr. Coburn,
13 we've reached the stage of the trial where the State has
14 rested, and the next thing that would happen is that your
15 side would be given the opportunity to present evidence for
16 the jury to consider. He doesn't have to stand unless he
17 wants to. You understand where we are in the trial?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, you have no obligation to present any
20 evidence for the jury, you're presumed to be innocent and
21 I'm going to instruct that jury about that presumption. You
22 have no obligation to prove anything at all, the burden is
23 entirely on the State to prove you guilty beyond a
24 reasonable doubt. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 hear whatever evidence the defense has for today, and then
2 that will probably continue into Monday and we will go from
3 there. But I do think you're going to get the case on
4 Monday, if I had to guess right now that would be my guess.
5 Remember all of those instructions, remember the
6 admonitions, and if you'll follow the bailiff, please be
7 back at ten minutes until 2:00.

8 (The jury left the courtroom.)

9 THE COURT: All right. Don't leave until someone
10 instructs you that the jury is clear. Be careful not to
11 have contact with the jury, I need y'all back here at 20
12 minutes until 2:00.

13 (A lunch break was taken.)

14 THE COURT: Defense ready for the jury?

15 MR. MYERS: Yes, sir.

16 THE COURT: State ready for the jury?

17 MS. PATTERSON: Yes, sir.

18 THE COURT: Bring them up, please.

19 (The jury returned to the courtroom.)

20 THE COURT: Thank you very much, ladies and gentlemen.
21 We will continue with the trial. If the defense would call
22 its witness, please.

23 MR. MYERS: Thank you, Your Honor. May it please the
24 Court? We call Mikhelle Coburn.

25 The witness, MIKHELLE COBURN, was first duly sworn and

MIKHELLE COBURN - DIRECT

1 Testified as follows:

2 THE CLERK: Once you're seated, state your full name
3 spelling your last, please.

4 THE WITNESS: My name is Mikhelle Coburn, Coburn is
5 C-o-b-u-r-n.

6 DIRECT EXAMINATION

7 BY MR. MYERS:

8 Q Good afternoon, Mikhelle.

9 A Good afternoon.

10 Q Now, are you also known as Khelle for short?

11 A Yes.

12 Q You're going to have to talk a little louder, please.

13 A Yes.

14 Q How old are you?

15 A Twenty-six.

16 Q Where do you live?

17 A Richland County.

18 Q What do you do for a living?

19 A I work in the IT department at SCETV.

20 Q Now, did you grow up in Richland? You're from
21 Lexington County; is that right?

22 A Yes.

23 Q What high school?

24 A Airport.

25 Q You have a child.

MIKHELLE COBURN - DIRECT

- 1 A Yes. I have a two year old, his name is Osirus.
- 2 THE COURT: You've got to speak up, please, ma'am.
- 3 Q How long have you been with SCETV?
- 4 A For about three or four months now.
- 5 Q What did you do before that?
- 6 A Before that I was a -- I worked at a daycare.
- 7 Q What's the name of that daycare?
- 8 A Angel's Club CDC.
- 9 Q How long have you been at that daycare?
- 10 A About two or three years.
- 11 Q Now, explain to the jury your relationship to Jamal.
- 12 A So I'm Jamal's baby sister.
- 13 Q How many other brothers do you have?
- 14 A I have two other brothers.
- 15 Q What kind of relationship would you say you and Jamal
- 16 have?
- 17 A Jamal and I are really close. We grew up in the same
- 18 house all of my life, so we're really close.
- 19 Q Was he protective of you?
- 20 A Very. Very.
- 21 Q Did you confide things in him?
- 22 A Absolutely, yes.
- 23 Q Did he confide things in you?
- 24 A Yeah, definitely.
- 25 Q So the two of you growing up, y'all were pretty close?

MIKHELLE COBURN - DIRECT

1 A Yes, absolutely.

2 Q Now, Osirus' father, Mr. Jamison, how long did the two
3 of you date before --

4 A For about three years.

5 Q How did y'all meet?

6 A Kind of through social media. Kind of through social
7 media.

8 Q Not, at some point y'all started living together; is
9 that right?

10 A Right. Right.

11 Q When was that?

12 A So it was a little while. I was actually -- we had an
13 unfortunate living situation with my mom that happened while
14 I was in college, so I ended up living with my best friend
15 for a little while. But then they kind of got on her about
16 having someone else living with her, so that's when I in
17 turn started living with Corey and his mom.

18 Q When was that?

19 A That was back in maybe 2015.

20 Q Where was that?

21 A That was in (inaudible.)

22 Q Now, we've heard a lot of talk about the Riverbend
23 apartment.

24 A Right.

25 Q I'm going to hand you a document.

MIKHELLE COBURN - DIRECT

1 MR. MYERS: May I approach, Your Honor?

2 THE COURT: Yes, sir.

3 Q How about take a look at this, Mikhelle. Do you
4 recognize that?

5 A Yes. This is --

6 Q What is it?

7 A This is my lease.

8 Q This is a lease agreement with who?

9 A With the Riverbend Apartments.

10 Q Does this truly and accurately reflect the lease
11 agreement that you had with Riverbend?

12 A Yes.

13 Q And can you tell me when the start date of this lease
14 is?

15 A October 16, 2017.

16 Q When was it expected to end?

17 A October of 2018.

18 MR. MYERS: At this time, Your Honor, I would like to
19 move into evidence what has been previously marked as
20 Defense Exhibit 1.

21 MS. PATTERSON: No objection.

22 THE COURT: Mark 1 in evidence, please, sir.

23 (The lease was received as Defense 1.)

24 Q So is page one of the lease agreement, Mikhelle?

25 A Yes, that's the first page.

MIKHELLE COBURN - DIRECT

- 1 Q Page two?
- 2 A Yes sir.
- 3 Q Page three?
- 4 A Yes, sir.
- 5 Q Four?
- 6 A Yes, sir.
- 7 Q Five?
- 8 A Yes, sir.
- 9 Q Six?
- 10 A Yes, sir.
- 11 Q Now, whose signature is that under resident?
- 12 A That's my signature.
- 13 Q At the time you entered into this lease agreement, were
- 14 you the only resident at that apartment?
- 15 A I was. I was still pregnant with my son so it was just
- 16 me.
- 17 Q Now, did you -- who met with the management when you
- 18 entered into this lease agreement?
- 19 A I met with them. It was a Saturday, I went down by
- 20 myself to meet with them.
- 21 Q Were you working at that time?
- 22 A I was, I had two jobs. I was actually working at the
- 23 daycare still, and I was also working at Boys and Girls
- 24 Clubs of the Midlands.
- 25 Q Did you have to apply for credit or show credit before

MIKHELLE COBURN - DIRECT

1 you leased?

2 A Right, yeah.

3 Q Did you also have to show that you were gainfully
4 employed?

5 A Yes, I did. I have to show proof of income.

6 Q At that time you entered into that lease agreement, did
7 you tell them at all that somebody was going to be living
8 with you?

9 A No, I did not.

10 Q Did you ever authorize or go back into the lease
11 agreement or into the management and say that somebody was
12 going to come live with you?

13 A No, I didn't.

14 Q Now, Corey at the time, is it your testimony that he
15 was or was not living with you when you entered into that
16 lease agreement?

17 A So he wasn't living with me because he wasn't working
18 at the time, he'd already been laid off from UPS. So I told
19 him I doesn't have the money to come live with me, I'm not
20 going to pay for him to live with me.

21 Q Now -- so he wasn't working at UPS at the time, is that
22 what you said?

23 A No. He was already laid off by then.

24 Q Okay. Now Osirus, when was he born?

25 A Osirus was born [REDACTED] of 2017.

MIKHELLE COBURN - DIRECT

1 Q So after you entered into the lease agreement.

2 A Right.

3 Q And after you moved into the apartment.

4 A Right.

5 Q Now, did Corey come over?

6 A Yeah. He came over to see Osirus.

7 Q Explain to the jury how he came over and how often he
8 did and why.

9 A So Corey came over when it was time to either keep
10 Osirus or he just wanted to spend some time with his son,
11 that's it.

12 Q Did you do anything to stop him from seeing his son?

13 A No, not at all.

14 Q Did you do anything to impede him?

15 A No.

16 Q Did you give him a key to the apartment?

17 A I did because he was keeping my son at the time. So,
18 you know, he would help out with -- well, keeping him when I
19 couldn't afford daycare that week.

20 Q So talk about daycare. Did you get any sort of
21 benefits by working at daycare?

22 A So I got a discounted rate for Osirus working at the
23 daycare. So instead of the full rate they only charged me
24 \$80 a week for him.

25 Q How much would they have charged you had you not been

MIKHELLE COBURN - DIRECT

1 working there?

2 A Like 160.

3 Q And at the time -- you said you had two jobs at the
4 time?

5 A Yeah. So I was working at the daycare as well as Boys
6 and Girls Club.

7 Q So if you had daycare during this time, why was it
8 necessary for Corey to keep Osirus?

9 A So just when it wasn't in the budget that week, when it
10 was hard to afford. I know it was like \$80 but it was a lot
11 for me.

12 Q So seven days out of the week, how often would you say
13 Jamal -- or Corey came over to keep Osirus?

14 A Well, if I paid for it that week he didn't -- it wasn't
15 necessary that week, but he was still going to come see his
16 son throughout the week. So maybe two or three times a week
17 I would definitely see him and let him see his son.

18 Q Were you also talking to him over the telephone?

19 A Yeah. We would exchange text messages, call each
20 other.

21 Q You've heard testimony through this trial, I believe it
22 was through Ms. Paris Jamison, that you and Corey had broken
23 up at some point.

24 A Right. We did break up.

25 Q When was that?

MIKHELLE COBURN - DIRECT

1 A We broke up earlier in the year of 2018. There were
2 just some things we didn't agree on with his methods in
3 parenting and it led to us breaking up.

4 Q Even though y'all had broken up, would he still come
5 over?

6 A Yeah, he would still come over. I mean, I do have his
7 son, you know, I was not going to keep his son from him.

8 Q Was he spending the night?

9 A Sometimes he would spend the night, especially if I
10 need it. Because I left for work at 6:45 to be there at
11 7:00, so he would spend the night if I needed him to spend
12 the night to keep the baby.

13 Q His personal belongings. You heard some testimony that
14 there was a Play Station of some sort there. Did he have
15 any belongings there?

16 A Right. So he did have a gaming system there. He spent
17 the night, that's kind of what he would do to pass the time
18 while he was keeping the baby or whatever, but he kind of
19 took that Play Station wherever he went. It was a game.

20 Q As far as clothing, how about clothing?

21 A He had a few articles, you know. He would spend the
22 night from time to time.

23 Q Based on what you know, where else was he spending time
24 if he wasn't always there?

25 A So from what he told me he would be with his aunt or

MIKHELLE COBURN - DIRECT

1 his cousin or his mom, that's all I would know from what he
2 told me.

3 Q Now, I want to go now to August 24th, 2018 -- the night
4 before, August 23rd of 2018. Had Corey stayed the night
5 with you and Osirus?

6 A No. He wasn't needed that week, Osirus was in daycare
7 that week.

8 Q Now, you've heard testimony that you met Corey and his
9 mother at the BP; is that right?

10 A Right. So that was the following day.

11 Q That would have been on the 24th?

12 A Right.

13 Q Tell the jury how that came to be. Why did you have to
14 meet them at the BP?

15 A So earlier that day I had had a job interview in Chapin
16 at the -- okay, it's not called -- it's called Higher right
17 now but at the time it's called GIS, and they offered me the
18 job on the spot, I did really well in the interview. So I
19 was really excited. I returned to work to finish out my
20 shift, packed my baby up and we went to the BP to meet Corey
21 because we wanted to celebrate and talk about childcare
22 arrangements, because clearly I wouldn't be getting that
23 discount rate anymore not working at the daycare.

24 Q Which BP are you talking about?

25 A The BP right there on 321.

MIKHELLE COBURN - DIRECT

1 Q Mikhelle, I'm going to ask you to look at several
2 photographs, they have been previously marked as exhibit --
3 they're not in order -- Exhibits 2, 3, 4, 5, 6 and 7.
4 Starting with the lowest number, take a look at those and
5 let me know when you've had an opportunity.

6 (Break in proceedings.)

7 Q What are these photographs of? Well, let's take them
8 in order here, we've got to make sure we get them in. What
9 is this a photograph of?

10 A So that --

11 Q Actually do this, step down here for a second.

12 A Okay.

13 Q I'm having you look at Exhibit Number 2. Now, you say
14 this is the BP?

15 A Yes.

16 Q Now, is this a recent photograph?

17 A Well, no, this is not a BP anymore.

18 THE COURT: Is this in evidence?

19 Q Are these a true and accurate depiction of the BP at
20 the time back in --

21 A No, it's not at the time, not at the time.

22 Q Take a look at this one.

23 THE COURT: The reason I'm asking, you can't show it to
24 the jury unless you --

25 Q Take a step back up there real quick, we've got to go

MIKHELLE COBURN - DIRECT

1 through this formal process.

2 THE COURT: If there's no objection you can go ahead
3 and mark them.

4 MR. MYERS: They have been marked, Your Honor.

5 THE COURT: I mean mark them into evidence.

6 MS. PATTERSON: No objection, Your Honor.

7 THE COURT: Okay.

8 Q Now, these exhibits --

9 THE COURT: Wait a second. What numbers have you got
10 there, Mr. Myers?

11 MR. MYERS: I've got numbers 2 -- I've got 2, 3, 4, 5,
12 6 and 7.

13 THE COURT: Mark 2 through 7 as defense exhibits into
14 evidence, please.

15 (The photos were received as Defense 2-7.)

16 MR. MYERS: Thank you, Your Honor.

17 Q Come on down, Mikhelle.

18 THE COURT: All right. Would y'all do me a favor?

19 MR. MYERS: Yes, sir.

20 THE COURT: Would you let her stand on the other side
21 so she's facing the court reporter?

22 MR. MYERS: Yes, sir.

23 THE COURT: And speak loudly, please, ma'am, you've got
24 a soft voice.

25 THE WITNESS: Yes, sir.

MIKHELLE COBURN - DIRECT

1 BY MR. MYERS:

2 Q Mikhelle, you heard testimony earlier that Osirus was
3 actually with Corey and his mom at that --

4 A Right.

5 Q Is that true?

6 A No.

7 Q Now, go through -- tell the jury what Exhibit 4 shows?

8 A So this is just a picture of Osirus and I, we were
9 waiting -- well, not I, he's in the picture by himself. So
10 we were just waiting at that BP for Corey's mom to get there
11 with Corey. He's just sitting in the driver's seat with me
12 and I just snapped a picture.

13 Q What about number three?

14 A This is the Lloyds Wood entrance. It shows the gas
15 station over here from that angle from Lloyds Wood, the
16 entrance. And that's the neighborhood I pretty much lived
17 in growing up, so I'm definitely familiar with that.

18 THE COURT: Keep your voice up, now. You trailed off
19 at the end when you speak, you have a tendency to trail off
20 and talk softer. Keep your voice up, please.

21 THE WITNESS: Yes, sir.

22 THE COURT: You have got that plexiglass between you
23 and the court reporter and it blocks your voice, so speak
24 loudly, okay? There is also plexiglass between you and that
25 jury.

MIKHELLE COBURN - DIRECT

1 THE WITNESS: Yes, sir.

2 Q I'll hand you Number 5. What is that of?

3 A This is just another selfie of me and -- kind of me and
4 Osirus just sitting in the driver's -- just sitting in the
5 driver's seat waiting once again for Corey and his mom to
6 show up with Corey.

7 Q Now, these photographs, 6, 2 7. Are these photographs
8 of how that store looks today?

9 A Right. So this is a picture of the store today, like
10 how it is now. It's not a BP anymore, it's Circle K gas
11 now, but it was BP gas back then. And this is just a sign,
12 it's a new sign just -- the same set up right across from
13 Lloyds Wood right there. And this is the parking space we
14 were waiting in. So that's kind of how Osirus' picture had
15 the big sign in the background.

16 Q Okay. And just so that we're clear, Mikhelle, your
17 testimony is that Osirus and you were together the night
18 before; is that right?

19 A Yes, sir.

20 Q Were y'all together that morning?

21 A We were at daycare together.

22 Q So at anytime before you met Corey and his mother at
23 that BP gas station, was Osirus with them?

24 A No, he wasn't.

25 Q How long had you and Osirus waited at the BP before

MIKHELLE COBURN - DIRECT

1 they arrived?

2 A I don't remember. Maybe it was like 15 to 30 minutes,
3 I'm not 100 percent sure.

4 Q Who did you call before you and Osirus went to the BP
5 to make the arrangements?

6 A Corey to just let him know to meet us at the BP.

7 Q Tell the jury what happened when they arrived at the
8 BP.

9 A So they showed up, they got out of the car. Margie --
10 Ms. Schoultz, she let me know that Cliff had never met
11 Osirus and that he wanted to see Osirus, so they, you know,
12 greeted each other. And then once he was comfortable
13 enough, or felt like he had enough time with him, put him
14 back in the seat, talked a little more. And then -- well,
15 her and I talked a little more just about Osirus and Cliff
16 meeting, and then we all got -- well, Corey and I and Osirus
17 got into the car and they got into their car and we parted
18 ways.

19 Q What did y'all do after that?

20 A So after that we went back to my apartment because
21 Osirus needed more diapers, he didn't have a lot of diapers
22 left in his bag and I needed to grab my debit card because I
23 had to pay for the food. We went and grabbed diapers and my
24 card.

25 Q Now, if you and Corey were not together at the time,

MIKHELLE COBURN - DIRECT

1 what was the plan of spending the day together?

2 A So naturally I want to celebrate my new job, and then
3 also we want to talk about what we were going to do about
4 child care from this point.

5 Q Why was that important? Why was that a topic of
6 discussion?

7 A Because the daycare, it wasn't going to be discounted
8 anymore. I was comfortable with the daycare keeping my son,
9 but because I wouldn't be working there I wouldn't be
10 getting the discounted rate anymore.

11 Q All right. What did y'all do after you left the BP?

12 A After we left the BP we went back to my apartment to
13 get Osirus some diapers, milk and get my debit card.

14 Q What did y'all do then?

15 A After that, Corey asked me to take him to his cousin's
16 so he could buy something.

17 Q Y'all went to his house?

18 A His cousin's house, yeah.

19 Q What happened when you got there?

20 A So when we got there his cousin wasn't there. So as we
21 were leaving Corey called his cousin and his cousin was
22 like, "Just meet me right there at the Wendy's."

23 Q Which Wendy's is that?

24 A That's the Wendy's on Number 1 by the Big Lots.

25 Q How long were y'all there?

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1 A I can't remember how long we waited. And then also
2 once Corey bought whatever he was buying, he talked to them
3 a little longer, because it's his cousin so they were having
4 a little discussion after the fact. So I kind of just
5 pulled off to the side and checked my bank account at that
6 point, because I was just wondering where did he get the
7 money to buy what he bought.

8 Q What did you found out?

9 A So I found out that he actually got the money from my
10 account. So I saw the money was gone. We left -- he got
11 back in the car, we left from there, we got to Zaxby's, and
12 at the Zaxby's -- I didn't want to confront him until I
13 could verify what I was about to say. And I scrolled
14 through my statement to find out where the money left my
15 account, and the \$20 was withdrawn from my account at the
16 Knox Abbot location of First Citizens, which is my bank.
17 And I know I didn't do it, I know I didn't -- I didn't have
18 time to do it. And I told him -- I turned to him and I
19 said, "I know you took this money out of my account." So --
20 and then he kind of laughed, like whatever, and that's when
21 we proceeded to argue. Because the question was, you know,
22 "Why would you take this money out of my account knowing I
23 have bills to pay, knowing I have to take care of my son and
24 I?" But he just -- he didn't take it seriously. He didn't
25 take it seriously until I just told him I don't want him

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1 around us if he's not concerned about our wellbeing, like
2 where we're going to lay our heads, just to take money from
3 us for something to buy something so frivolous. So from
4 there -- from the Zaxby's I took him to his aunt's house. I
5 took him to his aunt's house --

6 Q Before we get there, Mikhelle, which Zaxby's did you
7 guys go to?

8 A So this was the Zaxby's on Number 1 as well.

9 Q Now, at any point did -- you heard testimony about Ms.
10 Schoultz giving you money. Is that true?

11 A No, she didn't give me money.

12 Q Did she often times pay for diapers?

13 A She would buy a pack like a grandmother would, buy a
14 pack or two.

15 Q Now, the discussion that you and Corey had, were y'all
16 yelling at each other or were y'all arguing?

17 A So he was loud, I was loud, you know. We tried not to
18 get loud in front of the baby, but he was loud and I was
19 loud. We were loud. We were yelling at each other.

20 Q Now, do you recall him ever calling his mom to have
21 someone come and get him?

22 A I don't remember him calling her. I don't remember him
23 calling her.

24 Q Now, you were going to talk about going to Cayce. Why
25 did y'all pick going to the aunt's house? Did you know he

MIKHELLE COBURN - DIRECT

1 had an event there?

2 A So yeah, I knew, you know, from talking to him earlier

3 that they were having a little cookout, and it really just

4 seemed like that's where he would rather be, so I took him

5 over there anyway. Because I didn't want him around me.

6 Like I just found out he took money out of my account, money

7 that I needed and money that my baby and I needed, and, you

8 know, I don't want to deal with him anymore at that point.

9 Q So tell the jury how things happened in Cayce.

10 A So once we showed up there it all happened pretty fast

11 honestly. He didn't want to get out of the car at first, so

12 I let him out. I let him out of the car.

13 Q How did you have to do that?

14 A Well, my door on my passenger side was broken so I had

15 to come over and like pry it up to open it. And so I --

16 when I let him out I said to him, I was like, "You can just

17 stay with your mom. I'm not coming back for you, you know,

18 you could just stay here." And he was fine with that. He

19 was fine with that. And then I got back in my car and I

20 rode up the street and I thought to myself, "I need my house

21 keys." So I came back for my house keys. And I asked him,

22 I said, "Can you give me my house keys? I don't want you

23 having my keys to my house." He told me he ain't giving me

24 shit, sorry, I mean, that's what he said. And I was like,

25 "I don't want you coming back to my house so give me my

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1 keys." And he wasn't having it. He continued to, you know,
2 cuss me out, tell me he's not giving me anything, he felt
3 like he didn't have to. So I left again. And once I got
4 down the street I was like I really don't want him coming in
5 my house, you know, 3:00 or 4:00 in the morning thinking
6 he's about to stay at my house, he's not because I don't
7 want him there. So at that point I rode back down the
8 street to get my keys, he didn't want to give them to me.
9 So I got out of my car, and I knew they were in his back
10 pocket, so when I went to reach for my keys out of his back
11 pocket he mushed my face, like he mushed me back to get me
12 off of him. So I went back to try to get my keys again,
13 went back to try to get my keys again and he grabbed me up
14 by my neck and pushed me back off of him.

15 Q Are you all right?

16 (Break in proceedings.)

17 A He pushed me back off of him. So I went back again to
18 try to get my keys, and this time he grabbed me up by my
19 neck and I grabbed his arm trying to pull his arm off my
20 neck, and then I grabbed his shirt with my other hand and he
21 let go of my neck but I wouldn't let go of his shirt because
22 I was still trying to get my keys out of my (sic) pocket.
23 So his mom was trying to get my hand off of his shirt, and
24 he told his mom, "Back up," and he flicked the lighter and
25 tried to hold the lighter up to my wrist.

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1 Q Take your time.

2 THE COURT: Let me know if you need to stop. Okay?

3 (Break in proceedings.)

4 A Yeah. So he held that lighter up to my wrist so I let
5 go. When I came back he punched me in my face. So I went
6 to try to get my keys again and he grabbed me up by my neck,
7 I had my hand on his hip or his waist, I pushed back off of
8 him and I went to my trunk. I went to my trunk, pulled out
9 my socket wrench out of my trunk and that's when he pulled
10 his gun out on me.

11 Q Now, the socket wrench, do you have a tool box in your
12 trunk, Mikhelle?

13 A Yeah.

14 Q At anytime during this time, Mikhelle, did anybody come
15 to assist or stop what was going on?

16 A His mama. When he pulled the gun his mama did step in
17 between us and she said, "Corey, this ain't like you." And
18 he said, "Bitch, my mama the only thing that's saving you
19 right now."

20 Q Mikhelle, do you think you would be able to recognize
21 that gun today?

22 A Yeah. He always carried it, yeah.

23 Q So your testimony is that before he pulled it out on
24 you, you had seen that gun before?

25 A Yeah, several times.

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1 Q Had he ever pulled it out on you before?

2 A No.

3 Q Mikhelle, in State's Exhibit 62 a gun has been entered
4 into evidence. It's all strapped down so I can't pull it
5 out, but is this the gun that Corey pulled on you?

6 A That's Corey's gun.

7 Q Now, is it true that he's left-handed?

8 A He is.

9 Q And you're sure that this is the gun that he pulled on
10 you.

11 A That's Corey's gun.

12 THE COURT: Speak up.

13 A That's Corey's gun.

14 Q Did he cock it?

15 A He did.

16 Q So would that explain why a round was in the chamber?

17 MS. PATTERSON: Objection, Your Honor. I'm not sure if
18 she can testify about guns.

19 THE COURT: Do you want to be heard?

20 MR. MYERS: No, sir, Judge.

21 THE COURT: Sustained.

22 Q Let me ask you this, are you sure he cycled a round?

23 A He did.

24 Q How far were you from Corey when he pulled that gun on
25 you?

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1 A Not far, like --

2 Q Well, step down, Mikhelle.

3 A (Witness complies.) He was more by the mailbox, I was
4 more in the driveway, so about this much space.

5 Q Where was Ms. Schoultz?

6 A She was in between, but more so where Corey was.

7 Q So if Corey -- when he put his hands on you, which hand
8 did he use to choke you?

9 A He uses his right hand to choke me.

10 Q So this hand?

11 A Uh-huh.

12 THE COURT: Can't hear her.

13 MR. MYERS: I'm sorry. You turn this way so that the
14 court reporter can hear you.

15 THE COURT: Jury has got to hear her, too.

16 Q So is your testimony that he put this hand on you?

17 A Yes, sir.

18 Q Where was his gun? Was it on the right side or left
19 side?

20 A Left side.

21 Q So before he put his hands on you, did he mush you?

22 A He choked me.

23 Q He choked you.

24 A Uh-huh.

25 Q And then what did he do after he choked you?

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1 A He choked me, and that's when I tried to get him off
2 me.

3 Q Okay. And then is it your testimony when you went and
4 got your tire iron, your car would have been back over
5 there?

6 A So my car was over here. So it was parked on the yard
7 on the road right here, not far.

8 Q And when he pulled that gun on you, did he pull it up
9 and point it at you?

10 A He cocked it first and then pointed it at me.

11 Q He pointed it at you. What part of your body did he
12 point it at you?

13 A My face.

14 Q At your head?

15 A In my face.

16 Q How did that make you feel?

17 A I was scared.

18 Q Prior to him pulling that gun on you, Mikhelle, had
19 anybody ever pulled a gun on you before?

20 A No, sir.

21 Q You said you were scared. Were you -- did you have any
22 other emotions going on?

23 A I was scared and I was shocked.

24 Q What did you do?

25 A I was scared and I was shocked. I backed down, I got

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1 in my car, I called my brother -- I called my brother and I
2 told him what happened.

3 Q And your brother, you mean Jamal?

4 A Yes, sir.

5 Q Did he pick up the first time you called?

6 A Yes, sir.

7 Q What did you tell him?

8 A I told him Corey just punched me in my face and pointed
9 a gun at me and I was scared, I needed him to come and help
10 me get out of there.

11 Q Where exactly did you tell him to come?

12 A To help me get out of my apartment.

13 Q Did you at any way tell him to meet you on Charlotte
14 Street?

15 A No, sir.

16 Q Now, as a result what Corey did to you, did you suffer
17 any bruises?

18 A Yes, sir.

19 Q Mikhelle, I'm going to hand you what has been
20 previously marked as Defense Exhibits 8, 9, 10, 12, and 13.
21 Do you recognize these photographs?

22 A Yes, sir.

23 Q What are they?

24 A These are pictures of the bruises and my busted lip.

25 Q Now, do these photographs truly and accurately depict

MIKHELLE COBURN - DIRECT

1 the bruises that you sustained on that day?

2 A Yes, sir.

3 Q Are these bruises caused, or were they caused by Corey
4 Jamison?

5 A They were.

6 Q Who actually took these photographs of you?

7 A My dad.

8 Q We'll get into how he came to do that, but were they
9 taken on the same day?

10 A The day after.

11 Q So can you see that?

12 A Yes, sir.

13 THE COURT: Are they in evidence?

14 MR. MYERS: Yes, sir.

15 MS. PATTERSON: No objection, Your Honor.

16 THE COURT: What numbers are they?

17 MR. MYERS: 8, 9, 10, 11, 12 and 13.

18 THE COURT: Mark 8 through 13 in evidence, please.

19 (The photos were received as Defense 8-13.)

20 Q Mikhelle, Number 8, can you explain or take the jury
21 through what this shows?

22 A So it shows -- well, the reason my mouth is open
23 because it's showing how when he hit me in my face the
24 inside of my lip, it hit my tooth and then it busted on my
25 lip. It is swollen on the inside of my lip.

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1 Q Exhibit 11.

2 A It's the same there as well.

3 Q Well, how about come down, I want to make sure that
4 you're showing -- the jury sees what you're talking about.

5 A So the inside of my lip here where it's red is where it
6 was busted.

7 Q Defense Exhibit 10, what is that?

8 A So this shows the scrape on my lip as well as just
9 swelling in my face.

10 Q 13?

11 A This is the bruising on my neck from where he grabbed
12 me around my neck.

13 Q 12?

14 A And the same, it's bruising as well as a scratch.

15 Q And 9.

16 A Just overall swelling of my face, just redness.

17 Q Now, you can have a seat. And you said your dad
18 actually took those photographs of you?

19 A Yes, sir.

20 Q So going back to when you called Jamal -- well, before
21 we get there, there was testimony earlier about you sending
22 Ms. Schoultz a text message. Do you recall that?

23 A Right. I remember sending her the text.

24 Q Why did you send her the text?

25 A So the text was just to let her know that her things

MIKHELLE COBURN - DIRECT

1 were still in my living room, like Osirus and I were about
2 to leave. She was more than welcome to come -- because
3 Corey had a key, so she was more than welcome to come and
4 get her stuff but Osirus and I will not be there.

5 Q Did she respond back to that text message?

6 A She didn't, no.

7 Q There was also mention of a photograph of Corey and
8 Osirus that you sent. Do you recall that testimony?

9 A Right. I remember sending them the photograph as well.
10 So when -- after Corey pulled that gun on me -- after he
11 pulled that gun on me I didn't want him around me. I didn't
12 want to deal with him. I didn't want any parts of him being
13 in my space. So the only picture I had of him was that
14 picture of him and Osirus, and I was going to delete the
15 picture because I didn't want him in my phone. So I sent it
16 to his mom because, of course, she would appreciate it. I
17 don't want it.

18 Q Were you doing that in any way to entice them to come
19 over?

20 A No, not at all.

21 Q Were you doing that in any way to pick on them at all?

22 A No.

23 Q Did she ever respond back to your text message?

24 A No.

25 Q Did she ever call you?

MIKHELLE COBURN - DIRECT

1 A She didn't.

2 Q Did Corey ever try and call you?

3 A No.

4 Q Did anyone from Charlotte Street ever call you and want
5 to talk to you to make sure you were okay?

6 A No, sir.

7 Q So when you called Jamal, what did he say, if anything?

8 A That he was on the way. He was going to come help me
9 get my stuff.

10 Q When you called Jamal, what was the sole purpose and
11 reason for calling him?

12 A So he can come help me get my stuff and leave. I was
13 scared that Corey was coming back and I wanted him to come
14 help me get out.

15 Q Now, how long did it take you to get from Charlotte
16 Street to your apartment?

17 A Not long, maybe eight minutes. Not long.

18 Q What did you do when you got there?

19 A When I got there I started -- I got my baby out of the
20 car, went inside, started gathering my things. I sent the
21 text message, I sent the picture. I was going through my
22 phone cleaning -- getting all of his text messages out of my
23 phone, his pictures. And I was just gathering my clothes
24 and everything.

25 Q And at some point did Jamal show up?

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1 A He did. So he called me first. He called me first and
2 told me he was around the corner and he was a little lost,
3 but I guided him to my apartment.

4 Q Had he ever been there before?

5 A No, he hadn't.

6 Q So what happened when he got to -- where were you when
7 he arrived?

8 A When I arrived -- I met him out front, so I was
9 standing on the sidewalk waiting for him to pull in.

10 Q What happened when he pulled in?

11 A I directed him into the first parking space, because it
12 was just supposed to be quick, he was going to come in and
13 help me get my stuff. He had stepped out of the car
14 partially and we were talking just about, you know, what
15 brothers and sisters talk about, "Hey, what's going on, I
16 miss you," things like that. And he was partially in and
17 partially out of the car. I was going to let him know to
18 just come on in because the baby is inside. So the baby was
19 asleep inside and I didn't want to leave him in there by
20 himself too long.

21 Q All right. Now, I'm going to show you State's Exhibit
22 24 on the screen. Do you recall which parking spot Jamal
23 pulled in to?

24 A In that first parking spot.

25 Q Would that be it?

MIKHELLE COBURN - DIRECT

- 1 A Yes, sir.
- 2 Q Now, he parked there. Is it your testimony that you
3 told him to pull in there?
- 4 A Yeah, I did.
- 5 Q Where were you parked?
- 6 A I was parked in the third spot.
- 7 Q Right there?
- 8 A Yes, sir.
- 9 Q Now, did you know -- did you see anybody with Jamal?
- 10 A There was one other person.
- 11 Q Prior to that night, did you see him before?
- 12 A No, I don't know him.
- 13 Q Did he even introduce himself to you?
- 14 A He didn't.
- 15 Q Did Jamal even tell you who he was?
- 16 A No, he didn't. He didn't introduce him to me.
- 17 Q And at some point we know that Ms. Schoultz pulled up;
18 is that right?
- 19 A Right. So it wasn't a big window, they pulled up like
20 literally back to back. So Jamal pulled in, we spoke
21 briefly and they pulled in really fast. So they pulled in
22 really fast, and they pulled in right behind Jamal.
- 23 Q Now, where were their headlights pointed?
- 24 A Towards us.
- 25 Q Did you immediately recognize them?

MIKHELLE COBURN - DIRECT

1 A I did. I recognized her car immediately.

2 Q What, if anything, did you say when you saw that truck?

3 A "Oh my gosh, there go Corey."

4 Q Where was Jamal at that time?

5 A In front of me standing in -- like partially in,
6 partially out of his car.

7 Q Was the door open?

8 A Yeah.

9 Q Prior to that time, did Jamal express any sort of
10 hatred or ill will toward Corey?

11 A No.

12 Q Had the two of you contemplated doing anything to
13 Corey?

14 A No.

15 Q Were you expecting Corey to show up there?

16 A No, absolutely not.

17 Q To your knowledge, did Jamal even expect him to show up
18 there?

19 A No, we didn't expect him.

20 Q Did Jamal tell you that if he didn't show up that he
21 was going to go out looking for him?

22 A No.

23 Q Now, what happened when they pulled up? Did they
24 appear to be coming in peace?

25 A So when they pulled up -- when they pulled up Corey

MIKHELLE COBURN - DIRECT

1 like got out of the car really fast. Corey got out of the
2 car really fast. Corey got out of the car really fast and
3 basically was like gunning for us headed straight towards me
4 and Jamal.

5 Q What happened?

6 A When he was coming towards us my brother turned around
7 and I ran inside because I was scared.

8 Q Did you hear anything between Corey and Jamal?

9 A I didn't hear no exchange. I didn't hear no words
10 exchanged.

11 Q Now, when you were talking to Jamal, was he acting
12 concerned for you?

13 A Absolutely.

14 Q And when you ran inside, what happened?

15 A When I ran inside I was gathering my things, like I was
16 ready to go out of my back window, like I was scared. I
17 didn't want him to get to me. I didn't want him to get to
18 my baby. And I heard Corey's mama screaming, and I was just
19 getting my stuff together because I was ready to just leave,
20 like ready to go. And I heard her screaming. I looked out
21 the door and Corey was still running towards my door, like
22 my front door.

23 Q Take your time. Did he ever come inside?

24 A He didn't make it inside. He didn't make it inside.

25 He was running towards my front door, so I closed it and I

MIKHELLE COBURN - DIRECT

1 locked it. I was scared. That's when I heard the shots and
2 I just balled, I just froze.

3 Q How long do you think you were inside your apartment,
4 Mikhelle?

5 A I don't remember. Everything just happened --

6 Q Do you recall how many shots you heard?

7 A Maybe like three. I don't remember.

8 Q What did you do when you came out of your apartment?

9 A When I came out my intention was to see what happened.
10 I saw my brother pulling off. When I was coming out I
11 couldn't even make it out the door, I was going to my car
12 and Corey's mom came at me yelling, and she was, "Khelle,
13 I'm gone beat your ass." So I was scared. I jumped in my
14 car and I locked my doors, I locked my doors and I went to
15 back out, she was coming around so I stepped on my brakes so
16 I wouldn't hit her, she was behind me car. She got to the
17 side of my car and she was pulling on my door handle and
18 banging on my window, so I backed out and I left. I got out
19 of there.

20 Q Now, was Margie using any other sort of walking
21 assistance? Was she using a cane or a walker?

22 A No.

23 Q Did you see Jamal when you came out?

24 A No, he was already leaving.

25 Q Did you see Mr. Anderson?

MIKHELLE COBURN - DIRECT

1 A I wasn't even looking for him, I was just concerned
2 about her not getting to me.

3 Q What did you do when you left?

4 A When I left -- when I pulled out and I left I went to
5 my best friend's house.

6 Q Who was that.

7 A Cedasia.

8 Q Why did you go there? What is Cedasia's last name?

9 A Cedasia McQueen.

10 Q Why did you go there?

11 A Because I needed to use her car and I wanted her to
12 keep my baby.

13 Q Why did you want to use her car?

14 A My car was just run down, it was really like raggedy.
15 So my intention was to go to my dad's and I knew my car
16 couldn't make it and her car could, so I went to use her car
17 and I left my baby with her.

18 Q So what relationship, if any, did Cedasia have to
19 Osirus?

20 A She's his godmother.

21 Q How long were you at her house?

22 A Not long, maybe like two to three minutes.

23 Q Did you tell her anything about what happened?

24 A No, I didn't tell her anything. I just used her phone
25 to call my dad, and I grabbed her keys and I gave her the

MIKHELLE COBURN - DIRECT

1 baby and his bag and I left.

2 Q Where did you go after that?

3 A I went to my dad's house.

4 Q What's your dad's name?

5 A Michael Frierson.

6 Q Where does he live?

7 A He lives in Sumter; Sumter, South Carolina.

8 Q What did you do when you got there?

9 A So when I came in -- I didn't tell him why I was coming
10 because -- I didn't tell him why I was coming. I came in
11 and he we went into his front room, he turned on the light
12 and he said, "What happened to your face? Did Corey do
13 that?" And I told him, "Yeah." And then I told him that
14 Corey beat me up, he pulled his gun out on me, he pulled his
15 gun out on me, and him and Jamal got into it and I don't
16 know what happened.

17 Q What did you do after you told him that?

18 A And after that he said -- he told me I needed to go
19 talk to the police. I needed to go talk to the police.

20 Q Is that when you came back?

21 A Right.

22 Q So you went back to Riverbend. Was the police on scene
23 at that point?

24 A They were.

25 Q About what time did you arrive back at the apartment?

MIKHELLE COBURN - DIRECT

1 A I don't remember what time it was. I know it was
2 really late.

3 Q Were you by yourself?

4 A I wasn't by myself, my dad drove me back.

5 Q So you and your dad were together?

6 A Me, my dad and my step-mom.

7 Q Did he tell you to talk to law enforcement?

8 A He did, he told me to talk to them.

9 Q Did you try to?

10 A Did I try to?

11 Q Did you actually talk with them that night?

12 A I did. I got in the car and I talked to them.

13 Q Did you tell them what had happened?

14 A I did. I told them everything that had happened. I
15 talked to them, I told them what happened. They went on to
16 ask me about my baby. I was scared they were going to take
17 my baby so I got flustered like because I was worried, like,
18 "Why do y'all want to know the whereabouts of my baby?" And
19 then he kind of -- it was -- one of detectives, he got out
20 of the car with some type of urgency to let everybody know
21 where my baby was, so I was like, "Don't take my baby," I
22 was scared. I was scared. And he retried to ask me more
23 questions after but I didn't want to answer anymore
24 questions because I just didn't to -- I just didn't want
25 them to try to go get my baby.

MIKHELLE COBURN - DIRECT

1 Q How many detectives were in the car when you spoke to
2 them?

3 A It was two. It was two.

4 Q Was your dad allowed to be there with you?

5 A No. He asked but they told him, no. They told him no.

6 Q Now, you had another conversation or interview with law
7 enforcement; is that right?

8 A Yes, sir.

9 Q Where was that?

10 A That was at the -- that's down here at the Lexington
11 County, like -- it was at the sheriff's department.

12 Q It was at the sheriff's department, over by the jail?

13 A Yeah. By the jail, yes.

14 Q What, if anything, did you tell them then?

15 A I tried to give them everything again. But at that
16 point I knew what happened to Corey and it just -- it was
17 just too much so I didn't get anywhere.

18 Q Now Mikhelle, I'm almost done. But in any way do you
19 think that Jamal was looking for a reason to hurt Corey?

20 A No. No.

21 Q Had Corey not shown up that night, would you have taken
22 any other steps along with Jamal to try and hurt Corey?

23 A No.

24 Q When Corey came out of that car, did he look as if he
25 had intent to do some harm?

MIKHELLE COBURN - DIRECT

1 THE COURT: Can't hear you, Mr. Myers, speak up,
2 please.

3 Q When Corey got out of that car, did he appear to be
4 angry?

5 A He did.

6 Q Did he appear as if he was going to do harm?

7 A He did.

8 Q Had Jamal not been there, do you think he would have
9 done you harm?

10 MS. PATTERSON: Objection, Your Honor, calls for
11 speculation.

12 THE COURT: Do you want to be heard?

13 MR. MYERS: No, sir, Your Honor, thank you.

14 THE COURT: Sustained.

15 Q So when you saw Jamal -- or you saw Corey coming out of
16 the car, did you see any other individual?

17 A His mom was in the car with him along with Cliff, but
18 they were in the car.

19 MR. MYERS: Beg the Court's indulgence.

20 (Break in proceedings.)

21 Q Now Mikhelle, there was mention of a 225 second
22 conversation between you and Jamal. Do you remember that?

23 A That was when I was -- I'm assuming that's when I
24 guided him to my apartment.

25 Q When you talked to Jamal, were you crying?

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1 A At the point when I was guiding him to my apartment,
2 no.

3 Q Before you got into your apartment, were you crying?

4 A Yeah. My first initial phone call to him I was crying.

5 Q Are you sorry about what happened that night, Mikhelle?

6 A Yes, sir.

7 Q How is Osirus doing today?

8 A My baby is great, he's thriving.

9 Q Do you have any permanent intent on keeping Osirus from
10 Corey's family?

11 A I just honestly feel that they're not concerned about
12 me and they're not concerned about him, so --

13 Q Has anyone from his side tried to reach out to you
14 since this?

15 A No, sir.

16 Q Now, you testified in our case, but has law enforcement
17 or the State at all tried to reach out to you since this
18 incident occurred?

19 A No, sir.

20 Q If they had, would you have spoken with them?

21 A Yes, absolutely.

22 Q If they would have put you under subpoena, would you
23 have come to court to testify?

24 A Yes, sir.

25 Q Would your story have been any different than what you

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1 said today?

2 A No, sir.

3 MR. MYERS: Thank you. No further questions, Your
4 Honor.

5 THE COURT: Cross?

6 CROSS EXAMINATION

7 BY MS. PATTERSON:

8 Q Mikhelle, you've been in this courtroom all week,
9 haven't you?

10 A Yes, ma'am.

11 Q And you've been sitting back here with your family,
12 haven't you?

13 A Yes, ma'am.

14 Q You've been sitting here with your mom, right?

15 A Yes, ma'am.

16 Q Your grandmom?

17 A Yes, ma'am.

18 Q Now you're here with your dad?

19 A Yes, ma'am.

20 Q And other family members, right?

21 A Yes, ma'am.

22 Q So you've heard all of the testimony that has come from
23 that stand this week, haven't you?

24 A Yes, ma'am.

25 Q And didn't you send word to me that you would talk to

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1 me only if you had your brother's attorney there, right?

2 A No, ma'am.

3 Q You didn't tell Mr. Myers that you would talk to me
4 only if he was present?

5 A I don't recall Mr. Myers asking me to talk to you.

6 Q Now, let's just talk a little bit about you and Corey's
7 relationship. Y'all dated for three years, didn't you?

8 A Yes, ma'am.

9 Q And two of those three years you lived with his mom,
10 Margie Schoultz, didn't you?

11 A About two years, yes, ma'am.

12 Q Out in Hopkins, correct?

13 A Yes, ma'am.

14 Q And part of this time you were pregnant with Osirus,
15 right?

16 A Part of it.

17 Q And she helped support y'all, didn't she?

18 A What do you mean by that?

19 THE COURT: I'm having trouble hearing you. That thing
20 is -- the air conditioner vent is extremely loud, it always
21 has been, it's hard to hear. Can you get closer to that
22 microphone and speak loudly, please? Ask your question.

23 MS. PATTERSON: Me or her? I can get over here, Your
24 Honor.

25 THE COURT: I'm not having trouble hearing you, I'm

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1 having trouble hearing her. But you can stand wherever you
2 would like.

3 MS. PATTERSON: Okay.

4 Q And did you help pay -- you didn't help pay any bills
5 at Margie's house, did you?

6 A No, ma'am.

7 Q And so all of the sudden now you signed a lease to live
8 at Riverbend Apartments, correct?

9 A Yes, ma'am.

10 Q And this was after -- two years after you lived with
11 Corey's mom, right?

12 A Yes, ma'am.

13 Q And you decided to move out on your own, is that what
14 you're saying today?

15 A Yes, ma'am.

16 Q And you told him he couldn't come and live with you, is
17 that what you're saying today?

18 A Yes, ma'am.

19 Q After you had lived with him and his family for two
20 years; is that right?

21 A Yes, ma'am.

22 Q And you said you signed this lease, correct? And I'm
23 going to give you the lease and just ask that you follow
24 along. And your name is the only name on that lease,
25 correct?

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1 A Yes, ma'am.

2 Q But isn't it true you were getting government
3 assistance, right?

4 A Yes, ma'am.

5 Q And if you had put Corey's name on that lease, this
6 might have disqualified you for some benefits, wouldn't it?

7 A No, ma'am.

8 Q It would not have?

9 A No, ma'am.

10 Q And they issued you two keys, correct --

11 A Yes, ma'am.

12 Q -- according to that lease. And one of those keys you
13 gave to Corey, didn't you?

14 A Yes, ma'am.

15 Q And you gave it to Corey because y'all were living
16 together, weren't you?

17 A No, we weren't living together. I gave it to Corey so
18 he could keep the baby.

19 Q So all of the sudden y'all weren't living together
20 after two years, is that what you're saying?

21 A Yes, ma'am.

22 Q And also within this lease it says -- would you go to
23 number nine on the lease, please, look at it? On the first
24 page number nine.

25 A Yes, ma'am.

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1 Q In the second paragraph it says, "You may at anytime
2 ask us to" -- and subsection five -- "change or re-key locks
3 or latches during the term of this lease." Isn't that what
4 your lease agreement says?

5 A Yes, ma'am, it says that.

6 Q So why did you feel the need to keep repeatedly going
7 in Corey's pocket and get the key if all you had to do was
8 make this request to get your keys rechanged?

9 A I wasn't aware. I wasn't aware that I could do that.

10 Q So you didn't read the lease when you signed the
11 contract?

12 A Right. But this was like a year before -- pretty much
13 a year before.

14 Q But you had a copy of the lease, didn't you?

15 A Yes, ma'am.

16 Q So you wasn't aware that you could get your keys
17 changed, is that what you're saying?

18 A Yes, ma'am, I wasn't aware.

19 Q So instead of making that simple request, you went
20 after Corey to get your keys, correct? Is that what you're
21 saying?

22 A Yes, ma'am.

23 Q Now, do you remember meeting with Sergeant Burrell?
24 And I think you talked to him twice, didn't you?

25 A Yes, ma'am.

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1 Q One time was about 3:00 in the morning on -- right
2 after the shooting on August 25th, 2018, correct?

3 A Yes, ma'am.

4 Q Inside his car, do you remember that?

5 A Yes, ma'am.

6 Q And you met with him again at the police station on
7 September 6th, 2018. Do you remember that?

8 A I don't remember the date, but I remember meeting with
9 him a second time.

10 Q And when you moved in the Riverbend Apartment, isn't it
11 true Corey's family helped you move, didn't they?

12 A No, they didn't.

13 Q They didn't give you any furniture when you moved in
14 the house?

15 A Not when I moved in. They gave me some tables,
16 maybe -- I don't know, maybe it was like March or April of
17 2018 they gave me some tables. When I moved in there
18 initially I only had couch and a blow-up mattress that my
19 brother and Corey moved in for me.

20 Q Okay. So Corey helped you move in there, didn't he?

21 A He did.

22 Q And his family gave you some furniture, didn't they?

23 A Not immediately, but afterwards.

24 Q And they gave you some household items as well, didn't
25 they?

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1 A No, ma'am. My mom gave me everything I had.

2 Q And on this day, do you remember you telling Sergeant
3 Burrell that you were upset with Corey because he took money
4 out of your apartment, your room? Is that what you told
5 him?

6 A No, ma'am. He took it out of my bank account.

7 Q You don't remember telling them that Corey took money
8 out of your bedroom.

9 A I don't remember telling them he took it out of my
10 bedroom.

11 Q So today your story has changed that he took it out of
12 your account, correct?

13 A It was always that he took it out of my account.

14 Q And so how did he get access to your bank account?

15 A So my debit card, I left it at home, I always left it
16 at home. I didn't take it with me when I went out to work
17 and stuff.

18 Q And Corey had your pin number?

19 A He did.

20 Q So he had access to your money but not -- but he didn't
21 live with you, is that what you're saying?

22 A The only reason he really had my pin was because
23 sometimes we were out together he would pump my gas, and my
24 pin at that time was our anniversary, the day we started
25 dating.

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1 Q And Corey kept Osirus a lot, didn't he?

2 A He did.

3 Q So he kept him more than two to three times a week,
4 didn't he?

5 A Depending on the week, depending on how much I needed
6 him.

7 Q In fact, Corey's family, they saw Osirus all of the
8 time, didn't they?

9 A When I would let Corey pick Osirus up and take him over
10 there they did see him.

11 Q And they adored Osirus, didn't they?

12 A Yeah, they did.

13 Q And Corey adored Osirus, didn't he?

14 A He did.

15 Q Osirus was the apple of his eye, wasn't he?

16 A Well --

17 Q Wasn't he?

18 A Well, actually he would tell me that he loves me more
19 than he loves Osirus.

20 Q Really?

21 A He would.

22 Q So if he loved you so much, why didn't he -- why didn't
23 you let him live with you?

24 A Because I wouldn't allow -- just because a man loves
25 you doesn't mean they're for you, they're good for you.

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1 Q But y'all had actually broken up, isn't that what you
2 said earlier?

3 A We did, yes, ma'am.

4 Q And you're saying after y'all broke up that he loved
5 you more than he loved his only son? Is that what you're
6 saying?

7 A That's what he told me, yes, ma'am.

8 Q And his family, they would come over to your apartment
9 at Riverbend and visit, wouldn't they?

10 A I can count on one hand how many times they came over
11 to my apartment. They didn't come over often.

12 Q Margie didn't come over to your house all the time?

13 A She would come over, the rest of them wouldn't. She
14 would come over when Corey was there, yeah.

15 Q And you would be there also, right?

16 A Sometimes, not always.

17 Q And Margie checked in with you almost weekly to see if
18 Osirus needed anything, didn't she?

19 A Not with me, she would check with Corey.

20 Q And she would buy him diapers almost weekly, wouldn't
21 she?

22 A No, she wouldn't. Actually my mom would buy me like a
23 club box from Sam's Club.

24 Q So you never -- Margie would never text you and ask you
25 about did Osirus need anything, particularly diapers?

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1 A She would text. She would text.

2 Q And how often would she text you these messages?

3 A I don't want to say it was often. It wasn't that
4 often.

5 Q And on the day that Corey was killed even though y'all
6 had broken up, correct, you wanted to celebrate with him,
7 didn't you?

8 A Well, more so discuss, more so discuss the babysitting
9 arrangement. The celebration was for me myself.

10 Q Well, in the two interviews you did with Sergeant
11 Burrell, do you remember telling him you wanted to celebrate
12 your job with Corey?

13 A Yes, ma'am.

14 Q And you also stated that he seemed like he didn't want
15 to be with you, didn't you?

16 A Yeah. He seemed like he didn't want to celebrate with
17 me.

18 Q And this made you upset, didn't it, Khelle?

19 A No, that part didn't bother me.

20 Q And do you remember telling him also in your interview
21 that Corey told you about something not being your concern,
22 do you remember saying that?

23 A Him taking my money was not my concern.

24 Q Okay. And you responded, "You don't need to be driving
25 my car around since it's not my concern," right?

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- 1 A Right.
- 2 Q And that you wanted your keys back, right?
- 3 A My keys to my apartment, yes, ma'am.
- 4 Q You really wanted your keys to your car, didn't you?
- 5 A He didn't have the keys to my car. I was driving when
- 6 I told him this so I had the keys to my car.
- 7 Q Corey didn't have a key to your car?
- 8 A No, ma'am. I only had one key, one car key.
- 9 Q So when he would be driving your car around you would
- 10 give him your one car key, is that what you're saying?
- 11 A If he had Osirus that would be why he would have my
- 12 car, just in case there was an emergency. If Osirus needs
- 13 to go to the doctor appointment or anything and I needed him
- 14 to take him I would give him my keys.
- 15 Q And today I think you said that y'all were out at
- 16 Zaxby's.
- 17 A Yes, ma'am.
- 18 Q Y'all got into an argument, correct?
- 19 A Yes, ma'am.
- 20 Q And you're saying that -- didn't you put him out after
- 21 this argument?
- 22 A No, I didn't put him out.
- 23 Q You didn't drive off and leave him at the -- excuse me,
- 24 let me back up. Did you leave him at the Wendy's on Number
- 25 1?

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- 1 A No, ma'am.
- 2 Q You didn't drive off and leave Corey?
- 3 A No, ma'am.
- 4 Q Did y'all go to the Zaxby's before or after the
- 5 Wendy's?
- 6 A After the Wendy's.
- 7 Q And at Zaxby's you're saying y'all got in an argument.
- 8 A Yes, ma'am.
- 9 Q But do you remember -- and then after that you took him
- 10 to his Aunt Amanda's house?
- 11 A Yes, ma'am.
- 12 Q And did y'all argue on the way to Aunt Amanda's house?
- 13 A The discussion pretty much was, "I'm just going to
- 14 leave you there, just leave me alone at this point."
- 15 Q And didn't you tell Sergeant Burrell, though, you were
- 16 mad at Corey on the way to Amanda's house so you didn't say
- 17 anything to him.
- 18 A I don't recall.
- 19 Q But today you're saying y'all were fussing.
- 20 A I mean, we were definitely arguing at the Zaxby's, yes,
- 21 ma'am.
- 22 Q And on the way to Amanda's house what were y'all doing?
- 23 A It was pretty much just leave me alone at this point,
- 24 don't bother me.
- 25 Q So it wasn't y'all were quiet on the ride to Amanda's

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1 house.

2 A No, we weren't completely quiet. It wasn't complete
3 silence.

4 Q So if you told him that, that's not true. And when you
5 got to Amanda's house, Corey got out of the car, didn't he?

6 A I let him out.

7 Q Okay. But you had to let him out because there was
8 something wrong with the passenger door, correct?

9 A Oh, so the inside worked, you could open it from the
10 inside. But I let him out because he wouldn't get out.

11 Q So you let him out because he wouldn't get out of your
12 car?

13 A He wouldn't get out.

14 Q But isn't it true he got out of your car and he walked
15 up the driveway at Amanda's house, didn't he?

16 A No, ma'am, I let him out.

17 Q What do you mean you let him out?

18 A I came around to his door and opened his door.

19 Q And told him to get out of your car?

20 A Yes, ma'am.

21 Q And he got out of your car, didn't he?

22 A Yes, ma'am.

23 Q Because he didn't want to be with you, right?

24 A Yes, ma'am.

25 Q He didn't want to be with you, did he?

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1 A I mean, at that point we didn't want to be with each
2 other, so --

3 Q Corey gets out at Amanda's house and he walks up the
4 driveway, right?

5 A Yes, ma'am.

6 Q And his family, they're outside and they're having a
7 good time, correct?

8 A Well, it was just his mom and Cliff.

9 Q And they're sitting outside by the table under the
10 tree, right?

11 A Yes, ma'am.

12 Q And you walk up that driveway, don't you, and you
13 confront Corey about your keys, don't you?

14 A He was in the driveway. He was standing more close to
15 the door where that tree is.

16 Q Right here?

17 A Not at the door, but just where that tree in the door
18 was at.

19 Q So he was standing all of way up here in the yard.

20 A Yes, ma'am.

21 Q And where was your car parked?

22 A Right there in the grass in the road right there.

23 Q Up here?

24 A On the grass in the road, by the mailbox.

25 Q Right here? Is this safe to say?

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- 1 A So in front of the mailbox.
- 2 Q Okay. But you're parked here and you go up here, and
- 3 you confront Corey because you know those keys are in his
- 4 back pocket, don't you?
- 5 A Yes, ma'am.
- 6 Q And you reach for his keys, don't you?
- 7 A Yes, ma'am.
- 8 Q And he tells you, and I think you told Sergeant
- 9 Burrell, he told you to go on somewhere with that shit,
- 10 didn't he?
- 11 A I don't remember.
- 12 Q But he's asking you to leave and leave him alone, isn't
- 13 he?
- 14 A Right. Because he doesn't want to give me his keys.
- 15 Q All right. But you don't leave him alone, do you?
- 16 A I don't, no, ma'am.
- 17 Q And you go after his keys again, don't you?
- 18 A Yes, ma'am.
- 19 Q In his back pocket.
- 20 A Yes, ma'am.
- 21 Q And I think you told Sergeant Burrell that Corey pushed
- 22 you away, didn't he?
- 23 A He mushed me.
- 24 Q He mushed you.
- 25 A Yes, ma'am.

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1 Q And you understood that, because after all you were
2 going for his keys in his back pocket, weren't you?

3 A Right.

4 Q So you understood this reaction because you wouldn't
5 want anybody going in your pocket for your keys, would you?

6 A Yes, ma'am.

7 Q And then you get in your car and you leave, don't you?

8 A Yes, ma'am.

9 Q And Corey, he doesn't follow you.

10 A He doesn't.

11 Q He doesn't yell after you.

12 A No, ma'am.

13 Q Nobody is bothering you, following you up that road to
14 turn your car around, are they?

15 A No, ma'am.

16 Q And then you turn around and you come right back in
17 front of Amanda's house, don't you?

18 A Yes, ma'am.

19 Q You get out of your car, right?

20 A No. I didn't get out at that point.

21 Q So what are you doing at that point?

22 A I was in the car asking for my keys.

23 Q And so you're sitting in the car, you have your window
24 down and you're yelling out for Corey to give you your keys,
25 is that what you're saying?

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1 A The order is wrong.

2 Q You get out of your car at some point, don't you?

3 A Yeah. The order is wrong. You have the order wrong.

4 Q Well, what happens when you come right back?

5 A Initially I didn't get out of my car. Initially I
6 didn't get out of my car. It wasn't until the last time
7 that I came back that I actually got out of my car and
8 approached him for my keys. Initially the only reason I got
9 out of my car was to let him out.

10 Q Okay. To let him out, right?

11 A Yes, ma'am.

12 Q So you didn't have to put him out, you said let him
13 out, right?

14 A I had to open the door. So he wouldn't get out on his
15 own until I came to open his door.

16 Q And so you leave and you come back and you're sitting
17 in front of Amanda's house, right?

18 A I'm sorry, I'm just a little confused about where we're
19 at.

20 Q So Corey gets out, you leave, correct?

21 A Corey gets out and I told him I don't want to come back
22 so I left, and I came back with the intention to ask him for
23 my keys.

24 Q Okay. And did you, in fact, get out of your car at
25 that time?

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- 1 A That's not the time I got out.
- 2 Q So you're just sitting in the car verbally asking for
3 your keys.
- 4 A I asked him for my keys.
- 5 Q And is he paying you any attention?
- 6 A I don't remember. I mean, the order that -- you're
7 kind of throwing me off --
- 8 Q Well, tell me the order, Khelle. You tell me the
9 order.
- 10 A You're kind of throwing me off with the order. So
11 ultimately I do get out of the car and I approach him for
12 the keys, which this is when it got physical.
- 13 Q Okay. So the second time when you approach him for
14 your keys it got physical, correct? Because you reached for
15 his back pocket again, right?
- 16 A I'm sorry, you're completely throwing me off. I'm not
17 even clear --
- 18 Q What do you mean by it got physical?
- 19 A It got physical -- he -- that's when he mushed me and
20 was choking me, that's what I mean by it got physical.
- 21 Q And this was after you reached for the keys in his back
22 pocket, right?
- 23 A I reached for his keys, yes, ma'am.
- 24 Q And you put your hands on his -- around his neck too,
25 didn't you?

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1 A I don't remember.

2 Q You don't remember you putting your hands around his
3 neck?

4 A I don't remember putting my hands around his neck, I
5 don't remember doing that. I remember grabbing him by his
6 shirt and holding his shirt, I do remember that, and I
7 remember trying to get his hands from around my neck.
8 That's what I remember.

9 Q And do you remember Ms. Margie separating y'all at that
10 time?

11 A I remember her when she tried to separate us from me
12 grabbing his shirt. She tried to separate us but she wasn't
13 able to, that's why he held that lighter up to my arm.

14 Q Yeah. Let's talk about this lighter story. In neither
15 one of your interviews with Sergeant Burrell did you tell
16 him about this lighter, did you?

17 A No, ma'am. I don't remember. I don't really remember
18 by interviews.

19 Q So today you're talking about a lighter because you've
20 been sitting in this courtroom and you heard them talk about
21 a lighter, isn't it?

22 A I mean, I'm talking about a lighter because that's what
23 happened, he held that lighter up to my arm.

24 Q But you did not tell Sergeant Burrell anything about a
25 lighter two years ago, did you?

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1 A I don't remember if I did.

2 Q And one of those times was right after the incident
3 that night, you didn't say anything about a lighter.

4 A I mean, at that time my biggest concern was what was
5 going on.

6 Q Did you take a picture of your wrist like you
7 supposedly took a picture of your face?

8 A I didn't take pictures of my wrist, no, ma'am.

9 Q And so y'all had separated and you leave again, don't
10 you?

11 A After the altercation?

12 Q Uh-huh.

13 A So I didn't leave -- so the altercation that ensued, I
14 didn't leave until he pulled a gun on me.

15 Q And let's talk about that.

16 A Yes, ma'am.

17 Q Well, let's back up first. Because I think you told
18 Sergeant Burrell you left and you went to the top of the
19 road and you thought about calling 911, didn't you?

20 A I did.

21 Q And you didn't call 911, did you?

22 A I didn't.

23 Q Because you didn't want them to come, did you?

24 A I didn't want them to blow the situation out of
25 proportion.

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1 Q You didn't want them to come because you knew you were
2 the one who first laid hands on Corey, didn't you?

3 A So we weren't physical at this point when I initially
4 was going to call 911. It didn't get physical yet.

5 Q So when it did get physical you still didn't call 911,
6 did you?

7 A No, ma'am. Because I didn't want it to escalate to
8 something it didn't have to be. I just wanted the keys.

9 Q And so at some point you go inside your trunk, don't
10 you, Khelle?

11 A Yes, ma'am. But this is after he grabbed me by my neck
12 and I get away.

13 Q So he grabbed you by your neck and you get away,
14 correct?

15 A Yes, ma'am.

16 Q And then you go to your trunk, correct?

17 A Yes, ma'am.

18 Q Now, you would agree, it's pretty intimidating if
19 someone who's had any kind of altercation with anyone sees
20 someone go into their trunk, right?

21 A Yes, ma'am.

22 Q It would cause you some concern, right?

23 A Yes, ma'am.

24 Q And you went inside your trunk and you got a tire iron,
25 didn't you?

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1 A No, ma'am. I didn't get a tire iron, I got a socket
2 wrench.

3 Q And where did you get this socket wrench?

4 A Out of my box with the socket wrench in it. I had a
5 set in my trunk.

6 Q Okay. And you got this socket wrench, this piece of
7 metal, and you went towards Corey, didn't you?

8 A Yes, ma'am.

9 Q And you held it up and you went towards him, didn't
10 you?

11 A I didn't hold it up.

12 Q And how did you hold it, Khelle?

13 A By my side.

14 Q So you held it down by your side, is that what you're
15 saying?

16 A Yes, ma'am.

17 Q And you went towards Corey with it, didn't you?

18 A Yes, ma'am.

19 Q And at that time I think you told Sergeant Burrell
20 Corey reached for a gun, right?

21 A No, he pulled it.

22 Q But you told Sergeant Burrell Corey reached for a gun,
23 didn't you?

24 A I always told him that he pulled it.

25 Q And matter of fact, in that second interview on

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1 September 9th you positioned your hand kind of like this,
2 right?

3 A I don't remember the second interview.

4 Q And you were asked if Corey had his finger on the
5 trigger, weren't you?

6 A I don't remember if he asked me that.

7 Q And you don't remember saying no?

8 A I don't remember that.

9 Q That he had it in the little circle. You don't
10 remember that?

11 A The little circle?

12 Q Yes.

13 A I don't remember. So like in the -- where the trigger
14 is, that little circle? That's what I said?

15 Q You don't remember saying that?

16 A I am just looking for clarification. The little circle
17 where the trigger is?

18 Q So you don't remember where you told them Corey had his
19 finger.

20 A No, ma'am, I don't.

21 Q And at that time -- and you never told Sergeant Burrell
22 Corey pulled that gun and pointed it in your face, did you?

23 A I just remember telling him he pulled a gun on me.

24 Q You said he pulled a gun on you, but you never told him
25 that he pointed it in your face, did you?

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1 A I don't remember to what extent I told him he pulled a
2 gun.

3 Q But wouldn't you agree that's important information to
4 tell a police officer, isn't it?

5 A Well, I just figured it was enough to tell him that the
6 gun was pulled on me. I didn't think I had to tell him how
7 it was pulled on me.

8 Q So you didn't think that it was important for you to
9 give him all of the details of what happened to you on
10 Charlotte Street.

11 A He didn't ask me how the gun was pulled on me. I don't
12 remember him asking me how the gun was pulled on me.

13 Q Something so scary to you, you didn't think to tell
14 him what happened to you.

15 A I told him the gun was pulled on me.

16 Q But not in your face, did you?

17 A I guess not.

18 Q And even after Corey -- he didn't even have the gun out
19 long, did he?

20 A I don't remember. That all happened so fast, so I
21 don't know.

22 Q It happened so fast because he reached for it and put
23 it back in his pocket, didn't he? Or in his wrist.

24 A No. He pulled it, cocked it and pointed it at me.

25 Q And you didn't tell Sergeant Burrell he cocked it

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1 either, did you?

2 A I didn't think I had to. I figured telling a cop that
3 someone pulled a gun on you is enough. I didn't think I had
4 to tell him how, to what extent he pulled a gun on me.

5 Q And the whole time your baby, Osirus, was sitting in
6 the back of the car in his car seat, wasn't he?

7 A Yes, ma'am, he was.

8 Q And after Margie separated this incident you got in
9 your car and you pulled off again, didn't you?

10 A I got in my car and I left to call my brother and went
11 home.

12 Q Okay. But you sat in your car for awhile -- you turned
13 around and came right back, and you sat in your car for
14 awhile right in front of Amanda's house, didn't you?

15 A When I called my brother -- I was parked across the
16 street from her house when I stopped to call my brother.

17 Q You were parked across the street from Amanda's house?

18 A I was parked across the street.

19 Q So you still remained that close to someone who had
20 pointed a gun at your face.

21 A Well, it was either go home where he had the key to my
22 house or stay there where there were people around.

23 Q So you decided to stay there where he and his family --

24 A It was just until I got the phone call out, it wasn't
25 long.

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1 Q And do you remember Paris getting in your car to greet
2 Osirus?

3 A Not at all.

4 Q You don't remember that?

5 A Not even -- not at all.

6 Q And you sat there and you called your brother, Jamal,
7 didn't you?

8 A I called him from right there, yes, ma'am.

9 Q And he picked up the phone, didn't he?

10 A Yes, ma'am.

11 Q And you told him what happened to you, right?

12 A I told him Corey punched me in the face and he pulled
13 his gun on me and --

14 Q Go ahead.

15 A You were going to ask me something?

16 Q What did you tell him?

17 A I told him Corey punched me in the face and pulled a
18 gun on me.

19 Q And you said he got mad, didn't you?

20 A Naturally, yes, ma'am.

21 Q He was mad.

22 A He got upset.

23 Q So when Mr. Myers asked you earlier about, you know,
24 did it seem like, you know -- I can't remember the right
25 words.

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1 MS. PATTERSON: Beg the Court's indulgence.

2 (Break in proceedings.)

3 Q So when he asked you if Jamal ever said anything ill
4 will towards Corey, he was mad, wasn't he, when you told him
5 that?

6 A He was mad. He asked me why would he do that to me,
7 and I just asked him -- I just said, "I need to get out of
8 here. I just need to get out of my apartment. I don't want
9 to be where he can get to me."

10 Q As a matter of fact you said Jamal was like, "Oh hell
11 no." Isn't that what you told Sergeant Burrell?

12 A I don't remember.

13 Q Do you remember telling Sergeant Burrell that you did
14 not tell -- you told Jamal that Corey had ran out the back
15 door towards the woods because you didn't want him coming
16 over there, didn't you?

17 A I don't remember.

18 Q You don't remember?

19 A No, ma'am.

20 Q You don't remember being scared that Jamal was going to
21 show up at the Charlotte Street location?

22 A No, ma'am, I don't remember.

23 Q Well, were you scared he was going show up there?

24 A I told him to come to my place, so --

25 Q You didn't tell him you were at Charlotte Street in

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1 Cayce?

2 A I told him where I was but I told him to come to my
3 place.

4 Q Okay. So he knew where you were, correct?

5 A Yes, ma'am, he knew where I was.

6 Q But you was trying to make sure he didn't come there,
7 right?

8 A I didn't have to make sure, he would have come to my
9 place.

10 Q So did you tell him that Corey had ran out the back
11 door?

12 A I don't remember that.

13 Q And so again, Corey is not trying to follow you to your
14 car, is he? He didn't come up to your car, did he?

15 A No, ma'am, he didn't.

16 Q He didn't bother you, did he?

17 A He didn't.

18 Q His family didn't bother you, did they?

19 A They didn't.

20 Q Okay. And you didn't call the police, did you?

21 A I didn't, no.

22 Q So somebody points a gun to your face, you feel
23 threatened but you don't call the police, do you?

24 A No, ma'am.

25 Q Instead you call your brother, don't you?

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1 A Yes, ma'am.

2 Q Because you know he's going to handle it, don't you?

3 A No. He's going to come help me get my stuff.

4 Q And matter of fact, you told him to come and bring his
5 shit, didn't you?

6 A No, ma'am, I didn't.

7 Q You didn't tell him that?

8 A No, ma'am.

9 Q And you knew at this point Corey didn't have his phone,
10 didn't you?

11 A Yes, ma'am, I knew that.

12 Q Because when you first left from Amanda's house you
13 tried to call Corey a few times, correct?

14 A No, ma'am, I didn't try to call Corey.

15 Q You didn't?

16 A No, ma'am.

17 Q But you realize he didn't have his phone, didn't you?

18 A I knew he didn't have his phone.

19 Q And you talked to Jamal a few more times after that --
20 a couple of more times after that first phone call, didn't
21 you?

22 A Yeah, just to make sure he was going to my place. I
23 didn't want to be there alone.

24 Q And didn't Jamal ask you if you thought Corey would
25 come to the apartment?

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1 A Well, that was the insinuation, which was in case he
2 comes I need to be gone before he gets there.

3 Q And so after he asked you if you thought Corey would
4 come to the apartment you started making plans to try to get
5 him to the apartment, didn't you?

6 A No, ma'am.

7 Q Didn't you call Margie's phone?

8 A I did.

9 Q Okay. Why did you call her phone?

10 A To let her know her stuff was still in the living room
11 and she could come and get it whenever she needed --
12 whenever she felt like she could, whenever it was
13 convenient.

14 Q And so then you send her this text and said that You
15 and Osirus are moving out, "Just letting you know because
16 your stuff from your truck is still here," right?

17 A Yes, ma'am.

18 Q And Khelle, it wasn't necessary for Margie to come and
19 get her stuff that night, was it?

20 A Not at all.

21 Q So why did you feel the need to send her that knowing
22 Corey was with his mama and he just pulled a gun out on you?

23 A Well, I didn't tell her to come get it that night. I
24 just told her -- I didn't tell her to come get it at all. I
25 was just letting her know that stuff was there because me

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1 and Osirus wouldn't be there when she got there.

2 Q And so you couldn't have sent her that text the next
3 day?

4 A I mean, I could have but I saw her stuff there on the
5 floor and I was like she should probably come clear this
6 out.

7 Q So you're in a hurry to pack up so you and your child
8 can leave and you're concerned about Margie's stuff, is that
9 what you're saying?

10 A I was concerned about pretty much everything in my
11 apartment, what was I going to take, what was I going to
12 leave. Because I was actually going to just go ahead and
13 move out and just let that last month of my lease just go.

14 Q You was going to move out that night, is that what
15 you're saying?

16 A Not that night, no, ma'am.

17 Q So Margie had time to come and get her stuff whatever
18 day you were moving out, didn't she?

19 A Absolutely. I didn't ask her to come and get it that
20 day.

21 Q But didn't you say you told Jamal she was going to come
22 get her stuff when you saw them pull up?

23 A No, I didn't.

24 Q You don't remember saying that?

25 A No. I told Jamal to help me get my stuff when he

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1 pulled up, just come on and help me get my stuff out.

2 Q And Margie never responded to that text, did she?

3 A She didn't, no.

4 Q And so then you decide to send her this picture of
5 Corey and Osirus, didn't you?

6 A Right.

7 Q And you've got a lot of pictures of your baby on your
8 phone, don't you?

9 A I do, yes, ma'am.

10 Q And of all the pictures you decided to send Margie, you
11 send this one when Osirus was in the hospital, didn't you?

12 A Yes, ma'am.

13 Q And Margie and Corey, they were there at the hospital,
14 right?

15 A Well, only Corey and I were in the room, she was like
16 downstairs. They didn't let her upstairs.

17 Q But she was at the hospital, correct?

18 A Yes, ma'am.

19 Q And again, you know they adore Osirus, right?

20 A Yes, ma'am.

21 Q And you -- of all of the pictures you felt the need to
22 send this one when you know that that would pull at their
23 heart strings, didn't you?

24 A No, ma'am. I sent that one because that was the one I
25 was going to delete.

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1 Q And why would you delete this picture of your baby on
2 his surgery day?

3 A Because I had several with him without his dad and I
4 just wanted to delete the one with him and his daddy.

5 Q But you wanted to send it to someone who you said stood
6 by and let you get beat up.

7 A I mean, yes, ma'am.

8 Q And then I think at the beginning you said you and
9 Jamal, y'all are close, aren't you?

10 A Yes, ma'am, we are close.

11 Q So close he didn't even know how to get to your
12 apartment, did he?

13 A No, ma'am, he didn't.

14 Q So you had to give him directions and guide him to your
15 apartment, didn't you?

16 A Yes, ma'am.

17 Q And so you're on the phone with him.

18 A Yes, ma'am.

19 Q You come outside to meet him, right?

20 A Yes, ma'am.

21 Q And Jamal pulls up and he is with someone. Who is he
22 with? Do you know that person?

23 A I don't know.

24 Q And at that point isn't it true you and Jamal, y'all
25 were talking about, you know, about what Corey had

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1 supposedly did to you, wasn't you?

2 A No. We were actually talking about him coming in to
3 see the baby and helping me get my stuff out real quick.

4 Q Okay. And he's at his car and he's getting out, and
5 then you see Ms. Margie pull up, don't you?

6 A Yes, ma'am.

7 Q And isn't it true you point and you said, "There he
8 is."

9 A No. I said, "Oh my gosh, there he is."

10 Q And then you run into your apartment, don't you?

11 A I do.

12 Q And you run in your apartment because you know what's
13 about to go down, don't you, Khelle?

14 A Because I'm scared of Corey.

15 Q And you said before you run into your apartment you
16 told Sergeant Burrell you see Jamal pull at his pants,
17 didn't you?

18 A No.

19 Q You don't remember saying that?

20 A No.

21 Q And it's your testimony today that you saw Corey
22 running towards your apartment and he almost got to your
23 door?

24 A Yes, ma'am, he did.

25 Q You never told Sergeant Burrell that Corey made it that

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1 far to your door, did you?

2 A He didn't make it to my door, he was running towards my
3 door.

4 Q So you're saying Corey got out of the car and was
5 running towards your door and you ran in and locked it, is
6 that what you're saying?

7 A That's not how it happened.

8 Q Okay. How did it happen?

9 A So initially Corey got out of his mom's car and ran
10 towards me, that's what happened, he ran towards me and
11 Jamal where we were both standing, because we were here and
12 here and I turned to run inside. It wasn't until later when
13 I peeked out of my door that I saw him still running towards
14 my door, and that's when I closed it and locked it.

15 Q And let's talk about that. Do you remember telling
16 Sergeant Burrell in your second interview, September 6th of
17 2018 at the sheriff's department, that you heard three
18 gunshots?

19 A Yes, ma'am.

20 Q And that you looked out of your door after you heard
21 those three gunshots, right?

22 A I didn't look out immediately.

23 Q Okay. But you told him when you looked out your door
24 you saw Corey running towards you, right?

25 A I don't remember telling him what happened.

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1 Q You don't remember saying that after you heard the
2 three gunshots you looked out of your apartment door and saw
3 Corey running towards you.

4 A I don't remember, no, ma'am.

5 Q Okay. And so after you hear these three gunshots you
6 say you run outside and get in your car and leave.

7 A Not after I hear the gunshots, no, ma'am.

8 Q So at what point do you run outside of your car and
9 leave?

10 A So after I heard the gunshots I waited.

11 Q And how long did you wait?

12 A I don't remember how long I waited, but I know I
13 waited. I waited. And when I came out that's when Corey's
14 mama was yelling at me, cursing at me saying she's going to
15 beat my ass, so I jumped in the car with my baby and left.

16 Q And you've been sitting in this courtroom all week,
17 right, listening to the testimony, right?

18 A Yes, ma'am.

19 Q Do you remember anyone saying that the police were
20 there in about two minutes?

21 A No, ma'am, I don't remember.

22 Q You don't remember that?

23 A No, ma'am.

24 Q So if you waited, it was so quickly that you were gone
25 by the time the police got there, weren't you?

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1 A So I know I waited because I wouldn't run out into
2 gunfire, I wouldn't do that. I didn't encounter any police
3 on my way out, I didn't.

4 Q So you're saying you're inside your apartment, you hear
5 the gunshots and then you hear Ms. Margie yelling?

6 A I did hear her yelling before I heard the gunshots.

7 Q You did?

8 A I did.

9 Q And so why didn't you just stay inside your apartment
10 if you didn't know what was going on?

11 A Because I wanted to know what was going on.

12 Q And when you got outside, what did you see?

13 A I didn't see anything. She came at me yelling saying
14 she was going to beat my ass.

15 Q And did you go and try to see what she was talking
16 about?

17 A About beating my ass?

18 Q Yes.

19 A Well -- I'm sorry.

20 Q Let me ask you this: So after you hear the shots and
21 go outside, do you see Jamal?

22 A I saw his car pulling off.

23 Q You saw his car pulling off.

24 A I did see that.

25 Q So you knew he was okay, didn't you?

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1 A He was gone.

2 Q Okay. Did you even go and try to check on Corey?

3 A That was my intent, but his mama was coming at me
4 yelling she was going to beat me ass. I don't want to fight
5 her, I don't want to have an altercation with her so I get
6 in my car and I leave.

7 Q So when you go outside, do you even see Corey?

8 A I didn't, no, ma'am.

9 Q And so you didn't even go and try to check on the
10 father of your child, did you?

11 A Not while his mama was yelling at me that she was going
12 beat me ass, no, ma'am.

13 Q Did you try to talk to her and see what was going?

14 A I mean, if someone want to beat your ass, I don't --

15 Q If someone want to beat your ass they must have a
16 problem with you, right?

17 A Right.

18 Q So you didn't ask her what was wrong?

19 A I don't see why. If I -- if she's said she's going to
20 beat me ass, me asking her what was wrong was kind of
21 irrelevant at the moment if she was going to try to beat my
22 ass.

23 Q Well, had she ever said she was going to beat your ass
24 before?

25 A No, she hasn't.

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1 Q So this should have been a shock to you, right?

2 A It was, that's why I jumped in my car and left.

3 Q So you wasn't curious as to why she wanted to beat your
4 ass?

5 A I mean, if somebody wants to beat my ass I'm not going
6 to hang around to get my ass beat.

7 Q And you jumped in your car and you took off.

8 A Yes, ma'am.

9 Q And you go to Cedasia's house, correct?

10 A Yes, ma'am.

11 Q And you don't tell Cedasia, your best friend of 15
12 years, what happened, do you?

13 A No, ma'am.

14 Q In fact, you just say, "Can I borrow your car," right?

15 A Yes, ma'am.

16 Q And "Will you watch my baby," right?

17 A Yes, ma'am.

18 Q And this is after 11:00 at night on a Friday night,
19 isn't it?

20 A Yes, ma'am.

21 Q And you leave your baby, your car, correct?

22 A Yes, ma'am.

23 Q And your cell phone, right?

24 A So I didn't leave my cell phone on purpose, I just
25 forgot it in the car.

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- 1 Q And you take off and you go to Sumter, right?
- 2 A Right.
- 3 Q Did you talk to Jamal after y'all left the Riverbend
- 4 Apartments?
- 5 A No, ma'am.
- 6 Q So you don't know where he went, do you?
- 7 A No, ma'am.
- 8 Q And so after you get to Sumter you said your daddy
- 9 looks at your face and asks what happened to you and you
- 10 tell him what happened, right?
- 11 A He asked me, "What happened to your face? Did Corey do
- 12 that?"
- 13 Q And did you tell him what you did to Corey?
- 14 A No, ma'am, I didn't.
- 15 Q Isn't this your apartment?
- 16 A Yes, ma'am.
- 17 Q And so who took that picture?
- 18 A I did.
- 19 Q Okay. So your daddy didn't take all of these pictures
- 20 like you previously said, did he?
- 21 A No. He took several of them.
- 22 Q But he didn't take this one, did he?
- 23 A No, ma'am, he didn't take that one.
- 24 Q And he didn't take this one, did he?
- 25 A I took that.

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1 Q Okay. And when you met with Sergeant Burrell, you
2 didn't give them these pictures, did you?

3 A He didn't ask for them. When I told him that he busted
4 my lip and everything, he didn't ask for any pictures and
5 didn't ask to look at my lip and everything.

6 Q And you didn't show him your injuries, did you?

7 A He didn't ask to see them, so I didn't think he needed
8 to see them.

9 Q But if someone injured you like this, wouldn't you feel
10 it's important to point that out to law enforcement?

11 A I mean, I took the pictures.

12 Q But you didn't give them to Sergeant Burrell, did you?

13 A He didn't ask me for them.

14 Q But you didn't give them to him.

15 A I didn't think -- I felt like if he needed them he
16 would have asked for them.

17 Q Okay. And when you went and talked to him on
18 September 6th, you didn't give him these pictures, did you?

19 A He didn't ask me for them. I could have provided them
20 if he asked me.

21 Q And he asked you for your cell phone, didn't he?

22 A The night it happened he asked me for my cell phone.

23 Q And you gave him that, right?

24 A I did, yes, ma'am.

25 Q And so these pictures did not come to light until we

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1 got ready for this trial, did they? You gave them to Mr.
2 Myers, didn't you?

3 A He asked for them.

4 Q And so we don't know when these pictures were really
5 taken, do we?

6 A They're time stamped on my One Drive actually.

7 THE COURT: You need to let me know when you get to a
8 good stopping point.

9 MS. PATTERSON: Your Honor, I can stop for a minute.

10 THE COURT: All right. Ladies and gentlemen, we'll
11 take a break, I'll bring you back as soon as we can, about
12 15 minutes. Don't discuss the case.

13 (The jury left the courtroom.)

14 THE COURT: Ms. Coburn, during the break you can step
15 down but you can't discuss your testimony in any way, do you
16 understand?

17 THE WITNESS: Yes, sir.

18 THE COURT: We are in recess for 15 minutes.

19 (A break was taken.)

20 THE COURT: Bring the jury, please.

21 (The jury returned to the courtroom.)

22 THE COURT: All right. Ms. Patterson, you may
23 continue.

24 MS. PATTERSON: Thank you, Your Honor.

25

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1 BY MS. PATTERSON:

2 Q And Mikhelle, I just want to make sure I'm
3 understanding you correctly. Earlier I think you testified
4 that you were parked like right here, right?

5 A The third space.

6 Q The third space? Right here?

7 A Oh, yes, ma'am.

8 Q So you were parked right here when you saw Corey pull
9 up with his mama, correct?

10 A Well, I wasn't in the car, but that's where my car was
11 parked.

12 Q That's where your car was parked?

13 THE COURT: You need to speak up, please.

14 Q That's where your car was parked?

15 A Yes.

16 Q And which apartment did you all live in? You all's
17 apartment was back here in the back, wasn't it?

18 A Yes.

19 Q And so when you saw Corey pull up you had time to run
20 into your apartment, correct?

21 A Yes, ma'am.

22 Q After you see Corey running towards your apartment,
23 correct?

24 A He was running towards me and my brother.

25 Q Okay. And then you go inside and you lock your door,

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1 correct?

2 A So I didn't lock it the first time.

3 Q Okay.

4 A I just started gathering things and my baby.

5 Q Okay. So you're in the apartment, and you come back
6 out at some point?

7 A Yes, ma'am, I did.

8 Q And you see Corey still trying to run towards you,
9 correct?

10 A Towards my apartment.

11 Q Towards your apartment. And that is the time that you
12 locked the door, correct?

13 A Yeah. When I saw him I closed and locked the door.

14 Q And then you're inside, then you said you hear the
15 shots and you stay inside awhile, correct?

16 A I waited. I don't know how long I waited.

17 Q And then you came out with your purse and your baby,
18 right?

19 A I didn't have any purse.

20 Q You didn't have your purse?

21 A No. I had -- my baby's bag was already in the car, I
22 just came out with my baby.

23 Q You came out with your baby, and you had time to put
24 him in the car, correct?

25 A I didn't put him in the seat.

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1 Q Okay. How did you drive off with your baby?

2 A I just had him in the passenger seat and I held him
3 down, and then I pulled over up the road and put him in his
4 seat when I felt I was safe.

5 Q And so you had time to see all of this before law
6 enforcement got -- you had time to do all of this before law
7 enforcement got there, correct?

8 A Get in my car, put my baby in the seat and pull off --

9 Q Uh-huh.

10 A -- yes, ma'am.

11 Q And hear the shots, and see Corey running towards your
12 apartment at least twice, correct?

13 A So Corey was running towards my apartment before I
14 heard shots.

15 Q Before you heard shots?

16 A Yes.

17 Q And you said again you parked here, correct?

18 A Yes.

19 MS. PATTERSON: Beg the Court's indulgence.

20 (Break in proceedings.)

21 Q Mikhelle, isn't it true you were parked more like over
22 here?

23 A I wasn't.

24 Q You wasn't?

25 A No, ma'am.

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1 Q And when you -- at any point did you look outside to
2 see what was going on?

3 A After I heard the shots I did look outside.

4 Q And how did you look outside?

5 A I came out. That's when Corey's mama was yelling at
6 me, "I'm going to beat your ass," so and I jumped in my car.

7 Q So you come out the door?

8 A Yes.

9 Q And today you've testified you that you recognize this
10 to be Corey's gun, correct?

11 A Yes.

12 Q And do you have any idea how it got in your brother's
13 car?

14 A No, ma'am.

15 Q And how is it that you recognize that gun as Corey's?

16 A That's the gun he brought a little while ago from the
17 guy that lives around the corner from his mom, his name is
18 Danny. He bought that gun from Danny a little while before
19 that and he's had it since. He carries it.

20 Q And what's Danny's last name?

21 A I don't know Danny's last name, I just know where he
22 lives.

23 Q And where does Danny live?

24 A Around the corner from his mother. So not on Old
25 Lessburg, but I think it's like the road that runs -- so her

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1 house is on the corner, the road that runs back that way, I
2 think it's like Mount Elon or something like that.

3 Q Okay. And again, when you talked to Sergeant Burrell
4 the second time on September the 6th, do you remember -- you
5 didn't even really know how to describe Corey's gun, did
6 you?

7 A It was a black gun. But he showed me a picture and I
8 told him that was the gun.

9 Q Who showed you a picture?

10 A One of them showed me a picture and I told them that
11 was the gun.

12 Q They showed you a picture of that gun?

13 A Yeah. They showed me a picture and I told them that
14 was the gun.

15 Q Or did they show you a picture of a gun.

16 A No. They showed me a picture of that gun and I told
17 them that was the gun. They asked me do I know Corey's gun
18 if I saw it and I told them yeah.

19 Q How did they show you a picture?

20 A They showed me a picture and I told them that was the
21 gun. I told them I knew what Corey's gun looked like.

22 Q And so, Khelle, going back to these text messages that
23 you sent Margie.

24 A Yes, ma'am.

25 Q You didn't write in that text message anything about

MIKHELLE COBURN - CROSS

1 you and Osirus getting ready to move, and maybe asking
2 Margie to just wait a minute if she's coming to the house,
3 did you?

4 MR. MYERS: Objection, Your Honor. I know she's
5 entitled to wide latitude on cross, but this is asked and
6 answered.

7 THE COURT: Overruled.

8 Q Did you ask her at anytime to give you time to let you
9 move out of the house before she came to get her things?

10 A I didn't think I had to, I just thought it just went
11 without saying. I mean, she seen that happen, I would think
12 that she would have enough sense to wait.

13 Q But if you were really scared, why didn't you just
14 leave, Khelle?

15 A I was trying to.

16 Q Wouldn't it have been easier for you to leave and not
17 tell them if you were really scared about what happened to
18 you on Charlotte Street?

19 A I wasn't afraid of her.

20 Q But you knew Corey was with her, didn't you?

21 A That didn't necessarily mean they had to come together.

22 Q And I think you testified, you know, she drove him
23 around all of the time, right?

24 A She did.

25 Q So wouldn't it make sense that if she was going to come

MIKHELLE COBURN - CROSS

1 over to you and Corey's apartment that he was going to be
2 with her?

3 A I didn't think he had to get in the car every time she
4 got in the car.

5 Q But if she's coming over to your and Corey's apartment,
6 wouldn't it make sense for him to be with her?

7 A Well, for him to come to my apartment -- I didn't think
8 she would bring her son, who she watched just pull out a gun
9 on me, no. I didn't think she would come that night at all.

10 Q But you didn't tell her not to come that night either,
11 did you?

12 A I didn't think I had to.

13 Q But you didn't tell her not to, did you?

14 A Because I didn't think I had to.

15 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

16 (Break in proceedings.)

17 Q And after all of this was over, did you ever talk --
18 when is the next time you talked to your brother, Jamal?

19 A After all of this?

20 Q Yes.

21 A It was awhile.

22 Q It was awhile. Even though you are both close, right?

23 A It was awhile.

24 Q And were you made aware that he was going to Arizona?

25 A No, ma'am.

MIKHELLE COBURN - CROSS

1 Q So you didn't know your brother was going to Arizona.

2 A No, ma'am.

3 Q And you didn't talk to him for awhile after he had shot
4 and killed the father of your child, did you?

5 A I mean, all of this had happened.

6 Q He didn't call and check on you, did he?

7 A No, he didn't call me.

8 Q He didn't come and help you move out of that apartment,
9 did he?

10 A He didn't.

11 Q And you didn't know he was going to Arizona, did you?

12 A I didn't.

13 Q Did you know they had seized his car?

14 A I didn't.

15 Q So you and your brother never talked about this
16 incident again, did you?

17 A We didn't.

18 Q And it's your testimony you were inside your apartment
19 and you don't really know what happened outside that night,
20 do you?

21 A I just know Corey tried to get at me and my brother was
22 trying to stop him from getting to me.

23 Q And you've been sitting in court all of this week and
24 you've seen --

25 MR. MYERS: Objection, asked and answered.

MIKHELLE COBURN - REDIRECT

1 THE COURT: I'm sorry, what?

2 MR. MYERS: Objection, asked and answered.

3 THE COURT: She hadn't finished her question. Pose
4 your question.

5 Q And you've been sitting in court all this week,
6 correct?

7 A Yes.

8 Q And you've seen these pictures put on this big screen,
9 correct?

10 A Some of them.

11 Q And since you claim you haven't talked to your brother
12 about this, now you've come to realize this is where Corey
13 was shot and killed, right? Outside of his mama's car,
14 right? But it's your testimony he was running back and
15 forth towards your apartment, isn't it?

16 A He only ran -- I only saw him run towards my apartment.
17 He ran towards my brother and I first and then towards my
18 apartment.

19 MS. PATTERSON: Beg the Court's indulgence.

20 (Break in proceedings.)

21 MS. PATTERSON: No further questions, Your Honor.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY MR. MYERS:

25 Q Mikhelle, do you consider Riverbend Apartment Complex

MIKHELLE COBURN - REDIRECT

1 to be a public place?

2 A It is.

3 Q Is it heavy populated, or was it heavy populated at the
4 time you lived there?

5 A A lot of people lived there.

6 Q If you were going to do any sort of an ambush of Corey
7 Jamison, would you have done it there?

8 A I wouldn't do an ambush.

9 Q Sure. In the strangest world or whatever, if you were
10 going to do an ambush, would you have done it there?

11 A No, sir.

12 Q Now, you testified, but was it ever your intent to
13 ambush anybody?

14 A Never, no, sir.

15 Q Now, with regards to the invitation, was Corey ever
16 invited that night to come to your apartment?

17 A No. I told him several times not to come. That was
18 the intention of me getting my keys back was so he couldn't
19 come back.

20 Q Who was the only person that night that you invited to
21 your apartment?

22 A My brother.

23 MS. PATTERSON: Thank you. No further questions.

24 THE COURT: Recross?

25 RECROSS EXAMINATION

MIKHELLE COBURN - RECROSS

1 BY MS. PATTERSON:

2 Q And would you have done an ambush on Charlotte Street?

3 A No, ma'am.

4 Q Because it was a lot of people there, wasn't it?

5 A I wouldn't have done an ambush at all.

6 Q And again, Riverbend is a public place, correct?

7 A It is.

8 Q So Corey has the right to be there, correct?

9 A Outside, sure.

10 MS. PATTERSON: Okay. Thank you.

11 THE COURT: Thank you, ma'am, you may step down. Call
12 your next witness.

13 MR. BELL: Defense calls Michael Frierson.

14 The witness, MICHAEL FRIERSON, was first duly sworn

15 And testified as follows:

16 THE CLERK: Once you are seated, state your full name
17 spelling your last.

18 THE WITNESS: My name is Michael Frierson, Frierson is
19 spelled F-r-i-e-r-s-o-n.

20 DIRECT EXAMINATION

21 BY MR. BELL:

22 Q Good afternoon, Mr. Frierson.

23 A How are you doing?

24 Q Mr. Frierson, how old are you?

25 A Forty-seven.

MICHAEL FRIERSON - DIRECT

1 Q And where are you from?

2 A I live in Sumter right now, I am originally from
3 Summerton, South Carolina.

4 Q You said Summerton, South Carolina?

5 A Yes, sir. Basically I'm from Summerton but I live in
6 Sumter, South Carolina right now.

7 Q What do you do for a living?

8 A I run a towing service.

9 Q Is that towing service also located in Sumter, South
10 Carolina?

11 A Yes, sir.

12 Q Now, do you know Mikhelle Coburn?

13 A Yes, sir, that's my daughter.

14 Q Your daughter?

15 A Yes, sir.

16 Q Did you raise her?

17 A Yeah.

18 Q Do you know Jamal?

19 A Uh-huh, that's her brother.

20 Q How well do you know Jamal?

21 A Well, I've known him not in his teenage years, but in
22 his younger years I known him. He is her brother, so I do
23 know him as being her brother.

24 Q So you lost touch with him as he got older?

25 A Yes, sir.

MICHAEL FRIERSON - DIRECT

1 Q You came up with your daughter?

2 A Yes, sir.

3 Q Are you close with your daughter?

4 A Yes, sir.

5 Q On August 25th, 2018, did you see Mikhelle?

6 A Yes, sir.

7 Q And how did you see her, or where did you see her?

8 A She came down to my house. She called -- first called
9 me and said, "Daddy, are you home?" I said, "I'm home."
10 She said, "Well, I'll come to your house." And I said,
11 "Well, what's wrong?" She wouldn't tell me, she just came
12 down to the house. And when she came to the house and got
13 in the house I noticed that she had some bruises on her,
14 and --

15 Q Okay. I'm going to slow you down a little bit.

16 A Okay.

17 Q Now, the house she was coming to, is this the same
18 house in Sumter?

19 A Yeah.

20 Q Do you know what time of night or morning it may have
21 been when she contacted you?

22 A It was late at night, somewhere around probably 11:00
23 or 11:30, somewhere around that area.

24 Q And when you say late at night, would that have been
25 originally August 24th?

MICHAEL FRIERSON - DIRECT

- 1 A Yes, sir.
- 2 Q And this would be coming up on midnight?
- 3 A Yes, sir.
- 4 Q And you mentioned that upon her arrival you made some
- 5 comments to her. What was that comment again?
- 6 A Basically I saw that she had bruises on her and I
- 7 wondered what happened to her.
- 8 Q Were those bruises brought to your attention or did you
- 9 see them on your own?
- 10 A I saw them on my own.
- 11 Q How well do you know your daughter's face?
- 12 A Pretty well.
- 13 Q Any doubt that she had marks on her from what you could
- 14 see?
- 15 A No. I mean, I know her, I know how she's supposed to
- 16 look.
- 17 Q And what did you say when you saw those marks?
- 18 A Basically wanted to know what happened to her.
- 19 Q Did you say anything else?
- 20 A Just wanted to know what happened to her and how she
- 21 got the bruises.
- 22 Q At any point in time, did you help her take photographs
- 23 of those marks?
- 24 A Yes, sir. I wanted to have it documented. Once she
- 25 told me what happened I wanted to have them documented so we

MICHAEL FRIERSON - DIRECT

1 took pictures of it, and I basically told her we needed to
2 go talk to the police about it.

3 Q Did you take pictures with her phone or your phone?

4 A My phone.

5 Q I'm showing you three images. Do you recognize those?

6 A Yeah.

7 Q Are those the pictures you took late before midnight on
8 August 24th?

9 A Yes, sir.

10 Q I'm going to show you what's already been entered as
11 Defense's 11. Is that a picture that you took?

12 A Yes, sir.

13 Q The night of August 24th?

14 A Yes, sir.

15 Q When Mikhelle showed up at your house in the middle of
16 the night?

17 A Yes, sir.

18 Q And what is this picture documenting?

19 A Basically showing me where she's got a busted lip on
20 the inside of her lip right there and it's swollen.

21 Q What is swollen?

22 A Her lip. You can see her face is swollen.

23 Q Does the shape of her face usually look like that?

24 A No.

25 Q Her cheeks usually look like that?

MICHAEL FRIERSON - DIRECT

- 1 A No.
- 2 Q Her lips usually look like that?
- 3 A No.
- 4 Q This has been entered as Defense 12. Did you take this
- 5 picture as well?
- 6 A Yes.
- 7 Q What is this a picture of?
- 8 A Showing the bruises around her neck where it looked
- 9 like she was choked, you can see the bruises on the bottom
- 10 and on top.
- 11 Q Do you see a laser pointer up there with you, sir?
- 12 A No, I sure don't.
- 13 Q Can I ask you to step down with me, please?
- 14 A (Witness complies.)
- 15 Q Sir, I'm going to remind you as you step down to please
- 16 project your voice so that this court reporter can hear you.
- 17 Okay?
- 18 A All right.
- 19 Q If you would step over with me.
- 20 A Okay.
- 21 Q And if you would turn your body to be facing towards
- 22 the court reporter and this jury. Using this pen, would you
- 23 just indicate on the projector here where you saw marks?
- 24 A Here and here.
- 25 Q Are those marks normal to her complexion?

MICHAEL FRIERSON - DIRECT

1 A No.

2 Q Had you seen those marks on her before?

3 A No.

4 Q I'm showing you Defense 13. Is this another picture
5 that you took?

6 A Yes, sir.

7 Q All right. Again, if you would, please indicate where
8 you saw marks on your daughter.

9 A Here, here and here.

10 Q Thank you, sir. If you would, please head back to the
11 witness box. After seeing your daughter late at night show
12 up at your house unexpected and seeing these marks, did you
13 tell her to do anything?

14 A Once she told me what happened, I told her we needed to
15 go talk to the police about it.

16 Q And did you help her or assist her in doing that?

17 A Yeah. I drove her back to Columbia so we could go talk
18 to the police about it.

19 Q Did y'all wait a couple of days to do that?

20 A No, immediately.

21 Q So pretty much as soon as you took the picture y'all
22 got in the car and went back to Columbia?

23 A Drove back to Columbia, yeah.

24 Q Did you arrive back on scene there at Riverbend with
25 Mikhelle?

MICHAEL FRIERSON - DIRECT

1 A Yes, sir, I did.

2 Q What did you do when you got there?

3 A Well, me and my wife, we drove her back up there. We
4 got an officer and told her, you know, Mikhelle was our
5 daughter and she was with us and, you know, she needed to
6 talk to somebody. And that's when the officer made contact
7 with her and told her, "Come over here to my car and let's
8 talk." I asked the officer if I can go with her and he told
9 me I couldn't, that's she's a grown woman, he told me I
10 couldn't be with her at the time.

11 Q And why did you want to go with her?

12 A Basically she was upset, you know, crying, hysterical,
13 and as a father you want to be with your child.

14 Q Now, you brought back the sister of a suspect and
15 essentially a prime witness to the case and delivered her
16 back to police. Did police question you at all about what
17 happened before you brought her back?

18 A No, they did not.

19 Q Did they ask you to give a statement about what had
20 happened prior to you bringing her back?

21 A No, they did not.

22 Q As we stand some two and a half years later, have you
23 ever been questioned by police?

24 A No, I haven't.

25 Q Have you ever been contacted by police?

MICHAEL FRIERSON - CROSS

1 A No, I haven't.

2 Q Have you ever been asked to give a statement by police?

3 A No.

4 MR. BELL: Thank you, sir.

5 THE COURT: Cross?

6 CROSS EXAMINATION

7 BY MS. DARKO:

8 Q Thank you, Mr. Frierson. Let me start first by saying
9 I know this is not where you want to be today and this is
10 not a comfortable position at all for your two children.

11 You've explained that you were close to Khelle. As a
12 father, did you talk to her every single day or just
13 semi-regularly?

14 A Just semi. Once she got to grow up it was like
15 semi-regularly.

16 Q And like most girls, probably closer to her mom than
17 she is her dad.

18 A Yeah.

19 Q And was your number [REDACTED] back in 2018?

20 A Yes, ma'am.

21 Q And you would call to check -- or text and check on
22 Osirus and Mikhelle?

23 A Yes, ma'am.

24 MS. DARKO: Begging the Court's indulgence.

25 THE COURT: Yes, ma'am.

MICHAEL FRIERSON - CROSS

1 (Break in proceedings.)

2 Q When is Mikhelle's birthday?

3 A [REDACTED].

4 Q Did you ever have disagreements with Mikhelle?

5 A I mean, just normal things a father with a daughter.

6 Q Back in April, did you have any kind of disagreements
7 with her?

8 A I can't recall anything back in April, no, ma'am.

9 Q Then you don't recall her blocking you on her cell
10 phone and refusing to speak to you?

11 A No.

12 Q And just so we're clear, the photos originally -- I'm
13 not sure if you were listening, but Khelle said that you
14 took these photos the day after the incident.

15 A No, ma'am.

16 Q So you're saying that you actually took them
17 immediately upon perceiving her injuries?

18 A Yes, ma'am.

19 Q And then you instructed her to go back to Riverbend to
20 tell law enforcement about what happened to her.

21 A Yes, ma'am.

22 Q And would it surprise you to know that that's not now
23 she started out the conversation?

24 MR. BELL: Objection, pitting witnesses.

25 THE COURT: Conversation with who? I don't know what

MICHAEL FRIERSON - CROSS

1 you're talking about.

2 A Me neither.

3 Q When she went back to --

4 THE COURT: Wait a minute. Do you want me to rule?

5 MS. DARKO: Yes, sir.

6 THE COURT: Sustained. I don't know what conversation
7 you're talking about. If you're asking him about testimony
8 that's pitting.

9 Q You took her back to Riverbend to speak to law
10 enforcement.

11 A Yes, ma'am.

12 Q Specifically about her injuries.

13 A Yes, ma'am.

14 Q And did you know that Corey was dead at this point?

15 A No, ma'am.

16 Q Now, with regard to this photo, you did not take that
17 photo, did you?

18 A No, ma'am.

19 Q Khelle testified that she didn't have a place to stay
20 in 2015 when I guess she had a disagreement with her mom and
21 was staying with a friend. Why did she not stay with you?

22 A I guess because I lived in Sumter. I mean, I told her
23 she could feel free to come live with me anytime she wanted
24 to but she said all of her friends were in Columbia.

25 Q And she was more comfortable staying with Corey and his

MICHAEL FRIERSON - CROSS

1 mom than she was staying with y'all?

2 MR. BELL: Objection, speculation.

3 THE COURT: Do you wish to be heard?

4 MS. DARKO: Withdraw, Your Honor.

5 THE COURT: Yes, ma'am.

6 Q Mr. Frierson, Mr. Bell asked you if law enforcement had
7 ever approached you and your response was no; is that right?

8 A Yes, ma'am.

9 Q But you weren't on Charlotte Street with Khelle that
10 night, were you?

11 A No.

12 Q And you weren't at Riverbend that night.

13 A No.

14 Q And you said that she did contact you after the
15 incident letting you know that she was coming. How did she
16 contact you?

17 A She called me.

18 Q On her cell phone?

19 A I don't recall. I know that she called me but I can't
20 remember if it was her number or what, but I know she called
21 me.

22 Q And would that -- but she had left her cell phone at
23 her friend's house.

24 A Like I said, I can't remember if it was her number or
25 not, but she did call me.

1 MS. DARKO: I don't have anything further for this
2 witness.

3 THE COURT: Thank you. Redirect?

4 REDIRECT EXAMINATION

5 BY MR. BELL:

6 Q Mr. Frierson, I just want to make clear for this jury,
7 Mikhelle is your biological daughter, right?

8 A Yes, sir.

9 Q Is Jamal biologically related to you?

10 A No, sir.

11 Q He's not your son.

12 A No, sir.

13 MR. BELL: Thank you.

14 THE COURT: Recross?

15 RECROSS EXAMINATION

16 BY MS. DARKO:

17 Q Mr. Frierson, just so I understand, when you're saying
18 that Khelle told you about what happened --

19 MR. BELL: Objection, exceeding the scope, Your Honor.

20 THE COURT: Do you wish to be heard?

21 MS. DARKO: Withdrawn. Nothing further.

22 THE COURT: Thank you, sir, you may step down. Members
23 of jury, this is the point where we're going to stop for the
24 week, and I need you back, please, Monday morning at 9:30.
25 And I need to explain to you, even though I don't think it

1 THE COURT: Ladies and gentlemen, wait until you get
2 the all clear before you leave. I need you all back at
3 9:30 on Monday, please. Thank you.

4 (Court recessed for the day and resumed at 9:30 a.m.
5 On Monday, November 9, 2020.)

6 THE COURT: Do you have additional evidence to present?

7 MR. MYERS: Yes, sir, Your Honor.

8 THE COURT: All right. Bring the jury, please.

9 (The jury returned to the courtroom.)

10 THE COURT: All right. Ladies and gentlemen, we're
11 going to continue with the defense's case. Call your
12 witness.

13 MR. MYERS: We call Jamal Coburn.

14 THE COURT: Come around, please.

15 The witness, JAMAL COBURN, was first duly sworn and
16 Testified as follows:

17 THE CLERK: You can have a seat up there.

18 DIRECT EXAMINATION

19 BY MR. MYERS:

20 Q State your name and spell your last name, please.

21 A My name is Jamal Coburn, Coburn is C-o-b-u-r-n.

22 Q How old are you, Jamal?

23 A I'm 28 years old.

24 Q Are you married?

25 A No, sir.

JAMAL COBURN - DIRECT

1 Q Where did you grow up?

2 A Lexington County.

3 Q All right. Do you have any children?

4 A No, sir.

5 Q Where did you go to school?

6 A Airport High School.

7 Q Now, Jamal, before we go any further, you understand
8 that you have a constitutional right not to testify; is that
9 right?

10 A Yes, sir, I understand.

11 Q But you've talked to myself, Mr. Bell, Mr. O'Reilly and
12 you've agreed to waive that right to testify during the
13 trial of your case.

14 A Yes, sir.

15 Q Now, I want to go into a little bit of your family
16 background, Jamal. You've heard Mikhelle testify, is she
17 your sister?

18 A Yes, sir.

19 Q In addition to Mikhelle, do you have any other brothers
20 and sisters?

21 A Yes, sir. I have two brothers and another sister.

22 Q Is Mikhelle your baby sister?

23 A Yes, she is.

24 Q Are the two of you close?

25 A Yes, we are.

JAMAL COBURN - DIRECT

1 Q Did you have a good relationship with Osirus?

2 A Yes, sir.

3 Q Now, you and Mikhelle did not share the same father; is
4 that right?

5 A No, sir.

6 Q But the two of you grew up in the same household?

7 A Yes, sir.

8 Q Now, before we go any further I want to talk -- because
9 you do a lot of squinting and I want the jury to understand
10 why. Do you have problem with your eyesight today?

11 A Yes, sir.

12 Q What is that problem?

13 A I was told that I have cartilage in my eye and that I
14 would need surgery.

15 Q Now, just to be clear, did you have that problem on
16 August 24th, 2018?

17 A No, sir.

18 Q You were able to see fine?

19 A Yes, sir.

20 Q So eyesight was not a problem on August 24th, 2018; is
21 that correct?

22 A No, sir.

23 Q Now, tell us a little bit about -- well, what kind of
24 work do you do, Jamal?

25 A I'm an auto mechanic self-employed, sir.

JAMAL COBURN - DIRECT

1 Q Now, going back to August 24th, 2018, where were you
2 living?

3 A I was living at Pine Ridge Trailer Park.

4 Q Did you have any roommates?

5 A Yes, sir.

6 Q How many?

7 A Two.

8 Q Who were they?

9 A Brandon Williams and Joe, I do not know his last name.

10 Q How long had the three of you been living there?

11 A I had just moved in there the beginning of August.

12 Q Okay. Now, going back to August 24th, 2018, tell this
13 jury what you had done that day.

14 A I woke up that day and it's a store up the street that
15 serves food, I woke up around 11:00 or 12:00 and I went
16 there to get some lunch from that store, and I went back
17 home, ate, watched TV, washed and cleaned up the house. And
18 after I done that, around 2:30 I headed towards Rolling
19 Meadows, and I headed there because I had to pick up a
20 female that I was dealing with, her name is Ranosha
21 (phonetically) Dutton, I had to pick up her children off of
22 the bus because she's at work. So I get over there and I
23 wait on them to get off the bus.

24 Q How many children did Ranosha have?

25 A She has four.

JAMAL COBURN - DIRECT

1 Q How often would you go over and help with her children?

2 A Most of the time throughout the week.

3 Q Now, this trailer park in which you live, where exactly
4 is that? You gave the name, but where is it?

5 A It's in Pine Ridge.

6 Q Is that off of 321, I think Fish Hatchery Road?

7 A Yes, sir.

8 Q And Ranosha was living where?

9 A In Rolling Meadows, that's off 321, Highway 21.

10 Q So what time did you get her children?

11 A The first two gets off the bus at 2:45, so I get them,
12 and then the second one gets out of middle school, and the
13 last one gets out of high school. Usually I could leave
14 after that but I stick around until she gets off of work.

15 Q So let me just make sure so there's no confusion, is it
16 your testimony that you went over to pick the children up
17 and then you took -- where did you take them?

18 A I waited at her house.

19 Q What time does she usually get home?

20 A At 5:00 or 6:00.

21 Q What happened when she got home that day?

22 A So I talked to her for a little while and then I head
23 home and I'm watching TV. I have nothing -- I ain't had
24 nothing to do so I'm watching TV, and it gets around
25 9:00 and I head back over there, and when I get over there

JAMAL COBURN - DIRECT

1 she tells me that her kids is at a game at Airport High
2 School and she wanted me to go with her to pick them up from
3 school -- from the school.

4 Q Who drove?

5 A I drove.

6 Q Did you guys actually go over to the game?

7 A Yes, we did. But before we went to the game to go pick
8 them up, my friend walks up the street, Brandon Williams,
9 which is my roommate, and he doesn't have a ride, so he asks
10 me for a ride home. I'm like, "I'm about to go with her,
11 you can just take my car and come back in the morning to
12 pick me up."

13 Q So let's talk about that for a second. Did you and
14 Brandon go over to Rolling Meadows together?

15 A No, sir.

16 Q Do you know how he got over there?

17 A I think it was a girl he was dealing with.

18 Q All right. So is it your testimony that before you and
19 Ranosha went to the game that you saw Brandon?

20 A Yes, sir.

21 Q Had Brandon ever asked to borrow your car before?

22 A Yes, sir.

23 Q So is it your testimony then that you allowed Brandon
24 to use your car?

25 A Yes, sir.

JAMAL COBURN - DIRECT

1 Q What was the reason behind allowing Brandon to use your
2 car?

3 A Because I was headed somewhere else and he was headed
4 home and I allowed him to take my car at the time.

5 Q All right. What happened after you allowed him to take
6 your car?

7 A So I hop in the driver's seat of her car and we go to
8 pick up the kids from the school and get them and we're
9 headed back to Rolling Meadows, and that's when I get the
10 call from Mikhelle while I'm heading towards Rolling
11 Meadows.

12 Q Do you recall approximately what time that call came
13 in?

14 A 9:00 or 10:00.

15 Q What did she say?

16 A When I answered the phone she sounds scared and she's
17 breathing hard, so -- and she says that Corey was beating on
18 her and he pulled out a gun on her and that she needed my
19 help to get out of her house.

20 Q Were you expecting to hear from Mikhelle that day?

21 A No, sir.

22 Q At that time of night were you expecting to hear from
23 her?

24 A No, sir.

25 Q What was your ultimate goal that night?

JAMAL COBURN - DIRECT

1 A To go back to Ranosha's house and stay with her and her
2 kids.

3 Q Now, when Mikhelle spoke with you, how did it make you
4 feel?

5 A When I heard what she was telling me I was more
6 surprised than anything, and I knew that she needed me at
7 that time so it was time for me to be a big brother and come
8 through and comfort her. It was all about her feelings at
9 that time.

10 Q Did she tell you -- where did she tell you to go?

11 A She told me to come to her apartment.

12 Q Did she at all tell you to go to Charlotte Street?

13 A No, sir.

14 Q Did she at all tell you that the two of you need to go
15 and look for Corey?

16 A No, sir.

17 Q So when you got that phone call, what exactly did you
18 do?

19 A We got back to Rolling Meadows, Ranosha and the kids
20 got out of the car and they went in the house. I called
21 Brandon to bring my car back to me so I can go to Mikhelle
22 and he comes back, in like five or ten minutes he gets over
23 there. I hop in the driver's seat and I tell him that I
24 have a family emergency and I asked him if he would come
25 with me to help her get out of this apartment.

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1 Q Now, get out of the apartment. Did you tell him that
2 y'all were going to go over there and do anything else?

3 A No, sir.

4 Q Did he ask any questions?

5 A No, sir.

6 Q Did he seem to be unwilling to go?

7 A No, sir.

8 Q At the time, did you tell him that y'all -- did you
9 tell him what Mikhelle had told you that Corey had done to
10 her?

11 A No, sir. I just told him that I had a family
12 emergency.

13 Q All right. Now, how far -- how long did it take y'all
14 to get from Rolling Meadows to Mikhelle's house. First of
15 all, had you ever been to Mikhelle's apartment?

16 A No, sir.

17 Q Did you know the vicinity in which she lived?

18 A Yes, sir. I talked to my mother on the phone before
19 and she told me that Mikhelle stayed behind Brooklyn Baptist
20 Church.

21 Q All right. So after you got Brandon in the car, I
22 think you said you were driving?

23 A Yes, sir.

24 Q What happened next?

25 A So I headed towards her. I get to Brooklyn Baptist

JAMAL COBURN - DIRECT

1 Church, near in that vicinity, and I call her and I tell
2 her, "I don't know exactly where you stay at so I need you
3 to direct me there," so she directs me to her apartment.
4 And she's standing out there waiting on me and tells me to
5 pull into a certain parking place.

6 Q Even though you didn't know where she lived, had you
7 ever even been to that apartment complex before?

8 A No, sir.

9 Q So is it your testimony she was standing outside?

10 A Yes, sir.

11 Q Now, there's -- the State has introduced evidence,
12 Jamal, that there was a conversation that lasted 225 seconds
13 between you and Mikhelle. Do you know where that phone
14 conversation would have been from?

15 A That phone conversation is her directing me to her
16 apartment.

17 Q Now, during that 225 second conversation, did y'all do
18 anything other than discuss how to get to her apartment?

19 A No, sir.

20 Q Did she tell you anything else about what she wanted to
21 have done with Corey?

22 A No, sir.

23 Q Did you in any way suggest anything that you wanted to
24 do to Corey?

25 A No, sir.

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1 Q What happened when you got there?

2 A So I got there, pulled up in the parking spot, and I'm
3 half way out of the car and Mikhelle comes to the car and we
4 start to talk. I'm like is she all right. I asked her
5 where Osirus is. And it's not even 60 seconds before a car
6 is pulling up in Mikhelle -- I hear Mikhelle -- because my
7 back is turned, so I hear Mikhelle say, "There goes Corey."

8 Q Now, before we go there, where was Osirus at the time?

9 A In the house.

10 Q Did you even see him?

11 A No, sir.

12 Q Did you even go inside Mikhelle's apartment?

13 A No, sir. I never knew where her apartment was.

14 Q So when you heard Mikhelle say what she said about
15 Corey, what did you do?

16 A She took off, and I turned around towards Corey and
17 Corey was coming towards me and he was like --

18 Q Well, before we do that, prior to that did you notice
19 the vehicle itself pull up?

20 A I noticed it when I turned around.

21 Q How close was that vehicle to your car?

22 A It was real close to my car.

23 Q Were the headlights shining in your direction?

24 A Yes, sir.

25 Q So when you got out of the car -- so pick it up after

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1 Mikhelle ran in and you saw Corey coming towards you. Tell
2 the jury what happened.

3 A When I seen Corey coming towards me, he was like --
4 excuse my language -- he was like, "Nigger, and what the
5 fuck you supposed to do?"

6 Q Before he said that, did you engage him at all?

7 A No, sir.

8 Q What happened?

9 A And when he says that he pulls out his gun. And when
10 he pulls out his gun I see that it's a gun so I pull out my
11 gun and I aim it up high towards him, and I'm like, "You
12 don't want to do that." And I tell him that -- I'm saying
13 that because I'm trying to prevent him from pointing his gun
14 at me. Because if he does point his gun at me, all he has
15 to do is pull the trigger and I could be on the ground in a
16 bad predicament and that would leave Mikhelle in a bad
17 predicament. So I'm scared for my life, I'm nervous, but
18 I'm still trying to remain focused at the same time. So I'm
19 like, "You don't want to do that." And then I see a woman
20 get out of the driver's side of the car and she's coming
21 around towards me. So -- and Corey, he's moving around the
22 other side of the car and I'm trying to keep my eye on him
23 with this gun and making sure that he doesn't point it at
24 me, but at the same time I'm trying to avoid her.

25 Q Had you seen -- did you know who that was at the time?

JAMAL COBURN - DIRECT

- 1 A No, sir.
- 2 Q Did you see anybody else in the vehicle?
- 3 A Yes, sir.
- 4 Q Did you know that individual before?
- 5 A No, sir.
- 6 Q So at that point, is it your testimony that you saw
- 7 three individuals in the vehicle at the time you and Corey
- 8 encountered each other?
- 9 A I seen two, and Corey was outside of the car.
- 10 Q All right. What happened next?
- 11 A So I'm moving around the car and I'm trying to avoid
- 12 her but keep my eye on him to make sure he doesn't point his
- 13 gun at me. Now we're on the passenger side of the car, and
- 14 another -- the other person gets out of the passenger side
- 15 of the car. And so it's me and Corey is standing across
- 16 from me, and it's two people to my right, and so I'm trying
- 17 to keep my focus on Corey. I didn't come there for that
- 18 situation so I want to try to let him know that, I'm like --
- 19 I didn't come there for that situation. So I try to
- 20 communicate with him, you know, and --
- 21 Q Could you have squeezed the trigger at that point?
- 22 A Yes, sir.
- 23 Q Could you have shot him at that point?
- 24 A Yes, sir.
- 25 Q Did you want to shoot him at that point?

JAMAL COBURN - DIRECT

1 A No, sir.

2 Q All right. So when you told him what you just said to
3 this jury, how did he respond?

4 A He didn't even respond to me, so that let me know that
5 he wasn't trying to communicate.

6 Q What happened next?

7 A So when he didn't want to communicate I see the woman,
8 she's coming towards me from the side, and when she's coming
9 towards me I duck away from her. And when I duck away from
10 her I'm coming back up to Corey with his gun pointed at me,
11 and when I come back up to the gun pointed at me I felt like
12 it was nothing else that I could do but shoot at that time.
13 So as I'm coming up I shoot and I jump back, and when I jump
14 back everybody stopped; me, him, her. He looked down, he
15 rubs himself at the stomach area, and he looks back up at me
16 and starts charging towards me with his gun pointed, and
17 when he starts charging towards me with his gun pointed I'm
18 jumping back and trying not to give him any direct aim
19 towards me, and then that's when I shoot the second time,
20 and then I attempt to shoot a third time but the gun jammed.
21 And when the gum jammed, I look down at the gun real quick
22 and see that it's jammed, and I look back up and Corey has
23 done fell to his knees with his gun still in his hand and
24 he's about to get back up with his gun. I'm like, "Oh
25 shoot, oh shoot." If he gets back up with this gun I'm

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1 going to be in a bad predicament, because I've got a gun
2 that's jammed up. So I look down at the gun, I look at him
3 getting up, look back down at the gun, and I thought of the
4 first thing that came to my mind was to run for it and hit
5 him in the head with the gun.

6 Q Is that what you did?

7 A Yes, sir.

8 Q How many times did you hit him?

9 A One time.

10 Q What did you hit him with?

11 A The side of the gun.

12 Q Was it your gun?

13 A Yes, sir.

14 Q Did you see his gun?

15 A Yes, sir.

16 Q Where was the lady that you said who was coming at you,
17 where was she at this point?

18 A She was still by the vehicle, her and the male.

19 Q So what happened after you hit Corey?

20 A When I hit Corey with the gun, that's when I hear
21 Brandon, and Brandon is like, "He dropped his gun." And I'm
22 like, "Well, pick it up," so he picks up his gun. And I
23 look back at Corey and Corey is standing up and he's got his
24 hands on his head and his hands is bleeding. So he starts
25 to stumble backwards and land in a sitting position on the

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1 passenger side of the car, and when he lands in position I
2 am thinking like the only thing I know that I accurately
3 done was hit him in the head with the gun. Because the two
4 times that I shot I was off balance the first time, and the
5 second time I was jumping back trying to avoid him getting a
6 direct aim at me.

7 Q Was he continuing to come?

8 A Yes, sir.

9 Q All right. What happened?

10 A So all I know that I accurately done was hit him in the
11 head with the gun. So I started to walk towards him to see
12 if I actually shot, and when I'm walking towards him to see
13 if I actually shot him, his mother jumps in front of me and
14 she says, "That's enough." And in my mind I'm thinking
15 that's enough, I hear the police sirens. And Mikhelle, I
16 never make it to her apartment, I never know where she's
17 parked at in this apartment complex and so I don't know if
18 she's still here or if she's left. So I jump in my car and
19 I leave.

20 Q Now, were you able to just back straight out?

21 A No, sir. I had to maneuver to get out because of how
22 close they were to my vehicle.

23 Q All right. Now, let's go back and talk about a couple
24 of things. Did Brandon do anything other than grab the gun?

25 A No, sir.

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1 Q Did Brandon ever kick Corey?

2 A No, sir.

3 Q Did he ever punch Corey?

4 A No, sir.

5 Q Did he do anything to help you do anything when Corey
6 advanced towards you?

7 A No, sir.

8 Q Did Brandon ever encourage you at all?

9 A No, sir.

10 Q Did he ever do anything or say anything directly to
11 Corey?

12 A No, sir.

13 Q Now, this gun, Jamal, you heard your sister say -- I'm
14 going to show you State's Exhibit 62. Jamal, this is
15 State's Exhibit 62. Do you recognize this gun? Step down
16 here. Now, we've got to make sure that this court reporter
17 hears everything that you're about to say so you've got to
18 speak loudly. Hold this box, examine this box. Is that the
19 gun -- do you recognize that gun?

20 A Yes, sir.

21 Q What is that? How do you recognize it?

22 A That's Corey's gun, the gun that I took from Corey.

23 Q Where was it at the time Brandon picked it up?

24 A It had done flew behind me because I was up on Corey.

25 Q All right. Have a seat. At anytime while Corey was

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1 down, did you stand over him to squeeze off another round?

2 A No, sir.

3 Q What happened after you and Brandon -- well, first of

4 all, Jamal, how fast was this all happening?

5 A It was pretty quick. I would say it happened within

6 ten minutes or 15 minutes.

7 Q You're talking overall?

8 A Yes.

9 Q Are you talking from the time you pulled up until the
10 time you drove off?

11 A No. I'm talking about when the altercation started.

12 Q All right. Now, when you and Brandon leave, what did
13 you do?

14 A So when we're leaving I'm thinking about Mikhelle so
15 I'm going to try to call Mikhelle and figure out where she
16 is. So I'm looking for my phone to call her, and I'm
17 looking for my phone and I can't find my phone. So I get to
18 the house and I'm looking through my car for my phone, and
19 while I'm looking I can't find my phone until I came to the
20 conclusion that I must have dropped my phone there on the
21 scene. And that's when I'm like, "I need another phone," so
22 I would have to get a phone in the morning. And I take
23 Corey's gun from Brandon, because he doesn't have nothing to
24 do with the situation, so I took the gun from Brandon.

25 Q Now, before you left out of that apartment complex, did

JAMAL COBURN - DIRECT

1 you and Brandon stop at the entrance or exit?

2 A No, sir.

3 Q When y'all -- when you left the apartment, or before
4 you left, did you know that you had actually shot Corey?

5 A No, sir.

6 Q Did you see blood?

7 A Nowhere but on his hands when he touched his head, so I
8 figured it was from me hitting him in the head with the gun.

9 Q So at the time you left, did you see any pool of blood
10 around him?

11 A No, sir.

12 Q Did you call 911?

13 A No, sir.

14 Q Why didn't call 911?

15 A Because, I mean, he was trying to attack me at the time
16 and I only hit him in the head with the gun, so I felt
17 like -- I didn't feel no purpose in calling 911. I didn't
18 feel like it was a severe situation.

19 Q Is that because you didn't realize that you had shot
20 him?

21 A Yes, sir.

22 Q Now, what did you do -- now, pick up when you took the
23 gun from Brandon, what did do?

24 A I went back to Ranosha's house and I went to sleep so
25 that I can get up and get my phone tomorrow, the next day.

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1 THE COURT: Keep your voice up, please.

2 Q You've got to speak up.

3 A Oh. I went back to Ranosha's house and went to sleep
4 so I can wake up in the morning and go get me a phone,
5 because it was a late night.

6 Q What did you do with Brandon?

7 A Brandon stayed at the house.

8 Q At which house?

9 A The house in Pine Ridge Trailer Park.

10 Q So back at y'all's house.

11 A Yes, sir.

12 Q So tell the jury about that sequence. So y'all leave
13 Mikhelle's apartment, and trace your steps. Exactly what
14 did you do?

15 A We leave Mikhelle's apartment and we go to our house
16 first, and when we go to our house that's when I look for
17 the phone in my car. That's when I took the gun -- Corey's
18 gun from Brandon, I put both of the guns under my mattress
19 in my room and I get myself together, get in the car and I
20 go to Ranosha's house and spend the night at her house.

21 Q Now, at some point you learned that Brandon -- or I'm
22 sorry, that Corey was actually shot. When did you learn
23 about that?

24 A The next day after I had gotten my phone and I cut it
25 on, I'm at the store and my mother calls me and says that

JAMAL COBURN - DIRECT

1 Corey has died.

2 Q And when you got your new phone, did you change your
3 number at all?

4 A No, sir.

5 Q So you kept the same number?

6 A Yes, sir.

7 Q So anyone who was able to reach you could have called
8 your same number?

9 A Yes, sir.

10 Q So when your mother told you that, what did you do?

11 A I started to panic and I got scared, and so I went home
12 and grabbed my gun and I threw it away in Jones Wire
13 (phonetically) Road in Swansea in a pond I know down there.

14 Q All right. So let's back up and talk about that. What
15 kind of gun was?

16 A It was a 9-millimeter.

17 Q And your testimony is that you took that gun and you
18 threw it away?

19 A Yes, sir.

20 Q And where exactly is that?

21 A Jones Wire Road in a pond that I know back there on
22 that dirt road.

23 Q And you say that's in Swansea.

24 A Yes, sir.

25 Q So if law enforcement wanted to go try and find that

JAMAL COBURN - DIRECT

1 gun they can go to that pond.

2 A Yes, sir, it would be there.

3 Q All right. And after you did that, what did you do?

4 A I come back towards Dixiana, and when I get back
5 towards Dixiana I go to Brandon and I tell Brandon that I
6 found out that Corey had died. So me and Brandon is
7 together at that time, so I leave my car in Rolling Meadows
8 and we head to the house and we're just riding around, and
9 we come back to Rolling Meadows, pull up back at Rolling
10 Meadows and I need to charge my phone so I hop back in my
11 car to charge my phone. And that's when the officer pulls
12 up in Rolling Meadows and passed by me and then comes back
13 and pulls up, and when he pulls up he hops out the car and I
14 hop out of my car, and he asks me am I Jamal Coburn and I
15 tell him yes, and he tells me that I'm being detained for
16 questioning.

17 Q When he told you you were being detained, did he put
18 handcuffs on you?

19 A Yes, sir.

20 Q At anytime did he tell you you were under arrest?

21 A No, sir.

22 Q Were you at all trying to run from him?

23 A No, sir.

24 Q Did you try to run from him?

25 A No, sir.

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1 Q Did you try and get in your car and leave the scene?

2 A No, sir.

3 Q Did you cooperate with him?

4 A Yes, I did.

5 Q How long were you in -- well, what happened when he put
6 you in investigative detention?

7 A So I'm sitting there and I'm waiting -- I wait for
8 about 35 or 40 minutes and then the detective pulls up, and
9 that's when they get me out of the car and put me in the car
10 with the detective. When they put me in the car with the
11 detective he asked me do I want to talk, and I'm like, "No,
12 I don't want to talk." Because I didn't feel comfortable
13 with him, because he put me in handcuffs and I've been in
14 the back of the car for 40 minutes so I'm kind of ticked off
15 a little bit. And then -- so I tell him, no, I don't want
16 to talk. He let's me out of the car, and when he let's me
17 out of the car he tells me that he is seizing my car. And I
18 don't understand the seizure situation so I'm thinking that
19 you're supposed to show me some type of warrant, some type
20 of paperwork to take my car. So I'm going back and forth
21 with him about him just taking my car without no warrant or
22 nothing.

23 Q At anytime while you were in investigative detention
24 and before he let you go, did he ever present any paperwork
25 to you?

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- 1 A No, sir.
- 2 Q Did he ever show you a search warrant?
- 3 A No, sir.
- 4 Q Did he ever place you under arrest?
- 5 A No, sir.
- 6 Q Did he ever tell you that you were not free to go?
- 7 A No, sir.
- 8 Q Did you walk away on your own free will?
- 9 A Yes, sir.
- 10 Q Now, where did you go immediately after being released?
- 11 A I walked up the street and Brandon and Ranosha was up
12 the street waiting.
- 13 Q So after he let you go, did he tell you that you had to
14 stick around for any reason?
- 15 A No, sir.
- 16 Q Did he tell you not to leave?
- 17 A No, sir.
- 18 Q At that point, did you have any reason to believe that
19 you were not free to go wherever you wanted to go?
- 20 A No, sir.
- 21 Q Now, Jamal, we've heard testimony that you were then
22 arrested in Arizona; is that right?
- 23 A Yes, sir.
- 24 Q Did you know anybody in Arizona?
- 25 A Yes, I did.

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1 Q Who did you know in Arizona?

2 A I had an ex-girlfriend that I lived with for two years,
3 and at the beginning of August I helped her move to Arizona.

4 Q Was that Glendale, Arizona?

5 A Yes, sir.

6 Q Is that where you were arrested?

7 A Yes, sir.

8 Q Did you fight law enforcement or whoever came to pick
9 you up?

10 A No, sir.

11 Q Did you try and run?

12 A No, sir.

13 Q Were you at her house or at her residence?

14 A Yes, sir.

15 Q Now, before you went out to Arizona, did anybody tell
16 you that you couldn't go to Arizona?

17 A No, sir.

18 Q Now, I want to talk a little bit about you and Corey.
19 Prior to this date, did you have any beef with Corey?

20 A No, sir.

21 Q Did you have any malice or ill will toward Corey?

22 A No, sir.

23 Q Why did you go out to Arizona?

24 A Well, I was scared of any retaliation at the time.

25 When they took my car they took the only -- I didn't have a

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1 gun to protect myself anymore, so I felt like it was about
2 my safety at that time. And I told --

3 Q Now -- I'm sorry. Go ahead, I'm sorry.

4 A And I told her -- I also told her that I would bring
5 the rest of the stuff to Arizona. And I felt like this
6 situation was going to get heated so I needed to bring her
7 stuff at the time.

8 Q Now, you previously testified that you and Mikhelle
9 were close. Did you call Mikhelle at all after this
10 happened?

11 A No, sir.

12 Q Why not?

13 A I didn't call her because I didn't know if she felt any
14 type of way towards me if she knew the story at all, and I
15 just felt like I needed to clear my head at the time.

16 Q Jamal, going back to that night, August 24, 2018, you
17 don't deny now having shot Corey Jamison, do you?

18 A No, sir.

19 Q Were you even planning to see Corey that night?

20 A No, sir.

21 Q Were you shocked that he came that night?

22 A Yes, I was.

23 Q Had Corey not come to that apartment that night, would
24 you have gone looking for him?

25 A No, sir.

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1 Q Before you got there, did you feel you were invited to
2 be in that apartment complex?

3 A Yes, sir.

4 Q What was your sole reasoning behind going to that
5 apartment complex?

6 A My sole reason for going to that compartment complex
7 was to make sure that Mikhelle was okay, to make sure my
8 little sister was okay and that she got out of there okay.

9 Q So when you say helping her, were y'all planning on
10 packing her things and moving her out?

11 A Yes, sir.

12 Q Prior to having shot Corey, do you feel in any way that
13 you brought about that situation?

14 A No, sir.

15 Q Did you believe that had you not shot Corey that he was
16 going to shoot you?

17 A Yes, I do.

18 Q Were you in fear of your life?

19 A Yes, I was.

20 Q Were you in fear for the safety of your sister?

21 A Yes, I was.

22 Q Do you think that there's anything that you could have
23 done to avoid that situation at that time?

24 A No, sir.

25 Q Are you sorry about how things happened that night?

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1 A Yes, sir. I wished that that night never happened, and
2 I just want his family to know that I was just trying to be
3 there for my little sister at the time.

4 MR. MYERS: One moment, Your Honor.

5 THE COURT: Yes, sir.

6 (Break in proceedings.)

7 Q Jamal, just to be clear, why exactly did you take
8 Corey's gun from that scene?

9 A I took his gun because I felt like he should use that
10 gun to protect his family, but instead he used that gun and
11 turned it towards his family and I didn't feel like he
12 deserved the gun for it.

13 Q At the time you took it, did you know that he had been
14 shot at that time?

15 A No, sir.

16 MR. MYERS: No further questions.

17 THE COURT: Cross examination?

18 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

19 (Break in proceedings.)

20 CROSS EXAMINATION

21 BY MS. PATTERSON:

22 Q Jamal, you haven't even met Corey, had you, before this
23 night, had you?

24 A Yes, I had.

25 Q And so you're hanging out with Ranosha -- is that how

JAMAL COBURN - CROSS

1 you say her name?

2 A Yes, ma'am.

3 Q And you get this call from Khelle about 9:45 on

4 8/24/18, right?

5 A Yes, ma'am.

6 Q And she told you that Corey pulled a gun out on her,

7 right?

8 A Yes, ma'am.

9 Q And you said she sounded scared and she was breathing

10 hard, right?

11 A Yes, ma'am.

12 Q And you didn't bother to call law enforcement, did you,

13 and tell them what your sister had related to you, did you?

14 A No, ma'am. I felt like that she didn't want to get the

15 police involved in her situation and wanted her baby daddy

16 in jail or nothing, so --

17 Q But you were so concerned about your sister -- don't

18 matter what you thought she thought, you were so concerned

19 about your sister you didn't bother to call the police, did

20 you?

21 A I was --

22 Q Yes or no.

23 A My focus was her, so --

24 Q But you didn't call the police, right?

25 MR. MYERS: Objection, Your Honor, he's trying to

JAMAL COBURN - CROSS

1 answer the question.

2 MS. PATTERSON: I allowed him to.

3 THE COURT: Have you finished your answer?

4 A I didn't feel like she wanted her baby daddy to get in
5 any trouble, so to avoid him getting in any trouble.

6 Q You didn't feel like she was really scared, did you?

7 A Yes, I did.

8 Q But you got mad when she made that call to you, didn't
9 you?

10 A No, I didn't.

11 Q So you didn't get mad when you hear that someone pulled
12 a gun out on your sister?

13 A No. Because it's not about me or Corey at that time,
14 and my focus is Mikhelle at the time.

15 Q Right. And that didn't make you, the brother who was
16 so close to her, it didn't make you mad to hear that your
17 little sister had a gun pulled out on her.

18 A Like I said, my focus is her at that time. So if my
19 focus was her and I'm headed towards her and I'm coming
20 towards her, I don't need to come to her like that. I'm
21 coming to her.

22 Q In fact, you told her, "Oh, hell no," and you asked her
23 where she was, didn't you?

24 A No, ma'am.

25 Q She didn't tell you she was on Charlotte Street?

JAMAL COBURN - CROSS

1 A No, ma'am.

2 Q And during that conversation, or the conversations that
3 you had, didn't you tell her -- didn't you ask her if Corey
4 would come back to the apartment?

5 A No, ma'am.

6 Q And you said you were headed towards your sister,
7 correct?

8 A Yes, ma'am.

9 Q And at some point you asked Brandon to come and help
10 you, didn't you?

11 A Yes, ma'am.

12 Q And you told Brandon -- so that whole conversation,
13 that whole ride over to Riverbend you did not once tell
14 Brandon what happened to your little sister.

15 A No, ma'am. I'm focusing on getting to Riverbend so I'm
16 kind of in a rush.

17 Q So y'all didn't have a conversation at all about what
18 happened to Khelle.

19 A No, ma'am.

20 Q And so you make sure you have your gun, don't you?

21 A Yes, ma'am.

22 Q And you don't know how to get to her apartment so you
23 call her about 9:40, don't you?

24 A No, 9:40 is when she called me. It has to be somewhere
25 within ten that I called her, right?

JAMAL COBURN - CROSS

1 Q So you didn't call her at 9:40 p.m.?

2 A No. She called me, right? She called me at nine, and
3 I called her with the two minute call when I got near --

4 Q And I apologize. Did you give her a call at 10:40 p.m.
5 asking her for directions to the house?

6 A Yes.

7 Q And y'all talked three minutes, correct?

8 A Two and a half minutes.

9 Q And then during those conversations, didn't you and
10 Khelle talk about what you were going to do to Corey?

11 A No, ma'am.

12 Q Y'all didn't talk about Corey at all, is that your
13 testimony?

14 A It would be hard to give directions and talk about
15 Corey at the same time, we can only talk about one thing at
16 one time.

17 Q Did she sound upset on any of those phone
18 conversations?

19 A She sounded like she'd calmed down a little bit.

20 Q So she had calmed down. After getting a gun pulled on
21 her she had calmed down, is that your testimony?

22 A I mean, she's away from the situation, so --

23 Q And again, you was making calls to Khelle but you
24 didn't bother to call 911 again, did you?

25 A No, ma'am. I didn't think she wanted her baby's father

JAMAL COBURN - CROSS

1 in any trouble at that time. If that was the case then she
2 would have called the police.

3 Q And it's your testimony that Brandon Williams was the
4 person that was with you?

5 A Yes, ma'am.

6 Q And Khelle tells you to pull up into the handicapped
7 spot, is that what you said?

8 A Yes. The spot that is open at the time.

9 Q And isn't it true that you were there just a few
10 seconds, if not minutes, and she points to you and says,
11 "There goes Corey?"

12 A Yes, ma'am.

13 Q And you get out of your car, right?

14 A No. I was already out of my car, half way out of my
15 car talking to her.

16 Q So you were half way out of your car, correct?

17 A Yes.

18 Q And you run towards that car, don't you?

19 A No, ma'am.

20 Q You don't run towards that car with your gun already
21 pulled out?

22 A No, ma'am.

23 Q And you don't confront Corey on the other side of the
24 passenger side of his mom's car, is that your testimony?

25 A No, ma'am.

JAMAL COBURN - CROSS

1 Q So you're saying Corey gets out the car and he runs
2 towards the apartment.

3 A He comes -- yes, he comes towards the apartment.

4 Q And you see him with a gun in his hand, is that what
5 you just testified to?

6 A Not off -- not soon as he comes. He says something to
7 me and then he pulls his gun.

8 Q That's right. You said you tried to communicate with
9 Corey, right? And what exactly do you say to Corey?

10 A I asked him why would he pull a gun on me when he was
11 beating on my sister.

12 Q And didn't Corey tell you on the other side of his
13 mama's car that he did not put his hands on your sister?

14 A No, ma'am.

15 Q You never heard Corey say that?

16 A No, ma'am.

17 Q As a matter of fact, Corey raised his hands up to you
18 and told you to put your gun down, didn't he?

19 A No, ma'am.

20 Q Corey did not make an offer to fight you like a man, is
21 that what you're saying?

22 A No, ma'am.

23 Q And you're saying Corey's mama, his 60 something year
24 old mama, confronted you as well? Is that what you're
25 saying?

JAMAL COBURN - CROSS

1 A Yes, ma'am.

2 Q And what was she doing?

3 A She was at the right of me and she started coming
4 towards me, that is what had me where I ducked down and I
5 was coming back up and Corey had his gun pointed at me.

6 Q And so what did you say to his mama if she was doing
7 all of that to you?

8 A This is in the middle of something going on, so it's
9 not something to say, it's about what -- how I -- what I do
10 at that time.

11 Q But you said you were afraid of her coming at you as
12 well as Corey, right?

13 A I said I had to move away from her when she's coming
14 towards me. So she's coming towards me and I have to move
15 away from her so that she doesn't get to me and have me in a
16 bad predicament. So I ducked down away from her, and when
17 I'm coming back up he has his gun pointed at me.

18 Q Jamal, isn't it true that Margie did come at you, but
19 she came at you when you ambushed her son on the other side
20 of her car, didn't she?

21 A No, ma'am.

22 Q Jamal, isn't it true that you and Brandon cornered
23 Corey on the passenger's side of the car and you had your
24 gun drawn, didn't you?

25 A No, ma'am.

JAMAL COBURN - CROSS

1 Q And you shot Corey, correct? Immediately?

2 A No, ma'am.

3 Q You didn't shoot him immediately on this side of the
4 car?

5 A Not until I felt like I had no other choice but to.

6 Q So you're saying Corey ran towards your car, and then
7 y'all later had a confrontation right here on the other -- I
8 mean, ran towards the apartment, and then later the
9 confrontation takes place on the other side of his mom's
10 car?

11 A Yes, ma'am.

12 Q So y'all are doing a lot of running around out there
13 that night, is that your testimony?

14 A That's not a lot of running around if she's parked
15 right behind my car.

16 Q And she's not directly parked behind your car. You had
17 no problems leaving that scene when you left, did you?

18 A Yes, I did. I had to maneuver to get out of there. So
19 I had to back up a little bit, come back forward, back up
20 and then I was able to get out.

21 Q So you had to back up, go forward, back up again to get
22 out of that parking spot, is that your testimony?

23 A Yes, ma'am.

24 Q And I thought you testified a little while ago when you
25 shot Corey you saw him grab his stomach, didn't you?

JAMAL COBURN - CROSS

1 A I saw him rub his stomach and then look back up and
2 start charging towards me.

3 Q So after he's shot he's able to run towards you, is
4 that what you're saying?

5 A I didn't know if he was shot. When he rubbed his
6 stomach I thought that I missed him, that made me think that
7 I missed him and he started charging towards me.

8 Q But he rubs his stomach and you see blood, correct?

9 A No.

10 Q You didn't see blood.

11 A No. I didn't see blood until later.

12 Q So he's rubbing his stomach because he's obviously been
13 shot, right?

14 A No. I mean, if he heard the gunfire towards him and
15 then he rubbed his stomach to see if he's shot then charged
16 towards me.

17 Q And you say he charges towards you and he has a gun in
18 his hand.

19 A Yes. He has his gun pointed at me coming towards me.

20 Q And then that's not enough so you try to shoot him
21 again, don't you?

22 A I tried to shoot jumping away from him, trying to get
23 away from him at the time.

24 Q And Ms. Margie, she's yelling and begging you to stop
25 and not to hurt her child again, isn't she?

JAMAL COBURN - CROSS

1 A No, she's not.

2 Q You don't hear this mom out there begging and asking
3 you not to shoot her child again?

4 A No, she's not.

5 Q And then you try to shoot him again and your gun jams,
6 doesn't it?

7 A I shoot again trying to avoid him, and then the third
8 shot, that's when it jammed.

9 Q And in between the second attempt and the third attempt
10 you hit Corey in the head with your gun, don't you?

11 A Not in between the second and third attempt after the
12 gun has jammed.

13 Q So when do you hit Corey in the head?

14 A When the gun is jammed, then he's on the ground with
15 his gun and he's getting back up with his gun, and I felt
16 like if he got back up with his gun and my gun had jammed
17 then I would be in a bad situation.

18 Q So you're saying Corey is shot and he's hit in the head
19 and he tries to get up, is that what you're saying?

20 A He's not hit in the head. And at that moment I don't
21 know whether he's shot or not at the time.

22 Q But you said you hit him in the head when he's down,
23 right?

24 A When he's attempting to get back up with his gun.

25 Q Okay. And then he doesn't get back up, does he? He

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1 can't get back up, can he?

2 A Yes, he does get back up.

3 Q And then if he gets back up, where are you standing?

4 A I'm standing right in front of him.

5 Q In front of him. And is he able to get to you?

6 A Yes, he is.

7 Q And so what do you do next? At that time you hit him
8 in the head again, don't you?

9 A No, I don't.

10 Q And then you attempt to shoot him again, don't you?

11 A No, I don't.

12 Q And your gun jams and you clear it, don't you?

13 A No, I don't.

14 Q And you hit him in the head again, don't you?

15 A No, I don't.

16 Q And what is Brandon doing all of this time?

17 A I don't know where Brandon is, because my focus is on
18 Corey at the time.

19 Q That's right, your focus was on Corey. You was not
20 going to stop hitting Corey in the head until Brandon told
21 you, "Let's go," were you?

22 A I was not constantly hitting Corey in the head with the
23 gun.

24 Q And then you leave the Riverbend apartment, and you
25 said you hear the police coming, don't you?

JAMAL COBURN - CROSS

1 A Yes, I do.

2 Q And you don't stick around to tell them this story that
3 you're giving us this morning, do you?

4 A No, I don't. I only think that I hit him in the head
5 with the gun.

6 Q You don't think you shot Corey at all?

7 A No, ma'am.

8 Q So if you didn't think you shot him, why not tell the
9 police what you thought you did?

10 A Because I was trying to get away from that situation at
11 that time.

12 Q And you know Margie and Cliff, you know they've got a
13 good look at you because they were right up there begging
14 and pleading with you to stop, don't you?

15 A They were not begging and pleading. I don't think they
16 even knew that he was shot at that time until I was gone, I
17 guess.

18 Q And then you leave Riverbend and you go home, correct?

19 A Yes, I do.

20 Q And it's your testimony you put the gun that you
21 supposedly took from Corey and your gun that you used to
22 fire and to hit him in the head, and you put it under your
23 mattress, didn't you?

24 A Yes, I did.

25 Q And then at some point you go back to Rolling Meadows

JAMAL COBURN - CROSS

1 and you're able to just go to sleep, correct?

2 A Yes, I am. It's a late night and that's what I planned
3 to do before that even happened.

4 Q And so you're not concerned at all about what happened
5 to the father of your nephew, are you?

6 A I mean, the father of my nephew was just trying to kill
7 me, so --

8 Q And during all this, you're standing like close to this
9 island, aren't you?

10 A I can't see that, but --

11 Q You are standing --

12 MR. MYERS: Can we just get a note of the objection
13 please, Your Honor, which exhibit she's referring to?

14 MS. PATTERSON: Fourteen. State's Exhibit 14.

15 THE COURT: Did you have an objection or did you mean
16 exhibit?

17 MR. MYERS: I just meant the exhibit, Your Honor,
18 that's all.

19 THE COURT: Go ahead.

20 Q And you're standing over there close to that island,
21 aren't you?

22 A I wouldn't know accurately because it's dark at the
23 same time this is going on. Like I'm saying, I'm trying to
24 focus on my life at the same time.

25 Q And that would have been to the left of Corey where he

JAMAL COBURN - CROSS

1 was standing when you shot and hit him in the head, correct?

2 A Can you repeat that? Because I'm not --

3 Q So you're standing over here near this island, correct?

4 A First of all, I just told you that I didn't know for
5 sure if I was there because it was dark at the time and I'm
6 focused on Corey.

7 Q So you don't really know where you were standing.

8 A No.

9 Q And after you go and put your gun under the mattress,
10 you still don't call law enforcement and tell them what
11 happened, do you?

12 A Like I said, I only thought that I hit him in the head
13 with the gun.

14 Q And then the next morning you say you want to check on
15 Khelle but you don't call her, do you?

16 A Because I have to get a new phone.

17 Q But you were still able to make a call on your phone
18 before you picked up a new phone, wasn't you?

19 A No, I wasn't.

20 Q You didn't make a call on your phone the next day at
21 like 10:31?

22 A No. Y'all didn't get the phone from the scene, so that
23 means somebody who possibly got the phone from there when
24 y'all didn't probably made a call before I transferred my
25 phone over.

JAMAL COBURN - CROSS

1 Q So that call on your phone record at 10:31, it's your
2 testimony that did not come from you.

3 A 10:31? If you are saying 10:31, that's before Mikhelle
4 called me, I mean before I called Mikhelle to get
5 directions, right?

6 Q 10:31 the next morning after you shot and hit Corey
7 with your gun.

8 A Oh yeah, 10:31, that wasn't me.

9 Q That wasn't you making that call?

10 A Unless the phone was already transferred over by that
11 time.

12 Q And isn't it true you got a new phone about around noon
13 the next day, correct? And you pointed your phone -- the
14 same phone number over to that phone, right?

15 A Yes, I did.

16 Q And when you turned your phone on you said you got a
17 call from your mother, correct?

18 A Yes.

19 Q And she tells you what happened, right?

20 A Yes, she did.

21 Q And you don't bother calling the police again to give
22 your explanation of the story that you're giving today, do
23 you?

24 A I panicked and I got scared. I had never heard that
25 somebody died at my hands before.

JAMAL COBURN - CROSS

1 Q And you don't bother to call Khelle and check on her,
2 right?

3 A I don't know if Mikhelle has heard the story and if
4 she's felt any type of way.

5 Q But aren't y'all close, so close wouldn't you want the
6 story to come from you and not anyone else?

7 A Yes, we're close.

8 Q And so you go and you get your gun, the gun that you
9 fired on Corey and hit Corey in the head, and you throw it
10 in this pond, is that your testimony?

11 A Yes, ma'am, it is.

12 Q But you don't bother to throw the gun that you
13 supposedly got from Corey in the pond as well, do you?

14 A I didn't. Because I felt like if there would be people
15 who wanted to retaliate that I wouldn't have a way to
16 protect myself.

17 Q That wasn't Corey's gun, was it?

18 A Yes, it was.

19 Q That was your other gun, wasn't it?

20 A No, ma'am.

21 Q Because you had multiple guns out there at Riverbend
22 that night, didn't you?

23 A No, ma'am.

24 Q And then you're at Rolling Meadows about 11:00 that
25 night on August 25th, correct?

JAMAL COBURN - CROSS

1 A Yes, I am.

2 Q And you see the police and you see them cruising
3 around, don't you?

4 A Yes, I do.

5 Q And then you go on your new phone that you just had
6 forwarded over and you do a search about the shooting at
7 Riverbend, don't you?

8 A I don't remember that, but it could be possible.

9 Q Because you're curious to see what the police already
10 knows about that shooting, aren't you?

11 A No, ma'am.

12 Q You're not scared when you see the police driving
13 around Rolling Meadows that night?

14 A No, ma'am.

15 Q And so you know in your car you've got your other gun
16 and you've got your phone, and so you get out of the car and
17 you try to approach the officer, don't you?

18 A It's Corey's gun that's in my car at that time. But I
19 do approach the officer.

20 Q And Deputy Sharpe tells you you are in investigative
21 detention, don't he?

22 A Yes, he does.

23 Q For an incident that occurred the night before,
24 correct?

25 A Yes, he does.

JAMAL COBURN - CROSS

1 Q And you don't bother to give this explanation that
2 you're giving this morning to him, do you?

3 A Well, he says that a detective is coming to talk to me.
4 And I did not like the way that they were conducting
5 themselves out there, so I didn't feel like they would
6 believe me if I talked to them anyway, and I didn't feel
7 comfortable with them at all at that time.

8 Q Well, Deputy Sharpe wasn't mean to you, was he?

9 A Deputy Sharpe wasn't. The detective -- it was just the
10 officer detaining me at the time.

11 Q But neither one of them was mean to you, were they?

12 A He wasn't mean to me, but the way he was acting towards
13 me I didn't like.

14 Q Neither one of them cursed at you, did they?

15 A And I didn't curse at neither one of them neither.

16 Q You wasn't saying any curse words out there at the
17 scene?

18 A Not that I remember.

19 Q Okay. Neither one of them yelled at you, did they?

20 A No. But they acted like -- they -- it wasn't really --
21 that whole situation was really about them handcuffing me --
22 the way they treated me handcuffing me in a car and trying
23 to seize my car without any paperwork. I didn't understand
24 the seizure situation at that time, so --

25 Q But isn't it true both Deputy Sharpe and Sergeant

JAMAL COBURN - CROSS

1 Burrell explained to you over and over and over again why
2 they were seizing your car?

3 A I think at one time he told me that he didn't want to
4 tell me nothing about his case. I asked him did he get a
5 tag number from -- I was asking him all type of reasons to
6 why he was taking my car.

7 Q Right. And they kept responding over and over, it was
8 due to an investigation about a shooting that had occurred
9 the night before, didn't they?

10 A Yes.

11 Q And they told you that over and over again, didn't
12 they, Jamal?

13 A I don't think it was over and over again. At one time
14 he told me he couldn't even tell me, "I can't tell you
15 nothing about my case."

16 Q And that was after you had refused to talk to him and
17 tell him the story you're giving us this morning, correct?

18 A Yes, ma'am.

19 Q So he gave you an opportunity two years ago,
20 August 25th, a day after this shooting, to tell the same
21 story that you're giving this morning and you refused to
22 talk, didn't you?

23 A Like I said, I didn't feel comfortable with him at the
24 time.

25 Q So you didn't feel comfortable telling them that

JAMAL COBURN - CROSS

1 someone had pulled a gun out on you.

2 A I didn't feel comfortable with him at the time, and I
3 didn't feel like he would believe me, so I felt like I
4 needed a lawyer at that time.

5 Q So you didn't feel comfortable telling them that you
6 had to shoot someone.

7 A No, I didn't.

8 Q You didn't feel comfortable telling them you had to hit
9 someone in the head over and over.

10 A I didn't hit him in the head over and over.

11 Q You didn't tell them, as a matter of fact, that you had
12 that person's gun in that car that they were seizing, did
13 you?

14 A I wasn't going to tell them nothing because I didn't
15 feel comfortable with them at the time. I didn't like how
16 they were conducting theirselves. I didn't understand the
17 seizure at that time and I didn't -- I felt like they needed
18 to show me paperwork for taking my car and they wasn't doing
19 that, so I feel like they wasn't conducting theirselves
20 properly. And I'm not going to confide in somebody who is
21 not conducting theirselves properly.

22 Q And isn't it true they told you that if your car was
23 searched that you could possibly be cleared, didn't they?

24 A At that moment I was really done with the situation
25 when we started going back and forth about seizing my car, I

JAMAL COBURN - CROSS

1 was ready to go.

2 Q That's right. You were done because you knew that gun
3 was in your car and your phone was in your car, and you
4 didn't check to bother and see what the status of your car
5 was with Sergeant Burrell before you went to Arizona, did
6 you?

7 A I was kind of done with the situation. I was kind of
8 like they can have the car.

9 Q And you wasn't done of the situation as much as you
10 were trying to get away from the situation, and that's why
11 you went to Arizona, wasn't it?

12 A No, ma'am. I had an ex-girlfriend then that I had just
13 helped move to Arizona and I had more stuff that I needed to
14 bring to her, and before the situation got out of hand I
15 made sure I did that.

16 Q And how did you get to Arizona, Jamal?

17 A On a bus.

18 Q On a bus. So how much stuff of Shontell's
19 (phonetically) were you able to take with you on that bus
20 ride to Arizona?

21 A I took the rest of her clothes to Arizona.

22 Q On the bus --

23 A She got on the bus -- how she got there was on a bus
24 and she couldn't take all of her clothes at that time.

25 Q So you got on the bus and you took the rest of her

JAMAL COBURN - CROSS

1 clothes to her?

2 A Yes, ma'am.

3 Q And I think you testified the whole altercation took
4 place about 10 or 15 minutes out there at Riverbend,
5 correct?

6 A That's what it felt like. I'm not -- I'm probably not
7 as accurate but, I mean, that's what it felt like at the
8 time.

9 MS. PATTERSON: Beg the Court's indulgence, Your Honor.

10 THE COURT: Yes, ma'am.

11 (Break in proceedings.)

12 Q And again, what was your address that you were living
13 at?

14 A I don't know the exact address, but I know it's in Pine
15 Ridge Trailer Park. Because I had just started staying
16 there at the beginning of August when I moved her to
17 Arizona.

18 Q I'm sorry, I can't hear you.

19 A Oh, I don't know the exact address but I know it's in
20 Pine Ridge Trailer Park, because I had just moved there at
21 the beginning of August after moving her to Arizona.

22 Q Was that a West Columbia address?

23 A No, it is not a West Columbia. I think Pine Ridge is a
24 Gaston address if I'm not mistaken.

25 Q And so after you and Brandon leave, do y'all talk about

JAMAL COBURN - CROSS

1 what just happened at Riverbend?

2 A Talk about it like what? Like --

3 Q What you did.

4 A No. Because I'm looking for my phone trying to call
5 Mikhelle at that time.

6 Q And so you're in Arizona, you've taken Shontell the
7 rest of her clothes back, and then when you get there you
8 hide out in Arizona, don't you?

9 A No. She -- like I'm trying to clear my head of the
10 situation that has occurred and preparing myself for that
11 situation, but at the same time she doesn't want me to
12 leave, so --

13 Q And so you don't leave that apartment for days, do you,
14 Jamal?

15 A Yes, I do leave that apartment.

16 Q And you were hiding in that apartment until law
17 enforcement came and picked you up, weren't you?

18 A No, I wasn't. When law enforcement came and got me I
19 ain't run, I went peacefully.

20 Q And Jamal, when you went out at Riverbend, you had your
21 gun and you was ready to confront Corey Jamison, wasn't you?

22 A No, I wasn't. I wasn't expecting Corey.

23 Q You had your gun loaded, correct? You had it loaded?

24 A Yes.

25 Q You had it in your waistband, didn't you?

JAMAL COBURN - CROSS

1 A Yes.

2 Q And you were able to pull it out as soon as you saw
3 Corey Jamison pull up with his mama, Margie, and Cliff,
4 wasn't you?

5 A First of all, when he pulled up with his mama, Margie,
6 and Cliff, my back was turned because I was talking to
7 Mikhelle, so I was not prepared for him to pull up.

8 Q And when Mikhelle turned and pointed him out and says,
9 "There go Corey," you was ready to run and confront him at
10 that car, wasn't you?

11 A I can't run and confront him. When I turned around
12 he's already done ran and confronted me.

13 MS. PATTERSON: Beg the Court's indulgence.

14 (Break in proceedings.)

15 MS. PATTERSON: Thank you, Your Honor.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MR. MYERS:

19 Q Jamal, real brief. Going onto August 25, 2018 with
20 your first encounter with Deputy Sharpe, before he asked you
21 any questions, did he immediately put you in investigative
22 detention?

23 A Yes, he did.

24 Q By investigative detention, meaning handcuffs on you?

25 A Yes, sir.

JAMAL COBURN - REDIRECT

1 Q And at some point Investigator Burrell showed up, and
2 you were already in investigative detention with handcuffs
3 on?

4 A Yes, sir.

5 Q Did they tell you -- did they ever tell you that, "Hey,
6 Jamal, we're working for you." Who did you understand them
7 to be working for?

8 A They weren't working for me.

9 Q Did you believe at all that they asked you those
10 questions with your best interest in mind?

11 A No, sir. I didn't feel comfortable with them at that
12 time.

13 Q Now, at some point did they read you your rights?

14 A I don't --

15 Q By rights I mean one of the rights being that you had a
16 right to an attorney.

17 A Yes, they did.

18 Q Did you assert that right?

19 A Yes, I did.

20 MR. MYERS: Thank you. No further questions.

21 THE COURT: Recross.

22 RECROSS EXAMINATION

23 BY MS. PATTERSON:

24 Q And Deputy Sharpe made sure you were very comfortable
25 in your cuffs, right?

JAMAL COBURN - RECROSS

1 A I don't know how you can be comfortable in cuffs.

2 Q He made sure they wasn't too tight, didn't he?

3 A I mean, I'm not paying attention to the cuffs, but it's
4 -- cuffs are cuffs.

5 Q And he left the door open so you could have leg room,
6 didn't he?

7 A No. I was balled up in the back seat waiting for
8 Officer Burrell.

9 Q And Sergeant Burrell even took the cuffs off you when
10 he got there within 35 or 40 minutes, didn't he?

11 A I don't know -- I don't recall. I don't know if he
12 took the cuffs off before I sat in the car or after he tried
13 to question me and then I got to the car.

14 Q And he sat in the front seat of his car, right?

15 A Yes.

16 Q And he was willing to answer any questions you had,
17 wasn't he?

18 A I mean if that's what -- I mean, what you mean by that?
19 I don't get it.

20 Q And they even told you that you could leave the scene,
21 didn't they?

22 A Yes.

23 Q And you didn't leave the scene for about 30 minutes,
24 right?

25 A It wasn't 30 minutes. But I was trying to get a clear

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1 understanding, which he was not trying to give to me, of why
2 they were taking my car without any type of paperwork.

3 Q So they didn't make you feel that uncomfortable because
4 you didn't leave right away, did you?

5 A I didn't leave right away because they are taking my
6 car and I'm trying to get a full understanding of why they
7 are taking my car.

8 Q You stood at that scene and you argued with them for
9 minutes, didn't you, Jamal?

10 A If they took it as an argument -- you could take it as
11 me trying to get an understanding, because I'm -- I don't
12 understand it. So you could have helped me understand what
13 a seizure was and, you know, why you didn't have a warrant.
14 But you didn't do that, you just kept telling me, "Well, I'm
15 taking your car."

16 Q And they explained to you they were getting a warrant
17 for your car, didn't they?

18 A Yeah. But I'm trying to understand why you don't have
19 a warrant there at the scene.

20 Q And you were telling them over and over they didn't
21 have a right to take your shit, didn't you?

22 A I told them they didn't have a right to take my car.

23 Q Because everything in that car belonged to you, Jamal,
24 didn't you?

25 A When I said that, that was -- I meant my phone. I was

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1 talking about my phone because they were about to take my
2 car. So if you're about to take my car I'm about to be
3 stranded, and if I'm about to be stranded, don't I need a
4 phone to call somebody to come pick me up? So why can't I
5 get my phone? I need somebody to call to pick me up --

6 Q Matter of fact you said --

7 A I'm stranded without a phone now, that doesn't make
8 sense.

9 Q You said the phone was yours and all the shit in your
10 car was yours, didn't you?

11 A I was pertaining to the phone.

12 Q Just the phone.

13 A Yes.

14 Q You meant -- you said everything in that car was yours
15 and that's including that gun, wasn't it?

16 MR. MYERS: Objection, Your Honor. Asked and answered,
17 Your Honor.

18 THE COURT: Hold on.

19 MR. MYERS: Asked and answered. At this point she's
20 just badgering the witness.

21 THE COURT: Well, she added something at the end to
22 that question.

23 Q Including that gun, you told them everything in that
24 car was yours; the phone and including that gun, didn't you,
25 Jamal?

1 A If you said I didn't tell them about the gun being in
2 the car, then that means I wasn't telling them that the gun
3 was mine, that it was pertaining to what we were talking
4 about and what the conversation was about, which was the
5 phone and me having the phone to be able to contact somebody
6 when you're about to leave me stranded somewhere.

7 Q And everything in the car, right, Jamal?

8 MR. MYERS: Objection, asked and answered.

9 THE COURT: Sustained. Ask your next question.

10 MS. PATTERSON: No further questions, Your Honor.

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

12 THE WITNESS: Thank you.

13 THE COURT: Anything else from the defense?

14 MR. MYERS: No, sir, Your Honor, defense rests.

15 THE COURT: Anything in reply.

16 MS. PATTERSON: Your Honor, can I have a minute?

17 THE COURT: Ladies and gentlemen, we're going to take a
18 recess. Do not discuss case. I'll get you back here as
19 soon as I can and tell you where we go from here.

20 (The jury left the courtroom.)

21 THE COURT: My law clerk indicated that there is
22 something that y'all needed to put on the record.

23 MS. PATTERSON: Yes, sir, Your Honor. For reply the
24 State would seek to introduce a copy of the body cam from
25 Deputy Sharpe out at Rolling Meadows. After the defendant

1 first time the officers offered to call a cab for
2 Mr. Coburn. So I don't have to look back through my notes,
3 this is where -- who lived at this location?

4 MR. MYERS: The testimony was that it was Rolling
5 Meadows, so Ranosha Johnson (phonetically.)

6 THE COURT: And his testimony before the jury was that
7 he went and met up with Brandon and her after he left where
8 his car was being towed.

9 MR. MYERS: Yes, sir.

10 THE COURT: All of that's in evidence, that can be
11 argued. He was trying to get access to his vehicle and
12 claiming that he didn't -- he was stranded, I think that's
13 in evidence, and he was at the location where his, I'll use
14 the term girlfriend, it never was said, and his roommate
15 were present. The video does nothing in my view except
16 confuse the issues, it's unduly prejudicial. The prejudice
17 substantially outweighs the probative value. I need y'all
18 back here at let's say 15 after 1:00. We're at ease.

19 (A lunch break was taken.)

20 THE COURT: Any additional reply?

21 MS. PATTERSON: No, sir.

22 THE COURT: Motions?

23 MR. MYERS: Yes, sir, Your Honor. Mr. O'Reilly will
24 make -- well, before we get started I would like to just
25 renew our previously made motion regarding evidence of

1 flight and the State's arguing that to the jury. I think
2 that the testimony is clear from the pretrial and from their
3 case in chief, and also from our case in chief, that there
4 was no flight. Even if the Court concluded there was, there
5 was no nexus between the murder charge and anything in his
6 flight or his going to Arizona.

7 THE COURT: I think there's a greater nexus now than
8 there was before since he's testified, the motion is denied.
9 And one of the 403 factors I probably needed to put on the
10 record was my concern about the demeanor of the defendant on
11 that video and how a jury could interpret that if it chose
12 to evaluate his conduct at that incident location at
13 Riverbend as compared with how he acted when he was upset
14 with law enforcement officers. Now, I'm not saying how a
15 jury would necessarily construe that, but I do have some
16 concerns about confusing the issues and unfair prejudice in
17 that regard as well. Mr. O'Reilly, what are your motions?

18 MR. O'REILLY: Your Honor, at this time the defense
19 would like to make a motion for a directed verdict. And,
20 Your Honor, in this case the standard is the defendant is
21 entitled to a directed verdict when the State fails to
22 present evidence of the offense charged. If there is any
23 direct or circumstantial evidence reasonably tending to
24 prove the guilt of the accused, the appellate court must
25 find the case was properly submitted to the jury. However,

1 when a defendant claims self-defense, the State is required
2 to disprove the elements of self-defense beyond a reasonable
3 doubt. And, Your Honor, the case I'm relying on for this is
4 going to be State vs. Dickey, the citation, 394-SC-491, it's
5 a 2011 supreme court. Your Honor, may I approach?

6 THE COURT: Yeah.

7 MR. O'REILLY: Basically, Your Honor, this case is
8 about -- actually the facts line up very similar to this
9 case. It's about a security guard who was kicking people
10 out of a building. After they had been out of the building
11 he was on a sidewalk. The two people started to come at
12 him, the security guard pulls out his gun when he saw an
13 initial threat. There was testimony at trial that one of
14 the witnesses -- or one of the victims actually had a glass
15 bottle that was kind of found at the scene. He was found
16 guilty at trial. The appellate court -- they tried -- did
17 two motions for a directed verdict, the Court did not rule
18 on those. The supreme court essentially looked at it and
19 they said self-defense, he should have been granted a
20 directed verdict at trial, and they actually reversed and
21 acquitted him. In this case, the most important thing here
22 is when a defendant claims self-defense, the State is
23 required to disprove the elements of self-defense beyond a
24 reasonable doubt, and I point to that because it says
25 elements. And then the four elements that we've discussed,

1 Your Honor; a defendant was without fault in bringing on the
2 difficulty, we look at that element. While there is some
3 testimony from Margie that maybe the defendant was going at
4 him, or at her son, we don't -- that's not beyond a
5 reasonable doubt. We've had just as much testimony saying
6 "I don't know, I don't know." We had Mikhelle and the
7 defendant take the stand and actually put up testimony. The
8 State (sic) would argue there's reasonable doubt there.
9 Second, the defendant would actually believe there was an
10 imminent danger of losing his life or sustaining serious
11 bodily injury, or that he was in such imminent danger. I
12 haven't heard any testimony other than the defendant at
13 trial sitting here that the defendant was not scared, or he
14 was not in imminent fear. We've heard testimony that, "Oh,
15 I don't know if he saw a gun or not." Well, again, I do not
16 believe they've proven that beyond a reasonable doubt as is
17 the State's burden. The third element is it would have to
18 be a reasonable person's actual belief of this danger and
19 would entertain the same belief. We've heard that a
20 reasonable person, I think, in Jamal's shoes after his
21 sister was just beaten by a man, pointed a gun at her, and
22 then he shows up to the scene and then a car pulls up, a
23 reasonable person would likely believe that there's an
24 actual imminent fear, and a reasonable person would probably
25 act in the same manner. Again, I do not believe that the

1 State has proven that beyond a reasonable doubt. In the
2 last element, which I think alone is enough for a directed
3 verdict, Your Honor, would be defense had no other probable
4 means -- the defendant had no other probable means of
5 avoiding the danger or losing his own life or sustaining
6 bodily injury. We usually view that as the duty to retreat.
7 I have heard no testimony at trial the whole time that the
8 defendant was not supposed to be there or the defendant
9 should have left the scene. We've all heard that the
10 defendant -- why he went. The defense has put him on the
11 stand, he said why he went, Mikhelle said why he went.
12 Margie, Cliff, all of these other witnesses have explained,
13 "Oh, well, we were just going, they wouldn't have known we
14 are coming." No one has actually argued that Jamal didn't
15 have the right to be there. Jamal testified on the stand,
16 again, why he was there. On that sole element alone the
17 State has failed to disprove that he had to retreat or go
18 anywhere, thus because they failed to prove the fourth
19 element, or depends on how many elements you want to look
20 at, they failed to prove that element beyond a reasonable
21 doubt, it's our belief that this would be improper to submit
22 it to the jury at this time. And I would just look at this
23 case, and the Court has simply -- I think the facts line up
24 pretty well, but all we simply need to do -- the State needs
25 to prove it beyond a reasonable doubt, and in the light most

1 favorable to the State, the supreme court, Justice Toal,
2 reversed the case and actually acquitted someone after it
3 went all the way up. So we would ask for a directed verdict
4 in our favor. Thank you.

5 THE COURT: There's evidence sufficient to submit the
6 case to the jury both on the elements of the offense and the
7 elements of self-defense. The motion is respectfully
8 denied. All right. Are you all ready to argue?

9 MR. MYERS: Yes --

10 MS. DARKO: Your Honor --

11 THE COURT: Ma'am?

12 MS. DARKO: I would like to argue the self-defense,
13 however if you want to seed to Mr. Myers to take up any
14 further motions, we can respond. I don't know what order
15 the Court would like to go in.

16 MR. MYERS: I just understood the Court to deny our
17 motions so I'm not so -- we're ready to proceed with closing
18 arguments.

19 THE COURT: What is it you're wanting to do?

20 MS. DARKO: That's fine, Your Honor. The State would
21 like to be heard with regard to instructions on
22 self-defense, and we can do that certainly after closing
23 arguments are made.

24 THE COURT: You want to challenge me instructing the
25 jury on self-defense?

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1 Once the arguments are finished, I'll send you out of the
2 courtroom, we usually take a very brief recess while I get
3 set up out here, and then I'll bring you back in and tell
4 you the law. It looks like it's going to take me about 24
5 minutes to explain the law to you. And shortly after that
6 you'll get the case to decide. I invite your close
7 attention. Which of you is going to go first? Ms.
8 Patterson?

9 MS. PATTERSON: Yes, sir.

10 THE COURT: You're recognized for your closing
11 argument.

12 MS. PATTERSON: Thank you, Your Honor. May it please
13 the Court?

14 THE COURT: Yes, ma'am.

15 MS. PATTERSON: Good afternoon. Corey Jamison was a
16 son, a brother, a cousin, and more importantly, he was the
17 father of eight month Osirus. He and his family adored
18 Osirus, and everyone knew it. Although she hates to admit
19 it, Khelle Coburn new it, too. Corey Jamison loved Osirus.
20 He was his heart, and on August 24th, 2018, about 11:46 p.m.
21 Corey Jamison was gunned down and pistol-whipped by Osirus'
22 uncle, the defendant, Jamal Coburn. And for Jamal's actions
23 and Jamal's actions only he is on trial this week for
24 murder. Now, the Judge will instruct you later on with
25 respect to the law as it is in South Carolina, but right now

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1 it's my opportunity to go over the law with you and how I
2 think it applies to the facts of this case. In South
3 Carolina, murder is defined as the unlawful killing of
4 another with malice aforethought, either expressed or
5 implied. The unlawful killing of another, a person. Corey
6 Jamison, he was a person. It doesn't matter that he didn't
7 have a job or he may not have had a car, or whatever else
8 the defense may say to speak ill of his name, he was a
9 person. Now, aforethought. This does not have to mean for
10 any long period of time. It is sufficient that the malice
11 occurs right before the act that causes the killing. Now,
12 what is malice? Malice is ill will, hostility, hatred. It
13 doesn't require ill will towards the individual injured, but
14 rather it signifies a general malignant recklessness of the
15 lives and safety of others. And again, malice don't have to
16 exist for a long time, malice just must exist right before
17 and at the time the act is committed. Now, malice can be
18 expressed, such as, "I told you not to put your hands on my
19 sister," or it can be implied by the actions of someone.
20 Now, we have several instances of malice in this case.
21 First of all, the evidence of malice in this case is the
22 preparation of this case. This was a planned armed, double
23 team ambush. Khelle calls Jamal telling him to bring his
24 shit at 9:41 p.m. At 9:40 (sic) although an hour had passed
25 to cool off -- excuse me, that should be 10:40 -- though an

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1 hour had passed, Jamal calls Khelle and asks for directions
2 to the house. Jamal brings another man and a gun to
3 Riverbend Apartments. He parks in front of Khelle and
4 Corey's building, he doesn't cut off his car, he's not
5 inside helping her to move, he's waiting for Corey. And
6 when Khelle points Corey out, Jamal is running to him before
7 he can even get out of the car good. It was planned so well
8 that this took less than three minutes for Jamal to kill
9 Corey. Prevention. Jamal had multiple opportunities to
10 resolve the conflict without killing Corey. When Khelle
11 called him, when she was still on Charlotte Street he could
12 have called 911. When he got to Riverbend he could have ran
13 in the house with Khelle. He had plenty of room to pull
14 out, Margie was not blocking his car. His car was running,
15 he could have left like he did later on after he shot and
16 killed Corey Jamison. There was no evidence of a physical
17 altercation between Jamal and Corey, it's just what Jamal
18 said and that's totally self-serving, but we'll get to that
19 later. Again, Corey was shot less than three minutes of
20 being at his apartment at Riverbend. No attempt was made
21 for Jamal to have a discussion. Other evidence of malice.
22 Margie was begging for her son's life, Cliff was begging,
23 although Jamal said he didn't hear that. That's just
24 ridiculous. What mother wouldn't beg for her son's life?
25 The physical evidence will show that he shot. Blood -- the

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1 blood drops and the cartridge casings are all towards the
2 end of the vehicle, because that's where everything
3 happened. It was no running back and forth. Corey even
4 says, "Put your guns down, I'll fight you like a man." He
5 was trying to tamper down. He was trying to avoid conflict,
6 not Jamal. Jamal attempts to shoot Corey multiple times as
7 Cliff and Margie begged. He even cleared that gun --
8 deliberately clearing that gun and attempted to shoot again.
9 He shot Corey in the parking lot where people are coming and
10 going, including children according to one of those 911
11 calls, the lady said her children were outside. You heard
12 from Jade, she and her sister was outside. It was multiple
13 people outside in that parking lot. And it was a two on one
14 ambush. He wants to say Margie was coming after him, but
15 no, she was not. She was begging and pleading for her son's
16 life. He brought, now we know Brandon Williams, we found
17 out today who that person was, he brought that person there
18 as his backup, not to help Khelle move. And he fled the
19 scene after shooting Corey and he dumps his gun. Malice,
20 all examples of implied malice. The cover up. Fleeing the
21 scene. Hiding the gun. Going to Arizona. He never calls
22 911. Never checks on Corey. He says he drops his phone,
23 but we submit to you that he rendered it inoperable. Hides
24 the gun in a pond, we find that out today. And again, he
25 goes to Arizona. Now, it's the defendant's assertion that

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1 this was a self-defense case, and the Judge will instruct
2 you as to the elements of self-defense in South Carolina,
3 and all of these must be present in order for it to be a
4 valid self-defense claim. The first one, the person must be
5 without fault in bringing on the difficulty. We submit to
6 you that Jamal doesn't even pass the first one. He went to
7 the home belonging to Khelle and Corey Jamison with a loaded
8 gun and he had it ready. He brought backup and he had --
9 they were ready. And Corey, again, could not get out of
10 that car good before they ambushed him, they cornered him,
11 they blocked him. He couldn't do anything. Must believe or
12 actually be in imminent danger. Corey was coming home.
13 Now, Khelle said too, like her brother, what do you expect,
14 that she seen Corey running, but she never said she saw him
15 running towards them with a gun. Must be shown a reasonably
16 prudent person of ordinary firmness and courage would have
17 entertained the same belief. If you thought -- if he
18 thought his sister was in danger, why not call the police?
19 Why not encourage her to call the police? Why not encourage
20 her to go ahead and leave the apartment like she promised
21 Margie in that text message? And he could have run in the
22 house with his sister. He could have got in that car and
23 drove off like he did later on. Which brings us to the last
24 one, must have no other means of avoiding the danger of
25 losing his life or sustaining bodily injury. Again, he

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1 could have left. Margie wasn't blocking his car. There was
2 no testimony from anybody but him that he had any problems
3 getting out of that parking spot, he had plenty of room.
4 Now, the Judge will also instruct you that the State bears
5 the burden of proving this case beyond a reasonable doubt.
6 And what is a reasonable doubt? Now, reasonable doubt is
7 not beyond all doubt because there is very few things we
8 know beyond all doubt. Reasonable doubt is that you must be
9 firmly convinced that Jamal Coburn committed the offense of
10 murder. If the evidence and the testimony that you have
11 heard last week and today leaves you firmly convinced that
12 he committed the crime of murder, then you must find him
13 guilty. And credibility. The Judge will also instruct you
14 that you get to judge the witnesses' credibility. And what
15 is credibility? It's believability. What do the person
16 have to gain, what do the person have to lose in coming in
17 here saying what they said? Well, we know what Jamal has to
18 gain or lose. We know what Khelle has to gain or lose.
19 Margie, she's already lost everything on August 24th, 2018,
20 when she had to witness the unthinkable, of her child being
21 gunned down and pistol whipped right before her eyes. What
22 does Cliff have to lose? He had -- they are family friends,
23 but he hadn't seen Corey in years. He came all of the way
24 here from North Dakota to tell what happened. What does
25 Jade Sapienza have to lose? She came in here and she

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1 testified about what she saw that night, what she heard that
2 night and what she felt that night and what she did as a
3 result. So keep that in mind when you're thinking about
4 what the witnesses said when they took this stand. What do
5 they have to gain? What do they have to lose? Are they
6 believable? And do their stories -- is their stories
7 corroborated with anything else? Now, I want to thank you
8 for your service. I know this has been long, you would
9 rather be anywhere else but here listening to this, and I
10 know you've paid attention and I want to thank you on behalf
11 of the State. But now it's my opportunity to go over the
12 witnesses' testimony, the evidence presented to help support
13 my asking you to find the defendant guilty of murder.
14 You've heard from a lot of witnesses. Some were present
15 during the shooting, some were involved in the
16 investigation, the processing evidence, things of that
17 nature, and what I have done is I have done a timeline just
18 to kind of help you understand how quickly things happened
19 on August 24, 2018. Earlier on August 24, 2018, Cliff, an
20 old family friend of Margie Schoultz, he was in town, he
21 learns Corey has had a baby, he's so excited. You heard the
22 excitement from his voice, he was so excited to go visit
23 Corey and the baby. They go over to Riverbend Apartments
24 where Corey is living with Khelle and their baby. He
25 describes seeing some of Corey's belongings there, and

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1 Margie stated, they lived there, Corey lived there. Paris
2 stated she visited her cousin there. He lived there.
3 Khelle can say all she wants about this lease agreement.
4 The only reason Corey's name is not on this lease agreement
5 is because it would have affected her government assistance
6 benefits. Now, all of the sudden -- she's lived with Corey
7 and his mother for over two years at Margie's house, and all
8 of the sudden she wants to be Ms. Independent and tell him
9 because he's not working he can't live there? That's not
10 true. Corey was living at Riverbend Apartments, this was
11 his home just as well as it was Khelle's. He paid bills
12 there. He kept his son there. His things were there. He
13 had a key. Because she got two keys per this lease
14 agreement, which at anytime she could have made the request
15 to have it changed, but she didn't. Instead she went after
16 him to physically try to get those keys, and we'll talk
17 about that later. So some time later, and it's a lot of
18 back and forth running errands and things like that, but
19 some time later Margie and Cliff took Corey to meet Khelle
20 at the gas station so they can celebrate her new job. If
21 they wasn't together, living together, why would she want to
22 celebrate with him? She had a best friend, she talked about
23 Cedasia McQueen. She's so close to her brother, she has all
24 of these other people, why would she want to celebrate with
25 him if they wasn't living together? Now, Cliff and Margie,

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1 they leave the scene and they go back to Amanda's house
2 because they were having a family gathering. And Khelle,
3 she gets upset with Corey at some point, and Corey even has
4 to call his mom for a ride. She's left him at the Wendy's
5 on Number 1 because he's pissed her off about something, she
6 says it has something to do with \$20 or something. But what
7 it had to do is, I got her to admit, he said he didn't want
8 to be with her, he wanted to go hang out with his family.
9 And man, you don't reject her, she gets mad. You don't deny
10 her. She wouldn't even let Corey love Osirus more, you
11 heard that comment. And what kind of statement is that?
12 Who competes with their own child? So she decides to come
13 back. She picks up Corey, she takes him to Amanda's house
14 on Charlotte Street in Cayce. Gets out of the car,
15 according to Margie, walks up the driveway, according to
16 Khelle also, and Khelle gets out of the car and she
17 confronts him about the keys. Now, she puts her hands on
18 Corey first, and then at some point they're separated, Corey
19 is telling her to go on somewhere and she leaves. But what
20 does she do? She comes right back. He tells her, "You got
21 what you want, it's good, leave." He's with his family,
22 he's fine. He's not paying her any attention. He's not
23 going after her or being violent or anything, she's able to
24 leave, but she comes right back. And this time, though,
25 according to Margie, Khelle punches Corey, she gets

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1 physical. And Khelle says she's reaching in his back
2 pocket, and we know those keys were in the back left pocket,
3 and she's trying to get his keys and he's telling her to go
4 on, he's trying to push her away. And at some point when it
5 got physical Margie said Corey put his hand around Khelle's
6 neck to get her away. Now, I don't condone a man hitting a
7 woman or touching a woman, but Khelle is not innocent in
8 this as she claims. Margie said she had to break both of
9 them up and Khelle keeps coming back. And Corey is ignoring
10 her, he wants to be with his family and she's going in his
11 pocket. He tells her to leave, his family tells her to
12 leave. Margie said, "This ain't the place," but she don't
13 care. She leaves and she comes right back. But this time
14 she goes into her trunk, and everybody knows when somebody
15 goes to their trunk it's intimidating, it's threatening, you
16 don't know what's going on. And mind you, Corey, he's all
17 the way up the driveway. She leaves her car in the middle
18 of the road with her baby in there and he's up the driveway.
19 He's not paying her any attention until she goes in that
20 trunk, and that peaks everybody's interest, and she gets
21 what she claims to be a socket wrench. And make no mistake
22 about a socket wrench, it's a tool, it's an object, and if
23 used the right way it can be a deadly weapon or it can cause
24 injury to someone, and she comes towards Corey. Now, she
25 wants to say that Corey went and pulled his gun first, but

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1 that's not true. He didn't pull his gun any of those other
2 times, so why would he pull it this time? He pulled it
3 because she was coming at him with that socket wrench. And
4 according to Margie, Corey has the gun. You know, if she
5 was going to lie she wouldn't even admit he had the gun.
6 And I know the defense is going to say, "Well, she didn't
7 tell him that until June, until months later," but we'll get
8 to that. We'll get to under what circumstances was Margie
9 talking to law enforcement. She didn't try to hide it. If
10 she did, she would have never told us. This was not a
11 deliberate omission on her part. Margie says Corey
12 immediately put it back, she was like, "No, he put it back."
13 But Khelle was mad now. She said, "You wanna see gangsta?
14 I'm going to show you gangsta. They're going to take my
15 baby tonight." And it had to be seconds that Corey had the
16 gun, because Cliff didn't even have the opportunity to see
17 it. And now two years later, Khelle conveniently talks
18 about Corey burning her with a lighter. This is something
19 that didn't happen. She never told law enforcement this
20 happened, and when I asked her about it she said they never
21 asked her. Well, how would they know to ask if you didn't
22 tell them? It didn't happen. Nobody got on that stand and
23 talked about a cigarette lighter or Corey burning her but
24 her. And that's because after she reviewed this evidence,
25 she -- or sitting in this courtroom all week with her

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1 family, she learned something about a cigarette lighter at
2 the scene at Riverbend. Well, you know what? Jamal smoked
3 too, so maybe it was his. It probably was his. Everything
4 around that area was contributed back to him. And then she
5 leaves. She leaves. And according to her, Corey not only
6 pulled the gun, he cocked the gun and he pointed it in her
7 face, but she leaves and -- does this sound like somebody
8 who is scared? She didn't call 911, she called her brother,
9 Jamal. She didn't call 911 because she wasn't scared, she
10 was mad, and that's why she called Jamal, so they could
11 get -- show Corey and teach him a lesson. And she also
12 talked about the time when Corey had his hands around her
13 neck and that's how he got these scratches because she was
14 trying to claw his hands around her neck. These are on
15 Corey's right hand, right arm. Margie said Corey is
16 left-handed. "Oh, but he put his right hand around my
17 neck." No, he did not. What person would use their
18 non-dominant hand to put their hands around someone to get
19 them away from them? That just doesn't make sense. Just
20 another example of how she's trying to get her story to fit
21 what she knows that we know from our physical evidence. And
22 look at his injuries. I submit to you they're way worse
23 than the ones she showed on those pictures they brought up
24 here. She leaves, comes right back, calls Jamal. She wants
25 revenge, she wants retaliation. She tells him, "Bring your

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1 shit, I'm in Cayce."" Margie hears it, Paris hears it.
2 Paris reacts, you know, she was ready to go after her, too,
3 because she felt that that was threatening. Their family
4 was over there having fun, having a get-together, you heard
5 that from Cliff. And then she finally leaves. Again, no
6 911 called, nobody is going after her, nobody is paying her
7 any attention. Corey goes in the house, gets water, talks
8 to his family, calms down, he wasn't upset. He wanted to
9 enjoy his family, after all, he hadn't seen Cliff in a long
10 time. And Khelle, she knows by this point that Corey
11 doesn't have his phone. I submit to you she probably tried
12 to call it and realized he didn't have his phone. But you
13 know what she remembered? She knew he was with his mom,
14 Margie, so then she starts to try to lure him home. Because
15 she and Jamal, they talked, they talked three consecutive
16 times by now. And just to go back to the timeline. Margie
17 stated about 9:00 is when they got the call from Corey to
18 come to get him because Khelle had put him out at Wendy's,
19 and they arrived at Charlotte Street. And between 9:41 and
20 9:45 Khelle calls Jamal three times. Three times. And they
21 would have you to believe they didn't discuss this at all,
22 they were only discussing moving, moving at almost 11:00 at
23 night. She wasn't moving. She might have been going to
24 stay somewhere, but all she had to do is grab a bag and
25 leave to do that, which is what she later did when Sergeant

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1 Burrell went to the house. She didn't move out that night,
2 she wasn't going to move out that night. And so since
3 nobody is paying her attention she begins contacting Margie.
4 First she calls her, doesn't get an answer, Margie calls her
5 back, goes to voice mail, and then she starts with the text
6 messaging. At 10:13 she texts Margie, "Osirus and I are
7 moving out of here, just letting you know because your stuff
8 from your truck is still here." Why the need to text that
9 to Margie? She knows what Margie is doing, she knows where
10 she is, she knows Corey is over there, she knows she ain't
11 moving out that night. She's trying to get a reaction
12 because she knows how this family feels about Osirus, and
13 she knows if they think that he's about to be gone and they
14 can't see him, she knows she's going to get a reaction. But
15 she knows she's talked to Jamal and she's got to get Corey
16 over there, and she knows that's the one way to do it. So
17 Margie ignores her, that don't work. Then a minute later at
18 10:14 she sends this picture of Corey and Osirus when Osirus
19 was scheduled to have surgery. And I asked her, "Of all the
20 pictures in your phone with your baby, why did you send this
21 to Margie?" Because she was cleaning out her phone. So if
22 all of this traumatic stuff just happened to you, why are
23 you cleaning out your phone? Why do you want to send this
24 to Margie if she has just allowed her son to beat you down
25 and pull a gun out on you? Because that's not what

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1 happened. Again, she knows how they feel about that baby
2 and she knows that surgery was rescheduled, it was
3 reschedule soon and they wanted to be there just like they
4 were when it was originally schedule. She knew she had to
5 get them there because Jamal was on his way. They had
6 talked three times, he was on his way. So by now Corey has
7 calmed down, he wants to go home, this is his home. So we
8 know at 10:40, Jamal calls Khelle's phone, and this is per
9 Jamal's records. And you'll have all of this back in the
10 jury room when you deliberate, and you just ask yourself
11 what makes sense. Now, I know what they've got up here and
12 said, but you just ask yourself, what makes sense just based
13 on all of the other evidence? He calls her, they talk for
14 three minutes, because she has to guide him to the
15 apartment, the apartment that he never went to for ten
16 months while she and Osirus was there, but yet he wants you
17 to believe that they are so close. They wasn't close, she
18 just knew she could call him to help teach Corey a lesson.
19 He's there, he pulls up in the spot that Margie usually
20 parks in, the handicapped spot. Margie says as soon as she
21 turned the corner she sees Khelle talking to someone. She
22 sees Khelle points and said, "There he is," and Cliff hears
23 this as well. She admits this as well. And Margie can't
24 even park her car good before she sees two men running
25 towards her, one with a gun, one without one. She didn't

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1 know these people, Corey didn't know them. She says he
2 didn't know who that was, and Cliff surely didn't know him,
3 he just met these people that day. Now, Jamal wants to say
4 he was scared. Shouldn't Corey have been scared? He didn't
5 even get to get out of his car good. And y'all, I submit to
6 you, there was no running around. Corey wasn't -- he didn't
7 even get out of the car to run towards the apartment, better
8 yet back and forth like Khelle says. That just does not
9 make sense. He did not get good out of that car until they
10 confronted him, and all of the evidence shows that. This
11 was all done in three minutes and five seconds. 911 was
12 called at 10:46:51 just like Margie and Cliff says.
13 Everything is consistent with what they said. And let me
14 just remind you, that's Margie's car. There was no running
15 around towards that apartment. Corey didn't stand a chance,
16 he was ambushed. Jamal was standing over this way, now we
17 know Brandon was standing over near the cars, they cornered
18 him. Corey didn't have a gun. If Corey had a gun, don't
19 you think Corey would have pulled out a gun to protect not
20 only himself but his mom? His mama was in that car, y'all,
21 if he had a gun he would have pulled it out and used it. He
22 didn't have a gun. You never heard Khelle say during all of
23 that running around she claims he was doing that she ever
24 seen him with a gun. But he didn't even get out of this car
25 good, everything happened. If he would have jumped out of

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1 that car so quickly, so fast, even maybe Daisy the dog may
2 have gotten out of that car. He didn't. They came around
3 the front just like Margie said, Jamal with gun already
4 drawn. If anybody had a self-defense claim it would be
5 Corey. He was the one confronted at his own home -- he
6 lived there -- by two people he didn't even recognize. Now,
7 Cliff says he heard the shooter said, "Didn't I tell you not
8 to put your hands on my sister?" And Margie, she said Corey
9 was shot and he went down. He was immobilized, he was
10 paralyzed, he couldn't move. All of this and he's getting
11 up, coming after Jamal; getting up, coming after Jamal.
12 It's just not plausible. It just didn't happen. You heard
13 from Dr. Ross, he was bleeding out as soon as he was shot,
14 and he had also started bleeding out when he sustained those
15 head injuries. You also heard from Dr. Ross, injuries in
16 the head, they usually cause a lot of bleeding, but Corey's
17 injuries, they didn't have a lot of hemorrhaging. She said
18 these are two distinct injuries, two distinct head wounds.
19 And he wants to claim he only hit Corey Jamison in the head
20 once? No. She pointed out, this was one and this was one,
21 right in his forehead. Corey was beat down, pistol-whipped.
22 And this was after he was shot because his blood pressure
23 had started going down, if not it would have been more blood
24 on those injuries. And the one at the top of his head, it
25 would have been more blood. And Margie, she's begging,

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1 she's pleading, I don't even know how she kept it together,
2 "Please don't kill my son, please, I'm the grandmother of
3 your nephew." But it didn't work. He tried to shoot again.
4 She didn't know if she was going to be shot, Cliff didn't
5 know if he was going to be shot. The gun jammed. And what
6 does he do? He clears it. He clears it and he tries to
7 shoot again. Luckily he missed. Luckily he missed. And
8 you heard Jade, she said this is what she witnessed, she
9 witnessed a man with a gun in his right hand standing over
10 the victim. And Jamal wants you to believe that he didn't
11 hear Margie begging and pleading for her son's life. That's
12 ridiculous. Of course she was begging and pleading for her
13 son's life. And you know what else, too? The evidence
14 supports just what Margie said, she said Jamal was standing
15 over here by that island. So if Corey was running up
16 towards the apartments, how did -- the apartments are this
17 way, I'm sorry -- how did everything get back happening
18 right there? Because I submit to you, that's where
19 everything happened. Corey didn't stand a chance. And look
20 at the shell casings, these shell casings. One was fired,
21 one was unfired, because that's where Jamal was standing
22 when he shot Corey and then he cleared that gun and that
23 unspent round popped out. And then up here, another spent
24 round, just as Margie said. The physical evidence supports
25 what Margie said happened. The pool of blood, all back

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1 there by Margie's car. It's hard to see, but you'll have
2 these pictures in the jury room, you can see that pool of
3 blood. Everything, Corey's blood, his vomit, is right there
4 by the back of Margie's car because that's where everything
5 happened. And Jamal, he wants to say not only was Corey
6 going after him but Margie. Margie. Corey's mom who had to
7 use a walker, that was his back-up? Now, she was such a
8 peacemaker out at Charlotte Street trying to keep everybody
9 separated, but all of the sudden he took his mama to be his
10 back-up? That doesn't make sense. Just ask yourself, what
11 makes sense? What's supported by credible evidence,
12 testimony and physical evidence? And then Jamal says he and
13 Brandon took Corey's gun. If somebody just pointed a gun at
14 your sister, somebody just pointed a gun at you, why would
15 you want that gun? If you was really acting in
16 self-defense, you hear law enforcement coming. Remember,
17 they got there in less -- in about two minutes, two minutes.
18 911 is called at 10:46, Deputy Conklin is on the scene at
19 10:48. Now, by this time it's been an hour, two minutes and
20 46 seconds between the Charlotte Street incident and the
21 shooting. And it also has been 32 minutes since Khelle
22 promised to leave the house, so for all we know Corey might
23 have thought she was gone. She had already made that
24 promise she was leaving, she and Osirus was leaving. But
25 no. Jamal Coburn goes to Corey and Khelle's house with a

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1 loaded gun, with his friend, Brandon, as his back-up and
2 they ambushed him, and, man, it happens so quickly. Now, he
3 hears the police, but he doesn't bother to stay behind so he
4 can tell them what happened; "Oh my God, this is what
5 happened and this is what I had to do." No. He gets out of
6 there and goes and hides the gun, the two guns, under his
7 mattress, at least that's what he says today. And then the
8 next day when he talks to his mom he finds out Corey is
9 dead, and he decides to go throw not both guns in the pond,
10 but that one gun. Because he knew that's the gun he fired
11 on Corey, he knew that was the gun he pistol-whipped Corey
12 with, so he had to get rid of that gun. But he had one more
13 gun, and that's the gun that was found in his car at Rolling
14 Meadows. Now, going back to Riverbend. If this was someone
15 who was acting in self-defense, why the multiple shots?
16 Corey was down, he couldn't move, he couldn't get up. Dr.
17 Ross said he would bleed out within 45 to 60 seconds, 45 to
18 60 seconds. Do you think this man had the ability to get
19 up? I submit to you, he did not. If this was somebody who
20 was really just trying to act in self-defense, why the
21 repeated blows to the head? Because it was revenge. It was
22 retaliation. It was malicious. It was the malice. It was
23 that element we have to prove for murder. Same with that
24 shot, and the attempts, the repeated attempted shots. And
25 he doesn't stop, and he probably wouldn't stop unless he

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1 heard Brandon say, "Man, let's go," or if he heard law
2 enforcement on the way. And when his mom called, he didn't
3 call Khelle, he said he didn't know how she felt. But y'all
4 are so close, she knew you was there supposedly defending
5 her honor, protecting her, why not call her? You just
6 killed the father of her son. And a BOLO is put out.
7 Because Cliff and Margie, they're able to tell Deputy Sanner
8 who was involved, what vehicle they left in, and this
9 information also about the vehicle went out over 911. So
10 they had a Be-On-The-Lookout, or a BOLO, on Jamal and his
11 car. So the next day, August 25th, 2008 (sic) about
12 11:15 p.m., Deputy Sharpe encounters Jamal. And yes, he put
13 him in investigative detention with handcuffs. After all,
14 he was a suspect in a murder case. Deputy Sharpe was not
15 mean to Jamal, he was respectful of Jamal, he answered any
16 questions he had, he didn't yell at him, he didn't curse at
17 him. Yeah, he was in cuffs, but Deputy Sharpe told him what
18 the stop was about, what the investigative detention was
19 about. It wasn't like he left Corey (sic) out there, and
20 Corey (sic) didn't say anything like he told you this
21 morning. Deputy Sharpe told him Sergeant Burrell was on the
22 way, he took 35 or 40 minutes and he came. And again, they
23 told him over and over, they were investigating a shooting,
24 in which he and his vehicle were possibly involved. And
25 again, he didn't tell this story that he's told y'all today.

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1 So when Mr. Myers was going through Sergeant Burrell, "You
2 didn't try to get Jamal's side of the story," yes, he did.
3 Yes, he did. He tried to get it two years ago, the day
4 after this happened. Yes, he did. And yeah, Jamal is upset
5 because his car is being seized, because they tell him,
6 "It's possibly involved in a murder, we're going to seize
7 it." We're not going to go in it, we're going to get a
8 search warrant, they explained all of this. And he is, "You
9 didn't stop me in a traffic stop, why are you taking my car?
10 You don't have a tag number. Do you have a tag number?" I
11 mean, he's trying to dig and find out what they know. Mind
12 you, when he first encounters Deputy Sharpe he goes on his
13 phone, he researches Riverbend shooting. He knows what's
14 going on. Again, he's trying to find out what they know.
15 And they tell him, "You can leave." Because Sergeant
16 Burrell, he still wanted to get those identifications done
17 for Margie and Cliff. So don't think this was a half-sided
18 or rush to judgment case, he wanted to make sure he had
19 everything confirmed. And you know what? Jamal knew he
20 could be identified because he knew how close Margie and
21 Cliff was to him, he knew they were going to identify him
22 sooner or later, and they did. So at this time Sergeant
23 Burrell told Jamal, "You can go but we're taking your car,
24 but if we don't find anything in it, then it would will be
25 clear." And he wants that phone. He wants that phone. He

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1 says, "That's my stuff. I paid for that stuff and
2 everything in it," meaning that gun. Now, today he was
3 saying he was talking about a phone, but I submit to you he
4 meant everything in that car was his, including the gun, the
5 gun found in his console, his center console. A gun --
6 yeah, Khelle may say that was Corey's gun. But if you
7 noticed, when Mr. Myers showed her that gun, she didn't even
8 look at it good before she yelled out that was Corey's gun.
9 That's not Corey's gun. Y'all also heard from the SLED
10 analyst, Maryann Boehm, they tested that gun. They tested
11 the handle of the gun. It was a combination of three DNA
12 mixtures, and Corey was excluded as one of those in the
13 mixture. It was not his gun. And what we also know about
14 that gun from our other SLED expert, we know that gun did
15 not shoot this round nor this round. But what we do know is
16 they were shot from the same gun but not that gun that was
17 found in Jamal's car, because he got rid of that gun.
18 Remember? Just ask yourself, if someone pointed a gun at
19 you and your sister who you're so close with, why would you
20 want to keep that gun? When they told you they were
21 investigating a shooting the night before, why not say,
22 "Hey, he pointed a gun at me and I have the gun in the car?"
23 Because that's not what happened. And then I asked him,
24 "Why did you want to keep the gun? Because Corey didn't
25 deserve the gun." That's what he said. What kind of

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1 response is that? Corey didn't deserve that gun? He knew
2 he had to get rid of the murder weapon, but he didn't get
3 rid of that gun because it was Jamal's gun too. He had
4 multiple guns just like Margie said she saw multiple guns
5 out there. Neither Margie nor Cliff said they saw a gun on
6 Corey at Riverbend. He didn't have time to pull it out. If
7 he had one he would have to defend not only himself but also
8 his mom. Then Jamal, he never checks on the status of that
9 car because he knows what they're going to find, and he
10 knows they're going to have his cell phone and they're going
11 to link it up to him having contact with Khelle during all
12 of these times. And then at 10:40 to 10:43, again, three
13 minutes and five seconds before the first 911 call, he knows
14 it. And I submit to you, nothing happened to his phone out
15 there at the scene, he had his phone. But again, he didn't
16 want them to track his phone so he rendered it inoperable,
17 and the next day he ports his phone number over to a new
18 phone. And you'll have his phone records, you'll get to see
19 that like 10:30 call the next morning before he gets a new
20 phone, so we know it was working, but he doesn't want to be
21 tracked. He's fled the scene, he's rendered his phone
22 inoperable, he's hid the gun, and now he knows they're about
23 to search that car and find another gun and find his cell
24 phone. So what does he do? He goes to Arizona, all of the
25 way to Arizona. He gets on a bus and goes to Arizona. I

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1 submit to you, that is evidence of flight. He's trying to
2 get away, he's trying to hide. He talks about he's just
3 taking Shontell some clothes on the bus. He could have sent
4 her these clothes, he didn't have to get on the bus. He got
5 on that bus because he was hiding out. And I ask that you
6 consider that when you're trying to decide whether this was
7 intentionally done, whether this was maliciously done. Not,
8 "Again, let me tell my story. Let me get out of here and go
9 to Arizona." And Khelle, she didn't know he was in Arizona,
10 he didn't tell her, you know, the sister he's so close to.
11 And, you know, the defense is going to get up here and
12 they're going to talk about self-defense and what Jamal
13 perceived, but I just ask you, don't get distracted. Don't
14 get distracted by, you know, all of these what-ifs, this
15 story that came out two years later, came out after Khelle
16 had been sitting in court all week with her family. She
17 knows what she needs to say and what she needs to do and she
18 has an answer for everything to protect her brother. They
19 want to talk about Margie being biased to protect her son,
20 she lost everything that night. She wasn't trying to hide
21 anything. And let's go back to that. So Sergeant Burrell,
22 after he arrives at the scene and he gets briefed about what
23 happened and he learns of Margie's name, he goes to the
24 hospital. She agrees to talk to him, but this is right
25 after what she witnessed, the unthinkable, the most

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1 traumatic thing that a mother could ever experience. She
2 tells him she can't write a statement but she can talk to
3 him. And no, she may not have told him about the Charlotte
4 Street incident as in much detail, because what was her main
5 focus? Was what happened at Riverbend, what she just saw,
6 her child just dying. Again, she didn't deliberately leave
7 that out. In her mind she needed to get out what happened
8 at Riverbend. And so months after just probably trying to
9 think about this to make sense of something so senseless,
10 she thought of that, and she came forward with that
11 information. She was like, "Let me finally write my
12 statement." Yeah, it probably took her that long. She
13 talked about having PTSD, and who wouldn't? But she
14 collected her thoughts, she went in, she wrote that
15 statement, and she talked about what Corey did. If she was
16 trying to hide something she would have said, "Corey didn't
17 touch Khelle, I don't know what she's talking about." She
18 gave that information, she's being truthful, she's being
19 honest. Don't let them say she's being anything less than
20 truthful because she's not, because she never had to tell us
21 if she was deliberately trying to hide that. And he talked
22 earlier, Mr. Myers, about you don't -- we won't have a
23 conspiracy charge. No, we don't, because Jamal is on trial
24 for his actions. Khelle would never admit that she told
25 Jamal to come over there and shoot Corey, and Jamal won't

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1 admit that she did it either. But if we ever find out she
2 did, that will be investigated as well and I would
3 personally prosecute it. But what you're to consider is
4 Jamal's actions, that's what he is on trial for. He got a
5 call from his sister, he chose to believe her story. He
6 goes and gets back-up. He arrives at Corey and Khelle's
7 apartment with a loaded gun. He runs up to Margie's car and
8 confronts Corey with his gun already pulled. Corey tries to
9 diffuse things, "Put your gun down and I'll fight you like a
10 man." Jamal doesn't listen, he shoots his gun. Margie is
11 begging, she's pleading, he's looking at her, he hears her
12 cries but they go unnoticed. He tries to shoot again, the
13 gun jams, he clears it. He pistol-whips Jamal -- I meant
14 Corey, over and over and over again. He tries to shoot
15 Corey again. He flees the scene. He hides evidence. He
16 doesn't talk to the police. He goes to Arizona. He's on
17 trial for his actions. What happened with Corey and Khelle,
18 that's separate. It got the ball rolling but it's separate,
19 it happened a whole hour before this. Jamal is on trial for
20 murder, his actions. These were his choices, no one else's.
21 There is no self-defense. Must be without the fault in
22 bringing on the difficulty. There is no self-defense.
23 Going to some other man's house with a loaded gun? He had
24 another means to avoid the danger, but he didn't. They
25 never called the police. He had no problems getting his car

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1 out of that parking spot, nobody ever said that but him.
2 Even Khelle said she looked out and saw him leaving, and she
3 jumps in her car and she leaves too. There was no beat down
4 with Khelle at Charlotte Street. Corey, he sustained
5 another injury on his chest. His injuries are way worse
6 than Khelle's. Look at these phone records, look at these
7 calls, look at Jamal's movement. He had no choice but to
8 come in here and give y'all this story, he had to come up
9 with something. He knew he was identified by Margie and
10 Cliff. At this point he knew Khelle had told law
11 enforcement it was her brother, Jamal, that came to that
12 scene. He knew it. He fled to Arizona after finding out
13 what we knew. I ask you, again -- and I will have the
14 opportunity to respond after Mr. Myers, but I just ask you,
15 don't get distracted. Keep in mind the self-serving
16 ridiculous testimony of Khelle and Jamal, the testimony that
17 is no physical evidence to support. And just think about
18 everything he did that night at Riverbend and you ask
19 yourself, is that self-defense? I submit to you it's not.
20 I submit to you it's nothing but murder, and I just ask that
21 you find the defendant, Jamal Coburn, guilty of murder.
22 Thank you.

23 THE COURT: Thank you, Solicitor. Do you want to take
24 a break or do you want to -- ladies and gentlemen, we'll
25 take a very short break, no more than ten minutes. I'll get

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1 MR. MYERS: Yes, sir.

2 THE COURT: You are recognized.

3 MR. MYERS: Thank you, Your Honor. May it please the
4 Court?

5 THE COURT: Yes, sir.

6 MR. MYERS: Madam Forelady, members of the jury. I
7 grew up in a little small town that you actually heard from
8 the witness stand today right in Lexington County, Swansea,
9 and I had some older siblings and some older aunts and
10 uncles who raised me. It was a wise saying that they always
11 used to give to me -- and, you know, I guess that's the
12 beauty of growing up with people who are older than you,
13 they've got all of these wise sayings to give to you to
14 impart knowledge on you. But one of the things they used to
15 always tell me as a little kid is that if you go looking for
16 trouble you're bound to find it. Now, they know that
17 there's only one individual that went looking for trouble on
18 that night and that was Corey Jamison. We know that because
19 Cliff Anderson testified that had they not gone over there,
20 Corey would still be alive, and we know through Mrs.
21 Schoultz, the only thing that was preventing Corey from
22 doing further harm was her. So he had the malintent, he had
23 the bad intent to doing nothing but ill-will and to commit
24 trouble. Now, in a moment Judge Keesley is going to charge
25 you with the law, and we lawyers use all of this fancy stuff

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1 and say to charge, all he's going to do is give to you what
2 the law is, that's what charging means. And at that point
3 you will become empowered, you will become empowered to do
4 justice, and what justice is is left for you to decide.
5 Judge Keesley can't come into the jury room, we can't come
6 into the jury room and tell you, "Hey, this is what the
7 facts were on that particular day." Now, this is closing
8 argument, and quite honestly I've got no intent whatsoever
9 to argue with you, but there are some things that I want to
10 discuss. You know, in my humble opinion I think that our
11 constitution is a brilliantly written document. You've got
12 to think, back in the 1700's you had a group of men who were
13 trying to form a union to come up with a document that would
14 have the foreseeability and the things that this document
15 has. That constitution provides a lot of protection. It
16 provides us protection from any illegal searches and
17 seizures. It gives us protection to say you know, look, if
18 law enforcement wants to talk to you, there's nothing that
19 says that you've got to talk to law enforcement. There is
20 absolutely nothing that says that if you are a suspect, or
21 even if you're not a suspect, that you have to talk to law
22 enforcement. But the other right, and I think it's the most
23 important right in my opinion, and that's the right to trial
24 by jury. That right is so important, because no matter what
25 happens on the outside of this courtroom, no matter what

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1 social media has to say, no matter what print media has to
2 say, it's not until that evidence comes in by way of that
3 stand through either exhibits or testimony that we know what
4 the facts are. Anything outside of that really don't
5 matter. Because again, you are empowered as a jury, just
6 ordinary citizens of Lexington County just minding your
7 business, probably hated to see that notice come in and say,
8 "Hey, you've got to serve for jury duty," particularly
9 during covid. But ordinary citizens have now been empowered
10 to render a verdict that is going to speak the truth
11 forever, that you have the opportunity right now through
12 your empowerment to speak the truth, and that's what verdict
13 actually means. When I got up here earlier on in opening
14 statements, I told you that this case was about three
15 things; about protection, perception, perspective, and I
16 explained to you what those things were. I told you that we
17 believed that the evidence was going to show certain things,
18 and I also told you that it was more important for you to
19 hear that evidence coming straight from the witnesses'
20 mouths and not my mouth. So what did we learn through the
21 evidence that came through, and the evidence that actually
22 didn't come through? We learned that Mikhelle and Corey had
23 a child. We also learned that Mikhelle on August 24, 2018,
24 she and Osirus were the only ones that were living at
25 Riverbend Apartments. We know that because, as Ms. Schoultz

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1 got up here and testified, that, well, that day they had
2 Osirus. Well, go back to the evidence that you saw when
3 Mikhelle testified. Mikhelle testified that Corey didn't
4 stay the night before, and she also submitted pictures of
5 she and Osirus at the BP gas station while they were waiting
6 on Corey, Cliff and Margie. Now, she didn't know Cliff was
7 coming at the time, but you saw the photographs. And when
8 you see the defense exhibits you will see the evidence that
9 says that it was impossible for Osirus to be at two
10 different places at one time. He couldn't have been with
11 Margie, Cliff and Corey at the time while he and his mother
12 are there snapping photographs at the BP. So we know that
13 the lease agreement is only in Mikhelle's name, and we know
14 that it was impossible for Osirus to have been with Margie
15 and Cliff as Margie tried to testify to. Then we know that
16 Mikhelle, who just wants to better her life, decides that
17 she wants to get a better job. She worked at the daycare,
18 which was a very respectful job, she worked there and she
19 wanted more, just like we all do. Nothing wrong with that.
20 So she goes for a job interview and she gets the job. By
21 that point she said that the reason she and Corey had to be
22 together was because they had to discuss the issue of
23 daycare. What's unreasonable about that? Nothing. They
24 had a child in common. There was absolutely no evidence
25 whatsoever that she tried to keep Corey away from the kid.

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1 She said, "Hey, I have got a new job, I'm no longer getting
2 a discount, so now we have to talk about daycare." That was
3 the sole purpose of them getting together. She told you
4 where they went that day, and then she told you that the
5 crux of the argument was because she suspected Corey of
6 stealing from her. We knew Corey didn't have a job, we knew
7 Corey didn't have a car. He claimed that he was paying
8 bills -- well, the prosecutor claims that he was paying
9 bills, but you heard the testimony through Ms. Schoultz that
10 it was wasn't him, she was actually the one helping pay the
11 bills. So which one is it? All we know is is that at the
12 end of the day it's not unreasonable for a mother to talk to
13 a father and say, "Hey, we need to get together on this
14 daycare." So they go out, they have this argument. At that
15 particular time this incident on Charlotte Street, yeah, she
16 gets there. Now, I want to kind of tell you, in English
17 what they call Mikhelle is a Red Herring, that's what she
18 is. They want to try and put things on Mikhelle to take
19 away from Corey. They want to try to suggest to you, "Well,
20 hey, Mikhelle was acting crazy. Mikhelle is leaving, she's
21 coming back, she's leaving, she's coming back." Well, when
22 you look at her -- when you listen to her story, when you
23 take everything in context, it was certainly not
24 unreasonable for her to have said, "You know what? I'm done
25 with this." He just stole \$20, she told you it was from an

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1 account that she used to pay the rent, not they paid the
2 rent, but that she used to pay the rent, she needed that
3 money, she wanted that money. "And so let me now get the
4 keys because there can't be anymore of you coming over and
5 just taking care of Osirus just like you want to, I need
6 that key back," and that's when they get into the argument.
7 Now, maybe -- and I hope that I'm dead and gone when it
8 happens, maybe there's going to be a time where it's okay
9 for a man -- I'm sorry for this -- and I hope I'm dead and
10 gone, but I guess that maybe there's going to come a time
11 where it's okay for a man to put his hands on a woman, but
12 at this particular time it ain't right for a man to ever put
13 his hands on a woman. And for a prosecutor to stand here
14 and say that Mikhelle's injuries weren't as bad as Corey's
15 injuries, that is a slap in the face for all of the domestic
16 violence victims who basically suffer at the hands of an
17 individual who wants to put hands on them. So Corey put his
18 hands on his child's mother in front of his child. All of
19 this talk about how much Corey loved Osirus, well, guess
20 what? You don't do that in front of the child. You don't
21 teach a child how to do those certain things. You basically
22 handle it like gentlemen and you try and talk it out. But
23 at this point we know -- and they talked it out. How were
24 they positioned? Well, I'm right-handed, so if I'm going to
25 choke someone and I've got a gun on me, I'm going to choke

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1 them with my non-dominant hand, because I want my dominant
2 hand to be on my weapon. So if Corey is left-handed, the
3 opposite would be true. He's holding her neck like this and
4 he's got his hands -- he's got his left hand on the gun,
5 just as Mikhelle testified to. That's what she testified
6 to. And all of this talk about she couldn't have done it --
7 or when she went to get the item out of the trunk, whether
8 or not she could have gone -- we know Cliff Anderson said
9 that as soon as he went to her and said that, "Hey, go ahead
10 and put that down," what did he say she did? She actually
11 turned around and she left. So there was nothing about her
12 continuing to come at him with a weapon or doing anything of
13 the sort. The solicitor wants you to believe that that's
14 what they want you to believe, but the evidence doesn't
15 match up to what actually happened. And then what we do
16 know is a whole year later is that Corey pulled a gun on
17 Mikhelle. Now, I hope that you never have the experience of
18 having a gun pulled on you, but I hope that you never have
19 to decide what emotion would be running through a person's
20 mind at that particular time, to see a gun not just pulled
21 on her, but actually cocked and then pointed at her head, in
22 my opinion, would be an experience that no one needs to
23 undergo. Whether or not you're afraid, whether or not
24 you're scared, whether or not you're whatever, different
25 things affect people differently. But for Mikhelle, she

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1 said that she was afraid, she got scared because a gun had
2 just been pointed at her. And then at that point she said
3 "Hey, that was it, there was nothing left for us." Now, the
4 State can't have their cake and eat it to. It's almost like
5 that old dirty trick my brothers used to pull on me. They
6 used to have this coin that had two heads on both sides and
7 they would never let me see, but every time they would say,
8 "Hey, Stanley, what do you want to do? Let's flip for it."
9 They would instantly call heads. I wouldn't see it, they
10 would flip it and every single time it was always heads.
11 That's what the State wants you to do. The State want to
12 basically have that two-headed coin and have you believe
13 both things. And why do I say that? Because at the same
14 time they're trying to suggest that Corey didn't want
15 Mikhelle, then how is it that Corey also was in the
16 apartment, that he belonged in an apartment? He didn't.
17 That is the Red Herring. They want you to assume things
18 that just quite frankly is not in evidence. Corey had
19 absolutely no right on that night to go back to Riverbend
20 Apartments after he pulled a gun on Mikhelle. Mikhelle said
21 that when that gun got pulled she then called her brother.
22 Yeah. I guess you can kind of coulda, woulda, shoulda and
23 arm chair quarterback this thing all day long about what she
24 could have done, because her intent at that time was just to
25 get out of the apartment. She called her brother and said,

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1 "Jamal, Corey just hit me, he just pulled a gun on me, I
2 need to get out of the apartment, can you please come help
3 me?" Jamal, who was simply minding his business trying to
4 hang out with his girlfriend, or a girl that he says is his
5 friend, whomever it is, he certainly wasn't hooking for any
6 trouble. If he was, he wouldn't have let Brandon use his
7 car. So all of the sudden Brandon is gone away, Jamal is
8 trying to hang out with his girl and he gets a call from his
9 girlfriend (sic) that is panicked, that is full of fear and
10 full of emotion. And at that point he tells Brandon, "Hey,
11 man, you can't use my car, I've got a family emergency, I've
12 got to go and help my little sister." Brandon gets caught
13 up at that point, he's in the passenger seat, Jamal was
14 driving them to the apartment complex. And when they get
15 there, you heard the testimony, Mikhelle was outside waiting
16 because he'd never been there before. They want to say,
17 "Well, he'd never been to that apartment before." Well, she
18 told you and he told you that they grew up in the same
19 household, what law says that they've got to always see each
20 other because Jamal is going to her apartment? Could it
21 have been that they always saw each other at their mama's
22 house? They've got a mother in common. So what evidence
23 that ever says that, "Hey, you have to always come to my
24 apartment if you want to see Osirus?" That's not the case.
25 Again, what happened in this instance is they pulled in,

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1 they saw Mikhelle, and within 60 minutes -- 60 seconds Jamal
2 says another truck pulled up that he had never seen before.
3 He says that the car was too close where he couldn't
4 maneuver out. Why do we know that to be true? Because one
5 of the only unbiased and non-prejudicial witnesses, Jade
6 Sapienza, said that she saw the location of the truck and
7 the car and it was too close where when the individual left
8 they had to maneuver in and out. So if you remember Jade
9 Sapienza, she didn't have a dog in this fight. She didn't
10 have an enemy to punish or a friend to reward. She came in
11 here and she basically said, "Look, I saw that truck, it was
12 parked too close and whoever it was, their car had to
13 maneuver out." So it doesn't really matter what Margie or
14 Cliff have to say, it doesn't really matter what Jamal or
15 Mikhelle has to say, because we know that an unbiased
16 witness came in and said exactly how close it was. But when
17 Jamal gets there -- this is where the protection comes in --
18 Jamal goes there with the purpose of protecting his little
19 sister and ends up having to protect himself and his little
20 sister. You heard the testimony of how it all happened, and
21 I would respectfully submit to you that this is how it went
22 down. Jamal just pulls up in his car, Brandon is in the
23 passenger seat, Mikhelle is right there. Jamal said that
24 he's kind of halfway in, halfway out of the car, he's
25 talking to his little sister. At that point he sees the

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1 headlights come up and Mikhelle says, "Oh shit, that's
2 Corey," she runs away. At that point, Jamal spins around,
3 and who does he see? Corey for the first time. Not just
4 Corey, though, he sees a female and he sees another
5 gentleman. So at this point you've got three individuals;
6 one individual who had just been told that Corey pulled a
7 gun on his sister. So Corey (sic) does what anybody would
8 have done -- or Jamal does what anybody would have done, he
9 sees Corey coming towards him and he says he sees Corey with
10 a gun. We already know that Corey had the gun because
11 Margie told you that he had the gun, and we'll get into that
12 momentarily. So Jamal sees him, and then all of the sudden,
13 I guess like a Mexican standoff if you ever notice, he sees
14 a gun, Jamal pulls his gun. So you've got two individuals
15 that are basically face to face, Jamal perceives the gun, he
16 then points his gun. At that point Corey -- because when
17 came in he saw the great -- even though he was looking for
18 trouble he met the great equalizer. He saw someone that
19 wasn't a girl, that wasn't vulnerable, he saw another
20 individual with a gun and he said, "Oh shit, he's got a gun.
21 I can't just put my hands on him and just beat him like I
22 did his little sister." So what's more reasonable? Corey
23 then kind of steps back a little bit, but he doesn't take
24 his hand off the gun. Jamal at this point does what
25 everybody does when they see a threat, he's watching that

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1 threat. He is going around and he's saying, "Hey, man, I
2 didn't come here for that. I came here because you put your
3 hands on my little sister." Notice, he hasn't squeezed that
4 round off yet. If he wanted to kill -- if he had the
5 malicious intent to kill anybody, why wouldn't he have done
6 it right then? So the reason why everything happened on the
7 passenger side, just as Jamal said, momentum carried him
8 that way. Because again, mom is getting out of the driver's
9 side, Jamal is trying to basically just keep his eye on
10 Corey. He couldn't have gone to the right because the truck
11 would have blocked him and Corey, and then Corey could have
12 gotten a shot off. So the more reasonable thing to do, keep
13 your eye on the target. You put your gun down, I put my gun
14 down. Corey is continuing to kind of shift around but he's
15 still got his gun. At that point Jamal says that he sees
16 the woman, doesn't know if it's his mother at this point,
17 but he sees the woman coming towards him. At that point I
18 guess Corey saw that he had an opportunity, that's when he
19 went for his gun one more time. Thank goodness Jamal got
20 the shot off first. The law doesn't say when two
21 individuals have a gun we've got to be in a standoff and
22 say, "Hey, man, you shoot first, I'm going to shoot second,
23 and then whoever misses, the other person gets the
24 opportunity to shoot." The law doesn't work that way,
25 particularly when it is going in second, particularly when

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1 it's like this. So from Jamal's perspective he is seeing
2 this guy walk around, and he's doing a reasonable thing, he
3 is keeping his eye on that threat. And thank goodness he's
4 keeping his eye on that threat, because as Margie comes
5 around Corey tries to take a shot, Jamal shoots, but Jamal
6 says, "Hey, I don't even know if I shot him at that point, I
7 don't know if I hit him," because we know that he kept
8 coming. We know he kept coming because Dr. Ross said that
9 even with that wound the individual was still able to move.
10 So wherever the State got this stuff about, "Well, he
11 couldn't move, he would have bled out," that ain't
12 consistent with the evidence, because Dr. Ross actually said
13 that even with that shot the individual could have kept
14 coming. So at that point Corey is continuing to come.
15 Jamal shoots again. I can't tell you which one hit him, I
16 can't tell you whether or not it was the first one or the
17 second one, all I know is that Jamal candidly and honestly
18 said that he fired two rounds and Corey kept coming. And
19 then at that point he then tried to shoot again because
20 Corey is still coming, but this time the gun jams. Anybody
21 ever had any experience in guns knows how it works; you
22 fired one time, fired two times, if you hear that metallic
23 click you've got a jam. At that point you've got to clear
24 that jam and that's what Jamal said he did, but he felt as
25 if Corey was continuing to come. He goes up and hits Corey,

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1 that's when he said that Corey falls down. And again, he
2 thought the whole time that Corey went down wasn't the
3 result of any bullets, he went down because he had hit him
4 up side the head and that's when he saw the blood. That,
5 ladies and gentlemen, is not an unreasonable inference and
6 that ain't an impossible belief as to what happened because
7 that is the truth. That's what the physical evidence
8 matches up with. And Jamal, who went over there to protect
9 his baby sister, ended up having to protect himself and his
10 baby sister and he perceived an immediate threat. And from
11 his perspective -- because you've got to look at it from his
12 perspective, you can't look at it from anybody else's
13 perspective, which is why Mikhelle is a Red Herring. It
14 doesn't matter about Mikhelle. All that matters at that
15 point is what Jamal perceived from his perspective. And I
16 guarantee you that it didn't happen all slow motion, it
17 happened rapid, and it happened so fast -- you've heard of
18 the saying from zero to 60, it probably went from zero to
19 1,000 all within that matter of time, and unfortunately
20 that's how Corey Jamison was killed. I told you this wasn't
21 a who-done-it case. I told you that we were going to put up
22 a credible case that Jamal Coburn shot Corey Jamison. So
23 the issue was never who, the issue was why, and then how.
24 You know, you talk about the who could have done this, who
25 could have done that, if they're going to try and use that

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1 standard then you have to turn it back and ask them the same
2 thing. Because if Margie Schoultz just saw her son pull a
3 gun on the mother of her grandchild, couldn't she when she
4 got the text message say, "Hey look, Corey, I'm going to go
5 over there and talk to Mikhelle. I've got belongings over
6 there" -- because you heard that testimony that she was
7 going through problems with FEMA or with her trailer, she
8 could have easily said, "Hey, Corey, you sit tight, you're
9 already upset. I just saw what went on between the two of
10 you, it's my grandchild, let me call Mikhelle, let me deal
11 with this situation, you stay here," or, "Cliff and I will
12 go." But at that point she didn't have to load Corey up and
13 take him over there, because again, if she said that all she
14 wanted to do was drop Corey off, well what did she think was
15 going to happen if her sole purpose was to drop this man off
16 and leave? You saw what he did while she was there, and
17 he'd -- she'd already testified that had she not been there
18 he would have done differently. So if her whole intent was
19 to go there and drop him off, what do you think would have
20 happened had she dropped him off? They went there with one
21 purpose in mind, to finish what they started, because
22 Mikhelle was gone. She and that tire iron, or whatever item
23 they say that she had, had left the scene, and they followed
24 her within minutes. So from Jamal's perspective after
25 hearing what he heard, seen what he saw, it is very

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1 reasonable for him to have acted the way that he did. And
2 again, for Margie Schoultz or for the prosecutor to stand up
3 here and say otherwise would be ridiculous, would be an
4 assault on your common sense. So what does Jamal do next?
5 He says, "Hey, I leave. I then have to maneuver out. I
6 leave, I get out of Dodge." He takes the gun from Brandon.
7 Now, all of this stuff about whose is the gun, I'm going to
8 get into that momentarily. But all we know is that Brandon
9 did get the gun from the scene and Jamal then took it, and
10 Jamal did something that, you know, hey, you've got to ask,
11 why did you do it? He said, "Hey, I panicked and I was
12 scared." He took his weapon and he threw it away over on
13 Jones Wire Road. He kept Corey's gun because we know that
14 this gun is not the one that shot Corey. So all of this
15 talk about multiple guns, it didn't happen, folks. There
16 were only two guns; Jamal's gun and Corey's gun. So Jamal
17 said that he throws away his gun and he keeps Corey's gun.
18 All of this talk about telephones and all of this stuff the
19 prosecutor wants to say, "Well, you know, Jamal -- why
20 didn't Mikhelle call Corey," or she could have. Well,
21 they've got the cell phone records, there's no cell phone
22 records that said that she actually called Corey, you will
23 have an opportunity to see it, she never called Corey,
24 because all she wanted to do was just get out of Dodge. And
25 she had a plausible explanation as to why sent the text that

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1 she sent, and even why she sent the photograph. She said,
2 "Look, I'm done. I'm deleting everything of Corey Jamison
3 in my phone, but here we go, grandmama, if you want to keep
4 it here you go." And when you look at the timeline, it
5 wasn't until she had gotten home and she was in her
6 apartment that she did it. They want to try and make you
7 believe that she did it on the way, or in route, that wasn't
8 the case. Mikhelle specifically said that when she got to
9 her apartment and she had Osirus in there and she was
10 packing up her things, that's when she sent that text
11 message. So when you look at this the physical evidence
12 matches every single thing that we've tried to put forth for
13 you. You know, the fact that Jamal had this encounter with
14 law enforcement the following day, another Red Herring.
15 Because again, the man was sitting in a subdivision charging
16 his phone, not attempting to leave, not attempting to go,
17 law enforcement sees him and then they want to basically
18 question him. He sits around, he ain't trying to hide,
19 ain't trying to do anything, and just for asserting the
20 constitutional right that our founding fathers put in that
21 document, they want to try and say, "Well, they tried."
22 Yeah, you can try, but the constitution trumps any tries.
23 The constitution says, "Hey, y'all ain't working for me. I
24 want someone who is going to work for me before I go talking
25 to y'all." And so you heard the testimony of how that night

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1 panned out. Now, there's one thing I want to tell you on
2 that night. You saw Burrell say that when he got there
3 Jamal didn't want to talk to him, and that's plausible,
4 that's reasonable. But he also said that Jamal was very
5 cooperative, that Jamal didn't give him any problems. And
6 then they want to make this big stink about, well, Jamal was
7 arrested in Arizona. They never said that they said, "Hey,
8 you're under arrest." They never told the man that he
9 couldn't leave South Carolina. He was with someone that he
10 had previously helped move out there. That's not
11 unplausible, that's not unreasonable. You notice that when
12 he was arrested, he was arrested with what's called -- the
13 law says without incident, meaning that he didn't try to
14 run, he didn't try and flee. They brought him back and now
15 he is on trial for his life. Now, I'm going to try and make
16 it as quick and fast as I can, there are some questions that
17 I want to go through, that's what this PowerPoint is for.
18 During every case we have this concept called reasonable
19 doubt, and it's a very huge burden that the State has to
20 prove. Now, in every case there are questions, some
21 questions that defense lawyers just try and come up with and
22 just try and take your eye off the ball. These questions, I
23 promise you, are not designed to take your eye off the ball.
24 These questions cut to the heart of reasonable doubt.
25 Because if the State wants you to convict this boy of

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1 murder, then they should leave all doubt on the table, you
2 should have absolutely no hesitancy to act. Now, here is
3 our burden of proof chart. I don't know if some of you
4 remember hearing me say that there's certain things that we
5 don't convict of in this country. This chart is filled with
6 a bunch of adverbs and adjectives, we don't convict on those
7 types of adjectives and adverbs. When you start at the
8 bottom, that's easy, they've not proven him guilty, and we
9 don't believe that they have. But then -- and you go into
10 this chart, when you go up there and you go in that
11 deliberation room and you're having to use these kinds of
12 words, that means that there's reasonable doubt in this
13 case. If you look at the evidence as it comes in and you
14 say, well, it's highly unlikely; it's less likely; probably
15 not; unlikely; possibly not; may not be; perhaps; suspected;
16 possibly guilty; probably guilty; guilt likely. If you're
17 back there and you cannot resolve those questions, then the
18 only verdict is not guilty. So when you think about what
19 we're about to go through, you have to ask yourself -- what
20 are you asking yourself? What's the State asking you? If
21 the State is trying to ask you to coulda, woulda, or maybe
22 this, maybe that, they've failed to meet their burden and
23 they want you to make leaps for them in order to prove their
24 case. I have here the guide. It's the State's burden,
25 Jamal does not have to prove or establish anything. Jamal

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1 could have not taken that stand and we could have rested as
2 soon as the State rested. But in order for the State to
3 have you convict this boy of murder, they've got to first
4 disprove self-defense beyond a reasonable doubt, and they
5 then have to prove murder beyond a reasonable doubt. So
6 it's not until you get to those two steps that you even get
7 to a guilty verdict in this case. Self-defense. I stood up
8 here and I told you during my opening statement what the
9 elements of self-defense was, Judge Keesley is going to give
10 them to you again, but the number one thing, the difficulty
11 was not your fault, you didn't start it. Again, Jamal
12 Coburn was invited to Riverbend Apartments by his little
13 sister and he went there. He didn't do anything to cause
14 that difficulty. He was there to basically try and get his
15 little sister out. They made no attempt to try and leave
16 Riverbend and try and set this boy up. Number two, you
17 feared you or another would be killed or seriously injured.
18 I think that's pretty fair. You know, anyone who pulls a
19 gun on someone, there is reasonable fear that this
20 individual wanted to do harm. Number three, the fear was
21 reasonable, meaning that "Hey, what would somebody else in
22 your shoes do, Jamal?" Well, I don't know about you, but if
23 I had gotten a phone call from a little sister who is
24 telling me that man had just beaten her and pulled a gun on
25 her, then if I go over there I would have acted the same

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1 exact way, and any reasonable person would have acted that
2 same way. Number four, there was no safe way to avoid the
3 danger. You have no duty in the State of South Carolina to
4 retreat if the retreat would have put you in further harm.
5 And what that means is that if Jamal, if he tried to retreat
6 while Corey still has that gun, what would have happened?
7 It would have been his life as opposed to Corey's, and
8 that's what this thing is all about. This whole world is
9 about self-preservation. You don't have to sit there and
10 let somebody shoot at you or to beat on you or to do things
11 that they want to do to you that you don't want them to do
12 without defending yourself. Next slide. We talked a little
13 bit about what murder is and what aforethought is. Folks,
14 the only thing that I want to tell you about that is that
15 when you talk about killing of another, and this malice
16 aforethought, in order for there to be aforethought there
17 must be a combination of previous evil intent and the act
18 producing the fatal result. There was no prior evil intent
19 at all. That's why I asked Jamal did he have any beef with
20 Corey, did they have any run-ins whatsoever. He didn't. He
21 didn't have any sort of problem whatsoever with Corey. But
22 he had it that night only because Corey put his hands on his
23 little sister. Next slide. Question number one. Now, when
24 I get done I'm going to sit down and I won't be able to come
25 back, y'all are probably saying thank God, but I won't be

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1 able to say anything else to you. The prosecutor is going
2 to have an opportunity to rebut. When they get up here and
3 rebut, I want them to convince you beyond a reasonable doubt
4 that they've answered these questions. Why didn't they test
5 all of the DNA? They want to tell you folks that that gun
6 is not Corey Jamison's. If you remember, there were 14
7 samples that went off to SLED, 14, only three got tested.
8 Let's do the math on that. And we also know that the only
9 thing that they tested was the handle. Why didn't they
10 cover anything else on the gun? The gun has multiple parts;
11 you've got the chamber, you've got a trigger, you've got all
12 of these other things. Fourteen items and only three got
13 tested. You want to know what reasonable doubt is?
14 Reasonable doubt is 79 percent, because they didn't test
15 79 percent of the evidence. And if you recall the testimony
16 from the nice gentleman from SLED and from Investigator
17 Boehm, or Ms. Boehm, the female, very pleasant lady, when
18 Ms. Darko was asking those questions she actually handed the
19 gentleman three envelopes and said, "Hey, what did this come
20 back as?" Do you remember what he said? He said, "Well, we
21 didn't test that. How do you know? Because my signature is
22 still on the seal." And at that point she hesitated and
23 they had to take a break. They hesitated because they knew
24 that they didn't test all of the samples, and if they
25 hesitated you should hesitate. So I've never seen

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1 reasonable doubt this clear. We lawyers, we try and come up
2 with all of this stuff about what reasonable doubt is, I'll
3 respectively submit to you that reasonable doubt is the
4 non-tested 11 samples that they didn't test. So for them to
5 stand up here and tell you "That gun didn't belong to Corey,
6 SLED says this." SLED only said that, "Hey, all we got were
7 a certain amount of samples, but if you bring us some more
8 samples we can further test that weapon." So for them to
9 stand up here and tell you that that gun does not belong to
10 Corey, that's disingenuous, folks, because we know that only
11 21 percent of the samples got tested. That's 79 percent of
12 reasonable doubt throughout this case. And folks, in this
13 country, in this state, no one get convicted when 79 percent
14 of the evidence has not been tested. Why did the
15 investigator repeatedly not follow-up? Now, remember this,
16 Mikhelle leaves, she goes to Sumter with her dad, she comes
17 back with her dad. An individual that had just brought a
18 material witness back to the crime scene is not even spoken
19 to. Think about that. So Investigator Burrell never even
20 talked to the dad, Mr. Frierson, and said, "Hey, sir, you
21 just brought Mikhelle back, what did she tell you? What do
22 you know happened? Can you help us out?" He never even
23 tries to talk to him. Now, folks, I know that unfortunately
24 we live in a society where violence occurs in this country
25 too much, and all we ever ask is that we have efficient and

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1 competent law enforcement to just ask questions. I'm not
2 getting on Investigator Burrell at all other than to say,
3 "Hey, if you're going to try and hold Jamal to these
4 standards, before you ask a jury to come and convict this
5 man, resolve all doubt." Also, Detective Burrell was told a
6 year later by Margie that Corey pulled a gun on Mikhelle
7 shortly before the incident. That's important, folks. It
8 is vital, actually, because for a whole year, an entire
9 year, Margie Schoultz kept to herself the fact that Corey
10 had pulled a gun on Mikhelle. And when you heard -- there
11 are rules that don't allow me to show you the statement, but
12 we got it out through Investigator Burrell and through
13 Margie that basically said it was an afterthought. She went
14 through a whole eight pages of writing out everything that
15 happened that night, including what happened on Charlotte
16 Street, but just conveniently leaves out the fact that Corey
17 pulled a gun on her grandchild's mother, and why even after
18 knowing that didn't Burrell follow-up on that? You heard it
19 yourself, he had investigated this as a straight-up murder,
20 but had there been evidence of some type of self-defense,
21 his mind was supposed to be so open that he would have gone
22 back and reopened the investigation, but he never did.
23 Instead, they want to try and make Mikhelle out to be,
24 "Well, all of the sudden you says this and you says that."
25 The girl was never under subpoena by the State. They never

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1 told you that, "Hey, now we know that you had a gun pulled
2 out on you, do you want to say anything else to us?" They
3 want to make her the detective. They want to tell her, "Why
4 didn't you do this? Why didn't you do that?" That ain't
5 the way it goes. You can't have your cake and eat it too.
6 It was his job to basically say that now that I know that
7 you had a gun pulled on you, what else do you want me to
8 tell you about this thing?" At that point the heels had
9 been dug in, they weren't doing anything other than trying
10 to hope that Jamal would be found guilty of murder. Next
11 slide. I'm sorry, we're in the smaller courtroom so I
12 apologize for having to move around. Why does the State
13 believe that Corey had the right to defend himself with a
14 gun from an unarmed Mikhelle who was only try to get his
15 keys, yet Jamal did not have the right to defend himself and
16 Mikhelle from Corey, who was stomping towards them showing a
17 gun? Now, if you remember the testimony, they're trying
18 to -- again, I hate to be repetitive on having their cake
19 and eat it too, but if you remember, one of the
20 investigators, I believe it was Investigator Burrell, I
21 asked him once we found out that the gun was pulled that,
22 "Hey, was that right?" He says, well, yeah. If he thought
23 that she had a weapon he had the right to pull a gun."
24 Well, wouldn't that same logic then apply to Jamal? That if
25 Jamal saw that same gun pulled on him then he had the right

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1 to defend himself? Next slide. Number four. The State
2 Argued Corey no longer wanted Mikhelle. So why did Margie
3 intend to drop him off at Mikhelle's apartment, especially
4 after seeing Corey pull a gun on her and, "Mom is the only
5 thing saving you right now?" That's in evidence, that's the
6 testimony. So they want to basically say, "Well, he lived
7 there." But then she also said -- even when she stood here
8 in closing argument, she said that I made her admit that
9 Corey no longer wanted her. So how can they have it both
10 ways? How can they say that Corey didn't want her, but yet
11 he was living in the apartment? He wasn't living in that
12 apartment. He wasn't there the night before, he wasn't
13 there the night before that, and we know that he wasn't
14 there when she woke up because Osirus was with her even when
15 she had to go on that job interview. Next slide. Why did
16 the State not inform the coroner, or pathologist, of the
17 possibility of a self-defense? Instead, you heard the
18 pathologist tell you about a behind-closed-door discussion
19 with the prosecutors to prepare her testimony for
20 information that was nowhere to be found in her scientific
21 report. Really unfair to Dr. Ross. I've known Dr. Ross for
22 a long, long time, and I have been in many trials with her.
23 I said a long time, I've only been practicing about 12
24 years, but I have known her and it was very unfair to put
25 her in this situation. Because as a pathologist what

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1 happens is is the State basically just sends the stuff up to
2 the pathologist and say, "We just want you to give these
3 findings." Dr. Ross is seeing what they told her to see,
4 and all they're saying is we got a male who we suspect was
5 killed unlawfully, and at that point she then goes in and
6 hopes that the scratches match what they're telling her. So
7 she said that, "Well, yeah, there's a bruise on Corey's
8 right hand, on the non-dominant hand, and it must have been
9 because Jamal and Brandon must have assaulted him." No.
10 They didn't tell her that he was in a previous scuffle, in a
11 previous fight with Mikhelle and that's how he got them,
12 because you heard Mikhelle say that she grabbed his arm and
13 she also grabbed at his chest. So perhaps those bruises
14 came from the scuffle on Charlotte Street and had absolutely
15 nothing to do with Jamal. So again, they want to try to
16 stand up and make you believe one thing, the problem is is
17 that their account does match the physical evidence, not the
18 scientific evidence. So Dr. Ross was put in a very, very
19 bad situation to say that, "Well, you know, when y'all
20 brought this body to me I just thought y'all just wanted me
21 to give you this opinion and mark what was here and there,
22 but y'all never told me that this would be a possible
23 self-defense." It wasn't until cross examination that she
24 admitted, "Yeah, those could come from other ways. It could
25 come from an individual grabbing his arm and it could be

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1 from someone trying to grab his chest," again, things that
2 the State didn't tell you. Next slide. Number six. Why
3 did the investigator and the State fail to inform any of its
4 other investigators or witnesses about Corey pulling a gun
5 on Mikhelle shortly before the shooting? And you go through
6 and you can look at each and every witness. CSI Ward was
7 never told; Dr. Ross was never told; Cliff Anderson was
8 never told; and Paris Jamison's exact words that she said in
9 this courtroom was, "Had I known Corey pulled a gun on
10 Mikhelle, that would have been a game changer." What does
11 that mean? She thought that the whole time Mikhelle was
12 just acting crazy, I guess, that Corey just goes over and
13 then that's all that happened. She was never told by Margie
14 or by anybody else that the man pulled a gun on her, and as
15 a result that would have been a complete game changer. Next
16 slide. Number seven. If the State is telling us this is a
17 conspiracy theory, why did they never charge Mikhelle with
18 conspiracy? Why did they never charge Jamal with
19 conspiracy? Here is the law for conspiracy. In order for
20 there to be a conspiracy there has got to be an agreement
21 between two or more individuals, because you can't conspire
22 with yourself. There has got to be at least two other
23 individuals to make an agreement to do some harm. They want
24 to try and conveniently say all of this stuff now? The fact
25 that they never charged Jamal Coburn with conspiracy, and

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1 never charged Mikhelle Coburn with conspiracy, is because
2 they know this was never a conspiracy. They know they never
3 tried to ambush Corey Jamison, they know they never tried to
4 do anything to bring him on. In fact, they never even
5 thought that he was going to be there. So this is no
6 conspiracy case, this is no ambush case. This is a
7 situation where Corey Jamison should have stayed at
8 Charlotte Street. Someone should have just basically just
9 said, "Hey man, look, you're hot right now, you've got a
10 gun, sit tight, we'll handle this when the sun comes up."
11 Next slide. Number eight. Why didn't police request
12 security footage from Riverbend Apartments that could have
13 removed all doubt? Lead Investigator Burrell said he simply
14 doesn't know. Is that sufficient? We know that most
15 nowadays you can't go anywhere without any sort of
16 surveillance videos or something. His response was he just
17 doesn't know why they didn't even try and get a surveillance
18 video, and they are leaving you to try and put your mind and
19 your imagination together to determine what happened, when
20 surveillance videos could have easily shown anything. It
21 probably didn't do that because they knew that it would
22 support Jamal's theory as opposed to the State's. Next
23 slide. Number nine. Why does the State's single
24 independent unbiased, unrelated witness disagree with almost
25 everything Margie and Cliff say? And I hit on this, and I'm

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1 not going to go into detail now because you will have an
2 opportunity, but Jade Sapienza clearly stated that two men
3 were not assaulting or beating Corey. And she also
4 testified that that car was so close that Jamal had to
5 maneuver in and out. So while Cliff and Margie is saying
6 one thing, get this, how is it then, that Cliff was able --
7 if their story is true, that they just immediately jumped on
8 this boy, how is it that Cliff was able to walk all of the
9 way over on the other side and stand over there with
10 Brandon? It doesn't make sense. Their story is just
11 illogical. And we've got an unbiased witness with nothing
12 in here other than just the truth and just coming in,
13 probably don't even want to be here, saying that look, those
14 two guys did not assault her, or assault him, and that car
15 was so close that the boy had to maneuver out. Last one.
16 If the gun didn't belong to Corey then where did this gun go
17 that he pulled on Mikhelle shortly before the shooting?
18 Guys, David Copperfield didn't come out on Charlotte Street.
19 David Copperfield did not make an appearance that we're
20 told. No magician showed up on Charlotte Street. So how is
21 it that the same gun that Margie saw Corey Jamison pull out
22 just all of the sudden just disappeared? That's what the
23 State wants you to believe. They want you to believe that
24 that gun that Margie saw, that Mikhelle saw, that Jamal
25 ultimately saw just vanished out of thin air. That's why

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1 they asked the questions, was it left in your truck? Did
2 you find it? Was it left on Charlotte Street? Did someone
3 there find it? Did Ms. Jamison, Paris Jamison, did she find
4 it? That would have been the only other places it would
5 have gone. So if anybody who is here trying to avenge Corey
6 Jamison's death, if they saw that gun, where is it? Where
7 is that gun that we know that we have ultimately connected
8 to Corey Jamison at Riverbend Apartments? And again, there
9 is only one way, one scientific non-biased, unrelated way
10 that you would be able to sleep at night knowing if that's
11 the gun or not, is if they had tested the 79 percent of
12 reasonable doubt that's in those envelopes. Last one. And
13 again, this is just a burden of proof chart, folks, that I
14 talked to you about, and I'm not going to harp on it again.
15 All I'm going to tell you is is that, you know, passions run
16 deep in this thing. It is certainly difficult for Mr. Bell,
17 Mr. O'Reilly and I to have an individual on trial for
18 murder, and I don't know and I pray that this never happens
19 that you are ever falsely accused, that you have individuals
20 that day in and day out, they come in and say things about
21 you, but to have the decency that that man has had
22 throughout this entire week, and then taking the stand with
23 courage to tell you exactly how it went down is honorable.
24 To basically have someone come in and, "Man, you shot him
25 like was a dog," that ain't the case. Corey Jamison went

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1 looking for trouble that night and he was met with equal
2 force. You made an oath, I just hope that everything that
3 our founding fathers put in place in the 1700's, everything
4 that our men and women are fighting for in these wars, that
5 you just hold true, that you understand that your obligation
6 at this point is to render a verdict that's speaks the
7 truth. Nobody is going to bother you, no one is going to
8 come and assault you, whatever your decision is we've got to
9 live with it because you are the final arbiters, as the
10 Judge says, of the law. As the prosecutor gets back up
11 here, hold their feet to the fire. Make them tell you that
12 "Hey, before we go finding a guilty verdict as you want us
13 to know, tell us so we've got no doubt. I've got to go
14 home, I've got to think, I've got to sleep at night, and if
15 you can't help me to sleep then how can you then ask me to
16 render a verdict of guilt? So no matter what they say or
17 how they say it, one thing remains the same, Jamal Coburn
18 went there to protect his little sister, he ended up having
19 to protect himself. He perceived a very real and viable
20 threat, and from his perspective the only thing he had to do
21 to save his life was to unfortunately shoot Corey Jamison.
22 Thank you.

23 THE COURT: Ladies and gentlemen, we're going to take
24 another brief break, this one will be very short, maybe five
25 minutes. In view of the hour, what I typically do is tell

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1 juries, I generally want to go forward with the case, I want
2 to keep going tonight, so what I'm going to do is ask you
3 that if you need to make a phone call to tell someone that
4 you may be late that you do it during this break, just tell
5 the bailiffs, they'll get you to a phone. If you have
6 something that it will cause you some extreme hardship if we
7 go into the night, please write me a note -- don't just tell
8 the bailiff, I need it in writing, so write me a note.
9 Don't share with your fellow jurors, just write the note,
10 send it to me. I can't make everybody happy but I'll try to
11 do what I can, and I'll decide whether we're going to keep
12 going tonight after they finish or whether we're going to
13 come back in the morning. All right? How long you
14 deliberate once you get the case obviously is totally up to
15 you. But if you would, please follow the bailiff. Don't
16 discuss the case.

17 (The jury left the courtroom.)

18 (A break was taken.)

19 (The jury returned to the courtroom.)

20 THE COURT: All right. Ladies and gentlemen, you're
21 going to hear the response from the State, I invite your
22 close attention once again. Ms. Patterson?

23 MS. PATTERSON: Thank you, Your Honor. You know, Mr.
24 Myers's job is to get up here and distract you by using all
25 of these fancy analogies, say all of these quotes, give you

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1 all of these stories about himself. Well, it's my job to
2 redirect you to the testimony you heard, the evidence you
3 saw that supports his client being guilty of murder. Now,
4 Mr. Myers wanted to go over the criminal justice process
5 with you and the constitution, well let me tell you a little
6 bit about it. The officers investigate the case, they take
7 statements, they collect evidence, they get it tested, they
8 give me all of these reports, and then my paralegal, she
9 preps it and she sends it to them, and then he has the
10 opportunity to go over it with Jamal and Khelle and whoever
11 else he wants to go over it with, and then they get to come
12 up with ways to try to help explain things away. Well, we
13 don't get that luxury. You have the evidence, you have the
14 testimony that we have, we can't change it, we can't
15 manipulate it. But what we have is evidence that supports
16 Cliff and Margie's story. And now he puts up charts about
17 reasonable doubt, and it looks like it's so hard to obtain,
18 but ladies and gentlemen, the Judge will instruct you, and
19 he will instruct you later, and he will instruct you about
20 all those little things that climb that ladder that they
21 showed you twice, that's not the law in South Carolina.
22 Again, reasonable doubt does not require proof that
23 overcomes every possible doubt, and that's the impression
24 you got from that chart, and that's just not the law in
25 South Carolina, because that is hard to obtain. We just

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1 have to give you proof that leaves you firmly convinced that
2 Jamal Coburn murdered Corey Jamison. And I want to thank
3 Mr. Myers because he finally said it over and over again,
4 Jamal went there to protect his sister. It was nothing
5 there to help her move, he was going over there to protect
6 her from Corey. But little did he know, he didn't have all
7 of the information that happened at Charlotte Street, so he
8 was the one that was going and looking for trouble with his
9 loaded gun, with his back-up, going to Corey's house. He is
10 the one that was looking for trouble, and he found it. And
11 then they want to talk about that Corey took a shot. There
12 is no evidence of that. There's no evidence that he had
13 that gun over at Riverbend. There's no evidence he ever had
14 a chance to get out of that car. What you have is the
15 evidence that everything happened at Margie's back door.
16 And they want to blame everybody but Jamal. They want to
17 blame Margie for not calling Khelle to tell her they was
18 coming. They want to blame Margie for taking her child
19 home. They want to blame Cliff for riding with them. They
20 want to blame Paris, "You should have told them to stay at
21 your home." No. It was nobody's fault but Jamal. Jamal is
22 the only one that pulled that gun, he pulled that trigger
23 and he tried to pull it over and over, and then he took that
24 gun and pistol-whipped Corey. They didn't go there to start
25 what they finished because they didn't start anything over

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1 at Charlotte Street, that was Khelle, and she got her
2 brother involved. And like I said earlier, no, there's not
3 a conspiracy charge yet, but if we got information to
4 support one there could possibly be one, and I told you I
5 would personally prosecute Khelle. And, you know, Corey and
6 Khelle was having their problems, and he may not have wanted
7 to be with her that night because he wanted to be with his
8 family, that's what I meant by that, he wanted to be with
9 his family, but that doesn't mean he was no longer living
10 there. He was living there. Make no mistake about that, he
11 was living there. He wasn't living with his mom, she was in
12 a hotel, she was having housing issues, he was living with
13 Khelle. And whether his mom gave him the money to pay his
14 bills, they were getting paid. He wasn't looking for
15 trouble. And Jade didn't testify that Jamal had to maneuver
16 that car out of that parking hot. I think they tried to get
17 her to say it but she didn't say it. He didn't have any
18 problems getting out of there. If he had to maneuver, maybe
19 it was because he was trying to get out of there so fast I
20 submit to you, if he had to maneuver it was because he was
21 trying to back out of there because he knew law enforcement
22 was coming. He knew what he did, he knew what he did to
23 Corey, and he knew there were witnesses. Again, Mr. Myers
24 said Jamal came there because supposedly Corey had put his
25 hands on his sister. There was nothing -- he's wasn't

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1 helping her move. Then he says Jamal says Corey had -- go
2 for his gun first and Jamal had the right to get keep an eye
3 on the threat. Well, where are Corey's rights? He's going
4 home. He had just been assaulted over at Charlotte Street,
5 again make no mistake about that. What Khelle armed herself
6 with, it was a weapon. It didn't fly out bullets but it was
7 a weapon. And then he goes home and he see these two people
8 that he doesn't recognize, and one has a gun already drawn.
9 Margie wouldn't lie about that. You heard the panic in her
10 voice when she talked about that, how she was trying to make
11 it over there to get to her child. And again, you can't
12 believe what Jamal said; after all, he said he didn't even
13 hear Margie begging and pleading for her son's life, and we
14 just know that is not true. And Jade. They want to talk
15 about Jade being an unbiased witness. Jade never said she
16 saw two people running around out there with guns, did she?
17 She never said that, which is what they want you to believe
18 happened out there. Well, why Jade didn't see that? The
19 physical evidence supports the testimony of Cliff and
20 Margie, it just does. And then they want to give you all of
21 these probabilities about DNA not being tested. I think
22 they came up with some kind of number, 21 percent of the
23 samples or something. This is not anything scientific,
24 that's something they came up with. You heard Maryann
25 Boehm, she tested the samples she was given, yes. She

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1 stated the best source to get a DNA sample was from bodily
2 swabs, and that's what they sent to her to be tested. And
3 she tested three areas of that gun, three areas. So it
4 wasn't like they just wasn't testing anything or she tested
5 areas of the gun. The barrel, no DNA profile. The slide,
6 it was a mixture, but Corey was not one of those. The
7 handle, which you would believe would have the most DNA, he
8 was excluded. This was not Corey's gun. Those
9 probabilities they came up with, there's nothing scientific.
10 What's scientific is what Maryann Boehm testified about.
11 And she also said that too many samples, too many swabs
12 would dilute the samples. And she also stated that it's
13 hard to know how much DNA is on each sample. So she tested
14 the best samples, the samples that were sent to her, and she
15 tested the handle of this gun. If this was Corey's handle,
16 he would have been among one of those three mixtures and he
17 was not, he was excluded, as he was from the slide. And no
18 profile for the barrel was developed. Don't let that
19 distract you all. The evidence was tested. And Michael
20 Frierson. He wasn't a material witness, he wasn't on
21 Charlotte Street, he wasn't at Riverbend during the
22 shooting, he brought his daughter back so she could tell law
23 enforcement what happened. And again, she said nothing
24 about the gun being cocked or pointed in her face, because
25 she said they didn't ask her. And no, I'm not saying she

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1 has to be an investigator, but if something so traumatic and
2 scary happened, that information is important, as is the
3 cigarette lighter that she claims Corey burnt her with, the
4 cigarette lighter, that's important. She didn't tell them
5 because it didn't happen. And no, we don't send anything to
6 Dr. Ross. We take the information from her report, and her
7 report says those were consistent with defensive wounds on
8 Corey's arms, then he had the injury on his chest. And I
9 never said that Jamal or Brandon caused those, it's always
10 been our position Khelle caused those over on Charlotte
11 Street. And she's talking about when he was choking her
12 with the right hand, and then they're saying, well, maybe he
13 had his left hand, his dominant hand on his gun. Well, she
14 never said that. And it's my position it's more consistent
15 with him saying, "Get away from my pocket. Get away from my
16 back pocket," as she scratched up his arm. And then that
17 socket wrench or whatever, that's probably what caused the
18 injury on his chest. I never said Jamal or Brandon caused
19 those injuries, because you know what? Jamal shot Corey
20 right away, then he pistol-whipped him. And they also
21 showed you a chart about supposedly self-defense, and that's
22 just not the law. What he showed you was something like
23 defense of others, and the Judge is not even going to charge
24 you with that, which he is trying to say that Jamal had the
25 right to adopt Khelle's fears, and that's just not the law.

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1 That's not the self-defense law in South Carolina. Again,
2 listen to the instructions that the Judge give you. They're
3 misstating the law, don't let that confuse you. And you
4 know, I never said it was okay for anyone to put their hands
5 on anybody, that's a man or a woman. What I said was Khelle
6 was not totally innocent, she kept coming and it kept
7 getting more and more aggravated. I prosecute domestic
8 violence cases too. And you know what? I have men victims
9 and I have women victims and I treat them all the same. I
10 never said it was okay, I just said look at what was
11 involved. Then I think he also said Jamal got over there in
12 minutes to protect his sister, but the phone records will
13 show that it was over an hour after she made that initial
14 call to him, it was not within minutes. He had time to plan
15 this, to get his back-up, to grab his loaded gun, and that's
16 exactly what he did. And you see they didn't say much about
17 Arizona, because he knows Jamal went there to hide out.
18 That's shows a guilty conscience. He knew law enforcement
19 was on him, he knew he could be identified. They told him
20 over and over he and his vehicle were possibly involved in a
21 shooting the night before, he knew and he fled the state.
22 Again, they talk about Red Herrings, but boy did they get up
23 here and give you some. Misstating the law. Listen to the
24 Judge as he gives you the law. Making up facts so it can
25 fit the information that we gave them. Again, I submit to

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1 you, Margie was not trying to be deliberate in not telling
2 this, she had just experienced the unthinkable. If she was
3 deliberately trying to hide it, she would have never told
4 it. That information about that gun at Charlotte Street,
5 she could have took it to her grave. But no, it was two
6 separate events, it was a hour later. It was after Khelle
7 knew how to get them to that apartment because she knew her
8 brother was coming, and she knew he was coming to protect
9 his little sister. Look at the evidence, look at the
10 pictures, look at the shell casings, look at Corey's blood.
11 That's where everything happened, right at Margie's back
12 door. It was no running around, people brandishing guns,
13 nobody but Jamal. Corey wasn't brandishing a gun. Khelle
14 never said it, Jade never saw it, Cliff, Margie, Corey
15 didn't have a gun. And that's not his gun based on
16 scientific real evidence and not these probabilities that
17 these lawyers are trying to come up with. I don't have all
18 of the fancy sayings and quotes that Mr. Myers have, I guess
19 all I can say is actions speak louder than words. And they
20 got up here and they tried to say some words, but I submit
21 to you, you go back there and you think about the actions
22 and you think about what is supported by the physical
23 evidence. And Jamal Coburn, he is on trial for his actions.
24 He drove to Riverbend Apartments, Khelle and Corey's
25 apartment with a loaded gun taking her word for it, even

JURY CHARGE

1 though Corey was asking him to back down, let's fight it
2 like men, but he chose not to. He chose to pull that
3 trigger, shoot Corey, attempt to shoot him two more times
4 while Margie and Cliff are begging and pleading and
5 pistol-whip him. If it was self-defense, why all of that?
6 Why all that? Jamal Coburn killed Corey Jamison with malice
7 aforethought, and he is guilty, he is guilty, he is guilty
8 of murder. Thank you.

9 THE COURT: Thank you, Ms. Patterson. Ladies and
10 gentlemen, I told you I usually almost always take a break
11 at this point, if it suits you I'm going to keep going. I'm
12 going to talk to you most likely about 24 minute or so about
13 the law. Anybody need a break? The microphones don't work
14 so if you can't hear me give me a signal, all right?
15 Members of the jury, all of the evidence has been presented,
16 you've heard the arguments of counsel, and it's now time for
17 me to instruct you on the law that applies to the case.
18 Please continue to pay close attention during the next
19 stage. First, you need to understand some basic ground
20 rules. You, the jury members, are the sole judges of the
21 facts. You decide all the issues of fact. You alone
22 determine the truth of the evidence, its effect, its value
23 and its weight. You alone judge the credibility of the
24 witnesses; in other words, whether or not a witness'
25 testimony is believable. Now, in evaluating the testimony

JURY CHARGE

1 of the witnesses you may believe all that a witness says or
2 none of it, you may believe part of what a witness said and
3 not believe the balance. You may believe one witness
4 against many, or many against one. You may consider any
5 interest, bias or prejudice that you feel that a witness has
6 in the case. You may consider the demeanor and the
7 appearance of the witness and the opportunity for knowledge
8 that the witness had. You're not to exercise these
9 considerations arbitrarily, however. What I want you to do
10 is to use your common sense, use your sense of logic and
11 reason and your good judgment. The rules of evidence allow
12 for opinion testimony to be given under certain
13 circumstances, and one area where that's allowed is where
14 someone by virtue of education, training or experience is
15 permitted to testify as an expert witness. The mere fact
16 that an expert is allowed to give opinions under our rules
17 does not mean that you must accept the opinions given if you
18 choose not to do so. You may accept or reject the testimony
19 of an expert witness just as you may with any other witness
20 in whole or in part. It's not proper for me to give you a
21 charge on the facts of the case. I cannot discuss the facts
22 with you or convey to you an impression as to what personal
23 opinions, if any, I might develop about the facts of this
24 case. If you develop an impression that I have a personal
25 opinion about the facts, you are to remove that belief

JURY CHARGE

1 totally from your mind. You're the sole judges of the
2 facts. I am the judge of the law that applies to the case.
3 You are bound by your oath to accept and apply the law as I
4 tell it to you. You must abandon any conflicting ideas you
5 might have as to what the law is or what it should be. I
6 give you the law, you apply it to the facts as you determine
7 them to be, and in that way you reach your verdict. It's
8 also my duty to determine what evidence is admissible. If I
9 rule something inadmissible or instructed you to disregard
10 something, you're not to consider those things in arriving
11 at your verdict. Base your verdict on the competent
12 evidence before you, consider the testimony from the
13 witnesses and any exhibits admitted. I remind you that you
14 must follow the limiting instruction that I gave you earlier
15 concerning the defendant's right to remain silent. I need
16 to explain to you that there are two types of evidence
17 generally presented during a trial; there's direct evidence
18 and there's circumstantial evidence. Direct evidence
19 directly proves the existence of a fact and does not require
20 deduction. Circumstantial evidence is proof of a chain. It
21 is proof of a chain of facts and circumstances indicating
22 the existence of a fact. Now, a crime may be proven by
23 circumstantial evidence. The law makes no distinction
24 between the weight or the value to be given to either direct
25 or circumstantial evidence. However, to the extent that the

JURY CHARGE

1 State relies on circumstantial evidence, all of the
2 circumstances must be consistent with each other, and when
3 taken together point conclusively to the guilt of the
4 accused beyond a reasonable doubt. If the circumstances
5 merely portray the defendant's behavior as suspicious, the
6 proof has failed. The State has the burden of proving
7 beyond a reasonable doubt that the defendant is guilty, and
8 this burden rests with the State regardless of whether the
9 State relies on direct evidence, circumstantial evidence, or
10 some combination of the two. Now, the defendant in this
11 case is presumed to be innocent. This is no mere legal
12 theory. It is a fundamental and substantial right to which
13 all citizens are entitled. It's been described as being
14 like a robe of righteousness that's placed around the
15 accused and remains with him through every stage of the
16 trial. It continues to exist with them after you retire to
17 your jury room to deliberate, and continues to exist so that
18 the defendant is presumed innocent unless and until you, the
19 jury, determine that the State has proved the guilt of the
20 defendant beyond a reasonable doubt. The defendant is not
21 required to prove his innocence, he is not required to prove
22 anything. The burden is on the State to prove the guilt of
23 the defendant beyond a reasonable doubt, and it's required
24 that every essential element of the offense charged be
25 proven by the State beyond a reasonable doubt. The State is

JURY CHARGE

1 not required to prove the guilt of the defendant beyond all
2 doubt, or beyond every doubt, however, the appropriate
3 standard is proof beyond a reasonable doubt. As some of you
4 may have served as jurors in civil court where the burden of
5 proof requires establishing that something is more likely
6 than not, and we call that the greater weight or
7 preponderance of the evidence, but in criminal court the
8 standard is much higher, and the proof must be much stronger
9 than what is required in civil court. The burden of proof
10 in a criminal case such as this one is proof beyond a
11 reasonable doubt. So what do I mean by that term? Proof
12 beyond a reasonable doubt is proof that leaves you firmly
13 convinced of the defendant's guilt. There are a few things
14 in the world that we know with absolute certainty, and in
15 criminal cases the law does not require proof that overcomes
16 every possible doubt. If based upon your consideration of
17 the evidence you are firmly convinced that the defendant is
18 guilty of the crime charged, then you are to find him guilty
19 of the crime. If, on the other hand, you think there is a
20 real possibility that he is not guilty, you must give him
21 the benefit of the doubt and find him not guilty of that
22 crime. There is no obligation on the defendant to raise any
23 doubt or any other possibility, he is presumed innocent and
24 the State has the entire burden of proof and must prove to
25 you that the defendant is guilty to the exclusion of any

JURY CHARGE

1 other real possibility. Now, let's turn to the specific
2 charge alleged here. I read the indictment to you at the
3 beginning of the trial and told you that Mr. Coburn is
4 charged with murder. It is alleged that Jamal Coburn, with
5 malice aforethought, shot Corey Jamison in Lexington County
6 on or about August 24, 2018, proximately resulting in Mr.
7 Jamison's death. I remind you that an indictment is not
8 evidence, it is a charging paper and you may not accord any
9 evidentiary value to the fact that the defendant has been
10 charged with this crime. I need to explain to you the
11 concept of criminal intent. You need to understand that a
12 person is guilty of a crime only if he has the necessary
13 criminal intent for that particular crime. Intent is a
14 mental state. The State has to establish criminal intent
15 beyond a reasonable doubt in order for the defendant to be
16 convicted of a crime. Here the defendant is charged with
17 murder. Murder is the unlawful killing of another person
18 with malice aforethought. So to convict the defendant of
19 murder, the State must prove to you beyond a reasonable
20 doubt that on the date and at the time and place alleged in
21 the indictment; one, that the defendant unlawfully killed
22 Corey Jamison; and two, that the killing was done willfully
23 and with malice aforethought. Willfully means that
24 something is done consciously and intentionally, not by
25 accident or involuntarily. Criminal intent may be shown by

JURY CHARGE

1 acts and conduct of the defendant and other circumstances.
2 But the State must prove to you beyond a reasonable doubt
3 that the defendant acted with malice. Malice is a term that
4 imports wickedness and excluded a just cause or a legal
5 excuse. It is something that springs from wickedness, from
6 depravity, a depraved spirit, from a heart devoid of social
7 duty and fatally bent on mischief. It connotes hostility
8 and ill will towards another. It is the intentional doing
9 of a wrongful act without just cause or excuse with an
10 intent to inflict an injury or under circumstances that
11 establish the necessary evil intent. The malice must be
12 aforethought. What that means is that the malice has to
13 exist in the mind of the accused just before and at the time
14 of the commission of the act. It is not required that
15 malice exists for any particular amount of time, but there
16 has to be a combination of the previous evil intent and the
17 act that produces the fatal result. To constitute murder,
18 the killing must be unlawful, meaning that the killing was
19 not justified or warranted under the law. An issue has been
20 raised concerning self-defense. If a person is acting in
21 self-defense he is acting lawfully. Self-defense is a
22 complete defense. If a defendant was acting in self-defense
23 and in so doing caused the death of another, he is not
24 guilty of a crime. The law recognizes that the right -- the
25 law recognizes the right of every person to defend himself

JURY CHARGE

1 from death or serious bodily harm. To do so, a defendant
2 may use such force as is reasonably necessary or apparently
3 so even to the extent of taking the life of the assailant.
4 Now, the elements of self-defense include the following four
5 things. First, the defendant must have been without fault
6 in bringing on the difficulty. If the defendant was at
7 fault or jointly at fault in bringing on the difficulty, he
8 is not protected by self-defense, even though the initial
9 disagreement escalated beyond what may have been originally
10 envisioned. The only way that someone who is at fault can
11 bring on the difficulty can be restored the protections of
12 self-defense is where before the shooting occurred he had
13 withdrawn from the conflict and tried in good faith to avoid
14 further conflict, and by his actions had made it known that
15 he was discontinuing and withdrawing from the dispute. The
16 second element is if the defendant was without fault in
17 bringing on the difficulty or had withdrawn from the
18 conflict and communicated that to the other party. The next
19 requirement of self-defense is that the defendant must have
20 actually believed that he was in imminent danger of losing
21 his life or sustaining serious bodily injury, or he must
22 actually have been in such imminent danger. The third
23 element, if he was in such imminent danger, the
24 circumstances facing the defendant must have been such that
25 would warrant a person of ordinary prudence, firmness and

JURY CHARGE

1 courage to strike back in the manner that the defendant did.
2 If he believed he was in imminent danger the circumstances
3 must have been such that a reasonably prudent person of
4 ordinary firmness and courage would have entertained a
5 belief that he was actually in imminent danger, and that the
6 circumstances were such as would warrant a person of
7 ordinary prudence, firmness and courage to use deadly force
8 in order to save himself from serious bodily harm or losing
9 his life. And the fourth necessary element is that the
10 defendant must have had other probable means of avoiding the
11 danger of serious bodily injury or death except to act as he
12 did. If the defendant acted in self-defense, you must find
13 him not guilty. The State has the burden of disproving
14 self-defense beyond a reasonable doubt. In other words, the
15 State has to prove to you that the defendant was not acting
16 in self-defense. If you have a reasonable doubt of the
17 defendant's guilt after considering all of the evidence,
18 including the evidence of self-defense, then you must find
19 the defendant not guilty. Now, in assessing the issue of
20 self-defense you look at all the facts and the
21 circumstances. In evaluating the defendant's perception of
22 danger, a defendant may act on appearances and he is not
23 required to have actually been in danger. It is enough if
24 the defendant believed he was in imminent danger of death or
25 serious bodily harm, and a reasonably prudent person of

JURY CHARGE

1 ordinary firmness and courage would have had the same
2 belief. The defendant has the act -- excuse me -- the
3 defendant has the right to act on appearances even though
4 the defendant's beliefs may have been mistaken. Generally a
5 person has a -- generally if a person has a means of escape
6 he is required to use this. He must leave if he has a means
7 of escaping the danger, unless by so doing the danger of
8 being killed or suffering serious bodily injury would
9 increase. However, one who is attacked by use of a deadly
10 weapon has no obligation to retreat. A defendant who acts
11 in self-defense has the right to use the amount of force
12 apparently necessary to avoid death or serious bodily harm.
13 The force used does not have to be limited to the degree or
14 amount of force used by the assailant. The defendant has
15 the right to use so much force as appeared to be necessary
16 for complete protection and which a person of ordinary
17 reason and firmness would have believed to be needed to
18 prevent death or serious bodily harm. Once a defendant is
19 justified in defending himself, he is justified in
20 continuing to use force until it is apparent that the danger
21 of death or serious bodily injury has completely ended.
22 Where a defendant is operating under a reasonable belief of
23 his impending death or serious bodily injury, he is not
24 required to wait until the perceived assailant gets the drop
25 on him before acting in self-defense. And the final thing I

JURY CHARGE

1 need to tell you on the law is if upon reviewing the entire
2 case, including any defenses and the issue of self-defense,
3 you have a reasonable doubt as to whether the defendant has
4 been proven guilty, he is entitled to that doubt and a
5 verdict of not guilty. But, on the other hand, if upon
6 reviewing the case you find that the State has proved every
7 essential element of its case against the defendant beyond a
8 reasonable doubt, it is equally your duty to find the
9 defendant guilty of that charge. And that's the law.

10 Ladies and gentlemen, when you go back to the jury room to
11 decide the case, you're going to have all of the exhibits
12 that have been admitted in the trial. Remember what I told
13 you about the gun, I think it's actually connected to the
14 box so I don't know how you point it anyway, but you can't
15 point it at anyone. I don't recall any ammunition being
16 introduced so you will have the gun back there with you.

17 And you're going to also have this verdict form. On this
18 form you're going to tell us your decision. Now, ladies and
19 gentlemen, do not infer anything from the order in which I
20 state these options you have that I'm trying to suggest
21 anything to you, I've got to state one first and one second.

22 And what you'll see is the caption is here, it state -- it
23 is the case of the State versus Jamal Devontae Coburn, it's
24 got the case number that's assigned to it, and then it reads
25 as to the charge of murder, "We, the jury, unanimously find

JURY CHARGE

1 the defendant" -- and you have two options, you may find him
2 not guilty or you may find him guilty of murder. Madam
3 Foreperson, part of your job is to complete this form for
4 me. I think you will find it self explanatory. Just check
5 the option chosen by the jury and sign your name on the
6 signature line, please. Now, ladies and gentlemen, how you
7 go about your votes, how you go about your deliberations,
8 all of that is in your discretion subject to this
9 requirement: The verdict must be unanimous. All 12 of the
10 members of the jury have to agree before your foreperson can
11 record a verdict. You cannot do anything to change the
12 requirement that whatever verdict -- that in order to reach
13 a verdict of guilty or not guilty you must be unanimous.
14 Now folks, I've told you probably dozens of times over the
15 last week not to discuss the case until I tell you to,
16 believe it or not it's not time yet. The law says that I
17 have to go over with the attorneys what I just discussed
18 with you. Now, the truth of the matter is that I printed
19 this charge out, gave it to the attorneys earlier, we went
20 over it, I made some changes to it, they knew what I was
21 going to tell you, but I don't always realize sometimes I
22 say things that are different than what's on the paper, so
23 they have to be given the chance to point out to me anything
24 that they want me to modify. Here is the signal you need to
25 be looking for: If I'm satisfied with what I've told you, I

1 will send into the jury room all of the exhibits, the
2 verdict form, and I have printed out for each of you a copy
3 of the instructions I just gave to you. So all 12 of you
4 are going to have a copy of the charge when you get back
5 there. There may be a slight modification between a word I
6 said here or a word I said there, but nothing significant.
7 When those things are in that room with you, the bailiffs
8 are going to bring the two alternates out. When it's just
9 the 12 of you in there and you have those things and the two
10 alternates are out, you don't have to wait one more second,
11 you can start talking about the case, but don't talk about
12 it until then. You can take your notes back with you now,
13 but you cannot physically show them to another juror, and as
14 I explained to you earlier, at the end of the trial give
15 them to the bailiff and we'll shred them. Thank you so much
16 for your attention. When you've reached your verdict knock
17 on the door and the bailiff will respond to you promptly.
18 If you would, please follow the bailiff.

19 (The jury left the courtroom.)

20 THE COURT: Please state for the record exceptions or
21 additions or objections to the charge. From the State?

22 MS. PATTERSON: Nothing from the State.

23 THE COURT: From the defense.

24 MR. MYERS: Nothing from the defense regarding the
25 charge. I would say, Your Honor, the only issue is that

SENTENCING HEARING

1 (The jury returned to the courtroom.)

2 THE COURT: Madam Clerk?

3 THE CLERK: Jury, have y'all reached a verdict?

4 THE JUROR: Yes.

5 THE COURT: Pass it up to the bailiff, please. I can
6 do it if you want.

7 THE CLERK: Okay.

8 THE COURT: All right. This is case number
9 2019-GS-32-00332, the State versus Jamal Devontae Coburn.
10 As to the charge of murder, "We, the jury, unanimously find
11 the defendant guilty of murder," signed by the foreperson.
12 Madam Foreman, ladies and gentlemen of the jury, if I have
13 accurately stated your verdict, that is guilty of murder,
14 please signify by raising your right hand.

15 (All jurors raised their right hand.)

16 THE COURT: All hands are raised. Any matters to take
17 up prior to the jury being discharged from the State?

18 MS. PATTERSON: No, sir, Your Honor.

19 THE COURT: Defense?

20 MR. MYERS: No, sir, Your Honor.

21 THE COURT: Thank you.

22 (The jury was dismissed.)

23 THE COURT: Any motions?

24 MR. MYERS: Your Honor, at this time I would like to
25 just renew all motions made during the trial. Obviously as

SENTENCING HEARING

1 to any other motions I would ask that the Court allow us ten
2 business days to kind of talk and digest and make sure we
3 properly respond.

4 THE COURT: I think that's a civil rule, Mr. Myers. I
5 didn't bring my rule book down here, I think that's a civil
6 rule. Do you need some time to talk among yourselves about
7 what motions --

8 MR. MYERS: Yes, sir, Your Honor.

9 (Break in proceedings.)

10 MR. MYERS: Your Honor, according to my notes here, it
11 looks as if the jury had the case at 5:30 p.m., verdict was
12 entered at 8:55 p.m. At this time I think, Your Honor, I
13 would just move to a new trial based on the grounds that we
14 do not think that the jury adequately examined the evidence,
15 perhaps the lateness of the time. Having said that, if the
16 Judge denies that, we would specifically ask for a
17 protective order, that all evidence that has not been tested
18 be held and sealed so that Mr. Coburn may have a right to
19 any independent testing.

20 THE COURT: All right. So you move for a new trial on
21 the basis that the jury did not adequately examine the
22 evidence. You're wanting a new trial on the basis that
23 there's no sufficient evidence to support each of the
24 elements of the offense?

25 MR. MYERS: Yes, sir.

SENTENCING HEARING

1 THE COURT: The motions for new trial are respectfully
2 denied. Do you have an issue with preserving the evidence,
3 Solicitor?

4 MS. PATTERSON: No, sir, Your Honor.

5 THE COURT: Can y'all get me an order to that effect?

6 MR. MYERS: Yes, sir, Your Honor.

7 THE COURT: So defense counsel can send me an order.
8 You can email it to me and I can sign it and get it filed.

9 MR. MYERS: Yes, sir.

10 THE COURT: Do y'all have a sentence sheet?

11 MS. PATTERSON: Ms. Darko has gone to get one, Your
12 Honor. Can I have a minute to talk to my victim's mom?

13 THE COURT: Yes.

14 (Break in proceedings.)

15 THE COURT: My law clerk showed me Rule 29 of the
16 criminal rules. It states, "Except for motions for new
17 trials based on after-discovered evidence, post-trial
18 motions shall be made within ten days after the imposition
19 of sentence." I knew that. Those have also involved
20 motions to reconsider a sentence. If you have ten days, I'm
21 willing to grant it to you, I just don't know if you do or
22 you don't.

23 MR. MYERS: Yes, sir.

24 THE COURT: If I impose sentence -- I need to check on
25 that, I guess. I've denied the motion for a new trial.

SENTENCING HEARING

1 THE COURT: Mr. Coburn, I want to make sure I put on
2 the record that you have a very limited time in which to
3 file an appeal. If you have any desire whatsoever to file
4 an appeal you need to tell your lawyers to file it. If you
5 get in a situation where you cannot afford appellate counsel
6 then the State can appoint an appellate defender for you.
7 It is always the wiser choice to file the appeal, you could
8 always drop it if you decide to drop it, but you can't
9 manufacture it once the time is gone. So if you have any
10 desire whatsoever to appeal, you make sure you tell your
11 attorney to file the notice of appeal. Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I learned a long time ago that while I'm
14 tempted in every single case to make comments, the best
15 thing for me is not to say too much. The only thing I will
16 say is that both the mother of the victim and Mr. Myers hit
17 upon an issue in this society that I don't know what's going
18 to be the ultimate outcome of it, and that is young people
19 with guns. Things just escalate so fast, and in a minute's
20 time, less than a minute, a few seconds, lives are destroyed
21 on both sides. It's been pointed out by both sides. I've
22 taken into consideration the defendant's age, I've taken
23 into consideration the circumstances as I heard them, the
24 jury has reached its verdict. The sentence of the Court is
25 that you be committed to the South Carolina Department of

SENTENCING HEARING

1 Corrections for a period of 35 years, plus costs and
2 assessments. Restitution is deferred. I've made a specific
3 finding on the record that this is a violent crime and a
4 felony, and you are prevented from transporting, shipping,
5 receiving or possessing any firearm or ammunition under
6 South Carolina law. Do you understand your sentence?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Thank you. Court is adjourned.

9 (End of trial proceedings.)

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2 I, the undersigned, Michael C. Watkins,
3 Official Court Reporter for the Sixth Judicial
4 Circuit of the State of South Carolina, do hereby
5 certify that the foregoing is a true, accurate and
6 complete transcript of the proceedings had and
7 evidence introduced in the trial of the captioned
8 case relative to appeal the Court of General
9 Sessions in Lexington County, South Carolina, on the
10 4th-6th, and 9th days of November, 2020.

11 I do further certify that I am neither of kin, counsel,
12 nor interest to any party hereto.

13

14

February 5, 2021

15

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17


Michael C. Watkins

18

Court Reporter

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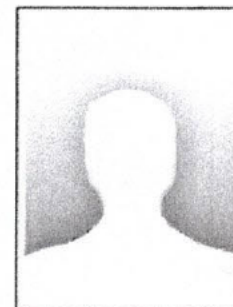
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1	Yetti Whiting	Friend		Phone Number .. Other + [REDACTED]	
2	Yetti Whiting	Friend		Phone + [REDACTED]	

Interaction Status

Friend

WITNESSES

Lexington County Sheriffs Department

Brian D Burrell

Law Enforcement Case #: 18017223

RWP

ARREST WARRANT NUMBER

2018A3210201592

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

2-11-19

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019GS3200332

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2019

THE STATE

vs.

Jamal Devontae Coburn

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder
§ 16-03-0010

At a Court of General Sessions, convened on February 2019, the Grand Jurors of Lexington County present upon their oath:

That **Jamal D. Coburn** did in Lexington County on or about August 24, 2018, willfully, feloniously, and with malice aforethought, either express or implied, shoot the victim, Corey A. Jamison and the victim died as a proximate result thereof, in violation of §16-3-10, 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.



SR. ASSISTANT SOLICITOR

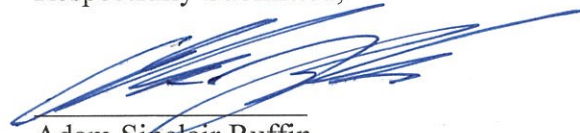
Feb 14 2022

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of February, 2022