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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County
R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONALD BROWN,

APPELLANT

APPELLATE CASE NO. 2019-001784

RECORD ON APPEAL

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State of South Carolina)
)
County of Williamsburg)

In Circuit Court of the
Third Judicial Circuit
2018-GS-45-00021

STATE,

Plaintiff,

vs.

RONALD BROWN,

Defendant.

Transcript of Record

Kingstree, South Carolina
September 30- October 3, 2019

B E F O R E:

The Honorable R. Ferrell Cothran, Jr.

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Mr. Grant Smalldone, Jr., Esquire
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Lisa Carter
Circuit Court Reporter

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Monday, September 30, 2019

(WHEREAS, this matter was scheduled for a trial, all parties appeared along with their counsels of record. The proceedings began at 1:10 p.m.)

MR. ANDERSON: Your Honor, May it please, the court?

THE COURT: Yes, sir.

MR. ANDERSON: Your Honor, we're on the record of State vs. Ronald Brown, Jr., on indictment number 2018-GS-45-21. We're here now to deal with a pretrial motion on the defendant's statement. We're ready to start on a Jackson v. Denno hearing.

THE COURT: Okay.

MR. ANDERSON: Your Honor, the State would call investigator Pamela Wrenn.

THE COURT: Okay. If you would come around please, ma'am, and place your left on the Bible and raise right.

THE CLERK: Do you swear to tell the truth, the whole truth?

MS. WRENN: Yes, I do.

PAMELA WRENN, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Good afternoon.

A. Hello.

Q. Investigator Wrenn, where do you work?

A. Williamsburg County Sheriff's Office.
Q. How long have you worked there?
A. Since 2007.
Q. Tell us a little bit about your job, what you do there?
A. Lieutenant over criminal investigations.
Q. Okay. So you investigate criminal cases?
A. Absolutely.
Q. Did you participate in the investigation of this case?
A. Yes, I did
Q. All right. Did you conduct the interview with the defendant in this case?
A. I did.
Q. Who's that?
A. That would be Ronald Brown, Jr.
Q. All right. And when was that interview conducted?
A. On October 27, 2017 at approximately 6:01 PM.
Q. All right. And where was it conducted?
A. At the Williamsburg County Sheriff's Office.
Q. Can you tell us a little bit about the circumstances leading up to it, was Mr. Brown originally arrested or did he turn himself in?
A. He had turned himself in voluntarily that day there was an active warrant for him. The incident at hand occurred on October 20, 2017, two days later he turned

himself in.
Q. Two days later he turn himself in at the sheriff's office?
A. That's correct.
Q. And did you say the interview was conducted in an interview room?
A. That is correct.
Q. And was it audio and video recorded ---
A. Yes.
Q. --- or audio recorded?
A. Yes.
Q. All right. Tell me a little bit about the recording process, how it's recorded?
A. Okay. Well, it's recorded and then we put it on a disc and then it's transcribed.
Q. Okay. And that transcription is made available to the State and defense?
A. Yes.
Q. All right. And when you interviewed Mr. Brown did you go over his Miranda rights with him?
A. I did.
Q. Did you inform him of his right to remain silent?
A. I did.
Q. Did you tell him that he could have a lawyer and that they could be present during the questioning?

A. I did.
Q. Did you tell him that if he couldn't afford a lawyer that one would be appointed to him?
A. I did.
Q. And did you tell him that at any time he wanted to exercise those rights he could and end the interview?
A. Yes, I did.
Q. And you explained each of those posit parts of the Miranda to him in order or in sequence?
A. Yes, sir. We have a preprinted Miranda form that we use.
MR. ANDERSON: I beg the court's indulgence. Your Honor, may I approach the witness?
THE COURT: Yes.
Q. Can you take a look at this for me?
A. Yes.
Q. Is that the form that you were talking about?
A. Yes, it is.
Q. And you went over the all those parts of that form with Mr. Brown?
A. Yes, sir, more than one time.
Q. And did he indicate that he understood?
A. Yes.
Q. Did he have any hesitation in speaking to you?
A. No, sir.

Q. All right. Did he sign that document?
A. Yes, sir, he did.
Q. And did he date it?
A. Yes, sir, he did.
Q. All right. And during the course of your conversation with him, did you have any indication that he was not in his right mind or mentally incompetent, any signals during the interview that you observe in that regard?
A. No. And actually he was read his Miranda more than one time.
Q. Okay. Did you have any indication that he was under the influence of drugs or alcohol?
A. No. He advised that he had a drink earlier in the day so that's why I advised him of his Miranda a second time just to make sure and I had him interpret each portion of the Miranda as I went through it.
Q. So during the process you had him explain what the form meant?
A. Yes.
Q. At any time was he threaten during the interview?
A. No.
Q. At any time did you coerce him or have him locked up or anything like that?
A. No, sir, I did not.
Q. At any time were there any voices raised?

A. No.
Q. Okay.
THE COURT: What was that last question?
MR. ANDERSON: Voices raised.
THE COURT: Oh, Okay.
Q. And who else was in the interview room with you?
A. Investigator Kennedy.
Q. All right. Sergeant Kennedy?
A. That's correct.
Q. All right.
MR. ANDERSON: And, Your Honor, I know you had a copy of the transcript given to you at lunch, I can play the video or can go over the transcript it's however....
THE COURT: What do you -- I read the transcript over lunch. Do you have any questions that this is not a fair and accurate representation of what was done?
MR. SMALLDONE: I don't have any of those questions so ---
THE COURT: Okay.
MR. SMALLDONE: --- it's up to the court.
THE COURT: And, you know, the transcript seems to have covered everything. One thing that wasn't in the transcript that I wasn't sure about. She just testified that he turned himself in, at the time of the in interview, is there any question that he was, in fact, in custody, is

that an issue at all?

MR. SMALLDONE: Not at all, no.

THE COURT: So this interview is a result of an in-custodial interrogation.

MR. ANDERSON: It is.

THE COURT: And you agree with that?

MR. SMALLDONE: Judge, I didn't really analyze that because I think even if he was in custody he was Mirandized and gave a statement so .....

THE COURT: Yeah, and he did. I just wanted to be sure, if he wasn't in custody Miranda may not even apply.

MR. SMALLDONE: Right.

THE COURT: But based on -- because that's not in here.

MR. SMALLDONE: Right.

THE COURT: But based on her testimony the incident occurred two days before that there was an active warrant for his arrest and he turned himself in. So I assume at the time of the interview he was in custody so he would have had to have his Miranda warnings.

MR. ANDERSON: If not he would've been arrested immediately afterwards but I think they served it on him.

THE COURT: But, in fact, she did go over the Miranda warnings twice and covered them and it appeared based on his statement that he understood those in detail

and he signed and initialed that he did. And so as far as his Miranda warnings are concerned that they were given to him and he understood them and he understood his rights as result. And I noticed at some time through the transcript that he was given some breaks. So I assume he did not request a restroom break or anything else that was not given to him , is that correct?

A. That's correct.

THE COURT: How long did the interview last, do you know that?

A. I'm not positive on that, sir.

THE COURT: Okay. I know there was one break and came back on the record. Is there any question that this interview was an extensive period of time?

MR. ANDERSON: No, Your Honor, I believe it's under an hour and a half. I don't want to ---

THE COURT: And you agree with that Mr. Smalldone?

MR. SMALLDONE: I do agree with it.

THE COURT: Okay. Do you want to ask her any questions?

MR. SMALLDONE: I think you've covered everything judge.

THE COURT: Okay. Do you -- is there anything else you want me to know?

MR. ANDERSON: No, Your Honor. I just want ---

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THE COURT: Do you have anything that you need to tell me?

MR. SMALLDONE: I'll leave it in the court's discretion, Your Honor.

THE COURT: And based on what's before me and I'll put this interview in the record and make it a Court's Exhibit that I find that it was the result of in-custodial interrogation that he was advised of his Miranda rights. He appeared based on his response to understand those rights. He was advised that if he had a right to attorney present, if you couldn't afford one, one would be appointed to represent him and he could stop answering questions at any time and consult an attorney. And he said in the interview that he understood those and that I think his statement was freely and voluntarily given and there was no coercion. And, therefore, as far as voluntariness of it, I think it's admissible.

MR. ANDERSON: All right. Thank you, Your Honor.

THE COURT: Okay. Now, what are we gonna do for an hour and half?

MR. ANDERSON: I don't have anything.

MR. SMALLDONE: I don't have any pretrial motions.

THE COURT: Is there any particular voir dire you want?

MR. SMALLDONE: I do and that's what I was printing out

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and I've given Mr. Anderson a copy.

THE COURT: Okay.

MR. SMALLDONE: Your Honor, May I approach?

THE COURT: Certainly.

(Whereupon, Statement of Mr. Brown- Transcript (Packet) has been marked and entered into evidence as Court's Exhibit No. 1)

(Whereupon, the court takes a break)

THE COURT: I'm not gonna asked number ten.

MR. SMALLDONE: I'll ---

THE COURT: That's having me commenting on the evidence. I don't know whether there are any pictures and whether they are going to be admissible or not but I'm not gonna comment on that up front.

MR. ANDERSON: There's not.

THE COURT: Huh?

MR. SMALLDONE: There's no autopsy photograph.

THE COURT: Okay. And if there was some kind of issue I'd deal with that at the time. Sometimes you can get a strange response to that question. It depends on what's in the picture. Okay. Anything else?

MR. ANDERSON: Nothing from the State, Your Honor.

THE COURT: All right. I'm gonna take a break and go talk to the students since we don't have anything else to do until we get a jury here.

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(Whereupon, the court takes a break at 1:25 p.m.)

(Whereupon, the court goes back on the record at 2:30 p.m.)

THE COURT: Solicitor, you may call your first case.

MR. ANDERSON: May it please, the Court? Your Honor we would call indictment number 2018-GS-45-21, the State vs. Ronald Brown, Jr., indicted for murder and possession of a weapon during a violent crime. May I approach?

(Whereupon, a bench conference was held off the record)

Voir Dire:

THE COURT: Yes, sir. Okay. Ladies and gentlemen of the jury, if you will give me your attention we are about to begin the trial of the State versus Ronald Brown, Jr. Is there any member of the jury panel who are connected by blood or marriage, close personal friends, social relations with Mr. Brown, if so please stand?

(Whereupon, no one is standing)

THE COURT: I'm going to read out a list of potential witnesses in this case and I need to know the same information whether you're connected by blood or marriage, close personal friends or social relations with any of these potential witnesses: Pamela Wrenn with the Williamsburg County Sheriff's office, Archie Kennedy with the sheriff's office, Jalisa Brown, Juan Ballard, Cheyenne Monteith, Steve Dukes, Sherod Timmons, Ann McCormick,

MR. SMALLDONE: Nothing from defense.

THE CLERK: All right. Mr. Solicitor, what do you want to do the panel?

MR. ANDERSON: Your Honor, we would like to excuse the panel. This is the only trial we have this week.

THE COURT: Okay. Ladies and gentlemen who are not selected to serve on this jury, you're free to go. You don't have to do this again for three years. They gonna send you a huge check. But y'all gonna have to earn y'alls.

(Whereupon, there is laughter from the selected jury)

(Whereupon, the jury panel exits the courtroom at 3:54 p.m.)

THE COURT: Okay. Ladies and gentlemen, we're not gonna be able to actually start the testimony in this case till in the morning. So I'm going to excuse you and let you go home and I'll need you back in the jury room at 9:30 in the morning. They'll show you where the jury room is. You will come back in here and you'll come straight to the jury room. And I need all of you present in the morning. I can't get started until all of you show up. If you have an emergency overnight you've got to call the sheriff's office or the clerk's office and let them know that you have an emergency because if I don't hear from you and you don't show up I'm gonna send the sheriff looking for you

because I can't get started until all of you show up. Having said that, everything that you know about this case you need to learn in this courtroom. So don't talk about it or allow anyone to discuss it with you. Don't go home and do any research. Don't Google anybody, you know, don't talk about the case. You can't even talk about it among yourselves and I'll explain all that to you in the morning. When you get back in the morning I'll have the clerk swear you in. I'll give some opening remarks and tell you what your duties are. Then you'll hear the opening statements from the attorneys and we'll begin the testimony. So I'll see all of you back at 9:30 in the morning. You have a great evening. If you'll follow her she'll show you where the jury room is.

(Whereupon, the jury exits the courtroom at 3:54 p.m.)

THE COURT: All right. Anything else I need to deal with?

MR. ANDERSON: Nothing, Your Honor. The defendant has been out on bond and he's made all of his appearance. We have no objection for him remaining on bond.

THE COURT: All right. Mr. Brown, you understand that technically your bond is up when the case is called. The solicitor says he doesn't object to you being out but if you don't show up in the morning we're gonna proceed without you, do you understand that?

MR. BROWN: Yes.

THE COURT: And it would be in your best interest to be here.

MR. BROWN: I'll be here.

THE COURT: All right. I'll see you at 9:30.

MR. BROWN: All right. Thank you.

(Whereupon, court is adjured for the day)

Tuesday, October 1, 2019

(WHEREAS, this matter was scheduled for a trial, all parties appeared along with their counsels of record. The proceedings began at 9:49 a.m)

THE COURT: See if the jury is here and if they are bring them in.

(Whereupon, the jury enters the courtroom at 9:50 a.m.)

THE COURT: Good morning, ladies and gentlemen.

(Whereupon, the jury greets the judge)

Judge's Instructions:

THE COURT: I'm glad to see all y'all made it back. I appreciate that. We're about to begin the testimony in the trial of the State versus Ronald Brown, Jr. And Mr. Brown has been indicted for the crime of murder and possession of a weapon during the commission of a violent crime.

Now, I'm not charging you at this point on the law. At the end of the case after you've heard all of the testimony I will charge you on the law that you will apply in this case. And this indictment is not evidence in this case. This is simply the document that brings us to court. Mr. Brown has pled not guilty to these charges and, therefore, it cast the burden upon the State to prove each and every element of these charges to you beyond a reasonable doubt. Your job is to listen to the evidence in

this case and determine the facts in this case. My job is to rule upon what evidence you can hear under our rules and to charge you on the law.

Now, it's very important that you pay close attention. It's important that you get it right because if you make a mistake it is very hard to correct that mistake. If I make a mistake then it will be reviewed at some other time and some other place that mistake will be corrected but it's really hard to correct your mistake. And so I need each one of you to pay close attention. I will try to stop every hour or hour and a half to take a break and I try not to take a break in the middle of witness' testimony but sometimes that witness' testimony is so long we have to take a break. Having said that if at any time you need a break, anyone of you need a break, simply raise your hand because I need all of you to pay attention. And if for some reason you're uncomfortable you can't pay attention so if you're uncomfortable for any reason raise your hand, we'll stop, we'll take a break and we'll come back out and continue the testimony in this case.

Now, you're gonna see the evidence in a case, basically, in three forms. First of all, through sworn testimony. Witnesses will come before you under oath and testify about the things they saw or they observe. The other way you may receive evidence is certain documents or

photographs and under our rules are permitted in the trial and that's how you may receive evidence. The third way is to stipulations of the attorneys. Sometimes in a case that's fact that both sides agree on. And so they will stipulate that this is the true fact and that you can take that as evidence in this case. But that's basically how you're going to receive evidence in this case and how you will reach a verdict at the end of this case based on that evidence and the law that I give to you. So it's important that all of you pay close attention throughout this whole trial.

Now, you also, everything that you know about this case you've got to learn in this courtroom. So I'm going to tell you, you can't discuss the case when you go for lunch break, you can't talk about it, you can allow anyone to talk about it with you. The attorneys involved in this case they can't talk to you at all. So they can't even speak to you so don't take offense to that. While they're involved in this case there not to have any contact with you at all. When you go home tonight your families are gonna want to know what you've been doing all day but you can't tell them because if there anything like my family they gonna have an opinion as to what you should do. They haven't been here. They don't know what you've heard and what you've seen. So don't -- at the end of the case you

can tell them everything about it but until, until I tell you to don't discuss it. And you can't even discuss it among yourselves when you go back to the jury room. And I know you think, well, that's strange why can't we take a break -- why can't we talk about what that witness said and what this witness said? And the reason I don't want you to do that because if you did that at the beginning of the case after the first break at the end of the case you want to defend that opinion, that theory, you came up at the beginning of the case to your fellow jurors. And I don't want you to start forming opinions and expressing and sharing those opinions with each other until you've heard all of the evidence in the case as well as the law that I'm gonna give you. And that way you do a lot better job in reaching a verdict in every case that's important to both sides. Because both sides are looking for a fair and impartial jury who's going to get it right. So don't discuss the case even among yourselves. You don't want to start forming these opinions and theories until you've heard everything. And then and only then would it be proper for you to do that.

In a few minutes the lawyers are going to get up and make opening statements to you, those opening statements aren't evidence. They're simply explaining to you what they think the case, the evidence is going to show you in

this, what the case is all about and what the evidence to show or not show in this case. And then when they finish their opening statements, the State goes first because they've got burden of proof. The defendant doesn't have to prove anything. Most of the time the defense counsel makes an opening statement, he doesn't have to, but most of the time he does to explain to you what he thinks the evidence is going to show or not show.

Then we'll start the testimony in this case. At the end of all of the testimony they will make closing arguments to you and the attorneys will argue to you as to what they think the evidence showed in this case or what the evidence didn't show in this case. Then I will charge you on the law that you are to apply and you'll go to the jury room and reach a verdict in this case. That's how it will unfold. The opening statements and closing arguments of the attorneys are not evidence. Even the questions the attorney ask is not evidence in this case. You've got to decide this case based on the evidence that comes from this witness stand and the documents and photographs that have been introduced or any stipulations. So if you'd pay close attention will start with opening statement. Mr. Solicitor?

MR. ANDERSON: May it please, the Court?

THE COURT: Wait on minute. Hang on a minute, I

didn't swear them. Before they start the clerk is gonna swear y'all in.

THE CLERK: Please stand and raise your right hands. You shall well and truly try, case number 2018-GS-45-21, the State versus Ronald Brown, and render a true verdict according to the law and evidence so help you God? Please respond by saying, I do.

(Whereupon, all jurors take the oath by saying I do)

THE CLERK: Thank you. You may be seated.

THE COURT: Thank you. Mr. Solicitor?

MR. ANDERSON: May it please, the Court?

THE COURT: Yes, sir.

MR. ANDERSON: Mr. Smalldone? Madam clerk?

Opening Statement by Mr. Anderson:

MR. ANDERSON: Ladies and gentlemen of the jury, this is a case about choices. The choices that people make. The choices that make up peoples lives. The choices that end peoples lives. Out on [redacted] I.M. Graham Road in the White Oak Community on October 20, 2017 everybody is just living their life. Some people are inside the house, there talking with old friends. Some people are there to prepare for a barbecue that's gonna be had later that afternoon. Our victim, Matthew Cooper, is there, he's chatting with some friends under a tree outside. It's all peaceful. Like I said everybody is going about their life. And then

Mr. Brown arrives, the defendant, in this case who is seated right over there. Ronald Brown arrives and he's there to sell some charcoal to the person who is having the barbecue, Ann McCormick and he completes that sale. Then an argument breaks out with him and the victim in this case. That argument turned into a shouting match. It turns into a scuffle. It goes from the front yard at I.M. Graham Road out into the roadway. And then like that it's over like a summer storm, it passes quickly. You can't even tell it was there. Everybody goes back to living their lives.

But like I said this is a case about choices. It's a case about final choices. What does Ronald Brown choose to do after this scuffle, after this fight? He chooses to go get a gun. He chooses to come back and he chooses to end Matthew Cooper's life. Before I go further in what the evidence is gonna show, I want to talk to you about what everybody's role in this process is, what we're all here to do. I'm gonna start with my favorite subject, the prosecutor. So what does a prosecutor do? What does assistant solicitor do? I want you to take a moment and forget everything you think you know about what a prosecutor does. Especially forget what you've seen on TV. My fiancé watches these lawyers shows and these cop shows on TV and it makes me so upset how wrong they get. In

there, the television prosecutor is grumbling about, he's grumbling about convictions and walking back. Convictions! Convictions! Convictions! That ain't what it's about. That's not what we do. It's not the oath we took. In fact, the South Carolina Supreme Court says it is our job to seek just results. And we go about that in a very particular way. What we do is law enforcement is aware that a crime has been committed. They go out and investigate that crime and they gather the evidence in the case. And like the judge said you're gonna hear through testimony and you're gonna see exhibits, you're gonna see pictures. They give that to us. And what do we do? We presented to you in court so you all can make your determination. That's what a prosecutor really does. They're obsessed with convictions, they're obsessed with giving y'all the evidence.

And I want to talk to you little bit about the standard when we proved the case to you. Beyond a reasonable doubt. You heard Judge Cothran talk about beyond a reasonable doubt. So before I go into the law I want to give you this one word of caution, if I say something different than the judge says about the law you through what I said in the trash. You ignore what I say and you listen to Judge Cothran. But I submit to you he's gonna say something along these lines: that proof beyond a

reasonable doubt, it means you've heard such proof that you are firmly convince of this defendant's guilt. Means you've heard such proof where you would not hesitate to act if you find him guilty. I like to point out to jurors the word reasonable is right there in the title. Well, what does reasonable mean? It means it makes sense. I have to get rid of doubt that makes sense. That's what a prosecutor has to do. It's not beyond any doubt. It's not beyond a shadow of a doubt. I don't have to deal with while conspiracy theories and things that don't make sense, that's not part of the State's burden and that's my job.

What about all of you, what's your job in this process? I know when y'all got here yesterday and you had to walk up here and we're all staring at you funny and we're looking at our papers, digging around in your private information, and it's not because we are nosy. I don't like digging around people's private information. It's not because we like staring at people. It's because we wanted the best group of jurors possible. The people with the most common sense and life experience to hear this case. I think we've succeeded. I think we've got the best group possible. Because what the key here is, you don't need any specialized information to make the determination you have to make in this case. Everything you need to decide in this case is either gonna come from that stand or it's

already with you and that your common sense. That's what you apply to the evidence. So do this for me, you got up this morning you opened your eyes, your common sense was with you. You got in the car and you drove up here, common sense. It rests with you right now in this jury box. Do not abandon it when you go back there to make your determination in this case. Don't start talking about what you saw on CSI Miami one time. This is Williamsburg County, we ain't in Miami. So when you go up that riser where Mr. Fraser is right now and you step through that door to make your determination in this case, do not abandon your common sense because that's what you apply from the evidence in this case.

Now, I want to take a moment to talk to you about what I think the evidence is gonna show you. Like I said, out on [redacted] I.M. Graham Road people are living their lives. An argument, a scuffle between the victim, Matthew Cooper and Mr. Brown. Mr. Brown leaves. He chooses to go get a gun. He chooses to come back. He gets out of his car and heads straight for Mr. Cooper then what does he do? Bang! Bang! Bang! Bang! A flurry of gunshots that ends Matthew Cooper's life leaving him laying face down in the dirt gasping like a fish out of water. That's the evidence you're gonna hear from the witnesses who were there living their lives on that I.M. Graham Road that day. And I'm not up here before

you telling y'all this is a perfect case. Like I told you, our victim is involved in a scuffle with Mr. Brown. And the defense is going to talk about how the victim had a gun. And he did, I'm not hiding that from you. In fact, I'm telling y'all about it in my opening statement. When they rolled over Mr. Cooper there's a gun under him. We're not hiding from that fact. But I submit to you after you hear all of the evidence you're gonna hear that he didn't fire that gun and it wasn't involved in this.

So this is a case about choices, ladies and gentlemen, choices that Mr. Brown made. He's the person on trial this week. But when you go back and you make your choice your final determination in this case it would be an easy one. The only choice that will make sense is a verdict of guilty.

MR. SMALLDONE: May it please, the Court?

THE COURT: Yes, sir.

MR. SMALLDONE: Judge? Mr. Anderson? Mr. Finney? Ladies and gentlemen of the jury, good morning.

(Whereupon, the jury greets Mr. Smalldone)

Opening Statement by Mr. Smalldone:

MR. SMALLDONE: This is a case about choices, I agree. This is the case about Mr. Brown and Mr. Brown's choices. Mr. Brown, people call him Junior, he's from Williamsburg County. Lives here. Junior is a guy who will

do anything for his children. Junior is a guy who loves his kids and would sacrifice for his kids, right. That's a common thing, if you have kids you probably, everyone with kids would say that. I'm not saying that as a character trait. I'm not saying that because it's unusual. I'm saying that because it's the key to the case.

You heard Mr. Anderson's opening statement - and my opening statement what I do is I give a version of the facts, right. I give you the facts I believe that will be presented to y'all as a jury. I'm not here to argue with his opening statement. We'll do that at closing. We'll do that at closing time.

So I'm not gonna go line by line of what he said and disagree with it all; because one, I'm not allowed to do that; and two, that's kind of pointless to do when you haven't even heard any testimony. My job right now is to tell you what I believe you're gonna hear.

You're gonna hear that Junior did something for his kids. You heard earlier, the, basically, the case, and I don't disagree with much of it. Just like Mr. Anderson said, forget everything you know about a prosecutor. Also, forget everything you know about a defense attorney, right. I'm not, you know, I think most people when they think of a defense attorney they think of either one or two things. It's kind of too extreme. They think of some public

defender with like a stack full of files whose never looked at a case and is wearing some like wrinkled, you know, blazer with light polyester khakis and orthopedic shoes who doesn't know anything so I hope I'm not like that. And also -- but they also think, on the other hand, that there's some guy that drives a Rolls-Royce to court and, you know, is slick and is yelling at the prosecutor and is disagreeing, yelling at each other in the hallway. And he's talking about convictions and he thinks I'm talking about, you know, suing law enforcement or anything like that. So I think the answer to both of our jobs is probably somewhere in the middle of the too extremes.

So my job, like I said, is to tell you what you're gonna hear. And like I said, you're gonna hear that basic storyline. You're gonna hear that Junior went over to a house, a social gathering, and, yeah, there's a barbecue. He's going to either give or sell some people some charcoal that he has. So he has some charcoal because you can't have a cookout without charcoal. So he brings the charcoal. Talks to some people. He sees people that he doesn't like that he doesn't get along with. See you'll hear through some testimony that Junior owed this guy money. Junior owed this guy named Tweety some money, a small amount of money, actually. So he goes, the guy shakes him down. He's like where's my money? He's like,

I, you know, I don't have it. So, yeah, there was a tussle. Was it somewhere between an argument and a knock-down, drag-out fight? It was a tussle and they pulled a gun on him. Where's my money? The gun that you'll see pictures of in this case, they pulled a gun on him. So Junior, after the tussle they told him to get out or their shoot him, he peels out and goes away. But remember what I told you, he'll do anything for his kids. See what Junior didn't realize at first is when they were tussling in the roadway and in the yard, someone grabbed his kids, not out of a malicious nature, but they took his kids from out of the car, come on you don't need to be a part of this. So when Junior gets back in the car he thinks the kids are in the backseat. After a few minutes, seconds, minutes, he realized they weren't in the backseat. So Junior has to make, what? A choice. Do you leave the kids in the viper's nest or do you go back? Anyone who's a parent knows you go back. Even if these guys have a gun. Even if these guys are mad about you owing them money. Even if these guys threaten you, you have to do what you have to do. So he goes back. He doesn't think those guys are still there. Goes back. Gets his kids. They pop up, "we told you not to come back." They start shooting at him. Whether or not it was out of the malicious nature, like you came back when we told you not to. Whether or not they

were scared, they were like, oh, this guy came back he's probably gonna, you know, do us harm. We're not sure and we probably won't ever find out. What we do know they were shooting at him. So what does he do? When someone shoots you and you have a gun on you, you shoot back. He defended himself and his children. He shoots. Doesn't think anything of it because he doesn't think -- he sees Tweety running away so he thinks it's over with, you know, just a shoot out. Leaves with his kids, his wife. Goes home. Avoids that area for a while. Finds out a few days later, in fact, Tweety did get shot and Tweety is not around anymore. Tweety died. Murder. He's been charged with murder. So what does he do after that? He drives himself to the police station, turns himself and cooperates. Why does he do that? Because Junior didn't go to law school. I assume y'all didn't go to law school which is okay. Junior knows what you're gonna know is that being charged with murder, having a piece of paper that says you did something, an allegation, not the same thing as a conviction. Junior turned himself in because he knows and he believes that y'all gonna hear the case and you're gonna hear the case fairly.

I did the same thing as Mr. Anderson did, when we picked the jury I looked over my notes - maybe it took to belong, I'm sorry for that - I looked over my notes and I

picked the best jury I could. A jury that knows that this isn't the State of South Carolina's trial. This isn't Williamsburg County trial. This is Junior's day in court. And Junior knows, probably because I told him, but what y'all know he's an innocent man. He is innocent of this. He's gonna be innocent throughout the course of this. The only thing that can make him not innocent is after you hear the evidence and you decide, if you decide that the State of South Carolina has met their burden of proof, beyond a reasonable doubt, which I'll get into at closing, it's the highest standard. If they haven't done that he remains an innocent man. You're gonna hear evidence and I'm gonna tell you they're not gonna meet their burden. Because Mr. Brown defended himself because he had to. Junior did what he had to do for his kids and he continues to do so. Even if it means standing trial for murder because he knows that y'all are gonna hear the facts of the case and eventually at the end of the case you're gonna talk and you're gonna do the right thing and that's to find him not guilty of murder. Why? Because he's not guilty of murder. Thank you.

THE COURT: Solictor?

MR. ANDERSON: Your Honor, we'd call Kathryn Ray.

THE COURT: Okay. Come around please, ma'am, and Place left hand on the Bible and raise your right.

THE CLERK: Do you solemnly swear or tell the truth, the whole truth, and nothing but the truth so help you God?

MS. RAY: Yes, ma'am.

THE CLERK: Have a seat in the witness box. State your name for the record.

MS. RAY: Kathryn Ray.

KATHRYN RAY, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Ms. Ray, good morning.

A. Good morning.

Q. How are you doing today?

A. Pretty good.

Q. I'm gonna ask you a few questions about the case. Where did you work back in October of 2011?

A. Williamsburg County Emergency Management.

Q. Did you receive -- what did you do there?

A. 911 dispatcher.

Q. Okay. Did you receive a call related to a shooting on October 20, 2017?

A. Yes, sir.

Q. Was it in reference to this case?

A. Yes, sir.

MR. ANDERSON: Your Honor, permission to approach the

witness?

THE COURT: Okay.

Q. Have you seen this before?

A. Yes, sir.

Q. State's -- and this is what's been premarked for for densification purposes, State's Exhibit 1, what is that?

A. That's the 911 tape.

Q. Is it a fair and accurate recording of the 911 call you receive that day?

A. Yes, sir.

MR. ANDERSON: At this time we'd move State's Exhibit 1 into evidence.

THE COURT: What saith the Defense?

MR. SMALLDONE: Without objection.

THE COURT: Okay. It's in without objection.

(Whereupon, the 911 Disc has been marked and entered into evidence as State's Exhibit No. 1)

MR. ANDERSON: Permission to publish, Your Honor?

THE COURT: Yes, sir.

(Whereupon, the 911 recording was played for the jury)

MR. ANDERSON: I beg the court's indulgence. No further questions for this witness.

THE COURT: Okay. You got any questions?

MR. SMALLDONE: Just a few.

THE COURT: Okay.

Cross-Examination by Mr. Smalldone:

Q. Good morning.

A. Good morning.

Q. I just want to make sure we're on the same page. After that phone call hung up that was your conclusion of the involvement of this case, right?

A. Yes, sir.

Q. You didn't -- obviously, you didn't, you're a dispatcher, you didn't drive out there or anything, right?

A. No, sir.

Q. And so that's pretty much all you know about the case?

A. Yes, sir.

Q. Okay.

MR. SMALLDONE: Thank you.

THE COURT: You can step down.

MS. RAY: Thank you, sir.

MR. ANDERSON: Call Jalisa Brown.

THE COURT: Okay.

THE CLERK: Do you solemnly swear or tell the truth, the whole truth, and nothing but the truth so help you God?

MS. BROWN: I do.

THE CLERK: Please state your name for the record?

MS. BROWN: Jalisa Brown.

JALISA BROWN, first being

duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Good morning, Jalisa.

A. Good morning.

Q. Can you tell the jury where you work?

A. At Williamsburg County Sheriff's Office.

Q. How long have you worked there?

A. A little over two years.

Q. Did you work there back in October of 2017?

A. I did.

Q. And what was your job position back then?

A. I was a deputy on patrol.

Q. Okay. And did you have an occasion to respond to a call in this case?

A. I did.

Q. What address did you respond to?

A. [redacted] I.M. Graham Road.

Q. And what time did that call come to your attention?

A. Approximately 4:05 PM.

Q. It was about 4:05 in the afternoon?

A. Correct.

Q. Okay. And where were you when you got the call or do you remember?

A. I was on Long Street in Kingstree.

Q. Okay. And how long did it take you to get from Long

Street to I.M. Graham Road?

A. I would say between five to eight minutes.

Q. Okay. And what did you observe when you arrived there?

A. When I got there was a male, a black male, standing at the driveway of the residence. He basically directed me to the back yard of that particular residence. When I got back there it was Ann McCormick, um, she was kneeling on top of Matthews, Matthews Cooper. Basically, she was basically hovering over him trying to get, I guess, get him to respond.

Q. And did Mr. Cooper appeared to be under some distress?

A. When I got back there he was unresponsive. He was just like staring off. He wasn't appear to be breathing at the time. We tried calling his name several times he never respond.

Q. Did you appear to be breathing?

A. No, sir.

Q. All right. Did you do anything else in this case?

A. I interviewed Quamella McCormick.

Q. Okay.

A. Who was next door at [redacted] I.M. Graham.

Q. All right. And did you observe any physical evidence on the ground when you arrived?

A. Yes.

Q. Can you tell us a little bit about that?
A. There was blood underneath where the victim was. There was bullet shell casings near the roadway of the front part of the residence.
Q. So there were shell casing in the roadway in front of I.M. Graham Road?
A. Correct.
MR. ANDERSON: I beg the court's indulgence.
Q. And did EMS arrived at some point?
A. Yes.
Q. Do you know roughly when?
A. Um, maybe about between five minutes after I got there.
Q. Okay.
A. Because once I got there I kind of contacted our dispatch and see if they could speed it up some, so I'd say about five minutes after.
Q. All right. And it took you between five and eight minutes to get there?
A. Correct.
Q. All right.
MR. ANDERSON: I don't have any further questions.
MR. SMALLDONE: No questions for this witness.
THE COURT: Okay. You can step down.
MR. ANDERSON: Your Honor, we need to take that brief

recess that we talked about this morning.

THE COURT: Okay. Ladies and gentlemen, we gonna wait on our next witness for a few minutes. So I'm gonna send you to the jury room and ask that you don't discuss the case yet. I'll get you back out just as quick as I can.

(Whereupon, the jury exits the courtroom at 10:30 a.m.)

THE COURT: All right. We'll be in recess. Do y'all want something?

(Whereupon, a bench conference was held off the record)

THE COURT: Okay. We're back on the record.

MR. SMALLDONE: And, Your Honor, pursuant to a bench conference or somewhat of a status conference, I've, obviously, gone over the case. Ibelieve for trial strategy purposes that a Duncan hearing would not be appropriate in this case and I believe it's more of a self-defense than a Castle Doctrine or Duncan case. So I'm waiving that and taking it to the jury.

THE COURT: Okay.

MR. FINNEY: Thank you, Your Honor.

THE COURT: Where's your client?

THE BAILIFF: He went outside. Do you want him?

THE COURT: Yes. I want to ask him with him on the record.

MR. SMALLDONE: Do what?

THE COURT: I'm gonna confirm that with him on the record.

MR. SMALLDONE: Okay.

THE COURT: Because there may be a hearing one day when you're testifying against him.

MR. SMALLDONE: And I've gone over it with him briefly but not today. So I probably ---

THE COURT: Okay. And if you need to talk to him a minute, that's fine. I just want to be sure he understands that.

MR. SMALLDONE: Right. Okay.

(Whereupon, Mr. Smalldone takes a moment to discuss this with his client)

THE COURT: Okay. All right.

MR. SMALLDONE: And, Your Honor, I'm back with my client. I've talked to him. I talked to him last week about it. And I'm talking to him just now to make sure he understands that we're on the same page, wish to waive any Duncan issue. And I believe it's more of a self-defense than a Castle Doctrine or a Duncan issue. And I've talked to my client about that and he agrees.

THE COURT: Is that right, Ms. Brown?

MR. BROWN: Yes.

THE COURT: Okay. You had an opportunity to talk to your lawyer and so he says the trial, for strategy

purposes, he's not gonna request a Duncan hearing or "stand your ground" hearing, that he's gonna, he feels like you acted in self-defense, do you understand that?

MR. BROWN: Yes.

THE COURT: And is that how you want to proceed?

MR. BROWN: Yes.

THE COURT: Okay. Thank you, sir. Okay. We'll be in recess until call from the solicitor.

(Whereupon, the court is in recess)

THE COURT: Are we ready for the jury?

MR. ANDERSON: Yes, Your Honor.

THE COURT: Bring the jury in.

(Whereupon, the jury enters the courtroom at 10:58 a.m.)

THE COURT: All right. Mr. Solicitor?

MR. ANDERSON: The State would call Juan Ballard.

THE CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. BALLARD: I do.

THE CLERK: State your name for the record?

MR. BALLARD: Juan Ballard. Williamsburg County Sheriff's Office.

JUAN BALLARD, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Good morning.
A. Good morning.
Q. Investigator Ballard, where do you work?
A. Williamsburg County Sheriff's Office.
Q. How long have you worked there?
A. Oh, twenty-one years.
Q. And what's your job title?
A. Criminal investigations.
Q. Did you participate in the investigation of this case?
A. I did.
Q. In what capacity?
A. Processed the crime scene.
Q. Okay. And tell me what date did you respond?
A. It was in October the 20th.
Q. What year?
A. 2017. October 20, 2017.
Q. All right. And when did this case come to your attention?
A. That same day, October 20, 2017.
Q. And about what time did you arrive?
A. It was approximately five.
Q. Okay. And what kind of case or scene did you respond to?
A. Homicide.
Q. Was the scene locked down when you got there?

A. At best it could be at that time.
Q. All right. What you mean by best it could be at that time?
A. It was still chaotic. And it took me from the initial time the incident happened, it took me forty-five minutes to an hour to respond and there was still a good crowd of people there.
Q. Okay. Tell me what was the weather like that day, if you remember?
A. It was clear, I think.
Q. Did you have an opportunity to preserve the scene as part of the processing?
A. I did.
Q. Did you take photographs?
A. I did.
Q. I'm gonna approach you -- and what county is [redacted] I.M. Graham Road in?
A. Williamsburg.
Q. All right.
MR. ANDERSON: Permission to approach the witness, Your Honor.
THE COURT: Yes, sir.
Q. Investigator Ballard, I'm gonna approach you with what's been pre-marked for identification purposes is State's 2 through 5, can you take a look at these for me?

A. Okay.
Q. Have you had an opportunity to look at them?
A. Yes, sir.
Q. Are they a fair and accurate representation of some of the photographs you took out there ---
A. It is.
Q. --- [redacted] -- it was?
A. It is.
MR. ANDERSON: Permission to publish, Your Honor?
THE COURT: And what numbers are they?
MR. ANDERSON: Two through 5. And the State offers to move 2 through 5 into evidence.
THE COURT: Any objection?
MR. SMALLDONE: No objection.
THE COURT: All right. Items 2 through 5 without objection are in evidence without objection.
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 2)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 3)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 4)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 5)

Q. All right. Investigator Ballard, I'm gonna show these picture and I may ask you to come down and point some things out for us, okay?
A. Yes, sir.
Q. I'm showing the jury what is State's Exhibit 2. Investigator Ballard, where is this in relation when you pull up to the crime scene?
A. This is directly in front of the house where the body was slightly to the left of it.
Q. All right. Approximately, how far away is the body from where this photograph was taken?
A. Maybe seventy-five, eighty yards.
Q. In which direction?
A. It's slightly behind the house.
Q. So if ---
A. To the left.
Q. To the left and to the back of State's Exhibit Number 2?
A. Yes, sir.
Q. Let me show you what's been marked as -- and then we have State's Exhibit Number 3, is that another photograph just taken slightly to the right?
A. Yes, sir, of the same house.
Q. And is that a driveway coming up to the next of the house in the right portion of the picture there?

A. Yes, sir.
Q. Let me show you what has been marked State's Exhibit Number 4, can you take a look at that for me?
A. Yes, sir. That's the driveway of that house right there.
Q. So the photographer has moved to the right of the house toward where the driveway is?
A. Yes, sir.
Q. Okay. I'm gonna show you what's been marked as State's Number 5, can you take a look at that for me?
A. Yes, sir. It's a close up photograph of that same house except to the left of it.
Q. So the photographer was standing in the driveway as the previous photograph?
A. Yes, sir.
Q. All right. Investigator Ballard, I'm gonna show you what's been pre-mark for identification purposes is State's Exhibit 6 through 13, can you take a look at these for me?
A. Yes, sir.
Q. Are they a fair and accurate representation of the photographs you took of the crime scene that day?
A. They are.
MR. ANDERSON: Your Honor, at this time we seek to move those exhibits into evidence.
THE COURT: Any objection?

MR. SMALLDONE: No objection.

THE COURT: All right. They're in without objection.

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 6)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 7)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 8)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 9)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 10)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 11)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 12)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 13)

Q. Again, investigator Ballard, I'm gonna show you these exhibits and I'm gonna ask you questions about, okay?

A. Okay.

Q. I'm gonna start with State's Exhibit Number 6, where was this photograph taken?

A. Behind that house, of the previous photos, to the

left.

Q. So this is behind the house of the previous sets of photographs?

A. Yes, sir.

Q. And that marker, what is it there for? What's the significance of that?

A. Identifying evidence.

Q. Okay. And I'm gonna show you what is State's Exhibit Number 7, take a look at that?

A. Yes, sir.

Q. Is that the same marker?

A. Yes. Marker number one, yes, sir.

Q. And why did you take that photograph?

A. There was a pool of blood there.

Q. I'm gonna show you what is marked as State's Exhibit Number 13, is that another marker?

A. Yes, sir.

Q. And why did you take -- what's that marker there for?

A. It was a blue towel down there and at that time we weren't sure if it had any evidentiary purpose to this crime.

Q. And what's that in the border ground?

A. What is it?

Q. In the border ground of the picture?

A. Oh, to the left, the body.

Q. Okay. Let me show you State's Exhibit 12, is that a closer up photograph of the body?
A. Yes, sir.
Q. And I notice his body is covered up with a sheet in the photograph ---
A. Yes, sir.
Q. --- was that sheet put there by EMS?
A. Yes, sir.
Q. Okay. I'm gonna show you what's been marked as State's 11, is that another photograph of the body without the sheet?
A. Yes, sir.
Q. Okay. I'm gonna show you what's been marked as State's Exhibit 8, is that the same body at a different angle?
A. Yes, sir.
Q. Investigator Ballard, I'm gonna to show what's marked for identification purposes as State's 14 through 21.
MR. ANDERSON: May I approach so he can look at these?
THE COURT: Yes, sir.
Q. Can you look at these for me? Have you had an opportunity to look at those investigator Ballard?
A. Yes, sir.
Q. Are they a fair and accurate representation of some photographs you took at the scene that day?

A. They are.

MR. ANDERSON: At this time we seek to move State's Exhibit 14 through 21 into evidence.

MR. SMALLDONE: No objection.

THE COURT: In without objection.

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 14)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 15)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 16)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 17)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 18)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 19)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 20)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 21)

Q. Investigator Ballard, before I ask questions about these, how far was approximately marker one, that bloodstain, from the body?

A. Maybe fifteen feet.

Q. Okay. All right. I'm gonna show you these photographs and I'm going to ask you a few questions about them, okay?

A. Okay.

Q. Investigator Ballard, are these photographs of you all turning the body over?

A. Some of them are, yes, sir.

Q. All right. I'll show you first -- I'll show you what is marked State's Exhibit Number 14, is that the body at rest?

A. Yes, sir.

Q. I'm gonna show you what's been marked as State's Exhibit 15, is this the starting of the process of turning the body over?

A. It is, yes, sir.

Q. I'm gonna show you what's been marked as State's Exhibit 17, is this a continuation of that turning over?

A. Yes, sir.

Q. And is there anything significant in this photograph? Did you observe anything in the victim's hand?

A. From the picture I can't really tell.

Q. Okay. I'm gonna show you the next one, State's Exhibit 18, is that what was in the victim's hand?

A. Yes, sir. That was under him.

Q. All right. And is that a pistol?

A. Yes, sir. A revolver.
Q. Did you collect that as part of you canvassing the crime scene?
A. I did.
Q. I'm gonna ask you a few more questions about that in a moment but I'm gonna finish with these photographs.
A. Okay.
Q. I'm gonna show you what's State's Exhibit 19, what's that a photograph of?
A. That's a photograph of the shirt he had on with an entry point to it from a bullet.
Q. That's a hole in the victim's shirt?
A. Yes, sir.
Q. Bloodstain around?
A. Yes, sir.
Q. I'm gonna show you what are State's 21 and 20, starting with 20, what is that a photograph of?
A. That's the cylinder of that handgun that was found under the body with the round still in there, ammunition still in it.
Q. All right. Investigator Ballard, are you familiar with revolvers and automatics?
A. Yes, sir.
Q. Do revolvers retain their shells inside of them when they're fired?

A. They do.
Q. Okay. And how many bullets did, may seems a silly questions, how many shells does this revolver hold?
A. Six.
Q. Did you do a further examination of those shell casings?
A. I did.
Q. Yes. And some of them have been spent?
A. They were.
Q. And now I'm going to show you what's State's Exhibit 21, is that a photograph of the handle of the revolver?
A. At the bottom of the handle, yes, sir.
Q. With a serial number?
A. Yes, sir.
Q. That's how you keep track of firearms?
A. Yes, sir.
Q. Okay. What did you do with the firearm and the shell casings and all of that?
A. I turned all evidence into evidence.
Q. Okay. I'm gonna take a few moments to ask you about how Williamsburg County stores evidence. What's the chain of custody?
A. Chain of custody is a form we use to keep track of evidence, documentation. It will have, the top part of it will have the scene information, the crime information,

i.e. the suspect, the victim, things of that nature. Once you good midways down the page it gives you a, what we call a chain of custody, it tells you everybody who handled that evidence from the scene to the person who collects it, from the person who collects it, turn it into evidence. And once you turn it into evidence whoever gets it after that they have to document every time they bring it in, um, take it out or bring it back in.

Q. And why do y'all do that?

A. To keep track of it.

Q. To keep track of all the evidence?

A. Yes, sir.

Q. So what did you do with the process -- discuss what you did with the evidence in this case? Describe to the jury what it's like to log a piece of evidence in Williamsburg County?

A. What you do is you fill out that chain of custody. Once you fill it out you package it into either box or envelope or whatever or whatever evidence requires. And once you log it in you will take that chain of custody and attach it to the piece of evidence out of the envelope or box or whatever, what may have it, and you take it to what we call the evidence locker. The evidence locker is -- there's two parts to the evidence locker. It's one on the outside of the evidence room and the only person who access

it is the evidence custodian. We only have access to the outside of it. Once -- just like at the mailbox, postal service, you only have access to the front part. The Postal Service has access to the back. That's just how it is. Just like the post office. When can put it in and lock it. Once we lock it we can't get back in. The only person who can access it is the evidence custodian just like at the post office.

Q. And did you photograph the process, yourself processing this evidence and getting ready to log it in?

A. I did.

Q. All right. If I may approach and show you what has been pre-marked as State's Exhibit 25 through 35, would you take a look at these for me? Are those a fair and accurate representation of part of your cataloging this evidence?

A. They are.

MR. ANDERSON: At this time we seek to move State's Exhibit 25 to 35 in to evidence.

MR. SMALLDONE: Without objection.

THE COURT: Okay. They're in without objection.

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 25)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 26)

(Whereupon, the Photo has been marked and entered into

evidence as State's Exhibit No. 27)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 28)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 29)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 30)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 31)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 32)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 33)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 34)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 35)
Q. An investigator Ballard, when you were reviewing these did you take photographs of the back of some of these shell casings?
A. I did.
Q. And did some of them appeared to have been spent?
A. Yes, sir.
Q. And, investigator Ballard, did you participate -- was the body of the victim search at the crime scene?

A. It was.
Q. Okay. Was a wallet examined at the victim?
A. It was.
Q. First off, tell me a little bit about the condition of the victim when you saw him, was he responsive?
A. No, sir.
Q. Was he breathing?
A. He was already deceased.
Q. He appeared to be deceased.
A. Mmm, hmm.
Q. Okay. I'm gonna show you what has been marked as State's Exhibit 22, 23, 24, and I asked that you take a look at these for me.
A. Yes, sir.
Q. All right. Are those fair and accurate representation of the process of opening the wallet ---
A. Yes, sir. Part of it, yes, sir or removing the wallet.
MR. ANDERSON: Your Honor, at this time we'd seek to move State's Exhibit's 22 through 24 into evidence.
MR. SMALLDONE: No objection.
THE COURT: All right. They're in without objection.
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 22)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 23)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 24)
Q. Investigator Ballard, I'm going to show you what's been marked as State's Exhibit 22, would you take a look at that for me. What's this a photograph of?
A. That's a photograph of Coroner Harrison McKnight in the right pocket of the deceased to remove the wallet.
Q. Okay. I'm going to show you State's Exhibit 23, is that a photograph taken moments after that?
A. Yes, sir.
Q. You processed it?
A. Yes, sir.
Q. And did y'all examine the contents of the wallet?
A. If I recall, yes, sir.
Q. And if there was money in there you would've photographed it?
A. Yes, sir.
Q. Okay. Let me show you what's been marked and in evidence as State's Exhibit 24, was that found inside the wallet?
A. It was.
Q. Investigator Ballard, again, if there had been money in the victim's wallet y'all would've taken a picture of

it?
A. I would've photographed it, yes, sir.
Q. All right. Investigator Ballard, I'm going to ask you -- did you have an opportunity to review the rest of the crime scene?
A. I did.
Q. Okay. Were any shell casings recovered as part of that?
A. They were.
Q. Tell the jury a little bit about that?
A. About that particular time or processing ---
Q. Tell them how you became aware of them, where they were found, and all of that?
A. As I said earlier, the scene was still chaotic and we had law enforcement and family members in and out. But the shell casings in question were on the roadway. So to preserve those shell casings a deputy recovered them and once he recovered them, he turned them into made at a later time that same evening maybe, maybe like thirty or forty minutes after I got there. But he removed the shell casings at the time to preserve them because I think several of them had already been ran over and damaged by a vehicle.
Q. And when you saw the shell casings, though, they did appear to be run over?

A. Yes, sir.
Q. Did you photograph and process -- what did you do when you got those shell casings?
A. I just stored them until I could package them for evidence.
Q. All right. So you packaged them for evidence the same way you did the pistol?
A. Now, that I don't recall. More likely, yeah. They were in an envelope.
Q. Perhaps you photographed that process as well?
A. I'm hundred percent sure I did. I'd just have to see.
Q. I'm gonna approach and show you what's been marked for identification purposes as State's Exhibit 36 through 50, would you take a look at these for me?
A. Yes, sir.
(Whereupon, the witness takes a moment to look through photos)
A. Yes, sir.
Q. And are these the .40 caliber shell casings that, that officer gave to you?
A. Yes, sir, they are.
Q. And the reason they weren't photograph on the ground is because they were gonna be run over or they were being run over?
A. Yes, sir.

Q. And upon review of these items, did some of them appeared to have already been run over?

A. Yes, sir. You can see the scrapings on.

MR. ANDERSON: At this time the State seeks to move 36 through 50 into evidence.

MR. SMALLDONE: No objection.

THE COURT: Thirty-six through 50?

MR. ANDERSON: Yes, Your Honor.

THE COURT: All right. They're in without objection.

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 36)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 37)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 38)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 39)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 40)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 41)

(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 42)

(Whereupon, the Photo has been marked and entered into

evidence as State's Exhibit No. 43)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 44)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 45)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 46)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 47)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 48)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 49)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 50)

Q. Investigator Ballard, how many shell casings were recovered at the scene?

A. From, um, total or Deputy Lee? Four. I think it was four.

Q. The .40 caliber shell casings? I apologize.

A. Yes, sir, four.

Q. And the pistol that you recovered, was it a .40 caliber?

A. I'm not -- I don't recall a pistol being recovered.

Q. The pistol under the victim ---

A. Oh, I'm sorry, no, sir. I apologize. No, it was a .22 caliber.
Q. Right. So it's not a .40?
A. No, sir.
Q. And if that pistol had been fired would it had projected shells?
A. The .40 caliber would have. The .22 wouldn't have.
Q. Okay. All right. Investigator Ballard, I'm gonna show you a diagram. All right.
(Whereupon, the solicitor has exhibit marked for evidence)
Q. Investigative Ballard, I'm going to show you what's been marked for identification purposes is State's Exhibit 53, can you take a look at this for me?
A. Yes, sir.
(Whereupon, the witness takes a moment to look at exhibits)
A. Okay.
Q. All right. Is that a diagram of the crime scene?
A. Yes, sir, it is.
Q. And is it a rough approximation that's consistent with the photographs that you took?
A. Yes, sir.
Q. All right.
MR. ANDERSON: At this time we'd seek to move State's Exhibit 53 into evidence?
MR. SMALLDONE: No objection.

THE COURT: It's in without objection.

(Whereupon, the Diagram has been marked and entered into evidence as State's Exhibit No. 53)

Q. All right. Investigator Ballard, I'm gonna show you this diagram and I may ask you to come down and point some things out for me.

A. Yes, sir.

Q. Come on down.

A. Okay.

Q. Please speak clearly in the microphone so the jury can hear you. All right. And is, I know this is a silly question, but the block marked [redacted], is it the house you responded to?

A. Yes, sir.

Q. It's the same house that you initially took photographs in the first photographs we showed?

A. Yes, sir.

Q. And that tree that's the tree that was in one of the photographs you took?

A. It is.

Q. All right. What is that in the back, in the left behind [redacted]?

A. Right here?

Q. Yes.

A. That's the deceased Mr. Cooper.

Q. And is that a rough approximation about how far away he was from the roadway?
A. It is.
Q. All right. What's that item to the right, it appears to marked as thirty-six feet, thirty yards away?
A. I'm not sure.
Q. Okay. All right. I don't have any further questions about this. You can take the stand. Investigator -- I'll give you a moment to get to the stand.
A. Yes, sir.
Q. Did the coroner process the body while you were there?
A. Processed it as in removing the wallet.
Q. Okay.
A. That's what he did.
Q. And were you there when the body was taken from the scene?
A. Yes, I was.
Q. Okay. And who authorized it to be taken from the scene?
A. The coroner.
Q. I've got one more question, was Ronald Brown at the crime scene while you were there?
A. No, sir.
Q. Okay. Investigator Ballard, I'm gonna show you some of these photographs we just moved into evidence.

A. Yes, sir.
Q. Specifically, I'm gonna show you State's Exhibit 27, is that one of the spent .22 caliber shell casings that you pull from the revolver?
A. Yes, sir.
Q. Okay. I'm gonna show you what's been marked as State's Exhibit 25, is that the same revolver as you processed it?
A. Yes, sir.
Q. And, now, I'm gonna show you State's Exhibit 36, is that one of the .40 caliber shell casings you got from Robert Lee?
A. Yes, sir.
Q. And is this an example of how it was packaged?
A. Yes, sir.
Q. I'm sorry, that was State's Exhibit 37. All right. Investigator Ballard, I'm gonna show you a few other items.
A. Okay.
Q. Investigator Ballard, when you process a firearm and put it into evidence, can you tell the jury a little bit about that process?
A. With a firearm?
Q. Yes.
A. As similar to that box right there which is actually labeled handgun box, what I do is I make sure the weapon is

clear and once I put it in there just zip tie it so don't move.

Q. So the firearm is made safe for the courtroom before it's put in the box?

A. Oh, yes, sir.

Q. Okay. Did you process the .22 caliber pistol in one of these boxes?

A. Did I process it?

Q. Put it in here?

A. Yes, sir.

MR. ANDERSON: Permission to approach the witness with State's Exhibit 52.

THE COURT: All right.

Q. It's marked for identification is State's Exhibit 52, would you take a look at this and its contents for me?

A. Yes, sir.

Q. And did you review the contents of that?

A. I did.

Q. And would you have placed -- is that the firearm that you collected from under Mr. Cooper that day?

A. It is.

Q. And is it ready safe for the courtroom?

A. Yes, sir.

Q. And did you examine the serial number to be sure it's the same one?

A. Yes, sir, the best I could. Yes, sir.
Q. Okay. And did you log, put the shell casings in there as well?
A. I did.
Q. And where were they have been sent?
A. They would be -- where would they have been sent?
Q. Yeah, what would you have done with them after you did all that?
A. I would normally place them in a yellow envelope, coin envelope is what I call them, and place them in the box and zip tie them so they won't move around.
Q. Okay. And that would've went where?
A. To sled.
Q. Okay. I'm going to ask you a few questions about bullet sizes, do you know anything about sizes of bullets?
A. Yes, sir.
Q. Is a .22 a big bullet or little bullet?
A. It's a small bullet.
Q. Do you think -- well, could a .22 have made the hole that you took a picture of in that shirt?
A. No, sir.
Q. Okay. I'm gonna show you what's been marked for identification purposes as State's Exhibit 51, can you take a look at this for me?
A. Yes, sir.

Q. And is that the package that you sealed the .40 caliber shell casings that you got from investigator Lee?
A. I didn't look inside of it. I'm not sure what's in it. I'm not sure it was an open.
Q. I'm gonna ask you to take a look at this package for me and is it sealed? Does it appear to be un-tampered with?
A. Yeah, it sealed. It's not open.
Q. Do you have a way to open that?
A. I don't. I don't have a knife on me. Open it now?
Q. You can. It appears to be un-tampered with?
A. It is.
Q. Okay.
A. It does.
Q. And now that you've had an opportunity to review the contents of the package, are those the .40 caliber shell casings that were given to you?
A. Yes, sir.
Q. That's how you packaged them?
A. Yes, sir.
Q. And you put the identifying information on them that let's you keep track of them?
A. Yes, sir.
Q. And that package was sealed when I just handed it to you just now?

A. Yes, sir.
Q. It appeared to be un-tampered with?
A. Yes, sir.
Q. Okay. And you can place the contents back in there. Thank you, investigator Ballard.
MR. ANDERSON: I beg the Court's indulgence. I don't have any further questions, investigator Ballard.

Cross-Examination by Mr. Smalldone:

Q. Investigator Ballard, good morning.
A. Good morning. How you doing?
Q. I'm all right. How are you? I just have a few questions to go over your role in the case ---
A. Yes, sir.
Q. --- and what you did and what you didn't do, all right. So you said you arrived about forty-five minutes after the first officer got there?
A. I'm not sure what time the first officer got there.
Q. Okay.
A. I arrived maybe forty-five minutes after I was advised.
Q. Okay.
A. Yes, sir.
Q. All right. So when you were first advised you got there about forty-five minutes after that?
A. Approximately, yes, sir.

Q. Approximately, but you don't know at what point you were advised?
A. No, sir.
Q. Okay. So you don't know if you were advised straight from 911 when the call came through or some other officer said I have been here for a while we might need you?
A. That I don't know. I was advised by the sheriff.
Q. Okay. It's fair to say it was a decent time after the shooting, right?
A. Possibility, yes, sir.
Q. At least forty-five minutes and up to maybe an hour and maybe two hours, right?
A. I can only speak for forty-five minutes.
Q. Okay. All right. That's fair. And you said when you got there the scene was pretty chaotic, right?
A. Yes, sir.
Q. You said you were one of the people who had helped lock it down, is that what you said?
A. No. They were getting it under control when I got there.
Q. Okay.
A. But there still was a lot of people and family members.
Q. Okay. Do you remember about how many people, estimation?

A. In excess of twenty, twenty-five people.
Q. Okay. And that was at least forty-five minutes after like you said, right?
A. For me, yes, sir.
Q. All right. So you got there and your role, you're one of the people who helped secure the area, right?
A. I mean, if it got out of hand while I was there I would've assist with trying to control the crown, yeah.
Q. Okay. Did he get out of hand when you were there?
A. No.
Q. No violence ---
A. Not really ---
Q. --- or yelling?
A. Not really, no. Just a lot of family members ---
Q. Okay.
A. --- that was starting to arrive.
Q. All right. And those people were in the front yard?
A. No, they wasn't in the front yard. They was to -- if you stand in front of the house where the victim was at there was a house to the right.
Q. Okay.
A. And they were kind of gathering in the roadway because the road was blocked.
Q. Okay.
A. Yeah, I.M. Graham Road was blocked.

Q. All right. Is that a busy road?
A. Is that what now?
Q. Is that a busy road?
A. Yes, sir, it is. Mmm, hmm.
Q. Okay. All right. So when you got there and you weren't the first officer on the scene, right?
A. No, sir.
Q. You were -- how many other officers were on the scene when you got there?
A. It was more than three. I didn't count.
Q. Okay.
A. There was a good bit there.
Q. All right. You got there and where was the first place you went?
A. I met with, I can't recall who was on the scene, but I met with someone and they told me what was going on.
Q. All right. And you met with them and you approach the decedent at some point, right?
A. At some point, yes, sir.
Q. Right. And at that point, did you know that he had a gun on him?
A. No, sir, nobody did.
Q. All right. Nobody knew?
A. Uh, uh.
Q. And the reason nobody knew was because it was right

under him, right?
A. Yes, sir.
Q. All right. So no one could've put it there unless they had rolled him over, put it there and plopped him back over, right?
A. Yes, sir.
Q. All right. So it's fair to say the likelihood is that he had the gun on him that wasn't planted or anything like that, right?
A. No. Now, I can't speak I just know when they rolled over ---
Q. Right.
A. --- that's when I saw the gun.
Q. And that's the first you heard, though, right. And you, as a Williamsburg County Sheriff's Office Deputy ---
A. Mmm, hmm.
Q. --- I guess that's investigator, you've been around firearms, right?
A. I have.
Q. And you qualify -- you have to qualify every year in firearms?
A. I do.
Q. Okay. And you've done that?
A. Many times, yes, sir.
Q. All right. And so like you testified earlier, you

know -- obviously, you know the difference between a revolver and a normal semi automatic pistol, right?

A. I do.

Q. Okay. And you know that a revolver, when you shoot a revolver nothing is going to come out?

A. No, sir.

Q. On the side, obviously, the bullet is gonna go forward, right?

A. Yeah.

Q. And out of the side nothing will come out?

A. No -- no spent round, no, sir.

Q. No spent round, right, because it's kept in there because there no ejection ---

A. Yes, sir.

Q. --- right? Now, with a semi automatic gun the way it works is when you shoot the spent casing it's gonna go flying out the side, right?

A. If it function properly, yeah.

Q. If it functions properly, right?

A. Mmm, hmm.

Q. So a revolver is opposite of that, right?

A. Yes, sir.

Q. Okay. And as you shoot a round in a revolver it's gonna stay there until someone removes it, right?

A. Yes, sir.

Q. Okay. Now, like you said earlier, when you open the revolver -- were you the one to open the revolver?
A. Yes, sir.
Q. All right. There were, I believe, three spent casings?
A. Huh, huh.
Q. Meaning those casing, those bullets have been shot out of that gun?
A. Yes, sir.
Q. Right. Okay. Did you log and either photographs, memory, notes, did you log which, when you open the cylinder in relation to the barrel, did you log which rounds were the unspent rounds? Were the spent rounds ---
A. No, sir.
Q. No, okay. You did not log that?
A. No, sir.
Q. You are aware that, that could've been important, right?
A. It could have been but I didn't log it out. When I photographed -- when I opened it up I photographed it and wherever the unspent round was and the spent round were that's how it was.
Q. All right. Let's talk a little bit about how a revolver works. Every time a revolver is fired, like I said, the bullet obviously goes out the barrel?

A. Yes, sir.
Q. Nothing comes out the side?
A. Yes, sir.
Q. But it twist ---
A. It rotates.
Q. --- it rotates, better word, rotates to the next one, right?
A. Yes, sir.
Q. Just one over, right?
A. Yes, sir.
Q. So if you had opened that revolver and there were three unspent rounds and three spent rounds, correct?
A. Mmm, hmm.
Q. If you would've opened up the revolver and the round prior, the round prior to the one in relation to the barrel was spent, I'm sorry, was unspent -- let me think. Court's indulgence. Let me draw this out. If a round that was in the barrel, right, ready to be fired ---
A. Huh, huh. Yes, sir.
Q. --- was unspent ---
A. Yes, sir.
Q. --- and the round to the right of that, clockwise, was also unspent ---
A. Yes, sir.
Q. --- and the round to the left of it was also unspent

that would mean the gun was ready to fire, correct?
A. You had three ---
Q. Three unspent rounds, three rounds ready to go and they're all ready, that would mean if you pulled the trigger it would fire, correct?
A. I can't say. It's a possibility. If the gun was functioning correctly.
Q. If the gun was functioning correctly ninety-ine times out of hundred that guns gonna shoot, right?
A. It's a possibility if it's functioning properly.
Q. Right. Now, if you have -- that would also mean, though, that no one had shot the gun immediately before, right? Because all three of those rounds; the barrel, one before it, and after it, if they're already to go that means no one had shot the gun immediately before then, isn't that right?
A. I -- I really can't say.
Q. Okay.
A. I really can't say because you can manually ---
Q. Right.
A. --- spin it around yourself and ---
Q. Correct.
A. Yeah.
Q. But that would be the only way that, that it would be in that condition without someone firing it, right?

A. Yeah, without someone firing it.
Q. Okay. So, basically, what I'm trying to say is if those three rounds were the top three; right, the barrel, one before it, and one after it, that meant no one had fired it recently unless they had opened the cylinder or physically twisted the cylinder around, right?
A. You said if a round was to the left of the barrel ---
Q. Right.
A. --- and a round was on the right of the barrel unspent ---
Q. Unspent, ready to go.
A. But the one in the barrel is spent ---
Q. Sorry, the one in the barrel is also unspent. The top three are unspent rounds ready to go.
A. Huh, huh.
Q. That would mean that no one had fired that gun recently unless they had opened up the cylinder and changed the order, kind of shuffle the deck, if you will, right?
A. Yeah. Yes, sir.
Q. Okay. Now, if -- let's reverse that and I hope this makes sense. It's complicated to explain. I'm not good with spatial things, are you understanding what I'm saying mostly?
A. I'm somewhat tracking of what you're saying.
Q. I hope the jury does because I'm just talking to you

right now. Those three, like I said, if they're all unspent that gun is ready to go, ready to be fired, but also hadn't been fired recently unless someone had twisted around the cylinder, that's where we're at before the prior question, right, an you agreed with that?

A. Yes, sir.

Q. All right. Now, flip that, if the top three, like I said, one in the barrel, one before it, one after it, if those were the spent round that would mean that gun, if you pull the trigger, it could not be fired because there's no bullet to eject from the chamber and no powder, right?

A. Yes, sir.

Q. All right. Now, if the one - last question involving this because it's a little bit hard to track but it's important - because I want to demonstrate of what the condition of that gun is when you found it. If the bullet or cartridge, the spent cartridge is immediately to the right of the barrel, right, clockwise, because most revolvers turned clockwise, right?

A. Clockwise, Yeah.

Q. If the one was spent that means that round, unless someone had fired it recently or twisted the barrel -- I'm sorry, unless someone had twisted the barrel, that gun was shot recently, right?

A. No. I can't attest to when it was shot.

Q. Okay.
A. It could have been shot two weeks ago.
Q. Okay.
A. The rounds couldn't have never been changed or taken out.
Q. All right.
A. So I can't attest to it being fired that night.
Q. Okay. But you would know -- if you were to open that barrel and logged -- I'm sorry, if you had opened that cylinder and logged which rounds were spent and which ones were unspent you could determine if that gun was able to be fired, right?
A. When you say able -- if it was functioning properly, I don't -- I don't test firearms.
Q. Right. Right.
A. And when I opened it, it might've been. I think it may have been covered in blood and was a little sticky, it might've would, it would've threw it off track anyway. That would've been extremely, extremely hard to do to photograph the cycle of a revolver.
Q. Okay.
A. That would be kind of hard to do.
Q. Can't you just open it and not twisted?
A. You can do a lot of things but that's kind of hard to do.

Q. Okay.
A. Because if you open it correctly your hand is going to shift it anyway. You can't perfectly just open a revolver.
Q. All right.
A. And sometimes the cylinder is loose it's gonna spend, it's gonna kind of like shift anyway. So you really couldn't determine unless you was in extreme control environment you may have been able to pull it off but that would be kind of difficult to do.
Q. All right. Let's find -- where's the firearm at right now?
A. Behind you.
THE COURT: The firearm, itself?
Q. Okay.
MR. SMALLDONE: Judge, may I approach the witness with the secure firearm?
THE COURT: Yes, sir.
Q. Okay. And just -- and I'll approach you with the box.
A. Okay.
Q. And I don't know, I haven't examined the secured, I don't know if the barrel ---
A. It's still sealed ---
Q. Right. It's still sealed so we can't really twist around the barrel too much, right?
A. No, sir.

Q. Okay. All right. All right. You said that you were the first -- were you the first one to see that gun?
A. No, I wasn't. No.
Q. All right. Who was the first one to see that gun?
A. We all saw it at the same time.
Q. Okay. So you were tied for first to see that gun, right?
A. However you want to label it, we all saw it at the same time.
Q. You were amongst the first group of people in law enforcement to see the gun was there?
A. I can deal with that, yes, sir.
Q. Okay. All right. And you said it was covered, it was sticky and bloody at the time?
A. Yes, sir.
Q. And at the time, was it in his hand?
A. I don't recall. It was under him. I can't recall if it was in his hand. It was under him.
Q. Okay. All right. And I'll approach with what has been admitted into evidence as State's Exhibit 21, I'll just -- the jury has already seen this but is it fair to say the gun is, that's blood on the back of the gun?
A. Yes, sir.
Q. Or the butt of the gun?
A. Yes, sir.

Q. And there's blood in other places as well?
A. Yes, sir.
Q. All right. Thank you. All right.
MR. SMALLDONE: The Court's indulgence.
Q. All right. And is it fair to say your primary role in this case was to photograph evidence, right?
A. Yes, sir.
Q. Also collect and process evidence, correct?
A. Yes, sir.
Q. Maybe, just collect ---
A. Collect.
Q. Just collect evidence, right?
A. Yes, sir.
Q. You didn't take any witness statements, right?
A. I did not, no, sir.
Q. You didn't really -- you're not on the -- you didn't try to figure out who did it, right?
A. No, sir.
Q. You didn't try to, you know, and that's not your job, I'm not saying you ---
A. At that particular time, no, sir, it wasn't.
Q. Your role in this was to take pictures and collect evidence, right?
A. Yes, sir.
Q. And that's it?

A. That was it.

Q. All right.

MR. SMALLDONE: I have no further questions for you.

MR. ANDERSON: Just briefly, judge.

Redirect Examination by Mr. Anderson:

Q. Investigator Ballard?

A. Yes, sir.

Q. I've just got one quick series of questions. Mr. Smalldone ask you about, a series of questions about the revolver and could've it been fired at this time or was it fired at this time, you weren't at the crime scene when this happened, were you?

A. No. I was not there when it happened.

Q. You don't know if it was fired, that revolver was fired that day or six years ago or six weeks ago, do you?

A. That's correct.

Q. All right.

MR. ANDERSON: All right. I don't have any further questions.

THE COURT: You may step down.

MR. SMALLDONE: May I re-cross on one regarding his redirect?

THE COURT: Do you have any objection?

MR. ANDERSON: That's against the rules.

THE COURT: It is. That's why I ask if you object.

Okay. Do you have a short witness you can call?

MR. ANDERSON: I can keep going, Your Honor.

THE COURT: I mean, it's ten minutes to twelve. We're either going to go to lunch at 12:00 or 12:30 but no later than one so that's up to you.

MR. ANDERSON: It would be best to go ahead and go to lunch now.

(Whereupon, the solicitor takes a moment with counsel)

MR. ANDERSON: We'd call Harrison McKnight.

THE COURT: Okay.

THE CLERK: Place left hand on the Bible and raise right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. McKNIGHT: I do.

THE CLERK: Have a seat in the witness box. State your name for the record.

MR. McKNIGHT: Harrison McKnight, Williamsburg County Coroner.

HARRISON McKNIGHT, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Mr. McKnight, good afternoon. Can you tell us what your job is?

A. Yes. Investigate all deaths that occur as suspicious death, homicide, suicide, and some natural.

Q. I know. So you're the coroner of Williamsburg County?
A. Yes, sir.
Q. And your job is to declare people dead and investigate or participate in the investigation of suspicious deaths? Your job is to declare people deceased?
A. Yes.
Q. Part of your job is?
A. Yes.
Q. Did you respond I.M. Graham Road in this case?
A. I sure did.
Q. About what time did you respond?
A. I'd say about 4:45 PM.
Q. Okay.
A. And did you find a person to be deceased there?
A. Yes.
Q. Where were they that?
A. They was in the backyard of that address, ah ---
Q. At [redacted] I.M. Graham Road?
A. That's correct.
Q. I'm gonna show you what's been marked and in evidence as State's Exhibit 8 and I'd ask if you can take a look at this for me. Is that a photograph of the deceased person you found at the scene?
A. That's correct.
Q. All right. And can you tell us a little bit about the

process of declaring a person dead?
A. The cause of the death?
Q. No the -- declaring a person dead, did you declare him dead at the scene?
A. Yes, I did.
Q. And tell the jury how one does that?
A. Kind of like examine the body and check for life, signs and whatnot. There was no activity or heartbeat or anything, no pulse.
Q. So he had no vital signs and no pulse?
A. No vital signs or nothing.
Q. Okay. And was the body sent for autopsy?
A. Yes, I did.
Q. Where did you send it to?
A. MUSC Charleston, South Carolina.
Q. All right. And were you able to identify the victim by the contents of their wallet?
A. No.
Q. Okay.
A. Ah, working with the sheriff's department they were there before I did and ---
Q. I gotcha. Okay. So the body was sent for an autopsy at MUSC?
A. That's correct.
Q. And you declared the body, the person, Matthews

Cooper, dead there at the scene?

A. At the scene.

MR. ANDERSON: No further questions.

THE COURT: Do you have any questions?

MR. SMALLDONE: I just have two or three, briefly.

Cross-Examination by Mr. Smalldone:

Q. Good morning.

A. Morning.

Q. I'm just curious, at what point -- were you one of the first people to arrive or were you there after some other people had gotten there?

A. Yes, everyone else was there before I got there.

Q. All right. So you were one of the last people to arrive?

A. Yes.

Q. All right. And were you the one who initially removed the wallet from the decedent, the deceased?

A. I'm not sure that he even had a wallet on him.

Q. Okay. All right. And do you remember about what time you got there?

A. About 4:45 ---

Q. Okay.

A. --- PM.

Q. Okay. All right.

MR. SMALLDONE: No further questions.

MR. ANDERSON: No redirect.

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

MR. ANDERSON: And, Your Honor, we're ready to prepare to break for lunch because the next one is going to be long.

THE COURT: Okay. Ladies and gentlemen, I guess we're going to break for lunch and we'll be back at 1:30. That will gives everybody an hour and a half. You ought to be able to get something to eat and get back by then. Don't discuss the case or allow anyone to discuss it with you. If you have an emergency over the lunch, call us. If not I will see y'all at 1:30. Thank you.

(Whereupon, the jury exits the courtroom at 11:53 a.m.)

THE COURT: Anything before we break for lunch?

MR. SMALLDONE: Nothing from defense.

THE COURT: Okay.

(Whereupon, the court breaks for lunch at 11:55 a.m.)

THE COURT: Okay. Are we ready for the jury?

MR. ANDERSON: The State is ready, Your Honor.

MR. SMALLDONE: Defense is ready.

(Whereupon, the jury enters the courtroom at 1:39 p.m.)

THE COURT: All right. Mr. Solicitor, you may call your next witness.

MR. ANDERSON: Your Honor, the State would call Ann McCormick.

THE CLERK: Place your left on the Bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help you God?

MS. McCORMICK: I do.

THE CLERK: Have a seat appear in the witness box. State your name for the record?

MS. McCORMICK: Ann McCormick.

ANN McCORMICK, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Good afternoon, Ann Can you tell us a little bit about yourself? Where you live? What you do for a living?

A. I live out in White Oak Community. I'm a stay-at-home mom raising grandkids.

Q. Okay. And do you remember the events of October 20, 2017?

A. Yes, I do.

Q. And before we go into that I'm going to ask you about what you know about the parties and stuff. Do you know Ronald Brown?

A. I ain't know him by that name until this came up but I always know him by Junior.

Q. Right. You knew him by the nickname Junior.

A. (Shaking of the head yes)

Q. And how do you know him then? What kind of encounters

have you had with him?
A. He and his wife used to come by and sell like Dickie's, you know, the kids like start school, they would have pants and they would sell them, like, go back to school in them and I gave him two puppies I had.
Q. Okay. So you bought some pants from in the past?
A. (Shaking of the head yes)
Q. And did you buy charcoal from him that day?
A. My daughter gave him the money to buy some charcoal. We was having a family reunion.
Q. Okay. But so your relationship with him was cordial and you've done business with him in the past?
A. Yes.
Q. And did you know the victim in this case, Matthews Cooper?
A. Yes, I did.
Q. Okay. And you knew Ronald Brown the nickname of Junior -- and also his Junior in the courtroom today?
A. Yes.
Q. Can you point him out for me?
A. He sitting over there.
Q. All right. Now, back to Mr. Cooper, the victim, did you know him by a nickname?
A. Tweety.
Q. Okay.

A. And sometimes I called him Shadow.
Q. I see. So you called him ---
COURT REPORTER: Call who, I'm sorry.
Q. --- Tweety or Shadow?
A. Tweety or Shadow.
Q. Okay. And how did you know Tweety?
A. Well, when I moved out to White Oak I saw him and other boys, my daughter, she can braid hair. They braided his hair couple of times. Then he moved out of White Oak.
Q. Okay. And tell us, did you go out to [redacted] I.M. Graham Road that day?
A. Yes.
Q. And about what time did you arrive?
A. It was in the afternoon before the school buses game.
Q. Okay. So sometime in the early afternoon?
A. Between -- I'd say maybe between two and maybe three.
Q. Okay.
A. Between one and three.
Q. And how did you get there and who came with you?
A. I was with my neighbor the one who lives at [redacted] I.M. Graham Road. I had went to my daughter's job to get some money.
Q. Okay.
A. And I know I had to get back to meet Junior for the charcoal.

Q. All right. You mentioned that address with the person you were riding with, is that the house next door?
A. Yes, that's the house next door.
Q. And do you remember that person's name?
A. Yvette Rivers James.
Q. Okay. And so when you guys arrived I.M. Graham Road, what's going on out there?
A. Just nothing, everybody was just sitting around. It was hot. I met with Junior and got the charcoal. He didn't have the five bags, he only had four.
Q. And we're gonna talk about when Junior got there in a moment, but tell us all who was there? Who were the people that were at [redacted] I.M. Graham when you got there?
A. [redacted] or [redacted]?
Q. Well, both, if you were at both places.
A. Well, my daughter Sheila, was at [redacted], she was there. My baby daughter, Quamella. And people, they were on the other side.
Q. Is that Quamella McCormick?
A. Yeah.
Q. Okay. So she was there when you got there or did she arrive later?
A. She was there when I got there.
Q. And where was she? Which house?
A. Huh?

Q. Which house was she at?
A. She's at [redacted].
Q. Okay. And who lives at [redacted]?
A. Mr. Freddie Williams.
Q. Okay. How did -- do you know Mr. Freddie Williams?
A. Yeah, he was a neighbor.
Q. Okay. Is Mr. Freddie Williams still alive?
A. He was alive then, yes.
Q. He was alive then but he's past away of natural causes since then?
A. Yes.
Q. Okay. Tell us a little bit about -- was Tweety there?
A. I hadn't seen Tweety yet.
Q. Okay. All right. Well, tell us how the events unfold and what happens?
A. Well, we got back home. Met up with him at [redacted] yard.
Q. Okay. Tell us who the him in that sentence is? Who did you meet up with?
A. Junior.
Q. You met up with Ronald Brown?
A. Yes.
Q. And what did y'all do, discussed?
A. Got the charcoal from him. Took it in the house.
Q. And how much did you give him for the charcoal?
A. It was $4 a bag. It was supposed to have been five

but he only have four.
Q. And how many bags did you buy?
A. Four.
Q. Okay. So how much money did you give him total?
A. I gave him $16.
Q. Sixteen dollars and it was in his hand. Did you see where he put that money?
A. No.
Q. Okay. Did you see him have any other money when he did that?
A. Well, I gave him some more money because he had a case of Pampers, diapers, he was selling for $7 and I gave him the $7 for the diapers.
Q. So you gave him money for Pampers as well?
A. Yes.
Q. And was it a normal interaction, was he happy? What did he say to you?
A. Say again?
Q. Did he say anything to you beyond here's the Pampers and charcoal?
A. Thank you.
Q. Okay. And how -- can you tell us how Ronald, how Ronald Brown got out there?
A. In the car they always drive. A little white BMW two door, white with black top.

Q. So said, riding in a white BMW?
A. Yes.
Q. You said, a car they always drive, and who's the rest of that they?
A. Him and his wife.
Q. Okay. Do you know her name?
A. No, I don't know her name like that.
Q. Okay. And was anybody else with them?
A. The two babies.
Q. They had two children with them?
A. Yes.
Q. And can you give us a rough estimate on those two children's ages?
A. One, I don't believe, one was quite one yet. I'm not too sure. The older one might've been two or three. I'm not sure of the older age. But I know she had been pregnant with the last one so I couldn't say the baby was quick a year or it might've been a year I haven't been keeping up because I don't know exactly when they was born.
Q. I understand. One was definitely old enough where it would have to be in a child restrain seat?
A. Yes.
Q. Okay. So after the charcoal deal happens, what happened next?
A. Junior -- Junior's wife pulls over to [redacted], at

Freddie's house.

Q. So she went over to [redacted] I.M. Graham Road?

A. Yes.

Q. And did Junior go with her?

A. Yeah, they together.

Q. Okay. Where were you when they went over there?

A. After that I went inside my daughter's, Sheila, house at [redacted].

Q. So that's the house next to the house?

A. Next door.

Q. Okay. And what happens next?

A. My baby girl, Quamella, call me. She came running and said that Junior ---

MR. SMALLDONE: Objection.

Q. And don't tell me what anybody said, what did you do next?

A. Well, when I was in the house I came back - which I can't say that - came out, I ran next door.

Q. And you run to [redacted] I.M. Graham Road?

A. [redacted].

Q. Okay. And what did you find when you got to [redacted] I.M. Graham Road?

A. I saw Junior, another guy, they tell me, a guy named Neil and Tweety in the road.

Q. All right. Before you tell us what was going on with

Neil and Junior and them, how long had passed since he left where you were to buy the charcoal?

A. It wasn't even five, ten minutes.

Q. Okay. And what was --you said there was a guy named Neil, it was Junior and it was Tweety?

A. Yes.

Q. And what -- where were they at I.M. Graham Road?

A. They be in the road.

Q. They were in the roadway at I.M. Graham Road?

A. Yes.

Q. Bare with me, I'm gonna show you a photograph. Now, I gonna approaches show you State's Exhibit 2 and State's Exhibit 3, would you take a look at these for me and point out roughly where they were in the roadway?

A. When I came they would've been approximately about ---

Q. And we're gonna ---

A. --- further this way.

Q. Thank you. We'll put that on the elmo. Thank you. One second, I'm gonna have you come down. All right. I'm gonna show you what is State's Exhibit 3 and Ms. McCormick, if you'll come down here I'm gonna have you to point that spot out for the jury, okay.

(Whereupon, the witness steps down)

Q. All right. And I'll ask that question again. Ms. McCormick, can you point out roughly where they were?

A. They were right here.
Q. Okay. In the roadway in front of the house, all right. Ms. McCormick, I'm gonna show you what's in evidence as State's Exhibit 53, this is a diagram, um, this is [redacted], can you point out roughly where they were on the roadway there?
A. Here. Right here.
Q. Okay. And you can go have a seat. Thank you.
MR. ANDERSON: I beg the Court's indulgence.
Q. All right. Ms. McCormick, so basically you just pointed out to us where Tweety, a man named Neil, and Junior were in the roadway?
A. Yes.
Q. And had you seen Neil there earlier?
A. No.
Q. Do you know anything about Neil or who he is?
A. I know he was a long resident of White Oaks but he wasn't living out there.
Q. Okay.
A. I might see him once or twice every two, three years.
Q. All right. So what's happening in the roadway in front of [redacted] when you get out there?
A. Well, I'd have to point, Junior was more towards the corner.
Q. Just tell us and I'll have you come down and you can

walk the jury through it, okay. Just tell us.
A. Say I'm going towards you, you'd be Junior.
Q. Okay.
A. Neil was in the middle and Tweety was behind him.
Q. So Neil is between Tweety and Junior, what's going on?
A. Junior was back here and he had a big tree branch in his arm, in his hand.
Q. That same Junior that's right there?
A. Yes.
Q. He had a tree branch in his hand?
A. Yes.
Q. And what was Tweety doing?
A. Tweety was on the other side and they're fussing and Junior was backing up.
Q. So Junior was backing up.
A. And Neil was telling Tweety, go ahead ---
Q. Don't tell us what anybody said.
A. Well, he was pointing like this and telling one go that way, you stay back, that one go that way.
Q. So Neil was trying to separate the two?
A. Yes.
Q. I'm gonna ask you to come down and shoot that pointer and kind of show us which direction Mr. Brown backed off with that stick? The pointer is right there. I'm sorry.
A. Say that again?

Q. If you could you show us which direction Mr. Brown went, Mr. Junior, I apologize?
A. Coming this way.
Q. And he starting going towards [redacted] ---
A. Going towards [redacted].
Q. He was going away from where his car was?
A. Yes.
Q. All right. Tell us, I'm just gonna leave you right there, please speak into that microphone so the court reporter and jury can hear you. Tell us what happened next?
A. I was standing by the car right here, in the lane right here, [redacted], his car was here ---
Q. So you were in the driveway ---
A. Yeah.
Q. --- of [redacted]?
A. Yeah.
Q. And when you say the car, which car?
A. Him and his wife car.
Q. So their car is parked, the white BMW is at [redacted]?
A. Yes.
Q. Okay. And is there anybody in the car at that point?
A. There was one baby in the car. And his wife was at back where the truck was.
Q. Okay. And what happens next? Also, is there anybody

else at the vehicle?
A. My daughter, Quamella, had came back up to the vehicle.
Q. So your daughter, Quamella, is over there to?
A. Yes.
Q. And she came from [redacted]?
A. Yes.
Q. And can you point that out to the jury, I don't know if it's got a number on it, pointed out to them?
A. Right here.
Q. All right. So she came from over there too?
A. Yeah.
Q. And so Junior's wife, and Quamella and you were at the car and Junior's going towards the other way, the other direction?
A. Yes.
Q. What happens next?
A. His wife is telling me ---
Q. And don't tell us what anybody said.
A. She's yelling take the baby out, get the baby.
Q. Okay. And did someone take the babies away from this?
A. My daughter, Quamella, took the baby. One baby was already gone.
Q. And where does she take him to, them to?
A. [redacted], um, [redacted].

Q. All right. So she took the baby away from all of this conflict?
A. The second baby. The first baby was already gone.
Q. Okay. And what happens next?
A. She jumped in the car and went flying up -- by then they got up here [redacted] where the corner was ---
Q. Yeah.
A. --- would go around the corner and she pulled ---
Q. And just show the jury which, how the car pulled up and where it went?
A. It backed off from here and came this way and went around the corner.
Q. And so it went in the direction that Junior had went?
A. Yes.
Q. All right. Did you seen Junior again after that?
A. When he came back.
Q. Okay. Before we get to that, tell me did you see -- what did Tweety and Neil do after that?
A. Neil shook Junior hand. Tweety and Neil came back.
Q. Okay. So you saw Neil shake Junior's hand, Mr. Brown's hand?
A. Yeah.
Q. And then did you see Mr. Brown get in the car or did you see ---
A. Yes, he got in the car.

Q. Okay. And that was the white BMW with his wife?
A. Yes, she was driving.
Q. And that was after it went off in that direction down [redacted] ---
A. It went on this way ---
Q. --- passed [redacted]?
A. Yes.
Q. Okay. And what happened next where you were?
A. I went to [redacted] to go check on the old man that was in the house.
Q. That's Mr. Freddie?
A. Yes.
Q. All right. And who all was in the house?
A. Well, when I went in the house ain't nobody was in the house but him, but Freddie.
Q. Okay. And did someone else come in the house?
A. Just me.
Q. Okay. And what happened next?
A. I said something to Freddie. I turned around, went back -- I said something to Freddie and Freddie said leave that alone. And I went back to the door and opened the door, Junior and them had pulled back up.
Q. Okay. And were they in the same BMW?
A. Yes.
Q. And about how long were they gone?

A. About as long as it takes just to go around the corner. Around the block, just this square block.
Q. I don't have know how big the blocks are, can you give us a time estimate?
A. If you's driving fast it ain't gonna take but a minute.
Q. Okay. So they're back rapid?
A. Yeah. Because all I did was came in and spoke to Freddie, turn around and went back to the door, they were right there.
Q. Okay. And what did you see -- you say when you got to the window you saw them return?
A. Yes.
Q. And at any point in time, did you see a man name Osborn McFaddin?
A. No, I hadn't seen him.
Q. Okay. And what happens next?
A. I was stepping out the door ---
Q. And that's the door to [redacted]?
A. Yes.
Q. Okay. Tell us what happened?
A. Junior got out the car.
Q. Okay. And where did the car park?
A. You can't see it on here. Right here at [redacted] this lane here, there's a bush right here.

Q. Okay.
A. They got out on the other side of the bush.
Q. So he's ---
A. He's on that other side of the bush.
Q. So he parks near the house where his children are?
A. Yeah, like passed the lane.
Q. All right. And where does he go?
A. Say again?
Q. What happens next?
A. Well, he got out the car I saw the silver gun in his hand.
Q. How was he holding it? I see you made a gesture. Can you describe it for ---
A. Pointing downward.
Q. So he had a gun pointed downward when he got out of the car?
A. He came out and started walking. I looked over and I said Tweety I told you he was coming back with the gun.
Q. So you yelled out a warning to Tweety. And where is Tweety ---
A. Yes. I just stepped back in ---
Q. Okay. And was anybody out there with Tweety?
A. There was people under the tree but I couldn't see them, I guess they were sitting down.
Q. So there were several people under the tree?

A. It could've been. I don't know how many.
Q. Okay. And I'm gonna show you quickly what is State's Exhibit Number 2, we'll go back to the diagram in a moment. Can you point out the tree and where they were sitting out there?
A. Right here.
Q. And they were all under that tree and you yelled out the door and then went inside?
A. I wasn't until I pulled it and went back in, he had a gun in his hand.
Q. Right. You said you saw him and he had it pointed down?
A. (Shaking of the head yes)
COURT REPORTER: She has to answer yes or no?
Q. I'm sorry. Go ahead. You shook your head. It's a yes or no?
A. Yes.
Q. We've got to get it on the record. All right. Okay. Ms. McCormick, then after that, you stepped back inside, what happens?
A. I watched Junior go walking -- I watched Junior go walking along here on to this side?
Q. Okay. And where did you watch him from?
A. When he came from the car and walking along here.
Q. No, I mean, where were you at?

A. I was standing in the doorway.
Q. So you were just looking to the glass in the door?
A. Yes.
Q. Okay. And then what did Junior do next?
A. He was strutt'in, you know, he was just strutt'in alone to where -- and when he raised his hand up I closed my eyes and the shots rang out.
Q. Okay. So you heard some shots, do you remember how many?
A. At first it was six.
Q. And that's in the roadway area?
A. Yeah.
Q. All right. Did he say anything before he shot?
A. I wouldn't be able to hear because the door was closed.
Q. All right. And what happened next?
A. I went to the window that's, there's a window right behind the door.
Q. Okay. And you could point it out or I show you this picture?
A. In the picture.
Q. This is State's Exhibit 2, tell me if you see that window that you're talking about in State's Exhibit 2?
A. Yes. This window right here.
Q. So you are looking out that window at that point, you

moved over?
A. Yeah. Well, when he shot, I fall and I was like, Mr. Freddie that boy out there shoot'in so I went behind the door to that window.
Q. Okay. And what happened next?
A. And I looked out the window, I didn't see anybody.
Q. Okay.
A. So then I ran from the window to go out the door, I saw Junior standing right here where the lane was at and he was pointing the gun behind her, he was aiming.
Q. So show us where Junior was on the map please?
A. He was right here in the lane.
Q. He was over in the driveway area?
A. Yes.
Q. And which direction was he pointing the gun?
A. Behind the house.
Q. Okay. And did you hear more shots?
A. He shot four more times.
Q. Okay. And can you tell us what happened next?
A. I ran to the back of the house, there's a window that face the back of the house.
Q. Okay. And can you point that out on the diagram where that window is?
A. It would be back here.
Q. The window back there. And what do you see when you

see back there?
A. I was trying to look out. I was looking for Tweety. There's a grapevine back there. It look like there was clothes under there. So then I just ran back out the door.
Q. So you went outside?
A. Yes.
Q. And what did you see when you got outside?
A. I ran around the house. First I yelled Tweety and then I thought he might not hear me yelling Tweety, and so I started calling, "Shadow, where are you?" But I didn't see the clothes no longer where the grapevines are. I was looking under there and I spotted Tweety going through the back field. There's usually a path there but they cut through from the road.
Q. Okay. And ---
A. And he fell.
Q. Tweety fell. Did you have an opportunity to go to him?
A. I stayed with him until he died.
Q. And did you observe where he had been shot at?
A. He lay on his face. He was gagging. He was faced down so I turned his face over, and, you know, trash and bugs had got in his mouth and I dug it out so he could -- I kept my, his face in my hand and I said Tweety, I'm gonna pull your shirt up so I see what's going on. When I raised

his shirt I saw the hole and blood was pouring out.
Q. And where was the hole?
A. What you say again?
Q. Where was the injury?
A. Up on his side.
Q. Okay. And did Tweety say anything?
A. He started -- he started gasping like how you have a fish in a bucket out of water and you think it's not breathing but every now and again it go back down again. He was breathing like that.
Q. Okay. And did law enforcement come after that?
A. Say again?
Q. Did law enforcement come after that?
A. I sat back in that field for minutes screaming for help. Nobody came.
(Whereupon, the witness was upset)
MR. ANDERSON: Permission to approach the witness, Your Honor?
THE COURT: Yes, sir.
Q. And I have a few more questions for you. And you say, Junior got out of the car and had the gun straight down, did he say anything while that happened?
A. I didn't hear him say anything. I had the door closed -- I was standing inside the door. Mr. Freddie got some loud -- it echos real loud and then he's got the TV on.

Q. Did you see Junior again after that?
A. After the shooting?
Q. Just that day, did you see him at the crime scene?
A. No.
Q. Did you see the car, the white BMW anymore?
A. No.
Q. Did you see his children?
A. My daughter still had the children in the house.
Q. They were still over there in the house next door?
A. Yes.
Q. Okay. And did you see what happened with the children after that?
A. The police were all out there and it was getting dark. And then I saw his sister and a lady came to get the kids.
Q. Okay. So Junior didn't come get the kids, did he?
A. (Shaking of the head no)
THE COURT: You've got to answer out loud?
A. No.
Q. And just one last question. You say that they left and came back, you say they were gone, how long?
A. If you fly around the corner it ain't gonna take a minute.
Q. Okay.
A. Because all I did was walk in the house, said something to Freddie, turn back around, walked back to the

door, and they were there.

Q. That's when he got out with the gun?

A. Yes.

MR. ANDERSON: I don't have any further questions.

Cross-Examination by Mr. Smalldone:

Q. Good afternoon, Ms. McCormick. How are you? I just have a few questions for you about what you saw and where you were at that day, okay. Is that all right?

A. Yes.

Q. So I'm just gonna ask you a question and I just ask that you answer yes or no or explain and we don't talk over each other or anything like that because this nice court reporter is trying to write down everything we say, all right?

A. Yes.

Q. Okay. Now, you got over there, it's your testimony, you got over there that day before Tweety arrived?

A. If Tweety was out there I didn't see him.

Q. Okay. But it's fair to say there were a lot of people out there, right?

A. Not a whole -- no, because it was still mid afternoon.

Q. Okay. All right. And so not a whole lot, not as many that were there later on, right?

A. Yes.

Q. Okay. And you were there and then Junior arrives and

he's sells you the charcoal?
A. I got the charcoal from him.
Q. Okay. And a box of pampers, I think, correct?
A. Yes.
Q. All right. And right after that, outside is when you see Tweety and Junior in the roadway?
A. I came out from the house and ran ---
Q. Okay.
A. --- and ran next door.
Q. All right.
A. And that's when I saw them in the road.
Q. You ran to [redacted]?
A. Yes.
Q. All right. You saw them in the road, right?
A. Yes.
Q. And you saw -- you didn't see them physically fighting each other, did you?
A. No.
Q. All right. What you saw was, basically, grown men yelling at each other, right?
A. One man was trying to keep the other two apart.
Q. Right. And Neil, the one we call Neil, is the one who was trying to separate the two, correct?
A. Keep them apart.
Q. Okay. And you said Junior had some kind of stick in

his hand?
A. He had a tree branch.
Q. A tree branch in his hand, right? And then also do you remember giving a statement to investigate Wrenn right after this happened? Do you remember talking with her?
A. Right after this happened?
Q. Yes.
A. I talked to a man not Ms. Wrenn.
Q. Okay. I apologize. You remember talking to investigator Archie Kennedy about this?
A. Yes.
Q. All right. And do you remember telling him that in one hand he had a tree branch and the other hand he had a beer?
A. No.
Q. Okay.
MR. SMALLDONE: I beg the Court's indulgence.
Q. All right. I'll move on. After that -- after the argument, you didn't see any physical fighting as when you saw Junior shake Neil's hand?
A. As they got around the corner from [redacted].
Q. Okay. So [redacted], you were in front of [redacted] when you saw them shake hands?
A. Yes. I was at the lane where the road at.
Q. All right. And you were outside at the time, correct?

A. Yes.
Q. Okay. And you didn't see the beginning of the argument, did you?
A. No.
Q. You didn't see what started it, right?
A. No.
Q. And the reason you came out is because you heard it, right?
A. You say I can't say what I was told.
Q. You could hear, not specifically, but you could hear a tussle in the road, right?
A. I was in the house.
Q. Right.
A. I came out the house, ran over there, they were in the road walking towards [redacted].
Q. Right. And you ran over there because you heard them, right?
A. No. I didn't want to go because I was told what was happening.
Q. Okay. All right. And so you saw, basically, the aftermath of their tussle, is that right?
A. Pretty much.
Q. Okay. And after that Junior drives away or you ---
A. His wife drove. He jumped in the passenger side, his wife drove away.

Q. Right. His wife drives away and in the meantime, though, before that, your daughter had taken the kids, right?
A. Brought one over to the house first.
Q. Okay. But the kids were not in the car when they drove away, correct?
A. No, they weren't.
Q. Okay. They were at -- were they at [redacted] or ---
A. [redacted].
Q. [redacted]?
A. Yes.
Q. Okay. So they were next door, right?
A. Yes.
Q. And were you at [redacted] or where were you at that time?
A. At -- when?
Q. When the car drove away the first time?
A. When they drove away the first time?
Q. Yes.
A. I went in the house.
Q. Okay.
A. I stopped and spoke to Tweety.
Q. Right. Which house?
A. [redacted].
Q. Okay. So you were at [redacted] and they drove away, and the kids were at [redacted], right?

A. Yes.
Q. Okay. And the second time you said it could've been, isn't it fair to say between thirty seconds and two minutes ---
A. It wouldn't have been two minutes around the block.
Q. I'm sorry, what did you say?
A. It wouldn't be two minutes around the block.
Q. Less than two minutes?
A. Yes.
Q. Okay. So almost instantaneously is when you saw them come back, right?
A. Like after I went in the house.
Q. And at that time you were still in [redacted]?
A. Yes.
Q. All right. You were not outside, right?
A. No.
Q. All right. And what window were you looking through?
A. When I saw them I was in the doorway.
Q. Okay. All right. So you're looking through the doorway and that's when you saw everything happened. You say that you heard, at first you heard a round of six shots, is that right?
A. Yes.
Q. All right. And you didn't see those get fired, did you?

A. When he raised his -- when his hand raised the gun up I jumped back away from the door.
Q. Right. Okay. So you didn't hear -- and you didn't see anything come out of that gun? You didn't see a flash? You were scrambling, right, which that's normal?
A. I only saw the four shots ---
Q. Okay.
A. --- being fired.
Q. Okay. You saw four shots a few seconds later, right?
A. Yes.
Q. And where were those shots fired?
A. At the lane of [redacted].
Q. I'm sorry, at the what of [redacted]?
A. At the lane of [redacted].
Q. Out by the roadway, right?
A. In the lane.
Q. In the road or ---
A. In the lane.
Q. Is that the same thing as a road?
A. No.
Q. Okay. What you mean -- what do you mean by lane?
A. Like this.
Q. I just want to make sure we understand.
A. This is the road.
Q. Right.

A. This is the lane.
Q. Okay. So is it right next to the road, is that what you're saying?
A. If you take a few steps away from the road ---
Q. Okay.
A. --- you in the lane.
Q. Okay. All right. I just want to make sure we understand. And those four shots were after the initial six shots?
A. Yes.
Q. You saw the four shots, right?
A. Yes.
Q. You did not see the six shots, though?
A. No.
Q. Okay. And you never saw Tweety with a gun, that's your testimony, right?
A. No, I didn't.
Q. Okay. And you never saw him with a gun that day, did you?
A. No.
Q. Okay. I want to talk about after everything happened, you were with -- you went to, basically, comfort and render aid to Tweety, right?
A. Yes.
Q. All right. And you were with him for quite a while?

A. Till he took his last breath.
Q. Right. And you were with him afterwards too, right?
A. Till they drug me away.
Q. And by they, do you mean law enforcement?
A. Yes.
Q. All right. I understand. And you -- and at that time you didn't see a gun, did you?
A. No.
Q. All right. And you were holding, you were holding his hand at the time?
A. I was holding his face in my hand.
Q. Okay. Do you recall telling investigator Kennedy that you were holding his hand?
A. I said I was holding his face in my hand.
Q. All right. But do you remember talking to investigator Archie Kennedy right after this, right? What we talked about earlier?
A. Yes.
Q. If I show you a transcript to that would you probably remember what you told him?
A. You can show it to me.
Q. Okay. I just wanted to make sure. All right.
MR. SMALLDONE: I'm sorry, May I approach?
THE COURT: Yes, sir.
Q. And do you remember that last sentence, did you say

that?
A. "He took his last breath holding my hand." He couldn't hold my hand. My hand might've been where his was at, but I had one hand on his face ---
Q. Okay.
A. --- so his airway would stay open.
Q. I understand. But do you remember telling him that you were holding his hand?
A. I don't remember the hand part.
Q. Okay.
MR. SMALLDONE: The Court's indulgence for just one moment.
Q. I'm almost done. At the -- when Junior came back over to the house was Neil still there?
A. Neil had left before Junior came back.
Q. Okay. And what kind of car did Neil drive?
A. I don't know.
Q. Okay. Did Neil drive there? Did he drive away or ---
A. I don't know if he drove or somebody drove him.
Q. Okay. But did you see a car leave with Neil in it?
A. No, because I went in the house.
Q. Okay. So you didn't see everything that happened with regards ---
A. With Neil, no.
Q. Okay.

MR. SMALLDONE: The Court's indulgence.

Q. All right. And if I showed you -- do you remember talking with investigator Kennedy twice in that same day?

A. Excuse me.

Q. Do you recall talking to investigator Kennedy, basically, there's two statements, they're basically say the same thing but ....

A. I talked to him that one time at his truck.

Q. Okay.

A. And I got out and I had walked away.

Q. Okay. And did you give a statement to him at the sheriff's office?

A. They did take me back to the sheriff's office.

Q. Okay. And if I recall -- if I told you the second time -- where -- can I show you the transcript of what you said?

A. Yeah, you can show me.

Q. And this is the second one, do you recall saying that?

A. No, I don't remember that.

Q. All right. So you don't ---

A. He couldn't hold my hand. He wasn't moving at all except for gasping for air.

Q. Okay. All right.

MR. SMALLDONE: No further questions from this witness. Thank you.

THE COURT: Just briefly.

Redirect Examination by Mr. Anderson:

Q. Ann, just to reiterate, at no point in time you saw the victim, ah, a gun in the victim's hand, Mr. Cooper?

A. No.

Q. You never saw a gun. And Neil was gone by the time Mr. Brown came back with a gun?

A. Yes.

Q. All right. And that's the guy that Mr. Brown shook hands with before he left?

A. Yes.

Q. Okay.

MR. ANDERSON: Thank you. No further questions.

THE COURT: All right. You can step down. Thank you, ma'am.

MR. ANDERSON: Any objection to this witness -- of her being released?

MR. SMALLDONE: No objection.

THE COURT: Okay.

(Whereupon, a bench conference was held off the record)

MR. ANDERSON: The State would call Osborn McFadden.

THE COURT: Okay. Place your left hand on that Bible please, sir, and raise your right.

THE CLERK: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth so help

you God?

MR. McFADDEN: Yes.

THE CLERK: Have a seat in the witness stand. State your name for the record.

MR. McFADDEN: Osborn L. McFadden.

OSBORN McFADDEN, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson

Q. Mr. McFadden, good afternoon. Do you remember the events of October 20, 2017?

A. To the best of my abilities. It's been a little time but I'm pretty -- I'm pretty clear.

Q. And were you out on [redacted] I.M. Graham Road?

A. Yes, sir.

Q. Okay. About what time did you get out there?

A. I think I got out there somewhere around about 11 o'clock that morning, somewhere ---

Q. So you got out ---

A. --- to the best ---

Q. --- pretty early in the morning?

A. Yes.

Q. What was the weather like that day?

A. It was pretty clear, little clouds in the sky.

Q. Okay. And what had you out at [redacted] I.M. Graham Road?

A. That's a spot we go out just to hang out. The owner I

knew very well his name was Mr. Freddie Williams.
Q. Okay.
A. And I used to help them do stuff around the house, cleanup, stuff like that. Help him out. He had little business going on there, he had a business license and everything.
Q. Okay. And then Mr. Freddie he lives at [redacted]?
A. Yes.
Q. Okay. And he has since passed away, right?
A. Yes.
Q. Of natural causes?
A. Yes, he is deceased.
Q. Okay. And when you got up there at eleven, what was going on?
A. Well, me and Mr. Williams we were inside the house visiting, just talking and whatever and whatever. I think at that period of time Mr. Cooper and another guy they were out there also.
Q. And let me stop you there, Mr. Cooper is Matthew Cooper?
A. Matthew Cooper. We call him Tweety.
Q. He goes by the nickname Tweety?
A. Yes, sir.
Q. And who was the other guy he was with, do you know his name?

A. I don't know him but he's a friend of Tweety's. He was a friend of Tweety's.
Q. Did you see what they were driving?
A. I think it was a gray vehicle but I can't remember what, you know, ---
Q. And where were they at?
A. They were in the yard.
Q. Of [redacted]?
A. [redacted], yeah.
Q. And is there a tree and like a little bench out there ---
A. Yes.
Q. --- in the yard?
A. Mmm, hmm.
Q. Okay. And did you have any interaction with them?
A. Yeah, I spoke to Tweety because I'm slightly related, you know, to Tweety, been knowing him since he was a little boy.
Q. Okay.
A. So I spoke to him, spoke to the other guy, and then I went inside the house with Mr. Freddie, you know.
Q. Okay. And at some point that day did you see Ann McCormick?
A. Yeah, she was there also. She got there she was in the house also.

Q. She was at [redacted]?
A. Yes.
Q. Okay. And did you see Ronald Brown that day?
A. Mr. Brown came up a little later on, ah, well, you know, about that same time frame.
Q. All right. And was that later in the afternoon or when was that?
A. I guess that would probably be about twelve or one, you know, it's been a while.
Q. I understand.
A. But I know it was after they were there already before ---
Q. Was the sun still out, it wasn't dark outside?
A. Oh, yes, yes, yes, yes, it was.
Q. And you know Mr. Brown?
A. Yes, I know Mr. Brown. I don't know him as -- I've known him say maybe fifteen years. He's been -- he's from his family, he's from this area but ---
Q. That area is White Oak?
A. Yes. But he spent a lot of his time up the city, you know, coming back and forth.
Q. All right. Is Ronald Brown in the courtroom today?
A. Yes, he is.
Q. Can you point him out to the jury please?
A. Yes, he's right there.

Q. And are you related to Ronald Brown?
A. I might be slightly related, you know, all of us in that area, basically, related.
Q. I understand. I'm from a small town.
A. I know, I'm related to Mr. Brown too so I'm in the middle of this.
Q. So tell me what happens next when Mr. Brown gets there?
A. Well, I think the whole thing stem, altercation stem from the fact that I think Mr. Cooper said Mr. Brown owed him some money and didn't and wouldn't pay him.
Q. Okay.
A. And Mr. ---
Q. And where were you when that -- did you see them arguing or ---
A. Yes. Well, first of all, I heard the, I heard the argument, me and Mr. Williams because we were inside the house.
Q. Right. So y'all were still in [redacted]?
A. Yes.
Q. Okay. There's a picture of a diagram and that's State's Exhibit ---
A. Yes, we were inside.
Q. Sorry, that's State's Exhibit 53, and you can see that on the monitor right there in the witness box?

A. Yes, I can see.
Q. So y'all are in [redacted]?
A. [redacted].
Q. And what happens next?
A. Okay. As I said me and Mr. Williams were in the right-hand corner of it on that side over there and so where the table is at.
Q. Okay.
A. And we hear some, you know, commotion, you know, voices raising loud and some stuff like that so Mr. Williams asked me to go to the door and see what's going on.
Q. All right. So you go and look out the door?
A. So I go and look out the door and Mr. Cooper and the other guy are confronting Mr. Brown about the money he owes.
Q. And the other guy was the guy that was with Tweety earlier?
A. Yes. Yes.
Q. And so where were they at when this confrontation was going on?
A. At that point, they were in the front yard, I guess, where the door is or to the right hand side.
Q. I've got a pointer and you can come down here -- can you point out to us where they were in the yard? For the

jury to see it, you'll have to come down here, I apologize. You saw this from the door?

A. Yes.

Q. And please speak into that microphone so the court reporter and jury can hear you.

A. Okay.

Q. And again that question was, where were those three people at?

A. They were about right here.

Q. So they're still in the front yard?

A. Right in the front yard.

Q. And what were they doing?

A. Well, as I said they were confronting Mr. Brown here about some money he supposedly owed.

Q. So you hear some conversation about owing money?

A. Right.

Q. Okay. And what happens next? And you can go and sit back in your seat.

A. So then I, -- okay, then I was still standing at the door and I turned back around and I told Mr. Freddie I said Mr. Brown and the other guy and Mr. Cooper are arguing out there. So me and Mr. Freddie, he's sitting at the table, he said, "well, go out there and tell them to stop." I said, "Man, I'm not going out there and get into this." So this is your place, your house, and your yard ---

Q. Absolutely.
A. But he said go and at least, you know, I said I'm not going. And he said, at least go to the door and tell them to cut it out and get out of his yard. When I go back to the door that's when I see the other fellow swing at Mr. Brown.
Q. So that's the man who was with Tweety ---
A. Yes.
Q. --- swing at Mr. Brown, Where were that?
A. Still in that same spot, that same area.
Q. In the yard, okay. And what happens next?
A. So then I go back to Mr. Freddie and to say to Mr. Freddie -- I went to tell him that, that they look like they might be getting ready to fight, you know, you might need to be to do something, I mean, it's your place.
Q. And again it wasn't Tweety that swung that Mr. Brown?
A. No, it was not.
Q. Okay. And then what happens?
A. Okay. They -- I went back to the door again and Mr. Freddie got up and when he got up and came to the door with me. And he yelled out the door and said, y'all need to take that out of my yard, you know, and all this and that. As I said the other guy swung at Mr. Brown. I think he -- I think he missed Mr. Brown ---
Q. Okay.

A. And he back petals.
Q. And which direction did he backpedal?
A. He backpedaled -- well, he was -- he backpedaled toward Kingstree side.
Q. Okay. So out toward the road?
A. Yes, towards the road.
Q. [redacted]?
A. Yes. Yes. Yes. Towards 20, yes, [redacted].
Q. All right. And what happens next?
A. Okay. They get in the road ---
Q. So they're out in the roadway now?
A. They out in the roadway. Mr. Brown picks up a branch or a limb but he never swings at anybody with that. He just picks it up and holds it ---
Q. Again, Mr. Brown has a stick in his hand?
A. Yes. But he never, he never swung at anybody or hit anybody with it. There were some ---
Q. And where are Tweety and, we're just gonna call him, the other guy?
A. They're still in the road in front of Mr. Brown. They're still arguing a little bit, talking a little bit of trash, or whatever this and that. But eventually ---
Q. And where you at this point?
A. I'm still standing in the doorway with Mr. Freddie in the house.

Q. Okay.
A. So eventually, I guess, they came to some kind of agreement or something like that so they backed, Mr. Cooper and the other guy, did back off.
Q. Okay. At any time did you see Mr. Brown's vehicle or his wife?
A. The vehicle was parked in the lane, Mr. Williams' lane.
Q. That's the driveway of [redacted]?
A. Yes.
Q. Okay. And what happens next?
A. Okay. I think they came to some kind of agreement and then Mr. Brown gets to his car and gets in his car.
Q. Okay.
A. Ms., she will probably be coming up next, Ms. McCormick has one of the kids and they leave and before they leave they give the other kid ---
Q. When you say Ms. McCormick, you mean Quamella ---
A. Quamella ---
Q. --- or Ann McCormick, there's two Ms. McCormick's So Quamella has the kids?
A. Quamella.
Q. And what did she do with the kids?
A. His wife gives her the other kid and said keep my kids until I get back.

Q. Okay. And then what happens next?
A. They leave.
Q. And they being Ronald Brown and his wife?
A. Yes.
Q. They leave in a white BMW?
A. Yes.
Q. Which direction did they go?
A. They went towards Kingstree but then I think they turn right and went down by the park.
Q. Okay. And what did you do next?
A. I, at this time, came outside since the commotion had done died down.
Q. Gotcha.
A. So I came out and at this time the other fella says, well, I guess, I'm going to go ahead ---
MR. SMALLDONE: Objection.
Q. You can't tell us what people said. Just tell us what you did.
A. Okay. I came out and I observed the other fella, the other guy ---
Q. And that's the guy we don't know who it is?
A. We don't know who it is.
Q. Yeah.
A. Mr. Cooper's friend. So well, I guess, I'm going to go ahead and take on off. I'm going or I'm leaving. I got

some better things to do so he takes all. So Mr. Cooper, that's the lane right across from Mr. Williams' lane is, --

-

Q. Okay.

A. --- there used to be a club there called the Mop More (sic), it's abandoned now but the lane is still there. He goes and sits on a stone block in the lane.

Q. Okay.

A. So I walked over to him and said, my instinct, you know they left their kids so they're coming back. I said you think it's wise for you to be sitting over here by yourself like this out in the open. I said I don't think it's wise for you to even be here period, I mean, you know. He said, well ---

Q. Don't tell us what anybody said.

A. He shrugs and says, well, it is what it is something like that. But then after a while me, I walked back over to the yard to that chair that's in the yard ---

Q. There is a chair and a tree in the yard?

A. Yes.

Q. Okay.

A. And at this time there's another guy, he was from New York, he was just visiting, you know, because like I said it was summertime, people come. I seen him there a couple of times. We speak, you know, I don't know who he was.

Q. But the guy from New York is not the guy that you saw ---

A. Yeah, no, not the guy that was ---

Q. --- it's the other guy?

A. Yes, another guy. And he's new to the area too. He came to visit some family, you know, but, you know, like I said there's no store or nothing there only Mr. Williams' little establishment at that time.

Q. And where is Tweety at this point?

A. At this point, Tweety was across the road.

Q. Okay.

A. But when this other guy came and sat beside me, Mr. Cooper finally decides, well, I guess you probably right I better come on over across this side of the road.

Q. So Mr. Cooper comes to where you are?

A. Yes. He standing by the tree, me and the other guy are sitting in the chair.

Q. All right. And I'm gonna point at this diagram, is this tree roughly where y'all were at?

A. Yes. The tree is a little further over then it should be. It should be back a little to the right.

Q. I gotcha. And I'm gonna show you what State's Exhibit 2, does that will look better? Is that the tree and the chair?

A. Yeah, that's -- that's the tree, yes.

Q. Okay. So that's where y'all were?
A. That's where we were. I was sitting in the chair. If you put the picture back up you'll see a chair.
Q. Yes, sir.
A. Okay.
Q. That chair right there?
A. That chair, the long one right there, me and the other guy. The back of it was towards the road.
Q. For the record that's in the left foreground of State's Exhibit 2.
A. And Mr. Cooper was standing right under the tree.
Q. All right. And what happens next?
A. Well, the guy that I was with he said I heard a little ruckus ---
Q. Don't tell us what anybody said. I know it's hard.
A. Okay.
Q. What did you see next?
A. Well, I sat there and I told the other guy because he had ask about what, you know, the commotion. I said, they had a little commotion and it may not be over yet. And just out of instinct I told him, I said I tell you what if I tell you to move you better move.
Q. Okay.
A. Military. I never trust nothing.
Q. Thank you for your service. And tell me where did you

go or what happens next?
A. All right. We was sitting side-by-side on the bench. So where I was sitting at first on the bench I could see that way, I could see down both sides of the road.
Q. Okay.
A. So I looked to my right and I see the car and so that's when I -- I told Mr. Cooper I said, ---
Q. And hold on! You said to your right, you mean [redacted] or the other side?
A. [redacted] side.
Q. Okay.
A. Because I'm facing towards the house.
Q. All right. And so what do you see coming from that way?
A. I see the white BMW coming back.
Q. That's the vehicle that Mr. Brown left in?
A. Yes. So I said to Mr. Cooper I said they coming back. And so he just looked at me and said well, it is what it is. So ---
Q. And what did you do?
A. I'm keeping my eyes open.
Q. I gotcha.
A. I trust nothing.
Q. And tell us what happens next?
A. I'm sitting there beside the same, the other guy that

I said was from New York, and the car comes and stops right in front of Mr. Williams' lane. Then Mr. Brown gets out of the car.

Q. Okay. I'm gonna ask you again, and I promise this is the last time I'm gonna get you up and down, can you come and point out where they parked on the diagram?

A. Okay. They are parked at Mr. Williams lane right about here.

Q. All right. And they parked, what happens next?

A. At this time - next me step and get back to the mic - at this time, Mr. Brown exits the car and in his right hand I assume was a firearm and he was holding it down by his side like this.

Q. He had it held down by his side ---

A. Yes.

Q. --- like this?

A. Yes.

Q. Okay. And what happens next?

A. So he speaks loudly to Mr. Cooper saying, "Okay, now what's up now."

Q. He says, "What's up now?"

A. Yeah.

Q. Okay. And what happens next?

A. All right. Mr. Cooper yells back to them and says, "Well, what's up?"

Q. Okay.
A. And when he says that, I look at the other guy and I said you better move.
Q. That's the other guy under the tree?
A. Yes.
Q. What are y'all doing?
A. We went, we're facing the house, we went down by the side of the house.
Q. All right. And I'm not gonna make you get up again. Y'all went somewhere over here?
A. Yes.
Q. And for the record that's the left side of the house marked [redacted] on the diagram. And what do y'all see from there?
A. Well, like I said, we've got our backs to them and we're running but we hear shots being fired.
Q. Okay. So you see Ronald Brown get out of the car with the gun pointing down like this?
A. Yes.
Q. And you heard him shot out a challenge?
A. Yes.
Q. And then you heard -- you went and got behind the house?
A. Yes. We took off.
Q. Put the bricks ---

A. Yes ---
Q. --- between you and the bullets?
A. Yes. As soon as we hit the corner of the house we started hearing the shots.
Q. All right. And where was Tweety while this was going on?
A. He was still under the tree.
Q. Okay. And what happens next?
A. Well, me and the other guy, we turned the corner on the backside of the house.
Q. So y'all continued around ---
A. Right.
Q. --- to the right side of the back of [redacted]?
A. Yes.
Q. What happens next?
A. We get to -- I get to almost, to the corner to the backside of the house on that side the broad side ---
Q. Just one second, I'm gonna direct you to the diagram. You're somewhere on this side on the back of [redacted]?
A. Yes. All -- all the way back further over there.
Q. Okay. Over here?
A. No. No. Come to your right. Go to your right.
Q. And you -- I hate to get you to get up and down but it's important where you are.
A. Headed to the back and headed back and turn to the

right.
Q. So y'all are going around that side of the house?
A. Correct.
Q. And what happens next?
A. At this point, right here, I could see around the corner there.
Q. Okay.
A. And I could see Mr. Brown coming from this side here, now.
Q. Mr. Brown comes around that side of the house?
A. So he ---
Q. Do you still see the gun?
A. Huh?
Q. Do you still see the gun?
A. Yes. We turn, me and the other guy, turn back around to go back to that side.
Q. Okay.
A. At this point, here's where I'm at right here that's when we see Mr. Cooper come around to the side here. At this point, I yelled to Mr. Cooper, hey, turn back around, you're going in the open, man, get the house between, you know I'm saying, you know, a moving target.
Q. And when you saw Mr. Cooper, did you see a gun in his hand?
A. No, I did not see a gun.

Q. All right. And what happens next?
A. Okay. Cooper gets about right along here. I'm not saying exactly sure how many shots, I know, at least three shots were fired again and right here is where Mr. Cooper fell.
Q. All right. You can go and have a seat back at the stand. Thank you. And when you saw or heard that second following of shots, were you where you could no longer see Ronald Brown?
A. I could no longer see him because of the house but ---
Q. You ---
A. I mean, I seen him when he came around, you know, while we were still back there when he came up.
Q. Okay.
A. But when we turned the corner all we could hear was there were shots. But I was looking back I could still see Mr. Cooper and I was looking back at him that when he fell and I said oh, God, I think he's hit.
Q. Okay. And that following of shots, can you give us an estimate of how many it was?
A. I don't. I can't say personal because I'm running and looking back, I know at least about three.
Q. All right. And, again, did you at any point in time see Tweety with a gun?
A. No, I didn't see him.

Q. Did you see him shoot a gun?
A. No, I didn't see him shoot a gun.
Q. Okay.
MR. ANDERSON: I beg the Court's indulgence.
A. I didn't see him.
Q. Mr. McFadden, I'm gonna ask you one more question. You said that when Mr. Brown arrived back at the scene with the gun, he shouted out some kind of challenge to Tweety?
A. He basically just said, exactly "Okay, so what's up, now".
Q. Okay. And did Tweety say anything threatening to him back?
A. Well, Tweety just kind of went, answer back to him and said, "Well, what's up?" That's it.
Q. Okay.
A. But as I said he didn't pull a weapon or anything.
Q. Okay.
A. I didn't say he didn't have one but he didn't pull one.
MR. ANDERSON: Well, I don't have any further questions. Thank you.

Cross-Examination by Mr. Smalldone:

Q. Mr. McFadden, good afternoon.
A. How you doing?
Q. All right. I just want to go over a few things to see

where your role in this was. You were -- you were at [redacted] when this started, right?

A. Correct.

Q. Okay. That's the main, that's the center house, right?

A. Yes.

Q. On the map up there?

A. Mmm, hmm.

Q. All right. So you were at [redacted] and you went outside because you heard the tussle, right?

A. Well, basically, I went to the door.

Q. You went to the door ---

A. --- yes, because there's a big glass there.

Q. All right. And by the time you got to the door some stuff had already happened, right?

A. Yes. No gun playing or anything but, I mean, they been arguing. And like I said, I did see the other guy swing on Mr. Brown.

Q. Okay.

A. I definitely saw that.

Q. All right. And is that the other guy, is that the one we know as Neil or do you know ---

A. I don't know.

Q. You don't know who it is. All right. Have you ever seen him before?

A. I've seen him once or twice with Mr. Cooper. Like I said, you know, they were buddies, I guess, so I don't know it might've been childhood or something, but, you know, he was younger than me so....

Q. Okay. I understand. All right. So you go to the door and you see the tussle and when it died down you went outside?

A. Yes.

Q. All right.

A. At that point, Mr. Brown had left and the other guy had left.

Q. Okay. The guy that you didn't know but had seen around?

A. Right.

Q. Not Tweety, right?

A. Not Tweety, yes.

Q. All right. So he left. Someone else came, right? One of Tweety's friends came from New York?

A. No, that wasn't his friend. He was just coming to Mr. Williams' spot, you know, there's no store around ---

Q. Okay.

A. --- Mr. Williams got a little business there.

Q. All right.

A. And he comes there, you know, buys cigarettes, you know, beer. I seen him there couple of times too.

Q. Okay.
A. And, you know, he was kind of, you know, he was related to some of the people out in the area so he's probably kind of related to me, you know, we talk.
Q. No, I understand. All right. And how -- about how long was Mr. Brown gone?
A. It wasn't too long. I can't give -- I know probably about as soon as ten to fifteen minutes something like that, if that.
Q. All right. Ten to fifteen minutes?
A. Yeah. According to my knowledge, you know, it's been a while.
Q. Okay.
A. But I was on my P's and Q's like I say because he had left and I know he was coming back.
Q. Right. I understand. And you saw the children were still there, right?
A. Yes, the children were still there.
Q. All right. Ten to fifteen minutes later, you're outside with Tweety, right?
A. Correct.
Q. All right. And that's where you said, if I move -- of I say move ---
A. That's when I told the other guy that because I knew something was -- I didn't think it was over yet.

Q. Right. Because the kids were there, right?
A. Yes.
Q. Okay. And you saw Mr. Brown get out of the car, right?
A. Correct.
Q. All right. And was he in the -- he was in the passenger seat?
A. Passenger seat.
Q. Okay. He gets out and, it's your testimony, though, it was a gun?
A. Yes.
Q. All right. And at that point, that's when you started to run, correct?
A. That's it. That's when I told the other guy you better -- well, no, after I heard the stage of comments ---
Q. Right. Right.
A. That's when I thought it might escalate.
Q. Right.
A. So you know where I'm going.
Q. I understand.
A. Out-of-the-way.
Q. Me too.
A. A bullet has nobody's name on it.
Q. That's right. So you run and you put something between you and ---

A. The shooter.
Q. --- the gun, right?
A. The house ---
Q. The house.
A. --- for cover.
Q. Right. And about how long after you start running do you hear the first round of shots?
A. As soon as we hit the corner.
Q. Okay.
A. The front corner right there.
Q. All right. The front corner, is that front left or front right?
A. Front left.
Q. Okay.
A. Because were facing that way.
Q. Right. So as soon as you get there, you hear how many shots?
A. Well, I wasn't counting but I know it was at least five or six that I know of.
Q. Five or six shots?
A. Yeah.
Q. All right. You -- But you don't see who shot them, right?
A. No, because the houses in the way but ---
Q. Right. You assumed it was Mr. Brown because you saw a

gun on him, right?
A. Correct.
Q. But you didn't physically see who shot, right?
A. No.
Q. Okay.
A. I ain't certain.
Q. All right. Then once you hear the shots, do you keep moving or do you stay where you're at?
A. We keep -- I keep moving because like I said we ran around the back.
Q. Okay.
A. Okay. I ran around the back and got to that far corner there and you see Mr. Brown walking up with the gun like this towards the back.
Q. Right.
A. So me and the other guy turned back around and we're going back the other way.
Q. The same principle, putting something between you ---
A. Something between you and the shooter.
Q. Yeah.
A. I'm not gonna be a sitting duck.
Q. No. Okay. And you hear a second round of shots?
A. Yes. It'd be about three, you know, like I said I'm running I'm not counting the shots I'm trying to stay away from them.

Q. Okay. All right.
A. But I say, I estimate about three.
Q. All right.
A. But before the shots are fired, I see Mr. Cooper running back that way too.
Q. Okay.
A. And I told him I said, man, you're running into the open, man, come on ---
Q. Right.
A. --- he's coming this way here. And by that -- but he just keeps running. I don't know, he might've already been hit by then. I don't know.
Q. Mmm, hmm.
A. Because he just like ignored me, me and the other guy. So we turned around and we hit the corner, the other corner going back over there. And that's when, you know, he fired about three more shots. I see Mr. Cooper fall face first. And that's when I said, oh, God -- I tell the other man, tell, Freddie, I believe he's hit.
Q. And did you see him get back up after he initially fell?
A. No, he did not get back up. Never got back up again.
Q. All right. Did you see anyone -- did you see -- you didn't see anyone fire any shots the whole time because you were smart and you were behind something, right?

A. Right. All I can say is I heard it.
Q. Right. The second round of shots, though, was ---
A. I could see them.
Q. Right.
A. Because he's up front. He done walk back there and I'm turning the corner, I'm looking -- he's pointing that way with the gun.
Q. Right. You never see the gun go off, though, right?
A. No.
Q. Okay. And ---
A. But I heard it as soon as we turned the other corner.
Q. Okay. And that's the second time, right?
A. Mmm, hmm.
Q. And is that back behind the house?
A. Behind the house.
Q. All right. Not in the front yard, right?
A. Not in the front yard.
Q. Not in the roadway or anything, right?
A. Well, that's in the lane but it's not at the back of the house, you know, because the lane runs beside the house.
Q. Right. Right. But not on I.M. Graham Road, right?
A. Not on the road, no.
Q. Right.
A. But it's in the farther lane.

Q. I understand. Okay. And at that time after you see him fall, after you see Tweety fall, do you run towards him or do you run away?

A. I ran back -- well, after I saw Mr. Brown turn back around and walk back that way towards his car.

Q. Right.

A. You know, I'm already at the front now. But I turned back around, where that tree and bench is at and I see him getting into his car.

Q. Right.

A. That's when we went back there.

Q. Right. And after that the car leaves, you go back and you see Tweety?

A. Yes.

Q. All right. You render aid or do you see how he is?

A. Yes, we rendered aid. I did a 911 call and me and Ms. Ann McCormick tried to administer and stop the bleeding.

Q. Okay. Did y'all turn him over?

A. Well, we didn't turn him over. We lifted him up.

Q. Okay.

A. And we could see where the exit was. It was the first we notice, you know, the entrance wound was there but the exit wound ---

Q. Okay.

A. I think it probably punctured a lung.

Q. All right.
A. That's why he couldn't catch any breath. I heard him gasping.
Q. Right. Right. Okay. And -- and even at point, you didn't see Tweety with the gun or a gun near ---
A. No. Like I said I didn't search his person ---
Q. Yeah.
A. --- or anything so I can't say whether -- he might've had one. I can't say that he did or didn't.
Q. Right. I understand. And did you -- did y'all try to do like CPR or just tried to stop ---
A. Just tried to stop the bleeding because he was bleeding profusely.
Q. Right. Okay. All right. And how long did you stay afterwards?
A. I stayed there until -- well, I had to go up the road. I was supposed to be going to work but I stayed until the coroner and all that came there. But I think about at least twelve police cars came there before the EMS even got there.
Q. Right.
A. I mean, a bullet wound, how long do you think somebody is gonna survive before EMS get there.
Q. Right. Okay. And that's basically it, that's the extent of your involvement with the case, right?

A. Yes.

Q. Okay. All right.

MR. SMALLDONE: I beg the Court's indulgence. I have no further questions for this witness.

THE COURT: Okay. Hang on just a minute. Let me see if the solicitor has any questions for you.

MR. ANDERSON: Just briefly.

Redirect Examination by Mr. Anderson:

Q. Mr. McFadden, I just have a few questions. Mr. Smalldone asked you about, did you see Mr. Brown get into his car, did you see him get into his car?

A. Yes.

Q. And that car was parked in the driveway in front of 20 ---

A. Let me see ---

Q. [redacted]?

A. Actually -- yeah, he was kind of slanted. He was in the yard but slanted, yeah.

Q. He was in the roadway?

A. No. He pulled in kind of partially off the road into the driveway, kind of pointed the front in end of the car toward us and the tree.

Q. When he got in the car, did he have his children with him?

A. No, he did not.

Q. He didn't take his children with him ---
A. No.
Q. --- when he left? Okay.
MR. ANDERSON: I don't have any further questions.
THE COURT: Thank you, sir. You can step down. Y'all need a break? Anybody need a break? We'll take a short break. We'll take about a ten minute break. Don't discuss the case.
(Whereupon, the jury exits the courtroom at 2:52 p.m.)
(Whereupon, the court takes a break)
THE COURT: If the jury is ready, we are ready. If they need a few more minutes that's fine. We'll wait on them.
(Whereupon, the jury enters the courtroom at 3:05 p.m.)
THE COURT: Mr. Solicitor, you may call your next witness.
MR. ANDERSON: Your Honor, we'd call Quamella McCormick.
THE CLERK: Place your left on the Bible and raise your right and. Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?
MS. McCORMICK: Yes, ma'am.
THE CLERK: State your name for the record.
MS. McCORMICK: Quamella McCormick.

THE COURT: A little bit louder.

MS. McCORMICK: Quamella McCormici.

THE COURT: Okay. Is that mic on?

THE CLERK: It is.

QUAMELLA McCORMICK, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Ms. McCormick, good afternoon. I'm gonna ask you to speak up because the jury and the court reporter has to hear everything you say. Speak directly into that microphone. Some people are soft-spoken. Just speak up for us and the court reporter, okay.

A. (Shaking of the head yes)

Q. You've got to say yes or no. You can't just nod your head.

A. Yes, sir.

Q. All right. Do you remember the events of October 20, 2017?

A. Yes, sir.

Q. All right. Were you out on [redacted] I.M. Graham Road?

A. Yes, sir.

Q. And do you live in the White Oak Community around there?

A. Yes, sir.

Q. Is Ann McCormick your mother?

A. Yes, sir.
Q. And what got you out to I.M. Graham Road that day?
A. We was about to go to a family gathering and we was all ---
Q. Can you speak up a little bit.
A. We was all about to go to a family gathering.
Q. Y'all were having a cookout?
A. Mmm, hmm.
Q. And about what time did you arrive?
A. It had to have been somewhere around two, if I'm not mistaken.
Q. So in the early afternoon?
A. Mmm, hmm.
Q. And who arrived with you?
A. Me and my mama and my sister.
Q. Your mother and your sister, who?
A. Sheila.
Q. Sheena?
A. Sheila.
Q. Sheila McCormick, okay. What did y'all do?
A. Well, my sister was in her house.
Q. And where is your sister's house?
A. She stay next-door from the shooting was.
Q. That's [redacted] I.M. Graham Road, the next house over?
A. Mmm, hmm. Yes, sir.

Q. So your sister stays over there?
A. Yes, sir.
Q. So all three of you were over at that house?
A. (Shaking of the head yes)
Q. Okay. What happens next?
COURT REPORTER: Wait a minute, she's got to answer.
Q. Oh, I'm sorry.
COURT REPORTER: Answer yes or no?
A. Yes. We were at her house and then we went next-door whenever he pulled up and my mama was getting the charcoal from him.
Q. Okay. And who's that he in that sentence?
A. Junior.
Q. Junior. And his Junior in the courtroom today?
A. Yes, sir.
Q. Can you point him out for me?
A. Yes, sir. Right there.
Q. Okay. You say you guys met with Junior over at [redacted]?
A. Yes, sir.
Q. And what kind of car was Junior in?
A. A black-and-white car.
Q. Okay. Was his wife with him?
A. Yes, sir.
Q. Was his children with him?

A. Yes, sir.
Q. And how many children were there?
A. Two.
Q. Where they big kids, little kids?
A. One was an infant. When was a toddler.
Q. Okay. And did y'all get some charcoal from Junior?
A. My mama got it from him.
Q. Okay. And then what happened next?
A. Well, when I was playing with the baby and that's when the dispute started and he was telling her to get his stuff out the trunk, whatever he was telling her to get.
Q. Okay. I'm gonna rewind, who is the he in that?
A. Well, Junior.
Q. So Junior gets into a dispute, who does he get in a dispute with?
A. With Matthew.
Q. Matthew Cooper?
A. Yes, sir.
Q. Matthew Cooper was there?
A. (Shaking of the head yes)
Q. And where was he while all this was going on?
A. He was over there beside Junior but I wasn't really paying them no attention.
Q. Okay. And where were they at?
A. In the same yard.

Q. They were in the yard at [redacted]?
A. Yes, sir.
Q. Were they near the cars, the lane or were they by the tree?
A. Like in the lane beside the other car.
Q. Okay. And they got into a dispute?
A. Yes, sir.
Q. What did you -- did you have any idea what the dispute was over?
A. No, sir.
Q. And tell us what happened?
A. Well, I was already playing with the baby and they started arguing and whatever. And that's when Junior was telling his girlfriend to get his stuff out the car.
Q. He was saying get his stuff out the car?
A. Well, you want me to say exactly what he said because it ain't nice but I'll say it?
Q. Absolutely
A. Well, he kept saying, get my shit and she was plundering but it looked like she was scared at the same time.
Q. So his wife looked scared but she was plundering in the car?
A. I already had the little baby and that's when she grabbed the other one at the back seat, because it was a

two door car, and she handed him to me and said take him over there ---

Q. Don't tell me what anybody said. What did you do next?

A. I grabbed the baby and I left.

Q. Okay. And where did you go?

A. Next-door to my sister's house.

Q. That's [redacted]?

A. Yes, sir.

Q. Okay. So you went to [redacted] with the two babies?

COURT REPORTER: Is that a yes or no?

A. Yes.

Q. Okay. Tell us what happened next?

A. I went over there and me and the kids were over there with my sister and they had done left. When I look around they was gone.

Q. Who is the they, I'm sorry, to keep interrupting you, but who is the they?

A. Junior and his girlfriend was already gone so me and my sister was standing outside in front of her door. Then when I seen the car coming back I said, okay, they're probably coming to get the kids. So she stopped, his girlfriend stopped the car in front of the mailbox.

Q. And the mailbox at which house?

A. [redacted].

Q. The house that you are at with the kids?
A. Mmm, hmm.
Q. And what happened next?
A. He got out the car, my sister said, that's a gun in his hand. When I looked back I seen a long silver looking gun and we ran in the house.
Q. You saw a silver looking gun in Ronald Brown's hand?
A. Yes, sir.
Q. When he got out of the car?
A. (Shaking of the head yes)
Q. What did you do next?
A. We ran into the house and not even five seconds after we heard a bunch of shots.
Q. Okay. You heard a bunch of shots?
A. Yes, sir.
Q. Did Ronald Brown ever come get his kids from you?
A. No, sir.
Q. Okay. Can you tell us who did get the kids from you?
A. His sister and I think one of his aunts came and got the kids.
Q. All right. That was after all this happened?
A. Yes, sir. And after the shots was fired I wanted to go back outside and my sister said, don't go out there. I said you've got to remember my mama is next-door and I heard her scream. So when I opened the door back he was

getting back in the car and she looked at me and said keep my kids and they pulled off.

Q. Okay. So they left?

A. Yes, sir.

Q. And did you call 911 in this case?

A. Yes, sir.

Q. And how long did it take for law enforcement to get there?

A. It took a while for them to get there.

Q. Okay. And did you see Matthew Cooper that day after that?

A. No, sir.

Q. Okay.

MR. ANDERSON: I don't have any further questions.

Cross-Examination by Mr. Smalldone:

Q. Good afternoon.

A. Good afternoon.

Q. I just have a couple questions for you. Did -- you were at [redacted] where you saw the initial tussle?

A. Yes, sir.

Q. I'm sorry I can't ---

A. Yes, sir.

Q. Okay. And you saw them arguing in the road?

A. First they was in the yard and then they went to the road.

Q. Okay. And did you see anybody swing on anybody?
A. No, sir.
Q. All right. Did you see anybody -- did you see any physical fight or physical contact?
A. Matthew and Junior was. I guess, Matthew wanted to get to him but the other person was stopping them and I just ran next-door.
Q. Okay. So Tweety was trying to, trying to approach Mr. Brown, trying to get to him or trying to fight him but the other man in the middle was breaking it up?
A. Yes, sir.
Q. All right. And did you see -- you didn't see the man in the middle swing on anybody?
A. No, sir.
Q. Okay. And you didn't see Matthew swing on anybody?
A. I heard a swing but I didn't get to see it.
Q. Okay. All right. And you didn't -- you didn't see Junior at that time swing on anybody, right?
A. No. But he had a big board in one hand and he had a glass in the other hand, he was drinking beer or something out of it.
Q. Okay. He was drinking a beer?
A. He had it raised up like he wanted to swing it.
Q. Okay. All right. And that was a beer can?
A. No. It was like a glass jar where he was just

drinking out of it.
Q. Okay. He was drinking out of it. All right. And after that is when they left, right?
A. (Shaking of the head yes)
Q. And did you see them -- you saw them pull back up?
A. Yes, sir.
Q. About how long was the time frame when they were gone?
A. It wasn't even a whole five minutes.
Q. Okay. And as soon as you say you saw a gun, you didn't see anything else, right? Because you took cover, is that right?
A. Yes. I went inside and not even a few seconds later I heard a bunch of shots.
Q. Okay. And you didn't see who shot a gun, right?
A. No. But I know who had a gun in they hand.
Q. Right. But you didn't see him shoot it?
A. No, sir.
Q. Okay. And you say you know who had a gun that was Mr. Brown?
A. Yes, sir.
Q. And you didn't see Tweety with a gun that he had?
A. No, sir.
Q. Okay. And when you say you heard a bunch of shots, about how many was it?
A. It was at least ten or eleven shots that I heard.

Q. Ten or eleven? And was that all ---

COURT REPORTER: Is that a yes?

A. Yes, sir.

Q. Was that all at once or different groups of shots?

A. It was different groups but it wasn't too far apart.

Q. Okay. About how far apart would you say?

A. Oh, maybe a couple of seconds.

Q. Okay. All right. And was there ten in the first one or more later or was it all together about ten?

A. It was all together but it was like in between.

Q. Okay. And about -- do you remember, the order, do you remember how many in the first grouping and how many in the second grouping?

A. No, sir.

Q. All right. About ten overall?

COURT REPORTER: Is that a yes?

A. Yes, sir.

Q. All right.

MR. SMALLDONE: I beg the Court's indulgence. All right. I have no further questions for this witness.

MR. ANDERSON: No redirect, Your Honor.

THE COURT: Thank you. You can step down.

MR. ANDERSON: Your Honor, we'd call Steve Dukes.

THE COURT: Okay.

THE CLERK: Do you solemnly swear or affirm to tell

the truth, the whole truth, and nothing but the truth so help you God?

MR. DUKES: I do.

THE CLERK: State your name for the record?

MR. DUKES: Steve Dukes.

STEVE DUKES, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Mr. Dukes, good afternoon. Where do you work?

A. Williamsburg County Sheriff's Office.

Q. And how long have you worked there?

A. About twelve years.

Q. Okay. And did you participate in the investigation of this case?

A. I did.

Q. Was that back on October 20, 2017?

A. Yes, sir.

Q. Did you respond out to I.M. Graham Road?

A. I did.

Q. And about what time did you get out there?

A. I think the call came out around 16:01 which is 4:00 PM. I got on the scene at 16:23 which was 4:22 PM.

Q. Okay. And what did you see when you got out to I.M. Graham Road?

A. I observed officers actually roping the scene off

which is securing the scene. At that point, I kind of stood around just to make sure no one else entered the scene, the crime scene.

Q. Okay. And did you participate in the investigation by collecting evidence that day?

A. I did. I conducted a GSR kit on the victim.

Q. All right. And tell the jury what a GSR kit is?

A. It's simply a gunshot residue collections kit.

Q. So it's designed to collect ---

A. To collect ---

Q. --- gunshot residue?

A. Yes, sir.

Q. All right. And have you be trained to do the gunshot residue kits?

A. Yes, sir.

Q. And can you tell the jury a little bit about the process of collecting gunshot residue?

A. Pretty much it's a kit that comes in a envelope, a white envelope with red and white writing on it. It contains four small tubings along with an information packet that you simply fill out. Just simple information of the victim etc. as far as the address, date of birth. The tubings have are marked, ah, left back which is the left back hand of the victim and the left palm. And it states on the other two right left back, I mean, right

palm. Right palm, right back, I'm sorry. And simply what it is, is once you perform these procedures you'd, like with the left back you would unscrew the cap off of it and it has a little sticker on the back of it that collects particles and you simply go across the hand, the entire back hand of it and seal it back. Once you seal it, you drop it back inside that envelope and you complete, um, you repeat the other step with the palm, the left palm. You do the entirety of it. Simply place the top back on it and place it into evidence bag and you repeat the steps with the right hand.

Q. All right. And did you perform a gunshot, you already said you did, but did you perform gunshot residue on Matthew Cooper?

A. Yes, I did.

Q. And where was he out when you did this?

A. He was lying on the ground in the backyard or in the field area.

Q. Okay. And what time, roughly, did you perform this test?

A. I would say probably within the hour.

Q. The hour of the incident?

A. Of the incident, correct.

Q. All right. And you follow the same procedures you just outlined to the jury?

A. That is correct.
Q. And did you seal them the same way you did the jury?
A. That is correct.
Q. Tell the jury a little bit about how the GSR kits are sent to the chain of custody and retained by the Williams County Sheriff's Office?
A. Well, after you complete the step there's a red sticker inside of the envelope that you would actually have to seal it with. That just ensures that no one else tampers with the evidence. Once I've done that I logged into our chain of custody form, I do a chain of custody form. Then I place it into our evidence locker where our custodian, evidence custodian is the only one that's able to retrieve that item.
Q. And can you describe the actual item that goes into evidence? It looks like, it's just a clear plastic bag?
A. It's just a clear, clear form -- I'm sorry, white envelope is what it was.
Q. And do you put identifying marks on it so you can keep track if that's the one you had?
A. Yes, sir. I sign it off. I sign it off of my signature.
Q. Okay. Did you do that in this case?
A. Yes, sir.
MR. ANDERSON: I beg the Court's indulgence.

THE COURT: All right.

MR. ANDERSON: Your Honor, permission to approach the witness?

THE COURT: Yes, sir.

Q. Investigator Dukes, I'm gonna show you what's been pre-mark for identification purposes as State's Exhibit 54, would you open and examine this for me? Take a look at it. And does that, that manila envelope I just handed you, does it appear to be sealed?

A. Yes, sir.

Q. All right. And does it have people's initials written across the sealing?

A. It does.

Q. All right. Can you take a moment and open that and examine the contents of that package for me? If you need some assistance opening it when can get you something.

(Whereupon, the witness takes a moment to get the package opened)

Q. And investigator Dukes, does that package appeared to be tampered proof or difficult to open, the one you opened, the manila envelope?

A. Say it again, now?

Q. Did that appear to be tampered proof and difficult ---

A. No. Oh, well, it was difficult to open, yes.

Q. Okay. And the contents, are you familiar with those?

A. Yes, sir.
Q. And is that the GSR kit you performed on Matthew Cooper?
A. That is correct.
Q. Okay. And you filled it out that day on I.M. Graham Road?
A. Yes, sir.
Q. And what did you do after you filled it out and went through that process?
A. After I did that I simply place it in my unit, to get back to the sheriff's office, and placed it into evidence.
Q. Okay. And tell us a little bit about placing something into evidence, how do you actually put it into evidence?
A. You have to fill out a custody, a chain of custody form. Simply, once you do that, you place a copy of that form with your evidence and place it into a locker and secure it.
Q. Can anybody else access that locker?
A. The only person that can access it is our chain of custody, I mean, our custodian ---
Q. Who's that?
A. --- evidence custodian.
Q. Who's your evidence custodian?
A. Captain Timmons.

Q. Okay. And did you do that with this evidence?
A. That's correct.
Q. And that's the GSR kit that you filled out with the identifying marks?
A. Yes, sir.
Q. Investigator Dukes, did you participate in any other aspects of this case?
A. No, sir.
MR. ANDERSON: I don't any other questions.

Cross-Examination by Mr. Smalldone:

Q. Good afternoon, investigator.
A. How you doing?
Q. I'm all right. How are you?
A. All right.
Q. So your testimony is that you arrived about four, you said 4:22 PM?
A. Yes, sir.
Q. All right. And how long from your arrival until the time you took the gunshot residue?
A. I would say about an hour.
Q. Okay. All right. And during that time when you first arrived that was right after the shooting, is that correct?
A. That's correct.
Q. All right. Is it fair to say there were a lot of people around ---

A. Yes, sir.
Q. Is that a yes?
A. Yes, sir.
Q. Sorry. A lot of people were around at that time?
A. Yes, sir.
Q. Okay. And a lot of people were around the deceased person?
A. I wouldn't say that because we had it secured so nobody else could get around.
Q. Okay. So when you arrived the area around him was secured?
A. Yes, sir.
Q. But not the whole perimeter?
A. Not the whole -- not the whole back part of the residence, no.
Q. Okay. All right. And do you recall the conditions that day?
A. It was sunny.
Q. Sunny?
A. Yeah.
Q. A pretty hot day?
A. I wouldn't say too hot.
Q. Okay. It was October so....
A. Right.
Q. Probably not hundred, right?

A. Right.
Q. Right. But it wasn't cold that day, right?
A. It wasn't too cold, no.
Q. Okay. And did you photograph the process that you performed with the GSR test?
A. No, sir.
Q. All right. Are there any body cam of it?
A. No, sir.
Q. All right. Did anyone witness it?
A. Investigator Kennedy along with investigator Ballard was there.
Q. Okay. And do you recall the conditions of his hands?
A. His hands was pretty much dry.
Q. Okay.
A. I didn't see anything out of the ordinary.
Q. Do you recall blood on the right hand?
A. There was some blood there.
Q. Okay.
A. But not much.
Q. Right. Okay. And you didn't test -- your job isn't to test it, right? You didn't perform ---
A. No, I didn't. No.
Q. Right. You just collected it?
A. That's right.
Q. And then, you did like you said, sent it off?

A. That's correct.
Q. To the evidence custodian, right?
A. That's correct.
Q. And that's all you did, right?
A. That's it.
Q. Okay.
MR. SMALLDONE: No further questions.
MR. ANDERSON: No redirect.
THE COURT: You may step down.
MR. ANDERSON: I beg the Court's indulgence, Your Honor. I'm going to see our next witness is ready.
THE COURT: Okay.
MR. ANDERSON: Your Honor, the State would call Robert Lee.
THE COURT: Okay. Come around and place your left and on the Bible please, sir.
THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?
MR. LEE: I do.
THE CLERK: State your name for the record.
MR. LEE: Deputy Robert Lee.

ROBERT LEE, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. And deputy Lee, where do you work?
A. Williamsburg County Sheriff's Office.
Q. And how long have you worked there?
A. Approximately a year and a half.
Q. Okay. And did you work for another law enforcement agency back in October of 2017?
A. Yes, I did.
Q. Where did you work then?
A. Kingstree Police Department.
Q. So you were working at the Kingstee Police Department, did you have an occasion to respond to a call in this case?
A. I did.
Q. And when did you get the notification to head out to I.M. Graham Road?
A. While on routine patrol I normally scan South Carolina Highway Patrol and the sheriff's office when I was with the City of Kingstree. It was dispatched to the sheriff's office. Deputy Brown was enroute to it. I observed that there wasn't any other deputy close to her at that point so I ---
Q. Jalisa Brown?
A. Yes.
Q. Okay.
A. So while she was responding I responded with her to offer assistance and backup due to the nature of the call.

Q. And about how quickly did y'all get out there after the call came?
A. A matter of minutes. We were both running COD 3 which is lights and siren, three to four minutes maybe.
Q. I gotcha. And what did you find when you got to the scene?
A. We arrived at the scene observed a black male subject laying in a field. Upon checking on him observed that he had been, sustained some form of injury to the body. We were told it was a gunshot wound. He was covered in blood.
Q. And did you observe any other evidence on the ground?
A. After checking on the victim, did observe approximately four shell casings near the scene of where the shooting occurred.
Q. Okay. And can you tell us where they were?
A. Two were in the driveway of the residence where the shooting occurred and there was two located in the roadway on I.M. Graham Road.
Q. All right. And I'm gonna show you State's Exhibit 3 and 4, and tell us if you can roughly or if these seem like the shell casings would be, if they seem familiar to you?
A. Yes, sir.
Q. All right. I'm gonna show you those on the screen you have there.
A. Yes, sir.

Q. And I'm gonna ask you to come down and point to the jury about where those shell casings were? You can come on down. First, I'm gonna show, this is State's Exhibit 4, please talk into that microphone so the court reporter and jury can hear you.

A. Yes, sir.

Q. Is that a fair and accurate representation of I.M. Graham Road?

A. Yes, sir, it is.

Q. And can you point out to the jury where you found the shell casings?

A. About in this area right in here.

Q. Okay. And now I'm gonna show you State's Exhibit 3, I know there's a truck there there in that photograph, can you tell us roughly where you found the other shell casings?

A. They were almost under the center of the truck right in this area here.

Q. All right. You can have a seat back in the witness stand. Thank you. Investigator or, excuse me, deputy Lee, did you pick up those shells before they could be photograph?

A. Yes, sir, I did.

Q. And tell us what you did that?

A. There were numerous emergency vehicles coming down the

roadway leaving out of the scene looking for a suspect vehicle, numerous foot traffic in the yard. It was observed that some of the shell casings had already been damaged by footsteps or a vehicle. So they were picked up to keep from getting any further damage and to preserve evidence.

Q. So you picked them up to preserve the evidence?

A. Yes, sir.

Q. Right. And did it appear to you that some of the shell casings had been run over?

A. Yes, sir.

Q. Then what did you do with those shell casings?

A. They were placed in small yellow envelopes. I sign them stating that I picked him up and I did a chain of custody over to investigator Ballard.

Q. Okay. And the reason y'all do that is so you can keep track of evidence?

A. Yes, sir. That way it's accounted for every step of the process.

Q. All right. Now, I'm gonna ask you -- I'm gonna show you a diagram which is State's Exhibit 53, and I may ask you to come down and point out, roughly, and you can just give us an estimate, how far away is the shell casings, is the body?

A. By the way a crow flies? Probably, fifty yards, a

hundred yards, somewhere in that estimate.
Q. And that's over the house on I.M. Graham Road?
A. Yeah. If you go straight down the driveway and in to the left it was probably a hundred yards. The track that he would've ran would've been close to a hundred yards.
Q. All right. He, in that sentence, being the victim, Matthew Cooper?
A. Yes, sir.
Q. All right. And is it possible they were other shell casings out there?
A. Yes, sir. I only picked up what I observed as far as, I didn't look for the shell casings while we were conducting business. They were noticed on the ground. And some had already been damaged so it was brought to the attention of the investigators and it was asked to collect them to keep them from getting any further damaged.
Q. All right. And again you gave those, you sealed them and put them in envelops and gave them to investigator Ballard?
A. Yes, sir.
Q. All right.
MR. ANDERSON: I don't have any further questions.

Cross-Examination by Mr. Smalldone:

Q. Good afternoon.
A. Good afternoon.

Q. So by the time you got there the shell casings had already been either tampered with or moved or run over, is that right?
A. After we had checked on the victim and began to secure the scene, yes, sir, that already been damaged in some form, someone stepped on them or run over by a vehicle.
Q. Okay. So you have no idea where they started you just know where you found them, right?
A. Yes, sir, that's all I can vouch as to where I found them.
Q. All right. And you found a total of four?
A. I found four, yes, sir.
Q. You found four, all right. And how many were crushed?
A. I think there was one that had been ran over on the highway. There was one that was embedded in the sand, it was softer dirt, it was embedded a little bit. I'm not sure about the other two. I know one on the roadway was I believe it was whole it hadn't been damaged I'm not sure about the other one in the yard. But there were two that was damaged.
Q. Okay. And you were the one -- but you were the one of the first responders, right, you and Deputy Brown?
A. Yes, sir.
Q. All right.
MR. SMALLDONE: And no further questions for you.

That's all.

THE COURT: You got anything else, Mr. Anderson?

MR. ANDERSON: Just briefly.

Redirect Examination by Mr. Anderson:

Q. Investigator Lee, I'm gonna approach you with what was marked for identification purposes is State's Exhibit 51, would you take a look at the contents for me?

A. Yes, sir.

Q. And are some of those contents, the little manila envelope, you gave to investigator Ballard?

A. Yes, sir. They're actually -- I wrote on them exactly where I located them out, middle-of-the-road, side of the road, and it has my name on it.

Q. All right. You can put it back in there. Thank you.

MR. ANDERSON: I don't have any further questions

THE COURT: You can step down.

MR. ANDERSON: Your Honor, we'd call Sherod Timmons.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. TIMMONS: I do.

THE CLERK: State your name for the record?

MR. TIMMONS: Louie Timmons, Louie Sherod Timmons.

SHEROD TIMMONS, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. And good afternoon, Mr. Timmons.

A. Afternoon.

Q. Where do you work?

A. Williamsburg County Sheriff's Office.

Q. And what's your title there?

A. Captain.

Q. Are you the evidence custodian at Williamsburg?

A. I am.

Q. All right. And did you receive some evidence in this case?

A. I did.

Q. I gonna ask you a few questions and if you need to review the chains of custody just let us know and we'll refresh your recollection. Did you receive a GSR kit in this case?

A. I did.

Q. Who did you receive that from?

A. Steve Dukes.

Q. All right. I'm gonna approach you with what's been marked for identification purposes is State's Exhibit 54, and ask you to take a look at this for me.

A. Okay.

Q. And is that the GSR kit you received from Steve Dukes?

A. It is.

Q. And when did you receive it?
A. That would've been on 10/20, the date of the incident, at some point.
Q. And where was it stored?
A. In an evidence locker.
Q. At the Williamsburg Sheriff's Office?
A. At the sheriff's office.
Q. Is there any way that anybody else can get to it?
A. No, sir. Once they place the stuff in a locker they can lock it and you have to access it from inside the evidence room but I'm the only person to have access to that room. There is a slot on one of the lockers that small things, such as a GSR kit, can just be slid into. And I get it from the other side, like I said, for all other evidence.
Q. All right. And the reason y'all do that is so you can keep track all the evidence?
A. That's correct.
Q. All right. What was done with that GSR kit?
A. This kit would've been sent to sled. Sometimes I enlist Lieutenant Wrenn to help me carry things to sled so it would've been signed over to her to get carried to sled for testing.
Q. All right. So in your -- you reviewed the chain of custody and it reflects that, that item was given to sled

or to Wrenn and it was taken to sled?
A. Yes.
Q. And sled being the South Carolina Law enforcement Division?
A. Correct.
Q. And they test gunshot residue?
A. That's correct.
Q. I'll take that. And Mr. Timmons, is it Lieutenant, I'm sorry?
A. Captain.
Q. Captain. I apologize. Did you receive some shell casings in this case?
A. I did.
Q. And who did you receive those shell casings from?
A. Not exactly sure who put those in the locker. I would have to look at that.
Q. Okay. Could it have been investigator Ballard?
A. It could've, yes, sir.
Q. Okay. I'm gonna approach you with what's been marked for identification purposes is State's Exhibit 51, and are those the shell casings you received?
A. Yes, sir.
Q. And what did you do with those shell casings?
A. They would've been sent to South Carolina Law Enforcement Division to be tested.

Q. All right. And they were kept the same way that the GSR kit was, no one else had access to them?
A. That's correct.
Q. And lastly investigator, Captain Lee, did you receive a firearm and some .22 caliber shells in this case?
A. I did.
Q. And who did you receive those from?
A. Investigator Ballard.
Q. All right. I'm gonna approach you and show you what's been marked for identification purposes as State's Exhibit 52, - I beg the Court's indulgence - I'm gonna approach you and show you what's been marked for identification as State's Exhibit 52, and would you examine the contents of that box?
A. Yes, sir.
Q. Okay. And is that the pistol you received in this case?
A. Yes, sir.
Q. Inside that box were there .22 caliber shell casings --
A. They were.
Q. All right. And what did you do with those items?
A. They were sent to sled for comparison to see if they were fired by the gun that they were in and all that good stuff.

Q. Okay.

MR. ANDERSON: At that time, we seek to -- what number is that?

A. Fifty-two.

MR. ANDERSON: Your Honor, at this time, we seek to move State's Exhibit 52 into evidence.

MR. SMALLDONE: No objection.

THE COURT: All right. It's in without objection.

(Whereupon, the Gun has been marked and entered into evidence as State's Exhibit No. 52)

MR. ANDERSON: Your Honor, I beg the Court's indulgence for just one second.

Q. Oh, who took that to sled?

A. Investigator Wrenn, I meant, Lieutenant Wrenn, I'm sorry.

Q. Lieutenant Wrenn took all of the evidence that we've discussed to sled after that?

A. Yes.

Q. So she connects the link to the chain of custody?

A. Yes.

Q. Okay.

MR. ANDERSON: I have no further questions.

MR. SMALLDONE: I have no questions for this witness.

THE COURT: Okay. You can step down.

MR. ANDERSON: Your Honor, May we approach about

scheduling?

THE COURT: Yes, sir.

(Whereupon, a bench conference was held off the record)

THE COURT: All right. Ladies and gentlemen, they tell me that's all the evidence we can hear today. So I'm gonna let y'all go home. Don't discuss the case. Don't allow anyone to discuss it with you. Don't do any research. Don't read anything. And I'll see you at 9:30 in the morning. If you have an emergency call us.

(Whereupon, the jury exits the courtroom at 3:47 p.m.)

MR. ANDERSON: And, Your Honor, before we go we have one more matter to discuss. Solicitor Finney and I have spoken to the victim's, excuse me, the witnesses in this case and they have said they are afraid of Mr. Brown. They would feel more comfortable if he was not out on bond until the end of this case. I just wanted to bring that to the Court's attention.

THE COURT: Okay.

MR. ANDERSON: And ask that he come off his bond until the termination of this case.

THE COURT: And he's in custody. Technically, the only reason why I let him out this far because y'all didn't want to lock them up but once the case is called he's in custody until we are to finish it.

MR. ANDERSON: Thank you, Your Honor.

MR. SMALLDONE: Thank you, Your Honor.

THE COURT: Okay.

(Whereupon, court is adjured for the day at 3:49 p.m.)

Wednesday, October 2, 2019

(WHEREAS, this matter was scheduled for a trial, all parties appeared along with their counsels of record. The proceedings began at 9:32 a.m)

THE COURT: All right. Bring the jury.

(Whereupon, the jury enters the courtroom at 9:32 a.m.)

THE COURT: Good morning, ladies and gentlemen, I'm glad y'all all made it back.

(Whereupon, the jury greets the judge)

THE COURT: All right. Mr. Solicitor, you may call your next witness.

MR. ANDERSON: Your Honor, we'd call Archie Kennedy.

THE COURT: All right.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. KENNEDY: I do.

THE CLERK: State your full name ?

MR. KENNEDY: Investigator Archie Kennedy.

ARCHIE KENNEDY, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Investigator Kennedy, good morning.

A. Good morning.

Q. Where do you work?

A. Williamsburg County Sheriff's Office.
Q. And how long have you worked there?
A. A little over eight and half years now.
Q. And what's your job position?
A. I work in the Criminal Investigative Division.
Q. And did you participate in the investigation of this case?
A. I did.
Q. Did you respond to I.M. Graham Road, [redacted] I.M. Graham Road?
A. I did.
Q. What date was that?
A. That was 20th of October, 2017.
Q. And how did this case come to your attention?
A. I was actually listening to the radio, was leaving from one location working a whole different case, heard it come across the radio.
Q. And about what time did you arrive out there?
A. 16:22 hours, 4:22 in the afternoon.
Q. Okay. And what did you discover when you arrived there?
A. When I first arrived on scene when I stepped out of my truck I immediately saw two shell casings on just the north side of my vehicle. I also saw several officers from the sheriff's office and Kingstree Police Department doing what

we call secure the scene. They were putting tape up and I also saw one, remember seeing one deputy talking to a lady who I later learned was Ms. Ann McCormick.

Q. Okay. And where were those shell casings in relation to the house?

A. They were in the roadway.

Q. In the roadway of I.M. Graham Road?

A. Yes, sir.

Q. All right. And what was the weather like out that afternoon?

A. I remember it being pleasant.

Q. Was it clear?

A. It was clear.

Q. Did you have an opportunity -- was there a body at the scene?

A. There was.

Q. And where was that at?

A. At that property there is a small, what I call a vacant small, field behind the house and the body was located in the field.

Q. All right. And did you participate in the processing of that body for evidence?

A. I did.

Q. And who was there with you when you did that?

A. I remember Corner McKnight, Lieutenant Wrenn,

investigator Dukes, investigator Ballard and that's all I remember right at the body. There may have been a couple of other people standing by that I don't remember.

Q. And were you one of the people that participated in the rolling over of the body?

A. I was.

Q. And was that process photographed?

A. I remember investigator Ballard continuously photographing.

Q. All right. Who actually moved over the body?

A. That would've been me and investigator Dukes.

Q. I'm about to show you what are marked and in evidence as State's Exhibits 14, 15, 16, 17, 18, 19, 20, and 21, would you take a look at these for me?

A. Sure.

Q. All right. Investigator Kennedy, are those pictures a fair and accurate representation of the process of turning over that body?

A. They are.

Q. And did y'all make any significant discoveries when y'all turn the body over?

A. We did. There was a revolver, a black and brown revolver, underneath Mr. Cooper.

Q. All right. And tell us what happened to that revolver?

A. I actually, once it was discovered, of course, you wait until photographs and stuff to be taken, but I actually picked it up and gave it to investigator Ballard. Upon his taking it to security and process it, you know, he later informed me, and when I say later I'm talking moments later, informed me that there were three spent shell casings and three unspent shell casings in the revolver.

Q. And I'm gonna show you State's Exhibit 18, is this that photograph of the revolver on the ground that you were just talking about?

A. That is it. Yes, sir.

Q. And you said investigator Ballard immediately after informed you that there were three spent and three unspent inside the revolver?

A. That's correct.

Q. Was the victim's wallet pulled or searched as part of this process?

A. It was. Corner McKnight took the wallet, I think he had a tan pants, took it out of his tan pants back pocket.

Q. And the person with the tan pants would be the victim, Matthew Cooper?

A. That's correct.

Q. All right. And was that processed photographed?

A. I would think so. I mean, he was, like I said investigator Ballard was continuously photographing

everything we do.
Q. All right. And I'm gonna you what are in evidence as State's 22, 23, and 24, do those appear to be pictures of the process of pulling the wallet out?
A. Yes, sir.
Q. And was identification for Matthew Cooper found inside the wallet?
A. It was.
Q. All right. Do you recall seeing any money in the wallet?
A. No, sir. And if I had, I would've made a note for my notes and I didn't. That's our policy.
Q. That's the Williamsburg County Sheriff's Office policy?
A. Oh, absolutely.
Q. And would the money have been photographed?
A. Oh, yes, sir.
Q. And would it have been logged into evidence?
A. Oh, yes, sir.
Q. All right. Investigator Kennedy, did you have an occasion to go MUSC as part of this case?
A. I did. The following day.
Q. All right. And tell us a little bit about that. What happened at MUSC?
A. Really, the only participation of the investigator now

with the autopsy is observing. You're not really involved in the autopsy. The main thing is going to collect evidence from the autopsy and personal effects from the autopsy.

Q. And did you receive personal effects from MUSC ---

A. I did.

Q. --- from this case?

A. I did.

Q. And was that catalogued in your notes?

A. It is.

Q. Take a moment to review your notes, and can you tell the jury what they gave back to you?

A. Yes, sir. I actually have a copy of a sheet that also where I signed for these items from, I'm not going to try and pronounce the nurse's last name but Karen Geroulis, I think maybe is it. But either way I got a pair of high-top athletic shoes, a pair of socks, tan jeans with black belt through the loops, red boxer briefs, a white T-shirt with the sticker on the right chest that says, "visitor October 20, 2017", headphones, metal bracelet from the right wrist, rubber band from the right wrist, two cord necklace with beads, one quarter and one penny, and it says from left front pants pocket, left fingernail clippings, right fingernail clippings, scalp hair, and a bullet.

Q. So one quarter and one penny in the pants pocket?

A. That's it.
Q. That's $0.26?
A. Yes, sir.
MR. ANDERSON: I beg the Court's indulgence. I don't have any further questions.
MR. SMALLDONE: I beg the Court's indulgence one moment.

Cross-Examination by Mr. Smalldone:

Q. Investigator Kennedy, good morning.
A. Good morning.
Q. You doing all right today?
A. Doing well. Thank you.
Q. All right. You were one of the first people on the scene?
A. I got there within like, I think, sixteen, eighteen minutes. I think there was -- I can remember five people being there when I got there.
Q. Okay.
A. There may have been more but I can remember five.
Q. Okay. When you say people, do you mean first responders?
A. I mean, police officers.
Q. Okay.
A. Yes, sir.
Q. All right. And do you recall who those people were?

A. I remember seeing Sergeant Dunmore, Sergeant Miller, she was Corporal Brown then she's investigator Brown now, Deputy Lee who would've been with the Kingstree Police Department at that time; and, I don't remember his rank but he's retired now, but officer Staggers from KPD was also there.

Q. Okay. All right. And you recall -- you approached the deceased person, correct?

A. I never approached the deceased person until the coroner and search warrant and everything was ready to do. I, basically, left that scene alone. We stayed over in the side of the yard. Lieutenant Wrenn had gone to type a search warrant and the coroner agreed. I think they had done an assessment. There was an EMS worker, had told me when I got on the scene that they had already checked for life signs, didn't find any. So we left the body alone until the search warrant was on the scene.

Q. Okay. And when you finally went to the body you noticed that, one of the first thing you noticed that there were electrodes attached to him?

A. When the sheet came off that was the very first thing I saw was electrodes and the, ah, that actually jogged my memory that Tony Hucks had told me he had put electrodes on him to check for life signs.

Q. Okay. So it's fair to say that you weren't the first

person to see the body from law enforcement, correct?
A. No. I don't ever remember seeing the body until we approached it and, you know, what I saw was a what I presume to be a body and what I was told was a body under a sheet when I got on scene.
Q. Right. Okay. And you, obviously, didn't put the sheet there, right?
A. No, sir.
Q. It was already there?
A. That was probably there by EMS.
Q. Okay. And when you first got there, where did you park?
A. I parked in the roadway on I.M. Graham.
Q. Okay. In front of [redacted]?
A. Yes, sir.
Q. All right. And when you looked in the yard, how many people other than first responders were in that yard?
A. I don't recall.
Q. Were there multiple people?
A. There may have been. I don't recall that.
Q. Okay.
A. What I do recall is seeing those officers and, of course I saw investigator Brown, she was Corporal Brown then, talking to a female that I later found out was Ms. Ann McCormick.

Q. Ann McCormick, okay. And I want to talk to you about a small thing that Ms. McCormick told you. Do you recall speaking with Ms. McCormick?

A. I do.

Q. Was that at the Williamsburg County Sheriff's Office or at the scene?

A. I spoke to her at the sheriff's office. This was after we had cleared the scene.

Q. Okay. Do you recall what day that was?

A. That was the -- that was the day of the incident.

Q. Okay. And do you recall the substance or her conversation with you?

A. For the most part, yes, sir.

Q. Okay. And do you recall -- it's a small thing, but do you recall her saying that she was holding Tweety's hand as he was dying?

A. I don't recall that. She may have told me that. I don't recall that. But what I do recall her telling me is that he was gasping for breath when she got to him ---

Q. Right.

A. --- and that she actually turned his head thinking that would help him breathe.

Q. Okay. Would it refresh your memory if I was to show you the transcript?

A. Please.

Q. Okay. All right. I'll show you the front page first.
A. Mmm, hmm.
Q. If I can find the front page. Here we go. All right. Now, I've lost the other page. All right. And this -- do you recall -- this is the front page, that's your name, right?
A. Yes, sir.
Q. And that's Ms. McCormick's name?
A. Yes, sir.
Q. All right. And you recall, basically, speaking with her?
A. I do.
Q. All right. And you know that Williamsburg County transcribes most of their interviews?
A. That's correct.
Q. Which is very helpful.
A. Yes, sir.
Q. Do you recall her saying this?
A. I didn't recall her saying that, but I certainly see that she did.
Q. All right. Can you just read line 20?
A. Yes. It says, "he died holding my hand. He was squeezing my hand and he was gasping for air. I turned it to the side for air pressure and I said, Tweety, I just came to look to see what was going on."

Q. Okay. All right. And do you recall searching -- did you look through all the pockets or did you just see the wallet?
A. I didn't go through any of the pockets. The coroner, you know, typically does that and to my recollection did that, that day.
Q. Okay. But you didn't see him do that, correct?
A. I saw him get a wallet. As a matter of fact, I even made a note in my supplemental that I saw a bulge in his pants that, you know, later was identified and the coroner pulled it out, a black wallet.
Q. Right. And you saw the wallet, that was like a crocodile skin wallet, correct?
A. I didn't recall that until a couple of minutes ago when he showed me the picture of it, but yes, sir.
Q. Okay. But now you know it's a black wallet, right?
A. Yes, sir.
Q. All right. And you were there -- you were there -- one of the first people to witness him being flipped over, right?
A. Actually, me and investigator Dukes when the coroner advised us to roll him over, we were the ones to roll him over.
Q. All right. And that revolver was, was that in his hand or on his stomach?

A. No. It was lying on the ground.
Q. Okay. All right. And that's when you first saw it?
A. That's when I first saw it. Yes, sir.
Q. Okay. But it was under the body, correct?
A. It was. Yes, sir.
Q. Okay. All right.

MR. SMALLDONE: And no further questions for you.

MR. ANDERSON: No redirect, Your Honor.

THE COURT: Okay. You can step down.

MR. KENNENDY: Thank you, Your Honor.

MR. ANDERSON: Your Honor, the State would call Pamela Wrenn.

THE COURT: Okay.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MS. WRENN: I do.

MR. ANDERSON: I beg the Court's indulgence, Your Honor.

THE CLERK: Please state your full name for the record? Please state your full name for the record?

MS. WRENN: Pamela Wrenn.

PAMELA WRENN, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Investigator Wrenn, good morning.
A. Good morning.
Q. Where do you work?
A. Williamsburg County Sheriff's Office.
Q. And how long have you worked there?
A. I have been with Williamsburg County for twelve years.
Q. And did you worked in law enforcement in other places?
A. Yes, Berkeley County Sheriff's Office since early nineties.
Q. What's your job title?
A. I'm Lieutenant over in criminal investigation.
Q. So you are Lieutenant over criminal investigations, and are you the chief investigator of this case?
A. Yes, I am.
Q. All right. I'm gonna ask you a few questions about the overall aspect of this case. First, I want to ask you some questions about the evidence that was taken to sled. Did you deliver some items of evidence from the Williamsburg County Sheriff's Office ---
A. Yes, I did.
Q. --- to sled?
MR. ANDERSON: I beg the Court's indulgence.
Q. Investigator Wrenn, did you have an occasion to take a gunshot residue kit to sled in this case?
A. Yes, I did.

MR. ANDERSON: Permission to approach the witness, Your Honor?

THE COURT: Yes, sir.

Q. I'm gonna show the witness what's been marked for identification purposes as State's Exhibit 54. Investigator Wrenn, would you take a look at this package and its contents?

A. Yes, sir.

Q. All right. And is that the item that you took to sled that day?

A. Yes, it is.

Q. And tell the us and the jury about the process of you turning it over to sled and starting their chain of custody?

A. Once it is turned over to me from the evidence custodian which would be Captain Timmons, it is then transported to South Carolina Law Enforcement Division. There's a process that you have to sign in and it has to be clocked in, your paperwork has to be clocked in and initialed and the locker that you put it in at sled.

Q. And you did all that with that item in this case?

A. Yes, I did.

Q. All right. Investigator Wrenn, did you take a firearm, a revolver box with shell casings in it to sled?

A. I did.

Q. It's part of your investigation in this case?
A. Yes.
MR. ANDERSON: Your Honor, permission to approach the witness with ---
THE COURT: Yes.
MR. ANDERSON: --- what's in evidence as State's Exhibit 52.
Q. And investigator Wrenn, would you examine that for me and tell me if you're familiar with it?
A. Yes, sir. Yes, sir, this is the firearm that was taken.
Q. That's the firearm you took to sled?
A. Yes.
Q. Did you log that into sled the same way you did those other items?
A. That is correct.
Q. And when did you do that?
A. The date on it is 6/13/2019 and has my initials.
Q. And did -- both of these packages, the previous item and this item, appeared to have been tampered with when you handle them?
A. No, sir. There is evidence tape that is put on it before it leaves the sheriff's office and then when we get there we have to take it again before it's clocked in at sled and the day that we clock it in at sled we have to put

the date and your initials.
Q. And both of the items appear to still be intact and done correctly?
A. Yes.
Q. It has the identifying marks that you recall putting on them?
A. Yes.
MR. ANDERSON: I beg the Court's indulgence.
THE COURT: Yes, sir.
Q. All right. Investigator Wrenn, you're the chief investigator in this case?
A. Yes, I am.
Q. How quick did law enforcement arrive in this case on the scene?
A. It was within moments. I have the CAD report.
Q. Tell the jury what a CAD report is?
A. A CAD report is a report that is generated from our central dispatch from the time the call comes in throughout the radio traffic until we actually cleared the scene.
Q. All right. And have you reviewed the CAD report in this case?
A. Yes, I have.
Q. What when does it indicate y'all arrived?
A. Give me one moment, I arrived at 16:22 hours.
Q. And in civilian time that's?

A. The call come out at 16:02, approximately.
Q. And 16:02 is 4:02?
A. That's correct.
Q. And you arrived at 4:22?
A. That's correct.
Q. Did other officers arrive before you?
A. Yes, sir.
Q. Okay. Was a GSR kit performed in this case ---
A. Yes, sir.
Q. --- by other investigators?
A. Yes, sir, it was.
Q. Who was that?
A. On the victim?
Q. Yes.
A. Mr. Matthew Cooper, investigator Dukes performed a GSR on his hands.
Q. And do you know, roughly, what time that was done?
A. Yes, sir. That was at 18:22, which would've been approximately two hours after we arrived, 16:00 being 4 o'clock, 17:00, 18:00. So within ---
Q. Two hours after you arrived?
A. Approximately two hours.
Q. And why is the time frame important for the gunshot residue, investigator Wrenn?
A. Normally, within six hours a GSR should be conducted.

That's when you get your best results or most accurate results.

Q. All right. Did y'all search the scene when you arrived?

A. The scene was cornered off with yellow crime scene tape to preserve the area where the victim was lying.

Q. And did investigator Ballard and others look for evidence, inside of that cornered off scene?

A. Yes.

Q. Was a -- at any point in your investigation, was a .40 caliber handgun recovered?

A. No, sir.

Q. So there was no firearm to compare the .40 caliber shell casings at the scene?

A. No, sir.

Q. If a firearm had been at the scene are you confident that it would've been found?

A. Yes, sir. Because the first responder was on scene before my arrival. Investigator, -- well, investigator Lee with Kingstree Police Department who is now deputy Lee with Williamsburg County, but he was there prior to our arrival as well as deputy Brown or Corporal Brown.

Q. Investigator Wrenn, does the Williamsburg County Sheriff's Office investigative department have a policy about photographing money that is recovered as part of the

crime?
A. Yes, sir, we do.
Q. Tell us a little bit about that?
A. If money is located on a victim, normally, what we would do and in this particular case as in any deceased person, the coroner will arrive on scene, we try to photograph the stages of our arrival and what we can photograph. The coroner will remove the wallet and he has to open it, of course, to see if there's an ID or any identifying paperwork inside. If there's any money then that's immediately photographed and it is taken into evidence. And then once we get it to the office, at least two officers, count the money to make sure it's accurate and it's to what we're putting into evidence.
Q. And so no money was recovered from the victim at the scene, is that correct?
A. Not at the scene, no.
Q. And investigator Wrenn, we have a diagram in evidence, it State's Exhibit 53, I'm gonna show it to you on the Elmo. Did you generate that as part of your investigation?
A. Yes, I did.
Q. And are those, to the best of your ability, you got those distances correct?
A. Yes, sir.
Q. And is that, those roads, does it form a loop?

A. Yes, sir, it does.
Q. And did you drive that loop to get an estimated time as part of your investigation?
A. Yes, sir. Now, of course, that would vary depended upon your speed ---
Q. Absolutely.
A. --- and things such as that nature. I checked the distance and driving time from [redacted] I.M. Graham Road to Credence Loop around to White Oak, taking a right on to White Oak and a left on to I.M. Graham traveling. Now -- and this was, I went from that point to [redacted] I.M. Graham which would be the residence of Mr. Brown and Akelia.
Q. So you took two loops?
A. Yes.
Q. Okay. So how about -- just showing on this diagram, how long does it take to make that loop?
A. If I were to come straight back ---
Q. Yes.
A. --- from where I began it would be approximately six minutes.
Q. Six minutes?
A. Six to seven minutes, yes, if that.
Q. And how long would've it taken you to drive to Ronald Brown's house?
A. It would've taken approximately fifteen minutes and

again, that's depended upon your speed.
Q. All right. Investigator Wrenn, we've heard some testimony this week about a white BMW, did you follow up on that during your investigation?
A. Yes, I did.
Q. Can you tell us a little bit about that?
A. I was advised that Junior or Mr. Brown and Akelia McFadden had left in a white BMW and it was described to me as having a black cloth like top similar to a convertible but it wasn't a convertible. It just has some type of vinyl top. I received information from Lake City Police Department that someone had called in to them and said that the vehicle was over in the Lake City area.
Q. All right. And did you follow up on that tip?
A. Yes, I did.
Q. And what did you discover?
A. I discovered the vehicle at 137 Bowery Guard Street in Lake City.
Q. All right. And what action did you take after that?
A. At that point I notified investigator Kennedy and ask him to prepare a search warrant for Florence County being that Lake City is in Florence County. And he did that and met with a magistrate in Lake City and that was signed so that we could actually take possession of the vehicle. It was then towed to the Williamsburg County Impound.

Q. And what steps did you take after you had it at the Williamsburg County Impound?
A. After it was secured in the impound I obtained a search warrant for the contents of the vehicle, the vehicle itself from a Williamsburg County magistrate.
Q. All right. And did you perform a search on that vehicle?
A. Yes, we did.
Q. And were photographs taken of ---
A. Yes.
Q. --- this search? All right. I'm gonna show you what's been marked for identification purposes as State's 55, 56, 57, and 58, would you take a look at these for me?
A. Yes, sir.
Q. And are those photographs a fair and accurate representation of some of the things you discovered during your search?
A. Yes, sir, it is.
Q. All right.
MR. ANDERSON: At this time, the State seeks to move State's 55, 56, 57, and 58 into evidence.
THE COURT: What saith the defense?
MR. SMALLDONE: That's without objection.
THE COURT: Okay. It's in without objection.
(Whereupon, the Photo has been marked and entered into

evidence as State's Exhibit No. 55)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 56)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 57)
(Whereupon, the Photo has been marked and entered into evidence as State's Exhibit No. 58)
Q. All right. Investigator Wrenn, I'm gonna approach and show you State's Exhibit 55, can you tell us why did you take that photograph?
A. This shows the South Carolina tag that was on the back of the vehicle. And we have to, anytime a vehicle is towed we have to prepare a towed vehicle report which I did that. The tag came back to Akelia McFadden.
Q. And is Akelia McFadden Ronald Brown's wife?
A. That's correct. [redacted] I.M. Graham Road, 1999 BMW with the South Carolina tag of [redacted] which matched the photograph.
Q. Thank you, investigator Wrenn. And bear with me I'm going to show this to the jury.
MR. ANDERSON: Permission to publish, Your Honor?
THE COURT: Yes, sir.
(Whereupon, the solicitor shows the pictures to the jury)
Q. All right. Investigator Wrenn, I'm gonna ask you about another exhibit and this is what is in evidence as

State's Exhibit 56, can you take a look at this for me? And investigator, why did you take that photograph?

A. This is a photograph of a, it appears to be, a receipt of some sort that was located in the vehicle with the name of Ronald Brown on it.

Q. Okay. Investigator Wrenn, I'm gonna show you what is in evidence as State's Exhibit 57, can you take a look at this for me?

A. Yes, sir. That was a car seat that was located in the backseat of that vehicle.

Q. It's a car seat for an infant?

A. Or a child, a small child, until about two.

Q. And lastly investigator Wrenn, I'm gonna ask you about State's Exhibit Number 58, would you take a look at this for me? And why did you take that photograph?

A. Yes, sir. This is the contents of the trunk and we were advised through the investigation that Mr. Brown had initially come over to the area of I.M. Graham Road to bring some charcoal to a female, later to be Ann McCormick, and there was charcoal all in the back.

Q. So there was charcoal in the trunk.

A. Mmm, hmm.

MR. ANDERSON: I beg the Court's indulgence.

Q. Investigator Wrenn, when was that car discovered?

A. On October 23, 2017.

Q. That's after the shooting, several days after the shooting?
A. That's correct.
Q. And was law enforcement looking for Ronald Brown during this time?
A. Yes.
Q. And did Ronald Brown call the police at any point during this time?
A. No, sir.
Q. How did law enforcement get hands on Mr. Brown?
A. Actually, he came to the sheriff's office. I do not know who brought him to the sheriff's office.
Q. So he came in and turned himself into the sheriff's office?
A. That's correct.
Q. When was that?
A. I want to say that was on the 22nd.
Q. Two days later?
A. That's correct.
Q. All right.

MR. ANDERSON: I don't have any further questions.

Cross-Examination by Mr. Smalldone:

Q. Good morning, investigator.
A. Good morning.
Q. So just to clarify, you're were the chief investigator

on this case, is that correct?
A. That's correct.
Q. All right. You arrived on the scene shortly after the first people got there, right?
A. That's correct.
Q. Basically, you were in kind of the second wave of arrivees?
A. Somewhat.
Q. Okay. You got there about 4:22 PM, is that what you said?
A. That's correct.
Q. All right. Now, when you got there, do you remember which law enforcement officer that you remember seeing were there?
A. I remember the first responders were there but I cannot tell you exactly who was there, no, I cannot.
Q. All right. Multiple law enforcement people were on the scene, correct?
A. Yes, sir.
Q. All right. And EMS was there?
A. Yes, or either they arrived shortly around the same time that I was arriving.
Q. All right. The coroner was there?
A. I don't want to say exactly because it could've been shortly after I arrived.

Q. Okay. If you don't remember, that's fine. I just wanted ---

A. Yes, sir.

Q. --- to be clear who was there. All right. And you parked at [redacted]?

A. No. I parked down on the opposite side of the road if I'm not mistaken.

Q. All right. So when you -- you parked across the street?

A. Yes. I did not part in the ---

Q. Okay. All right. So you parked across the street, you got a view of the yard, multiple people were there that were not law enforcement?

A. There were people in, if we have that diagram, they were more in the ---

Q. I'm was -- just so the jury can see.

A. Sure.

Q. So where ---

MR. SMALLDONE: May the witness stepped down, Your Honor?

THE COURT: Yes, sir.

Q. All right. If you can just show where most of the people were?

A. Okay.

Q. You can use this old radio antenna.

A. It works.
Q. Yeah, it does.
A. When I arrived most of the individual ---
COURT REPORTER: You've got to speak up.
THE COURT: Is that mic turned on from this side?
A. When I arrived most of the individuals were over in this area right in here. This is where recall seeing them alone this property line here and there were several people in the yard over here in [redacted]. I do not recall seeing anyone here. I walked up and around this way so that I could try to talk anyone that I could ---
COURT REPORTER: You've got to speak up for me. You've got to speak up for me.
A. Most of the individuals were here. And around into [redacted] because there were several individuals but I don't know who they were.
Q. Okay. All right. That's all for this area. You can go back. Okay. So it's fair to say at that time the scene wasn't completely enclosed and secured or whatever law enforcement term used, correct?
A. It was secure in the back. I recall the yellow tape was around back because the grassy area behind the house was fairly large and it was opened. And that was one of the reasons why when I did the sketch, the one marking here, which is straight down the drive is actually a light

pole because that's an item that's not gonna move. So you would measure from that to where the body was lying.
Q. Okay.
A. So it was marked off from around the light pole area or on the, closer to the house area and that back portion was ---
Q. Okay. So ---
A. --- marked off.
Q. So the right corner right there is a light fixture?
A. No, it's a light pole.
Q. Light pole, okay.
A. Because it cannot be moved.
Q. All right.
A. So that would be, that just used for measuring.
Q. Okay.
A. So I went from the light pole to where the body was.
Q. All right. And were you present when they flipped over the body?
A. No, I was not.
Q. Okay. Where were you at that time?
A. I was interviewing individuals and that's part of the investigation. Everybody wouldn't be over the body because we need to go and find out who was there, who we need to talk to, the next steps we need to take. So investigators, which in this case would be, investigator Dukes and

investigator Kennedy and investigator Ballard and investigator Ballard was processing the scene and the coroner, of course. So they were dealing with the body and then the rest of us would break off and try to talk to anyone that might've been present.

Q. Okay. And that was quite a few people who were present, though, is that right?

A. No. There were not several people present at the time of the incident. But as with anything when something happens and news travels and people come up there and we need to keep them back.

Q. Okay. And did you interview every person that you saw there?

A. Every person that was there at the time of the incident. Everyone that we could locate.

Q. Okay.

A. Which weren't - wasn't but, it was Mr. Freddie Williams, who was in the house who deceased shortly after that, if I'm not mistaken - and we were advised that he had some type of terminal illness- Ms. Ann McCormick, Quamella McCormick, which is her daughter, and the gentleman that was here yesterday Mr. Osborn McFadden.

Q. All right. And that's who -- did you personally interviewed those people or did others investigators do that?

A. I helped.
Q. Okay.
A. Yes.
Q. All right.
A. They were interviewed.
Q. Okay. And -- but you didn't speak to every single person that was on scene, though, right, when you first arrived?
A. Well, there's no way and they would be no point in talking to individuals that were at work and were on their way home and received a call that someone had been shot so they're going to come to see what's going on. So, of course, we would not talk with them.
Q. Right.
A. We tried to focus on the individuals who were there.
Q. Right. Well, you wouldn't know that they didn't see anything unless you talked to them, though, right?
A. If they're pointed out, if they were pointed out to us and often times we will ask, were you here? And, no, I was at work just stopped by. Then we know to go on to the next person.
Q. Okay. And you asked that of every person there if they were there at the time?
A. Every person that we could, yes.
Q. All right. And that was every person that was there

when you got there, right?
A. Every person that I could.
Q. Right.
A. I would not even venture to say that I would personally speak to every single person because you don't know that.
Q. Right. Right. You know of a few people that were there at the scene that were not there when you were present, is that correct?
A. Well, the defendant and his wife were not there.
Q. Right. And also this man, this mystery man we've heard about named Neil, have you ever talked to someone named Neil?
A. No.
Q. All right. Did you ever try to find Neil?
A. There were two or three addresses for him.
Q. Okay.
A. So, no, I have not talked to him. I have not located him.
Q. Okay. Has anyone in law enforcement talk to Neil?
A. No.
Q. Is it fair to say that Neil was an eyewitness to most of what happened, correct?
A. He was the eyewitness to the argument that they had.
Q. All right.

A. According to other witnesses he was the individual that Mr. Brown had shook hands and everything appeared to be fine.
Q. Okay. You've also heard testimony that it's possible that Neil swung on Mr. Brown, you've heard that from, at least, one witness, correct?
A. From Mr. McFadden, yes.
Q. Right. Right. And you didn't hear that from the other witnesses, though, right?
A. No.
Q. Okay. So no one knows -- no one has figured out who Neil is, right?
A. Not positively, no.
Q. Okay. And then you heard testimony I believe from Mr. McFadden that there was, I believe, he doesn't know the name but a man from New York that comes around every couple of years, I think, you remember hearing that?
A. Mmm, hmm.
Q. Okay.
A. I did hear that.
Q. Okay. And he was allegedly there at the shooting, correct?
A. According to Mr. McFadden, yes.
Q. Right. And did you ever talk with that person?
A. No.

Q. So this person is an eyewitness to what really happened, why we're here today, he was never contacted?
A. Well, we can contact him if we don't know who they are.
Q. Okay.
A. So we've got nothing to lead us to where these individuals are.
Q. All right. So an eyewitness to the shooting that no one really knows who is, right?
A. Not that person.
Q. Okay.
A. They were other eyewitnesses but not that person.
Q. Not that one. That one was outside at the time according to Mr. McFadden, right?
A. He said that he was at the tree, yes.
Q. Okay. All right. And I want to talk a little bit about what was found at the scene. You weren't physically there, I believe we've established, you didn't see the body get rolled over ---
A. No.
Q. Okay. You didn't see the revolver at the time they found it, right?
A. No, I was not back there.
Q. Okay.
A. Only the investigators that were actually working it.

Q. All right. But as chief investigator you learned that a revolver was found, correct?
A. That's correct.
Q. And that was a .22 caliber revolver?
A. That's correct.
Q. All right. You learn as chief investigator that there were three unspent shells in the revolver?
A. That's correct.
Q. And you learn that three of the shells have been fired, correct?
A. At some point.
Q. Right.
A. But, I mean, three unspent, three spent.
Q. Okay. And you also, liked we talked about, you -- I want to establish your role, everything that was collected at the scene eventually goes through you, correct?
A. Yes. What we normally do when we get a case such as that involving a death we will meet the following day if not that same day to go over what everyone has collected and what - the individuals that they have - the investigators have spoken to so that we can gather all of our facts together.
Q. All right. And, basically, you didn't, just because you found something or you didn't find something doesn't mean it doesn't go through you, right?

A. I would normally know about it.
Q. Right.
A. And it is put into the case file.
Q. Okay. And you are the, basically, the point of contact with sled to get items tested or not tested, correct?
A. Between myself and the custodian ---
Q. Right.
A. --- the evidence custodian, yes.
Q. Okay. So I want to establish how many shell casings were found at the scene. Is it true that there were four spent shell casings were found?
A. If my recollection is correct there were four.
Q. Okay.
A. But I'm not positive on that.
Q. Okay. So four that you know of, right? Is that correct?
A. I'm assuming four and I heard testimony about the three that were possibly damaged or something of that nature.
Q. Okay. So, I'm sorry, three were damaged, are you talking about the .22 rounds?
A. No, I never said .22.
Q. Okay.
A. You were talking about the .40 caliber shell casings.

Q. Right. I was. I just wanted to make sure you weren't talking about the .22 all of a sudden. Four were collected and three of the four were damaged or an additional three were damaged?

A. Okay. I don't want you to confuse anything.

Q. Me neither.

A. The .22 revolver would not have ejected shell casings.

Q. Correct. I thought you mentioned that so I want to exclude that so we're on the same page.

A. Okay. According to testimony, Deputy Lee had collected because of the exited circumstances, individuals coming up, cars coming up or whatever, evidence can be destroyed or lost. So those were collected and investigator Ballard handles that.

Q. Right.

A. So that would actually be more of a question, direct question, for investigator Ballard because he handled the shell casings, processing of the scene.

Q Okay. Well, I just -- here's why I'm asking that, you mentioned three shell casings, I want to make sure you're talking about three of the four and not a total of seven, now, does that make sense?

A. No, sir. You're confusing me.

Q. Okay.

A. Because deputy ---
Q. You're confusing me so -- well, let's get on the same page for the jury.
A. Okay. Deputy Lee said that there were either two or three shell casings that he had collected to keep from being damaged. One was partially in the sand and one appeared to have been run over. Now, as far as the total we can go back through investigator Ballard's paperwork and see exactly how many were collected.
Q. Okay. All right. So -- so four that we know of, right?
A. Okay. We'll go with four.
Q. All right.
A. I mean, I did not process the scene. I can go back to that paperwork.
Q. Okay. All right. Now, were any, that you know of, were any found in the backyard area?
A. I do not know that.
Q. Okay.
A. Because that's why we have investigator Ballard and investigator Monteith normally work our crime scenes. And it's better to let one person be in charge of that.
Q. Okay. But your chief investigator of this case, right?
A. That is correct.

Q. So you're not sure where the shell casings were found?
A. If you want an exact answer it would have to be investigator Ballard. I can go back into his supplementals.
Q. Okay. Do you have those available because I don't have those available right now so, I just want ---
A. You don't have his supplementals from the case?
Q. Sure. Yes.
A. Okay.
Q. And would it refresh your recollection of both your investigation and his testimony to see his supplemental, if you have them?
A. I can certainly go back through his....
(Whereupon, the witness takes a moment)
A. I do not recall. I can say this, this may be what you're asking and I'm just confused, I do not recall any shell casings being located back inside the area that was marked off.
Q. Okay. So that's what I wanted to know. I wanted to see no shell casings were located in the side yard or the backyard, right?
A. I didn't locate, or I didn't, but to my knowledge they were none located behind the residence.
Q. Right.
A. Now, as far as down the drive, again from the light pole marking down I think that's where they were collected

but from where the back where the body was I do not recall any shell casings of any caliber ---

Q. Okay.

A. --- being located.

Q. All right. That's what we're trying to find out.

A. Okay.

Q. No more confusion. All right. And you said you drove the loop that some of the witnesses said may have possibly been taken and we can deduce or infer that he took, that Mr. Brown took a loop. You said one loop you took was just, basically, around the block trip, is that correct?

A. That's correct.

Q. And you said that was, let me check, six minutes, right?

A. It was approximately six minutes. And again it's determined, your speed.

Q. Right. And that was normal commuter speed?

A. Correct.

Q. All right. And the loop, the second loop was to where you believed that Mr. Brown lived and back, is that right?

A. Right. If they actually made that loop than they would have to go back down I.M. Graham Road, go to the residence, and come back and, of course, that would be longer ---

Q. Right.

A. --- because you're going to another residence. It would've been approximately fifteen, and again, is dependent upon the speed.
Q. Right. Now, so about fifteen minutes for him to go to his house and back?
A. Correct.
Q. Depending on speed, it's very approximate?
A. True.
Q. Okay. All right. And when did you make those trips?
A. It looks like that was, my supplemental was done on November 9th.
Q. Okay. This is a follow-up investigation of it?
A. That's correct.
Q. All right. Now, we heard that, you know, to your knowledge Mr. Brown never called the police that's what you testified to earlier, right?
A. Not to my knowledge, no.
Q. Okay. But he did turn himself in, right?
A. He did.
Q. He did not -- he did not have handcuffs on when he walked into the jail, right?
A. I do not know that. I do not know if he turned himself in upfront who brought him back to investigations. I just know that he had turned himself in.
Q. Right. And when I said jail, I meant sheriff's

office, because they're the same ---

A. Yes.

Q. --- basic place? So he didn't -- he went there voluntarily, right?

A. As far as I know, yes.

Q. All right. Okay. Had you spoken with him before that to tell him to come?

A. No.

Q. All right.

MR. SMALLDONE: I beg the Court's indulgence. I have no further questions at this time.

THE COURT: Mr. Solicitor?

MR. ANDERSON: Just briefly, Your Honor.

Redirect Examination by Mr. Anderson:

Q. Investigator Wrenn, Mr. Smalldone ask you some questions about getting statements from witnesses?

A. Yes.

Q. And you said you been an investigator for the Williamsburg County Sheriff's Office for a while now, right?

A. Approximately twelve years.

Q. Is it sometimes difficult to get statements from people in Williamsburg County?

A. Yes, sir.

Q. And Mr. Smalldone ask you about, about the fellow from

New York, it was testified being under the tree, is it difficult to getting witnesses who live out of state to come to court and testify?

A. Yes, sir. It's very difficult.

Q. Investigator Wrenn, he asked you to confirm that Mr. Brown lives about fifteen minutes away from the crime scene?

A. No, not quite fifteen. If he had made that loop and went to his house, I'm just approximate.

Q. I see a round trip. And did you -- what day did you get a murder warrant on Mr. Brown?

A. If I'm not mistaken it was the 21st, yes, 10/21/17.

Q. In Mr. Smalldone had pointed out that he turned himself in but he turned himself in two days later, right?

A. He turned himself in on the 22nd.

MR. ANDERSON: No further questions.

THE COURT: You can step down. You can step down. He can't get another shot at you.

MR. ANDERSON: The State would call Jennifer Nates.

THE COURT: All right.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MS. NATES: Yes.

THE CLERK: State your full name for the record?

JENNIFER NATES, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Ms. Nates, good morning.

A. Good morning.

Q. Where do you work?

A. I worked for the South Carolina Law Enforcement Division in the trace evidence section of the forensic laboratory.

Q. And what's your job position?

A. My job position is the lieutenant over the trace evidence section which pretty much means I'm just a supervisor. I supervise the daily activities of the department in addition to performing case work.

Q. And can you tell the jury a little bit about what the science of trace evidence is?

A. Trace evidence is only one of the sections in the laboratory. Trace evidence deals with several different disciplines within the forensic field. We are responsible for fire debris analysis which is an analysis of evidence collected from fire scenes to determine if it was potential arson. We analyze paint to determine if we can maybe decide the make and model is of paint chips left at the scene of a hit-and-run. We also analyzed fibers, glass,

explosives, tape fracture match analyses which is almost like putting a puzzle back together. If something is used in a scene like tape is ripped or a block is broken or a knife is broken we will put the pieces back together and attempt to link them. We also analyze gunshot residue and we analyze general chemical analyses and comparisons.

Q. All right. And how long have you worked for sled in this field?

A. I have worked at sled for twenty-two years. My first year at sled which included my basic training and other types of training was in the drug analysis and poison section. So I've been doing trace case work for twenty-one years.

Q. And do you receive any specialized education to help you in your job?

A. I received a Bachelor of Science Degree from a small state school in Pennsylvania called California University of Pennsylvania. Like I said it was a Bachelors Degree in Chemistry. After I was hired at sled I received training in the areas of analyses in which we perform analysis on the instrumentation, on the interpretation, on the prep work, and just different methods to do analyses that we perform. So I received outside training with the courses, with the vendors, and with different meetings, association meetings.

Q. All right. And have you testified as an expert in the field of trace evidence before?

A. I have.

Q. And can you give us a rough estimate of how many times?

A. I have testified 137 times in trace evidence.

Q. All right.

MR. ANDERSON: Your Honor, at this time the State offers Ms. Nates as an expert in the field of trace evidence.

MR. SMALLDONE: There's no objection from me.

THE COURT: The Court so finds.

Q. Ms. Nates, I want to circle back around, can you tell the jury a little bit about what gunshot residue is and how it behaves?

A. And how it what?

Q. And how it behaves? Just give the jury an outline of the general science behind it.

A. Gunshot residue is a term that the forensic community uses to describe any and all residue that is produced when a firearm is discharged. Our lab specifically analyzes for what is called primer gunshot residue. Primer gunshot residue is composed of metallic portion of the primer cap on the cartridge that is used in a firearm. Gunshot residue is produced when a firearm is discharged. It's

basically a small chemical explosion. So as you all know when you pull a trigger on a weapon a firing pin will engaged, it will hit the primer composition and the cartridge. Now, within that primer composition the majority of primer compositions are traditional which mean they contain lead styphnate, antimony sulphide, and barium nitrate. These are the three things that you need for an explosion to occur. The barium nitrate provides oxygen so it's the oxidizer. The antimony sulphide is the fuel, you need something to burn. And the lead styphnate is the initiator. It is considered a high explosive because it hits and explodes on impact which is what the firing pin does when it hits the primer. Once the firing pin hits the primer it will ignite and then it shoots it's spark into the chamber of the cartridge where the gunpowder is located. It catches it on fire and the gunpowder would burn. As you know as it burns it's an enclosed area so it is going to build heat and pressure and once he gets to the point where it needs to be released, it ejects the bullet out of the muzzle of the gun, and then a cloud will form of what is called a plume which contains all of these elements that were superheated during this explosion. So this plume forms around the gun with all of these super saturated particles. They then cool very quickly. As they cool they will mold altogether. When they mold together it forms the

particles that are characteristics of gunshot residue which are barium, antimony and lead. They will be deposited on anything within that area of that discharge.

Q. Okay. Thank you. And so if a person fires a firearm would you expect fire gunshot residue on them?

A. In most circumstances, yes. If someone fires a firearm, we expect to find gunshot residue on their hands or clothing from the discharge of that firearm. We have done testing in our laboratory where we have test fired to determine the length of time and what guns produce certain amounts of residue. And in all of those test firings we only had one incidence where someone fired a weapon and we did not detect gunshot residue on their hands.

Q. And you mentioned you've done test about different types of firearms producing GSR, do some types of firearms produce or release more gunshot residue than others?

A. Usually you have to use common sense when you think of firearms because if you have a larger caliber weapon, you're gonna have more primer residue and more gunpowder within that cartridge because your bullet is larger and it needs more pressure to discharge that firearm. So small caliber weapons will produce less GSR than large caliber weapons.

Q. All right. How about the difference between automatic and revolvers?

A. In handguns?
Q. Yes.
A. Okay. In a handgun if you have a, as I talk about the plume, it will eject from that weapon in any open area. So in a semiautomatic you're going to have your muzzle which is where most of the residue is discharged from, you'll also have your trigger guard and your slide. In a revolver you also have the cylinder gap where the cylinder goes into the base of the gun. So any opening on those weapons gives a chance for the gunshot residue to come out of the weapon.
Q. So there's an increased chance of gunshot residue from revolvers because there's more openings, is that fair to say?
A. There are some of those. The cylinder cap can be a larger opening and residue can be produced from it.
Q. All right. And Ms. Nates, do all type of ammunition produce gunshot residue?
A. All types of ammunition will produce a type of gunshot residue. If you've ever heard green ammunition, they try to limit the amount of lead. So some of them use Mercury formulate instead of lead styphnate. It's very expensive and we very rarely see it. So normally the traditional primer GSR that we encounter and we see is the lead antimony, barium based.
Q. And do some types from a .22 caliber ammunition not

produce that lead antimony base GSR?
A. There are some out there that the .22 rounds that will be lacking in one of the elements.
Q. Right. And is there a test that you perform to see if a particular type of ammunition would've produced GSR?
A. The only types that we can perform is if we have a spent cartridge case which means the bullet has been fired out of that cartridge. We can test the residue inside that cartridge to determine if the three component traditional primer residue is present.
Q. And were you sent items of evidence of shell casings, .22 caliber shell casings in this case?
A. We were.
Q. All right. And did they come to you through the chain of custody?
A. They do.
Q. And did you review the chain of custody in this case?
A. I did.
Q. And was everybody between you and the Williamsburg County Sheriff's Office, either a sled employer or a former sled employer?
A. They were.
Q. All right. I'm gonna approach the witness ....
(Whereupon, the solicitor takes a moment)
MR. ANDERSON: Permission to approach, Your Honor?

THE COURT: Yes, sir.

Q. Ms. Nates, I'm gonna approach you with what's been marked for identification purposes as State's 59 and 60, would you examine these for me?

A. Okay.

Q. And are you familiar with what those are?

A. I am. When evidence is submitted to our agency, when it comes in the front door they're sent to the evidence control section which is where evidence is what we call logged in to be submitted. Each case is assigned an unique laboratory number which begins with an L, and the year of the incident and then a sequential number for each case that was received that year. In this case these are two containers that contain evidence from L-1719418 which is the case in question.

Q. That's the number for this case?

A. Yes.

Q. All right. And what are those items?

A. Container C, did not come through my custody. It came through the technician in our department's custody. These are her initials and dates when she received it and when she processed it. This was paper she utilized for collecting samples from the spent cartridge casings and additional packaging within that container.

Q. And that's the spent .22 cartridge casings in this

case?
A. This would be the paper that was used on it and, potentially, the cartridge casings are in here. I did not actually receive the cartridge casings, she collected the evidence from them and transfered the evidence to me.
Q. All right. And what was the other item?
A. The other item is in what we call container D, and these are the particle lifts that she used to collect the evidence from within the cartridge casings.
Q. Okay. And did you perform an analysis on those?
A. I did.
Q. All right. Excuse me.
MR. ANDERSON: At this time the State seeks to move both of those exhibits into evidence.
MR. SMALLDONE: No objection.
THE COURT: Okay.
MR. ANDERSON: That's 59 and 60.
THE COURT: All right. They're in without objection.
(Whereupon, the Bag From Sled With Lifts From GSR Kit has been marked and entered into evidence as State's Exhibit No. 59)
(Whereupon, the Bag From Sled Paper Lifts From Shell Casings has been marked and entered into evidence as State's Exhibit No. 61)

Q. All right. And Ms. Nates, can you tell us a little bit about what you discovered when you analyzed those items?

A. Jamie collected these, so what she did was she would take the cartridge case, she'd put down a piece of clean white paper and tapped it to remove any residue that was present in that cartridge case. She then dabbed over it with one of these which are called particle lifts. There is a small black carbon, we call them plangent, that contain a very light adhesive. The adhesive will pick up anything that it touches. So these are what are used to collect gunshot residue kits from hands, clothing, or miscellaneous objects such as the cartridge cases. So she would've collected these and they came into my custody. I then place these in an instrument which is a scanning electron microscope. We use it to magnify very tiny objects and to determine what the elemental composition is of anything we find on that particle lift. So I set these article lifts up in the SEM chamber because it has to be devoid of air to analyze it. Set up the automation runs. Set up the instrument. And it scanned over each of these areas to determine if there were any particle characteristics of gunshot residue present. Once the instrument did the automated analysis, I went back the next day and had to verify which means I have to go back to each

particle that it said was GSR because you can't, it does a very scan so we never go off of what the instrument says, we have to verify everything. So I then went in and verified what was found on each of the particle lifts, issued my report for those findings.

Q. All right. And those particle lifts are from item number 9 which is a spent .22 caliber shell casing?

A. There are three of them. So one was collected from each spent casing. So I have three items. I have a 9.1, a 10.1 and then a 11.1.

Q. All right. And so would those shell casings would have produced GSR?

A. I found it during my analysis that each of the shell casings I found particles characteristics of primer gunshot residue which means I found particles, molten particles containing lead barium and antimony which is the traditional type of primer residue.

Q. All right.

MR. ANDERSON: I beg the Court's indulgence.

Q. All right. Ms. Nates, I'm gonna approach you and show you what's been marked for identification purposes as State's Exhibit 51, can you take a look at this for me?

A. So this is container A, from the case number in question L-1919418, and this appears to be the spent shell casings.

Q. I'm gonna show you what's been marked as State's Exhibit 54, please take a look at this and it's contents.
A. This is the container that contains the GSR kit I received for analysis in this case.
Q. All right. And is that from the victim, Matthew Cooper?
A. It is for Matthew Cooper, Jr.
Q. All right. And tell us a little bit about -- first of all, did that come to you through the chain of custody?
A. It did. Everything that comes through sled comes with a chain of custody.
Q. All right. And did you review the chain of custody as far as that item goes?
A. I did.
Q. And is everybody between you and the Williamsburg County Sheriff's Office, either an employee at sled or a former employee at sled?
A. Yes.
Q. And you received it in the condition that it appeared not to have been tampered with?
A. Yes.
Q. All right.
MR. ANDERSON: At this time we seek to move that exhibit into evidence.
MR. SMALLDONE: No objection.

THE COURT: All right. It's in without objection.

MR. ANDERSON: State's 54.

(Whereupon, the GSR Kit has been marked and entered into evidence as State's Exhibit No. 54)

Q. All right. Ms. Nates, when you received that item, did you perform an analysis on it?

A. I did.

Q. Tell us a little bit about your analysis?

A. The analysis would've been the same process as I performed for the cartridge casings. The samples are observed, loaded into the instrument an automated analysis is set up and once it analyzes, I go back in a process the evidence and write a report with the results.

Q. All right. And can you tell us, give us your opinion on your findings about what you discovered when you did that?

A. On the kit that was collected from Matthew Cooper, Jr. which consisted of four samples. One was from the palm of the right hand, one was from the back of the right hand. One was from the palm of the left hand and one was from the palm, or, from the back of the left hand. On these samples I did not find any particles characteristics of primer gunshot residue.

Q. So there's no gunshot residue you?

A. No primer gunshot residue was present.

Q. All right. I'm going to ask you some questions, are there -- are there factors, environmental factors or external factors that can reduce the likelihood to find any gunshot residue?

A. There are many factors that can reduce the likelihood. One is more than six hours passing from the time of the incident to the time of collection. This is for living subjects only. When, ah, rain can affect it. Gunshot residue is very fragile. So once it is deposited on your hands or another object it can be removed. If someone touches your hands it can be removed. If you put your hands in and out of your pocket you can remove it. As I said the rain can remove it, blood, dirt, or debris on the hands can mask it. So anything that comes in contact with the hands can remove it. It may be a weapon that does not produce traditional primer gunshot residue so, therefore, none would be deposited on your hands. It also may be a weapon that just did not deposit residue on your hands at the time of the firing.

Q. All right. And you say -- I heard you mention that the four to six hour window does not apply to people who aren't living, what does that mean?

A. Once a person is deceased they stop moving their hands or doing anything that can cause an object to come into contact with their hands. So once you are deceased any of

those outside forces unless someone else touches you or does something to you, you can't remove the residue yourself.

Q. All right. And now I'm gonna ask you a few questions about your scientific opinion on these two items, the test that you performed. Ms. Nates, if a subject had fired the items or a firearm with the .22 caliber shell casings you performed the test on, would you expect gunshot residue to be produced?

A. If this weapon had been fired with those shell casings that I tested, they did produce primer gunshot residue. So, yes, if those had been fired it would've produced the traditional gunshot residue.

Q. And, again, revolvers have more opening, can have more openings to produce or to release gunshot residue?

A. They can.

Q. All right. And if a person fires more than once would there be multiple incidences where the gunshot residue is released and could be on the person?

A. When you fire more than once with gunshot residue it's not like I fire two times, I'm gonna have twice as much. I fired three times I'll have three times as much. What it means is each instance of the discharge is just another, it's another chance for gunshot residue to be deposited. It doesn't necessarily mean you'll have three times as much as

firing once. So each of those were an event in which the gun primer residue could've been produced.

Q. So it's fair to say the person who fired all three of those shells, there would be three chances for either of those events to have marked gunshot residue?

A. That's correct.

Q. All right. And you found no gunshot residue of the type you found the shell casings on victims, swabs from victims hands, is that correct?

A. On the particles from his hands I did not.

Q. All right. Would you expect the person firing the firearm containing to those shells to have had exposed gunshot residue from those firearms?

A. I would expect them to be exposed to it since they do produce the traditional primer gunshot residue you.

Q. And again, the swabs from the victims hands, did not have any gunshot residue on them?

A. The particle list did not.

MR. ANDERSON: I beg the Court's indulgence.

Q. And Ms. Nates, I just have one final question. If a person fired a gun and then turn themselves in two days later, would you expect to find gunshot residue on them?

A. Not from a shooting that occurred two days prior.

Q. All right. Thank you.

MR. ANDERSON: I don't have anything further.

Cross-Examination by Mr. Smalldone:

Q. Good morning.

A. Good morning.

Q. All right. So is it fair to say that your role is all types of trace evidence, correct?

A. Yes.

Q. And you don't collect the evidence at the scene, right?

A. We no longer do. We did when I first started in that department.

Q. Okay.

A. We were actually called out to crime scenes but I know longer, we no longer do that.

Q. All right. So you just, I'm trying to think of a word other than sit in a lab, you basically -- you sit in your office or move in your office, you are in your office and you test what you receive, right?

A. I sit a lot too, yes.

Q. Right.

A. But I test what is brought to me to test.

Q. Okay. All right. Just wanted to clear that up. You said that a gunshot residue is one of the things that you test for, correct?

A. Yes.

Q. All right. In addition to all the other things that

you mention, right?
A. Correct.
Q. All right. So about how many gunshot residue test have you performed?
A. Well over three thousand.
Q. Okay. All right. And so you testified earlier that, the common sense says the smaller the bullet or the smaller the cartridge, the less gunshot residue you is deposited in the air, right?
A. That's correct. Because it's smaller explosion.
Q. Okay. And now, you know, if you're shooting something like a .50 caliber pistol from Smith & Wesson you would probably have a lot of gunshot residue on your hand, right?
A. I would expect it to be, yes.
Q. All right. And what is, to your knowledge, what is, is the .22 basically the smallest cartridge that's commonly available?
A. The two smallest that we see are the .22 and the .380.
Q. Okay. All right. So a .22 is one of the smallest cartridges around, correct?
A. Yes.
Q. So that means less particles in the air, correct?
A. Correct.
Q. All right. And you testified that a revolver has more openings, right?

A. The cylinder gap just has more openings in that whole part of that weapon.
Q. Okay. And so you said, the solicitor ask you would you expect to have more gunshot residue in the air, I believe your answer was, "most likely but it depends on the revolver", right?
A. Correct. Because I do not know all the types of revolvers, how tight the cylinder is in that revolver.
Q. Okay. Did you receive a revolver in this case?
A. No. I do not analyze firearms evidence.
Q. Okay. So you did not test for the cylinder gap length, right?
A. No.
Q. You didn't -- did you -- you didn't fire the revolver in this case, right?
A. No, sir.
Q. So you didn't test how much GSR was coming out of these rounds, right?
A. That's not a test we performed.
Q. Okay. So you didn't ---
A. So I didn't do it.
Q. You didn't do it, right?
A. No.
Q. Okay. And you didn't -- you never even had the revolver, right?

A. No.
Q. Have you ever even seen the revolver?
A. I only saw the picture that was up on the screen earlier.
Q. Okay.
A. That's all I seen.
Q. All right. So at sled you never tested, to your knowledge, no revolver was ever tested, right?
A. Not to my knowledge.
Q. Okay. I want to talk a little bit about gunshot residue, in general, not specifically to this revolver but in general, you said it was a fragile thing, right?
A. Yes.
Q. And, in fact, if sled finds out that it's been more than six hours since the test, y'all don't even test it, right?
A. We do not. Because once six hours is passed we can't determine whether that gunshot residue was from that incident or from re-contamination or touching something else or firing another weapon at a later time.
Q. All right. And isn't it true that sled doesn't even test victims for gun shot residue anymore?
A. No, that is not true. We are trying to move in that direction to stop testing on victim kits but it has not been approved by management as of yet.

Q. Okay.
A. So we do still test victim kits.
Q. All right. So you're trying to stop, sled is trying to stop these types of test?
A. In the majority, yes. In the majority of shooting victims cases we are trying to stop it.
Q. All right. Now, you testified that environmental factors are one of the biggest things that can make gunshot residue go away?
A. Outside, yes.
Q. Outside, right?
A. Yes.
Q. And so if you are outside, obviously, you're exposed to more environmental conditions variables than if one were inside?
A. Right. You would be exposed to wind, rain, snow, but not here.
Q. Right.
A. Just anything that the environment can produce you would be exposed to it if you're not inside.
Q. Okay. And isn't it true that in some cases, I'm not sure about South Carolina, but some jurisdictions they will bag a shooters hands when there handcuffed to preserve that gunshot residue before it's tested?
A. Some agencies do here as well. But the problem is you

can bag the hands but then the hands can rub up against the bags and removed the evidence so.

Q. Okay.

A. It is -- it is done here but it's not a consistent thing with each agency.

Q. Right. And that's because gunshot residue is a fragile thing, right?

A. It is fragile.

Q. Okay. Rain could affect it, right?

A. Of course.

Q. Rain could make it go away, right?

A. Yes.

Q. What about physical contact?

A. Physical contact can remove it. As I testified earlier, if I fire a weapon, if I'm nervous -I do this - put my hands in and out of my pockets, touch anything, it can be removed.

Q. Okay. What about if someone else was holding someone's hand that had gunshot residue on it, that could affect it, couldn't?

A. That can affect it, yes.

Q. Okay. What about if someone was to fall to the ground or catch themselves with the hands that could affect it to, correct?

A. Yes. Anything that comes in contact with your hands

once gunshot residue is deposited on it can affect it and potentially remove it.

Q. What about blood?

A. Blood can remove it. Blood will actually dissolve the particles because blood is slightly acidic and the particles can dissolve in blood.

Q. All right. What about perspiration?

A. Yes.

Q. Okay.

A. It can affect it.

Q. So if you found out it was a hot day it would be less likely be on the hand, correct?

A. Depending on whether the person was perspiring.

Q. Right. If the person was perspiring because it was hot ---

A. Yes, that could affect it.

Q. All right. Would it affect it, if the sweat was already on there or just if they were subsequently sweating?

A. It potentially could if it was already on it. It may just affect if the sweat would roll off with the particles. But anything, since it is fragile, can affect the gunshot residue.

Q. All right. So if someone was involved in a vigorous activity like running that sweat could possibly get rid of

some of the gunshot particles?
A. It would be a possibility. I can't say how likely.
Q. Okay.
MR. SMALLDONE: Court's indulgence.
THE COURT: Okay.
Q. Did you receive any clothing to test for gunshot residue in this case?
A. I did not.
Q. Okay. But do you sometimes test clothing for gunshot residue?
A. We sometimes test clothing submitted from a suspect. If it is a person who has sustained a gunshot wound, we do not test the clothing except in very rare circumstances.
Q. Okay. So the -- but clothing, is that typically a better holder of gunshot residue than skin?
A. Clothing can maintain the gunshot residue you but you have two different scenarios. If you have a living individual who fires a weapon they then go off, they maybe run through the woods, maybe go to the grocery store, maybe go home and wash their hands, they're going to touch things. Drive a car. So it can be removed quicker from your hands when you are a living person. On the clothing it can inhere longer because it was stay there until it's removed. But with the clothing I can't give you a time frame. With the hands I can say that, that gunshot residue

was deposited within six hours of that shooting incident. With clothing you may have gone out and worn the shirt and fired a weapon doing test firing or target shooting and then put the shirt down on the side of your bed, got up the next morning and put it back on, I'll still be able to find gunshot residue potentially on that shirt. So I cannot time frame it when it comes from articles of clothing. So on a deceased individual usually when their deceased they stop moving, they stop breathing, they stop all the body processes that can remove the residue from the hands. So it also could be on the clothing but they've also sustained a gunshot wound. Near gunshot wounds I expect to find GSR. So I cannot link it to whether it was from the person firing the weapon or from being shot. So that is why we don't look at victim clothing.

Q. All right. Are you aware that some agencies to look at victim clothing for gunshot residue?

A. Some of the agencies, um, not that I'm aware of that I've talked to. I mean, some may. There's hundreds of agencies across the United States so....

Q. All right.

A. Now, can I clarify?

Q. Sure.

A. Some agencies do look at victim's clothing to determine, it's very confusing because a lot of agencies

get it confused and a lot of people get it confused. There is a distance determination and a GSR test. A distance determination is testing the victim's clothing, you test the characteristics found around the bullet hole, any gunpowder, any just different physical characteristics, test fire the weapon to try to determine the distance from which they were fired. So if some agencies do test victim clothing that I know of to perform that examination.

Q. All right. So just to clarify, you didn't receive any clothing to test, correct?

A. I did not.

Q. Okay. And the test that -- you did test for gunshot residue you from the .22 cartridges, correct?

A. The spent cartridges that were found in the .22 revolver we tested, yes.

Q. Right. And the .22 is amongst the rounds least likely to put gunshot residue on someone's person, right?

A. It is one of the smaller rounds. It produces less GSR.

Q. Okay. And as you said gunshot residue is fragile and goes away, right?

A. It does.

Q. It goes away because of biological factors, right?

A. Right. Your skin, you can absorb the residue while you're living.

Q. Okay. But it also goes away because of outside, environmental factors?

A. Yes.

Q. Right. Okay.

MR. SMALLDONE: No further questions.

MR. FINNEY: Your Honor, please for the record I'm Chip Finney and I ---

MR. ANDERSON: No redirect, Your Honor.

THE COURT: Okay.

MR. FINNEY: I just wanted to for the record advised the court that the next witness we have is a forensic pathologist from Charleston and she's not available because she's in court today. We would like to ask the court to recess this trial until 10 o'clock in the morning. We will have Dr. Schandl here for her testimony on the cause of death.

THE COURT: Okay. All right. Ladies and gentlemen, it looks like this is all we gonna get to hear today. So I'm gonna send you home. Don't discuss this case. Don't do any research. I'll see you -- at 10 o'clock in the morning?

MR. FINNEY: Yes, sir.

THE COURT: I'll see you back at 10 o'clock in the morning.

(Whereupon, the jury exits the courtroom at 11:00 a.m.)

MS. NATES: Am I dismissed?

THE COURT: Any reason she can't go back to Columbia?

MR. ANDERSON: No. Thank you.

THE COURT: Thank you so much.

MS. NATES: Thank you.

THE COURT: All right. Anything else we need to deal with today?

MR. ANDERSON: No, Your Honor.

THE COURT: Okay. I'll see you at -- I'll be here before ten in the morning. But we'll be ready to go at ten. Okay. Thank you.

MR. ANDERSON: Thank you, Your Honor.

(Whereupon, court is adjourned for the day)

Thursday, October 3, 2019

(WHEREAS, this matter was scheduled for a trial, all parties appeared along with their counsels of record. The proceedings began at 10:00 a.m)

THE COURT: Both sides ready for the jury?

MR. FINNEY: Yes, sir.

MR. SMALLDONE: Yes, sir, Your Honor.

THE COURT: Bring in the jury.

(Whereupon, the jury enters the courtroom at 10:08 a.m.)

THE COURT: Good morning.

(Whereupon, the jury greets the judge)

THE COURT: Mr. Solicitor, you can call your next witness.

MR. FINNEY: Your Honor, for the record, Chip Finney, assisting Warren Anderson for the State. We call Dr. Cynthia Schandl to the stand.

THE COURT: Okay. If you would Dr. Place your left hand on that Bible and raise your right.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

DR. SCHANDL: I do.

THE CLERK: Please state your name for the record?

DR. SCHANDL: Cynthia Anna Schandl, S-c-h-a-n-d-l.

DR. CYNTHIA SCHANDL, first being

duly sworn, testified as follows:

Direct Examination by Mr. Finney:

Q. Good morning Dr. Schandl.

A. Good morning.

Q. Tell us where you work please, ma'am?

A. I work at the Medical University of South Carolina in Charleston, South Carolina and the Department of Pathology and Laboratory Medicine.

Q. And how long have you been associated the Medical University?

A. I've been associated with the Medical University since 1991. Before that I had my Bachelors Degree at the California State University System. And then in 1990 I came to Charleston for Medical School and Graduate school.

Q. And you are qualified as a forensic pathologist?

A. Yes. So in order to be a forensic pathologist you have to be a physician, excuse me. So medical school at Medical University of South Carolina and graduate school at the same time. And, then, in 1999, I graduated with my MD and PhD Degrees and became licensed to practice medicine. And also in 1999, I decided that I wanted to train more in the field of pathology and so after medical school, frequently physician will train some more, and so I was training in anatomic and clinical pathology still at the Medical University of South Carolina. That training is for

an additional four years after medical school. And then in order to become a forensic pathologist there is an additional year of what's called a fellowship. So an additional year of training for forensic pathology. After all of that, then, there are board exams to take and I am Board Certified by the American Board of Pathology in the Fields of Clinical Pathology, Anatomic Pathology and Forensic pathology.

Q. Tell the ladies and gentlemen of the jury, what is the study of forensic pathology?

A. So the way that I think about it is the study of pathology is the study of disease. When you add forensic in there then you're talking about well, how does the study of disease and injury intersect with the law? So if you think about it very frequently when somebody dies there some sort of a legal issue. Whether it's something about insurance or whether it's something about an accident that happened or maybe a suicide or a homicide or if they're not sure what happened to the individual and they want to find out. So that's what I think of when I think about forensic pathology, is how does pathology and the law interact?

Q. Now, you've told the jury that your certified as forensic psychologist, um, forensic pathologist, have you testified in courts across this state as an expert witness in that field?

A. Yes, sir.
Q. Can you estimate how many times?
A. More than a hundred.
Q. All right. Tell us in your information in this case, did you perform an autopsy Matthew Cooper, Jr.?
A. Yes, sir.
Q. And was that in October of 2017?
A. That's a good question. Let me pull -- what I brought here is my file. And so here's my report and I can tell you exactly when it was. The autopsy was performed on October 21, 2017. That is correct.
Q. And was that in your office in Charleston?
A. Yes. It was in Charleston but not in my office, the autopsy room.
Q. In the autopsy room?
A. That's correct.
MR. FINNEY: At this point, Your Honor, I would qualify and offer Dr. Schandl as an expert in forensic pathology.
THE COURT: What saith the State, um, defense?
MR. SMALLDONE: No objection.
THE COURT: Okay. The court so finds.
Q. Dr. Schandl, tell us a little bit about how you perform an autopsy, what procedure did you go through to get started?

A. Sure. So our office, the forensic pathology office, this is where the pathologist hang out, right. Before that we have to have the cases referred to us from the county coroners. So in a case such as this the county coroner will get in touch with us and ask us if we would do an autopsy on the case. And then they would transport the person from wherever it is that they died to the Medical University of South Carolina. So the first time I would see the individual would be the day that I was going to do the autopsy itself. And at that time, the person would be brought up to the autopsy room and the autopsy would begin. And so depending upon the type of case different things happen. Mostly the same but a few different things would happen. In the case of a gunshot wound one of the things that we would do is take x-rays. Bullets and other metal things are very radiopaque so on and x-ray they turn up bright white. And so one way for us to find the bullet or to see if there is a bullet to find is to do a series of x-rays which we did in this case. The other thing that we do is we look at the surfaces of the body and we do that to look for things by identifying natures so, are there tattoos? Color of hair? How tall are they? Those sorts of things. And also to look for injuries on the skin. And, of course, we did that in this case as well. And then the autopsy continues to what a lot of people think of as the

autopsy where you do the 'Y' incision and you actually look inside of the body to look at the organs and so we did that as well. And we look for injury. And we look for any disease processes that might've been going on. And to further that process in many cases we'll take sections, so little bits and pieces of the organs that we're looking at to look at more closely under the microscope. Another part of the autopsy procedure particularly in the forensic pathology field is toxicology analysis. So we'll also get specimens in order to look for substances in the blood and we did that in this case as well. So all of those things together and then certain other things depending on the case, extra added things, are part of the autopsy exam.

Q. Dr. Schandl, based on your findings of the autopsy of Matthew Cooper, how did he meet his death?

A. So in this autopsy, in this case, what I found was a gunshot wound to his right side. And that gunshot wound came through his right side, went through his liver, went through the front side of his heart, and the bullet ended up in the sack. There's a sack that sorta holds the heart so it can expand and contract without hitting things around it, it's called the pericardial sac. So the heart is enclosed in this sac and the bullet was still in that sac next to the heart. So what happened with these injuries is he bleed a great deal. He lost more than a liter of blood

into his chest and there was blood around his heart and there was also damage directly to his heart, the front side of his heart, that left a hole between the inside of his heart and the pericardial sac around his heart which is where you get that blood into the sac around it. So between the loss of blood and the direct injury to the heart, a little bit nicked kind of the right lung as well and the liver but particularly the heart and the loss of blood led to his death.

Q. How long, in your opinion, doctor, would he have been able to survive once he was shot?

A. It would've been very long because of the injury to the heart and the blood loss. It's very difficult to put numbers on these things. One might say minutes. That might be pretty close.

Q. Thank you. In the process of the autopsy there was only a single gunshot?

A. That's correct.

Q. All right. And could you tell us based on your report did you measure the entrance wound of the gunshot?

A. Yes.

Q. What was the entrance wound diameters?

A. It entrance wound was 0.5 x 0.4 inch so that's about a half inch by a little bit less than half an inch.

Q. All right. And did you recover the projectile that

was in the pericardial sac?
A. Yes.
Q. And that projectile, you examined it?
A. Yes, sir.
Q. What did you find? What were your findings about that?
A. So it was the bullet and it was deformed from going through things, get squished. And the base of it so you can still kind of see where the base is and that you can give a measurement that sort of the round part of the base of the bullet that part was 0.4 x 0.37 inch, of course, keeping in mind that it's deformed. And it was about almost a half an inch long, .48 in length.
Q. In your opinion having recovered bullets like bullets from bodies before, would you, would you give an opinion as to whether it was a small caliber bullet or a larger caliber bullet?
A. Well, the way that I think of that is, is frequently calibers also measured in inches so there's rough equivalents, you can't tell exactly what the caliber is based upon my measurement, but I can give you a sort of a roundabout. And so we've got one side is .4 and one side is .37 so that puts us in the neighborhood of maybe a .38 or a .40 or something around that. But I don't determine caliber based upon, you know, the fragment that I get.

Q. Okay. So somewhere around, you said either .38 bullet or a .40 caliber bullet?
A. Right. And it could be either one of those.
Q. All right. Very good. Now, let me ask you to tell the ladies and gentlemen of the jury, the procedure during the autopsy, when you receive the body do you also receive the clothing and items that were associated with the victim?
A. That would depend on the case. We do like to because one of the clues that we get as far as how far away was the gun from the person that was shot, those sorts of things. Some of the clues that we get are actually on the clothing so we prefer to get the clothing. So frequently, yes.
Q. And did you in this case received items when the body was received?
A. Yes, we did.
Q. And can you tell the ladies and gentlemen, what did you transfer back to the sheriff's department that afternoon after ----
A. Sure.
Q. --- the autopsy was over?
A. I can certainly do that. We keep a list of that. So this is the list owner transfer sheet and I'm just gonna sort of read from the top to the bottom: a pair of hightop athletic shoes, a pair of socks, tan jeans with a black

belt through the loops, red boxer briefs, a white T-shirt with a sticker at the right chest that says "visitor October 20, 2017", headphones, metal bracelet from the right wrist, a rubber band from the right wrist, two cord necklaces with beads, one quarter and one penny from the left front pants pocket, left fingernail clippings, right fingernail clippings, scalp hair, and a bullet. And transfered to investigator Archer Kennedy of the Williamsburg County Sheriff's Office at 2:29 PM on October 21, 2017.

Q. So besides the clothing items and a few pieces of jewelry, the only money that you transferred to Williamsburg County was a penny and a quarter?

A. Yes. One quarter and one penny from the pants.

Q. All right. And based on your findings, did you conclude that the manner of death was determined to be a homicide?

A. Yes, sir.

Q. Doctor let me just ask for your -- just a moment to check my ---

MR. FINNEY: Answer any question the defense may have?

A. Yes, sir.

Cross-Examination by Mr. Smalldone:

Q. Good morning, doctor.

A. Good morning.
Q. How are you this morning?
A. Good.
Q. All right. I just have a few questions for you. So you're a forensic pathologist, correct?
A. That's correct.
Q. And you've done this for how long?
A. More than twenty years.
Q. Okay. So ---
A. There abouts.
Q. Okay. You know what you're doing, right?
A. Theoretically.
Q. Okay. Now, you know there's only -- your job is to determine the cause and manner of death, isn't that right?
A. Well, that's certainly a part of it.
Q. Okay. And there's only a few causes of death in your classification system, is that right?
A. No. The number of causes is kind of infinite but manners they're only a few.
Q. Okay, I got confused. So the manner of death is what about, six?
A. There's five and it sort of depends on where you're making the cause but there five for our state.
Q. And what are those five?
A. Those are accident, homicide, suicide, natural, and

undetermined.
Q. All right. And so, obviously, this was a homicide that you put in your report, right?
A. That's correct.
Q. It's fair to say that homicide means a person killed another person, right?
A. That someone died by the hands, by their actions or inactions, that's correct, of another person.
Q. Okay. And you've testified over a hundred times, right?
A. Yes.
Q. Okay. So you know that a homicide is not the same thing as a murder, correct?
A. Murder is the thing for the court. Homicide is the thing for me.
Q. Right. Exactly. So a murder is a legal term, right?
A. It is.
Q. Right. And homicide is a medical term, right?
A. Well, it's also a legal term but in the context of the autopsy. We have -- it has a very specific meaning.
Q. In the context of the autopsy?
A. Correct.
Q. Okay. And so this was a homicide, right?
A. Yes.
Q. According to your report. And because -- and you

looked at -- and you examined the body, right?
A. Yes.
Q. And you saw -- you said there was a gunshot wound in the left side?
A. No, the right side.
Q. The right side. All right. Can you show me where that, just about where that would be?
MR. SMALLDONE: May I approach?
THE COURT: Yes, sir.
Q. You don't have to like touch me or anything if you don't want to but ---
A. Yeah, it's kinda of like where I showed you here, but, yeah, over here on this side.
Q. Okay. About here?
A. Yeah, somewhere around there.
Q. Okay. Thank you. And was there -- and that was the entrance wound, right?
A. Yes.
Q. Okay. Was there an exit wound in this case?
A. No, because we found the bullet.
Q. All right.
A. It didn't go out.
Q. Okay. So no exit wound but a small entrance wound, right?
A. It was not a small entrance wound but it was an

entrance wound.
Q. Right. Entrance wound about the size of a bullet not a large, I guess, it's all relative, right?
A. It is relative.
Q. Okay. Bullet size entrance wound and no exit wound, right? Is that right?
A. The entrance wound I think we've already went over is .5 x .4 inch.
Q. Okay. I want to talk to you a little bit about what else you did. You did a -- you said earlier that you perform toxicology report?
A. Yes. So in all forensic autopsies we, if at all possible, we will get something to run toxicological analysis on and we did so in this case.
Q. Okay. And I sometimes I watch CSI, but just in case the jury doesn't, explain what toxicological report is?
A. So what we do, in this case, is I sent a blood sample to a laboratory that looks for about three hundred different types of drugs that might be in the blood. And then they send a report back that tells me what they found.
Q. Okay. And does it also say the amount that was detected?
A. In many cases depending upon the drug that's found. Some things they will quantify or give you a number too and sometimes they'll all just say positive or negative.

Q. Okay. In this case you had a chance to perform that test?
A. Yes.
Q. And what were your results?
A. The results were - give me one second. All right. Delta-9 tetrahydrocannabinol which is the same thing as THC at 4.3 ng/mL. Delta -9 carboxy tetrahydrocannabinaol at 19.6 ng/mL and that is an inactive metabolite of THC. And ethanol or alcohol at 0.119%. So to give you an idea of what that means the legal limit for driving is .08% and this is .1, 2 about almost. So he probably shouldn't be driving.
Q. All right. So it was about one and a half times the legal limit?
A. One and a half times the legal limit, yeah, thereabouts, I guess.
Q. A little under one and a half ---
A. Yeah.
Q. --- I don't wanna ---
A. Something like that.
Q. Okay. So almost a .12 but not quite?
A. Yeah, he shouldn't driving.
Q. Okay. All right.
MR. SMALLDONE: I beg the Court's indulgence. And no further questions for you. Thank you.

A. Thank you, sir.

MR. FINNEY: Nothing further from the State.

THE COURT: Any reason the doctor can't be excused?

MR. ANDERSON: None from the State, Your Honor.

MR. SMALLDONE: None from defense.

THE COURT: Thank you so much.

MR. ANDERSON: Your Honor, we'd call Michele Eichenmiller.

THE COURT: Okay.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MS. EICHENMILLER: I do.

THE CLERK: State your name for the record?

MS. EICHENMILLER: My name is Michele Eichenmiller.

MICHELE EICHENMILLER, first being duly sworn, testified as follows:

Direct Examination by Mr. Anderson:

Q. Ms. Eichenmiller, good morning.

A. Morning.

Q. Where do you work?

A. I work for the South Carolina Law Enforcement Division otherwise known as sled. I work in the forensic lab in the firearms department.

Q. Tell us a little bit about the how firearms department

works? What do y'all do there?
A. We accept any evidence from any agency in the state as it relates to firearms. So if there is a firearm that is used or a fire bullets or fired cartridge cases. We also do a couple of different exams like serial number restoration and tool mark examination as well.
Q. All right. And have you testified or tell us a little bit about your training experience?
A. I have a Bachelors Degree in Biology. I also have a Masters of Science in Forensic Science. In order to be a firearm examiner, though, there's no place you can go for school. You learn at the job you're hired at. So I learned under all of the firearm examiners that are at sled. It's about a three to four year training program where I sat in their offices like in apprenticeship program. Saw what they did. Did my own work. Did a lot of reading and testing on my own. And then at the end of the four years I took a test. It was a comprehensive exam. And after I passed that test they said I could do case work on my own.
Q. All right. And have you testified as an expert before?
A. Yes.
Q. And in what field?
A. Sorry?
Q. In what field?

A. Firearms identification.

MR. ANDERSON: At this time the State offers Ms. Eichenmiller as an expert in the field of firearms identification.

MR. SMALLDONE: No objection from me.

THE COURT: The court so finds.

Q. All right. And Ms. Eichenmiller, did you receive some shell casings to examine in this case?

A. I did.

MR. ANDERSON: Permission to approach the witness, Your Honor.

THE COURT: Yes, sir.

Q. I'm gonna show you what's been marked for identification purposes as State's Exhibit 51, if you can look at the contents for me? While you're looking at those Ms. Eichenmiller, are the .40 caliber shell casings you examined are inside that package?

A. Yes.

Q. All right. And how do you know that?

A. Whenever I receive evidence I'll mark it with my initials, item number, in the case number. And then when I'm finished with it I will heat seal the pouch with my initials. So this bag is open but the ones inside are still sealed with my initials.

Q. All right. And those were logged into sled as items 4

through 7?

A. Yes.

MR. ANDERSON: At this time the State seeks to move State's Exhibit 51 into evidence.

MR. SMALLDONE: No objection.

THE COURT: It's in without objection.

(Whereupon, the Fired Bullets and Casings By Sled has been marked and entered into evidence as State's Exhibit No. 51)

Q. All right. And Ms. Eichenmiller, tell us a little bit about the process of examining the shell casings and the science of it? And what results you got in this case?

A. Whenever we receive evidence in a case I usually take photographs overall how I receive it. Then I'll document any information off of it. So in the case of the cartridge case, the head stamp, the caliber, then I'll put it under my microscope and I compare it to any other evidence I've received. If there is a firearm I'll also compare it to test fires from that firearm.

Q. And did you do that in this case?

A. I did.

Q. Okay. And tell us what you found out?

A. In this case I examined the four fired cartridge cases that I received. They were .40 S&W caliber. I put them on a comparison microscope that looks like a set of binoculars connected to two different microscopes. I looked through

the binoculars. I can look at one cartridge case on one side and one on the other. I can change the lighting and change the magnification and look for individual identifying characteristics and form an opinion that they were fired by the same firearm. So in this case I examined the four cartridge casings and I determined that they were fired by one firearm.

Q. So you determine that these .40 caliber shell casings were all fired by the same firearm?

A. Correct.

Q. That's your expert opinion?

A. Yes.

MR. ANDERSON: I beg the court's indulgence. I don't have any further questions. Thank you.

Cross-Examination by Mr. Smalldone:

Q. Good morning.

A. Good morning.

Q. So you tested four shell casings, right?

A. Yes.

Q. Okay. Just four, right?

A. That's all I received.

Q. Okay. And your job was to determine if they all could've come from the same gun?

A. Correct.

Q. All right. And you determined, of course, they did

come from the same gun, right?
A. Yes.
Q. Did you have any determination about like what brand or type of gun it was?
A. No.
Q. Okay. So you just know that some gun fired all four of those, right?
A. Correct.
Q. Okay. And you never -- you didn't, you didn't have the gun to test so you didn't test them against a specific gun, right?
A. Correct.
Q. Okay.
MR. SMALLDONE: The court's indulgence.
Q. And you didn't test when they were fired, right?
A. No, there's no test for that.
Q. Okay. You don't know how far, but since you don't know when they were fired, you don't know how far apart in time they were fired or anything like that, right?
A. That's correct. There's no test.
Q. Okay. So you're here to say they're all from the same gun?
A. Right.
Q. Okay.
MR. SMALLDONE: Thank you. No further questions.

THE COURT: Anything further from the State?

MR. ANDERSON: No redirect.

THE COURT: Thank you.

MR. SMALLDONE: I don't have any objection to her being excused.

MR. FINNEY: We thank the witness for coming.

MR. ANDERSON: Your Honor, at this time the State of South Carolina rest.

THE COURT: Okay. Ladies and gentlemen, I'm gonna need to send you to the jury room for a minute. I need to take up some matters of law. While you're in the jury room I need you to select a foreperson. I don't know any of you. And you've been together a few days so the foreperson has no greater vote than anyone else. They simply will preside over the deliberations, fill out the verdict form. So while your back there, it needs to be, it needs to be from the original twelve. I have two alternates in place in case one of y'all got sick. So out of the original twelve, I need you to select a foreperson. I'll bring you back out in a few minutes and you can tell me who that person is and then we'll proceed with the trial. Okay.

(Whereupon, the jury exits the courtroom at 10:33 a.m.)

THE COURT: Okay. Anything from either side?

Motion For Directed Verdict:

MR. SMALLDONE: Yes, Your Honor. At this time the

defense would move for a directed verdict. Specifically, well, generally on all charges but, specifically, as well for the murder charge. Your Honor, we don't believe there's sufficient evidence to prove malice aforethought. According to the -- according to the facts most favorable to the State I believe this is at best a manslaughter charge. There's evidence of an altercation. There's evidence of sufficient provocation that at least one witness testified that there was a fight. At least one witness testified that there was someone swinging on my client. Basically, everyone agrees that there was an altercation I believe even the State would concede to that. And also, basically, all three eyewitnesses testified that he was gone in a matter of, I believe one person said maybe thirty seconds, one person said at most I think it was either ten or fifteen minutes. I don't believe that's adequate time, adequate of a cool down period. So because of that I would move to dismiss and move for a directed verdict on the murder charge.

THE COURT: Okay. You want to respond?

MR. ANDERSON: Yes, Your Honor. We respectfully disagree with Mr. Smalldone's assertion of analysis not being proven. We've have testimony from Quamella that he was shouting, "Get that 'S' out my trunk." So he trying to arm himself during this event. And then he left. Armed

himself. Comes back shouts, "a challenge or a threat." I think that showcase's analysis ill will and I think that's sufficient to prove it was malice in the record to support the charge of murder. I think there's enough evidence on all the other elements of murder as well and his possession of a weapon during a violent crime.

THE COURT: Okay. And I think there's a question of fact. In fact, the testimony in the record that some altercation occurred. There's some testimony that someone swung a blow at him. He had a stick in his hand or glass. There was no indication that the blow landed. He left. Came back. And armed himself with a gun and allegedly shot the victim in this case. So I think there's enough facts in this record that I will deny your motion and murder will go to the jury.

Mr. Brown's Rights:

THE COURT: All right. Is there anything else we need to take up? And, Mr. Brown, I need you to stand up and raise your right hand please, sir? Do you solemnly swear the testimony you'll gonna give me is the truth, the whole truth, nothing but the truth so help you God?

MR. BROWN: Yes, I do.

THE COURT: Thank you. The State has rested in this case. You have a right to put up evidence. You have a right to testify. But you also have the constitutional

right not to. And so if you decide not to testify in this case I'll instruct the jury that they can't consider that and hold that against you in any way. They can't even discuss that because you have a constitutional right to remain silent. The burden of proof is on the State of South Carolina. However, you also have a right to testify if you want to. If you do testify you will be subject to cross-examination and possibly impeachment by the solicitor just like any other witness. I don't know whether you've got a criminal record or not. If you do and it qualifies under the rules it may come out. And whether you testify or whether you don't testify it's your decision. You can talk to your lawyer. You can get the advice of your lawyer. You can follow that advice or you don't have to follow that advice. But it's ultimately your decision because it is your constitutional rights, you understand that?

MR. BROWN: Yes.

THE COURT: Okay. So I just want you to be sure. You can discuss it with your lawyer and decide whether you want to testify or not, okay? MR. BROWN:

THE COURT: All right. Now, are you ready to proceed or do you need a few minutes?

MR. SMALLDONE: We'd just asked for a few minutes. I want to discuss a couple things with my client and

additionally he's indicated he has to use the restroom.

THE COURT: Okay. We'll take a ten or fifteen minute recess. We'll come back and decide whether you're gonna put up any evidence and then we'll proceed accordingly.

MR. SMALLDONE: Thank you, judge.

(Whereupon, the court takes a short break)

(Whereupon, the court is back on the record at 10:47 a.m.)

THE COURT: All right.

MR. SMALLDONE: And, judge, we're ready. I've spoken with my client. I told him about everything. I told him about his constitutional rights. To testify or not to testify. I think he's made a knowingly, intelligent, and free decision that he wishes to testify.

THE COURT: Okay. Does he have a criminal record that may come out in this that we need to deal with?

MR. ANDERSON: No, Your Honor. Mr. Smalldone, reviewed his criminal history and no offense is qualified.

THE COURT: Okay. All right. Bring the jury in. If they're ready and they made need a little bit more time. But if they are ready, we are ready for them. If they need more time that's fine too. But whenever they're ready, we're ready.

THE BAILIFF: Okay.

(Whereupon, the jury enters the courtroom at 10:50 a.m.)

THE COURT: Okay. Have y'all selected a foreperson?

MR. SWICORD: Yeah. Your Honor, I'll serve as the jury foreman today.

THE COURT: Thank you. Since you're in that seat, okay. You may call your next witness.

MR. SMALLDONE: Thank you, Your Honor. Grant Smalldone for the defense and at this time I will call Mr. Ronald Brown, Jr.

THE COURT: All right. If you'd place your left on the Bible and raise your right please, sir.

THE CLERK: Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?

MR. BROWN: I do.

THE CLERK: Please state your name for the record?

MR. BROWN: Ronald Brown, Jr.

RONALD BROWN, JR., first being duly sworn, testified as follows:

Direct Examination by Mr. Smalldone:

Q. Mr. Brown, good morning.

A. How you doing?.

Q. How are you today?

A. All right.

Q. All right. You nervous?

A. A little.
Q. That's okay. All right. So where are you from, Mr. Brown?
A. I'm from South Carolina. I live in White Oak.
Q. Okay. Is that in Williamsburg County?
A. Yes.
Q. Okay. And how old are you?
A. I'm forty-eight.
Q. Do what?
A. Forty-eight.
Q. Forty-eight years old?
A. Yes.
Q. All right. And do you have children?
A. Two.
Q. Okay. And what are their names?
A. T.B. and J.B. .
Q. Okay. And how old are they?
A. Three and two.
Q. All right. And Mr. Brown, at this time -- do you remember last October? I'm sorry, do you remember October 20, 2017?
A. Yes.
Q. All right. You remember October 20, 2017?
A. Yes, I did.
Q. All right. And around that time, were you working in

that month?
A. Yes.
Q. All right. Where were you working at the time?
A. At the charcoal plant.
Q. Okay. What charcoal plant is that?
A. It's in Lake City.
Q. October 20, 2017, what brought you to I.M. Graham Road?
A. To I.M. Graham Road it brought me because Ms. Yvette asked me to bring some charcoal and drop it off at Freddie's house.
Q. Okay. Do you remember about what time that was?
A. Not exactly. I don't know exactly what time it was.
Q. Okay. She wanted charcoal?
A. Yes.
Q. All right.
A. And she wasn't there and she said to drop it off at Freddie's house and Ann we'll pick it up and get it for her.
Q. And who is Ms. Yvette, do you know?
A. The lady that owns the shop next door, next door to Freddie.
Q. Okay.
A. Like a little spot.
Q. All right. Does she live at that address?

A. No, she don't.
Q. All right. So did you bring charcoal over to that house?
A. Yes, I did.
Q. All right. And who was with you in the car when you brought the charcoal over?
A. My wife, Akelia, and my two children.
Q. All right. And you don't remember what time that was?
A. Not exactly. I can't remember exactly.
Q. Okay.
A. It was early.
Q. Okay. So where did you park when you first brought over the charcoal?
A. I parked- I parked in Freddie's yard.
Q. All right.
A. On this side, on the left side.
Q. Was it in the driveway or in the - next to the road?
A. Do you have the picture so that I can point and show exactly where?
Q. Sure.
A. That would be the best thing.
Q. All right. Give me just one moment. And Mr. Brown I know it's a big day and you're nervous but keep in mind this young lady right here is writing and typing down everything we say ---

A. Yes, ma'am.
Q. --- including you so if you'll speak up just a little bit.
A. All right.
Q. Is that all right?
A. All right.
Q. Okay. I'll show you State's Number 3, I'll get you - I'll get you to identify it and then I'll probably bring you over to the machine so you can tell the jury. Is this a picture where you can identify where you parked? You need a new picture?
A. Yes.
Q. Another picture -- okay ---
A. Of the other house, you know.
Q. Okay. I'll see if there's a better picture out there. How about this one? There's a bunch so if you need a new one let me know. Is that better?
A. Yes. All right.
Q. Okay. So you can identify where you parked based on that picture?
A. Based on here we was parked right there in between here.
Q. Okay. Well, let's get up and you some high tech equipment here.
THE COURT: Is that mic cut on, Solicitor?

MR. ANDERSON: Yes, Your Honor.
Q. All right. If you can identify where ---
A. All right. Right in here.
COURT REPORTER: He's gonna have to speak up.
THE COURT: Speak up.
Q. Okay. Speak up a little bit, Mr. Brown.
A. Oh, we was right in here parked.
Q. Okay. All right. Thank you. That's all I need for this. And for the record that was State's 2 that identified where the parking was. So you get to the house on I.M. Graham Road and that's Freddie's house, right?
A. Yes.
Q. And Freddie has passed away since then, correct?
A. Yes, sir.
Q. All right. Are you friends -- were you friends with Freddie?
A. Yes.
Q. Okay. How many times had you been to that house before?
A. Probably about -- I can't say. Plenty of times, about twenty, thirty times, maybe.
Q. All right. So enough where you didn't have to ask for directions, right?
A. No.
Q. Okay. You get to the house, who walks out of the car?

A. Who walks out the car?
Q. Who steps -- is it just you that steps out of the car or the whole family?
A. When we gets to the house and pull up I get out and my old lady gets out and Ann was coming to get the charcoal. She ask me do we have the charcoal and she comes out of Freddie's house to get the charcoal.
Q. All right. And so do y'all meet in the front yard?
A. In the front yard right at the car.
Q. All right. And do you remember how much money she gave you for the charcoal?
A. Exactly, I think, $21.
Q. All right.
A. I think, $21.
Q. Okay. After you made the transaction, did you walk straight back to the car?
A. When I -- before I can make the transaction, a car pulls up and blocks us in - and blocks us in. I don't see who it is. I was trying to figure out who the car - who was in the car or who it was.
Q. All right.
A. Then finally the person gets out, that's Tweety. He gets out and then the other guy, then he gets out at the same time.
Q. Did you know who the other guy was?

A. No. I never knew who the other guy was.
Q. All right. And did you -- had you ever seen him before?
A. I never seen him ever in my -- I don't even know him. Never seen him before.
Q. All right. And did you find out that his name was Neil at some point?
A. Yes. His name was Neil.
Q. All right. So they both get out of their car at the same time?
A. Yes. One gets out, Tweety opens the door, he was on the passenger side. Neil was on the driver side. He gets out. They both gets out and then they saying such and such. And then, who you call Neil, comes over to Tweety and takes off his jewelry and stuff and watch, jewelry, and everything, putting in the car. And I -- that's how our little argument became a dispute over $10.
Q. Okay. So back up, had they talk - had they say anything in your direction before he starts taking off his stuff?
A. Oh, yes. "He gone - he gone 'f' me up." I don't want to curse but and do, do such and such. I said, "What, over $10?" "Is you serious?" "Here go $10." "Because if you want $10 and you want to go through all of this over $10, come on, man."

Q. Did you owe him $10?
A. Oh, yes, I did a him to $10. Because a friend of mine, one day we was at the Sugar Shack across from there and he had marijuana and my friend, he ain't had no bread. I said, give it to him I will pay him later. So me and him were straight on that but I never caught back up seeing him til that next, that day when they pulled up. I never seen him ---
Q. All right.
A. --- until then.
Q. So that was the first time you saw him since ---
A. Yes, until that transaction that was over there.
Q. Do you remember how long before that the transaction was?
A. What, the weed thing?
Q. Yeah.
A. Probably about a week or two. About a week and a half. A week or two.
Q. Okay. Are you sure of that or you're not?
A. Not sure. I know it was about a week or so.
Q. All right.
A. I'm not sure exactly.
Q. So they do that. Tweety takes off his jewelry, what do you do?
A. And he takes off his jewelry and then Neil steps up

and stills on me. He hits me, wants to hits me. I throw him down to the ground. While he was on the ground - while he was on the ground then Tweety rushes to me and starts to hit, rushes me and I got him pinned down on the ground. Neil gets up, jumps up, runs to his car, grabs the gun - grabs a gun. And then, what you call, I seen everybody - once he grabbed the gun everybody scattered. Quamella scattered, ah, everybody scattered. I still had Tweety when he came back over. He got the gun pointed, get up off of him. So I'm backing myself up, backing away from the situation. So everybody - so everybody scattering everywhere once they see the gun. But everybody was there once in the beginning. And ---

Q. Right.

A. You know what I mean?

Q. I do.

A. They scattered and ran after he pulled the gun. So I'm backing up and they talking trash. And so we backing up, I'm going down the road and then all of a sudden they talking about, "Give me your money" -- Tweety, yell out, "Give me your money." I said, "Man you", I'm trying to talk out of come out of all of this. I'm saying, "Come on man, all this over $10, man." "Come on, what's the problem, $10?" I'm telling him, "we peoples, man, we like, we family." "Why - why y'all doing this over $10, man?"

"This don't make sense." "Here goes $10." "Nah, they told me to run my pocket, they wanted everything from me." So I'm still trying to talk and I'm backing up, I'm backing up all the way to - so we walking back - I'm walking back. They both -- he pointed the gun. Then they switching the gun back and forth. Then they talking about, "Who gonna to shoot him." Name which one gonna shoot him. He takes the gun, passes it to him, "Who gonna shoot him."

Q. Well -- well, let me back up. When you say he ---

A. Which one, Neil. Neil says, "Yo, you shoot him." So they -- so I ain't never gave them my money at that time when they was doing that. And I said, "Yo, you know what?" Forget it, just give them - just give them all your money, just give it to them. And then, what you call, defuse the situation. So I just let him all have everything I had.

Q. And what did you have?

A. I had about approximately $190.

Q. All right.

A. And so - so - and then, what you call, they still, after they got the money they told me, "I got ten seconds to get up outta there or they gonna kill me." So at the time -- a car, another truck passes by and this guy sees me and says, "You okay?" Because he seen the whole thing. I don't know.

Q. What did the guy look like?

A. They was two - two white people in the truck that -- he say, "You all right?" Because they was watching, the whole - the whole situation ---

Q. Mmm, hmm.

A. --- when they was coming through. So I hog tails, jump in the car at the time. So we went up the street, my old lady, Akelia was there, went up to the street. While we going up there I looked back and now I don't see my children in the car. I says to her, "Where is my" - I look back - "Where's my children?" "Why did you leave them?" "They might do something to my children, why did you do that?"

Q. Let me back up, did you think they were in the car this whole time?

A. Yes. I thought they was in the car the whole time when she - when she finally, I thought she had - she had them with her - had the children with her. But I ain't never know because they still - because - I ain't never know they wasn't in the car because if they are doing this over $10 - over $10 - trying to kill me over $10, they gone crazy. I just kinda figured this is, I gots to go get my children. So -- so I'm headed up the street, I turn -- we pulled in the house, turn around, not my house up the street from where we was. So we proceeded ---

Q. Which way did you turn out of, if you're standing on

the front porch of that house or the front door, did you take a right or did you take a left I.M. Graham Road?

A. Where on I.M. -- what you mean?

Q. All right. So if you're at Freddie's house ---

A. You going towards Kingstree or Lake City way?

Q. My geography is a bit off so ---

A. No, what I'm saying, Kingstree is back that way.

Q. Okay.

A. Towards that park.

Q. Exactly. Are you pointing right this time?

A. Yeah, I'm showing -- yeah ---

Q. Okay.

A. And then went down there, turned -- I told her to pull over, jumped in, grabbed the weapon, put it in my pants. I said I gots to go get my children because they might kill my children. That's the only thing what's on my mind. My intentions -- Yo, if they do this over $10 was gonna happen - you think they might not go over there and torture my kids.

Q. All right. So you say you did grab a weapon, right?

A. Yes, I did.

Q. Okay. And what kind gun was that?

A. A .40 caliber.

Q. All right. So did you have that when you first got to the house, the first time?

A. It's been in the trunk for months.
Q. Okay.
A. Yeah, I found it at my mother's house. She was doing the cleaning - she was getting the whole house remodeled and I was moving everything into the storage so I just threw it in the trunk so the kids or none of them could get to it.
Q. All right.
A. And it's been in the car for over three months or so.
Q. Okay. So you got that. Why did you get the gun?
A. Huh?
Q. Why did you get -- why did you get the gun? That's what everyone is wondering.
A. Why did I get the gun? Because I was scared they might, for my safety and my kids safety, that's the only reason. But that's the only reason I got -- I just was pointing. They just about to kill me. What do you think I'm going to go back over there and see -- if I got there they already told me - already told me I'm gone kill you if you come - get out - you got ten seconds to leave here and get up outta here.
Q. Did you believe them?
A. Yes, I did believe them.
Q. What did ---
A. I did. Yes, I did.

Q. Would you have gone back if your kids weren't there?
A. No. I would've never went back. It would've just been over with. So what they got what they got. I'll get bigger and better things. God would always bless me with something better. It always comes back.
Q. All right.
A. But my children was there and then when I pulls up I did -- when we pulled over, I seen Quamella ---
Q. Well, let me back up.
A. All right.
Q. So you pull up, how long were you gone, do you remember?
A. Probably, probably ten minutes.
Q. Okay.
A. The most.
Q. At the most. Do you remember exactly?
A. Nah, exactly about ten minutes. I don't know exactly.
Q. All right.
A. But it wasn't long. But ---
Q. Did you ever -- did you ever go back to your house?
A. Never went back to my house.
Q. All right.
A. It would take me about probably thirty minutes to get to my house and back from there.
Q. Okay. Where were you living at that time?

A. I was staying I.M. Graham Road, [redacted].
Q. All right. And that's a few miles away?
A. Yeah.
Q. All right.
A. Mmm, hmm.
Q. You come back, where did you park this time?
A. In front of the Sugar Shack and the house that this girl had the kids.
Q. All right. And why did you park there?
A. Because I seen her with the baby. She was in the back of the house with my child. But Before - before we even get there, I'm looking to see if that car that Neil and Tweety was in was there, it wasn't there. So I thought, I said, thank God. Everything is cool, you know what I mean?
Q. Okay.
A. Everything good. They gone.
Q. Was that -- that was the same the car that blocked you in earlier?
A. Yes.
Q. All right.
A. Yes. So I said so the car is gone so everything, everything is okay. So once everything -- that's what I figured. So I gets out -- I ask I say, "Yo", I told my old lady go get my child, go get the kids so she - and I'm gone get two cigarettes from Freddie. I ain't got no money to

pay but Freddie know the situation that just went on, he just give me so cigarettes, you know what I mean? So while I'm proceeding through here and turn this bush there, all of a sudden someone, he pops up like a jack-o'-lantern and fires on me. Pow! Bullet flies past my face. I knelts down behind the little bush tree, if you want -- I can show you where I ducks down then I just reach in my pocket and came back out and fired back. Cuz, at the time before - at the time when that happened, the girl was walking my child back, when we first come up to - towards my child - my little child, she -- the other sister, I come up, the other sister was walking my child up that way when he fired and my child could've of got hit at the time, you know what I mean?

Q. Okay.

A. So I fired to try to get him back from shooting, shooting that way ---

Q. And ---

A. --- in case he might shoot ---

Q. And when you say, he, who are you talking about?

A. Tweety.

Q. All right.

A. Tweety. When he fired - he fired I'm just walking I never seen him. I ain't know he was over there. He jumped up jack-o'-lantern and just, Pow! And he ---

Q. And did you see the gun?
A. Yes, I seen the gun.
Q. What did it look like?
A. It was a - it was a black with a black handle, ah, black handle.
Q. Okay.
A. A .22.
Q. Okay. And did you see any other guns there?
A. No. There was no other guns there.
Q. All right. How -- did he give you a warning or anything like that before you shot?
A. No. No warning. No nothing, ever came to me. He almost hit me.
Q. Right. Did he say anything before he shot or as he was shooting?
A. What -- I can't remember what he said. Oh, yeah, he did. "Yeah, what's up now?" Pow! And that's when he -- I didn't see -- I ain't even though he was over there. I couldn't see nobody even was over there.
Q. Is there a lot of, lot of brush and vegetation in that front yard?
A. Yes.
Q. You've seen picture, is there a big - is there a tree in that front yard?
A. Yes. It's a big tree about this high. If you come in

from -- if you coming from the house where my child is the bushes probably up to there, you can't, or up to here, you can't see if you're walking, you can't see the person even when you got up there, if they down low - if they sitting down low like this by the tree it's impossible to see them. You won't - you won't see him. So it was like he just straight ambush me and I ain't even know cuz I thought he left with the other boy - the boy what's his name, Neil - I thought they was gone in the car. So I figured everything was okay and sincere. I say, Yo, let me get the kids and get about here. Let me go get two cigarettes real quick cuz after that I felt was shaked up.

Q. Mmm, hmm.

A. You know what I mean? I was still shaked up.

Q. Did you see Neil the second time you got there?

A. No. Neil wasn't there the second time.

Q. All right. Did you see anybody else the second time you got there?

A. I seen the guy they called, Big Eyes, they call him, Big Eyes. And I seen the boy with the dreads that she described that was running with Tweety, and Tweety was running ---

Q. Okay.

A. --- running.

Q. All right.

A. That's all I seen, I seen. I seen Big Eyes went to the street. The other boy and Tweety pursued together back behind, behind on the other side of the house, I guess.
Q. All right. So ---
A. That's all I seen.
Q. Did Tweety shoot first?
A. Yes, he shot at me first. I didn't see it coming. He could've hit, he could've hit my child actually because the way he was standing and the way I'm walking to the driveway and my child is coming from straight ahead and they got my child in her hand, in they hand and they walking straight ahead. If I would've - if they would've been walking faster he definitely would got hit, somebody would've got hit. She would've got hit or my child, one of the two. Someone would've got hit right there.
Q. All right. So after Tweety shot at you is that when you started shooting?
A. Yes.
Q. Okay.
A. To try to get him -- that's when I reached in my pocket, jumped up, trying to look over that bush to tried to get him away, tried to get him away from, um, from where my children - shooting that way where my children out.
Q. Okay. And do you remember how many times you shot?
A. I think approximately about four, maybe, four.

Q. All right. Now, where was -- when you were shooting was Tweety running at that time or was he still ---

A. When I shot back that's when he started - when I got up and shot back he started running ---

Q. Okay.

A. --- running back towards that way and then he shot back. Then I was still ducking. I ain't got no cover to, what you call, he was running to the side then I moved over by the tree over that side to the left side and shot two more times. That was it.

Q. Okay. Did you know at that time whether or not you hit him?

A. No. I never knew. I ain't never think he was hit. I ain't thank nobody got hit. I didn't even -- I ain't thank nobody was shot at all.

Q. Okay.

A. He missed me. I missed him. And it shouldn't even never went that far anyway.

Q. All right. Okay.

A. I had no intention of nothing. All my intention was, get my children and get away from there and don't come back down there no more. That was it.

Q. You, do you ---

A. Ever.

Q. --- you mean, you not to come back down that way

anymore or him?
A. No, me not. I'm never coming back over there. That was my whole intention, never after that day, never come back down there, ever. No more. Just stay away. Because I'm a working man. I like to work. Take care my kids. I like to do things and that's it.
Q. All right.
A. Keep a job, working.
Q. So I think the question is, why -- you left right after that, right?
A. Mmm, hmm.
Q. Is that a yes?
A. Yes.
Q. She has write it down everything you say.
A. Oh, yes.
Q. All right. So you left, were your children in the car that time?
A. What, after that shooting?
Q. Right. Yes.
A. No, because I was still -- I'd say I jumped in the car and left. They ain't no need to bring them out it's too chaotic right now and they leave them in there. I'ma said my mother or somebody else to go get them because if they see me it's just gone be the same situation that just occurred.

Q. Okay.
A. That's what -- it's just gone be chaotic.
Q. Okay.
A. Do you know what I mean?
Q. So you left right after that, right?
A. Yes.
Q. Did y'all -- were you driving or your wife ---
A. I was driving.
Q. All right. And did you go straight home?
A. No, I didn't go to my house.
Q. Okay. All right. Now, you found out sometime later --
A. Mmm, hmm.
Q. --- that the police wanted you to come by, right?
A. Yes.
Q. All right. And did you go up there voluntarily?
A. Yes. I went up the voluntary.
Q. All right. Who drove?
A. My mother drove me there.
Q. Okay. How old is your mother?
A. My mother is seventy-one.
Q. All right. So she drove you up there?
A. Yes.
Q. And at that time were you under arrest before you got there?

A. No, I wasn't under arrest. They advised me that I still wasn't under arrest, under arrest or nothing.
Q. All right.
A. They just wanted to question me.
Q. Right. And ---
A. And anybody know with this such of case, you don't, you don't, um, talk to nobody until you get a lawyer but I had nothing to hide so I talked to them anyway.
Q. Okay.
A. They read me my Miranda's but I told them the truth about what happened on, everything.
Q. Okay.
A. So I had no problem with that.
Q. All right. And ---
A. I walked in on my own.
Q. All right. And just to go back over these things.
A. Mmm, hmm.
Q. Who was the initial aggressor in the first incident?
A. Neil.
Q. Neil was?
A. Yes.
Q. All right. And what did they take from you?
A. They took - they took $190, $190 and what you call, I had a phone but somehow in between that, that got lost.
Q. Okay.

A. But I ain't know, probably when we was scuffling, you know what I mean? Things get lost. Somebody else pick it up but that ain't mattered. They didn't initially take that from me out of my possession but I figured they did have it, you know what I mean?

A. All right.

Q. But they took the money at gunpoint, threatened to kill me. Passing the gun back and forth. One, "Who's gonna shoot him?" It was - it was kind of -- but I was still trying to talk to them in the process. My thing was trying to talk them in the process, "Come on man, $10?" "All this don't make sense, man." "What's - - what's your problem, come on, man?" "Come on, man." "This just don't make sense." And they just ---

Q. They took -- did they take the cell phone or did he just get lost in the altercation?

A. It probably got lost in the altercation.

Q. All right.

A. Probably. Yes.

Q. You're not sure?

A. I'm not sure, yeah. Because I didn't have it no more. I never had it before, no more.

Q. Okay. And anything else taken from you?

A. Nah, just the money.

Q. All right.

A. That's it.
Q. All right.
A. And my life - and my life was on the line with them, I had to try to talk and there was debating which one was gonna shoot me. And I was like, "Man ---
Q. Is that ---
A. --- and they passing a gun. Neil and him passing a gun back and forth ---
Q. Right.
A. --- like who gonna do it? But then I was like, "Yo, here just take" -- "They was like give me all your money."
Q. Well, were you on the ground or standing up?
A. When?
Q. When they had the gun on you, pointing at you?
A. Oh, I was standing up. When I had Tweety from the first time when Neil went and got the gun.
Q. All right.
A. That's how the gun came in. He ran and got it from where Tweety ---
Q. You said ---
A. --- was ---
Q. I'm sorry, when you say, he, who do you mean?
A. Neil ran -- when I threw him down and when Tweety -- when I had him, Tweety, on the ground that's when he jumped up when he was - ran and got the gun out. That's how the

gun came in and then everybody around, Quamella, the mother, and them ran once he pulled out the gun.

Q. Right.

A. I guess, that's how they all took my children. I ain't know how the children was gone. Then Neil said let him go. So I let him go. That's when I was backing up. They had the gun in my face and such and such. And ---

Q. Now, just when ---

A. And we walking back. Backing ---

Q. Hold on. I just want to know, when Tweety ran away the second time, I'm sorry I'm jumping around but I just to make sure we understand, when Tweety ran away from the second time, was he - did he end up behind the house at some point?

A. When he ran, yes, he was behind.

Q. All right.

A. Behind the house.

Q. All right. So did you have a -- did you see where he was at?

A. No, I didn't see where he was not. No. I didn't know where he was at.

Q. All right. And you didn't know if he was hit or not, right?

A. No, I never knew he was hit. I didn't see where he went. I didn't. I was just looking around because I ain't

know to walk back this way, myself, or to walk back that way because he's behind, if he's behind I can't see which way the next spot he gone shoot so I got behind that tree still covering before that. I ain't hearing nothing so I ain't see nothing. I ain't seen no more firing going on so I jumped, dropped the gun, and I left.

Q. All right. So you thought he might come back around?

A. Yeah. I ain't know, you know, what side he's gonna come because you can actually run through the back and run through it and come and double all the way back probably to somebody. I ain't know where he was gonna come from. So I still was kind of --

Q. Okay. All right. And I don't believe I have any more questions from you ---

MR. SMALLDONE: --- for you. So answer anything the solicitor would ask of you, okay?

A. All right. Okay.

Cross-Examination by Mr. Anderson:

Q. Mr. Brown, good morning?

A. Good morning.

Q. How you doing today?

A. All right.

Q. I'm gonna ask you a few questions about your testimony to Mr. Smalldone and I'm also gonna ask you about the statement you made to law enforcement.

A. Mmm, hmm.
Q. You told Mr. Smalldone that you made that of your own free will?
A. Yes.
Q. They read you your Miranda rights?
A. Yes.
Q. You told them what happened two days after the incident?
A. Yes.
Q. And that was your opportunity to get your side of the story across?
A. It was my opportunity, yes, to tell the truth about what was going on.
Q. All right. And where did you live back then?
A. [redacted] I.M. Graham Road.
Q. All right. And that's in the White Oak community?
A. Yes.
Q. How tall are you?
A. Six feet.
Q. How much do you weigh?
A. 240.
Q. You agree that your much larger than Tweety?
A. I don't know how much Tweety weigh, about -- I assume -- I couldn't tell you.
Q. All right. How far is your house from [redacted] I.M.

Graham Road?
A. I can't give you approximately how far it is. I can't tell you how many miles it is or what.
Q. Okay. If I'm driving as fast as you can in a white BMW, how long would it take to get there?
A. I have no idea.
Q. Okay. You don't know. Did your wife have a cell phone back then?
A. I don't -- she got -- yes, we all have cell phones.
Q. You had a cell phones. Tell me how you know Ann McCormick?
A. From charcoal. Getting Ann McCormick - from selling her charcoal. Her kids some Dickie clothes and stuff. I sell clothes and stuff like little items, that's how I know her.
Q. Right. So you had friendly dealings with her in the past?
A. I just know her from selling things, not, really.
Q. All right. And you went out there to sell her some charcoal that day, right?
A. Not for her, for Yvette.
Q. Okay. She ---
A. Yvette was having a cookout.
Q. But you were gonna pick it up?
A. She was gonna, Freddie was gonna get it but -- Freddie

was gonna receive it but she came out to get it.

Q. And you say you don't remember what time you got out to [redacted] I.M. Graham?

A. No. I have no idea.

Q. And your wife, Akelia, was driving that white BMW?

A. When?

Q. When y'all pulled in.

A. When we pulled in? No, I was driving.

Q. And she was there and your children were there?

A. Yes.

Q. Can you do me a favor, can you come in point on this diagram were y'all parked?

A. All right. You need a picture so -- a picture would be better because I can't ---

Q. I ask you to point it out on the diagram, do your best.

A. All right. Where's the house at ---

Q. It is the square box ---

A. I don't know which one is 28, 29, 91, there's three of them, three houses there.

Q. Do you see the number [redacted] ---

A. All right.

Q. --- on that diagram?

A. Which one is Freddie's house?

Q. That would be [redacted].

A. Eight one, all right, -- I'm about -- I don't know where the door to the house in the middle, He ran and I'm parked over there by the door. I have no -- I can't exactly point out on this picture but ---

Q. If you're not comfortable pointing this out, that's fine. Just put the marker down and come back.

A. All right. I can show you in one of the other pictures I can be able ---

Q. But you were in the yard?

A. Yes, I was, sir.

Q. Okay. I'm gonna show you the picture that Mr. Smalldone showed you.

A. All right. This is State's Number 2, please speak into the microphone. Tell us or show us where you were parked at?

A. All right. Right, right in here.

Q. Okay. So y'all are well in the yard by those bushes?

A. Yes.

Q. That's foreground of State's Exhibit 2.

A. Mmm, hmm.

Q. All right. You can go and sit back down. Now, tell me where everybody was located when you got out of the car?

A. When I got out of the car, when I pulled up, all right, Ann came out. Ann came out of Freddie's house at the time. Ann came out of Freddie's house and, I guess,

Yvette had called her and tell her I should be there some -- what you call, she came out, you could see to get the charcoal. And then Ann was here. The daughter, the other daughter was, came out from somewhere. And then the other daughter came out from somewhere. There was two of them. The other one, the other sister, they both was there. So when they came out they started grabbing ---

Q. And you answered my question. Tell me where everybody was. And you agree ---

A. On the side of the car, on the passenger side.

Q. And y'all were in the front yard?

A. Yes.

Q. You agree with me that you told law enforcement and Mr. Smalldone that you had $190 in your pocket ---

A. Yes, I did.

Q. --- after the charcoal transaction?

A. Yes.

Q. $190?

A. Yes, I had a $190.

Q. And your children are in the car or are they outside?

A. When?

Q. When you had the $190 in your pocket after the charcoal deal?

A. Yes.

Q. Okay. Was Akelia inside the car or outside the car?

A. She was out.
Q. She was out?
A. Mmm, hmm.
Q. All right. And then you told Mr. Smalldone that they pulled in and blocked you in, right?
A. They pulled up and blocked me in.
Q. They blocked you guys in? Okay.
A. Yes.
Q. And then Tweety comes and he beats you or Neil attacks you and he attacked you and you are struck, right? They're asking you about the money, you told Mr. Smalldone that, right?
A. Oh, yes.
Q. And then you said they pulled the gun on you and you started backing away?
A. Neil grabbed -- Neil went, while I had Tweety on the ground, and grabbed the gun out of the car ---
Q. Okay.
A. --- from under the side that Tweety -- no, first of all, Tweety took his jewelry off first.
Q. Okay.
A. When they first pulled up and they was talking trash. When he took his jewelry and stuff off that's when, at that time before he got his jewelry, Neil went and swung on me. So I flung him to the ground. Neil stowed on me and I, big

---

Q. And, Mr. Brown, I asked you at some point, they pulled a gun on you and you began to back away, is that fair to say?

A. Yes.

Q. You just told Mr. Smalldone ---

A. Yeah. Yeah, they pulled the gun on me. Yes.

Q. Which direction were you backing?

A. Back towards going towards Kingstree.

Q. So away from your vehicle?

A. Yes, away from my vehicle.

Q. All right. And as you back away, are you looking at the people with the gun, your car, or are you looking towards Kingstree?

A. Well, why -- what you mean?

Q. Just that, which direction are you looking?

A. I'm looking, I'm looking -- when I backing up I'm going back toward by the car.

Q. So you're staring at the men with the gun ---

A. Mmm, hmm.

Q. And the car is in the foreground?

A. Yes.

Q. And so all that's going on, you never notice that they take your children from the car?

A. No. Because when you in a situation and they -- I'm

backing away and they coming at me with a gun, you ain't paying no attention but you trying to get yourself, to get yourself to get away from that situation.

Q. And you told Mr. Smalldone that they robbed you at gunpoint, right?

A. Yes.

Q. And they took all $190?

A. Yes, they did.

Q. You told them it was a gun, it's a black revolver with a black handle, I believe is what you told Mr. Smalldone?

A. Yes.

Q. I'm gonna approach the witness with was in evidence State's 52. Mr. Brown, can you take a look at that for me?

A. Yes.

Q. What color is that handle?

A. I said black with a brown handle.

Q. That is not what you said.

A. Yes. A black -- it was a revolver. I couldn't even tell if it was gun, a revolver ---

Q. We'll, move on. The jury can see.

A. One of the two, it was one of them, they passing.

Q. So they took your $190 ---

A. Mmm, hmm.

Q. --- and robbed you with a black revolver with a black handle?

A. I ain't know. I said I don't know. It might ---
Q. You would agree with me when you were making your statement to law enforcement about this day ---
A. Mmm, hmm.
Q. --- you didn't mention to them passing the gun back and forth and talking about killing you, you didn't tell them that, right?
A. I don't -- I can't recall ---
Q. You can't remember ---
A. --- but that's what they -- I probably -- they was. I did say, I think so.
Q. All right. But you did tell them that they said, "You got ten seconds to get outta here." You told them that, right?
A. Yeah.
Q. So these men just beat you, right?
A. Yes.
Q. And they robbed you?
A. Mmm, hmm.
Q. They held a gun in your face?
A. Mmm, hmm.
Q. They committed an armed robbery?
A. Yes.
Q. And they're not wearing mask?
A. No mask at all.

Q. And they tell you that you can leave, is that what you're telling us?
A. Yes.
Q. Okay. So at that point you told Mr. Smalldone that Akelia comes and gets you and you go?
A. Mmm, hmm.
COURT REPORTER: Is that a yes or no?
A. Yes.
Q. How in the world does Akelia come and get you if y'all are blocked in?
A. Because you can see she exit out of there some way to get up out of there. She -- once she seen you could exit, must be exit to get up out -- he pulled to block us in, went behind us, that's blocking you. But it's exit to try to get away from out of this situation. If you're right here, you blocked in there, you can swivel your way back up outta there, to get up outta there. Once the situation -- once the situation, it's somebody loves you they gone help you to try to get yourself outta there and once they see what's going on.
Q. And you didn't tell Mr. Smalldone that, though, did you?
A. Tell Mr. Small, what?
Q. The house you pulled out through the yard ---
A. I don't know how she did but she can do it. She got

herself out. I wasn't there to see how she did it.
Q. Well, how do you not know? You just said you were looking in the direction of the car.
A. What are you talking about? We was up the street, it went on. We went all the way around the street with the gun situation.
Q. All right. So y'all left at that point, right?
A. When?
Q. Right after she pulls this miracle maneuver and gets out of the driveway ---
A. She was ---
Q. --- from being blocked in?
A. Yes.
Q. Okay. Y'all left. You were in the car?
A. Mmm, hmm.
Q. You discover that your children aren't there?
A. Mmm, hmm.
Q. How in the world did you not notice your children wasn't in the car, were not in the car when you jumped in?
A. Because I didn't paying attention I was so shook up, I ain't know. Just jumped in the car, opened the door. She -- the door opened, jump in, and go.
Q. And you ---
A. --- I got to -- you forgot to remind, I got ten seconds to get away from the situation, a dangerous

situation. So I am not paying -- I'm trying to go and get up outta there.

Q. Okay.

A. That's the situation. It's a dangerous situation going on so I'm scared to death. I ain't paying attention right then. My mind ain't clear. Just get away from these guys.

Q. All right. So you didn't notice they weren't in the car?

A. I did notice they wasn't in the car.

Q All right.

A. So ---

Q. Y'all drive down the road, right?

A. And then I drove -- we drove down - - ask your question.

Q. I am. And at that point, you'd agree with me, you could've called law enforcement on Akelia cell phone?

A. I could've called law enforcement. I could've did it.

Q. You could've done that?

A. I could've.

Q. But you didn't?

A. No, I didn't.

Q. And you would agree with me that you could've driven to your house?

A. No. I wasn't going to my house.

Q. I didn't ask you if you did, I asked you could you have?
A. For what reason? Why would I go to my house and I ---
Q. Mr. Brown, I ask you a yes or no question. Could you have driven to your house?
A. From where?
Q. From where y'all stopped when you got your gun?
A. I could have driven to my house.
Q. You could've, okay. Could you have driven to the sheriff's office?
A. I could've.
Q. But you didn't do any of those things, did you?
A. No.
Q. All right. You went back, as you told Mr. Smalldone, you went back because you were so worried about your children that's why you went back, right?
A. Yes.
Q. All right. And when you got there, you've got a gun, you see a young woman holding your children?
A. Mmm, hmm.
Q. The coast appears to be clear.
A. The coast ---
Q. But you didn't come and get the kids and put them in the car, did you?
A. My wife went to go get them.

Q. But you agree that you could've walked up that road, grabbed your kids and got out of there? Like you said, you just said you were terrified. They gave you ten seconds to leave. You could've gotten your kids and left, right?
A. I -- cuz, I figured the car was gone, they was gone. So I thought everything was all well. I didn't see the car so I figured he came with him and they was all, everybody was gone.
Q. What I ask you, could you have gotten them and could you have left? Yes, or no?
A. I could've. I could have - I could've have got out and got them but I was nicking for a cigarette, though, shaken up.
Q. So you needed a cigarette more than you needed your children ---
A. No.
Q. --- to be safe from this bad situation?
A. No. I thought the situation was diffused and they was gone.
Q. Okay. So you're nicking for a cigarette, your kids are still in this viper's nest as Mr. Smalldone called it --
A. Mmm, hmm.
Q. And you decide to walk back over to where you had just been beaten and robbed by two men ---

A. Mmm, hmm.
Q. --- at gun point? That's what you did, right?
A. Yes.
Q. Okay. And you walk over there and told Mr. Smalldone that they jumped up on you like a Jack?
A. Yeah.
Q. And you fired at him. How many times did Tweety fire at you?
A. I don't know exactly how many rounds but I know he was shooting.
Q. Okay.
A. The first round I know went to - the first round was when I first came in there.
Q. All right.
A. And I fired back after -- I fired back at him.
Q. Can you give me an estimate?
A. I can't. I can't give you exactly.
Q. You agree with me that you told the investigators that he fire between six and eight times?
A. It's possible, I don't know.
Q. Would you like to hear it so you can refresh your recollection?
A. No, I don't.
Q. You don't need to hear it?
A. I don't know.

Q. Okay.
A. You can put it on if you want to.
Q. I do.
A. It's up to you.
Q. I'm gonna play it.
A. I don't -- I don't ---
MR. ANDERSON: I beg the Court's indulgence.
A. I thought I told -- the investigator asked me how many rounds were shot altogether? I said I don't know. He said give me an estimate in between six or something, six to eight? Give me one to six? I said, I ain't know. Six the most, she said, which one? I guess.
Q. You're kind of rambling. Do you remember if you told them that or not?
A. I don't -- I don't know -- yeah, maybe ---
Q. You did tell them he fired between six and eight shots?
A. I said maybe, I don't know. I said maybe. He asked me a percentage of times.
Q. Okay. All right. I'm gonna let you hear what you said.
A. All right.
(Whereupon, the recorded statement was played for the jury)
Q. All right. Does that reflect your, reflect your recollection? That was you tell an investigator Wrenn that

he fire six to eight shots?
A. I might've, yes.
Q. Okay.
A. I couldn't remember at the time.
Q. And you'd agree with me that you told investigator Wrenn that after he fired those initial and you jumped out like a Jack and you hid by the bush, that he came back around the corner and shot some more?
A. He did shot - shot when he came back around.
Q. I'm gonna put that diagram back up and I want you to show us which corner he came around and fired some more?
A. From the side of the house.
Q. Oh, no, I'm gonna have you come down here.
A. All right.
Q. This is State's Exhibit 53.
A. All right.
Q. First off, show us where Tweety was when he jumped out like a Jack, please point that out for us?
A. I need the other diagram because I can't point on this, actual pictures.
Q. You need some pictures? All right.
A. Exactly. So we can --
Q. So you're not pointing at this diagram that every other witness in this trial has pointed out, is that right?
A. Have we got an actual thing ---

Q. Here is State's Exhibit 2, take a look at that and see if you can do some better with that?
A. All right. Now, what do you want to know?
Q. Where was Tweety when you jumped out like a Jack and he started firing at you?
A. He was - he was under this tree right there.
Q. And you didn't see him over there under that tree?
A. No.
Q. All right. And then you agreed with me just a moment ago that he told law enforcement that he came around the corner and fired at you some more, what corner did he come around?
A. From the backside of this house right there, Freddie's house.
Q. So he left ---
A. This - this corner right here.
Q. Okay. That's the corner?
A. Yeah.
Q. You can a sit down.
A. Yeah ---
Q. You can sit down
A. At that corner, that's Freddie's house right there.
Q. Okay.
A. There's two sides.
Q. You can sit down. So, and I may be confused, he

jumped up like a Jack and you fired and he fired at you, you crouched down behind the bushes and I think you did a number like this ---

A. No, I didn't do that. No.

Q. Okay. I think that's what you told Mr. Smalldone. That's fine.

A. No.

Q. You shot back at him, right?

A. Yes, I did.

Q. And then, he somehow got from the bush to over there and came around the corner and shot at you some more?

A. You still don't got the whole house on the thing and you don't got the driveway. You're showing the driveway where the bushes is. There some bushes right here, big bush that goes all away from Freddie's house right there, and you see ---

Q. But you just said go around the corner, I don't see how the bush weighs into it.

A. What are you talking about?

Q. We'll move on.

A. Mmm, hmm.

Q. You told the officers that you drop the gun right there at the scene, right?

A. Yes, I left the gun.

Q. Is the spot where you dropped the gun in this picture?

A. The picture, there should be several pictures. Where's the other picture where the, um, to the next to the, um, to the driveway?

Q. Can you tell us if it was in the driveway, in the lane?

A. The lane, yes.

Q. Okay. I'm gonna show you what's been marked as State's Exhibit 4, and is that where you dropped the gun?

A. Yes. They don't got no bushes there no more. It was a bush. What happened to the bushes?

Q. You notice that the police tape, right?

A. Oh, yeah.

Q. So someone came and cut the bushes while the police were there?

A. Nah, I'm looking at -- what picture is that? What picture is that to, right there?

Q. You just agreed there's a lane in front of 20 I.M. Graham Road, this is State's Exhibit 4?

A. Which one 28, 81, 28, 29?

Q. [redacted].

A. Huh?

Q. I'm asking the questions. All right. So you just tell the jury that you were terrified and you were worried about your kids.

A. Mmm, hmm.

Q. Why did you drop your gun?
A. Because I just left the gun and jumped in the car.
Q. And you jumped in your car?
A. Mmm, hmm.
Q. And, of course, again, ---
A. Mmm, hmm.
Q. --- you are so worried about your children that you left them there again, right?
A. I know I wasn't -- I ain't want to put them in no more jeopardy after what just happened again.
Q. And so taking them away from the scene increases their jeopardy? Your story is that you were just beaten and robbed in a shootout with a man ---
A. Mmm, hmm.
Q. --- and you think they're, it's safer if you leave them at the scene?
A. But they ---
Q. That's what you just said.
A. I couldn't get them right then because I ain't want them to get shot ---
Q. Tell us why you didn't get them, you said Tweety ran away?
A. He ran -- I couldn't see him. I didn't say - he's in the back so I couldn't see him. I don't know where he's at exactly. I can't see exactly where that man - if he behind

the house standing by - I can't see what's going on back there. I never went back there. So I can't see ---

Q. But you're still worried about Tweety?

A. At the time, yeah.

Q. But then you dropped the gun?

A. My car was right here.

Q. Okay.

A. And I moved over.

Q. All right. And you didn't call law enforcement after this, right?

A. No.

Q. Your children are there ---

A. Mmm, hmm.

Q. --- in this viper's pit and didn't call the cops ---

A. Mmm, hmm.

Q. Not that day? Then you didn't turn yourself into the sheriff's office that day either, did you?

A. No.

Q. Two days later after you ditch your car in Lake City you turn yourself in, right?

A. Never ditched it.

Q. All right.

MR. ANDERSON: I beg the Court's indulgence.

Q. Did you get the kids at all that day?

A. My mother got them.

Q. All right. So you didn't get your kids?
A. No, I didn't.
Q. Okay.
MR. ANDERSON: I don't have anything further.
MR. SMALLDONE: Court's indulgence, judge. I'm gonna find something in the transcript.

Redirect Examination by Mr. Smalldone:

Q. And I just have a couple of very brief questions just to clear up some things you said, all right?
A. All right.
Q. So Mr. Anderson ask you about your statement to -- and you gave your statement to Lieutenant Wrenn, is that right?
A. Yes.
Q. And you gave that on the 22nd?
A. Yes.
Q. Is that when you turn yourself in?
A. Yes.
Q. All right. And Mr. Anderson ask you, mentioned that you never -- he indicated that you never said anything about them passing the gun around, do you remember him asking that?
A. Yes.
Q. All right. Do you remember giving that statement ---
A. Yes ---
Q. --- to Lieutenant Wrenn?

A. --- I did.
Q. All right. I want to read from your statement -- well, let me approach first. I want you to read page 9 through 10, which I have in my hand, if you'd read line - Court's indulgence - and I'll show you, line 16 through 13, in just a moment.
MR. SMALLDONE: You want to see it?
MR. ANDERSON: Sure.
A. From where?
Q. No, that's not the right page. I'm showing -- the rules say I have to show him just to make sure I'm not ---
A. Mmm, hmm.
MR. ANDERSON: Okay.
Q. All right. So this is the right pages so I would ask you to read, and this is the page number at the top ---
A. All right.
Q. --- page 9 and 10, and on the side is the line numbers. So what I want you to do, if you don't mind, is read page 9, line 16 and then stop at line 13 on page 10, all right, can you do that?
A. Sixteen?
Q. Sixteen and through 13 on the next page?
A. Line 16, right here, right?
Q. That's right. Yeah. Yeah.
A. "Shot you and -- I'll shoot you and kill you and about

this time I seen a revolver in his hand. Tweety told you that or the other guy - guy - the other guy, the other guy, he ran and got the gun because, because me and Tweety were still there and when he went and got the gun and so I was like, Yo, if you're going to shoot me and kill me. And he was like, yeah. And Tweety was yelling at him and was like just give me, give me the money in your pocket and I will let you go. So we're angry still, angry still and were in the middle of the street and he got to - got the gun and pointed it at me and the other boy got the gun and pointed it at me. Boom! Tweety grabbed the gun from the boy and was like just give me the money in your pocket."

Q. Okay. And then again on page 14 of this transcript, which I'll show you in just a second, Junior.

A. All right.

Q. All right. So Junior I want you to read again, and this is from this same interview, on page 14, line 4 through 8. I put little, just so you know, I put little parentheses around ---

A. Mmm, hmm.

Q. --- that section. And now just to make sure, this is still the transcript -- you remember this interview, right?

A. Yes, I do.

Q. And this is your statement, right?

A. Yes.

Q. All right. I want you to read between those blue parentheses if you don't mind?
A. All right. "They got my money and my phone and I seen the gun and it was a revolver, revolver. The boy had -- I think it was a black revolver that he had and then Tweety took the gun from him, from him like "Man, you're going to give me everything you got." "I never knew" -- that's it?
Q. Yeah.
A. All right.
Q. So it's fair to say ---
A. Yes.
Q Do you remember telling Lieutenant Wrenn that they passed the gun back and forth?
A. Yes, I did.
Q. Okay.
MR. ANDERSON: And I don't have anymore questions for you at this time.
A. All right.
THE COURT: You can step down.
MR. BROWN: Thank you, sir.
THE COURT: You may call your next witness.
MR. SMALLDONE: Judge, I asked for the Court's indulgence just one moment. The defense rest at this time.
THE COURT: Okay. Any reply testimony from the State?

MR. ANDERSON: None, Your Honor.

THE COURT: Okay. Ladies and gentlemen, you've heard all the evidence you're gonna hear in this case. The next stage of the trial is the closing arguments of the attorneys and I charge you on the law and give you this case to decide but it's ten minutes till twelve. So before we do that I'm gonna send you on a lunch break. And then when you come back we will finish this case and give it to you to decide. Is 1:15 give y'all enough time to eat lunch and get back?

(Whereupon, the jury agrees)

THE COURT: Okay. I'll see you at 1:15. Don't discuss the case yet.

(Whereupon, the jury exits the courtroom at 11:51 a.m.)

THE COURT: Okay. Do y'all want to discuss the charges now or after lunch?

MR. FINNEY: Now, Your Honor.

MR. SMALLDONE: Now.

THE COURT: Okay. Any specific request for either side?

MR. FINNEY: Does he want to make his motions now, Your Honor?

THE COURT: I don't know. Do you want to make a motions?

MR. SMALLDONE: I do, judge. I'd renew all my previous

motions included directed verdict motion.

THE COURT: Okay. I think there's sufficient evidence in this record. It'll go to the jury. So I'll deny your motions. Okay.

MR. SMALLDONE: Thank you, judge. As far as the charges, the specific charges that I would ask for are the voluntary manslaughter as well as self-defense, as well as defense of others. I believe there sufficient evidence in the record.

THE COURT: I don't know about the defense of others now. What defense of others do you think?

MR. SMALLDONE: Your Honor, there's testimony from my client that he was shot at, he was worried for the safety of his children.

THE COURT: I know but the defense of others is when he shooting at his children and he steps in to defend them. I mean, the fact that they may be -- the usually the defense of others is where somebody else is an altercation or somebody's life is in danger and I go to defend them. The argument -- there's no testimony that Tweety was anywhere in aggressive towards his children. The fact that his children may have been shot as an innocent bystander, I don't think, qualifies for the defense of others. He was defending himself. I'll think about that but I don't think, I don't think -- I think that

would confuse this jury in this case. I mean, he's - he's the one that is getting shot at and he admits that he's the one that's getting shot at and he's defending himself. He has the right to defend himself if the jury believes that set of facts. So I don't think, you know, if he had driven up and somehow he's harming someone else that are attempting to harm his children then that would clearly play but he's defending himself. And if he's defending himself that's a complete defense. So if they believe that he was, in fact, doing that I don't know because there's no testimony he drove up and somehow his children were in harm, that may be what his thought process that they've may been hit by a bullet, but he's defending himself because he's the one that's getting shot out. There's nothing in the record that there's any animosity toward those children, they little tiny children. Okay. So self-defense, murder, manslaughter, anything else?

MR. SMALLDONE: Your Honor, I'd ask for involuntary manslaughter.

THE COURT: You ain't gonna get involuntary. Ain't now way that this is a involuntary manslaughter case.

MR. SMALLDONE: And I believe ---

THE COURT: What about mutual combat?

MR. ANDERSON: Your Honor, we looked at that last night. We think it would confuse this jury. We don't want

-- unless Mr. Smalldone and I know he don't want it.

THE COURT: And if it is mutual combat it's a bar for self-defense. So, you know, it may -- I'm not sure mutual combat applies in this case but if y'all think it does I'll be glad to hear your arguments. But if you don't, I mean,

MR. ANDERSON: Your Honor ---

THE COURT: --- usually it's a bar for self-defense. I assume, you don't want it?

MR. SMALLDONE: I do not. I would object to mutual combat.

THE COURT: Okay. And I don't think it probably applies in this either.

MR. SMALLDONE: Right.

MR. ANDERSON: It's - there's ---

THE COURT: Okay. So okay -- and then I'll do my standard stuff but that's -- and, of course, obviously, you want me to charge possession of a weapon during the commission of a valid crime?

MR. ANDERSON: Thank you, Your Honor.

THE COURT: Okay. All right. I'll see y'all at 1:15.

MR. SMALLDONE: Your Honor, can we see the charge that you give on the standard charges on reasonable doubt and things of that nature?

THE COURT: Yeah. I don't have an extra copy but you can read them.

MR. SMALLDONE: I just want to read it just so I don't start saying they're going hear something that they don't hear.

MR. FINNEY: Judge, we would like to ask for permission of the court to split our argument. Mr. Warren Anderson is going to open and I'm gonna close.

THE COURT: Okay. Do you have a problem with that?

MR. SMALLDONE: Your Honor, the Bellamy case, I believe it's Bellany case, I'd ask that the State close in full. And ---

THE COURT: Well, they got to open in full.

MR. SMALLDONE: I'm sorry. Well, the opening part and the closing I'd ask for that be in full rather than ---

THE COURT: My understanding of the rules they have to open and then the only thing they can close then is any new thing you bring up.

MR. SMALLDONE: Correct.

MR. ANDERSON: The second closing is limited to reply.

THE COURT: That's right. Right. So he goes first. I assume y'all take the position he goes first. Bellamy is kind of unclear about when you put of evidence for it, but at least it seems the general rule is being practiced right now, the State goes in full. You get to

close. They can only reply to anything you bring up different from what they did, right?

MR. ANDERSON: That's my understanding.

THE COURT: If you don't bring up anything different, they don't get another shot. Is that y'all's understanding?

MR. FINNEY: Yes, sir. That's correct.

THE COURT: I think that's currently the rule, at least, that's what is being practiced. Okay. All right. If you want to come look at this charge.

(Whereupon, the court breaks for lunch at 11:59 a.m.)

(Whereupon, the court goes on the record at 1:14 p.m.)

THE COURT: Is everybody ready

MR. FINNEY: Yes, sir.

THE COURT: Do y'all want to look at the verdict form before we bring the jury in?

(Whereupon, the lawyers come and look at verdict form)

THE COURT: Bring them in.

(Whereupon, the jury enters the courtroom at 1:20 p.m.)

THE COURT: Okay. Mr. Solicitor?

MR. ANDERSON: May it please, the Court?

THE COURT: Yes, sir.

MR. ANDERSON: Mr. Smalldone? Madam clerk?

Closing Arguments by Mr. Anderson:

MR. ANDERSON: Ladies and gentlemen of the jury,

"What's up now?" That's what Ronald Brown shouted when he had his .40 caliber pistol in his hand when he came at [redacted] I.M. Graham Road. That's what he shouted when he made the choice to end Matthew Cooper's life in a hail of gunfire. That's what this case is about. The choices that Ronald Brown made.

Normally, I start openings like this and I tell some amusing story about my childhood to try to get the jury to like me. But I don't think this case merits that. This is so serious I want to jump straight into what the evidence shows in this case and what the State says the evidence shows in this case.

So what do we have? We have three eyewitnesses to this event. We have Quamella McCormick. We have Ann McCormick. And we have Osborn McFadden. And they all saw this happen from different advantages. Quamella is at the trailer next door with the children. Ann is in the house. And Osborn is at the tree and ends up behind the house. What do our witnesses tell us happened? They tell us that Ronald Brown came to [redacted] I.M. Graham Road in a white BMW. He came with his wife and his kids. They tell us that he sold the charcoal and that he got in an altercation with Matthew Cooper and some guy whose name we haven't been able to know. And said some people have been calling him Neil. They're going back and forth. The witnesses all say that.

They're in the front yard and then argument moves where? The street. And what do the witnesses say? They say Ronald Brown has a stick or a branch and one of them said, he had a board and a glass beer, but that's consistency in their story, isn't it? They all say that he has a branch out in the road. Then what do they say? They go on down the road and that Mr. Brown shakes hands with Neil. And Akelia comes up and the kids aren't in the car and they get in. It's what the evidence shows in this case. Ronald Brown gets a gun and ten minutes later he comes back to [redacted] I.M. Graham Road. He parks in front of the house where his children are. He and Quamella McCormick both say that he saw her with the kids. He could've walked up that lane to the house right next to him, and got his kids and he could've left. Mr. Smalldone said he'd do anything for his kids. Based on his conduct, you've heard this, is that accurate? He could've walked up there and got them and left. But he didn't. What did he do? He said he went two go get to lose cigarettes from the place where he just says he's been robbed and beaten. Does that make any sense? It doesn't make any sense at all. And he goes over there, what does the evidence tell us? He yelled what I just yelled, "What's up, now?" It's a challenge. And he pulls out his gun and he starts shooting at Matthew Cooper and this is where Quamella can't see anymore because she's over

at the trailer with the children. And we have Ann at the door. We have Osborn under the tree with the guy from New York and Matthew Cooper. And what do they do? Osborn says they go to get to the house between them and the guy with the gun. He's got good common sense. He says Tweety waits by the tree and what do they hear? Shots! Multiple shots! And so he goes to the back of the house to get more coverage and who does he see come around the way from the other side? Ronald Brown. That's what the evidence shows. And they're going back to their advantage point on the side of the house and Matthew Cooper runs passed and what does he yell out to Matthew? He says, "Watch out, man, you're going into the open." We don't know if Matthew didn't hear him or was just too afraid to listen. We'll never know. Because as soon as I get out of the corner, what happens? More gunshots. Matthew Cooper falls to the ground and he dies. Do you think he could've ran from under that tree back there without being shot through the lung, the heart, and the liver? No. It was the second set of shots that got Matthew. And Ronald Brown was chasing him after shooting at him. That's what the evidence shows.

I want to talk to you about the credibility of witnesses. That's something a jury has to do. You have to judge the credibility of the people who testify up there on the stand. You can tell if them seem nervous. You can

tell if they're lying. And one of the ways you can judge credibility is, are the witnesses consistent? Because the truth is one thing. It's not multiple-choice. So the State's witnesses all describe the same event. And you may not have notice they were sequestered. They didn't get to hear each other testify. And they got some very specific details about what happened. They described him moving from the yard to the road and having the stick and the branch, all of them describe that. That's consistency that adds to their credibility. They all describe him getting out of the car, and how does he hold his gun? Down. Just like that. How in the world could they've all gotten that together? They all say it. It's consistent.

Ladies and gentlemen, but consistency is not the only way to judge the credibility of a witness. I submit to you that our witnesses testimony, the three witnesses of the State, their testimony is supported by the scientific evidence that you heard in this case. What scientific evidence did we hear? We heard about the gunshot residue. Kind of went to gunshot residue school. And we didn't hide the fact that Matthew Cooper had a gun in his hand, did we? I told you about it in my opening. When they opened up that gun three of them had been spent. And what do we do? We sent the gun to sled to be tested. And we swabbed both of Matthew's hands and we sent those to sled to be tested.

And what did we learn? The three spent shell casings would've produced GSR and there was no gunshot residue you on Matthew Cooper's hands. It supports what the witness says. That they never saw him with a gun. That they never saw him shoot it. But that's not the only way that you can be shown that the State's witnesses are credible. You can also evaluate a witness by their bias or motive to lie. And let's go through them real quick and see what motive these three have to lie. Ann McCormick, she says that she knows Ronald Brown. She's bought things from him in the past. They had dealings. She bought charcoal from him. She bought pampers. She bought, I think, it was Dickies. Why in the world would you go from that to all of a sudden, he's a murderer and violent? That doesn't make any sense, does it?

Let's go to Quamella McCormick, her daughter. Quamella, I submit to you, did more to take care Ronald Brown's children than he did in this case. She snatched them up when, the way Mr. Smalldone put it, there was a bunch of grown men yelling in the front yard and she takes them to safety. So why in the world with a woman who is safeguarding his children all of a sudden come back and lie on him and call him a murderer?

Next, we have Osborn McFadden. What does Osborn tell us? He's related to Ronald Brown. Is he gonna lie on his

own kin? Does that make sense? So we have three witnesses and three different ways to show that they're credible. Their story is consistent and one side. And what do we have on the other side? We have all that stuff Ronald bound said up there. All that stuff that he said doesn't make any sense based on the evidence that we heard.

So you may have heard me ask a whole bunch of questions about money. And you were probably wondering the whole time, why is the solicitor asking about money and how much was in the wallet? Nothing. How much was in his pockets according to the coroner? A quarter and a penny. How much did Ronald Brown say that Tweety took from him? $190. Where is it? It doesn't make sense. It doesn't make sense based on the evidence. It damages his credibility. It shows he's not a credible witness and that he's not telling you all the truth. He told Mr. Smalldone and law enforcement that Akelia's car was blocked in. That little car, with Tweety and Neil, they blocked him in that front yard. He was real hesitant to get up there and show us where they were. And then all of a sudden a few questions later, Akelia drives by and picks him up. How does that make sense? He didn't described to any, to Mr. Smalldone how she pulled through the yard and out through the bushes. It doesn't make sense based on the evidence. They leave. They go. And supposedly he didn't notice his children

weren't in the car. I submit that doesn't make sense especially since he cares about them and would do anything for them, just like Mr. Smalldone says. But they get down the road. He admits that Akelia has a phone. They don't call the cops. What do they do? They do something that really doesn't make sense, he gets a gun out of his trunk. The same trunk that Quamella says he was yelling at Akelia to get something out of earlier. And what does he get? He gets his .40 caliber pistol. And where did they go? Right back where all the trouble is. That doesn't make any sense. And they get it, and this may be the most thing that makes the least sense, they're parked in front of the house where his children are. He says he sees Quamella with one of his children. Quamella tells us she has one of her children and he sees her. Gets out the car and he's got his gun out like this and walks right on passed. Why does he say he didn't? He was nicking. He needed two loose cigarettes. So he's going to go back to the place where he says he's been robbed and beaten to get two loose cigarettes instead of getting his children out of there. Does that make any sense? No! He told the officer, he didn't want to tell me, that Tweety fire six to eight shots. Does that make any sense? There's a whole bunch of questions about how revolvers work in this trial. Six shots is how many shots Tweety's revolver held. When

Ballard opened it up, how many of them were unspent? Three. That don't make any sense. You can't make a six revolver shoot eight and there's only three spent. It doesn't make sense. It's not consistent with the evidence. And then he left. He left the scene after all of this, being robbed and beaten and then being a shootout according to him. He leaves his kids there again and he wanted you to believe that he thought that would make them safer to leave them, as Mr. Smalldone called it, in the viper pit. Does that make any sense? No! So you have a giant pile of stuff that doesn't make sense versus three witnesses who are consistent, believable, and their testimony is supported by the scientific evidence in this case. It's not a hard choice.

Ladies and gentlemen, I want to talk to you next about Mr. Smalldone's presentation in this case. And I don't want you to take anything I say as a personal spite or disrespect of Mr. Smalldone. He and I are good friends. We've tried lots of cases together and I look forward to working with him in the future. He is a charming and a charismatic fellow but he is here to lead charm and charisma to Ronald Brown. Mr. Smalldone said in his opening, called it a viper's pit, [redacted] I.M. Graham Road. You heard from some of the surviving witnesses from I.M. Graham Road. You heard from Osborn. You heard from

Quamella. You heard from Ann. Did they seem like viper's to you? No. They seem like I said in my opening, just normal everyday people out in White Oak trying to live their lives. Mr. Smalldone said he'd do anything for his kids. Anything for this kids. Is that what the evidence in this case has shown? He left them at this place twice. He left them after a shootout. He left them there to go get cigarettes. He wouldn't do anything for his kids.

In his opening Mr. Smalldone tried to mitigate the fact that Ronald Brown didn't call the authorities by saying, hey, he's not a lawyer. Well, you don't have to be Johnny Cochran to know if you're in a shoot out and you've left your kids there you need to call the cops. It doesn't take a law degree to know that. It takes common sense.

And I want to talk to you a little bit about the law. And I want to caution you as I as I did in the beginning, if I say anything different about the law than Judge Cothran says, completely disregard what I say and listen to the judge.

He's currently charged with murder. Murder is the killing of another with malice aforethought and that's a bunch of legal terms. So what's aforethought? It is the inception of idea and it can be the very moment the acts occur. So they have an idea. They're determined to do something. And what's the second part? Malice. It's the

intentional doing of a wrongful act without just cause. So do we have a killing of another? Yes. Matthew Cooper died back there in that field. Is it justified? No. Was there aforethought, a chance to think it over before? Ronald Brown says it took him ten minutes to get back with a gun, comes up and shouts the challenge. I submit to you that's all malice aforethought. He thought it out.

The judge is going to talk to you also about voluntary manslaughter. That's the killing of another adequate provocation. I submit to you there's been no adequate provocation in this case. There's no evidence. There was a cooling-off here. Ronald Brown says he was gone for ten minutes. That's like turning a quarter and a penny into $90. It just doesn't make sense. This ain't manslaughter.

I want to talk to you about, now, self-defense, the law of self-defense in South Carolina. Because they're gonna assert that Ronald Brown was defending himself. And I'm sure all fourteen of you have a different idea about what self-defense is. And thankfully the law has given us a four-part test so we don't all have to disagree. You've got to meet the requirements of this four-part test. You've got to meet every requirement. If one of them struck out you're not defending yourself under the eyes of the law in South Carolina. And what I'd like to do is to take a moment and we're gonna all go through Ronald Brown

and what he did and we're gonna look at this test.

You have to be without fault in bringing about the difficult. What does that mean? It means, he couldn't have contributed to the problem. Could not have made it worse, the difficulty. Is it fair to say that Ronald Brown is without fault in bring about this difficulty? You heard from three witnesses he's out there and he got a stick in his hand and he's yelling back and forth across to another fellow. As Mr. Smalldone put it, a bunch of grown men yelling in the yard. Is that without fault? He leaves. Gets a gun and comes back to the situation. Is that without fault in bringing about difficulty? He leaves the trailer where his children are and goes to where Mr. Matthews is? Is that without fault in bringing about this difficulty? No, it is not. So that's it, we can stop right there. He is not entitled to the defense of self-defense in South Carolina. But I want to go through the rest of the four to show you that he doesn't get a single one of them.

Next, you must actually believe that you are in imminent danger or seriously bodily injury or death and that a reasonable person would've felt the same. Ronald Brown said they left in a white BMW. They're down the road. How in the world could he actually and reasonably believe he's in imminent danger? He's not even there.

That doesn't make sense. And a reasonable person wouldn't find the same.

All right. Number four, this is the one farthest from getting. Has no other probable means of avoiding the danger. So he has to have a likely way to get out there. A way to avoid the situation. A duty of retreat. You know what is a great example of a probable means of avoiding danger? A white BMW that you're inside of driving away from the trouble. That's a probable means of avoiding the danger. Your wife's cell phone that you can call law enforcement on. That's a probable means of avoiding danger. He didn't employ any of those things. He said he went back and shot Matthew Cooper. So you needed a perfect score. You needed all four of them. He doesn't get one. So what are we left with? We're left with a man who got a gun, came to a place and shot another man, pierced his heart and left him gasping like a fish out of the air and he's not defending himself. What do you call that? In Williamsburg we call that murder, ladies and gentlemen. That's what it's called. And that's the choices that Ronald Brown made. Those are the choices lead us here this week. It's now your time to make your choice. I submit to you now that you've heard all the evidence. That the choice you have is an easy one.

Closing Argument by Mr. Smalldone:

_____Ladies and gentlemen of the jury, good afternoon. It is afternoon. It probably didn't take too long in this case for y'all to figure out that this isn't a who done it. This isn't a me saying, Ronald Brown wasn't there. This isn't a me saying, Tweety survived, he's out somewhere like Elvis or Tupac, right. We know ninety percent of what happened, eighty-five percent, maybe ninety-five percent of what happened. But the details are key. The inconsistencies are key. And what really happened is clear.

A few seconds ago the solicitor talked to you about self-defense. I'll talk about the same elements he talked about a little bit later. But it's pretty clear that this is a case about self-defense. Why? What did you hear this week? Well, the opening statement and, basically, a general overview of what you've heard all week is Ronald Brown went to a house. Had no idea what was gonna happen. He's there to sell charcoal. He gets jumped by at least two guys because he owes them $10. He leaves. He doesn't have the kids. He comes back between two minutes, thirty seconds or some people say fifteen minutes later- we'll talk about that in a minute - he comes back a short time later and get shot at and speeds off. Goes away. There's been a lot in this trial about him not bringing his kids back into the car the second time. That's kind the theme

of, I would say that's the theme of what the State is trying to say. Well, what did you hear? You heard, the wife was going to get the kids and he was going to get a cigarette, right. Now, would it have looked better if he was there to get the kids? Yeah. Right. Like I'm sure if he was a liar, if he told the untruth story. He would say, you know what I wanted to get back to my kids and I wanted to get my wife and I gave them a big ole hug and then they started shooting at me. That would look better. But the truth is one thing like the solicitor said that's why he said, he said, look, I went to get a cigarette, or two cigarettes I think he said, my wife was getting the kids. I thought everything was fine. Why did he think everything was fine? The solicitor said, why would you go back to that house? Well, he said it, the car was gone. He thought everything was over. He had been to that house about twenty times before. He knows the car that pulled in behind him. He knows the people that got out of the car. He knows the guy who went back into the car to get the revolver and he notices they're gone. So he's goes back to the house. It's not that hard. Again, if he was a liar, if he was a storyteller, if he was a screenplay writer he would've made something up. He would've said, you know, I did get the cigarettes. I went to go hug my kids or, you know, I went back an hour later. Or, you know, he would've

made it up. He told you the story and it doesn't make him more perfect. He's not running for mayor. He's not running for president. He's not even running for dad of the year. He told the truth. His story is completely consistent with the evidence and here's why? You heard inconsistencies from the three eyewitnesses, right. You heard inconsistencies about the way the fight started, right. Actually, I'm sorry, no one knows or testified how the fight started. None of the State's witnesses explained that. They said someone saw the aftermath of the fight. Some of them saw Mr. Brown gets swung on but no one knows what started it. Well, what did you hear? One witness says they were just kind of talking. One witness says that Neil swung on Junior, Mr. Brown, I'll call him Junior that's what he goes back. One of them says Neil swung on Junior. And I think the other witness says they heard some arguments and Neil was separating the two and Mr. Brown backing away, Junior was backing away. One witness, at least one witness said, Neil shook his hand, they made that a big deal, a big handshake. Now, hold on, though, you're going to say that one, he's gotta stick in his hand; two, you just swung on him; and, three, you're somehow in the middle of this, those things just don't, if you have a venn diagram none of those circles lineup. There is no truth in those things. Now, do I believe they came here and

conspired and said, let's lie on Junior? I don't so. I'm not calling them liars necessarily. I'm saying they might have some bias. I'm saying their memory might be faulty. I'm saying they might've talked about the case and gotten things mixed up. Just the way people do. Why? Are they vipers? Like he said, like I said. I didn't call them vipers I called them the robbers vipers, by the way. Because I think they are. But are they evil people? Are they bad? What are they? Human beings. Just like Junior. They're human beings. They think they know one thing, they know another. They're probably very sure of their, each person is very sure of their different version, their different version of that story. They're probably very sure of it and they might have the best intentions. I'm not here to tear them down I'm just pointing out their inconsistencies. I don't think Junior was framed. I don't think he was at home playing PlayStation and they say, hey, let's kill Tweety and blame it on Junior. They're inconsistent. Somehow every time the State is inconsistent, though, according to them, it's all the big same story, generally, what you call it, different viewpoints. Every time they think Junior is inconsistent, though, that's the big conspiracy. Was Junior inconsistent, though? He got up there and, y'all heard him, nice fellow. Not a Harvard graduate, no offense. He might not have graduated Harvard.

Just a regular guy. He told a story and I believe that's the only story that fits the evidence. I can barely believe it myself if I didn't know it before time, ahead of time. That's the only story that fits and jives with the evidence. Why? A few reasons. One, the shell casings. You heard me talk about the shell casings. The shell casings. Four shell casings all in the front of the house. Two in the roadway, two in the driveway, all in the front. Does that mean he was standing there at that exact spot? No. Shell casings fly out of a gun, right? Did they fly a hundred yards away? Did they have little wings on them? No. I submit to you those shots were fired in front of the house not the side of the house. Not the backyard of the house. Four. None of those three witnesses said any less than I think - and y'all were there, my mind is racing during the trial because I got Junior's life in my hands so forgive me if I'm wrong - but I think the minimum amount that any witness said was fired was ten. I think that's -- no one said four. Absolutely, no one said four. Because I wrote that down. And y'all were there. No one said that four shots were fired. Even the solicitor isn't really arguing that anymore. So somehow we're to believe one of two things. We're to believe that these casings vanished in midair, flew away to the neighbors yard, flew way over to Sumter, something of that nature. Or we're to believe

that there was a sloppy investigation in this case and the police don't know what they're doing. Whichever one you believe you cannot hold that against Junior. What you believe is your choice but those are the only two options I submit to you. And if police do a bad job investigating that's called reasonable doubt and then some. Whose fault is that? I don't know exactly who's fault it is. There is one person whose fault that it is not. So we know there are four shell casing's and they were zeros witnesses that said they heard four shots fired. Zero witnesses, by the way, out of three also say that they saw Tweety with a gun. Now, normally if this was any type of case that would be a bad thing. I would say oh, man, they got us. No, he didn't have a gun. But truth is one thing and the truth doesn't bend, it doesn't flex, it doesn't change. All those people said that they didn't see Tweety with a gun. Investigators in this case rolled Tweety over and truth was there looking them in the face, a revolver. A revolver just like Ronald Brown told the detective he saw two days later. A revolver with three fired rounds in the cylinder. Three. What did Ron say? He said six or eight. But they want you to hold that against him. That’s a big thing, they want you to hold that against him. But the three witnesses that all say a different number of shots, that all say they heard more than four, that's fine. We’re just

gonna mop that up, right. That's what they want you to do. They want you to forget about it. They want you to say, well, forget about holes in our case, we'll stop with this. I understand that. Am I saying they're lying? Am I saying they're bad? No. What am I saying they are? They're human. Just like everybody in this case. Just like me.

So we know those three witnesses may have the best of intentions but the story ain't lining up. What happened before doesn't line up. The direction Ron was running with the gun, everyone seem to say different thing, that doesn't line up. The number of shots don't line up. But they all say that they didn't see Tweety with a gun. He had a gun. Not in his pocket. Not anywhere else. On his person. You cannot hide from that with three spent rounds. I don't know anyone that holds a revolver, carries around a gun with three unfired, with three spent rounds in the cylinder. Maybe y'all do.

I talked little bit about investigator Ballard. It's complicated but I was -- what you heard was you could determine a little bit about whether that gun could be fired or could not be fired based on the rotation of the cylinder. Based on where the fired rounds were and where the unfired rounds were. I hope I made sense. It's hard to explain but we don't know that. We don't know whether that gun was able to be fired. I submit that it was

because he was firing at him. But if you go back there and say well, I have doubt about whether or not the gun was fired because we don't know where the rounds were. You can't hold that against Junior. He's not a cop. He didn't investigate this case. That's a problem for the State, right. What else do we know? Big deal was made, the gunshot residue, right. Y'all heard that Tweety didn't have any gunshot residue on him. Even though three rounds were in the chamber, I'm sorry, three rounds were fired from the cylinder at some point but no gunshot residue. But you heard what sled, their own witness say, listen y'all, gunshot residue is a fragile thing. Physical contact. Moisture. Blood. She said that blood doesn't just wipe it away it dissolves it. Physical contact, that's why y'all probably thought I was crazy when I was asking if she was holding hands with Tweety as he died because this is a sad thing. It was probably a sad moment. She didn't remember but she told Archie Kennedy, investigator Kennedy right afterwards she was holding hands. And what did sled's own witness say? What did the State's own witness say? Yeah, that will do it. Touching a hand. They didn't test the clothing even though it would've stayed around for longer. And now there apparently not even testing victims at all because it's too hard. That's a whole different subject.

So I submit to you that Tweety was firing that gun just like Ronald said. His is actually the only story that makes sense. The State wants you to think that he has a bias, that he's going to lie on the stand. I'm going to say, yeah, he's got a lot at stake. But does that mean every person whoever testifies in a criminal trial, he, himself, must automatically be lying. You can't hold that against him. Of course, he's nervous. Of course, he's not, you know, he's a good guy. He's not, you know, like I said, not the smartest guy in the world. You didn't hear anything inconsistent. They tried to get him on the revolver. They said you didn't talk about passing the revolver. You heard it, maybe he did. The only consistent testimony was from him. Even when it made him look bad.

So the big question in this case is, the big factor is the State wants you to consider and one of the biggest ones is $190, right, versus $0.26 -- $190. Who had $190 on them when he got there? Junior. Who had $190 after? The puzzle piece is right there, Neil. That's why he left. That's why Neil left. Maybe if Tweety took it, he probably gave it to Neil. Why? I don't know. Maybe a couple of reason, right. They're having a cook out, maybe he's going to get something. Maybe he's going to get beer, not that there's anything wrong with beer, maybe he's going to get something. Maybe he's going to get drugs, I don't

know. There was no testimony that he was a drug user but he's getting something. Why did he leave so fast? Some of the witness said, Junior came back after thirty seconds. Why did Neil leave so fast? There's your answer because he just robbed him. He robbed Junior and he halted out of there. Maybe Tweety owed Neil the money, I don't know. Maybe it was -- maybe Neil and Tweety were sitting there a while, maybe somebody scooped it up. Figured he wasn't gonna use so he might use it. The coroner doesn't even remember, -- bless his heart, the coroner. Je seem like a very nice man. I hate to make fun of him and I'm not going to but he said he doesn't remember what happened. He doesn't remember taking the wallet out. Does that mean he didn't take the wallet out? Looks like he did, but if he found something from his pockets, again, bless his heart no offense to him but I don't know if he'd remember it. Maybe y'all voted for him. He's a very nice man. I ain't going to get up here make fun of the coroner but it sounds like his memory of that event is not the most intact memory in the world. I think we all agree on that, right. So that's where Neil went. That's why Neil was gone. That fits in with the evidence.

His is the only thing that fits in the evidence. The car was gone so that's why he felt safe. He was a little weary that's why the gun, just in case. Gets out of the

car and starts getting blasted with a revolver that he described to detective Wrenn. Isn't it weird that he's the only guy out of these supposedly unbiased witnesses that the State has, he's the only one that mention a revolver. The other three may not see it, but he saw it, described it. A big deal made about having the wrong color handle. It's still a revolver. It still a revolver. Sorry the details might not have been on his mind at the time that he was getting shot at. But, that's what happened. The only consistent testimony. Only testimony that really makes any sense because of where the shell casings were, because the amount of shell casings, because of Tweety's gun, his is the only one. So what happened after this? Law enforcement gets there and they do some type of investigation. Oh, yeah, they talked to the witnesses that wanted to talk to them. But who don't they talk to? They don't talk to really the only people who could have provided valuable information in this case. Where is Neil? Y'all, I want to go find him myself right now because I've got a lot of talking to do with Neil. Neil ain't here. Whose fault is that? Again, I'm not going to point specific fingers. I'm just gonna tell you whose fault it isn't, Junior. The State didn't provide the key witness, one of two key witnesses, right. Because Neil knows exactly what happened. So is it that they didn't bother to

find him? Their critical witness that can tell you what you need to know about the case and fill up that puzzle. Put that puzzle together. Were they lazy? I don't know. Again, I won't call names. Or was Neil not cooperative? Was Neil dodging them because he did an armed robbery beforehand? Because he had a gun in his car that he put on Junior and he got out of there seconds later and now he doesn't want to come testify. So again with the same thing, either way you've got two options. One, armed robber that doesn't want to talk. Two, the State doesn't want to bother to find him. And we know three, whose fault that isn't, and that's Ronald. That's Junior.

So those people are key to this case. That evidence is the key to the case and he's not here. I told you who's specifically fault -- we don't know -- we don't know exactly who messed up but we know where the buck stops and that's with the State of South Carolina. You don't have to be mad at them. You don't have to, doesn't mean you hate them but you gotta say, listen, this is y'all's job and you came up short. They didn't do their job. Why? Because the State of South Carolina has the burden of proof. That means throughout this trial, beginning of this trial, even right now, Ronald Brown is innocent. Innocent of all charges. Just like me. Just like the solicitors. Just like y'all. Just like the court reporter. It's up to

y'all to go back there and decide whether or not the State of South Carolina has lifted that kind of burden, I like to think of it kind of like a boulder on your chest when you're laying down because if it's heavy enough it's either gonna be on or it's off, right. You can't hold it and flux for too long. It's up to y'all whether or not they met their burden, they lifted that off and prove their case. They didn't.

But this isn't just a case about missing links, about missing witnesses, about inconsistent statements, about the fact that they didn't, either didn't look or didn't find a twig or a tree or a tree branch in the road, about the fact that they didn't look or cared or photographed or find a beer bottle that one of the witnesses said that he had, about, you know, the shell casings, about anything, about any testimony. We didn't hear anything about them trying to find this gun that was supposedly used. This isn't just a case about that. This isn't, you know, I'm not just saying, hey, look help me out a little bit they didn't do that good of a job. I'm saying this is a case about what did happened. It's not just about what they didn't do. It's about what happened. Self-defense. You saw the chart, right. So let's go, four elements of self-defense. And I hate giving law lectures so I'm gonna try to make it brief. Self-defense is first, like you heard, you gotta be

without fault in bring out a whole ordeal. Without default means, let's say hypothetically, if you're going to drop some charcoal off and you get jumped and you have to come back even though they told you they'll kill you if you came back and they gave you ten seconds to leave, without fault means, didn't know what was coming and you had to come back because you kids are there and you worry for your kids. That's without fault in bringing on the difficulty. There's no fault in what he did. He had to come back because his kids were there. Everyone agrees his kids were there. There's not a disputed fact. Every single witness says, that were there says, his kids were there. First of all, he leaves his kids there that's his fault? Maybe he should have done a backseat check. But he just got beat up or gotten into a fight, he just gotten into a fight and he's got someone who is gonna kill him so he drove off. Was it negligent to drive off without realizing your kids in the back? Yes. What do you do if you're negligent? You correct your mistake. So he corrected the mistake. He turned around and it took him thirty seconds, and some witnesses say fifteen minutes, turn right around and got his kids. But because he corrected his mistake his life was in jeopardy. And that's for the second element of self-defense is, you gotta be in fear for your life or fear for your safety. I think that's the most obvious element.

He's been shot at by the gun that you see in pictures. By the gun he described two days later and today. He's getting shot at. He fears for his life, a bullet. So the third one is the fear has to be reasonable, right. Obviously, a bullet, guns, shooting, that's pretty reasonable fear. The fourth element is you can't avoid that situation without violence. That's the, the fourth element means you did what you had to do. You did what you had to do. You can't avoid or outrun that bullet. A .22 ain't the fastest bullet but it's faster than any human being I know. Couldn't avoid that bullet. That's self-defense.

And the burden of proof in this case means that I don't have to prove self-defense. I think I have. I think he did. I think the evidence did. But I don't have to. The State has to actively disprove it. They have to disprove one or more elements of self-defense. Just like with reasonable doubt. Just like with the burden of proof. They have -- it's up to them to do it and they didn't. They tried but they couldn't because it's not what happened. What they say isn't what happened. It doesn't match up. His is the only one that makes sense. That's self-defense and that's what this case is about. A guy gets jumped. Leaves his kids there because he ran off in a hurry. Comes back. The guys who jumps him are still

there. Neil's gone because he took off with $190. The other guy is still there and has a revolver that you've seen the pictures, shot at him and he shot back. Fifteen second version of the case. Nothing disproves that. So South Carolina has the burden of proof. They have to prove their case. Everything they do they have to disprove -- they have to prove that Ronald Brown is no longer innocent of these charges and they haven't. They haven't proven that beyond a reasonable doubt. What is a reasonable doubt? There's no number. The judge isn't gonna say, you know, he's not give you the quadratic formula. But he's just gonna say something along the lines of, and just like the solicitor said listen to him about the law if there's any contradiction. He's in charge. But he's gonna say something along the lines of reasonable doubt is proof that would make -- reasonable doubt is something that would make you hesitate to act or when they have proof that your firmly convinced. That's reasonable doubt when they don't do that. Reasonable doubt is the highest standard in a criminal case. It's the standard in a criminal case. It's the highest standard in any legal case, right. You get pulled over because a cop thinks you're speeding and you've got a tail light out or something, that's called a reasonable suspicion. That's real low. A cop signs a warrant for your arrest because he thinks you did

something. That's probable cause. You get in a car wreck and the jury, just like y'all, have some juries here, they have to determine who's at fault in the car wreck. That's still not reasonable doubt. That's called preponderance of the evidence. That means -- that means one side is fifty-one percent and one's forty-nine percent, right. This is the highest standard that we hold South Carolina to in criminal court. Proof beyond a reasonable doubt.

So what is reasonable doubt? It's a doubt that is reasonable. Pretty simple. Do you have a doubt? Yes. Is it reasonable? Yeah. And in a few minutes the judge is going to tell you a little bit about reasonable doubt and he's gonna say, I never noticed this until recently but in the judge's charge he will say, if you believe there's a real possibility that the defendant is not guilty you must find him not guilty. It's not a real probability. It's not pretty certain. If you believe there's a real possibility that Junior is right and this was self-defense, that they don't, their stories don't add up and they don't have the evidence to prove it. They did a sloppy investigation. Real possible. So you go back there, you might go back there and I hope not, but you might go back there and say, you know what, I think, I think he did it. I hope that doesn't happen. You might go back there and do it, right. You might say I think he did it. I think it

wasn't self-defense. I think he came there and wanted to shoot everybody or whatever. You can say that, I hope you don't. But then if you say I think that's what happened, I mean, it's possible that it's self-defense but I don't think is likely. You know what that is, that's a not guilty. You're not going back there to decide what you think happened, although, I think I've laid it out. You're not going in there to decide which side is more believable. You're going there to determine if they've proven their case beyond a reasonable doubt. If there's a real possibility that you think this is self-defense, even if you mostly don't believe it which I hope you don't or do, even if you mostly believe their side of the story but you say, you know what, it doesn't cut it. There's a real possibility he defended himself and there is. There is. That's what that is. That's what reasonable doubt is.

So we're almost done. I want to charge you with a couple of things. First, you're gonna hear from the judge, murder. I submit to you there's no version of the facts where this is a murder case, right. It's not malice aforethought. This isn't him just shooting everybody. This isn't a murder. I think the question that you may have is whether or not this is manslaughter or self-defense.

Manslaughter, as you heard is, he was provoked.

Ronald was provoked. He got mad. He didn't have time to cool down and he shot. But for you to believe that version of the story, you have to believe all inconsistent witnesses. You have to believe all of the evidence, it doesn't line up. You have to do a fairytale leap of faith in your mind for y'all to come to that verdict. So this is really a question of manslaughter which, again, doesn't line up with what happened versus self-defense which absolutely makes sense. Absolutely self-defense.

I said I was almost done a minute ago. Sometimes people ask me what's the hardest part of being a lawyer? And there's hard parts, clients mama's are always hard, running a business is hard, dealing with numbers, dealing with human beings. But I always say the hardest part of being a lawyer is knowing when to stop talking. I know I've talked a lot and I hope you all understand it's for reason. The hardest part is to stop talking. I represent Mr. Brown. I've represented him for a while and I always -- he's my responsibility, right. As soon as I stop talking you're gonna, may or may not hear from the solicitor again, and then you're gonna hear from the judge. But as soon as I stop talking ain't nothing else I can do. Ronald's not, Junior's not mine to take care of anymore. And I hope y'all feel a little, of what I've felt, a little bit of that responsibility because he's yours now. Y'all

go back and deliberate after all this and I want y'all to reach a verdict. I want y'all to reach a verdict of not guilty. He's not guilty of this because this is self-defense and nothing you've heard from the State's is disproven that. He's not guilty. Thank you so much.

MR. FINNEY: May it please, the court, Your Honor?

THE COURT: Yes, sir.

MR. FINNEY: Mr. Smalldone?

Closing Arguments by Mr. Finney:

_____Ladies and gentlemen, my name is Chip Finney. I am the solicitor of the Third Judicial Circuit and Williamsburg County is one of the four counties that make up that circuit. For the last eight and half years I've had the pleasure of representing families who had trouble brought to them. They didn't look for trouble, trouble found them. What I have found out in the eight and half years as being your solicitor is that there are circumstances that you have to come to court and decide. Those circumstances can't be worked out outside the court. If they could we wouldn't be here.

The first thing I'd like to do when I do a closing argument is I like to think the law enforcement officers because they do not get to quit at 5 o'clock and go home. When somebody calls them out to White Oak because somebody's been shooting, they have to come and they have

to stay until it's all wrapped up and done. That means a lot of people have to be talked to. A lot of things have to be done. They don't get paid extra for doing this. This is what they do every day and I want to thank the law enforcement officers that helped us in this case. The ones in the Columbia, at the lab, just the same.

The other group of people I want to thank are the family members of Mr. Cooper. They waited two years for today. They have been waiting for justice for Matthew Cooper, Jr. I believe after the fourteen witnesses that you heard the State call and the one witness that defense called that you have heard the truth and you're going to be able to make a decision because it's not about the lawyers, it's not about the family, it's about the evidence.

Now, in this part of the trial a smart judge once told me you all have already listened to lawyers talk for forty-five minutes, you all are not going to listen to me very long. Let me say a couple things to you and I'll sit down. The lawyer started off talking about how inconsistent the witnesses were. None of the witnesses there that day told you that Matthew Cooper had a gun, that they saw him use it, or that they heard the shots come out of it. How was he going to tell you that his client is ready and able to claim self-defense when there's absolutely no proof other than Junior saying that Matthew fired a gun. Nobody said

Matthew fired a gun. Nobody knew he had a gun. We don't know when those three shots were fired. He could've shot a snake or a squirrel or a rabbit a week before. If he fired the gun three times within a short amount of time, ran to his death in the backyard, and was not moved, you would think the GSR would be there. But, yes, the lady from the sled lab says, yes, it could've rain. It didn't rain. It was sunny. He could've sweated. He wasn't sweating, ladies and gentlemen, because he was deceased. The GSR test would have been done on the back and the front of his hands. There was no GSR on his hands. The only person who has told you about firing that revolver is the man who had two days to come up with the story to come back to talk with the law enforcement to try to avoid his responsibility for taking that life. What was he doing for the two days? He didn't tell you today. Why did he take the car to Lake City? He didn't tell you that today. When did he go back and get his kids? He didn't. The police officers turn the kids over to his mama. And for two days he's come up here and told you I love my kids so much. I was so scared for my kids. When I left the house that day I left the house and didn't know the kids were there so I came back to get the kids and he got out of the car, he didn't go and see the kids or touch the kids or try to protect the kids or try to put them in the car to get them out of the way. He

got out of the car swinging that gun, "What's up now?" They say that there's only four shell casings that were found, that's true. The officers looked. This is a big backyard, ladies and gentlemen. State's Exhibit 53, 74.5 yards is the distance from the lane down to the corner where they left in the white BMW. But the distance is also 73 yards from the tree to where he fell. The witness that went with Tweety around the house along with this other man from New York, whose name we don't know, says that after the shots rang out in the front yard, Tweety started running, they all started running. They left from the front and they went around to this side of the house thinking the house would protect them. That's what the man told you. The house will protect us. Let's get to that corner. Those gentlemen, I think his name was Mr. Osborn, Mr. Osborn was going to go back to this corner. That was the furtherest point he could get to away from what was going on in the front yard and guess who he run into at that point? Junior, still with the gun, Mr. Osborn said. And when they got to that corner Mr. Osborn said, I don't none of this, I turned around again and came back the way I just came and that's when he told Tweety, "Don't run out in the open, you gone get hurt," more shots fired. Tweety goes down a few steps later. Mr. Smalldone started out by telling you a very important thing, details are key.

That's what he said. What about the details? We talked about the GSR kit already. We talked about the fact that he had two days to make up this story that doesn't make any sense because the story doesn't have anything to do with what the eyewitnesses in that yard that day said. Then he says that the people who came, the ladies who came and Mr. Osborn who came, he said they're not liars necessarily. Well, what that is, ladies and gentlemen, to me is lawyer talk. It means what they told you and their consistent and truthful statements does not match up with what he has to say. They're not liars necessarily. Ladies and gentlemen, this is a court of law. You either telling the truth or you're lying. And I think those people who came that saw the events that day that didn't leave that waited and called law enforcement, those are the people you should believe. And if you do believe them this is not a case about self-defense. If the man fired three times, he's got no GSR on his hands, ain't none of the .22 caliber bullets, that he says were fired, none of them hit anybody or anything, no cars, no trees, no houses, no people, three times.

Now, Tweety was supposed to be lying in wait for this man. What proof did Junior Brown offer you or what version of the story did Mr. Junior tell you that said that Tweety knew he was coming back? None. This guy, Neil, left

because they had shook hands, that's what one witness said with Mr. Junior, and he left, Junior left. Tweety's sitting under the tree with Osborn. They talking about the barbecue they getting ready to have. Details matter. Didn't Junior tell you today that Tweety took off his jewelry, ready to fight? Think. What did the doctor tell you this morning at autopsy? She took off all the jewelry off Tweety. Took the $0.26 out of his pocket. Took his shoes and his underwear, told you the color and everything. Proof beyond a reasonable doubt. That this story does not hold water. That this man, with his two days of planning, couldn't come up with the truth, doesn't deserve your consideration. Certainly not a self-defense. And don't give him the emotional compromise of manslaughter. Matthew Cooper deserves better. This family has been waiting for two days, two years. He took the life of another man over $10 and disrespect. He felt disrespected. And he's gonna come and tell you that this man name Tweety, with no proof that he fired a gun or showed a gun, took $190 from him. Come on. No cell phone call. No going back to the house to wait for law enforcement. No going to get the kids when he does come back. I'm in charge. I'm gonna show you I'm in charge. I've got a big gun, a .40 Cal. And what've I got to tell you? "What's up now?"

Ladies and gentlemen, the State of South Carolina has

presented this case. And we proved to you beyond a reasonable doubt that Junior killed Tweety with malice aforethought and we ask you to find him guilty of murder. Thank you.

THE COURT: You've been here an hour and I have to charge you, it's going to take about fifteen minutes, does anybody need a break before I start? Everybody good.

(Whereupon, the jury indicates they are good)

THE COURT: Okay.

Judge's Charge on the Law:

THE COURT: And now that you've heard all the evidence in this case as well as the closing arguments of the attorneys I am going to charge you on the law that you are to apply in this case. Under our Constitution and Code of Laws only a jury can make a finding of fact in a case. I'm not allowed to have an opinion about the facts in the case. So if I've said anything or done anything in this case that you think I have an opinion about the facts, you're to disregard that because you and only you can determine what the facts are in a case. The same law that makes you the exclusive judge of the facts makes me the exclusive judge of the law. So if you have an idea of what you think the law is and what the law should be and it differs from what I now tell you the law is, under your oath your to disregard those ideas and apply the law

exactly as I give it to you.

The fact that this defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case. Nor does it create any presumption or inference of guilt. The indictment is simply a formal legal document that processes this case to the court system.

Into this indictment this defendant has entered a plea of not guilty. Therefore, it cast the burden upon the State of South Carolina to prove each and every element that's indicted to you beyond a reasonable doubt. A person charge with committing a criminal offense in South Carolina is never required to prove himself or herself innocent. It is an important rule of law in this country that a defendant in a criminal trial will always be presumed innocent for the crime for which he or she is charge unless or until that guilt has been proven by evidence that satisfy you of that guilt beyond a reasonable doubt.

Presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is substantial constitutional right to which every defendant is entitled. This presumption of innocence accompanies the defendant from the time he is charged and throughout the trial until you reach a verdict of guilt based on the evidence that satisfies you of that guilt beyond a reasonable doubt.

Now, reasonable doubt is a doubt which makes an honest sincere conscientious juror in search of the truth to hesitate to act. Proof beyond a reasonable doubt must therefore be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs. Proof beyond a reasonable doubt can also be described the proof that leaves you firmly convinced of the defendant's guilt.

Now, there's very few things in this world we know with absolute certainty and in a criminal case the law does not require a proof that overcomes every possible doubt. And based on your consideration of the evidence and you are firmly convince that the defendant is guilty of the crime charged you must find him guilty. If on the other hand, you think there's a real possibility he's not guilty you must give him the benefit of that doubt and find him not guilty.

Now, in determining the facts in the case you must necessarily pass upon the credibility which simply means the believability of the witnesses and the value of weight to be given to their testimony. And you alone must decide the force and effect the truth of that testimony. In making these decisions there are many things that you should take into consideration. Such as the appearance and the manner of the witness on the stand. Sometimes referred

to as the demeanor of the witness. Was the witness forthright or hesitant? Was the witness' testimony consistent or did it contain discrepancies? What was the ability of the witness to know the facts about which he or she testified? Did the witness have a cause or reason to be bias and prejudiced in favor of the testimony he or she gave? Was the testimony of the witness cooperated and made strong by other evidence and testimony? Or was it made weak by such other evidence and testimony?

Now, under our rules of evidence they don't ordinarily permit a person, a witness to testify to opinions or conclusions. An exception to this rule exists for which we call expert witnesses. A witness who by education and experience has become an expert in some science or a profession or calling may state an opinion as to the relevant materials that matters in which the witness claims to be an expert and may also give reasons for that opinion. You should consider an expert's opinion received into evidence in this case like any other evidence. You give it the weight you think it deserves. You decide was the opinion of the expert based on sufficient evidence and education and experience. Or you can conclude that the reasons that's given in support of that opinion are not sound and that the opinion is outweighed by other evidence. You may disregard the opinion and its entirety. An

expert's opinion is to be given no greater weight than that of any other witness simply because that witness is an expert. And you're not required to accept an expert's opinion even though it is uncontradicted.

Now, as jurors you have the right to believe a small portion of the witnesses testimony and disregard the larger or vice versa. You may believe all the witnesses testimony or none. You may believe the testimony of a single witness that of many or the other way around.

Now, there's two types of evidence which are generally presented during a trial. Direct evidence and circumstantial evidence.

Direct evidence directly proves the existence of a fact and does not require a deduction.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence and the law makes no distinction between the weight or value to be given either direct or circumstantial evidence.

However, to the extent the State relies on circumstantial evidence. All the circumstances must be consistent with each other. And when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. And these circumstances merely betray the defendant's behavior suspicious the proof failed. The

State has the burden of proving the defendant guilty beyond a reasonable doubt and this burden rest upon the State regardless of whether the State relies on direct or circumstantial evidence or a combination of the two.

Now, criminal intent is also a necessary element of each crime and it must be prove to you beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There's no way to prove intent to a mathematical certainty. There's no way we can dissect a person's brain and determine what he or she had in mind. So the law states that criminal intent may be inferred from circumstances shown to have existed both before and after the fact and this is how you, the jury, make a determination of whether or not the elements requiring intent was present.

Criminal intent is a state of mind that operates jointly with an act or an omission in the commission of a crime. Criminal intent is a mental state of conscious wrongdoing. So it is up to you to determine what the defendant had in mind based on the circumstances shown to existed and I tell you the State must prove criminal intent like every other element beyond a reasonable doubt.

Now, the defendant has raised the defense of self-defense. Self-defense is a complete defense. And if

established, you must find the defendant not guilty. The State has the burden of disproving self-defense by proof beyond a reasonable doubt. If you have a reasonable doubt of the defendant's guilt after considering all of the evidence including the evidence of self-defense then you must find the defendant not guilty. On the other hand, if you have no reasonable doubt of the defendant's guilt after considering all of the evidence including the evidence of self-defense, you must find the defendant guilty.

And these are the elements of self-defense that must be established: First, the defendant must have been without fault in bringing on the difficulty. If the defendant's conduct was the type which was reasonable calculate to and did provoked a deadly assault, the defendant would be at fault in bringing on the difficulty and would not be entitled to acquittal based on self-defense.

The second element of self-defense is that the defendant was actually in imminent danger of death or serious bodily injury or that the defendant actually believed he was in imminent danger of death or serious bodily injury. If the defendant was actually in imminent danger it must be shown that the circumstances would have warranted a person of ordinary firmness encouraged to strike the fatal blow to prevent death or serious bodily injury. If the defendant believe that he or she was in

imminent danger of death or serious bodily injury it must be shown that a reasonable prudent person of ordinary firmness encourage would have had the same belief. In deciding whether the defendant actually was or believed he was in imminent danger of death or serious bodily injury you should consider all of the facts and circumstances surrounding the crime including the physical condition and characteristics of the defendant and the victim. The defendant does not have to show that he or she was actually in danger. It is enough if the defendant believes that he or she was in imminent danger and a reasonable person of ordinary firmness encouraged would've had the same belief. The defendant has the right to act on appearances even though the defendant's belief may have been mistaken. It is for you to decide whether the defendant's fear or imminent danger of death or serious bodily injury was reasonable and would have been felt by an ordinary person in the same situation.

Now, words accompanied by hostile acts may, depending on the circumstances, also aid you in establishing self-defense. Evidence of prior difficulties between the defendant and the victim may be considered in deciding whether a threat exist and whether the defendant had a reason to believe a threat existed and how serious the threat was. The relative size, age, and weight of the

defendant and the victim may be considered in deciding the apparent or actual need of force in self-defense and the amount of force needed. Prior incidences of violence by the victim may be considered in deciding whether the defendant actually believe he or she was imminent danger of death or great bodily injury or was actually in imminent danger.

Now, threats made by the victim may be considered in determining whether or not the defendant actually believed he or she was in imminent danger. Intoxication of the victim may be considered in deciding whether the defendant's fear of death or bodily injury was also reasonable.

And finally, the defendant to invoke self-defense had no other probable way to avoid the danger of death or serious bodily injury other than to act as the defendant did. The defendant had a duty to retreat if possible under these circumstances.

Now, the defendant would have no duty to retreat, if by doing so, the danger of being killed or suffering serious bodily injury would have increased. You have a duty to retreat unless you own your own property or business. But if the situation is such that retreating would increase the danger of being killed or seriously bodily injury, you don't have a duty to retreat under those

circumstances.

Now, a person cannot be required to make an exact calculation as to a degree or amount of force which may be needed to avoid death or serious bodily injury. Therefore, in self-defense the defendant has the right to use the force needed to avoid death or serious bodily injury and the force used in self-defense does not have to be limited to a degree or the amount of force used by the victim. The defendant has the right to you so much force as appear to be necessary for complete protection in which a person of ordinary reason and firmness would believe to be needed to prevent death or serious bodily injury. If a defendant is justified in defending himself or others and in firing the first shot, then the defendant is also justified in continuing to shoot until it is apparent that the danger of death or serious bodily injury has completely ended.

Now, the defendant in this case is charged with the crime of murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought. Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with the intent to inflict an injury or under circumstances that the law would infer an evil intent.

Malice aforethought does not require that the malice

exists from any particular time before the act is committed. But the malice must exist in the mind of the defendant just before and at the time that the act is committed. Therefore, there must be a combination of previous ill intent and the act. Malice aforethought may be expressed or inferred. And these terms expressed and inferred do not mean different kinds of malice but merely in the manner in which the malice was shown to have existed. That is either by direct evidence or by inference from the facts and circumstances which are proved. Express malice is shown when a person speaks words which express hatred or ill will for another. Or when the person prepares beforehand to do the act which was later accomplished. For example, lying in wait for a person or any other act of preparation going to show that the deed was in the defendant's mind would be expressed malice. Malice may be inferred from the conduct showing a total disregard for human life.

Now, if you find that the State has not proven the crime of murder beyond a reasonable doubt, a lesser included offense to the crime of murder is voluntary manslaughter.

Now, to prove voluntary manslaughter the State must prove beyond a reasonable doubt that the defendant took the life of another in the sudden heat of passion based on

sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of the killing to constitute voluntary manslaughter. A sudden heat of passion made for a time affect a person's self-control and temporarily disturb a person's reason. The sudden heat of passion must be the type that would make an ordinary person unable to cool and reflect on his actions and would produce an uncontrollable impulse to do violence. Sufficient legal provocation must be the type that would make a person of ordinary reason and caution becoming enraged and to lose control temporarily that provocation needed for voluntary manslaughter must come from an act or related to the victim. Words alone, no matter how vulgar or insulting, are not enough to be legal provocation. Where death is caused by the use by a deadly weapon, the words must be incumbent by some overt threatening act which could have produced heat of passion. The exercise of a legal right, no matter how offensive it is to another, it's never sufficient legal provocation for voluntary manslaughter. If the heat of passion had cooled or if there have been enough time between the provocation, if any, and the killing from the passion for a reasonable person to cool, the killing would not be voluntary manslaughter. In deciding whether a reasonable person would have had enough time to cool off you should consider

all the circumstances surrounding the killing. You may consider the nature of the provocation, if any, the defendant's mental and physical state and the circumstantial and relationship between the parties.

Now, the defendant is also charged with the crime of possession of a weapon during the commission of a violent crime. The State must prove beyond a reasonable doubt that the defendant was in possession of a firearm or visible displayed what appeared to be a firearm during the commission of a violent crime. And a firearm means any machine-gun, automatic rifle, revolver, pistol, or any weapon which willed or is designed to or may be readily converted to expel a projectile. In order for the defendant to be guilty of possession of a weapon to the commission of a violent crime, you must first find the defendant guilty of either committing a violent crime or attempting to commit a violent crime. And I tell you that the crime of murder and involuntary manslaughter are violent crimes in South Carolina.

Now, ladies and gentlemen, you are not partisans or advocates for the State of South Carolina or this defendant. You do not serve as jurors to reward your friends or punish your enemies. Obviously, that system of justices wouldn't be tolerated. You have been selected by both the State and this defendant to be fair and impartial

juror's. It is your duty during joint drawing deliberation to determine the facts in this case and apply the law that I've given you and when you've done that you should reach a verdict in this case.

Now, I had my law clerk prepare a possible verdict form. It simply the caption of the case, the State of South Carolina in the County of Williamsburg. The State versus Ronald Brown, Jr. And the possible verdicts in this case, we, the jury, by unanimous consent find the defendant guilty of murder or not guilty of murder. If you find the State has proven beyond a reasonable doubt that he's guilty of murder you will check that block and go down to the next one. If you find that the State has not proven that beyond a reasonable doubt, then you would check not guilty. Manslaughter is a lesser included offense. If you decide they proven beyond a reasonable doubt that he's guilty of murder, you don't go down to manslaughter. Then you would go all the way down to possession of a weapon during a violent crime whether he, in fact, possessed a weapon and you would determine whether he was guilty or not guilty. The order that I put these in you should draw no distinction. We just had to put them in some order. So if the State has not proved murder by a reasonable doubt, you then consider whether they've proven manslaughter by reasonable doubt. If you think they have you would check

guilty. If you think they have not proven that to you beyond a reasonable doubt, you check not guilty. If you have not guilty for murder and not guilty for manslaughter you don't even consider the weapon. But if you have guilty for either one of those you'll then consider whether he possessed a weapon.

Now, this verdict must be unanimous. All twelve of you must agree on it. And so when you've reached a verdict you'll simply sign it, date it, knock on the door and let us know you've reached a verdict. If any time during your deliberations and one of you need to be excused, or if one of you needed to go to the restroom, you've got to stop talking about the case. You can only talk about the case when all twelve of you are present in the room. And when you reach a verdict just let us know. If you have a question, you have to write that question down on a piece of paper, give it to the bailiff, and they will bring into me. I can tell you right now I can't answer a question of fact. I can only explain the law to you about it. I can answer any legal question if I need to go over some charges with you. But if you have an evidentiary question about something that happened I can't, you can hear testimony again, but I can't answer that because I can't reopen the case. So you've heard all the evidence you gonna hear so you've got to decide it on what you've heard. But if you

have -- if I need to explain one of the things I talked to you about the law, I certainly can bring you back out and we'd charge you on the law. But if you asked a factual question I can't answer that.

All right. Now, I need to talk to the lawyers to be sure I've covered everything. If I have covered everything in this case, I will send the evidence along with this verdict form to the jury room. When you get this that will be your indication to begin your deliberations. And then when you reach a verdict let us know. But if I've left out something I'll bring you back out and charge you further on the law. If not I'll send this in and when you get this, that means you can start.

Now, my two alternates, y'all need to stay with me. Where are they? Who are my two alternates?

(Whereupon, the two show him by raising of their hands)

THE COURT: I only needed y'all if somebody got sick or died but it looks like all of them are gonna make it. So if y'all stay with me and the other twelve of you will go to the jury room. I'll get you out and send this in, okay.

(Whereupon, the jury exits the courtroom at 2:50 p.m.)

THE COURT: Okay. Are there any exceptions or deletions on behalf of the State?

MR. ANDERSON: No objection.

THE COURT: Behalf of the defense?

MR. SMALLDONE: No, Your Honor.

THE COURT: All right. Gentlemen, if y'all would get with the court reporter, get all the evidence together. That way y'all all need to agree so everything will go back.

(Whereupon, the jury starts deliberating at 2:55 p.m.)

(Whereupon, the judge dismisses the alternates from this case)

THE COURT: Bring the jury.

(Whereupon, the jury enters the courtroom at 3:37 p.m.)

THE COURT: Okay. Mr. Foreman, I have two questions. One, please provide the four parts of self-defense. And then, two, provide the directions of voluntary manslaughter.

In the short version of the self-defense, understand I can explain it in to much detail as you want it, but the first one is: The defendant must be without fault in bringing on the difficulty. Number (2) the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury or he must have actually believed he was an imminent danger of losing his life or serious bodily injury. Number (3) the defense is based upon a belief of imminent danger. That the defendant must show that a reasonable -- well, the defendant doesn't show

anything. A reasonable prudent person of ordinary firmness encouraged would have entertained the same belief that they were in actual danger of loss of life, or imminent body of danger. And number (4) is, the defendant had no other probable means of avoiding the danger. One, he couldn't have brought it on; (2) he had to be in actual danger of losing his life or serious bodily injury; or, (3) he had to believe that an ordinary person under the same circumstances would've believe that and that he had no means, no way to avoid it that he couldn't retreat. That he couldn't leave the situation. Those are basically the four elements.

Now, you need me to go into that longer version I gave you earlier?

(Whereupon, the jury indicates no)

THE COURT: Okay. Now, on the manslaughter and I'll just -- the State must prove beyond a reasonable doubt that the defendant took the life of another in the sudden heat of passion based on sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of the killing to constitute voluntary manslaughter. A sudden heat of passion may or a time perfect a person's self-control and temporarily disturbs a person's reason. Sudden heat of passion must be the type that would make an ordinary person unable to cool

and reflect on his actions and would reduce and uncontrollable impulse to do violence. Sufficient legal provocation must be the type that would make a person of ordinary reason and caution become enraged to lose control temporarily. The provocation needed to be for voluntary manslaughter must come from some act of or related to the victim. Words alone, however vulgar or insulting, are not enough to be legal provocation. Where death is caused by the use of a deadly weapon, the words must be accompanied by some overt, threatening act which could have produced the heat of passion. The exercise of the legal right no matter how offensive, in and of itself, is not sufficient for legal provocation for voluntary manslaughter. If the heat of passion had cooled or if there was enough time between the provocation, if any, and the killing for the passion of a person to have reasonable cooled the killing would not be voluntary manslaughter. In deciding whether a reasonable person would have had enough time to cool, you should consider all of the circumstances surrounding the killing. You may consider the nature of the provocation, if any, the defendant's mental and physical state, and the circumstances and the relationships between the parties. Okay. Does that help you at all?

(Whereupon, the jury indicates yes except one of the jurors has ask the judge to repeat one part of the charge)

JUROR: Can you repeat number one again?

THE COURT: On the self-defense or this?

JUROR: The self-defense.

THE COURT: Okay. Number (1) on the self-defense is the defendant must be without fault in bringing on the difficulty.

JUROR: Thank you.

THE COURT: All right. And it doesn't have to have all four of those. If you find any of those not present then it fails. The State -- to find self-defense all four of them must be present. Now, the defendant doesn't have to prove self-defense. He raises that. The State has to prove the nonexistence of self-defense. They have the burden of proving everything. They must prove beyond a readable doubt that he wasn't acting in self-defense. But to -- but to rely on defense of self-defense those four factors must be present. Okay. All right. If y'all will return and let us know if you have a verdict or another question.

(Whereupon, the jury exits the courtroom at 3:44 p.m.)

THE COURT: All right. Any exceptions or deletion on behalf of the State?

MR. ANDERSON: No, Your Honor.

THE COURT: The defense?

MR. SMALLDONE: No, Your Honor.

THE COURT: Okay. We'll be at ease.

(Whereupon, the Question from the Jury has been marked and entered into evidence as Court's Exhibit No. 2)

THE COURT: We got a verdict.

(Whereupon, the jury enters the courtroom at 4:33 p.m.)

THE COURT: Mr. Foreman, I understand y'all've reached a verdict?

MR. FOREMAN: Yes, Your Honor.

THE COURT: Is it unanimous?

MR. FOREMAN: It is.

THE COURT: If you'd President please, sir.

Verdict:

THE CLERK: The State of South Carolina, County of Williamsburg, the State versus Ronald Brown, Jr., case number 2018-GS-45-21, we the jury by unanimous consent find the defendant not guilty. We the jury by unanimous consent find the defendant guilty of voluntary manslaughter. We the jury by unanimous consent find the defendant guilty of possession of a weapon during the commission of a violent crime. Signed by Mr. Foreperson, October 3, 2019.

THE COURT: Okay. Anything from the State before I release the jury?

MR. ANDERSON: Other than thank you.

THE COURT: Anything from the defense?

MR. SMALLDONE: Your Honor, I'd ask that the jury be

polled at this time.

THE COURT: All right. If you'd poll the jury please.

THE CLERK: Carrie Williams, would you please stand? Raise your right hand. Is this your verdict and still is your verdict? Please respond by saying, I do.

MS. WILLIAMS: Yes.

THE CLERK: Gail P. Pierce. Is this your verdict and still your verdict? Please respond by saying, I do.

MS. PIERCE: I do.

THE CLERK: Okay. Donna Hamrick please stand. Is this your verdict and still is your verdict? Please respond by saying I do.

MS. HAMRICK: I do.

THE CLERK: Okay. Kevin Witherspoon, is this your verdict and still is your verdict?

MR. WITHERSPOON: Yes.

THE CLERK: Okay. Glinda Snow, is this your verdict and still is your verdict?

MS. SNOW: Yes.

THE CLERK: Thank you. Isiah Fleming, is this your verdict and still is your verdict?

MR. FLEMING: Yes.

THE CLERK: Timonty Swicord, is this your verdict and still is your verdict?

MR. SWICORD: Yes.

THE CLERK: Robert Scott, is this your verdict and still is your verdict?

MR. SCOTT: Yes.

THE CLERK: Katrina Fulton, is this your verdict and still is your verdict?

MR. FULTON: Yes.

THE CLERK: Kimberley Miller, is this your verdict and still is your verdict?

MS. MILLER: Yes.

THE CLERK: Nikki Greene, is this your verdict and so is your verdict?

MS. GREENE: Yes.

THE CLERK: Barbara Pendergrass, is that your verdict and still is your verdict?

MS. PENDERGRASS: Yes.

THE CLERK: Thank you.

THE COURT: Okay. Anything else before I release the jury from either side?

MR. ANDERSON: Nothing from the State.

MR. SMALLDONE: Nothing from defense.

THE COURT: All right. Ladies and gentlemen, I want to thank you for your service this week. You won't have to do this again for three years. The clerk is going to send you a huge check and it won't come close to paying

you for what you did and I want to tell you how much I appreciate it. I've been telling you you can't talk about this case, now, you can talk about it to anybody want to. You don't have to if you don't want to but you certainly can if you want to. Y'all can be dismissed. If y'all want to stay you can said.

(Whereupon, the jury was dismissed at 4:36 p.m.)

THE COURT: Okay. Anything either side to tell me before sentencing?

MR. ANDERSON: Your Honor, I'd asked that you hear from the victim's family.

THE COURT: Okay. I'll be glad to.

MS. LEWIS: Hi, my name is Cassondra Lewis. I am Matthew's first cousin. He did not have any siblings so, therefore, me and my family that are here we were like brothers and sisters. Prior to Matthew being killed, his mother had died of cancer and she was his only child. So when she died we were all he had left. And when he was murdered my life changed completely. Because he was all that we had left from my aunt. I have a daughter that was in college that took him as her uncle. She had to quit college because of how his death impacted her life. She went into a major depression because he was murdered and we literally had just saw him. So his death is still breaking my family til this day. I have a two-year-old daughter who

would never know him because at the time that he was murdered she was only a couple of months old. I was starting my job as a rural carrier. The next day that he was murdered I wasn't able to work for two weeks because of the depression that I suffered from him being murdered. So whatever you do, I pray that you see fit to sentence to what is allowed under your jurisdiction.

THE COURT: Thank you, ma'am.

MS. McKNIGHT: My name is Lavon McKnight. As she said Matthew is like a sibling to us. Matthew was actually the one to help me get through college and he pushed me to go for criminal justice which I'm actually working at the police department. With him dying I definitely went into depression also. I didn't go to work. I couldn't see fit to go to work. And every night I was crying myself to sleep and it was like I was seeing him every night. Don't get me wrong I know my family will forgive him because that's what we have to do, we have to forgive but this is really taken a toll on my family. He was the last of, you know, his dad died maybe '96 or '97 and his mom died just a year or two years or three years before he did and it was taking a toll. He hasn't really - he wasn't able to do what he was set out or what he wanted to do. He was trying to go to school or go to college and do everything that he wanted to do and because his life was taken away he

couldn't do it. He was even set out to have a job, start a job that Monday and he couldn't do it. So I ask -- we do forgive him but we do ask for maximum sentence for this charge.

THE COURT: Thank you, ma'am.

MR. ANDERSON: Anybody else?

MS. McCORMICK: Ann McCormick. As y'all know I knew them both. It's been hard being there and Tweety dying in my hands. Seeing the family, I felt like I let them down because I couldn't help him. I was a size eighteen, ninetten. Two years ago I started drinking bad. Monday -- I can't even remember the last time I ate. I haven't eaten in about four days. It kept going on. Matthew's little cousins are my grandkids. I couldn't cope. I couldn't sleep. Constant nightmares. They told me that he had a bracelet on his ankle that he wouldn't be out so I could feel safe because I live like, basically, what he lives like minutes -- I live like not even a minute around the corner from him when you drive, the drive from Junior's. At least, I went acquire a bunch of dogs to bark because anything can be out there. I couldn't sleep. So I just drinking it away. A little while back I had a slight stroke. That stop the drinking and stuff. Then they came and told me this is about to start again. The nightmares came back. Not sleeping. Went back to drinking again. I

don't know how to get passed this. And him, he just walking around running into some people, they on Facebook talking about, "He shot me." "He should have took the money out his pockets". I know the family is going through a lot. But I'm going through the worst of it. I was with him when he took his last breath. I could'nt help him. The one thing that could do to help the family was to come here and tell what I knew. It could've been street justice but then somebody innocent would've got hurt, a child, somebody passing by. But the person you go after in the street justice they never, they never catch them. Somebody innocent always gets hurt. So I was trying to leave South Carolina. Yes, I was going to be immediately travel. I wasn't going to go through with it. I couldn't deal with it. The only way I could think to help him when I couldn't keep him alive was to come here and tell what I knew. I ain't know nothing else. For the past two years, it's gonna be three this - when that boy died in my arms and to come and do this. We have a hope now. It ain't really what I want because it's still not fair. This man has a wife, a mother, a sister, and kids. Tweety could never see his mama, buried, all he could do was look -- he never got to have any children or get married. Mr. -- he can go on and read books, look at t.v., get an education if he don't have one. He's got kids out here. He's got

grandkids, great grands. Tweety will never have that.

THE COURT: Thank you, ma'am.

MR. ANDERSON: And, Your Honor, just to close the State's presentation, you've heard from members of the victim's family. We feel like Ronald Brown's choice to do this act repreents serious actions and he should be sentenced to considerable time in the Department of Corrections.

THE COURT: Thank you, sir. Yes, sir?

MR. SMALLDONE: Thank you, Your Honor. May it please, The Court? Obviously, Your Honor, the jury has spoken. I'll say that I've represented Mr. Brown for a while and my dealings with him, he's been pleasant. Looking over his past, he has no considerable prior record. He's 48 years old. He is a father. He has a mother that he cares for. He has a family. Judge, I'd ask that you consider his age. I ask you to consider the facts of the case. I ask you to consider that there was no offer so I had to try this, judge. And I believe that Mr. Brown is remorseful for what happened. And I'd ask Your Honor to be as lenient as possible.

THE COURT: Okay. Thank you.

Sentencing:

THE COURT: All right. On the crime of manslaughter the sentence of the court is you be committed

to the State Department of Corrections for a term of eighteen (18) years. On the possession of a weapon during the commission of a violent crime the sentence is five (5) years to run consecutive. Okay. Anything else?

MR. ANDERSON: Nothing from the State.

MR. SMALLDONE: Nothing at this time from defense.

THE COURT: Okay.

(Whereupon, court is adjured for the day)

CERTIFICATE

I, the undersigned Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Third Circuit Court for Williamsburg County, South Carolina, on the 30th day of September through October 3, 2019.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

s/ *Lisa S. Carter*

Lisa S. Carter

Circuit Court Reporter

March 2, 2020

WITNESSES

Pam Wrenn — Williamsburg
County Sheriff

ARREST WARRANT NUMBER

2017A4510100560 2017A4510100561
2017A4510100558

2017A4510100559

ACTION OF GRAND JURY

TRUE BILL
Date 1/25/18

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-45-0021

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

January TERM **2018**

THE STATE

vs.

RONALD BROWN JR.

AKELIA LATORYA MCFADDEN

Indictment for

Murder
Possession of a weapon during a violent crime
Accessory before the fact
Accessory after the fact

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

FILED
2018 JAN 25 PM 2:01
CLERK OF COURT
KINGSTREE, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

Murder
Possession of a weapon during a violent crime
Accessory before the fact
Accessory after the fact

At a Court of General Sessions, convened on 01/25/2018 the Grand Jurors of

WILLIAMSBURG County present upon their oath:

COUNT ONE

MURDER

That Ronald Brown Jr. did in Williamsburg County, on or about October 20, 2017, willfully, feloniously, and intentionally kill the victim, Matthew Cooper, with malice aforethought, either express or implied, and the victim did die as a proximate result in Williamsburg County, to wit: he did shoot his victim Matthew Cooper with a pistol resulting in his death, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That Ronald Brown Jr. did in Williamsburg County, on or about October 20, 2017, possess a firearm, or visibly display what appeared to be a firearm, during the commission or attempted commission of a violent crime, to wit: he did possess a pistol during the murder of Mathew Cooper, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

COUNT THREE

ACCESSORY BEFORE THE FACT

That Akelia McFadden did in Williamsburg County on or about October 20, 2017, advised or agreed with or urged or hired or in some way aided, counseled or encouraged the principal felon to commit the felony of murder, in that she did knowingly drive Ronald Brown [redacted] IM Graham road to commit the crime of murder, in violation of the Common Law and Section 16-01-0040, S. C. Code of Laws, 1976, as amended.

COUNT FOUR

ACCESSORY AFTER THE FACT

That Akelia McFadden did in Williamsburg on or about October 20, 2017, knowing of the commission and completion of the felony of murder, by the principal felon, Rondal Brown Jr., did harbor or assist such felon after the fact with the intention of enabling the felon to escape detection or arrest or otherwise avoid the consequences of the crime, to wit: she did in violation of South Carolina Code 16-001-0055 of the South Carolina Code of Laws.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Finney III

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Ronald Brown Jr.)
AKA:)
Race: Black Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted] I. M. Graham Rd.)
City,State,Zip: Lake City, SC 29518)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-45-0021
A/W#: 2017A4510100560
Date of Offense: 10/20/2017
S.C. Code § : 16-03-0050
CDR Code #: 0217

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Voluntary manslaughter

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 100902 _____ _____ 100410
Anderson, Warren | SC Bar# | Defendant | Smaldone, Grant Attorney for Defendant | SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,** for a determinate term of 18 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐**Deferred** ☐**Def. Waives Hearing** ☐**Ordered** **PTUP** _____

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 1287.75

_____ days/hours Public Service Employment

Obtain GED ☐
Attend Voc. Rehab. or Job Corp
May serve W/E begining
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____

$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Sharon B. Hayes
Court Reporter: Lisa Carter

Presiding Judge _____
Judge Code: 2144
Sentence Date: Dec 3, 2019

SCCA/217 (04/2018)

STATE OF SOUTH CAROLINA)
COUNTY OF Williamsburg)
STATE VS.)
Ronald Brown Jr.)
AKA:)
Race: Black Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted] I. M. Graham Rd.)
City,State,Zip: Lake City, SC 29518)
DL#: [redacted] SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018-GS-45-0021
A/W#: 2017A4510100561
Date of Offense: 10/20/2017
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Possession of a weapon during violent crime

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 10008 _____ _____ 100410
Anderson, Warren | SC Bar# | Defendant | Smaldone, Grant Attorney for Defendant | SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,** for a determinate term of 5 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: Voluntary Manslaughter

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐**Deferred** ☐**Def. Waives Hearing** ☐**Ordered** **PTUP** _____

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		$
§14-1-206 (Assessments 107.5 %)		$
§14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
Proviso (Public Def/Probation)	$500	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3
TOTAL		$ 128

_____ days/hours Public Service Employment

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Shawn B. Stapp
Court Reporter: Lisa Carter

Presiding Judge: [signature]
Judge Code: 244
Sentence Date: Oct. 3, 2019

SCCA/217 (04/2018)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
Jan 07 2021
SC Court of Appeals

Respectfully Submitted,

s/ *Joanna K. Delany*

Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of January, 2021.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County
R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONALD BROWN,

APPELLANT

RECEIVED
Jan 07 2021
SC Court of Appeals

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon David Spencer, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 7th day of January, 2021.

s/ *Joanna K. Delany*
Joanna K. Delany
Appellate Defender