

SHANNON D. MCGEE, SR., v. JOSEPH MCFADDEN, WARDEN

BRIEF IN OPPOSITION

APPENDIX "E"

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1 All right. Thank y'all very much. See you at 1:30.

2 (THE FOLLOWING TAKES PLACE AFTER THE LUNCH BREAK.)

3 THE COURT: All right. Applicant ready to proceed?

4 MR. RUNYON: Absolutely, Your Honor.

5 THE COURT: All right, sir. Next witness, please then.

6 MR. RUNYON: We call Mr. Michael Jones.

7 THE COURT: All right, sir. Please come around to be  
8 sworn.

9 MICHAEL JEROME JONES, being first  
10 duly sworn, testifies as follows:

11 DIRECT-EXAMINATION BY MR. RUNYON:

12 Q. Mr. Jones, how old are you, sir?

13 A. I'm fifty-three, sir.

14 Q. And where do you live?

15 A. [REDACTED] in Salters, South Carolina.

16 Q. Okay. What do you do for a living?

17 A. I'm a tree cutter.

18 Q. Okay. Back in July or August, June, July, August of  
19 2006, did you have an occasion to be detained in the  
20 Georgetown County Detention Center?

21 A. Yes sir.

22 Q. What were you detained for?

23 A. I was detained for -- they had me charge with burglary  
24 first.

25 Q. Okay. And do you -- after that -- have you since

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1 disposed of that matter?

2 A. Yes sir.

3 Q. What happened in that matter?

4 A. I have received five years.

5 Q. Okay. Now, do you have an occasion to see Mr. Shannon

6 McGee?

7 A. Yes sir.

8 Q. And were you in jail together?

9 A. Yes sir. We was in the same cell block.

10 Q. You were in the same cell block?

11 A. Yes sir.

12 Q. Did you know anything about his case?

13 A. Not -- when I first got to jail in April -- you know,

14 like once you go to jail, then once you start talking to

15 people you hear certain things about different people's cases,

16 so then I did find out why he was in jail.

17 Q. You found out why he was in jail?

18 A. Correct.

19 Q. But you had no personal knowledge of his case?

20 A. No sir.

21 Q. And did -- did he ever discuss his case with you?

22 A. Yes sir.

23 Q. And did you ever have an occasion to speak with anyone

24 from the prosecution in this matter?

25 A. Yes sir, Mr. Bo Bryan.

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1 Q. And where did that occur?

2 A. Well, like -- when you get ready to go to court they  
3 put you in like the bull pen, so Mr. Bo Bryan came the first  
4 time I had come so -- because I had a co-defendant, was a  
5 lady, so we talked about that. Then on the second occasion he  
6 asked me about other people in jail, so in other words, he was  
7 looking for a snitch, or somebody to tell about different  
8 people's cases. So the third time I talked with Mr. Bo Bryan  
9 he pulled me out the cell. All he wanted to talk about is  
10 Shannon McGee.

11 Q. And as a result of that conversation you were  
12 ultimately listed as a witness on the witness list ---

13 A. Right. Right.

14 Q. ---By the State, were you not?

15 A. Yes. He wanted me to testify against Shannon, so on  
16 this conversation this day he told me about Shannon's wife,  
17 their daughter, where they went to ate, what they had, so I  
18 said, Mr. Bo Bryan, I can't give you nothing on this man; the  
19 only thing me and Shannon talk about his case, he said, Mike,  
20 I swear to God I did not do it. He said he disciplined the  
21 child because she was sneaking out the window. So I got back  
22 to the jail and I'm telling everybody, and I told Aaron  
23 Kinlock. See, the whole story is, Aaron Kinlock, he already  
24 had received a year, so once he's getting ready to go to  
25 prison, and I come back and told him Bo Bryan needed somebody

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1 to testify against Shannon, he took that and ran with it,  
2 because ---

3 MR. THOMAS: Objection, Your Honor. He's speculating  
4 as to what Mr. Kinlock would have thought.

5 THE COURT: All right. Just relate what you personally  
6 know about it, and any conversations you had with Mr. Kinlock,  
7 or Kinlock.

8 A. Okay. Mr. Kinlock had a year. They came and charged  
9 with Mr. Kinlock with a burglary, a burglary charge, told Mr.  
10 Kinlock he could get ten years. So after I talked to Bo Bryan  
11 I went back and told Kinlock. Kinlock ---

12 Q. What did you tell Mr. Kinlock about anything?

13 A. I told Mr. Kinlock, I said, Mr. Bo Bryan talked to me,  
14 told me about the baby, the birthday, and he's looking for  
15 somebody to testify against Shannon. If you can remember,  
16 when y'all was talking to Mr. Axelrod this morning about how  
17 he received that letter, Aaron wrote Bo Bryan the letter.

18 Q. Okay.

19 A. Kinlock already had a year, so the other charge going  
20 to come up, he testify against Shannon.

21 Q. Okay, now, let me ask you this. Let's go back to your  
22 conversation with the State, the last time you had a  
23 conversation with the Assistant Prosecutor ---

24 A. Mr. Bo Bryan.

25 Q. ---The Assistant Solicitor. I -- is it my

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1 understanding Mr. Bryan just asked you, do you know anything  
2 about Mr. McGee's case?

3 A. Well, I had talked to Mr. Bo Bryan basically twice,  
4 because I'm trying to get this lady free, you know, cause I  
5 had a co-defendant, so ---

6 Q. No. What I'm asking you though is, is did Mr. Bryan  
7 ask you about Mr. McGee?

8 A. Yes.

9 Q. Did you tell him that you had any information for him?

10 A. I told Mr. Bo Bryan all I can tell him about Shannon is  
11 what Shannon told me.

12 Q. And ---

13 A. He did not commit that act which y'all talking with.

14 Q. Were you offered anything in return for testimony  
15 adverse to Mr. McGee?

16 A. If I would testify against Shannon he was going to drop  
17 the charges on the young lady.

18 Q. All right. Now, let me -- let me get this clear in my  
19 mind, because sometimes it might run a little slow. Did he  
20 ask you to testify just to the truth, Mr. Bryan?

21 A. Not if -- if you can hear the conversation, he didn't  
22 care what I got up on the stand and said about Shannon, long  
23 as I testified. That's all he wanted. He just wanted  
24 somebody out at the jail to say Shannon threw a piece of  
25 paper on the ground, Shannon did this. That was it. And I

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1 told Mr. Bryan, the last time I talked to him, because me and  
2 Shannon already talked, I said, Mr. Bryan, Shannon said he  
3 didn't do it, Shannon said he's going to get you.

4 Q. All right.

5 A. I told Mr. Bryan that. He said, I ain't worried about  
6 Shannon. And so when he got that -- whatever happened in  
7 court that day, that's what happened.

8 Q. All right.

9 MR. RUNYON: I have no further questions of this  
10 witness at this time, Your Honor.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION BY MR. THOMAS:

13 Q. Mr. Jones, had you known Mr. McGee before you were  
14 incarcerated?

15 A. No sir.

16 Q. When did you first discuss with Mr. Bryan Mr. McGee's  
17 case? What date was that?

18 A. Oh great. You can't -- I can't really testify to this.  
19 I was in jail almost a year, from April all the way to 2007,  
20 when I got that time, so if you know how you go to court, they  
21 might carry you to court like two times out of a month, so  
22 every time I did go to court we happened to talk, and the last  
23 time he carried -- pulled me out of the cell and talked.  
24 That's when he told me about Shannon's wife, the birthday  
25 party, the daughter, and all that.

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1 Q. But you don't know -- you don't remember the exact date  
2 of that?

3 A. No sir.

4 Q. When did you first tell somebody else about your  
5 conversations with Mr. -- with Bo Bryan? When did you first  
6 tell somebody that was not Mr. McGee or Mr. Kinlock?

7 A. Okay. Once they carried me back from the courthouse,  
8 back to the jail, I got back to the cell, so I'm talking to  
9 Joey Lewis, I told Aaron, and I told Cory, so Cory said, man,  
10 you know how Shannon gets, because Shannon he thinks somebody  
11 is going to snitch on him, so I ain't really said nothing to  
12 Shannon, so when it did come out I said, Shannon, Bo Bryan  
13 told me all this about the birthday and all this, so Shannon  
14 said, how do you know you had -- I had to talk to Bo Bryan,  
15 because didn't nobody know that but Shannon, because the --  
16 you know, the girl he was talking to at the time, he told me  
17 about the birthday party, so he know I had to talk to Bo  
18 Bryan.

19 Q. So you informed Mr. McGee before his trial that Mr.  
20 Bryan had asked you ---

21 A. Right.

22 Q. ---To testify against him?

23 A. Right. See, the whole plot was, Aaron already had a  
24 year, now they are offering you ten years, and once I told  
25 them Bo Bryan was looking for somebody to testify he wrote Bo



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1 Bryan a letter. That's why y'all cannot find the charges  
2 y'all talked about here this morning.

3 Q. But Mr. McGee was aware that Mr. Bryan was looking for  
4 people to testify against him, and that you had told this Joe  
5 and this Mr. Kinlock?

6 A. Right.

7 Q. And when is the first time you told somebody that was  
8 not in jail about this? Have you ever told Mr. -- Mr.  
9 Axelrod? Did you ever speak with Mr. Axelrod about it?

10 A. No, because see, they had -- once everything had came  
11 out they had moved me out the cell. They put me in A-Block,  
12 like protective custody, for some reason. So then Aaron had  
13 came back from prison. I said what you doing back. He said,  
14 I come to testify against Shannon. I said, man, you are  
15 wrong.

16 Q. Who is the prosecuting Solicitor on your cases?

17 A. Mr. Bo Bryan.

18 Q. So ultimately he was the person that prosecuted your  
19 sentences and got you that five year sentence?

20 A. Yes.

21 Q. When he came to speak to you did he ever ask you to lie  
22 about anything?

23 A. Basically, if you listen to the conversation he was  
24 trying to get somebody to lie.

25 Q. But he never told you, I need you to lie about ---

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1 A. He ain't never come out and said, Mike, I want you to  
2 lie on him.

3 Q. And once you told him that Mr. McGee told you he was  
4 innocent he no longer asked you for any more information?

5 A. No.

6 MR. THOMAS: That's all the questions I have.

7 THE COURT: Any redirect?

8 MR. RUNYON: No further testimony. Mr. Jones can come  
9 down, Your Honor.

10 THE COURT: All right, sir. Very good, sir. You can  
11 step down.

12 Do you wish Mr. Jones to be excused?

13 MR. RUNYON: Beg your pardon?

14 THE COURT: Do you wish Mr. Jones to be excused?

15 MR. RUNYON: Yes, Your Honor.

16 THE COURT: Any objection from the State?

17 MR. THOMAS: No objection.

18 THE COURT: All right, Mr. Jones, you are released from  
19 your subpoena. You can go back to your regular activities.

20 Thank you.

21 All right, Mr. Runyon, further testimony from the -- on  
22 the Applicant's case?

23 MR. RUNYON: Yes, Your Honor. We have the Applicant.

24 We call the Applicant at this time.

25 THE COURT: All right, sir, please come around to be