

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Jun 21 2021

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Edward W. Miller, Circuit Court Judge

S.C. SUPREME COURT

State v. Plumer, S.C. Ct. App. Op. No. 5806 (filed March 3, 2021)
Court of Appeals Appellate Case No. 2017-000481

The State, ...Respondent,

v.

Ontavious Derenta Plumer, ...Petitioner.

APPENDIX – VOLUME II OF II

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1 murder, armed robbery. The only thing I have not said is
2 that -- and I think this is the law. That illegal drugs may
3 be considered personal property for the purposes of robbery.
4 Okay? Anything else?

5 MR. YARBOROUGH: Your Honor, I would ask the Court to -
6 - see your hand of one, hand of all argument. I don't know
7 that there's --

8 THE COURT: It's not an argument.

9 MR. YARBOROUGH: I mean, charge. I know there's been
10 some --

11 THE COURT: That's just the standard hand of one is the
12 hand of all. I don't give my charge out before I make it.

13 MS. WHITE: Possession of a weapon during a violent
14 crime charge.

15 THE COURT: Oh, Lordy, yeah. Okay.

16 MS. WHITE: Also, Your Honor, which language do you use
17 for reasonable doubt? Just for curiosity.

18 THE COURT: Hesitate to act. Anything else? All
19 right. See you at 1:15.

20 (Whereupon, a lunch recess was held until 1:22 p.m.)

21 MR. YARBOROUGH: Your Honor, if you're going to charge
22 self-defense based on the fact that Mr. Plumer was shot at
23 the incident, there seems to be some question about how that
24 shooting took place and I think there's enough evidence
25 before the jury especially that the testimony of the Doctor

1 that Mr. Plumer may have been shot at that incident
2 location. I ask you to charge that defense.

3 MS. WHITE: Judge, there's absolutely no testimony in
4 this as to the Defendant's state of mind. I think he would
5 have to either present the statement to law enforcement or
6 his own testimony that he was in some sort of fear for his
7 life. They have -- there's no testimony remotely close to
8 the four elements of self-defense.

9 THE COURT: There is nothing to show self-defense.

10 MR. YARBOROUGH: Your Honor, I understand the Court's
11 ruling, but I believe that there's a good bit of evidence
12 that it's unquestioned Mr. Plumer was shot, and I think
13 there's a good bit of evidence that Mr. Plumer was not the
14 one that shot first.

15 THE COURT: What evidence is that? There is no
16 evidence. None. The only evidence about the shooting came
17 from the mouth of the victim.

18 MR. YARBOROUGH: Your Honor, I think that the doctor
19 that was called by the State stated that the femur -- the
20 femur, when it was broken, he would not have been able to
21 shoot when that was done, and at that point Mr. Plumer had
22 already been shot.

23 MS. WHITE: He didn't say he wouldn't be able to shoot.

24 THE COURT: There is no evidence to that. None. Zero.

25 MR. YARBOROUGH: Your Honor, I think it would -- I

1 think the doctor said that --

2 THE COURT: The doctor was not present when the
3 shooting occurred. He did not say that Mr. Plumer had
4 already been shot.

5 MR. YARBOROUGH: I didn't -- what I said was that Mr.
6 Wells had been knocked to the ground by the bullet. That's
7 what he said. My last question I asked --

8 MS. WHITE: Judge, he said that that shot would have
9 taken him to the ground, but he couldn't say when that shot
10 was fired.

11 THE COURT: Yeah, I'm -- there is -- I'm sorry.
12 There's insufficient evidence from which a reasonable
13 inference could be drawn that this was self-defense, so I
14 deny it.

15 MS. WHITE: Your Honor, under Beatty I'm assuming Mr.
16 Yarborough's asking that I open on the law and the facts?

17 THE COURT: Yes. I'm require you open in full, then
18 you reply in full, and you get to rebut with no new matter.

19 MS. WHITE: Yes, sir.

20 THE COURT: Okay. Are we ready to go? All right.

21 (Whereupon, the jury entered the courtroom at 1:22
22 p.m.)

23 THE COURT: Ladies and gentlemen, welcome back, and I
24 hope you all had a pleasant lunch. As I told you before we
25 broke we are now ready to proceed into the closing arguments

1 of these fine attorneys, and I ask you to pay attention as
2 they advocate their positions to you. All right?

3 MS. WHITE: May it please the Court.

4 THE COURT: Yes, ma'am.

5 CLOSING ARGUMENT

6 BY MS. WHITE: When Mr. Thomas came up here the other
7 day he said there were three different crimes we had to
8 prove for you all. I'm going to talk a little bit about the
9 law of those three crimes first. The first is attempted
10 murder.

11 Attempted murder is attempting to kill somebody. You
12 have the intent to kill them with malice aforethought. And
13 what malice aforethought means is you have a hatred or an
14 ill-will or a hostility to somebody and you mean to hurt
15 them. And the forethought just means in a split second
16 before you do it. So Ontavious doesn't have to admit to
17 kill or been planning to kill Oshamar Wells when he got in
18 the car in Anderson. He doesn't have to have been planning
19 to kill him when he came through the front door on [REDACTED]
20 [REDACTED]. He just has to have been meaning to kill him
21 when he pulled out his gun and started firing.

22 Armed robbery. Exactly what it sounds like. You're
23 taking something that belongs to somebody else and you're
24 using a deadly weapon or you're acting like you have a
25 deadly weapon to do it. Well, very clearly he's got a

1 deadly weapon. A gun is a deadly weapon, obviously, and
2 they take his marijuana. \$3,600 worth. And it's a little
3 bit -- you know, it sounds a little bit funny, but you can
4 be robbed of an illegal drug according to the law of this
5 state. So that \$3,600 worth of marijuana that he and his
6 accomplice took, that is armed robbery.

7 And possession of a weapon during a violent crime,
8 that's the easiest one of all. He had a weapon and he
9 committed one of these other two crimes. And both of those
10 under the statutes of South Carolina are a violent crime.

11 The Judge is also going to talk to you all about
12 something called hand of one, hand of all. It's called
13 accomplice liability. And what that means is the Defendant
14 and the guy who was with him came down here. They were
15 planning on robbing Oshamar Wells. And so, the two of them
16 together are liable for anything that results from that
17 robbery. So it doesn't matter that the other guy is the one
18 who picked up the marijuana. He is every bit as guilty of
19 that as the other guy is.

20 And let's go on and talk about the other guy. We heard
21 some speculation that it may have been somebody named Jarmel
22 Brownlee. I think Mr. Wells said that after all this
23 happened later he heard that it might have been, he learned
24 that it might have been. There's no evidence in the record
25 that it was Jarmel Brownlee. Mr. Wells said he couldn't

1 pick him out of a lineup. Mr. Brownlee's not here today,
2 because what the Judge is also going to talk to you all
3 about is reasonable doubt. And reasonable doubt is it's not
4 enough for us to say maybe someone was involved. It's not
5 enough for us to say probably someone was involved. Maybe
6 Jarmel Brownlee was there. Probably he was there. But
7 that's not beyond a reasonable doubt, and maybe and probably
8 don't cut it in this courtroom. So whatever you all may be
9 wondering about Jarmel Brownlee, he's not here today. And
10 we're just deciding about Ontavious Plumer who we know
11 beyond a reasonable doubt one in 4.6 quintillion -- I think
12 that's 18 zeros. My math might be off. 4.6 quintillion
13 that he was there that night. That's beyond a reasonable
14 doubt.

15 Now, I want you all to remember that what the lawyer
16 says is not evidence. The question is not evidence. What's
17 evidence is what you all hear from up here and what we're
18 going to send back to you all in just a few minutes. So Mr.
19 Yarborough can stand here and he can ask any question he
20 wants, and he can speculate about anything he wants, but the
21 answer is what's important. So Jarmel Brownlee was the
22 shooter. No. The answer was no. All of the other wild
23 questions about pills, about cigarettes, about -- none of
24 that came into evidence. None of that is so. None of that
25 is fact. So he can say whatever he wants, but the only

1 thing that is fact is what you all remember these witnesses
2 saying.

3 So let's talk about what these witnesses said. First
4 you all heard from Oshamar Wells. And you all, we're not
5 trying to hide anything. He was selling marijuana. He's
6 got a record. He sold marijuana once. It's on his record.
7 He has a few other arrests and convictions for simple
8 possession, just having it on him. In the grand scheme of
9 things it's not really that bad. Y'all heard from Detective
10 McClinton he's not a violent guy. Y'all didn't hear any
11 violence on his record. He's not running around robbing
12 people, shooting people, causing all sorts of trouble. And
13 no matter what he's doing, what he's selling, that doesn't
14 give somebody the right to come in his house, or his
15 cousin's house where he's -- I mean, his family. Treats it
16 like his own. It doesn't give them the right to come up in
17 his house and shoot him. Take what's his. I don't care
18 what it is. So any problems that you all might
19 -- you know, he might be hung up on, well, he was selling
20 weed, so what. That's not that bad compared to getting
21 shot. Compared to somebody trying to murder him in his
22 cousin's house where her and her kids are going to come in
23 and find that body.

24 And y'all might have been wondering why did we put that
25 bullet in from the house across the street. Because this --

1 this thing doesn't stop just at that house. This is a
2 October night. It's probably warm. It's still light
3 outside. Who knows who was walking by. That bullet goes
4 all the way across -- all the way across [REDACTED],
5 out the front door and into that other house. So this is
6 important because it doesn't just stop in that house.

7 So Oshamar gets on the stand and he tells y'all
8 Ontavious shot him. He didn't know his name at the time.
9 But he saw him. He was sitting there. They were smoking.
10 He's looking at him, this close. Just from there to there.
11 So he's getting a good look at him. And they're -- they're
12 chilling out. He said they met up about 6:00. Stayed at
13 the Mr. Chip maybe five minutes. Rode back to [REDACTED]
14 [REDACTED]. And y'all are from Greenwood. Y'all know that's not
15 far. It's just right down here maybe a couple blocks. Not
16 that far. So what time is that now? 6:05, 6:10, 6:15.
17 Smoke a blunt or two. How long does that take. He said not
18 long. Weeds on the table. He thinks that they're going for
19 the money. That Ontavious is about to pull out the money,
20 because they're done and they have concluded their
21 transaction. He knows it's good stuff. Going to pay up and
22 leave. Go about our business. Instead he pulls out a gun.
23 Now, the important thing to remember with this -- you
24 know, Mr. Yarborough wants you all to think that this is all
25 a very slow, deliberate process. But use your common sense.

1 When somebody pulls out a gun he's not sitting there being
2 slow and deliberate. He jerks back, goes up to the cabinet
3 to get his own gun. This is all split second timing. Life
4 or death timing. Goes to get his gun out of that cabinet
5 and is coming back, gets shot. And you all saw the
6 pictures. They're in evidence. You can see them again.
7 Gets shot -- and I may have this backwards, but in the
8 upper, sort of at the top of his butt and then kind of lower
9 down in the other cheek. In the back. We know his back is
10 to Ontavious because he got shot in the back. This other
11 wound in his leg. Well, let's see. Ontavious is getting
12 up, too, with his gun. He starts shooting when he comes up.
13 That's why there's a wound in his leg. So he turns around,
14 jumps back petrified, gets that gun, comes around -- and as
15 he's getting the gun with his back he gets hit. Falls.
16 Remember he said his head was towards the door and his feet
17 were towards the kitchen. So falls, he's down and he's
18 shooting back trying to save his life.

19 And let's look at where the gunshots in this house end
20 up. Remember he's laying on the floor kind of back here.
21 You can't really see it. We've got a gunshot in that corner
22 right in front of him way down low. You all can see the
23 angle. And gunshots going out that door from down low going
24 up. You all can see the angle. It all matches. It all
25 fits.

1 Now, he gave some different stories at first. It's
2 hard -- and Detective McClinton talked about this. Probably
3 90 percent of the people he talked to, he said, don't want
4 to talk to the police at first. And Ontavious -- or, excuse
5 me, Oshamar told you all that for a young man in his
6 position, snitching is hard. That's what they call it on
7 the street, snitching. So it takes him a few days. It
8 takes him getting comfortable with Detective McClinton. It
9 takes him talking to his dad. And, you know, your momma,
10 she's going to cuddle you a little bit. Try to protect you.
11 It's okay, baby. But your daddy is going to be the one who
12 comes in and says, come on now, you got to get right. You
13 got to do the right thing. So he talks to his dad. He's
14 more comfortable. And that's when he tells the police what
15 really happened. And how -- how do we know that's the
16 truth? Well, when somebody tells you a story that puts them
17 in more trouble that they're already in, I think you can
18 probably take that as true. The police didn't know about .
19 that pound of weed sitting on the table before he told them.
20 The police didn't know that he had a gun before he told
21 them. They suspected. They didn't know. He put himself in
22 possession and selling a pound of weed. He put himself as a
23 felon in possession of a handgun. So he put his own head in
24 the noose with that story. That's how you know it's true.
25 And times -- you know, this is all approximate. It's

1 not like he's sitting there looking at a watch. It's not
2 like he's sitting there checking his phone every five
3 minutes. So we don't really know. Mr. Yarborough asked at
4 first. He said approximately 7:30, and I think Mr. Wells
5 said yeah. And then a few minutes later Mr. Wells was like
6 no, no, no, no, that's not right. But it was already 7:30.
7 But remember Sameka Hawes said it was still daylight when
8 Ontavious came running up to her car. Now, when the police
9 get there at 7:42 it was pitch black dark. So this happened
10 way before 7:30. If it was still daylight when Ontavious
11 Plumer left that house, it was before 7:30.

12 So you've got another thing that I've been thinking
13 about. He's got two people in the house when he's being
14 shot. He only shoots one of them. He's shooting the one
15 that's the threat. That's why the Defendant got shot. He's
16 not wasting rounds on the guy who's running. He's shooting
17 the guy who's shooting at him. That's how you know the gun
18 was in Mr. Plumer's hand.

19 You heard from other witnesses. Ms. Wells, his momma.
20 She seems like a really good lady to me, y'all. She said
21 she got to the house first. And then there's a delay before
22 law enforcement is called. There's no doubt about that. We
23 know that his mom got in the house. He told us he called
24 his aunt, his mom, and then they called 911. We know his
25 aunt was in the house, his momma was in the house, her

1 grandchildren. One of the witnesses talked about a witness
2 -- a guy pacing out front. So there's time for all these
3 people to come in before law enforcement gets there. And
4 Ms. Wells told us she got there and her grandchild handed
5 her the gun. Grandma, I found this. And then she goes and
6 puts it in her trunk and goes back to worrying about her
7 son.

8 Now, Mr. Yarborough, I'm sure will try to say that she
9 took the weed when she took the gun. Well, if she's trying
10 to clean up that scene she did a really bad job, because she
11 left the holster and she left the other weed that was on the
12 couch. So that's how we know that's not so.

13 There was a lot of back and forth about the ammunition
14 that's in her gun. You all, we live in -- excuse me. The
15 ammunition in her car. We live in South Carolina. People
16 go target shooting. People who go target shooting shoot a
17 lot of different kind of guns. Detective Kay -- excuse me,
18 Detective McClinton told you all, if you look in his truck
19 right now you'd probably find a lot of different kinds of
20 ammo. There was some hunting ammo, 30 ought 6, some 9
21 millimeter and some 40 caliber. It matches the gun. Well,
22 so what. We know he was shooting. We know they have
23 ammunition that matches that gun. He shot it. That means
24 nothing. Yeah, they have ammo that matches the gun that he
25 shot. Okay.

1 The keys to the Mercedes. How did they get to this was
2 Ontavious Plumer other than Mr. Wells? The keys to the
3 Mercedes are in the house. The Mercedes that is registered
4 to his grandpa. And his grandpa came in here. And you all,
5 I mean, he didn't want to be here. But he came in and he
6 told the truth. He told us what happened. He said yeah, I
7 didn't want to tell it at first. Somebody said that
8 something bad had gone down so I needed to report the car as
9 stolen. So I called them and then Anderson deputies are
10 rolling up right when Greenwood City is there and then he
11 tells the truth. He's like yeah, my grandson had it. My
12 grandson was driving the car that night. And, you know, you
13 kind of got to feel for him a little bit because he was in a
14 bad spot, and he told it.

15 Patrick Durkin went up to the hospital. And, you know,
16 we've had some discussion about GSR, gunshot residue and why
17 the State didn't get this tested. Because it is completely
18 pointless in this case. And Megan Fletcher told y'all that.
19 We asked her, if you've got a scenario where two people are
20 shooting at each other in a tight space. She said it's a
21 cloud. It's going to get on everything. There's no way to
22 tell -- she said gunshot residue tells you three things; if
23 somebody shot a gun, if they were around a gun when it was
24 being shot, or if they picked up something that had the
25 residue on it. But you can't exclude any of those. And you

1 would expect someone who has been shot to have it on them.
2 So it was a waste of time and a waste of resources to send
3 that down to SLED to get it to tell us something that didn't
4 matter. That meant nothing.

5 Now, we're not trying to hide that. I mean, you all
6 heard Joe Best. He called and said I need -- I need help.
7 I said okay, and we got it. The State's not trying to hide
8 anything. We're the one who brought Megan Fletcher in and
9 said this don't matter. That's why it wasn't tested.

10 The cell phone, I don't -- ladies and gentlemen, I
11 don't know why we talked about so much because it didn't
12 have anything to do with anything. That testimony was in
13 evidence.

14 The warrant. Detective Dixon told you all a warrant is
15 a snapshot of where things stand at that moment in time, and
16 he's compiling information. And he told you all there were
17 mistakes in the warrant. Everybody's human. But the
18 investigation continues. The warrant was on October 13th.
19 DNA testing was this past fall. Ballistics testing was
20 January. This January. So it continues. Things change.
21 More information is coming in. We don't just -- police
22 didn't just get an arrest warrant and say, all right, we're
23 done. Let's move on to the next one. It continues.

24 And again, there is no evidence from that stand that
25 anyone other than Ontavious Plumer and Oshamar Wells had

1 guns that night. No testimony. No evidence. The
2 ballistics expert, Tracey Thrower, casings from two guns.
3 Bullets, possibly four. But remember his testimony. Two of
4 the bullets definitely came from one gun. The one that was
5 across the street probably came from that same gun. Those
6 three were from Oshamar's gun. The other two probably the
7 same gun, maybe one more. Probably two guns. Which fits
8 with the casings from two guns. That's the important thing.
9 Two guns from the casing that were in that house.

10 Now, Dr. Ladd testified and he said that you can't tell
11 obviously what order any of these came in. And I think he
12 was asked, you know, would one of these shots have dropped
13 you, or any of them could have dropped him. But again, this
14 is happening in split second timing. He's got a gun a very
15 short distance from his body and he's flying back to that
16 cabinet. And he said, I think in his testimony, that he was
17 getting shot as he grabbed the gun. What also matches is he
18 said that he gets the gun, takes off the holster, throws it
19 on the ground, where it's found. Starts firing, the gun
20 jams on him, so he has to clear it. There's an unfired
21 round on the ground right where he was laying. So that
22 matches.

23 Dr. Ladd said that any of these shots could have killed
24 him. When you're shot center mass -- if y'all have ever
25 been in the military or even watch shows about shooting they

1 talk about center mass. There's a lot of stuff in here that
2 can kill you. The femoral neck that he was talking about is
3 right where that artery is. So any of these shots, even the
4 one down in his leg, could have hit an artery and could have
5 killed him. A couple millimeters either way.

6 Sameka Hawes testified and it sounded -- you know, she
7 didn't see a gun on Mr. Plumer and she didn't see any weed.
8 We don't know where he was before that. He came running up
9 on [REDACTED] Could have dumped it anywhere. Could have
10 tossed it off to his accomplice. We don't know. That does
11 mean anything, because she wasn't at that house. She wasn't
12 with him the whole way. Then Jarvis Martin took him to
13 Greenville. And I thought it was really interesting and
14 something for y'all to think about. You're over here on
15 [REDACTED]. What's less than a mile down [REDACTED]
16 [REDACTED]? Self Regional with a fully capable ER where they
17 took Oshamar. To go to [REDACTED] you kind of go past it over
18 to where the Highway Patrol Troop Two is. That's what
19 Sameka Hawes said, or in that area. Well, then from [REDACTED]
20 VanJarvis Martin picks him up, takes him to Greenville. So
21 they've got to come back that way. So going past Self,
22 coming back this way past Self. He goes past a level three
23 trauma center twice. But he's in so much pain VanJarvis
24 Martin told you all a little while ago. That was the
25 weirdest statement. He was in so much pain he didn't want

1 to Greenwood. What? There's a hospital full doctors with
2 pain meds there. He's in so much pain he goes to
3 Greenville? And now, Greenville calls the police when he
4 shows up with a gunshot wound. Police aren't -- their
5 dispatch time when they get that call is after 10:00. He
6 didn't go straight to Greenville. It takes 45 minutes,
7 maybe an hour to get up there. He didn't go straight to
8 Greenville. We don't know what he did. That's another
9 reason we didn't test the GSR. We don't know where he's
10 been. We don't know what he's doing. Maybe washing his
11 hands, taking a shower, wiping them off. I mean, there's
12 tons of stuff. But how -- how are you going to be shot in
13 Greenwood, it's not your fault, and there's a hospital right
14 there that you don't go to? Because he didn't want
15 Greenwood County to have anything to do with this because he
16 knew he had just shot Oshamar Wells. That's why he didn't
17 go to Greenwood. He knew they'd call the police. He came
18 down here from Anderson. He came down here to rob him,
19 somebody who didn't know him. He came down here and shot
20 him. And then he knew he didn't have to -- he didn't need
21 to be here, because they'd put it together real fast. So he
22 goes up to Greenville. And his ploy works for a little
23 while. Works for a little while. Goes up there.
24 Greenville starts investigating it as some sort of drive-by.
25 But then after -- again, law enforcement didn't know he'd

1 been shot. Oshamar tells them. He says I shot them. So
2 then William Kay starts calling around. You know, calling
3 hospitals. Have you all had a gunshot victim. Have you all
4 had a gunshot victim, and figures out he went to Greenville.

5 Why didn't he tell Greenville he'd been shot in
6 Greenwood? Was he trying to hide that he'd ever been down
7 here? Now, the other interesting thing about Mr. Martin's
8 testimony was they're first cousins and he follows his momma
9 -- Ontavious' momma to come pick him up here at [REDACTED],
10 takes him all the way to Greenville, just drops him off and
11 leaves. His momma didn't go with him. He didn't go with
12 him. Didn't stay. Mr. Plumer is at that hospital all by
13 himself when the police gets there. Not a family member in
14 sight. But we do know that somebody was talking to Mr.
15 Walter Plumer about what to do about that car.

16 Let's talk about the cars. If -- you can see they're
17 parked behind. Fair enough, they were following him, so
18 they parked behind him. But they can get out there. Keys
19 are on the table. I submit to you all, ladies and
20 gentlemen, he wasn't expecting Oshamar to start fighting
21 back. It never occurred to him that could happen. When
22 Oshamar pulled out that gun they panicked and ran. Got
23 outside and didn't have keys to that car and had to talk
24 off. The keys got knocked to the ground in the scuffle. I
25 think there's a picture that y'all can see where they're

1 sort of on the ground up by this number 20 up in the corner.
2 That's right where he was sitting shooting. He wasn't going
3 back to those keys.

4 Everything that Oshamar Wells has told y'all is
5 consistent with what the evidence shows. It's consistent
6 with the forensic evidence, the DNA, the ballistics. It's
7 consistent with the crime scene photos. It's consistent
8 with common sense. What's not consistent with common sense
9 is that Oshamar Wells was somehow -- that he's somehow the
10 instigator. Because to believe that, and I'm sure that's
11 what Mr. Yarborough is going to want you all to believe,
12 number one, there's not a shred of evidence, not a bit of
13 testimony to that effect. But number two, to believe the
14 he's the instigator you're going to have to believe that he
15 lets himself get blocked in like that where he can't get
16 out. That he drives these guys to his family's house, which
17 -- I mean, how easy is it to figure out who he is if they're
18 at his family's house. That he has a gun in a cabinet in a
19 holster that's what he uses to try to rob them or whatever
20 nefarious thing he was going to do. If he was going to do
21 that he would have done it at Mr. Chip. He wouldn't have
22 brought them back to his house, or he would have taken them
23 to some deserted road out in the middle of nowhere. They're
24 not from here. They don't know. He's not taking him back
25 to his cousin's house.

1 And there was this idea that maybe he got a text
2 message that scared him. That doesn't make sense either,
3 ladies and gentlemen. Number one, he told y'all he didn't
4 get that text message until the next day, because after he
5 got shot he's not doing a lot of texting on his phone. He
6 didn't get that until the next day when he's in the
7 hospital. And number two, even if he does get some sort of
8 text message that scares him, is he going to jump up very
9 obviously going for a gun in a way that's going to
10 immediately alert these guys that something's wrong, or is
11 he going to be like I'm going to get some chips and go over
12 and casually open the cabinet and pull it out? I submit to
13 y'all it's going to be the second.

14 If -- the most important thing y'all bring in here, and
15 Mr. Thomas said on this in opening, is your common sense.
16 Everything you heard, what makes sense. And the only thing
17 that makes sense in this scenario is that Oshamar Wells,
18 when he saw that gun, was terrified for his life, went into
19 that cabinet, pulled out that gun and shot back to defend
20 himself. That Ontavious Plumer had pulled his gun and as he
21 was standing up came up shooting, and then as he's shooting
22 Oshamar's got his and then he starts running. And look
23 where his wounds are? If somebody's shooting at you, you're
24 going to present the smallest target possible. And they're
25 low. If Oshamar was shooting first they would have been

1 higher. He's sitting at the table. He wouldn't have been
2 able to shoot him at the leg at that table.

3 Beyond a reasonable doubt doesn't mean all doubt. It
4 doesn't mean that you are 100 percent beyond any conceivable
5 doubt convinced. What it means is that you are firmly
6 convinced. And that's -- firmly convinced is like a -- it's
7 just a -- you know, you know it. You might -- there might
8 be some things you can't quite figure out, but when you sit
9 down you say yeah, Ontavious Plumer shot him. Ontavious
10 Plumer was involved in stealing his drugs. Ontavious Plumer
11 had a gun while he was doing these things. And, you know,
12 it's normal to need to talk it out. It's normal to have
13 some questions. All that's normal. But beyond -- beyond a
14 reasonable doubt doesn't mean that you don't have to do
15 those things. But it means that at the end of the day, when
16 you go back there and ask yourself did Ontavious Plumer
17 shoot him, did he rob him, did he try to kill him, the
18 answer is yes.

19 Thank you all.

20 THE COURT: All right. Mr. Yarborough.

21 MR. YARBOROUGH: If it please The Court.

22 CLOSING ARGUMENT

23 BY MR. YARBOROUGH: Ladies and gentlemen of the jury, I
24 appreciate y'all's service, and I appreciate you being here
25 and I appreciate you listening. I want you to think about

1 the story that Ms. White just told you, and I want you to
2 think if that story is even plausible. Okay? Because I'm
3 telling you it's not. It's not possible that what Mr. Wells
4 told you from that witness stand about my client is close to
5 being possible. Okay? It started out as a ploy. Not my
6 word. Detective McClinton's word. A ploy to get Mr. Wells
7 to come around and tell the story about what happened.
8 Okay? At that point Mr. Wells has told them somebody came
9 in and said give it up. He told him that first lie. Told
10 him he didn't know any idea about what was going on. He
11 said I didn't fire a firearm. And all of a sudden the story
12 starts to cave in and collapses and it all falls to the
13 ground, and we realize that, wow, he was doing a drug deal
14 and he shot somebody, or fired a weapon. Okay?

15 Now, he shot Ontavious Plumer. He used this firearm --
16 and I'm not going to get it out because I don't want to
17 touch it. I want to leave it alone. But that firearm is in
18 evidence. He used that firearm to shoot my client. Okay?
19 There's no evidence that my client was setting up this drug
20 deal. They don't think he was setting it up. It was -- it
21 was Brownlee. They know who set up the drug deal. They
22 know who went down there to buy the drugs. There's no
23 evidence that my client even had a firearm except for Mr.
24 Wells. Except for Mr. Wells. And let's think about this.
25 To believe Mr. Wells, to believe that his story is even

1 plausible, you've got to believe this. That he was in this
2 room. Okay? That he was in this room, and this is his
3 story. It's his story that my client was seated in that
4 chair over there on the right-hand side facing me. The
5 chair to the right closest to the counter back there by the
6 stove. So he's there. And he wants you to believe -- he
7 wants you to believe that my client, Mr. Plumer, pulled out
8 a gun and tried to rob him. And while that was happening he
9 went into that cabinet up there on the left where he said
10 that gun came from -- he went into that client while my
11 client is shooting at him. You see the distance there? You
12 see how close that is? That my client -- if my client would
13 have shot at him, would have fired a firearm at him, it
14 would have been just like the doctor said. It would have
15 knocked him down. He wouldn't have gotten in that cabinet.
16 He would not have been able to get in that cabinet. Okay?
17 He wouldn't have been able to reach in there and get the gun
18 out, much less pull the gun out of the holster. Okay?
19 Pulls the gun out of the holster and then can turn around
20 and start shooting? Come on, guys. That makes absolutely
21 no sense. That's a story that was made up by a drug dealer,
22 a drug dealer who lied to the police four times. Okay? But
23 Detective McClinton kept on wanting to go find out what
24 really happened. He's doing his investigation. He's
25 trying, and he's using ploys. He said that. He said I'm

1 using ploys. I'm trying to trick him. I said I already
2 knew that he went down to Walmart and bought some firearms.
3 I already knew that he had bought some bullets and stuff,
4 and I knew his car was full of this stuff, and I kept going
5 and I'd give him that information and I'd tell him that
6 stuff. And Detective McClinton is just looking for an
7 answer to what happened. Okay? He's looking for an answer.
8 But the facts don't fit that case. That ain't what
9 happened. Okay?

10 I can't tell you exactly what happened, but I can tell
11 you that didn't happen. There's no way in this green earth
12 that that man right there fired three shots at Ontavious
13 Plumer after getting that cabinet out -- getting that gun
14 out of that cabinet and bringing it down, taking it out of
15 the holster and doing it. But let's -- let's think of a
16 much more plausible explanation of what happened. This is
17 much more plausible. Okay? There's some question about the
18 time. There's some question about the time of this act --
19 incident. Okay?

20 Now, if this incident took place like I believe and
21 like I think the evidence has showed coming from the witness
22 stand, that it happened around 7:30 or 7:35, or maybe even
23 7:28, 7:27. If it happened around that time we know -- we
24 know that Mr. Wells had his telephone and he got a text that
25 said don't deal with those --

1 MS. WHITE: Objection. Facts not in evidence.

2 MR. YARBOROUGH: Your Honor, I asked him about the text
3 and he said he'd gotten it, and the time.

4 THE COURT: He said he hadn't read it until two days
5 later.

6 MR. YARBOROUGH: Well, he --

7 THE COURT: I'm going to let him -- go ahead. You go
8 ahead.

9 MR. YARBOROUGH: When he read the texts it's
10 interesting. Okay? He said he didn't read it until two
11 days later, but Detective McClinton had his telephone. All
12 right? Now, how the heck is that possible. That's a pretty
13 good question you can ask when you go back in that jury
14 room. But if that's the only question you ask you'll go,
15 hmm, something's wrong. But I want you to think. I want
16 you to think. You use your commonsense. Judge Miller is
17 going to tell you that you take -- you bring your
18 commonsense to this courtroom and you take it back to that
19 jury room and you listen and you try to think about those
20 facts, and you think about the fact that Mr. Plumer has been
21 charged with a crime. Serious crimes. No question about
22 it. And he deserves his day in court. He deserves his day
23 in court down here in Greenwood even if he's from
24 Greenville, or if his family is from Abbeville. He deserves
25 to be in this courtroom and he deserves you jurors to listen

1 to what the facts the State wants you to listen to. Okay?
2 They want you to -- they want you to believe that story
3 there. And if that story doesn't fit, the rest of that story
4 that man told you doesn't fit either. And if the story
5 doesn't fit you've got to think about walking back in that
6 jury room and turning around and acquitting Mr. Plumer.
7 Okay? I'm telling you if that's all we got -- if that's all
8 we've got, there's enough for you to go back there and
9 acquit.

10 Let's think about some more. We've got another
11 individual at that place. Okay? We know there's some kind
12 of family ties back and forth. That was in the -- Mr. Wells
13 said that, you know, and he said he was dealing with some
14 other fellow, Jock I think he said his name was, and this
15 drug deal had been set up with Jock and a guy by the name of
16 Brownlee. And, you know, did the State bring in those guys
17 into court? No, but they got -- they got a drug deal going
18 on. The drug dealers. Okay? Brownlee and Wells. Wells is
19 a convicted drug dealer. He's admitted it. Ms. White
20 admitted it on the stand. He's -- he's a -- drug dealers
21 lie. And you know what else drug dealers do? Drug dealers
22 bring guns to drug deals. Okay? And that drug deal didn't
23 have nothing to do with Mr. Plumer. There's no evidence in
24 this courtroom one iota that there was anything that Ms.
25 White could come up with to show that Mr. Plumer had

1 anything to do with this drug deal except he was there.
2 That thing was set up by Brownlee and it was between
3 Brownlee and Wells. All right. Plumer's there, you know.
4 And they go to his house. They go to Wells' house to do
5 this drug deal so Wells is on his turf. That's where he
6 knows he can protect himself. That's where he knows his
7 firearm is located. He knows that's where he wants to bring
8 them in. And they smoke some dope. Mr. Wells gets that
9 text. Mr. Wells, he's high on marijuana and he says, oh, my
10 gosh. These guys are getting ready to rob me. He pulls his
11 gun out. And we don't know what happened then, but we know
12 that he didn't pull his gun out of that cabinet up there.
13 Okay? We know that.

14 And I'm going to come back to how we know it in a
15 minute. But let's also look at some other stuff. Let's
16 look at the fact that Mr. Plumer was shot. And there are 45
17 pictures of him being shot that we put into evidence. We
18 put them into evidence. Nobody even looked at those
19 pictures until we found them. You heard the custodian of
20 evidence from Greenville County. Nobody had even gotten
21 those things out of -- until a month ago. Hadn't got it
22 out. They haven't looked at that side of the case. They
23 ain't going to look at that side of the case. No, we're not
24 going to look at that. We're going -- we're going to stop.
25 As I told you all when this case started in my opening

1 statement the first thing out of my mouth was I was going to
2 be able to show this was nothing but a rush to judgment.
3 Remember that? I said it was going to be a rush to
4 judgment, and that's what it was, because they didn't
5 investigate. They didn't look. They just made a decision
6 they were going to -- they were going to take care -- take
7 care of this guy here, because he's in our hospital. He's
8 in our hospital. Ms. White wants to talk about why he --
9 why Mr. Plumer didn't want to go to the Greenwood Hospital.
10 We'll it's a pretty good reason why he didn't want to go to
11 the Greenwood Hospital because he didn't want to be down
12 here --

13 MS. WHITE: Objection.

14 MR. YARBOROUGH: Your Honor --

15 MS. WHITE: He's putting words in his mouth.

16 THE COURT: I'm sorry. What?

17 MS. WHITE: Objection to speculating about the
18 Defendant's motives.

19 THE COURT: Well, I'll let him argue reasonable
20 inferences.

21 MR. YARBOROUGH: That's what I'm talking about. That's
22 what I'm talking about. As she talks about why would you go
23 to a hospital in Greenville. Well, you go to a hospital in
24 Greenville because that's where you're from. Okay? That
25 makes sense. You don't want to go to a hospital in

1 Greenwood where you know all this stuff happened, and you
2 know the guy that shot him -- the guy that shot him, you
3 know he's got to be over at that hospital, too. Okay? You
4 know that. All right? You know you just walked into a
5 firing squad. I mean, he fired that gun at least three
6 times at Mr. Plumer. Three times he fired that gun at Mr.
7 Plumer while he was selling Mr. Brownlee some drugs. I
8 mean, come on. Now, why did that happen? Why did it
9 happen? Ms. White wants you to say it happened because they
10 were trying to rob him. Okay?

11 Now, if you were some innocent person -- if you were
12 some innocent person and somebody had come in your house and
13 tried to rob you, you'd want to help the police. But if you
14 weren't innocent, you'd lie to the police. That's common
15 sense. That's what they do. That's what Investigator
16 McClinton said. You lie to the police. You lie to the
17 police because you don't want the police to know what
18 happened. Now, in this case, the family was worried about
19 what had happened in that house. And so, not only did they
20 lie to the police, they started hiding evidence. Took the
21 gun out of there, took the marijuana out of there. Good
22 Lord, we don't know what else they took out of there.
23 That's what they admit to taking out of there. All right?
24 They forgot. And thank goodness for Mr. Plumer, that they
25 forgot to pick up the holster. They forgot to pick up the

1 holster that that gun was in. Because if that holster was
2 not there we might have ever gotten that gun back. All
3 right? Or Detective McClinton wouldn't have gone to use
4 these ploys to try to get them to say certain things. That
5 wouldn't have happened. What Detective McClinton didn't do
6 -- what he didn't do was he never went and investigated the
7 case for Ontavious. In Greenville County they told you they
8 -- Ontavious was listed as a victim. Okay? Listed as a
9 victim. That came out on the witness stand. He's a victim
10 because he'd been shot. He'd been shot a couple of times.
11 We don't know what happened in that house.

12 But let me ask you this. Let's assume for the sake of
13 argument that Ms. White is trying to get you to believe that
14 there was some kind of plan, there was some kind of
15 commitment between Ontavious and this other guy Brownlee to
16 rob him. Okay? So they go in -- they're going in,
17 according to Ms. White, they're going to rob him. They're
18 going to -- they're going to steal his marijuana, and I
19 guess they're going to steal money from him. I guess that's
20 what she wants you to believe. Well, let me ask you
21 something. If that's the case, if that's the case, why --
22 why would Ontavious have gone in there and left his keys in
23 that house? All right. If he was going to leave his keys
24 in that house he wouldn't have been going there to rob him.
25 No way. Now way. You go into that house and commit a

1 robbery you get your keys put up, you're getting your phone
2 put up.

3 Let's talk about that phone. Okay? Five days later,
4 six days later in an affidavit, a sworn affidavit, Greenwood
5 County -- whoever you want to call him, McClinton or the
6 investigator that came in here, they swore under oath in an
7 affidavit that they had Ontavious telephone. I showed you a
8 picture of a telephone in there. I don't know if that was
9 that phone or not. But I know they swore in an affidavit
10 there was a phone in there. I know that they did that. I
11 know that they looked at it. So where's the phone? Where
12 are the keys? That's what the problem is, is nobody goes
13 into a robbery and takes in phones, takes in keys. And if
14 you want to forget the phone, if you want to believe it was
15 a mistake, it was an accident, it was some kind of mistake,
16 I'll give them that. People do mistakes all the time.
17 People make mistakes all the time and I got you. But
18 Ontavious Plumer would not have gone in there with his
19 granddaddy's car sitting out there and his keys left on the
20 table if he was going in there to rob the place. Make no
21 sense. It makes no sense. And if that makes no sense, and
22 you think about it, you must acquit. You've got to let him
23 go. I submit to you, you can look at the four different
24 stories that Wells told. You can look at the reasons he
25 told those stories. You can look at that and that's enough

1 for you to acquit. Then you look at the keys and the phone.
2 That's enough to acquit.

3 Talked a lot about gunshot residue. They told you
4 about they didn't want to do any more tests. They quit.
5 They gave up. They didn't want to bring the evidence to
6 court. They didn't want to bring -- and I asked McClinton
7 over and over again, you got that file. No, I didn't bring
8 it. You go that file. No, I didn't bring it. I had to
9 subpoena stuff to this courtroom. Is that the way the State
10 is supposed to operate? Is that how this case is supposed
11 to be tried in Greenwood? No, it's not how it's supposed to
12 be tried. No, that's not how it's supposed to be done.
13 It's not supposed to be done that way because it didn't
14 happen the way they said it did. They bought the story of a
15 drug dealer. They bought it, and they didn't know how it
16 was going to spin out. Okay? There was no way they ever
17 could figure out how it was going to spin out. And that
18 doctor came in here. He testified. He was coming in here
19 to testify about where the bullets hit Wells. Okay? That's
20 why he came in here. He came in here to testify where the
21 bullets hit Wells. But what he said -- what he said was
22 this. When that femur broke there was no way in Hades that
23 man could have shot. Okay? So we know -- we know that it
24 didn't happen that way. Okay? Because once that femur is
25 broke -- and he said the femur broke because of the

1 shooting. Because of what happened then. So if that's the
2 case, then we know that Wells fired first. We know that
3 Wells fired first. And I submit to you it's just as
4 problematic that Wells fired -- and Brownlee shot him over
5 on the side. If Ontavious is in the right-hand corner
6 there, if he's in the right-hand corner and Wells has his
7 gun, then when Wells gets hit by Brownlee who's over here
8 on the left then he's firing it at Ontavious, or he shoots
9 Ontavious. We -- you don't know. You don't know. But you
10 know it didn't happen the way Wells said it did. We know
11 that. They can't go back and recreate it. It wasn't
12 possible to recreate it after the doctor told them what
13 happened. The case was never plausible. It was never
14 possible. It didn't -- couldn't have gone out and looked,
15 asked some of these people about guns. They could have
16 investigated. They could have done something. They didn't
17 do anything. They just bought what some guy that -- and I'm
18 sure Mr. Wells is a nice guy for a drug dealer. I'm sure he
19 is. I'm sure he is. He's got a nice mama. He's nice.
20 We've got a nice family over here, too. You know, but
21 you've got to think about this is these are serious charges.
22 And it's their burden -- it's their burden to prove him
23 guilty beyond a reasonable doubt. To prove him guilty
24 beyond a reasonable doubt. Ms. White told you it's a doubt
25 you can put your hand one, a doubt you can grab hold of.

1 Judge Miller is going to tell you what the law is. And look
2 at that doubt. There's so much doubt. And he doesn't have
3 to prove anything. He proved that he'd been shot. He
4 didn't have a gun on him. He didn't have marijuana on him.
5 Brownlee was gone with the gun and the marijuana if you
6 believe that. But Wells had hidden that gun. Wells had
7 hidden that marijuana. They had cleaned up the -- they just
8 didn't realize what the important stuff was that they left
9 behind. They left that holster behind with the gun. The
10 holster for that gun. The holster for this gun in this
11 courtroom was left behind and somehow that had to have been
12 pulled out. I'll submit to you that what happened was Wells
13 set the gun holder up on the table. Okay? He sets the gun
14 holder up on the table and he has his gun in his back back
15 here, because he's showing power. He's a drug dealer. He's
16 showing power. Ontavious is along smoking a blunt, getting
17 high, and he puts his keys on the table. He puts his keys
18 on the table. And sometime, if you look at these pictures
19 really closely, you'll find that -- let me find the right
20 one. You see the holster is 9, right, and 20 is back there
21 where Ontavious' keys were. And then you've got the stuff
22 -- this stuff here. So obviously what happened was when EMS
23 came in they flipped over the table and took the stuff off
24 of there. So that's where it was. That makes sense.
25 Because the holster and the keys have fallen together. You

1 saw the picture of the telephone. You heard the stuff
2 about the text. They want to talk about DNA and all of that
3 stuff. Look, remember they -- they put in a statement by
4 Ontavious that at his bond hearing he said I've been shot,
5 too. I've been shot, too. I was shot twice. You remember
6 that? That's the statement they put in there, I've been
7 shot twice. Now, that is in October of 2015. That's when
8 that statement was made. The shooting takes place on the
9 11th. The statement is made within 30 days. If it's in
10 November, it's in November. Ms. White can correct me. But
11 it's not long after that. And since then no investigation,
12 nothing has been done to look at what happened to Ontavious
13 the victim. Okay? Nothing's been done. All that happened
14 was this. Detective McClinton bought into the story of a
15 drug dealer. He rushed to judgment. He didn't look any
16 further. He rushed to judgment. He didn't look any
17 further. And I submit to you that Ontavious deserves more
18 than that. He deserves you looking at the facts. He
19 deserves you looking at what happened in this case. He
20 deserves you looking at the fact that that holster's on the
21 floor. He deserves you looking at the fact that his phone
22 was there. He deserves you looking at the fact that his
23 keys were there. If his keys are there, he didn't go to rob
24 the place. It makes no sense. It wouldn't have happened
25 that way. It -- I mean, who goes in to rob a place with the

1 keys and puts them on the table. Come on. It doesn't -- it
2 didn't happen that way.

3 Let's talk about his granddad coming in. His
4 grandfather came in and testified. You know, he did the
5 best -- he did the best he could. Of course Ontavious has
6 been shot. You know, they're worried. They don't want to
7 get involved with the police. He didn't want to get
8 involved with the police. Wells didn't want to get involved
9 with the police. They didn't want the police involved in
10 this. I submit to you that there's overwhelming evidence
11 that what the State has brought to you does not rise to any
12 level of charging somebody with attempted murder or armed
13 robbery or possession of a firearm. Where's the firearm?
14 Come on. You can't take that and just take it to the bank
15 just because they said that. You can't -- you can't just
16 roll around and say I accept what the State says. I accept
17 Mr. Clinton's -- Detective McClinton's ploys. I accept
18 that. Ontavious deserves better than that. Thank you.

19 MS. WHITE: Very briefly, Judge.

20 CLOSING ARGUMENT

21 BY MS. WHITE: I'll tell you who leaves the keys in the
22 house. I'll tell you who leaves the keys on the table.
23 Someone who's not planning on being in a big hurry when he
24 leaves. Somebody's who's planning on leaving a body behind
25 him. Planning on having plenty of time to grab everything.

1 That's who leaves the keys.

2 Now, the tables flipped over? I don't know what trial
3 Mr. Yarborough has been listening to, but he just told you
4 all a bunch of stuff that did not come from that witness
5 stand. A bunch of it. The table was not flipped over.
6 Kerry Cooper said he watched EMS slide it out of the way.

7 Now, let's think about this, too, on this table.
8 Oshamar is sitting here, Ontavious is here. Keys we can
9 suppose are probably somewhere in here. Now -- I'm trying
10 to think how to demonstrate this. When he stands up he's
11 got this stuff in front of him. Do you all suppose it gets
12 slung over into that corner as he stands up in a hurry to
13 save his life? Is that how that happened? I submit to you
14 all it is. That he jumps up in a hurry and the stuff on
15 that table goes flying, because his arm catches it as he's
16 turning around.

17 Mr. Yarborough just told you all that Dr. -- and this
18 is so -- you all, the commonsense here. Dr. Ladd says that
19 he gets shot in the femur so he can't shoot. This is your
20 femur. This is your hand. Of course he can still shoot.
21 Of course he can still shoot. He couldn't walk. He
22 couldn't move. He's laying on the ground shooting. But
23 this is working just fine. Come on, ladies and gentlemen.
24 The phone on the freezer didn't have anything to do with
25 anything. It belonged to a kid who lived there. Detective

1 McClinton told you all that. It's got pink earbuds on it.

2 You all think he's carrying pink earbuds?

3 And this implication that we're hiding something. I
4 don't know if you'll noticed but these that he put in
5 evidence, I brought these. He got these from an envelope I
6 had sitting right here. We've had all these sitting over
7 here, too. One of the officers, I can't remember who it
8 was, testified if they get things they bring it to me and I
9 give it to him. We have not hidden one single solitary
10 thing. And he is right. He does deserve a fair trial, and
11 he's had one. He has had one. And he deserves every bit of
12 consideration and he deserves that I've had everything
13 available. And no, I didn't bring all these to you all
14 because frankly I didn't want to be here all day yesterday.
15 That with Kenya Griffin was painful, going through all of
16 these casings and all of these pictures, and I think it was
17 pretty apparent pretty fast that I was not interested in
18 doing that. But all of this has been sitting here.

19 Now, did McClinton take boxes worth of evidence and
20 pictures up there with him? No. They were back here.
21 We've been pulling out boxes all week.

22 He didn't want to go to the hospital here because this
23 isn't where his family is. His family was here. They told
24 you all that. VanJarvis Martin said he met his momma -- Van
25 Jarvis is his cousin, and they met his momma over at his

1 baby's mother's house. So baby's mother, momma and cousin
2 are in Greenwood. He drives away from his family. Drives
3 away from them. And the only testimony we've heard is
4 somebody lives in Abbeville and somebody lives in Anderson.
5 He didn't go to Abbeville and he didn't go to Anderson.

6 Oshamar Wells called 911. If you don't want law
7 enforcement involved you don't call 911. His family could
8 have picked him up, put him in the car, taken him somewhere
9 else, too. They could have tried to hide everything. He
10 couldn't walk, but there were plenty of people there who
11 could have carried him, put him in the backseat. Driven him
12 to Augusta, Columbia, Greenville. They called 911. They
13 cooperated with the police.

14 This attempt to paint Ontavious Plumer as some sort of
15 victim that law enforcement should have investigated. He
16 was a victim on a completely made up story that he told to
17 Greenville. Completely made up. And we know that wasn't
18 his cell phone in the house because Greenville County told
19 you they pinged his cell phone three to four miles away from
20 where he said he got hit in the drive-by. Andrew Reese told
21 you that. So that's a red herring. And that's what Mr.
22 Yarborough is trying to do. He's trying to muddy the water,
23 trying to send you all down these rabbit trails, things that
24 don't matter and aren't so. And what I want you all to
25 remember is if anything that I have said, or anything that

1 Mr. Yarborough has said conflicts with what you all remember
2 the testimony to be, I invite you all to listen to that
3 again, because what he was saying didn't come from that
4 stand. And just because he said it doesn't make it so. And
5 why -- I'll leave you all with this thought. If Oshamar
6 Wells pulled his gun first, why did he get shot in the back?

7 CHARGE OF THE COURT

8 THE COURT: All right. Ladies and gentlemen, during
9 this trial you and I have certain duties to perform, and as
10 the trial Judge it is my responsibility to preside over the
11 trial of the case and to rule on the admissibility of the
12 evidence that's offered during the trial. It's also my duty
13 to charge you the law applicable to the case, and it is your
14 duty as jurors to accept and apply the law as I now state it
15 to you. As I told you in my opening comments, if you think
16 you have any idea as to what the law is or what the law
17 ought to be and it does not agree with what I now tell you
18 the law is, you have sworn an oath to set aside your own
19 opinion and apply the law precisely as I state it to you.

20 I also remind you that in every case tried in this
21 Court before a jury, the jury is the sole and exclusive
22 judge of the facts and a trial judge is not allowed to have
23 an opinion about the facts. So don't think by anything I
24 may have said or done throughout the course of a trial I
25 have suck an opinion. I do not, and it is up to you all to

1 be the judges of the facts.

2 I instruct you again that the fact that the Defendant
3 was arrested and charged and indicted in this case is not
4 evidence of guilt, nor does it create any presumption or
5 inference of guilt. These documents are simply the formal
6 written instruments which allow the case -- which contain
7 the charges made against the Defendant and they serve as the
8 formal documents which -- by which the case is processed and
9 brought here into Court for resolution. Now, the
10 indictments in this case allege three separate offenses and
11 they are attempted murder, armed robbery, and possession of
12 a firearm during the commission of a violent offense. Each
13 indictment charges a separate and distinct offense and you
14 must decide each indictment separately on the evidence and
15 the law applicable to it uninfluenced by your decision as to
16 any other indictment.. The Defendant may be convicted or
17 acquitted on all or any of the offenses charged and you will
18 be asked to write a separate verdict of guilty or not guilty
19 for each indictment.

20 Necessarily, it is your job as jurors to determine the
21 credibility or believability of the witnesses who have
22 testified and it becomes your duty as jurors to evaluate the
23 evidence and determine which evidence convinces you that it
24 is true. In determining the believability of the witnesses
25 you may believe one witness over several or several over

1 one. You may believe a part of the testimony of a witness
2 and reject the remaining part. You may believe the
3 testimony of a witness in its entirety or reject that same
4 testimony in its entirety and you may consider whether the
5 witness has an interest in the result of the trial, whether
6 the witness is prejudiced towards either the State or the
7 Defendant and the opportunity for the witness to have seen
8 and observed the things about which the witness has
9 testified, in the way the witness acts on the witness stand,
10 or what we call a witness' demeanor.

11 Now, I instruct you and I emphasis that the fact that
12 the Defendant did not testify is not a factor to be
13 considered by you in your deliberations on the questions of
14 guilt or innocence. It must not be considered by you in any
15 manner whatsoever. I would tell you every citizen has the
16 constitutional right to remain silent and the assertion of
17 that right must not be considered by you in your
18 deliberations.

19 Now, the rules of evidence ordinarily do not permit
20 witnesses to testify to opinions or conclusions. An
21 exception to this rule exists for witnesses we call experts.
22 So a witness who by education and experience has become
23 expert in some art, science or profession may give an
24 opinion as to the subject the witness has been qualified as
25 an expert in and may also give the reasons for the opinion.

1 And you should consider an expert opinion given by a witness
2 and like any other evidence give it the weight that you
3 think it deserves. And if you decide that an expert
4 witness' opinion is not based on sufficient education and
5 experience, or if you decide that the reasons given in
6 support of the opinion are not sound, or that this -- or
7 that the opinion is outweighed by other evidence, you may
8 disregard the opinion entirely.

9 Now, the Defendant has pled not guilty to these
10 indictments and that plea puts the burden on the State to
11 prove the Defendant guilty. A person charged with
12 committing a criminal offense in South Carolina is never
13 required to prove themselves innocent. And I charge you
14 that it is a cardinal and a single rule of the law that a
15 Defendant in a criminal trial will always be presumed to be
16 innocent of the crime for which an indictment has issued
17 unless guilt has been proven by evidence satisfying you, the
18 jury, of guilt beyond a reasonable doubt.

19 Now, reasonable doubt is the kind of doubt which would
20 cause a reasonable person to hesitate to act. And
21 reasonable doubt may rise from the evidence which is in the
22 case or from the lack or absence of evidence in the case and
23 you, the jury, must determine whether or not reasonable
24 doubt exists as to the guilt of this Defendant. And I
25 remember you, the State has the burden of proving each and

1 every element of each offense beyond a reasonable doubt.

2 Now, there are two types of evidence which are
3 generally presented during a trial. They are direct
4 evidence and circumstantial evidence. Direct evidence
5 directly proves the existence of a fact and does not require
6 deduction. Circumstantial evidence is proof of a chain of
7 facts and circumstances indicating the existence of the main
8 fact, and crimes may be proven by circumstantial evidence.
9 The law makes no distinction between the weight or value to
10 be given to either direct or circumstantial evidence.
11 However, to the extent the State relies on circumstantial
12 evidence, all of the circumstances must be consistent, and
13 when taken together point to the guilt of the accused beyond
14 a reasonable doubt. If these circumstances merely portray
15 the Defendant's behavior as suspicious, the proof would have
16 failed. The State has the burden of proving the Defendant
17 guilty beyond a reasonable doubt and the burden rests with
18 the State regardless of whether the State relies on direct
19 evidence, circumstantial evidence or some combination of the
20 two.

21 And I also tell you that if a crime is committed by two
22 or more people who are acting together in committing the
23 crime, the act of one is the act of all. A person who joins
24 with another to accomplish an illegal purpose is criminally
25 responsible for everything done by the other person which

1 occurs as a natural consequence of the acts done in carrying
2 out the common plan or purpose. For example, two people can
3 be guilty of killing another person when only one of the two
4 had a gun, there was only one bullet and only one of the two
5 fired the shot that caused the death. So if two or more
6 people are acting -- are together, acting together,
7 assisting each other in committing the offense, the act of
8 one is the act of all, or as it is sometimes said, the hand
9 of one is the hand of all.

10 Now, ladies and gentlemen, the Defendant is charged
11 with attempted murder. And in order to prove this crime the
12 State must prove the Defendant attempted to kill another
13 person with malice aforethought, either expressed or
14 implied, and malice is hatred, ill-will or hostility towards
15 another person. It is the intentional doing of a wrongful
16 act without just cause or excuse and with an intent to
17 inflict an injury or under circumstances that the law will
18 infer an evil intent. Malice aforethought does not require
19 that malice exists for any particular time before the act is
20 committed. But malice must exist in the mind of the
21 Defendant just before and at the time of the act that the
22 act is committed. Therefore, there must be a combination of
23 the previous evil intent for however long and the act
24 itself. Malice aforethought may be expressed or inferred.
25 And these terms inferred or expressed do not mean different

1 kinds of malice, but merely the manner in which malice may
2 be shown to exist, and that is either by direct evidence or
3 by inference from the facts and circumstances which are
4 proved. Expressed malice -- excuse me one second.

5 Expressed malice is shown when a person speaks words which
6 express hatred or ill-will for another or when the person
7 prepared beforehand to do the act which was later
8 accomplished. For example, lying in wait for a person or
9 any other acts of preparation going to show that the deed
10 was within the Defendant's mind would be expressed malice.

11 Now, I would -- okay. Excuse me one second. I would
12 tell you that there is a specific -- a specific intent to
13 kill is an element of attempted murder. And intent means
14 intending the result which actually occurs, not accidentally
15 or involuntarily. Intent may be shown by the acts and
16 conduct of the Defendant and other circumstances from which
17 you may naturally and reasonable infer intent. Evidence of
18 the character of the act, the character of the instrument
19 used, the manner in which it was used, the purpose to be
20 accomplished, and the resulting wounds or injuries must be
21 considered in determining the intent with which the act was
22 committed. The intent may also be inferred when it is
23 demonstrated that the Defendant voluntarily and willfully
24 commits an act the natural tendency of which is to destroy
25 another's life.

1 Now, the Defendant is also charged with armed robbery.
2 In order to prove this offense the State must prove beyond a
3 reasonable doubt that the Defendant took personal property
4 from the person or presence of another person. Property is
5 in the presence of another person if it is within that
6 person's reach, inspection, observation or control so that
7 the person could, if not overcome with violence or prevented
8 by fear, keep possession of the property. The State must
9 also prove beyond a reasonable doubt that the Defendant
10 carried away intending to permanently deprive the owner of
11 the property and to keep the property for the Defendant's
12 own use. The slightest removal of the property, or the
13 complete possession of the property even for an instant by
14 the Defendant is sufficient to show a taking and carrying
15 away of the property. The taking and carrying away of the
16 property must have been done with violence or by putting the
17 owner of the property in fear of violence. And finally the
18 State must prove beyond a reasonable doubt that the
19 Defendant was armed with a deadly weapon during the robbery
20 or alleged either by action or words he was armed by using a
21 representation of a deadly weapon or any objection which a
22 person present during the commission of the robbery
23 reasonably believed to be a deadly weapon. And a deadly
24 weapon is any article, instrument or substance which is
25 likely to cause death or great bodily harm. And whether an

1 instrument has been used as a deadly weapon depends on the
2 facts and circumstances of each case. The following are
3 instruments which may be deadly weapons. A pistol, a
4 shotgun, a rifle, a dirk, a dagger, a knife, a slingshot,
5 metal knuckles, a razor, gasoline, a firebomb, a Molotov
6 cocktail and lighter fluid. A gun may be a deadly weapon
7 even if it is not operating. I also tell you that the --
8 that illegal drugs may be considered personal property which
9 could be taken pursuant to the robbery charge which I just
10 gave you.

11 Finally, the Defendant is charged with possession of a
12 weapon during the commission of or attempt to commit a
13 violent crime and the State must prove beyond a reason doubt
14 that the Defendant was in possession of a firearm or visibly
15 displayed what appeared to be a firearm during the
16 commission of a violent crime. And a firearm means any
17 machine gun, automatic rifle, revolver, pistol, or any
18 weapon which will, is designed to, or may be readily
19 converted to expel a projectile.

20 Now, in order to find the Defendant guilty of
21 possession of a weapon during the commission of a violent
22 crime you must first find the Defendant guilty or either
23 committing a violent crime or attempting to commit a violent
24 crime. And I tell you under the law of South Carolina that
25 attempted murder in an armed robbery are both violent

1 crimes. But before you can decide that case one of the
2 other two cases, at least, must have been -- you must have
3 found beyond a reasonable doubt the Defendant was guilty of
4 that.

5 Now, ladies and gentlemen, we've prepared a verdict
6 form. We'll send it back into the jury room with you. I
7 think it's fairly simple and self-explanatory. And there
8 are three separate charges. And as I told you before, you
9 can decide the possession of a weapon during a violent crime
10 you must first make a decision -- have a finding beyond a
11 reasonable doubt of guilty of either or both armed robbery
12 and attempted murder.

13 Now, I will tell you, ladies and gentlemen, your
14 verdict must be unanimous. All 12 of you must agree. Your
15 verdict cannot be based on sympathy, passion, prejudice,
16 emotion or any other consideration not in evidence in the
17 case. You have no friends to reward. You have no enemies
18 to punish.

19 Now, Mr. Foreman, I'm going to excuse you all back to
20 the jury room and ask you not to begin your deliberations
21 until the evidence comes back along with the verdict form.
22 I want to make sure that I haven't misstated something or
23 omitted something in my charge on the law. When all that
24 comes back you all can begin your deliberations. So at this
25 time I would excuse you all except for Mr. Ford. I have to

1 ask you to stay. Thank you.

2 (Whereupon, the jury exited the courtroom at 2:48 p.m.)

3 THE COURT: I hate it, Mr. Ford. You're just as
4 qualified as each of those 12. You have ever right to be
5 back there but the law only allows 12. It was a multi-day
6 trial and it's not infrequent that someone might be taken
7 ill. And so, you've performed a great service and a great
8 duty and I can't -- but unfortunately I can't let you
9 deliberate. You are free to go and/or stay. Whatever you
10 prefer to do. And you're released from service for the rest
11 of the week. The rest of the year. The next three years if
12 you so desire. Thank you.

13 MR. FORD: Thank you, sir.

14 THE COURT: Yeah. Any exception or objection to the
15 charge from the State?

16 MS. WHITE: No, sir.

17 THE COURT: The Defense?

18 MR. YARBOROUGH: I just renew my motions and objections
19 for the record.

20 THE COURT: All right. You all get together and look
21 at the evidence and make sure it's all right.

22 (Whereupon, the jury began deliberations at 2:56 p.m.)

23 (Whereupon, the jury sends out a note to The Court.)

24 THE COURT: I've got two questions. Well, one's got
25 three parts. Is it possible to know when the text message

1 was read from Wells' phone tell him not to do the deal, when
2 the phone was taken from Wells, when the phone was given
3 back to Wells. The second one is pretty easy. Does hand of
4 one hand of all apply to all the charges.

5 My memory of the testimony from Wells was -- it was
6 maybe on cross-examination when he said that he didn't read
7 the message until a couple days later. Does anybody have a
8 different recollection?

9 MR. YARBOROUGH: Your Honor, I think the evidence was
10 that he didn't have his phone until a couple days later.
11 And so, I think that's what he said. The message came in at
12 7:23.

13 THE COURT: Well, they want to know when it was read.

14 MR. YARBOROUGH: I don't know that -- I think it was a
15 conflict of testimony. So I don't think --

16 THE COURT: That's your characterization. He never
17 said he read the thing.

18 MR. THOMAS: I think he said that he read it. My
19 recollection is he said he read it the next day. The piece
20 of evidence -- the piece of paper that Mr. Yarborough was
21 waving around and that he read from wasn't even from Wells'
22 phone. That was from Jock's phone. So I don't know that
23 that's even in evidence at this point.

24 THE COURT: It's not. I don't know. Was it ever --
25 was there ever any evidence, testimony, about when the phone

1 was taken from Wells? I don't remember any testimony.

2 MS. WHITE: I don't think there was.

3 MR. THOMAS: None of the detectives testified about
4 taking Wells' phone from him.

5 THE COURT: That was just something you said.

6 MR. YARBOROUGH: Your Honor, I believe that Detective
7 McClinton said that he had Wells' phone.

8 THE COURT: Where is he?

9 MS. WHITE: He's actually giving a -- I can call him.
10 He got subpoenaed to give a deposition and they came and
11 grabbed him. We need him. Tell Charles and --

12 MR. THOMAS: The Judge needs him.

13 MR. YARBOROUGH: Judge, I'd ask that he not respond to
14 any of those questions. That the evidence is the evidence
15 that's in the record, and leave it at that.

16 THE COURT: So you wouldn't want me to play back
17 testimony? We're going to do it. We're going to answer the
18 questions by playing back the testimony. I'm trying to
19 figure out when it was said so we don't have to listen to
20 the whole examination. So Tara is going to look for it
21 right now. We're waiting on McClinton to come back.

22 I'm going to make this note a Court's Exhibit.

23 (Whereupon, Court's Exhibit No. 2 was marked for
24 identification.)

25 (Whereupon, a brief recess was held. Another jury note

1 was sent out to The Court.)

2 THE COURT: Okay. Please explain the relationship
3 between hand of one and hand of all and reasonable doubt.
4 If there is a doubt, reasonable, of who actually shot the
5 gun at Wells, please explain how the hand of one, hand of
6 all applies. So I'll just recharge them on presumption of
7 innocence, reasonable doubt and hand of one.

8 Is that agreeable?

9 MR. YARBOROUGH: Yes, sir.

10 MR. THOMAS: Fine with the State, Your Honor.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: Ladies and gentlemen, I've got your
13 questions and what I'm going to do is recharge you the law
14 on presumption of innocence and reasonable doubt, and also
15 on hand one is the hand of all. See if this will answer
16 your question. And if you are not fully satisfied, let me
17 know, because we want to make sure you -- that it's clear.
18 And there is certainly no shame in making sure you
19 understand what these concepts are. Okay?

20 The Defendant has pled not guilty to these indictments
21 and that plea puts the burden on the State to prove the
22 Defendant guilty. A person charged with committing a
23 criminal offense in South Carolina is never required to
24 prove themselves innocent, and I charge you that it is a
25 cardinal and a signal rule of law that a Defendant in a

1 criminal trial will always be presumed to be innocent of the
2 crime for which an indictment has issued unless guilt has
3 been proven by evidence satisfying you, the jury, of guilt
4 beyond a reasonable doubt.

5 A reasonable doubt is the kind of doubt which would
6 cause a reasonable person to hesitate to act. Reasonable
7 doubt may arise from the evidence which is in the case, or
8 from the lack or absence of evidence in the case and you,
9 the jury, must determine whether or not reasonable doubt
10 exists as to the guilt of this Defendant. The burden has
11 the -- excuse me. The State has the burden of proving each
12 and every element beyond a reasonable doubt.

13 Now, if a crime is committed by two or more people who
14 are acting together in committing the crime, the act of one
15 is the act of all. A person who joins with another to
16 accomplish an illegal purpose is criminally responsible for
17 everything done by the other person which occurs as a
18 natural consequence of the acts done in carrying out the
19 common plan and purpose. For example, two people can be
20 guilty of killing another person when only one of the two
21 had a gun, there was only one bullet and only one of the two
22 fired the shot that caused the death. If two or more people
23 are acting together -- excuse me. If two or more people are
24 together, acting together, assisting each other in
25 committing the offense, the act of one is the act of all, or

1 as it is sometimes said, the hand of one is the hand of all.

2 Now, you all go back and talk about it. If you need
3 further explanation, please let me know.

4 (Whereupon, the jury exited the courtroom to resume
5 deliberations.)

6 (Whereupon, deliberations continued until another jury
7 note was received by The Court.)

8 THE COURT: We've got another question. On day one
9 there is a question regarding possible testimony that Wells
10 stated that Plumer started shooting and Brownlee ran off
11 with the drugs. Not sure if Wells or Detective McClinton or
12 opening from State. Would like to hear that if it is in the
13 record. We think Wells.

14 Wells has it, so we're going to play that.

15 (Whereupon, testimony was played back for the jury at
16 4:41 p.m.)

17 (Whereupon, the jury resumed deliberations at 4:45 p.m.
18 The jury entered the courtroom at 5:08 p.m. with their
19 verdict.)

20 THE COURT: Have you reached a verdict, Mr. Foreman?

21 THE FOREMAN: Yes, we have, Your Honor.

22 THE COURT: Thank you very much. Would you hand it to
23 the Bailiff for us.

24

25

1 VERDICT

2 MADAM CLERK: The State of South Carolina, County of
3 Greenwood, State of South Carolina vs. Ontavious Plumer,
4 Indictment Nos. 2016-GS-24-999, -1000, -1001, as the charge
5 of attempted murder we the jury find the Defendant guilty.
6 As to the charge of armed robbery we the jury find the
7 Defendant not guilty. As to possession of a weapon during a
8 violent crime we find the Defendant guilty. Signed by
9 Foreperson --

10 THE COURT: That's all right. If that is your verdict
11 and remains your verdict so signal by raising your right
12 hand, please.

13 (Whereupon, the jury raises their right hand.)

14 THE COURT: Thank you very much. Anything further from
15 the jury from the State?

16 MS. WHITE: No, sir, Your Honor.

17 THE COURT: From the Defense?

18 MR. YARBOROUGH: No, sir, Your Honor.

19 THE COURT: All right. Mr. Foreman, ladies and
20 gentlemen of the jury, I want to thank you for your hard
21 work. I told you what a -- I can't remember what I told you
22 on Monday. But it is a great civic duty that you performed.
23 You don't get a gold star to wear, but you do have, I hope,
24 a deep sense of satisfaction that you have worked so hard
25 for your community to come up here and perform this really

1 vital function. And it's a difficult thing. It's a heavy
2 responsibility. It's a great privilege. And from those of
3 us who work with these cases every day we want to thank you
4 for your hard work and your hard service.

5 You are free now to talk about it with whoever you want
6 to. You can go online. You can go visit the scene.
7 Whatever you -- you're free to do whatever you want. But I
8 do want to tell you this. You're free not to talk about it.
9 And if somebody bothers you about your service you just let
10 the Clerk of Court know who that person is and the Sheriff
11 will take care of it. Okay? We will not have anybody be
12 bothered or harassed for their service here in Court.

13 With that, ladies and gentlemen, I'm happy to tell you
14 you're free for the remainder of the week, the rest of the
15 year, and three years if you so desire. Thank you very
16 much.

17 Mr. Foreman, we do need to get your signature on a
18 couple of forms.

19 (Whereupon, the jury was released from service.)

20 THE COURT: You all got the sentencing sheets?

21 MS. WHITE: Yes, sir.

22 MR. YARBOROUGH: Your Honor, briefly.

23 THE COURT: Yeah, motions.

24 MR. YARBOROUGH: Yes, sir. I make a motion for a new
25 trial based on the verdict that came back from the jury. It

1 seems like it's inconsistent and they find him guilty of
2 attempted murder and then not guilty of armed robbery and
3 guilty of having a firearm. I think they seemed confused
4 about the law and the facts, and so I'd move to set aside
5 the verdict at this time.

6 THE COURT: Okay. Denied. It's pretty well written in
7 stone what's going to happen.

8 MS. WHITE: Judge, do you want these certified copies,
9 sentencing sheets and the notice or --

10 THE COURT: No, you can just tell me. Well, are they
11 in the record? Are they --

12 MS. WHITE: I can mark them and make them a part of the
13 record.

14 THE COURT: Yeah, let's get them part of the record.

15 (Whereupon, Court's Exhibit No. 7, criminal history,
16 was marked for identification.)

17 SENTENCING

18 THE COURT: Anything you want to tell me?

19 THE DEFENDANT: The only thing I got to say, I ain't
20 guilty.

21 THE COURT: Well, okay.

22 MR. YARBOROUGH: Your Honor, just for the record, I've
23 had a good representation with Mr. Plumer. We've been able
24 to communicate and he's always maintained his innocence.
25 And I know that he's got very strong family support that are

1 here with him today and they've supported him throughout
2 this. I know that he has a prior record with two previous
3 convictions and crimes of violence and I know the Court only
4 has one sentence they can give. For the record, I don't
5 personally believe in LWOP and I object to it being used.
6 But I know that's the law in this State. But just I'd note
7 my objection for the record.

8 THE COURT: Okay. Let's read into the record what his
9 prior offenses are.

10 MS. WHITE: Yes, sir. The prior offenses that make him
11 eligible for life without parole are from Greenville County,
12 2011-GS-23-2917. Count one is a -- it looks like an armed
13 robbery. A count two, possession of a weapon during a
14 violent crime. And the -- he pled to attempted armed
15 robbery. It's checked on the sentencing sheet that it was
16 most serious, so he was notified of that. And he pled on
17 December the 12th of 2011. And he has other offenses, but I
18 don't know if the Court needs to hear them.

19 THE COURT: What is the -- give me the statute on the
20 LWOP.

21 MS. WHITE: 16-11-330(b) is the attempted armed
22 robbery.

23 THE COURT: No, no. For the --

24 MS. WHITE: Oh, I'm sorry. It's --

25 MR. THOMAS: 17-25-45.

1 MS. WHITE: 17-25-45.

2 THE COURT: All right. Well, you understand you have a
3 right to appeal, and if you need to do that you need to let
4 your lawyer know because he's got a time limit. On the
5 weapons offense, five years. On the attempted murder, life
6 without parole. Good luck.

7 (END OF REQUESTED TRANSCRIPT OF RECORD)

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Certificate of Reporter

I, the undersigned, Tara T. Scott, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Greenwood County, South Carolina, on the 6th, 7th, and 8th day of February, 2017.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott

Tara T. Scott, CVR

Circuit Court Reporter

May 25, 2017



Greenville County Department of Public Safety

R. 432

4 McGee Street
Greenville SC 29601

CHAIN OF CUSTODY REPORT

IMPOUNDING OFFICER: SPURGEON, JOSHUA T - 9098 DPS
SUBMITTING OFFICER: SPURGEON, JOSHUA T - 9098 DPS
INVESTIGATING OFFICER: REESE, ANDREW H. - 1433 GSO
DATE & TIME IMPOUNDED: 10/11/2015 2315
IMPOUND ADDRESS: 701 GROVE RD GREENVILLE, SC

CASE #: 012015169489
Case Type: GUN SHOT VICTIM
SEALED: Yes
SUBMITTED At:
SUSPECT:



1216653

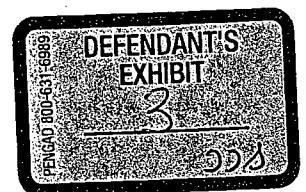
Item #: JTS4 GSR KIT COLLECTED FROM THE HANDS OF
SUBJECT: PLUMER, ONTAVIOUS

Date/Time	Logged in User	Item moved to this Location
10/14/2015 8:58:04AM	JOSHUA SPURGEON	CRIME SCENE INTAKE
10/15/2015 9:43:42AM	JENNIE COLEY	GREENVILLE DPS EVIDENCE INTAKE
10/15/2015 5:55:03PM	JENNIE COLEY	F-ROOM SHERIFF 24
10/15/2015 6:00:23PM	JENNIE COLEY	E-ROOM SHERIFF 36
1/4/2017 10:16:07AM	Melanie Watson	RELEASED TO OTHER LAW ENFORCEMENT

RELEASED TO AGENCY -

Wm C
McClinton, Wesley -
Greenwood Police
Department - Badge 1458

End Chain of Custody for Item with Barcode #: **1216653** related to Case # 012015169489



NOTES:



Greenville County Department of Public Safety

R. 433

4 McGee Street
Greenville SC 29601

CHAIN OF CUSTODY REPORT

IMPOUNDING OFFICER: SPURGEON, JOSHUA T - 9098 DPS
SUBMITTING OFFICER: SPURGEON, JOSHUA T - 9098 DPS
INVESTIGATING OFFICER: REESE, ANDREW H. - 1433 GSO
DATE & TIME IMPOUNDED: 10/11/2015 2315
IMPOUND ADDRESS: 701 GROVE RD GREENVILLE, SC

CASE #: 012015169489
Case Type: GUN SHOT VICTIM
SEALED: Yes
SUBMITTED At:
SUSPECT:



1216651

Item #: JTS2 WHITE "PRIDE" TANK TOP WITH SUSPECTED
BLOOD SIZE XL COLLECTED FROM GMH NURSE: CAREY,
LINDSAY

Date/Time	Logged in User	Item moved to this Location
10/14/2015 8:54:02AM	JOSHUA SPURGEON	CRIME SCENE INTAKE
10/15/2015 9:43:42AM	JENNIE COLEY	GREENVILLE DPS EVIDENCE INTAKE
10/15/2015 5:55:03PM	JENNIE COLEY	F-ROOM SHERIFF 24
10/15/2015 6:00:23PM	JENNIE COLEY	E-ROOM SHERIFF 36
1/4/2017 10:16:06AM	Melanie Watson	RELEASED TO OTHER LAW ENFORCEMENT

RELEASED TO AGENCY -

Wm C
McClinton, Wesley -
Greenwood Police
Department - Badge 1458

End Chain of Custody for Item with Barcode #: 1216651 related to Case # 012015169489



NOTES:



Greenville County Department of Public Safety

R. 434

4 McGee Street
Greenville SC 29601

CHAIN OF CUSTODY REPORT

IMPOUNDING OFFICER: SPURGEON, JOSHUA T. - 9098 DPS
SUBMITTING OFFICER: SPURGEON, JOSHUA T. - 9098 DPS
INVESTIGATING OFFICER: REESE, ANDREW H. - 1433 GSO
DATE & TIME IMPOUNDED: 10/11/2015 2315
IMPOUND ADDRESS: 701 GROVE RD GREENVILLE, SC

CASE #: 012015169489
Case Type: GUN SHOT VICTIM
SEALED: Yes
SUBMITTED At:
SUSPECT:



1216652

Item #: JTS3 WHITE "NIKE" AIR FORCE 1 SHOES WITH
SUSPECTED BLOOD COLLECTED FROM GMH NURSE:
CAREY, LINDSAY

Date/Time	Logged in User	Item moved to this Location
10/14/2015 8:55:57AM	JOSHUA SPURGEON	CRIME SCENE INTAKE
10/15/2015 9:43:42AM	JENNIE COLEY	GREENVILLE DPS EVIDENCE INTAKE
10/15/2015 5:55:03PM	JENNIE COLEY	F-ROOM SHERIFF 24
10/15/2015 6:00:23PM	JENNIE COLEY	E-ROOM SHERIFF 36
1/4/2017 10:16:06AM	Melanie Watson	RELEASED TO OTHER LAW ENFORCEMENT

RELEASED TO AGENCY -

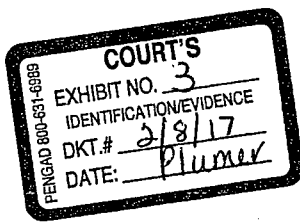
Wm Cb
McClinton, Wesley -
Greenwood Police
Department - Badge 1458

End Chain of Custody for Item with Barcode #: 1216652 related to Case # 012015169489



NOTES:

THE STATE OF SOUTH CAROLINA,
COUNTY OF GREENWOOD,
THE STATE,



v.

R. 435
IN THE COURT OF GENERAL SESSIONS
FOR THE 8TH JUDICIAL CIRCUIT

CASE NO(S): 2015-A24-201-0822 STAL

MOTION DECLINING OR
TERMINATING REPRESENTATION
IN THE ALTERNATIVE, MOTION FOR
ORDER CLIENT UNDER A DISABILITY
(TO BE EVALUATED FOR CAPACITY/
COMPETENCY)

ONTAVIOUS PLUMER,

PURSUANT TO RULE 1.16, DECLINING OR TERMINATING REPRESENTATION, RULE 1.7, CONFLICT OF INTEREST, RULE 1.14, CLIENT UNDER A DISABILITY, SCACR, THE DEFENDANT MOVES THIS COURT FOR AN ORDER RELIEVING / DISCHARGING COUNSEL, WILLIAM YALBOROUGH, DUE TO A CONFLICT OF INTEREST, THAT COUNSEL HAS INSISTS UPON PURSUING AN OBJECTIVE THAT THE CLIENT CONSIDERS REPUGNANT OR IMPRUDENT, THAT COUNSEL FAILS SUBSTANTIALLY TO FULFILL AN OBLIGATION TO THE CLIENT REGARDING THE CLIENTS INTEREST AND HAS BEEN GIVEN REASONABLE WARNING THAT THE CLIENT WILL WITHDRAW UNLESS OBLIGATION IS FULFILLED AND SHOULD NOT HAVE ACCEPT REPRESENTATION IN THIS MATTER UNLESS IT CAN BE PERFORMED COMPETENTLY, PROMPTLY, WITHOUT PROPER CONFLICT OF INTEREST AND TO COMPLETION. A CLIENT HAS A RIGHT TO DISCHARGE A LAWYER AT ANY TIME, WITH OR WITHOUT CAUSE, SUBJECT FOR LIABILITY FOR PAYMENT FOR THE LAWYER'S SERVICES. WHERE FUTURE DISPUTE ABOUT THE WITHDRAWAL MAY BE ANTICIPATED, IT MAY BE ADVISIBLE TO PREPARE A WRITTEN STATEMENT RECITING THE CIRCUMSTANCES. COUNSEL FAILED TO INFORM CLIENT OF THE PLEA OFFER FOR SEVEN (7) YEARS OR THEY WILL GIVE HIM A LIFE SENTENCE.

IN THE ALTERNATIVE, DEFENDANT MOVES THIS COURT FOR AN ORDER FOR CLIENT COMPETENCY EVALUATION, PURSUANT TO THE PROVISIONS OF §4, ARTICLE IV, SOUTH CAROLINA CONSTITUTION, FOR THE COMMITMENT OF DEFENDANT TO THE CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH TO DETERMINE CAPACITY TO STAND TRIAL (LEGALLY REPRESENT HIMSELF) AND CRIMINAL RESPONSIBILITY PURSUANT TO THE STATUTORY PROVISIONS OF THIS STATE, FOR SUCH SHOWINGS MADE IN RESPECT TO THE MOTION FOR SUCH AN ORDER AND OF THE OPINION THAT THE DEFENDANT SHOULD BE SO EXAMINED AND OBSERVED AT THE APPROPRIATE FACILITY FOR A PERIOD NOT TO EXCEED FIFTEEN (15) DAYS RELATIVE TO HIS MENTAL CAPACITY TO STAND TRIAL AND OR REPRESENT HIMSELF. (§44-23-410 (1) OR §44-23-410 (2), S.C. CODE OF LAW 1976) EXAMINED AS AFORESAID TO DETERMINE WHETHER OR NOT DEFENDANT IS CRIMINALLY RESPONSIBLE PURSUANT TO THE TEST FOR FALSE ALLEGATIONS AGAINST HIM. A DISCLOSURE OF DEFENDANTS MENTAL HEALTH HISTORY SHALL BE DEEMED APPROPRIATE WHEN RAISING THE QUESTION OF DISABILITY COULD, IN SOME CIRCUMSTANCES, LEAD TO PROCEEDINGS FOR INVOLUNTARY COMMITMENT. THE LAWYER'S POSITION IN SUCH CASES IS AN UNAVOIDABLY DIFFICULT ONE, AND SHALL SEEK GUIDANCE FROM AN APPROPRIATE DIAGNOSTICIAN, WITH RESPECT.

THIS MOTION IS BASED ON MILLER V. STATE, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("SINCE THERE IS NO RIGHT TO 'HYBRID REPRESENTATION' THAT IS PARTIALLY PRO SE AND PARTIALLY BY COUNSEL, SUBSTANTIVE DOCUMENTS, WITH THE EXCEPTION OF MOTIONS TO RELIEVE COUNSEL, FILED BY A PRO SE PERSON REPRESENTED BY COUNSEL ARE NOT TO BE ACCEPTED UNLESS SUBMITTED BY COUNSEL."). THEREFORE, THIS COURT SHOULD GRANT THIS MOTION AND ORDER RELIEVING COUNSEL, DEFENDANT TO OBTAIN FURTHER REPRESENTATION, TO BE EVALUATED DUE TO CLIENT UNDER MENTAL HEALTH/DISABILITY- FOR CAPACITY/COMPETENCY, WITH ALL DUE RESPECT....

RESPECTFULLY SUBMITTED THIS 8 DAY OF FEBRUARY 2017.

CC:

S/Estevan Pina

CERTIFICATE OF SERVICE

PLEASE BE ADVISED THAT I, ONTAVIOUS PLUMER, HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THIS PLEADING ON THE CLERK OF COURT, FOR THE COUNTY OF GREENWOOD, AND DAVID M. STUMBO, SOLICITOR, FOR THE EIGHTH (8TH) JUDICIAL CIRCUIT SOLICITOR'S OFFICE BY EITHER HAND DELIVERY OR PLACING IN THE U.S. MAIL TO THE ADDRESS(S) AS FOLLOW:

OFFICE OF THE CLERK OF COURT
GREENWOOD COUNTY CLERK OF COURT
528 MONUMENT ST., RM # 114
GREENWOOD, S.C. 29646

DAVID M. STUMBO, SOLICITOR
8TH CIRCUIT SOLICITOR'S OFFICE
600 MONUMENT ST., BOX 516
GREENWOOD, S.C. 29648

RESPECTFULLY SUBMITTED THIS 8 DAY OF FEBRUARY 2017.

S/ Ontavious Plumer
ONTAVIOUS PLUMER

CC:

WITNESSES

Mike Dixon
Greenwood Police Department

WARRANT NUMBER

2015A2420100822

Trace Bill

[Signature]

Foreman of the Grand Jury

Date: 7-8-16

VERDICT

Guilty

[Signature]

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

July Term, 2016

Indictment # 16GS24-0999

THE STATE

vs.

Ontavious Derenta Plumer

INDICTMENT FOR

ATTEMPTED MURDER

§ 16-03-0029

CDR: 3410

R. 438

A. 568

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GREENWOOD

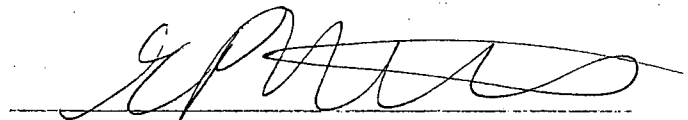
ATTEMPTED MURDER

§ 16-03-0029

At a Court of General Sessions, convened on the 8th day of July, 2016, the Grand Jurors of Greenwood County present upon their oath:

That Ontavious Derenta Plumer, on or about October 11, 2015, in Greenwood County, willfully and unlawfully, with the intent to kill and with malice aforethought, attempted to kill Oshamar Unterious Wells, in violation of Section 16-3-29 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Assistant Solicitor

WITNESSES

Mike Dixon
Greenwood Police Department

WARRANT NUMBER

2015A2420100823

True Bill

[Signature]

Foreman of the Grand Jury

Date: *7-8-16*

VERDICT

Not Guilty

[Signature]
Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

July Term, 2016

Indictment # 16GS24- *1000*

THE STATE

vs.

Ontavious Derenta Plumer

INDICTMENT FOR

ARMED ROBBERY
§ 16-11-0330

CDR: 0139

R. 440

A. 570

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF GREENWOOD

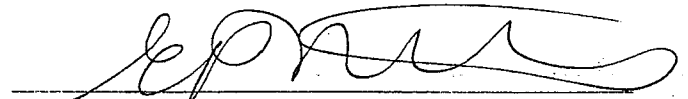
ARMED ROBBERY

§ 16-11-0330

At a Court of General Sessions, convened on the 8th day of July, 2016, the Grand Jurors of Greenwood County present upon their oath:

That Ontavious Derenta Plumer, on or about October 11, 2015, in Greenwood County, willfully and unlawfully while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon, or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon; feloniously take from the person or presence of Oshanaai Unterious Wells by means of force or intimidation, goods or monies described as follows: illegal drugs, with intent to deprive the owner permanently of such property, in violation of Section 16-11-330 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Assistant Solicitor

WITNESSES

Mike Dixon
Greenwood Police Department

WARRANT NUMBER

2015A2420100824

True Bill

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

July Term, 2016

Indictment # 16GS24- 1001

THE STATE

vs.

Ontavious Derenta Plumer

INDICTMENT FOR

POSSESSION OF FIREARM DURING
COMMISSION OF VIOLENT CRIME
§ 16-23-0490

CDR: 0549

VERDICT

Guilty

Foreman

R. 442

A. 572

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

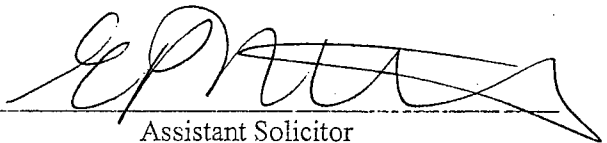
COUNTY OF GREENWOOD

POSSESSION OF FIREARM DURING
COMMISSION OF VIOLENT CRIME
§ 16-23-0490

At a Court of General Sessions, convened on the 8th day of July, 2016, the Grand Jurors of Greenwood County present upon their oath:

That Ontavious Derenta Plumer, on or about October ¹¹~~13~~, 2015, in Greenwood County, possess a firearm or visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent offense, to wit: Attempted Murder, and/or Armed Robbery, or any lesser included violent offense, in violation of Section 16-23-490 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Assistant Solicitor

FILED GENERAL SESSIONS
 8TH JUDICIAL CIRCUIT
 GREENWOOD, SC

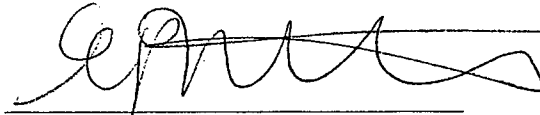
STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF GREENWOOD	)	EIGHTH JUDICIAL CIRCUIT
	)	
State of South Carolina	)	Indictment Nos: 2016GS24-999 to -1001
	)	
v.	)	
	)	NOTICE OF INTENT TO SEEK LIFE
Ontavious Plumer	)	WITHOUT PAROLE

Pursuant to S.C. Code Ann. § 17-25-45, the State of South Carolina hereby notifies Defendant Ontavious Plumer that he is charged with Attempted Murder and Armed Robbery. These are defined as "most serious" offenses in S.C. Code Ann § 17-25-45.

On December 12, 2011, Defendant was convicted of Attempted Armed Robbery in Greenville, South Carolina. This is also classified as a "most serious" offense under Sections 17-25-45.

The State further gives notice that, upon a conviction for Attempted Murder, and/or Armed Robbery, the State intends to seek a term of imprisonment for life without the possibility of parole.

Respectfully submitted,



Elizabeth Phillips White
 Senior Assistant Solicitor
 Eighth Judicial Circuit
 P.O. Box 516
 Greenwood, South Carolina 29648
 (864) 942-8828

December 20, 2016
 Greenwood, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENWOOD)

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT NOS: 2016-GS-24-00999
 2016-GS-24-01000
 2016-GS-24-01001

STATE OF SOUTH CAROLINA,)

vs.)

VERDICT FORM

ONTAVIOUS PLUMER,)

DEFENDANT.)

1. As to the charge of **Attempted Murder**, we the Jury find the Defendant:

☒ **Guilty.**

☐ **Not Guilty.**

2. As to the charge of **Armed Robbery**, we the Jury find the Defendant:

☐ **Guilty**

☒ **Not Guilty**

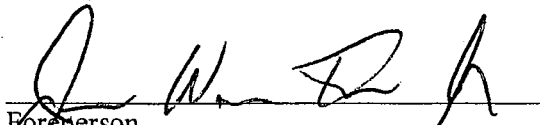
If you find guilty of the charge of **Attempted Murder** or **Armed Robbery**, you must consider the charge of **Possession of a Weapon During the Commission of a Violent Crime**.

3. As to the charge of **Possession of a Weapon During the Commission of a Violent Crime**, we the Jury find the Defendant:

☒ **Guilty**

☐ **Not Guilty**

I certify this decision was the unanimous decision of the jury.


 Foreperson

February 8, 2017

PLEASE NOTIFY THE BAILIFF WHEN YOU HAVE COMPLETED THIS FORM.

R. 446

COUNTY OF Greenwood
 STATE VS.
Ontavious Derenta Plumer
 AKA: _____
 Race: AFRICAN AME Sex: M Age: 27
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Due West, SC
 DL#: 100702926 SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Attempted Murder

INDICTMENT/CASE#: 16GS24-0999
 A/W#: 2015A2420100822
 Date of Offense: 10/11/2015
 S.C. Code § : 16-03-0029
 CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

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: [Signature] 71182
White, Elizabeth SC Bar# _____ Defendant Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of LIFE WITHOUT PAROLE 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 the State Department of Corrections.

☐ 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	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$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)		\$

TOTAL \$ _____

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: Tara Scott

_____ days/hours Public Service Employment
 Obtain GED ☐
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 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: §17-25-45 - LWOP

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge [Signature]

Judge Code: 2130

Sentence Date: 2-8-17

A. 576

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

R. 447

COUNTY OF Greenwood
 STATE VS.
Ontavious Derenta Plumer

AKA:

Race: AFRICAN AME Sex: M Age: 27DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Due West, SCDL#: 100702926 SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 TO: Weapons/Poss Weapon During Violent Crime, if not also sentenced to life with

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 ☐ §17-25-45
 w/minor 1st or Lewd Act)

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: [Signature]7/18/2

White, Elizabeth

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon 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 the State Department of Corrections.

☐ 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: \$ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
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Proviso 61.6 (Public Def/Probation)	\$500	\$
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§ 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)		\$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter: Tara Scott

SCCA/217 (07/2016)

Presiding Judge [Signature]Judge Code: 2130Sentence Date: 2-8-17A. 577

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Edward W. Miller, Circuit Court Judge

Appellate Case No. 2017-000481

RECEIVED
NOV 21 2018
SC Court of Appeals

The State, ... Respondent

v.

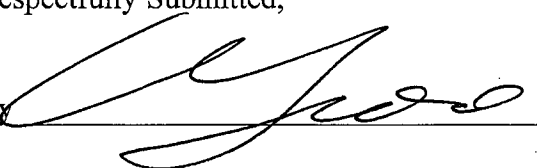
Ontavious Plumer, ... Appellant.

Rule 210, SCACR Certification

The Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

By


E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for the Appellant

November 9, 2018
Greenwood, South Carolina