

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

State of South Carolina

vs.

Narkevious Reid, Xayvion Hill, and
Dashawn Chazz Hurley,

Defendants.

IN THE COURT OF GENERAL SESSIONS

EIGHTH JUDICIAL CIRCUIT

Indictment Nos: 2020GS24-1062; -1063
-1064; 2021GS24-382; -383; -384; -1230;
-1231; -1232; -1695; -1696; -1715; 2022GS24-
1153; -1154

) State's Reply to Defendants' Joint Motion for a
) New Trial or, in the Alternative, Motion to
) Reconsider Sentence

This Reply is offered in response to Defendants' Joint Motion for a New Trial or, in the Alternative, Motion to Reconsider Sentence. Although the State believes the record speaks for itself and the State would reincorporate all testimony and arguments made during the trial, the State does want to clarify the record regarding several matters. For purposes of simplicity, the State will use the same headings as Defendants' Joint Motion.

I. Introduction

In the section entitled "Introduction", Defendants maintain that the State did not disclose the retaliation theory until an email on August 4, 2022. That is incorrect. The initial incident reports indicated that both victim Alston's mother as well as Defendant Hill's mother told law enforcement that the incident was gang-related. These incident reports were provided to Defendants at least a year and a half prior to trial. Also, the gang-related nature of the shooting was relayed to the Court (and Defendants) during multiple previous bond hearings over the course of the two years leading to trial. Although the prosecution was not aware of the Adams/Parker connection until shortly before the email on August 4th, it is implicit that "gang-related" shootings are retaliatory. Finally, the evidence of retaliation came from Defendant Hill's

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OCT 04 2022

SC Court of Appeals

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own Facebook page, which was “liked” by Defendant Reid. A publicly available Facebook post made BY a Defendant is certainly as available to the defense as it is to the State.

III. Factual Background

Defendants’ recitation of the facts is incorrect. Without getting into a recitation of all evidence presented over a seven-day trial, the State did present substantial circumstantial evidence that there were four people present in the black Camry prior to the shooting and that all four aggressors (Defendants and victim Alston) were together at the scene. Furthermore, the evidence presented to the jury clearly showed that Hill, Reid, Alston and Hurley drove to the scene together for the purpose of shooting Goode and Parks.

As to any factual conclusions to be drawn from the juries’ verdict, the State would offer that the jury clearly believed Defendants were present, as they were all convicted of Attempted Murder and Conspiracy, and the State’s evidence regarding Conspiracy was their presence together in the car before and after the shooting. The fact that the jury acquitted Defendants of the murder of their co-conspirator could mean many things, including jury nullification regarding the death of a “victim” who was also shooting at the time and was not a “victim” in the traditional sense of the word.

Regarding the GSR testimony, Lt. Nates testified that there were many scenarios that could account for the presence or absence of GSR. The possibilities were discussed *ad nauseum* before the jury and it was to the trier of fact to determine what weight, if any, to give the evidence. The GSR was but one factor for the jury to consider with all the evidence presented, and the State did not “misrepresent” or unduly rely upon Lt. Nates’ testimony. GSR was present on Hill’s and Alston’s hands and absent on Goode’s and Parks’. All four men were shot, and all the factors testified to by Lt. Nates (gunshot victim, presence of blood, opportunity to wash hands, etc.)

applied equally to all four individuals. When considering the absence of any other evidence that Goode and Parks were shooting, DNA from Alston on one of the guns, and the other gun found in the tree line where Hill emerged with an apparent self-inflicted gunshot wound, the jury reasonably concluded that GSR was present on Hill and Alston because they were shooting.

V. Resentencing

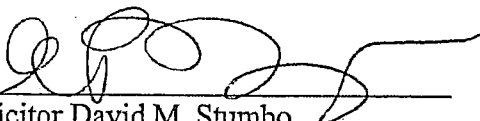
Defendants' object to the State using information from the "Gang Book" during sentencing. The State did not rely on any information that was not disclosed to defense prior to trial. The State sent Defendants an email on August 4, 2022 disclosing redacted documents the State intended to introduce in trial, and offering Defendants an opportunity to review everything in the State's file regarding Defendants' involvement in gang activity. Attorneys for Defendants Hurley and Hill reviewed the information on August 12, 2022. Furthermore, most of the information relied upon by the State came from Defendants' own social media accounts and was equally available to the defense. Counsel for Defendants knew or should have known, from the outset of this case, that Defendants' involvement in gang activity was a factor that would be brought up during sentencing – especially given the fact that the State was not shy about mentioning it during prior bond hearings.

Defendants cite to another case decided by this Court – State v. Joseph Rapp – in arguing that their sentences are excessive. Defendants are misinformed regarding the facts and circumstances of that case. Mr. Rapp shot his ex-girlfriend at Applebee's, and Dr. Maddox testified that the shooting would not have occurred but for a traumatic brain injury Mr. Rapp suffered several months before the shooting. There was absolutely no evidence of gang affiliation. These two cases cannot and should not be compared in evaluating sentences.

This case involved a premeditated shooting in broad daylight in a very busy apartment complex – during the beginning of the Covid pandemic when everyone was at home. Defendants' sentences are reasonable considering the facts and circumstances as determined by the jury, the lack of a record for Mr. Hurley and Mr. Hill, Mr. Hill's age, and Defendant Reid's status as a leader in their group. Even setting aside gang affiliation, shooting two people in broad daylight while they are relaxing on a porch is particularly egregious, and the sentences for Hill and Hurley are less than half of the maximum sentence on Attempted Murder. Reid's sentence is slightly higher than half the maximum, which is reasonable considering his prior gun conviction.

All of the issues presented by Defendants in their Motion for a New Trial or Motion to Reconsider Sentence were litigated over the course of the trial, and the State would rely on the facts, arguments, and rulings made during trial regarding any issue not specifically addressed herein. This Court should deny Defendants' Motion for a New Trial, and their Motion to Reconsider their sentences.

Respectfully Submitted,



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September 23, 2022
Greenwood, South Carolina

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) **Certificate of Service**

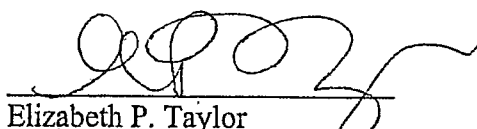
I certify that I have served the foregoing State's Reply to Defendants' Joint Motion for a New Trial or, in the Alternative, Motion to Reconsider Sentence via email to opposing counsel at their AIS email addresses as follows:

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