

VOLUME II OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Clifton B. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MIKAH NELSUN GREEN,

APPELLANT.

APPELLATE CASE NO. 2022-000297

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DIRECT EXAMINATION BY MR. DUNCAN - MIKAH GREEN 501

1 A Kept grabbing for the gun. Kept grabbing for the
2 gun. He put it up; bring it back out. Put it up; bring
3 it back out.

4 But they finally got his attention. He went to the
5 car and started talking -- talking -- he went to the car.
6 They said: "What you doing out here? What -- what's
7 wrong with you? Calm down."

8 He said: "I'm about to kill this bitch-ass nigga,"
9 and kept going back and forth.

10 I heard gunshots: faa-faa-faa-faa-faa (phonetic).
11 After that, I closed my eyes; ran. Direction I heard
12 gunshots in, I shot over my shoulder and I -- I kept
13 running.

14 I got -- I got on through. I was scared for my
15 life. I kept running, sir. That's what happened.

16 Q And you've seen the video of you. You were wearing
17 a blue Dodgers jersey.

18 A Yes, sir.

19 Q And that -- you -- you acknowledge that's you
20 walking out on the video that we've seen earlier this
21 morning?

22 A Yes, sir. That was me -- me running. Yes, sir.
23 That ---

24 Q You were ---

25 A --- was me ---

1 Q --- going ---

2 A --- getting away.

3 Q You wound up at the Citgo?

4 A Yes, sir.

5 Q Right there -- right there by the apartment complex?

6 A Yes -- yes, sir.

7 Q And were -- were people shooting at you, or you
8 wasn't waiting around to see?

9 A I -- I was still hearing shots. I was hearing
10 things of nature like: tss-tss-tss-tss-tss-tss-tss
11 (phonetic). I don't know if that was bullets going past
12 my ear or what. I just -- I kept going. I kept going.

13 Q All right.

14 A I just hearing shots; kept hearing shots. I kept
15 going.

16 Q When -- when you -- when you got to the Citgo, did
17 -- did you have a -- did you have a phone with you?

18 A I can't even remember. I -- I can't remember what I
19 had on me. I just kept going. I was ---

20 Q How ---

21 A --- I was -- I was scared. I didn't think to look
22 for a phone or -- I -- I just kept going. I -- I -- I
23 went into the next -- I kept going to where I felt like I
24 got to a safe location.

25 I paid somebody for a ride to get me to where I

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1 needed to go to be safe. I -- I was -- I was dripping in
2 sweat. I was trembling. I was scared for my life.

3 I just -- I had to get away from that -- I had to
4 get away from that area. I -- I knew that. I needed to
5 get away from this area because my life is at danger.

6 I was getting shot at. That's -- I didn't think to
7 stop and look for a phone. I didn't stop to think to
8 look or -- or -- or check for anything. I -- I didn't.
9 I ---

10 Q At -- you -- do you -- so you left your car ---

11 A Yes, sir.

12 Q --- obviously over in Lakeshore ---

13 A Yes, sir.

14 Q --- Apartments?

15 A Yes, sir.

16 Q When did -- when'd you get that back or how did you
17 get that back?

18 A I got my girlfriend to go pick -- pick the car up.
19 Because I wasn't going back out there to get shot or shot
20 at. I was -- I was still sweating and trembling. I was
21 scared. I was in shock.

22 Q At -- again, you -- you've sat through the whole
23 trial.

24 A Yes, sir.

25 Q As you've heard the testimony, did you shoot Stacy

1 Rhodes in the back?

2 A No, sir, I did not shoot Stacy Rhodes in the back.
3 I don't feel like I shot Stacy Rhodes in the back, sir.
4 All the -- any shooting that I did that day was me trying
5 to defend myself because I heard gunshots and they were
6 really, really close to me.

7 So I ran. And when I ran, I shot when I ran, sir.
8 That's -- that's what I did. I'm quite sure, it's --
9 it's a -- it's a couple more people that shot and ran.

10 You got on video people doing the same thing I did:
11 running -- running away for they life. It -- it -- it
12 was a chaotic situation. It was -- it was shots, sir.

13 Q All right. Mr. Green, the next day -- the next day
14 you -- is it correct that you -- excuse me -- that you
15 called up Richland County Sheriff's Department?

16 A Yes, sir.

17 Q Why did you do that?

18 A Because I felt like it was the right thing to do. I
19 knew my life was in danger. I know that I didn't do
20 anything wrong that day. And I felt like if anyone did
21 get hurt or it was -- it was something that happened, it
22 should be -- it should come to the -- that -- yes, sir.

23 That's why I ---

24 Q Well, what had you heard ---

25 A I heard someone may have got hit. That's what I

DIRECT EXAMINATION BY MR. DUNCAN - MIKAH GREEN 505

1 heard. That's all I heard: Someone may have got hit.

2 But I didn't know for sure at the time. I just -- didn't

3 know for sure. Yes, sir.

4 Q All right. So again, you heard Investigator Hilton
5 yesterday testify, correct?

6 A Yes, sir.

7 Q And you -- that's who you met with at the City of
8 Columbia Police?

9 A Yes, sir.

10 Q And after -- Mr. Green, did -- did you tell
11 Investigator Hilton what you have just told the Court
12 today?

13 A Yes, sir. I told him the exact same thing. Yes,
14 sir.

15 Q As best ---

16 A Or maybe ---

17 Q --- you could.

18 A --- or maybe -- maybe even more. Yes, sir.

19 Q It was the day -- it was one day after the incident,
20 correct?

21 A Yes, sir. I got to a safe location and I said:
22 "You know what? Let me call law enforcement." Yes, sir.

23 Q Okay. Did -- did Investigator Hilton inform you
24 that Mr. Rhodes had died?

25 A Yeah, he did inform me that Mr. Rhodes had passed

1 away. Yes, sir. Yes, sir. He did inform me Mr. Rhodes
2 passed away.

3 Q Was that the first you knew that?

4 A At -- yeah. That was at first -- that was the first
5 time I knew that, the -- the next day when we was
6 through. What he told me, he said Mr. Rhodes -- somebody
7 did got hit; that Mr. -- it was Stacy Rhodes who got hit.
8 He passed away. Yes, sir. Yes, sir.

9 Q I think that's all the questions I have at this
10 time.

11 A Yes, sir.

12 Q The solicitor may have some.

13 THE COURT: All right. Cross-examination.

14 MR. NEELY: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. NEELY:

17 Q Mr. Green ---

18 A Yes, sir.

19 Q --- you just said that you told Investigator Hilton
20 the same thing you're telling us.

21 A As far as ---

22 Q Exact ---

23 A --- my knowledge ---

24 Q --- same thing.

25 A You know what? It's not going be the exact and I'm

CROSS-EXAMINATION BY MR. NEELY - MIKAH GREEN 507

1 quite sure y'all got a video of it, sir. I -- I -- I --
2 I -- I'm not going to lie and say it was the exact same
3 thing. Because the other day, I did argue with you about
4 some things. And I -- and I was wrong; you were right.
5 So I'm not going to . . .

6 Q But didn't you just say it was the exact same thing?

7 A From my knowledge, I feel like it's -- it's close to
8 it, if not the whole exactly thing, sir. It might not be
9 word for word, but close to it -- very close to it, sir.
10 Basically, the same exact -- same exact thing, sir. Yes,
11 sir.

12 Like, we -- you -- you was telling me something
13 about some tissue. I thought, I didn't get no tissue.
14 And I did go get tissue. Because evidently, I stated it.
15 Yes, sir.

16 Q Staying on that same train of thought, you told law
17 enforcement during the interview with Mr. Hilton that
18 after you were rolling dice, you went and got food for
19 your girlfriend; isn't that right?

20 A Tissue? What you saying I was going to get, sir?

21 Q Waffle House, I believe.

22 A Oh, yeah. I got -- I got -- got some Waffle House.
23 Yes, sir. That was on the video.

24 Q And that was after y'all had started rolling dice.
25 Y'all -- you left the dice game and did that?

1 A Yes, sir.

2 Q But you said on Monday, you said that didn't happen.

3 You said you stayed ---

4 MR. DUNCAN: Your Honor ---

5 Q --- there the whole time.

6 MR. DUNCAN: Your Honor, objection for one second.

7 Maybe -- can I approach for one moment?

8 THE COURT: All right. Let's everybody stand for a
9 moment.

10 (Whereupon, a bench conference was held off the
11 record in the presence of the jury, but out of the
12 hearing of the jury.)

13 THE COURT: All right.

14 Q But on Monday, you didn't remember that, right?

15 A Oh, but yeah. You showed me the video. And
16 evidently, I -- I thought I got it before. But yeah, I
17 must have got it in the middle of the game. Yes, sir.

18 Q And the interview with law enforcement that was
19 audio-video-recorded, that was the day after the
20 incident?

21 A Yes, sir.

22 Q Okay.

23 A I believe so.

24 Q And the day after the incident, you couldn't tell
25 law enforcement whether it was a 9-millimeter gun or a

1 .40-caliber gun; isn't that right?

2 A It's -- I told them -- I said either it's a -- a --
3 yeah -- say either it's a -- it's a -- I said I believe
4 it's a 9. I can't remember exactly what I said. You can
5 run the tape back. It's in the tape. I don't want to
6 lie to you, Mr. Solicitor.

7 Q But you -- you don't remember whether you remembered
8 back then?

9 A It was three years ago, man. That was a little --
10 little second ago. That was a little second ago.

11 Can you repeat the question more time, though, so I
12 can see ---

13 Q Well ---

14 A --- try to ---

15 Q --- today ---

16 A --- jog my memory?

17 Q You told us it was a 9-millimeter when ---

18 A No. I ---

19 Q --- Mr. Duncan ---

20 A --- said -- I -- I said I think it was a -- I don't
21 know what -- I think it was a 9-millimeter. I bought the
22 gun. Yeah. I think it was a 9-millimeter.

23 Q And -- and your story is that you bought the gun
24 that morning?

25 A Yes, sir.

1 Q And you ---

2 A It was black and gold. I liked the way it look. I
3 bought it. Yes, sir.

4 Q And you couldn't give law enforcement the name of
5 the person you bought the gun from, could you?

6 A Nah. I seen him around the neighborhood all the
7 time. You know you see people they -- they come and they
8 always go. You might see somebody for ten days; might
9 see somebody for a couple months.

10 Q So you bought this gun from a guy whose name you
11 don't know. And then, after the incident happened, you
12 told law enforcement that you're just not sure where the
13 gun fell; it fell somewhere.

14 A I know I was running -- I was -- I was running for
15 my life. I know I had to get on through. And I'm just
16 running.

17 Q And ---

18 A I -- I know, man, at one point, it -- it went to --
19 it -- it fell. I -- I picked it up; I kept going. And I
20 tried to put it -- I put it someplace on me. I don't
21 know exactly where I put it at. And I just kept running.

22 I -- I had to go through -- I went through the car
23 wash; I went through the Citgo; went through the car
24 wash. I walked on the side over by the Enterprise. I
25 went through Yorktown, just to get to -- get to -- get to

1 Harbour Landing. I had to hop the fence; get to Harbour
2 Landing.

3 And then I paid somebody to -- to give me a ride.
4 And I was still shaking and -- and sweating. By the time
5 I got where I was going, I didn't have it.

6 Q And you were still scared when that whole thing was
7 going on. When you were running away, you were scared.

8 A I -- I -- I ain't even going lie to you, Mr.
9 Solicitor. Yeah. I -- I was terrified. I'm really
10 terrified when ---

11 Q But you can't remember whether you had the gun on
12 you or not?

13 A That's like him asking me about the cell phone. I
14 couldn't -- I couldn't tell you if I had the cell -- I
15 was trying to get away. I wasn't -- ain't nothing told
16 me to go think, Oh, go reach for the gun at this point.
17 The gun didn't have nothing but three to four bullets it
18 anyways when I bought it. It's like I -- I -- I strapped
19 it over with -- with -- with fully ammunition or
20 anything, sir.

21 Q All right. Didn't you tell me on Monday that it was
22 three bullets and you remembered that?

23 A Three bullets, then.

24 Q And that it was a 9-millimeter?

25 A I'm -- I'm thinking, yes, sir. I'm thinking it's a

1 9-millimeter.

2 Q Where did you keep your gun on you?

3 A You want me to show you?

4 Q Sure.

5 A Say this is the gun. I just -- like, I guess I keep
6 it on me like that. Or either I'll put it in my pocket
7 for the fit. Yes, sir.

8 Q So you normally carry a gun in your waistband?

9 A Yes, sir. That -- not -- not always. But that day,
10 yeah. Yes, sir.

11 Q And you don't remember whether you had a gun in your
12 waistband when you were running and walking away and
13 you're scared and these people are chasing you?

14 A That's not something that you think about. That's
15 not something that you think about. That's not something
16 I was thinking about at that time. I was trying to get
17 away, sir.

18 Q After you had just fired shots?

19 A The only reason why I fired shots is -- is to try to
20 get whoever was up on me up off me, sir.

21 Q Whoever was? What do you mean, whoever was?

22 A I mean, like ---

23 Q Who was up on you?

24 A I'm thinking -- I'm thinking -- I'm hearing shots.
25 I just got into a argument. Someone -- someone just

CROSS-EXAMINATION BY MR. NEELY - MIKAH GREEN 513

1 threatened me for my life. It's -- it's a situation
2 where they told me I couldn't go no place, hostile
3 situation. They keep putting it on blood; keep putting
4 it on blood.

5 And I was like -- I feel like it's a gang-related
6 situation. I'm scared for my life. I'm outnumbered.
7 I'm outnumbered with a gun that only got three bullets.
8 I don't know what to do.

9 Q You're not ---

10 A I -- I ---

11 Q --- answering ---

12 A --- hear ---

13 Q --- the question.

14 A I'm -- I'm -- I'm -- I'm answering the questions. I
15 hear gunshots, sir.

16 Q Who was up on you?

17 A Mr. Rhodes, at one point, he kept running up on me
18 with a gun. The brother was standing on the side of the
19 car with the gun.

20 Q Didn't you tell me on Monday that ---

21 A A lot ---

22 Q --- that ---

23 A --- of -- a lot of stuff going on. People getting
24 in little arguments, on little side arguments with they
25 self, I guess. A lot -- a lot going on, sir. I'm scared

1 for my life.

2 Q You told me on Monday that J.J., or James Archie,
3 was not a big part of the argument; that he wasn't
4 threatening you, right?

5 A I said he wasn't -- he wasn't a -- a major threat.
6 He was saying -- he was stating that: "That's my
7 brother. If you pull that gun out on my brother, you
8 going see some gangsta shit." That's what he said.

9 And I said that inside my interview, also. You can
10 run the tape back, sir.

11 Q That's right. I -- I recall that. That's ---

12 A Yes, sir.

13 Q --- that's correct. That was -- that was the same
14 for this interview, Monday. And he said what again?

15 A "If you pull that gun out, you going -- on my
16 brother, you going see some gangsta shit."

17 Q Okay. So ---

18 A "If you" ---

19 Q --- he knew you ---

20 A --- "leave out here with that money, you going see
21 some gangsta shit."

22 He was just saying different little things. I -- I
23 -- I can't remember exactly what's said. If you run the
24 tape back from three years, that'll be a more vividly
25 description. I don't want to lie to you about nothing,

1 sir.

2 Q So you just said that he said: "If you pull that
3 gun on my brother, you're going to see some gangsta
4 shit."

5 A Yes, sir.

6 Q So he knew you had a gun on you.

7 A Yes, sir.

8 Q And you were showing it off?

9 A No. The gun was on me. I guess you could -- I read
10 the motion, sir. Somebody else said they could basically
11 tell I had a gun; it was sticking from my side.

12 You know, you could typically tell if somebody got a
13 gun, sir. Like, if you had a gun on you right now, I
14 could tell if you had a gun. Like, law enforcement, I
15 can tell he got a gun, sir.

16 Q So you can just generally tell when somebody's got
17 guns on them?

18 A Mr. Kirkland has a gun, sir.

19 Q Was Stacy Rhodes a law enforcement officer?

20 A No, sir.

21 Q And you -- you remember giving a lot of facts to law
22 enforcement during your interview the day after the
23 murder?

24 A Yeah. I -- I -- I'm quite sure I did. It was more
25 -- more vividly then. It was more -- I could -- it was

1 -- it just -- it was fresh.

2 Q Okay. So it was fresher then, so you remember it
3 better then than you do now?

4 A In a way, yeah. Certain things, I probably leave
5 out, just like the other day when we got into it about
6 the situation with the tissue or the situation with the
7 food. Yes, sir. Now, like, you ask me something word
8 for word, I'm not going be able to tell you, sir.

9 Q Certainly. I -- I don't -- if -- if -- if you don't
10 know, you can just say that. That's -- that's okay.

11 A Yes, sir.

12 Q When you told law enforcement that you -- you --
13 that was you in the video, that's blue jersey and jeans,
14 right?

15 A Yes, sir.

16 Q But amidst all the information you gave to law
17 enforcement, you couldn't even remember what kind of
18 jersey it was you were wearing when you shot ---

19 A I said it was ---

20 Q --- the day before?

21 A I said it was a blue jersey.

22 Q And he said: "What kind of jersey?" And you said
23 what?

24 A What I said? A Dodgers or a Blue Jays or something
25 ---

CROSS-EXAMINATION BY MR. NEELY - MIKAH GREEN 517

1 Q No, you didn't.

2 A --- Blue Jays or Dodgers or something like that.

3 Q No. You sure didn't. You said: "I don't know."

4 A I said that for real?

5 Q Sure did.

6 A I ---

7 MR. NEELY: Your Honor, I ---

8 Q Mr. Green, do you recognize this document?

9 A That is I have the right to talk to my lawyer advice
10 -- we ask you any question -- oh, that's *Miranda*. Yes,
11 sir.

12 Q And this is your -- your signature right here?

13 A That's my -- that's my print. And then, right above
14 it is my signature. Yes, sir.

15 Q And you gave a statement to law enforcement --
16 Investigator Hilton, specifically -- the day after this
17 happened, yes?

18 A Yes, sir.

19 Q Okay.

20 MR. NEELY: Your Honor, I would like to move the
21 advice-of-rights form and Mikah Green's interview with
22 Investigator Hilton into evidence.

23 THE COURT: Any objection?

24 MR. DUNCAN: No objection.

25 THE COURT: Okay. I think they're -- it's in --

1 it's in evidence.

2 THE COURT REPORTER: Mr. Neely, you want these as
3 the next consecutive numbers?

4 MR. NEELY: Yes, please.

5 THE COURT: And now, ladies and gentlemen, we're
6 going to break now for about 35 minutes. We're going
7 take a 35-minute break. Please do not discuss the case.

8 (Whereupon, the jury exited the courtroom at 1:00
9 p.m.)

10 (Off the record briefly.)

11 (Whereupon, State's Exhibits 63 and 64 were marked
12 and entered into evidence.)

13 THE COURT: All right. We're going to break for 35
14 minutes.

15 (The Court went off the record at 1:00 p.m.)

16 (The Court went on the record at 1:40 p.m.)

17 THE COURT: You all ready for the jury?

18 MR. DUNCAN: Hold on. Your Honor, if I can get him
19 back up there.

20 THE COURT: Yeah.

21 (Whereupon, the witness reentered the witness
22 stand.)

23 (Off the record briefly.)

24 THE COURT: Okay. Bring the jury.

25 (Off the record briefly.)

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1 (Whereupon, the jury entered the courtroom at 1:42
2 p.m.)

3 THE COURT: Okay. You may continue.

4 MR. NEELY: Thank you, Your Honor.

5 CROSS-EXAMINATION BY MR. NEELY CONTINUED.

6 Q Mr. Green, you told me on Monday that you were
7 shooting over your shoulder as you ran away; isn't that
8 right?

9 A You said Monday I told you this?

10 Q Yeah.

11 A Yes, sir.

12 Q Okay. And today, did you shoot Stacy Rhodes?

13 A Any shooting that I did that day, sir, was me trying
14 to defend my life, me trying to -- me getting away. I
15 didn't put a aim on it. I didn't say: "Oh, I'm going to
16 just shoot this person."

17 I just heard gunshots. Direction I thought I heard
18 gunshots ---

19 Q Did you shoot Stacy Rhodes?

20 A I don't believe -- I -- I really don't believe I
21 did, sir, be honest with you.

22 Q All right. So you don't think you did?

23 A No, sir.

24 Q So how -- how were you shooting?

25 A I -- I told you. I ran. While I went to go run, I

1 was shaking my head in disbelief. I heard gunshots:
2 faa-faa-faa-faa-faa-faa-faa (phonetic). After I heard
3 the gunshots, I turned.

4 It was like -- I can't really explain. I ran and I
5 shot sir, all right? I ran and I shot. I was scared for
6 my life.

7 Q That's not what you told law enforcement, though, is
8 it?

9 A (Shook head from side to side.)

10 Q You sure?

11 A The tape.

12 (Whereupon, a portion of video was published in open
13 court.)

14 Q So that day you remember shooting him two times?

15 A Wait a minute.

16 Q Maybe two times?

17 A No. Wait a minute, sir. I seen the same tape. I
18 seen the same tape. Play the whole tape.

19 Q They will have the whole tape. I'm not ---

20 A Play the ---

21 Q --- going to ---

22 A --- whole play, sir.

23 Q --- play the whole tape. They can play the whole
24 tape in ---

25 A Because you editing and -- and -- and pointing out

CROSS-EXAMINATION BY MR. NEELY - MIKAH GREEN 521

1 certain things, asking question. I remember ---

2 Q Listen, I'm asking ---

3 A Okay.

4 Q --- the questions. You ---

5 A Yes, sir.

6 Q --- got to answer the questions.

7 A Yes, sir.

8 Q Okay?

9 A I'm answering.

10 (Whereupon, a portion of video was published in open
11 court.)

12 Q You remember when the -- when you said the victim
13 slammed you and made fun of you about it?

14 A I said I remember getting slammed -- he was bullying
15 the pot the whole day. He slammed me earlier, and he --
16 he -- I remember saying something like that. He -- he
17 was basically bullying the pot.

18 He slammed earlier. He laughed it off. I didn't
19 think nothing of it.

20 I said: "Well, if that's your way to win, go ahead.
21 Can't cheat forever."

22 Q You didn't think nothing of it?

23 A I really didn't care about it. It -- he was
24 bullying -- it -- it was basically bullying, but I really
25 didn't care nothing of it.

1 Q It didn't bother you?

2 A Not too much.

3 Q You were calm the whole time?

4 A I -- I try to be as calm as I can, sir.

5 Q Did you become aggressive?

6 A No.

7 Q No?

8 A I don't think I did. I don't think I did. Can't
9 recall.

10 (Whereupon, a portion of video was published in open
11 court.)

12 Q "Kill a fire, you got to smother it." Is that what
13 you said?

14 A That's means you got to kill the situation. You
15 don't want to escalate it.

16 Q Did you kill the situation?

17 A You don't put gasoline on it. Sir, that's what I
18 mean. Can you play the whole tape, sir? That'll be
19 better if you play the whole tape. I'm -- can you please
20 ---

21 Q I ask the questions; you answer the questions.

22 A Oh, you's right. Yes, sir.

23 Q But that's what you said that day, the day after
24 this happened. Is that right?

25 A You got it on -- (gestured).

1 Q Yes. Is that a "yes"?

2 A Yes, sir.

3 Q And we talked a little bit about the gun. And you
4 seem conflicted a little bit. Do you remember what you
5 said to law enforcement that about the gun?

6 A Sir, I bought the gun earlier. I can't really
7 remember what caliber. He -- I said it -- it -- it may
8 have been a 9-millimeter. I know it was gold and black.
9 I remember I said that.

10 Q You know it was gold and black. Okay.

11 And you got it that day, and then you lost it that
12 day after you shot; is that correct?

13 A Whenever I was trying to get away, I -- it -- it --
14 it -- it must've dropped, because when I got in the
15 vehicle and I started searching for all of my items I
16 didn't have after I paid somebody to give me a ride.
17 Yes, sir.

18 Q You paid somebody to give you a ride?

19 A Yes, sir.

20 Q Did you call them?

21 A No. I -- it was somebody inside of the -- I was
22 just trying to get away. So I came out of my pocket and
23 just said: "Man, here, please get me where I need to go.
24 I don't care how much you want." And I gave it to him.
25 I was ready to go.

1 Q Do you remember telling law enforcement: "People
2 aren't going to come and testify"? Remember that?

3 A I know on my -- I know, when it comes to situations
4 like this, a lot of people worry about being called a
5 snitch or being called a rat. It's a big deal, I guess.
6 You get what I'm saying?

7 I know -- I know -- I don't care what a person calls
8 me. Because it is what it is. I'm a tell.

9 Q You didn't care that Stacy Rhodes was calling you a
10 cheater that day, did you?

11 A No. I -- I mean, I -- I -- I -- I -- I -- I care.
12 I want to clear my name. Yeah. I tried to clear my name
13 in a way. But no. I -- it didn't really make a big
14 difference. No, sir.

15 Q Didn't make you upset?

16 A It -- probably a -- yeah, a little. Because this is
17 my friend. I don't want him to think I'm trying to cheat
18 him. Yeah.

19 Q Just a little upset?

20 A Yeah. If that -- if that's what you asking me.
21 I'll clear my name. If you catch me cheating at -- and I
22 did it by mistake. I usually don't cheat. But if you
23 catch me by mistake, I'm a try to clear my name.

24 Q So cheating was a mistake?

25 A No. I don't try -- now, hold on. Ask the question

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1 one more time, because you asking me three/four questions
2 around the same thing, sir, and I don't want to lie ---

3 Q I'm sorry.

4 A --- to you about it.

5 Q I don't feel like I am, but I'll try to make sure
6 it's only question.

7 A Yes, sir.

8 Q So cheating was a mistake?

9 A Oh, I didn't cheat. I didn't -- I don't cheat, sir.

10 Q But it doesn't bother you if people call you a
11 cheater?

12 A I mean, not really. Why would I get mad about
13 something like that? If you -- if you said I'm cheating,
14 I'm explaining to you how I'm not cheating. That's all I
15 can do.

16 Q And you told law enforcement that this was a man
17 that you loved; isn't that what you said?

18 A Yeah.

19 Q So this man that you loved is really upset because
20 he thinks you stole \$20.

21 A I said -- I said I care about him. Yeah. I
22 remember saying something that I care about him. Yeah.
23 Yeah. I got love for him. Yeah.

24 Q He's really upset about this 20/40 dollars, because
25 he thinks you cheated him out of it, right?

1 A Yeah.

2 Q And you'd been doing pretty good that day?

3 A Yeah. I'm -- I'm doing -- I mean, I been doing good
4 the whole month, seemed like. Yeah.

5 Q So it's not like you're hurting, right?

6 A No.

7 Q And you're -- you're saying that your -- your friend
8 is really upset about this thing where he says you've
9 cheated, right?

10 A Yes, sir. Say that question one more time for me.
11 Repeat that one, one more time. Because you said
12 "right," before I even gave you a answer. And I kind of
13 went along with it. Can you say that one more time,
14 please?

15 Q I'm -- I'm not going to answer -- ask all my
16 questions again. But in -- in -- in this instance, you
17 -- you say you remember him shooting maybe two times.
18 But now you're saying you didn't shoot him, right?

19 A I never said I shot him.

20 MR. DUNCAN: Your ---

21 A I never said I shot him.

22 Q You never said you shot?

23 A I said I remember shooting in self -- anything --
24 any shooting I did was in self -- me trying to defend
25 myself.

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1 Q From who?

2 MR. DUNCAN: Your Honor, I -- I object to one thing:
3 If he shows the video -- I understand; he doesn't have to
4 show the whole thing. The whole thing's going be in
5 evidence. It's going to go back with the jury.

6 But there's a mumbling in this section where he has
7 sitting in my face, I remember shooting him maybe two ---

8 MR. NEELY: Your Honor ---

9 MR. DUNCAN: --- times.

10 MR. NEELY: --- I don't know what kind of motion --
11 objection this is.

12 THE COURT: There's -- that's not a motion. It's
13 not an objection. That's a -- an -- an -- an argument.
14 You ---

15 MR. DUNCAN: All right.

16 THE COURT: --- you can ---

17 MR. DUNCAN: I ---

18 THE COURT: --- only object based on a legal basis,
19 not an argument basis.

20 MR. DUNCAN: The objection is that he is
21 misinterpreting the statement ---

22 THE COURT: All right. The objection is overruled.
23 This is ---

24 MR. DUNCAN: Yes, sir.

25 THE COURT: --- cross-examination.

1 MR. DUNCAN: All right. Thank you.

2 Q So today you told us the name of the person who's
3 like uncle to you?

4 A I -- I don't know his name. I told you I didn't
5 know his name. I just said he -- he said: "You like my
6 nephew; you like my nephew."

7 I met him the night before through -- through Boi.
8 We know some of the mutuals people. He say he knows my
9 father. He was, like -- it was just a little talk.

10 And, you know, you call older people "Unk." That's
11 -- that's it. I -- I don't know him personally, sir.

12 Q You don't know him?

13 A Not personally. I -- I met him the night before
14 through Boi at the apartment.

15 Q Okay. And today you mentioned Black and King at the
16 -- were gambling with y'all?

17 A Yes. Black is -- yeah. Black and King. Yes, sir.

18 Q Okay.

19 A Black, King ---

20 Q Your ---

21 A --- it was ---

22 Q --- you never mentioned those names to law
23 enforcement, though, did you?

24 A I mean, I don't know if I did. The video -- that
25 was three years ago I did that video, sir.

1 Q I'm not asking ---

2 A I can't -- I can't say everything word for word, you
3 know.

4 Q So you don't remember?

5 A I don't recall.

6 Q Okay. But if it's not in the video, then you
7 didn't?

8 A It -- I -- I must be didn't. He must be didn't ask.
9 He may have. If -- I'm -- I'm quite sure he did. I
10 don't -- I don't know, sir. I don't know.

11 Q If it's not in the video, you didn't tell law
12 enforcement ---

13 A Okay.

14 Q --- about it, right?

15 A I -- the video is right there. You -- either you --
16 I'll -- you say you don't want to play. I don't -- I
17 told you I don't recall. I don't recall.

18 Q And you couldn't recall what kind of jersey you were
19 wearing that day either.

20 A I told you a blue jersey. I remember telling him a
21 blue jersey.

22 Q But you couldn't recall the day after it happened
23 what ---

24 A And I ---

25 Q --- kind of ---

1 A --- feel like ---

2 Q --- jersey.

3 A --- like I told him a blue Dodgers jersey or a blue
4 jersey. I told him that one of two things. One of those
5 two things, I told him. In the video you see me with a
6 blue -- blue jersey, sir.

7 Q And -- and you've seen yourself in that video with a
8 blue jersey. That's a Dodgers jersey; is that correct?

9 A Yes, sir.

10 Q Okay. And you've been watching all this here, along
11 with the rest of us, right?

12 A Yeah. A majority of it. Yes, sir.

13 Q Majority of it?

14 A Yeah. Like, just about every time you turn a clip
15 on, I -- I come see it or -- yes, sir.

16 Q Stacy Rhodes was bullying you?

17 A I wouldn't say -- I said -- I used that as a term
18 for the pot. I wouldn't say he was bullying -- bullying
19 me. He was -- he was -- he -- that was his way of
20 winning, I guess. He was bullying the pot. That was --
21 that was him. That was just him. That's his -- that's
22 his nature.

23 (Whereupon, a portion of video was published in open
24 court.)

25 Q So everybody was drinking and gambling that day?

1 A Yeah. The majority of the people were. I can't
2 speak for everybody. I can't speak for everybody. But I
3 shouldn't have said that. But yeah.

4 Q So you weren't drinking that day?

5 A If I did, I took a couple sips, not nothing major.
6 No.

7 Q All right. You remember saying that -- that Stacy
8 Rhodes was acting drunk and crazy?

9 A He was acting crazy. And maybe that's the term I
10 used for it. I -- I can't say what -- what he had going
11 on. He was acting crazy. He was acting very wild, sir.

12 Q You told me earlier that you were carrying it -- the
13 gun in your waistband; isn't that right?

14 A Yes, sir.

15 Q But that's not how you always carry a gun?

16 A I mean, it's not a -- a certain type of way you can
17 -- you -- I -- I can't -- no. I -- that's not always how
18 I wear it all the time. No.

19 Q So do you normally carry a gun on you?

20 A Not all the time. Not -- majority of the time, no.

21 Q When you do carry a gun, how do you carry it?

22 A I'll either put it on my waist, put it in pocket,
23 wherever it'll fit at.

24 Q Do you have a concealed-weapons permit?

25 A No, sir.

1 Q You know it's illegal for you to carry a gun around,
2 right?

3 A I never been -- I wasn't convicted at a -- as a
4 felon at this time, sir.

5 Q You haven't been convicted as a felon?

6 A At this time. I didn't -- I haven't got convicted
7 of a felony until I came, you know, on these charges
8 brought. I -- I -- I -- I -- I pled to -- I pled to that
9 receiving stolen goods once I was detained, and so I
10 recently got it. Alvin S. Glenn Detention Center, sir.

11 Q That's not related to this, right?

12 A Say again?

13 Q That's not related to this?

14 A I'm not -- you talking about to this charge?

15 Q Right.

16 A No.

17 Q Okay.

18 A Unh-unh.

19 Q But you are a felon?

20 A You had a paper that you showed me the other day.
21 You said that I am a felon because I signed the -- signed
22 it. But at that date, when I was carrying the gun, I
23 didn't sign that paper yet. I didn't plead to those
24 charges yet, sir.

25 Q Okay.

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1 A I think we had a thing about that the other day and
2 -- yeah.

3 Q Your -- your -- your testimony today is that you
4 weren't a felon at the time.

5 A Yeah, I wasn't a felon at the time. So yeah.

6 Q And you're saying today that he wasn't really
7 bullying you; he was bullying the pot, right?

8 A I mean, bullying the pot, bullying me. I mean,
9 whatever I said inside that video, that was a fresher --
10 that was a more -- that was a more fresher me. That was
11 a more fresher me at the time, sir.

12 Q So you remember what happened better then than you
13 do now.

14 A I guess so, yeah. Yeah. That would be -- that'd
15 make more sense. Yeah. Better then than now, yeah.

16 Q And you're ---

17 A Because I'm not going be able to remember -- like,
18 when we got into it -- well, we did not get into it. I
19 -- I accused you of saying that you were wrong.

20 Q Let's not -- let's not go into ---

21 A Yes, sir.

22 Q --- all that ---

23 A Yes, sir.

24 Q --- okay?

25 I'm going to play this clip about bullying.

1 (Whereupon, a portion of video was published in open
2 court.)

3 Q He was a big guy; is that right?

4 A I mean, he did -- he did -- he did a -- he did a
5 little -- I -- yeah. I -- he was kind of big. He -- he
6 was stocky. Yeah. Strong.

7 Q Does it matter how big somebody is if they have a
8 gun?

9 A You saying if they have a gun? It really makes a
10 difference then.

11 Q It really makes a different then?

12 A Yeah. I'm -- I'll be even more afraid.

13 Q Remember telling law enforcement that your eyes were
14 closed when you were shooting?

15 A I remember telling them I closed my eyes in
16 disbelief and I hear things -- like gunshots. I told you
17 the same story today. I heard gunshots, and I turned, I
18 shot, and I ran -- or I -- I ran and I shot.

19 Q So you were running with your eyes closed?

20 A No. I was shaking my head in disbelief, thinking,
21 like, I can't believe this happened. I hear gunshots:
22 faa-faa-faa-faa-faa-faa (phonetic). And I closed my
23 eyes. I tried to get away from the scene, and I shot.
24 Yeah.

25 Q You closed your eyes and tried to get away from the

1 scene?

2 A I can't remember exact order, sir. At that time I
3 was just terrified. I -- I was -- I was trying to get
4 out of there, sir. I was scared for my life.

5 Q I'm not looking for exact words. You just said you
6 closed your eyes and tried to get away.

7 A No. Repeat your question one more time. I
8 apologize.

9 Q It's a question based on what you just said. You
10 just said: "I closed my eyes and tried to get away."

11 A I said I closed my eyes in disbelief because I can't
12 believe this is going -- that was going on. I remember
13 saying something to that effect and ---

14 (Whereupon, a portion of video was published in open
15 court.)

16 Q Is that what you did? Eyes are closed and you did
17 this?

18 A And ran. You stopped the tape.

19 Q Okay. So you were running and shooting. That's
20 what you told law enforcement?

21 A Yeah. You stopped the tape. It's like you just
22 cutting certain things out and asking ---

23 Q Sir, please ---

24 A --- certain ---

25 Q --- answer the questions I ask.

1 A Yes, sir. I apologize.

2 (Whereupon, a portion of video was published in open
3 court.)

4 Q So you were scared, shaking your head in disbelief
5 with your eyes closed. You hear gunshots ---

6 A Uh-huh.

7 Q --- from somewhere. You don't even know where,
8 right?

9 A I hear gunshots, sir. It was close to me. It was
10 very close to me. Because it was very loud. I -- my
11 reaction to what I did at that time, I guess, survival
12 mode kicked in or -- or -- or -- or whatever. Because I
13 cannot tell you the exact steps of what I did or how I --
14 how I did. I -- I -- all I can do is go off of what the
15 tape is saying of what I said.

16 Q Didn't that ---

17 A That was ---

18 Q --- didn't we just ---

19 A --- three years ---

20 Q --- do that?

21 A --- ago, sir. That was three years ago. I -- I
22 can't -- the tape said it. The tape's right there, sir.

23 Q Isn't that you on the tape?

24 A That's me.

25 Q Okay. Just ---

1 A So if I ---

2 Q --- making sure.

3 A --- said it, I -- it's -- it's -- it's -- it was
4 said, sir.

5 Q Gambling all day?

6 A Most of the day. Most of that day. Yes. I
7 wouldn't say all day; go most of that day, though. I
8 probably said all day, because that's -- that's a term.
9 Yeah. I probably did say that.

10 Q You consider ---

11 A Yeah.

12 Q --- yourself a gambler?

13 A Yeah.

14 Q Okay.

15 A I gamble.

16 Q That's fair.

17 You said that you and the victim gambled a lot
18 together, right?

19 A Yeah.

20 (Whereupon, a portion of video was published in open
21 court.)

22 Q You got to think every way you can win, right?

23 A I might've been -- yeah. That means you got to
24 switch your roll up, anything.

25 Q Okay.

1 A Come up with a new bet, anything.

2 (Whereupon, a portion of video was published in open
3 court.)

4 Q But you weren't mad about the cheating, right? You
5 weren't mad about him calling you a cheater, were you?

6 A No. I -- I explained to him I wasn't cheating, and
7 I was just going to leave it at that. Yeah.

8 Q You said the victim -- you said -- said Stacy Rhodes
9 was right in front of you, right?

10 A At -- at that point in the video, he must've been
11 right in front of me, whatever it -- we was asking me
12 right then.

13 Q Okay. So you don't know where he was when you
14 started shooting?

15 A This is what I know: Every time I tried to get
16 away, he kept getting back in front of me or he kept
17 getting beside me. He kept running up on me. I know
18 that for a fact. He kept coming in the proximity to me
19 everywhere I went.

20 I went around the car; he jumped -- I was -- it was
21 two cars, one on this side and one on this side. He
22 jumped in front of me in that car.

23 "I'll gun your ass down here -- out here, on blood.
24 On blood, I'll do this; I'll do that."

25 That's all I remember, sir. That's what I remember.

1 That's what I remember, Mr. Solicitor.

2 Q Sounds like you don't remember where he was. Is
3 that what you're telling me?

4 A It's three years ago. I -- I remember the -- I
5 remember the area that we were in. I remember the area
6 that we in. I can't even remember the exact -- you get
7 what I'm saying?

8 He just kept getting in front of me. He kept
9 getting close to me. He kept running up on me. I'll try
10 to leave. He'll -- it's not like we were just standing
11 in one spot. I'll try -- I'll go this way; he'll come
12 over there on that side.

13 Somebody might push him back. "Man, leave that
14 alone. Stop, man." He'll do it again. Get what I'm
15 saying?

16 Q You saw the pictures. He ---

17 A Pictures?

18 Q --- wasn't in front of you, was it?

19 A What pictures do you have?

20 Q The autopsy pictures. Stacy Rhodes was shot in the
21 back, wasn't he? This is -- I'm showing you State's
22 Exhibit No. 39.

23 A Well, if he -- if -- if -- I must've didn't shoot
24 him, then, if that's -- that's -- that -- that's the
25 case.

1 Q Okay.

2 A If that's the case. I told you any shooting I did
3 that day was me -- me trying to get away, me trying to
4 defend myself ---

5 Q I thought you ---

6 A --- sir.

7 Q --- didn't -- didn't know who you shot or if you
8 shot anybody.

9 A That's what I told you. I didn't -- I don't think I
10 -- I don't ---

11 Q In that video it says that you closed your eyes and
12 you shot and you ducked and ran. Why'd you duck?

13 A Because there were shots being fired.

14 Q Okay. You ---

15 A I was ---

16 Q --- duck behind ---

17 A --- trying to get ---

18 Q --- anything?

19 A Huh?

20 Q Duck behind anything?

21 A I was trying to ran -- I was -- it -- it was shots.
22 I'm hearing shots. What are you going do if you -- you
23 hear shots? Are you going ---

24 Q Don't ask ---

25 A --- to get ---

1 Q --- questions ---

2 A --- the first ---

3 Q --- of me. Don't ---

4 A Huh? Oh. I'm -- ask the question again, please.

5 Q So you don't remember where you were standing
6 whenever you were shooting?

7 A Standing where I was shooting -- I was between two
8 cars. At this point, he jumped back in front of me and
9 said what he said. And after that -- I -- I explained
10 the story a couple -- couple times already, I think.

11 Q You remember telling law enforcement in that
12 interview that females were in that blue car?

13 A Yeah. I -- I'm -- I'm quite sure I did.

14 Q You remember saying they were cussing at you and
15 calling you all kind of names?

16 A No. I never said they were.

17 Q Okay.

18 A I didn't say they were. No, I don't remember saying
19 that. They never ---

20 Q You don't ---

21 A --- did anything to me. Never ---

22 Q So they ---

23 A --- did anything ---

24 Q --- didn't -- they didn't say anything to you?

25 A I -- I never had a conversation with them. I wasn't

1 -- I didn't go up to the car to talk to them. I didn't

2 -- I don't know them.

3 Q How far from the car were you?

4 A I was -- I can't really say. I -- I don't want to
5 lie. I know the brother gave you a proximity the other
6 day. I heard -- I heard that when I was sitting down.

7 I can't -- I don't want to lie to you. I can say
8 feet. I can't recall.

9 MR. NEELY: Beg the Court's indulgence.

10 (Off the record briefly.)

11 Q So you -- so you don't remember where your gun went,
12 right?

13 A I know by the time I got inside that vehicle, I did
14 not have the gun on me, sir. When I got in the vehicle,
15 I didn't have it on me. I went to go search for all my
16 things, just -- I guess, inventory check or either just
17 -- I guess, because something kicked in my head.

18 I didn't have it. By the time I got where I was
19 going, I didn't -- I didn't have it. I can't even
20 remember at exactly what point I checked for it. I was
21 still -- I -- I don't know if you ever -- I don't even
22 need to say that.

23 Q So -- Mr. Green, so I'm kind of going back here.

24 You said that -- consistently that Archie said: "If you
25 pull that gun out here, there's going to be some gangsta

1 shit." Right?

2 A Yeah.

3 Q When you pulled your gun?

4 A I didn't pull a gun out. He said: "If you pull
5 that gun out, out here, you're going to see" ---

6 Q When you -- when you pulled your gun, what happened?

7 A I didn't pull my gun until I heard gunshots. I
8 heard gunshots. And then I pulled -- then I pulled -- I
9 didn't stay around to see what happened. I ran.

10 Q So somebody somewhere was shooting at you ---

11 A Somebody -- yeah -- shoot -- yeah. It was close:
12 boom, boom, boom, boom. Yes, sir.

13 Q And you were kind of firing indiscriminately in the
14 direction that you thought the bullets were coming from?

15 A If that -- yeah. If that's what you -- yeah.

16 Q That's your testimony today.

17 A That -- that's the questions you asked me, and I --
18 and I -- I answered them, sir.

19 Q You have to -- I ask the questions; you give me
20 answers.

21 A Yes, sir.

22 Q All right. So that's what your testimony is here
23 today?

24 A I shot in the direction I felt like the threat was
25 coming from, sir. And ---

1 Q So you're ---
2 A --- it was ---
3 Q --- saying ---
4 A --- up close and ---
5 Q --- that you didn't shoot Stacy Rhodes?
6 A The way you describing that he got shot and you keep
7 painting this picture, I'm not that guy, sir. I don't --
8 I wasn't do that. You get what I'm saying?
9 You keep painting a picture ---
10 Q I'm not trying to paint ---
11 A --- and painting ---
12 Q --- a picture.
13 A --- a picture ---
14 Q I'm asking ---
15 A --- and painting ---
16 Q --- questions.
17 A --- a picture, sir.
18 Q I'm asking questions.
19 A You even done went as far as cutting ---
20 Q Sir ---
21 A --- editing ---
22 Q --- just please.
23 A --- videos.
24 Q Please.
25 MR. NEELY: No further questions, Your Honor.

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1 THE COURT: Any redirect?

2 MR. DUNCAN: Very briefly.

3 REDIRECT EXAMINATION

4 BY MR. DUNCAN:

5 Q Mr. Green ---

6 A Yes, sir.

7 Q --- is there any question -- is there any question
8 in your mind that you did not fire shots until after you
9 heard shots?

10 A I didn't -- I didn't start firing till I heard
11 shots. Yes, sir. I -- yes, sir.

12 Q Okay. And you would -- you would stand by the
13 entire video that you have with law enforcement.

14 A Yes, sir, I stand by my video. Yes, sir.

15 Q But you -- you want the jury -- your desire is to
16 have that video played.

17 A Yes, sir.

18 Q And it's -- it's in evidence, Mr. Green. It's
19 available. We're not ---

20 A Yes, sir.

21 Q --- we're not going play it sitting all of us out
22 here. But ---

23 A Yes, sir.

24 Q --- but it's into evidence, just to ---

25 A Yes, sir.

1 Q --- let you know.

2 One more time: Why did you go see Investigator
3 Hilton on ---

4 A Because I ---

5 Q --- Sunday, the 31st?

6 A Because I felt like it was the right thing to do. I
7 couldn't call the -- call the police officer right there
8 and then and tell him what was going on. It was a -- I
9 couldn't tell him what was going on right then and there.
10 I had to get away from -- I had to get away from the
11 situation.

12 When I got to where I was going, I was still in
13 shock, trembling, really just scared. Because I -- I
14 don't -- you don't go through things like that every day
15 when you is getting shot at; you hear gunshots; you had
16 to shoot. So I got to a safe location. And I wanted to
17 make sure no one got hurt or -- you feel -- you get what
18 I'm saying?

19 I didn't went -- I had -- it was the right thing to
20 do. That's what you posed to do as a -- a law-abiding
21 citizen -- a -- a citizen of America, I feel like. You
22 should call the police when altercations and situations
23 arise like these. You posed to call the police, I
24 believe.

25 So I called the police. I didn't do anything wrong,

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1 I felt. I called ---

2 Q That's all the questions ---

3 A Yes, sir.

4 Q --- I have. Thank you.

5 THE COURT: From the state?

6 MR. NEELY: Very briefly, Your Honor.

7 RECROSS-EXAMINATION

8 BY MR. NEELY:

9 Q You remember on Monday telling me that words don't
10 matter to you?

11 A I may have told you that. That was Monday. Today's
12 Wednesday.

13 Q So you're telling us that you didn't speak to law
14 enforcement because you shot a man in the back in broad
15 daylight in front of people ---

16 A I called ---

17 Q --- right?

18 A --- law enforcement because my life was in danger.
19 You get what I'm saying? I called law enforcement
20 because it was shots that rang out.

21 I called law enforcement because it was a crime at
22 me -- is being shots. You get what I'm saying? I feel
23 like I was -- it was a hot -- it was a situation where I
24 felt like I was a hostage. You get what I'm saying?
25 That's why I called law enforcement, sir.

1 Q And you left the scene how many times that day?

2 A I can't recall. I can't recall. Once ---

3 Q A few?

4 A --- twice -- you talking about when I left to go get
5 the food and came back and -- I can't recall. Probably

6 -- no more than probably about three times, I would --

7 two -- two times. I can't remember. I can't remember.

8 Q So you didn't go -- get mad and go get your gun from
9 the car and come back?

10 A No.

11 Q Didn't happen?

12 A Even in the -- even in my statements inside of my --
13 inside of my motion -- I had a motion one time. We had a
14 little brief motion. It stated that someone said they
15 seen me with a -- a gun earlier that day. I -- I had a
16 gun on me the whole time or something like -- yeah. I
17 remember reading that someplace in there.

18 Q Okay. That's not what I'm talking about. That's
19 okay. No further questions.

20 THE COURT: You may -- well, ladies and gentlemen,
21 we're going to have you go to the jury room. Please do
22 not discuss the case.

23 (Whereupon, the jury exited the courtroom at 2:15
24 p.m.)

25 (Off the record briefly.)

1 THE COURT: All right, sir. You may step down.

2 (Whereupon, the witness exited the witness stand.)

3 THE COURT: How many more witnesses do you have?

4 MR. DUNCAN: Your Honor, let me speak with my
5 client, if -- if I can when ---

6 THE COURT: Okay.

7 MR. DUNCAN: --- he gets here.

8 THE COURT: We'll be at ease as he speaks with his
9 client about any more witnesses or how many more.

10 (The Court went off the record at 2:15 p.m.)

11 (The Court went on the record at 2:18 p.m.)

12 THE COURT: No more witnesses. Any reply by the
13 state?

14 MR. NEELY: No reply by the state, Your Honor.

15 THE COURT: Okay. We'll have the defense to rest on
16 the record; then the state will rest on the record -- or
17 not -- you're not resting. You already rested. You have
18 no reply. Then we go into closing arguments.

19 MR. DUNCAN: All right, sir.

20 THE COURT: Regarding jury charges, any special
21 requests to charge?

22 MR. DUNCAN: Your Honor, I reviewed what your law
23 clerk sent last night. And I -- with the exception of
24 just a couple little minor typos that she changed and
25 deleting the section that talked about my client not

1 testifying ---

2 THE COURT: Right.

3 MR. DUNCAN: --- since obviously ---

4 THE COURT: We'll just ---

5 MR. DUNCAN: --- he testified.

6 THE COURT: Yeah. We put everything on a separate
7 page. We'll just pull out what doesn't apply.

8 MR. DUNCAN: Right. So with that I -- I was
9 satisfied with the proposed instructions that I received,
10 you know, last night -- midnight.

11 THE COURT: Do you think ---

12 MR. DUNCAN: Very -- she was working very late ---

13 THE COURT: Oh, yes. She's -- she's on call --
14 she's on duty 24 hours.

15 MR. DUNCAN: Well, she -- she was -- she was working
16 after I was in bed. But I saw it this morning, so ---

17 THE COURT: All right.

18 MR. DUNCAN: --- and it was fine. That's my ---

19 THE COURT: So is ---

20 MR. DUNCAN: --- position.

21 THE COURT: --- is identification a request to
22 charge or not?

23 MR. DUNCAN: I -- I'm trying to -- I'm trying to
24 recall it. The -- the identification was made by a
25 person -- no, sir. No, sir.

1 THE COURT: Not -- not a request to charge?

2 MR. DUNCAN: I don't think that's a issue.

3 THE COURT: Okay. All right.

4 MR. DUNCAN: I don't think that's any issue. I
5 mean, there's -- I have other issues about
6 identification.

7 THE COURT: Yeah.

8 MR. DUNCAN: But I -- not that one.

9 THE COURT: Right. Okay. So you have no particular
10 requests to charge?

11 MR. DUNCAN: That's correct.

12 THE COURT: You reviewed what we sent you.

13 Yes, sir, Solicitor.

14 MR. NEELY: Your Honor, the -- the only thing -- I
15 -- I did mention this in the e-mail -- is I -- I think,
16 at this point, there has been no testimony that would
17 elicit an acting-on-appearances charges, as I don't think
18 there's any -- any testimony that Mikah Green's actions
19 were responding to appearances. He doesn't know where
20 the -- the shots were coming from. He says he fired in
21 the direction of the shots, he thought, might be coming
22 from. But he's not acting on appearances if he doesn't
23 see it.

24 MR. DUNCAN: I -- I strongly disagree with that. I
25 mean, all -- all these -- when the solicitor says he's

1 not acting on appearances, he's saying he's -- he doesn't
2 agree with -- his interpretation is Stacy Rhodes wasn't a
3 threat. But there was clearly testimony of chaos out
4 there. There's testimony of guns being flashed,
5 presented, and, depending on whose testimony you believe,
6 there were shots fired before Mikah Green did anything.

7 THE COURT: Yeah. That ---

8 MR. DUNCAN: And I think that's ---

9 THE COURT: Yeah. That'd be an automatic reversal
10 if I did not charge that.

11 MR. DUNCAN: Thank you.

12 THE COURT: I mean, he says he was -- felt
13 threatened; that he was -- that's why he shot. He
14 doesn't know basically if he -- I mean, he -- he didn't
15 talk about his training and how -- why the shot would've
16 been so precisely into the -- the victim's back if, in
17 fact, he shot him. But to explain why he was shooting,
18 he was fearful, based on threats, etc. The last word was
19 he was a hostage in his mind. So ---

20 MR. DUNCAN: I -- that's -- there's ---

21 THE COURT: So that's a -- that's -- that's a proper
22 charge in this case.

23 What else?

24 MR. DUNCAN: Again, that's -- that's all I had in
25 regard to the jury instructions, Your Honor.

1 THE COURT: All right.

2 MR. DUNCAN: I ---

3 THE COURT: How many minutes do you all need before
4 we get into closing arguments?

5 MR. DUNCAN: Your Honor, I -- I guess I shouldn't
6 worry about it. The jury has something to eat?

7 THE COURT: Oh, yeah. Oh, yeah.

8 MR. DUNCAN: Okay.

9 THE COURT: The -- that's ---

10 MR. DUNCAN: All right.

11 THE COURT: --- why we took a 35-minute break. I
12 was waiting. I don't know what y'all got to eat.

13 MR. DUNCAN: Yeah. That -- that -- I don't care
14 about -- I'm -- I just don't want a -- I don't want 13
15 hungry people sitting ---

16 THE COURT: Oh, no. They're full. We're ---

17 MR. DUNCAN: Okay.

18 THE COURT: --- they had Lizard's Thicket. They're
19 good.

20 MR. DUNCAN: All right. Your Honor, I would -- I
21 would think -- lawyers are long-winded -- 20 minutes ---

22 THE COURT: No. I mean, how many minutes do you
23 need before we ---

24 MR. DUNCAN: Oh.

25 THE COURT: --- start?

1 MR. DUNCAN: I'll -- I'll leave that up ---

2 THE COURT: Okay.

3 MR. DUNCAN: --- to him.

4 MR. NEELY: The state's ready, Your Honor.

5 MR. DUNCAN: I don't care.

6 THE COURT: The state's ready. All right.

7 MR. DUNCAN: Okay.

8 THE COURT: Defense ready?

9 MR. DUNCAN: Ten -- ten minutes?

10 THE COURT: Okay.

11 MR. DUNCAN: Can I get ---

12 THE COURT: We'll start ---

13 MR. DUNCAN: --- ten ---

14 THE COURT: --- closing arguments in ten minutes.

15 MR. DUNCAN: All right.

16 (The Court went off the record at 2:23 p.m.)

17 (The Court went on the record at 2:44 p.m.)

18 THE COURT: All right. Let's bring them on. First,

19 Mr. Duncan will rest, no reply by the state, and then

20 I'll tell them something and closing arguments.

21 (Off the record briefly.)

22 (Whereupon, the jury entered the courtroom at 2:45
23 p.m.)

24 THE BAILIFF: Jury is seated, Your Honor.

25 THE COURT: All right. Thank you.

1 Counsel for the defense, Mr. Duncan?

2 MR. DUNCAN: Thank you, Your Honor. Your Honor, the
3 defense rests.

4 THE COURT: All right. Ladies and gentlemen, you
5 have heard the defense's case.

6 Any reply by the state?

7 MR. NEELY: No reply from the state, Your Honor.

8 THE COURT: All right. That means, ladies and
9 gentlemen, that you have heard all of the testimony.
10 You've received all of the evidence, all of which you
11 will have in the jury room, except the testimony, which
12 you have heard. It's now time to -- for closing
13 arguments. If you'll give the lawyers your attention,
14 first by the state.

15 MR. NEELY: May it please the Court?

16 THE COURT: Yes, sir.

17 CLOSING ARGUMENT BY MR. NEELY

18 MR. NEELY: I told you at the beginning of this,
19 before you had seen any of the evidence, that this was a
20 direct-evidence case, testimony case. And that's what
21 we've heard. And so really, it comes down to who do you
22 believe? Are you firmly convinced?

23 This all happened over gambling on the stoop.
24 That's where it started. There's the dice right there,
25 No. 13. It's the dice still on the ground.

1 This -- there's 1003. That's the middle building.
2 Pillars that we saw, were talked about. And mostly, what
3 I'm going to be doing is trying to put the evidence in a
4 better order so we can understand what actually happened
5 here.

6 This is -- this is the stoop right here. That's
7 what we're talking about. And we've already discussed
8 that this picture was not taken on that day. But this is
9 the same area. It was also daylight when this happened.
10 And so you can have a better picture with this -- with
11 the drone pictures from the top.

12 So who do we believe? This is what James Archie
13 said happened. J.J. said this is how it happened; this
14 is how it went down.

15 The car right here, he was at the front of the car.
16 Stacy was passenger's side of the car. Middle-ish is
17 kind of where he described it. And Mikah Green was in
18 between these two cars. Put these black marks here to
19 represent where the cars could be.

20 Just so y'all know, everything that I put in here is
21 not evidence. The -- this is evidence. Number 1,
22 State's No. 1, this is evidence. These are not evidence.
23 It's just me showing you what I believe happened and what
24 James Archie told you happened.

25 That's where Mikah Green said he was parked -- or

1 James Archie said he was parked. This is where Alexia
2 said she was parked. All right. So let's look at the
3 scene that James Archie described.

4 Alexia and Diamond didn't really recall J.J.; they
5 didn't know him really that well. But they recall Stacy
6 Rhodes being right at the side of the car when this
7 happened, when this went down. He was shot in the back,
8 twice.

9 It's starting to look familiar, isn't it? These are
10 the 9 -- the spent 9 shells. In fact, there's a 9-
11 millimeter shell there that's not spent, as if somebody
12 racked the gun before they started shooting. So we have
13 three spent shells and racked, full bullet. Those are 9-
14 millimeter.

15 These over here are the .40-cals. And No. 4, which
16 you can see right here, is the blood spatter. As you
17 heard from Dr. Amy Durso -- Durso, the downward
18 trajectory into the back of the neck and top of the back
19 and the downward trajectory from the middle right of the
20 back were both downward. It indicates that somebody was
21 holding a gun high enough that it could be a downward
22 angle for a person that's five-ten. That's a pretty high
23 shot.

24 Why would somebody shoot that high? If they're
25 shooting over a car. Why would Mikah Green shoot, duck,

1 and then run? Because he's ducking down behind this car.

2 James Archie admitted he shot at him after he shot
3 his brother in the back. Mikah Green had a gun on him.
4 He had just shot his brother in the back. That is
5 defense of others. That's what it is. That's why he
6 wasn't charged.

7 And this is the other view of the scene. One, 2,
8 and 3 are the .40-cal shell casings. And again, 4 is a
9 blood spot. Look at this: 4, a blood spot; 1, 2, 3
10 right at the hood of where that car would be that was
11 pulling around, just like Alexia told you, just like
12 Diamond told you.

13 This is the pathway that Mikah Green took. It
14 starts here; goes around. And this picture right here is
15 of the cut. He runs through this cut and then exits the
16 scene.

17 This is what I was trying to describe before, but
18 it's a little bit difficult to do through a witness.
19 Look at this time. This is 7:09 and 42 seconds. See
20 this kid right here? You can tell when the shooting --
21 like, the second the shooting happens, because all these
22 kids right here jump. And they're -- they're not but
23 across the street from where this happened.

24 I'm going to play you the video after I show you the
25 clips, just so you know what to look for. I think it's

1 easier to do it that way. Sometimes when I watch a video
2 and I don't know what I'm looking for, it can be really
3 difficult to decipher what's actually happened.

4 And this is 7:09, 52 seconds, ten seconds later.
5 All right. Ten seconds later the rest of the kids take
6 off. Why do you think that is?

7 Well, Alexia told us Mikah Green -- or the person
8 she didn't know walked up; shot Stacy Rhodes in the back.
9 And when I asked her when the other shots started, she
10 said: "I don't know. I -- I was pulling out of the
11 neighborhood when the other shots started." That's what
12 Alexia told you.

13 So let's see if that matches up.

14 (Whereupon, a portion of video was published in open
15 court.)

16 7:09, 42 seconds: See them looking? Not anymore.
17 Who's shooting? Oh. Oh, there's shooting going on over
18 there. And they hightail it out of there. This is 7:09,
19 37 seconds. All right. So this is five seconds before
20 the shooting starts. Arguing, based on what we have on
21 the videos here.

22 We had this Jeep right here. This Jeep is pulling
23 in. This is 7:09, 54 seconds. This is this same Jeep or
24 whatever kind of car this is in reverse, because the
25 shooting started.

1 And this is Alexia's car that she was driving with
2 Diamond in it and two kids in the back. Fifty-seven
3 seconds, so roughly five seconds after the other kids
4 bolt, we have a time on it that matches literally exactly
5 basically what Alexia is saying.

6 The location matches exactly what Archie's saying.
7 Archie told you that I hadn't showed him the crime scene;
8 haven't been able to talk to him. Law enforcement told
9 you a lot of people didn't talk to them.

10 But some did. And you got to hear from them. And
11 the facts match up. This is the first time we see Mikah
12 Green on video, 10:05. That is, what, 28 seconds after
13 the shooting?

14 This is Alexia driving, Diamond in the passenger's
15 seat, and the man in the blue jersey, the shooter,
16 crossing behind them. Now, Diamond says that she -- in
17 the 911 call that she thought that he still had a -- his
18 gun on him.

19 I don't see a gun in his hand, to be honest with
20 you. But he is holding up his pants. So maybe that's
21 what Diamond saw. Maybe that gun was in his pocket. I
22 don't know. He doesn't know, but he won't tell us.

23 (Whereupon, a portion of audio recording was
24 published in open court.)

25 This is 28 seconds. Listen -- 50 seconds.

1 (Whereupon, a portion of audio recording was
2 published in open court.)

3 Now, obviously, there's some -- there are some
4 things that -- in -- in Diamond's statement there. There
5 wasn't a thousand people there. They didn't take two
6 minutes for 911 or an hour for 911 to answer the call.

7 She was obviously very scared and, like she said,
8 panicking. Because she had just witnessed a murder.
9 That's what happened. That's what she saw. Feet --
10 arm's reach. Terrified.

11 And look, I -- I submit to you that these people are
12 probably looking for him. He looks like he's going to go
13 over that fence. He sees them over there. Takes off the
14 other way.

15 You don't think he knew that he shot Stacy Rhodes in
16 the back? Think his version of events is credible? Look
17 at these people looking.

18 I'm sure he was scared after he shot Stacy Rhodes in
19 the back. Stacy Rhodes had a lot of friends there. Had
20 family there. And this is the white car that is carrying
21 Stacy Rhodes to the hospital. There's surgery performed,
22 and he will pass away from the gunshot wounds he
23 received.

24 I'm fast-forwarding this piece right here to show
25 you law enforcement gets here -- went past it -- about 20

1 minutes later. And, of course, by that time, Mikah Green
2 is gone. The witnesses have dispersed.

3 The people that are left around are people that just
4 want to know what's going on that don't -- that don't
5 have anything to say to law enforcement. Everybody that
6 was there is gone. It's a scary environment, dangerous
7 environment.

8 Somebody just got shot in the back, really, over
9 disrespect. It's what it boils down to. Stacy Rhodes
10 slammed him, although there was no injury to Mikah Green
11 -- injury to his ego. And after that, it started a
12 series of events where Stacy Rhodes was bullying, making
13 fun of him, tearing him down a little bit in front of his
14 friends.

15 Nobody likes that, especially if they have a loaded
16 gun on them. And it incensed him. The last two
17 sentences that Stacy Rhodes ever spoke -- I'm not going
18 to say the first one, but: "He mad about a game."

19 Diamond didn't know anything about that. She had --
20 she had no idea, no idea what game they're talking about.
21 Mad about a game. This guy over here is mad about a
22 game. Who's that? This guy right here, Mikah Green.
23 That's the man that's mad about a game.

24 She heard him confront Stacy Rhodes. "What you
25 say?" Just like that.

1 Folks, that's -- that's how murder happens. Very
2 rarely are these planned-out conspiracies involving
3 multiple people or -- or cover-ups. Somebody's drunk;
4 somebody's mad. They react.

5 And that's what happened here. Mikah Green was mad,
6 angry. And Stacy Rhodes wouldn't stop talking trash.
7 And Mikah Green wasn't going to take that.

8 Stacy Rhodes' last words: "Damn, he shot me." He
9 was surprised. He didn't think his friend would shoot
10 him. I wouldn't either.

11 He was surprised that he was shot because Mikah
12 Green and him were friends, even though he had a gun.
13 So? A lot of people have guns on them. The only person
14 -- only people that said Stacy had a gun on him were
15 Mikah Green and Booker Nelson, his jailhouse friend.
16 Nobody else saw Stacy Rhodes with a gun on him.

17 Do you really think that Alexia would've stopped her
18 car with her three daughters in the car if Stacy was out
19 there waving a gun around? Do you really think she would
20 do that? I don't. I believe her.

21 I think the testimony was real. I think James
22 Archie's testimony was real, consistent. Consistent
23 because he's telling the truth. He knew what to say
24 because he's telling the truth.

25 How often did Mikah Green get up there and "uh" or

1 take off on a different direction when I asked or not
2 answer the question or -- or -- or dither or try to
3 figure out some way to get around just answering a
4 question? Because -- and -- and you'll have the whole
5 interview. You can watch the whole interview.

6 It's about 45 minutes; it starts at the 27-minute
7 mark when the investigator walks in. Watch the whole
8 interview. I don't have any problem with that. That's
9 Mikah Green's story. That's what he told law enforcement
10 that day.

11 Obviously, his story changed a few times. That's
12 not uncommon when you're not telling the truth. Just
13 watch Mikah Green's interview. You notice, whenever he
14 starts "uh -- uh -- uh -- uh -- uh -- uh -- uh" -- he
15 starts stammering. It's whenever he starts getting asked
16 questions about things that actually matter for this
17 case.

18 He gives smooth narratives for: "I -- I went to
19 Walmart and then I got these tissues. And I talked to
20 this FedEx guy and I talked to him about pit bulls that I
21 raise. And I do all these different things."

22 But as soon as Investigator Hilton: "Well, what
23 kind of jersey was it?"

24 "Uh -- uh -- uh -- uh -- I don't know." Doesn't
25 know what kind of jersey he had on.

1 "What kind of gun was it?"

2 "Oh, it was a 9. Uh, well, actually, I don't --
3 might've been a .40. I don't know."

4 Why would he say that? Probably because of James
5 Archie. J.J. had a .40. He knew it'd be confusing. But
6 he didn't realize it till afterwards. So he changed his
7 story up a little bit. I don't know. Right there -- I
8 don't know.

9 You really believe that Mikah Green bought a gun
10 from a guy whose name he doesn't know and then just
11 disappeared after -- after he shot somebody? Is that --
12 is that reasonable? I don't think so.

13 And this is the video. You see him coming out. Can
14 you see him -- see him right there? You saw him. He
15 took off in the direction. Why? Because he shot over --
16 over his back and didn't know what he was shooting
17 because he's closing his eyes and I don't know -- even
18 know if I hit him.

19 Who's he looking for? I'm not sure it gets much
20 more in the center of the bat than this. I'm serious.
21 Dr. Durso testified that there were downward angles. How
22 do you have a downward angle from that high up on
23 somebody? The gun has to be up here. I'm -- I'm five-
24 ten. Got to be higher than my neck, up here.

25 Why? Because Mikah Green was in between the cars.

1 That's why. Both shots in the back, not even facing him.
2 Because he was facing Diamond; he was talking to Diamond.

3 And again, no defensive wounds. This slamming going
4 on earlier, this was not like a fistfight. It was not a
5 brawl. These are words being exchanged. I'm sure that
6 there were some unpleasant words exchanged, no doubt in
7 my mind about that.

8 I'm sure it went both ways. Everybody was
9 testifying that there was a huge argument going on. The
10 only person that didn't notice was Diamond. And I -- I
11 bet it was because she's on her phone.

12 Everybody else noticed when they came in, because
13 the argument was so loud. Everybody noticed. And then,
14 when they came back, argument was still going on.

15 Booker Henley -- excuse me -- I got the name wrong.
16 Mikah Nelsun Green -- do you believe Mikah Green's
17 stories? Do you believe Booker Henley's supporting
18 testimony?

19 What is murder? Murder is a legal definition. It's
20 -- murder is the unlawful killing of another with malice
21 aforethought. Now, most of those words make sense to us.
22 Malice aforethought, I think, is probably a little bit
23 tricky for people that aren't in the legal profession.
24 And so let me go through it.

25 Malice is the intentional doing of a wrongful act,

1 without just cause or excuse, with an intent to inflict
2 injury. That's what malice is. Malice can be -- can be
3 displayed by anything: words, an argument, saying
4 something right before you shoot somebody.

5 Malice doesn't have to be a plan. Malice happens
6 the moment that you're intentionally doing something.
7 That -- that -- that is the malice: I am intentionally
8 doing -- I'm hurting somebody on purpose. It wasn't an
9 accident.

10 Wasn't a random shooting with bullet holes like
11 this. It's like a foot and a half. That's a pretty good
12 grouping for somebody that's shooting over their shoulder
13 and closing their eyes, ducking around, whatever their
14 story is. It doesn't require any time, just that the act
15 is committed.

16 The second thing that Mikah Green has been charged
17 with is possession of a weapon during the commission of a
18 violent crime. And that is pretty simple. Defendant
19 possessed a weapon during the commission of a violent
20 crime. Murder is defined by S.C. Code 16-1-60 as a
21 violent crime.

22 So if you find him guilty of murder and you believe
23 he possessed a weapon when he committed that murder, then
24 you should find him guilty of possession of a weapon
25 during the commission of a violent crime.

1 Folks, it just comes down to are you firmly
2 convinced? Did you -- did you -- were you firmly
3 convinced by the testimony of J.J. Archie? Are you
4 firmly convinced the text -- the testimony of Alexia
5 Smith? Were you firmly convinced of the testimony of
6 Diamond Sanders? People that are right there, that saw
7 with their own eyes. The emotion, they still felt it.
8 They were still feeling it.

9 If you watch this -- if you watch Mikah Green's
10 interview, watch for the emotion for a man that says that
11 he just thinks he shot and killed a -- a friend of his,
12 somebody he said he got love for in my heart. Where is
13 the emotion?

14 His emotion is anger, still, about the cheating.
15 He's still upset about it the day after. But today's
16 testimony, he downplays it.

17 "I was trying to calm things down. That's not how
18 it was. It wasn't like that."

19 We know what it was like. James Archie's testimony
20 describes him perfectly. Why? Because it's the truth.
21 That's how it happened.

22 The testimony is what you must rely on. And I
23 believe the testimony is what proves beyond a reasonable
24 doubt Alexia wasn't lying; J.J. wasn't lying; Diamond
25 wasn't lying.

1 They were telling you what happened. It was
2 terrifying. And that's why the testimony is so real.
3 That's why it all fits together.

4 You even heard Booker Henley say it happened at the
5 first building, whereas Mikah Green said it happened in
6 the middle, which is actually where it happened. Booker
7 Henley doesn't know where it happened. I wonder why.
8 Was he there? I don't know. Is he telling the truth?
9 No.

10 But that's your job. That's your job. You get to
11 decide the credibility of each witness. That is -- that
12 is your responsibility as a juror.

13 And so when we give this case to you, we're going to
14 give you all the evidence that's been put in. And you
15 can look at each piece yourself and examine it yourself.

16 And I ask you to. Do you have any doubts? Look at
17 the -- look at the evidence. Because the evidence and
18 the testimony support a conviction of murder.

19 Mikah Green is a gambler. And he's gambling that
20 you'll think some other person shot him, some person in a
21 white shirt.

22 You heard Diamond's testimony of the 911 call. She
23 wasn't talking about the person that shot -- I'm sorry.
24 She wasn't talking about the person that was the shooter
25 whenever she was talking about the person in the white

1 shirt and the jeans shorts. That's what the victim was
2 wearing. She was talking about the victim.

3 And it sounds like the -- it sounds like the
4 operator says: "Who was shot?" That's what I heard.
5 "Who was shot?" And she described the victim.

6 And when it went back about the shooter, said he's
7 running around behind the buildings like Mikah Green did,
8 like Mikah Green admits that he did. And then the
9 shooter ran behind the car. That's what she says in the
10 911 call. That's what she said here, same thing.
11 Because it's the truth. That's what she saw.

12 Were his eyes open? Yes. Did Mikah Green murder
13 Stacy Rhodes? Yes. Did Mikah Green lie about murdering
14 Stacy Rhodes? Yes. That's not that surprising.

15 But I would ask that you consider all the testimony,
16 think about it seriously, and come back with a verdict of
17 guilty, because you are firmly convinced that Mikah Green
18 shot Stacy Rhodes in the back. Thank you.

19 THE COURT: Mr. Duncan?

20 MR. DUNCAN: Thank you, Your Honor.

21 CLOSING ARGUMENT BY MR. DUNCAN

22 MR. DUNCAN: Ladies and gentlemen, thank you for
23 your attention for the last two days. Trial has not been
24 a super long trial. The trial is -- it's about a tragic
25 situation.

1 And I -- I don't want to downplay that at all.
2 There's a lot of people in this courtroom. And -- and I
3 -- I -- I feel for -- I feel for the family of the
4 victim. And -- and I want -- I'm sure all of you do that
5 they've lost their son, their brother.

6 And I'm -- you know, he's a young man. And I'm --
7 I'm so sorry. I am so sorry.

8 But the proof of who committed the crime has not
9 been met. You get to decide. I mean, I -- I don't get a
10 vote. I don't get a vote in this.

11 There's 12 of you -- there's 13 of you sitting
12 there, but 12 of you will be deliberating. And y'all get
13 to decide what are the facts of the matter? What are --
14 what are the facts?

15 Judge Newman is going to give you the law. He's
16 going to apply -- ask you to apply the law. But y'all
17 determine what happened.

18 Listen, though, you shouldn't have to speculate as
19 to what happened. You should know what happened. What
20 happened?

21 Did the state lay out the case and in a way so that
22 you know right now what happened at Lakeshore Apartments
23 on March the 30th, 2019, on a Saturday afternoon into the
24 Saturday evening? I submit to you that you don't know
25 what happened. Because they don't know what happened,

1 the -- they being the state. They don't know what
2 happened.

3 They speculate what happened and are left with --
4 what they're left with is Mikah Green, who, on the day
5 after the incident, when no one -- absolutely no one --
6 had talked to the police, no one, zero. And Mikah Green
7 showed up at police headquarters to say: "I heard
8 something down here. I shot -- I shot my pistol."

9 Please, I beg you -- please -- he begs you. He was
10 practically begging from the stand. Please watch the 40-
11 minute video.

12 It -- and -- and I'm not disparaging the solicitor.
13 I mean, I would want to pick the parts I like too. But
14 you can find a sound bite. I mean, look, good Lord, in
15 the last two years with all the stuff going on in this
16 country, you can find a sound bite that you like.

17 You know, here's the sound bite. And you go, did
18 you -- you know, somebody said: "Did you say that?"

19 And you go: "Well, that's not all I said."

20 Watch the thing. Watch the clip. Watch the
21 interview, and you will see Mikah Green telling, as best
22 he can, the story and trying to explain what went down
23 out at the Lakeshore Apartments at Garners Ferry Road on
24 that afternoon and evening.

25 Guess what? Unfortunately, for me, my client don't

1 know either. He doesn't really know what went down
2 either. So it's very difficult to go: All right. So
3 then, what happened next?

4 "Like, I heard gunshots and there were shots being
5 fired. And I was getting out of there, and I was
6 shooting at the direction that they were shooting at me."

7 I -- I submit -- and again, y'all -- y'all decide.
8 Y'all get to decide what -- what it is.

9 But if you listen to the testimony -- if -- excuse
10 me -- if you listen to the 911 call that -- I -- I looked
11 at the time when he was -- when y'all were playing the
12 video -- when he was playing the video just a minute ago.
13 It's like a minute, maybe a minute -- less than two
14 minutes between the kids moving -- running at the Citgo
15 and the time of that 911 call, which is consistent, I
16 think, with the testimony that we had: that a 911 call
17 came less than -- less than two minutes, coming in from a
18 young lady who was obviously very upset. I mean, she --
19 she was still nervous, you know, today, although it, you
20 know, took her -- took them a long time to come forward
21 and I -- you know, that's -- that's up -- their decision.

22 But Ms. Sanders, Diamond Sanders, young lady -- 21;
23 was 18 at the time -- on the 911 call, says -- and again,
24 y'all get to -- you -- listen to it. Listen to it. Hear
25 it.

1 The 911 operator asked about the shooter. The
2 answer that she gets is: "He was wearing a white shirt,
3 shorts, short guy, with a haircut."

4 I don't know what "with a haircut" means. But the
5 rest of it, "white shirt, shorts, short guy," that would
6 not describe Mikah Green. Y'all have seen him stand up.
7 He's a six-foot guy, not a short guy, clearly -- y'all
8 have seen the video -- clearly not wearing a white shirt.

9 Mr. Archie, you know, who says: "I know him; I know
10 the guy; I know the guy" I -- I submit to you that Mr.
11 Archie wasn't paying quite as much attention -- I mean,
12 I'm not saying he wasn't close by. I think he was very
13 close by.

14 And I think he had a gun. He says he had a gun. I
15 mean, he had a gun. He had a gun on him. Had the gun on
16 him, but at the precise moment that his brother was shot,
17 I don't think he saw it. I think he heard it.

18 I think he heard the shot. And I think he looked,
19 and I think all heck done broke loose once the shots went
20 off. I think it was a powder keg. Again, I'm making it
21 up. I'm making this up, because I don't know either.

22 But it sounds to me, based on what I have heard for
23 three days -- two day -- two days, excuse me -- that
24 there was a lot of arguing going on. There were 15 to 20
25 people out there, gathered around. There was an argument

1 going on. Depending on who you believe, there were
2 multiple people kind of engaged.

3 At the very least, the thing we -- the thing I know,
4 the thing that's undisputed, is Mr. Rhodes was upset. I
5 don't think anybody said that Mr. Rhodes was not upset.

6 Question, again, for y'all: Does it make sense,
7 younger brother -- his younger brother, Mr. Archie, comes
8 to town; moved in; his brother got him a job. Mr. Archie
9 said quite, you know, not -- not ashamed of it. I mean,
10 it's just the -- the way he handles business.

11 He carries a gun. He carries a gun. He was, like:
12 "I carried a gun. I carried a gun to the store to get a
13 pack of cigarettes. I had it with me. I had it on me.
14 It was on me."

15 And I say: "Well, does your brother carry a gun?"

16 "Oh, no. He'd never do that. My brother don't do
17 like that."

18 Y'all, again, you -- you don't have to park your
19 common sense at the door. Does that make sense to you
20 that Mr. -- Mr. Neely, the solicitor, says: "Well, you
21 shouldn't believe Booker Henley. He's down in the jail.
22 He's got convictions. He's -- you know, he -- he's not
23 worthy of your belief."

24 I submit to you that Mr. Henley doesn't have any
25 reason to come in here and tell a lie about -- about what

1 he saw, in terms of what was going on out there. What
2 makes sense as to what was going on? Booker Henley's
3 story makes sense it -- in the sense of there's an -- a
4 game -- dice game going on. There's half a dozen people
5 rolling dice.

6 And Mr. Henley says: "They got in a argument. And,
7 you know, Mr. Rhodes, Boi" -- he calls him Boi and that's
8 not derogatory. That's not -- that's just -- that was
9 his nickname.

10 I mean, he knew -- Mr. Henley knew everybody by
11 nicknames. He was Dollar. The -- my client was Rich.
12 Mr. Rhodes was Boi. That's just what they knew each
13 other as.

14 And Mr. Henley says: "Well, of course, Mr. Stacy
15 Rhodes, Boi, had a gun. Of course he did. And so did
16 Rich. And so did Mr. James Archie," known at -- know to
17 my client as J-5, which you'll hear in the video when my
18 client's telling Mr. -- Investigator Hilton about it.

19 So I think it's a powder keg. I think you had a
20 powder keg going on out there. And Mr. Rhodes was -- had
21 instigated -- all right? -- had instigated -- had started
22 it. At times it would calm a little bit, but he got --
23 kept being fired up. And Mikah Green -- I mean, despite
24 what the solicitor has attempted to do with him on cross-
25 examination -- he said: "Well, you -- you didn't know

1 that. And you didn't know that. And you didn't know
2 that."

3 Again, watch the video of when he's talking. When
4 -- watch the clip when he's telling, as best he could,
5 what happened and tried to explain how his friend --
6 well, he don't know. He doesn't even know. He didn't
7 know what happened to his -- to his friend. He doesn't
8 know.

9 And again, watch the clip. When you watch the clip,
10 you'll realize, Investigator Hilton, at the end -- so I'm
11 sorry. You have -- like watching a movie, you have to
12 watch that whole, like, 40 minutes to get there.

13 But at the end, Investigator Hilton says: "You
14 know, Mr. Rhodes is dead." Watch his face. Watch my
15 client's face.

16 He did not know Mr. Rhodes was dead. That's the
17 first he's heard. He's heard the streets were talking
18 that something -- somebody had been hit out there.

19 What he knew -- when he says: "I was trying to do
20 the right thing," he means: "I had discharged a weapon
21 out there. I might've shot somebody. I might've hit
22 somebody. I don't know.

23 "I might've hit somebody. And I don't want people
24 -- I don't -- I -- I want to -- I want to tell my side.
25 I want to tell them I was being threatened," which is

1 true. He was being threatened. He wanted to say:

2 "Look, that's why I was shooting."

3 But the shots were fired -- two shots were fired.

4 And you go: "Well, who -- if it wasn't Mikah Green, then
5 who in the world was it?"

6 Well, I wish I had the answer. But I'm not Perry
7 Mason back in the '60 and I'm going solve the crime and
8 go: "It was him."

9 I don't know who it was. It -- I've been -- I've
10 been doing this 30 years. And we've always heard the
11 some -- sadoodi defense: Some other dude did it. That's
12 the best I can tell.

13 Some other dude did it. Because I submit to you
14 that this guy did not shoot his friend in the back over
15 20 bucks. That doesn't make any -- what's the -- what is
16 the motive for doing that? Why? Disrespect?

17 I mean, he's being threatened. He was afraid. He
18 was afraid. And again, it sounded like a powder keg to
19 me.

20 It sound like a powder keg. Somebody fires a shot
21 -- fires two shots. And then it breaks loose. And
22 people are running and shooting. And I think -- y'all --
23 y'all look -- examine the shells. I think there's six
24 spent shells around that they find that are picked up,
25 two -- maybe two other bullets.

1 I mean, it's -- there's multiple shots from multiple
2 weapons. So it's not -- it's not simple like it's two
3 shots and we know what happened and there's one
4 projectile over there, which you can't tell what that is.

5 And there's no -- there's no ballistics. There's no
6 gun found. And I -- of course, the solicitor would say:
7 "Well, you know, Mikah Green threw down his gun." Mikah
8 Green was worried about getting out of there. He wasn't
9 worrying about throwing down his gun.

10 But, you know, again, think about what the young
11 lady, the 911 caller, who didn't know the people -- she
12 doesn't know the people -- she says: "Guy in a white
13 shirt -- guy in a white shirt did it."

14 James Archie, on the stand, although he said Mikah
15 Green's name several times, he said: "You know, he's my
16 brother's friend." He says a guy in a white shirt too.

17 I think -- again, I submit -- it's up to y'all. I
18 submit it that the streets got it wrong. The street
19 picked up the day after Mikah Green turns himself in.

20 You heard Investigator Hilton. He's the first one
21 to come in. Investigator Hilton calls the solicitor's
22 office and gets a -- get authority to get a warrant. So
23 he arrests Mikah Green on Sunday, March 31st.

24 This is, you know, Columbia, South Carolina. We got
25 some newspapers. We got a TV station, WIS-TV -- some

1 others too, but not the -- disregard them. But by
2 Monday, Mikah Green's face is on the news.

3 And by Thursday, the brother of Stacy Rhodes comes
4 in to talk to the police to say: "Oh, yeah. I know that
5 guy." Well, sure he knows him. But he doesn't know him
6 because he shot his brother. He knows because he was
7 rolling dice and they saw him on TV and says: "Oh, yeah.
8 That's him."

9 But he ain't the guy that was wearing the white
10 shirt out there that Mr. Archie and Diamond Sanders
11 identify as the shooter of the man in the -- of Stacy in
12 the back. I mean, again, y'all -- y'all get to decide.
13 Y'all get to decide. I've said this seven times.

14 What reason would Mikah Green have to shoot his
15 friend? I mean, \$20? \$40? What -- I -- I -- that's as
16 high as I've heard, I think. Maybe said \$100. It was a
17 pot. It was, you know, money in the -- on the ground --
18 money on the ground.

19 I -- that doesn't -- didn't sound like a complicated
20 game, high-low. You -- high -- high -- high roll wins;
21 you get the money. And, you know, things certainly
22 escalated about the dispute and people getting their
23 feelings hurt, that kind of thing.

24 But again, think about that. I -- I -- again, I
25 don't have any motive for the guy in the white shirt

1 either, mind you. Again, I'm not -- I'm not Perry Mason.
2 I'm not going solve the crime.

3 My client would like me to. He's spent a big
4 portion of the trial punching me and going: "Well, what
5 about this?" And I -- I don't have the answers. I -- I
6 don't have the answers. So I can't -- I can't give that
7 family any comfort.

8 I can't give that family any comfort because I say:
9 You got the wrong guy, but I don't know who the right guy
10 is. I don't -- I can't find that guy. I -- I -- and
11 maybe law enforcement could find him -- maybe.

12 But the -- the streets certainly got quiet. They
13 certainly got quiet. I mean, no -- nobody -- nobody came
14 forward, other than Mr. Rhodes' brother, like I say,
15 about four days/five days after the fact.

16 It's -- I -- the Court will read you the law of
17 self-defense. And -- and I -- I absolutely believe that
18 Mr. Green was defending himself. But I don't think you
19 get that far. He was defending himself after the fact,
20 after Mr. Rhodes went down.

21 I -- I think their proof fails -- I submit to you,
22 their proof fails in showing that Mr. Green shot Stacy
23 Rhodes. I -- again, I -- I don't think it's as far a
24 stretch. I don't think it's a far stretch at all.

25 Again, I -- I've heard "guy in a white shirt, short

1 guy" on the 911 call. And again, clearly -- clearly,
2 y'all, please, that -- that was short. That's like three
3 minutes of the 911 call. Listen to it. Listen -- you
4 know, see if -- see if I'm misremembering. I want to
5 remember it to favor my client, obviously. I mean, I
6 want to hear it that way.

7 But I think, when you play it, you will hear the
8 same thing. And you can say: "Well, the young lady was
9 in a panic. She was distraught. She was" -- clearly,
10 she exaggerated about -- there wasn't a thousand people
11 out there. "It's a thousand people out there."

12 I mean, obviously, we know, but that's -- that's not
13 -- we do that all the time. People talk like that all
14 the time. It's really hard. It's -- this is hard --
15 y'all have -- it -- this is a hard job y'all have. It's
16 a hard job you have.

17 And, you know, life is so precious. And -- and for
18 it to get away is just tragic. Truly -- it's truly
19 tragic. And, you know, you go: "Well, how you avoid the
20 situation?"

21 If I was trying to tell Mikah Green, if -- if, Lord
22 willing, y'all found -- acquitted him today and I said,
23 "How do you avoid getting in this again?" there's some
24 advice -- there's some advice that I could give him. But
25 like where -- where I grew up in the country, people got

1 shot at the club. And I knew. I mean, I'll tell you --
2 to tell you how bad, the country I grew up in is -- you
3 didn't go to the chicken house on Saturday night. You
4 avoided the chicken house on Saturday nights. You had a
5 pretty good shot -- pretty good chance of not being shot.

6 But you got to live in the apartment. You got to
7 live. So, you know, the world has definitely changed in
8 the last twenty years. And it's hard to just avoid the
9 club, avoid the chicken house.

10 But I say once again, please, think about what was
11 going on out there. And I -- I -- I -- I -- I don't want
12 -- mean to besmirch the deceased. To -- to think that he
13 didn't have a weapon and to think that he wasn't at least
14 a part of it, a significant part of it, I -- I think he's
15 shortchanging it. I think you're leaving your common
16 sense at home if you don't get that.

17 Beyond that, again, proof beyond a reasonable doubt?
18 I submit, they're not close to that. Y'all's call, your
19 call. But I don't -- I submit that you, as jurors,
20 cannot be firmly convinced if you listen to the 911 call,
21 if you watch the video of Mikah Green, if you see his
22 face when Investigator Hilton says, "You know he's dead";
23 and Mikah Green says, "I am so sorry to hear that."

24 I -- I -- I -- I -- I -- I mean, Solicitor Nealy
25 says: "I -- I didn't see any remorse during that

1 interview." The clips that you saw, the clips that you
2 have seen so far are before Mikah Green knew any -- knew
3 the outcome of his friend, Stacy Rhodes. He was not
4 happy about it. He was saddened by it, true remorse, not
5 the face of a guy who had shot a man in the back.

6 When you weigh the evidence, apply the law, I submit
7 that the true verdict, the just verdict, in this case is
8 acquittal, is not guilty, as to Mikah Green. Thank you
9 so much for your attention.

10 THE COURT: Reply by the state?

11 REPLY ARGUMENT BY MR. NEELY

12 MR. NEELY: Who knows what happened? We heard from
13 the people who saw it happen. The streets didn't get up
14 and testify on that witness stand. The streets weren't
15 having panic attacks. The streets weren't crying.

16 Those are people who are testifying in a murder
17 case. That was real and it was scary. That wasn't the
18 streets up there. It was real people.

19 Alexia Smith knew that a black man walked up and
20 shot Stacy Rhodes in the back. Diamond Sanders knew that
21 a black man in a blue jersey that was arguing with Stacy
22 Rhodes shot Stacy Rhodes in the back.

23 J.J. knew Mikah Green shot Stacy Rhodes in the back,
24 because he knows Mikah Green. Did he get his shirt color
25 wrong? Yes, he did. It's been three years. And he

1 didn't have an opportunity to see the whole case before
2 he said anything.

3 Stacy Rhodes knew who shot him in the back. "Damn,
4 you shot me." Second before he said those words: "This
5 man is mad about a gambling game." "Damn, shot me." I
6 can't believe that somebody I was friendly with, that I
7 invited over to my house would shoot me in the back.

8 Stacy Rhodes isn't here to testify. But those words
9 tell you that he knew. He didn't -- he didn't see it.
10 He was faced the wrong way; hit him in the back. The
11 other people did. That is what gets us beyond -- to
12 firmly convinced.

13 Those people's testimony was real and it was true.
14 We'll be asking you to return a verdict of guilty for
15 murder and possession of a weapon during the commission
16 of a violent crime. Thank you.

17 THE COURT: Madam Forelady and members of the jury,
18 we're going to have you go to the jury for about five
19 minutes. And then you'll come back, and I will charge
20 you on the -- I'll charge you on the law, and then you'll
21 deliberate. If you'll go to the jury room.

22 (Whereupon, the jury exited the courtroom at 3:42
23 p.m.)

24 THE COURT: All right. We -- Mr. Green can move
25 back to his ---

1 MR. DUNCAN: Yeah. That's good.

2 THE COURT: --- spot over there.

3 THE DEFENDANT: Wait. Please ---

4 MR. DUNCAN: Thank you.

5 THE DEFENDANT: --- Your -- Your Honor, can I say
6 something please?

7 THE COURT: Yes, sir.

8 THE DEFENDANT: I don't -- I -- I don't see no
9 evidence of -- of -- of -- of -- of -- okay. I stated
10 what type of firearm I had twice. I stated it inside my
11 interview, and I stated it again. Mr. Archie said --
12 state -- stated that I had -- had -- I'll -- I'll take my
13 time -- I'll take the time if I did it, Your Honor.

14 THE COURT: Yeah.

15 THE DEFENDANT: I'll take the -- I don't care how
16 much it is. I'll take the time if I did it. But they
17 not saying -- what ---

18 MR. DUNCAN: Mikah ---

19 THE DEFENDANT: --- he -- no GSR; they're not saying
20 what he got hit with. They not saying none of that, Your
21 Honor.

22 MR. DUNCAN: Mikah ---

23 THE DEFENDANT: I'll take ---

24 THE COURT: Yeah.

25 THE DEFENDANT: --- the time. I -- I -- I'll go --

1 I'll go ---

2 THE COURT: All right.

3 THE DEFENDANT: --- I'll go if I -- I'll go if I --
4 okay. I'm sorry.

5 THE COURT: All right. We got to wait to see what
6 the jury says about it. Mr. Duncan has pleaded his case
7 -- pleaded your case -- as hard as he can ---

8 MR. DUNCAN: Hard as I can.

9 THE COURT: --- or could.

10 MR. DUNCAN: Thank you, sir.

11 THE COURT: And you've testified. So this is --
12 it's up to the jury to decide.

13 We'll take four minutes at this point.

14 MR. DUNCAN: Thank you, sir.

15 THE COURT: All right.

16 MR. CORY: Thank you, Your Honor.

17 THE COURT: All right.

18 (The Court went off the record at 3:44 p.m.)

19 (The Court went on the record at 3:51 p.m.)

20 THE COURT: Okay. Let's bring the jury.

21 (Off the record briefly.)

22 (Whereupon, the jury entered the courtroom at 3:51
23 p.m.)

24 THE BAILIFF: The jury is seated, Your Honor.

25 THE COURT: Okay.

CHARGE BY THE COURT

1
2 Madam Forelady and members of the jury, you've heard
3 the testimony, received the evidence, and you have heard
4 the arguments of the state and the defendant. I will now
5 explain to you the law that applies to this case.

6 Under the Constitution and laws of South Carolina,
7 you are the finders of the facts in this case. I do not
8 have the right to pass upon the facts or to even express
9 any opinion that I might have, because this is a matter
10 solely for you, the jury, to determine. As jurors then,
11 it is your duty to determine the effect, the value, the
12 weight of the -- and the weight of the evidence presented
13 during this trial.

14 As the trial judge, it is my responsibility to
15 preside over the trial of the case, to rule upon the
16 admissibility of the evidence offered during the trial,
17 and you are, therefore, to consider only the evidence
18 which has come through this -- testimony from this
19 witness stand, together with exhibits which have been
20 made a part of the record, exhibits including videos and
21 the like, which will be with you in the jury room.

22 I have the additional duty to charge you the law.
23 And as the presiding judge, I am the sole judge of the
24 law. It is your duty as jurors to accept as correct and
25 apply the law as I now state it to you. You will then

1 deliberate in an effort to reach your verdict. Finally,
2 I charge you in this regard that you should not be
3 concerned with what you think the law ought to be, but
4 what I charge you that the law is.

5 You are also the judges, the sole judges, of the
6 credibility -- that is, the believability -- of the
7 witnesses who have testified and of the evidence offered.
8 In considering credibility, you may take into
9 consideration many things, such as: the demeanor or
10 manner of testifying; whether the witness had reason to
11 be biased or prejudiced; whether the testimony was
12 contradicted, on the one hand, or corroborated and
13 supported, on the other hand. You may believe a small
14 portion of a witness's testimony and disregard the
15 larger, or vice versa. All these things you will
16 consider, bearing in mind that you should give the
17 defendant the benefit of any reasonable doubt. It
18 becomes your duty as jurors to analyze and to evaluate
19 the evidence and determine that evidence which convinces
20 you of its truth.

21 Now, normally, a person cannot give opinion
22 testimony. When person testifies, they must testify as
23 to what they either saw, heard, or sensed by smell, or
24 something of that nature. However, there is an exception
25 when someone is qualified because of education and

1 experience. These expert witnesses are permitted to give
2 their opinion in certain areas if the Court qualifies
3 them in that way. To give opinion testimony in that
4 area, that does not mean that you must accept the
5 opinion. But it is evidence for you use in any way you
6 see fit and give it the weight and credibility you
7 believe is -- is important.

8 There are two types of evidence which are generally
9 presented during a trial: direct evidence and
10 circumstantial evidence. Direct evidence directly proves
11 the existence of a fact and does not require deduction.
12 Circumstantial evidence is proof of a chain of facts and
13 circumstances indicating the existence of a fact.

14 Crimes may be proven by circumstantial evidence.
15 The law makes no distinction between the weight or value
16 to be given either direct or circumstantial evidence.
17 However, to the extent the state relies on circumstantial
18 evidence, the circumstances must be consistent with each
19 and, when taken together, point conclusively to the guilt
20 of the accused beyond a reasonable doubt. If these
21 circumstances merely portray the -- portray the
22 defendant's behavior as suspicious, the proof has failed.

23 The state has the burden of proving the defendant
24 guilty beyond a reasonable doubt. This burden rests with
25 the state, regardless of whether the state relies on

1 direct evidence, circumstantial evidence, or some
2 combination of the two.

3 Now, the fact that the defendant was arrested,
4 charged, and indicted in this case is not evidence and
5 cannot be used as evidence of guilt, nor does it create
6 any presumption or inference of guilt. These indictments
7 are simply the formal written instruments which contains
8 the charges made against the defendants. The indictments
9 are the formal documents by which the case is brought
10 into this Court.

11 The defendant has pled not guilty to each of these
12 indictments. And that plea puts the burden on the state
13 to prove the defendant guilty. A person charged with
14 committing a criminal offense in South Carolina is never
15 required to prove himself innocent.

16 I charge you that it is an important rule of the law
17 that the defendant in a criminal trial, no matter what
18 the seriousness of the charge will be, will always be
19 presumed to be innocent of the crime charged unless guilt
20 has been proven by evidence satisfying you of that guilt
21 beyond a reasonable doubt. This presumption of innocence
22 does not end when you begin your deliberations, but it
23 accompanies the defendant throughout the trial until you
24 reach a verdict of guilt based on evidence satisfying of
25 that guilt beyond a reasonable doubt.

1 The presumption of -- the presumption of innocence
2 is like a robe of righteousness placed about the
3 shoulders of the defendant, which remains with the
4 defendant until it has been stripped from the defendant
5 by evidence satisfying you of the defendant's guilt
6 beyond a reasonable doubt.

7 The presumption of innocence is not a mere legal
8 theory; it's not just a legal phrase. It is a
9 substantial right to which every defendant is entitled,
10 unless you, the jury, are satisfied from the evidence of
11 the guilt of the defendant beyond a reasonable doubt.

12 The indictments allege two offenses against the
13 defendant. The charges are murder and possession of a
14 weapon during the commission of a violent crime. Each
15 indictment charges a separate and distinct offense. You
16 must decide each indictment separately. You will be
17 asked to write a separate verdict of guilty or not guilty
18 for each indictment.

19 The defendant is charged with the murder of Stacy
20 Rhodes. The state must prove beyond a reasonable doubt
21 that the defendant killed Stacy Rhodes with malice
22 aforethought. Malice is hatred, ill will, or hostility
23 towards another person. It is the intentional doing of a
24 wrongful act without just cause or excuse or with an
25 intent to inflict an injury or under circumstances that

1 the law will infer evil intent.

2 Malice aforethought does not require that malice
3 exists for any particular time before the act is
4 committed. But malice must exist in the mind of the
5 defendant just before and at the time the act is
6 committed. Therefore, there must be a combination of the
7 previous evil intent and the act.

8 Malice aforethought may be expressed or inferred.
9 These terms, "expressed" and "inferred," do not mean
10 different kinds of malice, but merely the manner in which
11 malice may be shown to exist: that is, either by direct
12 evidence or by inference from the facts and circumstances
13 which are proven. Express malice is shown when a -- when
14 a person speaks words which express hatred or ill will
15 for another, or when the person prepared beforehand to do
16 the act which was later accomplished. Malice may be
17 inferred from conduct showing a total disregard for human
18 life.

19 The defendant is also charged -- charges -- also
20 charges the defendant with possession of a weapon during
21 the commission of a violent crime. The state must prove
22 beyond a reasonable doubt that the defendant was in
23 possession of a weapon during the commission of a violent
24 crime. A weapon is any article or instrument which is
25 likely to cause death or great bodily injury.

1 In order to find the defendant guilty of possession
2 of a weapon during the commission of a violent crime, you
3 must first find the defendant guilty of committing a
4 violent crime. Murder is a violent crime. The state
5 must prove beyond a reasonable doubt that the weapon
6 furthered, advanced, or helped in the commission of the
7 violent crime.

8 The state -- the state must prove the defendant
9 guilty beyond a reasonable doubt. So what is a
10 reasonable doubt in the law? A reasonable doubt is a
11 doubt which makes a reasonable, honest, sincere, and
12 conscientious juror to hesitate to act. Proof beyond a
13 reasonable doubt must therefore be proof of such a
14 convincing character that a reasonable person would not
15 hesitate an act upon it in the most important of his or
16 her own affairs.

17 Proof beyond a reasonable doubt can also be
18 described as proof that leaves you firmly convinced of
19 the defendant's guilt. Now, there are very few things in
20 this world that we know with absolute certainty. And in
21 criminal case, the law does not require proof that
22 overcomes every possible doubt. If, based on your
23 consideration of the evidence, you are firmly convinced
24 that the defendant is guilty of a crime charged, you must
25 find him guilty. If, on the other hand, you think there

1 is a real possibility that he's not guilty, you must then
2 give him the benefit of the doubt and find him not
3 guilty.

4 The defendant has raised the defense of self-
5 defense. Self-defense is a complete defense and, if it
6 is established, you must find the defendant not guilty.
7 The state has the burden of disproving self-defense by
8 proof beyond a reasonable doubt. If you have a
9 reasonable doubt of the guilt of the defendant after
10 considering all the evidence, including the evidence of
11 self-defense, then you must find the defendant not
12 guilty. On the other hand, if you have no reasonable
13 doubt of the guilt of the defendant after considering all
14 the evidence, including the evidence of self-defense,
15 then you must find the defendant guilty.

16 The following elements are required to establish
17 self-defense: First, the defendant must be without fault
18 in bringing on the difficulty. If the conduct of the
19 defendant was type -- was the type which was reasonably
20 calculated to, and did, provoke a deadly or serious
21 assault, the -- the defendant would be at fault in
22 bringing on the difficulty and would not be entitled to
23 an acquittal based on self-defense.

24 The second element of self-defense is that the
25 defendant was actually in imminent danger of death or

1 serious bodily injury or that the defendant actually
2 believed he was in imminent danger of death or serious
3 bodily injury. If the defendant was actually in imminent
4 danger, it must be shown that the circumstances would
5 have warranted a person of ordinary firmness and courage
6 to strike the fatal blow to prevent death or serious
7 bodily injury. If the defendant believed he was imminent
8 danger of death or serious bodily injury, it must be
9 shown that a reasonably prudent person of ordinary
10 firmness and courage would've had the same belief.

11 In deciding whether the defendant actually was or
12 believed he was in imminent danger of death or serious
13 bodily injury, you should consider all the facts and
14 circumstances surrounding the crime, including the
15 physical condition and characteristics of the defendant
16 and the victim.

17 The defendant does not have to show that he was
18 actually in danger. It is enough -- enough if the
19 defendant believed he was in imminent danger and a
20 reasonably prudent person of ordinary firmness and
21 courage would've had the same belief.

22 The defendant has a right to act on appearances,
23 even though the beliefs of the defendant may have been
24 mistaken. It is for you to decide whether the fear of
25 the defendant of immediate danger of death or serious

1 bodily injury was reasonable and would've been felt by an
2 ordinary person in the same situation.

3 Evidence of prior -- prior difficulty between the
4 defendant and the victim may be considered in deciding
5 warrant a threat existed, whether the defendant had
6 reason to believe a threat existed, and how serious that
7 threat was. The intoxication of a victim may be
8 considered in deciding whether the intoxication of a
9 victim, if any, may be considered in deciding whether the
10 fear of defendant of death or bodily injury was
11 reasonable. Threats made by the -- the victim, if any,
12 may be considered in determining whether the defendant
13 actually was or believed he was in imminent danger.

14 The final element of self-defense is that the
15 defendant had no other probable way of avoiding the
16 danger of death or serious bodily injury than to act as
17 the defendant did in this particular instance.

18 Now, while the arguments of counsel are a beneficial
19 part of every trial, you should remember that the
20 statements made by counsel are not evidence. In
21 presenting their arguments, counsel often refer to the
22 evidence. However, you should -- often refer to their
23 evidence or as their belief about the evidence. However,
24 you should -- should base your verdict on the evidence as
25 you remember it. If there are any conflicts between the

1 recollection of counsel about the evidence and your own
2 recollection, you should rely on your own understanding
3 of the evidence.

4 Now, Madam Forelady and members of the jury, I'm
5 required to charge you the law as I have done through
6 these instructions now being given to help guide you to a
7 just and lawful verdict. Whether some of these
8 instructions will apply will depend upon what you find to
9 be the facts. The fact that I have instructed you on
10 various subjects must not be considered as indicating an
11 opinion of this Court as to what you should find to be
12 the facts or what your verdict should be.

13 Now, you've been chosen and sworn to give the
14 parties a fair and impartial trial. When you have done
15 so, you will have completed your -- complied with your
16 oath and no one will have a right to criticize your
17 verdict. You must not be influenced by opinion or
18 expression of opinion you may have heard outside of the
19 courtroom, but rather should base your verdict solely on
20 the testimony of the sworn witnesses who took the stand,
21 the exhibits received into evidence, and the law which I
22 have stated.

23 You should not be swayed by caprice, passion,
24 prejudice, or improper sympathy for or against anyone.
25 Remember, you have no friends to reward or enemies to

1 punish and all parties are entitled to a fair and
2 impartial trial.

3 It is your duty as jurors to consult with one
4 another and to deliberate in an effort to reach an
5 agreement. Each of you must decide this case for
6 yourself, but only after impartial consideration of all
7 the evidence with your fellow jurors.

8 In the course of your deliberation, do not hesitate
9 to reexamine your own views and change your opinion if
10 you become convinced it is erroneous. However, do not
11 surrender your honest conviction as to the weight or
12 effect of the evidence solely because of the opinion or
13 -- of your fellow jurors or for the mere purpose of
14 returning a verdict. As I stated earlier, you are the
15 judges, judges of the facts. Your verdict must represent
16 the considered judgment of each juror. In other words,
17 your verdict must be unanimous.

18 Now, you may have noticed that I have read these
19 instructions. I do so to give you the law as accurately
20 as possible. I will give you a copy of these
21 instructions to have in the jury room. You may refer to
22 these instructions to assist you in your deliberations.
23 You must consider the instructions as a whole and may not
24 follow some and ignore others.

25 And, Madam Forelady, it will be your duty to preside

1 over the deliberations of the jury. If, during your
2 deliberations, you should desire to communicate with the
3 Court, please reduce your message or question to writing,
4 signed by your foreperson and the foreperson only, and
5 pass the note to the bailiff, who will bring it to my
6 attention. I will then respond as promptly as possible,
7 either in writing or by having you return to the jury
8 room. I caution you, however, with regard to any message
9 or question you might send, that you should never state
10 or specify your numerical division at the time.

11 Now you've heard the evidence and you've heard the
12 law. Whatever your verdict, Madam Forelady, you will
13 indicate it on the back of the verdict form. You'll
14 indicate it by writing "guilty" or "not guilty" on the
15 back of the verdict form in an area right above where it
16 says "foreperson of petit jury" and date. You'll then
17 sign and date the verdict.

18 Remember that although the foreperson is the only
19 juror who writes the verdict, it is not hers alone. The
20 verdict has to be unanimous. And, Madam Forelady, you
21 are not authorized to write the verdict until all of you
22 have agreed on the verdict.

23 Now, ladies and gentlemen, I will send you to the
24 verdict -- to the jury room now. But do not begin your
25 deliberations until you have received a copy of this jury

1 charge, the indictments, and the exhibits. Once you
2 receive these things, that will be your signal to begin
3 your deliberations.

4 Once you begin deliberations, you will deliberate
5 until you have reached a verdict, at which time you will
6 knock on the door, advise the bailiff, and we will bring
7 you out to receive your verdict.

8 Now, we have 13 jurors left. If any one of the --
9 you jurors cannot participate in -- in the deliberations
10 because you cannot be in the same space for a long period
11 of time, if you have any reason why you cannot continue
12 with deliberations, please let me know at this time,
13 while we have 13 jurors.

14 (Whereupon, no juror responded.)

15 THE COURT: So since all jurors indicate that they
16 are good to go with deliberations, Juror No. 279, the
17 last juror selected, you will not go back to the jury
18 room to participate in the deliberations of the jury.

19 So I ask that you go back to the jury room at this
20 time, except for the 13th juror.

21 The 13th juror, Miss Keyla Ruegamer ---

22 JUROR: (Indicated.)

23 THE COURT: There she is.

24 JUROR: Yes.

25 THE COURT: I couldn't see you over there.

1 JUROR: I'm sorry.

2 THE COURT: Just sit -- just hold tight for a
3 moment.

4 JUROR: Okay.

5 THE COURT: All right.

6 (Off the record briefly.)

7 (Whereupon, the jury exited the courtroom at 4:16
8 p.m.)

9 THE COURT: Are there any additions or exceptions to
10 the charge?

11 MR. NEELY: Not from the state, Your Honor.

12 MR. DUNCAN: Not from the defendant, Your Honor.

13 THE COURT: All right. If you all will look at the

14 ---

15 MR. DUNCAN: Exhibits.

16 THE COURT: --- exhibits and agree on those, and
17 we'll have the jury go back and begin deliberating.

18 (The Court went off the record at 4:16 p.m.)

19 (Whereupon, the jury began deliberating at 4:22
20 p.m.)

21 (The Court went on the record at 6:18 p.m.)

22 THE COURT: Okay. I understand that there is a
23 verdict. So we can bring the jury.

24 (Off the record briefly.)

25 (Whereupon, the jury entered the courtroom at 6:19

1 p.m.)

2 THE BAILIFF: The jury is seated, Your Honor.

3 THE COURT: All right. Thank you.

4 Madam Forelady, if you'll stand for me.

5 THE FOREPERSON: (Complied.)

6 THE COURT: Have you reached a verdict?

7 THE FOREPERSON: Yes, sir, we have.

8 THE COURT: Is it unanimous?

9 THE FOREPERSON: Yes, sir, it is.

10 THE COURT: Okay. If you'll pass it up to Mr.
11 Bowen, and you may be seated.

12 THE FOREPERSON: (Complied.)

13 THE COURT: Madam clerk, you may publish the
14 verdict.

15 The defendant will rise.

16 THE DEFENDANT: (Complied.)

17 VERDICT OF THE JURY

18 DEPUTY CLERK OF COURT: (As read): In the State of
19 South Carolina, County of Richland, Indictment No. 2022-
20 GS-40-00106, *State of South Carolina v. Mikah Nelsun*
21 *Green*, the verdict is guilty, signed by the foreperson,
22 March 2nd, 2022.

23 THE COURT: If you'll announce the charge as well on
24 each indictment.

25 DEPUTY CLERK OF COURT: Oh, I'm sorry.

1 The charge on the first one that I just read is
2 possession of a weapon during the commission of a violent
3 crime.

4 (As read): In the case of State of South Carolina,
5 County of Richland, Indictment No. 2022-GS-40-00105,
6 *State of South Carolina v. Mikah Nelsun Green*, the
7 indictment is for murder. The verdict is guilty, signed
8 by the foreperson, March 2nd, 2022.

9 Ladies and gentlemen of the jury, is this your
10 verdict, so say all of you?

11 JURORS: (Responded affirmatively.)

12 DEPUTY CLERK OF COURT: All of you?

13 THE COURT: If it's your verdict, raise your right
14 hands, please.

15 DEPUTY CLERK OF COURT: Thank you.

16 (Whereupon, all jurors raised their right hand.)

17 DEPUTY CLERK OF COURT: Thank you.

18 THE COURT: All right. Thank you.

19 The verdict appears to be a unanimous verdict of the
20 jury. Any individual polling requested?

21 MR. DUNCAN: I would, Your Honor.

22 THE COURT: All right. Madam clerk, if you will
23 poll each juror individually.

24 DEPUTY CLERK OF COURT: Yes, sir.

25

POLLING OF THE JURY

DEPUTY CLERK OF COURT: As -- I'm going to ask you two questions.

Juror No. 177, is was this your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Thank you.

Juror No. 167, was this your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Thank you.

Juror No. 173, is this -- was this your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Is this still your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Thank you.

Juror No. 12, was this your verdict?

JUROR: Yes.

DEPUTY CLERK OF COURT: Is this still your verdict?

JUROR: Yes, ma'am.

DEPUTY CLERK OF COURT: Thank you.

Juror No. 312, was this your verdict?

JUROR: Yes, ma'am.

1 DEPUTY CLERK OF COURT: Can you speak up?
2 JUROR: Yes, ma'am.
3 DEPUTY CLERK OF COURT: Is this still your verdict?
4 JUROR: Yes, ma'am.
5 DEPUTY CLERK OF COURT: Thank you.
6 Juror No. 100, was this your verdict?
7 JUROR: Yes, ma'am.
8 DEPUTY CLERK OF COURT: Is this still your verdict?
9 JUROR: Yes, ma'am.
10 DEPUTY CLERK OF COURT: Thank you.
11 Juror No. 131, was this your verdict?
12 JUROR: Yes, ma'am.
13 DEPUTY CLERK OF COURT: Is this still your verdict?
14 JUROR: Yes, ma'am.
15 DEPUTY CLERK OF COURT: Thank you.
16 Juror No. 113, was this your verdict?
17 JUROR: Yes, ma'am.
18 DEPUTY CLERK OF COURT: Is this still your verdict?
19 JUROR: Yes, ma'am.
20 DEPUTY CLERK OF COURT: Thank you.
21 Juror No. 303, was this your verdict?
22 JUROR: Yes, ma'am.
23 DEPUTY CLERK OF COURT: Is this still your verdict?
24 JUROR: Yes, ma'am.
25 DEPUTY CLERK OF COURT: Thank you.

1 Juror No. 295, was this your verdict?

2 JUROR: Yes, ma'am.

3 DEPUTY CLERK OF COURT: Is this still your verdict?

4 JUROR: Yes, ma'am.

5 DEPUTY CLERK OF COURT: Thank you.

6 Juror No. 306, was this your verdict?

7 JUROR: Yes, ma'am.

8 DEPUTY CLERK OF COURT: Thank you. Was this -- is
9 this still your verdict?

10 JUROR: Yes, ma'am.

11 DEPUTY CLERK OF COURT: Thank you.

12 Juror No. 141, was this your verdict?

13 JUROR: Yes, ma'am.

14 DEPUTY CLERK OF COURT: Is this still your verdict?

15 JUROR: Yes, ma'am.

16 DEPUTY CLERK OF COURT: Thank you.

17 Your Honor, the jury has been polled.

18 THE COURT: All right. The jury has been polled.

19 It is a unanimous verdict of the jury, finding the
20 defendant guilty of murder and guilty of possession of a
21 weapon during the commission of a violent crime, the
22 violent crime being murder.

23 Any posttrial motions?

24 MR. DUNCAN: Your Honor, I would renew my motion for
25 a directed verdict that I made at the close of the

1 state's evidence on the same ground.

2 THE COURT: All right. Any response by the state?

3 MR. NEELY: Not from the state, Your Honor.

4 THE COURT: All right. The -- as -- as stated at
5 the end of the state's case, the -- there was
6 overwhelming evidence, if believed by the jury, to
7 indicate that the defendant is guilty. We had direct
8 testimony of eyewitnesses, testifying that they saw the
9 defendant shoot the victim in the back, the victim being
10 unarmed. That testimony was corroborated in many ways
11 during the course of the trial.

12 I find that the jury's verdict is supported by the
13 evidence in the case, and I deny the motion --
14 respectfully deny the motion for a -- what's -- what's
15 the motion for?

16 MR. DUNCAN: It's -- it was for a directed verdict
17 of a ---

18 THE COURT: All right. The directed verdict is at
19 the end of the state -- state's case. What is it in a
20 criminal case? Not judgment notwithstanding the verdict.
21 It's still a directed verdict?

22 MR. DUNCAN: I think it's still called a directed
23 verdict, Your Honor. That's ---

24 THE COURT: Solicitor?

25 MR. DUNCAN: --- that's what the rule book says.

1 MR. NEELY: Your Honor, I believe that's correct.

2 MR. DUNCAN: Rule ---

3 THE COURT: Directed verdict ---

4 MR. DUNCAN: --- Rule 19 -- Rule -- Rule 19 of the
5 ---

6 THE COURT: Rule 19, let's see.

7 MR. DUNCAN: --- South Carolina Rules Criminal
8 Procedure.

9 THE COURT: All right. Let me see what it says.

10 (Off the record briefly.)

11 THE COURT: Criminal Rule 8 -- Criminal Rule 19 (as
12 read): On motion of the defendant or on other -- Court's
13 own motion, the Court shall direct a verdict in
14 defendant's favor on any offense charged in the
15 indictment after the evidence on either side is closed,
16 if there is a failure of competent evidence. In ruling,
17 the trial judge shall consider only the existence or
18 nonevidence, not its -- not its weight. If a defendant's
19 motion for directed verdict at the close of the evidence
20 offered by the state is not granted, the defendant may --
21 may offer evidence without having the right -- having
22 reserved the right. Submission of case to the jury:
23 Submission of any charge to the jury shall constitute a
24 denial of the motion by the defendant and not ruled on.

25 (Off the record briefly.)

1 THE COURT: Do you have any other criminal-type
2 motion?

3 THE COURT: No, sir.

4 THE COURT: Okay.

5 MR. NEELY: Nothing from the state, Your Honor.

6 THE COURT: All right.

7 Who else has any other thought as to the proper
8 title of the motion you make after the jury finds someone
9 guilty in a criminal case? Civil court is judgment
10 notwithstanding the verdict.

11 (Off the record briefly.)

12 THE COURT: All right. The Court considers all
13 posttrial motions having been properly made contesting
14 the appropriateness of the jury verdict, that being a
15 motion for new trial, based on the arguments made by
16 counsel. Those motions are denied.

17 Ladies and gentlemen, after you have found a person
18 guilty, then it becomes my duty to impose a sentence.
19 You have no role in the sentencing. But I usually have
20 the jurors -- jury stick around, if they would like to,
21 as we move into the sentencing phase of the proceedings.

22 Any reason why we should not proceed to sentencing
23 at this time? From the state?

24 MR. NEELY: Not from the state, Your Honor.

25 THE COURT: From the defense?

1 MR. DUNCAN: No, Your Honor.

2 THE COURT: All right. So if Mr. -- who do you have
3 wanting to address the Court?

4 MR. NEELY: Beg the Court's indulgence.

5 (Off the record briefly.)

6 MR. NEELY: Your Honor, we have three victims -- the
7 victim's mother, sister, and grandmother -- that wish to
8 address the Court.

9 THE COURT: Okay. And they're going to talk from up
10 there or come down here?

11 Ms. -- from right there?

12 VICTIM ADVOCATE: Yes, sir.

13 THE COURT: Okay.

14 (Off the record briefly.)

15 MS. TREASSA RHODES: I want y'all to see what he
16 took. My name is Treassa Rhodes. I was -- I'm his
17 mother of -- Stacy was my -- mother to Stacy Rhodes.
18 This is ---

19 THE COURT: All right.

20 MS. TREASSA RHODES: --- my baby.

21 THE COURT: You must talk louder, since you're so
22 far away, if you want me to hear you.

23 MS. TREASSA RHODES: This was my baby. He took my
24 baby away from me. He took my baby away from his kids
25 and his family. My son would've gave him the shirt off

1 his back. He shot my son. He took my son from me.

2 And Lord, Your Honor, please have no mercy on him,
3 because he had none on my child. And Lord, wherever he
4 at, I hope he burn in hell. Oh, Lord.

5 THE COURT: All right. Thank you, ma'am.

6 MS. QUATTLEBAUM: My name is Wanda Quattlebaum. My
7 daughter have two kids from him, from Stacy Rhodes.

8 Your Honor, I want to know, how do you mend a broken
9 heart? How do you mend a broken heart? March 30th --
10 started -- oh, God, that was the worst call of my life.

11 Days went by. My baby at her house; I'm at my
12 house. She's locked in a bathroom, crying. I'm in the
13 shower. I get up out of the shower; run over her house.
14 She won't open the door for me. And I'm laying on the
15 floor, trying to look up under the door to see if my baby
16 okay.

17 You took everything away from her, everything. How
18 do you mend a broken heart? Two things I know for sure
19 we can't shield our kids from is death and love. You
20 broke both of those. You took both of those from my baby
21 and my grandsons. You took both of those away from him.

22 God, I don't never want nobody to explain this. No
23 one, Your Honor. How do you mend a broken heart? Please
24 tell me, because I don't know. I don't know.

25 Thank you, Your Honor. Thank you to the jury.

1 THE COURT: Yes, ma'am. Thank you.

2 MS. LASHONDA RHODES: My name -- my name is LaShonda
3 Rhodes, and Stacy was my brother. I'm the oldest out of
4 -- well, now I only got two. But I'm the oldest out of
5 Stacy; my brother, J.J.; ; and my brother, Sweet Pea.

6 To you, Mikah, you took away -- you broke a chain
7 that'll never be able to connect again. You took my big
8 brother away from us. You took our big brother away from
9 us for nonsense. You said my brother was your friend,
10 and you knew my brother would've give you anything you
11 wanted. Because that was the type of person he was.

12 But you envy him and you kill him. You shot my
13 brother from behind, when he didn't have a chance to
14 defend hisself. You took my brother away from his kids.
15 My brother got four boys that he'll never be able to see
16 again.

17 March the 30th, 2019, when I got that phone call at
18 7:30 when my baby brother called me and told me that my
19 brother got killed -- that my brother -- that my brother
20 got shot, that was the worst day of my life. I didn't
21 imagine I -- in a hundred years that I would've been
22 standing here, facing the murder of my brother, Stacy
23 Windell Rhodes.

24 So when March the 30th come around, 2022, we have to
25 go to a graveyard and put flowers on his grave. When

1 December the 3rd come, that's his birthday. We have to
2 go to a graveyard to visit him. The only memories that
3 we have of my brother is his kids and pictures and
4 videos.

5 You took a big part of us, a big part from us. And
6 I hope you burn in the pits of hell. That's all I got to
7 say.

8 THE COURT: All right. Thank you.

9 Anything else from the state?

10 MR. NEELY: Nothing from the state, Your Honor.

11 (Off the record briefly.)

12 THE COURT: Mr. Duncan?

13 MR. DUNCAN: Yes, sir, Your Honor ---

14 THE COURT: All right.

15 MR. DUNCAN: --- Your Honor.

16 THE COURT: Yes, sir.

17 MR. DUNCAN: Your Honor, Mr. -- my client, Mr.

18 Green, I -- I've heard the -- obviously heard the jury's
19 verdict. The -- as I understand, the minimum sentence
20 for murder in this state is 30 years, day for day. And
21 Mr. Green is currently 25 years old. He has a 4-year-old
22 son, a 3-year-old daughter.

23 In the courtroom is his -- the mother of that 3-
24 year-old son, who's name is Valentino, and his two
25 brothers, Andrew and Tyler. He come -- comes from a good

1 family down in Clarendon County in Manning. His great-
2 grandmother recently passed away. She was very
3 instrumental in raising him.

4 He's been a hardworking young man throughout the
5 course of his life. He has -- and the solicitor, I'm
6 sure, will correct me if I'm wrong. But as I recall, he
7 has a conviction for receiving stolen goods of greater
8 than \$2,000 is his record. I think that's the only
9 conviction on his record here at the age of 25. He'll be
10 26 in a month. He'll be 26 in April.

11 Your Honor, I -- I believe that a -- the 30-year
12 sentence would be sufficient for Mr. Green, given his
13 lack of record, his -- and his family's situation and
14 would respectfully request a -- that sentence in this
15 case.

16 THE COURT: All right. Regarding his criminal
17 record, Solicitor, is that correct or not correct?

18 MR. NEELY: Your Honor, I believe it's receiving
19 stolen goods, two to ten thousand. It's three charges of
20 the same thing; they were pled the same day. So it is --
21 it is receiving stolen goods, two to ten thousand, three
22 charges, I believe.

23 THE COURT: And when was that?

24 MR. NEELY: Your Honor, I -- I do not have that in
25 front of me, Your Honor.

1 MR. DUNCAN: It -- it -- it's -- it's been since
2 this incident. I mean, he pled guilty since 2019.

3 THE COURT: All right. Any -- anyone else want to
4 say anything on behalf of Mr. Green?

5 MS. JETER: Yes. On behalf of him?

6 THE COURT: On behalf of Mr. Green, yes.

7 MS. JETER: Yes.

8 THE COURT: Yes, ma'am.

9 MS. JETER: Well, I was ---

10 MR. DUNCAN: Identify yourself.

11 MS. JETER: Oh. Laura Jeter.

12 THE COURT: All right, Ms. Jeter.

13 MS. JETER: Yeah. I wasn't expecting to speak or
14 nothing. However, he is a great person. He's -- he --
15 he's a great person, regardless of what anybody's trying
16 to -- picture they're trying to paint of him. That --
17 that's not him.

18 It's sad that he -- he wasn't believed, but we are
19 where we are. And if -- that -- you know, the whole
20 situation that day, you know, was wild.

21 THE COURT: Yeah. Well, we're not ---

22 MS. JETER: So ---

23 THE COURT: --- we've been through the ---

24 MS. JETER: Yeah.

25 THE COURT: --- whole situation ---

1 MS. JETER: Yeah. I'm not ---

2 THE COURT: --- that ---

3 MS. JETER: --- speaking on ---

4 THE COURT: --- day.

5 MS. JETER: --- then. I'm just saying ---

6 THE COURT: Yeah. We're talking now about
7 sentencing him. Do you have any ---

8 MS. JETER: Well, I don't -- I'm hoping for a --
9 well, a minimum sentence, the minimumness [sic]. He does
10 have kids out here. They do need him. He was very
11 active in ---

12 THE COURT: Well, if he ---

13 MS. JETER: --- their life.

14 THE COURT: --- get a 30-year sentence -- if he gets
15 the minimum, they won't be kids anymore.

16 MS. JETER: No. They'll be adults.

17 THE COURT: Yeah. Right. So ---

18 MS. JETER: But he -- they'll still be here to see
19 him at some point, so that's all we can hope for.

20 Your family loves you, Mikah.

21 THE COURT: Okay. Thank you.

22 Yes, sir.

23 MR. DAVIS: Your Honor, I'm Tyler Davis. I'm
24 Mikah's little brother. Yeah. I'm Mikah's little
25 brother.

1 I just know that in life, everybody makes mistakes
2 that just everybody doesn't have the chance to correct.
3 And I just ask that you take that into consideration when
4 you make the decision what my brother's going to get this
5 evening. And that's all I can really say.

6 What I said first was the best way to say it, that
7 everybody make mistakes but everybody don't get the
8 chance to correct them. I just ask that you don't put
9 him in prison for the rest of his life so that we'll
10 never be able to see him again, like, out on the land.

11 I understand that people go through pain. And I
12 respect the pain, too, because I've lost people of my own
13 that I love. But I feel like everybody deserves a second
14 chance. Even if my brother was in here dead, I wouldn't
15 have came in here and -- that's just me, because
16 everybody got different morals. But I just want you to
17 understand ---

18 THE COURT: Yeah. Do you live here in Columbia?

19 MR. DAVIS: No. I'm not from Columbia, sir.

20 THE COURT: You're from Manning?

21 MR. DAVIS: Yes, sir.

22 THE COURT: How long has he been here in Columbia?

23 MR. DAVIS: He been living in Columbia, I would say,
24 seven year ---

25 THE COURT: Seven years?

1 MR. DAVIS: --- altogether, including how long
2 they've kept him incarcerated with this situation here
3 prior.

4 And, you know, coming from a small town to a big
5 situation, you know, you can be swallowed, you know. And
6 -- and -- and I just feel that's what's been done with my
7 brother. He just was sent into a situation that maybe he
8 was not ready for and it swallowed him whole.

9 And I just ask that you please give him another
10 chance at life. I understand that the minimum is 30 and
11 the max could be life. But I feel like 30 years from
12 now, you won't think the same on something that you
13 thinking on today, 30 years from now.

14 THE COURT: Well, 30 years from now I'll be 100 if I
15 make it.

16 MR. DAVIS: Yeah. But what I mean is the decision
17 you would make today, you won't make 30 ---

18 THE COURT: Right.

19 MR. DAVIS: --- years from now, as far as maturity.
20 He basically matured last year and became a man, but he
21 didn't notice that on the street. I didn't notice that
22 when I was out here with him too. You feel me?

23 But now I do. And I just want to -- I wanted to be
24 able to speak up and say that. Because everybody bad.
25 Everybody done did something bad. And everybody deserve

1 a second chance.

2 If the shoe would be turned, it would be one of them
3 standing right here, saying the same thing I'm saying.
4 So I'm going to say it. And that's all I got to say.

5 THE COURT: All right. Well, you're -- you're well-
6 spoken and I appreciate everything you've said.

7 And Mr. Duncan?

8 THE COURT: Your Honor, that's -- that's what we
9 have to say.

10 THE COURT: All right. Mr. Green, what would you
11 like to say?

12 THE DEFENDANT: There's a lot I'd like to say, sir.
13 But at this point, it's -- it -- it's -- it -- it -- it's
14 really no need. All I could do is ask for the least,
15 Your Honor. I -- I -- I know -- it's a lot I want to
16 say.

17 But I don't -- I don't want to say the wrong things
18 at this time, Your Honor. But this situation is crazy,
19 man. It's crazy. I -- it's crazy. Like, I -- it's
20 better I just keep my mouth shut, Your Honor.

21 THE COURT: Okay.

22 Well, I'll give the state a chance to respond or any
23 family people who want to say anything -- a chance to
24 respond.

25 MR. NEELY: Nothing more from the state, Your Honor.

1 Oh, sorry.

2 MS. LASHONDA RHODES: Yes, sir. Yes, sir.

3 Yeah. He -- I -- I understand he has two -- two
4 kids. I understand that. But also, I want you to
5 understand that my brother have kids too.

6 He'll be able to see his kids: visitation. My
7 brother won't be able to see none of his kids. My
8 brother will never be able to see his kids. His kids
9 will never be able to see him. His kids have to go to a
10 grave.

11 His kids can go -- come -- go to a prison and see
12 him. His kids can hug him and touch him, if they ever do
13 get a chance to see him. My brother kids will never able
14 to get that chance. If he get out, he'll have a chance.
15 His kids will be -- can be older.

16 But yeah. He'll be able to have a chance if he's in
17 -- if they in high school or whatever -- out of school.
18 He'll be able to see his grandkids. My brother will
19 never be able to see grandkids.

20 So I feel like he should get the max.

21 THE COURT: All right. Thank you.

22 Well, it's always difficult when it comes to this
23 time for sentencing someone who's been convicted of a
24 crime, regardless of what the crime is. But when the
25 crime is murder, then it's especially difficult, given

1 the minimum sentence is 30; the maximum is life. And I
2 think the last two times I've been in this situation,
3 that it was difficult as well. So I don't want to
4 compare any one sentence to another.

5 Well, first, I want to thank the family, everyone
6 who has been here in -- in support of Mr. Rhodes. I want
7 to thank you all for the way you all have carried
8 yourselves during the court -- the trial. I know it's --
9 it's -- it -- it -- I know it wasn't easy because it's --
10 when you hear someone saying all kinds of negative and
11 bad things about your loved one, who is not here to
12 defend themselves or to speak on their own behalves, you
13 know, I'm -- I'm sure, at some point, you wanted to jump
14 across the rail. But you all have done well and stayed
15 there and kept appropriate decorum.

16 And I want to thank you for that, as -- as well as
17 the family of Mr. Green. You know, I've been in here
18 where people have jumped across the rail to try to get to
19 people, being so upset about what they've done.

20 You know, how do you mend a broken heart? You know,
21 there's a -- it -- it -- I guess the answer is you can't.
22 Certainly, nothing we do here today can.

23 You know, concerning this person making mistake in
24 life, you know, that -- that works pretty well in the
25 video games, where they're -- people are shot down and

1 then they get up and -- and keep going again. But in
2 this-type situation, in this society in certain areas
3 where people carry guns and -- and shoot people like
4 they're dealing with a video game, it -- you know, it is
5 kind of -- has to be a tough reality, Mr. Green. Because
6 if you had -- had to do it over again, you probably
7 wouldn't have shot Mr. -- and killed Mr. Rhodes.

8 But you did, and you don't get an opportunity to --
9 to do that over. And you have to face the consequences.
10 The evidence clearly shows what you did, and the jury has
11 found you guilty of -- of doing what you did.

12 SENTENCE OF THE COURT

13 THE COURT: So the sentence of the Court on murder
14 is that you be committed to the State Department of
15 Corrections for a period of 35 years. And for possession
16 of a weapon during the commission of a violent crime, the
17 sentence is 5 years. And that's the sentence of the
18 Court. The 35 and the 5 will be run concurrently. I
19 wish you the best of luck.

20 MR. NEELY: Thank you, Your Honor.

21 MR. DUNCAN: Thank you, Your Honor.

22 THE COURT: All right. Ladies and gentlemen, you
23 all didn't volunteer. You were drafted. You responded
24 jury service, and we appreciate it. Your jury service is
25 over.

1 If I can answer any questions for anyone, I'll be
2 happy to do so outside. I always like to speak to the
3 foreperson after verdict to see what's on their mind.
4 Thank you very much, and you're good to go.

5 For the next year, you're disqualified. For two
6 additional years, you may choose not to serve. You're
7 not required to serve more often than once every three
8 years, and some people never get called. So thank you
9 all a lot.

10 (Whereupon, the jury exited the courtroom at 6:49
11 p.m.)

12 (Off the record briefly.)

13 THE COURT: So let's see. We need to confirm
14 whether or not he gets credit for time served. I think
15 he does, doesn't he?

16 MR. NEELY: I believe ---

17 MR. DUNCAN: I ---

18 MR. NEELY: --- so, Your Honor.

19 MR. DUNCAN: --- I think he's -- he's been in jail
20 the entire time.

21 THE COURT: And so I need ---

22 MR. DUNCAN: So it's ---

23 THE COURT: --- to know the number of days that he
24 gets credit for.

25 MR. DUNCAN: If somebody got a calculator, I'd

1 appreciate it. It is -- he went to jail March 31, 2019,
2 and has been there ever since, for nearly three. Been
3 about three.

4 MR. NEELY: So 1,067 days, Your Honor.

5 THE COURT: 1,067 days? Does that sound right to
6 you, Mr. Duncan?

7 MR. DUNCAN: Your Honor, my math is a little shaky.
8 But that's -- sounds -- if it was three full years, it
9 would -- that sounds very close. I -- I believe him. I
10 believe his math.

11 (Off the record briefly.)

12 THE COURT: Okay. He's given credit for 1,067 days.
13 All right. Thank you, everybody.

14 MR. DUNCAN: Thank you, Your Honor.

15 MR. NEELY: Thank you, Your Honor.

16 (Whereupon, the proceeding was concluded at 6:51 p.m.)

17 --- END OF TRANSCRIPT OF RECORD ---

18 VOLUME 3 OF 3
19
20
21
22
23
24
25

CERTIFICATE

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR, RVR-M, Official Court Reporter (Retired) 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 Volume 3 of the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Richland County, South Carolina, for the portion of trial held on the 2nd day of March, 2022.

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



Maryann S. Nevers, CVR-M-CM, RVR, RVR-M
Official Court Reporter (Retired)

Leland, North Carolina

April 29, 2022

WITNESSES

(S) Emmit Gilliam

– Columbia Police Department

ARREST WARRANT NUMBER

2019A4021600970

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

JAN 25 2022

VERDICT

Guilty

TRUE BILL

Foreperson of Petit Jury
Date:

03/02/2022

DOCKET NO. 2022GS4000105

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2022

131

THE STATE

vs.

Mikah Nelsun Green

**Indictment for
MURDER**

SC Code: 16-03-0010

CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

SCANNED

627

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

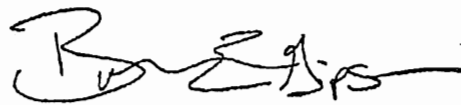
INDICTMENT

At a Court of General Sessions, convened on January 25, 2022, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Mikah Nelsun Green did, in Richland County, on or about
March 30, 2019, kill the victim, Stacy Rhodes, with malice aforethought, by
means of firearm, and the victim did die as a proximate result thereof. All
in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

STATE

VS.

INDICTMENT/CASE#: 2022GS4000105Mikah Nelsun GreenA/W#: 2019A4021600970

AKA: _____

Date of Offense: 3/30/2019Race: BLACK Sex: M Age: 25S.C. Code § : 16-03-0010DOB: [REDACTED] SS# _____CDR Code #: 0116Address: [REDACTED] Summerton HwyCity, State, Zip: Manning, SC 29102-8240

DL#: _____ SID#: _____

SENTENCE SHEET

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

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Murder / Murderin violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand _____ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Neely, RustonSC Bar# 100192

Defendant

Duncan, William Michael
Attorney for Defendant

SCB01162

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 35 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.1067 (days/months)☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Mikah Nelsun Green INDICTMENT/CASE#: 2022GS4000105

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp. ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

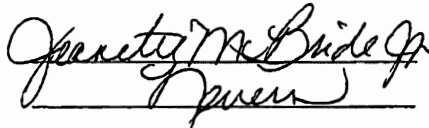
Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly	pmts. of \$	Beginning	\$
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114(BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500		\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ 3.75
	TOTAL		\$ 128.75

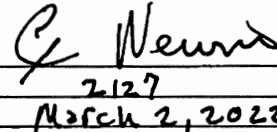
Clerk of Court/ Deputy Clerk:



Presiding Judge:

Judge Code:

Sentence Date:



WITNESSES

(S) Emmit Gilliam

– Columbia Police Department

ARREST WARRANT NUMBER

2019A4021600971

ACTION OF GRAND JURY

DOCKET NO. 2022GS4000106

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2022

131

**THE STATE
vs.**

Mikah Nelsun Green

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

Foreperson of Grand Jury

Date:

JAN 25 2022

VERDICT

Guilty

TRUE BILL

Foreperson of Petit Jury

Date:

03/02/2022

**Indictment for
POSSESSION OF WEAPON DURING
COMMISSION OF A VIOLENT CRIME**

SC Code: **16-23-0490**

CDR Code: **0549**

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on January 25, 2022, the
Grand Jurors of Richland County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

That Mikah Nelsun Green did, in Richland County, on or about
March 30, 2019, possess a firearm during the commission of a violent
crime, namely: Murder; in violation of Section 16-23-0490, S.C. Code of
Laws, 1976, as amended.

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



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland

STATE

VS.

Mikah Nelsun Green

AKA:

Race: BLACK Sex: M Age: 25DOB: [REDACTED] SS# [REDACTED]Address: [REDACTED] Summerton HwyCity, State, Zip: Manning, SC 29102-8240DL#: [REDACTED] SID#: [REDACTED]INDICTMENT/CASE#: 2022GS4000106A/W#: 2019A4021600971Date of Offense: 3/30/2019S.C. Code § : 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Neely, Ruston

SC Bar#

Defendant

Duncan, William Michael
Attorney for DefendantSCB01162
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/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served 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.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.1067 days/months☐ To Include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS

Mikah Nelson Green

INDICTMENT/CASE#:

2022GS4000106

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp. ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

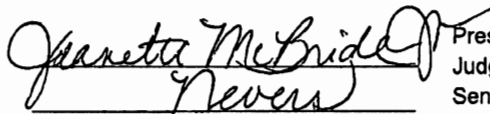
Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly	pmts. of \$ _____	Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)		\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114(BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ 3.75
		TOTAL	\$ 128.75

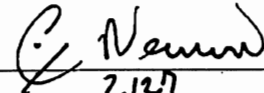
Clerk of Court/ Deputy Clerk:



Presiding Judge:

Judge Code:

Sentence Date:



2127

March 2, 2022

CERTIFICATE OF COUNSEL FOR APPELLANT

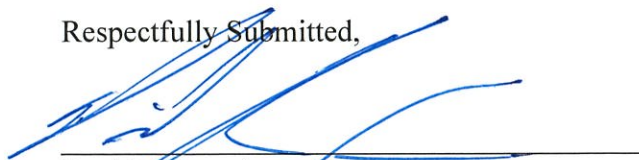
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED

Dec 16 2022

SC Court of Appeals

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of December, 2022.