

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Colleton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM C. SANDERS,

APPELLANT

APPELLATE CASE NO. 2021-001536

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 45 (AUDIO/VIDEO DISK OF DEFENDANT’S INTERVIEW)**

Testimony of William Sanders

501

1 THE COURT: Yes, sir.

2 MR. UTSEY: Thank you, Your Honor.

3 BY MR. UTSEY:

4 Q Just a couple more questions, Mr. Sanders.

5 And you told law enforcement in the
6 interview -- you drew an arrow on that map. Do you
7 remember that, drawing an arrow for Kelly Padgett?

8 A Yes.

9 Q And you told her that the shooter went the same
10 way as to your father's house?

11 A Well, that's -- yes.

12 Q But you were scared so you left, but you followed
13 the shooter out?

14 A I didn't follow him. I went the same way.

15 MR. UTSEY: Okay. No further
16 questions.

17 THE COURT: All right. Mr. Walker, do
18 you have any redirect, sir?

19 MR. WALKER: Briefly.

20 THE COURT: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. WALKER:

23 Q The solicitor brought up, again, the incident
24 where you struck Miss Kelly. Had you ever struck her
25 before?

Testimony of William Sanders

502

1 A Repeat, sir.

2 Q The solicitor, again, brought this up where you
3 had to slap Miss Kelly.

4 A All right.

5 Q Had you ever struck her before?

6 A No, sir.

7 Q Have you struck her since then?

8 A No, sir.

9 Q Have you had to call the police on Miss Kelly?

10 A Four or five times.

11 MR. WALKER: No further questions.

12 THE COURT: Anything else, sir?

13 MR. UTSEY: No questions, Your Honor.

14 THE COURT: All right. Thank you. You
15 can step down, Mr. Sanders.

16 Mr. Walker, you can call your next
17 witness, sir.

18 MR. WALKER: Thank you, Your Honor. The
19 defense rests.

20 THE COURT: All right.

21 Ladies and Gentlemen, the defense has
22 rested in this case. To that end, you've now
23 heard all of the evidence in this matter. There
24 are several matters of law that need to be taken
25 up this afternoon that we're going to be working

1 on.

2 I'm going to ask that you come back at
3 9:30 tomorrow morning. At 9:30 tomorrow morning,
4 we will proceed forward with closing arguments, I
5 will then charge you on the law, and then you will
6 retire to the jury room to deliberate.

7 So, if you could, be here at 9:30 in the
8 morning. Don't do any research. Don't discuss
9 this case amongst yourselves or with anyone else.
10 We will then commence with the close arguments and
11 charge on the law. Hold on one second.

12 Anything, any additions or exceptions to
13 the information that I've provided to the jury
14 from the State?

15 MR. UTSEY: No, Your Honor.

16 THE COURT: From the defense?

17 MR. WALKER: No, Your Honor.

18 THE COURT: All right.

19 Ladies and Gentlemen, we will see you at
20 9:30 tomorrow morning and we'll be ready to argue
21 and charge. Thank you-all.

22 (Jury exits the courtroom at 2:10 p.m.)

23 MR. UTSEY: Your Honor, may I approach
24 briefly?

25 THE COURT: Yes.

1 (Bench conference off the record.)

2 THE COURT: All right. We can go back on
3 the record.

4 MR. UTSEY: Yes, sir.

5 THE COURT: A couple things, number 1, I
6 was discussing with my clerk, there were two folks
7 who indicated that they could not be hear on
8 Friday, and so we went ahead and told them we
9 thought that this case would be finished before
10 Friday, and certainly I think it will be finished
11 tomorrow and in the jury's hands. I have no idea
12 how long the jury will deliberate on this matter.

13 One of them is the gentleman who I
14 believe is the third alternate, selected as the
15 third alternate. The gentleman who was seated at
16 the very end, young gentleman with the
17 dread-lock-style hair. I believe that the other
18 may be an alternate also. I think it's the
19 gentleman with the glasses and the yellow t-shirt
20 on who was sitting in the back.

21 So I guess what I'm asking is: Do you-all
22 recollect -- I know the young man has somebody -- his
23 father has some type of treatment on Friday. He's an
24 alternate.

25 Do you-all recollect, the other gentleman

1 in the t-shirt, is he an alternate? Because I
2 believe he's the one he had a flight somewhere.

3 MR. UTSEY: He is an alternate, and I
4 believe he said he had a flight to Chicago to see
5 his sons, if I'm remembering right, Judge.

6 THE COURT: Well, that's fine. The
7 reason I was asking is because I wanted to make
8 sure -- actually, if everybody shows up -- that
9 we're talking about our two alternates who had a
10 potential conflict. Obviously, if we go and begin
11 to deliberate, I will more than likely discharge
12 those alternates anyway. So we wouldn't be in a
13 position where one of the folks who needed to
14 leave -- depending on how long the deliberations
15 went, I don't have something we have to worry
16 about because I believe both of them are
17 alternates. I just wanted to confirm that.

18 I'd like for you-all to take a look at
19 these jury charges this afternoon. I'm going to
20 go ahead and probably let the court reporter go.
21 I'm not going to make her stick around. But I'll
22 be around. And you-all take your time. You don't
23 have to do it right this second. But if you-all
24 could take a few minutes, get back with me and
25 Monica, and we could meet and we could do it

1 however you want to do it, but I'd like to see if
2 we could get that done today, this afternoon.

3 If there's anything -- what I'll do is,
4 we'll summarize our charge conference tomorrow
5 morning when Sharon gets back. I got a motion I
6 think at 9:00 with the Solicitor Thornton. And as
7 soon as that's heard, then I'd like to go ahead
8 and maybe go on the record as to what our charge
9 conference was, and, to that extent, then bring
10 the jury in here and rock and roll in terms of
11 trying to do the following.

12 Is that all right, Solicitor?

13 MR. UTSEY: Yes, sir, Your Honor.

14 THE COURT: Is that all right from the
15 defense?

16 MR. WALKER: Yes, Your Honor. I'm
17 prepared to read this now in about 15 minutes.

18 THE COURT: What I'd love for you-all to
19 do -- that would be perfect. You-all can go back.
20 If you want to go to the office. If you want to
21 go someplace else. If you need access to the
22 computer -- I'm assuming you-all probably have
23 that already. But just let me know, come get me,
24 and we can be meet back in my office.

25 I'm going to let Sharon go ahead and go,

1 and then what I'll do is, I'll summarize on the
2 record and let you-all confirm tomorrow.

3 All right. Oh, one other thing, are
4 there some motions that you need to renew at this
5 time?

6 MR. WALKER: Yes, Your Honor. I renew my
7 motion for directed verdict.

8 THE COURT: All right, sir. I understand
9 that. Anything, Solicitor, in response?

10 MR. UTSEY: No, Your Honor.

11 THE COURT: All right. And I deny those
12 motions for the same reasons that I set forth
13 earlier. All right, sir?

14 MR. WALKER: Thank you, sir.

15 THE COURT: We will at east. I'll wait
16 to hear from you, Gentlemen. You-all come on
17 back, or grab Monica, or what you have, and we'll
18 have a little conference, if that meets your
19 approval.

20 MR. UTSEY: Yes, sir, Your Honor.

21 MR. WALKER: My client can go ahead and
22 leave?

23 THE COURT: Yes, sir. That's fine.

24 All right, Thank you.

25 (The proceedings were adjourned at 2:18 p.m.)

CERTIFICATE OF REPORTER

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I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions Court for Colleton County, South Carolina.

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

June 8, 2022



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,

5 vs. Transcript of Record
6 2019-GS-15-00426
7 2019-GS-15-00427

8 William C. Sanders,
9 Defendant.

10 December 16, 2021
11 Walterboro, South Carolina
12 Volume IV of IV

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

15 A P P E A R A N C E S:

16 Ceth Utsey, Solicitor
17 Julie Kate Keeney, Solicitor
18 Matthew Walker, Representing the Defendant

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SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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1 THE DEPUTY: All rise. The Honorable
2 Bobby J. Bonds presiding.

3 THE COURT: Thank you. You can be
4 seated.

5 All right. I understand all of our
6 jurors are here and we're ready to go. So what I
7 would ask is: Does the State have anything that
8 we need to take up before we bring the jury in?

9 MR. UTSEY: No, Your Honor.

10 THE COURT: All right. Defense?

11 MR. WALKER: We need to do the jury
12 instructions.

13 THE COURT: Yes, sir. We will talk about
14 that right now. I apologize, Mr. Walker.

15 I want to go on the record. Yesterday
16 afternoon, I met with counsel and my law clerk in
17 chambers. While in chambers, we reviewed the jury
18 instructions and verdict form that my law clerk
19 emailed to each of the parties, the State and
20 defense counsel.

21 During the meeting, we went through the
22 information, several modifications, changes were
23 made. Those changes have been prepared,
24 incorporated into jury charges. Now what I would
25 call a final charge has been presented to both the

1 State and to the defense, as well as there was a
2 discussion concerning a modification of the
3 proposed verdict form. I believe that it was
4 agreed to in my chambers that we would modify the
5 verdict form. The verdict form has been modified.
6 The modified verdict form has been presented to
7 counsel for the State and counsel for the defense.

8 And, to my knowledge, I think that
9 accurately summarizes what was discussed
10 yesterday.

11 And so what I would like to do is, I'd
12 like to hear from the State. Is there any matters
13 concerning the conference that we had off the
14 record in my chambers, sir, concerning the jury
15 charges or any other conversations that we had
16 that I didn't accurately reflect? Or, if there
17 was anything that transpired in the charge
18 conference that was conducted off record that you
19 want to put on the record now, sir, I'm happy to
20 hear from you.

21 MR. UTSEY: Yes, sir. Thank you. I
22 believe we decided to strike out page 18. It says
23 prior record of defendant limited, I did just want
24 to put on the record that I believe defense, as
25 part of a strategic decision, Your Honor. It's

1 about the prior bad act.

2 And also additionally, Your Honor, I know
3 we talked about stipulations in chambers, but I
4 believe it was decided not to charge stipulation
5 either. And that would be all from the State,
6 Judge.

7 THE COURT: All right. And as it relates
8 to what we have forwarded to you as the final
9 charge --

10 MR. UTSEY: Yes, sir.

11 THE COURT: -- do you have any objection
12 to this charge, sir?

13 MR. UTSEY: No, sir, Your Honor.

14 THE COURT: All right. Mr. Walker, I'm
15 happy to hear from you, sir.

16 MR. WALKER: Thank you, Your Honor. I
17 believe the solicitor was accurate, and I have no
18 changes to the revised charges.

19 THE COURT: All right, sir. So as it
20 relates to the final proposed charges as it was
21 sent to you, you have no objection.

22 MR. WALKER: That is correct.

23 THE COURT: And no objection to the final
24 verdict form from the State or from the defense.
25 Is that correct, Solicitor?

1 MR. UTSEY: Yes, sir, Your Honor.

2 THE COURT: Mr. Walker.

3 MR. WALKER: Correct, Your Honor.

4 THE COURT: All right. Thank you
5 gentlemen. Is there anything else that we need to
6 take up before we bring the jury in?

7 MR. UTSEY: No, Your Honor.

8 THE COURT: Miss Walker?

9 MR. WALKER: No, Your Honor.

10 THE COURT: All right. Bring us the
11 jury, please, sir. Thank you, sir.

12 (Jury entered the courtroom at 9:45 a.m.)

13 THE COURT: All right. Mr. Foreman,
14 Ladies and Gentlemen, good morning. Ladies and
15 Gentlemen, the parties have presented their
16 evidence in this case and it's now time for the
17 attorneys to make their closing arguments. The
18 arguments of the attorneys, Ladies and Gentlemen,
19 are not evidence in this case. Their statements
20 and arguments are meant to help you understand the
21 evidence and apply the law to the evidence. You
22 should disregard any remark, statement, or
23 argument which is not supported by the evidence
24 during the trial or the law that I will explain to
25 you after these arguments.

1 Thank you, and please give your
2 attention.

3 Solicitor.

4 MR. UTSEY: Yes, sir. Thank you,
5 Your Honor. May it please the Court?
6 Mr. Walker.

7 CLOSING ARGUMENT

8 MR. UTSEY: You-all, I'm going to start
9 off by saying good morning. I'm going to start of
10 by playing you a quick clip from this body cam
11 from Larry Colson when he got on scene this night.

12 (Video played.)

13 That's good, right there.

14 You-all, in that clip, you see Larry
15 right after it happened by his mom screaming and
16 yelling because he's worried about her and you
17 hear, she was shot in the back. Larry says that.
18 Who shot her? Williams Sanders immediately.
19 Immediately right after it happened. And that,
20 what Larry did, you-all, is what you do when you
21 love someone. You stay with them, make sure they
22 are okay. Take them to the hospital. You do what
23 you have to do to get them to be okay. And that
24 is not what William Sanders did that night.

25 Williams Sanders fled the scene, drove

1 down the road, went to his father's house, parked
2 behind his father's house, went over trees and
3 cinder block, to hide his truck is what he
4 testified to, got out of his truck, walked inside
5 the house.

6 And what William Sanders didn't do is
7 what shocks me. He didn't call 911. You heard
8 from the first witness. They only got one call to
9 911, and that was Channta Kelly's family sitting
10 there with Channta. William Sanders walked in his
11 house did absolutely nothing, and it was supposed
12 to be an alleged drive-by. William Sanders
13 didn't call and check on Channta, didn't stay for
14 Channta, and didn't call 911. He did absolutely
15 nothing. The reason he did absolutely nothing is
16 because he is the one who shot her. He ran.

17 And you-all -- you-all heard from several
18 law enforcement officers. And I'm not going to go
19 through them all, but I know what they do. When
20 they get called to a crime scene, they go to the
21 crime scene, they take pictures, they try to
22 gather as much evidence as possible for you-all
23 and for us, and they start evaluating the crime
24 scene.

25 And you heard -- you heard from, I don't

1 know you-all, six, seven law enforcement officers,
2 and what was very important about what they did,
3 they took a lot of pictures for you-all to see,
4 which they're all in evidence and you-all can look
5 at them.

6 One particular picture that I want to
7 show you-all that they took is this picture. I
8 know you-all have seen it a lot throughout the
9 trial. I'm going to try to zoom in.

10 And you-all heard from the officers and
11 the investigator that went back there the next day
12 to this the house at 217 Bodison Memorial where
13 Channta was shot. You-all, this is a drone
14 picture that the investigators took. Because this
15 car right here had not been moved from the night
16 before. This vehicle right here, Channta's
17 vehicle, had not been moved from the night before.
18 She had tools in the back of her vehicle in the
19 trunk that William Sanders came to get that night.

20 There's also a picture of the tools,
21 State's Exhibit 40. There's also a picture of the
22 tools that he came to get that night, you-all,
23 that were found in his truck by law enforcement
24 when they did a search warrant on his truck, and
25 they took a picture of the tools in the back of

1 his truck.

2 He got these tools that night from
3 Channta Kelly's car. And these tools were located
4 in the back of Channta Kelly's car.

5 Now, you heard from law enforcement that
6 they made an educated guess about where
7 William Sanders's truck was. However,
8 Channta Kelly told you that his truck was up here,
9 because -- and why does that make sense? Because
10 he had to get the tools from the back of her truck
11 and put them in the back of his truck.

12 So he wouldn't have carried them -- he
13 would have pulled up next to it and put the tools
14 in the back of his truck. That's how
15 Channta Kelly's testimony makes sense.

16 With that being said, you had a car that
17 wasn't moved that's here, another car here, and a
18 truck that would be here. And Channta Kelly,
19 where was she? She was shot and laying on the
20 ground here in front of the front steps right in
21 front of the front steps, and you can see a
22 picture in the crime scene photo where she was
23 laying, and you can also see the body cam when the
24 officer came up. He walked up and she is laying
25 right in front of the steps where the mat is. You

1 can see the mat.

2 And what's interesting about that is that
3 Channta Kelly was surrounded by one, two, three
4 vehicles. The truck that would have been here
5 according to Channta Kelly. She was surrounded,
6 you-all, by vehicles when she got shot. And there
7 was no damage, according to the officers, to any
8 of the windows, any of the vehicles, any of the
9 front porch from the pellets of a shotgun.

10 Channta Kelly was laying here when she
11 was shot. She was protected from the road. She
12 was protected from the road out here. She was
13 surrounded by vehicles. There's no way it could
14 have been a drive-by. It's impossible.

15 Additionally, there was no damage to
16 anything. You-all heard testimony from
17 Jason Chapman that, in general, when a shotgun is
18 fired -- first, there's a lot of pellets in a
19 shell. In a shotgun shell, there's pellets. And
20 when a shotgun is fired, it starts out in the
21 ball. And starts out like this. You know, it's
22 coming out the barrel and the barrel is about this
23 big and it starts out in the ball. As the pellets
24 go further, they expand from when -- just
25 velocity, you-all. It's the speed that the

1 pellets all expand. So the further the pellets
2 get away from the barrel, the more they expand and
3 open up.

4 And I'm going to show you-all a picture
5 of Miss Kelly's shirt. There's nine holes on that
6 shirt from the nine pellets from that shell.
7 What's interesting about this picture, look at how
8 tight the pattern is. The pattern is tight. The
9 pattern is not expanded, because it was close. It
10 was a shot that happened right behind her. And it
11 was William Sanders who shot her.

12 Now, you also heard an interview that I'm
13 sure was hard to hear because it was tough for me
14 to hear in this courtroom, but there was an
15 interview that you played between Kelly Padgett,
16 who's sitting right there, you-all, and the
17 defendant William Sanders. Kelly interviewed him
18 that night when this happened around 12:00 a.m. in
19 an interview room at the sheriff's office. And
20 I'm sure -- it was really hard to hear.

21 But the main things I wanted out of that
22 interview for you-all to see was, Number 1,
23 William Sanders's demeanor when he was in the
24 interview room. He walks in the interview room
25 and goes, it was a drive-by. I don't know who did

1 it.

2 Number 2, he never asked one time how
3 Channta is doing in the interview room. Never
4 asked one time how she's doing. Why doesn't he
5 ask? Because he shot her.

6 Number 3, and probably the most important
7 thing from this interview, is that Kelly Padgett
8 got him to draw a map. And I'm going to put it on
9 the big screen so everybody can see it, you-all.
10 Kelly Padgett got him to draw a map of what took
11 place that night. This is the map that
12 William Sanders drew that night.

13 He says the home was here, the car was
14 here, truck, Channta's truck, the one that had the
15 tools in it that he came to get out of was here,
16 and he says his truck was here, and the most
17 important thing on this map is that arrow that he
18 drew. And Kelly Padgett asked him, can you tell
19 me which way the drive-by shooters went. So he
20 drove an arrow pointing that way. And what way is
21 his dad's house, it's also that way. It doesn't
22 make sense. If he was so scared and fled the
23 scene, why would he follow the drive-by shooter
24 out of the scene.

25 He told Kelly Padgett that the drive-by

1 shooter went that way and his dad's house is also
2 that way. It doesn't make sense because it didn't
3 happen. The drive-by did not happen. He shot her
4 in the back at point blank range because she was
5 done with him and she told him she was done with
6 him.

7 And then, after Kelly Padgett, you also
8 heard from some SLED witnesses about the gunshot
9 residue kit, which is right here, that when
10 William Sanders was arrested that night, they
11 took -- David Long went up to him, swabbed his
12 hands -- and all it is, is it's like a sticker.
13 It's pretty much what it is. You take a sticker
14 on the end of a tube and they go and they try to
15 pick up gunshot residue. That's what they do. And
16 he swabbed the front and back of his hands, and
17 they found one particle of gunshot residue, which
18 is low but they found one particle of gunshot
19 residue.

20 And you heard from the expert that I can
21 take -- if I fired a gun and I go like this
22 (indicating), that gunshot residue comes off on
23 that -- or comes off on this wood, and it's very
24 easy to transfer and get off your hands. They
25 don't even accept tests that are done six hours

1 after the alleged crime. So if the police find a
2 suspect eight hours after the alleged crime, SLED
3 won't even accept the test because it's so easy to
4 just get off your hands. But SLED did find one
5 particle of gunshot residue on him.

6 You also heard from Larry, her son, who
7 was 11 at the time. And you heard from him that
8 Mr. Sanders and his mom were dating, that he had
9 stayed at his aunt's -- or his mom had picked him
10 up from his aunt's house. They then went to go
11 get groceries. And they then pull up in the yard
12 at 217 Bodison Memorial that afternoon. And it's
13 Larry and his mom and they pull up in the yard.
14 Larry runs inside to hang out with the siblings
15 and watch TV and his mom stays outside with
16 William Sanders.

17 Larry comes outside one time during that
18 whole thing when William Sanders and Channta Kelly
19 are outside. Larry sees them outside. That's a
20 fact. Like, that's not disputed. They are both
21 outside together.

22 Larry then goes back inside and he
23 hears -- around 20 minutes go by, and he hears a
24 gunshot. And he tells you that he runs outside
25 and he -- immediately, as soon as that gunshot

1 goes off, and that loud (indicating) goes off, he
2 runs outside. Goes down to his mom. From the
3 porch, he looks down, sees Channta Kelly on the
4 ground bleeding, which is his mom, and what does
5 he look up and see, William Sanders driving off
6 down the road in the same direction as the alleged
7 drive-by shooter that he's scared of.

8 You heard from Larry that -- of course,
9 he loves his mom, you-all. Everyone loves their
10 mom. And you heard from Larry that he stays with
11 his mom until the cops got there, and he put a
12 towel on her back. And you could hear how
13 emotional Larry was in that body cam and how upset
14 he was. And he -- immediately, he told the
15 officer William Sanders.

16 Then you heard from Channta Kelly. And
17 Miss Kelly said that her and William Sanders had
18 been dating for around eight months, and she and
19 her family had moved into the house at
20 Bodison Memorial, which is William Sanders's house
21 and that everything was fine for around six
22 months, seven months, and then they started
23 fighting and their relationship took a turn. And
24 it really took a turn on April 14th of 2019, which
25 is 10 days prior to the actual incident on

1 April 24th.

2 And you heard from Channta about what
3 happened the night on April 14th. That her and
4 William Sanders got in a fight over sexual
5 reasons. She testified he would get mad. She
6 wouldn't have sex. And William Sanders leaves the
7 house that night, and then comes back. And she
8 said, I had to get my money out of my mom's car --
9 or out of the car for church the next morning.
10 Twenty dollars for gas for church the next
11 morning. She goes out to the car. Goes into the
12 passenger's seat. Climbs over the driver's seat
13 because she said that he usually leaves his keys
14 in the car, but they were not in car that night.

15 William Sanders then opens up the
16 driver's door, slapped Channta Kelly four times,
17 has a gun with him, and looks at Channta Kelly and
18 says, I'll bury you. She testified to that. And
19 that was 10 days prior to the April 24th shooting.
20 He said, I'll bury you in that same yard of
21 217 Bodison Memorial 10 days prior because he was
22 so mad that they were having problems and she was
23 breaking up with him.

24 After that, he then calls her. According
25 to Channta, he calls her -- during that 10-day

1 time period, he calls every day and tried to get
2 back together with her. He is trying his hardest
3 to get back together with her.

4 And then comes April 24, 2019, which
5 you-all know and heard about all this whole trial.
6 Channta and Larry go the grocery store, and I
7 remember Channta saying that they went to the
8 grocery store to buy Sour Patch cereal for her
9 kids. They went to the grocery store. She pulls
10 up at [REDACTED] Bodison Memorial and Larry runs inside.
11 William Sanders says he's supposed to be coming by
12 to get a cooler full of fish. And Channta and
13 William Sanders begin to argue outside of that
14 house at [REDACTED] Bodison Memorial.

15 What do they argue about? They argue
16 about some lady with food stamps that Channta was
17 going to tell on that was selling food stamps, and
18 William Sanders had told that girl that Channta
19 was going to tell on her, and they argue about
20 their relationship. Channta tells him she's done.

21 Channta told you that during that time,
22 Larry came out one time, her brother came outside
23 one time, and then they all go back inside, and
24 it's just her and William Sanders.

25 And Channta told you that William Sanders

1 always calls her Charia, which is her middle name,
2 but that day he called her Channta.

3 And Channta told William Sanders that she
4 was done. And Channta turned around and started
5 walking towards the house and turned her back to
6 him and she hears a gunshot. Channta falls to the
7 ground. And I remember her testifying when she
8 said, I remember seeing my hands. She falls to
9 the ground in front of the front porch in the
10 dirt. She tries to get up, but she can't. And
11 she looks and sees William Sanders. And she said,
12 I looked him dead in the eyes. And then I said,
13 "Oh, shit. You shot me." And what does
14 William Sanders do? Drive off.

15 Larry runs out of the house, grabs his
16 mom, and Channta did not want to die in front of
17 her kids. And she said Larry brought life into
18 her. And she -- she fought for months. Months,
19 you-all, to get back. She could not walk for a
20 year. She was in a wheelchair.

21 She was flown to Trident Medical Center,
22 and that's where Dr. Graf met with Channta.
23 Channta couldn't meet with anyone, you-all.
24 That's where Dr. Graf took over, and you heard
25 from him. He testified. The main thing that I

1 wanted Dr. Graf to tell you-all was that her
2 injuries were life-threatening. He testified that
3 they were life-threatening, that he ran a scan on
4 her and saw bullet fragments in her, and she went
5 straight into surgery, and he tried to stabilize
6 her. And the reason I wanted him to testify is
7 because, obviously, I have to prove attempted
8 murder, so I have to prove that her injuries were
9 life-threatening, and he told you that. That's
10 not an issue in this case.

11 And also William Sanders then took the
12 stand himself. And William Sanders wants
13 you-all -- really wants you-all to buy this
14 drive-by story with the white truck. The same
15 color truck that he drives by coincidence.

16 And the first question I asked him was, I
17 stood and I said, would you agree with me that
18 you-all's relationship is toxic? He said, yes.
19 And we all know what happens when you have a toxic
20 relationship. It gets worse and worse and worse.
21 And we know that from the testimony, because on
22 April 14th, it was bad. He told her, I was going
23 to bury you and slapped her. He told you on the
24 stand he slapped her. That's not in dispute.

25 It was bad at that point, but then on

1 April 24th, if William Sanders couldn't have her,
2 nobody could have her, because she was done with
3 her and he was not going to let that happen. He
4 had told her 10 days prior that he was going to
5 bury her, and he tried to on April 24th.

6 Also what he testified to is that -- I
7 asked him, do you own shotguns. He said, yes.
8 Law enforcement did not find a shotgun in this
9 case. He had time to hide the shotgun because he
10 left.

11 He testified that he parked his truck
12 behind his father's house in the woods over the
13 cinder block because he wanted to hide it. He
14 told you that on the stand.

15 Additionally, you-all, I asked Channta --
16 which is very important to this drive-by theory --
17 I asked Channta -- because obviously they live in
18 a rural area. I asked Channta, did you hear any
19 other cars coming by when you turned around and
20 walked away from William Sanders? What did
21 Channta say? She heard nothing. It was silent.
22 It was just her and William Sanders.

23 Additionally, you-all, she was protected
24 by those vehicles. She was right next to her
25 house. And there was only one shot fired in the

1 drive-by with a shotgun. It doesn't -- the whole
2 story does not make sense because it's a story.
3 It's made up.

4 Now, I charged William Sanders with
5 attempted murder and possession of a weapon during
6 a violent crime. And what is attempted murder?
7 What do I have to prove to you-all? I have to
8 prove that an unlawful attempt was made to kill
9 another person with malice. What is malice?
10 Malice is meanness, hatred, ill will. It says a
11 depraved heart in the law is malice. It's just
12 hate. And I have to prove that to you-all. And
13 there are very few things in life that we know for
14 a certainty, and the law does not require me to
15 prove to you-all beyond all reasonable doubt, or
16 beyond every single reasonable doubt and
17 certainty. The law does not require that. We
18 know nothing with absolute certainty in this life.

19 What the law requires is that you be
20 firmly convinced that William Sanders shot
21 Channta Kelly that day.

22 The fact that she was shot in the back, I
23 don't think it's disputed in this case that a
24 shotgun -- a shotgun wound to the back is intended
25 to kill someone. I think we all know, if somebody

1 shoots you in the back with a shotgun, it's an
2 attempt to kill someone.

3 The issue in this case is whether
4 William Sanders shot her, or this alleged drive-by
5 shooter shot her that the cops have no information
6 on, according to Kelly Padgett. She never got any
7 tips on a drive-by person except for one person;
8 William Sanders. Or that William Sanders shot
9 her. That's the issue that we have. The drive-by
10 shooter or is it William Sanders?

11 You-all, the fine piece of evidence that I
12 have --

13 Hang on real quick, Julie Kate, if you don't
14 mind.

15 You-all, the fine piece of evidence that
16 we have is the stipulation that we entered into
17 the last recording that you-all heard that I put
18 in. And, again, you-all, I know it's tough to
19 hear, especially on this speaker system. It's a
20 lot better on the computer. But it's the last
21 stipulation that we have and I'm going to go
22 through it with you-all so we can all hear it,
23 because I had a hard time hearing in this
24 courtroom and I know what it's saying. So I'm
25 going to go through it with you-all line by line

1 and we're going to listen to this last recorded
2 phone call that was made and agreed to by myself
3 and the defense that William Sanders made. Okay?

4 Go ahead.

5 (Recording of phone call by Sanders played.)

6 MR. UTSEY: "I may have fucked up, but I
7 aint' fucked up."

8 (Recording of phone call by Sanders played.)

9 MR. UTSEY: "As long as I stick to my
10 story, I'm good to go."

11 (Recording of phone call by Sanders played.)

12 MR. UTSEY: "They got to prove all that
13 stuff."

14 (Recording of phone call by Sanders played.)

15 MR. UTSEY: "They say I can beat it."

16 (Recording of phone call by Sanders played.)

17 MR. UTSEY: "Ain't nobody seen anything.
18 Ain't no witnesses."

19 (Recording of phone call by Sanders played.)

20 MR. UTSEY: "If I say I did it."

21 (Recording of phone call by Sanders played.)

22 MR. UTSEY: "But I ain't saying I did."

23 (Recording of phone call by Sanders played.)

24 MR. UTSEY: "I didn't do it."

25 (Recording of phone call by Sanders played.)

1 MR. UTSEY: "I'm sticking to that."

2 Julie Kate, will you just play that all the
3 way through one time and I'm not going to say
4 anything. I'll just let you-all listen to it this
5 time.

6 (Recording of phone call by Sanders played in
7 its entirety.)

8 MR. UTSEY: My question is: Why do you
9 have to stick to a story if you're telling the
10 truth? Why do you care that there aint' no
11 witnesses?

12 He's right about one thing. There aint'
13 no witnesses, because it was just him and Channta
14 out in the yard and there was no alleged drive-by.
15 Because if there was an alleged drive-by, guess
16 who would be a witness? William Sanders. And he
17 would be able to help the cops and tell them the
18 truth. He told you there ain't no witnesses,
19 ain't nobody see it.

20 The reason he has to stick to his story
21 is because he shot Channta Kelly in the back on
22 April 24th, 2019, because she was done with him,
23 and if he could not have her, no one else could.
24 They were in a toxic relationship.

25 Now, I'm asking you to find

1 William Sanders guilty of a attempted murder and
2 possession of a weapon during a violent crime.

3 Thank you very much for listening and
4 paying attention. You-all have been great. I
5 appreciate it.

6 Thank you, Your Honor.

7 THE COURT: All right. Thank you,
8 Solicitor Utsey.

9 Mr. Walker.

10 MR. WALKER: Thank you, Your Honor. May
11 it please the Court?

12 THE COURT: Yes, sir.

13 CLOSING ARGUMENT

14 MR. WALKER: Good morning.

15 THE DEPUTY: Somebody locked their keys
16 in the car. When they try and open it, the alarm
17 keeps going off.

18 THE COURT: All right. We'll just be at
19 ease for one second.

20 (Interruption in the proceedings.)

21 (Off the record.)

22 THE COURT: Mr. Walker, go right ahead,
23 sir.

24 MR. WALKER: Thank you, Your Honor.

25 William Sanders sat right there. He told

1 you he didn't shoot Channta Kelly. And of the
2 15-ish people you heard from, it's undisputed that
3 he's the only person that saw the shooting. Now,
4 the solicitor will say he saw it, because he's
5 that shot. He says, I saw her get shot, looked
6 over, saw the white truck pulling away. But the
7 eyewitness to this shooting is William Sanders.

8 Channta says, I was walking away. I
9 heard a shot. I turned, I saw William. I didn't
10 see anybody else, so it must have been him. She
11 has deduced that it was him. She did not see him
12 shoot her. And we're not here today to convict
13 someone of a crime for not acting the way you or I
14 would. It's not a crime to drive away from this
15 incident where a crime happened. It's not a crime
16 to not call 911. It's not a crime to park your
17 car where it can't be seen from the road.

18 We're here because the State has said
19 they were going to prove to you each and every
20 element of the crime he was charged with,
21 attempted murder beyond a reasonable doubt. And
22 that's what we're here to do, is for you to hold
23 the State to that burden.

24 So what is that burden? It's the burden
25 of proof which any argument -- we say that the

1 person that sets forth the argument or the
2 statement has the burden of proving that argument.
3 They go, hey, this is a fact. Now you prove I'm
4 wrong. We say, this is a fact and this is the
5 proof. And in court, we do the same thing. They
6 say William Sanders committed a crime. They have
7 to prove that beyond a reasonable doubt. We
8 listen to -- or when we're trying to decide if
9 they proved it or not, what is the standard? What
10 are we looking at?

11 And so in civil court, they use a
12 probability standard, or something that's more
13 probable -- it's more probable that something
14 happened than that it didn't happen. That's the
15 burden of proof. Fifty percent plus a smidge gets
16 you across the line in civil court. So if I've
17 got a bag I can't see in and I got 51 white
18 marbles and 49 black marbles, well, it's more
19 probable than not I'm going to get a white marble
20 out of there, that's my civil standard.

21 But you can probably see the problem with
22 when stakes are higher -- we're not just talking
23 about some money in civil court. We're talking
24 about someone's life and all that goes along with
25 that. You know, you don't want to have that 49 to

1 51 chance of getting the wrong result when someone
2 is charged with a crime.

3 We want to go beyond a reasonable doubt,
4 where we are firmly convinced, where you don't
5 have any sort of doubt that would cause you to
6 hesitate to say, it's okay for me to call this
7 person a criminal if they're guilty of what
8 they're charged with. So it's not just a little
9 more civil court. It's not, hey, let's throw 10
10 more white marbles in there and now I've got, you
11 know, 60/40. Or maybe 20 more, now it's 80/20 or
12 90/10, or 99. Right?

13 Think about it this way. We're all happy
14 to maybe throw a couple dollars down on a
15 Powerball, we're going to get the \$400 million and
16 go buy an island, or whatever. You know, it's fun
17 to do. It's a couple dollars. The odds are
18 pretty low of us winning that.

19 But if it was the other way around, what
20 if you bought a Powerball ticket, you knew you
21 were going to get \$400 million. Right? You buy
22 one now, it's 30 million and however many to one
23 that we're going to win something. Imagine, if
24 you bought a Power Ball ticket and you knew you
25 were going to get that money. But if you hit that

1 number, if you won in that scenario, everything
2 that was important to you in your life would be
3 taken away. Those are the kinds of concepts I
4 think we deal with in criminal court. You got to
5 be sure. There are certainly people that would
6 take that Power ball chance, but I think there's a
7 lot of people that wouldn't. They say -- you know
8 even with those giant -- even that small bit of
9 uncertainty, I'm not going to play that game. I
10 think that's the kind of attitude we have -- we
11 need to have when we're dealing with these issues
12 because we are playing with William's life. This
13 is extremely important to William's life.

14 In talking about that, I think it's also
15 important -- I, kind of, want to address what may
16 be an unconscious bias shared by many of us or all
17 of us. I think the solicitor's office is playing
18 to it. You know, I think there might be conscious
19 bias that William is probably guilty. Some people
20 might say, well, if someone got arrested, they're
21 probably guilty. That might be a bias that
22 somebody has.

23 And the reason I bring it up, is there an
24 unconscious bias or something that's not
25 important, is to bring it to the front of our

1 brains so that we can acknowledge it, examine it,
2 see if it there's or not, and make sure it's not a
3 factor that's acting on our decisions in an
4 unwilling way. And I mentioned just now some
5 people have that, well, they wouldn't have got
6 arrested if they didn't do it. Some people would
7 have that bias.

8 But I'm really more concerned with the
9 idea that, if we were here on a civil case with
10 that civil standard of, you know, more likely than
11 not, 50 percent plus a little, you know, you guys
12 could just convict William and go home. And you
13 could do that without ever even coming into this
14 courtroom. That's why I say there might be a
15 preexisting unconscious bias.

16 Because you could in come here, I think,
17 fairly, and if I just met you on the street and
18 not know anything about this case, but met you on
19 the street and I said, hey, this lady, Channta
20 Kelly, got shot at her house, who did it? I don't
21 know who shot Channta Kelly. I don't know
22 William Sanders. How do I know? But then you
23 think about it. You'd say, well, I live my life,
24 I read the papers, I watch movies, I read books, I
25 read stories, I watch the TV news, if you want to

1 know who did it, go arrest the husband, or the
2 boyfriend, or ex-boyfriend. That's who did it,
3 probably. Right? So there's that bias coming in.
4 If heaven forbid your significant other goes
5 missing and meets a violent end at your home, the
6 cops are going to show up at your house thinking
7 you did it. And that's why we have criminal
8 trials and evidence, because that's not the
9 standard.

10 The standard is, hey, you need to erase
11 all the other possibilities so I'm comfortable
12 that the only scenario that fits reasonably is
13 that William did it.

14 So if you're thinking or you're talking
15 or you even catch yourself thinking this is what
16 probably happened, that's where you're sneaking
17 into that trap. It's about what the State has
18 shown me happened by the testimony and the
19 evidence that I've seen. So I can say, well,
20 that's what happened.

21 Of course, your job is not to say, well,
22 this happened, or this happened, or this version
23 happened, or this version happened. Your job is
24 to say, has the State proved to me their version
25 of events that they are propounding is true. And

1 if they haven't proven it to me -- because you
2 could leave here not knowing what happened, or
3 some parts happened and some didn't.

4 The third option is, I wasn't provided
5 enough information to make that decision. And
6 since, as you heard, there's really only one
7 eyewitness, that's kind of the case that we're in
8 now.

9 When I said, in fact, when we bring those
10 in, I think that's the kind of bias that the
11 solicitor's office is trying to, kind of, bring up
12 when they say, well, we all know what happens in
13 toxic relationships and things like that. We
14 become, you know -- well, it's not what we know
15 happens. It's what they proved happened in this
16 case.

17 Now, I'm going to talk about
18 Channta Kelly some and I'm going to say some
19 things about her that aren't particularly
20 flattering, and I'm not trying to attack her.
21 Usually, we would say those types of things to
22 attack someone's credibility. You know, they're
23 lying about what happened, that sort of thing.
24 That's not why I'm saying them. I think they're
25 important to the facts that you're trying to

1 determine.

2 She's not lying. She was shot. Someone
3 tried to kill her. You know, that happened. She
4 didn't deserve to be shot. I'm glad that she's
5 here with us. But I think you have to take some
6 of these things about Channta into account when
7 you're evaluating the evidence that you heard.

8 As I said, it could be Channta heard a
9 shot. The only person she perceived to be there
10 was William Sanders. She just deduced that it was
11 him, and, in her mind, that's true. Absolutely
12 could be -- that could be true.

13 But Channta is not an honest person.
14 Channta is going to say what's good for Channta
15 and what advances her agenda. She has no qualms
16 about keeping information from you or fudging
17 information and not telling you the truth. She's
18 admitted to you that she has been convicted of
19 forgery, which is a crime of dishonesty, a crime
20 of falseness, a crime of passing a false
21 document.

22 She also was not forthcoming with you
23 when I asked her on the stand what she and William
24 had been arguing about. Oh, you know, William
25 just wanted to love me and love, and that's all

1 that's been going on. But she had been fussing at
2 William that day about, shockingly, the fact that
3 he had told people he was going to find them out
4 for selling food stamps. She testified that she
5 was mad because she was worried that people were
6 coming against her. Snitches get stitches.
7 That's something that happens. It's not a random
8 walking down the street situation where, why would
9 anybody want to shoot Channta? Perhaps William
10 did it. He says he didn't. But, perhaps, other
11 people wanted to shoot her.

12 And she could be -- I said before, it's
13 not necessary -- we don't have to -- we don't have
14 to say that she's lying about believing William
15 shot her. She could certainly believe that to be
16 true. But she could also be advancing Channta's
17 agenda. We didn't get a coherent statement out of
18 Channta until almost two months after this
19 incident happened.

20 She's mad at William for calling DSS on
21 her.

22 It could also be true that she knows
23 somebody else shot her, knows who that person is,
24 and if she calls that person's name in court, she
25 might get shot again. But she knows William is

1 not a threat and so she can blame it on him and
2 get him back for calling DSS and cross a couple
3 birds off. Two birds with one stone, all that
4 sort of thing. But that's not necessarily --
5 either could be true. But it would you plausible
6 reasons to think, hey, more could be going on.

7 Just to kind of getting you to -- again,
8 kind of go back to use your life experience, use
9 your common sense. This is some sort of fabulous
10 story that William is making up. Nobody would
11 just randomly drive by and shoot at you or me.
12 Well, Channta is not you or me. Her life is
13 tumultuous. She's got issues with DSS and drugs.
14 You know, tempestuous relationships and convicted
15 of a felony. She's on probation. Unstable living
16 conditions. Living in with people. Staying in
17 hotels. She's shot. A year later, her boyfriend
18 is killed in another shooting. Of course, I've
19 never been shot or had someone I know killed.

20 Her life is -- you know, it's like that
21 Peanuts character, Pig Pen. It's just kind of
22 stuff around. That doesn't make her a bad person.
23 It doesn't mean she deserves to be shot. It just
24 makes it more likely that more than one person
25 should be in the line of fire.

1 So when you're evaluating whether it's
2 possible that a car could have driven up, shot
3 her, and driven away, your common life experience
4 is probably not going to conform to that.

5 Now, let's contrast William. Certainly,
6 William probably didn't act as you or I would in
7 several ways. He drove away. He didn't stay. He
8 told Detective Padgett why he was scared and drove
9 away. Maybe we would have acted differently.
10 Maybe not.

11 Solicitor makes a big deal about the
12 arrow, the most important thing on the map, the
13 cars. He drove the same way as the shooter. If
14 he was scared, he wouldn't have done that. But,
15 of course, the danger is not really the shooter.
16 The danger is in the place. It's like The Jerk
17 with Steve Martin. They're shooting at the can.
18 They hate the cans. If he can get away from where
19 Channta Kelly is, he's not going to get shot at.
20 So as long as he's going back to -- and the safe
21 place is his father's house. So the fact that
22 he's going the same way as the shooter, he's not
23 the target. If he can just get away from the
24 house, he's going to be all right. So it's not
25 contradictory to say, oh, if you were so scared,

1 you wouldn't have gone the same way as the
2 shooter. He just needs to get away from the
3 location.

4 And also during that interview, in
5 addition to her being mad at him about talking to
6 this other lady about the food stamp thing, you
7 know, he also told you she owes money to a drug
8 dealer. She denied it. But again, you can't
9 always necessarily take what she says for 100
10 percent. So she either owed them money, or she's
11 a customer in good standing at the time. But
12 there's another potential set of people that might
13 be interested in Channta. We don't know.

14 And, you know, the solicitor makes a big
15 deal about he's telling a story. He made all this
16 story up. You know, he's in custody right then.
17 It's not -- and this is what he told them, this is
18 a drive-by shooting. That night he's giving this
19 interview. And that's what he said, it's a
20 drive-by shooting. He came up, this is what
21 happened, and that's what he told you on the
22 stand. You know, he didn't have to talk to
23 Detective Padgett. They came him a Miranda form
24 and all these things where he gave up his right to
25 remain silent, and he talked to her and cooperate

1 fully. He cooperated fully when they came to the
2 dad's house. He came out. He didn't give anybody
3 any problems. And that's what he told them.

4 And Detective Padgett said, we lie. We
5 lie to these guys and give them facts that aren't
6 true because, what, we're trying to get them to
7 change their story. We're trying to get them to
8 tell their story over and over and maybe give
9 different versions of the story.

10 So you've heard a snippet of a phone call
11 where he says, this is my sorry. This is what
12 happened. I didn't shoot her. And, as long as I
13 stick to the story, I should be fine. It's not
14 anything nefarious. You heard a minute of a phone
15 call that they want to really spin like it's some
16 sort of, I don't know, giant admission.

17 But they're trying from that night to get
18 him to change his story. They're trained to do
19 that. He said this is what happened, this is what
20 I said, this is what I'm sticking to. And they
21 don't have any other witnesses to say different.

22 But he told you all those -- he told
23 Detective Padgett all those things the night it
24 happened. He told you all those things on the
25 stand. And William wasn't hesitant about

1 answering questions. He answered every question
2 that was asked. Eager. Overeager to answer
3 questions. Contrast that with what you got from
4 Miss Kelly.

5 And if he hadn't told this story that
6 night and you just heard it right now, the
7 Solicitor would be up here, well, if there was a
8 drive-by shooting, why didn't he tell the
9 detective that night. They could have been out
10 there looking for the real killer. If he loved
11 her, he would have told them that. That's what he
12 told them. He can't help it if they don't believe
13 him.

14 That's the whole plot of the movie The
15 Fugitive, right? Harrison Ford comes in, he finds
16 the guy killed wife, and there's the guy who
17 killed his wife. There's no other guy. You did
18 it.

19 He took the stand. He answered every
20 question. Every question the solicitor wanted to
21 ask him, bring it on, ask me questions. I'm here
22 to tell you what happened, and he did. He didn't
23 have to take the stand. The defendant doesn't
24 have to testify, doesn't have to prove anything.
25 The defendant doesn't even have to be here in the

1 courtroom during a trial. Because who's doing the
2 proving? The defense -- I mean, not the defense.
3 We don't have to prove anything. The State has to
4 prove beyond a reasonable doubt.

5 And another reason that we do it that way
6 is because it's very hard to prove a negative.
7 Like, how do you prove you didn't do something.
8 Every once in a while you can. Maybe you're on
9 video at the gas station getting gas when
10 something happens, but most of the time, you can't
11 prove you didn't do it, which is why we make them
12 prove that he did. But he got on the stand,
13 didn't have to, told you what happened.

14 So let's again, kind of, go back to
15 something a little bit conceptual. Kind of think
16 of it -- I'll use an analogy. You're standing on
17 the edge of a big canyon. Go down, fall to your
18 death in the river below, like Indiana Jones and
19 the Temple of Doom, or something on those bridges.
20 Those little bridges you got to cross. And you're
21 over here on the William-sanders-is-innocent bank
22 of the canyon, which, by the way, is where the law
23 tells you need to be. The judge will tell you
24 that you're here to consider that William is
25 innocent until he's been proven guilty beyond a

1 reasonable doubt. That every doubt that you may
2 have is to go to his benefit. You are to give
3 every assumption to his benefit that he is
4 innocent.

5 And that that benefit of a doubt, that
6 presumption of innocence, you're over here on the
7 William-Sanders--is-innocent side of the chasm,
8 and that presumption stays with you and with
9 William all the way across until the State, if
10 they can, brings you successfully to the
11 William-Sanders-is-guilty side of the chasm. And
12 that's their job, is to build a bridge across that
13 chasm with evidence. Channta Kelly said he did
14 it. I can step. That's a evidence that I know I
15 can get across. So every piece of evidence that
16 the State presents you is supposed to be a 'bridge
17 across the chasm that you can be confident in.
18 There's no weakness. There's no gaps.

19 You are on this side, blindfolded. The
20 State is in front of you. Come on, step right
21 here. Channta said he left. Step right here. He
22 drove away. You have him drive away. Step right
23 here. Okay?

24 But then they get to something they don't
25 have. You shouldn't believe William about a drive-by

1 shooting. Use your common sense. When they start
2 talking about common sense, they're not leading you
3 along. They're getting behind you, giving you a
4 little push and saying jump. There's a gap there.
5 They want you to do the State's work for them. You
6 should be -- at the end of this trial, at the end of
7 your deliberations, if they want a guilty verdict, you
8 should be able to put a foot on each piece of evidence
9 all the way to William Sanders having shot her is the
10 only reasonable, conceivable explanation for the
11 events of that night.

12 But there's points in there, chain of
13 evidence where they want you to use your common
14 sense. We all know how relationships are, or
15 disregard this safety barrier of conflicting
16 testimony. Just, we'll move that out of the way.
17 Disregard these people that are coming after her
18 because she's snitching. Disregard William saying
19 she owes drug dealers money. Disregard that we
20 haven't shown you a gun. Disregard that William
21 is there the whole time talking about how he loves
22 her and wants to get back together and not making
23 any threats.

24 You get in there, have they given you
25 that path without any gaps, without any creaky

1 boards? Let me take a moment now to put out some
2 creaky boards. Some problems, some gaps, some
3 things they want you to ignore.

4 The first thing they want you to ignore
5 is their own evidence. Never had a solicitor go,
6 oh, our cops are just guessing out there,
7 disregard what they say. Who knows what those
8 crazy cops are doing. Don't believe it. Or they
9 say, we put that truck there because we
10 interviewed witnesses about where the vehicles
11 were. And remember, they interviewed more people
12 than you heard from. All right?

13 There's two other adult grown people at
14 that house the night of the shooting. There's the
15 brother Marvin. Didn't hear from Marvin. And
16 that's Channta's brother. It's not Marvin's
17 brother -- or William's brother. Excuse me. And
18 she said, hey, Marvin came out. He said Marvin
19 came out. He would have seen where the truck was
20 parked, but we didn't hear from Marvin about, is
21 this right or not right?

22 Channta says it's way over here, right?
23 And that, of course, makes it impossible that
24 anybody else could have shot -- that anybody else
25 could have shot at Miss Kelly.

1 But, you know, William said, no, no, no.
2 I was parked where they say I was parked, or even
3 a little bit further back. To be fair, his scale
4 isn't great because his scale on the first two
5 cars, that everybody says didn't move, isn't quite
6 right. William says, hey, that's not how the cars
7 were. I couldn't have shot her over here because
8 I was over here. There's a big giant Suburban in
9 the way of me shooting her. But, you know, the
10 State says don't believe anything William says.
11 Okay, well don't believe anything William says.

12 What did Larry say? Larry was there.
13 You heard from Larry. Larry said, yeah, that's
14 where it was. It's was just a little closer to
15 the road. I asked him.

16 The only person saying that -- and
17 Channta is the only one that's saying the car is
18 over here, but she knows the car has to be way up
19 here for that to work.

20 But it's not just what people said. We
21 asked everybody where the cars were, and we also
22 looked at the tire impressions. Nobody is faking
23 those. Put it where the tire impressions were.
24 So I don't think they were guessing about where
25 that car was. I think that's pretty accurate.

1 You certainly don't have information giving you
2 beyond a reasonable doubt that that's wrong.

3 And Mr. Utsey got up there and was
4 talking about where the cars were and how it could
5 go, and it looks like a tight pattern to me.
6 Maybe it is. Maybe it isn't. I'm not a big
7 shotgun guy. Again, that's my opinion. His
8 opinion. You-all have your own opinions. You
9 haven't heard from any expert up here. You
10 haven't heard from any experts about the distance
11 the gun was fired, or the actual size of the
12 pattern, or what kind of gun was used, or length
13 of the barrel, or if the gun was choked up or not,
14 the controlled size of the pattern, or what type
15 of ammunition it was and how that affects the
16 pattern. It's just, use your common sense.

17 And, frankly, like Larry said, if the car
18 is a little more this way, how much bigger of a
19 pattern are we going to get from this distance
20 versus this distance. I mean, it's all
21 speculation. It's not. They're asking, hey, just
22 kind of jump in there. We haven't given you
23 anything that's firm. We want you to do our work
24 for us. Right?

25 That wider view. Charia here. The white

1 truck comes in, slows down, shoots, pulls away.
2 Works pretty well. Definitely possible. At least
3 as possible as him making some kind of shot
4 through this Suburban.

5 We already talked a little bit about two
6 other grown adults there can, kind of, verify one
7 version or the other. Marvin is not here. He was
8 outside. Everybody agrees to that. Could verify
9 those for you. Mom was there. You know, I don't
10 know if she looked out or not. We don't know. We
11 haven't heard from her. Maybe she looked out the
12 window and saw everybody. Maybe not.

13 But, literally, the only thing that you
14 have to kind of buy this, she was surrounded by
15 cars, the car was up over here, against, not just
16 William, but her own son, against the witnesses
17 they didn't bring to confirm her theory, against
18 the actual physical evidence that the cops had to
19 where they placed things, is Channta Kelly's
20 testimony. And why in the world would you prefer
21 that over the other evidence you've been given as
22 to where the cars were.

23 But Marvin is not there to testify about
24 where the cars were, were they fighting, you know,
25 anything like that. I would think they would want

1 to hear from everybody that was there.

2 They say, Mr. Walker, I'm sorry. I had a
3 late night. I zoned and I had to listen to things
4 that I missed. Or, Mr. Walker, I've listened to
5 every word you said, and I think you're just
6 spinning a lot of hogwash. All right? I know
7 you-all been listening.

8 But I think there's one question that
9 they can't answer, it's not guilty. I don't see
10 how you get to guilty if they can't answer this
11 question: Where's the gun? They don't get a gun
12 from William Sanders. It's not in his truck.
13 They do scuba dive in the pond. They search the
14 house. They say, oh, we got some gunshot residue
15 off of William. We got one particle off his hand,
16 which is the smallest level of detention that we
17 can do, other than nothing. And you heard when
18 the gun is fired, it's this big cloud of --
19 massive cloud of particles that comes out. He
20 could have fired a gun. He had that gunshot
21 residue.

22 You heard me ask, and the solicitor ask
23 the expert from SLED about the transfer of gunshot
24 residue and how it's easy -- you know, if you
25 touch something and someone else has touched, or

1 if you're around a gun that's been shot or a round
2 of spent ammunition, it's easy to get that
3 transferred.

4 We saw these fired shotgun shells that
5 were taken from William Sanders's truck. You
6 heard that SLED expert say, if the shell has been
7 fired, you would absolutely expect to find gunshot
8 residue on it. These shells were taken here out
9 of the console of the truck.

10 I submit to you that anybody that drove
11 that truck would likely have gunshot residue on
12 them based on the testimony of the SLED expert.

13 But that's pretty much all they got as
14 far as that little -- one particle of gunshot
15 residue. They don't have the gun that used, so
16 they can't answer those questions about barrel
17 length and ammunition and choke settings and all
18 those things that you would need to know if it's a
19 tight pattern or to calculate any kind of
20 distances that were fired or any of those kinds of
21 things.

22 But the solicitor's office will say --
23 Mr. Utsey will get up here and say, oh, William,
24 when he took off, he got rid of that gun. He's
25 too clever for us. He hid it somewhere where we

1 couldn't find it. And, you know, that's the
2 answer I would expect him to give if that was the
3 question I was asking. And the question you were
4 asking. But that's not the question. That's not
5 guilty. We're not asking the question, where's
6 the gun after the shooting? Where's the gun
7 during and before the shooting? They're not
8 saying William jumped out of a bush, shot her, and
9 took off. They're not saying Williams kicked in
10 the door, shot her, and took off. They're not
11 saying William was up on a grassy knoll with a
12 sniper rifle, shot her, and took off.

13 They say William was at the house, invited to
14 the house to get some fish and his tools. Was having
15 a conversation for 45 minutes to an hour sitting in
16 his truck with Channta Kelly. We're not talking
17 about, oh, he whipped out a little -- or even a big
18 pistol out of his waistband and shot her and took off.
19 He shot her with a shotgun. It's at least that big
20 (indicating.)

21 Channta Kelly testified in great detail
22 she was walking away. William went like this.
23 She started walking away, got to the front
24 headlight of the car, heard a shot. I just
25 remember my hands. Why are my hands here? I

1 realized I was falling. And I looked back and I
2 looked in his eyes. He looked concerned or
3 confused or angry, I couldn't tell, but I look
4 right in his eyes.

5 It wasn't, I looked in his eyes over the
6 barrel of a gun. It wasn't, I looked in his eyes
7 through the haze of the gun smoke from the gun. I
8 looked back at the car and he was putting the gun
9 back in the truck. You can't get shot without a
10 gun. And she doesn't have on iota of testimony
11 that he had a gun there.

12 Well, maybe the trauma of the event, she
13 was focused in on his eyes. She doesn't remember.
14 One, that's a bunch of assumptions they're asking
15 you to make and you don't have any evidence of
16 that.

17 But, two, there's a lot of non-traumatic
18 stuff going on for an hour before that. Larry comes
19 out at least twice. He told you where the car was.
20 He went up to his mom to get the phone.

21 And, again, we're talking about, not a
22 pistol, we're talking about a shotgun. And let's
23 think about what must have happened for this to
24 happen the way the State wants you to think.
25 She's walking away. She's walking, I guess, maybe

1 here to the table. One, two, three, four steps.
2 Right?

3 So William, if what they say is true, got
4 to retrieve a shotgun, get it out, maneuver this
5 big thing in the car out the window, shoot her,
6 somehow dispose of it, and then be back looking at
7 her, and then drive away without anybody seeing a
8 gun. In order for that to happen, it's not like
9 they're saying -- just on the timeline, right, I
10 was out that door. I don't think it was three
11 seconds, but I think it was pretty quick that
12 Larry was out the door and Channta was out the
13 door. He didn't get out of the truck and flip up
14 the back seat and retrieve this hidden long gun
15 from under there and then getting ready to shoot
16 her. There wasn't time for that, in order for
17 that to have happened the way that they're talking
18 about, at all. He'd have to reach over, grab the
19 gun, shoot her, and put it back and get going.

20 But Larry -- and you can bet -- if they
21 had testimony that Larry or Channta had seen the
22 gun in the car, you would have heard that.

23 But Larry had the opportunity to come out
24 there, talk to his mom, look in the truck, see
25 Mr. Sanders. He didn't see a gun, a long gun that

1 would have had to have been, basically, sitting
2 next to Mr. Sanders in order for this to work the
3 way the State wants you to believe. But, you
4 know, Larry was out there a couple times for a
5 second. He was focused on the phone. Maybe he
6 didn't see.

7 Channta is talking to William for 45
8 minutes to an hour. And the person who's mad that
9 day is Channta about this girl finding out she was
10 going to snitch on her. Channta is there talking
11 to William in the door of the car. Channta has
12 every opportunity to see a long gun in that car.
13 You didn't hear any testimony he had a gun.

14 He has guns. You heard he's an avid
15 hunter. He has bird shot, buck shot in those
16 pictures that you got. He's got shotgun shells.
17 But where's the gun? If you're going to shoot
18 somebody, where's the gun? It's in the white
19 truck that drove up and shot her and drove away.

20 But we didn't find any shotgun shells on
21 the road or in the ditch, or any of that stuff.
22 Well, we talked about certain types of shotguns
23 don't eject their shells. Even if it was an
24 automatic shotgun, if it's shot from inside of the
25 cab of the truck, it would eject into the truck.

1 So that doesn't disprove that a car pulled up and
2 shot and drove away. Where's the gun?

3 She's looking up into his eyes and
4 there's a gun in between them. He's not putting
5 the gun away. There's no testimony that
6 Mr. Sanders had a gun that night. And, again,
7 it's not a surprise. It's not he jumped out of
8 the bushes. They had every opportunity to see a
9 gun, if one was there.

10 Miss Kelly's life is such that it's
11 possible that other people wanted to shoot her.

12 Thank you for your attention.

13 THE COURT: Thank you, Mr. Walker.

14 Solicitor.

15 MR. UTSEY: Thank you, Your Honor.

16 CLOSING ARGUMENT

17 MR. UTSEY: You-all, the reason why I've
18 been telling you-all to use you-all's common sense
19 about this whole thing is because -- and
20 Mr. Walker argued that for me to tell you-all to
21 use you-all's common sense you have take this
22 extra step, this is what the judge is going to
23 charge you. Literally going to charge you. In
24 attempting to decide the verdict, the law simply
25 requires that you exercise your good judgment,

1 your common sense. That's why I've been asking
2 you to use your common sense about what happened.

3 This (indicating), Channta Kelly did not
4 tell you that there was a shotgun in his truck.
5 Why didn't she tell you that? Because she didn't
6 see one. She told you the truth. That's why I
7 never asked her that question. She didn't -- she
8 was talking with William Sanders. She would have
9 told you that if she would have saw one, but she
10 didn't see one. She was telling you the truth
11 about what happened that day.

12 And she turned around, and at that exact
13 moment she turned around from William Sanders, she
14 was shot in the back. Man, what a coincidence it
15 would have been for an alleged drive-by that exact
16 moment she turned her back on William Sanders.

17 Additionally, look at the body cam,
18 you-all. Look at the body cam on the officer and
19 see how dark it was outside when he came there
20 right after the shooting. How was someone going
21 to drive by in an alleged drive-by from the road
22 to the porch, shoot through all the cars, no
23 damage, and it was that dark outside too, and hit
24 Channta perfectly in the back with that tight of a
25 pattern. Man, what a shot. Because it didn't

1 happen. It did not happen.

2 William Sanders shot her, he then ran and
3 hid his truck behind his dad's. That is exactly
4 what happened that night.

5 Larry saw him leaving down the road. He
6 went the same direction as the alleged drive-by
7 shooter that he wants you to believe, and he
8 followed the drive-by shooter that he was scared
9 of. And Mr. Walker said that he was just trying
10 to get out of there. It didn't matter which
11 direction he went because, as long as he got way
12 from the house, he was good to go. So he could
13 pull out behind the drive-by shooter and follow
14 the drive-by shooter on out, even though the girl
15 loved, and he testified to that, that he had been
16 living with for a year, was shot and bleeding out
17 on the ground. It doesn't make sense. That's why
18 I've been asking you just to use your common sense
19 and think about it.

20 Additionally, you-all, Mr. Walker keeps
21 talking about people that are coming after -- that
22 are coming after Channta and people coming after
23 her. There's been no testimony that someone
24 specifically was coming after Channta. None from
25 the witness stand. No evidence.

1 He told you about her boyfriend's murder
2 that happened two years later. He's talking to
3 you about things that didn't happen on April 24,
4 2019.

5 There was no one coming after
6 Channta Kelly that night but William Sanders
7 because he had told her 10 days earlier that I am
8 going to bury you because she had broken up with
9 him.

10 And I will say this, you-all, about
11 Channta Kelly, she is not a perfect person. None
12 of us are. And she has pled to the crimes of
13 habitual traffic offender driving and a forgery.
14 She pled guilty to those.

15 And I will say this, though, Channta
16 didn't tell you that she didn't -- that she saw a
17 shotgun in his truck that night. She didn't make
18 that up, because it's not true. Channta told you
19 the truth about what happened that night and what
20 she saw. She was talking with William Sanders.
21 They were outside the truck. They were inside the
22 truck. They were outside the truck. She never
23 went in the truck. They were outside the truck.
24 She was talking to him while he was seated in the
25 truck.

1 She has nothing to gain from coming up
2 her and sitting on that stand and going through
3 all this stuff and lie to you-all about who shot
4 her. And Mr. Walker said that, you know, she has
5 other people coming after her, she can't tell you
6 who did this, who did that, she has nothing to
7 gain from going through all this.

8 Channta was bleeding out while
9 William Sanders was at his dad's house doing
10 nothing and her son saved her life, literally.
11 And Channta had been shot when she turned. She
12 made the mistake and turned her back to
13 William Sanders and heard a shot right behind her
14 with a pattern that small. That's what happened.

15 William Sanders shot her, and I'm asking
16 you-all to find him guilty of attempted murder and
17 possession of a weapon during a violent crime.

18 Thank you.

19 THE COURT: Thank you, Solicitor.

20 All right. Ladies and Gentlemen, we'll
21 stand up and stretch for one minute and then I
22 will commence with my obligations.

23 JURY CHARGE

24 All right. Thank you, Ladies and Gentlemen.

25 Ladies and Gentlemen, it's now my duty as

1 trial judge under the constitution of this state
2 to charge you and instruct on the law applicable
3 to this case. It's your duty, as jurors, to
4 accept and apply the law as I will now state it to
5 your. Furthermore, it's your exclusive duty to
6 decide all these issues of fact -- all of the
7 issues of fact in this case and determine the
8 effect, the value, and the weight of the evidence.
9 Both the State and defendant have a right to
10 expect that you will carefully consider and
11 evaluate the evidence and apply the law of this
12 case so that in the end both the State of South
13 Carolina and the defendant will receive a fair and
14 impartial trial.

15 I want you to understand, when I use the
16 word defendant that I'm referring to Mr. William
17 Sanders. Furthermore, it's important to
18 understand that the State of South Carolina
19 charges the defendant with the offenses known as
20 attempted murder and possession of a weapon during
21 the commission of a violent crime. To these
22 charges, the defendant has entered a plea of not
23 guilty. The plea of not guilty places the burden
24 of proof on the State, Ladies and Gentlemen, to
25 prove the guilt of the defendant to you, the jury,

1 beyond a reasonable doubt.

2 I remind you the fact that the defendant
3 was arrested, the defendant was charged, and
4 indicted in this case is not evidence and cannot
5 be considered by you as evidence of guilt in this
6 case, nor does it create any presumption or
7 inference of guilt. The indictment is simply the
8 formal written instrument which contains the
9 charge made against the defendant. It's the
10 formal document by which this case is brought into
11 court.

12 The indictment in this case alleges two
13 different offenses. The charges are attempted
14 murder and possession of a weapon during the
15 commission of a violent crime, Ladies and
16 Gentlemen. Each indictment charges a separate and
17 distinct offense. You will be asked to write a
18 separate verdict of guilty or not guilty for each
19 indictment.

20 Now, Ladies and Gentlemen, during this
21 trial, you and I have had separate duties to
22 perform. As the trial judge, it's my
23 responsibility to preside over the trial, and I
24 also have the duty to rule upon the admissibility
25 of the evidence offered during the process of this

1 trial. In that regard, you are to consider only
2 the competent evidence before you, and are to
3 consider only the testimony which is presented
4 from the witness stand together with the exhibits
5 that were admitted into evidence into the record
6 of this case, and any stipulations of counsel that
7 were made into the record.

8 Furthermore, I have the additional duty
9 to charge you on the applicable law of this case.
10 And, in that regard, Ladies and Gentlemen, I'm the
11 sole of the judge of law of this case. It's your
12 duty to accept the law as I state it to you. If
13 you have any preconceived ideas as to what the law
14 is or what the law ought to be and it doesn't
15 agree with what I tell you the law is, you're
16 obligated under the oath that you took earlier
17 this week, Ladies and Gentlemen, you're obligated
18 under that oath to abandon these preconceptions
19 because you are sworn to accept the law precisely
20 as I state it to you.

21 Now, Ladies and Gentlemen, in this trial
22 you're the sole and exclusive judge of the facts
23 and I'm the sole judge of the law. Do not infer
24 that I have any opinion about the facts of this
25 case from anything that I may have said, from

1 anything I may have done, or from any ruling that
2 I may have made, Ladies and Gentlemen, do not
3 infer that I have any opinion about the facts of
4 the case in this matter. And that includes,
5 Ladies and Gentlemen, rulings that I've made upon
6 the admissibility of the evidence, or, otherwise,
7 from anything that I've said during the course of
8 this charge to you. In this regard, the law
9 simply does not permit me to have an opinion about
10 the facts. As jurors, it's your duty alone to
11 determine the effect, value, and weight of the
12 evidence presented during the course of the trial.

13 Now, it's very important to understand,
14 Ladies and Gentlemen, the defendant is presumed
15 under the law to be innocent of these charges.
16 The defendant has no obligation to prove his
17 innocence. It's a fundamental rule of our law
18 that a defendant, irrespective of the seriousness
19 of the charges against him, is also presumed
20 innocent of the crimes for which he is charged
21 unless and until his guilt has been proven by the
22 evidence that satisfies you, the jury, beyond a
23 reasonable doubt.

24 The presumption of innocence is not mere
25 legal theory or phrase. The presumption of

1 innocence is very important and you need to
2 understand that this presumption accompanies the
3 defendant from the time of his arrest, his
4 appearance in court, and continues with the
5 defendant even after you retire to the jury room
6 to deliberate. In other words, the defendant
7 receives the benefit of the presumption of
8 innocence until the very end of this trial when
9 you, the jury, will deliberate upon the evidence
10 and decide whether the State has proven his guilt
11 beyond a reasonable doubt.

12 Now, Ladies and Gentlemen, what is a
13 reasonable doubt in the law? A reasonable doubt
14 is the kind of doubt that would cause a reasonable
15 person to hesitate to act. Proof beyond a
16 reasonable doubt is proof that leaves you firmly
17 convinced of the defendant's guilt. There are few
18 things in this world that we know with absolute
19 certainty. So even in criminal cases, the law
20 does not require proof that overcomes every
21 possible doubt. However, if, based on your
22 consideration of the evidence, you're firmly
23 convinced that the defendant is guilty of the
24 crimes charged, you must find him guilty.

25 If, on the other hand, you think there's

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

4 Jurors, please understand that reasonable
5 doubt may arise from evidence which has been
6 presented in the case or from the lack of evidence
7 in the case. It's your responsibility to
8 determine whether or not reasonable doubt exists
9 as to the guilt of this defendant.

10 I charge you that the defendant is
11 entitled to every reasonable doubt arising in the
12 whole case. If upon any issues of fact essential
13 to conviction and a verdict of guilty, you have a
14 reasonable doubt as to how that issue should be
15 resolved then it would be your duty, Ladies and
16 Gentlemen, to resolve that reasonable doubt in
17 favor of the defendant.

18 Thus, in summary, it's important to
19 understand that a defendant is not required to
20 prove his innocence. Instead, the State is
21 required by law to prove every essential element
22 of the defense charged against the defendant by
23 evidence which satisfies you of his guilt beyond a
24 reasonable doubt, and only then can you convict
25 the defendant and find him guilty.

1 Now, Ladies and Gentlemen, in determining
2 what the facts in this case are, you must judge
3 the credibility, which simply means the
4 believability, of the witnesses and the value of
5 weight to be given to their testimony. You alone
6 must decide the force and effect of the testimony,
7 Ladies and Gentlemen. In making this decision,
8 there are many things that you may and should take
9 into consideration, such as the appearance and
10 manner of the witness on the stand, a
11 characteristic often referred to as the demeanor
12 of the witness. Was the witness forthright or
13 hesitant. Was the witness's testimony consistent
14 or did it contain discrepancies? What was the
15 ability of the witness to know the facts about
16 which he or she testified? Did the witness have a
17 cause or reason to be biased and prejudiced in
18 favor of the testimony he or she gave? Was the
19 testimony of the witness corroborated or made
20 stronger by other testimony in evidence, or was it
21 made weaker or impeached by such other evidence
22 and testimony.

23 As jurors, please understand that you
24 have a right to believe a small portion of a
25 witness's testimony and disregard a larger

1 portion, or visa versa. You may believe all of
2 the witness's testimony or none. You may believe
3 the testimony of a single witness against that of
4 many witnesses, or the other way around.

5 In exercising your mental processes in
6 attempting to decide the verdict, the law simply
7 requires that you exercise your good judgment,
8 your common sense, your sense of logic and reason,
9 and your experiences in life. You then apply
10 those attributes to the evidence and apply the law
11 as I state it to you and thus arrive at a verdict.

12 Now, Ladies and Gentlemen, a person who
13 has a past criminal record is competent to testify
14 during a trial. A past record does not affect the
15 ability of that witness to testify. The past
16 record may only be considered by you, if at all,
17 in determining the witness's believability.
18 Remember, you're the sole judges of the facts in
19 the case and the believability of any or all of
20 the witnesses.

21 Now, Ladies and Gentlemen, the rules of
22 evidence ordinarily do not permit witnesses to
23 testify to opinions or conclusions. An exception
24 to the rule is for witnesses who we call expert
25 witnesses. A witness who by education and

1 experience has become an expert in some art,
2 science, profession, or calling may state an
3 opinion as to a relevant and material matter in
4 which the witness claims to be an expert, and it
5 may also state the reasons for the opinion.

6 You should not consider -- or excuse me.
7 You should consider any expert opinion received in
8 evidence in this case like any other evidence; and
9 that is, you give it the weight you think it
10 deserves. If you decide that the opinion of an
11 expert is not based on sufficient education and
12 experience, or, if you conclude that the reasons
13 given in support of the opinion are not sound, or
14 that the opinion is outweighed by other evidence,
15 you may disregard the opinion entirely. An expert
16 witness's testimony is to be given no greater
17 weight than that of any other witness simply
18 because the witness is an expert. Further, you
19 are not required to accept an expert's opinion
20 even though it's not contradicted.

21 Now, Ladies and Gentlemen, there are two
22 types of evidence which are generally presented
23 during a trial; direct evidence and circumstantial
24 evidence. Direct evidence directly proves the
25 existence of a fact and does not require

1 deduction. Circumstantial evidence is proof of a
2 chain of facts and circumstances indicating the
3 existence of a fact. Crimes may be proven by
4 circumstantial evidence. The law makes no
5 distinction between the weight or value to be
6 given to either direct or circumstantial evidence.

7 However, to the extent that the State
8 relies on circumstantial evidence, the
9 circumstances must be consistent with each other
10 and when taken together point conclusively to the
11 guilt of the accused beyond a reasonable doubt.
12 If these circumstances merely portray the
13 defendant's behavior as suspicious, the proof has
14 failed. The State has the burden of proving the
15 defendant guilty beyond a reasonable doubt. This
16 burden rests with the State regardless of whether
17 the state relies on direct evidence,
18 circumstantial evidence, or some combination of
19 the two.

20 Intent. Ladies and Gentlemen, in order
21 to establish criminal liability, criminal intent
22 is required. For example, the mental state
23 required to be proven by the State for a
24 particular crime might be purpose, intent,
25 knowledge, recklessness, or criminal negligence.

1 Criminal intent must be proven by the State beyond
2 a reasonable doubt. Criminal intent is always a
3 matter that must be determined by the jury from
4 the circumstances surrounding the situation.
5 There is no way to prove intent to a mathematical
6 certainty. There's no way medical science can
7 dissect a person's brain and determine what that
8 person had in mind. So the law says, the criminal
9 intent may be shown from the circumstances shown
10 to have existed. This is how you make a
11 determination of whether or not the element
12 requiring intent was present. It's not necessary
13 to establish intent by direct and positive
14 evidence, but intent may be established in the
15 same way as any other fact, by taking into
16 consideration the acts of the parties and all the
17 facts and circumstances of the case.

18 Criminal intent is a mental state of
19 conscious wrongdoing. It's up to you, Ladies and
20 Gentlemen, to determine what the defendant
21 intended to do based on the circumstances shown to
22 have existed. Criminal intent can arise from an
23 action or a failure to act. It may arise from
24 negligence, recklessness or indifference to duty
25 or to consequences. That is considered by the law

1 to be the equivalent of criminal intent.

2 Now, Ladies and Gentlemen, I want you to
3 know that mere presence at the scene is not
4 sufficient to prove someone guilty of a crime.
5 The defendant's presence where a crime is being
6 committed or mere association with a person who
7 commits a crime does not make a defendant an
8 accomplice or an aider or abettor of the person
9 committing the crime. The burden is on the State
10 to prove every element of the crime charged.

11 If you find, after reviewing all the
12 evidence, that the State has proved that the
13 defendant was only present at the scene of the
14 crime and that they have not proved beyond a
15 reasonable doubt any other participation of the
16 crime, you must find the defendant not guilty.
17 The law is that proof of being at the scene of the
18 crime is not sufficient to find someone guilty.

19 Ladies and Gentlemen, the defendant is
20 charged with attempted murder. In order to prove
21 this crime, the State must prove the defendant
22 acted with specific intent to kill another person
23 and the defendant attempted to kill another person
24 with malice aforethought either express or
25 implied.

1 Malice is hatred ill will, or hostility
2 towards another person. It is the intentional
3 doing of a wrongful act without just cause or
4 excuse, and with an intent to inflict injury. It
5 is an evil intent.

6 Malice is wrongful intent to injure
7 another person. It indicates a wicked or depraved
8 spirit intent on doing wrong.

9 Malice is a legal term implying
10 wickedness and excluding a just cause or excuse.
11 The term malice indicates a form purpose and
12 design to do a wrongful act under the
13 circumstances that exclude any legal rights to do
14 it.

15 Malice aforethought does not require that
16 malice exists for any particular time before the
17 act is committed, but malice must exist in the
18 mind of the defendant just before and at the time
19 the act is committed. Therefore, there must be a
20 combination of the previous evil intent and the
21 act.

22 Malice aforethought may be express or
23 implied. The terms express and imply do not mean
24 different kinds of malice, but merely the manner
25 in which the malice may be shown to exist either

1 by direct evidence or by circumstantial evidence
2 from the facts and circumstances which are proved.

3 Express malice is shown when a person
4 speaks words which express hatred or ill will for
5 another, or when the person prepared beforehand to
6 do the act which was later accomplished. For
7 example, lying in wait for a person or other acts
8 of preparation going to show that the deed was
9 within the defendant's mind would be express
10 malice. Malice may be shown from conduct showing
11 a total disregard for human life.

12 Specific intent to kill is element of
13 attempted murder. Intent means intending the
14 result which actually occurs, it's not
15 accidentally or involuntarily. Intent may be
16 shown by acts of conduct of the defendant and
17 other circumstances from which you may naturally
18 and reasonably infer intent. The evidence of
19 character of the act, the character of the
20 instrument used, the manner in which it was used,
21 the purpose to be accomplished and the resulting
22 wounds or injuries may be considered in
23 determining the intent with which the act was
24 committed.

25 Ladies and Gentlemen, intent may also be

1 inferred when it is demonstrated that the
2 defendant voluntarily and willfully commits an act
3 the natural tendency of which is to destroy
4 another's life.

5 Now, Ladies and Gentlemen, the defendant
6 is also charged with possession of a weapon during
7 the commission of or attempt to commit a violent
8 crime. The State must prove beyond a reasonable
9 doubt that the defendant was in possession of a
10 firearm or visibly displayed what appeared to be a
11 firearm during the commission of a violent crime.

12 A firearm means a machine gun, automatic
13 rifle, revolver, pistol, or any other weapon which
14 is designed to or may readily be converted to
15 expel a projectile. In order to find the
16 defendant guilty of possession of a weapon during
17 the commission of a violent crime, you must first
18 find the defendant guilty of attempted murder.

19 In the state of South Carolina, attempted
20 murder is classified as a violent crime. The
21 State must prove beyond a reasonable doubt that
22 the weapon further advanced or helped in the
23 commission of the crime.

24 Now, Ladies and Gentlemen, I want you to
25 clearly understand that you are not partisans or

1 advocates for the State of South Carolina or the
2 defendant. It's your duty, by your joint
3 deliberations, to determine the facts in this case
4 giving the defendant the benefit of every
5 reasonable doubt on each and every issue. Then,
6 to the facts which you determine to be true, you
7 should take and apply the law which has been given
8 to you by this court and thus arrive at a verdict
9 in this case. Thus, when you have accomplished
10 these responsibilities, you will have satisfied
11 your oath as jurors, and you will have discharged
12 your duty to this court.

13 Once you retire to the jury room, the
14 bailiff will give you the verdict form. And when
15 you arrive -- when the jury arrives at a verdict
16 as to the offenses charged in this case, the
17 foreperson will select the verdict as to offense
18 on the verdict form. If the State has failed to
19 prove guilt of the defendant beyond a reasonable
20 doubt, your verdict will be not guilty. Likewise,
21 if the State has proven guilt of the defendant
22 beyond a reasonable doubt, your verdict will be
23 guilty. Once a decision has been made, the
24 foreperson will check whatever choice is the
25 verdict of the jury as to the offenses charged.

1 The verdict that you render in this case,
2 Ladies and Gentlemen, must be the verdict of each
3 and every juror. To that end, it must be your
4 unanimous verdict. All 12 jurors must agree on
5 the verdict which you authorize the foreperson to
6 write for the jury.

7 Ladies and Gentlemen, I want you to
8 further understand that the order in which the
9 choices of the verdict appear on the verdict form
10 are not suggestive of any verdict on the part of
11 this court. The verdict in this case is to be
12 determined by you, the jury, not the court.
13 Furthermore, Ladies and Gentlemen, please
14 understand that even though I will give the
15 verdict form to the foreperson, it is not his
16 verdict alone. It is the verdict of all 12 of
17 you. And I emphasize, again, your verdict must be
18 unanimous.

19 Now, I'm going to ask you in just a
20 moment to retire to the jury room, but do not
21 begin your deliberations until you are told to do
22 so. The law requires that I now consult with the
23 attorneys to make sure that I have not left
24 anything out of these instructions. After I've
25 checked with the attorneys, the bailiff will bring

1 in a copy of the instructions -- excuse me, the
2 bailiff is not going to bring in a copy of the
3 instructions, but the bailiff will bring in the
4 verdict form and other exhibits, other evidence,
5 and will instruct you from there that you can
6 begin your deliberations.

7 Now, I also want you to know, if you have
8 any questions during your deliberations, you must
9 put them in writing and send them to me by the
10 bailiff. The court will place a bailiff
11 immediately outside the jury room during your
12 deliberations. Once you've reached your verdict,
13 please knock on the jury room door and ask the
14 bailiff to advise the court that you have reached
15 a verdict and we will return you to the courtroom
16 as promptly as possible.

17 Now, Ladies and Gentlemen, if there is a
18 question that arises, the foreperson would be the
19 individual who would write that question if
20 something comes up. Now, I want you to know that
21 in the event that there is a question, you can
22 write the question down, but, Ladies and
23 Gentlemen, during the course of your deliberation,
24 I do not want you to write down on any document
25 that's going to come out to this court any type of

1 breakdown as to where the jury is in their
2 deliberations, numbers, things of that nature.
3 Don't want that. Not interested in that.

4 But if you have a question, something
5 comes up, you write that question down, you give
6 that to the bailiff, and to that extent the
7 bailiff will then give it to me and we will
8 attempt to address that question.

9 All right. Now, the verdict form, Ladies
10 and Gentlemen, I've got it right here in my hand.
11 And I just want to let you know that basically,
12 again, there's not going to be -- again, don't
13 attached any significance to the order in which I
14 have prepared this verdict form as it relates to
15 not guilty and guilty. Basically, the verdict
16 form reads as follows: "We, the jury, of the
17 above captioned case on the charge attempted
18 murder of Channta Kelly unanimously find
19 William Sanders," and the foreperson shall initial
20 not guilty or guilty. Okay? So, again, don't
21 attach any value or any significance to one being
22 first and one being second as it relates to that.

23 Right here, only proceed to question two
24 once you have decided question one. The document
25 is fairly self-explanatory. So after you finish

1 question one, then basically the document tells
2 you what to do next and how to proceed.

3 Once, you've completed the verdict form,
4 I would ask, Mr. Foreperson, after you have put
5 your initials at the appropriate places, that you
6 would then sign this verdict form. Okay? And
7 then once that's been reached, you can knock on
8 the door and notify the bailiff.

9 So, Ladies and Gentlemen, I'm going to
10 ask all of you to retire to the jury room at this
11 time, but do not begin your deliberations until
12 you are instructed to do so.

13 All right. Thank you-all.

14 (Jury exits the courtroom at 11:38 a.m.)

15 THE COURT: All right. Any additions or
16 exceptions to the jury charges and comments that I
17 made to the jury from the State?

18 MR. UTSEY: No, Your Honor.

19 THE COURT: Anything from the defense?

20 MR. WALKER: No, Your Honor.

21 THE COURT: All right. Gentlemen, we
22 have three alternate jurors. What I propose is
23 that, if you-all would look at the exhibits and
24 other documents that need to go back to the jury
25 such that we can come to an agreement on that, I'm

1 going to ask you about that, we can then have the
2 bailiff take that back with the verdict form. I
3 would then ask that the three alternate jurors
4 come back into the courtroom, and, at that point,
5 I would have the bailiff inform the jury that they
6 can commence with their deliberations. I would
7 instruct the three alternate jurors as to our
8 gratitude for them being here this week, and then
9 I would discharge them and they would be free to
10 go. Any exceptions?

11 MR. UTSEY: No objection to that,
12 Your Honor.

13 MR. WALKER: No objection to that,
14 Your Honor.

15 THE COURT: All right. What I'm going
16 to -- come on up gentlemen and make sure we have
17 everything that needs to be going back.

18 MR. UTSEY: Yes, sir.

19 THE COURT: I'd also like for each of you
20 to take a look, one more time, at the jury verdict
21 form that will go back, also, please.

22 (Off the record.)

23 THE COURT: All right. Gentlemen, the
24 evidence that is to go back to the jury is that
25 bag that is sitting on Sharon's desk?

1 MR. UTSEY: That's correct, Your Honor.

2 THE COURT: All right. And everybody
3 agrees. There's an agreement with what's going
4 back, is that correct, from the State?

5 MR. UTSEY: Yes, sir, Your Honor. I
6 believe so.

7 THE COURT: Mr. Walker?

8 MR. WALKER: I suggested the media stay
9 in here, but Mr. Utsey wanted it back. He assures
10 me there's nothing back there that they can play
11 the video. So as long as that's true, I have no
12 objection.

13 MR. UTSEY: There is nothing back there
14 that I know of that they can play the media, but I
15 believe it needs to go back because it's in
16 evidence and they need to see that it's there.

17 THE COURT: All right. There's no
18 computer in the jury room, is there, sir?

19 THE DEPUTY: Judge, I'll have to instruct
20 the bailiff. He does have a computer.

21 THE COURT: Who does?

22 MR. UTSEY: He doesn't have a computer in the
23 jury room.

24 THE DEPUTY: Not in the jury room.

25 THE COURT: Right. I don't want any --

1 what we want to make sure -- I'm trying to make
2 sure that there is no computer or any other
3 electronic device that could play that DVD, and
4 there's not one to our knowledge; is that correct?

5 MR. UTSEY: That's correct.

6 THE DEPUTY: Yes.

7 THE COURT: In that case, it can go back
8 if there's not one. The solicitor has informed me
9 that there's not one in there. I will accept
10 that.

11 MR. WALKER: I just wanted that on the
12 record.

13 THE COURT: Yes, sir.

14 MR. UTSEY: Your Honor, also, if you don't
15 mind, can the officer also check, when he takes it
16 back there, and double-check that there's not a laptop
17 in the room?

18 THE COURT: Absolutely. And also the
19 verdict form. This is the verdict form. The
20 State has had one final opportunity to review the
21 verdict form, correct?

22 MR. UTSEY: Yes, sir.

23 THE COURT: Any objection?

24 MR. UTSEY: No, Your Honor.

25 THE COURT: Mr. Walker?

1 MR. WALKER: No objection, Your Honor.

2 THE COURT: All right. There you go.

3 Mr. Bailiff, if you would, when you take that
4 back, I need the three alternates to come back out
5 with you. And the three alternates, as they leave,
6 you certainly can hand them the information to the
7 foreman and you can tell them that they can commence
8 and begin their deliberations.

9 THE BAILIFF: You want the alternates out
10 first?

11 THE COURT: Yes, sir. I want you to hand
12 that to them and tell them they can commence their
13 deliberations and bring the three alternates out
14 at that point immediately. Okay?

15 THE BAILIFF: Yes, sir.

16 THE COURT: Mr. Bailiff, my understanding
17 is that the jurors's lunches are actually in the
18 jury room.

19 THE DEPUTY: They're over here.

20 THE COURT: We'll not worry about that.
21 If there's is over there, bring the alternates
22 out.

23 (Jury starts deliberations at 11:49 p.m.)

24 THE COURT: Sir, I promised you that we
25 would be finish by Friday so that you could go and

1 see, I think, your son and I've kept my word.

2 JUROR: Yes, sir.

3 THE COURT: Gentlemen, it's got to be
4 frustrating to have participated, to have been
5 here all week only to have me pull you out and not
6 be able to participate.

7 JUROR: I respectfully disagree.

8 THE COURT: What's that?

9 JUROR: Respectfully disagree.

10 THE COURT: All right. In any event,
11 what I want you to know is that the law requires
12 that we only have 12 jurors to commence with
13 deliberations. So, at this time, I'm going to
14 release you from your summons to be here. Thank
15 you for honoring your summons. Thank you for
16 being here. I hope it was somewhat of a learning
17 or educational experience. It's not like TV. It
18 is slow. It is deliberative, but this isn't for
19 entertainment. I think you understand how serious
20 these matters are that we're taking up here.

21 I hope everybody has a great holiday.

22 Now, on other thing, the clerk was kind
23 enough to order lunch for the jurors today. I
24 understand that the lunches have arrived, and I think
25 if you all filled out a form this morning for lunch,

1 your lunch is other there. If you want to grab it, if
2 you want take it, eat it, leave.

3 Another thing is this, if you want to
4 stay, you can stay. If you want to wait and see
5 what the jury does, if you want to stay here for
6 that, you can. You're free to go.

7 You don't have to talk with anybody about
8 this matter if you don't want to talk to anyone
9 about it. If you do want to talk to somebody, if
10 they approach you and want to talk to you about
11 it, if you want to talk to them, fine. If not,
12 you tell them I don't want to talk to them about
13 it. That's fine too. And if they won't leave you
14 alone, you just contact the clerk of court's
15 office, they'll notify me, and they won't bother
16 you again.

17 So with that, thank you so much for being
18 here and you're discharged.

19 JURORS: Thank you, sir.

20 (Alternates discharged at 11:53 p.m.)

21 THE COURT: We're going to be at ease for
22 five minutes.

23 (A break was taken from 11:53 a.m. to 1:09 p.m.)

24 THE DEPUTY: All rise. Come to order.

25 THE COURT: Thank you. You can be

1 seated.

2 All right. My understanding is that we
3 have a verdict in this case. And so what I want
4 right now to make clear is that, if you cannot
5 keep your emotions in check, or if you feel that
6 you cannot keep your emotions in check as it
7 relates to this matter, then you need to leave now
8 because I'm not going to tolerate any outburst one
9 way or the other. I mean, so to that end, if
10 anybody needs to leave, they need to leave now.
11 If there's an outburst, that will be dealt with
12 immediately and it will be dealt with the full
13 contempt powers that this court has.

14 Anything from the State before we bring
15 the jury in?

16 MR. UTSEY: No, Your Honor.

17 THE COURT: Anything from the defense?

18 MR. WALKER: No, Your Honor.

19 THE COURT: All right. Bring us the
20 jury, please.

21 (Jury enters the courtroom at 1:12 p.m.)

22 THE COURT: Mr. Foreman, Ladies and
23 Gentlemen of the Jury, it's my understanding the
24 jury has reached a verdict in this matter?

25 FOREMAN: We have.

1 THE COURT: All right, thank you.

2 Madame Clerk, will you publish the verdict?

3 Defendant, please stand.

4 THE CLERK: The State of South Carolina,
5 County of Colleton, State of South Carolina vs.
6 William Sanders, the court of general sessions
7 indictment numbers 2019-GS-15-00426,
8 2019-GS-15-00427, we, the jury, in the above
9 captioned case on the charge of attempted murder
10 of Channta Kelly unanimously find William Sanders
11 guilty. Only proceed question -- okay, guilty.

12 We, the jury, of the above captioned case
13 on the charge of possession of a during a violent
14 crime to witness attempted murder unanimously find
15 William Sanders guilty.

16 THE COURT: All right. Thank you,
17 Madame Clerk.

18 Any motions before I discharge the jury for
19 the State?

20 MR. UTSEY: No, Your Honor.

21 THE COURT: From the defense?

22 MR. WALKER: May we sit, Your Honor?

23 THE COURT: Yes, please. You-all can be
24 seated.

25 MR. WALKER: Pole the jury.

1 THE COURT: All right. Madame Clerk, I
2 need you to pole the jury, please.

3 THE CLERK: The foreperson, is this your
4 verdict?

5 FOREPERSON: Yes.

6 THE CLERK: Is this still your verdict?

7 FOREPERSON: Yes.

8 THE CLERK: Madame next to you, is this your
9 verdict?

10 JUROR: Yes.

11 THE CLERK: Is this still your verdict?

12 JUROR: Yes.

13 THE CLERK: Is this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it Still your verdict?

16 JUROR: Yes.

17 THE CLERK: Ma'am, is this your verdict?

18 JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes.

21 THE CLERK: Ma'am, is this your verdict?

22 JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR: Yes.

25 THE CLERK: Sir, is this your verdict?

1 JUROR: Yes.

2 THE CLERK: Is it still your verdict?

3 JUROR: Yes.

4 THE CLERK: Sir, is this your verdict?

5 JUROR: Yes.

6 THE CLERK: Is it still your verdict?

7 JUROR: Yes.

8 THE CLERK: Ma'am, in the back, is this
9 your verdict?

10 JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR: Yes.

13 THE CLERK: Ma'am, is this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: Sir, is this your verdict?

18 JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes.

21 THE CLERK: Sir, is this your verdict?

22 JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR: Yes.

25 THE CLERK: Ma'am, is this your verdict?

1 JUROR: Yes.

2 THE CLERK: Is it still your verdict?

3 JUROR: Yes.

4 THE CLERK: The jury has been poled.

5 THE COURT: Thank you, Madame Clerk.

6 Ladies and Gentlemen, thank you for your
7 service this week. Thank you for honoring your
8 summons and being here. These are very important
9 matters that we're dealing with that we couldn't
10 do without you. I thank you. Your service is
11 complete. You're free for three years, but that
12 doesn't count federal court, magistrate's court,
13 or city court. But as far as being up here,
14 you're done for three years.

15 Now, I want you to know, Ladies and
16 Gentlemen, you are free to leave at this time. I
17 will tell you that I expect that there will be
18 some motions that are made, and then more than
19 likely we would move straight into sentencing. If
20 you want to stay, go have a seat and you can stay.
21 If you don't, you're free to leave. Whatever you
22 want to do.

23 I also want to let you know, Ladies and
24 Gentlemen, if you want to talk to folks about
25 this, you can. Now, if you don't want to talk to

1 people about it, then you certainly don't have to.
2 People bother you and won't leave you alone and
3 you don't want to talk to them about it, you let
4 the clerk of court know, they'll let me know, and
5 that won't happen.

6 So at this time, you are free to go. If
7 you want to stay, you can. You can just have a
8 seat in the gallery. But thank you. Thank you on
9 behalf of the court. Thank you on behalf of your
10 county.

11 All right. Thank you, Ladies and Gentlemen.

12 (Jury excused at 1:17 p.m.)

13 THE COURT: All right. Any matters at
14 this point, any motions from the State?

15 MR. UTSEY: No, Your Honor.

16 THE COURT: All right. Mr. Walker.

17 MR. WALKER: Thank you, Your Honor. I
18 renew my motions -- well, I guess I don't need a
19 directed verdict motion since we got a verdict. I
20 move for a new trial based on prejudicial
21 admission of prior bad act evidence, that based on
22 the facts in the case that were testified to by
23 the defendant, as well as the State's witnesses,
24 rendered the improper verdict.

25 THE COURT: Anything in response?

1 MR. UTSEY: Your Honor, I would just
2 briefly say that we held pretrial motions on prior
3 bad acts. You ruled that we keep everything out
4 about the arrest, which I believe we did, the
5 restraining order, which I believe the State did,
6 and that is all, Your Honor. Thank you.

7 THE COURT: All right. Mr. Walker I note
8 your objections for the record, certainly as it
9 relates to the bad act situation, some of which
10 came in, some of which were excluded pursuant to
11 my rulings, but I'm going to deny your motions in
12 full, sir. I think the jury has spoken in this
13 matter. I think the evidence was clearly
14 appropriate.

15 He can be seated.

16 I think there was appropriate evidence
17 here for them to have reach this verdict, and, as
18 a result, I am going to deny your motion.

19 I'm happy to hear from the State in
20 regard the sentencing, Solicitor.

21 MR. UTSEY: Thank you, Your Honor.

22 THE COURT: And is somebody working on
23 the form?

24 MR. UTSEY: Mr. Evans is working on
25 sentencing sheets.

1 THE COURT: Thank you very much.

2 MR. UTSEY: Obviously, Your Honor has
3 heard all the testimony in this case. Your Honor
4 has heard the evidence in this case, and I would
5 like -- Channta, if you want to -- you want to
6 speak to the Court. Your Honor, I'll want
7 Miss Channta Kelly to address the court.

8 THE COURT: I'm happy to. If Miss Kelly
9 wants to come up and say anything to me, I'm happy
10 to hear from her at this time.

11 Miss Kelly, pull your mask down for us.
12 Thank you very much. And if would just address me, I
13 would appreciate it. Thank you. Go ahead.

14 MS. KELLY: I don't know too much about
15 the sentencing. I'm elated with the verdict. I
16 just basically want to say, you know, it was
17 mentioned about the time that he was missing
18 things, and stuff like that, but I never, ever in
19 my life will recover.

20 I still have these fragments in my back.
21 That pattern that you see on that shirt, that's
22 the pattern that's on my back forever.

23 I have -- I lost a kidney, so that means
24 that I have problems with using the restroom at
25 times. I also lost a spleen.

1 I also lost a lot of things in the
2 process with that. My daughter was 16 at the
3 time, so, of course, she was rebellious, you know.
4 And by me being paralyzed -- partially paralyzed
5 at the time, that made me lose a lot of bearing on
6 my children, also.

7 The homeless situation that they
8 publicized, you know, as if it was something that
9 was chosen. I working six days a week prior to me
10 getting shot by Mr. Sanders. So he took a lot
11 away from me, a whole lot away from me. He took a
12 lot away from my children. He took a lot away
13 from my pride. I was paranoid day in and day out
14 worrying about him or if his family members would
15 come get me. I've never been like that.

16 I'm not perfect at all. I'm noting
17 saying I'm a saint in my life. I've done things
18 and I've problems and stuff like that. But I
19 never had the problems where I couldn't sleep at
20 night. I never had the problems where somebody
21 tried to defame my character to make themselves
22 look superior to the situation. He took advantage
23 of my neediness. And when I wouldn't allow him to
24 continue to take advantage, he acted as if he was
25 God to say, well, if you don't want to participate

1 no more, you won't participate in life no more.
2 That's not fair to my children.

3 My children were afraid of a white truck
4 for almost a year straight. They're now nine
5 years old, so they're older and they're with their
6 father. But they were afraid. They worried about
7 their mother. I have a necklace on that my son
8 made for me in the hospital. I haven't taken it
9 off. I let my nephew wear it. He's deceased now.
10 But I carry this necklace because my little
11 six-year-old, seven-year-old son prayed over this
12 necklace because he felt like it would keep his
13 mother safe. And all of these things are because
14 of Mr. William Sanders. This same child that made
15 this necklace, he never cared for William Sanders.
16 I was naive and blind to a child speaking to their
17 mother.

18 Again, like I said, I don't know really
19 what, you know, sentencing goes for. But I ask
20 you not to spare him nothing, because throughout
21 trial, he could have denied that he did it. I
22 understand that. You don't want to go to jail.
23 But defaming my character to try to drag me down,
24 to make me look so low and so bad, it's just
25 beyond. Because that's why I carried on. I know

1 he did it, and he knows he did it, so why keep
2 trying to defame my character to make me look like
3 I'm such a villain.

4 I still -- it will never -- I will never
5 rehabilitate myself at all. This cane is now
6 something that I use, but I was in a wheelchair
7 when my daughter had to turn me over every hour.
8 Sixteen years old, had to turn me over every hour.
9 Not only did she have to turn me over, but I
10 couldn't even reach my arms behind my back. This
11 is a blessing that I can do this now. I couldn't
12 even wipe myself, and this was all because of the
13 act of Mr. William Sanders.

14 THE COURT: Right.

15 MS. KELLY: He acted maliciously (sic). He
16 did not care. He looked me in my face before he
17 did it. I believe that he thought about it. He
18 thought about it because he sat there and talked
19 to me for a whole hour before he did it. He
20 actually thought about it before he did it, and he
21 did it. And now I believe that the look that he
22 gave was that he couldn't leave because he thought
23 there would be no witnesses, but God spared me and
24 I am a witness.

25 MR. UTSEY: Thank you, Miss Kelly.

1 THE COURT: Thank you so much,
2 Miss Kelly.

3 Solicitor -- Solicitor, the attempted murder,
4 what are the ranges?

5 MR. UTSEY: Zero to 30 years, Your
6 Honor.

7 THE COURT: All right.

8 MR. UTSEY: I originally recommended 20
9 years for Mr. Sanders, which he did not take. I
10 do have the sentencing sheets now. If I can sign
11 them real quick, Judge.

12 THE COURT: Yes, sir. The possession of
13 a weapon is five years, Solicitor?

14 MR. UTSEY: Yes, sir.

15 THE COURT: Up to five years?

16 MR. UTSEY: Yes, sir. That's correct,
17 Your Honor.

18 Also, his prior record, Judge, is 1985,
19 assault and battery of a high and aggravated
20 nature. I'm sorry, Your Honor. I'm going through
21 it.

22 THE COURT: Take your time.

23 MR. UTSEY: 1990, another assault and
24 battery of a high and aggravated nature; 2003,
25 breach of peace; 2003, assault and battery of a

1 high and aggravated nature; 2013, hunting or
2 fishing without a license. And that's all I have
3 for Mr. Sanders's prior record, Your Honor.

4 Obviously, Your Honor heard all the
5 facts, heard the evident, heard from the victim,
6 and I just want to let Your Honor know I did
7 recommend 20 years before today. I am going to
8 sign the sentencing sheets and hand them to
9 Mr. Walker.

10 May I approach with the sentencing
11 sheets, Judge?

12 THE COURT: Yes, sir.

13 Mr. Walker, I'm happy to hear from you,
14 sir.

15 MR. WALKER: Thank you, Your Honor.
16 Before I begin mitigation, I just want to say, of
17 course, we'll be appealing the verdict. We
18 understand the jury's verdict. But in light of
19 the appeal, I generally advise my clients not to
20 make any statements, and I advised him to do
21 that.

22 THE COURT: I understand that completely,
23 sir. I'd be advising my client of the same thing
24 if I was in your situation, and I have been there.
25 Yes, sir.

1 MR. WALKER: Mr. Sanders, as you heard
2 from the stand is 60 years of age. He's been
3 employed throughout his life as a heavy equipment
4 operator. He obviously has a bit of a record for
5 violence in the past, although, at the age of
6 those convictions, that was a misdemeanor at the
7 time not since they changed the law and made it a
8 felony, those ABHANS. And it's been, I think, 20
9 years since the last one.

10 I'm sure one of the great regrets of
11 Mr. Sanders's life, at this point, is meeting
12 Miss Kelly, but we are where we are. I haven't
13 looked lately, but the last time I looked at the
14 actuarial tables, I believe, if Mr. Sanders were
15 healthy and living life on the outside, I think
16 they would give him around a decade or a little
17 less of life expectancy, and that certainly goes
18 down being incarcerated. He also has a number of
19 health issues that would also attack that matter.
20 He's had heart problems with fluid on his heart.
21 He takes a number of medications for that. He has
22 some lung problems. He has high blood pressure,
23 as well as he's a diabetic. He's also had his
24 gallbladder out and had some stomach issues there.
25 So he's got a myriad of other issues working

1 against his health, which, certainly,
2 incarceration does not help.

3 You heard all the evidence. You've heard
4 from Mr. Sanders on the stand. He's a blue color,
5 working man, likes to hunt, grew up around here.

6 In the court with him has actually been
7 his employer. She's been giving him rides back
8 and forth. Miss Dodd. Is that right?

9 MS. DODD: May I speak on William's
10 behalf.

11 MR. WALKER: Is that right, Miss Dodd?

12 MS. DODD: Dodd.

13 MR. WALKER: And also, Your Honor may
14 have noticed an older black lady sitting in the
15 courtroom with him, and that was his sister,
16 Marilyn Sanders, who's been with SLED as a
17 fingerprint examiner for over 40 years. She could
18 not be here today, but she was here in support and
19 ready to testify had we needed her to about some
20 issues. Also he has other relatives. He's been
21 staying with, I believe, another sister. I've had
22 a niece that's very involved transporting him and
23 answering questions, sending me information that
24 the family wanted me to have. He has a close-knit
25 family who's been very supportive of him.

1 I'll let Miss Dodd speak for him and sum
2 it up.

3 THE COURT: Yes, sir. I'm happy to hear
4 from her. This is Miss Dodd.

5 MS. DODD: Do I come up here?

6 THE COURT: You can come right here. You
7 can just stand right in front of me. There's a
8 microphone right there. Come on right up.

9 MS. DODD: Okay.

10 THE COURT: What's your name for the
11 record, ma'am?

12 MS. DODD: My name is Martha Dodd.

13 THE COURT: Yes, ma'am, Miss Dodd.

14 MS. DODD: And William is an employee of
15 mine and has worked for me with heavy equipment
16 that I have. And there is a relationship --
17 multi-generational relationship between the
18 Sanders family and the Dodd family. We go back
19 many generations.

20 And William, in my opinion, going to jail
21 is not going to accomplish anything for William.
22 William needs counseling, not jail. He is not a
23 bad person. He is an emotional person. And he
24 has always been good to me. He responds well to
25 kindness. He has been dependable.

1 He -- where I'm living right now, I don't
2 have much of a kitchen and William knew that.
3 Without me asking him or even saying anything, he
4 would bring me meals in the evening, and, you
5 know, that's just the kindness, the kinds of
6 things William does.

7 Obviously, that was a volatile
8 relationship that should have never happened.
9 William is good to the women that he gets involved
10 with. He takes care of her children. He is not
11 the person that has been painted here today, or in
12 the last few days. There is much more to him than
13 what has shown up. And I would like for you to
14 take that into consideration when you make the
15 decision on the sentence.

16 THE COURT: Yes, ma'am.

17 MS. DODD: Thank you.

18 THE COURT: Thank you for speaking on his
19 behalf.

20 Mr. Walker.

21 MR. WALKER: Thank you, Your Honor. I
22 think much of what Miss Dodd has said is very
23 true. Obviously, this came out of a volatile
24 relationship, as the solicitor was trying to make
25 clear.

1 You heard about William. You know,
2 certainly William would love a sentence that would
3 keep him out of jail. You know, we've all been
4 doing this a long time and that's not in the
5 cards, but we would ask the Court to consider a
6 sentence between five and ten years.

7 Thank you, Your Honor.

8 THE COURT: Is there anything else,
9 Solicitor?

10 MR. UTSEY: Your Honor, I'm checking
11 right now on whether we can have a permanent
12 restraining order on Channta Kelly, which I'm sure
13 the defense won't even object to that because I'm
14 sure they don't even want to be around
15 Channta Kelly. But I'm checking right now to see
16 if we can do that.

17 THE COURT: Solicitor, let me ask you
18 this: Is this a day-for-day sentence, or is this
19 an 85 percenter?

20 MR. UTSEY: I believe it's an 85
21 percenter, Your Honor.

22 MR. WALKER: And, Your Honor, I just want
23 to say one more thing, when we request those
24 sentences that those sentences run concurrent.
25 Thank you.

1 THE COURT: We'll be at ease for a few
2 moments.

3 MR. UTSEY: Yes, sir. Thank you, Your
4 Honor.

5 (A break was taken from 1:32 p.m. to 1:44 p.m.)

6 THE DEPUTY: All rise.

7 THE COURT: All right. You can be
8 seated.

9 All right. Stand up, sir. In case number
10 2019-GS-15-00426, State vs. William Sanders, attempted
11 murder, sir, are you committed to the South Carolina
12 Department of Corrections for a term of 20 years, and
13 that is to run consecutive to 2019-GS-15-00427. And,
14 sir, in 2019-GS-15-00427, State vs. William Sanders,
15 possession of a weapon by a person convicted of a
16 violent crime, sir, I sentence you to the Department
17 of Corrections for a term of 18 months. And, again,
18 that is consecutive to 2019-GS-15-00426.

19 That will be the order of this court. Thank
20 you. Good luck, sir.

21 MR. WALKER: Your Honor, my client asked
22 me to ask so I'm doing it. He asked if he could
23 report to start serving his sentence in a day to
24 two so he can get his affairs in order.

25 THE COURT: No, sir.

1 What about credit? What about time
2 served? I want to make sure whatever credit he's
3 entitled to he gets.

4 MR. UTSEY: Your Honor, I am going to
5 check with the jail right now to figure that out,
6 because he was in jail for a long time.

7 MR. EVANS: Mr. Hail, had to go to
8 Beaufort to fill in.

9 THE COURT: I understand Mr. Hail had
10 business with Mr. Harvey.

11 MR. EVANS: We will get that number.

12 THE COURT: I want to make sure we get
13 together and make sure we have the appropriate
14 credit, and I'll enter that and make sure he gets
15 that.

16 MR. WALKER: I believe it would be from
17 his arrest date until the end of his previous
18 trial, but he's also been on house arrest with an
19 ankle monitor.

20 THE COURT: I'm not going to give him
21 credit for house arrest.

22 MR. WALKER: Thank you, Your Honor.

23 MR. UTSEY: Your Honor, also, we have a
24 permanent restraining order, which I believe
25 Mr. Walker does not object to. If I can approach

1 with that?

2 THE COURT: All right.

3 MR. UTSEY: There is a date, Judge, on
4 that first page.

5 THE COURT: Right. What I'm going to do
6 on the date is, I'm going to put 12/16/2121. So
7 we'll just make that for 100 years.

8 All right. I've signed the permanent
9 retraining order, and I put a date on it that it
10 will be effective until 12/16/2021.

11 MR. UTSEY: Thank you, Your Honor.

12 MR. WALKER: Thank you, Your Honor.

13 (End of proceedings.)

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25

WITNESSES

CCSO

Mayor Jw Palmer

DOCKET NO. 2019GS1500427

The State of South Carolina
County of Colleton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2019

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A1510100239

THE STATE

vs.

William Cornelius Sanders

ACTION OF GRAND JURY

Y Ruel Bill

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Danny Martin
Foreperson of Grand Jury *Danny Martin*
Date: *11/21/19*

Defendant

VERDICT

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

RECEIVED
DEC 29 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

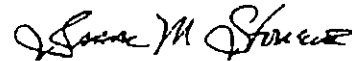
INDICTMENT
2019GS1500427

At a Court of General Sessions, convened on November 21, 2019, the Grand Jurors of Colleton County present upon their oath:

Possession of Weapon During Violent Crime

That in Colleton County, South Carolina, on or about April 24, 2019, the Defendant, William Cornelius Sanders, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime, to wit: Attempted Murder and William Cornelius Sanders was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Attempted Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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



Solicitor

Colleton County
General Sessions Court
2019 Nov 21 PM 12:40

INDICTMENT FOR
JUL 5 2019
SO. COURT OF JUDICIAL

WITNESSES

CCSO

Alton J. Calman

ARREST WARRANT NUMBER

2019A1510100238

ACTION OF GRAND JURY

True Bill

Danny Dain
Foreperson of Grand Jury *Danny Dain*
Date: *11/21/19*

VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2019GS1500426

The State of South Carolina
County of Colleton

COURT OF GENERAL SESSIONS

November Term 2019

THE STATE

vs.

William Cornelius Sanders

Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

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.

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

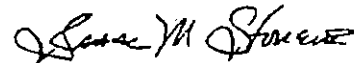
INDICTMENT
2019GS1500426

At a Court of General Sessions, convened on November 21, 2019, the Grand Jurors of Colleton County present upon their oath:

Attempted Murder

That in Colleton County, South Carolina, on or about April 24, 2019, the Defendant, William Cornelius Sanders, did, with intent to kill and with malice aforethought, attempt to willfully kill Channta Shereia Kelly, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

7119 11:21 21 54 12: 43

CLERK OF DISTRICT COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF COLLETON

RECEIVED

STATE

DEC 29 2021

INDICTMENT/CASE#: 2019GS1500427

VS.

SC Court of Appeals

William Cornelius Sanders

AW#: 2019A1510100239

AKA:

Date of Offense: 04/24/2019

Race: Sex: Age:

S.C. Code §: 16-23-490

DOB: SS#: 1

CDR Code #: 0549

Address:

City, State, Zip:

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 PLEADS

TO: Possession of a weapon by a person convicted of a violent crime

In violation of § 16-23-490 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 Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Solicitor signature

102393 SC Bar # Defendant

Attorney for Defendant signature 12535 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 5 days/months/years Time Served Youthful Offender Act not to exceed years

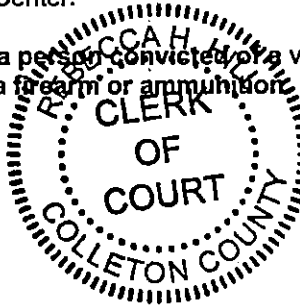
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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: 2019 GS 1500426

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. 560 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.



Certified True Copies of Records

Rebecca N. Nee Clerk of Court, CP & GS Colleton County, South Carolina Date: 12-20-2021 CN

STATE v. William Cornelius Sanders INDICTMENT/CASE#: 2019GS1500427

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	\$ <u>100.00</u>
§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	\$ <u>25.00</u>
§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	\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Sharon G. Hardison Presiding Judge: Tracy Boub
 Court Reporter: _____ Judge Code: 2770
 Sentence Date: 12/16/21

0-30 years



STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF COLLETON

DEC 29 2021

STATE

VS.

SC Court of Appeals

INDICTMENT/CASE#: 2019GS1500426

William Cornelius Sanders

AW#: 2019A1510100238

AKA: _____

Date of Offense: 04/24/2019

Race: _____ Sex: _____ Age: _____

S.C. Code §: 16-3-29

DOB: _____ SS#: _____ P: _____

CDR Code #: 3410

Address: _____

City, State, Zip: _____

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 PLEADS

TO: Attempted Murder

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

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 Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]

102393

Solicitor SC Bar # Defendant

[Signature] 72535

Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 20 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

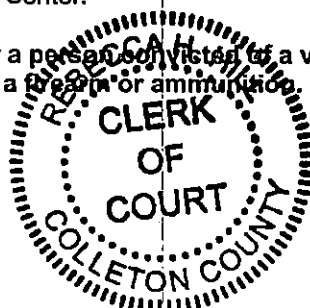
CONCURRENT or CONSECUTIVE to sentence on: 2019 GS 1500427

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. ~~30~~ 30 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.



Certified True Copies of Records

Rebecca N. Niece
Clerk of Court, CP & GS
Colleton County, South Carolina
Date: 12-20-2021 CN

STATE v. William Cornelius Sanders

INDICTMENT/CASE#: 2019GS1500426

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	\$ _____
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§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§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		\$ <u>25.00</u>
§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		\$ <u>3.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
	TOTAL		\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Sharon G. Hardeon

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Foley Baul
2770
12/14/21

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.”

Respectfully Submitted,

RECEIVED

May 02 2023

SC Court of Appeals

s/ Lara M. Caudy

Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of May, 2023.