

May 30 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREANTE DEON STEVENS,

APPELLANT.

APPELLATE CASE NO. 2022-000019

RECORD ON APPEAL

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**The following exhibits are on file with this Court:
State's Exhibit #13 and State's Exhibit #270**

TRACEY THROWER - CROSS

1 the gun.

2 A If the bullets did not have individual marking along
3 them that would allow you to identify them and separate them
4 into gun number one and gun number two, it would have to be
5 inconclusive. But polygonal rifling is very smooth, and
6 many times it is so smooth that the few markings it does
7 leave can be inconsistent from one shot to the next.

8 Q And finally the witness before you testified that he
9 would have been able to conclude -- compare these bullets to
10 each other and make further conclusions. Is that possible?

11 A I would say most likely not based on the fact that we
12 had two examiners that are court qualified and trained that
13 looked at these bullets and said that the markings there
14 were not sufficient to make a conclusion as to how many guns
15 were there.

16 MS. CAMPBELL: Thank you. I don't have anything else.

17 THE COURT: All right. Mr. Belton.

18 MR. BELTON: Just one question.

19 CROSS EXAMINATION

20 BY MR. BELTON:

21 Q Agent, certainly we know that SLED had a backlog, and
22 we don't have to keep beating this dead horse, but we also
23 know SLED is not down there on swinging doors waiting on
24 defense attorneys to come through and rummage through all
25 the evidence and test bullets for their clients, are they?

TRACEY THROWER - CROSS

1 A We -- anybody who calls us and requests a test to be
2 done or requests priority analysis, we will take the request
3 and we will try to work with it.

4 Q And SLED doesn't pay for private testing for Mr.
5 Stevens to be done, does it?

6 A No, sir.

7 MR. BELTON: Okay. No further questions.

8 THE COURT: Mr. Sheldon?

9 MR. SHELDON: May it please the Court?

10 CROSS EXAMINATION

11 BY MR. SHELDON:

12 Q Thank you for being here. So you expect us -- let
13 me back up. So you said that -- she asked you if you were
14 paid \$250 an hour and you said: No, I'm paid by the State,
15 is that right? I get a state salary.

16 A Yes, sir. I get paid by the State to --

17 Q No, I just -- you said you get paid by the State, did
18 you? You get a state salary. Wasn't that your answer?

19 A Yes, sir.

20 Q How much is that salary?

21 A Right now I think it's around \$85,000.

22 Q So the government is paying you \$85,000 a year to
23 process this stuff at SLED, or at least oversee that lab; is
24 that right?

25 A Yes, sir.

TRACEY THROWER - CROSS/REDIRECT

1 Q Okay. So you're getting paid to do all of that. So
2 now what you -- I mean, and said -- you're not getting paid
3 \$250 an hour like the defense expert; is that right? But in
4 addition to that you're also getting probably retirement
5 benefits and thing like that, aren't you?

6 A Yes, sir.

7 Q All paid for by the State. The State of South Carolina
8 is prosecuting this case, so my question for you is do these
9 individuals need to rely on the State to conduct this
10 testing for them?

11 A I'm sorry, I don't understand your question.

12 Q There's this big oh my god, he's getting paid \$250 an
13 hour, I can't believe it, just fainted heart, I can't
14 believe it. What should the defendants do? Rely on the
15 government who is prosecuting them to do it for them and
16 look at this stuff and just trust you? Is that what they
17 should be doing?

18 A Typically when we analyze evidence we have no knowledge
19 of what the crime was, we typically do not read the incident
20 reports. We have no reason to know what was going on or why
21 it was going on.

22 Q Perhaps. But your GSR expert yesterday seemed to
23 because he testified that it was indoors. He testified that
24 there it was possibly at close range. He testified that it
25 even got windy when somebody ran by. Isn't that knowing

TRACEY THROWER - CROSS/REDIRECT

1 something about the crime?

2 A Well, my question would be at this point --

3 Q I'm not asking you to ask questions, I'm going to ask
4 them, you're going to answer them.

5 THE COURT: Yes, sir. Just answer the question and you
6 can explain your answer.

7 A Okay. He may have known certain things. He may not
8 have realized he's known these things after his analysis was
9 complete and he was simply trying to put it in context with
10 the current case to help explain the answer.

11 Q And at least when it comes to your -- to what we're
12 talking about now, the gunshot stuff, we're not going to
13 know that because we didn't get it back until three weeks
14 ago, did we?

15 MR. SHELDON: You can answer but I don't have anymore
16 questions.

17 THE COURT: All right. Any redirect?

18 REDIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q You and other people from SLED were sitting in the
21 courtroom for the testimony yesterday; is that correct?

22 A Yes, ma'am.

23 Q Including Ken Taylor's testimony.

24 A Yes, ma'am.

25 MS. CAMPBELL: Thank you, nothing further.

1 THE COURT: All right. Anything else? Thank you, sir,
2 you may step down. Does the State have any other reply
3 witnesses?

4 MR. SHELDON: No, sir.

5 THE COURT: All right, State rests in reply. All
6 right. Ladies and gentlemen, it's been a long road but
7 I'm -- we have reached the end of the testimony and evidence
8 phase of the trial. Okay. The trial is not over. You
9 haven't heard everything so that's why you can't start
10 talking about it yet. Okay? Tomorrow -- I'm going to give
11 you the afternoon off because I've got to do law stuff with
12 the lawyers so we can make sure everything I instruct you on
13 as far at the law is concerned is correct, so you will have
14 the law that I give you and the facts as you find them to be
15 to reach your verdict. Okay? So I know y'all want to move
16 forward and go forward with closing arguments but this has
17 been a long trial as you know, and the lawyers deserve time
18 within which to prepare their very important closing
19 arguments to you tomorrow morning. Okay? So that's what is
20 going to happen tomorrow. Okay? I want you in your jury
21 room at 9:00 a.m. promptly. I want you to get a good
22 night's rest and listen very attentively tomorrow as the
23 lawyers make their arguments to you. After they make their
24 arguments, okay, I will instruct you on the law, and then
25 after that that's when you'll get all of the evidence and

1 start talking about the case and deliberating your verdict,
2 and we'll go over all of that tomorrow. Okay? Don't read
3 anything about the case, don't seek out any independent
4 information about the case, don't talk to anybody about it.
5 We'll see you in the morning. All right? Thank you very
6 much.

7 (The jury left the courtroom.)

8 THE COURT: All right. We'll be down until 3:00 p.m.
9 That gives you a good 30 minutes to look over the proposed
10 charge as well as proposed verdict form, and then we'll come
11 back in here and argue the law and everything else. Okay?
12 Thank you very much.

13 (A recess was taken.)

14 THE COURT: First will be off the record because it is
15 just lawyers talking. Anything we dispute will go on the
16 record and then that way y'all are protected. Okay? All
17 right. So let's go ahead and go on the record for any
18 additional motions to be made at this time.

19 MR. BELTON: Thank you, Your Honor. May it please the
20 Court?

21 THE COURT: Yes, sir.

22 MR. BELTON: Your Honor, Defendant Steven rests. I
23 want to renew all motions and objections made during the
24 trial to include the motion for a directed verdict.

25 THE COURT: All right. Mr. Sheldon, same thing?

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

2 THE COURT: All right. Both of y'all are protected in
3 the record, both of those motions are denied. All previous
4 rulings made on any objections are continued to be the same.
5 Okay. Now let's go off the record.

6 (An off the record discussion was held between the
7 Judge and attorneys.)

8 THE COURT: On the proposed verdict form, which we
9 handed out to you, I do think there's evidence which would
10 support a jury finding of voluntary manslaughter based upon
11 everything I've heard. I did not find there was enough --
12 any evidence of involuntary manslaughter with either
13 defendant. Would the State like to heard on that?

14 MR. SHELDON: I definitely would.

15 THE COURT: Yes, sir, Mr. Sheldon?

16 MR. SHELDON: So Judge, essentially Mr. Champion's
17 position, which I'm assuming is also Mr. Stevens', is that
18 in the jury instructions themselves Your Honor is charging
19 self-defense. Self-defense is essentially what I'm going to
20 call a lawful activity, so -- and I'll be heard on
21 transferred justification later. I mean, that's just -- I
22 understand that's against precedent and I'll put that on the
23 record later, but it sort of goes hand in hand with this
24 argument in that what is involuntary manslaughter. It is a
25 lawful activity being conducted with criminal negligence;

1 reckless abandonment, reckless, and that's essentially as to
2 at least Mr. Harris. When it comes to involuntary
3 manslaughter the argument is I was engaging in self-defense,
4 which is being charged and acted recklessly in doing so. I
5 mean, that's what would entitle the involuntary
6 manslaughter charge. Now -- and I say that only because
7 you're charging act of one. I mean, there's no question
8 that my client didn't shoot Mr. Harris, at least there's
9 not -- he didn't shoot him with the gun that's in evidence,
10 we know that through completely undisputed testimony. So
11 when you're charging act of one and self-defense then I
12 think that the involuntary manslaughter would naturally fall
13 from that, is a natural progression from that in terms of
14 there's a lawful act being committed recklessly.

15 THE COURT: Okay. Anything you want to say?

16 MR. BELTON: I have nothing to add to that.

17 THE COURT: All right.

18 MR. BELTON: I do join the motion but I have nothing to
19 add.

20 THE COURT: Okay. Understood. Madam Solicitor?

21 MS. CAMPBELL: Your Honor, I'm just asking what
22 precedent he sets for that because I've never seen a fact
23 situation that would support that with these facts in this
24 case. Of course, self-defense is a complete defense so it
25 is self-defense. It's not involuntary manslaughter, it's

1 self-defense. It doesn't reduce it. I do think that out of
2 an abundance -- I think I can make an argument against
3 voluntary, which I want make just out of an abundance of
4 caution because of the facts this case. But I think that in
5 doing the murder and then the voluntary manslaughter that we
6 have -- and self-defense, have more than covered all of the
7 appropriate charges to this jury in this case.

8 THE COURT: I agree with the State. I'm not going to
9 charge involuntary manslaughter based upon the facts that's
10 being presented. Mr. Belton, your point as to the issue of
11 self-defense not being on the verdict form, it doesn't have
12 to be on the verdict form.

13 MR. BELTON: I understand that, Your Honor.

14 THE COURT: I mean, that's an absolute defense.

15 MR. BELTON: I understand that.

16 MR. SHELDON: And Judge, just to be clear, I was asking
17 for it only as to Mr. Harris.

18 THE COURT: I understand.

19 MR. SHELDON: And so --

20 THE COURT: I understand your argument, and you're
21 protected in the record, I don't think it fits here. I'm
22 not going to charge it. All right. As far as -- I am
23 charging ABHAN, of course, that's what the charge is. I am
24 not charging A and B First. Does anybody wish to be heard
25 on that?

1 MR. SHELDON: Of course.

2 THE COURT: Yes, sir.

3 MR. SHELDON: And, Your Honor, let me just -- one
4 second, let me actually get the A and B First statute that's
5 pulled up. So essentially assault and battery high and
6 aggravated nature requires unlawfully injuring another
7 person and great bodily injury resulting, or the act is
8 accomplished, accomplished by means likely to produce death
9 or great bodily injury, right, the act itself. But it still
10 requires some sort of, for lack of a better word, some sort
11 of battery. You're required to actually commit the battery.
12 So there's no dispute that assault and battery first is a
13 lesser included of ABHAN, I mean, the statute says that,
14 assault and battery first, however, is injures another
15 person, et cetera, or -- and let me find where Section B is.

16 THE COURT: It says the little B.

17 MR. SHELDON: Yeah, I know.

18 THE COURT: I've got a little graph up here.

19 MR. SHELDON: Right here. Or offers or attempts to
20 injure another person with the present ability to do so.
21 And so essentially by adding the attempts to do so, what the
22 legislature has done, what their intention is is that
23 assault and battery first high and aggravated is going to be
24 the highest, we're going to require that they actually --
25 that started injury result, that the assault and battery

1 actually occurred, whereas A and B first, there is only an
2 attempt to do so. Here we have -- there is clearly evidence
3 in the record that three bullets were fired from the .380,
4 even if the .380 were to connect on three people that were
5 not the actual victims -- the homicide victims you're still
6 then locked with five other victims. Essentially the
7 assault and battery high and aggravated nature is going to
8 require them to show that he actually made contact, and that
9 he -- or acting in hand of one, hand of all that he made
10 contact. This is specifically important because I am not
11 barred from arguing that act of one, act of all doesn't
12 apply, but we still may be guilty of something else in an
13 independent crime, right? I mean, I don't have to give away
14 what I'm going to do at closing argument, but it is possible
15 that just because the Court's charging act of one, act of
16 all, that a jury could find that two separate crimes are
17 being committed at the same time. Essentially if you and I
18 go to the gas station to rob the gas station but we didn't
19 plan it, but we just show up at the gas together to rob it,
20 we are both independently guilty of attempted armed robbery
21 but there is no hand of one, hand of all. And when looking
22 at the facts of those circumstances when it applies to those
23 ABHAN's we should get the charge of A and B First, not
24 because of any resulting injuries, those clearly rise to the
25 level of ABHAN but to the level of that A and B First only

1 requires an attempt to do so, and we clearly didn't shoot
2 eight other people.

3 THE COURT: Understood. All right. Who wants to argue
4 that on behalf of the State? Mr. Belton, do you wish to say
5 anything on that?

6 MR. BELTON: No, Your Honor.

7 THE COURT: All right. Who wants to argue that on
8 behalf of the State?

9 MS. CAMPBELL: Your Honor, he's only -- I mean, he's
10 only charged on the theory under hand of one, hand of all,
11 both of them are, and clearly there is injury on the eight
12 victims that we have in these indictments. So the offer or
13 the failure to do injury, I guess I'm missing the theory.

14 THE COURT: I understand what you're saying and I get
15 it. And I think, Mr. Sheldon, actually your client comes
16 out better without having A and B First charged, because,
17 you know, that can create a compromised situation where
18 they -- you know, the jury can just find for that, because
19 the A and B First doesn't require an actual injury. The
20 only evidence in the record here which would support the
21 ABHAN -- in addition to everything else which would support
22 the higher charge of ABHAN, is every victim had an injury.
23 Now, it's up to the jury to determine whether or not it was
24 a great bodily injury or not, and they -- they can say that
25 it wasn't a great bodily injury. But, you know, it's like

1 an either, all or none situation on the A and B. I've had
2 some cases where I've charged attempted murder all the way
3 down to A and B Third. Okay? I just I don't see how any
4 lesser offenses are applicable here. What else do you want
5 to say?

6 MR. SHELDON: And I do want to say something. There
7 are -- there is evidence that there's two bullets, not shell
8 casings but bullets found, one by the lobby area by the main
9 foyer and one by the two pool table. I mean, there's two
10 from my client's gun that landed. There's no evidence that
11 they hit anybody, there's no evidence that they didn't, but
12 there is not evidence that they hit anybody. What I want to
13 say is you can say he is only charged under a hand of one,
14 hand of all theory. If you are going to charge to the jury
15 that Mr. Stevens can be convicted without Mr. Champion, but
16 Mr. Champion cannot be convicted if you don't find that he
17 acted with Mr. Stevens then I'm fine with that. He's not
18 only charged under hand of one, hand of all theory, he's
19 charged with the principle offenses.

20 THE COURT: All right. I understand. Anything further
21 from the State on that?

22 MS. CAMPBELL: No, sir.

23 THE COURT: All right. I'm not going to charge A and B
24 First.

25 MR. BELTON: Your Honor, the next thing that we have is

1 we stipulated to his conviction, Mr. Stevens, we stipulated
2 to the charge that the State had met the elements for
3 possession of a weapon by a person convicted of a crime of
4 violence. There are two things to that, and I'm sorry, it's
5 a long way to get it out, two things. I did read it very,
6 very quickly --

7 THE COURT: Number 11 on the verdict form, page five
8 number 11.

9 MR. BELTON: Okay. On the verdict form. But I did not
10 see a charge, a stipulation charge in there. Now, granted,
11 I flipped through those things pretty quickly to get to the
12 meat of it.

13 THE COURT: Oh, what the stipulation is?

14 MR. BELTON: Yeah.

15 THE COURT: I haven't got the charge yet, I'm still on
16 the verdict form right now.

17 MR. BELTON: Okay. I'll sit down the.

18 MR. SHELDON: I was talking about the charges. Just to
19 be clear, I'll renew that when we talk about the charges.

20 THE COURT: Yeah. All of this stuff is -- we're going
21 to do one at a time. I'm just doing the verdict form right
22 now, the charges that are on the verdict form.

23 MR. BELTON: My apologies.

24 THE COURT: And then we're going to do what I didn't
25 charge, what I didn't hand out, and then we're going to do

1 what I did hand out. You see, that's how we're going to do
2 it. So Number 11, you know, that indictment has gone to the
3 jury, I mean, it's already been submitted to the jury.
4 Well, they don't get it, of course, until -- but I left it
5 on the verdict form, the question is should it continue be
6 on the verdict form. I mean, he didn't plead guilty to it
7 and he testified certainly that he -- but I still think
8 that's a jury finding.

9 MS. CAMPBELL: Yes, Your Honor. The stipulation is
10 only -- they still have to find he possessed the gun -- to
11 the crime the violence.

12 THE COURT: Right. But it doesn't mean -- it's the
13 jury's determination as to whether or not he's guilty, he
14 didn't plead guilty to it.

15 MR. BELTON: Yes, Your Honor.

16 MR. SHELDON: Just show the indictment and say he's
17 guilty of this and move on to the next --

18 THE COURT: Well, I mean, it's just -- you know, if you
19 look at the way we did the -- it's just the way it's set up,
20 we did it in reverse order, you know, so it doesn't matter.
21 All right. So I think that's it, the issues for the verdict
22 form. Okay. So the verdict forms are good as presented
23 after the way I ruled. All right. All right. As to the
24 proposed charge, what I want to do is just flip through the
25 pages. Have y'all got them with you?

1 (Judge Gibbons tells the court reporter that this part
2 Is not on the record, he'll let me know when we go
3 Back on the Record.)

4 THE COURT: We're doing a charge conference. I
5 submitted two proposed jury instructions, one which I call
6 the short version, which I actually had a very similar type
7 case, believe it or not, this time last year in Beaufort
8 County. The solicitor down there handed the short one to me
9 and that's why I kept it because I liked it, but then we
10 have the long one. Okay? So the first thing is should I
11 charge it, and then if I decide I'm going to charge it the
12 question is going to be which one I charge. So should I
13 charge it, Mr. Sheldon?

14 MR. SHELDON: No.

15 THE COURT: Okay. Why?

16 MR. SHELDON: Judge, I just -- they haven't proven
17 common scheme or plan. There is nothing -- as the
18 gatekeeper of evidence in this case, which you essentially
19 are, I mean, that's the trial court's rule is to make sure
20 that anything that gets to the jury suits the facts of the
21 case pursuant to the law. And then just -- even under any
22 minimal standard that you want to operate, any evidence,
23 scintilla of evidence, shred of evidence, whatever you want
24 to call it, they simply haven't done that. I mean, they
25 haven't shown any sort of scheme or plan for which the jury

1 should be allowed to consider.

2 MS. MCGINNIS: I join that, Your Honor, and rely
3 primarily on State v. Washington.

4 THE COURT: I understand y'all's position. I don't
5 want to steal the State's thunder but that goes to the
6 credibility of the witness and the evidence. Do you agree,
7 Madam Solicitor?

8 MS. CAMPBELL: Yes, sir.

9 THE COURT: Okay. Any further argument from the State?

10 MR. BELTON: Your Honor, I do. If you are going to
11 charge it I would like for you to consider the language,
12 just one sentence on the language from the State v.
13 Washington, and I'm trying to find the citation.

14 MS. CAMPBELL: I think you handed it up.

15 MR. BELTON: You did? The language that says a finding
16 of a prior arranged plan or scheme is necessary for criminal
17 liability to attach to the -- does not directly commit the
18 criminal act. If that language could be added, which is
19 directly from the State --

20 THE COURT: All right. Under State versus Washington?

21 MR. SHELDON: 431SC394 for the record.

22 THE COURT: Yeah, I've got it right here.

23 MS. CAMPBELL: If we do that one, Your Honor, we would
24 ask that the whole thing be added, or substituted in for
25 part of this one.

1 THE COURT: All right. Are y'all okay then -- okay.
2 So -- all right. Okay. I made a ruling. I'm charging hand
3 of one, hand of all. The question is is should I charge the
4 short version adding State v. Washington language, or the
5 long one adding State v. Washington language.

6 MR. BELTON: I prefer the long one adding State v.
7 Washington.

8 THE COURT: Mr. Sheldon?

9 MR. SHELDON: Ditto.

10 THE COURT: Okay. Madam Solicitor?

11 MS. CAMPBELL: Whatever, I'm fine.

12 THE COURT: Okay. Sounds good. I will charge the long
13 one. Jack, you will type up this language right here and
14 add it just like that long?

15 MS. CAMPBELL: Judge, just not that one line you add,
16 the whole State v. Washington.

17 THE COURT: A person who joins with another to commit a
18 crime is criminally responsible for everything done by the
19 other person which happens as a natural and probable
20 consequence of the act all of the way until done by all.

21 MS. CAMPBELL: Thank you.

22 THE COURT: Okay. I will charge that.

23 MR. BELTON: Understood, Your Honor.

24 THE COURT: Okay. So you're going to this right here,
25 add to hand of one. Okay? Just type that in and we'll add

1 that. Yes. Actually we'll do -- all right. The hand of
2 one, the long one, already has mere presence in it again.

3 MS. CAMPBELL: Can we take that out?

4 THE COURT: Yeah.

5 MR. SHELDON: Mere presence shouldn't be charged twice
6 if it's verbatim, it's is the same if there is any language
7 that needs to be added. I didn't really pay attention that
8 so I can look at it, though, real quick.

9 THE COURT: Hang on. All right. I'm -- if you look at
10 the second page of the long hand of one, I'm going to delete
11 down at the bottom where it starts with however mere
12 presence, I'm deleting that. The bottom one, two, three,
13 four, five lines. Okay. And then the last page of the long
14 one I'm deleting that and adding in the State versus
15 Washington language.

16 MR. BELTON: Thank you, Your Honor.

17 THE COURT: Everybody okay with that?

18 MR. SHELDON: Yes, in principle, Judge. If I could
19 just look at that line of State v. Washington.

20 THE COURT: I'm going to say it for the record. It
21 says as follows -- so if you're follow along with me on hand
22 of one I'm going to get to: Present at the commission of
23 the crime means to be sufficiently near to aide and abet and
24 assist in the commission of the crime. A person who joins
25 with another to commit a crime is criminally responsible for

1 everything done by the other person which happens as a
2 natural and probable consequence of the act. If two or more
3 are together, acting together, and assisting each other in
4 committing the offense all are guilty. A finding of a prior
5 arranged plan or scheme is necessary for criminal liability
6 to attach to the accomplice who does not directly commit the
7 criminal act. When an act is done in the presence of or
8 with the assistance of others the act is done by all.

9 MS. CAMPBELL: Thank you, Judge.

10 THE COURT: That's how I will close hand of one, hand
11 of all. So are we in agreement on that language even though
12 the defense does not agree with me charging that theory?

13 MR. BELTON: Yes, Your Honor.

14 THE COURT: Okay. Sounds good.

15 MR. BELTON: Hold on one second, Your Honor.

16 THE COURT: Yeah.

17 (Break in proceedings.)

18 THE COURT: I'm already charging mere presence.

19 Remember, we went over that.

20 MR. SHELDON: That's why I was thoroughly confused. I
21 was like why are we taking -- if you're charging mere
22 presence we're good.

23 THE COURT: I am charging mere presence separately --

24 (Break in proceedings.)

25 THE COURT: Yeah, mere presence is right before hand of

1 one. I'm charging that. Then I charge hand of one except
2 I'm deleting that last -- rebating mere presence again and
3 I'm adding in State versus Washington. Okay. We're all
4 good. Go off the record.

5 (Discussion about the charge off the record.)

6 THE COURT: We're dealing with the murder and malice,
7 so which paragraph are you talking about?

8 MS. CAMPBELL: That first paragraph of Walls, it starts
9 with malice is a wrongful intent to injure another.

10 THE COURT: Malice is the wrongful intent --

11 MS. CAMPBELL: I don't care about that language, it's
12 just that second sentence, which within its legal sense it
13 is not necessarily -- a will toward the individual is
14 injured, just add that one, that one sentence.

15 THE COURT: So in other words you want me to say the
16 following: In its legal sense it does not necessarily
17 import ill will toward the individual injured, but signifies
18 rather a general malignant recklessness of the lives and
19 safety of other, or a condition of the mind which shows a
20 heart regardless of social duty and fatally bent on
21 mischief.

22 MS. CAMPBELL: That's it.

23 THE COURT: You just want me to add that one line after
24 I talk about malice may be inferred for a conduct showing a
25 total disregard for human life.

1 MS. CAMPBELL: Yes.

2 THE COURT: What is the defense's position?

3 MR. BELTON: I object to that language being added,
4 Your Honor, and I propose the charge be read as you
5 presented to us.

6 THE COURT: All right. Mr. Sheldon?

7 MR. SHELDON: Same.

8 THE COURT: All right. I'm not going to add that
9 language. I'm going to charge murder as presented.

10 MS. CAMPBELL: Your Honor, am I allowed to argue it in
11 front of the jury?

12 THE COURT: About malice?

13 MS. CAMPBELL: Yeah. Because it's a correct statement
14 of the law so I can argue that.

15 THE COURT: Oh yeah. You can define -- yeah. You can
16 argue all you want, I'm just not going to instruct it.

17 MS. CAMPBELL: Got it.

18 THE COURT: Absolutely. Just like flight, y'all can
19 argue that all you want, I just ain't going to instruct it.
20 All right. Transferred intent. Any problem with the
21 proposed transferred intent charge?

22 MS. CAMPBELL: We're good.

23 THE COURT: State is fine with it.

24 MR. SHELDON: Judge, and maybe I need to go back and
25 look in general. I do have -- the issue I have, obviously,

1 with transferred intent, and I'll just get to my transfer
2 justification on self defense at the appropriate time, but
3 it is -- if the defendants or either defendant. You
4 cannot -- I don't think you can lump them in together.

5 THE COURT: I agree. I agree. I'm going to change
6 that. I didn't catch that. If you'll see in my charge I
7 have each other either the whole way, that's just one thing.
8 And when I was correcting it and Flounder was typing it up I
9 just missed that, you're right.

10 MR. SHELDON: Got you.

11 THE COURT: Okay. If either defendant with malice
12 aforethought attempts to kill another person but by mistake
13 injures or kills a different person, either defendant still
14 has the intent to kill. It's intent to kill is merely
15 transferred from the original person to either defendant's
16 attempt to -- hang on a second. To intent to kill is merely
17 transferred from the original person either defendant
18 attempted to kill or injured. Either defendant would be
19 guilty of murder just as if the intent had resulted in the
20 death or injury of the person either person attempted to
21 kill. Okay. Voluntary manslaughter. Straight out of the
22 book. Any issues with that?

23 MR. SHELDON: None from me, Judge.

24 THE COURT: Okay.

25 MS. CAMPBELL: We're good.

1 THE COURT: The State requested that I charge -- I
2 don't think it's from the Belcher case, but the last one,
3 Luck, that you submitted, if the heat of passion had cooled
4 or if there's enough time between the confrontation, if any,
5 the killing would not be voluntary manslaughter. I thought
6 about it, I just think that would be me getting myself too
7 involved with the facts so I decided not to add that --

8 MS. CAMPBELL: That's fine.

9 THE COURT: -- in your exact language. It may be
10 already be in the general language.

11 MS. CAMPBELL: It's similar to your language.

12 THE COURT: Certainly you can argue it. Okay. All
13 right. Proximate cause.

14 MR. BELTON: Just -- back to voluntary manslaughter. I
15 think it's kind of inferred in the -- and I recognize it's a
16 general statement, I've read it. But as I read State v.
17 Burdette and it talks about, you know, that voluntary
18 manslaughter must state that malice is not an element of it,
19 and so I'm just looking at it and that's where I'm kind of
20 conflicted. If we read 427 SC 490, State vs. Burdette, if
21 you'll just read that, Your Honor, and if you're comfortable
22 that your charge covers what's outlined in that case.

23 THE COURT: Give me the cite again.

24 MR. BELTON: State v. Burdette, B-u-r-d-e-t-t-e, 427 SC
25 490.d.

1 THE COURT: All right. We'll look at it.

2 MR. BELTON: And in that particular case the Court
3 reversed something in reversible error because that was not
4 charged as part of the voluntary manslaughter charge.

5 THE COURT: Did you propose certain language? Did you
6 hand that up?

7 MR. BELTON: On that particular one, no, I'm just
8 asking for it here. It just simply states voluntary
9 manslaughter, that malice is not an element of voluntary
10 manslaughter.

11 THE COURT: You just want me to say that?

12 MR. BELTON: Yes, just exactly what's there in the --

13 THE COURT: You just want me to say malice is not an
14 element of voluntary manslaughter.

15 MR. BELTON: Yes, exactly what's in the case.

16 THE COURT: All right. Any problem with that?

17 MS. CAMPBELL: No.

18 THE COURT: All right. So if you look at the first
19 page of voluntary manslaughter, second paragraph, where it
20 says included with the offense of murder is the lesser
21 offense of voluntary manslaughter. What you want me to say?

22 MR. BELTON: Malice is not an element of voluntary
23 manslaughter.

24 THE COURT: Malice is not an element of voluntary
25 manslaughter. All right. That's where I'm going to say

1 that, and then the rest of it will flow.

2 MR. BELTON: Yes, Your Honor.

3 THE COURT: All right. Next one, proximate cause. Any
4 issues with that proposed charge?

5 MS. CAMPBELL: I think it's the standard one.

6 THE COURT: I'll get rid of word the defendants and
7 I'll write a defendant's act. I assume y'all are okay with
8 proximate cause? Okay. Anything else on that? Nobody has
9 answered, so I assume y'all are okay with proximate cause.

10 MR. BELTON: Yes, Your Honor.

11 THE COURT: Okay. Next one, self-defense. Next is
12 self-defense.

13 MR. SHELDON: Judge, yeah. And this is -- I know the
14 way it's written is fine grammatically so I'm looking at the
15 first paragraph of self-defense: On the other hand if you
16 have no reasonable doubt of the defendant's guilt. And so
17 obviously with an apostrophe there it serves as a
18 modified -- we're speaking of one defendant's guilt, right?
19 But the word defendants isn't really clarified when reading
20 so I would just prefer --

21 THE COURT: A.

22 MR. SHELDON: -- reasonable doubt of either of the
23 defendant's guilt, or one or the other of the defendant's
24 guilt. A defendants guilt.

25 THE COURT: Yeah. Again, that's one of these things I

1 didn't catch, you're right. That's why the defendant, I'm
2 going to say a defendant. Well, each defendant has raised
3 the defense -- let's read over it together because I want to
4 make sure I get this right, that's why we're having this
5 thing. Each defendant has raised the defense of self
6 defense. Self defense is a complete defense and if it is
7 established you must find a defendant not guilty. The State
8 has the burden of disproving self defense by proving beyond
9 a reasonable doubt. If you have a reasonable doubt of a
10 defendant's guilt after considering all of the evidence then
11 you must find a defendant not guilty. On the other, bla,
12 bla, bla, you must -- a defendant's guilt -- okay. Then I
13 go through the elements. Number one, without. First a
14 defendant must be -- if a defendant's conduct was the type
15 that was reasonably calculated -- bla, bla, bla -- a
16 defendant would be at fault. All right. Imminent danger.
17 Again, we're going to make it a defendant. If a defendant
18 believed he was in imminent danger it must be shown that any
19 reasonable person, bla, bla, bla. In deciding whether a
20 defendant actually was or believed he was in imminent danger
21 all of the facts and circumstance, including physical
22 conditions of a defendant and the victims. Right to act on
23 appearances. A defendant -- it is enough if a defendant
24 believed he's in imminent danger. A defendant has a right
25 to act even though a defendant's belief may have been

1 mistaken. A defendant -- okay. The final element is that a
2 defendant had no other probable way to avoid the danger
3 and -- as the defendant did in this particular instance.
4 Degree of force. Okay. A defendant has the right -- a
5 defendant. There you go. Prior difficulties. Evidence of
6 prior difficulties between either defendant and the victims
7 -- should I get rid of either or just put a? Are y'all okay
8 with a instead of either? Because I don't think there's any
9 evidence in the record that Mr. Colvin and Mr. Champion had
10 a prior difficulties.

11 MS. CAMPBELL: We agree.

12 THE COURT: All right. I'll just leave it a defendant
13 then. Evidence of prior difficulties between a defendant
14 and the victim/victims may be considered in deciding whether
15 a threat existed, whether a defendant had reason to believe,
16 bla, bla, bla. Okay. All right. So self-defense,
17 possession of a weapon. That's a separate piece of paper,
18 the defense requested that.

19 MR. SHELDON: I have mutual combat next, is that not --
20 or did we already go through that.

21 THE COURT: I haven't got to mutual combat. I took out
22 mutual combat.

23 MR. SHELDON: Okay. So that's --

24 THE COURT: I'm going to let the State be heard, but I
25 read the case submitted by Mr. Belton and I'm not going to

1 charge mutual combat. So then we're at possession of a
2 weapon; is that right?

3 MR. SHELDON: What --

4 THE COURT: Hang on. Let me run the show. No offense,
5 but let me run the show. All right. Ms. Campbell, do y'all
6 wish to be heard on mutual combat, me not charging it?

7 MS. CAMPBELL: Not based on you saying you're not going
8 to charge it.

9 THE COURT: Well, I mean, for the record do you want to
10 be heard? I just -- I read the -- I think it's State versus
11 Davis in its entirety, and in that case the Court charged
12 mutual combat and self-defense and they reversed by charging
13 both.

14 MS. CAMPBELL: That's because they say because of the
15 facts of that case it was on the scene.

16 THE COURT: Right, I understand.

17 MS. CAMPBELL: Because they had no prior evidence of
18 prior conflict between the two. It was different from what
19 we have in this case, because we do have several different
20 people, including the defendant, testifying that there had
21 been prior bad acts, and even prior to him going out, in our
22 theory, of getting the gun that he intentionally bumped him,
23 and at one point he said he bumped him again and flashed a
24 gun, so that would be the reason that we think it's
25 appropriate in this case under that theory because he goes

1 out to get the gun to come back in to fight.

2 THE COURT: Okay.

3 MS. CAMPBELL: Which we think it's difference from the
4 Davis factual situation.

5 THE COURT: All right. Mr. Sheldon or Mr. Belton?

6 MR. BELTON: Your Honor, I stand on the brief that I
7 submitted to the State and to the Court. But most
8 importantly, and I'll just end here, it clearly states in
9 order to have mutual combat that both parties have to know
10 that the other one is armed. There is nothing in the record
11 to indicate that Mr. Colvin knew that Mr. Stevens was armed,
12 even if their theory is --

13 THE COURT: All right. I'm not going to charge it.
14 Self-defense possession of a weapon. A person can be acting
15 lawfully even if he's in unlawful possession of a weapon if
16 he was entitled to arm himself with self-defense at the time
17 of the shooting. I just put it in there because --

18 MS. CAMPBELL: I thought that was --

19 THE COURT: I want to hear what y'all say about that.

20 MR. BELTON: Yes, Your Honor.

21 MS. CAMPBELL: I think that's what it said.

22 THE COURT: Yeah. The cite was included on the defense
23 request to charge. State versus Burris, 334 SC 256 at 262.
24 It says that a defendant in unlawful possession of a weapon
25 is still entitled to a charge of self-defense. I don't -- I

1 mean, he's admitted on the stand that he unlawfully
2 possessed a firearm, and he's admitted on the stand that he
3 shot him but he said it's self-defense so I think it fits
4 the facts. Okay. I'm charging that. All right. Next one,
5 continued use of force. If a defendant was justified in
6 using force in firing the first shot he is justified in
7 continuing to shoot until, you know -- anyway, y'all know
8 what it says. The law in this state is that a defendant
9 does not have to wait until the deceased gets the drop on
10 him, or the deceased begins to shoot him. He has the right
11 to act upon the law of self preservation to prevent this.
12 Any objection from the State on that charge?

13 MS. CAMPBELL: I think that's the law.

14 THE COURT: Okay. All right. Hang on. Remember,
15 we're going over stuff I presented to you first and then
16 we're going to go back and do stuff I didn't present. All
17 right. The next one, all right, ABHAN. That's the statute,
18 that's the ABHAN statute. All right.

19 MR. BELTON: Your Honor, let me ask you something on
20 the ABHAN. Since you're charging the proximate cause, would
21 it be appropriate to add language in there about proximate
22 cause? Because there is some dispute in the record on who
23 actually shot some of the other people who didn't --
24 obviously we talk about all of the eight people who didn't
25 die, and so that his bullet is the -- the bullets that Mr.

1 Stevens is shooting were the proximate cause of the injuries
2 of these people.

3 THE COURT: Okay.

4 MR. BELTON: I think the State has a responsibility to
5 prove that the bullets out of the .45 actually hit person A.

6 THE COURT: All right.

7 MS. CAMPBELL: No, we don't, not under a hand of one,
8 hand of all theory. You've already charged that earlier in
9 your charge.

10 THE COURT: I agree with you. I do a separate charge
11 on proximate cause and I'm charging hand of one, hand of
12 all, so I don't think I need to add language to the statute,
13 so I respectfully deny your request for that. And I've
14 previously ruled on A and B First so I'm not charging A and
15 B First.

16 MR. BELTON: Thank you, Your Honor.

17 THE COURT: Next page. Possession of a handgun by a
18 person convicted of a crime of violence. And I just
19 separated Mr. Stevens from that because Mr. Champion pled
20 guilty.

21 MR. BELTON: Your Honor, you did tell us in pretrial
22 that you would put a coma there and say not violent crime.
23 Obviously I know the State objected but you did indicate in
24 pretrial that you would add a coma there and say not violent
25 crime. A crime of violence, which is not a violent crime.

1 THE COURT: Hang on a second. Defendant Breante
2 Stevens has been charged with possession of a handgun by a
3 person convicted of a crime of violence. It is unlawful for
4 a person who has been convicted of a crime of violence in
5 any court to possess or acquire handguns within this state.
6 The State must prove beyond a reasonable doubt that the
7 defendant, Breante Stevens, did possess a handgun. Okay.
8 What do you want me to say?

9 MR. BELTON: We discussed this prior to --

10 THE COURT: I understand you want me to add another
11 sentence that says crime of violence is not necessarily a
12 violent crime. Is that what you want me to say?

13 MR. BELTON: I think what you're -- I was fine with the
14 language that you said initially. I think it's the last
15 sentence there that they must prove that -- I'm sorry, I
16 don't have it right here in front me, I've already packed up
17 my stuff. But you indicated at the beginning of the trial
18 that you would say that the State must prove that --
19 Defendant Breante Stevens has been charged with possession
20 of a handgun by a person convicted of a crime of violence,
21 and there is something there, a crime of violence is not a
22 violent crime, or different from a violent crime, or
23 something to that affect to differentiate the two.

24 THE COURT: Okay. I remember saying something like
25 that when I introduced it. I think I said a crime of

1 violence is different from a violent crime under South
2 Carolina law or something like that. What you want me to
3 say, Madam Solicitor?

4 MS. CAMPBELL: Your Honor, they do overlap somewhat but
5 it's not necessarily a violent crime.

6 THE COURT: Well, see, again -- okay.

7 MS. CAMPBELL: When you start commenting on it it
8 almost brings --

9 THE COURT: I can just simply say there is a difference
10 between a crime of violence and violent crime in some
11 situations.

12 MS. CAMPBELL: Perfect.

13 THE COURT: Okay? Okay.

14 (Break in proceedings.)

15 THE COURT: There PWVC, possession of a weapon during
16 the commission a violent crime. That's straight out of the
17 statute.

18 MR. SHELDON: I have one that I think needs to be
19 clarified on that.

20 THE COURT: Okay.

21 MR. SHELDON: The alleged crimes that each defendant
22 has been charged with are violent crimes. But I don't think
23 that's true with the previous charge you just gave and
24 that's where the confusion is going to come in for me.
25 Like, Mr. Stevens is charged with something separate, it

1 isn't a violent crime, and then at that point --

2 MS. CAMPBELL: We can just say murder and --

3 MR. SHELDON: Yeah. I would rather you just write the
4 actual charges that are violent.

5 THE COURT: Okay. So it would say --

6 MR. SHELDON: Murder, manslaughter, ABHAN are all
7 statutorily defined as violent crimes.

8 THE COURT: So murder --

9 MS. CAMPBELL: I think you just have to do murder
10 and --

11 THE COURT: How about murder and the lesser offense,
12 and ABHAN are considered violent crimes.

13 MS. CAMPBELL: That's fine, Judge.

14 THE COURT: I mean, just straight forward. I mean,
15 murder and the lesser offense -- and the lesser offense of
16 voluntary manslaughter and ABHAN are considered violent
17 crimes. Okay. All right. I will add that in there. All
18 right. Then, of course, the duty to deliberate. And then,
19 of course, conclusion.

20 MR. BELTON: You added in the stipulation charge,
21 didn't you?

22 THE COURT: Yeah, I've got to add that in.

23 (Break in proceedings.)

24 THE COURT: All right. Duty to deliberate and
25 conclusion. All right. That's what I've handed you. As to

1 what I did not anticipate charge, let's hear argument. Mr.
2 Sheldon, you go first.

3 MR. SHELDON: Yeah, Judge, I guess two big ones, both
4 of them saying this is all pertaining to self-defense. The
5 first being -- and Judge, I think I put it in the emails
6 that included everything, I am arguing against precedent.
7 The first would be arguing against State v. Curry. State v.
8 Curry is actually a Lancaster County case where it -- what I
9 would be asking for is essentially a charge -- right now the
10 law as it stands in Curry is essentially is -- the common
11 law Castle Doctrine is essentially self-defense, so that's
12 one of the components of self-defense. I propose that the
13 language in the Personal Protection of Property Act, 440C
14 specifically, which basically extends that to being in a
15 public place lawfully, that that -- the language of the
16 statute actually be charged, that the legislative intent was
17 essentially that this is now self-defense. We have now
18 codified self-defense, and self-defense is going to include
19 a right to stand your ground in a public place that you have
20 a right to be. State v. Curry says, no, we're not going to
21 resolve that issue today, and I think it's the proper
22 paraphrase to give State v. Curry the credit it gives. But
23 they say we're not going to resolve that issue today,
24 therefore it's not going to be the law today, so I would ask
25 the Court to charge that. Obviously that would be against

1 precedent but I just wanted to preserve that.

2 THE COURT: Sure.

3 MR. BELTON: I join the motion and the argument.

4 THE COURT: All right. Thank you. Ms. Campbell?

5 MS. CAMPBELL: That's not the law that it be charged to
6 the jury, it's a pretrial motion and that's clear in all the
7 cases.

8 THE COURT: Yeah. You're protected in the record. I
9 respectfully deny your request to go against South Carolina
10 precedent and charge that to the jury. All right.

11 MR. SHELDON: The second would be that the -- Judge --
12 and this goes along with the involuntary manslaughter, would
13 be the concept of transferred self-defense or transferred
14 justification is what it's being called in other
15 jurisdictions. Essentially that is --

16 THE COURT: Or reversed transferred intent.

17 MR. SHELDON: Or reversed transferred intent is what
18 it's going to be, ultimately the easiest way to explain it.
19 If I am lawfully justified in shooting someone, the fact
20 that I missed and shoot the person behind me is still
21 justifiable, that that is not -- that does not defeat my
22 self-defense argument. Florida, Georgia, Kentucky have all
23 recognized it. I passed up a case this morning, I think,
24 that everybody got, South Carolina 2014 in a PCR case
25 specifically said we do not recognize that doctrine, and so

1 it would be the exact same doctrine that they're using in
2 other states.

3 THE COURT: Anybody who open carries would love that, I
4 mean, just think about it. I understand your argument and
5 I'm not going to charge it, though. I mean, I understand --
6 you're protected in the record. But, I mean, if somebody --
7 yeah. No, I'm not going to charge that.

8 MR. SHELDON: Not part of the record but it is a
9 growing trend nationwide that that is going to be -- that
10 that is there, it's real. So --

11 THE COURT: I will tell you this, when --

12 MR. BELTON: And Mr. Stevens joins that motion.

13 THE COURT: I got it. When the Chief Justice and the
14 four Associate Judges in our Supreme Court tell me to charge
15 that I'll charge it, but until -- or the legislature, but
16 I'm not going to make law on that. I'm not going to charge
17 that. All right. What else?

18 MR. SHELDON: I think that was it for me, Judge.

19 THE COURT: All right. Mr. Belton, anything that
20 wasn't in what I handed to you that you think should be?

21 MR. BELTON: Nothing further, Your Honor, from Mr.
22 Stevens.

23 THE COURT: Okay. Madam Solicitor?

24 MS. CAMPBELL: We're good.

25 THE COURT: All right. So we're all good on the

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1 charge.

2 MR. BELTON: Yes, Your Honor.

3 THE COURT: What y'all disagree with is protected in
4 the record. All right. We will make those corrections and
5 we will have that ready and the verdict forms are good to
6 go. We're getting out a little bit early today, thank you
7 very much everybody, we will see you tomorrow morning bright
8 and early. Before we go -- we're off the record, we'll go
9 on if we need to.

10 (Discussion held off the record.)

11 (Court recessed for the day and resumed at 9:00 a.m.

12 On Friday, October 29, 2021.)

13 THE COURT: All right. Are we ready for the jury?
14 Remember, we're all good on the sequencing of things, right?
15 Okay. Good.

16 MS. CAMPBELL: Judge, one thing, I know you're giving
17 them an hour each and I don't anticipate going over an hour,
18 but since they each get an hour and I'm having to address
19 both of their cases, if I go a little over I would just ask
20 for a little bit of leniency.

21 THE COURT: Yeah. I said an hour but both of them told
22 me they ain't going to go an hour.

23 MS. CAMPBELL: And that's fine. I'm just saying
24 that if they --

25 THE COURT: I'm not going to stop you. Again, like I

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1 said, I don't want y'all to object in her closing. I'm not
2 going to try to bootstrap you, I'm going to let you do your
3 lawyering, that's what you were trained to do, I'm not going
4 to try to micromanage you. I'm going to ask that y'all keep
5 it as short as possible because this has been a long trial.
6 They've heard everything as I think Mr. Sheldon said, that
7 dead horse can't get any deader, you know, it has been beat
8 many times.

9 MR. SHELDON: I can make it deader first of all. But
10 second of all, before you charge the jury I would like to go
11 on the record and have a speaking objection to renew my
12 objection to the charge. I just want there to be no
13 ambiguous after arguments as to what my intent on the
14 objections were if it were to go up to the court of appeals.

15 THE COURT: Yeah. I plan on doing that. I plan on
16 taking a break before my instructions anyway.

17 MR. SHELDON: And that will be quick, obviously, but I
18 just want to make sure that that's on the record.

19 THE COURT: I'll probably take a break after each party
20 does their closing, depending on the timing of things.

21 (Break in proceedings.)

22 (The jury returned to the courtroom.)

23 THE COURT: All right. Thank you, ladies and
24 gentlemen, I hope you had a good evening. Remember what I
25 said yesterday when we closed and we finished the testimony

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1 and evidence phase of the trial, we're now proceeding into
2 what's called closing arguments. Again, like I told you at
3 the outset of the trial, arguments, just like opening
4 statements, are not evidence. The evidence is what has come
5 from this witness stand along with any other evidence which
6 has come into evidence like you've seen and heard the last
7 two weeks. I ask that you please give -- pay close
8 attention to the arguments that the lawyers make, and then
9 you can use all of that when you get the case later on today
10 and start your deliberations. All right. Thank you very
11 much. Madam Solicitor?

12 MS. CAMPBELL: May it please the Court?

13 THE COURT: Yes, ma'am.

14 MS. CAMPBELL: Good morning. The first thing I want to
15 do on behalf of the State of South Carolina and citizens of
16 this county is to thank you for your service over the last
17 two weeks. I know when y'all showed up for jury duty it's
18 been almost two weeks ago now, you probably anticipated or
19 wondered, wow, maybe if I get on a trial it might be a car
20 wreck or a contract dispute, but instead, ladies and
21 gentlemen, you've had to sit here and look at things that
22 nobody should have to look at. Pictures of dead bodies.
23 You've had to hear things about a night in question where
24 there was a mass shooting where ten people were shot in a
25 club, victims. And no matter what the defense says they're

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1 real victims, they matter. And I'm going to have the
2 opportunity now to talk to you a little, but I'm going to
3 talk to you about the law in the case, because it's
4 important, and then I'm going to talk about the facts, and
5 then you're going to hear from both defense attorneys, and
6 then I may have the opportunity to get back up and just
7 address a few facts. But what's really important in this
8 case is you've now heard all of the evidence you can
9 consider, and you have to base your verdict on the evidence
10 that's before you that's in evidence. And what is evidence
11 is testimony, it's exhibits, 200 and something, it's video,
12 but most important in this case is the eye witness
13 testimony. Now, as you were listening to things, and I'm
14 talking about the law, if I say something different from the
15 Judge, you take what he says. He is the sole provider of
16 the law. And as far as the facts go, if either side
17 mischaracterize the facts you remember, because you are the
18 most important people here in this courtroom, because you
19 are the sole finder of the facts in this case, and then you
20 have to take the law as the Judge gives it to you and apply
21 it to the facts as you find them. And those are the roles.
22 The State is to present evidence, the defense is to defend
23 their client. The Judge's role it to rule on admissibility
24 on what you can hear and consider, and to provide you the
25 law. But, again, the most important role in this courtroom,

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1 each of you individually and ultimately once you get back
2 there collectively, is yours. Now, I want to apologize if
3 over the last two weeks I've offended anybody. At times
4 there has been jumping up and down, there have been a lot of
5 conferences over there, if we have done anything to offend
6 you, at times questions have been inartful, clumsy, movement
7 in the courtroom because of the way things are now everybody
8 can be in the box, trying to make sure each and every one of
9 you can see it, trying to get evidence in smoothly even
10 awkwardly, please don't hold that against these victims if
11 we've done anything. Now, in a criminal case it is unique,
12 because as you have noticed over the last two weeks you
13 haven't heard any depositions, you haven't heard any
14 recorded testimony other than virtually, which is allowed
15 now because of covid. Because the law recognizes that it's
16 very important that in criminal cases that you all have the
17 opportunity to judge the credibility of each and every
18 witness that has provided information in this case. They
19 have to come before you, live testimony, be it virtually or
20 live, has come before you. And the reason for that, ladies
21 and gentlemen, is because the burden of proof is on the
22 State of South Carolina, as it should be, to prove these
23 defendants independently of each other, but I would submit
24 for their actions together prove them guilty beyond a
25 reasonable doubt. As Mr. Sheldon told you in his opening,

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1 it's the highest level of proof we have, and that's the way
2 it should be. And I submit, ladies and gentlemen, in this
3 courtroom with these facts, with this evidence, that is a
4 burden the State welcomes, because I submit as you have
5 heard over the last two weeks, the evidence in this case,
6 unfortunately for them, is overwhelming. It's not only
7 beyond a reasonable doubt I submit, but beyond any doubt.
8 But that's not the level we have to go to. And listen
9 carefully to the Judge. What is a reasonable doubt? It's
10 had several definitions in the law and I'm going to talk to
11 you a little bit about those. Reasonable doubt is a doubt
12 that makes an honest, sincere, conscientious juror in search
13 of the truth hesitate to act. Proof beyond a reasonable
14 doubt must therefore be proof of such a convincing nature
15 that a reasonable person would not hesitate to rely and act
16 on. But the law has gone further in defining that. Proof
17 beyond a reasonable doubt can also be described as proof
18 that leaves you firmly convinced of the defendant's guilt.
19 And I repeat that, firmly convinced of the defendant's
20 guilt. There are very few things we know in this world with
21 absolute certainty, and in criminal cases the law does not
22 require proof that overcomes every possible doubt. If based
23 on your consideration of the evidence you are firmly
24 convinced that the defendant is guilty then you must find
25 him guilty. If on the other hand you think there's a real

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1 possibility he's not guilty then find him not guilty. We
2 have to prove -- give you proof that leaves you firmly
3 convinced. The Judge is also going to charge you in every
4 case involving a criminal act that we must prove intent. In
5 order to establish criminal liability, criminal intent is
6 required. And what is that? It's the mental state required
7 to be proven by the State for a particular crime. It might
8 be purpose, intent, knowledge, recklessness or criminal
9 negligence. Criminal intent proven by the State beyond a
10 reasonable doubt is always a matter that must be determined
11 by the jury from the circumstances surrounding the
12 situation. There's no way to prove intent to a mathematical
13 certainty. There is no way to determine exactly what a
14 person has in their mind, so the law says criminal intent
15 may be inferred from the circumstances shown to have
16 existed. This is how you make the determination. It's not
17 necessary to establish intent by direct and positive
18 evidence, but intent may be established by inference in the
19 same way as any other fact, and by taking in consideration
20 the acts of the parties and all of the facts and the
21 circumstances in the case. Criminal intent is a mental
22 state, a conscious wrongdoing. It is up to you to determine
23 what the defendants intended based on the circumstances that
24 have been shown. Criminal intent can arise from an action,
25 a failure to act, it may arise from negligence,

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1 recklessness, or an indifference to duty to consequence that
2 is considered by the law the equivalent of the criminal
3 intent, negligence, recklessness or an indifference to duty
4 to consequences. These two defendants, all we ask that they
5 be held responsible for their decisions back on September
6 the 21st two years ago. Now, the law also understands that
7 more than one person may be involved, even if only one
8 person is shooting -- this is not what we have in this
9 case -- but the hand of one is the hand of all. It has been
10 a doctrine of law for ages. And very simply it says that if
11 two or more people combine to do an act, and they don't have
12 to define their roles ahead of time, then one is responsible
13 for the acts of all. They're responsible for the acts of
14 each other. As in this case, it doesn't matter which
15 person's bullet -- and both of them told you in opening
16 argument they were up there and they shot. It doesn't
17 matter which person's bullet hit which victim, if they are
18 together like on a stage acting together like pulling out
19 their guns and shooting, each is responsible for the other's
20 acts. If a crime is committed by two or more people who are
21 acting together and committing a crime, the act of one is
22 the act of all. A person who joins with another to commit
23 an unlawful act is criminally responsible for everything
24 done by the other person which happens as a probable or
25 natural consequence of this as the act is done carrying out

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1 a common plan or purpose. For example, two people can be
2 killing -- guilty of killing another person when only one of
3 the two had a gun, there was only bullet and only one of the
4 two fired the shot that caused the death. If two are
5 together, acting together, assisting each other in
6 committing the offense, the act of one is the act of all,
7 and as is sometimes said, the hand of one is the hand of
8 all. The law recognizes that some type of prior knowledge,
9 be it all but brief, some knowledge that a crime was being
10 committed without more is not sufficient to make a person
11 guilty of the crime. No knowledge that a person is going to
12 commit a crime, even if the defendant is present when a
13 crime is committed, is not sufficient to convict him as a
14 principal. Guilt as a principal is shown as actual or
15 constructive presence at the scene as a result of prior
16 arrangement. Therefore, a finding of prior arrangement and
17 plan is necessary for a finding of guilt as a principal. It
18 must be proved beyond a reasonable doubt by competent
19 evidence. A principal in a crime is either one who actually
20 commits the crime or who is present aiding and abetting and
21 assisting in the crime. When a person does an act in the
22 presence of and with the assistance of another the act is
23 done by both. Where two or more are acting with common plan
24 and attempt are present at the commission of a crime, it
25 does not matter who actually commits the crime, who actually

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1 shot the fatal bullet, all are guilty. The hand of one is
2 the hand of all. And the Judge is going to charge you
3 further on this as far as hand of one and hand of all. A
4 person who joins with another -- and that's all we have to
5 prove, is that they joined together -- to commit a crime is
6 criminally responsible for everything done by the other
7 person which happens as a natural and probable consequence
8 of the act. And the Judge is going to instruct you on
9 proximate cause, that if two or more do an act, which is the
10 proximate cause causing the result, the shooting, it doesn't
11 matter which one participated more or less, it just matters
12 that both participated. If two or more are together acting
13 together and assisting each other in committing the offense,
14 all are guilty. A finding of a prior arranged plan or
15 scheme is necessary for criminal liability to attach to the
16 accomplice who does not directly commit the criminal act.
17 In this case we have two that are both committing a criminal
18 act. When the act is done in the presence and with the
19 assistance of others, the act is done by all. In this case,
20 too, you have heard about ill will between two parties, and
21 you've heard about how basically they sprayed the crowd
22 standing near Colvin. But transferred intent. If either
23 defendant with malice aforethought attempted to kill another
24 person but by mistake injured or killed a different person,
25 the defendants still have the intent to kill. The intent to

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1 kill is merely transferred from the original person either
2 defendant attempted to kill, or the person -- actual person
3 killed or injured. Either defendant would be guilty of
4 murder just as if the attempted result of the death or
5 injury of the person the defendant attempted to kill. They
6 got the person they intended to kill, they just happened to
7 take out nine more with him. The easiest way to think of
8 that is like intent kind of follows the bullet. It doesn't
9 matter that he didn't intend to kill his friend, LaShonda
10 Barnes, his intent was towards Colvin, but the intent goes
11 with the bullet. That's called transferred intent. Because
12 the law recognizes, you can't excuse people if I walk up to
13 another person and I intend to kill him and I miss and I
14 kill her, that doesn't excuse me. That doesn't reduce the
15 intent. That doesn't give me a pass just because I'm a bad
16 shot. Now, the Judge is also going to instruct you on
17 self-defense. And let me tell you, ladies and gentlemen,
18 it's up to the State to disprove self-defense, the burden is
19 on us. But when a person avails themselves to the defense of
20 self-defense there are three, sometimes four different
21 parts, each one of which has to be true. So it can't be
22 that he meets one of these prongs as the Judge says in that
23 self-defense, he has to meet every prong that I'm getting
24 ready to talk about. And the first of those, ladies and
25 gentlemen, is without fault. The defendant must be without

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1 fault at bringing on the difficulty, and that's very
2 important. A defendant must be without fault in bringing on
3 the difficulty. If the defendant's conduct was the type
4 which was reasonably calculated to and did provoke a deadly
5 assault, a defendant will be at fault in bringing on the
6 difficulty and would not be entitled to an acquittal based
7 on self-defense. That's just the first element. And,
8 ladies and gentlemen, I submit even if you believe Breante
9 Stevens' version, which we'll talk about in a minute, of
10 what happened, he still doesn't get an acquittal based on
11 self-defense because he's not without fault. He goes to
12 Colvin not once, not twice, three times. There is bad blood
13 between them, however he wanted to describe it, he goes to
14 Colvin because Colvin's in his bar. This is not
15 self-defense, ladies and gentlemen. But I'll go further.
16 That's the first prong. If he fails there, and I submit he
17 fails miserably, and if anyone with him acting with him
18 can't claim self-defense either because they're hand of one,
19 hand of all. They go there on a mission, and they completed
20 it without fault. If you were even to say he was not at
21 fault he has to prove he was in imminent danger. He can act
22 upon appearances, and the Judge will tell you that. He can,
23 even if he has the right to self-defense, once he starts
24 shooting he can shoot until the danger is over. He can
25 shoot 20 times if he's acting on an imminent danger. And

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1 the only testimony here before you is Breante Stevens saying
2 Colvin shot first. He can't say how many times he shot
3 because that messes up his theory on nine guns in the thing.
4 He shot first. And luckily in this case, ladies and
5 gentlemen, the police did do their job. They photographed
6 the scene. They collected the shell casings. And at some
7 point we all have to use common sense in looking at this
8 crime scene. Right there on the stage, and I'll get back to
9 this in a minute, there are three kinds of shell casings; 9
10 millimeters -- they all match each other, they came from the
11 same gun, .45's, they all match either other but they came
12 from the same gun, 380's, they all match each other, they
13 came from the same gun. And amazingly all of the
14 projectiles that are found in this crime scene are either
15 .380, 9 millimeter, or .45. Common sense. Even their own
16 expert said that there's no evidence of any other shooting
17 other than the one that happened at 2:33:33 that morning.
18 Imminent danger. He was the imminent danger. If a
19 defendant was actually in imminent danger it must be shown
20 that the circumstances would have warranted a person of
21 ordinary firmness and courage to strike the fatal blow to
22 prevent death or serious bodily injury. His own words to
23 Marquitta Ford: Man, I didn't shoot everybody in there. He
24 flashed a gun. And that's important. That's what he told
25 his friend on a phone call after he was arrested. He didn't

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1 say he shot me first. The most he can say, and there's no
2 dispute, on his second encounter with him he did flash a
3 gun, the victim did. But that speaks volumes. Because here
4 two years later on the last day of trial he comes up with
5 this he shot first. Not supported by the crime scene, not
6 supported by anyone other than Breante Stevens. In deciding
7 whether a defendant actually was or believed he was in
8 imminent danger or seriously bodily injury you should
9 consider all of the facts and circumstances surrounding the
10 crime, including the physical condition and characteristics
11 of the defendant and the victims. And the Judge will even
12 go the further and tell you, you can consider whether there
13 had been prior difficulties between the two. And that,
14 ladies and gentlemen, I say goes directly to that last
15 prong. And remember, he has to be without fault, he has to
16 be and in imminent danger, and he has to show there was no
17 other way to avoid the danger. It's called the duty to
18 retreat. Because the law recognizes that if you even feel
19 threatened, if you even feel that there was imminent danger
20 that you have a duty not to provoke or cause an act. And
21 his testimony alone eliminates self-defense. The final
22 element is had no other probable ways to avoid the danger or
23 serious bodily injury other than to act as the defendant did
24 in this particular case. Because I submit, ladies and
25 gentlemen, when we talk about the issue, he is charged with

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1 murder. In cases of murder, typically there's a lesser
2 included offense charged in this case, it's called voluntary
3 manslaughter. You've heard in other states they have like
4 murder in the first degree, second degree. In South
5 Carolina all we have is murder and then we have voluntary
6 manslaughter as a lesser included. The Judge will charge
7 you that both of these men are charged with murder. And
8 what is the definition of murder? That the defendant -- to
9 be the most heinous crime that can be committed, or one of
10 them, it's probably got the shortest definition. In South
11 Carolina law it's the unlawful killing of another with
12 malice aforethought either expressed or inferred. And I
13 want to talk to you a little bit about what that means.
14 Malice is hatred, ill will or hostility towards another
15 person. It is the intentional doing of a wrongful act
16 without just cause or excuse, and with an intent to inflict
17 an injury under circumstances that the law will infer an
18 evil intent. And I submit, ladies and gentlemen, going into
19 a crowded bar to exact revenge on a rapper you're having a
20 beef with is an evil intent. Malice aforethought, and this
21 is important, again, just as within hand of one, hand of
22 all, does not require that malice exists for any particular
23 time before the act is committed. Malice may exist in the
24 minute of the defendant before and at the time the act is
25 committed, and therefore must be a combination of the

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1 previous intent and the act. It can be conceived the very
2 moment the fatal blow was struck as some law says. As you
3 listen to the Judge charge you on the definition of murder,
4 you are not going to hear the words premeditation, although
5 I submit in this case there is. You are not going to hear
6 him say we have to prove motive, although in this case in
7 this courtroom we have. Those are not elements. However,
8 those are things you can use in inferring malice. Malice
9 aforethought may be expressed or inferred. These terms
10 don't mean different kinds of malice, or merely the manner
11 in which the malice may be shown to exist, either by direct
12 evidence or inference from the facts and circumstances which
13 are proved. Expressed malice is shown when a person speaks
14 words that express hatred or ill will for another, or when
15 the person beforehand to do the fact that was -- prepared
16 beforehand to do the act that was later accomplished. We
17 have all of that. He goes out, and I will get back to it --
18 and let me be the first to tell you, it doesn't matter if he
19 had one gun or two guns, that doesn't mean that he didn't
20 commit murder. Malice may be inferred through conduct
21 showing a total disregard for human life. Ladies and
22 gentlemen, spraying a room full of people in a bar that's
23 packed, a total disregard for human life. They didn't care.
24 They didn't care, they're on a mission. If facts are proved
25 beyond a reasonable doubt sufficient to raise an inference

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1 of malice to your satisfaction, this is simply an
2 evidentiary act to be considered by you along with all of
3 the other evidence in the case and you can give it the
4 weight you decide it should receive. And the law goes a
5 little further, because it recognizes in case law that in
6 its legal sense malice does not necessarily import ill will
7 towards the individual injured, but signifies rather a
8 malignant recklessness of the lives and safety of others, or
9 a condition of the mind which shows a heart regardless of
10 social duty and fatally bent on mischief. A heart
11 regardless of social duty and fatally bent on mischief.
12 Now, the defense is going to get up here and they'll argue
13 that, no, no, no, he was provoked, so it's only voluntary
14 manslaughter. That's going to be the issue. And very
15 simply, ladies and gentlemen, the lesser included -- in
16 order to find the lesser included of voluntary manslaughter,
17 regardless of the situation, you must find that there was no
18 malice in this case. And, ladies and gentlemen, I submit
19 this case wrecks of malice. Mr. Stevens, who characterizes
20 himself as a victim, the only victim that didn't go to the
21 hospital that night other than his codefendant, for
22 voluntary manslaughter to get down to that you have to find
23 there was no malice, and I submit that's not (inaudible.)
24 But I want to address what the defense is going to say. If
25 you find the State has failed to prove beyond a reasonable

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1 doubt either defendant committed murder, you may consider
2 whether the State has proved beyond a reasonable doubt that
3 either defendant committed voluntary manslaughter. It's a
4 lesser included. Malice is not an element of voluntary
5 manslaughter. To prove voluntary manslaughter, I want to
6 talk about the elements, the State must prove beyond a
7 reasonable doubt that either defendant took the life of
8 another in the sudden heat of passion based on sufficient
9 legal provocation. Both heat of passion and sufficient
10 legal provocation must be present. Just like in
11 self-defense, there have to be all three prongs for that to
12 apply. Sudden heat of passion may for a time affect a
13 person's self-control and temporarily disturb a person's
14 reason. The sudden heat of passion must be the type that
15 would make an ordinary person unable to coolly reflect on his
16 actions and would produce an uncontrollable impulse to do
17 violence. They may get up here and argue he was displaying,
18 Colvin was in his thing, he flashed a gun at him, so he
19 left -- under his own theory he left to go home because he
20 knew that's what he should have done. And isn't that
21 telling? He knew, he told y'all that, that he should have
22 left at that moment, and if he had left that moment as he
23 knew he should have we wouldn't be here. Two people
24 wouldn't be dead, eight others wouldn't be living with the
25 ramification that they live with everyday of getting shot in

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1 a place where they had the absolute right to be safe. This
2 was their world, too, you know. Sufficient legal
3 provocation must be the type that would make a person of
4 ordinary reason and caution to become enraged and lose
5 control temporarily. The provocation needed for voluntary
6 manslaughter must come from some act related to the victim.
7 Words alone, however vulgar or insulting, are not enough for
8 a legal provocation. Where death is caused by the use of a
9 deadly weapon, words must be accompanied by some overt
10 threatening act which could have produced the heat of
11 passion. The exercise of a legal right, no matter how
12 offensive it is for another, is never sufficient for legal
13 provocation. This is the important part -- and to give you
14 an example of voluntary manslaughter that's traditionally
15 held, if a man comes up, he walks into his bedroom and his
16 wife is in bed with another person and he loses it and he
17 pulls out his gun and he shoots, because at that point he's
18 so enraged and in those few seconds he can't control his
19 impulse to do violence, that could be a way that would
20 reduce a murder to manslaughter. I submit, ladies and
21 gentlemen, walking out to your car for whatever reason and
22 then coming back in for whatever reason, and then he even
23 said that the music took over, even if you were to consider
24 Colvin's pulling out the gun as legal provocation he walked
25 outside. He's outside, he's locked out for a few seconds,

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1 and you can see him in the front -- and I'll get back to the
2 video -- because the law says if the heat of passion had
3 cooled, and by his own testimony he says it did, even though
4 he was in fear of his life, or there was enough time between
5 the provocation, if any, and the killing for the passion of
6 a reasonable person to cool, the killing would not be
7 voluntary manslaughter, it would be murder. In deciding
8 whether a reasonable person would have enough time to cool
9 off you should consider all of the circumstances surrounding
10 the killing. You may consider the provocation, if anything,
11 each defendant's state -- mental and physical state, and the
12 circumstances and the relationships between the parties.
13 You also are going to be asked to return a verdict on the
14 eight victims that were shot and survived, and they are
15 charged with assault and battery of a high and aggravated
16 nature. A person commits the offense of assault and battery
17 of a high and aggravated nature if the person unlawfully
18 injures another person and great bodily injury to another
19 person results, or is accomplished by acts most likely --
20 and I don't think anybody is going to get up here and say
21 that when you're spraying a crowd with guns that that's not
22 great bodily injury or accomplished -- the act is
23 accomplished by likely -- generally, ladies and gentlemen,
24 when people are shooting other people bad things happen,
25 great bodily injury occurs. That's why you heard from the

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1 doctors in this case. They talked about can gunshot wounds,
2 even to the leg, there are big arteries, can produce death.
3 All we have to prove to you is great bodily injury, or that
4 it could produce great bodily. Great bodily injury means
5 bodily injury which causes a substantial risk of death or
6 which causes permanent disfigurement, protracted loss,
7 impairment of function of bodily members or organs. Some of
8 these people were in the hospital not just for days but for
9 weeks. The Judge is going to tell you the two types of law
10 that you can consider in a case, direct and circumstantial.
11 And basically that's not different evidence, it's just the
12 different types and ways it's seen. An example of
13 circumstantial evidence is basically it's a set of
14 circumstances that when taken together collectively, and
15 when you consider them, they point to evidence. An example
16 of that is say if I go to bed tonight and when I looked out
17 the grass is green, it's dry outside, I wake up the next
18 morning and there is snow on the ground. A reasonable
19 inference is is that it showed while I was asleep, but it's
20 got to be a reasonable inference. Not that somebody brought
21 a snow blower into my yard and filled it up with snow while
22 I was asleep, it's got to be a reasonable inference. And
23 you also heard from expert witnesses in this case. And the
24 Judge is going to tell you that certain people are allowed
25 to give opinions and be qualified as experts, and you've

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1 heard from a lot of them. And when certain people give
2 opinions you then judge them the same way you judge anyone
3 in this case, because that's important. Credibility. You
4 can consider whether they have something to gain or lose,
5 whether they're getting something in exchange for their
6 testimony. Expert witnesses. You judge their credibility
7 or believability the same way you do any witness. And
8 that's the final piece of the law I want to talk about.
9 Credibility, believability. The Judge will tell you in
10 considering this case you can believe of a witness'
11 testimony, none of a witness' testimony, you can believe
12 part of a witness' testimony. You can believe one witness
13 against many, many against one. Believability. You are the
14 judge, you can consider their demeanor. Did they have
15 something to gain or to lose? Do they have a reason to come
16 up with this testimony. All we ask, ladies and gentlemen,
17 in considering this case is that you -- and we beg you,
18 judge the credibility of all of the witnesses in this case.
19 I beg you. Brenia Davis, Bianca; LaShonda, Kjana, all of
20 them, judge their credibility. Because in this case, as
21 much as the defense is going to say you can't convict
22 because the actual shooting is not on video, ladies and
23 gentlemen, the majority of actual shootings aren't on video.
24 Eye witness testimony. You heard from number of witnesses
25 in this case. You heard from Deja Hinson, and she was able

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1 to give you some information. And what did Deja tell you?
2 She was out there that night, that she saw Breezo having an
3 altercation with Lee, but she didn't actually see the
4 shooting. She was the one that actually had the outside
5 bullet in her car and later turned that over to the police
6 that had happened that night, when the shooting started
7 outside as a result of what was going on inside. You heard
8 from Dominique Davis, and what did she tell you? She saw
9 Breezo arguing with a person who she didn't know at the time
10 but later learned his name was Lee. She saw words exchanged
11 and hands. She didn't see anything else, but she saw the
12 shots fired. You heard from Jalissa Barnes, she knew
13 Breezo. She heard the shots. She heard her cousin calling
14 over to her, that would be LaShonda. Took her cousin to
15 Springs and to the hospital that night. And Myckel Neal, he
16 was one of the security guards. And he's important, because
17 he told you how they were trying to pat down everybody that
18 night. And, you know, Mr. Stevens told you how clever he
19 was and how practiced he was at illuding any pat downs so
20 that he could have his gun with him all the time because
21 that's what he needed. They were trying to do their job
22 that night. But yeah. Were there other guns in that thing?
23 Yeah. He was at the front door. The first thing that
24 caught their attention is somebody came out and said: Man,
25 y'all need to come in here, there's something going on. And

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1 that's going to be that confrontation, the one where Colvin
2 showed his gun. Remember, witnesses said Stevens pushed
3 Colvin, there were words exchanged, it looked like an
4 argument, and then you see Stevens run out the door. And
5 that's about the time when other patrons all start leaving
6 because they knew what's coming unfortunately, or what could
7 happen and they needed to get out of there, the ones that
8 were lucky enough to know to act. And he said he and his
9 partner, which is just corroborated by everything on this
10 screen, went inside and they looked around, and you can see
11 that on the video. And they were like: What, is there a
12 fight? Is there a fight? And nobody is telling them
13 anything. They look around. And then Mr. Neal and his
14 partner come back into that lobby area. And y'all are going
15 have all of this video, or be able to see it, and when they
16 come back in the lobby area Mr. Neal at that point goes
17 towards the bathroom. And Mr. Benjamin -- because when they
18 came in, remember, they stopped and they asked the cashier,
19 or Mr. Seegars, to stay at the door, to lock the door while
20 they're inside making sure that everyone is okay. And you
21 can see this on the video where Mr. Seegars is standing at
22 that outside door, you have to see it through those glass
23 doors, for a period of time. And then as the -- one
24 security guard, Mr. Benjamin, goes back towards the front
25 door, you can see him have a conversation with Mr. Seegars,

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1 and then he goes and unlocks the door. And the reason we
2 know the door is locked is because you can see the people
3 that have come up to go out are standing right there in the
4 foyer during that period where Mr. Seegars is there. And at
5 that point just seconds before this shooting Mr. Neal goes
6 to the restroom, and he testified, and you can see this on
7 the camera, there's a camera in the back hallway, we didn't
8 show it to you but it's in evidence, where two young women
9 come up to him, or yelling for him and they were like: He
10 has got a gun. And he comes out, and the words are:
11 Breezo's got a gun. And this is important, ladies and
12 gentlemen, because this is like three seconds before the
13 shooting. So at that point he's got his gun out. Not that
14 Colvin has a gun, Breezo's got a gun, basically they're
15 pleading for his help. And before he can even get up the
16 ramp he almost gets shot in the head by one of the bullets
17 that went through probably other people and then came
18 through the wall. And the defense is like, well, nobody
19 ever tested gunshot residue on them. You can see where
20 those two men are, Mr. Neal and Mr. Benjamin are during the
21 shooting. Even their own expert says that's the only
22 shooting that happened that night. They didn't need to be
23 tested for gunshot residue, they're in plain view. Mr.
24 Benjamin told you how he saw Breezo running out with the
25 hands in front of his pants, which, guess what, is

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1 corroborated by the video as he's leaving afterwards before
2 he is going to get rid of the gun -- guns. LaShonda Barnes.
3 She didn't want to be here and now we know why, he was her
4 friend. But she didn't really want to testify. That's the
5 reason we had to put in her video from where she first
6 talked to the police when she was in the hospital. And I
7 feel bad for her because she has to live out there. She saw
8 what she talked about as a conversation between Lee and
9 those with Breezo, the same altercation everybody talks
10 about. She said he then left, he was gone for about five
11 minutes but came back in on the stage and that's when she
12 saw Breezo shooting the gun. And again, ladies and
13 gentlemen, she gets shot, she goes down. She has to be
14 airlifted to North Carolina for her injuries. No, she
15 didn't say he had two guns. She saw guns -- a gun being
16 shot by Breezo. She ID'd him in a lineup. Specifically she
17 told you she didn't see Colvin shooting. And no wonder he
18 had to reach out to her brother to try to intimidate her to
19 get her to testify differently, because her testimony alone
20 kills all of his theory about self-defense or voluntary
21 manslaughter. Let's talk about Brenia Davis, Bianca, who,
22 as Mr. Stevens testified, was the person he meant for him to
23 go talk to. Saw Breante having an altercation with Lee. It
24 was going back and forth. Breezo left, he came back in and
25 started shooting. She saw Breezo shooting, she didn't see

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1 Lee with a gun or shooting. She saw Breezo shooting in
2 Lee's direction. And isn't it amazing in this case that
3 this theory of how the victim Colvin was shooting at them,
4 but every single person that got shot was standing either
5 right next to Mr. Colvin or right behind him? Of these ten
6 people he says were up on the stage where, according Mr.
7 Stevens he was shooting, not one of them got shot. And
8 amazingly the window behind him and the whole area behind
9 him and the DJ booth, none of that got shot. Charles
10 Mobley. He didn't want to be here, he didn't want to
11 testify. He also has to live out there. We were able to
12 put into you limited stuff that he originally told the
13 police. He saw a light skinned dude and Lee having an
14 argument. The light skinned guy swung on Lee, he ran out of
15 the club, he came in with two other males in a group. He
16 thought two had dreads. He picked Breezo out of a lineup as
17 the light skinned guy. He witnessed Breezo pull out the
18 gun, line up at Lee and pull the trigger. And, ladies and
19 gentlemen, with two guns, it doesn't matter which gun he
20 shot first, it doesn't matter if he shot at the same time.
21 That is not something the State has to prove, although I
22 submit we have. Didn't remember seeing Colvin with a gun.
23 Christopher Belton. Said he saw a light skinned fellow get
24 on the stage. Mr. Mobley had to be airlifted to Charlotte
25 too because of his injuries. He had at least two gunshot

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1 wounds to him and he was standing right next to Colvin.
2 Christopher Belton. Also standing right next to Colvin.
3 Light skinned guy got on stage where Colvin was, they bumped
4 into each other and had words. Lee pulled his gun. He was
5 honest. He saw Lee pull his gun and he told the police
6 that. The light skinned dude left, walked back in with two
7 our dudes, one with dreads long to his chest wearing a
8 hooded sweatshirt. Approached Lee, the guy with dreads and
9 a sweatshirt had a gun. He picked out Breezo from the
10 lineup and saw him shoot into the crowd. He said he thought
11 Colvin might have gotten off some shots because he heard a
12 lot of shots, but he had no doubt who was the first shooter.
13 And I guess he kind of hoped Colvin maybe had gotten off
14 some shots, I don't know. Stanley Seegars. He was the
15 father of the promoter. And his importance in this case is
16 that he was the one that was right there at the front door
17 when the security guards came in to try to take out the
18 fight, and when they came in he's the one that went to the
19 door and stood there. And he told you he saw Breezo on the
20 outside trying to get in and he kept telling Breezo: No,
21 man, it's locked. Nobody can come in. Nobody can come in.
22 And when the security guards came back, he looked at them
23 and he said: Man, don't let Breezo in, he's got a gun. And
24 the security guard didn't hear him, or did he ignore him?
25 He opens the door. And you see other people going out

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1 first. And you can watch the camera on the outside, too,
2 Breezo jumps up, comes in. And all I ask, ladies and
3 gentlemen, is remember what he looked like when he came in.
4 Was he scared? Was he hesitant? And when he came in that
5 door he said he's coming back in to get Too Cool and his
6 friend, I forget his name. And Too Cool is right there,
7 because Too Cool is looking out the door looking for him.
8 Antonio Champion earlier has been looking out the door
9 looking for him, and as he's coming in Mr. Seegars, remember
10 what -- they're going to tell you you can't believe him
11 because he said the guy was on his left depending on how
12 he's turned, not on his right. But if you look at the
13 people in there it doesn't matter which one said: Let's go.
14 He says it was Mr. Champion. And they're going to get up
15 there and they're going to say you cannot believe him
16 because they don't want you to believe him. What does he
17 have to gain or lose? Judge his credibility. Let's go.
18 And what did Champion, Too Cool, and Stevens do? They go up
19 the ramp to the stage, and within 12 or 15 seconds of
20 entering that door people are dying. Timothy McCain.
21 Didn't see anything. He got shot in the leg. Again, where
22 he was standing, though, is important. Bradley Benson. He
23 was the DJ. He was behind all of those big speakers.
24 Basically all he told you is he was playing some songs and
25 he heard gunfire. And Quay Douglas. He was the young man

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1 that was here with his mother, he was also standing in the
2 same area. He doesn't know anything about anything, but he
3 knows he almost died and that's something he gets to live
4 with everyday. Antonio Dixon. Heard gunshots, started
5 running. Didn't even know he was hit in the leg until he
6 got to the car. Went to the hospital. Kjana Locke. She
7 came forward. She saw Breezo push Lee. Lee tried to doubt
8 it down but Breezo pushed Lee again. And remember, you can
9 see her. She and LaShonda you can see real well in this
10 video. They're further away but they're still standing
11 right there with the Rock Hill guys. Saw Breezo run out, he
12 came back in, jumped on the stage, arguing started, Breezo
13 pulled out a gun and started shooting. Lee didn't shoot.
14 Marquitta Ford, his friend. Testified she saw Lee flash a
15 gun, that she saw this from across the bar. But most
16 importantly she testified that she was behind the bar so she
17 couldn't really see what happened other than she said she
18 saw him flash the gun. But Breezo called her after he gets
19 back to Lancaster after his stay in Miami, and he told her
20 Lee flashed the gun. He didn't tell her Lee shot the gun,
21 Lee flashed the gun, which is not in dispute, and that he
22 didn't shoot everybody in there, which is true. Mr.
23 Champion was shooting, too. Joe McGriff. He said that he
24 basically told his employees if they saw anybody with a gun
25 to report it. He was fully cooperative with law

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1 enforcement. And then suddenly in the last two days there
2 been this theory that they never -- Mr. and Mrs. McGriff,
3 the owners of the bar, nobody ever did gunshot residue on
4 them. Because they have this Derringer in her pocketbook
5 under the bar, which was fully loaded, that the police gave
6 it back to them because it hadn't been fired, it was fully
7 loaded, but that it's miraculously going to be some big
8 import, because no matter what, all they can do is just to
9 try to start pointing at random people. Mr. McGriff. He's
10 the one that went up by the body and kicked a cup and that
11 ruined this crime scene? Fortunately, ladies and gentlemen,
12 in this case it didn't. But people were reacting. A man
13 had been killed in his club. You think that doesn't weigh
14 heavy? No, they didn't do gunshot residue on them. And no,
15 they didn't throw them out right away. It took awhile for
16 this scene. And y'all have all of the footage, we aren't
17 trying to hide anything, we put it all in. You have it all.
18 It was chaos, that's the word used over and over, chaotic,
19 chaos. Jamarcus McIlwain. He sees the defendant, the
20 victim, excuse me, dying on the floor, so he goes over next
21 to him and picked up a gun, pulls out the magazine, puts it
22 back in and takes it and sells it at some point, gives it
23 away. It's in the video. And where he does that with that
24 gun just happens to be where that 9 millimeter unfired
25 cartridge is, which is consistent, it corroborates. He says

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1 he didn't hear any shots inside, saw people running and
2 people lying down, saw the gun, picked up the gun, removed
3 the clip, put it back in and sold it out in the parking lot.
4 He's charged. Tanya Henderson. Doesn't recall the call
5 from Breezo where it sounded like he was running that night
6 telling her to get out of the house, because he's a victim?
7 He's telling her to get out of the house because he has just
8 committed a mass murder and he's worried about retaliation,
9 which there was and that person was arrested. Went to
10 Charleston with Breezo in a rental car, the BMW had been
11 wrecked. The VW wasn't available because need to distance
12 ourselves from that, the gun, the VW, anything like that.
13 Go to Charleston, I guess left the children here. Hang out
14 for two or three days. Said she knew Too Cool but didn't
15 know Champion, but she said she didn't know a lot of his
16 friends, and she didn't, that was his business. Knew the
17 police were looking for Breezo because of Facebook chatter
18 at the very least. And she's been charged as an accessory
19 after. So he uses her and she gets charged. Carston
20 Degraffenreid. Friends with Antonio Champion. Calls up
21 Antonio wanting to get a ride somewhere and Antonio comes
22 over, says: Man, I've got to stash a gun. And he says:
23 Okay. And this is like two, three in the afternoon on the
24 21st. This is the gun -- puts it up on a cabinet. You
25 didn't get to see all of the body cam on that but it's all

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1 on body cam. And those are the lay witnesses in the case,
2 ladies and gentlemen. And I submit without the video,
3 without all the forensic evidence, if you just listen to
4 those witnesses, Mr. Champion and Mr. Stevens are guilty of
5 murder. But in this case we can corroborate everything they
6 said. Law enforcement. Who did you hear from there?
7 Robert Purser. He's the 911 guy. One of the witness
8 earlier was one of the ones making one of the 911 calls.
9 These people in this community when bad things happen they
10 reach out to the police, they call them in. Sergeant Tim
11 Ramsey. He got beat up about how he didn't get the crime
12 scene under control soon enough, fast enough. Ladies and
13 gentlemen, he was doing the best he could of being the only
14 person in there, and I submit he did a good job. No one
15 else got in trouble, no one else got arrested, even though
16 emotions were out of control. People were watching their
17 friends dying on the inside and the outside. This was a
18 massive shooting. People's safety is the number one
19 consideration, as it should be. You heard how EMS couldn't
20 get in there for hours practically. You heard how Officer
21 Smith was trying to get -- kept thinking EMS is coming, EMS
22 is coming, because the guy on the porch needed help and he
23 was trying to get it for him, to get him the hospital the
24 best way he could. But he didn't know who the shooter was,
25 nobody was volunteering information. They did the best they

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1 could. And, ladies and gentlemen, I submit they did a good
2 job because they were able to get the people that needed
3 attention, and other than the two that died on the scene
4 they survived, thank God, because the miracle in this case
5 really is that more people weren't shot, that more people
6 didn't lose their lives. For that we are thankful, but that
7 doesn't relieve them of responsibility. You heard from
8 Detective Fayall who interviewed LaShonda before her brother
9 got to her. You heard from Captain Michael Miller, he got
10 the video. You heard from Investigator Brad Whitesides.
11 And I'm not going to replay all of this video for you,
12 you've seen it, you can see it much as you want. But,
13 ladies and gentlemen, sometimes they say a picture is worth
14 a thousand words. I beg you, remember that video. Look at
15 that video if you need to. Watch their actions that night.
16 Antonio Champion, and I'll get to his statement in a minute,
17 but he says even that he had a conversation with Breezo that
18 night. And they're off camera. You'll see where Antonio --
19 as soon as Breezo gets there, Breezo goes over to the bar
20 area, according to Ms. Ford, and according to Antonio they
21 have a conversation. You don't see the actual conversation
22 because both of them are off camera for a period of time,
23 but they're both milling around that area. Breezo is behind
24 the bar, and you can't see the video behind the bar, but
25 according to Antonio Champion in his statement, and I'll get

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1 to that, they're having a conversation. That's one of his
2 guys, as much as they're trying to distance themselves with
3 him. And no, there is no evidence that they were talking on
4 the phone on a daily basis. But we don't know which phone,
5 because apparently it's normal to get rid of your phone
6 every few days. But he did tell you that they went to
7 school together, that they knew him. And when he's in his
8 statement, Antonio Champion, that statement, one person he
9 really talks about when the police originally approach him
10 is who were you with? Who you were hanging out with that
11 night? He says: Just people, I talked to some girl. And
12 they said: Well, who else? And the two people, he mentions
13 two names, one is Breezo and one I thinks is Sosa
14 (phonetically) or Solsis (phonetically) something like that,
15 but then for the rest of the conversation he talks about
16 Breezo. And the only other person he talks about over and
17 over and over is the victim, Lee Colvin, how he shot, he
18 shot, he shot, that's what he kept saying, because that's
19 important to him. Because he wants the police to believe
20 Colvin shot, because otherwise he's guilty of murder along
21 with Breante Stevens. You heard from crime scene. And
22 we've heard about how they didn't test for DNA on the
23 projectiles to see which projectile went through which
24 victim. Ladies and gentlemen, I submit, and listen
25 carefully to the Judge, it doesn't matter which projectile

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1 went through which victim. It doesn't matter if the
2 projectile went through a victim, then went through a wall,
3 because when you count up the wounds in this case, the other
4 day I said at least 13. Mr. Colvin was shot three times.
5 Aaron Harris was shot one time. LaShonda Barnes was shot
6 twice being a ricochet or whatever, shot her toe off and
7 shot in the leg. Charles Mobley shot twice. Christopher
8 Belton at least once. Add them up, it's all in the record.
9 It's 15 or 16 shots to people. The flight path through
10 people. You heard from Jeff Steele, he took photographs of
11 the scene. You heard from Investigator Christy Rogers, she
12 was cross examined. She had to testify remotely for health
13 issues. What does the crime scene tell you? Again, State's
14 Exhibit 268, and the diagram, State's Exhibit 263. Nobody
15 is disputing, these were all of the shell casings found at
16 the scene. And I've been listening as they cross examined
17 witnesses about the crime scene, but no one, not even their
18 expert, it's disputed that all of the shell casings are
19 right there. Now, there are projectiles next to Mr. Colvin,
20 there are projectiles over here in the lobby that went
21 through the wall. But you know where there aren't
22 projectiles? Here. Nothing here. Nothing here. Because
23 under their theory, if you take Mr. Stevens' testimony, he's
24 shooting, we know Antonio Champion is shooting, his lawyer
25 said it in opening. He's next to him on the stage. And

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1 then there's a third gun. And the State has put forth
2 evidence, and we stick to it, that Mr. Stevens had two guns.
3 And they talk about how shell casings can be thrown around
4 and everything, but they haven't alleged that anybody is
5 picking up shell casings and putting them anywhere, just
6 maybe somebody was sitting on the stage and may have pushed
7 off some shell casings. Breante Stevens said he had the .45
8 caliber. Look at where these are right here. Antonio had
9 the .380, look where those are. And then the 9 millimeter
10 right here. Three on the stage, two on the ground.
11 According to Mr. Stevens he's on the stage and Colvin is
12 somewhere down here. And according to all of the testimony
13 these shell casings go out to the right and generally back,
14 and according to Breante Stevens they are face to face and
15 Mr. Colvin pulls out his gun and shoots at him while he's up
16 here on the stage and Mr. Colvin is down here, and there's a
17 window behind him and there's carpet on the floor and the
18 stage. And yes, there are people everywhere and shell
19 casings do bounce all around. But is their theory he's down
20 here on the ground shooting and the shell casings come
21 behind him and then flip up onto the stage? They can bounce
22 up 24 inches onto the stage? And then amazingly no one near
23 these two defendants up on the stage gets hit and there are
24 no marks that anyone gets hit, and amazingly the only people
25 that get hit get hit from bullets because they're behind or

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1 around the victim. Are they saying that he shot at them and
2 then got tired and turned around as he'd been shot once in
3 the chest, shot once in the shoulder and shot in the leg as
4 he went down because it went up his leg, and he was able to
5 turn around and shoot Aaron Harris who was behind him?
6 That's their theory? Or no. Now they're trying to say
7 there are two or three other guns that were shooting that
8 night, but there's no evidence of that anywhere, not from
9 the witness, not from the video. Even though Mr. Stevens
10 says the video isn't accurate, ladies and gentlemen, I
11 submit it is. Common sense. And you don't have to be an
12 expert to look at this crime scene, common sense will do
13 that for you. You heard from Special Agent Johnson, how
14 they tracked down Mr. Stevens over the course of the next
15 days. Deputy Chris Kostrezcha, how he's the one who
16 actually made the arrest, you actually heard what he said.
17 Did you hear what he said when he was immediately arrested:
18 I didn't shoot anybody. Man, how did y'all find me? Was it
19 the phone? That's what he's interested in. Y'all got me
20 because of the phone? Special Agent Preston Simpson. And
21 what did he tell you? He interviewed, along with another
22 young man, but we have the body cam in so y'all have that so
23 we didn't have to call him. Antonio Champion, and I want to
24 talk to you briefly about that. What did Antonio Champion
25 say? The first thing he said was: Man, I meant to call

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1 y'all, or did call y'all. But that information never got
2 anywhere. I there that night, I was like on the right side
3 of the DJ, I was standing right there. He said: I went
4 down like everybody else until the shooting and then ran out
5 the door. If I'm not mistaken what I seen was a dark
6 skinned guy with a little handgun or something, he's the one
7 I seen shooting. He's the first person to come forward and
8 say it, other than Mr. Stevens later, because it's
9 important. They know that it's not self-defense because
10 they need to make Colvin a shooter. Who did y'all know out
11 there? Basically what they're asking him. And y'all have
12 the video, it's in evidence, and I'm just quoting so if I
13 mischaracterize anything or anything -- I'm reading it from
14 the transcript: Yeah, I know most of the guys. Who were
15 you there talking to? He said: Who was I talking to? And
16 they say: Yeah. Well, like a little bit of everybody. It
17 was Breezo, I was talking to him for a little bit, I was
18 talking to some guy named Salsa. Then they asked -- him he
19 got there around two something that evening, then he talks
20 about how he saw Breezo and Cool come in the club. They
21 came to the party late. They came in and they was behind
22 the bar, which if you look on that video that's exactly
23 where Antonio Champion is hanging out. And what's
24 interesting about that video, too, is if you look at when
25 Antonio Champion got there, at one point he pulls out the

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1 gun, he's giving some people something out of his pocket,
2 during the whole night he hangs out in that bar area, it's
3 slightly on the dance floor, until Breezo gets there, and
4 that's when by all accounts they had a conversation, and
5 that's when he moves into the lobby and waits for him.
6 That's when we see him have a conversation at one point with
7 Too Cool. And what's important about that is because he's
8 waiting for him and then you see him facing the door waiting
9 for Breezo to come back in, and then he immediately falls in
10 behind him and goes to the stage for the first time ever.
11 By the way, this is after he says he saw the altercation.
12 He knew something was up and he knew about the beef. Yeah,
13 this guy Breezo that was talking and stuff. I seen movement
14 real fast, movement, whatever. I'm not thinking nothing of
15 it. Breezo was standing a couple guys down from me. Then
16 he says the dark skinned guy pulled out the gun and started
17 shooting. Everyone was on the ground. I think we was like
18 on the stage because we fell and then my foot got tangled
19 up. Then he says they had something going on but this
20 was -- officer asked the dark skinned guy and Breezo? Yeah.
21 Before this? Yeah, like before. I don't know, it was like
22 rapper stuff. I guess it was some rap stuff or something
23 like that. Both of them being rappers? Yeah, it something
24 like that. Then they asked him if he had a gun, and his
25 immediate reaction was no, he didn't have a gun, and he

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1 tells them that. He says: I didn't have a gun but that
2 guy -- the dark skinned guy had a gun pointed at Breezo.
3 Were they facing each other? Yeah, they were facing each
4 other. So where were you standing? I wasn't too far from
5 Breezo. I could see the dude in the front, like he wouldn't
6 point at me but I could tell the situation. The DJ was by
7 my right side. The DJ is sort of towards the left corner.
8 Then he describes where he was. I was down from the stage.
9 You were literally standing right beside Breezo when this
10 went down? Yeah, just about. Do you have a way we can get
11 in touch with Breezo? He was like: No. Like I heard like
12 people said nobody has heard from him, so no. Nobody has
13 heard from him so no. He wouldn't be able to help him out
14 and get in touch with him at that point. Goes back and
15 talks about the argument: You were standing right next to
16 Breezo. Specifically asked if Breezo had a gun: I didn't
17 see him with a gun nor nothing, I didn't see him with
18 nothing. The only thing I saw was the shot in front of me,
19 meaning Colvin. Said he knew him from being -- Breezo from
20 being around school. Says: Y'all are associating with one
21 another, right? And he says: Yes. And then he talks about
22 the beef, and it goes on, and y'all can remember. But
23 what's important about that? When confronted, they show him
24 the actual video of him coming off the stage with the gun in
25 his hand, and he says: Well, yeah, I had a gun. And

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1 they're like: Well, you know, let's clear your name. If
2 you didn't shoot we just need to know, and he tells them
3 where the gun is. Because he didn't know that they could
4 link it to the shell casings. Important. He denies having
5 the gun because he knows that's not good. When confronted
6 with irrefutable evidence that he had a gun: Yeah, I had
7 gun, I didn't shoot. But the whole time he's very specific,
8 and why is that important? Because he knows if he says
9 Breezo was shooting that he was up there with him, that they
10 went there together to do it, that he could be charged.
11 It's what he did say in that statement. He went back and
12 back. Breezo. Colvin pulled the gun. Colvin hot. Colvin
13 shot five times. He was right in front of Breezo facing
14 him, shot five times. At one point he tries to put himself
15 further down. At one point he puts himself not on the
16 stage. But he knows he needs to distance himself from this
17 man, because he didn't know it was on video, he didn't count
18 on that. All we ask -- and I'll talk about their expert for
19 a second, is that you consider his credibility. And as much
20 as they want the scene not to be what it is -- you know, the
21 truth, it's a hard thing. Facts are a hard thing to get
22 around. And all we have asked, ladies and gentlemen, is
23 that you hold him responsible. And yes, we do ask for
24 justice on behalf of these victims on behalf of the citizens
25 of this county. Let's hold them responsible for their

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1 actions, their choices. Find them guilty of murder, not
2 voluntary manslaughter, and the aggravated assault charges.
3 I didn't address the gun charges but those are before you,
4 too. Thank you.

5 THE COURT: Thank you, Madam Solicitor. Ladies and
6 gentlemen of the jury, let's take a brief recess, comfort
7 recess before we hear the closing arguments of the
8 defendants. Okay? Don't talk about the case.

9 (The jury left the courtroom.)

10 THE COURT: All right, we'll be down.

11 MR. SHELDON: Judge, before we do that I would like to
12 address something on the record, and I just want to make it
13 absolutely clearly, I prepared a closing argument to last an
14 hour. I mean, that went over an hour by my account and now
15 they get rebuttal. I just want to make it clear that that's
16 what I did, that's what you instructed us to do and I don't
17 think that's fair and I just want to put that on the record.
18 I can't object, she's entitled to rebuttal, we've agreed to
19 that, but I just want it to be known.

20 THE COURT: The closing argument by the State was one
21 hour and 16 minutes. If y'all want to go one hour and 16
22 minutes you can go one hour and 16 minutes. Again, I'm not
23 going to hamstring the attorneys, all right? I'm not going
24 to micromanage you, you do what you think you need to do for
25 your client and for this jury. I was just simply saying

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1 that this jury has sat through two weeks, okay, and they're
2 tired, they want to start talking about the case. Y'all can
3 do what you want to do. I just don't want to be here until
4 9:00 at night and I don't want to be here tomorrow morning
5 and I don't want to be here next week. Okay? I want to get
6 this trial concluded, but I know everybody is tired,
7 especially these two young men sitting here, they have a lot
8 on the line. Y'all take your time and do what you think you
9 need to do. Okay? That's it. That's all I'm going to say.
10 You know, I did ask that y'all try to keep it under an hour.
11 I'm not going to interrupt, I'm not going to do that, I'm
12 not going to embarrass lawyers, I'm not going to do it.
13 Okay? You do what you need to do. Mr. Sheldon, if you want
14 to go over an hour do it. Okay? That's -- I mean, I'm
15 being as fair as I can here. All right. Let's take a
16 break. Five minutes, run to the restroom, do what you need
17 to do and we'll come back.

18 (A break was taken.)

19 THE COURT: All right. Bring the jury in.

20 (The jury returned to the courtroom.)

21 THE COURT: All right. Thank you, ladies and
22 gentlemen. We will now hear closing arguments from Mr.
23 Belton.

24 MR. BELTON: Thank you. May it please the Court, Your
25 Honor?

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1 THE COURT: Yes, sir.

2 MR. BELTON: Good morning, ladies and gentlemen.

3 (Jurors said good morning.)

4 MR. BELTON: There are times that I have learned in my
5 life where brevity is important, and I'm sure as you all
6 have sat here now for two weeks that you will appreciate
7 brevity from the lawyers. I don't think there's anything
8 that I can say here in the brief time that I've been in
9 front you that you haven't heard. And let me say from the
10 outset, as my colleague said who came before me, if there is
11 something I say that mischaracterize the law it's not on
12 purpose. All right. Certainly I'm speaking kind of
13 extemporaneously here, and certainly I can misinterpret or
14 missay something. You are to listen to what the Judge tells
15 you the law is. The Judge will read the law to you, and
16 when you go back to your jury deliberations you are to
17 interpret the law as given to you by the Judge. Also
18 regarding the facts of case, I'm human, certainly I have a
19 different version of what happened than the State has. Our
20 position in this case is very different than what the State
21 has, but you heard the evidence. You will have the evidence
22 back there with you and you will have access to the
23 evidence, so if I mischaracterize something that someone
24 says then you view it for yourself. If I mischaracterize
25 something that's on the video, you do it for yourself. I am

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1 not going to play -- replay videos and those things for you
2 in here because you have access to that and you have seen
3 these things time and time and time again. There are also
4 some things that have been implied, and so I think it's
5 important that I make clear, that I make extremely clear.
6 Okay? It was absolute chaos at the Old Skool Coral that
7 night. That ain't a play on words, that is a fact, it was
8 absolute chaos. But it was not a chaos that was initiated
9 by Mr. Stevens, it wasn't chaos that was started by Mr.
10 Stevens, and it wasn't chaos that can be contributed to
11 Mr. Stevens. Because we have laws in this state, and we
12 have laws in this state that give people the right to defend
13 themselves when they feel as though their lives are in
14 danger, and I'm going to talk about that in a moment. Madam
15 Solicitor mentioned it, but there were pieces of that that
16 are important that I want you to consider, which is a
17 different view of what the State has. Let me also be clear
18 about this: I have never intended in my zealous advocacy
19 for Mr. Stevens to blame those men and women in uniform who
20 arrived on that scene and saw that chaos that they were
21 found. I absolutely understand and appreciate the job that
22 law enforcement does. I appreciate the fact that they were
23 making an attempt to try to help those men and women who had
24 been injured there on the ground. They were making an
25 attempt to try to save the lives of the people who were

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1 there. I appreciate the investigation that was done by all
2 of the officers who were involved in this, from Officer
3 Bradsides (sic) I'm sorry, Brad Whiteside (sic) to Officer
4 Steele, Officer Dailey, and all of the other fine men and
5 women who work for the Lancaster County Sheriff's Office who
6 had to investigate this case. Nothing I have intended to
7 imply in this case to make it appear that these men and
8 women didn't do what they could do in the days after and
9 immediately when they arrived, but I'm also willing to be
10 honest and be critical when mistakes are made, and that's
11 the difference that we have in this situation. Mr. Stevens
12 walked in here, pled not guilty and got on the stand and was
13 willing to tell his version of it, but don't we find it
14 unfortunate when others are just not willing to acknowledge
15 that, yes, we made a mistakes? Yes, this could have been
16 done better. Yes. This crime scene was secure within 11
17 minutes of our getting here and we still allowed people to
18 walk through here for over an hour. That is not good
19 policing. Not one person was willing to walk to that stand
20 and say that. It was not good policing. Not one person was
21 willing to say: You know what? Maybe this gun hasn't been
22 fired, this .38 Derringer, but we've got two dead bodies and
23 eight other people hit, we should at least take it back to
24 the crime scene. We should at least take it back to the
25 lab. We should at least send it to SLED. We should at

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1 least test it. No one is willing to acknowledge that. Yes.
2 And then to find a .38 nominal bullet in the hole that could
3 have potentially come from this gun that we will never know
4 whether it did or didn't. So, ladies and gentlemen, don't
5 try to paint that I have come in here in my advocacy for
6 this man and imply that somehow this is the fault of law
7 enforcement. I have never said that, I've never intended
8 that. And you can be a supporter of any entity and also be
9 a critic, because criticism is what makes all of us better,
10 criticism and acknowledging that, yes, this could have been
11 done better makes all of us better. Now, I'm not going to
12 spend much time but -- surprisingly I'm not going to spend
13 much time on the law, because I think the solicitor walked
14 you through the law. As a matter of fact, she put it up
15 here on the document, you guys could read it and the Judge
16 is going to give it to you. I don't want to spend my brief
17 moments talking a lot about that. However, I think it will
18 be irresponsible of me as the attorney for Mr. Stevens not
19 to at least point out some things in the law that were
20 conveniently not emphasized when we were going through it
21 earlier. And there are two phrases that actually was used
22 by them that I'm also using; common sense -- common sense,
23 and you don't have to be an expert. And so let's first of
24 all talk about common sense. Common sense says that I carry
25 a gun everyday. And by the way, guys, I've lived in South

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1 Carolina with the exception of a short period of life, I've
2 lived in South Carolina my entire life. Okay? There are a
3 whole lot of people in South Carolina who carry guns, some
4 legally, some illegally. And the Judge is going to tell you
5 about stipulations. Mr. Stevens has stipulated that he was
6 carrying a gun illegally. Mr. Stevens got on the stand and
7 told you he was carrying a gun illegally. Some carry it
8 legally by getting concealed weapons and all of the
9 processes the government has in place, and some carry guns
10 illegally. Mr. Stevens was carrying a gun illegally. And I
11 would submit to you that probably all the other people you
12 saw on that video was probably carrying a gun illegally.
13 We're not here for all of the people carrying guns
14 illegally, but that's just a fact. Obviously we saw that
15 the people who had guns in this club were pretty comfortable
16 having guns in this club, that it wasn't unusual, it wasn't
17 unnormal -- unnormal -- it wasn't not normal, that's just
18 the way it was. Okay? That's the way it was in his world.
19 We may not understand it, we may not live in that world but
20 that's the reality. What he said: You can go in my
21 neighborhood and they sell guns like Now and Later. That's
22 what his word was, they sell them like Now and Later.
23 That's just the way it is, and he's willing to acknowledge
24 that, and we have stipulated to that. So what the State
25 wants you to believe, a man who carries a gun every single

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1 day, goes to a club where carrying these guns are obviously
2 normal, but this particular night when I go into the club
3 I've got this animus with people because I'm a local rap
4 star and I've got an animus with people and I'm going to
5 leave my gun in the car. Why am I carrying a gun if I'm
6 going to leave my gun in the car? Then, ladies and
7 gentlemen, we don't have to be -- and we're going to get
8 back to that a little more. Then, ladies and gentlemen, you
9 don't have to be an expert, and there was some time spent on
10 experts. You know what's great about our system? And I
11 started this case two weeks ago telling you about how I'm
12 standing in the courtroom and advocating for the British who
13 had fired on the Americans and represented what many would
14 have seen at that time as the enemy. But you know what
15 eventually came out of that trial is the system that we
16 have, that you all have experienced now up close and
17 personal. Because guess what? Ultimately you all will
18 decide the people who walked up here on this witness stand,
19 who sat here in this chair, and as Madam Solicitor asked
20 questions they turned to you, they smiled, they nodded, they
21 answered every question and they forgot nothing. But it was
22 so interesting when Mr. Belton got up and Mr. Sheldon got up
23 then it became it appears. I don't remember. I don't know.
24 I'm not going to say that. I'm not going to commit to that.
25 So let's talk about these experts. One in particular was

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1 the gentleman from SLED, and I can talk about the others
2 because I think they did their job. Ken Taylor, when he
3 went to the scene, he collected the evidence that he found.
4 But he even acknowledges, I can collect it from where I find
5 it but I don't actually know where it may have landed in
6 that all of that chaos that was going on. But let's about
7 the gentleman from SLED. And I even had to call LaDaria
8 (phonetically) up here and we posted it up on the wall. And
9 I'm going to repost all of them, but we eventually got here.
10 And I said to him time and time and time again I don't want
11 to write anything on this chart that you don't see and that
12 you can't acknowledge. And finally he didn't do this when
13 he was testifying from the State, and we didn't make a
14 report so we didn't get it until three weeks ago: You're
15 right, we didn't test one bullet. We used his report. He
16 wrote this report. He wrote it, the report that he
17 testified that's dated September the 27th, 2021, one month
18 ago, from an incident that happened two years ago. He
19 testified. And it wasn't going to come out on me. He
20 didn't sit here in this chair as he was turning and smiling
21 to the jury and acknowledge there was a possibility that at
22 least nine guns were at the scene, he never said that, until
23 he was asked by me, and as he's asked by me what did he do?
24 For nearly an hour on that stand he bobbed and weaved,
25 bobbed and weaved, bobbed and weaved, until eventually I got

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1 him to acknowledge it based on his report. So, ladies and
2 gentlemen, if we are truly seeking justice, if we are truly
3 seeking justice, then we have to have a responsibility from
4 everybody that comes up there to be credible people,
5 particularly when they're qualified as experts. So there
6 was something here said at the end, and I will move on. You
7 all remember the one expert that we called, the first -- one
8 of the first questions asked: How much are you being paid?
9 It was finally brought up -- well, let me let you in on a
10 bit of a secret. Okay? All of us are being paid. I'm
11 being paid, he's being paid, they're being paid, we're all
12 being paid. But let me also let you in on another little
13 secret, look at the power that sits over there. When the
14 SLED experts and those people came in who are objective,
15 they didn't come sit behind the defense, they didn't come
16 sit here at the defense table, they didn't even sit in the
17 middle of the aisle, they sat over there. I sat here alone
18 advocating for Mr. Stevens. There are three lawyers who sat
19 here, very competent, well-skilled lawyers. There's been
20 law enforcement here. There's been law enforcement on the
21 next seat and it's just me right here. Not one other person
22 has gotten up advocating on behalf of Mr. Stevens. So don't
23 start beating an expert because he's making a living and
24 objectively looking at the documents that the same entity
25 that's prosecuting this man drafted and said I want to have

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1 a second set of eyes take a look at it. So let's talk about
2 those things. So Madam Solicitor spent a great deal of time
3 on the law. Okay? And understand that the State has a
4 burden of proof. They have a burden of proof. And it's not
5 clear and convincing, it's not preponderance of the
6 evidence, it's beyond a reasonable doubt. And I'm going to
7 say to you again as I said in the beginning because I don't
8 want to be disingenuous in front this jury, if I state
9 something that's inconsistent with what the Judge says, you
10 follow the Judge's law. Mr. Stevens has no burden of proof.
11 Certainly he -- Mr. Stevens does not have to prove anything.
12 They have to prove everything, and they have to prove each
13 and every element of every crime. Well, I'm going to make
14 it easier on you. You're going to get one sentencing sheet
15 back there, and that particular sentencing sheet is person
16 in possession of a weapon convicted of a crime of violence,
17 not a violent crime but a crime of violence. He is guilty
18 of that. Spend no time on that particular sentencing sheet,
19 check guilty and set it off to the side. He is absolutely,
20 100 percent guilty of that period. Spend your time -- spend
21 your time on what we consider the major charge in this is,
22 is he guilty of murder for Lee Colvin. And by the fact that
23 he's guilty of killing Lee Colvin then he's guilty of these
24 other things that happened. He didn't have a lawful right
25 to kill Lee Colvin. And let me say and back up here for a

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1 second because I think it's important. I said before that
2 Aaron Harris has kind of become kind of secondary in this
3 case. I don't think any of us dispute, or if it is in
4 dispute I haven't heard it, that Aaron Harris got hit by a
5 stray bullet period, bottom line, that's what all of the
6 evidence shows. Now, the question becomes no one
7 intentionally was shooting at Aaron Harris. There's no
8 evidence Aaron Harris had a gun. There's no evidence that
9 Aaron Harris had anything to do with what was going on in
10 club that night. I think it's clear. I think it's clear
11 that the other eight people who got hit in chaos got hit
12 unintentionally period. The question becomes that -- the
13 real central question that these jurors have to answer is
14 what was going on between his perception of what was
15 happening between he and Lee Colvin, was he lawfully and had
16 a right to shoot and kill Lee Colvin. That's the question.
17 That's the question. And so what is reasonable doubt?
18 Reasonable doubt is doubt which makes an honest, sincere,
19 conscientious jury in the search of truth hesitate to act.
20 Further it says beyond a reasonable doubt can also be
21 described as proof that leaves you firmly convinced of the
22 defendant's guilt. Ask yourself, with all of this that has
23 gone on in here, all of this proof, are you firmly
24 convinced? When I think Investigator Whiteside (sic) said
25 we don't know what actually happened right there at that

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1 screen -- on that stage, because of all of the things that
2 we have on camera the actual shooting we don't have. We
3 don't have it, we don't know, but I'm going to talk about
4 that at the end. There's a real possibility -- if there is
5 a real possibility that he is not guilty, then I believe
6 what the Judge is going to tell you that you have to defer
7 in the benefit -- you have to give the benefit to the
8 defendant. They can -- if there's a real possibility he is
9 not guilty, you must then give Mr. Stevens the benefit of
10 the doubt. And let me stop here for a second and talk to
11 you about jurors before I go on. Certainly you will act
12 collectively as 12, but you also have your independent
13 opinion. You will act collectively as 12, but you also have
14 your individual opinion, and your individual opinion is just
15 as important as the other 11 people who are in the room, and
16 don't forget that as you start your deliberations. Let's
17 start with the assault and battery high and aggravated
18 nature. Madam Solicitor -- I'll spend very little time on
19 this. Madam Solicitor put the law up here and she read the
20 law to you almost verbatim, but there's one part of it
21 that -- you've got no question these people were shot, no
22 question they were injured, no question any and all of them
23 could have died from their injuries if it had not been for
24 the brave people of EMS who went in and picked them up, got
25 them to the hospital, medevac some of them to Charlotte to a

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1 trauma center, and those courageous doctors who came and
2 testified about these injuries, I'm not disputing that. All
3 right? No question about that. But the first part of this
4 says that in order for a person to be guilty of assault and
5 battery of a high and aggravated nature they have to be
6 unlawfully. Ladies and gentlemen, the gun that Mr. Stevens
7 was shooting shot LaShonda Barnes in the foot. Now, I can
8 get up here and make some arguments they didn't connect that
9 bullet to the bullet that was in, but, you know, there's an
10 old saying in Abbeville, South Carolina, where I'm from,
11 walks like a duck, quacks like a duck, it's a duck. Okay?
12 All right. That bullet hit LaShonda Barnes, that came from
13 his gun. All right? But the question was did he unlawfully
14 do it, and if he is shooting at a person he's lawfully able
15 to shoot and unfortunately she was collateral there. Every
16 one of his bullets didn't hit Lee Colvin. We know at least
17 one of them hit -- we know at least one of them hit LaShonda
18 Barnes. So don't read the law in part. And that's what we
19 are trained to do in law school, every single word matters.
20 Every single word matters. Why does it matter about the
21 number of guns and the number of shots that were in this
22 place? I think Investigator Taylor admitted there was a lot
23 of trash and debris in there, they may or may not have found
24 all of the casings that were in there. They end up finding
25 16 of them in there, but even with what they would be able

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1 to find, don't forget the chart that was done on the wall.
2 Don't forget the chart that was done on the wall. Because
3 in order for the State's theory, for their case to work he
4 either has to be an octopus and shooting multiple guns all
5 over the place, or there were other people in this club
6 shooting, which is a very -- you saw the video, a very real
7 possibility. And we'll talk more about that as I conclude.
8 The State can't prove that his bullets hit any of these
9 people. And we've acknowledged that most probably his
10 bullet is the one that hit LaShonda Barnes, she was standing
11 right behind Mr. Colvin. You go through the evidence of
12 where these people said they were standing, and you saw them
13 come in here and you look at the video, ladies and
14 gentlemen, there were two defects found in this entire club.
15 Certainly you can say, well, these people had pass through
16 wounds. They had pass through wounds, which means those
17 bullets went somewhere. They're somewhere. They passed
18 through the body, they went somewhere. They're all there in
19 the club. I think it's inconceivable for us to think that
20 people weren't shooting. We've got a man -- the biggest
21 charge we have is you saw on the video as much as this
22 camera can show, you see Mr. Champion at this club a hour
23 and a half, two hours, whatever the timeframe was, before
24 Mr. Stevens even got there. Not one shred of evidence has
25 been presented in this courtroom that these two men

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1 immediately before, immediately after, or during conspired
2 or had an arranged plan or common scheme to do anything.
3 You see them passing each other in the club, passing each
4 other in the club. Nobody else other than we're both from
5 Lancaster and maybe I knew him from around school, or we've
6 been in -- I think Mr. Stevens testified we've been at some
7 of the same parties together, we've been of the same places
8 together, but nobody else has connected him. Not Tanya
9 Henderson who came to the stand, not Breante Stevens who
10 came to the stand, but more importantly not one single law
11 enforcement officer who has come to this stage with the
12 exception of when Mr. Champion was initially confronted by
13 law enforcement. He says: I had a conversation, little
14 conversation with Breante in the club. Evidently it was a
15 pretty brief one, because we've got 14, 16 cameras in this
16 place that is pretty much watching everything that's going
17 on in this place, or watching a lot of what's going on in
18 this place. What is murder? It's the killing of another
19 person with malice aforethought. Madam Solicitor did a
20 great job of defining what malice is, I don't need to
21 redefine it. The Judge is going to tell you what malice is.
22 Hatred, will (sic) hostility toward another person. The
23 intentional doing of a wrongful act without just cause. If
24 you have just cause you can't be convicted of murder in the
25 State of South Carolina. Again, look at the entire law,

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1 every word matters. I talked about Aaron Harris. It is
2 unfortunate. I'm sure it's a parent's worst nightmare,
3 worse phone call any of us can have, but I think we all are
4 in agreement that he was the unfortunate victim of a stray
5 bullet. Transferred intent. She spent some time talking
6 about transferred intent. If I am unlawfully shooting at
7 him and I accidentally hit him then I'm still guilty of his
8 murder even though I'm not shooting at him. I've still got
9 to have the malice aforethought. I still have to have the
10 malice aforethought to get to transferred intent. You've
11 still got to go back to him and Lee Colvin to get to the
12 malice aforethought. What was the interaction at the person
13 I'm intending to shoot, and, ladies and gentlemen, they
14 can't get there. The government can't get there. There is
15 something that quite frankly I don't remember where it was
16 mentioned, but certainly it was glossed over, actually there
17 was a bit of time spent on self-defense now that I think
18 about it, but the one thing that was left out of
19 self-defense, and you listen very carefully to what the
20 Judge tells you, it's a complete defense. If back in your
21 jury room you believe that he was acting in self-defense
22 then not guilty is your check. It's a complete defense.
23 Not guilty is your check with the exception of a sentencing
24 sheet that I've already told you is checked guilty on. It's
25 a complete defense. So certainly if you find him acting in

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1 self-defense then it's a complete defense. But also, it
2 ain't his job to prove self-defense, it's the State has the
3 burden of disproving self-defense, and I don't want us to
4 forget that in here. Ladies and gentlemen, they started
5 with a theory, and since the theory didn't work, the science
6 didn't match the theory, then we've got to figure out
7 another way to make this work because we're too far into it
8 now. So somehow we've still got to make him totally
9 responsible for everything that went on in here. So what is
10 self-defense? Ladies and gentlemen, what has not been said
11 in this trial is did Mr. Stevens act in a way that was
12 reasonably calculated and did provoke a deadly assault. The
13 State has tried to present this as one continuing feud with
14 very little to no evidence of it other than one security
15 guard, I think, who says, yeah, I knew, you know, something
16 about a random argument over ago, or something like that.
17 No other evidence has come in here, very little other
18 evidence. And again, you can go through it and if I'm
19 mischaracterizing it you go through it. It has been a long
20 trial for me just like it's been for you. But even that
21 night, one incident, two incidents, three incidents, I've
22 tried to characterize this as one continuation of incidents,
23 but let's take them in parts. Okay? And I don't want to
24 have to deal with the small thing, the bumping on the stage
25 as Mr. Stevens talked about initially, but let's talk about

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1 the major one that happens when there was some pushing and
2 Mr. Colvin pulls out his gun, let's talk about that. And
3 Mr. Stevens, we all see on the camera, leaves out and is
4 gone for a little more than three minutes when he goes out
5 of the club. Ladies and gentlemen, when he -- he had every
6 right to come back in this club, and his coming back in the
7 club, this second incident that they are talking about, it's
8 over. It's done. It's over. This wasn't one long
9 continuous incident that's going on. Nobody, nobody had
10 indicated to him that he couldn't come back in the club.
11 And this whole thing about the door locked, you look at the
12 video for yourself. Mr. Stevens didn't run back in this
13 club. You see Zoe Pound and Mr. Seegars, who testified in
14 here, standing right there. You see security at the door
15 and you clearly see the door open. You clearly see Mr.
16 Stevens walk across the street, hop up on the thing and walk
17 through the front door of the club as he had done other
18 times before. The video doesn't lie, it's there, you see
19 it. He's a local guy, he walks in, his song is playing.
20 Guys, ladies and gentlemen, do we want to talk about what's
21 important? If this was one long continuing thing, why
22 didn't he just walk up to the man and blow his brains out?
23 That's what he could have done. If he was that mad and that
24 angry and he was coming there, he could have just walked up
25 to him and just shoot him in the head and kill him. But

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1 that's not what he did. He walked into this club and went
2 back to the stage where he had every legal right to be.
3 Every legal right to be. Every legal right to be. He was
4 in actual imminent danger. You heard Mr. Stevens' testimony
5 that I saw him pull out a gun and I saw him shoot, and no
6 other way to avoid it. I'm in a crowded club, I'm standing
7 on the stage. I'm in the club, I'm standing on the stage, I
8 have no other particular (sic) in this particular instance.
9 That's what the law says, in this particular instance, and
10 so to try to lump all of this together, it's not fair.
11 That's not justice. It's not fair. It's not justice. And
12 there's some other important things that I want you to
13 consider. Mr. Stevens has the right to use the force needed
14 to avoid death or serious injury, and he can continue to
15 shoot until he believes, he doesn't have to wait on Mr.
16 Colvin to get the drop on him. I don't have to wait on Mr.
17 Colvin to kill me or shoot me before I shoot him. Listen to
18 what the Judge tells you the law is, you listen to it. And
19 I've already told you that he possessed the gun illegally,
20 but just in case some of you are wondering about that, the
21 Judge is also going to tell you the law on this, and I want
22 you to hear me if you've heard very little I have said, the
23 fact that he possessed a gun unlawfully in this club does
24 not bar him from using that gun in self-defense. The fact
25 that I've got to gun -- that he had a gun illegally in the

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1 club does not bar him from using that gun to defend himself.
2 Now, I'm not going to go through this. Actually, I'm going
3 to prepare -- bring to a close. Three or four more points
4 that I want to make to you that I think is important. For
5 the State's theory of their case to work, either Mr.
6 Stevens, as I have indicated, has to be an octopus who was
7 just shooting with multiple hands, multiple arms everywhere,
8 or what you have got to believe, what you have got to
9 believe is that Mr. Stevens came back into this club a
10 second time, hears his song playing and goes to the stage,
11 the stage is crowded, and we have a man who you clearly see
12 in the video three minutes earlier jumping around with a
13 gun, sticks the gun back in his pants, now sees Mr. Stevens
14 on the stage and that gun stays in his pants. He doesn't
15 run his shirt to wait to get a drip, he doesn't pull it out,
16 he doesn't flash it, he can't do anything. He's brazenly
17 jumping around in here with a gun. Now he sees Mr. Stevens,
18 the eyes are on Mr. Stevens, he's the local star, he's
19 standing there on the stage, his song was playing and this
20 guy does nothing. Then this guy, the shooting happens, Mr.
21 Stevens runs out of the club along with others, this man
22 hits the floor, there's clearly a gun not in his pocket, not
23 stuck down, this gun is laying right there beside him with a
24 magazine has apparently come out or taken out. A gentleman
25 goes over, you see him still moving, leans over, appears to

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1 be talking to him, picks up a gun, appears to clear the gun,
2 but his testimony is he simply stuck the magazine back in
3 the gun, sticks the magazine back in the gun, goes outside,
4 sells it to Buck, we eventually test this guy for GSR and we
5 find GSR on his hands. Walk like a duck, quack like a duck,
6 it's a duck. It doesn't take much for me to put that puzzle
7 together, that this man was attempting to get the drop on
8 Mr. Stevens, he was just on the losing end of the bullet
9 period. And then to get an expert to come in here and to
10 say that there is -- the reason why he has GSR on his hands
11 is because he had something coming out of the front of the
12 gun. And so, yes, we had an expert to come in here and say
13 there's a difference between GSR coming out of the side of
14 the gun and gunpowder coming out of the front of the gun.
15 Walks like a duck, quacks like a duck, it's a duck. And
16 ladies and gentlemen, this is not on the responding officers
17 there, but 11 minutes in the responding officer's video he
18 says: We have it secured, taken care of, something to that
19 effect, in here. At this point this place could have been
20 secured. All of them are there around this stage. All of
21 them are there around this stage. And that's exactly where
22 many of the bullets are in this small space. Not one expert
23 that's got on the stand -- now, he had to be pushed from
24 SLED, he had to be pushed, but acknowledge more guns.
25 Roberts (sic, who was called by Mr. Stevens, indicated they

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1 should have confiscated and tested all of the guns. Also
2 told us about the difference between that. And then he said
3 unequivocally, unequivocally, Colvin had fired a gun. That
4 much GSR you are not picking up by simply handling a gun.
5 Either we believe the science or we don't. We walked
6 through all of that, I'll spend no time on that. It's the
7 same thing, I'll spend no time on that. I talked to you
8 about the expert witnesses, you get to determine the
9 credibility. You determine the people who are qualified as
10 experts. The State yesterday spent the vast majority of
11 their time talking about a conference that he's presented to
12 a bunch of defense lawyers somewhere that's on YouTube, and
13 a lost job at the Atlanta Police Department that was
14 administrative and a lawsuit because he was discriminated
15 on. But you know what? You throw up smoke and mirrors when
16 you can't dispute, when you can't dispute the science, then
17 it becomes about everything else. What is the science? He
18 didn't write the report, SLED wrote the report. SLED wrote
19 the report. SLED wrote the report. His testimony was about
20 the SLED report, and there was something important that he
21 said, when you get down and start saying that I don't -- we
22 can't tell indeterminate and all of the other terms because
23 generally bullets don't match. Bullets don't match. It was
24 mentioned about Neal and Benjamin. Here is a lower caliber,
25 then a higher caliber. What kind of bullet is in Mr.

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1 Harris? What kind of casings were found? 9 millimeter.
2 What was he shooting? A .45. Lower caliber, 9 millimeter
3 before the .45. Their witness, their security guard
4 corroborates exactly what Mr. Stevens told you from the
5 stand, this man shot at me and I shot back. Lower caliber,
6 then a higher caliber. We see Colvin here on the left
7 clearly with a gun. Not it appears, doesn't appear that he
8 has a gun, he has a gun. Three minutes -- that's at
9 2:30:46, and I think it's pretty clear in our mind this
10 happens at 2:33:33, he has a gun. He doesn't appear to have
11 a gun, he has a gun. We see this other gentleman there
12 clearly with a gun. And we clearly see a gun that at one
13 point law enforcement did get. And then outside. You can
14 make fun of me for calling it the Old Skool Coral, but
15 that's exactly what it was. We all know when Mr. Stevens
16 goes out, we see him on camera, he goes out and he goes to
17 the left. Look at where these casings were found. He
18 wasn't doing the shooting outside, and certainly if he had a
19 .45, and even if they want to put this two gun theory in his
20 hand, which makes zero sense as our expert has said, makes
21 zero sense, but even if you want to put two guns in his --
22 who was shooting outside? And then all of the different --
23 who shot the .38 nominal? Who shot that? And you can't
24 match the different 9 millimeters that were inside. The man
25 couldn't have shot every single one of these guns. And you

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1 don't know what bullets hit the other people inside, except
2 for LaShonda Barnes' foot and the bullet that was found in
3 Mr. Harris, the 9 millimeter. No other bullet has been
4 matched to any other victim, none, not one, except for Lee
5 Colvin, a .45, and LaShonda Barnes, a .45, and Aaron Harris,
6 a 9 millimeter. Not one person has come here and said this
7 caliber of bullet hit this person, nobody has said that.
8 And again, there were nearly 50 people who walked around in
9 here right as this thing was ended, as this thing was over.
10 And you can see all of this for yourself, but that's the one
11 I wanted to get to. This is not a beat up on law
12 enforcement, this is a standard, and we have to have a
13 standard. You look at the time that's up there on camera
14 one. There's no chaos going on in here at this point. We
15 acknowledge there was chaos initially, and we give the brave
16 men and women in law enforcement who ran into this scene, we
17 give them the credit that they are due, we give EMS the
18 credit they're due, but there's no chaos at this point. But
19 not one person would acknowledge that this falls below the
20 standard that's expected. These people should not have been
21 in here one hour, nearly one hour after the incident
22 happened. If we want justice let's be fair. Let's be fair.
23 So this is what we know. We know there were multiple
24 firearms inside the club. How many? It would be totally
25 disingenuous for me to say in here that I know how many guns

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1 were in that club. But ladies and gentlemen, not only is
2 disingenuous for me to say it, nobody can stand here in
3 front of you and say they knew unequivocally how many guns
4 were in there that night and how many guns were fired. The
5 experts have given us more numbers than what's being alleged
6 here in court and that's based on their report. That's the
7 State of South Carolina Law Enforcement Division Report.
8 This is not -- Montrie Belton didn't create this. The
9 defense team didn't create this. I walked them through the
10 chart. We know that a .38 also was found in there and we
11 know a .380 was found outside in the glove box of a car that
12 were never tested, that were given back to owners. And we
13 know that the scene was unsecured. And I've talked to you
14 on what you've got to believe with Mr. Colvin. I've talked
15 to you about Ms. Barnes. The State went through each one of
16 these, and I'm not going to because there is one thing that
17 I do agree with the State on, that these people were
18 innocent. They were just at the club that night having a
19 good time, I agree with the State on that. I don't disagree
20 with you on that. I agree with the State that some gave
21 testimony initially, and then brought them in here and
22 certainly some of their testimony was inconsistent on the
23 stand with what they told law enforcement initially after
24 that. I agree with the State on that. I agree that many of
25 them didn't want to be bothered with this trial, I agree

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1 with the State on that. But let me tell you one thing, Quay
2 Douglas, I do want you to go back and look at his testimony,
3 because I have my notes different. My notes indicate the
4 Quay Douglas indicated he was on the stage when he was shot.
5 Again, if I'm mischaracterizing it, it's certainly not on
6 purpose, I am human, I'm willing to acknowledge when I make
7 a mistake. So you go back and look at it if that matters to
8 you. Christopher Belton. Definitely said Colvin had a gun
9 and maybe got off shots. That's what Christopher Belton
10 said. But, ladies and gentlemen, what is one thing that was
11 consistent from security officer Benjamin as he saw
12 Mr. Colvin -- Mr. Stevens run out of the club, and what's
13 been consistent with every single person who's come in here
14 that Madam Solicitor walked down that list and said that
15 Breante Stevens had a gun? Not one single person has said
16 they saw Breante Stevens with two guns. Nobody. Not the
17 security officer, nobody. Absolutely nobody. Nobody. Not
18 one witness, not one security officer, nobody. So even if
19 we take -- we believe parts of their testimony, don't
20 believe parts of their testimony, believe what they said at
21 the hospital, believe what they said on the stand, whatever
22 part of their testimony you want to believe or not believe,
23 the fact is one thing has been consistent, the man had one
24 gun. That's the one thing that's been consistent. One gun.
25 From the people who wanted to testify, the people like Mr.

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1 Neal who was glad to testify, and then the people who were
2 reluctant to testify and you had to show the body cam to
3 show what they said closer to the incident, they have been
4 consistent: One gun. One gun. And Breante Stevens is
5 correct in what he said, he didn't shoot everybody. So I
6 will end with this. I told you what a reasonable doubt is,
7 the Judge is going to tell you what reasonable doubt is.
8 It's not reasonable suspicion, it's not probable cause, it's
9 not preponderance of the evidence, it's not clear and
10 convincing, it is beyond a reasonable doubt. That is the
11 standard that you have to get to to find this man guilty of
12 murder. They have to disprove that he was not acting in
13 self-defense. And self-defense is a complete defense.
14 Complete defense. And I conclude with this. I'm sure when
15 Madam Solicitor comes back she's going to make a deal about
16 Mr. Stevens going to Florida. Ladies and gentlemen, over my
17 objection the video came in. Mr. Stevens' house was shot up
18 immediately or shortly after this incident, certainly within
19 the same morning of this incident. The incident happened at
20 2:33, and before the sun rose on the earth the next morning
21 or that same morning his house was shot up. His girlfriend
22 and three of the children who lived in that house left that
23 house under the cover of darkness. Whether Mr. Stevens
24 called them or some other friend called them or some other
25 family member calls them, it's irrelevant to me. Okay? The

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1 fact of the matter is that's what happened. Was it his best
2 decision to go to Florida? No. But I've never been in the
3 situation he was in. He made that decision that night to
4 leave South Carolina and go to Charleston, go to Florida.
5 In his mind he testified that it was rational under the
6 circumstances. But I'm going to leave you with this. This
7 man indicated that he didn't have a comfort level with law
8 enforcement and that's why he went there. You saw the
9 video. You saw the video. You saw a man standing on a
10 balcony with a cell phone in his hand, law enforcement
11 running up and all of their SWAT gear, and I understand
12 that, you don't know what you're running into, I give you a
13 pass there. But he's down. He's handcuffed. He's jerked
14 up: What's your name? What's your name? And after he
15 gives them his name, he's walked out to a car, and you watch
16 for 30 minutes, nearly 30 minutes a man sitting in the hot
17 Miami sun on the back of a car with a gentleman. And I
18 don't know the gentleman who came in here and testified, I
19 couldn't see him because it was his body cam, but we durn
20 sure can see the gentleman who was standing beside him, and
21 I can make an assumption that the man with the body cam on
22 was dressed the same way, with an assault rifle standing
23 there on a man who had been already in handcuffs, already
24 searched and posed no risk to anybody at that moment. And
25 you want to know why he didn't go to law enforcement? Thank

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1 you, ladies and gentlemen.

2 THE COURT: All right. Thank you, Mr. Belton. Ladies
3 and gentlemen, again, let's take another brief recess prior
4 to Mr. Sheldon. Thank you very much. Don't talk about the
5 case.

6 (The jury left the courtroom.)

7 (A break was taken.)

8 THE COURT: Thank you, ladies and gentlemen. Mr.
9 Sheldon?

10 MR. SHELTON: May it please the Court?

11 THE COURT: Yes, sir.

12 MR. SHELTON: I had to take the long way around,
13 because certainly, according to the State, if you walk the
14 same path as somebody it's hand of one. And I'm --
15 certainly I don't think anybody thinks that I'm engaged in
16 the act of one, act of all as the prosecutor is. That's how
17 stupid and silly their theory is under hand of one. I told
18 y'all, I told y'all when we started we heard them say we're
19 going to put together a little puzzle today. We heard
20 something about a shootout at the Old Skool Coral. I told
21 you I didn't know what we were going to see. I didn't want
22 to ruin the surprise. I knew we were going to be here
23 awhile, and sure enough we have been and so I'm going to try
24 to keep this quick. I mean, there ain't anything else that
25 I could possible say to y'all that you haven't already

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1 heard. But I told you I didn't know what we were going to
2 see, and I was right. They clearly had a theory from day
3 one and they stuck to that theory for two years and one
4 month. This gentleman here come heck or high water had a
5 theory, so did this gentleman right here, so did this
6 gentlemen right here, they all had a theory, the theory from
7 the beginning, this was going to be simple: These guys
8 walked into a club, they shot up the club, they got
9 together, they ran out, they rode down and bam, let's try
10 this case and get this thing over with. But that's not what
11 happened. Y'all know that's not what happened. You guys
12 have sat through here. These two guys don't have any
13 connection with each other, and we're going to go over a lot
14 of that. I want to go over a little bit of the law, because
15 like everybody said, obviously we know the referee of the
16 law is sitting up there in the black dress, black robe, and
17 we know that y'all are the sole determinants of the fact.
18 Let's talk about the law. Something that they forgot to
19 mention. What about this one? As you know there are two
20 defendants in this case, there's one here and there's one
21 there. The case against each defendants and the evidence of
22 law concerning that defendant should be considered
23 separately and individually for each defendant. Separately
24 and individually for each defendant. Why do I bring that
25 up? Well, because what you heard the prosecutor say is that

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1 Mr. Champion is not entitled to self-defense if they prove
2 that Mr. Stevens didn't act in self-defense. Why not?
3 Evidence separate, each separate, all of the evidence
4 separate as to each defendant. We know that he was on the
5 stage, don't we? We know that he shot a gun. We know he
6 said that he was scared in the video. We know he said that
7 he thought that his leg might have gotten shot. We know all
8 of that. We know that he fired that gun. We know that he
9 fired that gun on the stage. We know that he went on the
10 stage. We know that he said that there were shots coming at
11 him, that he felt like those shots were coming at him. Why
12 not? Because the prosecutor says so? Let's take a look.
13 Each defendant has raised the defense of self-defense.
14 Self-defense is a complete defense. You get to consider the
15 evidence as to each defendant individually. They want to
16 link them together. They want Mr. Champion to be along for
17 the ride with Mr. Stevens because we know Mr. Stevens killed
18 somebody. We know he did. We know that he shot Mr. Colvin
19 with the .45, he shot him three times. We found one of the
20 bullets, it was two other bullet wounds, right? But you
21 heard the coroner testify two-eighths of an inch,
22 three-eighths of an inch, three-eighths of an inch. Those are
23 the perforating wounds. Can we determine what caliber gun
24 shoots somebody? No, we cannot, just based on the entrance
25 wound. Why? Because there's other factors. No, there's

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1 not. No, there's not. We know there's a bullet in the leg.
2 We know the size of that wound. There's no other factors to
3 consider with the other two wounds in the body. He didn't
4 run outside and get shot in the parking lot two more times.
5 He didn't go to Wendy's and get shot in the drive-thru.
6 It's the same conditions. Shot by a .45 three times.
7 Everybody said, you know -- and I've been lumped in somehow.
8 I hope y'all were listening because I didn't say anything
9 about there being nine or ten guns. There were three guns.
10 There was this one, the 9 millimeter here, the .45 here and
11 the .380 here. We know those traject right -- see, here is
12 the thing. See here's the thing. Here's the funny --
13 what's good for them is that there's all kind of cluster
14 here, right? But we know this is where the altercation
15 happens, right rear. Right rear. Right rear. Depending on
16 where the gun is. We know there's a lot going on here, too.
17 Well, these are 9 millimeters. How did these get here? If
18 these are projecting right rear like -- and -- how do those
19 get there? How do those get there? They can't explain
20 that, right? They just can't explain it. Of course, we're
21 going to get into all of the facts here in a minute, and I'm
22 not going to bore y'all, but I do want to say -- talk about
23 just a few more areas of the law -- and I'm done with this
24 thing. Let's talk about reasonable doubt. I told you at
25 the beginning, what is it? It's a doubt based on reason.

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1 It's a doubt that would cause you to hesitate to act in the
2 more important affairs in your life. Well, what does that
3 mean? I'll tell you what it means, I mean, I'll tell you
4 what I think it means. If my friend comes to me and says:
5 Nathan, I need to borrow \$5. Here you go. He might pay me
6 back or he might not. Did I hesitate to give him \$5, my
7 friend? Of course not. Why would I? Why would I hesitate
8 to do that? What if he says: Nathan, I need \$20. Well,
9 here you go, that's fine. Did I hesitate to act to give him
10 \$20? Probably not. How about \$100? What about \$1,000?
11 What about \$20,000? What if my friend comes to me and says:
12 Nathan, I need to borrow \$20,000. Am I going to hesitate to
13 act? Probably. That is a lot of money. That is a more
14 important affair in my life if that were to happen. That
15 would cause me to hesitate to act, and those are the types
16 of decisions we are talking about. When we talk about the
17 most important affairs it's those types of decisions. It's
18 not whether you would hesitate to act to buy somebody a Coca
19 Cola. It's not whether you would hesitate to act to give
20 somebody gas money, those are not the most important affairs
21 that we're talking about. And ladies and gentlemen, that's
22 reasonable doubt. That's what you're talking about, that
23 hesitation, that is the reasonable doubt, a doubt based on
24 reason. And, of course, depending on your friend and his
25 financial situation that may be more or less, but that is a

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1 reasonable doubt. That is hesitate to act. I mean, there's
2 a couple of other areas of law that obviously we need to
3 discuss here. I told you at the beginning he is shrouded in
4 this presumption of innocence, right? And that remains.
5 That's going to remain with you guys. It's going to remain
6 with you guys back in the jury room and everything else.
7 We're not going to spend much time with that, he is to be
8 presumed innocent. Still right now y'all have to presume
9 Mr. Champion innocent. It has to happen, you have to do it.
10 What about -- so what is he charged with? He's charged with
11 murder, she read the facts. I'm going to go ahead and tell
12 you right now, if they don't mean act of one, act of all
13 y'all cannot convict on murder. Mr. Colvin was shot three
14 times, we know that, right, three times. I would submit to
15 you it was three times with his gun, a .45. You can
16 consider whether he was acting in self-defense or not, I
17 don't know, that's up to y'all. Mr. Harris was shot with a
18 9 millimeter one time. We know with absolute no question,
19 no certainty that Mr. Champion did not kill Mr. Harris. We
20 know it. Because his gun, unlike any other gun that we're
21 talking about, whether it's nine guns, three guns, 20 guns
22 or 100 guns, guess what? His gun is right there. His gun
23 doesn't match. And because we have his gun we know a lot
24 about what happened with him. Three times. Nominal .38
25 consistent with a .380. Matches his gun. Matches his gun.

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1 He shot three times. We know what happened with his gun.
2 There was three bullets left in the chamber, we know exactly
3 what happened. I wish that the government would have
4 decided to do some DNA testing on those bullets so we know
5 if they had hit anybody, but I didn't have a choice because
6 they waited two years to do anything. They surely got the
7 results back from his gun and the two bullets that were
8 found in dead bodies, they got those back in three days, but
9 because they decided not to test any of the other bullets
10 for two years we weren't given that opportunity by them. We
11 weren't given the chance, and because of that we just don't
12 know. It could be presumed that bullets don't stop in
13 mid-air. His bullets hit something. Well, there's a hole
14 in the wall here, there's a hole in the wall here. His
15 bullet is here. His bullet is here. Here is where Colvin
16 is. Here is where -- look, these. What are these? Those
17 are bullets right by the body. Guess what they're not?
18 380's. They're not .380's. There's no bullets by Mr.
19 Harris' body outside. Well, hell, there probably is,
20 because everybody was shooting outside except for the people
21 that actually had guns inside. For some reason or another
22 those guns got shot. You cannot convict based on that,
23 that's just not good enough. The hand of one, hand of all
24 is an absolute joke. It is a joke. The State has got to be
25 kidding. If this weren't so serious I would think we were

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1 watching a comedy for god's sake. Think about what they're
2 saying. We're going to take a minute and 28 second here,
3 we're going to get to the few seconds when he runs down the
4 ramp. It's a joke. You saw the video. They're now saying
5 they're off camera and they're there by the bar. He was
6 there an hour and a half before Mr. Stevens got there, he
7 was there an hour and a half before that. They planned the
8 murder before he ever knew Mr. Stevens was coming to the
9 club, right? They had to have. They planned the murder
10 when they're talking at the bar before there's ever a
11 confrontation. Before there's ever any confrontation their
12 theory now, because nothing else works, is that the murder
13 was planned when they had a conversation at the bar, because
14 there is no other evidence. Even though there's no evidence
15 that they had a conversation at a bar, there's no other
16 evidence. Remember? There isn't. You saw Mr. Stevens run
17 out, he ran right by Mr. Champion and probably even brushed
18 his shoulder. What did Mr. Champion do? He just kept
19 walking. Did Mr. Stevens acknowledge him? No. Of course
20 not, of course he didn't. You saw him come back in. Oh,
21 man, this is the nefarious, this is the gotcha moment. He
22 comes back in and Mr. Champion is standing on camera,
23 remember that? And they turn and they're walking just
24 like -- I'm scared to walk here, you guys might find me
25 guilty of act of one -- but what happens when they get up

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1 that ramp four seconds later? Who's there? Stevens. Corey
2 Carruthers, Too Cool. Five seconds later Mr. Champion just
3 strolls on in, right? In five seconds this nefarious turn
4 up the ramp has now turned into him following four people
5 back. Those two people aren't charged. If it's act of one,
6 act of all certainly they had to know about it, certainly.
7 They're not sitting here. If there's some common scheme or
8 plan that's created and concocted, which is absolutely
9 required under the law, then where are they? Why aren't
10 they talking about, hey, there was this huge plan between
11 Champion and Stevens, we didn't have anything to do with it.
12 Now, granted we got in between them to walk to the staining
13 to hear Breante's music with the artist whose music was
14 playing. It's like me following Kenny Chesney up on the
15 stage. I've seen the dude 15 times, he were to roll into
16 the club and start playing, guess who would be following up
17 behind him? Me. The artist is walking into the club and
18 people are following behind him. But my guy doesn't even
19 get to stay behind him. Mr. Champion doesn't get to stay
20 behind him, his friends do, and it's in that moment where
21 this plan, this common plan was hatched to go kill somebody.
22 That makes no sense. That's all they have. Let's talk
23 about the witnesses very quick. She's spent a lot of time,
24 Ms. Campbell did, talking -- she even put it on the screen,
25 right? Like this is what this witness said, this is what

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1 this witness said. Well guess what they didn't say? That
2 they knew who Antonio Champion was, not one of them. They
3 all knew Breezo, right? They all identified Breezo. He's
4 the one that shot, whatever they said. I think I spent five
5 days in this trial wondering when Antonio Champion's name
6 was going to come up. Not one of them said anything. I
7 guess you could say Stanley Seegars did, said: Let's go.
8 This guy said: Let's go. I heard it coming from my left.
9 Well, Champion is standing to his right, we know that, I'm
10 not going to draw all of these. There was one point when
11 there were like 25 circles on y'all's screen I had to draw
12 so many people on there. We know that, we know that
13 Champion wasn't standing to his left. And more importantly
14 that when Segars -- that the government likes to take
15 statements and they like to say it doesn't matter why these
16 people came in here and said what they said, because the day
17 after the shooting this is what they said. Well, guess what
18 Stanley Seegars forgot to mention the day after the
19 shooting? That. He forgot to mention that for two years.
20 Two years he forgot to mention that until the week before
21 the trial. Oh, by the way, this guy who I heard say this to
22 my left said let's go. Let's go where? Because it sure
23 wasn't let's go up the ramp, because once we get to the ramp
24 he's no longer behind them. That's not credible. What
25 about before the shooting? My client arrives at 12:44. He

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1 arrives alone. I know it was very difficult for Mr.
2 Whiteside (sic) to admit that, it took me like 20 minutes
3 just to get to him -- I can't say that. I can't say he
4 arrived alone. Maybe those guys are out in the parking lot.
5 They had the camera footage from the parking lot, watch it.
6 I mean, come on. Come on. Of course he arrived alone. And
7 of course Breezo didn't arrive alone. And of course Breezo
8 showed up an hour and a half later. During that hour and a
9 half, what does Champion do? You can watch it. He walks
10 around just like he said, has a gun in his pocket, doesn't
11 shoot anybody. No evidence he shot anybody then, right?
12 Doesn't do anything. Breezo arrives with two other people
13 who aren't Mr. Champion and hour and a half later. He
14 speaks to numerous people throughout the bar. You can watch
15 him speak to just about everybody in that bar, he
16 acknowledged who he spoke to. Whether he spoke to Antonio
17 Champion or not, we don't see it, but clearly he's speaking
18 it a lot of people. He never speaks on camera to him, not
19 one time. Common scheme or plan. That's just not
20 believable. There's no way that the government has proven
21 that, that there wasn't one. Let's talk about what happens
22 afterwards. Certainly afterwards, like we've just committed
23 this shooting, right? Man, we've got to get out of Dodge.
24 How are we going to plan this? Well, I'm going to go to
25 Fort Lauderdale. I'm going to go to Charleston. I'm going

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1 to go to Fort Lauderdale. I'm just gonna sit on my mom's
2 couch and wait for law enforcement to come, I think that's
3 what I'm going to do. If there's anything at all about this
4 case that distinguishes these two defendant, aside from
5 everything else that happened in the club is that my client
6 is at his mom' house, the other guy goes to Fort Lauderdale.
7 If they in any way try to suggest that flight is somehow
8 connected or tied to a state of mind, if they try to do
9 that -- she spent an hour and 16 minutes telling me what I
10 was going to say -- I'm not going to say any of that but the
11 way, just spoiler alert -- but if any way they try to say
12 that flight is some evidence of a state of mind, then
13 absence of flight is also a state of mind. Going to work,
14 going to your mom's house, staying in town is also evidence
15 that you have to consider. They don't get to get away with
16 that. Don't forget that. His car is not found there,
17 Breezo's is. He drove home. Remember? He says: Oh, he
18 runs to the right. No he didn't. He walked out to the
19 right and then we immediately see him on camera walking to
20 his car to the left. Law enforcement just flat out got it
21 wrong. Maybe they just didn't notice, maybe they just
22 didn't care, I don't know, either way they were wrong. They
23 wouldn't admit it but y'all can watch the video, you know
24 they were wrong. We've already talked about gun, I'm not
25 going to spend a lot of time on that. No one got hit with a

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1 .380, they can't prove it. You've seen elements of murder.
2 We know a .380 didn't kill anybody. You've seen the
3 elements of assault and battery of a high and aggravated
4 nature. One requirement is you've got to hurt -- you've got
5 to injure them. If they can't prove act of one, act of all,
6 they can't convict on that, because they haven't produced a
7 single thread, not one iota of evidence that that .380 hit a
8 single person. Not one bullet hit a single person. You
9 cannot convict. Because in order to convict on assault and
10 battery of a high and aggravated you have to injure someone.
11 The crime scene was a mess. I'm not going to spend anymore
12 time on that, y'all know that it was a mess. I don't know
13 how these bullets get where they do, but we know that they
14 generally fire right rear. So how did the 9 millimeters get
15 here? How do they get up here? There's one -- look,
16 there's one under the stage. I mean, do I need to roll this
17 model out? I don't know what it is, but for god's sake it's
18 like I'm going to stand over here -- hopefully you'll have
19 it back in the evidence room, there is nothing in the model
20 that law enforcement created that has any get behind the
21 stage. Zero. Zero. There's been zero testimony of that.
22 Their own model doesn't show that, so we know it didn't
23 somehow come down here and roll front, we know that. That 9
24 millimeter comes because it's fired from the floor. They
25 can't explain that so they just want to ignore it. What

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1 about this little guy? I mean, there's not a whole lot I've
2 agreed with Mr. Belton or anybody else on this case, but I
3 want to tell you what I do agree with him on. The one thing
4 that is a duck is the fact that this dude had a 9
5 millimeter, Mr. Colvin, and he was shooting it. There is a
6 9 millimeter found unfired right by his body, the guy right
7 here. None of these are .380's by the way, but we know that
8 was unfired. There is a gun found right here. I've never
9 actually -- usually I'm sitting in these trials saying I
10 know that I'm not allowed to pretend that aliens came down
11 and committed the crime or anything like that, but heck, I
12 mean, I don't know -- the State has got to be arguing that
13 somehow somebody was teleported into this world and planted
14 that 9 millimeter there. Because there is zero explanation
15 for a man that we see put his gun back in his pocket, there
16 is zero explanation for how he ends up with a bullet here
17 that's not been fired and a gun right here, zero explanation
18 for that, and they're not going to give you one because they
19 don't know. I mean, they have no idea. I guess they're
20 saying that Mr. Stevens had two guns and his 9 millimeter
21 somehow -- he ends up, even though we see him run out, he
22 ends up somehow just going over there and setting down his 9
23 millimeter unfired, right? I mean, that's gotta be what
24 they're going to say. What other explanation is there?
25 Let's talk about the gunshot residue because that's

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1 important. And there's experts, yada, yada, to -- I think
2 Ms. Campbell stood here, something like this and posed right
3 here and said: Remember to judge their credibility. Why?
4 It went undisputed. I mean, they called a rebuttal witness,
5 remember that? Mr. Robinson testified, he said
6 specifically, absolutely, unequivocally it would be
7 impossible for that gunshot primer residue to come if -- to
8 be on both hands like that, three particles if he had not
9 fired that gun, that's what he said. They called their own
10 witness. What did he say about it? Nothing. Their
11 rebuttal witness said nothing. You know what he did say,
12 that we protect our crime lab. That we have this sanitary
13 crime lab, that we have this good crime lab, that we have
14 all these things. He didn't say anything about it, though.
15 Yeah. I want you to judge their credibility, and I know
16 exactly why the government wants you to do that, because
17 when you can't destroy the message you've got to somehow
18 destroy the messenger. That's how this stuff works. We
19 know the science is good, but the person delivering it we've
20 got to try to do something so we'll find some YouTube
21 videos, that's what we're going to do. That's what we're
22 going to do. YouTube videos that don't matter, that don't a
23 apply, we'll find those. We'll put those in. Does that
24 make any sense? Three particles on each hand. Y'all, this
25 dude shot a gun. Their GSR -- I'm calling him a GSR expert

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1 because he was qualified, sat back up here, came up here:
2 It came from a cloud of smoke easily. We can't determine
3 anything. Remember when he said that? Then: It might have
4 been rainy or windy in the club. Look. Meteorologist
5 whatever his name is at SLED is going to talk about how
6 somebody running by creates wind. Give me a break. Y'all
7 deserve better than that, these people deserved better than
8 that, everyone in this courtroom deserves better than that.
9 That was a terrible witness period. If you guys are
10 impressed by that you shouldn't be, that witness was awful.
11 His job is to be neutral and follow the science. Instead,
12 he's trying to argue the case, shouldn't be doing that.
13 When you do that you come up with flawed results, that's
14 exactly what's going on there. That is absolutely garbage
15 the way that he testified and you should give it the proper
16 credit it's worth, which I submit to you is nothing. He
17 shot a gun, guys, he just did. He just did. What about
18 statement? I want you to watch Mr. Champion's statement.
19 Remember, on redirect, he lied about everything. Well,
20 good. Good. Then he lied about being on the stage, you
21 know. He lied about knowing Breezo. He lied about all of
22 that stuff. If he lied about everything, like she said,
23 like he acknowledged then we're good. He didn't do anything
24 then. We know he didn't lie about everything. Somebody
25 that had shot a gun at a club that was on probation lied

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1 about shooting a gun in the club. We know that, I told you
2 that from the beginning. He lied about shooting a gun in
3 the club to law enforcement. There's no dispute, no
4 question. Did he lie about going up there? Did he lie
5 about standing next to the person that's on trial with him?
6 Did he lie with any of those things? The answer is no.
7 When confronted with a picture of the gun, did he take them
8 to the gun? The answer is yes, we have his gun. Thankfully
9 we have his gun, because, again, we know he didn't shoot
10 anybody. Thankfully we had his gun. Do you remember what
11 the officer said, though? The officer told him -- but --
12 you guys just have to put this in perspective, right? We're
13 just taking selective clips of things and sort of -- like
14 that's the way the State has presented this. Watch his
15 whole interview if you want, I mean, it's a good one. Go
16 back and watch it. Remember, he said they had them hanging
17 out all over the club. I put in my flash drive and said
18 I've got all day. Guess what he said: I've never seen it.
19 The officer that interviewed Mr. Champion lied to him, but
20 yet we're the ones being accused of lying. They didn't ask
21 him if he -- they asked him who he was hanging out with, he
22 said people from Midway, people from Lancaster, you know,
23 Breezo. He didn't say: I was hanging out with Breezo. Go
24 watch it, that's not his statement. He wasn't hanging out
25 with Breezo. We know he wasn't hanging out with Breezo

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1 because you see it. He's there over an hour and a half
2 before Breezo ever walks in the door. Let's talk about the
3 officers. What are they -- I mean, I guess we could say
4 that they did a good job from what they were dealing with,
5 right? Brad Whiteside (sic) said he watched all of the
6 video. But then -- and again, it's just so crystal clear
7 when the State is presenting it and then us present it, he
8 couldn't agree, like I said, that they even arrived
9 together. He couldn't agree that they didn't leave
10 together. He couldn't agree that the man was jumping around
11 with a gun, even though he was able to see a bottle. He had
12 no idea who Cory Carruthers was walking across the stage,
13 despite the man walking right behind Breezo ask, I asked
14 him: Who is this guy? He said: I don't know. The guy who
15 watched the video said: I don't know. Heck, it took us six
16 days to figure out who this guy was, and he's the one that
17 follows in right behind him. I mean, is that good enough?
18 Is that good enough? We've all heard good enough for
19 government work, right? This isn't really government work,
20 right? It can't be. Two people are on trial for murder.
21 Y'all, they're on trial for murder. This isn't government
22 work. What about when I asked -- like, you know, when they
23 brushed by each other, I said: Can you at least acknowledge
24 it's less than a second? I don't know. I don't know.
25 Y'all just watch the video. Give me a break. What about

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1 the CSI. Came in and detailed every single piece of
2 evidence, every single one. CSI comes in, he takes it,
3 collects it all. I showed him three pictures of a trash
4 can. He wouldn't even admit that it was the same trash can.
5 Is that a pursuit of justice? Is that what we want? Is
6 that the testimony y'all want to consider credible? Those
7 are softballs, those are what I call softballs. The guy
8 wasn't even able to lead up to the hard hitting point
9 because I can't get him to admit that something on the
10 screen that's a trash can is a trash can. That's the guy
11 who collected the evidence in the case. Mr. Dailey
12 testified last. Do you remember this? And this is really
13 important, because it's really important because he
14 remembered everything he did every step of the way. He ID'd
15 Cory Carruthers for us, which was very kind of him, and
16 there's a lot he did. But he refused to acknowledge, and
17 you're going to have it back there, that Champion's phone,
18 Mr. Champion's phone, had no evidence of anything on it
19 despite having it three days later. Zero. They had access
20 to it. They had anything they want from Facebook. You
21 heard during Breante Stevens' interview, you heard Ms.
22 Campbell ask him: Well, didn't he like some of your rap
23 songs on Facebook? Weren't there likes on Facebook? You
24 heard that question, and he answered yes. They had the
25 information, they just don't want to tell you they had it

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1 because it doesn't help them. They had it, she knew it, she
2 asked it, you heard it. That's in evidence, that's for you
3 to consider. What's also for you to consider is the fact
4 that they had nothing else tying these two individual to
5 each other. Common act, common scheme, zero. And why on
6 earth wouldn't Investigator Dailey just acknowledge that?
7 Of course law enforcement got that information. You heard
8 Ms. Campbell during her closing argument: Apparently they
9 switched phones every two days. What evidence is there that
10 Mr. Champion did that? His phone is right down there. His
11 phone is right there, they even had it. Let's talk about
12 Too Cool and Carruthers. I mean, we can't forget about who
13 we didn't hear from, right? Too Cool was before Breezo the
14 entire time, he ain't over there. Common act or scheme,
15 right? Common plan or scheme. What about Corey Carruthers?
16 He's leading the charge up the stairs, right? He ain't
17 sitting over there. Why aren't they? Why are they not part
18 of the common scheme or plan, right? It doesn't require you
19 to shoot? Certainly mere presence isn't enough. Certainly
20 as I've shown as I've walked down this aisle that that's not
21 enough, like, I mean, because I'm not being charged with
22 sitting with the government. It requires common scheme or
23 plan. How did Mr. Champion, who had zero interaction in
24 this whole thing, end up in a common scheme or plan where
25 two people who had interaction the entire time didn't? If

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1 they were not part of common scheme or plan then neither is
2 he. You heard the prosecutor say I want -- the question
3 that specifically said was once he went outside just a few
4 seconds later Mr. Champion comes down the ramp. I didn't
5 say it, she said it. You know what the guy sitting here
6 said? Yes. I'm going to take a few second break, I'll be
7 back with you.

8 (Break in proceedings.)

9 MR. SHELDON: What a joke. What an absolute joke. She
10 asked the question and the officer answered it. Did that
11 feel like a few seconds to y'all? Did that feel like a few
12 seconds, that silence? That's how long it was, one minute,
13 28 seconds. What a joke. The question asked, question
14 answered. Consider that credibility. Let's talk about one
15 last thing before I wrapped it up. Let's talk about Mr.
16 Champion. He had no beef with Mr. Colvin and I think -- I
17 think we all understand that, nor did he have any with Mr.
18 Harris or anybody else within the club. He didn't run in
19 the same circle or same world as Breezo. He wasn't a local
20 rapper. None of these witnesses knew him. Nobody knew him.
21 Nobody knew who he was. They didn't call him Breezo Dollar,
22 they didn't know any of that. No one knew who he was. You
23 see him on the video. He pulls out his gun when Colvin is
24 bouncing around with his gun, but he didn't shoot him, he
25 exercised restraint. As soon as Colvin put his gun back so

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1 did Mr. Champion. Antonio exercised restraint. He didn't
2 rush to the door seconds later like the solicitor said. I,
3 hope y'all don't believe that. We just sat there. That was
4 awkward as it could be, right? He didn't rush to the door.
5 He walked calmly down the ramp. He exercised restraint. He
6 follows Breezo up the ramp, but then five seconds later when
7 we see on camera 11, the next camera we see when everybody
8 is walking up to the stage that somehow not only had Cory
9 Carruthers, but Too Cool had gotten, and Mr. Champion is
10 just strolling up to the stage. He pauses here and just
11 kind of strolls. He's not talking to Breezo, he's not
12 rushing to that stage with Breezo. Somehow up between the
13 ramp, which you can look at the government's toy over there,
14 somehow between the ramp and the stage, two other people who
15 are with them got between them and he just strolls up there.
16 He didn't rush to the stage, he exercised restraint. He
17 exercised restraint until he could exercise restraint no
18 more. Until he saw Mr. Colvin pull the gun and start firing
19 he exercised restraint. But that's not the end of it. How
20 many times did he shoot? He shot three times. How many
21 unfired bullets do they have in that magazine? They have
22 three. There's three unfired bullets in a magazine. He
23 didn't shoot, he didn't unclip it, even though he could
24 have, the law allows him to, he didn't unclip that gun. He
25 shot three times because there was no more danger to him.

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1 Zero. He exercised restraint. He didn't run out of this
2 club. You see him get up, you see him wonder out like in
3 this flight -- apparently -- you know, I forgot to mention,
4 according to Mr. Whiteside (sic) he's wearing four pairs of
5 pants. Whatever. Y'all can take that back in the jury
6 room, it doesn't matter. You can listen to all of that and
7 look at the video and circling the lines and refusing to
8 acknowledge that he didn't have something in his back. Mr.
9 Champion continued to exercise restraint, because of that he
10 didn't kill anyone, he didn't hurt anyone. There's no
11 evidence that he did. What he did is astronomically
12 dangerous, not a good idea, there's no evidence that he did
13 because of that restraint. There are three bullets that
14 went unfired because of that. When the State decides to
15 bring a case against a defendant we have the best justice
16 system in the world. Our founding fathers -- you know, it's
17 not perfect but it's the best in the world. It's the best
18 in the world because the founding fathers know, they knew,
19 they knew that when the State decides to charge someone with
20 a crime they've got to prove it. They do. When they
21 started this case they told you that they were going to
22 complete a puzzle, that's what they told you. That's what
23 he told you. It's his responsibility to do that. It's his
24 responsibility to do that job, to paint that picture. It's
25 not mine, it's not Mr. Stevens', it's not Mr. Champion's,

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1 it's not Mr. Belton's, it's his job to do that, and he
2 didn't do it. But just because he didn't do his job doesn't
3 mean you can't do yours. You've got to do yours. And when
4 you think about a puzzle, ladies and gentlemen, it's
5 perfect, right? It's perfect. It completes a complete
6 picture for y'all in your mind. That's what puzzles do.
7 They paint pictures that are so perfect that you have --
8 that it leaves no room for interpretation, none. When a
9 puzzle is incomplete that picture is not perfect, the
10 picture isn't perfect and we don't know what the picture is,
11 but when the puzzle is complete it paints a perfect picture,
12 and in this case I've put it together for you. Antonio
13 Champion is not guilty.

14 THE COURT: Thank you, Mr. Sheldon. Y'all good? All
15 right. You want to keep going? All right. Because the
16 State has the burden of proof, ladies and gentlemen, the
17 solicitor gets to come back up here one more time to rebut
18 arguments made by the defense. Okay? And so that's what is
19 going to happen now. Thank you. Madam Solicitor?

20 MS. CAMPBELL: Thank you, Your Honor. I'll be brief.
21 I'm not going to yell and throw things, and I'm not going to
22 say this is a comedy, because it's nothing further from the
23 truth about how serious this is. This is a mass shooting
24 that happened here in Lancaster County. The shootout at the
25 Old Skool Coral? He's not an octopus? John Adams defended

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1 the red coats? I don't have any cute stories. But I don't
2 understand how these happen, because Breante Stevens didn't
3 have to be an octopus to have a gun in each hand. And as
4 far as inside that club that night, these two are shooting.
5 There's no shootout amongst two groups of people at
6 different -- nobody threw a snowball. And by the way, that
7 fight was the Boston Massacre, which kind of prompted the
8 whole Revolutionary War. Mr. Belton got up here and talked
9 to you about how much his client was sitting in the hot sun
10 down there in Fort Lauderdale for 30 minutes. And, you
11 know, it's funny, because during that time he's talking to
12 the officers. They're getting along. They're joking back
13 and forth. He even says at one: Thanks for being
14 professional. And the officer says back: No, I thank you
15 for not resisting. That's the defense? The art of
16 confessing error. Oh, go ahead and convict him on this
17 little gun charge, because we want to ignore what he did and
18 what the evidence shows. And then at one point he talked
19 about how there was no evidence of any problems between the
20 two of them because you have got to ignore what the security
21 guard said. Ladies and gentlemen, his own client got up
22 there and testified, there was bad blood between them. I
23 think he said that there was some tension, I don't know how
24 he described it, I can't remember. His own client
25 acknowledged that when he was up there telling this story,

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1 which changed. The GSR on the hand means that Colvin shot,
2 both of them said that, because they are so focused on the
3 GSR. They even called I think the -- Mr. Sturkie from SLED
4 incompetent, wrong, doesn't know what he's doing. He's not
5 the expert that has been terminated because he was -- had
6 credibility problems because he'd done wrong reports,
7 because all of his cases had to be reviewed and there were
8 problems with them. That's who they bring before you to say
9 he definitely shot that gun? And it's all because there are
10 six particles on his hands. But, ladies and gentlemen,
11 there are three particles on one hand and three particles on
12 the other. If he's shooting, he's shooting with one hand,
13 so how -- because he says the only way it can get on it is
14 if you're holding it when you're shooting. You can't get
15 GSR any other way. Even though the policy at SLED is is
16 they don't typically test gunshot residue on victims if
17 they're shot at close range because they're going to have
18 gunshot residue on them. And yeah, they told you to ignore
19 him, Mr. Sturkie. I don't blame them. Three particles on
20 this hand. Okay. So if he's shooting with this hand, how
21 did the three particles like their expert said get to this
22 hand? And we didn't just bring up some videos to impeach
23 their expert, we brought in only instances involving his
24 credibility, like when he was terminated for his conduct,
25 his credibility, and then he sued for racial discrimination

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1 because he's a white male who was replaced with a white
2 male, and that was dismissed. That goes to his credibility.
3 And by the way, they talk about how they didn't have time to
4 test any of this evidence? They hired him six months ago
5 according to their witness. So they hired him when they
6 didn't even know what the final report said. But don't
7 worry, he can help you. Quay Douglas. He said that he
8 testified he was on the stage when the shooting occurred. Q
9 Quay Douglas testified that he was on the stage when he
10 first got there. He said when the shooting occurred he was
11 next to his Rock Hill friends, Kevion (phonetically) and
12 John, not on the stage. Talked about how the house was shot
13 up by Aaron Truesdale. Let's be straight about one thing,
14 the testimony was Aaron Truesdale wasn't even in the club
15 that night and he was arrested for what he did. Then they
16 talked about how our witnesses, the security guard was our
17 witness. I guess the victims are our witnesses? They are
18 the witnesses. We have access to them. Anyone has access
19 to them. And then Mr. Sheldon got up there and talked about
20 how you could see clearly that Colvin had the gun. Yes.
21 That's the evidence we put before you, that we could see
22 clearly he had a gun. And if you go back and you play back
23 that video of when Breezo comes off the stage, it's just as
24 clear he had a gun in each hand. And isn't it interesting
25 when he testified how suddenly he was going to like promote

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1 himself with his phone in his hand? Because that's
2 important, because there's something that looks like a gun
3 so he's got to explain it somehow in his hand -- in both
4 hands when he comes off that stage. And there's something
5 when he walks in, and look at the video, that makes those
6 points on either side, like something is in his waist, and
7 that's after he went out to the car. So I submit, ladies
8 and gentlemen, no, it's not a theory that the State has,
9 it's evidence that the state has. And those shell casings,
10 we keep going back to them. They're there, they bounce
11 around, you've heard that, they fall off the stage. But,
12 ladies and gentlemen, they talked about how did the 9
13 millimeters get on the ground, that proves that he was down
14 here when he shot. Get what's down here to, and there's no
15 dispute -- Breezo and Mr. Champion are up here, guess what's
16 on the ground right next to them? A .45, a 9. As much as
17 they want it to be true, the evidence, the eye witnesses,
18 the credible evidence, these two are the shooters, that's
19 what's before you. And you know what? When he testified,
20 Breezo, Breante Stevens, got up there, and at one point
21 Mr. Belton wanted to make a thing, he says: I know Madam
22 Solicitor is going to ask you this question so let me go
23 ahead and ask it, what did you do with the gun? And it was
24 slight and he caught it, and he answered: I tossed 'em. I
25 tossed it. I tossed 'em. I tossed it. He corrected

CLOSING ARGUMENTS

1 himself. In Mr. Champion's statement all he does is shift
2 the blame from he and Breezo, he's protecting Breezo in his
3 statement. And the reason for that, ladies and gentlemen,
4 is he wants desperately for Colvin to be the shooter. And
5 respectfully, listen to the Judge, because if we have
6 misstated anything -- and by the way, I disagree with Mr.
7 Sheldon, the hand of one is the hand of all is a valid legal
8 concept that the Judge is going to instruct you on, so no, I
9 don't think it's a joke. And then he said: There's no
10 evidence of a conversation. They're saying they're off
11 screen and everything. His own client said they had
12 conversations that night, that's in his statement when he's
13 talking about Breezo over and over and over, when he keeps
14 saying the other guy was the shooter. And Mr. Seegars,
15 yeah, he doesn't want that to be true because: Let's go,
16 that doesn't help him. His own client says they've known
17 each other from school. And you know what's interesting?
18 He went through this whole scenario of how his client pulls
19 out his gun when he sees the altercation between Breezo and
20 he puts it back in his pocket and he showed restraint? So
21 he reminded me of that. His client knew that there was
22 something going on between the two of them, and after that
23 knowledge, what did he do? For the first time he goes --
24 not the first time, but right after that he goes into the
25 lobby, and when he gets in the lobby he waits there. And at

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1 one point you see him go up to the door and almost look out,
2 and this is the time after Breante Stevens has run out of
3 the door. And then he goes back right under the camera,
4 because you see the back of his head, his hoodie, and he
5 waits, and he waits, and he doesn't move until Breante
6 Stevens comes in not looking afraid, and comes straight
7 towards him, walks by him, Too Cool walks in and he falls in
8 behind. And that's when it's said: Let's go. And he was
9 the backup and he did his job. That's the evidence. And
10 also, it's not anybody else -- no one saw Antonio Champion
11 up there, they didn't know his name, but Christopher Belton
12 and Charles Mobley both said that when Breezo was walking up
13 there, when he got on the stage he came with some people,
14 and one of them said he had dreads that came down long and a
15 hoodie, and the other said he thought two guys with dreads
16 were with them. That was their perception that night. And
17 yeah, he showed restrained when he put it back in and he
18 went back right back over there with him to the point --
19 place where Colvin was. They went to Colvin, Colvin didn't
20 come to them, and they went there armed and they did their
21 job. And Colvin gets shot twice dead on straight on, and
22 according to these two people, one of them said he was
23 shooting five times at them and the other one said he shot
24 at least first, but Mr. Stevens wouldn't admit to anymore
25 than that. It's got to deal with the theory, I guess, about

CLOSING ARGUMENTS

1 how many bullets have been fired in the place, and they
2 missed? He missed? Lee Colvin missed from this distance.
3 Well, if he missed, great. Where are those five shots? Did
4 they go through the window behind them? Did they go into
5 the DJ booth? No evidence. None. And then he said
6 something about how did the bullet end up next to Colvin's
7 body? That's on video. You see Jamarcus McIlwain come
8 over, pick it up, manipulate the gun. If you want to say he
9 racked it fine. If you want to say he pulled the magazine
10 out, fine, that's how that live round ended up there. The
11 State has always said that Colvin had a gun, but that
12 doesn't give them the right to execute him. Without fault
13 bringing on the difficulty and a duty to retreat. Their
14 actions aren't just that they don't meet any prong, they go
15 to it. They initiate it. They are going to Colvin, and
16 they both knew he had a gun, and for what other reason than
17 to finish the confrontation, and they did, and they didn't
18 care. And Mr. Belton at one point said, that victim, that's
19 collateral damage. Those aren't collateral damage. Those
20 are victims who almost lost their lives. And then he's
21 like: Well, why aren't Too Cool and Corey Carruthers
22 charged? Because we don't charge people that we don't have
23 evidence actively participated. Mere presence at a crime
24 scene without more, even as suspicious as it is, especially
25 with Too Cool, the State's going to just charge them because

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1 we think or probably he was involved? We charge the people
2 that can be proven were involved. All we ask -- I'm going
3 to hit on the experts a little bit. You heard from the
4 firearms people. They did their job. They work for an
5 accredited lab. There are steps in place to make sure the
6 quality of their review. I beg you, they did their job, and
7 as much as they both said they weren't attacking what it is,
8 in every case it's kind of the same thing, what's going to
9 be the defense? You know, when the law is with you argue
10 the law, when the facts are with you argue the facts, when
11 you don't have the law and you don't have the facts, try and
12 just confuse the jury. Ladies and gentlemen, in this case
13 with this evidence the truth rings clear, and all we ask --
14 they made choices, they made decisions that affected them
15 and it affected a lot of victims. This -- these victims,
16 and I submit in this country, as faulty as it may be, it is
17 supposed to be about justice for all. All we ask is that
18 you reach a verdict that is just, that is right, and that
19 holds them responsible for their choices and those
20 consequences, collateral or not. Thank you.

21 THE COURT: All right. Thank you, Madam Solicitor.
22 Ladies and gentlemen, are y'all good to keep going? I need
23 to instruct you on the law, I'm going to tell you, it's
24 going to take me about 25 or 30 minutes. Y'all want to take
25 a quick break, a comfort recess or y'all want to keep going?

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1 I've got lunch for you. Okay? But I don't want to break
2 y'all for lunch until y'all can eat while you're discussing
3 the case. All right? We're going to roll. All right. I
4 think y'all can see me better down here. All right. Just
5 like you've given the lawyers your complete attention, and I
6 appreciate you doing that, I'm going to ask that you give me
7 your complete attention as well. You'll see that I have
8 these what we call jury charges or jury instructions typed
9 up, it's for a reason. The lawyers have it, they know what
10 the law is. Okay? And I'm going to try my best not to just
11 sit here and read, because I know there's nothing worse than
12 a talking head, I understand that. I'm going to try make
13 eye contact with you because I want you to understand what
14 the law is. Okay? And I have it down in writing to make
15 sure it's accurate. Okay? Because what I tell you is very
16 important, and you must use this law -- you must use this
17 law as I give it to you and use that for you to reach your
18 verdict. Okay? So, Mr. Foreman, ladies and gentlemen of
19 the jury, you've heard the testimony, the evidence and the
20 arguments of both the State and the defendants, so I'm going
21 to now explain to you the law that applies to this case.
22 Now, under the constitution and laws of South Carolina you
23 are the finders of fact. I don't have the right to pass
24 upon the facts or even to express any opinion I may have as
25 to what the facts are, because that's solely for you, the

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1 jury, to determine. As jurors it is your duty to determine
2 the affect, the value, the weight and the credibility of the
3 evidence presented during this trial. As the trial judge
4 it's been my responsibility to preside over the trial of the
5 case and to rule upon the admissibility of evidence that's
6 been offered during this trial. Now, you are to consider
7 only the testimony which has been presented from this
8 witness stand together with any exhibits which have been
9 made part of the record, and any stipulations of counsel.
10 There's been a stipulation in this case, you'll remember I
11 told you what the stipulation was. Now, I have the
12 additional duty to charge you the law applicable to this
13 case as I'm now doing, and as the presiding judge, ladies
14 and gentlemen, I am the sole judge of the law of this case.
15 It is your duty as jurors to accept as correct and to apply
16 the law which I now state to you and you use that to reach
17 your verdict. Now, the fact that I may instruct you on
18 various subjects in this case must not be taken by you as
19 indicating what you think my opinion is of the case. Okay?
20 It doesn't matter what my opinion is of the case, that's
21 your job as the jury to determine what the facts are. And
22 finally, ladies and gentlemen, I charge you that you should
23 not be concerned with what you think the law ought to be,
24 but rather what I charge you the law is. Now, as you know
25 there are two defendants in this case, and the case against

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1 each defendant, and the evidence and the law concerning that
2 defendant should be considered separately and individually
3 for each defendant. Your verdict does not have to be the
4 same for both defendants. The fact that you may find one
5 defendant guilty or not guilty should not control your
6 verdict as to the other defendant. Where more than one
7 person is charged with a crime, if the evidence warrants it,
8 you may convict one and acquit the other, or you may acquit
9 both, or you may convict both. It will depend upon your
10 view of the testimony and evidence. The verdict of guilty
11 or not guilty for each individual defendant will be
12 displayed on the verdict form, which I will go over at the
13 conclusion. Now, the indictments in this case allege
14 several different offenses against the defendant. Each
15 indictment contains a separate and distinct defense. You
16 must decide each indictment separately on the evidence and
17 the law applicable to it uninfluenced by your decision as to
18 any other indictment. The defendants -- each defendant may
19 be convicted or acquitted on any or all of the offenses
20 charged. You will be asked to write a separate verdict of
21 guilty or not guilty for each indictment. And again, Mr.
22 Foreman, I'll go over that with you and the members of the
23 jury before you retire to your jury room. Let me talk about
24 credibility. You're the judges, the sole judges of the
25 believability or what we call the credibility of the

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1 witnesses and evidence which has been presented during this
2 trial. Now, in passing upon credibility, ladies and
3 gentlemen, you can take into consideration many things such
4 as the demeanor or the manner in which a witness is
5 testifying or testified. Whether or not a witness had
6 reason to be biased or prejudiced. Whether or not a
7 witness' testimony was contradicted on the one hand, or
8 supported and corroborated on the other hand. See, all of
9 these things you will consider bearing in mind that you
10 should give each defendant the benefit of any reasonable
11 doubt. It becomes your duty as jurors to analyze and to
12 evaluate the evidence and determine that evidence which
13 convinces you of its credibility. Now, there's two types of
14 evidence which are presented during a trial generally, you
15 have what's called direct evidence and you have what's
16 called circumstantial evidence. I'm going to give you some
17 law school definitions, but I'm going to explain it to you
18 so you'll understand. Now, direct evidence directly proves
19 the existence of a fact and does not require further
20 deduction. Okay? Now, circumstantial evidence, however, is
21 a proof of a chain of facts and circumstances which indicate
22 the existence of a fact. Well, think for yourself, on a
23 winter night before you go to bed you look outside and you
24 see brown grass on your lawn. All right? You go to bed and
25 you wake up the next morning and you see snow along with

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1 footprints on it in the snow on your lawn. Well, you can
2 infer that it snowed, and you can infer that somebody has
3 been walking on your lawn. See, these are things you can
4 infer even though you didn't see it happen. Okay? That's a
5 good example of what circumstantial evidence is. Now,
6 crimes may be proven by circumstantial evidence. The law
7 makes no distinction between the weight or value to be given
8 to either direct or circumstantial evidence. However, to
9 the extent the State relies on circumstantial evidence, all
10 of the circumstances must be consistent with each other, and
11 when taken together point conclusively to the guilt of the
12 accused beyond a reasonable doubt. If these circumstances
13 merely portray each defendant's behavior as suspicious the
14 proof has failed. The State has the burden of proving each
15 defendant guilty beyond a reasonable doubt, and this burden
16 rests with the State regardless of whether the State relies
17 on direct evidence, circumstantial evidence, or some
18 combination of the two. Now, we've had several expert
19 witnesses in this case, and normally when a witness
20 testifies he or she can only testify about what they saw,
21 heard or smelled, or something of the like. Okay? However,
22 there is an exception when someone is qualified because of
23 their education or particular skill, those people, if
24 they're qualified as expert witnesses, can give an opinion
25 in a certain area if the Court qualifies them that way.

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1 Now, a witness who by education and experience has become an
2 expert in some art, science, profession or other calling may
3 state an opinion as to relevant and material matter in which
4 that person claims to be an expert. They may also go into
5 the reasons for that opinion. Now, to give opinion
6 testimony in that area doesn't mean that you must accept the
7 opinion, ladies and gentlemen, but it's evidence for you to
8 use in any way you see fit, and give it the weight and
9 credibility you believe is appropriate. An expert witness'
10 testimony is to be given no greater weight than that of
11 other witnesses simply because that person is an expert.
12 Further, you're not required to accept an expert's opinion
13 even though it's not contradicted. Okay? Let's talk about
14 prior inconsistent statements. There's been evidence
15 presented that witnesses have made prior statements which
16 were not consistent with the witness' testimony in court.
17 Now, you can use this evidence to decide whether or not to
18 believe that witness. You can also use evidence of their
19 earlier contradictory statements to determine whether those
20 statements were true. It's up to you to decide whether to
21 believe the earlier statements or the statements at trial,
22 or to testimony at trial. If a witness is shown to have
23 knowingly testified untruthfully concerning any material
24 matter you can consider this in determining whether or not
25 to trust a witness' testimony as the other matters. You can

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1 reject all of the testimony of that witness or give it all
2 of part of the testimony the weight you think it deserves.
3 Let's talk about statement of a defendant. Now, a statement
4 made by each defendant has been admitted into evidence in
5 this case. You've seen the body cam videos. Okay? Now,
6 while the Court -- while I as the Judge of the law has
7 determined that these statements were admissible, you must
8 determine whether or not the statement made by each
9 defendant was voluntary and of his own free will. Now, this
10 means that the statement wasn't caused by pressure, force,
11 fear, threats, coercion, intimidation, or by hope or a
12 promise of leniency or a reward of any kind. Now, in
13 determining whether or not a statement is voluntary you
14 should consider both the characteristics of each defendant
15 and the details of any questioning by law enforcement, and
16 some of these factors you can consider are the age of the
17 defendant. The defendant's education or lack thereof. The
18 defendant's mental ability or capacity. The defendant's IQ
19 or intelligence. His background or environment. The place
20 and length of the detention. The nature of the questioning.
21 And the advice, or lack thereof, of the defendant of his
22 constitutional rights, including but not limited to the
23 right to remain silent. That any statement can be used
24 against him in a court of law. The right to have a lawyer
25 present, that if he could not afford a lawyer, a lawyer

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1 would be appointed to represent him without any cost. And
2 that he could stop making a statement at anytime. Ladies
3 and gentlemen, you must carefully consider all of these
4 surrounding circumstances before you decide to give any
5 weight to a statement. Okay? The State has the burden of
6 proving beyond a reasonable doubt that the statement was
7 voluntary, and if you determine that the statement was
8 voluntary you can give the statement any further
9 consideration you think is proper. Okay? You can decide
10 what weight to give any statement of each defendant. If you
11 determine that the statement was not freely or voluntarily
12 made by either defendant you shouldn't consider the
13 statement at all. Now, I instruct you ladies and gentlemen
14 and emphasize to you that the fact that Mr. Champion did not
15 testify is not a factor to be considered by you in any way
16 in your deliberations and in your consideration on the
17 question of the guilt or innocence of this defendant. It
18 must not be considered by you in any manner whatsoever. A
19 defendant, as I've told you many times throughout this
20 trial, has the constitutional right to remain silent and is
21 presumed innocent until proven guilty. Okay? And the
22 assertion of this right to remain silent must not be
23 considered by you in your deliberations. So I repeat, under
24 your oath you are to draw no conclusion whatsoever to the
25 fact that Mr. Champion in this case did not testify. Now,

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1 the fact that he didn't testify should not even be discussed
2 in the jury room, Mr. Foreman. The burden of proof, as I
3 have stated to you, is on the government, the State of South
4 Carolina. The defendants are not required to prove
5 innocence. The burden of proof remains on the State to
6 prove guilt beyond a reasonable doubt. Let's talk about
7 presumption of innocence briefly, then I will define to you
8 what reasonable doubt is. Now, as you know the defendants
9 have pled not guilty, and that plea has put the burden on
10 the State to prove them guilty. A person charged with
11 committing a criminal offense is never required to prove
12 innocence. I charge you, ladies and gentlemen, it is an
13 important rule of law that a defendant in a criminal trial,
14 no matter what the seriousness of the charge may be, is
15 always presumed to be innocent of that charge for which the
16 indictment was issued unless guilt has been proven by
17 evidence satisfying you, the jury, of his guilt beyond a
18 reasonable doubt. Now, this presumption of innocence
19 doesn't end when you start your deliberations, but it
20 accompanies the defendant throughout the trial, including
21 throughout your deliberations, until you've reached a
22 verdict of guilt based on evidence satisfying you of that
23 guilt beyond a reasonable doubt. Now, this presumption of
24 innocence is like a robe, like the dress I'm wearing, the
25 black dress I'm wearing that I call it as well. Okay? It's

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1 like a robe of righteousness, if you just imagine in your
2 head, a robe of righteousness placed about the shoulders of
3 the defendant which remains with him until it's been
4 stripped away from him by evidence satisfying you of his
5 guilt beyond a reasonable doubt. Now, this presumption of
6 innocence is not a mere legal theory, it's not just a legal
7 phrase, it's a substantial right to which you -- to which,
8 excuse me, every defendant is entitled unless you, the jury,
9 is satisfied from the evidence of that defendant's guilt
10 beyond a reasonable doubt. So what is a reasonable doubt in
11 the law? A reasonable doubt is a doubt which makes an
12 honest, sincere, conscientious juror in search of the truth
13 to hesitate to act. Now, proof beyond a reasonable doubt
14 must therefore be proof of such a convincing character that
15 a reasonable person would not hesitate to rely and act upon
16 it in the most important of his or her own affairs. Now,
17 proof beyond a reasonable doubt can also be described as
18 proof that leaves you firmly convinced of the defendant's
19 guilt. Now, ladies and gentlemen, there's very few things
20 we know in this world with absolute certainty, and in
21 criminal cases the law does not require proof that overcomes
22 every possible doubt. So if based on your consideration of
23 the evidence you're firmly convinced that each defendant, or
24 either defendant is guilty, then you must find him guilty.
25 If on the other hand you think there's a real possibility

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1 that he's not guilty, you must then give him the benefit of
2 the doubt and find him not guilty. Let's talk about intent.
3 In order to establish criminal liability, criminal intent is
4 required. For example, the mental state required to be
5 proven by the State for a particular crime might be purpose,
6 intent, knowledge, recklessness or criminal negligence.
7 Now, criminal intent must be proven by the State beyond a
8 reasonable doubt. Criminal intent is always a matter that
9 must be determined by you, the jury, from the circumstances
10 surrounding a situation. There is no way you can prove
11 intent to a mathematical certainty. There's no way medical
12 science can dissect a person's brain and determine what that
13 person had in mind. All right? So the law says that
14 criminal intent may be inferred from the circumstances which
15 have been shown to have existed. That's how you make a
16 determination of whether or not the element requiring intent
17 was present. It's not necessary to establish intent by
18 direct and positive evidence, but intent may be established
19 by inference or inferred in the same way as any other fact,
20 by taking into consideration the acts of the parties and all
21 of the facts and circumstances of the case. Criminal intent
22 is a mental state, it's a conscious wrongdoing. It's up to
23 you to determine what the defendant -- each -- either
24 defendant intended to do based on the circumstances shown to
25 have existed. Criminal intent can arise from action or a

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1 failure to act. It may arise from negligence, recklessness,
2 or an indifference to duty or to consequences that is
3 considered by the law to be the equivalent of criminal
4 intent.

5 Jack, hand be a bottle of water real quick.

6 (Break in proceedings.)

7 We're talking about mere presence. Mere presence at
8 the scene of a crime is not sufficient to prove someone
9 guilty of a crime. A defendant's presence where a crime is
10 being committed, or a mere association with a person who
11 commits a crime does not make a defendant an accomplice or
12 an aider and abettor of the person committing a crime. The
13 burden is on the State to prove every element of a crime
14 charged. If you find after reviewing all of the evidence
15 that the State has proved that the defendants were only
16 present at the scene of a crime and that they have not
17 proved beyond a reasonable doubt any other participation in
18 the crime, then you must find the defendants not guilty, or
19 either defendant not guilty. The law is that proof of --
20 the law is that proof of at the scene of the crime is not
21 sufficient to find someone guilty. Let's talk about hand
22 of one. If a crime is committed by two or more people who
23 are acting together in committing a crime, the act of one
24 is the act of all. A person who joins with another to
25 commit an unlawful act is criminally responsible for

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1 everything done by the other person which happens at a
2 probable or natural consequence of the acts done in
3 carrying out the common plan and purpose. For example, two
4 people can be guilty of killing another person when only
5 one of the two had a gun. There was only bullet, and only
6 one of the two fired the shot that caused the death, and if
7 two or more people are together, acting together, assisting
8 each other in committing the offense, the act of one is the
9 act of all, or as it is sometimes said, the hand of one is
10 the hand of all. Now, prior knowledge that a crime is
11 going to be committed without more is not sufficient to
12 make a person guilty of that crime. Mere knowledge that
13 another person is going to commit a crime, even if the
14 defendant is present when the crime is committed, is not
15 sufficient to convict the defendant as a principal. Guilt
16 as a principal is shown by actual or constructive presence
17 at the scene as a result of prior arrangement, therefore a
18 finding of a prior arranged plan or common scheme is
19 necessary for a finding of guilt as a principal. The State
20 must prove beyond a reasonable doubt by competent evidence
21 the theory of the hand of one is the hand of all. A
22 principal in a crime, ladies and gentlemen, is one who
23 either actually commits the crime, or who is present aiding
24 and abetting or assisting in committing the crime. So when
25 a person does an act in the presence of or with the

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1 assistance of another, the act is done by both. Where two
2 or more acting with a common plan or intent are present at
3 the commission of the crime, it does not matter who
4 actually commits the crime, all are guilty. The hand of
5 one is the hand of all. Present at the commission of the
6 crime means to be sufficiently near to aide and abet and
7 assist in the commission of the crime. A person who joins
8 with another to commit a crime is criminally responsible
9 for everything done by the other person which happens as a
10 natural and probable consequence of the act. If two or
11 more are together, acting together, and assisting each
12 other committing the offense, all are guilty. A finding of
13 a prior arranged plan or scheme is necessary for criminal
14 liability to attach to the accomplice who does not directly
15 commit the criminal act. When an act is done in the
16 presence of and with the assistance of others, the act is
17 done by all. That's hand of one, hand of all. Now, let's
18 talk about the specific crimes the defendants are charged
19 with. And we're almost done, y'all are doing wonderful.
20 If you need to stand up stretch, go ahead. Let's talk
21 about murder. Each defendant is charged with murder. The
22 State must prove beyond a reasonable doubt that each
23 defendant killed another person with what's called malice
24 aforethought. Malice is hatred, it's ill will or hostility
25 towards another person. It's the intentional doing of a

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1 wrongful act without just cause or excuse, and with an
2 intent to inflict an injury or under circumstances that the
3 law will infer an evil intent. Malice aforethought does
4 not require that malice exists for any particular time
5 before an act is committed, but malice must exist in the
6 mind of the defendant just before and at the time the act
7 is committed. Therefore, there has to be -- or must be a
8 combination of the previous evil intent and the act.
9 Malice aforethought may be expressed or inferred. Now,
10 these terms expressed or inferred do not mean different
11 kinds of malice, but merely the manner in which the malice
12 may be shown to exist, that's either by direct evidence or
13 by inference from all of the circumstantial evidence which
14 may have been proved. Express malice is shown when a
15 person speaks words which express hatred or ill will for
16 another, or when the person prepared beforehand to do the
17 act which was later accomplished. For example, lying in
18 wait for a person, or any other acts of preparation going
19 to show that the deed was within the defendant's mind.
20 That's an example of expressed malice. Malice can also be
21 inferred from conduct showing a total disregard from human
22 life. Now, if facts are proved beyond a reasonable doubt
23 sufficient to raise an inference of malice to your
24 satisfaction, ladies and gentlemen, this inference would
25 simply be an evidentiary fact to be considered by you along

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1 with all the other evidence in this case, and you can give
2 it the weight and credibility you believe it deserves.
3 Let's talk about the -- what transferred intent means. If
4 either defendant with malice aforethought attempts to kill
5 another person but by mistake injures or kills a different
6 person, either defendant still has the intent to kill, the
7 intent to kill is merely transferred from the original
8 person either defendant attempted to kill to the actual
9 person who was killed or injured. Either defendant would
10 be guilty of murder just as if the attempt had resulted in
11 the death or injury of the person either defendant
12 attempted to kill. Let's talk about the lesser offense of
13 voluntary manslaughter. So if you find the State has
14 failed to prove beyond a reasonable doubt that either
15 defendant committed murder, you may consider whether the
16 State has proved beyond a reasonable doubt that either
17 defendant committed voluntary manslaughter. The lesser
18 offense of -- included within the offense of murder is the
19 lesser offense of voluntary manslaughter. Malice is not an
20 element of voluntary manslaughter. To prove voluntary
21 manslaughter the State must prove beyond a reasonable doubt
22 that either defendant took the life of another in the
23 sudden heat of passion based on sufficient legal
24 provocation. Now, both heat of passion and sufficient
25 legal provocation must be present at the time of the

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1 killing to constitute voluntary manslaughter. Sudden heat
2 of passion may for a time affect a person's self-control
3 and temporarily disturb a person's reason. The sudden heat
4 of passion must be the type that will make an ordinary
5 person unable to coolly reflect on his actions and would
6 produce an uncontrollable impulse to do violence. Now,
7 sufficient legal provocation must be the type that would
8 make a person of ordinary reason and caution to become
9 enraged and to lose control temporarily. The provocation
10 needed for voluntary manslaughter must come from some act
11 of or related to the victim. Now, words alone, however
12 vulgar or insulting, are not enough to be legal
13 provocation. Where death is caused by the use of a deadly
14 weapon the words must be accompanied by some overt
15 threatening act which could have produced the heat of
16 passion. Now, the exercise of a legal right, no matter how
17 offensive it is to another, is never sufficient legal
18 provocation for voluntary manslaughter. If the heat of
19 passion had cooled, or if there was enough time between the
20 provocation, if any, and the killing for the passion of a
21 reasonable person to cool, the killing would not be
22 voluntary manslaughter. So in deciding whether a
23 reasonable person would have had enough time to cool off,
24 you should consider all of the circumstances surrounding
25 the killing. You consider the nature of the provocation,

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1 if any, each defendant's mental and physical state, and the
2 circumstances and relationships between the parties.

3 Proximate cause. Y'all good? Okay. Proximate cause is
4 the direct cause, the immediate cause, the efficient cause,
5 the cause about which death would not have resulted. Now,
6 there may be more than more proximate cause. The acts of
7 two or more persons may combine together to be a proximate
8 cause of the defendant of a person. A defendant's act may
9 be regarded as a proximate cause if it is the direct cause
10 to the death of a victim. The fact that other causes also
11 contributed to the death of the victim does not relieve the
12 defendant from responsibility. A defendant's act need not
13 be the sole cause of death, but it has to be the direct
14 cause without which the death of the victim would not have
15 resulted, and this has to be proved to you by the State
16 beyond a reasonable doubt. Let's talk about self-defense.

17 Each defendant has raised the defense of self-defense.

18 Self-defense is a complete defense, and if it is
19 established you must find the defendant not guilty. The
20 State has the burden of disproving self-defense by proof
21 beyond a reasonable doubt. If you have a reasonable doubt
22 of a defendant's guilt after considering all of the
23 evidence, including evidence of self-defense, then you must
24 find the defendant not guilty. On the other hand if you
25 have no reasonable doubt of a defendant's guilt after

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1 considering all of the evidence, including the evidence of
2 self-defense, then you must find the defendant guilty, or a
3 defendant guilty. Now, the following elements are required
4 to establish self-defense. First, without fault. A
5 defendant must be without fault in bringing on the
6 difficulty. If a defendant's conduct was the type which
7 was reasonably calculated to and, in fact, did provoke a
8 deadly assault, a defendant would be at fault in bringing
9 on the difficulty and would not be entitled to an acquittal
10 based on self-defense. Number two, imminent danger. The
11 second element of self-defense is that a defendant was
12 actually in imminent danger of death or serious bodily
13 injury, or that the defendant -- a defendant actually
14 believed he was in imminent danger of death or serious
15 bodily injury. If a defendant was actually in imminent
16 danger it must be shown that the circumstances would have
17 warranted a person of ordinary firmness and courage to
18 strike the fatal blow to prevent death, or to prevent
19 serious bodily injury. If a defendant believed he was in
20 imminent danger of death or serious bodily injury, it must
21 be shown that a reasonably prudent person of ordinary
22 firmness and courage would have had that same belief. In
23 deciding whether a defendant actually was or believed he
24 was in imminent danger of death or serious bodily injury
25 you should consider all the facts and circumstances

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1 surrounding the crime, including the physical condition and
2 characteristics of a defendant and a victim. A defendant
3 does not have to show that he was actually in danger. It
4 is enough if a defendant believed he was in imminent
5 danger, and a reasonably prudent person of ordinary
6 firmness and courage would have had a same belief. A
7 defendant has the right to act on appearances. Even though
8 a defendant's beliefs may have been mistaken it's for you
9 ladies and gentlemen to decide whether a defendant's fear
10 of imminent danger of death or serious bodily injury was
11 reasonable and would have been felt by an ordinary person
12 in the same situation. No other way to avoid danger. The
13 final element of the self-defense is that a defendant had
14 no other probable way to avoid the danger of death or
15 serious bodily injury. They had to act as a defendant did
16 in this particular instance. A person cannot be required
17 to make an exact calculation as to the degree or amount of
18 force which may be needed to avoid death or serious bodily
19 harm, therefore in self-defense a defendant has the right
20 to use the force needed to avoid death or serious bodily
21 harm. The force used in self-defense does not have to be
22 limited to the degree or the amount of force used by a
23 victim. A defendant has the right to use so much force as
24 appeared to be necessary for complete self protection in
25 which a person of ordinary reason and firmness would have

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1 believed to be needed to prevent death or serious bodily
2 harm. Evidence of prior difficulties between a defendant
3 and the victim -- and a victim may be considered in
4 deciding whether a threat existed, whether a defendant had
5 a reason to believe a threat existed, and how serious that
6 threat was. A person can be acting lawfully even if he is
7 in unlawful possession of a weapon if he was entitled to
8 arm himself in self-defense at the time of a shooting. If
9 a defendant was justified in using force or firing the
10 first shot, he is justified in continuing to shoot until it
11 appears that any danger to his life and body has ceased.
12 The law in this state is that a defendant does not have to
13 wait until the deceased gets a drop on him, or the deceased
14 begins to shoot him. He has the right to act upon the law
15 of self preservation and prevent this. That's murder, the
16 lesser charge of voluntary manslaughter and self-defense.
17 Now let's talk about assault and battery of a high and
18 aggravated nature. A person commits the offense of assault
19 and battery of a high and aggravated nature if the person
20 unlawfully injures another person and great bodily injury
21 to another person results, or the act is accomplished by
22 means likely to produce death or great bodily injury.
23 Great bodily injury is defined -- or means bodily injury
24 which causes a substantial risk of death, or which causes
25 serious permanent disfigurement or protracted loss or

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1 impairment of the function a bodily member or organ.

2 Possession of a handgun by a person convicted of a crime of

3 violence. Defendant Breante Stevens has been charged with

4 possession of a handgun by a person convicted of a crime of

5 violence. It is unlawful for a person who has been

6 convicted of a crime of violence in any court to possess or

7 acquire handguns within this state. The State must prove

8 beyond a reasonable doubt that the defendant, Breante

9 Stevens, did possess a handgun. Now, there is a difference

10 between a crime of violence and a violent crimes in some

11 situations. Possession of a weapon during the commission

12 or the attempt to commit a violent crime. Each defendant

13 is charged with possession of a weapon during the

14 commission or attempt to commit a violent crime. The State

15 must prove beyond a reasonable doubt that each defendant

16 was in possession of a firearm, or visibly displayed what

17 appeared to be a firearm during the commission of a violent

18 crime. A firearm means any pistol which will or is

19 designed to or can be readily converted to expel a

20 projectile. In order to find either defendant guilty of

21 possession of a weapon during the commission of a violent

22 crime you must first find a defendant guilty of either

23 committing a violent crime or attempting to commit a

24 violent crime. Murder, the lesser offense of voluntary

25 manslaughter, or assault and battery of a high and

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1 aggravated nature, those are all considered violent crimes.
2 The State must prove beyond a reasonable doubt that the
3 weapon further advanced or helped with the commission of
4 the crime. Now, I'm going to wrap this up, let me talk
5 about your duty to deliberate. The word deliberation is
6 defined as a careful consideration weighing up with a view
7 to a decision. See, the genius of our jury system, ladies
8 and gentlemen, of course, y'all have been dealing with this
9 for the past two weeks, getting to know each other, our
10 system allows 12 good people, both men and women from
11 differing backgrounds, life experiences and perspectives to
12 consider the evidence, talk about it, and ultimately reach
13 a verdict. The task of a juror is called deliberations for
14 a reason. You, the jury, or the jurors, are to consider
15 the evidence in this case carefully, deliberately. Discuss
16 it calmly, thoroughly and courteously. Remember, you're
17 not partisans or advocates for one side over the other,
18 you're judges of the facts. Your sole duty is to sort
19 through all of this information, your memory of witnesses'
20 testimony, your videos, the videos that have been
21 introduced, the photographs which have been introduced, all
22 of the evidence which has been introduced that you
23 determine -- you determine the weight of all of that, and
24 you find your verdict from the evidence that has been
25 presented in this courtroom. The supreme law of our land,

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1 the United States Constitution, affords everybody a day in
2 court and a fair trial. So this case is very important to
3 all sides because it's their day. I charge you, ladies and
4 gentlemen, to listen to the views of your fellow jurors,
5 carefully consider their viewpoint and courteously discuss
6 the evidence. Remember, you're doing something
7 deliberately, you're not in a big hurry and you're tasked
8 with a duty of utmost importance. Further, your verdict
9 cannot be based on sympathy, passion, prejudice, emotion or
10 any other consideration that's not in evidence in this
11 case. Now, in conclusion, ladies and gentlemen, you were
12 chosen by both sides, both the State and the defense, to be
13 fair and impartial jurors. It's your duty then in your
14 deliberations to determine your verdict in this case,
15 giving the defendant -- each defendant the benefit of every
16 reasonable doubt on what they're charged with, and from the
17 facts which you determine to be relevant, you must take and
18 apply the law which I've just given you, and thus arrive at
19 your verdict. Now, I have told you the standards that you
20 must apply to the charges in these indictments, you've
21 heard the evidence and now you've heard the law. Now,
22 whatever your verdict is as to these indictments, guilty or
23 not guilty, Mr. Foreman, you will indicate it by marking
24 the jury's decision in the respective blanks on the verdict
25 form, you'll just put a check or an X, whatever you want to

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1 do. You only mark one. Okay? Mark only one blank. You
2 will then sign and date the verdict form. But here is the
3 thing to remember, Mr. Foreman, you cannot write or put
4 your mark on the jury form until all 12 of you have agreed
5 to what the verdict is going to be. Your verdict must be
6 unanimous. So even though he is the only one who writes
7 the verdict, all 12 of you have to agree to it. Okay?
8 Now, ladies and gentlemen, at this point in time I'm going
9 to send you to your jury room, everybody except my
10 alternates. Like I said, we have lunch for you. Don't
11 start talking about the case until all of the evidence
12 comes down to you along with the verdict form, which I am
13 fixing to go over with you, and when all of that stuff is
14 wheeled down to you, that's when you can finally start
15 talking about it with each other, and you'll deliberate and
16 talk about it until you've reached a verdict. And when you
17 reach a verdict you'll knock on the door and let the
18 bailiff know and we'll bring you out here to receive your
19 verdict. So at this time I'm going to have the 12 juror --
20 Hand me that piece of paper right there.
21 I need my alternates to remain in the jury (sic) room
22 with me. Let me have my 12 -- you've probably forgotten
23 who you are at this point so let me -- remember. Juror
24 Number 213, Juror Number 106, and Juror Number 209, y'all
25 remain with me. The remaining jurors, y'all head on down

1 to your jury room, then there will be lunch there waiting
2 for you. Oh, y'all come back in here real quick. I forgot
3 to go over the verdict form with you.

4 (Break in proceedings.)

5 THE COURT: My bad. Here is the verdict form, both are
6 similar. This is for Breante Deon (phonetically) Stevens.
7 Remember each defendant is entitled to deliberation on each
8 part. It has as to each charge we the jury unanimously find
9 the defendant, I'm just using this Mr. Stevens as an
10 example, Breante Deon Stevens, as follows: It says the
11 indictment number. Remember, the indictment doesn't mean
12 anything, it's just a piece of paper. Okay? On the charge
13 of murder, and it has victim Aaron Harris, either not
14 guilty, guilty, or guilty of the lesser charge of voluntary
15 manslaughter. Once you've reached a unanimous verdict you
16 check one. Then you move on to the charge and possession or
17 display of a firearm during the commission of a violent
18 crime, you check either not guilty or guilty, and then you
19 move on to each charge after that. Each verdict form
20 consists of five pages, when you've completed each page you
21 will sign it and date it down at the bottom. Okay? Self
22 explanatory. Thank you very much, you can head on down to
23 your jury room. Alternates stay here with me.

24 (The jury left the courtroom and the alternates stayed
25 In the courtroom.)

1 THE COURT: Why don't I have the alternates be seated
2 in the grand jury room just for a moment. Thank you very
3 much. Y'all be seated in the grand jury room and I'll be
4 with y'all momentarily. Okay?

5 (The alternate jurors left the courtroom.)

6 THE COURT: All right. Any exceptions to the charge
7 that haven't already been gone over?

8 MR. SHELDON: Just one, Your Honor, and I think you
9 corrected it, I just want to make sure the charge that goes
10 back, in conclusion this case, giving the defendants, and I
11 said you said each defendant. I want to make sure the one
12 they get says each defendant as well.

13 THE COURT: Wasn't planning on sending the charge back.

14 MR. SHELDON: Oh, okay.

15 THE COURT: I'll do it if everybody agrees. Typically
16 I find that not every lawyer agrees to have it go back so
17 that's why I typically don't send it back.

18 MR. SHELDON: Then I'm okay as long as if they have any
19 questions that I just note that change. That change was
20 made on the record. The only other thing, Judge, I asked,
21 and I certainly understand giving the times and everything
22 was involved to renew my objections on the record to the
23 charge of prior to you giving it. But it's my understanding
24 that everybody was in agreement that those essentially
25 stayed renewed throughout the entire --

1 THE COURT: Correct.

2 MR. SHELDON: So that I just wanted to make sure the
3 record is clear if we need it later on.

4 THE COURT: You're absolutely protected in the record.
5 Anything else?

6 MR. BELTON: Same, Your Honor.

7 THE COURT: All right. You're protected as well, Mr.
8 Belton. Anything else? All right. Any objection to
9 releasing the alternates?

10 MR. BELTON: No, Your Honor.

11 MR. SHELDON: No, Your Honor.

12 THE COURT: All right. Thank you. I'm going to go
13 tell the alternates they're released after they eat lunch.
14 We're going to be in recess then -- y'all come look through
15 the evidence and make sure everything is numerically
16 correct, however y'all want it, and then we'll take it on
17 down to the jury room and start deliberation. Okay? We're
18 in recess.

19 (The evidence was inventoried, sent to the jury and
20 The jury began deliberations.)

21 THE COURT: I received a note from the jury, from the
22 foreman, indicating they wanted to view the security video.
23 Okay? Of course, I don't know what that meant. Okay? So I
24 went back and handed it to the foreman and indicated just
25 put on there, y'all talk, what angle? Do you want to see

1 the whole thing? Angle? Time. And so they're back
2 there -- I told them to put that on the note and he's going
3 to hand that to me and we'll bring them out here for that.
4 If they don't put anything on the note we'll bring them out
5 and watch all angles. They may not send it back out, I
6 don't know.

7 (Break in proceedings.)

8 THE COURT: We have a note from the foreman of the jury
9 that says they would like to view the security video, the
10 transcript of Mr. Stevens' attorney asking what he did with
11 the weapon. They want to see that. And they also want to
12 see chapter one, 2:30 to 2:35, CH 11, 2:30 to 2:35, CH 14,
13 2:30 to 2:35. And then they want to see a portion of the
14 transcript of Mr. Stevens' attorney asking what he did with
15 the weapon. Okay. So this will be marked as a Court
16 Exhibit. I don't think there's any Court Exhibits so this
17 will be Court Exhibit 1. So I'll bring them out here and --

18 (The jury returned to the courtroom.)

19 THE COURT: All right. So ladies and gentlemen of the
20 jury, I received your note that you wanted to view chapter
21 1, 2:30 to 2:35, chapter 11 and chapter 14. We have those
22 videos cued up for you, about to watch them. I went ahead
23 and had my court reporter pull back the limited question and
24 answer, because you wanted to hear the transcript of Mr.
25 Stevens' attorney asking what he did with the weapon. All

1 right? I've made that Court Exhibit 3. So at this time
2 listen very carefully. Mr. Court Reporter, you can play the
3 audio of the question and answer.

4 (Break in proceedings.)

5 THE COURT: All right. Why don't we look at the
6 videos, then while, Mike, you get that straight. Go ahead.
7 Have you got it cued up where they wanted? Okay. That's
8 good enough, go ahead. Pay attention channel 14?

9 (The videos were played.)

10 THE COURT: All right. Mike, have you got it cued up?

11 (The requested portion of Mr. Steven's testimony was
12 Played back.)

13 THE COURT: All right. Ladies and gentlemen, return to
14 your deliberations.

15 (The jury left the courtroom.)

16 THE COURT: All right, we're in recess.

17 (The jury resumed deliberations.)

18 THE COURT: Got another note from the jury. It says:

19 Your Honor, can we please have a copy of the sheet
20 explaining self defense? I've entered it as Court's Exhibit
21 4. So the question I have to the lawyers, do you want me to
22 send the sheet back or do you want me to bring them out here
23 and charge them the law again?

24 MR. BELTON: I'd prefer you bring them out and charge
25 them the law again.

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1 MR. SHELDON: Either one, send it back or charge them.

2 THE COURT: All right. What y'all want?

3 MS. CAMPBELL: Whatever you want, Judge.

4 THE COURT: All right. We've got one for bring them
5 out and we've got one ambivalent, and one -- we have to
6 ambivalent.

7 MR. BELTON: I'm not ambivalent, I asked you to bring
8 them out and charge the law.

9 THE COURT: Bring them out and charge the law.

10 MR. BELTON: Yes.

11 THE COURT: All right, that's what we'll do, bring them
12 out and charge the law.

13 MR. BELTON: Your Honor, let's save everybody for the
14 sake of time, send it back.

15 THE COURT: All right. Stop them. Are you sure?

16 MR. BELTON: Yes, Your Honor.

17 THE COURT: All right. So everybody agrees for me to
18 send back self-defense.

19 MR. BELTON: Yes, Your Honor.

20 THE COURT: Correct, Solicitor?

21 MS. CAMPBELL: Beg the Court's indulgence.

22 (Break in proceedings.)

23 THE COURT: To make the record clear I'm sending six
24 pages, without objection the lawyers wish for me to second
25 it back to the jury room. All right. I am sending it back

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1 to the jury room right now, it starts with the title
2 self-defense and goes through self-defense-continued use of
3 force. All right. We're still in recess, don't go far.

4 (The jury resumed deliberations.)

5 THE COURT: I'm informed the jury has reached a
6 verdict. Let me go ahead and tell everyone in the
7 courtroom, this is an emotional subject, obviously, I would
8 ask you please do not have any loud visible display of
9 emotion. Thank you.

10 (The jury returned to the courtroom.)

11 THE COURT: All right. Mr. Foreman, it's my
12 understanding the jury has reached a verdict?

13 THE JUROR: Yes, Your Honor.

14 THE COURT: And is the verdict unanimous?

15 THE JUROR: Yes, Your Honor.

16 THE COURT: All right. If you'll hand it to the Clerk
17 of Court, please. All right. Mr. Clerk, you may publish
18 the verdicts.

19 THE CLERK: State of South Carolina versus Breante Deon
20 Stevens. As to the charge, we, the jury, unanimously find
21 the defendant, Breante Deon Stevens, as follows: Indictment
22 number 2020-GS-29-183, count one: Not guilty. Count two,
23 possession or display of a firearm during the commission of
24 a violent crime: Guilty. Indictment number 2020-GS-29-182,
25 count one, victim Henry Lee Colvin --

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1 MR. BELTON: Will you ask him to read what the charge
2 is instead of the numbers? I don't have the numbers in
3 front of me.

4 THE COURT: Let me see it again, Mr. Clerk. Let me see
5 the lawyers up here real quick.

6 (A bench conference was held.)

7 THE COURT: All right. Thank you.

8 MR. BELTON: Sorry, Mr. Clerk, I just don't have the
9 numbers.

10 THE CLERK: That's okay, not a problem. All right.
11 Indictment number 2020-GS-29-183, count one, murder: Not
12 guilty. Count two, possession or display of a firearm
13 during the commission of a violent crime: Guilty.
14 Indictment number 2020-GS-29-182, count one, murder: Guilty
15 as to the lesser charge of voluntary manslaughter. Count
16 two, possession or display of a firearm during the
17 commission of a violent crime: Guilty. Indictment number
18 2020-GS-29-181, count one, assault and battery of a high an
19 aggravated nature, victim Antquavious Douglas: Not guilty.
20 Count two, possession or display of a firearm during the
21 commission of a violent crime: Guilty. Indictment number
22 2020-GS-29-180, count one, assault and battery of a high and
23 aggravated nature, victim Charles Mobley: Not guilty.
24 Count two, possession or display of a firearm during the
25 commission of a violent crime: Guilty. Indictment number

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1 2020-GS-29-179, count one, assault and battery of a high and
2 aggravated nature, victim, Kjana Locke: Not guilty. Count
3 two, possession or display of a firearm during the
4 commission of a violent crime: Guilty. Indictment number
5 2020-GS-29-178, count one, assault and battery of a high and
6 aggravated nature, victim Tony Dixon: Not guilty. Count
7 two, possession or display of a firearm during the
8 commission of a violent crime: Guilty. Indictment number
9 2020-GS-29-177, count one, assault and battery of a high and
10 aggravated nature, victim Brenia Davis: Not guilty. Count
11 two, possession or display of firearm during the commission
12 of a violent crime: Guilty. Indictment number
13 2020-GS-29-176, count one, assault and battery of a high and
14 aggravated nature, victim Christopher Belton: Not guilty.
15 Count two, possession or display of firearm during the
16 commission of a violent crime: Guilty. Indictment number
17 2020-GS-29-175, count one, assault and battery of a high and
18 aggravated nature, victim LaShonda Barnes: Guilty. Count
19 two, possession or display of a firearm during the
20 commission a violent crime: Guilty. Indictment number
21 2020-GS-29-174, count one, assault and battery of a high and
22 aggravated nature, victim Timothy McCain: Not guilty.
23 Count two, possession or display of a firearm during the
24 commission of a violent crime: Guilty. Indictment number
25 2020-GS-29-173, count one, possession of a handgun by a

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1 person convicted of a crime of violence: Guilty. Signed
2 Roy Wheeler, foreperson, October 29th, 2021.

3 State of South Carolina versus Antonio Emmanuel
4 Champion, defendant. As to each charge, we, the jury,
5 unanimously find the defendant, Antonio Emmanuel Champion,
6 as follows: Indictment number 2020-GS-29-1442, count one,
7 murder: Not guilty to victim Aaron Harris. Count two,
8 possession or display of a firearm during the commission of
9 a violent crime: Guilty. Indictment number
10 2020-GS-29-1443, count one, murder, victim Henry Lee
11 Colvin: Not guilty. Count two, possession or display of a
12 firearm during the commission of a violent crime, guilty.
13 Indictment number 2020-GS-29-1448, count one, assault and
14 battery of a high and aggravated nature, victim Antquavious
15 Douglas: Not guilty. Count two, possession or display of
16 a firearm during the commission of a violent crime:
17 Guilty. Indictment number 2020-GS-29-1447, count one,
18 assault and battery of a high and aggravated nature, victim
19 Charles Mobley: Not guilty. Count two, possession or
20 display of a firearm during the commission of a violent
21 crime: Guilty. Indictment number 2020-GS-29-1440, count
22 one, assault and battery of a high and aggravated nature,
23 victim Kjana Locke: Not guilty. Count two, possession or
24 display of a firearm during the commission of a violent
25 crime: Guilty. Indictment number 2020-GS-29-1446, count

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1 one, assault and battery of a high and aggravated nature,
2 victim Tony Dixon: Not guilty. Count two, possession or
3 display of a firearm during the commission of a violent
4 crime: Guilty. Indictment number 2020-GS-29-1445, count
5 one, assault and battery of a high and aggravated nature,
6 victim Brenia Davis: Not guilty. Count two, possession or
7 display of a firearm during the commission of a violent
8 crime: Guilty. Indictment number 2020-GS-29-1444, count
9 one, assault and battery of a high and aggravated nature,
10 victim Christopher Belton: Not guilty. Count two,
11 possession or display of a firearm during the commission of
12 a violent crime: Guilty. Indictment number
13 2020-GS-29-1441, count one, assault and battery of a high
14 and aggravated nature, victim, LaShonda Barnes: Not
15 guilty. Count two, possession or display of a firearm
16 during the commission of a violent crime: Guilty.
17 Indictment number 2020-GS-29-1449, count one, assault and
18 battery of a high and aggravated nature, victim Timothy
19 McCain: Not guilty. Count two, possession or display of a
20 firearm during the commission of a violent crime: Guilty.
21 Signed foreperson, Roy Wheeler, October 29th of 2021.
22 Ladies and gentlemen of the jury, if this be your verdict
23 so say you all by the raising of your right hands. Let the
24 record reflect all jurors raised their right hands.
25 THE COURT: All right. All right. Ladies and

JURY VERDICT

1 gentlemen of the jury, I can't say enough to you other than
2 to simply thank you, it's been a long two weeks. Your
3 service to your community and your State has come at a
4 tremendous personal sacrifice and expense to each one of
5 you, I know that. There's no higher calling or civic duty
6 then that of jury service and I truly, truly appreciate your
7 service. Okay? At this time I'm going to ask that you head
8 back to your --

9 MR. BELTON: Your Honor, before you do that I would
10 like to poll the jury on the voluntary manslaughter
11 conviction, please.

12 THE COURT: Okay. If you'll poll the jury.

13 MR. BELTON: On the voluntary manslaughter and assault
14 and battery of a high and aggravated nature on LaShonda
15 Barnes for Mr. Stevens.

16 THE COURT: So number. All right, hang on. So number
17 two, Mr. Clerk, poll the jury on their verdict on number
18 two, guilty to the lesser charge of voluntary manslaughter.
19 Y'all all remember your juror numbers, right?

20 MR. BELTON: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 THE CLERK: Indictment number 2020-GS-29-182, count one
23 murder, it has got guilty as to the lesser charge of
24 voluntary manslaughter. And number nine, indictment number
25 2020-GS-29-175, assault and battery of a high and aggravated

JURY VERDICT

1 nature, victim LaShonda Barnes: Guilty.

2 THE COURT: All right. Go ahead and poll the jury.

3 THE CLERK: Juror Number 97. Is this your verdict and
4 is this still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Juror 1. Is this your verdict and is this
7 still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror 250. Is this your verdict and is
10 this still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror 134. Is this your verdict and is
13 this still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror 115. Is this your verdict and is
16 this still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror 96. Is this your verdict and is this
19 still your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Juror 84. Is this your verdict and is this
22 still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Juror 199. Is this your verdict and is
25 this still your verdict?

JURY VERDICT

1 THE JUROR: Yes.

2 THE CLERK: Juror 167. Is this your verdict and is
3 this still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror 239. Is this your verdict and is
6 this still your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Juror 172. Is this your verdict and is
9 this still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Juror 143. Is this your verdict and is
12 this still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Thank you.

15 THE COURT: All right. The jury has been polled.
16 Again, thank you very much, please head down to your jury
17 room, you won't be down there very long. Thank you very
18 much.

19 (The jury left the courtroom.)

20 MR. SHELDON: Motions. Mr. Belton?

21 MR. BELTON: Yes, sir, Your Honor. Obviously I would
22 like to renew all previous motions and objections. Your
23 Honor, I would like a motion for a new trial but I'm going
24 to ask the Court for leave for about ten days and let me
25 consider what some of my options are and have an opportunity

JURY VERDICT

1 to talk to my client.

2 THE COURT: All right. Any objection to ten days for
3 new trial motions?

4 MS. MCGINNIS: No, sir, Your Honor.

5 THE COURT: All right. Without objection I'll give you
6 ten days to file any motions and notify opposing, but we're
7 going to proceed on further with sentencing.

8 MR. BELTON: I understand, Your Honor.

9 THE COURT: All right. Anything else?

10 MR. BELTON: Your Honor, obviously I feel like we got
11 an inconsistent verdict --

12 THE COURT: I'm going to take care of all of that here,
13 yeah.

14 MR. BELTON: And so if you're going to take care of
15 those I have nothing further.

16 THE COURT: I'm going to take care of all of that.
17 Yes, sir, Mr. Sheldon?

18 MR. SHELDON: Same obviously. If he's not convicted as
19 a principal he can't be convicted of the other.

20 THE COURT: Correct. I'm going to take care of that,
21 I'm about to do that. And you renew -- well, you don't need
22 to because your guy was found not guilty, except for the
23 matter he pled guilty to prior to the trial.

24 MR. SHELDON: And if we could just resolve that today.

25 THE COURT: We will resolve that today as well. All

JURY VERDICT

1 right. You're protected in the record, Mr. Belton, as far
2 as any previous objection and motions that you made, my
3 ruling stays consistent and the same, you're protected.
4 Okay. As to Breante Stevens' verdict form, I'm going to use
5 my pen, I'll put an initial since this is the real verdict
6 form and reform the verdict form as follows: As to number
7 1, indictment 183, the jury found him not guilty of the
8 murder of Aaron Harris but guilty of PWVC, which is what I
9 call possession of a weapon during the commission of a
10 violent crime, that is an inconsistent verdict because under
11 the law they must be found guilty -- they defendant must be
12 found guilty of a violent crime before they can be found
13 guilty of possession of weapon during the commission of a
14 violent crime. Does the State have any position on that as
15 I go through these verdict forms?

16 MR. NEWMAN: No, sir, we would agree.

17 THE COURT: All right, that's correct. I'm going to
18 put an X by B with my initial. Number two, the jury found
19 him guilty of voluntary manslaughter and guilty of
20 possession of a weapon during the commission of a violent
21 crime for the killing of Henry Lee Colvin. Number three,
22 the jury found him not guilty of ABHAN but guilty of PWVC.
23 I'm striking through count two on indictment 181 and putting
24 my initial. On indictment 180, the jury found him not
25 guilty of ABHAN, but found him guilty of PWVC, and I'm

JURY VERDICT

1 striking through count two. And then, of course, by doing
2 that I find him not guilty. Okay? On number five,
3 indictment 179, not guilty of ABHAN, found him guilty of
4 PWVC, that is an inconsistent verdict, I will strike that.
5 Same thing with number six, which is indictment 178. Same
6 thing with number seven, indictment 177. Same thing with
7 indictment 176, that's number eight on the verdict form.
8 The jury found Mr. Stevens guilty of ABHAN as to LaShonda
9 Barnes, and guilty of possession of -- or display of a
10 firearm during the commission of a violent crime on that,
11 that will remain. Indictment number 174, number ten, not
12 guilty of ABHAN, that means the PWVC goes away, I am
13 initialing and striking through it. And he was found guilty
14 of possession of a handgun by a person convicted of a crime
15 of violence.

16 As to Mr. Champion's verdict form, I am striking
17 through all count two's since the jury found him not
18 guilty, therefore Mr. Champion was not convicted by the
19 jury on these indictments. All right. Anything else for
20 the Court? I'm going to take a recess and allow y'all to
21 get the paperwork together so we can proceed towards
22 sentencing.

23 (A break was taken.)

24 THE COURT: All right. Thank you, y'all may be seated.
25 Mr. Sheldon, let's go ahead and do yours first. Go ahead,

JURY VERDICT

1 Madam Solicitor, and introduce the case.

2 MS. MCGINNIS: Thank you, Judge. This is State versus
3 Antonio Champion. As you know, Mr. Champion pled guilty to
4 possession of a weapon by a person convicted of a crime of
5 violence prior to trial. Your Honor held sentencing in
6 abeyance and we're back before you for sentencing at this
7 time.

8 THE COURT: What is his prior record, if any?

9 MS. MCGINNIS: He has a 2017 assault and battery in the
10 first degree. Beg the Court's indulgence.

11 (Break in proceedings.)

12 MS. MCGINNIS: 2007 public disorderly conduct. 2010
13 violation of city ordinance. 2010 public disorderly
14 conduct. 2013 malicious injury to property. 2013
15 shoplifting. 2017 assault and battery in the first degree,
16 Your Honor.

17 THE COURT: Is that what he was on probation for at the
18 time of this?

19 MS. MCGINNIS: I believe he may have been on a
20 probation violation, Judge. It shows that his last
21 conviction was in 2017.

22 THE COURT: Okay. Does the State have any
23 recommendation?

24 MS. MCGINNIS: Judge, we would ask for the maximum
25 sentence.

JURY VERDICT

1 THE COURT: What is it, five?

2 MS. MCGINNIS: Five years, yes, sir.

3 THE COURT: All right. Mr. Sheldon?

4 MR. SHELDON: Judge, we would just -- I mean, he's
5 done -- even if the Court were to max him out at 51 percent
6 you would be looking at a two year, six month sentence
7 roughly, he's done two years and one month in jail. We
8 would just ask that he be allowed to go home. I mean, it
9 would just be a turnaround anyway. We're dealing with a
10 small window, I understand that, but he was found not guilty
11 on these charges, he clearly possessed a gun, he owned up to
12 possessing that gun and pled guilty before the Court. And
13 he essentially -- maxing him out would just essentially be
14 overly punitive because he got a not guilty at the trial.

15 THE COURT: I understand. All right. Mr. Champion,
16 anything you wish to tell me before I impose your sentence?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. The Court sentences you to five
19 years in prison, credit for time served. Good luck to you,
20 sir.

21 All right. Mr. Stevens, if you will please approach
22 the bench with your attorney. All right, Madam Solicitor,
23 as to sentencing for Mr. Stevens I will be glad to hear
24 from the State first, and Mr. Belton, I'll, of course, give
25 you a full opportunity for mitigation after the State goes.

JURY VERDICT

1 MR. BELTON: Thank you, Your Honor.

2 MS. MCGINNIS: Thank you, Judge. If I may approach
3 with some photos of Mr. Colvin handed up by his family, who,
4 as Your Honor may have noticed, has been here all week --
5 the past two weeks in support of their son. Judge, I would
6 like to begin with Mr. Stevens' criminal record. He has a
7 2005 common law or strong armed robbery conviction. He has
8 a 2009 attempted robbery conviction and a common law robbery
9 conviction. He has a 2007 parole revocation. He did time
10 in SCDC for those convictions, Your Honor. 2011 he had a
11 prisoner in contraband -- prisoner with contraband charge.
12 He also had a parole revocation in 2011. 2018 he has a PWID
13 cocaine conviction. He also has a 2016 PWID or distribution
14 of cocaine, two charges, failure to stop for a blue light,
15 unlawful carrying of a weapon, resisting arrest, possession
16 of marijuana, again, for which he did time in the Department
17 of Corrections. He was placed on probation 1/25 of 2018.
18 So he was on probation, I believe, at the time this incident
19 occurred.

20 MR. BELTON: He was not.

21 MS. MCGINNIS: I apologize, Mr. Belton tells me he's
22 not. He also has a Georgia convictions from 2015 for public
23 disorderly conduct. Judge, I don't want to belabor the
24 facts tremendously, you've heard them these past two weeks,
25 but Mr. Stevens' conduct in this case was undeniably

JURY VERDICT

1 reckless, resulted in two people losing their lives and
2 eight people being shot and injured over a rap beef, Your
3 Honor. The -- by the Grace of God all eight of these people
4 that were shot weren't more seriously injured or killed. At
5 least the three of the four that were airlifted had life
6 threatening injuries that could have resulted in their
7 deaths. We believe Mr. Stevens' conduct is just
8 reprehensible. I can't think of a more dangerous activity
9 than firing into an unarmed crowd of people out trying to
10 have a good time on a Friday night. Judge, Mr. Colvin's
11 family does wish to address the Court. Sheriff Faile also
12 wishes to address the Court.

13 THE COURT: Okay. I'll be glad to hear from anybody.

14 MS. MCGINNIS: Judge, while they approach the
15 microphone, also Mr. Stevens has other pending charges that
16 he has obtained while being in the jail, including
17 possession of contraband by a prisoner, conspiracy, and
18 attempting to bribe a correctional officer. Those at this
19 time remain pending.

20 THE COURT: All right. Thank you ma'am. Yes, sir?

21 SPEAKER: My name is Tyrone Colvin, I'm the brother of
22 Henry Lee Colvin. Unfortunately today I know, you know,
23 there's a lot of people that, you know, didn't get what they
24 wanted, a lot of hurt people today, and not just the
25 victims, you know, the defendant's side you. They're

JURY VERDICT

1 daughters and brothers, fathers just like we all are. And
2 I'm not up here to judge anybody by any means, shoot, we all
3 probably have some skeletons in our closet before. I just
4 want to say to those guys, and I see Antonio has already
5 departed, I don't know those guys at all. I sat here and I
6 listened like everybody else. My thing is I hope they
7 learned something out of this. Just know that your actions
8 doesn't only affect you, it affects your kids, you know,
9 your mom, my mom, Harris' mom, you know, a lot of people.
10 So, you know, going forward whatever may happen, guys, just,
11 you know, just think about what you're doing and things like
12 that. Because, like I said, it doesn't just affect, you
13 know, affect -- your decision can affect a lot of people,
14 you know. That's all I wanted to say.

15 THE COURT: Thank you, sir, thank you for being here.

16 SPEAKER: Good evening, Your Honor. My name is
17 Jennifer Hanson, I'm one of the victim advocates with the
18 solicitor's office. I'm going to read a letter on behalf of
19 Cheryl Whitlock who is the mother of Henry Lee Colvin:
20 First I want to say that I forgive you, not for you but for
21 me. If I want to begin to heal from this the Bible says I
22 have to forgive. The guy you saw at the club, the rapper,
23 the performer, was just another rapper to you, but to me he
24 was my baby boy, my sun on a cloudy day, my pick-me-up when
25 I was down. There are days when I feel like I am drowning

SENTENCING HEARING

1 in sorrow. No mother should have to bury her son due to gun
2 violence. I am not the only mother hurt by this. You
3 didn't think about what this would do to your own mother,
4 because all mothers want the best for their children. At
5 least she will still have the ability to see you at
6 visitations. I now visit my son at his gravesite and I'll
7 never see his face again. Thank you.

8 THE COURT: Yes, ma'am. All right. Sheriff?

9 SPEAKER: Thank you, Your Honor. Your Honor, I would
10 just like to say that, you know, this has been a long two
11 weeks for everybody and I understand. But I think back over
12 the several last couple of years anyway, the violent crime,
13 how it has increased in Lancaster County because of
14 recklessness, people with guns that shouldn't even have
15 them. You know, we have establishments throughout the
16 county where people can go enjoy themselves, have a good
17 time and then they have to worry, you know: Am I going to
18 make it home tonight because of people like this? We need
19 to send a message, Your Honor. We need to send a message
20 that we don't want this in Lancaster County, we're not going
21 to tolerate this in Lancaster County, and you'll have an
22 opportunity to do that today and I certainly hope you will.
23 Thank you.

24 THE COURT: Thank you, Sheriff. Solicitor?

25 MR. NEWMAN: Your Honor, we would echo what Sheriff

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1 Faile said. And, Your Honor, I think if there was ever a
2 case that deserves consecutive sentences this is it. I
3 hope you'll send a message. They sprayed gunfire into a
4 crowd of innocent people, Your Honor. Thank you.

5 THE COURT: Thank you, Solicitor. Madam Solicitor,
6 anything further from you?

7 MS. MCGINNIS: Nothing further, Judge.

8 THE COURT: Yes, sir, Mr. Belton?

9 MR. BELTON: Your Honor, may it please the Court.

10 THE COURT: Yes, sir.

11 MR. BELTON: Your Honor, as you know over the past
12 several years I have stood in front of you -- I've stood in
13 front of you many times, a couple of weeks ago up in York
14 County, many times over in Chester County on these tough,
15 tough, tough cases. So for you I may sound like a broken
16 record, but for the people here in the courtroom that have
17 never heard me in the courtroom before I feel like I have to
18 say this, particularly in this case, these cases break my
19 heart. And these cases break my heart because everybody
20 injured, everybody dead, are all young African-American
21 males, everybody that's been involved in this. And so it
22 does break my heart. It breaks my heart as the father of an
23 African-American, and it breaks my heart as the brother of
24 many African-American males, several African-American males.
25 And, Your Honor, it does. And, you know, Tyrone Colvin, who

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1 just got up to speak, you all don't know this, but he and I
2 travel in the same social circle. So I came here everyday
3 for the last two weeks representing the man who is accused
4 of killing his brother. M. Whitlock's sister lives two or
5 three doors down from my law office, so I pass his family
6 every single day. My wife was born and raised in Rock Hill
7 and know every single person in that family. I know these
8 are good people, and I appreciate the dignity and the grace
9 they have demonstrated over the past two weeks toward me,
10 who is representing the man who is now convicted of
11 voluntary manslaughter as it relates to their son, and
12 nobody else knew this. I never mentioned it. I have never
13 mentioned one time in the last year and a half that I've
14 represented Mr. Stevens that I knew this man's family,
15 because they appreciate and understand how the system works.
16 And so, Your Honor, my comments today on how this system
17 works, this system is not a system of punitive punishment.
18 This is a system that certainly exacts punishment, and I'm
19 very realistic about the sentence that the Judge most
20 probably is going to impose. Judge, I'm certainly asking
21 you to impose a sentence less than 30 years. Mr. Stevens
22 now is 33 old. Your Honor, I'm asking you not to do a
23 backdoor way into a life sentence, because he was not
24 convicted of murder, which is what he was facing, to
25 sentence him with a sentence that's consistent with what we

SENTENCING HEARING

1 generally sentence people to who are convicted of voluntary
2 manslaughter. Your Honor, generally when people come into
3 court and they are sentenced they're sentenced to concurrent
4 sentences, not consecutive sentences. So I could go on and
5 on. You heard the case, you heard the facts, you know what
6 we're dealing with, Your Honor, but I'm going to pause. His
7 father is here and his cousin is here. And I'm going to ask
8 Mark Harrison to come first, I'm going to ask Bill Clyburn,
9 who is his father, to come second, and then I'll give Mr.
10 Stevens an opportunity to stay what he wants to say. But as
11 they're walking up, I do want to say that my heart does
12 break for Mr. Colvin family, Mr. Harris' family, Mr.
13 Stevens' family and all of the those that have been impacted
14 by this tragedy. Mr. Harrison.

15 THE COURT: Yes, sir?

16 SPEAKER: Yes, sir. My name is Mark Harrison. I have
17 been knowing Breante for since we've been 13 years old.
18 I also known Lee. Me, Lee, Bre, all of us used to go out
19 together, that's before I got married. Lee is not a bad guy
20 no matter what they said or see him jumping around with a
21 gun. I know him. Bre is not a bad guy. I don't know him
22 from going to the clubs anymore, I know him from going to
23 baseball games. Our daughters play together. He's a great
24 father, takes care of his mom. You know, and to Lee's
25 family, I spoke to his mom already, great people. They

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1 haven't batted a eye, everything is all positive, and we
2 appreciate that, and we feel the same way. I ask the same
3 thing that he asks, don't take him away forever. He's got a
4 positive side to his life and I know it. Thank you.

5 THE COURT: Thank you, sir.

6 MR. BELTON: Mr. Bill Clyburn, who is the father of
7 Breante Stevens.

8 THE COURT: All right, Mr. Clyburn. Yes, sir?

9 SPEAKER: All respect, Your Honor, thank you for
10 letting me speak.

11 THE COURT: Yes, sir.

12 SPEAKER: If you don't mind just giving me a moment to
13 apologize.

14 THE COURT: Absolutely.

15 (Speaking to the victim's family.)

16 SPEAKER: I am not only -- we're all sorry for your
17 loss. And those boys are out there and they're living the
18 way they're living, ain't nothing me and you can do, we've
19 done all we could. We've done all we could. And I truly --
20 I've been on your side, and I truly apologize.

21 (Speaking to the Court.)

22 SPEAKER: Your Honor, I'm 62 years old, and I don't
23 know how much longer, you know, I might be around. But I'm
24 just asking that if you could give my son a sentence less
25 than 30 years that I might be able to, you know -- we go

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1 fishing one more time or do something, you know. I just
2 don't want to leave here without him in my life. He's a
3 good man. He made some mistakes, and to be honest, me and
4 you, we've been here, we've been here, this ain't our first
5 rodeo. But I believe anybody, I believe anybody can make a
6 change. And like I say, my son is a good man, and I don't
7 want to wear on your heart, but he's got a family that he
8 truly loves, not on his family but he loves -- I mean, I've
9 never seen him make an enemy. That's why this is such a --
10 I can't believe this. I've never seen him make an enemy.
11 But if you could give him a lighter sentence than 30 years
12 it would be duly appreciated. God bless us all.

13 THE COURT: Thank you, sir. Mr. Belton?

14 MR. BELTON: Your Honor, I will actually defer to Mr.
15 Stevens if he wants to address the Court.

16 DEFENDANT STEVENS: My apologies to the family have
17 been in order for a long time, and I want to say from the
18 bottom of my heart that I am absolutely sorry and remorseful
19 for everything that happened. Aaron Harris, you know, I
20 have not been convicted of that murder, but I definitely
21 never intended for anything to happen to him at all. We
22 weren't close friends but we were colleagues. We had the
23 same dream. We had conversations, we did a song together.
24 We both wanted the same things out of life. Lee Colvin was
25 my friend. At one point in time, like Mark said, we hung

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1 out together. We went to clubs together. He done took my
2 picture in clubs. We done -- he done been in one of my
3 videos before. We were friends, we were okay. All of this
4 happened because a person that he associated with, and I
5 tried to tell him -- you know, I never had a problem with
6 him, I didn't. I never had a problem with him until he
7 decided to, I guess, you know, take that side, but that's a
8 whole another story. It's just, like I said, I apologize,
9 and I am truly sorry. I know how it feel to take a loss. I
10 never intended for any of this to happen. But, Your Honor,
11 that night in question -- that night I was truly and
12 honestly in fear for my life. At that moment when
13 everything happened, the only thing I seen was my life flash
14 before my eyes and my kids, that's it. Last time I was in
15 this courtroom was 2016, and before I got sentenced I told
16 you, I said that I'm tired of wearing these chains, I'm
17 tired, and I meant that. When I got out I got a job, my
18 life was on the right track. I was spending time doing
19 everything with my kids and my family and pursuing my music
20 career. I quit my job to pursue my music career fully, and
21 I was giving back to the community. I was doing back to
22 school drives, book bag drives, coat drives, all of this
23 stuff to try to help the community, my way of giving back.
24 Trying to talk to the youth to tell them not to make the
25 same mistakes that I had made. Your life can change in the

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1 blink of an eye. I had just got shot at the top of January.
2 January of 2019 I had got shot, still got a bullet in my
3 left leg, one of the main reasons that I felt like I had to
4 protect myself. My cousin died in the club. He died in the
5 club when I was 13, he got killed outside of the club in
6 Lancaster, shot him down, killed him, 11 times. So that's
7 another reason why I felt like every time I go to a club,
8 especially in Lancaster, I had to protect myself, and this
9 night was no different. I didn't go there seeking, you
10 know, any problems with this man. I had no idea that he was
11 going to be there. I had no idea that any of this was going
12 to happen. I was just as shocked by the situation as
13 anybody else. And I think about it, I toss and turn almost
14 every night wondering what my life could have been like.
15 And I'm just asking that you give me some kind of remorse,
16 and I'm pleading that you just give me one more chance to be
17 able to advocate and be a humanitarian in society so that I
18 can teach young kids not to make the same mistakes that I --
19 that's all I've ever wanted to do was help people, that's
20 it. Please, Your Honor, do not take my life away from me.

21 THE COURT: Thank you, Mr. Stevens.

22 MR. BELTON: Your Honor, the only -- the last thing I
23 would say is he's 33 years old, you sentence him on the
24 voluntary manslaughter, Your Honor, you know, by the time he
25 makes parole we're talking a about a man in his late 50's,

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1 early 60's. I think it's fair to say that all research and
2 societal research we have out there, sociological research
3 we have out there say by that age people have kind of aged
4 out of being involved in criminal behavior. So I would just
5 ask you to take that into consideration.

6 THE COURT: All right. I really don't have too much to
7 say either, I think it's all been said. I've heard
8 everything that I need to hear, seen everything I need to
9 see. I just -- I don't understand the violence. I don't
10 understand why people do the things they do. The jury has
11 spoken. Okay. And I'm going to impose a sentence which I
12 think is justice in this case because I'm tired of seeing
13 the violence as well day in and day out. All right.
14 Indictment 20-GS-29-173, having been convicted of possession
15 of a firearm by a person convicted of a crime of violence,
16 the sentence of the Court is five years in the South
17 Carolina Department of Corrections. Give you credit for
18 time served. That sentence will be concurrent to the
19 remaining sentence of the Court, that's indictment
20 20-GS-29-175, count two, having been found guilty of
21 possession of a weapon during the commission of a violent
22 crime, the sentence of the Court is five years in the South
23 Carolina Department of Corrections to run concurrent, credit
24 for time served. Indictment 20-GS-29-182, count two, having
25 been found guilty of the charge of possession of a weapon

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1 during the commission of a violent crime, the sentence of
2 the Court is five years in the South Carolina Department of
3 Corrections to run concurrent, credit for time served. As
4 to indictment 20-GS-29-175, count one, having been found
5 guilty of the charge of assault and battery of a high and
6 aggravated nature, the Court sentences you to 20 years in
7 the South Carolina Department of Corrections, will be given
8 credit for time served. That sentence is consecutive to
9 20-GS-29-182, count one, having been found guilty of
10 voluntary manslaughter, the Court sentences you to 30 years.
11 In prison. Credit for time served. Good luck to you, Mr.
12 Stevens, you got 50 years.

13 MS. MCGINNIS: Thank you, Your Honor.

14 THE COURT: All right. That concludes this trial, that
15 concludes our business, Court is adjourned sine die.

16 (End of trial proceedings.)

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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to in the Circuit Court for Lancaster
8 County, South Carolina, on the 18th-29th days of
9 October, 2021.

10 I further certify that I am not of kin,
11 counsel, nor interest to any party hereto.

12

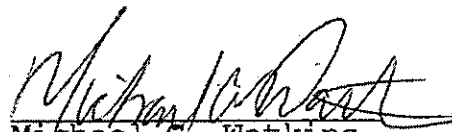
13

May 6, 2022

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16


Michael C. Watkins

17

Court Reporter

18

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22

23

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WITNESSES

Dalley - LCSO #19-50099

J. Caffee

DOCKET NO. 2020-GS-29-182

**The State of South Carolina
County of Lancaster**

FILED
OFFICE OF CLERK
OF COURT

2020 JAN 30 AM 10:55

CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

JAN 30 2020 TERM

ARREST WARRANT NUMBER/DOA

Count I
2019A2910102679 (DOA-10-10-19)
Count II
2019A2910102680 (DOA-10-10-19)

ACTION OF GRAND JURY

FILED

Foreperson of Grand Jury
Date 1/30/2020

VERDICT

Breaunte Deon Stevens

**THE STATE
vs.**

Indictment for

**COUNT I
Murder**

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

COUNT II

**Possession of a Firearm during the
Commission of a Violent Crime**

SC Code: §16-23-490
CDR Code: 549
Class: Felony F

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

INDICTMENT

At a Court of General Sessions, convened on JAN 30 2020,

the Grand Jurors of Lancaster County present upon their oath:

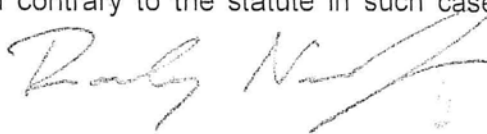
COUNT I**MURDER**

That Breante Deon Stevens did at 1384 Old Charlotte Road, Lancaster, S. C., in Lancaster County, South Carolina on or about September 21, 2019, feloniously, willfully, and with malice aforethought kill and murder the victim Henry Lee Colvin by shooting him which constituted the proximate cause of the death of the victim on September 21, 2019, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*. (1976, as amended).

COUNT II**POSSESSION OR DISPLAY OF FIREARM DURING COMMISSION OF A VIOLENT CRIME**

That Breante Deon Stevens did in Lancaster County, South Carolina, on or about September 21, 2019, possess a firearm or visibly displayed what appeared to be a firearm during his commission of a violent crime, to wit: Murder of Henry Lee Colvin, which is classified as a violent crime in S. C. Code Section 16-1-60 (1976, as amended) all in violation of §16-23-490, *Code of Laws of South Carolina*, (1976), as amended.

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



Randy E. Newman, Jr., SOLICITOR

WITNESSES

Dailey - LCSO #19-50099

J. Carter

DOCKET NO. 2020-GS-29-175

The State of South Carolina

County of Lancaster

FILED
OFFICE OF CLERK
OF COURT

2020 JAN 30 AM 10:55

CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

JAN 30 2020 TERM

ARREST WARRANT NUMBER/DOA

Count I

2019A2910102739 (DOA-10-10-19)

Count II Direct Indictment IN RE: AW#

2019A2910102680

ACTION OF GRAND JURY

FILED

Foreperson of Grand Jury

Date: 1/31/2020

VERDICT

Breante Deon Stevens

Indictment for

COUNT I

ASSAULT AND BATTERY OF HIGH
AND AGGRAVATED NATURE

SC Code: §16-3-600(B)(1), 16-3-600(B)(2)

CDR Code: 3411

Class: Felony C

Direct Indictment for

COUNT II

Possession of Firearm During
Commission of a Violent Crime

SC Code: § 16-23-490

CDR Code: 0549

Class: Felony F

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LANCASTER)

INDICTMENT AND DIRECT INDICTMENT

JAN 30 2020

At a Court of General Sessions, convened on _____,
 the Grand Jurors of Lancaster County present upon their oath:

COUNT I

ASSAULT AND BATTERY OF HIGH AND AGGRAVATED NATURE

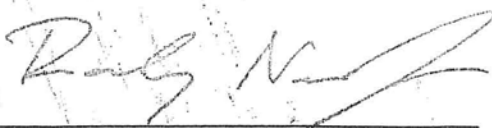
That Breante Deon Stevens did in Lancaster County, South Carolina, on or about September 21, 2019, unlawfully injure Lashonda Barnes, and great bodily injury resulted to the victim or the act was accomplished by means likely to produce death or great bodily injury by shooting her, in violation of Section 16-3-600(B)(1) of the *Code of Laws of South Carolina, (1976), as amended*.

COUNT II

**POSSESSION OR DISPLAY OF FIREARM DURING COMMISSION OF A VIOLENT
 CRIME**

That Breante Deon Stevens did in Lancaster County, South Carolina, on or about September 21, 2019, possess a firearm or visibly displayed what appeared to be a firearm, to wit: a handgun during his commission of a violent crime, to wit: Assault and Battery of a High and Aggravated Nature against Lashonda Barnes, which is classified as a violent crime in S. C. Code Section 16-1-60 (1976, as amended) all in violation of §16-23-490, *Code of Laws of South Carolina, (1976), as amended*.

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


 Randy E. Newman, Jr., SOLICITOR

WITNESSES

Dailey - LCSO #19-50099

J. Cate

DOCKET NO. 2020-GS-29-173

The State of South Carolina

County of Lancaster

2020 JAN 30 AM 10:54

FILED
OFFICE OF CLERK
OF COURT

CLERK OF COURT
LANCASTER, SC

COURT OF GENERAL SESSIONS

JAN 30 2020 TERM

ARREST WARRANT NUMBER/DOA

Direct Indictment IN RE: AWW#
2019A2910102648.(DOA-10-10-19)

THE STATE
vs.

Breante Deon Stevens

ACTION OF GRAND JURY



Foreperson of Grand Jury
Date: 1/30/2020

VERDICT

Direct Indictment for

Possession of a Handgun by a Person
Convicted of a Crime of Violence

SC Code: § 16-23-30(A)(1), (B), § 16-23-50(A)(1)

CDR Code: 2364

Class: Felony, F

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

DIRECT INDICTMENT

JAN 30 2020

At a Court of General Sessions, convened on _____,

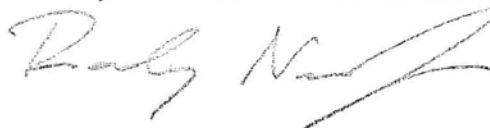
the Grand Jurors of Lancaster County present upon their oath:

POSSESSION OF A HANDGUN BY A PERSON

CONVICTED OF A CRIME OF VIOLENCE

That Breante Deon Stevens did in Lancaster County, South Carolina, on or about September 21, 2019, possess or acquire a handgun within the state of South Carolina, the defendant having been previously convicted of a crime of violence (as defined in S. C. Code Section 16-23-10(3)) in a court of this state or of the United States, the several states, commonwealths, territories, possessions, or the District of Columbia, all in violation of § 16-23-30(A)(1) and (B), *Code of Laws of South Carolina, (1976), as amended*.

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



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] Beacon RdCity, State, Zip: Lancaster, SC 29720-8678DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900175 ct 11A/W#: 2019A2910102739Date of Offense: 1/30/2020S.C. Code § : 16-03-0600(B)(1)CDR Code #: 3411

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

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

ATTEST:

	13009			102189
Campbell, Luck	SC Bar#	Defendant	Belton, Montrio	SC Bar#
			Attorney for Defendant	

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ 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.

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 ☐ 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 0 _____ 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 Term _____ ☐ 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 \$ _____
§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 \$ _____
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$

Clerk of Court/ Deputy Clerk: _____

Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] Beacon RdCity, State, Zip: Lancaster, SC 29720-8678DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900182 ct 1A/W#: 2019A2910102679Date of Offense: 1/30/2020S.C. Code § : 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Manslaughter / Voluntary manslaughterin violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ 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]
Campbell, Luck

13009

SC Bar#

[Signature]
Defendant

[Signature]
Belton, Montrio
Attorney for Defendant

102189

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
_____ 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.

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 ☐ 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 0 _____ 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 Term _____ ☐ 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 \$ _____
§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 \$ _____
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$

Clerk of Court/ Deputy Clerk: _____

Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

1710

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] Beacon RdCity, State, Zip: Lancaster, SC 29720-8678DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900173AW#: 2020GS2900173Date of Offense: 1/30/2020S.C. Code § : 16-23-0030; 16-23-0050(A)CDR Code #: 2364

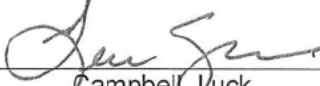
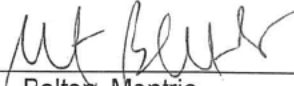
SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Sale or delivery of pistol to, and possession by, certain persons unlawful; stolen pistolin violation of § 16-23-0030; 16-23-0050(A) of the S.C. Code of Laws, bearing CDR Code # 2364
☒ 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:

	13009			102189
Campbell, Luck	SC Bar#	Defendant	Belton, Montrio	SC Bar#
			Attorney for Defendant	

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

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

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ 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.

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 ☐ 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 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

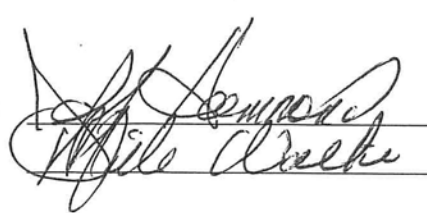
Total: \$ _____ plus 20% fee: _____ \$ _____

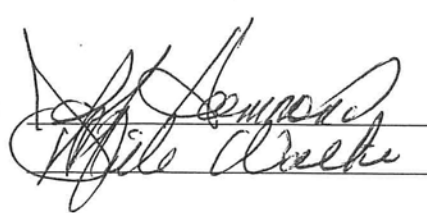
Payment Term _____ ☐ Set by SCDPPPS

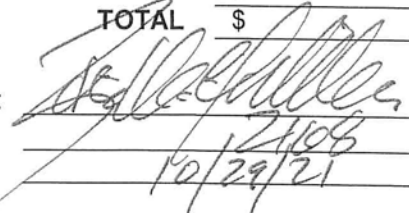
Recipient: _____

*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 \$ _____
§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 \$ _____
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ 178.75
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
	TOTAL \$ _____

Clerk of Court/ Deputy Clerk: 

Court Reporter: 

Presiding Judge: 

Judge Code: _____

Sentence Date: 10/29/21

1712

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33

DOB: SS#

Address: Beacon Rd

City, State, Zip: Lancaster, SC 29720-8678

DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900182 ct 11

AW#: 2019A2910102679 - Re: 2019A2910102680

Date of Offense: 1/30/2020

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

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: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §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:

Campbell, Luck

13009

SC Bar#

Belton, Montrio

Attorney for Defendant

102189

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 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.

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 ☐ 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 0 _____ 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 Term _____ ☐ Set by SCDPPPS

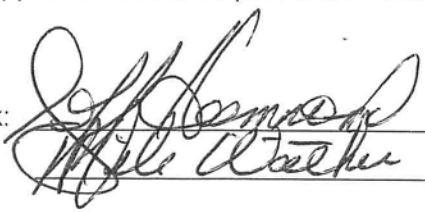
Recipient: _____

***Fine:**

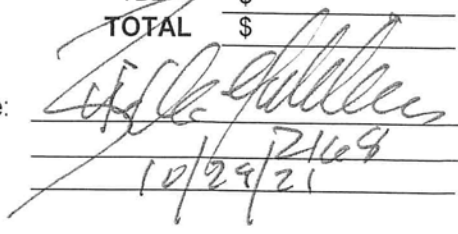
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ _____
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees. \$500 \$ 128.75
- ☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$ _____

TOTAL \$ _____

Clerk of Court/ Deputy Clerk: 

Court Reporter: _____

Presiding Judge: 

Judge Code: _____

Sentence Date: 10/29/21

1714

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33

DOB: SS#

Address: Beacon Rd

City, State, Zip: Lancaster, SC 29720-8678

DL#: SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900182 ct 11

AW#: 2019A2910102679

Date of Offense: 1/30/2020

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

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: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

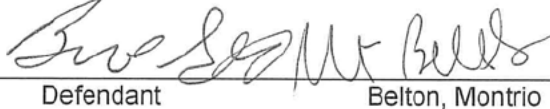
 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:


 Campbell, Luck

13009

SC Bar#


 Belton, Montrio
 Attorney for Defendant

102189

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ 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.

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 ☐ 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 0 _____ 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 Term _____ ☐ 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 \$ _____
§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 \$ _____
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
§50-21-114(BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	TBD \$ _____

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

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL

\$

Clerk of Court/ Deputy Clerk: _____

Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

1716

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

STATE

VS.

Breante Deon Stevens

AKA:

Race: BLACK Sex: M Age: 33

DOB: SS#

Address: Beacon Rd

City, State, Zip: Lancaster, SC 29720-8678

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS2900175 ct 1

A/W#: 2019A2910102739 -2019A2910102739

Date of Offense: 1/30/2020

S.C. Code § : 16-03-0600(B)(1)

CDR Code #: 3411

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

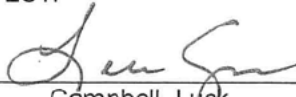
TO: Assault / Assault & Battery of a High & Aggravated Nature

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ 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:

	13009		102189
Campbell, Luck	SC Bar#	Belton, Montrie	SC Bar#
	Defendant	Attorney for Defendant	

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ 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: 2020GS2900182 ct 1☒ 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. _____ 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.

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 ☐ 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 0 _____ 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 Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
§14-1-206 (Assessments 107.5 %)	\$ _____
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§56-1-286 (DUI Breath Test)	\$25 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ _____
§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 \$ _____
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3% to County (if paid in installments)	TBD \$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ <u>128.75</u>
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ _____

Clerk of Court/ Deputy Clerk:

Court Reporter:

Presiding Judge:

Judge Code: _____

Sentence Date: 4/29/21

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,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

May 30 2023

SC Court of Appeals

This 30th day of May, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 30 2023
SC Court of Appeals

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREANTE DEON STEVENS,

APPELLANT.

APPELLATE CASE NO. 2022-000019

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30th day of May, 2023.



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT