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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHANNON LAMONT ZIQUAN JOHNSON,

APPELLANT

APPELLATE CASE NO. 2022-001757

RECORD ON APPEAL

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**[STATE’S EXHIBIT #5 (FACEBOOK POSTING), STATE’S EXHIBIT #13 (FACEBOOK POSTING) AND STATE’S EXHIBIT #25 (VIDEOTAPE OF THE SHOOTING) ARE ON FILE WITH THIS COURT]**



Elizabeth Wolfson - Cross-examination  
By Ms. Hensley

1 A. I would agree.

2 Q. And when you met with Shannon, Shannon told you that  
3 the white man was being racist, right?

4 A. I want to just -- I know that statements were not  
5 brought in?

6 So, do you want to --?

7 SOLICITOR SIMPSON: Your Honor, may we approach?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held out of the  
10 hearing of the jury at this time.)

11 MS. HENSLEY: I'll just withdraw the question.

12 THE COURT: Yeah, don't go there.

13 MS. HENSLEY: Beg the Court's indulgence.

14 Sergeant Wolfson, just give me a second to go through  
15 my notes.

16 A. Sure.

17 Q. I had so many notes about this case. And so I just  
18 want to be sure that I didn't miss anything. Unfortunately  
19 I have so many notes spread out all the way to this table.  
20 So give me one second.

21 (Pause.)

22 Q. Sergeant, I think that's all the questions I'd have.

23 THE COURT: Anything?

24 SOLICITOR SIMPSON: Just briefly, Your Honor.

25 THE COURT: Yes, sir.

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 REDIRECT EXAMINATION

2 BY SOLICITOR SIMPSON:

3 Q. Sergeant Wolfson, we just reviewed a video from 52  
4 Hanover Street again, correct?

5 A. Yes, sir.

6 Q. And -- how can I put this?

7 You've reviewed that video and listened as well as  
8 possible to that colloquy, right?

9 A. Yes.

10 Q. And you're under oath here today, right?

11 A. Yes, I am.

12 Q. So, it's important to you that you not testify to what  
13 you hear on that unless you know what that is or, or  
14 confident of that?

15 A. Correct.

16 Q. And it's a better idea, when you can't tell what  
17 someone says, to not insert what you want to hear in a sound  
18 or talking that's inaudible --

19 A. I agree.

20 Q. -- or indiscernible?

21 A. Correct.

22 Q. Because you can often hear a phrase and put the idea of  
23 what you hear based on whatever approach you're taking the  
24 case be it for Shannon, against Shannon, neutral, but you  
25 can take that idea and, and it, it can impact what you hear

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 when you listen to the clip?

2 A. Yes, sir, it's, it's always my goal to be completely  
3 impartial and fair to whomever I'm dealing with in any  
4 situation. Especially a situation where the circumstances  
5 are of this magnitude. But, yes, certainly I, I think  
6 people hear what they want to hear sometimes and that can  
7 make it easier to hear when it's --.

8 Q. And, and you were asked several times both about what  
9 you heard, what you saw, what we fell -- to enter your own  
10 sort of interpretation.

11 Is that true?

12 A. Yes, sir.

13 Q. But do you agree that that video -- you don't have  
14 any---

15 MS. HENSLEY: Object to leading.

16 THE COURT: No, I don't know he's leading.

17 Go ahead.

18 Q. That video was available to you, right?

19 A. Yes, sir.

20 Q. In the form that it's been admitted into evidence?

21 A. Yes, sir.

22 Q. And it's gonna be available to, to these folks too,  
23 right?

24 A. Yes, sir.

25 Q. All right. And there's -- their access to that's gonna

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 be, at least of the time periods that we've watched, the  
2 same as yours?

3 A. Correct.

4 Q. The same as Ms. Hensley's?

5 A. Correct.

6 Q. The same as mine?

7 A. Yes, sir.

8 Q. Okay. And there's a couple of, of points I just want  
9 to talk about that were made.

10 You were asked did Mr. Haman throw the first punch and  
11 what did you say?

12 A. He, he did throw the first punch. Although, for me, it  
13 was in response to a provoking, physical action by  
14 Mr. Johnson.

15 Q. And who's the first one -- who, who turns this into  
16 words from afar into a face-to-face conversation?

17 A. Mr. Johnson.

18 Q. And who's the first one to do --?

19 A. Mr. Johnson.

20 Q. -- that?

21 We also saw a time when Mr. Johnson found himself in a  
22 headlock from Mr. Haman and you pointed that out.

23 That's right?

24 A. Yes, sir.

25 Q. Did that take place in your perception since we've been

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 talking about your perception?

2 A. (WHEREUPON, there was no audible response.)

3 Q. Did Mr. Haman run and go put him into a headlock or did  
4 Mr. Johnson charge Mr. Haman and Mr. Haman put him in a  
5 headlock from charge?

6 A. I would agree with the latter.

7 Q. And you noted, and I appreciate your direct answers,  
8 that there were times in that video, and we all can watch  
9 it, where it seems Mr. Haman sort of walks toward  
10 Mr. Johnson.

11 Is that fair?

12 A. Yes.

13 Q. And there's times in that, that video, however, where  
14 Mr. Johnson walks toward Mr. Haman?

15 A. Yes, sir.

16 Q. And at least your perception of the body language that  
17 Mr. Johnson was ready to engage in this fight?

18 A. Yes, sir.

19 Q. A fight that began when he pulled a big U-turn and got  
20 in the physical proximity of Mr. Haman?

21 A. Correct.

22 Q. And, again, I for -- I forget you've been, I think,  
23 very fair with listening to things and explaining when you  
24 can't -- don't believe you can hear what's going on. Some  
25 phrases sounds I'm here, don't make me, and I, and I think

Elizabeth Wolfson - Redirect examination  
By Solicitor Simpson

1 they said don't make me fire.

2       Could be -- could that as easily be don't make me  
3 fight?

4 A. I would agree with that.

5 Q. That the, the sounds are just not clear enough to draw  
6 a, a firm conclusion to that?

7       You agree with that?

8 A. I agree, yes, sir.

9       SOLICITOR SIMPSON: I don't have anything further of  
10 this witness, Your Honor.

11       THE COURT: Anything as to that little bit?

12       MS. HENSLEY: No, Your Honor. Thank you---

13       THE COURT: Thank you.

14       MS. HENSLEY: ---very much.

15       THE COURT: You may -- sergeant, you may step down.

16 Please be careful.

17       THE WITNESS: Thank you.

18       THE COURT: Solicitor.

19       SOLICITOR SIMPSON: Thank you, Your Honor. At this  
20 point in time the State would like to enter a stipulation  
21 into the record.

22       THE COURT: Okay.

23       SOLICITOR SIMPSON: I believe it's marked and  
24 previously entered as State's 59.

25       THE COURT: State's 59.

1 SOLICITOR SIMPSON: I believe we've previously entered  
2 it into evidence.

3 MS. HENSLEY: Yes, we do, Your Honor.

4 SOLICITOR SIMPSON: Permission to publish, Your Honor?

5 THE COURT: Yes.

6 SOLICITOR SIMPSON: All right. Ladies and gentlemen of  
7 the jury, in the present captioned case, the State and the  
8 defense agree that the individual who is wearing the brown  
9 LV hat, the Fendi shirt, and the two-toned ripped jeans  
10 pictured on video in the Knight's Grocery surveillance  
11 video, the Charleston city camera on Hanover, the security  
12 camera at 78 Hanover Street, the security camera at 52  
13 Hanover Street, and the cellphone video of Alec Ostendarp  
14 is, in fact, the defendant, Shannon Johnson. Stipulation  
15 State's 59.

16 THE COURT: Solicitor.

17 SOLICITOR SIMPSON: Thank you, Your Honor.

18 At this point in time the State rests.

19 THE COURT: State rests.

20 Let me see the lawyers real quick.

21 (WHEREUPON, a bench conference was held out of the  
22 hearing of the jury at this time.)

23 THE COURT: Mr. Foreman, ladies and gentlemen of the  
24 jury, we're gonna, we're gonna break a little bit early.  
25 You've -- about 3:15 would be our 90 minute mark. But the

1 State has now rested and let me tell you what that means.

2 That means that the State does not intend to call  
3 another witness in what is known as their case in chief.  
4 This has been their case in chief. This is their case.  
5 They do not intend to call another witness or put another  
6 exhibit in, whether that be a, a video, a, a piece of paper,  
7 and whatever it is. They are resting.

8 Okay. When that happens, it brings us to a motion  
9 period, which are matters of law that I explained to you  
10 earlier. So -- and that has to be done outside of your  
11 presence.

12 So, with that, we're gonna excuse you for the afternoon  
13 for a recess for about -- a break, not a recess, but a  
14 break. Probably take a good 20 minutes because we're also  
15 gonna take our break as well during this time period. So, a  
16 good 20 minutes. It might even be a couple minutes longer  
17 than 20 minutes. But do not discuss the case.

18 Just because the State has rested it (sic) case does  
19 not mean the trial is over. Okay. Does not mean the trial  
20 is over and we're gonna talk through some motions in here  
21 and then we'll be back with you and you'll be back with us  
22 in about maybe 20 minutes or so.

23 Okay. Mr. Foreman.

24 (WHEREUPON, the following takes place outside the  
25 presence of the jury.)

1 THE COURT: Okay. The door is closed. Please be  
2 seated. Please be seated. The door is now closed. So the  
3 State has now rested.

4 Anything from the State at this point?

5 SOLICITOR SIMPSON: Your Honor, in trials before had  
6 judges that do a stipulation charge around the time that  
7 it's actually entered and published. I don't know if you  
8 prefer to do that in your overall charge or we would just  
9 ask that it either be added to the final charge or done at  
10 some time nearby.

11 THE COURT: I think it's in our final charge that,  
12 that---

13 SOLICITOR SIMPSON: Okay.

14 THE COURT: The, the evidence is -- I tell them the  
15 evidence is the, the sworn testimony, the exhibits, and any  
16 stipulations of counsel.

17 SOLICITOR SIMPSON: Okay.

18 THE COURT: I'm, I'm happy to do it another way if  
19 you'd like.

20 SOLICITOR SIMPSON: No, that, that'd be -- that would  
21 suffice it.

22 THE COURT: Okay. It's -- yeah, that's exactly what I,  
23 I said in -- any exhibit -- you are to consider only the  
24 testimony which has been presented from this witness stand,  
25 any exhibits which have been made a part of the record in

1 this case and any stipulations of counsel.

2 SOLICITOR SIMPSON: Again, this might be the time but  
3 maybe I'll just ask that a sentence to the effect be added  
4 to the final charge explaining what a stipulation is. That  
5 a stipulation is agreement of the parties and is a, once  
6 agreed to, is a fact that they don't have to consider  
7 anymore, you know, cause --.

8 MS. HENSLEY: Right.

9 THE COURT: Yeah. My law clerk's asking do you want to  
10 submit wording and run it by counsel and---

11 SOLICITOR SIMPSON: Absolutely.

12 THE COURT: ---look at that and then my law clerk will  
13 be happy to add it to the charge?

14 SOLICITOR SIMPSON: Absolutely. I know I'm jumping  
15 ahead. I'm sorry, Your Honor.

16 THE COURT: No, that's fine.

17 Okay. Anything else from the State?

18 SOLICITOR SIMPSON: Not at this juncture.

19 THE COURT: From the defense.

20 MS. HENSLEY: Thank you, Your Honor.

21 I did have a note about a jury charge for stipulations  
22 but I'm sure Mr. Simpson and I can work it out.

23 At this point in the trial I'm required to make a  
24 motion for directed verdict. You know, I, I think, in some  
25 trials, that has a lot more meaning than in others. But I

1 think, you know, on behalf of Mr. Johnson, even viewing in  
2 the light -- as in, in the light most favorable to the  
3 state, we would ask that you direct a verdict for the  
4 defendant. And, Your Honor -- well, we'll just address that  
5 and I have one more thing.

6 THE COURT: Okay. You want to be heard on the directed  
7 verdict motion?

8 SOLICITOR SIMPSON: Thank you, Your Honor.

9 As to the charge of murder as noted for being our most  
10 serious charge, it's got a pretty simple definition, is the  
11 killing of another with malice aforethought. I think the  
12 video evidence in and of itself certainly establishes the  
13 killing of another human being.

14 I think with the -- you know, not to give a closing  
15 argument at this juncture but that, that obviously the  
16 period of time between this physical altercation, no matter  
17 what impact you believe that may or may not have had on  
18 Shannon Johnson, there was enough time to -- enough evidence  
19 to meet any evidence standard of the malice aforethought  
20 especially considering the set of law that malice can be  
21 formed in an instant prior to the shooting, and, therefore,  
22 we believe there is some evidence of each element of murder  
23 and we believe the DV should be denied.

24 As to the other charge, the possession of a weapon  
25 during a crime of violence, obviously the crime of violence

1 would be established, for our purposes here, by the evidence  
2 of the murder I just spoke about. The possession of the  
3 weapon, there's video evidence in the record. So, it can  
4 meet the any evidence standard standard for that offense as  
5 well.

6 THE COURT: Okay. The directed verdict by defense is  
7 affirmed -- is denied. I like to read a quote from where I  
8 was affirmed on that in a prior case.

9 But the Court is really, on a directed verdict motion,  
10 the trial court is concerned with the existence of the  
11 evidence and not its weight.

12 And when reviewing that by the -- an appellate court,  
13 the appellate court views the evidence and all reasonable  
14 inferences in the light most favorable to the nonmoving  
15 party, which is the State of South Carolina, and there  
16 certainly is a scintilla or some evidence. Some call it a  
17 scintilla. That's what I was taught in law school. But  
18 some people call it some evidence of the offense of murder  
19 and possession of a weapon, and, therefore, it becomes a  
20 question of fact for the jury itself. That is totally in  
21 their purview and their wheelhouse.

22 So it is denied but you're protected.

23 MS. HENSLEY: Thank you, Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. HENSLEY: And then, at this point, I would renew my

1 motion for a mistrial based on the statements by, I, I don't  
2 know, the -- Law -- Lawcock I think is the name. Officer  
3 Lawcock. I, I, I can't get---

4 THE COURT: Lawcock.

5 MS. HENSLEY: ---anybody's rank correct. So -- and  
6 my -- all my prior objections.

7 THE COURT: Yes.

8 You want to be heard on that again, solicitor?

9 SOLICITOR SIMPSON: No, I'll just rely on the prior  
10 comments.

11 THE COURT: Okay. And you are protected. It is denied  
12 again on the basis heretofore enunciated by the Court and  
13 the record is complete.

14 Anything else whatsoever?

15 (WHEREUPON, there was no audible response at this  
16 time.)

17 THE COURT: Okay. All right. We're gonna take a  
18 recess here. Let's, let's be in recess until 25 past the  
19 hour. That gives us 15 minutes or so, and then if that's  
20 enough time for you to have a chat.

21 MS. HENSLEY: I need just a little comfort break before  
22 I --

23 THE COURT: Sure.

24 MS. HENSLEY: -- chat with Mr. Johnson.

25 THE COURT: Oh, absolutely. I tell you what. At least

1 25 after. I don't want to waste the afternoon but, but I---

2 MS. HENSLEY: I don't want to waste time.

3 THE COURT: This is -- I know you don't.

4 MS. HENSLEY: That's---

5 THE COURT: But this is a very important decision --

6 MS. HENSLEY: Right.

7 THE COURT: -- that he needs to make. So, if you need  
8 some more time, just let me know.

9 MS. HENSLEY: Thank you, Your Honor.

10 And if he needs to, may he speak with his parents about  
11 it?

12 THE COURT: well, I'll leave that up to law  
13 enforcement.

14 THE OFFICER: Yeah, he can (indiscernible).

15 THE COURT: Okay.

16 MS. HENSLEY: Thank you, Your Honor.

17 THE COURT: Okay.

18 MS. HENSLEY: And, and thank you, officer.

19 THE COURT: I don't, I don't tell them how to enter --  
20 how to secure things and --.

21 MS. HENSLEY: I thought that maybe they would let him  
22 but --

23 THE COURT: Okay.

24 MS. HENSLEY: -- I just wanted to be sure.

25 THE COURT: It's up to law enforcement.

1           Okay.

2           MS. HENSLEY: I'll be right there. I'm gonna --.

3           THE COURT: Okay.

4           (WHEREUPON, a short recess was taken at this time.)

5           THE OFFICER: They're still in conference, Your Honor.

6           THE COURT: Okay. You want to ask them if they need  
7 five or ten more or --?

8           (Pause.)

9           MS. HENSLEY: Your Honor, I've spoken with Shannon.  
10 His parents are speaking with Shannon. I, I think maybe --  
11 if maybe we could just go in chambers for a minute. I just  
12 have a couple questions I need to answer for Shannon and  
13 then I think we'll know (indiscernible).

14          THE COURT: Okay. That's fair enough.

15          (WHEREUPON, a short recess was taken at this time.)

16          THE COURT: Counsel.

17          MS. HENSLEY: Your Honor, I've discussed with  
18 Mr. Johnson his right to testify and also his right to  
19 remain silent. My understanding is that Shannon has chosen  
20 not to testify.

21          THE COURT: Not to testify.

22          Okay. Sir, I'm gonna ask that you stand so you may be  
23 sworn. So you stay right there with your lawyer.

24          Madam Clerk, you swear him please.

25          (WHEREUPON, the defendant was placed under oath at this

1 time.)

2 THE COURT: Sir, you may lower your hand.

3 At anytime that you need to speak with your lawyer, if  
4 you'll just stop me, I will step back from the microphone so  
5 that you can consult with her.

6 Okay?

7 (WHEREUPON, there was no audible response.)

8 THE COURT: Sir, at this time I'm gonna explain certain  
9 rights that you have. If you do not understand, please let  
10 me know. If you want me to explain anything in more detail,  
11 please let me know.

12 Do you understand?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: We have reached the stage of this trial  
15 where you may present your defense. You have the right to  
16 claim the protections given to you by the Fifth Amendment to  
17 the Constitution of the United States. This amendment  
18 states in part no person shall be compelled in any criminal  
19 case to be a witness against himself.

20 Additionally, you have the right to claim the  
21 protections given to you by Article 1, Section 12 of the  
22 South Carolina Constitution which states in part no person  
23 shall be compelled in any criminal case to be a, a witness  
24 against himself.

25 This means that you can not be required to testify.

1 You have the right to testify. However, however, no one can  
2 make you testify. This is a personal right and no one can  
3 waive the right except you. If you decide to testify, you  
4 will be subject to the same rules that govern other  
5 witnesses and you may be examined and cross-examined on any  
6 relevant issue in this case.

7       Additionally, if you have any convictions involving  
8 dishonesty or false statement or for crimes punishable by  
9 imprisonment for more than one year and this Court  
10 determines that the probative value of admitting the  
11 evidence outweighs its prejudicial effect, the solicitor  
12 will be able to introduce your record to attack your  
13 credibility.

14       If you decide to testify, this decision on your part  
15 must be freely, intelligently, and voluntarily made with  
16 knowledge of the protections given to you by the  
17 Constitutions of the United States and the State of South  
18 Carolina and the consequences of your decision. If you  
19 decide not to testify, I will instruct jurors they can not  
20 give the fact that you did not testify any consideration  
21 whatsoever and that there is to be absolutely no prejudice  
22 to you because you did not testify.

23       The decision is entirely up to you. You may speak with  
24 your lawyer, and you have spent quite sometime this  
25 afternoon doing so, your family and friends, and you've been

1 with them, or anyone else. But the decision is entirely  
2 yours.

3 Do you understand what I have told you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any questions about what I have  
6 told you?

7 THE DEFENDANT: No, sir.

8 THE COURT: Have you discussed with your lawyer whether  
9 or not you should testify?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you wish to talk to your lawyer anymore  
12 at this time?

13 THE DEFENDANT: No, sir.

14 THE COURT: Do you wish to testify?

15 THE DEFENDANT: No, sir.

16 THE COURT: And that is your decision?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: No one forced you, threatened you, or made  
19 you enter into that decision?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. Thank you, sir. You may be  
22 seated.

23 At this point, does the defense, does the defense have  
24 other witnesses?

25 MS. HENSLEY: Oh, none, Your Honor.

1 THE COURT: Okay. The defense have -- does the defense  
2 rest?

3 MS. HENSLEY: The defense rests and I'm happy to do  
4 that on the record.

5 THE COURT: Yes, ma'am. Go right ahead.

6 MS. HENSLEY: The defense, defense rests.

7 THE COURT: Defense rests.

8 Okay. And, at this point, do we have any motions or  
9 matters from the State?

10 SOLICITOR SIMPSON: None from the State, Your Honor.

11 THE COURT: And from the defense?

12 MS. HENSLEY: I just renew my prior motions for --

13 THE COURT: Yes, ma'am.

14 MS. HENSLEY: -- mistrial and my objection.

15 THE COURT: Yes, ma'am.

16 And you are now renewing your motion for directed  
17 verdict?

18 MS. HENSLEY: Yes, Your Honor.

19 THE COURT: And it -- and, and anything from the State?

20 SOLICITOR SIMPSON: No, Your Honor.

21 THE COURT: And it is denied once again for the reasons  
22 heretofore enunciated and are on the record and you are  
23 protected, yes, ma'am.

24 Do you renew your mistrial?

25 MS. HENSLEY: Yes, Your Honor.

1 THE COURT: Anything from the state?

2 SOLICITOR SIMPSON: Nothing further, Your Honor.

3 THE COURT: Okay. And it is denied for the reasons  
4 heretofore enunciated and they are on the record and you are  
5 protected.

6 Anything further from the defense?

7 MS. HENSLEY: No, Your Honor.

8 THE COURT: Okay. With that, the case is now at an  
9 end. It's a little after 4:00PM. I think what we will do,  
10 at this point, is bring the jury back. Release them until  
11 nine o'clock sharp tomorrow morning at which -- and then we  
12 will talk about jury charges if we need to for a few minutes  
13 and then tomorrow morning be prepared please. We will go  
14 straight to the jury with opening statements and I'll have  
15 the jury charge ready to go because anything we need to talk  
16 about we're gon' do this afternoon.

17 So tomorrow morning at 9:00AM. So let's try to be  
18 recognized and -- you to make your statements and then you,  
19 counsel, for yours and then I'll charge the jury.

20 SOLICITOR SIMPSON: Yes, sir.

21 THE COURT: Okay. Anything further?

22 MS. HENSLEY: Do, do you want me to rest in the  
23 presence of the jury, Your Honor?

24 THE COURT: Oh, certainly. I'll let you do that, yes.

25 MS. HENSLEY: Okay.

1 THE COURT: Thank you for reminding me of that, yes.  
2 Okay. Let's bring the jury in so she can rest in front  
3 of the jury.

4 MS. HENSLEY: And, Your Honor, just since the press was  
5 here today, maybe just remind them of that.

6 THE COURT: Good idea.

7 (WHEREUPON, the following takes place within the  
8 presence of the jury.)

9 THE BAILIFF: All jurors are present, Your Honor.

10 THE COURT: Thank you. Please be seated, everyone.  
11 Everything good with the jury, Mr. Foreman?

12 THE FOREMAN: Yes, sir.

13 THE COURT: Okay. Counsel.

14 MS. HENSLEY: Thank you, Your Honor.

15 At this time the defense rests.

16 THE COURT: Defense rests.

17 MS. HENSLEY: Yes, Your Honor.

18 THE COURT: Mr. Foreman, ladies and gentlemen of the  
19 jury, at this time the defense has now rested, which means  
20 the defense does not intend to put up any witness or any  
21 exhibit that is not already in evidence.

22 Okay. Now, where that leads us at this point is, is  
23 that, tomorrow morning, you will expect to hear from -- the  
24 lawyers make their closing statements. There's not -- all  
25 the evidence in this case is now before you. The case is

1 now ended as far as evidence to be received. It's all here.  
2 It all belongs to you.

3 Tomorrow morning the lawyers will make their closing  
4 statements to you. I remind you, and I'd already told you  
5 that, and it will be in my jury charge, that what the  
6 lawyers tell you is a summation. It is not evidence. This  
7 is the evidence in the case along with the sworn testimony.

8 Okay. So they will make their closing arguments  
9 tomorrow morning after which I will charge you on the law  
10 that is applicable to this case and then I will turn it over  
11 to you, Mr. Foreman, and your jury -- your 12 jurors at that  
12 time to begin your deliberations process.

13 For my alternates, you will remain with me until the  
14 jury goes into the jury room and generally the way I work it  
15 is all 14 of you will go there. When the -- when you leave  
16 the room, I will ask the lawyers to verify with the court  
17 reporters here that everything is here. Once, once it's  
18 deemed that everything is here, Mr. Bailiff will bring that  
19 to you, Mr. Foreman, for -- on behalf of the jury and  
20 deliver that to you, and, for my two alternates, when that,  
21 when that happens, you will leave with the bailiff and come  
22 back to my courtroom.

23 Okay. Cause it will -- only the 12 at that point.  
24 Only the 12 at that point. And you should expect to get  
25 this some time tomorrow morning. Generally closing and

1 charge's somewhere around an hour and a half or less, an  
2 hour and a half or less, something like that.

3       okay. with that, I'm going to tell you again and  
4 charge you do not try to do any research. Don't try to  
5 learn anything about this case. You and I have had to learn  
6 this case in this courtroom and that is our system of  
7 justice.

8       One other thing is we did have the media her today.  
9 You may have seen a camera on a tripod earlier today. There  
10 may be something, I don't know that, I don't -- I don't.  
11 But whatever it is, it is improper for you to view that.

12       So, if there is something, please advert your eyes. If  
13 it's on TV, turn it off. Don't, don't look at that. If  
14 it's in the newspaper, please don't read that. Tell, tell  
15 your spouse, significant other, partner, whatever it might  
16 be, to save it for you. You can read it afterwards but  
17 please, please don't read any media or news account about  
18 this case until after you've been discharged.

19       Anything from the State?

20       SOLICITOR SIMPSON: No, Your Honor.

21       THE COURT: From the defense?

22       MS. HENSLEY: No, Your Honor.

23       THE COURT: Okay. Mr. Foreman, if you'll take your  
24 jury out. Have a great evening this evening.

25       (WHEREUPON, the following takes place outside the

1 presence of the jury.)

2 THE COURT: Okay. We are going to be in recess on this  
3 case until 9:00AM tomorrow morning. Again, Maddie and I  
4 will be here some time between 8:00 and 8:15. Both of you  
5 have -- all three of you have my cellphone number if you  
6 need anything. But we'll be here by 8:15 if you need us.  
7 Don't ex parte but we'll be here to drink coffee and talk if  
8 we need something in the morning.

9 And, with that, I'm told that the lawyers for  
10 tomorrow's case are here. So, we're gonna chat about that  
11 so I can tell Madam Clerk what time the jury's coming in for  
12 case number two cause, as soon as this one goes out, I'm  
13 picking again.

14 MS. HENSLEY: And, judge, just before you start that, I  
15 just wanted to be sure, procedurally, I was gonna be able to  
16 make my argument in the morning or whenever about the  
17 self-defense charge.

18 THE COURT: Yes.

19 MS. HENSLEY: Thank you, Your Honor.

20 THE COURT: Yes.

21 MS. HENSLEY: In the morning.

22 THE COURT: We, we can do that in the morning.

23 MS. HENSLEY: Okay. Thank you. I'm just --.

24 THE COURT: Don't let me forget it though please.

25 MS. HENSLEY: I'll try not to forget it.

1 THE COURT: I know.

2 MS. HENSLEY: In all these notes, I'm trying to see if  
3 I can find it.

4 THE COURT: That's good.

5 We'll go in chambers and chat for a minute.

6 MS. HENSLEY: That's -- thank you.

7

8 (WHEREUPON, Court was in recess for the evening.)

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1 Thursday, December 8<sup>th</sup>, 2022

2  
3 THE COURT: Good morning, everyone.

4 SOLICITOR SIMPSON: Morning.

5 THE COURT: Terrible (indiscernible) out there this  
6 morning. But I think everybody's here.

7 Okay. I know defense has got something this morning  
8 before we bring the jury in.

9 Does the State have anything?

10 SOLICITOR SIMPSON: No, Your Honor. Not at this time,  
11 no.

12 THE COURT: Okay.

13 MS. HENSLEY: And, Your Honor, following our informal  
14 charge conference where you indicated that you wouldn't  
15 charge self-defense, I had prepared that charge. I would  
16 like to add it as a Court's Exhibit just to preserve that  
17 argument based on the fact that I believe that the evidence  
18 could possibly -- the jury could consider the fact of what  
19 we brought up during our cross-examination of Sergeant  
20 wolfsen with regard to what possibly was said by the victim,  
21 the victim's actions, that, that Shannon Johnson was not at  
22 fault in bringing on the difficulty because of the actions  
23 of the victim of throwing the first punch, that he felt like  
24 he was in imminent danger because of what we believe the  
25 jury could consider with the defendant saying damn, right,

1 homey, don't make me fire, that he was in imminent danger of  
2 losing his life or sustaining serious bodily injury --  
3 that -- and we believe, that based on the -- what we believe  
4 the statements say, the jury could consider that a  
5 reasonable person would have entertained the same belief as  
6 the defendant and for -- that he had -- because of the  
7 location of his bicycle, the continued -- what we believe  
8 and we think the jury could consider the continued threats  
9 by the victim with the come on, come on and continued  
10 talking, that he hadn't -- no probable means of avoiding the  
11 danger of losing his own life or sustaining serious body  
12 injury especially, you know, considering the two or three  
13 minutes before that.

14 And so we think -- we would ask that the Court charge  
15 self-defense simply because, if the jury were to reject the  
16 self-defense, we don't think there's any harm to the State  
17 for that and also because we believe that there's evidence  
18 that, if the jury considered it, that we brought out on  
19 cross-exam could lead them to make that decision.

20 THE COURT: Solicitor.

21 SOLICITOR SIMPSON: Thank you, Your Honor.

22 We think Your Honor's decision not to charge  
23 self-defense is proper because, you know, we're in an  
24 interesting situation where the entirety of this exchange is  
25 caught on audio and video. So we aren't sitting here today

1 in a posture with different witness statements wondering who  
2 to believe.

3 we've seen and heard exactly what occurred out there,  
4 and through that evidence, we could see conclusively that  
5 the element of bringing on the difficulty is disproven  
6 conclusively. It's not, not an issue of fact. They can sit  
7 there and watch Mr. Johnson circle around and come back and  
8 engage in this confrontation with the victim.

9 I'll, I'll just note that, that the -- a party  
10 asserting self-defense has to be totally without fault. You  
11 know, even if fault is shared between the two people,  
12 arguably that party's still at fault and that sort of is a  
13 good segue into another doctrine I think applies here which  
14 is that of mutual combat.

15 I think it is, again, incontrovertible from the video  
16 evidence that we have a situation here where two parties  
17 engage in mutual combat. Mutual combat is, of course, a  
18 legal bar to asserting a self-defense, a self-defense claim.  
19 And, finally, the element of a duty to retreat.

20 when the actual murder happens, there's a, a -- you  
21 know, and obviously we'll be going through this in closing,  
22 there's an appreciable period of time where the victim's,  
23 again conclusively through our video evidence that we  
24 presented, where the victim's back is to the defendant and  
25 he has the gun out and is aiming. There's nothing thwarting

1 his retreat at that moment in the video. There's nothing  
2 stopping from him doing what, in fact, he does after the  
3 shots which is hopping on that bike and taking off.

4       So, certainly it's not a situation where there were not  
5 other options and a, and a duty to, to retreat. And so such  
6 is the evidence in the -- this case and it's unusual to have  
7 video evidence like this that we can con -- there is no  
8 issue of fact. You can conclusively take self-defense off  
9 the table from the jury's consideration because elements of  
10 self-defense are uncontrovertedly disproven by the evidence  
11 presented in this case.

12       THE COURT: You want to mark that?

13       MS. HENSLEY: Yes, Your Honor. I don't know what  
14 number we are.

15       Eleven?

16       THE DIGITAL REPORTER: 13.

17       MS. HENSLEY: 13. I must of missed 12. Thank you so  
18 much.

19       (WHEREUPON, the jury charge was marked as Court's  
20 Exhibit No. 13.)

21       SOLICITOR SIMPSON: May I approach briefly, Your Honor?

22       THE COURT: Sure.

23       (WHEREUPON, a bench conference was held at this time.)

24       THE COURT: Okay. The exhibit has been marked. The --  
25 self-defense will not be charged. The defendant is not

1 without fault in bringing on the difficulty. He is the one  
2 that circled back and approached, and, and counsel has said  
3 and we all know, the victim -- the video speaks for itself.

4 The defendant was not in imminent danger of death or  
5 serious bodily injury. The scuffle was over. The parties  
6 were separated by several people over a minute. The  
7 defendant had his bike and he was free to ride away.

8 The victim was shirtless. He was in shorts. He had no  
9 weapon. His hands were empty and there's no allegation that  
10 he ever had a weapon or an object with which to strike the  
11 defendant. The defendant can not meet the, the no other way  
12 to avoid the danger prong -- no other way to avoid the  
13 danger than to act as he did prong in that he had a duty to  
14 retreat. The scuffle was over. If anything, the defendant  
15 became the aggressor after the scuffle ended.

16 I re -- I call everyone's attention to the video.  
17 Again, it speaks for itself. The parties were separated.  
18 The victim is off camera and somewhere on the other side of  
19 a U-Haul boxed truck. There was no allegation he had a  
20 weapon of any kind to harm the defendant or -- the defendant  
21 then brandished a handgun. He points it at the victim or in  
22 the area where he was shot. The width of the box truck, the  
23 curbing and the sidewalk, put the defendant and the victim  
24 at least 10 feet apart.

25 No measurements were provided to this Court but common

1 sense and video evidence support the fact that the parties  
2 were some distance from each other.

3 The defendant fired five .40 caliber rounds in the  
4 general direction of the victim striking him one time in the  
5 back, in his back. Not on his side or in front, in his  
6 chest. The victim was fleeing. His girlfriend and mother  
7 of his child was nearby. His five year old daughter was a  
8 pane of glass and a wooden wall away from the bullets. The  
9 upstairs neighbor's 10 year old daughter was a pane of glass  
10 and a wooden wall away from the bullets. Another mother and  
11 her two children had just parked her car nearby yet he fired  
12 five .40 caliber rounds with total disregard for the danger  
13 that he created. The self-defense charge is denied.

14 Anything further from the State or defense?

15 SOLICITOR SIMPSON: No, Your Honor.

16 THE COURT: Okay. Anything further?

17 MS. HENSLEY: No, Your Honor.

18 THE COURT: Okay. Ready -- everybody ready for your  
19 closing arguments?

20 SOLICITOR SIMPSON: State is ready, Your Honor.

21 THE COURT: Okay.

22 MS. HENSLEY: Defense is ready.

23 THE COURT: we'll have the jury.

24 THE BAILIFF: Yes, sir.

25 THE COURT: I'll tell everyone that when the jury goes

1 out -- retires to deliberate, the second case is, is up for  
2 trial and I've already -- we've already met with the lawyers  
3 yesterday afternoon. So, they, they know to be here  
4 somewhere around 10:30 or 10:40 and the jury's coming in at  
5 11:00 so we can pick.

6 So I just tell you that cause you might have to pick  
7 your things up and just --.

8 (WHEREUPON, the following takes place within the  
9 presence of the jury.)

10 THE BAILIFF: All jurors are present, Your Honor.

11 THE COURT: Thank you. Please be seated, everyone.

12 Mr. Foreman, is the jury ready work?

13 THE FOREMAN: Yes, sir, Your Honor.

14 THE COURT: One of those mornings. Everybody's good.

15 (WHEREUPON, there was no audible response.)

16 THE COURT: All right. Please give your attention to  
17 the lawyers.

18 solicitor.

19 SOLICITOR SIMPSON: Thank you, Your Honor.

20 (Pause.)

21 SOLICITOR SIMPSON: One minute and three seconds. That  
22 doesn't sound like a long time when you just say it like  
23 that. But what you -- when you sit in silence and actually  
24 experience a minute and three seconds, you can appreciate it  
25 a little more.

1           One minute and three seconds was the period of time  
2 between the last physical contact between Shannon Johnson  
3 and Timothy Haman and when he pointed a gun and shot a  
4 father in the back as he was fleeing into his own home. A  
5 minute and three seconds between any sort of altercation and  
6 when he, when he ended Timothy Haman's life. And while a  
7 minute and three minutes -- seconds doesn't sound like a  
8 long time, when you experience it and live it, it's plenty  
9 of time to think about what you're doing and plenty of time  
10 to make a conscience decision.

11           Thank you, guys. I'll repeat what I said at the  
12 opening statement. Thank you. I know it's the holiday  
13 season. I'm sure each and every one of you have a hundred  
14 things to do this week. But you've been here with us and  
15 you've been attentive and that's appreciated by the State of  
16 South Carolina. I'm sure it's appreciated by Mr. Johnson  
17 and the Court as well. Thank you.

18           We know that's -- we ask quite a lot of you to come and  
19 make these decisions. They're not easy and, and we  
20 appreciate you.

21           I began in the opening statement by saying -- using a  
22 cliché, a senseless crime, and I said, you know, every  
23 crime's kind of senseless and, and you hear that phrase and,  
24 and, you know, it's so cliché that we don't really think  
25 about it. But I think each and every one of you sits here

1 today and understands a little bit better what I was talking  
2 about when I said in the opening senseless crime. A stupid  
3 crime that had no reason to happen.

4 The entire interaction in his life, Tim's life, with  
5 Mr. Johnson you've lived. We've seen and we've heard it and  
6 what a senseless death that did not need to have occurred.

7 In a lot of cases, and, and this is sort of a theme  
8 that I'm gonna come back to again and again, in a lot of  
9 cases you hear various stories from this witness stand and  
10 it's up to you to go back there and figure out what you  
11 believe might have happened. But in this case it's sort of  
12 different in that the whole entire incident is there for you  
13 to watch.

14 As hard as it is to watch, and as shocking as it is, we  
15 don't have to sit here and, and try to find the truth  
16 through a bunch of physical evidence and testimony. You can  
17 watch it and see it and hear it and I'm going to repeat over  
18 and over again to you -- I'm not asking you to believe  
19 somebody else. Believe yourself. Watch this video, as hard  
20 as that may be, as many times as you need to. Believe your  
21 eyes and believe your ears and those will point you to the  
22 only just verdict in this case, which is guilty of murder.

23 I'm gonna start talking a little more about the law  
24 that applies to this case. I mentioned it in my opening  
25 statements, sort of set it up, and now's the time that we

1 talk about it in a little more detail and we talk about the  
2 elements that have to be present that you must find proven  
3 beyond a reasonable doubt to find Mr. Johnson guilty of  
4 murder.

5       And so we start with that charge, murder, and what that  
6 means legally. To be the most serious crime we have in  
7 South Carolina, it has a pretty straightforward definition  
8 and that definition is the killing of another person with  
9 malice aforethought. I won't spend a lot of time on the  
10 killing of another person. Of course, we all know that that  
11 occurred here. And so we're left asking yourselves what  
12 does this mean, malice aforethought.

13       Malice is defined a lot of different ways and you'll  
14 hear several definitions given to you from the Court. But  
15 essentially it's ill will or hostility. It is purposefully  
16 harming another person.

17       Malice is just I see -- here's a person in front of me.  
18 I am going to, on first in -- on purpose, hurt that person.  
19 That is malice when that decision is made. It's the  
20 intentional doing of a wrongful act without just cause.  
21 That's, that's malice. It is not as complicated as it may  
22 seem.

23       But let's skip forward cause you also have this word  
24 aforethought, which is a thought that you think about. But  
25 what's important about that aforethought element in this

1 case, and in any murder, is that it does not require that  
2 that malice exist for any particular amount of time before  
3 the act is committed. That aforethought is just that  
4 decision you make to harm another person.

5 It's intent. It's when you, when you decide to pull  
6 that trigger, swing that knife, you know, swing that fist,  
7 that as long as that intent exists at that moment, that's  
8 aforethought. It's just that that malice has to exist at  
9 the time the act, has to be conscience at the time the act  
10 is committed, and we'll be reviewing obviously the evidence  
11 in this case. But think about that time he sits and aims  
12 and gets a better position before he pulls that trigger.  
13 Malice aforethought.

14 So, you'll also have another option in this case and  
15 that's what we call a lesser included offense. There's  
16 an -- a homicide and it's still very serious but it's  
17 considered a charge that's less than murder. In other  
18 words, if you find that malice aforethought didn't exist,  
19 you can consider voluntary manslaughter idea and I want to  
20 talk to you a lot about voluntary manslaughter and  
21 particularly why it does not apply in this case.

22 voluntary manslaughter's essentially a recognition, in  
23 a small category, small category of cases that sometimes  
24 life can put a reasonable person, acting reasonably, in such  
25 an untenable position that they lose all control and act --

1 of their faculties and act in a instant, temporary fit of  
2 rage.

3         So, there's gonna be a lot of concepts that are gonna  
4 be given to you by the judge in voluntary manslaughter that  
5 I want you to consider as we go forward on the evidence of  
6 this case.

7         One, a reasonable person. You know, we -- we represent  
8 a reasonable person. We -- we've picked 12 random people  
9 from the community to, to be the reasonable people. A  
10 reasonable person would of acted in the situation the way  
11 the defendant acted. To find voluntary manslaughter, you  
12 have to say oh, Shannon Johnson acted like a reasonable  
13 person. He was just put in such an untenable position that  
14 he lost control of himself. It sounds almost comical  
15 knowing the evidence as we know it as we stand here today.

16         Another thing is voluntary manslaughter is this heat of  
17 passion. It's instant. It's a momentary loss of control  
18 because you're put -- a reasonable person is put in this  
19 untenable, untenable position that anyone would of acted in  
20 that way and it's instant. It's a quick lose.

21         Another requirement you're gonna hear about is that, to  
22 find voluntary manslaughter, you have to find that the  
23 person was provoked in an extreme manner causing an extreme  
24 loss and let me take this opportunity to say in almost every  
25 murder someone's mad. In almost every killing someone's

1 emotional. In almost every killing somebody's angry.

2 This is mere being upset, emotional, or angry is not  
3 what we're talking about here. We're talking about a  
4 provocation so extreme that any reasonable person would of  
5 just absolutely temporarily lost control of themselves and  
6 acted violently and, and unable to control the violence. It  
7 doesn't apply here.

8 Another important concept, and you'll hear about this  
9 from the judge, is the concept of the cooling off period  
10 meaning, because of voluntary manslaughter, slaughter, has  
11 to be temporary and extreme provocation. You can't claim  
12 voluntary manslaughter if you have any appreciable time or  
13 with this reasonable person would have an appreciable time  
14 to cool off. We call that the cooling off period. If  
15 there's a cooling off period, you can't find voluntary  
16 manslaughter.

17 And I would also note that a cooling off period doesn't  
18 mean you get to go eat breakfast, have tea, reflective. You  
19 know, it doesn't mean you're completely calmed down. It  
20 means you've had enough time to cool off from essentially  
21 losing your mind to, you know, being -- to -- for -- you  
22 haven't had time to cool off from that instant heat of  
23 passion that we're referring to.

24 And obviously we sat here through an awkward minute and  
25 three minutes -- minute and three seconds. So we know the

1 amount of time that, that Shannon Johnson had to cool off  
2 from any sort of temporary loss of control if, in fact, that  
3 ever even existed. I would say that's not -- there's no  
4 support in the evidence that he ever was acting under a loss  
5 of personal control.

6 Another important concept, and I'd like you to come  
7 back to it again and again as you deliberate in this case,  
8 is you're gonna hear from the judge that, when we talk about  
9 this provocation that would lead murder to be not murder and  
10 voluntary manslaughter, words are never enough. That's not  
11 an ambiguous charge. You're gonna get it from the judge.  
12 Words, of course, language, no matter how awful or terrible,  
13 is never enough to turn a killing from a murder to a  
14 voluntary. There has to be some other type of provocation  
15 by the victim to make a person lose their faculties  
16 temporarily.

17 The evening of August 8<sup>th</sup>, 2019.

18 (WHEREUPON, a portion of the video was played for the  
19 jury at this time.)

20 SOLICITOR SIMPSON: Who is that guy on the bike?

21 You're gonna hear another charge from the judge about a  
22 stipulation. You are the judges of the facts in this case.  
23 All facts are to be decided by you and there's one small  
24 exception and that's when a stipulation is entered. A  
25 stipulation is agreement between parties that a fact is

1 established and you don't have to think about it.

2 You've heard the stipulation in this case. That is  
3 Shannon Johnson on that bicycle. You don't need to go back  
4 in the jury room and wonder if the man sitting here is the  
5 same man you see in the video. That's been stipulated to.  
6 So it's a fact that you can all accept as given.

7 (WHEREUPON, a portion of the video was played for the  
8 jury at this time.)

9 SOLICITOR SIMPSON: who started this physical  
10 altercation?

11 who is more to blame?

12 I would argue to you we see Shannon Johnson, some words  
13 exchanged, takes a giant loop, comes back to put himself  
14 back and his intentions are not hard to discern here. He  
15 doesn't stop here and say hey, do we have a disagreement.  
16 He comes and gets right in the face of Mr. Haman.

17 But let me tell you something I'm not gonna do here is  
18 I'm not gonna sit here and say that Mr. Haman acted in, in a  
19 perfect way that day. We've (sic) all know what's about to  
20 happen. He was part of this.

21 But who is at fault in creating a schoolyard scuffle is  
22 not the question that you have to answer in this trial.  
23 You're here to answer the question of who is at fault in  
24 ending a father's life, who is at fault in taking a silly,  
25 elementary school, playground scuffle and turning it into

1 the death of a 40 year old man. And when you ask that  
2 question, you lose -- all ambiguity is lost here. We  
3 consider and pick apart the acts of Mr. Haman and Mr.  
4 Shannon Johnson at this point but that's not what we're here  
5 for. We're here for a death that occurred later.

6 (WHEREUPON, a portion of the video was played for the  
7 jury at this time.)

8 SOLICITOR SIMPSON: So obviously they're exchanging  
9 words. You can't hear what they're saying. You hear the  
10 noise that they're talking but there's a person that's  
11 standing right there at the doorway of ■ Hanover Street.  
12 Two people actually. Christina Colon, sadly, is no longer  
13 with us. But Shannon Gagnon, don't forget the witnesses,  
14 first one you heard from, she described what's being  
15 exchanged here and it's silly.

16 what's up. You got a problem. What's up with you. I  
17 mean we've seen sadly probably many times in our life two,  
18 two guys going I don't know. You gonna do something. You  
19 gonna do something. What's up. We heard about what they're  
20 saying right now from Shannon Gagnon and she testifies to  
21 that, that, you know, they weren't even that concerned. It  
22 was silly.

23 (WHEREUPON, a portion of the video was played for the  
24 jury at this time.)

25 SOLICITOR SIMPSON: Now I'm actually gonna do something

1 maybe unexpected and, and disagree a little bit with respect  
2 with the lead agent in this case and I agree with Ms.  
3 Hensley. I think, I don't know, that high pitched voice  
4 could of been anybody. I agree with Ms. Hensley. I think  
5 it's Shannon Johnson.

6 But what you see in the body language in here is not  
7 oh, my God, what are you doing, please stop. It's what are  
8 you doing. what are you gonna do about this you know.  
9 Just, you know, there's no confusion about Shannon  
10 Johnson's, Johnson's body language in this exchange. It is  
11 not a, a plea for help oh, my God, what are you doing. It's  
12 like what are, what are you gonna do. Let's bring this on.

13 And, again, same with me and Ms. Hensley. what lawyers  
14 say is not evidence. Trust yourself. Trust your own  
15 perception of this. Believe -- you know, see what you see  
16 and make your own interpretation.

17 (WHEREUPON, a portion of the video was played for the  
18 jury at this time.)

19 SOLICITOR SIMPSON: Know what you just saw cause there  
20 are certainly times, and Ms. Hensley will point them out,  
21 that Tim walks kind of in the general direction of Shannon.  
22 But there's also plenty of times in this video where Tim  
23 turns around and tries to leave, tries to go back, back to  
24 his house. You just saw him cross the whole street and he  
25 doesn't turn around until Shannon's coming back behind him

1 to get him.

2 (WHEREUPON, a portion of the video was played for the  
3 jury at this time.)

4 SOLICITOR SIMPSON: And so the second this kind of runs  
5 a risk of going from stupid, playground altercation to  
6 something more serious it stopped and it ends and it ends  
7 right here.

8 (WHEREUPON, a portion of the video was played for the  
9 jury at this time.)

10 SOLICITOR SIMPSON: There continues with some pushing  
11 and shoving. But we don't see any engagement to the degree  
12 that we just saw.

13 (WHEREUPON, a portion of the video was played for the  
14 jury at this time.)

15 SOLICITOR SIMPSON: At this point in time they go  
16 behind the U-Haul. We don't know what happened obviously.  
17 But it certainly seems, from the body language of those we  
18 see, that the alter -- that the altercation to this is -- to  
19 the degree of seriousness where they're all entangled has  
20 ended. However, when I count that minute and three seconds,  
21 I give him every benefit. I don't count this time cause I  
22 don't know what's going on behind that U-Haul. I don't  
23 count that minute and three seconds until I see Shannon  
24 Johnson and Tim Haman back in this video separate and apart  
25 from one another.

1 (WHEREUPON, a portion of the video was played for the  
2 jury at this time.)

3 SOLICITOR SIMPSON: This altercation is over.

4 (WHEREUPON, a portion of the video was played for the  
5 jury at this time.)

6 SOLICITOR SIMPSON: If Tim Haman's intent was to harm  
7 Shannon Johnson, he is, at this point in the video, standing  
8 just feet away and Shannon Johnson is facing the other  
9 direction. If Tim Haman, at this point, wanted to reengage  
10 with Shannon Johnson, he could connect with a blind punch  
11 right here but he doesn't. He's just standing there.

12 (WHEREUPON, a portion of the video was played for the  
13 jury at this time.)

14 SOLICITOR SIMPSON: We're here watching a video which  
15 gives us an amazing degree of, of, of ability to review  
16 this. But also want you to consider the perceptions of  
17 those that were living in, and, in the top left-hand corner  
18 of the screen, we see a car and that car door's opening and  
19 who's in that car?

20 Shakia Thomas who took the stand here.

21 what was Shakia doing?

22 She had kids with her and she says I turned up the  
23 music. I didn't want -- I was so concerned with the safety  
24 of this situation that I kept them all in the car, I turned  
25 up the volume so they couldn't hear it, and I'm keeping them

1 in the car cause I don't want to endanger my kids. It's a  
2 motherly instinct.

3 At this point in time -- so -- this situation had so  
4 deescalated that a mother who is present there decides it is  
5 now safe to take my children out of the car. That's how  
6 much this situation has deescalated at this point that a  
7 mama bear protecting her cubs decided it's okay to, to walk  
8 them out of the car.

9 (WHEREUPON, a portion of the video was played for the  
10 jury at this time.)

11 SOLICITOR SIMPSON: A minute and three seconds felt  
12 like a very long time at the beginning of my closing  
13 statement and I'm gonna submit to you that the fourth --  
14 seconds, five seconds that Shannon Johnson holds that gun  
15 feels like an eternity. Five seconds doesn't sound like a  
16 lot of time. But Shannon Johnson pulls that gun and is, is  
17 looking at Tim Haman and thinks about it, and aims it, and  
18 points it, and in a second we all know that he's gonna shoot  
19 not once, not in some uncontrolled range, he's gonna shoot  
20 five bullets into a house containing Christina Colon, Tim  
21 Haman, and their five year daughter. Five shots.

22 (WHEREUPON, a portion of the video was played for the  
23 jury at this time.)

24 SOLICITOR SIMPSON: I'm gonna ask you to consider three  
25 time periods when you're in your jury room, a minute and

1 three seconds to cool down, the four to five seconds he  
2 stands there and points that gun and aims, and then the  
3 instant that it takes Shannon Johnson when he decides to get  
4 out of here, a decision he could of made at almost any point  
5 in this video. When he -- when -- after he shoots Tim Haman  
6 he gets out of there pretty quick on his bike. That  
7 decision would have so easily been made at any point in that  
8 minute and three seconds. At any point he could of got on  
9 that bike and took off.

10 It is absolutely absurd that someone lost their life  
11 that day.

12 (WHEREUPON, a portion of the video was played for the  
13 jury at this time.)

14 SOLICITOR SIMPSON: Just ride away, Shannon. That's  
15 all you had to do before he was shot.

16 There's another video that's important in this case and  
17 it's really short.

18 (WHEREUPON, a portion of the video was played for the  
19 jury at this time.)

20 SOLICITOR SIMPSON: Alec Ostendarp cell video.

21 why is this important?

22 Because we get a view we haven't seen in the other  
23 video -- videos, the view on the other side of the U-Haul.

24 Now he stops this recording before Shannon Johnson  
25 pulls the trigger. But we see very clearly in this Shannon

1 Johnson pull the gun. And so we don't have to think today  
2 like I wonder how Tim reacted there. I wonder if Tim  
3 charged him. I wonder if Tim, you know, started turning  
4 back around and getting aggressive with Shannon Johnson.

5 Well, Alec Ostendarp's video answers all of those  
6 questions.

7 (WHEREUPON, a portion of the video was played for the  
8 jury at this time.)

9 SOLICITOR SIMPSON: When Shannon Johnson has that gun  
10 out in the 52 Hanover video and is pointing and thinking and  
11 getting sort of a better view of the front of 43 Hanover, he  
12 is undoubtedly staring at Tim Haman's back. It's clear as  
13 you can be -- see, and if you need to see any of this video,  
14 you just let us know if you need to watch it to make a  
15 decision.

16 Tim Haman is collecting his girlfriend and trying to  
17 protect his family and trying to go back in his house. We  
18 know that from the Ostendarp video. We know that from the  
19 testimony of Doctor Riemer who explained in great detail the  
20 difference between an, an entrance and exit wound, that he  
21 was shot in the back. We know it from the State's Exhibits  
22 and the photographs that are in evidence.

23 You see -- you hear about later him being kind of  
24 pulled back into the street. But that was done for EMS  
25 treatment. Where Tim Haman falls is inside the threshold of

1 his own home, his own castle where he was retreating to be  
2 safe. Right inside the door is the first pool of blood and  
3 you can see that in the exhibits that are being presented  
4 with you for consideration.

5 I only get this chance to address you in this case. So  
6 I'm in a position where, at some point soon, I'm gonna have  
7 to sit down and that's all you're gonna hear from me and Ms.  
8 Hensley's gonna get the last close in this case. And so  
9 that always puts lawyers in a, in a tough spot because we --  
10 you know, we want to pick apart everything they have to say.

11 But I'm not worried about that. Ms. Hensley is not  
12 only a great lawyer, she's a great person. I've had the  
13 pleasure of knowing her for a long time. She's gonna do a  
14 good job I am sure. But I'm not really worried about  
15 picking apart what she's gonna say because we have this  
16 video and because you're going to -- not to listen to me or  
17 her. You're going to listen and trust your own eyes and  
18 your own ears and your own perceptions of this video because  
19 we've gotten a preview of what's to come I think.

20 And, and, again, I mean no disrespect. She has a very  
21 re -- important job and she's gonna do it well. But what's  
22 to come is sort of like a director on a movie looking at  
23 these videos and saying well, I realize we've already shot  
24 this but I tell you what I really like. I really like this  
25 line of dialogue here and, boy, I really like to insert, at

1 this point in time, this line of dialogue.

2 She's seen and heard exactly what you're -- you can see  
3 and hear and I suggest to you don't let somebody else be the  
4 director and narrate this. Don't let them put words into  
5 this script where they do not exist.

6 Some of you I'm sure have been here all week and look  
7 over here and you see Mr. Johnson and you feel some degree  
8 of sympathy for Mr. Johnson and to -- I've got something to  
9 say to you if you have sympathy for Mr. Johnson.

10 Good. That means you're a good person. That means you  
11 see another human being in a bad spot and you feel for him.

12 Similarly, I'm sure all of you feel horribly for the  
13 family, the family of Timothy Haman. That's okay too. Of  
14 course that's okay.

15 But what this system asks you to do is take both those  
16 feelings for Mr. Johnson and Mr. Haman and his family and  
17 put to side -- put them to the side, analyze the evidence,  
18 consider the elements of the crime that you're gonna be  
19 charged with and make a decision.

20 Shannon Johnson did not act in an uncontrollable rage  
21 that day. Shannon Johnson, at no point in time, lost  
22 control and just had some temporary moment where he just  
23 couldn't control himself. Shannon Johnson had a minute and  
24 three seconds at least, probably more, but a minute and  
25 three seconds at least that this fight was over. This

1 stupid, schoolyard tussle was done. He could of ridden his  
2 bike away at any point in time.

3 Instead, he makes a decision. He pulls a gun. He  
4 points it. He aims it. He thinks about it and he pulls the  
5 trigger killing a father in his own doorway. That is the  
6 textbook definition of murder and Shannon Johnson is guilty  
7 of that crime.

8 There is no evidence in this video, no evidence in this  
9 record of some temporary loss of control or heat of passion.  
10 The proper charge is what we've brought in for you to  
11 consider and that is murder.

12 The secondary charge of possession of a weapon during a  
13 violent crime sort of speaks for itself. It just means you  
14 possessed a weapon while committing a violent crime. Both  
15 murder and voluntary manslaughter are violent crimes under  
16 the law and you'll be so charged.

17 This was a senseless, inconceivable, stupid act, and  
18 because of Shannon Johnson's conscience, deliberative act,  
19 conscience decision, a father is dead.

20 I thank you so much for your time and attention this  
21 week. Please take your time. It's an important decision.  
22 But I suggest to you that all of the murder -- all of the  
23 evidence screams for one just and proper verdict and that is  
24 guilty of the offense of murder.

25 Thank you.

1 THE COURT: Counsel.

2 MS. HENSLEY: Thank you, Your Honor.

3 Good morning.

4 One minute and three seconds?

5 Watch the video. Watch the video and you decide when  
6 this encounter had ended. I'd suggest -- I suggest, and I'm  
7 sure it comes as no surprise, that one minute and three  
8 seconds is not the appropriate time.

9 Mr. Simpson started out talking about a playground  
10 skirmish, if you can call this a fight, a silly little  
11 fight. You have a 6'1", 215-pound man beating on a 5'5"  
12 130 pound man. Apparently Ms. Colon thinks this is a fair  
13 fight because she wants them to fight one-on-one.

14 We've been told over and over that this fight was  
15 breaking up, that they were done. But watch the video.  
16 Watch Mr. Haman's aggressive actions. Watch him continue to  
17 circle around Shannon and see what's in-between Shannon and  
18 his bike.

19 I'd suggest that the fight was ongoing. I agree  
20 obviously that Ms. Thomas gets out of her car. She thinks  
21 it's over because she can't anticipate Mr. Haman's threats  
22 as Shannon is trying to get his bike to get out of there.

23 And I want to talk a little bit about the witnesses and  
24 what they saw and what they told you and what they couldn't  
25 of seen. And I made some notes during all of this and I

1 know you-all didn't get to. But this is what I recall and  
2 this is what I'd suggest.

3 First, Shannon Gagnon told you that the fight started  
4 beside the house. Well, we know the fight didn't start  
5 beside the house cause we have the video. The fight started  
6 when Mr. Haman punched Shannon Johnson while he was standing  
7 on his bike and Shannon jumped back.

8 Mr. Simpson and I obviously disagree about Shannon's  
9 response. What are you doing, what are you doing, what are  
10 you doing. Shannon is backing up. Shannon is not coming  
11 forward. Mr. Haman is coming forward.

12 Shannon -- Mr. Haman is, is aggressive. He's in a  
13 fighter's stance. Shannon continues to back up. But where  
14 Mr. Haman is and where Shannon are are in-between Shannon's  
15 bike.

16 Shannon can't get back to his bike. And when the  
17 bystanders, that's Densitty Maxwell, he's the green twist  
18 guy, and Kendell Scott, he has on the tank top -- Densitty  
19 Maxwell, I don't think you can see his hair very well in the  
20 video. He has on the shirt with sleeves and Travis Scott  
21 are there and they're trying to help Shannon. I don't think  
22 they're trying to gang Mr. Haman. I think it's obvious that  
23 they're there to help us -- a person who they see getting --  
24 in a headlock getting his face punched in. I'd suggest  
25 that, that what they're there for and they're trying to

1 break it up.

2 One -- but even when that -- when -- as they come  
3 across the road and they're back behind the U-Haul, we can't  
4 see what's happening. But I would suggest that you can hear  
5 Travis Scott saying no, no, no, no, and the fight is  
6 continuing and that's where Shannon Gagnon told you the  
7 fight was.

8 So, I believe there's a fight behind the U-Haul that we  
9 can see. I think that part's probably still included in  
10 that minute and three seconds.

11 The photographs show her running up and down the stairs  
12 and she thought she -- everything was over when she came  
13 back downstairs. That's what she told you. She told you  
14 Tim Haman said yeah, no more of this shit and I would  
15 suggest, that when Shannon Johnson is riding his bike down  
16 the road singing and rapping, he's not saying anything to  
17 Tim Haman.

18 He -- Tim Haman catches his attention. He comes back  
19 to find out what he wants and this is what happens because  
20 yeah, no more of that shit. That's why.

21 Ms. Thomas told you she didn't hear what was being  
22 said. She told you why. She had the windows up. But she  
23 did describe Shannon as being younger than her and on a  
24 bike. And when she decided -- but she did tell you this --  
25 and I think this is about how you remember things and

1 perceptions. I think a lot of this is about the lense that  
2 you look through this case with, what you see, what you  
3 hear. Detective wolfsen thinks what are you doing, what are  
4 you doing, what are you doing is Christina Colon. It's  
5 because that's what she -- that's the perception she's  
6 looking at it through.

7 But Ms. Thomas told us that, when she decided to get  
8 out of the car, Tim and Christina had gone back to moving  
9 things out of the truck. Now, we know that's not the case  
10 but that is what she told you.

11 So, I'm not calling her a liar. I'm sure that it's  
12 been a long time since this and I know that Ms. Thomas has  
13 not watched this video 745,000 times the way I have. But  
14 that's what she remembers. That's why she got out of the  
15 truck. She thought they had gone back to moving.

16 We see Travis. He's 41. He's the same age as the  
17 victim. You know which guy he is. He has on the khaki  
18 shorts and the white tank top. He saw a fight between a  
19 young black boy and a heavysset white guy and he went to try  
20 to break it up. He did not see the shots fired.

21 We have Mr. Ostendarp's video. He lived right there at  
22 58 Hanover. Unfortunately we don't have any video from Alec  
23 from what happened behind the U-Haul in the part of the  
24 fight that we can't see but we do have Travis and we have  
25 Travis's voice. And I would suggest the person saying no,

1 no, no, no, breaking up the fight, is Travis.

2 Alec heard people yelling. We have Tim Weber's video.  
3 That's the Nest video. That's most of the video that I  
4 think I've watched over and over again in this case and you  
5 can actually see and hear from his video a lot of what was  
6 happening and you can see, when Shannon's coming down the  
7 street, he's just singing and rapping. He's not talking to  
8 anybody.

9 And, you know, I think about that video that James  
10 Richardson got, you know, the GBI guy and there's a lot made  
11 about, by me, about why wasn't it in your report, where --  
12 where did you get it, who did you get it from. But I'm  
13 thankful for that video because what that video shows us is  
14 that nobody else in this whole neighborhood had a problem  
15 with Shannon while he was walking around the neighborhood  
16 singing and rapping, while he was riding his bike singing  
17 and rapping.

18 Nobody else was bothered by Shannon Johnson that day  
19 and I think you can see that in the Columbus Street video,  
20 that video outside of Knight's Store. It -- before Shannon  
21 ever gets on the bike, you can see him singing and walking  
22 and rapping and, you know, nobody else decided that's enough  
23 of this shit.

24 I think also in the, importantly in the Nest video, the  
25 exchange between Tim and Shannon, Shannon. Of course you

1 see Tim throw the first punch. You see him circling around.  
2 You see where Shannon's bike is, and you see, I think, I  
3 believe, and I would suggest, Tim's threatened -- threats --  
4 you see and hear Tim's threats and threatening gestures.

5 We had -- now I've written this down so I can remember  
6 how to say it, Ashliegh wojslawowicz, the CSI lady and you,  
7 you see there in her testimony the location of the cartridge  
8 casings and all that, where the blood is. But one thing I  
9 thought was interesting in her testimony is they ran a K-9  
10 around the outside. But there never was any K-9 taken  
11 inside the house to see about presence of firearms in the  
12 house.

13 Doctor Riemer gives us the exact size of Mr. Haman. We  
14 know how much larger he is than Shannon. We also know how  
15 threatening -- well, not from Doctor Riemer. But we know  
16 his size and that's 6'1", 216 pounds.

17 I want to talk mostly about Sergeant wolfsen's  
18 perceptions and Sergeant wolfsen's testimony. She, you  
19 know, she admitted that he was walking and singing and  
20 nobody was bothered. But she -- but she believes the  
21 provocation comes from the walk -- from the singing and  
22 riding the bike. And I would suggest that singing -- riding  
23 down the street singing loudly is not provocation to start a  
24 fight.

25 The provocation happens when Shannon returns to find

1 out -- Tim gets his attention. Shannon comes back to find  
2 out what he needs and then Tim is aggressive because that's  
3 enough of this shit. Yeah, no more of this shit.

4 And I would suggest that, in the investigation, several  
5 conclusions were jumped to because of, one, the lense we're  
6 looking at it through, and, two, because we're, we're just  
7 jumping to conclusions like Densitty Maxwell's phone, right.

8 They look at the videos. Sergeant wolfsen looks at the  
9 video, decides the way Densitty is holding his phone he must  
10 be recording. Densitty's like I wasn't recording. Here's  
11 my code to get in my phone. But that's the conclusion that  
12 they jump to. It was just a wrong one.

13 Sergeant wolfsen thinks what are you doing, what are  
14 you doing, what are you doing is Christina Colon. I think  
15 that's an incorrect conclusion. But it fits with the way --  
16 the puzzle she's trying to form. I'm not trying to be a  
17 director. I'm not trying to insert lines into a video.

18 What I'm trying to do is make sure you listen to the  
19 words that are said and I think that, when you -- I  
20 believe -- I'm sure that when you listen to the words that  
21 are said and the encounter after, while Travis is trying to  
22 help Shannon get his bike, while Shannon is putting on his  
23 hat, when Tim comes to the front of the U-Haul and says damn  
24 right, homey, don't make me fire, and then keep listening  
25 after that and see if you don't continue to hear Tim

1 talking. watch his gestures. Come around him once.

2 He's not trying to get Christina in the house. If  
3 anything, she's trying to get him out of the way. But he's  
4 not trying to get her in the house. He is continuing to  
5 engage with Shannon and watch how long, listen to how long  
6 that is. I'd suggest a minute and three seconds is  
7 incorrect.

8 I want to talk about voluntary manslaughter, of course.  
9 I want to -- the judge is gonna charge you on the law. But  
10 I want to talk about malice and ill will and hostility.

11 who is hostile in this situation after Shannon gets his  
12 bike?

13 Damn right, homey, don't make me fire. Come on. Come  
14 on. words alone, not sufficient provocation, provocation,  
15 but a threat, an assault, a continued threat I suggest is.

16 Shannon had been physically assaulted when he pulled up  
17 on his bike. Tim Haman threw the first punch. Shannon's  
18 reaction is to say what are you doing, what are you doing,  
19 what are you doing and back out. Then he gets put in a  
20 headlock. He gets punched in the face. we can see that.  
21 He gets drug behind the U-Haul. But for Travis who knows?

22 He's being choked. He's unable to get his bike. He,  
23 he -- people, Mr. Haman and Ms. Colon, Mr. Haman's circling  
24 around him. Ms. Colon's in-between the bike. He's being  
25 threatened. Don't make me fire. Come on. Come on.

1 I think that threat continues up -- right up to the  
2 time of the shots. The audio on these tapes aren't great  
3 and that's the reason why we've listened to it so many  
4 times. I would suggest you listen to it until you're firmly  
5 convinced of what it says.

6 I believe between the threat and the shots is less than  
7 seven seconds. But we're not asking you to set aside your  
8 common sense. We're asking you to set aside your  
9 prejudices. We're asking you to set aside you -- any  
10 conclusions you may have been thinking about while, while  
11 the trial was going on. Now you have all of the evidence.  
12 We're asking you to use your common sense and to be fair and  
13 impartial and to make your own decisions about what is being  
14 said.

15 This isn't a movie. I'm not inserting lines. I'm  
16 asking you to listen and I think, if you take the time to  
17 listen, and you think about what makes sense, and you think  
18 about Shannon's actions, about backing up and raising his  
19 hands, you think about Ms. Colon's demeanor and Mr. Haman's  
20 threats, and you think about where Shannon's bike is and all  
21 of those things, you will determine that Shannon Johnson is  
22 not guilty of murder.

23 Thank you.

24 THE COURT: Thank you.

25 Mr. Foreman, and ladies and gentlemen of the jury, you

1 have seen and heard the evidence presented as well as the  
2 arguments of the lawyers and it is now my duty and my  
3 obligation to instruct you on the law. It will be your  
4 solemn duty and obligation to begin your deliberations  
5 through which process you will decide the facts, apply the  
6 law as I now instruct it, and render a fair and impartial  
7 verdict.

8 It is your exclusive duty to determine what the facts  
9 are and you will do that based on your common sense  
10 evaluation and examination of the testimony and other  
11 evidence received during this trial. You 12 alone will  
12 decide what effect, value, and weight is to be given to any  
13 particular testimony or other evidence received. Quite  
14 simply, your obligation as jurors is to give both the State  
15 and the defense a fair and impartial trial based on evidence  
16 presented and the law in this case.

17 The indictments in this case allege two separate  
18 offenses against this defendant. The first charge is murder  
19 and the second charge is possession of a firearm during the  
20 commission of a violent crime.

21 Each charge is separate and distinct. You must decide  
22 each charge separately on the evidence and the law  
23 applicable to that uninfluenced by your decision as to any  
24 other charge. You will be asked to write a separate verdict  
25 of guilty or not guilty for each charge.

1           The indictments ending in 0887 and 0888 charge this  
2 defendant with the offenses of murder and possession of a  
3 weapon during the commission of a violent crime.

4           First, the State alleges that this defendant committed  
5 murder in that he, Shannon Johnson, did, in Charleston  
6 County, South Carolina, on or about 8, August of 2019,  
7 feloniously, willfully, and with malice aforethought kill  
8 and murder Timothy Haman by means of shooting him with a  
9 firearm and that he died as a proximate result thereof in  
10 violation of state law.

11           Second, the State alleges that this defendant did, in  
12 Charleston County, South Carolina on 8, August, 2019,  
13 possess a firearm or visibly display what appeared to be a  
14 firearm during the commission of or attempted commission of  
15 a violent crime in violation of state law.

16           I remind you, once again, that the fact that he was  
17 arrested, charged, and indicted is not evidence and can not  
18 be considered by you as evidence of guilt nor does it create  
19 any presumption or inference of guilt. The indictments are  
20 simply written instruments which contain the charge made  
21 against him. It is a formal document which brings the case  
22 before the court for trial.

23           The defendant has entered pleas of not guilty to each  
24 defendant (sic) and that puts the burden squarely on the  
25 State of South Carolina to prove his guilt beyond a

1 reasonable doubt. A person charged with committing a  
2 criminal offense in South Carolina is never required to  
3 prove himself innocent. I charge you that it is a cardinal,  
4 important, and vital rule of law that, in a criminal trial,  
5 no matter what the seriousness of the charge may be for  
6 which he stands charged, the defendant is always presumed to  
7 be innocent of the crime for which the indictment was issued  
8 unless guilt has been proven by evidence satisfying you of  
9 guilt beyond a reasonable doubt.

10       The presumption of innocence does not end when you  
11 begin your deliberations. It accompanies this defendant  
12 throughout the trial until you reach a verdict of guilt  
13 based on evidence satisfying you of guilt beyond a  
14 reasonable doubt. The presumption of innocence has been  
15 described as being like a robe of innocence placed about the  
16 shoulders of the defendant which remains with him from the  
17 moment of his arrest and continues with him until it is  
18 stripped from his shoulders by evidence satisfying you of  
19 his guilt beyond a reasonable doubt.

20       The presumption of innocence is not a legal theory and  
21 nor it is a legal phrase. It is a substantial right to  
22 which every defendant is entitled unless you are  
23 satisfied, from the evidence, of his guilt beyond a  
24 reasonable doubt.

25       I remind you, Mr. Foreman, ladies and gentlemen, that

1 during this trial you and I have certain duties to perform.  
2 As the trial judge, it is my responsibility to preside over  
3 the case and, additionally, I have the duty to rule on the  
4 admissibility of evidence offered during this trial.

5       You are to consider only the evidence before you. If  
6 there were testimony, testimony ordered stricken from the  
7 record in this case during the trial, you must disregard it.  
8 You are to consider only testimony which has been presented  
9 from the witness stand, the exhibits which have been made  
10 part of the record, and any stipulation by the lawyers.

11       Additionally I have the duty to charge you the law. As  
12 the presiding judge, I am the sole judge of the law and it  
13 is your duty, as jurors, to accept it and apply it as I now  
14 state it to you. If you have any idea as to what the law is  
15 or what the law ought to be or what the law should be, and  
16 it does not agree with what I tell you it is, you must  
17 abandon your idea because you have sworn to accept it and  
18 apply it as I tell it to you.

19       In every case tried in this courtroom before a jury,  
20 you 12 become the sole and exclusive judge of the facts. A  
21 trial judge is prohibited from making a comment or a  
22 statement to a jury about a fact in a case. You 12 are the  
23 sole judge of the facts and you are not to infer from  
24 anything that I have done during the process of this trial,  
25 or in ruling on admissibility of evidence or otherwise, that

1 I have an opinion about a fact in this case. South Carolina  
2 law prevents me and other circuit court judges from having  
3 an opinion about a fact. That matter is solely for you 12  
4 to determine.

5 The State of South Carolina has the burden of proving  
6 this defendant guilty beyond a reasonable doubt. Proof  
7 beyond a reasonable doubt is proof that leaves you firmly  
8 convinced of his guilt. There are very few things in this  
9 world that we, that we know with absolute certainty, and, in  
10 criminal cases, the law does not require proof that  
11 overcomes every possible doubt. A reasonable doubt may also  
12 be described as the kind of doubt that would cause a  
13 reasonable person to hesitate to act. If you have such a  
14 doubt as to the guilt of this defendant, then he is entitled  
15 to a verdict of not guilty.

16 Reasonable doubt may arise from evidence in a case or  
17 it may arise from the absence or lack of evidence in a case.  
18 Based on your consideration of the evidence, if you are  
19 firmly convinced that this defendant is guilty as charged,  
20 then say so and find him guilty. But, on the other hand, if  
21 you believe there's a real possibility he is not guilty,  
22 then say, give him the benefit of the doubt, and find him  
23 not guilty. You 12 alone must determine whether or not  
24 reasonable doubt exists as to guilt of this defendant.

25 Ladies and gentlemen, there are two types of evidence

1 generally presented during a trial and they are known as  
2 direct evidence and circumstantial evidence.

3 Direct evidence is testimony of a person who claims to  
4 have actual knowledge of a fact such as an eye witness. It  
5 is evidence which immediately establishes the main fact to  
6 be proven.

7 Circumstantial evidence is proof of a chain of facts  
8 and circumstances indicating the existence of a fact. It is  
9 evidence which immediately establishes collateral facts from  
10 which a fact may be inferred. Circumstantial evidence is  
11 based on an inference but not on personal knowledge or  
12 observation. Our state law makes no distinction between the  
13 weight or value to be given either direct or circumstantial  
14 evidence nor is a greater degree of certainty required to  
15 prove circumstantial evidence.

16 You should weigh all evidence, and after doing so, if  
17 you are not convinced of the guilt of this defendant beyond  
18 a reasonable doubt, then you must find him not guilty.

19 Now, under the Constitution of our state, you 12 are  
20 the finders of fact and that necessarily means that you must  
21 determine the credibility of witnesses who have testified.  
22 Credibility means believability. It is your duty, as  
23 jurors, to analyze and evaluate the evidence and determine  
24 which evidence is convincing to you.

25 In determining believability of the witness who has

1 testified, testified, you may believe one witness over  
2 several or several over one. You may believe part of a  
3 witnesses' testimony and reject the remaining part. You may  
4 believe the testimony in its entirety or reject it in its  
5 entirety. Whatever your good judgment and common sense  
6 tells you is most believable is the testimony you should  
7 accept and reject all other testimony that you find not --  
8 to be not credible.

9 Now, rules of evidence ordinarily do not permit  
10 witnesses to testify to opinions or conclusions. An  
11 exception to this rule exists for witnesses that we call an  
12 expert witness. A witness, who by education, training, and  
13 skill, has become an expert in some art, science, or  
14 profession may give an opinion. But you should consider  
15 that witnesses' expert opinion that was received into  
16 evidence like all other evidence and give it the weight you  
17 believe it deserves.

18 If you believe that the expert's opinion is not based  
19 on sufficient education or experience, or experience you  
20 may, you may reject it. An expert's testimony is to be  
21 given no greater weight than any other witness simply  
22 because that person was qualified as an expert witness.

23 A stipulation, ladies and gentlemen, by the lawyers is  
24 an agreement. It is an admission or a concession made in a  
25 judicial proceeding by the parties or their lawyers.

1 stipulations are binding on those who make them. A  
2 stipulation, a stipulation is agreement and the Court and  
3 the jury must accept stipulations as binding.

4 If counsel for the parties have stipulated to a fact or  
5 any fact has been admitted by counsel, you may regard that  
6 fact as been conclusively proven as to that party making the  
7 stipulation or the admission.

8 I instruct you and I emphasize that the fact that this  
9 defendant did not testify is not a factor to be considered  
10 by you in your deliberations. It must not be considered at,  
11 at any fashion and it must not be discussed in the jury  
12 room. Every defendant has a constitutional right to remain  
13 silent and the assertion of the right must not be  
14 considered.

15 I repeat, you are to draw, draw no conclusions  
16 whatsoever from the fact that he did not testify. The fact  
17 that he did not testify should not be discussed, and  
18 previously stated, the defendant is not required to prove  
19 his innocence. The proof always remains on the government  
20 to prove his guilt beyond a reasonable doubt.

21 Criminal intent is a necessary element of each crime  
22 that must be proven by the State beyond a reasonable doubt.  
23 Criminal intent is a matter that must be determined by you  
24 from, from the circumstances surrounding the situation.  
25 I tell you that there is no way to prove to a mathematical

1 certainty criminal intent. Medical science can not dissect  
2 a person's brain and determine what he had in mind. So our  
3 law says that criminal intent may be inferred from the  
4 circumstances shown to exist.

5 Ladies and gentlemen, criminal intent is a state of  
6 mind when operated jointly with an act or a commission of a  
7 crime. Criminal intent is a mental state. It is a  
8 conscience wrongdoing. So, it is up to you, the jury, to  
9 determine what this defendant intended to do based on the  
10 circumstances shown to you.

11 I tell you that the State must prove criminal intent  
12 beyond a reasonable doubt. It is not necessary for -- to  
13 establish by direct or positive evidence. It may be  
14 established by inference the same way any other fact may be  
15 established by taking into consideration the acts of the  
16 parties. The State may prove -- must prove intent but it --  
17 while the State must prove criminal intent, it does not have  
18 to prove motive.

19 Now, the defendant is charged with murder. In order  
20 for this -- to prove this crime, the State must prove that  
21 this defendant killed another person with malice  
22 aforethought either express or implied.

23 Malice is hatred. It is ill will. Is it hostility  
24 towards another. It is the intentional doing of a wrongful  
25 act without just cause or excuse and with an intent to kill

1 that the law will infer an evil intent.

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

7 Malice aforethought may be expressed or implied. The  
8 term expressed and inferred do not mean different kinds of  
9 malice merely that -- but merely the manner in which the  
10 malice may be shown. That is either by direct evidence or  
11 by inference from the facts and the circumstances.

12 Express malice is shown when a person speaks words  
13 which express hatred or ill will for another or when the  
14 person prepared beforehand to do the act which was later  
15 accomplished. For instance, lying in wait for a person or  
16 other acts of preparation to show that the deed was within  
17 the defendant's mind.

18 Malice is the wrongful intent to injure another and  
19 indicated a wicked or depraved spirit intent on doing wrong.  
20 It is the doing of a wrongful act intentionally and without  
21 just cause or excuse.

22 Intent means intending the result which actually  
23 occurred, not accidentally, or involuntary. It may be shown  
24 by acts and conduct of the defendant or other circumstances  
25 from which you may naturally and reasonably infer intent.

1 It is evidence of the character of the act, the character of  
2 the instrument used, and the manner in which it was used.  
3 The purpose to be accomplished and the resulting wounds or  
4 injuries may be considered in determining the intent with  
5 which the act was committed.

6 If you find that the State has failed to prove the  
7 defendant is guilty of murder of Timothy Haman, you must  
8 find the defendant not guilty of murder. Then you must  
9 consider whether the State has proven this defendant is  
10 guilty of voluntary manslaughter.

11 To convict a defendant of voluntary manslaughter, the  
12 State must prove, beyond a reasonable doubt, that this  
13 defendant unlawfully killed another person without malice,  
14 as I previously defined it, while the defendant was in a  
15 state of sudden heat, heat of passion and which was caused  
16 by a sufficient legal provocation. Both a state of heat of  
17 passion and sufficient legal provocation must be present to  
18 constitute voluntary manslaughter.

19 Heat of passion is the same as an uncontrollable  
20 impulse to do violence. The provocation to trigger heat of  
21 passion must have come from some act of the decedent. The  
22 provocation must be enough to deprive one of self-control.  
23 The provocation must be severe enough to instantly produce  
24 such an extreme degree of rage, sudden resentment, or terror  
25 that a reasonable person would be incapable of cool

1 reflection.

2 Words alone, no matter how offensive, are not enough to  
3 qualify as sufficient provocation. But words accompanied by  
4 an assault or an appearance of an assault by the decedent  
5 may be sufficient to constitute provocation.

6 If you, the jury, believe so in determining whether  
7 heat of passion existed, which was caused by sufficient  
8 legal provocation, the surrounding circumstances of the  
9 defendant and the decedent at the time of the killing must  
10 be taken into account. If the heat of passion had cooled or  
11 if there were enough time between the provocation and the  
12 killing for the passion of a reasonable person to cool, the  
13 killing would not be voluntary manslaughter.

14 In deciding whether a person -- a reasonable person  
15 would of had enough time to cool off, you 12 should consider  
16 all the circumstances surrounding the killing. You may  
17 consider the nature of the provocation, if any, the  
18 defendant's mental and physical state, and the circumstances  
19 and relationships between the parties.

20 The defendant is charged with possession of a weapon  
21 during the commission of a violent crime. Our code of laws  
22 provides that a, a person is in possession of a firearm or  
23 visibly displays what appears to be a firearm during the  
24 commission of a violent crime, and is convicted of  
25 committing a violent crime as defined by our state law, he

1 is guilty of a separate crime.

2 Ladies and gentlemen, firearm means a machine gun,  
3 automatic rifle, revolver, pistol, or any weapon which will  
4 or is designed to or may be readily converted to expel a  
5 projectile. Our code of law provides that murder and  
6 voluntary manslaughter are violent crimes.

7 For you to find the defendant guilty of the separate  
8 offense of possession of a firearm during the commission of  
9 a violent crime, you must first find him guilty of either --  
10 of, of either committing a violent crime or attempting to  
11 commit a violent crime. In this case, the crime of murder  
12 or voluntary manslaughter. If you find him guilty of murder  
13 or voluntary manslaughter, you must then determine whether  
14 the State has proven, beyond a reasonable doubt, that he was  
15 in possession of a firearm or visibly displayed what  
16 appeared to be a firearm.

17 You 12 have been selected as fair and impartial jurors  
18 sworn to impartially try and, and determine the facts in  
19 this case and you are to, to decide this case according to  
20 the testimony you have heard from the sworn witnesses along  
21 with the evidence introduced.

22 Ladies and gentlemen, your verdict must be unanimous.

23 Mr. Foreman, when the jury agrees on the verdict, you  
24 will indicate your verdict in the space provided on the  
25 verdict form I'm about to explain, sign your name as the

1 foreman of the jury, knock on the jury room door, tell the  
2 bailiff that you have reached, that the verdict of the jury  
3 has been reached, and we will return you 12 back to the  
4 courtroom to receive the verdict.

5 During deliberations, you may only discuss this case in  
6 the jury room with fellow jurors because they have seen and  
7 heard the same evidence as you have seen and heard. But you  
8 must not discuss it with anyone outside the jury room until  
9 you have returned a verdict or the case is ended.

10 Mr. Foreman, this is the verdict form about which I  
11 speak. It's coming back to you with all the evidence. As I  
12 explained to you yesterday, when you 14 leave, I will ask  
13 the lawyers to come forward and view the evidence here and  
14 ensure, that -- all of it has numbers on it, make sure it's  
15 all here.

16 I say that because I practiced law in courthouses  
17 across this state including this one as a lawyer before  
18 coming to this bench about 10 years ago. It is so easy to  
19 be a lawyer standing up here talking to a jury, have an  
20 exhibit in my hand, be walking around, talking about it,  
21 return to my table and lay it down. I didn't mean to do  
22 that. But it's now missing and this belongs to you.

23 So when you leave, I'm gonna ask the lawyers to come up  
24 with the court reporters here and they're gonna ensure that  
25 every piece is there.

1           When they are satisfied it's there, the bailiff is  
2 gonna bring that evidence to you, Mr. Foreman, and he's  
3 gonna bring this form. When he does that, my two alternates  
4 will leave with the bailiff. He will bring it to you. They  
5 will leave with him and you may begin your deliberations.

6           It has the caption of the case and the two numbers.  
7 It's nothing more than just identifying that this goes with  
8 this case.

9           It says we, the jury, unanimously find the defendant,  
10 Mr. Johnson, on the charge of murder, not guilty or guilty.  
11 There is no significance as to whether not guilty or guilty  
12 is placed first. My law clerk seated with me this week does  
13 it this way in every case we have. It just has to go -- one  
14 has to go above the other.

15           Whichever it is, Mr. Foreman, when all 12 agree, please  
16 put a mark. You can put a check mark. You can put an X  
17 mark. You can put your initials. It matters not to me.  
18 The only thing I ask is that it be, be patently clear to me  
19 with no ambiguity as to what the decision of the jury is.

20           Then it says if you answered not guilty to question  
21 one, answer question two. If you answer guilty to question  
22 one, do not answer question two but answer question three.  
23 Question two is we, the jury, unanimously find the  
24 defendant, Mr. Johnson, on the charge of voluntary  
25 manslaughter, not guilty or guilty.

1           If you answer not guilty to question two, stop here and  
2 sign your name. If you answer guilty to question two,  
3 answer question three. Question three is we, the jury,  
4 unanimously find the defendant, Mr. Johnson, on the charge  
5 of possession of a weapon during the commission of a violent  
6 crime, not guilty or guilty. And then it says, if you  
7 certify this unanimous decision of the jury, then we have a  
8 place for you to put your signature right there, sir, and  
9 today's date.

10           Again, if you -- and it's written on here. If you  
11 answer guilty, then you go to question three. If you answer  
12 not guilty, you go to question two. If you answer guilty,  
13 you go to question three. If you answer not guilty to both  
14 of them, stop and sign your name. It's written on here.

15           All right. I'm gonna ask you to go to the jury room.  
16 Do not begin your deliberations. All 14 of you will be  
17 there. So, do not begin your deliberation. I'm gonna ask  
18 the lawyers to come forward and be sure everything is there.  
19 And when it is, again, he will bring the jury -- the  
20 evidence to you and you -- leave with the alternates and you  
21 may begin your deliberations.

22           We've already placed an order for lunches, Madam Clerk?

23           THE CLERK: Yes.

24           THE COURT: Yes, lunches has been -- already been  
25 ordered for you.

1 Mr. Foreman, if you would take all 14 jurors out  
2 please.

3 (WHEREUPON, the following takes place outside the  
4 presence of the jury.)

5 THE COURT: Anything from the State?

6 SOLICITOR SIMPSON: No, Your Honor.

7 THE COURT: From the defense?

8 MS. HENSLEY: No, Your Honor.

9 THE COURT: Okay. Lady and gentlemen, if you would  
10 check and see if everything is here.

11 (WHEREUPON, the two alternates comes into the courtroom  
12 at this time.)

13 THE BAILIFF: The two alternates, judge.

14 THE COURT: Okay.

15 (WHEREUPON, the two alternates were dismissed at this  
16 time.)

17 THE COURT: Okay. We're gonna take a, we're gonna take  
18 a quick break.

19 (WHEREUPON, the jury began deliberating at 10:39AM and  
20 returned with a verdict at 12:41PM).

21 THE COURT: Everybody ready?

22 Before we bring this jury in, I will tell this to  
23 everybody here. This is not to -- this is a courtroom.  
24 It's a court of law and there will be no celebrating one way  
25 or the other.

1           Okay. This is not a sporting event.

2           Okay. This is a court of law, and if someone can not  
3 control yourself, I'm gonna ask that you please, please  
4 leave now because if you -- if there's a disruption of, of  
5 my court, I will have you taken in custody and I'll hold a  
6 contempt hearing when I get back in 2023. I don't know when  
7 that might be. But you'll be at the county till then.

8           Anybody want to leave, do so now.

9           (WHEREUPON, there was no response.)

10          THE COURT: Hearing none, I'll have the jury.

11          THE BAILIFF: Yes, sir.

12          (WHEREUPON, the following takes place within the  
13 presence of the jury.)

14          THE BAILIFF: All jurors are present, Your Honor.

15          THE COURT: Thank you. The jury may be seated.

16          Mr. Foreman, please be seated.

17          Has the jury -- has the jury reached its decision?

18          THE FOREMAN: Yes, sir.

19          THE COURT: If you would kindly give that to Mr.  
20 Bailiff.

21          (WHEREUPON, the foreman complies.)

22          THE COURT: Madam Clerk will publish.

23          THE CLERK: In the State of South Carolina, State of  
24 South Carolina versus Shannon Lamont Ziquan Johnson, Junior,  
25 charges -- murder. Case Number 2020-GS-10-00887,

1 2020-GS-10-00888, we, the jury, unanimously find the  
2 defendant, Shannon Lamont Ziquan Johnson, Junior, on the  
3 charge of murder, guilty.

4 We, the jury, unanimously find the defendant, Shannon  
5 Lamon Ziquan Johnson, Junior, on the charge of possession of  
6 a weapon during the commission of a violent crime, guilty.  
7 Signed by Mr. Foreperson on date December 8<sup>th</sup>, 2022.

8 THE COURT: Poll the jury?

9 (WHEREUPON, there was no audible response.)

10 THE COURT: Polling of the jury.

11 THE CLERK: Yes, sir.

12 Ladies and gentlemen of the jury, I will call out your  
13 number, and when I do, please raise your hand. I will then  
14 ask you each two questions. Please answer yes or no.

15 Juror Number 150, is this your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is this still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Juror Number 280, is this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is this still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror Number 218, is this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is this still your verdict?

1 THE JUROR: Yes.  
2 THE CLERK: Juror Number 74, is this your verdict?  
3 THE JUROR: Yes.  
4 THE CLERK: Is it still your verdict?  
5 THE JUROR: Yes.  
6 THE CLERK: Juror Number 49, is this your verdict?  
7 THE JUROR: Yes.  
8 THE CLERK: Is it still your verdict?  
9 THE JUROR: Yes.  
10 THE CLERK: Juror Number 97, is this your verdict?  
11 THE JUROR: Yes.  
12 THE CLERK: Is it still your verdict?  
13 THE JUROR: Yes.  
14 THE CLERK: Juror Number 132, is this your verdict?  
15 THE JUROR: Yes.  
16 THE CLERK: Is it still your verdict?  
17 THE JUROR: Yes.  
18 THE CLERK: Juror Number 254, is this your verdict?  
19 THE JUROR: Yes.  
20 THE CLERK: Is it still your verdict?  
21 THE JUROR: Yes, it is.  
22 THE CLERK: Juror Number 38, is this your verdict?  
23 THE JUROR: Yes.  
24 THE CLERK: Is it still your verdict?  
25 THE JUROR: Yes.

1 THE CLERK: Juror Number 287, is this your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is it still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror Number 147, is this your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Is it still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror Number 90, is this your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is it still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Your Honor, the jury has been polled and  
14 the verdict stands.

15 THE COURT: Anything from the State at this point?

16 SOLICITOR SIMPSON: Nothing from the State, Your Honor.

17 THE COURT: Anything from -- about the jury at this  
18 point?

19 MS. HENSLEY: Nothing, Your Honor.

20 THE COURT: okay.

21 (WHEREUPON, the jury was dismissed at this time.)

22 THE COURT: We'll be in recess for about five or seven  
23 minutes. I want to release the jury back there and thank  
24 them for their service while the officers take care of some  
25 business.

1 (WHEREUPON, a short recess was taken at this time.)

2 MS. HENSLEY: Just renew my prior motions, Your Honor,  
3 at this time.

4 THE COURT: Okay. So you are renewing your motion for  
5 directed verdict?

6 You are renewing your motion for --?

7 MS. HENSLEY: Motion for mistrial.

8 THE COURT: -- for a mistrial and you are---

9 MS. HENSLEY: And my objections --

10 THE COURT: And---

11 MS. HENSLEY: And my exception to the jury charge.

12 THE COURT: And your exceptions.

13 Okay. And they are -- anything from the State on  
14 the -- on her motions?

15 SOLICITOR SIMPSON: No, I just rely on our previous  
16 discussions on this topic.

17 THE COURT: Okay. They are -- the rule -- previous  
18 rulings of the Court are, are unchanged and you are  
19 protected on the record---

20 MS. HENSLEY: Thank you.

21 THE COURT: ---counsel.

22 MS. HENSLEY: Thank you.

23 THE COURT: And for the reasons heretofore enunciated  
24 on the record.

25 Okay. Anything further from defense?

1 (WHEREUPON, there was no audible response.)

2 THE COURT: Okay. All right. We're ready for  
3 sentencing. I have sentencing sheets.

4 SOLICITOR SIMPSON: Thank you, Your Honor.

5 I'll be brief. You've obviously been with us all week  
6 and, and know this case as well as the jury and myself. So  
7 I don't need to I think waste your time talking about the  
8 just needlessness of this crime and the pointlessness of  
9 this loss.

10 I would like to present to you a little bit about what  
11 this is -- the ripples this event caused in, in Timothy's  
12 family. We have Tracy Linton on virtually. She does not  
13 wish to address the Court but, but has been with us for  
14 years since this occurred. She's been a big part of, of, of  
15 our case.

16 We also have present here Deborah Brodner, Maria  
17 Perkins, and Paul Brodner who wish to address the Court,  
18 Your Honor, and we'll start I guess with Maria.

19 MS. PERKINS: I didn't really write anything down. It  
20 seemed a little too hard but --.

21 THE COURT: Ma'am, just let, let -- can you hear,  
22 Mr. -- can y'all hear?

23 (WHEREUPON, there was no audible response.)

24 THE COURT: I think -- if -- can you, can you come  
25 forward wherever the officer wants you to?

1 I, I -- but my court reporter's unable to hear here or  
2 can we move the mic?

3 Let's see if we can do that.

4 MS. PERKINS: Thank you.

5 THE COURT: Can you hear?

6 (WHEREUPON, there was no audible response.)

7 MS. PERKINS: There's probably a thousand things I  
8 could say right now.

9 When I was a kid I didn't play with Barbie dolls. I  
10 didn't, I didn't -- my cousin Timmy was my superhero, my  
11 cool cousin from California, you know, and I was lucky  
12 enough to be raised with all my cousins at some given point  
13 in my life and he's probably my favorite.

14 This is a very senseless act and nothing I could say to  
15 you will probably change your mind on what you did. I can  
16 tell you a thousand things that he has done to improve my  
17 life. He packed up everything to be a better father to move  
18 to a, a state that he had no family in. He changed his  
19 life.

20 He was probably in the -- a position you were in now at  
21 some point, you know, with troubles over him and worries  
22 and, and he decided to make better, you know, and it made me  
23 change my life and become a better person. And the whole  
24 time I've been sitting here I've wanted to be angry and  
25 upset with you, and if Timmy was here, he'd probably forgive

1 you. He'd probably tell you that you can change your life  
2 and it's not too late.

3 And I want you to know that I forgive you. I do. I'm  
4 not gonna hold that hate in my heart for you. You don't --  
5 honestly you don't deserve that space.

6 The most thing I've thought about this whole time I was  
7 here is my Aunt Debbie and your mother. I just want to hug  
8 her. She's already lost one son and now she has to see  
9 another one go to prison. I couldn't even imagine being in  
10 her spot right now.

11 Ma'am, I'm so sorry.

12 Just know that where you're going, you will have to  
13 think about us for the rest of your life. I won't think  
14 about you after this moment.

15 THE COURT: Thank you, ma'am.

16 Is there anyone else, solicitor?

17 SOLICITOR SIMPSON: Paul Brodner. This is Timothy's  
18 brother.

19 THE COURT: Sir, if you would make your comments to me  
20 and not to him please.

21 MR. BRODNER: Yes, sir.

22 THE COURT: Thank you.

23 MR. BRODNER: So, like I said, I'm Timothy Haman's  
24 younger brother. Just got some, some notes I put down.

25 So obviously 2019 was probably one of the worst days of

1 my life and I didn't even know it when I woke up.

2 To this day I have the same emotions and feelings as I  
3 did when I received that phonecall from my older sister. I  
4 can vividly recall my older sister calling me, crying in  
5 tears and agony, screaming Tim's gone, Tim's gone and I go  
6 Tim's gone?

7 She said he's gone. Someone shot and killed him.

8 I didn't know what to do or believe but my life was  
9 frozen in time. I tried my best to continue walking to my  
10 room as, as I planned. But I just suddenly collapsed and I  
11 just yelled this can't be true.

12 My brother did not deserve such a selfless act of  
13 violence. If you'd ask anybody who knew him, they would  
14 tell you how kind of a man he was and how willing he was to  
15 help anybody. He would give you the shirt off his back or  
16 the last dollar in his pocket to help someone in need.

17 His smile was contagious and would light up the room  
18 and he was always full of joy. He loved to laugh and joke  
19 and he loved to see other -- others smile. Tim had no  
20 enemies and was generally loved by not only this family but  
21 everybody who knew him.

22 The sudden loss of my brother has left a huge hole in  
23 my life. I no longer have an older brother to call for the  
24 holidays, for birthdays, or just talk about life in general.  
25 I looked up to him and I aspired to be like him. There are

1 days I wake up in tears knowing I'll never get to hear his  
2 voice again.

3       Knowing his daughter, my niece, will never get to have  
4 her dad teach her how a man should treat a lady, or never  
5 have a father/daughter dance, never experience getting  
6 married and having her dad, her dad walk her down the aisle  
7 in giving her away to the man that will take care of her.

8       Tim was more than just a great brother to me. He was  
9 also a great son, a great dad, cousin, employee, and  
10 neighbor.

11       That's all I got.

12       THE COURT: Thank you, sir.

13       SOLICITOR SIMPSON: Your Honor, I would just also note  
14 the presence of Ms. Deborah Brodner, Tim's mother. This has  
15 been just an incredibly emotionally difficult week for her  
16 and what she's had to view and I don't think she feels  
17 emotionally able to address the Court presently.

18       As to Mr. Johnson's prior record, following some  
19 interactions with the juvenile justice system, he had, he  
20 had just turned 18 as you had heard, was about to turn 19  
21 when these events occurred, he has a conviction -- an adult  
22 conviction for possessing a stolen motor vehicle, Your  
23 Honor, and that's just occurred in the short time he had  
24 become legally an adult.

25       THE COURT: Thank you.

1 Yes, ma'am.

2 MS. HENSLEY: Thank you, Your Honor.

3 May it please the Court.

4 As, as you know, Shannon was 18 when this occurred. He  
5 does have a GED. His mom and his dad have been here all  
6 week.

7 As they alluded to, shortly after this occurred,  
8 Shannon's older brother was murdered behind Sanders-Clyde  
9 Elementary School just blocks from where this occurred. And  
10 so certainly his mother, his family emphasizes (sic) --  
11 emphasizes with the victims because they understand this  
12 loss too.

13 Shannon is a very, very young man. Obviously was a  
14 very young man. He has spent four birthdays in jail. He's  
15 been in jail, as you know, since August the 12<sup>th</sup> of 2019.

16 I just would ask that you take into consideration his  
17 age when this occurred and we would ask that you consider  
18 the minimum 30 year sentence for Shannon. Obviously that's  
19 30 years day for day and that's a long time. And, and, you  
20 know, the, the correctional system for boys, and I'll use  
21 that term because I have a son Shannon's age and I sure  
22 don't think about him as a man, is -- the life-span is, is  
23 not long for them.

24 And so we would just ask that you consider that. I've  
25 come to really care about Shannon during my representation

1 of him and, and his family. And I know that his parents  
2 would like to address the court.

3 THE COURT: Yes, be happy to hear from them.

4 Can we move that mic -- there we go.

5 Sir, tell me your name please.

6 MR. JOHNSON: I'm Shannon Johnson, Senior.

7 THE COURT: Yes, sir.

8 MR. JOHNSON: Yeah, I just want to say the way that the  
9 situation expired, everything that I see since the last  
10 couple of days like, like got me in a state of shock cause  
11 like we ain't raise him to be no bad kid or nothing of that.

12 But, first of all, I want to apologize to the courtroom  
13 and I definitely want to apologize to y'all family. But,  
14 yeah, we didn't, we didn't raise Shannon to be no bad kid as  
15 I said.

16 So, I just want to apologize on the behalf of my family  
17 especially to y'all family. I ain't got too much to say but  
18 I just hope he can find something -- nice sense -- some  
19 healing and that's all that whatever -- for whatever  
20 actually took and I hope he be -- just make him like be a  
21 better person inside and be a better man.

22 Like we definitely ain't never raise him to be no  
23 killer or no thug or nothing like that. But, but that's all  
24 I got to say.

25 THE COURT: Thank you for your comments, sir.

1           Anyone else?

2           (WHEREUPON, there was no audible response.)

3           THE COURT: Mr. Johnson, would you like to speak?

4           You're not required to but you have an opportunity.

5           THE DEFENDANT: Yes, sir.

6           I just had want to address the Court that I apologize  
7 for the family. I apologize and now -- my intention was not  
8 to kill this man. I, I -- my intention was not to harm this  
9 man. Like I, I really wasn't trying to kill this man or  
10 harm this man.

11          I just was (indiscernible) and I saw this man and he  
12 need help with this U-Haul truck to put in this house and  
13 help with his, with his belongings. But my intentions was  
14 not to kill this man and really did not want to hurt this  
15 man. That's all I have to say.

16          THE COURT: Mr. Johnson, you fired five rounds of .40  
17 caliber ammunition in the direction of the decedent. Next  
18 to him was the mother of his child. Inside a simple pane of  
19 glass was his five year old child and her dog. Upstairs was  
20 a 10 year old little girl with her dog with a pane of glass.  
21 The video speaks for itself. You fired that weapon five  
22 times in rapid succession.

23          You don't know me. I don't know you. I been a  
24 firearms owner since I was seven years old. I still have  
25 the rifle my grandfather got me. I have lots of weapons. I

1 belong to a shooting range. I go there and practice  
2 regularly. I'm prior military.

3 I don't know why an 18 year on a bicycle even had a .40  
4 caliber. I'm not gonna ask you. I just don't understand.  
5 I've asked my law clerk a couple times. What in the world  
6 is an 18 year old on a bicycle doing with a .40 caliber  
7 riding down the street.

8 The jury heard the evidence and found you guilty.

9 2020 -- and you shot him in the back.

10 2020-GS-10 -- 10-00887, on the charge of murder, you're  
11 confined to the Department of Corrections for a period of 50  
12 years. It's concurrent. Credit for time.

13 2020-GS-10-00888, five years Department of Corrections.  
14 Concurrent. Credit for time.

15 Very best of luck to you.

16 MS. HENSLEY: Thank you, Your Honor.

17 THE COURT: Thank you.

18 Anything further from the State on this case?

19 SOLICITOR SIMPSON: No, sir, Your Honor.

20 THE COURT: From the defense on this case?

21 MS. HENSLEY: No, Your Honor.

22 THE COURT: I want to thank the lawyers. I have  
23 enjoyed very much getting to know you and working with you.  
24 I look forward to seeing you when I get back in January.

25 SOLICITOR SIMPSON: Thank you, Your Honor.

1 THE COURT: Thank you.  
2 We're gonna be -- we're in -- we're through in this  
3 case.

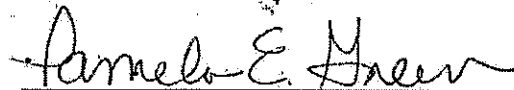
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## C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Charleston County, South Carolina, on the fifth through 8<sup>th</sup> days of December, 2022.

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

March 3<sup>rd</sup>, 2023



PAMELA E. GREEN, Court Reporter

DOCKET NO. 2020-GS-10-00887

The State of South Carolina  
County of Charleston

**FILED**

6/5/2020 12:37:10 PM  
JULIE J. ARMSTRONG  
CLERK OF COURT

COURT OF GENERAL SESSIONS

JUNE TERM 2020

THE STATE

VS.

SHANNON LAMONT ZIQUAN  
JOHNSON, JR.

B/M DOB: 09-22-2000

Indictment for

MURDER

SC Code § 16-03-0010  
CDR Code 0116

DLO/0359224  
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-11964

ARREST WARRANT NUMBER

2019A1010900211

DATE OF ARREST

08/13/2019

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury

JUN 0 1 2020

Date

VERDICT

Foreperson of Petit Jury

Date

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2020, the Grand Jurors of Charleston County present upon their oath:

**MURDER**

That in Charleston County, South Carolina on or about August 8, 2019, the defendant, Shannon Lamont Ziquan Johnson Jr. with malice aforethought did kill and murder Timothy Haman by means of shooting with a firearm and Timothy Haman did die in Charleston County as a proximate result thereof on or about August 9, 2019 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

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

s/ David L. Osborne  
\_\_\_\_\_  
**DAVID L. OSBORNE**  
ASSISTANT SOLICITOR

DOCKET NO. 2020-GS-10-00888

The State of South Carolina  
County of Charleston

**FILED**

6/5/2020 12:37:10 PM  
JULIE J. ARMSTRONG  
CLERK OF COURT

COURT OF GENERAL SESSIONS

JUNE TERM 2020

THE STATE

VS.

SHANNON LAMONT ZIQUAN  
JOHNSON, JR.

B/M DOB: 09-22-2000

Indictment for

POSSESSION OF A WEAPON DURING  
THE COMMISSION OF A VIOLENT  
CRIME

SC Code. § 16-23-0490  
CDR Code 0549

DLO/0359224  
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-11964

ARREST WARRANT NUMBER

2019A1010900212

DATE OF ARREST

08/13/2019

ACTION OF GRAND JURY

**TRUE BILL**

JUN 0 2020

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury Date

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2020, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about August 8, 2019, the Defendant, Shannon Lamont Ziquan Johnson Jr., did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 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.

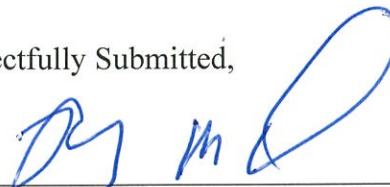
s/ David L. Osborne

**DAVID L. OSBORNE**  
ASSISTANT SOLICITOR

## 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,



---

Robert M. Dudek  
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

**RECEIVED**

**Aug 07 2023**

**SC Court of Appeals**

This 7th day of August, 2023.

**RECEIVED**

**Aug 07 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

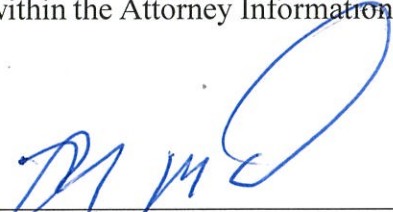
SHANNON LAMONT ZIQUAN JOHNSON,

APPELLANT

APPELLATE CASE NO. 2022-001757

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 7th day of August, 2023.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT