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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County

JUN 19 2017

Honorable George C. James, Circuit Court Judge  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RAYMOND ANGELO SCOTT,

APPELLANT

APPELLATE CASE NO 2016-001560

RECORD ON APPEAL

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## Raymond Scott-Cross by Meadors

1 much for him not to be no threat anymore. You know  
2 like it was just for if it took cover, just give me  
3 a route to get out of here, you feel me. As quick  
4 as I get to the hospital bed.

5 MR. MURPHY: Thank you, Mr. Scott. I have  
6 no more questions.

7 THE COURT: Mr. Meadors.

8 MR. MEADORS: May it please the court.

9 THE COURT: Yes, sir.

10 Cross Examination by Mr. Meadors:

11 Q. Good afternoon Mr. Scott.

12 A. How are you doing, sir?

13 Q. I'm doing fine, thank you. I don't know  
14 if you were asked this by Mr. Murphy. What kind of  
15 gun did you say Mr. Williams had?

16 A. I never said what kind of gun he had. I  
17 just know it fires.

18 Q. I'm asking you what kind of gun did he  
19 have?

20 A. I can't describe it.

21 Q. And you said you saw him pull it from  
22 where?

23 A. Off his hip.

24 Q. You didn't see what it was?

25 A. It wasn't even relevant at the time.

## Raymond Scott-Cross by Meadors

1 Q. Him pulling a gun off his hip wasn't  
2 relevant at the time.

3 A. No, that's not what I'm saying. What I am  
4 saying is, the type of the gun or the caliber of the  
5 gun or the color of the gun wasn't relevant at the  
6 time.

7 Q. Mr. Murphy asked you at the end of your  
8 statement about he just kind of glossed over what  
9 you told Investigator Thomas and Sergeant Dubose.  
10 You said you just told a bunch of lies, right?

11 A. Yes, sir.

12 Q. And you said awe, I just didn't tell them  
13 anything. That's not really true, is it?

14 A. What's not true?

15 Q. Well you told them creative lies, didn't  
16 you?

17 A. It was created at the scene, at the  
18 hospital.

19 Q. But it was created by the circumstances  
20 that you were involved in, and you just adapted them  
21 to make up a story, didn't you?

22 A. It was created. Excuse me?

23 Q. Well it was created by what you were  
24 experiencing. You just put them all together to  
25 make a story at the hospital. Do you remember

## Raymond Scott-Cross by Meadors

1 Ardis?

2 A. Yes, sir.

3 Q. You liked Ardis.

4 A. Yeah, he talked -- he was really like how  
5 you say, leading. Like how you just, leading.

6 Objection to leading question.

7 Q. Yeah.

8 A. It was like when I was talking to Ardis, I  
9 told him I'm not from around here. I don't know  
10 anything about none of the roads and streets.

11 And---

12 Q. That's right.

13 A. ---when he was asking questions, he was  
14 also providing street names and counties and things  
15 of that nature.

16 Q. Because he was from Clarendon County,  
17 right?

18 A. I didn't know that at the time.

19 Q. But you had told him that you got shot in  
20 Clarendon County.

21 A. Actually I told him Fairfield. And he  
22 asked me was it Fairfield County or Fairfield Road.  
23 Because I'm not from around here. And that's when  
24 he was like, was it a dirt road. And I told him,  
25 yes, it was a dirt road. He was like all right, now

## Raymond Scott-Cross by Meadors

1 we're getting some place. Clarendon County. I went  
2 with it.

3 Q. So initially you were going to tell him  
4 Fairfield County?

5 A. Initially, I wasn't going to tell him  
6 nothing. I was putting it out there, and he could  
7 took it however he wanted it.

8 Q. You were putting the lie out there.

9 A. Exactly.

10 Q. But he was familiar with Clarendon County,  
11 and you were familiar with Clarendon County.

12 A. I was familiar with it?

13 Q. You were familiar with Clarendon County,  
14 weren't you? Well you said your girlfriend was from  
15 there. From Manning.

16 A. I tell you, I say she's from Manning.

17 Q. So is she?

18 A. Yeah, she's from Manning.

19 Q. And you were talking about roads with him  
20 that -- you said, awe, yeah, I know where that is.  
21 So all that was just a lie, the whole conversation  
22 back and forth with Ardis?

23 A. Manning is in Clarendon County?

24 Q. Yes, sir.

25 A. Well I know Peacock Street, because that's

## Raymond Scott-Cross by Meadors

1 her address.

2 Q. Is that in Manning?

3 A. That's in Manning.

4 Q. But when Ardis was asking you about  
5 certain roads and a church and where these people  
6 live near there, you were saying yeah, I know where  
7 you're talking about. Do you remember that?

8 A. Yeah.

9 Q. So was that a lie?

10 A. Yes, sir.

11 Q. So you were just going with him.

12 A. Pretty much.

13 Q. And he believed you, didn't he?

14 A. I don't know.

15 Q. And as a matter of fact, you told him you  
16 had from Charleston with this white couple, right?

17 A. And he introduced a white male. He asked  
18 me who was the white female and the white male that  
19 I came here with.

20 Q. That's right. And then you---

21 A. I didn't know nothing about a white male.

22 Q. And you had seen a white male or a white  
23 female sometime that day, right?

24 A. Yeah, when I came to the hospital.

25 Q. And you made them your ride from

## Raymond Scott-Cross by Meadors

1 Charleston to Sumter, didn't you?

2 A. Yes, I did.

3 Q. You took that fact and then made it into a  
4 story, right?

5 A. Yes, I did.

6 Q. That's creative lying, right? I mean,  
7 that wasn't true.

8 A. I'm not familiar with the term you're  
9 using.

10 Q. Well it a lie, right?

11 A. It was a lie.

12 Q. And it was based on, you met these two  
13 people here. Well I'm going to say they drove me  
14 from Charleston, right?

15 A. No, sir.

16 Q. Was that right?

17 A. I said a white male drove me from  
18 Charleston. I never said it was---

19 Q. Well is that who you were thinking about?  
20 Is that how it got in your mind?

21 A. Was I thinking about it?

22 Q. Yeah, did the two white folks that helped,  
23 just good samaritans, who helped you in to Tuomey,  
24 is that what put in your mind the two white folks to  
25 drive you here?

## Raymond Scott-Cross by Meadors

1 A. No, that's not correct.

2 Q. You just made up two white folks.

3 A. No. What put it in my mind was the fact  
4 that Ardis asked me specifically who they were.  
5 Like he connected the dots with them two. minor  
6 never mentioned it.

7 Q. And then told him that you all got out on  
8 a road in Manning, do you remember?

9 A. Yeah.

10 Q. Explain that to us.

11 A. Explain.

12 Q. Explain the road in Manning.

13 A. What happened right now it would be trying  
14 to create a lie on top of a lie. Because like I  
15 tell you, all that was a lie.

16 Q. Well you're doing that now, aren't you?

17 A. Telling you about the lies that I told  
18 him.

19 Q. We can't keep them straight.

20 A. Who can't?

21 Q. You can't.

22 A. I am not going good at lying. I mean, it  
23 is evident.

24 Q. I agree with that. So what did you tell  
25 him about being on Manning -- in Manning, as far as

## Raymond Scott-Cross by Meadors

1 when you got shot in Manning?

2 A. What did I tell Ardis? Honestly I can't  
3 really go into details as far as what I told him,  
4 because like I told you, it was a lie.

5 Q. So saying you were shot, and y'all  
6 stopped. Did you stop in Fairfield and smoke  
7 marijuana on Fairfield Road in Clarendon County?  
8 Did you all stop and smoke marijuana?

9 A. The first time I ever heard about it was  
10 from Ardis.

11 Q. And do you remember telling Ardis that you  
12 got shot in Clarendon County?

13 A. I do remember that.

14 Q. And that was you telling him that.

15 A. I did tell him that.

16 Q. And you said it was something about some  
17 people behind you must have done something, and  
18 shots started firing.

19 A. Yes, sir.

20 Q. And that was a lie.

21 A. Yes, sir.

22 Q. Didn't tell him that you had been shot on  
23 ■ Manning Avenue. Didn't tell him you had been  
24 shot at ■ Manning Avenue when Ardis is there  
25 trying to help you, treating you as a victim.

## Raymond Scott-Cross by Meadors

1 You're saying no, I got shot in Clarendon County.

2 There were 8 people out there or more. I had been  
3 driven by two white people. And then that's where I  
4 got shot. That's what you told him, right?

5 A. I didn't know the address until there was  
6 a part about the spot. I didn't know the address.  
7 I couldn't tell him the address anyway.

8 Q. He's trying to help you though, isn't he?

9 A. Who? Him?

10 Q. Ardis.

11 A. It could have been his intentions.

12 Q. And you had the opportunity then to tell  
13 him everything, didn't you? What you're telling us  
14 today, and you didn't.

15 A. I had the opportunity.

16 Q. And you didn't, you told him a lie.

17 A. Yes, sir.

18 Q. Did you meet your girlfriend in Manning  
19 that day?

20 A. Yes, sir.

21 Q. And did she come on with you to Sumter?

22 A. No, sir.

23 Q. Where did you go with her in Manning that  
24 day?

25 A. I was at her house.

## Raymond Scott-Cross by Meadors

1 Q. Where is that?

2 A. Peacock Street.

3 Q. How long did you stay there?

4 A. Sir, I am not really a tie and type -- I  
5 don't wear watches, so as far a specific time, I  
6 can't give you that.

7 Q. What did you all do?

8 A. Well first of all, I went in the house and  
9 spoke to the family. You know, like I say, I spoke  
10 to her mom and her sister. We chill in the bedroom  
11 for a couple of minutes. Came back outside, you  
12 know. Cow been outside sitting in the car playing  
13 with his phone. And pretty much, I was just kicking  
14 it with her, until he let me know he done contacted  
15 Buster, and got in contact with him.

16 Q. Did you tell her where you were going?

17 A. I did not.

18 Q. Now let me ask you. Can we approach?

19 (Whereupon, attorneys approach the bench  
20 and confer with judge.)

21 THE COURT: Yes, sir.

22 THE COURT: Ladies and gentlemen, step to  
23 your jury room. You may not discuss this case.

24 (Whereupon, the following takes place out  
25 of presence of jury.)

## Raymond Scott-Cross by Meadors

1 THE COURT: Mr. Meadors.

2 MR. MEADORS: We're not quite there yet in  
3 the cross, but it will be coming up. And as Your  
4 Honor instructed me, and I just did not want to  
5 blurt it out. On direct I have noticed that he had  
6 been in prison before. But I thought he said, never  
7 hurt anybody. According to my memory, that I'm not  
8 a scary dude. One of the other two prior armed  
9 robberies, he's given the indication that he could  
10 have been in there for anything. It could have been  
11 forgery. Whatever, I'm not a bad guy. I think that  
12 opens the door. He's got two prior armed robberies.

13 MR. MURPHY: Your Honor, he did not say.  
14 My recollection is, and I do recall. My  
15 recollection is what he was talking about was what  
16 Cow was telling Mr. Williams. He's been in prison  
17 before. And then he said---

18 THE COURT: He's telling Mr. Williams that  
19 who had been in prison before?

20 MR. MURPHY: That my client had been---

21 THE COURT: Okay.

22 MR. MURPHY: ---in prison before. That's  
23 where the 10 years come. He's the one talking  
24 about himself. And as far as saying, you know, I'm  
25 not---

1 THE COURT: I ain't no scary dude.

2 MR. MURPHY: I don't think he said I'm not  
3 no scary dude. I think what he said was, as far as  
4 I can piece it, and again this is vague. But I'm  
5 not scared of that dude or something like that.  
6 It's in the tape.

7 THE COURT: I'll be able to hear it. But  
8 let's just assume, I know he did not say, I'm not  
9 going hurt anybody. He didn't say that.

10 MR. MEADORS: I thought he said I never  
11 had hurt him. And beneath that I do see now, no  
12 scary dude.

13 THE COURT: He didn't say, I've never hurt  
14 anybody. He didn't say that. Because if he had  
15 said that, I would have written it down and put a  
16 big circle around it. Notice I did write down, I've  
17 been in prison. Now if he said those words, I don't  
18 know whether he was quoting somebody saying that, or  
19 whether or not he was saying that about himself.  
20 Let's assume that he was saying it about himself,  
21 I've been in prison before.

22 MR. MEADORS: I don't have a problem with  
23 it. I did do a little asteric after mine. I wish  
24 we could play it back.

25 THE COURT: Well I looked at you and you

1 looked at me, which is the way it normally works  
2 when something comes up on these types of issues. I  
3 ain't no scary dude is what I wrote down. I don't  
4 know what that means. I don't -- I'm not scared of  
5 him. But anyway, it's just the simple fact that  
6 whether or not, what do you contend, Mr. Meadors,  
7 that he said, that opens the proverbial door?

8 MR. MEADORS: I wrote down very word,  
9 never hurt anybody. I know you didn't. And I'm not  
10 saying mine is better than yours.

11 THE COURT: You want to listen for it?

12 MR. MEADORS: I'm not saying I'm better  
13 than yours. But I did that and did three dots. And  
14 then underneath that, I wrote down, no scary dude.

15 THE COURT: Would you like Margaret to  
16 find that?

17 MR. MEADORS: I hate to be difficult.

18 THE COURT: No, that's all right. That's  
19 fine. It's after zip ties.

20 MR. MEADORS: It was right after first  
21 time coming until the vibe changed.

22 THE COURT: Let's stop so Margaret can  
23 find. Have you got real time?

24 THE REPORTER: I do.

25 THE COURT: Can you search zip ties or can

1 you do a word search?

2 (Whereupon, attorneys listen to audio on  
3 zip ties.)

4 THE COURT: Any further comment,  
5 Mr. Meadors?

6 MR. MEADORS: No, I think I had told  
7 there.

8 THE COURT: Sir?

9 MR. MEADORS: I had told, but then after  
10 that, is no scary due.

11 THE COURT: Mr. Murphy anything else?

12 MR. MURPHY: I don't see how that opens  
13 the door to....

14 THE COURT: Mr. Meadors.

15 MR. MEADORS: Again, he's putting his  
16 character in evidence. Says I have done time. I'm  
17 not a scary dude.

18 MR. MURPHY: Once again, he's paraphrasing  
19 what is in the context of Mr. Williams tripping out,  
20 and Mr. -- and Cow telling Mr. Williams, you know,  
21 he's good, he ain't told nobody. That's the way I  
22 took that.

23 THE COURT: Well I took it to mean that  
24 Mr. Scott was saying that he himself had been in  
25 prison, and that I ain't no scary dude. Him putting

1 himself in prison is certainly not him vouching for  
2 his own character. It would be the exact opposite.  
3 If he had said I've never done anything to go to  
4 prison before, then you'd jump all over it.

5 MR. MEADORS: Of course. Yes, sir. I  
6 thought I was hurt, and I was on the run.

7 THE COURT: He's putting his bad,  
8 potential bad character in evidence which doesn't  
9 open an door, it just.

10 MR. MEADORS: Although, I respectfully  
11 disagree with you a little bit. He's trying to have  
12 it both ways. Yeah, I've been there but I ain't  
13 scared. I ain't done nothing real bad. I think  
14 you can argue that, but be that as it may.

15 THE COURT: Okay, I don't think that's  
16 opened the door. Are you ready to continue,  
17 Mr. Meadors, or would you like to take a break?

18 MR. MEADORS: I'm ready.

19 THE COURT: Mr. Murphy.

20 MR. MURPHY: I'm ready, Your Honor.

21 THE COURT: Bring in the jury.

22 (Whereupon, the following takes place  
23 within the presence of the jury.)

24 THE COURT: Do we have everybody, Mr.  
25 Bradley?

1 MR. BRADLEY: Yes, sir, Judge.

2 THE COURT: Mr. Meadors.

3 MR. MEADORS: May it please the court.

4 THE COURT: Yes, sir.

5 Cross examination by Mr. Meadors:

6 Q. Let's go back to Tuomey Hospital, okay.

7 The first person you talked with Ardis. Corporal---

8 A. Yes, sir.

9 Q. ---Ardis, James Ardis, and lied to him,  
10 correct? And you also talked to Jennifer.

11 Jennifer, you're still here. Raise your hand up.

12 Do you remember talking to Jennifer?

13 A. I honestly never remember talking to her.

14 Q. You don't remember talking to her?

15 A. No, sir.

16 Q. And you don't remember telling her where  
17 you were from and being in Charleston?

18 A. Personally, I don't remember her or not.

19 Q. Do you dispute that you lied to her.

20 A. Every officer that talked to me, I lied  
21 to.

22 Q. Sergeant Dubose, do you remember talking  
23 to Sergeant Dubose?

24 A. I remember him coming through.

25 Q. And he was nice to you.

## Raymond Scott-Cross by Meadors

1 A. I didn't like him too much, to be honest  
2 with you.

3 Q. You didn't like him.

4 A. No.

5 Q. And but he didn't yell at you. It's on  
6 the tape, isn't it?

7 A. He ain't been yelling or nothing.

8 Q. That tape, what's on the tape is what  
9 happened, isn't it? I mean that tape, y'all's  
10 conversation that accurately reflects it.

11 A. That definitely did take place.

12 Q. And he was trying to find out where you  
13 got shot, wasn't he?

14 A. Everybody.

15 Q. I mean, wasn't he trying to find out?

16 A. Yeah.

17 Q. And said you got shot, and somebody else  
18 got shot. You all came in here at the same time. I  
19 mean he wanted to know. I mean he was trying to  
20 find out who shot you, wasn't he?

21 A. All right.

22 Q. Is that a yes or no?

23 A. Yes, sir.

24 Q. And, please, and did you tell him that  
25 some white folks had taken you up from Charleston to

## Raymond Scott-Cross by Meadors

1 Manning and then to Sumter?

2 A. Yes, sir.

3 Q. You had the opportunity to tell him right

4 off the bat, when he's treating you as a victim,

5 here's what happened Investigator Dubose.

6 A. Yes, sir.

7 Q. You could have told him that, couldn't

8 you?

9 A. Yes, sir.

10 Q. You could have told him, look, I got shot,

11 right?

12 A. Right.

13 Q. And I had shoot back in self defense,

14 right?

15 A. Yes, sir.

16 Q. And you could have told him that, couldn't

17 you?

18 A. I could have.

19 Q. And you didn't, did you?

20 A. I did not.

21 Q. As a matter of fact, you made up a lie.

22 A. Yes, sir.

23 Q. About getting shot in another county?

24 A. Yes, sir.

25 Q. Now I got a brother in Charleston, okay.

## Raymond Scott-Cross by Meadors

1 Have you all got marijuana in Charleston?

2 A. Do we have marijuana in Charleston?

3 Q. Yeah.

4 A. Sure we do.

5 Q. You said you were worried about traveling  
6 with zip ties, right? You're so worried about these  
7 zip ties and stuff hanging out of the car that you  
8 even say it might be probable cause to stop. So  
9 you've got zip -- what have you got the zip ties  
10 for?

11 A. I disagree with that right there. I  
12 didn't say that.

13 Q. What did you say about it?

14 A. I said that I wasn't going to travel on  
15 the highway. We're about to go and buy marijuana,  
16 and we're on the road with wires hanging out. I  
17 went and got the zip ties from the house.

18 Q. That's what I was asking you. I didn't  
19 say anything different from that.

20 A. You just say that I was worried about  
21 traveling with the zip ties. I never said I was  
22 worried about traveling with zip ties. What I said  
23 was, I was worried about traveling on the highway  
24 with the wires hanging out from under the steering  
25 wheel.

## Raymond Scott-Cross by Meadors

1 Q. And that's why you had zip ties.

2 A. I went to get the zip ties to tie it up  
3 before we hit the road.

4 Q. But you never did that.

5 A. Yes, I did.

6 Q. Here are the zip ties.

7 A. Yeah, that's not a whole pack. You don't  
8 need a whole pack to tie up the wires.

9 Q. But you were worried about traveling from  
10 Charleston to where? Where are you going?

11 A. Going to Sumter.

12 Q. And worried about getting stopped.

13 A. If we get stopped and they look at them  
14 wires, that's probable cause to search the vehicle.

15 Q. Wires hanging down.

16 A. Yes.

17 Q. And so you were worried about that. So  
18 you're traveling all the way from Charleston to  
19 Sumter to buy a quarter pound?

20 A. No, I didn't say that.

21 Q. Well you said you had \$500. You were  
22 going to buy a quarter pound.

23 A. I did not say that.

24 Q. You said you all were going to buy a  
25 pound, and you were going to get a quarter pound of

## Raymond Scott-Cross by Meadors

1 it.

2 A. I said, my exact words was, I had \$500.  
3 Cow was going to put the remaining wherever I  
4 needed, to get a pound of reefer. That's what I was  
5 going to get. As far as what he was buying, it  
6 don't work like that. He ain't going to tell how  
7 deep his pockets, what he buy. I was going to get  
8 a pound of reefer. I ain't ride all the way up  
9 there for the quarter pound.

10 Q. And you're going to travel to all these  
11 counties to get dope from somebody you don't know,  
12 instead of doing it somewhere close to home. Chance  
13 of traveling all this way, right?

14 A. The price is different.

15 Q. What else you can do with these ties? Do  
16 they use these as handcuffs?

17 A. I was never put in any zip ties and no  
18 handcuffs.

19 Q. Police do, don't they?

20 A. I had never seen it.

21 Q. You remember everything you said for this,  
22 but you can't even remember talking with Jennifer?  
23 You can't remember all your?

24 A. I don't remember talking to her.

25 Q. And what type of gun did you have?

## Raymond Scott-Cross by Meadors

1 A. A revolver.

2 Q. What specially?

3 A. A 38 special.

4 Q. Now a 38 that revolver, you can put  
5 different type of projectiles in there, can't you?  
6 They don't all have to be the same kind of ammo, do  
7 they?

8 A. I couldn't tell. I mean, you've got to  
9 put 38 bullets in there.

10 Q. That's right, just as long it's a 38. And  
11 how many 38's did you have in that revolver?

12 A. How many bullets I have? Well I fully  
13 loaded all 5.

14 Q. But you end up shooting some at [REDACTED]  
15 Manning, right? But you did shoot Raymond Scott.  
16 There ain't no question about it. You said you may  
17 have shot him all four times. But your hands pulled  
18 the trigger that put the bullets in his body, right?

19 A. I did not say that. I am Raymond Scott.

20 Q. You know what I mean, Tyrone Williams.  
21 You shot the bullets in to Tyrone Williams, didn't  
22 you?

23 A. It is possible I shot him all four times.

24 Q. It's possible you shot him all four times.  
25 All 38's, correct?

## Raymond Scott-Cross by Meadors

1 A. Every shot he got him in, it was possible  
2 to be a 38.

3 Q. And that doesn't eject or leave shell  
4 casings, does it, with a revolver?

5 A. No, sir.

6 Q. Where did you get that gun from?

7 A. Charleston.

8 Q. Where?

9 A. Goose Creek.

10 Q. From who?

11 A. AP.

12 Q. AP who?

13 A. That's the nickname.

14 Q. Just tell me the location of where AP was  
15 when you got it?

16 A. Goose Creek.

17 Q. Where in Goose Creek?

18 A. Goose Creek, Burch Hollow. Certain  
19 streets, I can't even tell you.

20 Q. You can't tell me. When did you get it?

21 A. It was about close to about a week, give  
22 or take, a couple of days before Christmas.

23 Q. Close to about a week, give or take before  
24 Christmas.

25 A. I know I had it around like a week---

## Raymond Scott-Cross by Meadors

1 Q. Why did you get it?

2 A. ---to 10 days.

3 Q. Why did I get it?

4 A. Why did I get it? It's a gun. I mean,  
5 protection.

6 Q. And you knew you weren't supposed to have  
7 a gun.

8 A. I did know that.

9 Q. You did know that.

10 A. I did.

11 Q. And where did you get the ammunition?

12 A. Well, you can get 38 bullets from  
13 Wal-Mart. I got a girl I can, you know, I know from  
14 Charleston to buy 38 bullets from Wal-Mart.

15 Q. That's---

16 A. A whole box.

17 Q. ---illegal -- that's illegal for you to  
18 have ammunition too, isn't it?

19 A. Yes, it is.

20 Q. So you knew that was wrong.

21 A. I did know that.

22 Q. You knew that having a gun was wrong.

23 A. I did know that.

24 Q. Why did you have the three 38's in your  
25 hand when you went to the hospital?

## Raymond Scott-Cross by Meadors

1           A.    To be honest with you, I was trying to  
2 find a way a throw them.

3           Q.    Well...

4           A.    I didn't have any opportunity to.

5           Q.    And you left from -- and you say you were  
6 parked right across the street from █████ Manning  
7 Avenue?

8           A.    No, sir.

9           Q.    Where were you parked again?

10          A.    Well it wasn't definitely on the street  
11 in the front of the building. We didn't park in  
12 front of the building. There was two cars out there  
13 already. We park on the side of the building. So  
14 when you come out, you got to -- if we had the  
15 picture right here, I would been able to show you  
16 the location. But you come out, you go, as my  
17 memory brings it, you go to the right.

18          Q.    You mind if I approach you?

19          A.    No.

20          Q.    I have it up right now, and I know it's  
21 just easier. So this is State's, what's that  
22 number right here, sir?

23          A.    39.

24          Q.    39. So when you come out of the business,  
25 which way do you go?

## Raymond Scott-Cross by Meadors

1 A. You come out, you right here.

2 Q. You come down this way?

3 A. Yeah, that would be when you come over  
4 this way. Because this would have been where the  
5 window is at, you could see in when you're coming  
6 in. So we went this way.

7 Q. And you didn't have any trouble seeing  
8 inside the building, either, did you? I mean, it is  
9 pretty well lighted, right?

10 A. Yes.

11 Q. I mean, no question you could see -- you  
12 could see Mr. Williams and Mr. Williams could see  
13 you, right?

14 A. Yes, sir. Right in front of me.

15 Q. And you all close enough like we are just  
16 now talking, right? Back and forth, right? Ain't  
17 no question about that.

18 A. No question.

19 Q. He saw you, you saw him.

20 A. Definitely.

21 Q. And you'd never been there before.

22 A. Never was.

23 Q. They didn't know who you were.

24 A. None of them. That was the first time I  
25 met both of them.

## Raymond Scott-Cross by Meadors

1 Q. And you say, Walter just dapped you right  
2 off the bat?

3 A. As soon as I came in, it was like what's  
4 up, you know, going on.

5 Q. Tyrone Williams who had never seen you,  
6 never met before, treated just like nothing to it  
7 when you first came in, right?

8 A. I mean nothing to it.

9 Q. That means you all were fine when you  
10 first came in.

11 A. No, disagree.

12 Q. Tell me how it was.

13 A. Well when I first walked in, like I told,  
14 it was inquired about, who the little man was, you  
15 know, the small child.

16 Q. That's when you first came in?

17 A. As soon as we came in. Me and Cow dapped,  
18 walked up. I went to dap Walter up. And then the  
19 inquiry came. I said, who is your little man is.  
20 So he was like, yo, that's my son. What have you  
21 got a little man in the mix for, we're able to  
22 handle business. Right off the bat, it just took a  
23 wrong turn.

24 Q. Why didn't you leave?

25 A. Why didn't I leave?

## Raymond Scott-Cross by Meadors

1 Q. Yeah, why didn't you turn around and  
2 leave?

3 A. Right then?

4 Q. Yeah.

5 A. It was no point. I came up here, it was  
6 no point. I came up here to buy marijuana.

7 Q. So everything was fine with you after you  
8 said this bad vibe about his son, you saw some  
9 change. But you said, well, you didn't think you  
10 should have just left then?

11 A. I didn't think that, in my mind I didn't  
12 think it was going to escalate to the point it did  
13 escalate.

14 Q. So it wasn't that bad of a vibe to make  
15 you even think about leaving then. You still  
16 thought it okay. Right?

17 A. I believe so.

18 Q. Okay.

19 A. I can go for that.

20 Q. So after you did tell him little man here,  
21 he's still okay according to you.

22 A. Who is okay?

23 Q. Tyrone Williams still okay.

24 A. Okay about me?

25 Q. After you. You said you got a vibe after

## Raymond Scott-Cross by Meadors

1 you asked him about the little man being here. But  
2 then you said well---

3 A. The whole vibe in the whole place with him  
4 changed.

5 Q. Well why didn't you leave?

6 A. I had no business to leave right now. I  
7 came up here for a purpose. I was trying to  
8 accomplish what I came up here for, and then go on  
9 my own way.

10 Q. You're going to come in a place you've  
11 never met anybody, neither one of them. You're from  
12 out of town, and you're going to come in and just  
13 expect him to sell you marijuana? That's  
14 incredible.

15 A. It is.

16 Q. It is.

17 A. Have you ever bought marijuana?

18 Q. I have not.

19 A. All right then you can't tell me.

20 Q. Do you think it's reasonable to go buy  
21 something from somebody you don't even know?

22 A. Cow was going to make the purchase.

23 Q. And he even started asking.

24 A. I knew his face.

25 Q. Let's ask about Cow. How do you spell

## Raymond Scott-Cross by Meadors

1 that?

2 A. C-O-W.

3 Q. C-O-W.

4 A. That's how I pronounce it.

5 Q. And on -- strike that. I'm sorry, on  
6 December 29 2015, when you talked to Jennifer, when  
7 you talked to Greg Hawkins, when you talked to  
8 Sergeant Dubose, how many times did you mention Cow?

9 A. None.

10 Q. And how many times did you mention --  
11 what's his real name?

12 A. Alonzo Fitzgerald.

13 Q. Alonzo Fitzgerald.

14 A. Yes, sir.

15 Q. How many times did you mention Alonzo  
16 Fitzgerald?

17 A. None.

18 Q. Not at all. And you mention him here  
19 today, why?

20 A. First off, I got his blessings.

21 Q. You got his blessings.

22 A. Yeah.

23 Q. When did you talk to him?

24 A. On the phone. And the last time I spoke  
25 to him would actually be Monday.

## Raymond Scott-Cross by Meadors

1 Q. And you got his blessing to snitch on him.  
2 Because you're snitching now.

3 A. I definitely am not.

4 Q. Well the record will reflect, you're  
5 telling on, you're a snitch.

6 A. That's what you want to call it.

7 Q. Well if you tell on somebody else if  
8 they're involved in something, what's the definition  
9 of that?

10 A. Well if they give you their blessings,  
11 then what is the definition?

12 Q. Where does he live right now?

13 A. I have no idea.

14 Q. Where did you talk to him?

15 A. When did I talk to him?

16 Q. Where was he when you talked to him?

17 A. He was on the street.

18 Q. Where, what county?

19 A. Right, Monday?

20 Q. When you talked to him.

21 A. I talked to him, and that was in  
22 Sumter/Lee Regional when I went back to the county  
23 jail.

24 Q. Where was he?

25 A. I didn't ask him.

## Raymond Scott-Cross by Meadors

- 1 Q. What county?
- 2 A. I did not ask him.
- 3 Q. He's in South Carolina, wasn't he?
- 4 A. He is South Carolina.
- 5 Q. I mean he lives in South Carolina.
- 6 A. To my knowledge, he does.
- 7 Q. And when did you meet him?
- 8 A. When did I meet him?
- 9 Q. Uh-huh. (Affirmative.)
- 10 A. The very first time?
- 11 Q. Yes, sir.
- 12 A. Well we went to school together at
- 13 Sedgefield Intermediate.
- 14 Q. And when was the last time you saw him?
- 15 A. December 29th.
- 16 Q. And how many times have you talked to him
- 17 since then?
- 18 A. A couple of times.
- 19 Q. And he doesn't exist, does he?
- 20 A. He doesn't exist?
- 21 Q. There's not an Alonzo Fitzgerald in South
- 22 Carolina. Did you know that?
- 23 A. I disagree.
- 24 Q. Well the records disagree with you. He
- 25 does not exist. So I agree, you're not snitching on

## Raymond Scott-Cross by Meadors

1 a real person, are you?

2 A. And if that's what you call it. I  
3 disagree. I know we've -- as a matter of fact, all  
4 phone calls in Sumter/Lee Regional are recorded.

5 Q. That's right, and you got access to them,  
6 don't you?

7 A. Access to the recording?

8 Q. You got access to them, don't you?

9 A. To the recording?

10 Q. Yeah.

11 A. No, I don't.

12 Q. You got access to him. You talked to him  
13 Monday.

14 A. I can get on the phone.

15 Q. You got access to him. You got on him  
16 Monday, and you talked to him, didn't you?

17 A. I did get a phone.

18 Q. So you know how to get in touch with him,  
19 don't you?

20 A. I can.

21 Q. You can.

22 A. I can.

23 Q. And our records reflect he don't exist.

24 Why didn't you tell on him on the 29th?

25 A. For the record, I ain't telling on him.

## Raymond Scott-Cross by Meadors

1 But on the 29th when I was talking to officers, it  
2 wasn't my intentions to involve him, because at the  
3 time, I knew nothing about what was going on.

4 Q. And he just let you off at Tuomey?

5 A. He had intentions of taking me in there.

6 I told him go ahead, I'm going to handle it.

7 Q. So you were covering him.

8 A. Yes, sir, he saved my life. I owed it to  
9 him.

10 Q. Now did I ask you, why did you have those  
11 3 bullets in your hands in the hospital?

12 A. Yes, sir, you did.

13 Q. And why did you say?

14 A. I said I was trying to rid of them. I was  
15 trying to throw them.

16 Q. So let's go back to that. When you left  
17 in the car from [REDACTED] Manning Avenue to Tuomey, was  
18 anybody stopping you from just throwing them out the  
19 window, or throwing them out the door?

20 A. Besides my mind thinking about it being in  
21 my pocket, no, sir.

22 Q. But they were in your hand when you went  
23 in the hospital.

24 A. Yeah, I actually retrieved them out from  
25 my pocket when I was in the hospital. That's why I

## Raymond Scott-Cross by Meadors

1 remember it.

2 Q. How did you get those extra 3 bullets?

3 A. Excuse me?

4 Q. I mean why were they in your hand?

5 A. I was trying to get rid of them.

6 Q. Yeah, but why were they in your hand.

7 A. I put them in my pocket, and I was trying

8 to find some way to dispose of them to get off my

9 person. I knew I wasn't supposed to have them.

10 Q. You didn't unload your gun, did you?

11 A. No, sir.

12 Q. So you had three extra bullets. You've---

13 A. Yes, sir.

14 Q. ---already said your revolver was loaded,

15 right?

16 A. Yes, sir.

17 Q. And then you had three extra bullets?

18 A. Yes, sir.

19 Q. You were looking for trouble, weren't you?

20 A. No, sir.

21 Q. How many bullets did you have total?

22 A. A total? Five in the gun, and three in my

23 pocket. That would have made a total of 8.

24 Q. So you had 8 total.

25 A. Yes, sir.

## Raymond Scott-Cross by Meadors

1 Q. How many times did you fire?

2 A. I can't keep count, but I can tell you  
3 this, it's very much possible that I shot them all  
4 four times.

5 Q. Four times. And did you shoot on the way  
6 out too?

7 A. No, sir.

8 Q. The light skinned fellow whoever he is, he  
9 ended up shooting. You didn't hear shots coming  
10 towards you?

11 A. I got shot.

12 Q. You got shot from the light skinned fellow  
13 shooting his 45 back toward you, didn't you?

14 A. No, sir.

15 Q. He was firing.

16 A. He was behind me.

17 Q. Firing in your direction.

18 A. He was behind me to the right. So if he  
19 was firing in my direction, I would have been hit on  
20 the right side.

21 Q. You can turn your body any way you want to  
22 when shots are fired, can't you?

23 A. Yeah, but at same time, If you want to see  
24 the bullet enter me from a left angle, you know, you  
25 want to take a look?

## Raymond Scott-Cross by Meadors

1 Q. I will do whatever you want to do.

2 A. Right here by me standing right in front  
3 of you, you know, see me, this is the line.

4 Q. And if he's standing over here, and you're  
5 here, it goes straight towards to you, doesn't you?

6 A. If he's standing to my right.

7 Q. That's right.

8 A. Or if he's standing directly in front of  
9 me. But if he's standing behind me, I mean to my  
10 left over here. But if he's standing behind me to  
11 the right, you know, for a bullet to come from over  
12 here, I would have to do like a boomerang to come  
13 from a left hand.

14 Q. And if you're Raymond -- if you're  
15 shooting Tyrone Williams, Raymond Scott, as you  
16 admitted right here, and these shoots are coming  
17 right here and you've moving, that would go  
18 straight in your leg, wouldn't you? Do you stand  
19 still when a gunshot -- do you sit there and stand  
20 still when shots are going off?

21 A. Of course not, I was on the ground. I  
22 wasn't standing.

23 Q. Did your buddy apologize to you for  
24 shooting you? You think this is funny?

25 A. Nah, it's the question you asked me.

## Raymond Scott-Cross by Meadors

1 Q. You think it's funny that you lie to law  
2 enforcement officers?

3 A. I just told you Tyrone Williams shot me.

4 Q. Do you think it's funny to lie to law  
5 enforcement officers?

6 A. I don't trust law enforcement.

7 Q. You think it's funny to come in to Sumter  
8 County with five bullets in a revolver and three  
9 projectiles looking for trouble? You think that's  
10 funny to come in this county looking for trouble?  
11 Huh? Is---

12 A. I wasn't---

13 Q. ---that funny?

14 A. ---looking for trouble.

15 Q. And you never, ever, ever told anybody  
16 about this until today?

17 A. I disagree with that too.

18 Q. You didn't tell law enforcement.

19 A. That aren't on the my side. There are no  
20 law enforcement besides the people that escorted me  
21 in here, sitting behind the defense.

22 Q. No, sir. I disagree with you. James  
23 Ardis was on your side. You even called for him.  
24 James Ardis back in the back of the courtroom, doing  
25 what law enforcement is supposed to do, thought you

## Raymond Scott-Cross by Meadors

1 were a victim. You're so good, you convinced them  
2 you were shot in Clarendon County. He called  
3 Clarendon County investigator and say hey---

4 MR. MURPHY: Your Honor, is there a  
5 question in here?

6 MR. MEADORS: I'm getting to it.

7 THE COURT: Wait. You can continue, let  
8 me rule first.

9 MR. MEADORS: I'm sorry.

10 THE COURT: You can ask the question. Go  
11 ahead.

12 Q. He called Clarendon County based on your  
13 story and asked them, say, hey, see if somebody  
14 fired here. Do you realize that? He believed you.

15 A. Yes, sir.

16 Q. He was on your side. He was trying to  
17 find out who shot you. That's what good law  
18 enforcement does.

19 MR. MURPHY: Your Honor, is that a  
20 question?

21 THE COURT: Sustained.

22 Q. Did he try to help you?

23 A. Mr. Ardis?

24 Q. Yes, sir.

25 A. Yes, sir.

## Raymond Scott-Cross by Meadors

1 Q. And you lied and told him you were shot in  
2 Clarendon County.

3 A. Yes, sir.

4 Q. And that is totally inconsistent with what  
5 you're saying today.

6 A. Yes, sir.

7 Q. Lied to Jennifer. Lied to Dubose. Lied  
8 to Ardis, correct?

9 A. Jennifer, that's -- all right, yeah.

10 MR. MEADORS: I beg the court's  
11 indulgence.

12 Q. So for the record, let me get Cow. And  
13 tell me his name again.

14 A. Alonzo Fitzgerald.

15 Q. And Alonzo Fitzgerald did what in this  
16 thing?

17 A. Excuse me?

18 Q. Did he fire his weapon?

19 A. Did he fire his weapon?

20 Q. Yes, sir.

21 A. Yes, sir.

22 Q. How many times?

23 A. I cant' give you under oath, I can't give  
24 you an accurate amount.

25 Q. What type of gun did he have?

## Raymond Scott-Cross by Meadors

1 A. I couldn't tell you that either. I didn't  
2 ask.

3 Q. Did you ever see it?

4 A. Did I see his gun?

5 Q. Yeah.

6 A. No, sir.

7 Q. You all are coming up here to Sumter, a  
8 place you've never been before, and you knew he had  
9 a gun, didn't you?

10 A. I was pretty much, I can't say I knew for  
11 a fact, because I've never seen it.

12 Q. You're going to walk into a place to buy  
13 dope, and you don't know if you're partner has got a  
14 gun?

15 A. I can tell you that it's just people. I  
16 wasn't expecting any trouble.

17 Q. He's from Charleston, isn't he?

18 A. Yes, he is.

19 Q. So you don't know if he had a gun.

20 A. I know he had a gun after shooting. I  
21 didn't know about it coming up here.

22 Q. And what did you all talk about on the way  
23 to the hospital?

24 A. I talked about everything. How I been  
25 doing, and giving me my condolences about, you know,

## Raymond Scott-Cross by Meadors

1 I lost my twin brother.

2 Q. No, on the way to the hospital after the  
3 shooting.

4 A. Oh, I told him, shoo. While he was  
5 talking, I told him to shut up and get me to the  
6 hospital. My focus was about getting medical  
7 attention.

8 Q. So your testimony under oath is that you  
9 went ■ Manning Avenue with a weapon, with extra  
10 firearms, to buy dope?

11 A. Weed, marijuana.

12 Q. Excuse me. And you could have walked out  
13 of there, couldn't you? After you felt the vibe  
14 something wrong, you could have just left, couldn't  
15 you?

16 A. After, I could have.

17 Q. You could have. You could have just  
18 walked out.

19 A. I could have.

20 Q. Nobody was keeping you staying there, were  
21 they?

22 A. No, sir.

23 Q. And you didn't, did you?

24 A. At that time.

25 Q. You got the Mystic?

## Raymond Scott-Cross by Meadors

1           A.    I left it, you know, I got shot and wasn't  
2 paying attention.

3           Q.    But you bought the Mystic.

4           A.    I did buy it.

5           Q.    He told you \$5?

6           A.    No.

7           Q.    Two dollars.

8           A.    Two dollars. I give him a 5.

9           Q.    He gave you change.

10          A.    Yeah.

11          Q.    And at that point you say he pulled out  
12 his weapon?

13          A.    I went and got the change. He came and  
14 give it back to me. And he pull out, he shot. No  
15 talk, no...

16          Q.    So he just decided that he's going to  
17 shoot you?

18          A.    I don't if when he if just -- I don't know  
19 when he decided, but I know when he pull out his  
20 gun, he shot. That's why when Walter, Walter was  
21 over there by Cow. Cow. Walter got hit in the  
22 head. He didn't get shoot, because he wasn't  
23 firing. Cow was behind me. He started shooting at  
24 Walter. I mean, at Buster. Because Buster shoot  
25 me. You feel me. So when I got shot, I fall down.

## Raymond Scott-Cross by Meadors

1 They started shooting at each other.

2 Q. And Mr. Williams just started firing at  
3 you, because you had said something, why is this kid  
4 here.

5 A. I can't tell you what his intentions was,  
6 and why he did what he did.

7 Q. He just came out and started firing after  
8 he gave you change.

9 A. I got the change. The money is still in  
10 my hand. And he pull, boom.

11 Q. So he just after giving change, selling  
12 you a Mystic, he decided he's just going to shoot  
13 you. That's what you're saying, he just shot you?  
14 No other bad blood. I mean, you all didn't have  
15 words. You weren't yelling at each other. You  
16 weren't pushing each other.

17 A. I had words prior.

18 Q. About what?

19 A. I first came and I told you.

20 Q. About the kid.

21 A. I guess, well it ain't really a guess,  
22 but when I made my statement about why you got your  
23 little man in the mix, we're supposed to be  
24 handling. For one, I was in his establishment, I  
25 ain't trying to tell him what to do. And they were

## Raymond Scott-Cross by Meadors

1 supposed to be conducting anyway, you feel me.

2 Q. No, I don't feel you. By the way, I  
3 don't. And because of that one statement you said  
4 why is your son in this place of business, you're  
5 saying that because of that he got so mad, and then  
6 finally shot you? Because nothing else transpired  
7 besides that between you all. You all didn't have  
8 any other bad words. He didn't come at you. You  
9 weren't afraid of being hurt of anything. You  
10 hadn't tried to hurt him. Because you said you got  
11 your son in here, you're saying all of a sudden, he  
12 just shot you? He got mad about that?

13 MR. MURPHY: Your Honor, I don't believe  
14 that's what the testimony is.

15 THE COURT: He can -- the witness can  
16 explain if he -- if that is the question, the  
17 witness can admit or deny it or answer otherwise.  
18 Go ahead.

19 A. Can you rephrase your question.

20 Q. Sure. You said, your testimony was that  
21 you said the vibe changed when you asked him, why  
22 you got your little man around here. You didn't say  
23 anything else happened between you all. As a matter  
24 of fact, the only thing you said after that, you  
25 want a Mystic. He got it to you. You gave him a 5.

## Raymond Scott-Cross by Meadors

1 He gave you change. And then all of a sudden he  
2 came out and started shooting you. Nothing else  
3 happened besides you asking about your kid, right?

4 A. Yeah, I am walking---

5 Q. Can you answer that yes or no?

6 A. Can I answer that?

7 Q. Well go ahead, say whatever you want to.

8 A. When I'm walking after I say, you know,  
9 why you got your little man in the mix when we're  
10 supposed to be handling business. He starts  
11 battling. He was the one asking me all these  
12 questions and all that. I walked to the Mystic  
13 machine, well to the cooler, and get the Mystic  
14 myself. But when I was walking over there, I said  
15 it loud enough for them to hear it, man, you ain't  
16 talking about nothing. And pretty much, I was like,  
17 I was dismissing him. Like, that's irrelevant.  
18 Like I ain't really pressed about this exchange of  
19 words that's going on right now.

20 I went and grabbed a Mystic. He came --  
21 like and we moved for this, when you put money in  
22 somebody's pocket they tend to calm down usually.  
23 So I bought the Mystic. He walked off. When he  
24 came back, we were sitting by one the pool tables.  
25 When he came back, he tried to hand me the money in

## Raymond Scott-Cross by Meadors

1 my left hand. I didn't accept it from there. I  
2 went and turned back with my right hand. He's  
3 leaped forward, that's when he shot me.

4 Q. So the only time that caused him to do  
5 this was you said something about why is your boy  
6 here.

7 A. I can't tell you what his mind was  
8 thinking, why he did what he did.

9 Q. Just a few more questions. You said you  
10 brought \$500 to buy some weed. You knew how much  
11 you were going to buy. How much money did you  
12 bring?

13 A. 500 was going from pocket, from my  
14 possession to Cow. And he was going to put the  
15 difference to buy the marijuana. All the rest of  
16 the money was going to be mine.

17 Q. And how much was a pound?

18 A. How much a pound is it? Well from my  
19 understanding Buster was selling \$1,000 a pound.

20 Q. And you were going to buy how much?

21 A. I was just going get a pound.

22 Q. And you had how much on you?

23 A. \$500.

24 Q. And they took \$569 off of you. That's the  
25 money you grabbed from the floor after Tyrone--

## Raymond Scott-Cross by Meadors

1 A. No, sir.

2 Q. ---threw it to you, didn't they?

3 A. No, sir.

4 Q. In your pocket. It was separate from the  
5 \$7 you had in your other pocket.

6 A. Yeah, I don't remember that. But if  
7 anything, that came from something different. But  
8 the money in my pocket, \$500 was going to get the  
9 weed. The rest of my money was my personal. It was  
10 just for me to get my feet and get myself  
11 established.

12 Q. The extra \$69?

13 A. That's mine. All -- everything else was  
14 just for my personnel, not to go into the weed. The  
15 weed, the whole part of him of making the  
16 difference, is for me to get that part of the weed,  
17 for me to get everything established. Get myself  
18 together.

19 Q. That whole \$569 was Tyrone Williams,  
20 wasn't it? That you got from -- again, is this  
21 funny?

22 A. I mean you're asking me a question. I  
23 just gave you an answer.

24 Q. Yeah, well the first time today you're  
25 trying to interject an imaginary person. Let me ask

## Raymond Scott-Cross by Meadors

1 you this question, where was the marijuana?

2 A. Where was who marijuana?

3 Q. What do you who marijuana? The marijuana

4 you came here. You said you came here to buy it.

5 Where was it?

6 A. You have to ask the victim that.

7 Q. Law enforcement didn't find but a couple

8 of roaches there.

9 A. You've got to ask the victim that.

10 Q. No, I'm asking you that.

11 A. I never saw it. I told you what happened

12 when I came in there. I can't tell you where the

13 marijuana was at. He never produced. He never

14 showed it. I came up there with the intentions to

15 buy marijuana.

16 Q. And you all never talked about it all

17 about the marijuana when you got there, did you?

18 A. When we came in, the marijuana approach in

19 the conversation about, yo, what's up with the

20 business. I never get spoken about as marijuana.

21 It was just said that we came in and handle

22 business. And you got your little man in the mix.

23 Q. And your friend never talked to you about

24 how it was going to go down. Where were you going

25 to buy it. Who you buying it from. And how you

## Raymond Scott-Cross by Meadors

1 were paying him, or what were they were going to  
2 take it in or anything, did they? What were you  
3 going to put the marijuana in?

4 A. Yes, sir.

5 Q. What were you going to put the marijuana  
6 in?

7 A. What do you mean what was I going to put  
8 it in?

9 Q. What were you going to put it in? What  
10 were you going to carry it in?

11 A. I came up here to buy marijuana from  
12 Buster. When you buy marijuana from a -- in a  
13 quantity, it's going to come in like one of these  
14 Piggly Wiggly bags or whatever they put it in. And  
15 you can go in the truck and drive right back on down  
16 to Charleston. As far as, where he had it at, and  
17 what he did with it, and if he even had it there  
18 from the very get go, I don't know.

19 Q. Well you knew it wasn't there, because you  
20 heard the testimony. They didn't find any big  
21 marijuana there, right? Just a couple of roaches.

22 A. At the same time, I also know that Tyrone  
23 Williams took an ambulance ride to the hospital.  
24 And Investigator Dubose didn't speak to Walter until  
25 after the fact. So he left the scene. I was with a

Raymond Scott-Cross by Meadors

1 gunshot wound. I left them there. I didn't know  
2 what they did when I left.

3 Q. You're kind of adapting everything to the  
4 way the evidence came out, aren't you?

5 MR. MURPHY: Your Honor, is that a---

6 MR. MEADORS: That's a question. Are  
7 you---

8 THE COURT: Wait. If he objects, you all  
9 can't talk back and forth---

10 MR. MEADORS: I'm sorry.

11 THE COURT: ---between yourself.

12 Mr. Murphy, what was your objection?

13 MR. MURPHY: It's argumentative.

14 THE COURT: Mr. Meadors. Overruled.

15 Q. Are you adapting your testimony to the  
16 evidence that came in, kind of making things fit?

17 A. No, sir.

18 Q. That's kind of what you did with the  
19 officers on December 29th, wasn't it?

20 A. Excuse me?

21 Q. Adapting your story to the circumstances.

22 A. Well on December 29th, not October 29th.  
23 On December 29th, I knew nothing about none of the  
24 evidence. The actual crime scene investigator  
25 wasn't even probably at the crime scene by the time

## Raymond Scott-Cross by Meadors

1 I made it to the hospital.

2 Q. Well you knew you'd come up here for a  
3 drug deal according to you.

4 A. I didn't. I don't trust law enforcement.

5 Q. A man shot you. You're saying for no  
6 reason. No reason. You're there inquiring, well  
7 you've got your son here. He shot you.

8 MR. MURPHY: Your Honor, asked and  
9 answered.

10 MR. MEADORS: I'm following up.

11 THE COURT: Sir?

12 MR. MEADORS: I was following up on what a  
13 point he made.

14 THE COURT: Overruled.

15 MR. MEADORS: I'm sorry.

16 THE COURT: But you know, we are getting  
17 to be---

18 MR. MEADORS: I'm close.

19 THE COURT: ---in the spine cycle.

20 MR. MEADORS: I'm close. Hopefully not  
21 too bad, I'm close.

22 Q. You knew you had been robbed that day.  
23 And you're saying shot, unjustified, and you didn't  
24 tell anyone.

25 A. I was not robbed, because nothing was took

## Raymond Scott-Cross by Meadors

1 from me.

2 Q. Excuse me, you knew shot. And you're  
3 saying your story as a drug dealer, you didn't tell  
4 police that you were shot, and it was unjustified.  
5 You didn't tell them, did you?

6 A. If I told the police officers what  
7 happened, Tyrone Williams would have been locked up  
8 with me. That wasn't my intentions.

9 Q. So you're looking out for him.

10 A. It wasn't my intentions then, and it  
11 wasn't my intentions now, for anybody to have  
12 charges pressed against them. I never seek for  
13 charges to be pressed against Tyrone Williams. And  
14 before I got my motion as far as the clear, the  
15 allegation you made, before I got my motion and  
16 discovered anything about the evidence, and I do  
17 understand that my lawyer is an officer of the law  
18 first and foremost. I did give them my version of  
19 events, and I did let them know what happened before  
20 any of this took place. I didn't have to talk to  
21 investigators. I don't trust the police. And  
22 that's what I lie to them.

23 Q. Why didn't you throw the bullets out  
24 before you got the hospital?

25 A. I didn't remember I had them in my pocket

## Raymond Scott-Cross by Meadors

1 until I was inside the ER. If you look at the  
2 camera, you can see me reach in my pocket and pull  
3 them out, and try to throw them away.

4 Q. Where is the gun?

5 A. The gun? Cow took the weapon. I don't  
6 know what he did with, I never asked.

7 Q. So Cow took the gun.

8 A. Definitely.

9 Q. Excuse me?

10 A. Definitely. I left it with him.

11 Q. And what type make was it, the gun?

12 A. 38 special.

13 Q. And you've been convicted of a crime of  
14 violence, correct?

15 A. Yes, sir.

16 Q. And the phone number for Alonzo Fitzgerald  
17 is what?

18 A. I have a phone number for my Uncle Tank,  
19 and as I advised my attorney, and that's how to get  
20 talk to Alonzo.

21 Q. So you've got that phone number.

22 A. From my Uncle Tank.

23 Q. And you don't know what it is. You know  
24 you're uncle, don't you?

25 A. Definitely. I can provide my lawyer with

## Raymond Scott-Cross by Meadors

- 1 that as soon as I get back.
- 2 Q. Okay.
- 3 A. It's written down.
- 4 Q. And where can I contact Alonzo?
- 5 A. Where can you contact him? I don't where  
6 you can contract him at.
- 7 Q. What's your uncle's last name?
- 8 A. Smith. David Smith.
- 9 Q. And you call him?
- 10 A. Uncle Tank.
- 11 Q. Give me an address, please.
- 12 A. I can't tell you that. I don't know his  
13 address.
- 14 Q. You don't your uncle's address.
- 15 A. I don't.
- 16 Q. Where does he live?
- 17 A. Charleston.
- 18 Q. Have you got his phone number?
- 19 A. It's written down at my house. The phone  
20 numbers ain't something that you can just, you know,  
21 the way technology is with the phones, you dial the  
22 number on your phone, then you call it.
- 23 Q. David Smith.
- 24 A. David Smith.
- 25 Q. On December 29th of 2015, you came into

## Raymond Scott-Redirect by Murphy

1 this man's business. Didn't know him. Cased the  
2 joint with whoever else, and you put your gun, and  
3 you shot him. And you shot him.

4 A. I couldn't really hear you.

5 Q. You went in his store on December 29th  
6 2015, with the intention of robbing him, didn't you?

7 A. No, sir.

8 Q. And you shot him four times?

9 A. I can't say that either, but it is  
10 possible that I shot him four times.

11 MR. MEADORS: That's all. Thank you.

12 THE COURT: Redirect?

13 Redirect Examination by Mr. Murphy:

14 Q. Does Cow have a criminal record to your  
15 knowledge?

16 A. No, sir.

17 Q. And your uncle Tank, is David Smith,  
18 correct?

19 A. To my knowledge.

20 Q. In Charleston.

21 A. You can definitely get the answer his  
22 first and last name when you talk to my mother.

23 Q. And you called -- you did a three way call  
24 to get a hold of Cow when you talked him on Monday,  
25 correct?

## Raymond Scott-Redirect by Murphy

1           A.    In Sumter/Lee Regional the phone calls  
2    like for me to be calling Charleston is \$2.50 for  
3    the first minute.  Forty cents for each additional  
4    minute.  If you're calling the number from Sumter  
5    is 1.65 for the first minute, and 70 cents for each  
6    additional minute.  So it's cheaper to call the  
7    number from Sumter if you're at Sumter/Lee Regional.  
8    So, you know, what most people do is try to find  
9    somebody in the Sumter Region and call their phone,  
10   and get three ways like that, because it's less  
11   expensive.

12           Q.    Now there's going to be a record of that,  
13   right?

14           A.    There will definitely be a record---

15           Q.    All right.

16           A.    ---that you can look at it.

17           Q.    Why did you ask for permission for you to  
18   talk about Cow?  Why did you feel the need to ask  
19   him for permission?

20           A.    First and foremost, like I tell you, the  
21   man saved my life the first time.  The second time  
22   he saved my life, the fact that he let be able to,  
23   you know, let the truth be told.  But he saved my  
24   life the first time.  That's the first reason.  The  
25   second reason is, yo, I never been with telling on

## Raymond Scott-Redirect by Murphy

1 people, you feel me. So that's why I was not able  
2 to testify, because I wasn't going to lie and make  
3 up no name, so I wasn't going testify. After I got  
4 confirmation like your man, hey, go ahead and get up  
5 and tell the truth.

6 MR. MEADORS: Objection, hearsay.

7 THE COURT: Sustained.

8 Q. Don't go in to what he what he told you,  
9 but you got his permission. You got his blessing.  
10 So it's different today than it was when you were  
11 talking to the police.

12 A. Even I still wouldn't tell them. Like to  
13 be honest with you, I still wouldn't tell them  
14 nothing.

15 MR. MURPHY: I have no further questions.

16 THE COURT: Anything else, Mr. Meadors?

17 MR. MEADORS: No, sir.

18 THE COURT: Thank you, sir. You can step  
19 down. Can I see you all up here for just a moment?

20 (Whereupon, the attorneys approach the  
21 bench and confer with judge.)

22 THE COURT: Ladies and gentlemen, we are  
23 going to stop until 9:30 in the morning. We will  
24 begin promptly at that time. I guarantee you. I'll  
25 have my fingers crossed. Please do not discuss the

## Raymond Scott-Redirect by Murphy

1 case. Do not undertake to do any research on your  
2 own. We'll see you back tomorrow morning at 9:30.  
3 Thank you.

4 (Whereupon, 4:39 p.m. jury dismissed.)

5 THE COURT: Anything before we recess?

6 MR. MEADORS: No.

7 MR. MURPHY: No, sir.

8 THE COURT: Mr. Murphy, if you additional  
9 have witnesses or a witness in the morning, that  
10 person will be here promptly at 9:30, correct?

11 MR. MURPHY: Yes, sir.

12 THE COURT: Mr. Meadors, if he has no  
13 other evidence to offer, if you have any reply,  
14 that reply evidence will start right at 9:30, okay.

15 MR. MEADORS: Yes, sir. Judge, we will  
16 then be going straight in to closing after that, I  
17 presume.

18 THE COURT: If you have no reply.

19 MR. MEADORS: Well I will have a short  
20 reply probably.

21 THE COURT: Yes, sir. We'll go straight  
22 into it.

23 MR. MEADORS: I have not been back in the  
24 office today. So there is State v. Mouzon. I'll  
25 see if Mr. Brown will e-mail Your Honor's law clerk,

1 would be our request. I don't know. Are we going  
2 to argue about whether or not self defense is going  
3 to be charged?

4 THE COURT: At some point we're going to  
5 have to. I want to spend the next 15 minutes or so  
6 going over issues like that so we won't have to have  
7 an extended break tomorrow. First of all, other  
8 than State v. Mouzon, will you have any proposed  
9 charges that you would think are not what you would  
10 consider part of the general charge?

11 MR. MEADORS: I don't think so. No, sir.

12 THE COURT: What is it, State v. Mouzon  
13 that you would want?

14 MR. MEADORS: Well I wish I had -- I may  
15 have it over here. Just a total disregard for  
16 malice.

17 THE COURT: Mr. Murphy. I think that's in  
18 the charge anyway, isn't it?

19 MR. MEADORS: I have not been in front of  
20 Your Honor in a while. I have not.

21 MR. MURPHY: I would have to take a look  
22 at it, Your Honor.

23 THE COURT: That will be easy enough.

24 MR. MURPHY: And a malignant heart, and no  
25 disregard.

1 THE COURT: How about self defense since  
2 you brought it up? Is it your position---

3 MR. MURPHY: I am going to be requesting  
4 self defense as well.

5 THE COURT: Mr. Meadors.

6 MR. MEADORS: I don't think, if he comes  
7 armed, he's not supposed to be armed, but comes  
8 armed for a marijuana deal, I don't think he comes,  
9 is without fault.

10 THE COURT: Let him expand on that, and  
11 you will have your chance.

12 MR. MEADORS: And then secondly, and  
13 probably most important, he said, the only testimony  
14 I've heard was that the victim had a bad vibe and  
15 things just went from there until he shot him. And  
16 I said, well couldn't you have just walked away  
17 after the bad vibe. And he admitted he could have  
18 just walked away.

19 THE COURT: Anything else?

20 MR. MEADORS: No, sir.

21 THE COURT: Mr. Murphy. We'll talk about  
22 it in more detail immediately before the jury  
23 charge, but I'll allow you to comment now.

24 MR. MURPHY: Well I think the testimony is  
25 pretty clear that, and I would contend the case law

1 is clear that the illegal possession of a weapon in  
2 and of itself doesn't render a self defense  
3 obsolete. Regarding the facts, you know, the point,  
4 and I piggyback on what Mr. Meadors was doing  
5 during cross examination was like out of blue. He's  
6 saying that Mr. Williams pulled a gun. So the fact  
7 that he would back away, there was no aggressive  
8 confrontation before the -- my client testifies  
9 vibe, Mr. Williams pulled the gun and shot. There  
10 was a bad vibe. Mr. Williams was accusing of being  
11 a police officer and questioning him aggressively,  
12 but not to the point that as some of the case law  
13 talks about, there's a fight going on and somebody  
14 runs in to the fight and then shoots a gun. A bad  
15 vibe does not constitute a confrontation such that a  
16 self-defense instruction is disqualified.

17 THE COURT: Mr. Meadors, anything else at  
18 this stage anyway?

19 MR. MEADORS: No, sir.

20 THE COURT: I'll consider all that. I  
21 think at least the two versions of events are clear  
22 for me anyway, of what I would have to consider. If  
23 I do give a self-defense, then the implication of  
24 malice from the use of a deadly would by default be  
25 excluded.

1 MR. MEADORS: State v. Belcher.

2 THE COURT: State v. Belcher. What I'm  
3 trying to find before we leave is my malice charge.

4 MR. MEADORS: Judge, if you could, and we  
5 respectfully hope you don't. But if you do charge  
6 self defense, I'd still be able to argue it to the  
7 jury, wouldn't I?

8 THE COURT: Argue what?

9 MR. MEADORS: Would I still be able to  
10 argue inferred malice? It just wouldn't be a  
11 charge. That was kind of my reading.

12 THE COURT: It depends on who you ask.  
13 And I'll guess y'all be asking me. So---

14 MR. MEADORS: Yes, sir.

15 THE COURT: ---I'll have to answer that.  
16 I have had defendants before in cases where I have  
17 refused to charge self defense, who still insist  
18 they be permitted to argue it. My law clerk  
19 probably gets tired of hearing me say this, but  
20 that's counterintuitive. But, I'm not the smartest  
21 person in the world, so I'll have to figure that  
22 out. I've asked that question before, how does that  
23 makes sense. Maybe you can tell me tomorrow before  
24 I charge.

25 MR. MEADORS: I just read the case, and I

1 thought that's what it said.

2 THE COURT: It might. If you tell me the  
3 name of it, I'll find it. You can tell me tomorrow.

4 MR. MEADORS: I think Belcher implies  
5 that. It's been a long time since I've read that,  
6 but I'll read it again.

7 THE COURT: I'll take a look at it.  
8 Anything else?

9 MR. MEADORS: No, sir. Thank you.

10 THE COURT: I'll see you guys tomorrow  
11 shortly before 9:30, okay.

12 (Whereupon, the trial commences on  
13 Thursday July 21, 2016 at 9:30 a.m.)

14 THE COURT: Mr. Murphy, are you going to  
15 call any more witnesses.

16 MR. MURPHY: We rest.

17 THE COURT: Any reply that you are going  
18 to have, Mr. Meadors?

19 MR. MEADORS: Yes, Your Honor.

20 THE COURT: Mr. Murphy, I will allow you  
21 to rest in front of the jury, but do you want to  
22 restate your motions for the record here?

23 MR. MURPHY: Yes, Your Honor. I would  
24 renew the motions I made at the directed verdict  
25 stage.

1 THE COURT: Those are respectfully denied.  
2 And I will entertain those at the close of all the  
3 evidence as well. Mr. Meadors. Yes, sir, anything  
4 else, Mr. Murphy?

5 MR. MURPHY: No, Your Honor. I am curious  
6 as to what specifically.

7 THE COURT: Who is going to be your reply  
8 witness?

9 MR. MEADORS: I beg the court's  
10 indulgence. I'm trying to debate which one.  
11 Sergeant Dubose.

12 THE COURT: All right.

13 MR. MURPHY: Your Honor, if I mean I would  
14 just rather than do it in front of the jury, if  
15 testimony is going to be regarding the searches they  
16 made, I am going to the hearsay.

17 MR. MEADORS: Searches?

18 MR. MURPHY: Well databases and things  
19 like that.

20 THE COURT: Well I don't have any way of  
21 knowing.

22 MR. MEADORS: It's going to be that  
23 there's no Alonzo or Alphonzo Fitzgerald in South  
24 Carolina.

25 MR. MURPHY: Again, I am going to object

1 to that.

2 THE COURT: Mr. Meadors?

3 MR. MEADORS: On what grounds?

4 THE COURT: He said hearsay.

5 MR. MEADORS: Okay, well I don't think  
6 it's hearsay. They're going on the internet. They  
7 looked. They checked to see if there is an  
8 Alphonso. There's not. There's no other way to do  
9 it.

10 MR. MURPHY: Well again, that's hearsay  
11 unless you're going to bring somebody in here from  
12 those search databases.

13 THE COURT: Well let me just ask a simple  
14 question. Let's just forget about his -- are you  
15 saying, is your suggestion is that they're not --  
16 he's not using the real name? Of course, everybody  
17 knows there was another guy there. Everybody says  
18 there was.

19 MR. MEADORS: Right.

20 THE COURT: You're just contesting or  
21 disputing that that's his name.

22 MR. MEADORS: That he's lying about his  
23 name, yes, sir.

24 THE COURT: What is it about a database  
25 search that---

1 MR. MEADORS: It's a public record.

2 THE COURT: What kind of public record?

3 MR. MEADORS: DMV. The TLO which is a law  
4 enforcement tool that they can go and search  
5 statewide to see if anybody exists. He also in  
6 South Carolina---

7 THE COURT: Did they search Alonza also or  
8 just Alonzo?

9 MR. MEADORS: He spelled I think, Alonzo.  
10 We did Alphonzo and Alonzo.

11 MR. MURPHY: He didn't spell anything.

12 THE COURT: Well yes -- I'm going to allow  
13 it, Mr. Murphy. Because yesterday I know  
14 Mr. Meadors, well that can't be the basis for my  
15 ruling. Mr. Meadors said yesterday several times,  
16 do you know that a search of the records in South  
17 Carolina indicates there is no Alonzo Fitzgerald.

18 MR. MURPHY: And that could have -- look,  
19 I mean the bottom line is that's a question. I  
20 don't -- I could have objected. That's a question,  
21 that's fine. It's different when you're trying to  
22 produce evidence.

23 THE COURT: How else are they supposed to  
24 establish it?

25 MR. MURPHY: I don't think it's relevant.

1 They can establish if they put somebody on that  
2 understands the databases. My objection is hearsay.  
3 I think it's hearsay, Your Honor.

4 THE COURT: Now in the past Mr. Miller has  
5 testified about DMV records. I'm going to allow it,  
6 Mr. Murphy. You can object as many times and on as  
7 many grounds as you think are appropriate. And of  
8 course you can cross-examine the witness on the  
9 search itself.

10 MR. MURPHY: Yes, sir.

11 THE COURT: Is that the scope of it,  
12 Mr. Meadors?

13 MR. MEADORS: I think so. If Your Honor  
14 will give us 30 seconds. Thank you.

15 THE COURT: Are you ready, Mr. Murphy?

16 MR. MURPHY: Yes, sir.

17 THE COURT: She's just handing you all  
18 that in advance.

19 MR. MEADORS: Judge, are we going to see  
20 Your Honor's or could we look at Your Honor's charge  
21 before we start?

22 THE COURT: Yes, sir. I'll have to make  
23 two extra copies of it.

24 MR. MEADORS: I'll just look at the  
25 reasonable doubt. And I guess we are going to

1 discuss that with what you are charging still.

2 THE COURT: Absolutely.

3 MR. MEADORS: That's my main question.

4 THE COURT: All right, bring in the jury.

5 (Whereupon, the following takes place  
6 within the presence of the jury.)

7 THE COURT: Mr. Murphy, any additional  
8 witnesses from the defendant?

9 MR. MURPHY: No, Your Honor, the defense  
10 rests.

11 THE COURT: Mr. Meadors, any reply?

12 MR. MEADORS: May it please the court. We  
13 would call Sergeant Dubose.

14 THE COURT: You are still under oath,  
15 Mr. Dubose, you can come up.

16 Sergeant Wayne Dubose, being previously  
17 sworn, testified as follows:

18 MR. MEADORS: May it please the court.

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION by Mr. Meadors:

21 Q. Sergeant Dubose, at my request, did you  
22 check the South Carolina database of Department of  
23 Motor Vehicles, and another tool that you have in  
24 law enforcement, I'm going to ask you to explain the  
25 procedure in a minute, to determine if a person

1 existed in South Carolina?

2 A. Yes, sir.

3 Q. And what websites or sites did you use?

4 A. Actually I use the Department of Motor  
5 Vehicles here in South Carolina. The name that was  
6 given in the hearing, an Alonzo Fitzgerald. I  
7 searched that through the South Carolina DMV, there  
8 is no record of an Alonzo Fitzgerald in South  
9 Carolina. We've also searched an Alonzo, Olonzo,  
10 Alphonso, with a P and with an H, there is nothing  
11 there in South Carolina. I also used another  
12 search, database that was provided to law  
13 enforcement.

14 Q. What's that called?

15 A. It's called TLO. It's something that the  
16 office pays for. Every member has access to it.  
17 You get a password. Every time you log in, you have  
18 -- they send you a confirmation code. You have to  
19 put that confirmation code in. Then it's basically  
20 you search for addresses, phone numbers, some stuff  
21 you can search for. Names, you can do age range.  
22 There is just a number of things. You plug that  
23 information that in, and that gives you the results.  
24 You can do it one state, or you can do it  
25 nationwide.

1 Q. But no Alonzo Fitzgerald and no Alphonso  
2 Fitzgerald. And what other name?

3 A. Alonzo. I even did it with an O. Olonzo,  
4 O-L-O-N-Z-O. Alphonzo with a P, and also did it  
5 with an F. I searched for South Carolina. There is  
6 nothing. There is other states, but there's not --  
7 no one listed by those names in South Carolina.

8 MR. MEADORS: Thank you. That's all.

9 THE COURT: Mr. Murphy.

10 Cross Examination by Mr. Murphy:

11 Q. Did you check any records for Sedgefield  
12 Intermediate School in Goose Creek in Berkeley  
13 County?

14 A. Sir?

15 Q. Did you check any records for Sedgefield  
16 Intermediate School in Goose Creek in Berkeley  
17 County?

18 A. No, sir. I plugged the information in to  
19 this TLO website and plugged South Carolina, a name  
20 for South Carolina in there, it did not give any  
21 responses for South Carolina.

22 Q. So your answer to my question is no, it  
23 didn't?

24 A. No, sir.

25 Q. And there was no -- well that's all I

1 have. Thank you.

2 THE COURT: Anything else?

3 Redirect Examination by Mr. Meadors:

4 Q. Is Goose Creek in South Carolina?

5 A. It is.

6 MR. MEADORS: That's all.

7 THE COURT: Thank you, sir. You can step  
8 down. Additional witnesses, Mr. Meadors?

9 MR. MEADORS: No, sir.

10 THE COURT: Ladies and gentlemen, that  
11 concludes all the evidence and the rules require me  
12 to take a recess at this point. The next stage of  
13 the trial in just a minutes is going to be the  
14 closing arguments of the attorneys, and then the  
15 charge that I give you on the law. So you will  
16 deliberating this case relatively soon this morning.  
17 I am going to ask you to please go to your jury  
18 room.

19 Yesterday we covered a lot of this after  
20 you left. But they're -- but the rules require me  
21 to let the lawyers know exactly what I am going to  
22 charge you, and they have the right to give input on  
23 that. And since the evidence is in, we must take  
24 this step right now. It may sound out a little bit  
25 out of the ordinary to you, well I just walked in,

1 now you're sending me back out, that's the way the  
2 rules work. I'll have you back out shortly. Thank  
3 you. Do not discuss the case.

4 (Whereupon, the following takes place  
5 outside the presence of the jury.)

6 THE COURT: She is going to get a copy of  
7 that for you. And I would ask you to do this, as  
8 I've only had it happen two times and it's kind of  
9 surprising. I'm going to give you a copy of the  
10 charge. Don't put it up on the projector.

11 MR. MEADORS: I would never do that, Your  
12 Honor.

13 THE COURT: I know, but some people have,  
14 and that's okay. But I just don't give it verbatim.  
15 And plus, I do allow you to use like a little poster  
16 board, but I don't want you to take my physical  
17 charge. I do not give the jury a copy of it.

18 MR. MEADORS: Judge, I am not planning on  
19 putting anything on the law on, I promise you.

20 THE COURT: Mr. Murphy, your motions.

21 MR. MURPHY: Your Honor, I would just  
22 renew my motions for a directed verdict as I  
23 indicated before. Are we also -- are we talking  
24 about instructions?

25 THE COURT: No, not yet. I am going to

1 deny your motions. Here's the question I have on  
2 the attempted murder count as to minor  
3 The Court of Appeals in 2014, in the State vs.  
4 Howard, decided that attempted murder is a specific  
5 intent crime. It is not a general intent. ABWIK  
6 was general intent. The court said it was err to  
7 charge general intent. What is the evidence,  
8 Mr. Meadors, that Mr. Scott had the specific intent  
9 to kill minor I know that recklessness,  
10 abandonment, conscious disregard for the rights of  
11 others and just acting, a flagrant disregard for the  
12 safety of others is basically what Mouzon says.  
13 But how does that fit in -- that's in the context of  
14 malice. But how does that fit within the specific  
15 intent ruling of the court of appeals two years ago?

16 MR. MEADORS: If you believe Tyrone  
17 Williams, he's sitting there holding his son, a foot  
18 away from the defendant, and he's firing several  
19 shots into his body. And he could, in my mind, I  
20 think I could argue, he's there. His son is there.  
21 And he's just firing. I don't know how to show  
22 intent, that he didn't care who he hit.

23 THE COURT: But if you -- so you're saying  
24 there is evidence of knowledge on the part of  
25 Mr. Scott that the little boy was there.

1 MR. MEADORS: Yes, sir. And I  
2 respectfully I thought we established through his  
3 father.

4 THE COURT: At least he had to see him at  
5 least circumstantially.

6 MR. MEADORS: Yes, sir.

7 THE COURT: Mr. Murphy, any response on  
8 that?

9 MR. MURPHY: I think what the State has  
10 just argued is a lack of specific intent. You know,  
11 I mean he's standing there shooting. I will  
12 concede that based on the evidence you can  
13 theoretically make the argument on specific intent  
14 if you believe Mr. Scott had a specific intent to  
15 shoot Mr. Williams, because he's shooting. But the  
16 testimony is, the boy comes running up. And at that  
17 point---

18 THE COURT: It's just a melee.

19 MR. MURPHY: Right.

20 THE COURT: At least for that. I'm going  
21 to let it go to the jury, Mr. Murphy. But, you  
22 know, that's just to me that's where the law  
23 sometimes doesn't make much practical sense, because  
24 under the law if I were to be aiming at your head  
25 with a gun, Mr. Meadors, and miss you, and give

1 someone a flesh wound in the back of room, I cannot  
2 be prosecuted for trying to murder the person behind  
3 you, because I had no specific intent to kill that  
4 person. Go figure. But anyway, that's what --  
5 that's how I interpret Howard. I am going to let it  
6 go to the jury. And they'll be -- we'll debate that  
7 if and when the jury comes back with a guilty  
8 verdict on that count.

9 MR. MEADORS: I understand.

10 THE COURT: She's giving you a copy of the  
11 charge. And let's just go through it page by page.  
12 This not in order.

13 MR. MEADORS: Can we sit down as we do  
14 this.

15 THE COURT: Sure. While you've giving  
16 your arguments, I'm going to be putting them in  
17 order. Obviously the first three pages, the first  
18 four pages, are not a great import for these  
19 purposes. For the charge conference purposes.  
20 Reasonable doubt, I give the entire charge not  
21 verbatim, but those topics I do cover.

22 MR. MEADORS: I beg the court's  
23 indulgence. Yes, sir.

24 THE COURT: Criminal intent, of course, I  
25 do give a criminal intent charge, but that's at the

1 end after I've discussed all 5 counts. Now the  
2 attempt charge, A-T-T-E-M-P-T, any comments on that  
3 from the State?

4 MR. MEADORS: Your Honor, I'm still  
5 reading the other one. I'm sorry.

6 THE COURT: At the least, I am going to  
7 give the first two sentences.

8 MR. MEADORS: Yes, sir.

9 THE COURT: Any objections to that charge,  
10 Mr. Murphy?

11 MR. MURPHY: Your Honor, I don't have any  
12 objection. I would think it would probably flow  
13 better if you just gave the first two.

14 THE COURT: Well especially in the context  
15 of what this offense is. There is no evidence of  
16 overt -- there's evidence of, is it -- well I think  
17 the first two sentences gives the gist of it. And I  
18 may give the charge intent means intending the  
19 result which actually occurs. So even though that  
20 really doesn't fit here, because the result that  
21 actually occurred was not murder. Attempting to  
22 murder somebody, that doesn't make any sense. I am  
23 going to give the first two sentences.

24 MR. MEADORS: Yes, sir.

25 THE COURT: It will come after or sometime

1 during the attempted murder charge which immediately  
2 follows.

3 MR. MEADORS: Does Your Honor have to have  
4 reasonable doubt in there or the attempted murder,  
5 therefore the State must prove beyond a reasonable  
6 doubt? You say the State must prove that the  
7 defendant, and then kind of an end to reasonable  
8 doubt.

9 THE COURT: No. Are you talking about  
10 attempted murder? It's in the first paragraph.

11 MR. MEADORS: Yes, sir. I saw that. I  
12 just didn't know if it had to be every one.

13 THE COURT: At some point during the  
14 charge I will always tell the jury that if I tell  
15 you the State has to prove something, they've got to  
16 prove it beyond a reasonable doubt.

17 MR. MEADORS: I've heard, Your Honor.

18 THE COURT: That's what I'll tell them.  
19 The only part about malice that I have a question  
20 about in this case, and I'm -- this may dovetail  
21 into the depraved heart charge that the State wants.  
22 We haven't got to that yet. Keeping in mind that  
23 attempted murder is a specific intent crime. There  
24 may an issue with the second page of attempted  
25 murder, the second paragraph that says malice may be

1 inferred from conduct showing a total disregard for  
2 human life. That's kin to the Mouzon situation,  
3 which was the horribly reckless operation of a motor  
4 vehicle. That's usually the context where that  
5 comes up.

6 In light of the fact that attempted murder  
7 is a specific intent crime, I don't whether that  
8 sentence is appropriate.

9 MR. MURPHY: We would object to that  
10 sentence, Your Honor.

11 THE COURT: Mr. Meadors. It seems to me  
12 that from the State's perspective, you don't care,  
13 because you've got evidence that he just took dead  
14 aim at him and started firing. That's just specific  
15 intent. That is not a total disregard for human  
16 life except until young minor enters the  
17 picture. And I'm afraid that that sentence is no  
18 longer the law in attempted murder cases. And I  
19 don't know if the State wants to go to the mat on  
20 that and take the chance on saying that an appellate  
21 court saying that that was wrong to say and you've  
22 got to come back and do it all over again.

23 MR. MEADORS: We trust and understand Your  
24 Honor's ruling.

25 THE COURT: I'll take that sentence out.

1 Now while we're on the subject, I am not going to  
2 charge that inferred malice may arise when the deed  
3 is done with a deadly weapon. Mr. Murphy, my  
4 reading of Belcher is as Mr. Meadors said yesterday.  
5 The reason I can't charge it, is because it's  
6 considered to be a charge on facts. That does not  
7 mean that Mr. Meadors can't argue it.

8 MR. MURPHY: Yes, sir.

9 THE COURT: So you will be able to argue  
10 that based on your argument yesterday.

11 MR. MEADORS: Thank you.

12 THE COURT: The -- I don't know how on my  
13 computer it made that type so small on the next  
14 page, where it says a specific intent to kill is not  
15 an element of attempted murder. But you can see, I  
16 crossed it out.

17 MR. MURPHY: Yes, sir.

18 THE COURT: I will not be giving evidence  
19 of the character of the instrument used, the manner  
20 in which it was used, the purpose to be accomplished  
21 in the resulting wounds or injuries may be  
22 considered in determining intent, I think that cuts  
23 against the specific intent rule.

24 MR. MEADORS: That's the first sentence  
25 starting with evidence?

1 THE COURT: You don't need to stand up.  
2 Let's see where are you?

3 MR. MEADORS: I've got it, Judge.

4 THE COURT: And I do also tell the jury if  
5 you see some of these things more than once, I do  
6 tell the jury that if I repeat something, I'm not  
7 intending to give emphasis to it, or give them any  
8 subliminal suggestion, I'm just required to give  
9 them a complete charge, and that requires  
10 repetition.

11 Obviously, presumption of innocence is out  
12 of order. I'll give that sooner than it appears  
13 here. Armed robbery will come right after attempted  
14 murder. I have lined out several things that are  
15 irrelevant, like hands and fists and toy guns and  
16 BB guns. Possession of a weapon during the  
17 commission of or attempt to commit a violent crime.  
18 It's pretty explanatory.

19 Now, one thing I realized when I was  
20 looking at the unlawful possession of a firearm by a  
21 person convicted of a violent crime, it does say in  
22 there, it is unlawful for a person who has been  
23 convicted of a violent crime that is classified as a  
24 felony offense, to possess a firearm. In this, the  
25 violent crime he was convicted of, was a felony. I

1 am going to tell the jury that the evidence is that  
2 the defendant has been convicted of a violent crime  
3 that is classified as a felony. I am going to tell  
4 them that. Is that suitable, Mr. Meadors?

5 MR. MEADORS: Yes, Your Honor.

6 THE COURT: Mr. Murphy?

7 MR. MURPHY: Yes, Your Honor.

8 THE COURT: I am not going to charge B, C,  
9 and I don't even know what D means. I'll be honest  
10 with you. I'll make a -- I am going to tell the  
11 jury that it was -- that he was a convicted of a  
12 violent offense that it is classified as a felony  
13 offense. And I am making a specific finding of that  
14 right now. So maybe I just complied with the  
15 statute. Identification is that any longer an  
16 issue, Mr. Murphy?

17 MR. MURPHY: Not really, Your Honor.

18 THE COURT: So it's suitable to take that  
19 out?

20 MR. MURPHY: Yes, sir.

21 THE COURT: Credibility and expert  
22 witnesses will come somewhere near the beginning.  
23 The circumstantial evidence charge under State v.  
24 Logan, it came out 3 years ago, I will give that  
25 one. Closer in time that it appears here. Now do

1 you need a charge on any -- the statement of the  
2 defendant? He's admitted he gave it. He's admitted  
3 that he gave it, and he knew it wasn't true. Do you  
4 want that in here, Mr. Murphy?

5 MR. MURPHY: No, Your Honor.

6 THE COURT: That gets us to self defense.  
7 Arguments on that from the defendant?

8 MR. MURPHY: Your Honor, if the jury  
9 believes my client, we've established self defense.  
10 In regard the first element without fault, I believe  
11 the case law is pretty clear. It's not the  
12 difficulty in regard to without fault in bringing in  
13 the difficulty. It's not the more generic, you  
14 shouldn't be dealing in drugs kind of difficulty.  
15 It is the specific difficulty focused on the  
16 encounter with the other person.

17 The testimony that my client gave was that  
18 he came in; said some words, Mr. Williams got angry.  
19 And the testimony of my client if it's to be  
20 believed is, that he tried to calm the situation by  
21 going over and getting him a Mystic and giving him  
22 some money. I believe he said on cross examination  
23 usually when you gave somebody some money, it calms  
24 them down. He didn't anticipate it. Some testimony  
25 we believe the shooting was unanticipated. And it

1 happened quickly. And so that would be the facts on  
2 without fault.

3 In regard to imminent danger again, the  
4 shootout is starting to occur. He explained  
5 himself. He explained himself. He explained what  
6 happened. He explained that after the man fell, he  
7 left. And I would submit that it's a reasonable  
8 person in my client's position, would do the same  
9 thing.

10 So I believe we've established self  
11 defense. I believe it's something that is  
12 sufficient to go to the jury and let them decide.

13 THE COURT: Mr. Meadors.

14 MR. MEADORS: Respectfully this was argued  
15 yesterday, I think when one is, he comes armed with  
16 a loaded 38 and three extra bullets, and then his  
17 testimony was after he felt -- after the vibe got  
18 bad, I said could you have left. And he said, yeah,  
19 I could have left. Then I thought he kind of said,  
20 it wasn't that bad. And kind of eased down. But  
21 anyway, he said, I could have left, and I didn't.  
22 So we don't think 1 and 4 have been established at  
23 all.

24 THE COURT: Anything else, Mr. Murphy?

25 MR. MURPHY: No, Your Honor.

1           THE COURT: I am going to charge self  
2 defense. The reason being, of course Mr. Meadors  
3 that's an interesting argument about entering that  
4 type of atmosphere in the first place. But I think  
5 what I'm required to look at is the difficulty as  
6 that term is used, arising at the instant Mr. Scott  
7 claims that the victim pulled his gun and started  
8 shooting. I think that's the difficulty. If the  
9 jury believes Mr. Scott, he didn't bring on that  
10 difficulty. He just said we want to do some  
11 business. Why is that little man here.

12           Of course the jury could also conclude  
13 that ticked Mr. Scott off, and he's going to show  
14 him who is the boss, but that will be up to the  
15 jury. There is evidence as to point No. 2, that  
16 being the second, or the second element of self  
17 defense, imminent danger, which arose at the time  
18 Mr. Scott claims that the victim started shooting at  
19 him. And lastly, under those isolated or that  
20 specific time he had no other way to avoid the  
21 danger of death or serious bodily injury other than  
22 to act as he did from his perspective.

23           MR. MEADORS: So, judge, that really was  
24 an interesting argument, I think.

25           THE COURT: Well it is interesting, but

1 I'm required to look at it from both sides.

2 Mr. Murphy, are you going to request or demand that  
3 Mr. Meadors open in full on the law, or do you just  
4 want to start off?

5 MR. MEADORS: I certainly would waive it,  
6 Judge.

7 THE COURT: Yeah, I know. My rulings  
8 usually are, if the defendant insists, I make you  
9 just generically talk to them about the law as you  
10 want to and then sit down. But if Mr. Murphy allows  
11 them to waive it, we'll do that.

12 MR. MURPHY: I'm more than happy to just  
13 start.

14 MR. MEADORS: I left something in my car,  
15 or at home. Can I have three minutes to run out  
16 there?

17 THE COURT: To your car?

18 MR. MEADORS: Yeah, and then if it's not,  
19 then I mean obviously.

20 THE COURT: Depends on what it is. Is it  
21 something for this case?

22 MR. MEADORS: Yes, sir.

23 MR. MURPHY: Your Honor, we had spoken  
24 about lesser included charges.

25 THE COURT: Right. Is there one in this

1 case? I know there's not on attempted murder. Is  
2 there?

3 MR. MURPHY: I would argue ABHAN on the  
4 one involving Mr. Williams.

5 THE COURT: How so?

6 MR. MURPHY: Well if you, the jury can  
7 conclude that the shooting was not done with a  
8 specific intent to kill. I mean I think that they  
9 can conclude that he didn't intent to kill them and  
10 it is an injury. So I would say, yes.

11 THE COURT: How about the---

12 MR. MURPHY: And clearly in regard to the  
13 child, I would argue assault and battery first.  
14 That doesn't require, really that's more it.

15 THE COURT: How about, is attempted armed  
16 robbery a lesser included of armed robbery?. Because  
17 you say there's no evidence that he actually took  
18 anything. He just, at the most, there's evidence  
19 that he tried to, but he abandoned it after he got  
20 shot.

21 MR. MURPHY: Well I not asking for that  
22 instruction either, theoretically speaking.

23 THE COURT: Is the State asking for that  
24 instruction?

25 MR. MEADORS: On robbery?

1 THE COURT: Yeah, are you asking for a  
2 lesser included of attempted armed robbery?

3 MR. MEADORS: No, sir.

4 THE COURT: Then I won't give it. She's  
5 going to get the book. I can't read those statutes  
6 on the computer. She's bringing me the book on  
7 attempted murder.

8 MR. MURPHY: Your Honor, again if it---

9 THE COURT: I am not saying I'm not going  
10 to give ABHAN. I'm just trying to find it so we  
11 can talk about it.

12 MR. MEADORS: 16-3-600.

13 THE COURT: 600. A person commits the  
14 offense of assault and battery of a high and  
15 aggravated nature if the person unlawfully injures  
16 another person and great bodily injury to another  
17 person results, or the act is accomplished by means  
18 likely to produce death or great bodily injury.  
19 Great bodily injury is bodily injury that causes a  
20 substantial risk of death or which causes serious  
21 permanent disfigurement or a protractive loss or  
22 impairment of the function of a bodily member or  
23 organ. It is a lesser included offense of attempted  
24 murder. Mr. Meadors.

25 MR. MEADORS: I am fine with whatever you

1 rule.

2 THE COURT: I'll charge it. If you want  
3 to see a jury's agony when you start defining these  
4 terms. Do you want A and B first also, Mr. Murphy?

5 MR. MURPHY: I believe in regard to the --  
6 I don't believe assault and battery of a high  
7 aggravated is appropriate for the charge involving  
8 the little boy.

9 THE COURT: I agree with that.

10 MR. MURPHY: I do believe assault and  
11 battery first is appropriate for the charge  
12 involving the little boy.

13 THE COURT: But it says commits the  
14 offense of assault and battery in the first degree  
15 if the person unlawfully injures another person.  
16 He wasn't hurt.

17 MR. MURPHY: Well it can either be offers  
18 or attempts to injure and the present ability to do  
19 so, and the act is accomplished by means likely to  
20 produce death or bodily injury. Or occurs during  
21 the commission of a robbery, burglary, kidnapping  
22 and theft.

23 THE COURT: Mr. Meadors.

24 MR. MEADORS: Can you give me one second  
25 please, sir?

1 THE COURT: Sure.

2 MR. MEADORS: And, Judge, why would ABHAN  
3 not apply to the child under B? Or the act is  
4 accomplished by means likely to produce death or  
5 great bodily injury.

6 THE COURT: Well I guess it would under B  
7 (1)b.

8 MR. MEADORS: So I guess and this would, I  
9 had this case with Judge Cothran not too many months  
10 ago. And there's someone in the courtroom here  
11 where we charged ABHAN and ABHAN first, and I tell  
12 you the truth, I couldn't tell, it was hard to  
13 explain the difference.

14 THE COURT: You're on to something,  
15 because there is not a difference.

16 MR. MEADORS: So it was -- that was  
17 problematic. So as far as -- we're saying as far  
18 Mr. Williams A & B, ABHAN, I certainly agree with  
19 that. I'm fine with that. As far as the child, we  
20 think ABHAN would be appropriate. But then the  
21 question would whether A & B first should be charged  
22 as a lesser of that or just for the child.

23 THE COURT: Mr. Murphy, isn't he right  
24 about that? It's the same thing as A & B first, but  
25 a couple of little different words. In other words,

1 your argument that offers or attempts to injure  
2 another person under A & B first, is pretty much the  
3 same as B(1)b. But there is no injury. But,  
4 Mr. Meadors, under ABHAN here's what you have to  
5 prove. A person commits the offense of assault and  
6 battery of high aggravated nature if the person  
7 unlawfully injures another person and the act is  
8 accomplished by means likely---

9 MR. MURPHY: Right.

10 MR. MEADORS: You're right.

11 MR. MURPHY: There's no injury.

12 THE COURT: There is no ABHAN on the  
13 child.

14 MR. MEADORS: That makes, and then the  
15 question is, would you charge A & B first on the  
16 child.

17 THE COURT: That's what he's asking. And  
18 that's what says A & B first if the person  
19 unlawfully offers or attempts to injure another  
20 person, the child, with the present ability to do  
21 so, and the act is accomplished by means likely to  
22 produce death or great bodily injury and occur  
23 during the commission of a robbery. And then it  
24 gets you down to A & B second. I will give A & B  
25 first on the child, but do you want A & B second?

1 MR. MEADORS: No, sir.

2 MR. MURPHY: No.

3 MR. MEADORS: Judge, I know Your Honor  
4 will be more than -- well that it will clear that  
5 just applies to.

6 THE COURT: Yeah, I'll make it clear.  
7 Well I am going to stop on what I think the  
8 legislature should do because I'm only---

9 MR. MEADORS: You might be able to  
10 determine that.

11 THE COURT: ---a voter. We'll take a few  
12 minutes for you to go to your car, and that will  
13 give you time to get your thoughts together. And I  
14 will charge the charge the verdict form. Okay.

15 MR. MURPHY: Yes, sir.

16 THE COURT: I am not going to let the  
17 stipulation, piece of paper, go back to the jury.

18 MR. MEADORS: Is that 89?

19 MR. MURPHY: I will agree with that, Your  
20 Honor.

21 THE REPORTER: 89.

22 THE COURT: When Margaret is ready, I need  
23 to ask one more thing before we move on. And that  
24 is, I'm going to charge ABHAN as a lesser on Tyrone  
25 Williams. I am going to jump from attempted murder

1 to a lesser included of A & B first on minor  
2 minor Did you ask for a lesser included of A & B  
3 first on Tyrone Williams, Mr. Murphy?

4 MR. MURPHY: No.

5 THE COURT: That's where -- that was my  
6 question. I think that's -- it would be proper not  
7 to charge it.

8 THE COURT: Mr. Meadors, are you ready?

9 MR. MEADORS: Yes, sir.

10 THE COURT: Mr. Murphy?

11 MR. MURPHY: Yes, sir.

12 THE COURT: Okay, you can bring in the  
13 jury.

14 (Whereupon, the following takes place  
15 within the presence of the jury.)

16 THE COURT: Ladies and gentlemen we are  
17 ready to move forward now. It's a very interesting  
18 process about how we get to this point. And I want  
19 to make sure you understand that this is the  
20 opportunity and the right for the attorneys to give  
21 you their closing arguments. It's extremely  
22 important that you do exactly what you have been  
23 doing during the trial, and that is to pay  
24 attention. They will be permitted to argue to you  
25 the conclusion that they believe you should reach

1 based on the evidence and the lack of evidence. Or  
2 the lack of evidence.

3           They are not witnesses, but they are  
4 permitted to refer to the evidence that has been  
5 introduced. If they refer to evidence that has been  
6 introduced in a manner that does not correspond with  
7 your collective memory of what the evidence actually  
8 is, you go with your memory. But they do have the  
9 right to argue the evidence and the inferences that  
10 they think you should draw. At all times, of  
11 course, the State has the burden of proving the  
12 elements of the crimes charged beyond a reasonable  
13 doubt. And that doesn't change insofar as the  
14 arguments are concerned. The burden still remains  
15 with the State.

16           I am going to go over all of that with you  
17 in extreme detail during the jury charge. Likewise  
18 during the course of the arguments, the lawyers are  
19 permitted to refer to the law as I am going to  
20 charge it to you. They will not purposefully  
21 misquote or mischaracterize the law or the evidence  
22 for that matter. But if they refer to a point of  
23 law that does not match up to what I tell you the  
24 law is, you must go with the law as I tell you. The  
25 order of the arguments is going to be Mr. Murphy

1 arguing first, and then since the State has the  
2 burden of proof, the State will give the last  
3 argument. Mr. Murphy, are you prepared to go  
4 forward?

5 MR. MURPHY: Yes, sir.

6 THE COURT: Yes, sir.

7 MR. MURPHY: If it please the court. Good  
8 morning.

9 THE JURY: Good morning.

10 MR. MURPHY: First of all, on behalf of my  
11 client Mr. Scott, I want to thank you for your  
12 attentiveness over the course of the last couple of  
13 days. It's been a lot of information. A lot of  
14 testimony. And now is the time for us to basically  
15 close this and kind of discuss some of the concepts.  
16 What I want to do is talk a little bit about some of  
17 the legal concepts that are involved in this case.  
18 And propose to you what a methodology or a prism  
19 though which you examine the evidence when you go  
20 back in your deliberations.

21 You know, one of the things that was said  
22 in opening argument by the State was this is kind  
23 of like a search for the truth, veritas. I took  
24 Latin. It means truth, and render a verdict. In a  
25 way that's true. Your Honor is going to give an

1 instruction on that. In a way though, your role is  
2 much more important than that. And that is that,  
3 you know, there's a ground of truth and that's what  
4 happened. And you and me and Mr. Meadors and the  
5 judge, we we're there. So again, remember the term  
6 ground of truth. The truth you are determine is  
7 whether or not the State has met its burden beyond a  
8 reasonable doubt. And it's through that prism  
9 hopefully some sort of truth is discovered. What  
10 it's not and shouldn't be, is extraneous types of  
11 issues about, you know, whether Mr. Williams is a  
12 bad guy or whether my client is a bad guy. What it  
13 is, is about happened on December 29th 2016. So I  
14 would ask you to focus on that when you look through  
15 the evidence.

16 I'd also like to say early on, I am going  
17 to be talking about counts 1 through 4. My client  
18 is charged with felon in possession of a weapon. He  
19 admitted on the stand he's a felon. He shouldn't  
20 have had the weapon. He said it on the record. You  
21 don't need to think about that. The judge is going  
22 to talk about two principles of the law. They're  
23 important in the justice system. And that's the  
24 reason I talked about them a little bit in my  
25 opening, and that's the presumption of innocence and

1 the burden of proof. Even now after you've heard  
2 all the testimony and after you know, you've had the  
3 opportunity to at least ponder a bit about some of  
4 the witnesses, even now, my client is entitled to  
5 that presumption that we're talking about, the  
6 presumption of innocence. And the judge will talk  
7 to you about that in more detail. But even now, he  
8 is entitled to that cloak of righteousness that  
9 exists all the way through the process. Even after  
10 he testifies, he's entitled to that presumption of  
11 innocence.

12 He's not just not guilty at this point,  
13 he's innocent. And it's important that you carry  
14 that principle back with you as you begin your  
15 deliberations at the start of examining the  
16 evidence. The second principle is kind of like the,  
17 it's like a coin and the presumption of innocence is  
18 on one side of the coin, and it's proof beyond a  
19 reasonable doubt on the other side of the coin. And  
20 let's talk about that a little bit, the burden of  
21 proof. The State has the burden throughout this  
22 process. The burden of proof to prove the elements  
23 of every charge throughout this process. We could  
24 have sat over there and twiddled our thumbs, asked  
25 no questions, presented no testimony, and done

1 absolutely nothing. And based on the presumption of  
2 innocence alone, if the State had failed to meet its  
3 burden, an acquittal would be required, would be  
4 mandated by the law. That demonstrates what the  
5 burden of the proof is.

6           And the difference between the proof --  
7 the burden of proof on the State and the lack of any  
8 burden on the defendant to prove innocence. That  
9 even extends to defenses. And you'll hear about  
10 that a little bit later from the judge. You know  
11 now proof beyond a reasonable doubt is not proof  
12 beyond all doubt, and we'll concede that. But it is  
13 the highest burden known in the law. The judge will  
14 define it in a few minutes. It's a kind of doubt  
15 that causes one to hesitate to act. The kind of  
16 doubt I'd like to say that makes you want to stop  
17 and think and wander. That's the kind of doubt it  
18 is. You could and if you use an example in this  
19 case, you know, you could be sitting there in your  
20 deliberations and say, you know what, I think  
21 Mr. Scott might be guilty or he might be. That's  
22 not enough.

23           You can say, you know, I think he's  
24 probably guilty. I think he's probably guilty of  
25 everything. That's not enough. You have to be

1 convinced beyond any reasonable doubt. Firmly  
2 convinced. No could's, no might's, no probably.  
3 Firmly convinced. So using that prism, presumption,  
4 reasonable doubt. I would like to talk about some  
5 of the things in the evidence. Now let's talk a  
6 little bit about credibility, because that's going  
7 to be a thing in this case in a bit. I mean, in a  
8 lot of ways, what this case comes down to is, the  
9 testimony of my client. The testimony of the  
10 individuals that were in club that night. And I'm  
11 going to address that. And it's your job to assess  
12 credibility.

13           Certainly assessing credibility goes  
14 beyond the demeanor of the individuals on the stand.  
15 It also includes common sense, your logic, or the  
16 logic of what they're saying. Does it make sense.  
17 I also want to address a couple of things. Now  
18 look, it would be nice if we lived in a world where  
19 everybody obeyed the law, but we don't. And it  
20 would be nice if we lived in the world where  
21 everybody talked to the police about what happened,  
22 but we don't. It would be nice if we lived in a  
23 world where illegal drugs like marijuana weren't  
24 sold, but we don't. And I would caution you that  
25 this case isn't really about those things. What

1 it's about is what happened on December 29th 2015.  
2 That's what this case is about. It's not about  
3 whether Mr. Williams or Mr. Brunson are bad people,  
4 or my client is a bad person. It's about what  
5 occurred on December 29th.

6 Now let's talk about the State's case and  
7 basically the two scenarios. One that my client  
8 testified to, and one that's present by the State.  
9 And I would ask you to focus on those areas. My  
10 client got on the stand. He told you what happened.  
11 He told you he lied to the police afterwards. He  
12 told you he doesn't trust the police and that's why  
13 he lied. He told you some things that, you know,  
14 like he's got a record okay. He told you the name  
15 of the guy that was with him, you know. I would  
16 love it Mr. Fitzgerald would walk in here to prove  
17 it. Yeah, I do live in South Carolina. But, you  
18 know, that's not going to happen. But he gave as  
19 much information he could as Mr. Meadors was talking  
20 to him, but he said what happened.

21 And, you know, he explained to you why,  
22 you know, why he gave up the name of this guy. He's  
23 not a snitch. He got his blessing, and gave  
24 Mr. Meadors his name. That's kind of extraneous to  
25 some degree. He told you what happened. So let's

1 examine what happened and let's look. Some of the  
2 evidence, the State's evidence, and compare and  
3 contrast with my client says happens and what the  
4 Stated says happened. So let's talk first about  
5 the nature of this meeting. Now under the State's  
6 version, this armed robbery and this shooting,  
7 happens by chance, by chance. Two guys from  
8 Charleston, come up I-95 I guess, however they,  
9 it's middle of Sumter to some 2-bit club house  
10 when -- to commit an armed robbery, when this club  
11 house isn't even supposed to be open at that time.  
12 And happened to wander in on two guys. One of whom  
13 has \$3,000 in his pocket.

14 Now that is the State's version of what  
15 happened. These guys just wandered in there out of  
16 the blue. Of all the places between Charleston and  
17 here, they pick this dive to rob, with the intent to  
18 rob. That's State's version. Now is that  
19 reasonable, or is it more reasonable than what my  
20 client says is the truth, that this was a  
21 pre-planned meeting for a drug deal. And that's why  
22 Mr. Williams was there. And that's why my client  
23 and Cow show up at that time. What makes more  
24 sense. What makes more common sense. I would  
25 submit to you what makes more sense is that this is

1 a preplanned meeting. Now that's the State's  
2 suggestion is that this was just random. I would  
3 submit to you that's just not supported by common  
4 sense.

5 Let's compare and contrast the nature of  
6 the meeting. The State would have you believe these  
7 guys come in and try to rob. And, you know, quite  
8 frankly, the worse robbers in the world, because  
9 there is a guy with \$3,000 who, I am not even, it's  
10 not clear what they got. Or and the marijuana is to  
11 some degree pushed aside. I mean, a couple of  
12 roaches, you know, let's not talk about. We're the  
13 ones that, you know, that said my client got on the  
14 stand and said, look, this was a marijuana buy. Now  
15 what State witnesses support that? At the time  
16 Investigator Dubose went to the clubhouse, I asked  
17 him, these are his words not mine, it smelled like  
18 marijuana. It reeked, these are his words, not  
19 mine, reeked of raw marijuana.

20 Mr. Williams smelled like marijuana when  
21 he was in the hospital. There are scales in the  
22 establishment. And, you know, the officers or the  
23 investigations, they ask, I mean they confirm, they  
24 asked about this. They're doing to their job.  
25 Marijuana is clearly, I would submit to you, clearly

1 the purpose of this meeting. Clearly the purpose.  
2 Now does that cause you to stop and think, to  
3 hesitate? And wonder about the State's case? Well  
4 it should. And that's reasonable doubt. That's a  
5 reasonable doubt. Was there an armed robbery at  
6 all? At all. Or was it as my client indicated, for  
7 lack of a better phrase, and I hate to use this  
8 phrase, but a a drug deal gone bad. Okay.

9 Now is it reasonable to think that any  
10 father who's concerned about his son with \$3,300 in  
11 his pocket at gunpoint, is going to say, I don't  
12 have anything. I don't have anything. Is that  
13 reasonable? Now there is some discrepancy in what  
14 Mr. Williams said. And I not going to get in to the  
15 details. But you know initially he talks about  
16 peeling money and then handing it to him. And then  
17 he talks about, oh, I'm shot, and I'm throwing it at  
18 them. And look the bottom line is, there are some  
19 discrepancy there, but you put the weight on it that  
20 you want. But I would submit to you, that there was  
21 no robbery. What my client indicated happened makes  
22 much more sense than what Mr. Williams says  
23 happened.

24 I would submit to you that an individual  
25 does not peel money at gunpoint, and give the guy

1 holding the gun whatever 100, 400, 500. I mean, he  
2 wasn't sure how much he had. But we know what he  
3 had in his pocket when he showed up at the hospital.  
4 That just doesn't make sense. That's not  
5 reasonable. Does that cause you to hesitate in fear  
6 and ponder. Well it should. And that's a  
7 reasonable doubt. That's a reasonable doubt.

8 My client testified that Mr. Williams was  
9 armed. But there's an issue about whether we have  
10 two guns or three guns. Now I may not have been  
11 able to identify the particular type of gun, and I  
12 submit that's reasonable too. Two guns or three  
13 guns. Now State's Exhibit No. 38, I am not going to  
14 mess with this high tech stuff, okay. It's Exhibit  
15 38. Their evidence, okay. Their expert testified  
16 on cross examination, a 45 casing. I think you can  
17 infer that it came from a 45 weapon. I think you  
18 can infer that was possessed by a light skinned guy,  
19 Cow. A 45. Behind is a 38 slug that's embedded in  
20 the wall.

21 Now then in the middle and over here, more  
22 45 casings. More 45 casings. Again over here,  
23 No. 31, a 38 embedded in the wall. Now Mr. Williams  
24 also had a bullet extracted from him, it was a 38.  
25 And my client had three 38 caliber bullets in his

1 hand. What's the difference. If you recall the  
2 testimony of the, I forgot his name, I apologize,  
3 the ballistic's guy, the ballistic's expert. The  
4 expert they put on. The 38 caliber bullets in the  
5 wall, differ from the 38 caliber bullets in my  
6 client's hand and that were extracted from  
7 Mr. Williams, because those bullets have bronze  
8 casings. They're different. They are different.  
9 This is their evidence. I would submit to you that  
10 this, the fact that my client was shot, I mean what  
11 are they, are they going to argue that Cow shot my  
12 client and that my client shot back.

13 Not only did two guys, these two guys come  
14 up, you know, happen to wander in to a store they  
15 could rob, and then they start shooting at each  
16 other. I mean that's illogical. I mean this is  
17 evidence of what my client, this is physical  
18 evidence of what my client is telling you about the  
19 gun fight is true, that Mr. Williams was armed.  
20 These are the bullets. They don't match the bullets  
21 that my client had. They don't match the 38 caliber  
22 bullet that was extracted from Mr. Williams.

23 Now that is their evidence. They got the  
24 burden. Their case. Does that cause you to stop  
25 and think and wonder and hesitate. It should. And,

1 Ladies and gentlemen, that is a reasonable doubt.  
2 That is a reasonable doubt. The judge is going to  
3 instruct you on self defense. And I want to go over  
4 that, because self defense is an absolute defense.  
5 And I would submit to you on Counts 1 through 4 and  
6 5. In order to find self defense first, you've got  
7 to find that my client did not bring on this  
8 difficulty. Now, you know, that isn't and I will  
9 submit to you, that isn't some sort of esoteric  
10 discussion or pondering about whether or not  
11 somebody should be engaged in a drug deal. That is  
12 specific determination on whether he not he brought  
13 on the difficulty on December 29th. I would submit  
14 his testimony is clear. He came in. He was there  
15 to do some business, and he realized that  
16 Mr. Williams was getting upset with him. If you  
17 recall his testimony, he said he went over to get  
18 the Mystic and give the money. On cross examination  
19 he told Mr. Meadors usually if you give a guy money,  
20 he calms down. He did not provoke Mr. Williams. He  
21 did nothing unreasonable to provoke Mr. Williams in  
22 the shooting. And he's obviously shot. He showed  
23 you his bullet holes. He didn't do anything to  
24 provoke Mr. Williams. For whatever reason  
25 Mr. Williams lost it.

1           And at that point, I would submit to you  
2 he's fighting to get out of there. All right,  
3 things just went south. There was clearly gunfire.  
4 That has been demonstratively proven from both  
5 sides, by I submit, the ballistics. And he left the  
6 scene as soon as he could. He told you what he, you  
7 know, what he did. He told you he was shot. He  
8 told you the guy fell and then he left. He had no  
9 other means to do it. He was on the ground. I  
10 submit to you that he was acting reasonable under  
11 the circumstances. That reasonably under the  
12 circumstances.

13           You know, at the beginning of my opening  
14 statement I asked you and I advised you, the only  
15 thing my client asked is what we're entitled to.  
16 You know, your attention, more consideration of all  
17 the evidence and your application of the facts to  
18 the applicable law. And as I start to close my  
19 comments, really that remains what the evidence is.  
20 We can't selectively provide rights to people. He's  
21 entitled to these rights as a American citizen.  
22 Every American citizen. You know, in a political  
23 season, these rights aren't slogans. You just don't  
24 apply some and not others. And sometimes you're  
25 faced with factual scenarios. And I submit this is

1 that case where it's difficult to come to a  
2 conclusion, and that's what you kind of have to do.  
3 But in applying the applicable law in this case, I  
4 submit to you, Ladies and Gentlemen, there is more  
5 than reasonable doubt in this case. And based on my  
6 client's testimony, he engaged in self defense. The  
7 State's own case demonstrates that ballistically  
8 what my client is saying that happened on December  
9 29th, is confirmed by their own ballistics. It  
10 makes sense that they were there for a drug deal  
11 given the overpowering odor of marijuana that's in  
12 that place. And it's illogical to think that an  
13 armed robbery was the purpose behind this meeting.  
14 It just doesn't make sense.

15           So what he asks is that presume him  
16 innocent; that you give him the benefit of every  
17 doubt, and that you consider the reasonableness of  
18 his testimony. He is not a perfect man. None of us  
19 are. Some of us are less perfect than others. But  
20 in this situation, he did not commit the crimes for  
21 which he's charged. He just didn't. And so we're  
22 asking on Counts 1 through 4, that he be acquitted.  
23 And your verdict reflect that truth. Thank you.

24           MR. MEADORS: Mr. Foreman, Ladies and  
25 gentlemen, good morning.

1 THE JUROR: Good morning.

2 MR. MEADORS: I also on behalf of the  
3 sheriff's department, Mr. Miller and the victim,  
4 want to thank you for being here. I want to thank  
5 you for the attention you've given all of us.  
6 That's all we can ask. And I just ask that you  
7 listen to me as I finish, and then listen to His  
8 Honor, as he charges the law. Thank your for being  
9 here. Mr. Murphy said he wanted to talked a little  
10 bit about credibility. I want to talk a lot about  
11 credibility. Because perhaps in more than any  
12 other case I've ever tried in my 30 years,  
13 credibility is the central issue in this case.  
14 Credibility. Believability. And you can't look at  
15 in a vacuum. You've got to like in life look at  
16 what someone has said of the entirety of the  
17 incident. And you determine what is credibility  
18 by evaluating everything they said. Everything  
19 they've done. Their actions initially, in the  
20 middle, in the end. How they look. When they're  
21 testifying. Their demeanor. That's what you're  
22 looking at and what they're evaluating. The  
23 credibility and believability.

24 I was on Arland Road in Clarendon County.  
25 But is it near a church, or there is a a dirt road.

1 Yes, that's where it was. There's Arland Road there  
2 off Fairfield Road. That's where I was. Of course  
3 yesterday Fairfield, he said, you know, I started to  
4 say Fairfield County, but then I went with that.  
5 This is when you start judging the credibility and  
6 believability of the defendant, Raymond Scott. And  
7 you have to. You have to judge it on everything.  
8 Right off the bat, and he's saying I was just  
9 rolling. He actually said JJ put it his mind. But  
10 he said, I was rolling. Not right off the bat.  
11 Look man, I went up a do a little drug, this guy  
12 blow me -- tried to blow me away, okay. No, sir,  
13 distancing himself from [REDACTED] Manning Avenue as much  
14 as he could. It happened on Fairfield Road. Well  
15 who were you with. Well I was with these two white  
16 folks that brought me to Charleston. Two white  
17 folks that brought me from Charleston. Well who  
18 were they. I don't know. Where did you go on  
19 Fairfield Road. Well we went on this, excuse me,  
20 Clarendon County. We went on Fairfield Road. What  
21 happened there. Well we got out to smoke. No you  
22 didn't. I mean that's lie. That's a lie.

23 Well what happened when you got out to  
24 smoke. Well we were starting to smoke and there  
25 were a group of us. There were about 8 of us.

1 Eight of you. Who were there. I don't know. I  
2 don't know who they were. What happened after  
3 that. Somebody behind us must have moved or  
4 something, and then I shot by the other side.  
5 Telling this to JJ, to the corporal. Who were they.  
6 Well I don't know. Why did you shoot you. I don't  
7 know, somebody just must have moved behind me. Well  
8 that's a lie. You start judging his credibility  
9 right there back on December 29th, right after this  
10 happened. He doesn't even mention [REDACTED] Manning  
11 Avenue. And he says he just walked in and was may  
12 have disrespected and he gets blown away. And I'm  
13 going to get to that in a minute. That makes no  
14 sense.

15 Got a Charleston accent. At this point  
16 Sergeant Dubose doesn't know that. He puts that  
17 together. Because at this point, everybody is in  
18 the blind. He's in the blind. He doesn't know what  
19 they've got on him. He doesn't know if he's killed  
20 Tyrone Williams. He knows he's put some bullet in  
21 him, that's for sure. But he don't know if he's  
22 killed him. He's going to distance himself as much  
23 as he can from [REDACTED] Manning Avenue. Well what does  
24 he say next. Guys ran up to us. Black or white.  
25 Black guys ran up to us. Had the drop on us, the

1 dirt road. I don't know what happened. Somebody  
2 behind me must have done something. I just got  
3 home. Paid the white guy to bring from -- the white  
4 guy to bring me Charleston. I was supposed to be  
5 going to Sumter. My girlfriend lives in Manning.  
6 And then when I asked him that yesterday, what did  
7 you do in Manning. And did you see his expression,  
8 well went to -- paused a little bit. I went to her  
9 house with this other fellow. Waited outside.  
10 Waited a while there. Of course is that lie?  
11 Because he smoked early on the road where he got  
12 shot. You can't tell what's the truth and a lie.  
13 You can't tell. He said I am a terrible liar. I  
14 agree with him. And that's all you've got to base  
15 this case on. He gives you his resume. He gives  
16 you his resume of for truth and veracity. And it's  
17 not good. Everything says, resume. Raymond Scott,  
18 December 29th, I lied. December 29th, I lied to  
19 Jennifer Thomas. December 29th, I lied to Corporal  
20 Ardis. December 30th, I lied to Sergeant Dubose.  
21 But you all forgive me of that. I got it. You  
22 know, can't judge me on that. Well that's all you  
23 can judge somebody on, their credibility, their  
24 believability. And he's good. And he takes the  
25 facts. And he said well Ardis took me there. I'll

1 just follow that lead. That's the real Raymond  
2 Scott. If it's real.

3           Excuse my language. After we stopped and  
4 smoked the weed in Sumter, that's when the bullshit  
5 happened. It took us forever to get here. Now this  
6 what he's telling -- Ardis believes him. He's that  
7 good, Corporal Ardis believes it. Got shot. The  
8 bullshit happened in Clarendon County. And it took  
9 us forever to get to Tuomey. Not shot over here.  
10 Not Manning Avenue. Not where I had to defend  
11 myself, in Clarendon County. It took us forever to  
12 get here.

13           Well I don't know any of these people.  
14 Here's what he said. He said this to Dubose. You  
15 all listen to me. I ain't got no reason to lie to  
16 Sergeant Dubose. Why go to Sumter. Well I went to  
17 see my girl in Manning. That doesn't makes sense.  
18 A guy and a girl. Fairfield Road. Wake up. Guys  
19 ran out. What's up. They start firing.

20           Folks, it hit on my way over here today,  
21 and I lose sight of the forest for the trees  
22 sometimes. I just do. I might have done it  
23 putting this evidence in. I did pretty good I  
24 thought. I know it took a while, and I apologize it  
25 took so long. But what does somebody distance

1 themselves whether you're a child or an adult or  
2 anything else from something, because you know you  
3 did wrong. You know it's wrong. Nah, I didn't do  
4 that. I've got four kids. Did you do that. No,  
5 sir, I didn't. I wouldn't do it, I was over here.  
6 Why do you put yourself somewhere else and lie about  
7 being somewhere else. Because you know you've done  
8 wrong. You fled from the scene. Evidence of  
9 flight is guilt. He not only doesn't put himself in  
10 Sumter, he puts himself in another county. Puts  
11 himself going to the hospital. It's believable  
12 enough where Ardis calls Clarendon County. A  
13 Clarendon County Deputy comes. An investigator  
14 comes over. They go check to see if there's been an  
15 incident near Fairfield Road in Clarendon County.  
16 He's that good. No, there hadn't been a shooting.  
17 There wasn't an incident over here in Clarendon  
18 County. We knew it was a lie before he testified.  
19 He just said, well, I just did that because I don't  
20 trust the police. No, sir. No, ma'am, it's a lie,  
21 and you start judging his credibility and  
22 believability on December 29th. And you have to.  
23 So let's look and see what he says  
24 yesterday. Well did you park in front. No, we  
25 parked down the side of the road. Why not.

1    Wouldn't it be simpler if you wanted to buy dope,  
2    just to be right there at the front and go in and  
3    get it and come out.  No, they parked down on the  
4    side of the road, so they're going to have carry the  
5    marijuana all the way out.  That's absurd.  They  
6    parked on the side so they could come in, rob them.  
7    They didn't know they were coming.  And, you know,  
8    this is a question Mr. Murphy said.  You know, all  
9    of sudden they come to this place they didn't know  
10   about.  And that's what the judge will tell you.  We  
11   don't have to prove beyond all doubt.  They can just  
12   throw stuff up like that.  We can never prove  
13   everything.  If you did that, well let him go for  
14   this fictitious Alphonzo who doesn't even exist.  
15   It's incredible.

16                I submit to you, there had been a gambling  
17   the night before.  It was testified.  There is  
18   money.  They found out about it.  They knew about  
19   it.  That's why they sat on the side of the road.  
20   And that's why came in.  That's the only thing that  
21   make sense.  The ties.  What have you got these ties  
22   for.  And you all, all the evidence came up during  
23   the week.  And what he's doing is fitting his  
24   testimony to that evidence respectfully, for the  
25   first time yesterday.  Where are these ties from?

1 Well I got them from my mom. You stole all your --  
2 you took all mama's ties just to rap up some little  
3 wires. That doesn't make sense. I don't know why  
4 he had those wires. I know they're used for  
5 handcuffs. I know you can tie people up with them.  
6 That makes more sense than having a whole thing of  
7 wires, a whole thing of ties to tie some wires up  
8 under brand new truck. I think it 2016, he said,  
9 so it wouldn't be probable cause to drive your truck  
10 if you got stopped, which isn't true. Coming up  
11 here to get to marijuana and go all the way back.  
12 He stops. Marijuana in the car. That's a little  
13 more risky than wires. It doesn't make sense.  
14 He's trying to fit everything to the facts. He's  
15 trying to trade places with Tyrone Williams. That's  
16 exactly what he's trying to do. He's trying to fit  
17 it like he did to Corporal Ardis. Fit to what came  
18 out. Oh, no, this is me.

19 There are no drugs. Law enforcement  
20 doesn't find drugs, they find roaches. I'm against  
21 marijuana. It's wrong. It's illegal. Mr. Williams  
22 said people come in there and smoke. Come in there  
23 to gamble. It happened, It shouldn't happen. And  
24 agree with Mr. Murphy that's not what this case is  
25 about. Do a little smoking in there. That's where

1 the smell came from, the cigarettes, roaches are in  
2 there. The people have been smoking there the night  
3 before. That's why he came to clean up. But there  
4 are no drugs. He's coming to Charleston with \$500.  
5 Well that's a lie. No, he had \$560 something. Is  
6 that a big deal? Sure it is. Man knows what he's  
7 got. I've got 500 I'm putting towards. Well no,  
8 you've \$562. He said well that's what I was going  
9 to live on. He's got an answer for everything.  
10 That's what he stole and took when Tyrone Williams  
11 threw the money at him as he's been shot, or after  
12 he shot, just take it. I don't care if he said  
13 peeled it. Whatever. He threw the money at him.  
14 And that's what he put in his pocket. The different  
15 pockets are the \$7.

16 His story basically and I asked if he'd  
17 done a drug deal. I want the record to reflect we  
18 went through it yesterday. But I got common sense.  
19 And he's saying this fellow, light skinned guy, set  
20 this up with Tyrone. And he comes in the business.  
21 Never said the light skinned ever talked to Tyrone.  
22 But this doesn't make sense. That's why he's  
23 adding as he goes along. He said he goes and talks  
24 to Tyrone. He goes in. Never seen him before.  
25 Never been there before. Never talked to him

1 before. All this a lie. And he goes over---

2 MR. MURPHY: Your Honor, I think that's  
3 misquoting the evidence.

4 THE COURT: Mr. Meadors.

5 MR. MEADORS: I do not think it is.

6 MR. MURPHY: Your Honor, they were  
7 dapping. He said they were all dapping each other  
8 that was the evidence.

9 MR. MEADORS: No, he said he went over and  
10 talked to the victim.

11 THE COURT: Well the jury can evaluate  
12 that. I'll respectfully overrule that objection.  
13 Thank you.

14 MR. MEADORS: Y'all remember what y'all  
15 remember. He comes in and he greets Walter  
16 according to his testimony. And then they come  
17 over, and he goes down and talks to Tyrone Williams.  
18 Starts talking to him. And he says, man, what you  
19 got your child here for. The man who doesn't know  
20 Tyrone Williams. Not from here. Not from the  
21 county. Goes in supposedly for a drug deal. And  
22 he's the one he goes talks to him. Man, what you  
23 got -- what you got your child here for.

24 No. 1, I submit to you there wasn't a drug  
25 deal. That's convenient because there are roaches

1 there, and they want to make it look like that.  
2 Back into the evidence sought of like Fairfield  
3 County and Arland Road. But you've got to evaluate  
4 all of that. I submit to you, he wouldn't have his  
5 child there. He said the night before he was  
6 gambling, his child wasn't there. But let's think  
7 about this as we go through it. He said Tyrone gets  
8 mad because he says, why you got your child here.  
9 And as a result of that, he gets so mad and so mad,  
10 that after he gives him change for a Mystic, he  
11 comes out with his gun and just starts shooting.  
12 Shoots him once. And then he says again, oh, the  
13 next time shot me in my leg. That's a -- why didn't  
14 you just finish him off. He's going to shoot him  
15 here. And then shoot him in leg when he goes out.  
16 And by the way, there's no evidence of that on the  
17 floor. And he's got these drugs there. And he gets  
18 so mad because he said his son -- something about  
19 his son being there.

20 So you know what, I'm going to kill you,  
21 and bring all the law here. That makes no sense.  
22 It makes no sense. Just like it made no sense that  
23 he was shot in Fairfield County and two white folks  
24 probably from Charleston. You've got to consider  
25 one or the other. That's all you can do is

1 somebody's credibility. That's all you can do.  
2 And it doesn't make sense under his version that he  
3 would shoot in there and bring all the law there.  
4 Just because he said, why is your son. Said well  
5 I'm going to kill you. I'm going to kill you. I'm  
6 not worried about this fellow. I'll just kill you  
7 right in front of my son. That is what -- that's  
8 the really the credibility and believability it  
9 boils down. If you all believe it, let him go.

10 I submit as Mr. Murphy said, there's no  
11 reasonable doubt. We don't have to prove beyond all  
12 doubt. I think we have. That's up to you all. A  
13 couple of things Mr. Murphy said the 38, they're  
14 bullets firing. I don't know 8, 9, 45's going off.  
15 There are two 38's in the wall. We know we a 38  
16 came out of our victim. There's still a bullet in  
17 him. Don't know what's in him. I submit to you  
18 it's 45's. I'm submitting there's a melee. Shots  
19 are fired. His buddy is shot. He got shot in the  
20 melee. That's consistent with all those projectiles  
21 back there, heading in their direction. Heading in  
22 their direction. And a 38 in Tyrone Williams came  
23 from that man. He's admitted he shot him, he says  
24 four. I admit one of them could have come from the  
25 other fellow that hit him. I don't know. He's

1 telling you four. I don't know if I believe he shot  
2 him four. But he's saying he shot him. But it  
3 doesn't matter which one of those two shot Tyrone  
4 Williams. The hand of one is the hand of all. But  
5 ain't no question he shot him.

6           What's reasonable. And you have to  
7 evaluate it. That man right there. Raise your hand  
8 please, Tyrone. From December, and this is what the  
9 case boils down. It really is, and as Mr. Murphy  
10 said and if ever a case I tried, these two fellows,  
11 and I can argue that when that's the issue in the  
12 case. On December 29th 2015, he told the same  
13 version of events in the hospital talking to this  
14 man. Two guys come in. Told this man that they  
15 had a revolver. That's why those shell casings are  
16 found. The same story. The same event. They came  
17 in. Didn't know who they were. I described them.  
18 Light skinned guy. Maybe hazel eyes. I described  
19 them. Described the clothes, the dark skinned guy.  
20 Guess what, they're the same clothes. This went  
21 from an ID case to not an ID case. I wonder why.  
22 Because the ID was so good. So we've got come up  
23 with something else.

24           Describe the cargo pants, the shirt. And  
25 that matched. And that's one thing that Sergeant

1 Dubose said well you know what, this might be the  
2 guy that Tyrone said. The same time that came in.  
3 I didn't know them. I had a kind of just had a  
4 feeling. You ever had a feeling. I just had  
5 feeling. Walter at first says, and is this  
6 credible. Walter at first says, you know, I thought  
7 I recognized them Lincolnshire. Wasn't sure. But  
8 when they came up, and then I started talking to  
9 them, and I got up closer and listened to them. The  
10 accent wasn't from around here. The accent hurt  
11 him. That accent got him. Got a lot of my good  
12 friends have got the same accent. I'm not saying  
13 anything bad, but that accent, I beat him. I beat  
14 him when the defendant told. And he had a accent.  
15 When sergeant gets on the audio and says you know,  
16 he's got that accent. Law enforcement coming  
17 together when he's telling the same story. He  
18 didn't tell them he was in Fairfield. And he didn't  
19 tell him he's in Clarendon County. Yeah, I'm at my  
20 place of my business. Yeah, I had money on me from  
21 the night before. We were gambling.

22 He told them what happened right off the  
23 bat. Oh, nothing happened. No, I got shot  
24 somewhere else. And he comes in and you've heard  
25 Walter or Tyrone, I can't remember; saying that the

1 light skinned guy was looking around. I can now  
2 argue, he's casing the joint. He was looking  
3 around to see if there are any cameras or anything.  
4 People they didn't recognize. And then dark skinned  
5 guy who we now know is the defendant Raymond Scott,  
6 comes down and he starts talking to him. He said, I  
7 was looking at him. And this is what you judge this  
8 case on and decide. You watched him right here.  
9 You watched Tyrone Williams. The same statement.  
10 The same tale he's told on December 29th until  
11 today. It didn't change. Not in another county on  
12 this.

13 He says, man, why did you come here.  
14 There's a convenience store here. A convenience  
15 store here. Why did you come in to my store. Why  
16 did you come in to my store. Well we wanted a  
17 drink. Well there are drinks down there. Go ahead  
18 and get you a drink. And he says as he gets to the  
19 drink, and you've got a Mystic bottle there. And  
20 this is all corroborating the victim. He says as he  
21 starts to give him change, gives him change. Comes  
22 back, then he comes out with his weapon.

23 Now he's tried to make that him now.  
24 Mr. -- I was in Clarendon County. Hold on, I  
25 wasn't. White folks coming from Charleston. Oh, no

1 they didn't. Took them awhile to get to the  
2 hospital. No credibility. Incredible story.  
3 He's now trying to become Tyrone Williams in this  
4 instance. It makes no sense why Tyrone would put  
5 out and start firing and kill him with this thing.  
6 Why did he not give his money to start with.  
7 Mr. Murphy wants to say it's a a reasonable doubt.  
8 I don't know. I've never been robbed. Thank God.  
9 But if somebody comes up to me and says, give me  
10 your money, my first reaction, no. You ain't  
11 getting my money. I think that's a reasonable  
12 response. But he ultimately did. But unfortunately  
13 it was after his body was filled with a bullet  
14 holes. And thank God he's alive.

15 I mean Tyrone, you all think about this.  
16 Tyrone Williams should be dead. He should be dead.  
17 He should not be here. He took four bullets in his  
18 body. And he protected his son. You see the ways  
19 he's described it. He went up and then he shot.  
20 He's protecting <sup>minor</sup> His name was said  
21 once. Five year old <sup>minor</sup> who ran to his  
22 daddy when he heard a gunshot. He's protecting him.  
23 And say, <sup>minor</sup> could be dead. He didn't  
24 care where he was shooting. He didn't really think  
25 that much about <sup>minor</sup> on there when he was asked.

1 Well he was. minor was on his daddy. And his  
2 daddy was saving him. Thank God minor is alive.  
3 He comes back and gives him change  
4 supposedly. Or gives him change and then he starts  
5 firing. He starts firing. Give me your money. I  
6 ain't got no money. Here it is, and throws the  
7 money at him. He takes the money. That's kind of  
8 funny, it was \$562. There was about \$3,000 that  
9 Tyrone had on him. There's no question about that,  
10 from the drug deal the night before, from the  
11 gambling from the night before. And he had that  
12 money on him. And he didn't want to give it to him.  
13 And then he finally threw it out the door. And he  
14 took the money. Brunson told you that. He took  
15 the money and grabbed it up and he left. That's the  
16 armed robbery. That's the taking and carrying away  
17 from a person by force or intimidation with the  
18 intent to deprive them of their goods. Nothing else  
19 makes sense. The fact they're are two 38's leaving,  
20 no, sir, no, ma'am. He fired though. As he's  
21 leaving, shots are being fired. Eight shots, two  
22 shots that way. But clearly he fired the 38 at the  
23 defendant. And the argument though, they're  
24 different type of 38's. It can fire -- you can put  
25 any type 38's in a 38 revolver, Ladies and

1 gentlemen. That's not a reasonable doubt. You can  
2 fill up a 38 with all kind of different type of 38  
3 bullets.

4           There were two guns there. And how do we  
5 know that. He's in Clarendon to start with. Tyrone  
6 tells you the same version from day one, when he's  
7 in the hospital, been shot. This is what happened.  
8 These two guys came in, and I didn't know know. I  
9 was a little on edge. I started asking him  
10 questions. Why are you in here. What did you hear.  
11 He gets a gun -- he gets a Mystic, pays him. It's  
12 credibility testimony. He gives him change, and  
13 then he pulls out and starts shooting. Parks on the  
14 side of the road. Runs. Flees. Evidence of guilt.

15           Inference of malice, you can infer. I'm  
16 asking you to infer inference of malice with the use  
17 of a deadly weapon. Folks, he didn't care. He  
18 wanted to kill him. He shot him. He shot him. He  
19 shot him. January 2nd, December 29th, he tells them  
20 what happened. He goes back and sees the next day.  
21 Shows him the line up. And it's not an issue in  
22 this case, but we've explained those lineups. I  
23 think I need to go over that any more. That's the  
24 guy. Didn't want to say I wasn't involved. Didn't  
25 want to say something else, which might be true if

1 it really was a drug deal. No, that's the guy.  
2 Worried about the little box, which was nobody's  
3 problem. Nobody. Nobody realized that box was  
4 there except Dubose, and he cleaned it up. But he  
5 says that's the guy. Walter Brunson, that's the  
6 fellow. That's the fellow that came in here. Then  
7 they gave statements. Statements, describing them  
8 both. Not afraid to. Not lying about it. Not  
9 saying, I don't want to get involved in this. This  
10 is the light skinned guy. This is the dark skinned  
11 guy. This is what he looked like. This is what  
12 he's wearing. This is what happened. This is when  
13 he shot me. This is when I threw the money at him.  
14 The 29th, 30th, January 7th, January 8th, two days.  
15 Was he exactly the same, no. And if everything is  
16 exactly the same, but it was pretty close to the  
17 version. This is what happened. I didn't know  
18 him. This is the only thing that makes sense.

19 Well then yesterday, and finally as we're  
20 going on this credibility train, yesterday for the  
21 first time I hear this other version. And then we  
22 hear about Alonzo Fitzgerald. Alphonso Fitzgerald.  
23 He got his blessing to come testify. Let him go.  
24 Let him go on Alphonso's blessing. What does that  
25 mean. First of all, Alonzo Fitzgerald is not --

1 does not exist in South Carolina. There is no  
2 Alonzo, Alphonso Fitzgerald. It's a lie. It's the  
3 last lie that he's trying to tell you to persuade  
4 you. I don't know, to try to make himself  
5 believable here again. His day in court. Who does  
6 he talk to? Just this month. Since this case  
7 started. There is no Alonzo Fitzgerald. And you  
8 can judge him on that credibility, because Sergeant  
9 Dubose checked. He doesn't exist. And I'm allowed  
10 to argue this since they put up evidence. If they  
11 exist, you don't think he would have him.

12 MR. MURPHY: I am going to object to, Your  
13 Honor.

14 THE COURT: Mr. Meadors. You all come up  
15 here, please.

16 (Whereupon, the attorneys approach the  
17 bench and confer with judge.)

18 THE COURT: Go ahead, Mr. Meadors.

19 MR. MEADORS: Alonzo Fitzgerald does not  
20 exist. He has no ability to call somebody that  
21 doesn't exist. He doesn't exist. If he did, would  
22 he not be here. I haven't talked to you about the  
23 law. I don't know if I'm going to like I usually  
24 do. The judge is going to tell you the law. I can  
25 just tell you briefly, attempted murder is a

1 specific intent to kill somebody. He had an intent  
2 to do. He fired a 38 at somebody at least three  
3 maybe four times when they were giving you change,  
4 and you were trying to rob them, is an attempted  
5 murder. It's an intent to try to do something. And  
6 you're not successful. Thank God he's not  
7 successful.

8 Intent on little <sup>minor</sup> who was in  
9 dad's arms. That's up to you. Intent to kill. He  
10 was in his arms. He's firing. Looking at both of  
11 them. Knowing they're both there, I submit to you  
12 that's specific intent to kill. Attempted murder.  
13 He didn't, thank God. Armed robbery, taking from  
14 the person or presence of another by means of force  
15 or intimidation, the goods of another. In this  
16 case, the money of Tyrone Williams. His money he  
17 took, while armed with a firearm. Count 4 and 5, if  
18 you believe the evidence, you've got to find him  
19 guilty or not guilty. Possession of a firearm  
20 during the commission of criminal offense.  
21 Possession of a firearm by a person convicted of a  
22 violent crime.

23 Now, the judge will charge you, and I'm  
24 not saying that you should find him guilty because  
25 he's got a conviction for a violent crime. I'm not

1 saying that; would not say that. I follow the  
2 rules. I know what the rules are, and I follow  
3 them. But I can argue to you all, that you can  
4 consider his conviction of a violent crime, a  
5 felony, as it goes to his credibility. I'm allowed,  
6 and that's the law. And you can consider it. And  
7 please consider it, as to whether or not he's  
8 telling the truth. In addition to what he said,  
9 this didn't even happen in this county, as he starts  
10 off. And ends with Casper, a fictitious person  
11 that doesn't exist. That's kind of where we start,  
12 don't we. We start in another county, and we end  
13 with somebody that doesn't exist. And you all have  
14 got to decide what the truth is.

15 Now Mr. Murphy said you won't -- we don't  
16 want to you find him guilty of Counts 1 through 4.  
17 I submit to you that arguably, he wants you to find  
18 the defendant guilty of a lesser offense. He may  
19 not. You're going to be allowed, and the judge will  
20 charge you on what's called some lesser offenses. I  
21 submit they don't apply. I submit you shouldn't do  
22 it. But you're going to be allowed to consider as  
23 far as Tyrone is concerned, a charge called assault  
24 and battery of a high and aggravated nature. A  
25 lesser included offense of attempted murder.

1           If a person commits a crime of assault and  
2 battery of a high and aggravated nature, if the  
3 person unlawfully injures another person and great  
4 bodily injury to another person results. Basically  
5 you can find that there wasn't an intent to kill.  
6 That's really the difference, that he didn't intend  
7 to kill him. Attempted murder. We submit it's  
8 attempted murder. Y'all be able to consider that.  
9 His Honor has ruled. Respectfully he has, and  
10 correctly, and I submit that's what he's trying to  
11 get you to do. It's not, it's attempted murder.

12           You'll also I think unless I'm wrong, be  
13 able to consider assault and battery in the first  
14 degree as it pertains to minor                   the  
15 5-year-old. We submit it doesn't apply, but you'll  
16 be able, I have cover this. Assault and battery in  
17 the first degree if the person unlawfully -- if the  
18 person offers or attempts to injure another person  
19 with the present ability to do so and the act is  
20 accomplished by means likely to produce death or  
21 great bodily injury or occurred during the  
22 commission of a robbery, burglary, kidnapping or  
23 theft. You'll have the right to consider assault  
24 and battery first degree as it pertains to minor  
25 minor

1           Again, I think and Your Honor will tell  
2   you much more hopefully than I will. The difference  
3   is, there's not a -- that charge would say, you  
4   didn't find there was an intent to kill or an  
5   attempted murder on assault and battery first  
6   degree. We submit it's attempted murder. That will  
7   be up to you all. I'm fixing to sit down. My  
8   father, a preacher, a bishop, a Methodist Bishop,  
9   who is one of my best friends. Somewhere in my  
10  formative years, he gave me a book entitled, Your  
11  Greatest Power. Your Greatest Power. And basically  
12  that book says, your greatest power is your power to  
13  choose. You choose what you do in life. You choose  
14  how you to live your life. You make decisions that  
15  affect your life and other people's lives. But  
16  you're the one making them. Don't blame anybody  
17  else. You do. And in this case, he chose to try to  
18  rob Tyrone Williams. He chose to shoot him while  
19  he's holding his son. He chose to lie and lie and  
20  lie, I wasn't there. And he chose to make up  
21  somebody that doesn't exist. All trying to get you  
22  all to say, hey I am credible. Believe me, I am the  
23  one after the change is done, that got shot. It's  
24  not credible. It's not believable. It is going to  
25  be your time to choose in a minute.

1           The presumption of innocence I want to end  
2 on. There is no greater doctrine that we have than  
3 the presumption of innocence. You're presumed  
4 innocent unless and until the State proves you  
5 guilty beyond a doubt. And that stays with you as  
6 Your Honor will tell you. Stays with the defendant  
7 as you go back in your jury room. It goes back like  
8 it's a blanket or a robe covering the defendant  
9 until it gets back to the jury room. And once you  
10 all start looking at the evidence, once you start  
11 weighing the credibility of the witnesses that you  
12 heard from December 29th until yesterday, you can,  
13 and you will we respectfully submit, start taking  
14 off that robe or that blanket. And that's what you  
15 do. And as you take it off after you review the  
16 facts, and you just come to the conclusion, we  
17 submit the evidence shows, that he's guilty beyond a  
18 reasonable doubt. Save that blanket. Save that  
19 robe. Save it please. And when you come back in  
20 with your guilty verdict we submit, bring it in here  
21 symbolically, and give it to Tyrone Williams so he  
22 can take it with him to minor           I'm peeing  
23 daddy. Let him take it home to him, because they're  
24 the innocent ones. Thank you.

25           THE COURT: Thank you, Mr. Meadors.

1 Ladies and gentlemen, the next stage of the trial  
2 will be for me to give you the charge on the law.  
3 That's going to take probably 30 to 40 minutes.  
4 We're going to take a recess now to allow you to  
5 take a break. If you're not ready when the bailiff  
6 comes to the door, Mr. Foreman, just let the bailiff  
7 know you all aren't quite ready. In the meantime,  
8 you may not discuss the case. That point is coming  
9 quickly. Thank you.

10 (Whereupon, the court takes a short  
11 recess.)

12 (Whereupon, the following takes outside  
13 the presence of the jury.)

14 THE COURT: First I will put on the  
15 record, the bench conference. Mr. Murphy moved for  
16 a mistrial on the basis that Mr. Meadors had  
17 commented on the defendant's failure to call a  
18 potential witness. Mr. Murphy, you can put your  
19 position on the record.

20 MR. MURPHY: Your Honor, it's our position  
21 that we have no burden; that under the federal  
22 constitution clearly, that would be reversible  
23 error. I am aware and I have been trying to find  
24 the cases that deal with South Carolina. I am aware  
25 that there was a practice where I believe the

1 language, and you have equal access to certain  
2 information. The solicitor can comment on it. I am  
3 aware in the last two years that again, I don't have  
4 the decision. I apologize, I have been looking for  
5 it. That language in a narrative degree. I will  
6 say that had -- on regard on the prejudice prong, I  
7 will tell the court that it appears that the  
8 argument didn't go quite as far as I anticipated  
9 after we had our bench conference. But I believe  
10 very firmly that when, you know, the comments  
11 regarding my client and his testimony are  
12 appropriate. But when it comes to the burden for  
13 us, or when it comes to us or any defendant having  
14 to produce evidence that shifts the burden, and is  
15 grounds for a mistrial, and that's the basis for my  
16 argument.

17 THE COURT: Mr. Meadors.

18 MR. MEADORS: May it please the court.

19 THE COURT: Yes, sir.

20 MR. MEADORS: I almost brought it up  
21 beforehand, but I felt so right in my what I was  
22 doing, I guess I forgot. I have done it for 30  
23 years. I do believe there is a case out there, I'll  
24 have it to Your Honor before your charge is over,  
25 that says if the defendant takes the stand and puts

1 into evidence, evidence and basically there is  
2 testimony that comes out about other witnesses. The  
3 State is allowed to argue that they have as much  
4 access and can call that as much as we do. And that  
5 case held it was not shifting the burden. I would  
6 not have done it otherwise if there was something  
7 that I knew directly on point, I would assure the  
8 court.

9 THE COURT: But you would be able to find  
10 it?

11 THE COURT: I know the State vs. Primus  
12 which is ended up being overruled on other grounds  
13 in State v. Gentry, which is the sufficiency of  
14 indictment case. Obviously irrelevant here, where  
15 the defendant called no witnesses. But his alibi  
16 defense came in through State's witnesses, but the  
17 defendant didn't call anybody. The solicitor  
18 commented on the defendant's failure to call those  
19 witnesses, and his convictions were reversed. That  
20 was a setting where the defendant offered nothing in  
21 the form of evidence. So if you can find that case  
22 for me, Mr. Meadors, I will try to find it too.

23 We are going to break for maybe 5 minutes.  
24 Are you going to be able to find it pretty quickly?

25 MR. MEADORS: I hope so.

1. THE COURT: I am going to take your motion  
2 under advisement, Mr. Murphy. I am going to go  
3 ahead and charge the jury. Maybe if you can get  
4 back in 5 minutes. I see you have a research  
5 assistance in the back of the courtroom.

6 MR. MEADORS: I so.

7 THE COURT: So we'll take a break.  
8 Please be back in the courtroom in 5 minutes.

9 (Whereupon, the court takes a short  
10 break.)

11 MR. MEADORS: The case cite 504, S.E. 2d,  
12 307.

13 THE COURT: 504, S.E. 2d., 307?

14 MR. MEADORS: Yes, sir. 1998.

15 THE COURT: Mr. Murphy, have you had a  
16 chance to take a look at it?

17 MR. MURPHY: I have read that case, Your  
18 Honor. And I am looking for the other case.

19 THE COURT: All right.

20 MR. MURPHY: It's more recent.

21 THE COURT: Mr. Meadors, I see that  
22 Mr. Williams is here. I just want to make sure that  
23 everybody understands that when I start the charge,  
24 they are going to lock the doors. So if anybody  
25 needs to use the restroom, they won't be able to for

1 awhile.

2 MR. MEADORS: I do, but I will hold it.

3 THE COURT: Go ahead.

4 MR. MEADORS: Do we have time to?

5 THE COURT: You've got 48 seconds.

6 MR. MURPHY: State v. McFadden, 342, South  
7 Carolina, 637.

8 THE COURT: 342.

9 MR. MURPHY: It's a 2013 South Carolina  
10 Appeals Court case. I believe it can be cited.

11 THE COURT: It's unpublished.

12 MR. MURPHY: It's unpublished. But it  
13 quotes McFadden as stating the State may not comment  
14 on the defendant's exercise of a constitutional  
15 right. Specially, the solicitor must not comment  
16 either directly or indirectly on the defendant's  
17 silence, failure to testify, or failure to present  
18 evidence.

19 Now clearly in this case, he testified.  
20 So his credibility is fair game. I appreciate that.  
21 What isn't fair game is arguing that we have an  
22 obligation to present any additional evidence. And  
23 I would argue that that is distinguishable. And  
24 that's the basis for it.

25 THE COURT: Anything, Mr. Meadors?

1           MR. MEADORS: Your Honor, I think Douglas  
2 is directly on point. He not only took the stand  
3 and gave this person's name, didn't know the phone  
4 number for him, didn't know where he lived, said he  
5 talked to him Monday. And then in Mr. Murphy's  
6 closing he gets up and says, you know, I wish he was  
7 here. I think Douglas is right on point and allows  
8 me to say, he's the only one that didn't have access  
9 to him. And he's trying to throw that out to the  
10 jury. There is no way we could have called him.  
11 He didn't exist.

12           So we think Douglas applies and it was an  
13 appropriate argument.

14           MR. MURPHY: I would briefly respond, that  
15 I think it was fair argument to say based on the  
16 evidence, this guy doesn't exist. But what's unfair  
17 is to argue we have an independent obligation to  
18 present this individual. We don't. We don't have  
19 an obligation to present anybody.

20           THE COURT: I'm going to deny your motion  
21 for a mistrial. State vs. --- excuse me, Douglas  
22 vs. the State is directly on point. McFadden was  
23 the case where the defendant offered no defense, I  
24 believe. And the PCR or the appellate court said  
25 that it was improper for there to be any comment on

1 the fact that there was no defense put up.

2 In Douglas, the supreme court said that  
3 there was no error in refusing to give a curative  
4 instruction after the solicitor referred to the  
5 defendant's failure to call witnesses, because even  
6 though the defendant didn't testify in his own  
7 defense, he did call several witnesses in his  
8 behalf. So I am going to respectfully -- I think  
9 Douglas is the law in this State right now. So I am  
10 going to respectfully deny your motion. Are you  
11 ready for the jury?

12 MR. MEADORS: State's ready.

13 MR. MURPHY: Yes, sir.

14 THE COURT: We'll need, Mr. Brown, if you  
15 will check down the hall for Mr. Bradley. I want  
16 him to be in here for the charge. Of course, I  
17 asked him to order lunch. Have you all taken a look  
18 at the verdict form that Sara handed to you?

19 MR. MURPHY: No objection.

20 THE COURT: You can bring in the jury.

21 (Whereupon, the following takes place  
22 within the presence of the jury.)

23 THE COURT: Thank you, Mr. Bradley.

24 Ladies and gentlemen, you have heard been presented  
25 with all the evidence in this case. You've heard

1 the arguments of the attorneys. And it's come to  
2 point now during the trial where I am going to give  
3 you what is called the charge on the law. It's also  
4 called jury instructions and the jury charge. In  
5 essence what I'm going to do, is give you the law  
6 this State, and you are to take your common sense  
7 view of the evidence and put it together with the  
8 charge as I give it to you and reach verdicts in  
9 this case.

10 I will tell you from the outset, that the  
11 verdicts that you reach must be unanimous. That  
12 means 12 to 0. Whatever your verdicts are. This is  
13 not 7 to 5, or even an 11 to 1 vote. Your verdicts  
14 must be absolutely unanimous. And, Mr. Foreman,  
15 that will be your primary responsibility to make  
16 sure that these verdicts that the jury reaches are  
17 unanimous. During the course of this charge, I can  
18 guarantee you a couple of things, first of all, I'm  
19 going to repeat myself. I am going to be talking to  
20 you about several different legal principles, and I  
21 will explain to you the elements of the crimes  
22 charged. And when I do all that, some of the legal  
23 principles that I will talk to you about do  
24 interrelate with other ones. So when I talk about  
25 another one later on, I have to refer back to what

1 I've already told you. And that is not an attempt  
2 on my part to have you draw any undue emphasis on a  
3 certain legal principle. It's just I am required by  
4 the law to give you a complete charge. And in doing  
5 that, I will have to repeat myself. In addition to  
6 that, depending upon where we are, I may take a  
7 break right in the middle of the charge, it will  
8 just depend. If anybody does want to take a break  
9 during the charge, which is probably going to last  
10 about 30 minutes or so, just raise your hand and  
11 we'll stop.

12 Please pay very close attention. My  
13 relation to you of what the law is not going to be  
14 as dynamic as the presentation of the evidence and  
15 the arguments of the lawyers. I wish I could get up  
16 and have that remote control apparatus and show you  
17 these things on a power point, but we haven't gotten  
18 to that point yet. I certainly do feel more  
19 comfortable on my feet talking to you, but I'm  
20 required to sit right here and do that. Please give  
21 me your undivided attention. You might have come  
22 into the case with a preconceived notion of what you  
23 think the law is or what you think it should be.  
24 But for today's purposes, you must accept the law  
25 exactly as I give it to you, even if you disagree

1 with it.

2           A very fundamental example of that if you  
3 were on a magistrate's court jury, and it's a  
4 speeding ticket on Liberty Street, if the law that  
5 the judge charged you that the speed limit was 40  
6 miles an hour, you couldn't base your verdict on  
7 what you thought the speed limit should be, you  
8 have to base it on what the speed limit is. So on  
9 this particular case, you have to base -- you have  
10 to take into account and accept the law exactly as I  
11 give it to you.

12           Now obviously during the course of this  
13 trial, you and I have had certain duties to perform.  
14 I think you probably understand that by now. You  
15 know that when these witnesses were testifying, they  
16 were testifying to you, not to me. Because it does  
17 not matter at whether or not I believe a witness.  
18 It has nothing to do with it. That's your  
19 responsibility alone. The exhibits that were  
20 introduced have been introduced for your benefit.  
21 Now I have seen them on my screen just as you have.  
22 But the only role that I have when I look at those  
23 is to make sure that the number corresponds to what  
24 they're talking about, the exhibit number, and  
25 whether or not the exhibit is in or not in evidence

1 yet. Or What I think about what's in an exhibit  
2 doesn't matter. These are introduced for your  
3 benefit.

4 If I have ordered you or instructed you to  
5 disregard something you have just seen or heard  
6 under the oath that you've taken to follow the law,  
7 you must do that. That may have happened a couple  
8 of times. If evidence has come in, you can consider  
9 it unless I've told you to disregard it. You will  
10 not, and I repeat, you will not be getting any new  
11 evidence. Now, Mr. Foreman, during the course of  
12 your deliberations, you'll be permitted to ask  
13 questions. If you do have a question, there's a  
14 note pad in there. You write it down, sign your  
15 name, date it, tap on the door and let the bailiff  
16 know you have a question. But I will not be giving  
17 you any new information. You can ask any question  
18 you want, but I can tell you, I am not going to be  
19 giving you anything new. Because as I've mentioned,  
20 all of the evidence that is going to be introduced,  
21 has been introduced. There will be nothing new.

22 Now, Ladies and gentlemen, in every case  
23 that's tried before any jury, the jury is the sole  
24 and exclusive finder of fact. I have nothing to do  
25 with what your findings of the fact are. If I have

1 said or done anything during the course of this  
2 trial that makes you think I favor one party over  
3 another or one result over another, you can put that  
4 out of your mind, because I have no role. I respect  
5 your role, and I have nothing to do with what you  
6 determine your verdicts -- what your verdicts will  
7 be.

8           Now I am going back to the questions.  
9 You can ask to hear testimony played back. That can  
10 be done. You can ask for a recharge on certain  
11 points of the law that I am going to give you. But  
12 again, you're not going to get anything new. In  
13 addition to that, I want to tell you that some of  
14 these envelopes and container are things that I  
15 don't want you to tamper with. For example, I  
16 believe there has been two envelopes with money  
17 introduced. I am not going to let those envelopes  
18 go back there with you. If you want to have them  
19 come back there, we'll send them back for the very  
20 limited purpose for you to look at that at that  
21 time. But I don't want there to be any confusion  
22 about what money goes in what envelope and what may  
23 have happened to some money. So that money is not  
24 going to be back there with you unless you  
25 specifically request it.

1           In addition to that, there has been  
2 introduced a CD of a 9 minute 15 second long  
3 interview between Sergeant Dubose and the defendant.  
4 If you want to listen to that, I will allow that to  
5 be done, but it will be with some very strict  
6 instructions, and we may have you come back here to  
7 listen to that interview. There are some metal  
8 cannisters that have certain things in them. And,  
9 Mr. Foreman, if you look in those metal cannisters,  
10 look in one at a time. And whatever you pull out of  
11 it, put it back in. Put the cannister top back on  
12 before you go to the next one. That's because I  
13 don't want all those cannisters and all the contents  
14 to be scattered all over the table, and you not be  
15 able to know which one goes back in to which  
16 cannister. So please honor that instruction. All  
17 of the other bags or envelopes, if you pull  
18 something out, that's certainly fine, but please  
19 before you go on to the next envelope, put back in  
20 the other envelope what you were looking at. That  
21 will allow us to make sure that what came out, goes  
22 back in.

23           Now the indictment in this case charges  
24 the defendant with five separate criminal offenses.  
25 I remind you that the fact that a defendant is

1 arrested, charged or indicted for any criminal  
2 offenses is not evidence of guilt or nonguilt. The  
3 case has to get in to court in some fashion, and in  
4 South Carolina we use the indictment process. Some  
5 other states don't use that, but that's what we use.  
6 So the fact that he has been indicted for these  
7 offenses in and itself is not evidence. The  
8 evidence comes to you in the ways that I explained  
9 at the beginning of the trial. The indictment  
10 simply put, is a charging document. The State has  
11 the burden of proving guilt beyond a reasonable  
12 doubt the elements of the crime charged. And the  
13 indictment is of no practical import for you, except  
14 it allows me to go by it to put the charges on the  
15 verdict form, and you go by the verdict form when  
16 you are reviewing the particular offenses. With the  
17 exception of one that I will get to towards the end,  
18 your verdict on one count does not control your  
19 verdict on any other count. Just to get right to  
20 the point, I will tell you that I will charging you  
21 that attempted murder and armed robbery are violent  
22 crimes. If you find the defendant not guilty of  
23 attempted murder and not guilty of armed robbery,  
24 you would not be able to find him guilty of  
25 possession of a weapon during the commission of a

1 violent crime, because you have not found him  
2 guilty of a violent crime. So I will talk about  
3 that in more detail later.

4 Now necessarily as fact finders you have  
5 to have to determine the credibility of the  
6 witnesses who have testified. That's your role, not  
7 my role. You do that using your good common sense.  
8 You can believe every word that a witness says. You  
9 can disbelieve every word or you can believe parts  
10 and disbelieve the rest. You can believe one  
11 witness over many or many over one. That's entirely  
12 up to you. You can take into account in your mind  
13 how did the witness appear on the stand. Was that  
14 witness hesitant or straightforward. The fancy word  
15 for that is demeanor. How did they act. You can  
16 also take into account whether or not that witness  
17 has an interest in the case or a bias or a prejudice  
18 for one particular party or a result over another.  
19 You can take into your -- into your mind whether or  
20 not the witness' testimony is strengthened or  
21 weakened by other evidence that is the record. And  
22 you can take into account what in your mind, what  
23 was that witness' ability to know what the witness  
24 claims to know. In other words, does that make  
25 sense what he or she claims to know.

1           Please recall my instruction of yesterday  
2    which I am now going to repeat. The defendant, it  
3    has been stipulated, that the defendant has been  
4    convicted in the past of a violent crime. You may  
5    consider that evidence only for either or both of  
6    these two purposes. No. 1, to determine whether the  
7    State has proven the elements of Count 5 beyond a  
8    reasonable doubt, which is possession of a weapon by  
9    a person convicted of a violent crime. You can use  
10   it if at all to determine that. Or No. 2, to  
11   evaluate the defendant's credibility. You are not  
12   to use that stipulation, that evidence to evaluate  
13   whether or not the defendant is a bad person, or to  
14   use it to determine that sense he committed a  
15   violent crime in the past, that he must have  
16   committed this one. You are not to use it for that  
17   purpose at all. Please use it if at all, only for  
18   the two limited bases that I just mentioned.

19           As I mentioned to you briefly Tuesday, the  
20   rules of evidence ordinarily do not permit a person  
21   who testifies to give opinions. Under our rules,  
22   there is an exception for witnesses we call expert  
23   witnesses. And that is a witness who by education,  
24   training or experience is qualified as an expert in  
25   a particular art, science or profession. The rules

1 say that those witnesses can give opinions and they  
2 can give the reasons for those opinions. Now you  
3 are to consider within your common sense any expert  
4 opinion just like any other evidence. You give it  
5 the weight you believe it deserves. If you believe  
6 that the opinion given by an expert is not based on  
7 sufficient education, training or experience, or if  
8 you conclude that the reasons given in support of  
9 the opinion are not sufficient in your mind, or if  
10 you conclude that the opinion is outweighed by other  
11 evidence, you can disregard the opinion entirely.  
12 You can believe parts and disregard the rest.  
13 That's up to you.

14 In other words, an expert's opinion  
15 testimony is not to be given any greater weight than  
16 testimony of other witnesses just because it comes  
17 from an expert. And you are not required to accept  
18 an expert's opinion even though the opinion might be  
19 uncontradicted. I have talked to you in the  
20 beginning about the ways evidence comes in,  
21 testimony, exhibits and stipulations. Just to shift  
22 gears for a moment, I am going to talk to you about  
23 two different types of evidence that are generally  
24 presented during a trial. You may have heard of  
25 these. These are called direct evidence and

1 circumstantial evidence.

2           Direct evidence is evidence that  
3 immediately proves the existence of a fact. It  
4 doesn't require deduction. An example of that is if  
5 an issue in a case was whether or not a dog crossed  
6 the street. If you are on that jury and had to make  
7 that decision, or if that was an issue in the case  
8 and there was a witness who testified and you  
9 believed that witness and the witness said, I saw  
10 the dog cross the street. That's direct evidence.  
11 And if you choose to believe it, that immediately  
12 establishes the main fact to be proven and that is,  
13 the dog crossed the street.

14           Now circumstantial evidence is proof of a  
15 chain of facts and circumstances that indicate or  
16 prove the existence of a fact. Crimes may be proven  
17 by circumstantial evidence, direct evidence or some  
18 combination of the two. The law makes no  
19 distinction between the weight or value that you are  
20 to give to either direct or circumstantial evidence.  
21 However, to the extent that the State relies on  
22 circumstantial evidence, all of the circumstances  
23 must be consistent with one another, and when they  
24 are taken together, they must point conclusively to  
25 the guilt of the accused beyond a reasonable doubt.

1 If the circumstances merely portray defendant's  
2 behavior as suspicious then the State's proof has  
3 failed. Now the State has the burden of proving the  
4 defendant guilty beyond a reasonable doubt, and that  
5 burden is on the State's shoulders regardless of  
6 whether the State relies on direct evidence,  
7 circumstantial evidence, or some combination of the  
8 two.

9 Now the defendant as I mentioned to you,  
10 has pled not guilty to the indictment. The plea  
11 puts the burden on the State to prove him guilty  
12 beyond a reasonable doubt. A person who is charged  
13 with a criminal offense is never required to prove  
14 himself not guilty, is never required to prove  
15 himself innocent. It is an extremely important  
16 principle of law that the defendant in any criminal  
17 case regardless of what the charge is, is always  
18 presumed innocent of the crime for which the  
19 indictment has been issued unless guilt is  
20 established by proof beyond a reasonable doubt.  
21 That presumption does not end when you get up in a  
22 minute and leave this room and go back to  
23 deliberate. The presumption of innocence remains  
24 with the defendant at all times during your  
25 deliberations, unless and until, you conclude that

1 he is guilty of the offense you're considering at  
2 that time beyond a reasonable doubt.

3           So the presumption of innocence to be sure  
4 you understand, is not a legal theory that we  
5 casually toss around. The presumption of innocence  
6 is a substantial right which every defendant is  
7 entitled unless a jury is satisfied of guilt beyond  
8 a reasonable doubt. You probably have it counted.  
9 I did it one time. I think probably I have said the  
10 words reasonable doubt 15 times. I am going to tell  
11 you what that is now. A reasonable doubt in the  
12 law is the kind of doubt that would cause a  
13 reasonable person to hesitant to act. The State as  
14 I've told you, has the burden of proving the  
15 defendant guilty beyond a reasonable doubt. If I  
16 say during the remainder of this charge that the  
17 State has to prove something to you, at all times I  
18 mean they must prove that to you beyond a reasonable  
19 doubt.

20           Now some of you may have been on a jury in  
21 a civil case. I know some of you have been on a  
22 jury before. Typically in a civil case there are  
23 two different burdens of proof. I am going to talk  
24 to you about the primary one, is proof by a  
25 preponderance of the evidence. In that kind of

1 case, a civil case, you're told that you are to  
2 imagine a set of scales, lady justice holding up,  
3 they're even. If a party has the burden of proving  
4 something by the greater weight or the preponderance  
5 of the evidence, that party has to tip those scales  
6 ever so slightly and they're satisfied that burden.  
7 In criminal cases, the State's proof must be more  
8 powerful than that. The State must present proof  
9 beyond a reasonable doubt. Proof beyond a  
10 reasonable doubt is proof that leaves you firmly  
11 convinced of the defendant's guilt. Now there  
12 aren't many things in this world that we know with  
13 absolutely certainty, and the law does not require  
14 the State to present proof that overcomes every  
15 possible doubt. If based on your consideration of  
16 the evidence you are firmly convinced that the  
17 defendant is guilty of the offense you are  
18 considering at that time, you must find him guilty.  
19 If on the other hand, you believe based on your  
20 review of the evidence that there is a real  
21 possibility that the defendant is not guilty, you  
22 must give him the benefit of the doubt and find him  
23 not guilty of the offense you are considering at  
24 that time. I am not going take a break now, this is  
25 where I would. But since we're only about 10

1 minutes in to this, I am going to move forward.

2 I am going go now specifically in the  
3 offenses charged. And I am going to into this  
4 verdict form. I am going to talk to you in order of  
5 these. And, Mr. Foreman, as to numbers 1, 2, and 3  
6 on this verdict form, you can talk about anyone you  
7 want to at the time you want. But don't talk about  
8 4 and 5 until you have resolved 1, 2 and 3. I am  
9 going to talk about that now. Count 1 talks about  
10 the charge of attempted murder as it pertains to the  
11 victim Tyrone Williams. When I use the term victim,  
12 that's a term of art. That's not an indication to  
13 you that I think he is or isn't. That's what he has  
14 been referred to in this case. That is a term of  
15 art in the legal profession.

16 Count 1, talks about attempted murder as  
17 to the victim Tyrone Williams.

18 Count 2, talks about attempted murder as  
19 to the victim <sup>minor</sup> Count 3, references  
20 armed robbery. So what I want you to do before you  
21 go to 4 and 5, which are the two weapon's charges,  
22 make sure you resolve your verdicts on 1, 2 and 3.  
23 And even that has a little angle to it that I will  
24 explain to you later. In doing all this, I am going  
25 to talking to you also about lesser included

1 offenses. They're also called lesser offenses. It  
2 sounds complicated, but if you listen carefully it's  
3 really not.

4 Now the defendant is charged with the  
5 offense of attempted murder. The statute enacted in  
6 this State says this, a person who with intent to  
7 kill, attempts to kill another person with malice  
8 aforethought either express or implied, commits the  
9 offense of attempted murder. Now therefore the  
10 State must prove beyond a reasonable doubt that the  
11 defendant with the specific intent to kill,  
12 attempted to kill another person with malice  
13 aforethought express or implied. Malice is hatred,  
14 ill will or hostility towards another person. It's  
15 the intentional doing of a wrongful act without just  
16 cause or excuse and with a specific intent to commit  
17 the offense. And that can be established either by  
18 direct evidence or by circumstantial evidence or by  
19 some combination of the two.

20 Now the term malice aforethought does not  
21 require that malice exists for any particular time  
22 before the act is committed, but the malice must  
23 exist in the mind of the defendant just before and  
24 at the time the act is committed. So there has to  
25 be a combination of the previous intent and the act.

1 Malice aforethought can be express or it can be  
2 implied. Those terms express and implied do not  
3 mean different kinds of malice, but merely the  
4 manner in which the malice may be proven to exist.  
5 Again, it's by either direct or circumstantial  
6 evidence or some combination. Express malice is  
7 shown when a person speaks words which express  
8 hatred or ill will for another person. Or when the  
9 person prepared beforehand to do the act which was  
10 later accomplished. Implied malice may be inferred  
11 from the overall circumstances surrounding the  
12 situation.

13 Now, Ladies and gentlemen, in the context  
14 of attempted murder, when I mention the word  
15 specific intent, the word intent means intending a  
16 particular result to occur. It means not  
17 accidentally or not involuntary. An intent again  
18 may be shown by acts and conduct of the defendant in  
19 other circumstances from which you may naturally and  
20 reasonable infer intent. Evidence of the character  
21 of the act, the purpose to be accomplished and  
22 resulting wounds or injuries may be considered by  
23 you if at all, in determining the intent with which  
24 the act was committed.

25 Now, Ladies and gentlemen, intent may also

1 be inferred when it is demonstrated that the  
2 defendant voluntarily and willfully committed an act  
3 the natural tendency of which is to destroy another  
4 person's life, as long as the State has proven to  
5 you beyond a reasonable doubt that the defendant  
6 acted with a specific intent to kill. Now ladies  
7 and gentlemen, on the verdict form under question  
8 No. 1, it says this, if you have found the defendant  
9 guilty of this offense, that is the attempted murder  
10 of Tyrone Williams, you go to question 2, which  
11 deals with the the count of attempted murder as to  
12 minor

But No. 1 also says this, if you  
13 have found the defendant not guilty of the attempted  
14 murder of Tyrone Williams, you must decide whether  
15 the defendant is guilty or not guilty of the lesser  
16 offense of assault and battery of a high and  
17 aggravated nature. An acronym for that is ABHAN,  
18 put that in parenthesis.

ABHAN is a lesser included offense of  
19 attempted murder in the State of South Carolina. A  
20 person commits the assault -- excuse me, commits the  
21 offense of assault and battery of a high and  
22 aggravated nature if the person, the defendant,  
23 unlawfully injures another person and great bodily  
24 injury to the other person results or the act is  
25



1 this offense, the attempted murder of minor  
2 you go to question 3, which is armed  
3 robbery. If you have found the defendant not guilty  
4 of the attempted murder of minor you must  
5 decide whether the defendant is guilty or not guilty  
6 of the lesser offense of assault and battery in the  
7 first degree of minor Assault and battery  
8 in the first degree is different from ABHAN. It is  
9 a less inclined offense of attempted murder. And  
10 here's what our legislature has enacted. A person  
11 commits the offense of assault and battery in the  
12 first degree if the person unlawfully offers or  
13 attempts to injure another person with the present  
14 ability to do so, and the act is accomplished by  
15 means likely to produce death or great bodily  
16 injury, or the act occurred during the commission of  
17 a robbery, burglary or kidnapping.

18 So if you determine that the State has not  
19 met it's burden of proof as to the attempted murder  
20 of minor you answer the question as to  
21 assault and battery in the first degree as to the  
22 defendant's actions concerning minor Your  
23 two choices obviously would be not guilty or guilty.  
24 Again, all your decisions must be unanimous.

25 The defendant is charged with armed

1 robbery. That is Count 3 of the indictment. And  
2 not coincidentally, it is No. 3 on the verdict form.  
3 In order to prove that offense, the State must first  
4 prove beyond a reasonable doubt that the defendant  
5 took personal property from the person or presence  
6 of another person. Property is in the presence of a  
7 person if it is within the person's reach,  
8 inspection, observation, or control so that that  
9 person could if not overcome with violence or  
10 prevented by fear, keep possession of the property.

11 The State must also prove beyond a  
12 reasonable doubt that the defendant carried the  
13 property away intending to permanently deprive the  
14 owner of property and to keep that property for the  
15 defendant's own use. The slightest removal of the  
16 property or the complete possession of the property  
17 even for an instant by the defendant, is sufficient  
18 to prove a taking and carrying away of the property.

19 Now the State must prove that the taking  
20 and carrying away was done with violence or by  
21 putting the owner of the property in fear of  
22 violence. The State must prove beyond a reasonable  
23 doubt that the defendant was armed with a deadly  
24 weapon during the robbery. A deadly weapon is any  
25 article, instrument or substance which is likely to

1 cause death or of great bodily harm. Whether an  
2 instrument has been used as a deadly weapon depends  
3 on the facts and circumstances of the case.

4 I will give you some examples of deadly  
5 weapons: A razor, metal knuckles, slingshot, a  
6 knife, a rifle, shotgun, pistol, Molotov cocktail.  
7 Those are examples of deadly weapons. A gun may be  
8 a deadly weapon even if it is not operating.

9 Count 4, the defendant is charged with  
10 possession of a weapon during the commission of or  
11 the attempt to commit a violent crime. The State  
12 must prove beyond a reasonable doubt that the  
13 defendant was in possession of a firearm or visibly  
14 displayed what appeared to be a firearm during the  
15 commission of a violent crime. A firearm means any,  
16 well it means a machine gun, automatic rifle,  
17 revolver, pistol, or any weapon which will or is  
18 designed to expel a projectile. In order to find  
19 the defendant guilty of possession of a weapon  
20 during the commission of a violent crime, you must  
21 first find the defendant guilty of committing or  
22 attempting to commit a violent crime. I charge you,  
23 Ladies and gentlemen, that armed robbery is a  
24 violent crime. I charge you that attempted murder  
25 is a violent crime.

1           If you have found the defendant not guilty  
2 of attempted murder and not guilty of armed robbery,  
3 you must find the defendant, excuse me, then you  
4 consider Count 4 which is possession of a weapon  
5 during the commission of a violent crime. If you  
6 have found him not guilty, and I may have said this,  
7 I apologize for garbling it. If you find him not  
8 guilty of armed robbery and not guilty of attempted  
9 murder, you must find him not guilty of possession  
10 of a weapon during the commission of a violent  
11 crime. The State must prove beyond a reasonable  
12 doubt that the weapon further advanced or helped in  
13 the commission or the attempt to commit a violent  
14 crime.

15           Count 5, our legislature has enacted a  
16 statute that states, it is unlawful for a person who  
17 has been convicted of a violent crime that is  
18 classified as a felony offense to possess a firearm  
19 or ammunition within the state. As you have heard,  
20 the parties have stipulated that the defendant has  
21 previously been convicted of a violent crime. I  
22 charge you that that violent crime for which he was  
23 convicted in the past is classified as a felony  
24 offense.

25           Ladies and gentlemen, in order to

1 establish criminal liability or criminal or guilt of  
2 a crime, the State must prove the element of  
3 criminal intent. That applies to all of these  
4 counts in this indictment. Now, Ladies and  
5 gentlemen, criminal intent is always a matter that  
6 must be determined by a jury if at all. From the  
7 circumstances surrounding the situation, criminal  
8 intent can be proven by direct evidence and it can  
9 be proven by circumstantial evidence or some  
10 combination of the two. We all know that is no way  
11 at least yet that medical science can dissect a  
12 person's brain, look at the brain and determine what  
13 if anything that person intended to do at any given  
14 time. So the law says criminal intent may be  
15 established circumstantial evidence. It not  
16 necessary to establish intent by direct evidence.  
17 But I just told you a moment ago it can be, it  
18 doesn't have to be. But intent may be established  
19 by the circumstances surrounding the evidence just  
20 like any other issue in this case. Criminal intent  
21 is a mental state. It's a conscious wrongdoing.  
22 And it's up to you to determine what if anything the  
23 defendant intended to do based on the evidence  
24 presented to you.

25 Ladies and gentlemen, at issue in this

1 particular case is the defense of self defense. It  
2 is a complete defense. The State -- the defendant  
3 does have to prove self defense. The State has the  
4 burden of disproving self defense beyond a  
5 reasonable doubt. As I mentioned to you earlier, if  
6 you have a reasonable doubt of the defendant's guilt  
7 after considering all the evidence including  
8 evidence of self defense, you must find him not  
9 guilty. If on the other hand you have no reasonable  
10 doubt of defendant's guilt after considering all the  
11 evidence, including evidence of self defense, you  
12 must find him guilty.

13 Self defense, Ladies and gentlemen, has  
14 certain elements that have to exist, but these have  
15 to be disproven by the State. No. 1, the defendant  
16 must be without fault in bringing on the difficulty.  
17 If the defendant's conduct was the type which was  
18 reasonably calculated to and did provoke a deadly  
19 assault, the defendant would be at fault in bringing  
20 on the difficulty and would not be not entitled to  
21 an acquittal or finding of not guilty based on self  
22 defense. Second, the second element of self defense  
23 is that the defendant was actually in imminent  
24 danger of death or serious bodily injury or that the  
25 defendant actually believed that he was in imminent

1 danger of death or serious bodily injury.

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

11           Now, Ladies and gentlemen, in determining  
12 whether the defendant actually was or believed he  
13 was in imminent danger of death or serious bodily  
14 injury, you should consider all the facts and  
15 circumstances surrounding the situation including  
16 the physical condition and characteristics of the  
17 defendant and the victim. The defendant does have  
18 to show he actually was in danger. It does have to  
19 be that the defendant actually was in danger. It is  
20 enough if the defendant believed he was in imminent  
21 danger and that a reasonably prudent person of  
22 ordinary firmness and courage would have had that  
23 same belief. The defendant has the right to act on  
24 appearances even though the defendant's belief's may  
25 have been mistaken. And again it's for you to

1 determine whether the fear of immediate danger of  
2 death or serious bodily injury was reasonable and it  
3 would have been felt by an ordinary person in that  
4 situation.

5           The third prong of self defense is that  
6 the defendant had no other probable way to avoid the  
7 danger of death or serious bodily injury than to act  
8 as he did in these particular instances. The  
9 defendant has no duty to retreat if by doing so the  
10 danger of being killed or suffering serious bodily  
11 injury would increase. And I will close by  
12 repeating that the defendant does not have to prove  
13 self defense. The State must disprove it beyond a  
14 reasonable doubt. That concludes the charge, Ladies  
15 and gentlemen. As I mentioned to you at the  
16 beginning if you want to hear any of this charge  
17 again, we'll bring you back out and I will do that.  
18 This is not going to go back to the jury room with  
19 you.

20           You will have back in your jury room your  
21 collective view of the evidence, your common sense,  
22 these exhibits. And we are confident that you are  
23 going to give the issues in this case the serious  
24 consideration that they deserve. Remember my  
25 instruction about questions. And I feel like I

1 probably don't have to do this, but I will do it.  
2 Once you have reached unanimous verdicts, you record  
3 those on the verdict form in the appropriate spaces,  
4 sign the verdict form, date it, tap on the door and  
5 let the bailiff know you have reached a verdict.  
6 Don't tell them what it is. You just let them know  
7 we have a verdict. We will then gather back  
8 together and we will receive your verdict. Keep in  
9 mind, I don't need to tell you this again, but I  
10 will, your verdicts have to be unanimous.

11           If you have any questions at all about the  
12 verdict form or the charge, write it down and let me  
13 know. If you have any questions about any other  
14 thing, I have already told you how to do that. The  
15 law dictates if and how I can respond, but I will  
16 certainly address a question. My answer may be I  
17 can't answer that. My answer may be that all the  
18 evidence has been presented, you're not going to get  
19 any new evidence, but you're certainly entitled to  
20 pass out any question that you want. If anybody  
21 needs to use the phone, you have to get the  
22 bailiff's permission which will come from me, then  
23 you can go down the hall and use the phone. Whoever  
24 you might talk to, don't tell them anything about  
25 the case. Don't even tell them that you're

1 deliberating. But if you have some type of  
2 obligation you are going to have to miss or be late  
3 for, just tell them you are going to be running a  
4 little bit late. If you have any childcare issues  
5 that you need to resolve, you can do that. But just  
6 don't talk to anybody about the case.

7           Mr. Foreman, if anybody does leave the  
8 jury room to use the phone or even the restroom,  
9 wait until they come back before you resume your  
10 deliberations. Because that person needs to be  
11 present for everything that is talked about. What I  
12 am going to do now, we're already kind of done this,  
13 but I am going to let you go to your jury room. I  
14 need to confer with the lawyers and the court  
15 reporter to make sure all the exhibits are in order,  
16 and then your -- and the lawyers also have the right  
17 to let me know if I said something wrong during the  
18 charge, or if I left something out. If I need to  
19 give you any other information or clarify any  
20 confusion that my charge may have caused, I'll bring  
21 you right back out. Don't begin talking about the  
22 case yet. Your signal to deliberate will be when  
23 the bailiff comes to the door with this form and  
24 with the evidence and tells you that can begin.

25           Lunch has been ordered. That will be here

1 probably around one or 1:15. Perhaps a little bit  
2 sooner. And certainly you can continue to  
3 deliberate while you eat. We're at your disposal.  
4 You've been waiting on us all week and that will be  
5 reversed, and you have all the time that you need.  
6 I wish you luck during your deliberations. You can  
7 go to your jury room, don't start quite yet.

8 (Whereupon, the following takes place  
9 outside the presence of the jury.)

10 THE COURT: Any exceptions or additions  
11 from the State?

12 MR. MEADORS: No, sir.

13 THE COURT: Defendant?

14 MR. MURPHY: No, sir.

15 THE COURT: State's position on the  
16 release of the alternate?

17 MR. MEADORS: Whatever Your Honor thinks  
18 is fine with me.

19 MR. MURPHY: No objection.

20 THE COURT: You can bring Ms. Coker in.

21 (Whereupon, alternate is excused.)

22 (Whereupon, At 12:34 jury commences  
23 deliberating.)

24 THE COURT: I shouldn't have any problems  
25 with the lawyers. I did have it happen before that

1 a lawyer left and went to Shoney's during lunch.  
2 The jury had a verdict, and he said, can you wait  
3 until I get back. That didn't happen. So if you do  
4 leave the courtroom, Mr. Murphy, and, Mr. Meadors,  
5 if you would cell number up here where we can reach  
6 you. Just don't leave the building of course.

7 Mr. Williams, we'll certainly wait for him  
8 for a reasonable time for a question and the  
9 verdict. But if he leaves the courthouse property,  
10 we'll probably receive those outside his presence.  
11 Is that all right, Mr. Meadors?

12 MR. MEADORS: He won't be leaving. We'll  
13 be here.

14 THE COURT: And the other folks who are  
15 interested in what the verdict will be, we won't be  
16 waiting for you, but we will wait for Mr. Williams,  
17 of course and for the defendant to be in the  
18 courtroom before we receive those things.

19 (Whereupon, the jury commences  
20 deliberations at 12:48 p.m.)

21 THE COURT: We have a question from the  
22 jury.

23 (Whereupon, At 1:58 p.m. the jury has a  
24 question.)

25 THE COURT: The jury has a question. I

1 hate to gather everybody together, but especially  
2 since this is General Sessions, I have got to put it  
3 on the record. They would like to see the money  
4 from Mr. Scott and Mr. Williams. Just to be clear,  
5 there is evidence that there is money taken from  
6 Mr. Scott. There is no money in evidence taken  
7 from Mr. Williams, is it?

8 MR. MEADORS: No, sir. That was actually,  
9 it was not.

10 THE COURT: Unless as the State says,  
11 Mr. Scott took it from Mr. Williams. But my answer  
12 to the question is going to be, to give you the  
13 envelope with the money that the evidence indicates  
14 was obtained by law enforcement from Mr. Scott. But  
15 there is no evidence that law enforcement obtained  
16 any money from Mr. Williams. Would that be  
17 suitable?

18 MR. MURPHY: What I would suggest, I  
19 think there is some evidence that there was money on  
20 him, but I mean I think it's more accurate to say,  
21 money from Mr. Williams is not in evidence.

22 MR. MEADORS: No, I don't know if that is  
23 fair because---

24 THE COURT: Did they take any money from  
25 Mr. Williams?

1 MR. MEADORS: They took it and gave it  
2 back.

3 MR. BRADLEY: Judge, they got what was in  
4 the jar. The change jar.

5 THE COURT: Okay.

6 MR. MEADORS: That's in evidence, isn't  
7 it?

8 THE COURT: I just wasted 30 seconds. So  
9 I'll tell them they can take it back there with  
10 them, but to only open one envelope at a time. What  
11 they look at and put it back before they open the  
12 next envelope.

13 MR. MEADORS: And, Judge, just to not to  
14 be overly paranoid, but I guess I'm following the  
15 way you did it. The cash off of him they took, but  
16 then gave it back to him.

17 THE COURT: Well I am not going to comment  
18 on that unless they ask where is the money that they  
19 took out of his pocket and gave back to him.  
20 Mr. Murphy, do you want to see the note?

21 MR. MURPHY: No, that's all right.

22 THE COURT: I'll just read it verbatim.  
23 Would like to see the money from Mr. Scott and Mr.  
24 Williams. And it's signed and then dated. I'll  
25 bring them out here and instruct them that we will

1 give them that money, unless you all just want  
2 Mr. Bradley to give that instruction, I would prefer  
3 to do it myself.

4 MR. MURPHY: Your Honor, I don't know --  
5 oh, you mean bring them out?

6 THE COURT: Yes.

7 MR. MURPHY: That's fine. Whatever your  
8 preference.

9 THE COURT: You can bring in the jury.

10 (Note from jury marked Court's Exhibit No.  
11 1 for Id.)

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

14 THE COURT: Ladies and gentlemen, I have  
15 your foreperson's note. It says, we would like see  
16 the money from Mr. Scott and Mr. Williams. There is  
17 nothing earth shattering about this. It's not that  
18 long, but I am going to send those envelopes back  
19 there with you. There are three that I think more  
20 than likely cover what you're asking for. Please  
21 open at one at a time. When you finish looking at  
22 what's in one, put that back in, you know, that  
23 little metal thing you can bend over. Fasten it  
24 back. And then look at the next one. And then the  
25 next one. Of course, you can look in those all you

1 want, but just have one open at a time, okay.

2 THE FOREMAN: Yes, sir.

3 THE COURT: Could you come up and unseal  
4 this, please, sir. And this will be exhibit number  
5 what, Mr. Bradley?

6 MR. BRADLEY: 74.

7 THE COURT: Do any of the attorneys want  
8 to see that before we send it back?

9 MR. MEADORS: No, sir.

10 THE COURT: Thank you, Ladies and  
11 gentlemen, just follow those instructions, okay.

12 (Whereupon, the jury commences  
13 deliberations at 2:04 p.m.)

14 THE COURT: Any objections or comments,  
15 Mr. Meadors?

16 MR. MEADORS: The question was the intent  
17 about the money that Mr. Williams had, that would be  
18 the next question I guess if they would be inquiring  
19 about that.

20 THE COURT: Right.

21 MR. MEADORS: That money was taken from  
22 him and then given back to him.

23 THE COURT: Mr. Murphy, any comments?

24 MR. MURPHY: If that ends up being a  
25 question I would suggest the court say it's not in

1 evidence.

2 THE COURT: Well we'll see. If they ask  
3 it, we'll deal with it then. Thank you.

4 (Whereupon, at 2:21 p.m. jury has a  
5 question.)

6 THE COURT: The jury has a question. It  
7 will be the next numbered Court's Exhibit. Can you  
8 hand it up. Oh, here we go.

9 (Note from the jury marked Court's Exhibit  
10 No. 2.)

11 THE COURT: It says, which pocket did  
12 State's Exhibit 84 come from. I know that that was  
13 according to my notes, a pouch or envelope of money  
14 taken from one of the defendant's pockets. The  
15 testimony was that 83 came from one pocket and 84  
16 came from another pocket. I frankly don't remember  
17 anything other than it was from one of defendant's  
18 pockets. If you all want to -- Mr. Murphy, if you  
19 want to show the note to your client that's up to  
20 you. And if you all want to take a look at the note  
21 and talk about it on the record, I will be glad to  
22 hear from both of you.

23 MR. MURPHY: 83. Which one is 84?

24 THE COURT: 84, I don't know which dollar  
25 amount it is, but I guess a jury will have to tell

1 us. Can Mr. Bradley just go ask the jury how much  
2 money is in that one?

3 MR. MURPHY: Yes, sir.

4 THE COURT: And then we'll know.

5 MR. MEADORS: And I don't care what we do,  
6 and I don't mean that in a bad way. Are we going  
7 to be able -- are we going to answer them?

8 THE COURT: It is says which pocket did  
9 State's No. 84 come from. I'm not going to answer  
10 it unless it's in the record.

11 MR. MURPHY: Right.

12 THE COURT: I am going to get you all to  
13 tell me and then I tell them---

14 MR. MURPHY: Right.

15 THE COURT: ---that would be giving them  
16 new evidence. I don't know whether Mr. Dubose or  
17 somebody else distinguished whether it was right,  
18 left, front, back. I think he said pants.

19 MR. MEADORS: Yeah, I think there's a  
20 picture in evidence with two sums of money on the  
21 cargo pants. I could be wrong, but one in one  
22 pocket and one in the other.

23 MR. MURPHY: I don't know that was  
24 introduced.

25 MR. MEADORS: I say I think. I'm not --

1 if I'm wrong, I'm wrong.

2 MR. MURPHY: They wouldn't be asking that  
3 question.

4 MR. MEADORS: I remember showing it to  
5 somebody I thought.

6 THE COURT: So first let's let Mr. Bradley  
7 ask them what's the sum of money in their No. 84,  
8 can he do that?

9 MR. MEADORS: Well I don't mind that.  
10 But if we come back and they say \$562, what are we  
11 going to tell them?

12 THE COURT: Probably not anything  
13 different, but I just want it to be clear. Okay,  
14 would you please go ask them. Does that suit you,  
15 Mr. Murphy? The only thing that I can imagine, and  
16 this is pure speculation. There was some evidence  
17 put in by Mr. Williams that he reached from his --  
18 into his right pocket, as he was putting the change  
19 in there, and came out with a gun. I don't know  
20 whether that's what they're looking at or what. I'm  
21 just guessing. But I don't think any witness  
22 testified which pant's pocket whatever money came  
23 out of. I think the witness testified, one came out  
24 of one, one came out of the other. If you all want  
25 to look at the photos.

1           MR. MEADORS: I'm pretty sure we put a  
2 picture of the photo in, but I don't think we were  
3 specific about pockets. No, sir, I don't think that  
4 question was asked.

5           THE CLERK: \$462.

6           THE COURT: \$462. I thought it was \$562.

7           MR. MEADORS: It says 562 on the envelope.

8           THE COURT: That's why I didn't want to  
9 send the money back there. But I don't know if  
10 anybody counted it before it was sent back.

11          MR. MEADORS: It was counted by somebody,  
12 because I know it says 562 on there.

13          THE COURT: Well maybe they miscounted,  
14 but we know it's the larger sum.

15          MR. MEADORS: Right.

16          THE COURT: Input from the State?

17          MR. MEADORS: And again the question would  
18 be what knowing that?

19          THE COURT: Which pocket did State's 84  
20 come from.

21          MR. MEADORS: I don't know how I can  
22 answer that, other than what you usually say, all  
23 the evidence has come in. I don't know how else--

24          MR. MURPHY: Yeah, I would agree. That's  
25 not in evidence.

1 MR. MEADORS: Well I wouldn't say it's not  
2 in evidence. But you've heard all the evidence.

3 MR. MURPHY: Well you've heard all the  
4 evidence.

5 THE COURT: It is in evidence. It came  
6 from one of the defendant's pockets. They didn't  
7 say which pocket of the defendant did it come from.  
8 They said which pocket. It could have been a pocket  
9 of Mr. Williams. You know, in other words, I don't  
10 know what they're thinking. My suggestion is that I  
11 answer it saying the evidence presented, should you  
12 choose to believe it, is that the money in Exhibit  
13 84 came from one of the defendant's pockets.

14 MR. MURPHY: That's fair. I would agree  
15 with that.

16 THE COURT: And if they say one which one,  
17 I would say, it's not in evidence. Or I can just  
18 say, which pocket it came from is not in evidence.

19 MR. MEADORS: Well although the picture is  
20 in there, circumstantially they might figure it out.  
21 So if we get to that, we're not to that yet.

22 THE COURT: But you just said the pictures  
23 don't show which pocket it came from.

24 MR. MEADORS: Oh, they do.

25 MR. MURPHY: I don't know that they did.

1 MR. MEADORS: My memory is that they do.  
2 But we can't answer that. Unless I'm crazy, I put  
3 it in through Dubose, and you see two pockets. Now  
4 maybe you can't tell how much is in each pocket.  
5 Maybe that's what they're trying to figure out.

6 THE COURT: I think we have to answer that  
7 question first. If he -- right there the foreman  
8 says, well which one of the defendant's, what would  
9 your proposal be that I say? Based on the evidence.

10 MR. MEADORS: I think you -- I would love  
11 to answer it for them. But I think all we can say  
12 is you've heard all the testimony. All the  
13 testimony has been presented. I don't think we can  
14 add any to it, unless I'm wrong. And I have no  
15 problem with you writing out your first answer to  
16 this one and just sending it back.

17 THE COURT: General Sessions I can't do  
18 that. In civil court I can do it, but I can't do it  
19 here.

20 MR. MEADORS: So would you read it again  
21 what you're fixing to tell them?

22 THE COURT: I am going to tell the jury  
23 that all evidence that's introduced by way of  
24 testimony is subject to your credibility test. The  
25 evidence is, should you choose to believe it, that

1 Exhibit 84 came from one of the defendant's pocket.

2 MR. MEADORS: Thank you.

3 (Whereupon, the following takes place  
4 within the presence of the jury.)

5 THE COURT: Ladies and gentlemen, I have  
6 your question, and it is: Which pocket did State's  
7 Exhibit 84 come from. The weighing of testimony as  
8 I've mentioned to you, is always an exercise in the  
9 credibility determination by you. The evidence has  
10 come in should you choose to accept it, that the  
11 money that is Exhibit 84 came from one defendant's  
12 pockets.

13 THE COURT: Yes, sir.

14 THE FOREMAN: From one of the pockets? It  
15 does not specific which one?

16 THE COURT: Come up here, please,  
17 gentlemen. We anticipated that.

18 (Whereupon, the attorneys confer with  
19 judge at the bench.)

20 THE COURT: The money in 83 came from one  
21 pocket. The money in 84 came from the other pocket.  
22 Which pocket, well that's the evidence. Okay.

23 THE FOREMAN: Yes, sir. I have just one  
24 more thing since we've in here.

25 THE COURT: Yes, sir.

1 THE FOREMAN: In the bag of the money,  
2 exhibit I think, it's 83 or 84.

3 THE COURT: 84.

4 THE FOREMAN: Yes, sir. It says 562 on  
5 it. When we pulled the money out, it's \$100 short.  
6 I just want to make that aware.

7 THE COURT: Thank you.

8 THE FOREMAN: Yes, sir.

9 THE COURT: You call can continue your  
10 deliberations.

11 (Whereupon, the jury commences  
12 deliberations at 2:39 p.m.)

13 (Whereupon, the following takes place  
14 outside the presence of the jury.)

15 THE COURT: Any comments?

16 MR. MEADORS: No, sir. I'll be next  
17 door. And I understand you're running ragged. I  
18 understand that. Yes, sir, Mr. Murphy.

19 MR. MEADORS: I just hope they miscounted  
20 that money.

21 THE CLERK: But they didn't. They counted  
22 it three times.

23 THE COURT: We will just continue to wait.

24 MR. MURPHY: Yes, sir.

25 THE COURT: We have another note saying we

1 would like listen to or read Mr. Williams' testimony  
2 and Mr. Scott's. If you want to look at the note  
3 you can. I am looking for, and make sure I have it.  
4 I have to get to the trial part. Mr. Williams on  
5 Tuesday started testifying at 10:52. We broke for  
6 lunch at 12:20. Started back at 2:07. And cross  
7 examination went on. And redirect went on for a  
8 total of 24 minutes. So that's about 2 hours. The  
9 defendant testified starting yesterday at 3:10. His  
10 testimony was over about a quarter till 4. So  
11 that's about an hour and a half. So that's about 3  
12 and half hours. So if that's what the jury wants,  
13 that's what the jury wants.

14 Anything from the State?

15 MR. MEADORS: No, sir.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: No, sir.

18 THE COURT: I will tell the jury it  
19 appears it is about 3 and half hours. And they will  
20 need to let me know when they want to take a break.  
21 Otherwise, we'll just have to sit here and assume  
22 they have no discomfort about staying in those  
23 seats. Anything else the State or the defense would  
24 like me to relay to the jury?

25 MR. MEADORS: May I use the restroom?

1 THE COURT: Yes. You may bring the jury.

2 (Whereupon, the following takes place  
3 within the presence of the jury.)

4 THE COURT: I received your note saying we  
5 would like to listen to or read Mr. Williams'  
6 testimony and Mr. Scott's. You won't be able to  
7 read it because there is no written transcript. We  
8 spent a few minutes while you were out. The  
9 testimony of Mr. Williams was 92 minutes. The  
10 testimony of Mr. Scott was 88 minutes. Or actually,  
11 yeah, 88 minutes. I think that takes into account  
12 breaks as well. The reason I am mentioning that is  
13 because if you want to take a break while it's being  
14 replayed, you will have to raise your hand, and  
15 we'll stop and you can take a break if you need to  
16 use the restroom or something like. And if anyone  
17 is going to need to use the phone for any purpose,  
18 we'll just have to accommodate that as best we can,  
19 but we won't be able to know that unless you raise  
20 your hand as the testimony is being played.

21 Is the State ready for playing the  
22 testimony? Mr. Meadors?

23 MR. MEADORS: Yes, sir.

24 MR. MURPHY: Yes, sir.

25 MR. FOREMAN: Your Honor.

1 THE COURT: Yes, sir.

2 MR. FOREMAN: We the jury say that we need  
3 to listen to part of the testimony. That's why we  
4 were asking. When we have heard enough of one, can  
5 we ask to listen to the other one and can we stop?  
6 Is that possible?

7 THE COURT: It is possible. But as I am  
8 required to do, let me talk to the lawyers up here  
9 for a second, so you all hang tight.

10 (Whereupon, the attorneys confer with  
11 judge at the bench.)

12 THE COURT: Let's do this, Mr. Foreman.  
13 Since the deliberations have to be a group effort  
14 and I know that common sense would tell you that  
15 perhaps you all can discuss it there in the jury.  
16 If you take a minute or two in the jury room to  
17 refine your question and tell me exactly what you  
18 want played.

19 MR. FOREMAN: Yes, sir.

20 THE COURT: We can do that. But the  
21 reason I am mentioning that is, two or three of you  
22 might want to hear just a part. And that might not  
23 satisfy the rest, and the rest won't raise their  
24 hands in the courtroom. So if you will go back to  
25 your jury room and tell us what in Mr. Williams's

1 testimony you want to hear.

2 MR. FOREMAN: Yes, sir.

3 THE COURT: And what in Mr. Scott's  
4 testimony you want to hear. Of course, you can  
5 change your request at any and all times. You can  
6 forget it, and we'll just go on with what we have.  
7 Or you can also say we want to hear this, this, this  
8 and this. So it's all up to you. If you want to  
9 refine it, that's fine. If you want to hear it  
10 all, that's fine. I want to make sure you  
11 understand that. So go back to your jury room, and  
12 then just let the bailiff know what you want to  
13 hear.

14 MR. FOREMAN: Do I need to write it down  
15 or just tell you?

16 THE COURT: Just write it down and hand it  
17 to me since we have to make a record of everything.  
18 Thank you.

19 (Whereupon, the following takes place  
20 outside the presence of the jury.)

21 THE COURT: Mr. Murphy, do you have any  
22 problem with that?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Mr. Meadors?

25 MR. MEADORS: No, sir.

1 THE COURT: If they want to hear the  
2 entire testimony, we'll honor that. If they want  
3 to refine it, we'll honor that as well. So let's  
4 just everybody stay in the courtroom just a minute.

5 (Whereupon, jury has a note.)

6 THE COURT: We have a note. We want to  
7 hear Mr. Williams' testimony on the events inside  
8 the clubhouse from when the two men, I would think  
9 entered the building. And the same for Mr. Scott.  
10 Why don't you all take a minute to look at this, so  
11 I won't misinterpret it. And, Mr. Murphy, you can  
12 show it to your client. Let's go on the record.  
13 Mr. Meadors, have you had a chance to read the note?  
14 Your position.

15 MR. MEADORS: I can't remember when it  
16 started. But that was most of the direct was what  
17 happened inside the -- so I don't where you would  
18 start. But I think that was most of the testimony  
19 about what happened inside.

20 THE COURT: What was Exhibit 6? Six  
21 through 19 out of the box that were not objected to.  
22 The photos of inside the building?

23 THE REPORTER: Yes.

24 THE COURT: You started with that pretty  
25 much immediately, Mr. Meadors.

1 MR. MEADORS: I didn't do much background  
2 on this. No, sir, but it was pretty -- I have no  
3 problem starting there.

4 THE COURT: Mr. Murphy.

5 MR. MURPHY: That's fine.

6 THE COURT: And it would have to include  
7 all the cross examination that both of you did to  
8 each other's witness.

9 MR. MEADORS: I would think -- I would  
10 certainly request that.

11 THE COURT: Now I don't know if they want  
12 to stop when they get to the hospital. But they've  
13 asked for Mr. Williams on the event and the  
14 clubhouse from the time the men entered the  
15 building. And the same for Mr. Scott. That's  
16 pretty much as you said, right off the bat.

17 MR. MURPHY: Your Honor, I would suggest  
18 that you start prior to, and advise the jury that  
19 when they have reached the point they've heard  
20 enough, maybe one of them -- you know, the foreman  
21 can raise his hand and let us know. Okay we've  
22 heard what we need to. And go on to the next one.  
23 I mean otherwise---

24 MR. MEADORS: I just think one person  
25 making that decision.

1 THE COURT: I will be careful to say that.  
2 If the foreman does that, I will ask if all the  
3 other jurors have you heard what you want to hear.  
4 And if all 12 raise their hands, we'll stop.

5 MR. MURPHY: Right.

6 MR. MEADORS: I think in fairness to the  
7 defense and the State, that opportunity for direct  
8 and cross ought to be given to them obviously.

9 THE COURT: Absolutely.

10 MR. MURPHY: If that's what they want. To  
11 be frank, I kind of read that they want the direct  
12 testimony. But I could be wrong.

13 THE COURT: You can bring them out.

14 (Whereupon, the following takes place  
15 within the presence of the jury.)

16 THE COURT: Ladies and gentlemen, I have  
17 your note that says we want to hear Mr. Williams'  
18 testimony on the events inside the clubhouse from  
19 when the two men were entering -- I think you mean  
20 entered the building. And the same for Mr. Scott.  
21 We can certainly do that. The one question I have  
22 is, those points were covered on direct examination  
23 and cross. And I'm assuming from your question that  
24 you want to hear the direct on that and the cross.  
25 There is sometimes when a lawyer moves from talking

1 about the topic you want to hear, digresses to  
2 another point, and then comes back to the topic you  
3 want to hear. So it may be a little difficult.

4 But in the event that, Mr. Foreman, you  
5 believe that you -- the jury has heard what it's  
6 asked to hear, you can raise your hand and we will  
7 stop the tape. And then I will ask all of the jury  
8 to confirm. If everyone raises their hand that  
9 they've heard what they want to hear, we'll stop  
10 that portion and move to the other witness. Any  
11 objection to that from the State?

12 MR. MEADORS: No, sir.

13 THE COURT: The defendant?

14 MR. MURPHY: No, sir.

15 THE COURT: In the first part, Madam  
16 Court Reporter, if you would just go ahead and start  
17 it at 10:52 a.m. on Tuesday. This is Mr. Williams.

18 (Whereupon, the playing of testimony of  
19 Mr. Williams to the jury.)

20 THE COURT: Yes, sir.

21 THE FOREMAN: We are good with that. We  
22 would like to hear Mr. Scott's now.

23 THE COURT: Does everybody agree with  
24 that, so raise your hand?

25 (Whereupon, all jurors affirm.)

1 THE COURT: everybody raised their hand.  
2 We will move to yesterday at 3:10 p.m. This is  
3 Mr. Scott now.

4 (Whereupon, the playing of Mr. Scott's  
5 testimony to the jury.)

6 THE FOREMAN: Your Honor, we have heard  
7 all we need.

8 THE COURT: If everybody agrees with that  
9 on the jury, would you raise your hand, please.

10 (Whereupon, all jurors affirm.)

11 THE COURT: All raise their hands. Thank  
12 you, Ladies and gentlemen, you can continue to  
13 deliberate.

14 (Whereupon, at 4:48 p.m. jury commence  
15 deliberations.)

16 THE COURT: Mr. MEADORS, anything for the  
17 record?

18 MR. MEADORS: No, sir.

19 THE COURT: Mr. Murphy?

20 THE COURT: No, Your Honor.

21 (Whereupon, at 5:04 p.m. jury has a note.)

22 THE COURT: I have a note which says, is  
23 ABHAN a violent crime. Excellent question. I  
24 admittedly did not cover it, but 16-1-60 says that  
25 it is. Mr. Meadors, your position on how I should

1 respond?

2 MR. MEADORS: Yes.

3 THE COURT: Mr. Murphy?

4 MR. MURPHY: The same.

5 THE COURT: Bring in the jury.

6 (Whereupon, the following takes place  
7 within the presence of the jury.)

8 THE COURT: Thank you very much.

9 Mr. Foreman, I have your note. It is, is ABHAN a  
10 violent crime. Answer, yes. Thank you.

11 (Note marked Court's Exhibit No. 4 for  
12 Id.)

13 THE COURT: Any comment from either side?

14 MR. MURPHY: No, Your Honor.

15 (Whereupon, at 5:12 jury commences  
16 deliberations.)

17 (Whereupon, At 5:14 p.m. jury reached  
18 verdict.

19 THE COURT: The bailiff has advised that  
20 the jury has advised that it has reached a verdict.  
21 Is the State ready?

22 MR. MEADORS: Yes, sir.

23 THE COURT: Is the defendant ready?

24 MR. MURPHY: Yes, Your Honor.

25 THE COURT: You may bring the jury.

1 (Whereupon, the following takes place  
2 within the presence of the jury.)

3 THE COURT: Thank you, Mr. Bradley.  
4 Mr. Foreman, I understand you have reached a  
5 verdict.

6 THE FOREMAN: Yes, sir.

7 THE COURT: Is it unanimous?

8 THE FOREMAN: Yes, sir.

9 THE COURT: You may hand up the form to  
10 Mr. Bradley.

11 THE COURT: Mr. Bradley, you can publish  
12 it. Mr. Scott, please stand and face the jury.

13 THE CLERK: For the State of South  
14 Carolina, County of Sumter, in the Court of General  
15 Sessions, Docket No. 2016-GS-43-0565. The State of  
16 South Carolina versus Raymond A. Scott, defendant.  
17 As to Count 1, attempted murder of Tyrone Williams,  
18 we unanimously find the defendant not guilty. As to  
19 the lesser offense of ABHAN, we unanimously find the  
20 defendant guilty.

21 As to count 2, attempted murder of minor  
22 minor we unanimously find the defendant not  
23 guilty. As to the lesser offense of assault and  
24 battery first, we unanimously find the defendant not  
25 guilty. As to Count 3, armed robbery. We

1 unanimously find the defendant not guilty. As to  
2 Count 4, possession of a weapon during the  
3 commission of a violent crime, we unanimously find  
4 the defendant guilty. As to Count 5, possession of  
5 a firearm by a person convicted of a violent crime,  
6 we unanimously find the defendant guilty.

7 Signed by Richard T. Newman, foreman dated  
8 July 21, 2016.

9 Ladies and gentlemen, is this your  
10 verdict, so say you all by raising your right hand,  
11 please.

12 (Whereupon, all jurors affirm.)?

13 THE COURT: The record reflects that all  
14 jurors did raise their right hands. Thank you,  
15 Mr. Scott, you can have a seat. Mr. Meadors,  
16 anything that you would like to put on the record  
17 before I release the jury?

18 MR. MEADORS: No.

19 THE COURT: Anything, Mr. Murphy, before I  
20 release the jury?

21 MR. MURPHY: No, Your Honor.

22 THE COURT: Ladies and gentlemen, that  
23 does conclude your service in this case. And I  
24 thank you for the remarkable degree of attention  
25 that you paid throughout, and I thank you for your

1 service. It's obviously Thursday at 5:25, so you  
2 have probably have gathered that your service for  
3 week is over. A couple of final instructions. You  
4 can talk about this case now all you want. No  
5 prohibition on it any longer. However, if you don't  
6 want to, you don't have to. You know, it may be  
7 that somebody connected to the case has some  
8 questions they want to ask you about, you know,  
9 whatever went on during the trial. Your thoughts  
10 about certain things. You can answer those if you  
11 want. My request is, even though you can do it, is  
12 that you not do it on this property until your  
13 service is over, because that you will get you away  
14 and you won't bothered by it. But if you want to  
15 talk; you can.

16 If someone wants to talk to you about it,  
17 and you tell them you don't want to, and that person  
18 persists, I would ask you to please call the clerk  
19 of court's office, let the clerk know who you are  
20 and who that person was. And it will be brought to  
21 my attention, and I will deal with it very quickly.

22 In addition to that, if there is anyone  
23 who needs a work excuse, Mr. Bradley will have those  
24 for you right out in the hall. And lastly, well not  
25 lastly, you're not permitted to serve as jurors

1 anymore this year. You might be glad of that. But  
2 in any event, you also have an exemption for 2017  
3 and 18 from the circuit court. That does not apply  
4 for federal or magistrate court duty.

5           Lastly, we are going to engage in  
6 post-trial matter matters now that will probably  
7 take 20 minutes or so. Mr. Murphy, I will give you  
8 10 days to file any post-trial motions should you  
9 want the 10 days. As a matter of practice, I don't  
10 calculate it for you, but you have that if you want.  
11 Or you can state them today. I'll leave that up to  
12 you. After any post-trial motions that are made  
13 today, I am going to be engaging in the sentencing  
14 phase of the trial. You're certainly welcome to  
15 remain behind for that. You can stay right there in  
16 jury box, or you can leave the courtroom and come  
17 around the back. You can come in the back and have  
18 a seat.

19           If you have any questions after we  
20 conclude the proceedings, I'll be happy to answer.  
21 I won't answer anything that has to do with specific  
22 points of evidence, but I'll certainly be able to  
23 answer any questions about the overall process just  
24 in case you're curious about what happens.

25           Mr. Murphy, first of all, would you like

1 the 10 days to research your notes?

2 MR. MURPHY: No, Your Honor.

3 THE COURT: You want to make any motions  
4 at this time?

5 MR. MURPHY: The only motion I would make  
6 is to renew my motion for a mistrial based on the  
7 argument of counsel. I guess quite frankly, that's  
8 the only motion left.

9 THE COURT: The motion for a mistrial is  
10 respectfully denied. As I mentioned, is denied. As  
11 I mentioned, I think Douglas is still the applicable  
12 law in this state. Certainly you've have raised  
13 that, and I'll respectfully deny it. Mr. Meadors,  
14 are you prepared to go forward with sentencing?  
15 Would you like a few minutes?

16 MR. MEADORS: The Sheets are being  
17 prepares by Mr. Brown right now. They should be up  
18 momentarily.

19 THE COURT: And I will state for record, I  
20 think both of you probably know I wouldn't say it  
21 unless I meant it, it's always a pleasure when you  
22 have lawyer's appear who are prepared,  
23 knowledgeable, collegial, and anything included in  
24 that. The case was well very tried. I certainly  
25 appreciate your efforts.

1 MR. MEADORS: Thank you very much, Your  
2 Honor.

3 THE COURT: I'LL step back in, in just a  
4 minute. Does either side want to see the verdict  
5 form.

6 MR. MEADORS: No, Your Honor.

7 MR. MURPHY: No, sir.

8 THE COURT: Mr. Meadors before I begin, I  
9 know that the two prior convictions that you  
10 weren't, this is not an LWOP case, and no notice was  
11 given. So I want to make sure of that.

12 MR. MEADORS: No notice was given.

13 THE COURT: Mr. Meadors.

14 MR. MEADORS: Your Honor, may it please  
15 the court, I first want to thank law enforcement, my  
16 boss, of course, Mr. Finney. And Tyler Brown for  
17 his help. And specifically, Wayne Dubose Michael  
18 McCauley and Ardis who literally working with him  
19 for the last few weeks. Judge, very briefly, again,  
20 these cases, if it didn't come into evidence it  
21 wouldn't be allowed to. But Mr. Murphy had it  
22 obviously the first tape Dubose took of  
23 Mr. Williams, he was in the hospital, groggy out of  
24 it. But he's told the same version in the hospital  
25 bed that he's told the whole time. And I first

1 heard that and met with him, and talked to him on  
2 the phone. And then in person found him to be  
3 credible. Obviously the jury believed his  
4 testimony. Anyway, I just want to thank him for his  
5 patience in working with us.

6 I don't know if he wants to say anything.  
7 He's here with his mother who supports him. Do you  
8 want to speak on your behalf?

9 MR. WILLIAMS: Yes, sir.

10 MR. MEADORS: He wanted to thank all the  
11 parties that helped him and thank Your Honor and the  
12 jury. Judge, as far as the prior record, I know you  
13 heard it. He has an armed robbery conviction in  
14 November of 2007. And an armed robbery conviction  
15 in June 21st 2007. One of those was Dorchester and  
16 one of those was Charleston. And it appears that  
17 both of those will run concurrent, Judge. He got  
18 out of jail I think December 1st 2015, less than 30  
19 days before this incident. I do believe for  
20 whatever it's worth, I don't know what else I have  
21 to say. Thank you, Judge. We appreciate Your  
22 Honor and the way you handled this case.

23 THE COURT: The sentencing range on ABHAN  
24 is 0 to 20.

25 MR. MEADORS: Yes, sir.

1 THE COURT: 85 percent.

2 MR. MEADORS: Yes, sir.

3 THE COURT: Then sentencing range for  
4 possession of a weapon during the commission of a  
5 violent crime is 0 to 5. And likewise under Count 5  
6 is 5 years. Mr. Murphy, Is that correct?

7 MR. MURPHY: Yes, sir.

8 THE COURT: Anything you would like to  
9 say, or your client or anyone else or all of the  
10 above?

11 MR. MURPHY: Your Honor, I don't have too  
12 much to say. I do want to recognize his mom and  
13 sister have been here throughout the trial. And he  
14 does have a son, and we would ask that whatever  
15 sentence you impose, it be a concurrent sentence.

16 THE COURT: Mr. Scott, is there anything  
17 you would like to tell me?

18 THE DEFENDANT: No, sir, Your Honor.

19 THE COURT: Mr. Meadors, anything else?

20 SERGEANT DUBOSE: Judge, on behalf the  
21 State, I would ask you to impose the maximum  
22 sentence. Mr. Scott was out of jail for 28 days.  
23 He came to Sumter. Luckily he did not kill  
24 Mr. Williams. Then he had an opportunity to make  
25 things right and tell us the truth in the beginning,

1 and he didn't. And we might not have gone quite  
2 this far. We would ask that impose the maximum  
3 sentence.

4 MR. MEADORS: Judge, I would like to say.  
5 I said it a little maybe in my closing. But it is a  
6 kind of a miracle. But thank God Tyrone is here,  
7 because he could have easily dead and we'd be here  
8 on a murder. And thank God <sup>minor</sup> wasn't killed.

9 THE COURT: How old is <sup>minor</sup> now? Six?

10 MR. WILLIAMS: Five, sir.

11 THE COURT: How he's doing?

12 MR. WILLIAMS: Yes, sir. He's going  
13 through some stages, but he don't like to be around  
14 people no more. A crowd people, he will distance  
15 himself from them. I got him a lot of toys. He's  
16 going through a lot of things. Like he's taking his  
17 toys and start -- he like guns now. And I am going  
18 to carry him to therapy. I am going to talk to some  
19 people about it. But I thought it would be a little  
20 early to take him, but I am going to find some help  
21 for him.

22 THE COURT: Mr. Murphy, anything else?

23 MR. MURPHY: No, Your Honor.

24 THE COURT: Please stand, Mr. Scott. I  
25 don't have any words of wisdom. I don't have

1 anything prepared to say, but I will say a few  
2 things. I see when I look at you and when I was  
3 listening to you talk, a remarkable waste of  
4 intellect. You're a smart guy. You could have put  
5 your mental capabilities to great use, but you chose  
6 not do that.

7           Of course everybody in here knows, lawyer  
8 wise knows, that your prior armed robbery  
9 convictions were not admissible and they weren't  
10 admitted because of the balancing test that I had to  
11 do on the record the other day. That's just the  
12 reality of it. But I can take it into account now.  
13 You were out of prison for 28 days, after committing  
14 an armed robbery. In your words, you were coming up  
15 here to buy marijuana with a gun. Blatantly in  
16 violation of the law as you absolutely knew it to  
17 be. Couldn't have a gun. Most reasonable --  
18 you're smart. But most reasonable people, there's a  
19 difference between being smart and being reasonable.  
20 Most reasonable people would say well, let me keep  
21 me head down. Let me go find a job. Let me go do  
22 something constructive instead of packing heat,  
23 driving up to Sumter, and let's just give you the  
24 benefit of the doubt, going to buy marijuana. Most  
25 reasonable people wouldn't do that.

1           This jury in all likelihood got it right.  
2   And it just disturbs me that in this day and age  
3   what Mr. Meadors sees, what Mr. Dubose sees, what  
4   Mr. Murphy sees, has become all too common. People  
5   with guns will just do what they want to do. You're  
6   26 years old, right?

7           THE DEFENDANT: Yes, sir.

8           THE COURT: You were put in prison when  
9   you were 17?

10          THE DEFENDANT: That's when I got  
11   convicted. I was 16. I was a juvenile.

12          THE COURT: But you were tried. You were  
13   waived up, right?

14          THE DEFENDANT: Yeah, I been charged as  
15   adult. I was convicted when I was 17.

16          THE COURT: How far did you go in school?

17          THE DEFENDANT: I graduated two years  
18   early. And I got out a high school -- I mean a GED  
19   while I was incarcerated.

20          THE COURT: You've never been accused of  
21   not being smart, have you? You're a smart guy,  
22   right?

23          THE DEFENDANT: That's what I was accused  
24   of.

25          THE COURT: You're an intelligent fellow.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And sometimes that's the  
3 scariest thing. The ones who are intelligent,  
4 crafty, good on their feet, choose to go down this  
5 path, that's just a little bit scary. I am going to  
6 impose a sentence that I think is appropriate.  
7 There might be some who agree with it. Some who  
8 disagree with it, but it's the sentence that I think  
9 is just.

10 On the charge of assault and battery of a  
11 high and aggravated nature, you are committed to the  
12 State Department of Corrections for a period 20  
13 years. On the charge of possession of a weapon by a  
14 person convicted of a violent crime, classified as a  
15 felony, you're committed to the Department of  
16 Corrections for a period of 5 years. That will be  
17 consecutive to the sentence for ABHAN. Lastly, 5  
18 years for possession of a weapon during the  
19 commission of a violent crime. Five years. That  
20 will be concurrent with the other 5-year-sentence.

21 As I have typically tell young folks like  
22 you, I hate putting people in prison who are wasting  
23 their lives. I don't like it. I don't feel good  
24 about it. And I don't think anybody should feel  
25 good about it. Because your life is too valuable to

1 waste. You shot a man four times. Y'all get credit  
2 as the law dictates for all time you have served on  
3 these warrants. And we're adjourned. Thank you.

4 --End of Requested Transcript of Record--

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of 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 General Sessions Court on July 18th-21st, 2016, in Sumter County, Sumter, South Carolina.

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

12-16-16  
DATE

Margaret T. Sullivan  
COURT REPORTER  
My Commission expires: 9/7/21

6/6

WITNESSES

W. Dubose Sumter County Sheriff

T. Mims SUMTER County Sheriff

08-23-2016

09:33:45 a.m.

ARREST WARRANT NUMBER

2015A4310100913 2015A4310100917  
2015A4310100914

2015A4310100915 2015A4310100916

ACTION OF GRAND JURY

Robert E. Halloran  
Foreperson of Grand Jury  
Date: 5/12/16

VERDICT

Foreperson of Petit Jury  
Date:

8034362223

DOCKET NO. 2016-GS-43-0565

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

May TERM 2016

THE STATE

vs.

RAYMOND ANGELO SCOTT

Indictment for

Attempted Murder/Attempted Murder/Armed Robbery/Possession of a Weapon during the Commission of a violent Crime/Possession of a Firearm by a Person convicted of a Violent Crime

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

**COUNT FOUR**

**POSSESSION OF A WEAPON DURING THE COMMISSION  
OF A VIOLENT CRIME**

That Raymond Angelo Scott did in Sumter County, on or about December 29, 2015, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit: Attempted Murder and Armed Robbery, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

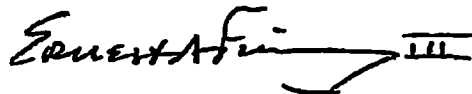
**COUNT FIVE**

**Possession of a Firearm by a Person Convicted of a Violent Crime**

That Raymond Angelo Scott, did in Sumter county on or about December 29, 2016, fire several shots with a handgun at Tyrone Williams and did rob the said Tyrone Williams of cash, while armed with a firearm, the said Defendant being prohibited from possessing a handgun in the State of South Carolina due to a prior conviction of a violent crime, in violation of Section 16-23-500(A), S.C Code of Laws, 1976, as a mended.

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

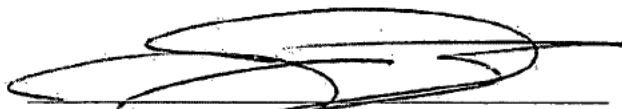
Solicitor



## 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,

A handwritten signature in black ink, appearing to read "John H. Strom", is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

John H. Strom  
Appellate Defender

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

ATTORNEY FOR APPELLANT


This 19th day of June, 2017.

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

**RECEIVED**  
JUN 19 2017  
SC Court of Appeals

Respectfully Submitted,



John H. Strom  
Appellate Defender

South Carolina Commission on Indigent Defense  
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Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of June, 2017.