

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

ORIGINAL

Appeal from Aiken County
Honorable Doyet A. Early, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RASHAWN VERTEZ CARTER,

APPELLANT.

APPELLATE CASE NO. 2018-000358

RECORD ON APPEAL

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INDEX

INDEX	i
TRANSCRIPT OF TRIAL HELD JANUARY 8, 2018	3
MOTION FOR SEVERANCE	6
MOTION TO SUPPRESS EVIDENCE (UNREDACTED VIDEO)	13
TRANSCRIPT OF TRIAL HELD FEBRUARY 12-16, 2018	28
PRETRIAL MOTIONS	28
JACKSON V. DENNO HEARING	29
TESTIMONY	
MATTHEW MORLAN (In-Camera)	
Direct Examination by Ms. Young	30
Cross Examination by Mr. Chesser	39
Redirect Examination by Ms. Young	46
CARLOS COLINDRES	
Direct Examination by Ms. Young	48
Cross Examination by Mr. Chesser	51
Redirect Examination by Ms. Young	52
WILLIAM CAMERON	
Direct Examination by Ms. Young	53
Cross Examination by Mr. Chesser	55
Redirect Examination by Ms. Young	57
MOTION FOR SEVERANCE	64
COURT'S RULING ON MOTION FOR SEVERANCE	65
JURY VOIR DIRE	69
PRETRIAL MOTIONS	71
COURT'S SECOND RULING ON MOTION FOR SEVERANCE	72

MOTION TO SEQUESTER WITNESSES	75
COURT'S RULING ON MOTION TO SEQUESTER WITNESSES	75
OPENING STATEMENT BY MS. YOUNG	79
OPENING STATEMENT BY MR. CHESSER.....	85
TESTIMONY	
JUANITA MARTINEZ	
Direct Examination by Ms. Young.....	88
ELIZABETH MILLER	
Direct Examination by Ms. Young.....	90
Cross Examination by Mr. Chesser	125
Redirect Examination by Ms. Young	131
DAVID KEITH BYRD	
Direct Examination by Ms. Young.....	132
CHRISTIAN STUTTS	
Direct Examination by Ms. Young.....	143
MATTHEW COMER	
Direct Examination by Ms. DeLoach.....	148
Cross Examination by Mr. Chesser	157
BRIAN HALL	
Direct Examination by Ms. Young.....	159
JAMIE JOHNSON	
Direct Examination by Ms. Young.....	165
Cross Examination by Mr. Chesser	196
Redirect Examination by Ms. Young	201
ROBERT HENDERSON	
Direct Examination by Ms. DeLoach	203
MOTION TO STRIKE.....	213
COURT'S RULING ON THE MOTION TO STRIKE	216
MOTION TO REOPEN ADMISSABILITY OF DEFENDANT'S STATEMENTS.....	218
COURT'S RULING	219

MOTION REGARDING EXIGENT ORDER	219
COURT'S RULING	236
JAMIE HEMBREE	
Proffered Examination by Ms. Young	221
Proffered Examination by Mr. Chesser	226
Direct Examination by Ms. Young	238
Cross Examination by Mr. Chesser	274
PATRICK NEELY	
Direct Examination by Ms. Young	276
Cross Examination by Mr. Chesser	296
JACKSON V. DENNO HEARING CONTINUED	300
TESTIMONY	
RASHAWN CARTER (In-Camera)	
Direct Examination by Mr. Chesser	300
TESTIMONY	
WHITNEY SIMPKINS	
Direct Examination by Ms. Young	304
SANQUESHA RAMSEY	
Direct Examination by Ms. DeLoach	312
MATTHEW MORLAN	
Direct Examination by Ms. Young	319
REGINA SAILER	
Direct Examination by Ms. Young	346
TREASURE SIMPKINS	
Direct Examination by Ms. DeLoach	359
Cross Examination by Mr. Chesser	367
Redirect Examination by Ms. DeLoach	370
JASMINE HAMMOND	
Direct Examination by Ms. Young	371
Cross Examination by Mr. Chesser	396
Redirect Examination by Ms. Young	400
MARTIN SAWYER	
Direct Examination by Ms. Young	401

ROBERT BOWMAN	
Direct Examination by Ms. DeLoach	412
MELVIN CHANDLER	
Direct Examination by Ms. Young	426
Cross Examination by Mr. Chesser	439
CARLOS COLINDRES	
Direct Examination by Ms. DeLoach	443
Cross Examination by Mr. Chesser	454
WILLIAM CAMERON	
Direct Examination by Ms. Young	459
Cross Examination by Mr. Chesser	524
MOTION FOR A DIRECTED VERDICT	527
COURT'S RULING ON THE MOTION FOR A DIRECTED VERDICT	530
CLOSING ARGUMENT BY MS. YOUNG	531
CLOSING ARGUMENT BY MR. CHESSER	556
JURY CHARGE	563
VERDICT	582
SENTENCING	585
INDICTMENTS	656
CERTIFICATE OF COUNSEL	670

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NOS. 9 (CD, CARTER INTERVIEW), 12A (TRANSCRIPT, JAIL CALL 2), 13A (TRANSCRIPT, JAIL CALL 4), 14A (TRANSCRIPT, JAIL CALL 6), 21 (CD, BILLY CAMERON'S POWERPOINT), 25 (PHOTOGRAPH), 33 (PHOTOGRAPH).

William Cameron - Direct Examination by Ms. Young

1 A This is a -- going back to Rick Jackson's phone
2 records, this is a text message, text message detail where
3 at, again, that says 7:50 on 5/9. We've got to subtract
4 four hours, so that's actually 3:50 on 5/9 where there's
5 the text communication between -- from Rick Jackson's phone
6 to the phone belonging to Darius Scruggs and then a
7 response back at 3:50 from Scruggs to Richard Jackson?

8 Q All right. And how about the next screen?

9 A This is also the Nelos data, the more precise
10 location of the that call detail record for those two text
11 messages.

12 Q And then what's shown on the map?

13 A This is a map of those -- again a visual
14 representation of the call detail record for the call or
15 the text messages made at 3:50 that morning between Rick
16 Jackson and Darius Scruggs; and again, the Nelos data,
17 which is the more precise puts Rick Jackson's phone inside
18 the -- right there at the address of Lucky 7 on Gordon
19 Highway.

20 Q And what else is located next to the Lucky 7?

21 A Club Climax.

22 Q And what's shown on the next map?

23 A This is a -- what we did is we took the 3:50 phone
24 call for -- or maybe -- the phone call at the 3:50 time
25 frame for Mr. Carter and the 3:50 phone call for

William Cameron - Direct Examination by Ms. Young

1 Mr. Jackson.

2 Q Which Jackson?

3 A Yes, Richard Jackson. And this is to show that
4 they are in the same approximate location at the same
5 approximate time. If you can kind of orient yourself on
6 this curve right here, and this curve right here, they're
7 in the same approximate location at the same approximate
8 time.

9 Q Okay. And up there on the red circle, both -- not
10 both Lucky 7, so which one's actually Lucky 7? Or are they
11 both -- it is both Lucky 7; is that right?

12 A Yes.

13 Q I'm sorry. I'm confusing myself. All right.

14 A I don't know if we could get two pushpins side by
15 side because there so close together and it with was a GPS
16 coordinate to get that pushpin.

17 Q So both of them mapping close to Lucky 7 in the
18 same time frame?

19 A Yes, ma'am.

20 Q What's shown on the next screen?

21 A This is another photograph of Darius Scruggs's
22 phone that was taken and these are that 3:50 phone calls
23 that we just viewed on Richard Jackson's map, this is the
24 content of that 3:50 phone call where -- from the contact
25 Mass to Darius's phone, Where y'all parked at.

William Cameron - Direct Examination by Ms. Young

1 And then Darius's response to Mass, Lucky 7, at
2 that 3:50 time.

3 Q Okay. And what's shown on the next screen?

4 A Again, this is the picture of the close proximity
5 of Club Climax to Lucky 7.

6 Q And Club Climax, you had indicated is on which
7 side?

8 A Club Climax is on the right side of the screen and
9 Lucky 7 is on the far left.

10 Q What's shown on the next slide?

11 A This is a call detail record for the phone
12 belonging to Darius Scruggs.

13 Q Okay.

14 A Again, we have to subtract the four hours, so this
15 is at 3:45 a.m., roughly about the same time as the last
16 two that we just observed regarding Mr. Jackson.

17 Q Okay. And how about the map?

18 A And this map gives us the entire tower. They
19 didn't pick up the side of the tower it was on. But Lucky
20 7 is inside the tower that was hit during this phone call.

21 Q So when it doesn't give a tower, we just get the
22 circle?

23 A You get the entire circle, yes, ma'am. And it
24 tells you the tower you hit. It just doesn't tell you what
25 side of that tower.

William Cameron - Direct Examination by Ms. Young

1 Q What's shown on the next slide?

2 A This is a call detail record for Rashawan Carter's
3 phone where he received a phone call from the phone number
4 that we associated to Treasure Simpkins at 4:08 a.m.

5 Q All right. And how about the map for that?

6 A And this is a high up map of that phone call.

7 Q Okay. And where is it located? Where is the phone
8 at the time?

9 A Still in Augusta, Georgia.

10 Q And what is that near, if you know?

11 A Well, I know that Jennings Homes runs off of Olive
12 Road and Olive Road is pretty much dead center of the --
13 the sector.

14 Q And the next slide is a close up of the same thing?

15 A I believe so, yes, ma'am. Again, it's not up here,
16 but if you remember the curve in the road, Club Climax and
17 Lucky 7 would be over here, and if you can remember 1916
18 Coonie Circle address, that's going to be in this area
19 right here, which is Jennings Homes.

20 Q And what's shown on the next slide?

21 A This is, again, another call detail record for
22 Darius Scruggs's phone of a 4:08 call connecting to Richard
23 Jackson's phone.

24 Q Okay. And how about the map for that?

25 A Again, if -- the tower did not tell us what sector

William Cameron - Direct Examination by Ms. Young

1 of the tower, so all we know is he is inside that circle
2 somewhere. But again, I'll point out right at the top of
3 this curve, Lucky 7, Club Climax and right here off of
4 Olive Road, Jennings Homes.

5 Q So it's similar to the previous map and -- that is
6 close to the time for the defendant?

7 A That's correct.

8 Q And what's shown on the next slide? Close up of
9 the same map?

10 A Close up of the same map, and again, here is --
11 here is Jennings Homes and Club Climax, Lucky 7 would be in
12 this area.

13 Q And how about the next slide?

14 A Again, this is a call detail record for the phone
15 for Richard Jackson and it is coming in at 4:12 a.m. and it
16 is a phone call from Darius Scruggs to Richard Jackson.

17 Q And you have the subtract, is it --

18 A Yes, the time on the record is 8:12. We subtract
19 the four hours for UTC and it's 4:12 in the morning.

20 Q So you also include the Nelos data on the next
21 slide?

22 A Correct.

23 Q Because the map includes that?

24 A Correct.

25 Q So we go to the next slide and then we go to the

William Cameron - Direct Examination by Ms. Young

1 map?

2 A And this is the map of that specific phone call and
3 what's important to me on this map is it still shows Darius
4 Scruggs, Rashawan Carter, and Richard Jackson all still in
5 the same approximate area at the same approximate time.

6 Q And that is in Augusta --

7 A In Augusta, Georgia.

8 Q And located where?

9 A Off of Gordon Highway.

10 Q Okay. And what's shown on the next slide?

11 A This is going to be text message content from
12 Melvin Chandler's phone to phone number 404-200-6243, which
13 we've associated with Brittany Williams.

14 Q And how about the next slide?

15 A This is actually the content from this call detail
16 record for those two times that we had highlighted. This
17 is the content or the text for those calls. The first one
18 came in at 3:45 or 4:44 in the morning and the content of
19 that text message is, What's the room number.

20 The second text message is the response from
21 Ms. Williams to Melvin Chandler with the response of 213.

22 Q What's shown on the next slide?

23 A This is also text message content between Melvin
24 Chandler's phone and Brittany Williams's phone at 4:58 a.m.

25 Q On what date?

William Cameron - Direct Examination by Ms. Young

1 A May 9th, 2015.

2 Q Okay. And what's in next slide?

3 A This is the content of those text messages at 4:58
4 a.m. on May 9th, 2015. Melvin Chandler responded to
5 Brittany Williams with a message of OTW which is associated
6 with the acronym, I guess if you will of, on the way.

7 Q Okay. And how about the rest of it?

8 A The second text message is 5/9/2015 at 4:58 a.m.
9 saying -- respond and responded right away with the letter
10 SMH, which we associate with shaking my head.

11 Q What's shown on the next screen?

12 A This is a call detail record of Mr. Chandler's
13 phone at 4:45 in the morning on May 9th, 2015, where he
14 made an outgoing call to 803-653-1968, which we have
15 associated to Gerrin Amiker.

16 Q And what time was that call?

17 A 4:45 in the morning.

18 Q All right. What's shown on the next map?

19 A This map was essentially created for this phone
20 call specifically to show the location of Melvin Chandler,
21 of course, during this phone call because of the previous
22 text message that he had received of, on the way. So what
23 you'll see inside the sector of the map is the incident
24 location and also the location of the trap house where
25 Melvin Chandler was at prior to leaving to go to the hotel.

William Cameron - Direct Examination by Ms. Young

1 Q And how about the next slide?

2 A Also a call detail record for Melvin Chandler at
3 5:07 a.m. on 5/9/2015.

4 Q And how does that map out?

5 A This phone call is the 5:07 phone call that Melvin
6 received from Keith, advising him of what he was observing.
7 And what we see is the last one was 4:45, this is 5:07, so
8 roughly, 15, 22 minutes later. This is the area in which
9 Melvin was before at this pushpin so what we're seeing on
10 this map is that Melvin is no longer in the same location.
11 He is, in fact, moving and from his own testimony, moving
12 towards the hospital area, which is going to be down here.

13 Q And what else have you mapped on here for
14 prospective purposes?

15 A We also mapped the address of the Econo Lodge
16 located at 3560 Richland Avenue West.

17 Q What's shown on the next slide?

18 A This is the text message content from Richard
19 Jackson's call detail record to the -- or the content
20 between his text between him and Darius.

21 Q Okay. So that would be the ones that you read into
22 the record previously?

23 A That's correct. The 5:03, 5:04, 5:06, yes, ma'am.

24 Q And what's shown on the next screen is the Nelos
25 data?

William Cameron - Direct Examination by Ms. Young

1 A That's correct.

2 Q And then what you have on the next screen is what?

3 A That's again the picture of the phones of what I
4 previously read. This is the 5:03 phone calls, or text
5 message that we just observed on the call detail record.
6 You want me to read them again?

7 Q No.

8 A Okay.

9 Q That you previously read?

10 A That I previously read, yes, ma'am.

11 Q And how about the map?

12 A So for that call detail record, this is our visual
13 representation. Again the Nelos data puts you more inside
14 the red area and right in this area is 487 Columbia Avenue
15 and the home invasion happened back here. So this --
16 during this content, again, we've heard that -- that
17 Richard Jackson was dropped off at the trap house with
18 Melvin and his Nelos data does put him inside that area.

19 Q And then there's a close up of that also?

20 A Yes, ma'am. Again, here's, big circle and this is
21 the -- this is actually a pretty tight circle. It's a
22 close, close view. Here's the trap house where Rick and
23 Melvin were and then the incident location is up here.

24 Q And you've been a police officer for a long time in
25 Aiken?

William Cameron - Direct Examination by Ms. Young

1 A Yes, ma'am.

2 Q You've been in this area a lot?

3 A Yes, ma'am.

4 Q How far away -- I mean it looks big on the screen,
5 but how far away do you think that is?

6 A My best guess is it's an 8th to a quarter of a
7 mile. I mean it would probably -- in a straight line, if I
8 was walking it, it's probably a little bit longer if you
9 have to take the roads because of the turns, so a couple
10 hundred feet.

11 Q All right. Tell us what's shown on the next
12 screen, if you would.

13 A This is the call detail record for Shawn Carter's
14 phone. Again it's -- the call detail record shows 9:55, so
15 we have to subtract four hours, it gives us 5:55. So
16 roughly 25, 30 minutes after the home invasion has occurred
17 on May 9th, 2015.

18 Q Why was there such a gap between the last map for
19 Carter and this one?

20 A There was no phone activity on his phone at all
21 from that 4:08 call that we observed to the next one that
22 came in at 5:55.

23 Q Which is this?

24 A Which is this.

25 Q All right. And tell us what the map shows.

William Cameron - Direct Examination by Ms. Young

1 A This is a far out version of Mr. Carter's phone
2 during that phone communication and what I see in this map
3 is that he is now in South Carolina.

4 Q And how about zooming in to the next one, which is
5 the next slide, zoomed in.

6 A So he's -- his phone is putting him inside this
7 blue area, roughly 30 minutes after the home invasion.
8 This right here is -- we put a pushpin on the right-hand
9 side of the screen for the incident location of [REDACTED]
10 [REDACTED] and in the top right-hand corner is, we mapped Whitney
11 Simpkins address. As she testified, he picked her up that
12 morning. So it's just outside of those two places.

13 Q And heading where?

14 A Believed to be heading -- well, the next map will
15 tell us.

16 Q Okay. Let's go to the next slide.

17 A This is going to be a map of -- or a call detail
18 record of the phone number that we associated with
19 Sanquesha Ramsey and Poppa and the phone number that was
20 called has been associated with Patrick Neely at 6:51 a.m.

21 Q And the map for that would be next?

22 A Yes, ma'am. This is where that -- that phone call
23 is mapping. If you'll orient yourself on this triangular
24 area right here, this is the apartment complex of River
25 Glen in Augusta, Georgia and on -- during this phone call,

William Cameron - Direct Examination by Ms. Young

1 this phone maps inside that area.

2 Q And again, what's shown on the next slide?

3 A I believe it's a closer view. And this is a closer
4 view of the same map, just to give us some more street
5 detail. Again, Poppa's residence was mapped and that's his
6 location. Again, still inside the area of the house.

7 Q And how about the next map?

8 A This is a call detail record for Mr. Carter's phone
9 at 7:03 a.m., on 5/9/2015. Yes.

10 Q Before we jump off that phone, is there anything
11 pertinent with regard to directionality of the phone calls?

12 A The only -- the -- you'll -- this is the direction
13 -- this call would give us the direction of the call that
14 -- if it was an incoming call that's, let's see is
15 terminating because it was coming to him, if it was an
16 outgoing call, it would say originating. None of
17 Mr. Carter's phone records say originating, so every call
18 that is ever -- that was made through this call detail
19 record is all incoming calls. He can't --

20 Q And what's shown on the map?

21 A 7:03 a.m., roughly an hour and a half after the
22 home invasion. We're told by Patrick Neely he received a
23 call from Poppa's phone with Carter being the caller. This
24 is roughly 12 minutes later from Carter's phone and showing
25 Carter in the same area that the Poppa's phone was showing

William Cameron - Direct Examination by Ms. Young

1 during that 6:51 detail.

2 Q They're both in the River Glen --

3 A Both in the --

4 Q -- Augusta area?

5 A -- River Glen is in the same -- same area, yes.

6 Q The next map is going to be a closer version of
7 that?

8 A It is. The same. Except on this map, what we did
9 is we pinpointed Patrick Neely's residence which, again, is
10 inside that triangle area.

11 Q And where is that in relation to Poppa's residence?

12 A Right next door.

13 Q And what's shown on the next screen?

14 A Call detail records again, of Mr. Carter's phone on
15 5/9/2015. This is a 7:41 phone call from Patrick Neely to
16 Mr. Carter.

17 Q And how did that map?

18 A Same approximate area as the 7:03. Through our
19 investigation, we were told that, you know, of course, he's
20 leaving Patrick Neely's residence and goes to the Budget
21 Inn, so we've mapped both of those and both of those are
22 still inside the sectors of the cell phone tower.

23 Q All right. And how about the next map?

24 A This is -- 3:33 in the afternoon Mr. Carter's phone
25 received a phone call from the number we associated to

William Cameron - Direct Examination by Ms. Young

1 Treasure Simpkins, again on the same date 5/9/2015.

2 Q Okay. And the map for that shows what?

3 A Shows them to be up in the North Side of Aiken
4 area.

5 Q Okay. And how about the next call detail record?

6 A Next record is the same. It's Mr. Carter's detail
7 record at 4:41 on 5/9/2015, same caller, Treasure Simpkins.

8 Q And you mapped that and it shows?

9 A To be in the Batesburg-Leesville area and we have
10 GPS'd the address to Walmart and it is inside the sector of
11 this cell tower while it was being used.

12 Q All right. And last call detail record? I think.

13 A I hope. This is a, again, Carter's call detail
14 record. I believe that's 6:41, if my math is correct.
15 Again, from Treasure Simpkins to Mr. Cater on 5/9/2015.

16 Q And how does that map?

17 A It now shows that Mr. Carter's phone is in
18 Columbia, South Carolina and inside that cell tower area
19 maps the Quarter's Apartment complex where he was
20 eventually located by the ATF Task Force.

21 Q Did you create a timeline for the jury to try to
22 visually show this in another way?

23 A Yes, ma'am.

24 Q Is that the next -- the next slide?

25 A I believe it is.

William Cameron - Direct Examination by Ms. Young

1 Q Okay. Let's go to that next slide. Oh, I'm sorry.

2 A Closer up view of the same, it's, showing, again,
3 just showing where Mr. Carter's phone was located during
4 his phone call.

5 Q Basically the last map?

6 A The last map.

7 Q All right.

8 A So this is a timeline of basically that day's
9 events or that night's events. I believe it starts at 1:52
10 in the morning with a phone call from Richard Jackson's
11 phone to Melvin Chandler's phone. You want to just put it
12 all up.

13 Q Yeah, let's put it all up.

14 A All right. So again, Rick Jackson called Melvin
15 Chandler at 1:52 in the morning. At approximately 3:50
16 a.m. the defendant, Mr. Scruggs and Mr. Jackson are all
17 near the area of Club Climax. Approximately 4:0 -- which,
18 of course goes along with the text messages.

19 4:08, 4:12 a.m. through my investigation, what I
20 believe is they left the Club Climax area and was moving
21 towards Jennings Homes where the planning of the home
22 invasion was being done.

23 At 4:58, Melvin's call detail records indicate that
24 he's leaving the trap house area and on the way to Econo
25 Lodge.

William Cameron - Direct Examination by Ms. Young

1 At 5:03 -- between 5:03 and 5:16 a.m. that morning,
2 is when the burglary and the home invasion, assault and all
3 took place, again, through the call detail records between
4 Richard Jackson's phone and Scruggs's phone, all that text
5 communication.

6 5:24 a.m. Public Safety is contacted and the police
7 are dispatched.

8 At 5:55 a.m., Mr. Carter is still in the Aiken area
9 heading towards the Augusta area.

10 6:51 a.m., the defendant called Patrick Neely and
11 told him that his brother was -- he gone.

12 7:26 a.m., the defendant and Ms. Hammond are said
13 to go to the Budget in.

14 3:33 p.m. that afternoon, the defendant and
15 Ms. Hammond, through verification on their phone records,
16 were on their way to Batesburg Walmart.

17 At 4:41 p.m., the defendant abdomen Ms. Hammond
18 are, in fact, as we saw on the video, are in fact, at the
19 Batesburg Walmart.

20 At 6:41 p.m., the defendant and Ms. Hammond were
21 located by the ATF Task Force at the Quarters Apartment
22 complex in Columbia, South Carolina.

23 (There was a bench conference out of the hearing of
24 the jury and the Court Reporter.)

25 THE COURT: The food is here. She's got about 10

William Cameron - Direct Examination by Ms. Young

1 or 15 more minutes with this witness. We want to let's us
2 finish him on direct and eat and then come back.

3 BY MS. YOUNG:

4 Q All right. Let me make sure I got it all in, okay?

5 A Yes, ma'am.

6 Q When Investigator Jamie Johnson was here, she
7 testified about taking tire tracks or taking pictures of
8 tire tracks?

9 A Yes, ma'am.

10 Q Talk a little bit about that with the jury.

11 A Well there was, as you guys have heard, there was a
12 lot of moving parts that day. I really didn't know exactly
13 what SLED had found or what SLED had done at the crime
14 scene until, you know, days or a week or so later when I
15 got their report back. I didn't even know that while we
16 were conducting the interview with Melvin -- with
17 Mr. Carter that my partners were out taking photographs of
18 the car. I wasn't aware of that being done at all until
19 after the fact.

20 So there is no -- SLED got tire wear impressions
21 from McCormick Street Extension. There's no photographs of
22 the tires from the vehicle that they were driving that
23 morning of the incident.

24 Q So it's miscommunication and --

25 A Sure.

William Cameron - Direct Examination by Ms. Young

1 Q -- and no comparison got made?

2 A Yes, ma'am.

3 Q All right. And I just want to make clear to the
4 jury, if you could, go through and describe, particularly
5 for the defendant which phones he had and what did he say
6 about them to you and when he used them?

7 A When he was located he had two phones in his
8 possession. He gave one up to his girlfriend. We had
9 associated the 5459 number as being his. During the
10 interview, he tells us that the 5459 number belongs to his
11 girlfriend. And the only phone at that point that he -- at
12 that point claimed, was the new phone that he had purchased
13 at Batesburg. Later in the interview, he tells us that he
14 did, in fact, have what he referred to as his girl's phone,
15 all night long with him.

16 Q And what did your investigation show about what the
17 defendant told you about the calls he received and what was
18 in the call detail record?

19 A He advised us in the interview that he had received
20 calls from his brother, his mother, the night of May 8th
21 going into May 9th. I found in his call detail record --
22 and I don't have it forever, but in the call detail record
23 that I did have, I found two phone calls between him and
24 his brother alone. One, I believe, was on May 7th of 2015
25 and the next phone call that I saw between him and his

William Cameron - Direct Examination by Ms. Young

1 brother was 4 something on the afternoon of May 9th,
2 believed to be -- due to the times in the call detail
3 records and the time stamp on the Walmart video, it's
4 believed that he's talking to his brother while he's in the
5 Batesburg Walmart.

6 So no communication with his brother the night
7 prior to the incident as he indicated in his interview.
8 And I never found his mother's phone number in his call
9 detail record at all.

10 Q What pertinent information, if any, did you get
11 from the call detail record of a little new flip phone that
12 the defendant had?

13 A The most pertinent thing that came from the flip
14 phone was the text message that was sent to Treasure
15 Simpkins advising her to, or, Ma, take them phones up there
16 water -- wash them with water and everything. And too, in
17 fact, that evening, that is the way that we obtained the
18 phones. They were completely destroyed and appeared to
19 have been, you know, water spots on them. So that text
20 message we didn't get for several weeks maybe, so seeing
21 that that text message was sent shortly after the
22 interviews of Mr. Hammond and Ms. -- Mr. Carter and
23 Ms. Hammond was understandable and why we got the phones in
24 the shape that we did.

25 Q Was there any pertinent information with regard to

William Cameron - Direct Examination by Ms. Young

1 phone calls made by his new phone?

2 A The very first, very first phone call made on that
3 call detail record for his new phone that he had bought at
4 Batesburg Walmart, the very first phone call is made from
5 that phone was to Patrick Neely, the deceased's brother.

6 Q And I want to be clear where we're talking about
7 the deceased as Mr. Scruggs. Two phones have been talked
8 about with regard to him, being found or supposedly
9 belonging to him. How many phones did you actually
10 associate that he had that call detail records backed up?

11 A Just one.

12 Q And what was the other phone?

13 A The other phone that was found on his person that
14 morning was Ms. Miller's phone.

15 Q And who was that phone found by?

16 A That phone was found by one of our responding
17 officers. I don't recall if it was Sergeant Tillman or
18 Deputy Spencer, I don't recall.

19 Q It was on the suspect Scruggs' person?

20 A That's correct, along with his Georgia driver's
21 license.

22 Q Okay. No further questions.

23 A Thank you.

24 THE COURT: Okay. We'll save the cross to let the
25 jury eat. Does that suit?

William Cameron - Direct Examination by Ms. Young

1 MR. CHESSER: Yes, Your Honor.

2 THE COURT: All right. Officer, you may step down,
3 please don't discuss your case, your testimony with anyone.
4 Obviously, your right in the middle of it. Y'all hang on
5 one second.

6 Ladies and gentlemen, we -- the food is here. I'm
7 going to try to as short a lunch break as we can. You
8 just let me know when you finish eating. How long do y'all
9 need for lunch 20 minutes?

10 MS. YOUNG: I'm sorry?

11 THE COURT: 20 minutes good?

12 MS. YOUNG: Could you give us 30.

13 THE COURT: Yeah. 10 until one -- ten until two.

14 All right. Everybody remain seated. Y'all step
15 back to the jury room. They have your lunch.

16 The jury left the courtroom at 1:19 p.m.)

17 THE COURT: All right. Anything for the record by
18 the State?

19 MS. YOUNG: Nothing from the State.

20 THE COURT: By the defendant?

21 MR. CHESSER: No, Your Honor.

22 THE COURT: Either of you have any proposed jury
23 charges I can look at over lunch.

24 MS. YOUNG: I didn't bring them up, but I just have
25 to ones I would request, I believe you always give a charge

William Cameron - Direct Examination by Ms. Young

1 about direct and circumstantial evidence and we would also
2 request hand of one, hand of all because that's how I
3 indicted the case. And I think some of the actions taken
4 by different codefendants, I can explain that why they can
5 be attributed to Mr. Carter.

6 THE COURT: All right. I'm going to do my regular
7 charge including direct, circumstantial evidence, hand of
8 one, hand of all, failure -- I assume he's not going to
9 testify?

10 MR. CHESSER: Sir?

11 THE COURT: Is he going the testify?

12 MR. CHESSER: Well we would need -- we may want to
13 do that colloquy at this time, Your Honor, or whenever you
14 think it's convenient.

15 THE COURT: All right. Mr. Carter if you would
16 raise your right hand for me. You can sit. You're fine.

17 WITNESS NAME,

18 having been duly sworn, testified as follows:

19 THE COURT: You can put your hand down.

20 All right. Just -- in a few minutes, we're going
21 to reach the stage of the trial where obviously you can put
22 up your side of the story, which means you can call
23 witnesses and you can introduce relevant exhibits. And you
24 can take the witness stand and tell your side of the story
25 or tell your -- whatever you want to tell the jury as long

William Cameron - Direct Examination by Ms. Young

1 as it's relevant.

2 On the other side of that coin is, you have
3 absolutely nothing to prove and you can exercise you're
4 constitutional right to remain silent. Every defendant has
5 the right to remain silent because you have nothing to
6 prove. If you exercise that right to remain silent, I will
7 instruct the jury at the appropriate time that they cannot
8 discuss in any manner whatsoever even the fact that you did
9 not testify when they deliberate your guilt or innocence.
10 In fact, I will instruct them that that is not even to be
11 mentioned in the deliberations. It's -- they can't infer
12 anything from it, they can't conclude anything from it. You
13 have the absolute right to remain silent and they can't use
14 that against you in any manner whatsoever.

15 On the other side of the coin, if you testify, you,
16 obviously, would be allowed to be cross examined on all
17 relevant exhibits and I think you do have a past record
18 which could be used for impeachment purposes only, which
19 means they could use that to judge your credibility if I
20 determine that it's more probative than prejudicial.

21 So do you understand your rights to trial -- do you
22 understand your right to testify.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand your right to remain
25 silent.

William Cameron - Cross-Examination by Mr. Chesser

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And which way you want to go.

3 THE DEFENDANT: I would not like to testify.

4 THE COURT: All right, sir. And then at the
5 appropriate time, I will instruct the jury just as I told
6 you those situations.

7 Mr. Chesser, you going to have any other witnesses
8 you think?

9 MR. CHESSER: No, Your Honor.

10 THE COURT: All right. Let's take about -- be back
11 ready to go at about ten till.

12 (WHEREUPON a recess for lunch was observed.)

13 THE COURT: Our jury ready? I mean State ready?

14 MS. YOUNG: Yes, Your Honor.

15 THE COURT: Bring the jury in.

16 (The jury entered the courtroom at 2:07 p.m.)

17 THE COURT: Quick lunch, huh?

18 Mr. Chesser.

19 Oh, I'm sorry, I need the witness back up here.

20 CROSS-EXAMINATION

21 BY MR. CHESSER:

22 Q Good afternoon.

23 A Hey, Mr. Chesser.

24 Q You've been over the photos that SLED took of the
25 residence of Liz Miller?

William Cameron - Cross-Examination by Mr. Chesser

1 A Yes, sir.

2 Q Okay. You're familiar then with the numerous
3 photos of some sort of Blood Gang Bible?

4 A Yes, sir, I am.

5 Q Okay. Can you tell the jury what the Blood Gang is
6 in the first place?

7 A I'm not a real big -- I don't know a whole lot
8 about gangs, I just know, you know, from what I've heard,
9 Bloods, CRIP's, those types of stuff. I don't know a lot
10 about --

11 Q It's dedicated to violence stuff basically, isn't
12 that correct?

13 A I would agree.

14 Q Okay. Now, you went to the hospital I would think
15 in that morning, the hospital over in Georgia?

16 A Yes, sir.

17 Q Okay. And Liz Miller was there?

18 A She was at a different hospital. I believe she
19 went to the University Hospital and I went to MCG.

20 Q Well, at some point, you went to where she was,
21 correct?

22 A That's correct.

23 Q All right.

24 A Correct.

25 Q And your purpose there was to talk to her and to

William Cameron - Cross-Examination by Mr. Chesser

1 gather evidence, correct?

2 A I was there to check on her status from her request
3 of going to the hospital.

4 Q Okay. And you didn't see the need to request a
5 sexual assault kit or assault kit, did you?

6 A The medical staff had advised me that seeing how
7 she was not assaulted with a body part, if you will,
8 anything that they could collect evidence to DNA or
9 anything like that, that they did not perform a sexual
10 assault kit.

11 Q And they also informed you that there was no trauma
12 to her vaginal area, correct?

13 A I do not know that.

14 Q Okay. All right. That's all the questions I have.
15 Thank you.

16 A Thank you.

17 MS. YOUNG: No redirect, Your Honor.

18 THE COURT: All right. You may step down.

19 MS. YOUNG: The State rests.

20 THE COURT: Mr. Chesser, any witnesses.

21 MR. CHESSER: Your Honor, we would have some
22 motions at this time.

23 THE COURT: No witnesses?

24 MR. CHESSER: We don't intend to introduce any
25 witnesses, Your Honor.

1 THE COURT: In other words, you --

2 MR. CHESSER: These motions we would like to make
3 at the appropriate time.

4 THE COURT: Certainly. Well, that was quicker than
5 I thought.

6 Y'all step back, let me do the motions, about ten
7 minutes, and we'll be back and do final arguments and
8 charge. Leave your papers in your chairs.

9 (The jury left the courtroom at 2:01 p.m.)

10 POST-TRIAL MOTIONS

11 THE COURT: Any motions by the State? I assume
12 not.

13 MS. YOUNG: None from the State.

14 THE COURT: Mr. Chesser?

15 MR. CHESSER: Your Honor, on behalf of Mr. Carter,
16 I would make a motion for a directed verdict. There's a
17 number of charges and so I'd like to at least break them up
18 to some extent.

19 He's charged with armed robbery, burglary first,
20 assault and battery in the if anything, kidnapping,
21 possession of a weapon in commission of a violent crime,
22 and also possession of a weapon by a convicted felon or
23 person convicted of a violent crime. With respect to the
24 armed robbery, we would move for a directed verdict on the
25 basis there's no evidence he actually had a gun. They

1 never found a gun. There was no evidence of a gun in his
2 possession at any time.

3 THE COURT: Didn't the victim testify that all the
4 intruders had weapons.

5 MR. CHESSER: She did testify to that, Your Honor.

6 THE COURT: All right. But what evidence is there
7 in the record that they took anything away?

8 MR. CHESSER: That would be another basis or lack
9 of actually taking anything from the residence. There does
10 have to be a taking with, take away and we would submit
11 that they don't have any evidence of that, Your Honor.

12 THE COURT: Any of the rest of the charges.

13 MR. CHESSER: Your Honor, the burglary first, entry
14 into a dwelling with intent to commit a crime at night or
15 while armed, we would move for a directed verdict on that
16 charge just on the basis of no evidence.

17 The kidnapping, this involves the restraint of a
18 victim. We would move for a directed verdict on that
19 charge, again, based on no evidence. The assault and
20 battery in the first degree, this charge is slightly
21 different. The -- what the State has alleged is an injury,
22 they have to establish -- introduce evidence there was
23 injury. We submit there's no evidence, there's no hospital
24 records, nothing to indicate she was injured.

25 THE COURT: She testified she was vaginally

1 penetrated with an object. I think she said a gun. She
2 was bleeding vaginally from her vaginal area. That
3 certainly would be some evidence of injury, would it not?

4 MR. CHESSER: We would -- on the final two charges,
5 possession of a weapon in the commission of a violent crime
6 and possession of a weapon by a person with a convicted
7 felon, we would move for a directed verdict on those
8 charges on the basis of a lack of evidence as well.

9 THE COURT: Thank you.

10 As to all the charges except for armed robbery, I
11 respectfully deny your motion there. Obviously, there's
12 facts in the record that if the jury believes, would
13 support a verdict.

14 Ms. Beth Ann Young, armed robbery, the State must
15 prove beyond a reasonable doubt that the defendant took
16 from the person or presence of another person, while armed.
17 Where -- what evidence is there of a taking? I know the --
18 the intruder who was killed had her phone in his pocket.

19 MS. YOUNG: Yes, sir, and she testified that he
20 snatched it from her possession as she was trying to make a
21 call. He took it. It was on his person. He's a
22 codefendant. I think that is sufficient evidence to
23 support an armed robbery. It doesn't say it has to be a
24 big item, it just said personal property.

25 THE COURT: That's right.

1 MS. YOUNG: And I would just like to say one other
2 thing. With regard to the assault and battery. We
3 indicted it as, did unlawfully injure or offer or attempt
4 to injure Elizabeth Miller, so both of those would apply.
5 I think there's evidence of an injury.

6 THE COURT: You indicted him under assault and
7 battery in the first degree, which is -- that terminology
8 in the first degree, that's all it takes.

9 MS. YOUNG: During the course of a robbery,
10 kidnapping, or burglary.

11 THE COURT: That's correct.

12 MS. YOUNG: Yes, sir.

13 THE COURT: All right. Anything else, Mr. Chesser?
14 I respectfully deny the directed verdict as the all charges
15 on each indictment.

16 MR. CHESSER: Nothing further, Your Honor.

17 THE COURT: Sir?

18 MR. CHESSER: Nothing further.

19 THE COURT: All right. As I understand it, since
20 you did not put up any testimony, you're going to open in
21 full, ma'am?

22 MS. YOUNG: We are, Your Honor. And I know that
23 you want us to move along, but I would just request five to
24 ten minutes after we're done with motions so I can organize
25 my exhibits and all for my closing, I would appreciate that

1 since there's a hundred plus exhibits.

2 THE COURT: Go ahead.

3 (There was a pause in the proceedings.)

4 THE COURT: Everyone ready?

5 MS. YOUNG: State's prepared, Your Honor.

6 MR. CHESSER: We're ready, Your Honor.

7 (The jury entered the courtroom at 2:15 p.m.)

8 THE COURT: All right. Mr. Foreman, ladies and
9 gentlemen of the jury, we've now reached the stage where
10 you will hear the final arguments and then I will charge
11 you. As I said, like in opening statements, final argument
12 is not evidence in the case. You've already heard all of
13 the evidence from which you will make your decision. So
14 the lawyers will be arguing from the light most favorable
15 to their positions. So please pay close attention. And
16 then once they complete that, I will instruct or charge you
17 and we'll be in a position for you to start your
18 deliberations.

19 Ms. Beth Ann Young.

20 **CLOSING ARGUMENTS**

21 MS. YOUNG: Thank you, Your Honor, Mr. Chesser.
22 May it please the Court.

23 Good afternoon, ladies and gentlemen.

24 All the evidence is in. All the witnesses have
25 testified. You've heard everything you're going to hear

1 about this case and now is my chance to talk to you to try
2 to tell you why the defendant is guilty. This is the only
3 chance that I'm going to get to talk to you, so I'm going
4 the try to cover a lot of points. So bear with me if I
5 have to refer to my notes on occasion.

6 I do want to start off by reminding you of what the
7 defendant is charged with. When the judge says the jury
8 instructions, he's going to give you the elements of each
9 charge, but I just kind of go over them with you now, to
10 remind you of what the evidence is in this case, just
11 overall that would convict the defendant of each charge.

12 We'll start off with burglary first. The State
13 alleges that he entered Ms. Miller's residence in the
14 nighttime hours and had an intent to commit a crime
15 therein. Liz told you it was dark when she ran outside.
16 She told you that all the men had masks on. They held guns
17 on her. They kicked in her back door, which she told you
18 was locked. And they threatened her and they did those
19 things inside the house to her that she's already told you
20 about. So that basically covers the burglary.

21 And I think you can infer -- the judge is going to
22 talk to you about direct evidence, which is what people
23 told you from the stand, as well as the things that we put
24 into evidence, but also circumstantial evidence, that
25 you're able to make inferences from the evidence that we

1 put on. And I'm going to give you a suggestion of one that
2 I would make for burglary first.

3 The fact that Mr. Byrd saw three men with masks
4 over their faces sneaking up to Liz's back door as well as
5 the fact that they broke into her home with masks and
6 armed, you can infer that they had an intent to commit a
7 crime therein based on their appearance, based on their
8 demeanor, and based on all the things that they did inside.

9 Next armed robbery. And that's basically what it
10 sounds like. Taking something from another person by force
11 or from their presence. And here, what do we know was
12 taken from Liz. She told you that they snatched her cell
13 phone out of her hand when she was trying to make a phone
14 call. And that cell phone was later found in Darius
15 Scruggs's pocket by first responding officers who came to
16 the scene. It doesn't have to be a big item, it just has
17 to be something personal.

18 So in this case, the State is alleging that the
19 cell phone was taken and that would be sufficient to
20 convict the defendant of armed robbery. Additionally, I /E
21 think there's some evidence in the record where you can
22 infer that perhaps an amount of money was taken also, as
23 both Agent Morlan and Detective Colindres told you that
24 when they met the defendant in Columbia to see if he would
25 speak to them, he had a large amount of cash in his pocket.

1 Additionally, two days later, Rodriguez Jackson, as
2 you saw on the Walmart video was there with huge amounts of
3 money in his pocket. So the State would allege that they
4 went in there trying to get the dope and the money. That
5 was their original purpose. You can tell from the pictures
6 and the evidence that they completely tore the house apart
7 trying to get those things. They missed the dope. I would
8 suggest to you that there's some evidence where you could
9 infer that perhaps some money got taken, but they did miss
10 the dope.

11 Next we have kidnapping. And basically that just
12 means that you hold somebody against their will. You don't
13 have to put them in a trunk or anything. You just have to
14 keep them from being able to go somewhere if they want to.
15 Clearly, the victim was held against her will because she
16 was held at gunpoint and forbidden to leave for a period of
17 time while all this was going on.

18 We have assault and battery in the first degree,
19 which is where the defendants injured or attempt to injure
20 the victim in the case, Ms. Miller. And the State alleges
21 that this occurred during -- it can be either a armed
22 robbery, burglary, or kidnapping. And here, we suggest to
23 you that all three of those things are present. And she
24 told you that she had some bleeding and she had an injury
25 and she actually went to try to get treatment from the

1 hospital. It doesn't have to be a major injury, just an
2 injury that occurred during the course of one of those
3 crimes.

4 Last we have the two weapons charges. One is
5 pretty straightforward, possession of a weapon during the
6 commission of the violent crime. The State legislature has
7 made some crimes to be classified as violent and those
8 crimes would include things like kidnapping, armed robbery,
9 burglary, things of that nature.

10 And lastly we have the possession of a weapon by a
11 person convicted of a prior violent felony and we
12 introduced State's Exhibit Number 97 to show you that the
13 defendant was previously convicted of trafficking cocaine
14 base, which is a violent felony here in the State of South
15 Carolina.

16 So those are the basic charges. And the basic
17 thing that is you're going to have, which the judge will
18 instruct you on. And the State has proven all those things
19 to you beyond a reasonable doubt.

20 Another thing that the judge is going to talk to
21 you about in the jury instructions is a theory in South
22 Carolina called the hand of one is the hand of all. And
23 basically what that means is that each person who is
24 involved in committing a crime is equally responsible for
25 all of the actions taken by their cohorts. So if -- in a

1 different example, if you had a bank robbery and you have
2 somebody who just drove and waited in a car, they're just
3 as guilty of the bank robbery as the person who goes in.
4 In this case, we're alleging the defendant did go in with a
5 gun and participated in doing all those things to
6 Ms. Miller's house. I think from her testimony, she
7 indicated that perhaps the short one who stayed in the room
8 with her was the one who was assaulting her with the gun,
9 but Mr. Carter is equally guilty of that because of the
10 hand of one is the hand of all theory. So I would ask you
11 to keep that in mind as you go back there to deliberate.

12 We've put in a lot of evidence in the case and I'm
13 not going to re summarize it for you because then we'll be
14 here three more days and nobody wants that. But I'd like
15 to take this moment to try to tell y'all -- try to connect
16 some of the dots for y'all and tell y'all how all this
17 evidence is pertinent.

18 States 73 is the silver Nissan rental car you've
19 heard a lot of testimony about it. So let's look at all
20 the testimony from each witness and you can see how it all
21 fits together. Whitney told you that she rented this car
22 from Enterprise Rental. She told you that she let her
23 brother, which she calls the defendant her brother, use it
24 on occasion. She told you that the night this happened, he
25 came to where she lives, along with -- who did he come

1 with? Interestingly it was Rodriguez Jackson, a/k/a Freak.
2 They wanted to use her car. He told her some story about
3 interviews and things like that, and she said sure. So
4 she's testified about the rental car and she did identify
5 this as being the car.

6 Next, you have Patrick Neely. Patrick told you
7 that the night before this happened he was over here in
8 Aiken County with the defendant, Rashawan Carter, as well
9 as Freak, Rodriguez Jackson, and they were riding around
10 going to all these different places. He told you he was
11 smoking marijuana and they were doing some things. One of
12 the places he mentioned that they went to, he called it --
13 he seemed to have trouble calling it what the name of, but
14 he was referring to Hahn Village. He called it a few
15 different things and then said something like Hines
16 Village. Perhaps they were driving over here to do a
17 little surveillance before they came over here to do this
18 home invasion later. But they all -- he told you they were
19 all riding around in it.

20 Jasmine told you that the defendant was taking her
21 around in his car during the time of the robbery and that
22 they were using it some on occasion.

23 The defendant himself admitted in his interview
24 that he was in the car. He didn't admit it at first, but
25 ultimately he did. He admitted he was in the car as well.

1 So everybody's in agreement on the car at this point in
2 time.

3 Patrick also told you that while they were doing
4 this riding around in Augusta in particular that at a
5 certain point in the night, he, Freak, and the defendant,
6 as well as his brother, Darius were all riding around. And
7 that they ultimately went to Club Climax to meet up with
8 Rick. And there's some back and forth about Rick and what
9 he did and they left there in that same Nissan and drove
10 over to Jennings Homes, which Investigator Cameron told you
11 is about a mile away.

12 Next, Patrick told you how the next morning when
13 they came to -- when Shawn came to tell them what had
14 happened during this home invasion, that totally went
15 wrong, that at some point when he'd been over there talking
16 to his mom and calling his mom and he was upset. He went
17 back outside, he saw the defendant, Whitney, and some other
18 female leaving in that same Rental car, which Whitney then
19 came in and testified, it was Whitney and Jasmine and she
20 took them over to the Budget Inn.

21 So the rental car is a common theme in the case and
22 it shows up in everybody's talks about being in it.
23 Everybody's in agreement. When Agent Morlan and TFO
24 Colindres went to Columbia, this is the car they found,
25 that same Rental car that Jasmine and the defendant are in.

1 And they're also on that Walmart video. So the rental
2 car's important. It's everywhere. Everybody testified to
3 it. It was used to commit this crime.

4 One other thing. At the time that Patrick told
5 Lieutenant Cameron what happened, he didn't have any way of
6 knowing that there was a video from Cushman Drive over
7 there near the crime showing a silver car that looks
8 similar in appearance, it looks like the Nissan driving
9 down that road at five o'clock in the morning heading over
10 to McCormick Street Extension to come up there and slip up
11 in the back like I stated in my opening, is a perfect place
12 to sneak up on Liz. Unfortunately, it didn't work out,
13 thanks to Mr. Byrd.

14 Next, I'd like to talk to you about the defendant's
15 cell phone that you heard a lot of testimony. I'm going to
16 look down because I can't remember the number in my memory,
17 but it's 803-761-5459. And ultimately, the defendant did
18 ultimately admit in his interview to the investigators that
19 that is the phone he was, in fact, using during the time
20 that this crime took place and the next day.

21 Now, Jasmine told you in her testimony that they
22 owed money on the phones, they weren't using them anymore,
23 so they were just going to let them go. And you couldn't
24 make calls or texts, but you could receive calls, which
25 seems strange to me and I don't understand how that works,

1 but it was also verified in the phone records that
2 Lieutenant Cameron found that all of the calls to the
3 defendant's phone are terminating calls, meaning that all
4 of them were incoming to him, no outgoing.

5 Additionally, you heard how the defendant had to
6 borrow his nephew's phone, Poppa, or actually Sanquesha's
7 phone to make that call and tell Patrick what happened to
8 his brother.

9 Now, let's talk about that a little bit. We know
10 from the video that the car is driving down the road at
11 five o'clock in the morning. We know from the phone
12 records, as captured on the screen shots of Mr. Byrd's
13 phone, he's trying to call Melvin, what's going on,
14 starting at about 5:07 and then going onto about 5:17.
15 Then you heard that the 9-1-1 call took place about 5:22.
16 So at approximately 6:50, the defendant was back over in
17 Augusta at River Glen, calling Shawn (sic) to tell him what
18 happened. Telling him his brother's dead. How can he know
19 that unless he was here committing the home invasion? How
20 would he have that knowledge? It wasn't something that had
21 been on the news. It was a freshly committed crime that
22 they were still investigating. The officers didn't even
23 get there until six o'clock themselves.

24 He knew that because he was here and he was a part
25 of it and he was with them when they kicked her door in,

1 held guns on her, ransacked her house; took her cell phone;
2 and assaulted her by putting that gun against her vagina or
3 into her vagina is actually what she says happened. That's
4 how he knew to call Shawn -- I mean he knew to call Patrick
5 and tell him what happened. He knew that because he was
6 here.

7 When Patrick told Lieutenant Cameron the story of
8 what happened and how they planned it and all that, he told
9 him at that time that Shawn had called him using this other
10 person's phone. Patrick didn't have any way of knowing
11 when he told that that it was going to be absolutely
12 corroborated by the phone records of Sanquesha Ramsey's
13 phone, calling him at that time.

14 Shawn was here. He was part of it. He was here
15 every step of the way. That's how he knew what happened.
16 And I'll also point out that when Patrick testified, he
17 told you, I believe, I'm going to try to quote it directly,
18 but he said something to the effect of, It happened too
19 fast. There wasn't anything I could do. Happened too
20 fast. Never said I wasn't here; never said they went in
21 and it went bad. It happened too fast and there wasn't
22 anything I could do. He knows that because he was here.

23 Going back to the defendant's cell phone. First,
24 as you heard on the video. He tried to tell -- he told a
25 lie. He said he was not there. He didn't do anything

1 because he was home in bed with Jasmine. Well, the police
2 already knew that that wasn't true because Ryan Hall had
3 written her name down and Marty Sawyer and Detective
4 Hembree had both talked to her. So that was a lie that was
5 not ever going to hold up. And ultimately, he did admit
6 that he was in the area of Club Climax.

7 Now, pay attention on that video -- and you'll have
8 a chance to go back and watch it if you like -- where he
9 just starts giving little bits of information. So at
10 first, it starts out he's at Club Climax at ten o'clock.
11 And then that moves on up and moves on up. He never admits
12 he was there at closing time, but he does admit that he was
13 there. And what do you know, again, he could not know at
14 the time that he was talking to the police and trying to
15 tell them what he wanted them to hear that these phone
16 records were going to tell what actually happened. That
17 they are going to show that this phone was at Club Climax
18 at the same time as Darius Scruggs's phone, at the same
19 time as Rick Jackson's phone. He couldn't know that his
20 lie was going to be shown up by these phone records.

21 Talking about those phones again, he made sure that
22 the first thing he did was run out to Batesburg on the way
23 to Columbia and buy a new cell phone. He's on his phone
24 the whole time there, buying a new cell phone, so clearly
25 it works in some manner, but he's trying to get rid of that

1 phone as quickly as he can. And he tells Jasmine, destroy
2 the phones. He makes a point to text and tell Treasure,
3 Ma, get rid of those phones, wash them, do whatever. He
4 wanted this phone gone because he thought if I get rid of
5 these phones they're not going to know that I was at Club
6 Climax with all these other people that were involved in
7 this home invasion. They're not going to know that I was
8 over here and using the -- not using the phone, which is
9 actually the good move because then it didn't show up, but
10 ultimately he did start using it, or received a call and
11 was mapped over there near Whitney's at the -- close to the
12 time she said that he came and picked her up.

13 She told you he showed up back again the next
14 morning first thing in the morning with Rodriguez, also
15 known as Freak, asking to be taken to Augusta, asking to
16 get away from Aiken by being taken away.

17 We have the maps of his phone in River Glen, I
18 think I've already mentioned, at the same time as Poppa's.
19 And, you know, getting rid of the phones didn't work out
20 the way they hoped that it would.

21 Let's talk about Pat, Patrick Neely. I already
22 told you that he told the police what happened and, you
23 know, initially and interestingly I would submit to you,
24 when he was up here on the stand, he didn't deny that he
25 was right there in it. He was going to come over here and

1 do this home invasion because he heard them talking about
2 hitting a lick, which he told you what that meant. It
3 meant doing a robbery or taking something somebody else
4 had; and that he heard Rick talking about his club, Mel,
5 his source. And he wanted to be in on that. He was going
6 to be in on that.

7 Why did Pat, did Black Boy, or Darius not want him
8 to be there? He didn't even answer this, but whatever the
9 reason, ultimately he gets out, otherwise he'd be right
10 here in the middle of it too.

11 So Patrick told you pretty much what happened, that
12 it was planned. That they were riding around and it
13 started off, again, with Patrick, the defendant, and Freak
14 there in Aiken. They go back to Augusta. They call
15 Rashawan -- or Black Boy. They end up picking him up and
16 again, all this was just snowballing together. They go
17 over to Club Climax to get Rick. There's a lot of back and
18 forth, a lot of waiting and ultimately this place
19 apparently closes at four, which is obscenely late, but
20 after it closes, all those phones, again, moving over to
21 Jennings Homes, which as I previously stated is very close.
22 And then they're having that conversation. And he's
23 hearing about this home invasion, he thinks it's a great
24 idea. He's part of it.

25 Whatever happens he ends up getting put out. What

1 did he tell you he did. He told you I gave my 40 caliber
2 gun to my brother to give to Shawn. And he said he did
3 that in front of him. So what does that mean? That means
4 the defendant has a gun in his hand when he gets in the car
5 to come over here with the other people and do this home
6 invasion. And you heard how he told you that Freak had
7 that 9 millimeter I believe he said it was. And you will
8 see from the evidence that we've already put in. You can
9 look at the pictures too, that there's a .45 caliber gun
10 right there on the floor next to where the police told you
11 they found Darius Scruggs after he was shot, the phone
12 right -- I mean a gun right there, right next to that blood
13 trail, right there where it probably fell out of his hand
14 at the time of -- when he was shot and that bullet entered
15 his brain.

16 So, you know, Patrick could have been part of it,
17 but it didn't work out that way. And he gave information
18 and it was helpful. And again, I just want to point out
19 that he had no way of knowing that those phone records were
20 going to be corroborating what he said. The phone records
21 are an unbiased witness. And I'd ask you to keep that in
22 your mind when you're going back there and looking at all
23 the evidence together. There's no bias, they're just
24 records. They are what they are. So I think that's pretty
25 important and I'd ask you to spend some time looking at

1 those carefully. Thank goodness it wasn't all the maps.

2 But I do want to talk a little bit, and I'm trying
3 to kind of anticipate because I don't get the talk to y'all
4 again, what the defense attorney might tell y'all. But if
5 you want to talk about Trill, you heard a lot about Trill.
6 And I think you can kind of put that evidence together and
7 you can kind of determine what happened. I think it's
8 pretty clear. Melvin calls Trill for help because that's
9 his guy. That's his friend. Trill goes over there.
10 Whatever happens, he shoots through the back door and then
11 he runs off. He's seen by Jasmine and Treasure running
12 away from the crime scene or the home invasion site and
13 they both testified that it was running towards the area of
14 Columbia Avenue and away from Liz's.

15 So that appears to be what happened. But as I told
16 you previously, don't be distracted by that because with
17 this case we're here today about what the defendant did.
18 That's why we're here. I know you're going to be
19 interested in Trill and want to know about all that, but
20 the evidence you heard about that is what there is for you
21 to think about and it doesn't really matter because it's
22 not part of this case. It's not part of the case.

23 I want to talk about Melvin a little bit. Oh,
24 Melvin. Melvin and his trap house; Melvin and his stash
25 house. You know, like I told you in my opening,

1 unfortunately this crime happened. In the grand scheme of
2 things because Melvin was the target, Melvin was the target
3 based on his illegal behavior that he admitted up here on
4 the stand. He told you he sold drugs, told you that he had
5 that house. Liz told you she didn't really know too much,
6 or she tried not to know what he was doing I think is
7 probably a better way to put it. But unfortunately,
8 because of Melvin, all of that and his activities led to
9 this. But don't hold that against Liz. If you don't like
10 Melvin that's fine, but don't hold that against Liz.
11 Because no matter what, with her choice of a boyfriend, Liz
12 did not deserve to have her door kicked in, to have guns
13 held to her head, to be sexually assaulted by having a gun
14 pushed against her vagina. She didn't deserve any of that.
15 And so remember that when you're thinking about the
16 evidence in the case and what the defendant did and why Liz
17 is a victim because of those things.

18 So unfortunately for Melvin, they didn't find the
19 cocaine, or fortunately. I don't know if you want to look
20 at it that way. And it ends up that he's charged with it
21 and now so is Liz.

22 Now, I do want to talk to you a little bit about
23 this money situation. I suggested in my argument that
24 perhaps that the defendants got away with money because the
25 defendant himself was seen with a large stack of money as

1 well as Rodriguez Jackson. But what did Mr. Byrd tell you
2 about money. Mr. Byrd told you that Melvin came running
3 over there before the police knocked on his door and gave
4 him a bag of money. Well, why would he do that? I mean
5 clearly, the police are coming to search the scene and they
6 were going to search it thoroughly and if you're leaving
7 your trap house, don't you take your money with you that
8 you earned that night selling drugs? You don't leave it at
9 the trap house, he told you there were crack heads there.
10 No, you take it with you and you don't want it to get taken
11 by the police. So you go over there and give it to Mr.
12 Byrd. He's kind of a push over. He took it and then
13 ultimately it got back the Melvin. I would suggest to you
14 that that's what happened to that money. Because whose got
15 something to hide in regard to that? Melvin? Yes. What
16 does Mr. Byrd have to -- why would he say that if it didn't
17 happen. He's just an eyewitness and a more unfortunately,
18 this is what he saw or fortunately.

19 And the judge is going to tell you as part of your
20 deliberations, you can consider people's demeanor on the
21 stand and what their motives are and things like that. So
22 remember that when you're thinking about Melvin and
23 remember that when you're thinking about Liz and remember
24 that when you're thinking about Mr. Byrd, just the
25 neighbor, wrong place, wrong time, didn't really want to be

1 here.

2 Let's talk about important -- the important place I
3 want to go is the defendant's statement. And again, I urge
4 you to watch it again and to take careful note, but you'll
5 hear, he completely starts off with these lies. I mean
6 it's a complete fabrication for him to say that he was over
7 there off Baldwin Road in the bed with Jasmine at the time
8 that this happened. You know, and unfortunately for him,
9 and fortunately for the State, Captain Sawyer, he's known
10 Treasure and he saw Treasure and Jasmine out there, so they
11 had a starting point at that point to know that he was not
12 telling the truth, along with the phone number that had
13 been given and the information they were receiving.

14 But definitely watch -- I didn't count them a
15 hundred percent, but it starts off with I wasn't there at
16 all. I was in bed, couldn't have been me, I was in bed.
17 Then that moves to, well, I was in Augusta and I was in
18 that silver car, but it was ten o'clock so it couldn't have
19 been me. Then that moves to 12:30'ish, but it still
20 couldn't have been him.

21 If his phone is mapping in Augusta shortly before
22 four and then moves over to Jennings Homes a little bit
23 after four, there's no time for him to come over and the
24 car to be taken by somebody else as he tries to suggest.
25 There's not time for Whitney to come get the car and give

1 it to somebody else. That just didn't happen. It's just
2 not reasonable. It's just not feasible. So I would ask
3 you to consider his demeanor and his lies and the things
4 that he said when you go back and look at the same.

5 I'd also like for you to strongly consider what
6 happened in those jail calls and what those were about.
7 The two jail calls to Jasmine, she stated that he wanted
8 her to write some letters to his attorney and some other
9 people saying, Well, what I told you about him driving the
10 car, that wasn't true because I was just mad at him because
11 he was at some other girl's house. That's the story he's
12 telling her to read between the lines and trying to get her
13 to understand on the phone that that's the story she needs
14 to tell. That's the lie that she needs to tell on his
15 behalf to get him out of trouble. And she said she never
16 did it and she didn't go along with it. But why is he
17 trying to get her to lie? You know, he says in one of the
18 calls, this is a big case, any slip up they got me. I urge
19 you to take a listen to that and consider that for what you
20 find it to be, the evidence that you -- or the weight you
21 would give that.

22 With regard to the two other jail phone calls,
23 we're trying to get a story out there to Whitney. You
24 know, Whitney told you, she did come in here and testify
25 against you, against him, but she told you that she calls

1 him brother. I mean she dated his brother for, I think she
2 said nine or ten years, so she's unfortunately made the
3 statement to Lieutenant Cameron that puts the defendant and
4 the codefendant in the car together coming to get her in
5 very close proximity after this crime took place and saying
6 take us to Augusta, we need to go to Augusta. And she's
7 locked in under that statement and that messes him up. So
8 he trying to get people to tell her to change her story.
9 This is what you need to do, it was just me in the car.
10 And you can look at those transcripts and, and take that
11 and think about what that means and what you determine it
12 means when you're thinking about the case.

13 Another interesting thing about his statement, he
14 just kind of ran into a roadblock at the end of the road
15 and couldn't explain his way out of, is this phone call.
16 He's admitted in this statement, yes, I called Shawn -- I
17 mean -- I'm sorry. I called Pat and I told him his brother
18 was dead. He's admitted that. And then he's kind of
19 locked into it. And then, I go back to what I asked you
20 before, how did he know that? How could he know that if he
21 wasn't here.

22 So he tries to give this story about getting a
23 phone call from some other person and then calling Pat and
24 telling him his brother was dead. He gets this phone call
25 with this extremely important information from a person

1 whose name he doesn't even know. Is that reasonable? Is
2 that believable? And interestingly, he describes somebody
3 that sort of matches the description of Rick Jackson. You
4 can go back and listen to it. When you're pushed against
5 the wall and you don't know what to say and you have to
6 come up with lies, you go with information that's close in
7 your mind about this. Why would you describe Rick Jackson?
8 That's because he was over here with him committing this
9 crime.

10 I want to talk to you a little bit about Rick.
11 Rick is the lookout. Rick is the one who knows Melvin the
12 best, based on the testimony of Patrick. And he's the one
13 who has the connection here. So it's his plug, it's his
14 source. And what did Melvin tell you when he testified?
15 He tells you he got a call from Rick. Hmm. I wonder if
16 that was Rick trying to figure out was he at the trap, if
17 it is move on forward like they were planning. I submit to
18 you that it was.

19 Melvin also told you that he got dropped off in a
20 car that matched this description that he called it loaded
21 down with people and it was shortly before he was going to
22 leave to meet another woman, which he told you he announced
23 it. He announced it to Rick before he left. He didn't
24 remember exactly what he said, he told you he told him in
25 some words or another what his plans were.

1 And then, again, if you go back to the phone
2 records and the things that can't be explained away other
3 than by this home invasion happening exactly as the State
4 has alleged that they were all in it together because you
5 have those texts between Rick Jackson's phone and Darius's
6 phone, where basically Rick's giving him the information
7 that they can go ahead and do this home invasion, the coast
8 is clear, he's leaving to go be with another person. All
9 of that stacks up just like Patrick said that it would, how
10 it started, who was there. It all makes sense.

11 It wasn't four men that broke in on Liz, it was
12 three men. And that's because Rick got dropped off to put
13 eyes on Melvin to let them know when it was safe to go in
14 there. And unfortunately, that's not how it happened. Or
15 fortunately, I think it's fortunate. But in any event, he
16 was the lookout and that's how that happened. And like I
17 told you, their day in court will be another day, but this
18 is the defendant's day in court.

19 There's a lot of evidence for you to consider and I
20 do want to just kind of finish up a couple of things, just
21 some random points that I had in my mind to tell y'all and
22 I didn't yet. So don't forget the t-shirt mask just like
23 Mr. Byrd said, just like Liz said, was still around
24 Darius's face. What's note worthy about this bed? And I
25 asked Liz about it. No pillow cases. What can you use a

1 pillow case for when you're breaking into somebody's house
2 and you find something? Put some stuff in it, carry it
3 out. It's a bag, it's right there. No pillow cases, both
4 of them are gone.

5 Does that tell you -- does that give you something
6 to think about? In determining whether or not these three
7 codefendants committed this? I do want you to take a look
8 at the timelines that Lieutenant Cameron prepared. He went
9 through so much information to try to figure this out and
10 figure out what happened and you're going to have this back
11 there with you. And when you look at it, I think you'll
12 just be convinced and you'll see that every little piece
13 fits together. I know it was a lot of information for
14 y'all to listen to. I know some of it's tedious that you
15 have to listen to, but like I told you the first day, that
16 each piece of the puzzle, each piece of information gets
17 together to form the full picture.

18 And I did want to close by talking about a few
19 things on this PowerPoint and I've got to find it so I can
20 give it to my investigator.

21 (Handing the CD to Mr. Bodie.)

22 MS. YOUNG: The good news is, I'm not going to go
23 through it in great laborious detail. But I would ask that
24 y'all take some time with it back there because it was a
25 lot of information that had to be picked through to get

1 down to the basics and to get down to the bottom line of
2 what happened in this particular case.

3 (Showing PowerPoint slides.)

4 MS. YOUNG: So you'll have this back there and
5 you'll also have the hard copy. But take a look. Take a
6 look at these maps. Take a look at Mr. Carter. He's blue.
7 Where he is. Where he ends up. And you know Detective
8 Cameron spent a lot of time going through those phone
9 records. And take the time to go through and look at where
10 people were and try to put people together. And like I
11 told you before, the phone records are just not biased.
12 Nobody could know that they were going to show the basic
13 fact corroborating the things that were told and you know,
14 when you put it all together, when you take those pieces of
15 the puzzle, you'll see how it all fits together.

16 It will be abundantly clear to you when you take
17 all of the evidence together and look at it and fit it into
18 this crime and how it happened that you'll see how it all
19 fits together. The phone records show that the calls were
20 made. The phone records show that people were where they
21 were told to be. And that everything fits together to show
22 you that the defendant came over here, with those three
23 people to commit the home invasion of Ms. Miller; that they
24 did that and it got interrupted because of Mr. Byrd.

25 So I ask you to take the time to look at to look at

1 all the evidence, think about what it all means. And at
2 the end of the day, I want you to come back and convict
3 this defendant because he is guilty of all of these
4 charges.

5 Thank you.

6 MR. CHESSER: Good afternoon. What the -- in
7 essence, the offense is that three people went into this
8 house, or this duplex and then there was coordination
9 between Darius Scruggs and Rick Jackson, so, a total of
10 four. Now, Liz Miller described the three people who were
11 inside this apartment and, of course, one of those is
12 deceased, Darius Scruggs. This is his picture on exhibit
13 89. And you'll recall that Ms. Miller described him as the
14 biggest person there was of the three. The one who was --
15 and this individual, Darius Scruggs, he was the one who
16 snatched her phone away and it was found on the floor. And
17 she said he was the biggest. The one that covered her that
18 was in her room controlling her, she described as small
19 with twists in his hair and he was the smallest one.

20 Now, this being the largest one and the one that
21 was covering her being the smallest one, you saw Rashawan
22 Carter on the Walmart video, he is a very distinctive
23 individual. He's obviously bigger than Darius Scruggs, by
24 far, and there's just no way that he fits the description
25 of this third individual. And that's actually the issue.

1 The one covering her was small. The deceased, Darius
2 Scruggs was the biggest and then you have some individual
3 who was in between there that was this third person and
4 that is the issue that you have and it can't be Rashawan
5 Carter. If you see him, you know he's going to be the
6 biggest one. That's how he's going to be described.

7 And again, when you watch that Walmart video, you
8 see him walking around, you see a person that you can't
9 mistake. There's no way that you can say that Darius
10 Scruggs is anywhere near as large as Rashawan Carter. So
11 this description of this third person which Ms. Miller gave
12 you is not consistent with Rashawan Carter.

13 Now, when you think about what Patrick Neely said,
14 he said that the planning was done between individuals not
15 including Rashawan Carter. He said there was talk about
16 with his brother, Darius Scruggs and Richard Jackson and
17 then in Aiken what you have are communications, again,
18 between the deceased, Darius Scruggs, and Richard Jackson.
19 According to Patrick Neely's testimony, Rashawan Carter did
20 not take part in the planning of this. So, what you have
21 is a crime that he didn't plan and in addition, he is not
22 at the residence because she gave a description which
23 eliminates Rashawan Carter.

24 Now, also, Patrick Neely, he described the guns
25 that were involved. He talked about a Beretta. He talked

1 about a .40 caliber Smith and Wesson and a .45 caliber
2 Smith and Wesson. Now, those are the three guns that he
3 said were present. I showed him a picture of the gun that
4 was found in the vicinity of Darius Scruggs and he says
5 this is -- he says I don't recognize that gun. Let me just
6 take a moment to find that.

7 This Exhibit 68 is what I asked Patrick Neely, I
8 said do you recognize this and he's something, I must say,
9 of a gun expert. And he says, you know what that's not one
10 of the guns. What that indicates is that there was a third
11 person who was somebody else, somebody that Patrick Neely
12 may or may not have been familiar with, but not Rashawan
13 Carter. This is another individual and that would account
14 for the difference in the description which is completely
15 inconsistent with Rashawan Carter.

16 So I submit to you that this Exhibit 68 which
17 Patrick Neely looked at, he thought about it, he said, you
18 know, I don't know, that's not the gun. That's what he
19 said. It is not it.

20 The other thing is that in the messages, the phone
21 information they recounted. There are no messages from
22 Rashawan Carter, no communications. His phone simply, it
23 wasn't making outgoing calls, but there's nothing in there
24 that indicates that he participated in this. And the State
25 would say that somehow that's by design, but the fact is,

1 he didn't have a phone that would make outgoing calls and
2 all the messages are between Darius Scruggs and Richard
3 Jackson. And this again would be consistent with Rashawan
4 Carter not planning this and not taking part in it. That's
5 in issue, is that identity of that third person.

6 Now, they talked about the car and again, Whitney's
7 car was a silver Nissan and they say it looks like this car
8 that was in the video at about 502 in the vicinity of Hahn
9 Village. I would submit it's not identified. I mean it --
10 the State can say, Well, we have a car that's in the
11 ballpark and apparently that -- they deem that sufficient,
12 but certainly you, as jurors when you're asking for proof
13 beyond a reasonable doubt, you would ask, you'd say I would
14 like somebody to testify that that is the vehicle in some
15 way or some how. But the State just says, well, it could
16 be. Essentially that's what they said, it could be the
17 vehicle. But certainly you don't have information about
18 who actually was driving the vehicle at that point.

19 Now, according to the State's theory Rick Jackson
20 was at the trap house at that point and so the perpetrators
21 of the crime would be, I don't know exactly, but in a
22 vehicle. But there is no proof, number one that that is
23 the vehicle and there's no proof, number two, that Rashawan
24 Jackson (sic) was in that vehicle.

25 I want to talk a little bit about the sort of the

1 lack of scientific evidence. And I know the State elicited
2 testimony from Lieutenant Cameron that, you know, just like
3 I didn't know what they were doing it's just a mix up and
4 it's all good. Well, it's not. I mean, the State must
5 prove their case beyond a reasonable doubt. And there's a
6 number of pieces of -- in the testimony, but of evidence
7 that one would want in a case like this.

8 The tire tracks that were taken at the scene that
9 the SLED expert testified were taken at the scene, you
10 would want to know if they match this silver Nissan. In
11 other words, that would be proof that the Nissan was there.
12 But that didn't happen. I mean, I don't really, I guess,
13 want to belabor the point that the State's position is just
14 that, well, you know, we didn't get around to that. That
15 is their position, but I would submit to you that that
16 would be something that you would require, but you're not
17 going to get it.

18 The other thing that the SLED crime scene expert
19 talked about was fingerprints. And she says that she took
20 a couple of DNA swabs and then no fingerprints from the
21 inside of the residence. My recollection is that she said
22 she didn't take any fingerprints from the inside of the
23 residence. She also testified that it's her understanding
24 that the people who did this weren't wearing gloves. Now,
25 there again, how do you -- I mean I just think, is that

1 justifiable? Is there any way that you could say, well,
2 that's cool, we're going to give you a pass when you're
3 executing -- when the judge gives you, repeats to you your
4 duty to you, to look for any way that this case is not
5 proven to apply that principle of reasonable doubt and you
6 say couldn't they have taken fingerprints, that is
7 something you must consider. You have no car treads, you
8 have no fingerprints, you have no analysis of footwear
9 prints, which the SLED officer also testified that they
10 took.

11 I want to talk a little bit about the witnesses.
12 You have -- you have to consider these witnesses, really,
13 are not perfect witnesses. You maybe never have perfect
14 witnesses, but you talk about Melvin, he has a prior
15 conviction for cocaine. He has the pending charge of
16 trafficking more than 28 grams second offense, which has to
17 do with these four ounces of cocaine. He has all this
18 paperwork that's associated with this Blood Gang, which,
19 again, what we're talking about here is, to a large extent
20 is, credibility. The fact that he is not a good person, I
21 suppose to some extent is not extremely relevant, but it is
22 important that he doesn't tell the truth. And it's
23 interesting when the State was talking about how the next
24 door neighbor says he brought me some cash over. Well, she
25 asked Melvin that directly: Did you give him some cash, he

1 said no. So presumably, he will lie on the stand if you
2 can -- you can evaluate that, you can determine that. But
3 if he's not telling the truth there, I mean, why would you
4 believe his other testimony? If he says I saw a certain
5 kind of vehicle or this or that? You have to evaluate his
6 credibility based on who he is.

7 You know, I'm not going to talk a lot about Liz
8 Miller because, she's without question, she's a victim. I
9 think you do have to consider the fact that this is where
10 she had her kids and she has a drug dealer and a Blood Gang
11 member that's in the house. That's something you take into
12 account.

13 The -- Patrick Neely, he did not seem to be a real
14 clear thinker. He is a thug and that -- you heard
15 testimony from him in this case. He is a gun expert, I'll
16 give him that.

17 And then Jasmine? Her concern is her kids. She's
18 got three kids. And she's also got a charge on her. Her
19 goal is to stay out of jail. And you heard that she gave
20 various stories at various times. But how much credibility
21 can you give her when she has this motive to say whatever
22 she thinks is -- wants to be said.

23 I'll go back to what I started with. This
24 description is not only not consistent with Rashawan
25 Carter. It eliminates Rashawan Carter. You have a gun

1 there that has no business being there, there's no
2 explanation for it. It is a gun that Patrick Neely says
3 that that gun is a new one. I haven't seen that one. And
4 what that indicates is that that third person there was not
5 Rashawan Carter. Thank you.

6 **JURY CHARGE**

7 THE COURT: Mr. Foreman, since we've got five or
8 six indictments, it might take a little longer than usual,
9 so is everybody okay, you want to keep going or do you want
10 to take a quick bathroom break?

11 (No one responded.)

12 THE COURT: Everybody good?

13 THE FOREPERSON: Yes, sir.

14 THE COURT: Well, if at any time you need to break,
15 just raise your hand. I don't think it will be that long.

16 Let me once again remind you of the fact that the
17 fact that the defendant was arrested and charged and
18 indicted in this case on all six indictments is, as I told
19 you earlier, that is not evidence in the case and cannot be
20 considered by you as evidence of guilt in the case, nor
21 does it create any presumption or inference of guilt.
22 These indictments are simply the formal written instruments
23 which contain the charges made against the defendant. It's
24 the formal document by way this case comes to the
25 courtroom. So the fact that he was indicted and charged,

1 don't -- that's not evidence. It doesn't create any
2 presumptions or any inferences.

3 The indictments in this case are burglary in the
4 first degree, kidnapping, assault and battery in the first
5 degree, armed robbery, possession of a weapon during the
6 commission of a violent crime, and possession of a firearm
7 by a person convicted of a violent felony.

8 Each indictment charges a separate and distinct
9 offense. You must decide each indictment separately on the
10 evidence and the law applicable to it uninfluenced by your
11 decision as to any other indictment. The defendant may be
12 convicted or acquitted on any or all of the offenses
13 charged. You will be asked to write a separate verdict of
14 guilty or not guilty for each indictment and I will have a
15 verdict form for each indictment. I'll go over that with
16 you in just a few minutes.

17 As I told you, I think a couple of times, the
18 defendant has pled not guilty to each of the indictments
19 and that plea of not guilty puts the burden on the State to
20 prove the defendant guilty beyond a reasonable doubt. A
21 person charged with committing criminal offenses in our
22 State is never required to prove himself innocent. I
23 charge you that it is an important constitutional rule of
24 law that a defendant in a criminal case, no matter how
25 serious the charges may be, will always be presumed to be

1 innocent of the crimes for which the indictments were
2 issued unless the State has proven guilt by evidence
3 satisfying you of that guilt beyond a reasonable doubt. So
4 this presumption of innocence does not stay -- does not end
5 when you begin your deliberations, but it stays with the
6 defendant throughout the trial until you reach a verdict of
7 guilt based on the evidence satisfying you of that guilt
8 beyond a reasonable doubt.

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

14 Beyond a reasonable doubt has been described by our
15 appellate courts, our Supreme Courts. Basically it is very
16 simple. A reasonable doubt is the kind of doubt that would
17 cause a reasonable person to hesitate to act. Proof beyond
18 a reasonable doubt is proof that leaves you firmly
19 convinced of the defendant's guilt.

20 There are very few things in the world that we know
21 with absolute certainty and in criminal cases the law does
22 not require proof that overcomes every possible doubt. If
23 based on your consideration of the evidence you are firmly
24 convinced that the defendant is guilty of the crimes
25 charged, then you must find him guilty. However, on the

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

4 As I told you when we drew the jury, there are two
5 separate judges in the trial of every case. My position
6 makes me the judge of the law. So you have taken an oath
7 to accept the law as I give it to you. On the other hand,
8 you are the judges of the facts in the case and you
9 determine the credibility of the witnesses who have
10 testified in the case and determine what the true facts are
11 and apply those true facts to the law as I give it to you.

12 So having said that, if at any time during the
13 trial of the case you've looked up here and I've been
14 smiling or frowning or raising my eyebrows or yawned or did
15 something that you thought I had an opinion about the
16 facts, please set that aside. I try cases day in and day
17 out. This is the fifth one in two weeks. I cannot have an
18 opinion about the facts. That is not my job. That is your
19 job. You're the finders of the facts. So please don't
20 think that I've done anything up here that I have an
21 opinion about the facts of the case because the law does
22 not allow me to do so.

23 Now, because you are the judges of the facts, you
24 necessarily must determine the credibility of the witnesses
25 who have testified in the case. Credibility simply means

1 believability. It becomes your duty as jurors to analyze
2 and evaluate the evidence and determine which evidence
3 convinces you of its truth. In determining the
4 believability or the credibility of the witnesses who have
5 testified in this case, you may believe one witness over
6 several, several over one. You can disbelieve everything a
7 witness says, you can believe everything a witness says.
8 You can believe a part and disbelieve a part. You may
9 consider whether any witness has exhibited to you any
10 interest, bias, prejudice or other motive in the case; and
11 also how the witness appears and acts on the witness stand.
12 So as I tell all the jurors. Y'all have come a long way in
13 life and you've dealt with wives and husbands and children,
14 employees, employers, and friends, so use that common sense
15 to judge the credibility of the witnesses who have
16 testified in the case.

17 In the trial of cases, if law recognizes two types
18 of evidence which are generally presented during the trial.
19 We call it direct evidence and circumstantial evidence.
20 Direct evidence is the testimony of a person who claims to
21 have actual knowledge of a fact such as an eyewitness.
22 Circumstantial evidence is a proof -- is proof of a chain
23 of facts or circumstances indicating the existence of a
24 fact.

25 The law makes absolutely no about distinction

1 between the weight or value to be given either direct or
2 circumstantial evidence. A lot of times judges will say
3 direct evidence, if you walk outside of this courtroom and
4 it's raining and you get wet, you see it raining, that's
5 direct evidence that it's raining. If you walk outside the
6 courtroom and mud puddles everywhere, clouds in the sky,
7 car windows are wet and you don't see it raining, well
8 that's circumstantial evidence that it has rained. That's
9 a pretty elementary description of it, but that covers it
10 the best I can do. It's two kinds, you use it the same way
11 on both of them.

12 Now, I charge and instruct you and emphasize that
13 the fact that the defendant did not testify in this trial
14 is not a factor to be considered by you in any way in your
15 deliberation and in your consideration on the question of
16 the guilt or innocence of the defendant. It must not be
17 considered by you in any manner whatsoever. A defendant
18 has the constitutional right to remain silent and the
19 assertion of this right must not be considered by you in
20 your deliberations. I repeat, under your oath, you're to
21 draw no conclusion whatsoever from the fact that the
22 defendant did not testify in this case. The fact that he
23 did not testify should not even been discussed in the jury
24 room. As I've told you, the burden is on the State of
25 South Carolina to prove each and every element of each and

1 every indictment to you beyond a reasonable doubt. The
2 defendant is not required to prove his innocence. So he
3 has the right to remain silent, so please do not discuss
4 the fact that he did not testify.

5 We have a proposition of law that's called
6 commonly, the hand of one is the hand of all. So if a
7 crime is committed by two or more people who are acting
8 together in committing a crime, the act of one is the act
9 of all. So a person who joins with another to commit an
10 unlawful act is criminally responsible for everything done
11 by the other people which happens as a probable and natural
12 consequence of the acts done in carrying out the crime. So
13 that's called the hand of one is the hand of all. If they
14 all act together, they're all responsible for everything
15 that happened.

16 For example two people can be guilty of killing
17 another person when only one of the two had a gun, there
18 was only one bullet, only one of the two fired the shot
19 that caused the death. So if two or more people are acting
20 together, assisting each other in committing a criminal
21 offense, the fact of one is the act of all. Or as it is
22 sometimes said, the hand of one is the hand of all.

23 We have had several witnesses who have testified in
24 the case who had past criminal records. A person who has a
25 past criminal record is competent to testify during a

1 trial. A past criminal record does not affect the ability
2 of that person to testify. The past record may only be
3 considered by you, if at all, in determining the witnesses
4 credibility or believability. Remember, you are the sole
5 judges of the facts in the case and the believability of
6 any and all witnesses is your job because you are the
7 judges of the facts in the case.

8 Now, Mr. Foreman, there was a statement given by
9 the defendant which was admitted into evidence in the case.
10 While the Court has determined that the statement is
11 admissible, I instruct you that you make the ultimate
12 decision of whether or not the defendant made a statement
13 and you must determine whether or not the statement was
14 made by the defendant voluntarily and of his own free will.
15 This means that the statement was not caused by pressure,
16 force, fear, threat, coercion or intimidation or by any
17 hope or promise of leniency.

18 In determining whether the statement was voluntary,
19 you should consider both the characteristics of the
20 defendant and the detailed of the questioning. The State
21 has the burden of proving beyond a reasonable doubt that
22 the alleged statement was voluntary and even if you
23 determine that it was voluntary, you have the right to give
24 it whatever consideration you deem proper. You must decide
25 what weight if any should be given to the statement now,

1 Mr. Foreman, ladies and gentlemen of the jury, that are the
2 general propositions of law that affect all criminal cases,
3 most all criminal cases.

4 Let's talk about the charges in particular in this
5 case. I'm going to take them, not in any particular order.
6 I'm going to take them -- looks like I've taken them in
7 alphabetical order. So don't put any emphasis on the order
8 in which I've taken them.

9 In one of these indictments, the defendant is
10 charged with the offense of armed robbery. That is Section
11 16-11-3308. As I said, the defendant is charged with armed
12 robbery. In order to prove this offense, the State must
13 prove beyond a reasonable doubt that the defendant took
14 personal property from the person or presence of another
15 person. Now, the State must also prove beyond a reasonable
16 doubt that the defendant carried the property away
17 intending to permanently deprive the owner of the property.
18 And finally the State must prove beyond a reasonable doubt
19 that the defendant was armed with a deadly weapon during
20 the robbery. So that's what the State has to prove to
21 prove the offense of armed robbery.

22 Now, the next one, let's talk about assault and
23 battery in the first degree. As I said, the defendant in
24 one of the indictments is charged with assault and battery
25 in the first degree which is Section 16-3-600(C)1. The

1 State must prove to you beyond a reasonable doubt that the
2 defendant committed assault -- committed an assault and
3 battery which simply means that they must prove to you that
4 the defendant injured another person and the act occurred
5 during the commission of a robbery, brother, kidnapping, or
6 theft. A person can also commit the offense of assault and
7 battery if the State can prove beyond a reasonable doubt
8 that the assault and battery -- that the person offered or
9 attempted to injure another person with the ability to do
10 so and occurred during the commission of a robbery,
11 burglary, kidnapping, or a theft. So that's the elements
12 of assault and battery in the first degree, sort of simple
13 that the State must prove beyond a reasonable doubt that
14 the defendant committed an assault and battery which simply
15 means that he injured another person while -- and that
16 injury occurred during the commission of a robbery,
17 burglary, kidnapping, or theft.

18 In another indictment, which is 106, the defendant
19 is charged with burglary in the first degree. That's
20 Section 16-11-0311. In this indictment, the defendant is
21 charged with a first degree burglary. The State must prove
22 first beyond a reasonable doubt that the defendant entered
23 a dwelling without consent, entered a dwelling without
24 consent. And a dwelling is any kind of building or a
25 portion of a build in which a person ordinarily sleeps.

1 Next, the State must prove beyond a reasonable
2 doubt that the defendant intended to commit a crime at the
3 time of the entry. The mere entry into a dwelling without
4 consent is not burglary if the intent to commit a crime
5 formed after the entry is not burglary. On the other hand,
6 if the defendant intended to commit a crime at the time of
7 the entry it is a burglary even if the intent was
8 abandoned. So you have to prove that they -- without
9 permission or consent they entered a person's dwelling with
10 an intent to commit a crime.

11 And finally, the State must prove beyond a
12 reasonable doubt that while entering or while in the
13 dwelling or when fleeing, the defendant or an accomplice
14 was armed with a deadly weapon or while in the dwelling or
15 while entering the dwelling the defendant or accomplice
16 caused physical injury to anyone not participating in the
17 crime; or while in the building or entering the defendant
18 or an accomplice used or threatened to use a dangerous
19 weapon or object; or while entering or while in the
20 dwelling the defendant or accomplice displayed what was or
21 appeared to be a pistol, like a revolver.

22 So that's the elements of burglary in the first
23 degree. Or that the defendant or accomplice entered or
24 remained in the dwelling in the nighttime. Those are the
25 things -- any of those things are there to prove beyond a

1 reasonable doubt, in any combination or any one or more
2 than one will support a verdict of burglary in the first
3 degree.

4 All right. The last substantive, I guess you would
5 call it, is for kidnapping. The defendant is charged with
6 kidnapping, Section 16-3-910. The State must prove beyond
7 a reasonable doubt that the defendant knowingly and
8 unlawfully seized, confined, decoyed, kidnapped, abducted,
9 or carried away another person without authority of law.
10 To do a thing unlawfully is to do it willfully, against the
11 law. Knowingly means with knowledge, consciously, not
12 accidentally. Seized means to take hold of suddenly or
13 forcibly; confine means to limit, restrict, or enclose
14 within bounds, shut or keep in. Kidnap is to remove a
15 person against his will by unlawful force or by fraud.
16 Abduct means to carry or by force. Carry away means to
17 remove. The State does not have to prove that the
18 defendant did all of these things. Instead if you find
19 beyond a reasonable doubt that the defendant did any of
20 these things, you may find the defendant guilty of the
21 kidnapping.

22 Kidnapping does not have to be for any personal or
23 monetary gain or any illegal purpose, but it may be for any
24 reason whatsoever. In other words, kidnapping, they have
25 to prove to you beyond a reasonable doubt that the

1 defendant knowingly and unlawfully confined, took, seized,
2 inveigled, decoyed, kidnapped or abducted someone even for
3 a short period of time.

4 Then there are two other indictments. One is for
5 possession of a weapon during the commission of a violent
6 crime. And that simply means that the State has to prove
7 beyond a reasonable doubt that the defendant, during the
8 commission of a violent crime, displayed a firearm and
9 armed robbery is a violent crime, as well as burglary,
10 kidnapping, and assault and battery in the first degree.
11 So if you find him guilty of any of the crimes, then you
12 would have to determine on this particular one whether or
13 not he had in his possession a firearm during the
14 commission of that crime. If you find him not guilty on
15 all of those, then obviously, you wouldn't consider that
16 one.

17 And the last, this is another weapons type charge.
18 He's indicted for possession of a firearm by a person
19 convicted of a violent felony. You have to prove beyond a
20 reasonable doubt that he has been convicted of a violent
21 felony. I instruct you that trafficking cocaine is defined
22 by our statute as a violent felony and if so, did he
23 possess a handgun on the date in question, i.e. May 9,
24 2015. The State has to prove that to you beyond a
25 reasonable doubt.

1 Mr. Foreman, you will have with you in the jury
2 room with you six verdict forms. One for kidnapping, armed
3 robbery, burglary, assault and battery in the first degree,
4 possession of a weapon during the commission of a violent
5 crime, and the possession of a weapon by someone who's been
6 convicted of a violent felony in the past. You have to
7 consider each one of them separate and apart from the other
8 one as I told you.

9 Your verdict must be unanimous. All twelve of you
10 must agree. Once you've reached a verdict on each one of
11 them, then the verdict form is simply as to -- let me get
12 my glasses so I can see.

13 I'm going to use the first one as an example. This
14 is the one on burglary. We find the defendant not guilty
15 of burglary in the first degree; we find defendant guilty
16 of burglary in the first degree. Just check whichever one
17 y'all decide upon then go to the next and the next and the
18 next.

19 It goes without saying that obviously you're not
20 here to punish anyone, any enemies, you're not here to
21 reward anyone. You're here to make a deliberate assessment
22 of what the true facts are in the case and then apply those
23 true facts to the law as I've given it to you to determine
24 whether or not the State has proven the elements of the
25 offenses to you beyond a reasonable doubt. As I said, your

1 verdict must be unanimous.

2 If during your deliberation you have a question
3 about something, just write it out on the paper, knock on
4 the door, and the bailiffs will hand it to me. Sometimes I
5 can answer, sometimes I can't. It just depends on what it
6 is.

7 I'm going to let you go back in the jury room now.
8 I'm going to ask you not to start deliberating. I have to
9 gather all the evidence and send it back to you and I have
10 to ask the lawyers if I've left anything out. That won't
11 take but just a few minutes. Once we -- the bailiff will
12 come back with all the exhibits and the verdict forms and
13 then you can start your deliberation and have any questions
14 any problems whatever, just let me know by writing it out
15 on a piece of paper and sending it to me and I'll do my
16 best to address it. Fair enough?

17 THE FOREMAN: Yes, sir.

18 THE COURT: All right. Y'all step back. You can
19 take your notes with you. Use your notes in any manner you
20 choose to do so. Thank you.

21 Separate my alternates, please ma'am.

22 (The jury left the courtroom at 3:37 p.m.)

23 THE COURT: All right. Ladies and gentlemen, are
24 there any requested additions, deletions, or objections to
25 the charge by the State.

1 MS. YOUNG: The only thing I noted is I don't
2 believe assault and battery is a violent crime. The others
3 are, but not that one.

4 MR. CHESSER: I would agree with that.

5 Also, Your Honor, I should have asked you this
6 before, but I note that during the case, you charged the
7 jury when that conviction of Rashawan Carter was admitted
8 for purposes of establishing the possession of a weapon by
9 a person previously convicted of a violent crime, you gave
10 a limiting instruction at that time. And I note that you
11 gave an instruction about the conviction just for
12 credibility, but it seems to me that -- I would ask you to
13 instruct them specifically that that charge cannot be
14 considered for any purpose other than establishing the
15 elements of that particular charge.

16 THE COURT: Since he didn't take the witness stand,
17 I agree with that.

18 Bring them back real quick.

19 (The jury entered the courtroom at 3:39 p.m.)

20 THE COURT: Mr. Foreman, ladies and gentlemen, I
21 was charging you on the offense of possession of a weapon
22 during the commission of a violent crime and I told you
23 that armed robbery, kidnapping, burglary in the if anything
24 and assault and battery in the first degree are all
25 classified under our law as a violent crime. I misspoke.

1 Assault and battery in the first degree is not classified
2 as a violent crime. So if that was the only one you found
3 him guilty of, you couldn't -- that wouldn't be a violent
4 crime on that one. The rest of them are violent crimes,
5 okay?

6 Assault and battery in the first degree is not a
7 violent crime. Kidnapping, burglary first, and armed
8 robbery are classified as violent crimes.

9 And also, the other weapon offense is that he is
10 indicted for possession of a firearm by the person
11 convicted of a violent felony and I told you earlier that
12 the -- he has the record of trafficking cocaine that was
13 admitted into evidence with a certified copy. That can
14 only be used in reaching a decision on that particular
15 indictment. Please do not use the fact that he was
16 trafficking -- convicted of trafficking cocaine in the past
17 for any other purpose whatsoever. It can't be used in
18 deciding guilt in the other main indictments. That's
19 simply -- he has no burden of proof so you can't judge his
20 credibility by that. That's only to be used for that
21 specific offense and for no other purpose. Okay?

22 I think that will do it. I'll be right back with
23 you, just go on back and I'll send everything back to you.

24 (The jury left the courtroom at 3:43 p.m.)

25 THE COURT: All right. Did the additional

1 instruction clear up everybody's objections?

2 MS. YOUNG: Yes, sir, Your Honor.

3 MR. CHESSER: Yes, Your Honor.

4 THE COURT: All right. Mr. Chesser, Ms. Beth Ann
5 Young, Ms. DeLoach, y'all come up and make sure we've got
6 all the exhibits.

7 (The attorneys confirmed all exhibits were
8 present.)

9 THE COURT: All exhibits are accounted for.
10 Where's the bailiff?

11 All exhibits are accounted for and the verdict
12 forms are in order. The case will be presented to the jury
13 at 3:50. The alternates are not in there, are they.

14 THE BAILIFF: No, sir.

15 THE COURT: Alternates are separated.

16 THE BAILIFF: Yes, sir.

17 THE COURT: They are separated. We'll stand at
18 ease y'all don't get far.

19 (The jury began deliberations at 3:50 p.m.)

20 **JURY QUESTION**

21 THE COURT: Would you bring the jury in, please.

22 (The jury entered the courtroom at 4:52 p.m.)

23 THE COURT: All right. Mr. Foreman, I got your
24 note and the law precludes me from charging on the facts.
25 So let me just answer the question by rereading the hand of

1 one is the hand of all --

2 THE FOREMAN: Yes, sir.

3 THE COURT: -- instead of saying yes or no.

4 If a crime is committed by two or more people who
5 are acting together in committing a crime, the act of one
6 is the act of all. A person who joins with another to
7 commit an unlawful act is criminally responsible for
8 everything done by the other person which happens as a
9 probable or natural consequence of the acts done in
10 carrying out the common plan and purpose. Prior knowledge
11 that a crime is going to be committed without more is not
12 sufficient to make a person guilty of that crime. Mere
13 knowledge that another person is going to commit a crime,
14 even if the defendant is present when the crime is
15 committed, is not sufficient to convict the defendant as a
16 principle. Guilt as a principle is shown by actual or
17 constructive presence at the scene as a result of prior
18 arrangement. Therefore, a finding of a prior arranged plan
19 or common scheme is necessary for finding of guilt as a
20 principle.

21 The State must prove beyond a reasonable doubt by
22 competent evidence the theory of the hand of one is the
23 hand of all. A principle in a crime is one who either
24 actually commits the crime or who is present, aiding or
25 assisting in committing the crime. When a person does an

1 act in the presence of and with the assistance of another,
2 the act is done by both. So where two or more people act
3 with a common plan or intent or present at the commission
4 of the crime, it does not actually matter who actually --
5 it does not matter who actually committed the actual crime,
6 all are guilty. The hand of one is the hand of all.
7 Present at the commission of a crime means to be
8 sufficiently near to aid and assist in the commission of a
9 crime.

10 And, of course, the State must prove all that
11 beyond a reasonable doubt. Okay?

12 THE FOREMAN: Okay.

13 THE COURT: Thank you.

14 (The jury left the courtroom at 4:55 p.m.)

15 THE COURT: Any objections to the charge?

16 MS. YOUNG: None from the State.

17 MR. CHESSER: None from the defense.

18 THE COURT: All right.

19 (The court was in recess while deliberations
20 continued.)

21 (It was reported to the court that a verdict had
22 been reached at 5:12 p.m.)

23 **VERDICT**

24 THE COURT: All right. Is the State ready to
25 receive the verdict?

1 MS. YOUNG: Yes, Your Honor.

2 THE COURT: The defendant?

3 MR. CHESSER: Yes, sir.

4 THE COURT: All right. Bring the jury in, please.

5 (The jury entered the courtroom at 5:16 p.m.)

6 THE COURT: Mr. Foreman, y'all have reached a
7 verdict.

8 THE FOREPERSON: We have, Your Honor.

9 THE COURT: Would you hand it to the bailiff,
10 please.

11 THE CLERK: Your Honor, we have Case Number
12 2018GS0200312, the State of South Carolina versus Rashawan
13 Vertes Carter. We find the defendant not guilty of assault
14 and battery in the first degree, signed by Foreperson,
15 Andrew Fallaw.

16 We have Case Number 2016GS0200106, the State of
17 South Carolina versus Rashawan Vertes Carter, we find the
18 defendant guilty of burglary in the first degree signed by
19 Foreperson, Andrew Fallaw.

20 We have Case Number 2008GS0200313, the State of
21 South Carolina versus Rashawan Vertez Carter. We find the
22 defendant guilty of armed robbery. Signed by Foreperson,
23 Andrew Fallaw.

24 Case Number 2016GS0200107, the State of South
25 Carolina versus Rashawan Vertes Carter. We find the

1 defendant guilty of kidnapping. Signed Foreperson, Andrew
2 Fallaw.

3 Case 2016GS0200110, the State of South Carolina
4 versus Rashawan Vertes Carter. We find the defendant
5 guilty of possession of a firearm by a person convicted of
6 a violent felony, signed Foreperson, Andrew Fallaw.

7 Case Number 2016GS0200109, the State of South
8 Carolina versus Rashawan Verizon Carter. We find the
9 defendant guilty of possession of a deadly weapon during
10 the commission of a violent crime, signed by Foreperson,
11 Andrew Fallaw.

12 Ladies and gentlemen of the petit jury, if this is
13 your verdict, please indicate by raising your right hand.

14 Your Honor, all hands are raised.

15 THE COURT: Thank you, anything from the jury
16 before I dismiss them by the State?

17 MS. YOUNG: No, sir, Your Honor.

18 THE COURT: By the defendant?

19 MR. CHESSER: Nothing further.

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen of the jury, I want to personally thank you.

22 Y'all have been wonderful. You've paid close attention to
23 the situation. But I thank you. I'm going to dismiss you
24 now. If anybody needs a work excuse, please stay in the
25 jury room and they'll come in there with them in just a few

1 minutes. Leave your badges in there and I thank you and
2 please have a pleasant evening and rest of the week. Thank
3 you so very much.

4 (The jury left the courtroom at 5:21 p.m.)

5 THE COURT: Mr. Chesser, Ms. Beth Ann Young, y'all
6 look here, please.

7 (There was a bench conference out of the hearing of
8 the jury and the Court Reporter.)

9 THE COURT: All right. We'll stand at ease until
10 -- we will complete the trial of this case, i.e. sentencing
11 and/or motions at 10:30 in the morning.

12 (Court was in recess for the day.)

13 FRIDAY, FEBRUARY 16, 2018

14 SENTENCE

15 THE COURT: All right. Mr. Carter is still under
16 oath from yesterday or the day before yesterday.

17 Mr. Chesser, does he not wish to sign the
18 sentencing sheets?

19 MR. CHESSER: Your Honor, I just told him that was
20 optional. I told him it wouldn't have any effect, but...

21 THE COURT: It doesn't. It does not. But he's
22 welcome to sign them if he'd like, but he doesn't have to.

23 All right. We're back on the record this morning
24 with Rashawan Vertes Carter in indictment 16107, 16106,
25 16109, 16110, and 18313. Is that right?

1 MS. YOUNG: Yes, sir.

2 THE COURT: And the other ones were 2016
3 indictments?

4 MS. YOUNG: Yes, sir. I reindicted it. I changed
5 something in it.

6 THE COURT: Late yesterday afternoon, the jury
7 returned verdicts of guilty against Mr. Carter on all of
8 these indictments that are before me and a not guilty on
9 the assault and battery in the first degree; is that
10 correct?

11 MS. YOUNG: Yes, sir.

12 THE COURT: And since it was late in the day and it
13 had been such a long, trying week, I delayed sentencing
14 until this morning and also gave Mr. Chesser ten days to
15 file any post trial motions.

16 So is there anything else the State would like to
17 put on the record before sentencing?

18 MS. YOUNG: Your Honor, I would like to give you
19 his criminal history. Out of the State of --

20 THE COURT: Hold on one second, please.

21 MS. YOUNG: Yes, sir.

22 (There was a pause in the proceedings.)

23 THE COURT: All right.

24 MS. YOUNG: Out of the State of Georgia from 2007
25 disorderly conduct; additional conviction for disorderly

1 conduct in 2010; probation revocation in 2011; 2015 --

2 THE COURT: What were they revoking him for? For
3 that disorderly conduct?

4 MS. YOUNG: I think it might have been a
5 misdemeanor, it just didn't really show on the sentencing
6 sheet -- I mean on the NCIC.

7 THE COURT: And that was when? The probation
8 revocation?

9 MS. YOUNG: 2011. In 2015 driving without a valid
10 license; and then from South Carolina in 2013, trafficking
11 cocaine base 10 grams to 28 grams, first offense.

12 THE COURT: All right. Hold on one second.
13 Trafficking -- 10 to 28?

14 MS. YOUNG: Yes, sir.

15 THE COURT: And the sentence was, please?

16 MS. YOUNG: Four years.

17 THE COURT: Just straight up?

18 MS. YOUNG: Yes, sir.

19 THE COURT: Was that me?

20 MS. YOUNG: I don't know. I can look that up.

21 THE COURT: Just asking.

22 MS. YOUNG: And then he also had, along with that,
23 unlawful carrying of a weapon, for which he received one
24 year concurrent.

25 Your Honor, you've heard all the facts during the

1 trial --

2 THE COURT: Hold on just a second ma'am. That was
3 in 2013. Do you know when he was released from department
4 of corrections?

5 MS. YOUNG: I don't know that, Judge.

6 THE COURT: Mr. Chesser, do you know when he was
7 released?

8 (Mr. Chesser was conferring with the defendant.)

9 MR. CHESSER: He indicates it was during 2014, Your
10 Honor.

11 THE COURT: All right. Latter part of '14 or early
12 art of '14?

13 THE DEFENDANT: Later in 2014.

14 THE COURT: The latter part? Late '14?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: So you'd only been out of jail for less
17 than a year?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Was he on parole? Probation?

20 THE DEFENDANT: I was. I was on parole.

21 THE COURT: During the time of this event?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Chesser, you agree with that as the
24 prior record?

25 MR. CHESSER: Yes, sir.

1 THE COURT: Anything else, ma'am?

2 MS. YOUNG: Your Honor, the victim would like the
3 address the Court at the appropriate time. And Amy has
4 advised me that you did sentence him on the trafficking
5 charge.

6 THE COURT: Mr. Chesser?

7 MR. CHESSER: Your Honor, I would request that you
8 hear from the victim before we do our mitigation. Is that
9 possible?

10 THE COURT: I guess.

11 Ms. Miller?

12 THE VICTIM: This situation has been a big burden
13 on me, my kids, I'm pretty sure the fellow that lost his
14 life then. It's been hard. My kids watching me go through
15 the different emotions and, you know, having to explain why
16 we can't go back to our home, because I never went back
17 after that night. It has put school off for me. It has --

18 THE COURT: You were in nursing school, were you
19 not?

20 THE VICTIM: Yes.

21 THE COURT: Trying for LPN or what.

22 THE VICTIM: RN.

23 THE COURT: RN. How far had you gotten into that
24 degree?

25 THE VICTIM: I did my pre nursing. And so I hadn't

1 quite gotten into the program, I was just entering.

2 THE COURT: Yes, ma'am.

3 THE VICTIM: I had just finished my -- I had just
4 finished my PCA, so take something in between nursing and
5 the -- that weekend schedule coming after, I was supposed
6 to take my EKG and my CNA certification. I never got to
7 take those. I just got my phlebotomy and that's what I've
8 been doing since then.

9 THE COURT: You plan to go back and try to continue
10 that school.

11 THE VICTIM: Yes, sir. I do.

12 I just pray that this guy finds God because that's
13 the only person going to turn this situation around for him
14 at this point. I know -- like I just can't imagine
15 carrying this burden, knowing you went to do wrong and you
16 lost your friend that you left behind and didn't -- don't
17 have no remorse, don't care.

18 And watching the videos showed a lot. It's just a
19 lot of anger and stuff built inside. I'm not going to get
20 ugly about it, but I just pray he find God.

21 THE COURT: Well, what are you doing with your life
22 now? Where are you living?

23 THE VICTIM: I'm living in North Augusta.

24 THE COURT: With your children?

25 THE VICTIM: Yes, with my children. And --

1 THE COURT: Trying to make it -- remove yourself
2 from this street life?

3 THE VICTIM: Of course. I never been raised that
4 way. I made a choice of taking someone that I barely even
5 knew and it sucks for me because I'm having to go through a
6 situation I didn't even ask for or intend to be a part of,
7 but it's a learning lesson for me and I pray that for
8 everyone as well, sitting back and watching this situation.

9 THE COURT: Well, unfortunately, it is a learning
10 lesson for a lot of us in this courtroom, just listening
11 and watching the street life, I'll just leave it at that.

12 THE VICTIM: It doesn't love no one.

13 THE COURT: Nothing's good about it. And it's --
14 ruins a lot of life and a lot of people.

15 THE VICTIM: It does.

16 THE COURT: You could have been killed just as
17 easily as that other guy.

18 THE VICTIM: Exactly. And I had -- I had a full
19 conversation with God and it's like, I lost my mom at a
20 very young age and for me in that second, for me to think
21 -- I just had it in my head, this is it, I'm fixing to die.
22 I thought I was going to live -- my kids was going to live
23 with the same burden I had to as a child. I lost my mom at
24 the age of two, four days after my birthday. And life has
25 never been easy for me.

1 And the one chance when I feel like I have a gasp
2 of life and I'm getting my life in order and getting myself
3 together for me and my kids, something like this, you know,
4 came and basically I feel like it took everything but my
5 kids. That's something hard to live with. It's very hard.

6 Life has been pure hell for me. I'm not going to
7 lie. I'd be lying if I stood up here and said anything
8 different.

9 THE COURT: I hope you can put this behind you.
10 That's one thing I hope.

11 THE VICTIM: Of course.

12 THE COURT: The other hope I have is that you,
13 especially for your children and for you, in the future,
14 hopefully the people that you associate with won't have a
15 street life.

16 THE VICTIM: Yes, sir.

17 THE COURT: Because this street life has been
18 described in this courtroom and as we've all witnessed and
19 watched, it is to me, unexplainable how people can choose
20 to live that way of life and it doesn't do anything but
21 bring misery --

22 THE VICTIM: Yes, sir.

23 THE COURT: -- heartache, death, incarceration for
24 a long time. It's just -- to me it's just a no win
25 situation.

1 THE VICTIM: It is.

2 THE COURT: Good luck to you.

3 THE VICTIM: Thank you.

4 THE COURT: Good luck to you and your children.

5 THE VICTIM: Thank you.

6 THE COURT: Anything else? You want to read
7 something to me?

8 THE VICTIM: I pretty much think I went other
9 everything. Yeah. It's just nothing I wish on anyone, not
10 even him himself. Like I still -- going through this, this
11 is no way to live. You jumping in and out your sleep.
12 You're watching over your -- you can't enjoy life like
13 that. You just can't. And it doesn't end today just
14 because he's behind bars. You know -- you know, a piece of
15 it, yes. But me going on with life right now, no, it
16 doesn't end today. And that's something I got to live
17 with.

18 And I know he got -- I'm pretty sure it affects him
19 knowing that you're fixing -- someone you grew up with, you
20 left them behind. You didn't check on him. You didn't try
21 to see if he was still alive. You didn't care. You was
22 worried about your life being on the line as he said in one
23 of -- my life is on the line. And look, your friend lost a
24 life. Like that's -- that got to be a hard pill to
25 swallow.

1 THE COURT: Thank you.

2 THE VICTIM: Yes, sir.

3 THE COURT: Anything else, Ms. Young?

4 MS. YOUNG: Judge, just, I have to agree with
5 Ms. Miller that the lack of remorse shown by the defendant
6 in this case has been a throughout. It has shown in all of
7 the evidence and on behalf of the victims as well as law
8 enforcement, the State would request at least a 30 year
9 sentence for this defendant.

10 THE COURT: Mr. Chesser?

11 MR. CHESSER: May it please the Court. One thing I
12 would say about the facts is that the person who was
13 covering Liz and who was -- did the things to her was not
14 this defendant. Freak is the person who corresponds to
15 that description of that person. I just wanted to make
16 that comment about the facts.

17 Mr. Carter is 27 now.

18 THE COURT: Freak would not have been in that house
19 doing vile acts to this young lady had they not decided to
20 break in to the home with guns and ransack it looking for
21 whatever, I assume drugs and money. And he may not have
22 been on top of her poking the gun in her face and other
23 areas of her body, but had he not been in there, maybe the
24 other ones would not have either, but I understand what
25 you're saying.

1 MR. CHESSER: Your Honor, he's 27 at this time. He
2 was 25 at the time of this event. He has two kids,
3 [REDACTED], a young girl and [REDACTED], a young boy. He went
4 through the tenth grade, or went to the tenth grade at
5 Laney High School in Augusta.

6 He was -- he played football there, played
7 defensive line. He was a good student. He was raised in
8 the projects in Gilbert Manor Project is what it's called
9 over in Augusta. He was raised without a father. He knew
10 who his father was, he would occasionally see his father,
11 but his father didn't participate in his upbringing.

12 He was raised, that is she did all she could for
13 him by his mother, Liz -- excuse me, Ms. Carter, who is in
14 court here today, Dianne Carter.

15 THE COURT: Who is she?

16 (The defendant's mother raised her hand.)

17 MR. CHESSER: Your Honor, she's got a bad case of
18 laryngitis right now.

19 THE COURT: I understand. She's been very faithful
20 and been here the whole time. Supportive.

21 MR. CHESSER: She has. And really, also, the main
22 thing that Rashawan has cared about is communicating with
23 her.

24 So she raised him alone, but she worked and so she
25 didn't really have time to be there with him. He had a

1 brother who was raised with him. She had an earlier, sort
2 of crop of kids, two older brothers, one of whom is
3 deceased, the other one is doing life in prison.

4 THE COURT: The other one's what?

5 MR. CHESSER: Doing life in prison, is my
6 understanding.

7 THE COURT: The other brother?

8 MR. CHESSER: His older brother, yes, sir. He has
9 one brother who is about his age who is not, but he had at
10 least two older brothers, one is deceased, and one is doing
11 life.

12 THE COURT: How old is the other one -- what
13 happened to him?

14 MR. CHESSER: I discussed that and apparently it
15 was due to health problems. He had various kidney problems
16 and so forth.

17 But his mother, you can imagine how hard it is when
18 you're actually living in the projects and you have to
19 actually work. She worked construction and -- to try to
20 raise these two kids. It's really impossible. There's no
21 way to do it.

22 THE COURT: They get raised on the streets, I
23 suspect.

24 MR. CHESSER: Yes, sir. And this street that they
25 were raised on was Gilbert Manor Projects. So he left

1 school at 16. He did some roofing. That's the type of
2 work that he's done, construction.

3 His mother, she can't speak, but she asked me, she
4 wrote a little something and asked me to read it, which is
5 -- she said:

6 Rashawan is my baby boy. I love him with all my
7 heart. Please don't give him life.

8 THE COURT: I will not.

9 MR. CHESSER: That's all I have.

10 THE COURT: Mr. Carter, anything you'd like to tell
11 me?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Sure.

14 THE DEFENDANT: I respectfully ask that you don't
15 keep me away from my family for too long.

16 THE COURT: Anything from anyone else?

17 MS. YOUNG: Nothing from the State, Your Honor.

18 THE COURT: How long's he been in jail, please,
19 ma'am?

20 MS. YOUNG: He's been in jail since May 27th of
21 2015.

22 THE COURT: Anybody know the days? Since when?

23 MS. YOUNG: May 27th of 2015.

24 I believe it's 996 days, thanks to Amy.

25 THE COURT: Before I announce the sentence, let me

1 -- I would be remiss if I didn't say this. I would like to
2 commend the excellent job done in the investigation of this
3 case and the presentation of that evidence.

4 This was not an easy case to run all the evidence
5 down in and it took a lot of hard work, ability, and
6 dedication on all the phone records and the cameras in the
7 neighborhood and Walmart and other places. I commend the
8 police force and all the officers involved in it. You did
9 an excellent job in your investigation and preservation of
10 the evidence.

11 To the solicitor's office, the presentation of the
12 evidence was as good as could be done, thorough, presented
13 in a way that the jury obviously understood it, so I
14 commend all of you for your hard work.

15 This case is an example of what I've preached since
16 I've been on the bench for 14 years; there are three things
17 that bring most people into this courtroom and that is lack
18 of education, no father figure in their lives, and drugs.
19 And we have all three present in this situation, which
20 leads to a life of living by the street rules as we've
21 heard in this case. And unfortunately, when you live by
22 the street rules, so to speak, it leads to these types of
23 results, these types of invasions of homes.

24 And it is my duty as the judge to protect other
25 innocent people from those who want to live the street life

1 and involve people who are innocent from that type of life.
2 And I deem it my duty to separate the street people from
3 the people who comply with the law and live by the rule of
4 law which makes our nation great. Unfortunately, it's
5 being eroded by individuals who would rather live outside
6 the rule of law.

7 Therefore, as to the burglary in the first degree
8 Indictment 106, the sentence of this Court is that you be
9 committed to the State Department of Corrections for a
10 period of 35 years. You'll be given credit since May 27,
11 2015.

12 As to the kidnapping charge, that is a 30 year
13 sentence.

14 Armed robbery is a 30 year sentence.

15 The two firearm convictions are 5 year sentences.

16 They will all run concurrently, you'll do them all
17 at the same time. You'll be given credit for your time
18 that you have served since May 27, 2005 (sic).

19 Good luck to you.

20 MS. YOUNG: Thank you, Your Honor.

21 * * * * * END OF TRANSCRIPT * * * * *

12 A
0214-18 R Carter

1 JAIL CALL (2) - RASHAWAN CARTER - 08-26-15

2

3 RECORDING

Hello. This is prepaid collect call from...an inmate at Aiken County Detention Center. This call is subject to recording and monitoring. To accept charges -- Thank you for using Securus. You may start the conversation now.

8 HAMMOND

Hello? Hello?

10 CARTER

[Addressing Unidentified Male] Okay, what -- you got court, what's the court address?

13 U/M

Like the courthouse address?

15 CARTER

I don't know the address.

17 U/M

I got it.

19 CARTER

Um... Hello?

21 HAMMOND

Yeah.

23 CARTER

I'm trying to find the court. You can't, uh -- you can find the court address yourself, can't you?

26 HAMMOND

Yeah.

28 CARTER

Make sure you do that, man. This shit important. Call the, I mean, write, the um, look up the court address. You know what I'm sayin'? Wherever that's at. I think that's on Park Avenue, whatever, somewhere. G says it's on Park Avenue somewhere. Look up that and when you write to the court, put Judge Early name on the, on the, on the letter and on the envelope. You know what I'm sayin', it's going to the court, but, you know what I'm saying, make sure you put it on the front of the letter that, on the envelope, that it's, "This letter is for Judge Early."

38 HAMMOND

All right.

40 CARTER

Yeah. You got to write a letter...

42 HAMMOND

I gotta write three of them.

44 CARTER

Huh?

45

1 HAMMOND I gotta write three letters.
2
3 CARTER You're gonna write how many?
4
5 HAMMOND Three.
6
7 CARTER Yeah, yeah, yeah. Yeah, just let them know, you know what I'm
8 sayin', you know, the truth. You feel what I'm sayin'? You can't
9 do nothing but tell them the truth. You know what I'm sayin'?
10 Shit, you know.
11
12 HAMMOND Okay.
13
14 CARTER I seen that shit, I'm like, what the fuck? What the hell. You feel
15 what I'm sayin'? You feel what I'm sayin'? You know what I'm
16 sayin'? What the hell, that's just ...oh, man. I went on and told
17 you, because ain't it, it's in the motion. So, if it's in the motion, I
18 can -- you know already, so ain't, I, you know what I'm sayin'?
19
20 HAMMOND I really didn't know that I was the cause.
21
22 CARTER Huh?
23
24 HAMMOND I said, I really didn't know that I was the cause.
25
26 CARTER Hell yeah. What else gonna be that? I ain't, shit, I wasn't there.
27 Shit.
28
29 HAMMOND Well, your ass should've been answering the phone and shit, what
30 the fuck? I didn't know what the fuck was going on, and I don't
31 like talking to the police.
32
33 CARTER I know, I know. Look, I know, I know, I know. So you, so you
34 just got mad, 'cause you thought I was over another bitch house,
35 and you done goddamn...
36
37 HAMMOND No, I didn't get mad. I was -- I got scared.
38
39 CARTER No, listen, listen. Hold it. Listen, listen, listen. Listen, listen,
40 listen. Just listen, man. Stop talking, just listen. You know what
41 I'm sayin'? Read between the lines, now, think. Think. You feel
42 what I'm sayin'? Just read between the motherfuckin' lines. You,
43 got mad at me, 'cause you thought I was over at another bitch
44 house, and you told them folks that shit there. Okay? Hello?
45
46

1 HAMMOND Yeah.
2
3 CARTER Hell yeah, But I'm just sayin', man, you know what I'm sayin'?
4 That's the only thing that can, you know what I'm sayin', free me.
5 You feel what I'm sayin'?
6
7 HAMMOND Yeah.
8
9 CARTER Yeah. But it, it's just common sense, though, like, like, if, if they
10 just, just, just use their head and stop trying to keep me in this
11 motherfucker and use their head, it's common sense, baby. 'Cause,
12 listen, how the fuck would you know where the fuck I am, when
13 you in Hahn Village with Marty Sawyer? So, by that, by you
14 making that statement, that shit shouldn't have even stuck and
15 there shouldn't have been no warrant for that. You know what I'm
16 sayin'? But see, they don't know that you was in Hahn Village
17 with Marty Sawyer looking me. You feel what I'm sayin'? So
18 how could the hell, you place a statement like that? You know
19 what I'm sayin'? You, you understand what I'm sayin'?
20
21 HAMMOND Yeah.
22
23 CARTER Yeah, that's what I'm, I'm trying to figure that out. Like, how the
24 hell? 'Cause I damn sure didn't tell you that, that I was involved
25 with none of that shit, but that I was no driver or none of that
26 bullshit. You know what I'm sayin'?
27
28 HAMMOND Uh-huh.
29
30 CARTER So I'm still trying to figure out how the hell could they get a
31 consent on that warrant about that. I understand why, because
32 them people don't know that you was in Hahn Village with Marty
33 Sawyer. You see what I'm sayin'?
34
35 HAMMOND Yeah.
36
37 CARTER And it's on camera. Even if the camera works, you know what I'm
38 sayin'? But it's on camera.
39
40 HAMMOND Uh-huh. Marty Sawyer knows all about that.
41
42 CARTER I know it. So, that's what you need to tell them people. [inaudible]
43 you know what I'm sayin'?
44
45 HAMMOND Uh-huh.
46

1 CARTER Word. You tell them they need to call Marty Sawyer and he can
2 verify that shit. You know what I'm sayin'? And tell your mama
3 call him so he can verify that shit. You know what I'm sayin'?
4
5 HAMMOND Uh-huh.
6
7 CARTER Yeah.
8
9 HAMMOND He ain't the only one that know I was out there. Another police
10 officer came and said he [inaudible].
11
12 CARTER Okay, okay. Well, you need every officer's name that you
13 remember.
14
15 HAMMOND I have it.
16
17 CARTER If you can remember you need to put in that motherfucker. Do you
18 remember that investigator's name? The one that threatened to
19 lock you up and the one that offered you money?
20
21 HAMMOND Uh, Caméron, Officer Cameron and Marty Sawyer ...
22
23 CARTER Okay.
24
25 HAMMOND Marty Sawyer offered me money.
26
27 CARTER Okay. Well, don't, don't -- you ain't got to say his name like that
28 'cause he, he on our behalf. Which you ain't gotta, you know what
29 I'm sayin'? Just be like, goddamn, somebody offered you,
30 somebody offered you some money [inaudible].
31
32 HAMMOND Offered, offered me money.
33
34 CARTER Make sure you say Officer Cameron threatened to lock you up. But
35 you ain't had nothing to do with nothing. You feel what I'm
36 sayin'? Scared you up.
37
38 HAMMOND Uh-huh.
39
40 CARTER You know, you know what I'm sayin'? You know what to say,
41 man. I don't -- they can listen all they goddamn want, but this is
42 true fact and this is true shit right here. You know what I'm
43 saying?
44
45 HAMMOND Yeah.
46

1 CARTER 'Cause, you, [Chuckles] you was in Hahn Village with Marty
2 Sawyer. You know what I'm sayin'? So, how the hell ...
3
4 HAMMOND They'll just say I have no business pushing it at all.
5
6 CARTER I, I know that, but still, you need to write all them people like I told
7 you. You know what I'm sayin'? And then a word. Get this shit
8 right, 'cause I ain't, that's the only reason I'm in here, man. I went
9 to court yesterday and they had nothing on me. What he said, she
10 said, the 'he said, she said' is coming from your statement. That's
11 it. [Chuckles] Ain't no other "he said, she said". You feel what
12 I'm sayin'?
13
14 HAMMOND So, I gotta fix this shit.
15
16 CARTER Ain't no other way.
17
18 HAMMOND What if I get locked up? [Chuckles] What the fuck?
19
20 CARTER Huh?
21
22 HAMMOND [Sighs]
23
24 CARTER You ain't gonna get no locked up. You telling the truth. You
25 telling them people the goddamn, you telling the truth, man. You
26 feel what I'm sayin'?
27
28 HAMMOND Yeah.
29
30 CARTER All you're doing is telling the truth.
31
32 HAMMOND They don't even have me recorded saying any of that. You know?
33
34 CARTER That's what I, that's what I know. That's what I'm sayin'. All
35 you doing is telling the truth, man. It's all about, it's, you know
36 what I'm sayin'? 'Cause you couldn't find me and you -- I was at
37 a bitch house. You know what I'm sayin'? You, you thought I
38 was, you thought I was, uh, with such and such, such and such.
39 You know what I'm sayin'? You feel me?
40
41 HAMMOND Yeah.
42
43 CARTER You gotta word that shit right now. You know that, right?
44
45 HAMMOND I know.
46

1 CARTER Okay, well, just talk to your, talk to your sister, man. You know
2 what I'm sayin'? [Addressing Unidentified Male] Yeah, yeah, I
3 don't k now what Bubba thinking. [Laughing in the background]
4 That ain't Bubba. Who is that? [Addressing HAMMOND] But,
5 um, yeah, you know, if you on -- call Nate. Call your brother,
6 Nate. You know what I'm sayin'? That's the realest motherfucker
7 I, you know what I'm sayin'? So, you know what I'm sayin'?
8
9 HAMMOND I know. He'll tell me what to say.. Mm-hm.
10
11 CARTER No, he'll tell you how to word it. You know what I'm sayin'?
12 'Cause they looking for a loop. But there ain't no loop, 'cause
13 this shit, this shit, all these right here is true facts. Them people
14 threatened to lock you up. Them people goddamn ...offered you
15 money.
16
17 HAMMOND Offered me money.
18
19 CARTER And I, and I was telling them people that from the get go, man.
20 And my lawyer that, but they don't want to hear, like, they don't
21 want to hear shit like that. They don't want to hear the truth. You
22 know what I'm sayin'? They got -- there's shit on my behalf that
23 they don't even put in there, which you will read in that shit to the
24 lawyer, because they don't want the lawyer to know. I mean, the
25 judge to know. Right, the judge was looking for -- he was like,
26 "Damn, who, who the hell, who the hell -- how, how the hell the
27 man get -- how did he die?" You know what I'm sayin'?
28
29 HAMMOND Huh?
30
31 CARTER They was asking, the judge was asking them how did he die? The
32 judge was asking the lady, how did he die, or who killed him? The
33 lady couldn't even tell him that. They talking about, uh, "We
34 don't know, um, they could have did -- they could have did, we
35 don't know." How the hell you don't know that? But you got me
36 locked up, trying to charge me with uh, uh, uh, first degree
37 burglary and a, a, assault and battery.
38
39 HAMMOND But they, they still ain't even solved the murder.
40
41 CARTER No; that was the judge was looking crazy one night, what the fuck?
42
43 HAMMOND It's like y'all was worried about who done broke in this person's
44 house and not trying to worry about who killed the boy.
45
46

1 CARTER And listen, they say they got cameras out there, right?
2
3 HAMMOND Yeah, that's what's fucked up.
4
5 CARTER Listen, there's cameras out there, right?
6
7 HAMMOND Yeah.
8
9 CARTER You know what I'm sayin'? So the cameras should show
10 everything. If them cameras work out there like they say they do,
11 you know what I'm sayin'? Which, which, which they got to
12 work, because in the courtroom they say, she said -- the, the, the
13 solicitor said herself, um, um, that it was a, uh, uh, uh, a small, um,
14 grayish, light blueish car, some shit like that, but we couldn't really
15 see it, they said, she said. But okay, if you seen that on camera,
16 then you, you seen everything else. Whatever else happened on
17 camera. You feel what I'm sayin'?
18
19 HAMMOND They haven't got no tape of the video that happened that night, so
20 how can they -- it's a whole, it's a fucked up case, and once I write
21 these letters, you're gonna get out, because they have no evidence,
22 no proof. They look real stupid. They sound real stupid.
23
24 CARTER I know, but I'm saying if, if, if they said the case is based on, it's
25 based on, on phone records and all that. Then they brought up,
26 talking about some, um, when you, talking about you gave the
27 phone to your mama and told your mama to destroy the phone or
28 some shit.
29
30 HAMMOND Okay, and like I told them, when I said that to my mama, I said,
31 whatever me and Shawn business was before y'all got this phone
32 was our business. I said, this ain't got nothing to do with this
33 situation. I said, I wanted the phone destroyed anyway, because
34 the phones was off and it wasn't no good. I said, whatever our
35 business was before this case, is none of y'all's business. And
36 that's exactly what I told them. When they brought the phone
37 records and the phone records don't have nothing but stating that I
38 told my mama to throw away the phone. That's the only thing they
39 got.
40
41 CARTER I know. Damn ---
42
43 HAMMOND I seen the phone records myself.
44
45 CARTER How you seen that? Where you seen that?
46

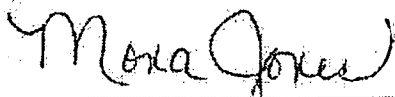
1 HAMMOND When I was in the investigation room. They showed me the phone
2 records, on paper.
3
4 CARTER Oh, okay. Okay.
5
6 HAMMOND Nothing is on the phone records, because our phone was off.
7
8 CARTER I know that. I know, it, it, it ain't nothing gonna be on them,
9 because they got the wrong man. You know that.
10
11 HAMMOND Yeah.
12
13 CARTER So there ain't nothing gonna be on there, regardless. I'm just
14 saying, they trying to push this. Solicitor was trying to make me
15 look crazy and make me look like a suspect in this shit. You know
16 what I'm sayin'? You can't make me look like no suspect just
17 because you can't find the right man. They trying to find the man
18 that, accuse a man of -- wrong, wrongly accuse a man for some
19 bullshit, man. You know what I'm sayin'? Because they can't
20 find they man. That ain't got nothing to do with me, man. Let me
21 go, man before I sue the shit out of these motherfuckers. I'm
22 telling you, man, I, I'm gonna fuck these motherfuckers up, man.
23
24 HAMMOND I'm gonna put that in my letter, too. I'm, I'm gonna sue the hell
25 out of y'all for having my husband locked up for nothing. Like,
26 yes, I got scared and shook up 'cause he was at another female's
27 house.
28
29 CARTER Yeah, you ain't got to explain that. Don't, don't explain that
30 [inaudible] minute about that bullshit. But you know, I'm just
31 saying, man, like these people fucked up, man. And, and the
32 Judge Early was looking like, damn, what the fuck? Then, then, he
33 say, like, "You can bring Mr. Carter back at any time in front of
34 me and, um, we, we..." You know what I'm sayin', "If, if nothing
35 is, if he's innocent, if he's innocent, and, and..." You know what
36 I'm sayin'? "There's no more evidence, um, been brought against
37 him, then, um, we might think about a bond," or some shit. You
38 know what I'm sayin'? But I'm probably gonna go in front of ...
39
40 RECORDING You have one minute left.
41
42 CARTER ...for the case. You know what I'm sayin'? But, I, you know what
43 I'm sayin'?
44

1 HAMMOND No, I just feel like once I write these letters and stuff, she gonna --
2 the judge gonna be like, fuck a damn bond and just release you
3 period.
4
5 CARTER Hey, I'm, I'm -- yeah, I'm gonna get released, man. You know
6 what I'm sayin'? I know that. But, I'm sayin', I had a dream I
7 was gonna get released. Know what I'm sayin'? I ain't gonna tell
8 you the dream right now, but I'll tell you later on. But anyway, uh,
9 I love you.
10
11 HAMMOND Love you, too.
12
13 CARTER Know what I'm sayin'...I really didn't want to talk over the phone
14 like this. You know what I'm saying, but it ain't, it ain't gonna, it
15 ain't gonna hurt nothing because it's all in the motion. I, I ain't
16 telling nothing wrong. I ain't telling you to do nothing. I ain't
17 telling you to change nothing I'm just telling you to tell the truth
18 You fell what I'm sayin'?
19
20 HAMMOND Yeah.
21
22 CARTER All right. That's all I'm sayin'. All right, you, you get on that shit
23 now.
24
25 HAMMOND [Yawns]
26
27 CARTER You might as well wake up, get on that. You hear me?
28
29 HAMMOND I'm up. I've been up.
30
31 CARTER Oh.
32
33 RECORDING Thank you for using Securus. Goodbye.
34
35
36 [END OF RECORDING]
37
38
39
40
41
42
43
44
45
46

TRANSCRIBER'S CERTIFICATE

I, Mona Jones, hereby certify that the foregoing pages are a true, accurate, and complete transcript of the Rashawan Carter jail call recording, transcribed by me from a copy of the electronic audio recording to the best of my knowledge and ability.

Date: October 27, 2017



Mona Jones, Transcriber
at North Augusta, South Carolina

13 A
R. Carter 02-15-18

1 JAIL CALL (4) - RASHAWAN CARTER - 07-12-16

2

3 RECORDING Hello, this is a free call from -- Jordan, an inmate at Aiken County
4 Detention Center. This call is subject to recording and monitoring.
5 Video visitation offers an easy and convenient way to visit from --
6 thank you for using Securus. You may start the conversation now.

7

8 CARTER Hello?

9

10 U/F What's up?

11

12 CARTER What's up, boo? Hey, you ain't called up there yet did you?

13

14 U/F No, not yet.

15

16 CARTER Hey, listen. What time -- look at that paper and see what time I
17 told you.

18

19 U/F You told me from, um, four to six forty-eight.

20

21 CARTER Hey, listen. No goddamn. No, no, no, no. Erase that shit and just
22 say that I, I -- that, that you, that you, uh, you flagged me down
23 coming from goddamn Greene Street. You know what I'm
24 saying? At, at, um, around -- say around, what? Say around five,
25 5:05 or 5:10 or some shit. And I dropped ---

26

27 U/F Okay.

28

29 CARTER And tell, and tell them that I dropped you off at your house and,
30 um, I dropped you off at your house and I went in, I, I went in your
31 house to use the restroom and then I left.

32

33 U/F Okay.

34

35 CARTER Yeah. Ah, yeah, but listen. Goddamn, them people that came to
36 see me, right? Can you hear me?

37

38 U/F Uh-huh.

39

40 CARTER Yeah.

41

42 U/F Today?

43

44 CARTER Yeah, I had to go down to the goddamn, uh, investigation room,
45 goddamn with the, with the investigator and them motherfuckers

1 trying to get me to goddamn say some shit. Talking about some
2 they'd give me goddamn time served today if I goddamn give them
3 something, you know what I'm saying?
4
5 U/F No. No, bro, no. Don't fold like that.
6
7 CARTER Come on sis, you know damn well I ain't crazy, man. Come on,
8 man. I told them folks get the fuck out of my face, you know I'm
9 sayin'? But goddamn they were mad as fuck when I wouldn't take
10 the---
11
12 U/F They came today? That's why they told me Wednesday. I told
13 you when I called him he said Wednesday. I didn't know they
14 were gonna come up there, though.
15
16 CARTER Yeah, but see listen. They ain't got -- the, the, the results done
17 came back. The results they got -- the fingerprints that they do got,
18 it don't have nothing to do with this case. Nobody goddam,
19 nobody in this case. You feel what I'm sayin'?
20
21 U/F Uh-huh.
22
23 CARTER Yeah, so, so, so, so, so they -- that's why they came at me like that.
24 Telling me if I tell them something I can get off today. You know
25 what I'm sayin'? Well, goddamn, I go to, I go to, I'm going to
26 trial -- I'm going to bond court next month. But I don't think
27 they're gonna go to trial because they ain't -- they, they can't link
28 me to the case, you know what I'm sayin'?
29
30 U/F Yeah.
31
32 CARTER All they said -- they showing me phone mappings, they showing
33 me phone mappings, goddamn, goddamn of me in the area --
34 supposed to be in the area of where they said ---
35
36 U/F But I already done told them that, that, that, you know saying you
37 was at the house so you being in the area, duh, that's right there.
38
39 CARTER That's what I'm trying to tell them, you know what I'm sayin'?
40 But then they goddamn, then they saying, they saying other areas
41 too, uh, uh, uh, the motherfucker -- the, the, the statement in my, in
42 my case, you know what I'm sayin'? Shit like that. You know
43 what I'm sayin'?
44
45 U/F Uh-huh.
46

1 CARTER I need you to holler at Chub. If you, if you can go goddamn, if you
2 go goddamn, go to the goddamn -- you know, he knows right over
3 there ---
4
5 U/F Where he at?
6
7 CARTER He, he should be on the dirt. I don't know. But if, if he ain't on
8 the dirt, you can get a number. You can ask goddamn cousin
9 Philly to get you a number so you can get in contract with, with
10 Pimp so Pimp can let you holler at, uh, Chub.
11
12 U/F You ain't got Pimp number? I need to holler at Pimp anyway.
13
14 CARTER I ain't got his number. Only person number I got is goddamn
15 Whitney number, but her number be -- but, um, Philly -- she go
16 with Philly, so Philly goddamn might have the phone or ---
17
18 U/F I know him 'cause he tried to holler, he tried to holler at me.
19
20 CARTER Oh [inaudible].
21
22 U/F And your brother got mad.
23
24 CARTER That nigga, that's -- that man, nigga, man them yelling at you?
25
26 U/F Yeah. He, he -- yeah, I didn't even know he was talking to her.
27 He gave me -- he seen me walking and gave me a ride, but he
28 knew who I was 'cause he made that known. And then everybody
29 yeah, you got a ride from that nigga. Yeah, he tried to holler at
30 me.
31
32 CARTER That ugly ass nigga, man. Skinny ass nigga looks like he's on
33 crack.
34
35 U/F [Laughs]
36
37 CARTER That's [inaudible], but shit, I don't fuck with that nigga 'cause he
38 goddamn shot at my brother. I know that.
39
40 U/F Yeah, I know it.
41
42 CARTER Shit, bitch ass nigga. Well, anyway goddamn, you can goddamn --
43 that, that's the only number I got. You know what I'm sayin'? So
44 you can try that number if you want to and try to get in touch.
45 Matter of fact, you can try the number now. Try calling the number
46 now and I can try to get his number now.

1 U/F Okay, okay, hold up.
2
3 CARTER [REDACTED] ---
4
5 U/F Ma you got a pen? Yeah. Oh, I think I just threw one in my
6 pocketbook. Hold up real quick there, baby.
7
8 CARTER Yeah. [Sings] To survive, teach me [inaudible].
9
10 U/F Hold up [inaudible]. All right, I'm ready.
11
12 CARTER Uh, [REDACTED] [REDACTED] [REDACTED]. They basically going to let me go though,
13 babe, to tell you the truth.
14
15 U/F Hold up real quick.
16
17 CARTER Yeah.
18
19 U/F Hello?
20
21 CARTER Hello? Hello? Hello?
22
23 U/F Bro?
24
25 CARTER Yeah?
26
27 U/F No answer.
28
29 CARTER All right. Shit, goddamn...I don't know, man. Goddamn I ain't
30 got no other number from him. Goddamn, shit.
31
32 U/F You don't got Pimp number at all?
33
34 CARTER At all, man. That nigga don't do nothing for me.
35
36 U/F So if I just, if I just pull up -- I could just pull up and go holler at
37 Pimp?
38
39 CARTER If, if he there. If he there you can holler at him.
40
41 U/F I don't know what he look like. Like, I done heard of him and I
42 hear everybody talk about him, but I don't know what he look like.
43
44 CARTER Listen, he a short -- he short as hell, stocky as fuck and bald head.
45 Can't miss him.
46

1 U/F I know which one -- okay, you remember that day when -- this the
2 spot where, uh, that day I bought Pig over there [inaudible] on the
3 other end of the dirt road, like, by the cemetery way?
4
5 CARTER Yeah.
6
7 U/F Okay.
8
9 CARTER Yeah, yeah, that, that little, that little, that little brick joint. You
10 know what I'm sayin'?
11
12 U/F Okay.
13
14 CARTER Yeah.
15
16 U/F Yeah.
17
18 CARTER Yeah, He short, stocky and bald headed. You can't miss him. You
19 know what I'm sayin'?
20
21 U/F Okay.
22
23 CARTER He gonna be the center of attention. You ain't no way you gonna
24 miss him. You know what I'm sayin'?
25
26 U/F [Laughs] Okay.
27
28 CARTER You can pull up on him, holler at him, you know what I'm sayin'.
29 If he ain't in there, your ass got ---
30
31 U/F [Addresses third party in background] Don't whop so hard,
32 Nuney. I'm listening, bro.
33
34 CARTER Ask him can you, ask him can you get his number, um goddamn,
35 'cause Shawn, goddamn, his cousin Shawn, you know what I'm
36 sayin'? 'Cause we got some goddamn -- we need to holler at Chub
37 -- tell him you need to holler at Chub and you, goddamn, you got
38 to get in touch with him ASAP, you know what I'm sayin'?
39
40 U/F Okay.
41
42 CARTER Hell, yeah. But don't forget to write down that time I told you
43 now.
44
45 U/F Okay, you said five?
46

1 CARTER Right around 'bout [inaudible], you know what I'm sayin'? You
2 seen me --
3
4 U/F Five, what? You said around five, right?
5
6 CARTER Right, about 5:10, 5:05. About 5:05.
7
8 U/F Okay.
9
10 CARTER You know what I'm sayin'?
11
12 U/F Okay.
13
14 CARTER Yeah. You know what I'm sayin'? That's all you got to let him
15 know and then let him know goddamn, you know what I'm sayin'?
16 You already know what's happening, man. And you know
17 goddamn, that this goddamn, um, Philly go with?
18
19 U/F Huh?
20
21 CARTER The, the old girl that -- I mean that Philly go with, Whitney?
22
23 U/F Whitney, the one that your brother used to talk to, yeah.
24
25 CARTER She told them people that I came and picked her up, you know
26 what I'm sayin', and we went to Augusta. And goddamn I sent her
27 back to go get the other goddamn B-M, you know what I'm
28 sayin'? And then I went to the hotel. You hear me?
29
30 U/F Yeah.
31
32 CARTER So goddamn, but listen. I don't know, I don't know how I
33 goddamn, goddamn, I don't know how to get in touch with the
34 goddamn, but goddamn---
35
36 U/F I mean, I'm her -- I mean I can hit her up on Facebook. I mean
37 she's probably gonna think it's on some, on some whatever, but
38 I'm just gonna tell her, look, I'm just trying to handle business for
39 bro. Like all the other mess -- what's that noise? Oh ---
40
41 CARTER Tell her -- try to have him -- you and her try to come up with a
42 goddamn [inaudible] so she can tell them people something else
43 instead of goddamn that I came and picked her up.
44
45 RECORDING Your recording has reached the maximum length. To replay your
46 message press one.

1 U/F Keep talking, bro, I can hear you.
2
3 RECORDING To re-record your message, press three.
4
5 CARTER Yeah, goddamn. You all could come up with something.
6
7 RECORDING For delivery options, press four.
8
9 CARTER Because them goddamn -- them people goddamn ---
10
11 RECORDING To cancel this message, press star. To send this message now,
12 press pound or hang up. [Voices overlapping]
13
14 CARTER Tell them people, goddamn, that I ain't got ---
15
16 U/F [inaudible], bro.
17
18 CARTER Huh?
19
20 RECORDING To replay your message, press one. To delete and re-record your
21 message, press three. For delivery options, press four. To cancel
22 this message, press star. To send this message now, press pound or
23 hang up.
24
25 CARTER You heard what I said, though?
26
27 U/F Yeah, I hear you.
28
29 RECORDING To replay your message, press one.
30
31 CARTER Yeah, [inaudible].
32
33 RECORDING To delete and re-record your message, press three.
34
35 U/F [inaudible] [Voices overlapping].
36
37 RECORDING For delivery options, press four. To cancel this message, press
38 star. To send this message now press pound or hang up.
39
40 U/F I can't hang up so you just got to talk over it, bro.
41
42 CARTER Yeah, try to goddamn, get rid of them goddamn ---
43
44 RECORDING Your message has been sent.
45
46

1 U/F Okay.
2
3 RECORDING Thank you for using T-Mobile voicemail. Goodbye.
4
5 CARTER Damn, why you didn't just press star and tell it to not send?
6
7 U/F I did, but when I'm on a conference call it ain't letting me do none
8 of that.
9
10 CARTER Oh, goddamn, try to goddamn get in touch with her. I mean, try to
11 pull up on her. I mean, hit, hit her up and goddamn tell her
12 goddamn y'all need to talk about that shit, goddamn. And
13 goddamn come up with a story saying that I ain't goddamn, I ain't
14 come pick her up. Tell her to change her statement so her
15 statement can't be credible, you know what I'm sayin'?

16
17 U/F Yeah.
18
19 CARTER Yeah, That's the thing. All that shit she ---
20
21 U/F And I, and I could take her to get that notarized. Say, you know
22 what I'm sayin', she could say that, you know, she was drunk that
23 night, turnt up or whatever, you know what I'm sayin'?

24
25 CARTER Yeah. And goddamn, tell her goddamn, man. Yeah, tell her, tell
26 her she -- tell her the only she got to say that yeah, I did goddamn,
27 I did come goddamn scoop her, I did come scoop her.
28
29 U/F Uh-huh.
30
31 CARTER That I -- but I was by myself, you know what I'm sayin', when I
32 came and scooped her. And goddamn, and that we -- that me and
33 her went to go pick up the other B-M and then we went to
34 goddamn, um, the hotel. Budget Inn. You heard me?
35
36 U/F I hear you, bro. I'm listening.
37
38 CARTER Yeah, you ---
39
40 U/F I done wrote everything down.
41
42 CARTER Yeah, you gotta say it just like that now. Tell her to switch ---
43
44 U/F Okay.
45

1 CARTER Tell her to switch the story and tell them that I came and picked
2 her up by myself and ---
3
4 U/F Uh-huh.
5
6 CARTER We went and got the other B-M, you know what I'm sayin'?
7
8 U/F Uh-huh.
9
10 CARTER And, and we got dropped off in, uh, ah, at the Budget Inn on Broad
11 Street, you feel me?
12
13 U/F Okay, the Budget Inn on Broad Street.
14
15 CARTER Yeah, and that we never, we never went to River Glen, we never
16 went to them apartments. You hear me?
17
18 U/F Okay.
19
20 CARTER We never ---
21
22 U/F You said what, what?
23
24 CARTER Huh?
25
26 U/F You never went to ---
27
28 CARTER We ---
29
30 U/F River Glen, okay.
31
32 CARTER We never went to River Glen apartments. Went straight to the
33 hotel; you know what I'm sayin'?
34
35 U/F Okay.
36
37 CARTER Tell her, tell her to say, tell her say, um, that, uh, uh, tell her to say
38 that her friend guy -- had, had the rental car that was in her name
39 and I pulled up, I pulled up in a, um, a Chrysler 200, a silver
40 Chrysler 200.
41
42 U/F Okay.
43
44 CARTER You know what I'm sayin'? Tell her a friend guy had her car, you
45 know what I'm sayin'?
46

1 U/F Okay.
2
3 CARTER That [inaudible], you know what I'm sayin'? I need to get that
4 done before goddamn next month. I don't know if I'm going to
5 trial or not. He was talking like it was going to trial, but he -- they
6 were so mad that I wouldn't goddamn say nothing, right? He tried
7 to offer me a deal ---
8
9 U/F Uh-huh.
10
11 CARTER And I was like, hell, no. You know what I'm sayin'? I don't give a
12 fuck about none of this shit. All of them were mad. The solicitor.
13 I mean the solicitor was in there, my lawyer, the goddamn, the um,
14 the, the, the, the, um, investigator, all of them were mad. They
15 were mad. You know what I'm sayin'? They were mad as fuck.
16
17 U/F What was, what was the deal they tried to give you?
18
19 CARTER They said if I got them -- tell on my co-D tell them anything about
20 my co-D, goddamn, they'll, they'll, they'll time serve me right
21 now, let me go home.
22
23 U/F Who was your co-D?
24
25 CARTER Uh, shit, you know what the fuck going on [inaudible].
26
27 U/F Yeah, yeah, yeah. But the whole, but the whole time then, that
28 wouldn't even be, that wouldn't even be time served. That
29 wouldn't even be a five years. They ain't giving out that little bit
30 of time for stuff like that, they tried to play you.
31
32 CARTER Yeah, I already know. But see listen, I ain't even going for none
33 of that shit. I told the motherfucker to get out of my face. You
34 know what I'm sayin'? And the lawyer bringing up Chub, man.
35 Talking about, your Uncle Chub, you listen to him and his
36 information. He don't know what the fuck going on. He's not a
37 goddamn paid lawyer. He's not legal with this stuff.
38
39 U/F You ain't -- he ain't no real lawyer or he'd have his own office.
40 He wouldn't be no motherfucking public defender. That's what
41 you should've told that bitch.
42
43 CARTER Yeah, I told ---
44
45 U/F Shit, what the fuck he talking about?
46

1 CARTER I told his ass off. I told him, I, I told him he was so hot he was
2 turning red. You know what I'm sayin'? That's how I know they
3 ain't gonna -- and, and, and, and the, and the guy ---
4
5 U/F Them motherfuckers work together.
6
7 CARTER And -- yeah, I already know. And the shit from SLED, they it ain't
8 got nothing to do with this case. No fingerprint from this case, you
9 know what I'm sayin'? Word. No fingerprint. Fingerprints
10 already came back. Ain't got nothing to do with this
11 motherfucking case. You feel me? So now they trying to bring,
12 bring me down here to get me to say some shit, you know what
13 I'm sayin'? I wouldn't, I wouldn't break for them so they,
14 goddamn, they mad as fuck.
15
16 RECORDING You have one minute left.
17
18 CARTER You know what I'm sayin'?
19
20 U/F Yeah.
21
22 CARTER Hell, yeah. But goddamn, man, try to goddamn do that shit for me
23 and get that shit handled for me, sis. You heard me?
24
25 U/F Huh?
26
27 CARTER I said try to get that happening for me, man, all that what I told
28 you.
29
30 U/F I got you.
31
32 CARTER I don't know what they gonna do next month, man. You know
33 what I'm sayin'? All I know is that I need to be on point.
34
35 U/F I got you, bro. I got you, matter of fact, I'm about as soon as I
36 hang up this phone I'm about to start making some phone calls
37 now. And like I said, I'm, I'm gonna see if my home girl right
38 here gonna tell me to pull up on the street real quick so I can
39 goddamn make some plays. Call me back 'cause you might catch
40 me while I'm out. That's why ---
41
42 CARTER Okay. I'm gonna try.
43
44 U/F Call me back 'cause you might catch me while I'm out and, and,
45 and, I, I need you to talk to some peop -- you know what I'm
46 sayin'?

1
2 CARTER Yeah, I'm gonna try to call you ---
3
4 U/F It would be so much easier, it would be so much easier if you
5 could get in touch with your brother, he could help me. I know
6 you feel [inaudible] with your little beef and stuff too, you know
7 what I'm sayin'?
8
9 CARTER Yeah.
10
11 RECORDING Thank you for using Securus.
12
13 U/F I'm just trying to help you by the end of the day.
14
15 CARTER Word.
16
17 RECORDING Goodbye.
18
19
20 [END OF RECORDING]
21
22
23
24
25
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TRANSCRIBER'S CERTIFICATE

I, Mona Jones, hereby certify that the foregoing pages are a true, accurate, and complete transcript of the Rashawan Carter jail call recording, transcribed by me from a copy of the electronic audio recording to the best of my knowledge and ability.

Date: October 27, 2017



Mona Jones, Transcriber
at North Augusta, South Carolina

STATE'S
EXHIBITR. Carter 42-14-18
14 A b3

1 Jail Call (6) -- Rashawan Carter -- 07-12-16

2
3 RECORDING

Hello, this is a free call from Jordan, an inmate at Aiken County Detention Center. This call is subject to recording and monitoring. Video -- thank you for using Securus. You may start the conversation now.

7
8 CARTER

Hello? Hello?

9
10 U/F

I'm pulling up now, bro. [Noise in the background]

11
12 CARTER

Pulling up at bro's house?

13
14 U/F

Yeah, I'll be there in, like, two minutes, if that.

15
16 CARTER

Hell, yeah. This the last call them niggas say they gonna give me, man. Hey, let me get -- hey, they looking out for me, but see, hey. Hey, why do you -- I wish I could've used them visits goddamn day by day instead of goddamn one day.

17
18
19
20
21 U/F

Yeah, nah, you'll get more. Tell G-G I said call me.

22
23 CARTER

[Inaudible]

24
25 U/F

Tell him, tell him make sure he call me.

26
27 CARTER

All right.

28
29 U/F

Watch this, watch this work, bro, you'll -- you ---

30
31 CARTER

Oh, I hope it do.

32
33 U/F

I had to stop and get my daughter something to eat, but we about to pull up right now. We up on Columbia.

34
35
36 CARTER

Yeah. I need you to pull up at his --and pull up on the dirt. You heard me?

37
38
39 U/F

[Addresses third-party in the background] Give me that drink. Come on.

40
41
42 CARTER

Huh?

43
44 U/F

Yeah.

1 CARTER Hello?
2
3 U/F Yeah, I'm here, bro. I ain't going nowhere.
4
5 CARTER Oh. I said when you, when, when, uh, that, that ---
6
7 U/F [Addresses third-party in the background] I'm sorry. [Voices in
8 the background].
9
10 CARTER What make me so mad that, that his baby brother facing life, life
11 sentence charges and he can't even goddamn -- I can't even keep
12 in touch with the nigga.
13
14 U/F Hello?
15
16 CARTER Hello?
17
18 U/F Yeah.
19
20 CARTER Heard what I said?
21
22 U/F What'd you say, bro?
23
24 CARTER I said I'm, I'm facing big boy charges and he can't -- I can't even
25 get in touch with that nigga. Sorry ass nigga.
26
27 U/F I, I told you, you see, you see how your, uh, your brother do you.
28 He even told goddamn Logan that he done talked to you.
29
30 CARTER Yeah, lying and shit. Lame as hell, boy.
31
32 U/F And it wasn't necessary to do that anyway.
33
34 CARTER Nigga, like, he don't want to talk to me or something? Like, he
35 don't give a fuck about me goddamn catching time or nothing.
36 When I get out and run it up, man, listen. That nigga gonna -- he
37 gonna hate me. I'm telling you. [Chuckles] He gonna hate me,
38 boy, 'cause he ain't gonna be in the will you know what I'm
39 sayin'? For real.
40
41 U/F Uh-huh.
42
43 CARTER I'm telling you, boy.
44

1 U/F [Addresses third party in the background] Get your ass back before
2 you get more slapped. I give you something to drink in a minute.
3 Y'all sit back.
4
5 U/F2 [In the background] Sit your motherfucking ass back. Don't play.
6
7 CARTER What he don't know is that I got a goddamn super-duper plug.
8 You hear me?
9
10 U/F Huh?
11
12 CARTER I got me a super-duper plug.
13
14 U/F Don't even, don't even speak on it. Just, just, just let it manifest
15 itself 'cause you ain't gonna be in there long. This --that-- this
16 what people do when you get locked up though, bro, that's why
17 you got -- [Voice in the background] Yeah, this is exactly how
18 you-- like my sister just said -- this is how you separate the real
19 from the fake right here.
20
21 CARTER Damn right. Goddamn, but shit -- this pin I'm talking on, this pin
22 legit. You know what I'm saying.
23
24 U/F Uh-huh.
25
26 CARTER Yeah, this pin that I'm talking on legit. We straight, you know
27 what I'm sayin'? I feel you.. Where you at, sis? You done pulled
28 up yet?
29
30 U/F We almost there, bro. We almost there, I promise. We about to
31 pull up.
32
33 CARTER All right.
34
35 U/F Just give it a second. We ain't far.
36
37 CARTER Word. Hey, I wonder why the fuck, goddamn, she usually don't
38 act like this that long man. I wonder why the fuck she acting like
39 that.
40
41 U/F 'Cause she back at her mama house, that's why. She -- when she
42 was staying with me, I mean, of course I was gonna tell her to put
43 money on your books and stuff like that, but her mama isn't just
44 gonna [inaudible] her ass up now.
45
46

1 CARTER I'm talking about ---
2
3 U/F But really, bro, you, you can't focus on that. She not doing it, let
4 it go. You hear what I'm saying? 'Cause that just gonna add extra
5 stress and you trying to get the fuck up out of there. I keep telling
6 you that.
7
8 CARTER I know. I'm, I'm talking about -- I ain't really worrying about her.
9 I'm worried about my son.
10
11 U/F Huh?
12
13 CARTER I'm not worried about really her. I'm worried about my son. You
14 know what I'm sayin'? I'm trying to get ---
15
16 U/F I know you worry about your son, but it ain't -- he good. It ain't
17 nothing you can do about the situation; you know what I'm sayin'?
18 It ain't no need to stress about it right now.
19
20 CARTER Right. Right.
21
22 U/F Being bad as usual.
23
24 CARTER Yeah. Shit, he'll be a goddamn ---
25
26 U/F Oh, that's [inaudible].
27
28 CARTER He'll be one-years old in, in, in goddamn ---
29
30 U/F Huh-uh.
31
32 CARTER Before you know it.
33
34 U/F That ain't Ray-Ray brother though. That ain't him, that's Dan --
35 uh, Phoebe husband next to him. All right, I'm passing Don P's
36 house right now.
37
38 CARTER Yeah.
39
40 U/F So I guess I'll be there in, like, the next 30, 45 seconds.
41
42 CARTER I say my son'll be goddamn, he'll be turning one in, in a couple
43 more months. What he, like, eight months now?
44
45 U/F Who?
46

1 CARTER My son.
2
3 U/F Yep. Nah, bro.
4
5 CARTER I -- he, well he almost eight months then. 'Cause he should be
6 seven ---
7
8 U/F Nah, he not, that nigga like, that nigga six months.
9
10 CARTER I thought he was seven months.
11
12 U/F Nah, he is eight months. Boy, I'm tripping.
13
14 CARTER Yeah. I know I ain't tripping now. I know, I know what the hell --
15
16 U/F I'm tripping.
17
18 CARTER Yeah.
19
20 U/F Talking about, uh, Marquel. Marquel. Hey, my poor little kids be
21 talking about him all the time. They keep saying they, uh, they
22 keep saying they, um, miss Marquel.
23
24 CARTER Damn right. Yeah.
25
26 U/F Hey, she keep him away from my kids, too. That's dirty though.
27
28 CARTER Yeah, that is.
29
30 U/F But that's how people do it. I try to tell the kids there ain't nothing
31 I can do about it; you know what I'm sayin'? You can't have a
32 baby staying with them for four months and then when you just
33 want to vanish you just take the kids away from them too, that ain't
34 cool.
35
36 CARTER Yeah. You know, Marquel he [inaudible] anyway, funny just like
37 his dad. He a goofy motherfucker. [Laughs]
38
39 U/F Yeah. Hey, he loves his auntie now. I be singing that song
40 [inaudible]. I be singing that song, hey y'all by [inaudible].
41
42 CARTER What up?
43
44 U/F Is he ever goofy? We turning up -- we turning in now.
45
46

1 CARTER All right. See if you can call that [inaudible].
2
3 U/F [Addresses third party in the background] Stop sign right there.
4 Stop sign right here, you make this right.
5
6 CARTER That be a [inaudible]. You don't see no cars out there?
7
8 U/F I'm gonna check, look, to keep the confrontation down I'm gonna
9 send my sister in there with the phone. You know what I'm sayin'?
10 [Addresses third party in the background] Right here, right here.
11
12 U/F2 Right here?
13
14 U/F No, go up this -- right here.
15
16 CARTER That'll work.
17
18 U/F Yeah, 'cause I don't want nobody to think -- right here Dee-Dee.
19
20 U/F2 Where?
21
22 U/F Right here.
23
24 U/F2 Right here?
25
26 U/F Yep.
27
28 U/F2 This shit hole?
29
30 U/F Yep. [Chuckles] Hold up. Here you go.
31
32 CARTER [Background Noise] Hello? Hello?
33
34 U/M [inaudible]
35
36 CARTER Hello?
37
38 U/M Hello?
39
40 CARTER What's up, bro?
41
42 U/M Yeah. Let me get the door.
43
44 CARTER What's up?
45
46

1 U/M Hello?
2
3 CARTER Yeah, what's up, man?
4
5 U/M What's up, bro? [inaudible]
6
7 CARTER Goddamn, man, that's how you do it, man?
8
9 U/M Huh?
10
11 CARTER That's how you do it, bro?
12
13 U/M Man, what are you talking about?
14
15 CARTER Why I ain't talked to you in so long, bro? Come on, bro.
16 Goddamn, man.
17
18 U/M [inaudible] Huh?
19
20 CARTER Man, what the fuck going on, man? You know goddamn well I'm
21 facing life sentence charges, bro. I ain't got nobody out there, bro.
22 I asked you to send me some money, bro, you keep telling people
23 you gonna send me some, you ain't sent it.
24
25 U/M I just, I just sent you some money, bro. What the hell is you
26 talking about?
27
28 CARTER What money?
29
30 U/M Yeah, I just gave Mom Dukes some money, like, three days ago,
31 for her to give you, bro?
32
33 CARTER How much money?
34
35 U/M She should have forty-five dollars.
36
37 CARTER Man, man, listen, bro. Mom Dukes ain't put no money on my
38 books. What is you talking about, bro?
39
40 U/M Man, listen here, bro. I just gave Mom Dukes forty-five dollars,
41 bro, the other day, bro. I paid your, I paid the dude to goddamn --
42 to take her up there to put the money on your book, bro.
43
44 CARTER Hey, well, listen, man, listen. I need twenty dollars ---
45
46

1 U/M It shoulda been, shoulda been ---
2
3 CARTER Hey, listen. I need to put -- I need twenty dollars to go on
4 goddamn -- I need it to go on my one, two account.
5
6 U/M Yeah.
7
8 CARTER Can you get a, can you give Dee-Dee the twenty dollars for me,
9 bro?
10
11 U/M I got you.
12
13 CARTER I'm talking like give it to her now, bro, while we on the phone.
14
15 U/M You say what?
16
17 CARTER Give it to her while we on the phone, man.
18
19 U/M I just said I got you, bro.
20
21 CARTER I need that shit ---
22
23 U/M Hold on.
24
25 CARTER So goddamn -- you hear me?
26
27 U/M Huh?
28
29 CARTER The investigator just took me downtown; you hear me?
30
31 U/M Yeah, I'm listening.
32
33 CARTER They just took me downtown, goddamn, trying to get me to tell
34 some shit and talking about that if I tell some shit they'll let me out
35 today with time served, right? So I told the motherfucker, get the
36 fuck out of my face, man.
37
38 U/M Say what?
39
40 CARTER Yeah, I told the motherfucker, get the fuck out of my face, man.
41 You know I'm sayin'? So goddamn, listen, man. Goddamn ---
42
43 U/M I'm listening.
44
45 CARTER Goddamn, your B-M, she in the car, you know what I'm saying?
46

1 U/M Huh?
2
3 CARTER Jazz in the car, man.
4
5 U/M Oh, she is?
6
7 CARTER Yeah, she out there, man, goddamn, she, she, got the whole run
8 down. Goddamn, what, what the fuck going on and what, what,
9 what you and her need to goddamn, what you and her need to do.
10 So you goddamn ---
11
12 U/M Yeah.
13
14 CARTER You need to go out there to the car and holler at her, bro. Straight
15 up, bro.
16
17 U/M I'm about to give twenty dollars [inaudible].
18
19 CARTER All right, but you need to go out there and holler at Jazz ASAP,
20 man, so she can give you the rundown of what the fuck that was
21 fixin' to go on, my nigga. You know I'm saying'?
22
23 U/M Yeah.
24
25 CARTER And goddamn ---
26
27 U/M Okay.
28
29 CARTER You be talking to -- you be talking to Whitney?
30
31 U/M Huh?
32
33 CARTER You been talking to Whitney?
34
35 U/M Sometime, you already know how that go.
36
37 CARTER Well, you need to get at her ASAP, bro, before next month and
38 goddamn you need, you need, you ---
39
40 U/M Do what now?
41
42 CARTER You need to get at her ASAP, man, you need to tell her -- you need
43 to ask, ask sis what I told her to tell Whitney and you --and
44 goddamn, she need to get to you so you can tell her to tell it, you
45 know what I'm sayin'? Y'all need to get, all three of y'all need to
46 get together, man. Put all that bullshit aside and goddamn handle

1 this shit, man, so I can get the fuck up out of this [inaudible], bro.
2 That's the only way, bro. You know what I'm sayin'?

3
4 U/M Yeah.

5
6 CARTER Whitney need to change her statement 'cause Whitney said that
7 goddamn, I ---
8

9 U/M I'm gonna do it when I get back.

10
11 CARTER Came -- she say I came and picked her up, you know what I'm
12 sayin'? You hear me? Hello! Hello? Man, come on, man.
13

14 U/M Yeah.

15
16 CARTER Damn, bro, this is my life, bro.
17

18 U/M Bro, can you hear me now?
19

20 CARTER Yeah.
21

22 U/M This phone keep going in and out, bro, 'cause of the [inaudible]
23

24 CARTER Man, listen. Well, go out the door with Jazz then, bro. Damn.
25 Listen, you hear me?
26

27 U/M Yeah, I'm listening.
28

29 CARTER Listen, bro. Y'all need -- man, listen, man. Goddamn, go out
30 there with Jazz, man. You know what I'm saying? You gave, you
31 gave Dee-Dee the twenty dollars?
32

33 U/M Yeah, I just gave it to her.
34

35 CARTER Well, go out there with Jazz, bro.
36

37 U/M Okay.
38

39 CARTER Real quick so I can holler at both of y'all. Go out there with her,
40 bro.
41

42 U/M Yeah, 'cause you about to run out of time [inaudible]. You know
43 that.
44

45 CARTER Just saying, bro, this is my life, bro. This is real shit, bro.
46

1 U/M Yeah.
2
3 CARTER Real talk, bro. It's crunch-time, bro [inaudible] ---
4
5 U/M [Addresses third party in the background] You got your kid with
6 you?
7
8 CARTER Say what?
9
10 U/M Have your kid here?
11
12 CARTER Say what?
13
14 U/M I was talking to somebody else. Hold on.
15
16 CARTER Hurry up, bro.
17
18 U/M Hold on, bro, [inaudible].
19
20 CARTER But we ain't got that much time, bro. I already on the phone about
21 ten minutes.
22
23 U/M Say what now?
24
25 CARTER I ain't got that much time. I already been on the phone about ten
26 minutes, bro. They fixin' to say one minute in a minute. I need
27 you to go out there -- say what?
28
29 U/M Hold on, I gotcha, she right here. Hold on.
30
31 U/F What's up, bro?
32
33 CARTER Hey, listen. I already, I already told him, goddamn, you gonna
34 goddamn let him know what the [inaudible], so what y'all need to
35 goddamn say and what y'all need to [inaudible]. I told him about
36 goddamn Whitney, what you need to tell her to say, you know
37 what I'm sayin'? And goddamn, how y'all all need to get together
38 so goddamn, y'all can come up with something to free me, you
39 feel me? You hear me? Hello? Hello? Hello? Hello? Hello?
40 Hello? Hello? Hello? Hello? Hello? Hello? Hello? Hello? Hello?
41 Hello? Hello?
42
43 U/F Hello? Bro.
44
45 CARTER Hey, yeah. You heard what I said?
46

1 U/F Yeah. Look, okay, now what -- now say what you were saying
2 again 'cause I, I could quite hear you.
3
4 CARTER I said, I said goddamn, I already gave him the little rundown about
5 goddamn what you and him need to goddamn say. And goddamn
6 what I told you to tell Whitney to say, goddamn. I said y'all need
7 to get together and goddamn ---
8
9 RECORDING You have one minute left.
10
11 CARTER Y'all can goddamn come up with something to free me. You hear
12 me?
13
14 U/F Uh-huh.
15
16 CARTER So goddamn, he gave Dee-Dee twenty dollars for me so you can
17 put it on my one, two account. You still got my, my, my, my
18 inmate number?
19
20 U/F Yeah, I got it. [Addresses third party in the background] He gave
21 you twenty dollars?
22
23 U/F2 Yeah.
24
25 U/F Yeah? Okay. And, okay, do I got -- I need, I need to put that on
26 debit card and put it on the inmate -- I got that written down, I got
27 you, bro.
28
29 CARTER Yeah, goddamn, you might have to ---
30
31 U/F [Addresses third party in the background] Give me that cigarette.
32
33 CARTER You might have to add a couple dollars to that motherfucker, you
34 hear me?
35
36 U/F Yeah, bro. Like, how much? Like, ten?
37
38 CARTER Like, yeah, like ten dollars, you know what I'm sayin'?
39
40 U/F Well, I might put that on your, um -- I don't smoke one hundred's
41 no more.
42
43 CARTER On my, on inmate debit account, you hear me? It's called inmate
44 debit account.
45
46

1 U/F Okay.
2
3 CARTER All right, and goddamn, tell him to go check on Chub and, and you
4 tell him what to tell Chub, and goddamn tell him ---
5
6 U/F Tell Chub -- hold up, bro. Tell Chub what now?
7
8 CARTER Tell Chub what's going on. And goddamn tell him what's going
9 on. That the people came and ---
10
11 U/F Phone about to hang up. Love you, bro, love you, bro. All right, I
12 got you.
13
14 CARTER Love you, too. All right.
15
16 U/F All right.
17
18 RECORDING Thank you for using Securus. Goodbye.
19
20
21 [END OF RECORDING]
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
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46

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TRANSCRIBER'S CERTIFICATE

I, Mona Jones, hereby certify that the foregoing pages are a true, accurate, and complete transcript of the Rashawan Carter jail call recording, transcribed by me from a copy of the electronic audio recording to the best of my knowledge and ability.

Date: October 28, 2017



Mona Jones, Transcriber
at North Augusta, South Carolina

Trayvon Coleman (Possible suspect)

Annie Elam (Neighbor @ 308 Bransly)
(803) [REDACTED]

Treasure Simpkins (Bystander)

[REDACTED] 301 Maurice
803 [REDACTED]

Quinn Simpkins (Bystander)

[REDACTED] 301 Maurice
803 [REDACTED]

Vasmine Hammond (Bystander)

10-13-94 301 Maurice
803- [REDACTED]

* Elizabeth Miller (Victim)

[REDACTED]
803- [REDACTED]

3 black males

STATE'S
EXHIBIT

98

02-14-10

no

R. Carter

Timeline of phone usage

01:52 Rick Jackson called Melvin Chandler

03:50 Rick texted Scruggs "Where yall parked at"

03:50 Scruggs responded "Luky 7"

Voice communication between Rick & Scruggs at 352, (355 Mapped at Lucky 7 in Augusta), 356, 358, 359, 408, 412

05:03 Rick texted Scruggs "He leaving to Fuxk a Bitch"

05:03 Rick texted Scruggs "I doubt if he bome there but juss be 050"

05:04 Rick texted Scruggs "He said he bum in back so go head"

05:06 Scruggs texted Rick "See were He at is he Leave. N Da house or wat"

05:07 Rick to Scruggs "Go Head fool"

05:07 Keith Byrd outgoing to Melvin

05:10 Keith Byrd outgoing to Melvin

05:11 Melvin called Gerrin Amiker

05:12 Melvin called Elizabeth Miller (no answer)

05:13 Melvin called Elizabeth Miller (no answer)

05:14 Melvin called Keith Byrd

05:14 Melvin called Donte Glover "Trill

05:16 Rick texted Scruggs "Tighten up they know was going on Leave Now"

05:17 Melvin called Keith Byrd

05:18 Scruggs has missed call from Rick

05:55, 05:56, 05:59 Carter received calls from [REDACTED] (Antoinette Simpkins)

06:51 Poppa's phone called Patrick Neely

07:26 Carter gets call from Treasure Simpkins (Carter maps downtown Augusta, River Glen)

07:41 Patrick Neely called Carter (Carter is said to be at Budget Inn, Maps in that area)

07:51 Patrick Neely called Carter (Carter is said to be at Budget Inn, Maps in that area)

**STATE'S
EXHIBIT**

101

EXIGENT CIRCUMSTANCE REQUEST FORM

MUST BE SUBMITTED WITH AGENCY FAX COVER SHEET WITH LOGO TO FAX (813) 801-8863

TMO LER CONTACT: _____

PLEASE PRINT OR TYPE

AGENCY NAME Aiken Department Public Safety
 AGENCY ADDRESS 251 Laurens Street NW Aiken, SC 29801
 AGENCY PHONE # 803-642-7620 AGENCY FAX # 803-642-7681
 REQUESTING AGENT'S NAME Jeremy Hembree
 REQUESTING AGENT'S TITLE Detective BADGE/ID # 321
 AGENT'S CALLBACK # 803-215-1772 AGENT'S E-MAIL jhembree@cityofaikensc.gov
 SUPERVISOR'S NAME Martin Sawyer SUPERVISOR'S PHONE # 803-642-7688

If PSAP calling on behalf of a Law Enforcement Agent declaring exigent circumstances, please complete below in addition:

PSAP AGENCY NAME _____
 PSAP OPERATOR NAME & ID # _____
 PSAP OPERATOR CALLBACK # _____ OPERATOR'S E-MAIL _____
 PSAP SUPERVISOR'S NAME _____ PSAP SUPERVISOR'S PHONE # _____

I hereby certify that I am a member of the above named government agency and have been granted authority by that agency (or as a 911 operator, am acting on behalf of someone granted that authority) to determine and declare an exigent circumstance involving:

- a) immediate danger of death or serious physical injury to any person,
- b) conspiratorial activities threatening the national security interest, or
- c) conspiratorial activities characteristic of organized crime

I understand that the decision to provide T-Mobile information or services is at the discretion of T-Mobile. I understand that T-Mobile may receive cost recovery for certain services. If it is later determined that one or more of the above conditions does not exist and my request is not covered by an appropriate legal demand, I understand that I may be held liable for civil and/or criminal penalties either as an individual, as an organization or both. By signing this form, I certify the information herein is true and correct.

The emergency which exists is as follows: On 05/09/2015 the Aiken Department Public Safety responded to a home invasion in which shots were fired. Upon arrival a male was located with a gunshot wound to the head. The investigation has provided us with a telephone number for an unknown individual who was involved in the incident. The male located with the gunshot wound has been deceased as a result of the gunshot.

T-Mobile Phone Numbers or Customer Names Involved: 803-761-5459

The urgency of the situation (and/or other factors) renders it unfeasible to obtain a search warrant or probable cause court order. I am requesting that T-Mobile provide the following records and/or service(s) [Please mark all that apply]:

XXXX ☐ Current Subscriber Information ☐ Call Detail Records (within the past 48 hours)
 XXXX ☐ Call Detail Records with Cell Site Information (within the past 48 hours) XXXX ☐ Real-Time Location of the Mobile Device (E911 Locator) ☐
 _____ Other, please specify: _____

- * You must have access to CALEA delivery equipment currently established with T-Mobile to receive CALEA based services.
- * Pursuant to 18 U.S.C. §§ 2518, 2701, 2702, 3125 and any other applicable Federal or State statute, all lawful interception and location information assistance will terminate if the appropriate legal demand or customer consent is not received within 48 hours. The valid legal demand or customer consent should reference the existence of your completed exigent circumstance request form. Use beyond 48 hours may also incur fees.
- † You must have an e-mail address with a government domain listed above to receive updates.

[Signature]
 SIGNATURE OF REQUESTING AGENT

05-09-15
 DATE

PENGAD 800-831-6888	COURT'S
	EXHIBIT NO. <u>2</u>
	IDENTIFICATION/EVIDENCE
	DKT.# <u>R. Carter</u>
	DATE: <u>02-14-15</u>

Legal Affairs ~ Law Enforcement Relations

4 Sylvan Way Parsippany NJ 07054 • (973) 292-8911 • (813) 801-8863 (FAX)

T-Mobile
 stick together™

COUNTY OF AIKEN

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

The State of South Carolina,

vs.

Rashawn Carter,

Defendant

**INITIAL MOTION IN LIMINE TO
SUPPRESS/REDACT VIDEO**

Warrants:

2015A0220100496

Burglary 1st

2015A0220100497

Kidnapping

2015A0220100501

Armed Robbery

2015A0220100502

Weapon V. Crime

2015A0220100503

Firearm Felon

2015A0220100504

A&B 1st Degree

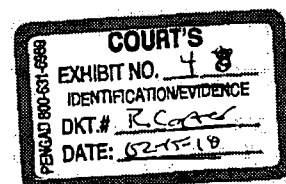
Carter moves to suppress/redact the interrogation videos as follows:

The State moves to admit this video as an Admission by the Defendant under Rule 801(d)(2). However, while Rule 801(d)(2) classifies as non-hearsay statements of the defendant, statements of the interrogators themselves are hearsay and otherwise subject to analysis for admissibility or exclusion under the Rules of Evidence. *State v. Brewer*, 411 S.C. 401, 768 S.E.2d 656 (SC 2015); *State v. King*, 416 S.C. 92, 784 S.E.2d 252 (SC App 2016).

The entire interrogation video is permeated with burden-shifting comments by the investigators, in violation of the 5th and 14th Amendments to the Federal Constitution as well as parallel provisions in the State Constitution.

The investigators make reference to information and statements they have gathered in the course of their investigation, which references constitute prohibited hearsay.

The investigators accuse the defendant of lying throughout this video.



The investigators express their theory of the case, that the defendant acted in concert with others to perpetrate the armed robbery, and something went wrong, which is likewise impermissible opinion and hearsay.

The investigators refer to the deceased, and imply that the defendant should "help" or give a statement on this basis, which is burden-shifting and also in violation of rule 403 (appealing to emotions or prejudice of jury).

Carter moves specifically to exclude the statements of the investigators on the bases set forth below:

Time		Objection basis
2:15	Miranda discussion	
	Morlan asks Rashawn to recount where he was last night R says at 10 o'clock last night. He was with his girl "on the way to the house", on Baldwin off Reynold's Pond road. Went to sleep, woke up, went to her sister's house.	
5:05	That is where he and Jasmine are staying right now.	
6:15	Got in car at 10:02, arrived home about 10:15. Coming from her mother's house in Hahn Village.	
6:50	Now re-phrasing, Jasmine was coming from her mother's house in Hahn Village, picked R up from his brother's house, want to Baldwin.	
7:15	Asked re phone, R says he talked to his mother, his brother Ricky, to Jasmine. Jasmine picked him up from his brother Ricky's house, right there on Hampton Avenue.	
8:00	His mother is Diane Carter.	
9:00	Ricky's number is [REDACTED]; Mom's is [REDACTED]; Jasmine's is [REDACTED] - [REDACTED]	
10:20	R's number is [REDACTED]	

10:40	Asking re "other number", R says "that's not on, she just uses it for Facebook"	
10:50	Seems to say that Jasmine has his other phone (which is not on).	
11:00	Morlan asks if he talked to them from this phone, R says no, he talked to them from his girls' phone (██████ – this is actually his phone that he says he lets Jasmine use)	
11:20	Morlan asks R re whereabouts around 5 or 6 Friday evening? R says Jasmine is pregnant, had a doctor's appt "a little before 5", then they went to eat at Popeye's. After Popeye's, Jasmine dropped him off at his mother's; then Jasmine took him over to his brother's and home to Baldwin.	
14:20	Left out from Baldwin today (Saturday the 9 th) at around 12 noon or 1. "That's what time I usually wake up."	
15:00	Cameron asks him if he went to Club Climax last night? "No sir!" R does not even know where that's at.	
15:30	"I got some of your people saying that were with you there at 2 and 3 in the morning." R says no. "Why would anybody tell a lie?" Couldn't have been me sir.	Hearsay; vouching for hearsay witnesses.
16:15	Clarifies that he got home at 10:20, but got to sleep around 12, woke up 12 noon or 1 pm.	
16:40	Asked "who was his first phone call this morning"? replies that he didn't make a call, but he got one, from his brother. Asked if that was only call; thinks, and then	
17:30	"What did you hear about this morning?" to which he replies, "nothing"	
17:35	R says he would like to know what they are asking about, why don't they just tell him?	
18:00	Morlan looks through R's phone	

18:00	Cameron asks if Jasmine was with R the whole time, from 10 pm til 1 pm, R says yes.	
	Cameron says well that's strange, because we have an officer in Hahn Village getting her information, and she (Jasmine) is standing in Hahn Village at 6 in the morning. R says Jasmine was in bed with him.	Hearsay
18:45	Cameron says who was it giving her name to our officers at 6 am at Hahn Village – R responds, "couldn't have been her".	hearsay
19:00	Cameron asks him, (1) was Jasmine at Hahn Village; (2) was R at Club Climax (3) did R make a call this morning? To all of which R says no.	
19:30	R says after he woke up, his brother called him, and that was around 12 or 1 pm.	
19:45	Morlan says there are no contacts in phone; R says something confusing about which phone he uses, but then says he erases everything out of it, because "you know"	
20:10	Morlan states that they will need to look at the [REDACTED] phone (shared?), in order to confirm what R is saying, R is cool with that	
20:35	Morlan says, you have to understand our point of view, you are saying Jasmine was somewhere and someone else is saying something else.	Hearsay; pitting witnesses
20:50	Morlan asks, "Did she leave?" – R says no	
21:00	Cameron asks, "Who is Black Boy?" R says he knows him, BB is "a very close friend of mine".	
21:15	"Who is PJ?" – R doesn't know	
21:50	R explains that Black Boy is some kind of kin to him	
22:00	R asks "what happened, what's going on?"	

22:10	Cameron asks if he knows "Patrick Neely"? R says yes. Patrick Neely is Rashard's (BB) brother.	
22:30	Cameron asks what time R called Patrick this morning? R says he hasn't even talked to him, period.	
22:55	"Getting a lot of conflicting stuff from you man."	Prohibited opinion as to truth or credibility (saying defendant is lying)
	R says "that's a very close friend of mine, I need to know what's going on."	
23:15	Morlan says, "Whatever you do, make sure you are forthright and truthful, and not lying."	Implying defendant is lying
23:25	Cameron says, "I know for a fact that Jasmine was standing in Hahn Village this morning, so I know for a fact that she couldn't have been in the bed with you." R says she was with him.	Hearsay
23:45	Morlan says "R, do you remember when we were at the apartment and I asked you what kind of car you were driving?" R says there was some misunderstanding re the silver car versus the black car, the silver car is his sister's car [Whitney].	Saying defendant had lied previously
24:20	Morlan says at the apt [In Columbia], when he asked R, R said he was driving the black car. Morlan says, basically, R was lying to him. Morlan expounds, and basically asks R why he lied?	Accusation of lying
25:00	R changes his story – R says at 10 pm last night, he was with BB [Rashard] at Club Climax, we came "up here" [Hahn Village?], BB says he's straight, gets out of car, that's last R sees of him.	
25:40	R says he got a call this morning, from his mother [BB's mother], and his brother, they say they are standing over his body.	
26:00	Morlan says, "We are getting there, but we're not quite there yet. We been dealing with this since 6 this morning.	Implying defendant is lying; reference to hearsay,

	There's like 6 or 7 people, that's all we're doing, turning stuff over. We got word you were in Columbia, and sure enough, there you are."	investigation; vouching for outside information
26:30	Morlan says, "We've got to figure out what happened, and we want to hear your side of the story." Morlan speechifies, ending up with "things go wrong, and you guys ended up losing a guy you care about, right or wrong?"	Burden shifting; prohibited expression of opinion re law enforcement theory; hearsay
27:00	R starts crying	
27:50	R says the last time he saw BB was 10 o'clock last night.	
28:00	R says after Climax, they went straight to Carolina.	
28:20	Morlan says "cut the bullshit". "you know things are coming together." "you know, you get in front of the bus and things can be worked out later."	Accusation of lying; reference to law enforcement theory of case; hearsay; burden shifting
28:40	"But you got to answer for what you did, the best thing you can do is say you know what guys. Morlan speechifies again, about how R can help himself by admitting guilt."	Burden shifting; accusation of lying
29:00	R denies knowing what happened, Morlan replies, we know better than that. "I'm asking you man to man to be straight up with us."	Burden shifting; accusation of lying
29:20	"We have an obligation for that Mom to find her closure."	Reference to victim [in this case, not the female victim of the crime in issue, but rather the deceased perpetrator – but effect is the same, to appeal to emotions of jury]
	Morlan says he can speak for R if R admits what he did. "Don't screw up what's going on as far as positive on your end."	Burden shifting; accusation of lying
29:50	You've been decent and respectful, "but you started lying to us right off the bat."	Accusation of lying
30:00	Cameron says, R you've got to understand, we know the answers to	Reference to hearsay; reference to investigation; accusation of lying

	some of the questions we are asking you, but you know all the answers.	
0:11	R repeats, the last time he saw Rashad was at 10 last evening.	accusation of lying
	Morlan makes clucking noises, implying that he knows R is lying.	
0:30	Morlan asks who all R was at Climax with	
	R says just BB and his brother	
1:00	R says BB had a permit, and he drove "my girl's car".	
1:15	R says they left early, they didn't stay til closing time	
1:20	R says they left about 12, then goes to re-think	
	And Morlan give a speech about not lying everytime you say "I'm being straight with you."	Accusation of lying
1:40	Morlan asks R if he is going to tell the truth now 'be forthright' "I got your word" "we haven't been bullshitting, have we?" [speechifying]	Accusation of lying; vouching for law enforcement
1:55	Cameron opines, "if you are going to sling the bull, we can sling it too."	Accusation of lying; vouching for law enforcement
2:00	Cameron gives a speech – "some stuff went down; probably wasn't planned that way"; gotta get right with yourself	Prohibited theory of law enforcement; opinion; accusation of lying
2:20	"And we've treated you with decency and respect from the time we approached you today"	Accusation of lying; vouching for law enforcement
2:30	Morlan recounts the lies R has told thus far, says R needs to start over with the truth	Accusation of lying; burden shifting
2:50	Morlan continues speechifying, "we did not intend for it to do down like that"	Prohibited theory of law enforcement; opinion; accusation of lying
2:55	We've already got stuff coming back and forth and stuff is matching up. That's how we ended up at the apartment right or wrong?"	Reference to hearsay; reference to investigation; accusation of lying
3:10	R says he was in "his girl's car", the Silver Nissan, goes to pick Rashad up [BB], went to Climax, went to the	

	apartments [River Glen?], left the apartments around 12 or 12:30, made it to Aiken. Rashard and his brother were in the car. Got to Aiken about 1:30. Rashard asked to be dropped off on Greenville St. off Hampton, Rashard said he didn't need a ride back to Augusta. R says he did all kind of stuff, cheating on his girlfriend, that's why his girlfriend was steady calling. Jasmine was in Hahn Village looking for him.	
4:55	Morlan asks who was in the car when he dropped Rashard off, R says no one, his brother stays in Augusta [implying that he had dropped his brother off before coming to Aiken].	
5:10	Cameron says R is putting himself here in Aiken with Rashard, but Cameron says "I know" the two of you'll were here, but not by yourself. "I know the two of you were not here by yourselves, and I know the two of you were not here at 1:30 in the morning." "There's things that we know, and I want you to clear your conscience." "Cause I'm sure, you've got something weighing on your conscience. I'm quite positive. You've got a guy you care deeply for. Unless they have taken him off life support, he's still with us, but once they take him off life support, he's done. That's got to weigh on your conscience, and understandably so."	Reference to hearsay; reference to investigation; accusation of lying; reference to victim
6:30	"It weighed on your conscience enough for you to call Patrick this morning." R doesn't deny this. "Stuff happens" Cameron speechifies. "You're shooting some truth, but you're shooting some bull." [Morlan agrees] "we need to get away from the bull and get back to the truth and stay on it."	Reference to hearsay; reference to investigation; accusation of lying; reference to victim
7:00	Cameron says, "Part of the truth is that you and Rashard were here in Aiken,	Reference to law enforcement theory; accusation of lying

	but the other part is that you guys were not here by yourselves."	
7:15	R says they were here by themselves.	
7:30	Cameron asks, "Tell me why your car is on Cushman at 5 in the morning?" Cameron says he is only slinging the truth, and that's all he wants back.	Hearsay; accusation of lying
8:00	Cameron says he is sure that what happened was not what was intended. Morlan says he wants to know what the guy did, the other guy that went with them?	Reference to hearsay; reference to investigation; accusation of lying
8:20	R says he was not in the car at 5 in the morning	
8:50	After asking if the car had been stolen, Morlan says "please don't play us for kids"	Accusation of lying
9:00	"Based on what we know, no way"	Reference to hearsay; reference to investigation; accusation of lying
9:05	"Who else was in the car?" R says he doesn't know, he wasn't in the car	Accusation of lying
9:30	They ask him, what did he say when he called Patrick? R says he asked him what was going on?	Reference to hearsay information re call
9:45	R says when he talked to Patrick, Patrick said he is over with his brother in the hospital.	
	Investigators do not believe R. "You're slinging more bull man!"	Accusation of lying
9:55	You know you called him this morning, at 6:51 am.	hearsay
10:20	R says he doesn't remember what he said to him. The investigators agree, must have been pretty stressful after being shot at.	Law enforcement theory
10:30	R says, "that was not me"	
10:45	Investigator asks again, what did you tell Patrick when you called him?	hearsay
10:55	Investigator recaps all lies R has told up to this point	Accusation of lying

11:10	What R says is not adding up, "but on our end, things are adding up"	Reference to hearsay; reference to investigation; accusation of lying
11:15	Morlan tells R that R needs to "go ahead and get in front of this and cooperate"	Burden shifting
11:35	Cameron says "it's your boy who's shot – how are you going to help him?" Asks R if he will be able to rest at night knowing that this happened to someone he cares about and he did nothing?"	Reference to victim (403 – appeal to emotions)
12:15	"Or are you going to walk out of her, strap up and you be the next one? And somebody else is raising your daughter. Or are you going to screw your head on right now, and be the man I think you have the potential to be?" etc	403; burden shifting
12:50	R says it was not him – Morlan says that's not the point, he wants R's side of the story	Burden shifting
13:00	Morlan says if R wants an opportunity to cooperate, get in front of the bus and say here's what happened I didn't mean for this, I didn't mean for that – that's what we are here to hear.	Burden shifting
13:20	We're putting all the pieces of the puzzle together, you know that.	Reference to hearsay; reference to investigation; accusation of lying
13:25	Rashawn says "that wasn't me"	
13:35	R says just him and Rashard in car. Says dropped Patrick off in Augusta	
14:00	Cameron asks who is in the truck? R doesn't know what he is talking about.	hearsay
14:10	Who leaves the club driving a truck? R says nobody	hearsay
14:35	Morlan asks what happened as they got out of the car to go in the house in Hahn Village? R doesn't understand.	Reference to law enforcement theory
14:45	Morlan says Rashard didn't just ask you to drop him off, that isn't so! R insists, Morlan insists. Morlan refers to previous lie when R said he was asleep.	Accusing defendant of lying; law enforcement theory
15:15	But we've got your car out at Hahn Village [at 5 am] – R says wasn't him	hearsay

15:20	Morian asks well then who was it? R says wasn't him. Morlan says R has more answers than what he is telling. "It's all over you!"	Hearsay; accusation of lying
15:45	Morian asks if R went to hospital this morning? R says no.	403
16:00	"You expect us to believe you weren't involved, even though we've got other things telling us that you were ..." And we are just trying to give you an opportunity to say what happened. Basically says R has an opportunity to help re BB who is in the hospital dying with his family, a lot of tears.	Burden shifting; Reference to hearsay; reference to investigation; accusation of lying
16:45	Quiz R as to why he didn't go to the hospital, this was a guy he cared for? R says he was going to go. Morlan says if it was his friend he would be at the hospital.	403
17:00	Cameron throws at R that R denied knowing BB at first.	Accusation of lying
17:20	Cameron says R called Patrick at 6:51 this morning to tell Patrick that BB had been shot – R told Patrick, not other way around. Morlan says and then you don't even go to the hospital.	Hearsay; 403
17:45	R says how could he face BB's mother, she knew R was with him [This is ambiguous] – Morlan says he knows R was with BB too.	403; hearsay
17:55	Morian says R is trying to put himself just enough, to where R is here and then there, in hopes that will make sense, and we will buy it. Just like before, when he said "I went home at 10 o'clock." Speechifies along same lines	Accusation of lying
18:25	Morian says, "This is like the 3 rd or 4 th layer [of lies]."	lying
18:30	Morian expounds on how R's boy BB and Patrick are at the hospital, and R has not even gone to the hospital.	403

19:00	R tells Morlan that it seems that he is accusing R of running away – Morlan says no that's not it	403
19:00	Cameron says it seems to him like R is acting like he had to separate himself from [BB getting shot]	Accusation of lying
19:20	Cameron says R was acting like he didn't know, but R knew, at 6:51 this morning	hearsay
19:20	Cameron says R is trying to blow smoke and act like he didn't know – Morlan says R is trying to minimize his involvement.	Accusation of lying
19:20	Morlan says, "But we know different."	Lying; reference to hearsay, investigation
19:30	Morlan says we know, we know you were there. R says no, I wasn't there.	Lying; reference to hearsay, investigation
19:40	Morlan says "you and your car were there"	Lying; reference to hearsay, investigation
19:45	Cameron asks who was using your car? R says he wasn't using it	hearsay
20:00	Cameron asks "how would they have gotten the car from you?" R says he doesn't know.	hearsay
20:15	R says the grey car is a rental car, in his sister's Whitney Simpkins name	
20:20	R says "I wasn't there."	
20:45	Morlan starts to say does R really believe they will believe him, then refers to guy dying in hospital, then says what R wants is for law enforcement to stop short and believe the partial story R has given them.	Accusation of lying; 403 re victim; burden shifting
21:00	Morlan says "but there are other people out there telling us different. You know all of those people out there in Hahn Village." [reference to hearsay]. You also know there's loyalty to two people who live in that area too. Morlan says when they see things, hear things around the house, don't you think they are going to talk about it?"	Accusation of lying; reference to investigation; hearsay

21:30	Cameron expounds along same lines.	Accusation of lying; reference to investigation; hearsay
22:00	Cameron says "now is the time to clear your conscience. I know you feel bad for leaving your boy laying on that stool." Morlan says, no one was shot in the house, the only one we know was injured was your partner.	Burden shifting; law enforcement theory; hearsay
22:40	R says he can't help them.	
22:40	Morlan says this is not adding up. R does not have an explanation for why he didn't go to the hospital. That's a guy you were hanging out with just the night before. But you think that if I stop short, I'm going to get these guys to believe what I'm saying, when you know that if the roles were reversed, you wouldn't be buying it either.	403 re victim; accusation of lying; burden shifting
23:00	It bothers me that you are a nice guy, etc, but someone shot your partner, and we need to make sure whether it's justified or not. So when you are "going short", it's disappointing.	Law enforcement theory; reference to victim; reference to needs of law enforcement; accusation of lying; burden shifting
24:00	Morlan continues to accuse R of lying.	Law enforcement theory; reference to victim; reference to needs of law enforcement; accusation of lying; burden shifting
24:40	Morlan says "you know everything we've said makes sense, it all adds up, you know we got information from somewhere."	Reference to hearsay; vouching for law enforcement; reference to investigation
24:50	R says "that was not me"	
25:00	Morlan says "you just happened not to take a bullet, but you had a guy shooting at you."	Reference to law enforcement theory; accusation of lying
25:05	"Rashawn, you called his brother this morning at 6:51 and told him that he got shot." Cameron says "that wasn't on the news"	Hearsay
25:25	Morlan asks R who called him and told him? Morlan says that's cause nobody	Law enforcement theory; hearsay

	called you you knew because you were there. Morlan insists "who called you"?	
26:10	R says "someone did call me"	
26:45	R says "I don't know his name"	
27:00	R says he doesn't know what number it was from, but it was to "his girl's phone". He's got dreds, short, stocky with brown skin, from Augusta, Georgia. R continues to describe where the guy lives.	
28:30	Morlan asks, if Jasmine was in Hahn Village at that time, no one goes anywhere without her phone, how did her phone get a call to R at that time? R says he has her phone.	hearsay
28:50	Morlan tells R that "he is being decent, but he is not telling them everything."	Accusation of lying
29:00	Morlan says "we know different, and you are just hoping that we will buy it."	Lying; reference to hearsay, investigation
29:25	"you think we are just going to bite off on it, where there are other things coming together? " [that is, other sources of information contradict what R is saying] We know you were there!"	Lying; reference to hearsay, investigation
30:00	Cameron asks, "who had your car?", R answers, my sister.	
	Cameron says, "You've started every lie with that statement, as a matter of fact."	Accusation of lying
30:05	R says I wasn't there.	
30:10	Morlan asks, "so you dropped Rashard off on Hampton Avenue?" R says "I really wasn't there."	
00:00	R confirms that he dropped Rashard off at 1:30 roughly.	
00:05	R says "I just want to go home". Interrogation continues. Morlan asks who is your girlfriend you were visiting with outside of Jasmine?	
00:20	R says a name that sounds like "Marputta". Says he stays in Crosland Park. 1 st street.	
00:45	"I just want to go home, can I go home?"	

00:50	Morlan says they are trying to piece things together, R says I want to go home.	
00:58	"I don't even want to talk no more. I just want to go home man."	
01:00	Morlan contines, "so she drives a black Honda"	
	R says he wants to go home	
	Says she works at Bojangles	
	██████████	
1:30	R asks if he can go home	
	Morlan starts to continue	
	Cameron asks about hospital, R says I will go right now if you'll let me go.	
1:45	R asks if "you'll are arresting me?" Sounds like Cameron says no, R asks, "Can I go?", Cameron says, "Can you give us a few minutes?" R says yes.	
1:50	Cameron says all that we want is to get to the bottom of this. Someone got hurt bad, it's important to me. Cameron says it's his son's 18 th birthday he missed it, prom night, missed it. Trying to handle something for someone he doesn't even know. "And this is someone near and ear to you, and you are not even helping him."	403 reference to victim; other prejudicial info re prom night; sympathy for law enforcement
2:40	"But you know more than you're telling. We can't get justice for him if we don't get truth."	403 re victim
2:50	Cameron refers again to son's b'day and prom night. "And I can't even get the truth from somebody who cares deeply for him."	403
3:00	"If that was a friend of mine, I'm telling whoever wants to listen. He doesn't get a do-over, he can't power back up and get life back. This is real stuff, when it's over it's over. Cameron says his son will ask him how his day was, and Cameron will say, it was a waste. We got a 20 year old dude, probably going to die, and nobody wants to help him.	403; burden shifting; law enforcement theory of case

4:10	There are people who say you know [why guy was laying shot behind house]. "Which is why these guys followed you to Columbia." [!!]	Burden shifting; 403; hearsay
4:20	Morlan tells R he is free to go.	
	R asks, "I can go?" Morlan says, yes, you can go whenever you want. R says, "you sure? Can I leave?" Morlan says, "Yes, you've never been under arrest."	
4:25	"Don't go far" they tell R.	

***State v. Brewer*, 411 S.C. 401, 768 S.E. 2d 656 (SC 2015)

Respectfully submitted,

January 8, 2018
Aiken, South Carolina

/s Michael Chesser
Attorney for Defendant
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Aiken, South Carolina 29802-1018
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(803) 646-1166

WITNESSES

Aiken Department Of Public Safety

William J Cameron

Law Enforcement Case #: 15-35547

DOCKET NO. 2016GS0200106

The State of South Carolina

County of Aiken

DAY

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

FEBRUARY TERM 2016

2015A0220100496

FILED

L.C.C.P. & G.S.

THE STATE

vs.

Deputy Clerk

RASHAWN VERTEZ CARTER

ACTION OF GRAND JURY

TRUE Bill

Foreperson of Grand Jury

Date: February 11, 2016

Gerald Hissery

VERDICT

Foreperson of Petit Jury

Date:

CDR #: 0079

Indictment for

BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

I, Robert J. Harde, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

22 day of February 2016

R. J. Harde

C.C.C.P. & G.S., Aiken County, SC.

Deputy Clerk

Gerald Hissery am

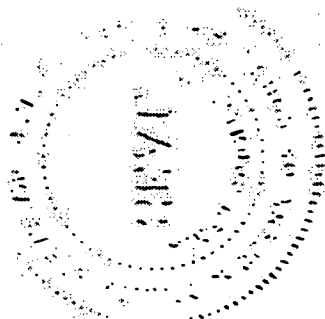
STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
BURGLARY IN THE FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on February 15, 2016, the Grand Jurors of Aiken County present upon their oath:

That RASHAWN VERTEZ CARTER, along with others, did in Aiken County on or about May 9, 2015, wilfully and unlawfully enter the dwelling of Elizabeth Miller located at 310 Brown Lane, Aiken, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime became armed with a deadly weapon and/or displayed what appeared to be a firearm, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.



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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

William J Cameron

Law Enforcement Case #: 15-35547

DOCKET NO. 2016GS0200107

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

FILED

Feb 11

2016

FEBRUARY TERM 2016

2015A0220100497

C.C.C.R. & G.S.

Sherry Langley ss
Deputy ClerkTHE STATE
vs.

RASHAWN VERTEZ CARTER

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: February 11, 2016

Gerald ussey

VERDICT

CDR #: 0095

Indictment for

KIDNAPPING

§ 16-03-0910

J. STROM THURMOND, SOLICITOR

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Hane, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original document which have been filed in my office this 22 day of February 2016.

Robert J. Hane
C.C.C.R. & G.S. Aiken County SC
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

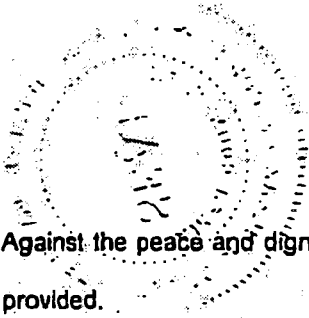
INDICTMENT FOR
KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on February 15, 2016, the Grand
Jurors of Aiken County present upon their oath:

That **RASHAWN VERTEZ CARTER**, along with others, did in Aiken County on
or about May 9, 2015, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry
away Elizabeth Miller without authority of law, all in violation of §16-3-910 of the Code of
Laws of South Carolina (1976), as amended.

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


Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

William J Cameron

Law Enforcement Case #: 15-35547

DOCKET NO. 2016GS0200109

The State of South Carolina

County of Aiken

BAY

ARREST WARRANT NUMBER

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

2015A0220100502

FILED

Feb 11

20 16

C.C.C.R. & O.S.

THE STATE

vs.

Deputy Clerk

RASHAWN VERTEZ CARTER

ACTION OF GRAND JURY

TAME Bill

Foreperson of Grand Jury

Date: February 11, 2016

Gerald Kisser

VERDICT

CDR #: 0549

Indictment for

POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harris, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

22 day of February 20 16

C.C.C.P. & O.S. Aiken County

Deputy Clerk

Angel Allen am

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

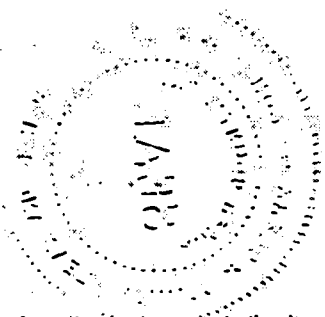
INDICTMENT FOR
POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME

§ 16-23-0490

At a Court of General Sessions, convened on February 15, 2016, the Grand Jurors of Aiken County present upon their oath:

That RASHAWN VERTEZ CARTER, along with others, did in Aiken County on or about May 9, 2015, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Armed Robbery, all in violation of Section 16-23-490, Code of Laws of South Carolina (1976), as amended.

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


Elizabeth B. Thurmond
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

William J Cameron

Law Enforcement Case #: 15-35547

DOCKET NO. 2016GS0200110

The State of South Carolina

County of Aiken

BAY

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2016

ARREST WARRANT NUMBER

2015A0220100503

FILED

Feb 11

2016

Liz Godard

C.C.P. & G.S.

Sherry Langley ss

THE STATE

vs.

RASHAWN VERTEZ CARTER

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: February 11, 2016

Gerald Wessery

VERDICT

CDR #: 3434

Indictment for

POSSESSION OF A FIREARM BY A
PERSON CONVICTED OF A VIOLENT
FELONY

§ 16-23-0500(A)

Foreperson of Petit Jury

Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKENI, Robert J. Harte, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

3/18

February

22 day of

Robert J. Harte
Clerk of Court
Deputy Clerk

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

INDICTMENT FOR
POSSESSION OF A FIREARM BY A PERSON
CONVICTED OF A VIOLENT FELONY

§ 16-23-0500(A)

At a Court of General Sessions, convened on February 15, 2016, the Grand Jurors of Aiken County present upon their oath:

That RASHAWN VERTEZ CARTER did in Aiken County on or about May 9, 2015, knowingly and unlawfully possess a handgun and Rashawn Vertez Carter, having been previously convicted of Trafficking Cocaine, violated section §16-23-500 of the South Carolina Code of Laws (1976), as amended, which prohibits such possession by a person convicted of a violent felony.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

William J Cameron

Law Enforcement Case #: 15-35547

DOCKET NO. 2016GS0200111

The State of South Carolina

County of Aiken

DAY

COURT OF GENERAL SESSIONS

ARREST WARRANT NUMBER

FEBRUARY TERM 2016

2015A0220100504

FILED Feb 11 2016

Luis Godard
 C.C.R. & G.S.
Sherry Langley ss
De. [unclear]

THE STATE
 vs.

RASHAWN VERTEZ CARTER

ACTION OF GRAND JURY

TRIE *B. II*

Foreperson of Grand Jury

Date: February 11, 2016

Gerald Ussery

VERDICT

Foreperson of Petit Jury

Date:

CDR #: 3412

Indictment for

ASSAULT AND BATTERY IN THE FIRST
 DEGREE

§ 16-3-600(C)(1)

J. STROM THURMOND, SOLICITOR

Nolle Prose.
 Charge re-indicted
 as a direct
 indictment.
 Elizabeth B. Young
 2/12/18

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

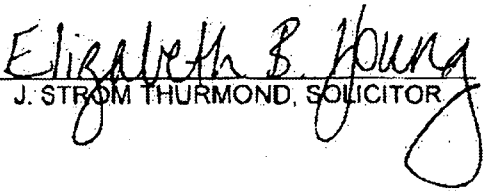
INDICTMENT FOR
ASSAULT AND BATTERY IN THE FIRST
DEGREE

§ 16-3-600(C)(1)

At a Court of General Sessions, convened on February 15, 2016, the Grand
Jurors of Aiken County present upon their oath:

That **RASHAWN VERTEZ CARTER**, along with others, did in Aiken on or about
May 9, 2015, wilfully and unlawfully injure Elizabeth Miller while touching the private
parts of Elizabeth Miller, either under or above her clothing, in a lewd and lascivious
manner, such touching being nonconsensual. All in violation of §16-3-600 of the Code
of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken Department Of Public Safety

William J Cameron

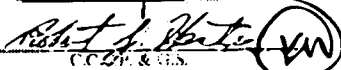
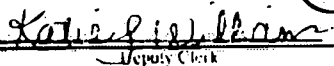
Law Enforcement Case #: 15-35547

BAY

ARREST WARRANT NUMBER

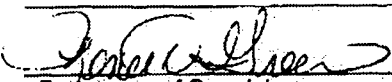
18-DI02-0006

FILED February 8 2018

 (VN)
CCOP & C.S.
Deputy Clerk

ACTION OF GRAND JURY

True Bill


Foreperson of Grand Jury
Date: February 8, 2018

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018GS0200312

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2018

THE STATE

vs.

RASHAWN VERTEZ CARTER

CDR #: 3412

Indictment for

ASSAULT AND BATTERY IN THE FIRST
DEGREE

§ 16-3-600(C)(1)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
ASSAULT AND BATTERY IN THE FIRST
DEGREE

§ 16-3-600(C)(1)

At a Court of General Sessions, convened on February 12, 2018, the Grand
Jurors of Aiken County present upon their oath:

That **RASHAWN VERTEZ CARTER**, along with others, did in Aiken County on
or about May 9, 2015, wilfully and unlawfully injure, or offer or attempt to injure
Elizabeth Miller with the present ability to do so during the commission of a robbery,
burglary, kidnapping or theft. All in violation of 16-3-600(C)(1), Code of Laws of South
Carolina (1976), as amended.

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

Elizabeth B. Young
J. STROM THURMOND, SOLICITOR

WITNESSES

Law Enforcement Case #: 15-35547

DOCKET NO. 2018GS0200313

The State of South Carolina

County of Aiken

BAY

ARREST WARRANT NUMBER

18-DI02-0007

FILED February 8 20 18

Robert J. Harte
Clerk of Court*Katie Pielman*
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: February 8, 2018

VERDICT

Foreperson of Petit Jury
Date:

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2018

THE STATE
vs.

RASHAWN VERTEZ CARTER

CDR #: 0139

Indictment for

ARMED ROBBERY

§ 16-11-0330(A)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Robert J. Harte, Clerk of Court, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 22 day of February 2018.
Robert J. Harte
Clerk of Court
Katie Pielman
Deputy Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
ARMED ROBBERY

§ 16-11-0330(A)

At a Court of General Sessions, convened on February 12, 20182018, the Grand Jurors of Aiken County present upon their oath:

That RASHAWN VERTEZ CARTER, along with others, did in Aiken County on or about May 9, 2015, while armed with a deadly weapon, or while alleging either by action or words that he was armed while using a representation of a deadly weapon or an object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, to wit: a handgun, take from the person or presence of Elizabeth Miller by means of force or intimidation goods or monies of Elizabeth Miller, such goods or monies including but not limited to: a cell phone, all in violation of §16-11-330, Code of Laws of South Carolina (1976), as amended.

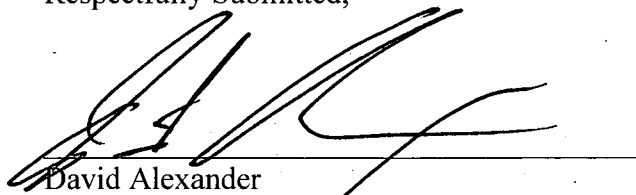
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Elizabeth B. Young
J. STROM THURMOND, 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 "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 23rd day of September, 2019.