

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**Jan 16 2024**

Appeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge

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**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

CHRISTOPHER D. SHUMPERT,

APPELLANT

APPELLATE CASE NO. 2023-000568

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RECORD ON APPEAL

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1 express or implied. Sounds simple, but lets just break  
2 it down a little bit. The killing of a person. Barry  
3 Chavis is a person. No matter what the defense may say  
4 to speak ill of him, he was a person.

5 Malice. Malice is defined as ill will or hatred or  
6 hostility. It doesn't require ill will toward the  
7 individual injured, but rather it signifies a general  
8 malignant recklessness toward of the life and safety of  
9 others. And I know that's a lot of big words so again,  
10 let me break that down a little bit or give you an  
11 example.

12 Going to someone's home uninvited, shooting a hail  
13 of gunfire around others while arguing with that person,  
14 that signifies a general malignant recklessness of the  
15 lives and safety of others.

16 Now, malice aforethought, it doesn't have to exist  
17 for a long amount of time. It just must exist right  
18 before and at the moment the act is committed. The  
19 moment that trigger was pulled if malice existed, we have  
20 murder and that trigger was pulled over and over and over  
21 to the count of 13 counts by the defendant Christopher  
22 Shumpert.

23 Now, malice may be express or it may be implied.  
24 The way malice may be express is the defendant's own  
25 words. You heard David Payton say he pulled that gun -

1           that Christopher put that gun in BJ's face and said, how  
2           does it feel now? Express. Evidence of implied malice,  
3           trying to recruit someone, anyone to go an confront Barry  
4           Chavis with guns, ignoring the advice to leave others  
5           out, ignoring the advice to call the police, driving to  
6           multiple locations looking for someone specifically with  
7           guns, arming himself with a gun, arming himself with  
8           additional magazines for the gun, knowing that the person  
9           that he confronted, or got to assist him, armed himself  
10          with an assault rifle.

11           Malice. Drives to Fish Hatchery Road with a plan in  
12          mind, malice. Dropping his girlfriend off on the dirt  
13          road adjacent to the property because he knew what was  
14          about to go down, malice. Gets out of the car with the  
15          guns drawn arguing with the person, malice. Doesn't  
16          leave when Barry Chavis tells him to, malice. Shoots at  
17          least 13 rounds towards BJ when his back is turned,  
18          malice. Empties that magazine, malice. Continues to  
19          fire that gun when he's backing up, malice. Barry Chavis  
20          was unarmed and Christopher Shumpert fled the scene,  
21          again, all examples of express malice.

22           Now, Judge McCaslin will also charge you  
23          with respect to assault and battery of a high and  
24          aggravated nature. Remember Mr. Kevin Kimbler was a  
25          victim in this case, and I submit to you that he was shot

1           either by the defendant or his accomplice Daniel Jones  
2           and this act was accomplished by means likely to produce  
3           death or great bodily injury. You heard Mr. Kimbler had  
4           to be transported to the hospital to receive treatment  
5           for two gunshot wounds. Yes, he subsequently died of  
6           another cause, but he was injured as a result of being  
7           shot by either Christopher Shumpert and Daniel Jones.

8           And the next thing that Christopher Shumpert is on  
9           trial for is possession of a weapon during the commission  
10          of a violent crime. Another simple statute. He  
11          possessed a firearm, that nine millimeter during the  
12          commission of a violent crime and the law in South  
13          Carolina is murder, of course, is a violent crime, but  
14          also assault and battery of a high and aggravated nature  
15          is a violent crime.

16          Now, Judge McCaslin will also charge you about the  
17          legal theory in South Carolina called the hand of one is  
18          the hand of all. In South Carolina this legal theory  
19          means when a person commits a crime or aids, abets and  
20          assists another person who commits the crime and is in  
21          the presence of the crime, the act is essentially  
22          committed by both. Both are equally guilty. The defense  
23          keeps talking about Barry Chavis' murder was caused by  
24          Daniel Jones. I submit to you that under this legal  
25          theory, it was committed by both Daniel Jones and

1 Christopher Shumpert. They both came to Barry Chavis'  
2 yard fully armed, jumped out of the car and within  
3 minutes start shooting their guns. We don't have to  
4 prove to you who shot the fatal round, but Dr. Phillips  
5 said they both were fatal rounds. They both shot and  
6 they both acted in concert with each other, they knew  
7 what the plan was and they acted on it. Both are guilty.

8 Now, the Judge will also charge you about reasonable  
9 doubt. Now, it is the State's burden of proof and we  
10 have to prove this case beyond a reasonable doubt and  
11 again as stated in Mr. Pogue's opening, that's not beyond  
12 all doubt. There are very few things we know beyond  
13 absolute doubt and the law doesn't require us to prove  
14 every element beyond all possible doubt. Reasonable  
15 doubt is doubt that leaves you firmly convinced. If you  
16 are firmly convinced that Christopher Shumpert committed  
17 the murder of Barry Chavis and the assault and battery of  
18 a high and aggravated nature against Kevin Kimbler, you  
19 must find him guilty.

20 Now, credibility and believability. What does a  
21 person have to gain or lose by their testimony? Now, the  
22 one thing you get to have in that jury room in addition  
23 to the evidence is your good old common sense. You don't  
24 have to check it at the door. You get to take it and you  
25 get to use it during your deliberations.

1           Now, the defense will have you believe that Jada  
2           Ellison, Jaqueline Aiken, and David Payton are all not  
3           credible people because of their addictions? Because of  
4           their convictions? Think about it. And again, use your  
5           common sense. No, they're not perfect. They admitted it  
6           and they will tell you they're not perfect, but remember,  
7           everything that they reported to law enforcement, it was  
8           all corroborated with other evidence. Think about that.  
9           If they were so unbelievable, I'm sure law enforcement,  
10          you heard about our experienced law enforcement, you  
11          heard from Sergeant Hart, you heard from the other  
12          officers, I'm sure if these people were so unbelievable,  
13          they would have been found out. But instead what  
14          happened? Everything they said was able to be  
15          corroborated. It was just the opposite.

16          They located Daniel just where David Payton told  
17          them he lived. They located the weapons just like the  
18          witnesses described what was used. And you know what,  
19          physical evidence was found just where they say these  
20          people were standing and the cases matched the exact guns  
21          they said each person used. They are credible. The car  
22          they described, the people that they described being  
23          around him, all corroborated. I submit to you despite  
24          what the defense says, they are credible. Don't let that  
25          distract you.

1           And no one in my office made any deals with any of  
2           them. No promises were made, no discussion of this case  
3           was ever had. Those were separate people involved in  
4           those cases, separate attorneys. Jaqueline Aiken already  
5           had her release date when we spoke to her in February.  
6           She's the one that informed us. No deals were made.  
7           These were young people who witnessed the traumatic  
8           brutal slaying of their friend right before them. They  
9           wanted to be here. They wanted to tell you all what they  
10          knew and they stayed behind and they told law enforcement  
11          what they knew, they have nothing to hide.

12           Now, I want to thank you for your service.  
13          Everybody has paid attention. I know this has been  
14          a long week for you. We appreciate your attention. I  
15          just ask that you give me a little bit more time so I can  
16          go over the evidence, the testimony, and explain to you  
17          why you should find the defendant Christopher Shumpert  
18          guilty.

19           Now, as Mr. Pogue said again in his opening, this  
20          was senseless. This was cowardly. This was brutal. And  
21          you heard over and over again about \$50.00, about  
22          Jaqueline owing Jada \$50.00 and about how Jada took the  
23          hundred dollars instead and how protector BJ, Barry  
24          Chavis or BJ affectionately known by his friends, jumped  
25          in when Christopher Shumpert tried to go get the money

1 back and that happened over at Treemount. Well, I bet BJ  
2 did stick up for Bubba. You saw Bubba. He's younger.  
3 He's still young. He's shorter in stature. He's, you  
4 know, probably not a fighter, but BJ was described as a  
5 protector. And Christopher Shumpert tried to go up to  
6 him and take the money and the defense was asking Jada  
7 about armed robbery. Was Jada right to beat up her  
8 friend? No. Was she right to take that hundred dollars  
9 instead of 50? No. But this was not a strong armed  
10 robbery. Nothing was ever reported. She doesn't know  
11 anything about that and that was so unfair.

12 So, when BJ steps in, he angered Christopher  
13 Shumpert according to Jaqueline because how dare he take  
14 up for Bubba and Jada versus he and Jaqueline. And then  
15 the defendant Christopher by his own words tells Corey  
16 Chaney he's the one that chased him down the road. He's  
17 the one that chased him down the road. And you heard  
18 each witness say that Chris blocked BJ's truck on  
19 Treemount and he was coming at them. And you heard Bubba  
20 say that's when BJ shot his gun outside the window  
21 towards the ground.

22 Now, don't let the defense cloud you. Y'all  
23 remember that testimony. Nobody said that he shot at  
24 Christopher. He shot towards the ground and told him to  
25 leave. He was blocking them. BJ knew there was gonna be

1 trouble. He was trying to get him to leave. There was  
2 no testimony that he was shot at. In fact, neither Jada  
3 or Jaqueline even remembered the gun.

4 Now, they knew BJ had a gun because they were  
5 friends, but they don't even remember that. And if Bubba  
6 wanted to lie for his friend and cover something up, why  
7 did he say that? Because that's what happened.

8 Then everyone leaves and Chris is bent on revenge.  
9 He's bent on retaliation and he knows what he wants to do  
10 and he knows who he wants to involve, somebody with guns.  
11 He wants Daniel Jones and he wants Daniel Jones because  
12 he's known to have guns and he's not afraid to use them.  
13 You saw all those cases down by the pond in his  
14 grandmother's yard. They shoot. They use guns.  
15 Christopher knew that about Daniel. That's why he  
16 actively sought him out.

17 He goes to the Earline Drive address at 5:44 to  
18 speak with Corey Chaney and he's like, where is Daniel?  
19 He tells Corey what happened. He even asked Corey, a  
20 full grown man with a family, to go with him to BJ's  
21 house. What did Corey say and tell him? He was like,  
22 no. If something happened to you, call the police. Call  
23 the police. I'm not going and don't involve my son. But  
24 Christopher didn't listen. He was bent on revenge. He  
25 was bent on retaliation for \$50.00.

1           And then he goes to Bachman Road and that's where he  
2           locates Daniel Jones. And why did Daniel get involved?  
3           Who knows, but he does. He has guns and he knows how to  
4           use them and he's not afraid to use them. And not only  
5           does he convince Daniel to give him a gun, the FN with  
6           the loaded magazine, I submit to you he brings up a  
7           backup magazine, the one that was found at [REDACTED] Fish  
8           Hatchery Road. And then Daniel comes out and he comes  
9           out with this assault rifle which you've seen and they  
10          drive over to Fish Hatchery, but not before they stopped  
11          at the dirt road on Cinder Hill and let Jaqueline out.

12          Chris wanted to let Jaqueline out and that's very  
13          important. Why let her out? She was present earlier in  
14          the day when that happened. She was involved earlier in  
15          the day when that happened. And you've heard her  
16          testimony. By then she just wanted it to be over. She  
17          wanted it to be over, forgotten about. And you heard  
18          Jada talk about what they did when they got back to BJ's,  
19          they just went about their day. They thought it was  
20          over. But Chris dropped Jaqueline off on Cinder Hill  
21          because he knew what was about to go down. He knew what  
22          was about to go down and he didn't want his girlfriend to  
23          get hurt. He knew that he and Daniel were going to open  
24          fire on BJ, but she heard the shots. She heard the  
25          screams. And you heard Sergeant Hart testify that that

1 was very possible. He was familiar with that area, those  
2 locations and it is possible she heard the screams and  
3 she heard the shots.

4 And let's talk about what Jada and Bubba said  
5 happened. Do you remember the two people who the defense  
6 said was under the influence of mind altering drugs. And  
7 no, BJ and Jada, they were not in a relationship. You  
8 saw Deputy Swygert's body cam I think somebody on the  
9 video even referred to him as her boyfriend and she  
10 corrected him. She said he's my friend. He's my friend.

11 Now, what did they say? They say that Christopher  
12 Shumpert in his Black Malibu pulled up, he pulled up.  
13 When Jada saw him pull up, she thought Jaqueline was in  
14 the car so she went up to them. She didn't see  
15 Jaqueline. Again, that corroborates what Jaqueline said.  
16 She was dropped off on Cinder Hill because if she was in  
17 that car, you best believe Jada would have saw her, and  
18 they told you. And they said they pulled up about here,  
19 the car facing where BJ was, Daniel gets out with his  
20 assault rifle, Christopher gets out with his pistol.  
21 Daniel began shooting with the door still open in the  
22 area they got out in and as they back out, this magazine  
23 is found, the magazine that had the same insignia as the  
24 magazine found in the sand that Christopher Shumpert was  
25 shooting because Bubba said Christopher kept shooting on

1 the way out. This wasn't enough? 13 times wasn't  
2 enough? He was going to keep shooting, but the magazine  
3 dropped out.

4 And as soon as Christopher starts shooting, Daniel  
5 starts shooting. He started shooting and you heard about  
6 how casings are ejected from guns. It's no mistake all  
7 these were in the same area because just like those  
8 witnesses said, that's where they were standing when they  
9 were shooting. And BJ tried to take cover from his truck  
10 and you heard testimony those shots, those defects to the  
11 truck, they were all coming at an angle. They were  
12 rodded. They were all coming at an angle just like they  
13 said.

14 Now, the defense also wants you to believe that  
15 somehow these witnesses moved around evidence to cover up  
16 for their friend. Law enforcement responded there within  
17 seven minutes. You saw the body cam. The scene was  
18 still chaotic. Everybody was still upset, screaming,  
19 crying. You saw what they were concentrated on and that  
20 was trying to help BJ, trying to help their friend. They  
21 were covering his wounds, somebody took off their shirt,  
22 there were towels. All this is in the video, in the  
23 pictures. You heard them crying. They just wanted help.  
24 They were desperate for their friend. They weren't  
25 trying to cover anything up.

1           So the defense wants you to believe that they're not  
2 smart enough, their mind was in a state that they  
3 couldn't remember what happened, but yet they were smart  
4 enough to remove evidence and only evidence that would  
5 help their friend and implicate Christopher Shumpert and  
6 Daniel Jones? No. Y'all will have the video. You go  
7 back and look at it and you'll see what they were  
8 concentrated on, their friend who lied there in front of  
9 his truck with that gaping hole in his neck. That's what  
10 they were concentrated on.

11           And yes, BJ had a gun in the truck. That gun was in  
12 the truck from earlier that day. That gun was never  
13 removed. You saw the pool of blood he was lying in. If  
14 that gun was removed, there would have been something on  
15 it, something visible to the naked eye. There were no  
16 casings around BJ. There's no evidence that he was  
17 shooting. Yes, he had a gun found inside of his home.  
18 He had ammunition found inside of his home, but you know  
19 what, so what if he did. It was his home. He has the  
20 right to protect his castle. They are the ones who came  
21 uninvited on his property brandishing guns. So what if  
22 he had a gun. He was well within his rights to have a  
23 gun, but he didn't. There was no damage to the black  
24 Malibu. I showed you the pictures of all angles of the  
25 car that Christopher Shumpert was driving. There was no

1 evidence. But again, so what if BJ had a gun. It's his  
2 property.

3 Now, we went over all the matches from SLED and you  
4 will have this chart and you can review it and again,  
5 just remember all these rounds matched the Blazer nine  
6 millimeter Luger that was found at Daniel Jones' uncle's  
7 house and not only did they match, the casings match this  
8 gun at this location, they also matched from Bachman Road  
9 where Daniel Jones was, where Christopher Shumpert picked  
10 up Daniel Jones. Not only all these casings matched the  
11 FN 300 Blackout cartridge casings, not only did they  
12 match the gun that was recovered at Daniel Jones'  
13 stepfather's house on Earline Drive, they also match the  
14 casings that was found on Bachman Road, Daniel Jones'  
15 grandmother's where Christopher Shumpert went.

16 Now, there was other fragments found around the  
17 truck and these were discussed. Some of the fragments  
18 was able to be identified and some of them was not. You  
19 will have the chart. I think what agents were able to  
20 tell us was that 24 and 23 were not shot by the Blackout.  
21 I think he put even one of them like in a class, and I  
22 don't understand all of that ballistics, but you have  
23 this chart and you know what was shot. We know do what  
24 was shot. They were shot from each of the guns.

25 And then what happened? They shoot and they shoot

1 and they shoot and they flee the scene and they go and  
2 they drop Daniel back off at Earline Drive and they're  
3 back there at 7:37 ironically the same time Deputy  
4 Swygert arrives at Fish Hatchery. Jaqueline says Chris  
5 called his mom after they dropped Daniel off. I got to  
6 get out of here. She books him a hotel room. Yeah, and  
7 they stay in the hotel room, but they don't usually stay  
8 in hotel rooms in Aiken. So this was out of the  
9 ordinary. Why Aiken? Why go there? I submit to you  
10 they was trying to hide. They was trying to get out of  
11 here. And I know it's not far away, but they was trying  
12 to hide. In their minds this was a hiding place.  
13 Evidence of guilt.

14 And the defense wants you to think that, you know,  
15 Christopher Shumpert, he just surrendered peacefully to  
16 the agents. Well, I bet he did. You heard Agent Hunton.  
17 There was only one way out of that room. They were  
18 surrounded by officers with guns. Don't give him credit  
19 for that. I mean, he had to. He had to surrender  
20 peacefully. And what was the comment that he made? If  
21 you don't find guns, will you let me go? Because he knew  
22 Daniel Jones had those guns and he knew Daniel Jones hid  
23 those guns. That's why he made those statements. He  
24 knew they wouldn't find any guns. So if anybody was  
25 trying to hide anything, it was him and Daniel, not the

1 witnesses you heard from.

2 Now, you heard from Dr. Phillips, and I won't show  
3 you the pictures. You will have all of this back in jury  
4 room during your deliberations. You heard Dr. Phillips  
5 testify about the injuries that she saw on Barry Chavis'  
6 body. Both wounds entered Barry Chavis' body from the  
7 back. From the back. He had his back turned towards his  
8 shooters. And she stated that the one in the buttocks  
9 fractured his femur which is surrounded by large blood  
10 vessels and could potentially be fatal. You heard her  
11 say the one that entered his upper back but came at a  
12 downward angle to exit his neck and graze his chin was  
13 consistent with someone of Barry Chavis' height bending  
14 down trying to escape, trying to get away just like the  
15 witnesses said. All of this was corroborated. They are  
16 believable. And her findings that these injuries caused  
17 his death and the manner of death was murder. Those are  
18 Dr. Phillips' findings after she conducted her autopsy.

19 And again, hand of one, hand of all in South  
20 Carolina. We don't have to prove who caused the fatal  
21 injury because they both acted in concert with each  
22 other. And don't forget that Daniel Jones, he's charged  
23 with the same charges as Christopher Shumpert, same  
24 charges under the same theory. And they will have you  
25 believe that he's the only one that should be guilty?

1           Yeah, those were his guns. Yes, he shot his gun. But  
2           who involved him? Who brought him there? The defendant,  
3           Christopher Shumpert. He shouldn't get away with it.

4           You know, among other things one of the hardest  
5           things about my job as a prosecutor, I've got to take my  
6           shot and I'm gonna sit over there and I'm gonna want to  
7           jump up and want to say something else, but I can't  
8           because this is my one chance. But I ask of you, as Mr.  
9           Myers gets up, don't let him distract you. Don't let him  
10          distract you with things that first of all were not said  
11          in court, that was not backed up by evidence. That  
12          doesn't matter, because I promise you Daniel Jones will  
13          get his day in court. I promise you that. As a matter  
14          of fact, his attorney was in and out this week. She  
15          knows what's going on. She knows what's going to happen  
16          next. It's just I had to do one case before the other.  
17          And you know which one I chose, I chose the man who  
18          started it. I chose the man who actively sought Daniel  
19          Jones, who actively sought someone with guns. And you  
20          think about it. Daniel Jones, he understood his  
21          assignment. He knew to get out of that car and they just  
22          started blazing those guns and he knew how to hide them.  
23          So where did he get the information from? No one other  
24          than Christopher Shumpert. So, don't get distracted when  
25          they start talking about he's not here this week and he's

1 the one that caused the fatal injury. He will have his  
2 day in court.

3 And they may also say as they did, maybe he went  
4 there to scare BJ. They were there. They were friends.  
5 Well, we all knew people in supposed relationships kill  
6 each other. Friends kill friends. It was no different  
7 in this case. And again, if only for fear, why the need  
8 for two guns? Why the need for an assault rifle? Why  
9 the need to devise a plan and drop off your girlfriend if  
10 you were only going there to scare him? I'm sure Barry  
11 Chavis was scared. I'm sure he was scared when he turned  
12 his back and was fired upon and was lying there. I'm  
13 sure he was scared.

14 And again, they may try to distract you by saying we  
15 can't prove the fatal shot. It doesn't matter. Again,  
16 hand of one is the hand of all. I can't say that enough.  
17 Don't get distracted. Pay attention to the testimony and  
18 the evidence you saw. Compare them. Decide who is  
19 credible. Decide what's credible. Listen to the body  
20 cam again. Look at those videos from Corey Chaney's  
21 house. Remember this timeline, an hour and 45 minutes  
22 after the Treemount incident. Remember all the places he  
23 was going. He was hell bent on finding somebody with  
24 these guns. Don't get distracted.

25 And if I've said anything regarding the law and Mr.

1 Myers said anything regarding the law that you're  
2 confused about, just listen to Judge McCaslin's  
3 instructions. She will charge you the law that applies  
4 in this case.

5 Ladies and gentlemen, this was no scare tactic.  
6 They went there meaning business. No other reason to arm  
7 yourself with these weapons, no other reason to arm  
8 yourself with a back up magazine, no other reason to drop  
9 your girlfriend off, no other reason to flee the scene if  
10 you didn't mean it. She's your friend. No need to go  
11 hide in Aiken if this was just a scare tactic. This was  
12 no mistake. This was murder. This was murder and I ask  
13 that you find Christopher Shumpert guilty of murder,  
14 assault and battery of a high and aggravated nature, and  
15 possession of a weapon during the commission of a violent  
16 crime. Thank you.

17 THE COURT: Thank you, Ms. Patterson. Mr. Myers.

18 MR. MYERS: Thank you, Your Honor. May it please  
19 the Court.

20 THE COURT: Yes, sir.

21 MR. MYERS: Prosecutors, Ms. Patterson, Mr. Pogue.

22 Good morning. Now, they say that this is a closing  
23 argument, but I guarantee you that my intent is not to  
24 argue with anybody. Now, I have to take my time and the  
25 Judge imposed time limits on us so I've got to kind of go

1 a little faster than what I would like to but that's  
2 fair. We appreciate the Judge --

3 THE COURT: I want you to take your time, Mr. Myers.

4 MR. MYERS: We want to, Judge, to keep the lawyers  
5 quiet so that you can kind of go back and do what you  
6 need to do. But I want to tell you a little bit. Ms.  
7 Patterson throughout the week is a very talented attorney  
8 who I have a lot of respect for. She told you who Barry  
9 Chavis was, but I want to tell you that Christopher  
10 Shumpert is also someone's son, someone's grandson, and  
11 someone's cousin, and the most painful thing in a  
12 criminal defense trial is that you sit back and you hear  
13 all these things that are being said about your client  
14 and he has to hear all of those things being said about  
15 him and they don't even know him. They never even sat  
16 down and talked to him for an hour, two hours. All they  
17 look at is just paper and say, well, this is who this  
18 individual is and we want you to find him guilty. They  
19 don't know him the way that Gill and I have known him and  
20 my office has known him for the past three years.

21 That's why a murder trial is emotional. That's why  
22 sometimes you see us stand up and we make objections, we  
23 get a little aggressive with some witnesses. I ask that  
24 you hold that against me and Gill, but at the end of the  
25 day, as his my daughter found out and his daughter found

1 out, we're both teddy bears, but all we're trying to do  
2 is do the very best job that we can for our client. Our  
3 job in essence is to let you see both sides. My grandma  
4 used to always say no matter how thin or thick you cook  
5 one, a pancake always has two sides and that's how I've  
6 dealt. When these witnesses take the stand, we don't  
7 know what they're going to say until they actually open  
8 their mouth. We didn't spend any time prepping them, we  
9 didn't spend any time talking to them, and we don't even  
10 know what they're going to say until they open their  
11 mouth, but it's still our job to try to bring to you the  
12 entire truth just as I told you earlier on. So again, if  
13 Gill or I said anything to offend you or to upset you, we  
14 respectfully ask that you hold that against us and not  
15 Christopher Shumpert.

16 Now, Rhonda is right that the Judge is gonna give to  
17 you the law. If there's anything that I say that is  
18 inconsistent with what she says, you obviously go by what  
19 Judge McCaslin says. She's one of the finest Judge's  
20 here in the state of South Carolina. She is more than  
21 competent and she's gonna tell you what the law says, but  
22 at the end of the day I'm going to kind of summarize for  
23 you a little bit about what I believe you're going to  
24 hear, but it goes back to what I said earlier in my  
25 opening statement regarding bias.

1           You know, we all come into a courtroom and we all  
2           come into certain situations with preconceived notions.  
3           We all think that we know this or we all think that we  
4           know that, but I will tell you that's not the case so  
5           that's why I asked you respectfully and I know you did,  
6           that you kept an open mind because only through an open  
7           mind could you have heard the facts, interpreted those  
8           facts, and then do what prepared, or what we're gonna  
9           prepare you for next which is render a verdict.

10           Now, before I get into how we believe this whole  
11           thing started, I want to go back and talk a little bit  
12           about what Mr. Pogue said and what Ms. Patterson reminded  
13           you of, that this was senseless. This was brutal. This  
14           was cowardly. Let's look at the witnesses before I go  
15           and tell you what our theory is because only a talented  
16           lawyer like Ms. Patterson can try and put lipstick on a  
17           pig and tell you that Barry Chavis was this fine and  
18           outstanding individual because with all due respect,  
19           let's face it, Barry Chavis was 28 years old who, if he  
20           wanted to try to uplift individuals, he's got 17, 18 year  
21           old kids living in his house, smoking dope, drinking and  
22           doing God knows whatever else in this den of iniquity,  
23           but they want to say that Barry Chavis was the kind of  
24           person that would build people up. How are you building  
25           individuals up when you are basically contributing to the'

1 delinquency of a bunch of minors? How are you this fine  
2 upstanding individual? Folks, I'll tell you, there are  
3 some people in this world that are victims and have been  
4 victims, but Barry Chavis was not a victim. He was not  
5 this individual that the State wants to try and tell you,  
6 oh, he was a good hearted person. He brought people in.  
7 Well, what in the world were they doing when he brought  
8 them in?

9 We already know that some of the individuals were  
10 waking up and smoking methamphetamine, ice, and all sorts  
11 of other things. There's no telling what else they were  
12 doing in there. But we know that at least this den of  
13 iniquity housed a lot of different things that shouldn't  
14 be tolerated in our society, but yet they want you to say  
15 that Barry Chavis was a victim. Then they introduce you  
16 to the dynamic or I should say the dope heads, the trio.  
17 You got Bubba, Jackie and Jada. They want you to believe  
18 that, hey, their testimony was corroborated, right? So  
19 let's think about this.

20 In order for the State to bring you a case and in  
21 order for you then to render a verdict you got to judge  
22 the credibility and believability of witnesses.  
23 Credibility means believability. If you don't believe  
24 anything, you have the power as a juror to disbelieve  
25 everything. You know, those three stories, those three

1 individual stories almost remind me of a can of beef  
2 stew. Y'all might have heard this, but if you open up a  
3 can of beef stew and the first piece is bad, you ain't  
4 gonna keep eating that beef stew. You gonna throw it  
5 away. So at the end of the day when you've got these  
6 three individuals that are trying to tell law enforcement  
7 what happened, how do you believe any of it? How do you  
8 basically find any of it credible?

9 The State wants you to basically accept that they  
10 believe these individuals and you should too to find  
11 Christopher Shumpert guilty of murder? Not just a simple  
12 crime, but murder? They want you to basically say, hey,  
13 believe these individuals who wake up in the morning and  
14 smoke heroin, smoke methamphetamine and drink, believe  
15 them over all of your common sense and convict Chris  
16 Shumpert of murder.

17 The only good witnesses that are worth anything  
18 believing were great for us. Mr. Chaney and the expert  
19 were great for us. Why do I say that? They want to try  
20 and flip Mr. Chaney's story and say, oh, Christopher  
21 Shumpert went to his house to get him. But if you  
22 remember what Mr. Chaney said, Mr. Chaney said, yeah, he  
23 was angry, but I never, even regarding the conversation I  
24 had with him, the last thing I had on my mind was that he  
25 was gonna go over there and kill anybody because

1 Christopher Shumpert never ever gave him any reason to  
2 believe that he was going to do anything to harm Barry  
3 Chavis.

4 The other good witnesses for us are the ballistic  
5 folks. When you look at this chart, this chart is going  
6 to tell you that, yeah, rounds were fired. I told you in  
7 my opening statement I ain't representing the Pope over  
8 there. I ain't representing the perfect individual. I  
9 told you what I think that he's accountable for and I'll  
10 finish with that. But at the end of the day he went over  
11 there with the individual who went rogue. Of course  
12 you're going to see some bullet fragments, some bullet  
13 holes and some rounds over there because I'm telling you,  
14 he didn't go over there to do anything with the intent of  
15 killing Barry Chavis. But when you look at the  
16 ballistics, what you're gonna find is that no round that  
17 could even be attributable to Chris Shumpert struck or  
18 killed Barry Chavis. Just didn't happen.

19 You heard the story or you heard the testimony of  
20 Ms. Phillips. She told you that when you look at this  
21 rifle, when you look at the bullet hole, the entrance and  
22 exit wound that were located in Barry Chavis, it came  
23 from a weapon of high velocity and speed. You can look  
24 at this weapon and see that this is a weapon of high  
25 velocity and speed; that this was the weapon that was

1 responsible for killing Barry Chavis, not a nine  
2 millimeter.

3 So what do we think happened? Here's my theory,  
4 folks. Oh, before I go back, we also talked about, we  
5 also heard from Investigator Hart who I got a great deal  
6 of respect for. But when you talk about his testimony or  
7 when you think about his testimony, who was the bad actor  
8 in this entire ordeal? It wasn't Chris Shumpert. It was  
9 Daniel Jones. You heard his testimony that Daniel Jones  
10 was the one with the guns. Daniel Jones was the one who  
11 tried to hide the guns. Daniel Jones was responsible for  
12 the ownership and trying to be the bad actor in this  
13 entire ordeal.

14 And then you heard Investigator Hart tried to  
15 suggest that, well, because they were found in the hotel  
16 in Aiken, they tried to flee. Folks, these guys didn't  
17 have any intent to try and flee no more than anybody else  
18 just trying to do whatever they needed to do to try, just  
19 to try to have a place to stay. They paid with a credit  
20 card. When they came and arrested them, they were  
21 there in the hotel room. They didn't try and run. They  
22 didn't try and abscond. They didn't try to fight. No  
23 dogs were necessary. No barricades were even required.  
24 So, when you look at the overall testimony of this case,  
25 the State has not given to you a credible case,

1 especially one in which you can find Christopher Shumpert  
2 guilty.

3 So what happened? We know that Chris and Jackie  
4 were in a relationship. We know that based on the  
5 testimony that Chris and Jackie went to Barry Chavis'  
6 house that morning, they showered. We know that after  
7 they showered, they then went to Treemount Lane which is  
8 over in Gaston. Not Gaston. But Gaston over in  
9 Lexington County. They're sitting over there probably  
10 smoking dope. We already heard that Jackie said that she  
11 was high that morning. So they're sitting over there at  
12 Treemount Lane. They're minding their business getting  
13 high doing whatever. All of a sudden you have Barry  
14 Chavis, Steven Phillips, Jada Ellison and Bubba all over  
15 at Barry's house probably smoking dope, probably just  
16 sitting back not a care in the world other than, hey,  
17 Jackie owes me \$50.00. I need to get my money. Now,  
18 imagine how that conversation started between four  
19 individuals who were on drugs and probably needed  
20 more drugs. They probably built her up to think that she  
21 was Mohammad Ali. They probably had her thinking, oh,  
22 man, you know what, yeah, she owes you \$50.00. We're out  
23 of our bud. We need some more drugs. Let's go over and  
24 get our money back.

25 So they load up in Barry's car or his truck and they

1 go over to Treemount Lane because they knew that that's  
2 where they were. They show up at Treemount. You got  
3 Chris, you got Jackie, you got another individual, and  
4 you got these four thugs that are basically just coming  
5 to get this money. Jada and Jackie start getting into an  
6 argument. Jada then snatches all the money that Jackie  
7 had. All of it. Not just \$50.00, but all of it. And  
8 then she commences in her own words to beat her ass. The  
9 mob stands over there looking probably egging her on  
10 because now they got enough money to go get some more  
11 drugs. They're sitting back happy that she's got all the  
12 money. Chris who's just trying to mind his own business  
13 at Treemount ain't looking for a fight, ain't looking for  
14 anything, simply goes up and says, hey, y'all took more  
15 money than what you were owed. Can we get money back?  
16 No. They get in their car, they leave.

17 Now, folks, what had just happened, what I just  
18 described to you is strong armed robbery. It's also a  
19 conspiracy to commit strong armed robbery. There's no  
20 ifs, ands, or buts about it. They went over there to rob  
21 Jackie Aiken for \$50.00. So when you start talking about  
22 senseless, and when you start talking about cowardly, and  
23 when you start talking about brutal, yeah, they acted  
24 senselessly, brutally, and cowardly because you had a 28  
25 year old man in a car driving a bunch of kids over to

1           commit robbery.

2           So, sure, you're Chris Shumpert, you just seen your  
3           girlfriend get robbed, a guy that you just showered at a  
4           couple hours before standby, not only standby, but is  
5           responsible for bringing them to the house. He had a  
6           relationship at least to say, hey, Barry, can you help me  
7           out? Barry, what's going on? Because again, folks, you  
8           can't analyze what happened in a sterile environment of  
9           the courtroom. You've got to think about how this  
10          happens on the street. You've got to think about how  
11          these individuals would have done it there.

12          So, Chris gets in his car along with Jackie and he  
13          attempts to follow them. They pull over. Chris gets out  
14          of his car. He walks up to the car, nothing in his  
15          hands, nothing to try and hurt Barry or anybody in it.  
16          And if you want to believe the testimony of the dope  
17          headed trio, you had Barry in the driver's seat, you had  
18          Jada in the center, you had Bubba on the front passenger  
19          seat and you had Steven Phillips somewhere in the back.  
20          According to Jada and Jackie no gunshots were fired.  
21          According to Mr. Pogue in his opening statement and  
22          according to Bubba there was a gunshot fired.

23          Now they're trying to say to you, well, all he did  
24          was just try and fire it at the ground. I guess they  
25          want to tell you all he wanted to do was scare Chris

1 Shumpert; that all he wanted to do was back Chris  
2 Shumpert up. So you're Chris Shumpert, you're walking up  
3 to a car, a guy pulls out a gun and he shoots, the first  
4 thing you're gonna do is you're gonna jump back. He  
5 jumps back and he gets back into his car and at that  
6 point Barry and the mob, they leave.

7 Chris Shumpert then knows that, hey, you know what,  
8 man, we're out of money. We got no money. We got no  
9 nothing. All I want is my money back. I know these  
10 individuals. Yeah, I know where Barry lives. I was just  
11 there four hours ago. He then goes to Corey Chaney's  
12 house. Mr. Chaney, I'm looking for your stepson. Hey,  
13 look, man, whatever you got going on leave him out of it.  
14 I'll give Mr. Chaney that. What he didn't say was that,  
15 man, I was so afraid that I needed to call the police  
16 because I knew that if he was gonna find Daniel Jones, my  
17 son, something was gonna happen. He didn't even do it  
18 because what did he testify to? He had no idea that, he  
19 had no idea and no reason to believe that Chris Shumpert  
20 was in a state to go over and act with any sort of malice  
21 or intent to kill anybody.

22 But at some point Chris gets Daniel Jones. Daniel  
23 Jones gets the guns, they ride over. Chris Shumpert,  
24 hey, man, look, all we want is our \$50.00, man. All  
25 I want to do is just go over and just scare him. I got

1 my belongings over there. You heard that testimony. You  
2 heard the testimony that Chris Shumpert said that the  
3 reason that the three of them went over there was to  
4 simply get their belongings and to scare them and all he  
5 wanted Daniel Jones to do was just to hold everybody else  
6 back. Now why is that important? Because he already  
7 knew that Barry Chavis has guns. Already knew that there  
8 were guns on the property. Already knew that more than  
9 likely the other individuals that went over to Barry's  
10 house also, probably also carried guns.

11 So at the end of the day you got all of these  
12 individuals that are over at Barry's house. They show  
13 up. Folks, sometimes people that you're with they can  
14 just act rogue. Chris' sole purpose in going over there  
15 was to retrieve that money, to scare and to intimidate.  
16 Daniel Jones got out and he went rogue. He had the high  
17 powered rifle that wasn't as hard to squeeze the trigger  
18 on than any other weapon, and that's how Barry Chavis  
19 died, and all of a sudden you get Chris Shumpert there,  
20 you got his girlfriend and who, yeah, he did drop off,  
21 she wasn't on the scene, and then they leave.

22 Daniel Jones is then arrested, Chris is then  
23 arrested, and now they're charged with murder, assault  
24 and battery of a high and aggravated nature, possession  
25 of a firearm. And why is this not murder? Why does the

1 hand of one hand of all not make sense? Talented  
2 prosecutor knows that there's no law against trying  
3 multiple defendants. She knows that if everybody is  
4 involved, the easiest thing to do is to bring them all  
5 into court, get all the facts out and ask that one jury  
6 to render a verdict. You don't even have any testimony  
7 that the two of them agreed or there was some kind of  
8 conspiracy. And a conspiracy, folks, is when two people  
9 get together and agree to do something. They didn't  
10 charge conspiracy because they knew there was no  
11 agreement; that there was no agreement to go over and do  
12 anything. That's why they're trying to back door this  
13 hand of one hand of all theory.

14 They're basically just trying to say, look, they  
15 were together. Now you got to find them both guilty.  
16 That ain't how the law works. You're gonna hear what the  
17 Judge says the hand of one hand of all theory is, but if  
18 they wanted you to basically just consider hand of one  
19 hand of all, they should have had Daniel Jones in this  
20 courtroom with his lawyer. His lawyer was here. His  
21 lawyer was here trying to say, hey, what's gonna happen?  
22 Because the only reason she was concerned was, hey, how  
23 bad is my guy gonna be thrown under the bus. That's what  
24 she was here for, not because she was trying to work on  
25 some kind of trial agreement with Ms. Patterson, but

1 she's here because she's got a client she's got to defend  
2 as well.

3 So when you look at this hand of one hand of all  
4 theory, it doesn't make sense. It doesn't apply. They  
5 never even argue or never even ask for a conspiracy  
6 charge or a conspiracy type warrant. So the only thing  
7 that you're left with would then be an assault and  
8 battery of a high and aggravated nature, and possession  
9 of a firearm. Just as I told you on Monday I'm telling  
10 you right now, I don't represent the Pope. I don't  
11 represent an innocent individual. All I know is that I  
12 don't represent an individual who is guilty of murder.

13 Now, albeit, when you look at this crime scene and  
14 you look at the bullets that are responsible for killing  
15 Barry Chavis, when you look at what they say is the  
16 bullet that hurt Kevin Kimbler, quite honestly there's  
17 been no evidence in the record which say that, hey, what  
18 bullet actually struck Kevin Kimbler. We don't know.  
19 But I respectfully submit to you that his body wasn't as  
20 banged up and his entry and exit wounds weren't as bad as  
21 what was done to Barry Chavis.

22 So, if you come back and you say, you know what,  
23 hey, man, Chris Shumpert did have a firearm, he did have  
24 a pistol, Kevin Kimbler got hit, he didn't die. All  
25 right. Chris, you got to take the bullet for hurting

1 Kevin Kimbler. But you know what, that's where it stops  
2 because even the State itself when you start talking  
3 about malice, when you start talking about this evil  
4 heart, they didn't even acquiesce that there is no  
5 malice.

6 Stanley, why do you say that? Well, when we started  
7 off these charges three years ago, Chris Shumpert was  
8 charged with murder, attempted murder, possession of a  
9 firearm. By their own admission they've reduced the  
10 attempted murder down to assault and battery of a high  
11 and aggravated nature which doesn't even require malice.  
12 Why do you think that is? It's because they know that  
13 Chris Shumpert did not act with an evil heart or evil  
14 intent or any sort of malice. All we're asking you to  
15 do, folks, is what I told you in the beginning. Hold  
16 people accountable for what they did. Hold Chris  
17 Shumpert accountable for coming onto the scene, hurting  
18 Kevin Kimbler, and doing it with a gun in his hand, but  
19 not because he's guilty of murder and certainly not  
20 because of this theory of hand of one hand of all when  
21 they don't bring the entire hand in.

22 If I tell you, hey, if I ask you this question, can  
23 you see my hand? Can all of you see my hand? No you  
24 can't. (Indicating.) Now you can see my hand. All  
25 we're asking you to do is basically just bring all the

1 hands in and then hear the testimony about all of those  
2 hands and then render a verdict and not listen to an  
3 exaggerated story that these folks have given to you  
4 because exaggeration must lead to exoneration.

5 When you listen to the facts of this case, when you  
6 listen to how they had to take a bunch of dopeheads, a  
7 bunch of individuals and they exaggerate who Barry Chavis  
8 was, how he was this individual trying to build up the  
9 community, how is he building up the community? You  
10 never even heard that these folks worked a day in their  
11 lives. You never even heard testimony that they fought  
12 the struggles that we've got to fight paying taxes and  
13 contributing to the national economy. If anything they  
14 drained the economy. But yet they want you to believe  
15 that he's a fine and outstanding individual. They want  
16 you to believe that, hey, take the dopehead's testimony  
17 here, believe it here, but don't believe it here.  
18 Believe some of it, but don't believe all of it. They're  
19 exaggerating, folks.

20 And If Chris Shumpert was a bad, horrible  
21 individual, you would have heard about it. Trust me, you  
22 would have heard about it. The only bad actor that you  
23 have heard about, the individual who had to be calmed  
24 down when he was arrested according to Deputy Swygert was  
25 Daniel Jones. If you remember his testimony, Daniel

1 Jones basically spitting in the car, he's banging his  
2 head up against the car, he's doing all these things in  
3 the car, then once he gets arrested they find the guns,  
4 they find all the things on Daniel Jones, but  
5 unfortunately because of the State's choice, not yours,  
6 you don't have the opportunity to basically bring Daniel  
7 Jones to justice, but before you go and assault your  
8 conscious and go in and deliberate that way that I know  
9 that you're going to, just know that you didn't bring  
10 this on yourselves. The State of South Carolina brought  
11 this on you by not giving you a credible or believable  
12 case. They brought this on you to try and tell you, hey,  
13 Christopher Shumpert is guilty of murder under this  
14 theory of hand of one hand of all, but they don't even  
15 have all the hands.

16 What I'm trying to tell you under all believability  
17 and all credibility is that Christopher Shumpert, that if  
18 he did anything, the record might reflect that he had  
19 possession of a firearm, and the record might reflect,  
20 hey, he might have had done some harm to Kevin Kimbler.  
21 Find him guilty of those two, folks, and that's all we're  
22 asking. Find him guilty of this one, don't believe  
23 exaggeration, and exonerate him for murder. Thank you  
24 for listening to me.

25 THE COURT: Thank you, Mr. Myers. All right.

1 Ladies and gentlemen of the jury, Mister Foreman, I'm  
2 gonna let y'all go to the jury room. I'll have you back  
3 in in probably 10 minutes. I think there's a menu y'all  
4 need to fill out for lunch. We're gonna have it brought  
5 in for you.

6 FOREMAN: No discussion of anything?

7 THE COURT: No. Absolutely no discussion until I  
8 tell you. I'll charge you the law when I bring you back  
9 in.

10 (Whereupon, the jury entered the jury room at 9:40  
11 a.m.)

12 THE COURT: All right. Anything from the State?

13 MS. PATTERSON: No, ma'am.

14 THE COURT: Anything from the defense?

15 MR. MYERS: No, ma'am.

16 THE COURT: Okay. Let's take a recess, 10 minutes.

17 (Short break.)

18 BAILIFF: All rise.

19 THE COURT: Please be seated. All right. Anything  
20 from the State before I go into charging with the jury?

21 MS. PATTERSON: Nothing from the State.

22 THE COURT: Anything from the defense?

23 MR. MYERS: Nothing from the defense, Your Honor.

24 THE COURT: All right. Let's bring the jury in.

25 MR. BELL: Judge, I'm sorry.

1 THE COURT: Wait a minute.

2 MR. BELL: I'm sorry. I was going to say I need to  
3 renew our objection to the malice charge and the lack of  
4 involuntary manslaughter.

5 THE COURT: And so noted for the record.

6 MR. BELL: Thank you, Judge.

7 THE COURT: Now, let me tell the gallery, the  
8 courtroom is gonna be locked until I finish charging the  
9 jury. Let me take this time to compliment both lawyers.  
10 You've done a great job. Great job.

11 MS. PATTERSON: Thank you, Your Honor.

12 MR. MYERS: Thank you, Your Honor.

13 (Whereupon, the jury entered the courtroom at 9:50  
14 a.m.)

15 THE COURT: All right. Mister Foreman, jury ready?

16 FOREMAN: Yes, Your Honor.

17 THE COURT: Please be seated. Did everybody get  
18 lunch ordered?

19 THE FOREMAN: Yes, ma'am.

20 THE COURT: Very good. All right. Bear with me.  
21 This is the charge on the law. It's probably gonna take  
22 me about 35, 40 minutes, okay?

23 I now will charge you on the law applicable to this  
24 case. You must consider the charge as a whole and not  
25 focus on some portions to the exclusion of others.

1           The indictments charge the defendant with murder,  
2           assault and battery of a high and aggravated nature, and  
3           possession of a weapon during the commission of a violent  
4           crime. I remind you that the fact the defendant was  
5           arrested, charged and indicted in this case, is not  
6           evidence in this case and cannot be considered by you as  
7           evidence of guilt in this case, nor does it create any  
8           presumption or inference of guilt. These documents are  
9           simply the formal written instruments which contain the  
10          charges made against the defendant. These are the formal  
11          documents by which this case is brought into this court.

12          The following things are not evidence and you must  
13          not consider them as evidence in deciding the facts of  
14          this case: Statements and arguments of the attorneys;  
15          questions and objections of the attorneys; and testimony  
16          that I instructed you to disregard.

17          I remind you that during this trial, you and I have  
18          certain duties to perform. As the trial Judge, it is my  
19          responsibility to preside over the trial of this case,  
20          and I also have the duty to rule on the admissibility of  
21          the evidence offered. You are to consider only the  
22          competent evidence before you. If there was any  
23          testimony ordered stricken from the record in this case,  
24          you must disregard that testimony. You are to consider  
25          only the testimony which has been presented from this

1 witness stand, and any exhibits which have been made part  
2 of the record in this case, and any stipulations of  
3 counsel which I don't believe we have had any  
4 stipulations.

5 I have the additional duty to charge you the law on  
6 this case. As the presiding Judge, I am the sole Judge  
7 of the law of this case, and it is your duty as jurors to  
8 accept and apply the law as I now state it to you. If  
9 you already have an idea as to what the law is or what  
10 the law ought to be and it does not agree with what I now  
11 tell you the law is, you must abandon this idea because  
12 you are sworn to accept the law and apply it exactly as I  
13 state it to you.

14 In every case tried in this court before a jury, the  
15 jury becomes the sole and exclusive judge of the facts in  
16 a case. A trial Judge cannot state, comment on, or make  
17 any statement to a jury about the facts in a case. Since  
18 you, the jury, are the sole judge of the facts in this  
19 case, you are not to infer from what I have said during  
20 the progress of this trial in ruling upon the  
21 admissibility of evidence, or otherwise, or anything I  
22 say now during this course of instruction to you, that I  
23 have any opinion about the facts in this case. The law  
24 does not allow me to have an opinion about the facts in  
25 this case. This is a matter solely for you, the jury, to

1           determine. As jurors, it is your duty to determine the  
2           effect, value, and weight of the evidence presented  
3           during this trial.

4           The defendant has pled not guilty to these  
5           indictments, and that plea puts the burden on the State  
6           to prove him guilty. A person charged with committing a  
7           criminal offense in South Carolina is never required to  
8           prove himself innocent.

9           I charge you that it is an important rule of the law  
10          that the defendant in a criminal trial, no matter what  
11          the seriousness of the charge may be, will always be  
12          presumed to be innocent of the crime for which the  
13          indictment was issued unless guilt has been proven by  
14          evidence satisfying you of that guilt beyond a reasonable  
15          doubt. This presumption of innocence does not end when  
16          you begin your deliberations, but it accompanies the  
17          defendant throughout the trial unless you reach a verdict  
18          of guilt based on the evidence satisfying you of that  
19          guilt beyond a reasonable doubt.

20          The presumption of innocence is like a robe of  
21          righteousness placed about the shoulders of the defendant  
22          which remains with the defendant unless it has been  
23          stripped from the defendant by evidence satisfying you of  
24          the defendant's guilt beyond a reasonable doubt.

25          The presumption of innocence is not a mere legal

1 theory. It is not just a legal phrase. It is a  
2 substantial right to which every defendant is entitled to  
3 unless you, the jury, are satisfied from the evidence of  
4 the defendant's guilt beyond a reasonable doubt.

5 The State has the burden of proving the defendant  
6 guilty beyond a reasonable doubt. Some of you may have  
7 served as jurors in civil cases, where you were told that  
8 it is only necessary to prove that a fact is more likely  
9 true than not true, such as by the greater weight or what  
10 we call the preponderance of the evidence. In criminal  
11 cases, the State's proof must be more powerful than that.  
12 It must be beyond a reasonable doubt.

13 Proof beyond a reasonable doubt is proof that leaves  
14 you firmly convinced of the defendant's guilt. There are  
15 very few things in this world that we know with absolute  
16 certainty, and in criminal cases the law does not require  
17 proof that overcomes every possible doubt. If, based on  
18 your consideration of the evidence, you are firmly  
19 convinced that the defendant is guilty of the crime  
20 charged, you must find him guilty. If on the other hand,  
21 you think that there is a real possibility that the  
22 defendant is not guilty, you must give the defendant the  
23 benefit of the doubt and find him not guilty.

24 Now, there are two types of evidence which are  
25 generally presented during a trial, direct evidence and

1 circumstantial evidence. Direct evidence directly proves  
2 the existence of a fact and does not require deduction.  
3 Circumstantial evidence is proof of a chain of facts and  
4 circumstances indicating the existence of a fact.

5 Crimes may be proven by circumstantial evidence.  
6 The law makes no distinction between the weight or value  
7 to be given to either direct or circumstantial evidence.  
8 However, to the extent the State relies on circumstantial  
9 evidence, the circumstances must be consistent with each  
10 other, and when taken together, point conclusively to the  
11 guilt of the accused beyond a reasonable doubt. If these  
12 circumstances merely portray the defendant's behavior as  
13 suspicious, the proof has failed.

14 The State has the burden of proving the defendant  
15 guilty beyond a reasonable doubt. This burden rests with  
16 the State regardless of whether the State relies on  
17 direct evidence, circumstantial evidence, or some  
18 combination of the two.

19 Criminal intent is a state of mind which operates  
20 jointly with an act or omission in the commission of a  
21 crime. Criminal intent is a mental state of conscious  
22 wrongdoing. Criminal intent includes those consequences  
23 which: represent the very purpose for which the act is  
24 done; or are known to be substantially certain to the  
25 result, regardless of one's desire. Intent may be shown

1 by acts and conduct of the defendant and other  
2 circumstances from which you may naturally and reasonably  
3 infer intent. Criminal intent must be proven by the  
4 State beyond a reasonable doubt.

5 You must also determine the credibility of the  
6 witnesses who have testified in this case and the  
7 evidence presented. Credibility simply means  
8 believability. It becomes your duty as jurors to analyze  
9 and to evaluate the witnesses and the evidence and  
10 determine the credibility of the witnesses and the  
11 evidence.

12 In determining the credibility of witnesses who have  
13 testified in this case, you may believe one witness over  
14 several witnesses or several witnesses over one witness.  
15 You may believe a part of the testimony of a witness and  
16 reject the remaining part of the testimony of that same  
17 witness. You may believe the testimony of a witness in  
18 its entirety or reject the testimony of a witness in its  
19 entirety. You may consider whether any witness has  
20 exhibited to you, any interest, bias, prejudice, or other  
21 motive in this case. You may also consider the  
22 appearance and manner of a witness while on the witness  
23 stand.

24 The rules of evidence ordinarily do not permit  
25 witnesses to testify to opinions or conclusions. An

1           exception to this rule exists for witnesses we call  
2           expert witnesses, and in this case we had several expert  
3           witnesses. An expert witness who, by education and  
4           experience, has become an expert in some art, science,  
5           profession, or calling may state an opinion as to the  
6           relevant and material matter in which the witness claims  
7           to be an expert, and may also state the reasons for the  
8           opinion.

9           You should consider any expert opinion received in  
10          evidence in this case and, like any other evidence, give  
11          it the weight you think it deserves. If you decide that  
12          the opinion of an expert witness is not based on  
13          sufficient education and experience, or if you conclude  
14          that the reasons given in support of the opinion are not  
15          sound, or that the opinion is outweighed by other  
16          evidence, you may disregard the opinion entirely.

17          An expert witness' testimony is to be given no  
18          greater weight than that of any other witness simply  
19          because the witness is an expert. Further, you are not  
20          required to accept an expert's opinion, even though it is  
21          not contradicted.

22          A statement alleged to have been made by the  
23          defendant has been admitted into evidence in this case.  
24          While the Court has determined that the statement is  
25          admissible, I instruct you to make the ultimate decision

1 of whether or not the defendant made the statement. If  
2 the defendant did make the statement, you must determine  
3 whether the statement made by the defendant voluntarily  
4 and of his own free will. This means that the statement  
5 was not caused by pressure, force, fear, threats,  
6 coercion, or intimidation, or by hope or a promise of  
7 leniency or a reward of any kind.

8 The defendant is charged with murder. The State  
9 must prove beyond a reasonable doubt that the defendant  
10 killed another person with malice aforethought.

11 Malice is hatred, ill will, or hostility towards  
12 another person. It is the intentional doing of a  
13 wrongful act without just cause or excuse and with an  
14 intent to inflict an injury or under circumstances that  
15 the law will infer an evil intent.

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

22 Malice aforethought may be express or inferred.  
23 These terms, "express" and "inferred", do not mean  
24 different kinds of malice, but merely the manner in which  
25 malice may be shown to exist. That is either by direct

1 evidence or by inference from the facts and circumstances  
2 which are proved. Express malice is shown when a person  
3 speaks words which express hatred or ill will for  
4 another, or when the person prepared beforehand to do the  
5 act which was later accomplished.

6 Malice may be inferred from conduct showing a total  
7 disregard for human life.

8 If facts are proved beyond a reasonable doubt  
9 sufficient to raise an inference of malice to your  
10 satisfaction, this inference would be simply an  
11 evidentiary fact to be considered by you along with the  
12 other evidence in the case, and you may give it the  
13 weight you decide it should receive.

14 A person commits the offense of assault and battery  
15 of a high and aggravated nature if the person unlawfully  
16 injures another person, and: great bodily injury to  
17 another person results; or, the act is accomplished by  
18 means likely to produce death or great bodily injury.

19 Great bodily injury means bodily injury which causes  
20 a substantial risk of death or which causes serious,  
21 permanent disfigurement or protracted loss or impairment  
22 of the function of a bodily member or organ.

23 The defendant is also charged with possession of a  
24 weapon during the commission of a violent crime. The  
25 State must prove beyond a reasonable doubt that the

1 defendant was in possession of a firearm or visibly  
2 displayed what appeared to be a firearm during the  
3 commission of a violent crime.

4 A firearm means any machine gun, automatic rifle,  
5 revolver, pistol, or any weapon which will, is designed  
6 to, or may be readily converted to expel a projectile.

7 In order to find the defendant guilty of possession  
8 of a weapon during the commission of a violent crime, you  
9 must first find the defendant guilty of either committing  
10 a violent crime or attempting to commit a violent crime.

11 Both murder and assault and battery of a high and  
12 aggravated nature are violent crimes. The State must  
13 prove beyond a reasonable doubt that the weapon  
14 furthered, advanced, or helped in the commission of the  
15 crime.

16 The principal in a crime is one who either in person  
17 perpetrates the crime or aids, abets, and assists. When  
18 one acts in the presence of and with the assistance of  
19 another the act is done by both. Where two or more, act  
20 with a common design or common intent and are present at  
21 the commission of a crime it does not matter whose  
22 immediate agency commits that crime because all would be  
23 guilty of that crime.

24 Intent, however, is a necessary element, for there  
25 must be a common design or intent to commit the crime and

1 the crime must have been committed with the defendant  
2 aiding and abetting by some overt act.

3 Mere presence at the scene is insufficient to prove  
4 someone guilty of the crime. The burden is on the State  
5 to prove every element of the crime charged. If you find  
6 after reviewing all of the evidence that the State has  
7 proven the defendant was merely present at the scene of  
8 the crime and they have not proven beyond a reasonable  
9 doubt any other participation in the crime, then you must  
10 find the defendant not guilty. The law says that proof  
11 of mere presence at the scene of a crime is not  
12 sufficient to find someone guilty. However, the law also  
13 says that the hand of one is the hand of all. The law  
14 states that a crime committed by two or more persons  
15 acting together in the commission of a crime is the act  
16 of both.

17 I remind you that the fact the defendant elected not  
18 to testify is not a factor to be considered by you in any  
19 way in your deliberations and in your consideration on  
20 the question of whether the defendant is guilty or not  
21 guilty. It must not be considered in any manner  
22 whatsoever against him. An accused has the right to  
23 remain silent, and the assertion of that right cannot be  
24 considered by you in your deliberations. Under your  
25 oath, you are to reach no inference and draw no

1 conclusion whatsoever from the fact that the defendant  
2 elected not to testify. His decision not to testify  
3 should not even be discussed in the jury room. It is not  
4 to enter your minds in making your decisions. The State  
5 has the entire burden of proof and the accused has no  
6 burden to prove anything at all.

7 A verdict in this case cannot be based upon  
8 sympathy, passion, prejudice or emotion, or some other  
9 consideration not found in the evidence.

10 Let me say something about your deliberations.  
11 Deliberation is defined as "careful consideration,  
12 weighing up with a view to decision."

13 The genius of our jury system is that it allows 12  
14 good men and women, from 12 different backgrounds, life  
15 experiences, and perspectives to consider the evidence,  
16 talk about it, and ultimately, reach a verdict.

17 We call them deliberations for a reason - you are to  
18 consider the evidence in this case very carefully and  
19 deliberately - and discuss it in a calm, thorough, and  
20 courteous manner.

21 Listen to the views of all of your fellow jurors;  
22 consider other people's points and points of view, and  
23 talk through and discuss the evidence. And remember, if  
24 you are doing something deliberately, you are not in a  
25 big hurry, and you should not be in a hurry here. This

1 case is very important to both sides, and this is their  
2 only day in court.

3 When you retire to the jury room, you should discuss  
4 the case with your fellow jurors to reach an agreement,  
5 if you can do so. Your verdict must be unanimous.

6 Each of you must decide the case for yourself, but  
7 you should do so only after you have impartially  
8 considered all of the evidence, discussed it fully with  
9 the other jurors, and listened to the views of your  
10 fellow jurors.

11 Do not be afraid to change your opinion if the  
12 discussions persuade you that you should. But do not  
13 come to a decision simply because other jurors think it  
14 is right.

15 It is important that you attempt to reach a  
16 unanimous verdict but, of course, only if each of you can  
17 do so after having made your own decision. Do not change  
18 an honest belief about the weight and effect of the  
19 evidence simply to reach a verdict. In other words, do  
20 not change your opinion solely for the sake of reaching a  
21 unanimous verdict.

22 There are two possible verdicts for each charge  
23 which you may find in this case. There is no  
24 significance whatsoever in the order in which I state  
25 these possible verdicts; it is simply that one must be

1           stated first.

2           Ladies and gentlemen, again, your verdict must be  
3 unanimous as to each charge. Mister Foreman, when the  
4 jury agrees on the verdict, you will initial on the line  
5 next to the verdict and sign your name as foreperson. I  
6 am going to give each one of you, all 12 of you will have  
7 your own copy of the charges that I just read to you so  
8 you may use them in your deliberations. You may refer to  
9 the instructions to guide your decision making. You must  
10 consider the instructions as a whole and not follow some  
11 and ignore others, and I would ask that you please return  
12 these instructions to me at the time that your verdict is  
13 rendered.

14           I'm going to ask you to return to your jury room but  
15 do not begin deliberations until you are told by the  
16 clerk or the bailiff to do so. There are some matters  
17 that I need to discuss with the lawyers before you begin  
18 your deliberations.

19           Mister Foreman, in the event that during your  
20 deliberations there is a split in the vote, the Court  
21 does not at any time want to be informed of the actual  
22 split by number, even if that exists. The other thing  
23 I want to tell you is that all jurors must be present in  
24 the jury room for deliberations. If one juror needs to  
25 go to the restroom or for some reason make a phone call,

1 I can't imagine why because we don't allow that, but if  
2 that happens, you must stop your deliberations. All 12  
3 jurors must be in the room when you deliberate.

4 I'm going to ask you now, I know I have two  
5 alternates. We need to gather up the evidence. I need  
6 to make sure that you have the computer in the jury room  
7 if y'all want to watch a video so do not start  
8 deliberations yet. When you start deliberations, I'm  
9 gonna pull the two alternates out, okay? All right. I'm  
10 gonna excuse you to your jury room. It's not time yet  
11 but it's close.

12 (Whereupon, the jury entered the jury room at 10:25  
13 a.m.)

14 THE COURT: Anything from the State as to the jury  
15 charges?

16 MS. PATTERSON: Nothing from the State.

17 THE COURT: Anything, Mr. Bell, from the defense?

18 MR. BELL: Judge, please don't throw something at  
19 me. We renew our objection to the malice instruction as  
20 given and to the exclusion of voluntary manslaughter.

21 THE COURT: Absolutely. So noted for the record.

22 MR. BELL: Thank you, Judge.

23 THE COURT: Okay. Let's gather up the evidence.  
24 I'm going to tell you, Ms. Patterson and Mr. Myers,  
25 Mr. Bell, Mr. Pogue, I'm going to keep the alternates

1 here throughout deliberations. I'm gonna tell you, last  
2 week it happened to me. I let my alternates go and I  
3 needed one of them so I was lucky it was a civil trial  
4 and the lawyers agreed to go forward so I think I'm going  
5 to keep my alternates here. Do not let the alternates  
6 go.

7 MR. MYERS: But does that mean they will remain in  
8 the jury room, Your Honor?

9 THE COURT: No. They will be taken out. I'll put  
10 them in another room. They can have their lunch but just  
11 in case we need them, okay? But no, only 12 can  
12 deliberate.

13 (Whereupon, the jury charge instructions, the  
14 exhibits, and the verdict form sent back to the jury  
15 room, and deliberations started at 10:45 a.m.)

16 (Jury deliberation period.)

17 BAILIFF: All rise. Court is now in session.

18 THE COURT: Please be seated. Let me just put these  
19 notes on the record because I'm making them Court's  
20 Exhibits. The first one that they had, I think everybody  
21 was out to lunch. It's Court's Exhibit number 4, they  
22 wanted to watch the body cam video and all the videos  
23 they would like to watch signed by the foreman. I  
24 brought them in, had IT and he played it them for them.  
25 There was no one else in the courtroom. In fact, I

1           locked all the doors. Court's Exhibit number 5 is one  
2           that I just received and it said, do I need to initial  
3           all charges or just sign at the end? I told the bailiff  
4           to tell him to sign all of them, each line. Any  
5           objections to those?

6           MS. PATTERSON: None from the State, Your Honor.

7           THE COURT: Any from the defense?

8           MR. MYERS: No, Your Honor.

9           (Whereupon, Court's Exhibits #4 and #5 marked for  
10          identification.)

11          THE COURT: All right. I believe they have a  
12          verdict. I'm gonna bring them in. Let me tell everybody  
13          in the gallery because I know you have been here all  
14          week, I don't put up with any kind of emotion or anything  
15          else. I just don't. If for some reason you think you  
16          can't control yourself, then I would ask that you leave  
17          the courtroom now. Okay. Let's bring them in.

18          (Whereupon, the jury entered the courtroom at 1:35  
19          p.m.)

20          THE COURT: Mister Foreman, does the jury have a  
21          verdict?

22          FOREMAN: Yes, Your Honor.

23          THE COURT: Is it unanimous?

24          FOREMAN: Yes, Your Honor.

25          THE COURT: Pass the verdict sheet to the bailiff

1 please. You can be seated.

2 FOREMAN: (Proffering.)

3 THE COURT: Mr. Shumpert, I'm gonna get you to stand  
4 and get the clerk to publish the verdict please.

5 THE CLERK: Your Honor, on indictments  
6 2022-GS-32-00270, 2022-GS-32-00271, and 2022-GS-32-01104,  
7 the State versus Christopher Shumpert. On the charge of  
8 murder, we, the jury, unanimously find Christopher  
9 Shumpert guilty; on the indictment for assault and  
10 battery of a high and aggravated nature, we, the jury,  
11 unanimously find Christopher Shumpert guilty; and on the  
12 indictment of possession of a weapon during the  
13 commission of a violent crime, we, the jury, unanimously  
14 find the Christopher Shumpert guilty. Signed by the  
15 foreperson, and dated March 30th, 2023.

16 Ladies and gentlemen of the jury, was this your  
17 verdicts and are these still your verdicts please  
18 indicate yes by raising your right hand. All hands  
19 raised. Thank you very much.

20 THE COURT: Okay. Anybody want the jury polled?

21 MR. MYERS: Yes, Your Honor.

22 THE COURT: Okay. Please poll the jurors individual  
23 by juror number.

24 THE CLERK: Yes, ma'am. Juror number 46, was this  
25 your verdict and is this still your verdict?

1 JUROR #46: Yes.

2 THE CLERK: Juror number 80, was this your verdict  
3 and is this still your verdict?

4 JUROR #80: Yes.

5 THE CLERK: Juror number 143, was this your verdict  
6 and is this still your verdict?

7 JUROR #143: Yes.

8 THE CLERK: Juror number 28, was this your verdict  
9 and is this still your verdict?

10 JUROR #28: Yes.

11 THE CLERK: Juror number 134, was this your verdict  
12 and is this still your verdict?

13 JUROR #134: Yes.

14 THE CLERK: Juror number 114, was this your verdict  
15 and is this still your verdict?

16 JUROR #114: Yes.

17 THE CLERK: Juror number 37, was this your verdict  
18 and is this still your verdict?

19 JUROR #37: Yes.

20 THE CLERK: Juror number 196, was this your verdict  
21 and is this still your verdict?

22 JUROR #196: Yes.

23 THE CLERK: Juror number 161, was this your verdict  
24 and is this still your verdict?

25 JUROR #161: Yes.

1 THE CLERK: Juror number 159, was this your verdict  
2 and is this still your verdict?

3 JUROR #159: Yes.

4 THE CLERK: Juror number 68, was this your verdict  
5 and is this still your verdict?

6 JUROR #68: Yes.

7 THE CLERK: Juror number 214, was this your verdict  
8 and is this still your verdict?

9 JUROR #214: Yes.

10 THE CLERK: Was there anybody's number that I did  
11 not call? Thank you.

12 THE COURT: Okay. Thank you. All right. Let me  
13 thank the jury. Y'all have been attentive, y'all have  
14 been wonderful this week. I can't tell you how much I  
15 appreciate your service. Again, the justice system  
16 doesn't work without you. What I'm gonna do is excuse  
17 you to your jury room. I will be back, Mister Foreman,  
18 I've got some paperwork that you need to sign from the  
19 clerk's office. Wait on me. I'll come back and excuse  
20 you, okay? I want to tell the lawyers that I'll be back  
21 in about 10 minutes and we'll proceed with sentencing.  
22 Okay. Thank you.

23 (Whereupon, the jury entered the jury room at 1:40  
24 p.m.)

25 THE COURT: All right. We're adjourned for 10

1 minutes.

2 (Short break.)

3 BAILIFF: All rise. Court is back in session.

4 THE COURT: Please be seated.

5 MR. MYERS: I understand we still have victim  
6 impact. I thought we would stand up here just in case.

7 THE COURT: Absolutely. Ms. Patterson, I'll be glad  
8 to hear from you as to sentencing.

9 MS. PATTERSON: Thank you, Your Honor. First of  
10 all, thank you, Your Honor, for hearing this case this  
11 week, for giving this family closure. They've been  
12 waiting a long time for this case. I think I speak on  
13 all of the family's behalf who, by the way, is here,  
14 Barry's mom, his dad, his step-parents, his grandparents,  
15 his aunts and uncles, friends of the family, he has all  
16 kinds of family members here.

17 THE COURT: They've been here all week.

18 MS. PATTERSON: They've been here all week, Your  
19 Honor, and unfortunately not only were they here to hear  
20 this, Barry lived on family property so a lot of his  
21 family including his mom and his grandparents, they  
22 actually came to the scene, they actually saw what  
23 happened to Barry and so they've been waiting three years  
24 for this.

25 Barry was 28 years old, Your Honor. He had a degree

1 in small engine repair from Midlands Tech, everyone we  
2 talked to in this case, they said if you had some type  
3 of, something with a small engine, Barry was your man to  
4 see. He could fix anything. And that's what he was out  
5 doing, Your Honor, on March 27th of 2020 when he was  
6 brutally and viciously murdered on his own property by  
7 the defendant and his co-defendant. I just ask at this  
8 time you hear from Barry's mom, Ms. Vicky Stone, as well  
9 as Rhonda Robinson, my victim's advocate in our office,  
10 she would like to read a statement from Barry, Senior  
11 as well as from Barry Chavis' step-sister, or his niece,  
12 his niece.

13 THE COURT: I'll be glad to hear from them. Is Ms.  
14 Stone here?

15 MS. PATTERSON: Yes, ma'am.

16 THE COURT: Ms. Stone.

17 VICTORIA KIRBY: Thank you, Your Honor. My name is  
18 Victoria Kirby. I was previously Stone. I'm BJ's  
19 mother, and I'm not sure if anyone here knows, but he was  
20 my only, only child. He was always very respectful and  
21 kind to everyone he came in contact with. All of his  
22 teachers and parents of friends always told me what a  
23 good boy/man he was. BJ had a smile on his face always  
24 and could light up a room. BJ was my life and my whole  
25 world changed completely when he was taken away from me

1 by a senseless act of hatred and anger and pride.

2 BJ would do anything if he knew - BJ would do  
3 anything he could to help anyone no matter if he knew  
4 them or not. He could be riding down the road and see  
5 somebody stranded and he would stop and help them, and he  
6 didn't expect anything in return.

7 Chris supposedly wanted to scare BJ according to the  
8 defense, but pointing a gun in his face wasn't enough, he  
9 had to fire 13 shots at my son and killing him in his own  
10 front yard. My son's life was cut short by Chris  
11 Shumpert because he was embarrassed and mad that BJ  
12 stopped the nonsense on the dirt road. My son never  
13 fired at him. He fired in the ground. Chris wasn't  
14 trying to get anybody back. He was in an outrage that  
15 lasted for hours. He wanted revenge because his pride  
16 was hurt.

17 My son was kind enough to allow him and his  
18 girlfriend a place to stay to keep them off the street  
19 because apparently his own family would not allow him to  
20 stay. Anyone that came to my son's home brought their  
21 own drugs. He did not supply them. He gave them a place  
22 to stay and food to eat. I know because I bought the  
23 food and I knew one little skinny five foot eleven boy,  
24 young man could not eat what I was buying. I know what  
25 kind of person BJ was and he did not deserve to be shot

1 down in his own yard.

2 In summary, Your Honor, my life has changed, but my  
3 son's was brutally taken. For the sack of others, I hope  
4 Chris spends the rest of his life in prison for this  
5 because of this brutal murder and senseless because of  
6 his pride. Thank you, Your Honor. I appreciate you  
7 allowing me to speak.

8 THE COURT: Absolutely, Ms. Kirby. I am so sorry  
9 for your loss.

10 MS. ROBINSON: Your Honor, this is from Barry  
11 Chavis, the father of the victim. It says, Honorable  
12 Judge Debra McCaslin, on September 21st, 1991, God gave  
13 me the greatest blessing any man could imagine, a  
14 beautiful baby boy. It was with such honor that we were  
15 able to name him Barry Joe Chavis, Junior, or BJ. BJ was  
16 my only biological child and I had loved him with  
17 everything I had to give.

18 On March 27th, 2020, I received the worst phone call  
19 no parent should ever have to receive and had to bury my  
20 one and only biological son. This is a nightmare no  
21 parent should ever have to live through. I never thought  
22 I would have to refer to my son in past tense, but  
23 unfortunately I do now and it hurts my heart so much. I  
24 will never be able to hear my son's voice, give him a  
25 high five and say, way to go, son, or embrace him in a

1           hug and let him know about how much he's loved. I'll  
2           never get to see him get married and have a family of his  
3           own. I've been here all week and relived this tragedy  
4           all over again, and I'm praying justice will be served.  
5           I also have a letter that was written by Barry's  
6           grandchild so it would have been from Denise and she  
7           wants me to hand it to you. She's 13. She just wanted  
8           me to hand it up to you.

9           THE COURT: Absolutely.

10          MS. ROBINSON: (Proffering.)

11          THE COURT: (Judge reading letter.) That's sweet.

12          MS. PATTERSON: Your Honor, Sergeant Joe Hart would  
13          like to address Your Honor.

14          THE COURT: Absolutely. Sergeant Hart, I'll be glad  
15          to hear from you.

16          SERGEANT HART: Yes, ma'am. Thank you, Your Honor.  
17          On behalf of the Sheriff's Department, the Major Crimes  
18          Unit at the Sheriff's Department, Your Honor, I would  
19          just like to take the time to say that we do appreciate  
20          the jury's effort in this and giving everybody involved  
21          a fair trial.

22          I want Mr. Shumpert and his family to know I don't  
23          hold any ill will towards any of them. If the roles had  
24          been reversed, if that had been Mr. Chavis and the video  
25          that you saw and the pictures that you saw had been Mr.

1 Shumpert, we would have done the exact same job. That's  
2 our job. You know, we don't pick sides. We just have to  
3 do what we need to do.

4 And this is unfortunate on all sides, Your Honor,  
5 but I would like to take a minute to say that this is a  
6 little unusual in the fact that this murder doesn't  
7 disrupt two family's lives, it disrupts three family's  
8 lives because we have Mr. Shumpert's family and we have  
9 Mr. Chavis' family, but we also have Mr. Jones' family.

10 While I don't stand here to try to claim that  
11 Mr. Chavis was a saint, I will tell you that Mr. Jones  
12 was a wayward soul. But Mr. Jones wasn't involved in  
13 this at all, Your Honor. He was recruited for a very  
14 specific purpose, he served his purpose, and he was  
15 arrested and charged with the same crimes and I'm sure  
16 Your Honor has been trying to schedule his trial as you  
17 scheduled this one, but I just don't want us to forget,  
18 Your Honor, that now he's looking at a minimum of 30  
19 years for an issue that wasn't his.

20 So, Your Honor, on behalf of the Sheriff's  
21 Department and the State in my estimation I believe that  
22 Mr. Shumpert should be sentenced to a term greater than  
23 the term Mr. Jones will be looking at because this is  
24 something that he brought on to Mr. Jones.

25 THE COURT: Thank you.

1           SERGEANT HART: Thank you, Your Honor.

2           THE COURT: Anything else, Ms. Patterson?

3           MS. PATTERSON: No, ma'am. Thank you.

4           THE COURT: Thank you. Mr. Myers, I'll be glad to  
5 hear from you.

6           MR. MYERS: Thank you, Your Honor. May it please  
7 the Court. Your Honor, you know, these things are always  
8 emotional, as I've said throughout this trial. After you  
9 receive a verdict, you know, on the Federal side after  
10 you receive a verdict, you generally have some time to  
11 get your thoughts together so I apologize if I ramble  
12 just a little bit because it's certainly difficult to  
13 receive a verdict of such and then have to stand a client  
14 in front of you and ask that you not sentence him to the  
15 rest of his life.

16           Judge, as you know, throughout this trial his entire  
17 family has been here.

18           THE COURT: I've noticed.

19           MR. MYERS: And I think four of them will address  
20 Your Honor. Judge, I will say at the outset that when  
21 this case, before this case started, the only offer that  
22 was ever made to Chris was 30 years. It was like, hey,  
23 you need to plead guilty to murder for 30. That's it.  
24 And as you very well know just from your time in  
25 practicing law, when you're offered 30 years for murder,

1           you kind of have no choice but to say, well, we got to  
2           put 12 individuals in the box and go to trial.

3           Chris told me from the start that, hey, I made  
4           amends for what I did and I know that I got to answer for  
5           that and I'm willing to plead guilty. He was asking me  
6           if we could get a voluntary manslaughter and I did  
7           everything I knew to do and Mr. Bell did everything he  
8           knew to do to try and get a voluntary manslaughter charge  
9           so we would not have to spend the resources and ask the  
10          fine folks of Lexington County to come before this Court  
11          and try this case, but again, as you know, from the  
12          competitive nature and just from being a trial lawyer, if  
13          the only offer that's made to your client is 30 years,  
14          you got no choice but to try the case.

15          I believe in the jury system. I don't ever believe  
16          that a jury is perfect. I believe that a jury can only  
17          do what is fair. I believe that we picked certainly a  
18          great number of 12 individuals that came in with common  
19          sense, listened, they paid attention, and I want to thank  
20          them. I see them in the courtroom and I thank them for  
21          their time. I thank them for their attention but, you  
22          know, again, I think that we gave him about the best  
23          trial that we could under the circumstances. We knew  
24          what happened. We understood what happened. This boy  
25          was willing to plead guilty from the very start of this,

1 but we just couldn't get the right offer that was on the  
2 table.

3 I'm sorry to Mr. Chavis' family about what happened.  
4 I truly am. And I hope that what I did, they don't take  
5 it personally. I had a job to do and it was a difficult  
6 job to do. So if I offended them, I certainly apologize.  
7 But I'm standing next to a 22 year old kid who grew up in  
8 the West Columbia area, who got hooked on drugs at the  
9 age of 16. He tells me that first time he started  
10 experimenting with drugs was with Mr. Chavis. So for two  
11 years he used methamphetamine, he used marijuana, he used  
12 Mr. Chavis' home as an opportunity to go to sleep, to  
13 shower, to stay with his girlfriend.

14 Judge, whatever happened was the result, and I  
15 firmly believe, of mind altering substances. You know,  
16 this is not an indictment on guns because I'm a military  
17 guy and a strong individual who loves to shoot weapons,  
18 this is not an indictment on guns. I like guns, but this  
19 my utopian world, in Stanley's world, I hope that there  
20 is some type of compromise that we can understand that  
21 guns can be dangerous if put in the hands of the wrong  
22 individuals. And the problem is we just got individuals  
23 out there that just have no business of owning guns,  
24 period.

25 We can debate that all day long, but at the end of

1 the day I'm a strong Second Amendment proponent, being in  
2 the military, I get that, but I wish that we could go  
3 back to the days that if people had a dispute, you could  
4 go behind a tree and whoever walked away, hey, man, you  
5 walked away, but at least you all lived. That wasn't  
6 this situation.

7 I can tell you that Chris has been extremely  
8 remorseful since this incident occurred. Each and every  
9 time I've gone to see him at the jail he's expressed  
10 remorse. He's expressed the fact that he wished that  
11 this had not happened. He wished that he had never got  
12 hooked on drugs. He wished that he never knew anybody  
13 that had any drugs but it happened.

14 Judge, I just ask that you grant this young man  
15 leniency based on the circumstances we were put in, but  
16 before I ask you not to sentence him to a lengthy  
17 sentence beyond 30 years, I would like for you to hear  
18 from his family members, and I don't know exactly who  
19 will come up and say anything, but I would ask that you  
20 guys come up and say what you need to say on his behalf  
21 and state your name for the record please.

22 VIVIAN WALKER: My name is Vivian Walker. I'm  
23 Christopher's sister. Your Honor, I've never had to do  
24 anything like this so please excuse me if anything  
25 doesn't make sense because I have trouble finding the

1 words to say when it comes to how I feel. So I just want  
2 to speak from my heart. My brother Christopher is no  
3 saint as I'm sure very few of us are, but as far as the  
4 person he is, Christopher has always been such a sweet,  
5 loving and respectful young man. We've been raised in a  
6 family with values of loving one another unconditionally  
7 and being there for each other as he's always been  
8 there for me as well as the love for God and to do the  
9 best we can to follow his work; that we're all sinners.

10 My brother Christopher has always been an amazing  
11 brother to me and there's not been a single time I've had  
12 to call on him that he hasn't been there for his sister.  
13 Seeing him caught up in this unfortunate situation where  
14 there was a loss of life is heart breaking, and I would  
15 like to give my condolences to the Chavis family for  
16 their loss of BJ because what happened is a tragedy.

17 I miss all the good times we would have together  
18 laughing, fishing, camping and enjoying each others  
19 company when it came to being together as a family, my  
20 heart breaks because I want nothing more than to be able  
21 to have my brother back in my life and for him to be in a  
22 relationship with my son, and we know it's all in God's  
23 hands but, Christopher, I love you so much. I'll always  
24 be there for you. Thank you, Your Honor.

25 THE COURT: Thank you.

1           BETH STOCKMAN: Hi. I'm Christopher's aunt but  
2 reading this on behalf of his mom. This may be an  
3 unusual statement to some because it was very hard for me  
4 at first. It is said that we should pray for not only  
5 our friends and family, but also for others in need.  
6 After a whole lot of praying on my part, I finally  
7 realized that I should be praying for BJ's mother  
8 as well. That was her child that was lost. She will  
9 never get to hold or touch him again until the Lord calls  
10 her home to be with him. However, I will eventually  
11 hopefully get to hug my child again and there is no way  
12 that I could or would ever want to imagine that feeling.  
13 So for three long years Ms. Chavis has been in my daily  
14 prayers and she will continue to be no matter what.

15           My son has always had a very good and kind heart.  
16 He would never hurt anyone. I believe that he just got  
17 wrapped up in hanging out with the wrong crowd. In his  
18 younger years he was always brought up in the church and  
19 being a big part of Sunday school and youth group  
20 activities. He has always been the first one to jump up,  
21 to open and hold the door, or do anything to help out  
22 anyone. He has always been the young man in the  
23 neighborhood that would always be willing to help out in  
24 the yard work or anything else an elderly person would  
25 need help with. I'm pleading with you. Please have

1           mercy on my son. Thank you, Your Honor.

2           THE COURT: Thank you. Can you state your name for  
3           the record.

4           BETH STOCKMAN: I'm sorry. Beth Stockman.

5           THE COURT: Thank you, Ms. Stockman. Thank you.

6           WAYNE WILKES: Your Honor, I'm Wayne Wilkes. Most  
7           of my life has been spent in West Columbia. We would  
8           like to take a second to Barry Chavis' family and express  
9           our deep, deep sympathy for your loss. We hate this  
10          happened. It's a very terrible situation. This is from  
11          the most loving woman I've ever met in my life. It goes  
12          like this.

13          First of all, I would like to express my deepest and  
14          sincerest sympathy to the Barry Chavis' family for their  
15          loss. My grandson Christopher David Shumpert is a young  
16          man with a big heart. He grew up as a happy, funny,  
17          loving little boy. It was always important to him to be  
18          a very respectful person to his elders. This is a young  
19          man that went down to the altar at a Christian concert  
20          and prayed for healing when I was diagnosed with cancer.  
21          This is Christopher's heart.

22          Christopher was only 19 years old when this incident  
23          occurred. In three years that he's been incarcerated I  
24          observed a more mature, responsible and sincere young man  
25          with our conversations on the phone.

1           Your Honor, as a grandmother who loves her child and  
2           grandchildren unconditionally I am pleading with you to  
3           have mercy on my grandson and sentence him to the minimum  
4           time allowed for this offense. It is my prayer that at  
5           this current age of 68 that I will still be on this earth  
6           to be able to kiss, hug, and look into my grandson's eyes  
7           again. Thank you, Your Honor.

8           Your Honor, I'm finishing up 72 years of life in  
9           this country and on this earth. I can't imagine what  
10          you've got to go through when you have to do a  
11          sentencing. All I can tell you is as a military combat  
12          officer, many times I was required to ask young men  
13          Christopher's age to jump out of bed and say good-bye to  
14          their loved ones, put them on an airplane and fly them to  
15          some God awful place in the world and take an automatic  
16          weapon and fire on somebody they knew nothing about and  
17          ask them somehow to get through that. Some of them did,  
18          some of them couldn't. They came back with no malice in  
19          their heart but their country said they had to do it and  
20          many of them did not do well with that.

21          I know in my heart and in my soul and my mind that  
22          Christopher is not that kind of young man. I don't know  
23          what we're gonna do in this country. Drugs have really  
24          influenced our young people so badly. The influence  
25          they've got is -- I know that's not Christopher. I know

1           that this is not his way of life and if those drugs had  
2           not been involved, he wouldn't have come anywhere close  
3           to that weapon. But God bless you for your efforts and  
4           what you've got to go through. Thank you for taking this  
5           time.

6           THE COURT: Thank you.

7           MR. MYERS: Judge, just to finish up, you know, I  
8           became connected with this family. Mr. Wilkes, the one  
9           who just spoke, used to own, I think his son runs it now,  
10          Columbia Power Sports, power boats and jet skis, I've  
11          become close friends with his son Colin. I became close  
12          friends with Christopher's dad Kyle and I will say there  
13          were times when I first met Kyle, I remember seeing Chris  
14          as a little boy with his twin brother run around the  
15          neighborhood or in the area, riding dirt bikes, and he  
16          was always a respectful young man. No malice in his  
17          heart, no whatsoever.

18          But again, as Mr. Wilkes just indicated, when you  
19          start putting drugs on the street, when you start putting  
20          guns on the streets with these kids getting guns and  
21          drugs, these things are going to happen, period.

22          And so, Judge, I just ask that you consider every  
23          single thing that you've heard. You've got a 22 year old  
24          young man who does not have a criminal record, has never  
25          seen any sort of jail time whatsoever, never committed a

1 crime. He has been at the Lexington County Detention  
2 Center for the past three years without any sort of a  
3 bond, hasn't even come up except for one time for a  
4 request for a bond. So we are respectfully asking the  
5 Court to consider all the circumstances and consider a  
6 punishment that would be just. And I think that a just  
7 punishment would be just for a 22 year old with  
8 everything that has gone on knowing that a sentence of  
9 murder carries day for day, it's not an 85 percent or  
10 it's not a 65 percent, it is a day for day sentence, that  
11 30 years to a 22 year old, he'll be 52.

12 And got to the other side. I understand that the  
13 other family won't be able to see Mr. Chavis again, but I  
14 think that you understand what we're getting at when we  
15 talk about what a sentence would be, and I respectfully  
16 ask that you sentence this young man to the minimum  
17 amount on the murder, that you give him the full amount  
18 on the assault and battery of a high and aggravated  
19 nature, five years on the possession of a firearm, and  
20 run them all current. We believe that that would be a  
21 fair and just sentence in this case.

22 I have told Christopher that because we do think  
23 that there is an appellate right regarding the voluntary  
24 manslaughter charge, that he be careful. I know the  
25 Court's ruling and we respect the Court's rulings on

1 that, but I've told him that we feel pretty confident  
2 about his appellate rights, that we intend to file a  
3 notice of appeal. We would ask that he not say anything  
4 at this particular time and that's because of me and  
5 Mr. Bell, not because he's not been remorseful. Thank  
6 you, Your Honor. Thank you for hearing us.

7 THE COURT: Anything else, Ms. Patterson?

8 MS. PATTERSON: No, ma'am.

9 THE COURT: All right. First, let me thank the  
10 lawyers. Y'all did an awesome job representing your  
11 respective clients. Also, let me thank law enforcement.  
12 I know I have Aiken, Lexington County, SLED. Y'all did a  
13 great job of piecing this case together, and I also thank  
14 the jury for their time and dedication to this case and I  
15 appreciate their attentiveness and also their service to  
16 Lexington County.

17 You know, I'm charged with the responsibility of  
18 imposing a sentence which is sufficient, but not greater,  
19 than necessary to reflect the seriousness of the offense  
20 charged and afford adequate deterrents to criminal  
21 conduct and protect the citizens of Lexington County from  
22 further crimes from Mr. Shumpert. 22 years old.

23 I'm gonna tell all of you, I sit up here all day  
24 long and I listen to drugs and guns and this was just so  
25 unnecessary.

1           But I will have to tell you, Mr. Shumpert, what  
2           bothers me more than anything in this case, and I believe  
3           the jury got it right and hit it right on the head, in  
4           this case they found you guilty of the murder, ABHAN, and  
5           possessing a gun. You left the scene and went to someone  
6           else's home and they even told you don't involve my kid,  
7           call the police. You left there. You went to his  
8           grandmother's house to track down this other kid in order  
9           to get a gun and then you drop off the girlfriend.

10           I don't know. You know, everybody's quick to blame  
11           drugs for everything, but I'm telling you, there's a  
12           point in people's lives that you have to take  
13           responsibility for what you've done. And I'll tell Ms.  
14           Kirby, I certainly, my heart goes out to you. It does.  
15           I'm not real sure that any sentence I give will ever  
16           bring you closure, but I can hold him accountable for  
17           what that's worth.

18           Here I am sentencing a 22 year old to more time than  
19           he is old. It carries a mandatory minimum 30 years,  
20           Mr. Shumpert, and that's a day for day charge. You will  
21           spend every day that I give you. I just hope that all  
22           this violence stops. It's destroying our youth. I read  
23           about it in the paper everyday. It's horrible. Drugs  
24           and guns. I'm gonna ask you to stand, Mr. Shumpert. Can  
25           you tel me how many days he gets credit for?

1           MR. MYERS: Judge, he was arrested on March 27th of  
2           2020.

3           THE COURT: Hang on. The law clerk is gonna tell me  
4           here in two seconds.

5           MR. MYERS: March 28th.

6           MR. POGUE: I've got 1097 days.

7           THE COURT: That's what we have and by law he's  
8           entitled to all the time that he served so I will give  
9           him that credit.

10          All right. On possession of a weapon during the  
11          commission of a violent crime, Mr. Shumpert, the sentence  
12          of the Court is you are to be committed to the State  
13          Department of Corrections for a period of, that's five  
14          years, and I'll give you credit for your 1097 days. All  
15          of these sentences will run concurrent. On the assault  
16          and battery of a high and aggravated nature it is 20  
17          years with credit for the 1097 days. And, Mr. Shumpert,  
18          again, I'll tell you I take no pleasure in this at all,  
19          but it's the appropriate sentence for the testimony I've  
20          heard during this trial, on the sentence of murder you  
21          are to be committed to the State Department of  
22          Corrections for a period of 40 years. Court's adjourned.

23          WHEREUPON, THE TRIAL WAS CONCLUDED.

24

25

## 1 CERTIFICATE OF REPORTER

2 (STATE OF SOUTH CAROLINA)

3 (COUNTY OF LEXINGTON )

4

5 I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,  
6 and Retired Official Circuit Court Reporter for the Eleventh  
7 Judicial Circuit in and for the State of South Carolina, do  
8 hereby certify that I reported the proceedings in the before  
9 captioned case in the Court of General Sessions in and for the  
10 State of South Carolina on the 27th through the 30th day of  
11 March, 2023.

12 I FURTHER CERTIFY that the forgoing 576 pages  
13 constitute a true and accurate record of said proceedings.

14 I FURTHER CERTIFY that I am neither related, counsel  
15 to, nor of interest to any party hereto.

16 IN WITNESS WHEREOF, I have hereunto set my hand at  
17 Lexington County, this 15th day of July, 2023.

18

19

By:s/Steven E. LeBlanc

20

Steven E. LeBlanc, Sr., R.P.R.  
Eleventh Circuit Court Reporter  
State of South Carolina.

21

22

23

24

25

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 20005975

DSG

ARREST WARRANT NUMBER

2020A3210200663

ACTION OF GRAND JURY

TRUE BILL

*Randy Christmas*

Foreperson of Grand Jury

Date: 2-9-22

VERDICT

*Shumpert*

Foreperson of Petit Jury

Date: 3/30/2023

DOCKET NO. 2022GS3200270

**The State of South Carolina**

**County of Lexington**

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2022

THE STATE

vs.

Christopher David Shumpert

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

**S.R. Hubbard III, SOLICITOR**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Murder  
§ 16-03-0010

At a Court of General Sessions, convened on February 2022, the Grand Jurors of Lexington County present upon their oath:

That **Christopher David Shumpert along with Daniel Taylor Jones** did in Lexington County on or about March 27, 2020, unlawfully, willfully, feloniously, and with malice aforethought kill the victim, Barry Joe Chavis Jr., by shooting the victim, and the victim died as a proximate result thereof, in violation of § 16-3-10, 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.

  
DEPUTY SOLICITOR

SCANNED: 02092022

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 20005975

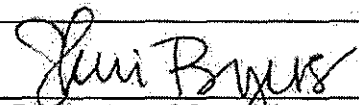
DSG

ARREST WARRANT NUMBER

2020A3210200662

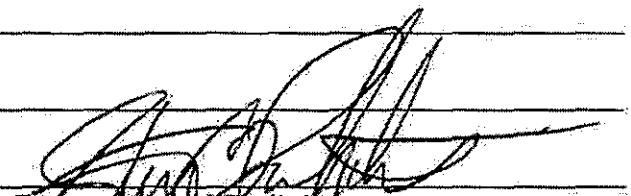
ACTION OF GRAND JURY

TRUE BILL



Foreperson of Grand Jury  
Date: 4.4.22

VERDICT



Foreperson of Petit Jury  
Date: 3/30/2023

DOCKET NO. 2022GS3200271

**The State of South Carolina**

**County of Lexington**

COURT OF GENERAL SESSIONS

APRIL TERM 2022

THE STATE

vs.

Christopher David Shumpert

CDR #: 0549

Indictment for

Weapons / Poss. weapon during a violent  
crime

§ 16-23-0490

**S.R. Hubbard III, SOLICITOR**

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Weapons / Poss. weapon during a violent crime
COUNTY OF LEXINGTON	)	
	)	§ 16-23-0490

At a Court of General Sessions, convened on April 2022, the Grand Jurors of Lexington County present upon their oath:

That **Christopher David Shumpert** did in Lexington County, South Carolina on or about March 27, 2020 knowingly and willfully, possess a firearm, during the commission of a violent crime or attempt to commit a violent crime, to wit: Murder such weapon described as a 9 mm handgun and/or an AR-15 assault rifle in violation of § 16-23-490 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.

  
 \_\_\_\_\_  
 DEPUTY SOLICITOR

SCANNED 04052022

WITNESSES

Lexington County Sheriffs Department

Michael J Hart

Law Enforcement Case #: 20005975

DSG

ARREST WARRANT NUMBER

2020A3210200664

ACTION OF GRAND JURY

TRUE BILL

*Shari Boyce*

Foreperson of Grand Jury  
Date: 4.4.22

VERDICT

*[Signature]*

Foreperson of Petit Jury  
Date: 3/30/2023

DOCKET NO. 2022GS3201104

**The State of South Carolina**

**County of Lexington**

COURT OF GENERAL SESSIONS

APRIL TERM 2022

THE STATE

vs.

Christopher David Shumpert

CDR #: 3411

Indictment for

Assault and Battery of a High and Aggravated Nature

§ 16-03-0029

**S.R. Hubbard III, SOLICITOR**



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2022 - GS - 32 - 00270

Christopher David Shumpert

AW#: 2020A3210200663

AKA: \_\_\_\_\_

Date of Offense: 3/27/2020

Race: White Sex: M Age: 22

S.C. Code §: 16-03-0010

DOB: [REDACTED]-2000 SS#: [REDACTED]

CDR Code #: 0116

Address: [REDACTED] Treemount Ln

City, State, Zip: Gaston, SC 29053-9273

DL#\* [REDACTED] SID# \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Murder / Murder

In violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

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

ATTEST:

*[Signature]*

15969

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

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

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

and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment

of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

2022-65-32-00271  
11 11 11 01104

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

1097 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Christopher David Shumpert INDICTMENT/CASE#: 2022 - GS - 32 - 00270

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

TOTAL \$ 1250

Clerk of Court/Deputy Clerk: [Signature]  
Court Reporter: Steve LeBlanc

Presiding Judge: [Signature]  
Judge Code: 2769  
Sentence Date: 3/30/23

STATE OF SOUTH CAROLINA )  
COUNTY OF Lexington )  
STATE )

IN THE COURT OF GENERAL SESSIONS

VS.

INDICTMENT/CASE#: 2022 - GS - 32 - 00271

Christopher David Shumpert

AW#: 2020A3210200662

AKA: \_\_\_\_\_ )  
Race: White Sex: M Age: 22 )  
DOB: -2000 SS#: \_\_\_\_\_ )  
Address: Treemount Ln )  
City, State, Zip: Gaston, SC 29053-9273 )  
DL#\* \_\_\_\_\_ SID# \_\_\_\_\_ )

Date of Offense: 3/27/2020  
S.C. Code §: 16-23-0490  
CDR Code #: 0549

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

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

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

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

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

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

[Signature] 15969  
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,  
for a determinate term of 5 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment  
of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

The sentence shall run  
 CONCURRENT or  CONSECUTIVE to sentence on: 2022-65-32-00270  
2022-65-32-01104

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.  
1,097 days/months  
 To include time spent on monitored house arrest prior to trial and sentencing.  
 The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Christopher David Shumpert INDICTMENT/CASE#: 2022 - GS - 32 - 00271

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100		\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100		\$ _____
§56-5-2995 (DUI Assessment)		\$12		\$ _____
§56-1-286 (DUI Breath Test)		\$25		\$ _____
§14-1-212 (Law Enforce. Funding)		\$25		\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)		\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea		\$ _____
3% to County (if paid in installments)		TBD		\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500		\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD		\$ _____

TOTAL \$ 175.00

Clerk of Court/Deputy Clerk: \_\_\_\_\_  
Court Reporter: \_\_\_\_\_

Steve LeBlanc  
Steve LeBlanc

Presiding Judge: \_\_\_\_\_  
Judge Code: \_\_\_\_\_  
Sentence Date: \_\_\_\_\_

Debra McCaskle  
2769  
3/30/23

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

INDICTMENT/CASE#: 2022 - GS - 32 - 01104

VS.

Christopher David Shumpert

AKA:

A/W#: 2020A3210200664

Race: White Sex: M Age: 22

Date of Offense: 3/27/2020

DOB: [REDACTED]-2000 SS#: [REDACTED]

S.C. Code §: 16-03-0029

Address: Treemount Ln

CDR Code #: 3410

City, State, Zip: Gaston, SC 29053-9273

SENTENCE SHEET

DL#\* [REDACTED] SID# [REDACTED]

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

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

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

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

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

ATTEST:

*[Signature]*

15969

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

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

for a determinate term of 20 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$\_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment

of \$\_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

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

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on:

2022-65-32-00271  
2022-65-32-00270

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

1,097 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Christopher David Shumpert INDICTMENT/CASE#: 2022 - GS - 32 - 01104

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

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

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

**\*Fine:**

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

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

**TOTAL** \$ 125.00

Clerk of Court/Deputy Clerk: [Signature]  
Court Reporter: SEVE LEBLANC

Presiding Judge: [Signature]  
Judge Code: 2107  
Sentence Date: 3/30/23

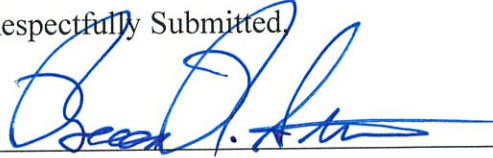
Jan 16 2024

SC Court of Appeals

## 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,



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Breen Richard Stevens  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 16th day of January, 2024.

**RECEIVED**

**Jan 16 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

CHRISTOPHER D. SHUMPERT,

APPELLANT

APPELLATE CASE NO. 2023-000568  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of January, 2024.



\_\_\_\_\_  
Breen Richard Stevens  
Appellate Defender

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

ATTORNEY FOR APPELLANT