

RECEIVED

Feb 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LARRY JA JUAN SCIPIO, JR.

APPELLANT

APPELLATE CASE NO. 2022-000949

AMENDED RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3727

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

VOLUME II

PAGES 501-529

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 20-24, 2022.....	1
DEFENSE MOTION TO EXCLUDE DETAILS OF DEFENDANT’S ARREST	2
RESPONSE BY MR. TUCKER.....	3
COURT’S RULING DENYING DEFENSE MOTION TO EXCLUDE DETAILS OF DEFENDANT’S ARREST	6
OPENING STATEMENT BY MR. TUCKER	10
OPENING STATEMENT BY MR. KRZYSTON	16
TESTIMONY	
STEPHANIE RENEE LUCAS	
Direct Examination by Mr. Tucker	23
Cross-Examination by Mr. Sharpe.....	42
Redirect Examination by Mr. Tucker	52
LEVI JAMES	
Direct Examination by Mr. Tucker	55
Cross-Examination by Mr. Krzyston	59
Redirect Examination by Mr. Tucker	61
WILLIAM ODOM	
Direct Examination by Mr. Tucker	62
Cross-Examination by Mr. Krzyston	71
Redirect Examination by Mr. Tucker	83
Recross-Examination by Mr. Krzyston.....	84
GARY TURNER	
Direct Examination by Mr. Tucker	86
AMBER FLOWERS	
Direct Examination by Mr. Tucker	99
Cross-Examination by Mr. Krzyston	108
Redirect Examination by Mr. Tucker	143
Recross-Examination by Mr. Krzyston.....	147
THOMAS WALLACE BO MYERS	
Direct Examination by Mr. Tucker	149

Cross-Examination by Mr. Krzyston	154
Redirect Examination by Mr. Tucker	159
Recross-Examination by Mr. Krzyston.....	160
KHALID BELIN	
Direct Examination by Mr. Tucker	163
Cross-Examination by Mr. Krzyston	176
Redirect Examination by Mr. Tucker	186
ORLANDO MENDEZ	
Direct Examination by Mr. Tucker	188
Cross-Examination by Mr. Krzyston	209
Redirect Examination by Mr. Tucker	234
LEIGH MANLEY	
Direct Examination by Mr. Tucker	237
CHASE McDANIEL	
Direct Examination by Mr. Tucker	242
Cross-Examination by Mr. Krzyston	259
Redirect Examination by Mr. Tucker	272
Recross-Examination by Mr. Krzyston.....	275
MATTHEW LEE	
Direct Examination by Mr. Tucker	277
Cross-Examination by Mr. Krzyston	281
BEN PRICE	
Direct Examination by Mr. Tucker	285
DEFENSE MOTION TO ADMIT CREDIT CARD TRANSACTION SHEET	312
COURT’S RULING TO EXCLUDE CREDIT CARD TRANSCATION SHEET	321
TESTIMONY	
BEN PRICE	
Cross-Examination by Mr. Sharpe.....	325
Redirect Examination by Mr. Tucker	340
Recross-Examination by Mr. Sharpe	344
MEGAN FLETCHER	
Direct Examination by Mr. Tucker	348
Cross-Examination by Mr. Krzyston	356
Redirect Examination by Mr. Tucker	361
Recross-Examination by Mr. Krzyston.....	362

PAUL GREER (<i>IN-CAMERA</i>)	
Direct Examination by Mr. Tucker	365
Cross-Examination by Mr. Krzyston	376
PAUL GREER	
Direct Examination by Mr. Tucker	394
Cross-Examination by Mr. Krzyston	407
THOMAS BEAVER	
Direct Examination by Mr. Tucker	408
Cross-Examination by Mr. Krzyston	424
Redirect Examination by Mr. Tucker	427
Recross-Examination by Mr. Krzyston.....	427
A.M.	
Direct Examination by Mr. Tucker	428
Cross-Examination by Mr. Krzyston	446
Redirect Examination by Mr. Tucker	449
S.M.	
Direct Examination by Mr. Tucker	451
Cross-Examination by Mr. Krzyston	459
THE STATE RESTS	460
THE DEFENSE RESTS	462
CLOSING ARGUMENT BY MR. TUCKER.....	475
CLOSING ARGUMENT BY MR. SHARPE	793
VERDICT	519
SENTENCING	523
INDICTMENT.....	524
SENTENCE SHEET.....	526
COURT’S EXHIBIT #3 (CREDIT CARD TRANSACTION REPORT).....	527
CERTIFICATE OF COUNSEL	529

1 he was wearing at the time the crime was committed, but there
2 was no blood on it. And then when the blood comes back, but
3 there's none on there, he's all of a sudden, oh, we didn't
4 think it was his shirt. How convenient is that?

5 You're just basing your investigation on what you're
6 getting. Didn't have any DNA or blood testing done on the
7 clothing worn by Orlando Mendez, despite the clear appearance
8 of blood on his clothing. It showed two different types of
9 potential staining. No blood test on that, and you can see it
10 on his -- on his clothes.

11 No GSR run on Orlando Mendez's hands or clothes. GSR,
12 the gunshot residue that they talked about that you can't get
13 unless it's within 6 hours of the crime. Well, they're
14 sitting there talking with Orlando Mendez -- what? -- 15
15 minutes after the crime? Twenty minutes after the crime?
16 He's at his house. How hard would it be to take -- get him to
17 go change clothes and give them the clothes so that they can
18 test it so they can clear him, make him not a subject, a
19 suspect. They didn't do that. They didn't do that.

20 Didn't take fingernail scrapings for DNA on Orlando
21 Mendez's hands. You heard how in typical situations where
22 there's a struggle, they scrape the fingernails so that they
23 can identify the DNA of the victim's fingernails so they can
24 ID the perpetrator.

25 Why didn't they do that? You saw his fingernails.

1 They're long, jagged. Would have been great for taking DNA
2 had he gotten into a fight with Mr. Scipio, and they could
3 have confirmed the DNA of Mr. Scipio underneath his
4 fingernails to confirm his identity. Didn't do that. Didn't
5 do that.

6 Didn't do any examination of any of the cell phones for
7 the Mendez family. Could have gone through their text
8 messages, Facebooks, other communications to see if there is
9 any communication about this.

10 Now, the physical evidence. The lighting conditions we
11 already talked about, why they all consistently misrepresent
12 how bright it was in there. Because they're trying to bolster
13 their credibility with you.

14 How about the -- the pictures? The State, every time he
15 put those pictures up, he had them sideways. Was that to try
16 to confuse you? I don't know if you saw us. We turned them
17 straight up so you could see so you can understand what's
18 going on.

19 Didn't see any pictures of down the hallway. Why didn't
20 they have any pictures down the hallway so you can see exactly
21 where the rooms were that these people were supposedly in? It
22 would be something that would have been nice to clarify the
23 scene.

24 The back door to the residence led out to the backyard.
25 It was secluded, dark, and had a large retention pond. Did

1 you see that? How hard would it have been for Khalid or
2 Orlando to run out the back and throw the pistol in that pond
3 and then he runs back to the house by the time the police get
4 there?

5 The physical layout of the exterior of the house. You
6 saw the pictures. The Fridays had a completely unobstructed
7 view. Unobstructed. Front porch is lit up, well-lit they
8 say. You saw the pictures. You can see it right here.
9 Lights on. Lights on.

10 How about the injuries to Mr. Rico Johnson's body? You
11 heard Dr. Beaver sit up there and testify that all of the
12 shots, he would have had to have presented his full back, his
13 full back.

14 You heard testimony of Stephanie Lucas, among others,
15 that Rico was sitting just like this, just like this. How in
16 the world do you get shot in the back six times if you're
17 facing forward?

18 You also heard him testify that it would have been just
19 as likely -- you heard Mr. Krzyston say if I'm shooting you
20 here, he said it would be more likely that the person was
21 shooting from over there, which would be the hallway that
22 Orlando Mendez said he was coming down.

23 And the close range and the nature of the bullets would
24 have caused high velocity impact blood spatter. Now, the high
25 velocity impact blood spatter is something that you heard

1 Deputy Coroner Bo Myers talk about, very, very teeny, tiny,
2 almost unable to see droplets of blood that come after a
3 shooting at close range. Right? He said -- I think he said
4 it was almost like cough droplets when you cough, very small,
5 very small.

6 Now, this is Defense Exhibit 14, the car that the
7 Friday's are sitting in. Right? They see Orlando Mendez out
8 here in the middle of everything, trying to dictate the
9 investigation, their car, clean view of the front porch. You
10 heard Officer McDaniel say that he was standing at the base of
11 the stairs when he took this picture. Clean view of the
12 front. Again, see their car? Clean view of the front. Clean
13 view right here.

14 Supposedly, from the testimony we heard, not only did
15 Khalid Belin run this way or this way, one of these two ways,
16 but Larry Scipio also went and left this way. How in the
17 world are you sitting right here and you don't see not one of
18 those two people running right across your view? It doesn't
19 make sense. It's two or three people sitting right there and
20 not a single one of them saw it.

21 Now, this is Defense Exhibit 4. Now, if you look closely
22 here now, these -- these photos we've got for you in digital
23 copy right here for you to review so you can have a better
24 clarity, but if you look closely, real close right there, you
25 can see a little red dot, a little red dot right there, a

1 little red dot right there, a little red dot right there.

2 We would submit to you that that's consistent with high
3 velocity impact blood spatter. Again, another picture. A
4 little red dot, a little red dot, a little red dot, a little
5 red dot all over the place. High velocity impact blood
6 spatter.

7 Now, what evidence would we have seen if the Florence
8 County Sheriff's Office had actually done an investigation to
9 clear Orlando Mendez? Cell phone data, not just the GPS and
10 tower triangulation to show the location, but they could have
11 pulled his text messages and other communications with others
12 about the event.

13 The gunshot residue analysis of the particle lifts. They
14 could have done it from his hands and his clothes. Didn't do
15 it.

16 Fingerprint the red Camaro, again, that he said Larry put
17 his hands on it. That's going to leave a fingerprint. Didn't
18 check those.

19 How about the serology testing? We could have tested to
20 see if there was any blood on Orlando Mendez's shirt, same way
21 they tested the blood for Larry's shirt, which there was none
22 there. Bloodstain pattern analysis. Not only did we have the
23 blood on his shirt over here that we could all see, but also
24 just those little dots I just showed you.

25 Now, again, how do you clear Orlando Mendez as a suspect?

1 Was it based on an investigation or faith? Faith.

2 Now, as we told you in the beginning, the State has to
3 prove beyond all reasonable doubt. What do you do? You
4 watched witnesses, looked at their behavior, listened to what
5 they're saying. Consider the objective physical evidence we
6 just went over. Weigh their contradictions, which there are
7 numerous, numerous amounts of contradictions, and you've got
8 to decide whether you want to believe the witnesses.

9 Now, we would submit to you that Larry is not guilty. We
10 submit that there's not a sufficient investigation performed.
11 They took people at their word. And I mean, honestly, they
12 handled this investigation like an investigation would be
13 handled before the ability of science to help investigation.

14 There's too much contradiction in the subjective
15 evidence, people saying different things at different times.
16 You saw it. You've been provided absolutely zero objective
17 evidence, zero objective evidence that would prove beyond any
18 reasonable doubt that Larry Scipio is guilty.

19 We'd submit to you that as a result of there being no
20 objective evidence and the unreliability of the witnesses,
21 wishy-washy subjective evidence, we'd submit to you that the
22 State has not met their burden to prove this case beyond a
23 reasonable doubt. And therefore, you must go back to the jury
24 room and find Larry Scipio not guilty. Thank you.

25 THE COURT: Mr. Tucker?

1 REPLY CLOSING ARGUMENT ON BEHALF OF THE STATE

2 MR. TUCKER: Mr. Sharpe wants you to focus on what the
3 Fridays might have seen, could have seen, should have seen.
4 He wants you to ignore what the witnesses on the stand
5 actually saw and told you they saw because they were in that
6 home that night at [REDACTED] Tall Oaks, not sitting outside doing
7 who knows what in that car.

8 It is pure speculation to suggest that the Fridays were
9 looking straight ahead and kept their attention there the
10 entire time. I'd say it's just as likely, just as plausible
11 that when they heard gunfire, they ducked down and they stayed
12 down until they knew the coast was clear. They had a child
13 with them, and it's not clear whether the car was started,
14 whether they were getting in there, loading it, nothing.

15 All we know is what was in Amber Jones's statement, and
16 nothing in that statement corroborates anything that they
17 think or what they believe or what they hope the Fridays saw.
18 He wants you to ignore what [REDACTED] S.M. [REDACTED] saw. He wants
19 you to ignore what [REDACTED] A.M. [REDACTED] saw. He wants you to ignore
20 what Stephanie Lucas saw and Khalid Belin and Orlando Mendez.

21 And what did they all tell you? Khalid Belin told you
22 because he saw it. He saw what happened at that dice game
23 where they tried to leave, and he saw what this man did. He
24 tried to block Rico Johnson. Both he and Orlando Mendez in
25 the car saw it.

1 Is it possible he was sitting in the back, he heard
2 something hit the car, he looked up, and he saw hands? What
3 Orlando Mendez said it was his butt, he kind of put his butt,
4 but some part of the body touched the car. But we know that
5 he was preventing Rico Johnson from pulling away.

6 Now, does it seem strange that something like that would
7 cause a man to an hour and a half later walk into a house and
8 shoot someone six times? Sure. Even Khalid Belin couldn't
9 understand it. I don't understand it, but it made sense to
10 him because he did it.

11 They want you to ignore what Stephanie Lucas saw. Now,
12 is it possible in the confusion and in her state of mind,
13 shock, and disbelief -- and you heard some of that in that
14 9-1-1 call and you heard some more of it when she testified.
15 Is it possible that she told the deputy one thing and was
16 confused on one or two facts?

17 Think about when these people gave these statements? It
18 wasn't two weeks later. It wasn't two months later when they
19 had a chance to calm down to quiet and get themselves
20 composed. They were asked these questions while they were
21 still at the scene, still while Rico's body ended up removed
22 from the living room. That's where they were giving these
23 statements to law enforcement.

24 Now, is it possible that they were confused on some
25 facts, given their state of mind? Yeah. Is it possible that

1 law enforcement, again, Amber Jones, overwhelmed with all that
2 was going on, is it possible that when she went back to do her
3 incident report, she got some of the facts wrong? Sure. But
4 they want you to focus on that.

5 Facts matter and words matter, and not the facts or the
6 words that came out of the witnesses who were on the stand.
7 They want you to ignore what Stephanie Lucas saw when she
8 heard that knock on the door. When she went to it and she
9 opened it, she saw this man there. She called him by name.
10 Hey, Ja Juan. He responds, hey, Ms. Steph, and he walks right
11 by her. She turns to go back to that bedroom, and she hears
12 gunfire.

13 Now, if these people are going to lie, if Stephanie
14 Lucas, S.M., A.M., Orlando Mendez, or
15 Khalid Belin all are going to lie, they'll frame Mr. Scipio
16 and cover for Mr. Mendez, then why aren't their lies better?
17 Why weren't they all sitting in the living room, and why
18 didn't all of them come in here and say, yeah, I was there and
19 saw the whole thing, it was him?

20 Think of the little details. Khalid Belin says he shook
21 my hand. I told him to knock on the door, and the little
22 things that go into it. And they have to manufacture this all
23 in a matter of minutes because that's how quickly neighbors
24 got there and that's how quickly law enforcement got there.
25 That's how quickly that scene developed like that. Think of

1 how quickly they've got to get all these little minute details
2 together.

3 They want you to ignore what they saw or what Orlando
4 Mendez said. He was in the back room. He heard the gunfire.
5 He came out and saw that man. Remember when Mr. Krzyston
6 tried to say, well, you -- how did you know who it was, he had
7 his back to you? I knew him. I knew it was him. I knew Ja
8 Juan, and he engaged with him and he was on that porch.

9 Now, again, they want you to focus on what the Fridays
10 should have seen, could have seen, the fact that it wasn't in
11 that report. You know, it's obviously Mr. Scipio.

12 Again, I think it's just as plausible that they ducked
13 down when they heard the gunfire and didn't pick their heads
14 up until they heard Orlando Mendez say somebody has been shot,
15 call 9-1-1. What we do know is that the Fridays went straight
16 over there.

17 Now, if they thought for one minute that Mr. Mendez had
18 actually shot somebody in that business, do you think two
19 reasonable people would have gone right in there, along with a
20 child that you can hear on 9-1-1 all around these people? Do
21 you think that that's likely? I don't.

22 They want you to ignore the facts. They want you to
23 focus on speculation, what would have been, what might have
24 been, what should have been. And what we know is this. These
25 people came into this courtroom three years after the fact and

1 told you what they saw, what they heard, what they experienced
2 that night, and it's not something they're probably ever going
3 to forget, I'm sad to say. Not when they're 17, not when
4 they're 20, probably not when they're 30. Hopefully, with
5 time it gets easier there.

6 But S.M. got on that stand and she had the
7 best seat in the house or worst, depending on how you look at
8 it, and what did she tell you she saw? She was here. Rico
9 Johnson was there sitting on the couch. She heard her mom
10 come out and go to the door when the door knocked and there
11 was knock on the door.

12 She saw it open. She saw Ja Juan come in, and look at
13 how she responded. She was as emotional yesterday when she
14 testified as she probably was that night, and we know that
15 because Ben Price said she was so emotional he couldn't speak
16 to her. He had to get Amber Jones to do it.

17 It took great courage to come into this courtroom and get
18 on that stand. And when I asked her do you see the man in
19 here that was there that night that shot Rico, she stood up,
20 she looked and, with all the courage she could muster, she
21 looked right at the man she saw do it that night and pointed
22 him out for you. That's what she saw.

23 saw Ja Juan come in. If you recall her
24 testimony, she was sitting at the table with her sister, a
25 knock on the door. She gets up, goes to the room and, in

1 fact, she and her sister switched places, and she says she saw
2 Ja Juan come through the door. This is a man that she knew.
3 This is a man Stephanie Mendez knew. And when she goes back
4 towards that bedroom, she turns and she can see him
5 approaching Rico.

6 Now, if she's going to lie, why didn't she say, yeah, I
7 was sitting at the table with my sister and I saw the same
8 thing my sister did, but she said I went to that back bedroom
9 and then that's when I heard gunfire and that's when I saw my
10 dad come out and engage him, but every one of them gave
11 consistent statements that night in terms of description:
12 tall, heavy-set, green T-shirt, dark pants, short dreads.

13 Those are details that matter and, as I said at the
14 beginning, the most compelling, damning testimony against the
15 defendant is what you heard from Stephanie Mendez, Amya
16 Mendez, Stephanie Lucas, Orlando Mendez, and Khalid Belin when
17 they all told you what they saw and what they experienced that
18 night and, folks, they were there. They were in [REDACTED] Tall
19 Oaks. Not the Fridays, not anyone else. They were there, and
20 they saw it.

21 And again, that house, it may not have been lit up like
22 Times Square, but what house would at 10:30 at night? And so
23 they were getting ready for bed and trying to calm down, but
24 it was well enough lit when they saw everything that happened.
25 And think about a gun going off in a place six times.

1 I guarantee you that lit that living room up.

2 Orlando Mendez. He was cooperative. He spoke to law
3 enforcement that night every time they asked him. He, in
4 fact, sought law enforcement out. Now he's this criminal
5 mastermind who engineered this whole thing because he's the
6 one who shot Rico Johnson? Why didn't he have the presence of
7 mind to pull his T-shirt off too? And he told you after this
8 when he engaged when he was outside and he tried to get the
9 gun away from Larry Scipio, he went back inside to check on
10 Rico.

11 Those little things that Mr. Sharpe pointed to that could
12 be blood is speculation. It's pure conjecture. But if, in
13 fact, it was blood, you heard Bo Myers also say that
14 expiration or where someone coughing blood could throw those
15 little things out.

16 And we know that Orlando was inside because he went to
17 check on Rico Johnson because he cared about Rico Johnson. He
18 didn't kill him. He loved that man like a brother. He told
19 you that, and every other witness who knew the relationship
20 between the two told you that.

21 It is pure speculation as to what the Fridays saw. It is
22 pure speculation as to what was on that shirt, and the reason
23 that Ben Price never processed anything is because he never
24 for one moment considered Orlando Mendez to be a suspect.

25 But I'll tell you who he did consider to be a suspect:

1 Larry Scipio, because all of the evidence that night,
2 everything that he learned during the course of his
3 investigation, pointed in one direction and one direction
4 only, to the defendant, Larry Ja Juan Scipio, Jr.

5 Remember what they told you from the stand, the Mendez
6 family and Stephanie Lucas. Remember what they saw, remember
7 what they heard, and remember their emotions. They were
8 there. They experienced it. And sadly, it's an experience
9 that they're likely to never forget then, now, or ever.

10 And it is time now to hold this man responsible for what
11 he did. He murdered Rico Johnson. He walked into a house,
12 walked right up to that man, and shot him six times with two
13 one-year-old children and a 14-year-old less than ten feet
14 away. It's now time to give Rico the justice and peace he
15 deserves.

16 FURTHER CHARGE ON THE LAW

17 THE COURT: All right. Ladies and gentlemen, as I told
18 you, once the lawyers finished their closing arguments that I
19 would have some additional remarks to make to you.

20 I want you, ladies and gentlemen, to clearly understand
21 that you're not partisans or advocates for the State of South
22 Carolina or the defendant. It is your duty by your joint
23 deliberations to determine the facts in this case, giving to
24 the defendant the benefit of every reasonable doubt on each
25 and every issue. Then to the facts which you determine to be

1 true, you should take and apply the law which has been given
2 to you by this Court and thus arrive at a verdict in this
3 case. Thus, when you have accomplished these
4 responsibilities, you will have satisfied your oath as jurors,
5 and you will have discharged your duty to this Court.

6 Now, once you retire to the jury room, Mr. Foreman, the
7 bailiff will give the verdict form to you. When you, the
8 jury, arrive at a verdict in this case, you, Mr. Foreman, will
9 select the verdict as to the offense on the verdict form.

10 Now, if the State has failed to prove the guilt of the
11 defendant beyond a reasonable doubt, your verdict will be not
12 guilty. Likewise, if the State has proven the guilt of the
13 defendant beyond a reasonable doubt, your verdict will be
14 guilty. Now, once a decision has been made, you, Mr. Foreman,
15 will initial whichever choice of the verdict of the jury to
16 the offense charged.

17 I will tell you, ladies and gentlemen, that the verdict
18 that you render in this case must be the verdict of each and
19 every juror. It must be your unanimous verdict. All twelve
20 of you must agree on the verdict which you authorize the
21 foreman to write for the jury.

22 I want you to further understand -- understand, ladies
23 and gentlemen, that the order in which the choices of verdict
24 appear on the verdict form are not suggestive of any verdict
25 on the part of this Court. The verdict in this case to be

1 determined by you, the jury, not the Court.

2 Furthermore, ladies and gentlemen, please understand that
3 even though I will give the verdict form to the foreman, it is
4 not his verdict alone. It is the verdict of all twelve of
5 you, and I emphasize again that it must be unanimous.

6 I'm also going to give you all a copy of these
7 instructions in written form. During the -- during your
8 deliberations, you may refer to the instructions to guide your
9 decision making. I will tell you that you must consider the
10 instructions as a whole and not follow some and ignore others.

11 Please, Mr. Foreman, once a verdict is rendered, return
12 the copy of the instructions to the Court.

13 Now, I'm getting ready to ask you all to retire to the
14 jury room. Does everyone on the jury feel okay? Anyone not
15 feeling well?

16 All right. When I instruct you all -- when I -- or when
17 I let you all go to the jury room here in just a minute, I'm
18 going to instruct you not to begin your deliberations until
19 you're instructed to do so. Okay? The law requires that I
20 consult with the attorneys to make sure that I have not left
21 anything out of these instructions.

22 After I've spoken with the attorneys, the bailiff will
23 bring in a copy of my instructions, along with the items of
24 evidence, as well as the verdict form and, at that time, you
25 will be instructed to begin your deliberations.

1 Now, during your deliberations, should you have any
2 questions, Mr. Foreman, it will be your responsibility to
3 reduce such to writing. Knock on the door. Let the bailiff
4 know you have a question. Give it to him and he will get it
5 to me. After consulting with the attorneys, I'll answer it
6 how I deem appropriate. Okay?

7 Likewise, the bailiff or -- also, the bailiff will be
8 placed outside the jury room door. Once you all have reached
9 a verdict, filled out the verdict form, signed and dated the
10 verdict form, knock on the door. Let the bailiff know that
11 you all have reached a unanimous verdict. We'll get you back
12 in the courtroom as quickly as possible.

13 At this time, I'm going to ask you all to step to the
14 jury room. Do not discuss the case at all until you are
15 instructed to do so. As I said, I'm going to consult with the
16 attorneys for a minute and we'll gather the items of evidence,
17 and all of those items of evidence, along with the
18 instructions and the verdict form, will be brought back to you
19 and, at that time, you will be instructed to begin your
20 deliberations.

21 I know that lunch has been ordered for you all. I have
22 asked them to have your lunch here around noon; so it should
23 be here shortly as well. So step to the jury room at this
24 moment and do not discuss the case until you're instructed to
25 do so.

1 (WHEREUPON, the jury exited the courtroom at 11:24 a.m.)

2 THE COURT: All right. Again, at this time, any
3 objection or exception to anything that I've said to the jury
4 from the State?

5 MR. TUCKER: No, Your Honor.

6 THE COURT: Defense counsel?

7 MR. KRZYSTON: No, sir, Judge.

8 THE COURT: All right. If you all would come forward,
9 make sure -- I know that you -- I think you all yesterday kind
10 of went through the items of evidence to make sure everything
11 was up here.

12 MR. KRZYSTON: I think she's going to make us do it
13 again. So no problem.

14 THE COURT: Here's my verdict form as well as the jury
15 instructions.

16 (WHEREUPON, there was a pause in the proceedings to check
17 the evidence, after which the proceedings resumed as
18 follows.)

19 (WHEREUPON, the jury instructions were marked as Court's
20 Exhibit No. 4.)

21 THE COURT: Any objection to me pulling the alternate out
22 and releasing them in the back -- in the back hall?

23 MR. KRZYSTON: No, sir.

24 THE COURT: Okay. All right. We'll stand at ease.

25 (WHEREUPON, the jury deliberations began at 11:28 a.m.)

1 (WHEREUPON, there was a break in the proceedings from
2 11:28 a.m. until 1:41 p.m., after which the proceedings
3 resumed as follows.)

4 THE COURT: All right. It's my understanding that the
5 jury has reached a verdict. Anything from the State before I
6 bring the jury out?

7 MR. TUCKER: No, Your Honor.

8 THE COURT: Defense Counsel?

9 MR. KRZYSTON: No, sir, Judge.

10 THE COURT: All right. I will remind everyone in this
11 courtroom that whatever the verdict is to keep your emotions
12 in check. If you don't believe you can do so, you need to
13 exit the courtroom now. If you fail to keep your emotions in
14 check, the Court could hold you in contempt and sentence you
15 to a period of incarceration and/or a fine.

16 All right. Bring me the jury, please.

17 THE BAILIFF: Yes, sir.

18 (WHEREUPON, the jury entered the courtroom at 1:43 p.m.)

19 THE COURT: All right. We have all the jurors.

20 Madam Clerk?

21 THE CLERK: Mr. Foreman, have you all reached a verdict?

22 THE FOREMAN: Yes, we have.

23 THE COURT: You may publish the verdict.

24 VERDICT

25 THE CLERK: State of South Carolina, County of Florence,

1 in the Court of General Sessions for the Twelfth Judicial
2 Circuit, State of South Carolina versus Larry Ja Juan Scipio,
3 Jr., Indictment Number 2019-GS-21-1930.

4 We, the jury, in the above captioned case on the charge
5 of murder of Rico Johnson unanimously find Larry Ja Juan
6 Scipio, Jr., guilty. Dated June 24th, 2022, signed Emory Neil
7 Lane, Jr., Foreperson.

8 Members of the jury, if this is your verdict, please
9 raise your right hand.

10 THE COURT: Let the record reflect that all twelve jurors
11 have raised their right hand in response to such question.

12 All right. Anything from the State at this time?

13 MR. TUCKER: Nothing, Your Honor.

14 THE COURT: Defense counsel?

15 MR. KRZYSTON: I would ask that the jury be polled, Your
16 Honor.

17 THE COURT: All right.

18 THE CLERK: I'm going to call each one of your names.
19 When I do, I need you to stand. I'm going to ask you two
20 questions, and I just need you to answer. I need you to
21 respond to each question that I have.

22 97, Emory Lane. Was this your verdict then in the jury
23 room?

24 JUROR NUMBER 97: Yes.

25 THE CLERK: Is this still your verdict now?

1 JUROR NUMBER 97: Yes.

2 THE CLERK: Thank you.

3 43, Jasmine Davis. Was this your verdict then?

4 JUROR NUMBER 43: Yes, ma'am.

5 THE CLERK: Is this still your verdict now?

6 JUROR NUMBER 43: Yes, ma'am.

7 THE CLERK: Thank you.

8 69, Linda Groff. Was this your verdict then?

9 JUROR NUMBER 69: Yes, ma'am.

10 THE CLERK: Is this still your verdict now?

11 JUROR NUMBER 60: Yes, ma'am.

12 THE CLERK: Thank you.

13 159, Angela Turner. Was this your verdict then?

14 JUROR NUMBER 159: Yes.

15 THE CLERK: Is this still your verdict now?

16 JUROR NUMBER 159: Yes.

17 THE CLERK: Thank you.

18 11, William Bazen. Was this your verdict then?

19 JUROR NUMBER 11: Yes.

20 THE CLERK: Is this still your verdict now?

21 JUROR NUMBER 11: Yes.

22 THE CLERK: 50, Karen Dubose. Was this your verdict

23 then?

24 JUROR NUMBER 50: Yes.

25 THE CLERK: Is this still your verdict now?

1 THE COURT: All right. Anybody else wish to say
2 anything, Mr. Tucker?

3 MR. TUCKER: I believe that's all the family members. I
4 know his father wants to, but I think his father is very
5 emotional, as is his brother.

6 THE COURT: Okay. All right. Mr. Krzyston? Mr. Sharpe?

7 MR. KRZYSTON: Thank you, Your Honor. May it please the
8 Court.

9 We certainly understand and respect the jury's decision
10 in this case. You know, Your Honor, again, much beyond saying
11 that, you know, we talked about in opening the extensive
12 network of support Larry has in the community. Certainly,
13 Your Honor is aware of the research indicating life expectancy
14 in the Department of Corrections, and I would encourage the
15 Court to consider a lesser alternative than a life sentence.

16 Certainly, we maintain that Mr. Scipio's innocence, as he
17 intends to and is providing all notice of his intent to seek
18 appeal. And so with that, Judge, I would tender to Mr.
19 Sharpe.

20 THE COURT: Anyone from his family wish to say anything?

21 MR. KRZYSTON: No, Your Honor.

22 THE COURT: All right. Mr. Sharpe, anything you wish to
23 say?

24 MR. SHARPE: Your Honor, just to echo what Mr. Krzyston
25 said. We'd ask you to consider the lower end of the -- of the

1 sentencing.

2 THE COURT: All right. Mr. Scipio, I certainly don't
3 want you to say anything that could affect any appellate
4 rights that you may have, but do you wish to address the Court
5 in any way?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Has he -- has the defendant been
8 incarcerated since his arrest?

9 MR. TUCKER: He has, Your Honor.

10 THE COURT: And that was July 8th of 2019?

11 MR. TUCKER: Yes, Your Honor.

12 MR. KRZYSTON: Your Honor, if you're calculating, it's
13 1,083 days.

14 THE COURT: All right. Anything further from the State?

15 MR. TUCKER: No, Your Honor.

16 THE COURT: Defense counsel?

17 MR. KRZYSTON: Not at this time, Judge.

18 SENTENCE

19 THE COURT: All right. On 2019-GS-21-01930, the
20 defendant is hereby committed to the State Department of
21 Corrections for the balance of his natural life, given credit
22 for 1,083 days. Thank you.

23 MR. TUCKER: Thank you, Your Honor.

24 (WHEREUPON, the proceedings ended at 2:05 p.m.)

25 --- END REQUESTED TRANSCRIPT ---

WITNESSES

Robert B Price Florence County Sheriff

Todd Tucker

ARREST WARRANT NUMBER

2019A2110100444

ACTION OF GRAND JURY

TRUE BILL

Margaret McLeod
Foreperson of Grand Jury
Date: 11/26/19

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2019-GS-21-01930

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

DECEMBER TERM 2019

THE STATE

vs.

LARRY JA JUAN SCIPIO JR

Indictment for

MURDER

CERTIFIED: A TRUE COPY
Doris Poulos O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

FILED

2019 NOV 26 PM 2:55

DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

RECEIVED

JUL 11 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FLORENCE)

INDICTMENT FOR
 MURDER

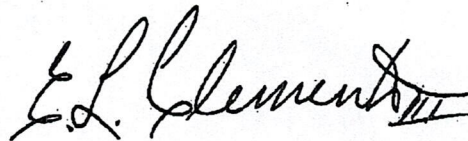
At a Court of General Sessions, convened on NOVEMBER 26, 2019 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- MURDER

CDR: 0116 16-03-0010

That LARRY JA JUAN SCIPIO JR., did in Florence County, on or about July 6, 2019, unlawfully and intentionally, willfully and with malice aforethought kill one Rico Johnson, by means of shooting him multiple times with a firearm and that the said Rico Johnson did die as a proximate result thereof in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



E.L. Clements, III
 TWELFTH CIRCUIT SOLICITOR

30 yrs - Life

STATE OF SOUTH CAROLINA)
COUNTY OF Florence)
STATE)

IN THE COURT OF GENERAL SESSIONS

VS.

INDICTMENT/CASE#: 2019-GS-21-01930

Larry Ja Juan Scipio Jr

AW#: 2019A2110100444

AKA: _____)
Race: Black Sex: M Age: 32)

Date of Offense: 7/6/2019

DOB: _____ SS#: _____)

S.C. Code §: 16-03-0010; 16-03-0020

Address: _____)
City, State, Zip: _____)

CDR Code #: 0116

DL#* _____ SID# _____)

SENTENCE **RECEIVED**

JUL 11 2022

SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Murder / Murder

In violation of § 16-03-0010; 16-03-0020 the S.C. Code of Laws, bearing CDR Code # 0116

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

(CSC w/minor 1st or CSC w/minor 3rd)

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

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

ATTEST:

T. J. Tolson 13601
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 Life days/months/years/Time Served Youthful Offender Act not to exceed _____ years

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

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

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

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

1083 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.

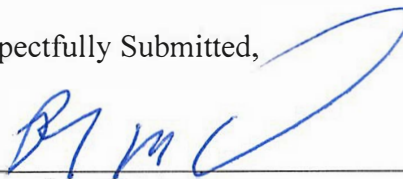
CERTIFIED: A TRUE COPY
Paula Hanna
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

PCB
1-10-22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

Feb 08 2024

SC Court of Appeals

This 5th day of February, 2024.

RECEIVED

Feb 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

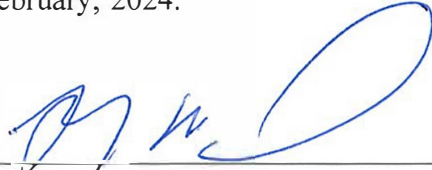
LARRY JA JUAN SCIPIO, JR.

APPELLANT

APPELLATE CASE NO. 2022-000949

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 5th day of February, 2024.


Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT