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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Jocelyn Newman, Circuit Court Judge
Appellate Case No. 2023-001770

THE STATE,

Respondent,

vs.

BRYAN MURRAY,

Appellant.

**RETURN TO
MOTION TO STAY APPEAL**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On the night of August 20, 2001, Appellant Bryan Murray carried out a terrifying crime spree throughout South Carolina’s capital city along with three of his associates. During that single-night spree, Murray’s crew robbed or attempted to rob multiple victims at a variety of different locations. Tragically, in the first of the incidents involved, the band of robbers shot Michael Messer and Richard Ferguson, two Assistant United States Attorneys from Chicago visiting Columbia for a training seminar at the National Advocacy Center situated on the University of South Carolina’s main campus. Messer quickly died at the scene from the gunshot injuries he sustained, but Ferguson fortunately survived and was able to escape from the would-

be robbers. After callously shooting the men, Murray and his band scurried away and went to a nearby Bojangles restaurant because one of the perpetrators was hungry. They then resumed their heinous scheme and robbed several more victims throughout the area once they had finished their fast-food meal. Collectively, Murray and the other three succeeded in stealing a total of \$35 that night.

Following an investigation into the matter by state and federal law enforcement agencies working together, Murray and his accomplices were apprehended, arrested, and charged with numerous offenses. Thereafter, on May 3, 2002, Murray appeared before the Honorable L. Henry McKellar, circuit court judge, in the Richland County Court of General Sessions and pled guilty to four counts of armed robbery, two counts of attempted armed robbery, and one count of criminal conspiracy.¹ In exchange for the entry of his guilty pleas, the State dismissed two additional charges—one for murder and one for assault and battery with intent to kill. At a deferred sentencing hearing conducted on June 4, 2002, Judge McKellar sentenced Murray to an aggregate thirty-five-year term of imprisonment for his terrible crimes.² And, in structuring that aggregate sentence, Judge McKellar *expressly* ordered Murray’s five-year sentence for criminal conspiracy to run consecutively to his other sentences, including his thirty-year sentences for the armed robbery convictions.

Subsequent to that, Murray did not initiate an appeal of his convictions or aggregate sentence. Instead, he unsuccessfully applied for post-conviction relief. When that course of action failed, he then unsuccessfully appealed the order denying that relief. Following that, he

¹ A copy of the transcript from the guilty plea hearing has been included with the State’s return as Attachment “A.”

² A copy of the transcript from the sentencing hearing has been included with the State’s return as Attachment “B.” Likewise, copies of all seven sentencing sheets have been included with the State’s return as Attachment “C.”

waited a number of years and then submitted a successive application again seeking a grant of post-conviction relief. That, too, was rejected.

After those attempts to obtain a new trial proved fruitless, Murray—on *July 27, 2023*—filed a post-plea motion seeking reconsideration of his aggregate sentence in the Richland County Court of General Sessions.³ That meant Murray submitted his reconsideration motion 7,723 days after his sentence was imposed.

On October 31, 2023, the Honorable Jocelyn Newman, circuit court judge, conducted a hearing on the matter. At the conclusion of the hearing, Judge Newman orally denied Murray’s untimely motion.

Following that, Murray filed a pro se notice of appeal on November 6, 2023. A short time later, this Court issued an order holding the matter in abeyance until Murray received written notice of the entry of Judge Newman’s order. Thereafter, on February 22, 2024, Judge Newman issued an order confirming her denial of Murray’s post-plea motion due to its extreme untimeliness.

Upon receiving Judge Newman’s order, this Court quickly realized Murray’s appeal was untimely. Accordingly, on March 27, 2024, this Court correctly dismissed Murray’s appeal because it lacked appellate jurisdiction under the circumstances involved.

II.

Through an undated motion received by this Court on April 8, 2024, Murray now asks this Court to stay his already-correctly-dismissed appeal pursuant to Rule 246(a) of the South Carolina Appellate Court Rules. As support for that request, Murray maintains his appeal should be stayed because he filed a motion seeking for Judge Newman’s ruling denying his untimely

³ A copy of Murray’s pro se reconsideration motion has been included with the State’s return as Attachment “D.”

request for sentencing reconsideration to be altered or amended pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure on March 18, 2024. Murray also included a copy of his Rule 59(e) motion, and, through it, he appears to be attempting to raise a number of ineffective assistance of counsel claims related to his sentence. Meanwhile, Murray did *not* at any point in that Rule 59(e) motion contend Judge Newman’s finding his post-plea reconsideration motion was untimely was incorrect. To the contrary, Murray readily conceded he was sentenced in June of 2002 but his reconsideration motion was not filed until July of 2023.

III.

Pursuant to long-established South Carolina law, a circuit court judge generally “is without authority to consider a criminal matter once the term of court during which judgment was entered expires.” State v. Warren, 392 S.C. 235, 238, 708 S.E.2d 234, 235 (Ct. App. 2011); see State v. Hinson, 303 S.C. 92, 94, 399 S.E.2d 422, 422 (1990) (“It is a long-standing rule of law that a trial judge is without jurisdiction to consider a criminal matter once the term of court during which judgment was entered expires.”). Significantly, that general rule is inapplicable only when either: (1) a *timely* post-trial motion is filed; or (2) a motion for a new trial based on after-discovered evidence is filed. State v. Campbell, 376 S.C. 212, 215, 656 S.E.2d 371, 373 (2008). Thus, absent the filing of a timely post-trial motion or a specific type of new trial motion, a circuit court judge lacks the authority to act in a particular matter once the term of court has ended. Id.; see Rule 29(a), SCRCrimP (“Except for motions for new trials based on after-discovered evidence, post-trial motions shall be made within ten (10) days after the imposition of the sentence.”).

Relatedly, pursuant to the express requirements of the South Carolina Appellate Court Rules, a notice of appeal in an appeal from a general sessions matter must be served on all

respondents: (1) within ten days after the sentence is imposed following a criminal conviction or revocation of probation; or (2) within ten days after receipt of written notice of entry of the order or judgment being appealed in other situations. Rule 203(b)(2), SCACR. Meanwhile, when a *timely* post-trial motion has been made pursuant to Rule 29(a) of the South Carolina Rules of Criminal Procedure, “the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion.” Id.

Critically, the requirements for the service of the notice of appeal are jurisdictional in nature. See Conner v. City of Forest Acres, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002) (“Service of the notice of intent to appeal is a jurisdictional requirement, and the Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.”). If an appellant fails to properly serve the notice of appeal within the mandated time limits, the appellate court does *not* possess jurisdiction to consider the appeal and has no discretion or authority to ignore or excuse a failure to comply with the mandatory timely service requirements. See Elam v. South Carolina Dep’t of Transp., 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”); see also Rule 263(b), SCACR (recognizing the appellate court cannot extend or diminish “the time for serving the notice of appeal”).

IV.

In the case sub judice, Judge McKellar imposed Murray’s aggregate sentence in the Richland County Court of General Sessions on June 4, 2002. In light of that, Murray had until June 14, 2002, to initiate an appeal or file any post-plea reconsideration motions he wished to

file. He did not do either of those things prior to the expiration of the applicable deadline. Instead, Murray waited over twenty-one *years* before filing his motion seeking reconsideration of his sentence.

Obviously, Murray’s post-plea motion was not filed within ten days—or even ten years—of the imposition of his sentence. Cf. Warren, 392 S.C. at 240, 708 S.E.2d at 236 (“Warren’s motion to reconsider her sentence . . . is subject to the ten day time period prescribed in Rule 29; thus, because the motion was filed more than three years after imposition of the sentence, Warren’s motion is not timely.”). Therefore, Murray’s motion was not a timely one, and, as a result, the circuit court no longer had authority to act in Murray’s case, including to reconsider any aspect of his sentence. See Rule 29(a), SCRCrimP (affording ten days from the imposition of a sentence for the filing of post-trial motions in the circuit court); cf. Tant v. South Carolina Dep’t of Corr., 408 S.C. 334, 342-343, 759 S.E.2d 398, 402 (2014) (“The judge sent the letter two-and-a-half years after sentencing and at that point no longer had jurisdiction over the case. Therefore, Judge Saunders was without jurisdiction to make any subsequent pronouncement concerning Tant’s sentence.” (citation omitted)). Indeed, if Judge Newman had attempted to issue a substantive ruling on Murray’s untimely reconsideration motion, any such ruling would have been—just as Judge Newman clearly recognized—improper and null. See Blanton v. Stathos, 351 S.C. 534, 542, 570 S.E.2d 565, 569 (Ct. App. 2002) (“A judgment by a court without jurisdiction of both the parties and the subject matter is a nullity and must be so treated by the courts whenever and for whatever purpose it is presented and relied on.”).

And, since Murray’s post-plea motion was absurdly untimely, the ten-day time period for Murray to appeal his aggregate sentence could *not* have been stayed by its filing and had long since elapsed in Murray’s case. See Rule 203(b)(2), SCACR (“When a *timely* post-trial motion

is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion.” (emphasis added)). Under such circumstances, the notice of appeal Murray submitted in November of 2023 after Judge Newman prudently rejected his reconsideration motion as untimely was over twenty-one years too late and did not validly vest this Court with appellate jurisdiction over his case. Cf. State v. Devore, 416 S.C. 115, 119-120, 784 S.E.2d 690, 692 (Ct. App. 2016) (“[A]bsent service of a proper notice of appeal within ten days of Devore’s March 14, 2013 sentence, and if no valid post-trial motion was made within ten days to stay the time for appeal, this court has no appellate jurisdiction.”). Accordingly, this Court correctly dismissed Murray’s appeal as untimely.

V.

Now, through his latest motion, Murray seeks—pursuant to Rule 246 of the South Carolina Appellate Court Rules—for this Court to stay his appeal pending a ruling from Judge Newman on a 59(e) motion Murray submitted after his reconsideration motion was orally rejected.⁴ Notwithstanding the fact Rule 246 relates to a stay of *the execution of a sentence* as opposed to a stay of the appeal itself, Murray does not have a valid appeal that can be stayed since this Court never truly acquired appellate jurisdiction over his case due to the untimeliness of the notice of appeal he submitted decades too late, and the circuit court likewise no longer has jurisdiction over Murray’s case due to the untimeliness of his post-plea motion. See id. at 119,

⁴ Notably, since Murray’s case involves a ruling on a post-plea motion submitted in the court of general sessions seeking reconsideration of an aggregate criminal sentence, Rule 59(e) of the South Carolina Rules of Civil Procedure was and is not applicable to the matter. Compare Rule 37, SCRCrimP (“These rules shall apply to every trial court of *criminal* jurisdiction within this State, within the limits of the jurisdiction and the powers of the court provided by law, and the procedure therein shall conform to these rules insofar as practicable.” (emphasis added)); with Rule 81, SCRCP (“These rules, or any of them, shall apply to every trial court of *civil* jurisdiction within this state, within the limits of the jurisdiction and powers of the court provided by law, and the procedure therein shall conform to these rules insofar as practicable.” (emphasis added)).

784 S.E.2d at 692 (“[I]n the absence of a timely served notice of appeal, this court has no jurisdiction.”); see also Rule 246(a), SCACR (“The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Code Ann. 18-1-80 and -90 (1985). Where the sentence exceeds imprisonment for ten (10) years, the defendant may only be admitted to bail by an appellate court. Where the State has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower court.”); Rule 246(b), SCACR (“No stay of any sentence in a criminal case which has been affirmed by the judgment of an appellate court shall be granted, except by order of an appellate court, or a judge or justice thereof, upon motion pursuant to Rule 240.”). For those reasons, this Court should reject Murray’s request to stay his already-correctly-dismissed appeal as nothing valid actually exists to stay.

WHEREFORE, Respondent prays the Court will deny Appellant’s motion seeking or this Court to stay his already-correctly-dismissed appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General



By: _____
Mark R. Farthing
S.C. Bar Number 76901

April 19, 2024

ATTACHMENT “A”

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

01-GS-40-6470

01-GS-40-6471

01-GS-40-6472

01-GS-40-6643

01-GS-40-6644

01-GS-40-6646

01-GS-40-6714

THE STATE OF SOUTH CAROLINA

:

-VS-

:

TRANSCRIPT OF RECORD

:

BRYAN MURRAY, CICHEY MAYO,
AND ABRAM BRAVEBOY

:

:

MAY 30, 2002

COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE L. HENRY MCKELLAR, JUDGE.

A P P E A R A N C E S:

JONATHAN S. GASSER, ESQUIRE
ATTORNEY FOR THE STATE

WILLIAM N. NETTLES, ESQUIRE
ATTORNEY FOR MR. MURRAY
CHARLIE J. JOHNSON, JR., ESQUIRE
APRIL W. SAMPSON, ESQUIRE
ATTORNEYS FOR MR. MAYO
MICHAEL D. MCMULLEN, ESQUIRE,
ATTORNEY FOR MR. BRAVEBOY

DAPHNE D. HELMS
CIRCUIT COURT REPORTER

1 EXAMINATION BY THE COURT OF MR. MAYO.....3

2 EXAMINATION BY THE COURT OF MR. BRAVEBOY
3 AND MR. MURRAY.....14

4

5 (THERE WERE NO EXHIBITS INTRODUCED.)

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1 **THE CLERK:** IF YOU WOULD RAISE YOUR RIGHT HAND,
2 PLEASE.

3 CICHEY MAYO, AFTER BEING DULY SWORN, TESTIFIED
4 AS FOLLOWS:

5 **MR. GASSER:** MAY IT PLEASE THE COURT, YOUR HONOR?

6 **THE COURT:** YES, SIR.

7 **MR. GASSER:** STANDING BEFORE YOU IS MR. CICHEY MAYO.
8 HE IS CHARGED IN A NINE-COUNT INDICTMENT OR NINE INDICTMENTS.
9 HE IS STANDING BEFORE YOU WITH HIS TWO ATTORNEYS, MR. CHARLIE
10 JOHNSON AND MS. APRIL SAMPSON. THE PURPOSE OF HIM STANDING
11 BEFORE YOU, MY UNDERSTANDING, IS TO ENTER GUILTY PLEAS. HIS
12 CASE IS SCHEDULED TO GO TO TRIAL THIS MONDAY COMING UP. HE
13 IS PLEADING BEFORE YOU TO MURDER UNDER THE THEORY OF
14 ACCOMPLICE LIABILITY. THAT IS THE THEORY UNDER THE MURDER OF
15 THE HAND OF ONE IS THE HAND OF ALL.

16 THE STATE WOULD STIPULATE THAT CICHEY MAYO'S --
17 ALTHOUGH HE SHOT THE DECEASED VICTIM IN THE CASE WHICH HE'S
18 PLEADING TO, STRUCK HIM IN THE LEG AND SHOT ANOTHER
19 INDIVIDUAL THAT WAS NOT HIS BULLET THAT ACTUALLY KILLED
20 MICHAEL MESSER. HOWEVER, THE STATE IS RELYING ON THE -- ON
21 THE CONCEPT OF ACCOMPLICE LIABILITY, THE HAND OF ONE IS THE
22 HAND OF ALL.

23 AS THIS COURT KNOWS, YOU ACCEPTED WILLIE MURPHY'S
24 GUILTY PLEA ON TUESDAY OF THIS WEEK TO THE SAME NINE
25 INDICTMENTS, BUT HE IS PLEADING GUILTY TO MURDER UNDER

1 ACCOMPLICE LIABILITY, ASSAULT AND BATTERY WITH INTENT TO
2 KILL, TWO COUNTS OF ATTEMPTED ARMED ROBBERY, CRIMINAL
3 CONSPIRACY, THAT IS, CONSPIRACY TO COMMIT ARMED ROBBERIES,
4 AND THEN FOUR OTHER ARMED ROBBERIES. ALL OF THIS OCCURRED ON
5 THE SAME EVENING OF AUGUST THE 20TH, 2001.

6 THE STATE IS PROCEEDING WITH A GUILTY PLEA TODAY.
7 SHOULD THIS COURT ACCEPT THE PLEA AND THAT WE -- BOTH THE
8 STATE AND THE DEFENSE WOULD RESPECTFULLY REQUEST AS IS THE
9 CASE WITH WILLIE MURPHY THAT WE WOULD DELAY THE ACTUAL
10 FACTUAL PRESENTATION AS WELL AS VICTIM IMPACT AS WELL AS
11 DEFENSE MITIGATION WHICH I KNOW THESE TWO LAWYERS HAVE
12 SIGNIFICANT DEFENSE MITIGATION WITH REGARDS TO SENTENCING.

13 WE WOULD RESPECTFULLY REQUEST WE DELAY THAT UNTIL
14 TUESDAY, JUNE THE 4TH, AT 9:30. WILLIE MURPHY'S PRESENTATION
15 IN MITIGATION IS SCHEDULED FOR THAT SAME TIME AND MY
16 UNDERSTANDING IS THE OTHER TWO CO-DEFENDANTS WILL BE
17 FOLLOWING MR. MAYO, WILL BE PLEADING GUILTY THIS AFTERNOON AS
18 WELL. SO WE COULD DEAL WITH ALL FOUR DEFENDANTS WITH ONE
19 FACTUAL PRESENTATION, ONE VICTIM IMPACT PRESENTATION, AND
20 THEN FOUR SEPARATE AND DISTINCT PRESENTATIONS.

21 THE COURT: ALL RIGHT. WE'LL DO THAT.

22 EXAMINATION BY THE COURT

23 Q. ALL RIGHT. MR. MAYO, YOU WANT TO PLEAD GUILTY TO
24 ONE COUNT OF MURDER AND THAT CARRIES UP TO LIFE IN PRISON,
25 TWO COUNTS OF ARMED ROBBERY -- NO, FOUR COUNTS OF ARMED

1 ROBBERY. THOSE CARRY UP TO 30 YEARS. TWO COUNTS OF
2 ATTEMPTED ARMED ROBBERY, THOSE CARRY UP TO 20 YEARS. ONE
3 COUNT OF CONSPIRACY AND ONE COUNT OF ASSAULT AND BATTERY WITH
4 INTENT TO KILL, THAT CARRIES UP TO 20 YEARS. DO YOU
5 UNDERSTAND THAT?

6 A. YES, SIR, YOUR HONOR.

7 Q. ALL RIGHT. HOW OLD -- HOW OLD ARE YOU?

8 A. EIGHTEEN.

9 Q. EIGHTEEN. AND HOW FAR DID YOU GO IN SCHOOL?

10 A. TWELFTH.

11 Q. TWELFTH GRADE? AND HAD YOU ALREADY GRADUATED OR
12 WERE YOU IN THE TWELFTH GRADE?

13 A. I WAS IN THE TWELFTH GRADE.

14 Q. OKAY. DO YOU HAVE A PROBLEM WITH DRUGS OR ALCOHOL?

15 A. NO, SIR, YOUR HONOR.

16 Q. HAVE YOU EVER HAD A PROBLEM WITH DRUGS OR ALCOHOL?

17 A. NO, SIR, YOUR HONOR.

18 Q. ARE YOU UNDER ANY MEDICATION OR DRUGS TODAY THAT
19 WOULD KEEP YOU FROM UNDERSTANDING WHAT WE'RE DOING TODAY?

20 A. NO, SIR, YOUR HONOR.

21 Q. ALL RIGHT. ARE YOU ON PROBATION OR PAROLE FOR ANY
22 OTHER OFFENSE?

23 A. NO, SIR, YOUR HONOR.

24 Q. ALL RIGHT. WHEN YOU PLEAD GUILTY, YOU HAVE TO GIVE
25 UP CERTAIN IMPORTANT CONSTITUTIONAL RIGHTS. THE FIRST RIGHT

1 YOU HAVE WHEN YOU'RE CHARGED WITH A CRIMINAL OFFENSE IS YOU
2 HAVE A RIGHT TO REMAIN SILENT AND NOT SAY ANYTHING. I ASSUME
3 THE POLICE TOLD YOU THAT WHEN YOU WERE ARRESTED. IF YOU
4 PLEAD GUILTY, YOU HAVE TO GIVE UP THAT RIGHT BECAUSE YOU HAVE
5 TO ANSWER ALL MY QUESTIONS IN ORDER FOR ME TO TAKE THE GUILTY
6 PLEA. DO YOU UNDERSTAND THAT?

7 A. YES, SIR, YOUR HONOR.

8 Q. ALL RIGHT. THE SECOND RIGHT YOU HAVE AND THE MOST
9 IMPORTANT RIGHT YOU HAVE WHEN YOU'RE CHARGED WITH A CRIMINAL
10 OFFENSE IS A RIGHT TO A TRIAL BY A JURY. IN OTHER WORDS, YOU
11 HAVE THE RIGHT TO TELL THE JURY -- I MEAN TELL THE STATE,
12 "I'M PLEADING NOT GUILTY. I WANT YOU TO PROVE ME GUILTY IN
13 FRONT OF A JURY." AND IF WE DID THAT, YOUR LAWYER AND THE
14 SOLICITOR WOULD PICK TWELVE JURORS FROM RICHLAND COUNTY AND
15 WE'D HAVE A TRIAL IN WHICH THE STATE WOULD PRESENT EVIDENCE
16 AGAINST YOU. ALL THE WITNESSES WOULD COME IN AND TESTIFY FOR
17 YOU, AND A JURY WOULD DECIDE WHETHER YOU WERE GUILTY OR NOT.
18 DO YOU UNDERSTAND THAT?

19 A. YES, SIR, YOUR HONOR.

20 Q. NOW, I'M FAMILIAR WITH THE FACTS OF THE MURDER CASE.
21 THE SOLICITOR EXPLAINED THEM. DO YOU UNDERSTAND THAT EVEN
22 THOUGH YOU DIDN'T PULL THE TRIGGER OF THE GUN WHICH KILLED
23 MR. MESSER THAT YOU WERE THERE PARTICIPATING IN THIS? YOU
24 COULD BE CONVICTED UNDER THE THEORY OF THE HAND OF ONE IS THE
25 HAND OF ALL. DO YOU UNDERSTAND THAT?

1 A. YES, SIR, YOUR HONOR.

2 Q. AND HAS YOUR LAWYER EXPLAINED TO YOU THAT?

3 A. YES, SIR, YOUR HONOR.

4 Q. OKAY. SO IF YOU HAD THIS TRIAL, THEN THE JURY WOULD
5 DECIDE WHETHER YOU WERE GUILTY OF THESE CHARGES OR NOT.

6 YOU'D HAVE A RIGHT TO BE PRESENT IN THE COURTROOM. YOU'D
7 HAVE A RIGHT TO TESTIFY IF YOU WANTED, BUT YOU WOULDN'T HAVE
8 TO. AND IF THEY -- IF YOU DECIDED NOT TESTIFY IN THE CASE, I
9 WOULD TELL THE JURY THAT THEY COULDN'T HOLD THAT AGAINST YOU
10 AND THAT COULD NOT BE A CONSIDERATION IN THEIR DETERMINATION
11 OF WHETHER YOU WERE GUILTY OR INNOCENT.

12 YOU COULD CALL WITNESSES TO TESTIFY FOR YOU, BUT YOU
13 WOULDN'T HAVE TO BECAUSE THE STATE WOULD HAVE THE ENTIRE
14 BURDEN OF PROOF IN THE CASE AND THEY'D HAVE TO PROVE YOUR
15 GUILT BEYOND A REASONABLE DOUBT. THAT'S WHAT A JURY TRIAL
16 IS. DO YOU UNDERSTAND THAT?

17 A. YES, SIR, YOUR HONOR.

18 Q. ALL RIGHT. DO YOU WANT A JURY TRIAL WHERE THE STATE
19 HAS TO PROVE YOU GUILTY OR DO YOU WANT TO PLEAD GUILTY TO
20 THESE CHARGES?

21 A. PLEAD GUILTY.

22 Q. ARE YOU PLEADING GUILTY TO THESE CHARGES BECAUSE YOU
23 ARE GUILTY OF THESE CHARGES? ARE YOU GUILTY OF THESE
24 CHARGES?

25 A. YES, SIR, YOUR HONOR.

1 Q. ALL RIGHT. NOW, IF YOU MADE ANY STATEMENT OR
2 CONFESSION TO THE POLICE, WHEN YOU PLEAD GUILTY YOU GIVE UP
3 WHATEVER RIGHT YOU HAVE TO SAY THAT THAT WAS NOT GIVEN FREELY
4 AND VOLUNTARILY. DO YOU UNDERSTAND THAT?

5 A. YES, SIR, YOUR HONOR.

6 Q. YOUR LAWYER EXPLAINED THAT TO YOU.

7 A. YES, SIR, YOUR HONOR.

8 Q. ALL RIGHT. AND IF YOU HAVE ANY DEFENSES TO THESE
9 CHARGES AND I CAN'T IMAGINE WHAT THEY ARE AND I CERTAINLY
10 DON'T KNOW OF ANY, YOU GIVE UP YOUR RIGHT TO ASSERT ANY KIND
11 OF DEFENSE WHEN YOU PLEAD GUILTY. DO YOU UNDERSTAND THAT?

12 A. YES, SIR, YOUR HONOR.

13 Q. HAS ANYBODY PROMISED YOU ANYTHING TO GET YOU TO
14 PLEAD GUILTY?

15 A. NO. NO, YOUR HONOR.

16 Q. HAS ANYBODY -- ANYBODY THREATENED YOU IN ANY WAY?

17 A. NO, YOUR HONOR.

18 Q. ARE YOU PLEADING GUILTY OF YOUR OWN FREE WILL?

19 A. YES, SIR, YOUR HONOR.

20 Q. ARE YOU SATISFIED WITH YOUR LAWYERS' SERVICES?

21 A. YES, SIR, YOUR HONOR.

22 Q. HAD ENOUGH TIME TO TALK TO THEM?

23 A. YES, SIR, YOUR HONOR.

24 Q. HAVE YOU UNDERSTOOD EVERYTHING I'VE SAID?

25 A. YES, SIR, YOUR HONOR.

1 **THE COURT:** OKAY. I'LL TAKE HIS PLEA.

2 **MR. GASSER:** THANK YOU. AND, YOUR HONOR, AGAIN WE
3 RESERVE THE RIGHT TO -- FOR A FULL FACTUAL PRESENTATION, BUT
4 JUST SO THE RECORD IS COMPLETE AT THESE PROCEEDINGS, THE
5 MURDER INVOLVES MICHAEL MESSER. THE ATTEMPT -- THE ASSAULT
6 AND BATTERY WITH INTENT TO KILL INVOLVES GILLUM FERGUSON,
7 TOO, TWO UNITED STATES ATTORNEYS FROM CHICAGO. ALSO THE TWO
8 ATTEMPTED ARMED ROBBERIES INVOLVED THOSE TWO SAME ATTORNEYS.
9 AND THEY WERE WALKING BACK FROM THE CHINESE RESTAURANT IN
10 FIVE POINTS AND THEY WERE ON LAURENS STREET WALKING HOME WHEN
11 THEY WERE ACCOSTED BY TWO INDIVIDUALS, AND ULTIMATELY MICHAEL
12 MESSER WAS SHOT AND KILLED. HE WAS SHOT ACTUALLY TWICE BY
13 TWO DIFFERENT HANDGUNS. MR. FERGUSON WAS SHOT ONE TIME.

14 THE OTHER -- THE CONSPIRACY IS BASED ON -- A LOT OF
15 THIS IS BASED ON STATEMENTS OF THIS DEFENDANT AS WELL AS
16 OTHER DEFENDANTS, THE OTHER CO-DEFENDANTS. THE CONSPIRACY IS
17 -- INVOLVES MR. MAYO ALONG WITH MR. BRAVEBOY, MR. MURRAY, AND
18 MR. MURPHY. ALL FOUR OF THEM HAVE ADMITTED THAT THEY WERE --
19 THEY WERE IN A TACIT AGREEMENT THAT EVENING TO GO GET PAID OR
20 TO GO DO SOME ARMED ROBBERIES AND THERE WERE TWO GUNS
21 INVOLVED.

22 THE FOUR ARMED ROBBERY CONVICTION -- OR INDICTMENTS
23 INVOLVE AFTER LEAVING THE FIVE POINTS AREA THEY DROVE TO THE
24 WINDSOR LAKES AREA AND ROBBED AN INDIVIDUAL BY THE NAME OF
25 GEORGE LYNCH ABOUT A BLOCK FROM HIS HOME. HE WAS WALKING

1 HOME FROM WHERE HE WORKED AT THE HARDEE'S. MR. MAYO ACTUALLY
2 KNEW MR. LYNCH. BUT THAT INVOLVED -- THAT'S THE ARMED
3 ROBBERY -- FIRST ARMED ROBBERY OUT IN THE NORTHEAST.

4 THEN THEY LEFT THERE AND WENT TO MALLARD HILL ROAD
5 AND FOLLOWED A CAR UP INTO HER DRIVEWAY ON MALLARD HILL ROAD
6 WHERE TRACY GROSS (PHONETIC) AND DEBORAH CORNELIUS WERE
7 ROBBED AT GUNPOINT OF THEIR PURSES, A.T.M. CARDS. I THINK
8 THEY GOT THREE DOLLARS IN THAT ROBBERY.

9 THEY LEFT THERE, WENT TO USE THE A.T.M. CARDS AT THE
10 BANK OF AMERICA. AND I JUST WOULD NOTE FOR THE RECORD, YOUR
11 HONOR, THAT WE'VE GOT THE PHOTOGRAPHS OF A BANK OF AMERICA AT
12 O'NEIL COURT AND ONE VERY NICE PHOTOGRAPH OF THE DEFENDANT
13 MR. MAYO SITTING IN THE PASSENGER SEAT WHICH IS -- BUT ALL
14 THE PHOTOGRAPHS CLEARLY SHOW -- THEY DEPICT ALL FOUR
15 DEFENDANTS AT THE EXACT TIME AND DATE ATTEMPTING TO USE MS.
16 DANKO (PHONETIC) AND MS. GROSS'S CARDS.

17 AND THE LAST ARMED ROBBERY, YOUR HONOR, THEY LEFT
18 OUT. THEY WENT DOWN ALPINE ROAD OFF OF TWO NOTCH AND ROBBED
19 A WOMAN BY THE NAME OF DEBBIE OR DEBORAH CORNELIUS AS SHE WAS
20 ATTEMPTING TO ENTER HER RESIDENCE. SHE WAS ROBBED OF
21 APPROXIMATELY 10 OR \$12; SHE'S NOT SURE. I JUST WANT TO PUT
22 THAT ON THE RECORD SO -- TO PROTECT THE COURT, OUR OFFICE,
23 AND THE DEFENDANT -- THE DEFENDANT AND DEFENSE ATTORNEYS
24 SHOULD THIS COME UP AT ANY LATER PROCEEDING.

25 THE COURT: ALL RIGHT. WE'LL HAVE A FULL

1 PRESENTATION OF MITIGATION ON TUESDAY.

2 MR. GASSER: THANK YOU, YOUR HONOR.

3 THE COURT: MR. STRICKLER IS GOING TO BE HERE AT
4 9:30. I ASSUME Y'ALL WILL BE AT 10:30 BUT---

5 MR. GASSER: WHAT I WOULD LIKE TO DO, YOUR HONOR, IS
6 JUST HAVE ALL THE DEFENDANTS PRESENT IN THE COURTROOM FOR MY
7 PRESENTATION SO I DON'T HAVE TO DO IT FOUR TIMES.

8 THE COURT: RIGHT.

9 MR. GASSER: AND THE VICTIMS -- SO THE VICTIMS WON'T
10 HAVE TO SPEAK FOUR TIMES, THAT WE WOULD JUST MAKE OUR
11 PRESENTATION WITH ALL FOUR DEFENDANTS. WE'LL ORCHESTRATE THE
12 TABLES AS IF IT'S A FOUR CO-DEFENDANT CASE.

13 THE COURT: OKAY. THAT SOUNDS GOOD.

14 MR. GASSER: AND THEN, OF COURSE, I KNOW THAT YOU
15 WOULD HAVE TO LISTEN TO THE DEFENSE PRESENTATIONS
16 INDEPENDENTLY AND DISTINCTLY; I UNDERSTAND THAT.

17 THE COURT: ALL RIGHT. WE'LL DO THAT TUESDAY
18 MORNING.

19 MR. GASSER: THANK YOU, YOUR HONOR.

20 (THE CICHEY MAYO PLEA CONCLUDED. THE GUILTY PLEAS
21 OF CO-DEFENDANTS BRYAN MURRAY AND ABRAM BRAVEBOY CONTINUED AS
22 FOLLOWS:)

23 THE COURT: DO YOU WANT TO DO THE NEXT TWO TOGETHER?

24 MR. GASSER: ABRAM BRAVEBOY AND BRYAN MURRAY. MAY
25 IT PLEASE THE COURT, YOUR HONOR?

1 THE COURT: OKAY.

2 MR. GASSER: WHILE THE CLERK IS SORTING THROUGH THE
3 PAPERWORK WHICH I'M VERY APPRECIATIVE OF---

4 THE CLERK: Y'ALL RAISE YOUR RIGHT HAND.

5 BRYAN MURRAY AND ABRAM BRAVEBOY, AFTER BEING
6 DULY SWORN, TESTIFIED AS FOLLOWS:

7 THE COURT: ALL RIGHT. WHICH ONE IS WHICH?

8 MR. MURRAY: BRYAN MURRAY.

9 THE COURT: MR. MURRAY.

10 MR. GASSER: YOUR HONOR, YEAH, STANDING WITH MR. --
11 MR. MURRAY IS REPRESENTED BY BILL NETTLES AND MR. BRAVEBOY IS
12 REPRESENTED BY MR. MICHAEL MCMULLEN. THEY ARE STANDING
13 BEFORE YOU TO ENTER GUILTY PLEAS ON SEVEN INDICTMENTS. FOR A
14 NUMBER OF REASONS, THE STATE IS DISMISSING THE MURDER AND THE
15 ASSAULT AND BATTERY WITH INTENT TO KILL INDICTMENTS AGAINST
16 THE DEFENDANTS, AND THAT'S THE ONLY NEGOTIATIONS AS FAR AS
17 THAT'S CONCERNED FOR THE RECORD.

18 I WOULD STATE THIS AGAIN ON TUESDAY FOR THE BENEFIT
19 OF THE SPECTATORS, I GUESS, OR THE VICTIMS ON TUESDAY
20 ALTHOUGH WE HAVE -- I HAVE GONE OVER WITH ALL THE VICTIMS,
21 EITHER MYSELF OR MS. PELLIZZARI, THE FACTS OF THIS CASE AS
22 WELL AS THE REASON THE STATE IS DISMISSING THE MURDER AND THE
23 ASSAULT AND BATTERY WITH INTENT TO KILL. BASED ON PROBABLE
24 CAUSE INITIALLY, OF COURSE, THESE GENTLEMEN WERE CHARGED WITH
25 MURDER AND ASSAULT AND BATTERY WITH INTENT TO KILL UNDER THE

1 THEORY OF ACCOMPLICE LIABILITY AND UNDER THE PROXIMATE CAUSE
2 OR PROBABLE CAUSE -- THE PROBABLE CAUSE STANDARD.

3 THEY IMMEDIATELY COOPERATED WITH LAW ENFORCEMENT
4 OFFICERS AND GAVE STATEMENTS TO THE POLICE. IT BECAME VERY
5 APPARENT EARLY ON, YOUR HONOR, THAT SHOULD MR. MURPHY OR --
6 AND PARTICULARLY MR. MAYO HAVE CHOSEN TO HAVE A JURY TRIAL,
7 THERE WAS NOT -- THERE WAS -- ALL OF THE WITNESSES -- ALL OF
8 THE VICTIMS AND MANY OF THE WITNESSES IN FIVE POINTS WERE
9 UNABLE TO MAKE ANY KIND OF IDENTIFICATION OF ANY OF THE
10 PARTICIPANTS OF THIS CRIME AND THERE WAS NO PHYSICAL EVIDENCE
11 PLACING ANY OF THE -- MR. MAYO OR MR. MURPHY PHYSICALLY AT
12 THE SCENE, I.E., FINGERPRINTS OR SOMETHING THEY TOUCHED:
13 HAIR, FIBER, BLOOD.

14 SO IT BECAME APPARENT PARTICULARLY WITH MR. MAYO,
15 BASED ON SOME INITIAL STATEMENTS MR. MAYO MADE, THAT THE
16 STATE WOULD NEED THESE TWO GENTLEMEN TO TESTIFY AGAINST MR.
17 MURPHY AND PARTICULARLY AGAINST MR. MAYO. THROUGH THEIR
18 COUNSEL, MR. NETTLES AND MR. MCMULLEN, EARLY ON IN THESE
19 PROCEEDINGS, THEY MADE IT VERY CLEAR TO MYSELF, TO THE
20 SOLICITOR'S OFFICE, TO THE SHERIFF'S DEPARTMENT THAT THEIR
21 CLIENTS WERE WILLING TO COOPERATE EVEN WITHOUT ANY -- ANY --
22 ANY REQUEST OR RECOMMENDATION OF THE DISMISSAL OF ANY
23 CHARGES. THEY -- THEY JUST WANTED TO MAKE THAT CLEAR, BUT
24 ALSO BASED ON THE LAW. YOUR HONOR, BASED ON THE LAW OF
25 ACCOMPLICE LIABILITY WE DON'T HAVE TO PROVE PRESENT AIDING

1 AND ABETTING, BUT WE ALSO HAVE TO PROVE THAT DEATH WAS A
2 NATURAL AND FORESEEABLE CONSEQUENCE OF THE AGREED-UPON ACTS.

3 WHEN YOU LOOK AT ALL FOUR OF THE STATEMENTS AND THE
4 EVIDENCE WE HAVE, CLEARLY THEY WERE PRESENT AIDING AND
5 ABETTING, BUT ALL FOUR OF THESE INDIVIDUALS HAVE GIVEN
6 STATEMENTS INDICATING THAT THEIR PURPOSE THAT EVENING WAS TO
7 -- WAS TO DO ARMED ROBBERIES, AND I WOULD SUBMIT BASED ON
8 AGAIN WHAT IS THE RIGHT THING TO DO THAT WE DON'T HAVE ANY
9 EVIDENCE THAT THE -- THERE WAS A NATURAL FORESEEABLE
10 CONSEQUENCE THAT THESE GENTLEMEN HAD THAT THE OTHER TWO WOULD
11 EVER FIRE THEIR WEAPONS, PARTICULARLY IN LIGHT OF THE FACT
12 THREE OTHER ARMED ROBBERIES OCCURRED LATER ON THAT NIGHT IN
13 WHICH NO WEAPONS WERE FIRED AND NO ONE WAS EVEN PHYSICALLY
14 INJURED.

15 SO I WANTED TO PUT ALL THAT ON THE RECORD. I WILL
16 AGAIN PUT ALL THAT ON THE RECORD AGAIN ON TUESDAY FOR THE
17 BENEFIT OF THOSE THAT ARE HERE ON TUESDAY, BUT I WANTED THE
18 COURT TO UNDERSTAND WHY WE ARE GOING FORWARD ON JUST THE
19 SEVEN INDICTMENTS.

20 **THE COURT:** OKAY. ALL RIGHT. MR. BRAVEBOY AND MR.
21 MURRAY, BOTH OF YOU WANT TO PLEAD GUILTY TO SEVEN
22 INDICTMENTS. YOU HAVE ONE FOR CONSPIRACY, ONE WITH -- TWO
23 FOR ATTEMPTED ARMED ROBBERY, FOUR ARMED ROBBERIES. AND IS
24 THAT SEVEN?

25 **MR. NETTLES:** (NODDED HEAD UP AND DOWN.)

1 THE COURT: THAT'S SEVEN. IS THAT CORRECT, MR.
2 BRAVEBOY AND MR. MURRAY?

3 MR. BRAVEBOY: YES, SIR.

4 MR. MURRAY: YES, SIR.

5 THE COURT: ALL RIGHT. MR. BRAVEBOY, HOW OLD ARE
6 YOU?

7 MR. BRAVEBOY: NINETEEN YEARS OLD.

8 THE COURT: NINETEEN YEARS OLD. AND HOW FAR DID YOU
9 GO IN SCHOOL?

10 MR. BRAVEBOY: GRADUATED HIGH SCHOOL.

11 THE COURT: OKAY. WHAT KIND OF WORK WERE YOU DOING
12 WHEN ALL THIS HAPPENED?

13 MR. BRAVEBOY: U.P.S.

14 THE COURT: YOU WORKED FOR U.P.S.?

15 MR. BRAVEBOY: YES, SIR.

16 THE COURT: THAT'S A PRETTY GOOD JOB, ISN'T IT?

17 MR. BRAVEBOY: YES, SIR, IT'S A PRETTY GOOD JOB.

18 THE COURT: OKAY. DO YOU HAVE A PROBLEM WITH DRUGS
19 OR ALCOHOL?

20 MR. BRAVEBOY: NO, SIR.

21 THE COURT: ARE YOU ON ANY KIND OF DRUGS OR
22 MEDICATION TODAY WHICH WOULD KEEP YOU FROM UNDERSTANDING WHAT
23 WE'RE DOING?

24 MR. BRAVEBOY: NO, SIR.

25 THE COURT: ALL RIGHT. ARE YOU ON PROBATION OR

1 PAROLE FOR ANY OTHER OFFENSE?

2 MR. BRAVEBOY: NO, SIR.

3 THE COURT: ALL RIGHT. MR. MURRAY, HOW OLD ARE YOU?

4 MR. MURRAY: EIGHTEEN.

5 THE COURT: EIGHTEEN. HOW FAR DID YOU GO IN SCHOOL?

6 MR. MURRAY: I MADE IT TO THE TWELFTH GRADE. I WAS
7 SUPPOSED TO GRADUATE THIS YEAR.

8 THE COURT: YOU WERE SUPPOSED TO GRADUATE, BUT
9 SOMETHING CAME ALONG; RIGHT?

10 MR. MURRAY: YES, SIR.

11 THE COURT: SO DO YOU HAVE A PROBLEM WITH DRUGS OR
12 ALCOHOL?

13 MR. MURRAY: NO, SIR.

14 THE COURT: ARE YOU ON PROBATION OR PAROLE FOR---

15 MR. MURRAY: NO, SIR.

16 THE COURT: ---ANY OTHER OFFENSE?

17 MR. MURRAY: NO, SIR.

18 THE COURT: NOW, LET ME ADDRESS THIS TO BOTH OF YOU.

19 WHEN YOU'RE CHARGED WITH A CRIMINAL OFFENSE, YOU HAVE CERTAIN

20 CONSTITUTIONAL RIGHTS WHICH YOU'RE ENTITLED TO. ONE OF THEM

21 IS YOU HAVE A RIGHT TO REMAIN SILENT AND NOT SAY ANYTHING

22 WHICH WOULD INCRIMINATE YOURSELF. HOWEVER, IF YOU PLEAD

23 GUILTY, YOU HAVE TO GIVE UP THAT RIGHT BECAUSE YOU HAVE TO

24 ANSWER ALL MY QUESTIONS FOR ME TO BE ABLE TO TAKE YOUR GUILTY

25 PLEAS.

1 **MR. BRAVEBOY:** YES, SIR.

2 **MR. MURRAY:** YES, SIR.

3 **THE COURT:** THE SECOND RIGHT YOU HAVE AND PROBABLY
4 THE MOST IMPORTANT RIGHT YOU HAVE IS YOU HAVE A RIGHT TO A
5 JURY TRIAL. IN OTHER WORDS, YOU HAVE A RIGHT TO HAVE A JURY
6 OF TWELVE PEOPLE FROM RICHLAND COUNTY DECIDE WHETHER OR NOT
7 YOU'RE GUILTY IN THIS CASE. IF WE HAD A JURY TRIAL, YOUR
8 LAWYER AND THE SOLICITOR WOULD PICK A JURY OF TWELVE PEOPLE.
9 THEY'D SIT RIGHT OVER THERE IN THAT BOX. THE SOLICITOR WOULD
10 PRESENT EVIDENCE AND TESTIMONY AGAINST YOU, AND A JURY WOULD
11 DECIDE WHETHER OR NOT THE STATE HAD MET ITS BURDEN OF PROOF
12 OF PROVING YOU GUILTY BEYOND A REASONABLE DOUBT. IN OTHER
13 WORDS, A JURY WOULD DECIDE.

14 **MR. BRAVEBOY:** YES, SIR.

15 **MR. MURRAY:** YES, SIR.

16 **THE COURT:** THAT'S WHAT A JURY TRIAL IS. YOU HAVE A
17 RIGHT TO BE PRESENT IN THE COURTROOM WHEN THIS WENT ON WITH
18 YOUR ATTORNEY. YOU COULD TESTIFY IF YOU WANTED TO, BUT YOU
19 WOULDN'T HAVE TO. IF YOU CHOSE NOT TO, I WOULD TELL THE JURY
20 THAT YOU HAVE A -- YOU WERE EXERCISING A CONSTITUTIONAL
21 RIGHT. YOU ALSO HAVE A RIGHT TO CALL WITNESSES FOR YOUR OWN
22 -- ON BEHALF OF YOURSELF IF YOU WANTED TO, BUT YOU WOULDN'T
23 BE REQUIRED TO BECAUSE YOU HAVE NO BURDEN TO PROVE ANYTHING.
24 THE STATE HAS THE ENTIRE BURDEN. NOW, MR. BRAVEBOY, DO YOU
25 WANT A JURY TRIAL OR DO YOU WANT TO PLEAD GUILTY?

1 MR. BRAVEBOY: PLEAD GUILTY, SIR.

2 THE COURT: ALL RIGHT. MR. MURRAY, HOW ABOUT YOU?
3 DO YOU WANT A JURY TRIAL OR DO YOU WANT TO PLEAD GUILTY?

4 MR. MURRAY: PLEAD GUILTY.

5 THE COURT: ALL RIGHT. ARE BOTH OF YOU GUILTY OF
6 THESE CHARGES?

7 MR. BRAVEBOY: YES, SIR.

8 MR. MURRAY: YES, SIR.

9 THE COURT: ALL RIGHT. AND IF YOU HAVE ANY DEFENSES
10 TO THESE CHARGES - AND I DON'T KNOW IF YOU HAVE ANY DEFENSES
11 TO THESE CHARGES - BUT YOU GIVE UP THE RIGHT TO ASSERT THOSE
12 DEFENSES WHEN YOU PLEAD GUILTY. DO YOU UNDERSTAND THAT, MR.
13 BRAVEBOY?

14 MR. BRAVEBOY: YES, SIR.

15 THE COURT: MR. MURRAY?

16 MR. MURRAY: YES, SIR.

17 THE COURT: OKAY. AND IF YOU MADE ANY STATEMENT TO
18 THE POLICE---

19 MR. BRAVEBOY: YES, SIR.

20 MR. MURRAY: YES, SIR.

21 THE COURT: ---WHEN YOU PLEAD GUILTY, YOU LOSE THE
22 RIGHT TO CHALLENGE WHETHER THAT WAS GIVEN FREELY AND
23 VOLUNTARILY. DO YOU UNDERSTAND THAT?

24 MR. BRAVEBOY: YES, SIR.

25 MR. MURRAY: YES, SIR.

1 **THE COURT:** OKAY. HAS ANYBODY PROMISED YOU ANYTHING
2 TO GET YOU TO PLEAD GUILTY?

3 **MR. BRAVEBOY:** NO, SIR.

4 **MR. MURRAY:** NO, SIR.

5 **THE COURT:** ANYBODY THREATENED YOU IN ANY WAY?

6 **MR. BRAVEBOY:** NO, SIR.

7 **MR. MURRAY:** NO, SIR.

8 **THE COURT:** ARE YOU SATISFIED WITH YOUR LAWYERS?

9 **MR. BRAVEBOY:** YES, SIR.

10 **MR. MURRAY:** YES, SIR.

11 **THE COURT:** AND YOU'RE PLEADING GUILTY OF YOUR OWN
12 FREE WILL.

13 **MR. BRAVEBOY:** YES, SIR.

14 **MR. MURRAY:** YES, SIR.

15 **THE COURT:** OKAY. I'LL TAKE YOUR PLEA.

16 **MR. GASSER:** THANK YOU, YOUR HONOR. AGAIN, WE WOULD
17 JUST MOVE TO INCORPORATE THE STATE'S PRESENTATION OF THE
18 FACTS FROM MAYO THAT I JUST GAVE ABOUT 10 OR 15 MINUTES AGO.

19 **THE COURT:** OKAY.

20 **MR. GASSER:** WE WOULD MOVE TO INCORPORATE AT THESE
21 PROCEEDINGS, YOUR HONOR.

22 **THE COURT:** THAT WILL BE FINE. WE'LL SEE EVERYBODY
23 ON TUESDAY MORNING.

24 **MR. GASSER:** THANK YOU, YOUR HONOR.

25 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

I, THE UNDERSIGNED DAPHNE D. HELMS, OFFICIAL COURT REPORTER FOR THE ELEVENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 30TH DAY OF MAY, 2002.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

JUNE 6, 2003

DAPHNE D. HELMS, COURT REPORTER

ATTACHMENT “B”

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STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

COURT OF GENERAL SESSIONS

ABRAM D. BRAVEBOY:

01-GS-40-6715
01-GS-40-6475
01-GS-40-6473
01-GS-40-6474
01-GS-40-6652
01-GS-40-6653
01-GS-40-6656

~~BRYAN MURRAY~~:

01-GS-40-6714
01-GS-40-6472
01-GS-40-6471
01-GS-40-6470
01-GS-40-6646
01-GS-40-6643
01-GS-40-6644

WILLIE J. MURPHY, JR:

01-GS-40-6639
01-GS-40-6712
01-GS-40-6713
01-GS-40-7196
01-GS-40-7197
01-GS-40-6641
01-GS-40-6915
01-GS-40-6640
01-GS-40-6916

CICHEY LEVER MAYO:

01-GS-40-6648
01-GS-40-7200
01-GS-40-7199
01-GS-40-7198
01-GS-40-6696
01-GS-40-6649
01-GS-40-6650
01-GS-40-6651
01-GS-40-6647

THE STATE)

VS.)

ABRAM D. BRAVEBOY, BRYAN)
MURRAY, WILLIE J. MURPHY, JR.)
AND CICHEY LEVER MAYO,)

DEFENDANTS,)

TRANSCRIPT OF RECORD

(CONTINUED)

(CONTINUED)

JUNE 4TH, 2002
COLUMBIA, SOUTH CAROLINA

BEFORE:

THE HONORABLE L. HENRY MCKELLAR, JUDGE.

APPEARANCES:

JOHNNY GASSER, DEPUTY SOLICITOR
BARNEY GIESE, SOLICITOR
ATTORNEY FOR THE STATE

MICHAEL D. MCMULLEN, ESQ.
ATTORNEY FOR THE DEFENDANT ABRAM BRAVEBOY

WILLIAM NETTLES, ESQ.
ATTORNEY FOR THE DEFENDANT BRYAN MURRAY

DOUG STRICKLER, DEPUTY PUBLIC DEFENDER
ATTORNEY FOR THE DEFENDANT WILLIE J. MURPHY, JR.

CHARLIE JOHNSON, ESQ.
ATTORNEY FOR THE DEFENDANT CICHEY LEVER MAYO

KAREN TRACY
OFFICIAL COURT REPORTER

C O N T E N T S

INDEX OF EXHIBITS:

(THERE WERE NO EXHIBITS INTRODUCED.)

INDEX OF WITNESSES:

(THERE WERE NO WITNESSES CALLED.)

1 MR. GIESE: MAY IT PLEASE THE COURT, YOUR HONOR.
2 YOUR HONOR, AT THIS TIME WE HAVE THE SENTENCING OF FOUR
3 DIFFERENT DEFENDANTS FROM INSTANCES THAT OCCURRED HERE IN
4 RICHLAND COUNTY.

5 YOUR HONOR, WHAT I'D LIKE TO DO IS GO OVER THE
6 INDICTMENTS THAT EACH ONE HAVE PLED TO FOR SENTENCING. IF
7 WE COULD AT THIS TIME, WILLIE MURPHY, PLEASE STAND.

8 (COMPLIES).

9 YOUR HONOR, MR. MURPHY HAS BEEN PUT TO THE BAR
10 AND ARRAIGNED. UPON HIS ARRAIGNMENT, HE HAS PLED GUILTY
11 TO THE FOLLOWING INDICTMENTS: INDICTMENT
12 NO. 2001-GS-40-6639, INDICTMENT FOR MURDER; INDICTMENT
13 NO. 2001-GS-40-6712, INDICTMENT FOR ARMED ROBBERY;
14 INDICTMENT NO. 2001-GS-40-6713; INDICTMENT FOR ARMED
15 ROBBERY; INDICTMENT 2001-GS-40-7196, INDICTMENT FOR ARMED
16 ROBBERY; INDICTMENT 2001-GS-40-7197, INDICTMENT FOR ARMED
17 ROBBERY; 2001-GS-40-6641, INDICTMENT FOR ATTEMPTED ARMED
18 ROBBERY; INDICTMENT 2001-GS-40-6915, INDICTMENT FOR
19 ATTEMPTED ARMED ROBBERY; 2001-GS-40-6640, INDICTMENT FOR
20 ASSAULT AND BATTERY WITH INTENT TO KILL; AND INDICTMENT
21 '2001-GS-40-6916, INDICTMENT FOR CONSPIRACY.

22 MR. MURPHY PLED GUILTY TO ALL THOSE CHARGES,
23 YOUR HONOR.

24 CICHEY MAYO.

25 (COMPLIES).

1 YOUR HONOR, MR. MAYO HAS BEEN PUT TO THE BAR AND
2 ARRAIGNED. UPON HIS ARRAIGNMENT, HE HAS PLED GUILTY TO
3 THE FOLLOWING INDICTMENTS: 2001-GS-40-6648, INDICTMENT
4 FOR MURDER; 2001-GS-40-7200, INDICTMENT FOR ARMED ROBBERY;
5 2001-GS-40-7199, INDICTMENT FOR ARMED ROBBERY;
6 2001-GS-40-7198, INDICTMENT FOR ARMED ROBBERY;
7 2001-GS-40-6696, INDICTMENT FOR ARMED ROBBERY;
8 2001-GS-40-6649, INDICTMENT FOR ATTEMPTED ARMED ROBBERY;
9 INDICTMENT NO. 2001-GS-40-6650, INDICTMENT FOR ATTEMPTED
10 ARMED ROBBERY; 2001-GS-40-6651, INDICTMENT FOR ASSAULT AND
11 BATTERY WITH INTENT TO KILL; AND FINALLY, 2001-GS-40-6647,
12 INDICTMENT FOR CONSPIRACY.

13 YOUR HONOR, MR. MAYO HAS BEEN PUT TO THE BAR AND
14 ARRAIGNED AND HAS PLED GUILTY TO THESE INDICTMENTS.

15 BRYAN MURRAY.

16 (COMPLIES).

17 YOUR HONOR, MR. MURRAY HAS BEEN PUT TO THE BAR
18 AND ARRAIGNED AND UPON HIS ARRAIGNMENT HAS PLED GUILTY TO
19 THE FOLLOWING INDICTMENTS: INDICTMENT
20 NO. 2001-GS-40-6714, INDICTMENT FOR ARMED ROBBERY; DOCKET
21 NO. 2001-GS-40-6472, INDICTMENT FOR ARMED ROBBERY;
22 INDICTMENT NO. 2001-GS-40-6471, INDICTMENT FOR ARMED
23 ROBBERY; INDICTMENT NO. 2001-GS-40-6470, INDICTMENT FOR
24 ARMED ROBBERY; INDICTMENT NO. 2001-GS-40-6646, INDICTMENT
25 FOR ATTEMPTED ARMED ROBBERY; INDICTMENT

1 NO. 2001-GS-40-6644, INDICTMENT FOR ATTEMPTED ARMED
2 ROBBERY; 2001-GS-40-6643, INDICTMENT FOR CONSPIRACY.

3 YOUR HONOR, MR. MURRAY HAS BEEN PUT TO THE BAR
4 AND ARRAIGNED AND HAS PLED GUILTY TO THESE CHARGES.

5 ABRAM BRAVEBOY.

6 (COMPLIES).

7 YOUR HONOR, MR. BRAVEBOY HAS BEEN PUT TO THE BAR
8 AND ARRAIGNED, AND UPON HIS ARRAIGNMENT HAS PLED GUILTY TO
9 THE FOLLOWING INDICTMENTS: NO. 2001-GS-40-6475, ARMED
10 ROBBERY; INDICTMENT 2001-GS-40-6473, ARMED ROBBERY;
11 INDICTMENT 2001-GS-40-6474, INDICTMENT FOR ARMED ROBBERY;
12 INDICTMENT NO. 2001-GS-40-6652, INDICTMENT FOR ATTEMPTED
13 ARMED ROBBERY; INDICTMENT NO. 2001-GS-40-6653, INDICTMENT
14 FOR ATTEMPTED ARMED ROBBERY; INDICTMENT 2001-GS-40-6656,
15 INDICTMENT FOR CONSPIRACY.

16 YOUR HONOR, MR. BRAVEBOY HAS BEEN PUT TO THE BAR
17 AND ARRAIGNED AND UPON HIS ARRAIGNMENT HAS PLED GUILTY TO
18 THOSE INDICTMENTS.

19 YOUR HONOR, AT THIS TIME, THE STATE WOULD
20 REQUEST THAT AN EVIDENTIARY HEARING BE HELD AT THIS TIME.
21 MR. GASSER FROM THE SOLICITOR'S OFFICE WILL GIVE YOU THE
22 FACTS.

23 THE COURT: ALL RIGHT, MR. GASSER.

24 MR. GASSER: MAY IT PLEASE THE COURT, YOUR
25 HONOR. YOUR HONOR, AS YOU WELL KNOW AS THE TRIAL JUDGE

1 ASSIGNED TO THIS PARTICULAR CASE, WE WERE IN THE PROCESS
2 OF GOING TO SELECT TWO JURIES YESTERDAY IN THE TRIALS OF
3 WILLIE MURPHY AND CICHEY MAYO. THE STATE HAD OVER 87
4 WITNESSES ON STANDBY TO TESTIFY IN THOSE TWO TRIALS.

5 IF YOU WOULD ALLOW ME, SINCE THESE DEFENDANTS
6 ENTERED -- WITHDREW THEIR PLEAS OF NOT GUILTY AND ENTERED
7 GUILTY PLEAS LAST WEEK AT THEIR ARRAIGNMENTS, NO FACTUAL
8 BASIS WAS PRESENTED DURING THAT TIME AS YOU WELL KNOW, SO
9 I WOULD JUST RESPECTFULLY REQUEST SOME TIME IN PRESENTING
10 ALL OF THE FACTS AND CIRCUMSTANCES BECAUSE, AS HAS BEEN
11 EXPLAINED, ALL OF THE VICTIMS IN THIS CASE -- WHEN YOU
12 SENTENCE, YOU ARE GOING TO LOOK AT THE EVIDENCE IN
13 AGGRAVATION AND BALANCE THAT WITH THE EVIDENCE IN
14 MITIGATION THAT THE FOUR DEFENDANTS WILL PRESENT. SO I
15 JUST RESPECTFULLY REQUEST SOME TIME IN GOING THROUGH THIS
16 EVIDENCE, YOUR HONOR.

17 THE COURT: OKAY.

18 MR. GASSER: AS IS THE CASE IN MOST TRAGEDIES,
19 THIS DID NOT -- THE FACTS AND CIRCUMSTANCES THAT LED TO
20 THE DEATH OF MICHAEL MESSER AND THE ATTEMPTED ARMED
21 ROBBERIES AND THE ROBBERIES OF THE OTHER VICTIMS IN THIS
22 CASE DID NOT BEGIN ON AUGUST 20TH, BUT THERE WERE CERTAIN
23 FACTS PUT INTO MOTION ON JULY 1ST THAT LED TO MR. MESSER'S
24 DEATH AND TO THE ROBBERIES OF THESE OTHER INDIVIDUALS.

25 ON JULY 1ST, YOUR HONOR, ON FORT JACKSON ON THE

1 MILITARY BASE, FORT JACKSON, SERGEANT FIRST CLASS LULA
2 GRUNDY (PHONETIC) HAD HER WEAPON STOLEN. SHE WAS A
3 SERGEANT IN THE UNITED STATES ARMY. SHE WAS ON TRAINING
4 IN THE STATE OF GEORGIA, AND SHE WAS LIVING ON POST, ON
5 BASE. SHE HAD A 380 GUN THAT SHE USED FOR HER PERSONAL
6 PROTECTION WITH A MAGAZINE WITH NINE ROUNDS IN THE
7 MAGAZINE.

8 SHE WAS, AS I INDICATED, IN GEORGIA, BUT HER
9 DAUGHTER AND HE WERE NIECE WERE STAYING IN THE HOUSE. SHE
10 HAD A FRIEND OR A COLLEAGUE, SERGEANT FIRST CLASS GRUNDY
11 DID, COME IN AND CHECK ON HER NIECE AND DAUGHTER ON
12 JULY 1ST. THEY FOUND TWO INDIVIDUALS THAT WERE HIDING IN
13 HER DAUGHTER'S BEDROOM, FRIENDS OF HER DAUGHTER AND NIECE,
14 THE DEFENDANT, BRYAN MURRAY -- THE DEFENDANT, BRYAN
15 MURRAY, AND ANOTHER FRIEND OF HIS NAMED MAURICE DAVIS.

16 WHEN SERGEANT -- MISS SERGEANT FIRST CLASS
17 GRUNDY RETURNED FROM GEORGIA, SHE FOUND THAT HER GUN WAS
18 MISSING. SHE KEPT HER GUN UNDER THE SOFA. HER DAUGHTER
19 AND HER NIECE HAD SEEN THE GUN PRIOR TO MR. MURRAY AND HIS
20 FRIEND ARRIVING THAT EVENING. WHEN THEY HAD LEFT, THE GUN
21 WAS MISSING.

22 THAT INCIDENT WAS INVESTIGATED BY THE MILITARY
23 POLICE. MR. MURRAY WAS INTERVIEWED, DENIED ANY KNOWLEDGE;
24 HOWEVER, SHOULD WE HAVE PROCEEDED TO TRIAL, YOUR HONOR, WE
25 WOULD HAVE PRESENTED THE FACTS AND CIRCUMSTANCES WHICH

1 INDICATED THAT THIS 380 WHICH ULTIMATELY WAS USED TO KILL
2 MICHAEL MESSER, THIS 380 WAS IN THE PRESENCE, AND WAS IN
3 THE POSSESSION OF, BRYAN MURRAY AFTER JULY 1ST. HE
4 PRESENTED THAT GUN AND GAVE THAT GUN TO THE DEFENDANT,
5 WILLIE MURPHY.

6 IN FACT, WITNESSES WOULD HAVE PLACED THAT GUN IN
7 WILLIE MURPHY'S POSSESSION ON THE SUNDAY NIGHT,
8 AUGUST 18TH, PRECEDING THE SHOOTING DEATH OF MICHAEL
9 MESSER.

10 YOUR HONOR, AGAIN, BEFORE WE GET TO AUGUST 20TH,
11 ANOTHER INCIDENT OCCURRED ON FRIDAY EVENING, AUGUST 17TH,
12 THREE DAYS BEFORE THE CRIME WAVE THAT OCCURRED ON MONDAY
13 AUGUST 20TH INVOLVING THESE FOUR DEFENDANTS. THAT
14 INCIDENT OCCURRED AT THE SONIC RESTAURANT ON TWO NOTCH
15 ROAD IN THE NORTHEAST AREA OF RICHLAND COUNTY. THAT WAS
16 THE -- THAT EVENING WAS THE "SPORTS O' RAMA" FOR RICHLAND
17 COUNTY SCHOOL DISTRICT II. AFTER THE SPORTS O' RAMA,
18 THERE WERE APPROXIMATELY 400 HIGH SCHOOL STUDENTS IN THE
19 PARKING LOT OF THE SONIC RESTAURANT OUT THERE NEAR
20 BRICKYARD AND TWO NOTCH ROAD.

21 THERE WAS A LIVE D.J., AND THERE WERE STUDENTS
22 FROM A NUMBER OF HIGH SCHOOLS IN RICHLAND SCHOOL DISTRICT
23 II THERE.

24 ACCORDING TO WITNESSES THAT WOULD HAVE BEEN
25 PRESENTED AT TRIAL, YOUR HONOR, MR. CICHEY MAYO WAS

1 PRESENT AT THE SONIC WITH ABRAM BRAVEBOY IN ABRAM
2 BRAVEBOY'S MOTHER'S 1986 GRAY VOLVO. THERE WERE PRESENT.
3 THEY WERE PARKED IN A PARTICULAR PARKING SPOT.

4 THERE WERE SOME STUDENTS FROM RIDGEVIEW HIGH
5 SCHOOL THAT WERE PRESENT, AS WELL. THERE WERE WORDS
6 EXCHANGED, AND TWO SPRING VALLEY STUDENTS PROVIDED
7 STATEMENTS TO THE RICHLAND COUNTY SHERIFF'S DEPARTMENT
8 LATER ON IN THIS INVESTIGATION THAT THEY OBSERVED CICHEY
9 MAYO FIRING A WEAPON FROM A PARTICULAR LOCATION, A
10 PARTICULAR PARKING SPACE AT THE SONIC THAT EVENING.

11 THE REASON WHY THAT IS IMPORTANT IS BECAUSE THAT
12 FRIDAY EVENING, OFFICERS OF THE RICHLAND COUNTY SHERIFF'S
13 DEPARTMENT WENT TO THE SONIC. FORTUNATELY, NOBODY WAS
14 SHOT, NOBODY WAS HIT. THE STUDENTS FROM RIDGEVIEW HIGH
15 SCHOOL WERE FIRING WEAPONS, AS WELL. THANK GOD NOBODY WAS
16 HIT THAT EVENING.

17 THE SHERIFF'S DEPARTMENT BEGAN AN INVESTIGATION
18 INTO THAT SHOOTING. AT THE LOCATION OF THE GRAY VOLVO
19 THAT ABRAM BRAVEBOY WAS DRIVING THAT EVENING AND WHERE
20 CICHEY MAYO WAS FIRING HIS WEAPON RIGHT AT THAT LOCATION,
21 THE SHERIFF'S DEPARTMENT WAS ABLE TO OBTAIN AND SEIZE
22 THREE SPENT 25 CALIBER SHELL CASINGS, YOUR HONOR.

23 THEN I'D LIKE TO JUMP FORWARD TO MONDAY EVENING
24 AUGUST 20TH OF LAST YEAR. YOUR HONOR, THAT EVENING,
25 MICHAEL MESSER, A 49-YEAR-OLD SPECIAL ASSISTANT U.S.

1 ATTORNEY FROM CHICAGO -- HE WAS ON SPECIAL ASSIGNMENT FROM
2 THE U.S. ATTORNEY'S OFFICE, HAD BEEN FOR A LITTLE OVER A
3 YEAR IN CHICAGO. HE WAS AN EXPERT IN SOCIAL SECURITY
4 FRAUD PROSECUTIONS. HE AND ANOTHER INDIVIDUAL BY THE NAME
5 OF RICHARD GILLIAM FERGUSON, WHO WAS ALSO AN ASSISTANT
6 UNITED STATES ATTORNEY FROM CHICAGO, FLEW FROM CHICAGO TO
7 COLUMBIA TO ATTEND A SPECIAL TRAINING SEMINAR AT THE
8 NATIONAL ADVOCACY CENTER ON PENDLETON STREET ON THE CAMPUS
9 OF U.S.C.

10 MR. FERGUSON WAS ACTUALLY GOING TO BE A FACULTY
11 INSTRUCTOR. IT WAS A COURSE IN FEDERAL PRACTICE, AND
12 MICHAEL MESSER WAS GOING TO BE A STUDENT AT THAT
13 PARTICULAR SEMINAR. THEY ARRIVED IN THE COLUMBIA AIRPORT.
14 THEY BOTH TOOK THE SHUTTLE, THE 8 O'CLOCK SHUTTLE, TO THE
15 NATIONAL ADVOCACY CENTER.

16 AFTER THEY GOT SETTLED THERE, AS IS THE CASE
17 WITH MOST OF THE VISITING STUDENTS AND FACULTY MEMBERS,
18 THEY DECIDED TO EAT DINNER IN THE FIVE POINTS AREA WHICH
19 IS A CLOSE WALK FROM THE ADVOCACY CENTER ON PENDLETON
20 STREET DOWN HERE IN THE FIVE POINTS AREA.

21 THEY PROCEEDED TO GO, AND THEY DECIDED ON EATING
22 AT THE CHINA GARDEN RESTAURANT RIGHT THERE WHICH IS NEAR
23 THE INTERSECTION OF GREEN STREET AND HARDEN STREET.

24 THEY ARRIVED APPROXIMATELY NINE O'CLOCK, AND
25 ULTIMATELY UPON FINISHING THEIR MEAL, ABOUT A QUARTER OF,

1 TEN MINUTES UNTIL TEN, THEY DECIDED TO WALK BACK TO THE
2 ADVOCACY CENTER. THEY PROCEEDED TO GO UP TO GREEN STREET
3 TO TRAVEL UP TO GREEN STREET WHERE THEY CAME TO LAURENS
4 STREET, YOUR HONOR.

5 THEY TOOK A RIGHT ON LAURENS STREET AND CROSSED
6 THE RAILROAD TRACKS AND WERE WALKING ON THE SIDEWALK ON
7 THE LEFT SIDE OF LAURENS STREET. ON THE LEFT SIDE THERE,
8 THERE'S A VACANT LOT. YOU COME UP TO SOME TOWNHOUSES.
9 THEN THERE'S A CHARLESTONIAN TYPE HOME RIGHT THERE AT THE
10 CORNER OF COLLEGE AND LAURENS STREET.

11 THEY WERE JUST ENJOYING THEIR WALK BACK TO THE
12 ADVOCACY CENTER AFTER THEIR MEAL. ACCORDING TO
13 MR. FERGUSON, HE NOTICED THREE YOUNG BLACK MALES WALKING
14 ON THE OPPOSITE SIDE OF THE STREET IN THE OPPOSITE
15 DIRECTION.

16 HE DIDN'T NOTICE ANYTHING ABOUT THAT. IN FACT,
17 YOUR HONOR, THROUGHOUT THESE WHOLE PROCEEDINGS, THROUGHOUT
18 THE WHOLE CRIME SPREE THAT EVENING, THERE WOULD HAVE BEEN
19 NO IDENTIFICATION PROCEDURE OR NO IDENTIFICATION BY ANY OF
20 THE WITNESSES, ANY OF THE VICTIMS, OF ANY OF THE
21 DEFENDANTS DUE TO THE LIGHTING AND SOME DISGUISES THAT
22 WERE WORN DURING SOME OF THE OTHER ARMED ROBBERIES THAT
23 I'LL GET TO, BUT MR. FERGUSON DID NOTICE THREE YOUNG BLACK
24 MALES. THEY WERE TRAVELING TOWARDS GREEN STREET.

25 ONE OF THE INDIVIDUALS HAD ASKED, INQUIRED AND

1 SCREAMED OUT, YOU KNOW, "WHAT STREET ARE WE ON?"
2 MR. FERGUSON INDICATED WHAT STREET THEY WERE ON AND
3 POINTED AT THE FIVE POINTS AREA DOWN IN THIS LOCATION.
4 MICHAEL AND GILLIAM PROCEEDED TO CONTINUE WALKING TOWARD
5 COLLEGE STREET WHEN, ACCORDING TO MR. FERGUSON, HE HEARD
6 AND KIND OF FELT FOOTSTEPS RUNNING TOWARDS HIM. AT THE
7 SAME TIME -- I APOLOGIZE, YOUR HONOR, BUT I WANT THE COURT
8 TO GET THE FULL FEEL OF EXACTLY WHAT WAS GOING ON WHEN
9 MR. FERGUSON AND MR. MESSER WERE SHOT.

10 MR. FERGUSON INDICATED ALL OF THE SUDDEN HE
11 HEARD A VOICE SCREAM OUT, "MOTHERFUCKERS, GET DOWN.
12 MOTHERFUCKERS, GIVE UP YOUR WALLET." WHEREUPON, HE NEVER
13 LOOKED AND SAW WHO WAS DOING THE TALKING. HE DIDN'T KNOW
14 IF IT WAS ALL THREE OF THEM OR TWO OF THEM. HE JUST ALL
15 OF THE SUDDEN TOOK OFF RUNNING.

16 AS HE TOOK OFF RUNNING AND STARTED AROUND
17 COLLEGE STREET, HE STARTED HEARING A NUMBER OF GUNSHOTS
18 COMING FROM THAT DIRECTION WHERE THE INDIVIDUALS HAD
19 CROSSED THE STREET. HE THEN FELT A PAIN, A SEARING
20 SENSATION, IN HIS RIGHT ARM. HE KEPT ON RUNNING PAST
21 COLLEGE STREET.

22 HE THEN RAN UP TO PENDLETON STREET FROM GREGG
23 STREET AND RAN ALL THE WAY BACK TO THE NATIONAL ADVOCACY
24 CENTER.

25 AS SOON AS HE GOT TO THE NATIONAL ADVOCACY

1 CENTER, HE IMMEDIATELY NOTIFIED SECURITY THAT WAS THERE AT
2 THE DOOR. 911 WAS IMMEDIATELY CALLED TO THE ADVOCACY
3 CENTER TO, FIRST OF ALL, TREAT HIM, AND TO GET HIS
4 STATEMENT BUT ALSO, THE POLICE AND OTHER LAW ENFORCEMENT
5 AGENCIES STARTING TO COME DOWN TO THIS PARTICULAR AREA.

6 YOUR HONOR, HAD WE PROCEEDED TO COURT, THERE
7 WERE SEVERAL PEOPLE THAT LIVED IN THAT NEIGHBORHOOD THAT
8 WOULD HAVE TESTIFIED AS TO WHAT THEY OBSERVED OR WHAT THEY
9 HEARD. AGAIN, THERE WOULD HAVE BEEN NO IDENTIFICATION OF
10 THE PERSONS, BUT THERE WOULD HAVE BEEN AN IDENTIFICATION
11 OF THIS VEHICLE, THIS GRAY VOLVO, WHICH IS LATER
12 IDENTIFIED AS THAT BELONGING TO ABRAM BRAVEBOY'S MOTHER,
13 MS. BURGESS.

14 THE WITNESSES, YOUR HONOR, ONE WAS A COUPLE, A
15 YOUNG MAN AND HIS GIRLFRIEND, THAT WERE WALKING THEIR DOG.
16 THEY WERE WALKING TOWARDS THE INTERSECTION OF COLLEGE AND
17 LAURENS STREET. THEY OBSERVED SOME BLACK MALES RUNNING
18 TOWARDS SOME WHITE MALES AND SCREAMING AND WHAT APPEARED
19 TO BE ARGUING AND ALL OF THE SUDDEN SOME GUNSHOTS.

20 THEY TURNED AROUND AND TOOK OFF RUNNING IN THIS
21 DIRECTION. WHEN THE GUNSHOTS WERE FIRED, THERE WAS A
22 GENTLEMAN THAT LIVED IN THIS RESIDENCE RIGHT HERE. HE
23 LOOKED OUT HIS WINDOW, AND HE SAW A GRAY VOLVO PARKED IN
24 FRONT OF HIS HOUSE WITH NO LIGHTS ON MAKE AN IMMEDIATE
25 U-TURN.

1 THE TIRES LITERALLY SCREECHED AND SPED DOWN THE
2 GREEN STREET AREA. HE WAS UNABLE TO GET A LICENSE TAG.
3 HE SAID IT WAS A FOUR DOOR GRAY VOLVO.

4 THERE WAS AN ASSISTANT MANAGER OF THE SALTY NUT
5 RESTAURANT DOWN AT GREEN AND LAURENS STREET. SHE WAS
6 STANDING ON THE OUTSIDE AREA HERE TALKING WITH HER
7 BOYFRIEND. SHE HEARD WHAT APPEARED TO BE GUNSHOTS. HER
8 AND HER BOYFRIEND BOTH LOOKED UP.

9 SHORTLY AFTER THE GUNSHOTS, THEY OBSERVED A GRAY
10 VOLVO SPEEDING DOWN TOWARD GREEN STREET WITHOUT ITS LIGHTS
11 ON AND TAKE THIS TURN WITHOUT STOPPING HEADING BACK DOWN
12 TOWARD THE CAMPUS.

13 SHE SAW A BLACK MAN THAT APPEARED TO BE TALL,
14 SITTING UP HIGH ON THE SEAT WEARING A LONG RED SHIRT.
15 THERE WERE SEVERAL OTHER PEOPLE IN THE CAR. SHE COULD NOT
16 TELL HOW MANY.

17 AGAIN, SHE COULD NOT PROVE AN IDENTIFICATION.
18 YOUR HONOR, WE WERE ABLE TO DETERMINE EXACTLY THE ROUTE OF
19 WHERE THESE FOUR INDIVIDUALS WENT BECAUSE ABRAM BRAVEBOY,
20 DURING HIS PART OF HIS STATEMENT TO THE POLICE, HE
21 ACTUALLY TOOK A REPRESENTATIVE OF THE COLUMBIA POLICE
22 DEPARTMENT, THE F.B.I., AND THE RICHLAND COUNTY SHERIFF'S
23 DEPARTMENT, HE TOOK THEM ON THE SAME ROUTE THAT HE AND HIS
24 THREE CODEFENDANTS WENT AFTER THE SHOOTING OF THE TWO
25 ASSISTANT U.S. ATTORNEYS IN FIVE POINTS.

1 I'M GOING TO GET BACK TO THE FIVE POINTS
2 SHOOTING, BUT BRIEFLY, JUST SO YOU'LL KNOW, THEY WENT ON
3 GREEN STREET AND TOOK A RIGHT ON SUMTER STREET BY LONG
4 STREET THEATER. THEY THEN DROVE UP. AT THE STATE HOUSE
5 THERE AT SUMTER AND GERVAIS, THEY TOOK A RIGHT ON GERVAIS.
6 THEY FOLLOWED GERVAIS STREET ALL THE WAY UNTIL IT ALMOST
7 ENDED ON GLENWOOD, TOOK A LEFT AND THEN A QUICK RIGHT ON
8 FOREST.

9 AS THEY WERE DRIVING TOWARD PERCIVAL ROAD ON
10 FOREST DRIVE, THEY DECIDED TO STOP AND GET SOMETHING TO
11 EAT. THEY WENT THROUGH A DRIVE-THRU AND GOT SOMETHING TO
12 EAT.

13 THEY THEN GOT ON PERCIVAL ROAD AND STARTED
14 TRAVELLING TOWARD THE NORTHEAST SECTION OF RICHLAND COUNTY
15 WITH A PLAN TO COMMIT MORE ARMED ROBBERIES.

16 YOUR HONOR, BACK AT THE SCENE, THE COLUMBIA
17 POLICE DEPARTMENT, WITH THE ASSISTANCE OF THE FEDERAL
18 BUREAU OF INVESTIGATIONS, PROCESSED THAT CRIME SCENE.

19 ON THIS DIAGRAM THAT I PREVIOUSLY SHOWED, I
20 INCLUDED TWO PHOTOGRAPHS. YOU CAN SEE, YOUR HONOR, THE
21 CLOSENESS OF THE SPENT SHELL CASINGS THAT WERE RETRIEVED.
22 THESE WERE TWO OF THE OFFICERS THAT WERE ACTUALLY
23 PROCESSING THE CRIME SCENE IN THIS ONE PHOTOGRAPH.

24 YOU CAN SEE IT'S ABOUT BETWEEN THREE AND FOUR
25 PARKING SPACES SOUTH OF THE INTERSECTION OF COLLEGE AND

1 LAURENS STREET. THESE SPENT SHELL CASINGS WERE GROUPED
2 FAIRLY CLOSE TOGETHER INDICATING THAT THE TWO SHOOTERS
3 WERE STANDING VERY CLOSE TO EACH OTHER WHEN THE SHOTS WERE
4 FIRED.

5 THE POLICE DEPARTMENT AT THE SCENE RETRIEVED
6 NINE SPENT SHELL CASINGS. EIGHT OF THE SPENT SHELL
7 CASINGS WERE 25 CALIBER SHELL CASINGS. ONE OF THE SPENT
8 SHELL CASINGS WAS A 380. THOSE SHELL CASINGS ULTIMATELY
9 WERE SENT OUT TO THE STATE LAW ENFORCEMENT DIVISION, AS
10 WERE THE THREE SPENT 25 CALIBER SHELL CASINGS THAT WERE
11 RETRIEVED ON THE FRIDAY NIGHT BEFORE FROM THE SONIC.

12 MR. MESSER, YOUR HONOR, ROUNDED THE CORNER. HE
13 WAS SHOT TWICE. HE WAS ABLE TO ROUND THE CORNER AT
14 LAURENS AND COLLEGE STREET WHERE HE COLLAPSED IN THE
15 DRIVEWAY RIGHT BY THE ROAD OF THE RESIDENCE AT 1938
16 COLLEGE STREET, THE RESIDENCE OF BUD AND JULIE TORRILO
17 (PHONETIC).

18 THESE PHOTOGRAPHS, YOUR HONOR, INDICATE HE
19 COLLAPSED RIGHT UNDERNEATH THE PARKED CAR AREA THERE RIGHT
20 IN THE DRIVEWAY. THAT'S ALL HE WAS ABLE TO GET TO BECAUSE
21 AT AUTOPSY, ONE OF THE BULLETS HAD ACTUALLY ENTERED
22 MR. MESSER FROM THE SIDE, WHICH IS CONSISTENT WITH THE
23 WITNESSES THAT WERE THERE AT THE SCENE WHO WERE ABLE TO
24 IDENTIFY THE DIRECTION THAT THE PERPETRATORS WERE
25 TRAVELING FROM AND RUNNING UP ON THE TWO VICTIMS. IT

1 ENTERED ON THE SIDE AND WENT ACROSS HIS CHEST CAVITY, YOUR
2 HONOR. IT PIERCED HIS RIGHT LUNG, WENT THROUGH THE LEFT
3 VENTRICLE OF HIS HEART, PIERCED HIS LEFT LUNG. THEY WERE
4 ABLE TO RETRIEVE THE BULLET, WHICH WAS A 380 SLUG FROM THE
5 LEFT AREA CHEST WALL OF MR. MESSER.

6 HE WAS ALSO SHOT WITH A THROUGH AND THROUGH
7 SMALL CALIBER NOT CONSISTENT WITH A 380 BUT CONSISTENT
8 WITH A 25, A THROUGH AND THROUGH WOUND OF HIS LEG.

9 MR. FERGUSON WAS SHOT THROUGH THE RIGHT ARM,
10 AGAIN A SMALL CALIBER WOUND. THE WOUND WAS NOT CONSISTENT
11 WITH A 380 BUT WAS CONSISTENT WITH A SMALL CALIBER, 25
12 CALIBER, HANDGUN.

13 ONE OF THE NEIGHBORS WAS ABLE -- AFTER HE HEARD
14 THE SHOTS AND LOOKED OUT AND SAW A BODY IN THE DRIVEWAY,
15 HE RAN OUT, MR. ALLISON. HE STAYED WITH MR. MESSER UNTIL
16 E.M.S. ARRIVED. HE TOOK HIS PULSE FOUR DIFFERENT TIMES.
17 THERE WAS A LIGHT PULSE THREE TIMES. THEN THE FOURTH TIME
18 WHEN E.M.S. PULLED UP, MR. ALLISON WAS UNABLE TO GET A
19 PULSE AND E.M.S. WAS UNABLE TO GET A PULSE.

20 MR. MESSER NEVER REGAINED CONSCIOUSNESS. HE WAS
21 PRONOUNCED DEAD AT RICHLAND MEMORIAL HOSPITAL LATER ON
22 THAT EVENING.

23 YOUR HONOR, AS I INDICATED, THE FOUR DEFENDANTS
24 TRAVELED OUT TO THE NORTHEAST AREA OF RICHLAND COUNTY
25 AFTER GETTING THEIR SUPPER.

1 THEY THEN PROCEEDED TO GO TO THE WINDSOR LAKE
2 SUBDIVISION. THEY WERE DRIVING IN MR. BRAVEBOY'S GRAY
3 VOLVO. MR. BRAVEBOY WAS DRIVING, MR. MAYO WAS IN THE
4 RIGHT FRONT PASSENGER'S SEAT, MR. MURRAY WAS IN THE
5 BACKSEAT BEHIND THE PASSENGER, AND MR. MURPHY WAS BEHIND
6 THE DRIVER IN THE BACKSEAT.

7 THEY DROVE UP, WHEREUPON, THEY CAME TO THE
8 WINDSOR LAKE SUBDIVISION ON EXETER LANE. YOUR HONOR, A
9 YOUNG MAN BY THE NAME OF GEORGE LYNCH WHO WAS WORKING AT
10 THE HARDEE'S HAD GOTTEN OFF WORK. HE WAS 18 YEARS OLD AT
11 THE TIME. HAVING NO TRANSPORTATION, HE WAS WALKING HOME
12 GOING TO HIS HOUSE FROM WORK.

13 THE VOLVO PULLED UP. MR. LYNCH SAW THE VOLVO.
14 THE STATE WOULD HAVE PRESENTED EVIDENCE AT THAT TIME THAT
15 WILLIE MURPHY AND CICHEY MAYO JUMPED OUT OF THE VOLVO AT
16 THAT TIME. THEY HAD BANDANNAS COVERING PORTIONS OF THEIR
17 FACE. THEY BOTH WERE ARMED WITH HANDGUNS, AND THEY
18 APPROACHED MR. LYNCH AND DEMANDED MONEY. MR. LYNCH HAD
19 ABOUT \$20 ON HIM. HE GAVE THEM \$20. THEY RAN AND JUMPED
20 BACK IN THE VOLVO.

21 MR. LYNCH NOTICED THAT ONE OF THE INDIVIDUALS,
22 PERPETRATORS, WAS WEARING SURGICAL GLOVES WHEN THEY JUMPED
23 IN THE VOLVO. A SURGICAL GLOVE FELL OUT OF THE VOLVO. HE
24 TOOK RICHLAND COUNTY DEPUTIES THAT EVENING TO THE SCENE
25 WHERE HE WAS ROBBED. IT WAS ABOUT TWO BLOCKS FROM HIS

1 HOUSE, AND THIS SURGICAL GLOVE WAS OBTAINED RIGHT WHERE
2 MR. LYNCH WAS ROBBED ON EXETER. I'LL GET TO WHY THAT WAS
3 RELEVANT.

4 THEY THEN LEFT. AFTER ROBBING MR. LYNCH OF
5 ABOUT \$20, THE FOUR DEFENDANTS THEN LEFT THE WINDSOR LAKE
6 SUBDIVISION. THEY ENDED UP GETTING ON POLO ROAD AND
7 DRIVING OUT INTO THE WILDEWOOD SUBDIVISION. THEY TOOK
8 POLO ROAD TO MALLET HILL ROAD.

9 ACCORDING TO MR. MURPHY, THEY WERE KIND OF
10 DRIVING AROUND LOOKING FOR PEOPLE IN AUTOMOBILES TO ROB.
11 THERE WERE TWO TIMES THEY GOT BEHIND ELDERLY PEOPLE AND
12 DECIDED THAT THEY DIDN'T WANT TO ROB ELDERLY PEOPLE.

13 THEY THEN GOT BEHIND A CAR ON MALLET HILL ROAD
14 THAT HAD TWO YOUNG WOMEN IN THE CAR AND A YOUNG MAN, A
15 GIRL BY THE NAME OF TRACY GROSS WHO IS PRESENT IN THE
16 COURTROOM WITH HER PARENTS; ANGELA DANCO WHO IS PRESENT IN
17 THE COURTROOM WITH HER PARENTS, AND JOHNNY LEGRIS
18 (PHONETIC). THEY WERE THREE FRIENDS.

19 MS. GROSS IS A STUDENT AT SAN DIEGO STATE
20 UNIVERSITY. THEY HAD GONE OUT TOGETHER, THE THREE OF
21 THEM, TO GO EAT, EAT DINNER, AND THEN THEY WERE DOING SOME
22 SHOPPING. SHE WAS GETTING READY TO GO BACK TO SCHOOL.

23 UNFORTUNATELY FOR THEM, THEY BECAME THE TARGETS
24 OF THESE FOUR GENTLEMEN, BECAUSE THESE FOUR GENTLEMEN
25 FOLLOWED THEM TO 59 MALLET HILL ROAD WHERE MS. GROSS LIVED

1 WITH HER PARENTS.

2 TRACY AND ANGELA AND JOHNNY PULLED UP FROM
3 MALLET HILL ROAD COMING FROM SPARKLEBERRY. THEY PULLED UP
4 INTO THEIR DRIVEWAY, DROVE ALL THE WAY UP, WHICH IS AN
5 INCLINE, ALL THE WAY UP TO WHERE THE DOUBLE CAR GARAGE IS,
6 YOUR HONOR.

7 THEY WERE LITERALLY GETTING READY TO WALK INTO
8 THEIR HOME WHEN THE DEFENDANTS PULLED UP IN THE GRAY VOLVO
9 WHERE AGAIN MR. MURPHY AND MR. MAYO, WEARING BANDANNAS,
10 JUMPED OUT OF THE CAR.

11 MR. LEGRIS HIT THE GROUND. MR. MAYO AND
12 MR. MURPHY, AGAIN ARMED WITH THESE HANDGUNS, THE 380 AND
13 THE 25, WALKED UP, POINTED THE GUN AT MS. GROSS AND
14 MS. DANCO'S HEADS AND DEMANDED WHATEVER MONEY AND
15 VALUABLES THEY HAD. THEY BOTH GAVE UP THEIR PURSES.

16 ULTIMATELY, THE DEFENDANTS GOT \$3 FROM THESE TWO
17 YOUNG WOMEN. THEY THEN LEFT MALLET HILL ROAD. AS I
18 INDICATED, THEY TOOK THE PURSES OF MS. DANIEL AND MS.
19 GROSS. INCLUDED IN THEIR WALLETS INSIDE THEIR PURSES WERE
20 SOME A.T.M. CARDS AND CREDIT CARDS. THEY WENT TO THE
21 A.T.M. MACHINE AT O'NEIL -- THE BANK OF AMERICA TELLER
22 MACHINE AT O'NEIL COURT AND TWO NOTCH ROAD.

23 YOUR HONOR, SUBSEQUENT -- DURING THIS
24 INVESTIGATION, THE RICHLAND COUNTY SHERIFF'S DEPARTMENT
25 WAS ABLE, AFTER GETTING STATEMENTS FROM ALL OF THESE

1 DEFENDANTS, WERE ABLE TO MEET WITH REPRESENTATIVES OF BANK
2 OF AMERICA AND RETRIEVE THAT TAPE. THEN USING CERTAIN
3 SOFTWARE THAT WAS RECENTLY PURCHASED BY THE SHERIFF'S
4 DEPARTMENT, MEMBERS OF THE SHERIFF'S DEPARTMENT WERE ABLE
5 TO ENHANCE THE IMAGES OF THAT TAPE.

6 CLEARLY, AT 11:39 ON MONDAY NIGHT,
7 AUGUST 20TH -- AND I JUST HAVE HERE THREE STILL PHOTOS.
8 THESE STILL PHOTOGRAPHS DO NOT DO THE TAPE JUSTICE. THE
9 TAPE IS MUCH, MUCH MORE CLEARER, BUT THREE STILL
10 PHOTOGRAPHS. ONE OF THEM, YOU CAN SEE MR. MURPHY WHO IS
11 OUTSIDE OF THE VEHICLE LITERALLY STARING INTO THE MACHINE
12 AS HE IS INSERTING THE CARD INTO THE MACHINE. YOU CAN
13 ALSO SEE MR. BRAVEBOY BEHIND THE DRIVER'S SIDE, DRIVER,
14 AND YOU CAN SEE MR. MURRAY IN THE BACKSEAT.

15 IN ANOTHER ONE OF THE STILL PHOTOS IS ANOTHER
16 SHOT OF MR. BRAVEBOY'S FACE AND MR. MURRAY'S FACE IN THE
17 BACKSEAT. THEN IN THIS LAST PHOTOGRAPH, YOUR HONOR, YOU
18 CAN SEE CLEARLY MR. BRAVEBOY BEHIND THE DRIVER'S SIDE,
19 MR. MAYO KICKED BACK, RECLINED IN THE FRONT PASSENGER'S
20 SEAT, AND MR. MURRAY, ALL OF THEM, STARING RIGHT INTO THE
21 CAMERA.

22 THAT WAS 11:39 AFTER THEY HAD ROBBED MS. DANCO
23 AND MS. GROSS, BUT THEY WEREN'T FINISHED THEN, YOUR HONOR.
24 AFTER THEY WERE UNABLE TO GET ANY MONEY, AND SO THEY HAD
25 AT THIS TIME APPROXIMATELY \$23 IN CASH, THEY THEN

1 TRAVELLED BACK UP TWO NOTCH ROAD TOWARDS ALPINE ROAD.

2 THEY TOOK A RIGHT ON ALPINE ROAD, WHERE
3 UNFORTUNATELY FOR MS. DEBORAH CORNELIUS, THEY CAME INTO
4 CONTACT WITH HER. MS. CORNELIUS WHO IS IN THE COURTROOM,
5 AS WELL, SHE WORKS FOR A STATE FACILITY AND WORKS WITH
6 ALCOHOL AND DRUG DEPENDANT INDIVIDUALS. SHE WAS WORKING
7 THE EVENING SHIFT.

8 SHE WAS COMING HOME FROM WORK. SHE HAD STOPPED
9 AT A LOCAL CONVENIENCE STORE OUT ON TWO NOTCH ROAD AND HAD
10 TRAVELED DOWN JUST A SHORT DISTANCE FROM TWO NOTCH ROAD TO
11 ALPINE ROAD.

12 SHE PULLED INTO HER DRIVEWAY RIGHT HERE, YOUR
13 HONOR. SHE FELT AND HEARD AND ACTUALLY SAW THE BRAKE
14 LIGHTS OF A CAR THAT STOPPED IN FRONT OF HER HOUSE. SHE
15 TOLD US SHE JUST FELT SOMETHING WAS WRONG AT THAT POINT.

16 SHE HAS A DOUBLE LOCK ON HER DOOR. SHE HAD
17 GOTTEN THE DOORKNOB PORTION OF THE LOCK DONE AND SHE WAS
18 TRYING TO -- FIDDLING WITH HER KEYS TO GET THE TOP LOCK
19 DONE, BECAUSE SHE FELT AFRAID OF THAT CAR THAT HAD PULLED
20 IN.

21 UNFORTUNATELY, AT THAT POINT, MR. BRAVEBOY AND
22 MR. MURPHY, AGAIN WITH BANDANNAS, AND ONE OF THEM WEARING
23 A DARK DOO-RAG ON THE TOP OF THEIR HEAD APPROACHED HER
24 WHILE SHE WAS UP ON HER PORCH. THEY BOTH HAD GUNS; THEY
25 BOTH DEMANDED MONEY. SHE WAS PETRIFIED. SHE WAS SCARED

1 FOR HER LIFE. SHE GAVE THEM WHATEVER MONEY SHE HAD, WHICH
2 WAS \$12.

3 THEY THEN LEFT THAT SCENE, AND THAT WAS THE LAST
4 ARMED ROBBERY THAT WAS COMMITTED BY THE INDIVIDUALS THAT
5 EVENING.

6 YOUR HONOR, LAW ENFORCEMENT WAS NOTIFIED
7 IMMEDIATELY AFTER EVERY ONE OF THESE INSTANCES, SO WE WERE
8 ABLE TO TRACK FROM A TIME PERSPECTIVE THE 911 CALLS COMING
9 IN AT ABOUT 9:55 FROM THE SHOOTING OF MR. MESSER AND
10 MR. FERGUSON; FROM THAT POINT, SHORTLY AFTER 11 O'CLOCK,
11 THE 911 CALLS COMING IN FROM MR. LYNCH IN THE WINDSOR LAKE
12 SUBDIVISION; SHORTLY AFTER THAT, THE 911 CALLS COMING IN
13 FROM MS. GROSS AND MS. DANCO FROM 59 MALLET HILL ROAD.

14 AS A RESULT OF THOSE 911 CALLS, BOTH RICHLAND
15 COUNTY AND C.P.D. WERE PUTTING OUT BOLO'S DESCRIBING THAT
16 YOUNG BLACK MALES DRIVING A GRAY VOLVO AND WEARING
17 BANDANNAS WERE COMMITTING THESE ARMED ROBBERIES OUT IN THE
18 NORTHEAST.

19 WELL, BACK IN THE FIVE POINTS AREA, THE F.B.I.
20 AND THE COLUMBIA POLICE DEPARTMENT WERE ALREADY CONDUCTING
21 FIELD INTERVIEWS OF SOME OF THE WITNESSES, THE NEIGHBORS
22 AND THE PEOPLE AT THE SALTY NUT AS TO WHAT THEY SAW AND
23 WHAT THEY OBSERVED. THE INITIAL SUSPECTS WERE THREE TO
24 FOUR BLACK MALES LEAVING IN A GRAY VOLVO.

25 PIECING THAT TOGETHER, INVESTIGATORS WITH THE

1 COLUMBIA POLICE DEPARTMENT IMMEDIATELY GOT TOGETHER WITH
2 INVESTIGATORS WITH THE RICHLAND COUNTY SHERIFF'S
3 DEPARTMENT THAT NIGHT AND BEGAN WORKING TOGETHER THINKING
4 THAT THERE WAS A COMMON LINKAGE BETWEEN THE THREE ARMED
5 ROBBERIES OUT IN THE NORTHEAST AND THE INCIDENT INVOLVING
6 MICHAEL MESSER AND MR. FERGUSON DOWN IN FIVE POINTS. THAT
7 IMMEDIATELY STARTED MONDAY NIGHT INTO THE EARLY EVENING OF
8 TUESDAY MORNING.

9 YOUR HONOR, I MENTIONED TO YOU BEFORE ABOUT THE
10 SONIC INCIDENT ON FRIDAY NIGHT. BECAUSE THAT WAS FRIDAY
11 NIGHT, THE WITNESSES AT THE SONIC FLED, GUNSHOTS WERE
12 FIRED, WITNESSES FLED, SO THE SHERIFF'S DEPARTMENT WAS NOT
13 ABLE TO ACTUALLY GET ANY EYEWITNESSES TO THE EVENT UNTIL
14 THE FOLLOWING MONDAY.

15 INVESTIGATOR BARRY WRIGHT WAS ASSIGNED BY MAJOR
16 WILSON AS THE MAJOR CRIMES INVESTIGATOR. HE GOT WITH A
17 SCHOOL RESOURCE OFFICER AT SPRING VALLEY HIGH SCHOOL.
18 THEY WERE ABLE TO GET SOME INFORMATION THAT INVOLVED
19 STUDENTS FROM SPRING VALLEY AND FROM RIDGEVIEW. DEPUTY
20 LYNN MARTEL, USING SOME SOURCES THAT PROVIDED HER
21 INFORMATION AT SPRING VALLEY, WAS ABLE TO COME UP WITH THE
22 NAME CICHEY MAYO.

23 THEY WERE ABLE TO GET STATEMENTS FROM TWO
24 STUDENTS LATER ON THAT MONDAY AFTERNOON INDICATING CICHEY
25 MAYO WAS THE ONE THEY THOUGHT WAS DOING THE SHOOTING.

1 AT THAT TIME, THEY NEEDED TO DO AN
2 IDENTIFICATION PROCEDURE IN ORDER TO GET WARRANTS. THEY
3 NEEDED TO GET EITHER A PICTURE I.D. FROM THE DEPARTMENT OF
4 MOTOR VEHICLES OR USE A YEARBOOK, BUT THAT WAS IN THE
5 WORKS. THAT CRIME WAS BEING INVESTIGATED BY CERTAIN
6 EMPLOYEES OF THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

7 WELL, THAT TUESDAY AFTERNOON, AFTER THIS
8 INCIDENT, THE SHERIFF HIMSELF WAS DRIVING HIS VEHICLE IN
9 RICHLAND COUNTY, AND OVER THE DISPATCH THERE WAS AN ARMED
10 BANK ROBBERY HERE IN RICHLAND COUNTY THAT HAD NOTHING TO
11 DO WITH THIS INCIDENT.

12 SHERIFF LOTT ACTUALLY OBSERVED AND SAW THE
13 SUSPECT VEHICLE IN THAT ARMED BANK ROBBERY AND BEGAN A
14 HIGH SPEED PURSUIT WITH THAT CAR. OTHER LAW ENFORCEMENT
15 AGENCIES RESPONDED TO THAT BANK ROBBERY, AS WELL.

16 DURING THAT PURSUIT, THE SHERIFF WAS ABLE TO
17 SPOT THE CAR INVOLVING THAT BANK ROBBERY, BUT IT INVOLVED
18 AN ACCIDENT, HIM GETTING IN AN ACCIDENT WITH HIS CAR, AND
19 THERE WAS A CHAIN REACTION OF OTHER INNOCENT VEHICLES
20 DURING THE PURSUIT OF THAT ARMED BANK ROBBER.

21 AGAIN, THIS IS ALL OCCURRING DURING THE MID
22 AFTERNOON OF TUESDAY, APRIL 21ST. SO YOU'VE GOT THE
23 SHERIFF INVOLVED IN THAT PURSUIT. YOU'VE GOT THE
24 SHERIFF'S DEPARTMENT GETTING READY TO GET CLOSE TO GETTING
25 IDENTIFICATION OF MR. MAYO AND SEVERAL OTHER INDIVIDUALS

1 ABOUT THE SHOOTING AT THE SONIC.

2 YOU HAVE OTHER SHERIFF'S INVESTIGATORS
3 INVESTIGATING THE THREE ARMED ROBBERIES ON MONDAY NIGHT IN
4 THE NORTHEAST, AND YOU'VE GOT THE F.B.I. AND THE COLUMBIA
5 POLICE DEPARTMENT INVESTIGATING THE SHOOTING AT FIVE
6 POINTS. ALL OF THAT IS CONVERGING ON ONE ANOTHER, AND
7 THEY'RE SHARING INFORMATION.

8 LATER ON IN THE AFTERNOON ON TUESDAY,
9 AUGUST 21ST, MS. BURGESS, THE MOTHER OF ABRAM BRAVEBOY,
10 WHO WORKS FOR THE DEPARTMENT OF SOCIAL SERVICES, COMES
11 HOME FROM WORK AND NOTICES HER VOLVO ALL BANGED UP. SHE
12 ASKED HER SON ABRAM HOW IT GOT THAT WAY. HE INDICATED
13 THAT A POLICE VEHICLE HAD RUN INTO HIM, SO SHE PROCEEDS TO
14 GO TO THE RICHLAND COUNTY SHERIFF'S DEPARTMENT, GO TO THE
15 DESK SERGEANT AND INQUIRES AS TO WHAT IS SHE SUPPOSED TO
16 DO WITH HER INSURANCE COMPANY BECAUSE HER CAR HAS BEEN
17 RAMMED, AND SHE WANTS SOME SORT OF REPORT OR SOMETHING
18 INDICATING THAT IT WASN'T HER SON'S FAULT.

19 TROOPERS FROM THE HIGHWAY PATROL THAT WERE DOING
20 THE ACTUAL INCIDENT REPORT INVOLVING THE BANK ROBBERY AND
21 THE SHERIFF'S COLLISION, THEY RESPONDED TO THE SHERIFF'S
22 DEPARTMENT.

23 THERE WAS AN INVESTIGATOR WITH THE SHERIFF'S
24 DEPARTMENT ACTING AS A LIAISON WITH THE HIGHWAY PATROL.
25 THE HIGHWAY PATROL HAD TOLD MS. BURGESS THAT THEY NEEDED

1 TO SPEAK WITH HER SON AND THEY NEEDED TO SEE THE VEHICLE.

2 SHE LEFT THE SHERIFF'S DEPARTMENT AND WENT AND
3 GOT THE GRAY VOLVO AND BROUGHT IT TO THE SHERIFF'S
4 DEPARTMENT. WELL, THERE WAS A STRATEGY MEETING GOING ON
5 AT THAT TIME AMONGST ALL OF THE AGENCIES, THE LAW
6 ENFORCEMENT AGENCIES, OUTSIDE OF CAPTAIN STUART'S OFFICE
7 OVERLOOKING THE PARKING LOT.

8 THEY WERE DISCUSSING THE SIMILARITIES AND THE
9 EVIDENCE AT THAT TIME THAT THEY HAD WITH THE SHOOTING OF
10 MICHAEL MESSER AND GILLIAM FERGUSON WITH THE COLUMBIA
11 POLICE DEPARTMENT AND THE F.B.I., AND LOOKING AT THE
12 EVIDENCE THAT THEY HAD WITH THE THREE ARMED ROBBERIES OUT
13 IN THE NORTHEAST ON THAT MONDAY EVENING. THEN THEY WERE
14 ALSO DISCUSSING THE SUSPECTS THAT THEY HAD, AND THE
15 EVIDENCE FROM THE SONIC SHOOTING. THE NAME CICHEY MAYO,
16 ABRAM BRAVEBOY, AND THE GRAY VOLVO WAS BEING ACTIVELY
17 DISCUSSED.

18 WELL, THE LIAISON WITH THE HIGHWAY PATROL AND
19 THE SHERIFF'S DEPARTMENT WHO HAD BEEN AT A MEETING EARLIER
20 THAT MORNING OVERHEARD THAT AND INDICATED TO HIS
21 SUPERIORS, "YOU KNOW, YOU'RE TALKING ABOUT -- YOU SAY THE
22 NAME ABRAM BRAVEBOY AND A GRAY VOLVO; THERE'S AN ABRAM
23 BRAVEBOY WITH A GRAY VOLVO DOWNSTAIRS IN THE PARKING LOT
24 RIGHT NOW."

25 MAJOR WILSON WENT DOWN AND MET WITH MS. BURGESS,

1 OBTAINED A CONSENT TO SEARCH. EVEN BEFORE DOING THAT, HE
2 HIMSELF LOOKED IN THE CAR, EVEN BEFORE GETTING THE CONSENT
3 TO SEARCH, AND HE OBSERVED THESE LATEX GLOVES AND THESE
4 BANDANNAS AND WAS AWARE OF THE LATEX GLOVE THAT WAS FOUND
5 AT THE CRIME SCENE OF THE WINDSOR LAKE ARMED ROBBERY OF
6 MR. LYNCH AND WAS AWARE OF ALL OF THE VICTIM'S STATEMENTS
7 OF THE ARMED ROBBERIES OUT IN THE NORTHEAST THAT THE
8 PERPETRATORS WERE WEARING BANDANNAS.

9 THEY GOT A CONSENT TO SEARCH. THEY FOUND A DARK
10 COLORED DOO-RAG CONSISTENT WITH THE DOO-RAG THAT
11 MS. CORNELIUS HAD INDICATED THAT ONE OF THE ARMED ROBBERS
12 WAS WEARING. THEY FOUND A SPENT 25 SHELL CASING.

13 YOUR HONOR, THE SPENT 25 SHELL CASING FOUND IN
14 THE GRAY VOLVO THERE AT THE SHERIFF'S DEPARTMENT IN
15 MR. BRAVEBOY'S GRAY VOLVO WAS SENT TO S.L.E.D., AS WELL.

16 S.L.E.D. WAS ABLE TO TAKE THE 380 THAT WAS
17 ORIGINALLY STOLEN ON JULY 1ST FROM FORT JACKSON, WHICH
18 MR. MURRAY WAS PRESENT, AND THE 25 CALIBER HANDGUN THAT
19 WAS FOUND DURING THE SEARCH OF MR. BRAVEBOY'S RESIDENCE ON
20 TUESDAY, AUGUST 21ST, THE NINE SPENT SHELL CASINGS FROM
21 FIVE POINTS, THE EIGHT 25 CALIBERS AND THE ONE 380, THE
22 380 SLUG REMOVED FROM THE LEFT CHEST WALL OF MR. MESSER,
23 ALL OF THIS EVIDENCE WAS SENT TO S.L.E.D.

24 S.L.E.D. WAS ABLE TO BALLISTICALLY MATCH THE
25 SPENT SHELL CASINGS FROM THE VOLVO, THE THREE SPENT SHELL

1 CASINGS FROM THE SONIC, ALL 25 CALIBER, AND THE EIGHT
2 SPENT 25 CALIBER SHELL CASINGS FROM FIVE POINTS.

3 ALL 12 OF THOSE 25 CALIBER SPENT SHELL CASINGS
4 FROM THREE DIFFERENT LOCATIONS WERE BALLISTICALLY MATCHED
5 TO THIS 25. THE 25 THAT MR. BRAVEBOY, MR. MURPHY,
6 MR. MURRAY, ALL IN THEIR CONFESSIONS WITH THE POLICE, SAY
7 THAT MR. MAYO WAS FIRING AT MICHAEL MESSER AND GILLIAM
8 FERGUSON. THE 380 SLUG THAT WAS TAKEN FROM MR. MESSER AND
9 THE 380 SPENT SHELL CASING AT THE SCENE WHERE MR. MESSER
10 WAS SHOT WAS BALLISTICALLY MATCHED TO THE 380.

11 THE SHERIFF'S DEPARTMENT, THE F.B.I., AND THE
12 COLUMBIA POLICE DEPARTMENT WERE ABLE TO OBTAIN THIS 380,
13 WHEN AFTER MR. MURPHY GAVE HIS CONFESSION, HE LED THEM AND
14 DIRECTED THEM TO THE HOUSE WHERE HE HAD HIDDEN THIS GUN
15 THE DAY FOLLOWING THE SHOOTING OF ONE OF HIS FRIENDS,
16 MR. ADAM EVANS.

17 WE WERE ALSO ABLE TO OBTAIN STATEMENTS FROM
18 ACQUAINTANCES OF MR. MURPHY, AND MR. MURPHY WAS NOT ONLY
19 SEEN WITH THAT GUN ON SUNDAY EVENING BEFORE THE SHOOTING,
20 BUT WAS ALSO SEEN WITH THAT GUN AND HAD MADE STATEMENTS TO
21 HIS FRIENDS THAT HE WAS THE ONE THAT WAS INVOLVED IN THE
22 ARMED ROBBERY AND THAT HE HAD FIRED SHOTS AT THE TWO
23 ASSISTANT U.S. ATTORNEYS.

24 YOUR HONOR, THE LAST FACTUAL PRESENTATION THAT I
25 HAVE, AND I APPRECIATE THE COURT'S INDULGENCE IN THIS

1 MATTER, IS AS I INDICATED, THE SHERIFF'S DEPARTMENT, AND
2 THE F.B.I., AND THE COLUMBIA POLICE WERE ABLE TO OBTAIN
3 STATEMENTS FROM ALL FOUR OF THESE DEFENDANTS.

4 I'M NOT GOING TO PUBLISH ALL FOUR STATEMENTS. I
5 WOULD INDICATE FOR THE RECORD THAT ALL FOUR OF THEM ADMIT
6 THERE WAS A CONSPIRACY THAT EVENING WHEN THEY ALL GOT IN
7 THE CAR, THERE WAS A CONSPIRACY AMONGST ALL FOUR OF THEM,
8 TO COMMIT ARMED ROBBERIES.

9 I JUST WANTED TO EXPLAIN TO THE COURT THE
10 SERIOUSNESS AND THE AGGRAVATED CIRCUMSTANCES, THERE ARE
11 CERTAIN THINGS THAT YOU NEED TO HEAR. FROM MR. BRAVEBOY'S
12 STATEMENT, TALKING ABOUT AFTER HE PICKED UP HIS FRIENDS,
13 "THERE WAS TALK ABOUT HOW TIMES WAS HARD. WILLIE AND
14 CICHEY TALKED ABOUT GOING DOWN TO FIVE POINTS, 'LET'S GO
15 DOWN AND GET PAID.' WE WERE ALL TALKING ABOUT IT. I
16 DROVE TO FIVE POINTS. THEY SAID TO PARK NEAR SALUDAS.
17 THEY ALL GOT OUT AND WALKED UP THE HILL. THEY TOLD ME TO
18 STAY THERE."

19 HE GOES ON TO SAY, "AFTER THE SHOOTING, WE WERE
20 HUNGRY SO I DROVE TO THE BOJANGLES ON FOREST DRIVE." HE
21 ALSO WENT ON TO TALK ABOUT HOW THEY HAD COMMITTED THE
22 ARMED ROBBERIES OUT IN THE RICHLAND NORTHEAST.

23 THE MOST TELLING OF ALL, AND THE MOST DETAILED
24 STATEMENT, COMES FROM MR. MURPHY WHERE HE INDICATES IN HIS
25 WRITTEN STATEMENT THAT THEY WENT TO CICHEY MAYO'S HOUSE

1 AFTER SCHOOL THAT MONDAY. HIS MOM HAD GIVEN HIM SOME
2 MONEY TO GET SHOES AT THE MALL, AND HE PUTS HIMSELF WITH
3 ABRAM BRAVEBOY DRIVING THE SILVER VOLVO WITH THE OTHER
4 DEFENDANTS.

5 "ABRAM BRAVEBOY, BRYAN MURRAY, CICHEY MAYO, AND
6 I ALL WENT AND RODE ABOUT A BLOCK FROM U.S.C. WE STARTED
7 LOOKING FOR SOMEONE TO ROB. CICHEY MAYO SAID, 'THERE GOES
8 TWO WHITE DUDES RIGHT THERE.' ABRAM BRAVEBOY PARKED THE
9 VOLVO AND STAYED IN IT.

10 "CICHEY MAYO, BRYAN MURRAY, AND I GOT THE GUNS
11 FROM THE AREA WHERE WE HAD HID THEM BEHIND THE ARMREST IN
12 ABRAM'S CAR. I GOT THE SILVER 380 WITH THE BLACK GRIPS ON
13 IT. CICHEY MAYO GOT THE 25 CALIBER PISTOL WITH PEARL
14 LOOKING HANDLES. BRYAN MURRAY DIDN'T GET A GUN. BRYAN
15 MURRAY WAS GOING TO BE THE LOOK OUT.

16 "CICHEY MAYO, BRYAN MURRAY, AND I APPROACHED THE
17 TWO WHITE GUYS. I ASKED THE TWO WHITE GUYS AFTER THEY
18 WALKED PAST ME IF THEY KNEW WHAT STREET THIS WAS. ONE OF
19 THE WHITE GUYS SAID NO. THE WHITE GUY WAS VERY POLITE.
20 THE TWO WHITE GUYS CONTINUED WALKING ACROSS THE STREET.
21 CICHEY MAYO, BRYAN MURRAY, AND I RAN UP BEHIND THEM. I
22 POINTED THE 380. I HAD IT -- THE WHITE GUY WAS WEARING
23 KHAKI PANTS AND A PLAID SHIRT. I THINK HE HAD ON A DARK
24 TIE. THE WHITE GUY I WAS POINTING MY GUN AT HAD GLASSES
25 ON.

1 "CICHEY MAYO POINTED HIS GUN AT THE OTHER WHITE
2 GUY. I TOLD THE TWO WHITE GUYS TO LAY DOWN. THE WHITE
3 GUY THAT CICHEY MAYO HAD HIS GUN POINTED AT TRIED TO RUN.
4 CICHEY MAYO STARTED SHOOTING AT HIM. CICHEY MAYO THEN
5 POINTED HIS GUN AT THE GUY WITH THE GLASSES, AND I HAD MY
6 GUN POINTED AT -- HE FIRED SEVERAL TIMES. I SHOT AT THE
7 WHITE GUY WITH THE GLASSES ON ONE TIME.

8 "THE WHITE GUY WITH THE GLASSES WAS TRYING TO
9 RUN AFTER CICHEY MAYO SHOT AT HIS FRIEND. I TOOK OFF
10 RUNNING TO ABRAM BRAVEBOY'S CAR. CICHEY MAYO WAS STILL
11 SHOOTING. HE FIRED HIS GUN EMPTY.

12 "WHEN I TOLD THE WHITE GUYS TO LAY DOWN, ONE OF
13 THEM HESITATED FOR A MOMENT. CICHEY MAYO JUST STARTED
14 SHOOTING AT THE FIRST WHITE GUY THAT TRIED TO RUN, THEN
15 TURNED HIS GUN ON THE WHITE GUY WITH GLASSES AS HE STARTED
16 SHOOTING AS HE STARTED TO RUN.

17 "I FIRED ONE SHOT AT THE WHITE GUY WITH GLASSES.
18 THEN I RAN BACK TO ABRAM'S CAR." HE THEN GOES ON, YOUR
19 HONOR, TO TALK ABOUT HOW HE PARTICIPATED, AS WELL AS THESE
20 OTHER INDIVIDUALS IN THE ROBBERY OF GEORGE LYNCH AND THE
21 ROBBERIES OF TRACY GROSS AND ANGELA DANCO, AND THE ROBBERY
22 OF DEBORAH CORNELIUS.

23 LASTLY, AS FAR AS PRIOR RECORDS IS CONCERNED,
24 WILLIE MURPHY, WHO WAS THREE MONTHS INTO HIS 16TH BIRTHDAY
25 AT THE TIME OF HIS SHOOTING IN JUVENILE COURT, YOUR HONOR,

1 HE HAS -- HE WAS IN D.S.S. CUSTODY AS A RESULT OF BEING
2 NEGLECTED.

3 HE WAS IN PLACEMENT AT D.S.S. FROM FOSTER HOME
4 TO FOSTER HOME. IN 1999, HE WAS IN A GROUP HOME IN AIKEN
5 COUNTY. HE ESCAPED FROM THE GROUP HOME AS A RUNAWAY AND
6 HE STOLE A CAR. HE WAS ADJUDICATED DELINQUENT IN 1999 FOR
7 GRAND LARCENY OF A MOTOR VEHICLE.

8 THEN WHILE HE WAS IN THAT SAME GROUP HOME IN
9 JANUARY, HE BEAT A COUNSELOR IN THAT GROUP HOME TO
10 UNCONSCIOUSNESS, AND HE WAS ADJUDICATED DELINQUENT ON AN
11 ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE CHARGE
12 FOR BEATING THAT INDIVIDUAL BY THE AIKEN COUNTY
13 SOLICITOR'S OFFICE PROSECUTING HIM IN THAT CASE. HE WAS
14 INCARCERATED AT D.J.J. HE WAS RELEASED FROM D.J.J.
15 INCARCERATION IN MARCH OF 2001.

16 CICHEY MAYO WAS CHARGED INITIALLY IN 1996 WITH
17 DISTURBING SCHOOLS. THOSE CHARGES WERE DIVERTED.

18 IN MARCH OF 1999, HE WAS ADJUDICATED DELINQUENT
19 ON THE CHARGE OF ASSAULT AND BATTERY OF A HIGH AND
20 AGGRAVATED NATURE IN FAMILY COURT IN RICHLAND COUNTY.
21 JUDGE RIDDLE SENTENCED HIM TO NINE MONTHS PROBATION.
22 ACCORDING TO THE D.J.J. PROBATION AGENTS, AS WELL AS THE
23 SOCIAL WORKERS, HE SUCCESSFULLY COMPLETED THAT PROBATION
24 IN DECEMBER OF 1999.

25 HE AGAIN WAS ADJUDICATED DELINQUENT ON A

1 DISTURBING SCHOOL CHARGE IN FEBRUARY OF 2001. HE WAS
2 GIVEN SIX MONTHS PROBATION. THERE WERE CERTAIN TERMS AND
3 CONDITIONS HE NEEDED TO MEET.

4 SIX DAYS BEFORE HE WAS INVOLVED IN SHOOTING
5 MR. MESSER AND MR. FERGUSON, THE DEPARTMENT OF JUVENILE
6 JUSTICE AND THE FAMILY COURT INDIVIDUALS HAD SIGNED OFF
7 AND HAD CONCLUDED HIS PROBATION INDICATING THAT MR. MAYO
8 WAS FIT TO BE -- TO CONTINUE IN SOCIETY UNSUPERVISED.
9 THAT WAS SIX DAYS PRIOR TO HIM SHOOTING THE TWO ASSISTANT
10 U.S. ATTORNEYS FROM CHICAGO.

11 BRYAN MURRAY WAS ADJUDICATED DELINQUENT IN
12 FAMILY COURT IN AUGUST OF 2000 FOR TWO COUNTS OF AUTO
13 BREAKING AND PETIT LARCENY. HE RECEIVED A NINE MONTH
14 PROBATIONARY SENTENCE WHICH HE SUCCESSFULLY COMPLETED.

15 MR. BRAVEBOY HAD NO PRIOR RECORD, YOUR HONOR.

16 YOUR HONOR, THAT IS A PRESENTATION OF THE FACTS
17 AND CIRCUMSTANCES. WE WOULD LIKE TO PROCEED TO THE VICTIM
18 IMPACT PORTION OF OUR PRESENTATION. I'D LIKE TO DO THAT
19 RIGHT NOW.

20 THE COURT: ALL RIGHT.

21 WIDOW MESSER: ON AUGUST 20TH WITH ONE BULLET,
22 NOT ONLY DID MY 49-YEAR-OLD HUSBAND'S LIFE COME TO A
23 PREMATURE END, MY LIFE ALSO ENDED.

24 MICHAEL MESSER WAS NOT JUST MY HUSBAND OF 17
25 YEARS, HE WAS ALSO MY BEST FRIEND, CONFIDANT, LOVER,

1 SUPPORTER, AND CENTER OF MINE AND MY CHILDREN'S WORLD.

2 SINCE THAT NIGHT, I HAVE BECOME THE SOLE SUPPORT
3 OF MY THREE CHILDREN AND AM RESPONSIBLE FOR ALL OF THEIR
4 EMOTIONAL, PHYSICAL, AND DAILY NEEDS.

5 I HAVE WATCHED THE ANGER, GRIEF, HURT AND
6 DESPAIR OF MY CHILDREN AS THEY HAVE LEARNED TO LIVE,
7 LEARNED TO LIVE WITHOUT THEIR GREATEST FAN.

8 FROM THE MOMENT OUR 14-YEAR-OLD TWINS AND OUR
9 YOUNGEST SON, JOSHUA, WERE BORN, MICHAEL TOOK AN ACTIVE
10 ROLE IN THEIR CARE AND IN THEIR LIVES. HE WAS THE ONE WHO
11 GOT THEM READY FOR SCHOOL EVERY MORNING. HE WAS THE ONE
12 WHO HELPED THEM WITH THEIR HOMEWORK AND EDITED THEIR
13 PAPER.

14 MICHAEL WAS THE ONE WHO TOOK THEM TO ALL THEIR
15 GAMES AND ACTIVITIES AND CHEERED THEM ON AS THEIR BIGGEST
16 SUPPORTER AND FAN. MY SON, JOSHUA, CALLED HIS FATHER HIS
17 PARTNER.

18 JOSHUA LEARNED AT 12 YEARS OLD THAT YOU CAN LOSE
19 THE PERSON THAT YOU LOVE THE MOST IN THE WORLD FOR NO
20 REASON AT ALL, A LESSON NO 12 YEAR OLD SHOULD HAVE TO
21 LEARN.

22 I HAVE WATCHED MY OTHER POPULAR, INTELLIGENT,
23 ENTERTAINING SON BECOME ANGRY, DEPRESSED, AND A WITHDRAWN
24 MAN.

25 MICHAEL WAS NOT ONLY AN EXTRAORDINARY HUSBAND

1 AND FATHER, HE WAS A BRILLIANT LAWYER, A DEVOTED FRIEND,
2 AND THE CORNERSTONE OF OUR EXTENDED FAMILY.

3 IF SOMEONE NEEDED HIM, MICHAEL WAS THERE TO
4 OFFER SUPPORT. SINCE MICHAEL'S DEATH, HE HAS BEEN HONORED
5 NUMEROUS TIMES BY THE GOVERNMENT AND HIS PEERS. HE WORKED
6 HARD TO ACHIEVE THAT LEVEL OF SUCCESS, AND HE WAS
7 RESPECTED BY ALL WHO KNEW HIM. THEY ALL STILL MISS HIM.

8 MY CHILDREN, OUR FAMILY, OUR FRIENDS, WILL NEVER
9 BE THE SAME. WHEN THAT BULLET RIPPED THROUGH MICHAEL'S
10 HEART, IT RIPPED THROUGH OUR HEARTS, AS WELL.

11 I WANT ALL OF YOU TO KNOW THAT YOU ROBBED THE
12 WORLD OF A REMARKABLE PERSON. YOU HAVE NOT ONLY DESTROYED
13 YOUR LIVES BUT OURS, AS WELL.

14 YOU NEED TO KNOW THAT YOU ALONE ARE RESPONSIBLE
15 THROUGH ONE SIMPLE THOUGHTLESS ACT OF VIOLENCE OF FOREVER
16 ALTERING THE LIVES OF MANY AND OF ALL THE PEOPLE WHO KNEW
17 MICHAEL MESSER.

18 YOU HAVE CAUSED AN ENDLESS CHAIN OF PAIN AND
19 SUFFERING TO SO MANY PEOPLE. YOU NEED TO REMEMBER THAT
20 FOR THE REST OF YOUR LIVES.

21 MR. GASSER: AND YOUR HONOR, THAT, OF COURSE,
22 WAS SUSAN MESSER, MICHAEL MESSER'S WIDOW, FOR THE RECORD
23 AND FOR THE COURT REPORTER.

24 THIS IS LYNN MARCUS. THIS WAS MICHAEL'S ONLY
25 SIBLING, HIS SISTER.

1 VICTIM'S SISTER: MICHAEL WAS MY YOUNGER
2 BROTHER. OUR PARENTS PASSED AWAY 10 AND 11 YEARS AGO THIS
3 MONTH. WHAT THESE YOUNG MEN DID WAS TAKE AWAY THE HISTORY
4 OF OUR FAMILY, THE LAST OF ME AND MY GENERATION.

5 MY CHILDREN WHO KNEW HIM AS UNCLE MIKEY -- AS I
6 SAID PREVIOUSLY, FROM THE TIME HE WAS 14 YEARS OLD, HAVE
7 NOT YET ADJUSTED TO HIS DEATH, HAVE NOT YET. I THINK
8 ABOUT THE ENORMITY OF THE LOSS THAT OUR FAMILY HAS
9 SUFFERED.

10 IT'S IMPORTANT TO KNOW HOW -- WHAT AN EFFECT
11 THIS THOUGHTLESS, BRAINLESS, REACTIONARY ACT HAD ON THE
12 FAMILY OF PEOPLE WHO LOVED A MAN, A FAMILY THAT WILL NEVER
13 BE THE SAME.

14 THANK YOU.

15 MR. GASSER: YOUR HONOR, THE NEXT PERSON TO
16 SPEAK IS DEBORAH CORNELIUS. SHE WAS THE LAST PERSON
17 ROBBED THAT EVENING IN HER HOME ON ALPINE ROAD.

18 VICTIM CORNELIUS: I FEEL THAT NOT ONLY DID YOU
19 ROB ME OF MY MONEY, BUT YOU TOOK A PIECE OF MY LIFE. I
20 RELIVE THE INCIDENT ALL THE TIME. AS LONG AS IT'S BEEN,
21 IT FEELS LIKE IT WAS JUST YESTERDAY.

22 I CAN'T EVEN GO IN AND OUT OF MY FRONT DOOR
23 BECAUSE THAT'S WHERE IT HAPPENED. I WORK HARD. I WORK
24 FOR THE STATE. YOU'RE ROBBING ME IN VAIN IS ALL I KNOW.

25 MAY GOD HAVE MERCY ON YOUR SOULS.

1 MR. GASSER: YOUR HONOR, THIS IS TRACY GROSS.
2 SHE WAS ONE OF THE YOUNG WOMEN THAT WERE ROBBED IN HER
3 HOME, IN THE DRIVEWAY OF HER HOME, ON MALLET HILL ROAD
4 THAT EVENING.

5 VICTIM GROSS: HI, YOUR HONOR. YOU NEVER THINK
6 THAT YOU'RE GOING TO LOOK DOWN THE BARREL OF A GUN AND BEG
7 FOR YOUR LIFE. THAT'S WHAT HAPPENED ON AUGUST 20TH, THE
8 DAY BEFORE MY BIRTHDAY.

9 MAYBE I TOOK A WRONG TURN OR SOMETHING, BUT IT'S
10 LIKE I SAID, SINCE NOW -- AND I'VE BEEN GOING TO
11 COUNSELLING AND I'M A COLLEGE STUDENT. I CAN'T EVEN GO
12 OUT WITH FRIENDS AT NIGHT BECAUSE I'M TOO SCARED TO GO
13 OUT, AND I'M AFRAID THAT LIKE IT'S GOING TO HAPPEN ALL
14 OVER AGAIN.

15 I DON'T COME HOME THAT MUCH ANYMORE BECAUSE I'M
16 AFRAID TO GO IN AND OUT OF MY HOUSE.

17 I'M SORRY THAT THIS HAS HAPPENED TO YOUR FAMILY
18 AND THAT YOUR FAMILY HAS HAD TO GO THROUGH THIS.

19 I JUST PRAY FOR THEM EVERY DAY AND I PRAY FOR
20 THE OTHER VICTIM'S FAMILIES. I JUST HOPE THAT YOU'RE JUST
21 AND FAIR, AND I PRAY FOR YOU GUYS EVERY DAY. THAT'S IT.

22 MR. GASSER: YOUR HONOR, THE LAST TWO PEOPLE
23 THAT ARE GOING TO SPEAK ARE SHERIFF LOTT, AND THEN
24 SOLICITOR GEISE HAS SOME CLOSING REMARKS.

25 ONE POINT I WANT TO MAKE BEFORE I'M FINISHED IS

1 FROM THE MOMENT I GOT THE PHONE CALL FROM SOLICITOR GEISE
2 THAT MONDAY EVENING, AND THEN HE AND I WENT DOWN TO THE
3 SHERIFF'S DEPARTMENT THAT TUESDAY MORNING FOR THE FIRST
4 JOINT AGENCY MEETING AND UPDATE ON THESE CASES, FROM THAT
5 POINT ON IT WAS A JOINT OPERATION, IF YOU WILL, INVOLVING
6 THE SOLICITOR AND CERTAIN INDIVIDUALS IN HIS OFFICE THAT
7 HE ASSIGNED TO THIS CASE: SHERIFF LOTT AND THE RICHLAND
8 COUNTY SHERIFF'S DEPARTMENT, THE COLUMBIA POLICE
9 DEPARTMENT INVESTIGATORS, THE U.S. ATTORNEY'S OFFICE, THE
10 ACTING U.S. ATTORNEY, SCOTT SCHOOLS, LOCAL OFFICIALS WITH
11 THE F.B.I., AND THE STATE LAW ENFORCEMENT DIVISION.

12 FROM THAT POINT ON, ALL THE WAY DURING THE
13 INVESTIGATION AND DURING THE PREPARATION OF THIS CASE, ALL
14 THOSE AGENCIES THAT I JUST SPOKE OF WORKED IN UNISON
15 TOGETHER.

16 I JUST WANTED -- AS AN INDIVIDUAL, WHO SOLICITOR
17 GEISE HAD ASKED TO COORDINATE THE EFFORTS OF ALL THOSE
18 AGENCIES, I CAN TELL YOU, YOUR HONOR, OF ALL THE MEN AND
19 WOMEN OF THE F.B.I., AND S.L.E.D., AND THE U.S. ATTORNEY'S
20 OFFICE, THE SHERIFF'S DEPARTMENT, THE POLICE DEPARTMENT,
21 THE QUESTION WAS NEVER ASKED WHO WAS GOING TO GET CREDIT.
22 THE QUESTION WAS ALWAYS ASKED WHEN IS JUSTICE GOING TO BE
23 DONE.

24 ON BEHALF OF ALL THE MEN AND WOMEN WHO WORKED SO
25 DILIGENTLY FROM LAW ENFORCEMENT AGENCIES, I THINK THEY

1 NEEDED TO BE NOTIFIED OR RECOGNIZED AT THIS JUNCTURE. I
2 JUST WANTED TO DO THAT AT THIS TIME, YOUR HONOR.

3 THE COURT: ALL RIGHT, MR. GASSER.

4 SHERIFF LOTT: YOUR HONOR, QUITE OFTEN I'M ASKED
5 TO DESCRIBE THE PEOPLE THAT WE'VE ARRESTED, AND I'VE PUT A
6 LOT OF THOUGHT INTO THIS OVER A NUMBER OF YEARS. I THINK
7 THE APPROPRIATE DESCRIPTION OF THEM WOULD BE COLDBLOODED
8 KILLERS.

9 I DON'T SAY THIS LIGHTLY. I SAY THIS WITH A LOT
10 OF THOUGHT, BECAUSE LOOKING AT THE FACTS OF THIS CASE, NOT
11 ONLY DID THEY TAKE ONE GENTLEMAN'S LIFE, THEY DIDN'T TAKE
12 THE NIGHT OFF AFTER THEY DID THAT. THEY CONTINUED THEIR
13 CRIME SPREE WHICH IS TOTAL DISREGARD FOR HUMAN LIFE AND
14 OUR LAW, WHATSOEVER.

15 THEY DIDN'T CARE WHAT THEY DID. IN THEIR WORDS,
16 THEY WERE GOING TO "GET PAID". THEY DIDN'T CARE WHAT KIND
17 OF DAMAGE TO PEOPLE'S LIVES THAT THEY GAVE.

18 I'M CONFIDENT THAT THIS COURT IS GOING TO PASS
19 AN APPROPRIATE SENTENCE THAT'S GOING TO SEND A MESSAGE NOT
20 ONLY TO THESE FOUR YOUNG MEN BUT ALSO TO ANYBODY ELSE IN
21 OUR COMMUNITY THAT THIS COURT, NOR THIS COMMUNITY, IS
22 GOING TO TOLERATE DOING CRIMES LIKE THIS.

23 THANK YOU.

24 MR. GIESE: MAY IT PLEASE THE COURT, YOUR HONOR.
25 I'M NOT GOING TO BE VERY LONG. I'VE BEEN PROSECUTING FOR

1 20 YEARS, AS YOU KNOW. YOU'VE BEEN ON THE BENCH 10 YEARS
2 I BELIEVE, CLOSE TO THAT.

3 I DON'T KNOW ABOUT YOU, BUT I STOOD HERE TODAY
4 AND ALMOST BECAME NUMB. MY MIND WAS NUMB. THIS IS A
5 MIND-NUMBING EXPERIENCE FOR ME, AND I HAVE BEEN
6 PROSECUTING FOR 20 YEARS. I'VE NEVER SEEN SUCH SENSELESS
7 ACTS OF VIOLENCE COMMITTED AGAINST CITIZENS OF RICHLAND
8 COUNTY.

9 YOU KNOW, THE REALLY PAINFUL PART ALSO IS, YOUR
10 HONOR, AND THE SENSELESS PART IS, THESE ARE ALL TEENAGERS
11 THAT GREW UP IN OUR AREA. I DON'T KNOW IF THAT'S THE
12 MIND-NUMBING PART OR IF IT'S JUST THE CONTINUOUS CRIME
13 SPREE THAT THEY COMMITTED, BUT YOUR HONOR, YOU CAN'T -- WE
14 CAN'T MEASURE THE DAMAGE THAT THESE FOUR INDIVIDUALS HAVE
15 DONE TO OUR COMMUNITY.

16 IF YOU THINK ABOUT IT, THE DAMAGE THAT THEY'VE
17 DONE TO THE MESSER'S, THEIR FAMILY, CAN'T BE MEASURED.
18 THE DAMAGE THEY'VE DONE TO THE OTHER VICTIM'S FAMILIES
19 CAN'T BE MEASURED.

20 THE VICTIMS OF THE ARMED ROBBERIES COME UP HERE,
21 YOUR HONOR. CAN YOU MEASURE THAT DAMAGE? THE ONLY
22 MEASUREMENT AND THE ONLY WORD THAT CAN DESCRIBE IT IS
23 "SEVERE".

24 THE DAMAGE THAT THESE FOUR INDIVIDUALS COMMITTED
25 TO OUR COMMUNITY, TO THE VICTIMS IN THIS CASE, IS SEVERE.

1 THE SEVERITY OF IT CAN'T BE DESCRIBED. IT CANNOT BE
2 DESCRIBED.

3 WHAT THEY DID, THE NEIGHBORHOODS AROUND FIVE
4 POINTS, TO THE U.S.C. FAMILY, TO THE MESSER'S, TO THE
5 VICTIMS' FAMILIES, CAN'T BE MEASURED. NO SENTENCE YOUR
6 HONOR CAN GIVE CAN EQUAL THE SEVERITY OF THE IMPACT THAT
7 THESE FOUR TEENAGERS HAVE HAD IN OUR COMMUNITY.

8 AS THE SOLICITOR OF THIS COMMUNITY, I ASK YOU TO
9 REMEMBER THE SEVERITY OF THE DAMAGE THAT THESE MEN HAVE
10 DONE, THESE TEENAGERS HAVE DONE. THINK OF THE IMPACT ON
11 THE VICTIMS, ON OUR COMMUNITY. THINK ABOUT WHAT THEY'VE
12 DONE OVER \$35. I'VE ADDED IT UP, YOUR HONOR, ALL THIS,
13 ALL THIS, THIS DAMAGE, THIS PAIN, WHAT THESE PEOPLE HAVE
14 GONE THROUGH WAS ALL OVER \$35.

15 YOUR HONOR, I ASK YOU, AS THE SOLICITOR OF THIS
16 CIRCUIT, TO BE SEVERE WITH THESE INDIVIDUALS, GIVE THEM AN
17 APPROPRIATE SENTENCE THAT TELLS THEM JUST HOW BAD THEIR
18 ACTS WERE.

19 LASTLY, YOUR HONOR, I ASK YOU TO ALSO SENTENCE
20 THEM TO PROTECT US, PROTECT OUR COMMUNITY, FROM THESE
21 INDIVIDUALS AND SEND THEM A MESSAGE THAT THEIR ACTS AND
22 ACTS LIKE THEM WILL NOT BE TOLERATED ANYWHERE AND TO
23 ANYBODY IN THIS AREA.

24 THANK YOU.

25 THE COURT: ALL RIGHT. WHO WANTS TO GO FIRST?

1 MR. STRICKLER?

2 MR. STRICKLER: MAY IT PLEASE THE COURT, SIR.
3 YOUR HONOR, I'M DOUG STRICKLER, SPEAKING ON BEHALF OF
4 WILLIE MURPHY.

5 AS YOUR HONOR KNOWS, I CAN'T SAY ANYTHING TO
6 EXCUSE THE BEHAVIOR OF THE EVENING IN QUESTION BECAUSE
7 IT'S INEXCUSABLE, SO I DON'T STAND HERE TO DO THAT.

8 AS MR. GASSER NOTED EARLY IN HIS PRESENTATION,
9 THE EVENTS OF THAT NIGHT DID NOT OCCUR IN A VACUUM. I
10 COULDN'T AGREE WITH HIM MORE.

11 I'D LIKE TO DESCRIBE FOR YOU JUST BRIEFLY THE
12 SURROUNDING CIRCUMSTANCES AS THEY PERTAIN TO WILLIE
13 MURPHY. I CAN'T SPEAK TO THE BACKGROUNDS OF ANY OF THE
14 OTHER INDIVIDUALS INVOLVED IN THE CASE, BUT I CAN AS TO
15 WILLIE. THIS IS PRETTY WELL DOCUMENTED IN THIS TWO-FOOT
16 DEEP STACK OF DATA.

17 WILLIE WAS BORN [REDACTED] AT
18 APPROXIMATELY TWO MONTHS OLD, HIS MOTHER GAVE HIM AWAY TO
19 A FRIEND OF THE FAMILY. IT'S SOMETIMES DESCRIBED AS THE
20 FRIEND OF THE FAMILY TAKING HIM OVER BECAUSE HIS MOTHER
21 WAS JUST LEAVING HIM AT HOME COMPLETELY UNSUPERVISED.

22 THIS FRIEND OF THE FAMILY UNDERTOOK THE REARING
23 OF WILLIE UNTIL APPROXIMATELY THE AGE OF SEVEN, AND I USE
24 THE TERM "UNDERTOOK THE REARING OF HIM" ADVISABLY. IT'S
25 WELL DOCUMENTED THAT DURING THIS PERIOD OF TIME BETWEEN

1 AGE TWO MONTHS AND SEVEN YEARS OLD, AS EARLY PERHAPS AS
2 AGE FOUR, HE WAS SEXUALLY ABUSED AND PROBABLY PHYSICAL
3 ABUSED, TOO.

4 WE TALKED ABOUT VACUUMS, AND THERE'S A VACUUM
5 THAT CONTINUES THROUGHOUT WILLIE'S LIFE. ABOUT AGE SEVEN,
6 HE CAME IN CONTACT WITH HIS FATHER. HIS FATHER TOOK HIM
7 IN; WHEREUPON, HIS FATHER PROCEEDED TO PHYSICALLY ABUSE
8 HIM; WHEREUPON, HE LIVED IN A HOME THAT WAS BESET BY BOTH
9 DRUNKENNESS AND DRUG ABUSE; WHEREUPON, HE WAS INTRODUCED
10 TO DRUGS BY HIS NATURAL FATHER, THAT IS IN ADDITION TO HIS
11 PHYSICAL ABUSE.

12 BY 1995, SEPTEMBER OF '95, AT THE RIPE OLD AGE
13 OF 10, WHEN THE SCHOOL HE WAS INVOLVED WITH AT THAT POINT
14 IN TIME DOCUMENTED THE CLEAR EVIDENCE OF PHYSICAL ABUSE,
15 HE WAS REMOVED FROM THAT HOME.

16 AT THAT POINT IN TIME, BY THE AGE OF 10, HE HAD
17 BEEN THROUGH NO FEWER THAN SEVEN SEPARATE SCHOOLS AS HE
18 BOUNCED FROM LOCATION TO LOCATION.

19 FROM 1995 UNTIL THIS INCIDENT, I CAN'T DOCUMENT
20 THE DIFFERENT INSTITUTIONS, DIFFERENT HOMES, IF YOU WILL,
21 HE'S BEEN IN, SEVERAL FOSTER HOMES, NEW HOPE, NEW HOPE IN
22 JEDBURG, MENTOR HOMES, FAIRPLAY CAMP FOR A COUPLE OF
23 YEARS, ADDITIONAL FOSTER HOMES, THE CAROLINA CHILDREN'S
24 HOME, WINNER'S CIRCLE WHERE THESE INCIDENTS MR. GASSER
25 DESCRIBED FOR YOU OCCURRED, AND FINALLY, AS A RESULT OF

1 THE SECOND OF THOSE INCIDENTS, THE A.B. H.A.N., D.J.J.
2 CUSTODY FROM JANUARY OF 2000 THROUGH THE SPRING OF 2001.

3 I CAN ONLY ADDRESS BRIEFLY THE PRIOR RECORD THAT
4 OCCURRED TOWARDS THE END OF THIS SERIES OF COMMITMENTS.
5 IT'S NOT COMMITMENTS IN THE CRIMINAL SENSE, BUT THEY'RE
6 COMMITMENTS TO PLACES BECAUSE THERE IS NO ONE OUT THERE
7 THAT CARED FOR HIM, THE GOOD OF WILLIE MURPHY.

8 THE GRAND LARCENY OF A MOTOR VEHICLE INVOLVED
9 WILLIE AND THREE OTHER INDIVIDUALS. ONE OF THE OTHER
10 INDIVIDUALS STOLE THE CAR IN THAT CASE. THEY WERE RUNNING
11 AWAY FROM HOME.

12 IN THE A.B. H.A.N., I CAN'T DISPUTE THE
13 EXISTENCE OF IT. WILLIE IS A SMALL STATURED FELLOW NOW.
14 HE'S NOW JUST TURNED 17 ABOUT 10 DAYS AGO. AT THE TIME OF
15 THE A.B. H.A.N., HE WAS ALLEGED TO HAVE ASSAULTED SOMEONE
16 WHO IS 5'6" AND 295 POUNDS.

17 YOU KNOW, I DON'T SAY ANYTHING TO EXCUSE HIS
18 BEHAVIOR, BUT AT THE SAME POINT IN TIME, YOU KNOW, WE, AS
19 A SOCIETY, UNFORTUNATELY, REAP WHAT IS SOWN. SO MUCH OF
20 WHAT HAPPENED TO WILLIE TOOK PLACE AT THE MOST FORMATIVE
21 STAGES OF HIS LIFE. BY THE TIME ANYONE, ANY SERVICES WERE
22 INVOLVED FOR HIM, THE DAMAGE HAD BEEN DONE FOR HIM.

23 IF YOU'VE HEARD WHAT I SAID, YOU'VE HEARD A
24 DESCRIPTION THAT YOU'VE HEARD MANY TIMES BEFORE IN THIS
25 TYPE OF SITUATION. HE HAS A FULL SCALE I.Q. OF 76. HE

1 HAS BEEN DIAGNOSED AS PHYSICAL ABUSE -- NOT BY ME, BY
2 PROFESSIONALS WHO HAVE SEEN HIM OVER THE COURSE OF THE
3 LAST FEW YEARS, PRIOR TO THIS INCIDENT, CONDUCT DISORDER,
4 PHYSICAL ABUSE, SEXUAL ABUSE, LEARNING DISORDER,
5 BORDERLINE INTELLECTUAL FUNCTIONING. THAT'S AS A RESULT,
6 I WOULD SUBMIT, OF A LOT OF FACTORS THAT ARE BEYOND THE
7 CONTROL OF SOMEONE THAT IS AGED TWO MONTHS TO 10 YEARS
8 OLD.

9 NOW, THAT DOES NOT EXCUSE HIS BEHAVIOR, BUT I
10 ASK YOUR HONOR TO UNDERSTAND SOMETHING ABOUT HIM AS AN
11 INDIVIDUAL, HOW HE COULD GET WHERE HE GOT.

12 AS TO HIS PARTICIPATION IN THE EVENT, WE DON'T
13 TAKE ANY ISSUE WITH THE FACTUAL RENDITION BY THE STATE. I
14 WOULD POINT OUT THAT WILLIE, UPON HIS ARREST, AS MENTIONED
15 BY MR. GASSER, GAVE A STATEMENT AS TO THE OTHER
16 INDIVIDUALS.

17 WILLIE'S STATEMENT FREELY IDENTIFIED WHERE THE
18 GUNS CAME FROM. I SUBMIT HIS STATEMENT IN ACTUALITY WAS
19 THE MOST HONEST VERSION OF EVENTS THAT THE STATE RECEIVED
20 AS TO RESPONSIBILITY OF THE VARIOUS PERSON'S PARTS.

21 WHATEVER SENTENCE YOU PASS AS TO WILLIE MURPHY
22 IS GOING TO BE A SEVERE SENTENCE. HE'S NOW 17. HE'S
23 SPENT THE BETTER PART OF HIS 16TH YEAR AT THE COUNTY JAIL.
24 THE MINIMUM SENTENCE POSSIBLE UNDER THESE CIRCUMSTANCES
25 WOULD BE 30 YEARS DAY FOR DAY, AS I UNDERSTAND IT, WHICH

1 WOULD PUT HIM OUT OF PRISON AT CLOSE TO MY AGE. START
2 FROM THERE AND I ASK THAT YOU TAKE THAT INTO
3 CONSIDERATION, TAKE HIS BACKGROUND INTO CONSIDERATION.

4 AGAIN, I'M AWARE THAT THERE ARE PEOPLE WHO HAVE
5 COME THROUGH CIRCUMSTANCES SUCH AS I HAVE VERY BRIEFLY
6 DESCRIBED FOR YOUR HONOR AND WHO HAVE NOT ENDED UP THIS
7 WAY, I UNDERSTAND THAT.

8 COMING FROM THE RELATIVE PRIVILEGE OF MY
9 BACKGROUND AND MOST OF THE PEOPLE WHO PRACTICE IN THIS
10 COURT'S BACKGROUND, I CAN SAY WITHOUT FEAR OF MISSTATING
11 ANYTHING THAT THE CIRCUMSTANCES THAT WILLIE MURPHY CAME
12 THROUGH CERTAINLY STACKED THE DECK AGAINST ANYONE BEATING
13 THE ODDS. IT CERTAINLY STACKED THE DECK FOR SOMEONE
14 ENDING UP IN A SITUATION LIKE THIS.

15 WILLIE IS NOT HERE. WILLIE MISSED SOMETHING IN
16 HIS LIFE, THROUGHOUT HIS LIFE, AND THAT'S ANYONE WHO CARED
17 FOR HIM. WILLIE PROBABLY LOOKED FOR THAT KIND OF
18 ACCEPTANCE IN THE WRONG AREAS. THIS DOES NOT EXCUSE HIS
19 BEHAVIOR.

20 I ONLY HAVE ONE PERSON HERE WHO I'D LIKE TO HAVE
21 BRIEFLY ADDRESS THE COURT.

22 THE COURT: OKAY.

23 MR. STRICKLER: TAMMY, CAN YOU COME DOWN,
24 PLEASE?

25 THE COURT: DOES YOUR CLIENT WISH TO SAY

1 ANYTHING TO THE COURT?

2 MR. STRICKLER: I'M SORRY, YOUR HONOR?

3 THE COURT: DOES YOUR CLIENT WISH TO SAY
4 ANYTHING?

5 MR. STRICKLER: I'LL FIND OUT.

6 TAMMY, IF YOU WOULD, APPROACH THE MICROPHONE,
7 STATE YOUR NAME AND SPELL YOUR LAST NAME.

8 MS. NITZ: MY NAME IS TAMMY NITZ, N-I-T-Z. I
9 WAS A TEACHING ASSISTANT IN THE EMOTIONALLY DISABLED
10 CLASSROOM AT SPRING VALLEY HIGH SCHOOL. WILLIE CAME TO US
11 AT THE END OF LAST YEAR.

12 BEFORE HE CAME, AS I DO WITH ALL STUDENTS, I
13 READ HIS RECORD COVER TO COVER SO I KNOW WHAT TO EXPECT
14 WHEN THEY COME.

15 WHEN I READ WILLIE'S RECORD, IT REALLY TOUCHED
16 MY HEART BECAUSE I KNEW THAT WE WERE GETTING A BROKEN
17 CHILD, SOMEBODY THAT HAS JUST BEEN THROUGH MORE THAN
18 ANYBODY SHOULD HAVE TO BE GOING THROUGH IN HIS LIFE. HE
19 WAS A THROW AWAY CHILD FROM BIRTH.

20 I KNEW THAT HE WAS GOING TO NEED SOME EXTRA
21 ATTENTION WHEN HE CAME TO US. SINCE IT'S A SMALL
22 CLASSROOM SITUATION, WE HAVE A CHANCE TO BOND WITH THE
23 STUDENTS. WILLIE AND I BONDED.

24 I SAW THE HURT AND THE PAIN THAT HE WAS GOING
25 THROUGH FROM HIS LIFE. ALL HE REALLY WANTED WAS SOMEBODY

1 TO LOVE HIM, SOMEBODY TO REACH OUT TO HIM.

2 HE WAS LOOKING FOR THAT LOVE AND THAT ACCEPTANCE
3 IN THE WRONG WAY. I'M NOT HERE TO EXCUSE HIS BEHAVIOR,
4 NOBODY CAN. I MEAN, WHAT HE DID IS DEFINITELY WRONG, BUT
5 HE DIDN'T ASK TO BE GIVEN THE LIFE THAT HE WAS GIVEN, YOU
6 KNOW. HE REALLY DIDN'T.

7 ALL HE WAS LOOKING FOR WAS LOVE AND ACCEPTANCE,
8 AND HE WAS LOOKING FOR IT IN THE WRONG WAY. I CAN'T HELP
9 BUT THINK IF I WOULD HAVE HAD SOME MORE TIME WITH HIM,
10 THAT MAYBE I COULD HAVE SHOWN HIM THE LOVE THAT HE WAS
11 REALLY LOOKING FOR. HE WOULDN'T HAVE HAD TO HAVE LOOKED
12 FOR IT IN THE WRONG WAY.

13 HE WAS DESCRIBED TODAY AS BEING COLDBLOODED AND
14 HEARTLESS. HE'S NOT. HE'S NOT. HE'S A LOST CHILD WHO
15 GOT LOST IN THE SYSTEM. HE GOT LOST, AND THROUGH THIS,
16 SOMETHING GOOD IS GOING TO COME OF THIS BECAUSE I HOPE AND
17 PRAY THAT HE'S GOING TO CHANGE HIS LIFE AND THAT HE HAS A
18 CHANCE. I HOPE THAT HE GETS THE HELP HE NEEDS, AND I HOPE
19 HE'S NOT LOCKED AWAY FOR THE REST OF HIS LIFE BECAUSE
20 THAT'S NOT THE ANSWER.

21 HE DOES HAVE A HEART. I KNOW THAT A LOT OF
22 PEOPLE HAVE LOST A LOT THROUGH THIS. I SYMPATHIZE WITH
23 THE VICTIMS, BUT HE IS A VICTIM ALSO. HE'S A VICTIM OF
24 WHAT LIFE HAS DEALT HIM, AND HE'S NOT HEARTLESS.

25 I'M GOING TO BE HERE FOR HIM. WHATEVER SENTENCE

1 THERE IS, I'M GOING TO TRY TO SHOW HIM THAT LOVE THAT
2 NOBODY HAS EVER SHOWN HIM. I'M GOING TO BE HERE FOR HIM.
3 I'D JUST ASK YOUR HONOR THAT YOU TAKE ALL THAT HE'S GONE
4 THROUGH INTO CONSIDERATION.

5 MR. STRICKLER: YOUR HONOR, I DON'T BELIEVE
6 MR. MURPHY WISHES TO ADDRESS THE COURT.

7 THE COURT: ALL RIGHT.

8 MR. STRICKLER: THANK YOU.

9 THE COURT: MR. JOHNSON.

10 MR. JOHNSON: THANK YOU. YOUR HONOR, IF IT
11 PLEASE THE COURT. YOUR HONOR, I'M CHARLIE JOHNSON. I
12 REPRESENT CICHEY MAYO.

13 I WROTE A LONG STATEMENT OUT FOR THE COURT, BUT
14 AFTER SITTING HERE, I DECIDED THAT A STATEMENT IS NOT
15 NEEDED. BASICALLY, I AM IN AN UNUSUAL SITUATION. I KNOW
16 CICHEY MAYO. I KNOW HIS FAMILY. I KNOW HIS FAMILY ON A
17 PERSONAL LEVEL. THEY ARE FRIENDS OF MINE.

18 I REPRESENTED CICHEY AS A JUVENILE. HIS FATHER
19 IS A HARDWORKING MAN WITHIN THE RICHLAND COUNTY COMMUNITY.
20 THEY GREW UP, BASICALLY, IN THE PROJECTS. HIS FATHER HAD
21 MOVED THEM OUT OF THE PROJECTS INTO A HOME.

22 MY WIFE WAS EVEN THE MAID OF HONOR FOR CICHEY'S
23 MOTHER WHEN THEY GOT MARRIED A FEW YEARS AGO, SO IT'S A
24 LITTLE PERSONAL TO ME TO STAND HERE TODAY ON BEHALF OF
25 MYSELF. PERSONALLY, AS WELL AS ON BEHALF OF THE FAMILY, I

1 WANT TO SAY TO THE FAMILY THAT WE ARE SORRY FOR THE PAIN
2 AND ANGUISH THAT CICHEY AND THE OTHER INDIVIDUALS HAVE
3 BROUGHT UPON YOU.

4 THERE ARE A NUMBER OF PEOPLE THAT WOULD LIKE TO
5 SPEAK TO THE COURT, YOUR HONOR. I THINK I HAVE ABOUT
6 THREE. THERE WERE A NUMBER OF STATEMENTS, YOUR HONOR,
7 THAT WERE GIVEN BY SCHOOL TEACHERS, AS WELL AS THE SCHOOL
8 PSYCHOLOGIST. I WAS GOING TO READ THEM, BUT I'D LIKE TO
9 PRESENT THEM TO THE COURT.

10 THE COURT: YOU CAN JUST HAND THEM UP.

11 MR. JOHNSON: JUST SOME BRIEF BACKGROUND, YOUR
12 HONOR, CICHEY IS 18 YEARS OLD. HE LIVES WITH HIS MOTHER
13 AND FATHER. AT THE TIME OF THIS INCIDENT, HE WAS WORKING
14 AT MCDONALD'S. HE HAS A ONE-YEAR-OLD CHILD HIMSELF, YOUR
15 HONOR, WHO HE WAS ATTEMPTING TO TAKE CARE OF DURING THIS
16 TIME PERIOD.

17 THE ACTIONS THAT OCCURRED ON THAT AUGUST NIGHT
18 ARE TOTALLY UNEXPLAINABLE, AT LEAST TO MYSELF, AND I KNOW
19 TO HIS FAMILY.

20 CICHEY HAS TAKEN RESPONSIBILITY FOR IT. HE ALSO
21 HAD GIVEN A STATEMENT AT THE TIME THAT HE WAS ARRESTED
22 BASICALLY STATING THE FACT THAT HE WAS PRESENT AND HIS
23 PARTICIPATION TO THE POLICE.

24 WE UNDERSTAND THAT THIS IS A SEVERE CASE THAT
25 THERE IS NO WINNER HERE, YOUR HONOR. THERE IS A FAMILY

1 THAT LOST A FATHER AND SUPPORTER AND A HUSBAND, AND YOU
2 HAVE ANOTHER FAMILY THAT BASICALLY LOST THEIR SON, AND YOU
3 HAVE ANOTHER CHILD THAT'S ONE YEAR OLD THAT LOST HIS
4 FATHER. THE OUTCOME OF THIS, THERE ARE NO WINNERS.

5 THERE'S NOBODY IN THIS COURTROOM, YOUR HONOR, I
6 THINK THAT WANTS TO BE IN HERE, AT LEAST NOT FOR THIS
7 REASON. SO THEREFORE, YOUR HONOR, I'D JUST LIKE TO BRING
8 A FEW PEOPLE FORWARD TO SPEAK TO YOU.

9 HE HAS TWO TEACHERS, YOUR HONOR. ONE JUST SPOKE
10 TO YOU. APPARENTLY, THEY WERE IN THE SAME CLASSROOM
11 TOGETHER. THEY WOULD LIKE TO SPEAK TO YOU ABOUT THEIR
12 DEALINGS WITH HIM.

13 HOW ABOUT TELL THE COURT YOUR NAME.

14 MS. FITZ-BROWN: CHERYL FITZ-BROWN (PHONETIC).
15 I'M A TEACHER AT SPRING VALLEY. I TEACH THE SPECIAL NEEDS
16 CLASSROOM. AS CICHEY'S SUPPORT TEACHER, HE CAME TO ME IN
17 THE '98, '99 SCHOOL YEAR.

18 I HAD AN OPPORTUNITY TO GET WELL ACQUAINTED WITH
19 CICHEY AND TO FORM A SPECIAL BOND WITH HIM. I TEACH THE
20 STUDENTS WITH EMOTIONAL DISABILITIES.

21 CICHEY WAS A SPECIAL STUDENT BECAUSE HE STROVE
22 TO DO ANYTHING HE NEEDED TO DO TO SUCCEED IN SCHOOL. IT
23 REALLY JUST TOUCHED MY HEART TO SEE HOW HARD HE WORKED,
24 HOW DILIGENT HE WAS.

25 HE WAS VERY RESPECTFUL TO ME, VERY GRATEFUL FOR

1 ANY HELP I COULD GIVE HIM, BUT BECAUSE OF HIS DISABILITY,
2 HE FOUND HIMSELF IN VARIOUS SITUATIONS THROUGHOUT THE
3 SCHOOL TERM. WE TALKED IT THROUGH. WE TALKED ABOUT THE
4 EVENTS, BEFORE AND AFTER.

5 IT TOOK A WHILE FOR CICHEY TO REALLY UNDERSTAND
6 THE FULL IMPACT OF THE EVENTS, BUT HE ULTIMATELY -- WHEN
7 HE DID UNDERSTAND, HE SOUGHT TO DO WHAT WAS RIGHT. HE
8 SOUGHT TO TAKE MY ADVICE.

9 HE WORKED ON CONTROLLING HIS EMOTIONS, AND HE
10 MADE GREAT STRIDES IN THAT AREA. AS FAR AS COMPULSIVENESS
11 AND SOUND JUDGMENT, IT'S JUST -- MANY TIMES IT WAS NOT
12 THERE. THIS TRAGEDY WAS THE BIGGEST PART OF THE FACT THAT
13 HIS SOUND JUDGMENT WAS NOT THERE. HIS COMPULSIVENESS JUST
14 HAD TO BE IN FULL BLOOM, AND I'M SURE THAT CICHEY REGRETS
15 EVERYTHING THAT HE'S DONE. THERE IS NO EXCUSE, BUT I
16 BELIEVE THAT CICHEY JUST NEEDS MORE HELP.

17 I JUST WANT CICHEY TO KNOW THAT I DON'T AGREE
18 WITH WHAT HE'S DONE, AND I KNOW IT WAS WRONG, BUT CICHEY,
19 I LOVE YOU, AND I'M GOING TO CONTINUE TO PRAY FOR YOU AND
20 I'M GOING TO BE PRAYING FOR YOU. I WANT YOU TO ALWAYS
21 REMEMBER THE THINGS THAT I WAS TRYING TO ENCOURAGE YOU TO
22 DO.

23 THANK YOU.

24 MS. NITZ: DO I NEED TO STATE MY NAME AGAIN? MY
25 NAME IS TAMMY NITZ, N-I-T-Z. CICHEY WAS IN MY CLASSROOM

1 ALSO, FOR THE EMOTIONALLY DISABLED. THE SAME THING THAT
2 I'D REITERATE, WHAT MS. BROWN HAS SAID, THAT CICHEY SHOWED
3 THE CHARACTERISTICS OF BEING AN EMOTIONALLY DISABLED
4 CHILD, THE IMPULSIVELY, THE POOR JUDGMENT.

5 I SAW A LOT OF GRANDIOSE THOUGHTS WITH HIM,
6 THINGS THAT WEREN'T REALLY REALITY, MORE OF A FANTASY. HE
7 KIND OF LIVED IN A FANTASY. HIS THOUGHTS, THEY WERE
8 GRANDIOSE. I CAN'T REALLY DESCRIBE. I CAN'T THINK OF THE
9 RIGHT WORDS TO SAY, BUT HE DIDN'T MAKE THE RIGHT KIND OF
10 JUDGMENTS.

11 I THINK HE BELIEVED THAT -- LIKE IF YOU ASKED
12 HIM IN HIS SENIOR YEAR WHAT CAREER GOAL HE WAS GOING TO
13 HAVE, HE'D TELL YOU OF A PROBASKETBALL PLAYER. HIS
14 THOUGHTS WERE GRANDIOSE.

15 I DON'T THINK HE REALIZED A LOT OF THE TIME THE
16 IMPACT THAT HIS DECISIONS MADE. I THINK HE WAS KIND OF
17 JUST LIVING IN A FANTASY WORLD WHERE THE THINGS THAT HE
18 DID, HE DIDN'T REALIZE THE IMPACT OF WHAT IT WAS GOING TO
19 HAVE ON ANYBODY AROUND HIM.

20 ALL HE WAS THINKING ABOUT IS WHAT HE WAS DOING
21 AT THE TIME. YOU KNOW, AS FAR AS THE ANGER, YOU KNOW, HE
22 HAD SOME ANGER PROBLEMS, BUT AS LONG AS WE COULD ISOLATE
23 HIM AND TALK TO HIM AND TALK REALITY TO HIM AND SAY OKAY,
24 CICHEY, DO YOU REALIZE THAT IF YOU DO THIS, THIS IS WHAT'S
25 GOING TO HAPPEN, REALLY BREAK IT DOWN AND EXPLAIN TO HIM

1 WHAT THE CONSEQUENCES WERE, THEN HE'D MAKE THE RIGHT
2 CHOICE. THERE WAS NOBODY HERE TO EXPLAIN TO HIM AND SAY
3 CICHEY, HAVE YOU THOUGHT ABOUT THIS, AND THIS IS WHAT'S
4 GOING TO HAPPEN IF YOU DO THIS.

5 IF THERE WAS NOBODY THERE TO EXPLAIN IT TO HIM,
6 THEN HE'D MAKE THE WRONG CHOICE. JUST GOING BACK TO THE
7 STATEMENT THAT HE'S COLDBLOODED, I DIDN'T SEE THAT. I
8 DIDN'T SEE THE COLDBLOODEDNESS. I SAW THE WARM HEART.

9 CICHEY, I HAD TAKEN HIM OUT TO DINNER WITH ME
10 AND MY CHILDREN ON TWO SEPARATE OCCASIONS. MY CHILDREN
11 ARE SOMETHING I CHERISH. I WOULDN'T BRING A MONSTER WITH
12 ME TO DINNER IF I FELT HE WAS A THREAT. I DON'T SEE HIM
13 AS A THREAT. I NEVER FELT THREATENED BY HIM IN HIS
14 PRESENCE.

15 EVEN IF HE WAS IN A FIT OF ANGER, I COULD TALK
16 HIM OUT OF IT, I COULD TALK HIM DOWN. I DON'T SEE HIM AS
17 A THREAT. I DID NOT FEEL PHYSICALLY THREATENED BY HIM.
18 EVEN BEING IN A ROOM ALONE WITH HIM WHEN HE WAS HAVING
19 A -- YOU KNOW, LOSING HIS TEMPER OR WHATEVER, YOU KNOW, IF
20 YOU'D JUST TALK TO HIM, I DON'T FEEL LIKE HE IS A THREAT.

21 I THINK THAT WHAT HE DID -- AND AGAIN, WE GET
22 BACK TO THERE'S NO EXCUSE FOR WHAT HE'S DONE. I REALLY
23 BELIEVE THAT BEING EMOTIONALLY DISABLED, HE WAS NOT ABLE
24 TO PROCESS THINGS THE WAY THAT YOU AND I OR ANYBODY WOULD
25 PROCESS THINGS. HIS MIND WORKS DIFFERENTLY, AND THAT'S

1 WHY HE WAS IN AN EMOTIONALLY HANDICAPPED CLASS, IF YOU
2 WOULD JUST TAKE THAT INTO CONSIDERATION.

3 MR. JOHNSON: FINALLY, YOUR HONOR, I THINK HIS
4 FATHER -- HIS FATHER AND MOTHER ARE HERE. I THINK HIS
5 FATHER WOULD LIKE TO ADDRESS THE COURT.

6 THE FATHER: MY NAME IS BARRY HEYWARD, CICHEY'S
7 FATHER. I'D LIKE TO GIVE MY CONDOLENCES TO THE MESSER
8 FAMILY, AND I'D LIKE TO TALK ABOUT CICHEY FOR A FEW
9 MINUTES.

10 CICHEY HAS HAD A FEW PROBLEMS THROUGHOUT HIS
11 YOUNG LIFE, AND ME NOT BEING HIS BIOLOGICAL FATHER, I KNOW
12 HIM A LITTLE BIT DIFFERENT THAN A LOT OF OTHER PEOPLE DO.

13 CICHEY IS A VERY GOOD CHILD. THE ONLY PROBLEMS
14 WE HAD WITH CICHEY GROWING UP WOULD HAVE BEEN HIS ANGER
15 MANAGEMENT.

16 COMING UP, ELEMENTARY SCHOOL, CICHEY WAS ONE OF
17 THOSE LITTLE KIDS THAT GOT BEAT UP EVERY DAY COMING HOME
18 FROM SCHOOL. EVENTUALLY, THE LITTLE RUNT THAT WAS SO
19 LITTLE GREW UP TO BE PRETTY BIG, AND MOST PEOPLE FEARED
20 CICHEY BECAUSE OF HIS SIZE.

21 YOUR HONOR, YOU NEED TO KNOW THAT THAT KID IS
22 NOTHING MORE THAN A BIG BABY.

23 CICHEY HAS ABOUT EIGHT, NINE MONTHS OF STREET
24 LIFE. HE WAS A SHELTERED CHILD BY HIS MOTHER. EVEN WHEN
25 HE LIVED IN THE PROJECTS, HE DIDN'T PLAY WITH THE PROJECT

1 KIDS. HIS MOTHER KEPT HIM INSIDE IN FEAR OF HIM GETTING
2 HURT, STUFF LIKE THAT. HE GREW UP KIND OF SHELTERED, BUT
3 AT THE SAME TIME, HE WAS A RESPECTABLE KID.

4 I DON'T EXCUSE WHAT HAPPENED ON THAT TERRIBLE
5 NIGHT, AND I'M SURE CICHEY KNOWS NOW THE SEVERITY OF THE
6 PROBLEM HE WAS DEALT WITH THAT NIGHT.

7 I'D ALSO LIKE TO SAY TO YOU, YOUR HONOR, THAT HE
8 IS MY SON. I WOULD GRACIOUSLY ASK YOU IF THERE'S ANY WAY
9 THAT YOU COULD SEE FIT THAT HE NOT SPEND THE REST OF HIS
10 LIFE IN JAIL.

11 HE HAS A ONE-YEAR-OLD CHILD WHICH WE ALL LOVE,
12 AND WHATEVER TIME THAT HE HAS TO DO, HIS SON WILL BE
13 RAISED BY ME AND HIS MOTHER.

14 I'D JUST LIKE TO SAY TO THE COURT, ALL THE
15 PEOPLE INVOLVED, THAT THIS KID IS NOT THE ANIMAL THAT SOME
16 PEOPLE PROJECTED, SAID HE WAS. HE'S NOT A COLDHEARTED
17 PERSON AT ALL.

18 OF COURSE, IN RAISING CICHEY, AND I GUESS A LOT
19 OF THE TEACHERS KNOW THAT CICHEY SOMEWHAT RESPECTED ME
20 MORE THAN ANYBODY ELSE BECAUSE I AM IN HIS LIFE.

21 ANY OF THE TEACHERS, ADMINISTRATORS, THAT KNOW
22 ME, THAT KNOW CICHEY, WILL TELL YOU THAT WE RAISED THIS
23 KID IN A VERY STRONG MANNER. ANY PROBLEM THAT CAME OUT OF
24 ANYTHING ELSE WASN'T THE RESULT OF RAISING HIM RIGHT; IT'S
25 JUST A CHOICE OF HIM MAKING THE RIGHT DECISION.

1 ONCE AGAIN, I ASK THAT ANY SENTENCE THAT YOU
2 GIVE, I'D ASK YOU TO THINK OF ALL OF THE OTHER PROBLEMS
3 THAT HE'S GONE THROUGH, HIS SOMEWHAT BEHAVIOR PROBLEM, HIS
4 EMOTIONALLY HANDICAPPED PROBLEM.

5 THANK YOU.

6 MR. JOHNSON: AND FINALLY, YOUR HONOR, I'D JUST
7 LIKE TO SAY THAT WE ASK THE COURT TO CONSIDER A SENTENCE
8 APPROPRIATE CONSIDERING THE MITIGATING CIRCUMSTANCES WE
9 PRESENTED TO YOU.

10 THE COURT: ALL RIGHT. DOES YOUR CLIENT WISH TO
11 SAY ANYTHING TO THE COURT?

12 MR. JOHNSON: EXCUSE ME?

13 THE COURT: DOES YOUR CLIENT WISH TO SAY
14 ANYTHING?

15 MR. JOHNSON: I ASKED HIM, YOUR HONOR, AND HE
16 STATED HE DOES NOT.

17 THE COURT: OKAY.

18 MR. MCMULLEN: MAY IT PLEASE THE COURT, YOUR
19 HONOR.

20 YOUR HONOR, I'M MICHAEL MCMULLEN, AND I
21 REPRESENT ABRAM BRAVEBOY. I MYSELF AM A FORMER
22 PROSECUTOR. I HAD TO THINK OVER THE WEEKEND ABOUT WHETHER
23 TO TAKE THIS CASE WHEN IT WAS FIRST PRESENTED TO ME.

24 I GUESS YOU COULD SEE THAT I DECIDED ABRAM
25 NEEDED A LAWYER AS MUCH AS ANYBODY. I DID MEET ABRAM AND

1 WAS IMPRESSED WITH HIM AND SURPRISED AT THE CHARGES HE
2 FACES AND THE CHARGES TO WHICH HE HAS ENTERED A PLEA OF
3 GUILTY.

4 THE SOLICITOR WAS VERY KIND UNDER THESE
5 CIRCUMSTANCES TO DISMISS THE MURDER AND THE ASSAULT AND
6 BATTERY WITH INTENT TO KILL, AND WE APPRECIATE THAT.

7 WHEN I FIRST STARTED LOOKING INTO THE FACTS OF
8 THIS CASE AND HOW THESE YOUNG MEN WERE ALL APPREHENDED, I
9 THOUGHT THAT AUGUST 21ST, 2001 WAS THE MOST UNLUCKY DAY OF
10 ABRAM'S LIFE, BUT AFTER I REVIEWED THE INFORMATION THE
11 SOLICITOR PROVIDED AND PIECED TOGETHER WHAT MR. GASSER
12 DESCRIBED FOR THE COURT TODAY, I BELIEVE THAT IT WAS
13 INDEED GOOD LUCK FOR MR. BRAVEBOY TO GET CAUGHT IN THE WAY
14 HE DID, THAT IS THE POLICE WHO INTERROGATED HIM TOLD HIM
15 EXACTLY WHAT THEY KNEW AT THE TIME.

16 THEY REALLY WERE CLOSING IN ON HIM IN
17 CONCENTRICALLY SMALLER CIRCLES. THEY WERE BEING LED TO
18 THE OWNER OF THE GRAY VOLVO. I DON'T KNOW IF THEY WOULD
19 HAVE CAUGHT THE OTHER YOUNG MEN OR NOT. IT APPEARS NOW
20 FROM THE BANK PHOTOGRAPHS THAT THEY WOULD HAVE BUT ABRAM
21 DIDN'T KNOW THAT.

22 THE POLICE GAVE HIM ONE OPPORTUNITY TO HELP
23 HIMSELF, AND WITHOUT THE HELP OF A LAWYER OR ANYBODY ELSE,
24 EXCEPT HIS MOTHER, HE TOOK THAT OPPORTUNITY. HE DID THE
25 RIGHT THING.

1 I WANT TO SHOW THE COURT THAT BUT FOR A SMALL
2 PERIOD OF TIME IN AUGUST OF 2001, ABRAM HAS ALWAYS DONE
3 PRETTY MUCH THE RIGHT THING. THIS IS REALLY AN
4 ABERRATION.

5 THE REASON I THINK THAT THAT'S IMPORTANT, YOUR
6 HONOR, HE'S GOING TO BE PUNISHED FOR WHAT HE DID AND HIS
7 ROLE IN THIS, BUT I THINK THAT ONCE HE GETS OUT -- WHEN HE
8 GETS OUT, HE CAN WALK A STRAIGHT PATH. THIS WAS, INDEED,
9 AN ABERRATION FOR HIM; AND THAT HE HAS A SUPPORT SYSTEM
10 AND HE KNOWS BETTER; THAT HE WOULD NOT BE IN COURT AGAIN.

11 HE HAS ABSOLUTELY NO PRIOR RECORD. HE SHOULD BE
12 IN COLLEGE NOW. WHEN HE WAS FOUR YEARS OLD, HIS PARENTS
13 DIVORCED. HE'S HAD NO MEANINGFUL CONTACT WITH HIS FATHER
14 SINCE THEN. HIS FATHER DIED WHEN HE WAS 12. I DO BELIEVE
15 HE IS A FOLLOWER WHO WAS LOOKING FOR MALE ROLE MODELS.

16 I THINK THAT, OBVIOUSLY, THIS WOULDN'T HAVE
17 HAPPENED IF THEY HADN'T HAD A CAR TO DO IT IN, AND HE WAS
18 THE DRIVER OF THAT CAR. I BELIEVE THAT THE OTHER GUYS
19 NEEDED A FRIEND WITH A CAR.

20 HE IS A GRADUATE OF SPRING VALLEY. HE IS NOT
21 MARRIED; HE HAS NO CHILDREN. EXCEPT FOR ONE OF THESE
22 ARMED ROBBERIES, HE NEVER GOT OUT OF THE CAR. HE NEVER
23 HELD A GUN IN HIS HAND. I KNOW THAT THE HAND OF ONE IS
24 THE HAND OF ALL, AND HE DOES, TOO. HE PLEADS GUILTY, AND
25 I HAVE LOOKED AT ALL THE DISCOVERY, AND I AGREE WITH HIS

1 DECISION TO ENTER THAT PLEA.

2 I THINK THAT MR. GASSER KIND OF FORESHADOWED
3 THIS, BUT THE PEOPLE IN FIVE POINTS, THEY COULD HAVE
4 IDENTIFIED THIS VOLVO, BUT I BELIEVE THAT MR. BRAVEBOY'S
5 COOPERATION HELPED BRING ABOUT THE PLEA THAT WE HAVE HERE
6 TODAY.

7 HE DID COOPERATE FULLY. I DON'T THINK HE EVER
8 TOLD ME ANYTHING THAT WAS UNTRUE. AGAIN, I THINK HE'S
9 BACK TO DOING HIS PATTERN OF DOING THE RIGHT THING.

10 I'VE MET WITH HIM NUMEROUS TIMES IN THE JAIL,
11 AND I THINK HE'S A GOOD PERSON. HERE ARE HIS MOTHER AND A
12 FORMER TEACHER TO SAY VERY BRIEFLY SOME WORDS ON ABRAM'S
13 BEHALF.

14 ABRAM WANTS TO ADDRESS THE COURT, AND THEN I'D
15 LIKE VERY BRIEFLY TO WRAP THINGS UP.

16 THE COURT: OKAY.

17 MS. WEBB: YOUR HONOR, MY NAME IS BALINDA WEBB,
18 AND I'M HERE ON BEHALF OF ABRAM TODAY. WHEN I HEARD ABOUT
19 THE CIRCUMSTANCES LAST YEAR, IT WAS A NIGHTMARE BECAUSE
20 THE ABRAM I KNEW AT SCHOOL HAD A BRIGHT FUTURE AND NEVER
21 EXHIBITED THE ANGER, THE HOSTILITY, THAT YOU WOULD
22 TYPICALLY EXPECT OF SOMEONE THAT WOULD BE INVOLVED IN
23 SOMETHING LIKE THIS. IT WAS A TOTAL SHOCK FOR ME.

24 I'M HERE ON BEHALF OF ABRAM TO LET HIM KNOW THAT
25 ALTHOUGH THIS JUSTICE HAS TO BE SERVED, THAT WHEN HE

1 RETURNS TO SOCIETY, THAT HE DOES HAVE PEOPLE WHO BELIEVE
2 IN HIM AND HIS ABILITY TO REDEEM HIMSELF AND DO THE RIGHT
3 THING. I BELIEVE HE'S THE KIND OF YOUNG MAN WHO WILL DO
4 THAT WHEN GIVEN THE OPPORTUNITY.

5 I KNOW THAT HE DOES FEEL IN HIS HEART THE REGRET
6 AND THE SORROW THAT MRS. MESSER HAS SPOKEN OF. NOBODY
7 WINS TODAY, NO MATTER THE OUTCOME, BUT I JUST WANT HIM TO
8 KNOW THAT THERE ARE PEOPLE THAT OFFER FORGIVENESS AND AN
9 OPPORTUNITY TO START AGAIN, AND THAT I'M ONE FRIEND WHO
10 WILL DO THAT BECAUSE I BELIEVE THAT HE WILL DO THE RIGHT
11 THING FROM THIS POINT FORWARD REGARDLESS OF THE OUTCOME OF
12 TODAY'S HEARING.

13 THANK YOU.

14 THE MOTHER: YOUR HONOR, THIS IS A VERY SAD DAY
15 IN MY LIFE BECAUSE MY BABY, ABRAM BRAVEBOY, WHO WAS BORN
16 TO ME [REDACTED], IS HERE AND THE PENAL
17 INSTITUTION HAS BEEN INTRODUCED INTO HIS LIFE. HE HAS
18 INTRODUCED THE PENAL INSTITUTION INTO HIS LIFE.

19 AS A PUBLIC SERVANT OF SOUTH CAROLINA WHO HAS
20 DEDICATED HER LIFE TO WORKING WITH CHILDREN AND FAMILIES,
21 IT'S A VERY DIFFICULT TIME TO SEE ALL THESE YOUNG MALES
22 HERE, BECAUSE THEY'RE NOT MEN, HERE UNDER THESE
23 CIRCUMSTANCES.

24 I WOULD JUST LIKE TO BEG THE COURT'S INDULGENCE
25 FOR A SECOND AND JUST TELL YOU A LITTLE BIT ABOUT THE

1 ABRAM THAT I RAISED BY MYSELF WITH LITTLE ASSISTANCE WITH
2 HE AND HIS SISTER FROM THE AGE -- HE WAS SIX AND SHE WAS
3 THREE.

4 ABRAM WAS A VERY QUIET YOUNG MAN, A QUIET CHILD,
5 AND HE WAS INVOLVED IN THE CUB SCOUTS, AND HE WAS SELECTED
6 FOR THE HONORS COURSE TO SING WHEN HE WAS IN ELEMENTARY
7 SCHOOL, WITH THE HONORS COURSE IN DISTRICT II.

8 HE HAS EXCELLED IN BASKETBALL, AND HE ALWAYS
9 WANTED ACCEPTANCE FROM MALES BECAUSE HE WAS REARED IN A
10 HOME WITH THREE FEMALES, AND I CAN UNDERSTAND THAT, BUT I
11 ASK THE COURT'S LENIENCE TODAY BECAUSE I KNOW HIS HEART.
12 I KNOW THAT HE IS NOT A VINDICTIVE PERSON.

13 I JUST WANT TO SAY TO THE FAMILY OF MR. MERCER
14 (SIC) AND THE WIDOW OF MRS. MERCER THAT MY HEART HURTS FOR
15 YOU TODAY BECAUSE I KNOW WHAT IT'S LIKE TO HAVE TO RAISE
16 CHILDREN BY YOURSELF, AND I ALSO GRIEVE FOR THE OTHER
17 VICTIMS IN THEIR CIRCUMSTANCES.

18 NOT ONLY DO I GRIEVE FOR MY SON BUT I GRIEVE FOR
19 THE YEARS OF THE TIME THAT HE'S LOSING FROM HIS LIFE AND
20 THE ROUGH TIME THAT HE'S GOING TO HAVE AFTER HE LEAVES THE
21 PENAL INSTITUTION.

22 I JUST ASK THAT YOU PLEASE HAVE MERCY ON MY SON
23 AND GIVE HIM SOME PORTION OF HIS LIFE THAT HE CAN ACTUALLY
24 BE A PRODUCTIVE CITIZEN WHICH I WORKED SO VERY HARD TO DO
25 IN GIVING HIM THE SERVICES THAT HE NEEDED TO BE A

1 PRODUCTIVE INDIVIDUAL IN SOCIETY, BECAUSE I DO BELIEVE
2 THAT HE DOES CARE FOR PEOPLE AND HE LOVES PEOPLE AND HE'S
3 A GOOD PERSON. I KNOW YOU EXPECT TO HEAR THAT FROM A MOM,
4 BUT I'M TALKING NOW FROM A PROFESSIONAL STANDPOINT BECAUSE
5 I DID LOTS OF ASSESSMENTS ON CHILDREN AND FAMILIES. I
6 UNDERSTAND AND I KNOW WHEN A CHILD IS PROBLEMATIC, BUT
7 ABRAM -- FROM A PROFESSIONAL, STEPPING OUT OF MY PARENTAL
8 ROLE RIGHT NOW, HE IS A GOOD PERSON THAT MADE A MISTAKE.

9 THANK YOU, YOUR HONOR.

10 THE COURT: YOU NEED TO TELL US YOUR NAME.

11 THE EMPLOYER: MY NAME IS CHRISTINA JAVAR
12 (PHONETIC). ABRAM WAS MY EMPLOYEE AT UNITED PARCEL
13 SERVICES. HE WAS A VERY GOOD EMPLOYEE. HE CAME TO WORK
14 EVERY DAY ON TIME.

15 I HAVE A HABIT OF WHENEVER I HAVE MY YOUNGEST
16 EMPLOYEES, I KIND OF SHELTER THEM. I TOOK TO ABRAM RIGHT
17 AWAY. I GAVE HIM SPEECHES ABOUT HIS FUTURE AND HIS LIFE
18 AND HOW LIFE IS SHORT AND HOW LIFE IS WONDERFUL, AND HE
19 STOOD THERE AND HE LISTENED TO ME. WE HAD WONDERFUL
20 CONVERSATIONS.

21 THE JOB THAT WE HAD WAS VERY FRUSTRATING AT
22 TIMES WHERE A LOT OF MY EMPLOYEES WOULD GET FRUSTRATED AND
23 SAY THINGS IN CERTAIN WAYS. ABRAM WAS VERY, VERY CALM.
24 HE DID HIS JOB. IF HE HAD A PROBLEM, HE'D TALK TO ME, AND
25 I WISH HIM ALL THE LUCK WHEREVER HE GOES AND WHATEVER HE

1 DOES. HE IS LIVING BY CHOICES, AND HE HAS TO LIVE WITH
2 THAT.

3 I GIVE MY CONDOLENCES TO EVERYBODY THAT WAS
4 INVOLVED THAT WAS HURT. I HOPE THAT SOMEDAY GOD WILL HEAL
5 THIS, AND I PRAY THAT ABRAM WILL SEE HIS MISTAKES. I'M
6 SURE THAT HE DOES ALREADY AND THAT HE WILL BE ALL THAT GOD
7 HAS FOR HIM BECAUSE HE IS A CHILD OF GOD. I PRAY FOR YOU
8 EVERY DAY AND YOUR FAMILY, AND I PRAY FOR THE VICTIMS, AND
9 I LOVE YOU, AND I WILL BE BY YOU.

10 MS. WOODRUFF: YOUR HONOR, MY NAME IS CHERYL
11 WOODRUFF. I CAME TO KNOW ABRAM ALSO AT MY JOB,
12 EMPLOYMENT. I WAS ONE OF HIS TRAINERS, AND AS I TRAINED
13 HIM.

14 I NEVER SEEN HIM DISPLAY ANY TYPE OF ANGER. I'M
15 NOT SURE IF HE REMEMBERS ME, BUT I WORKED WITH HIM FOR A
16 BRIEF PERIOD. AGAIN, LIKE MY COWORKER, I'M VERY SORRY
17 ABOUT THE PEOPLE WHO GOT HURT IN THIS INCIDENT, AND I KNOW
18 ABRAM IS VERY SORRY FOR WHAT HE'S DONE. I JUST HOPE THAT
19 YOU WILL HAVE SOME MERCY ON HIM.

20 THANK YOU.

21 MR. BROWN: YOUR HONOR, MY NAME IS ROBERT BROWN.
22 I'M ABRAM'S UNCLE. I'M HERE ON BEHALF OF MY NEPHEW,
23 ABRAM.

24 SOMEWHERE DOWN THE ROAD I DIDN'T SPEND TIME WITH
25 HIM AFTER MY BROTHER PASSED, BUT IN LIFE, WE MAKE

1 DECISIONS. ALL OF US SOMETIMES STAND AT THE CROSSROAD,
2 AND WE MAKE A BAD DECISION.

3 I USED TO TELL ABRAM THAT YOU -- WHATEVER
4 DECISION YOU MAKE, BE ABLE TO LIVE WITH. ABRAM WAS A GOOD
5 KID. HE WAS QUIET. HE DIDN'T HAVE THAT MUCH TO SAY, AND
6 HE DIDN'T GIVE HIS MOM ANY PROBLEMS. THAT WAS IMPORTANT
7 TO ME.

8 AFTER HIS FATHER DIED, AND I CAME OVER A FEW
9 TIMES TO VISIT WITH HIM, HIS SISTER, HIS MOM, HAD A CHANCE
10 TO TALK, BUT THEN I LEFT AND WENT AWAY. I GUESS HEARING
11 WHAT WAS SAID TODAY, MAYBE I SHOULD HAVE STAYED A LITTLE
12 CLOSER, BUT I HAVE A FAMILY, TOO.

13 WHEN I FOUND OUT WHAT HAD HAPPENED AND HIS MOM
14 CALLED ME, I WAS VERY UPSET ABOUT IT, BUT THEN I REALIZED,
15 TOO, THAT IT CAN'T BE THE SAME PERSON THAT I KNEW.
16 THERE'S GOT TO BE A MISTAKE. IT CAN'T BE ABRAM. WHEN WE
17 FOUND OUT IT WAS HIM, WE HAD THE PROOF.

18 I SAY TO THE FAMILY THAT LOST THEIR HUSBAND, THE
19 CHILDREN THAT HAVE LOST THEIR FATHER, SOMEDAY ALL OF US
20 LOSE SOMETHING. TODAY THESE FOUR YOUNG MEN ARE ALL
21 AFRAID, BUT I SAY TO YOU ON BEHALF OF MY NEPHEW, YOUR
22 HONOR, THAT YOU HAVE MERCY UPON HIM, AND I SAY TO THE
23 SOLICITOR AND TO THE SHERIFF, YOU DID YOUR JOB. I HEARD A
24 POLITICAL SPEECH, AND I JUST HEARD ONE THING THAT WAS SAID
25 TODAY, AND OUT OF ALL THAT WAS SAID, ALL OF US HAVE SOME

1 BAD IN US AND ALL OF US HAVE SOME GOOD, BUT ALL OF US HAVE
2 A JUDGE ONE DAY THAT WE'RE GOING TO FACE.

3 WHATEVER WE DO, WE JUST MAKE SURE THAT WE GIVE
4 AN ACCOUNT HERE ON EARTH BECAUSE WE'RE GOING TO HAVE ONE
5 OR ANOTHER.

6 THANK YOU, YOUR HONOR.

7 MR. JENKINS: YOUR HONOR, MY NAME IS JERRY
8 JENKINS. I SERVE DOWN AT THE DETENTION CENTER AS A
9 VOLUNTEER CHAPLAIN. I MINISTERED TO HIM ONCE A WEEK AND
10 COUNSELLED HIM. I DON'T FIND NO ANGER IN HIM. HE'S A
11 LOVING YOUNG MAN.

12 HE'S INTELLIGENT. HE'S HONORABLE. I WISH I HAD
13 MET HIM BEFORE ALL OF THIS HAPPENED, BUT EVEN NOW, I WANT
14 TO BE A POSITIVE ROLE MODEL IN HIS LIFE. I'M GOING TO
15 CONTINUE TO COUNSEL HIM AND MINISTER TO HIM AND STAND BY
16 HIM. I'D JUST ASK THE COURT TO CONSIDER ALL OF THIS AND
17 HAVE MERCY ON HIM.

18 THANK YOU.

19 MR. WEEKS: GOOD MORNING, YOUR HONOR. MY NAME
20 IS ANTHONY WEEKS. I'M A MINISTER IN THE AREA. I SERVED
21 THE DEPARTMENT OF CORRECTIONS IN FLORIDA FOR A WHILE.
22 ALSO, I WORKED HERE IN COLUMBIA IN THE DEPARTMENT OF
23 JUVENILE JUSTICE DEALING WITH INMATES, DEALING WITH
24 COUNSELLING OF INMATES.

25 I WORKED DURING THE YEARS IN THE EARLY '90S WHEN

1 THE POPULATION WAS OVERFLOWING IN THE PRISONS. I HAD AN
2 OPPORTUNITY TO DEAL WITH INMATES ON A DAILY BASIS,
3 JUVENILES IN PARTICULAR.

4 I WOULD GO OUT TO THE DETENTION CENTER AND TALK
5 WITH ABRAM. I MET HIM AND TALKED WITH HIM COUNTLESS
6 OPPORTUNITIES. I PRETTY MUCH HAVE GROWN TO KNOW HIM.

7 SOME JUVENILES HAVE REGRET OR REMORSE FOR THEIR
8 BEHAVIOR. I MET MANY THAT DID NOT HAVE REMORSE FOR THEIR
9 BEHAVIOR. OVER THE YEARS, I'VE BEEN ABLE TO SIZE UP THE
10 BEHAVIORS OF JUVENILES. ESPECIALLY THOSE WHO DO NOT HAVE
11 A CLOSE RELATIONSHIP WITH THEIR FATHERS.

12 IN TALKING WITH ABRAM, I WAS REALLY DISTURBED.
13 IN TERMS OF WHAT I COULD TELL, HE'S A GOOD KID, FROM
14 TALKING WITH HIM. I ENCOURAGE HIM TO STAY ON THE WORD,
15 HELP HIM UNDERSTAND THAT WE -- YES, WE ALL MAKE MISTAKES
16 AT SOME POINT IN OUR LIVES, BUT YOU HAVE TO STAY FOCUSED
17 AND REALIZE AND LEARN FROM THINGS THAT YOU HAVE DONE.

18 JUST LOOKING AT HIM AND TALKING WITH HIM, HE HAS
19 REMORSE, WHICH I HAVE NOT SEEN IN A LOT OF YOUNG PEOPLE,
20 FOR THE THINGS HE HAS DONE. I ASK THAT YOU HAVE LENIENCY
21 AS MUCH AS POSSIBLE ON ABRAM.

22 THANK YOU.

23 MR. MCMULLEN: YOUR HONOR, I'M HANDING THE COURT
24 LETTERS FROM THE PSYCHOLOGIST WHO DEALT WITH ABRAM FOR
25 FIVE-AND-A-HALF YEARS AND FROM THE PASTOR OF HIS CHURCH,

1 BUT JUST TO BE BRIEF -- WELL, THIS HAS GONE LONGER THAN I
2 EXPECTED. ABRAM WANTS TO ADDRESS THE COURT AND THEN I'LL
3 WRAP THINGS UP.

4 THE COURT: ALL RIGHT. GO AHEAD, MR. BRAVEBOY.

5 DEFENDANT BRAVEBOY: YOUR HONOR, PEOPLE OF THE
6 COURT, I COME TO YOU TODAY A NEW CREATURE. I COME TO YOU
7 TODAY CLEANSED BY THE BLOOD OF JESUS. I COME TO YOU TODAY
8 AS A CHRISTIAN, AND I HAVE A NEW EXPERIENCE IN LIFE.
9 THESE PAST FEW MONTHS I'VE BEEN LOCKED UP, I'VE SEEN
10 TERRIBLE THINGS. THE THINGS THAT -- THE TRAGEDY THAT
11 HAPPENED, I'M SO FILLED WITH REMORSE, AND I'M FILLED WITH
12 SYMPATHY FOR IT, TRULY I AM.

13 I MEAN, JUST TO -- I MEAN, EVERYTHING THAT
14 HAPPENED, THAT SEPTEMBER 11TH AND EVERYTHING THAT
15 HAPPENED, IT REALLY HIT ME HARD, YOU KNOW.

16 FOR WHAT IT'S WORTH, YOU KNOW, I WAS JUST
17 THINKING IN MY HEAD LIKE HOW COULD SOMEBODY DO SOMETHING
18 LIKE THIS, YOU KNOW WHAT I'M SAYING. HOW COULD SOMEBODY
19 TAKE -- I MEAN, ALL THESE PEOPLE'S LIVES WITH SOME PLANES
20 AND ALL THIS STUFF, YOU KNOW WHAT I'M SAYING.

21 I HAD TO LOOK AROUND, AND I LOOKED AROUND AND I
22 SAID, "JESUS, LOOK AT THE SITUATION I'M IN." YOU KNOW, I
23 NEVER WAS RAISED THIS WAY. I NEVER WAS BROUGHT UP THIS
24 WAY. I ALWAYS, ALWAYS, ALWAYS HAVE RESPECT FOR MY ELDERS.
25 I MEAN, MY GRANDMOTHER HAS INSTALLED (SIC) IN ME THE WORD.

1 SHE INSTALLED IN ME WHAT TO DO AND WHAT TO DO THAT WAS
2 RIGHT.

3 NOW, YOU KNOW, I'M NOT -- YOU KNOW, I MADE A
4 MISTAKE. I MADE A MISTAKE. I'LL BET EVERYBODY IN THIS
5 COURTROOM HAS MADE A MISTAKE IN THEIR LIVES. EVERYBODY IN
6 THIS COURTROOM NEEDED SOMEBODY TO HELP THEM OUT WHEN THEY
7 MADE THEIR CERTAIN MISTAKE. THEY NEEDED SOMEBODY TO LOOK
8 OUT FOR THEM. THEY NEEDED SOMEBODY TO, YOU KNOW, PICK
9 THEM UP WHEN THEY WERE ABOUT TO FALL. RIGHT NOW, MY
10 CODEFENDANTS AND EVERYTHING, WE ARE NOT COLDBLOODED, BUT I
11 HAVE THE SOLUTION TO THE PROBLEM RIGHT NOW, AND THAT'S TO
12 THEM GIVING THEIR LIVES UP TO THE LORD, THAT'S THE TRUTH.
13 THAT'S THE ONLY SOLUTION THAT I SEE RIGHT NOW.

14 THE ONLY REASON THAT WE WAS DOING -- I'M GOING
15 TO SAY SOMETHING THAT'S DEALING WITH THE SPIRIT. WE'RE
16 WRESTLING NOW WITH GETTING SPLASHED WITH THE BLOOD, THE
17 SPIRITS AND PRINCIPALITIES OF HIGHER WITNESSES. THAT
18 WASN'T US. THAT WASN'T ME THAT WAS RIDING IN THAT CAR.
19 THAT WASN'T THEM THAT WAS POINTING THE GUNS AT THOSE
20 PEOPLE. IT WAS ON A HIGHER, IT WAS ON AN EVIL SPIRIT
21 LEVEL, IF YOU CAN UNDERSTAND THAT, COMPREHEND IT. I DON'T
22 KNOW IF YOU CAN, SIR, BUT THAT'S IT RIGHT THERE.

23 FOR THE VICTIMS AND EVERYTHING, I'M GOING TO
24 LOOK YOU DEAD IN YOUR EYES, AND I WANT TO SAY I APOLOGIZE
25 FOR MY ASSOCIATION THAT HAPPENED. I APOLOGIZE FOR

1 EVERYTHING THAT IS GOING ON IN YOUR LIVES.

2 YOU KNOW, I KNOW HOW IT FEELS TO LOSE SOMEONE
3 YOU REALLY LOVE. I REALLY AM SORRY FOR WHAT I'VE DONE. I
4 KNOW MY CODEFENDANTS ARE, AS WELL.

5 YOU KNOW, FOR THE WOMAN, I'M DEEPLY SORRY,
6 MA'AM. I'M SO SORRY.

7 FOR THE COURT, I'D JUST LIKE TO SAY I'M SORRY,
8 AS WELL. I APOLOGIZE. YOU KNOW, EVERYBODY MAKES
9 MISTAKES. I FEEL LIKE, YOU KNOW, THIS REALLY IS NO EXCUSE
10 FOR WHAT WAS DONE, BUT ALL I SAY RIGHT NOW IS, YOU KNOW,
11 PRAY FOR US AS WE WILL PRAY FOR Y'ALL. YOU KNOW, KEEP US
12 IN YOUR PRAYERS EVERY DAY AND EVERY NIGHT BECAUSE THAT'S
13 WHAT WE NEED.

14 THAT'S ALL I HAVE TO SAY.

15 MR. MCMULLEN: YOUR HONOR, I JUST WANT TO
16 EMPHASIZE THAT IT'S MY BELIEF THAT -- ABRAM HAS TOLD ME
17 THIS, AND I BELIEVE IT; I THINK THAT THE POLICE WOULD
18 AGREE: HE WAS UNAWARE ANYONE HAD BEEN SHOT THAT NIGHT.

19 WHEN THEY WENT ON TO DO THE OTHER THINGS THEY
20 DID THAT NIGHT, ABRAM DID NOT KNOW ANYONE HAD BEEN SHOT.
21 WHEN HE WAS CONFRONTED WITH THAT INFORMATION AT THE
22 SHERIFF'S DEPARTMENT, HE DECIDED NOT TO BE A FOLLOWER
23 ANYMORE. THAT'S WHEN HE GAVE HIS STATEMENT.

24 I THINK HE'S DOING THE RIGHT THING. I HOPE THAT
25 HIS COOPERATION WILL BE CONSIDERED ALONG WITH EVERYTHING

1 ELSE IN THIS CASE.

2 THANK YOU.

3 THE COURT: ALL RIGHT. MR. NETTLES.

4 MR. NETTLES: YOUR HONOR, EXCUSE ME, MAY I
5 APPROACH PLEASE?

6 (WHEREUPON, THERE WAS A BENCH CONFERENCE.)

7 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
8 EVERYBODY IN THE COURTROOM, WE'RE GOING TO TAKE ABOUT A
9 10-MINUTE BREAK AND THEN WE'LL COME BACK AND CONTINUE WITH
10 THE LAST DEFENDANT.

11 PLEASE BE BACK IN YOUR SEAT IN ABOUT 10 MINUTES.
12 WE'LL CONTINUE.

13 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

14 MR. NETTLES: THANK YOU VERY MUCH, YOUR HONOR.
15 YOU KNOW, I WANT TO -- LAST NIGHT I WENT TO GO MEET WITH
16 MR. MURRAY'S FAMILY IN THEIR NEIGHBORHOOD.

17 I ASKED HIS FAMILY TO GET TOGETHER SOME FOLKS
18 THAT MAY WANT TO COME IN AND SHED A LITTLE BIT OF LIGHT ON
19 BRYAN. I WILL TELL YOU THAT THE GARAGE TO THE ROOM WAS
20 COMPLETELY FILLED WITH PEOPLE.

21 AFTER I LEFT THERE, I COULDN'T HELP BUT THINK
22 THAT THERE ARE PEOPLE THAT COME INTO MY OFFICE -- I'VE
23 BEEN A CRIMINAL DEFENSE LAWYER FOR A LONG TIME. THERE ARE
24 PEOPLE THAT COME INTO THE OFFICE, AND YOU HAVE TO KIND OF
25 LOOK AT THEIR HISTORY, LOOK AT WHERE THEY'VE BEEN AND WHAT

1 THEY'VE DONE. YOU KNOW THAT THEY'RE GOING TO WIND UP IN
2 PRISON. I MEAN, THERE'S JUST SO MANY INNINGS TO THE PLAY.

3 YOU KNOW, A LOT OF THESE KIDS, THE SCRIPT
4 THEY'RE GIVEN, YOU KNOW THEY'RE GOING TO WIND UP IN
5 PRISON. BRIAN MURRAY IS NOT ONE OF THOSE KIDS. HE DOES
6 NOT COME FROM A BROKEN HOME. HE IS A GOOD KID.

7 THIS DID NOT -- AS WITH SOME PEOPLE, YOU JUST
8 ALMOST KNEW IT WAS GOING TO HAVE TO HAPPEN. THEY WERE
9 GOING TO WIND UP IN PRISON. THIS DIDN'T HAVE TO HAPPEN.
10 I DON'T BRING YOU ANY EXPLANATION FOR WHAT HAPPENED.
11 THERE IS NO EXPLANATION, BUT WHAT I DO HOPE TO DO
12 THROUGH -- I'VE GOT SEVEN PEOPLE, AND I'VE WHITTLED IT
13 DOWN FROM 40.

14 AT THIS TIME, I WOULD LIKE TO ASK EVERYONE
15 THAT'S HERE ON BEHALF OF THE MURRAY FAMILY, PLEASE STAND
16 UP.

17 AS YOU CAN SEE, YOUR HONOR -- THANK YOU ALL. I
18 APPRECIATE IT. AS YOU CAN SEE, YOUR HONOR, THERE'S A
19 LARGE NUMBER OF PEOPLE WHO CAME HERE ON BEHALF OF BRYAN
20 AND HIS FAMILY.

21 I'VE WHITTLED IT DOWN TO ABOUT SEVEN THAT WOULD
22 LIKE TO SPEAK. I WOULD ASK THEM TO KEEP IT SHORT.

23 FIRST, I'D LIKE TO BRING REVEREND MOORE, IF
24 YOU'D BE KIND ENOUGH TO JOIN US.

25 MR. MOORE, I'D ASK YOU TO STATE YOUR NAME FOR

1 THE COURT REPORTER AND TELL US WHO YOU ARE.

2 REVEREND MOORE: YOUR HONOR, AND TO THE COURT,
3 MY NAME IS J.C. MOORE. I'M A RETIRED CHAPLAIN FROM THE
4 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AND A RETIRED
5 PASTOR.

6 OUR CONDOLENCES ARE FOR THE VICTIMS AND ALL OF
7 THE FAMILY REPRESENTED HERE IN WHATEVER FORM OR FASHION.
8 I'VE KNOWN BRYAN SINCE THEY MOVED ACROSS FROM US DOWN IN
9 THE NORTHEAST, AND I'VE WATCHED HIM AS HE RAKED THE YARD,
10 THE LEAVES, CUT THE GRASS.

11 HE'S A MANNERED YOUNG FELLOW WITH A LOT OF
12 MANNERS AND ALWAYS NICE. I NEVER SAW ANYTHING OUT OF HIM.
13 I DON'T CONDONE WHAT WAS DONE, BUT HAVING COME THROUGH THE
14 GAMUT OF LIFE AND SEEN IT ALL, I THANK GOD THAT HE GAVE US
15 A SECOND CHANCE AND FOR MANKIND. WE ALL NEED A SECOND
16 CHANCE BECAUSE ALL OF US HURT, ALL OF US ARE IN PAIN, ALL
17 OF US SUFFERED. ALL I CAN SAY IS HAVE MERCY UPON US.

18 THANK YOU.

19 MR. NETTLES: THANK YOU.

20 YOUR HONOR, NEXT I'D LIKE TO ASK MR. ALBERT
21 HUMPHRIES TO COME TALK TO US. ALBERT IS A CONTEMPORARY OF
22 BRYAN'S. HE SPEAKS ON BEHALF OF -- THERE ARE A NUMBER OF
23 YOUNG MEN THAT WANTED TO COME SPEAK. WE ASKED BRYAN (SIC)
24 TO COME SPEAK ON BEHALF OF ALL OF US.

25 MR. HUMPHREY: MY NAME IS ALBERT HUMPHREY. WHEN

1 I FIRST HEARD THAT THIS TRAGIC INCIDENT HAD OCCURRED, I
2 WAS AWAY AT COLLEGE. I CAME HOME THAT NEXT WEEKEND.

3 I HEARD THAT IT WAS HAPPENING, AND I SAID, "THIS
4 COULDN'T BE BRYAN, NOT THE BRYAN I KNOW." I HEARD SOME OF
5 THE PEOPLE SPEAK PREVIOUSLY, AND THE GENTLEMAN SAID THESE
6 WERE SOME COLDHEARTED KILLERS, I SAY "NOT THE BRYAN I
7 KNOW." THE BRYAN I KNOW IS THE ONE WHO WAS ALWAYS POLITE,
8 ALWAYS OPENED DOORS FOR PEOPLE, EVEN WHEN PEOPLE DIDN'T
9 GIVE HIM CREDIT OR SAY "THANK YOU", HE WAS THE ONE WHO
10 ALWAYS DID IT.

11 BRYAN IS ALSO -- IN OUR NEIGHBORHOOD, HE WAS THE
12 FIRST GENTLEMAN TO GET A JOB. WHAT MADE IT SO UNIQUE WAS
13 UNLIKE THE REST OF US WHEN WE GOT OUR JOBS, WE WENT AND
14 SPENT ALL OF OUR MONEY. BRYAN WOULD PUT HIS MONEY IN A
15 BANK ACCOUNT AND SAVE HIS MONEY, UNLIKE THE REST OF US.
16 HE DIDN'T GO SPEND IT ON STUFF LIKE THE TEENAGERS WOULD
17 DO.

18 I WOULD JUST LIKE TO SAY THAT I SEND OUT
19 SYMPATHY, AND I FEEL GRIEVANCE (SIC) TOWARDS ALL THE
20 FAMILY AND THE VICTIMS THAT HAD SOMETHING TO DO IN A PART
21 OF THIS TRAGIC OCCURRENCE.

22 I WOULD ASK THAT ALL THE PEOPLE WHO WILL STAND
23 TRIAL WILL HAVE A STRONG FAITH IN GOD AND THAT THEY WILL
24 GET THROUGH THIS.

25 THANK YOU.

1 MR. NETTLES: YOUR HONOR, NEXT WE HAVE
2 MS. DAVIS.

3 MS. DAVIS: YOUR HONOR, LAUREN DAVIS. I'M HERE
4 ON BEHALF OF BRYAN MURRAY. I'D LIKE TO ATTEST TO HIS
5 CHARACTER. I'VE KNOWN HIM FOR FIVE YEARS AND FOUND HIM TO
6 BE AN HONEST, POLITE AND CARING YOUNG MAN.

7 BRYAN IS A SHY YOUNG MAN, ALMOST TO THE POINT
8 WHERE YOU WOULDN'T KNOW HE WAS IN THE ROOM. HE'S VERY
9 RESPECTABLE, AND HE'S BEEN TO MY HOUSE ON NUMEROUS
10 OCCASIONS. HE'S ALWAYS TREATED ME WITH RESPECT.

11 I'VE NEVER KNOWN BRYAN TO BE IN ANY TYPE OF
12 TROUBLE. I JUST ASK FOR LENIENCY, AND HE KNOWS WHAT HE
13 DID WAS WRONG AND THE SERIOUSNESS OF IT. HE APOLOGIZES
14 AND I WOULD LIKE TO ALSO APOLOGIZE FOR THAT.

15 MR. NETTLES: YOUR HONOR, MR. JAMES MURRAY WHO
16 IS BRYAN'S UNCLE.

17 MR. MURRY: MY NAME IS JAMES MURRAY. FIRST OF
18 ALL, I'D LIKE TO APOLOGIZE TO THE FAMILY FOR THE HURT THAT
19 YOU'RE FEELING. I KNOW THIS IS A TRYING TIME FOR
20 EVERYBODY, BOTH FAMILIES INVOLVED.

21 BRYAN, I'VE KNOWN BRYAN SINCE HE WAS BORN. HE'S
22 A VERY GENTLE PERSON. HE IS VERY MANNERABLE AND
23 RESPECTABLE.

24 I REALLY FEEL THAT HE MADE A MISTAKE THERE. HE
25 DIDN'T USE THE CORRECT JUDGMENT. I FEEL THAT HE WAS JUST

1 MAINLY A FOLLOWER AND DID NOT USE THE TEACHINGS THAT HIS
2 FATHER GAVE HIM THROUGH THE YEARS.

3 HE CAME FROM A CHRISTIAN HOME. I'M JUST HERE ON
4 BEHALF OF BRYAN ASKING THAT THIS JURY, THE JUDGE, THE
5 COURTROOM, TO HAVE MERCY ON HIM; GIVE THIS YOUNG MAN
6 ANOTHER CHANCE TO SHOW THAT HE COULD BE A SUCCESSFUL
7 PERSON IN SOCIETY, AND MAYBE ONE DAY THAT HE COULD HELP
8 SOMEONE ELSE.

9 THANK YOU VERY MUCH.

10 MR. NETTLES: YOUR HONOR, NEXT I'D LIKE TO ASK
11 MS. VICTORIA MURRAY TO COME FORWARD; THIS IS BRYAN'S
12 GRANDMOTHER.

13 MS. MURRAY: MY NAME IS VICTORIA MURRAY. HE'S
14 MY GRANDSON. HE WAS SO NICE. HE WAS SO KIND. HE
15 ALWAYS -- YOU COULD TALK TO HIM. HE'D SAY, "YES, MA'AM,
16 I'LL DO SO AND SO."

17 I'D HAVE HIM SOME IN THE SUMMER, AND HE WAS JUST
18 AS KIND AND NICE, NOT RUDE OR NOTHING. WHEN HE CAME TO MY
19 HOUSE AND I WOULD SAY, "DO YOU WANT SOMETHING TO EAT?"
20 HE'D SAY, "NO, MA'AM, NOT YET."

21 I'D SAY, "DON'T GO IN THE HIGHWAY. JUST STAY
22 RIGHT HERE AROUND IN THE YARD." HE LISTENS TO ME AND HE
23 WAS JUST A NICE PERSON. HE'S NICE, AND HE DON'T SASS YOU
24 OR NOTHING. HE WAS GOOD. HE WAS VERY, VERY GOOD.

25 I'M TELLING YOU, HE'S HURT ME BECAUSE GOD KNOWS

1 ALL. GOD KNOWS EVERYTHING WE DO. HE LOOKS HIGH AND HE
2 LOOKS LOW, BUT THANK GOD HE'S LOOKING OVER US, THANK GOD.
3 HE IS A VERY, VERY NICE PERSON.

4 MR. NETTLES: YOUR HONOR, NEXT I'M GOING TO ASK
5 MS. VIVIAN MURRAY AND MR. MURRAY...

6 THE MOTHER: MY NAME IS VIVIAN MURRAY; GOOD
7 MORNING, YOUR HONOR. FIRST I WANT TO GIVE MY SYMPATHY TO
8 THE VICTIM'S FAMILY. I'M VERY SORRY FOR WHAT HAPPENED. I
9 KNOW HOW IT IS TO LOSE SOMEONE BECAUSE I JUST LOST A
10 COUPLE OF FAMILY MEMBERS IN MY LIFE BUT NOT THIS WAY.

11 BRYAN WAS ALWAYS A GOOD SON TO ME. HE'S MY BABY
12 AND I LOVE HIM. I JUST DON'T KNOW WHAT'S GOING TO COME
13 OUT OF THIS, BUT I HOPE YOU HAVE MERCY ON HIM. PLEASE
14 GIVE HIM A CHANCE TO LIVE HIS LIFE. HOPEFULLY AFTER ALL
15 THIS, WE ALL HAVE LEARNED A LESSON. MAY GOD BLESS
16 EVERYONE.

17 THANK YOU.

18 THE FATHER: YES, MY NAME IS EDWARD MURRAY. I'M
19 BRYAN'S FATHER. YOUR HONOR, I ALWAYS TRY TO INSTILL THE
20 RIGHT THING TO DO WITH MY SON. I'M SORRY FOR WHAT
21 HAPPENED WITH THE VICTIM AND THE FAMILY. I APOLOGIZE.

22 I KNOW HE HAS OUR BLESSINGS. HE HAS SHOWN
23 REMORSE. WE'RE ALL HURTING. I'M HURTING. I KNOW MY WIFE
24 IS HURTING REALLY BAD. ALL I CAN DO IS ASK FOR THE MERCY
25 OF THE COURT. WE LEAVE IT IN YOUR HANDS. WE'LL HAVE TO

1 ACCEPT THE CONSEQUENCES. WE'D LIKE TO HAVE MERCY, IF
2 POSSIBLE.

3 MR. NETTLES: THANK YOU, YOUR HONOR.

4 YOUR HONOR, I BELIEVE THAT BRYAN HAS EXPRESSED A
5 DESIRE TO TALK WITH THE COURT.

6 THE COURT: ALL RIGHT, MR. MURRAY.

7 DEFENDANT MURRAY: YOUR HONOR, I WOULD LIKE TO
8 SAY I APOLOGIZE FOR WHAT I'VE DONE. I WOULD ALSO LIKE TO
9 APOLOGIZE TO THE VICTIM'S FAMILY. I'M TRULY SORRY.

10 I JUST HOPE THAT MAYBE I COULD END THIS CHAPTER
11 IN MY LIFE AND MOVE ON, MAYBE HELP ANOTHER INDIVIDUAL, BUT
12 I HOPE THAT WHEN I HELP THIS INDIVIDUAL, THEY DON'T MAKE
13 THE SAME MISTAKE I MADE. I'M TRULY SORRY, YOUR HONOR.

14 MR. NETTLES: YOUR HONOR, IN SUMMARY, I WOULD
15 JUST LIKE TO POINT OUT THAT BRYAN'S INVOLVEMENT WAS -- I
16 MEAN, I REALIZE WE HAVE TO PUNISH EVERYONE HERE. THAT'S
17 CLEARLY WHY WE'RE HERE.

18 I'D ASK THE COURT IN DOING THAT TO HAND OUT
19 PUNISHMENT CONSISTENT WITH THE INVOLVEMENT IN THE CRIME.
20 BY EVERYONE'S ACCOUNT, YOU KNOW, BRYAN WAS IN THE CAR.
21 BRYAN WAS A PASSENGER IN THE CAR.

22 FOR THE SHOOTING UP THE ROAD IN FIVE POINTS, HE
23 GOT OUT OF THE CAR. HE DIDN'T HAVE A GUN. HE'S INVOLVED
24 IN THE ROBBERY. THAT'S EXACTLY WHAT HE'S PLEADING GUILTY
25 TO, BUT YOUR HONOR, IN TERMS OF HIS INVOLVEMENT, I WOULD

1 ASK THE COURT TO CONSIDER THAT BRYAN'S INVOLVEMENT WAS
2 SIGNIFICANTLY LESS THAN THE CODEFENDANTS.

3 YOUR HONOR, BRYAN, AS WITH ALL THESE YOUNG MEN,
4 GAVE A STATEMENT IMMEDIATELY. HE CAME FORTH, TALKED ABOUT
5 IT LONG BEFORE I GOT INVOLVED IN THE CASE.

6 I WOULD ASK THE COURT, YOU KNOW, THIS IS A YOUNG
7 MAN. HE'S 18 YEARS OLD, EIGHTEEN, YES. HE WAS 17 WHEN
8 ALL THIS HAPPENED. THERE IS SOMETHING THAT CAN BECOME OF
9 BRYAN MURRAY OTHER THAN AN INMATE.

10 I'D ASK THE COURT TO PUNISH HIM, AND HE KNOWS
11 THAT'S WHAT'S GOING TO HAVE TO HAPPEN. I'M GOING TO ASK
12 THE COURT WHEN YOU PUNISH HIM THAT YOU TAKE INTO ACCOUNT
13 THE FACT THAT HE DOES HAVE PEOPLE THAT LOVE HIM, THAT ARE
14 GOING TO TAKE CARE OF HIM SHOULD HE EVER GET OUT. I'M
15 GOING TO ASK THE COURT TO CONSIDER HIS INVOLVEMENT. IT
16 WAS -- HE'S ALWAYS FESSED UP TO IT. IT WASN'T AS DEEP AS
17 SOME OF HIS CODEFENDANTS.

18 THANK YOU VERY MUCH, YOUR HONOR. I APPRECIATE
19 IT.

20 THE COURT: OKAY. ANYTHING ELSE FROM THE
21 SOLICITOR?

22 MR. GIESE: NO, YOUR HONOR.

23 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,
24 THE PEOPLE IN THE THING HERE, FIRST OF ALL, I'M GETTING
25 READY TO -- AFTER I MAKE A FEW REMARKS, I WILL BE

1 ANNOUNCING MY SENTENCES FOR ALL OF THESE DEFENDANTS. THIS
2 HAS BEEN A VERY EMOTIONAL MORNING FOR A LOT OF PEOPLE IN
3 THIS COURTROOM; HOWEVER, WHEN I ANNOUNCE MY SENTENCES, I
4 DON'T WANT TO HEAR EMOTIONS FROM ANYONE IN THE COURTROOM.

5 IF YOU HAVE EMOTIONS TO SHOW, PLEASE GO OUTSIDE
6 THE COURTHOUSE BEFORE YOU DO THAT BECAUSE I DON'T WANT TO
7 SEE ANY IN THE COURTROOM. IF YOU DISRUPT THE PROCEEDINGS,
8 I MAY HAVE TO TAKE SOME ACTION THAT I DON'T WANT TO TAKE.

9 NOW, FIRST OF ALL, LET ME OFFER MY CONDOLENCES,
10 MRS. MESSER, TO YOU AND YOUR FAMILY FOR THEIR TRAGIC LOSS.

11 IS MR. FERGUSON HERE TODAY? DID MR. FERGUSON
12 COME DOWN?

13 MR. GASSER: NO, SIR.

14 THE COURT: HE DIDN'T COME HERE TODAY.

15 I HOPE YOU WILL NOT JUDGE THE PEOPLE OF COLUMBIA
16 AND THIS STATE BY THE ACTIONS OF THE FEW PEOPLE IN THIS
17 CASE. THIS IS TRULY AN EXCEPTION AND NOT THE RULE TO THE
18 PEOPLE OF COLUMBIA.

19 SECOND, I WANT TO COMMEND THE LAW ENFORCEMENT
20 OFFICERS FROM THE CITY OF COLUMBIA, THE RICHLAND COUNTY
21 SHERIFF'S OFFICE, S.L.E.D., THE F.B.I., AND THE RICHLAND
22 COUNTY SOLICITOR, MR. GIESE, FOR HIS EFFORTS WITH HIS
23 STAFF IN PUTTING THIS CASE TOGETHER AND BRINGING IT TO
24 SUCH A QUICK CONCLUSION, AND ALSO TO ALLOW IT FOR HAVING
25 THIS CASE PRESENTED AS A GUILTY PLEA THIS WEEK TO AVOID

1 THE NECESSITY OF TWO LONG TRIALS.

2 NOW, SOME OF US HERE TODAY GO THROUGH THIS
3 SITUATION AND HEAR THESE STORIES ON A REGULAR BASIS. SOME
4 OF YOU WOULD BE SURPRISED HOW MANY TIMES WE HAVE PEOPLE
5 PLEADING GUILTY TO ARMED ROBBERY IN THIS COURTROOM,
6 ESPECIALLY IN THE LAST SIX MONTHS.

7 I DON'T KNOW, AND I DON'T THINK ANYBODY ELSE
8 KNOWS WHAT TAKES GOOD KIDS AND TURNS THEM INTO PEOPLE WHO
9 GO OUT AND COMMIT ARMED ROBBERY. PERHAPS THEY DON'T KNOW
10 THAT ARMED ROBBERY CARRIES A MINIMUM OF 10 AND A MAXIMUM
11 OF 30 YEARS. MAYBE THEY DON'T KNOW THAT, BUT IT'S
12 HAPPENING MORE AND MORE.

13 FOR MANY PEOPLE WHO COME IN HERE TO PLEAD GUILTY
14 TO ARMED ROBBERY, THIS IS THEIR FIRST CRIMINAL OFFENSE.
15 THEY NEVER HAD ANY BRUSH WITH THE LAW UNTIL THEY COME IN
16 HERE AND THEY'RE FACING 30 YEARS IN PRISON.

17 NOW, WHEN I SENTENCE THESE DEFENDANTS TODAY, I'M
18 TAKING INTO CONSIDERATION THEIR COOPERATION WITH THE
19 INVESTIGATION AND THEIR WILLINGNESS TO TAKE RESPONSIBILITY
20 FOR THEIR ACTIONS, BUT I ALSO COMMEND THEIR ATTORNEYS FOR
21 THEIR EFFORTS WHICH RESULTED IN THESE GUILTY PLEAS WHICH
22 AVOIDED THE LONG TRIALS WHICH WOULD HAVE FOLLOWED HAD
23 THERE NOT BEEN GUILTY PLEAS.

24 WHEN I FASHION THESE SENTENCES FOR THESE
25 INDIVIDUALS, I'M MINDFUL OF THE FACT THAT MURDER IN THIS

1 STATE CAN CARRY FROM 30-PLUS YEARS TO LIFE WITHOUT PAROLE.

2 ARMED ROBBERY, LIKE I SAID, CARRIES 30 YEARS OF
3 WHICH YOU MUST SERVE 85 PERCENT. THESE SENTENCES COULD
4 RUN CONSECUTIVE SO THAT EACH ONE OF THESE DEFENDANTS ON
5 THE ARMED ROBBERY CHARGES ALONE COULD SERVE 120 YEARS, BUT
6 AS WE ALL KNOW, NO ONE IS GOING TO LIVE 120 YEARS.

7 I'M ALSO MINDFUL OF THE FACT THAT GUILTY PLEAS
8 IN CRIMINAL CASES ARE A WAY TO END THESE MATTERS, WHICH IS
9 IN A FORM ACCEPTABLE WITH ALL PARTIES CONCERNED, AND IF
10 EVERY PERSON CHARGED WITH MURDER WAS GIVEN LIFE WITHOUT
11 PAROLE, THERE WOULD NEVER BE ANY GUILTY PLEAS IN CASES
12 WHICH WOULD BRING IT TO AN END, AND EVERY CASE WOULD
13 RESULT IN A TRIAL.

14 SO I'VE TAKEN INTO CONSIDERATION EVERYTHING THAT
15 YOU'VE SAID HERE TODAY AND WHAT I'VE TOLD YOU AS I HAND
16 DOWN MY SENTENCES.

17 NOW, PERHAPS WHAT EVERYBODY HAS SAID HERE TODAY
18 FROM THE SOLICITOR, THE LAW ENFORCEMENT, THE JUDGE, TO ALL
19 OF THE DEFENSE COUNSEL, WILL SEND A MESSAGE TO THE YOUNG
20 MEN IN THIS COMMUNITY, IT'S JUST NOT ACCEPTABLE TO GO OUT
21 AND COMMIT THE CRIME OF ARMED ROBBERY. IF IT'S ARMED
22 ROBBERY, THEY GENERALLY HAVE A GUN AND LOTS OF PEOPLE GET
23 SHOT. IT'S JUST NOT ACCEPTABLE. IT CARRIES LONG
24 SENTENCES. IT WILL NOT BE TOLERATED IN THIS STATE. THE
25 SHERIFF HAS SAID IT WILL NOT BE TOLERATED. AS LONG AS I

1 AM A JUDGE, IT WILL NOT BE TOLERATED. WE'LL HAND DOWN
2 HEAVY SENTENCES.

3 I'M ALSO TAKING INTO CONSIDERATION IN MY
4 SENTENCES WHAT SHERIFF LOTT SAID ABOUT NOT ONLY DID THEY
5 COMMIT THE FIRST CRIME ON LAURENS STREET, THEY CONTINUED
6 TO GO RAMPAGE THROUGH THE COUNTY AFTER THAT. THAT CONCERNS
7 ME A LOT. THEY COULD HAVE PULLED UP INTO MY DRIVEWAY, BUT
8 ANYWAY, IF ALL OF THE DEFENDANTS WOULD PLEASE RISE, I'LL
9 PASS SENTENCE AT THIS TIME.

10 ALL RIGHT. MR. MURPHY, ON THE CHARGE OF MURDER,
11 I'M GOING TO SENTENCE YOU TO THE DEPARTMENT OF CORRECTIONS
12 FOR A PERIOD OF 43 YEARS. ON EACH ONE OF THE ARMED
13 ROBBERY CHARGES, I'M GOING TO SENTENCE YOU TO 30 YEARS; 20
14 YEARS ON THE ATTEMPTED ARMED ROBBERIES, AND FIVE YEARS ON
15 THE CONSPIRACY CHARGE.

16 MR. MAYO, ON THE CHARGE OF MURDER, I'M GOING TO
17 SENTENCE YOU TO 47 YEARS; 20 YEARS ON THE ASSAULT AND
18 BATTERY WITH INTENT TO KILL; 30 YEARS ON EACH ONE OF THE
19 ARMED ROBBERIES; 20 YEARS ON THE ATTEMPTED ARMED
20 ROBBERIES; FIVE YEARS ON THE CONSPIRACY.

21 MR. BRAVEBOY, I'M GOING TO SENTENCE YOU TO 30
22 YEARS ON EACH ONE OF THE ARMED ROBBERIES; 20 YEARS ON EACH
23 ONE OF THE ATTEMPTED ARMED ROBBERIES; FIVE YEARS ON THE
24 CONSPIRACY. THE CONSPIRACY WILL BE CONSECUTIVE TO THE
25 OTHER CHARGES, ALL OTHER CHARGES. BOTH SENTENCES WILL RUN

1 CONCURRENT, AS WILL THE SENTENCES FOR MR. MURPHY AND
2 MR. MAYO.

3 MR. MURRAY, I'M GOING TO SENTENCE YOU TO 30
4 YEARS ON EACH ONE OF THE ARMED ROBBERIES; 20 YEARS ON THE
5 ATTEMPTED ARMED ROBBERIES; FIVE YEARS ON THE CONSPIRACY.
6 LIKEWISE, YOUR CONSPIRACY CHARGE WILL RUN CONSECUTIVE TO
7 THE OTHER SENTENCES, AND FIVE YEARS WILL RUN CONSECUTIVE
8 TO YOUR OTHER SENTENCES.

9 THANK YOU VERY MUCH.

10 MR. STRICKLER: THANK YOU.

11 MR. JOHNSON: THANK YOU, YOUR HONOR.

12 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)
13
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, KAREN TRACY, OFFICIAL COURT REPORTER FOR THE 5TH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND PARTIAL
TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE
INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO
APPEAL, IN THE COURT OF GENERAL SESSIONS FOR RICHLAND
COUNTY, SOUTH CAROLINA, ON THE 4TH DAY OF JUNE, 2002.

MAY 26TH, 2003



KAREN TRACY, COURT REPORTER

MY COMMISSION EXPIRES: 07/06/04

ATTACHMENT “C”

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race: B Sex: M Age: 18

DOB: [REDACTED]

Address: [REDACTED]

Columbia, SC [REDACTED]

DL# [REDACTED] SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001-GS-40-6643

A/W#: G838044

Date of Offense: 8/20/01

S.C. Code §: 16-17-410

CDR Code #: 0101419

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Conspiracy

in violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0101419

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
SolicitorBryan Murray
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT or ☒ CONSECUTIVE to sentence on: 6/4/02

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%)....\$ _____

§14-1-211(A)(1) (Surcharge)\$ _____

§14-1-211(A)(2) (Surcharge)\$ _____

§56-5-2995 (DUI Assessment)....\$ _____

3% to County (if paid in installments)....\$ _____

TOTAL.....\$ _____

ATTEST

A TRUE COPY

[Signature]
Clerk of Court Deputy Clerk

Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

PRESIDING JUDGE R. Henry McVicker

Judge Code: 101413

Sentence Date: 5/30/02 6-4-02

Pink - Defendant

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race: B Sex: M Age: 18

DOB: SS#:

Address:

Columbia, SC

DL#

SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001 -GS- 40 - 6644

A/W#: G 838048

Date of Offense: 8/20/01

S.C. Code §: 16-11-330 (B)

CDR Code #: 01 01 216

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Armed Robbery

in violation of § 16-11-330 (B) of the S.C. Code of Laws, bearing CDR Code # 01 01 216

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%)\$ _____

§14-1-211(A)(1) (Surcharge)\$ _____

§14-1-211(A)(2) (Surcharge)\$ _____

§56-5-2995 (DUI Assessment)\$ _____

3% to County (if paid in installments)\$ _____

TOTAL\$ _____

ATTEST

A TRUE COPY

Clerk of Court/Deputy Clerk

Court Reporter: _____

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PRESIDING JUDGE

Judge Code: 101413

Sentence Date: 5/30/02

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race:

B

Sex:

M

Age:

18

DOB:

SS#:

Address:

Columbia, SC

DL#

SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001 -GS- 40 - 6646

A/W#:

G838047

Date of Offense:

8/20/01

S.C. Code §:

16-11-330 (B)

CDR Code #:

01 01 216

☐ CASE RESTORED

SENTENCE

☒ PLEA☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Armed Robbery

in violation of § 16-11-330 (B) of the S.C. Code of Laws, bearing CDR Code # 01 01 216

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%)\$ _____

§14-1-211(A)(1) (Surcharge)\$ _____

§14-1-211(A)(2) (Surcharge)\$ _____

§56-5-2995 (DUI Assessment)\$ _____

3% to County (if paid in installments)\$ _____

TOTAL\$ _____

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter:

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND
STATE VS.AKA: Bryan MurrayRace: B Sex: M Age: 18DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]DL# [REDACTED] SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001-GS-40-6470A/W#: 6634949Date of Offense: 8/20/01S.C. Code §: 16-11-330CDR Code #: 011319☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Armed Robbery
in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 011319☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] Solicitor Bryan Murray Defendant [Signature] Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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 Defendant is to be given credit for _____ days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%)....\$ _____

§14-1-211(A)(1) (Surcharge).....\$ _____

§14-1-211(A)(2) (Surcharge).....\$ _____

§56-5-2995 (DUI Assessment).....\$ _____

3% to County (if paid in installments)....\$ _____

TOTAL\$ _____

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE P. Henry McAllenJudge Code: 101413Sentence Date: 5/30/02 6-4-02Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race: B Sex: M Age: 18

DOB: SS#:

Address:

Columbia, SC

DL# SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001-GS-40-6471

A/W#: 6634952

Date of Offense: 8/20/01

S.C. Code §: 16-11-330

CDR Code #: 011319

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Armed Robbery

in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 011319

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%)....\$ _____

§14-1-211(A)(1) (Surcharge).....\$ _____

§14-1-211(A)(2) (Surcharge).....\$ _____

§56-5-2995 (DUI Assessment)....\$ _____

3% to County (if paid in installments)....\$ _____

TOTAL.....\$ _____

PTUP _____

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May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE R. Henry McKelvey

Judge Code: 10413

Sentence Date: 5/30/02 6402

Court Reporter: _____

Clerk of Court/Deputy Clerk

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race: B Sex: M Age: 18

DOB: SS#:

Address:

Columbia, SC

DL# SID#: SCD1369515

A/W#: G634951

Date of Offense: 8/20/01

S.C. Code §: 16-11-330

CDR Code #: 0111319

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Armed Robbery

in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 0111319

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$

\$14-1-206 (Assessments 100%).....\$

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\$14-1-211(A)(2) (Surcharge).....\$

\$56-5-2995 (DUI Assessment).....\$

3% to County (if paid in installments)....\$

TOTAL.....\$

PTUP _____
_____ days/hours Public Service Employment

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Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE

Judge Code: 101413

Sentence Date: 8/20/02 64-02

Clerk of Court/ Deputy Clerk

Court Reporter: _____

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (1/2001)

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

RICHLAND

VS.

Bryan Murray

AKA:

Race: B Sex: M Age: 18

DOB: [REDACTED] SS#: [REDACTED]

Address:

Columbia, SC

DL# [REDACTED] SID#: SC01369515

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2001 GS- 40 - 6714

A/W#: G634964

Date of Offense: 8/20/01

S.C. Code §: 16-11-330

CDR Code #: 01 / 1 / 3 / 9

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Armed Robbery

in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 01 / 1 / 3 / 9

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

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

ATTEST:

[Signature]
Solicitor

Bryan Murray
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years 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.

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$ _____

§14-1-206 (Assessments 100%).....\$ _____

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3% to County (if paid in installments)....\$ _____

TOTAL\$ _____

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Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE P. Henry McCall

Judge Code: 101413

Sentence Date: 5/20/07 6-4-02

Court Reporter: _____

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (1/2001)

ATTACHMENT “D”

RICHLAND COUNTY
FILED

2023 JUL 27 AM 9:49

JEANETTE W. MCBRIDE
C.C.P., G.S., & F.C. 

Bryan Murray #284701
A.C./F2-A14
P.O. Box 1151
Fairfax, S.C. 29827

Jeanette W. McBride
Richland County Clerk of Court
P.O. Box 2766
Columbia, SC 29202

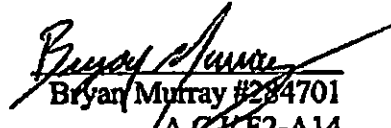
RE: Motion to Reconsider Sentence

Dear Ms. McBride,

It appears I am in need of some assistance from your office. On 06-04-02, I was convicted of Armed Robbery (2001-GS-40-6714,6470,6471,6472) Attempted Armed Robbery (2001-GS-40-6644,6646) and Criminal Conspiracy (2001-GS-40-6643). I was sentenced to 30 years for Armed Robbery, 20 years for Attempted Armed Robbery in which the two sentences are ran concurrent and 5 years for Criminal conspiracy which is ran consecutive. As it currently stands, I am eligible for parole on 02-22-27, which is the exact date that I max-out my 30 years/20-year concurrent sentence for Armed Robbery/Attempted Armed Robbery.

Being that I have a 5-year consecutive sentence for Criminal Conspiracy, my projected max-out date is currently 10-14-2029. Therefore, by way of this legal correspondence (motion) I am respectfully requesting that the court reconsider my sentence and run my 5-year sentence of Criminal Conspiracy concurrent with the Armed Robbery/Attempted Armed Robbery sentences. Notice should be taken that the Criminal Conspiracy change is a non-violent offense and it occurred along with the other mentioned offenses. In alternative I would like to humbly ask the solicitor's office to consent to this motion in light of the mentioned facts.

Respectfully Submitted,


Bryan Murray #284701
A.C./F2-A14
P.O. Box 1151
Fairfax, S.C. 29827

**In The Court of Common Pleas
Richland County, SC**

Certificate of Service

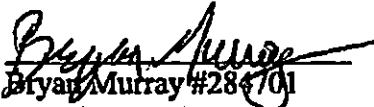
I, Bryan Murray hereby declare under penalty of perjury that on this date below, I have served a true copy of motion upon the listed below by placing a copy in an envelope and in an institutional mailroom official's possession for depositing in the U.S. Mail, First Class postage affixed and addressed as indicated below:

Jeanette W. McBride
Clerk of Court, Richland County
P.O. Box 2766
Columbia, SC 29202-2766

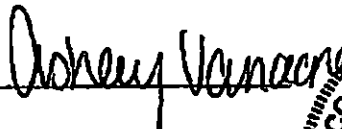
The Hon. Robert E. Hood
P.O. Box 192
1701 Main Street Suite 222
Columbia, SC 29202

Date: 7-17-2023

Respectfully Submitted,

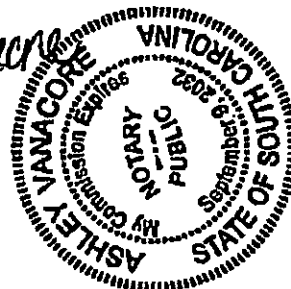

Bryan Murray #284701
A.C.I/ F2-A14
P.O. Box 1151
Fairfax, S.C. 29827

Notary Public:

Sworn to and subscribed before me: 

This 17th day of July 2023

My commission expires: 9/9/32



RECEIVED

Apr 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Honorable Jocelyn Newman, Circuit Court Judge
Appellate Case No. 2023-001770

THE STATE,

Respondent,

vs.

BRYAN MURRAY,

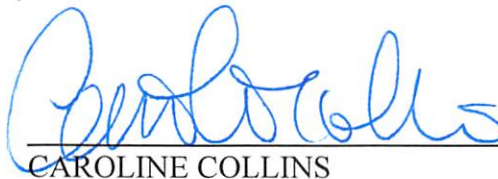
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Return to Motion to Stay Appeal on Appellant by mailing a copy to the following pro se individual:

Bryan Murray, # 284701
A.C.I./BWA-14
1057 Revolutionary Trail
Fairfax, SC 29827

I further certify all parties required by Rule to be served have been served.
This 19th day of April, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General