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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2022-001441

The State, ...Respondent,

v.

Deshawn Chazz Hurley,.....Appellant.

RECORD ON APPEAL – VOLUME III OF III

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State's Exhibits 1-82, 96, 109-127, 130-138, and 141, co-defendant Reed's Exhibits 4 and 16, And Court Exhibits 1-15 will be transported to the Court.

1 and if not, then maybe I'll let you give her a little bit of
2 help, Mr. Henderson.

3 Q On State's Exhibit Number 88, can you point out
4 Cardinal Glen Apartments? It's not marked.

5 MR. HENDERSON: And let the record reflect, Your Honor,
6 that she did point to Cardinal Glen.

7 THE COURT: She's pointing to the lower right-hand
8 corner of the diagram.

9 MR. HENDERSON: Right, and for the Court's record too,
10 the whole photograph of the apartment complex is not on the
11 photograph.

12 Q On the portion of Cardinal Glen that's on the
13 photograph, can you point for the jury where you dropped off
14 Narkevious, or is that portion on the map?

15 A (UNINTELLIGIBLE)

16 THE COURT: I need her to speak up a little bit.

17 MR. HENDERSON: You need to speak up, because Madam
18 Court Reporter is taking that down.

19 A I want to say right here in this area.

20 MR. HENDERSON: And, Your Honor, let the record reflect
21 that she's pointing to the bottom, kind of, in the middle
22 bottom, where there is a whole building, there's a partial
23 building under it. She is pointing at the partial building
24 under it.

25 THE COURT: Very good.

1 Q Did I state that correctly, Ms. Bryant?

2 A Yes, sir.

3 MR. HENDERSON: You can get back on the stand. I have
4 no further questions of this witness.

5 MS. TAYLOR: No, sir.

6 THE COURT: Ma'am, you can step down. Call your next
7 witness.

8 MR. HENDERSON: I call Narkevious Reid, Your Honor.

9 WHEREUPON, Narkevious Reid, having first
10 been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. HENDERSON:

13 Q Narkevious, I'm going to ask you to keep your mask on.
14 Just because I know His Honor is masked and the Bailiff is
15 masked and we understand that you tested positive for COVID.
16 Is that correct?

17 A Yes, sir.

18 Q Okay.

19 THE COURT: If it's okay, I'm going to just stand down
20 here and just give me about 6 feet since we don't have the
21 screen up.

22 MR. HENDERSON: That will be more than fine, Your
23 Honor.

24 THE COURT: No offense, Mr. Reid.

25 Q Tell the jury again who your girlfriend is.

- 1 A Jadasha Bryant.
- 2 Q Is that the young lady that just testified?
- 3 A Yes, sir.
- 4 Q Now, do you love her?
- 5 A To death.
- 6 Q Now do y'all have any children together?
- 7 A We got one beautiful little girl.
- 8 Q And what is her name?
- 9 A Aliyah. Ja'Na Aliyah Reid.
- 10 Q And how old is Aliyah?
- 11 A She just turned four July 1.
- 12 Q Are you in a rap group or rap band?
- 13 A Yes, sir.
- 14 Q And what is that band or rap group called?
- 15 A Contraband Gang.
- 16 Q And when was that rap band formed? When did you start
- 17 it?
- 18 A Around 2016.
- 19 Q So, about six years ago?
- 20 A Yes, sir.
- 21 Q Narkevious, if you could look up at the screen. Can
- 22 you see that photo?
- 23 A Yes, sir.
- 24 Q And for the Court's record that's Reid's Number 18,
- 25 which is already into evidence. Can you tell the jury what

1 that is?

2 A It's a tattoo of my band.

3 Q And where's that tattoo at?

4 A Located on my back.

5 Q And when did you have that tattoo put on your back?

6 A Around the time the group was made.

7 Q About six years ago?

8 A About six years ago.

9 Q Tell the jury a little bit about how you came up with
10 this name and this logo.

11 A Well, I didn't actually come up with the name or the
12 logo. One of the other members did, to be honest.

13 Q Did you think it looked cool?

14 A Oh, yeah.

15 Q Did you think it sounded cool?

16 A Yes, sir.

17 Q Now, this band, does your rap group play concerts or
18 shows?

19 A Oh, yeah. We done done plenty of concerts, shows, or
20 whatever you want to call it.

21 Q And are you making a living? Are you making money from
22 playing these shows?

23 A Yes, sir.

24 Q Have you made any videos with this rap group?

25 A Yes, sir.

1 Q Okay. Are those videos on social media?

2 A Yes, sir. YouTube.

3 Q You want the world to know you're in a rap group;
4 correct?

5 A Oh, yeah. I'm trying to make something out of it.

6 Q So they come to your shows.

7 A Yes, sir.

8 Q Have you ever been in a recording studio with your rap
9 group?

10 A Yes. QC Recording Studios. That's in Atlanta.

11 Q And have you ever recorded any music?

12 A Yes, sir.

13 Q And, before we go any further, now you've learned too
14 that your co-defendant, Mr. Hill, got shot. You learned
15 that, didn't you?

16 A Yes, sir.

17 Q Have you had the opportunity to see his wounds?

18 A Yes, sir. I did.

19 Q Have you had the opportunity to see his wounds as
20 recently as last week?

21 A Yes, sir.

22 Q I want to show you, and again, these are already into
23 evidence, so you don't necessarily have to comment on them,
24 but I just want to show the jury this. And what's up on the
25 screen is Reid's Exhibit Number 19. And that's consistent

1 with what you saw last week on Mr. Hill; correct?

2 A Yes, sir. It is.

3 Q And I want to show what's been marked as Reid's Exhibit
4 Number 20. And, again, some of the photographs are, kind
5 of, dark; correct?

6 A Yes, sir.

7 Q But this is consistent with what you saw last week?

8 A Yes, sir.

9 Q I'll show you Reid's Exhibit Number 21. And, again, is
10 that consistent with what you saw in Mr. Hill's body last
11 week?

12 A It is.

13 Q And, again, I want to show you Reid's Number 22. And
14 again, is that consistent with what you saw in Mr. Hill's
15 body last week?

16 A Yes, sir.

17 Q And again, I'm putting up on the TV screen what's been
18 marked as Reid's Number 17. It's already in evidence,
19 Narkevious, but do you recognize this photograph?

20 A Yes, sir. I do.

21 Q And who's that in the photograph?

22 A It's me and my girlfriend, Jadasha.

23 Q Okay. And I think she testified y'all were at a baby
24 shower?

25 A Yes. Our baby shower.

1 Q Your baby shower.

2 A Yes, sir.

3 Q And that's for Alyiah?

4 A Yes, sir.

5 Q And do you recognize the clothes that you were wearing
6 in this picture?

7 A Yes, sir. I do.

8 Q Now, I want to turn your attention to April 8, 2020.
9 Do you remember that day?

10 A Yes, sir. I do.

11 Q Does that day stand out to you?

12 A Very well.

13 Q For a variety of reasons; correct?

14 A Yes, sir.

15 Q I want to go back to Reid's Exhibit 17. Do you
16 remember the clothes were wearing that day?

17 A Yes, sir. I do.

18 Q And were those clothes that you were wearing that day,
19 are those the same clothes and this picture, Number 17?

20 A Yes.

21 Q Any doubt about that?

22 A No, sir.

23 Q On that day, on April 8, 2020, before we go into any
24 more detail, did you ever see Mr. Hill that day?

25 A No, sir.

1 Q Do you remember what time you arrived at Cardinal Glen
2 Apartments?

3 A I would say around about 12:30.

4 Q And who took you there?

5 A My girlfriend.

6 Q And what's your girlfriend's name?

7 A Jadasha.

8 Q And that's who just testified?

9 A Yes, sir.

10 Q Did she have anywhere she had to be?

11 A Yes, she had to be at work around 1:00.

12 Q And I think she testified she worked in Abbeville?

13 A Yes, sir.

14 Q What apartment or whose apartment did she drop you off
15 to that day?

16 A At my friend's house.

17 Q And do you recall your friend's name?

18 A Mr. Sloan, but I call him Snoop.

19 Q Snoop, as in, like, Snoopy?

20 A Yes, sir.

21 Q Do you remember what apartment Snoop lived in?

22 A I want to say it was [REDACTED].

23 Q Had you ever been there before?

24 A Yes.

25 Q So, you knew where to go?

1 A Yes, sir.

2 Q You didn't have any problems -- or did you have any
3 problems telling your girlfriend where to drop you off at?

4 A No, sir.

5 Q You knew where you were going?

6 A Oh, yeah.

7 Q Was anybody else there when you got there?

8 A I want to say his grandma.

9 Q Did she live there, or do you know?

10 A I don't know if she lived there, but she was there.

11 Q And is it fair to say you were there without car or a
12 vehicle?

13 A Yes, sir.

14 Q Did there come a time where Snoop left?

15 A Yes, he had to be to work.

16 Q And do you recall where he worked at?

17 A He worked at McDonald's.

18 Q So, he left?

19 A Yes, sir.

20 Q Do you recall if his grandmother left?

21 A I don't know.

22 Q You just don't know?

23 A No.

24 Q Did there ever come a point in time where you had to
25 find a way to get home?

- 1 A Yes.
- 2 Q And how are you planning on getting home?
- 3 A I had made a call to Mr. Hurley to come pick me up.
- 4 Q And that's Mr. Hurley here in the courtroom?
- 5 A Yes, sir.
- 6 Q So, did you consider Mr. Hurley a friend?
- 7 A Yes, sir.
- 8 Q Do you have his phone number?
- 9 A Yes, sir.
- 10 Q So, you knew how to get in contact with him?
- 11 A Yes, sir. I did.
- 12 Q Did you, in fact, call him to come get you?
- 13 A Yes, sir.
- 14 Q And where were you at waiting for him to come get you
- 15 at?
- 16 A In the front building of Snoop's apartment.
- 17 Q Narkevious, I'm going to have you come down here.
- 18 You're going to have to speak up. I'm going to put my mask
- 19 back on, and again, we've got to stay at least 6 feet away
- 20 from the jurors. And again, you have to speak up so Madam
- 21 Court Reporter can hear you. And again, I'm looking at what
- 22 has been marked as State's Exhibit 88. Narkevious, can you
- 23 point out Cardinal Glen Apartment on State's Exhibit 88? A
- 24 This would be Cardinal Glen, right here.
- 25 MR. HENDERSON: And let the record reflect, Your Honor,

1 that he's pointing at, kind of, the right middle at the
2 bottom where we see a full building, kind of, vertical and
3 half building, kind of, vertical under it.

4 THE COURT: That is how he's indicating.

5 Q Narkevious, can you point out where Snoop's apartment
6 was, and where you were standing at?

7 Q Snoop's apartment would be right here.

8 MR. HENDERSON: And again, Your Honor, let the record
9 reflect he's pointing to a parking lot, a paved parking lot,
10 that's kind of in the middle, to the right of that full
11 vertical building and the half vertical building that's
12 underneath it.

13 THE COURT: That is correct.

14 Q And can you point out to the jury how you and Jadasha
15 entered Cardinal Glen?

16 A We came in from this way.

17 Q You've got to speak up.

18 A We came in this way, came down, and we entered right
19 here.

20 MR. HENDERSON: And let the record reflect, Your Honor,
21 he indicated that they came down Parkway. They came down to
22 the Cardinal Glen Apartment complex and they turned right
23 into it from Parkway.

24 Q So your testimony was that you called Mr. Hurley; is
25 that correct?

1 A Yes, sir.

2 Q And you were waiting on Mr. Hurley.

3 A Yes, sir.

4 Q Can you tell the jury where Mr. Hurley was when you
5 first saw him in his vehicle?

6 A Well, Mr. Hurley is really not -- he don't really know
7 the area like that, so he made a mistake and turned right
8 here.

9 Q Okay, let me stop you right there. Do you recognize
10 the name of that, those apartment complex?

11 A Hillcrest.

12 MR. HENDERSON: Let the record reflect, Your Honor,
13 that he testified or showed that Mr. Hurley turned right off
14 of Parkway into Hillcrest Condominiums.

15 THE COURT: The record will reflect.

16 Q Could you see Mr. Hurley when he turned in there?

17 A Yes, you actually can see -- so, standing right here,
18 you can see this whole road. You know, it's a gate right
19 here, so it ain't like he can just turn in the gate area,
20 because the gate is blocked off right here. So, but I
21 actually seen Mr. Hurley turn on this road right here.

22 MR. HENDERSON: And let the record reflect that he's
23 indicating that there is a gate between Cardinal Glen and
24 Hillcrest Condominiums where you can't drive between the two
25 apartment complexes.

1 Q Did I state that accurately?

2 A Yes, sir.

3 Q What did you do when you saw Mr. Hurley turn into the
4 wrong apartment complex?

5 A I called him and, kind of, flagged him down, waved him
6 down, or whatever you want to call it to let him know, like,
7 Hey, bro. Like, I'm right here. I see you. I see you turn
8 right here, but that's not where I'm at. I'm right here.

9 Q Is it's fair to say that Mr. Hurley turned around?

10 A Yes, sir.

11 Q Is it fair to say that he came to the stop sign at the
12 end of that road?

13 A Yes, sir.

14 Q Is it fair to say that he had to turn right onto
15 Parkway?

16 A Yes, sir.

17 Q Is it fair to say that he had to turn right to come
18 into Cardinal Glen?

19 A Yes, sir.

20 Q Are you watching all this?

21 A Oh, yeah.

22 Q Where you're standing at, do you see him?

23 A Yes.

24 Q When he pulls in, did he have any difficulty finding
25 you after he pulled into Cardinal Glen?

1 A I mean, no. No, sir. Because, like I said, I was
2 standing right here.

3 Q And you said you were waving your hands?

4 A Yes.

5 Q Did he pull up to you?

6 A Yes, sir.

7 Q When he pulled up to you, how many people were in the
8 car?

9 A Just him.

10 Q Didn't have any passengers with him?

11 A No, sir.

12 Q Narkevious, I'm going to have you get back on the
13 stand, if you will. I may have to have you come back down.
14 I'm not sure yet. Did you get into the car with Mr. Hurley?

15 A Yes, sir.

16 Q And where were you seated in the car with Mr. Hurley?

17 A In the front.

18 Q Shotgun?

19 A Yes, sir.

20 Q Okay. After you got into the car with Mr. Hurley, did
21 you hear anything?

22 A Yeah. Around the time, like, I want to say, like, when
23 we got towards the stop sign we heard ---

24 Q The stop -- the stop sign where?

25 A Cardinal Glen.

1 Q Okay. Now ---

2 A At the end of the road.

3 Q Okay, now keep on going.

4 A And I think we heard, like, something, like, first we
5 thought it was, like, fireworks over there, but they
6 appeared to be gunshots.

7 Q Okay. Could you tell where they were coming from?

8 A Like, all we knew was it was coming from the left of us
9 from where we was leaving.

10 Q At that stop sign at Cardinal Glen, did y'all turn left
11 or right?

12 A We turned left.

13 Q And that is Parkway Road; correct?

14 A Yes, sir.

15 Q Or Parkway Drive. It's called Parkway. And tell the
16 jury, do you know what the speed limit is through there?

17 A No, but I would say it's pretty slow, you know.

18 Q There's a lot of apartment complexes there.

19 A Yes, sir.

20 Q Can you tell the jury, so y'all were traveling -- is it
21 fair to say you were traveling up Parkway?

22 A Yes, sir.

23 Q Tell the jury what you saw next driving up Parkway.

24 A Well, as driving up the Parkway, or the main road, or
25 whatever, we end up seeing a individual running, kind of

1 running towards the main road part, and he recognized -- we
2 recognized him as Mr. Alston.

3 Q What was Mr. Alston's appearance?

4 A He was bloody.

5 Q Bloody where?

6 A In the shirt area. He had on the white shirt.

7 Q Was he running?

8 A Oh, yeah.

9 Q Did you see anything else other than Mr. Alston?

10 A No, we just seen Mr. Alston.

11 Q Tell this jury what you and Mr. Hurley did after you
12 saw Mr. Alston.

13 A Well, once we recognized who it was we, kind of, turned
14 in. You know, grabbed him. Put him in the car. And the
15 only thing he was saying is save me, so we knew it was
16 really bad. So, we grabbed him. Put him in the back seat.
17 Well, I did, to be exact. I grabbed him, put him in the
18 back seat.

19 Q Tell the jury how you grabbed him and put him in the
20 backseat.

21 A Well, he kind of fell in my arms, so I would really
22 need to, like, demonstrate.

23 Q If you need to, absolutely. You feel free to stand up
24 and do a demonstration.

25 A It was, like, you know, the closer I got to him, he

1 kind of, I guess he gave up from running and he fell
2 straight in my arms like that, forward. So, I had to grab
3 him. He's tall. You know what I'm saying.

4 Q Was he taller than you?

5 A Yeah, he's taller than me.

6 Q Did he weigh more than you?

7 A Yes.

8 Q Did you ultimately get him in the car?

9 A Yes. Yes, sir.

10 Q Did there come a chance -- did there come a time in the
11 car that you removed your shirt?

12 A Yes. Yes. I grabbed him. Put him in the car. Took
13 off my shirt. Wrapped it around him. I did try to stop some
14 of the blood. The dude -- I tried to do whatever I could,
15 you know. But, yes. I took off my shirt. Wrapped it
16 around him, and I stayed in the back seat with him. He was
17 tall, so it was really hard for me and him to be in that
18 back seat and the little amount of time that we did have,
19 you know, we had to get him to the hospital. So, we didn't
20 shut the door right then and there, you know, but we ended
21 up getting the door shut before we got to the hospital.

22 Q Did any blood get on your shirt?

23 A Yes.

24 Q Did any blood get on your pants?

25 A Yes.

1 Q Did Mr. Alston -- I think your testimony was he had
2 blood all over him.

3 A Yes.

4 Q Were things real hectic at that point in time?

5 A Oh, yeah.

6 Q From the time you picked up Mr. Alston, how long do you
7 think it took y'all to get to the hospital, Mr. Hurley
8 driving?

9 A I mean, the hospital was right, really right across
10 from where it's happening, so...

11 Q What I'm getting at -- did you have time to call EMS or
12 911?

13 A No, sir.

14 Q Did you have time to call the hospital to let them know
15 you're coming.

16 A No, sir.

17 Q Is it fair to say you had your hands full.

18 A Yes, sir.

19 Q Did you save your clothes from that day?

20 A No, sir.

21 Q And tell the jury why you didn't save your clothes.

22 A Because they had blood all over them.

23 Q Okay. I guess bringing back a bad memory.

24 A Yes, sir.

25 Q After dropping off -- after taking Mr. Alston to the

1 hospital, you and Mr. Hurley were only people in the car;

2 correct?

3 A Yes, sir.

4 Q Did Mr. Hurley make a phone call?

5 A Yes, he made a phone call to one of the family members.

6 I don't know which one, but...

7 Q Whose family members?

8 A Alston's.

9 Q Mr. Alston's family member. And you heard that
10 conversation.

11 A Yes, sir.

12 Q And where did Mr. Hurley let them know y'all were at?

13 A We was leaving the hospital.

14 Q Did y'all tell him that y'all had dropped off Mr.
15 Alston at the hospital?

16 A Yes, sir. He did.

17 Q When you dropped off Mr. Alston at the hospital, was he
18 still living?

19 A Yes, sir.

20 Q And again, tell the jury what he was telling you.

21 A The whole entire time, during that little bit of time
22 from where it was to the hospital, all he was saying was
23 saying was save me. Save me. That's it. And, you know,
24 that put a lot of pressure on me, because his life was in my
25 hands at that point.

1 Q And did you consider Mr. Alston a friend?

2 A Yes, sir.

3 Q Do you still consider him a friend?

4 A Yes, sir.

5 Q Do you think about this day?

6 A It don't leave my mind.

7 Q Would you have done anything to have saved your friend?

8 A Most definitely.

9 Q Now, did you do anything at all that day to hurt your
10 friend, Mr. Alston?

11 A No, sir.

12 MR. HENDERSON: If I may have one minute, Your Honor.

13 Nothing further, Your Honor. Let me return these exhibits.

14 THE COURT: Cross?

15 CROSS EXAMINATION

16 BY MR. STUMBO:

17 Q Good morning, Narkevious.

18 A Good morning.

19 Q I'm just going to ask you a few questions here. To
20 start with, if you could stay on the stand there. Can you
21 see the screen?

22 A Yes, sir.

23 Q This is State's 114 in evidence. Who's this guy?

24 A Jakevius Parker.

25 Q How did you know Jakevius?

Reid-Cross Examination

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- 1 A We were in a band together.
- 2 Q What band was that?
- 3 A Contraband Gang.
- 4 Q He was in the band?
- 5 A Yes, sir.
- 6 Q All right, he was a close friend?
- 7 A Yes, sir. He was.
- 8 Q Do you recognize this here? When was this put up?
- 9 A To be honest, I don't know.
- 10 Q State's 116. Who's in that picture?
- 11 A It's me and Mr. Hill.
- 12 Q He's right to your left arm?
- 13 A Yes. He's the one sitting down.
- 14 Q This is State's 120. Who are these guys here?
- 15 A That would be me and Mr. Parker, and Snoop.
- 16 Q Snoop is this guy to the left, far left?
- 17 A Yes, sir. The one standing on the thing, the pool
- 18 table.
- 19 Q Tell me about -- what's his name again?
- 20 A I call him Snoop.
- 21 Q What -- do you know his real name?
- 22 A Eli.
- 23 Q Eli. What's his last name?
- 24 A Sloan.
- 25 Q So, I'm assuming if I go down to Cardinal Glen

1 Apartments today, Eli Sloan AKA Snoop lives there?

2 A To be honest, I've been gone -- I've been incarcerated
3 almost two years, and been on house arrest since I've been
4 home, so I don't know where he stay.

5 Q Okay. And you said he works at McDonald's. So, if I
6 went down to McDonald's, would I find him working at some
7 point?

8 A At that time, he worked at McDonald's.

9 Q All right. State's 121, Mr. Reid. Again, who's in
10 this picture?

11 A It's me and my band.

12 Q Who's to your right arm, or to our left if we're
13 looking to the picture?

14 A That's Jakevius Parker.

15 Q And, just again, State's 114, that Thrasher shirt. The
16 same shirt he's wearing in this picture, right?

17 A Yes, sir.

18 Q Your Defense Exhibit Number 18, Mr. Reid. This tattoo
19 is across your back?

20 A Yes, sir.

21 Q Correct me if I'm wrong. In the middle of this design
22 is a weapon, right?

23 A Yes, sir.

24 Q What does that have to do with music?

25 A Like I said, I wasn't the one that came up with the

1 logo. I just thought it was cool and I liked it.

2 Q Who came up with it?

3 A I can't tell you. One of the members did.

4 Q Who sings most of the words in the in the rap songs in
5 these videos.

6 A Well, we all come up with different songs, so nobody
7 just says the most.

8 Q Everybody is contributing to the band. Is that what
9 you're saying?

10 A Yeah, it's a group, so it ain't there's no lead singer.

11 Q Would it be fair to say your name in this band is
12 Highklass YG?

13 A Yes, sir.

14 Q OK, that's your rap name?

15 A Yeah, it's my rap

16 Q Okay. And you would agree with me that most of these
17 videos are Highklass YG's videos on YouTube, right?

18 A Half and half.

19 Q Okay. Who's the other half?

20 A I also go by Contraband YG.

21 Q Okay. So, half of them are Highklass YG, half of them
22 are Contraband YG?

23 A Yes, sir.

24 Q But that's the label or title that's attributed on
25 these videos, right? They're yours.

1 A Yes.

2 Q Now, we've talked a lot about this in this trial. What
3 happened to Jakevius Parker?

4 A He got murdered.

5 Q Right. It was on Pearl Street at the time, right?

6 A Yes, sir.

7 Q And Ji'Tavius Adams, who's convicted of that and doing
8 prison time now, got arrested for that; correct?

9 A Yeah, he got arrested for it.

10 Q And he got prosecuted for it, right?

11 A From what I know.

12 Q And he's -- now he's doing a lot of years in the
13 Department of Corrections for what he did to your friend,
14 right?

15 A Yes, sir.

16 Q And you and Jakevius, just judging by these pictures
17 that went back some time. That was a that was a pretty long
18 lasting friendship; right?

19 A Yes, sir.

20 Q Did it make you mad when he got murdered, shot down
21 like a dog on Pearl Street?

22 A I was upset.

23 Q It was 8:00 in the morning when that happened, didn't
24 it, during the daylight, right?

25 A Yes, sir.

1 Q Walking home from the store with a bag of chips and a
2 drink in his hand. Is that right?

3 A I mean, that's the story I got. I wasn't there.

4 Q That's what they did to your friend. What he did your
5 friend.

6 A He's locked up for it.

7 Q Right. It'd make me mad too. And you were mad about
8 it; correct?

9 A I was upset.

10 Q That just happened March of 2020, not long before this
11 happened; correct?

12 A On your date.

13 Q All right, let's go to this -- to my date, April 8,
14 2020. You say it's my date. Mr. Henderson asked you about
15 it. You got down and pointed at this map. You were here
16 when your girlfriend just testified too, right?

17 A Yes, sir.

18 Q You heard her say, she was asked where she dropped you
19 off. It was that building as you were -- the last building
20 as you were leaving, kind of close to the road down there?

21 A No. The last building would be, as you're leaving the
22 last building would be the first building in the back, so it
23 would be the last building if you're leaving.

24 Q She pointed to this one down by the front, but you're
25 talking about this one where the gate is blocked off in the

1 back at Cardinal Glen?

2 A Yes.

3 MR. HENDERSON: And, Your Honor, let the record reflect
4 that Ms. Bryant and Mr. Reid have both pointed at the
5 building that they testified about.

6 THE COURT: Very good.

7 MR. STUMBO: I would dispute that characterization,
8 Judge, but I'll continue asking questions.

9 Q Mr. Reid, now exactly -- you know, you say Mr. Hurley
10 comes and picks you up after some time. Is anybody else
11 there when you when you get picked up?

12 A Me and Snoop.

13 Q Just you and Snoop?

14 A And, like I said, his grandma was there.

15 Q Okay. Grandma too?

16 A Yes. While we was there his grandma was there.

17 Q So, she could tell us that you were there that day?

18 A Yes.

19 Q You were talking about flagging down Mr. Hurley, and I
20 believe you pointed to this big parking lot here. Is it
21 back, right beside the back gate, kind of in the middle?

22 A Can I step down?

23 THE COURT: Yes. If you need to step down you can.

24 Just pull your mask back up if you don't mind, please.

25 Thanks.

1 MR. STUMBO: I just had a little bit of trouble seeing
2 from over there. I wanted to make sure I got this right.

3 Q Where are you standing?

4 A I'm right here. In the parking lot right here.

5 Q So, Snoop's apartment is here.

6 A No. Snoop's apartment is here. There's another
7 building right here. Then you got the gate right here.
8 Snoop's apartment is right here.

9 Q So, while we're down here, just a couple more
10 questions. He picks you up here. Y'all end up at this stop
11 sign?

12 A I think he picked me up. Yes, sir. Right here.

13 Q And just correct me if I'm wrong, if I'm misstating
14 this, but you indicated on direct that you heard fighting
15 words from down here? So kind of fighting words?

16 A Fireworks. Fireworks.

17 Q Fireworks, OK. Thank you for correcting me. I thought
18 you said fighting words. So, you heard fireworks?

19 A (Non-verbal response.)

20 Q Yes?

21 A Yes, sir.

22 Q Thank you. You see Mr. Alston running at you, all
23 bloodied up where again?

24 A He wasn't necessarily running at me until we turned
25 into where he was. Like I said, he was running towards the

1 road, if you want to say that? And I get out the car, and
2 once I get out the car, he ran towards me and fell in my
3 arms.

4 Q Now, you say the road. Are you talking about the main
5 road, Parkway?

6 A He was heading towards that way like he was trying to
7 head out of the entrance of where he was already at.

8 Q Which entrance? Which? Hillcrest apartments or the
9 Gardens, the one beside it?

10 A The one to the left on Hillcrest.

11 Q Okay, and he's running out of the driveway towards the
12 road where y'all are driving by?

13 A He's running towards -- he's -- he's still in that
14 area, but you can tell that he's trying to get out of that
15 way. If that -- if you can understand that.

16 Q So, you never pulled back in to where these apartments
17 are? Is that what you're telling this jury?

18 A From where he was running? You're talking about from
19 where he was running?

20 Q No, just did y'all pull in off of Parkway all the way
21 back into these apartments? Is that what you're telling
22 this jury?

23 A No, sir. No, sir. We didn't pull all the way back in
24 to those apartments.

25 Q Okay, you just pulled off the side of the road there?

1 A We pulled in a little bit, because like I said, it was
2 already kind of like he was going to run towards -- out of
3 those the apartments where he was at, so we pulled in that
4 way. Got out the car. He fell in my arms. Put him in the
5 car, and we went to the hospital.

6 Q And by that time you were in the back seat? Does that
7 ...

8 A I didn't get into the back in the back seat until I put
9 him in the back seat.

10 Q Okay, so where were you before that?

11 A In the front.

12 Q Tinted windows in this vehicle, in Hurley's Camry,
13 right?

14 A I mean, I don't -- I don't really know his car like
15 that, the car he was in like that, to be able to say that
16 there was tinted windows. I can't just describe the car.
17 All I knew is it was a black car.

18 A Were your windows up or down when you heard the -- what
19 you thought was fireworks?

20 A Say that again.

21 Q Were your windows up or down in the Camry when you
22 heard what you thought was fireworks?

23 A They were up.

24 Q You were down there at the driveway of Cardinal Glen,
25 windows up, and you heard what you thought were fireworks?

1 A Yes, sir.

2 Q It was two in the afternoon, right?

3 A Yes, sir.

4 Q All right, State's 79. You can stay there, Mr. Reid.

5 All right. Do you recognize this? You've seen it throughout
6 the trial, correct? This is State's 79.

7 A Yes, sir.

8 Q All right, where my pen is pointing here, this guy
9 here. That's you, right?

10 A Yes, sir.

11 Q You're not wearing a shirt in this video or in this
12 picture, are you?

13 A No, sir.

14 Q And you say that you take your red shirt off and wrap
15 it around Mr. Alston?

16 A Yes, sir.

17 Q Is it still wrapped around him when he gets into this
18 chair?

19 A No, sir.

20 Q Okay, where is it at that point?

21 A In the car.

22 Q Well, did you wrap it around him to stop the bleeding?

23 A Yes, sir.

24 Q And then you took it off to let him start bleeding
25 again?

1 A I mean, as I was getting out the car, I guess it kind
2 of unwrapped off him. I mean, it wasn't -- it was just
3 wrapped around him.

4 Q Okay. It fell off where? Is it still there in the
5 parking lot?

6 A No, it's in the car.

7 Q Okay. You picked it up and took it with you?

8 A As I got home, I threw my whole outfit away. So, yes,
9 it was there in the car.

10 Q Did you throw anything else away?

11 A No, just my outfit.

12 Q Now, Trivoriaye Alston, you knew him. He was a friend
13 too, correct?

14 A Yes, I knew him.

15 Q This guy, Xayvion Hill. He's a friend too, isn't he?

16 A Yes, he's a friend.

17 Q He's in a lot of these pictures the jury has already
18 seen?

19 A Yes, sir.

20 Q State's 115. Have you ever seen that before this week?

21 A I mean, I've seen it in here, but I've never seen it on
22 the outside.

23 Q Fair enough. Trivoriaye was your friend though, right?

24 A Yes, sir.

25 Q You knew his family?

1 A Yes, I know his family.

2 Q Okay. You could tell he was hurt pretty bad here when
3 you dropped him off at the ER, right?

4 A Yes, sir.

5 Q You were in a pretty good hurry to get out of there
6 weren't you, Mr. Reid?

7 A I wasn't necessarily. I wouldn't say it like that, but
8 I wasn't driving. So, I mean, I just left with my ride.

9 Q You jumped in the back seat of a car where the front
10 seat was empty?

11 A Because that's where the -- the door was already open.
12 I mean, it was -- all that mattered at one time. I mean,
13 somebody dying. I mean, you're more panicking than just
14 thinking, so I just jumped back in the car.

15 Q Right. And the hospital staff that's there to work on
16 Mr. Alston and try to save him, as you said could have
17 benefitted from as much information as you could give them,
18 correct?

19 A I mean, to be honest, I didn't know what happened, so
20 all I could say was he's hurt. I mean, he's hurt. From my
21 point of view, he's dying, because he's saying save me.

22 Q If you didn't know what happened, wouldn't it be good
23 to stick around and see what how he turned out? If he
24 survived?

25 A It would've. It would've, but, like I say, I wasn't

1 driving.

2 Q How about the family? You think they needed some
3 comfort for your friend's family, may have needed some
4 comfort while he was in surgery there at the hospital, Mr.
5 Reid?

6 A I mean that would have been good also, but the bigger
7 picture was getting him to the ER and let the doctors take
8 care of him.

9 Q The doctors generally try to and nurses try to get
10 information about who they're working on, right?

11 A I guess.

12 Q Did they know who they were working on at that point?

13 A I mean, only they can answer that.

14 Q Did you tell them this is Trivoriaye Alston. He's my
15 friend. He came running up to us and was shot. Did you
16 tell them that?

17 A I just told them to save my friend. That's all.
18 That's what he told me to do. That's what I did.

19 Q And you didn't give them his name? That's what you're
20 telling me.

21 A No, they didn't ask.

22 MR. STUMBO: Beg the Court's indulgence, Your Honor.

23 I've got nothing further from this witness.

24 THE COURT: Mr. Tinsley?

25 CROSS EXAMINATION

1 BY MR. TINSLEY:

2 Q Mr. Reid, you testified to hearing what you thought
3 were fireworks?

4 A Yes, sir.

5 Q You didn't -- did you actually see anybody shoot a gun?

6 A No, sir.

7 Q Did you actually ever see anybody with a gun that day?

8 A No, sir.

9 Q And you never saw Xayvion Hill that day?

10 A No, sir.

11 Q And, you know, Xayvion Hill?

12 A Yes. I know him.

13 Q So, if you'd have seen him, you wouldn't known that,
14 right?

15 A Yes, sir.

16 Q Mr. Hill and Mr. Alston were good friends, correct?

17 A Yes, sir.

18 Q And do you know whether Xayvion Hill is right-handed or
19 left-handed?

20 A From my knowledge, he's right-handed. You know, we
21 shot ball, played baseball.

22 Q He's a little bit younger than you, right?

23 A Yes, sir.

24 Q The day before [REDACTED], would been
25 his 18th birthday, right?

1 A Yes, sir.

2 MR. TINSLEY: I don't have any further questions.

3 Thank you.

4 THE COURT: Mr. Grose?

5 MR. GROSE: No questions.

6 THE COURT: Any redirect?

7 MR. HENDERSON: None, Your Honor.

8 THE COURT: Sir, you can step down.

9 MR. STUMBO: None from the State, too, Your Honor.

10 THE COURT: Sorry, I apologize.

11 MR. STUMBO: No, it's okay.

12 All right, ladies and gentlemen, we'll take a brief recess
13 so that we can sanitize this area. We'll be back on the
14 record in about 10 minutes. So, adjourn to the back, but
15 don't discuss the case. Thank you very much.

16 (WHEREUPON, jury exited 11:29 a.m. Recess 11:29 a.m.-
17 11:49 a.m. Jury in 11:49 a.m.)

18 THE COURT: The jury is back. Mr. Henderson, any
19 additional witnesses, sir?

20 MR. HENDERSON: Your Honor, Mr. Reid, rests.

21 THE COURT: Very good. Mr. Grose, your case.

22 MR. GROSE: Your Honor, I would call Chazz Hurley.

23 WHEREUPON, Dashawn Chazz Hurley, having
24 first been duly sworn, testified as follows:

25 DIRECT EXAMINATION

Hurley-Direct Examination

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1 BY MR. GROSE:

2 Q You're Dashawn Hurley?

3 A Yes, sir.

4 Q Do you go by your middle name?

5 A Yes, sir. I go by Chazz.

6 Q Can you pull that mask down just a little bit more?

7 And how do you spell Chazz?

8 A C-h-a-z-z.

9 Q Of course, you're wearing a mask today, but did you
10 take a COVID test this morning?

11 A Yes, sir.

12 Q And were you positive or negative?

13 A I was negative.

14 Q Do you remember April 8, 2020?

15 A Yes, sir.

16 Q I want to put State's Exhibit 79 on the screen. Do
17 you recognize that?

18 A Yes, sir.

19 Q And what is that? Can you tell the jury what's
20 happening there?

21 A This is me getting back into my car.

22 Q And where are you in this?

23 Q I'm right here to the right of the picture. I've got
24 the red basketball shorts, the white and black Adidas
25 slides, and the black shirt on.

1 Q And that's where the little pointer thing is next to
2 you?

3 A Yes, sir.

4 Q Who is this over here?

5 A Narkevious Reid.

6 Q And who is that over here?

7 A Mr. Alston.

8 Q Early in the trial, there was a video that was played
9 that went along with this.

10 A Yes, sir.

11 Q Did you watch that video when it was being played?

12 A Yes, sir.

13 Q When you first got to the hospital, what was -- what
14 happened?

15 A When we first pulled up, I hopped out of the car and
16 went towards the doors, the entrance.

17 Q And where are the doors or the entrances on this?

18 A To the right of me where I'm standing.

19 Q So back over this way?

20 A Yes, sir.

21 Q And why did you go towards the door or the entrance?

22 A To go get somebody, to inform somebody we needed help
23 for Mr. Alston.

24 Q And did you do that?

25 A Yes, sir.

1 Q And did somebody respond?

2 A Yes, sir.

3 Q Do you know who it was?

4 A No, sir.

5 Q But were they people who worked at the hospital?

6 A Yes, sir.

7 Q And what did they do?

8 A They brought the wheelchair out and we assisted them
9 with putting Mr. Alston in the wheelchair.

10 Q Were they asking you a lot of questions?

11 A No, sir. They didn't ask any questions at all, to be
12 exact.

13 Q Did they seem like they were in a hurry? Taking their
14 time? Something else?

15 A They seemed like they was in a hurry.

16 Q And do you know why, from your own knowledge, why they
17 might have been in a hurry?

18 A Because we have a man with a gunshot wound. I'm
19 guessing they was trying to get him in the hospital fast as
20 they could to get him some help.

21 Q Are you a doctor, or a nurse, or any kind of medical
22 training?

23 A No, Sir.

24 Q Did you think it was serious?

25 A Yes, sir.

1 Q And why did you think it was serious?

2 A Because on the way to -- on the way, when we was
3 taking him to the hospital, as Mr. Reid stated, he was -- he
4 kept saying, help me, help me, save me.

5 Q Who kept saying, help me?

6 A Mr. Alston.

7 Q Mr. Alston did?

8 A Yes, sir.

9 Q Beyond knowing that it was serious, could you provide
10 any other information about his injuries?

11 A No, sir.

12 Q Okay, and why is that?

13 A Cause, I don't know what happened.

14 Q I want to go back. We'll come back to this, maybe a
15 little bit later, but I want to go back to earlier that day.

16 A Yes, sir.

17 Q Where do you live?

18 A Well, at the time of the incident I stayed on
19 University Street.

20 Q And what time on April 8, 2020 about what time would
21 you have gotten up?

22 A Probably about 10:30, 11:00, somewhere around there.

23 Q And this was in the beginning of COVID?

24 A Yes, sir.

25 Q Were you working then?

1 A No, sir.

2 Q Why did you get up so late?

3 A Because I watched my son for my girlfriend. She was
4 working at the time at Eaton, at the main plant from 3 to
5 11, and I'm the one who watched him, like, all through the
6 night. Most times, I go pick her up from work and drop them
7 off at home, so I'm up like, late past 12:00, midnight every
8 night around that time.

9 Q Okay, let's go through that a little bit. Who's your
10 girlfriend?

11 A Kasha Watson.

12 Q And do you and Ms. Watson live together? I'm talking
13 about then.

14 A No, sir.

15 Q Do you and Ms. Watson have a child together?

16 A Yes, sir.

17 Q And who has the child when Ms. Watson is not at work?

18 A When she's not at work, she does.

19 Q All right. And do you know how she gets to work?

20 A I'm not sure. I'm thinking her grandmother takes her
21 to work, or a friend. I'm not really sure.

22 Q Well, the question, I guess, comes down to does she
23 drive herself or does somebody drive her?

24 A Somebody drives her.

25 Q And you're familiar with her shift?

- 1 A Yes, sir.
- 2 Q And what were those hours again?
- 3 A 3:00 to 11:00.
- 4 Q And when she's at work, 3 to 11, who takes care of --
- 5 who's the one taking care of your child?
- 6 A Me. I do.
- 7 Q How do you get your child to -- is it a boy or a girl?
- 8 A A boy.
- 9 Q How do you get your child to take care of him?
- 10 A I have to go pick him up.
- 11 Q What's his name?
- 12 A Rylan Kyshawn Hurley.
- 13 Q So, you go pick him up. Is that where Ms. Watson
- 14 lives?
- 15 A Yes, sir.
- 16 Q And you have to pick him up in enough time for her to
- 17 get to work?
- 18 A Yes, sir.
- 19 Q And then what do you do after you pick up your child?
- 20 A I take him to my house.
- 21 Q If Ms. Watson needs a ride to work, how does she get
- 22 home?
- 23 A How does she get home? I -- I go pick her up from
- 24 work.
- 25 Q And what normally happens after you pick Ms. Watson up

1 from work?

2 A Well, if she doesn't spend the night at my mom's house
3 with me, I drop both of them off at home.

4 Q Both of them?

5 A Her and my son.

6 Q Her and your son?

7 A Yes, sir.

8 Q All right. And, so, you get to bed kind of late?

9 A Yes, sir.

10 Q So, 10:00, 10:30 on April 8 when you wake up, what did
11 you do?

12 A Normal routine. Probably got up, took a shower, ate
13 me some breakfast, played my video game for a little while
14 until about around the time I usually go get my son.

15 Q And at this point, when you got up and you're doing
16 your ordinary routine, was there anything out of the
17 ordinary going on this day?

18 A No, sir. Not at the time.

19 Q And so, did you get a phone call?

20 A Yes, sir.

21 Q And who called you?

22 A Mr. Reid.

23 Q And then, can you point him out?

24 A Over there. (INDICATING) Mr. Henderson's client.

25 Q Do you know Mr. Reid?

- 1 A Yes, sir.
- 2 Q How long have you known Mr. Reid?
- 3 A Quite a while now. It's some years.
- 4 Q All right. It's hard to say?
- 5 A Yes, sir. It's hard to say.
- 6 Q He has your phone number?
- 7 A Yes, sir.
- 8 Q Do you have his phone number?
- 9 A Yes, sir.
- 10 Q Okay. Now, I don't necessarily want you to go into
- 11 what Mr. Reid said when he called you, but what did you do
- 12 after he called you?
- 13 A Well, I told him I'd be on the way in minute and then
- 14 I informed my girlfriend that I'd be on the way to get my
- 15 son. I was going to do that all at one time.
- 16 Q Okay. When -- all that. Let's break that down. What
- 17 was the first thing that you were going to do?
- 18 A Pick Mr. Reid up.
- 19 Q And where were you going to pick him up?
- 20 A From Cardinal Glen Apartments.
- 21 Q And are you real familiar with that area?
- 22 A No, sir.
- 23 Q And after you picked up Mr. Reid, what were you going
- 24 to do?
- 25 A I was going to go pick up my son so my girlfriend can

1 get ready for work.

2 Q And after that, what were you going to do?

3 A Go home and -- cause Mr. -- at the time, Mr. Reid
4 stayed on the street right behind me at Independence Way, so
5 I'm probably just going to pull up to my house and he was
6 going to walk home from my house.

7 Q So, it would be convenient for him to get a ride from
8 you and then walk home?

9 A Yes, sir.

10 Q And so, about to the best that you can remember, what
11 time did you get that call from Mr. Reid?

12 A Anywhere between, like, 1:30, 2:00, somewhere around
13 there.

14 Q All right. And, at that point in time, had anything
15 out of the ordinary happened that day?

16 A No, sir.

17 Q Okay. And when you left your house, where'd you go?

18 A To pick up Mr. Reid.

19 Q And I think a minute ago you said you're not that
20 familiar with these apartments.

21 A No, sir.

22 Q You knew where they were?

23 A Yes, sir.

24 Q Did you have any difficulties finding Mr. Reid?

25 A Yes, sir.

1 Q All right. Tell the jurors about that.

2 A Actually, when I got to the apartment, it's three
3 apartment complexes over there. I took a wrong turn and
4 turned into Hillcrest, and Mr. Reid called me and basically
5 tell me, like, I see you. Waving me down, like, I'm over
6 here. And that's when I came out and turned the car, and I
7 seen him standing outside waving at me.

8 Q All right. All right. Was anybody riding with you?

9 A No, sir.

10 Q So, you were by yourself?

11 A Yes, sir.

12 Q And did you get to where Mr. Reid was?

13 A Yes, sir.

14 Q And, after you found Mr. Reid, tell the jurors what
15 happened.

16 A After I found Mr. Reid, he got in the front seat, the
17 passenger seat. As we're getting towards the stop sign at
18 Cardinal Glen, we hear fireworks, gunshots. That we know is
19 gunshots now, something that sounds like fireworks. When we
20 come down the street, it's, like, you have to drive, like,
21 25 miles per hour. It's slow. You have to go slow, and we --
22 we, like, kind of look in that direction, because that's
23 where it sounds like the fireworks coming from, and that's
24 when we spot Mr. Alston, like, running towards, like, I
25 think they said it was the Gardens at Parkway. But he was

1 running towards the main street, like -- He was, like, I
2 need help, like, kind of hobbling. Like, holding his self.

3 Q Do you know Mr. Alston?

4 A Yeah, I know of him. Yes, sir.

5 Q Do you know his family?

6 A Yes, sir.

7 Q And you said he was kind of hobbling. What did you
8 mean by that?

9 A Yes, sir. Like, I can demonstrate?

10 Q Yes.

11 A He was, kind of, like, holding his self like this

12 (INDICATING) and, like, kind of hobbling.

13 MR. HENDERSON: Can we get him to speak up, Your Honor?

14 A I'm sorry. He was, kind of, like, holding his side

15 (INDICATING) and, kind of, like, hobbling. You can tell he
16 had been injured.

17 Q And you said that at first it sounded like the noise
18 sounded like firecrackers?

19 A Yes, sir.

20 Q Or fireworks?

21 A Yes, sir.

22 Q All right. When did you realize it wasn't fireworks?

23 A When we -- when we spotted Mr. Alston and seen he had
24 -- was holding his self like he was injured, like -- I guess
25 he had a gunshot wound. That's when we realized it was

1 something more than that.

2 Q All Right. And so, when you saw Mr. Alston, what did
3 you do?

4 A Well, Mr. Reid hopped out the car and he, like, he
5 fell into his arms, and he pulled him in the backseat, and I
6 immediately started speeding towards the hospital. That's
7 why we didn't get to shut the door. The door was open.
8 Cause I -- as soon as he got him in the car, we seen it was
9 bad, and he was saying, help me, help me. And I sped off as
10 fast as I can to try to get him to the hospital as fast as I
11 can.

12 Q So, you can tell it was serious?

13 A Yes, sir. I can tell it was serious.

14 Q And did it take you a long time to get back to the
15 hospital?

16 A No, sir. The apartment is, like, located right there,
17 right near the hospital, so it didn't take me very long.

18 Q And so, this gets back to State's Exhibit Number 79.

19 A Yes, sir.

20 Q And we've already talked about that earlier.

21 A Yes, sir.

22 Q All right. Did you stay or did you go?

23 A Talking about at the hospital?

24 Q Yes.

25 A I left. I didn't stay.

1 Q And what did you have -- did you have anything you had
2 to do that day?

3 A Yes, sir. I was, like I said, all this threw me off
4 track, because I was supposed to be going to get my son from
5 my girlfriend, so she can get ready for work. So, all this,
6 kind of, like, threw off my schedule.

7 Q I got you. Did you make any phone calls?

8 A Yes, sir. I -- I called Mr. Alston's sister. She had
9 been here, like, most of the week, but she's not here today.
10 I called his sister, and I said we just dropped your brother
11 off at the hospital. He's been shot. And she asked me what
12 happened. I said I don't know.

13 Q All right. And, you said she's been up here this
14 week.

15 A Yes, sir.

16 Q What's her name? When you say this week, you mean
17 last week?

18 A Yeah, last week. I'm sorry.

19 Q And what's your name?

20 A Kanisha Holloway.

21 Q And, just by way of background, how do you know Ms.
22 Holloway?

23 A At the time, like, we were sort of texting, like, as
24 friends.

25 Q You weren't romantic?

1 A No, sir.

2 Q But, it's somebody you knew and you communicated with?

3 A Yes, sir.

4 Q Now, there was some -- well, before I do that. The
5 car that's in State's 79, that's the car you were driving
6 that day?

7 A Yes, sir.

8 Q Who does that car belong to?

9 A It's in my great-grandmother's name, but it's my mom's
10 car. But it's in my great-grandmother's name.

11 Q And do several people, multiple people, have access to
12 that car?

13 A Yes, sir.

14 Q I'm going to show you what is State's Exhibit Number
15 75, which looks like a warning ticket. Do you see the name
16 on that?

17 A Yes, sir.

18 Q And can you read that name out?

19 A Ty'Quisha Amyah Hurley.

20 Q Who is that?

21 A That's my little sister.

22 Q I want to show you State's Exhibit Number 78. Can --
23 I'm going to make that a little bigger? Can you read that?

24 A Yes, sir.

25 Q And what does that say?

Hurley-Direct Examination

1004

- 1 A Ty'Quisha Hurley.
- 2 Q And is that the same person we just talked about?
- 3 A Yes, sir. It's the same person.
- 4 Q Your sister?
- 5 A Yes, sir.
- 6 Q I'm going to show you State's Exhibit 76, which looks
- 7 like something from the South Carolina Department of Motor
- 8 Vehicles. Can you read that name?
- 9 A Griffin, Rosa White.
- 10 Q And they've got Griffin, the last name first?
- 11 A Yes, the last name would be Griffin. It's really Rosa
- 12 White Griffin. They've got the last name first.
- 13 Q And who is Ms. Griffin?
- 14 A That's my great-grandma. That's who's name the car is
- 15 in.
- 16 Q Is that why -- I guess why ---
- 17 A 105 North Main Street.
- 18 Q It's on the -- her name is on the stuff from the DMV?
- 19 A Yes, sir.
- 20 Q I am going to show you, this is State's Exhibit Number
- 21 77. It looks like that's from the Social Security
- 22 Administration. Can you read that name?
- 23 A Elaine M. Goodman.
- 24 Q And who is Ms. Goodman?
- 25 A That's my grandmother. That's my mom's mom.

1 Q And is she connected to anybody else in this, that
2 we've heard about this week? Is she connected to anybody
3 else?

4 A No, Sir.

5 Q Are any of the other people we talked about connected
6 to anybody else?

7 A No, sir.

8 Q I want to show you what is State's 126. Have you seen
9 that, or can you tell who's in that picture?

10 A Yes, sir.

11 Q Okay. I'm going to use the pointer. Let's start over
12 here on the left-hand side. Who is that?

13 A That's my cousin. My second cousin.

14 Q And what's his name?

15 A Sam.

16 Q All right, and in the yellow shirt?

17 A That's also my second cousin.

18 Q What's his name?

19 A Jamarcus.

20 Q All right. In the white shirt?

21 A That's me.

22 Q And in the other red shirt on the right?

23 A Jakevius Parker.

24 Q And how do you know Jakevius Parker?

25 A He's a friend of mine. Like, through associates.

1 He's a friend of mine.

2 Q And how long have you known him?

3 A For a little bit. Like, went to school together and
4 stuff for a little while. I can't really say -- put time on
5 it.

6 Q I'm going to show you State's Exhibit 114. What is
7 that?

8 A I guess a tribute from -- 'cause he passed away. I
9 guess somebody made a collage, a tribute.

10 Q When you say he passed away, he was killed?

11 A He was murdered. Yes, sir. He was killed.

12 Q I'm going to show you State's Exhibit 127. And again,
13 the same thing, starting with the left. Who is that?

14 A It's me.

15 Q All right, and moving down in the center, kneeling
16 down in the red?

17 A Mr. Reid.

18 Q And standing up in the white?

19 A His name is Devonte.

20 Q All right. And how do you know Devante?

21 A Through associates.

22 Q And, do you remember when this picture was taken?

23 A Like, 2016, 2017, somewhere around there. It was Mr.
24 Reid's birthday. I was basically telling him Happy
25 Birthday.

Hurley-Cross Examination

1007

1 Q Okay. And is that what that reference down there?

2 A Yes. It says Happy B-day.

3 Q The person who got convicted for killing Mr. Parker, a
4 fellow by the name of Mr. Adams, did you know him?

5 A No, sir.

6 Q On April 8, 2020 did you have a gun?

7 A No, sir.

8 Q Did you see Mr. Hill that day?

9 A No, sir.

10 Q But do you know him?

11 A Yes, sir. I know him.

12 Q So, if you saw him, you would have known who he was?

13 A Yes, sir.

14 Q Did you conspire with anybody to try to kill Mr. Goode
15 or Mr. Parks?

16 A No, sir.

17 Q Did -- we heard Mr. Reid talk about how this day
18 affected him. Did it affect you?

19 A Yes, sir.

20 Q How did it affect you?

21 A I mean, a young man lost his life. Like I said, I did
22 know him. I know his sister. Me and her was friends, so it
23 affected me pretty good.

24 Q Is it something that still affects you?

25 A Yes, sir.

1 MR. GROSE: Thank you. Please answer any questions
2 these other lawyers may have for you.

3 THE COURT: Ms. Taylor?

4 CROSS EXAMINATION

5 BY MS. TAYLOR:

6 Q Good afternoon. I want to start with Mr. Grose just
7 left off. You said that this affected you.

8 A Yes, ma'am.

9 Q I mean, a man who ultimately died climbed in your car
10 bleeding. That's right?

11 A Yes, ma'am.

12 Q And that hurt you?

13 A Yes, ma'am.

14 Q And that's a man you knew? Right?

15 A Yes, ma'am.

16 Q Aman, who you were friends with, right?

17 A Like I said, I know all of him. I know his family,
18 but, like, we didn't really hang together or nothing like
19 that.

20 Q Okay, so you know of him. Y'all didn't hang together?
21 We saw some pictures of y'all together. Is that right?

22 A No, ma'am.

23 Q We didn't see ---

24 A You didn't produce pictures of me and Mr. Alston.

25 Q Okay, but y'all had friends in the same group, right?

Hurley-Cross Examination

1009

1 A Yeah, we have friends in the same association.

2 Q Did you rap with Contraband Gang at all?

3 A No, ma'am.

4 Q Now, this affected you and this hurt, right?

5 A Yes, ma'am.

6 Q It hurt so much it took you about 50 seconds to get
7 away from that hospital, is that right?

8 A I mean, I'm not sure what the time was.

9 Q We can watch the video. Do you want to watch the
10 video?

11 A I ---

12 Q Or would you agree with me that it was about 50
13 seconds?

14 A I can ---

15 Q Do you have any reason to doubt the time stamps on
16 that video?

17 A No, ma'am.

18 Q Thank you. And I think you were saying that you had
19 to leave to get your child, right.

20 A Yes, ma'am.

21 Q And according to the time stamp on the video, you left
22 the hospital at about 2:12 -ish, right?

23 A Yes, ma'am.

24 Q And you said your girlfriend goes to work at 3:00?

25 A Yes, ma'am.

Hurley-Cross Examination

1010

1 Q So, you have over 45 minutes to get to your child and
2 her to take off for work, right?

3 A Well, she had to get ready, take a shower, and all the
4 other stuff, so usually I go pick him up from her at 2:15,
5 2:30.

6 Q So, you couldn't call her and say, baby, this man just
7 got shot. I'm at the hospital with him. I'm trying to help
8 out. Can you just shower with the baby there. I'll be
9 there as soon as I can get there. You couldn't call her and
10 say that?

11 A I could have.

12 Q You said you have a Mama in town, right?

13 A Yes, ma'am.

14 Q You got a sister in town?

15 A Yes, ma'am.

16 Q You got other friends in town?

17 A Yes, ma'am.

18 Q You couldn't call one of them and say something, an
19 emergency has come up. I'm at the hospital. Can one of
20 y'all please go get my son?

21 A I could have, but at the time everything was crazy
22 hectic. I wasn't really thinking about doing that. Like I
23 said, I did call his sister and inform his sister I just
24 dropped your brother off at the hospital. He's been shot.

25 Q Have you ever been to the hospital yourself, or to a

Hurley-Cross Examination

1011

1 doctor's office?

2 A Yes, ma'am.

3 Q And the doctor wants to know who you are, right?

4 A Yes, ma'am.

5 Q And they want to know your medical history before they
6 treat you, right?

7 A Most likely. Yes, ma'am.

8 Q So, you didn't think it was important to go into the
9 hospital and tell them this man's name?

10 A I mean, I got out of the car and knocked on the door
11 and asked for assistance. That's why they brought
12 wheelchair out. They didn't ask any questions. They just
13 brought wheelchair out. We assisted them and helped ---

14 Q And you were so concerned with him that you just
15 hopped right back in your car and took off?

16 A Like I said, I had a lot to do and it really threw off
17 my schedule.

18 Q Oh, you don't want to throw off your schedule.

19 A I didn't say that.

20 Q Oh, you said ---

21 A I said it threw off my schedule.

22 Q Oh, it threw off your schedule. That must have been
23 awfully inconvenient for you, wasn't it?

24 A Ma'am?

25 Q Was this just awfully inconvenient for you?

Hurley-Cross Examination

1012

1 A I didn't say that.

2 Q You said you were speeding, obviously, after Mr.

3 Alston jumped in the car.

4 A Yes, ma'am. I was trying to get to the hospital as
5 fast as I could.

6 Q And, Obviously, probably ran a few of those red
7 lights? I would assume.

8 A Probably so. I can't recall. I probably did.

9 Q Would you agree that it takes about a minute and a
10 half, two minutes, to get from Gardens at Parkway to the
11 hospital?

12 A Yeah. Pretty close.

13 Q Pretty close? So, it would take a lot less time to
14 get from Cardinal Glen to Gardens at Parkway, right?

15 A Ma'am?

16 Q It would take a lot less time to get from Cardinal
17 Glen to the Gardens at Parkway, right?

18 A They're right -- I mean, they're right there together.

19 Q So, way less than a minute and a half, two minutes?
20 Is that right?

21 A Yes, ma'am. Probably so.

22 Q And I think you said you were at this stop sign when
23 you heard gunshots. Is that right?

24 A If that's the stop sign in Cardinal Glen. Yes, ma'am.

25 Q Okay. It is. So, you were at that stop sign and you

Hurley-Cross Examination

1013

1 heard gunshots?

2 A Yes, ma'am.

3 Q And the gunshots you heard were up in this area?

4 A Apartments next to us. If you're pointing at
5 Hillcrest area, yes, ma'am.

6 Q I am. I'm sorry. Can you see from where you are? If
7 you need to come closer, you can. This area right in here.
8 Is this where you heard gunshots?

9 A Yes, ma'am.

10 Q And you took a left after hearing those gunshots in
11 the direction of the gunfire, is that right?

12 A Yes, ma'am.

13 Q Now, are you aware that Parkway is, kind of, a circle?
14 You can take a right and come out the same way.

15 A I'm not familiar with the apartments, so I'm not sure.

16 Q I'm going to hand you what we've marked for
17 identification as State's 141. Are you familiar with Google
18 Maps?

19 A No, ma'am. I've got an iphone. I usually just...

20 Q Well, the area you drove that day, is that reflected
21 in those photographs?

22 A Yes, ma'am.

23 Q Okay, flip through and make sure they're all...

24 A Yes, ma'am.

25 Q Thank you. And is this how that area is laid out?

Hurley-Cross Examination

1014

1 A Yes, ma'am.

2 MS. TAYLOR: Your Honor, the State offers Exhibit 141
3 into evidence.

4 MR. GROSE: No objection.

5 Mr. HENDERSON: None, Your Honor.

6 MR. TINSLEY: No objection, Your Honor.

7 THE COURT: State's 141 is an evidence.

8 Q All right. Can you see from where you're sitting?

9 A Yes, ma'am.

10 Q Now, starting off, this is, kind of, the entrance to
11 Cardinal Glen. Is that right?

12 A Yes, ma'am.

13 Q And this is Parkway?

14 A Yes, ma'am.

15 Q And, so, is this the apartment complex you picked Mr.
16 Reid up at?

17 A Yes, ma'am.

18 Q And this is the stop sign you would have been sitting
19 out when you heard what you later figured out were gunshots?

20 A Yes, ma'am.

21 Q Now, this next picture, is this just driving up
22 Parkway back towards the hospital?

23 A It looked like it. Yes, ma'am.

24 Q Now, this is this Parkway right here?

25 A I'm not sure. I can't tell.

Hurley-Cross Examination

1015

1 Q Well, is this the entrance to Hillcrest condos? Is
2 this the road you turned in first when you went down the
3 wrong road?

4 A I can't tell by looking at that picture.

5 Q Is this Parkway again?

6 A This is the main road. Yes, ma'am.

7 Q And you'd agree with me, there's a lot of trees and
8 vegetation on that main road?

9 A Yes, ma'am.

10 Q And would you agree with me that this up here is the
11 insurance to Gardens at Parkway?

12 A I can't tell by looking at that picture.

13 Q All right. Well, let's look at the next one. Let's
14 look at the last one, and then we'll back up. Does that
15 look like the entrance of Gardens of Parkway?

16 A I guess so. Yes, ma'am.

17 Q So, this picture before would be just before you get
18 to that entrance?

19 A I guess. Like I said, I'm not really familiar with
20 the area, but I guess so. Yes, ma'am.

21 Q And you said a minute ago that this is all right there
22 together. When I was asking you about how long it took,
23 right?

24 A That's how it looks. Yes, ma'am.

25 Q Well, you were there.

Hurley-Cross Examination

1016

1 A Yes, ma'am.

2 Q So, is it all right there together?

3 A Yes, ma'am.

4 Q You said Mr. Alston was covered in blood. Did y'all
5 clean that blood up?

6 A No, ma'am.

7 Q You didn't clean the blood out of the back of your
8 car?

9 A No, ma'am.

10 Q Now, the video from the hospital it looks -- in
11 State's 79. Would you agree with me that Mr. Alston was
12 unconscious at this point?

13 A It looks like it.

14 Q Well, you were there. Was he unconscious by this
15 point?

16 A I mean, he was still breathing, if that's what you're
17 asking.

18 Q No, I'm just asking was he conscious? Was he talking?

19 A No. No, ma'am. He wasn't talking.

20 Q And it looked like y'all had to struggle with him a
21 bit to get him in that wheelchair.

22 A Yes, ma'am.

23 Q At what point did he stop talking on that car ride?

24 A Close to, like, I mean when he first got in, he was
25 saying, help me. Help me. After that, he didn't say

Hurley-Cross Examination

1017

1 nothing else. He was just breathing slowly. I mean, I
2 can't really answer what -- I was trying to get him to the
3 hospital as fast as I can.

4 Q You said everybody in your family had access to that
5 car and would use that car. Did you drive your son around
6 in it frequently?

7 A He's been in there with me before.

8 Q And you were going to pick him up?

9 A Yes, ma'am.

10 Q How old was he?

11 A At the time he was two, I think.

12 Q So, he would have been in a car seat?

13 A Ma'am?

14 Q He would have been in a car seat?

15 A Yes, ma'am. But if you asking did I have a carseat in
16 the car, we had to get the car seat for my girlfriend and
17 put it in my car once I got there, if that's what you're
18 asking.

19 MS. TAYLOR: Thank you, Mr. Hurley.

20 THE COURT: Mr. Tinsley?

21 MR. TINSLEY: I don't have any questions, Your Honor.

22 THE COURT: Mr. Henderson?

23 CROSS EXAMINATION

24 BY MR. HENDERSON:

25 Q Mr. Hurley, how are you, sir?

Hurley-Redirect Examination

1018

1 A I'm good, sir. How are you doing?

2 Q Good. And I think you testified to this. I just want
3 to make sure I heard you right, that when you got out of the
4 car you had to knock on the door? The door was locked,
5 wasn't it?

6 A Yes, sir.

7 Q And, again, back in April of 2020 we were experiencing
8 the first round of COVID; correct?

9 A Yes, sir.

10 Q And, you obviously didn't have a mask on, did you?

11 A No, sir.

12 Q Mr. Reid didn't have a mask on, did he?

13 A No, sir.

14 Q It didn't appear that the hospital was letting people
15 in. Is that fair to say?

16 A No, sir.

17 Q You weren't injured, were you?

18 A No, sir.

19 Q But you let them know that your colleague was injured?

20 A Yes, sir.

21 Q And they let him in, didn't you?

22 A Yes, sir.

23 Q They didn't let you in, did they?

24 A No, sir.

25 Q They didn't let Mr. Reid in, did they?

1 A No, sir.

2 MR. HENDERSON: I don't have anything further, Your
3 Honor.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MR. GROSE:

7 Q When you first heard what you now know to be shots, did
8 you know they were shots at the time?

9 A No, sir.

10 Q And so, when you made a turn in that direction, did you
11 know you were turning towards shots?

12 A No, sir.

13 Q She asked some questions about a car seat.

14 A Yes, sir.

15 Q Do you and your girlfriend share the same car seat?

16 A Yes, sir. As I explained, I would have to get there
17 and get the car seat from my girlfriend and put it in my car
18 and take my son to my house.

19 Q And she asked you a lot of questions about what you
20 could have done that day.

21 A Yes, sir.

22 Q Did you do the best you could that day?

23 A Yes, sir. I mean, I took a man was injured to the
24 hospital, got out, knocked on the door, informed them that
25 somebody was hurt, helped him, took him out the -- Mr. Reid

1 assisted and put him in the wheelchair. That's all we could
2 do. I'm not a doctor. I can't do anything for him.

3 Q Thank you.

4 A Yes, sir.

5 RECROSS EXAMINATION

6 BY MS. TAYLOR:

7 Q You could have given them his name, couldn't you?

8 A They didn't ask any questions, ma'am. They was trying
9 to get him in the ---

10 Q You could have told them, couldn't you?

11 MR. GROSE: Let him finish his answer.

12 THE WITNESS: Excuse me.

13 THE COURT: Go ahead and answer the question if you
14 would, please.

15 THE WITNESS: I said they didn't ask any questions.
16 They was trying to get him in the hospital as fast as they
17 could, I guess, to assist him.

18 Q But you didn't give them his name?

19 A No, ma'am. They didn't ask.

20 THE COURT: Nothing further? All right, sir. Thank
21 you. You can step down. Mr. Grose, any additional
22 witnesses?

23 MR. GROSE: No, sir. On behalf of Chazz Hurley, we
24 rest our case.

25 THE COURT: Thank you. Does the State anticipate

1 anything in reply?

2 MR. STUMBO: No, sir. No reply.

3 THE COURT: All right. Ladies and gentlemen, here's
4 where we are. We've reached that point in the trial where
5 you've received all the evidence that you're going to have,
6 and in a moment, or probably after lunch, it'll be my
7 obligation to instruct you on the law. And what we're going
8 to do is, I'm going to go ahead and let you all take a break
9 for lunch, because legally, I'm required to have what's
10 called a charge conference with the attorneys and discuss
11 with them the the law that I'm going to instruct you on.
12 We've already had that discussion over the weekend by way of
13 e-mail, but we probably need to fine tune a few things in
14 terms of the instructions before I give them to you.

15 So, I'm going to go ahead and let you take your lunch
16 break at this point in time, and if you would, please be
17 back here at 2:00 in the jury room and we will resume at
18 that point in time. Again, don't discuss the case with
19 anyone. I'll see y'all at 2:00. Thank you. Leave your
20 notes in the in your chair.

21 (WHEREUPON, jury exited 12:29 p.m.)

22 THE COURT: We're going to be off the record for a few
23 minutes.

24 (WHEREUPON, recess 12:30 p.m.-12:40 p.m.)

25 THE COURT: We're on the record. Let's discuss the jury

1 instructions if we could.

2 MR. GROSE: Before we do that, can we do a couple of
3 housekeeping things?

4 THE COURT: Oh yes. I'm sorry, yes. Please go ahead.
5 Of course, all motions are renewed by all defendants. Mr.
6 Grose?

7 MR. GROSE: Well, and I was just going to say, I think
8 the Court and all the lawyers understand, but talking with
9 some of the family members during the break -- and I think
10 part of it was because of the e-mail that Mr. Henderson put
11 in the evidence. They did not clearly hear your ruling on
12 the directed verdict motion, and having done some appeals, I
13 know how the Attorney General's office can try to...

14 THE COURT: Spin things?

15 MR. GROSE: Spin things. That's not the word I would
16 use, but that's probably pretty good. And so, I just want
17 that the record reflect clear, you know, that you,
18 obviously, over our objections, that you had denied all the
19 directed verdict motions for the three defendants, with the
20 exception of the gun charge for Mr. Hurley.

21 THE COURT: That is correct and the record will so
22 reflect and I think it should be clear as far as that issue
23 is concerned.

24 MR. GROSE: And of course, we all renew those again
25 now.

1 THE COURT: Of course. Same objections, same motions as
2 previously made.

3 MR. HENDERSON: And, Your Honor, I'd like to supplement
4 my motion, because I've got some more evidence that's in the
5 record.

6 MR. HENDERSON: Okay, go ahead please.

7 MR. HENDERSON: Your Honor, as it relates to my client's
8 tattoo that covers his back -- and I told you that was
9 coming on Friday when we initially argued the initial
10 directed verdict motion. I just didn't have the proper way
11 to get it in during the State's case in chief. But, Your
12 Honor, you've got an eye witness per se, Ms. Bollinger, who
13 gave a very descriptive description of someone that she saw.
14 The only way it matched my client was shirtless. And again,
15 Your Honor, her being that close that she said if my window
16 was open I could have reached out and touched him. And she
17 did not describe seeing a tattoo that covers somebody's
18 back. Again, all that's left there after that is the person
19 that she saw had no shirt on. My client, at the hospital,
20 has no shirt on. That's the only linkage now, Your Honor.
21 And again, that's just highly speculative to say that you
22 can place my client at the scene because he's not wearing a
23 shirt. And again, my initial argument on Friday was there
24 is no evidence connecting these groups.

25 They asked my client whether or not he knew Mr. Parker,

1 who'd been murdered. Yes, we're good friends. Did you know
2 Mr. Adams? No. They did not ask about Mr. Goode. They did
3 not ask about Mr. Parks there in the apartment, Your Honor.
4 Again, they had the opportunity to ask my client that. They
5 had the opportunity to ask Mr. Hurley that. There is nothing
6 here, again, still connecting these two groups of people,
7 Your Honor.

8 And again, the government's whole theory is, quote un
9 quote, "retaliation". For what? And again, if they're
10 going to be up here arguing in front of a jury for
11 retaliation, that's highly speculative. And again, the
12 government has put up no evidence linking these two groups
13 of young men. They haven't put up any evidence about who
14 owns these handguns, Your Honor. These handguns seem to be
15 very recent models. Somebody bought these handguns. They
16 are registered in somebody's name. If they were registered
17 in our clients' names, we would have been beaten over the
18 head about that. If they had been stolen, we'd have been
19 beaten over the head about that.

20 THE COURT: Not really registered, but I assume what
21 you're suggesting ---

22 MR. HENDERSON: When you bought it.

23 THE COURT: --- they could have, yeah, they could have
24 investigated who purchased the firearms, or run the serial
25 numbers, or something like that?

1 MR. HENDERSON: Absolutely, and think if that had been
2 my client, Mr. Hill, Mr. Hurley, we would have -- Mr.
3 Alston, we've would have been hearing about that 'til the
4 cows came home. We haven't heard anything about that, Your
5 Honor, or the fact that these guns were stolen or not
6 stolen. Hadn't heard anything about that. Again, it's just
7 speculation about who owned these guns. I mean, this is
8 just a case of speculation, on top of speculation, on top of
9 speculation.

10 I'd ask that you to reconsider your directed verdict
11 motion. Mr. Grose probably will chime in a little bit too,
12 but again, we haven't done anything. We put up no evidence
13 that, kind of, helped the government solve their crime that
14 they're alleging. You know, we gave explanations as to
15 where our clients were on that particular day. And then
16 again, Your Honor, I think Mr. Grose, is -- I'd acknowledge
17 him to be an expert on this substantial circumstantial
18 evidence. And I'm sure he wants to be heard, but I just
19 want to make sure that the record reflects all this. That
20 after the defense case in chief, I think the government's
21 case is getting weaker.

22 THE COURT: I understand and I appreciate your position
23 Did the State want to reply to any of that?

24 MR. STUMBO: Just that, Judge, there is evidence in the
25 record of the firearms. There's DNA that comes back to Mr.

1 Alston on the black gun in the parking lot. Ms. Bollinger
2 -- and it's perfectly reasonable for the jury to take from
3 the direction that these guys were running that Ms.
4 Bollinger saw the front of Mr. Reid and not his back, if he
5 was running by her apartment, looking behind him, she'd be
6 seeing the front of him. He's looking back to the corner of
7 apartment ■, that she wouldn't even have seen this back.
8 And quite frankly, Judge, even if she did, she said after
9 she saw these guys she shut her window. Didn't inspect
10 their backs as they were running away. She shut her -- not
11 her window. She closed her blind, the curtain, quickly
12 because she was scared.

13 So, Judge, we believe in facts or what they are. We
14 think the fact she's being -- I believe Ms. Bollinger is
15 trying not to make stuff up. She's being honest here. We
16 believe it's perfectly reasonable for the jury to find that
17 she saw Mr. Reid's front as he ran by her window and not his
18 back. And, Judge, as for the guns, there is plenty of
19 evidence, at least by process of elimination, that the tan
20 gun was not being carried by Mr. Alston, who is deceased,
21 because his DNA was all over the other gun.

22 Judge, we believe that it's reasonable for the jury to
23 find -- certainly they are free to find as the finder of
24 fact that Mr. Reid's story and Mr. Hurley's story is what
25 happened that day, but I believe there is plenty of evidence

1 on this table and in the record to show otherwise.

2 THE COURT: Just out of curiosity, concerning the guns,
3 were the serial numbers scratched off or were they -- do you
4 have any information about the owner of the guns or whether
5 they were stolen.

6 MR. STUMBO: There is no obliterated serial numbers,
7 and I believe the firearms expert testified to that.

8 MR. HENDERSON: Yes, she read their serial numbers into
9 the record on all three handguns, Your Honor

10 MR. STUMBO: She did. But, Judge, yeah, these are the
11 two that come back to the shell casings. Your Honor can
12 look at them if you'd like, but they do have serial numbers.
13 Judge, consequently, you know, we go over what enforcement
14 gives us on this on this. Certainly, if they had run it and
15 it had come back to anybody related to these guys, that
16 would, I'm sure it would've been documented. I have not
17 specifically asked them that question here. We believe that
18 if it did -- the vast majority of these cases, Judge, the
19 guns do not come back to the defendants or anybody in their
20 families.

21 THE COURT: I do understand everyone's position. The
22 prior ruling on the motion stands, Mr. Henderson. I'm sure
23 that that's a lot of what you've pointed out to the Court is
24 exactly what you will point out to the jury, and that's my
25 final ruling on that. One housekeeping matter that I meant

1 to get from Mr. Hurley, but Mr. Grose, you can just tell my
2 court reporter. His son's name, we need the spelling for
3 that and maybe a spelling for his sister, Hurley. Just for
4 the benefit of my court reporter. He can just jot that down
5 and give that to her at some later point in time.

6 Turning to the instructions, I think there was some
7 question about keeping the identity instruction. I think
8 maybe Mr. Henderson felt that that was not necessary.

9 MR. HENDERSON: Right, because this is not an identification
10 case. Again, I think of identification being that, hey,
11 somebody saw the burglar leaving the store and I ID'd them.
12 We don't have that here.

13 THE COURT: Mr. Tinsley, do you have an opinion on that?
14 Keep it or lose it?

15 MR. TINSLEY: All they've proved as far as Mr. Hill
16 goes is that he was on the sidewalk at Gardens at Parkway.
17 Nobody's identified him as being at the Hillcrest Condos
18 either.

19 THE COURT: MR. Grose, keep it or lose it?

20 MR. GROSE: I defer to them. I don't think we need it.

21 THE COURT: You don't think we need it? I really don't
22 think we need it either.

23 MR. STUMBO: We're fine with that.

24 THE COURT: I'm going to lose identity. The Solicitor
25 suggested that we lose the "mere presence" instruction

1 because it's included under the "hand of one hand of all".
2 So, that would be on page 15. Do y'all have any opinion on
3 that? It's similar. It's not identical.

4 MR. GROSE: I would want to keep it, based on the
5 observation you just made.

6 THE COURT: Keep or lose?

7 MR. HENDERSON: I'd say keep. I mean, we'll be
8 consistent.

9 MR. TINSLEY: Keep it.

10 THE COURT: We'll keep it. The language is a little bit
11 different. It's not exactly the same, but I'm just going
12 to, out of an abundance of caution.

13 MR. STUMBO: Our only thought on that, Judge, was ---

14 THE COURT: Redundancy. Yeah, and it's very long.
15 Self-defense, I think we lose that at this point in time.
16 That's on page 26.

17 MR. HENDERSON: I think that's correct, Your Honor. I
18 think we lose all the self-defense.

19 THE COURT: While I'm crossing through all of this, the
20 record should also reflect that I did modify the reasonable
21 doubt instruction to include a phrase, and what I'm going to
22 do is just print out the last e-mail string and make it a
23 Court's exhibit. I think the last response was from the
24 Solicitor this morning, but I did add under reasonable doubt
25 that reasonable doubt can arise from the evidence or lack of

1 evidence. And that was -- unless there's any objection, I
2 feel that that's a fair statement of the law. Any objection
3 or thoughts from the State on that?

4 MR. STUMBO: Which section was that in again, Judge?

5 THE COURT: I think it's in reasonable doubt somewhere.

6 MR. STUMBO: Yes, sir, I think -- I believe I've heard
7 that particular phrase in about every reasonable doubt
8 instruction I've never heard.

9 THE COURT: I typically don't give it, but I think it's
10 appropriate to leave it in there. Yeah, it's on the top of
11 Page 7. The very first sentence. On Page 17, when I'm
12 talking about implied malice, and that's the phraseology
13 that Mr. Grose used, and I basically copied a request that
14 he made to define implied malice. I've got the correction, I
15 think, the third line from the bottom of Page 17, malice may
16 inferred from conduct showing a total disregard for human
17 life. I'm just going to change that word to implied,
18 assuming that there are no objections to that.

19 MR. STUMBO: On page 18?

20 THE COURT: 17, third line from the bottom. Malice may
21 be implied from conduct showing a total disregard for human
22 life.

23 MR. HENDERSON: That's not the bottom of our 17, this
24 most recent version, Your Honor.

25 THE COURT: Okay, bottom of 18.

1 MR. HENDERSON: Okay, malice may be inferred from
2 conduct showing a total disregard.

3 MR. STUMBO: I mean, I do think the correct stating of
4 the case law on that would be inferred, but ---

5 MR. GROSE: Well, inferred and implied are synonyms.

6 MR. STUMBO: Similar words.

7 THE COURT: If y'all want me to leave inferred, I'll
8 leave inferred. I switched it to implied, because that's how
9 your instruction, Mr. Grose, had implied malice. That's
10 probably six of one and half dozen of the other.

11 MR. GROSE: Well, yes, because they mean the same
12 thing.

13 MR. STUMBO: I do agree they're synonyms. Very similar
14 words.

15 THE COURT: I'm going to change it to implied so that
16 it matches what Mr. Grose had submitted. That's what I've
17 got. Mr. Grose, you, of course, submitted a request to
18 charge on attempted murder.

19 MR. GROSE: Well, I submitted, I think, three pleadings
20 via e-mail. I have filed all of those today.

21 THE COURT: One was a memorandum of law on attempted
22 murder.

23 MR. GROSE: Right. Well, the first one, in order, that
24 I sent was Objections to Proposed Jury Instructions, and
25 that was the first round of jury instructions that you sent.

1 And then the second two were sent together. One was
2 Memorandum of Law on attempted murder specific intent versus
3 general intent crimes and express malice versus implied
4 malice. And then a Request to Charge, which had -- request
5 number one had definitions and request number 2 was regards
6 to attempted murder. You know, I just want the record to,
7 you know, reflect that there is -- there has been some
8 confusion and continues to be some confusion about attempted
9 murder. And in the memorandum regarding attempted murder,
10 you know, I refer the Court, to the State v King case from
11 our Supreme Court. And when you read that case, it was, you
12 know, clear that I think the majority opinion in that case
13 was saying that you have to have express malice for
14 attempted murder. And, you know, and that's why we went
15 through talking about express malice, implied malice,
16 general intent, specific intent, because the specific intent
17 to kill is an element of attempted murder and for, you know,
18 murder you just have to have a -- The State has to prove a
19 general intent. I think I referenced earlier in the trial
20 State v -- I think it was Shelby Taylor. I can give you the
21 Appellate case number on that actually. Yeah, it's State v
22 Shelley Harper Taylor, and the current Appellate Case number
23 is 2021-001220. There's also a Court of Appeals case on
24 that, which is 434 S.C. 365, 862 S.E.2nd 924, Court of
25 Appeals from 2021. That is the current -- the cite that I

1 just gave is the citation to the current opinion. The
2 Appellate case number that I gave ending in 1220 is the
3 current proceedings with the South Carolina Supreme Court.
4 In a fairly general way, I mean, there are some differences
5 between this case and Taylor, but Taylor was not a co-
6 defendant case. There was a lesser included that was
7 instructed of a first degree assault and battery in Taylor.
8 But, the holding from the Court of Appeals is similar to
9 your instructions on attempted murder, where the jury can
10 find that the State proved criminal intent based on inferred
11 or implied malice. And the appeal to the Supreme Court is
12 taking issue with that based on the Supreme Court's holding
13 in State v King. The memorandum that I submitted to you in
14 this case is similar, but modified to the amicus brief of
15 the South Carolina Association of Criminal Defense Lawyers
16 that submitted in support of granting certiorari in the
17 Taylor case.

18 And so, from your e-mail -- well, I know that you, and
19 I think you're going to put this in the record, you
20 disagreed with that analysis. But if the South Carolina
21 Supreme Court ultimately agrees with Taylor in the amicus
22 brief, that the Court of Appeals opinion in Taylor is in
23 error, you know that's -- because we've raised that here,
24 that's going to have an impact on this case, should it
25 result in any convictions.

1 THE COURT: Give me two seconds. I'm trying to -- let
2 me re-familiarize myself. I read it last week. Oh, this is
3 the trash bag -- the dumpster case. While I'm looking at
4 this, Solicitor, do you have a position on this question?

5 MR. STUMBO: Judge, I think the King, Williams, Smith
6 line of cases dealing with the specific intent issue in
7 attempted murder, I don't think it's an either/or with
8 attempted murder. It's not a either general intent or
9 specific intent. I think the way the Court has written
10 these opinions, it's a both/and. And it's obviously
11 regrettably the way that the legislature drafted the
12 attempted murder statute 15 years ago when it was passed,
13 and it's, quite frankly, never been revisited. I would love
14 to see it revisited, because I think it is does lead to some
15 confusing case law, Judge.

16 But, be that as it may, like Your Honor pointed out in
17 the e-mail. We agree with your position on that. Attempted
18 murder statutorily requires malice to be proven, which can
19 be proved, either express or implied, and there's an
20 additional element of a specific intent to kill, the way
21 it's drafted. So, I don't believe the Taylor case is going
22 to come down with any different opinion based on the way the
23 case law has been written to this point. And our position
24 would be that it's a proper charge on the law, Judge. As I
25 said, regrettably, we have to deal with the confusion on

1 this. I think if the legislation would revisit the
2 attempted murder statute, that may clear up this whole line
3 of cases honestly.

4 THE COURT: It may make it worse.

5 MR. STUMBO: It could. That's true. That has been
6 known to happen, Judge. But, all that say, our position is
7 it's a proper charge on the law. I think we certainly can
8 present it that way to the jury. It's going to be read,
9 instructed that way to the jury. It's consistent with the
10 current case law and statute.

11 MR. GROSE: I guess two things in response to that.
12 One is, you know, I was down there when they were having
13 some of these hearings and it was the Solicitor's
14 Association that wanted the attempted murder statute and the
15 assault and battery statute that we have now. You know,
16 they got what they wanted. And I think it has resulted in a
17 lot of confusion. The second thing is the Taylor case from
18 the Court of Appeals is inconsistent with the King case from
19 the Supreme Court. And the King case does not only talk
20 about specific intent, but it also raises whether or not you
21 can have attempted murder proven by implied or inferred
22 malice. And then, that's why I say it's inconsistent.

23 THE COURT: I appreciate your position. When I was
24 looking at this last night, the Deer Hunter came to mind.
25 You know, if you have -- let's assume you have somebody to

1 load a revolver that has six chambers, and the person simply
2 walks up to another person without expressing any words or
3 hatred or ill will, simply decides that they're going to
4 play a game of Russian roulette with somebody else's life
5 and they pulled the trigger and the gun goes off. There's
6 no express malice there, obviously by pointing a weapon at
7 somebody's head and pulling a trigger, even though it's
8 loaded with only one bullet.

9 MR. GROSE: I've defended that case before and we all
10 agreed it was involuntary manslaughter.

11 THE COURT: Who knows. I'm comfortable with the current
12 state of the law and charging what the Court of Appeals has
13 said in Taylor. I'm not privy to -- I don't know how to
14 access the briefs on appeal, but maybe that's just my
15 limitations.

16 MR. GROSE: You can go to C-track. It's on the Judicial
17 Department website I'll show you right now.

18 THE COURT: Let's do that later. She can work on it.

19 MR. GROSE: Go to the Judicial Department website. Down
20 on the little box on the right that says C-Track. You click
21 on that and you put in that number that I just gave you.
22 You've got put in all six numbers and it will come up.

23 THE COURT: I'll typically, when I know something is under
24 appeal, I'll simply e-mail the lawyers or indigent defense
25 and ask them to send the briefs to me and usually they'll do

1 that. Nobody's ever told me I could get it myself.

2 MR. HENDERSON: I even knew that, Your Honor, and I'm
3 kind of illiterate.

4 THE COURT: It's interesting and it's embarrassing, all
5 at the same time.

6 MR. STUMBO: I have heard of such things, Judge, but I
7 can't remember the last time I had time to read briefs in a
8 case that I wasn't involved with. I've been told that.
9 I've never been able to access it or I've never gone to
10 access it.

11 THE COURT: I'm going to clean up these instructions
12 like we discussed. Of course, all defendants collectively
13 join all motions made, including those made by Mr. Grose
14 here a few moments ago. So, Mr. Henderson and Mr. Tinsley,
15 you are protected. And, of course, I acknowledge you join
16 Mr. Henderson's objections. Ditto for Mr. Grose and Mr.
17 Tinsley as it relates to Mr. Henderson's objections.

18 It's my intention, since we're going to return from
19 lunch and go straight into closings, it will be my intention
20 to do a separate sentencing sheet for each defendant. I
21 think that will help me

22 MR. GROSE: You mean verdict sheet.

23 THE COURT: Yes, sorry. Verdict sheet. Verdict sheet
24 for each, because I instruct them and they've got to decide
25 the case based on the evidence as it applies to each

1 separate defendant. That will, perhaps, help reinforce that
2 instruction. Have y'all picked out an order of closing on
3 the defense side of things?

4 MR. GROSE: I think we're keeping the same order.

5 MR. HENDERSON: The same order.

6 THE COURT: Mr. Tinsley first, then you'll go and Mr.
7 Grose.

8 MR. GROSE: And when you clean those up, will you
9 e-mail those to us?

10 THE COURT: I will do it right now and I'll send it and
11 please take another look at it and check and see if there's
12 anything else that we did not discuss. And we'll be at ease
13 till around 2:00.

14 (WHEREUPON, recess 1:08 p.m.-2:00 p.m.)

15 THE COURT: We're back on the record. Before we bring
16 the jury out, the Court has had an opportunity to read the
17 Amicus brief that was filed that Mr. Grose referenced a
18 moment ago in the State v Taylor case. And here's where I
19 am. I agree that the current state of the law is what the
20 Court of Appeals in Taylor said it is. The problem that I'm
21 having is that King, when King passed upon this very same
22 issue, the Court in King basically said, if memory serves
23 me, and I didn't have a chance to pull up King or anything,
24 but if memory serves me, they basically said that because
25 King was tried as a general intent case it's the law of the

1 case, therefore we don't really need to address all these
2 issues that the Court of Appeals addressed. I'm thinking I'm
3 thinking of the correct case. But they did, in King,
4 indicate that the specific intent to kill contemplated
5 expressed malice.

6 How do you prove express malice? Well, either words or
7 actions done in preparation. It occurred to me in this case
8 that, per the State's theory with planning and preparation
9 beforehand, getting together, having weapons, dropping
10 people off at the apartment complex, et cetera, that's
11 evidence of express malice. And perhaps maybe the only
12 evidence of malice in this case, particularly as relates to
13 the attempted murder charges. The planning, the
14 preparation, that is evidence of express malice as opposed
15 to any implied or inferred malice arising from criminal
16 recklessness, shall we say.

17 Again, the Supreme Court has basically tipped its hand,
18 in my opinion, in King. And said, with the correct case in
19 front of us, this is how we would rule on this
20 express/implied malice distinction. The membership of the
21 Court hasn't changed that much. I think that it's the
22 likelihood that they would rule, in Taylor, similar to the
23 day to how they would rule in King. And, of course, this
24 court has to be concerned with judicial economy and the last
25 thing that I want is some other Circuit Judge sitting here

1 four years from now retrying this case, you guys sitting
2 here retrying this case.

3 But what I'm saying and what I'm -- what I've decided
4 to do is to simply instruct on express malice as it relates
5 to the attempted murder instruction, but otherwise I'm going
6 to have to play with that a little bit, but otherwise I'm
7 not going to instruct them on implied or inferred malice for
8 the reasons I just stated. It's strange that I'm, of
9 course, instructing on the law that hadn't been changed yet,
10 but I can kind of see the writing on the walls and, more
11 importantly, based on the facts of this case, if there is
12 evidence of malice present it's manifested in a way that
13 denotes express malice as opposed to any inferred malice.
14 That's why I'm doing it. So, I'm backing off.

15 MR. GROSE: So, the final version of the ---

16 THE COURT: It's not going to be what you've got.

17 MR. GROSE: The final version that you said is not the
18 final version. So, you're taking out the definitions.

19 THE COURT: I read this over a chicken sandwich, Okay.
20 It was really great, and I don't want to keep people waiting
21 and I've got to fix that though.

22 MR. GROSE: I was just -- I'm just trying to keep up.
23 It's been a long 2 weeks.

24 THE COURT: Exactly.

25 MR. STUMBO: Judge, so if I'm hearing you correctly, you

1 will work the, I guess the one sentence on implied or
2 inferred malice and work that into the murder instruction?

3 THE COURT: Give me a second. Let me look what I got
4 so far. I'm going to tell you exactly what I got. What I
5 did was, under the attempted murder instruction, I
6 eliminated the last sentence of the first paragraph saying,
7 malice is defined the same way as above, in the murder
8 section. And I inserted, "For purposes of attempted murder,
9 express malice is defined as I define it for you above."
10 And in the preceding sentence, the very last part of that
11 sentence, "Attempted to kill another person with express
12 malice aforethought." That's how I modified that. So, just
13 reference this back up to the top concerning express malice.
14 Does everyone understand that?

15 MR. GROSE: Can you say that again please?

16 THE COURT: Sure. Under attempted murder, the first
17 paragraph now reads, "The defendants are also charged with
18 attempted murder. In order to prove this crime, the State
19 must prove the defendants, with the specific intent to kill
20 attempt to kill another person with express malice
21 aforethought. For purposes of attempted murder, express
22 malice is defined as I defined it for you above." Are we on
23 the same page? Are we good with that instruction? Very
24 good.

25 MR. GROSE: May I impose on you to e-mail that, because

1 I'd like to...

2 THE COURT: I will do that right now.

3 MR. GROSE: Thank you, sir. And the verdict forms are
4 not ready. I just saw your inquiry, Mr. Grose. I'll have
5 it worked out, but we'll probably take a break and you can
6 look at them before I get instructions. We'll handle it
7 that way.

8 MR. GROSE: I'd like to have it before my closing if
9 possible.

10 MR. STUMBO: Just to clarify the language of implied
11 malice, as you defined it above, is still the same as it is
12 here in the murder portion?

13 THE COURT: Yes. I have not changed the murder portion
14 of express malice or implied malice.

15 MR. HENDERSON: Judge, for the record, you're talking
16 about page 16, the full paragraph 6 lines down that begins
17 express malice is.

18 THE COURT: Yes. Malice may be express or implied.
19 These terms express or implied -- I've not changed anything
20 that's on page 16.

21 MR. HENDERSON: Right. So, when you're referring to
22 above, you're referring to the sentence that starts,
23 "Express malice is."

24 THE COURT: Right. Yes. If they have a question, they
25 can ask me about it. The sentencing sheet, Mr. Grose, I'll

1 try and have that for you. I'll work it up right now and
2 get it to my secretary and maybe we can -- I'll have her
3 print it and maybe bring it out to you guys for your
4 respective defendants and I'm sure you'll have that prior to
5 your close, since you're closing last. Of course, the State
6 will open and gets final argument on this case. No
7 sandbagging, please.

8 MR. GROSE: And you meant verdict forms, not sentencing
9 sheets.

10 THE COURT: I don't know why I keep saying that. That's
11 what I meant. Verdict form. Nothing else? Let's have the
12 jury in, please.

13 (WHEREUPON, jury entered 2:26 p.m.)

14 THE COURT: The record will reflect that the jury is
15 back and seated. Ladies and gentlemen, as I alluded to
16 before lunch, you've now received all the evidence that
17 you're going to have in order to judge this case, and it now
18 becomes the lawyers' responsibility to give you their
19 closing arguments. And I will let you know that it's normal
20 for the lawyers to refer to evidence, or testimony, or facts
21 that were presented during the course of the trial. It's
22 perfectly normal for them to make reference to the evidence.
23 However, if at any time the attorneys say anything about the
24 evidence or the testimony and it differs from what your
25 recollection of the facts are and the testimony is,

1 obviously you go with your recollection of the facts,
2 because you are the judges of the facts, not the lawyers.

3 So, for example, if they were to say to you that this
4 morning the weather was rainy, and cold, and miserable, but
5 you recall this morning being kind of pleasant and sunny and
6 quite temperate. You should go with your recollection of
7 the weather is as opposed to what the lawyers say the
8 weather is. We will be following the same order that we've
9 been doing throughout this trial. Mr. Stumbo will open
10 first on behalf of the State, followed by Mr. Tinsley, Mr.
11 Henderson, and then Mr. Grose. And then Mr. Stumbo, or the
12 State, will have an opportunity to reply or respond to
13 anything that the attorneys said, that the defense attorneys
14 said in their closing. So, with that, Solicitor, you're
15 recognize for your closing, sir.

16 CLOSING ARGUMENTS

17 MR. STUMBO: Thank you, Judge. May it please the Court.
18 When a bullet leaves the barrel of a gun, it has no name.
19 The bullet may find its intended target. The bullet might
20 not find the target at all. May be found stopped by the
21 ground, or a tree a far distance away. May be stopped by a
22 building. Or maybe the name on that bullet ends up being
23 someone that it never was intended by the person pulling
24 that trigger. But one thing is for certain, folks. When it
25 leaves that barrel, you ain't getting it back. You're not

1 getting it back. And the violence and destruction and chaos
2 that hat causes when it leaves there and you can't get it
3 back is there to stay forever. Scars forever. Damage
4 forever. Life possibly never coming back.

5 You can't get it back. And folks, the chaos, and
6 destruction, and death caused on April 8, 2020, the three
7 guys you see sitting before you; Narkevious Reid, Xayvion,
8 Hill, Chazz Hurley, they're the cause of it. Make no
9 mistake. They are the cause of the chaos. They are the
10 cause of the destruction. They are the cause of the death.
11 Ironically, in this case the one who died, if he had
12 survived this, would be sitting over there with them. And
13 that's unfortunate, but it's even more unfortunate that his
14 family will never see him again. And the ones that are left
15 with us, the three that are sitting before you, must be held
16 responsible for that.

17 And we have the burden of proof in this case, and I
18 know Ms. Taylor talked about this in opening a lot and
19 several of the defense attorneys. This is very, very
20 important, folks. The burden of proof in this case. And by
21 the way, it's a burden that we gladly bear, and it's because
22 of all we have sitting before you, all the pieces of this
23 puzzle that we're going to talk about in a few minutes. But
24 it's a burden that we gladly bear in this case on behalf of
25 the State of South Carolina, to represent these facts to

1 you. And what is that burden? There's a reason why, I
2 would submit to you, that you heard so much about the burden
3 of proof at the beginning of this case in opening statements
4 from all of the lawyers. And the reason why you heard so
5 much about the burden of proof beyond a reasonable doubt
6 from all the lawyers early in this case is because it is
7 absolutely critical that you understand what that means and
8 grasp what that means, okay?

9 Now, I'm going to talk a little bit more about it in a
10 second, but the best illustration I can give for this burden
11 of proof beyond a reasonable doubt, and what you'll hear
12 from the Judge. I want you to remember this for a second.
13 What you heard from Mr. Henderson in opening is that that's
14 a burden that's beyond all and every, or all and any. I
15 believe he said all and any reasonable doubt. And I'll
16 challenge you to hear that from the Judge Addy. He's the
17 judge of the law in this case. When he instructs on
18 reasonable doubt, I challenge you to hear that. In fact,
19 it's the exact opposite of what you're going to hear from
20 Judge Addy, is that there are very few things in this world
21 we know with absolute 100 percent certainty. But beyond a
22 reasonable doubt is not that. It's doubt that -- it is
23 proof that leaves you firmly convinced. Firmly convinced,
24 Okay.

25 Give you a little illustration of that. This is a

1 recognizable image. Y'all see this. You know what this is.
2 I want you to imagine this picture of an image we all here
3 know what this is in this country is a jigsaw puzzle, 500
4 piece jigsaw puzzle, that you have laid out on the table in
5 pieces. Now, the case -- like the Judge said, there's very
6 few things in this world we know with 100 percent certainty.
7 You're going to have pieces missing. Maybe from here. This
8 picture, the flame of the statue. And we're all familiar
9 with this cut off. You're going to have missing pieces in
10 this world, because we live in the real world right? The
11 judge told you in the beginning, this isn't TV. This isn't
12 entertainment. This is the real world. Not just from the
13 edges here. We're taking a number of pieces off of this. A
14 hundred percent of every single piece, and in this case --
15 we're going to talk about this in a second. A lot of pieces
16 the defense attorneys are going to, I'm sure, talk about.
17 Every time you're not going to have. But just like in a
18 jigsaw puzzle, you're still firmly convinced, even with the
19 missing pieces, of what this is. It still paints a firm and
20 convincing picture.

21 You will review, when you get back in the jury room,
22 the evidence in this case. The Judge is going to tell you a
23 little bit about what you'll do in deliberations. I promise
24 you, just like most things in the real world, there's not
25 going to be every single piece of that jigsaw puzzle.

1 That's okay, and this is why this is so important. If
2 you're fixated at the end of this argument, and just fixated
3 on the one missing piece, or the second missing piece and
4 you don't take that view like you're in an airplane flying
5 over the land and seeing the whole landscape before you.
6 The whole landscape before you. When you see the whole
7 landscape, you can be firmly convinced of guilt, and that's
8 what the burden of proof is. That's the best illustration I
9 can think of to give you on how that burden rests with you
10 when you deliberate in this case. So, I would ask you, and
11 I'd implore you, ladies and gentlemen, that sure you're
12 going to recognize some missing pieces in this case, because
13 it's the real world. It's not perfect. It's not movies.
14 It's not television. But what this is, ladies and
15 gentlemen, is this. It is a firm and convincing picture and
16 we're going to go through this evidence here in a minute and
17 put the pieces of the puzzle together. It's a firm and
18 convincing picture that these three guys in front of you are
19 the cause of the chaos that day, April 8 at Hillcrest
20 Apartments.

21 Hillcrest Apartments, folks, and Gardens at Parkway,
22 and Cardinal Glen, this area over here -- and I'm not going
23 to walk back to the map and keep walking back and forth.
24 Y'all will have that map in the jury room. It's in
25 evidence. Cross section. A perfect cross section of our

1 community. A diverse area apartment complex here in
2 Greenwood. It's right down the street from the hospital.
3 Right down the street. As Ms. Taylor talked about in
4 opening, every member of this community goes to the DMV,
5 right? If they drive, if they have a car, if they get their
6 license, that's a stones throw from these apartments.
7 Stones throw from Self Regional and all those doctor's
8 offices over there. Beckman Mental Health. City centers of
9 our Greenwood community. That's where this happened. And I
10 want you to remember that, and in the chaos that was caused
11 that day, that's important to remember where this happened.
12 Okay, folks?

13 As I said, it's a burden we gladly bear, and so let's
14 put the pieces of the puzzle together. I'd ask you to just
15 turn to the screen briefly. We're going to talk a little
16 bit about the law and a little bit about the facts here on
17 the computer screen. All right, this legal doctrine of hand
18 of one hand of all, it's something the Judge is going to
19 instruct you on. He's got a lot to tell you about that, and
20 I want you to listen carefully during Judge Addy's
21 instruction on this. We'll talk a little bit about it here,
22 because it puts into context everything we do in this case.
23 Puts into context the facts in this case and why it's being
24 presented to you the way it's being presented. Its legal
25 term is accomplice liability. We call it the hand of one

1 hand of all, but the fancy legal terms accomplice liability.

2 It means, the one who joins with another to accomplish
3 an illegal purpose is criminally responsible for everything
4 done by his co-defendant, or co-defendants, which is a
5 natural consequence of carrying out the common plan and
6 purpose. So, that's one thing that you'll hear from the
7 Judge. Second thing to hear is this is not about formal
8 expressed agreement. It can be inferred from the actions of
9 the defendant. In other words, there doesn't have to be a
10 written contract. There doesn't have to be a written
11 agreement that a criminal conspiracy, in which all of the
12 co-conspirators are held responsible and criminally liable
13 for everything, it doesn't have to be formal. It can be
14 talked about even just moments before. It can be proven by
15 circumstantial evidence. We'll talk a little bit more about
16 circumstantial versus direct evidence in a few minutes. And
17 the conduct of the parties. Presence at the scene of a
18 crime by pre-arrangement to aid, encourage, or abet the
19 preparation of a crime constitutes guilt as a principle. So
20 folks, the classic example of this is the getaway driver of
21 any crime. And it's our contention here that Mr. Hurley is
22 the one who drove this car to the scene, is the one who
23 drove this car away from the scene, and he is, even though
24 there is no evidence that he ever held a gun in this case,
25 just like the getaway driver that pulls to the back of a

1 convenience store and others go in to rob the store and
2 somebody might get killed in the store. That's the classic
3 legal, kind of, textbook definition of the hand of one is
4 the hand of all. So, anyone that's involved, whether they
5 pulled the trigger or not, if it's a natural consequence of
6 what was planned, which here was let's go get Justin Parks
7 and Gabriel Goode. Anything that, there again, is a natural
8 consequence of that shooting and that assault is hand of one
9 hand of all for everyone involved in the case. As we said
10 before, doesn't matter who actually commits the crime and it
11 doesn't -- essentially here you can read this -- it doesn't
12 matter who actually pulls the trigger. All are guilty in
13 that violent act.

14 Two phrases I want you to listen for from the Judge.
15 We talked about firmly convinced. That is not a complicated
16 -- proof beyond a reasonable doubt, sometimes, is not
17 something you hear every day, but you know what a firm
18 conviction is. And that's what we're talking about here,
19 when you're firmly convinced. And the other thing I want
20 you to listen to the Judge say is, he says only if there's a
21 real possibility. If you find that there's a real
22 possibility of the defendants' innocence, that they weren't
23 involved with this, that they didn't commit these crimes.
24 Real possibility. Not fantasy world possibilities. Not
25 crazy stories and theories, conspiracy theories, all that

1 kind of stuff. Real possibilities.

2 Criminal intent. Judge will tell you the criminal
3 intent of mental state of conscious wrongdoing, Okay. Here
4 again, don't over complicate this, folks. It's pretty easy
5 to understand. It's the mental state of conscious
6 wrongdoing. You plan an event that is a criminal act with
7 others, so you go to carry it out, you can infer a mental
8 state of conscious wrongdoing. It's not necessary to
9 establish intent by direct and positive evidence. In other
10 words, the person doesn't have to announce verbally, I'm
11 going to go shoot at this person. I'm going to go kill this
12 person. That intent can be and established by inference,
13 the same way as any other fact, and you take into
14 consideration the acts of the parties, and the all the facts
15 and circumstances. Remember, flying over it, like in an
16 airplane, and seeing the whole landscape is how you
17 determine the inferences of criminal intent.

18 Attempted murder, specifically here, folks. And this
19 -- I'm taking these in chronological order, because this was
20 the plan, Okay. The plan was not, obviously, for Mr.
21 Trivoriaye Alston to get shot by one of his own guys that
22 day, but it did happen. But the plan and the conspiracy was
23 for an attempted murder. And what the law says is an
24 attempt to kill another person with malice aforethought and
25 an intent to kill. The Judge will read that to you. He'll

1 say in a specific intent to kill the targets of the
2 attempted murder. And the targets in the indictment for
3 each of these defendants for these attempted murder as
4 charged are Gabriel Goode and Justin Parks. They were the
5 targets of this action. We'll talk a little bit more about
6 those facts in a few minutes.

7 Little bit unpacking malice here. Malice is, the Judge
8 will tell you, is the wrongful intent to injure another
9 person, is the doing of a wrongful act intentionally without
10 just cause or excuse. So, pulling the trigger of a gun is
11 not always malicious. Sometimes it's justified. If you're
12 defending yourself or someone else that is a justified under
13 the law use, cause for, and would not be a malicious act.
14 The Judge will talk about express and implied malice. He's
15 going to say express malice, express intention to kill.
16 These are just the two ways in the law that they say we can
17 -- you can imply -- or you can, excuse me, you can prove
18 malice. The Judge is going to tell you that express -- it
19 could be somebody announcing verbally, or by some kind of
20 message to someone, that they intend to kill somebody. It
21 can also be shown by shown by lying in wait. The Judge will
22 tell is you one example. Or other acts of preparation. And
23 we'll talk a little bit more about why that's important in
24 this case here in a moment. Implied malice is the other
25 way, and we'll unpack that a little bit too.

1 Aforethought. Y'all heard a lot of times, maybe, in
2 TV, movies, premeditation. A premeditated act, or killing,
3 or murder. In South Carolina, we say -- this is a similar
4 concept, but maybe not exactly the same. It's called malice
5 aforethought. And aforethought just means there's no
6 requirement that the malice must exist for any appreciable
7 length of time. So, in other words, it could be conceived
8 at the moment the assault occurs. So, you may decide to
9 commit this malicious act even just moments before you do
10 it. In a case like this one, I would argue that there was a
11 little more planning involved. Not a significant plan. Not
12 a complicated plan. Not a long-term plan, but one that
13 would satisfy the aforethought element.

14 All right, murder. Pay attention to this here y'all,
15 because this is very important. It's a strange murder case
16 that you have. But it simply is defined under our law as
17 the killing of another person, and that's a homicide. And
18 suicide is killing yourself. Homicide is killing someone
19 else. Sometimes there's justified homicide, but this
20 element itself just means you are the one that is
21 responsible, either yourself or with co-conspirators, of
22 killing another person. And here it says with malice
23 aforethought. It doesn't have that additional element, like
24 in attempted murder with an intent to kill, but the idea of
25 malice is very similar to a kind of an intent to kill,

1 traditionally under the law. Skip one.

2 Malice, also, the Judge is going to tell you, does not
3 necessarily import ill will towards the individual injured.
4 It may be inferred from conduct showing a total disregard
5 for human life. So, this is applicable to this murder
6 concept as well here. And I would say to you that it's very
7 important in this context because of the actions of these
8 individuals, including the one who ends up being killed,
9 showed a total disregard for human life.

10 Transferred intent. So, this is maybe second to the
11 hand of one hand of all in terms of the importance of
12 something to remember here. It's been said, and the Judge
13 won't say these words, but I want you to listen close to his
14 instruction. For all intents and purpose, the malice
15 follows the bullet. So, if I intend to kill one person and
16 because the bullet flies wildly into another person, that is
17 the idea of transferred intent. So, my malice towards the
18 people I was trying to shoot at and kill, the bullet -- and
19 we talked about the bullet doesn't have a name. It hits
20 somebody else. That same under the law, the same criminal
21 liability and punishment attaches to that. So, that is what
22 we mean by transferred intent here.

23 That's not a relevant slide. Direct evidence versus
24 circumstantial. I want y'all to listen to this example
25 while you still look at the screen. The best illustration

1 or maybe metaphor I can give for this is snow. You wake up
2 one morning and the ground is covered with a white powder
3 when you walk outside. You didn't wake up during the night.
4 When you fell asleep there was nothing on the ground. When
5 you wake up, there's a nice coating of snow. Well, how do
6 you know it snowed last night? We didn't see it. If you
7 witnessed it, that's direct evidence. If you woke up during
8 the night and saw the snow gently falling down out of the
9 sky onto the ground it's direct. Circumstantial would be
10 the next morning you wake up, you go out, you get a handful
11 of snow, you make a snowball, you throw it at your spouse or
12 one of your kids to have a little bit of fun. You feel it.
13 It's cold. It's wet. You know that's snow. That's
14 circumstantial evidence that, even if you didn't see it snow
15 at all, that's substantial circumstantial evidence. When
16 you have that that you can see, touch, and feel that it
17 snowed last night. And that's the best way I can describe
18 that.

19 The Judge is going to tell you that there is absolutely
20 no value difference between these two. Many times you may
21 have heard, that case is purely circumstantial. Well, the
22 Judge is going to tell you that circumstantial evidence is
23 every bit as important as direct evidence, and you, the
24 jury, as the finder of fact, can compile that in this case
25 and figure out whether it satisfies the burden of firmly

1 convinced in this case.

2 All right, let's go through some of the witnesses
3 briefly and then we'll talk about the stuff on the tables.
4 But, I thought it's been a while. I think it's been a full
5 week since you've heard from the lay witnesses in this case,
6 which we call the people that were there -- either there at
7 the time or around the time. Jameel Wilson was the first
8 witness you heard from after you heard the 911 calls. And
9 of course you heard him in the 911 calls. You heard Gabriel
10 Goode calling, frantically trying to get someone there
11 because his cousin Justin Parks was bleeding profusely up in
12 the apartment. And he was there in the apartment with him
13 when he calls. He says he goes out to the stoop to look for
14 the ambulance, or the first responders, when they come. So,
15 you hear heard from those during those calls. That's
16 important evidence in this case too.

17 But, what did Jameel Wilson tell you? He was one of
18 the guys that called 911 and he testified in front of you
19 this week. He's the maintenance man at Cardinal Glen. He
20 tells he's working at a HVAC unit outside of one of the
21 apartments after lunch. And I want you to remember this.
22 He doesn't give exact times. Because when you're working
23 like he was that day -- he says he remembers he gets -- my
24 recollection is he said he gets off of work, or back from
25 lunch, around 1:30. He'd gone to lunch. He gets back

1 around 1:30. He starts working around the apartment
2 complex, and at some point between then and the time he
3 hears the gunshots, during that time. Which we know, based
4 on the 911 calls, to be around 2:10, 2:11. So, sometime in
5 between that time he sees a black Camry slow rolling through
6 his apartment complex where he's the maintenance man. And
7 he said it -- and Ms. Taylor -- excuse me, Ms. Hoffman asked
8 him a couple times about this, and he drove through two or
9 three times. So, he sticks around a little while. He
10 doesn't just go pick somebody up and leave. He talks about
11 -- it was a reason why it caught his eye and he was, like,
12 and I believe that he said it arose suspicions with him is
13 why he noticed it, and he wondered why this car he didn't
14 recognize was kind of slow rolling through the place.

15 He tells you about the gate being closed. And we
16 talked about that in these maps. On the one side that leads
17 to the back of Hillcrest Apartments, the gate is closed.
18 You can't drive through there. And so he indicates that
19 after this black Camry drives up and down a couple of times
20 back and forth that he leaves the apartment the same way he
21 came in, which is back on to Parkway, the main street. And
22 he says when this happens -- and there again, you may hear
23 from the defense and they say, well, it's two minutes or
24 less. My recollection is, as he was asked on direct and
25 redirect, he says it's a short time. So, as he's working on

1 his AC unit, I'm sure he's not keeping a stopwatch of how
2 long before, or after this car pulls out, that they hear
3 gunshots. But he said very clearly that the vehicle had
4 pulled out, and it left, and then some time later he hears
5 gunshots. That's very important, especially after what we
6 heard today from two of the defendants. Describes two
7 silhouettes in the back seat with small twisties. We heard
8 a little bit about twisties or baby dreads. Kind of, this
9 hairstyle that a lot of young men wear where it's just
10 sticking off the top of the head a little bit. And that's
11 what he sees with two people in the back seat.

12 Now, he didn't say that there's no one in the front
13 passenger seat. He just says when he's looking in the back
14 window, he doesn't specifically see anyone. There's tinted
15 windows in this vehicle. You'll see the pictures of it.
16 But very clearly he notices the silhouettes of the guys
17 sitting in the back seat. So folks, there's certainly
18 someone driving two guys in the back seat. And I would
19 submit to you, ladies and gentlemen, that most people don't
20 leave the front passenger seat open. I know when I was
21 growing up, it was always somebody called shotgun. So,
22 somebody is going to be sitting in that front passenger
23 seat. Even though Mr. Wilson says, and he's being as frank
24 as he can be with you on the stand, he didn't see anyone.

25 He indicated there were children out. And he said that

1 was a day -- obviously we know the date being several weeks
2 after the pandemic started. Kids were sent home from
3 school. People were home from work, as you can imagine.
4 There were a lot of children out at his apartment complex
5 and the ones right beside it.

6 Stephanie Moss. What did she tell you? She's sitting
7 in her apartment, and you can look on the map and see where
8 the gun is found in the parking lot. Her apartment is the
9 one right there adjacent or perpendicular to where the gun
10 is found in that parking lot at the Gardens of Parkway. She
11 sees a black Camry pull into a spot and it's facing her
12 window. And she did say that more than one got out. Now, on
13 cross, she said, well, I could -- she said she saw one,
14 didn't see the others. There was some exchange on redirect.
15 She said that -- she did acknowledge it was more than one
16 that got out, but she just noticed the clothing of one,
17 which was a white shirt. White T-shirt with what she said
18 were blue anchors. And we'll talk a little bit more about
19 that when we go through the pictures in a moment, on what
20 one of these defendants was wearing. But what she said is
21 her son had what she thought was a shirt that was similar to
22 that, and that's why she noticed it. A white T-shirt with
23 little blue emblems all over it that she described as
24 anchors. A short time later, she hears gunshots. After
25 these guys get out of the car, they run towards the tree

1 line. And you'll have the maps back there. The tree line
2 she's referring to separates her apartment building from
3 Hillcrest, where all these shell casings were found and were
4 Goode and Parks were shot. So, she hears the gunshots, what
5 she testified to this week, and she tells you that she takes
6 her special needs 14-year-old child and goes and hides. And
7 she stays there for some time before she comes out. She
8 does not see anything after this. But again, the fear, the
9 chaos. Stephanie Moss and her special needs child lived it
10 that day. And then later she comes out and did say when
11 she's talking to law enforcement and they're there, she sees
12 that there's a pistol there, right -- and she testified to
13 you this week. It's right where she saw that black Camry.
14 She recognizes the black Camry because same type of car that
15 her cousin has. And she at first thought it was her. Looks
16 out and sees males get out of it. It's not her cousin. But
17 this pistol that you'll have in evidence, it's State's, and
18 we'll look at it a second, is State's 93. The pistol that
19 is found there and collected by law enforcement.

20 Laurel Bollinger. Extremely important here, because
21 she's close to a direct evidence eye witness as you're going
22 to find in this case. And you'll see the map. Look at
23 both apartment number ■ and ■ are caddy corner to each
24 other. And what she says is when she looks out the first
25 floor bedroom window, she has a direct view of the bush or

1 bushes that are on the corner of Apartment ■ where this
2 incident took place and where all the shell casings are
3 found. She says after hearing what she described 10 to 15
4 gunshots, first thing she sees is a shirtless black male run
5 by her window. When she describes is, kind of, shaved on
6 the sides or close cropped, and he's got these twists or
7 baby dreads is what she called them, I think, sticking about
8 an inch off the top of the head. That's the first thing she
9 sees.

10 What she says right after that, she sees the two black
11 males that she says are running while they're kind of
12 crouched over. One was bigger than the other. And you
13 remember hearing the sizes of these young men, including Mr.
14 Alston from the witnesses in this case. Mr. Alston was the
15 biggest. He was 5'11. Mr. Hill, our defendant, is a little
16 bit shorter than that and Mr. Reid is a little bit shorter
17 than that. But the one she sees wearing a white shirt.
18 Now, you will hear -- and there again, what you heard from
19 her, she said she remembers acid washed kind of jeans. She
20 said she believed it was on the one that was shirtless.
21 Ladies and gentlemen, I would say when you judge these
22 facts, remember, as people see things quickly, they can
23 conflate things. And you can make a determination then when
24 she sees these three individuals very closely to each other.
25 One is shirtless. We know this from the videos from the

1 hospital. We'll talk more about that in a second. One of
2 them, Mr. Reid was shirtless. Mr. Hill had on some acid
3 washed jeans, and he's behind them, of the two that are
4 crouched over.

5 She was very scared. She said she closed these
6 curtains quickly. I think at one point, she said she was
7 freaking out and she said I was a wreck, I think was her
8 words, that I wrote down in my notes. She was scared for
9 her five-year-old son, Caleb, who she said normally at that
10 time of day would have been outside playing out in the grass
11 right where this happened.

12 Mr. Hawthorne appeared to me to be a hard working
13 gentleman that works on the maintenance there at the
14 apartments. After hearing the gunshots, what he said he
15 thought was fireworks at first, so he basically, being at
16 the clubhouse where he was, I guess towards the front of the
17 complex, he gets in his silver SUV to go inspect. He was
18 going to be leaving at some point, he said, soon, I think to
19 work on some stuff around the apartments. But when he hears
20 this he goes out and he gets in his vehicle and he drives
21 around to figure out what happened.

22 What he sees, first thing he sees, is when he comes and
23 pulls, he described pulling into one of those parking places
24 across and down from where Stephanie Moss's apartment is.
25 The first thing he sees is this black Camry high rate of

1 speed getting out of there fast while it's moving with the
2 back passenger door open and blue shoes hanging out.
3 Remember the blue shoes. Very important in this case. And
4 there again, that sensory detail from your eyewitnesses.
5 You juxtapose that -- I think that's the word you use --
6 with the with the physical evidence, with the pictures, with
7 the physical evidence here.

8 What else does he see after that? He says essentially
9 at the same time, I think Ms. Hoffman asked him this
10 question at what was the timing of this. He sees Xayvion
11 Hill who is a defendant in this case hobbling down or
12 hopping down the sidewalk towards him. As the car is
13 speeding by him, Hill is coming at him down the sidewalk,
14 which is across from Stephanie Moss's apartment. And
15 immediately jumps in his vehicle and asks if he can take him
16 to the hospital. It's important to remember. And what did
17 he do? And you can see this in the Self ER, not just from
18 his testimony, but you saw the video. He hangs around there
19 in the bay, and he told you on the witness stand, he stayed
20 long enough to give them all the information he could give
21 related to this young man, which was not a lot, but he gave
22 him what he had. Told them his name. He thought was -- he
23 said he thought he heard Jay Hill, I think, on the 911 call.
24 And there again tells them what he knows, and eventually he
25 gets back in his car. Goes back to the apartment complex.

1 He observes the gun when he gets back to the apartment
2 complex as well.

3 You also heard folks from -- and I don't have slides on
4 these, but Gabriel Goode and Justin Parks. What did you
5 hear from them? Parks just says, they both say, that
6 they're being honest with you. They're not trying to hide
7 the fact that they were smoking a blunt up on these steps.
8 Goode says that he and his girlfriend had gotten in a fight
9 or an argument and she left upset or mad, took their little
10 girl, their little one-year-old child, with her. It's just
11 a few minutes before this happens, and thank God she did.
12 But she was gone at the time, and his cousin Justin and him
13 fired up a blunt. They were smoking, and that's when they
14 hear gunshots. And from what you heard Goode say Justin is
15 sitting on the steps, kind of with his back leaned up
16 against the rail, back towards where these guys came from.
17 He said he's standing, looking straight ahead out of his
18 left periphery. He sees, basically, muzzle flashes. And
19 what he sees, what he can remember seeing, a gun that is tan
20 in color. State's 92, is a tan in color gun that was found
21 on scene in this case. But that's what he remembers seeing.
22 There again, sensory detail. That's what he told you this
23 week he saw. Quite frankly, he sees a ski mask too. Doesn't
24 know who he saw shooting at him. Now, generally, I've never
25 had someone shooting directly at me, but when you have gun

1 flash and muzzle flash, your focus is typically on the gun I
2 would think and not looking at the faces of the people that
3 are shooting at you. But that's the evidence we have on
4 Goode and Parks.

5 Now, we'll talk a little bit more about this in a
6 second, but almost -- very shortly after this shooting, you
7 have a minute, minute and a half, two minutes. I can't
8 remember the exact length of the 911 call where he's on the
9 phone, Goode is, with the 911 operator. You heard that.
10 And from what I heard in some of the opening statements, I
11 believe talking about the fact that there's seven minutes.
12 Remember hearing this, I believe, at some point? I believe
13 it was Mr. Henderson, Mr. Reid's attorney. He talked about
14 seven minutes. Seven minutes. You hide all this evidence.
15 We heard Gabriel Goode had been shot in the foot. And we've
16 seen -- I'll show you a picture in a second with him shot
17 through the foot and blood footprints on the steps where he
18 said he goes down the steps to flag down the officer, and
19 then he sits right in the grass or stands in the grass, sits
20 down. We saw that on the body cam. Don't you think, folks,
21 and I'll show you State's 49 in a second. You'll have it in
22 the jury room. Don't you think he was running around the
23 apartment or out to the parking lot and there's this
24 conspiracy theory that he's hiding all the evidence that
25 he's shot in this case, don't you think his bloody -- he got

1 shot through the foot. We've got the sock to prove it in
2 evidence. Don't you think that that bloody trail would be
3 leading to all those places where he's trying to hide
4 evidence? There's not. There's a lack of that. There's a
5 lack of physical evidence that would demonstrate that. He
6 was on the phone. He was staying with his cousin, close to
7 his cousin, because his cousin, according to the doctor --
8 you heard what he said about Parks -- would have died,
9 maybe, if he hadn't got that tourniquet on him and had good
10 quick medical treatment. So, Goode was concerned about not
11 only the injury in his own foot, but his cousin who was up
12 there with severe gunshot wounds and injuries to his lower
13 body.

14 But, the witnesses in this case, folks, I want you to
15 remember that we've got to filter that through everything
16 else that we start to see. And this is very important here.
17 And this picture in evidence we referred to a bunch of
18 times, State's 79. I showed it to Narkevious Reid, one of
19 the defendants here this morning. He submits that's him.
20 Mr. Hurley admits that's him at the hospital. But even more
21 importantly, the fact that Mr. Alston in this case and on
22 cross examination, they acknowledged this. By the time they
23 got there he was basically -- they had to get -- carry him
24 out of the car. He was unresponsive.

25 And so, we'll talk a little bit about more of that in a

1 second. But the fact that from where he's talking about this
2 shooting taking place all the way out to the road, which
3 we'll talk about that in a minute too. The -- what I
4 believe to be an unrealistic, not only distance, but the way
5 that they just happened to be driving by. They didn't have
6 anything to do with this, but they just happen to be driving
7 by the exact moment that their friend, Trivoriaye Alston,
8 appears with a gunshot wound. I mean, think about that,
9 folks. That's that's not a real possibility. That is
10 absolutely fantasy world.

11 Look at the time line. This is -- this is critical
12 here folks. The time line to get us to this point at Self.
13 Talked about Jameel Wilson. He sees the Camry slow roll at
14 the Cardinal Glen. We can't put an exact time on that, he
15 says he gets off of, you know, back to the place from lunch
16 around 1:30, I believe. We know around 2:10 is the time
17 that this shooting happens. Sometime there between that
18 time, he says, he sees these guys coming through. This is
19 very important in terms of what the Judge will tell you
20 about express malice and conspiracy with acts of
21 preparation. This is evidence of that, folks.

22 Hawthorne, at the clubhouse building. This is the Mr.
23 Hawthorne, maintenance guy. He's prepping to go out around
24 -- he said the last time he looked at the clock it was 2:05,
25 I think. But he says that at some time after that is when

1 these fireworks happen and he goes out to explore it. First
2 911 call, as we went through early on in this case, just a
3 reminder was at 2:11:20. 911 operator is on the phone.
4 That call you heard from Gabriel Goode, and he informs them
5 that they need help. He's frantic. He knows it's a severe
6 injury, particularly to his cousin.

7 A mere one minute and 28 seconds later at 2:12:48 the
8 Camry is already pulling into the Self ER. So, folks, the
9 distance between building G and that vehicle is short. The
10 couple of minutes it took to get there, to get to the car
11 and get to the hospital. Obviously they're driving fast to
12 get Alston there, but this is a very short timeframe here.
13 And, you know, we heard a lot about a lot can happen in
14 seven minutes. This time frame here is the actual times.
15 The call comes in, Goode's pleading for some assistance, and
16 Hurley's pulling -- that picture we saw in 179 happens a
17 little bit after 2:12, but as they're pulling in, and you
18 can review the video if you need to in deliberations, is
19 about that short of a period. And there again, around the
20 same time as they're pulling into the ER, Hawthorne is
21 trying to figure out -- talk to Hill, get information from
22 him, starting to pull out. He says he calls 911 as he's in
23 the car pulling out. This just happens, there again, 11
24 seconds after the Camry pulls in. And then, there again, it
25 takes him a little under what I can tell if he's pulling out

1 and Wade describes it. He says he's pulling out of the
2 apartment complex when he's on the phone at this time where
3 it's not that long later, 45 seconds later. You have Hurley
4 and Hill jumping back in to the car. Reid jumping in the
5 back seat he's so anxious to leave. And 2:14, Hawthorne
6 there again, less than a minute after that, Hawthorne, Mr.
7 Hawthorne pulls in with Xayvion Hill to the ER bay.

8 And there again shortly after that, 2:16 to 2:18. And
9 Deputy Cockrell says that he calls in and reports to
10 dispatch at 2:18, and that's the time that's on his reports,
11 but he says usually he gets there for a couple of minutes.
12 It could have been up to a couple of minutes, and that's why
13 I put this range there, between the time he arrives and the
14 time he reports in to dispatch. He says he believed it was
15 about the time he encountered Mr. Goode, standing in the
16 grassy area in the yard.

17 If y'all could turn back towards me here, we're going
18 to just briefly go through this. Look, this is a week long
19 trial. There's a lot of evidence. Y'all have great notes.
20 And I want to thank you. I've seen your attentiveness
21 during this trial and it's a lot of witnesses. Over 20
22 witnesses. It's over 140 pieces of evidence on our side and
23 I saw your attentive this during the trial. Many of you
24 were taking notes. You were paying attention, and I want to
25 thank you for that.

1 We're going to briefly go through some of this. In
2 light of the witness testimony, what do ou have? So,
3 instead of right now, you know, we know that there's missing
4 pieces in this case. But are there missing pieces that take
5 the critical parts out to where you can't be firmly
6 convinced that these guys did it? We would submit to you
7 absolutely not.

8 How about the firearm testimony? We had a SLED expert
9 that examined these guns. There are 13 shell casings found
10 at the scene. I got in my right hand, and you'll have 89A
11 in the jury room. Black and silver is what she labeled
12 this. So, these were seven casings. There's 13 found at
13 the scene. Seven from this black and silver gun. And she
14 tested those and her expert opinion that those match to
15 that. And the tan gun was the six other ones that were
16 found all in that same area. You'll have the map. You
17 remember Detective Davis says that the shell casings were
18 almost like in a pattern that was going in a crescent moon
19 shape around the corner of that bush? And that's
20 consistent with someone coming and taking the first few
21 shots, aimed, turning and running while they're still firing
22 around the corner of that house. And that's the pattern he
23 finds. Now, as the witnesses will tell you, where those
24 bullet -- where do those casings eject from don't always
25 match an exact spot, but that was the general pattern he

1 found those casings in. But all 13 casings found in this
2 case at the scene were from these two guns; okay? Two
3 shooters.

4 Now, there were three people that Laurel Bollinger
5 described. So, let's take this and filter Laurel's
6 testimony through these two guns. What does she describe in
7 the hand of the shirtless guy? She says it's a black gun
8 with a silver line is what she testified to. That's what
9 she saw. She just saw briefly the shirtless guy, little
10 baby dreads sticking off his head. We don't have a gun in
11 this case. This is a black gun with a full silver slide on
12 it. This is a tan gun with a -- the body of it -- with a
13 full silver slide on it. And this one that they find in the
14 house on the couch by where -- the fully loaded gun that
15 they found in the house, by the way with one in the chamber
16 and a full clip. And all the unspent ammo is in this box.
17 State's 139 is with State's 91. I know that can be
18 confusing, but we have the evidence that was tested against
19 it that were unfired bullets in this black and silver gun.
20 And there's six, there's seven shell casings.

21 And what did the SLED expert tell you? She said that
22 this gun fully loaded can hold 17 bullets in the clip of the
23 gun. The most of the three of these up here. You have 10
24 unfired. You have 7 fired casings that were picked up at the
25 scene by law enforcement. And there's 10 unfired in this gun

1 when they find it in the parking lot in front of Stephanie
2 Moss's house. She said that there were seven -- a seven
3 clip capacity in this tan 9 millimeter gun. What do we
4 have? Six. Is there a seventh casing somewhere? We don't
5 know. We know that they look for it, but there's not a
6 seventh casing. Maybe there were six in that gun. We do
7 know when that tan gun is found, as the Sheriff said, when
8 he saw it in the line of trees between Apartment ■ and the
9 car, it's racked back and locked, which means the last shot
10 had come out of it.

11 DNA on this gun, folks, this is the DNA evidence that's
12 here in front of you. The DNA expert said this one comes
13 back, essentially, DNA on this black and silver gun found in
14 the parking lot where the car was seen by Stephanie Moss and
15 Mr. Hawthorne, comes back to the guy that's deceased in this
16 case, Mr. Alston. They said they took swabs from the tan
17 gun and there's times where they can get DNA material, touch
18 DNA, off a gun. There's times where it's inconclusive. She
19 found the tan gun was inconclusive. Again we, us, we -- and
20 you as the jury, you deal with the hand you're dealt in this
21 case. And they did that testing. Now the defense may say
22 well, you're missing fingerprints. You heard it. And I
23 think I've heard fingerprints in some of the cross
24 examination here. Fingerprints, as the experts tell you, if
25 you do a fingerprint dusting, it destroys DNA evidence, and

1 they felt like DNA was better to look for in this case on
2 the evidence. So, that's why you don't have fingerprints,
3 okay. It's not because law enforcement is trying to hide
4 something from you. It's not because they dropped the ball
5 in this case. It's because they had to make a strategic
6 decision to either dust the prints or get DNA. They chose
7 to get DNA.

8 So, is there a third gun with the shirtless guy running
9 through that is described here? Well, I would submit to
10 you, ladies and gentlemen that we -- this gun does not have
11 a silver line, black gun with a just silver line on it.
12 Neither do the other two. And folks, that's important.
13 It's important to take this physical evidence and filter it
14 through the eyewitness testimony.

15 These GSR kits. I'm sure we'll hear a lot on the
16 defense side that these are completely useless because,
17 well, they changed their policy and if, you know, they don't
18 even test them if they have a case where there's a suicide
19 and these other things. But the bottom line, folks, is you
20 got to listen to her testimony. I know you did and took
21 good notes on this. What she would tell you is it's still
22 relevant in a case like this one. And it's still
23 circumstantial evidence that you can use.

24 GSR kits in this case were taken from Parks and Goode.
25 What did it show? No GSR. And what the expert from SLED

1 told you was this. That only means one of two things.
2 Either they didn't shoot a gun that day, before they got
3 those kits in the hospital when they were there, or they
4 washed their hands or washed it off. Or there was -- blood
5 washed it off. The only two possibilities. Either that
6 they didn't shoot a gun, or these guys went, as they were
7 bleeding out all over the place in this apartment, calling
8 911, that they went and took the time to wash their hands
9 before Deputy Cockrell got there just a few minutes later.
10 Picked up shell cases. Again, folks, it's a conspiracy
11 theory that is not real.

12 Real possibilities. And we don't have real
13 possibilities in this case of innocence. And this is one of
14 those. Who did have GSR on their hands? We know Mr. Hill
15 did. And we know Mr. Alston did. The SLED expert testified
16 to that in these kits as well. Now what they tell you is
17 and she said this and I know we heard this from the deputies
18 that take these kits. They say after five hours they can't
19 take a GSR kits on somebody because it doesn't fit within
20 that protocol. And y'all heard in this case, and you've
21 seen the evidence of Mr. Hurley and Mr. Reid getting out of
22 that hospital bay as soon as they could. There was no way
23 law enforcement can get GSR kits of them because they were
24 not apprehended until much later in this case.

25 So again, a missing piece that will be harped on I'm

1 sure, because these guys are good lawyers. They're going to
2 tell you that's a missing piece. But is it a missing piece
3 because law enforcement somehow dropped the ball and didn't
4 do their job? No, it's not. It's because they can't take
5 GSR kits days and weeks later, but they can take it when
6 somebody's just been taken to the hospital within an hour of
7 this shooting, which is what they did on the other four that
8 were getting medical treatment at the hospital. So, the GSR
9 evidence, folks, filter that through what you heard from the
10 witnesses.

11 Two young men crouched over behind a guy that's
12 carrying a gun. Mr. Reid probably didn't shoot that day, if
13 you look at this physical evidence. But the two guys that
14 were three to four years younger than him? Who usually has
15 the influence in a group of people? Especially kids of this
16 age or young men of this age. Ones that are ahead of them,
17 Okay. You heard the ages in evidence of Hurley and Reid.
18 They're older than Hill and Alston. I'd submit to you,
19 folks, I could go through every one of these pictures.
20 You're going to have them in evidence. It shows the
21 associations of these young men. So, the bottom line is
22 this. There was a shooting that happened in early March
23 where their friend, who they're really close with, and even
24 Reid admitted today they had been close for a long time.
25 They had rapped together. Had been shot down by this guy

1 Ji'Tavius Adams, who got charged with that. He was locked
2 up for killing their buddy, Jakevius Parker. You think they
3 were mad? You bet they were. In the hand of one hand of
4 all situation, a plan conceived to go do somebody harm.

5 If Alston, who ends up catching one of the bullets in
6 this situation. There again, the dynamics of that are very
7 important. I want you to think about the fact if a
8 right-handed person is shooting a gun and turning and
9 running away where a bullet comes through. If it's coming
10 from the direction of where he's shooting at, if somebody's
11 shooting back. Shooting as he's running away, wouldn't you
12 expect that bullet to hit in the right side and come out the
13 left? That's not what happened here, and you'll see.
14 You'll have this in evidence. No, it went through his left
15 side and the bullet rested on the right.

16 Again, important physical evidence from the autopsy in
17 this case that shows who shot Trivoriaye Alston. Not the
18 guys they were shooting at. No physical evidence at that
19 apartment stoop that there were any bullets coming back.
20 Fully loaded gun in the house. Cool to the touch, the
21 deputy says. No gunpowder. No, it had to be the guy that
22 was running away from behind him. And it's a 9 millimeter
23 weapon. This is a .40 caliber. So, doesn't it stand to
24 reason that tan gun found in the trees is the gun that
25 killed Trivoriaye Alston? Shot by his own guy.

1 And not only that, folks, you've got the pictures in
2 evidence. This is State's 50. State's 50, is the wounds
3 that Mr. Hill has after he gets out of the hospital. You
4 see those bandages. There's one here, entry wound and an
5 exit out his left buttocks. Would that not be consistent
6 with someone who's running away, shooting, tries to put
7 their gun up, and has one more left in it. You don't have a
8 holster, where are you going to carry your gun? Probably in
9 your clothes somewhere, waistband. If you're right-handed
10 you're going to put it in your left waistband. Bullet
11 through and back. That's consistent with the fact that this
12 young man shot himself after he was shooting running away
13 and also shot one of his friends. But it wasn't the guys
14 being shot at. So, any -- there again, there's no evidence
15 in this case that would lead you to believe that these guys
16 were just defending, or that Mr. Hill might have been
17 defending himself when he was shooting this gun. None.

18 So, you have the GSR kits, you have the DNA, you have
19 the guns, you have the pictures. Again, sensory detail.
20 Let's look at some of these pictures here and just
21 demonstrate why they're important. If y'all want to look at
22 the screen just one more time. I promise I'm almost done.
23 As I told you, State's 49 is a very important piece of
24 evidence here that undercuts this argument that Goode must
25 have been running around hiding all the evidence up there.

1 You see the bloody prints. It's pretty clear he was
2 bleeding from his foot and he's walking down the stairs to
3 the grass. He's on the phone at times with law enforcement.
4 If you look closely -- and you'll have this picture back in
5 the jury room, that there is a hole in that carpet there.
6 Looks like it they put a rod through it in one of the other
7 pictures. There's blood all over the place. They are
8 consistent with what Goode told you and Parks told you. And
9 when he got shot, he literally had to just crawl inside from
10 that that point on the steps. He couldn't walk because his
11 femur was shattered.

12 All right, we've got all the clothing, pictures in
13 evidence. We're going to look at two here that I think are
14 real important. Blue shoes. Who do they take those blue
15 shoes off of? They took them off of Trivoriaye Alston.
16 Again, what did Mr. Hawthorne tell you he sees as he pulls
17 into that back line. He has no reason to make this up,
18 folks. He sees a car peeling out. This black Camry with
19 the back passenger door open. Human legs with blue shoes
20 on. And there again, he doesn't say he sees this up at the
21 road. He sees this -- and you'll have the map back there.
22 Stephanie Moss's apartment is some distance back from
23 Parkway. You have to drive almost all the way to the back
24 of the complex to where this gun is found. It's not up at
25 the road. And so, where Mr. Hawthorne tells you he sees

1 this black car peeling out, it's a great, pretty great
2 distance back to Parkway from there.

3 Folks, these guys tried to sell you a story this
4 morning that just doesn't match the evidence in this case.
5 Those blue shoes were hanging out of the car. Mr. Hawthorne
6 sees them way up there by Stephanie Moss's apartment, where
7 the gun that the guy wearing these blue shoes was carrying a
8 gun that's in evidence and matches his DNA. He drops it, I
9 would submit to you, as he's trying to either getting into
10 the car himself or being helped into the car by his friend,
11 Narkevious Reid.

12 Again, eyewitness testimony. You'll have several of
13 these pictures. This is the shirt that was taken off of Mr.
14 Hill at the hospital. It's a Champion, I believe shirt is
15 the logo and that one of the law enforcement witnesses
16 indicated that to you. But these shapes on there are very
17 consistent, there again, with what Stephanie Moss -- she
18 sees some guy with a white shirt with these blue, what she
19 said she thought were anchors.

20 And again, that's Mr. Hill's shirt getting out of the
21 black Camry that she attributes. That we can know now, based
22 on testimony even today, that is Mr. Hurley's car. But they
23 wanted to tell you this morning that they don't even see
24 Xayvion Hill that day. Their friend Xayvion Hill, who just
25 happened to also get shot, was in that parking lot. But

1 they want you to believe, folks, that they were up at the
2 road. They never saw Xayvion Hill that day. Just the two
3 buddies, Hill and Alston, but Alston somehow makes it all
4 the way down to the road. Even though he was fatally shot.
5 Mr. Hill survived, was not. He was shot through the hip.
6 But who was lagging behind? It was Mr. Hill. That's why he
7 didn't make it back to the car, folks, and Mr. Hawthorne had
8 to take him to the hospital.

9 So filter, y'all, this physical evidence that we have
10 through the lens of the eyewitness testimony and the people
11 that saw things and heard things. And do they have any?
12 The Judge will tell you when you're looking at credibility
13 of witnesses does someone have a reason to give you a false
14 version of the event. So they have a motive to make
15 something up and tell you. Mr. Hawthorne, the maintenance
16 guy, did he have motive? Mr. Wilson, the guy that works on
17 the apartments at Cardinal Glen. Has he got a motive to
18 make things up? What about Stephanie Moss? Just in the
19 apartment that day with her special needs child. What about
20 Laurel Bollinger with her five-year-old child? What motive
21 does she have to make this stuff up? I submit to you,
22 ladies and gentlemen, there is no motive for them. And you
23 look at that, and you filter that credibility of witnesses
24 through this evidence, and you do the same with the story
25 you heard from Mr. Reid and Mr. Hurley today. It doesn't

1 add up, folks. It doesn't add up with this, the pieces of
2 the puzzle.

3 There's a lot more here, but I've been up here long
4 enough. Last point. The twelve of you that will go back
5 into that jury room as twelve individuals on this jury, all
6 are from different backgrounds, different ages, different
7 parts of the county. One thing you have in common is you
8 were summoned for jury duty this week and you live in
9 Greenwood County. Two things. You were summoned, and you
10 are Greenwood County residents. And, as it pertains to the
11 facts in this case, as the Judge will instruct you, you are
12 the voice of Greenwood County as it pertains to the evidence
13 in this case. And what it is ---

14 MR. GROSE: Objection. Improper argument.

15 MR. HENDERSON: I think so. I second that.

16 THE COURT: Sustained.

17 MR. GROSE: Move to strike.

18 THE COURT: The jury is instructed to disregard.

19 MR. STUMBO: What the Judge is going to tell you is
20 you're the judge of the facts, okay? All right. I think
21 that's what I just said. When you go back into that jury
22 what you will have before you is this evidence and you will
23 have what's called a verdict form or verdict forms. The
24 Judge will tell you a little bit more about what those are
25 in a moment. But verdict, the word "verdict" itself comes

1 from two Latin words; verus dictum. Verus dictum means to
2 speak truly. Speak truth. Those are the two words,
3 literally, that verdict comes from, where we get that word.
4 And I would submit to you, ladies and gentlemen that if you
5 focus and fixate, don't fixate on the few pieces. Remember
6 the Statue of Liberty. Are you firmly convinced that that
7 was the Statute of Liberty, even with the pieces that
8 weren't there. And, just like in this case, we're in the
9 real world here. We're not -- I would submit to you, if you
10 understand this burden, as the Judge gives it to you, that
11 there again, you're capable of giving, rendering justice in
12 this case. Justice in this case, ladies and gentlemen, is a
13 verdict that speaks truly that Xayvion Hill, and Narkevious
14 Reid, and that Chazz Hurley are not only responsible for the
15 attempted murder and conspiring to kill Mr. Goode and Mr.
16 Parks. But, folks, they are responsible for the transferred
17 intent with killing those guys and the reason why, under the
18 law, this is important -- and I'm going to leave you with
19 this. The intent that they had to kill those two young men
20 transfers to Mr. Alston. Would it be any different if any
21 other innocent person at that apartment complex caught that
22 stray bullet? It wouldn't be, under the law. If there was
23 an older elderly person, or a child, or a middle-aged
24 person, or a parent. A bullet, when it leaves the barrel of
25 the gun does not have a name. Thankfully, in this case,

1 those bullets never caught those innocent bystanders, but
2 the fact that they caught their friend and killed him makes
3 them legally responsible for his death, just as it would be
4 if it was somebody else that got hit. Find them guilty of
5 attempted murder, murder, and criminal conspiracy. Thank
6 you.

7 Ladies and gentlemen, one of the parties messaged me
8 few moments ago and they are in need of a bathroom break, so
9 we're going to take a bathroom break. We'll be at ease for
10 about ten minutes. Adjourn to the back and don't talk about
11 the case.

12 (WHEREUPON, a brief recess was held.)

13 THE COURT: We're back on the record. One housekeeping
14 matter. I've made the e-mail chain, one of the email chains
15 concerning the instructions Court's 32. And I think my law
16 clerk is going to print out Mr. Grose's email chain with him
17 on a separate thread, or something like that, and at some
18 point, we'll make that Court's 33. Mr. Grose?

19 MR. GROSE: I'm just inquiring about what your plans
20 are for the rest of the day, because we still have
21 potentially four arguments if the State exercises their
22 right to reply and it's almost 4:00.

23 THE COURT: Yeah, I'm going to see how it goes. My
24 intention is to basically see if we can get it to the jury
25 today. One thing I've been very, very cautious about, more

1 cautious about now than maybe earlier in my career, but I
2 don't want any verdict to be the product of exhaustion, and
3 generally I think better and I can reason better when I well
4 rested as opposed to when I'm tired. I've got every reason
5 to assume that it's the same for those jurors. So, we'll
6 see how it plays, and then I may leave it up to them that
7 I'm inclined to suggest them when we are ready to get it to
8 them and they start deliberating that if they're still at it
9 at 6:30, or somewhere around there, I'll send them home and
10 bring them back in the morning. That's kind of my
11 intention.

12 MR. GROSE: Thank you, Judge.

13 (WHEREUPON, the Clerk of Court confers with the Court
14 off the record.)

15 THE COURT: I had forgotten we've got a new sound system
16 coming in tomorrow morning to be installed, so maybe cancel
17 that, but the Clerk is going to check and she's going to
18 pass me a note and we'll see where that stands. How long
19 has this been on the calendar?

20 CLERK OF COURT: Forever.

21 THE COURT: You think they might be able to reschedule
22 for later in the week.

23 CLERK OF COURT: Oh, no. It will be October before they
24 would have someone available.

25 MR. HENDERSON: How long would it take?

1 CLERK OF COURT: Two days.

2 THE COURT: It's a two-day operation. They may end up
3 doing this in October. Find out.

4 CLERK OF COURT: Because their company is out of Ft.
5 Lauderdale. That's where their company is. I will e-mail.
6 I'll work on that.

7 THE COURT: Let's have the jury.

8 (WHEREUPON, jury entered 3:54 p.m.)

9 THE COURT: The jury is back and seated. We're still
10 continuing closing arguments from the attorneys. At this
11 time, Mr. Tinsley, you are recognized for your closing.

12 MR. TINSLEY: Thank you, Your Honor. May it please the
13 Court. Good afternoon, ladies and gentlemen of the jury.
14 Thank you for hanging in there with us for over a week. As
15 I told you in my opening statement last Tuesday, suspicion
16 and speculation. Nothing has changed since then. The
17 State's case is still built on those two premises. The
18 State cannot sustain a conviction, any conviction, under
19 those two pillars of sand, I think you would call them.
20 They can't prove guilt beyond a reasonable doubt. And as
21 far as missing pieces to a puzzle of the Statute of Liberty,
22 you heard the evidence. There's a heck of a lot more than
23 two missing pieces as the Solicitor showed. Let's go
24 through the evidence that we've heard over the last week
25 plus.

1 Let's start with the 911 calls. I believe there were
2 seven callers that were submitted into evidence. I think
3 everybody would agree it sounded like it was chaos down
4 there. People were a little bit all over the place on those
5 calls. Mr. Hawthorne was one of the callers as he took Mr.
6 Hill to the hospital. It was obviously a dire situation for
7 Mr. Hill, at that point. He's bleeding, bleeding out of his
8 leg and his back. Didn't know much of what had happened to
9 him, understandably. He's worried about living at that
10 point.

11 Then we have another caller on there who,
12 interestingly, she says she hears five people shooting and
13 heard twenty shots. She also talked about seeing someone
14 without a shirt, wearing blue jeans, blue boxers, and tiny
15 dreads poking out of his head. And I'll go back to this
16 dreads and these twisties. Number one, that's not much of a
17 description. And, number two, Mr. Hill did not fit that
18 description. He did not have dreadlocks or twisties. He
19 just had normal hair all over the place.

20 Seven minutes from when those calls started coming in
21 from 911 until police got on scene to try to secure what
22 they could of it. All right. Now, what we heard from that
23 witness stand. Jameel Wilson was the first witness to
24 testify. He was the maintenance man from Cardinal Glen, and
25 he testified about seeing three people in a black car. One

1 in the front, two in the back. And he also testified about
2 the two in the back having inch-high twisties. That's where
3 the twisties came from. It was dreads from the 911 caller.
4 Once again, that doesn't describe Mr. Hill at all.

5 Then next we hear from Stephanie Moss, who lived at the
6 Gardens at Parkway down the street. Hillcrest Condos would
7 be kind of in between Cardinal Glen and the Gardens at
8 Parkway, and there's no way to get directly in the car from
9 any of them, unless you do some off-roading from Hillcrest
10 to Gardens at Parkway. No evidence of anything like that in
11 this case. Cardinal Glen and Gardens at Parkway, they
12 actually come out to the main drag known as Parkway. For
13 this Hillcrest condos, to get back in there, you have to
14 turn off the Parkway and go down a couple streets to turn
15 into one of the side roads to get into either road for
16 Hillcrest Condos. And they're both dead end roads, just for
17 a little background. But, Ms. Moss, she testifies. A
18 little confusing. At one point she said there were two
19 people in the car, then I think she settled on three with
20 two in the front and one in the back. And then she could
21 only testify to one person actually getting out of the car.
22 And that was one that was wearing a white shirt with blue
23 sea anchors. That's nothing like this white champion shirt
24 with blue and red "c"s that my client, Xayvion Hill, was
25 wearing.

1 And further, I would point out to you that Ms. Moss
2 testified that she knew -- she recognized this blue sea
3 anchor shirt because her son has got one just like it. And
4 I'll tell you what you didn't hear or see from the from the
5 witness stand, was Ms. Moss identifying Mr. Hill's shirt as
6 being consistent with the shirt she saw the gentleman
7 getting out of the car with that day. The State has got the
8 burden of proof.

9 And then the next witness we heard from was Laurel
10 Bollinger, and she testified to seeing three people crouched
11 back there in the bushes. She mentioned one with a white
12 shirt, and one with a dark shirt, and then one with no
13 shirt. And the one with the white shirt she testified as a
14 bigger stature than the other one. We know Mr. Hill did
15 have a white shirt with a pattern on it, so he's excluded as
16 the no shirt or the black shirt, and her description of the
17 man in the white shirt certainly doesn't describe him. He's
18 a small young man. And she described this guy thick and
19 stout were two words that she used. That's not consistent
20 with Mr. Hill. And I will just point out to you that none
21 of these witnesses identified Mr. Hill. Nobody placed him
22 at Hillcrest Condos where this happened, nor did they
23 identify anyone else.

24 Then next we heard from Mr. Bill Hawthorne, who was the
25 maintenance man at the Gardens at Parkway. And he testifies

1 he hears what he thinks are fireworks, firecrackers, so he's
2 going to see what the kids are up to now. Sees a black car
3 leaving, pulling out. Sees my client, Xayvion Hill, who
4 they didn't even have him identify in court, but sees him
5 coming up the sidewalk by building 5 at that same time.
6 Which, Mr. Hill flags him down and hops in the car because
7 he needs help. He's been shot. He's a victim, as Mr.
8 Hawthorne called him. So he gives Mr. Hill a ride to the
9 hospital and testifies at length about the excruciating pain
10 he observed Mr. Hill in. The bleeding, severe blood coming
11 from his back, is where Mr. Hawthorne testified about it
12 being from. He didn't testify to seeing any kind of gun
13 with Mr. Hill. No kind of holster. He also didn't find any
14 kind of ski mask where Mr. Hill was at. And this, you know,
15 this whole timing of events just kind of cuts right through
16 the State's theory of Mr. Hill being engaged in a conspiracy
17 with Mr. Reid and Mr. Hurley. If these -- if they were in
18 some conspiracy, they would not have left Mr. Hill behind.
19 No, Mr. Hill happened to come up after they had left, taking
20 Mr. Alston to try to save him. And luckily for Mr. Hill,
21 Mr. Hawthorne came up and gave him a ride and got him the
22 treatment that he needed for being a gunshot victim.

23 And then we heard a lot of police testimony and we
24 heard pretty well from the get go, that they just honed in
25 on building G over at the Hillcrest condos, despite there

1 being seven other buildings right in very close proximity.
2 As it's laid out and as those two maps will attest to. They
3 just searched around the one area.

4 Deputy Cockrell, he was the first law enforcement
5 officer on the scene and the first thing he sees, gets there
6 seven minutes after the calls start coming in. Is Mr. Goode
7 hobbling around, hopping around down on ground level and, to
8 the point where he has to tell him, look, you just need to
9 sit down. Stop moving. He then goes upstairs to help Mr.
10 Parks with his, which were certainly serious injuries.
11 Nobody's minimizing that. And he talks to Mr. Parks. Mr.
12 Parks says, I don't know who shot me. I don't have a clue.
13 Finds a gun sitting right there on the couch in that
14 apartment. They did find a shot bullet upstairs on the
15 porch, I believe, is what we called it, but didn't go
16 looking for really any other evidence period was his
17 testimony. He just was there to, he just was basically
18 there to help Mr. Parks and then his work was through. He
19 didn't knock on any doors, talk to any witnesses.

20 You heard from Mr. Goode from the witness stand. He
21 testified that day that he and his cousin, Justin Parks,
22 were sitting on the porch smoking a blunt, despite Mr. Parks
23 being on probation at the time for armed robbery. And his
24 testimony about what happened, about what he knew about
25 getting shot, was that somebody wearing a black ski mask

1 came around the corner shooting. He only identified one
2 shooter. He didn't identify that one shooter, but he
3 testified there was one shooter, and that he couldn't
4 identify. And he's the only person who ever mentioned
5 seeing this tan gun that Sheriff Kelly found in the tree
6 line. And this is the same person who admitted up there to
7 two gun arrests, convictions.

8 And Parks. Then we heard from Mr. Parks, who testified
9 that he was living in Columbia at the time, despite being on
10 probation here at the time for armed robbery. But he just
11 happened to be up here, smoking a blunt that day. And we
12 know he was around at least one gun. And as far as what he
13 knew, blacked out, doesn't have any idea who shot him, and
14 when he came to he was just looking for his phone so that he
15 could make a phone call. So, the Solicitor talked about
16 motives to lie and hide evidence. Being on probation for
17 armed robbery is pretty good reason for somebody, a cousin
18 of yours, to try to try to get a gun out of there or any
19 other piece of evidence, because that's going to be
20 guaranteed going to prison for violating probation, being
21 around a gun.

22 And then, let's just look at some of the evidence that
23 law enforcement was able to find. They found three bullets.
24 The one upstairs that I mentioned. Found another one on the
25 downstairs level, and then they pulled a third shot bullet

1 out of Mr. Alston. They couldn't pin -- couldn't tell you
2 what gun actually shot any of these bullets. Without being
3 able to tell you that, they can't tell you who actually
4 fired any of these shots. They also found 13 spent shell
5 casings. That leaves seven casings, if you go off what the
6 immediate 911 caller said to the 911 operator that there
7 were twenty shots out there.

8 As we've talked about it, a lot can be done in seven
9 minutes. I don't know whether Mr. Goode was down there
10 doing anything nefarious, but I'll tell you this. It
11 doesn't make a whole lot of sense that he would go
12 downstairs right back into the area where this man with the
13 ski mask had just fired the shots at him from. That just
14 doesn't -- that just does not -- that's not a reasonable
15 response. Rather than helping your buddy and staying
16 upstairs in protection.

17 The State also found three guns. They found the black
18 Glock upstairs that Mr. Goode says was his. They found the
19 black gun in the parking lot at Gardens at Parkway, and the
20 tan gun that Sheriff Kelly found in the tree line. And if
21 you look at the evidence associated with these guns, they
22 didn't bother doing any real testing on the Glock, and the
23 black gun, the DNA test came back Mr. Alston. A mixture
24 with Mr. Alston and three people they didn't know. Couldn't
25 put any DNA from that gun to Mr. Hill or to the other co-

1 defendants.

2 The tan gun. They couldn't tell you anything about
3 whose DNA was on that. They do not pin Mr. Hill's DNA on
4 that gun, despite taking DNA evidence from Mr. Hill as well
5 as with Mr. Hurley and Mr. Reid. They can't tell you
6 anything about whose DNA is on that tan gun. There are no
7 fingerprints on the guns, which, you know, they gave you
8 somewhat of a response for why they didn't test. But Deputy
9 Allison, the evidence technician, did say, well, you know,
10 it would have been possible to test for fingerprints, but we
11 didn't do it in this case. A lot of stuff they didn't do in
12 this case.

13 The State also hasn't put any evidence into this record
14 about who owns any of these guns. And despite this scene
15 being just crawling with law enforcement, both county
16 deputies as well as Greenwood City officers on the scene.
17 Nobody went and bothered and knocked on a single door.
18 There's four apartments in each of these buildings, so 8 by
19 4. There's 32 apartments and they just looked in ■■■. They
20 didn't knock next door at ■■■ to see if anybody's seen or
21 heard anything. Same with ■■■ and ■■■ downstairs. Didn't
22 knock on any of these doors or any of the other seven
23 buildings either.

24 They didn't look around any of the other seven
25 buildings for evidence. They just honed in on building G.

1 They found their 13 casings. Didn't bother looking for the
2 other seven. I don't know if they matched the 911 call to
3 it or not. Doesn't seem like there was much matching of
4 anything doing a thorough review here.

5 The other thing that's interesting to me. They didn't
6 find any blood evidence, except right up there around ■■■.
7 Which nobody has -- we don't know exactly where either Mr.
8 Hill or Mr. Alston got shot. Nobody has put them at
9 Hillcrest condos. So, this man in the ski mask? I don't
10 know where all he was shooting. I know that Mr. Hill was
11 found at the Gardens at Parkway needing a ride. That's all
12 they proved to where he was at this time. So, no pictures
13 of any blood anywhere else. I would submit to you they
14 didn't look hard enough for it, because you heard Mr.
15 Hawthorne's testimony about how bad Mr. Hill's bleeding was.

16 They didn't test any of the blood they found up in this
17 upstairs apartment to make sure it was all from all from Mr.
18 Parks and possibly Mr. Goode. No blood testing here.
19 They've never found this black ski mask. So, you know, I
20 hate -- just got to -- this investigation leaves a lot to be
21 desired. It's lacking. You heard Investigator Murdoch,
22 long-term law enforcement officer, who's the lead
23 investigator. He testified, yeah, law enforcement is like
24 anywhere else. You got to go getters and you got your stand
25 around-ers. Sounds like there's just too many stand around-

1 ers involved in this investigation, leaving a lot of doubt.
2 As Mr. Henderson said in opening statements last week, the
3 reasonable doubt, that gives the defendant the benefit of
4 the doubt. So, these three gentlemen are owed the benefit of
5 the doubt that this sloppy investigation left. And
6 then the gunshot residue testimony that we heard. Mr. Hill
7 had it on his hands, which, at first that sounds like it may
8 be something real, real serious. The State's making a big
9 deal out of it. But, you heard Lieutenant Nates from the
10 State Law Enforcement Division testified about how
11 unimportant that evidence is. About how it just doesn't
12 tell you much, and their policy now at SLED is if somebody
13 gets shot, we're not going to bother testing it. Because we
14 assume if you're a gunshot wound victim, you're going to
15 have it on your hands whether you shot yourself or somebody
16 else shot you. She testified up to 60 feet could see
17 gunshot residue on somebody's hands. So, the fact that Mr.
18 Hill, who got shot, has it on his hands doesn't prove he
19 fired a gun. Doesn't prove anything. Same goes for Mr.
20 Alston having it on his hands.

21 And then as far as Mr. Parks and Mr. Goode not having
22 it on their hands, that's not really that surprising to me
23 either. She testified to nine ways that somebody could have
24 fired a gun and wouldn't have gunshot residue on their
25 hands. Just simple things such as washing it, just a quick

1 wipe down, or it sounds like the wind could make it go off.
2 So, the fact that it's not there doesn't tell you anything
3 about somebody shooting a gun either.

4 Then we heard last Friday, we heard medical testimony
5 from doctors. Dr. Konsek testified about treating Mr. Hill.
6 And he testified about Mr. Hill having a gunshot wound to
7 his left hip and exiting out his left buttocks. And he
8 testified that it was pretty close to a horizontal plane
9 from the entry to the exit wound. This would be completely
10 inconsistent with a right-handed person shooting himself.
11 Look at Defendant's Exhibits 20 and 21. 20 shows my
12 client's left hip where it enters right here. It's a little
13 hard to see, but you'll get a closer look of it in the jury
14 room. Then it exits, like Dr. Konsek testified, his left
15 buttock on basically a horizontal plane, right here.

16 Now the state's theory is Mr. Hill shot himself. That
17 doesn't make -- the physical evidence doesn't support it. It
18 doesn't make any sense. The Solicitor's first argument was
19 that a right-handed person is going to put the gun in their
20 left, I guess, waistband. That doesn't make any sense. It
21 makes sense that a right-hander would have it on his right
22 hip. The State hasn't proved Mr. Hill had a gun, period.
23 But, even if you go along with their theory, to shoot
24 himself, for it to be horizontal, he'd have to shoot himself
25 like this. (INDICATING) Makes no sense. It would make a

1 little more sense if it was a vertical, a vertical wound
2 going down. Then it would do this. (INDICATING) But this
3 having to cock your hand like this to make it horizontal,
4 absolutely no sense. Not supported by the evidence.

5 And they were heard from Dr. Shaw, who is the
6 pathologist who performed the autopsy on Mr. Alston. He
7 talked about two gunshot wounds to Mr. Alston's left arm and
8 to his chest. He couldn't tell us whether it was one
9 bullet, one shot, that caused these wounds, or two. The
10 State can't even fill that piece in for us. And he also
11 testified that there was no evidence showing that the shots
12 came from close range, which also cuts against -- you know,
13 the State put forth this theory that Mr. Hill -- in opening
14 they did. That Mr. Hill shot Mr. Alston and himself, and
15 they can't tell you how many bullets Mr. Alston was hit from
16 or how far off they were. So, there's no evidence
17 supporting this theory either. They produced no evidence
18 putting Mr. Alston and Mr. Hill together that day.

19 Then we heard from Dr. Ladd who testified about
20 treating Mr. Parks. He said one thing that just, kind of,
21 just didn't seem to fit the other evidence or the State's
22 theory, that the bullet traveled down one of Mr. Parks's
23 leg. Which, that doesn't seem consistent with all shots
24 coming from below.

25 All right. And now let's get into the specific charges

1 that the State has brought against Mr. Hill. We'll start as
2 the Solicitor did with the attempted murder, which requires
3 that the State prove that Mr. Hill tried to kill, had malice
4 aforethought, and tried to kill somebody. Had intent to
5 kill. And their theory is that he had a specific intent to
6 kill Mr. Parks and Mr. Goode. Y'all heard the evidence all
7 the last week plus. I haven't heard one piece of evidence
8 that Mr. Hill, or Mr. Hurley, or Ms. Reid even knew Mr.
9 Parks or Mr. Goode. The State's lacking once again.

10 And this speculative motive that Mr. Hill was mad about
11 Ji'Tavius Adams, who's doing a long time in prison for
12 killing Mr. Parker. You know, they haven't connected these
13 dots. They have not connected that these folks even know
14 Mr. Adams. They really haven't put much of a any kind of
15 connection between Mr. Adams, and Mr. Parks, and Mr. Goode.
16 So Parks said, yeah. He testified, yeah, I know him.
17 "Acquaintance" was the word he used. He certainly didn't
18 use the word "friend". So, the State's theory, it's just
19 not -- it doesn't make any sense. They have not proved that
20 Mr. Hill was even on the scene, much less that he would have
21 any reason to want to try to kill Mr. Parks and Mr. Goode.

22 So, now let's go to murder, where they're really
23 stretching things on their theory. Murder is killing
24 someone with malice aforethought, so they want you to
25 convict Mr. Hill of murdering his friend Mr. Alston. Like

1 Mr. Grose pointed out in opening a week ago, nobody is
2 trying to downplay what happened to Mr. Alston. It is just
3 -- it's an awful tragedy that he lost his life at such a
4 young age. But the State has the burden of proving that
5 these gentlemen are responsible for it, and they have not
6 met their burden.

7 They can't even prove to us what bullet fired the gun
8 that killed Mr. Alston. Nobody has put Mr. Hill on the
9 scene. Nobody's put a gun in his hand. They haven't proved
10 he fired any kind of shot, period. The evidence just isn't
11 there for this transferred intent theory that he that he
12 wanted to kill these two people who he doesn't even know and
13 mistakenly killed his good friend. Way too many leaps of
14 faith. Plenty of reasonable doubt there.

15 And then the next crime that they have -- the State has
16 charged Mr. Hill with is civil conspiracy. And the Judge is
17 going to go over with you that the State has to prove beyond
18 a reasonable doubt that Mr. Hill conspired with Mr. Hurley
19 and Mr. Reid to go out there and commit crime. The State
20 once again has not met such a burden. The State has not
21 produced any tie between Mr. Hill with Mr. Reid and Mr.
22 Hurley that day, nor Mr. Hill with Mr. Alston.

23 Mr. Reid and Mr. Hurley both took that witness stand
24 this morning and told you they didn't see Mr. Hill that day.
25 And they certainly know him, so they if they had seen him

1 they certainly would have known it was him and would have
2 seen him. The State hasn't produced any kind of phone calls
3 between them. No kind of evidence of any kind of text
4 messages between them that day. No kind of social media
5 messages between them that day. So, once again, another
6 stretch. The only evidence we hear about how Mr. Hill got
7 to that area that day was Investigator Womack testifying
8 about a guy named Beezy taking him down there.

9 And then the final crime that they have charged my
10 client, Xayvion Hill, with is possession of a weapon during
11 the commission of a violent crime. The first thing is they
12 have to prove he committed a violent crime. As we've been
13 over, the State doesn't have the evidence that he committed
14 attempted murder, or murder, or any other crime. They also
15 haven't tied Mr. Hill to any weapon. They don't have any
16 witness testimony putting him with a gun. They don't have
17 any physical evidence putting him with a gun. No DNA,
18 nothing. The State can't meet its burden of proof on that
19 one either.

20 So, the Judge's verdict form it's going to ask you --
21 it will have Mr. Hill's charges laid out on a page. It's
22 going to ask you about each of those four; murder, attempted
23 murder, criminal conspiracy, and possession of a weapon
24 during the commission of a violent crime. And for each one
25 you have to answer either guilty or not guilty. The State

1 hasn't met its burden of proof, so you bring back a verdict
2 on each of them of not guilty. And the Judge will tell you
3 that the fact that Mr. Hill exercised his constitutional
4 right not to testify. You can't hold that against him. That
5 plays no part in there.

6 The State hasn't met its burden of proving its case
7 against him beyond a reasonable doubt on this young man who
8 they're alleging he committed all these awful crimes on
9 ██████, 2020, the day after his 18th birthday. I would ask
10 you when you go in there to write down on your on your pads
11 "presumed innocent", because that's where we start from. We
12 don't -- the State has to prove its case, and there is no
13 direct evidence, as Solicitor Stumbo was going about.
14 There's no direct evidence in this case. It's all
15 circumstantial. And the Judge is going to tell you that
16 circumstantial evidence, it's got to fill in the picture.
17 It's all got to be consistent and point to this one result.
18 The State hasn't met it.

19 Speculation and suspicion, that's all the State's case
20 is based on. They're missing a heck of a lot more than just
21 a couple of pieces. They're missing a lot of serious pieces
22 of evidence to prove my client's guilt, Mr. Hills, guilt.
23 They haven't done it. And so, given the State's lack of
24 evidence, there's just one thing for you to do. Thank you
25 for hanging in there with me, and thank you for delivering

1 my client, Xayvion Hill.

2 THE COURT: Thank you, Mr. Tinsley. Mr. Henderson, you
3 are recognized, sir.

4 MR. HENDERSON: And ladies and gentlemen, I'm still
5 asking you to give Mr. Reid the benefit of the doubt. That
6 hasn't changed at all since last week. I want to talk to
7 you, but before I do that, His Honor is going to be reading
8 you the law. I'm not going to sit up here and reread all
9 this law that His Honor is going to read to you, because
10 it's going to be about 25 pages of legalese. But, I do want
11 to mention one thing to you that I think he's going to read
12 to you verbatim. Reasonable doubt may arise from the
13 evidence itself or from a lack of that evidence. Again,
14 what's not here? And again, I'm not going to go into any
15 more law really with you, but I want to talk about facts
16 that are in evidence and the lack of facts that are in
17 evidence. And again, I want to deal with basically three
18 broad things. Three broad issues. One is what I call
19 "relationships" amongst all the young men in this case. The
20 second one is what I call "the latter". And the third is
21 what I'm calling "identification", probably in quotes.

22 The first one is the relationships. The Solicitor is
23 saying, hey, there's this motive that we -- that these young
24 men have conspired, that they planned to go over here and
25 try to shoot to kill Mr. Goode and Mr. Parks. The State has

1 put up evidence that my client, Mr. Reid knows Mr. Hill. He
2 knows Mr. Hurley. He knows Mr. Alston. They put up
3 evidence that those four young men know Mr. Parker, and Mr.
4 Parker was the young man that was killed over on Park Street
5 -- over on Pearl Street, back in the early part of 2020.
6 Now, the State also put up evidence that Mr. Goode and Mr.
7 Parks know one another and the State put up evidence and
8 both of them were acquaintances with Mr. Ji'Tavius Adams,
9 the young man that's in prison now for killing Mr. Parker
10 over on Pearl Street.

11 But again, the government has put up no evidence that
12 these two groups of young men know one another. Again, Mr.
13 Goode took the stand. Mr. Parks took the stand. Solicitor
14 didn't ask him say, Hey, do you know Mr. Reid? Do you know
15 Mr. Hill? Do you know Mr. Hurley? Do you know Mr. Alston?
16 I didn't hear those questions. There's probably a good
17 reason why I didn't hear those questions, because the young
18 men do not know Mr. Reid, Mr. Hill, Mr. Hurley, Mr. Alston.
19 You heard my client testify this morning, Mr. Reid. You
20 heard Mr. Hurley testify this morning. I didn't hear
21 anything about the State asking them whether or not, hey, do
22 you know Mr. Goode? Do you know Mr. Parks? I think they
23 asked, do you know Mr. Adams? and the answer was no. But
24 they didn't ask do you know these other folks. So again,
25 there's no connection between all these young men. Which

1 just begs the question, why on Earth would I conspire with
2 my buddies to specifically intend to go kill somebody that I
3 don't know? That makes absolutely no sense. And again,
4 like I said, no evidence of friendships. No evidence of
5 animosity. There's just none. Again, that makes absolutely
6 no sense.

7 And again, you know, for attempted murder and one of
8 the elements is that you've got to specifically intend to
9 kill somebody. You've heard what Mr. Reid said. I didn't
10 intend to kill anybody. Don't know. You know, I sure
11 didn't kill Mr. Alston. And again, I think Mr. Tinsley
12 addressed that good. That just all makes no sense. Again,
13 why would you kill your friend, Mr. Alston, who is your
14 friend? None of this makes any sense.

15 And then as it relates to conspiracy, there's just no
16 evidence that these four young men -- and I say four young
17 men. I mean, Mr. Reid, Mr. Hill, Mr. Hurley, and Mr.
18 Alston, that they agreed to do anything together that day.
19 In fact, the only evidence that -- there is no evidence that
20 all four of those young men were together that day. We've
21 heard there's been evidence about how Mr. Hill got there
22 through this Beezy young man. There's evidence how my
23 client got over to Cardinal Glen that day. There's evidence
24 how Mr. Hurley got to Cardinal Glen that day. And again,
25 people are arriving separately, folks. That's not a master

1 plan to do anything. And again, talk about a possession of
2 a firearm. There's no evidence at all that my client, Mr.
3 Reid, possessed a firearm that day at all. You heard him on
4 the stand. He said no, I had no gun that day at all.

5 My next theme, and again, like I said, I'm calling it
6 the ladder. You heard me picking on these law enforcement
7 guys the other day about not taking the ladder out there to
8 fully do their investigation. And in this investigation, I
9 think the latter is kind of a small part of the
10 investigation. But if you're going to cut corners on the
11 small parts, it always seems to be that you're going to cut
12 corners on the big parts. And the big pictures here are
13 more, or greater, than the ladder. But you get the idea.
14 If you don't bring a ladder out there to get up there to
15 look at what we think is a bullet hole. You know, to see.
16 You know, we put a -- shine a light down there. You know,
17 Mr. Grose even mentioned, hey, why don't you have one of
18 those little cameras you can send down there. Get out your
19 cell phone. Shine a light. You know, it's those little
20 things like that if we're cutting corners on the little
21 stuff, we're going to cut corners on the big stuff.

22 These guns out here. I'm sure some of you, ladies and
23 gentlemen, have gone someplace where you've bought a
24 handgun, or any type of handgun. What do they do? You
25 know, you got to get your name. You give them the address,

1 give them background information, because they run a
2 background check on you. So, if you buy a handgun, in this
3 case a handgun, you know, your name is going to be
4 associated with the person who bought it. And again, I
5 haven't heard anything, any evidence here, about who
6 purchased those guns initially.

7 You think if it was Mr. Reid, you wouldn't have heard
8 about it? It was Mr. Reid that had bought this gun, or any
9 of these guns, we'd still be hearing about it. We'd have
10 been beaten over the head about that all day. You think if
11 Mr. Hurley had bought these guns or Mr. Hill had bought
12 these guns, or Mr. Alston had bought these guns we wouldn't
13 have heard about it? Absolutely right we would have heard
14 about it. The government wouldn't have shut up about it.
15 They just wouldn't have done it.

16 If these if these guns have been stolen someplace, you
17 don't think we would have heard about that? Absolutely we
18 would have heard about stuff like that. But no, the
19 government put up no evidence about who initially purchased
20 all these guns. That nice young lady from SLED testified to
21 all the serial numbers. All these guns and serial numbers
22 on them that they could have easily run through some of
23 these governmental databases and figured out who bought
24 these guns. I think that would have -- that probably would
25 have answered a lot of questions here. The government

1 didn't do it.

2 Also, you know, I'm sitting here listening to the to
3 the States closing and I'm listening to Mr. Tinsley too, and
4 Mr. Tinsley kind of talks about it a little bit, but how do
5 you connect people in this day and age? Even two years ago.
6 You get their cell phone records. You know, it's not hard.
7 Law enforcement's got all sorts of capabilities. They can
8 find out people's phone numbers, e-mail addresses, you name
9 it. They could have easily run searches on all the numbers
10 associated with these young men. They could have found all
11 this out and actually then upon that they could have figured
12 out where these cell phones were at any particular time in
13 April 2020. I haven't heard any of that. I don't even know
14 if they looked into doing that. Probably just didn't even
15 look to do that. You know, again, that goes back if we're
16 cutting corners on small stuff, we're going to cut corners
17 on big stuff. That might have answered all these questions,
18 ladies and gentlemen. They just didn't do it.

19 You know, Mr. Parks said that he actually arrived there
20 at apartment ■■■ in a black vehicle. You know, his black
21 Chrysler was probably driving around the parking lot too.
22 And he testified that his car was parked probably 25 feet
23 from the bottom of these steps. Now, why is that important?
24 Ladies and gentlemen, we know there's this seven minutes
25 there between the first 911 call and Deputy Cockrell coming

1 up on Mr. Goode actually walking around downstairs on the
2 grass. You know, seven minutes is an awfully long time if
3 you've got to, kind of, rearrange the evidence, so to speak.

4 You know, there's bound to be blood. You know, Mr.
5 Goode was bleeding. You see his bloody footprints on the
6 stairs down there. I don't think anybody searched the grass
7 for bloody footprints. I don't think anybody searched the
8 grass going toward anywhere out there toward -- bloody
9 footprints from Mr. Hill. Bloody footprints from Mr.
10 Alston. They just didn't do any of this, ladies and
11 gentlemen.

12 You know, you heard Investigator Murdoch. He wanted
13 more people out there. Asked for more people. He couldn't
14 get them. You know, they need to knock on doors. If you
15 live in ■■■, if any of y'all lived in ■■■ at that point in
16 time, guess what? You probably know who lived in ■■■. You
17 see them every day, They're in and out. You probably know
18 the people that live beneath you. Why is that? If they're
19 your buddies, that's where you put a gun at. That's where
20 you hide evidence of your own crime. You take it out there
21 to Mr. Parks's car, which is 25 feet from the steps. That's
22 where you hide the stuff. Or else you throw the tan gun
23 back there on the tree line behind your apartment.

24 Ladies and gentlemen, listen to these 911 calls. One
25 of the lady says at least five people shooting. You know,

1 and I'm counting one, two, three. You know, Mr. Alston
2 would be four. Assume that lady is right. Who's five?
3 Who's six? Who's seven? She said at least twenty shots out
4 there. You know, we've got 13 spent cartridges, so at least
5 seven missing. We've got three bullets. At least 17
6 bullets missing. Probably one up that vinyl soffit that
7 they wouldn't bring the ladder down here to find, but who
8 knows. We don't know. So, you've got all this evidence
9 that's still out here, presumably still on the grounds, at
10 Hillcrest condominiums -- Hillcrest Apartments.

11 We don't know because law enforcement didn't go out
12 there and look for this stuff. Ladies and gentlemen, y'all
13 got these big photos over there. These units are real close
14 to one another. I mean, it's not like you're walking the
15 proverbial country mile. You're not. I mean, in a matter of
16 minutes, you can walk around this whole place and look
17 around. At least go look at some of the other bushes. At
18 least go knock on some of the doors. At least do what we
19 expect law enforcement to do in our community, properly
20 investigate crime. And we just have we don't have that
21 here, folks.

22 I think the evidence technician, Deputy Allison, if I'm
23 not mistaken, his testimony was that there are a lot of
24 unspent cartridges in this case and I think that they may
25 very well be in evidence, that they didn't test anything for

1 fingerprints. Stuff that we know SLED didn't test for DNA.
2 They didn't test for, you know, any other type of genetic
3 evidence. They could've at least fingerprinted them.
4 Didn't do that. Why not? Who knows. You know, we just
5 came out there that afternoon. This is what we think
6 happened. We arrest a couple of people and we go home and
7 close the case. And again, ladies and gentlemen, these are
8 serious allegations to make against somebody. You're
9 accusing these young men of murder. I guess that's probably
10 the most serious thing you can accuse somebody of. I mean,
11 trying to take away their life and liberty on this
12 investigation? Don't stand for that.

13 And again, this big hole in the bathroom door. You
14 know, you've got to investigate. We don't know what's in
15 that hole. May not have been anything in that hole. It may
16 have been where Mr. Goode put his handgun he was shooting.
17 Who knows? We don't know, because law enforcement didn't
18 look in it. And again, they've got flashlights. Or, as Mr.
19 Grose said, you can go get these little cameras that they
20 can put down to look in this stuff. Do it. I mean, these
21 people's lives are hanging by the thread here. Do it.

22 And I think Mr. Tinsley did mention it that Mr. Parks
23 there was on probation for armed robbery. Mr. Goode had
24 some gun charges here recently. I mean, those are the
25 people you need to be looking for for guns. I mean, it just

1 seems that law enforcement, after making a quick judgement
2 here, we excluded anybody else as being potential shooters.
3 And the people who have the gun problems in their past, i.e.
4 Mr. Parks and Mr. Goode, we just give them a free pass.
5 That makes no sense, folks. Get out here and investigate
6 this. And again with Mr. Goode being the only one to
7 identify the tan gun. I got asked the Sheriff, the guilty
8 dog barks. You just have to draw your own conclusions from
9 that.

10 And I told you my last theme is identification, and I'm
11 putting identification in quotes, because there is no
12 identification. You hear the State talk about Laurel
13 Bollinger. Nice young lady. You saw her testify that that
14 she called 911, or her mother called 911, and her mother
15 kind of relayed some of what Laurel said to 911. But again,
16 we get Ms. Bollinger, she comes in here to testify. She
17 tells us what she sees. And again, I want to be very clear.
18 You know I think I pinned her down. Young lady, what exactly
19 did you see? I see a black male with no shirt on. I see a
20 black male with acid washed blue jeans on. I see a black
21 male with blue boxers on. And then we start talking about
22 the hair. That the young man that she saw, or the man that
23 she saw, had shaved sides on his head, and that the only
24 hair he had was inch-high dreads on the crown of his head.
25 And again, I think I repeated it back to her. She was very

1 adamant that was the description of the person that she saw
2 out there.

3 Ladies and gentlemen, you saw Mr. Reid on the hospital
4 video. Granted, he didn't have a shirt on. He told you why
5 he didn't have a shirt on. But look at his hair. He has
6 got a head full of hair on that video. The sides of his
7 head aren't shaved. In fact, I represent to you if you look
8 at that video, his hair looks like it does probably right
9 now. You know, there is no inch-high dreads on the crown of
10 his head. I don't know who the young lady saw, Ms.

11 Bollinger, but I'll represent to you the State hasn't proven
12 beyond any and all reasonable doubt that it was Mr. Reid.

13 And plus, with her detail, Defendant Reid's 18, this
14 tattoo that covers his back, Mr. Reid's back. Mr. Reid
15 testified he's had that tattoo for about six years since he
16 started his rap band. And Ms. Bollinger, with her eye for
17 detail, if somebody is running at you, past you. If she can
18 see blue boxers, and see shaved head, and described the gun,
19 then guess what else she can see. This. Ain't a peep from
20 her about seeing a tattoo on the person that came running by
21 her. Ladies and gentleman, that's hard to hide. Darn hard
22 to hide.

23 And again, if you go back to the video at Self
24 Regional, you can't see my client's pants. You can't see
25 his boxers. The only thing you can see is him shirtless and

1 his hair. And again, the hair just doesn't match up to the
2 shaved sides. You know, seeing the skin on the side of your
3 head, all of it being gone except one-inch dreads on the
4 top. It ain't him, ladies and gentlemen.

5 And again, nobody else has even remotely testified that
6 they saw Mr. Reid at Hillcrest Apartments that day. Nobody
7 else has remotely testified that they saw Mr. Reid
8 committing a crime at Hillcrest Apartments that day. And
9 again, there's there's no DNA evidence for Mr. Reid.
10 There's no fingerprint evidence, no gunshot residue
11 evidence, no nothing. Ladies and gentlemen, I mean, the
12 State's evidence theory comes down basically to Ms.
13 Bollinger saw somebody with no shirt. Mr. Reid didn't have
14 a shirt on at the hospital, so it's got to be Mr. Reid
15 there. Ladies and gentlemen, I just don't -- I don't think
16 our judicial system condone that leap of faith that the
17 Solicitor is asking you to take. Don't do it. Don't do it.

18 You heard Mr. Reid testify. He got up there this
19 morning and told you what happened that day, ladies and
20 gentlemen. He said he never saw Mr. Hill that day and had
21 only ran across Mr. Alston when he -- when Mr. Alston came
22 running up toward the road at the Gardens at Parkway. And I
23 submit to you that Mr. Reid and Mr. Hurley did the right
24 thing by taking that young man to the hospital. We don't
25 punish people. I hope we don't punish people in this

1 country for doing the right thing, taking somebody to the
2 hospital. You heard that pathologist the other day. Nice
3 young man. Nice fella. Came from Australia, it sounded
4 like. Kind of endorsed the idea, saying, yeah, they did the
5 right thing taking this guy to the hospital. You know, try
6 to save this guys life -- this young man's life. You heard
7 Mr. Reid say Mr. Alston was my friend. I wouldn't dare do
8 anything to hurt that young man or cause that young man any
9 danger. You know, why on Earth would he? That makes
10 absolutely no sense.

11 You know, we hear from the SLED folks. You know, the
12 three bullets that were found, the one upstairs, the one
13 downstairs, the one in Mr. Alston's body could have been
14 fired from three different guns. They don't know. They
15 don't even know which gun fired any of those three bullets.
16 Could have been one gun. Could have been two guns. Could
17 have been three guns. We don't know.

18 Ladies and gentlemen, every burden in this case is on
19 the government to prove guilt beyond all and any reasonable
20 doubt. Yes, I'm saying all and any reasonable doubt.
21 You've got to get beyond a reasonable doubt, so to get
22 beyond a reasonable doubt you're getting beyond all
23 reasonable doubt and you're getting beyond any reasonable
24 doubt. So, get beyond all and any reasonable doubt. Get
25 back there, when you're deliberating, and make a note to

1 yourself, or put it in your notebook. List all the
2 reasonable doubts that you have about this case. Again, if
3 a doubt -- if you have -- if you have your own internal
4 doubt, that's reasonable to you. All 12 of you may have
5 different reasonable doubts. Write them down. Talk about
6 them.

7 Again, you know, we've got three lives on the line
8 here. You know, again, being accused in one indictment of
9 what I think the most serious charge you can accuse somebody
10 of, murder. You know, intentionally taking somebody else's
11 life with malice aforethought. Out of meanness. Out of
12 spite. Out of evil. Again, talk about this. Again, list
13 your reasonable doubts. Again, if you've got that doubt,
14 it's reasonable to you. And again, each one of you have to
15 be convinced beyond all and any reasonable doubt of Mr.
16 Reid's guilt on all of these charges. Also the other two
17 defendants. On all these charges. Talk through them. I'm
18 asking you to do the right thing. Please do. I mean, do
19 not reward the government for sloppy investigation and not
20 proving their case. Don't do it. You know, I'm asking,
21 when you go back there, do the right thing. Please give Mr.
22 Reid the benefit of the doubt. Thank you.

23 THE COURT: Mr. Henderson, thank you, sir. Ladies and
24 gentlemen, I anticipate that Mr. Grose's closing and Mr.
25 Stumbo's reply may take a little while, so we're going to

1 take a brief 10 minute break and then come back on the
2 record. Just to let you know the way I'm leaning, ladies
3 and gentlemen, is to finish with closing arguments tonight
4 and then release you until tomorrow morning, and I'll give
5 you the instruction of the law tomorrow morning. My
6 experience has been that, although I've been involved in
7 cases that where we took deliberations at one o'clock in the
8 morning, my experience is that generally better decisions
9 are made when one is rested and clear headed, as opposed to
10 foggy, tired, and stressed out. So, that's what we are
11 looking at. Adjourn to the back. Thank you.

12 (WHEREUPON, jury exited 4:48. Recess until 5:02 p.m.)

13 THE COURT: The jury is back and seated. We are
14 continuing with closing arguments from counsel. Mr. Grose,
15 you are recognized for your closing, sir.

16 MR. GROSE: Thank you, Your Honor. May it please the
17 Court. When I first started talking with you in openings, I
18 guess a week ago, I said two things. One thing that I
19 talked about was the fact that I've been a lawyer in
20 Greenwood for over 20 years representing people that have
21 disputes with their government. And I also talked about how
22 this was a tragic situation regarding Mr. Alston and the
23 fact that Mr. Parks and Mr. Goode also got shot. Now that
24 we've been through this trial for this whole week, for more
25 than a week, you all know that Mr. Hurley, and these other

1 two gentlemen, don't know Mr. Goode or Mr. Parks. As the
2 other lawyers who've gone before me have said, this case
3 really comes down to the type of investigation and type of
4 analysis that was done. And what I want to do is basically
5 two things. I want to talk about the evidence, including
6 how it was collected during the investigation, and then I
7 want to talk about some of the law. I know that the
8 Solicitor went through it and emphasized some things, but he
9 also left out some things. And I want to cover that towards
10 the end.

11 But I've got to tell you, right now, the one concern I
12 have is that, you know, it's five o'clock, and we've been
13 through two long weeks and I just ask that you all, kind of,
14 bear with me a little bit so that I can tell Mr. Hurley's
15 side of the story. Because, I know after today, y'all have
16 got to be tired. I wouldn't expect anything else. I know
17 I'm tired. I imagine that y'all are too.

18 The reason that I put this up on the screen to begin
19 with, and I want to talk about that before I get into
20 talking about the investigation, and evidence, and the
21 charge, is nobody's told you this yet. But, Mr. Hurley,
22 Chazz Hurley, is no longer charged with possession of a
23 firearm during the commission of a violent crime. You heard
24 him testify today and he said he didn't have any guns that
25 day. Nobody in this courtroom has put a gun in his hand,

1 testified that they saw him have a gun in his hand. Nobody
2 in this courtroom has come in and testified and said there
3 was gunshot residue on his hands, or his DNA on a gun that
4 they could link him to. And now that charge is gone. He's
5 just charged with these other three offenses.

6 And so at this point, you've got to be thinking, at
7 least I hope that you would be thinking, why is somebody
8 charged with murder in a gunshot case, an attempted murder
9 involving two people in a gunshot case when they can't even
10 put any gun in his hand? No evidence. No legal theory now
11 for you all to convict Chazz Hurley of possession of a
12 handgun during the commission of a violent crime. And this
13 gets back to some of the things that we're going to talk
14 about in the jury charge, as far as the theories that they
15 try to use to make somebody guilty when they don't have any
16 evidence that they had a gun. Possessed a gun, or shot a
17 gun, or even handled a gun.

18 But before we get into a lot of that I want to talk
19 about some of the evidence. This is State's Exhibit Number
20 49. The Solicitor showed you this in his closing argument
21 and I think that what he was probably trying to point to was
22 you have what looks like footprints coming down the stairs.
23 And he said that this was evidence as to why Mr. Parks and
24 Mr. Goode weren't able to get rid of evidence. But we need
25 to put this into context, because just looking at it in

1 context, you might want to draw that conclusion.

2 This is State's Number 5. And you'll recall the
3 testimony was is that Mr. Parks didn't get any further than
4 that couch when he went inside the apartment after being
5 shot. But if you look at this evidence a little closer you
6 can tell back here there's also some blood. This is a
7 picture looking from the other way back at the couch, back
8 out the door. Now, I think it would be easy to say, and
9 just for the record, we're looking at State's Number 6. It
10 might be easy for somebody to want to say that yeah, you had
11 all this law enforcement come in and you had people coming
12 in and trying to work on Mr. Parks and that's the reason
13 that there's all those footprints. If you look closer, what
14 you see is other blood markings that are not footprints.
15 You see blood drop markings that look like droplets. And if
16 we slide this down just a little bit more, we have these
17 droplets where we have footprints with shoes. A lot of the
18 blood that you're seeing in this case looks like it was
19 smeared. But those droplets are more consistent -- if you
20 just think about it and use your common sense. Those
21 droplets are consistent with somebody who's standing up,
22 who's bleeding, who's bleeding a lot, and the blood is
23 dripping on the floor.

24 And when we zoom back out, some of those footprints are
25 pointed in the direction of going down the hall. Before we

1 get to that -- I don't have this one scanned in, but you've
2 got State's Exhibit Number 138. Mr. Henderson's talked
3 about this a lot with the hole in the door. And you've got
4 those footprints that are going down the hall in that
5 direction. It's reasonable to conclude from this that
6 that's Mr. Parks walking around in that house before the
7 First Responders got there.

8 And the reason I say that, is the evidence in this
9 case is that Mr. Parks was much more seriously injured than
10 Mr. Goode. And certainly Mr. Goode was injured, and he was
11 shot in the foot, and I'm not trying to minimize that. But
12 you have somebody from all of that blood splatter, those
13 droplets, you have somebody that's bleeding pretty heavily.
14 And that blood is probably falling a distance before it
15 makes those markings on the floor.

16 And when you talk about real possibilities, there's
17 that seven minute between the first 911 call and when the
18 first officer encountered Mr. Goode. What was going on in
19 that apartment before then? Again, this is at the door just
20 outside the front door. And we've got footprints down here.
21 It looks like we got a footprint that's going that way and
22 looks like it could be a barefoot. We got a footprint going
23 that way. And in this photograph that the Solicitor showed,
24 you've got the footprints coming down the steps, but then
25 they stop. In fact, if you look down here, that's just

1 debris. There's no blood coming down the rest of the
2 stairs.

3 And we know from the first officer you've got on the
4 scene. What did he tell you? I don't call in when I first
5 get there, but I call in when I encountered Mr. Goode. And
6 he talked about Mr. Goode hopping on one foot. And there's
7 no blood. Either he wasn't tracking blood anymore, or he
8 was hopping, or he was doing something. But we know that he
9 went further down those stairs. We know that that blood,
10 the barefoot of blood print, ends going down those stairs
11 and you don't see it anywhere else. That's what the
12 evidence shows.

13 The other thing that I want to talk about, this is
14 State's 80 and State's 81. This is Mr. Alston at the
15 hospital. And what's significant about all of this? It's
16 that we had the pathologist talk about the shot through the
17 arm. He can't say for certain, but probably went in through
18 the chest, the side of the ribs, and then over here there's
19 testimony that the medical people put that circle there and
20 then that's where the bullet came to rest. And you have the
21 X-ray that shows what looks like a fragment. But when you
22 look at that, what's happening is the bullets coming in up
23 here and it's lodging down lower.

24 And remember, Mr. Alston was the tallest one of
25 everybody out there. That gunshot wound, ladies and

1 gentlemen, is consistent with somebody firing it from at
2 least some level of elevation. If, as their theory says, Mr.
3 Hill shot Mr. Alston, the bullet would be traveling at a
4 different angle. Mr. Tinsley talked about his client. And
5 this is probably one of the best angles that you have. And
6 again, the angle of the bullet is not consistent with
7 somebody -- if their theory is that you were putting it in
8 your pants, so that there's no hole in your pants, and it
9 shot it through the underwear, that bullet is going to be
10 traveling down that way. It's not going to be traveling
11 straight through. And we know a lot of people, particularly
12 young people, you know, wear their pants in the style where
13 sometimes it's down below their underwear. That gunshot
14 wound is consistent with being shot by somebody else and not
15 shot by yourself. Remember the pathologist talked about how
16 sometimes you can tell that a gunshot wound is close because
17 of the markings, the stippling, the burning from the
18 gunpowder. You didn't hear any evidence about that on Mr.
19 Hill. So, these are all problems, or at least a different
20 interpretation of the State's evidence.

21 And why is all of this important? Because one of the
22 things that I talked with you about on Tuesday is that the
23 State has the burden of proof. And it makes sense that they
24 have the burden of proof, because it's the government trying
25 to take somebody's life or liberty in a criminal case. They

1 also have the resources. You heard the first responders
2 talk about how you get there, you check to make sure that
3 everybody's okay, you clear the scene, you put up that crime
4 scene tape, and you secure it, and then an investigation
5 begins. They have control of the scene. And I think I told
6 you on Tuesday of last week that there was at least three
7 law enforcement agencies out there, but when I said that I
8 was thinking about the Sheriff's Department. I was thinking
9 about the Greenwood Police Department. Not out there, but
10 involved in the case. And I was thinking about SLED. I
11 wasn't thinking about the Coroner's office. So, we know we
12 have four separate agencies that were involved in this
13 investigation.

14 And we also know that nobody was in charge, at least
15 not until later. And the reason I say that, you remember
16 when Detective Murdoch testified? And I think he was on
17 direct examination, but it was before I got up. He said I
18 became the lead investigator. So I want to know, Detective,
19 how do you become or when did you become the lead
20 investigator? Well, it was sometime later that day in the
21 evening. Couldn't remember exactly what it was. Well, how
22 did you become the lead investigator? Well, I was the one
23 that collected information from everybody else. They
24 brought it to him. This was after they had finished
25 processing the scene.

1 He said -- he testified, and Mr. Tinsley, I think,
2 alluded to it earlier. You have the go-getters. You have
3 to stand around-ers. And stand around-ers, sometimes they
4 stand around because they don't want to have their name on
5 the chain of custody in evidence because they don't want to
6 have to come in here and testify. Ladies and gentlemen,
7 that's a really sorry excuse to be a stand-arounder, if
8 that's really true. I know the Sheriff was out there, but
9 he said he was relying on his other people out there to do
10 it. The Sheriff wasn't standing around. He did find a piece
11 of evidence, and that's why he came to testify. I think he
12 was here -- I hope he was here when Detective Murdoch
13 testified about the problems of stand around-ers. They have
14 all of these reasons as to why they didn't look in the
15 bathroom. Why they didn't look in the kitchen. Why they
16 didn't look in the hole. Why they didn't point a flashlight
17 up in the hole in the ceiling on the stairs. And all these
18 reasons why they didn't do it. But they didn't even try.
19 They didn't even try. And that's shameful. And I imagine
20 that that's the case because of however things have evolved,
21 no one's in charge at a crime scene. It's left up to
22 whether you're a go-getter, like the Sheriff, and you look
23 around a little bit a ways from where everybody else is
24 looking, or you're a stand-arounder who doesn't want your
25 name on a chain of custody of a piece of evidence so you

1 don't have to testify in court.

2 And we're going to talk about reasonable doubt in a
3 little while, but one of the definitions -- one of the
4 statements that was made about reasonable doubt that you
5 heard last Tuesday, I think you're going to hear again from
6 the Judge. This is the type of doubt that would make a
7 person hesitate to act. You already know that there's
8 reasonable doubt in this case, because the Solicitor stood
9 up here and told you that he has missing pieces. He stood
10 up here with the picture of the Statue of Liberty and tore
11 it up to illustrate to you that he has holes in his case.

12 And his explanation is, well, you don't have to have all
13 the pieces of the puzzle in order to tell what it is. My
14 Dad liked to do jigsaw puzzles, and whenever I would go to
15 his house and visit him, he would almost always have one on
16 the card table going. And they were in different stages.
17 But he always had that picture on the front of the box that
18 was there to, kind of, see what it's supposed to look like
19 in the end. And, you know, if it's shades of green or
20 shades of gray, you could, kind of, begin to put it together
21 and assemble it.

22 What the Solicitor has brought you -- what the State of
23 South Carolina has brought to you here these last two weeks
24 is not a puzzle that's almost completed. It's a puzzle
25 where they don't have most of the pieces. The Solicitor

1 ripped off the corner. They don't have all the big picture
2 around the edges. He ripped out some holes in the middle.
3 They don't have any of the details in the middle. And he
4 could have kept ripping holes until you had a piece of paper
5 left. And you could tell it was a piece of paper. And you
6 could tell that there was a picture on it. But you couldn't
7 tell what that picture was. That's the types of missing
8 pieces that they brought to you these last two weeks.

9 I'm not going to go through and do a lot of reading.
10 This just is partly to illustrate that there's a whole lot
11 more to what the Judge is going to instruct you on than what
12 the Solicitor has talked about, or any of us have talked
13 about, or even I'm going to talk about. But when you have a
14 case with multiple defendants, you have to consider the
15 charges separately for each one of them. And in the end,
16 I'm going to focus mostly on Chazz, because that's who I
17 represent.

18 The Judge is going to tell you about the presumption of
19 innocence. This is important for a lot of reasons. First,
20 it's a constitutional right. But it's like we just talked
21 about, it's the law enforcement agencies that do the
22 investigation and they have control of the scene, and they
23 decide who to accuse and who not to accuse. We don't have a
24 chance to conduct the same type of investigation that they
25 do. And this is where we start from. And I don't want to

1 minimize this by talking about puzzles or making a sports
2 analogy. But we've all, kind of, done that a little bit.
3 The presumption of innocence, if you think about it like in
4 an instant replay review in a sporting event, the
5 presumption of innocence is the call on the field. That's
6 the call on the field. And the government, because they
7 have the burden of proof, they're the ones who have to show
8 why that call on the field should be overturned. And we
9 know from baseball, football, whatever sports that are using
10 instant replay, that that sometimes they just get it wrong.
11 Sometimes they're not able to tell. There's three
12 possibilities, at least, in football. You know, the call
13 stands, or the call is overruled. Really, I guess there's
14 only two but, but it doesn't -- that sort of illustrates
15 some of what the burden of proof is all about.
16 Reasonable doubt. That was -- what's up there now was the
17 quotation that I think was referenced in closing -- I mean,
18 in opening arguments last Tuesday, Reasonable doubt is the
19 kind of doubt that would cause a reasonable person to
20 hesitate to act. Reasonable doubt may arise from the
21 evidence itself or from the lack of evidence. And again, we
22 talked on Tuesday of last week. This really is the type of
23 doubt in your important daily affairs. It's not whether you
24 hesitate to eat a salad or a hamburger for lunch. This is
25 the type of hesitate to act in your important daily affairs.

1 Buying a house, choosing to rent a new house, deciding to
2 have children. What schools they go to when you're buying
3 or renting a house. Whether to buy a different car.
4 Whether you're making a decision that's going to affect
5 somebody's life or liberty. And obviously, there's a lot in
6 it.

7 The Solicitor used two terms, and they're both in
8 there, but he used them a little bit out of context.
9 Because it wasn't with the whole charge that the Judge is
10 going to give you. Proof beyond a reasonable doubt is proof
11 that leads you firmly convinced of the defendant's guilt.
12 And you're going to hear the Judge say firmly convinced at
13 least twice. But then, if on the other hand, you think that
14 there is a real possibility that the defendant is not
15 guilty, you must give the defendant the benefit of every
16 reasonable doubt and find him not guilty. Every reasonable
17 doubt.

18 I suggested to you on Tuesday, and I don't know any
19 better today than I did then, but I think that this is where
20 the phrase giving somebody the benefit of the doubt comes
21 from. I think it comes from our history in this country and
22 our court system. And that when somebody's on charge, if
23 they're charged with a crime, particularly something as
24 serious as this, that if there's a reasonable doubt they're
25 entitled to the benefit of every reasonable doubt.

1 The Judge is going to talk to you about credibility of
2 the witnesses. I'm not going to really spend a lot of time
3 on that. The Judge is going to talk about intent. I don't
4 want to spend a lot of time on that. I do want to spend
5 some time on direct and circumstantial evidence. These, I
6 think, in the green and the purple or whatever color that
7 is, I think are the definitions that you're going to hear
8 that the Judge is going to give. Direct evidence directly
9 proves the existence of a fact and does not require
10 deduction. Circumstantial evidence, on the other hand, is
11 proof of a chain of facts and circumstances indicating the
12 existence of a fact. Now, he is going to tell you, as you
13 see on the next line where I don't have it highlighted, that
14 there's no distinction between the two. But, putting that
15 in the rest of the context, the Judge is going to tell you
16 to the extent that the State relies on circumstantial
17 evidence, the circumstances must be consistent with each
18 other and, when taken together, point conclusively to the
19 guilt of the accused beyond a reasonable doubt. If the
20 circumstances merely portray the defendant's behavior as
21 suspicious, the proof has failed.

22 And that's the case at best, that they brought here to
23 you all this week. The danger in a circumstantial evidence
24 case is when you start making deductions. Interpreting what
25 facts might mean. The circumstances surrounding the facts.

1 Start drawing inferences. There's a danger that an innocent
2 person can be convicted. And that's what we have to guard
3 against. And that gets us back to why the State has the
4 burden of proof.

5 The Solicitor talked about the hand of one. And this
6 is going to be kind of a lengthy charge, but I'd ask for
7 y'all to listen into it. They have to prove more than
8 people know each other. They've tried to prove, and did
9 prove to some extent, some associations. Proof beyond a
10 reasonable doubt in a court of law is not guilt by
11 association. The fact that some of these people knew each
12 other on each side doesn't get you under the hands of one
13 hands of all. The fact that these three guys sitting in
14 this courtroom know each other and knew Mr. Alston doesn't
15 get you the hands of one hands of all. It doesn't get you -
16 - after you get to that, it doesn't get to transferred
17 intent that the Solicitor spent so much time talking about.

18 Going back to direct and circumstantial evidence. All
19 the circumstances must be consistent with each other. If
20 there's a way to interpret the circumstances where they're
21 not consistent with each other, or there's a way to
22 interpret them when taken together that they don't point
23 conclusively to the guilt of the accused, the proof has
24 failed. One way to look at -- I said I was going to talk
25 mostly about Mr. Chazz Hurley, and I'm going to do that in a

1 minute. But I think what Mr. Tinsley was saying, and one
2 way to look at the evidence regarding Mr. Hill is that he
3 was one of those innocent bystanders that the Solicitor
4 talked about who could have gotten shot out there that day.
5 The State hasn't proven any more than that.

6 Mere presence. Goes along with what I just talked
7 about a few minutes ago. It's not enough for them to be
8 there. They spent a lot of time talking about oh, Mr. Reid
9 and Mr. Hurley just happened to be there. It's a small
10 town. A lot of people know each other. There's a lot of
11 reasons to go over there. The fact that Chazz and
12 Narkevious Reid, were over there, they haven't proven any
13 more than mere presence. They haven't proved any kind of
14 plan. They haven't connected them by text messages. They
15 haven't connected them by cell phones. They haven't
16 connected them in any kind of way to a conspiracy that they
17 have them charged with.

18 The verdict must represent the considered judgment of
19 each juror. And your verdict has to be unanimous. And it
20 can't be based on sympathy, passion, prejudice, emotion, or
21 any other consideration not in evidence in this case. I
22 don't know what's in the Solicitor's mind, but I suspect
23 that the reason that they asked questions and they talked
24 about children is they want to get to your emotion. That
25 COVID just started and kids were out of school, and a kid

1 could have gotten hurt that day. And I think we're all
2 thankful that that didn't happen, that this tragedy is not
3 any worse than what it already is.

4 But don't let those kind of appeals to your emotion get
5 in the way of judging the facts because this next part down
6 here. You all are not partisans. You're not here to favor
7 one party over the other. You're the judges of the facts
8 and you determine whether the State has proven each
9 individual defendant's guilt on each of their charges beyond
10 a reasonable doubt from the evidence presented in this case.
11 The Solicitor talked about what verdict means. And the
12 Judge talked a little bit about your roles as jurors on
13 Monday. The true fact, the true reality, the truth
14 sometimes is, that the State does not meet their burden of
15 proof. Your jobs as jurors is not to take these pieces, as
16 scattered as they are. Your job is not to take these pizzas
17 and go back and try to fit them into a puzzle. It's not
18 your job to take these pieces, like Legos, and try to build
19 a case for the Solicitor. I don't want to come across like
20 I'm lecturing you, but this is just so important and I think
21 everybody agrees that when we talk about this it's so
22 important that you understand what the burden of proof is.
23 If, after you consider everything, there's a real
24 possibility that Chazz is not guilty, you have to give Chazz
25 the benefit of the doubt. It's not your job to try to fill

1 in the holes in the Solicitor's puzzle. It's not your job
2 to help law enforcement when they didn't have anybody in
3 charge out there. It's not your job to make excuses for
4 them. Well, we can only send so many things to SLED to be
5 tested. When SLED said no, there's no limit on any of that.
6 They didn't even try. And what they're asking you to do is
7 to do what law enforcement didn't try to do. They're asking
8 you to find those missing pieces that they acknowledge that
9 they have in their case. Chazz didn't have to testify, but
10 he did. And, like Narkevious Reid, you didn't hear anything
11 about Chazz having a criminal record. Contrast that for a
12 second to what you heard about Mr. Goode and Mr. Parks. I
13 think it was -- I may be getting confused, but I think it
14 was Mr. Goode who testified that twice since April of 2020,
15 twice law enforcement found him with guns. It was Mr. Parks
16 who was in the Department of Corrections. Initially you
17 heard that it was for a violation of probation. But he was
18 on probation for armed robbery, two drug charges, and a gun
19 charge. Chazz didn't have to come in here and testify. He
20 didn't have to come in here and tell you that he knew these
21 other people. He didn't have to tell you that he knew that
22 guy who got murdered. Knowing that that's the leap of faith
23 that they want you to take. The leap of faith that that's
24 the motive. They haven't proven any of that. Sheer
25 speculation. Chazz came in here and told you about what his

1 ordinary day was like. That when his girlfriend, that he
2 shares a child with, went to work he would go over and pick
3 her up. Or go over and pick up his child while somebody
4 else gave her a ride to work. Use your common sense.
5 They were like, well, couldn't she have just been late that
6 day? You lose your jobs in some places if you're late. And
7 it's in COVID when people are getting laid off and put out
8 of work. You don't want to be losing that job. He takes
9 care of his child. You heard him and Mr. Reid tell you how
10 they got there separately. That they hadn't seen Mr. Hill
11 that day. How they got into contact with each other. The
12 State's theory in this case rests on the fact that there was
13 four people riding together in one car when they haven't
14 produced a single witness that said that there was ever four
15 people in Chazz's car. If there is a real possibility that
16 Mr. Hill got there one way, Mr. Reid got there the way he
17 said. Chazz came to pick up Mr. Reid the way he says. If
18 there's a real possibility, then their evidence has failed.

19 The pathologists talked about the injuries and how
20 serious they were. And while Narkevious Reid and Chazz
21 Hurley are not doctors or nurses or any kind of medical
22 people, they could tell that it was pretty serious. And
23 they got him to the hospital. And I thank Mr. Henderson for
24 bringing out the fact that, you know, this was the beginning
25 of COVID. They weren't letting people hang around in the

1 emergency room waiting on people. Yes, they asked Chazz
2 could he have done things differently? Sure, he could have.
3 But he was doing the best he could under circumstances that
4 were pretty traumatic. And mostly traumatic for Mr. Alston.
5 But just think, using your common sense, that if you're in a
6 situation like that, your own adrenaline is going to be
7 increased and you're just doing the best you can.

8 I'm about -- in a minute, I'm going to sit down. And
9 one of these Solicitors is going to get a chance to come up
10 and reply to what I've said, and what the other two lawyers
11 have said. But he doesn't really get the last word. He may
12 get the last closing argument, but he doesn't get the last
13 word. Collectively and individually, you all get the last
14 word. And what I would ask is that when you do go back in
15 there, probably tomorrow, and get a chance to deliberate
16 about this case, and that you're looking at it, look at the
17 real possibilities.

18 Talk about it. Hopefully somebody will even, you know,
19 take the lead talking about this one, and somebody will take
20 the lead talking about the other, and together when you talk
21 about all of this and you get back to the jury instruction.
22 You're thinking about direct and circumstantial evidence.
23 And, by the way, the Judge, I think he's going to give you a
24 copy of the instructions. And so you all will be able to
25 have a chance to look at it. When you talk about the real

1 possibilities, and you realize that the State's case is
2 circumstantial. It's not going to point conclusively to
3 guilt. And what we're going to ask that you do. This is
4 the three charges that you're going to have for Mr. Hurley.
5 And we're going to ask that you select not guilty on all
6 three of them, because the State has not met their burden of
7 proof.

8 THE COURT: Thank you, Mr. Grose. Solicitor Stumbo,
9 you're recognized for your reply.

10 MR. STUMBO: Thank you, Judge. I know it's late and I
11 will try to be brief, very brief. Mr. Henderson, just not
12 Mr. Grose, but before, when Mr. Henderson went, he said to
13 y'all don't reward State. If he thinks there's any reward
14 to be had by for me or my team, or Sheriff Kelly, who's here
15 in the courtroom, or his team, or anybody involved with this
16 case, anybody in the community. If he thinks there's any
17 reward, he's sorely mistaken, folks. Because everything
18 about this case is a disaster. Everything. Lives were
19 ruined. Nobody wins. Nobody gets a reward. This case
20 isn't about rewarding people, it's about justice. Please
21 focus on that in this case, y'all. It's about justice.
22 It's not about who wins, who loses, rewards. It's about
23 justice, folks.

24 Now, Mr. Henderson also couldn't help himself again.
25 He kept telling you that the burden is any and all

1 reasonable doubt. That's not the burden, and you'll hear
2 the Judge. Mr. Grose even put a lot of this up on the
3 screen for you verbatim of what the Judge is going to charge
4 you, and it's what was in my slides. Beyond a reasonable
5 doubt means firmly convinced. Not any and all doubt. He's
6 trying to scare you into thinking that you can't meet the
7 burden. We can't ever meet that burden. That's not it.

8 Mr. Grose said about convicting an innocent man. Y'all do
9 not be cowed into this fear, and that's what seems to be
10 happening here, this fear that there's no evidence. We keep
11 hearing about speculation. This is not speculation, folks.
12 This is not speculation. The fantasy world stories that we
13 heard this morning on the stand, that's asking you to take a
14 leap of faith. We heard this thing about leap of faith.
15 Folks, to believe Chazz Hurley when he says that he didn't
16 clean out the back of his car and he left in such a hurry so
17 he could go get his little baby quickly to put into a bloody
18 back seat. Do you think that's why he left quickly? It's
19 not credible. He's not credible about why he was there
20 either, folks, and that is a leap of faith he's asking you
21 to take to scare you into thinking that he is not all up in
22 the middle of this. All of them.

23 It's not a leap of faith to take these pieces of the
24 puzzle. And I challenge Mr. Grose on this. I think this is
25 the job of the jury after we presented this, you go the jury

1 room, put the pieces in place. And if you see a picture of
2 guilt and a firm and convincing picture of guilt, then
3 they're guilty. If you don't, they're not. It's not nearly
4 as scary and complicated as what's being made. Now, its
5 serious. Very serious. Like I said before, there's no
6 rewards here. But it is also not something that each one of
7 you, as citizens of this county and as smart common sense
8 jurors that we have amongst you here, you take your common
9 sense and you filter all of this evidence and testimony you
10 heard from this stand and you filter it through your good
11 common sense and everyday experience. And that puzzle,
12 folks, paints a clear picture of guilt of these three men
13 before you.

14 It's late. There's lots of evidence here. The Judge
15 is going to charge you and you're going to get to review all
16 this. One more thing before I stop here. I've heard a lot
17 about how terrible the investigation was in this case and
18 consistent attacks on our law enforcement agents that are
19 making these cases. For example, one of the missing pieces
20 of the puzzle I keep hearing them say is the bullets. The
21 bullets. Well, they can't say who shot this bullet that's
22 right here that passed through Alston's body and killed him.
23 The other two bullets also in this case. What did the SLED
24 agent tell you? It's not that they didn't try. They
25 collected the bullets. They took them down the SLED, and

1 they analyzed them. What she said as a scientist and it's
2 scientific evidence, she said as a scientist, that they were
3 too damaged to compare. So all of this other evidence that
4 hit solid stuff, the bullet that hit the lattice above the
5 stairs and probably continued on, even if they get that
6 bullet out of there and destroy all that private property,
7 which consequently, like the Sheriff and the deputy said
8 they got to make those strategic decisions every day when
9 they investigate these cases. Is the evidence that we're
10 going to find by tearing up these buildings going to advance
11 the ball down the field in our investigation or prosecution.
12 Folks, I'd submit to you, it's not. And what the defense
13 would have you believe is every single one of those times
14 where they made a strategic decision not to tear up a
15 building to get a bullet projectile maybe out that a SLED
16 agent is going to tell you the same thing that she told you
17 about this. It doesn't get the ball further down the field
18 in this case. I think we need to be realistic. Real world
19 is what these guys work in every day when they investigate
20 cases. And real world is what we deal with when we come in
21 this courtroom. Don't suspend common sense and don't
22 suspend reality, folks. Don't suspend the real world that
23 you know exists. And attacks, time and time again, about
24 there's not enough. There's not enough. There's not
25 enough. There is over 140 pieces of evidence here. You

1 heard from almost 25 witnesses on this on this stand. The
2 pieces are there. When you deliberate, I would just ask you
3 to fairly deliberate. Filter this evidence through your
4 common sense. Find these three men guilty. Thank you.

5 THE COURT: Solicitor, thank you very much. Ladies and
6 gentlemen, as I indicated we're going to go ahead and break
7 the evening because it's going to take me roughly 20 minutes
8 to review with you the law and if you were to start your
9 deliberations the soonest you would be beginning your
10 deliberations would be about 6:30 or 6:45. And again, I
11 think it best that big decisions be made with a clear head
12 and one that has enjoyed a good restful night's sleep. So,
13 despite my best efforts to get this case to you today, I'll
14 need you back tomorrow morning. If you could, please be
15 back here tomorrow morning at 9:30. Again, drink your
16 orange juice. I'm very proud of all of you. None of you
17 got sick over the weekend, so take care of yourselves. Get
18 a good night's rest and at 9:30 tomorrow morning you will
19 get my instructions and begin deliberations.

20 Again, I do anticipate there will be a story in
21 tomorrow's paper. Wednesday we get the actual paper if you
22 get the paper paper. I like the paper paper myself. I'm
23 old school about that, but I do anticipate there will be a
24 story in it. Do not read it. Please not read it. Like I
25 said the other day, just go straight to the comics and

1 cross-word. With that, leave your tablets where you sit.
2 You all have a lovely evening. Do you still need a ride?
3 You still need a ride, correct? We will hook you up with a
4 ride, ma'am, and just hang out back there when you leave.
5 And we'll make sure that we get you home. Retire for the
6 evening. See y'all tomorrow morning. Don't talk about the
7 case.

8 (WHEREUPON, jury out and recess at 5:57 p.m.)

9 TRIAL DAY 7: August 24, 2022

10 (WHEREUPON, proceedings began 9:44 a.m.)

11 THE COURT: Let's go back on the record. I was
12 informed this morning by the Clerk of Court that Juror 134,
13 Cory Henderson, called her and explained that he's been
14 diagnosed with congestive heart failure and that he felt the
15 symptoms of that, had some heart issues last night, and
16 anticipated going to the doctor this morning. I asked the
17 Clerk to go ahead and call him and excuse him, since we
18 luckily do have three alternates. I've lost track. He was
19 one of the alternates.

20 MR. STUMBO: He was, Judge. The one you sat yesterday.

21 THE COURT: Who is left?

22 CLERK OF COURT: Number 66, Wonder Crawford.

23 THE COURT: Number 66 will be our new juror and I assume
24 all twelve of them are here.

25 MR. HENDERSON: What are we going to do about adding the

1 word "argument"?

2 THE COURT: I'm going to surprise you. Let's have the
3 jury in.

4 (WHEREUPON, jury entered at 9:47 a.m.)

5 THE COURT: Ladies and gentlemen of the jury, thank you
6 for being back and for being on time. I'll let you know
7 that, unfortunately, Cory Henderson, who was one of the
8 alternates that I believe got seated yesterday, Juror 134,
9 started feeling poorly last night. He suffers from heart
10 issues. So, I asked the Clerk to go ahead and let him be
11 excused so he can see his physician and check into that.
12 Which means, Ms. Crawford, Wonder Crawford, that's you;
13 right? Ms. Crawford, you'll substitute for the alternate,
14 Cory Henderson, who was appointed yesterday, or earlier in
15 the trial, and you'll participate in the deliberations.
16 Okay, ma'am. I'll need -- I don't know if Mr. Henderson was
17 taking any notes, but if he was, I'll need his notes
18 whenever the pads are returned to the jurors after my
19 instructions.

20 JURY CHARGE

21 Now, ladies and gentlemen, it now becomes my job to
22 instruct you on the law in this particular case. I'll let
23 you know that when I first started practicing law in '93,
24 that the way most judges did this, the way many judges still
25 do this, is they would basically take 26 pages of the law

1 taken from the law books and they would just sit up here and
2 they would read it to you, and the expectation was that the
3 jury would understand it, and comprehend it, and apply in a
4 20 minute speech what it took me three years to learn. I
5 always found that a little unreasonable. So, ladies and
6 gentlemen, what I'm telling you is that I'm going to give
7 you a copy of these instructions that you can refer to if
8 you need during your deliberations. Of course, do follow
9 the instructions as a whole. Don't pay attention to one
10 portion of the instructions to the detriment of some other
11 part of these instructions, and of course return these
12 instructions to me at the conclusion of the trial when you
13 have reached your verdict.

14 If you have any question about the law that applies in
15 this case, Mr. Foreman, just write me a note and let me know
16 what it is that you're struggling with, if you're having
17 some issue with the law. I'll let you know though, if you
18 have a factual question, obviously there's no mechanism by
19 which we can reopen the record or take any additional
20 testimony. So, if you have a factual question about
21 something I may not be able to help you, but if you have a
22 legal question I can certainly try to help you.

23 Now, as I instructed you previously, ladies and
24 gentlemen, you and I have specific duties to perform in this
25 trial. As the trial judge, it is my responsibility to

1 preside over the trial of this case. I also have the duty to
2 rule on the admissibility of evidence offered. I instruct
3 you that you are to consider only the evidence before you.
4 So, if any testimony, or question, or argument was ordered
5 stricken from the record during this trial, you must
6 disregard that. You are to consider only the testimony
7 presented from this witness stand and any exhibits which
8 have been made a part of the record in this case, as well as
9 any stipulations.

10 I also have the duty to charge the law, and as the
11 presiding judge, I am the sole judge of the law. It is your
12 duty as jurors to accept and apply the law as I State it to
13 you now. So, if you already have any idea as to what the law
14 is or what the law ought to be and it does not agree with
15 what I now tell you the law is, you must abandon that idea
16 because you are sworn to accept the law and apply it exactly
17 as I state it to you. Your duty is to determine facts in
18 this case. In every case, the jury is the sole and
19 exclusive judge of the facts. Understand that a trial judge
20 cannot suggest, state, comment on, or make any statement to
21 a trial jury about the facts in a case. Because you, the
22 jury, are the sole judge of the facts, you are not to infer
23 from what I have said during the progress of this trial in
24 ruling upon the admissibility of evidence, or otherwise, or
25 anything that I say to you now during the course of these

1 instructions, that I have any opinion about the facts.

2 Ladies and gentlemen, the law does not permit me to have any
3 opinion about the facts. This is a matter for you to
4 determine.

5 As jurors, it is your duty to determine the effect,
6 value, and weight of the evidence presented during this
7 trial. Now, as I explained previously, you have been
8 allowed to take notes during this trial. However, please do
9 remember that some people are better at taking notes than
10 others. Juror notes should not be given any greater weight
11 than the recollection of other jurors. The recollections of
12 individual jurors should be considered as reliable as any
13 notes taken by any other jurors.

14 Now, in this case, ladies and gentlemen, the
15 indictments charge Mr. Hurley, Mr. Hill, and Mr. Reid with
16 the offenses of murder, attempted murder, conspiracy, and as
17 it relates to Mr. Hill and Mr. Reid, possession of a weapon
18 during the commission of a violent crime. Each indictment
19 charges a separate and distinct offense. You must decide
20 each indictment separately on the evidence and the law
21 applicable to it uninfluenced by your decision as to any
22 other indictment.

23 I instruct you that the fact the defendants in this
24 case were arrested, charged, and indicted of course is not
25 evidence and cannot be considered by you as evidence of

1 guilt. Nor do the indictments create any presumption or
2 inference of guilt. Again, the indictments are simply the
3 formal written instruments containing the charges made
4 against the defendants. They are the formal means by which
5 this case is brought into court. You will be asked, again,
6 to write a separate verdict of guilty or not guilty for each
7 of the charges.

8 The case of each defendant, and the evidence, and the
9 law concerning that defendant must be considered separately
10 and individually. The defendants have been tried together,
11 but you must determine each defendant's guilt or innocence
12 separately as to each charge. Your verdict does not have to
13 be the same for all defendants. The fact that you may find
14 one defendant guilty or not guilty should not control your
15 verdict as to the other defendants. Where more than one
16 person is charged with a crime, if the evidence warrants it,
17 you may convict one and acquit the others, or you may acquit
18 all, or you may convict all. It will depend upon your view
19 of the testimony and the evidence. You must take each
20 defendant and consider the evidence as to that defendant and
21 my instructions to you on the law. You will then write a
22 separate verdict of guilty or not guilty for each individual
23 defendant on each charge.

24 Every one of the defendants has pled not guilty to
25 these charges, and that plea puts the burden on the State to

1 prove each one of the defendants guilty beyond a reasonable
2 doubt. I instruct you that a person charged with committing
3 a criminal offense in South Carolina is never required to
4 prove himself innocent. It is an important and a guiding
5 rule of law that the defendant in a criminal trial, no
6 matter how serious the charge may be, is always presumed
7 innocent of the crime for which the indictments were issued
8 unless guilt is proven by evidence satisfying you the jury
9 of that guilt beyond a reasonable doubt. This presumption
10 of innocence does not end when you begin your deliberations,
11 rather it accompanies the defendants throughout the trial
12 until you reach a verdict of guilt based on evidence
13 satisfying you of that guilt beyond a reasonable doubt.

14 The presumption of innocence is not a mere legal
15 theory. It is not just a legal phrase. It is a real and
16 substantial right to which every defendant is entitled
17 unless you, the jury, are satisfied from the evidence of the
18 defendant's guilt beyond a reasonable doubt.

19 What is a reasonable doubt in the law? A reasonable
20 doubt is the kind of doubt that would cause a reasonable
21 person to hesitate to act. Reasonable doubt may arise from
22 the evidence itself or from a lack of evidence. The State
23 has the burden of establishing every fact necessary to prove
24 the defendants guilty beyond a reasonable doubt. The law
25 presumes every person charged with a crime to be innocent

1 and the burden of establishing guilt is placed solely on the
2 State. Some of you may have served as jurors in civil
3 cases, where you were told that it is only necessary to
4 prove that a fact is more likely true than not true, such as
5 by the greater weight or the preponderance of the evidence.
6 Other civil cases may use the clear and convincing evidence
7 standard. In those cases, it is necessary to prove that a
8 fact is highly probable. But this is a criminal case, and
9 the State's proof must also be more powerful than those
10 burdens of proof. In criminal cases, the State's proof must
11 be beyond a reasonable doubt.

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

23 Necessarily, you must determine the credibility of
24 witnesses who have testified. Again, credibility simply
25 means believability. It is your duty as jurors to analyze

1 and to evaluate the evidence and determine which evidence
2 convinces you of its truth.

3 In determining the believability of witnesses who have
4 testified, you may believe one witness over several
5 witnesses or several witnesses over one witness. You may
6 believe a part of the testimony of a witness and reject the
7 remaining part of the testimony of that same witness. You
8 may believe the testimony of that witness in its entirety or
9 reject it in its entirety. You may consider whether any
10 witness has exhibited to you any interest, bias, prejudice,
11 or other motive in this case. You may also consider the
12 appearance and manner of a witness while on the witness
13 stand.

14 I also instruct you and emphasize to you that the fact
15 the a defendant in this case did not testify is not a factor
16 to be considered by you in any way in your deliberation and
17 in your consideration on the question of the guilt or the
18 innocence of the defendant. It must not be considered by
19 you in any manner whatsoever. A defendant has the
20 constitutional right to remain silent, and the assertion of
21 this right must not be considered by you during your
22 deliberations. I repeat, under your oath, you are to draw
23 no conclusion whatsoever from the fact that a defendant in
24 this case did not testify. The fact that he did not testify
25 should not even be discussed in the jury room. The burden

1 of proof, as I have stated to you, is on the State. A
2 defendant is not required to prove his innocence. The
3 burden of proof remains on the State to prove guilt beyond a
4 reasonable doubt as to each defendant and as to each charge.

5 Ladies and gentlemen, as I explained before the expert
6 witnesses testified last week, normally the rules of
7 evidence do not permit witnesses to testify as to opinions
8 or conclusions, but an exception to this rule exists for
9 expert witnesses. A witness who, by education and
10 experience, has become an expert in some art, science,
11 profession, or calling may state an opinion about a relevant
12 and material matter in which the witness claims to be an
13 expert, and they may also give the reasons for their
14 opinion.

15 You should consider any expert opinion received in
16 evidence and, like any other evidence, give it the weight
17 you think it deserves. If you decide that the opinion of an
18 expert is not based on sufficient education or experience,
19 or if you conclude that the reasons given in support of the
20 opinion are not sound, or that the opinion is outweighed by
21 other evidence, you may disregard the opinion entirely.
22 An expert witness' testimony is to be given no greater
23 weight than that of other witnesses simply because the
24 witness is an expert. Further, you are not required to
25 accept an expert's opinion, even though it is not

1 contradicted.

2 I instruct you, ladies and gentlemen, that a person who
3 has a past criminal record is competent to testify during a
4 trial. A past record does not affect the ability of that
5 witness to testify. The past record may only be considered
6 by you, if at all, in determining the witness'
7 believability. Remember, you are the sole judges of the
8 facts in this case and of the believability of any and all
9 of the witnesses who have testified.

10 In order to establish criminal liability, criminal
11 intent is required. Criminal intent must be proven by the
12 State beyond a reasonable doubt. Criminal intent is always
13 a matter that must be determined by the jury from the
14 circumstances surrounding the situation at that time. There
15 is no way to prove intent to a mathematical certainty.
16 There is no way medical science can dissect a person's brain
17 and determine what the person had in mind, so the law says
18 that criminal intent may be inferred from the circumstances
19 shown to have existed at that time. This is how you make a
20 determination of whether or not the element requiring intent
21 was present. It is not necessary to establish intent by
22 direct and positive evidence, but intent may be established
23 by inference in the same way as any other fact by taking
24 into consideration the acts of the parties and all the facts
25 and circumstances of the case.

1 Criminal intent is a mental state of conscious
2 wrongdoing. You must determine what the defendants intended
3 to do based on the circumstances existing at that time.
4 Typically, ladies and gentlemen, there are two types of
5 evidence which are generally presented during a trial -
6 direct evidence and circumstantial evidence. Direct
7 evidence directly proves the existence of a fact and does
8 not require deduction such as testimony of an eye witness.
9 Circumstantial evidence is proof of a chain of facts and
10 circumstances indicating the existence of a fact.

11 I instruct you that crimes may be proven by
12 circumstantial evidence. The law makes no distinction
13 between the weight or value to be given to either direct or
14 circumstantial evidence. However, to the extent the State
15 relies on circumstantial evidence, the circumstances must be
16 consistent with each other, and when taken together, point
17 conclusively to the guilt of the accused beyond a reasonable
18 doubt. If these circumstances merely portray the
19 defendant's behavior as suspicious, then the proof has
20 failed.

21 The State has the burden of proving the defendant
22 guilty beyond a reasonable doubt. This burden rests with
23 the State regardless of whether the State relies on direct
24 evidence, circumstantial evidence, or some combination of
25 the two.

1 I instruct you that mere presence at the scene of the
2 crime is not sufficient to prove someone guilty of a crime.
3 A defendant's presence where a crime is being committed or
4 mere association with a person who commits a crime does not
5 make a defendant an accomplice or an aider and abettor of
6 the person committing the crime. The burden, again, is on
7 the State to prove every element of the crime charged. If
8 you find, after reviewing all the evidence, that the State
9 has proven that the defendant was only present at the scene
10 of a crime, and that they have not proven, beyond a
11 reasonable doubt, any other participation in the crime, then
12 you should find the defendant -- you must find the defendant
13 not guilty. The law is that proof of presence at the scene
14 of the crime is not sufficient to find someone guilty.

15 Now, in this case, ladies and gentlemen, each of the
16 defendants is charged with murder. The State must therefore
17 prove beyond a reasonable doubt that the defendants killed
18 another person with malice aforethought. Malice is hatred,
19 ill will, or hostility towards another person. It is the
20 intentional doing of a wrongful act without just cause or
21 excuse and with an intent to inflict an injury or under
22 circumstances that the law will infer an evil intent.
23 Malice aforethought does not require that malice exists for
24 any particular time before the act is committed, but malice
25 must exist in the mind of the defendant just before and at

1 the time the act is committed. Therefore, there must be a
2 combination of the previous evil intent and the act.

3 Malice aforethought may be express or implied. These
4 terms, "express" and "implied" do not mean different kinds
5 of malice, but merely the manner by which malice may be
6 shown to exist. That is either by direct evidence or by
7 implication from the facts and circumstances which are
8 proven. Express malice is shown when a person speaks words
9 which express hatred or ill will for another, or when the
10 person prepared beforehand to do the act which was later
11 accomplished; for example, lying in wait for a person or any
12 other circumstances or acts of preparation going to show
13 that the deed was within the defendant's mind would be
14 express malice.

15 Implied malice is when the circumstances demonstrate
16 wanton or reckless disregard for human life or a reasonably
17 prudent person would have known that, according to common
18 experience, there was a plain and strong likelihood that
19 death could follow the completed act. Malice may be implied
20 from conduct showing a total disregard for human life. If
21 facts are proven beyond a reasonable doubt sufficient to
22 raise an inference of malice to your satisfaction, this
23 inference would be simply an evidentiary fact to be
24 considered by you, along with the other evidence in this
25 case, and you may give it the weight you decide it should

1 receive.

2 Ladies and gentlemen, as it relates to transferred
3 intent, I instruct you that if the defendant, with malice
4 aforethought, attempts to kill another person, but by
5 mistake, injures or kills a different person, the defendant
6 still has the intent to kill. The intent to kill is merely
7 transferred from the original person the defendant attempted
8 to kill to the actual person who was killed or injured.
9 This concept is known as transferred intent. Under this
10 doctrine, the defendant's intent to kill his intended victim
11 is said to be transferred to his actual victim. The degree
12 of guilt is the same as it would have been if the attempt
13 had resulted in the death of the person at whom it was
14 aimed.

15 In this case the defendants are also charged with
16 attempted murder. In order to prove this crime, the State
17 must prove the defendants, with the specific intent to kill,
18 attempted to kill another person with express malice
19 aforethought. For purposes of attempted murder, express
20 malice is defined as I have defined it for you above in the
21 murder charge. The State must prove beyond a reasonable
22 doubt that the defendant had the specific intent to kill a
23 person. A specific intent to kill is necessary in order to
24 convict the defendant for attempted murder.

25 Intent means intending the result which actually

1 occurs; not accidentally or involuntarily. Intent may be
2 shown by acts and conduct of the defendant and other
3 circumstances from which you may naturally and reasonably
4 infer intent. Intent may be inferred when it is
5 demonstrated that the defendant voluntarily and willfully
6 commits an act, the natural tendency of which is to destroy
7 another's life.

8 I further instruct you, ladies and gentlemen, that if a
9 crime is committed by two or more people who are acting
10 together in committing a crime, the act of one is considered
11 the act of all. A person who joins with another to commit
12 an unlawful act is criminally responsible for everything
13 done by the other person which happens as a probable or
14 natural consequence of the acts done in carrying out the
15 common plan and purpose. If two or more people are
16 together, acting together, assisting each other in
17 committing the offense, the act of one is the act of all or,
18 as it is sometimes said, "the hand of one is the hand of
19 all."

20 When two or more people join together to commit a
21 crime, and during the commission of that crime one of the
22 two commits another crime, both may be criminally liable for
23 the unplanned crime if it was a natural and probable
24 consequence of their common plan to commit the initial
25 crime.

1 Prior knowledge that a crime is going to be committed,
2 without more, however, is not sufficient to make a person
3 guilty of that crime. Mere knowledge that another person is
4 going to commit a crime, even if the defendant is present
5 when the crime is committed, is not sufficient to convict
6 the defendant as a principal. Guilt as a principal is shown
7 by actual or constructive presence at the scene as a result
8 of prior arrangement. Therefore, a finding of a prior
9 arranged plan or common scheme is necessary for a finding of
10 guilt as a principal. The State must prove beyond a
11 reasonable doubt by competent evidence the theory of the
12 hand of one is the hand of all.

13 Additionally, mere association with one who committed
14 the crime and mere presence at the scene does not make a
15 defendant an accomplice or a co-conspirator. Although mere
16 presence and prior knowledge that a crime is going to be
17 committed, without more, is insufficient to constitute
18 guilt, presence at the scene of a crime by prearrangement to
19 aid, encourage, or abet in the perpetration of the crime
20 constitutes guilt as a principal. A principal in a crime is
21 one who either actually commits the crime or who is present
22 aiding, abetting, or assisting in committing the crime.
23 When a person does an act in the presence of and with the
24 assistance of another, the act is done by both. Where two
25 or more, acting with a common plan or intent, are present at

1 the commission of a crime, it does not matter who actually
2 commits the crime. All are guilty. The hand of one is the
3 hand of all. Present at the commission of a crime means to
4 be sufficiently near to aid and abet and assist in the
5 commission of the crime. However, mere presence, again, at
6 the scene is not sufficient to convict one as a principal on
7 the theory of aiding and abetting.

8 Intent is also a necessary element. There must have
9 been a common design or intent to commit the crime and the
10 crime must have been committed pursuant thereto with the
11 person aiding and abetting by some overt act. Intent means
12 intending the result which actually occurs; not accidentally
13 or involuntary. Intent, again, may be shown by acts and
14 conduct of the defendants and other circumstances from which
15 you may naturally and reasonably infer intent. The State,
16 again, must prove these elements beyond a reasonable doubt.

17 Ladies and gentlemen, Mr. Hill and Mr. Reid are also
18 charged with possession of a weapon during the commission
19 of, or attempt to commit, a violent crime. The State must
20 therefore prove beyond a reasonable doubt that those
21 defendants, Mr. Hill and Mr. Reid, were in possession of a
22 firearm or visibly displayed what appeared to be a firearm
23 during the commission of a violent crime.

24 In order to find the defendants guilty of possession of
25 a weapon during the commission of a violent crime, you must

1 first find the defendants guilty of either committing a
2 violent crime or attempting to commit a violent crime. I
3 instruct you that under the laws of South Carolina, murder
4 and attempted murder are classified as violent crimes.
5 The State must prove beyond a reasonable doubt that the
6 weapon furthered, advanced, or helped in the commission of
7 that crime.

8 The defendants in this case, ladies and gentlemen, are
9 also charged with conspiracy. The State must therefore
10 prove beyond a reasonable doubt that the defendants combined
11 with one another, or with one or more persons for the
12 purpose of committing an unlawful act or of committing a
13 lawful act by unlawful means. There must be a mutual
14 understanding, agreement, or common intention and plan.
15 Mere passive knowledge of or consent to the criminal conduct
16 of another is not enough to make a person a conspirator.
17 There must be guilty knowledge and participation.

18 Similarly, the mere fact that the defendant may have
19 associated with another person or met with another person
20 and discussed common aims and interests does not necessarily
21 establish proof of the existence of a conspiracy or that the
22 defendant was involved in a conspiracy. On the other hand,
23 it is not necessary that the agreement be a formal one, that
24 it be in writing, that the persons hold a meeting and
25 expressly state the terms of the common plan, or that the

1 agreement be stated in words between them. The agreement of
2 a criminal conspiracy may come into being through an
3 implied, mutual understanding. The willful, intentional,
4 and knowing adoption by two or more persons of a common plan
5 is sufficient. No overt acts need to be shown to establish
6 a conspiracy. A conspiracy may be shown by circumstantial
7 evidence and the conduct of the parties. In order to
8 convict the defendants of conspiracy, the State must prove
9 beyond a reasonable doubt only that defendants knew of the
10 unlawful conduct, but that the defendants agreed to combine
11 with the other persons for the purpose of accomplishing the
12 unlawful conduct.

13 Now, ladies and gentlemen, I have stated the law to you
14 through these instructions to help you in reaching a
15 verdict. Whether some of these instructions apply depends
16 on what you find to be the facts. The fact that I have
17 instructed on various subjects in this case, should not be
18 taken as indicating an opinion of this court as to what you
19 should find to be the facts or as to what your verdict
20 should be.

21 Your verdict must represent the considered judgment of
22 each juror. In order to return a verdict, it is necessary
23 that each juror agree. Your verdict has to be unanimous.
24 All twelve of you have to agree on the outcome. Your
25 verdict cannot be based on sympathy, passion, prejudice,

1 emotion, or any other consideration not in evidence in this
2 case. Remember, ladies and gentlemen, you are not
3 partisans, favoring one party over another. You are the
4 judges of the facts. Your sole interest is to determine
5 whether the State has proven each individual defendant's
6 guilt as to each of their charges beyond a reasonable doubt
7 from the evidence presented to you during this case.

8 Now, Mr. Foreman and ladies and gentlemen of the jury,
9 I have prepared verdict forms to help guide you and for you
10 to use to return your verdict, okay, Mr. Foreman. These are
11 extremely simple. You can read, but the law still makes me
12 explain them to you, all right. Basically, I'll just take
13 for example Mr. Reid's and Mr. Hill's verdict form are
14 basically identical. The first statement on each of those
15 is, "We, the jury in the above captioned case on the charge
16 of murder, unanimously find Mr. Hill, Mr. Reid", and then
17 there are two mutually exclusive options, either not guilty
18 or guilty. If you find the State has failed to meet its
19 burden of proving the defendants guilty of the crime of
20 murder, you would initial next to not guilty.

21 Go down to the next one that talks about attempted
22 murder. Exact same question is asked as to attempted murder
23 as it relates to Mr. Parks and Mr. Goode. If you find the
24 State has met its burden of proving the offense of attempted
25 murder on those charges as it relates to Mr. Parks and Mr.

1 Goode, if you find they have met their burden you'd initial
2 next to guilty. If you find that they failed to meet their
3 burden, you initial not guilty. Again, all 12 you have to
4 agree on each verdict in this case. Same question is asked
5 for the weapons charge. In order to find either of the
6 defendants guilty of that charge, of course, you would have
7 to have found them guilty of either murder or attempted
8 murder. That goes without saying.

9 Finally, the conspiracy charge is the final one listed
10 for those two verdict forms. As I indicated previously, or
11 has been told to you by, I believe, counsel, Mr. Hurley is
12 facing -- his verdict form only reflects the offences of
13 murder, attempted murder, and conspiracy. The weapons
14 charge is not part of the charges that are being submitted
15 to you for consideration as it relates to Mr. Hurley.
16 Again, treat his verdict form in the same way as for Mr.
17 Hill and for Mr. Reid. If you find the State has met its
18 burden of proof beyond a reasonable doubt and all 12 of you
19 agree, initial guilty. If you find the State has failed to
20 meet its burden of proof beyond a reasonable doubt to any of
21 those charges, initial not guilty. When you've completed
22 the verdict forms, simply knock on the door. Let the
23 Bailiff know that you're done. We'll get everybody
24 reassembled in here. It may take a few moments, because
25 sometimes lawyers have to pop over and do different hearings

1 or handle other stuff back in their office, but we'll have
2 you back here as soon as -- we'll have them back here as
3 soon as possible and bring you back into the courtroom as
4 soon as possible.

5 Now, ladies and gentlemen, I'm going to ask that you
6 adjourn. One other thing, the firearms that are in this
7 case have been secured, but it's a rule that, for obvious
8 reasons, it's a rule that that live ammo and firearms don't
9 go into the jury room at the same time. All right? So,
10 we're going to keep the rounds, the live rounds, out here
11 and if you want to look at those live rounds simply let the
12 Bailiff know, hand him the guns, and we'll send in the ammo.
13 But it's just, kind of, a little safety thing. We don't
14 want anything bad to happen and don't want people messing
15 around with guns and ammo in a jury room for obvious
16 reasons. So, if you want to see the ammo, let him know and
17 pass the guns out. He'll pass the ammo in, the live rounds,
18 and that's how we're going to handle that. Now, I'm going
19 to need you to go ahead and adjourn to the jury room. You
20 can get your tablets, but don't start discussing the case
21 yet. Your cue to begin your deliberations will be receiving
22 these verdict forms and all the evidence in this case.
23 There's a DVD, I think, that's in evidence in this case.
24 Three DVD's that are in evidence in this case. Do they have
25 the capacity to look at that back there? There should be

1 something back there that you can play this on. And I'm
2 assuming you can get it to work. If you can't get it to
3 work we'll find a 12-year-old for you. So, with that, if
4 you'll adjourn to the jury room. Don't start your
5 deliberations yet. You'll know when to begin when you
6 receive these instructions, the verdict form, and the
7 evidence in this case. So, adjourn to the back and we'll
8 get the alternate dismissed.

9 (WHEREUPON, jury exited at 10:17 a.m.)

10 THE COURT: With the exception of the arguments already
11 put on the record previously discussing the jury
12 instruction, any other additions or objections from the
13 State?

14 MR. STUMBO: None from the State, Judge.

15 THE COURT: Any Mr. Tinsley?

16 MR. TINSLEY: Judge, maybe I misheard, but when you were
17 reading the conspiracy charge on the last paragraph, I think
18 you left the word "not" out and said, "the State must prove
19 beyond a reasonable doubt only that defendants knew",
20 instead of not only that defendants knew. Maybe I misheard,
21 but I didn't hear you say the word "not".

22 THE COURT: Did y'all hear me? Anybody else?

23 MR. STUMBO: I was following along verbatim, Judge, and
24 I didn't hear that.

25 THE COURT: I was trying to read it verbatim.

1 MR. HENDERSON: You may have stumbled over it and came
2 back to it and it just kind of -- it was kind of disjointed.

3 THE COURT: Is that how you remember it?

4 MR. GROSE: I'm going to have to -- everybody seems to
5 have heard what Mr. Tinsley said.

6 THE COURT: Would it be okay if I just pop back in there
7 and say I may have missed the word "not" in the conspiracy
8 thing when I read the instructions to you, and you can look
9 at it right here in this first line on page 25?

10 MR. GROSE: That's fine with me.

11 MR. TINSLEY: Fine with me.

12 MR. HENDERSON: I'm fine with that.

13 MR. STUMBO: I think the fact that they get a written
14 copy of the charge, Judge, cures that.

15 THE COURT: That's one of the reasons I send it back.
16 Aside from that, anything from you, Mr. Henderson?

17 MR. HENDERSON: No, sir, Your Honor.

18 THE COURT: Mr. Grose?

19 MR. GROSE: Judge, these are, I guess, fairly minor, and
20 I think that they were taken care of your oral charge
21 mostly. Well, at least the first one on page 3. In charge
22 it lists Mr. Hurley as having the handgun charge.
23 Obviously, you've cleared that up. On page 10, sometimes in
24 your charge about a defendant exercising their right,
25 sometimes it's plural in there when we're really only

1 talking about one defendant, but again, I think that's
2 fairly minor, because they know who testified and didn't
3 testify. But I did notice those two things.

4 THE COURT: Yes, I probably should have cleaned that up
5 a little bit, the plural as opposed to the singular, but I
6 think I think it's pretty clear that it was Mr. Hill that I
7 was referring to.

8 MR. GROSE: Is Mr. Hill's name still in the instruction,
9 because you did say it in the oral instructions. But I know
10 -- I think we're good.

11 THE COURT: I think we're good. I want double check --
12 actually, let's quadruple check since we've got six lawyers
13 in here. If y'all want to sextuple check the evidence to
14 make sure we're not sending back something that should not
15 go back. That would be, kind of, my worst nightmare at this
16 point.

17 MR. STUMBO: Judge, I think we're satisfied. Last night
18 we, Elizabeth and Madison, stayed in here with Tara. There
19 is -- 112. Did we mentioned that on the record?

20 THE COURT: No, we need to put that on the record.
21 Tara indicated that to me. What's the deal with 112?

22 MR. STUMBO: 112 was just one that we had pre-marked
23 before the trial started. We ended up making a decision not
24 to put it in, so it was not even marked. Just for the
25 record, there will be a skipped number.

1 THE COURT: So, there is no State's 112 in evidence?

2 MR. STUMBO: Correct.

3 THE COURT: Let's make sure we're good on the evidence
4 and we'll send it back to the jury.

5 (WHEREUPON, jury deliberations began at 10:31 a.m.
6 Jury note to the Court at 12:05 p.m. marked Court's Exhibit
7 Number 34. Jury entered at 12:12 p.m.)

8 THE COURT: The jury is back and seated. Mr. Foreman, I
9 got your note requesting to get a transcript of the
10 Bollinger witness who testified. Because it takes a while
11 to prepare a transcript, the court reporter has to type it
12 all out and then has to go back and listen to the testimony
13 again to make sure that what she typed is absolutely
14 accurate, we can't give you a transcript, but what I've
15 asked her to do is simply cue up Ms. Bollinger's testimony
16 again and play it. It's not that lengthy. I think it's
17 ten, fifteen minutes or so. So, we're simply going to
18 replay that for you. I don't know what you're looking for,
19 but we're just going to replay that in its entirety since
20 it's only ten, fifteen minutes. Go ahead and play that,
21 Tara.

22 (WHEREUPON, witness Laurel Bollinger audio testimony
23 published. First 12 minutes. Jurors indicated to stop
24 audio.)

25 THE COURT: Ladies and gentlemen, if you'll adjourn to

1 the back and continue your deliberations. Your lunch should
2 be here at around 1:00, and at that point you can run your
3 errand.

4 (WHEREUPON, jury resumed deliberations 12:24-1:50.
5 Deliberations stopped 1:50-2:37 for a juror to leave.
6 Deliberations 2:37-4:53. Proceedings resumed 5:00 p.m.)

7 THE COURT: If we may, we're going to go back on the
8 record. I'm told that the jury has reached a verdict in
9 this particular case. And let me just explain. First of
10 all, it's my regret to meet everyone under these
11 circumstances and I want to compliment everybody who has
12 been in attendance throughout this trial for your behavior
13 and the way you've conducted yourself. I do appreciate
14 that. I know that Mr. Alston's family has been here
15 throughout duration as well, and obviously I want to extend
16 my condolences to you. Anytime there is a loss of life,
17 especially a life with so young, that is a tragedy
18 regardless of the circumstances. Obviously, I do not know
19 what the verdict is, but the key thing for us to all
20 remember is that whatever the verdict may be let's try to
21 maintain our composure. The jury has been here for a week
22 and a half, and I certainly don't want any sort of outburst
23 or any sort of expression of approval or disapproval of the
24 verdict to affect them or to be heard by them. So, let's
25 maintain our composure, whatever the outcome is. Let us

1 have the jury, please.

2 (WHEREUPON, the jury entered at 5:02 p.m.)

3 THE COURT: The record will reflect that the jury is
4 back. Mr. Foreman, I'm told that the jury has agreed on a
5 verdict in this case. Is that correct?

6 JURY FOREMAN: Yes, sir.

7 THE COURT: And all 12 of you agree on the outcome for
8 each defendant?

9 JURY FOREMAN: Yes, sir.

10 THE COURT: If you would, hand the verdict forms to the
11 Bailiff. Madam Clerk, if you will publish, please.

12 VERDICT

13 CLERK OF COURT: State of South Carolina, County of
14 Greenwood, Case number 2021-GS-24-1230, -1231, -1232, -1695.
15 State of South Carolina v Xayvion Marquis Hill. We, the
16 jury in the above captioned case, on the charge of murder,
17 unanimously find Xayvion Marquis Hill, not guilty. We, the
18 jury in the above captioned case, on the charge of attempted
19 murder as it relates to Mr. Parks and Mr. Goode, unanimously
20 find Xayvion Marquis Hill, guilty. We, the jury in the
21 above captioned case, on the charge of possession of a
22 weapon during the commission of a violent crime, unanimously
23 find Xayvion Marquis Hill, guilty. We, the jury in the
24 above captioned case, on the charge of conspiracy,
25 unanimously find Xayvion Marquis Hill, guilty.

1 State of South Carolina v Narkevious Manquese Reid,
2 case number 2021-GS-24-383, -384, -1705, 2022-GS-24-1153, we
3 the jury in the above captioned case, on the charge of
4 murder, unanimously find Narkevious Manquese Reid not
5 guilty. We, the jury in the above captioned case, on the
6 charge of attempted murder as it relates to Mr. Parks and
7 Mr. Goode, unanimously find Narkevious Manquese Reid guilty.
8 We, the jury in the above captioned case, on the charge of
9 possession of a weapon during the commission of a violent
10 crime, unanimously found Narkevious Manquese Reid not
11 guilty. We, the jury in the above caption case on the
12 charge of conspiracy, unanimously find Narkevious Manquese
13 Reid guilty.

14 State of South Carolina v Dashawn Chazz Hurley. Case
15 number 2021-GS-24-1696, 2020-GS-24-1064, 2022-GS-24-1154, we
16 the jury in the above caption case on the charge of murder
17 unanimously find Dashawn Chazz Hurley not guilty. We, the
18 jury in the above captioned case on the charge of attempted
19 murder as it relates to Mr. Parks and Mr. Goode, unanimously
20 find Dashawn Chazz Hurley guilty. We, the jury in the above
21 captioned case on the charge of conspiracy, unanimously find
22 Dashawn Chazz Hurley guilty.

23 Ladies and gentlemen of the jury, if this is your
24 verdict and still remains your verdict, please signify by
25 raising your right hand.

1 (WHEREUPON, all jurors raise hand.)

2 THE COURT: The record will reflect all twelve jurors
3 raised their hands. Anything prior to discharge of the jury
4 from the State?

5 MR. STUMBO: Nothing from the State, Your Honor.

6 THE COURT: Mr. Tinsley?

7 MR. TINSLEY: I don't think I have anything else for the
8 jury, Your Honor.

9 THE COURT: Mr. Henderson?

10 MR. HENDERSON: No, sir, Your Honor.

11 THE COURT: Mr. Grose?

12 MR. GROSE: I request the jury be polled.

13 THE COURT: I'm going to poll them as it relates to
14 each defendant since the motion is made if that's acceptable
15 to everybody. Ladies and gentlemen of the jury, when I call
16 your name, I'm going to ask that you raise your hand, just
17 identify yourself. Then I'm going to ask you a question as
18 it relates to each defendant. The question is, is this your
19 verdict, and is it still your verdict. I'll start with Mr.
20 Hill and then go with Mr. Reid. You just answer truthfully,
21 as to the verdict that was just read.

22 Michael Blackwell. Mr. Blackwell, is this your verdict
23 and is it still your verdict as it relates to Mr. Hill?

24 JUROR: It is.

25 THE COURT: And Mr. Reid?

1 JUROR: It is.

2 THE COURT: And Mr. Hurley?

3 JUROR: It is.

4 THE COURT: Ms. Belcher. Ms. Belcher, is this your
5 verdict, and is it still your verdict as to Mr. Hill?

6 JUROR: Yes.

7 THE COURT: And Mr. Reid?

8 JUROR: Yes.

9 THE COURT: And Mr. Hurley?

10 JUROR: Yes.

11 THE COURT: Darcel Bell. Ms. Bell, is this your
12 verdict and is it still your verdict as it relates to Mr.
13 Hill?

14 JUROR: Yes.

15 THE COURT: And Mr. Reid?

16 JUROR: Yes.

17 THE COURT: And Mr. Hurley?

18 JUROR: Yes.

19 THE COURT: Curtis Cannon. Mr. Cannon, is this your
20 verdict and is it still your verdict concerning Mr. Hill?

21 JUROR: Yes, it is.

22 THE COURT: And Mr. Reid?

23 JUROR: Yes, it is.

24 THE COURT: And Mr. Hurley?

25 JUROR: Yes, it is.

1 THE COURT: Tiana Eberhart. Ms. Eberhart, is this your
2 verdict and is it still your verdict concerning Mr. Hill?

3 JUROR: Yes.

4 THE COURT: And Mr. Reid?

5 JUROR: Yes.

6 THE COURT: And Mr. Hurley?

7 JUROR: Yes.

8 THE COURT: Robert Farrell. Mr. Farrell, is this your
9 verdict and this is still your verdict as to Mr. Hill?

10 JUROR: Yes, sir.

11 THE COURT: And Mr. Reid?

12 JUROR: Yes, sir.

13 THE COURT: And Mr. Hurley?

14 JUROR: Yes, sir.

15 THE COURT: Ms. Nelson, Hannah. Ms. Nelson, is this
16 your verdict and is it still your verdict concerning Mr.
17 Hill?

18 JUROR: Yes.

19 THE COURT: And Mr. Reid?

20 JUROR: Yes.

21 THE COURT: And Mr. Hurley?

22 JUROR: Yes, sir.

23 THE COURT: And Mr. Norman. I'm sorry, Mrs. Norman.

24 I'm so sorry, ma'am. Ms. Norman, is this your verdict and
25 is it still your verdict concerning Mr. Hill?

1 JUROR: Yes.

2 THE COURT: And Mr. Reid?

3 JUROR: Yes.

4 THE COURT: And Mr. Hurley?

5 JUROR: Yes.

6 THE COURT: Michael Scott. Mr. Scott, is this your
7 verdict and is it still your verdict concerning Mr. Hill?

8 JUROR: Yes.

9 THE COURT: And Mr. Reid?

10 JUROR: Yes.

11 THE COURT: And Mr. Hurley?

12 JUROR: Yes.

13 THE COURT: Blake Williams. Mr. Williams, is this your
14 verdict and is it still your verdict concerning Mr. Hill?

15 JUROR: Yes.

16 THE COURT: And Mr. Reid?

17 JUROR: Yes.

18 THE COURT: And Mr. Hurley?

19 JUROR: Yes.

20 THE COURT: And Ms. Crawford, Wonder Crawford. Ms.
21 Crawford, is this your verdict and is it still your verdict
22 concerning Mr. Hill?

23 JUROR: Yes.

24 THE COURT: And Mr. Reid?

25 JUROR: Yes.

1 THE COURT: And Mr. Hurley.

2 JUROR: Yes.

3 THE COURT: And Mr. Henderson was excused. We did
4 excuse Mr. Henderson. Ms. Steele, is this your verdict and
5 is it still your verdict concerning Mr. Hill?

6 JUROR: Yes.

7 THE COURT: And Mr. Reid?

8 JUROR: Yes.

9 THE COURT: And Mr. Hurley?

10 JUROR: Yes.

11 THE COURT: Did I call everyone's name? Is there
12 anyone's name I did not call? I think I called all twelve.
13 Very good. The jury, having been polled, the verdicts will
14 stand. Anything further from the jury prior to discharge,
15 Mr. Grose?

16 MR. GROSE: No, sir.

17 THE COURT: Ladies and gentlemen of the jury, I want to
18 thank you for your work on this case and for hanging with us
19 for what I know were several days that we went longer than
20 normal. Obviously, it was the objective of the Court to get
21 this tried as efficiently and minimizing any inconvenience
22 to you and to your personal or your professional lives. I
23 know that none of you volunteered or asked to come in here
24 and participate in this trial and to the extent that you may
25 have seen things or heard things or witnessed things during

1 the course of this trial which were upsetting, I do want to
2 apologize for that.

3 You know, we live in actually a pretty great country.
4 I know a lot of people say bad things about it, but if you
5 think about it, there are only three things that the
6 government can make us do against our will. If we go to war
7 and we don't have enough troops they can draft you and put a
8 gun in your hand. That's what happened to my Father and my
9 Grandfather. If you don't show up on April 15th to pay your
10 taxes they'll come looking for you. So, you have to pay
11 taxes. And they can also force should serve on a jury. If
12 you think about it, maybe jury service is not as unpleasant
13 as combat or paying taxes. Maybe you can think of it in
14 that way.

15 But I want to thank you for your work here this week
16 and your service this week and last week. I did prepare
17 letters that officially thank you and formally thank you for
18 your service. Certainly, if you have any questions about
19 your jury service this week, I would invite any kind of
20 response or any kind of inquiry. You can reach out to me
21 and has my phone number in there, my e-mail address, my
22 snail mail address. Feel free to e-mail me or call me if
23 you have any questions or anything that you want to tell me
24 about jury service. If there was anything that you did not
25 like, however, please definitely tell me, because I've

1 actually changed the way the Court operates based on the
2 feedback from jurors. So, if there's anything that you did
3 not like, I definitely need to hear about it. I'm going to
4 save the State of South Carolina the cost of postage and the
5 Bailiff will hand them to you.

6 At this point in time, ladies and gentlemen, your
7 service here is concluded. If you would like to remain for
8 post-trial motions and sentencing, you are more than welcome
9 to do so. I will, however, just for security reasons, I'll
10 ask that you -- the gentleman who are in the back in law
11 enforcement, that will kind of be your reserved area. We'll
12 move them over and that can be a reserved spot if you choose
13 to stay. If you don't want to stay, that's perfectly fine.
14 You are free to go with the Court's appreciation. Be sure
15 to take with you any notes that you have from those tablets
16 and destroy those. I need the foreperson to stick around
17 for a few moments to actually sign the indictments. The
18 rest of you are free to go or free to stay, depending on
19 what your preference is, but if you choose to stay, again,
20 those two or three rows in the back of to the right side of
21 us, that will be your designated seating. We'll go off the
22 record for a few moments so that sentencing sheets can be
23 prepared.

24 (WHEREUPON, Recess until 5:30 p.m.)

25 THE COURT: We're back on the record, and for purposes

1 of the record, Mr. Tinsley, I assume that, of course you
2 review all objections, all pre-trial motions, all motions
3 made, including your motion for a directed verdict. And
4 that you also move for a new trial. Is that correct, sir?

5 MR. GROSE: Your Honor, I've talked with these - I don't
6 know if I talked with Mr. Tinsley specifically, but I think
7 we're all talking about taking our 10 days to make the new
8 trial motion.

9 THE COURT: All right, very good.

10 MR. GROSE: And you might want to confirm that with
11 these other gentlemen, but I don't want to do that in haste.

12 MR. HENDERSON: That's correct, Your Honor. We'd like
13 the 10 days.

14 MR. TINSLEY: That's right, Judge.

15 THE COURT: I have no problem affording you all 10
16 days, but just so that the record is clear, I will -- and
17 just so that we're not dealing with any preservation issues.
18 I will assume that all prior motions are being renewed. All
19 prior objections are being renewed. All prior motions for
20 directed verdict are being renewed. And that all parties
21 are moving for a new trial. So, you will have 10 days to
22 make a written motion, but just for purposes of the record
23 to protect any potential preservation issue. Is that
24 acceptable and is that okay with you, Mr. Tinsley? In
25 addition to the 10 days?

1 MR. TINSLEY: Yes, Your Honor.

2 THE COURT: I think so. Just as long as everybody's
3 motions are incorporated into everybody else's motions.

4 THE COURT: And that's perfectly fine. Is that all
5 right with you, Mr. Grose?

6 MR. GROSE: Yes, sir.

7 THE COURT: Solicitor, I have the sentencing sheets. I
8 need to tell me anything you can about any prior criminal
9 history and certainly any input from the victims in this
10 case. If you're able to provide that, I'll be all ears.

11 MR. STUMBO: Yes, Your Honor. Mr. Parks and Mr. Goode,
12 I think we talked to them when they were here for court.
13 They were told that if we had a conviction we'd have a
14 sentencing and neither one of them had any specific input.
15 Judge, Mr. Alston, I know the murder charge came back not
16 guilty. Ms. Aisha Jackson has been here on and off
17 throughout the trial. Ms. Deborah Carroll, Mr. Alston's
18 grandmother, his sister, other family members. Ms. Jackson,
19 Mr. Alston's mother, who was on the witness list and we
20 ended up not calling her because she was very upset on and
21 off throughout the case and we made a decision not to, even
22 though we believed she had some fact testimony that would
23 have been relevant. But she did write a letter, Judge, for
24 what it's worth for the Court. If I could just pass it up
25 for Your Honor.

1 MR. GROSE: We have not seen that.

2 THE COURT: I will let you see it first.

3 MR. STUMBO: Judge, prior criminal history. I'll start
4 with Mr. Hill, because he does not have one. So that one's
5 easy enough. He does not have any prior convictions. Mr.
6 Hurley does have a DUI from 2016 and a driving under
7 suspension in 2017, and that's the extent of Mr. Hurley's
8 convictions. Mr. Reid, Your Honor, as of 2014, disturbing
9 schools pled from a threat, damage with explosive device.
10 He pled to disturbing schools in 2014. Looks like he was 17
11 at the time, but at that time, Judge, that was prosecuted as
12 an adult case. Obviously, he probably would have been a
13 senior at that time in high school. Judge, 2015 there's an
14 unlawful carrying of a weapon. He got a YOA sentence,
15 Youthful Offender Act sentence suspended to a year.
16 Suspended to one YOA and three years probation on the 2015
17 unlawful pistol charge. And that's all of the convictions,
18 Judge. I will tell the Court he was picked up on some drug
19 charges that we'll have to deal with here. That's the
20 reason why he was locked up and his bond was revoked on this
21 case. He was picked up on some drug charges that we will be
22 proceeding on prosecuting here in the near future. Judge,
23 that's the extent of the records for these three young men.
24 Judge, our position on sentencing. You've heard the
25 facts in this case, and we've lamented about it time and

1 time and time again. This bringing pistols to settle
2 disputes has got to stop. It's got to stop, Judge.
3 Greenwood, we're seeing it more prolifically and more often
4 than we see it in any of the other three counties in my
5 circuit. We certainly see it in the other three counties
6 but Greenwood is plagued with it and this is just the sort
7 of case. This case really is the poster child for the type
8 of stuff that we're trying to stop in this town.

9 Judge, you saw the other evidence, and I know you
10 didn't -- Judge, quite honestly, I believe the Court tried
11 to make a judicious ruling and you heavily considered the
12 gang evidence that we put forward. Even though we couldn't
13 mention that to the jury that this was a gang incident, we
14 believe it was retaliation for Jakevius Parker's murder.
15 It's just this Eastside Contraband versus Southside BowlLane
16 stuff, Judge. And so, there again, it's got to stop. One
17 comment, Judge. I don't believe, and Mr. Hill is certainly
18 doesn't have a record and he's younger than these young men,
19 and even though he pulled -- what we believe, pulled the
20 trigger in this case, along with Mr. Alston. Quite frankly,
21 Judge, I don't think this any of this happens in this
22 incident without Narkevious Reid.

23 And you've seen the pictures in this case. You've seen
24 the screen shots of the videos and, quite frankly, Judge, he
25 has -- there again, Judge, I believe Mr. Reid -- my

1 interactions and seeing him in court. He has a ton of
2 charisma. Ton of character. Ton of leadership. Which you
3 can use that charisma and that leadership mantle for good or
4 evil. And, Judge, unfortunately in this case I believe he
5 used it for evil. I don't know that Mr. Alston and Mr. Hill
6 go along with this, but for Mr. Reid. Mr. Hurley's about
7 Mr. Reid's same age. He doesn't have the same criminal
8 history. Again, Judge we do believe Mr. Reid -- and talking
9 to law enforcement and what we know about this case. And
10 about his history. Our theory is that he is the leadership
11 of this group and so we would ask the Court to take that
12 into consideration in your sentencing, and we'll trust your
13 good judgment on sentencing, Judge. Thank you.

14 THE COURT: Mr. Tinsley, I'm happy to hear from you
15 anything that you may want to say in mitigation or anything
16 that Mr. Hill or any member of his family may want to tell
17 me.

18 MR. TINSLEY: Yes, Your Honor. Just to give you from
19 my figuring how much time he has done. I believe he's done
20 616 days over at the county jail, plus spent 250 days on an
21 ankle monitor. You know, I would ask you to give him full
22 credit for the ankle monitor time as well as the county time
23 or whatever sentence you impose. He's 20 years old. He
24 went to the 10th grade at Laurens High School. He's been
25 supported by his family here all week. And his aunt would

1 like to address the Court now if you're ready.

2 THE COURT: Please. So that we can get a good record,
3 if she can just come down and stand close to you. If you
4 can come around, Ma'am. And just give me your name, please
5 ma'am.

6 MS. ROBINSON: My name is Betty Robinson. Thank you,
7 Your Honor for allowing me to speak to the Court. First of
8 all, I want to give my condolences to the family. I want to
9 say I knew none of these individuals prior to attending this
10 case with Xayvion. I know nobody, but everybody seems to be
11 very down to Earth people. I talked to Xayvion. I don't
12 know the Xayvion that you all have presented in the court.
13 When I'm with Xayvion, he kissed me. Tells me I love you,
14 Auntie. And some of the things I hear are shocking. But I
15 speak on behalf of his my sister. I'm the oldest of five
16 children. I'm 13 years older than my sister. She was my
17 flower girl in my wedding. His father, Carlos. I love them
18 both dearly. Xayvion came from a -- I'm going to say
19 outstanding family. It don't matter because it could be
20 discrimination. My parents are Jehovah's Witnesses. I'm a
21 Jehovah's Witness. We always tell Xayvion the right thing
22 to do and he was raised by my grandfather, so, Xayvion
23 knows. And I think we have to understand the young people,
24 because I talked to my own daughter who's 32 years old and
25 she explained things to me. Like Facebook. Mr. Blackwell,

1 he said these kids this -- my daughter told me, mom, that's
2 a fantasy world. Kids may try to portray themselves to be
3 something that they're not. Because I've gotten on her
4 about her Facebook posts. I said don't be putting stuff
5 like that on Facebook, but she even tell me you have to
6 understand us. I think we too got to get in the mind of
7 these young people to help them the best we can.

8 Mr. Stumbo, I didn't know nothing about you. I went
9 and went to your page just to look. And I know you want to
10 keep this community clean and safe, because that's your
11 responsibility. There are a lot of shootings going on in
12 Greenwood. I don't even understand it myself. I really
13 don't. But I just plead to the Court that justice be
14 tempered with mercy. Justice needs to be tempered with
15 mercy. I don't think that we should take our young people.
16 I wrote you a letter, Your Honor, you you have it and you
17 know what I feel about the evidence. But I don't think we
18 should take these young people and destroy them at such a
19 young age. I don't know him. I don't know -- I've told
20 Xayvion you have to be repentant of your sins. And when you
21 repent it, you will receive mercy. I say that to all of you
22 all, no matter what. No matter what. But all I want to say
23 is please, if it's in your power to administer mercy, and
24 that's all I ask of you. Xayvion, I love you. You know
25 that. I love you. And I seek to try to love everybody.

1 Love my neighbors. I don't know. I think -- I hope I
2 covered everything.

3 And I have -- and I want to learn the law more, because
4 I learned a lot in this courtroom. I was up all night
5 studying, Googling, trying to figure stuff out. Just like
6 this, trying. But it's some things I didn't like what I
7 saw, Your Honor. Some things I like. If you are a
8 prosecutor, prosecute honestly. Prosecute honestly. Look
9 at all the facts. Don't just try to say you are a gang
10 member and I'm fixing to put you in your place or whatever.
11 We can't judge people like that. I don't know. And then
12 when the law say there's a high level for a gang member and
13 you just said it today, Stumbo. I'm not -- look, I hope I
14 never fall in your hands, but if there's a high standard for
15 people being gang members, these kids. When you look at the
16 Crips and the Bloods, you know where they are when it comes
17 to according to the law. Organized. They probably got
18 organized crime going on. They got a lot of stuff going on.
19 These kids are not at that level yet. They may could get
20 there, but they're not at that level. They are just young
21 people acting silly and they don't understand sometimes.
22 It's serious consequences to your actions. Serious, serious
23 consequences to your actions, and I hope they see that now.
24 Especially, Xayvion. I definitely hope he sees it. And I
25 just again I ask for mercy from the Court for my nephew.

1 Thank you.

2 THE COURT: Thank you, Ms. Robinson.

3 MR. TINSLEY: As she said, his parents are here, Carlos
4 Hill and Tish Turner, sitting back there with Ms. Robinson.
5 As she said, he comes from a very good family, the Turner
6 family from Promised Land. He's never been in any trouble.
7 This thing happened the day after his 18th birthday, so if
8 the Court was ever going to, in a case like this, impose a
9 YOA sentence on somebody, this would -- he would be the
10 candidate for it, Your Honor.

11 THE COURT: I don't believe that he's -- under the law,
12 I don't believe that a YOA is eligible.

13 MR. TINSLEY: I understand.

14 THE COURT: It would be a very non-conforming Y, but I
15 don't know that that is actually legally something I can do
16 and it would probably boomerang back from the people at
17 SCDC.

18 MR. TINSLEY: I understand. If our option -- if our
19 goal here, at least part of it, is to turn him into the
20 productive great citizen he can be, I would just ask that
21 you consider all that. He's 20 years old. He's got a full
22 life ahead of him. But, if the Court is not inclined to go
23 with the YOA for legal reasons I would still ask for you to
24 give him a chance. Show him some mercy. Give him a chance
25 and I understand that the gun charge has been imposed, but I

1 also understand that it can be run concurrently. So, I
2 would ask that everything be run concurrent and that you
3 give him a sentence to where he can come back from this and
4 be the great man he can and I expect to be. Thank you,
5 Judge. Apparently another relative would like to speak.

6 THE COURT: Oh, okay. If you could, just give me your
7 name before you speak, please, ma'am.

8 MS. PADGETT: My name is Natasha Padgett. What I
9 wanted to say is I understand both sides of this case.
10 Because my son was killed almost 10 years ago through gang
11 violence, as y'all say. We don't know the Xayvion that
12 y'all are talking about. We've never seen that side of him.
13 When he came home, he got a job and he was working and he
14 was doing real well. I just want you to please try to give
15 him a chance. I understand what's going on here, because
16 it's happening to me. My son was named Malik Padgett. He
17 was killed right along here 10 years ago, so I understand
18 what's going on.

19 But, this young man was trying to change his life. He
20 was working. And like I told you, we don't know the Xayvion
21 that y'all are portraying him to be. Thank you.

22 THE COURT: Thank you, Ms. Padgett. Mr. Hill, was there
23 anything that you wanted to say, sir.

24 DEFENDANT HILL: No.

25 THE COURT: Mr. Henderson, I'm happy to hear from you,

1 and certainly anything that Mr. Reid or his family may want
2 to relate to me.

3 MR. HENDERSON: Yes, sir, Your Honor. Narkevious is 25
4 years old. You've heard his girlfriend has been here all
5 week. She testified they have the one child together. And
6 also this week Narkevious has had multiple other family
7 members out here the whole time, Your Honor. Mother,
8 Grandmother, aunt, brother. His dad's been in and out when
9 he can, based upon his work schedule. Your Honor,
10 Narkevious was arrested July 29, '20, and since that time
11 he's either been incarcerated or on GPS house arrest, one or
12 the other. So, that's been continuous now for about 25
13 months and we'd ask that you give him credit for that.

14 Very limited prior record. This 2014 disturbing
15 schools, 2015 CPU. Your Honor as I tell Narkevious and Ms.
16 Lumley tells Narkevious too, if all my clients were as
17 polite as he was, this job would be a whole heck of a lot
18 easier. I mean, it's constantly, yes, sir. It's no, sir.
19 Yes, he is extremely well-mannered and the Solicitor talking
20 about him being, you know, charismatic. Yes, he is. Again,
21 obviously Judge, we still dispute a lot of the allegations
22 that was made against Narkevious. Most of them were kept
23 out of evidence and we will be filing a motion for new trial
24 and various other post-trial motions.

25 But, Your Honor, I don't think this, you know, and the

1 jury acquitted Narkevious of possessing a handgun,
2 possessing a firearm. So, it looks like their whole theory
3 for Narkevious is hand of one hand of all, and I'm not even
4 sure if they were convinced that he was there, Your Honor.
5 And again, I don't know how -- I just have to think through
6 that. So again, the jury may have convicted him of
7 something not believing he was there. So, again, I'd ask
8 you to take all of this into consideration, Your Honor, and
9 impose a fair sentence. This does not need to be a massive
10 sentence at all. Mr. Good and Mr. Parks are not here today
11 to be complaining. They didn't seem to be complaining the
12 other day when they testified, Your Honor. In fact, both of
13 them were clear they didn't know what happened. And, Your
14 Honor, I think Mr. Reid's girlfriend, Ms. Bryant would like
15 to say a few words as it relates about their child, Your
16 Honor.

17 THE COURT: Certainly she can come down.

18 MR. HENDERSON: And also, Your Honor, Narkevious has
19 been out before. Ms. Bryant has typically worked, and
20 Narkevious has typically raised the child. You heard that
21 he is also a very talented rapper. Very much. He's done --
22 he does extremely well, so he has a lot more flexibility
23 staying home with the child, Your Honor.

24 THE COURT: I fully appreciate that. Give me your name
25 again, please, ma'am.

1 MS. BRYANT: Jadasha Bryant.

2 THE COURT: Ms. Bryant, yes, ma'am. I'm happy hear
3 anything you want to say, ma'am.

4 MS. BRYANT: I just want to say that he's a loving,
5 caring, and respectable young man and I just can't see
6 myself raising our three-year-old daughter without him. And
7 she just started school Monday.

8 THE COURT: Thank you, ma'am. Mr. Reid, was there
9 anything that you wanted to say, sir?

10 MR. HENDERSON: No, sir, Your Honor.

11 THE COURT: MR. Henderson, I'm happy to hear, of course
12 from you and Mr. Hurley and his family at this point. I'm
13 sorry, Mr. Grose. I apologize, Mr. Grose.

14 MR. GROSE: On my advice, which is my customary
15 advice in these cases, Mr. Hurley is not going to address
16 the Court. His mother will address Your Honor in a few
17 minutes. Mr. Hurley is 25 years old. He's going to be 26
18 next month. He, when he was out on house arrest, he was
19 working at ZF Transmission and from all accounts he was
20 doing well at that job. He does have his GED. He has three
21 children that are three, four, and eight years old. You
22 know, other than those -- I mean, he's never been in any,
23 what we would consider, serious trouble. I mean, I'm not
24 trying to minimize the DUI or the driving under suspension,
25 but he certainly has not been in any trouble. Any

1 allegations of anything like this. The arrest warrants are
2 hard to read, but it looks like they were served on July 9,
3 2020. Mr. Reid has been -- I'm sorry. Late in the day.

4 THE COURT: I'm contagious. I did that to you a minute
5 ago. I'm sorry, Mr. Grose.

6 MR. GROSE: Mr. Hurley has either been incarcerated or
7 on monitored house arrest during that period of time. And I
8 do want to address something with the monitored house
9 arrest. I understand that giving credit for that time is
10 discretionary, but our Supreme Court and our Court of
11 Appeals have not really, you know, spoken on, you know, how
12 that discretion should be exercised.

13 I would point out that there's been -- I've heard of no
14 allegations of Mr. Hurley violating that. I would think
15 that, given the amount of restrictions that we place on
16 people when they're on house arrest now, as opposed to what
17 it used to be, it would seem like the law would require that
18 there would have to be a reason not to impose it and just
19 not be just totally arbitrary. So, obviously we would
20 request that. You know we have tried to acknowledge,
21 certainly the tragedy of the situation throughout this
22 trial. And you know, some of the family members that were
23 speaking on behalf of Mr. Hill, you know, made you know some
24 good comments about, you know justice has to be tempered
25 with mercy. And I think Mr. Henderson echoed that when he

1 talked about how the sentences don't have to be, you know,
2 doesn't have to be a massive sentence in this particular
3 case.

4 Because the Solicitor addressed it, and you know,
5 because some Mr. Hill's family members addressed the gang
6 issue, I would be remiss if I didn't remind you about the
7 lack of evidence that was presented in the pre-trial hearing
8 regarding Mr. Hurley being in a gang. They didn't even
9 think of entering him into GangNet until the final push to
10 get ready for the trial, and I don't even know that that has
11 happened yet, because it had not happened when we had the
12 hearing. The evidence that he was a member of a gang was
13 weak and flimsy and involved a lot of speculation. I'll
14 turn it over to his mother now.

15 THE COURT: Ma'am, come forward stand next to Mr.
16 Tinsley down here so I can hear you a little bit better.
17 Give me your name, please.

18 MS. HURLEY: Latisha Hurley.

19 THE COURT: I'm sorry?

20 MS. HURLEY: Latisha Hurley.

21 THE COURT: Ms. Hurley, yes, ma'am.

22 MS. HURLEY: Okay, I just want to say I'm sorry about
23 what happened. As you know, I'm Dashawn Hurley's mother.
24 My son, he's a good kid. I just want to ask that you have
25 mercy. Like, I got five kids. Single mom with five kids

1 and he's one of the ones out of all my kids that's always
2 going to check on Mom. Always have my back. Because, you
3 know, I do have health issues, so he's always going to be
4 there when I'm going through things. His three kids, you
5 know, they always -- they've been for the last couple of
6 days, they've been asking about their dad. You know, he's
7 well active in their life since he -- well, since they've
8 been born. While he was incarcerated, you know, they asked
9 about him a lot. He's a good worker. He's always kept a
10 job. Like Mr. Charles said, he was employed at ZF
11 Transmission. He used to work third shift. And he's just
12 not a bad person, so I just asked the Court to have mercy on
13 him.

14 THE COURT: Thank you, Ms. Hurley.

15 MR. GROSE: And then, Your Honor, I would just conclude
16 by asking that you do consider mercy and impose the most
17 merciful sentence that you can in those circumstances.

18 THE COURT: Thank you, Mr. Grose. First, I want to
19 acknowledge that I read Ms. Jackson's letter about her son.
20 As a parent, ma'am, I can't imagine the pain that you feel
21 and I honestly hope that perhaps the attorneys share this
22 with maybe members of Mr. Hill's family or Mr. Reid's or
23 Hurley's family, because obviously you've come to a point in
24 your life where you've been able to forgive. And that's a
25 very hard thing to do when you lose somebody. We're not

1 under any illusion about your son's participation in this,
2 but I still want to acknowledge, on a human level, the grief
3 that you are feeling and tell you that again in my mind any
4 loss of life, any needless loss of life is a tragedy,
5 regardless of the circumstances. And so you do have my
6 sympathies, ma'am. And you are in my thoughts.

7 One of the hardest parts of this job is coming up with
8 a number on a piece of paper that reflects the nature of the
9 crime, the nature of the defendant, a person's prior
10 criminal history, and hopefully offers some measure of
11 deterrent effect to the community at large. Along those
12 lines, I think the job of a judge is to personalize the
13 sentence as much as possible.

14 I want to start by acknowledging clearly that this was
15 a defensible case. The jury has reached the verdict that
16 they reached, but clearly this is the case that needed to be
17 tried and should have been tried and I'm glad that it was
18 tried. I'm also cognizant of the fact that the attempted
19 murder charge is an 85 percent offense. It is a most
20 serious offense. It is a violent offense. Whatever time I
21 impose on these young people they will have to serve 85
22 percent of it, and that weighs on my mind. And that
23 certainly is something that I've calculated into the
24 sentence.

25 The easiest thing in the world would be for this Court

1 to simply sentence these people to 30 years, lock them away,
2 forget about them and I'm sure there would be lots of pats
3 on my back and lots of people screaming, oh, that's the
4 right thing to do, and that's justice in this case. And it
5 would not be. It would not be for the simple reason that
6 first of all, Mr. Hill was 18 years old plus one day when
7 this took place and he's got no criminal history. Mr.
8 Hurley's involvement with the law has been minimal and by
9 all accounts he's been a hard worker and a good citizen.
10 Mr. Reid, you've had some brushes with the law and I'm not
11 too much of a fan of that pistol charge from 2015.

12 My personal experience is we have too many guns out
13 there and we have too many people using guns and using them
14 when they're angry, and that leads to a lot of work for
15 myself and the Solicitor. And I promise you I want less
16 work to do. I'm sure the Solicitor does too. We have too
17 many people out there with guns. We have too many people
18 out there who are in gangs. They may not be the Bloods or
19 the Crips, but it's much more informal sort of an
20 arrangement. The question of gangs has been brought up
21 repeatedly here. Yes, on Monday I concluded that the State
22 had failed to meet its burden of proving by clear and
23 convincing evidence that he defendants in this case were in
24 a gang. I think I did, however, say that if the standard
25 had been more likely than not, or by the preponderance of

1 the evidence, that the State had met that burden of
2 demonstrating some measure of gang affiliation between these
3 defendants. Was it enough to let the jury hear it? No.
4 Was it enough for the Court to consider it in sentencing?
5 Yes. Mr. Hill, again, you are only 20 years of age. You
6 have no prior record and compared to your co-defendants I
7 think that you were more likely than not the follower as
8 opposed to the leader. There has to be a message sent that
9 if you do something stupid like shoot at people up on a
10 balcony -- and that's all I'm punishing you for. I'm not
11 taking into account the matter with Alston. You were
12 acquitted of any sort of charge involving Mr. Alston, so
13 that is out there. That is off limits, and that is
14 something I am not considering, and I cannot consider, for
15 you or any of the other defendants. But you took a gun. You
16 walked out in broad daylight, and you shot up at people.
17 That's what the jury has concluded. That is extremely
18 serious and that is not something where I can simply reward
19 you with a slap on the wrist like a YOA or a similar
20 sentence. But I have taken into account your youth and I do
21 not want this to -- when you get done serving your time, I
22 don't want you to come out worse than when you went in.

23 In your case, Mr. Hill, I've decided that the
24 appropriate sentence on the attempted murder charge is 10
25 years. You will receive credit for an 866 days that you

1 served in jail and on house arrest. On the weapons charge
2 the sentence is five years. Again, credit for 866 days on
3 that charge, and again five years on the conspiracy charge.
4 Credit 866 days. All sentences will run concurrent with
5 each other, and for all the defendants I've signed permanent
6 restraining orders prohibiting them from contacting either
7 Ms. Bollinger or Ms. Moss. That is your sentence, sir.

8 Mr. Hurley, your criminal history is not quite as bad,
9 and clearly if the State is correct in its theory of the
10 case, you were the driver. You were not the person who was
11 out there looking to actually shoot someone. You didn't
12 have a gun in your hand. The jury obviously acquitted you
13 of that. But they did find you guilty of the attempted
14 murder and they did find you guilty of the conspiracy.
15 You're 25. He's 20. You're supposed to be the adult in the
16 room. So, basically, even though you weren't involved in
17 the actual shooting itself, you still had possibly the
18 ability to deter Mr. Hill or some other kid from doing
19 something as stupid as this. That's why you're going to
20 prison for 10 years as well. The sentence on your attempted
21 murder charge is 10 years and you get credit for the time
22 that you served since July 9, 2020. On the conspiracy, it's
23 5 years. Credit for the same time. Same restraining
24 orders. Those sentences run concurrent with each other.
25 So, you have ten years to do under 85 percent as well.

1 Mr. Reid, I've taken into account the evidence in this
2 case, the evidence which the jury saw and the evidence the
3 State produced and that they did not see. I have no reason
4 to doubt what Ms. Bryant said, that you are a loving and a
5 caring and respectful young man. And it pains me to
6 separate from you, or any of you gentlemen, to separate you
7 from your families or your child. But, Mr. Reid, you are
8 the one who has the prior conviction for carrying a pistol
9 and honestly, sir, I feel like your involvement in this was
10 pretty substantial. And, as a result, Mr. Reid, the Court
11 has sentenced you to 18 years on the attempted murder
12 charge. Your record is worse and I think that your
13 involvement in this was probably one of the impetus for this
14 incident to take place. So, 18 years on the attempted
15 murder charge. On the conspiracy, it's five years. All
16 sentences will run concurrent with each other. You do
17 receive credit for time that you've served since July 9,
18 2020.

19 So, collectively, gentlemen, that's roughly 38 years
20 all around. It is 38 years all around. Gentlemen, when
21 you're in the Department of Corrections I hope you avail
22 yourself of whatever rehabilitative opportunities there are
23 there. When you get out, I sincerely hope that you don't
24 get in any more trouble. This does not have to be the end
25 of your life. Understand, gentlemen, you do have 10 days to

1 file any notice of intent to appeal from this action, and
2 you have one year from the conclusion of any appeal to file
3 any action for post-conviction relief.

4 MR. GROSE: Your Honor, I don't want to let the record
5 left hanging there. We have 10 days from today, which I
6 think it's going to be the Tuesday after Labor Day.

7 THE COURT: That is true, to file the motions, and so it
8 will be 10 days from after I decide on those motions.

9 MR. GROSE: And then that's going to stay the appeal.
10 And we'll cover all of that with them.

11 THE COURT: You are correct. Gentlemen, good luck. The
12 record is close.

13 (WHEREUPON, the trial concluded at 6:20 p.m.)

14 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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CERTIFICATE OF REPORTER

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is 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 Court of General Sessions for Greenwood County, South Carolina, on the 15th, 16th, 17th, 18th, 19th, 23rd, and 24th days of August, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Tara T. Scott, CVR

Official Court Reporter

March 12, 2023