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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DRISCOLL RIGGINS, JR.

APPELLANT

APPELLATE CASE NO. 2023-000868

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MAY 15-19, 2023	1
MOTION TO QUASH SUBPOENA OF STEPHANIE CANO	10
RESPONSE BY MS. CALDWELL	15
RESPONSE BY MR. DEBUSK.....	15
COURT OVERRULES MOTION TO QUASH SUBPOENA OF STEPHANIE CANO	21
DEFENSE MOTION TO BIFURCATE TRIAL.....	24
COURT’S RULING ELECTING TO BIFURCATE TRIAL	25
TESTIMONY	
CHRISTOPHER BELLAMY	
Direct Examination <i>in-camera</i> by Mr. DeBusk.....	26
DEFENSE MOTION FOR HEARING PURSUANT TO S.C. CODE ANN. §16-11-450	28
RESPONSE OBJECTING BY MR. DEBUSK.....	28
COURT’S RULING PROCEEDING WITH HEARING PURSUANT TO S.C. CODE ANN. §16-11-450.....	29
OPENING STATEMENT BY MR. BAGNAL.....	37
OPENING STATEMENT BY MS. CALDWELL.....	49
TESTIMONY	
WILLIAM PAUL RIGGS, JR.	
Direct Examination by Mr. Bagnal	52
Cross-Examination by Ms. Caldwell	77
Cross-Examination <i>in-camera</i> by Ms. Caldwell.....	78
Continued Cross-Examination by Ms. Caldwell	80
Redirect Examination by Mr. Bagnal	83
JOEY SINCLAIR	
Direct Examination by Mr. Bagnal	86
Cross-Examination by Ms. Caldwell	98

Redirect Examination by Mr. Bagnal	106
ABIGAIL BROWN	
Direct Examination by Mr. DeBusk	112
Cross-Examination by Ms. Caldwell	115
CASEY HENRY	
Direct Examination by Mr. Bagnal	116
Cross-Examination by Ms. Caldwell	121
Redirect Examination by Mr. Bagnal	122
MATTHEW PASQUERELL	
Direct Examination by Mr. Bagnal	123
Cross-Examination by Ms. Caldwell	127
ANDREW FRANKLIN	
Direct Examination by Mr. DeBusk	134
Cross-Examination by Ms. Caldwell	157
Redirect Examination by Mr. DeBusk	167
JADA PYATT	
Direct Examination <i>in-camera</i> by Mr. DeBusk	175
Cross-Examination <i>in-camera</i> by Ms. Caldwell	178
ANDREW FRANKLIN	
Direct Examination <i>in-camera</i> by Mr. DeBusk	180
Cross-Examination <i>in-camera</i> by Ms. Caldwell	184
MOTION TO ADMIT DEFENDANT IDENTIFICATION PURSUANT TO <u>NEIL V.</u>	
<u>BIGGERS</u> BY MR. DEBUSK	186
COURT'S RULING FINDING IDENTIFICATION ADMISSABLE UNDER <u>NEIL V.</u>	
<u>BIGGERS</u>	187
TESTIMONY	
DOCTOR VIRGINIA RICHARDS	
Direct Examination by Mr. Bagnal	189
Cross-Examination by Ms. Caldwell	199
Redirect Examination by Mr. Bagnal	202
JADA PYATT	
Direct Examination by Mr. DeBusk	203
Cross-Examination by Ms. Caldwell	218
Cross-Examination <i>in-camera</i> by Ms. Caldwell	227
Continued Cross-Examination by Ms. Caldwell	229

Redirect Examination by Mr. DeBusk.....	232
ANDREW FRANKLIN	
Direct Examination by Mr. DeBusk	236
Cross-Examination by Ms. Caldwell	240
Redirect Examination by Mr. DeBusk.....	241
STEPHANIE CANO	
Direct Examination by Mr. DeBusk	243
Cross-Examination by Ms. Caldwell	250
Redirect Examination by Mr. DeBusk.....	257
DANIEL SPENCER	
Direct Examination by Mr. DeBusk	260
Cross-Examination by Ms. Caldwell	265
CHRISTOPHER BELLAMY	
Direct Examination by Mr. DeBusk	270
Cross-Examination by Ms. Caldwell	312
Cross-Examination <i>in-camera</i> Ms. Caldwell.....	322
Continued Cross-Examination Ms. Caldwell	324
Redirect Examination by Mr. DeBusk.....	331
CHRIS SENGLE	
Direct Examination by Mr. DeBusk	336
Cross-Examination by Ms. Caldwell	340
Redirect Examination by Mr. DeBusk.....	345
PAUL GREER	
Direct Examination by Mr. Bagnal.....	346
Cross-Examination by Ms. Caldwell	367
Redirect Examination by Mr. Bagnal	373
STATE RESTS	378
DEFENSE RENEWAL OF ALL PRIOR OBJECTIONS BY MS. CALDWELL	379
DEFENSE MOTION FOR A DIRECTED VERDICT	381
RESPONSE BY MR. DEBUSK.....	381
COURT RENEWS ALL PREVIOUS RULINGS AND DENIES MOTION FOR DIRECTED VERDICT	383
TESTIMONY COLLOQUY	383

TESTIMONY

CHRISTOPHER EDWARDS	
Direct Examination by Mr. Caldwell.....	388
Direct Examination <i>in-camera</i> by Ms. Caldwell	392
Continued Direct Examination by Ms. Caldwell.....	395
DRISCOLL RIGGINS	
Direct Examination by Ms. Caldwell.....	398
Cross-Examination by Mr. DeBusk.....	434
Redirect Examination by Ms. Caldwell.....	444
CHRISTOPHER BELLAMY	
Direct Examination by Ms. Caldwell.....	448
Cross-Examination by Mr. DeBusk.....	458
Redirect Examination by Ms. Caldwell.....	461
DEFENSE RESTS	463

TESTIMONY

CHRISTOPHER EDWARDS	
Direct Examination by Mr. DeBusk	466
Cross-Examination by Ms. Caldwell	469
DEFENSE MOTION TO CHARGE SELF-DEFENSE	471
DEFENSE MOTION TO CHARGE MANSLAUGHTER	472
MOTION TO CHARGE MUTUAL COMBAT BY MR. BAGNAL	472
STATE RESTS REBUTTAL CASE	475
DEFENSE ARGUMENT PURSUANT TO S.C. CODE ANN. §16-11-450	477
RESPONSE BY MR. DEBUSK.....	482
REBUTTAL ARGUMENT BY MS. CALDWELL.....	485
COURT’S RULING DENYING IMMUNITY FROM PROSECUTION UNDER S.C. CODE ANN. §16-11-450	491
DEFENSE RENEWAL OF ALL PRIOR OBJECTIONS AND MOTION FOR A DIRECTED VERDICT	491
RESPONSE BY MR. DEBUSK.....	492

COURT’S RULING DENYING MOTION FOR DIRECTED VERDICT	493
CHARGE CONFERENCE.....	495
CLOSING ARGUMENT BY MR. DEBUSK.....	503
CLOSING ARGUMENT BY MS. CALDWELL	530
CLOSING ARGUMENT IN REPLY BY MR. DEBUSK.....	549
CHARGE ON THE LAW	555
VERDICT	567
PLEA COLLOQUY WITH DEFENDANT	568
COURT ACCEPTS GUILTY PLEA TO POSSESSION.....	570
DEFENSE RENEWAL OF ALL OBJECTIONS, RENEWAL OF MOTION FOR DIRECTED VERDICT, AND MOTION FOR A NEW TRIAL	572
COURT OVERRULES MOTIONS FOR DIRECTED VERDICT AND NEW TRIAL.....	573
SENTENCING	581
STATE’S EXHIBIT NO. 45 (WRITTEN STATEMENT)	583
INDICTMENTS	584
SENTENCE SHEETS	588
CERTIFICATE OF COUNSEL	592

[STATE’S EXHIBIT NO. 7 (VIDEOS) IS ON FILE WITH THIS COURT]

STAND-YOUR-GROUND ARGUMENTS

1 THE COURT: All right. Thank you.

2 As far as the defense's request for the
3 mutual combat language from State v. Taylor, I
4 don't have any problem with it. I have decided to
5 just add it to the end of the mutual combat charge
6 that I provided -- or proposed. I feel it is in an
7 appropriate spot within the charge, and I'm going
8 to leave it within the charge as it is, but I will
9 add your request there. Is that okay?

10 MS. CALDWELL: Thank you, Your Honor.

11 THE COURT: Any objection to that?

12 MR. BAGNAL: No objection from the State,
13 Your Honor.

14 THE COURT: All right. Is there anything
15 further that we need to take up before we do
16 closing arguments?

17 MR. DeBUSK: Nothing from the State, Your
18 Honor.

19 THE COURT: Anything from the defense?

20 MS. CALDWELL: No, Your Honor.

21 THE COURT: All right. If we can have a
22 jury, please.

23 Before we bring the jury in. Will you just
24 -- if the attorneys can approach just for one
25 moment.

CLOSING ARGUMENT - MR. DeBUSK

1 (Whereupon, a bench conference was had.)

2 (Whereupon, the jury enters at 9:39 a.m.,

3 and the following was had in the presence of the

4 jury.)

5 THE COURT: Good morning, ladies and

6 gentlemen. I thank you for being back here and

7 ready this morning.

8 As you know, the parties presented their

9 evidence in this case, and it is time for the

10 attorneys to make their closing arguments. The

11 arguments of the attorneys are not evidence in this

12 case. Their statements and arguments are only

13 meant to help you to understand the evidence and

14 apply the evidence to the law as I give it to you.

15 You should disregard any remark, statement,

16 or arguments which is not supported by the evidence

17 that has been presented during this trial or to the

18 law that I will explain to you after their

19 arguments.

20 Please give close attention to the attorneys

21 as they make their closing arguments.

22 I recognize the State.

23 MR. DeBUSK: Thank you, Your Honor. May it

24 please the Court?

25 THE COURT: Yes, sir.

CLOSING ARGUMENT - MR. DeBUSK

1 MR. DeBUSK: What is the rule of law? An
2 example is the Wild West and Dodge City or Somali
3 pirates taking people's ships without regard of
4 ownership or the slums of Rio de Janeiro where even
5 the police won't go. What is the rule of law? It
6 is a set of rules for people to maintain the safety
7 of the public and maintain the safety of people.

8 There is a mechanism to hold people
9 accountable for breaking those rules, and that is
10 what brings us here today. This is the mechanism
11 that addresses the rule of law. It is full of
12 protections. You have a jury that is the finder of
13 the facts, the judge that determines the law. The
14 State must prove the defendant's guilt, and the
15 defendant is presumed innocent until proven guilty.
16 He is represented by counsel, and that is the rule
17 of law.

18 Those things are absent when there is no rule
19 of law. There is no injuries in the streets of
20 Laredo. When Durance McCray died, there was no
21 rule of law. You had a bunch of incidents, but no
22 jury, he had no judge to determine the law. He
23 just had a judge, jury, and an executioner, and
24 that was one person. That's not the rule of law.

25 Durance never got to defend himself over the

CLOSING ARGUMENT - MR. DeBUSK

1 grievous accusations that the defendant made about
2 him. He had no jury, no presumption of innocence.
3 He had no day in court. He just got ten shots,
4 eight hits, four in the back.

5 Mr. Bagnal told you when we started that
6 sometimes it is not good guy versus bad guy, or
7 good guy versus good guy. Even if it's two people
8 that have both done bad things, the rule of law
9 still applies. We're a nation of laws, and Durance
10 McCray had rights, just the same as Driscoll
11 Riggins has rights that are being honored together.

12 The bottom line is you can't just execute
13 someone because you don't like them, because they
14 did something you don't like, because you had a
15 beef with them. That is why this is a case about
16 murder.

17 Can I have the PowerPoint, please?

18 Murder is the willful killing of another with
19 malice aforethought, either expressed or implied.
20 Expressed means if you killed someone, and while
21 doing it you say, Die, or, I'm going to kill you,
22 or, This is for Joe. That's expressed malice.

23 Implied malice is where you look at the facts
24 surrounding and decide whether they have malice.
25 I'll talk more about that in just a moment.

CLOSING ARGUMENT - MR. DeBUSK

1 Let's step back and talk about killing. In
2 here, the killing is obvious. The victim was
3 Durance McCray. The defendant admitted that he was
4 the one that shot him, in fact. You can see
5 Driscoll Riggins on video walking towards Durance
6 McCray. Driscoll Riggins was identified by Jada
7 Pyatt as the shooter. She looked at that lineup.
8 It is a very difficult lineup, and people looked
9 very similar, but she picked him out right away.

10 Driscoll Riggins had a gun in his pocket when
11 he was arrested. That gun matched all of the
12 casings at the scene of the murder, every one of
13 them. Ten casings picked up, and all matched the
14 gun from Driscoll Riggins' pocket. Five of the
15 fragments of the bullets matched that gun. The
16 rest of the bullets that didn't match was
17 inconclusive to the gun from the pocket, but not
18 eliminated. The Smith and Wesson was eliminated,
19 remember, but the bullets -- all the bullets was
20 consistent with coming from that gun, and five of
21 them matched.

22 Then, the defendant admitted it himself, so,
23 clearly, we have the killer. Remember the gun
24 found in his pocket, traced by the serial number.

25 Let's talk about malice aforethought. Malice

CLOSING ARGUMENT - MR. DeBUSK

1 is ill-will, hatred, intent to harm someone.

2 That's clear what malice is.

3 What is aforethought? You must have malice
4 at the time the fatal blow was struck. It doesn't
5 mean premeditation. It means if I walk up in here
6 and I say, I see Dillon Bagnal. I'm going to shoot
7 him today. It means I had intent to do it, but it
8 doesn't mean I had premeditated it sometime before.

9 Premeditation is not required, but
10 premeditation and planning can be evidence of
11 malice, even though they are not required. I put
12 to you that that is what the case is here today.

13 Can I get the next one?

14 There is plenty of evidence in this case of
15 premeditation. Remember when Driscoll Riggins
16 learned that Durance McCray was in Captain
17 Archie's? He made three trips where he worked in
18 the kitchen over here, all the way down to the
19 outside bar to look at him. Three times we have
20 him on video. The video of him walking down to
21 see, and we have a video of what Durance McCray was
22 doing at the bar at the same time. Plus, even one
23 I missed myself. The defense told you that he was
24 walking through the bar glancing where Durance
25 McCray was sitting. He was keeping an eye on him.

CLOSING ARGUMENT - MR. DeBUSK

1 As soon as he saw Durance McCray walk out, he
2 clocked out and followed him. He clocked out
3 within the same minute, and we'll look at that in a
4 moment. He approached from the shadows. If you
5 look at the video of the parking lot at Captain
6 Archie's, walking from Captain Archie's towards the
7 dumpster where the shooting happened, most people
8 walk down this side of the road because there are
9 lights there. It is well lit.

10 The defendant approached this side where
11 there is no lights, where there is darkness and
12 shadow. He approached his prey from the shadows.

13 He also offered Stephanie Cano a hundred
14 dollars to tell him when McCray left. That is also
15 an indication of premeditation. I'll talk about
16 that more later.

17 Finally, where did the shots come from? None
18 of the shots were in the front. They were in the
19 side a little forward, this side, four in the back.
20 None in the front. When Driscoll Riggins walked
21 out in that parking lot, he knew what he was going
22 to do. He knew he was going to shoot Durance
23 McCray.

24 Remember Jada Pyatt's testimony, he walked up
25 and started firing and said, "This is for." He

CLOSING ARGUMENT - MR. DeBUSK

1 knew who it was for. He knew what he was doing.
2 This is expressed malice. This for, and he said a
3 name, the Livingston brothers or Ty, the people
4 that he blamed Durance McCray for the death of.

5 This was a revenge killing. But what exactly
6 happened at Captain Archie's that night? You have
7 two completely different versions of events. You
8 have Jada Pyatt and Joey Sinclair telling one
9 story, where they were just standing by the
10 dumpsters looking at a man who had fallen off his
11 Moped, and all the sudden the shooting occurs. No
12 arguments or anything before.

13 Then, you have defendant's version where he
14 was in the middle of the parking lot when he
15 started hearing yelling and continued to advance,
16 and they said you are going to be on a T-shirt and
17 get the chopper. Two completely different stories.

18 So how do you tell them apart? You can look
19 at bias, and there is a little bias on both sides.
20 The greatest bias is the defendant. He's trying to
21 keep himself out of jail. That is the greatest
22 bias. But Jada Pyatt and Joey Sinclair, they were
23 friends of Durance McCray, so they might have bias
24 themselves. So you have biased witnesses. So you
25 can look at the demeanor of the witnesses when they

CLOSING ARGUMENT - MR. DeBUSK

1 testified. Remember Jada Pyatt when she testified,
2 she got overcome by emotions. It was difficult for
3 her to remember back to these things that happened.

4 Remember when I asked her if he -- she heard
5 anyone say anything like, You are going to be on a
6 T-shirt, or, Get the chopper? She looked at me
7 like, what? No. She looked at me like I was
8 crazy.

9 Joey was eager to explain what he saw.
10 Remember he said, I was there, you weren't? He
11 didn't hear any of that talk either. Didn't hear,
12 "You are going to be on a T-shirt," or, "Grab a
13 chopper."

14 Look at the video from Seacoast Hospital.
15 Who was there sitting on the curb? You have Jada
16 Pyatt who left in her own car. She could have
17 easily driven off in the dark and not been seen
18 again. You had Joey Sinclair who drove Durand to
19 the hospital. I suppose he could have driven to a
20 dark spot, dumped him out of the car. But they
21 both stuck around to talk to the police.

22 The defendant, he didn't stick around to talk
23 to the police. When the police did contact with
24 him through a family member, he set up a time to
25 meet with police, but didn't show up. And then,

CLOSING ARGUMENT - MR. DeBUSK

1 again, he set up a time to meet with police, and he
2 didn't show up.

3 And then, finally, they found him in Marion
4 County. But the defendant, when he testified,
5 didn't seem to have much emotion there. He was
6 kind of flat. Also, he changed the story a little
7 bit from the first time he told Detective Bellamy.
8 He said he was taking the trash out and Durance
9 approached him. Later, when he sat down and told
10 police, it changed to he approached Durance in the
11 parking lot, a minor thing, but worth noting.

12 He also used different addresses. He said he
13 lived in Marion County, but he told Captain
14 Archie's where to send his pay and told the IRS
15 where he lived. He said it was in Little River at
16 his grandmother's house. It is a minor thing, but
17 I would argue to you that I think saying you live
18 in Marion County is more reason to explain away why
19 he left the county, fleeing from police, then it
20 really was where he lived. But even if he really
21 lived there, why lie to the IRS about where you
22 live?

23 He also was carrying a gun. No permit. He
24 has a prior conviction. He had a gun where they
25 serve alcohol.

CLOSING ARGUMENT - MR. DeBUSK

1 Another thing you can look at is prior
2 records. All three witnesses had prior records.
3 Joey might and -- Joey Sinclair and Jada Pyatt had
4 similar records, serving probation for a drug
5 conspiracy charge. In fact, they were on probation
6 at that time. They said if there was a gun on them
7 or in the car, they would have gone to jail.

8 The defendant, he had a strong armed robbery
9 and attempted armed robbery and attempted
10 possession of a firearm by a felon, so he knew that
11 he wasn't supposed to have a firearm. He had the
12 greater record, so I would say that his reliability
13 is less.

14 But most of all, you can look at the physical
15 evidence and see whose story it lines up with. The
16 videos show -- and you have them in evidence -- the
17 outside bar. Three times he went there and looked
18 where the victim was sitting. Three times -- and
19 he -- there was even another one that defense
20 pointed out, that when he was inside the bar, he
21 was carefully watching his victim.

22 You have a video that shows you -- it's here
23 on this blue USB drive. It shows the whole time
24 the victim, Durance McCray, was in that bar. You
25 can watch every minute that he was in there, and

CLOSING ARGUMENT - MR. DeBUSK

1 you can see what he did. You can see there was no
2 eye contact with the defendant. There was no gang
3 signs or anything. It was a guy sitting at a bar,
4 talking to his girlfriend, watching basketball,
5 visiting with a friend.

6 Look at the defendant after he went there
7 four times watching the victim. What happened when
8 he checked out -- clocked out? Let's take a look
9 at that. Remember, this is the back of the Captain
10 Archie's.

11 This is the defendant walking in from taking
12 out the trash, and in a few moments you see Jada
13 Pyatt, she identified herself, walking out from
14 Captain Archie's. This fellow sees her, walks by,
15 and appears to speak to the defendant in the
16 doorway. The defendant walked out here, and right
17 here is Durance McCray. Durance is over there
18 directly 30 feet away. He immediately turns around
19 and walks back in just before 11:42:20. And right
20 at the turn of 11:43, he's walking out across the
21 parking lot. His clock-out sheet and still photos
22 show he clocked at 11:42:48. So just enough time
23 to walk in, clock out, and follow who he saw in the
24 parking lot. It begs the belief that the defendant
25 doesn't see his sworn enemy walking 30 feet away

CLOSING ARGUMENT - MR. DeBUSK

1 when he looked right at him.

2 He turns around and ran inside and clocked
3 out immediately and went directly towards this
4 fellow, this fellow he says he feared. In this
5 case, he knew he had a jump on him. He knew McCray
6 didn't know he was there. He wasn't looking around
7 for his enemy. He was walking down the street.

8 What was the defendant's motive in walking
9 towards his enemy? He told you himself: There was
10 a beef. He believed that Durance McCray was
11 responsible for the death of his friends, and there
12 was an ongoing beef even before that.

13 You have those social media videos, the
14 threats made towards the other. There was bad
15 blood between them. It is summed up in Defense
16 Exhibit 12 where it says Durance McCray posted,
17 "Just cause a few blanks screaming Blood, that
18 don't mean blank to me, because I'll get you back."
19 Just because you are all threatening me doesn't
20 mean anything to me, because I'll get you. It was
21 going both ways. This was bad blood. This was a
22 mutual beef between the two of them.

23 Drew Edwards, the detective with the big
24 beard from the county, he offered Driscoll Riggins
25 a way to settle this beef legally. He said make a

CLOSING ARGUMENT - MR. DeBUSK

1 complaint, and we'll prosecute Durance McCray, but
2 Driscoll wasn't interested in that. He was
3 interested in street justice.

4 On May 21, 2021, fate delivered him his
5 enemy. His enemy didn't know he was there, and he
6 was able to keep an eye on him, watch him, and see
7 when he left, plan his attack. You can see he went
8 back three times walking around looking at Durance
9 McCray through the bar. He was looking from the
10 far side of the bar, so he couldn't see from
11 Durance here up, despite the photograph in evidence
12 taken by Stephanie Cano.

13 He also tried to get Stephanie Cano to work
14 for him. He offered a hundred dollars to tell him
15 when he left. She didn't want to testify. Like
16 anyone, she didn't want to get involved here, but
17 she gave a statement to the police the day after
18 this happened, and she said when she wrote the
19 statement, it was the truth. In that statement,
20 which is in evidence, she said the dishwasher --
21 and the only one dishwasher that night was Mr.
22 Riggins -- she was offered a hundred dollars to
23 watch a fellow in white T-shirt and tell him when
24 he left. She got distracted and forgot to tell
25 him.

CLOSING ARGUMENT - MR. DeBUSK

1 Then, the video following Stephanie Cano is
2 exactly as she said. We can see on this PowerPoint
3 Stephanie Cano talking to the defendant at
4 11:21:54. Then, if you watch the video, State's
5 48, what you will see is she goes to bar, sits at
6 the end of the bar catty-corner from where Durance
7 McCray was sitting. She sits there, and when the
8 angle changed -- camera changes, if you look close,
9 you can see her stick her phone out there and take
10 a picture of the victim. Few minutes later, she
11 goes back to the bar and shows that picture to the
12 defendant at 11:32:39 time.

13 Here is closer up. You have this picture in
14 evidence. If you look at what is on the phone, and
15 you have the picture taken by Stephanie Cano, the
16 one she gave to Detective Bellamy, and you can
17 decide for yourself that the picture with Durance
18 McCray sitting right here, is that the picture that
19 she showed to the defendant? I think you will find
20 it was. So everything she said she did is
21 corroborated by video, and the hundred dollar offer
22 will explain why she did it. She wouldn't take a
23 picture for fun. She was trying to get that
24 hundred dollars.

25 So Driscoll Riggins, through Stephanie Cano,

CLOSING ARGUMENT - MR. DeBUSK

1 was keeping an eye on his sworn enemy the whole
2 time he knew he was there. That is what the focus
3 is on. He was focused on Durance McCray, kept
4 going and looking at him. Stephanie Cano looking
5 at him. That is focus.

6 What about Durance McCray? You have a video
7 of him, too. You can watch it. I'll say that what
8 you see there is a man at ease. Durance McCray was
9 enjoying the Jimmy Buffet world of Captain
10 Archie's, chilling out. He's not constantly
11 checking over his shoulder and looking for Driscoll
12 Riggins. He's not looking towards the kitchen to
13 see where his enemy is, because he doesn't know he
14 was there. He acted completely unconcerned.

15 You know if he knew Driscoll Riggins would
16 have been there, he would have been concerned,
17 because there is that ongoing beef between the two
18 of them. They were sworn enemies. If Driscoll
19 Riggins -- Durance McCray knew Driscoll Riggins was
20 there, he would have been the one constantly
21 peaking at the kitchen, looking over there, looking
22 over his shoulder, but he wasn't. You have the
23 video to prove it.

24 That beef went both ways. Look at the
25 exhibits. They are calling for blood, I'll get you

CLOSING ARGUMENT - MR. DeBUSK

1 first. You can judge for yourself. Is McCray the
2 one constantly looking over his shoulder and acting
3 on guard, or was the defendant the one that was
4 looking and acting on guard and stalking his
5 victim?

6 Again, you have those three times that the
7 defendant walked over there and looked in the bar
8 to see Driscoll Riggins (sic). You have those
9 three videos. After that you have video of
10 Driscoll Riggins -- sorry, Durance McCray, the same
11 period sitting at the bar chatting with his
12 girlfriend and looking at the TV at the basketball
13 game unconcerned and unaware he was being stalked.

14 Most telling of all is where Durance McCray
15 was shot. You have one on the left side, slightly
16 backwards, like this. Sorry. So it came through
17 the chest. He had one on the right side, same
18 thing, slightly behind, four in the back. I can't
19 even do that myself, four bullets in the back. One
20 in the right side of the head, and one in the left
21 wrist. There is really no way to tell what order
22 they came in, but I will tell you what I would
23 think.

24 If Durance McCray was standing here at the
25 dumpsters looking at the man who had fallen, he

CLOSING ARGUMENT - MR. DeBUSK

1 would have been facing the dumpsters with the left
2 side towards Captain Archie's. Captain Archie's is
3 at the direction the defendant approached. If he
4 was looking, that first shot would have come from
5 side, not a face-to-face encounter. Not a
6 (indicates), an ambush from the side.

7 Then, the shots in the back while he is
8 running away. You can see him run around the car
9 and get in Joey's BMW on the passenger's side, and
10 then shot in the side of the head and side of the
11 chest. It is the right side, and that would have
12 been exposed when he was in the car. And he was
13 still shooting at him in the car, because we know
14 there was a bullet in the car, embedded in the
15 window frame of the car.

16 So I would argue that the way it happened was
17 Durance McCray was standing, looking at the man by
18 the dumpster. From his left, in the darkness,
19 approached the defendant who said, This is for --
20 and he fired a shot slightly from behind and the
21 side, which Durance McCray runs away, and the next
22 four shots came in the back. When he got in the
23 car, he took shots on the right side.

24 Like I said, you can't really tell the order,
25 but that is what I would argue happened. This

CLOSING ARGUMENT - MR. DeBUSK

1 wasn't a face-to-face encounter. There was no
2 shots for the face, stomach. No shots angled from
3 the front. It came from slightly to the rear or
4 entirely to the rear.

5 Riggins had seen his opportunity. He had
6 known that he was there, and Durance McCray didn't
7 know he was there. He took his opportunity. So
8 that is what it was murder, premeditated murder.
9 Murder by stalking. Murder by ambush in the
10 parking lot from the darkness.

11 One thing this wasn't was self-defense.
12 Self-defense, like murder, has elements. They all
13 have to be satisfied. First, and most importantly,
14 a defendant has to be without fault on bringing on
15 the difficulty. That means he wasn't responsible
16 for starting the fight. The defendant has to
17 actually believe he was in imminent danger of
18 losing his life or sustain serious bodily injury.
19 A reasonably prudent person of ordinary firmness
20 and courage would have entertained the same belief.
21 That means anyone else in his situation would have
22 thought the same thing. And the defendant had no
23 other probable means of avoiding the danger.

24 If any of those fail, then there is no
25 self-defense. If three are satisfied, there is no

CLOSING ARGUMENT - MR. DeBUSK

1 self-defense. If the first three are proven, and
2 he had a probable means of avoiding the danger, the
3 entire self-defense fails. All of those have to be
4 present in order to claim self-defense.

5 In this case, primary the self-defense fails
6 because Driscoll Riggins was at fault for bringing
7 on the difficulty. He caused this encounter. He
8 brought on the difficulty, the same reason that
9 there was premeditation. This was a planned
10 ambush, not a chance encounter. He had nothing to
11 fear from an unarmed man who didn't even know
12 Driscoll was there. The whole night you can see
13 Durance McCray walking around unconcerned, standing
14 around looking at a man by the dumpster
15 unconcerned, and all the sudden there is shots. He
16 didn't know he was there. Nothing to fear. A
17 reasonable person wouldn't fear death or serious
18 injury from a person standing in the parking lot
19 looking at a guy on the ground.

20 There were multiple ways to avoid this. We
21 know that if Driscoll Riggins knew Durance McCray
22 was there, we know that when he walked to the edge
23 of the business, he looked 30 feet away, not much
24 further from me to Mr. Ropp, and he saw him. He
25 clocked out, and he followed him. That was no

CLOSING ARGUMENT - MR. DeBUSK

1 accident. He watched him the whole time he was
2 there and followed him immediately. He was
3 bringing on the difficulty, and it was on purpose
4 because he knew he had the drop. He had the
5 surprise on Durance McCray. It is time to settle
6 that beef.

7 Now, I don't believe those words, You'll be
8 on a T-shirt, or, Get the chopper, but if they
9 were, the defendant is still at fault of bringing
10 on the difficulty and can't claim self-defense, and
11 that it simply because of this. There was a
12 preexisting beef between Driscoll Riggins and
13 Durance McCray. Both sides were threatening each
14 other. There was bad blood, and the defendant was
15 armed. He had a gun, and he testified himself that
16 he believed that Durance McCray was armed and had a
17 gun. He was halfway across the parking lot when he
18 claimed he heard these words, You are going to be
19 on a T-shirt like your homeboys. Yet, he continues
20 to approach a situation he knew would be a fight,
21 because he was looking for a fight, not because he
22 was looking to avoid a fight. To avoid a fight,
23 you turn around and go back to Captain Archie's.
24 If you are scared, you call the police and make
25 that record that Drew Edwards wanted so he could

CLOSING ARGUMENT - MR. DeBUSK

1 prosecute Durance McCray.

2 The reason you keep going after hearing these
3 words is because you want a fight. It is called
4 mutual combat. When you reach a situation where
5 you know there is a previous agreement, and you are
6 armed and you think the other guy is armed, you are
7 looking at mutual combat. You are at fault, and
8 you can't claim self-defense. Not to mention the
9 fact as a defense said themselves, he could have
10 turned around and walked back to Captain Archie's
11 and avoided this. So self-defense fails.

12 But those words was never shouted. There was
13 never any yelling about, You are going to be on a
14 T-shirt, or, Get the chopper. You can tell -- go
15 back to the video for a minute -- you can tell by
16 the way people around him reacted, around both the
17 defendant and the victim. Like Stephanie Cano, she
18 didn't want to get caught up in this mess.
19 Whatever was between those two, that was their
20 beef, just like Stephanie Cano didn't want to come
21 and testify.

22 Back to the video. Look at what happened
23 when the defendant was walking across that parking
24 lot through the darkness towards Durance McCray.
25 Nobody moved away. Nobody got away from that

CLOSING ARGUMENT - MR. DeBUSK

1 disagreement. If they had been yelling and arguing
2 across the parking lot, people would be like, okay,
3 that's their problem, I'm out of here.

4 Sorry, we're having technical difficulties.
5 It always happens.

6 That is Durance McCray walking down the
7 lighted side of the parking lot, and in a moment
8 from the bottom you'll see Driscoll Riggins come
9 from the back door of the kitchen walking between
10 the cars here in the dark side of the parking lot
11 there. He claimed that when he got about where
12 that car is, he started hearing shouting about, You
13 are going to be on a T-shirt. Look at the people
14 closer to around here, Joey and other people.
15 Nobody walked away. Nobody said, Hey, that is your
16 fight, not mine. They weren't getting out of
17 there. Allegedly, there was a shout across the
18 parking lot.

19 Watch, in a moment, a couple will walk out
20 here. Look how unconcerned they are just walking
21 along, holding hands. They're not scared of some
22 loud arguments going on in the parking lot. When
23 the shots start, they ran. They ran like heck.

24 Let's show that one more time. See the
25 people standing here concerned with the guy laying

CLOSING ARGUMENT - MR. DeBUSK

1 by the dumpster? If there was loud shouting going
2 on, they are not going to stay there.

3 The couple here walking along unconcerned, if
4 there was a loud argument in that parking lot, they
5 wouldn't have been walking here, but when the
6 shooting happened, everyone scattered. Again, that
7 shows you by the lack of reaction of the other
8 people that there was no loud argument going on in
9 that parking lot.

10 Driscoll Riggins was at fault in bringing on
11 that difficulty. Just like Jada and Joey
12 testified, there was no loud threats. There was
13 just people laughing about the guy passed out drunk
14 by the dumpsters, unconcerned. The defendant came
15 out of the darkness and started shooting. This is
16 for, like I said, the Livingston brothers or Ty.

17 Again, he said he was here by his car when
18 the shots started, but he could have gone back
19 around and gone back to Captain Archie's and been
20 safe. Instead, the man down by the dumpsters is
21 someone he had a beef with, so he went towards it.
22 I argue that those threats was never uttered, but
23 if they were uttered, and he was walking towards
24 them, he was doing a mutual combat situation. He
25 was at fault for bringing on the difficulty. And

CLOSING ARGUMENT - MR. DeBUSK

1 no matter what, he had the means to escape. Go
2 back to Captain Archie's. Stand there and wait by
3 the car until they go away. Call the police. He
4 had all kind of ways to get out of that situation.
5 Like I said, those words never were spoken. No one
6 reacted. That couple continued to walk across the
7 parking lot holding hands, not trying to get away
8 from a loud, boisterous argument.

9 There is another crime that you will be
10 instructed on by the judge. That is called
11 voluntary manslaughter. That is the unlawful
12 killing of another in a sudden heat of passion.
13 Sudden heat of passion -- I'll talk about that in a
14 moment -- soon after sufficient legal provocation
15 without malice. So if you find that he went up
16 there with malice looking for a fight, he wanted to
17 shoot Durance McCray, it can't be voluntary
18 manslaughter. Malice negates voluntary
19 manslaughter. If you find there was no malice and
20 it just happened, you can consider voluntary
21 manslaughter.

22 Sufficient legal provocation, there must be
23 both the heat of passion and sufficient legal
24 provocation. Heat of passion is anger, people with
25 high emotion, someone to overcome to ability to

CLOSING ARGUMENT - MR. DeBUSK

1 behave regularly. Sufficient legal provocation has
2 to be more than words. It just can't be words.
3 Even fighting words is not enough. It has to be
4 something that is so egregious it causes the person
5 to act without thinking. It must render the
6 defendant incapable of cool reflection.

7 Jada said he just came up and started
8 shooting. There was no heat of passion. That is
9 malice. When Driscoll Riggins walked across that
10 parking lot, he brought malice, not heat of
11 passion. He may have been passionate about it, but
12 he was malicious. He went there to kill him.
13 There were no words before shooting, so there was
14 no legal provocation, and there was no reach for
15 the waistband either.

16 How do we know that? Because where the shots
17 were. The shots were in the side coming from
18 behind and in the back. This was not a
19 face-to-face encounter, a draw down in Dodge City.
20 This was an ambush. So this isn't voluntary
21 manslaughter. There was no heat of passion, or if
22 there was, there was malice as well. And there was
23 no legal provocation.

24 Remember, if you find there was malice, even
25 if there was sufficient legal provocation, and even

CLOSING ARGUMENT - MR. DeBUSK

1 if there was heat of passion, malice overruns that.
2 Malice says if you came across there to shoot
3 Durance McCray, then no matter the circumstances,
4 there is malice, and he is guilty of murder.

5 Jada said the defendant just came up and
6 started shooting. Jada showed emotion. Jada was
7 telling the truth. Jada stayed there and talked to
8 the police. Jada came back after the shooting to
9 see what happened to her boyfriend. She even got
10 in the car and recalled for the police.

11 Joey said there was no exchange of words
12 before the shooting. Joey drove Driscoll to the
13 hospital and waited for the police. On video, no
14 one else ran away. There was no argument. People
15 weren't edging away from an argument, because there
16 wasn't any. There is just a man standing with a
17 group looking at a drunk man falling off his Moped.

18 Only the defendant, and nobody else, says
19 there were words before the shooting. I wish the
20 video was good enough quality so you could exactly
21 what happened, but you can watch it and get some
22 ideas. I argue, if you watch it, what you will see
23 is the defendant coming out of the darkness. His
24 head comes into the light gradually, and he comes
25 to the corner of the dumpsters. Durance is at the

CLOSING ARGUMENT - MR. DeBUSK

1 other end of the crowd. He walks around there, and
2 he starts shooting, and that is where it glitches.
3 If you watch the other video, you see Durance start
4 to run as soon as everyone reacts to the shots,
5 runs around the car, gets in the passenger's seat
6 with the defendant firing.

7 But it is in evidence, and you can look and
8 decide for yourself. I wish it was better quality
9 so you could see what exactly happened. I wish
10 there was sound, but we have to just take what we
11 have. You have to look at all of the surrounding
12 circumstances, and the surrounding circumstances
13 say this was an ambush in the parking lot. The
14 videos of Durance shows he was completely unaware
15 of his surroundings. He wasn't looking over his
16 shoulder, looking out for himself. That is what
17 the video shows. It shows an ambush of an unaware
18 victim by someone who had carefully been watching
19 the victim for over an hour.

20 Remember, in the end, he's trying to save
21 himself. He has bias and looking out for number
22 one. So was Durance McCray a bully? Maybe. There
23 was certainly bad blood. There was certainly
24 videos going back and forth between Driscoll
25 Riggins and Durance McCray threatening each other.

CLOSING ARGUMENT - MR. DeBUSK

1 Yeah, there was bad blood, but he would have had to
2 answer in court for what he did if Driscoll Riggins
3 had followed the rules of law. If Driscoll Riggins
4 would have done what Drew Edwards asked him to do,
5 if Driscoll Riggins made that compliant through
6 Drew Edwards and let him prosecute Durance McCray,
7 we might we trying Durance McCray instead of
8 Driscoll Riggins. But that is not what happened.

9 What happened here was Durance McCray,
10 subjected to a long-term and serious beef with the
11 defendant, Driscoll Riggins, wandered into Captain
12 Archie's for a night of visiting and watching
13 basketball, and unbeknownst to him, his arch enemy
14 is there. He watched him, stalked him, sent other
15 people to watch him. When he saw him leaving, he
16 followed him into the parking lot, walked through
17 the darkness, walked up to him and said, This is
18 for so-and-so. Jada got a look at him and picked
19 him out of a difficult lineup, and that is what
20 happened. He had been judged, jury, and
21 executioner by Driscoll Riggins.

22 It's the rule of law that separates us from
23 chaos. It separates us from the slums of Rio or
24 from pirates of Somali or the Wild West. The rule
25 of law says you can't gun people down in streets or

CLOSING ARGUMENT - MS. CALDWELL

1 in a parking lot just because you have a beef. The
2 rule of law says there is a price to pay for
3 violating those rules of conduct. The rule of law
4 demands that Driscoll Riggins be held responsible
5 for ambushing and killing Durance McCray, and you
6 do that by finding Mr. Riggins guilty of murder and
7 possession of a weapon during a crime of violence.

8 THE COURT: All right.

9 MR. DeBUSK: Thank you.

10 THE COURT: All right. Ms. Caldwell.

11 MS. CALDWELL: Driscoll Riggins shot Durance
12 McCray. He told the detective, Christopher
13 Bellamy, that on May 23, 2021 via phone. He told
14 the detective why he shot Durance McCray.

15 On May 28, 2021, Driscoll Riggins was in
16 custody. He was handcuffed. He was read his
17 Miranda rights. He was told everything you say can
18 and will be used against you. Driscoll Riggins
19 understood his rights. He signed the form that's
20 been put into evidence. He voluntarily waived them
21 and continued to speak with the detectives. That
22 interview was recorded. And in that recorded
23 voluntary interview, Driscoll Riggins said that he
24 shot Durance McCray, and he said why. He said he
25 shot Durance McCray in self-defense.

CLOSING ARGUMENT - MS. CALDWELL

1 The statements made by him on May 23rd and
2 May 28th, 2021 were the same testimony provided
3 to this Court. It is the same statement narrative
4 and point of view that he has repeatedly shared
5 since May 21, 2021. He has been consistent. He
6 has been honest. He has been very open and
7 admitted to what he did and where he was wronged.

8 Detective Edwards stood up here and said
9 Driscoll Riggins reported threats from Durance
10 McCray in 2020. Detective Edwards, an Horry County
11 police officer, a detective, said he knew that
12 Durance McCray had shot at and shot Driscoll
13 Riggins. Detective Edwards said he knew Driscoll
14 was being bullied, harassed, threatened. He knew,
15 but he didn't do anything because there was no
16 official report.

17 Driscoll testified his godmother's home was
18 shot. He testified his mother's home was shot. He
19 testified his car was shot. He said he was shot.
20 He said his father's home was shot. Driscoll and
21 Detective Bellamy both indicated that they were
22 familiar with the history of conflict. In fact, in
23 that recorded interview, that is how they started
24 their conversation.

25 Detective Bellamy said he spoke with

CLOSING ARGUMENT - MS. CALDWELL

1 Detective Edwards to verify that the threats were
2 recorded in 2020, but he didn't do any further
3 investigation than that one conversation.

4 Let's talk about the investigation. There
5 were ten casings found. The State is right, all
6 ten casings belonged to the firearm, the Sky model
7 firearm, black and orange that Driscoll provided
8 that he said he shot with.

9 Detective Bellamy said they walked around the
10 parking lot and the scene. He said he believes
11 someone looked in the dumpster. He didn't
12 personally. There were a lot of people there.

13 Detective Franklin says he believes someone
14 notated that bar patrons picked up at least one of
15 the casings. The State presented a lot of photos
16 of the scene that night and in the daylight. The
17 photos show that the numbers were spray painted to
18 mark where they came from, the casing location.
19 None of those had like an asterisk. None of them
20 said "might be moved." Those were all packaged and
21 enveloped that the State presented and gave to
22 SLED. None of those said "potential relocation by
23 drunk bar patrons, we're not sure."

24 While walking the parking lot, no one found a
25 firearm, but were they really looking for one? No

CLOSING ARGUMENT - MS. CALDWELL

1 one returned to the scene after it was released on
2 May 22 of 2021 around 9:00 a.m. I get that time
3 from the crime scene log.

4 On May 23, however, another Captain Archie's
5 employee called and said, hey, near the incident
6 there was a 9-millimeter Luger casing found. They
7 did go retrieve it, but where did it go?

8 There were eight projectiles collected from
9 the autopsy. Dr. Richards, our expert in forensic
10 pathology, she said there were eight separate and
11 distinct wounds. Eight separate injuries. She
12 collected them. She washed them, provided them for
13 photograph, packaged them, and she labeled them
14 where they came from. But she also said that no
15 single gunshot of the eight separate wounds alone
16 caused death.

17 Detective Bellamy and Franklin sought and
18 executed a search warrant on the BMW. They
19 recovered two fired bullets: One from the
20 passenger's seat, one from the driver's seat, and a
21 fragment from the door frame. That is three
22 projectiles.

23 We often make the joke that all of us went to
24 law school so we wouldn't have to do math, but I'm
25 confident that eight plus three is 11. Ten

CLOSING ARGUMENT - MS. CALDWELL

1 casings. Eight separate projections. Three
2 projectiles from the car. Ten and 11 are not the
3 same number, they're just not.

4 Furthermore, again, as the State told us,
5 Mr. DeBusk just laid it out nicely, he said Paul
6 Greer, our firearm ammunition expert, said all of
7 those casings came from the Sky gun. He said he
8 could say it definitively based on multiple types
9 of characteristics. He also was able to say that
10 the two fired bullets from the BMW also came from
11 the Sky gun. The one that was in the frame was
12 likely too damaged.

13 Only three, just three of the 11 projectiles
14 from the body were identified as coming from the
15 Sky gun, one being State's 12(o). That came from
16 the left wrist. Dr. Richards said it would hurt
17 and cause pain, but this did not cause the death.

18 The second being State's Exhibit 12(r), which
19 was recovered from the lumbar region. Dr. Richards
20 said, again, this alone was not fatal.

21 The third was State's Exhibit 12(u), which
22 was recovered from the right side of the top of the
23 head. Mr. Bagnal explicitly asked her, Would this
24 have caused death because it is in your brain, in
25 your head? She said, No. She said, It is not

CLOSING ARGUMENT - MS. CALDWELL

1 fatal.

2 The other six projectiles, Mr. Greer couldn't
3 tell us whether they were shot from the Sky firearm
4 or from another firearm, or if there was another
5 firearm at all. He said if something comes back as
6 inconclusive or unsuitable for testing with the
7 evidence provided, then it really could have been
8 from a different gun.

9 Driscoll Riggins shot Durance McCray with the
10 black and orange Sky gun. All ten casings matched
11 his firearm. Eleven projectiles. Five came from
12 his gun, so where did the other ones come from?
13 Where is that one other from?

14 No other firearms were found in the BMW.
15 None were found on Mr. McCray's person. The scene
16 was walked through. The vehicle driven by
17 Ms. Pyatt was never searched. Detective Bellamy
18 said they looked for cameras on the way to
19 Seacoast, but they didn't exist back then, two
20 years ago, and none of the officers reports
21 indicate that anyone was actually looking for a
22 firearm in those roads. They didn't do it before
23 Driscoll provided his statements, and they didn't
24 do it after.

25 Police can and should and usually do

CLOSING ARGUMENT - MS. CALDWELL

1 investigate all statements provided in an
2 investigation. But not here. No one interviewed
3 the patrons at Captain Archie's. No one called the
4 individuals on the crime scene log to see if they
5 thought of something later in the day. No one
6 sought the receipts from the patrons at the bar to
7 see if those folks wanted to be interviewed. They
8 didn't try to identify any of the people on the
9 camera footage that they watched a few times.

10 They only interviewed available to them: The
11 two people at the hospital, and one employee that
12 was brought to them. Ms. Pyatt and Mr. Sinclair
13 testified that Durance didn't have a firearm on
14 him, but they also testified that they can't have
15 firearms either. If they were found with firearms,
16 they could, maybe would, be charged. It took Ms.
17 Pyatt over 15 minutes to arrive at Seacoast. She
18 said I don't know the area, had to use GPS. Fair
19 enough. But Mr. Sinclair and all of the officers
20 said it's really only a three- to five-minute
21 drive.

22 Ms. Pyatt left the hospital for over 30
23 minutes and went to get cigarettes. Again, she
24 said, I don't know the area and stuff was closed
25 late at night. Again, valid. But it was a Friday

CLOSING ARGUMENT - MS. CALDWELL

1 night, and I'm pretty sure that 24-hour gas
2 stations do exist. It is possible it took her so
3 long to get to the hospital, and then she had to
4 leave the hospital because she walked around the
5 parking lot looking for a gun, found one, and
6 disposed of it. She did have plenty of time.

7 Mr. Sinclair testified that he removed
8 Mr. McCray's phone from his car, gave it to
9 Ms. Pyatt because she was calling. Most people
10 carry their phone in a pocket or something, so it
11 easily could have fallen out or been taken out of
12 his pocket. As Mr. Sinclair removed the phone from
13 the car to give it to someone, which then Detective
14 Bellamy said that the family did not want to
15 provide it, that could have had evidence that could
16 have helped their case. Maybe he threw out a
17 firearm. Maybe he threw out a chopper. We don't
18 know.

19 Detective Bellamy conducted follow-up and
20 second interviews with witnesses on May 22, 2021.
21 He interviewed Ms. Pyatt on May 22, 2021. He
22 reinterviewed her around 4:00 p.m. on May 22, 2021.
23 Detective Franklin sought, received, and showed
24 Ms. Pyatt a SLED lineup at 5:00 p.m. She
25 identified Mr. Riggins.

CLOSING ARGUMENT - MS. CALDWELL

1 Detective Bellamy sought and obtained an
2 arrest warrant for murder and possession of a
3 weapon during a violent crime on May 22, 2021, less
4 than 24 hours after the incident. He thought he
5 had enough information, and he closed his case. He
6 was done.

7 No one tried to contact Mr. Riggins, because
8 that was the number he used to get his work
9 schedule. They even got a search warrant for it,
10 and they got some information back. But no one
11 tried to call him and say, hey, where are you.

12 After May 2, 2021, there was no further
13 investigation done. Attending the autopsy and
14 watching the already secured Captain Archie's
15 videos is not further investigation. He said he
16 didn't do any because he already completed it.

17 Let's talk about the videos. There are 31
18 different angles. These are pretty good cameras.
19 They show a decently clear image. The State really
20 only showed you seven: Two inside the kitchen, one
21 inside the tiki bar, two looking towards the
22 parking lot, one on the back side, and one on the
23 cooler. Seven. There are 24 other angles. Don't
24 worry though, all 31 are in evidence, and you can
25 watch whatever you want.

CLOSING ARGUMENT - MS. CALDWELL

1 In Chapter One, the south pole lot, they said
2 during the shooting there was a glitch. In other
3 words, right in that moment where the video could
4 have shown that Durance McCray was reaching for a
5 gun, had a gun like Driscoll said, it doesn't
6 exist. It was in a glitch.

7 The State was concerned that Driscoll was
8 walking around the restaurant. I think Mr. DeBusk
9 even used the word "stalking." How about if
10 Driscoll was just concerned that someone who made
11 threats against him was at his place of work? He
12 was working. He wasn't looking for anybody. He
13 was working. Driscoll testified he kept working
14 and completed all of his tasks. They have to
15 return the cleaned cups and napkins and everything
16 so they can be anywhere.

17 The exhibits that I pulled, that Mr. DeBusk
18 kept emphasizing, is actually when Driscoll was
19 taking cups and putting them away in this area over
20 here. He was doing his job.

21 So why was Durance McCray at Captain
22 Archie's? It was because Joey Sinclair, his
23 friend, sent a Snapchat, text, whatever, and he
24 showed up. Is it really a coincidence that
25 Driscoll Riggins and Durance McCray had a beef --

CLOSING ARGUMENT - MS. CALDWELL

1 to use the State's word -- and McCray showed up at
2 his job where Driscoll had been working for one
3 week that no one knew about? Is that a
4 coincidence? Probably not.

5 He then chose to sit at the bar directly
6 across from the kitchen even though Mr. Sinclair
7 had a lovely table that could have fit everybody.
8 All on these cameras. Driscoll finished his tasks,
9 putting out more cups, stepped outside and made a
10 phone call. He wanted to see if his girlfriend
11 could get him or if he could walk over to his
12 grandma's house that is a 15-minute walk.

13 Then, he went inside. He clocked out. He
14 used the time clock right outside the kitchen. He
15 said he did come to work with a gun. It was in his
16 pocket. So if he really was standing outside the
17 kitchen starting and watching stalking Mr. McCray,
18 like the State has said, then he would have shot
19 him as soon as he saw him.

20 Mr. McCray was walking alone the first time
21 he saw him. If Driscoll saw him and really had
22 this big grand scheme to hurt him, to shoot him, he
23 would have done it right then and there, but he did
24 not. He went inside, clocked out, and he said
25 goodbye to his co-workers, and then he left. He

CLOSING ARGUMENT - MS. CALDWELL

1 clocked out -- who clocks out before you hurt
2 someone if you are doing this big plan, stalking
3 him all night? Who does that? He walked, he did
4 not run. He did not try to catch Mr. McCray. He
5 literally clocked out and walked out at a calm
6 pace. He has long legs and he is tall, so he takes
7 big steps, but he walked, didn't run.

8 Driscoll said he walked straight down the
9 parking lot. He said when he stopped at the SUV,
10 they started exchanging words. Both of them. He's
11 not denying that. It was 31 seconds. Thirty-one
12 seconds where they could have noticed each other
13 before shots were fired, and then he kept walking.
14 He didn't hide. The State said it is a well-lit
15 parking lot, and they are correct.

16 He kept walking. They were directly facing
17 each other. They were looking at each other for
18 ten whole seconds. That is how long before shots
19 were fired. Ten, that is enough time to say, You
20 will be on a T-shirt like your homeboys. Grab a
21 chopper. Ms. Pyatt and Mr. Sinclair said they
22 didn't hear anything, but they've been friends with
23 him for years. Ms. Pyatt said she knew him for
24 years, and then they began a romantic relationship.
25 Mr. Sinclair said they had been friends. Not to

CLOSING ARGUMENT - MS. CALDWELL

1 mention, they both said someone just walked up and
2 started shooting. 31 seconds, that is not walking
3 up to someone and starting to shoot.

4 Also, I'll remind you that none of these
5 folks could have a firearm; not my client, not
6 Ms. Pyatt, not Mr. Sinclair. None of them could
7 have a firearm. So I imagine that no one --
8 Ms. Pyatt or Mr. Sinclair -- would want to admit
9 about the statements about "getting the chopper."

10 Driscoll told you he knew he couldn't have a
11 gun, but he had one for protection. He held onto
12 that gun, told the marshals about it when they
13 arrested him, and then told the detectives it was
14 the gun he used. He could have easily thrown it
15 out somewhere between here and Marion County, and
16 he did not. He kept the evidence.

17 Driscoll said he knows McCray carries guns.
18 How does he know? Because he has firsthand
19 knowledge. He's seen McCray shoot before. He's
20 experienced him shooting him. When McCray reached
21 for his waistband and said, Get the chopper. Get
22 the chopper, reaching towards the back seat,
23 Driscoll had substantial reason to believe that he
24 had or was getting a gun.

25 In McCray's own words show his violent

CLOSING ARGUMENT - MS. CALDWELL

1 nature. He said, I'll get you, too. Money gets
2 shit done. He said, I'm glad they are dead. I
3 want them killed in the same way. Both got
4 whacked, and he laughed about it.

5 Mr. McCray was known to officers from prior
6 encounters, and Driscoll knew about this. His
7 reputation wasn't a secret to anyone. Conversely,
8 Driscoll did put up a Facebook video. He said
9 there is a bag on his head. People had been
10 drive-by shooting at him, and he said, Quit
11 playing, pull up. Driscoll wanted to resolve this.
12 He wanted to talk. He was tired of the shots,
13 bullying, harassment. Come directly to me. And
14 what did Durance McCray do? He sat directly across
15 the kitchen area all night. A place of work that
16 no one knew about, sat directly across the kitchen
17 area all night.

18 Judge Deberry is about to charge you on the
19 law. Whatever law he gives is the law you have to
20 use today. He's going to charge murder. That
21 means all of you, all 12 of you, must believe that
22 the State proved beyond a reasonable doubt that
23 Driscoll Riggins acted evil and wickedly in trying
24 to kill Durance McCray. You need to believe that
25 they showed every element.

CLOSING ARGUMENT - MS. CALDWELL

1 Next, Judge DeBerry will charge voluntary
2 manslaughter, which as Mr. DeBusk stated, that is a
3 sudden -- a killing in a sudden heat of passion
4 with adequate legal provocation and an insufficient
5 cooling off time. That's a lot of legal jargon.

6 A sudden heat of passion means that a
7 reasonable person will be furious and enraged and
8 upset in that moment as well.

9 Adequate legal provocation means some kind of
10 act done by the victim that upsets the defendant.
11 In this case, Durance McCray said, Your face will
12 be on a T-shirt like your homeboys, and then he
13 reached for his waistband. Where do people keep
14 firearms? Sometimes in holsters, and other times,
15 in your waistband.

16 Judge Deberry will charge mutual combat.
17 When you think about mutual combat, think about the
18 Wild West or the Roadrunner cartoons. Both people
19 have to agree to meet. They have to show up. They
20 have to both want to meet each other. They have to
21 both be armed, and they both have to have the
22 intent to fight when they show up.

23 Folks, both people have to want to fight when
24 they show up at the time of the incident. Driscoll
25 may have said, Come on, talk to me, pull up on me.

CLOSING ARGUMENT - MS. CALDWELL

1 He didn't say he wanted to fight. He didn't
2 instigate this. Driscoll hadn't shot at Mr. McCray
3 before. He didn't shoot at his family, didn't send
4 any videos celebrating anyone's death. He didn't
5 want to meet anyone. He went to work where he had
6 a lawful right to be. He was trying to go home,
7 and he got stopped in the parking lot.

8 Finally, the judge will order self-defense
9 and tell you about it. Driscoll Riggins shot in
10 self-defense. There are four elements: He must be
11 without difficulty in bringing on the fault. The
12 State said he couldn't have a firearm. He knew he
13 couldn't have a firearm, so he can't have
14 self-defense because he brought one to work with
15 him.

16 There's explicit and clear case law that says
17 even if you don't have a right to a firearm, if you
18 lost it from your past record, you can still arm
19 yourself in self-defense.

20 MR. DeBUSK: Objection; mischaracterizing the
21 law, Your Honor.

22 THE COURT: Sustained. Move on.

23 MS. CALDWELL: Driscoll testified he did arm
24 himself. He had the firearm. He did not purchase
25 it. He was protecting himself from the constant

CLOSING ARGUMENT - MS. CALDWELL

1 and consistent threats.

2 The second element is that he must have been
3 in or actually believed he was in imminent, serious
4 danger of bodily injury or death. Was he in actual
5 danger? The State stays no. No guns found in the
6 car. No guns found in their pockets. Could there
7 have been a gun thrown out of the window? Yes.
8 Could it have been hidden? Maybe. But there is
9 that second part of the sentence: Could he have
10 actually believed he was in danger? Clearly, he
11 did. He said so.

12 Case law also says you have a right to act on
13 appearances. You can consider prior violence, past
14 problems. It quite literally says you do not have
15 to wait for someone to get the jump on you. McCray
16 had a hit on Driscoll Riggins' head, paid money for
17 him to die. McCray shot him before. He reached
18 for his waistband and hollered about getting
19 another gun.

20 The element is if you are basing this on
21 Driscoll's belief, then you must find that a
22 reasonable prudent person of ordinary firmness
23 would have held the same belief. Jury, you get to
24 decide what a reasonable prudent person of ordinary
25 firmness would do. Would that person be okay with

CLOSING ARGUMENT - MS. CALDWELL

1 his best friends being murdered? Would that person
2 be upset that his family's homes were shot? Would
3 that person be frightened or livid that their own
4 car had been shot at, that they had to get a bullet
5 removed from their leg? Would that person think
6 that someone comes into their place of work or
7 business where they had a lawful right to be and
8 staring, making gestures, sitting across from them
9 all night, would that person think it is
10 threatening or intimidating. Would that person
11 fears and testified and blame by the statement that
12 you could be on a T-shirt next? Would that person
13 believe that man in that moment making that
14 statement when he already had shot him before?
15 Would a reasonable person believe that "get the
16 chopper" means there might be an assault rifle in
17 that car?

18 The last element is that there were no other
19 means to avoid the difficulty. The State says he
20 did not have to leave at that time. He could have
21 just stayed at work. Well, did they want him to
22 camp out at Captain Archie's? Because they keep
23 emphasizing that he walked around and checked his
24 surroundings. He did want to know where the person
25 who had been threatening him was.

CLOSING ARGUMENT - MS. CALDWELL

1 So what do they want him to do? There was
2 only one way out. He finished all of his tasks.
3 He clocked out and he left. He wasn't looking for
4 a fight. He wasn't starting a fight. He was going
5 home.

6 Driscoll Riggins had the right to arm himself
7 for self-protection, the right to act on
8 appearances. He does not have to wait for someone
9 to get the jump. He does not have to wait for them
10 to fire the first shot. There was a bag on his
11 head. Durance McCray had actively been trying to
12 kill him. Driscoll Riggins pulled his gun first.
13 That one right there.

14 And, jury, if you had the right for the first
15 shot, you have the right to keep shooting.
16 Self-defense is a complete defense, and Driscoll
17 Riggins -- we don't have to prove that he acted in
18 self-defense. We don't have that burden. The
19 State has to prove that he did not act in
20 self-defense, and they haven't done that. If
21 anything, their own evidence, or lack thereof,
22 supports self-defense.

23 At the beginning of this trial, in his
24 opening, Mr. Bagnal said this trial would be like a
25 movie. He was right. To Kill a Mocking Bird, The

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 Fugitive, Shawshank Redemption, Harry Potter and
2 the Prisoner of Azkaban. All movies about a person
3 wrongly accused by authorities who did not fully
4 investigate. Now, you can add the State of South
5 Carolina versus Driscoll Riggins. Thank you.

6 THE COURT: I'll recognize the State for any
7 rebuttal.

8 MR. DeBUSK: Thank you, Your Honor.

9 I almost hate to argue this, but the defense
10 is trying to mislead you. There are 11 projectiles
11 or fragments recovered either from the body of
12 Durance McCray or from the vehicle of Joey Pyatt
13 (sic). But the projectiles and bullets are
14 designed to expand to fragments and cause more
15 damage to kill more efficiently. So just because
16 you have more than one fragment doesn't mean you
17 have more than one bullet.

18 For instance, some of these you can see the
19 core is almost out, and you have a jacket. On some
20 of these, you just have fragments of the jacket.
21 Some of these are just lead cores. Bullets
22 fragment, and just because they are just a piece of
23 jacket, just because you have 11 fragments doesn't
24 mean it started as 11 bullets. There could have
25 been ten, could have been eight.

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 Look at the fragments and the pieces. More
2 than one of these could have come from the same
3 bullet, and that is misleading, as is the entire
4 theory.

5 Yes, the defendant admitted that he shot the
6 victim, of course. He had to. I mean, he was
7 caught. He had the murder weapon in his pocket.
8 They had cameras.

9 Now, what are cameras in restaurants for?
10 Well, maybe if someone comes and robs them, that is
11 a good use of the camera. But you can look at all
12 of the angles. Some just show the inside of the
13 cooler where they keep beer or where they keep
14 food. Some just show the kitchen where no robber
15 is going to go or fights with patrons will happen.

16 Those cameras are much as to keep an eye on
17 the employees as they are to keep an eye on the
18 patrons. If your cameras are there, you have to
19 let the employees know that they are there watching
20 them, because that is what they are there for.
21 What good are cameras to watch employees if they
22 don't know they are on camera? They are there to
23 stop employee theft.

24 He knew he was caught, so he had to tell what
25 he did. He had to make up a story that sounded

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 like self-defense, but the fact it doesn't line up
2 with the story of self-defense.

3 Drew Edwards wanted to prosecute Durance
4 McCray. He said just make a report and I'll go out
5 and arrest him, and we'd be here trying Durance
6 McCray instead of Driscoll Riggins. But he
7 wouldn't do that, because he was looking for street
8 justice.

9 Where was the casings? They kind of go
10 through random spots, but one thing you can tell is
11 there were ten casings all that came from the gun
12 that the defendant possessed. When you look at the
13 overhead views from the drone that are in evidence,
14 you can see there is sort of a trail from near the
15 dumpsters, around where the car was parked, over to
16 the side of the car where Durance McCray sought
17 refuge. That doesn't change the fact that one
18 person was shooting.

19 On the 23rd, two days later, someone did
20 report finding a 9-millimeter round. It wasn't a
21 casing. It was an unfired round that wasn't
22 involved in this case. If it was just a casing,
23 that might have been involved, but it was the
24 casing, the bullet with the powder still in it. It
25 was an unfired round, and it wasn't in there when

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 police walked in there earlier.

2 How did it come there? Who knows. But it
3 wasn't a part of this case, because it hadn't
4 fired.

5 What did the doctor tell about what killed
6 Durance McCray? The bullets, one of them went
7 through the aorta. These bullets caused the fatal
8 injuries, and all of them that were identified --
9 five of them were identified directly with the
10 firearm in the defendant's pocket. The rest were
11 consistent with the -- couldn't be identified.
12 They are inconsistent with the other firearm. They
13 could eliminate that, but they were the same kind
14 as the one in his pocket, just couldn't identify
15 that specific one.

16 So what does that mean? I'm surprised that
17 the defense didn't say that Driscoll Riggins shot
18 himself and threw the gun in the waterway. This is
19 clearly a case where one person was shooting. One
20 person fired ten rounds. There were fewer than ten
21 rounds when you add up the pieces taken out of the
22 victim's body.

23 Don't forget where those rounds went. This
24 wasn't a face-off. It wasn't, Come on, you got
25 yours, and I got mine. The round came from the

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 back going forward, from here going forward, and
2 four in the back. This was not face-to-face fight.
3 This wasn't reaching for the waist and I'm facing
4 it. This was persons looking over here and being
5 shot over here.

6 Most of her closing seemed to be blaming the
7 police. When the facts are against you, blame the
8 police. They could have done something else. They
9 could have gone to Washington, DC, and interviewed
10 the Attorney General, could have done this, could
11 have done that. What they did was enough to show
12 who shot Durance McCray, and they have all of the
13 video showing the defendant following and watching.

14 You have the video. You can watch him walk
15 from the kitchen to the bar, back here, behind the
16 bar. He's got nothing in his hands. He's not
17 doing dishes. There is no need for clean dishes on
18 the outside of the bar. He went there specifically
19 for one reason: To look at his enemy. To see
20 where he was, make sure he was still there, so he
21 could catch him when he went out and do what he
22 did.

23 Very small inconsistencies like the 15
24 minutes to walk or run to his house, which is
25 3 miles away. I wish I would walk three miles in

REPLY CLOSING ARGUMENT - MR. DeBUSK

1 15 minutes. I would have to work hard to.

2 Count out ten seconds between when he was at
3 the car and shooting. How far could he have walked
4 away if he went back to Captain Archie's in ten
5 seconds? How far away would he have been if he
6 turned around instead of continuing? What would
7 have happened at Captain Archie's? There was
8 people all over there. No one is going to walk in
9 the crowd in a bar and shoot everyone.

10 He had safety. He could have easily walked
11 away, but that's not what he was here for. That is
12 not why he offered Stephanie Cano a hundred dollars
13 to tell him when the victim left. That is not why
14 he walked outside to watch his enemy through the
15 outside bar. There was a beef between these two.
16 Durance McCray threatened the defendant, yes, he
17 did. And the defendant threatened Durance back,
18 Pull up on me. Pull up on me. Pull up, and we'll
19 have a friendly game of checkers? Pull up on me
20 and I'll take care of you. Threats going both
21 ways. It was bad blood, a beef, that existed
22 between these two individuals back with the
23 Livingston brothers and Ty. It is a long-standing
24 beef, and they didn't like each other. That is why
25 when the defendant was the first one to realize

JURY CHARGE

1 that his enemy was at Captain Archie's, he began to
2 watch him.

3 He offered someone a hundred dollars when he
4 left. And when he walked back and looked at his
5 enemy walking down the sidewalk feet away, he
6 immediately turned around, clocked out within the
7 same minute of walking across the parking lot, the
8 dark side of the parking lot, approaching from the
9 shadows where people are standing, with Joey
10 Sinclair's headlights approaching. And when the
11 moment is right, walking up, taking his nine out,
12 This is for -- and killing Durance McCray, chasing
13 him around the car firing a round into his back.

14 Riggins brought on the difficulty. He
15 brought on that difficulty because he had the jump
16 on the guy he had a beef with, the long-standing
17 existing prior beef, and that is why he's guilty of
18 murder. Thank you, ladies and gentlemen.

19 THE COURT: Ladies and gentlemen, I remind
20 you that during this trial you and I have certain
21 duties to perform. As the trial judge, it is my
22 responsibility to preside over the trial of this
23 case. I also have the duty to rule on the
24 admissibility of the evidence that was offered
25 during this trial.

JURY CHARGE

1 You are to consider only the competent
2 evidence that is before you. You are to consider
3 only the testimony which has been presented from
4 this witness stand and any exhibits which has been
5 made a part of this record, during this trial, and
6 any stipulations of counsel.

7 I have the additional duty to charge you on
8 the law applicable in this case, and as the
9 presiding judge, I am the sole judge of the law in
10 this case, and it is your duty as jurors to accept
11 it and apply the law as I now give it to you.

12 If you already have any ideas on what the law
13 is or what the law should be, and it doesn't agree
14 with what I'm about to tell you the law is, you
15 must disregard or abandon those ideas, because you
16 are sworn to accept the law and apply the law
17 exactly as I state it to you at this point.

18 In every case tried in this court before a
19 jury, the jury is the sole and exclusive judges of
20 the facts in the case. A trial judge cannot
21 intimate, state, comment on, or make any statement
22 to a trial jury about the facts in a case.

23 Since you, the jury, are the sole judge of
24 the facts in this case, you are not to infer from
25 anything I've said or done during the process of

JURY CHARGE

1 MR. BAGNAL: No, Your Honor.

2 THE COURT: Any objections to the charge from
3 the defense?

4 MS. CALDWELL: None.

5 THE COURT: Thank you.

6 Is there any objection to bringing out the
7 alternate juror at this time to be released?

8 MR. DeBUSK: None from the State.

9 MS. CALDWELL: None.

10 THE COURT: All right. If you will, bring
11 the juror.

12 (Whereupon, the alternate juror enters the
13 courtroom.)

14 THE COURT: You are Juror 370?

15 JUROR: Yes.

16 THE COURT: We want to thank you so much for
17 your time and patience and your service this week.
18 It was of great assistance to reach this point in
19 the week.

20 Seeing that the rest of the jurors are doing
21 well, we don't need you to participate any further.
22 But, again, thank you for your service. You'll be
23 getting a check from Horry County, but I don't know
24 how much it will be, so don't hold that against me.
25 You are free to stay or to go. It's just improper

JURY CHARGE

1 for you to remain with the jury, but thank you for
2 being here.

3 JUROR: Thank you.

4 (Whereupon, the alternate juror exits the
5 courtroom.)

6 THE COURT: Make sure you agree that all of
7 the exhibits are prepared to go back to the jury.

8 MR. DeBUSK: At the request of the Sheriff's
9 Office, we removed the live round from Exhibits 15
10 and 14 and made sub-exhibits without objection from
11 the State.

12 MS. CALDWELL: No objection from the defense.

13 THE COURT: All right.

14 MS. CALDWELL: At this time -- I did not
15 admit the interview of Driscoll Riggins with
16 Detective Bellamy as a Court's exhibit, so I would
17 like to offer it as a Court's exhibit for the
18 record.

19 MR. DeBUSK: Without objection from the
20 State.

21 (State's Exhibits 15A and 14A marked and
22 admitted, and Court's 6 is marked.)

23 (The jury starts deliberations at 11:45 a.m.)

24 MR. DeBUSK: Your Honor, there are a number
25 of videos in evidence, and the jury might want to

JURY CHARGE

1 see them. There's a question if they had to come
2 out to see the videos. We often send back a clean
3 laptop with nothing but the video player on it.

4 THE COURT: Do you have one?

5 MR. DeBUSK: We do. Would you like to send
6 it back?

7 MS. CALDWELL: Which video player?

8 MR. DeBUSK: A computer with nothing on it
9 but basic Windows and VLC.

10 THE COURT: The VLC, but not the ones you
11 guys used?

12 MR. DeBUSK: That's on the exhibit. The one
13 we used was on the exhibit.

14 MS. CALDWELL: No objection to the laptop
15 with the VLC on it.

16 (A recess was taken while the jury continues
17 to deliberate.)

18 THE COURT: We have a note from the jury that
19 is requesting a written definition of self-defense.
20 What I propose is just send the charge. Is there
21 any objection?

22 MR. DeBUSK: Your Honor. There is a case on
23 this. You can send it back, but you have to send
24 the entire charge.

25 MS. CALDWELL: I have no objection to sending

JURY CHARGE

1 the entire charge. I think that is fair.

2 MR. DeBUSK: The Court said it has to be the
3 entire charge, and certainly the State has no
4 objection to that.

5 THE COURT: All right.

6 There was one paragraph that I marked
7 through, and I'll take that out just make sure that
8 we only send exactly what I read.

9 MR. DeBUSK: Not necessarily for the record,
10 but I thought it would be more fair to send them
11 the entire charge. We read them for a hundred
12 years and it takes a law degree to understand, so
13 if you just want to take a piece of paper over it
14 and copy it.

15 (A brief pause in the proceedings.)

16 THE COURT: We're ready to go. I'm just
17 going to give it to the bailiff.

18 (A recess was had while the jury continues to
19 deliberate.)

20 (Court's Exhibits 8-9 marked.)

21 THE COURT: We have a question from the jury,
22 and it's marked as Court's 8. It simply says:
23 "What is the definition of reasonable?"

24 My proposition would be to just -- on this
25 very note, I'll write back a response that says you

JURY CHARGE

1 must reach a verdict based on the evidence that you
2 have in your possession, or something to that
3 effect. I mean, basically, we can't add any more
4 at this time.

5 What is your all's position?

6 MR. DeBUSK: I think that the proper answer
7 is you have to reach your verdict on the
8 instructions and evidence you have now.

9 MR. TODD: I think that is sufficient, Your
10 Honor.

11 THE COURT: I just responded "You must reach
12 a verdict based on the evidence and the charge you
13 have been provided."

14 Is that okay?

15 MR. DeBUSK: Yes, Your Honor.

16 (A recess was taken as the jury continues to
17 deliberate.)

18 THE COURT: We have another two questions
19 from the jury.

20 First: "Can we see Detective Bellamy and
21 Franklin's testimony about searching for weapons
22 between Archie's and Seacoast?"

23 The second question is: "Can the defense
24 attorney of their own investigation -- or do their
25 own investigation and interview their own

JURY CHARGE

1 witnesses?"

2 Certainly, we can't respond to that. I
3 mean -- or I can say we can't answer that question.

4 The first question, with regard to Detective
5 Bellamy and Franklin's testimony about searching
6 for weapons between Archie's and Seacoast, what
7 says the State?

8 MR. DeBUSK: I think we can replay their
9 testimony, but we have to play it in full.

10 MS. CALDWELL: I'm sure that -- we have no
11 objection to that?

12 THE COURT: Now, I know each of them
13 testified two separate times. One was for the Neil
14 v. Biggers, and the other two were in front of the
15 jury. So was there another portion?

16 MR. DeBUSK: Franklin testified first about
17 processing the scene, and then he testified in Neil
18 v. Biggers hearing, and then again about the lineup
19 for the jury.

20 THE COURT: So with regards to this question,
21 I think it might be sufficient that we only play
22 them the first portion of the testimony -- or what
23 is your position?

24 MR. DeBUSK: Of Detective Franklin, but I
25 think the issue was covered twice with Detective

JURY CHARGE

1 Bellamy.

2 MS. CALDWELL: That is the best of my
3 recollection. I do know that I asked him on cross,
4 and when I called him as my own witness on direct.
5 But if they only want to hear it once, I asked
6 pretty much the same questions.

7 MR. TODD: I believe both times for Bellamy
8 will have to be played because there was similar
9 questions, but different questions asked.

10 MS. CALDWELL: I believe I only asked
11 Franklin the second time about the lineup.

12 THE COURT: You want me to bring in the jury
13 and ask them if they want to hear it and what it
14 is?

15 MR. DeBUSK: Yes, sir. That would be a good
16 start.

17 MS. CALDWELL: Did you say for the second one
18 you would write that the answer is within the jury
19 charges?

20 THE COURT: No. I'm -- I'm going to propose
21 a response now, and you'll hear it, and we'll go
22 from there.

23 (A brief pause in the proceedings.)

24 THE COURT: So in response to these two
25 questions I've handwritten a response. It says:

JURY CHARGE

1 "In response to Question No. 1, we can replay
2 testimony of Detective Bellamy and Detective
3 Franklin. If you decide to hear the testimony, it
4 must be heard in full. Detective Bellamy testified
5 on two occasions for a total of two hours.
6 Detective Franklin testified for 53 minutes.
7 Please let the Court know what testimony you would
8 like to hear, if any."

9 And then in response to Question No. 2:
10 "Your verdict must be based on the testimony and
11 evidence that is in the record of this case and the
12 law that has been provided to you. Judge Deberry."

13 Any objection to that response?

14 MR. DeBUSK: None from the State.

15 MS. CALDWELL: That is sufficient.

16 THE COURT: So what I'll do is staple these
17 two and make them the Court's exhibit and ask it be
18 given to the jury, and I'll await a response.

19 (A recess was taken while the jury continued
20 to deliberate.)

21

22 THE COURT: Thank you. Be seated.

23 We have another question. "If the
24 defendant's attorney wants info or evidence, phone
25 records, et cetera, can they get on their own? Can

JURY CHARGE

1 they use video surveillance without the State's
2 approval for trial?"

3 And it is also signed by -- it says, "Foreman
4 in disagreement. Question already answered."

5 That's what it says.

6 MR. DeBUSK: I think Your Honor has already
7 answered it, which is you have to decide on the
8 instructions and evidence already given. Even
9 though the answer is yes, you can't tell them that.

10 MS. CALDWELL: I don't necessarily agree the
11 answer is yes. Some of the video surveillance and
12 stuff I can't get without the assistance of the
13 State or officers. But I agree that you already
14 told them the answer in telling them that the jury
15 -- they already have all of the information that we
16 can give them.

17 THE COURT: All right. So I think I can
18 write a response on the bottom. There will be a
19 response, and we'll send it back with them.

20 (Court's Exhibit 10 marked.)

21 THE COURT: I'm simply writing: "The jury
22 must reach a verdict based on testimony and
23 evidence and the law you have been provided."

24 Is that okay?

25 MR. DeBUSK: Yes, Your Honor.

VERDICT

1 THE COURT: And that is a Court's exhibit.

2 All right. Time is 3:38 p.m., we'll be at
3 ease.

4 (A recess was taken while the jury continues
5 to deliberate.)

6 (The time is 5:36 p.m.)

7 THE COURT: I understand we have a verdict.
8 Let me go ahead and speak to everybody that is in
9 here.

10 I'm going to warn you now that, again, this
11 is a public place. Anybody is welcome to be here,
12 but if there is any reaction to the verdict,
13 whatsoever, you will be removed from this
14 courtroom, and whatever else happens will be up to
15 law enforcement. So if you don't think you can
16 hear this verdict and not react to it, then please
17 go ahead and leave the courtroom at this time. All
18 right.

19 At this time, if we can have the jury,
20 please.

21 (The jury enters at 5:38 p.m., and the
22 following is heard in the presence of the jury.)

23 THE COURT: All right. Mr. Foreman, has the
24 jury reached a verdict?

25 FOREPERSON: We have.

VERDICT

1 THE COURT: Is it unanimous? Do all 12
2 people agree to the verdict?

3 FOREPERSON: Yes, sir.

4 THE COURT: Okay. If you will, hand it to
5 the clerk of court.

6 (A brief pause in the proceedings.)

7 THE COURT: Madam Clerk, will you publish the
8 verdict?

9 THE CLERK: On Indictment 2021-GS-26-3375,
10 2021-GS-26-3376, as to the charge of murder, we the
11 jury unanimously find the defendant not guilty.

12 As to the charge of voluntary manslaughter,
13 we the jury unanimously find the defendant guilty.

14 As to the charge of possession of a weapon
15 during the commission of a violent crime, we the
16 jury unanimously find the defendant guilty.

17 Signed by foreperson of the jury, dated
18 May 19, 2023.

19 Ladies and gentlemen of the jury, if this is
20 your verdict, so signify by raising your right
21 hand.

22 Thank you.

23 THE COURT: All right. Please let the record
24 reflect that each juror raised their right hand.

25 All right. Is the State ready to proceed?

VERDICT

1 MR. DeBUSK: Court's indulgence for a moment,
2 Your Honor.

3 (A brief pause in the proceedings.)

4 THE COURT: You all can have a seat.

5 MR. DeBUSK: I think I may need a moment to
6 prepare the sentencing sheets.

7 THE COURT: If the attorneys can approach for
8 a moment?

9 (Whereupon, a bench conference was had.)

10 THE COURT: Ladies and gentlemen, I'll ask
11 you to go to your jury room for just a moment.
12 We'll have you right back out. We appreciate your
13 service. Like I said, we'll have you right back
14 out. Thank you so much.

15 (The jury exits at 5:41 p.m., and the
16 following is heard out of the presence of the jury.)

17 (A brief pause in the proceedings.)

18 THE COURT: Mr. Riggins, will you please
19 stand and raise your right hand.

20 (DRISCOLL RIGGINS, having been duly sworn,
21 testified as follows:)

22 THE COURT: Are you under the influence of
23 any drugs or alcohol today?

24 MR. RIGGINS: No, sir.

25 THE COURT: Do you have any mental or

VERDICT

1 physical condition that prevents you from
2 understanding what you are doing today?

3 MR. RIGGINS: No, sir.

4 THE COURT: So you understand we've been
5 through your trial and there is an indicted case
6 for the unlawful possession of a firearm by a
7 person convicted of a violent offense that has not
8 gone to this jury, and they have not yet considered
9 that charge. But at this point in time, you are
10 deciding to plead guilty to that charge. Is that
11 your understanding?

12 MR. RIGGINS: Yes, sir.

13 THE COURT: Is that what you want to do?

14 MR. RIGGINS: Yes, sir.

15 THE COURT: You understand that by pleading
16 guilty to that charge you are giving up the right
17 for this jury to decide whether you are guilty of
18 that charge. Do you understand that?

19 MR. RIGGINS: Yes, sir.

20 THE COURT: Has anyone threatened, promised
21 you, or coerced you to get you to plead guilty to
22 this charge?

23 MR. RIGGINS: No, sir.

24 THE COURT: You are doing so freely and
25 voluntarily?

VERDICT

1 MR. RIGGINS: Yes, sir.

2 THE COURT: Are you satisfied with your
3 attorney?

4 MR. RIGGINS: Yes, sir.

5 THE COURT: And you understand if you don't
6 agree with the decision on this plea, you can
7 appeal this decision within ten days in writing to
8 this Court. You understand that?

9 MR. RIGGINS: Yes, sir.

10 THE COURT: And you are pleading guilty,
11 again, freely and voluntarily?

12 MR. RIGGINS: Yes, sir.

13 MR. DeBUSK: The factual basis?

14 THE COURT: Yes, sir.

15 MR. DeBUSK: On the day of this incident,
16 May 21, 2021, the defendant possessed a firearm.
17 He has a prior conviction for attempted armed
18 robbery, which is a violent and serious offense,
19 from 2014.

20 THE COURT: Mr. Riggins, are those facts
21 true?

22 MR. RIGGINS: Yes, sir.

23 THE COURT: So I find there is a substantial
24 factual basis for your plea. You are entering your
25 plea freely, voluntarily, and intelligently with

VERDICT

1 the advice of counsel, from Ms. Caldwell, with whom
2 you say you are satisfied, and I'll accept your
3 plea.

4 At this time, I ask that we have the jury
5 back.

6 (The jury enters at 5:49 p.m., and the
7 following is heard in the presence of the jury.)

8 THE COURT: Ladies and gentlemen, at this
9 time I would like to take this opportunity to thank
10 you for your hard work, service, and your
11 dedication, attention, and your willingness to see
12 this to a resolution this week and hear this
13 evidence and make these decisions. For that, we
14 can only thank you.

15 Many people call this system of justice the
16 greatest that has ever been created, and I
17 certainly believe that. There is simply no other
18 system of justice that has ever been created in the
19 world that works as well as ours does. Without the
20 jury process, we certainly couldn't have this
21 system of justice. Please understand that your
22 service this week, you know, ensured that justice
23 was served in these days, and I can't thank you
24 enough for your time, patience, and your attention
25 and dedication this week.

VERDICT

1 You will receive a check from Horry County.
2 Please don't blame me when you get it. I'm not
3 sure how much it will be. I'm sure it won't be
4 enough. But at this time, you are free to go.
5 What's left to do in this matter is to have the
6 sentencing hearing. That will take place right
7 now. You are more than welcome to stay. You can
8 stay seated if you would like to, but I'll also
9 give you an opportunity to leave if you would like
10 to. That is up to you. We'll give you a minute or
11 two to make your mind up, and if you would like to
12 leave, you are welcome to go out that door you just
13 came in. If you would like to stay, you are
14 welcomed to stay.

15 (A pause in the proceeding while some of the
16 jurors leave the courtroom.)

17 THE COURT: Is there anything you would like
18 to place on the record before sentencing?

19 MR. DeBUSK: Not from the State.

20 MS. CALDWELL: I renew all of my objections
21 made throughout the trial. I renew my directed
22 verdict motion, and respectfully request a new
23 trial based on the outcome. I respectfully request
24 a new trial.

25 THE COURT: I understand, and I appreciate

VERDICT

1 your objections. They are noted for the record,
2 and your motions. I'll deny those motions, but
3 they are on the record for your client's
4 protection.

5 Is the State ready?

6 MR. DeBUSK: State is ready.

7 THE COURT: I'll hear from you.

8 MR. DeBUSK: Your Honor, most of Mr. Riggins'
9 record is already in the record. He had a prior
10 conviction for strong armed robbery, for attempted
11 armed robbery, and attempted possession of a weapon
12 by a felon. The only thing he has is a misdemeanor
13 breach of peace conviction in 2009.

14 Your Honor, under these circumstances, with a
15 prior most serious offense, the armed robbery, he
16 could have been eligible for life without parole,
17 but it is not the case in this trial. However, we
18 do take serious the fact that he has a prior
19 conviction for a most serious offense, being the
20 attempted armed robbery.

21 THE COURT: When was that?

22 MS. CALDWELL: 2014.

23 MR. DeBUSK: It was 2014, and he was
24 sentenced to, I believe, five years.

25 THE COURT: And when was the last time he was

VERDICT

1 charged with anything prior to?

2 MR. DeBUSK: The North Carolina charge for
3 attempted possession of a weapon by a convicted
4 felon, which was 2020. The actual conviction date
5 was 2021, so right before this happened.

6 THE COURT: All right.

7 Ms. Caldwell -- or is there anything further?

8 MR. DeBUSK: There are the victim's family
9 and representatives that would like to speak.

10 THE COURT: All right. We'll hear from them
11 at this time.

12 MS. SWAN: My name is Danielle Swan
13 (phonetic). I'll be representing the family.

14 Good evening. On behalf of the family, we
15 would like to give thanks to the Honorable DeBerry
16 for hearing Durance's case, and the State
17 Solicitor's Office for representing Durance in this
18 matter.

19 Sunday marks the second year anniversary of
20 Durance's death. This has not been easy for our
21 family, and it has not been easy for his children.

22 Durance was loved by many, as you can see
23 from the family support during the trial. Durance
24 is not here to tell his side of the story of what
25 happened that night. We do not know if he cried

VERDICT

1 for his mother or if he was thinking about his
2 children as he fought for his life. We do not
3 know, and we'll never know, because he's not here
4 to tell us.

5 A night out with friends on May 21 turned
6 into Durance's last night out in life. We know
7 that he has been portrayed to be a bully, a
8 problem, but that does not make him not worthy of
9 justice. A quote by Colleen Hoover says -- and I
10 quote -- "There is no such thing as bad people. We
11 are all just people who do bad things sometimes."

12 Durance was not perfect, and sometimes
13 everyone has a bumpy start, but we live to improve,
14 but Durance will never be able to show his
15 improvements or show he was a great father or a
16 lovely son, a brother, and a friend because he was
17 taken away from us.

18 Durance was not on trial here, and I know if
19 the shoe was on the other foot, the defendant's
20 family would feel the same way we feel today. I
21 quote Mr. George DeBusk from a previous crime he
22 prosecuted in the county, and I quote, "When
23 someone comes out of the blue from nowhere and
24 kills someone, that causes fear in the community,"
25 end quote.

VERDICT

1 Durance did not see his death coming that
2 night he was killed. He truly was enjoying a night
3 out with his friends when death came out of
4 nowhere.

5 Durance was born and raised in Horry County
6 making him a citizen. In an Horry County mission
7 statement it states: "Our mission is to provide a
8 community environment in which the citizens and
9 visitors of Horry County can enjoy the highest
10 quality of life." That means Durance, his family,
11 his children are all entitled to an environment
12 that we can enjoy the highest quality of life.
13 With a short sentence, we, as citizens, will not be
14 able to enjoy anything because we will have to live
15 in fear every day because we do not know the
16 intentions of anyone.

17 We, as a family, just ask that the maximum
18 penalty allowed pertaining to the voluntary
19 manslaughter statute be considered. We ask this
20 because this is not only for the justice for
21 Durance, but also for the safety of the citizens in
22 Horry County. Thank you.

23 MR. DeBUSK: Your Honor, the victim's mother,
24 Kara McCray, is also present in the courtroom, but
25 she doesn't feel she can speak right now, and there

VERDICT

1 are various other family members who feel the loss
2 very deeply and has been here throughout the trial.

3 THE COURT: I understand. Thank you.

4 Ms. Caldwell.

5 MS. CALDWELL: Your Honor, first I'll start
6 with Mr. Riggins' record. It's very limited even
7 for charges, and certainly for convictions. It
8 is -- just as Mr. DeBusk stated -- there was a 2010
9 common law strong armed robbery that was pled under
10 North Carolina v. Alford, as you know. That is not
11 necessarily saying that he plead guilty, but that
12 is saying that he had some kind of involvement,
13 basically.

14 The next charge and conviction was a 2014
15 attempted armed robbery. There was no direct harm
16 to a person. There was a weapon held at the time
17 of an incident of a burglary or robbery.

18 The 2020 attempt to possess a weapon, that
19 was a firearm that was lawfully owned by someone
20 else left in the vehicle that he was driving that
21 evening. That is how he got charged with that, and
22 that is why it was reduced to attempted.

23 He did serve his sentence. North Carolina
24 did a split sentence of probation and active jail
25 time, and it was jail time, not prison time. He

VERDICT

1 served that jail time.

2 As of 2022, his probation has been terminated
3 by North Carolina. I haven't been able to get in
4 touch with them, but I presume it is because how
5 long he's been incarcerated here, they recognize
6 he's done ample time. He did plead guilty, but
7 that is the last charge since 2014, since he was
8 young.

9 None of these crimes involved direct
10 assaults, domestic violence, attempts to harm other
11 individuals specifically. He, by all means, was
12 trying to restart himself after this last charge.
13 He got a new job. He previously worked in
14 landscaping, but had to change his job because of
15 people targeting him, because he was outside and
16 being harassed. So when he got out of jail with
17 these -- finishing up his punishment for the
18 attempted possession, he changed to a restaurant
19 job.

20 He tells me he's been minding his own
21 business, trying to stay quiet, stay out of the
22 way. He even reduced himself to leaving his home
23 only at nighttime, if not at work, because of how
24 much he was in fear. I understand and respect the
25 family and friends' grief, I truly do, but,

VERDICT

1 unfortunately, both men were in fear. They were
2 having problems, and they were arguing back and
3 forth. But Mr. Riggins was the one who suffered
4 from having to go out at night like a raccoon or
5 some other animal.

6 His family has been here as well. His
7 mother, sisters, girlfriend. He is loved and
8 supported, and he's loved and supported by his
9 children, and his family supports him.

10 Every time I speak to them -- and one of the
11 first things they said to me is they didn't believe
12 this charge when they first heard it. They didn't
13 know how it happened, because he was raised right.
14 They keep telling me -- and I must say that my time
15 representing Mr. Riggins, he has been nothing but
16 respectful, kind, well spoken, eloquent. He
17 understands that what he did was wrong. He
18 understands that his possession of a firearm was
19 not legal, but that's how much he was afraid. He
20 was willing to risk being charged with that, and he
21 was here.

22 He knows that he shouldn't have shot
23 Mr. McCray, but he also -- and I truly believe --
24 felt that he was put in that position. Mr. Riggins
25 did not start this violence. He did not start the

VERDICT

1 beef. He didn't start the problems, but he had to
2 deal with them and live with them either way.

3 It is unfortunate what this came to, but we
4 can't go back and fix the past. I'm asking Your
5 Honor to please consider a reasonable and minimal
6 sentence. He's served 720 days, almost two years
7 to the day. I'm fairly certain he will live with
8 the guilt, the consciousness, the awareness of what
9 happened that night for the rest of his life. He
10 has to deal with that. He has to take up
11 responsibility for what he did, and he has. He
12 started in May 21, and he kept on taking
13 responsibility.

14 I respectfully ask Your Honor -- I know you
15 can consider a time served sentence, two years,
16 he's done it. I know you may not be inclined to,
17 but I do beg you to consider it. If not, I ask
18 that you consider a reasonable sentence, preferably
19 less than ten years.

20 THE COURT: Thank you, Ms. Caldwell.

21 Any members of Mr. Riggins' family that would
22 like to address the Court?

23 MS. CALDWELL: I don't think so.

24 THE COURT: Mr. Riggins, would you like to
25 address the Court?

VERDICT

1 MR. RIGGINS: No, sir.

2 THE COURT: All right, sir.

3 (A brief pause in the proceedings.)

4 THE COURT: All right. Mr. Riggins, on
5 2021-GS-26-03375, for the offense of voluntary
6 manslaughter, you are committed to the State
7 Department of Corrections for a term of 25 years,
8 giving you 720 days time served credit.

9 For the possession of a firearm during the
10 commission of a violent crime, sentence of the
11 Court is that you are committed to the State
12 Department of Corrections for a term of five years,
13 but I'll allow that to run concurrent with your
14 voluntary manslaughter, give you credit for 720
15 days.

16 On the charge of possession of a firearm or
17 ammunition by a person convicted of a violent
18 felony, the sentence of the Court is that you are
19 committed to the County Detention Center for a term
20 of 720 days, given credit for time served. Good
21 luck to you.

22 MR. DeBUSK: May we approach, briefly, Your
23 Honor?

24 THE COURT: Yes, sir.

25 (Whereupon, a bench conference was had.)

VERDICT

1 THE COURT: All right. Is there anything
2 further before we adjourn?

3 MR. DeBUSK: Nothing further from the State.

4 THE COURT: Defense?

5 MS. CALDWELL: Nothing.

6 THE COURT: Thank you all.

7 (*Whereupon, the trial of the State of South*
8 *Carolina versus Driscoll Riggins concluded at 6:08*
9 *p.m., May 19, 2023.*)
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Voluntary Statement

Case Number: 2021-010157Time: 1:25 Place: NMBDPS Page 1 of 1I, ~~Stefani Cano~~ Stefani Cano am 31 years old and live at
Captain Archies Phone #: 214-876-1095I am giving this statement to: Office Bellamey

I volunteer the following information of my own free will, for whatever purpose it may serve:

On May 21 at around 11:10 the dish wash (I don't know his name) approached me in the Kitchen and offered me a \$100 dollars to watch this man in a white shirt with a high fade I said ~~fine~~ fine he wanted to know when he left. So I went out to the bar took a picture and then was drinking and got distracted. When I noticed the guy in the white shirt was gone I went to the kitchen and the dishwasher was gone and a few moments later there ~~was~~ were shots in the parking lot and the guy didn't come back.

End of Statement

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials and I certify that the facts contained herein are true and correct. I also certify that I have received a copy of this statement.

Signature: *Stefani Cano* Witness: *Christina M. Bell*This 22 day of May, 2021 Witness: _____

584 WITNESSES

Christopher M Bellamy North Myrtle Beach Dept
of Public Safety

OWEN LYNAM

ARREST WARRANT NUMBER

2021A2620700265

CDR: 3434 16-23-0500(A)

DOA: 5/31/2021

ACTION OF GRAND JURY

[Signature]
Foreperson of Grand Jury
Date: AUG 19 2021

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS2603377

The State of South Carolina

County of Horry

George H. DeBusk, Jr.
21H02999

COURT OF GENERAL SESSIONS

AUGUST, 2021 TERM

THE STATE

vs.

Driscoll Riggins Jr
B/ M

h, SC 29582

ATTORNEY: James Cullen Galmore

Indictment for

UNLAWFUL POSSESSION OF FIREARM BY
PERSON CONVICTED OF A VIOLENT OFFENSE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

HORRY COUNTY

2021 AUG 19 A 11:56

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

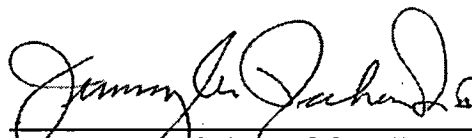
At a Court of General Sessions, convened on August 18, 2021, the Grand Jurors of Horry County present upon their oath:

UNLAWFUL POSSESSION OF FIREARM BY PERSON
CONVICTED OF A VIOLENT OFFENSE

CDR: 3434 16-23-0500

That Driscoll Riggins Jr did in Horry County on or about May 21, 2021, knowingly possess or acquire a firearm and or ammunition after having been convicted of a violent crime defined in Section 16-1-60, S. C. Code of Laws, 1976, as amended, in violation of Section 16-23-0500, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

580 WITNESSES

Christopher M Bellamy North Myrtle Beach Dept
of Public Safety

Edward Lynum

ARREST WARRANT NUMBER

2021A2620700263

CDR: 0116 16-03-0010, 0020
DOA: 5/30/2021

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: AUG 19 2021

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS2603375

The State of South Carolina

County of Horry

George H. DeBusk, Jr.
21H02999

COURT OF GENERAL SESSIONS

AUGUST, 2021 TERM

THE STATE

vs.

Driscoll Riggins Jr
B/M
[REDACTED]le
[REDACTED]each, SC 29582
[REDACTED]15
[REDACTED]

ATTORNEY: James Cullen Galmore

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

HORRY COUNTY

2021 AUG 19 A 11: 56

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on August 18, 2021, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Driscoll Riggins Jr did in Horry County, on or about May 21, 2021, willfully, feloniously, and intentionally kill the victim, Durance Mccray, with malice aforethought, either express or implied, by means of Shooting, and the victim did die as a proximate result thereof on or about May 21, 2021, in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

588

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Driscoll Riggins Jr

AKA:

Race: BLACK Sex: M Age: 31DOB: 992 SS#: [REDACTED]Address: Jack CircleCity, State, Zip: North Myrtle Beach, SC 29582DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: Weapons / Possession of Firearm or Ammunition by person convicted of violent felony (up to 5 years)in violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] SCB16182 Driscoll Riggins
 DeBusk, Jr., George H. SC Bar # Defendant

[Signature] 104612
Galtmore, James Cullen SC Bar#
 Attorney for Defendant
WHEREFORE, the Defendant is committed to the ☐ State Department of Correction, ☒ County Detention Center,for a determinate term of 720 days/months/years Time Served ☐ Youthful Offender Act not to exceed 10 yearsand/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years Time Served and on paymentof \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED]

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

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: [REDACTED]
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc.
720 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2603377A/W#: 2021A2620700265Date of Offense: 5/21/2021S.C. Code §: 16-23-0500(A)CDR Code #: 3434

SENTENCE SHEET

720 days + 1/2
 Horry County
 Clerk of Court
 REBEKAH LEVINS
 MAY 19 2021 6:47
 Horry County, SC

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 6-19-2024

§14-1-206 (Assessments 107.5 %)	\$100	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$
§56-5-2942(J) (Vehicle Assessment)	TBD	\$ 3.75
3% to County (if paid in installments)		

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

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Renee Elvis
Court Reporter: Natalie Dahl

Presiding Judge: W. A. DeLoach
Judge Code: 2771
Sentence Date: 5/19/2023

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Driscoll Riggins Jr

AKA:

Race: BLACK Sex: M Age: 31DOB: 92 SS#: [REDACTED]Address: [REDACTED] CircleCity, State: North Myrtle Beach, SC 29582DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021GS2603375A/W#: 2021A2620700263Date of Offense: 5/21/2021S.C. Code §: 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Voluntary Manslaughter (1 to 30 years)in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

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

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] SCB16182

SCB08386

DeBusk, Jr., George H. SC Bar # Defendant

Galmore, James Cullen
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 25 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 720 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

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HORRY COUNTY, SC
MAY 19 P 6:47

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 6-19-2018

§14-1-206 (Assessments 107.5 %)	\$100	\$ <u>100.00</u>
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$
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TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Renee ELVIS
Court Reporter: NATALIE DAHL

Presiding Judge: X182 DEB S
Judge Code: 2771
Sentence Date: 5/19/2023

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Gary H. Johnson
Appellate Defender

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Jul 17 2024

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 17th day of July, 2024.

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Jul 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

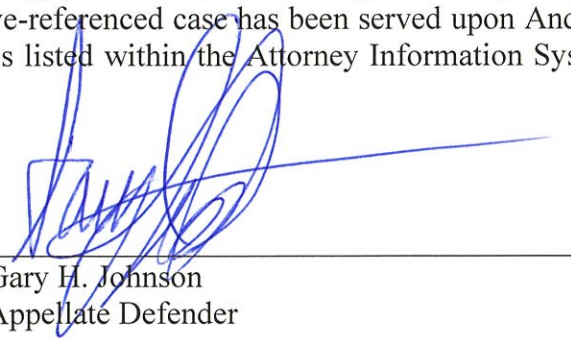
DRISCOLL RIGGINS, JR.

APPELLANT

APPELLATE CASE NO. 2023-000868

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Andrew D. Powell, Esquire, at the primary email address listed within the Attorney Information System (AIS) this 17th day of July, 2024.



Gary H. Johnson
Appellate Defender

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

ATTORNEY FOR APPELLANT