

The Defendant filed a Memorandum in Support on April 4, 2024. The State filed a Response on April 8, 2024. The Defendant argues the Defense failed to completely present mitigation at the time of sentencing, the current sentence does not fully consider the Defendant's brain development and mitigating factors regarding the Defendant's life and social environment, and the current sentence violates the 8th Amendment of the United States Constitution and Article 1, Section 15 of the South Carolina Constitution. The State argues the Defendant seeks to merely rehash and repackage the information previously provided to the Court at the sentencing hearing, the Defendant was a legal adult, and nearly twenty-two (22) years old at the time of the offense, the Defendant deliberated for nearly twenty-four (24) hours prior to the killing, the Defendant has a criminal history², and the sentence rendered in this case is proper and well within the normal sentencing range for a crime of this magnitude and circumstance. Having considered Defense's Motion, as well as the various interests balance by the Court at the time of sentencing, the Defendant's Motion to Reconsider Sentence is heard and respectfully Denied.³

FACTUAL HISTORY

The Defendant was charged with Murder, Indictment Number: 2024-GS-10-00589, and Possession of a Weapon During Violent Crime, Indictment Number: 2024-GS-10-00590. At trial evidence was produced to show that on Monday night, July 12, 2021, the Victim (David Lee Conner) was in his apartment when he was disturbed by an apparent neighbor speaking too loudly on the phone directly outside of his apartment door. The Victim left a contemporaneous voicemail with the Bolton's Landing Apartments' property management office informing the office that he

² The Defendant has the following criminal history: 2016 Burglary, Second Degree (Violent); 2017 Financial Transaction Card Theft; 2017 Breaking into a Motor Vehicle; 2017 Receiving Stolen Goods. For all convictions the Defendant received an active YOA sentence with his YOA parole ending in 2019.

³ This Motion is disposed of without the necessity of a hearing and decided on the record and briefs and motions submitted by the parties. See Rule 29, SCRCrimP.

2/2/25
[Signature]

asked the apparent neighbor to move to a location farther from his door and an unpleasant verbal exchange occurred. The nature and tone of this interaction left the Victim seeking assistance from the apartment management, telling them "I'm worried that it's not a good situation." The following day, while entering his apartment after work, the Victim was shot at close range in the back of his head. A 10-millimeter shell casing was located at the scene of the crime. Further evidence was produced showing the Defendant was staying at his sister's house (David Conner's neighbor) at the time of confrontation the night before the murder, as well as evidence that the Defendant was on the phone at that time, consistent with the voicemail complaint. Further evidence was produced to establish the Defendant's presence in the area of the crime at the time of the killing, despite telling police he had left the area earlier and to establish the Defendant left the scene minutes after the victim was shot. Additional evidence was produced from a Ring camera and social media establishing the Defendant possessed a 10mm handgun, an uncommon caliber to be used in crime, prior to the shooting and sold a 10mm handgun after the shooting. Evidence was also produced showing the Defendant searched the internet on his cell phone for information regarding the Victim's employer and work vehicle. Said searches began after the Monday confrontation and lead up to the Victim's murder the following afternoon.

CONCLUSIONS OF LAW

"The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion." State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed." Hicks, 377 S.C. at 325, 659

3 345
[Signature]

S.E.2d at 500. The South Carolina Supreme Court has held, "it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment," notably, "the fullest information possible concerning the defendant's life and characteristics." State v. Cantrell, 250 S.C. 376, 379-80, 158 S.E.2d 189, 191 (1967) (citing Williams v. People of State of New York, 337 U.S. 241, 69 S. Ct. 1079 (1949)).

The Defendant presently asks the Court to reconsider the forty (40) year sentence imposed for Murder (Indictment #: 2024-GS-10-00589) and five (5) year sentence imposed for Possession of a Weapon During a Violent Crime (Indictment #: 2024-GS-10-00590). The Defendant asserts the Defense failed to completely present mitigation at the time of sentencings, the current sentence does not fully consider the Defendant's brain development and mitigating factors regarding the Defendant's life and social environment. At the sentencing hearing, the Defendant presented extensive mitigation that included the Defendant's familial background, upbringing, childhood, and social environment. It is clear from the record that Defense Counsel was more than adequately prepared and made a complete and thorough mitigation presentation for the Court's consideration prior to sentencing. The court is cognizant of the Roper, Graham, and Miller progeny of cases and took the Defendant's age, full social history, accompanying brain development, and all mitigation into consideration in sentencing.⁴ See Roper v. Simmons, 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005); Graham v. Florida, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010); Miller v. Alabama, 567 U.S. 473, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012). While the Court has considered the Defendant's mitigating circumstances in sentencing, the Court notes that Roper,

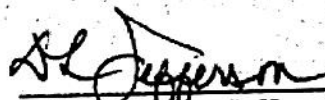
⁴ The State requested and argued for a more stringent range of penalty, that being a life sentence.

4/15
AK

Graham, and Miller are not analogous to the present case. Id. The Defendant is not under the age of majority, he was not facing a death sentence, and he did not receive a life sentence.⁵

The Court finds that the Defendant has outlined no sound reason for the Court to alter its sentence. The Defendant's Motion raises no new issues, nor proffers any arguments not considered by the Court at the Defendant's sentencing. The Court gave the Defendant and his Counsel ample opportunity to present mitigating evidence after conviction, prior to and at the time of sentencing. Moreover, Defense Counsel presented full mitigation on the Defendant's behalf prior to the imposition of sentence. For the foregoing reasons, the Defendant's Motion to Reconsider Sentence filed April 4, 2024 is heard and is respectfully Denied.


AND IT IS SO ORDERED.



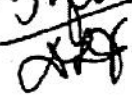
Hon. Deadra L. Jefferson
Presiding Judge
Ninth Judicial Circuit

2128

July 26, 2024
Charleston, South Carolina

FILED
2024 JUL 26 PM 4:09
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

⁵ The Defendant was twenty (20) years of age at the time of the incident in 2021 and twenty-four (24) years of age at the time of trial and sentencing.

5 515


FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON, APR 4 2024) FORTH NINTH JUDICIAL CIRCUIT

JULIE J. ARMSTRONG
CLERK OF COURT
Case No(s): 2021A1010900367-68,
2024 GS 10 00589, 2024 GS 10 00590
Charge(s): Murder, Possession of Weapon during
a Violent Crime

STATE OF SOUTH CAROLINA)
BY)

-versus-

KARSEEM N. HARDAWAY,)

MOTION TO RECONSIDER SENTENCE

Defendant.)
_____)

TO: Chad Simpson, Assistant Solicitor for the Ninth Judicial Circuit:

PLEASE TAKE NOTICE that the above- captioned Defendant, by and through the undersigned attorney, moves this Honorable Court for a reconsideration of the sentence imposed upon the Defendant on March 28, 2024 by the Honorable Deadra Jefferson, pursuant to the above - captioned charges.

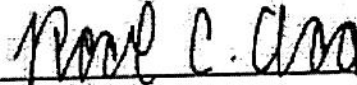
The motion will be made upon the grounds that:

1. The sentence imposed by the Court is unnecessarily severe and does not fully take into consideration the fact that the Defendant's brain was not fully developed at the time of the offenses and other mitigating factors regarding his life and social environment. The Defense failed to thoroughly and completely present mitigation to the Court that should be taken into consideration.
2. Any further grounds as may hereafter be presented in a Memorandum in Support of the Motion to Reconsider Sentence to be filed by the Defense and any additional arguments made at the time of a hearing.

The Defendant prays for fair and adequate reconsideration of the sentence imposed and requests a hearing in front of the Court on the record following the filing of the Memorandum in Support of this Motion and any response filed by the State in response. Defense further moves for

the Court to notify counsel should a decision be made in this matter without a hearing in order to ensure that the Defendant's Appeal may be filed timely.

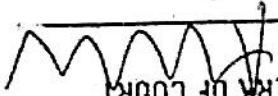
Respectfully Submitted,



Rachael C. Arora
Senior Assistant Public Defender
Attorney for Defendant

Charleston, South Carolina

Dated: 4/4/2024

BY 
JULIE J. ARMSTRONG
CLERK OF COURT
2024 APR - 4 PM 4: 02

FILED
Page 2 of 2

FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

2024 APR -8 AM 9:45
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

State's Response to Motion to Reconsider Sentence

vs.

Arrest Warrant #2021A1010900367
Arrest Warrant #2021A1010900368

KARSEEM NICHOLAS
HARDAWAY,

Indictment #2024-GS-10-00589
Indictment #2024-GS-10-00590

DEFENDANT.

Karseem Hardaway was convicted on March 28, 2024, by a jury of his peers of Murder and Possession of a Weapon During a Violent Crime. At the time of his offense, he was nearly twenty-two years old. When he killed David Conner via gunshot to the back of the head, the defendant had been of legal adulthood for over three years and ten months. The evidence proved that Mr. Conner was killed due to a mundane interaction with the defendant and his execution deliberated over for nearly twenty-four hours prior to the killing. Following conviction by a jury, the Honorable Judge Deadra Jefferson sentenced Mr. Hardaway to a forty-year active sentence, a sentence significantly shorter than the maximum Life Without Parole Sentence available to the Court for this crime. The sentence rendered in this case was proper and well within the normal sentencing range for a crime of this magnitude and circumstance.

ANALYSIS

Despite increasing attempts by the defense bar to make it so, a "Motion to Reconsider Sentence" is not intended as an automatic "do-over" after a valid sentencing hearing, granted as a matter of course to every criminal defendant unhappy about where his own choices have taken him. It is instead, in the interests of justice and the sentencing judge having all the relevant facts and circumstances before her, an opportunity for counsel to raise facts or issues that were not addressed during the initial sentencing due to counsel's mistake. This mechanism exists so that a criminal defendant does not suffer because his lawyer realizes after a hearing that that they inadvertently omitted a meaningful piece of mitigating information. If this was not true and sentencing reconsiderations were not so limited, then every criminal defendant unhappy with his sentence would have to be sentenced twice, whether after plea or trial. In short, the sentencing court would repeatedly find itself in the position of being asked "to do over what it thought it had

already done correctly.” State v. Higgenbottom, 344 S.C. 11, 17, 542 S.E.2d 718, 721 (2001) (quoting Colten v. Kentucky, 407 U.S. 104, 117 (1972)). A post-conviction “Motion to Reconsider Sentence” merely allows a party to promptly call the sentencing court’s attention to matters relevant to sentencing that may have been missed or not presented in the original sentencing hearing by the mistake of the attorney. See, e.g., State v. Hicks, 377 S.C. 322, 325-26, 659 S.E.2d 499, 501 (Ct. App. 2008) (recounting with apparent approval the trial court’s limitations placed on the motion to new information only).

The defense’s motion (and supportive memorandum) is brought before the Court pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, which contemplates that many motions brought under it can be “determined on briefs filed by the parties without oral argument.” Because a second sentencing hearing should typically be unnecessary, it is appropriate for a sentencing judge to review the submitted materials and, if unconvinced that anything about their sentencing actions were erroneous, deny the requested relief without putting the parties through the stress, emotion, and financial burdens of a second unnecessary sentencing hearing. The ability of the Court to deny relief without a hearing, specifically granted by the Criminal Rules, is not negated by the mere vague assertion by counsel that “further additional grounds” for relief may be later presented if a hearing is granted.

In the present case, the defense motion and supportive memorandum merely rehash and repackage the information previously provided the Court in the first proper sentencing hearing. The fact that they now add well-established legal doctrine applying to the sentencing of minors is not grounds to change a properly rendered sentence or grant a second burdensome hearing. The Court was doubtless well-aware of both the holdings and supportive rationale of the Roper, Graham, and Miller line of cases and gave these concepts the proper weight applicable, if any, to the defendant. Mr. Hardaway was nearly twenty-two when he committed these offenses, he had a criminal history and had previously spent time incarcerated, and he deliberated for nearly twenty-four hours before killing Mr. Conner for the idiotic reason that Mr. Conner asked him to hold it down in a residential area. The killing was well-planned and executed and indicative of absolute lack of concern for human life. A minimum sentence for Karseem Hardaway for the planned execution of a neighbor who was a stranger to him would be the usual occurrence, not the forty-year sentence he received, which, if anything, was quite forgiving considering the facts and circumstances of this crime.

Nothing the defense cites would prohibit or even dissuade a forty-year sentence given to a juvenile convicted as an adult for murder. Karseem Hardaway was nearly twenty-two when he committed this offense and no juvenile. There is absolutely no reason cited in the materials to put the victim's family, friends, and colleagues through an unnecessary second sentencing hearing. The defense motion and supportive memorandum should be reviewed carefully, considered, and promptly denied without further hearing, allowing Mr. Hardaway to continue with his direct appeal.

Respectfully Submitted,



4-9-24

Benjamin Chad Simpson
Assistant Solicitor

FILED
2024 APR - 8 AM 9:45
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

RECEIVED

Jul 30 2024

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT

SC Court of Appeals

STATE OF SOUTH CAROLINA,

VERDICT FORM

vs.

KARSEEM NICHOLAS HARDAWAY,

Defendant.

AS TO INDICTMENT NO.: 2024-GS-10-00589

We, the jury, by unanimous consent find the Defendant:

Guilty of Murder

OR

Not Guilty

Please sign and date

Corey [Signature] March 28, 2024

Foreperson

March 28, 2024

Please let the bailiff(s) know when you have finished your deliberations.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE

VS.

KARSEEM NICHOLAS HARDAWAY

AKA: Kareem Nicholas Hardaway, Karseem Hardaway
Race: Black Sex: M Age: 24

DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: [REDACTED]

DL# [REDACTED] SID# [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024-GS-10-00589

RECEIVED

AW#: 2021A1010900367

Date of Offense: 07/13/2021

Jul 30 2024

S.C. Code §: 16-03-0010

SC Court of Appeals

CDR Code #: 0116

SENTENCE SHEET

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

TO: Murder

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

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

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

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

ATTEST:

[Signature] 71257 Defendant Attorney for Defendant 102915 SC Bar #
Chad Simpson, Assistant Solicitor

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

for a determinate term of 40 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

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

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: 2024-GS-10-00590

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. 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.

SPECIAL CONDITIONS:

STATE KARSEEM
VS. NICHOLAS
HARDWAY

INDICTMENT/CASE#: 2024-GS-10-00589

PTUP after _____ months/years

And Other Terms Listed Below:

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

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:

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

	\$	\$
§14-1-206 (Assessments 107.5%)	\$100	\$ 100.00
§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	\$ 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)		
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Cheney
Maria-Manuel

Presiding Judge: _____
Judge Code: _____
Sentence Date: _____

Al Jefferson
2128
3 | 28 | 2024

BCS/0382500
WITNESSES

Charleston City Police Department

Atanve / Atanve

AGENCY CASE NUMBER

2021-10360

ARREST WARRANT NUMBER

2021A1010900367

DATE OF ARREST

09/08/2021

ACTION OF GRAND JURY

TRUE BILL

Marvin Royal
Foreperson of Grand Jury

FEB 12 2024

Date:

VERDICT

Guilty

Craig Kesner
Foreperson of Petit Jury

March 28, 2024

Date:

DOCKET NO. 2024-GS-10-00589

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2024

THE STATE

VS.

KARSEEM NICHOLAS

HARDAWAY

B/M DOB: [REDACTED]

Indictment for

MURDER

SC Code: § 16-03-0010

CDR Code: 0116

RECEIVED

Jul 30 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

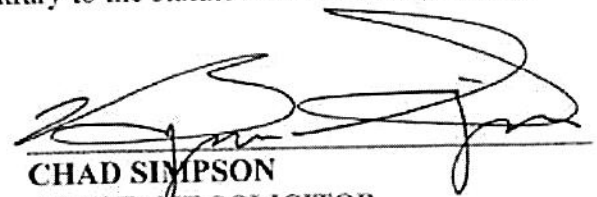
INDICTMENT

At a Court of General Sessions, convened February 2024, the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County, South Carolina on or about July 13, 2021, the defendant, Karseem Nicholas Hardaway with malice aforethought did kill and murder David Conner by means of shooting him, and David Conner did die in Charleston County as a proximate result thereof on or about July 13, 2021 in violation of §16-3-10 of the South Carolina 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.


CHAD SIMPSON
ASSISTANT SOLICITOR

ARREST WARRANT

2021A1010900367

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Karseem Nicholas Hardaway

Address: [Redacted]

Phone: (843)259-5916 SSN: [Redacted]

Sex: M Race: B Height: 5 10 Weight: 150

DL State: SC DL #: [Redacted]

DOB: [Redacted] Agency ORI #: [Redacted]

Prosecuting Agency: Charleston City Police Department

Prosecuting Officer: Daniel G Wilson - S00306

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Karseem Nicholas Hardaway
on 9/17/2021

MR
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Daniel G Wilson who

being duly sworn deposes and says that defendant Karseem Nicholas Hardaway
did within this county and state on or about 7/13/2021 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Charleston)
in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

See Attached Affidavit

ORIGINAL

SEP 3 15:17
OFFICER INITIALS
HCIC INITIALS

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 180 Lockwood Blvd.

Charleston, SC 29403-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/13/2021 defendant Karseem Nicholas Hardaway

did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 9/3/2021

Ellen S. Steinberg (L.S.)

Signature of Issuing Judge
Ellen Soffar Steinberg
Judge Code: 7280

Judge's Address 1720 Sam Rittenberg Blvd, Unit 11

Charleston, SC 29417-

Judge's Telephone (843)-76-6-65 x 31

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

RECEIVED

Jul 30 2024

SC Court of Appeals

BAIL set by

Judge Richardine Singleton-Brown

9/8/2021

Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
in _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition _____
Sentence _____

JURORS

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Telephone: _____

CODEFENDANTS



RY _____
JULIE J. ARMSTRONG
CLERK OF COURT
2021 SEP 14 PM 2:50

FILED

Charleston Police Department

RECEIVED

Jul 30 2024

STATE OF SOUTH CAROLINA

SC Court of Appeals AFFIDAVIT

COUNTY OF CHARLESTON

Personally appear before me, a magistrate of this county one, Det. D. Wilson who first being duly sworn deposed and says that, Karseem Nicholas Hardaway did within this county and state on July 13, 2021 violate the criminal laws of the State of South Carolina in the following particular:

ORIGINAL

DESCRIPTION OF OFFENSE
Murder
§S.C. Code of Law 16-3-10

SEP3 15:17

OFFICER INITIALS

INITIALS

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

That on Tuesday, July 13, 2021 at approximately 5:30pm, while at 1012 Bantry Circle, which is in the City and County of Charleston, SC, the Defendant, Karseem Nicholas Hardaway, did knowingly, willingly, and with malice aforethought, unlawfully violate South Carolina Statute 16-3-10, Murder, in the following manner:

On Tuesday, July 13, 2021 at approximately 6:00pm, officers with the City of Charleston Police Department responded to 1012 Bantry Circle, which is located in the City and County of Charleston, SC in reference to an unresponsive party. Upon arrival, officers located the victim, David Conner, inside the front entry way of the apartment lying in a large pool of blood. The victim was subsequently pronounced deceased on scene by Charleston County EMS. During the course of the investigation, Detectives discovered that the victim had sustained a single gunshot wound to his head and a fired cartridge casing, of a unique caliber (10 millimeter), was located inside the apartment. Detectives also noted that nothing inside the apartment appeared to be disturbed and the Victim was still in possession of all of his property. Also, the Victim's roommate confirmed that none of their personal property was missing from inside the apartment as well.

In speaking with the victim's coworkers, Detectives learned that the victim left work at approximately 5:00pm from his jobsite on Rivers Ave. and was captured on ALPR camera traveling on I-526 at approximately 5:17pm as he traveled towards his residence. It was further learned that the victim was conversing with his wife on the telephone during the entire trip home. Upon arriving at the apartment complex, the victim parked his vehicle in the rear parking lot of his apartment building and ended the call with his wife at approximately 5:31pm.

During a canvass of the incident location, Detectives located a motion-activated Ring doorbell camera affixed to apartment 1013, which is one door from the incident location toward the front of building 1000. Detectives made contact with the resident, Tiffany Hardaway, who provided footage from the device from before, during and after the homicide occurred. In reviewing this footage, Detectives observed a black male exiting the apartment at 5:04pm and walking toward the rear parking lot prior to the victim's arrival in the same parking lot. Upon further inquiry into this individual, Ms. Hardaway identified the aforementioned individual as her brother, the Defendant and also deleted pertinent videos from the time frame surrounding the incident.

*** Continued on next page ***

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 3rd DAY OF September, 2021

Affiant signature

AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

Signature of Ellen S. Steinberg (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 21-10360
WARRANT # 2021A\0\0900367
INVESTIGATING OFFICER: Det. Wilson

Charleston Police Department

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON



ORIGINAL

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On July 14, 2021, Detectives learned from the management at of the apartment complex that the Victim had left a voicemail with the leasing office on Monday, July 12, around 9:51pm, (less than 24 hours before the homicide), to report that he had just had a confrontation with "a guy" who was causing a disturbance outside of his apartment by talking too loudly on his telephone. In this instance, the Victim relayed that he had asked the unknown male to quiet down to which the male responded "go fuck yourself!" The Victim then stated on the recording that he was "worried that it was not a good situation" and requested the male be "removed from the area".

After learning this, Detectives responded back to the incident location to follow up and as Det. Crockett arrived, he observed the Defendant entering his vehicle (a red Honda Accord, SC Tag: UJI776) Det. Crockett made voluntary contact with the Defendant and during their conversation, the Defendant identified himself on the aforementioned video and advised he was traveling to the O2 Fitness location on Daniel Island to go to the gym. Based on this statement, Detectives made contact with staff at O2 Fitness who stated that the Defendant has a membership and provided contact information associated with the account to include telephone number and email address of 843-259-5916 and karseemhardaway30@gmail.com.

Detectives also obtained video footage from the leasing office of Bolton's Landing via search warrant and found that the camera captured a portion of Bluewater Way in front of the office. In reviewing the footage, Detectives observed a vehicle consistent in appearance with the Defendant's vehicle traveling on Bluewater Way at 5:36pm immediately after the homicide is believed to have occurred and no other vehicles were observed on the roadway. This is in direct contradiction to the Defendant's previous statement that he left the apartment complex at 5:04pm. Not only this, but this vehicle was captured on video at the Blue Water gas station (1195 Bees Ferry Rd., Charleston, SC) at the intersection of Bees Ferry Rd. and Main Road at 5:37pm traveling on Main Road towards US 17. The vehicle is then captured on ALPR camera at approximately 5:42pm traveling onto John's Island, SC further away from the incident location.

On July 19, 2021, a search warrant was issued to Google, Inc. for data pertaining to the Defendant's Google account. In reviewing these results, Detectives located a Google internet search for the Victim's place of employment, Sack Construction, two hours before the homicide occurred. Detectives also located a Google internet search several days after the homicide pertaining to "tampering with evidence".

Det. Wilson then obtained the Defendant's call detail records from his provider, Verizon Wireless, via search warrant. In analyzing these records along with the GPS data contained therein, Det. Wilson was able to approximate the Defendant's location before, during and after the homicide as he used his device. According to these GPS records, the Defendant's device was in the vicinity of the homicide at the time of its occurrence and traveled away from the incident location immediately after its occurrence.

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SWORN TO AND SUBSCRIBED BEFORE ME
THIS 3rd DAY OF September 2021

Ellen S. Steinberg (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 21-10360
WARRANT # 2021A1010900367
INVESTIGATING OFFICER: Det. Wilson

[Signature]
AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

Charleston Police Department

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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Det. Wilson then cross referenced the call detail records from the night before the homicide. In viewing the records, Det. Wilson discovered the Defendant was utilizing his phone during same time frame the Victim reported to the leasing office that he had a contentious encounter outside of his apartment. The Defendant's phone call, which began at approximately 9:46pm and lasted fourteen minutes, terminated one minute prior to the Victim contacting the leasing office. The GPS records placed the Defendant in the area of the apartment complex during this event thus corroborating the Defendant's prior statement that he had been there as well.

At this point in the investigation, probable cause was established to seize the Defendant's cell phone for further investigation. A search warrant was issued for the seizure of the device and on July 28, 2021, CPD Detectives made contact with the Defendant and seized an Apple iPhone belonging to him. During the course of this, the Defendant was placed under arrest for an unrelated offense. Subsequent to his arrest, the Defendant confirmed, during a post Miranda statement, the Apple iPhone which had been seized belonged to him, was not used by anyone else and also confirmed his telephone number as being 843-259-5916.

Det. Wilson then executed a search warrant for a full forensic digital extraction of the Defendant's Apple iPhone. In reviewing the data returned, Det. Wilson located a communication in the days after the homicide in which the Defendant appears to be actively attempting to sell a firearm of the same unique pistol caliber as the fired cartridge casing found at the incident location. The message read "10 mill glock 20 throw prixe". The affiant is aware that Glock is a handgun manufacturer who produces a "Model 20" pistol chambered in 10 millimeter. Based on the context of this message, it is the affiant's belief that the Defendant is offering this handgun at a "throw away" price.

As a result of the aforementioned facts and investigation, it is believed that the victim encountered the Defendant the night before the homicide and became engaged in a heated verbal confrontation with him. It has been established via cellular GPS records, call logs and the Defendant's own statement that he was present at the apartment complex at the time of this event.

Furthermore, the Defendant is captured on video at the incident location approximately thirty minutes prior to the homicide and then his vehicle is captured on video departing and traveling away from the incident location minutes after the homicide is believed to have occurred. Cellular GPS records and ALPR camera footage corroborate this movement as well.

Hours before the homicide, the Defendant conducted a Google search for the Victim's employer and in the days after the homicide, the Defendant conducted a Google search pertaining to "tampering with evidence". Finally, through a forensic data extraction of the Defendant's phone, Det. Wilson located a communication in the days after the homicide in which the Defendant appears to be actively attempting to sell a firearm of the same unique pistol caliber as the fired cartridge casing found at the incident location. Thus, based on the aforementioned facts and totality of the circumstances, it is believed that the Defendant shot the Victim and acted with malice aforethought when he did so. As such, sufficient probable cause has been established to charge the Defendant with Murder, a violation of SC Statute 16-1-10. The above is true, factual and believable based on the observations and investigation of Det. Wilson of the City of Charleston Police Department.

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THIS 3 DAY OF September 2021


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