

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM WILLIAMSBURG COUNTY
Court of Common Pleas

Sep 04 2024
S.C. SUPREME COURT

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2023-001504

Laquincy M. Williams,

Petitioner,

v.

State of South Carolina,

Respondent.

APPENDIX

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INDEX

VOLUME I (PAGES 1–500)

RECORD ON APPEAL VOL. I.....	1
FILED OCTOBER 13, 2015	

VOLUME II (PAGES 501–1000)

RECORD ON APPEAL VOL. II.....	501
FILED OCTOBER 13, 2015	

VOLUME III (PAGES 1001 – 1207)

RECORD ON APPEAL VOL. III	1001
FILED OCTOBER 13, 2015	

NOTICE OF APPEAL.....	1220
DATED SEPTEMBER 20, 2013	

MOTION TO FILE OUT OF TIME.....	1223
FILED JANUARY 20, 2015	

ORDER GRANTING MOTION TO FILE OUT OF TIME	1227
FILED FEBRUARY 23, 2015	

<u>ANDERS</u> BRIEF OF APPELLANT	1229
FILED OCTOBER 13, 2015	

<u>ANDERS</u> PRO SE BRIEF.....	1249
FILED NOVEMBER 23, 2015	

OPINION 2016-UP-143	1254
FILED MARCH 30, 2016	

REMITTITUR	1256
FILED APRIL 20, 2016	

APPLICATION FOR POST-CONVICTION RELIEF	1257
FILED JANUARY 17, 2017	

RESPONDENT’S RETURN.....	1274
FILED JUNE 13, 2017	

AMENDED APPLICATION FOR POST-CONVICTION RELIEF	1281
FILED AUGUST 25, 2021	

TRANSCRIPT OF PETITIONER’S PCR EVIDENTIARY HEARING.....	1283
DATED OCTOBER 31, 2022	
PLAINTIFF’S EXHIBIT NO. 1 (MEMORANDUM)	1356
PLAINTIFF’S EXHIBIT NO. 2 (CASE LAW)	1358
ORDER OF DISMISSAL.....	1361
FILED SEPTEMBER 8, 2023	
NOTICE OF APPEAL.....	1389
FILED SEPTEMBER 25, 2023	

April Williams-Direct by McKnight

1 A Correct.

2 Q Now do you remember the month of November
3 of 2007?

4 A Yes. At that time I moved from Cashua
5 across Cashua Street to -- I moved off of Cashua
6 Street to First Street extension. [REDACTED]
7 [REDACTED] extension.

8 Q Okay. And where was that? Where is,
9 when you say First Street extension, what city is
10 that in?

11 A That's in Darlington also. It's still in
12 Darlington.

13 Q And who was living with you?

14 A Laquincy Williams.

15 Q Do you have any grandchildren?

16 A Yes, I have 5 grands.

17 Q Do you take care of those grandchildren?

18 A Sometimes I take care of them. Now I do.
19 I help out a great deal now.

20 Q Back in 2007, were you taking care of any
21 grandchildren?

22 A I wasn't able.

23 Q Do you remember the day of November, do
24 you remember the days of November 1st 2007 and
25 November 2nd 2007?

April Williams-Direct by McKnight

1 A I could remember.

2 Q What do you remember about those days?

3 A Well Monday through Friday, Laquincy's job
4 was to help my daughter out. He would take the
5 baby to day-care, Monday through Friday.

6 Q Okay. Now maybe I got it confused. I
7 asked you if you had any kids in school. So you
8 think school is different than day-care; is that
9 right?

10 A Yes. Day-care is day-care.

11 Q Now which did kids, so you what was --
12 whose children's was it that was going to
13 day-care?

14 A My baby's girl. Lakesha Shavon Williams.
15 She had a baby July 23rd of 07.

16 Q And who was helping taking those kids to
17 day-care?

18 A Laquincy was. That was his part of the
19 family job.

20 Q Now on the day of November 2nd 2007, did
21 Laquincy -- did you see Laquincy?

22 A Yes.

23 Q Where did you see him?

24 A I woke up, and he was in the house.

25 Q What time did you wake up?

April Williams-Direct by McKnight

1 A I always get up at 4 o'clock. Ever since,
2 like 4 a.m., I was getting up since 1999.

3 Q Okay. And at 4:00 a.m., did you see
4 Laquincy?

5 A Yes.

6 Q Did he leave, based upon what you saw, did
7 he leave the house that day?

8 A No. He couldn't have left until after
9 12 o'clock that day.

10 Q So let me ask you this. Between the hours
11 of 4 a.m. and 12 p.m. you are certain that
12 Laquincy was at your house at First Street
13 extension.

14 A I am positive.

15 Q Now on the -- when he left at 12, when was
16 the next time you saw him?

17 A He had to pick the baby out of day-care by
18 5:30.

19 Q Whose car was he driving?

20 A Laquincy don't drive a car at that time.

21 Q So how did he pick the kids up from
22 day-care?

23 A Right down the street. Ms. Olla Mae
24 Brown.

25 Q Okay.

April Williams-Direct by McKnight

1 A On the street from Kingstree to
2 Darlington.

3 Q Now when you say Ms. Olla Mae Brown, this
4 isn't like little smurf day-care. This is just a
5 lady that operates a day-care out of her home?

6 A Yes.

7 MR. MCKNIGHT: Court's indulgence.

8 Q Ms. Williams, have all your responses to
9 my questions been accurate and as honest as you
10 know?

11 A Yes.

12 MR. MCKNIGHT: Please answer any other
13 questions that Mr. Griffith may have for you.

14 MR. GRIFFITH: I have no questions, Your
15 Honor.

16 THE COURT: Ms. Barr.

17 Cross Examination by Ms. Barr:

18 Q Good afternoon, Ms. Williams.

19 A Good afternoon.

20 Q Your son, Laquincy, he and Shonda, the
21 young lady who is seated all the way at the end of
22 the defense table, they sort of grew up together?

23 A Yes.

24 Q That were sort of like, they were not
25 biological brother and sister, but they sort of

April Williams-Cross by Barr

1 regarded each other as brother and sister; is that
2 right?

3 A Pretty much.

4 Q They were, I guess, what we used to call
5 it, if somebody was really close---

6 MR. MCKNIGHT: Objection, Your Honor.

7 This line of questioning goes beyond the scope.

8 THE COURT: She's on cross examination of
9 this witness. I am going to let her have leeway.

10 Q When I was coming up, we'd call somebody
11 my God brother or God sister. Is that sort of how
12 they refer to each other?

13 A Well I would say so.

14 Q And during the year of 2007, they
15 associated with each other frequently. Is that
16 fair to say?

17 A I would say.

18 Q Now Toshonda at that time, well first of
19 all, what do you call Toshonda? What name do you
20 call her?

21 A Shonda.

22 Q Shonda. She was living on Jarrett Street;
23 right?

24 A As I can recall.

25 Q Ma'am?

April Williams-Cross by Barr

1 A As I can recall.

2 Q And Jarrett Street that runs right beside
3 Palmetto Street in Florence? By the KFC?

4 A Okay. Yes.

5 Q Is that right?

6 A Yes.

7 Q And that's right near Mcleod Hospital;
8 right?

9 A Yes.

10 Q And you can walk from Toshonda's house on
11 Jarrett Street to McLeod Hospital, is that close;
12 right?

13 A I would say.

14 Q Now Laquincy at that time was dating a
15 girl named Kenyatta Miller?

16 A Don't know ask me that now.

17 Q Okay. Well let me ask you this. Judge,
18 may I approach?

19 THE COURT: You may.

20 Q Have you seen him with this young who is
21 shown in this photograph? Did he hang out with
22 her sometimes?

23 A She never been to my house.

24 Q What about a girl named Ashley?

25 A A Caucasian?

April Williams-Cross by Barr

1 Q Yes, a white girl.

2 A That's the one.

3 Q He would hang out with Ashley all the
4 time; right?

5 A Yes.

6 Q And Ashley's last name was Polous?

7 A I can't quote you on that.

8 Q And sometimes Laquincy would go to spend
9 the night at Shonda's house.

10 A I couldn't tell you that.

11 Q You've never known him to spend the night
12 there?

13 A I never asked him that.

14 Q How many times would Laquincy bring G.
15 by your house in 2007?

16 A Who is G.?

17 Q G., A little you light skinned boy.

18 A No, ma'am.

19 Q You never meet him?

20 A I never meet him.

21 Q Now you say that on November 2nd of 2007,
22 is it November the 1st or November 2nd that you
23 woke up at 4 o'clock in the morning and Laquincy
24 was there?

25 A I'm going to tell you, I get up every

April Williams-Cross by Barr

1 morning at 4:00 a.m. since 2007.

2 Q But did he spend the night at your house
3 every night in 2007? That's not your testimony;
4 it is?

5 A I didn't say that was my testimony. I
6 said that night I got up at 4:00 a.m. and he was
7 there.

8 Q Okay. I understand. What night was that?

9 A On the 2nd.

10 Q On the 2nd?

11 A On the 1st or the 2nd that morning. I
12 woke up, he was there at 4 a.m. I got up and
13 went to his bedroom. He was in there. That's
14 what I said, Ms. Barr.

15 Q Who else was there at the house?

16 A Nobody but me and my son.

17 Q Where was he, did he spend the night at
18 your house on October 10th of 2007?

19 A I can't recall.

20 Q Was he at your house on July 13th of 2007?

21 A I can't recall.

22 Q Was he at your house on November the 28th
23 of 2007?

24 A That would be, I would think so. I
25 believe he was so, because that was Thanksgiving.

VOLUME III OF III

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LAQUINCY M. WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2014-002769

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INDEX

INDEX.....i

TRIAL TRANSCRIPT DATED SEPTEMBER 9 – 13, 2013.....1

JURY VOIR DIRE.....5

JURY SELECTION.....25

PRE-TRIAL MOTIONS.....30

OPENING STATEMENT BY MS. BARR.....62

OPENING STATEMENT BY MR. GRIFFITH.....69

OPENING STATEMENT BY MR. MCKNIGHT.....74

TESTIMONY

 JUANDALYN MILLER.....80

 JOSHUA JAMES.....157

 LEE DAVIS.....167

 MICHAEL BRANDT.....205

 ANGELA BECKER.....248

MOTION TO EXCLUDE EVIDENCE.....259

RULING BY THE COURT.....264

TESTIMONY

 BRADLEY J. MARCUS.....266

 DELORIS BROWN.....341

 PAMELA JEAN WRENN.....355

 JEFFREY SCOTT.....377

MATTHEW FITTS.....	394
VERONA GIBSON	425
JENNIFER CLAYTON.....	441
SUZANN CROMER	456
ILA SIMMONS.....	472
JEFFREY SCOTT.....	488
MELISSA SKIPPER.....	565
DAVID BLACK.....	647
LATISHA ANN BELL	669
JAMES GQUAN HENRY	776
PAMELA JEAN WRENN.....	875
MOTION FOR DIRECTED VERDICT.....	949
RULING BY THE COURT.....	959
COLLOQUY OF DEFENDANT ON HIS RIGHT TO TESTIFY	961
TESTIMONY	
BRADLEY MARCUS.....	967
APRIL WILLIAMS.....	990
LAKASHA WILLIAMS.....	1014
HARRISON MCKNIGHT.....	1032
CHARLENE MICKENS	1053
RENEWAL OF MOTION FOR DIRECTED VERDICT	1071
RULING BY THE COURT.....	1071
CLOSING ON THE LAW BY MR. BROWN.....	1073
CLOSING ARGUMENT BY MR. MCKNIGHT.....	1088

CLOSING ARGUMENT BY MR. GRIFFITH.....	1108
CLOSING ARGUMENT BY MS. BARR.....	1117
CHARGE ON THE LAW.....	1137
VERDICT.....	1159
MOTION FOR NEW TRIAL.....	1167
RULING BY THE COURT.....	1167
SENTENCING.....	1186
TRANSCRIPT REGARDING MOTION TO RELIEVE COUNSEL DATED DECEMBER 15, 2011.....	1190
DEFENDANT'S EXHIBIT # 2 (CORONER'S REPORT).....	1198
INDICTMENT.....	1199
SENTENCE SHEETS.....	1202
CERTIFICATE OF COUNSEL.....	1207

April Williams-Cross by Barr

1 Around Thanksgiving he stayed home. He always be
2 with his mom on Thanksgiving.

3 Q Okay. What about on December the 10th of
4 2007?

5 A Okay. December 10th of 2007, I can't
6 recall.

7 Q The morning that you woke up, and you say
8 you saw your son in the room at 4:00 o'clock in
9 the morning, what did he have on?

10 A A pair of boxers and a tee shirt most
11 likely.

12 Q Most likely?

13 A Yes.

14 Q Okay. That's not based on what you
15 remember. That's just based on kind of how he
16 normally went to bed.

17 A I didn't pull his cover down to see Ms.
18 Barr.

19 Q I understand. If he didn't have a
20 vehicle, how would he get around to see Ashley?

21 A TPK Or she'll come get him.

22 Q Say again, ma'am?

23 A Either walk or she will come get him.

24 Q Where did Ashley live?

25 A I'm thinking she stays somewhere in back

April Williams-Cross by Barr

1 side of Darlington. On the back road of
2 Darlington, I am thinking.

3 Q Do you often see him sometimes riding with
4 P.J.?

5 A No. I heard of him, but, no, ma'am.

6 Q Say again, ma'am.

7 A I have heard of him, but, no, ma'am.

8 Q You heard of P.J.?

9 A Yes.

10 Q And you would have heard of P.J. from your
11 son Laquincy; right?

12 A No, that is not true.

13 Q Laquincy sometimes people would call him
14 by a nickname Scrap?

15 A Yes, ma'am.

16 Q You've heard people refer to him that way
17 before; right?

18 A Yes. Oh, his uncle gave him that name.

19 Q Oh, okay. I got you right. When did you
20 find out that your son had been arrested for a
21 burglary and a murder that happened in Hemingway?
22 When did you find that out?

23 A September the 9th, it was on a Friday. My
24 daughter's birthday was September 2nd.

25 Q September the 9th of what year, Ms.

April Williams-Cross by Barr

1 Williams?

2 A 2011.

3 Q 2011?

4 A Yes.

5 Q Was it 2011 or 2010?

6 A I am going to say, if I am not mistaken,
7 it was 2011.

8 Q 2011?

9 A If I am not mistaken. 2011.

10 Q Is it possible that you could be mistaken
11 about the year that he was arrested?

12 A No, I don't think it was. Because...

13 Q You think you are pretty accurate about
14 that?

15 A I am not sure.

16 MS. BARR: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 Q Ms. Williams, I am going to hand you a
20 copy of your son's arrest warrant for burglary.
21 Do you see that?

22 A No, I can't. I don't have my glasses.

23 Q Do you have them with you?

24 A No, I don't.

25 Q So can you read that at all? Can you read

April Williams-Cross by Barr

1 that name there?

2 A Yeah, I see his name.

3 Q What does that name say?

4 A Laquincy Williams.

5 Q And do you see the date there by the

6 Judge's signature?

7 A Yeah, I see 8/26/10.

8 Q Say again, Sweetie, I am sorry.

9 A 8/26/10.

10 Q 2010.

11 A Uh-huh. (Affirmative.)

12 Q So this arrest warrant would suggest to
13 you that he was arrested in August of 2010; is
14 that right?

15 A That's what I see.

16 Q So if that in fact happened, then you are
17 off by an entire year as to when your recollection
18 of him being arrested for this case.

19 A No, It's not my recoll -- repeat that
20 again, please, ma'am.

21 Q Yes, ma'am. If the arrest warrant is
22 correct, and it shows that an arrest warrant was
23 signed against him on 2010, if that true.

24 A Uh-huh. (Affirmative.)

25 Q Then you are off by an entire year in

April Williams-Cross by Barr

1 terms of when you say he was arrested, because you
2 just told us he was arrested 2011; right? Right?

3 A Uh-huh. (Affirmative.)

4 Q Is that correct?

5 A That's, yes.

6 Q So if you're mistaken about when he was
7 arrested by an entire year, it's certainly
8 possible that you are mistaken about the date that
9 you woke up and found him in the bedroom.

10 A No, that did happen. No, ma'am, that's
11 now, I am not mistaken about that, ma'am.

12 Q How are you so certain about November 2nd
13 2007, but you are off by an entire year as to when
14 he was arrested?

15 A Because like I said, he was home with me,
16 because we took the kids down to the day-care
17 center.

18 Q Now, Ms. Williams, candidly, your son
19 being arrested for murder, that's a pretty big
20 deal.

21 A Yes, that is.

22 Q That is something that you are going to
23 remember; correct?

24 A Yes, ma'am.

25 Q And because that is such a serious charge,

April Williams-Cross by Barr

1 that's probably a day you are never going to get;
2 right? Right?

3 A I believe.

4 Q Is that correct?

5 A I am not going to forget what day, yeah.

6 Q Yeah, the day your son calls you and says,
7 mom, I've just picked up and charged with murder.
8 You are going to remember that; right?

9 A He didn't call me. I was there when they
10 picked him up, ma'am.

11 Q Oh, you were there when the police came
12 to house?

13 A Yes.

14 Q So when the police came and say, ma'am, we
15 have got a warrant for son's arrest for murder.
16 My point is, that's going to be an important--

17 A They didn't tell me what they had him for.
18 They just picked him up. They didn't tell me
19 anything. They just put him in the truck. They
20 said they didn't have to tell me anything.

21 Q I understand. During 2007, Shonda would
22 come by and pick up Scrap?

23 A No.

24 Q How would he get to Shonda's house?

25 A When they get together I guess. He left

April Williams-Cross by Barr

1 the house whenever she would come by and pick him
2 up.

3 Q Shonda used to rent vehicles for Laquincy;
4 didn't she? She used to go to the airport and
5 rent vehicles for him?

6 A For who?

7 Q For Laquincy. For Scrap.

8 A No, Laquincy didn't have no license. Back
9 then he didn't drive no car.

10 Q Ma'am?

11 A He didn't have license to drive no car.
12 So she couldn't -- so he couldn't rent none.

13 Q Oh, Scrap didn't have a license back then.

14 A Not at that time.

15 Q And he didn't have a car.

16 A No, ma'am.

17 Q Would you see Shonda in a rental car
18 sometimes, with her driving the rental car?

19 A Yes.

20 Q You see her doing that all---

21 A Yes.

22 Q ---the time.

23 A Yes, ma'am.

24 Q And the two of them would be in the rental
25 car together sometimes that she would get; right?

April Williams-Cross by Barr

1 A I would take her to get it. That's how
2 they got around in her rental car.

3 Q And do you remember in November seeing her
4 driving a gray rental car?

5 A No, ma'am.

6 Q November of 2007?

7 A No, ma'am. Not to my recollection.

8 Q She just rented cars all the time; didn't
9 she?

10 A Pretty much. Because she didn't have her
11 own transportation.

12 Q Do you ever ask her why she didn't buy a
13 car like everybody else?

14 A Why would I? I've never known, not me,
15 she's a single parent how could she. I mean...

16 Q When people would talk P.J., they would
17 also call him by the nickname dog?

18 A I don't know nothing about no Dog and P.J.
19 I had heard this thing when my son got locked up.
20 I don't know him. And I don't want to get to know
21 him.

22 Q Ma'am, what day of the week was it that
23 you woke up in November and your son was in the
24 bed at 4:00 o'clock in the morning?

25 A It had to be on a Friday, because he took

April Williams-Cross by Barr

1 to the baby day-care. It had to have been Monday
2 through Friday to take the baby to day-care.

3 Q Well how do you know it had to be a
4 Friday, as opposed to a Monday, Tuesday, Wednesday
5 or Thursday?

6 A Like I said, it had to be between Monday
7 and Friday to take the baby to Olla Mae Brown's to
8 day-care.

9 Q Okay. So is it your testimony that this
10 was the day he woke up and 4 o'clock in the
11 morning, and he was in the bed, that was either---

12 A Monday through Friday.

13 Q Monday through Friday. Do you have a
14 specific recollection as to what day of the week
15 it was?

16 A No, I do not.

17 Q Who is Lakasha Williams?

18 A That's my baby girl.

19 Q Okay. How old is Lakasha?

20 A She turned 27 yesterday.

21 Q She lives with you?

22 A No, I stay with her now.

23 Q And that's on the Third Loop Road address?

24 A Yes, ma'am.

25 Q And Mr. Laquincy Williams lives there with

April Williams-Cross by Barr

1 you as well?

2 A Yes.

3 Q Prior to this case, did the three of you
4 all have a discussion about the date that this
5 murder and burglary happened?

6 A No, ma'am.

7 Q So you're telling this jury that leading
8 up to the trial of the case, you, your daughter
9 and your son never mentioned the date that this
10 murder happened?

11 A He don't talk about it. He really didn't.
12 Laquincy, when they picked him up, he was because
13 he know due to my health and what had happened to
14 me and the medication that I'm on, he spared me
15 this.

16 Q Okay. He spared you?

17 A I mean, he really did the best he could.
18 But I was so happened I was there when the officer
19 picked him up.

20 Q How many times did you meet with his
21 lawyer this week?

22 A He had to come get me. I mean, I was out
23 on a break.

24 Q I'm sorry.

25 A I did not meet with him. Not Mr.

April Williams-Cross by Barr

1 McKnight, no.

2 Q How many times did talk with Mr. McKnight
3 about the alibi?

4 A No.

5 Q You never talked to him about the alibi?

6 A No.

7 Q So he didn't know what you were going to
8 say?

9 A No, he didn't.

10 Q Okay. You said somebody had to come get
11 you.

12 A I was downstairs taking my blood pressure
13 pills, he had to come get me from the outside.

14 Q How did you get him from Florence today?

15 A My baby girl, Lakasha.

16 Q Lakasha?

17 A Uh-Huh. (Affirmative.)

18 Q Ma'am, you love your son.

19 A That's my only son.

20 Q And that's your only son.

21 A Yes, sir.

22 Q And you certainly don't want anything to
23 happen to him; do you?

24 A Yes, ma'am.

25 Q You said that when they came up and locked

April Williams-Cross by Barr

1 him up, you said back in 2011 they didn't tell you
2 what he was being locked up for.

3 A Ma'am, I can't tell you that.

4 Q When did you find out what he was being
5 locked up for?

6 A When he called me later on that night.

7 Q Okay. The same night?

8 A I want to think he did.

9 Q So if your dates are correct, that would
10 have been two years ago is when you learned what
11 he was being charged with; is that right?

12 A When they locked him up and he called me.

13 Q In that two-year period did you ever go to
14 the sheriff's office here in Williamsburg County
15 and tell them listen, y'all have got the wrong
16 person locked up for this, because my son was home
17 with me the day this happened.

18 A If I can recall, I tried to tell you that,
19 but you told you I wasn't supposed to talk to you
20 on the phone. I called you.

21 Q You tried to tell me that.

22 A Yes. Yes. But I had gotten Mr. Carraway,
23 and I was trying to call you. And he told me you
24 couldn't talk to me because you were the
25 prosecutor.

April Williams-Cross by Barr

1 Q When did you do that?

2 A Oh, it had to be after I got in contact
3 with Mr. Carraway. And I called you that next
4 day.

5 Q Okay.

6 A And you said you couldn't talk to me,
7 because you were the prosecutor.

8 Q When did you call anybody at the
9 sheriff's -- If I told you
10 I can't talk to you because I am the prosecutor,
11 then who is the officer you spoke with to tell
12 them that your son didn't do this because he was
13 home with you?

14 A I didn't call over here to Williamsburg
15 County and tell anybody nothing about my son, and
16 didn't do this.

17 Q What about the FBI? Did you ever call
18 anybody at the FBI to say he didn't do it?

19 A No.

20 Q Ever call anybody at sled?

21 A Why would I?

22 Q Is that a no?

23 A No. I would take it as a no.

24 Q Don't you think that is pretty important
25 information?

April Williams-Cross by Barr

1 A If you didn't listen, why would they
2 listen to me? You are the one pulling the case
3 against him. If you didn't listen me, who else
4 was going to listen to me?

5 Q So it never occurred to you?

6 A Like I said; no, ma'am.

7 MS. BARR: Your Honor, that's all the
8 questions, I have. Thank you, ma'am.

9 THE COURT: Any redirect, Mr. McKnight?

10 MR. MCKNIGHT: No redirect, Your Honor.

11 THE COURT: Mr. Griffith?

12 MR. GRIFFITH: No questions, Your Honor.

13 THE COURT: Please let me see the
14 attorneys real quick.

15 (Whereupon, the attorneys approach the
16 bench and confer with judge.)

17 THE COURT: Mr. McKnight.

18 MR. MCKNIGHT: We would call Lakasha
19 Williams.

20 Lakasha Williams, Being first
21 duly sworn, testified as follows:

22 Direct Examination by Mr. McKnight:

23 Q Yes, ma'am, please state your name for the
24 record.

25 A Lakasha Williams.

Latasha Williams-Direct by McKnight

1 Q And where do you live?

2 A I live at [REDACTED], Florence,
3 South Carolina.

4 Q How many children do you have?

5 A I have two.

6 Q What are their names?

7 A Lakeem J. [REDACTED] and Lamia M. [REDACTED]

8 Q How old is Lakeem?

9 A Lakeem is 6. Lamia is 3.

10 Q Do you -- where do you work right now?

11 A I work at Ashley Furniture.

12 Q What do you do them?

13 A Sales.

14 Q Tell me a little bit more about you. Who
15 is your mother?

16 A My mother is April Williams

17 Q Do you see here in the courtroom?

18 A She is in the black right there.

19 Q Okay. Do you have any siblings? Do you
20 have any brothers and sisters?

21 A Absolutely. I have a brother, Laquincy
22 Williams. And I have sister Laura Lynn Williams.

23 Q And do you see your brother here in the
24 courtroom today?

25 A Right. He is right there in the blue

Latasha Williams-Direct by McKnight

1 shirt.

2 Q Right here.

3 A Right.

4 Q I want to take you back in time to 2007.

5 What do you remember about 2007?

6 A I had my first child.

7 Q When did you have your child?

8 A [REDACTED]

9 Q And this would be September 20 -- at that
10 time were you working?

11 A Yes, I was working at Sam's club photo
12 lab.

13 Q And what were you doing in the photo lab?

14 A I was photo technician.

15 Q Do you recall the month of November?

16 A Yes.

17 Q Where were you living?

18 A I was living at [REDACTED] First Street
19 Extension.

20 Q Okay. And where is that?

21 A It's in Darlington, South Carolina.

22 Q And who were you living there with?

23 A My mom and my brother. And my sister
24 lived there from time to time.

25 Q Describe for me your daily routine back in

Latasha Williams-Direct by McKnight

1 November of 2007.

2 A Well back in November of 2007, was really,
3 you know, a rough year for me. I had my son, and
4 my mom was, you know, I just lost my uncle. And
5 my mom was sick. And, you know, single parent.
6 So, you know, I was working a part-time job
7 although I was working full-time hours. You know,
8 just trying to make it as a single parent pretty
9 much.

10 Q And what would you do during the day?
11 Like after you had your child and you went back to
12 work, what did you -- how to start day off? What
13 did that consist of?

14 A Well like I said, my brother would help me
15 out for time to time when my mom couldn't help me
16 out or my sister when she couldn't help me out.

17 Q How would your brother help you out?

18 A Well he would take him to day-care and sit
19 with him until I got off work. Or pick him up
20 from day-care when I can't get there.

21 Q Why wouldn't you let your mom keep your
22 child?

23 A Because my mom was very ill back in
24 November.

25 Q What's your mother's routine like during

Latasha Williams-Direct by McKnight

1 the day?

2 A During the day?

3 Q Yeah. Do you know what time she usually
4 gets up?

5 A Yeah, my mom wake up -- she wake up like 5
6 o'clock in the morning.

7 Q Now let's think back to November. And
8 let's think back to around November 1st and 2nd of
9 2007. Do you remember that time?

10 A Yeah, around that time it was very
11 difficult. Like I told you, my mom took sick.
12 Just getting a lot of help from my brother really
13 did, you know, step in and help me out with my
14 son. And helped take care of my mom. That's
15 pretty much.

16 Q What time was your child going to
17 day-care?

18 A He had to be at day-care between, no later
19 than 10.

20 Q Okay. And so what time did he normally
21 get there?

22 A Around eight. Well around 8:30 no later
23 than 9.

24 Q Were you the only person in the home
25 working?

Latasha Williams-Direct by McKnight

1 A At that time I was.

2 Q So everybody was pretty much depending on
3 you.

4 A Yes.

5 Q Had you not been working, which you have,
6 kept your child in day-care? Put him or her in
7 day-care?

8 A Yes, I was working. Well, pretty much if
9 I wasn't working, I would have kept him myself.

10 Q Well you were working because you had to.

11 A Right.

12 Q Now with regard to November 2nd, do you
13 specifically remember the day of November 2nd
14 2007?

15 A Yeah, I do remember. Like the time frame
16 and everything, but I remember I had to work
17 November 2nd. Like I said, my mom not too long
18 got out of the hospital. I know my brother was
19 there to there to take my son to day-care. I
20 think he took him around like nine or 9:15
21 something like that.

22 Q Are you sure about that?

23 A I am positive.

24 Q Now do you know why we are here today?

25 A Uh-huh. (Affirmative.)

Latasha Williams-Direct by McKnight

1 Q And are you aware of the fact that your
2 brother is facing some very serious charges?

3 A Absolutely.

4 Q Do you know if your mother or you
5 attempted to contact the solicitor's office?

6 A No.

7 Q You don't remember -- do you recall your
8 mom trying to call her -- call Laquincy's lawyer
9 at the time or anybody here in Williamsburg
10 County?

11 A Right, with the incident?

12 Q Yes.

13 A Yes, we all have; yes.

14 Q And how, who did you try to contact?

15 A Carraway. He had two public defenders.

16 Q Okay.

17 A And neither one of them quite worked out.
18 And that was it, I mean.

19 Q Do you know if your mother tried to tell
20 them where Laquincy was on the date that they
21 allege he committed this murder?

22 MS. BARR: Judge, that would be hearsay.
23 So we would object.

24 THE COURT: Sustained.

25 Q Did you try to communicate to anyone in

Latasha Williams-Direct by McKnight

1 the law enforcement or any other lawyer, where
2 your brother was on that day?

3 A No.

4 Q But it's your testimony here today that
5 Laquincy was at your mom's resi -- or where you
6 guys were living.

7 A Right.

8 Q On November 2nd 2007.

9 A Because he dropped my son off at day-care
10 for me.

11 Q Do you recall what time he left?

12 A I can't recall what time he left.

13 However, I can recall he had to be there before by
14 9:30, or no later than 10. Because after that
15 time, he can't go if he is not there.

16 MR. MCKNIGHT: Court's indulgence. Your
17 Honor, that's all my questions for this witness.

18 THE COURT: Mr. Griffith.

19 MR. GRIFFITH: I have no questions for
20 this witness.

21 THE COURT: Ms. Barr.

22 Cross Examination by Ms. Barr:

23 Q Good afternoon, Ms. Williams.

24 A Good afternoon.

25 Q You indicated that you were living in the

Latasha Williams-Cross by Barr

1 home with your mother back in November of 2007?

2 A Yes, ma'am.

3 Q And Laquincy Williams, your brother, has a
4 nickname Scrap?

5 A Correct. Uh-huh. (Affirmative.)

6 Q And people periodically refer to him as
7 Scrap.

8 A Uh-huh. (Affirmative.)

9 Q I need you to say yes or no for the
10 record.

11 A Oh, I'm sorry. Yes.

12 Q And of course, he is close friends with
13 Toshonda Mickens; correct?

14 A Yes.

15 Q Toshonda Mickens is the the young lady
16 that is seated all the way to the end of the
17 defense table; correct?

18 A Yes.

19 Q And they kind of grew up together. Regard
20 each other as brother and sister; is that right?

21 A Yes.

22 Q November of 2007, Toshonda was living on
23 Jarrett Street in Florence?

24 A November 2nd, no, I think she was at her
25 mom's.

Latasha Williams-Cross by Barr

1 Q Okay. Where would the mom be?

2 A [REDACTED]

3 Q Ma'am?

4 A [REDACTED], [REDACTED], Darlington,
5 South Carolina.

6 Q Oh, Shonda has roots in Darlington as
7 well?

8 A Her mom lived in Darlington at the time.

9 Q Do you remember her living on Jarrett
10 Street in Florence?

11 A Yes.

12 Q Ma'am?

13 A Yes.

14 Q And in November of 2007, Shonda was
15 driving around in a rental car?

16 A I don't know. I don't know nothing about
17 what car she was driving around.

18 Q You didn't ever---

19 A I don't even think she even had a car back
20 then.

21 Q You don't think she had a car back then?

22 A No, I don't think she had a car back then.

23 Q Had you ever seen her driving a rental car
24 in 2007?

25 A Yes. I mean I can't recall what kind of

Latasha Williams-Cross by Barr

1 car it was. I knew she was driving around in a
2 rental car. As far as what kind of car she was
3 driving around in, I can't tell you that.

4 Q Your brother didn't have a license?

5 A I think he did have a license around then,
6 I am not sure.

7 Q In 2007?

8 A I'm not sure, I think so. Somewhere in
9 there.

10 Q But he didn't have a car.

11 A Right, he didn't have a car.

12 Q Did your mom have a car?

13 A No.

14 Q Did you have a car?

15 A I did.

16 Q It wouldn't have been unusual for Toshonda
17 to come pick up Scrap---

18 A No.

19 Q ---at this time?

20 A No, I mean they was pretty close.

21 Q And Scrap also was friends with P.J.
22 Williams?

23 A I don't know as far as friends. I knew he
24 knew him from Toshonda. But as far friends, I
25 never seen them hang out or anything like that.

Latasha Williams-Cross by Barr

1 Q So you knew that your brother Scrap was
2 friends or knew P.J. through his friendship with
3 Shonda.

4 A Yes, I knew Laquincy knew P.J. through
5 Shonda.

6 Q What kind of car did P.J. drive?

7 A I don't know anything about P.J. I've
8 seen him once or twice.

9 Q There were times in 2006 and 2007, where
10 Scrap would be on McKeever Road in Florence?

11 A I can't recall 2006, whether he was on
12 McKeever Road.

13 Q You don't recall you and your brother
14 being at a location on McKeever Road in Florence
15 in late 2006?

16 A What -- when we were supposed to have been
17 there, I mean?

18 Q I am just curious as to your memory. If
19 you don't remember, that's fine.

20 A No, not in 2006.

21 Q And I won't ask you any of the particulars
22 about it.

23 MS. BARR: Permission to approach the
24 witness?

25 THE COURT: You may.

Latasha Williams-Cross by Barr

1 Q Don't tell me what it is. I just want you
2 to read it to yourself, okay.

3 A Which part?

4 Q Just that part there.

5 A Oh.

6 Q Does that refresh your memory?

7 A Yes.

8 Q Okay.

9 A Absolutely.

10 Q So in 2006, you and Laquincy for whatever
11 reason, the two of you were on McKeever Road in
12 Florence, South Carolina.

13 A Right.

14 Q And you indicated that your mother tried
15 to call, you said, Carraway?

16 A Yeah, it was Carraway and someone else. I
17 forgot.

18 Q I got you. And Legrand Carraway, that's
19 who you are referring to; right?

20 A He's a public defender. I don't know his
21 first name.

22 Q I understand. Legrand Carraway would have
23 been the public defender in 2007? Did you -- you
24 don't have any reason to dispute that; do you? If
25 I tell you that's the case, you wouldn't argue

Latasha Williams-Cross by Barr

1 with me about that; would you?

2 A I mean, come again, I don't quite
3 understand what you are asking me.

4 Q If I were to tell you that Legrand
5 Carraway was the public defender in 2007, through
6 2010, you wouldn't dispute that; would you?

7 A No, I don't know anything about that.

8 Q Now you indicated that there was attempts
9 to contact a lawyer, but you candidly admitted
10 that you never tried to contact the police; right?

11 A Right.

12 Q And your brother by this time was facing
13 murder charges; right?

14 A Correct.

15 Q That is a very serious crime; right?

16 A It is.

17 Q And certainly if you had information that
18 he did not commit the crime, because he was
19 someplace else, that would be really important
20 information; correct?

21 A Right.

22 Q And you love your brother.

23 A I do.

24 Q You certainly don't want to see him get
25 convicted for something he didn't do; right?

Latasha Williams-Cross by Barr

1 A Right.

2 Q And if you had this important information,
3 you would want to share it with law enforcement;
4 wouldn't you?

5 A Not if I don't know what is going on, or,
6 you know, what was going on in the situation.

7 Q Well if somebody attempted to call my
8 office to find out, couldn't you easily call the
9 police office and find out?

10 MR. GRIFFITH: Objection, Your Honor. I
11 think it calls for speculation on her part. What
12 she would do if...

13 THE COURT: Rephrase your question.

14 Q Yes, ma'am. It would have easy and simple
15 for you to pick up the telephone and call the
16 Williamsburg County Sheriff's Office; right?

17 A Not if it -- not if I don't know what is
18 going on and it's none of my business; no, ma'am.

19 Q But if you wanted to know, you could have
20 placed a phone call; right?

21 A Well I wouldn't put myself there if I
22 don't know the situation or what's going on. I
23 don't want to comment on anything or call anything
24 come out, where the fact I wasn't there; right.

25 Q But you testified that your mom's normal

Latasha Williams-Cross by Barr

1 practice was to get up to at 5:00 a.m.?

2 A Yes. At the time, she would, you know,
3 she was sick when my uncle had passed. But she
4 was working at Honda plant.

5 Q Did you see your brother take your
6 children or your child to day-care?

7 A I couldn't see that, because I was already
8 on my way to work at Sam's Club. So there is no
9 way I could be on my way to work and see him. But
10 I know my son went to day-care, and I know who
11 took him to day-care.

12 Q And what time did you leave to go to work
13 that day?

14 A I left around 8:30, 8:45.

15 Q Do they have to sign in at day-care?

16 A Absolutely.

17 Q Do you have any paperwork indicating that
18 your brother signed your child in on November 2nd
19 2007?

20 A I wasn't aware I needed to bring any.

21 Q So that's a no you don't have any?

22 A I don't; no, ma'am.

23 Q What day of the week was that on?

24 A I can't recall.

25 Q Who would take the your child to day-care

Latasha Williams-Cross by Barr

1 after your brother was locked up?

2 A If like I said, if my brother was locked
3 up, we made arrangements with his dad.

4 Q With the child's father?

5 A Right.

6 Q If in 2007, if Laquincy were staying the
7 night somewhere else, or if he was out of town, or
8 wherever, just was not home with you and your
9 mother, who would, and you had to work---

10 A Right.

11 Q ---who would have taken your child to
12 day-care?

13 A Like I said before I got on the stand, my
14 sister would come there occasionally. We'll make
15 arrangements as well.

16 MS. BARR: I beg the court's indulgence.
17 That's all the questions I have.

18 THE COURT: Any redirect?

19 MR. MCKNIGHT: No, redirect, Your Honor.

20 THE COURT: You may step down.

21 MR. MCKNIGHT: And there is no redirect
22 from Mr. Griffith, either.

23 THE COURT: Well he was---

24 MR. MCKNIGHT: Never mind.

25 THE COURT: ---your witness.

Latasha Williams-Cross by Barr

1 MR. MCKNIGHT: It's lunch time.

2 THE COURT: Ladies and gentlemen, is their
3 lunch here? It should be.

4 THE CLERK: It should be.

5 THE COURT: Ladies and gentlemen, I have
6 taken the liberty of ordering you a small snack
7 lunch that will tie you over, because we are
8 trying to finish this case so we don't have to
9 come back tomorrow. So we are going to proceed.
10 And I want to keep you all together. So we are
11 going to take about 45 minutes to eat. If you
12 need to smoke or anything like that, one of the
13 bailiffs will take you out. And I'm going to let
14 you eat back there, and please do not discuss
15 anything about the case while you are back there.
16 Thank you, ladies and gentlemen.

17 (Whereupon, court breaks for lunch at 1:22 p.m.)

18 THE COURT: Specifically in the charge, is there any
19 objection to the charge or anything for me to look at?

20 MR. MCKNIGHT: Not from the defendant
21 Laquincy Williams, Your Honor.

22 MR. GRIFFITH: Not from the defendant
23 Mickens, Your Honor.

24 THE COURT: Ms. Barr?

25 MS. BARR: No. No objection, Your Honor.

Latasha Williams-Cross by Barr

1 THE COURT: Very well. We just have a few
2 witnesses left and then we will break for motions.
3 And then depending upon how I rule on those, we
4 make break for the evening. Let's bring our jury
5 in.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: Mr. McKnight, you may call
9 your next witness.

10 MR. MCKNIGHT: Your Honor, at this time
11 the defendant Laquincy Williams calls Mr. Harrison
12 McKnight to the stand.

13 THE COURT: Mr. McKnight, come forward and
14 sworn.

15 Harrison McKnight, Being first duly
16 sworn, testified as follows:

17 THE COURT: You may proceed.

18 Direct Examination by Mr. McKnight:

19 Q Mr. McKnight, good afternoon.

20 A Good evening.

21 Q I'm going to ask you, first of all, are
22 you and I related in any way?

23 A Not that I know of.

24 Q Now I am going to ask you some questions,
25 and if at any time you don't understand me, I am

Harrison-McKnight-Direct by McKnight

1 going to need you to ask me to clarify and I will
2 do so. Okay.

3 A Okay.

4 Q Now the lady sitting there with the orange
5 jacket on is taking down what it is we are saying.
6 And if you say uh-uh or uh-huh, she's going to
7 write that down. But if we read it back later, we
8 won't be able to tell by reading it whether or not
9 you meant yes or no. So it is important for you
10 to say yes or no, okay.

11 A Okay.

12 Q Your official title is what?

13 A Correct.

14 Q No, what is your official title?

15 A Williamsburg County Coroner; yes, sir.

16 Q How long have you been coroner?

17 A 36 years.

18 Q And you say 36?

19 A Yes.

20 Q So that means you became coroner in the
21 70's?

22 A 1977.

23 Q Yes, sir. As coroner, what are some of
24 your responsibilities?

25 A Some of my responsibilities?

Harrison-McKnight-Direct by McKnight

1 Q Yes, sir.

2 A Check all suspicious deaths, accidents,
3 suicides, homicides, and unexplainable death. And
4 to determine the cause of death and the manner of
5 death.

6 Q Yes, sir. What type of training have you
7 had in your capacity as coroner?

8 A Well we have coroner's association, and we
9 go to continuing education 2 or 3 times a year.

10 Q Have you been to any schools for training
11 as coroner?

12 A Yes, through the coroner's association.

13 Q What are the names of those schools?

14 A Well we have different places Columbia,
15 Myrtle Beach.

16 Q Okay.

17 A Elsewhere.

18 Q What is your educational background?

19 A Twelfth grade. High school education.

20 Q And I think you are my parent's age. Did
21 you graduate from Tomlinson?

22 A No, sir.

23 Q Or was it St. Mark?

24 A St. Mark.

25 Q You graduated from St. Mark.

Harrison-McKnight-Direct by McKnight

1 A High school.

2 Q And what year did you come out of St.

3 Mark?

4 A 1962.

5 Q Yes, sir. Did you have an opportunity to

6 investigate a murder -- a death in Williamsburg

7 County on or about November 2nd 2007?

8 A Yes, sir.

9 Q Do you recall the name of the deceased
10 person?

11 A James McNeal.

12 Q Yes, sir. And did you go out to the scene
13 of where the body was?

14 A Yes, I did.

15 Q Where was the body located?

16 A In the house.

17 Q And where was that house located?

18 A In Hemingway, South Carolina.

19 Q Do you recall where in Hemingway it's
20 located?

21 A Donnelly Community.

22 Q Okay. Do you recall what the street
23 address was of the house?

24 A I think it's [REDACTED] Peach Street, Hemingway.

25 Q [REDACTED] Peach Street.

Harrison-McKnight-Direct by McKnight

1 A Right.

2 Q Got you. Not like Peach Tree Street.

3 A Peach Street.

4 Q Okay. Describe for me the condition of
5 the body when you saw it.

6 A When I saw it?

7 Q Yes, sir.

8 A It had several bullet wounds to the body.

9 Q Was the the body bloody?

10 A Huh?

11 Q Was the body bloody?

12 A Yes.

13 MR. MCKNIGHT: Court's indulgence.

14 THE COURT: Yes, sir.

15 Q Let me ask you some questions while he's
16 getting this set up. What was the condition of
17 the blood on the body and around the body when you
18 saw it?

19 A Well like, murder whatever, you know.

20 Q I mean was the blood wet or dry?

21 A It was wet.

22 Q Do you know what time you arrived on the
23 scene?

24 A I think it was before, before 10 o'clock.

25 MR. MCKNIGHT: Permission to approach the

Harrison-McKnight-Direct by McKnight

1 witness.

2 THE COURT: You may.

3 Q Do you recognize that document?

4 A Yes.

5 Q What is it?

6 A A coroner's report.

7 Q And who was that report prepared by?

8 A Myself.

9 Q Is that report made up of your
10 observations that day?

11 A Yes.

12 Q Are there any statements on that report
13 from anyone else other than you?

14 A No, not really. The sheriff's department.
15 Sled.

16 Q There are statements on there from sled?

17 A Sled was there.

18 Q No, not who was there. But on that
19 report, are those your observations alone? Is
20 that what you saw?

21 A Yes. Yes.

22 MR. MCKNIGHT: Your Honor, at this time we
23 would move to move what's been marked as defense
24 exhibit No. 2 for ID into evidence.

25 THE COURT: Any objection?

Harrison-McKnight-Direct by McKnight

1 MS. BARR: Judge, may I just see what he
2 has? Judge, we wouldn't have any objection,
3 except that we would ask that the victim's Social
4 Security be redacted from that.

5 THE WITNESS: Yes, let's redact it.

6 THE COURT: Any problem with that?

7 MR. MCKNIGHT: Your Honor, court's
8 indulgence. Can I get a black marker and draw
9 through that?

10 THE COURT: You may. Other than having
11 darkened the Social Security number it is admitted
12 as defense No. 1.

13 THE REPORTER: 2.

14 THE COURT: It's still No. 2.

15 (Coroner's Report marked Defendant's No. 2
16 into evidence.)

17 THE COURT: Without objection. You may
18 proceed.

19 MR. MCKNIGHT: Thank you, Your Honor.
20 Permission to publish, Your Honor?

21 THE COURT: Yes, sir.

22 Q Before I can, Mr. McKnight, do you recall
23 what the temperature was on the day of the death?

24 A I don't recall temperature. It was a mild
25 all day; all I can say.

Harrison-McKnight-Direct by McKnight

1 Q You went inside the home where the body
2 was.

3 A Yes.

4 Q Did you note the temperature in the home?

5 A No.

6 Q Did you note the temperature -- did you
7 note the temperature set on what we call the
8 thermostat in the home?

9 A No, I did not.

10 Q Now on the very top of this document can
11 you see on that monitor beside you, Mr. McKnight?

12 A Yes.

13 Q At the very top in the left corner it
14 says, time coroner called.

15 A Uh-huh. (Affirmative.)

16 Q And you left that document -- that spot
17 blank; is that correct?

18 A Yes.

19 Q And the time arrived on the scene, you
20 left that spot blank; did you not?

21 A Yes.

22 Q Looking at the line that says time body
23 found, you left that portion blank; did you not?

24 A Yes.

25 Q Except for you circling a.m.; is that

Harrison-McKnight-Direct by McKnight

1 correct, sir?

2 A Yes.

3 Q You list who last -- on the spot who last
4 saw decedent alive, that's blank; is it not?

5 A Yes.

6 Q Okay. And the blank, what was decedent
7 doing when last seen. That was left blank; was it
8 not?

9 A Yes.

10 Q Now on the third to the last line, you
11 list funeral home call; did you not?

12 A Yes.

13 Q And you list what funeral home?

14 A Bartelle's.

15 Q What time did you call Bartelle?

16 A I didn't list the time of death. Only the
17 time it was called.

18 Q Yes, sir. Now do you know who from
19 Bartelle's came and handled the body?

20 A Isaac Bartelle.

21 Q Do you know---

22 A Funeral director.

23 Q I'm sorry?

24 A Funeral director.

25 Q He came.

Harrison-McKnight-Direct by McKnight

1 A Isaac.

2 Q is that who you are saying that took it?

3 A Yes.

4 Q When did Isaac take the body to MUSC?

5 A On the 3rd of November.

6 Q He took it on the 3rd of November.

7 A Yes.

8 Q And you know that Isaac took it.

9 A Well the funeral home, I don't know
10 exactly who took it.

11 Q So you don't know who drove the body to
12 MUSC?

13 A No, I don't know.

14 Q Did you go along with the body to MUSC?

15 A No, I did not.

16 Q Did you have a conversation, or did you
17 send any documentation to MUSC?

18 A No more than the burial and removal town
19 permit along with the body.

20 Q How did you the permit to MUSC?

21 A By the funeral home.

22 Q So you just gave that document to Isaac.

23 Whomever Isaac sent it to MUSC with, that's how it
24 got there; is that correct?

25 A Yes.

Harrison-McKnight-Direct by McKnight

1 Q Have you been trained in determining what
2 the time of death is?

3 A Yes.

4 Q What are some -- what are some of the
5 things that you would do to determine when the
6 person dies?

7 A Well according to the temperature of the
8 body or the condition of the body, rigor mortis or
9 whatever.

10 Q Did you take the temperature of this body?

11 A No, I did not.

12 Q What other things beside the temperature
13 of the body would you use to determine whether or
14 not the body -- what time, the approximate time of
15 death?

16 A By rigor-mortis.

17 Q Did you check this body for rigor-mortis?

18 A Yes.

19 Q What -- was there anything form of
20 rigor-mortis that you were able to detect?

21 A Yes, at that time.

22 Q And what time was that?

23 A Well, what time was that, I don't have the
24 time.

25 Q I got you.

Harrison-McKnight-Direct by McKnight

1 A Okay.

2 Q But you were was able to detect
3 rigor-mortis in the body?

4 A Yes.

5 Q And so we know, rigor-mortis, and you tell
6 me if I am wrong. I tell you what, because I
7 can't leave. Tell us what rigor-mortis is?

8 A That's stiffness of the body.

9 Q Okay.

10 A If a body lays there, I will say from 3 to
11 4 hours or whatever rigor-mortis usually starts
12 setting in, and the limbs start getting stiff.

13 Q And it's been your experience that
14 rigor-mortis starts to set in 3 or 4 hours after
15 the body.

16 MS. BARR: Objection. Leading.

17 THE COURT: Sustained.

18 Q How long after the body dies does
19 rigor-mortis set in?

20 A It depends on the temperature. Based on
21 the weather.

22 Q But you couldn't tell, because you didn't
23 take the temperature; correct?

24 A That's right.

25 Q Did you take any pictures of the body?

Harrison-McKnight-Direct by McKnight

1 A I did not.

2 Q Did you do any diagrams of the crime
3 scene?

4 A Could I say this?

5 Q Yes, sir.

6 A When I got there okay, sled, sheriff's
7 department, they were doing their work.

8 Q So you, when you got there, there was law
9 enforcement already there.

10 A Yes, sir. And It was like falling
11 through, do whatever they need to do, before I go
12 and start assessing the death or whatever. I
13 don't leave no stone unturned or whatever.

14 Q You don't like to leave any stones
15 unturned?

16 A That's right.

17 MR. MCKNIGHT: Court's indulgence.

18 THE COURT: Yes, sir.

19 Q Who helped you put the -- when you, what
20 do you do when you get ready to move the body,
21 take us through the process.

22 A What I get ready to move the body?

23 Q Yes, sir. When you walked in this house,
24 and saw the dead body, and it was your time to
25 perform your duties, what did you do to prepare

Harrison-McKnight-Direct by McKnight

1 the body to move it?

2 A Well that's when the funeral home comes
3 in.

4 Q How did you put the body, did you put the
5 body in a body bag?

6 A If my memory, I think it was in a body
7 bag.

8 Q This body bag, do you provide it, or does
9 the funeral home provide it?

10 A I provide it.

11 Q Okay. And how is the body bag, describe
12 it for us. The color, length. What, tell us
13 about it.

14 A I guess it's about 7 feet long. And it
15 has a zipper on it. Unzip it, and lay it open.
16 And lift the body in and zip it back up.

17 Q Can you seal it?

18 A Can you seal it?

19 Q Yes, sir.

20 A Not really.

21 Q So if someone were to open the body bag
22 after you zipped it up, there would be no way to
23 tell if it had been opened again.

24 A Not really.

25 Q Do you do anything to the body before you

Harrison-McKnight-Direct by McKnight

1 put it into the body bag? Do you wrap it any way?

2 Do you do anything?

3 A No, because when I'm sending it for an
4 autopsy or whatever, they told me to try to please
5 leave the body as you find it. They don't want
6 you disturbing the clothing or whatever on that
7 body. So I try not to disturb it anymore than to
8 get around.

9 Q You would agree with me that knowing what
10 the body temperature was at the time of your
11 arrival is important to an investigation.

12 A I beg your pardon?

13 Q You would agree with me that knowing what
14 the decedent's body temperature is when you do
15 your investigation is important to the police's
16 investigation.

17 A Yes.

18 Q Is there anywhere on your report where you
19 can record the temperature of the body?

20 A No.

21 Q Is there anywhere on your report where you
22 can record the temperature outside?

23 A No.

24 Q Is there anywhere on your report where you
25 can record the temperature inside a building or a

Harrison-McKnight-Direct by McKnight

1 house where the body is found?

2 A Not really.

3 Q Mr. McKnight, your coroner's report is
4 only one page long; is that correct?

5 A Yes.

6 Q What time did you pronounce the body,
7 pronounce the decedent dead? Do you recall?

8 A I don't recall.

9 MR. MCKNIGHT: Court's indulgence.
10 Permission to approach, Your Honor?

11 THE COURT: Yes, sir.

12 Q Please take your time to examine that and
13 tell us what it is, Mr. McKnight.

14 A This is a death certificate.

15 Q Who prepared it?

16 A I did.

17 Q On that death certificate, what time did
18 you, does that death certificate refresh your
19 recollection as to---

20 A Yes.

21 Q ---as to what time---

22 A Yes.

23 Q ---the body was pronounced dead?

24 A Uh-huh. (Affirmative.)

25 Q Can you tell us what time that was?

Harrison-McKnight-Direct by McKnight

1 A The time pronounced at 10:00 a.m.

2 Q 10:00 a.m. Now help us understand this,
3 Mr. McKnight. The time you pronounce the body
4 dead is oftentimes different than the actual time
5 of death; is it not?

6 A That's right.

7 Q The time that you pronounce the body dead
8 is when you determine that it's dead.

9 A That's correct.

10 Q Now let me ask you this. What means do
11 you use to determine whether or not a person is
12 dead or playing possum? How do you do that?

13 A Well if you're dead you are not playing
14 possum.

15 Q I got you. Either you're dead or you
16 ain't. Well let me ask you, if I fell out here
17 right now, God forbid, and I die, how -- what
18 would you do to come down here to determine
19 whether or not that I was in fact dead. What
20 would you do?

21 A Examine you.

22 Q And as a part of your examination, what
23 would you do?

24 A What would I do?

25 Q Yes, sir.

Harrison-McKnight-Direct by McKnight

1 A I would check your pulse.

2 Q Uh-huh. (Affirmative.)

3 A Eyes, heart.

4 Q Okay. If your -- if you didn't feel a
5 pulse, and you didn't see, would you look to see
6 if I was breathing?

7 A Yes.

8 Q And after you did all that, that's how you
9 pronounce death.

10 A No more activities there.

11 Q And when there is no activity there, you
12 shook your head. What does that means?

13 A He is gone, dead.

14 Q Yes, sir.

15 MR. MCKNIGHT: Your Honor, I believe
16 that's all my questions: Please answer any
17 questions that Ms. Barr has for you.

18 THE COURT: Mr. Griffith.

19 MR. MCKNIGHT: I am sorry. Excuse me, Mr.
20 Griffith.

21 MR. GRIFFITH: I have no questions, Your
22 Honor.

23 THE COURT: Thank you. Ms. Barr.

24 MS. BARR: Very brief questions.

25 Cross Examination by Ms. Barr:

Harrison-McKnight-Direct by McKnight

1 Q Good afternoon, Mr. McKnight.

2 A Good afternoon.

3 Q Sir, I am going to, is it in? It's got
4 ID.

5 MR. MCKNIGHT: It's in.

6 Q I am going to publish what's been admitted
7 as Defendant's Exhibit No. 2, the coroner's
8 report. Can you see that from where you are, sir?

9 A Yes.

10 Q And on the report where it lists, position
11 of body, you have lying on the back on the bedroom
12 floor; is that right?

13 A Yes.

14 Q And on the part of the report where it
15 says condition of body, you have multiple gunshot
16 wounds. And I think that says to body.

17 A Yes.

18 Q Is that right?

19 A Yes.

20 Q And, sir, as it relates to the body of
21 James Allen McNeal the deceased on that day, well
22 let me ask you this. Before I ask you that
23 question, normal body temperature of a living
24 individual would be about 98 degrees; is that
25 right?

Harrison McKnight-Cross by Barr

1 A That's correct.

2 Q And as it relates to the body of James
3 Allen McNeal, you indicated that you did not take
4 his body temperature; is that correct?

5 A That's right.

6 Q Now, specifically, as it relates to the
7 victim in this case, if his body temperature were
8 say 90-degrees when you came out there, no
9 question he would have had multiple gunshot wounds
10 regardless of what his body temperature was;
11 correct?

12 A Right.

13 Q That was obvious to you; correct?

14 A That's correct.

15 Q So in terms of your finding on your report
16 the condition of his body as sustaining multiple
17 gunshot wounds, it wouldn't have been affected at
18 all by the body temperature at all; right?

19 A No, ma'am.

20 MS. BARR: Thank you, sir.

21 That's all the questions that I have.

22 THE COURT: Any redirect?

23 MR. MCKNIGHT: Your Honor, no redirect
24 from defendant Williams.

25 THE COURT: Thank you.

Harrison McKnight-Cross by Barr

1 MR. GRIFFITH: No redirect.

2 MR. MCKNIGHT: Your Honor, he, and we have
3 no problem releasing him.

4 THE COURT: Thank you. Mr. McKnight.

5 MR. MCKNIGHT: Mr. Griffith.

6 THE COURT: But you rest.

7 MR. MCKNIGHT: Permission to approach?

8 THE COURT: Yes.

9 (Whereupon the attorneys approach the
10 bench and confer with judge.)

11 MR. GRIFFITH: Charlene Mickens is on the
12 second floor in the break room.

13 MS. BARR: Your Honor, the defendant
14 Toshonda Mickens is calling Charlene Mickens.

15 MR. GRIFFITH: Charlene Mickens.

16 MS. BARR: Judge, may we approach again,
17 please?

18 THE COURT: You may.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 THE COURT: Ladies and gentlemen, Charlene
22 Mickens was not on the original witness list so
23 her name wasn't called out when I was asking if
24 the jurors potentially knew a witness. Her name
25 is Charlene Mickens. Does anybody on the jury

Harrison McKnight-Cross by Barr

1 know anyone by the name of Charlene Mickens?

2 (Whereupon, No Response.)

3 THE COURT: Thank you. You may proceed.

4 Charlene Mickens, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION by Mr. Griffith:

7 Q Will you give the court, please, your
8 name?

9 A My name is Charlene Mickens.

10 Q And what is your address?

11 A My address now is [REDACTED]
12 [REDACTED]. And that's in Darlington, South
13 Carolina.

14 Q And how do you know Toshonda Mickens?

15 A That is my daughter.

16 Q And do you have other children?

17 A Yes, I do. I have two sons.

18 Q Ms. Mickens, I really just want to talk to
19 you about a time period in October through
20 November of 2007, where were you living at that
21 time?

22 A At that time, I was living still in
23 Darlington. But my address was [REDACTED]

24 [REDACTED].

25 Q Okay. During that time where was your

Charlene Mickens-Direct by Griffith

1 daughter living?

2 A At that time in 2007, you said?

3 Q Yeah.

4 A Okay she was living in Florence, and it
5 was on Jarrett Street. I can't remember the
6 correct address, but it was Jarrett Street.

7 Q And did you see her pretty often during
8 that time?

9 A Yeah, I see her pretty, you know, well my
10 job, I gets off late in the afternoon. So most of
11 the time I see her like when I get my grandkids
12 like that. Or but a lot of times we communicate
13 on the phone.

14 Q Okay. But she was spending a lot of time
15 coming to your house.

16 A Oh, yes. Yes.

17 Q And why---

18 A That's my only---

19 Q ---was she coming back and forth to your
20 house? I'm sorry.

21 A Okay. She was my only daughter. Like I
22 said, I have two sons. And I live in Darlington,
23 and during the time frame -- well, can you
24 rephrase? You just asked me why? I mean, I am
25 her mother. But I mean even you just asked me

Charlene Mickens-Direct by Griffith

1 why.

2 Q Was there was a specific purpose that she
3 kept coming to your house during that period of
4 time? Was there anything going on as far as---

5 A During the period of time what you are
6 asking is October and November of 2007? I need
7 you to be specific.

8 Q Wasn't she moving at that time?

9 A At that time she was back and forth from
10 my house. You know, at that time she was back and
11 forth from Florence to Darlington. Yes, of
12 course, to live with me.

13 Q She was in the -- during the course of
14 that period of time, you are saying she was moving
15 in with you.

16 A Back and forth, yes. I mean, we was
17 trying to get things together to put her stuff in
18 storage like that.

19 Q And so she was spending a lot time.

20 A A lot of time during that time; yes.

21 Q So she was pretty busy.

22 A Yes.

23 Q So when did she finish moving in with you?

24 A Well she finished moving in with me, it
25 was around, I don't know the exact date in

Charlene Mickens-Direct by Griffith

1 November, but it was around the end of November
2 her house got broken into. And, you know, that
3 was that because she was going through some things
4 prior in October. So that was it. And I am like,
5 you are home. Home. You are coming home.

6 Q And was why she moved in with you.

7 A Exactly.

8 MR. GRIFFITH: Okay. I don't have any
9 questions. Could you answer any questions that
10 Mr. McKnight might have.

11 THE COURT: Mr. McKnight.

12 Cross Examination by Mr. McKnight:

13 Q You frequently visited Toshonda's house;
14 didn't you?

15 A Sir?

16 Q You went over to Toshonda's house a lot;
17 didn't you?

18 A I did. My grandchildren are there, like I
19 said.

20 Q Did you often -- did you ever see Laquincy
21 over there?

22 A Yeah, I mean occasionally, yes, I did.

23 Q Did you ever see a guy named G there?

24 A Who is G?

25 Q Gquan. James Henry.

Charlene Mickens-Cross by McKnight

1 A I don't recall. Like I said, I live in
2 Darlington and my daughter lives in Florence.

3 Q And did you ever see a guy called P.J. or
4 Phillip Williams over there?

5 A Well yes, I have. But, when his presence
6 was there, I wouldn't stay.

7 Q Okay.

8 A So I couldn't tell you how often.

9 MR. MCKNIGHT: That's all my questions,
10 Your Honor.

11 THE COURT: Thank you. Ms. Barr.

12 Cross Examination by Ms. Barr:

13 Q Good afternoon, Ms. Mickens.

14 A Good afternoon.

15 Q Let me publish what's been previously
16 admitted as State's Exhibit No. 3. During this
17 time October to November of 2007, your daughter
18 would frequently rent vehicles from Hertz at the
19 airport in Florence.

20 A My daughter would frequent -- she would
21 rent vehicles not just in October, between October
22 and November.

23 Q Okay.

24 A She would rent, you know, that's the
25 service that we use. She used that service and I

Charlene Mickens-Cross by Barr

1 use it. And, we, you know, frequently would rent
2 from Hertz.

3 Q Okay.

4 A Because to me, it was a better way of not
5 really, personally with me, because using a car
6 rather than my own personal car, because not only
7 I did a lot, you know, of traveling. And she did
8 traveling. So we frequent used that company.

9 Q So you would often rent a vehicle even
10 though you had your own personal vehicle?

11 A I would. My mother lived in Maryland.

12 Q And Toshonda was she working at the time?

13 A At that time---

14 Q Yes, ma'am.

15 A ---of November?

16 Q October, November 2007.

17 A October, November 2007. No.

18 Q She wasn't working anywhere; was she?

19 A No, she wasn't.

20 Q And she frequently, although she wasn't
21 working, would rent vehicles from the airport in
22 Florence; right?

23 A Exactly.

24 Q Where would she get the money to rent
25 vehicles from the airport in Florence if she was

Charlene Mickens-Cross by Barr

1 not working?

2 A Okay, ma'am.

3 Q Yes, ma'am.

4 A I live in Darlington.

5 Q Yes, ma'am.

6 A She lives in Florence.

7 Q Yes, ma'am.

8 A Okay. How she get her money, I never
9 asked, okay. I just knew my grandkids was taken
10 care of. If she need anything from me, I provide
11 it.

12 Q Okay.

13 A I work.

14 Q Yes, ma'am. Did you ever see her driving
15 this type of vehicle, a gray or silver Mazda
16 vehicle in October/November 2007?

17 A I, back in 2007, ma'am, I can't recall
18 what type of car, because there were several cars
19 rented during the course of that year. So as far
20 as saying what type of car, what the tag was, I
21 can't tell you that. Because one thing with
22 Hertz, not only do they have, they don't have just
23 one type of car. You may go out there and there
24 are 3 cars with that name, but different tags.

25 Q Okay. You don't recall ever seeing her

Charlene Mickens-Cross by Barr

1 drive a silver or gray Mazda with Illinois tags in
2 October/November 2007?

3 A The name of the car?

4 Q Well---

5 A I answered yes of, you know, of her having
6 the car. But, you know, like I said, I can't tell
7 you what the name was---

8 Q Sure.

9 A ---or whatever, because It wasn't rented
10 by me.

11 Q I understand. And she would routinely get
12 rental cars, so no one, specific one, stood out to
13 you.

14 A No.

15 Q Okay. I understand. Do you see your in
16 this daughter picture?

17 A Can you bring it up, because I wear
18 reading glasses and I didn't get them out of the
19 car.

20 Q Do you see her?

21 A Yes.

22 Q This is your daughter here that I am
23 pointing next to the vehicle?

24 A Yes.

25 Q Standing next to her, that's Kenyatta;

Charlene Mickens-Cross by Barr

1 isn't it?

2 A Can you bring it up?

3 Q Sure. Do you want me to bring it to you?

4 A Yes, ma'am, I prefer.

5 Q Sure. Absolutely.

6 A I would do it on the screen.

7 Q Do you want me to do it on the screen?

8 A No. You know, I would have brought my
9 glasses.

10 Q That's okay. Can you see that now?

11 A You now, it's like the hood part or
12 whatever. I can't recall, but it's similar; yes,
13 to her. But like I said, I don't have my glasses.
14 But the facial, that is her. But the hoodie, I
15 can't really truly, ma'am, I really need my
16 glasses.

17 Q But you, when I talk about Kenyatta, you
18 know who I am talking about; right?

19 A When you say, Kenyatta?

20 Q Yes, ma'am. Kenyatta, Juandalyn Kenyatta
21 Miller. You know who I am talking about.

22 A I know Kenyatta. I really, truly when I
23 found out the real name is was the course of this.

24 Q Okay.

25 A So I knew the young lady as Kenyatta.

Charlene Mickens-Cross by Barr

1 Q I understand. And at the time that your
2 daughter Shonda was living on Jarrett Street in
3 Florence, Kenyatta would be at her house
4 frequently; right?

5 A Yes.

6 Q And sometimes if your daughter had to run
7 errands, Kenyatta would help take care of the
8 kids; right?

9 A Yes, that's correct.

10 Q And now you know the gentleman who is
11 seated next to attorney McKnight. The gentleman
12 in the blue shirt with the glasses you know that
13 fellow?

14 A Yes, I do.

15 Q And how do you know him?

16 A His mother and I are friends.

17 Q Okay.

18 A And I have known him, I just would say he
19 probably was maybe 6, 7. You know.

20 Q And, as a matter of fact, you lived in the
21 same apartment complex in Darlington that Laquincy
22 Williams and his folks used to live at; right?

23 A Correct.

24 Q And you and everybody you know referred to
25 Laquincy as Scrap. That's his nickname; right?

Charlene Mickens-Cross by Barr

1 A Yes.

2 Q Now you indicated that when Toshonda was
3 living on Jarrett Street and P.J. was around, you
4 didn't come around too often; right?

5 A No. I would come.

6 Q Right.

7 A And if his presence was there---

8 Q Yeah, you would leave.

9 A ---I would leave.

10 Q And the reason why you would leave is
11 because didn't approve of his relationship with
12 your daughter; right?

13 A No, that's, I haven't answered that. The
14 reason that I would leave is a mother knows. And
15 she feels when she meet someone for her child, if
16 she get a vibe, and I got this certain vibe.

17 Q Okay.

18 A But, you know, you can't tell your
19 children who they can be with.

20 Q I agree with you 100 percent on that. But
21 as it relates to P.J., you didn't, you would
22 not -- you did not like them being together.
23 That's fair to say; right?

24 A That's correct.

25 Q And the reason why you didn't like them

Charlene Mickens-Cross by Barr

1 being together is because P.J. was married.

2 A I found that out.

3 Q And also P.J. was involved with drugs;
4 right?

5 A I didn't live at my daughter's house,
6 ma'am. I can't answer that. As far as his
7 personal life, like I said, I wasn't around him.
8 So as far as his personal life, I don't know.

9 Q Did your daughter ever tell you that P.J.
10 was involved with drugs?

11 A Did she ever tell me?

12 Q Yes, ma'am.

13 A My daughter keep as far as something like
14 that, I am a very strict mother. I don't, you
15 know, I don't agree with that type of stuff. I
16 don't agree. I am very strict. And she, I mean I
17 wouldn't approve.

18 Q Okay. So in terms of the answer to my
19 question, your daughter did tell you the type of
20 lifestyle that P.J. led?

21 A No.

22 Q She didn't tell you he did drugs?

23 A That he did drugs?

24 Q Yes, that he sold drugs, used drugs,
25 whatever. That he was involved with drugs.

Charlene Mickens-Cross by Barr

1 A No.

2 Q She didn't tell you that. Okay. Now you
3 mentioned something about while your daughter was
4 living on Jarrett Street, her house was broken
5 into.

6 A Uh-huh. (Affirmative.)

7 Q Is that right?

8 A That's correct.

9 Q And the house was broken into. She told
10 you that?

11 A Did she tell me that?

12 Q Yes. How did you find out her house had
13 been broken into while she was living on Jarrett
14 Street?

15 A Two incidents. She called me. The last
16 incident -- no, the first incident, she called me.
17 And anytime my daughter calls me, I go over. And
18 a report was done on each incident.

19 Q With the City of Florence Police
20 Department; right?

21 A Exactly. The last---

22 Q Both times her house was broken into,
23 while she was living on Jarrett Street, it was
24 related to people looking for drugs; wasn't it?

25 A I don't know. Ma'am, I don't---

Charlene Mickens-Cross by Barr

1 Q What did she tell you? She told you they
2 were looking drugs; didn't she?

3 A She did not tell me that.

4 Q She was home at the time it happened?

5 A When the house got broken into?

6 Q Yes, ma'am.

7 A She was home.

8 Q Yes, ma'am. And people came into her
9 house with guns.

10 A When people came to her house with guns,
11 that was in November. I can recall, because we
12 took---

13 MR. GRIFFITH: I object, Your Honor, to
14 the relevance of this line of questioning.

15 THE COURT: Ms. Barr.

16 MS. BARR: Judge, I'll move on. I'll
17 move on.

18 Q Tell me what your daughter told you about
19 Gquan Henry or G.

20 A Like I said, ma'am, I don't know anything.

21 Q Okay.

22 A That name, G?

23 Q She didn't tell you she took a boy named
24 G. to the hospital in Florence?

25 A G.?

Charlene Mickens-Cross by Barr

1 Q Yes, ma'am.

2 A I know about a hospital incident, but I
3 don't whether it was somebody named G. I don't
4 know.

5 Q I am going to publish State's Exhibit No.
6 36. Have you ever seen that fellow?

7 A No.

8 Q Okay. And you said you know about an
9 incident in an hospital, but you didn't know the
10 person's name; is that right?

11 A That's correct.

12 Q Your daughter told you that she took
13 somebody who had been shot to the hospital in
14 McLeod's back on November 2nd?

15 A Did she tell me?

16 Q Yes, ma'am.

17 A That she took someone? No, I heard of the
18 incident about someone at the hospital. She
19 didn't personally say, mom, I took someone.
20 Somebody named which is her daughter's -- her
21 daughter's aunt called her and said that---

22 Q No, don't tell me what somebody else said.
23 My specific question is, did your daughter ever
24 tell you that she took somebody to the hospital---

25 MR. GRIFFITH: Objection, Your Honor.

Charlene Mickens-Cross by Barr

1 That would be hearsay.

2 THE COURT: It's the defendant.

3 Overruled.

4 Q Did your daughter ever tell you that she
5 took someone to McLeod Hospital who had been shot
6 in November of 2007?

7 A No, took someone that was shot, ma'am, in
8 2007?

9 Q Well, ma'am, at some, let me just do it
10 this way. And I'm not trying to twist your words.
11 I'm just trying to get it in a question. If
12 someone had been shot and you took somebody who
13 had been shot to the hospital, you would remember
14 that; right?

15 A Exactly.

16 Q That would be, follow me. That would be a
17 traumatic experience for you; right?

18 A Exactly.

19 Q Did your daughter at any point and time,
20 tell you she took somebody who had been shot to
21 McLeod Hospital in November of 2007?

22 A As far as somebody going to the hospital
23 that she transported to the hospital?

24 Q Yes, ma'am.

25 A This was the someone that she thought had

Charlene Mickens-Cross by Barr

1 maybe had gotten beaten up.

2 Q That's what she told you?

3 A And realized that, you know. So as far as
4 the name, I don't know.

5 MS. BARR: That's all the questions.

6 THE COURT: Any redirect?

7 MR. GRIFFITH: No redirect, Your Honor, at
8 this point.

9 MR. MCKNIGHT: No, sir.

10 THE COURT: Thank you. You may step down.
11 Anything further?

12 MR. MCKNIGHT: Nothing. The defendant
13 Laquincy Williams rests at this time.

14 MR. GRIFFITH: Your Honor, defendant
15 Mickens, rests at this time.

16 THE COURT: Does the state intend to
17 produce reply testimony?

18 MS. BARR: No, Your Honor. The state
19 rests.

20 THE COURT: Thank you. Ladies and
21 gentlemen, we have a few matters of law to take
22 up at this time. I am going to send you to the
23 jury room. Please do not discuss the case while
24 you are back there. Thank you.

25 (Whereupon, the following takes place

Charlene Mickens-Cross by Barr

1 outside the presence of the jury.)

2 THE COURT: Any motions to be made?

3 MR. MCKNIGHT: Yes, Your Honor.

4 THE COURT: Before I charge the jury, I
5 will give the stipulated facts.

6 MR. MCKNIGHT: Yes, sir.

7 THE COURT: When I bring them back out.

8 And here's what I -- just for the record here---

9 MR. MCKNIGHT: Yes, sir.

10 THE COURT: ---is what I am going to tell
11 them. That the facts that the parties requested
12 to take judicial notice on, November 2nd of 2007,
13 Hemingway, South Carolina, that the maximum
14 temperature was 79 degrees for the day. The
15 minimum temperature was 54 degrees. The
16 temperature at the measuring time at the NOA site
17 for Hemingway at 8 a.m. was 54 degrees. The sun
18 rose at 7:39 a.m. that day. And as we had not yet
19 turned our clocks back to daylight standard time.
20 It started on March 11th and was to end on
21 November 4th of year 2007.

22 MR. MCKNIGHT: Two days short of daylight
23 savings time. Yes, that's fine. From defendant
24 Williams that's---

25 THE COURT: Any objection to---

1 MR. MCKNIGHT: ---fine.

2 THE COURT: ---that?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: The state is fine with that.

5 MS. BARR: Yes, sir, Judge.

6 THE COURT: Any motions?

7 MR. MCKNIGHT: Yes, Your Honor. At this
8 time without taking the court through the motions
9 again, we reiterate the motions we made after the
10 jury was sworn, and again when the prosecution
11 rested with regard to their being a directed
12 verdict and our motion to suppress the statements
13 made by Dr. Bradley Marcus with regard to the
14 autopsy report.

15 MR. GRIFFITH: I would join in that
16 motion, Your Honor. As well as, reiterate the
17 motion for our directed verdict.

18 THE COURT: Thank you. Respectfully
19 denied.

20 MR. MCKNIGHT: Yes, sir.

21 THE COURT: Why don't -- you want to take
22 about 5 minutes, 10 minutes to give you an
23 opportunity for closing. Then we will argue and
24 charge.

25 (Whereupon, the court takes a short

1 recess.)

2 THE COURT: These type of trials are
3 emotionally charged enough. I don't know any
4 participation from the viewers. So if anybody
5 disrupts this court anymore, I will send them
6 straight to jail. If anybody doesn't understand
7 that, now is your opportunity to leave. Thank
8 you.

9 Let's bring our jury in.

10 (Whereupon the following takes place
11 within the presence of the jury.)

12 THE COURT: Ladies and gentlemen, the
13 parties have requested that I give you some
14 information that you can take judicial notice of.
15 And this is that on November 2nd of 2007, in
16 Hemingway, South Carolina, the maximum temperature
17 that day was 79 degrees. The minimum temperature
18 for that day was 54 degrees. The temperature had
19 the measuring time at the NOA site for Hemingway,
20 South Carolina at 8 a.m. was 54 degrees. On that
21 day the sun rose at 7:39 a.m. And at that point
22 and time, we had not yet turned our clocks back,
23 fall back to being on daylight standard time. We
24 were still on daylight savings time. Daylight
25 savings time started on March 11th. And it was to

1 end on November 4th of that year. So we were
2 still in daylight savings time. Is the state
3 ready to proceed?

4 MS. BARR: The state is ready, Your Honor.

5 THE COURT: Is the defense ready?

6 MR. MCKNIGHT: The defense is ready.

7 THE COURT: Ms. Barr.

8 MR. BROWN: Your honor, may it please the
9 court.

10 THE COURT: Mr. Brown.

11 MR. BROWN: Good morning, Ladies and
12 gentlemen. By the way of introduction, the most I
13 have spoken to you this week, has been when I have
14 been when I am dealing with witnesses. My name is
15 Tyler Brown. I am an assistant solicitor here in
16 Williamsburg, South Carolina with the third
17 circuit of South Carolina. Myself along with
18 Kimberly Barr are the assistant solicitors under
19 your elected solicitor Earnest A. Finney.

20 And it's been our pleasure to be here this
21 week with you, to help present this trial. I
22 want to start out before I get anywhere else in
23 this opening, while opening on the law, to thank
24 you for your services. Thank you for your time.
25 This has been a long trial. This has been one of

1 the longer ones I have participated in my time as
2 a prosecutor. You all have been here at 7 o'clock
3 at night most nights. You all weathered the flu
4 apparently. You all have -- we've been listening
5 to all trying through, as you all were coughing.

6 It is not missed on myself and Ms. Barr
7 and I, I think on these people on defense counsel,
8 it's not missed on them either. You all have been
9 there watching and paying attention. And I think
10 I can extend on behalf of both defense counsel and
11 the state, our sincere appreciation of everything
12 you all have done this week. Your jobs aren't
13 quite over yet though. In fact, soon your job is
14 actually going to employ come into effect.

15 Ladies and gentlemen of the jury are
16 aware, you are here today because you are the
17 deciders of the fact on the case against Laquincy
18 Williams and Toshonda Mickens. It is y'all's job
19 after we finish the closing, after the defense
20 finishes the closing, after the judge finishes
21 charging the law, it is your job to determine
22 whether or not the state proved the guilt beyond a
23 reasonable doubt in this particular case.

24 Reasonable doubt is one of those terms
25 that you hear on Law and Order. You hear it and

1 it's used and so on and so forth. It's a term
2 that a lot of times people don't get told what it
3 means. Ladies and gentlemen, my job here as the
4 person who will speak to you, my job is to tell
5 you about the law. Particularly speaking, the
6 state closes, then the defense closes, then the
7 judge charges the law. When the defense puts up
8 evidence, at that point it changes to the state
9 and comes up and talks to you about the law. Then
10 the defense closes. Then the state closes then
11 the judge talks to you.

12 Today we are going to be talking about
13 what the law is. When we talk about reasonable
14 doubt, that is a term of art we use here in South
15 Carolina. That is a term of art that is used in
16 the law. Reasonable doubt according to South
17 Carolina, is the type of doubt that would cause
18 you to hesitate to act. Further, in proving
19 guilt beyond a reasonable doubt, we the state,
20 must leave you, ladies and gentlemen of the jury,
21 firmly convinced of both the defendant's guilt of
22 each and every one of the charges. That is our
23 obligation. That is our duty. The state has duty
24 we welcome.

25 Now, Ladies and gentlemen, I want to be

1 very specific and very clear with you. Our job is
2 not to disprove any and all doubt. That is
3 absolutely impossible. There are people who still
4 to this day doubt that we landed on the moon. If
5 you look for the doubt you can always find a
6 little doubt. But the question is, are you guilty
7 behind a reasonable doubt. One of our local
8 judges, he talks to us about this. Sometimes
9 after a trial, he will talk about back in the day
10 when he was a prosecutor. And he'll talk about
11 when he would finish a trial, and then he might
12 lose that trial, he would sometimes call jurors.
13 And he would ask them, what did I miss. I want to
14 be better a prosecutor. I want to be able to get
15 a conviction at this time. I want to know what I
16 need to do better to prove the case to you, Ladies
17 and gentlemen of the jury. And he talks about how
18 he would sit there and he would talk to them. And
19 they would say well, we listened to the evidence.
20 We heard all the testimony. We believe the
21 defendant did it, but we just didn't -- we didn't
22 think there was enough evidence. And he would
23 always hang up the phone and he would say, well if
24 they believed he did it, that means they firmly
25 convinced of it. They believe that he was guilty

1 beyond a reasonable doubt but just didn't get
2 there.

3 Ladies and gentlemen, if you believe the
4 individuals at the end of this case committed this
5 act, if you are firmly convinced of that fact, it
6 is going to be your legal obligation to convict on
7 the charge that you believe that. So question is,
8 what is Toshonda Mickens, what is Laquincy
9 Williams charged with today. That's something you
10 already know. They are charged with murder. They
11 are charged with burglary in the first degree.
12 They are charged with armed robbery. They are
13 charged with criminal conspiracy. Both of them
14 are charged with all four of those charges. And
15 Mr. Williams additionally is charged with
16 possession of a weapon during the commission of a
17 violent crime. So what does all that mean. What
18 do we have to prove. What does the statute
19 require us to show you, to convince you, to get
20 you to the point that they are guilty beyond a
21 reasonable; that you are firmly convinced that you
22 believe they did it.

23 Murder in South Carolina is designed or
24 defined as a killing of another individual with
25 malice aforethought. Those are all fancy words.

1 Especially about malice. I remember back in law
2 school I had no idea what that meant. Most people
3 would probably look at me and say you probably
4 haven't been out of law school very long. You are
5 pretty much right. But I did learn from having
6 been in law school..

7 Ladies and gentlemen, malice is there is
8 hatred. When that is disregard for human life.
9 When you do something intentionally with the
10 designed motive causing the action to take place.
11 Malice can be coming from numerous different ways.
12 There is express malice. It's when someone stands
13 there and someone says, I am going to kill. And
14 pulls a trigger. That's express malice, Ladies
15 and gentlemen. That can prove malice. There's
16 also implied malice when you have a regardless
17 disregard for another human life. This is things
18 that we might see; for instance, when you have
19 circumstances. Excuse me, Ladies and gentlemen.
20 That might be when you have conduct that is
21 showing complete disregard for human life. It's
22 where you might, I don't know, where you might
23 pull a trigger and shoot into someone's direction,
24 out of anger, maybe not meaning to hit them, but
25 it still hits them, because you had that disregard

1 for their life.

2 Ladies and gentlemen, in South Carolina,
3 we also recognize the felony murder rule. The
4 felony murder rule in South Carolina means that if
5 you kill someone in the commission of a crime, in
6 commission of a felony, if you kill them, even if
7 that's not what you went in intending to do, you
8 have still have malice. That shows malice in
9 South Carolina. Back in the jury room when you
10 all start deliberating, these are things you will
11 think about. Those are things you will talk
12 about. Those are things you must consider.
13 That's what you will decide. Do I believe that
14 Toshonda Mickens and Laquincy Williams, do I
15 believe that they had the malice in the killing of
16 this individual. Am I firmly convinced? Do I
17 believe beyond a reasonable doubt.

18 Armed robbery, Ladies and gentlemen, is
19 the second charge they are both charged with.
20 Armed robbery is when you take something from
21 somebody with force or intimidation, and you use a
22 deadly weapon. Ladies and gentlemen, I am going
23 to save you the trouble, a gun is a deadly weapon
24 in South Carolina. No one will argue that. When
25 you take an item from somebody, when you remove it

1 from them, when you force or intimidating, when a
2 hold a gun to them to say, give me your money,
3 that's armed robbery. It will up to you to
4 determine whether or not you are firmly convinced,
5 whether you believe beyond a reasonable doubt that
6 the individuals did this in this case.

7 Thirdly, they are charged with burglary in
8 the first degree. Burglary in South Carolina
9 generally means the unlawfully entering into
10 another person's house with the intent to commit a
11 crime therein. I will begin by telling you that
12 armed robbery is a crime. It is a felony. And if
13 they went into the house and they intended to
14 commit that crime in there, that in and of itself
15 is the crime therein.

16 Ladies and gentlemen, I also I don't think
17 it is disputed, but just to be clear, the house
18 was in fact a house they lived there. They
19 resided there. The victims lived in the back
20 bedroom where he died. To prove burglary in the
21 first degree, there also is an elevating factor
22 that we must prove. We also must prove that there
23 is a number of elevating factors in South
24 Carolina. Sometimes these are at nighttime. We
25 are not contending this happened at nighttime.

1 Sometimes it's there are prior burglaries. We are
2 not contending there are prior burglaries in this
3 case. But other elevating factors other than a
4 weapon was used in the commission of a burglary.
5 The individuals had a gun when they went into the
6 house. That can be enough to elevate burglary in
7 the first degree. If an individual is hurt, which
8 by the getting killed, is being hurt. If an
9 individual is hurt, if he is nonparticipant and is
10 injured, that can elevate the burglary in the
11 first degree.

12 If you believe that they committed a
13 burglary first degree, are you firmly convinced,
14 if you believe beyond a reasonable doubt. Those
15 are the questions, you, Ladies and gentlemen are
16 going to have to answer. That next case, the next
17 charge they are both charged with is criminal
18 conspiracy. Criminal conspiracy is when there is
19 a meeting of the minds. When there is a decision
20 by two or more people; that we are going to do
21 this. We are going to commit this particular
22 crime. It requires maybe intending to commit a
23 felony. Just because someone is an active
24 listener into a conversation that doesn't rise
25 there. But when they start deciding, this is what

1 my job is, I am the get away driver. Your job is
2 to go into the house. Your job is to pull the
3 trigger if you have to do it. And your job is to
4 make sure we know that he is there. That is a
5 conspiracy, Ladies and gentlemen. If you
6 determine that both of these individuals were
7 involved in that conspiracy, it's going to be your
8 job to convict. And do you believe they did it.
9 Are you firmly convinced. Do you believe beyond a
10 reasonable doubt.

11 Finally, Laquincy Williams alone in
12 particular case, is charged with the use of a
13 firearm in the commission of a violent crime.
14 Murder is a violent crime. Armed robbery is a
15 violent crime. Burglary in the first degree is a
16 violent crime as defined in South Carolina. And a
17 gun is a weapon. If you believe that Laquincy
18 Williams in the completion of those acts, used a
19 gun, used a firearm, then it is your obligation to
20 convict. One thing that is important to note in
21 this case; is that, we are not contending that
22 Toshonda Mickens is the trigger person. We are
23 not contending that she went to the house. And so
24 some of you may be saying, why is she charged.
25 Why is she standing here today charged with

1 murder. Why is she standing here today charged
2 with burglary in the first degree. Why is she
3 today charged with armed robbery.

4 Ladies and gentlemen, South Carolina
5 recognizes the principle involved called the hands
6 of one, the hands of all. What that means you may
7 have heard it on TV, but here in South Carolina,
8 what that means is when two people have a meeting
9 of the minds to commit a felony; such as, an armed
10 robbery, such as a murder, such as a burglary.
11 When they go -- when one person goes in the
12 house, what one person is actions are, are the
13 responsibility of everyone. So for instance, if
14 we committed an armed robbery and I am the only
15 one holding the gun, and two others are there with
16 me, but they are there to as the look out, they
17 are just as responsible for anything that happens;
18 including, if I decide that I have to shoot and
19 kill the person that I am doing an armed robbery
20 on, they just are just responsible for the murder
21 and the armed robbery. South Carolina is clear on
22 that. But just because she didn't go into the
23 house, just because she was the get away driver,
24 if you determine that that is what you believe
25 happened, if you are firmly convinced of that, if

1 you believe beyond a reasonable doubt that she was
2 the get away driver in this, and you believe
3 beyond a reasonable doubt that these events
4 happened, that is now reason to find him guilty.

5 In fact, you will be legally obligated to
6 find guilt in that circumstance, because that is
7 the charge. That is what you swear to uphold the
8 law, not use your own version of the law. South
9 Carolina recognizes that the hands of one are the
10 hands of all. You have heard a lot of evidence in
11 this trial. A lot of people here the talk about
12 circumstantial evidence. A lot of people hear the
13 words of direct evidence. A lot of people believe
14 and you hear it all the time on the news, that
15 case will go forward on circumstantial evidence if
16 they don't have anything. To be clear, the law
17 does not recognize the difference, a distinction
18 or anything else, between circumstantial and
19 direct evidence.

20 And to be clear also, what I mean when I
21 say direct and circumstantial evidence is this.
22 Direct evidence is what you see, what you hear,
23 what you feel, what you particularly observe. And
24 what the witness on the stand, and you heard so
25 many. But what they particularly saw, observed,

1 and felt. I saw so and so shoot so and so. I was
2 there when we had a conversation; that we are
3 going to commit these crimes. That is direct
4 evidence. The testimony of Gquan, that is
5 considered direct evidence if you choose to
6 believe him. You can weigh how much you trust
7 him. You can weigh how much you believe him. You
8 can do that with every single one of the
9 witnesses. No two are more powerful than one.
10 You can do that. But that evidence is direct
11 evidence. That is evidence that have before you.
12 You have heard about circumstantial evidence.

13 Circumstantial evidence is what you have
14 perceive based on events around you, that lead you
15 to a conclusion. So say for instance, that we had
16 locked you in this courthouse for 3 days, that's
17 probably not hard to believe at this point. But
18 say, for instance, we had put you in a courtroom
19 and not let you see what is going on outside, and
20 at some point during this trial, I come into the
21 back door. I'm holding an umbrella, shaking the
22 water off of it, and I am dripping wet. You all
23 have circumstantial evidence it's raining outside.
24 That's what circumstantial evidence is. It's
25 evidence that leads you to conclusions.

1 So if you hear of DNA evidence of the
2 victim and the defendant on the same piece of
3 clothing, that would be circumstantial evidence
4 for you to consider; that that defendant was there
5 when that victim died. If you hear evidence about
6 DNA evidence blood being inside the car of the
7 victim, of one of the co-defendant's, you can make
8 that conclusion based on that circumstantial
9 evidence if that person was in that car while he
10 was bleeding, they were there. That is how that
11 you all have it. That is the authority you all
12 have. And that is the responsible you all have.

13 In a few moments, we will finish our
14 closings. In a few moments, the judge will charge
15 you. In a few moments, you are going to go back
16 in that room one last big time. And that's when
17 you 12 individuals become the 12 most powerful
18 people in the county, in the state, in the nation
19 and the world. You 12 people at that point are
20 given the exclusive ability to decide whether or
21 not you will believe. Whether you are firmly
22 convinced. Whether you beyond a reasonable doubt
23 that Toshonda Mickens and Laquincy Williams
24 committed these acts. If you go back there you
25 will be told before you go back there, at this

1 point presumed innocent.

2 Ladies and gentlemen, I will be the first
3 to tell you they are presumed innocent. Ladies
4 and gentlemen, I will be the first to tell you
5 they are presumed innocent at this point. You
6 will go back there and hear about their righteous
7 robe of innocence that they wear on them. When
8 you go back there, you became the power to take
9 that robe off of them. You at that point will
10 have the power, the right, the authority. And if
11 you believe, if you firmly convinced they
12 committed this, the responsibility, you at that
13 point will have that power to take that robe off
14 of them. You 12 people will be the only 12 people
15 who will be able to do that.

16 Ladies and gentlemen, I ask that as you
17 deliberate, you consider all the evidence. There
18 is a lot up here. Take the time to look through
19 it. Discuss what you saw. Discuss the witnesses.
20 Consider them. Consider whether or not they had a
21 reason to lie. Motive. Anything of that nature.
22 And when you consider all of that as I am going to
23 at the conclusion of this, you check the box
24 guilty of all counts. Thank you.

25 THE COURT: Mr. McKnight, or, Mr.

1 Griffith.

2 MR. MCKNIGHT: May it Please the court,
3 Your Honor.

4 THE COURT: Yes, sir.

5 MR. MCKNIGHT: Mr. Griffith, Your Honor,
6 Ms. Barr, Ladies and gentlemen of the jury, good
7 afternoon. We are almost to the end of the
8 journey we started on Monday. Which seems so, so
9 long ago. I know you all are ready to get home.
10 I know you all are ready to get back to your loved
11 ones and back to your lives. But for a few more
12 moments, I need you all to be with us here right
13 now. You have heard from several witnesses during
14 this whole week. The testimony has been lengthy.
15 The testimony has been detailed. And in some ways
16 it's been confusing. But in a few moments, you
17 are going to return to the jury room, after His
18 Honor has given you the law, and you are going to
19 have to start honoring the promise that you made
20 in the beginning. The promise that you would
21 listen, bring your respective experiences and
22 common sense to a part -- to this matter. Weigh
23 all the evidence bit by bit. Turn it inside out
24 and determine what the verdict is.

25 Now as I told you in my opening, the

1 burden in this case is beyond a reasonable doubt.
2 That means if we were holding the scales of
3 justice and we had to put evidence on it, the
4 evidence, when I say we put evidence on it, I mean
5 that the state, Ms. Barr, Mr. Brown, the evidence
6 that they put on it, it has to weigh so much or be
7 so heavy, that it tilts the scale, all the way in
8 over in their favor. Now, as I described to you
9 then, I gave you the analogy of garbage delivery
10 day. Meaning what? I have put my garbage can is
11 full, and I am rushing to court. And I know I
12 have got to put it out because it is Tuesday. And
13 if I don't put it out, I am going to end up with
14 more trash for the week. Well that doubt that I
15 have as I am driving down the road as to whether
16 or not I put it out, is what a reasonable doubt
17 is. It's what makes you hesitate to act. If you
18 have hesitate to pronounce the guilty verdict,
19 then that's reasonable doubt.

20 Now on behalf of my client, Mr. Laquincy
21 Williams, we thank you. We appreciate what you
22 have done here today. We appreciate what you've
23 done this week and the sacrifices that you have
24 made. But I need you to bear with me just a
25 little bit longer. I know you are talking of me

1 talking, but we've got to go through this
2 evidence. And I want to try to go through it
3 witness by witness. This will be the last time
4 you hear me or Mr. Griffith speak, because after
5 us Ms. Barr gets to be the last person up here.
6 So this is my last chance, and this is going to
7 maybe a little lengthy. But please understand, I
8 am not doing it just to talk. I'm doing it
9 because this is my last chance and I've got to get
10 it all out to you.

11 Now the first person you heard from was
12 Juandalyn Miller. And she testified as to, it's
13 not what she testified to, I want to talk about
14 the questions that were raised by her testimony.
15 She testified that they went and they rode around
16 and around, a what? A trailer park. For about 20
17 or 30 minutes before supposedly my client and
18 someone else, and Gquan, allegedly went into this
19 house.

20 Now you heard from every other witness
21 after that, that that area in Donnelly is not a
22 trailer park. You saw pictures in that area that
23 show you that there is brick house across the
24 street. There is a wooden house across from it;
25 that's it not a trailer park. And she even told

1 you she didn't know the difference between
2 Hemingway and Johnsonville. Can you rely on that.
3 Is that something that you can say definitely.
4 Yeah, they were there. And I will tell you,
5 court's indulgence. When they put up the picture,
6 when they put up State's Exhibit No. 47, and asked
7 her was this the house you went to. What did she
8 say? She said no. And Ms. Barr pressed her on
9 it. Are you sure this isn't the house. This is
10 not the house. Now this is supposedly somebody
11 that came there with them, and they want to you
12 believe that they were quote/unquote, "casing the
13 joint." Riding around, seeing if it viable.
14 Getting familiar with the scene. Well if she did
15 that, and if she saw that the way that they say
16 it, and when I say they, I mean the prosecution,
17 wouldn't she recognize the house that they claim
18 is the scene of the crime. She told you no, this
19 wasn't it.

20 The next person you heard from was Lee
21 Davis, the investigator from Florence. And he
22 testified as to what he saw and witnessed and
23 investigated with regard to a shooting victim at
24 McLeod Hospital. And he testified that what he
25 took off of Gquan was a multi-colored hoodie; that

1 he took this off, this hoodie. And that he took
2 these jeans. Now he also testified that -- excuse
3 me. Now you have to ask yourself, compare that
4 with what you heard then to what you heard to
5 every other time. And in particular from people
6 like Latesha Bell, who are we are going to talk
7 about in detail in a minute. But they all say
8 that the person who was in the house that did the
9 shooting, had on what? Dark colored clothing.

10 Now let's move a little forward for me.
11 Did you hear the prosecution ask ever, what
12 Laquincy had on during the robbery? No. There is
13 no testimony from him supposedly assuming that
14 Laquincy was there; that he had on black. I
15 wonder why that is. See they want you to assume
16 that he's the one. That's what they want you to
17 assume. Doubts.

18 The next person you heard from let's move
19 to Dr. Marcus. Dr. Bradley Marcus. Our autopsy.
20 But before we do that, let's move to him. He
21 testifies about the body and the condition that he
22 saw it, and what he saw. But you must ask
23 yourselves, are you willing to rely on what it is
24 he tells you. Now I'm not at all suggesting that
25 this doctor has done something that he is not

1 supposed to do. I think from his candor on the
2 stand, that's he is a stand up fellow. I really
3 do. But what I am suggesting to you is, we don't
4 know who had the body, from the time they took it
5 out of the house until the time they took it to
6 MUSC.

7 Now His Honor told you that the weather
8 that day, that the high was 79 degrees. Think in
9 your experience if you've ever sat in the car with
10 the windows up on a 79 degree day. It might as
11 well be 100. We don't know if that body sat in
12 that car all day. We don't know if they had the
13 air-conditioner on. We don't know if that person
14 who took it to MUSC did something with it. We
15 don't know if they juggled it and smashed it. We
16 don't know anything about how it was controlled.
17 But every other piece of evidence in this
18 courtroom, they pull out gloves and kits. And
19 they sit there on the stand, and they meticulously
20 take it out and they talk about how they don't
21 want to contaminate the evidence. And do all of
22 these things. But the body, what we call in the
23 law, the corpus delicti, that's just junk. You
24 can throw that any way you want. We don't care.
25 If you are going to rely that, you are then going

1 to be left to pick up the garbage and put it
2 together and fix it for them when had the chance
3 to do it right themselves. And then be asked to
4 pronounce guilt of murder, robbery, conspiracy and
5 possessing of a violent crime on my client. And
6 risk him being sentenced for that. No.

7 Now if they can take the time to put all
8 these fancy yellow markers out and document all
9 the bullets, and put it in a container and seal
10 it. And have sled down here and catalog it, and
11 tell you everything good thing about it. And then
12 toss the body in the back of somebody's station
13 wagon, we don't know who. And expect you to rely
14 on the results of testing for that. Is that
15 right? No. Ninety-nine and a half just won't do.
16 No, it will not.

17 Now let's talk about Investigator Scott.
18 He is -- he was the evidence tech and now he is to
19 a professor at Horry/Georgetown. And he tells you
20 about how the evidence was collected. But when
21 you ask him and press him on specific questions,
22 he is an expert on everything except the pertinent
23 facts. When you press him on certain questions, I
24 don't know. I don't remember. But if it is
25 something that the prosecution asks him, all of a

1 sudden, low and behold, he has an epiphany, he
2 knows it all.

3 Credibility of witnesses. Now you asked
4 him, I asked him, and he told you, it's not a
5 trailer park. I asked him and he told you that
6 the blood was dry. Some of it was, and some of it
7 wasn't. Now like the doctor told you and this is
8 consistent, where there is a lot of blood, it
9 dries what? It dries slower. And that's why when
10 they pull back the floor where the body was laying
11 and the blood had pooled, that's why you see that
12 pool of rich red blood. But all that other stuff
13 is dry.

14 Now the only person that took the time to
15 tell you what the weather was, was Melissa Skipper
16 Wallace. And she told you it was cloudy and 65
17 degrees outside. She took it. Which would lead
18 to tell you what the temperature was in the house.
19 Because if it's 65 outside when she gets there and
20 if it's 54, that means they've got what. They've
21 got -- it's not cold inside. They've probably got
22 it at a comfortable setting. Now remember when I
23 asked when asked Latesha Bell. Now I know
24 everybody in here can tell me, and you have got a
25 thermostat what you have it set on during a

1 particular time of year. Because we all know how
2 we like it. Some of us like it cool in the house.
3 Some of us like it toasty and warm. She don't
4 know. I don't know.

5 Now let's move to Ms. Bell. And let's
6 look at what we have we got from law enforcement
7 and tie it into to Ms. Bell. You'd expect them to
8 give you the best evidence; right. You'd expect
9 them to give you the person who was the lead
10 investigator on this, right. What did they give
11 you. They gave you Lee Lail Wrenn and her, I
12 don't no responses. We have been living this case
13 for 6 years. It's her report that she wrote.
14 It's her people that she talked to. If she can't
15 tell you whom she talked to. You know what else
16 is interesting, they didn't bring the officer on
17 scene.

18 You know what else is interesting, God
19 bless the dead. They can't tell you when they
20 talked to that boy's granddaddy or his uncle who
21 he calls his daddy. I wonder why. Why don't we
22 hear what it is he saw. Why is it that we don't
23 hear his first impressions when he saw his boy
24 dead on the ground. Why don't we hear from
25 anybody else but law enforcement as to what the

1 condition of the body was. Paul Harvey likes to
2 say, my favorite journalist. He likes to say, and
3 now we know the rest of the story. They have left
4 you to guess the rest of the story. And if you
5 have got to guess the rest of the story, then the
6 rest of the story must be a verdict of not guilty.

7 Questions? Can a regular person come in
8 there and say, I saw this body, I touched it, It
9 was cold. Can a regular person come in there and
10 tell you the blood was separating on the floor.
11 Can a regular person come in there and tell you,
12 what they saw, how they saw Latesha Bell act.
13 Probably. But you don't know. But what we do
14 know from the facts is that they charged her.
15 What we do know from the facts and from the
16 investigator's mouth, Lail's mouth, that she was
17 deceptive. What we do know and what the facts
18 suggest and if we had more evidence, we have an
19 idea as to when the boy died.

20 Now let's use some common sense about
21 robbery and people who steal and people who go
22 into houses to take stuff. I want you to be a bad
23 person for a minute. When you go to rob somebody
24 especially in a neighborhood with houses this
25 close together, are you going during the daylight

1 hours. No. Even the good book tells you the
2 thieves come what. At night. Daybreak. Sunrise
3 as his honor gives you. Now I want you to
4 understand so you know what sunrise is. Sunrise
5 is when the sun, assuming this is the horizon,
6 when the sun first breaks the horizon. That means
7 there is light coming up before the sun gets
8 there. It's already light. They are just going
9 to break in on a school day with school buses in
10 the middle of the day going to rob and kill.
11 There are some dumb people that commit crimes,
12 but there ain't nobody that dumb. No. He was
13 dead long before then, and he wasn't killed by my
14 client. And you get a chance to get that answer
15 if they have certain people here.

16 Now we have got this master mind, this
17 P.J. fellow, where is he. Don't know. Not even
18 charged. And when do you ever hear the police
19 tell you they don't know whether or not a person
20 is charged with something. This lady has been in
21 law enforcement for almost 20 years. She's
22 bright. They don't let dumb people be
23 investigators. They don't. They don't bring them
24 in, if you are clueless, you don't get to wear
25 plain clothes and go around here and ask people

1 questions. They put their best on. That's what
2 the sheriff does. She is one of them. So for her
3 to sit here and tell you that she doesn't know
4 whether or not this guy has pending charges in the
5 State of South Carolina, is not believable. It is
6 not. Latesha Bell sits here and tells you that
7 her boyfriend is my height. I am short in case
8 you haven't noticed. I know that about 5 feet
9 5 inches, I am 65 inches tall.

10 MS. BARR: Objection. Counsel is arguing
11 facts not in evidence.

12 THE COURT: Counsel, do not argue facts
13 that are not in evidence.

14 MR. MCKNIGHT: What is the evidence is
15 that the length of the body of the decedent is 69
16 inches. And if divide 65 by 12, you get 5 feet 9
17 inches. Four whole inches taller than me.

18 MS. BARR: Objection again, Judge.

19 THE COURT: Sustained. Counsel will
20 refrain from using the analogy again.

21 MR. MCKNIGHT: He is supposed to be 5'6.
22 Have a seat. Are you going to sit there and
23 believe somebody who claimed they lived with a man
24 for years, and they can't tell you how tall he is.
25 It's the love of her life. When you are consumed

1 with a person, you know what, you know everything
2 about them. You know how tall they are. You know
3 how big they are. You know how small they are.
4 You know what they smell like when they first come
5 out of the shower. You know everything about
6 them. You love them. What else did Gquan tell
7 you. And I believe he was there, because he told
8 you what? He brushed the dog and we went in and
9 went on in. Who? You had him and who? Dog or
10 Black.

11 Now these investigators are thorough.
12 They thrive on inconsistencies. If I tell them
13 that I have got a on a blue suit today, but the
14 next day I say navy blue, they are going to be all
15 over. What do you mean by navy blue. Blah, blah,
16 blah. You mean to tell me for 6 years, or I sorry
17 for 3 years, they had this whole written
18 transcribed statement of Gquan and all of a sudden
19 today, low and behold, oh, it doesn't match up the
20 tape. No, that's what he told them then. That's
21 what he said then. That was there. And I want to
22 ask you, and you can reach your own conclusion.
23 They didn't bring P.J. here to testify. I wonder
24 why that is. Didn't -- they knew that I was going
25 to ask them if he got a deal. They knew that if

1 he got one, we was going to bring that out. Knew
2 it. Well what did they do? Hide him. Hide him
3 from your scrutiny. Hide him from your probing
4 questions. Hide him from that statement. That,
5 Ladies and gentlemen, has to leave you with plenty
6 of doubt.

7 Now let's go back to Ms. Bell. Do you get
8 a chance to ask her, what was her demeanor like?
9 Oh, I am sorry. Let's go to her, maybe Mr. James'
10 grandfather. You don't get a chance to ask him or
11 hear what he says her condition was when she came
12 and knocked on the door. You don't. Now if she
13 is in the bed with a bloody boy that is being
14 shot, do you think she got any blood on her? Now
15 she is so certain about everything. I couldn't
16 see. It was dark. And then I don't know what
17 complexion the people were. And then it's, oh,
18 they are brown skinned. But the person who was in
19 there, the shooter, the killer that done cut the
20 deal with the state, what did he say. I did what?
21 Cut on the light. Cut on the light. There are no
22 shadows in light. Like in here. The light is on.
23 And the light is on in that bedroom.

24 Now is she going to say that this happens
25 at 8:30 in the morning. And you all saw the

1 blinds, because some of us had, you know, we had
2 them. These plastic venetian blinds. These
3 mini-blinds with that curtain there. That's not
4 opaque or meaning it don't keep the light on. She
5 said it is dark in the room at 8 o'clock in the
6 morning. And the sun has already been up for
7 about 35 minutes. But when you listen to what
8 Gquan said, he got to turn the light on. Why.
9 Because it's dark. Because this happened long
10 before eight o'clock. That boy was dead. That
11 girl knew it. She was there. And she this is a
12 story concocted by her.

13 Ladies and gentlemen of the jury, there is
14 no DNA that connects my client to that body.

15 Ladies and gentlemen of the jury, there are no
16 fingerprints, no fingerprints, no footprints, no
17 nothing that connects my client with the murder
18 scene. The only person you have there now that
19 you can verify that was there, was Gquan. And you
20 can't even tell why he was there. Or when he was
21 there. But I can tell you this, it was well
22 before that they said that this murder took place.

23 Now His Honor is going to charge you with
24 the law. He is going to -- it's going to take him
25 a while, but you have got pay attention very

1 carefully to what it is he says to you. He's
2 going to describe to you the elements of each of
3 the crimes that my client is charged with. And I
4 want you to understand this, you can find him
5 guilty of none of it. You can find him guilty of
6 one or two particular crimes. You can find him
7 guilty of all of but one of them. But that is up
8 to you.

9 The other thing that I will tell you; is
10 that, whatever your opinion is after you have been
11 charged and you go in that room and you have had a
12 chance to deliberate, if you feel a particular
13 way, don't go along to get along if your opinion
14 is something different from the masses. It must
15 be a unanimous verdict. All of you, all 12 must
16 reach the same verdict. All of you. So just
17 because one person has more experience or just
18 because this person is a little older, or what
19 have you, you have got your opinions. You can
20 disagree without being disagreeable. We can
21 respect our elders, but yet not be on the same
22 page or accord. We can respect young people and
23 disagree with them. But your opinion as to the
24 guilt or innocence of my client is solely your
25 opinion.

1 Now we call and I want you to understand,
2 my client does not have to prove a single,
3 solitary thing. Nothing. And as His Honor is
4 going to tell you in a few moments, you cannot
5 infer in any way whatsoever, that the fact that he
6 didn't get on the witness stand is something that
7 you can't -- if you interpret it that way, you are
8 wrong. You are breaking the law. You are
9 breaking His Honor's instructions. You are
10 breaking your promise. He doesn't have to proof
11 anything. We called the doctor back. Why.
12 Because you all heard all of this stuff about
13 somebody leaning over the body while it's in the
14 bed and standing over it and shooting it.

15 What did the doctor tell you. There's no
16 evidence of what? Tattooing. None. What did he
17 tell you? Some of the blood was dry, but he
18 can't -- he couldn't -- what is the most important
19 thing, Ladies and gentlemen, he couldn't tell you
20 what time. The estimate of time. Now we also
21 called Coroner Harrison. Mr. McKnight is a fine
22 person. And he has served this county well for
23 almost 36 years. And I cannot honestly, if I said
24 something bad about him, I would be lying. But
25 good people sometimes make mistakes. And good

1 people sometimes omit things. That's because they
2 are persons. And all of us, no matter how good we
3 are at particular things, some particular things,
4 sometimes we drop the ball. We do.

5 If you look at this coroner's report that
6 he took, and all the information you need to
7 answer a lot of doubts and questions you may have
8 is missing. He doesn't tell you what time he got
9 to the scene. He doesn't tell you the time -- and
10 what is most glaring is, he can't tell you when
11 the body was found. The doctor told you, had he
12 had more information in the coroner's report, he
13 would be able to give you the information that you
14 need. He told you that. Dr. Marcus told you
15 that. It is not on us to give you that
16 information, Ladies and gentlemen. It's not. And
17 if I could give it to you, I would. But it's the
18 duty of the coroner, it's the duty of law
19 enforcement to provide Dr. Marcus with that
20 information, and I am sorry, they didn't do it.
21 But the state has put it in your lap for you to
22 figure out and guess, guess, what went down. When
23 you could have known, known.

24 At a murder scene, we have a one page
25 report to rely on. And all we know is that

1 Bartelle's is the one that did the funeral. We
2 don't know who towed the body; where they left it.
3 How long it took them to get to Charleston.
4 whether or not they were smoking in the vehicle.
5 Whether or not somebody stopped down the road and
6 was curious, and just opened it up to look and see
7 how the body looked. We don't know any of that.
8 We won't know any of that, because we don't know
9 who drove the body. So we couldn't bring them in
10 ask them, to examine them; to say sir or ma'am,
11 what did you do. What was the temperature like in
12 the car. Didn't do any of that.

13 So, Ladies and gentlemen, you are left to
14 guess. You are left to speculate. You are left
15 to doubt. Your verdict that you speak today is
16 going to echo into the future. It will echo long
17 past today. Ask yourselves, will you be
18 comfortable hearing again what you spoke. That's
19 important. Webster's dictionary was created I
20 believe in the 1700's. It's the compilation of
21 words that make up our English language. This
22 book, concise, has all the words from A, until I
23 don't know Zephyr. I'd like for you to think of
24 this book as being the sum total of the evidence
25 that was presented to you this week. And within

1 it is contained everything that the prosecution
2 gave you in order for you to reach a verdict in
3 this case. But in order for you to do that, for
4 that to be that, I am going to take out what they
5 didn't give you, like accurate information from
6 the coroner or from anybody with regard to the
7 condition or treatment of the body. Believable
8 testimony from a supposed witness of the crime
9 even though all of her statements are filled with
10 inconsistency. And law enforcement themselves
11 didn't believe her and she was charged.

12 Credibility of Latesha Bell, of Jeff Scott. Was
13 it consistency. You got some of them saying the
14 blood was dry. Some of them saying it wasn't.
15 Some of them saying that it was separating. Some
16 of them saying it was tissue, when all we needed
17 was a more complete coroner's report in the case.
18 What you are left with, Ladies and gentlemen, are
19 lies, half truths, speculation and innuendo. Most
20 importantly, what you are left with, I am sorry,
21 is reasonable doubt. And you're also left with
22 the words, not guilty. Those are the words that
23 you 12 people must speak. Take this garbage that
24 they have given you for you to fix and mend and
25 make right. Put it in the trash. Give it back to

1 them, and tell them that you expect better. Let
2 them know that you deserve better. Thank you.

3 THE COURT: Mr. Griffith.

4 MR. GRIFFITH: Thank you, Mr. McKnight.
5 Thank you, Ladies and gentlemen of the jury for
6 sitting so patiently and listening to these folks.
7 And I hope you were listening. And I tried to
8 help you to form a picture of what the state was
9 trying to tell you didn't really fall into a nice,
10 neat package and we can all say, there you go.
11 There you have it. It didn't happen. It isn't
12 there. Many of you may have heard of John Wilkes
13 Booth, who shot President Lincoln. But many of
14 you may have not heard of a man named Mudd.
15 Dr. Mudd. You may have heard the term his name is
16 Mudd. The reason for that term is because
17 Dr. Mudd, when John Wilkes Booth jumped off that
18 balcony, he broke his leg. And Dr. Mudd, he came
19 to Dr. Mudd and Dr. Mudd fixed his leg up. Some
20 guy with a broken leg. Well I will fix it for
21 you. Okay. He is a doctor. This goes back to
22 the old saying, no good deed goes unpunished.
23 Because from that day forward when people say your
24 name is Mudd, because Mr. Mudd got into a lot of
25 trouble for helping somebody out. And the saying,

1 it's not what you know, it's who you know. You
2 ever heard that one? Well that can fall the other
3 way too.

4 Not necessarily what you know that can get
5 you in trouble, it's who you know sometimes.
6 Sometimes you may know the wrong people who can
7 get you into trouble. And when the time comes,
8 when the police pick up the bad people and they
9 say, start naming names. And they start thinking
10 of a name. And the next thing you know, they're
11 calling your name. Bill, John, any name they can
12 think of. So it's not what you know, it is who
13 you know. And this is the case that we have going
14 on right here. Ms. Mickens did pick up a guy who
15 was hurt and took him to the hospital. She
16 planned her day out. She was going to take her
17 kids to school---

18 MS. BARR: Objection. Calls for facts not
19 in evidence.

20 THE COURT: Sustained.

21 MR. GRIFFITH: You saw she went and got
22 her hair done. That was in evidence. She had a
23 plan to go get it done. She went and got her hair
24 done. Her day was interpreted because as you saw
25 in evidence, she took somebody to the hospital.

1 Then she went back and told the police about it.
2 So she told them where she found him. But this
3 young man she took to the hospital, he was shot.
4 He had some wounds. But the problem is that after
5 3 years, he was arrested, and he started to come
6 up with a -- he had to come up with a story.

7 The problem is that the stories that have
8 been told in here by the lady who was the witness,
9 at the home, Latasha Bell and his stories, don't
10 match. She said that she got out of the bed, got
11 to the end of the bed and crouched down. Covered
12 herself with a sheet. He said she didn't get out
13 of the bed. She said it was dark in there, I
14 couldn't see. He said I turned on the light first
15 thing. He said they walked in there and somebody
16 hit the victim in the head with a gun. Knocked
17 him to the ground. You don't get hit in the head
18 with a gun hard enough to knock you to the ground.
19 That's going to leave a mark. And the doctor said
20 oh, there was no marks on his head. Something
21 ain't right. He said he was shot there; that
22 that's where he was shot. He was shot. But the
23 forensics, wonderful investigators, people who
24 know their job, I asked more than one of them, did
25 you find any blood around the house. Did you find

1 where anybody else could have been there and
2 gotten hurt. No. Did you look. Oh, yeah, we
3 checked. We found no other blood. So it just
4 doesn't seem to match. Ms. Bell said that the
5 victim did not shoot anybody.

6 There's too many things not meshing
7 together here. Somebody isn't telling the truth.
8 There may be more than one person who is not
9 telling the truth. But there is just too much
10 doubt going on. There are just too many things
11 that don't add up. And if things don't add up,
12 you can't say that's how it happened. And this
13 young man, Mr. Henry, James Henry, he's telling
14 his story. And he wasn't shot there, because
15 there is no evidence that he was shot there. But
16 he was shot. We don't know how the story of how
17 they got shot. But we do know that he knew
18 somebody named P.J., who is in the federal prison,
19 was arrested.

20 P.J. is trying to work out some kind of
21 a/k/a Black; trying to work out some kind of deal
22 with the feds.

23 MS. BARR: Your Honor, we would object.

24 THE COURT: Sustained.

25 MS. BARR: There is no evidence in the----

1 THE COURT: There is no evidence---

2 MS. BARR: ---case paragraphing Black.

3 THE COURT: Concerning Black.

4 MR. GRIFFITH: There is evidence that
5 Mr. P.J. talked to the feds and the feds called
6 Williamsburg County Sheriff's Office. Because, he
7 says well I've got some information. That doesn't
8 happen because people are sitting in federal
9 prisons thinking, you know, I like it here. I
10 think I'll just start telling people more stories
11 while they're trying to get something. You know
12 that's how it works.

13 So then Mr. James Henry was arrested. And
14 the officers tell him that they can help him. And
15 he mentions, we asked him about it. He wanted the
16 special. So they had a lot to tell him. And so
17 he accepted it. But Mr. P.J., he also wanted the
18 special, so he started telling his story. The
19 state wants you to believe their story of the
20 events. All the evidence you heard that
21 surrounded all this story, the doctors getting up
22 and talking about blood and the all the DNA and
23 all that kind of stuff, that had absolutely
24 nothing to do with these two people sitting right
25 here. It had to do with a guy who was shot

1 somewhere, Mr. James Bell, his DNA and the
2 bullets. And then with the unfortunate victim who
3 perished in this incident. But there was no
4 evidence from all those experts that have anything
5 to do with these two people. Nothing.

6 The people that did tell you about any
7 kind of involvement going on, Ms. Jandalyn --
8 Juandalyn, excuse me, she said she didn't know
9 anything about it. If you recall, I asked her.
10 You really don't anything about this. She said,
11 no, I don't know anything about it. So I don't
12 know why she was here, but she was. Because she
13 knew some names who was named in the names. And
14 the names when P.J. got his special, her name was
15 mentioned. But she is unreliable. But the
16 special extended on, because she is not here on
17 trial. And Mr. P.J. is not here on trial. So the
18 stories just don't add up. And the doctor who is
19 not at all involved in this crime at all who just
20 examined the body, said, no, there was no injury
21 to the head. Those are the things that are
22 important. Some guy says, oh, yeah, we hit him in
23 the head. The doctor said, there's no injury to
24 the head. That's got to do something in your
25 head. That's got to make you think, huh.

1 The victim's girlfriend, got down off the
2 stand, came down here, and crossed out right
3 there, and showed you what she was doing at the
4 end of the day. But Mr. Henry said, she didn't
5 get out. And as I said, Mr. Henry was shot, but
6 he wasn't shot there as far as any evidence can
7 show. And every single one of the state's
8 witnesses who were experts said so.

9 Then of course, as I said, Ms. Bell said
10 she didn't hear anybody screaming and running out
11 of the building saying I was shot. She said the
12 victim didn't shoot anybody. So when she talked
13 to the officers, Ms. Bell, she told them her
14 story. And her story, as you know, has some
15 little oddities in it as well. And it's kind of
16 hard for us to piece together exactly what
17 happened when I think a few pieces of the puzzle
18 are left out. Have you ever worked a puzzle and
19 some of the corner pieces are missing. Or you are
20 missing a few pieces and you hate that.

21 Well the state has not proven their case
22 beyond a reasonable doubt, because the
23 inconsistencies just stand out in my mind. They
24 just are blaring problems with this whole thing.
25 And if you can't say, I know that the facts are

1 this and that. Then that leaves reasonable doubt,
2 and you should not find these people guilty.
3 Well, you know, you are thinking well, I don't
4 know, maybe they are guilty. Maybe they're not.
5 And I hate to see somebody walk probably, but our
6 laws are set up so that the innocent don't go
7 prison just over some little teeny thing. That is
8 to say, when someone says they are guilty, that
9 doesn't make them guilty. Back before we had the
10 United States, the British government would take
11 you in and they'd say, you are guilty. And if you
12 said, no, I am not, they'd beat you until you
13 said, yes, I am. But that's not the way it is
14 now. We don't have to, we are not going to
15 torture people until they confess. That's why
16 they don't have to testify. They don't have to
17 testify. They don't have to prove anything.

18 The state must prove to you beyond any
19 reasonable doubt that these did this crime.
20 Nothing connects my client, Ms. Tashonda Mickens,
21 to this crime. An unreliable witness who, well
22 look, if he said he hit the guy on the head with
23 the gun, and the doctor said the guy wasn't hit on
24 the gun, that makes him a liar. So there is no
25 one that has connected her with this crime. And

1 the good deeds she did, taking somebody to the
2 hospital who had been shot, comes back on her.
3 And so I would ask you to look at these
4 inconsistencies. If you see inconsistencies, I am
5 sorry, but in my conscience mind; that is, the
6 conscience mind, I won't speak for you. And I
7 won't speak for myself. I would say that the
8 evidence must prove beyond any reasonable doubt,
9 their guilt. And if it doesn't, you must find
10 them innocent. And I will again thank you very
11 much for your service. This is, and I hope you
12 have learned from it. And actually it can be a
13 traumatic experience sometimes, but at least you
14 kind of enjoy it in a way where, wow, this is just
15 quite an experience. Because it is. And it's a
16 privilege for us to have this ability in our
17 country. We can't be found guilty unless it is
18 beyond a reasonable doubt. And the state must
19 prove that we are guilty. We don't have to prove
20 that we're innocent.

21 Thank you, Ladies and gentlemen.

22 THE COURT: Thank you. Ladies and
23 gentlemen, we need to take a short break. We'll
24 take about a 15 minute recess. You can get a coca
25 cola or something like that; if you need go out

1 and smoke. Please do not discuss anything about
2 the case while back there. Thank you.

3 (Whereupon, the Court Breaks.)

4 THE COURT: You may bring the jury.

5 (Whereupon, the following takes place
6 within the presence of the jury.)

7 MS. BARR: Ladies and gentlemen, good
8 afternoon.

9 THE JURY: Good afternoon.

10 MS. BARR: I want to piggyback on some of
11 the comments that Mr. Brown and Mr. McKnight and
12 Mr. Griffith said to you all earlier. And I want
13 to thank you all for your diligent service. When
14 I started off on Tuesday telling you that we would
15 take a journey together, we really have taken a
16 journey together. And, folks, we have got about
17 one more mile to go, and we're almost there.

18 The lawyers, the witnesses, the judges, the judge,
19 law enforcement officers, we've all kind of ran
20 our mouth during our part of it.

21 And, folks, in a minute we are going to
22 turn the ball over to you. And you all have to
23 begin your deliberations and you have to determine
24 what the truth of the case is. You all remember
25 when I told you on Tuesday that the trial was the

1 search the for the truth. Well when you go back
2 into your room to deliberate, you will decide what
3 is true in this case. And obviously there is a
4 genuine dispute about what is true, or we wouldn't
5 have a trial. If everybody agreed about what
6 happened, we wouldn't need you guys. So I want to
7 thank you all for being attentive. And I want to
8 thank you in advance for your deliberations.

9 Now I am going to say something right now,
10 that you probably won't ever hear me say ever,
11 ever again. And that's, I agree with one thing
12 that Cesar McKnight said. Let me put this on
13 record, you are not going to hear me say that
14 again. And he said that credibility of witnesses
15 matter. Credibility of witnesses matter. And he
16 is 100 percent right about that. It does matter.
17 Because when we're talking about credibility,
18 we're talking about believability.

19 When a witness takes the stand and you all
20 are sitting, trying to determine, can I believe
21 that person. Can I believe what this person is
22 telling me. That's what we are talking about when
23 we say credibility. When I started my closing
24 arguments or preparing it and I started it before
25 the trial even started, and each night I would go

1 add some things and take some things out. And I
2 would just kind of modify it everyday when we
3 concluded testimony. And I had in my mind which
4 picture I was going to show you, which exhibit I
5 was going to show you during the course of my
6 closing argument. And as I sat today and I heard
7 some of the witnesses in the defense case, I
8 rethought what I was going to do in closing. And
9 I decided then that I was not going to show you
10 one single autopsy photo again. And I decided
11 that I not going to show you one single crime
12 scene photo again. They are not pretty pictures.
13 The images haunt me. What made me decide and
14 change how I was going do it is when I listened
15 to, and it's heartbreaking, but when I listened to
16 the mother's of defendants.

17 You know, as parents we do all we can do,
18 and try to raise our children right, and have to
19 go in the right direction. And sometimes you can
20 do all you can. You know, children are just going
21 to make wrong decisions in life. And honestly my
22 heart breaks for them. It really does. My heart
23 breaks for James McNeal's dad too, because he
24 wasn't able to sit here and see the actions of his
25 child be judged. He left this world after his son

1 passed. And it's unnatural. A parent is not
2 supposed to outlive a child. But, you know,
3 regardless of how this case comes out at the end
4 of the day, Toshonda Mickens and Laquincy Williams
5 will still be here.

6 If J. McNeal had been charged with selling
7 drugs or using drugs or whatever, he would be
8 sitting right in that table right where those
9 defendants are. And I would sitting right at that
10 table and I would prosecuting him for all his
11 wrongs. And he would have the defendant, he would
12 have the label of defendant. But Laquincy
13 Williams and Gquan Henry and Toshonda Mickens and
14 P.J. Williams took that choice from him. And when
15 I look at the case over all, it's just tragic all
16 the way around. It's just tragic. From every
17 vantage point, this case is just tragic and it's
18 disturbing. This lifestyle that these folks lead
19 is tragic and disturbing.

20 When I look at the young women involved in
21 this case, I look at the young men involved in
22 this case. Part of me just wants to grab them and
23 just shake some sense in to them. Because all of
24 this is senseless. It didn't have to happen. We
25 didn't have to be sitting here today on this case.

1 But for the choices that they made, and ultimately
2 God gives us free will. There were so
3 many choices, wrong choices made in this case. I
4 think about Juandalyn Miller, the first young lady
5 that testified. You all in 2007, this girl was
6 17-years-old, and she was a mother.

7 Now if I remember she says she is 22,
8 about 23 now. And she has an 8-year-old child.
9 So that means she would have had the baby when she
10 was like 14. So at 17-years-old she gets caught
11 up with the likes of Toshonda Mickens and P.J.
12 Williams and Scrap, at 17-years-old. And we see
13 the consequence of her choices. A beautiful young
14 woman with all these horrible choices. And when I
15 look at Latesha Bell, a beautiful young woman,
16 very intelligent young woman. And the choices
17 that she made has affected her life forever. I
18 don't know how you get over seeing your boyfriend
19 shot and killed in front of you. How do you do
20 that? How does a person react and respond when
21 they have been through that experience. I look at
22 the little Henry kid. Gquan Henry, 16-years-old
23 when this happened. The last time that he had
24 gone to school, he was 13-years-old. Wasn't even
25 enrolled in school when this happened. This was

1 during a week day. He was staying from this place
2 to this place to that place. Obviously didn't
3 have a lot of adult of supervision in his life.
4 He's testifying in a murder trial. And his mother
5 is not here. My God when I think about that, are
6 we really surprised that he would get caught up
7 and be associated with a Toshonda Mickens and
8 P. J. Williams and Scrap.

9 When that boy testified that when he got
10 out of the hospital for being shot three times,
11 and he walked out of the hospital with flip-flops
12 or bedroom shoes whatever he said, on his feet.
13 And within days of getting out of the hospital and
14 almost being shot to death and almost dying, he's
15 back over at the defendant's house, Toshonda's
16 house, asking her to buy him a pair of shoes. My
17 God that says a lot. And when I look at the case,
18 I have given Investigator Wrenn a hard time. She
19 worked incredibly hard in this case.

20 When I was looking at all the backgrounds
21 and all of players and witnesses involved and I
22 look at P.J. Williams in federal prison and
23 Juandalyn Miller, got arrested for a gun charge
24 and trafficking in drugs charges. And I looked at
25 Toshonda Mickens, having somebody break in her

1 house, and renting cars for drug dealers. And I
2 looked at Scrap and I looked at all these
3 dynamics. Gee whiz, I said, Wrenn, you are going
4 to have to get me some better witnesses. I mean,
5 come on. All these people with the lifestyle and
6 the records and the this and the that. And, you
7 know, she told me she said, listen, when somebody
8 is going to commit an armed robbery and a
9 burglary, they are not going to go by the local
10 church and get the people at the church to go by
11 and get a gun and say come on let's commit this
12 armed robbery and this burglary of this drug
13 dealer's house. They are going to get people who
14 they know are willing to participate in something
15 like that. And inevitably it always interests me
16 and amuses me when I have defendant's talk about,
17 oh, well, you know, this person is a snitch. And
18 this individual got on the stand and wants a deal
19 with the state. This individual is not to
20 believed. And I almost laugh to myself sometimes.
21 Because I think, you know what, you all are
22 complaining about these witnesses and these
23 individuals and these persons who have knowledge
24 of the crime, but those are the individuals mind
25 you, that they chose. I didn't go pull somebody

1 off the street and say, tell me what you know
2 about this case.

3 The defendants, Toshonda Mickens and
4 Laquincy Williams chose who would be witnessed to
5 their crimes. And it appears the evidence would
6 suggest, Laquincy Williams almost took out one of
7 the witnesses to his crimes. So when they have
8 gotten up here and suggested to you that the Henry
9 kid should not be believed and he is not credible,
10 ask yourself is that really true. You all heard
11 that boy testify yesterday. Did he sound to be
12 somebody that was just kind of making it up as he
13 went along. When you all looked at how he
14 testified and how he responded to questions, you
15 all feel in your heart you can believe him. I
16 submit to you that you can. Let me tell you the
17 reasons why. The many, many reasons why believe
18 you can believe what Mr. Henry told you. I have
19 been a lawyer for 18 years. I have had the
20 pleasure of trying a number of cases. And A lot
21 of times with witnesses, if they have an interest,
22 so to speak in the case, then you have to kind of
23 look at them with the greater scrutiny. If
24 they've got something to gain or lose by how the
25 case comes out, you really do have to look at them

1 with suspicion. That's what you're supposed to do
2 as jurors. Does that Henry guy hope that, you
3 know, one day when his case goes to trial, that
4 the fact that he came here and testified and told
5 you what happened, that that may help him.
6 Probably. Does that make what he's saying not to
7 be the truth. No. How do you know he's telling
8 the truth.

9 I don't know many people who facing a
10 murder charge, facing a burglary charge, facing an
11 armed robbery charge will when questioned by law
12 enforcement, tell you, well not only did so and so
13 and so do it, but I did it too. See when you are
14 first charged, and you want to just get out of it,
15 you can tell on everybody in the world. And you
16 can say Scrap did it and Shonda did it and P.J.
17 did it. You can name 10,000 people in the world.
18 But would a person who is not telling the truth
19 implicate himself.

20 That boy put a gun in his hand. He went
21 in somebody's house. Told the police not only did
22 I go in his house one time, I went two times. I
23 went three times. Are those the words of a liar.
24 Here's how you know he's telling the truth. Look
25 at other witnesses and what they said in the case.

1 Look at the DNA evidence in the case folks. Look
2 at the firearm's evidence in the case. That's how
3 the judge will instruct you, you judge the
4 witness' credibility. When you compare what that
5 person has said to what other witnesses have said,
6 and if it's consistent, you know they are telling
7 the truth. If you compare that person's testimony
8 to other evidence in the case and it's consistent,
9 you know they are telling the truth. How do we
10 know that Henry was in that house. Because the
11 defense would have you believe, or one of the
12 defendants would have you believe, he didn't even
13 get shot there in Hemingway. He got shot in
14 Florence. Well ask yourselves, other than him
15 saying that he got shot in house. How do you know
16 he got shot in the house. Because J. McNeal's
17 blood is on his pants? And that's their biggest
18 problem.

19 You want to know why we went on this dog
20 and pony show about the body and whether or not
21 the police followed the body from the crime scene
22 all the way down to Charleston and sat with the
23 body until the doctor came and did the autopsy.
24 You all really want to know why so much time was
25 spent on that? Because of DNA. If your defense

1 is, I wasn't there, I didn't do it, why would it
2 matter to you how the body got to MUSC. Really
3 now, why would that be important to you. If you
4 are not there, you didn't do it, you don't know
5 this person who got killed and you have absolutely
6 nothing to do with it, why would you spend so much
7 time talking about the body, how a dead body got
8 to the hospital at MUSC. It's because they don't
9 want you to think about the truth. Have you ever
10 trained a little puppy, trying to walk them and
11 all that other stuff. Have you ever seen a little
12 puppy kind of just going and going along the way,
13 and then all of a sudden and they get distracted,
14 and they start going off in another direction.
15 That's what defense wants you to do. They want
16 you to start sniffing like oh, wait a minute,
17 something about the body. Wait a minute, nobody
18 followed the body down to MUSC. Oh, wait a
19 minute, I think about this body thing at MUSC.
20 They want you to forget all about what Gquan
21 said. They want you to forget all about Toshonda
22 driving them to Hemingway and back. They want you
23 to forget all about going back to Florence smoking
24 marijuana, and then going back to the victim's
25 house. They want you to forget all about

1 Juandalyn Miller coming into court saying, we went
2 down there the first time and I told them whatever
3 you all are planning to do, you all need to take
4 me and the baby on back to Florence. They want to
5 you to be their little dog sniffing off on a trail
6 somewhere that doesn't lead to anything.

7 You know, you were told in opening
8 statement that Ms. Mickens has two children. And
9 I sit there and look at some of those photo shots.
10 A photo of the front seat of the car that she was
11 driving, the rental car, and I saw the little
12 Dora, the explorer book bag in there. Do you all
13 remember that? Who takes their baby on an armed
14 robbery, burglary trip. Who does that? You were
15 told in opening statement that Ms. Mickens wasn't
16 there because she had signed her baby into
17 daycare. The was the oldest daughter. If that's
18 true, if that is true you all, if that is true,
19 how can you explain the book bag being in the car
20 when she goes back up to the hospital to meet with
21 the City of Florence police officers. Because if
22 your baby is in school, and you take your baby to
23 school, wouldn't you take the book bag with you,
24 with the baby? But see what happened was,
25 Juandalyn had already told them, you know, the

1 oldest daughter wasn't with her. The oldest
2 daughter was with the aunt. I had the baby.

3 And see you all know Juandalyn was a, Ms.
4 Miller was a reluctant witness. She didn't want
5 to be here. Probably the worse thing in the world
6 she got was a subpoena to come and testify in this
7 case. And it's clear that she hesitant; that she
8 was reluctant; that was not forthcoming. But, you
9 know, the human obviously part of her and the
10 human part of me outside this case, understands
11 that once this case is over, she's still got live
12 her life. So I can't be mad at her for not
13 wanting to be here. And when that girl welled up
14 and said, Laquincy always said, if anybody tells
15 on me, I swear to God, I am going to kill them. I
16 can't really fault her for not wanting to come up
17 here. But she was their friend. She had no
18 reason to testify that they went down to
19 Hemingway, circled around 20 minutes, and she told
20 them, take me home. And she wasn't squirming and
21 hesitating about who she was with. She was clear.
22 When I look at that girl, I am like, wait a
23 minute. I am babysitting for one defendant. You
24 are chauffeuring her around to get her hair done.
25 The other one you are sleeping with. They used

1 that girl from day one. Used her from day one for
2 everything that she could do for them. And now
3 they suggest to you that she is not telling the
4 truth.

5 P.J. Williams. Mr. Williams is somewhere
6 off in federal court serving time for drugs. And
7 you know what folks, if it bothers you that right
8 now today that he is not sitting over there right
9 with those defendants, take that out on me. Don't
10 take that out on the case, okay. Mr. Williams
11 will have his day. Every dog has his day. They
12 call him Dog. Mr. Williams, that dog is going to
13 have his day. Right now at this moment, you all
14 are called upon to judge the guilt or the
15 innocence of these two defendants. Gquan Henry
16 will have his day. Someone will be called upon to
17 judge him on his day. But on this day, we ask you
18 to judge the conduct of these two defendants.

19 And when I look at all four of the people
20 involved in here, and I remember what my colleague
21 said about the hand of one being the hand of all,
22 I really want to iterate a point to you that
23 always in criminal cases when we get to this
24 point, when we are in trial, the jury has been
25 sworn and there is judge sitting here, it amazes

1 me how before we get to court everybody is joined
2 at the hip. Oh we believe. We are little
3 brother. We are little sister. We are rolled on.
4 We're homey. We're all that. But when we go out
5 and decide to commit these crimes. But boy when
6 it's time for judgment day, when you are on
7 trial, oh, man, they fall out like teeth in gums.
8 You hear me. Nobody wants to be joined at the hip
9 then. But when you look at the conduct of these
10 four individuals, all a them had a specific role
11 to play. And I can tell you, based on the length
12 of time that it took us to get here, each of them
13 played their roles very well. P.J. was the
14 mastermind. It was his idea. He knew the victim.
15 He was also involved in drugs. He told them where
16 to go; how to get there. And was very, very
17 careful. Because he had enough sense, you know,
18 he couldn't go to Hemingway. Everybody knew him.
19 He couldn't go there. So he sends the three to go
20 there. And he waits until everything is done.
21 And he did his role there and what. When that
22 girl said they how they busted in the door and
23 they went straight to the bedroom, he gave them
24 very good instructions.

25 When I look at Toshonda Mickens, she

1 played her role. Again, very well. You see, when
2 you are planning a burglary and armed robbery, the
3 most important person in that room, is the person
4 providing the transportation. The person
5 providing the transportation has two jobs. Get me
6 there safely. Get me out safely. Did she get
7 them their safely. Absolutely. Two times. Did
8 she get them back safely. Absolutely. And if
9 wasn't for some people talking, they wouldn't be
10 sitting right now. And so she did her job very
11 well. And, you know, there was testimony that
12 P.J. owned a vehicle. But again, P.J.'s face was
13 known in Hemingway. Knew the victim; knew the
14 girl who lived with the victim. So they couldn't
15 use his car. Scrap, Laquincy Williams, didn't
16 have a car; didn't have a license. The little 15,
17 16-year-old boy didn't have a car; didn't have a
18 license. Toshonda wasn't working. But despite
19 the fact that she wasn't working, she had money to
20 get her hair done. She had money to put the baby
21 in daycare. She had money to rent cars, every
22 other week. And do you all why. It take me a
23 minute to sort it together. Do you all why she
24 kept renting cars rather than just kind of buying
25 a car. Because every time she rented a car or

1 different car, nobody would recognize the car.
2 See if somebody came with a gray vehicle in
3 Hemingway with an Illinois tag, and somebody was
4 for example, you know, all this stuff went bad and
5 then somebody came to the police and said, well I
6 don't know who did it, but right after the victim
7 got shot, I heard this -- I saw this gray car
8 speed away that had Illinois plates. Or I saw
9 this gray car speed away that had a South Carolina
10 tag, and da, da, da, and then you are busted. But
11 see if you get some innocuous colored vehicle with
12 foreign plates, nobody is going to be able to tie
13 that to you. And you all for three years, for
14 three whole years, nobody tied that car to
15 Toshonda Mickens. So her role in all this, she
16 performed it very well.

17 Now Scrap and Gquan, they were the muscle
18 men. They were -- their job was to go in the
19 house. And see if you needed two people with guns
20 in the house, because you needed one person to
21 watch the girl and one person to watch the guy.
22 And it went fine until they got in the bedroom.
23 Now Gquan testified that P.J. told them the victim
24 didn't have guns. Now you all, you all know P.J.
25 knew the the victim had a gun. I am satisfied

1 that he knew that. Part of me thinks or wonders
2 whether or not they are setting that kid up from
3 the jump. That kid goes in the house. And I am
4 not excusing him, believe you me. He is old
5 enough to know better. But he goes in the house.
6 The victim starts shooting at him. The victim is
7 deliberately aiming at the people who are coming
8 in his house now with guns. So he's purposely
9 trying to hit him.

10 The first hit I think the kid testified
11 that the victim first hit him, I can't remember if
12 he said shoulder or side; one of them. The second
13 hit was either the shoulder or the side. And then
14 he talks about this tussle between Scrap and the
15 victim. And said that Scrap shot him with the
16 victim's gun near the heart. You mean to tell me
17 the victim is deliberately aiming for him; doesn't
18 go anywhere near his vital organs. And Scrap
19 accidentally shot him near the heart. And that was
20 an accident. He may believe that in his mind, but
21 I would submit to you that that's probably not the
22 case. And when you think about it, when you
23 really think about it, wasn't that the way this
24 all turned out, wasn't that just wrapped up real
25 nice and clear and easy if that kid had died.

1 Because see if that kid had died, the police come
2 out, oh it's a home invasion. The kid comes into
3 the house with a gun. A homeowner who has a right
4 to protect his house, fires. It's a gunshot being
5 thrown back and forth and the intruder dies.
6 That's a wrap. The police ain't looking for
7 nobody else. That's a wrap. That's done. They
8 take him back to Florence after he comes out of
9 the house. And this part was really chilling. He
10 talked about being in the back seat of the car.
11 He was blacking in and out. And he was saying
12 that he was worried that he was going to die. And
13 he said the entire time Toshonda and P.J. and
14 Scrap are arguing that this is all the money that
15 they got. Nobody is arguing, oh, my God, oh, my
16 God, this kid is shot. They're not arguing over
17 there. They're not arguing, oh, my God, we shot
18 J. McNeal. They are arguing because this is all
19 the money I got.

20 Folks, when you are that cold hearted
21 individual, those are the types of people that you
22 have to separate from society. Really. And some
23 people may say well, Mr. McNeal was drug dealer.
24 And, you know, there may be people out there with
25 the attitude, well, they don't care. Folks that's

1 not the society that we live in. We live in a
2 civilized society. And the reality is, when they
3 made a conscious decision to go into that man's
4 house with firearms, then that tells me anything
5 that happened after that point, there are
6 accepting responsibility for. Because when you go
7 into somebody's house with a gun, that tells the
8 person in that house, and anybody else who may
9 hear about what happened later, that you are
10 prepared for one or two things. You are prepared
11 to kill, or you are prepared to be killed. And
12 when they made that decision, then they made the
13 decision that one day their actions would be
14 judged in the court of law.

15 And, folks, we are here nearing our
16 journey. We are almost here. This is nearly the
17 end of our journey. When I started off on Tuesday
18 by saying this is a search for the truth, Ladies
19 and gentlemen, I submit to you that we have
20 arrived at the truth. I submit to you that the
21 evidence in this case is overwhelming as to these
22 defendant's guilt. And I urge you if you firmly
23 convinced, that you return a verdict of guilty
24 against each and every defendant. I implore you
25 to do that. Not because it is what I want, but

1 because the facts and the law require it. Thank
2 you all again.

3 THE COURT: Ladies and gentlemen, it's
4 been a long week and I want to tell you, thank you
5 for your alertness throughout this trial. Ladies
6 and gentlemen all of the testimony and the other
7 evidence in this case has now been presented. The
8 attorneys have made their closing arguments, and
9 now is the time when I will charge you the law
10 that is to be applied in this case. I remind you,
11 Ladies and gentlemen, that during this trial you
12 and I have certain duties to perform. As the
13 trial judge, it is my responsibility to preside
14 over the trial of this case. And I also have the
15 duty to rule on the admissibility of evidence that
16 has been offered during this trial.

17 Ladies and gentlemen, you are to consider
18 only the competent evidence before you. If there
19 was any testimony ordered stricken from the record
20 in this case during this trial, you must disregard
21 that testimony. Ladies and gentlemen, you are to
22 consider only the testimony which has been
23 presented from this witness stand and the
24 exhibits that which have been made a part of the
25 record in this case. And any stipulations of

1 counsel and any facts to which this court has
2 taken judicial notice.

3 Ladies and gentlemen, I also have the
4 additional duty to charge you the law that is
5 applicable to this particular case. As the
6 presiding judge, I am sole judge of the law in
7 this case. And it is your duty as jurors to
8 accept and apply the law as I now state it to you.
9 If you already have some idea as to what the law
10 is or what you think the law ought to be, and it
11 does not agree with what I now you tell the law
12 is, you must abandon that idea, because Ladies and
13 gentlemen, you took an oath, and you are sworn to
14 accept and apply the law exactly as I state it to
15 you now.

16 In every case tried before -- in this
17 court before to jury, you as jurors become the
18 sole and the exclusive judges of the facts in this
19 case. As a trial judge, I cannot intimate, state,
20 comment or in anyway make a statement to a trial
21 jury about the facts in a case. Since you are the
22 jury, you are the sole judges of the facts in this
23 case. And you are not to infer by anything that I
24 might have said during the progress of this trial
25 in ruling on the admissibility of evidence or

1 otherwise or anything that I might say now during
2 the course of these closing instructions, that I
3 have any opinion about the facts in this case.

4 Ladies and gentlemen, the law simply does
5 not allow me to have an opinion about the facts,
6 because this is solely for you as jurors to
7 determine. And as jurors, it is your duty to
8 determine the effect, the value, the weight and
9 the truth of the evidence that has been presented
10 during this trial. Ladies and gentlemen, the
11 indictment in this case, Indictment No.

12 2011-GS-45-16 alleges 5 counts against each of the
13 defendants, Laquincy Williams Toshonda Mickens.

14 Count 1, alleges that the defendants
15 committed criminal conspiracy on about November
16 2nd 2007. Count 2, alleges that the defendants
17 committed burglary in the first degree on or about
18 November 2nd 2007. Count 3, alleges that the
19 defendants committed armed robbery on or about
20 November 2nd 2007. Count 4, alleges that the
21 defendants committed murder on about November 2nd
22 2007. And Count 5, alleges that the defendant
23 Laquincy Williams did possess or visibly display a
24 firearm during the commission of a violent crime
25 on or November 2nd 2007.

1 Ladies and gentlemen, as a I said before
2 we started this trial, and I remind you, that the
3 fact that the defendants were arrested, charged
4 and indicted is not evidence in this case and
5 cannot be considered by you as evidence of guilt.
6 Nor does it create any presumption or inference of
7 guilt. Ladies and Gentlemen, the indictment is
8 simply the formal written instrument which
9 contains the charge made against the defendants,
10 and it is the formal document by which this case
11 is brought into this court.

12 Now, Ladies and gentlemen, the defendants
13 have pled not guilty to the charges in the
14 indictment. And that plea puts the burden on the
15 state to proof the defendant's guilt. A person
16 charged with committing a criminal offense in
17 South Carolina is never required to prove his or
18 her innocence. I charge you that this is an
19 important rule of law that the defendant in a
20 criminal trial no matter how serious the charges
21 might be, will always be presumed to be innocent
22 of the crime for which the indictment was issued,
23 unless guilt had been proven by evidence
24 satisfying you of that guilt beyond a reasonable
25 doubt.

1 Ladies and gentlemen, the presumption of
2 innocence does not end when you begin your
3 deliberations but it accompanies the defendants
4 throughout the trial until you as jurors, reach a
5 verdict of guilt based on evidence satisfying you
6 of that guilt beyond a reasonable doubt. Ladies
7 and gentlemen, the presumption of innocence is
8 like a robe of righteousness placed about the
9 shoulders of the defendant which will remain with
10 the defendants until it has been stripped from
11 that defendant by evidence which satisfies you of
12 the defendant's guilt beyond a reasonable doubt.
13 The presumption of innocence is not a mere legal
14 theory that we use. It is not just a legal phrase
15 that is bantered about. But it is a substantial
16 right to which every defendant is entitled to
17 unless you the jury are satisfied from the
18 evidence of the defendant's guilt beyond a
19 reasonable doubt.

20 Now, Ladies and gentlemen, during a trial
21 there are two types of evidence that are generally
22 presented. There's direct evidence and there is
23 circumstantial evidence. Direct evidence is the
24 testimony of a person who claims to have actual
25 knowledge of a fact; such as, an eye witness. It

1 is evidence which immediately establishes the main
2 fact to be proved. Circumstantial evidence is
3 proof of a chain of facts and circumstances
4 indicating the existence of a fact. It is
5 evidence which immediately establishes collateral
6 facts from which the main fact may be inferred.
7 Circumstantial evidence is based on inference and
8 not on personal knowledge or observation.

9 Now, Ladies and gentlemen, the law makes
10 absolutely no distinction between the weight or
11 value to be given to either direct or
12 circumstantial evidence. Nor is a greater degree
13 of certainty required of circumstantial evidence
14 than of direct evidence. Ladies and gentlemen,
15 you should weigh all the evidence in this case.
16 And after weighing all the evidence if you not
17 convinced of the guilt of the defendant beyond a
18 reasonable doubt, you must find the defendant or
19 defendants not guilty.

20 Ladies and gentlemen, necessarily, you
21 must determine the credibility of witnesses who
22 have testified in this case. Credibility simply
23 means believability. And, Ladies and gentlemen,
24 it becomes your duty as jurors to analyze and
25 evaluate the evidence and determine which evidence

1 convinces you of its truth. Ladies and gentlemen,
2 in determining the believability of witnesses who
3 have testified in this case, you may believe one
4 witness over several witnesses or several
5 witnesses over one witness. You may believe a
6 part or the testimony of a witness and reject the
7 remaining parts of the testimony of that same
8 witness.

9 Ladies and gentlemen, you may believe the
10 testimony of a witness in its entirety or you may
11 reject the testimony of a witness in its entirety.
12 Ladies and gentlemen, you may consider whether any
13 witness has exhibited to you any interest, bias,
14 prejudice or other motive in this case. You may
15 also consider the appearance and the manner of a
16 witness while on this witness stand. Now, Ladies
17 and gentlemen, the rules of evidence ordinarily do
18 not permit witnesses to testify to opinions or
19 conclusions. An exception to this rule exists for
20 witnesses we refer to as expert witnesses. A
21 witness who by education and experience has become
22 expert in some art, science or profession may give
23 an opinion as to the subject matter the witness
24 claims to be an expert in. And may also give the
25 reason for that opinion.

1 Ladies and gentlemen, you should consider
2 any expert opinion given by a witness and like any
3 other evidence, give it the weight that you
4 believe it deserves. If you decide that the
5 expert witness' opinion is not based on sufficient
6 education and experience or if you decide that the
7 reason given in support of the opinion are not
8 sound or that the opinion is outweighed by other
9 evidence, Ladies and gentlemen, you may disregard
10 the opinion in its entirety. And an expert
11 witness' testimony is to be given no greater
12 weight than that of any other witness simply
13 because the witness is an expert.

14 Ladies and gentlemen, you do not have to
15 accept an expert's opinion even though it is
16 uncontradicted. Now, Ladies and gentlemen, I
17 instruct you and emphasize the fact that the
18 defendant did not testify, is not a factor to be
19 considered by you in any way in your deliberation
20 and in your consideration on the question of guilt
21 or innocence of each defendant. Ladies and
22 gentlemen, it must not be considered by you in any
23 manner whatsoever. A defendant has the
24 constitutional right to remain silent, and the
25 assertion of this right must not be considered by

1 you in any of your deliberations.

2 I repeat and under your oath, Ladies and
3 gentlemen, you are draw no conclusion whatsoever
4 from the fact the defendants in this case did not
5 testify. The fact that any defendant did not
6 testify should not even be discussed in the jury
7 room. The burden of proof as I have stated to
8 you, is on the state. The defendants are not
9 required to prove their innocence. And the burden
10 of proof remains on the state to prove guilt
11 beyond a reasonable doubt.

12 Now, Ladies and gentlemen, we have
13 discussed reasonable doubt throughout this trial.
14 And this begs the question, what is reasonable
15 doubt in the law. A reasonable doubt is the kind
16 of doubt that would cause a reasonable person to
17 hesitate to act. The state has the burden of
18 proving the defendant's guilt beyond a reasonable
19 doubt. Now some of you may have served as jurors
20 in civil cases where you were told that it was
21 only necessary to prove that a fact is more likely
22 true than not true; such as, by the greater weight
23 or the preponderance of the evidence. In criminal
24 cases the state's proof must be more powerful than
25 that. It must be beyond a reasonable doubt.

1 Ladies and gentlemen, reasonable doubt
2 is reason to proof that leaves you firmly
3 convinced of a defendant's guilt. Ladies and
4 gentlemen, they are very things in this world that
5 we know with absolute certainty. And in criminal
6 cases the law does not require proof that
7 overcomes every possible doubt. If based upon
8 your consideration of the evidence you are firmly
9 convinced that either or both defendants are
10 guilty of the crimes charged, you must find the
11 defendants guilty. If on the other hand if you
12 think that there is a real possibility that either
13 or both defendants are not guilty, you must give
14 that defendant the benefit of the doubt and find
15 him or her not guilty.

16 Now, Ladies and Gentlemen, the defendants
17 are charged with conspiracy. The state must prove
18 beyond a reasonable doubt that the defendants
19 combined with one or more persons for the purpose
20 of committing an unlawful act or of committing a
21 lawful act by unlawful means. There must be a
22 mutual understanding, agreement, or comment,
23 intention and plan. Mere passive knowledge of or
24 consent to the criminal conduct of another is not
25 enough to make that person a conspirator. There

1 must be to a guilty knowledge and participation.

2 Similarly, the mere fact that the
3 defendants may have associated with another person
4 or met with another person and discussed common
5 aims and interests, does not necessarily establish
6 proof of the existence of a conspiracy or that the
7 defendant was involved in a conspiracy. On the
8 other hand, it is not necessary that the agreement
9 be a formal one or that it be in writing; that the
10 person hold a meeting and expressly state the
11 terms and common plan or that the agreement be
12 stated in words between them. The agreement of a
13 criminal conspiracy may come in to being through
14 an implied mutual understanding and the willful
15 intentional and knowing adoption by two or more
16 persons of a common plan is sufficient. No overt
17 act need to be shown to establish a conspiracy and
18 a conspiracy may be shown by circumstantial
19 evidence and the conduct of the parties. And in
20 order to convict the defendants of conspiracy, the
21 state must proof beyond a reasonable doubt not
22 only that the defendants knew of the unlawful
23 conduct, but that each defendant agreed to combine
24 with the other persons for the purpose of
25 accomplishing the unlawful conduct.

1 Ladies and gentlemen, if a crime is
2 committed by two or more people who are acting
3 together in committing a crime, the act is one --
4 the act of one is the act of all. A person who
5 joins with another to commit an unlawful act, is
6 criminally responsible for everything that is done
7 by the other person which happens as a probable or
8 natural consequence of the acts done in carrying
9 out the common plan and purpose. And for example,
10 two people be can be guilty of killing another
11 person when only one of the two had a gun. And
12 there was only one bullet and only one of the two
13 fired the shot that caused the death. If two or
14 more people acting together, assisting each other
15 in committing the offense, the act of one is the
16 act of all. As it is sometimes said, the hand of
17 one is the hand of all. And prior knowledge of a
18 crime is going to be committed without more, is
19 not sufficient to make a person guilty of that
20 crime. And mere knowledge that another person is
21 going to commit a crime even if the defendant is
22 present when the crime is committed, is not
23 sufficient to convict the defendant as a
24 principal.

25 Guilt as a principal is shown by actual or

1 constructive presence at the scene as a result of
2 a prior arrangement. Therefore, a finding of a
3 prior arrangement, plan or common scheme is
4 necessary for a finding of guilt as a principal.
5 The state must prove beyond a reasonable doubt by
6 competent evidence that the theory of the hand of
7 one, is the hand of all. And the principal in a
8 crime is one who either actually commits the crime
9 or who is present, aiding, abetting or assisting
10 in committing the crime. Where a person does an
11 act in the presence of another with the assistance
12 of another, the act is done by both. Where two or
13 more are acting with a common plan or intent are
14 present at the commission of the crime, it does
15 not matter who actually commits the crime, all are
16 guilty. The hand of one is the hand of all.
17 Present at the commission of a crime needs to
18 sufficiently near to aid, abet and assist in the
19 commission of a crime. However mere presence at
20 the scene of a crime is not sufficient to convict
21 one as a principal on the theory of aiding and
22 abetting. Intent is also a necessary element for
23 there to have been a common design or intent to
24 commit the crime, and the crime must have been
25 committed pursuant thereto with the person aiding

1 and abetting by some overt act meaning and
2 intending the result which actually occurred. Not
3 accidentally or involuntarily. Intent may be
4 shown by acts and conduct of the defendant and
5 other circumstances from which you may naturally
6 and reasonably infer intent. The state must prove
7 these elements beyond a reasonable doubt.

8 Now, Ladies and gentlemen, the defendants
9 are each charged with first degree burglary,
10 pursuant to Section 16-11-311. And the state must
11 prove beyond a reasonable doubt that the defendant
12 entered the dwelling without consent. A dwelling
13 is any building or portion of a building in which
14 a person ordinarily sleeps. In order to prove
15 that the defendants entered the dwelling, the
16 state does not have to show that a defendant's
17 entire body entered the dwelling. In addition,
18 the state does have to prove that force was used
19 to gain entry.

20 Next, the state must prove beyond a
21 reasonable doubt, that the defendants intended to
22 commit a crime, either a felony or a misdemeanor
23 at the time of entry. The mere entry into a
24 dwelling without consent is not burglary if the
25 intent to commit a crime is formed after the

1 entry, it is not burglary. On the other hand, if
2 the defendants intended to commit a crime at the
3 time of the entry, it is a burglary even if the
4 intent was abandoned after the entry. And it does
5 not matter that the intended crime was not
6 completed. Intent maybe shown by acts and conduct
7 of the defendants and other circumstances from
8 which you may naturally and reasonably infer
9 intent.

10 Finally, the state must prove beyond a
11 reasonable doubt that either one when entering the
12 dwelling or in fleeing, the defendant or an
13 accomplice was armed with deadly weapon. The
14 defendants, Ladies and gentlemen, are each charged
15 with armed robbery pursuant to Section 16-11-330.
16 In order to prove the offense, the state must
17 prove beyond a reasonable doubt that the
18 defendants took personal property from the person
19 or presence of another person. Property is in the
20 presence of a person if it is within the person's
21 reach, inspection, observation or control so that
22 the person could if not overcome with violence or
23 prevented by fear, keep possession of the
24 property.

25 And the state must also prove beyond a

1 reasonable doubt that the defendants carried away
2 the property intending to permanently deprive the
3 owner of the property and to keep the property for
4 the defendant's own use. The slightest removal of
5 the property or the complete possession of the
6 property even for an instant by the defendant is
7 sufficient to show a taking and carrying away of
8 the property. The taking and carrying away of the
9 property must have been done with violence or by
10 putting the owner of the property in fear of
11 violence.

12 Finally, the state must prove beyond a
13 reasonable doubt the defendants were armed with a
14 deadly weapon during the robbery. Ladies and
15 gentlemen, the defendants are each charged with
16 murder. The state must prove beyond a reasonable
17 doubt that the defendants killed another person
18 with the malice aforethought. Malice is hatred,
19 ill will or hostility towards another person. It
20 is the intentional doing of a wrongful act
21 without just cause or excuse and with an intent to
22 inflict an injury or under circumstances that the
23 law will infer an evil intent.

24 Malice aforethought does not require that
25 the malice exist for any particular time before

1 the act is committed. But malice does -- must
2 exist in the mind of the defendant just before and
3 at the time the act is committed. Therefore,
4 Ladies and gentlemen, there must be combination of
5 the previous ill evil intent and the act. And
6 malice aforethought may be expressed or inferred.
7 And the term express may be inferred, but not mean
8 different kinds of malice but merely the manner by
9 which malice may be shown to exist; that is,
10 either by direct evidence or by inference from the
11 facts and the circumstances which are proved. And
12 express malice is shown by when a person speaks
13 words, which express hatred or ill will for
14 another. Or when the person prepared beforehand
15 to do the act which was later accomplished. For
16 example, lying in wait for a person or any other
17 act or preparation going to show that the deed was
18 within the defendant's mind would be express
19 malice. And malice may be inferred by conduct
20 showing a total disregard for human life. And
21 inferred malice may also arise when the deed is
22 done with a deadly weapon.

23 Now, Ladies and gentlemen, if one
24 intentionally kills another during the commission
25 of a felony, the inference of malice may arise.

1 If facts are proven beyond a reasonable doubt
2 sufficient to raise an inference to your
3 satisfaction then the inference would be an
4 evidentiary fact to be taken into consideration
5 by you along with other evidence in this case, and
6 you may give it the weight that you decide that it
7 should receive. Armed robbery is a felony.
8 Burglary in the first degree is a felony.

9 Now, Ladies and gentlemen, a deadly weapon
10 is an article, instrument or substance which is
11 likely to cause death or great bodily harm.
12 Whether an instrument has been used as a deadly
13 weapon depends on the facts and circumstances of
14 each case. The following are examples of
15 instruments which may be deadly weapons: a pistol,
16 a shotgun, a rifle. And a gun may be a deadly
17 weapon even if it not operable.

18 Now, Ladies and gentlemen, the defendant
19 Laquincy Williams, is also charged with possession
20 of a weapon during the commission of a violent
21 crime. The state must prove beyond a reasonable
22 doubt the defendant was in possession of a firearm
23 or visibly displayed what appeared to be a firearm
24 during the commission of a violent crime. A
25 firearm means any weapon which is designed to or

1 may be readily converted to expel a projectile,
2 which would include a pistol or a revolver. And
3 in order to find the defendant Laquincy Williams
4 guilty of possession of a weapon during the
5 commission of a violent crime, you must first find
6 the defendant guilty of either committing a
7 violent crime or attempting to commit a violent
8 crime. And I instruct you now that murder is a
9 violent crime. Burglary in the first degree is a
10 violent crime and armed robbery is a violent
11 crime.

12 Now, Ladies and gentlemen, the defendant
13 Laquincy Williams has raised the defense of alibi.
14 In order to establish an alibi, it must be shown
15 that the defendant was at another specified place
16 at the time the crime was committed and that there
17 -- it was therefore impossible for the defendant
18 to have been at the scene of the crime. Mere
19 denial at the presence of the scene of the crime
20 does not constitute an alibi. And there is no
21 burden on the defendant to prove an alibi. The
22 burden is on the state to prove beyond a
23 reasonable doubt that the defendant was actually
24 present at the scene of the crime. Actually
25 participated in it, or and was not somewhere else.

1 In other words, the state has the burden of
2 disproving the defendant' alibi defense.

3 Now, Ladies and gentlemen, for each
4 defendant there are two possible verdicts in which
5 you may find on each charge. In this case on the
6 charge of Indictment No. 2011-GS-45-16 Count 1,
7 criminal conspiracy, you may find each defendant
8 not guilty or guilty. Likewise on charge in Count
9 2 of that indictment burglary in the first degree,
10 you may find each defendant either not guilty or
11 guilty. On the charge of Count 3 of the
12 indictment of armed robbery, you may find each
13 defendant either not guilty or guilty. And on the
14 charge in Count 4 of the indictment, murder, you
15 may find each defendant not guilty or guilty. And
16 finally on Count 5 of the indictment that alleges
17 the charge of possession of a firearm during the
18 commission of a violent crime against Laquincy
19 Williams as to this charge you may find him not
20 guilty or guilty.

21 And, Ladies and gentlemen, there is no
22 significance whatsoever in the order which I state
23 the possible verdicts. It's simply that one must
24 be stated first.

25 Now, Ladies and gentlemen, your verdict

1 must be a unanimous one. All 12 of you must agree
2 on the verdict on each charge as to each defendant
3 must be deliberated upon independently and a
4 verdict rendered separately as to each charge.
5 And, Ladies and gentlemen, your decision must not
6 be based on sympathy, passion, prejudice, emotion
7 or any other consideration that is not in evidence
8 in this case.

9 Mr. Foreman, when the jury agrees on the
10 verdict, you will, actually as you go through the
11 process, this is your verdict form. And as I said
12 as to the charge of criminal conspiracy for
13 defendant, Laquincy Williams, you will have a not
14 guilty or guilty. And the same for defendant
15 Toshonda Mickens. Now, Ladies and gentlemen, and,
16 Mr. Foreman, when you go through this form and you
17 have finished it, please sign your name at the
18 bottom. Knock on the jury room door and inform
19 the bailiff that you have reached a verdict. You
20 will then be welcomed back in the court. And then
21 your verdict will be published.

22 Now, Ladies and gentlemen, I ask that you
23 return to your jury room, but please do not begin
24 your deliberations as we still have some matters
25 to discuss with the attorneys before you begin

1 your deliberations. Thank you, Ladies and
2 gentlemen.

3 (Whereupon, the following takes place
4 outside the presence of the jury.)

5 THE COURT: Any objections concerning the
6 charge?

7 MS. BARR: No.

8 THE COURT: Or any addition, Mr. McKnight?

9 MR. MCKNIGHT: None from the defendant,
10 Mr. Williams.

11 THE COURT: Mr. Griffith?

12 MR. GRIFFITH: None, Your Honor.

13 THE COURT: If you all want to get
14 together and make sure that the the evidence is
15 properly going back and the verdict form. Do you
16 all have any objections to me sending the jury
17 charge back there? Sometimes that stops
18 questions. I only do it if you all agree.

19 MS. BARR: No objection, Your Honor.

20 MR. MCKNIGHT: None from the defendant
21 Williams.

22 MR. GRIFFITH: None from defendant
23 Mickens.

24 (Whereupon, at 6:11 p.m. jury commences
25 deliberates.)

1 (Whereupon, at 7:09 p.m. jury reached verdict.)

2 THE COURT: You may bring the jury.

3 (Whereupon, the following takes place within the
4 presence of the jury.).

5 THE COURT: Mr. Foreman, have you and the jury
6 reached a verdict?

7 THE FOREMAN: Yes, it is.

8 THE COURT: Please pass it forward. The
9 verdict form appears to be in order. Will the
10 clerk, please publish the verdict. The defendants
11 will stand.

12 THE CLERK: In indictment No.
13 2011-GS-45-16 the State of South Carolina versus
14 Laquincy Williams and Toshonda Mickens. As to the
15 charge of criminal conspiracy, we the jury
16 unanimously find the defendant Laquincy Williams,
17 guilty. As to the charge of criminal conspiracy,
18 we the jury unanimously find the defendant
19 Toshonda Mickens guilty.

20 As to the charge of burglary in the first
21 degree, we the jury unanimously find the
22 defendant, Toshonda Mickens guilty. As to the
23 charge of burglary in the first degree, we the
24 jury unanimously find the defendant Laquincy
25 Williams guilty. As to the charge of armed

1 robbery, we the jury unanimously find the
2 defendant Laquincy Williams guilty. As to the
3 charge of armed robbery, we the jury unanimously
4 find the defendant Toshonda Mickens guilty.

5 As to the charge of murder, we the jury
6 unanimously find the defendant Toshonda Mickens
7 guilty. As to the charge of murder, we the jury
8 unanimously find the defendant Laquincy Williams
9 guilty. As to the charge of possession of a
10 firearm during the commission of a violent crime,
11 we the jury unanimously find the defendant
12 Laquincy Williams guilty. Dated this 13th day of
13 September 2013. And it is signed by for foreperson
14 Mr. Clayton Redding.

15 Members of the jury panel, was this your
16 verdict, if so say you all.

17 THE COURT: Please raise your hands if
18 this was your verdict.

19 (All jurors affirm.)

20 THE COURT: Thank you. You may be seated.
21 Do the defendants request polling of the jury?

22 MR. MCKNIGHT: We do, Your Honor.

23 THE COURT: Please poll the jury.

24 THE CLERK: Juror 144, is this your
25 verdict and still your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Juror No. 13, is this your
3 verdict and is it still your verdict?

4 THE JUROR: Yes, it is.

5 THE CLERK: Juror No. 1, is this your
6 verdict and is it still your verdict?

7 THE JUROR: It is.

8 THE CLERK: Juror No. 126, is this your
9 verdict and is it still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Juror No. 55, is this your
12 verdict and still your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Juror No. 146, is this your
15 verdict and is it still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 5, is this your
18 verdict and still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror No. 69, is this your
21 verdict and still your verdict?

22 THE JUROR: Yes.

23 THE COURT: Juror No. 111, is this verdict
24 and is it still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror No. 126, is this your
2 verdict and is it still your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Juror No. 55, is this your
5 verdict and still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror No. 146, is this your
8 verdict and is it still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 5, is this your
11 verdict and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 69, is this your
14 verdict and still your verdict?

15 THE JUROR: Yes.

16 THE COURT: Juror No. 111, is this verdict
17 and is it still your verdict?

18 THE JUROR: Yes.

19 THE COURT: Juror No. 80, is this your
20 verdict and is it still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: And Juror No. 85. Is this
23 your verdict and is it still your verdict?

24 THE JUROR: Yes.

25 THE COURT: Thank you. The jury has been

1 polled and the verdict stands. Ladies and
2 gentlemen of the jury, I want to thank you for the
3 time you spent on this trial. I know each and
4 every one of you had something very important to
5 do this week. But I can assure you there is
6 nothing more important going on in Williamsburg
7 County than ensuring that justice is done. You
8 all come from your homes and your businesses and
9 you become part of a new family here. But you
10 all, the 12 jurors, who resolved this situation
11 for your county. So the State of South Carolina,
12 the County of Williamsburg and the City of
13 Kingstree and Hemingway, owe a great debt to you.

14 Now, Ladies and Gentlemen, I know they are
15 didn't -- they are not going to pay you a whole
16 lot, but that's just the way it goes. Again, the
17 service that you've done in your community has
18 been great and you need to know that. Ladies and
19 gentlemen, this counts as your service as jurors.
20 So you cannot be on a jury for the next year. And
21 you don't have to serve for next three years if
22 you don't want to.

23 Ladies and gentlemen, please don't let
24 anybody second guess your verdict. You can talk
25 to whoever you want to able this. Or if don't

1 want to talk anybody, you don't have to talk to
2 them. If somebody persists on talking to you
3 about your decision here, let one of the bailiffs
4 know and I will make sure that doesn't continue.

5 Ladies and gentlemen, again it is never
6 easy to hold the rights of a fellow citizen in
7 your hands. What you have done is probably the
8 hardest thing any citizen has to do. And I
9 appreciate your efforts. Now if you need an
10 excuse for work, and I know some of you have
11 businesses, and I hope this hasn't caused a
12 failure in your business. But I want you to know
13 in the end, what you have done is great for your
14 community. And It will be my honor to shake each
15 and everyone of your hands as you leave here. Do
16 you have something you want to tell them?

17 THE CLERK: And as Clerk of Court for
18 Williamsburg County, I would like to thank you all
19 for your service this week. I know it has not
20 been an easy trial for you, but we thank you very
21 much for your service.

22 THE COURT: Ladies and gentlemen, add at
23 7:45, I am going to sentence the defendants based
24 upon your verdict. You have been a part of this
25 trial since Monday, if you to want to come back in

1 the courtroom, if you all can have a special
2 place for them to sit, you are welcome to come
3 back in here and see what I do at this point and
4 time, because you have been involved in this for
5 so long. Thank you.

6 (Whereupon, the court takes a short
7 recess.)

8 THE COURT: Are there any motions at this time
9 by either of the defendants?

10 MR. MCKNIGHT: Your Honor, the jury we believe
11 that there are some errors on the part of the jury in
12 reaching their decision. We would respectfully ask that
13 you set that verdict aside.

14 THE COURT: Ms. Barr.

15 MS. BARR: Your Honor, certainly the case boiled
16 down to the credibility of certain witnesses in the
17 case. There was substantial evidence in the record
18 including direct evidence and circumstantial evidence by
19 which the jury could conclude both defendants are guilty
20 as charged. And we would respectfully request that the
21 defendant's motions be denied.

22 THE COURT: Mr. Griffith.

23 MR. GRIFFITH: Your Honor, the defendant
24 Toshonda Mickens would join in that motion. And
25 ask that the court set aside the jury verdict as

1 to Toshonda Mickens. In particular, those charges
2 that would involve murder and et cetera; in that,
3 there just wasn't enough evidence that she was
4 involved enough in this crime to receive that
5 verdict.

6 THE COURT: Ms. Barr.

7 MS. BARR: Your Honor, obviously the jury
8 concluded based on Your Honor's instructions of
9 accomplice liability; hand of one, hand of all.
10 They convicted her of criminal conspiracy.
11 There's evidence in the record that she planned an
12 armed robbery and the burglary.

13 And, Your Honor, under the hand of one
14 hand of all principal, she would be responsible
15 then as well as for the murder. And we would ask
16 that that motion be denied as well.

17 THE COURT: Did you want to say something
18 else?

19 MR. MCKNIGHT: I wanted to make another
20 motion.

21 THE COURT: I respectfully deny your
22 motion. The jury reviewed the evidence for over
23 an hour before they came to a verdict. And they
24 have a verdict so.

25 MR. MCKNIGHT: Your Honor, if you with the

1 court's permission, I would also like to make a
2 motion for a new trial. Reiterating the motions
3 that I made before to suppress the results of the
4 autopsy report as testified by Dr. Bradley, with
5 the same specific cases that I outlined before
6 with the same argument. I don't believe we can
7 belabor the point, but however, it's at this time
8 we would make a motion for a new trial.

9 THE COURT: Mr. Griffith.

10 MR. GRIFFITH: I would join in that
11 motion, Your Honor. As well, move for a
12 reconsideration of the sentence.

13 THE COURT: But I haven't sentenced yet.

14 MR. GRIFFITH: That is to say, the
15 verdict.

16 THE COURT: Ms. Barr.

17 MS. BARR: Your Honor, again, these
18 motions have been addressed by the court. It goes
19 to the evidence that is in the record. Again, a
20 substantial, in my opinion, overwhelming. We
21 again think that the jury's verdict again, both
22 defendants are supported by the evidence, and we
23 request that those motions as well be denied.

24 THE COURT: I respectfully deny your
25 motions. I think I made the correct rulings

1 during the course of the trial. And I believe all
2 the evidence was properly in.

3 MR. MCKNIGHT: Yes, sir.

4 MR. GRIFFITH: Your Honor, as well, we
5 would inform the court of our intent to appeal.

6 THE COURT: You will have plenty of time
7 to do that. But I will give you all about 25
8 minutes to talk to your clients and get any family
9 members that you want to have. But in the
10 meantime, if you all could secure the prisoners as
11 convicted prisoners. And then we will bring them
12 back in front of me at 7:45. Thank you.

13 MR. MCKNIGHT: Yes, sir.

14 (Whereupon, the court takes a short
15 recess.)

16 MS. BARR: May it Please the Court, I have
17 got Investigator Wrenn. I am going to get
18 Mr. McNeal's aunt, the victim's aunt, and ask
19 whether or not she wants to address the court.

20 THE COURT: Okay.

21 MS. BARR: In the meantime, Judge, I will
22 just provide the criminal histories of the
23 defendants.

24 THE COURT: Give Mr. Williams first.

25 MS. BARR: Yes, sir. Your Honor,

1 Mr. Laquincy Williams was convicted of driving
2 under suspension back in 2009. A simple assault
3 and battery 2010. Pubic disorderly conduct in
4 2002. And the rap sheets and dates are not in
5 chronological order. Carrying a concealed weapon
6 and simple possession of marijuana in 2003.
7 Possession of a controlled substance in 2005.
8 Public disorderly conduct in 2008. It looks like
9 malicious injury to personal property and criminal
10 domestic violence in 2009.

11 And, Judge, I believe that he was charged
12 in February of this year, in Florence County, with
13 the offense related to the possession of Xanax. I
14 think he was caught with like 36 pills. And was
15 charged with PWID. And I believe he served maybe
16 2 or 3 months in jail in Effingham and received a
17 time served sentence for that. I think that is
18 the extent of his convictions.

19 THE COURT: All right.

20 MS. BARR: Tashonda Mickens was convicted
21 of shoplifting in 2003. Shoplifting again in
22 2008. And It looks like that is it. Judge, I am
23 not sure where this is coming from, but both of
24 them are charged in May of 2008, with assault with
25 intent to kill or something. Discharging a

1 firearm into a dwelling in Darlington. But both
2 of those charges were dismissed at the preliminary
3 hearing.

4 THE COURT: All right.

5 MS. BARR: I am not sure if they are
6 related or not.

7 THE COURT: Mr. Griffith, or, Mr.
8 McKnight, do either one of you challenge the
9 record?

10 MR. MCKNIGHT: Your Honor, with regard to
11 the charges in Florence, he tells me that those
12 charges are dismissed.

13 MS. BARR: Judge, we have got Investigator
14 Wrenn here who handled the case, and she wanted
15 to address the court on behalf of the victim's
16 father.

17 THE COURT: Ms. Wrenn.

18 INVESTIGATOR WRENN: Yes, sir. During
19 while working this case, I met Mr. McNeal. And
20 quite honestly, you know, in our jobs we run
21 someone that we take to heart. And he would call.
22 I was out for a couple of months with surgery.
23 And he never failed to check on me. And I have to
24 say that he passed away this past year. He
25 honestly was trying to hold on until this trial.

1 And it was on my heart the week before he passed,
2 to go and see him. And I did. And when I walked
3 in the hospital room he could speak very well.
4 And if I mistaken he had cancer.

5 And I sat down on the bed with him, and I
6 said Mr. McNeal, I said do you know who this is.
7 And he always called me his buddy. And I sat on
8 the bed. And I said, Mr. McNeal, you and I both
9 know that you will not make it to court. And I
10 said, but I will make you a promise. I said I
11 told you that I am going to see this case through
12 with you. And I promise you that I stand up for
13 you in court. And that's what I'm doing. This
14 was his desire today, is to see, his words to me;
15 is that, the individuals that took my boy, see
16 justice.

17 THE COURT: Thank you. Would his aunt
18 like to say anything? Please state your name for
19 the record. Move the microphone a little closer.
20 What is your name?

21 MS. MCNEAL: I don't have much to say. I
22 would just like to say, My name is Elizabeth
23 McNeal. I would just like to say that was one
24 thing that he really worried about, this case
25 coming trial. And he wanted justice, you know,

1 because, you know, after when J. got killed, you
2 know, really he wasn't bothering anyone until, you
3 know, somebody just killed him. Because really
4 that was one of his desires to see that this case
5 come to trial. And that's why I have been here,
6 because I know that was his wish. And I came to
7 him several times when they bond hearings and
8 different hearings for, you know, the people that
9 they had.

10 So, I know a lot about this case. I have
11 been working with it ever since it happened
12 whenever something came up. So like I said, I
13 know, you know, he's gone. But I am here. And,
14 I'm, you know, I think that he knows that this
15 case has come to trial and, you know, and justice
16 has been served.

17 THE COURT: Thank you, Ms. McNeal. Ms.
18 Barr.

19 MS. BARR: Judge, there is nothing else on
20 behalf of the state. Thank you.

21 THE COURT: Mr. Griffith, and when I asked
22 about her record, was that correct?

23 MR. GRIFFITH: Your Honor, she would
24 challenge any reference to a anything other than
25 two shopliftings, Your Honor. She had some

1 shopliftings.

2 THE COURT: Mr. McKnight, would you like
3 to speak on behalf of your client?

4 MR. MCKNIGHT: Yes, Your Honor I would. I
5 realize that on behalf of my client, I know that
6 he realizes the loss that has occurred. He
7 maintains that he is innocent. We know the jury
8 has spoken. We are not going to call that into
9 question. We do intend to appeal, but that will
10 be decided on another day. My client faces some
11 very, very, very dark days ahead. He is 28 years
12 old. You can't do what it is I do without
13 sometimes putting yourselves in someone else's
14 shoes.

15 And I think back to when I was 28. I am
16 39 now. And I had just gotten out of law school.
17 I had just started working here. And I know how
18 good the last 10 years, the past 10 years have
19 been for me in my own practice. I've got a niece.
20 I've got a nephew. And how bright the next 30, 35
21 years of my life look, God Willing. And I know
22 for him, there is no brightness whatsoever like
23 that at all.

24 It's sad. It's very touching, because I
25 can imagine what it's like for Ms. McNeal to have

1 lost a loved one. I can imagine what my mother
2 would feel like had she lost one of her sons,
3 because she has two boys. And I can really feel
4 sorry for my client's mother, because she is going
5 to lose her son. Because he is going off to the
6 South Carolina Department of Corrections.

7 Your Honor, right now, you have the
8 ability to sentence my client to consecutive life
9 sentences. Just a whopping amount of time. Your
10 Honor, I ask on behalf of Mr. Williams
11 respectfully, for you not do that. I believe that
12 the ends of justice are served with the minimum
13 sentence for reach offense. And for you to run
14 them concurrent. Not to call it piled them on or
15 anything else. But it's not going to bring
16 Mr. McNeal back to just say we are going to do
17 life, plus another to life and make it
18 consecutive.

19 I really don't know what else other to say
20 on behalf of him. He's 28-years-old. He is the
21 father of one child. He has one on the way. He
22 doesn't have a high school diploma. He is working
23 on it. He works in construction and he's also
24 studying to weld. What I see because I do this
25 almost every day when I am not doing car wrecks,

1 but the one consistent theme, or one consistent
2 thing about characteristics of everybody who faces
3 themselves in this predicament, is virtually none
4 of them have an education. That's not, and I am
5 not making an excuse for what happened. I am just
6 stating the obvious for anybody listening that if
7 I meet a person who doesn't have a high school
8 education, I can almost predict with some
9 certainty that they are going to find themselves
10 in the confines of the South Carolina Department
11 of Corrections.

12 But I can say this, that I have worked
13 with Laquincy since the time I have been appointed
14 to represent him. He has been a pleasant fellow.
15 A very pleasant person. He has been by my office
16 a number of times. I did not -- I think I am
17 pretty good gauge of persons. I never felt
18 threatened by him. I never felt uncomfortable
19 being in his presence. And so I would ask Your
20 Honor, that you give him the minimum.

21 Maybe if you gave him the minimum, maybe
22 one day, somehow, someways, he could find himself
23 out of the South Carolina Department of
24 Corrections. Maybe. And that's a small, small,
25 small, infinitesimal maybe he can have some

1 glimpse of the goodness of life. Because it is
2 indeed a blessing to be able, I mean I sat there
3 and I wondered whether the jury is going to come
4 back. I said, you know, I can't imagine being in
5 that holding cell in the dark and waiting on Judge
6 Young to come out here and pronounce. You know
7 you just kind of put yourself in that place. And
8 I mean I know that I am going to walk out of
9 here---

10 THE COURT: And you are right, he put
11 himself in that place.

12 MR. MCKNIGHT: Right. But I in knowing
13 that, but I felt well, you know, I had then
14 remember me. And so I said, I am going to walk
15 out of this door and I am going to go home and I
16 am going to shower and I going to get me something
17 to eat. But the burden of that, I mean, it's not
18 even on me. And I just feel the punishment and
19 the weigh of it. And so I am not going to belabor
20 the point. But we ask that you give him, Your
21 Honor, the minimum.

22 THE COURT: Would your client like to say
23 anything to the court?

24 MR. MCKNIGHT: He has told me that he
25 does. So would you please allow him?

1 THE COURT: Yes, he certainly may. I
2 need to hear you.

3 THE DEFENDANT WILLIAMS: Your Honor, I am
4 in the courtroom today facing these charges, still
5 claiming innocence. It is hard, very hard, going
6 to jail for something that you know you didn't
7 have nothing to do with it. I know the people I
8 surround myself by, but I can't take that back.
9 If I could in any kind of way to, Ms. McNeal, I
10 would give condolences to you. I am sorry. I
11 know how it feels to lose a loved one. I lost
12 somebody who is very close to me. But between you
13 and me, I still have not did it. I did not murder
14 your nephew. And I don't -- I can't even explain
15 to you how it feels, because I really don't know
16 you. But from me to you, It wasn't me. Even
17 though I am facing the charges, I am walking out
18 of here whatever the judge may decide to do, he's
19 got the right to do it. But I am looking into
20 your eyes, into your eyes and letting you know
21 that it wasn't me. And I am sorry for your loss.
22 And, Judge, and I just ask you to have as much
23 leniency as possible on me.

24 I got a son out there, 8-years-old. I
25 never had a father. I never had a father. And I

1 have never known a father. My mother is my
2 father. And I just ask you and the court, please
3 let me be a father to my son at least at some
4 point in time in my life.

5 THE COURT: Thank you. Mr. Griffith, on
6 behalf of Ms. Mickens.

7 MR. GRIFFITH: Thank you, Your Honor.
8 Ms. Mickens, I have represented her. And she has
9 always been very easy to get along with, cordial
10 with me. And she is an intelligent young lady.
11 She has graduated from high school. She has a
12 job. She has two children. And she's enrolled in
13 college at this point. As well, Your Honor, she
14 has, you know, she hung around with the wrong
15 people. But she's got away from that and she
16 moved in with her mom and tried to straighten up
17 her life. At this point and time of course, it
18 may seem too late. But, Your Honor, we would just
19 ask that the court have mercy on her as much as is
20 possible, as far as the minimum sentence, Your
21 Honor.

22 THE COURT: But she realizes 30 years on
23 the murder charge.

24 MR. GRIFFITH: I understand, Your Honor.
25 And as far as possible, Your Honor, if the court

1 could put all the sentences as concurrent. And
2 she of course is facing a hardship and hard times.
3 Her children, her two children will be without for
4 some time, and we would just ask the court for as
5 much as leniency as the court can give at this
6 point. And let the court know that she is a
7 person who has tried to straighten her life out,
8 and tried to come along and do right.

9 THE COURT: Would she like to address the
10 court?

11 MR. GRIFFITH: She would like to address
12 the court, Your Honor, as well as her mother would
13 like to address the court.

14 THE DEFENDANT MICKENS: Yes, sir. I did
15 have dealings with a guy, P.J. As far as anything
16 pertaining, dealing with the murder, I am not
17 guilty. And I am going to fight this until the
18 day I die. So, Ms. McNeal, I don't know you, you
19 don't know me. I am so sorry for your loss of
20 your nephew, your son or however you chose to
21 address him. I didn't anything with this. All I
22 am guilty of is taking someone to the hospital.
23 That's it. And it landed me in a world of
24 trouble. And I regret to this very day that I
25 even done it. I hate that I even gave him a ride

1 to the hospital. If I hadn't, I wouldn't even be
2 here today. I wouldn't be here today.

3 I have two kids. At the time of this
4 incident, my daughter was one. And my oldest
5 daughter was 4 years old. So I have been raising
6 them by myself. From the time my oldest daughter
7 was born, I was a single mother for 10 years,
8 because my daughter today is 10-years-old. And my
9 youngest daughter is now 7. I've done left
10 Phillip alone. Once I have been going through
11 things, and a guy confessed and told me that my
12 troubles that I was through were behind him. So I
13 see that I am in world of trouble today behind an
14 individual that I am not sure what is going on
15 with him as far as these charges in this trial.
16 But I am just hear to let you know, Judge Young,
17 that I sincerely did not have nothing to do with
18 this. And I will fight until the day I die.
19 Again, Ms. McNeal, I am sorry for your loss. This
20 has been my first or second time seeing you. I am
21 sincerely sorry. And I pray that P.J., Gquan or
22 whoever else comes before trial; that they receive
23 justice, because apparently they had something to
24 do with this.

25 So, again, Your Honor, I thank you for

1 trying me in your courtroom. Ms. Kimberly Barr, I
2 thank you. And every other person with the
3 prosecution, I thank you. Mr. Timothy, I thank
4 you. Cesar McKnight, I thank you. I just thank
5 everybody. I am going to fight it. I have got
6 God in my heart. And God has last say so again.
7 Mr. Young, I thank you.

8 THE COURT: Yes, ma'am. Please state your
9 name for the record.

10 MS. MICKENS: Yes. Charlene Mickens. I
11 am Toshonda's mother. When she first, first of
12 all, I feel in my heart, it was, you know, from
13 the time that my daughter got picked up for this,
14 at first, I used to worry. You know, but I had to
15 get strong because when they took her away from
16 me, not only was she in jail, I was in jail too.
17 My life got totally changed for my two
18 grandchildren. I lived in Florence during the
19 week, and I lived in Darlington on weekends to
20 make sure that the kids went to school for 6
21 months. Okay.

22 I got her home. She turned her life
23 around; got a job. We never missed a roll call.
24 Even when she was working. Never missed a roll
25 call. And for me to be here on Monday, and I am

1 knowing that the bondsman that got her out, was
2 the bondsman that I used to work for his father.
3 And when they, you know, when she stood up and
4 said, their bond was revoked, I was stunned. I
5 wasn't prepared. If I was prepared, I would have
6 brought the letter with me. I called him as soon
7 as I walked out. And he was like, he didn't know
8 what was going on. So---

9 THE COURT: Well he didn't revoke his
10 bond, I revoked his bond.

11 MS. MICKENS: I understand. He called
12 down here, and he found out, you know, what it was
13 that it wasn't signed. You know, it was signed by
14 you. You know, so I accepted that. I accepted
15 that. But for some reason, I can't cry. I know
16 my daughter is, you know, I don't what sentence
17 you are going to give her or whatever. But God
18 has been keeping me strong, and I instill that in
19 her; that I can't cry. Maybe I will cry once I go
20 home. Even when they put the handcuffs on her and
21 took her out the door on Monday, God, kept me
22 strong.

23 My strength was keeping Laquincy's mother
24 strong. Somebody have to be strong. I still have
25 faith. Enemies have surrounded her with false

1 statements, but I am not mad. Because I know one
2 day, I will be able to wrap my arms around my
3 daughter. So whatever sentence that you give her
4 today, I will be sentenced too. Because I have to
5 change my life again for my two grandchildren.
6 That's all I have to say. Thank you.

7 THE COURT: Yes, ma'am. Would
8 Mr. Williams mamma want to say anything? I saw
9 him looking back at her, does she want to say
10 anything?

11 MR. MCKNIGHT: She does not, Judge.

12 THE COURT: She does not. Anything
13 further from the state?

14 MS. BARR: No, your honor.

15 THE COURT: Anything further from defense?

16 MR. MCKNIGHT: No, not from the defendant,
17 Williams, Your Honor.

18 THE COURT: How much time did they do in
19 prison before they had bonds issued?

20 MS. BARR: Your Honor, it looks like
21 Ms. Mickens was arrested on August 31st of 2010.
22 And she was released on October 22nd of 2010.
23 Mr. Williams was arrested on September 3rd of
24 2010. And I think he was released in December of
25 2011.

1 MR. MCKNIGHT: Your Honor, my client tells
2 me that he did 19 months in the detention center.

3 MR. GRIFFITH: Your Honor, my client tells
4 me she wasn't released until January of 2011.

5 THE COURT: I am going to give them credit
6 for time served. I will let the Department of
7 Corrections work that out at the time.

8 MR. MCKNIGHT: Yes, sir.

9 MS. BARR: And, Judge, Ms. Mickens'
10 attorney is correct. She was released on
11 January 28th of 2011. My apology.

12 THE COURT: So they do about 6 months, 5
13 months, she did.

14 MS. BARR: Mr. Williams did more time--

15 THE COURT: Correct.

16 MS. BARR: ---than Ms. Mickens did.

17 THE COURT: He did what, 19 months?

18 MR. MCKNIGHT: Right that's what it says.

19 THE COURT: She did about 5. You know my
20 only regret tonight as we sit here at 20 after
21 eight on a Friday evening, we don't have all the
22 students in Kingstree, in Williamsburg County, who
23 are students in this courtroom, to see what is
24 happening and what happens when you lead a life as
25 these people led. Consumed by drugs. Total

1 selfishness. They could care less about those
2 others in the world.

3 I am still shocked at the degree of
4 violence that these people would go to. Even to
5 the degree of violence of going in the house. I
6 think that's a homeowner's worse nightmare. It
7 almost seems from what the testimony that the jury
8 believed, that from the time that they came
9 through the door, when they bumped the door, the
10 decedent, the victim, was probably dead 2 minutes
11 later; how quickly life can end at the hands of
12 another. But I don't know where these defendants
13 thought this was going to end up the way they were
14 living their life. Constantly on drugs.
15 Constantly not caring about their fellow humans.
16 But he had something they wanted. And by gosh,
17 they were going to get it.

18 Believing that young man who was bad as he
19 is, in the hospital, dumped him off, and taking
20 off to go do what she wanted to do, seemed pretty
21 heartless to me. Before I said, I think this was
22 a one event. So that's why the sentences are
23 going to be concurrent. They did the same thing,
24 and it was called different things as it went in.
25 The burglary, the murder and the burglary and the

1 armed robbery were one act. So I am not sure If
2 they -- I am going to stack them on top of each of
3 each other. But I don't know that that's going to
4 make a whole lot of difference. But I certainly
5 do think that Mr. Williams, this would have been a
6 far less egregious thing that he decided he was
7 coming in and shooting. I mean I can't think of
8 anything more scary to a homeowner. You don't
9 stand a chance. You don't stand a chance when
10 somebody comes in, in the middle of the night, or
11 early morning when you are tired and attacks you.

12 I see little reason in giving him a whole
13 lot of mercy tonight. And quite frankly this
14 could have almost been a capital case. But the
15 state chose not to pursue that.

16 As far as Laquincy Manuel Williams, on the
17 charge of possession of a -- on criminal
18 conspiracy. Please stand.

19 MR. MCKNIGHT: He can't get up. They have
20 him cuffed.

21 THE COURT: It doesn't make any
22 difference.

23 MR. MCKNIGHT: Okay.

24 THE COURT: The sentence on criminal
25 conspiracy is 5 years. On the charge of armed

1 robbery he is committed to the State Department of
2 Corrections for a period of 30 years. On the
3 charge of burglary in the first degree, he is
4 sentenced to life in prison. And on the charge of
5 murder, he is sentenced to life in prison.

6 For Toshona Mickens although she was a bad
7 player in this, she was not the one who actually
8 pulled the trigger and went in and did the home
9 invasion. On the charge of murder, she is
10 sentenced to the State Department of Corrections
11 for a period 30 years. On burglary in the first
12 degree, she is sentenced to the State Department
13 of Corrections for a period of 30 years. On the
14 charge of armed robbery, she is sentenced to the
15 State Department of Corrections for a period of 30
16 years. And on the charge of criminal conspiracy,
17 she is sentenced to 5 years in the State
18 Department of Corrections.

19 Again, and I feel for the mother's back
20 there. They just tried to do what you can, but I
21 am sorry. I am sorry for you and I am sorry for
22 their children. But they have to stand for their
23 own actions. And my sentences will be executed at
24 this point. Thank you.

25 MR. MCKNIGHT: Your Honor, before you

1 dismiss everyone, there is a charge of possession
2 of a weapon during a violent crime.

3 THE COURT: But I'm not---

4 MR. MCKNIGHT: I don't recall.

5 THE COURT: I didn't. Possession of a
6 weapon during a violent crime is 5 years.

7 MR. MCKNIGHT: And that's for Mr.?

8 THE COURT: That's for Mr. Williams. He
9 was the only one charged for that.

10 MR. MCKNIGHT: Correct, yes, sir.

11 -----End of Requested Transcript of Record---

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the
Third Judicial Circuit of the State of South Carolina,
do hereby Certify that the foregoing is a true, accurate
and complete Transcript of Record of the proceedings had
and evidence introduced in the General Sessions Court on
September 9th-13th, 2013, in Williamburg County,
Kingstree, South Carolina.

I do further certify that I am neither kin,
counsel, nor interest to any party hereto.

3/27/14
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/21

1 State of South Carolina Court of General Sessions
2 County of Williamsburg
3
4

5 State)
6) Transcript of Record
7 v.) 11-GS-45-0016
8 LaQuincy M. Williams)
9 Defendant.)

10 December 15, 2011
11 Kingstree, South Carolina
12

13 B E F O R E:

14 The Honorable R. Ferrell Cothran, Jr., Judge
15

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

17 Kimberly V. Barr, Assist. Solicitor
18 Attorney for the State

19 Tonya Copeland-Little, Esquire
20 Attorney for the Defendant
21
22
23

24 Stacy L. Sheppard, RPR
25 Circuit Court Reporter

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>

(There were no witnesses.)

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>

(There were no exhibits.)

1 (The following proceedings were held on
2 December 15, 2011.)

3 **MS. BARR:** Your Honor, the first matter before
4 you this morning is the State versus LaQuincy
5 Williams. It is an indictment for murder, burglary
6 in the first degree, possession of a weapon during
7 the commission of a violent crime under indictment
8 2011-GS-45-16. Your Honor, Ms. Tonya
9 Copeland-Little is the defendant's attorney of
10 record, and I believe she has a motion for the Court
11 at this time.

12 **THE COURT:** Yes, ma'am.

13 **MS. COPELAND-LITTLE:** Thank you, Your Honor.
14 May it please the Court. My name is Tonya
15 Copeland-Little of the Darlington County Bar.

16 Your Honor, I was hired by Mr. Williams' family
17 last -- earlier this year in the spring for the
18 limited purposes of trying to get LaQuincy a bond.
19 His bond was originally denied on 10/21/10. He
20 later hired me in 2011. I was able to secure a
21 100,000 dollar surety bond for the defendant on
22 3/31/11. I also came back to court on 5/20/11
23 asking for a bond reduction, which was denied, Your
24 Honor.

25 Your Honor, despite Mr. LaQuincy Williams' wish

1 to hire me and his family's wish to hire me to try
2 his murder case, they have been unable to secure the
3 funds to hire me. The agreement that we had was for
4 the limited purposes of securing a bond for
5 Mr. Williams. As it stands now, I'm his attorney of
6 record. He formerly had a conflict counsel due to
7 the public defenders had a conflict in their case.
8 I'm here respectfully asking the Court to relieve me
9 as counsel. Assistant Solicitor Barr has sent
10 notice for trial the end of January 2012. And, Your
11 Honor, this young man needs some representation as
12 soon as possible.

13 **THE COURT:** What's the State's position on
14 this?

15 **MS. BARR:** Your Honor, it's -- I certainly want
16 counsel and lawyers in general to make money. It
17 creates a problematic situation for the State. Your
18 Honor, this is a murder that was committed back in
19 November of 2007. The defendant was arrested on
20 September of 2010. And when we received the
21 original notice of representation, it was back in
22 the middle of February of this year and it indicated
23 that Ms. Little had been retained to represent him
24 in connection with this matter.

25 It looks like, at some point, Mr. Williams had

1 Attorney Floyd representing him, and there was a
2 consent order substituting counsel relieving
3 Mr. Floyd and having Ms. Little to represent him.
4 That consent order was filed with the court on March
5 the 4th of 2011. And Ms. Little sent us a request
6 for Rule 5 and Brady disclosure. We responded to
7 that request.

8 And I think it was in September when we sent
9 her a letter indicating that we were going to call
10 the case for trial during the January 30th term of
11 court. It creates a problem because we plan to try
12 that case during that term. We were in a position
13 to try that case during that term. And now if we
14 have to have counsel substituted again, we're
15 looking at at least another six months before we can
16 try the case to give the new lawyer an opportunity
17 to prepare. I certainly understand her position,
18 just it puts the State in an uncomfortable position
19 at this point.

20 **THE COURT:** What about it -- that you sent a
21 notice of representation, but it wasn't qualified
22 for just a bond hearing?

23 **MS. COPELAND-LITTLE:** Yes, sir, and I certainly
24 apologize for that. My agreement -- my contract
25 with him has always been for bond purposes or to

1 explore the possibility of a plea. He never hired
2 me to actually try the case, that was to be -- my
3 understanding, when he hired me, Your Honor, he just
4 wanted a bond. And once he got out on bond, he was
5 going to try to hire me to do the case. His family
6 was never able to even get him out on bond.

7 When I was notified in September that the case
8 was going to be tried in January, I filed a motion
9 to be relieved, Your Honor, on November 11th.
10 First, I got in touch with his family and tried to
11 get them to, you know, come on and hire me on the
12 case. When they were unable to do that, I filed my
13 motion to be relieved on November 2nd, but due to
14 the court schedule -- originally, Judge Young did
15 not want to hear the motion because Judge King set
16 the bond. So there was some delay. I had to get
17 permission from Judge King to get another judge to
18 hear the case -- to hear my motion.

19 Respectfully, Your Honor, I'm a sole
20 practitioner. It would -- I have quoted his family
21 a fee that would allow me to pretty much close my
22 practice and devote all my time to this case, but if
23 I'm required to stay on for no pay, Your Honor, it
24 would just bankrupt my law firm. I have one
25 employee. He has no funds to, you know, to help me

1 hire an investigator.

2 **THE COURT:** Well, Mr. Williams, obviously he's
3 been in jail this whole time. His only option is a
4 public defender or to appoint the next person on
5 rotation. Does the public defender have a conflict
6 here?

7 **MS. BARR:** Judge, there are many, many
8 co-defendants involved in the case. I shouldn't say
9 many, many. There are at least three. And I'm not
10 sure if Mr. Carraway -- I believe Mr. Carraway is
11 representing the co-defendant, Mr. Henry, if I'm not
12 mistaken. Yes, that's correct. James Gquan Henry
13 is the co-defendant and Mr. Carraway is his
14 attorney.

15 **THE COURT:** Okay. And what about the other
16 public defender?

17 **MS. BARR:** I didn't bring the whole file
18 because it's sort of big, Judge. I'll be happy to
19 go and pull that. I've got Investigator Wren going
20 to pull that information.

21 (Pause.)

22 **THE COURT:** While they're looking for that, let
23 me talk to y'all in chambers a minute.

24 (Whereupon, a hearing was held in chambers.)

25 END OF PROCEEDINGS

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

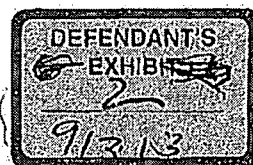
COUNTY OF WILLIAMSBURG

I, the undersigned, Stacy L. Sheppard, Circuit Court Reporter for the Third Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Williamsburg County, South Carolina, on the 15th of December, 2011.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 7, 2015

s/Stacy L. SheppardStacy L. Sheppard, RPR
Circuit Court Reporter



CORONER'S REPORT

TIME CORONER CALLED _____ TIME ARRIVED ON SCENE _____ DATE 11-02-2007

PERSON CALLED CORONER Williamburg 911

ADDRESS: P.O. Box Kingstree, S.C. 29556

LAW ENFORCEMENT OFFICER ON SCENE: Sheriff Deputies + Sled.

DECEASED'S NAME: James Allen McNeal

ADDRESS: Peach Street, Hemmingway, S.C. 29554

RACE: Blk. SEX: M. AGE: 27 SOC. SEC.: [REDACTED]

ESTIMATED TIME OF DEATH: Unknown PRONOUNCED DEAD BY CORONER H.M. Knight Jr.

BODY FOUND BY WHOM his girlfriend in bedroom after being

FINDER'S ADDRESS: shot by someone, shooter unknown by

WHERE WAS THE BODY FOUND: girlfriend, McNeal was shot several times

TIME BODY FOUND: _____ (AM) P.M.

POSITION OF BODY: lying on his back on Bedroom floor.

CONDITION OF BODY: Multiple gunshot wounds to the body.

WHO LAST SAW DECEASED ALIVE: _____

ADDRESS OF PERSON LAST SEEING: _____

WHAT WAS DECEASED DOING WHEN LAST SEEN: _____

NAME & ADDRESS OF PHYSICIAN LAST SEEN: _____

DATE OF LAST VISIT: _____ TREATED FOR WHAT: _____

NAME OF NEXT OF KIN: James McNeal

ADDRESS: Hemmingway, S.C. 29554

FUNERAL HOME CALLED: Bartell's TIME CALLED: _____ A.M. P.M.

INTERESTING INFORMATION: _____

DEATH CERTIFICATE SIGNED BY: H.M. Knight Jr. (Coroner)

App 1211
99

WITNESSES

Inv. Pamela Jean Wrenn
Williamsburg County Sheriff's Office

ARREST WARRANT NUMBER

M-685103; M-685110; M-685112; M-685105; M-685111;

M-685113; M-685109; M-685108; M-685106; M-685107

M-685102; M-685104

ACTION OF GRAND JURY

TRUE BILL

Date

Foreperson of Grand Jury
Date: 7-25-13

VERDICT

Foreperson of Petit Jury
Date:

AMENDED

DOCKET NO. 2011-GS-45-016

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

JULY TERM 2013

THE STATE

vs.

**JAMES GQUAN HENRY
LAQUINCY MANUEL WILLIAMS
TASHONDA MONIQUE MICKENS**

Indictment for

**CRIMINAL CONSPIRACY, BURGLARY IN
THE FIRST DEGREE, ARMED ROBBERY,
MURDER, AND POSSESSION OF A
WEAPON DURING THE COMMISSION OF A
VIOLENT CRIME**

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
CRIMINAL CONSPIRACY, BURGLARY IN
THE FIRST DEGREE, ARMED ROBBERY,
MURDER, AND POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME

At a Court of General Sessions, convened on July 25, 2013 the Grand Jurors of
WILLIAMSBURG County present upon their oath:

COUNT ONE – CRIMINAL CONSPIRACY

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of criminal conspiracy in that they did unlawfully and willfully unite, combine, conspire, and agree with each other and/or others to commit the criminal offenses of burglary and/or robbery of the victim, James Allen McNeal, in violation of section 16-17-410 of the South Carolina Code of Laws.

COUNT TWO – BURGLARY IN THE FIRST DEGREE

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of burglary in that they did unlawfully enter the dwelling of the victim, James Allen McNeal, without consent, during the nighttime, and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, one or more of the defendants was armed with a firearm or other deadly weapon, and further, that one or more of the defendants caused physical injury to the victim, who was not a participant in the crime, in violation of section 16-11-311 of the South Carolina Code of Laws.

COUNT THREE – ARMED ROBBERY

That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of armed robbery in that they did, while armed with a firearm or other deadly weapon, take possession of and carry away money or other items of personal property belonging to the victim, James Allen McNeal, in violation of section 16-11-330(A) of the South Carolina Code of Laws.

C

COUNT FOUR - MURDER

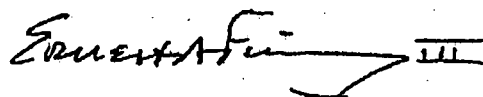
That the defendants, Laquincy Manuel Williams, James GQuan Henry, and Tashonda Monique Mickens, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of murder in that they did willfully, feloniously, and intentionally kill the victim, James Allen McNeal, with malice aforethought, by shooting him with a firearm, and that the said victim did die a proximate result thereof, in violation of section 16-3-10 of the South Carolina Code of Laws.

COUNT FIVE - POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME

That the defendants, Laquincy Manuel Williams and James GQuan Henry, did in Williamsburg County, South Carolina on or about November 2, 2007 commit the offense of possession of a firearm during the commission of a violent crime in that they did willfully and unlawfully possess or visibly display a firearm during the commission of the violent crimes of burglary, armed robbery, and/or murder, in violation of section 16-23-490 of the South Carolina Code of Laws.

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

Solicitor



App 1214
1202

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Williamsburg

VS.

LaQuincy Manuel Williams

AKA:

Race: 2 Sex: M Age: 28

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Darlington, SC 29532

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Criminal Conspiracy

IN THE COURT OF GENERAL SESSIONS

0-5

INDICTMENT/CASE#: 2011-GS-45-0016

A/W#: NO WARRANT

Date of Offense: 11/2/2007

S.C. Code §: 16-17-410

CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-17-410

of the S.C. Code of Laws, bearing CDR Code #

0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kimberly V. Barr

8443

Barr, Kimberly V

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 60 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All Charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther:

[Signature]

[Signature]

[Signature]

[Signature]

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2156

Sentence Date: 13 Sept 2013

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Williamsburg

VS.

LaQuincy Manuel Williams

AKA:

Race: 2 Sex: M Age: 25

DOB: SS#:

Address:

City, State, Zip: Darlington, SC 29532

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary in the first degreein violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Kimberly V. Barr

Barr, Kimberly V

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: W/ all Charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing: ☐ Ordered PTUP
 Total: \$ plus 20% fee: \$ days/hours Public Service Employment.

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
§ 44-53-450(C) (Conditional Discharge)	\$350	\$
% to County (if paid in installments)	\$	
TOTAL	\$	

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (06/2010)

IN THE COURT OF GENERAL SESSIONS

App 1215
1203

INDICTMENT/CASE#: 2011-GS-45-0016

A/W#: M685109

Date of Offense: 11/2/2007

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code: 2156

Sentence Date: 13 Sept 2013

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Williamsburg

VS.

LaQuincy Manuel Williams

AKA:

Race: 2 Sex: M Age: 28

DOB: SS#:

Address:

City, State, Zip: Darlington, SC 29532

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ARMED ROBBERY

IN THE COURT OF GENERAL SESSIONS

10-30

INDICTMENT/CASE#: 2011-GS-45-0016 A

A/W#: NO WARRANT

Date of Offense: 11/2/2007

S.C. Code §: 16-11-330(A)

CDR Code #: 0139

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Barr, Kimberly V

84413
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2156

Sentence Date: 13 Aug 2013

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

COUNTY OF Williamsburg
STATE VS.LaQuincy Manuel Williams

AKA:

Race: 2 Sex: M Age: 25DOB: [REDACTED] SS#: [REDACTED]City, State, Zip: Darlington, SC 29532DL#: [REDACTED] SID#: [REDACTED]CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
FO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

App. 1217
1205INDICTMENT/CASE#: 2011-GS-45-0016A/W#: M685108Date of Offense: 11/2/2007S.C. Code § 16-03-0010CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of: § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45.
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Kimberly V. Barr
Barr, Kimberly V.SC Bar# 8443

Defendant

Attorney for Defendant

SC Bar#

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All charges☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

Fine:

§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100 \$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§ 56-5-2995 (DUI Assessment)	\$12 \$
§ 56-1-286 (DUI Breath Test)	\$25 \$
Proviso 47.9 (Public Def/Prob)	\$500 \$
§ 14-1-212 (Law Enforce. Funding)	\$25 \$
§ 14-1-213 (Drug Court Surcharge)	\$150 \$
§ 50-21-114 (BUI Breath Test Fee)	\$50 \$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
Proviso 90.5 (SCCJA Surcharge)	\$5 \$
§ 44-53-450(C) (Conditional Discharge)	\$350 \$
% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter: Margaret Sullivan

CCA/217 (06/2010)

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender Fund Other:
☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2156Sentence Date: 13 Dec 2013

COUNTY OF Williamsburg
STATE VS.
LaQuincy Manuel Williams
AKA:
Race: 2 Sex: M Age: 25
DOB: SS#:
Address:
City, State, Zip: Darlington, SC 29532
DL#: SID#:

INDICTMENT/CASE#: 2011-GS-45-0016
A/W#: M685106
Date of Offense: 11/2/2007
S.C. Code § : 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

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

TO: Possession of Weapon during Violent Crime

in violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST: Barry, Kimberly V 8443
Barr, Kimberly V SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: All Charges
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUT Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$
§ 44-53-450(C) (Conditional Discharge) \$350 \$
3% to County (if paid in installments) \$
TOTAL \$

Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

☐ Condition Discharge, § 44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Shirley W. Staggers

Court Reporter: Margaret Mullins

SCCA/217 (06/2010)

Presiding Judge
Judge Code: 2456
Sentence Date: 1.3.2013

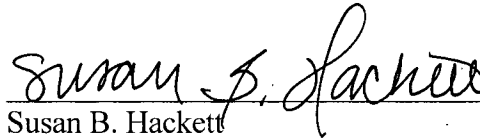
CERTIFICATE OF COUNSEL FOR APPELLANT

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."

RECEIVED

This 13th day of October, 2015.

OCT 13 2015



Susan B. Hackett
Appellate Defender

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF
GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM WILLIAMSBURG COUNTY
Court of General Sessions

W. Jeffery Young, Circuit Court Judge

Indictment No(s): 2011-GS-45-015

The State,

Respondent,

v.

LaQuincy M. Williams,

Appellant.

NOTICE OF APPEAL

LaQuincy M. Williams appeals his conviction and sentence in this case. The sentence was imposed by the Honorable W. Jeffery Young on September 13, 2013.

September 20, 2013



CEZAR E. MCKNIGHT LLC

Cezar E. McKnight
Post Office Box 688
Lake City, South Carolina 29560
Telephone: (843) 374-4529
Attorney for Appellant

Other Counsel of Record:
Kimberly Barr
Assistant Solicitor
125 West Main Street
Kingstree, South Carolina 29556
(843) 355-9321
Attorney for Respondent

SHARON W. STAGGERS
CLERK OF COURT
SOUTH CAROLINA
JAN 09 2014

13 SEP 20 PM 2:26

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JAN 09 2014

SC Court of Appeals

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM WILLIAMSBURG COUNTY
Court of General Sessions

W. Jeffery Young, Circuit Court Judge

Indictment No(s): 2011-GS-45-016

The State,

Respondent,

v.

LaQuincy Williams,

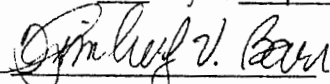
Appellant.

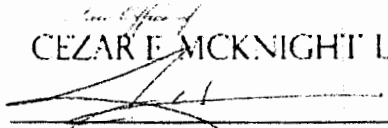
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on LaQuincy Williams by personally delivering a copy of it to Respondent's attorney of record, Kimberly Barr, at her office at 125 West Main Street, Kingstree, South Carolina, on September 20, 2013.

September 20, 2013

I received a copy of the Notice of Appeal
on this 20th day of September, 2013


KIMBERLY BARR


CEZAR E. MCKNIGHT LLC

Cezar E. McKnight
Post Office Box 688
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Attorney for Appellant

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JAN 09 2015

SC Court of Appeals



CEZAR E. MCKNIGHT
ATTORNEY AT LAW

December 2, 2013

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29201

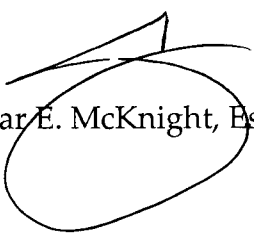
RE: **The State of South Carolina v. LaQuincy M. Williams**
Indictment No.: 2011-GS-45-015

Dear Sir or Madam:

Enclosed within please find two (2) Certified True Copies of the Notice of Appeal along with the Proof of Service in connection with the above referenced matter. Upon filing of the same, please return a clocked copy to this office in the enclosed self-addressed-stamped envelope.

With kind regards, I am

Sincerely,
LAW OFFICE OF CEZAR E. MCKNIGHT, LLC


Cezar E. McKnight, Esquire

[dictated, but not read]

CEM/ee
Enclosure(s)

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JAN 09 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of General Sessions

W. Jeffery Young, Circuit Court Judge

Appellate Case No: 2015-000037

RECEIVED
JAN 22 2015
SC Court of Appeals

The State,

Respondent,

v.

LaQuincy M. Williams,

Appellant.

REQUEST FOR EXTENSION OF TIME

The Attorney for the Respondents respectfully request this Honorable Court to allow the Appellant to file his Appeal to Respondent outside of time prescribed by the Rules of this Honorable Court

January 20, 2015


Law Office of
CEZAR E. MCKNIGHT LLC

Cezar E. McKnight
Post Office Box 688
Lake City, South Carolina 29560
Telephone: (843) 374-4529
Attorney for Appellant

cc:

Robert Michael Dudek, Esquire
Kimberly Veronica Barr, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire



CEZAR E. MCKNIGHT
ATTORNEY AT LAW

January 20, 2015

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29201

RECEIVED
JAN 22 2015
SC Court of Appeals

RE: The State of South Carolina v. LaQuincy M. Williams
Appellate Case No: 2015-000037

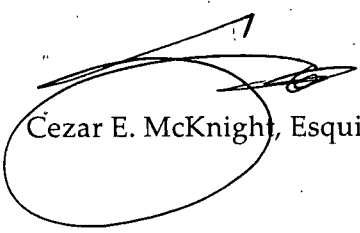
Dear Ms. Kitchings:

I have received your letter dated January 13, 2015, in connection with the above-referenced matter. Pursuant to your request, enclosed within please find original and one (1) copy of the Motion to Allow late filing, redacted copy(ies) of the order(s) an/or sentencing sheet(s) challenged on appeal and, along with Certificate of Service for filing. Upon filing of the same, please return a clocked copy to this office in the enclosed self-addressed-stamped envelope.

If you have questions, please do not hesitate to contact me.

With kind regards, I am

Sincerely,
LAW OFFICE OF CEZAR E. MCKNIGHT, LLC



Cezar E. McKnight, Esquire

[dictated, but not read]

CEM/ee
Enclosure(s)

cc: Robert Michael Dudek, Esquire
Kimberly Veronica Barr, Esquire
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY
Court of General Sessions

W. Jeffery Young, Circuit Court Judge

Appellate Case No: 2015-000037

RECEIVED
JAN 22 2015
SC Court of Appeals

The State,

Respondent,

v.

LaQuincy M. Williams,

Appellant.

CERTIFICATE OF SERVICE

I, Elaine Epps, hereby certify that a true copy of the Appellant's Request for Extension of Time has been served upon the Respondent and all parties to this cause by mailing a copy properly addressed with sufficient postage affixed thereto this 20th day of January, 2015 as follows:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29201

Robert Michael Dudeck, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211

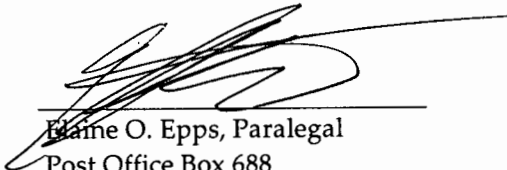
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Columbia, SC 29211-1549

January 20, 2015


State of South Carolina
CEZAR E. MCKNIGHT LLC


Elaine O. Epps, Paralegal
Post Office Box 688
Lake City, South Carolina 29560
Telephone: (843) 374-4529

The South Carolina Court of Appeals

The State, Respondent,

v.

LaQuincy M. Williams, Appellant.

Appellate Case No. 2014-002769

The Honorable W. Jeffrey Young
Williamsburg County
Trial Court Case No. 2011GS4500016

ORDER

The motion to file the Notice of Appeal out of time is hereby granted. Within thirty days of the date of this order, counsel for the Appellant shall order the transcript and provide proof to this office that the transcript has been ordered.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Cezar Edward McKnight, Esquire
Robert Michael Dudek, Esquire
Kimberly Veronica Barr, Esquire

FILED

Feb. 23, 2015

Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

William Jeffrey Young, Circuit Court Judge

RECEIVED
OCT 13 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAQUINCY M. WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2014-002769

ANDERS BRIEF OF APPELLANT

SUSAN B. HACKETT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS 1

TABLE OF AUTHORITIES.....2

STATEMENT OF ISSUE ON APPEAL 3

STATEMENT OF THE CASE 4

STATEMENT OF THE FACTS 5

ARGUMENT

 The trial judge erred in permitting a pathologist to testify regarding the results of his autopsy and in permitting other experts to testify regarding DNA testing of blood recovered from the body of the deceased where the state failed to present evidence of a complete chain of custody concerning the body. 8

CONCLUSION.....15

PETITION TO BE RELIEVED AS COUNSEL 16

TABLE OF AUTHORITIES**Cases**

<u>Benton v. Pellum</u> , 232 S.C. 26, 100 S.E.2d 534 (1957)	12
<u>Gallego v. United States</u> , 276 F.2d 914 (9th Cir. 1960)	13
<u>State v. Hatcher</u> , 392 S.C. 86, 708 S.E.2d 750 (2011)	12, 13
<u>State v. Sweet</u> , 374 S.C. 1, 647 S.E.2d 202 (2007)	11, 12, 13
<u>United States v. De Larosa</u> , 450 F.2d 1057 (3rd Cir. 1971)	12

STATEMENT OF ISSUE ON APPEAL

Did the trial judge err in permitting a pathologist to testify regarding the results of his autopsy and in permitting other experts to testify regarding DNA testing of blood recovered from the body of the deceased where the state failed to present evidence of a complete chain of custody concerning the body?

STATEMENT OF THE CASE

On July 25, 2013, Appellant and his co-defendant, Toshonda Mickens, were jointly indicted by the Williamsburg County grand jury for murder, burglary in the first degree, armed robbery, and criminal conspiracy. R. 1199-1200. In the same indictment, Appellant's co-defendant, Appellant, alone was indicted for possession of a firearm during the commission of a violent crime. R. 1199-1200. The state, represented by Kimberly V. Barr and Tyler B. Brown, called Appellant and Mickens to trial before the Honorable W. Jeffrey Young and a jury on September 9-13, 2013. R. 1. Cesar E. McKnight represented Appellant, and Timothy L. Griffith represented Mickens. R. 1. The jury found Appellant and Mickens guilty as charged. R. 1159, l. 12 – R. 1160, l. 14. Judge Young sentenced Appellant to life imprisonment for murder and first degree burglary, thirty years' imprisonment for armed robbery, five years' imprisonment for criminal conspiracy, and five years' imprisonment for possession of a firearm during the commission of a violent crime. R. 1186, l. 24 – R. 1187, l. 5; R. 1188, ll. 1-9. Judge Young sentenced Mickens to thirty years' imprisonment for murder, burglary, and armed robbery. He sentenced her to five years' imprisonment for criminal conspiracy. R. 1187, ll. 6-18; R. 1202 - 1206. He ordered the sentences to be served concurrently. R. 1185, l. 21 – R. 1186, l. 3; R. 1202 - 1206.

Appellant filed a notice of appeal. This brief follows.

STATEMENT OF FACTS

Shortly before 10 a.m. on November 2, 2007, a Florence city police officer responded to McLeod Regional Medical Center because James Gquan Henry had been admitted due to several gunshot wounds. R. 157, l. 16 – R. 159, l. 9. Henry told the officer he was shot when someone tried to rob him. He was unable to give an exact location of the shooting, however. R. 160, ll. 8-10; R. 169, ll. 13-23; R. 170, ll. 22-24; R. 826, ll. 17-25; R. 827, ll. 1-3.

That afternoon, Tonisha Mickens arrived at the hospital. R. 162, l. 16 – R. 164, l. 9. Mickens told the police she found Henry lying down in the grass on June Lane in Florence. She then took him to the emergency room. R. 164, ll. 18-23; R. 172, l. 12 – R. 173, l. 15; R. 174, ll. 6-7. The police searched the area where Mickens said she found Henry, but they found no evidence of a shooting. R. 165, l. 11 – R. 167, l. 1; R. 172, ll. 1-11; R. 174, ll. 9-11; R. 183, ll. 16-19; R. 212, l. 12 – R. 214, l. 8; R. 225, ll. 1-6. However, the police collected Henry's clothing, including a pair of jeans, and conducted GSR testing on his hands. R. 225, l. 21 – R. 226, l. 11.¹ The police also took photographs of the car Mickens was driving when she took Henry to the hospital and took swabs from areas in the car as well. R. 214, l. 16 – R. 217, l. 5.² The Florence Police Department closed the case when they developed no suspects. R. 197, ll. 2-13.

¹ DNA analysis showed the DNA profile developed from cuttings from Henry's jeans were consistent with the DNA profile developed from the vials of blood collected from the deceased during the autopsy. R. 411, ll. 6-23. The GSR test results showed Henry had round lead particles, a component of GSR, on the palm of his right hand and the back of his right hand. R. 481, l. 4 – R. 482, l. 4.

² Eventually, DNA analysis would show that the DNA profile developed from the swab in the car was consistent with Henry's DNA profile. R. 450, ll. 4-19.

Meanwhile, the Williamsburg County Sheriff's Department (WCSD) responded to a shooting scene in Hemingway on November 2, 2007 at 8:44 a.m. R. 342, l. 23 – R. 346, l. 12; R. 489, ll. 4-8. The police found the body of James McNeal, the deceased, in the bedroom of his mobile home. R. 499, ll. 15-18; R. 500, l. 20 – R. 501, l. 19. McNeal had been shot multiple times. R. 348, ll. 2-11. The case went cold when no suspects were developed. R. 881, ll. 2-5.

In September 12, 2008, WCSD received information from the United States Marshal Service that someone had information about the homicide. R. 886, ll. 10-21. However, it was not until 2010 that the connection between the two incidents emerged to police. R. 887, ll. 4-11. Phillip "P.J." Williams was charged with criminal activity by the federal government. In an effort to negotiate a better deal, P.J. told police he had information relative to the shooting death of the deceased. R. 887, l. 13 – R. 889, l. 19; R. 931, ll. 1-8; R. 932, ll. 1-5.

Based on information supplied by P.J., the WCSD arrested James Gquan Henry. R. 889, ll. 20-25. On September 2, 2010, the WCSD collected the clothing evidence of Henry from his November 2, 2007 shooting from the Florence City Police Department. R. 230, ll. 19-25; R. 235, ll. 5-20; R. 252, l. 20 – R. 253, l. 6; R. 357, l. 22 – R. 358, l. 4. Henry cooperated with police and implicated Appellant and Mickens. R. 835, ll. 12-23; R. 896, ll. 15-25; R. 897, l. 12 – R. 898, l. 8; R. 899, l. 17 – R. 900, l. 25. Henry claimed P.J. concocted a plan to rob the deceased because he claimed he would have money and drugs in his possession. R. 789, ll. 15-20; R. 792, ll. 4-19. The plan, according to Henry, was to enter the deceased's home and then walk the deceased and Bell across the street to a barn where the deceased kept drugs and money. R. 793, ll. 1-17; R. 795, l. 2 – R. 796, l. 12.

However, P.J. would be unable to participate in the actual robbery because the deceased knew him – P.J.’s wife was the twin sister of the deceased’s girlfriend, Latisha Bell. R. 789, l. 21 – R. 790, l. 17.

During the early morning of November 2, 2007, Henry, Appellant, Mickens, and P.J. went to McNeal’s home in a car rented by Mickens. R. 806, l. 17 – r. 807, l. 16. Henry claimed that he and Appellant got out of the car with guns. R. 807, l. 22 – Tr. 801, l. 3. They entered the home and went to the back bedroom, as instructed by P.J. R. 808, ll. 4-19. The deceased got out of bed when Henry turned on the light. R. 808, ll. 19-20; R. 809, ll. 17-21. Appellant then hit the deceased in the head with the gun and the deceased fell to the floor. R. 808, ll. 21-22; R. 809, ll. 23-25. The deceased’s girlfriend remained in the bed. R. 809, ll. 8-12. Somehow the deceased got a gun and shot Henry twice in the chest.³ R. 810, ll. 4-10. Appellant returned fire. R. 810, ll. 14-20. Eventually, Appellant got the deceased’s gun, but he accidentally shot Henry with it. R. 811, ll. 1-12. Henry claimed he ran from the home while Appellant continued to shoot. R. 811, ll. 14-20. Henry and Appellant returned to the car Mickens was driving. R. 811, ll. 20-24; R. 816, ll. 7-11; R. 819, ll. 16-25. During the car ride, Appellant revealed he had taken money from the deceased. R. 821, ll. 13-25. Thereafter, Mickens, Appellant, and P.J. took Henry to the hospital. R. 822, ll. 11-22; R. 825, ll. 10-17.

³ GSR testing on the deceased showed he had GSR on the palm of his left hand and the back of his left hand. R. 477, l. 19 – R. 478, l. 5.

ARGUMENT

The trial judge erred in permitting a pathologist to testify regarding the results of his autopsy and in permitting other experts to testify regarding DNA testing of blood recovered from the body of the deceased where the state failed to present evidence of a complete chain of custody concerning the body.

Relevant facts

When the state called Dr. Bradley Marcus, a pathologist, to testify, Appellant objected. Appellant moved to exclude Dr. Marcus's testimony regarding the autopsy because the state had failed to establish a chain of custody for the deceased's body. R. 260, l. 15 – R. 261, l. 3. Appellant conceded that “no specific case in the State of South Carolina [] deals with a body per se.” R. 261, ll. 15-17. However, Appellant explained that the law clearly established there where “products of the body” are tested that a complete chain of custody must be proven. Thus, Appellant reasoned “that where you have a standard for products of the body that are tested, if the whole body is tested, then that standard must be applied to the whole body.” R. 261, ll. 17-21. The state presented no evidence regarding how Dr. Marcus got the body on which he performed the autopsy. R. 261, ll. 22-25. Appellant demanded the state “show us how he got the materials to be tested.” R. 265, ll. 8-9. The trial judge simply overruled the motion with no analysis. R. 266, ll. 8-9.

Thereafter, Dr. Marcus testified that on November 3, 2007, he received the body of James McNeal, the deceased. R. 272, l. 25 – R. 273, l. 2. He explained that he had been notified by the coroner, Harrison McKnight, to perform the autopsy. R. 273, ll. 3-15. Dr. Marcus testified regarding his examination of the deceased, including his opinion the deceased died as a result of multiple gunshot wounds to the chest and that the manner of

death was homicide. R. 274, l. 15 – R. 311, l. 12. Additionally, Dr. Marcus testified that he provided law enforcement with various items recovered during the autopsy, including a jacket fragment from a gunshot wound, a bullet, and two tubes of chest cavity blood. R. 311, l. 18 – R. 313, l. 11.

On cross-examination, Dr. Marcus admitted that he had no idea who transported the body to the Medical University of South Carolina (MUSC) where he performed the autopsy. R. 314, ll. 7-15. He testified that generally bodies arrive in body bags, but he was not certain how the body of the deceased arrived. R. 314, ll. 16-20. His recollection was that MUSC kept a log book in which the person who delivered the body would be required to sign. R. 316, ll. 1-10. When asked if a body were fungible evidence, Dr. Marcus replied, “Absolutely. No question about it.” R. 316, l. 25 – R. 317, l. 1. Dr. Marcus received the name of the deceased from the coroner, but he could not recall if the body arrived in a body bag with the name on it or if he got the name in some other way. R. 335, l. 16 – R. 336, l. 20. Further, Dr. Marcus did not “sign for the body” as some unknown “morgue attendant” handled that aspect. R. 336, ll. 11-21.

When the law enforcement officer who was present during the autopsy testified, he revealed that he did not know who transported the body to MUSC. When asked, he said, “It was transported by whichever funeral home came to pick it up and transported it there.” R. 392, ll. 3-6. He was unable to give any more specific information concerning who transported the body despite his testimony that he helped “[o]ne of the employees from the funeral home” “put the body on the gurney.” R. 392, ll. 7-24; R. 544, l. 22 – R. 545, l. 7. Further, he candidly admitted that he did not know if the body went directly from the crime

scene to MUSC as no one from law enforcement accompanied the body. R. 546, l. 4 – R. 547, l. 12.⁴

When the state sought to admit the bullets recovered from the deceased's body, Appellant objected based on the incomplete chain of custody. R. 389, ll. 4-12. However, the judge overruled the objection. R. 391, ll. 11-17. When the state sought to introduce testimony concerning DNA testing involving the deceased's blood, which was obtained during the autopsy, Appellant objected based on the incomplete chain of custody. R. 410, ll. 22-25. The judge overruled the objection. R. 411, l. 5.⁵ Thus, the DNA analyst testified that the DNA profile developed from two cuttings from James Henry's pants was consistent with the DNA profile of the deceased developed from the blood standard obtained at the autopsy. R. 411, ll. 6-23.

When Appellant moved for a directed verdict, he renewed his motion regarding the suppression of Dr. Marcus' testimony and any evidence derived from the autopsy based on the state's failure to establish a complete chain of evidence on the deceased's body. R. 949, l. 13 – R. 950, l. 13; R. 951, ll. 1-7; R. 954, ll. 11-23. Appellant explained that the state had failed to establish "what happened to the body between or who had it from the time it left Hemingway until the time it got to Charleston." R. 955, ll. 5-11. However, Appellant was clear that he was not suggesting that the body on whom Dr. Marcus performed the autopsy was not the deceased. R. 955, ll. 12-15. Rather, Appellant argued the body was fungible

⁴ No one in law enforcement knew how the body was transported from the crime scene to MUSC for an autopsy. R. 633, ll. 1-16 (crime scene investigator testifying that the coroner and "somebody" from the local funeral home moved the body); R. 908, l. 21 – Tr. 902, l. 5 (investigator testifying that she was not sure which funeral home handled the body but believed it was Bartelle's); R. 1000, ll. 14-19 (same).

evidence for which a complete chain of custody was required. R. 955, l. 19 – R. 957, l. 1. Appellant explained the state could not show that “someone didn’t shoot the body again between MUSC and Hemingway” or that “someone didn’t remove 5 bullets from the body between MUSC and Hemingway.” R. 959, ll. 2-10. Still, the judge denied the motion. R. 959, ll. 16-19.

In his case-in-chief, Appellant called Harrison McKnight, the Williamsburg County Coroner, to testify. R. 1033, ll. 14-15. Coroner McKnight called Bartelle’s Funeral Home to handle the body. R. 1039, ll. 10-17. Initially, Coroner McKnight claimed that Isaac Bartelle, the funeral home director, handled the body. R. 1039, l. 18 – R. 1040, l. 3. However, he quickly changed his testimony to say he meant the Bartelle Funeral Home handled the body and he did not know the specific person from the funeral home. He had no idea who drove the body to MUSC. R. 1040, ll. 8-15. He thought the body was placed in a body bag. R. 1045, ll. 4-7. However, the body bag could not be sealed – it operated by zipper alone. R. 1045, ll. 17-24.

At the conclusion of his case-in-chief, Appellant renewed his motion concerning the suppression of Dr. Marcus’s testimony and the evidence derived from the autopsy based upon the lack of a chain of custody concerning the body. R. 1071, ll. 7-14. The judge denied the motion. R. 1071, ll. 18-19.

Discussion

The South Carolina Supreme Court “has long held that a party offering into evidence fungible items such as drugs or blood samples must establish a complete chain of custody as

⁵ The state argued that the blood sample from the deceased was already in evidence. R. 411, ll. 2-4. According to the record, the blood sample was marked as State’s Exhibit #150 and was admitted without objection. R. 391, ll. 12-17.

far as practicable.” State v. Sweet, 374 S.C. 1, 6, 647 S.E.2d 202, 205 (2007). “[I]t is generally held that the party offering such specimen is required to establish, at least as far as practicable, a complete chain of evidence, tracing possession from the time the specimen is taken from the human body to the final custodian by whom it is analyzed.” Benton v. Pellum, 232 S.C. 26, 33, 100 S.E.2d 534, 537 (1957). When evidence has “passed through several hands,” the testimony “must not leave it to conjecture as to who had it and what was done with it between the taking and the analysis.” Id. at 33-34, 100 S.E.2d at 537. “[I]f the identity of each person handling the evidence is established, and the manner of handling is reasonably demonstrated, no abuse of discretion by the trial court is shown in admitting the evidence absent proof of tampering, bad faith, or ill-motive.” Sweet, 374 S.C. at 6, 647 S.E.2d at 205-206.

Nevertheless, it is not required that each custodian of fungible evidence testify as long as “other evidence establishes the identity of those who have handled the evidence and reasonably demonstrates the manner of handling of the evidence.” Id. at 7, 647 S.E.2d at 206. In such circumstances, “our courts have been willing to fill gaps in the chain of custody due to an absent witness.” Id.

Recently, courts have abandoned rigid rules regarding the chain of custody and the admissibility of evidence in favor of a rule granting discretion to the trial courts. See State v. Hatcher, 392 S.C. 86, 94-95, 708 S.E.2d 750, 754-55 (2011) (citing United States v. De Larosa, 450 F.2d 1057, 1068 (3rd Cir. 1971)). “The trial judge’s exercise of discretion must be reviewed in the light of the following factors: . . . the nature of the article, the circumstances surrounding the preservation and custody of it, and the likelihood of intermeddlers tampering with it.” Id. (internal quotation marks and citation

omitted). “If upon the consideration of such factors the trial judge is satisfied that in reasonable probability the article has not been changed in important respects, he may permit its introduction in evidence.” Id. at 94-95, 708 S.E.2d at 754-55 (quoting Gallego v. United States, 276 F.2d 914, 917 (9th Cir. 1960)). Accordingly, our Supreme Court held, “The state need not establish the identity of every person handling fungible items in all circumstances; rather, the standard is whether, in the discretion of the trial judge, the State has established the chain of custody as far as practicable. This determination will necessarily depend on the unique factual circumstances of each case.” Id. at 95, 708 S.E.2d at 755.

In Sweet, 374 S.C. at 7, 647 S.E.2d at 206, the Court found the state failed to establish a complete chain of custody where the confidential informant in the drug case did not testify that the drugs presented at trial were the drugs he allegedly received from the defendant. As explained by the Court, “[n]one of the chain of custody witnesses testified to seeing inside the motel room [where the alleged drug deal occurred] in order to establish who was in the room making the alleged transaction.” Id. Quite simply, “the circumstantial evidence [did] not show how the informant came into possession of the drug evidence and in what condition he received it.” Id. Here, the state’s proof of chain of custody was incomplete because the evidence failed to establish the identity of each custodian and the manner of the handling of the evidence. Id.

The state simply failed to establish a chain of custody concerning the body of the deceased. Although at least one officer and the coroner recalled the name of a funeral home that handled the body, no one could name the specific person or persons who transported the body from Hemingway to MUSC for the autopsy. This is not a mere failure of the state to

call a witness to testify as a chain witness. This is a substantial failure in that the state cannot even identify the person or persons who transported the most significant evidence in the case – the deceased's body.

Very little evidence connected Appellant to the shooting death of the deceased. In fact, the only evidence against him was the testimony of an alleged co-conspirator, James Henry. The only physical evidence in the case – the DNA and GSR – pointed to Henry as the shooter, not Appellant. Henry's self-interested testimony shifted blame for the shooting to Appellant. The trial judge erred in failing to suppress the testimony of the pathologist and all evidence derived from the autopsy where the state failed to present a complete chain of custody concerning the body.

CONCLUSION

Appellant respectfully requests this Court reverse his convictions and remand for a new trial.

Respectfully submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 13th day of October, 2015.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County

William Jeffrey Young, Circuit Court Judge

RECEIVED
OCT 13 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAQUINCY M. WILLIAMS,

APPELLANT

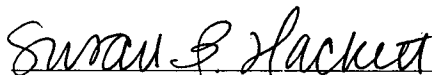
PETITION TO BE RELIEVED AS COUNSEL

Counsel for LaQuincy M. Williams states:

1. She is an Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent Appellant.
2. She has reviewed the record of Appellant's trial before Judge William Jeffrey Young, which was held on September 9-13, 2013, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for LaQuincy M. Williams.

Respectfully submitted,


Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

This 13th day of October, 2015.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

William Jeffrey Young, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LAQUINCY M. WILLIAMS,

APPELLANT

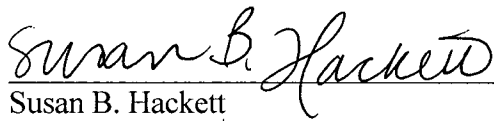
**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Trail transcript dated September 9-13, 2013;
- (2) Transcript dated December 15, 2011;
- (3) Defendant's #2 (coroner's report);
- (4) True-billed indictment; and
- (5) Sentence sheets

I certify that this designation contains no matter which is irrelevant to this appeal.

October 13th, 2015


Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

Attorney for Appellant

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and 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."

October 13, 2015

Susan B. Hackett
Susan B. Hackett
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29211-1589

RECEIVED
OCT 13 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

William Jeffrey Young, Circuit Court Judge

RECEIVED

OCT 13 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

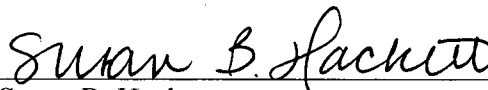
V.

LAQUINCY M. WILLIAMS,

APPELLANT

CERTIFICATE OF SERVICE

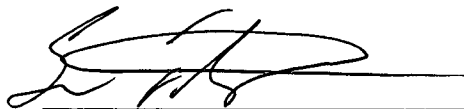
The undersigned attorney hereby certifies that a true copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Anders Brief of Appellant and Designation of Matter and Record on Appeal have been served on LaQuincy M. Williams, #357076, at Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this 13th day of October, 2015.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 13th day of October, 2015.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.

ARGUMENT

THE TRIAL JUDGE ERRED IN PERMITTING A PATHOLOGIST TO TESTIFY REGARDING THE RESULTS OF HIS AUTOPSY, AND IN PERMITTING OTHER EXPERTS TO TESTIFY REGARDING DNA TESTING OF BLOOD RECOVERED FROM THE BODY OF THE DECEASED, WHERE THE STATE FAILED TO PRESENT EVIDENCE OF A COMPLETE CHAIN OF CUSTODY CONCERNING THE BODY RELEVANT FACTS

APPELLATE AVERS THAT WHEN DR. BRADLEY MARCUS, A PATHOLOGIST, WAS CALLED BY THE STATE TO TESTIFY APPELLANT OBJECTED. *ID.* APPELLANT MOTION THE COURT TO SUPPRESS DR. MARCUS'S TESTIMONY, DUE TO THE STATE'S FAILURE TO ESTABLISH A CHAIN OF CUSTODY FOR THE DECEASED'S BODY. SEE TRANSCRIPT OF RECORD, DATED SEPTEMBER 9 13, 2013 APPELLANT FURTHER CONTESTED "THAT THE LAW CLEARLY ESTABLISHED WHEN " PRODUCTS OF THE BODY " ARE TESTED THAT A COMPLETE CHAIN OF CUSTODY MUST BE PROVEN. *ID.* APPELLANT EMPHASIZED TO THE TRIAL COURT " THAT ONCE YOU HAVE A STANDARD FOR PRODUCTS OF THE BODY THAT ARE TESTED, IF THE WHOLE BODY IS TESTED, THEN THE STANDARD MUST BE APPLIED TO THE WHOLE ^{BODY} *ID.* SEE TRANSCRIPT OF RECORD " THE SOUTH CAROLINA SUPREME COURT HAS LONG HELD THAT A PARTY OFFERING INTO EVIDENCE FUNGIBLE ITEMS SUCH AS DRUGS OR BLOOD SAMPLES MUST ESTABLISH A COMPLETE CHAIN OF CUSTODY AS FAR AS PRACTICABLE. " STATE V. SWEET, 374 S.C. 1, 6, 647 S.E. 2D 202, 205 (2007) APPELLANT CONCEDES THAT THE TRIAL JUDGE ERRED IN PERMITTING DR. MARCUS TO TESTIFY, DESPITE DR. MARCUS'S TESTIMONY THAT HE DID NOT "SIGN FOR THE BODY, " *ID.*

IN VIOLATION OF THE S.C. SUPREME COURT'S ESTABLISHED STANDARD, REGARDING OFFERING INTO EVIDENCE FUNGIBLE ITEMS, AND A COMPLETE CHAIN OF CUSTODY. JUDGE WILLIAM JEFFERY YOUNG'S ERROR HAS PREJUDICE APPELLANT'S INITIAL PROCEEDING, AND DEPRIVED APPELLANT OF THE RIGHT TO A FAIR TRIAL, IN ACCORD TO THE APPLICABLE STANDARD(S). STATE V. SWEET, 374 S.C. 1, 6, 647 S.E. 2D 202, 205 (2007)

APPELLANT FURTHER CONTESTS THAT IN BENTON V. BELLUM, 232 S.C. 26 (1957) "IT IS GENERALLY HELD THAT THE PARTY OFFERING SUCH SPECIMEN IS REQUIRED TO ESTABLISH, AT LEAST AS FAR AS PRACTICABLE, A COMPLETE CHAIN OF EVIDENCE, TRACING POSSESSION FROM THE TIME THE SPECIMEN IS TAKEN FROM THE HUMAN BODY TO THE FINAL CUSTODIAN BY WHOM IT IS ANALYZED." ID. APPELLANT DID OBJECTED WHEN THE STATE FAILED TO MEET THE STANDARDS IN SWEET, 374 S.C. 1 (2007), BY FAILING TO PROVIDE FOR THE TRIAL COURT WHO HANDLED THE BODY OF THE DECEASED, FROM LOCATION TO LOCATION, AND PROVIDED NO PHYSICAL EVIDENCE, ESSENTIAL TO LINK APPELLANT TO THE CRIME, ALLEGED AGAINST HIM. WHEN EVIDENCE HAS "PASSED THROUGH SEVERAL HANDS," THE TESTIMONY "MUST NOT LEAVE TO CONJECTURE AS TO WHO HAD IT AND WHAT WAS DONE WITH IT BETWEEN THE TAKING AND THE ANALYSIS." ID @ 33 34, 100 S.E. 2D @ 537. NEVERTHELESS, IT IS NOT REQUIRED THAT EACH CUSTODIAN OF FUNGIBLE EVIDENCE TESTIFY AS LONG AS "OTHER EVIDENCE ESTABLISHES THE IDENTITY OF THOSE WHO HAVE HADLED THE EVIDENCE AND REASONABLY DEMONSTRATES THE MANNER OF HANDLING OF THE EVIDENCE." ID. @ 7, 647 S.E. 2D @ 206.

APPELLANT RESUBMITS HE IS INNOCENT OF ALL CRIMES ALLEGED AGAINST HIM, AND THAT HE BE RIGHTFULLY & RESPECTFULLY GRANTED THE RELIEF BELOW.

CONCLUSION

WHEREFORE, APPELLANT REQUESTS THIS COURT RIGHTFULLY & RESPECTFULLY CONSIDER THE TRIAL JUDGE'S ERROR IN PERMITTING EXPERT'S (PATHOLOGIST) TESTIMONY OF FUNCTIBLE EVIDENCE TO BE OFFERED INTO EVIDENCE, DESPITE AN INCOMPLETE CHAIN OF CUSTODY, AND APPELLANT'S RIGHT TO A FAIR TRIAL. APPELLANT REQUESTS THIS COURT VACATE THE CONVICTION, AND RIGHTFULLY & RESPECTFULLY GRANT HIM A NEW TRIAL, DUE TO THE TRIAL COURT'S FAILURE TO PROVE BEYOND A REASONABLE ^{DOUBT} APPELLANT WAS INVOLVED, NOR COMMITTED THE OFFENSES ALLEGED AGAINST HIM. APPELLANT CONCEDES THAT TO ALLOW THE TRIAL COURT'S ERRORS TO REMAIN WOULD VIOLATE CLEARLY ESTABLISHED PRECEDENCE.

DATED:

BISHOPVILLE, SC

RESPECTFULLY SUBMITTED,

Shirley SiffiansDATE 11-10-15

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

LAQUINCY M. WILLIAMS
APPELLANT

v.

THE STATE
RESPONDENT

APPELLATE CASE NO. 2014-002769

APPELLATE'S PRO SE BRIEF

RECEIVED

NOV 23 2015

SC Court of Appeals

PRO SE APPELLANT LAQUINCY M. WILLIAMS HEREBY SUBMITS
THE ABOVE-CAPTIONED BRIEF, TO BE FILED & CLOCKED-STAMPED,
WITH RETURN PROOF OF SERVICE, WITHIN THIS OFFICE AND COURT.

DATED:

BISHOPVILLE, SC

RESPECTFULLY SUBMITTED,

Laquincy Williams

DATE 11-10-15

LAQUINCY M. WILLIAMS #357076
 LEE C.I.
 940 WISACKY HWY.
 BISHOPVILLE SC 29010
 NOVEMBER 18, 2015

RECEIVED

NOV 23 2015
 SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS
 JENNY ABBOTT KITCHING, CLERK
 P.O. BOX 11629
 COLUMBIA, SC 29211

RE: LAQUINCY M. WILLIAMS V. THE STATE OF S.C.
 APPELLANT CASE NO. 2014-002769

DEAR CLERK:

PLEASE FIND ENCLOSED FOR FILING WITHIN THIS
 OFFICE & COURT PRO SE APPELLANT'S BRIEF. PLEASE
 PROVIDE TO APPELLANT A CLOCK STAMPED COPY OF THIS
 MOTION. THIS BRIEF IS TO BE SUBMITTED FOR CONSIDER-
 ACTION OF THIS COURT. THANK YOU FOR YOUR TO & ASSISTANCE.

SINCERELY,

LaQuincy Williams

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

LaQuincy M. Williams, Appellant.

Appellate Case No. 2014-002769

Appeal From Williamsburg County
W. Jeffrey Young, Circuit Court Judge

Unpublished Opinion No. 2016-UP-143
Submitted January 1, 2016 – Filed March 30, 2016

APPEAL DISMISSED

Appellate Defender Susan Barber Hackett, of Columbia;
and LaQuincy M. Williams, pro se, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Donald J. Zelenka,
both of Columbia, for Respondent.

PER CURIAM: Dismissed after consideration of Appellant's pro se brief and review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 20, 2016

The Honorable Sharon W. Staggers
125 W Main St
Kingstree SC 29556-3343

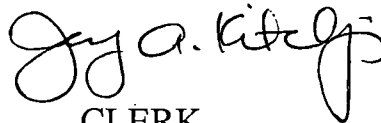
REMITTITUR

Re: The State v. LaQuincy M. Williams
Lower Court Case No. 2011GS4500016
Appellate Case No. 2014-002769

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: LaQuincy M. Williams, 357076
Alan McCrory Wilson, Esquire
Susan Barber Hackett, Esquire
Donald J. Zelenka, Esquire

FORM 5

2017-CP-45-16

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF Williamsburg)LaQuincy Manuel Williams #357076)
Full name and prison number (if any) of Applicant.)

v.)

APPLICATION FOR)

State of South Carolina)

POST-CONVICTION RELIEF)

2017 JAN 17 PM 3:16

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention LEE Correctional Institutional
2. Name and location of Court which imposed sentence Williamsburg County
3. Name(s) of co-defendant(s) (if any) Tashonda MICKENS James HEARNY
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) Criminal Conspiracy, Burglary in the First degree, Armed Robbery,
 - (b) Murder, Possession of Weapon during Violent Crime,
 - (c) 2011-GS-45-0016
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) SEPTEMBER 13, 2013
 - (b) LIFE

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Affirmed _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Submitted January 1, 2016 - Filed March 30, 2016 _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2016-UP-143 _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) LACK OF SUBJECT MATTER JURISDICTION
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) LACK OF SUBJECT MATTER JURISDICTION SEE ON THE BACK
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL SEE ON THE BACK
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. NA
- ii. ✓
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. NA
- ii. ✓
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. NA
- ii. ✓
- iii. _____

- iv. _____
- (d) the date of each such disposition:
- i. NA
- ii. ✓
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. NA
- ii. ✓
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NA

15. If you answered "yes" to (14) identify:

- (a) which grounds have been presented:

- i. NA
- ii. _____
- iii. _____

- (b) the proceedings in which each ground was raised:

- i. NA
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Ineffective Assistance of Counsel is Recognizable
- (b) only on Post Conviction Relief
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? NA
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- i. CEZAR E. MCKNIGHT Trial Counselor, 106 East Main Street
 - ii. 106 EAST MAIN STREET LAKE CITY SC 29560
 - iii. SUSAN B. HACKETT P.O. Box 11589 Columbia SC 29211-1589
- (b) the proceedings at which each such attorney represented you:
- i. CEZAR E. MCKNIGHT Trial Counselor
 - ii. SUSAN B. HACKETT APPEAL Counselor
 - iii. _____

19. State clearly the relief you seek in filing this application:

Vacate conviction Remand For A NEW Trial

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

County of)

VERIFICATION

I, _____, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Adrian Ziffine

SWORN to and subscribed before me this 12
day of Jan, 2017.

Debra Eastwood (L.S.)
Notary Public

My Commission Expires: 3/3/2024

FILED
2017 JAN 17 PM 3:16

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Anthony Ziller
Applicant

SWORN or affirmed to and subscribed before me this
12 day of Jan 2017.

Debra Eastwood
Notary Public

My Commission Expires: 3/3/2024

2017 JAN 17 PM 3:16

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

) IN THE COURT OF COMMON PLEAS
) THIRD JUDICIAL CIRCUIT

LaQuincy Williams, #357076,
Petitioner,

v.

State of South Carolina,
Respondents.

PETITIONER'S MOTION
TO DISMISS

2017 JAN 17 PM 3:17

The foregoing Petitioner moves this court on the date of November 29, 2016. I, LaQuincy Manuel Williams, an Asiatic Indigenous Amer"ican Man, (AMER"ICAN, n. A native of American; originally applied to the aboriginals, or copper-colored races, found here by the Europeans; but now "Fraudulently" applied to the descendants of Europeans born in America, and especially to those claiming to be citizens of the United STATES. (Noah Webster American Collegiate Dictionary of the English Language 1828) and Appeals the unconstitutional, unlawful Indictment, Conviction, the Ineffective Assistance of Counsel, and Lack of SUBJECT MATTER JURISDICTION of the Court, with a Motion to DISMISS Conviction.

1. It is policy and practice of the officers (Mayor, Councilmen/ women) of the federal municipal corporation City of KINGSTREE SOUTH CAROLINA et seq., and the (Commanders and the Chief) of the federal municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG COUNTY SHERRIFF DEPARTMENT, et seq., to allow anyone of their employees (State certified peace officers) to request a warrant against any party within the alleged jurisdiction of the federal

municipal Corporation City of KINGSTREE County of WILLIAMSBURG, SOUTH CAROLINA, et seq., without an injured party (Plaintiff) being identified through a lawful complaint, or testimony in "open COURT", in violation of the SOUTH CAROLINA Constitution (Article 1, Section 10- and no warrants shall issue but unpon Probable CAUSE, Supported by oath or affirmation, and particularly describing the place to be searched, the person or things to be seized, and the information to be obtained), and the Constitution for the unites States of America (Fourth Amendment - no warrant shall issue but unpon probable cause, supported by oath or affirmation, and particularly describing to place to be search, and the person or things to be seized). South Carolina State Certified Pace Officers are not taught about "probable cause". Probable Cause - is a "claim", of a right violated, an injury and/or damage cause by a man/woman, the conduct the caused the injury/damage, and a petition for restitution of the right violated, or injury/damage caused, of which, there is none on file with this case., STATE OF SOUTH CAROLINA V. LAQUINCY WILLIAMS. Probable cause is not the felling of the Police officer about his/her thought of the case/situation before him/her. Plaintiff n the party who initiate a lawsuit by filing a complaint with the Clerk of Court against the defendant(s) suing for rights violated, demanding restitution for an injury to person, or for damages to property) performances (the agreement of a contract or agreement). and/or court determination of rights (when one in the performance of his office/duty violates aright guaranteed by a State or Federal constitution).

There is no lawful plaintiff in this case.

STATE OF SOUTH CAROLINA VS. LAQUINCY WILLIAMS and There is no one making a claim in this case with 'Firsthand' information of a lawful violation of rights, injury to body, damage to property, and no lawful claim for restitution, of which a Court of competent jurisdiction 'MUST' make a determination. Every statement by employees (Pamela Jean Wrenn) and the rest of the employees of the Federal Municipal corporation CIT OF KINGSTREE, WILLIAMSBURG COUNTY SHERIFF'S DEPARTMENT, et seq., is 'HEARSAY' someone told them, and they are telling the Court. This policy and custom of circumventing the demands and requirements of the South Carolina State Constitution, using only 'hearsay' testimony of fellow employees to initiate a case is a blatant violation of the Constitution, and the rights of the accused to confront his/her accuser and/or witness against him/her. In this policy/custom of the Federal Municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et seq., there is no accuser (injury party) in this case, and there is no witness with Firsthand Knowledge of the events of the case. STATE OF SOUTH CAROLINA V. Laquincy Williams and Case No. 2011-GS-0016.

2. At no time during the alleged arrest, detention, and trial of: Laquincy Williams and was there ever a lawful complaint of injury to body or damage to property (other than a police report), filed with the Clerk of Court for the Federal Municipal Corporation General Sessions Court of WILLIAMSBURG COUNTY SOUTH CAROLINA or a named Plaintiff in the record of the Federal Municipal Corporation GENERAL SESSIONS COURT OF WILLIAMSBURG COUNTY SOUTH CAROLINA,

or available to testify at trial, which seems to be the norm within the corporate court system of the Federal Municipal Corporation STATE OF SOUTH CAROLINA, et. seq.

It is very difficult to believe that officers of the corporate Court System of the Federal Municipal Corporation STATE OF SOUTH CAROLINA, (allegedly men/women learned in law) could conduct their business absent a complaint in law and a lawful Plaintiff (injured party) to testify at trial, with witness of the injury to body or damage to property, to testify as to the conduct of the accused during the act being complained of.

3. The arrest of: Laquincy Williams and by the employees of the Federal Municipal Corporation CITY OF KINGSTREE WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et. seq., violate the requirements set forth in the Constitution for South Carolina State (Article 1, Section 10- no warrant shall issue but upon probable cause, (a complaint (not a police report) of a right violated, an injury to person, damage to property) Supported by oath or affirmation (submitted to the Clerk of Court); and particularly describing the place to be searched, the person or things to be seized) none of which was/is present in this case, STATE OF SOUTH CAROLINA V. LAQUINCY WILLIAMS and which also violates (Article 1, Section 3- nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law). This case, STATE OF SOUTH CAROLINA V. LAQUINCY WILLIAMS shows that a man of color is denied the protections of the South Carolina State Constitution. The police decided who to charge for murder

in this case rather than allow a jury to decide (with both men on trial) who actually killed the victim, or if the act was a accident.

Someone broke into the victim's home rob and kill him. The victim's "DNA" was found on James Gquan Henry; a "GSR" was conducted on James Gquan Henry, of which came back positive. The evidence proved that James Gquan Henry was the shooter. But, Henry's (self-interested testimony) shifted blame for the shooting to Williams.

Henry had been shot and Williams and Mickens took Henry to the hospital. But never knew what really happened to Henry. Mickens and Williams never knew that Henry had just rob and killed someone.

The State solely used Henry as a key witness, but, be mindful that Henry was the prime suspect and that's because all the evidence was pointed against Henry.

Henry testified to the jury that he was receiving a trial and also indicted on all charges also. Facts now show that employees of Williamsburg County Sheriff's Department allowed Henry to avoid a maximum, minimum sentence, which is critical information that a defendant must be allowed to present to the jury of this case. At trial, the State of South Carolina relied on central evidence presented in the form of testimony from witnesses. There was no testimony from the victim. The State failed to show any physical evidence to what Williams 'DID' or 'TOOK' from the victim. Furthermore, there is nothing in any arrest warrant, indictment, or any proceedings of the trial in this case, proving any elements of these charges beyond a

reasonable doubt. Furthermore, Williamsburg County Sheriff Department received information from the United States Marshal's Office that Phillip James Williams had knowledge of the homicide because he was apart of the crime. He would share the information in an effort to negotiate a better deal. The State of South Carolina said that, Phillip James Williams would also be indicted on all charges and that he would be going to trial also. But, as of yet, he was never charged or indicted and had never gone to trial. Appellant Counsel, Susan B. Hackett, sent Williams a copy of a sworn affidavit written by Henry. See Attachment.

It is clear that the employees of the Federal Municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF'S DEPARTMENT, et. seq., bribed Henry to testify against Williams. By the Federal Municipal Corporation WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et. seq., and further, the use of the STATE OF SOUTH CAROLINA as the Plaintiff in this case is unjust and shows evidence of despotism and tyranny.

To say that the STATE OF SOUTH CAROLINA is the complaining party in this action, denies Williams the right to confront his accuser and witnesses against him. The STATE OF SOUTH CAROLINA did not testify in open court of any injury to person or damage to property committed by Williams, that would have established probably cause in this action. STATE OF SOUTH CAROLINA V. Laquincy Williams. There is no Amendment to the South Carolina State Constitution that allows for any employee (police) of the Federal Municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et. seq., to use the STATE OF

SOUTH CAROLINA as the complaining party in a criminal proceeding in court. If there is, it must be in the initial documents submitted to the Clerk of Court to initial this claim, unless the Federal Municipal Corporation CITY OF KINGSTREE, SOUTH CAROLINA, et. seq., and the Federal Municipal Corporation WILLIAMSBURG COUNTY SOUTH CAROLINA, et. seq., is part of a Communist Country without such authorization in the South Carolina State Constitution, the STATE OF SOUTH CAROLINA as a Plaintiff in this case, lacks 'standing to sue' (§CRCP 17(b)) and therein, the Federal Municipal Corporation GENERAL SESSIONS COURT OF WILLIAMSBURG COUNTY SOUTH CAROLINA, et. seq., lacks Subject Matter Jurisdiction to hear, or adjudicate this case.

4. Williams was denied the right to question his accuser and alleged witnesses against him. His Public Defender heard one witness testify in open court that he lied to the police when police questioned the witness about Williams, and said nothing and did nothing to rebut the witnesses testimony or to show the jury that parts of the police report that identified Williams as committing murder in this case was false. Williams' believe that his conduct did not afford Williams an aggressive defense.

Williams is also going to submit an affidavit of truth into the record of the Court in Williams Post-Conviction Relief that is pending. Along with these issues, which Williams Public Defender was supposed to do at Williams trial.

Williams believe that this action by Counsel violated both the Constitution for South Carolina and the United States, and Williams was afforded Ineffective Assistance of Counsel. The Public

Defender did not interview and counter-witnesses to rebut anything that was presented by the State. Article 1, Section 14, Trial by Jury; witness; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him/her; to have compulsory process for obtaining witnesses in his/her favor; and to be fully heard in his/her defense by him/herself or by his/her Counsel or by both. (1970 (SC) 2684; 1971 (57) 315). South Carolina State Constitution. 'In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the assistance of counsel (not represented by a BAR MEMBER only) for his defense'. See United States Constitution, Amendment 6th).

5. Williams alleged counsel, did nothing for his defense; never visited Williams when he was in the County Detention Center, started putting together a defense, less than one week before Williams trial. There never were any physical evidence to put Williams at the crime scene. Williams public defender knew that the police never found the murder weapon, and at no time during Williams trial did counsel attempt to show that another party at the scene may have committed the crime. The forensic evidence showed there were GSR on two people's hand that was at the scene

of the crime, counsel never attempted to show the possibility that the other party may have been the party holding the weapon with access to the trigger and not Williams. In fact, the forensic in this alleged crime, there is no honorable adversary in this case to date, there is no subject matter jurisdiction (verifiable complaint of a lawful Plaintiff) identified in this case.

'Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits, but, rather, should dismiss the action.' 16-3-10, did not identify a living soul (man/woman), as being subject to its jurisdiction, does not describe in detail what or who committed the act of murder (i.e. that the accused engaged in murder (the killing of any person with malice aforethought) anyone (police, judge, solicitor, etc.) is left to fill in anything that they want to put there. There is nothing in the affidavit of employee, Pamela J. Wrenn, that describes 'malice aforethought' on the part of the accused. Do employees of the Federal Municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et. seq., follow the dictates of the South Carolina State Constitution when questioning someone about a crime that allegedly was committed in their jurisdiction, or is it only necessary to 'get a confession'. There is no Amendment to the Constitution for the South Carolina State Territory that identifies a 'prosecuting officer' as an officer of the Court.

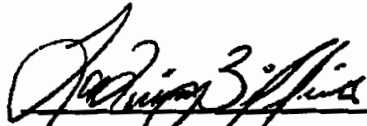
If there is, it should have been submitted at the initiation of this case to help establish subject matter jurisdiction in this case, and show the injured party, not just an employee of

the Federal Municipal Corporation CITY OF KINGSTREE, WILLIAMSBURG
COUNTY SOUTH CAROLINA SHERIFF DEPARTMENT, et. seq., making a claim
with hearsay information only.

SUMMARY OF THE CASE FOR MOTION TO DISMISS CONVICTION

The elements of this case is without authority of the South
Carolina State Constitution and the personnel attempting to
circumvent the restrictions of the Constitution, is without
authority to make a final determination in who actually committed
a crime, without being on the scene at the time of the act. This
case lacks a Plaintiff (injured party) with firsthand knowledge
of the crime, and what parts were played by whom. Without an
injured party making a claim of the injury, there is no actual
proof of which party(s) action cause the death.

Respectfully Submitted,



LaQuincy Manuel Williams

S.C.D.C. No. 00357076
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina 29010

PETITIONER

January 6, 2017.
Bishopville, South Carolina.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG	)	THIRD JUDICIAL CIRCUIT
	)	
LaQuincy Manuel Williams, #357076,	)	2017-CP-45-0016
	)	
Applicant,	)	
	)	RETURN AND PARTIAL MOTION
v.	)	TO DISMISS
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on January 17, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. In January 2011, the Williamsburg County Grand Jury indicted Applicant for murder, armed robbery, burglary, first degree, criminal conspiracy, and possession of a weapon during a violent crime (2011-GS-45-0016). Cezar McKnight, Esquire, represented Applicant. Assistant Solicitors Kimberly Barr, Esquire and Tyler Brown, Esquire prosecuted the case. On September 9-13, Applicant proceeded to trial before the Honorable W. Jeffrey Young. The jury found Applicant guilty as indicted on all charges. Judge Young sentenced Applicant to imprisonment for concurrent terms of life for murder, life for burglary, first, degree, thirty years for armed robbery, five years for possession of a weapon during a violent crime, and five years for criminal conspiracy.

Applicant filed a timely notice of appeal. Susan B. Hackett, Esquire, of the Office of Appellate Defense perfected the appeal. After consideration of Applicant's pro se brief and review pursuant to Anders v. California, 386 U.S. 738 (1967), the South Carolina Court of Appeals

dismissed Applicant's appeal on March 30, 2016. State v. Williams, Op. No. 2016-UP-143 (S.C. Ct. App. filed March 30, 2016). The remittitur was returned to the circuit court on April 20, 2016.

Attached to this Return and incorporated by reference are the records of the Williamsburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Lack of Subject Matter Jurisdiction
 - a. The State is without authority to make a final determination in who actually committed a crime without being on the scene at the time of the act.
 - b. There is no lawful plaintiff in this case. At no time during the alleged arrest, detention, and trial was there lawful complaint of injury to body or damage to property other than a police report filed with the Clerk of Court.
 - c. No honorable adversary in this case, so there is no subject matter jurisdiction (verifiable complaint of a lawful Plaintiff) identified in this case. Therefore, the court cannot proceed when it lacks jurisdiction and should have dismissed the action.
2. Ineffective Assistance of Counsel
 - a. Denied the right to confront his accuser and witnesses against him
 - b. His Public Defender heard one witness testify in open Court that he lied to the police when police questioned the witness about Williams, and said nothing and did nothing to rebut the witnesses' testimony or show the jury that parts of the police report that identified Williams as committing murder in this case was false.
 - c. Williams' believes that his conduct did not afford him an aggressive defense.
 - d. Public Defender did not interview and counter-

witnesses to rebut anything that was presented by the State.

- e. Never visited Williams when he was in jail and started putting together a defense less than one week before Williams' trial.
- f. Public defender knew that the police never found the murder weapon and never attempted during trial to show that another party at the scene may have committed the crime.

III.

Applicant alleges the court did not have subject matter jurisdiction over his charges. An Applicant may challenge the subject matter jurisdiction of the trial court and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001), overruled in part by Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, 363 S.C. 93; See also S.C. Const. Art. V, § 7. Thus, Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. Applicant’s conviction involved a criminal charge in General Sessions Court. Thus, the circuit court had subject matter jurisdiction. Respondent submits Applicant has failed to present any evidence that the convictions he challenges in this application are in a class over which the circuit court does not have the authority to provide. Therefore, Respondent requests that this allegation be summarily dismissed.

IV.

Respondent submits Applicant’s allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having

produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the Applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 (1985).

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

VI.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VIII.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of trial counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

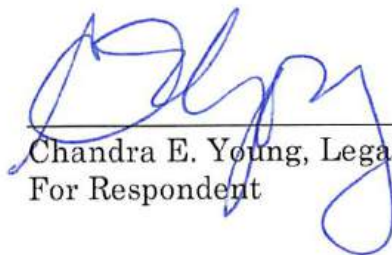
June 13, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG	)	
	)	
	)	2017-CP-45-0016
LAQUINCY WILLIAMS, #357076	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Partial Motion to Dismiss in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Lance S. Boozer, Esquire
1400 Laurel Street, Suite 4A.
Columbia, SC 29201

DATED this 13th day of June, 2017.



Chandra E. Young, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA)
 COUNTY OF WILLIAMSBURG)
 2021 AUG 26 AM 11:04

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT

Laquincy Williams, #357076,)
 SHARON L. CLERK OF COURT)
 KINGSTREE, S.C.)

**AMENDMENT TO APPLICATION FOR
 POST CONVICTION RELIEF**

Applicant,)

vs.)

Case No. 2017-CP-45-00016

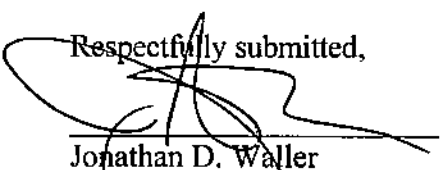
State of South Carolina,)

- - - Respondent.)

Applicant, by and through his Attorney, Jonathan D. Waller, Esquire, would amend his Application for Post-Conviction Relief filed January 18, 2017, by adding the claims of ineffective assistance of to question 10 and by adding the following specific prayers for relief to his original allegations:

1. As to representation rendered by Cesar McKnight, Esquire:
 - a. Counsel was ineffective for failing to properly investigate the facts and circumstances surrounding the allegations against Applicant.
 - b. Counsel was ineffective for failing to object to the improper use of prior statements during the testimony of Juandalyn Miller.
 - c. Counsel was ineffective for failing to object to the admission of State's Exhibits Nos. 47-108.
 - d. Counsel was ineffective for failing to object to improper questions during the testimony of Melissa Skipper.
 - e. Counsel was ineffective for failing to object to improper evidence of prior bad acts of the Applicant during the testimony of Pamela Wrenn.

Respectfully submitted,



Jonathan D. Waller
Waller Law Group
1116 Blanding Street
Suite 2B
Columbia, South Carolina 29201
ATTORNEY FOR APPLICANT

August 25, 2021

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF WILLIAMSBURG)

COURT OF COMMON PLEAS

LAQUINCY M. WILLIAMS)
 357076

APPLICANT,)

v.)

TRANSCRIPT OF RECORD
 17-CP-45-00016

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

October 31, 2022
 Sumter, South Carolina

B E F O R E :

THE HONORABLE EDWARD W. MILLER, JUDGE

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

JONATHAN D. WALLER, ESQ.
 Attorney for the Applicant

D. RUSSELL BARLOW, II, ESQ.
 Attorney for Respondent

FRANCES B. RAY, RPR
 Circuit Court Reporter

I N D E X

	Page
Background of the case by Mr. Barlow	3
Cezar McKnight:	
Direct examination by Mr. Waller	8
Cross-examination by Mr. Barlow	25
Redirect examination by Mr. Waller	
LaQuincy Williams:	
Direct examination by Mr. Waller	36
Cross-examination by Mr. Barlow	53
Redirect examination by Mr. Waller	63
Remarks by Mr. Williams	64
Closing argument by Mr. Waller	70
Closing argument by Mr. Barlow	

E X H I B I T S**PLAINTIFF'S:**

No.	Description	I.D./EVD.
1	Memorandum	15
2	Case law	68/68

1 MR. BARLOW: May it please the Court, Your
2 Honor.

3 THE COURT: Yes, sir.

4 MR. BARLOW: Russ Barlow on behalf of the
5 State of South Carolina. This is the
6 post-conviction relief matter of Laquincy M.
7 Williams v. the State, case number 2017-CP-45-00016
8 out of Williamsburg County. In January of 2011, the
9 Williamsburg County grand jury indicted Applicant
10 for murder, armed robbery, burglary first degree,
11 criminal conspiracy, possession of a weapon during a
12 violent crime, 2011-GS-45-0016. Cezar McKnight,
13 Esq., represented applicant. Assistant Solicitor is
14 Kimberly Barr, Esq. and Tyler Brown, Esq.,
15 prosecuted the case. On September 9th, 2013,
16 applicant proceeded to trial before the Honorable W.
17 Jeffrey Young. The jury found applicant guilty as
18 indicted on all charges. Judge Young sentenced
19 applicant to imprisonment for concurrent terms of
20 life for murder, life for burglary first degree, 30
21 years for armed robbery, 5 years for possession of a
22 weapon during a violent crime, and 5 years for
23 criminal conspiracy.

24 Applicant filed a timely notice of appeal
25 and Susan B. Hackett, Esq., of the Office of

1 Appellate Defense perfected the appeal. After
2 consideration of Applicant's pro se brief and review
3 pursuant to *Anders v. California*, 386 U.S. 738, the
4 South Carolina Court of Appeals dismissed
5 applicant's appeal on March 30th of 2016. An
6 unpublished opinion, *State v. Williams*, opinion
7 number 2016-UP-143 filed March 30th, 2016. The
8 remittitur was returned to the circuit court on
9 April 20th, 2016.

10 Applicant timely commenced this PCR action
11 on January 17th, 2017, and applicant asserts he is
12 being held in custody unlawfully alleging: His
13 first allegation is lack of subject matter
14 jurisdiction. To that, he states that the State is
15 without authority to make a final determination in
16 he actually committed a crime without being on the
17 scene at the time of the act. He also alleges or
18 avers there, there is no lawful plaintiff in this
19 case. At no time during the alleged arrest,
20 detention and trial was there lawful complaint of
21 injury to body or damage to property other than a
22 police report filed with the Clerk of Court. And
23 then he also avers that no honorable adversary in
24 this case so there's no subject matter jurisdiction,
25 verifiable complaint of a lawful plaintiff

1 identified in this case. Therefore, the court
2 cannot proceed when it lacks jurisdiction and should
3 have dismissed the action.

4 Number two, ineffective assistance of
5 counsel to which he alleges: That he was denied the
6 right to confront his accuser and witnesses against
7 him. He avers that his public defender heard one
8 witness testify in open court, that he lied to the
9 police when police questioned the witness about the
10 applicant and his -- his counsel said nothing and
11 did nothing to rebut the witness' testimony or show
12 the jury that parts of the police report that
13 identified Williams as committing murder in this
14 case was false. Applicant also avers that he
15 believes that his -- that counsel's conduct did not
16 afford him an aggressive defense. He also avers
17 that counsel did not interview and counter witnesses
18 to rebut anything that was presented by the State.
19 He also avers that counsel never visited him while
20 he was in jail and started putting together a
21 defense less than one week before his trial. And he
22 also avers that his counsel knew that the police
23 never found the murder weapon and never attempted
24 during trial to show that another party at the scene
25 may have committed the crime.

1 Your Honor, Respondent made its return and
2 partial motion to dismiss dated June 13th, 2017.

3 This was mailed to the Williamsburg Clerk of Court
4 on January 13th, 2017. In preparation for this
5 case, Your Honor, I discovered that the return and
6 partial motion to -- to dismiss were not located on
7 the public index, and it appears that we never
8 received a filed copy either. I'm not sure that it
9 is in your court packet as well, so at this time I
10 could make it a Court's exhibit and submit it.

11 THE COURT: Sure.

12 MR. WALLER: And, Judge, I've been in
13 possession of it for quite some time so I think it
14 just didn't get filed for whatever reason.

15 THE COURT: Okay.

16 MR. WALLER: We've been on notice of it.

17 MR. BARLOW: Do you mind if -- you want me
18 to make it an exhibit or ---

19 THE COURT: Make it -- it will just be
20 part of the record, right?

21 MR. BARLOW: Yes, sir. Thank you, Your
22 Honor. And on August 26th, 2021, PCR counsel
23 amended Applicant's PCR application with the
24 following allegations. Number one, counsel was
25 ineffective for failing to properly investigate the

1 facts and circumstances surrounding the allegations
2 against the Applicant. Counsel was ineffective for
3 failing to object to the improper use of prior
4 statements during the testimony of Wanda Lynn
5 Miller. Counsel was ineffective for failing to
6 object to the admission of State's Exhibits Nos. 47
7 through 108. Counsel was ineffective for failing to
8 object to improper questions during the testimony of
9 Melissa Skipper. Counsel was ineffective for
10 failing to object to improper evidence of prior bad
11 acts of the applicant during the testimony of Pamela
12 Wrenn.

13 And at this time, Your Honor, we would ask
14 Mr. Waller to place on the record which allegation
15 he intends to move forward on.

16 THE COURT: Okay.

17 MR. WALLER: Thank you, Your Honor. May
18 it please the Court. Judge, I tried to make my
19 amendments, which are additional grounds, as clear
20 as possible. We're going to go forward on each of
21 those. I think I can clarify with respect to the
22 original applications that was filed, Mr. Williams
23 has raised allegations that as to the validity of
24 the indictment and allegations of ineffective
25 assistance of counsel for not challenging that

AW - C. MCKNIGHT - DIRECT

1 indictment at the appropriate time, so that's the
2 significant one, as well as allegations that the --
3 at least one co-defendant's evidence of plea deal
4 was not properly presented. Judge, those are --
5 both those issues are in his original application,
6 but I think we can narrow the issues a little bit;
7 but the allegations regarding the indictment are
8 certainly part of the original application that we
9 intend to go forward on.

10 THE COURT: Okay.

11 MR. WALLER: Your Honor, at this time the
12 Applicant will call Cezar McKnight.

13 THE CLERK: Place your left hand on the
14 Bible. Raise your right hand and state your name.

15 THE WITNESS: Cezar McKnight.

16 WHEREUPON,

17 **CEZAR MCKNIGHT,**

18 having been duly sworn by the clerk, testified
19 as follows:

20 THE CLERK: Thank you much, sir. Step
21 around please. State your name for the record and
22 spell your last name please.

23 THE WITNESS: Cezar McKnight.

24 M-C-K-N-I-G-H-T. And Cezar is spelled C-E-Z-A-R.

25 **DIRECT EXAMINATION**

1 BY MR. WALLER:

2 Q Good morning, Mr. McKnight. How are you
3 today?

4 A Good morning. I'm well. How are you?

5 Q Doing well. Thank you for asking.
6 Mr. McKnight, I know it has been quite some time
7 since the trial of this case. Just to, if I can,
8 what do you recall about the allegations against Mr.
9 Williams and his co-defendants?

10 A I recall the allegations. I think you
11 need to be a little bit more specific. I mean, I
12 know what they were, murder and all the others, but
13 what exactly are you asking?

14 Q Okay. Just so Judge Miller is aware, if
15 you could, explain the facts, what the State
16 alleged, if you could.

17 A So essentially, the State alleged that my
18 client and some co-defendants planned and executed a
19 robbery of a house against the gentleman, and went
20 in there and shot and killed him and took money
21 and/or drugs out of the home.

22 Q Okay. And he was charged in Williamsburg
23 County. Was Mr. Williams from Williamsburg County
24 that you're aware of?

25 A I think at the time he resided in

AW - C. MCKNIGHT - DIRECT

1 Williamsburg County; but I don't believe him to be
2 an original, originally born there. I think he's
3 from out of state.

4 Q Okay. Is he housed -- where was he
5 housed, if you recall, during the charges?

6 A During the trial? Since there were
7 co-defendants he was either in the Williamsburg
8 County Detention Center or he perhaps may have been
9 in the Florence County Detention Center.

10 Q Okay. Was he arrested in Florence?

11 A I don't recall where he was arrested.

12 Q Okay. All right. And was he, I'm
13 assuming with the charges he was -- he never made
14 bond, was never given bond?

15 A No, he was denied -- no, there was no
16 bond.

17 Q Okay. About how long after his arrest
18 were you -- did you come to represent him?

19 A I was appointed to represent him; and I'm
20 not exactly certain how long after I began
21 representing him, so I'm not sure.

22 Q Okay. How did you come to be appointed?

23 A Because there were multiple defendants,
24 they appointed me. I wasn't working for the public
25 defender's office at that time. I was practicing by

1 myself.

2 Q Okay. If you could, about how long after
3 you were first appointed did you have a chance to
4 meet with Mr. Williams?

5 A It wasn't long thereafter that I started
6 meeting with him and preparing for his -- for his
7 defense.

8 Q Okay. When you first were able to start
9 meeting with him, did you have any discovery at that
10 time?

11 A No, not at that time, but then I
12 subsequently got some discovery.

13 Q Okay. And how did it -- did you get
14 everything at once? Did stuff kind of dribble in?

15 A It dribbled -- it dribbles in and after
16 you review things, you have to ask for other items.
17 That's just the nature of the beast when it comes to
18 Brady motions and their responses.

19 Q Okay. How about the forensic testing that
20 was done in this case? Was it on time coming back
21 or was it delayed?

22 A Are you speaking about the pathology
23 report?

24 Q Any of the forensics, any ---

25 A Yeah, I got some. I got the pathology

AW - C. MCKNIGHT - DIRECT

1 report pretty much well before trial because it's
2 because of it that I had some issues that I wanted
3 to explore at trial, or try to, rather.

4 Q How many times you think you were able to,
5 or if you have notes that reflect this, how many
6 times did you meet with Mr. Williams in preparation?

7 A My notes -- I don't -- so I brought my
8 trial notebook, my notes, so they don't indicate how
9 many times I met with Mr. Williams. They don't.

10 Q Okay. Do you have any recollection of
11 just a ballpark?

12 A I'm under oath; I can't lie. I, I want to
13 say at least three ---

14 Q Okay.

15 A --- perhaps.

16 Q Okay. All right.

17 A But I did meet with him prior to us going
18 to trial and I prepared this memorandum of
19 understanding where I go through -- I'll just tell
20 you. It's -- and it's initialed by him in every
21 one. The first one is, "I'm charged with the
22 offense of murder, armed robbery, criminal
23 conspiracy, possession of a weapon during a violent
24 crime and burglary first degree." He initials that.
25 "For the offense of murder, I understand that if I'm

AW - C. MCKNIGHT - DIRECT

1 found guilty or plead guilty to this offense I can
2 receive a sentence of a mandatory minimum of 30
3 years in prison or life in prison. I understand
4 that this is a violent, most serious offense. I
5 would be required to serve at least 85 percent of
6 the sentence if a sentence -- if sentenced to 30
7 years. Lastly, I understand that if I'm convicted
8 of two most serious offenses, I could be sent to
9 SCDC for a term of life in prison." He initials
10 that. "For the offense of armed robbery, I
11 understand that I am -- that if I am found guilty or
12 plead guilty to this offense, I can receive a
13 sentence of 10 to 30 years in prison. I understand
14 that the minimum sentence I can receive for this
15 offense is 10 years. I further understand that this
16 is a violent and most serious offense. I further
17 understand that I will have to serve at least
18 85 percent of any sentence I receive for this
19 offense. Lastly, I understand if I'm convicted of
20 two most serious offenses, I could be sent to the
21 South Carolina Department of Corrections for a term
22 of life in prison." He initials that. "For the
23 offense of criminal conspiracy, I understand that if
24 I'm found guilty or plead guilty to this offense, I
25 can receive a sentence of up to 5 years or a fine of

AW - C. MCKNIGHT - DIRECT

1 no more than \$5,000." He initials that. "For the
2 offense of possession of a weapon during a violent
3 crime, I understand that I can receive a sentence of
4 5 years." He initials that. "I have discussed all
5 of these charges fully with my attorney, and he's
6 explained all the possible penalties to me and I
7 understand them." He initials that. "I have
8 reviewed my discovery materials with my attorney,
9 and I have had enough time to discuss them with
10 him." He initials that. "I've decided that I would
11 like to have a jury trial for these charges." He
12 initials that. "I have come to this decision on my
13 own without pressure or promises from anyone." He
14 initials that. "And my attorney advises me that I
15 have ten days to appeal the conviction in this
16 matter," and I've been advised him -- "and I have
17 advised him to file a Notice of Intent to Appeal in
18 that event." He initials that. And he signed that
19 on September 9th, 2023 [sic]. And it's signed by me
20 as well.

21 THE COURT: 2023?

22 THE WITNESS: I'm sorry, excuse me, 2013.
23 Sorry.

24 MR. BARLOW: Your Honor, if we could,
25 could we have that marked for identification since

AW - C. MCKNIGHT - DIRECT

1 he read that into the record?

2 THE COURT: Well, it's your witness. Do
3 you want to do that because they're gonna end up
4 doing it when they get ---

5 MR. WALLER: Sure.

6 THE COURT: --- up on cross.

7 MR. WALLER: I don't have any objection
8 for at this point it's marked for identification.

9 THE COURT: Okay. All right.

10 (WHEREUPON, Plaintiff Exhibit No. 1
11 was marked for identification only.)

12 BY MR. WALLER:

13 Q Ultimately he was convicted; is that
14 correct?

15 A Yes, he was.

16 Q And you did file a Notice of Appeal?

17 A I did.

18 Q Okay. All right. How many co-defendants
19 did he have?

20 A Indulge me for a moment. He had two.

21 Q Okay. How many people were, if you
22 recall, were alleged to kind of been involved in the
23 incident?

24 A Originally, it was four because there was
25 a young lady that was -- that was first implicated

AW - C. MCKNIGHT - DIRECT

1 and then she turned State's witness and they dropped
2 all the charges against her.

3 Q Okay.

4 A Her last name is Bell, I believe.

5 Q Okay. How about -- if you have in your
6 notes there, you say he has two co-defendants. Who
7 specifically are you referring to?

8 A I'm looking at the indictment, and
9 indicted with him are James Gquan Henry and Tashonda
10 Monique Mickens.

11 Q Okay. And Ms. Mickens was tried at the
12 same time as Mr. Williams; is that correct?

13 A I believe so, yes, sir.

14 Q Okay. What about P.J. Williams, do you
15 recall his name at all?

16 A That name sounds familiar, yes. I do
17 recall that name.

18 Q Do you know if he was ever charged in this
19 case?

20 A I don't think so. I'm not -- I don't
21 know.

22 Q Okay.

23 A I don't know.

24 Q You mentioned the indictment just a second
25 ago. What -- there was some confusion at trial, at

1 the beginning of the trial, as to when the
2 indictment was -- came down. What do you recall
3 about that confusion and what investigation did you
4 do into the validity of the indictment?

5 A I don't recall the confusion about the
6 indictment per se. As far as doing an investigation
7 so far as the indictment, I mean, when it's true
8 billed, it's true billed. I mean, I'm not party to
9 the grand jury so there's really not anything for me
10 to look at. I mean, you look at -- naturally you're
11 gonna look at the form of the indictment to make
12 sure it's proper; and then after that, you're pretty
13 much where you are until after you've interviewed
14 some of the witnesses to get a lay of the land.

15 Q Okay. Did you any concerns that it was
16 not properly true billed or presented to the grand
17 jury?

18 A I did not.

19 Q Okay. And is it your understanding that
20 if you did have some concerns you would need to
21 raise those prior to the jury being sworn?

22 A Oh, yes.

23 Q So I guess it's safe to say that you did
24 not have any concerns so you did not raise any or
25 challenge the indictment prior to the jury being

AW - C. MCKNIGHT - DIRECT

1 sworn?

2 A I didn't see anything that would give me
3 reason to question the validity of the indictment,
4 no.

5 Q Okay. The co-defendant, Mr. Henry, that
6 you just mentioned, he testified against
7 Mr. Williams and Ms. Mickens; is that correct?

8 A He did.

9 Q All right. What was your understanding as
10 to any sort of plea deals or negotiations he had
11 with the State prior to the trial?

12 A Hold on a second. I think prior to
13 the trial -- I think that came out on -- on cross
14 when I asked him. I mean, I knew he had a deal; I
15 didn't know what the deal was. Normally what
16 happens is, especially in the third in Williamsburg
17 County, if someone is going to plead or someone is
18 going to cooperate, they plead first and then they
19 hold off on sentencing based upon how they do at
20 the -- during the trial during their testimony. So
21 there wasn't so much to quid pro quo if you do this
22 we'll give you X, Y, Z. There's not that.
23 Especially not with Solicitor Barr, she wouldn't do
24 that.

25 Q Okay. Do you know if he had entered his

AW - C. MCKNIGHT - DIRECT

1 plea yet and deferred sentencing or if he had not
2 entered his plea? What was your understanding ---

3 A My understanding ---

4 Q --- of the way it worked?

5 A I'm sorry, I didn't mean to cut across
6 you, forgive me. My understanding is that he had
7 already entered it.

8 Q Okay. Was that disclosed to you?

9 A Yes.

10 Q Okay.

11 MR. WALLER: Your Honor, may I approach
12 the witness?

13 THE COURT: Sure.

14 BY MR. WALLER:

15 Q Mr. McKnight, I want to get into some of
16 the allegations in the trial transcript. If you
17 would, turn to Page 101. And 101 of the record on
18 appeal which is 1099 of the transcript so it's the
19 bigger bold number and not the ---

20 A So the bigger bold number I'm looking for,
21 what's that number?

22 Q 101.

23 A Yes, sir, I'm here.

24 Q All right. So this is the testimony of
25 Wanda Lynn Miller. I believe it's one of the people

AW - C. MCKNIGHT - DIRECT

1 you mentioned earlier who was originally charged and
2 then I believe it was the charges were dismissed
3 against her. Beginning on Page 101 at Line 6,
4 Ms. Miller didn't appear she wanted to participate
5 in trial. It didn't appear she wanted to testify
6 against anyone. She states on Line 6 that she can't
7 remember. So she's handed her statement, and if you
8 would, turn to the next page.

9 A Uh-huh.

10 Q Beginning on Line 3 and continuing on to
11 Page 104 through Line 9, she's reading her statement
12 into the record. She was not -- not asked to
13 refresh her memory, not asked to read it silent to
14 herself by Solicitor Barr. Was there a strategy,
15 trial strategy behind not objecting to that
16 procedure?

17 A Hold on a second. I'm trying to ---

18 Q Sure. And if I -- please take your time
19 and make sure you're familiar with what I'm asking.

20 A It wasn't necessary a trial strategy
21 there, but I was trying to see where the prosecution
22 was gonna go with it. And having had that before
23 and having her statement there before me to see what
24 she's asking her, I didn't anticipate it being at
25 the time something to be concerned about.

1 Q Okay. If I can get you to turn over to
2 Page 113, Line 14.

3 A 113. Line?

4 Q Line 14?

5 A Yes, sir.

6 Q Essentially the same question, was there a
7 strategy behind not objecting to Ms. Barr not
8 attempting to refresh her recollection prior to
9 instructing her to read her statement into the
10 record?

11 A There -- there wasn't a strategy. And
12 also understand, too, my experience has been if you
13 object too much they become ineffective. They're
14 like, what is he doing, is he -- what was -- so.
15 And, also, having been in front of Judge Young many
16 times and knowing that judge's tendencies, it's like
17 playing in baseball, you know where the strike zone
18 is so you kind of -- you have to pick your battles.
19 And of course, you know, you also keep in mind you
20 also want to preserve the record for potential
21 appeals issues. I didn't see a dan-- there wasn't
22 anything there gave me something to just make a
23 stink about.

24 Q Okay. All right. If I can get you to
25 turn to Page 489.

AW - C. MCKNIGHT - DIRECT

1 A The big numbers 489?

2 Q Yes.

3 A Okay. Yes, sir.

4 Q Yes, sir. Beginning at Line 21.

5 Mr. Scott, or Investigator Scott, is testifying and
6 he was present once when the pictures were taken by
7 SLED. Is there any strategy behind not objecting to
8 the introduction of Exhibits 47 through 108 that
9 came in at two different times right there in his
10 testimony without -- I believe the Solicitor tells
11 him he doesn't need to look at each one of them and
12 just flip through and tell me do you recognize
13 what's depicted in these photographs?

14 A Hold on a second. No, there wasn't any
15 trial strategy in that because he testifies that
16 he's present when the picture's taken and they
17 accurately depict what he saw.

18 Q Okay.

19 MR. WALLER: Your Honor, if I can approach
20 one more time.

21 THE COURT: Sure.

22 BY MR. WALLER:

23 Q The second big copy here.

24 A Thank you, sir.

25 Q Thank you. Mr. McKnight, if I can get you

1 to turn to Page 892.

2 A Big numbers?

3 Q Big numbers, yes, sir.

4 A Okay. Yes, sir.

5 Q All right. This is the testimony of
6 Investigator Pamela Wrenn who works for Williamsburg
7 County?

8 A Uh-huh.

9 Q If I can direct your attention to Line 19
10 through 23.

11 A Uh-huh.

12 Q And ask if there was a trial strategy for
13 not objecting to the reference to getting his
14 picture from a prior booking photo from the Florence
15 County Sheriff's Department?

16 A I mean, it's technically hearsay, but it's
17 gonna come in anyway because it's a business record
18 so I didn't see the point in belaboring the point.

19 Q Okay.

20 A I mean, there's a hearsay exception for
21 that. It's a public -- I'm sorry, it's a public
22 record.

23 Q Did you see any reason to object to the
24 reference to him being arrested before as a
25 potential prior bad act?

AW - C. MCKNIGHT - CROSS

1 A There was. Yes, there was.

2 Q Okay. So was there a strategy decision
3 for not objecting based on those grounds?

4 A There was. And if you -- and I'll just
5 tell you that in preparation for this trial, I made
6 a list of objectives of things that I wanted to do
7 and things that I would focus on that I believed to
8 be our strongest suits. Like one, getting the
9 autopsy report, the autopsy report suppressed,
10 getting the audio-- getting the audio taped
11 statement from the deceased grandfather John McNeal,
12 getting the audio statement from Frank McGowan. Get
13 it -- when I say "get it," I mean get it into
14 evidence. Get in the time of death being other than
15 when Latisha Bell says it is. So there were certain
16 things that I was keyed in on and things that I
17 thought at the time would be more advantageous to
18 LaQuincy and those were the things that I would --
19 so I kind of -- did I have -- did I sort of have
20 tunnel vision? Maybe. But those are the things
21 that I identified in my trial prep that we were
22 gonna be able to hang our hats on and possibly get
23 him acquitted.

24 Q Okay. Was -- was the fact that
25 investigators had obtained his picture or I think

1 they're referencing height here, from a prior
2 booking, was that something that you were aware of
3 going into the trial, or was it ---

4 A No, it wasn't.

5 Q --- something that came out just through
6 her testimony?

7 A It sort of -- it sort of came out during
8 her testimony.

9 Q Okay.

10 MR. WALLER: Beg the Court's indulgence.

11 THE COURT: Yes.

12 MR. WALLER: Thank you, Mr. McKnight. I
13 don't have anything further.

14 THE COURT: All right, cross.

15 **CROSS-EXAMINATION**

16 BY MR. BARLOW:

17 Q Good afternoon, Mr. McKnight. Thank you
18 for being here.

19 A Good afternoon.

20 Q All right. So, let's see, how long have
21 you been practicing law?

22 A October 22nd made 20 years.

23 Q And how much of that has been criminal
24 law?

25 A Almost all of it. Either either

AW - C. MCKNIGHT - CROSS

1 prosecuting or doing defense work in addition to
2 personal injury work.

3 Q And you testified that you were appointed
4 in this case due to conflict?

5 A Correct.

6 Q Okay. And you were not sure how long
7 before trial, correct?

8 A It wasn't -- I'm not sure.

9 Q Okay. But once you were appointed, you
10 received discovery on this case?

11 A I did. And let me just say, I'm not sure
12 how long it was, but it wasn't like I got appointed
13 on a Friday and I start trial on Monday. There was
14 a significant amount of time between the time I was
15 appointed to before we started trial.

16 Q Okay. And in one of his allegations it --
17 that they say they were moving forward on was that
18 you did not start preparing for this case until a
19 week before trial. Is that correct?

20 A I can't do this in a week. That's
21 absolutely ludicrous. I wouldn't -- I know some
22 lawyers like to wing stuff; I just don't wing it.
23 It -- even though this is an appointed case, I have
24 a reputation to maintain. And even if I know that
25 I'm going to lose or anticipate I'm gonna lose, I'm

1 gonna do my best because that stuff just -- it just
2 gets out. I'm not gonna risk being known as someone
3 who just took wily nilly somebody's case and just
4 winged it; I'm not gonna do that.

5 Q And, sir, based on the State's evidence
6 you were able to craft a defense strategy?

7 A I was.

8 Q And what was that?

9 A Okay, so, there were several issues in
10 this case, and one of them was going to be the time
11 of death. And I hate to say this because I like the
12 person, but it really boiled down to the
13 incompetence of the coroner. The coroner's report
14 in this matter was one page long, and he did nothing
15 to determine the time of death. There was blood on
16 the scene. And forgive me for lack of a word, I
17 think it's coagulate. It's when the -- when the
18 plasma starts to separate. All of these things
19 indicating that the murder took place well in
20 advance of the time that the so-called State
21 witnesses said. And beyond that, the coroner -- you
22 know, judge -- you know, I pushed Judge Young as
23 much as I could without going, you know, ending up
24 in jail on contempt; but I was trying to make hay of
25 the issue that Judge Young said on the record that a

AW - C. MCKNIGHT - CROSS

1 body wasn't fungible evidence. And why is that
2 important you may ask? If something is fungible
3 evidence, you have to do a chain of custody for it.
4 The coroner in this matter did not do a chain of
5 custody for the body. He couldn't tell us who
6 removed it from the crime scene. He couldn't tell
7 us who transported it to MUSC. He couldn't tell us
8 who transported it from MUSC back to Williamsburg
9 County to give it to the family. So I made it my
10 point seeing it, okay, Judge Young has already made
11 up in his mind this is not fungible evidence. I'm
12 going to try to stack the record with as much
13 indication that it is because when I did my cross of
14 the pathologist before I, you know, attempted to
15 walk -- just for dramatic purpose to go sit down I
16 said, wait a minute, one other question, Doctor such
17 and such, can you tell me what fungible evidence is.
18 And he looked at me like crazy like, you're a
19 lawyer, you should know this. And I said -- and I
20 asked him, I said, is a body fungible evidence. And
21 he really gave me a perplexed look like, you got to
22 be stupid, huh, and he, you know, he said, yes, of
23 course a body is fungible evidence because I saw at
24 that time, you know, this is an issue that we could
25 potentially make hay if we're not granted an

1 acquittal, and that's what I did. And so, I listed
2 out in my -- in the front page of my book, my trial
3 objectives, things that I wanted to do that I
4 believe that could get us an acquittal. And like I
5 said, it was get in the audio tapes, get in the
6 evidence through the statements of McGowan and
7 McNeal that the blood was dried and separated when
8 they found the deceased showing he was dead a long
9 time; get in the time of death being other than the
10 time when Latisha Bell says it is; get Harrison
11 McKnight, i.e., the coroner, to admit on the stand
12 he did not conduct tests to determine the time of
13 death; use the pathologist to show that McNeal was
14 dead a lot longer than the time that the State
15 suggests and show through Sharmaine Wright and
16 Latisha Bell -- show through Sharmaine Wright that
17 Latisha Bell had a motive to kill the deceased. And
18 then, you know, I put in big bold letters acquittal
19 if could do all of those things. So those are my
20 objectives.

21 Q So, Mr. McKnight, it's safe to say that
22 you were able to -- to present that stuff to the
23 court and over all -- or the court determine that
24 your argument about the body being fungible and so
25 forth was not ---

AW - C. MCKNIGHT - CROSS

1 A Right. We were on the record and judge --
2 and 'cause I made a motion to suppress the
3 pathologist report. No body. Essentially no body,
4 no murder. And Judge, and Judge Young overruled me
5 on that.

6 Q All right. There is some question to the
7 validity of the indictment and I know you've given
8 some testimony to that, but. From your
9 recollection, do you remember anything or recall
10 anything about the indictment not being sufficient?

11 A No, I don't. I don't -- because had I --
12 had I discovered that, I would have made a motion
13 for it because I did a bunch of pretrial motions. I
14 provided a notice of alibi. I submitted that on
15 August 30th, 2013. I filed a written motion for --
16 to exclude the autopsy report. I did that on the
17 8th of September. And, you know, and I cited
18 various cases like State v. Cribb, Benton v. Pelham,
19 State v. Sweet, and all of those other cases in an
20 attempt to get the autopsy report suppressed.

21 Q And also in his original application, the
22 applicant's original application, he raises subject
23 matter jurisdiction. Did you -- is there any reason
24 to believe that the Williamsburg County circuit
25 court or the Court of General Sessions did not have

1 jurisdiction over this matter?

2 A No, it clearly does. I mean, it's proper
3 venue and it has jurisdiction in my -- in my
4 estimation.

5 Q Okay, thank you. All right. As to the
6 testimony of Wanda Lynn Miller that y'all went
7 through on Page 101 and Page 113 and Page 489.

8 A Uh-huh.

9 Q It's your testimony that -- that her
10 reading her prior statement that she had given to
11 law enforcement in to the record, do you find that
12 that was improper?

13 A I don't. I mean, it's her prior
14 statement. And if she's read-- I mean, and it also
15 gives me the ability if she goes cross to exploit
16 the inconsistencies.

17 Q And in her testimony she -- in the
18 beginning of her testimony in the record it shows
19 that she was having trouble answering the questions,
20 she could not remember things. So they handed her
21 that statement for her to read. Correct?

22 A Correct.

23 Q And that, that would go to rule, I think,
24 613 which would be prior statement?

25 A Prior statement. Yes, sir, it does.

AW - C. MCKNIGHT - CROSS

1 Q Okay. Okay. And then there's an
2 allegation regarding your failure to object to the
3 admission of the State's Exhibits Nos. 47 through
4 108. Do you remember what those exhibits were?

5 A I do not.

6 Q Okay. Do you have the -- do you have that
7 up there with you? Turn to Page 49.

8 A Okay. Can you tell me which volume we're
9 in?

10 Q We're in Volume I.

11 A Okay. And which page are we on?

12 Q 489 of the records with the big number.

13 And ---

14 A Yes, sir.

15 Q --- we're gonna go to Line 16 through 19.

16 A Yes.

17 Q So the -- what they were admitted were the
18 crime scene photos and log sheets, correct?

19 A Correct.

20 Q And those -- and in the testimony that was
21 given, Mr. Scott who was on -- or who is being
22 questioned, he was present for those pictures,
23 correct? He was present on the scene?

24 A He indicates in the question that he was
25 there present when these photos were done.

1 Q Do you -- do you -- is there any reason
2 why you would object to the admission of those
3 exhibits?

4 A No, 'cause he's there.

5 Q Okay.

6 A The only reason I would object to them if
7 he wasn't present, then it's definitely hearsay
8 then.

9 Q And then, I guess the last allegation we
10 covered on this was the failure to object to the
11 improper evidence of prior bad acts by the testimony
12 of Pamela Wrenn. And you testified that it was --
13 it came in under the hearsay exception, ---

14 A It would come ---

15 Q --- it was a business record?

16 A Correct.

17 Q Okay. Or a public record rather, ---

18 A A public record rather.

19 Q --- which the only question that was asked
20 was about his height and that was it. That's the
21 only thing that was said.

22 A That's the only thing, right.

23 Q And did you see any reason today why you
24 would object?

25 A No, I wouldn't.

1 Q Okay.

2 MR. BARLOW: No further questions, Your
3 Honor.

4 THE COURT: Okay.

5 MR. WALLER: Just very briefly, Your
6 Honor.

7 THE COURT: Yeah.

8 **REDIRECT EXAMINATION**

9 BY MR. WALLER:

10 Q Mr. McKnight, you just testified about
11 Mr. Scott and the pictures being admitted; and
12 certainly, he was present on the scene, but he would
13 have to know what the pictures show that he is --
14 that's being offered into evidence through them; is
15 that correct?

16 A Yes, sir, he would.

17 Q Okay. All right. You mentioned
18 attempting to suppress the coroner's report and
19 things that came from the fungible nature of the
20 body. Did you challenge the -- any of the GSR or
21 any projectiles or anything that was kind of
22 derivative from, you know, would have been in the
23 body or on the body?

24 A So, for clarity, I was trying to suppress
25 the autopsy report, not the coroner's report 'cause

1 they weren't trying to put the coroner's report into
2 evidence. And, no, sir, I didn't question the GS --
3 the gun powder residue.

4 Q Okay. Would your argument have been the
5 same as far as it being unaccounted for essentially
6 in his transport to Charleston and back?

7 A Would what have been the same?

8 Q As far as the fungible nature of gunshot
9 residue on the victim or any projectiles that would
10 have been contained in or on the body of the victim?

11 A I don't necessarily know about the
12 projectiles but possibly the gun powder residue,
13 yeah.

14 Q Okay. Do you know if there was any gun
15 powder, GSR done on Mr. Williams?

16 A I don't know. I don't remember, let me
17 say that. If they didn't do the gun powder -- if
18 they didn't, like, catch him within close proximity
19 to the actual shots, then there wouldn't be a need
20 to do gunshot residue. Classic example, if I'm
21 accused of murdering somebody over here and they
22 don't catch me till next month, there's no point in
23 doing gunshot residue on me because I've washed and
24 changed clothes since then. There's ---

25 Q Sure.

AW - L. WILLIAMS - DIRECT

1 A There's nothing there.

2 Q Sure. Thank you, Mr. McKnight. Nothing
3 further.

4 A You're welcome.

5 MR. BARLOW: Nothing from the State.

6 THE COURT: Okay. You may step down.

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. What next do you have?

9 MR. WALLER: Your Honor, I'm gonna call
10 LaQuincy Williams.

11 THE COURT: Okay.

12 THE CLERK: Place your left hand on the
13 Bible, raise your right hand, state your name.

14 THE WITNESS: LaQuincy Williams.

15 WHEREUPON,

16 **LAQUINCY WILLIAMS,**

17 having been duly sworn by the clerk, testified
18 as follows:

19 THE CLERK: Have a seat. State your name
20 for the record and spell your last name please.

21 THE WITNESS: LaQuincy Williams. Williams
22 is W-I-L-L-I-A-M-S.

23 **DIRECT EXAMINATION**

24 BY MR. WALLER:

25 Q Good afternoon, Mr. Williams.

AW - L. WILLIAMS - DIRECT

1 A Good afternoon.

2 Q Mr. Williams, I want to take you back kind
3 of in time to when you were first arrested on these
4 charges. Do you recall that?

5 A Yes, sir.

6 Q Okay. What -- when you were first
7 arrested, what were you charged with?

8 A Murder, armed robbery, first degree
9 burglary, criminal conspiracy.

10 Q Okay. So you had almost all your charges
11 from the getgo?

12 A I had all of them.

13 Q You had all of them?

14 A I had all of them.

15 Q Okay. Was there a weapons charge as well?

16 A And -- yes, sir, and a weapon.

17 Q So you knew everything you were facing
18 kind of from jump street?

19 A Yes, sir.

20 Q Okay. How long after you were arrested
21 did Mr. McKnight come to represent you?

22 A He came to represent me, like, six months
23 after I was arrested.

24 Q Okay. Where were you -- where were you
25 housed?

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1 A Effingham. Florence County Detention
2 Center.

3 Q Okay. And you -- were you arrested in
4 Florence?

5 A Yes, I were.

6 Q Okay. But charged in Williamsburg County
7 but arrested in Florence?

8 A Yes, sir.

9 Q Okay, all right. When -- when you first
10 met with Mr. McKnight, what'd y'all talk about?

11 A He just came and introduced himself to me,
12 told me that he was being representing me, he been
13 appointed to represent me in this case. And he
14 only -- that was the only time I seen him being in
15 the county and then I -- I bond out. I bond out and
16 then stayed out of bond for a whole year, then seen
17 him one more time before I went to trial. Actually,
18 the day be-- the day that I started trial that the
19 only time I see him.

20 Q Okay. So you did make bond?

21 A Yes, sir, been out on bond for a whole
22 year-and-a-half.

23 Q Okay. Were you able to meet with him
24 while you were out on bond?

25 A No, sir.

AW - L. WILLIAMS - DIRECT

1 Q Okay. Where were you living when you were
2 out on bond?

3 A Third Loop. Florence, South Carolina,
4 Third, Third Loop.

5 Q Okay. You were in Florence, though?

6 A Yes. Yes, sir.

7 Q Okay. All right. When y'all met in --
8 when you met in the -- in Effingham Detention Center
9 in Florence, did -- did Mr. McKnight -- had you been
10 provided any discovery in your case?

11 A No.

12 Q Okay.

13 A No. No, sir. No, he haven't.

14 Q Do you know if it just hadn't been ---

15 A I ---

16 Q --- early on in your case or ---

17 A No, I asked him -- I asked him would he --
18 when he told me that he was representing me and I
19 had got the paper from the Clerk of Court and when I
20 asked him was I gonna get a motion discovery, he
21 said it wasn't in yet and we never talk about it no
22 more.

23 Q Okay. All right. At that time you were
24 just -- you had arrest warrant; is that right?

25 A Yes, sir.

AW - L. WILLIAMS - DIRECT

1 Q Okay. You weren't indicted until later
2 on?

3 A Yes, sir.

4 Q Okay. And we're gonna come back to that
5 in a second. What did you and Mr. McKnight discuss
6 as far as what your defense strategy was going to
7 be?

8 A Fungible item. He was saying that no one
9 knew how the body got from the crime scene to the
10 autopsy room and back from the autopsy room to the
11 family. So he was saying something about a chain of
12 custody was not provided correctly so the fungible
13 items that he was presenting to the court. That was
14 the only strategy that he ever had.

15 Q Okay. Did y'all talk about you were --
16 you had two co-defendants that were actually
17 charged, and there were some other people that were
18 allegations were made against them in your case,
19 right?

20 A Yeah. That's where I have four
21 co-defendants.

22 Q Okay.

23 A Only two of them was charged, and the
24 other two was not charged but ---

25 Q Which ones were not charged?

AW - L. WILLIAMS - DIRECT

1 A James Phillip Williams.

2 Q And that's P.J. Williams?

3 A That's P.J. Williams.

4 Q Okay.

5 A And James Gquan Henry.

6 Q Okay. You say Mr. Henry was not charged
7 at all?

8 A He was not charged at all.

9 Q Did he face any charges related to this
10 incident?

11 A Well, he -- not related to this. He got
12 indicted with us, but they had gave him a plea and
13 allow him to avoid a maximum minimum so he got a
14 plea that was not involved with nothing that we were
15 indicted for.

16 Q Okay. He testified against you at your
17 trial; is that right?

18 A Yes, he did. Correct.

19 Q Okay. Did you and Mr. McKnight have a
20 chance to talk about any statements that Mr. Henry
21 or any of the -- Ms. Miller, any of the
22 co-defendants or any other people involved had made?

23 A No, sir, we -- we -- the only -- the only
24 statement that we had ever talked about -- well, we
25 never talked about no statement 'cause I tell you,

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1 we never had a sitdown. I only talked to him two
2 times. One time when I was in the county and one
3 time when I was on a bond, the same day that I
4 started my trial. That was the only day I talked to
5 Mr. Cezar McKnight.

6 Q Okay. Were you aware that Mr. Henry had
7 made statements about ---

8 A Not until the very last moment until we
9 picked the jury.

10 Q Okay. How about Ms. Miller?

11 A Never, till she came and testified.

12 Q Okay. The allegations were that you,
13 Ms. Miller, Mr. Henry, and Ms. Mickens drove from
14 Florence to commit this crime and then drove back to
15 Florence; is that right?

16 A Allegedly.

17 Q Okay. Did you and Mr. McKnight have a
18 chance to discuss the timeline whether that was even
19 physically possible for you to be convicted of?

20 A Well, I tried to give Mr. Cezar McKnight
21 my alibi which was my mother and my sister because
22 at the time in 2013, my baby sister was just going
23 to school for her Master's degree and I was her
24 current babysitter at the time so it was a log-in
25 sheet that I had to take my nephew and my niece to

1 the day care which was we were trying to get it at
2 the time, but my trial counsel never did a proper
3 investigation so it was no proven fact. But I had
4 to log-in every day when I take my nephew and niece
5 to day care so we was trying to get the log-in to
6 prove the time where they were saying that I was in
7 Williamsburg County couldn't add up 'cause I was in
8 Darlington County at the time where they saying this
9 alleged crime took place, happened.

10 Q Okay. You and Mr. McKnight have a chance
11 to about that? I mean, what -- what did
12 investigation did he do?

13 A No, he never did investigation 'cause we
14 only talked about it when he was preparing defenses
15 for my trial during my trial.

16 Q Okay. Okay. What were those
17 conversations like?

18 A Well, I told Mr. Cezar McKnight, I said I
19 have alibi witness that can prove that I was in
20 another place and time during the time that they was
21 trying to say I was in another place and time; but
22 he never did the investigation. He never did a
23 proper investigation to get the proof so it -- that
24 was a dead-end like.

25 Q All right. Did you and Mr. McKnight have

AW - L. WILLIAMS - DIRECT

1 a chance to discuss any of the forensic testing that
2 had been done in this case?

3 A No, sir.

4 Q Okay. You mentioned that he wanted to
5 suppress the pathologist report. Did y'all have a
6 chance to talk about what that report said?

7 A No, sir. All -- well, this is during
8 trial once again. During trial he said -- he came
9 to me on a break and Mr. Cezar McKnight said, well,
10 no one knows who moved the body from the crime scene
11 so we're gonna ask them to, like, ask for -- for --
12 how can you say, get acquitted, yeah, acquitted
13 because they can't provide proper chain of command
14 or chain of custody.

15 Q Okay.

16 A So that was his all -- but he never
17 explained what was the details. He just said this
18 is his angle, this is his strategy.

19 Q Okay. Mr. McNeal was shot November 2nd,
20 2007. When, when were you arrested?

21 A I was arrested September the 2nd, 2010.

22 Q Okay. So some time had passed before you
23 were arrested?

24 A Three years later.

25 Q Okay, all right. Mr. Henry went to the

1 hospital, though, that same day, November 2nd, 2007,
2 or maybe that -- the next day?

3 A I, I, I would hope so.

4 Q Okay. You learned that ---

5 A Yeah.

6 Q --- through the course of this trial?

7 A Yeah.

8 Q All right. Do you know if any forensic
9 testing was done on Mr. Henry?

10 A As when I learned now it was after I went
11 to trial and discovered that there was some done and
12 they had did discover some things off Mr. Henry,
13 yes, sir.

14 Q Did you and Mr. McKnight have a chance to
15 discuss that testing of Mr. Henry?

16 A We have.

17 Q Did you ---

18 A During -- yeah, during trial when it came
19 out he told me that Mr. Henry was discovered that he
20 had the victim DNA on him, and he came back with a
21 GR-- the GSR positive on him. The gunshot residue
22 was positive on Mr. Henry and that he had the
23 victim's DNA on him.

24 Q Okay. All right. When did you find out
25 that Mr. Henry had accepted a plea deal?

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1 A I didn't find that out until after I got
2 into my direct appeal.

3 Q Okay. Do you know now if his -- if he
4 entered the plea before or after the -- or if he was
5 sentenced before or after your trial?

6 A Well, he entered the plea before my trial,
7 but he was sentenced after my trial.

8 Q Okay. Were you made aware of that, that
9 he had already entered a plea?

10 A Well, I was made aware because Cezar --
11 during my trial Mr. McKnight asked the State to
12 reveal all plea deals that they gave with the --
13 what we call him? The co-defendant or whatever.

14 Q Okay.

15 A With the co-defendant. And the State say
16 that he didn't make no deals. But then after I got
17 sentenced, they let him into a deal and allow him to
18 avoid a maximum minimum of the charges that we was
19 indicted for.

20 Q Okay. At the start of the trial your
21 co-defendant Ms. Mickens' attorney makes a comment
22 that you were indicted in 2013.

23 A Yes, sir.

24 Q Okay. Where were you -- when -- when have
25 you been made aware that the State presented an

1 indictment?

2 A September 13th, 2013, during my trial.

3 Q Okay. What about 2011? The State
4 responds that they indicted you in 2011?

5 A No, sir.

6 Q Okay. You've made the allegation here
7 that there is -- you have issues with the validity
8 of the indictments.

9 A Yes, sir, and ---

10 Q Is that based on the timeframe, or what's
11 that based on?

12 A No, the jurisdiction.

13 Q Okay.

14 A If you care, you can go to Page 76 in my
15 transcript and telling -- pardon me, 73.

16 Q Okay.

17 A And if you go to Page 73.

18 Q Line 11, is that right?

19 A The Page 73, volume, volume 1. Volume 1
20 Page 73.

21 Q And what line was that? Line 11:

22 A Line 9 through 18. Line 9 through 18.

23 Q Okay.

24 A And this is my co-defendant trial
25 counselor and he stated in his opening statement is

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1 reasons says, ladies and gentlemen, if you listen to
2 the evidence and ask yourself in the end is there
3 any possibility that the State has it wrong, if so,
4 you must find Tashonda Mickens innocent, which was
5 my co-defendant we on the trial here. And it says,
6 this incident, as our solicitor pointed out,
7 happened in 2007. This is now 2013. The
8 indictments occurred in 2013, six years later.

9 Q Okay. So based on that statement by your
10 co-defendant's attorney, did Mr. McKnight make any
11 objections or any challenges to that?

12 A He never objected to it. He never
13 challenged it during pretrial. He never objected
14 when he -- also, you see on the same page if you go
15 down, which is my co-defendant attorney Mr. Griffith
16 -- before that if -- Ms. Barr, she screamed. She
17 said -- basically she said objection but it's not in
18 here. She said back in 2011 is when the indictment
19 would occur.

20 Q All right. Let me, let me back up for
21 just a second. Before the trial started ---

22 A Uh-huh.

23 Q --- did you and Mr. McKnight discuss the
24 indictments?

25 A No.

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1 Q Okay. Had you seen the indictments before
2 trial started?

3 A Never.

4 Q So you were relying on Mr. McKnight to
5 review the indictments and ---

6 A Absolutely.

7 Q --- make sure they were appropriate?

8 A Absolutely.

9 Q Okay. All right. So once Mr. Griffith,
10 your co-defendant's counsel, brings this issue up,
11 did you and Mr. McKnight have a chance to discuss
12 it?

13 A No, sir, never. He ---

14 Q At that point the jury had already been
15 sworn; is that right?

16 A Yes, they were.

17 Q Okay. So any challenge would have been
18 waived at that point?

19 A Right.

20 Q Okay. What -- what have you found out?
21 2011, 2013?

22 A Okay. Well, I found out after in my
23 direct appeal that I got my true bill indictment
24 that I was indicted in 2013, July the 25th.

25 Q Okay.

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1 A Convened. It's right here in my
2 indictment. You can go to page 100-- 1000, I'm
3 sorry, hold on one second. Pardon me. My
4 indictments is on page -- Volume 3, 1199.

5 Q Okay.

6 A And this is my true billed indictment. It
7 says at the Court of General Sessions convened on
8 July 25th, 2013. The grand jurors of Williamsburg
9 County presented upon their oath true billed
10 indictments.

11 Q Okay. What -- where does 2011 come from
12 then?

13 A During my trial when my co-defendant trial
14 counselor expose the indictments saying it was
15 from two thous-- it occurred in 2013. Ms. Kimberly
16 Barr was my prosecutor. She objected and said it
17 was back in 2011.

18 Q Okay. So do you have an understanding
19 sitting here today when and if you were actually
20 indicted?

21 A Well, according to the true bill, sir, it
22 say I was indicted July 25th, 2013.

23 Q Okay. All right. Since you've been
24 incarcerated, have you done any research and made
25 any discoveries as to whether you were properly

1 indicted?

2 A I have.

3 Q Okay. What'd you -- what research did you
4 do first?

5 A Well, I did research and I went from the
6 statute. The title is Title 14-5-640 Third Circuit
7 in Williamsburg County. This is the court calendar
8 for General Session terms that shall be convened in
9 Williamsburg County. And it stated the Court of
10 General Sessions for Williamsburg County shall be
11 held at Kingstree on the second Sunday after -- the
12 second Monday after the second Monday in February,
13 which start on February 25th and on the first Monday
14 in June which start on June the 3rd and on the third
15 Monday in September which start on September 15th.
16 These for all for one week.

17 Q Okay. Mr. Williams, let me slow you down
18 just a little bit so our court reporter can keep up.
19 And you are -- you're alleging that didn't take
20 place, all those, the dates that it's supposed to
21 be; is that right?

22 A No, it hadn't because on my indictment
23 right here it says I was indicted July the 25th,
24 2013; and on the calendar for Williamsburg Third
25 Circuit court, July is not even in general session

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1 term.

2 Q So there wasn't a term of General Sessions
3 court in Williamsburg County in July of 2013?

4 A In no July. In no year.

5 Q In no year, okay. All right. Okay. So
6 it's your understanding Mr. McKnight should have
7 challenged the validity of this indictment prior to
8 the jury being sworn in your case?

9 A Yes, it's -- he's very ineffective for not
10 challenging the indictment during the pretrial.

11 Q Okay. Is it your understanding that you
12 can't be properly tried and convicted without a
13 valid indictment?

14 A It's my understanding that the only reason
15 why I'm in this courtroom here today is 'cause of
16 the indictment.

17 Q Okay. Mr. Williams, I think I've asked
18 all the questions that I have. Is there anything
19 you think I've left out that Judge Miller needs to
20 be aware of in Mr. McKnight's representation of you,
21 anything we haven't covered?

22 A No, you covered it all.

23 Q Okay. Thank you. Please answer any
24 questions Mr. Barlow has.

25 A Gladly.

CROSS-EXAMINATION

BY MR. BARLOW:

Q Good afternoon, Mr. Williams.

A Good afternoon.

Q How are you doing today?

A I'm fine. And you?

Q Good. Doing well, thank you. So you're here today alleging ineffective assistance of your trial counsel, correct?

A Correct.

Q And you understand that if you're successful here today and granted your PCR, you'll go back to square one. You'll have a new trial on all indictments, correct?

A No. I'm -- no, no, sir. I'm looking to get this vacated because I was never indicted and I'm already serving time for something I never been indicted for.

Q Do you understand that that's not -- that's not the relief that's available here though. The only relief available that this court can provide you is to put you back at square one where the solicitor can reindict you on all charges and you have a new trial?

A I, I, I will gladly take that too.

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1 Q Okay. They cannot vacate your sentence
2 though.

3 A I mean, they can or they won't?

4 Q No, they cannot.

5 A Okay.

6 Q They just -- you get granted a new trial.

7 A Understand.

8 Q Okay. On all indictments?

9 A So even -- I just want to say. So even
10 though I'm already incarcerated for a crime that I
11 never been indicted for, they can reindict me for
12 something that I already been convicted for. I'm
13 just asking.

14 THE COURT: He's doing a life sentence so
15 I don't know what this ---

16 MR. BARLOW: I'll move on, Your Honor.

17 THE COURT: Okay.

18 MR. BARLOW: I'll move on.

19 BY MR. BARLOW:

20 Q All right. Who represented you at bond,
21 at your bond hearing?

22 A Tonya Littles.

23 Q Okay. And you said you only met with --
24 you testified that you only met with your trial
25 counsel twice, correct?

1 A Correct.

2 Q And the entire time that he represented
3 you?

4 A Correct.

5 Q How long were you on bond before your
6 trial?

7 A A whole year-and-a-half.

8 Q Okay. At any point did you attempt to
9 make contact with your trial counsel?

10 A I did.

11 Q Okay. Did you attempt to go see him?

12 A I did.

13 Q Okay. And tell us about that.

14 A All right. He -- his office was in Lake
15 City, South Carolina. I called him one time when I
16 was out. He said that he had a -- he was in the
17 middle of doing something. I don't know what type
18 of -- I don't know if he was going to school for
19 something else or about to become something that I
20 don't know, but. We was supposed to meet up and a
21 time didn't link up so I didn't meet him then. And
22 then it was always something like he was busy or I
23 couldn't just get in contact with him.

24 Q Okay. And so you only met him twice and
25 in that time you said that there was a -- you had an

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1 alibi. And in those two instances when you met with
2 trial counsel, did you indicate to him that you had
3 an alibi?

4 A Yes, sir.

5 Q Okay. So you did inform him of that?

6 A Yes, sir.

7 Q Did you inform him who was your alibi
8 witnesses?

9 A Yes, sir.

10 Q Okay. And it's your testimony that he did
11 not do anything about that?

12 A No, he actually he allowed them -- he
13 allowed them to come be a part of my defense, my
14 alibi; but he didn't do the proper investigation
15 because there's a log-in sheet that I have to log in
16 and sign my name and sign my niece and nephew to
17 every morning and that was my -- proof of my alibi
18 'cause the timeframe they was trying to say I was at
19 this particular place. It would show them that I
20 couldn't have been because I was at this particular
21 place and it's like it's dated and it's a timeframe.
22 So had he would have did the proper investigation
23 and when they got that log-in book from the day care
24 center, they would have prove to the court that I
25 couldn't have been in the place that they was

1 allegedly saying I was at at the time.

2 Q And in the year-and-a-half that you spent
3 on bond, did you attempt to get that?

4 A Not -- no, 'cause I didn't know -- I -- I
5 didn't -- I wasn't preparing my own defense. I
6 didn't know. I was depending solely on my lawyer to
7 do the proper investigation. I didn't -- I didn't
8 really think about it until my alibi -- actually,
9 when -- I thought I was going to roll call. They
10 came and told me to plead to 30 years, if not, pick
11 the jury. So I pick my jury the same day that I
12 deny my plea. That's when my trial started, the
13 same day. That's when I go back to county jail,
14 they -- I was out on bond so they wouldn't let me go
15 back home. He didn't come see me the whole time
16 because he said that he didn't want to come see me
17 while I was in the -- 'cause the walls have ears.
18 So when we got in the courtroom face to face, I
19 could -- I talked to him about what's going on right
20 now, like, hey, I got alibi witnesses with my mom
21 and my sister and I go sign my niece and nephew in
22 day care every morning. On this particular morning,
23 this the day care name, this the thing, all you got
24 to do -- I'm incarcerated now, right? All you got
25 to go is call them, whatever, fast and get this

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1 information and this can be a part of my alibi. But
2 that never happened.

3 Q Would it surprise you that -- and I'll
4 show this to your counsel.

5 (Attorneys confer.)

6 BY MR. BARLOW:

7 Q Would it surprise you that your trial
8 counsel did file a notice of alibi with your mom and
9 your sister?

10 A Yeah, yeah. They testified. They came
11 and ---

12 Q Right.

13 A I told you that.

14 Q Okay.

15 A He allowed them to be a part of my
16 defense. He told them that they was my alibi, but
17 my alibi -- they was my alibi. They knew, but it's
18 hearsay. But the way I could prove to where I was
19 at was in this log-in book at the day care center
20 which as I explained to Mr. Cezar McKnight, if you
21 do the proper investigation, if you call, contact
22 this day care center, they have a log-in sheet, you
23 will see my signature, you'll see the time, date,
24 and stamp where my signature is on the place at the
25 time and place; but he never contacted those people

1 to get the log-in book to show where I was at at
2 this specific time

3 Q Well, Mr. Williams, let me ask you this.
4 It's your testimony that you had no contact with him
5 in the year-and-a-half that you were on bond, and
6 you were facing serious charges, correct?

7 A Correct.

8 Q You would agree with me on that. It did
9 not -- it did not occur to you that maybe you should
10 reach out to the day care because you can't get in
11 touch with your lawyer?

12 A Honestly, at the time, no, sir. I
13 didn't -- I didn't know nothing about the law at the
14 time, sir. I honestly thought that I got a good
15 lawyer and I depend on my lawyer. I didn't knew --
16 if I knew what I knew now, I would have.

17 Q Now you pointed the -- let's move on to
18 the indictment. Are you familiar what an indictment
19 is?

20 A Yes, I am.

21 Q It's a notice document in this state.

22 A Yes. It's what gets you inside the
23 courtroom.

24 Q It's a notice document, though. And you
25 pointed the Court to Page 1199, correct?

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1 A Yes, sir.

2 Q Of the record, the big numbers 1199?

3 A Yes, sir.

4 Q Okay. And if you could, could you look at
5 the very top of that document and tell me what that,
6 what it says in the very middle?

7 A Amended?

8 Q Correct.

9 A Uh-huh.

10 Q And that's from docket number 2011,
11 correct?

12 A Uh-huh.

13 Q So the 2013 indictments were amended from
14 the 2011 indictments.

15 A Okay. So can -- okay, but -- well, like I
16 say, you go back to Page 73, in 2013, my trial
17 transcript?

18 Q Yeah.

19 A The lawyer stood up and told, said this
20 indictment occurred in 2013. The prosecutor said,
21 no, back in 2011, okay. I never had a true bill for
22 2011, never had a true bill, never had a true billed
23 indictment for 2011.

24 THE COURT: Tell you what, let me just
25 show you what's in the file, Mr. Williams. I'm

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1 gonna hand this around to you. Take a minute to
2 look at it. You see where it says down -- it's
3 upside down there on the bottom. Just sit down,
4 take a minute and look at it.

5 THE WITNESS: Oh, I see what it says, but
6 I don't have a true billed indictment. And I asked
7 my lawyer, I wrote ---

8 THE COURT: Well, I think that's a filed,
9 true billed indictment.

10 THE WITNESS: Hold on, can I ---

11 THE COURT: Okay. Go ahead.

12 THE WITNESS: I got right here. I got the
13 certified mail from the Court Administration and the
14 Clerk of Court from Williamsburg County stating I
15 asked for a true billed indictment for 2011 which is
16 that they never said that they had it. I got
17 certified mail and I got a letter stating for it and
18 I got it from the Court administration as well
19 asking for a true billed indictment for 2011. They
20 never could give it to me. They never -- they said
21 they didn't have it. They never respond back. I
22 asked for that and I also asked for the indictment
23 from 2013 true bill, certified mail as well, where
24 they never responded and they never told back. I
25 got certified mail asking for the copies for, again,

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1 for the 2011 true billed indictment. And once
2 again, to the calendar I got -- I asked for -- also,
3 I wrote the Clerk of Court and the Court
4 Administration asking for a special session, outside
5 of General Sessions term. I asked for special
6 session so 'cause July 25th is not a General Session
7 term, not convened. So outside General Session
8 term, only way you can get indicted is during a
9 special session due to the State of South Carolina
10 Constitution, and I asked for that also where they
11 could not provide it. I got ---

12 THE COURT: Okay, all right. I didn't
13 mean to -- I just wanted to show you that there
14 actually is a 2011 indictment.

15 THE WITNESS: So which indictment is in my
16 -- okay. Also ---

17 THE COURT: And I don't know why your
18 clerk of court couldn't get it to you, but.

19 THE WITNESS: Also, they -- for amended
20 indictment I thought in order to amend indictment
21 ought to be in open court. As you see, while we was
22 in trial my trial counsel never, never said nothing
23 about the indictment. There was two -- the
24 prosecutor said 2011. The judge said back in 2011.
25 And here it is, my indictment says 2013 so.

1 THE COURT: Okay, all right.

2 MR. BARLOW: Thank you, Mr. Williams. No
3 further questions, Your Honor.

4 THE COURT: You got any redirect?

5 MR. WALLER: Just one question, Your
6 Honor, briefly.

7 **REDIRECT EXAMINATION**

8 BY MR. WALLER:

9 Q Mr. Williams, just to clarify, Your Honor
10 is here so I think the judge understands. Despite
11 what that piece of paper says, you're saying they
12 didn't comply with the statute. Even though there's
13 a piece of paper that says it was true billed,
14 you're saying they didn't comply with the statute;
15 is that right?

16 A Correct.

17 Q Okay. Nothing further. Thank you.

18 THE COURT: Okay. Anything else you need
19 to tell me about it?

20 THE WITNESS: Yes, sir. May I please the
21 Court.

22 THE COURT: Go ahead.

23 THE WITNESS: All right. Your Honor, I
24 thank you for your time. I essentially do and I
25 know you have more important places to be.

1 THE COURT: No, I don't.

2 THE WITNESS: But I want to put on the
3 record Butler v. State and I want to prove to you
4 the two prongs of Strickland v. Washington.

5 THE COURT: Okay. That's something your
6 lawyer is going to tell me about, okay.

7 THE WITNESS: Okay. I just -- I just know
8 that -- I just want my one fair bite at the apple.
9 And I know I'm not a lawyer. I'm not trying to mock
10 your court.

11 THE COURT: I'm trying ---

12 THE WITNESS: And I'm not trying to be a
13 smart aleck, but I've been wrongly convicted and I'm
14 here trying to fight for my life, Your Honor. And I
15 want to prove to you today that I could prove to the
16 two prongs in Strickland v. Washington which is
17 defective performance and prejudice that my trial
18 counsel was ineffective, that had he not been, I
19 would have had a different outcome at trial, Your
20 Honor. And I just want to put on the record right
21 here my indictment is void. And if you give me one
22 ---

23 THE COURT: Well, okay. You made that
24 allegation.

25 THE WITNESS: Okay.

1 THE COURT: We've been through that.

2 THE WITNESS: Well, I just to read, put
3 this on -- let the record reflect this right here, I
4 don't wanna say can the State -- can the State of
5 South Carolina maintain a conviction that resulted
6 from an illegal grand jury and void indictment and
7 criminal acts. Here, LaQuincy Manuel Williams was
8 so that the State knowingly employ, used the
9 unlawful procedure from the return and publication
10 of its true billed indictments. The State
11 unlawfully impanels a grand jury outside of
12 jurisdiction of the court of General Sessions and
13 then willfully cause false and consequent the
14 unlawful and legal acts committed by the State
15 required the court to hold petition indictment, nor
16 an invalid all jurisdictional proceedings takens in
17 this case.

18 THE COURT: Okay, all right.

19 THE WITNESS: Can I finish? I want to ---

20 THE COURT: We've dealt -- we've talked
21 ---

22 THE WITNESS: --- put all this on the
23 record, Your Honor.

24 THE COURT: We beat that dead horse, the
25 indictment.

1 THE WITNESS: Yes, but I want to clearly
2 show you. I just want to put all this on the record
3 because I know ---

4 THE COURT: What -- you gonna just read
5 off that document?

6 THE WITNESS: Yeah. I, basically I was
7 ---

8 THE COURT: Just tell me what that
9 document is.

10 THE WITNESS: Okay. This document it
11 study from the South Carolina Supreme Court.

12 THE COURT: No, no. I meant, you're
13 reading out of a document. Did you prepare that
14 document?

15 THE WITNESS: Yes. No, I did not. This
16 come -- I study -- this came straight out the
17 constitution.

18 THE COURT: Oh, okay. Well, we -- you
19 don't need to read that, okay, 'cause we often read
20 it and you just ---

21 THE WITNESS: So I can -- how do I -- see,
22 this my first time. I don't know -- I wanna -- I
23 wanna put this on this record, but I don't know how
24 to submit it on the record.

25 THE COURT: Okay. Well, let me get your

1 lawyer to come up and take a look at it, see what
2 is.

3 MR. WALLER: I've got a copy of it, Your
4 Honor.

5 THE COURT: He's got a copy.

6 THE WITNESS: I got a copy for you too.

7 THE COURT: Well, that's good. We'll --
8 I'll ---

9 THE WITNESS: I got a copy for all three
10 of y'all.

11 MR. BARLOW: Your Honor, I'm happy to have
12 it marked for Your Honor's consideration.

13 THE COURT: All right. We're gonna make
14 it an exhibit ---

15 THE WITNESS: Thank you, sir.

16 THE COURT: --- for you, okay.

17 MR. WALLER: Thank you, Your Honor.

18 THE COURT: Well, you gotta submit it.

19 MR. WALLER: Sure.

20 THE COURT: All right. We're gonna put
21 yours in the record.

22 THE WITNESS: Thank you, sir. Thank you,
23 Your Honor.

24 MR. WALLER: Your Honor, at this time I
25 would offer what's being marked as Applicant's 2, I

1 believe, without objection.

2 (WHEREUPON, Plaintiff Exhibit No. 2 was
3 marked for identification and admitted into
4 evidence.)

5 THE COURT: Correct. Okay, it's in. All
6 rightee. We got it in the record.

7 THE WITNESS: Okay.

8 THE COURT: Okay?

9 THE WITNESS: Yes, sir.

10 THE COURT: You good?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right. Thank you. Take a
13 minute and collect all your stuff. Where are you?
14 Where do they have you housed?

15 THE WITNESS: At Lee County Correctional
16 Institution.

17 THE COURT: Okay. In Bennettsville?

18 THE WITNESS: Yes, sir.

19 DEPUTY: No, Bishopville.

20 THE WITNESS: Bishopville. Bishopville.

21 THE COURT: Bishopville.

22 THE WITNESS: Yes, sir.

23 THE COURT: What's the one up here in
24 Bennettsville?

25 DEPUTY: That's Evans.

1 THE WITNESS: That Evans. I'm at the
2 worst one ever.

3 THE COURT: Well, I'm sorry about that.

4 THE WITNESS: And if you check my -- I
5 know that don't have nothing to do with it, but if
6 you check my -- I really want you to check my
7 institution record because ---

8 THE COURT: I don't doubt it's good.
9 You're a -- you're a ---

10 THE WITNESS: Okay.

11 THE COURT: --- very respectful man.

12 THE WITNESS: Thank you, Your Honor. I
13 just ---

14 THE COURT: I know, you feel strongly
15 about this. Go ahead and collect your stuff and
16 let's...

17 MR. WALLER: I have no further witnesses
18 for the Applicant.

19 THE COURT: Okay. Be careful now.

20 THE WITNESS: Yes, sir.

21 MR. BARLOW: Nothing further from the
22 State, Your Honor.

23 THE COURT: Okay. Y'all just make some
24 brief -- any brief comments?

25 MR. WALLER: Just very briefly, Your

1 Honor. I think Mr. Williams in both his
2 articulation, as well as Applicant's Exhibit No. 2
3 which was just admitted into evidence, clearly
4 defines his arguments regarding the indictment. I
5 would say as far as the testimony of Ms. Wanda Lynn
6 Miller, Judge, her statement, her statement is what
7 it is and certainly the State may have gotten into
8 all the contents of it; but if she testifies that
9 she can't remember and the procedure for refreshing
10 her recollection does not start with instructing her
11 to read her statement into the record. There is a
12 procedure that you have to go through.

13 Your Honor, as far as exhibits, State's
14 Exhibits No. 47 through 108, the Solicitor tells Mr.
15 Scott that you don't even need to look at all of
16 them, just, just kind of flip through them, so I
17 don't think that proper foundation was laid. There
18 was no objection there either.

19 Your Honor, as far as things that occurred
20 during the trial ---

21 THE COURT: Let me ask you this.

22 MR. WALLER: Yes, Your Honor.

23 THE COURT: Maybe it wasn't procedurally
24 precise 'cause would there be any other objection to
25 them?

1 MR. WALLER: Your Honor, I don't know. We
2 never got there because there wasn't an objection.
3 Certainly, if he was there and was viewing the scene
4 and the pictures were reflecting the scene the same
5 condition as when he saw it, they were absolutely
6 admissible, but without objection ---

7 THE COURT: I'm just thinking ---

8 MR. WALLER: --- we don't know that.

9 THE COURT: --- 403 analysis with respect
10 to the content of the pictures, I have no idea what
11 that was.

12 MR. WALLER: Yes, Your Honor.

13 THE COURT: Okay.

14 MR. WALLER: And, finally, Judge, the
15 testimony of Pamela Wrenn, I think that's extremely
16 prejudicial. I certainly think it's ineffective to
17 not object to a law enforcement officer testifying
18 they got some information from a previous time
19 Mr. Williams had been arrested. That immediately
20 puts the jury on notice that this is not his first,
21 not his first run-in with law enforcement. That
22 immediately prejudices him in their minds.

23 THE COURT: Put his character into issue,
24 that's right.

25 MR. WALLER: Yes, sir. That was very late

1 at trial as well so. Your Honor, I think as far as
2 things in the trial, that's my argument. Thank you.

3 THE COURT: Okay. Got a little concerned
4 about the alibi and so...

5 (Attorney confers with Mr. Williams.)

6 MR. WALLER: Nothing further, Your Honor.

7 THE COURT: Okay. So what I'm gonna ask
8 y'all to do is just do a little brief, a brief
9 brief, and the two issues that concern me are the
10 failure to object to the character evidence and also
11 the failure to investigate the alibi. So if y'all
12 will just do a little bit on that and send it to me.
13 Okay.

14 MR. BARLOW: Thank you, Your Honor.

15 THE COURT: All right, great.

16 Mr. Williams.

17 MR. WILLIAMS: Yes, sir.

18 THE COURT: Nice to see you. I hope
19 everything goes well for you, and I'll issue a
20 decision after I get to read these fine attorneys'
21 briefs and wish you the best of luck, whatever
22 happens.

23 MR. WILLIAMS: Thank you.

24 THE COURT: All right, good.

25 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 8th day of June, 2023.

Frances B. Ray

FRANCES B. RAY, RPR



MEMORANDUM OF UNDERSTANDING AND ADVISEMENT OF RIGHTS

1. I am charged with the offense of Murder, Armed Robbery, Criminal Conspiracy, Possession of a Weapon During a Violent Crime and Burglary 1st Degree. L.W. ✓
2. For the offense of Murder, I understand that if I am found guilty or plead guilty to this offense I can receive a sentence of a mandatory minimum of 30 years in prison or Life in Prison. I understand that this is a Violent and Most Serious Offense. I would be required to serve at least 85% of the sentence if sentenced to 30 years. Lastly I understand that if I am convicted of two Most Serious Offenses I could be sent to SCDC for a term of Life in Prison. L.W. ✓
3. For the offense of Armed Robbery I understand that if I am found guilty or plead guilty to this offense I can receive sentence of 10-30 years in prison. I understand that the minimum sentence I can receive for this offense is 10 years. I further understand that this is a Violent Offense and a Most Serious Offense. I further understand that I will have to serve at least 85% of any sentence I receive for this offense. Lastly I understand that if I am convicted of two Most Serious Offenses I could be sent to SCDC for a term of Life in Prison. L.W. ✓
4. For the offense of Criminal Conspiracy I understand that if I am found guilty or plead guilty to this offense I can receive a sentence of up to 5 years or a fine of no more than \$5000.00. L.W. ✓
5. For the offense of Possession of a Weapon During a Violent Crime I understand that I can receive a sentence of 5 years. L.W. ✓
6. I have discussed all of these charges fully with my attorney and he has explained all of the possible penalties to me and I understand them. L.W. ✓
7. I have reviewed my discovery materials with my attorney and I have had enough time to discuss them with him. L.W. ✓
8. I have decided that I would like to have a jury trial for these charges. L.W. ✓
9. I have come to this decision on my own, without any pressure or promises from anyone. L.W. ✓

2022 DEC 20 AM 11:17

FILED

10. My attorney has advised me that I have ten (10) days to appeal any conviction in this matter and I have advised him to file a Notice of Intent to Appeal in that event. La W

SIGNED this 9th day of September, 2013 at Kingstree, South Carolina.


LAQUENCY WILLIAMS


Cezar E. McKnight, Esquire

CAN THE STATE OF SOUTH CAROLINA MAINTAIN A CONVICTION THAT RESULTED FROM
AN ILLEGAL GRAND JURY, A VOID INDICTMENT, AND CRIMINAL ACTS?

Here Lafreny Manuel Williams will show that State knowingly employed the use of unlawful procedures for the return and publication of its true-billed indictments. That State unlawfully impaneled its grand jury outside the jurisdiction of the Court of General Sessions, and then willfully caused false and misleading information to be printed in its indictment.

Consequently, the unlawful and illegal acts committed by State require this Court to hold petitioner's indictment null and invalidate all judicial proceedings taken in this case.

A. Invalid Proceedings an Void Indictment:

The matter presented below for review is not a challenge to the Court's general grant of authority to hear and determine cases. That authority is rightfully granted by our Constitution, State v. Gentry, 363 SC 93, 610 SE 2d 494 (2005), and will not be at issue here.

Instead Lafreny Manuel Williams contends that the Court of General Sessions failed to comply with statutory law jurisdictional in nature, specifying the manner and means for lawful return of true-billed indictments.

"The jurisdiction of a court over the subject matter of a proceeding is determined by the Constitution, the laws of the State, and is fundamental." State v. Heyward, 564 SE 2d 379 (SC App 2002)(citing Anderson v. Anderson, 299 SC 110, 115, 382 SE 2d 897, 900 (1989)(emphasis added). Subject matter jurisdiction may not be waived even with consent of the parties, and may be raised at any time, Brown v. State, 343, SC 342, 540 SE 2d 846 (2001).

And, "no indictment may be true billed by grand jury when circuit court lacks jurisdiction, since grand jury's jurisdiction is coextensive with criminal jurisdiction of the Court in which it is impaneled and for which it is to make inquiry..." State v. McClure, 277 SC 432, 289 SE 2d 158 (SC 1982) and State v. Funderburk, 259 SC 256, 191 SE 2d 520 (1972); State v. Wheeler, 259 SC 571, 193, SE 2d 515 (1972).

The primary question before this Court are whether SC Code Ann §14-9-210 is jurisdictional in nature and whether it requires that all criminal indictments must be issued through a grand jury impaneled before the Court of General Sessions, and whether State's noncompliance with mandatory indictment procedures, and willful acts of perjury have rendered all judicial proceedings invalid and its indictments null.

The statutory provisions at issue are contained in section 14-9-210, and provide in pertinent part that: "The County Solicitor shall prepare and through the presiding judge of the Court of General Sessions submit to the grand jury while in attendance upon the Court of General Sessions, bills of indictments in all cases pending in the County court in which the punishment may exceed a fine of one hundred dollars or imprisonment for thirty days, when such cases have not been previously acted on by the grand jury. The grand jury shall act thereon, and shall report its action to the presiding judge of the Court of General Sessions and said judge shall direct the Clerk of the Court of General Sessions to report the same to the presiding judge of the county at it's next ensuing term..."

The statutory terms above are clear, unambiguous, and require the County Solicitor to prepare and submit bills of indictment through the presiding judge of the Court of General Sessions to a grand jury impaneled under the authority of the Court of General Sessions. No exceptions.

It is a cardinal rule of statutory construction that the primary purpose in interpreting statutes is to ascertain the intent of the legislature. Hodges v. Rainey, 341 SC 79, 85, 533 SE 2d 578, 581 (2000), State v. Martin, 293 SC 46, 358 SE 2d 697 (1987). When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning. Carolina Power & Light Co. v. City of Bennettsville, 314 SC 137, 139, 442 SE 2d 177, 179 (1994). And words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statutes operation, Bryant v. City of Charleston, 295 SC 408,

368 SE 2d 899 (1998). Moreover, penal statutes must be construed strictly against the State and in favor of defendant, State v. Blackmon, 304 SC 270, 403 SE 2d 660 (SC 1991).

Accordingly, section 14-9-210, requires strict compliance with its provisions, and mandates that the grand jury must be impaneled under the jurisdiction of the Court of General Sessions before lawful return of a true billed indictment can take place.

However, here, evidence will establish that State unlawfully impaneled its grand jury outside the jurisdiction of the Court of General Sessions, and then willfully printed and published false and misleading information in its indictment in order to keep secret its violations of statutory law.

Thus a controversy has come before the Court.

Open your mouth, judge righteously, and plead the cause of the poor and needy.

In this case, LaQuincy M. Williams bill of indictment prints that it was returned, "At a Court of General Sessions convened on July 25, 2013, the Grand Jurors of Williamsburg County County present upon their oath." (See exhibit 1.) The indictment is signed by the Solicitor /Assistant Solicitor and sealed with a true bill stamp. (See exhibit 2.) Further, the title page of State's indictment prints that it was published at a Court of General Sessions term as convened on July 25, 2013. (See exhibit 3.)

However, the evidence presented below will conclusively establish that State printed and published FALSE information in LaQuincy Williams indictment.

The terms of the Court of General Sessions for Williamsburg County are fixed by SC code Ann §14-5-640 and which DOES NOT offer provisions for a Court to be open on July 25, 2013. Thus, State could not have lawfully returned its indictment "at a Court of General Sessions, convened on July 25, 2013" as FALSELY alleged in State's indictment. (See exhibit 4.) Also note the same date on the true bill stamp, because NO such court is allowed to be open.

One additional piece of evidence very clearly settles the matter of State's FALSE condition. The information contained in Exhibit 5 also establishes that no special term of the Court of General Sessions was convened on July 25, 2013 under the provisions of either Section 14-5-410, Section 14-5-910, or Section 14-5-920. X

The attached Judicial Department Circuit Court Calendar for the Williamsburg County General Sessions court terms proves beyond doubt that NO Court of General Sessions was convened on July 25, 2013 as FALSELY printed in petitioner's indictment. (See exhibit 7.)

Therefore, recognizing the jurisdictional requirements set forth in section 14-9-210, mandating the only process allowed for impaneling a lawful grand jury, and often consideration of the facts and evidence presented above, it becomes apparent that LaQuincy M. Williams was indicted outside the jurisdiction of the Court of General Sessions and by a mode of procedure that State had no lawful authority to adopt.

When a legislative enactment limits the manner in which something may be done, the enactment also evinces the intent that it shall not be done another way. Thus, since the Court utilized an unlawful mode of procedure not allowed under section 14-9-210, state lacked the requisite jurisdiction to complete return of its true-billed indictment.

As established above, section 14-9-210 is clearly a jurisdictional statute, and sets forth mandatory procedure to be utilized by State for lawful return of a true-billed indictment. A substantial body of South Carolina law holds that a failure to comply with statutory law jurisdictional in nature deprives the court of subject matter jurisdiction, State v. Lee, 564 SE 2d 372 (SC app 2002); State v. Brown, 570 SE 2d 559 (SC app 2002); State v. Felder, 437 SE 2d 43 (SC 1993); State v. Richburg, 304 SC 162, 403 SE 2d 313 (1991); State v. Loflin, 275 SE 2d 575 (SC 1981); Gray v. State, 276 SC 634, 281 SE

2d 226 (SC 1981); State v. Brunson, 274 SC 220, 262 SE 2d 44 (1980); State v. Castleman, 64 SE 2d 250 (1951), and many more.

Consequently, and in keeping with the mandatory provisions of section 14-9-210, state has NO jurisdiction to issue return of true-billed indictment except during a time when the Court of General Sessions is lawfully convened to oversee the grand jury process. Any acts of the court taken outside those statutory restrictions would by necessity be null and void. In fact, our Supreme Court has already determined that NO indictment may be true billed by a grand jury when the Court lacks jurisdiction. The grand jury must be impaneled under the jurisdiction of the Court of General Sessions before lawful return of indictment can take place. See State v. McClure, State v. Funderburk, and State v. Wheeler.

Therefore since NO Court of General Sessions was convened on the date July 25, 2015 indictment was allegedly true billed, the grand jury proceedings would therefore by necessity be held invalid, and its illegally issued indictment null and without binding legal effect.

B. Court Rules, Order or Other Processes

It should be noted that section 14-9-210 is not a local rule or statute but a general provision applicable to the Courts in every county, and as shown, mandates that the grand jury must be impaneled under the jurisdiction of the Court of General Sessions before lawful return of a true-bill indictment can take place. Thus, section 14-9-210 is clearly a jurisdictional statute, and sets forth the only process allowed for lawful return of indictments.

No local rule of court, administrative order, policy, or other procedure can take precedent over statutory law, which is always controlling. See SC Constitution Article §§1,4, and State v. Cottingham, 77 SE 2d 897, 224 SC 181 (1953) (statutes override rules of court if in conflict); State v. Duncan 264 SE 2d 421 (SC 1980) (Circuit Court rule promulgated by individual judicial circuit was unconstitutional and void).

However, the issue of whether or not a local rule, order, policy, or procedure was utilized for process and return of LaQuincy M. Williams indictment is irrelevant, because by State law, it would still have to be in agreement with the provisions of section 14-9-210 for it to be constitutional.

Article V. Section 4 of our Constitution provides in pertinent part:

"The Supreme Court shall make rules governing the administration of all courts of this state, subject to the statutory law the Supreme Court shall make rules governing the practice and procedures in all such courts." [Emphasis added]

And, SC Code Ann. §14-5-310, Rules of Court:

"The circuit courts may make and establish all necessary rules for the orderly conducting of business in said courts, provided such rules are not repugnant to the laws of the State or the rules prescribed by the justices of the Supreme Court and circuit judges". [Emphasis added]

Thus, under those requirements, NO rules can be made or established for process and return of indictments, unless it comports with section 14-9-210. Otherwise, it would be Unconstitutional and Null, being without binding legal effect.

Additionally, it should be noted that the Court of Common Pleas is vested with NO authority to take any action on matters pertaining to return of true-bill criminal indictments. "The Court is made up of the Court of Common Pleas which hears civil actions and the Court of General Sessions which hears criminal cases..." see Dove v. Gold Kist Inc., 314 SC 235, 442 SE 2d 598, 600 (SC, 1994); see also SC Constitution Article V §1.

Thus, there is no grant of concurrent jurisdiction, and therefore NO true bill criminal indictments can be lawfully issued through grand jury proceedings held before a court of Common Pleas.

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

LaQuincy M. Williams, #357076,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) THIRD JUDICIAL CIRCUIT
)

) CASE NO. 2017-CP-45-00016
)

) **ORDER OF DISMISSAL**
) **WITH PREJUDICE**
)

) **FILED**
)

) September 8, 2023
)

) **Williamsburg County**
) **Clerk of Court**
) **Kingstree SC**

The matter before this Court is an action for post-conviction relief (PCR) commenced by LaQuincy M. Williams' (Applicant) post-conviction relief application filed on January 17, 2017, asserting various allegations of ineffective assistance of counsel. Respondent made its Return and Partial Motion to Dismiss, dated June 13, 2017, requesting an evidentiary hearing.¹ Applicant filed an amended PCR application on August 26, 2021.

An evidentiary hearing was convened at the Sumter County Courthouse on October 31, 2022. Applicant was present and represented by Jonathan D. Waller, Esquire (PCR Counsel). D. Russell Barlow, II, Esquire, represented Respondent. Applicant proceeded forward on the claims set forth in his original and amended applications. In support of these claims, Applicant testified on his own behalf, and Applicant presented testimony from Cesar E. McKnight, Esquire (Trial Counsel).

Following a thorough review of the record in its entirety, along with the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any

¹ Respondent maintained a certificate of service and form order sheet that the return was filed, however, the return is not located on the public index.

constitutional violations or deprivations entitling him to relief and, accordingly, denies and dismissed this action with prejudice.

PROCEDURAL HISTORY

The records before this Court establish Applicant is presently confined in the South Carolina Department of Corrections pursuant to the Williamsburg County Clerk of Court orders of commitment. In January 2011, the Williamsburg County Grand Jury indicted Applicant for murder, armed robbery, burglary, first-degree, criminal conspiracy, and possession of a weapon during a violent crime (2011-GS-45-0016). Cesar E. McKnight, Esquire, represented Applicant. Assistant Solicitors Kimberly Barr, Esquire, and Tyler Brown, Esquire, prosecuted the case.

On September 9-13, 2013, Applicant proceeded to trial before the Honorable W. Jeffrey Young. The jury found Applicant guilty as indicted on all charges. Judge Young sentenced Applicant to imprisonment for concurrent terms of life for murder, life for burglary, first degree, thirty years for armed robbery, five years for possession of a weapon during a violent crime, and five years for criminal conspiracy.

Applicant filed a timely notice of appeal. Susan B. Hackett, Esquire, of the Office of Appellate Defense, perfected the appeal. After consideration of Applicant's *pro se* brief and review pursuant to Anders v. California, 386 U.S. 738 (1967), the South Carolina Court of Appeals dismissed Applicant's appeal on March 30, 2016. State v. Williams, Op. No. 2016-UP-143 (S.C. Ct. App. filed March 30, 2016). The Remittitur was returned to the circuit court on April 20, 2016.

CURRENT ACTION BEFORE THIS COURT

In his application for post-conviction relief, Applicant alleged he is being held in custody unlawfully for the following reasons:

1. Lack of Subject Matter Jurisdiction; and

- a. The State without authority to make a final determination in who actually committed a crime without being on the scene at the time of the act.
 - b. There is no lawful plaintiff in this case. At no time during the alleged arrest, detention, and trial was there lawful complaint of injury to body or damage to property other than police report filed with Clerk of Court.
 - c. No honorable adversary in this case, so there is no subject matter jurisdiction (verifiable complaint of a lawful Plaintiff) identified in this case. Therefore, the court cannot proceed when it lacks jurisdiction and should have dismissed the action.
2. Ineffective Assistance of Counsel
- a. Denied right to confront his accuser and witnesses against him.
 - b. His Public Defender heard witness testify in open Court that he lied to the police when police questioned the witness about Williams, and said nothing and did nothing to rebut witnesses' testimony or show the jury that parts of the police report that identified Williams as committing murder in this case was false.
 - c. Williams believes that his conduct did not afford him an aggressive defense.
 - d. Public Defender did not interview and counter-witnesses to rebut anything that was presented by the State.
 - e. Never visited Williams when he was in jail and started putting together a defense less than one week before Williams' trial.
 - f. Public defender knew that police never found the murder weapon and never attempted during trial to show that another party at the scene may have committed the crime.

Applicant filed an amendment to his application for post-conviction relief on January 18, 2017, adding the following claims:

- 3. Ineffective Assistance of Counsel;
 - a. Counsel ineffective for failing to properly investigate the facts and circumstances surrounding the allegations against Applicant.
 - b. Counsel ineffective for failing to object to the improper use of prior statements during testimony of Juandalyn Miller.
 - c. Counsel was ineffective for failing to object to the admission of State's Exhibits Nos. 47-108.
 - d. Counsel ineffective for failing to object to improper question during testimony of Melissa Skipper.

- e. Counsel was ineffective for failing to object to improper evidence of prior bad acts of the Applicant during testimony of Pamela Wrenn.

During the evidentiary hearing, Applicant raised an additional claim during direct examination, which Respondent addressed in a post-hearing brief.

- 4. Ineffective Assistance of Counsel;
 - a. Failure to investigate alibi defense.

At the call of the case, PCR Counsel indicated that they intended to move forward on the amended allegations and Applicant's original allegations 1(a), 1(b), 1(c), regarding challenging the validity of the indictments, and at least one co-defendant's plea deal was not properly presented.²

STANDARD OF REVIEW

The Uniform Post-Conviction Procedure Act³ (the Act) provides that any person who has been convicted of a crime may seek post-conviction relief based upon the following types of allegations:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A).

² Allegation that co-defendant's plea deal was not properly presented is Allegation 5, *infra*.

³ S.C. Code Ann. §§ 17-27-10 to -160.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland v. Washington to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. Id. at 687–88; accord. Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. Strickland, 466 U.S. at 700; see also Bell v. Conc, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable." (citation and internal quotation marks omitted)).

Regarding the deficiency prong of the Strickland analysis, the proper measure of

performance is whether counsel provided representation within the reasonable range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. When analyzing counsel's performance, the reviewing court will strongly presume counsel provided adequate assistance, and the applicant is responsible for rebutting that presumption "by proving that his attorney's representation was unreasonable under prevailing professional norms and that the challenged action was not sound strategy." Kimmelman v. Morrison, 477 U.S. 365, 384 (1986); cf. Cullen v. Pinholster, 563 U.S. 170, 189 (2011) (explaining a defendant must show defense counsel failed to act reasonably considering all the circumstances in order to overcome the presumption of adequate representation).

Furthermore, the reviewing court will scrutinize counsel's performance in a highly deferential manner, make every effort "to eliminate the distorting effects of hindsight," and "evaluate the conduct from counsel's perspective at the time" in light of then-existing circumstances. Strickland, 466 U.S. at 689. In order to establish counsel's performance was deficient, the applicant must demonstrate "counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." Id. at 687. Accordingly, counsel's performance will be considered deficient only when it was objectively incompetent under prevailing professional norms and *not* when it simply "deviated from best practices or most common custom." Harrington v. Richter, 562 U.S. 86, 105 (2011).

Beyond satisfying the burden required by the deficiency prong, an applicant also bears the burden of establishing prejudice in order to be entitled to relief as "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." Strickland, 466 U.S. at 691. To meet this burden, counsel's deficient performance must have prejudiced the applicant to such an extent, there is a

reasonable probability the result of the proceeding would have been different but for counsel's unprofessional errors. Cherry, 300 S.C. at 117–18, 386 S.E.2d at 625; see Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) ("To establish a claim of ineffective assistance of trial counsel, a PCR applicant has the burden of proving counsel's representation fell below an objective standard of reasonableness and, but for counsel's errors, there is a reasonable probability the result at trial would have been different."). Importantly, "[t]he likelihood of a different result must be *substantial*, not just conceivable." Richter, 562 U.S. at 112.

Finally, the Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689–90. Courts must be wary of second-guessing counsel's trial tactics, and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992). The applicant's burden of proving both Strickland components is heavy in light of the strong presumption that counsel's conduct fell within the range of reasonable professional legal assistance. 466 U.S. at 690. Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Id. at 686; see Nix v. Whiteside, 475 U.S. 157, 175 (1986) (noting that under Strickland, the "benchmark" of the right to counsel is the "fairness of the adversary proceeding"); cf. United States v. Morrow, 977 F.2d 222, 229 (6th Cir. 1992) ("[T]he threshold issue is not whether [the applicant's] attorney was inadequate; rather, it is whether he was so *manifestly* ineffective that defeat was snatched from the hands of probable victory.").

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicant has alleged and elected to pursue various claims of ineffective assistance of Trial Counsel through the post-conviction relief action presently before this Court. In analyzing these claims, this Court has considered the legal arguments by counsel and thoroughly reviewed the record in its entirety. This Court additionally heard the testimony presented at the evidentiary hearing and was able to observe the testifying witnesses, which allowed the Court to evaluate and scrutinize their credibility.

Upon conducting and completing its analysis, this Court finds Applicant has failed to establish any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. See Rule 71.1(e), SCRCP (stating that in a post-conviction relief action, "[t]he applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."); Lucero v. State, 414 S.C. 238, 244, 777 S.E.2d 409, 412 (Ct. App. 2015) ("In a PCR proceeding, the applicant bears the burden of establishing that he or she is entitled to relief."); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) ("The burden of proof is on the Applicant in post-conviction proceedings to prove the allegations in his application.").

Accordingly, set forth below are the relevant findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80:

INITIAL FINDINGS

As a matter of general impression, this Court finds Trial Counsel's testimony at the evidentiary hearing credible and persuasive, where he presented testimony of relevant background, facts, and discussions leading up to and during the trial. This Court finds Applicant's testimony at the evidentiary hearing not credible. This Court further finds applicable the strong

presumption that at all stages of Trial Counsel's representation of Applicant that he rendered adequate assistance and exercised reasonable professional judgment in his representation. Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, *supra*). The United States Supreme Court has cautioned that "every effort be made to eliminate the distorting effects of hindsight" and evaluate counsel's decisions at the time they were made. Strickland, 466 U.S. at 689, 104 S.Ct. 2052; see Whitehead v. State, 308 S.C. 119, 122, 417 S.E.2d 529, 531 (1992).

INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL ALLEGATIONS ON THE MERITS

Allegation 1(a)(b)(c): Issues Related to Applicant's Indictment

Applicant alleges Trial Counsel was constitutionally ineffective for failing to argue that the trial court lacked subject matter jurisdiction due to defects in his indictment and that the impanelment of the grand jury was outside of statutorily defined dates. This Court finds these allegations are without merit.

At the evidentiary hearing, the following colloquy occurred with Trial Counsel regarding the indictments:

- Q: You mentioned the indictment just a second ago. What -- there was some confusion at trial, at the beginning of the trial, as to when the indictment was -- came down. What do you recall about that confusion and what investigation did you do into the validity of the indictment?
- A: I don't recall the confusion about the indictment per se. As far as doing an investigation so far as the indictment, I mean, when it's true billed, it's true billed. I mean, I'm not party to the grand jury so there's really not anything for me to look at. I mean, you look at -- naturally you're gonna look at the form of the indictment to make sure it's proper; and then after that, you're pretty much where you are until after you've interviewed some of the witnesses to get a lay of the land.
- Q: Okay. Did you any concerns that it was not properly true billed or presented to the grand jury?
- A: I did not.

- Q: Okay. And is it your understanding that if you did have some concerns you would need to raise those prior to the jury being sworn?
- A: Oh, yes.
- Q: So I guess it's safe to say that you did not have any concerns so you did not raise any or challenge the indictment prior to the jury being sworn?
- A: I didn't see anything that would give me reason to question the validity of the indictment, no.

(PCR Tr. pp. 16 – 18).

On cross-examination, the following colloquy occurred:

- Q: All right. There is some question to the validity of the indictment and I know you've given some testimony to that, but. From your recollection, do you remember anything or recall anything about the indictment not being sufficient?
- A: No, I don't. I don't -- because had I -- had I discovered that, I would have made a motion for it because I did a bunch of pretrial motions. I provided a notice of alibi. I submitted that on August 30th, 2013. I filed a written motion for -- to exclude the autopsy report. I did that on the 8th of September. And, you know, and I cited various cases like State v. Cribb, Benton v. Pelham, State v. Sweet, and all of those other cases in an attempt to get the autopsy report suppressed.
- Q: And also in his original application, the applicant's original application, he raises subject matter jurisdiction. Did you -- is there any reason to believe that the Williamsburg County circuit court or the Court of General Sessions did not have jurisdiction over this matter?
- A: No, it clearly does. I mean, it's proper venue and it has jurisdiction in my -- in my estimation.

(PCR Tr. pp. 30 – 31).

This Court finds Applicant's allegation that the grand jury illegally convened is wholly without merit. A grand jury may meet at any time ordered by a circuit judge. See S.C. Code Ann. §§ 14-5-910 to -940 (allowing for terms of court not provided for by law); see also Order No. 2019-06-28-02 (S.C. Supreme Court Order dated June 29, 2019) (authorizing chief judge for administrative purposes to "determine the dates for the convening of the grand jury in the various

counties within the judicial circuit"). Accordingly, a grand jury is not unlawfully impaneled simply because it does not meet during a term of court as provided for in §§ 14-5-620 to -820. See State v. Jeffcoat, 26 S.C. 114, 1 S.E. 440, 441 (1887) ("[M]erely changing the time for holding the court did not make the grand jury illegal."). Furthermore, a presumption of regularity attaches to proceedings in the Court of General Sessions. Pringle v. State, 287 S.C. 409, 411, 339 S.E.2d 127, 128 (1986). Absent evidence to the contrary, the court must presume a properly returned indictment is valid. State v. James, 321 S.C. 75, 472 S.E.2d 38, 40 (Ct. App. 1996) (citing Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995); State v. Thompson, 305 S.C. 496, 409 S.E.2d 420 (Ct. App. 1991)).

This Court has reviewed Applicant's indictment and finds that it is valid on its face because it states all the necessary elements of the crime, the date of the offense, and the name of the accused. Id. at 75, 472 S.E.2d at 40. Likewise, the indictment is stamped "True Billed" and signed by the foreman. Pringle, 287 S.C. at 410, 339 S.E.2d at 128. Notably, here, Applicant's indictments were amended, and this Court provided Applicant the opportunity to examine those documents. Accordingly, the Court finds Applicant failed to demonstrate a defect in the indictment process, invalidating his indictment, and this allegation is without merit.

Likewise, the Court finds the allegation of lack of subject matter jurisdiction is without merit. Subject matter jurisdiction is the power of a court to hear a particular class of cases. State v. Gentry, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005). However, "subject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts[.]" Id. at 101, 610 S.E.2d at 499. An indictment is a notice document, and any insufficiency in the indictment does not deprive the circuit court of jurisdiction. Id. at 102, 610 S.E.2d at 500. The circuit court "obviously [has] subject matter jurisdiction to try criminal matters." Id. at 101, 610 S.E.2d at 499.

Applicant's trial involved criminal charges in General Sessions Court. Therefore, the Court finds the circuit court had subject matter jurisdiction, and this allegation is without merit.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3(a):	Trial Counsel failed to properly investigate the facts and circumstances surrounding the allegations against Applicant.
Allegation 4(a):	Trial Counsel failed to investigate the alibi defense.

Applicant alleges that Trial Counsel was constitutionally ineffective for failing to investigate his alibi claims.⁴ This Court finds this allegation is without merit.

Specifically, Applicant provided at his PCR evidentiary hearing that he told Trial Counsel that on the day of the murder, he was at his mother's house and took his niece and nephew to daycare, where he signed them in/out on a logbook. (PCR Tr. 42 – 43). Applicant further argued that had Trial Counsel retrieved those records, he would have been cleared of the charges because he could not be in two places at once. (PCR Tr. 43; 56 – 59). On cross-examination, Applicant admitted that he was on probation for about one and a half years and did not think he should retrieve the documents that could allegedly exculpate him. Applicant further exclaimed that while on bond, he only contacted his lawyer *once*.

⁴ This was not an enumerated claim in Applicant's original PCR application or his amended PCR application. However, this claim was addressed under the failure to investigate claim. Also, Trial Counsel did not testify to this claim, because it was not enumerated or addressed on direct examination by PCR Counsel. During direct examination of the Applicant and after Trial Counsel testified, this claim was raised.

At trial, Trial Counsel called Applicant's mother, April Williams (April), to the stand to provide testimony on Applicant's alibi defense.⁵ (R. p. 990 – 1014). April testified that on November 1st and 2nd, 2007, Applicant was home from 4:00 am until 12:00 pm because he had to take his niece to daycare⁶ at 12:00 pm. (R. pp. 993, l. 23 – 996, l. 5). April testified that Applicant had to pick up his niece from daycare at 5:30 pm. (R. p. 995, ll. 17 – 18).

Trial Counsel called Applicant's sister, Lakasha Williams (Lakasha), to the stand to also provide testimony on Applicant's alibi defense. (R. pp. 1014, l. 22 – 1030, l. 15). Lakasha testified that on November 1st and 2nd, 2007, Applicant took her son to daycare, and he had to be there no later than 10:00 am. (R. p. 1018, ll. 7 – 19). Contrary to Williams' testimony, Lakasha testified that she was positive that Applicant took her son to daycare around 9:00 or 9:15 am. (R. p. 1019, ll. 12 – 21). Then Lakasha testified that she could not remember when Applicant took her son to daycare but that it had to be before 9:30 or no later than 10:00 am because Ms. Olla Mae Brown would not accept children after 10:00 am. (R. p. 1021, ll. 12 – 15).

On cross-examination, Lakasha testified that she did not see Applicant take her son to daycare because she was already on the way to work, but she knew Applicant had dropped her son off at daycare. (R. p. 1029, ll. 5 – 11). Lakasha further testified that the daycare had a sign-in sheet but did not think she needed to bring it. (R. p. 1029, ll. 15 – 22).

Strickland v. Washington makes clear that defense counsel "has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary."

⁵ Trial Counsel noticed the State of Applicant's alibi defense on August 30, 2013. At trial, Trial Counsel placed on the record that his alibi was that he was at his mother's house the day the crimes occurred. (R. pp. 255, l. 12 – 257, l. 10).

⁶ Testimony provided that the daycare was actually a neighbor, Olla Mae Brown, who ran a daycare from her home, and it was right down the street from Applicant's mother's home. (R. pp. 995, l. 15 – 996, l. 6).

466 U.S. 668, 691 (1984). "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). "[W]hile the scope of a reasonable investigation depends upon a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." Ard v. Catoe, 372 S.C. 318, 331–32, 642 S.E.2d 590, 597 (2007) (internal quotation marks omitted) (emphasis omitted). However, this duty is limited to a reasonable investigation. Id. at 331, 642 S.E.2d at 597.

Further, to prevail on a claim of ineffective assistance based on failure to investigate, a PCR applicant must ordinarily present some probative evidence that could have been discovered by a more thorough investigation. See Jackson v. State, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998) (reversing the PCR court's grant of relief where the applicant failed to "present any evidence of what counsel could have discovered or what other defenses he would have requested had counsel more fully prepared for the trial").

Through an alibi, an accused attempts "to show that because he was not at the scene of the crime at the time of its commission, having been at another place at the time, he could not have committed the crime." State v. Robbins, 275 S.C. 373, 375, 271 S.E.2d 319, 320 (1980) (quoting 21 Am. Jur. 2d Criminal Law § 136)). To do so, the accused must show "he was at a place so distant that his participation in the crime was impossible." Id. Furthermore, the alibi must account for the entire time during which these crimes were committed. Id. "Since an alibi derives its potency as a defense from the fact that it involves the physical impossibility of the accused's guilt, a purported alibi which leaves it possible for the accused to be the guilty person is no alibi at all."

State v. Glover, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (citing Robbins, 275 S.C. 373, 271 S.E.2d 319).

This Court finds the record reflects Trial Counsel did investigate Applicant's alibi. Specifically, Trial Counsel noticed the State of his intent to use Applicant's mother, sister, and TaShonda⁷ Mickens as alibi witnesses who would testify that Applicant was at his mother's house at the time the crimes were committed. However, their testimony at trial was, at best, skeptical because their stories conflicted with one another regarding whom the Applicant took to daycare and the time Applicant left for the daycare.⁸ This Court finds that the jury was able to hear and weigh the credibility of the alibi witnesses' testimony. Importantly, this Court finds that if the log existed, it would have been cumulative at best. This Court further finds Trial Counsel cannot be found deficient for failure to proffer duplicative evidence when testimony is the best evidence to establish the defense. Accordingly, Applicant has failed to establish Trial Counsel was deficient as required by Strickland.

Furthermore, this Court finds Applicant has failed to show that he was prejudiced as required by the second prong in Strickland's analysis. Whether a sign-in sheet from Ms. Olla Mae Brown's in-home daycare would have changed the outcome of Applicant's trial is pure conjecture, and Applicant has yet to provide the Court with a copy of this alleged sign-in sheet. See Clark v.

⁷ The trial transcript indicates that her name is "Toshonda" and not TaShonda, as indicated in the Notice of Alibi. Also, Toshonda was Applicant's co-defendant and was never called to testify. (R. p. 1).

⁸ Notably, Applicant's evidentiary hearing testimony contradicts his mother's and sister's trial testimony. Applicant testified at the evidentiary hearing that he took his nephew *and* niece to daycare. (PCR Tr. pp. 42, l. 20 – 43, l. 9). At trial, Applicant's mother testified that Applicant took his *niece* to daycare around noon. (R. p. 994, ll. 14 – 15; 995, l. 6 – 18). Applicant's sister testified that she had just had a baby boy and Applicant would help her by taking his *nephew* to daycare somewhere between 9:00 am and 10:00 am. (R. p. 1017, ll. 2 – 20; 1010, ll. 16 – 23; 1019, ll. 15 – 21; 1021, ll. 8 – 15).

State, 315 S.C. 385, 388, 434 S.E.2d 266, 267 (1993) (concluding pure conjecture fails to establish prejudice). Even if Trial Counsel had located this purported daycare sign-in sheet, whether or not that sign-in sheet would be admissible in court is mere speculation. See Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)) (finding failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result.).

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3(b): Trial Counsel failed to object to the improper use of prior statements during the testimony of Juandalyn Miller.

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to improper use of prior statements during the testimony of Juandalyn Miller (Miller). Specifically, Applicant contends Trial Counsel should have objected to the Solicitor not attempting to refresh the witness' recollection before having her read her statement into the record. This Court finds this allegation is without merit.

At trial and on direct examination, the following colloquy occurred with Miller:

Q: You testified just now that you don't remember whether or not P.J., G., or Laquincy ever got out of the vehicle when you all rode down to Hemingway. Is that still your testimony? You don't remember if they got out of the vehicle?

A: I can't remember. That's how long ago it was.

MS. BARR: Your Honor, may I approach the witness?

THE COURT: You may.

Q: Ma'am, I am going to show you a transcribed statement of an interview that you gave back on November 9th of 2010.

- A: Yes, ma'am.
 Q: Do you remember that?
 A: I remember that's the day I got locked up.
 Q: I am going to call your attention to page 52, line 10. You see the Q there? Do you see that?
 A: Q, question.
 Q: The question, right. The question law enforcement asked was, have you ever been to Hemingway before. Do you remember that? Is that a yes?
 A: Yes, ma'am.

(R. p. 101, ll. 1 – 25).

At the evidentiary hearing, on direct examination, the following colloquy occurred with PCR Counsel and Trial Counsel:

- Q: Mr. McKnight, I want to get into some of the allegations in the trial transcript. If you would, turn to Page 101. And 101 of the record on appeal which is 1099 of the transcript so it's the bigger bold number and not the --- A So the bigger bold number I'm looking for, what's that number?
 Q: 101.
 A: Yes, sir, I'm here.
 Q: All right. So this is the testimony of [Juandalyn] Miller. I believe it's one of the people you mentioned earlier who was originally charged and then I believe it was the charges were dismissed against her. Beginning on Page 101 at Line 6, Ms. Miller didn't appear she wanted to participate in trial. It didn't appear she wanted to testify against anyone. She states on Line 6 that she can't remember. So she's handed her statement, and if you would, turn to the next page.
 A: Uh-huh.
 Q: Beginning on Line 3 and continuing on to Page 104 through Line 9, she's reading her statement into the record. She was not -- not asked to refresh her memory, not asked to read it silent to herself by Solicitor Barr. Was there a strategy, trial strategy behind not objecting to that procedure?
 A: Hold on a second. I'm trying to ---
 Q: Sure. And if I -- please take your time and make sure you're familiar with what I'm asking.
 A: It wasn't necessary a trial strategy there, but I was trying to see where the prosecution was gonna go with it. And having had that before and having her statement there before me to see what she's asking her, I didn't anticipate it being at the time something to be concerned about.

- Q: Okay. If I can get you to turn over to Page 113, Line 14.
A: 113. Line?
Q: Line 14?
A: Yes, sir.
Q: Essentially the same question, was there a strategy behind not objecting to Ms. Barr not attempting to refresh her recollection prior to instructing her to read her statement into the record?
A: There -- there wasn't a strategy. And also understand, too, my experience has been if you object too much they become ineffective. They're like, what is he doing, is he -- what was -- so. And, also, having been in front of Judge Young many times and knowing that judge's tendencies, it's like playing in baseball, you know where the strike zone is so you kind of -- you have to pick your battles. And of course, you know, you also keep in mind you also want to preserve the record for potential appeals issues. I didn't see a dan-- there wasn't anything there gave me something to just make a stink about.

(PCR Tr. 19 – 21).

Rule 803(5), SCRE, provides:

The following are not excluded by the hearsay rule, even though the declarant is available as a witness: . . . A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.

If such a statement is admitted by the witness, "the memorandum or record may be read into evidence." Id.

Here, Miller testified that she could not remember whether Applicant got out of the car when they all rode to Hemingway because it was so long ago. (R. p. 101, ll. 1 – 6). Solicitor Barr then hands up Miller's transcribed November 9, 2010, interview and asks Miller if she remembered it. (R. p. 101, ll. 11 – 16). Notably, after admitting she remembered the question in the transcribed interview, Solicitor Barr then has Miller to read from her statement.

This Court finds the proper foundation was laid for a recorded recollection in order to permit Miller to read from her prior statement to law enforcement, and, consequently, Applicant has failed to establish any deficiency on the part of Trial Counsel for his alleged failure to object to this testimony. Even if this Court were to find Trial Counsel deficient, Applicant has failed to establish any resulting prejudice from this alleged deficiency.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3(c): Trial Counsel failed to object to the admission of State's Exhibits Nos. 47 – 108.

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to the admission of State's Exhibits Nos. 47 – 108. This Court finds this allegation is without merit.

At the evidentiary hearing, the following colloquy occurred on direct examination of Trial Counsel:

- Q: Okay. All right. If I can get you to turn to Page 489.
 A: The big numbers 489?
 Q: Yes.
 A: Okay. Yes, sir.
 Q: Yes, sir. Beginning at Line 21. Mr. Scott, or Investigator Scott, is testifying and he was present once when the pictures were taken by SLED. Is there any strategy behind not objecting to the introduction of Exhibits 47 through 108 that came in at two different times right there in his testimony without -- I believe the Solicitor tells him he doesn't need to look at each one of them and just flip through and tell me do you recognize what's depicted in these photographs?
 A: Hold on a second. No, there wasn't any trial strategy in that because he testifies that he's present when the picture's taken and they accurately depict what he saw.

(PCR Tr. 21 -22).

Rule 901(a), SCRE, provides that "the requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." Here, Investigator Scott testified that he was present when the pictures were taken, and they accurately depict what he saw. This Court finds there was no basis for an objection to the admission of these pictures.

Consequently, Applicant has failed to establish any deficiency on the part of Trial Counsel for his alleged failure to object to this testimony, and Applicant has failed to establish any resulting prejudice from this alleged deficiency.

Accordingly, this allegation must be **DENIED** and **DISMISSED**.

Allegation 3(d): Trial Counsel failed to object to an improper question during the testimony of Melissa Skipper.

Applicant alleges Trial Counsel was constitutionally ineffective for failing to object to an improper question during the testimony of Melissa Skipper.

Applicant failed to present any evidence, testimony, or legal authority at the evidentiary hearing regarding this allegation. Therefore, the Court deems it abandoned. "When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue." Palmer v. State, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (Ct. App. 2019) (citing State v. Lindsey, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011)).

Allegation 3(e): Trial Counsel failed to object to improper evidence of prior bad acts of the Applicant during the testimony of Pamela Wrenn.

Applicant alleges that Trial Counsel was constitutionally ineffective for failing to object to improper evidence of prior bad acts during the testimony of Pamela Wrenn. This Court finds this allegation is without merit.

In Applicant's case, the alleged bad act testimony occurred during the State's direct examination of Investigator Pamela Wrenn, who worked for the Williamsburg County Sheriff's Department. (R. pp. 876 – 877). During questions regarding the indictments, the following exchange occurred:

Q: Did you record on the arrest warrant a height for Mr. Laquincy Williams?

A: Yes, ma'am.

Q: And where did you get the information about the height?

A: That from was a prior booking if I am not mistaken, with Florence County Sheriff's Department.

(R. p. 892, ll. 16 – 23).

At the evidentiary hearing, Trial Counsel testified on direct examination that this testimony was technically hearsay, it was admissible because it was a public record, and her testimony was a prior bad act. Trial Counsel was asked if there was a trial strategy for not objecting to the "prior booking," and he stated that he was focused on suppressing the autopsy and introducing statements such as the time of death being different from the time Latisha Ann Bell testified the murder occurred. Trial Counsel testified that he may not have been alert when the testimony was elicited.

On cross-examination, Trial Counsel testified that he did not have a reason for not objecting to Investigator Wrenn's testimony.

"Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible to show

motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent." Rule 404(b), SCRE; see also State v. Weaverling, 337 S.C. 460, 467, 523 S.E.2d 787, 791 (Ct. App. 1999) (citing State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923)) ("Generally, South Carolina law precludes evidence of a defendant's prior crimes or other bad acts to prove the defendant's guilt for the crime charged.").

Here, while Trial Counsel's failure to object to Investigator Wrenn's oblique reference to Applicant's "prior booking" *may* have been deficient, Applicant has failed to meet his burden of proving prejudice. See Thompson v. State, 423 S.C. 235, 241, 814 S.E.2d 487, 490 (2018) (finding trial counsel's deficient failure to object to testimony does not remove an applicant's burden to prove prejudice.). Relevant considerations are the strength of the State's case apart from the inadmissible evidence to which trial counsel deficiently failed to object. Id. 423 S.C. at 246, 814 S.E.2d at 493-94.

Applicant had a week-long trial with several witnesses who testified to Applicant's presence and involvement in the crimes for which the jury convicted Applicant. For example, a co-defendant gave lengthy testimony about Applicant's presence and actions during the robbery. James Gquan Henry (James) testified at trial that he was sixteen years old at the time of the robbery. (R. p. 777, l. 13). James testified that Applicant gave him a gun and Applicant had a gun on him both times they went to the Victim's house. (R. pp. 800, l. 23 – 801, l. 19). James testified that they entered the Victim's house and bedroom, and the Victim shot James twice, and Applicant started wrestling with Victim. (R. pp. 808, l. 4 – 810, l. 10). James testified that Applicant somehow got the Victim's gun from him and started shooting the Victim, and when James put his hands on Applicant's shoulder Applicant turned and shot James with the Victim's gun. (R. pp. 809,

l. 23 – 811, l. 8). James then testified that he did not think Applicant intentionally shot him in the chest. (R. p. 811, ll. 7 – 12).

This Court finds that the evidence, in this case, was one of witness credibility. The jury had the opportunity to hear the testimony and weigh the witness' credibility. This Court cannot reason that the single oblique reference to Applicant's prior booking was the deciding factor in this case which warrants a reversal. Nor can the Court entertain that had Trial Counsel objected to the isolated testimony, the outcome at trial would have been a verdict of not guilty.

Additionally, this Court finds the oblique reference to Applicant's prior booking was not prejudicial because the State did not attempt to introduce the prior booking as character evidence. See State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999) (determining law enforcement agent's isolated testimony that he compared defendant's fingerprints with SLED's fingerprint card they had on record was not so prejudicial to defendant as to warrant a mistrial because it was questionable whether jury drew connection between fingerprint card and defendant's prior criminal activity); State v. Robinson, 238 S.C. 140, 119 S.E.2d 671 (1961), overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991) (holding that, even if the testimony created the inference in the jury's mind that the accused had committed another crime, the State never attempted to prove the accused had been convicted of some other crime); State v. Creech, 314 S.C. 76, 81–82, 441 S.E.2d 635, 638 (Ct.App.1993) (holding trial judge did not abuse his discretion in denying defendant's motion for a mistrial when officer testified that he obtained warrants for defendant's arrest and contacted "the Probation Officer"). Instead, the Court finds it was a statement made in passing.

Consequently, Applicant has failed to establish any deficiency on the part of Trial Counsel for his alleged failure to object to this testimony, and Applicant has failed to establish any resulting prejudice from this alleged deficiency.

Accordingly, this allegation must be **DENIED** and **DISMISSED**.

Allegation 5: Co-defendant's plea deal was not properly presented.

Applicant alleges that the co-defendant's plea deals were not properly presented and Trial Counsel was constitutionally ineffective for failing to properly inform him of the co-defendant's plea deal. This Court finds this allegation is without merit.

On direct examination, the following colloquy occurred with Trial Counsel:

Q: Okay. The co-defendant, Mr. Henry, that you just mentioned, he testified against Mr. Williams and Ms. Mickens; is that correct?

A: He did.

Q: All right. What was your understanding as to any sort of plea deals or negotiations he had with the State prior to the trial?

A: Hold on a second. I think prior to the trial -- I think that came out on -- on cross when I asked him. I mean, I knew he had a deal; I didn't know what the deal was. Normally what happens is, especially in the third in Williamsburg County, if someone is going to plead or someone is going to cooperate, they plead first and then they hold off on sentencing based upon how they do at the -- during the trial during their testimony. So there wasn't so much to quid pro quo if you do this we'll give you X, Y, Z. There's not that. Especially not with Solicitor Barr, she wouldn't do that.

Q: Okay. Do you know if he had entered his plea yet and deferred sentencing or if he had not entered his plea? What was your understanding ---

A: My understanding ---

Q: --- of the way it worked?

A: I'm sorry, I didn't mean to cut across you, forgive me. My understanding is that he had already entered it.

Q: Okay. Was that disclosed to you?

A: Yes.

(PCR Tr. pp. 18 – 19).

On direct examination, Applicant testified that Trial Counsel asked the State to reveal all plea deals, and they said there were no deals. Applicant testified that there were deals in place.

This Court finds Applicant failed to overcome the "strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in [his] case." Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 596 (2007) (citing Strickland, 466 U.S. 668). Trial Counsel **credibly** testified as to how Solicitor Barr handles plea deals when a co-defendant is going to testify against another co-defendant. Trial Counsel **credibly** testified that the co-defendant had entered his plea, but he did not know the details of the plea negotiations. Trial Counsel **credibly** testified that he was noticed with the plea deal, and he was able to bring that out through cross-examination of the co-defendant. Consequently, this Court finds Applicant has failed to overcome his burden in proving Trial Counsel was deficient and has failed to prove any resulting prejudice.

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

Allegation 6: Trial Counsel failed to review discovery with Applicant.⁹

Applicant alleges that Trial Counsel was constitutionally ineffective for failing to review discovery with him. This Court finds this allegation is without merit.

On direct examination, the following colloquy occurred with Trial Counsel:

Q: How many times you think you were able to, or if you have notes that reflect this, how many times did you meet with Mr. Williams in preparation?

⁹ While this was not an enumerated allegation in Applicant's original or amended applications, it was alleged during the PCR evidentiary hearing so this Court will address this allegation.

- A: My notes -- I don't -- so I brought my trial notebook, my notes, so they don't indicate how many times I met with Mr. Williams. They don't.
- Q: Okay. Do you have any recollection of just a ballpark?
- A: I'm under oath; I can't lie. I, I want to say at least three ---
- Q: Okay.
- A: --- perhaps.
- Q: Okay. All right.
- A: But I did meet with him prior to us going to trial and I prepared this memorandum of understanding where I go through -- I'll just tell you. It's -- and it's initialed by him in every one. The first one is, "I'm charged with the offense of murder, armed robbery, criminal conspiracy, possession of a weapon during a violent crime and burglary first degree." He initials that. "For the offense of murder, I understand that if I'm found guilty or plead guilty to this offense I can receive a sentence of a mandatory minimum of 30 years in prison or life in prison. I understand that this is a violent, most serious offense. I would be required to serve at least 85 percent of the sentence if a sentence -- if sentenced to 30 years. Lastly, I understand that if I'm convicted of two most serious offenses, I could be sent to SCDC for a term of life in prison." He initials that. "For the offense of armed robbery, I understand that I am -- that if I am found guilty or plead guilty to this offense, I can receive a sentence of 10 to 30 years in prison. I understand that the minimum sentence I can receive for this offense is 10 years. I further understand that this is a violent and most serious offense. I further understand that I will have to serve at least 85 percent of any sentence I receive for this offense. Lastly, I understand if I'm convicted of two most serious offenses, I could be sent to the South Carolina Department of Corrections for a term of life in prison." He initials that. "For the offense of criminal conspiracy, I understand that if I'm found guilty or plead guilty to this offense, I can receive a sentence of up to 5 years or a fine of no more than \$5,000." He initials that. "For the offense of possession of a weapon during a violent crime, I understand that I can receive a sentence of 5 years." He initials that. "I have discussed all of these charges fully with my attorney, and he's explained all the possible penalties to me and I understand them." He initials that. **"I have reviewed my discovery materials with my attorney, and I have had enough time to discuss them with him."** He initials that. **"I've decided that I would like to have a jury trial for these charges."** He initials that. **"I have come to this decision on my own without pressure or promises**

from anyone." He initials that. "And my attorney advises me that I have ten days to appeal the conviction in this matter," and I've been advised him -- "and I have advised him to file a Notice of Intent to Appeal in that event." He initials that. And he signed that on September 9th, 2023 [sic].

And it's signed by me as well.

THE COURT: 2023?

THE WITNESS: I'm sorry, excuse me, 2013. Sorry.

(PCR Tr. pp. 12 – 14) (emphasis added).

This Court finds Trial Counsel's memorandum of understanding where Applicant signed that Trial Counsel had reviewed all discovery with him and Applicant had enough time with Trial Counsel refutes Applicant's allegation. Consequently, this Court finds Applicant has failed to overcome the strong presumption that Trial Counsel rendered adequate assistance. See Butler, 286 S.C. at 442, 334 S.E.2d at 814. In addition, Applicant has not presented any new evidence or defenses that could have been discovered by Trial Counsel's further review of the discovery, nor has he explained how further review would have changed the outcome of his trial. See Hill, 474 U.S. at 59; see Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998) (where applicant failed to show ineffective assistance of counsel based on lack of preparation by neglecting to show evidence of what counsel failed to discover or what defenses counsel could have pursued had he more fully prepared for the case); Skeen v. State, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997) (where applicant failed to show ineffective assistance of counsel when he did not present evidence showing how additional preparation would have impacted the trial).

Accordingly, this Court finds Applicant has failed to establish any deficiency by Trial Counsel, or any prejudice flowing therefrom. Thus, this allegation must be **DENIED** and **DISMISSED**.

CONCLUSION

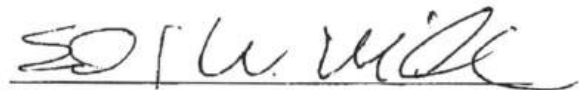
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be **DENIED and DISMISSED WITH PREJUDICE**.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of this entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking a review of the denial of PCR. Rule 71.1(g), SCRCP, provides that PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf if the Applicant wishes to seek appellate review. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 30 day of August, 2023.



THE HONORABLE EDWARD W. MILLER
Presiding Judge
Third Judicial Circuit

LaQuincy M. Williams, South Carolina

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SEP 25 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM WILLIAMSBURG COUNTY
Edward W. Miller, Circuit Court Judge

2017-CP-45-00016

Laquincy Williams, # 357076,

Appellant,

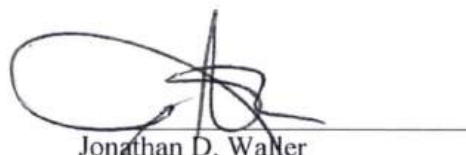
v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Laquincy Williams, # 357076, appeals the Order of Dismissal denying his
Application for Post-Conviction Relief filed September 8, 2023, issued by the Honorable
Edward W. Miller, Presiding Judge, Third Judicial Circuit.



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