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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

XAVIER MAURICE WASHINGTON,

APPELLANT

APPELLATE CASE NO. 2023-001658

RECORD ON APPEAL

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2 COUNTY OF BAMBERG) COURT OF GENERAL SESSIONS

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4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 XAVIER M. WASHINGTON,) 2019-GS-05-44
8 DEFENDANT.)

9
10 July 22nd, 2019

11
12 B E F O R E :

13 THE HONORABLE CLIFTON NEWMAN, Judge.
14

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

16 DAVID MILLER
17 ASSISTANT SOLICITOR
Attorney for the State

18 OLA A. JOHNSON
19 ESQ.
Attorney for the Defendant
20

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22 Transcribed by Pamela E. Green
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I N D E X

(WHEREUPON, there were no exhibits marked during this hearing.)

1 PROCEEDINGS

2

3 THE COURT: All right. Mr. Miller.

4 SOLICITOR MILLER: Thank you, Your Honor.

5 Your Honor, at this time we would proceed with a
6 Bamberg County case. State of South Carolina versus
7 Xavier Washington. Mr. Washington's represented by Ola
8 Johnson.

9 Your Honor, I've provided the sentencing sheet and a
10 copy of the indictment to the Court.

11 THE CLERK: Raise your right-hand please.

12 (WHEREUPON, the defendant was placed under oath at
13 this time.)

14 THE COURT: All right. Yes, sir.

15 SOLICITOR MILLER: Your Honor, before the Court today
16 is Xavier Maurice Washington. He is here to plead guilty
17 to voluntary manslaughter as a lesser included offense of
18 the charge of murder contained in Indictment
19 2019-GS-05-00044. There is no sentencing rec --
20 recommendation on voluntary manslaughter charge. The
21 State will be dismissing charges of attempted murder and
22 attempted armed robbery arising from the same incident
23 against this defendant.

24 THE COURT: All right. Mr. Johnson, you represent
25 Mr. Washington?

1 MR. JOHNSON: Yes, sir.

2 THE COURT: And he wants to plead guilty to voluntary
3 manslaughter?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: Have you explained to him the, the
6 possible sentence in this case is up to 30 years?

7 MR. JOHNSON: Yes, sir.

8 THE COURT: A minimum of two years?

9 MR. JOHNSON: Yes, ma'am.

10 THE COURT: Have you explained to him the nature of
11 the charges and the possible punishment and his
12 constitutional rights including the right to have a jury
13 trial?

14 MR. JOHNSON: Yes, sir.

15 THE COURT: Do you believe he understands all that?

16 MR. JOHNSON: Yes, sir.

17 THE COURT: And do you agree with his decision to
18 plead guilty?

19 MR. JOHNSON: Yes, sir.

20 THE COURT: All right. Mr. Johnson, I -- how are you
21 this morning?

22 MR. JOHNSON: Good, judge.

23 How are you?

24 THE COURT: Mr. Washington, how are you this morning?

25 THE DEFENDANT: I'm all right.

1 THE COURT: All right. And you're here to plead
2 guilty to manslaughter --

3 THE DEFENDANT: Yes, sir.

4 THE COURT: -- reduced down from the charge of
5 murder?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Has anyone promised you anything to get
8 you to plead guilty?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you had enough time to make up your
11 mind as to whether or not you want to plead guilty?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you want to plead guilty?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you believe you're guilty?

16 THE DEFENDANT: As far as the sense of the fact that
17 having a firearm in the commission of a crime, yes, sir,
18 and, with knowing that that -- the -- all right. Yes,
19 sir.

20 THE COURT: You believe you're guilty?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, as you stand before me here presumed
23 to be not guilty, you have the right to have a jury trial.
24 You have the right to have a jury trial in Bamberg County.
25 And if you were to have a jury trial, you'd have the right

1 to remain silent.

2 The State would have the burden of convincing each
3 and every juror of your guilt beyond a reasonable doubt.
4 Otherwise they would have to find you not guilty.

5 Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And, if you had a trial, your lawyer,
8 Mr. Johnson, would be able to challenge any of the
9 evidence the State has against you. You have an offer --
10 an opportunity to present any defense you might have to
11 these charges and you -- you'd have the right to have
12 all -- any and all witnesses against you confronted and
13 cross-examined.

14 Did you know that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: When you plead guilty, you give up those
17 important constitutional rights.

18 You understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And you want to give up those rights
21 including the right to have this case heard in Bamberg
22 County --

23 THE DEFENDANT: Yes, sir.

24 THE COURT: -- and plead guilty here today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you on probation or parole now?

2 THE DEFENDANT: I'm serving a sentence in Georgia.

3 THE COURT: For what?

4 THE DEFENDANT: Possession with intent to distribute
5 crack -- cocaine.

6 THE COURT: And did that happen before or after this?

7 THE DEFENDANT: It was, it was after the fact.

8 THE COURT: Okay. And so what'd you do that makes
9 you guilty of manslaughter?

10 THE DEFENDANT: Like I was about to say earlier, I, I
11 brought a firearm into a drug deal and, and put it in the,
12 in the -- at the, the drug deal. I only pulled my firearm
13 because I saw someone else pulling their firearm and
14 everything would -- in total defense.

15 But from the charge -- but from the laws and policies
16 of South Carolina, I can't claim a self-defense and I was
17 made the aggressor the whole time in the beginning of this
18 case and that's not the case, Your Honor.

19 But I, I really have no, no fight. I have no --.

20 THE COURT: Okay. Well, you understand -- well, I'm
21 explaining to you now that you have a right to have a jury
22 trial, and if you believe that you acted in self-defense,
23 you'd have the right to present your self-defense claim to
24 a jury. That's a right that you have.

25 Do you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And when you plead guilty, you give up
3 your right to claim self-defense. I don't know whether
4 you were acting in self-defense, whether you brought upon
5 all the difficulty yourself. I know nothing about the
6 case. I'm learning about it for the first time.

7 I'm just -- I'm explaining to you your rights and you
8 have a right to a jury trial. You have the right to claim
9 self-defense. You have a right to present that
10 self-defense claim to a jury if you wanted to.

11 THE DEFENDANT: But from my understanding of the law
12 is that with me bringing that gun to the, to the, to the
13 scene, that's gon' cancel out any self-defense and I would
14 not want to take the chance of getting an active sentence.

15 MR. JOHNSON: Your Honor?

16 THE COURT: Yes, sir.

17 MR. JOHNSON: Just we went into some detail regarding
18 the law of, of -- and how self-defense, self-defense would
19 apply in this situation and that's why -- I think he's
20 trying to express that. But we've gone over in some
21 detail how there's a definite possibility, as we go
22 forward with trial, that the jury would not be instructed
23 on the self-defense and that's something that we can, we
24 can argue it. But we understand what the law says.

25 And so he would like to go forward with the plea

1 today understanding that he would be found guilty today
2 as -- under a plea and that that is something that could
3 be raised in trial. But since we've gone over it in some
4 detail, I think he's just trying to express his
5 understanding of that.

6 THE COURT: All right. I understand all of that.

7 MR. JOHNSON: Yes, sir.

8 THE COURT: And so do you understand that the -- with
9 regard to whatever the judge might tell the jury regarding
10 self-defense or not tell the judge -- the jury regarding
11 self-defense, that's dependent upon what facts are
12 presented to the Court and to the jury.

13 THE DEFENDANT: I understand.

14 THE COURT: It all depends on the facts and I don't
15 know what the facts are. I mean you're telling me that
16 you brought a gun to a drug deal, and, you didn't say it,
17 but I guess you must of killed someone.

18 THE DEFENDANT: It was a, it was a tussle, tussle
19 over the gun and not saying that I did -- I never say that
20 I shot the deceased. But it was a tussle over the gun and
21 the gun went off but not intentionally. If I did shoot
22 the deceased, if I did, it wasn't intentional over malice.

23 THE COURT: Do you believe that you're guilty of, of
24 manslaughter?

25 THE DEFENDANT: I just don't want to take no chance

1 and -- yes. Yes, sir.

2 THE COURT: All right. Have you had enough time to
3 discuss this with your lawyer?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you-all have -- you've discussed with
6 him pretty much what you've talked with me now about?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And having -- you've asked him all the
9 questions you want?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you've gotten all the answers you
12 wanted?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Are you satisfied with the
15 representation of your lawyer?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has anyone -- has anyone threatened you
18 or done anything to force you to plead guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: And you want to plead guilty?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Understanding everything that I have
23 said, how do you plead to this charge of manslaughter?

24 THE DEFENDANT: Plead guilty.

25 THE COURT: All right. solicitor.

1 SOLICITOR MILLER: Thank you, Your Honor.

2 May it please the Court.

3 On March 29th of 2014 at approximately 3:30PM,
4 deputies with the Bamberg County Sheriff's Office
5 responded to Vorhees Road in Bamberg County near the Town
6 of Denmark for a reported shooting. Upon arrival,
7 officers found three gunshot victims.

8 One was identified as Kevin Lopez who had multiple
9 gunshot wounds to the right arm and face. The second
10 victim on scene was identified as Pedro Lopez. Pedro
11 Lopez sustained a gunshot wound to the left side of his
12 head and was unconscious when deputies arrived. The third
13 victim was identified as William Chastain Pearson who was
14 deceased at the scene from an apparent gunshot wound.

15 Pedro Lopez was transported from the scene to
16 Palmetto-Richland Memorial Hospital in Columbia. Kevin
17 Lopez was transported to the Regional Medical Center in
18 Orangeburg. Pearson was transported to MUSC for an
19 autopsy.

20 SLED was called to process the scene. They recovered
21 a quantity of marijuana, scales, and three firearms, a
22 Taurus .380, a 9-millimeter Beretta pistol, and a Taurus
23 .22 pistol.

24 while responding to the scene, other Bamberg County
25 deputies encountered a wrecked vehicle less than a mile

1 away from the shooting scene. Through the investigation,
2 SLED confirmed the vehicle, a Chrysler 300, had been
3 involved in the shooting incident.

4 while processing the scene of the wreck, officers
5 discovered a Cobra .380 pistol and a Taurus .45 pistol
6 that had been shoved into an ant bed beside the wrecked
7 vehicle. Xavier Washington was located on a dirt road
8 approximately a mile and a half from the scene of the
9 wrecked Chrysler 300. Washington had been shot in the
10 left lower abdomen and arm. He was transported to
11 Palmetto-Richland Memorial in Columbia.

12 Later that day Terrance McClendon was located in
13 Denmark and gave a statement to SLED after being
14 Mirandized. Xavier Washington, the defendant, and Kevin
15 Lopez also gave multiple statements to SLED and made
16 statements to EMS personnel.

17 Comparing these statements with the evidence obtained
18 from the scenes allowed SLED to determine what happened
19 during the shooting. At the time of the shooting
20 incident, the occupants of the Chrysler 300 were Xavier
21 Washington, Brandon Priester, and Terrance McClendon.

22 After interviewing Washington, McClendon, and Kevin
23 Lopez, SLED was able to establish the following chain of
24 events that occurred the day -- that day in March:

25 Brandon Priester and William Pearson were coworkers

1 at Masonite Door Company in Denmark.

2 Pearson was from Florida, and, on March 29th, 2014,
3 his friends, Kevin and Pedro Lopez, had driven to South
4 Carolina from Florida to get Pearson and take him back
5 home.

6 Priester had previously sold marijuana to Pearson,
7 and before Pearson left, he asked Priester about getting
8 some marijuana for their trip back to Florida.

9 Priester claimed he didn't have any marijuana to sell
10 but his brother, the defendant, Xavier Washington did.

11 Priester and Pearson agreed to meet on Vorhees Road
12 outside Denmark later that day for Pearson to buy
13 marijuana from Washington.

14 Pearson and the Lopeses were in a burgundy extended
15 cab Chevrolet pickup truck.

16 When they arrived at the meeting location they pulled
17 in behind the Chrysler 300.

18 Washington and Priester exited the vehicle and walked
19 towards the truck.

20 McClendon was in the back seat of the Chrysler but
21 did not exit the vehicle.

22 Pedro Lopez was in the driver's seat of the truck.

23 Pearson was in the passenger -- front, front
24 passenger seat.

25 Kevin Lopez was in the rear passenger seat behind

1 Pearson.

2 Washington was conducting the narcotics transaction
3 with Pearson when an argument broke out involving the
4 marijuana. At some point guns were drawn by members of
5 both groups and shots were fired. There is a dispute
6 about which group or individuals first drew their weapons.
7 But when the shooting stopped, all of the occupants of the
8 truck and Xavier Washington had been shot at least once.

9 SLED located a total of five firearms between the two
10 crime scenes. Three were in the Chevrolet truck and two
11 were in the ant bed near the red Chrysler. None of the
12 recovered firearms could be linked to the bullet removed
13 from Mr. Pearson at autopsy.

14 The bullet that was removed from Pedro Lopez was
15 consistent with being fired from the Cobra .380 recovered
16 near the Chrysler. But it could not be conclusively
17 linked to that firearm by either. That was due to the,
18 the damage to the bullet.

19 Washington, Priester, and Kevin Lopez were charged
20 with attempted murder. Washington and Priester were
21 additionally charged with attempted armed robbery and
22 murder for the murder of William Pearson.

23 Kevin Lopez was not charged with the murder of
24 William Pearson because, under any circumstance, he and
25 Pearson would of been confederates meaning that he could

1 not be charged under the Felony Murder Rule or under hand
2 of one. Pedro Lopez was not charged because the gunshot
3 wound he sustained has rendered him an invalid.

4 There was no evidence to suggest that McClendon
5 exited the Chrysler, I should say no credible evidence, to
6 suggest that McClendon exited the Chrysler 300 at the
7 scene of the shooting before the shooting was over and he
8 was not a participant in the narcotics transaction.
9 Accordingly, he was not charged.

10 It is clear from the SLED investigation that Brandon
11 Pete -- Priester, Xavier Washington, Pedro and Kevin
12 Lopez, and William Pearson all knew the two groups of
13 people were meeting for an illegal drug transaction. It
14 is likewise clear from the investigation that everyone was
15 armed or had ready access to concealed firearms.

16 While there's considerable dispute as to who drew
17 their weapon first, it is clear that Priester, Washington,
18 and Kevin Lopez fired their guns. As a result, Pedro
19 Lopez is permanently incapacitated and William Pearson is
20 dead.

21 Your Honor, there was a 9-millimeter recovered from
22 the floorboard of the truck and the glove compartment on
23 the truck was opened and that was where William Pearson
24 was, was sitting when he was shot. It appeared, based
25 upon the positioning, that he had actually tried to get

1 the gun out of the glove box and just never got to it.
2 He'd gotten shot before he could get any kind of gun out.
3 Certainly that would seem to, to suggest he was trying to
4 act in self-defense.

5 We do know, from his own statement and from the
6 statement of others, that Kevin Lopez admitted to being
7 armed and admitted to firing his gun. He claimed that
8 Xavier Washington pulled the gun first. Mr. Washington
9 has always claimed that -- well, Kevin Lopez has always
10 claimed Mr. Washington pulled his gun first.
11 Mr. Washington has always claimed that Kevin Lopez pulled
12 the gun first.

13 The case that Mr. Johnson was referring to is a very
14 recent one from South Carolina Supreme Court, State versus
15 Williams, that kind of talks about the applicability of
16 self-defense and the defense of accident under these types
17 of circumstances and the case is State versus Jalann Lee
18 Williams. That's J-A-L-A-N-N. Only the West Law's
19 citation's currently available. But it's 2019 WL 2518797.
20 I have a copy here to pass up to the Court as well as one
21 for the defense.

22 Your Honor, as far as a prior criminal history, the
23 defendant, Mr. Washington, has a 2009 burglary third
24 degree conviction from South Carolina and a 2012
25 distribution of cocaine base conviction from South

1 Carolina.

2 In 2018 -- and, and just for some clarity, after this
3 incident occurred, initially SLED did not make any arrests
4 because of the fact that they were trying to figure out
5 what had happened. They knew kind of the people that were
6 involved and, in fact, we were going back and forth with
7 SLED about, if self-defense could be established, who
8 could establish self-defense. Ultimately we made the
9 decision, in consultation with SLED, to go ahead and
10 charge everybody as happened.

11 By that time Mr. Washington was no longer in the
12 area. We had information that he had gone to Florida. We
13 had information that he was somewhere in Georgia.

14 In 2017 he was charged with several offenses in the
15 State of Georgia including giving a false statement or
16 writing, possession of marijuana, possession with intent
17 to distribute cocaine, possession of a controlled
18 substance, and DUI. He was ultimately arrested, and when
19 he got arrested in Florida, he was brought back to Georgia
20 and Georgia added another charge of fleeing or attempting
21 to allude law enforcement.

22 He was convicted of all of those charges and received
23 essentially a five year sentence. Those charges were all
24 run currently with each other. So, that's what he's in
25 the Georgia Department of Corrections for.

1 In November of 2018, I think it was November 30th,
2 we received notification that he was willing to come back
3 to South Carolina under the Interstate Agreement of -- on
4 Detainer's Act and we immediately got the paperwork filed
5 as soon as we could, and, by December of 2018, he had been
6 brought back to South Carolina to face these charges.

7 So, that's why the timeline is a little bit
8 different. The Georgia charges he's incarcerated on
9 actually happened three years after this incident. But he
10 was convicted on those charges first because we were
11 looking for him to try to serve the warrant and we
12 couldn't get custody of him until Georgia was finished
13 with him.

14 Several relatives of Mr. Pearson, who was known to
15 his family and friends as Chase, are present in court
16 today. Three of his friends have submitted letters for
17 the Court's consideration. Copies of these letters have
18 been provided to the defense and I've handed up copies to
19 the Court there.

20 There -- in addition to those three letters, and I'll
21 just read the names, there's a Alex Roman wrote a letter.
22 Mikey Lagaipa wrote a letter.

23 THE COURT REPORTER: would you spell that please?

24 SOLICITOR MILLER: Lagaipa. L-A-G-A-I-P-A.

25 THE COURT REPORTER: Thank you.

1 SOLICITOR MILLER: And Marcus Roundtree wrote a
2 letter.

3 Also present here in the courtroom are Allison
4 Morroco, who is Chase's mother. She will address the
5 Court.

6 Chandler Pearson is Chase's brother. He's written a
7 letter and did not wish to address the Court. But I'll
8 check with him when -- at the appropriate time to make
9 sure that's still his wish.

10 Chris Morroco, Chase's uncle, will address the Court.

11 Bright -- Blythe Morroco, Chase's cousin, would also
12 like to address the Court. And, finally, Ms. Fran
13 Morroco, who is Chase's grandmother, is here and will not
14 address the Court at the appropriate time.

15 THE COURT: All right. Mr. Washington, do you agree
16 with everything the solicitor said?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. And you admit to the
19 truthfulness of what the solicitor has said?

20 THE DEFENDANT: I can't -- yes, sir.

21 THE COURT: You can't what?

22 THE DEFENDANT: I can't speak on what no one else has
23 said. But, like I say, from the beginning, I was made as
24 the aggressor and I read the letters that the family
25 members wrote and I already can tell that it's some

1 aggression and pain and just every -- they going off of
2 what was, what was put into the, the -- to the motion.

3 Every -- everything that happened is not how it seems
4 and I just ap -- I apologize for everything that happened
5 and I can -- yeah, I agree.

6 THE COURT: You agree to what?

7 THE DEFENDANT: Of what the solicitor said.

8 THE COURT: well, I accept the guilty plea.

9 Mr. Solicitor, ready to hear from whomever.

10 SOLICITOR MILLER: Thank you, Your Honor.

11 First we would like Allison Morroco.

12 MRS. MORROCO: well, first, first I just wanted to,
13 to add something, that the charges in Georgia also
14 included possession of a firearm and a knife during
15 commission of a violent crime that was left out. And
16 also, from what I understood, self-defense can't -- can
17 not be claimed when you're, when you're the perpetrator of
18 the crime.

19 My son was sitting in a car. He had -- really had no
20 where to go.

21 Okay. Now I'm gonna, I'm gonna start my letter.

22 On March 29th of 2014 my life changed forever.

23 Part of me died. The death of a child is the absolute
24 worst thing life would throw at you. To lose a child to a
25 senseless murder is pure agony.

1 All my hopes and dreams for my son's future were
2 shattered on that day. My son will never be able to live
3 out his dreams. My son had no criminal, criminal record.
4 Not even a parking ticket.

5 Chase was bright, kind, love -- kind, loving,
6 compassionate, loyal, and a genuine person. I do not
7 doubt for one second that he would have given
8 Mr. Washington the money.

9 Chase's death has affected me physically, mentally,
10 emotionally, and this will never go away. Every day I'm
11 reminded of what Mr. Washington took from me.

12 There are days and there have been weeks at a time
13 when I can not bring myself to get -- even get out of bed.
14 Chase is my first thought every morning and the last
15 thought as I lay staring at the ceiling trying to sleep.
16 I feel like I'm living in a nightmare. One that I will
17 make -- never wake up from.

18 Anyone who had ever come -- came into contact with my
19 son will tell you what a big heart he had. He truly cared
20 for others and their feelings. He has always been -- he's
21 always been like that.

22 In preschool when Chase was only four, the teacher
23 nicknamed him The Consoler. She said that she gave him
24 that name because every time someone would fall or get
25 hurt they would -- Chase would run over to them and

1 console them.

2 Trust me, this does not get easier. I will never
3 forget hearing those words Chase is dead. Those words
4 will resonate with me forever.

5 Mr. Washington has celebrated five birthdays since he
6 took my son's life. Mr. Washington will still wake up
7 every morning. His mother will still be able to see him
8 and hear his voice.

9 I will never have that. I will never see my son's
10 big smile or hear his con -- hear his contagious laugh.
11 Mr. Washington took that from me. I have to go to a
12 cemetery to visit my son. I never thought that, on my
13 son's 21st birthday, I would be at a cemetery releasing
14 21 balloons, balloons as my son lay buried 6-feet under.

15 I don't understand how Mr. Washington, along with his
16 brothers, can have no regard for human life. I still have
17 so many unanswered questions. I don't understand why Mr.
18 Washington, who was at -- on parole at the time he shot
19 and killed my son was released the same day. I was also
20 not aware that Mr. Washington was even on parole at the
21 time and had previous charges for violent crimes including
22 attempted murder. I discovered this on my own with --
23 about his extensive record.

24 A felon on a parole -- on parole with a gun involved
25 in a murder and he's released?

1 How does this even make sense?

2 I was also never told Priester, McClendon's extensive
3 criminal records.

4 How is that possible?

5 Since my son's murder, I discovered on my own that
6 Mr. Washington had been arrested four times out of state.
7 That's four times that I know of. Again, I found this out
8 on my own.

9 He obviously chooses and continues to live a life of
10 crime. I did not learn till March of this year that
11 Washington was arrested in December for the murder of my
12 son. I found this out by simply Googling his name. I
13 don't understand why I was never contacted or notified and
14 I have to wonder what if I never Googled his name.

15 Your Honor, I stand before you asking that you send
16 Mr. Washington's (sic) to the maximum sentence allowed for
17 manslaughter especially since it dropped down from murder
18 for this needless and senseless death of my son and that
19 this sentence be run consecutively separate from the
20 Georgia charges. He needs to serve Georgia for the crimes
21 he committed in Georgia and South Carolina for the murder
22 of my son.

23 Thank you.

24 THE COURT: Thank you.

25 SOLICITOR MILLER: Your Honor, next will be -- Your

1 Honor, Blythe is the cousin and she is gonna read
2 Chandler's letter and then she is going to read her own
3 letter.

4 MISS MORROCO: This is Chandler's letter.

5 Not a day goes by where I don't think of my brother.
6 All the memories growing up with him I cherish because
7 that's all I have left now.

8 I've been told time heals all wounds but it still
9 feels the same way as the day I got the call that he had
10 been murdered. I have to hear my mother cry for days on
11 end and it breaks my heart knowing there's nothing I can
12 do.

13 His whole life, Chase was nice to everyone he met and
14 treated them with respect. He believed he should treat
15 everyone how you wanted to be treated. He was a leader
16 and wanted everyone around him to succeed.

17 So when I think about how he got set up by his
18 friend, the same friend in his Facebook profile picture,
19 it makes me sick to my stomach. I can't imagine how you
20 can get a manslaughter charge when you killed someone
21 while robbing them.

22 Plus all three of the brothers have attempted murder
23 charges. It's not like this was a one time fluke. They
24 all have rap sheet and have done this before. They are
25 clearly a danger to society.

1 So it's up to the judge to give them whatever
2 sentencing he finds suitable. But I ask that you first
3 think about whether we want him back on our streets after
4 just three years.

5 Do you really think that's safe for him?

6 Also Chase was an artist and they squandered his
7 legacy. They seem to show no remorse and I think that
8 alone shows what kind of people they are.

9 All three of the brothers were there and the story
10 keeps changing. Now they say one didn't get out of the
11 car so he shouldn't be charged.

12 What about the hand of one is the hand of all law
13 that you guys have here?

14 They had a plan and carried it out. My brother lost
15 his life and is gone forever. They are not. They get to
16 live, laugh, and experience joy. My brother does not.

17 They should at least have to lose a portion of their
18 life behind bars. They have made me an only child and
19 that still hurts to say. I ask that you give them the
20 maximum sentence before they get out and do it again.

21 This is my letter.

22 THE COURT: Yes, ma'am.

23 MISS MORROCO: Your Honor, thank you for allowing me
24 to speak today.

25 My name is Blythe Morroco. I am Chase Pearson's

1 cousin, cousin and Chris Morroco's daughter.

2 when I think of my cousin, a smile immediately comes
3 to my face. Chase had the ability to light up any room he
4 walked in. From the time he could walk or talk he was a
5 performer always singing and dancing for anyone who would
6 watch or listen.

7 I remember one time when we were little Chase even
8 wore a full head to toe Buzz Lightyear costume in the
9 middle of summer to the zoo in Florida. Talk about
10 commitment to a Disney character.

11 He was also extremely caring and passionate about
12 whatever he was doing. He had a contagious laugh that
13 would echo in any room. He was creative, outspoken,
14 funny, and extremely down to earth. Chase had a lot of
15 potential.

16 It was a Tuesday when I walked into my dad's room and
17 saw his red eyes. I remember feeling an unease in the
18 room. I frantically asked why are you crying, what is it.

19 Scared of the possible response, my mouth went dry.
20 His response was short. It's Chase. I blurted out
21 quickly what, is he hurt. No, he said. He's dead.

22 The word dead rung in my ear like a loud gong. I
23 remember exactly where I was standing in my house when I
24 got this news. I fell to my knees and began to cry. My
25 head was spinning. My heart was racing. I sat in

1 complete shock and then I started asking all the questions
2 I wanted answers to to somehow maybe ease the pain.

3 How did this happen?

4 How is he dead and gone?

5 At 17 years old, my mind can not fathom my cousin
6 passing so soon. There's truly nothing like the sting of
7 death especially when you first hear it. All I could do
8 was fall on my knees and weep, weep over the life that was
9 lost, the potential lost, and the pain that this would
10 cause not only me but my family for years to come.

11 I will never forget his funeral. My Aunt Allison
12 stood kissing Chase's face in the casket and grooming his
13 hair.

14 When we lowered him into the ground, my grandfather,
15 Sidney, fell on his knees and let out a painful shrieking
16 sound I could still hear, the sound of immense grief,
17 unthinkable pain, and irreplaceable damage done.

18 Xavier, I do not know your story. I don't know if
19 you thought about the repercussions of taking a life or if
20 it's never crossed your mind since you left Chase in that
21 car. I hope you realize now the deep wounds you've caused
22 our family and friends are undoable.

23 I also want you to know that I believe in radical
24 forgiveness for I know how deep my sins run and yet the
25 all knowing perfect and blameless God paid the ultimate

1 price when he got on the cross and died for my
2 excruciating -- and died an excruciating death in history
3 for me and for you and he has forgiven my sin. And so I
4 fully forgive you.

5 I say this to let you know that I do not hold any
6 bitterness or anger in my heart for your actions. I also
7 know that a price has to be paid for taking Chase's life.

8 My prayer for you is that you use the time served to
9 evaluate the choices you've made. From my understanding
10 this is not been your only offense and I do not wish this
11 pain on any other family, and, for that reason, I think
12 it's best that you serve the maximum sentence.

13 Thank you.

14 THE COURT: Thank you.

15 SOLICITOR MILLER: And, finally, Your Honor, Chase's
16 uncle, Chris Morroco.

17 MR. MORROCO: Your Honor, can you hear me?

18 THE COURT: Yes, sir.

19 MR. MORROCO: Thank you for affording me the
20 opportunity to share my thought, feelings, and prospective
21 at this sentence. Not only you but the entire courtroom.

22 I'm Chris Morroco, the younger brother of Allison,
23 and the uncle of Chase Pearson. When my mom called me and
24 asked me if I'd be willing to speak at this hearing, my
25 initial reaction was find a way to avoid it because I had

1 so many mixed emotions.

2 I wasn't quite sure how I might express them in a
3 courtroom. However, as a father of three children, a
4 proud father of, of that one, and witnessing firsthand
5 what my sister has experienced since she received the gut
6 wrenching news that would pierce any mother's heart, I
7 felt obligated to speak.

8 Life has dealt me some blows over the last five years
9 and the murder of Chase has been a significant one for our
10 family and me personally.

11 Since his death I lost my mother-in-law and one of my
12 best friends to cancer. My high school football coach,
13 who is one of the most influential men in my life, died of
14 old age and my dad, who Chase referred to as Papa Zip,
15 committed suicide. I later found out he took Chase's
16 death the hardest next to my sister.

17 Experiencing death is something not any of us are
18 prepared for, especially a loved one at the age of 20. I
19 certainly wasn't and I hadn't -- and I have found myself
20 searching. As a result, I've turned to my faith.

21 I'm a christian and I believe in forgiveness, grace,
22 and that all things can be used for good in the glory of
23 God as evidenced by Christ's death on the cross. But as
24 Chandler suggested, there's pain and suffering that is
25 hard to get your arms around, especially a family member.

1 It ultimately leaves you with more questions than
2 answers and death stings because it affects so many lives,
3 and regardless of how hard you try, you can't bring them
4 back. You hold on to the fact that you'll one day see
5 them again, which I believe to be true, based on the
6 decision Chase made as a young man with a prompting of
7 Smiley Sturgess, the pastor of a church he attended in St.
8 Augustine, Florida. This provides great comfort.

9 You also find comfort in holding on to those memories
10 of when they're alive. The Chase I remember was an
11 innocent, sweet, young boy who had a zest for life and an
12 amazing heart. I'll never forget the Universal Studio and
13 Disno -- Disney videos my sister would send of him
14 imitating Barney and Mr. Peak-A-Boo verbatim, the Buzz
15 Lightyear outfit that Blythe referred to he'd wear in his
16 quest to extinguish the bad guys, and I remember spending
17 time at the beach watching him catch minnows in the ocean
18 with his plastic net for hours on end and jumping for joy
19 when he landed his version of Nemo.

20 I also remember a car ride to a local Starbucks when
21 he'd visit with me in Atlanta. He shared his dreams of
22 one day receiving an engineering degree at Georgia Tech or
23 even MIT.

24 Like all teenagers, there was a rebellious side to
25 him and he made some unwise choices, the type of choices I

1 happened to make as a young man myself, but there were
2 still that loving, kind heart beneath it all.

3 He wasn't one to invite conflict. But, instead,
4 wanted to get -- people to get along, which is why the
5 incident that took place doesn't seem to add up when you
6 try to piece it together.

7 Plain and simple, a life shouldn't be lost over any
8 disagreement or transaction, especially a \$400.00
9 marijuana deal. Life's too precious for something as
10 nonsense -- senseless as that to take place and you simply
11 can't erase it, move on, or chalk it up to a drug deal
12 gone bad.

13 There have to be meaningful consequences. Wrongs
14 have to be made right. A payment has to be made as
15 evidenced by God's decision to send his very own son to
16 the cross and justice has to be served. It's the
17 foundation that this country was built upon to ensure that
18 we have a productive society and others don't go through
19 what my family experienced over the last five years.

20 The law's the law although it doesn't seem to have
21 necessarily been followed during this case until today.

22 Lastly, I'd like to say something to you, Xavier
23 Washington. It's far easier for me to say it than my
24 sister because I didn't give birth to Chase.

25 I forgive you for taking Chase's life and I too pray

1 that you'll one day grasp the magnitude of the choice
2 you've made and seek forgiveness from your maker so you
3 may have a life beyond your prison sentence and your time
4 on Earth.

5 The numbers are stacked against you though. There's
6 a strong likelihood you'll end up like the rest of the
7 prisoners who are serving their sentences, those that
8 remain captive, and are never released from their
9 darkness. You'll likely walk away a free man in society
10 after your term is served. But I'm afraid you'll be
11 destined to repeat that cycle, which is why I pray that
12 one day you'll surrender, which is something you chose not
13 to do since you took Chase's life and, as a result,
14 created five excruciating years of agony for my sister and
15 family.

16 It's one of the main reasons I think Judge Newman
17 should adequately sentence you for the wrong you
18 committed. And after you've served your time, maybe one
19 day you'll find the true freedom that awaits you and maybe
20 even see Chase again and repair what was lost.

21 THE COURT: Thank you.

22 SOLICITOR MILLER: Your Honor, there's nothing
23 further from the State.

24 THE COURT: Regarding the reference to him being on
25 parole at the time, Mr. Miller?

1 SOLICITOR MILLER: Your Honor, he had a -- the
2 conviction that he had in 2012 was a five year sentence
3 for distribution of cocaine base. That sentence was
4 imposed February of 2012. So, he would have been on
5 parole from that sentence in March of 2014.

6 THE COURT: Is that correct, Mr. Johnson?

7 MR. JOHNSON: It sounds like that would be correct
8 from the -- that is correct, judge, from (indiscernible).

9 THE COURT: All right.

10 All right. Mr. Johnson.

11 MR. JOHNSON: Thank you, Your Honor.

12 I'll just begin, my client, at the appropriate time,
13 does have family here in the courtroom. His mother's
14 present in the courtroom as well as his family and
15 friends. She wanted to address the Court at the
16 appropriate time.

17 Your Honor, just to talk about my client, Xavier, he
18 is a young man. He's got his GED. He's worked hard. I
19 believe his last job was as a welder working on a welding
20 school in Florida. He has a small child, a daughter,
21 who's not quite three years old in Miami.

22 I would point out to the Court he came up here -- his
23 grandmother lived in South Carolina and had traveled up
24 here when he was a young man. I think he lived here for
25 10 years. His grandmother passed away. But that is how

1 they came to be here with his -- traveling here with his
2 mother from---

3 THE COURT: From Miami?

4 MR. JOHNSON: ---from Miami I believe, judge. They
5 originally came from Florida and now they're back. But
6 they were here for 10 years. His mother's here today
7 with, with their friends and relatives.

8 I would point out to the Court, just as a general
9 overview, I would say that Xavier's somebody that I think,
10 as a young man, didn't have enough guidance. I think
11 there was some separation there from his father. I think
12 that took place.

13 I think he was hanging out with people who were doing
14 the wrong things as far as drinking and smoking marijuana.
15 There was a little partying going on there that I think
16 misled him. I think that was the result that got him a
17 GED as a young man in getting comfortable and making a
18 mistake and getting involved with marijuana and my client
19 is somebody I think who's very upfront with me when I
20 talked to him about this circumstance, the fact that there
21 was a marijuana deal, and that he was there.

22 He was very straightforward about that fact that he
23 had a gun and what happened. Of course, my client has
24 said, when we looked at the evidence and talked about the
25 fact that he was shot, he felt that there was a situation

1 where he did not go to this drug deal was the plan to
2 murder anyone. Of course, this was a situation where
3 things got out of control. However, he was there knowing
4 that this was a drug deal and he had a gun on him, judge,
5 and things did go south and he certainly regrets that.

6 Every time I talk to him he expresses regret about
7 that.

8 THE COURT: It got out of control in what way?

9 MR. JOHNSON: Well, I feel that -- he, he made the
10 statement, as the solicitor said, that someone in the back
11 seat had -- he thought was producing a firearm and he
12 grabs his firearm and then everyone pulls guns.

13 And so that is certainly something that is
14 regrettable. It's not an excuse at all for bringing a gun
15 and, and, and setting up a drug deal, which is what he was
16 involved in, and bringing a gun to that drug deal, and
17 then this horrible result came about. And he understands
18 his part in that and, at the very beginning, judge, I
19 think he's been very straightforward about that. But I
20 don't think he came there, of course, with any plan to
21 hurt anyone.

22 That is something that I will say it -- I think, when
23 you look at the evidence, you could say that certainly
24 this was a horrible thing and a mistake. But he did not
25 go in there with the plan to hurt anyone. That was his

1 position on---

2 THE COURT: And you're basing that comment on what?

3 MR. JOHNSON: well, judge, my client has had that
4 position. I think he made that statement to law
5 enforcement. He, he was interviewed several times by law
6 enforcement that he's -- he, he did not want to let things
7 get out of control but certainly they did.

8 I'd ask Your Honor to consider that he's a young man
9 who is taking responsibility here today. This is, of
10 course, a very serious charge and I'd ask you to consider
11 all those details for him and in addition to what his
12 mother might have to add if he -- and if he has anything
13 to add as well, judge.

14 And I have, I have the time served amounts if you'd
15 like to hear those.

16 THE COURT: Yes, sir.

17 MR. JOHNSON: He was initially -- there was a hold
18 placed on him in Florida 12/13/17. I think the total from
19 that would be 587 days if he got credit from that time
20 where the hold was placed in Florida.

21 He had -- the solicitor received the detainer. That
22 was 11/30/18. That would be 235 days and then he's been
23 in the Bamberg jail for 223 days and we'd ask the Court,
24 of course, to give him the maximum allowed time served.

25 we would request, since he had that hold---

1 THE COURT: which is what?

2 MR. JOHNSON: well, we would ask, judge, the hold in
3 Florida, judge, which would be 587 days. But, of course,
4 we understand that it's up to Your Honor and it's---

5 THE COURT: I need to know, I need to know what
6 you're asking---

7 MR. JOHNSON: well, we are---

8 THE COURT: ---asking.

9 You're asking---

10 MR. JOHNSON: We would, we would---

11 THE COURT: ---credit for how many days?

12 MR. JOHNSON: Five hundred and 87 days would be the
13 amount since the hold in Florida and that's what we're
14 asking for, judge.

15 THE COURT: All right. What's the State's position?

16 SOLICITOR MILLER: Your Honor, I don't believe he
17 gets credit for the 587. I think he gets credit from the
18 time that we could get him and, obviously, we didn't -- he
19 made his request on November 30th.

20 We found that he had requested to come here from
21 Georgia, and, within a couple of weeks, we had him here in
22 South Carolina and that's -- I believe that the proper
23 measure would go from November 30th of 2018, which,
24 Mr. Johnson, that was calculated how many days --

25 MR. JOHNSON: From the hold---

1 SOLICITOR MILLER: -- whenever he---

2 MR. JOHNSON: The hold when the solicitors were made
3 aware of that, that date goes to -- they got the detainer
4 235 days.

5 SOLICITOR MILLER: That would be two -- 235, Your
6 Honor.

7 MR. JOHNSON: And, judge, I'll -- if you -- if it's
8 okay, I'll just put on the -- let the Court know my client
9 was in a situation where he was, he was drafting letters
10 about wanting to speak an apology to, to express his
11 regret to the victim's family. I think, at, at the last
12 minute, he's trying to figure out the best way to handle
13 it. He wanted to put that on the record instead of
14 passing up a letter.

15 So, I'm gonna let the Court know that he was trying
16 to put that together. But we don't have that letter cause
17 he indicated he'd like to speak from the heart and express
18 that when the judge allows it.

19 THE COURT: All right.

20 Yes, sir.

21 THE DEFENDANT: Your Honor, I offer -- going off of
22 what was said just then from the family members, I was, I
23 was under the thought that it wasn't how they, how they
24 spoken to then and a lot of things that they said was
25 in -- was not accurate.

1 THE COURT: well, they were not there. You were
2 there.

3 THE DEFENDANT: Yeah, I know. That's why---

4 THE COURT: So go ahead.

5 THE DEFENDANT: All right. From the, from the
6 incident, I did not rob -- I did not rob nor or try to rob
7 them. I had money in my pocket myself and it was drugs
8 found at the scene.

9 That's, that's -- that -- a lot of stuff in the, in
10 the evidence shows that it wasn't like me trying to rob
11 them and the fact what I was saying is the, the guy in the
12 back seat claimed that he shot me as I was leaving the
13 scene. But I got bullet wounds in the front of me in my
14 front entrance.

15 So, what I, what I was trying to show and let them
16 know that it's -- it wasn't me that was the aggressor and
17 that's what I said earlier. Everything that I did was in
18 self-defense. But, like I say, I can't get self-defense
19 and that's why I wanted to just come in with an open plea
20 and just hope it be a little leniency on me. But -- and
21 as far as them -- the day---

22 THE COURT: well, you haven't, you haven't explained
23 very much to me about what happened.

24 THE DEFENDANT: All right. The situation start---

25 THE COURT: From the beginning. From, from the time

1 you woke up.

2 THE DEFENDANT: Can I just start off the time---

3 THE COURT: From the time you woke up.

4 THE DEFENDANT: All right. I, I woke up and just had
5 my regular day and that was like, like how it said. My
6 brother let me know that william wanted to get -- buy some
7 marijuana.

8 And so we, we met up for the deal. When he pulled
9 up, we, we went to go to the area where it was.

10 And so when we met up for the deal, we got out and
11 came to the car. And as I'm handing him the scale, and
12 I'm pulling out the marijuana, the guy in the back seat is
13 in -- I already see that he just keep moving around and he
14 just -- it just something just throwing me off about him.

15 And so, when I do pay attention, he's coming up with
16 a pistol and that's what made me pull my pistol. And
17 that's why I say I, I am guilty because I came to the
18 scene with a, with a gun.

19 And so, when I pulled my gun, william is -- it's like
20 william was already on alert and he grabbed my hand. And
21 so me and him got to tussling over the gun and the gun was
22 going off while we was tussling.

23 And so during, during while we tussling, I get shot
24 two times. The bullet still sitting in my chest and a
25 bullet sitting on my spine that could paralyze me. And so

1 I fell to the ground. And, after that, it's just like I
2 blank out and just remember getting picked up and took
3 back to the car.

4 And when we got down the road where the car crashed
5 and I just -- I got out. I tried to help get the car out
6 the ditch. But it's like the car wouldn't get out the
7 ditch. So, I just got off the street and got to moving
8 and so just in case.

9 I ain't know -- I didn't even know if anybody was --
10 how bad anybody was hurt. So, I didn't want it to be a
11 case like they come down the road and subsequent -- and
12 anything go further.

13 Nothing like this was suppose to happen. It was just
14 suppose to be a regular, a regular deal and all of it
15 really went bad at -- from under -- unnecessary movements
16 and I was -- that's really all I could say and I just
17 apologize to the family.

18 THE COURT: Unnecessary movement?

19 THE DEFENDANT: Yeah, the guy---

20 THE COURT: when?

21 THE DEFENDANT: And I was -- I got nervous from the
22 guy in the back seat and then seeing him with the guns.
23 He kept moving around in the back seat and that's what
24 made me pull my gun and, after that, it's just --
25 everything went bad from there.

1 THE COURT: And you're on parole at the time?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And what was your sentence?

4 THE DEFENDANT: For parole?

5 I mean for -- I had got five years.

6 THE COURT: For selling drugs.

7 what was your sentence?

8 THE DEFENDANT: I got five years possession with
9 intent to distribute cocaine.

10 THE COURT: And what did -- what year was that?

11 THE DEFENDANT: 2012?

12 2000 and -- yeah, 2012.

13 THE COURT: And when were you released from prison?

14 THE DEFENDANT: February of 2014.

15 THE COURT: When this happened?

16 THE DEFENDANT: And I -- and like -- March 29th.

17 And I tried to do right and but it's, it's like I couldn't
18 get hired nowhere. Masonite wouldn't hire me.

19 THE COURT: You're---

20 THE DEFENDANT: Augusta---

21 THE COURT: You're out of prison for -- got out of
22 prison when?

23 THE DEFENDANT: February. January 31st. February
24 1st is when I moved in.

25 THE COURT: And this happened in -- less than six

1 days later?

2 THE DEFENDANT: Yeah.

3 THE COURT: March 29th?

4 THE DEFENDANT: At the end of March.

5 THE COURT: When was your first time going to prison?

6 THE DEFENDANT: 2009.

7 THE COURT: And what was that for?

8 THE DEFENDANT: Burglary.

9 THE COURT: What'd you do?

10 THE DEFENDANT: Trying to get something back that was
11 owed to me.

12 THE COURT: What did you do?

13 THE DEFENDANT: I went in somebody house without,
14 without permission.

15 THE COURT: In the daytime?

16 THE DEFENDANT: No, sir.

17 THE COURT: And how much time did you get for that?

18 THE DEFENDANT: I got a five year YOA sentence.

19 THE COURT: When were you released?

20 THE DEFENDANT: A year and a half later.

21 THE COURT: In 2000 and---

22 THE DEFENDANT: '10.

23 THE COURT: '10.

24 And then, since this occurred, you got arrested when?

25 THE DEFENDANT: All right. This -- when -- I got let

1 out the hospital for this, I straight---

2 THE COURT: On what?

3 When?

4 THE DEFENDANT: I got let out the hospital probably
5 like two weeks after, after the incident.

6 THE COURT: All right.

7 THE DEFENDANT: And so I start working and move to
8 Miami. Move to Miami and start working and doing good and
9 the day I found out that, that my baby mother -- my
10 girlfriend was pregnant, and the day after I found out she
11 was pregnant, I, you know what I'm saying, I found out
12 that it was a warrant out for me. And with me with a baby
13 on the way, I would of been trying of -- it would -- I
14 couldn't go get right by then.

15 THE COURT: The question's when were you arrested in
16 Florida.

17 THE DEFENDANT: December 13th, 2017.

18 THE COURT: For doing what?

19 THE DEFENDANT: The -- it's U.S. Marshals came and
20 picked me up---

21 THE COURT: All right.

22 THE DEFENDANT: ---for the open warrants.

23 THE COURT: Okay. Well, concerning the Georgia time
24 that you're doing now, what -- when did that it -- crime
25 occur?

1 THE DEFENDANT: In December, 2017. I'm -- not
2 December. Like in the middle. Like July, 2017.

3 THE COURT: And what -- you were arrested for doing
4 what?

5 THE DEFENDANT: I had cocaine in the car, cocaine and
6 Ecstasy, and I had drugs in the car.

7 THE COURT: And what town in Florida was that?

8 THE DEFENDANT: That was in Georgia.

9 THE COURT: In Georgia.
10 what part of Georgia?

11 THE DEFENDANT: Cumberland. Midland, Georgia.

12 THE COURT: Excuse me?

13 THE DEFENDANT: Midland, Georgia. Jenkins County.

14 THE COURT: And what were you doing there?

15 THE DEFENDANT: Nothing.

16 THE COURT: Nothing?

17 THE DEFENDANT: Nothing, sir.

18 THE COURT: why were you there?

19 where is Midland County, Georgia?

20 THE DEFENDANT: It's probably like three hours away
21 from here.

22 THE COURT: Near where?

23 THE DEFENDANT: Next to Statesboro.

24 THE COURT: And what were you doing there?

25 THE DEFENDANT: I---

1 THE COURT: You were living there?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And how long were you living there?

4 THE DEFENDANT: For like a year and some change.

5 THE COURT: All right.

6 THE DEFENDANT: But, like I say, I'm -- my, my
7 history, that what they going off about the attempted
8 murder, all that's coming from this. I don't have --
9 other than this situation right here, I don't have no
10 violent crimes. I wasn't -- everything I was doing was --
11 nothing was violent other than coming from this
12 stipulated -- situation.

13 THE COURT: All right. By the way, you're aware that
14 this offense is classified in the law as being most
15 serious --

16 THE DEFENDANT: Yes, sir.

17 THE COURT: -- and subjects you to the State's Two
18 Strikes Law and it's also classified as a violent crime
19 and it's a no parole offense?

20 You're aware of all that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Go ahead.

23 MR. JOHNSON: Your Honor, do you -- would you like
24 his mother to address the Court?

25 THE COURT: Anyone who wants to talk.

1 MRS. PRIESTER: Hi, Your Honor.

2 THE COURT: Your name is?

3 MRS. PRIESTER: Shirley Priester.

4 THE COURT: Shirley Priester, yes, ma'am.

5 MRS. PRIESTER: I'm Xavier Washington's mother.

6 I didn't write no letters or anything like that.

7 I -- this is my first time. I'm very nervous and I've --
8 my heart goes out to the family. I mean it's nothing that
9 I can say or do to bring a son back. No mother should
10 have to bury her child. My heart goes out to you.

11 My child -- I'm sorry. I'm so sorry.

12 He died just as well with this going on. He's
13 suffering. He's in jail. He's still having his life but
14 he's going through things emotionally. Emotionally he
15 died and I ask and I pray that you-all will find it in
16 your heart to give him another chance cause he was trying
17 to do right.

18 THE COURT: When you say you-all, who are you
19 referring to?

20 MRS. PRIESTER: Every -- everybody. Everybody
21 that's---

22 THE COURT: Well, everybody's not gonna---

23 MRS. PRIESTER: I'm sorry.

24 THE COURT: ---do---

25 MRS. PRIESTER: I'm sorry.

1 THE COURT: ---the sentence.

2 MRS. PRIESTER: Judge, you, sir. You, Your Honor.

3 Find it in his heart to please give him another
4 chance. Please.

5 He's, he's been locked up for a while now. He's
6 learning. He's, he's constantly learning.

7 what he done, it, it wasn't right. He was trying to
8 make a living. I'm not trying to excuse it but, as he
9 said, his heart -- it's hard for him to get a job.
10 Everywhere he go they turn him down because of his record.

11 He -- he's not a violent kid.

12 THE COURT: How long did he live with you?

13 MRS. PRIESTER: He lived with me -- he lived with me
14 forever up until he moved -- I came up here in 2001 from
15 Florida. I moved up here because Florida was too fast and
16 I needed to be slowed down cause I didn't want them going
17 through what was happening in Florida, okay, and we moved
18 up here in 2001 and everything happened.

19 THE COURT: And when was the first time he got into
20 trouble?

21 MRS. PRIESTER: First time he got in trouble.

22 THE COURT: You said 2001. He was born in 1991.

23 MRS. PRIESTER: Yes.

24 THE COURT: So he would of been 10 years old---

25 MRS. PRIESTER: Right---

1 THE COURT: ---when you got here?

2 MRS. PRIESTER: ---when we moved up here, yes.

3 THE COURT: when, when did he start getting in
4 trouble?

5 MRS. PRIESTER: when he got in trouble, was he -- was
6 you---

7 THE DEFENDANT: 2009.

8 MRS. PRIESTER: ---sixteen, 17. Yeah, around 16, 17.

9 THE COURT: And he was 17?

10 MRS. PRIESTER: Yes, and---

11 THE DEFENDANT: I was 16 for---

12 THE COURT: Sixteen.

13 THE DEFENDANT: ---every -- at the time of the adult
14 charges.

15 MRS. PRIESTER: Right.

16 THE COURT: Sixteen.

17 All right.

18 MRS. PRIESTER: Yeah.

19 And, and it just -- it, it picked up. He was doing
20 better and then he just being a kid and it -- it's the
21 choices that I always tell him. It's the choices that you
22 make. The choices that you make and the company that you
23 keep, you know, and it just went downhill. Then he got --
24 it was all right---

25 THE COURT: The other Priestester involved in this, was

1 he, he your son?

2 MRS. PRIESTER: That's my son also, yes.

3 THE COURT: All right. what happened with him and
4 where is he?

5 MRS. PRIESTER: He, he -- he's, he's home. He's home
6 with me.

7 THE COURT: All right.

8 MRS. PRIESTER: Yeah. And he -- and he's also
9 emotionally dead. I mean I'm sorry to say it like that.
10 But it's, it's like he have no life. It's, it's basically
11 like he's giving up. I try to get him help but he, he
12 won't get help, and, him, I'm hoping that he gets some
13 help.

14 THE COURT: was he injured or --?

15 MRS. PRIESTER: No, he -- emotionally. Emotionally.

16 THE COURT: All right.

17 MRS. PRIESTER: Emotionally.

18 But, as I was saying, he's not a bad kid. He would
19 give you the shirt off his back.

20 THE COURT: No one in jail -- we have no bad people
21 in jail.

22 MRS. PRIESTER: No, not saying---

23 THE COURT: Everybody's good.

24 MRS. PRIESTER: But I mean what he, he may not --
25 he---

1 THE COURT: Everyone who comes here is good.

2 Everyone who stands there, they're all good people.

3 MRS. PRIESTER: He made the wrong choice.

4 THE COURT: I understand.

5 MRS. PRIESTER: He did.

6 THE COURT: Everyone stands there made the wrong
7 choice --

8 MRS. PRIESTER: Yeah, I'm sorry.

9 THE COURT: -- including -- you know, who is standing
10 here to be sentenced.

11 All right. Thank you, ma'am.

12 MR. JOHNSON: I think that's all we have, judge.

13 THE COURT: All right. Any response by the State?
14 Mr. Miller.

15 SOLICITOR MILLER: Your Honor, nothing additionally.

16 I have gone back and confirmed the rap sheet that was
17 run today, the defendant's record, and it was as stated.

18 His Georgia convictions, although he was charged with
19 a firearms conviction, possession of a firearm in Georgia,
20 that was not prosecuted as part of his plea and he did
21 have a giving false statement, fleeing or attempting to
22 allude a police officer, possession of less than an ounce
23 of marijuana, possession of cocaine with intent to
24 distribute, and driving under the influence of alcohol,
25 and possession of a Schedule I controlled substance.

1 The other charges, which were felon in possession of
2 a firearm, in possession of a firearm during commission of
3 an attempt to commit certain felonies, were dismissed. So
4 I wanted to make sure that was accurate on the record.

5 His South Carolina record is the burglary third
6 degree first offense from 2009 we have talked about as
7 well as the distribution or possession with intent to
8 distribute cocaine base that he got five years for in
9 2012. And he said that he was released at the very end of
10 January, January, the beginning of February in 2014.

11 So this would have been within two months of the date
12 of his release from SCDC.

13 THE COURT: All right. I'm gonna defer sentencing
14 until later day.

15 SOLICITOR MILLER: Yes, sir.

16 THE COURT: All right.

17 Mr. Johnson and Mr. Miller will need to more formally
18 place a waiver of venue on the record than related to this
19 matter.

20 MR. JOHNSON: Yes, sir.

21 SOLICITOR MILLER: Yes, sir.

22 THE COURT: All right.

23 (WHEREUPON, Court was in recess in this case at this
24 time.)

25 THE COURT: Yes, sir.

1 MR. JOHNSON: Your Honor, may I put something else on
2 the record?

3 THE COURT: Yes, sir.

4 MR. JOHNSON: I was just gonna state we had asked --
5 I contacted the general counsel with SCDC. It's my
6 understanding to run this time -- any sentence you give
7 concurrent to his Georgia time, that would have to be
8 written on a sentencing sheet just as to run concurrent
9 with Georgia sentence and that would be sufficient. And
10 we are asking the Court to do that, to run this concurrent
11 to the Georgia sentence, and ask Your Honor to write that
12 on the sentencing sheet.

13 That's all I have, judge.

14 THE COURT: On the issue of parolable or not
15 parolable, we know murder is day for day.

16 What's your understanding?

17 SOLICITOR MILLER: Voluntary's 85 percent, Your
18 Honor.

19 THE COURT: All right. Is that your understanding?

20 MR. JOHNSON: Yes, sir.

21 THE COURT: All right. So that may modify this.
22 Earlier -- I said earlier -- and I said that whatever
23 sentence you receive you should expect to, to do. But it
24 is not in the same classification as murder.

25 MR. JOHNSON: Yes, sir.

1 THE COURT: It is 85 percent and I guess it's still
2 considered non-parolable---

3 SOLICITOR MILLER: Right.

4 THE COURT: ---85 percent.

5 Is it parolable or is that the sentence?

6 SOLICITOR MILLER: No, sir, it's -- it is -- it is a
7 no parole offense and there are limitations on the amount
8 of good time and education credits that can be earned,
9 which mean if you do what you're suppose to do, you get
10 out at 85 percent. But some people who get 85 percent
11 sentences end up serving more than 85 percent of their
12 sentence because they do not even earn the minimal good
13 time or earn work credits that or education credits that
14 they can earn.

15 Your Honor'd also indicated you wanted to put some
16 additional information on the record regarding venue
17 waiver.

18 THE COURT: Yes, sir.

19 Mr. Washington, this crime occurred in Bamberg County
20 and we're in Barnwell County.

21 Do you waive venue, your right to have this heard in
22 Bamberg County, and you want it -- venue heard this -- in
23 Barn -- in Barnwell County?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. With regard to credit for

1 time served, I think all pretrial confinement entitles a
2 defendant to credit for pretrial confinement. So, I'm
3 finding that his pretrial confinement is the 587 days
4 being confined.

5 MR. JOHNSON: Thank you, Your Honor.

6 THE COURT: With respect to the sentence itself, we
7 adjourned this case about three or four hours ago.

8 Anything else anyone else wants to say?

9 MR. JOHNSON: Judge, I don't think the defense has
10 anything further from the family and I think that's all my
11 client might have.

12 THE DEFENDANT: I just want to say I apologize to the
13 family again for the situation that occurred, and, like I
14 said, I didn't mean for this to happen. It just was a
15 reaction off of instinct.

16 THE COURT: All right.

17 SOLICITOR MILLER: Your Honor, the only additional
18 information from the State is Ms. Morroco wanted to make
19 sure that the Court was aware, and I believe she, I
20 believe she was clear about this, that she, she was
21 requesting consecutive time for the defendant in this
22 matter consecutive to his Georgia sentence. And I've --
23 believe the Court was aware of that request.

24 THE COURT: All right. And the Georgia sentence
25 again was how many years?

1 SOLICITOR MILLER: Five years, Your Honor.

2 THE COURT: Now, the purpose of the -- sending
3 someone to the Department of Corrections is supposedly to
4 correct the person, to give them an opportunity at
5 rehabilitation, and it's just astonishing to me that
6 Mr. Williams (sic) will go to prison on two occasions and
7 come right out and continue to commit criminal offenses.

8 MR. JOHNSON: Are you referring to Mr. Washington?

9 THE COURT: Washington.

10 MR. JOHNSON: I'm sorry, judge.

11 THE COURT: I'm thinking of State v. Jalann Williams
12 who is not -- thank you. Mr. Washington---

13 MR. JOHNSON: Yes, sir.

14 THE COURT: ---who committed crimes and just -- and
15 immediately come out and commit greater crimes, more
16 serious crimes, to -- in this instance, to come out of the
17 Department of Corrections and, within six weeks, to have a
18 weapon and be involved in the same crime that he was sent
19 to prison for and to commit this offense.

20 Judge Lockemy, in his -- in the Jalann Williams case
21 that the solicitor handed it up on this question of
22 self-defense, which I have, I have mixed feelings on the
23 various opinions of the various justices on that case,
24 is -- in quoting Judge Lockemy in State v. Smith and
25 Lockemy said that -- Judge Lockemy, he's the chief judge,

1 said at the time of the shooting Smith was engaged in the
2 crime of selling illegal drugs.

3 This activity, in addition to damaging the lives of
4 untold numbers of people, also result in shootings and
5 deaths in a very frequent basis. Smith's decision to
6 bring a loaded weapon to the drug deal clearly shows his
7 knowledge of the danger of the situation. His criminal
8 conduct brought on the necessity to take the life of
9 another.

10 Smith created a situation fraught with peril. He can
11 not be excused for the violence that logically and
12 tragically often occurs when engaging in such conduct nor
13 can he claim he did not anticipate the high probability of
14 such violence and that's Mr. Washington.

15 That's you in this situation. And to be a person
16 just released from prison for the same offense and to
17 engage in this criminal conduct is just -- it's sad for
18 you, tragic for many, and very unfortunate.

19 Your mother says that you're a good boy and all that.
20 Good man now I guess. You might be considered a man. But
21 since you became a man, at least 17 or 18, you've just
22 established a clear pattern of criminal conduct.

23 So what is the world to do with a fellow like you?

24 You came up from Miami. So you -- your mother says
25 you had no positive role models in your life. I guess

1 that's what she said. You break in a house, sent off to
2 DJJ, which is suppose to help correct you, and you get
3 out, start selling drugs, get five years for distribution,
4 and, as soon as you get out, continue the same activity
5 and why?

6 THE DEFENDANT: Can I respond?

7 THE COURT: Yeah. That's my question.

8 THE DEFENDANT: When I---

9 THE COURT: why?

10 THE DEFENDANT: When I, when I, when I got out --
11 well, I didn't just go to selling drugs. My first day out
12 of prison, I went straight to my parole officer and the --
13 what, what my parole officer told me was that you don't
14 have no money. You only getting three strikes. If you
15 ain't got no money right now, that's your first strike.
16 He's like who you came here with.

17 So I told him who I came with. Todd, Todd Graham was
18 my parole officer.

19 THE COURT: Yeah, he's normally in here.

20 THE DEFENDANT: So---

21 THE COURT: That's why I looked over that way.

22 THE DEFENDANT: So---

23 THE COURT: Go ahead.

24 THE DEFENDANT: So, so, I went to where I came---

25 THE COURT: Like I guarantee you he didn't tell you

1 that you should go sell drugs.

2 THE DEFENDANT: Nah, he didn't tell me that but---

3 THE COURT: All right.

4 THE DEFENDANT: ---this the thing. I -- what I told
5 y'all is I signed up for Masonite and Augusta Fiberglass
6 and I wasn't getting no, no response. Masonite told me
7 they denied me because of my record and Augusta Fiberglass
8 never responded.

9 So I went to Todd Graham and asked him can he vouch
10 for me or can he help me get a job and he was like that's
11 not his job.

12 So, with me stuck and not being able to get a job and
13 how -- like I have to -- I have parole to keep paying. If
14 I don't come -- I done knew people that went back to
15 prison for not paying parole. But it was not the right
16 thing to go sell drugs. But it was -- it wasn't any --
17 many options left open.

18 THE COURT: Say again.

19 THE DEFENDANT: It wasn't the right thing to do to go
20 sell drugs. But they wasn't options left open.

21 THE COURT: So, so you kept that option of employment
22 open---

23 THE DEFENDANT: No, that was---

24 THE COURT: ---for how long?

25 THE DEFENDANT: That was cause I just did have---

1 THE COURT: How long before you started selling drugs
2 again?

3 How many days?

4 THE DEFENDANT: I can't remember.

5 THE COURT: How many weeks?

6 THE DEFENDANT: I can't remember.

7 THE COURT: Well, we know it wasn't any more than six
8 since you admitted this killing within six weeks.

9 All right. Not to mention that the crime's committed
10 even after this crime.

11 On this offense, Mr. Washington, the sentence is that
12 you be committed to the State Department of Corrections
13 for a period of 27 years. The sentence will run
14 consecutive to the sentence in Georgia and you get credit
15 for the 587 days.

16 Good luck to you.

17 MR. JOHNSON: Thank you, judge.

18

19 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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Chavias Jenkins v State
Certificate of the Court Reporter
June 23, 2022

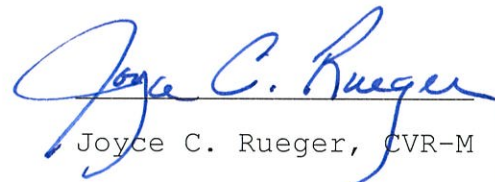
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C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is to the best of my ability, a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Charleston County, South Carolina on the 23rd day of June, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 22, 2023



Joyce C. Rueger, CVR-M
Court Reporter



DOCKET NO. 2019GS0500044

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

APRIL TERM 2019

THE STATE

vs.

XAVIER MAURICE WASHINGTON

CDR #: 0116

Indictment for

MURDER

§ 16-03-0010; 16-03-0020

J. STROM THURMOND, SOLICITOR

WITNESSES

State Law Enforcement Division

Richard L Johnson

Law Enforcement Case #: 31-14-0023

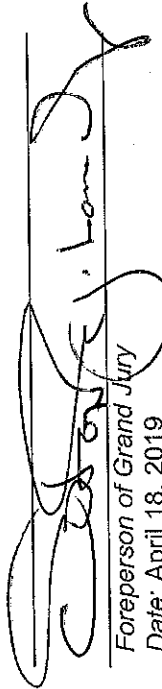
DWM

ARREST WARRANT NUMBER

2016A0510100060

ACTION OF GRAND JURY

TRUE BILL


Foreperson of Grand Jury
Date: April 18, 2019

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BAMBERG)
)

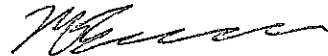
INDICTMENT FOR
 MURDER

§ 16-03-0010; 16-03-0020

At a Court of General Sessions, convened on April 22, 2019, the Grand Jurors of Bamberg County present upon their oath:

That **XAVIER MAURICE WASHINGTON**, along with others, did in Bamberg County on or about March 29, 2014, feloniously, wilfully and with malice aforethought, murder William C. Pearson by means of shooting him with a pistol and that the victim did die in Bamberg County near 7817 Vorhees Road as a proximate result thereof on March 29, 2014. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

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



J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Bamberg
STATE VS.
Xavier Maurice Washington

INDICTMENT/CASE#: 2019GS0500044
A/W#: 2016A0510100060
Date of Offense: 3/29/2014
S.C. Code §: 16-03-0010; 16-03-0020
CDR Code #: 0116

AKA:
Race: Black Sex: M Age: 27
DOB: 1991 SS#:
Address: Ethel Terrace
City, State, Zip: Blackville, SC 29817
DL#: SID#: SC01902661
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

2-30 years

In disposition of the said indictment comes now the Defendant who was TO: Manslaughter / Voluntary manslaughter

CONVICTED OF or PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: David W. Mills Solicitor, 69553 SC Bar#, Xavier Washington Defendant, Attorney for Defendant, 68563 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 27 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 in Georgia.
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 SCDOC.
(587 days credit)

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 (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

Table with 3 columns: Description, Amount, Total. Includes items like § 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 (Public Def/Probation) \$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, 3% to County (if paid in installments) \$ 3.75, TOTAL \$128.75

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:

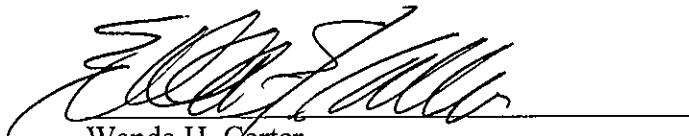
Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
Presiding Judge: [Signature]
Judge Code: 2127
Sentence Date: July 22, 2019

Clerk of Court/ Deputy Clerk: Rhonda McElwee
Court Reporter: Brenda Sigward
SCCA/217 (04/2018)

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

Oct 03 2024

SC Court of Appeals

This 3rd day of October, 2024.

RECEIVED

Oct 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

XAVIER MAURICE WASHINGTON,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Xavier Maurice Washington, #336667, at Ridgeland Correctional Institution, PO Box 2039, Ridgeland, SC 29936, this 3rd day of October, 2024.



Wanda H. Carter
Deputy Chief Appellate Defender