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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAYLEN SHYIR WILSON,

APPELLANT

APPELLATE CASE NO. 2023-001555

RECORD ON APPEAL

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1 State of South Carolina) Court of General Sessions
2 County of Lexington) Eleventh Judicial Circuit
3

4 State of South Carolina,) Transcript of Record
5 vs.) 2021-GS-32-03464
6 Jaylen Shyir Wilson,) 2021-GS-32-03535
7) 2021-GS-32-03537A
8 Defendant.)

9 May 22, 2023
10 Lexington, South Carolina

11 B E F O R E:

12 The Honorable Debra R. McCaslin, Judge

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

14 Samuel R. "Rick" Hubbard, III, Solicitor
15 L. Suzanne Mayes, Deputy Solicitor
16 On behalf of the State

17 Willie H. Brunson, Esquire
18 On behalf of the Defendant

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20 Stacy S. Johnson, RPR
21 Circuit Court Reporter
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I N D E X

PAGE

Certificate of Reporter

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E X H I B I T S

NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held May 22, 2023,
2 beginning at 9:49 AM.)

3 MS. MAYES: Jaylen Wilson.

4 MR. BRUNSON: Good morning, Your Honor.

5 THE COURT: Good morning, Mr. Brunson.

6 THE CLERK: 2021-GS-32-3537, State versus Jaylen
7 Wilson, indicted for criminal conspiracy. He is
8 pleading as charged.

9 2021-GS-32-3464, State versus Jaylen Wilson,
10 indicted for kidnapping. He is pleading as charged.

11 2021-GS-32-3597, State versus Jaylen Wilson,
12 indicted for possession of a weapon during the
13 commission of a violent crime. He is pleading as
14 charged.

15 2021-GS-32-3535, State versus Jaylen Wilson,
16 indicted for murder. He is pleading as charged.

17 All indictments are true billed. He is
18 represented by Mr. Brunson.

19 Raise your right hand, please.

20 (Whereupon, Jaylen Shyir Wilson was duly sworn by
21 the Clerk of Court.)

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. Mr. Brunson, let me ask
24 you, have you been over all of these charges with
25 Mr. Wilson, told him about his jury trial rights and

1 also the penalties that these charges carry?

2 MR. BRUNSON: Yes, Your Honor.

3 THE COURT: And do you believe that he's understood
4 those conversations?

5 MR. BRUNSON: I do, Your Honor.

6 THE COURT: And do you concur with his decision to
7 plead guilty here today?

8 MR. BRUNSON: Yes, Your Honor.

9 THE COURT: All right. Mr. Wilson, let me speak
10 with you. Have you been able to talk to your lawyer
11 as long as you want and enough time concerning these
12 charges? Have you been over all of the discovery and
13 has he told you about your jury trial rights and also
14 the penalties that these charges carry?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you need any more time with him?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: All right. Are you ready to go forward
19 on a plea of guilty to murder, kidnapping, possession of
20 a weapon during a violent crime and criminal conspiracy?

21 THE DEFENDANT: Yes, Your Honor.

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

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Have you ever been treated for any type

1 of mental illness?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Now you know you have a right to a jury
4 trial on all of these charges. In fact, I have a jury
5 out in the hall. I was prepared to pick your jury this
6 morning.

7 Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: You could call witnesses on your behalf,
10 you could have Mr. Brunson cross-examine any of the
11 State's witnesses. You could present a defense to these
12 charges if you have one. You could also choose to testify
13 or not to testify in your trial. And if you chose not to
14 testify, I'd tell the jury they couldn't even consider
15 that in their deliberations.

16 Do you understand all your jury trial rights?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And at this time, are you gonna waive
19 those rights and go forward with a plea of guilty?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. Let me go through these
22 charges with you.

23 Murder. It carries a mandatory minimum of thirty
24 years up to life. Your indictment has been true billed
25 by the grand jury and states that on or about April 5th,

1 whether acting alone or in concert with another,
2 unlawfully killed one, a Ms. Amenhotep.

3 Are you pleading guilty or not guilty?

4 THE DEFENDANT: Guilty.

5 THE COURT: Kidnapping carries zero to thirty. It,
6 too, has been true billed and states that on or about
7 April the 5th of 2021, through the early morning hours
8 of April the 6th of 2021, that you did unlawfully seize,
9 confine, inveigle or kidnap without the authority of law,
10 in this case, Ms. Amenhotep.

11 Are you pleading guilty or not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: Possession of a weapon during a violent
14 crime carries five years. It, too, has been true billed
15 and states that on or about April the 5th, through the
16 early morning hours of April the 6th, that you were armed
17 with a firearm during the commission of a violent crime
18 or the attempt to commit a violent crime.

19 Are you pleading guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: And, finally, criminal conspiracy. That
22 carries zero to five years. That has been true billed
23 by the grand jury. Again, on April the 5th, through the
24 early morning of April the 6th, you, along with your
25 other two co-defendants did conspire to commit this

1 offense against Ms. Amenhotep, which is the murder and
2 the kidnapping.

3 You understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Are you pleading guilty or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: All right. Let me explain to you about
8 the murder charge and the kidnapping charge. These are
9 violent offenses and they are most serious offenses.
10 They are strikes and, you know, people tell -- you hear
11 all the time three strikes and you're out. Well, that's
12 not true in this courtroom. Two strikes could get you a
13 life sentence. In fact, the murder itself carries up to
14 life, but these are strikes. So that means if you ever
15 walk into this courtroom again with another strike, you
16 are looking at the possibility of a mandatory life
17 sentence.

18 Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And knowing that do you still wish to go
21 forward with a plea of guilty?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Has anyone promised you anything to get
24 you to plead guilty today?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Has anyone forced you or threatened you
2 to get you to plead guilty today?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: And are you pleading guilty freely and
5 voluntarily?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Are you satisfied with the services of
8 Mr. Brunson?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Anything else you want him to do before
11 we complete this plea?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: All right. I want you to listen to the
14 State.

15 If you will give me a brief for the record factual
16 basis for the plea.

17 MS. MAYES: Yes, Your Honor. May it please the
18 Court?

19 As the Court is aware, we were scheduled to commence
20 jury selection in the case of State versus Jaylen Wilson
21 this morning. He tenders a plea of guilty now to murder
22 and kidnapping, both of which are no parole offenses
23 under South Carolina law, as well as the possession of a
24 weapon during commission of a violent crime and criminal
25 conspiracy regarding an on-going conspiracy with the

1 alleged co-conspirators in this case, Treveon Nelson and
2 Nicolle Sanchez Peralta.

3 This investigation began in Richland County after
4 the mother of Sanaa Amenhotep, age fifteen, reported her
5 missing when she failed to return home after spending
6 time with a friend, Nicolle Sanchez Peralta. Sanaa was
7 last seen in the presence of Nicolle while sitting on a
8 swing outside of her apartment complex in Richland County
9 with her little sister, Sade Amenhotep. Sade was able to
10 report that Sanaa left with Nicolle and was last seen in
11 the presence of Nicolle.

12 When Sanaa failed to return home, law enforcement
13 received the report of Sanaa as missing around midnight
14 and immediately within the next twenty-four to forty-eight
15 hours efforts were underway to locate Sanaa. She was
16 entered into the NCIC database as a missing person and
17 law enforcement began exhausting all efforts to determine
18 her last known whereabouts.

19 Information came to light that Nicolle Sanchez
20 Peralta had a boyfriend, Treveon Nelson, and Treveon
21 Nelson was known to have an associate, who is the
22 defendant in this case, Jaylen Wilson, also known as
23 Smooth.

24 As the investigation proceeded, law enforcement
25 ultimately made contact with Nicolle Sanchez Peralta on

1 April 27, 2021, at which time she was interviewed by law
2 enforcement, claimed to have been a witness to this crime
3 and implicated the defendant, Jaylen Wilson, and Treveon
4 Nelson as the shooters of Sanaa Amenhotep. Of course,
5 at that time Nicolle Sanchez Peralta gave a statement
6 that the State maintains was a self-serving statement and
7 seriously minimized and decreased her level of involvement
8 as she reported the involvement of her co-conspirators,
9 Treveon Nelson and Jaylen Wilson.

10 The statement of Nicolle Sanchez Peralta led
11 ultimately to the discovery of the body of Sanaa
12 Amenhotep on the evening of April 28, 2021, in a wooded
13 area in Leesville where she was found in a shallow grave.
14 Multiple shell casings were recovered from the crime
15 scene that were consistent with a .380 weapon, as well
16 as a 9-millimeter weapon. Ultimately in a statement
17 provided by Nicolle Perez Peralta to investigators, she
18 implicated the defendant, Jaylen Wilson, firing multiple
19 rounds at the victim as she had already been shot by
20 Treveon Nelson.

21 Review of information in this case, Your Honor,
22 does indicate an on-going conspiracy, which began back
23 on the morning of April 5, 2021, prior to Sanaa's
24 abduction. What we know and what has been presented
25 through evidence thus far is that a vehicle was stolen

1 from the West Columbia area around 1:00 PM on April 5,
2 2021.

3 One of the motions filed in this case, State versus
4 Jaylen Wilson, is a motion for the admission of certain
5 statements in furtherance of the conspiracy. One of
6 those is just eight minutes before the theft of that
7 Toyota Camry, the same Toyota Camry that was used to
8 abduct Sanaa Amenhotep from Richland County, transport
9 her to Lexington County, and the same vehicle that she
10 was last known to have been in prior to her murder.

11 We know that a text message was sent from Treveon
12 Nelson to Jaylen Wilson just eight minutes before the
13 theft of that car and it says "I'm at Exxon by PEAR",
14 which is a reference to the PEAR school just a block away
15 from that Exxon. Immediately Jaylen Wilson responds back
16 and says "All right. We're gonna be on wheels in a
17 minute". This being further evidence of his knowledge
18 of the theft of that vehicle.

19 Roughly an hour and a half later Treveon Nelson
20 sends a series of text messages to various associates
21 on social media. "You trying to go in the store, get me
22 some 9-millimeter bullets". "You got some 9 bullets?".
23 "Mob, you got some 9 bullets I can buy?".

24 We know, Your Honor, that following that there is a
25 text message from Jaylen Wilson to an associate. This

1 is actually an Instagram communication or text. He's
2 communicating with an individual who is 1KZAEE and to
3 this individual he states, and this is at approximately
4 2:03 PM, so roughly thirty-three minutes after Treveon
5 Nelson had been seeking those bullets and after this car
6 has already been stolen, he says to the associate "Man,
7 I'm gonna keep calling ya", and excuse my language for
8 the Court, Your Honor, "that shit gotta get handled".

9 And so the reference to handling something at that
10 time, Your Honor, corresponds directly with what law
11 enforcement had determined was the key motive in this
12 case, and that is the belief that Treveon Nelson's house,
13 which had been shot up the night before, had been shot up
14 by an acquaintance of Sanaa Amenhotep's, and that somehow
15 their belief was that retaliation was due to Sanaa as a
16 result of this shooting of Treveon Nelson's home.

17 On April 28, 2021, the Richland County Sheriff's
18 Department had Jaylen Wilson come in to be interviewed.
19 He came in voluntarily, Your Honor. He was advised of
20 his Miranda rights and he did waive his Miranda rights.
21 All of that was captured by video and audio surveillance.

22 In his interview with law enforcement, Your Honor,
23 he initially denied ever having been in Leesville. He
24 denied ever having seen Sanaa or met Sanaa. His statement
25 to law enforcement was that he only knew of Sanaa because

1 he had seen her picture on a missing poster at a gas
2 station. He maintained throughout the course of that
3 interview that he was not with Treveon Nelson or Nicolle
4 Sanchez Peralta on April 5th. He maintained that he had
5 not been to the Leesville's area on April 5th and he
6 adamantly denied that he had ever been in the vehicle
7 that night, in that Toyota Camry, with Sanaa Amenhotep.

8 That interview proceeded for some period of time,
9 Your Honor, and as he was being walked back to his holding
10 cell he ultimately makes the statement to law enforcement
11 that he wishes to talk further, and that was initiated by
12 him, Your Honor, and his decision to continue talking was
13 documented by law enforcement as well.

14 At that point in time, Your Honor, he did change his
15 statement and he changed his statement to say that Sanaa
16 had, in fact, been in the car with them that night. And
17 from there he went on to give a statement that he was
18 asleep in the car around the time that she was abducted,
19 although he was present in the car. He maintained he
20 doesn't know what happened en route to Richland County
21 to Lexington County. He maintained that he was dropped
22 off at 351 or in the area of Truex Road where he stayed
23 alone in an unfurnished house without electricity and
24 without running water for the remainder of the night,
25 and his story is that Treveon Nelson and Nicole Sanchez

1 Peralta left with Sanaa Amenhotep.

2 That story, Your Honor, was disputed pursuant to
3 phone extraction evidence in this case. A phone was
4 retrieved from the home of Jaylen Wilson during the
5 execution of a search warrant. During the execution of
6 that search warrant the phone that came actually from
7 his bedroom, along with the weapons that I'll address
8 momentarily, shows that he was in the area of Truex Road
9 that night sometime between 5:11 PM and roughly 7:54 PM,
10 which is all prior to the abduction of Sanaa Amenhotep.
11 However, it shows that there are steps on his phone and
12 movement on his phone so that around 8:26 PM, roughly an
13 hour and a half before Sanaa's disappearance, he is going
14 to be in the area of 1212 Decatur Street, which is the
15 home of Treveon Nelson. The phone shows at least 129
16 steps attributed to that health app indicating that the
17 phone device of Jaylen Wilson is moving at the location
18 of 1212 Decatur Street, being the home of Treveon Nelson,
19 at 8:26 PM.

20 From there, Your Honor, law enforcement has
21 determined based on the timeline of this case that
22 they leave the home of Treveon Nelson, head to Richland
23 County, and ultimately arrive there at the home of Sanaa
24 Amenhotep around 9:45 PM, and it's believed that she's
25 abducted around 10:00 PM.

1 As the Court is aware, the phone of Sanaa Amenhotep
2 completely becomes deactivated and can no longer be
3 reached by cell tower data at 10:06 PM. So we know that
4 -- that she had been abducted at that point and is then
5 brought back to Lexington County.

6 One of the most significant things in this case,
7 Your Honor, is the execution of that search warrant at
8 the home of Jaylen Wilson did result in the recovery of
9 two guns. In that interview with law enforcement, he
10 acknowledged both of those guns; one being the Ruger
11 .380 and one being a Glock-43 9-millimeter gun. He --
12 he admitted having knowledge of those guns and that they
13 were in his room.

14 Your Honor, what is most significant about those
15 guns is we do know that those are murder weapons used
16 in this case and that is indisputable evidence that has
17 already been established through firearms evidence in
18 this case. In addition, he also had the .380 ammunition,
19 as well as the 9-millimeter Blazer ammunition, both which
20 match casings at the crime scene. He also had some
21 extended -- an extended magazine that was found there in
22 his room.

23 Also based on photographs that were taken in the
24 execution of that search warrant, we know that there was
25 a sheet pattern with a unique floral pattern and missing

1 from his bed was a pillowcase that ultimately matches
2 that sheet pattern. That pillowcase, Your Honor, was
3 found in the grave with Sanaa Amenhotep wrapped around
4 her feet and we believe was used as some type tool or
5 device during the course of this crime. We know that
6 a pillow wasn't found. It's our belief that that
7 pillowcase was used as some type of ligature or possibly
8 to cover her head during the course of this abduction
9 and as she's been transported from Richland County into
10 Lexington County.

11 Your Honor, when he arrived home he sent messages
12 to his girlfriend, and part of the evidence that would
13 have been presented in this case are numerous, numerous
14 messages that his girlfriend, Zaniah Boykin, was sending
15 to him that night. She was to attempting to reach him
16 for a long period of time that night. She's sending
17 texts around midnight, she's sending texts around 2 AM.
18 She's repeatedly saying "Where are you, where are you?",
19 and there's no response.

20 Ultimately once he arrives back at his home, which
21 is in the Leaphart Road area of Lexington County, which
22 is just after 3 AM, he sends a message to her that says
23 "Just got home, bae", and then as she continues to have
24 asked where he was, he sends a message to her that says
25 "I handled to do something, bae", and that's 3:02 AM.

1 And, again, that text, "I handled to do something, bae",
2 certainly is not consistent with him having been alone
3 in an unfurnished mobile home sitting alone in the
4 darkness, and it also corresponds directly with that
5 text message that had been sent earlier that day to a
6 close associate of his saying "That shit gonna get
7 handled".

8 In his statement to law enforcement, he did
9 acknowledge that Treveon Nelson's home had been shot up
10 and that he had been to the home and observed the damage,
11 including damage to a bedroom window after that drive-by
12 shooting. And, again, Your Honor, the State maintains
13 that that is the key motive in this case that resulted in
14 the targeting of Sanaa Amenhotep for retribution or some
15 form of retaliation.

16 I beg the Court's indulgence.

17 As the Court is also aware, what has come out during
18 the course of testimony so far in the trial of the
19 co-defendant through DNA evidence, is that the DNA of
20 Jaylen Wilson is on both of those firearms; both the
21 Ruger .380 and the Glock-43 9-millimeter, both confirmed
22 to be murder weapons in this case.

23 And that is the recitation of facts for the purposes
24 of this plea, Your Honor.

25 THE COURT: Thank you, Ms. Mayes.

1 All right. Mr. Wilson, you heard the Solicitor.

2 You agree with those facts?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. Let me go over one other
5 thing with you before I accept your plea. This murder
6 charge, while I told you it carries thirty to life, is
7 a day for day charge.

8 You understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: There's no good time. Whatever this
11 Court sentences you to on that charge, you must serve
12 day for day.

13 You understand?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: On the kidnapping charge that carries
16 zero to thirty, that is an 85 percent charge; meaning,
17 whatever the Court sentences you to on that charge, you
18 must serve 85 percent of that.

19 You understand?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And on the possession of a weapon during
22 a violent crime, while it carries the five, it can --
23 this Court can sentence you either consecutive or
24 concurrent, but it must be the five years.

25 Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay.

3 All right. Mr. Wilson, the Court's going to
4 accept your plea. I find it to be freely, voluntarily,
5 intelligently made. You've had advice of excellent
6 counsel.

7 I am going to defer sentencing in this case. As
8 I've already stated, when I finish this trial I'll
9 set a sentencing date where I will sentence all three
10 defendants, okay?

11 Thank you, Mr. Brunson.

12 MR. BRUNSON: Thank you, Your Honor.

13 MS. MAYES: Thank you, Your Honor.

14 THE COURT: Thank you, Ms. Mayes.

15 (Whereupon, the proceedings were adjourned at
16 10:13 AM on May 22, 2023, to be concluded at a later
17 date.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh 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 case in Circuit Court
on the 22nd day of May, 2023.

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

April 1, 2024

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

In the Court of General Sessions of the
State of South Carolina, County of Lexington

State of South Carolina,)
Plaintiff(s),)
vs.) Case No.
Nazareth Nicolle Sanchez-Peralta,) 2022GS3201995
Defendant(s).)
_____)

State of South Carolina,) Case Nos.
Plaintiff(s),) 2021GS3203535
vs.) 2021GS3203464
Jaylen S. Wilson,) 2021GS3203537
Defendant(s).) 2021GS3203597
_____)

State of South Carolina,)
Plaintiff(s),)
vs.) Case Nos.
Treveon Nelson,) 2021A3210201232,
Defendant(s).) 3334, 3335
_____)

TRANSCRIPT OF RECORD

August 28, 2023

Lexington, South Carolina

BEFORE:

The Honorable Debra R. McCaslin

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2

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COLLOQUY

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THE COURT: All right. First off, before we get started, I have a lot of people on WebEx that has joined and I'm going to try my best to -- they tell me nobody is speaking from WebEx because this is hard to do, especially in this courtroom. They would like to be able to see and hear. I don't know if they can hear me now. Can they hear me? All right. From WebEx, you are limited as to what you can see in this courtroom. That is the best that we can do. So I want everybody to understand that. I know they should be able to hear, but what they see presented in this courtroom would be limited.

Also I want to make sure -- I had extensive conversations with both the State and the defense to make sure, logistically, that all of these defendants are separated. And they are. Because Ms. Peralta is entitled to an individualized hearing. Because this hearing includes Aiken v. Myers and Miller factors. So I want to make sure, Ms. Mauldin, logistically we have got everybody where we need them?

SARAH MAULDIN: Yes, Your Honor.

THE COURT: Mr. Hubbard, you are in agreement?

MR. HUBBARD: Yes, Your Honor.

COLLOQUY

1 THE COURT: Okay. Are we ready to proceed?

2 MR. HUBBARD: Yes, Your Honor.

3 SARAH MAULDIN: Yes, Your Honor.

4 THE COURT: All right. Mr. Hubbard, be glad
5 to hear from you.

6 MR. HUBBARD: Your Honor, I would like to
7 start by presenting the Court with a Court's exhibit.
8 We have got it marked as number one. It is the family
9 court order waiver, with the evaluation attached which
10 the order addresses and references. I just ask that to
11 be a Court's exhibit. And make this part of the same
12 case that we are doing here.

13 THE COURT: Okay. Any objection?

14 SARAH MAULDIN: Your Honor, a few things that
15 I would like to put on the record about that. I would
16 object to the order coming in to the extent that it
17 includes the waiver evaluation report or anything else
18 related to that waiver evaluation report into this
19 hearing, and for several reasons.

20 The first is that those materials were
21 provided to the family court. They were not relevant
22 to this hearing because they are only to address
23 whether she should be waived up from family court into
24 general sessions. And the purpose of that was to
25 provide the family court judge information for the

COLLOQUY

1 waiver process.

2 Secondly, I would object on the grounds that
3 she was warned about the use of her statement in the
4 family court setting, but not about any use beyond
5 that. In fact, she signed a waiver. The waiver says
6 that the family court has issued an order in your case
7 protecting you from the oral or written communication
8 that you have with the psychologist to your charges in
9 conjunction with this evaluation and evidence against
10 you in any court proceeding other than the waiver
11 hearing. She had to sign that. She said that, that
12 she understood that any statement that she made to the
13 psychologist concerning her charges would not be used
14 against her in any court hearing other than the waiver
15 hearing. She did that upon the advice of counsel.

16 And so I would argue that, for that reason,
17 that should not be used against her. And I would also
18 cite the case of Estelle v. Smith in which a statement
19 in a competency hearing was used later in a penalty
20 hearing. I don't think that any of that information
21 that she told the psychologist is relevant or
22 appropriate to use in this hearing against her.

23 Dr. Knight, the expert, Dr. Susan Knight is
24 the expert that I intend to call on Ms. Sanchez's
25 behalf. As part of our preparation, we talked to the

COLLOQUY

1 psychologist who prepared the report. That is Dr.
2 Heidi Dawn with the Department of Juvenile Justice.
3 She did not want her report used in this hearing.

4 We had general counsel from DJJ in that
5 meeting as well, and it was their position that it is
6 designed for the family court process and nothing
7 beyond that. She agreed, the psychologist, agreed that
8 the findings in that report are not accurate or
9 appropriate for sentencing. Those are things that are
10 designed to measure the Kent factors in family court.

11 A related concern to that is, if we are going
12 to start using waiver evaluation reports potentially in
13 sentencing hearings, that puts a chilling effect on any
14 other defendant that is coming through family court,
15 any other child, to participate in a waiver and
16 evaluation process, and takes the -- that will take
17 discretion away from the family court judge if the
18 children are advised by their lawyers not to
19 participate because things that they say could be then
20 used against them in sentencing. That would be a
21 considerable handicap on the family court judges'
22 ability to decide if the child should be waived by in
23 this first place.

24 I will say that the State has -- they
25 introduced this initially as part of the materials that

COLLOQUY

1 they should release as discovery. We understand that
2 the Court reviews them, and we would just ask the Court
3 not to consider any information that was included for
4 this purpose. But also, in conversations over the
5 weekend, they talked about bringing anything from
6 family court into the sentencing hearing in response to
7 anything that we might put up.

8 And I would tell the Court that we have been
9 very careful in tailoring our presentation not to
10 address the waiver. Dr. Knight will testify that she
11 had reviewed, but not relied on, the waiver hearing
12 report. And she specifically excluded from her
13 findings even things such as my client's IQ, which
14 would have been a helpful number from that waiver. We
15 have specifically attempted not to respond to any of
16 that stuff.

17 THE COURT: Do you have a copy of the waiver
18 that she signed?

19 SARAH MAULDIN: I do. I will pass that up to
20 the Court. And then, most importantly, I would point
21 out that the scores from that family court evaluation
22 are just not valid. And Dr. Knight can elaborate on
23 this too if you would like to hear from her. But they
24 are designed for family court. They are designed to
25 address juveniles three and five years out, like the

COLLOQUY

1 time that they would be under the family court's
2 jurisdiction, not 30 years down the road.

3 There is -- when they are talking about
4 dangerousness, that is not talking about when somebody
5 comes out of prison, that is talking about over the
6 next few years when they are going to be under the
7 family court realm. And they are not valid now as her.
8 She took those tests when she was 16 -- or 16 and 17.
9 She's 19 now, so the scores are at least two years old.
10 They are not accurate as to her now. There have been
11 no other developmental measures done by the State on
12 her since then, so the scores do not accurately reflect
13 where she stands now developmentally.

14 And finally, that those are designed for
15 therapeutic purposes, like to assess for treatment and
16 things like that, in the family court context. So, for
17 all of those reasons, I would object to the Court's
18 considering anything included in the waiver evaluation
19 report or anything in the order that refers to the
20 evaluation report, the PowerPoint presentation that the
21 State presented in the waiver hearing, or anything else
22 related to anything that came out of the waiver
23 evaluation. But I do have a copy as to the release, if
24 Your Honor would like to see it.

25 THE COURT: I would. Mr. Hubbard.

COLLOQUY

1 MR. HUBBARD: I have no objection to making
2 that a Court's exhibit as well. And so far that is all
3 that I have done. When this case goes up on appeal,
4 that waiver hearing is part of this case. So all I
5 have done is make it a Court's exhibit. And I would
6 also move that that entire hearing, you know, an oral
7 motion that that entire hearing is part of this case
8 for the record for any review, appellate review, that
9 these are linked. Because they will be.

10 Any errors of law in this case would include
11 the waiver hearing process. It is going to be one
12 case. There is not going to be an appeal on the waiver
13 hearing and then an appeal on the trial. This is going
14 to be one case, how we got here and what was handled.
15 So I am just making right now a Court's exhibit on
16 those items, and move that that entire hearing is also
17 for the record -- anybody reviewing this record, they
18 are now on notice that there is a waiver hearing Judge
19 Seigler handled last year, '22, and that that is part
20 of this case as well.

21 THE COURT: Okay. And you have read that any
22 oral or written communication that she has had with her
23 psychologist related to these charges, it says, can't
24 be used against her. You are not planning on doing
25 that?

COLLOQUY

1 MR. HUBBARD: All that I have posed, and I
2 have not made any decision, because I don't know what
3 the defense is going to present.

4 THE COURT: Correct.

5 MR. HUBBARD: If there is something on her
6 level of maturity at the time of this crime, for her
7 thinking process. There was a lot there in that
8 initial finding. And I don't know what this mitigation
9 expert has used. I won't know until she gets up on the
10 stand. And if she says something completely different,
11 you know, then a completely different finding as far as
12 the liability of the defendant, as far as her maturity
13 level, there may be something there relevant. But it
14 is not being used against her at trial. This is just
15 me asking an expert, did you read that, you have talked
16 to this expert, did you consider that. To me, it is
17 more cross.

18 But, obviously, Your Honor can rule on that.
19 To me, I don't really know how to cross examine a
20 mitigation expert. If I have something out there
21 completely contrary to what the mitigation expert is
22 saying, No, State, you can't use it even though it was
23 a court appointed expert and they made findings. I'll
24 cross that bridge. And if I can't, I can't. I will
25 just move one.

COLLOQUY

1 THE COURT: All right. Well, I am going to
2 tell you, I think the waiver of Ms. Mauldin is pretty
3 clear. It says, Cannot be used, any statement that she
4 made to her psychologist against me in any court
5 proceeding, other than the waiver hearing. So I am not
6 going to consider it. I am going to make it a part of
7 the record just for appellate purposes, and make it a
8 Court's exhibit. I'm not considering it, but I am
9 making it a part of the record. Any objection, Ms.
10 Mauldin?

11 SARAH MAULDIN: No, Your Honor.

12 THE COURT: Okay. Go ahead, Mr. Hubbard.

13 *(Whereupon, Court's Exhibit No(s). 1 marked*
14 *for identification and received in evidence.)*

15 MR. HUBBARD: The other thing is, I do have
16 another Court's exhibit, but this is for Your Honor.
17 It's got stuff that we are going to be going over here
18 today and includes photos that we will be referencing,
19 the CSI diagram, the autopsy diagram, and a letter
20 written by Ms. Peralta to Treveon Nelson in her journal
21 that we will be referencing.

22 THE COURT: Okay. Thank you.

23 MR. HUBBARD: That is Court's Exhibit No. 2.

24 THE COURT: All right. Have you seen this,
25 Ms. Mauldin?

COLLOQUY

1 SARAH MAULDIN: Yes, Your Honor.

2 THE COURT: Okay. Do you have any objection
3 to this?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: Okay, thank you.

6 *(Whereupon, Court's Exhibit No(s). 2 marked*
7 *for identification and received in evidence.)*

8 THE COURT: Go ahead, Mr. Hubbard.

9 MR. HUBBARD: Thank you, Your Honor. Your
10 Honor, I appreciate you hearing all of these today on
11 behalf of the family. This is a massive, massive
12 undertaking for this family. They have been through so
13 much during this time. To be able to come here at one
14 time and have all of these presentations in one day, I
15 appreciate that immensely, and I know they do.

16 Your Honor, this was a long, hard-fought
17 trial. It is an emotional trial. Yes, these are all
18 young defendants, but our victim, Sanaa Amenhotep, was
19 15. And the best indicator of how old she was and who
20 she was was when her sister took the stand, because she
21 took the stand when she was 15 years old. It was
22 almost like Sanaa was taking the stand herself. You
23 got to see that innocence, how old she was.

24 So, when we are talking about youthfulness,
25 the youngest person in this case is the one who is not

COLLOQUY

1 here, Sanaa Amenhotep. Walking you through these
2 charges with Ms. Peralta, we have murder. And we have,
3 of course, Ms. Amenhotep right here, who looks
4 cannily -- uncannily like her sister. And kidnapping.
5 These are the two charges that Ms. Peralta has been
6 convicted of.

7 The brief timeline, and this is compressed,
8 because Your Honor heard so much information, and I am
9 going to end up going through this time line a little
10 bit. There was April the 5th of 2021, almost
11 everything happened that day or immediately in the
12 hours of April the 6th.

13 April 5th we have Ms. Peralta and her
14 codefendant Treveon Nelson on video and you see her
15 stealing a car at the Exxon. Now, this happens after
16 Treveon Nelson's house has been shot up. We also know
17 the car that you see being stolen was used in this
18 murder. Minutes following this, there is a report of
19 the stolen Toyota. It is a Toyota Camry.

20 And then, within an hour and a half, we have
21 Treveon Nelson sending out messages looking for nine
22 millimeter bullets, right after taking this car. And
23 then later in that day, Your Honor heard testimony,
24 Sanaa Amenhotep was last seen at her residence, Windsor
25 Lake Apartments. She was outside with her sister and

COLLOQUY

1 she was approached by Ms. Peralta. And she was last
2 seen at 10:00.

3 That is the last time anyone in this family
4 saw Sanaa Amenhotep, the last time that anyone saw her
5 but for Ms. Peralta and her codefendants. We know six
6 minutes after she left her phone goes dead. And her
7 family will tell you, if Sanaa went away, she took that
8 phone with her everywhere. She still communicated.
9 Mom, I know I'm supposed to be home, this is where I
10 am, don't worry. That phone goes dead.

11 And that phone goes dead on I77 around Fort
12 Jackson Boulevard six minutes after getting in that
13 car. And we know just after midnight, 12:55 a.m., we
14 have Treveon Nelson looking for a shovel from a man
15 that he knew as his stepfather. A guy that you heard
16 about, Bradford Ustis (phonetic).

17 Your Honor saw in the trial, we actually see
18 Ms. Peralta stealing this man's car. She set him up.
19 And the claim was, Treveon used my phone to set this
20 up. It doesn't matter. She was clearly part of this.
21 She did the dirty work. She lured this guy into
22 thinking they were going to have a quick date, I guess,
23 is the polite way to say it. But the whole purpose was
24 to take his car. And that became clear the minute he
25 walked into the store. And she drove off, and she ends

COLLOQUY

1 up driving down a road where we had seen Treveon Nelson
2 walking.

3 And we know they meet up because we see them
4 the next day in that car where he's getting gas and
5 goes into a store. Right after stealing that car,
6 these are Treveon Nelson's Facebook and Instagram
7 messages, Looking for bullets, you got some nine
8 bullets, you try to go in the store and get me some
9 nine bullets, all right, mon, you got some nine bullets
10 I can buy, you got some nine bullets I can buy. He's
11 reaching out to different individuals. And that is
12 important because we know a nine millimeter, actually
13 two, were used in this case, along with a 380. He's
14 looking for ammunition.

15 That phone that goes dead at 10:06, we can
16 track where it goes dead. No teenager runs around
17 without a phone. We know she had her phone. We know
18 how she used that phone with her family. It was a
19 lifeline. And it died right there. Fort Jackson
20 Boulevard, 77, as they are coming to Lexington County.
21 And that is a death ride. When she got into that car,
22 that car was taking her to her death. And, Your Honor,
23 just the horror at that point, that is when we know at
24 least at that point Sanaa Amenhotep knew, this was all
25 a ruse, that she was in major, major trouble. And the

COLLOQUY

1 lifeline that she had to her family that she always
2 reached out to was gone.

3 What is stunning about this case, everything
4 in this case makes it so different from others,
5 everything was done by these three individuals, Ms.
6 Peralta, Mr. Nelson, and Mr. Wilson, to maximize fear
7 for Ms. Sanaa Amenhotep. And it was all over a lie
8 that she had dropped the dime on her boyfriend, Javan
9 Jenkins, that had shot up Treveon's house, that she was
10 the source of that. There is zero evidence of this.
11 No one will come in here and say there's evidence of
12 it. She's taken on a death ride for something that we
13 know is a lie.

14 And we know at 12:55, that is Treveon Nelson,
15 is trying to reach out to Gotto (phonetic), saying, You
16 got a shovel. And you remember Gotto coming in here
17 saying, Yeah, I was missing a shovel.

18 At location in Batesburg/Leesville, you have
19 on this slide a number of things. The yellow is the
20 location of the body out in the field of Sanaa
21 Amenhotep. By this time she's already dead and gone.
22 We have the two Rish Drive locations where they had
23 gone. I think Allon Adams lived there. But anyway
24 they had gone there.

25 And then where you see Truex Road, that is

COLLOQUY

1 where they went to Gotto's to get the shovel. This
2 comes from Nicolle's cellphone, Ms. Peralta's cell
3 phone. She's there, she's part of this. We know she
4 was in that car with them. We have DNA evidence that
5 she's in that car. And we have her admissions that she
6 was the bait to get Sanaa Amenhotep in the car.

7 You have her initial interviews. This is all
8 April 27th, when law enforcement finally sat down with
9 her. Her first story is that she, Treveon Nelson, and
10 she called him Smooth, but that is Jaylen Wilson, they
11 all went to Sanaa Amenhotep's just to sit down and hang
12 out with her. And they went and she made a point to
13 say in Smooth's mother's car. She knew the car was
14 important. The car she had just stolen earlier that
15 day, the day that they killed Sanaa Amenhotep. She was
16 distancing herself from that. So they took Smooth's
17 car. All we did was hang out with Sanaa and then Sanaa
18 wanted to go see who, Javan Jenkins, and so they left.
19 But law enforcement knew immediately, that's just
20 absolutely bologna.

21 And then she gets a second story. She
22 doesn't know what happened to Sanaa Amenhotep's phone.
23 And this is what prompted them to say -- we know that
24 didn't happen. Sanaa Amenhotep's phone gets in that
25 car with you, and now it disappears. All right, well,

COLLOQUY

1 she did get in the car with us and we went to Treveon's
2 house in Cayce. But we all hung out and I woke up and
3 Treveon and Jaylen and Sanaa are all gone. I didn't
4 know where they were. And then Treveon shows up at
5 seven in the morning without Sanaa. And he said, don't
6 worry about it. And I try to reach Sanaa, I couldn't
7 reach her. All bologna.

8 Then she gives a third story. All right,
9 Sanaa has been murdered, I was there, I was a victim
10 too. They held a gun on me. And I can take you to
11 Lexington County, but I have no idea where it occurred.
12 And we know that is a lie. Because Your Honor
13 remembers, eventually when she got with our officer
14 over here in Lexington County who speaks Spanish and
15 who was so kind and gentle, Pablo, he spoke to her.
16 She ends up saying, I'll take you, and they go directly
17 to the scene. Not only to the scene, but she can point
18 out for him where the shooting started, how Sanaa ran
19 in the field, where Sanaa's body is. Everything. She
20 knew that field and took him there with no problem at
21 all.

22 And in that field, proving that she was
23 there, Your Honor heard a lot about this, there was
24 the, is it a tampon or is it not. At the end of the
25 day, it is paper towel with her DNA on it. And you had

COLLOQUY

1 an applicator and package over here. We know when she
2 went up to Sanaa, according to her sister, she was
3 there, she had a tampon. There it is.

4 And, Your Honor, it speaks volumes, because
5 it not only puts her in the field, but she claimed to
6 be a victim and we know that is ridiculous. How are
7 they holding two girls at gun point? And then she
8 goes, wait a minute, I need to take a time out, I have
9 a personal matter. Do y'all mind if I step over here
10 and handle this. The real evidence is this, she
11 dropped a dime on all of them when she said, I know I
12 am letting this out of the bag, but the guys talked
13 about using their own urine to wash gun shot residue
14 off of their hands. That was a perfect time to go
15 ahead and handle this other matter as well.

16 She's part of this, along with Treveon
17 Nelson, along with Jaylen Wilson. She is a part of it.
18 She would have been left in that field if she wasn't.
19 And she would have been buried right next to Sanaa
20 Amenhotep. You have Sanaa's shoes were burnt. They
21 showed every kind of disrespect they could to Sanaa
22 Amenhotep. Burning her, whether it was before she died
23 or afterward, it was just utter contempt for this young
24 15 year old.

25 Your Honor saw the crime scene diagram. Your

COLLOQUY

1 Honor, there are casings everywhere. When that body,
2 located right up here near here, one casing is 38. But
3 Your Honor heard there were three sets of casings from
4 the initial investigation of that field. We went back
5 out and we found additional casings related to the
6 initial casings that we found. Other casings that were
7 not related to the original day were excluded out.
8 There are 53 casings, nine millimeter casings from two
9 separate guns, and 380 casings.

10 And what is very significant, right here, you
11 see number 33, you see number 31, 32, 34, and this is
12 on State's diagram or State's Exhibit No. 129. The 31,
13 32, 34 are from the nine millimeter we never recovered.
14 Here is a visual shot of State's 122 where you see 33
15 and State's 31 -- or placard 33 and then placard 31,
16 32, and 34. Thirty-three is from a weapon we
17 recovered, a Glock, from Jaylen Wilson's house. And I
18 am going to talk about that in a minute.

19 The other mystery nine that was never
20 recovered, that is how close, we are talking inches
21 away from one another. There is a third gun. There
22 are three people, three people are involved. And as
23 Your Honor remembers, Ms. Peralta admitted, not only
24 these other two guys pulled the trigger, she did too.
25 She pointed out where the body was buried, from a

COLLOQUY

1 distance you could see that where the ground was
2 disturbed.

3 We found this pillowcase, this pillowcase
4 that appeared to law enforcement at the time, CSI, was
5 used to help drag Sanaa Amenhotep to this shallow
6 grave. The pillow case was very important, because
7 when we pulled it out it had a very distinct pattern.
8 Law enforcement recognized, they had seen that pattern
9 before because they had done a search warrant on Jaylen
10 Wilson's house. That pattern on that pillowcase
11 matches the pattern of sheets in a laundry closet in
12 his house.

13 Why in the world was a pillowcase taken? It
14 wasn't taken with the thought of, we need to drag a
15 body. Everything was done to maximize fear. Your
16 Honor, it is our position that that pillowcase was
17 placed over the head of Sanaa Amenhotep. Your Honor
18 will recall, that they took kind of a circuitous route
19 to get out in the country. They got off of the main
20 roads. It is at night. Pillow case over the head
21 would discombobulate whoever that victim is, and in
22 this case, Sanaa Amenhotep. If she had ever been out
23 there before she is now out in a field. She could have
24 been in Orangeburg County, she could have been in Aiken
25 County, she would have no idea where she is. The one

COLLOQUY

1 thing she would know is that her family had no clue,
2 and that death was coming. It was all done to maximize
3 fear.

4 In that room also we had found Blazer casings
5 at the scene, 380 and 390 and nine millimeter. Those
6 are all that we find in Jaylen Wilson's room. We find
7 some in a bag. We found some in a chest of drawer. I
8 believe these were the nine millimeters that were found
9 in the bag. 380 in the chest of drawers. All just
10 like the casings found at the scene. These are in his
11 bedroom. Also found are two of the pistols that we
12 know were used in this case. The 380 on top of the box
13 spring, and then underneath the box springs, on the bed
14 slats, is a nine millimeter Glock, both with extended
15 mags.

16 Your Honor, big question is, who keeps their
17 gun there? These are clearly placed to be hidden.
18 These are guns that we knew had a link to Treveon
19 Nelson, but they clearly had a link to the crime scene.
20 That is how Jaylen Wilson gets roped into this. Both
21 on the front end of the pillowcase and back end of
22 hiding evidence.

23 And then you had, probably the most God-awful
24 thing that we had to present, was the autopsy. And our
25 pathologist said she could count at least 14 gun shot

COLLOQUY

1 wounds, but due to the decomposition of the body there
2 could have been more. There could have been more. And
3 Your Honor sees them scattered all over the body. And
4 when we heard Ms. Peralta give an explanation, she's
5 initially putting it all on Treveon and the codefendant
6 Mr. Wilson over here, that Sanaa Amenhotep tried to get
7 up and run. You will see gun shot wound -- oops, gun
8 shot wound to the knee, legs. That is with a purpose.
9 They maximized fear. Once they got to that field, they
10 maximized pain.

11 Your Honor, I'll be very blunt. I know we
12 are having a hearing here because we have a young
13 defendant. If these defendants had all been a little
14 older, I would be seeking death on all of them. That
15 is how horrible this crime is. This is basically
16 torture. They have mentally tortured this young lady,
17 you are going to your death. Those that you called
18 your friends are not. And now they are maximizing
19 pain.

20 And Your Honor heard me at trial point out
21 the shots in the midsection, the genital areas. Why
22 would one of the guys want to shoot her there? We knew
23 the motive for these guys was expressed that Treveon
24 Nelson's house had been shot up. Jaylen Wilson had a
25 link to that house, cared for Treveon's mom. Basically

COLLOQUY

1 said we used to call it home. That will come up in a
2 minute. We believe that it was circumstantial evidence
3 of a motive for Ms. Peralta. Not just to do, be a part
4 of this group by choice, but we have always, always
5 expressed that it was our belief she is the one that
6 told them or accused Sanaa of setting this up, the
7 drive-by of the house, which is completely fabricated.

8 And we also put up evidence during the case
9 of how jealous Ms. Peralta was of anyone getting close
10 to Treveon, and that Sanaa Amenhotep had just been over
11 to Treveon's house like a week before, days before. We
12 had physical abuse before the shooting, the final blow.
13 Fractures to the left orbital, facial bone completely
14 broken. The pathologist said she was alive. Fractures
15 to the ribs. There is five ribs that are not cracked,
16 they are broken. Your Honor knows rib cages are meant
17 to give and withstand a lot of pressure. It is
18 consistent with her being down and stomped on. And she
19 was alive when all of this happened because she said
20 the hemorrhaging to the left of her chest corresponded
21 to the broken ribs. She was alive. Dead people don't
22 bleed. There was a lot of blood. One broken rib would
23 be absolutely excruciating. This little 15 year old
24 endured five.

25 Broken face bone. Shots to the knee. Again,

COLLOQUY

1 this was protracted with a purpose. Talk about knowing
2 the consequences of your actions, this was it. When we
3 pull a trigger and somebody doesn't die and they are
4 screaming and they are in pain and you continue to
5 maximize that pain, you know what you are doing.

6 You have Allon Adams. You remember that
7 Nicolle Peralta reaches out to Allon Adams and calls
8 him and talks to him. And he ends up getting brought
9 in -- because he runs with Treveon -- brought in. And
10 the whole question, well, what did he have to gain from
11 this. He didn't get any kind of an agreement at all.
12 No one sits down and says, we will offer you this if
13 you talk. He talks to grandma. She is there. And she
14 points out the camera, this is being recorded, Allon,
15 what happened, what do you know about this little girl.
16 And he talks about Nicolle. Nicolle told me that she
17 said, we had kidnapped her, questioned her. That is
18 what was going on in that field. She told me, Nicolle
19 told me she did some shooting too. Was Nicolle
20 boasting? Well, we have a third gun. It makes sense
21 she is telling the truth.

22 She said that she showed up and she had
23 played her role, got it set up. She was the bait. She
24 knew what was going to happen. Now, in an earlier
25 conversation with Nicolle she told law enforcement, I

COLLOQUY

1 knew that there was going to be a beating. She is
2 telling this man otherwise. I knew what this was
3 about. And there is even more statements she made to
4 him, basically where she pushes the guys, I've done my
5 part, here she is, what are y'all going to do. She's
6 not being manipulated. She is short, small, looks like
7 this cute innocent girl, and she is mean as a bear.
8 What are you guys going to do, I did my part.

9 They can talk about Allon, some of the
10 information is not true. He is conveying what is
11 conveyed to him. If there is something untrue, it is
12 Nicolle boasting about what she did. And he wasn't
13 protecting Treveon. He told law enforcement Treveon
14 admitted that he was part of this, and that his buddy,
15 Jaylen Wilson, was a part of this too. They all pulled
16 the trigger. He gives up everybody.

17 Mr. Wilson, you heard a little bit about what
18 we found in his room. But this is where -- this is his
19 Instagram from the earlier part of April the 5th, the
20 day of the murder, where he is outraged about Treveon's
21 house being shot up. We have got to do something about
22 this. And you will see at the very end, whoever he is
23 talking to, basically said -- blows him off. Your
24 Honor, Your Honor heard about gang affiliations and all
25 of that. The way this works is, they can't just go out

1 and do something, they ask permission. He is not
2 getting it. These guys are taking it in their own
3 hands anyway. All of them are outraged. Treveon's
4 house is shot up. They often go there.

12 After he comes home, which is after midnight,
13 real late actually, he has got a girlfriend that has
14 been trying to reach him but he hasn't had his phone
15 on. Just got home, ba. And look at how late that is.
16 Three o'clock in the morning. And then he tells her,
17 basically, I had -- chill out, I had something I had to
18 handle is how this reads. I handle to do sum, ba,
19 chill. He had something to do and he did it.

24 (Music playing.)

25 That is a sacrifice. That is for Javan

COLLOQUY

1 Jenkins, we killed your girl, we didn't kill you, that
2 is the sacrifice you pay for shooting up Treveon's
3 house. This is less than a month after the murder.
4 And Mr. Nelson, Mr. Nelson is the one, everything we
5 see, he's always advertising himself with guns.
6 Snapchat a month before this. Some of these guns we
7 can say weren't used. He has just got access to these
8 guns and he's glorifying these guns.

9 (Showing photo.)

10 Here is April 27th. Again, not even a month
11 after this, after the killing.

12 (Music playing.)

13 He has just been involved in a murder and he
14 is putting it out there he is a Mr. Gun guy. Instagram
15 with Nicolle Peralta. He is not threatening her. This
16 is them together choosing to be part of this Instagram.
17 Two different pistols, one of which could have been
18 used in this case, we don't know. You see an extended
19 mag there.

20 And of course you heard a lot about Nicolle
21 Sanchez Peralta during the trial where she said two
22 different things initially. That night, I didn't go to
23 the scene, I didn't see what happened because they held
24 me hostage at Allon Adams' place. And then when they
25 talked to her some more, okay, that didn't happen,

COLLOQUY

1 because I held a flashlight while these guys dug Sanaa
2 Amenhotep's grave. But I was held hostage by Treveon
3 Nelson. He is this big, mean oger. I was a captive.
4 And we see her here the next day in a hotel room, they
5 have got their food, we know there is a video where
6 they had relations, very consensual. And right here
7 there is a cell phone. She is not in any danger at
8 all. She is exactly where she wants to be. And they
9 are acting like it is just life, life goes on as usual.

10 You have her threats to Treveon, April 17th,
11 2021. Your Honor will recall, Treveon is now seeing
12 someone else. He is not loyal to any woman. That is
13 part of this thug life. He's seeing another woman.
14 She's blowing him up with threats because she doesn't
15 want another woman in his life. And she's saying, I'm
16 going to kill you. She said, so, have your pole. A
17 gun.

18 She says, I'm going to get this car from the
19 country. What car do we know is in the country? The
20 one they stole. And I am going to come up there
21 myself, be ready, and I hope she ready too because I am
22 going to kill both of y'all. And I dare you to shoot
23 back at me. And then, the threats you heard during
24 trial, April 17th, again, this is her exploding on
25 Treveon.

COLLOQUY

1 (Video playing with audio only.)

2 She follows it up with another.

3 (Video playing with audio only.)

4 This doesn't sound like a young lady who has
5 someone in the room with her pressuring her to be this
6 way, this is who she is by choice. She's abandoned her
7 family. However dysfunctional it may be at home, they
8 don't go around killing me. However dysfunctional they
9 are at home, they don't go around using drugs and
10 stealing cars. There is a lot of dysfunction in this
11 world and people turn out okay. This is all by choice.
12 This is a young lady, Ms. Peralta, who knows what she's
13 doing. But she wants this man with her, and no one
14 else. And you will also recognize, around this same
15 time is when she's reaching out to Allon Adams, Kilo.
16 You are with Kilo's bitch. She reaches out and spills
17 the beans to him.

18 Well, you really know what she thinks of
19 Treveon Nelson, because now she is in DJJ, this is
20 August 10th and she sends a letter. I have it in
21 Court's Exhibit 2. What she thinks about Treveon. She
22 is now separated. She is free from this guy who
23 apparently held her hostage. And she says some very
24 key things: The moments I spent with you were the best
25 moments of my life. Her time with him began when she

COLLOQUY

1 was 14 and Treveon Nelson was 16. But what they had
2 together, particularly in light of this letter coming
3 one month after this murder, the best moments of my
4 life. Stealing a car, murdering my best friend were
5 the best moments of my life. They took you away from
6 me. He got arrested. I on't know too much what's
7 going on with this shit but hold it down thug. All
8 caps. This is the thug life.

9 But there is something else in this letter
10 that I think is very, very informative, where she says,
11 we f'd up, Trey, we really did. And once one of us f'd
12 up, we were both so busy trying to get back at each
13 other. We both are hurt. And now they took you away
14 from me.

15 Your Honor, she is not talking about f'd up
16 because they committed a murder. Treveon betrays her.
17 There is a silence in the field. When we leave here,
18 everybody is guilty. He betrays her trust by going
19 with another woman. She betrays his by talking to
20 Allon Adams. That is why she got beat up. Whether it
21 is rape or not, I don't know, but she got beat up.
22 There is no question she was physically abused. But
23 she is back with him because that is the thug life.
24 You do something wrong, you pay a price. Where did law
25 enforcement find her? In the hospital right after she

COLLOQUY

1 got beat up. We f'd up, we are getting back at one
2 another, and this is how we got caught.

3 Not that, oh my God, we f'd up because we
4 killed Sanaa Amenhotep, this innocent young girl who is
5 only 15, we f'd up by getting caught. That is who this
6 young lady is. Her journal entries while she is
7 sitting in DJJ, she puts a hit on a fellow inmate. Has
8 her name listed up here with her address. Mentions
9 this young lady's mother's name, her brother's name,
10 her sister's name. And she has a little block out
11 beside them. She has, kill season, time of death,
12 cause of death. Where do you get that type of
13 information? An autopsy. She's already seen one on
14 her friend. That discovery is already out by this
15 point. Cause of death, gun shot wound. F yo mama, she
16 dead. And it has laugh my f'ing ass off.

17 KTA, you heard that before, that was heard in
18 the waiver hearing. Kill them all. It is gang.

19 SARAH MAULDIN: Objection, Your Honor.

20 THE COURT: Overruled.

21 MR. HUBBARD: That information was out. The
22 reason that I'm pointing that out, this all comes when
23 she is at DJJ. KTA, kill them all. It is gang
24 graffiti. Shoot. And I quote, you play you lay, as
25 Bro would say, laugh out loud. Bro is Treveon. These

COLLOQUY

1 are her journals, her thoughts to herself.

2 These are the three individuals, Your Honor,
3 as far as criminal records, there is not a lot there.

4 Treveon Nelson, 2021, criminal offense. He is
5 convicted. Ms. Peralta, possession with intent to
6 distribute marijuana. She is convicted in 2019.
7 Jaylen Wilson didn't have an adult record. This is
8 what you have on these three. All three of them
9 combined together in anger and hate to kidnap, beguile
10 and kidnap a little 15 year old, and scare the
11 ever-living heck out of her with the intent to kill
12 her. Brutalize her body while she's alive. Maximize
13 that fear. Kill her, bury her in a shallow grave, and
14 then go on like nothing happened.

15 Make a song about it, Mr. Wilson. Glorifying
16 the guns, Treveon Nelson. Or act like life is now
17 moving on good. Trey, why did you get another woman, I
18 am your woman, I love you. The best moments of my life
19 were with you. That is who you have before you for
20 sentencing today.

21 Your Honor, again, 53 casings. This wasn't
22 just overkill, it was a statement, a statement made.
23 And that statement was meant to be to Javan Jenkins.
24 You messed with us, shot up Treveon's house, look at
25 your girl, look at your girl. All three were in this.

COLLOQUY

1 All played their role. All three deserve punishment.

2 Your Honor, I believe that is all that I have

3 at this time. I'll yield the floor to the defense.

4 And I know we will have some more later.

5 THE COURT: Okay. Ms. Mauldin.

6 MS. MAULDIN: Your Honor, I would like to put

7 up Dr. Knight first. That would be kind of long. And

8 I need to change out my laptop.

9 THE COURT: Do you need a break?

10 MS. MAULDIN: Yes, Your Honor.

11 THE COURT: Take a quick break. And also, I

12 want you to know I'm not considering anything from the

13 family court.

14 MS. MAULDIN: Your Honor, I should have put

15 this on the record earlier too. I would ask the Court

16 not to consider what has been referred to as a

17 conviction of my client in 2019, the possession with

18 intent to distribute marijuana. That was a family

19 court adjudication. I don't think that it's proper for

20 the Court to consider that against her.

21 MR. HUBBARD: Your Honor, we obviously

22 believe that it is relevant. We can use family court

23 convictions. We typically don't because, we don't even

24 know about them. Here we do. But if Your Honor wants

25 to not consider it, that is fine. I mean, I think

DIRECT EXAMINATION OF DR. SUSAN K NIGHT BY MS. MAULDIN

1 there is a lot more on your plate to consider in this
2 case.

3 THE COURT: I think so too. I'm not going to
4 consider it.

5 MS. MAULDIN: Thank you, Your Honor.

6 THE COURT: Ms. Mauldin, thank you for
7 bringing that to my attention. All right. Let's take
8 a ten-minute break. Would that give you enough time,
9 or do you need 15?

10 MS. MAULDIN: Ten is fine. Thank you, Judge.

11 THE COURT: Okay. We will take a ten-minute
12 break and then we will start back, okay. .

13 (Brief recess.)

14 THE COURT: All right. Ms. Mauldin, are you
15 ready?

16 MS. MAULDIN: Yes, Your Honor.

17 THE COURT: I'll be glad to hear from you.

18 MS. MAULDIN: Thank you, Your Honor. The
19 defense calls Dr. Susan Knight to the stand.

20 **Thereupon,**

21 DR. SUSAN KNIGHT

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE CLERK: State your full name and spell
25 your last for the record.

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1 THE WITNESS: Susan Knight, K-N-I-G-H-T.

2 DIRECT EXAMINATION

3 BY MS. MAULDIN

4 Q. Thank you, Dr. Knight. What is your occupation?

5 A. I am a clinical forensic psychologist.

6 Q. And could you tell us about your educational
7 background?

8 A. I have a bachelor's degree in psychology from
9 Trinity University in San Antonio, Texas. And a master's
10 degree and Ph.D. both in clinical psychology from the
11 University of Louisville. I have completed a pre-doctoral
12 internship with the Department of Justice and the Bureau of
13 Prisons in forensic psychology and correctional psychology.
14 And then completed a post-doctoral fellowship at the Keck
15 School of Medicine in Los Angeles in forensic psychology.

16 Q. Thank you. And what is your current employment?

17 A. I'm employed in private practice in Charleston.
18 And I teach. I am adjunct faculty at two law schools, so I
19 do teach at the Charleston School of Law, and I teach at
20 Cornell Law. And juvenile justice and capital case clinics.

21 Q. Okay. And in what other capacities and settings
22 have you worked as a forensic psychologist?

23 A. I have worked in correctional settings, so State,
24 Federal, and County facilities. I have worked for six years
25 as an assistant professor at the Medical University of South

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1 Carolina in their Department of Forensic Psychiatry
2 supervising residents and teaching fellows and residents
3 about forensic psychology. I have taught and I have worked
4 as a State evaluator for the Department of Mental Health
5 conducting competency and criminal responsibility
6 evaluations. A variety of things.

7 Q. And are you board certified in forensic
8 psychology?

9 A. Yes.

10 Q. And what does it mean to be board certified?

11 A. I'm board certified by the American Board of
12 Professional Psychology. That is the only board recognized
13 by the APA. It is a process. I had to complete a written
14 examination, pass a written examination. I had to submit
15 work samples to a panel of forensic experts. And I had to
16 sit through oral examination, you know, in front of a panel
17 of national forensic experts.

18 Q. Okay. And you have previously conducted forensic
19 evaluations?

20 A. Yes.

21 Q. And how many and what types of evaluations have
22 you done?

23 A. Many, many hundreds, hundreds of evaluations. I
24 have been in practice for about 20 years. Criminal
25 competencies, criminal responsibility, sentencing

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1 evaluations, capital casework, including Aiken mitigation
2 and capital work, risk assessment, violence risk assessment,
3 gender assessments, those types of issues.

4 Q. And do you have additional experience in the area
5 of, specifically, juvenile forensic issues?

6 A. Yes. In 2014 I started work with the Cornell
7 Juvenile Justice Clinic. At that time the groundwork was
8 laid for Aiken v. Byars, so I was able to get in on the
9 front-end of that work. I started doing the re-sentencing
10 evaluations in Byars and moving on to the initial sentencing
11 like we are doing here today.

12 I have conducted over 20 Miller evaluations.
13 Testified in eight or so. I also conduct waiver evaluations
14 in family court. And then I evaluate juveniles who were
15 sentenced to life with parole because of when they were
16 sentenced, and so assessing those individuals now that they
17 are adults. But they got their life sentences as a
18 juvenile.

19 Q. And have you lectured on Miller issues?

20 A. Yes. In 2017 I conducted a national workshop for
21 forensic psychologists at the American Psychology and Law
22 Society teaching how to do forensic consultations on Miller,
23 Miller issues.

24 Q. And have you previously been qualified and
25 testified as an expert witness in the field of forensic and

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1 clinical psychology in South Carolina?

2 A. Yes.

3 Q. Have you previously been recognized and testified
4 as an expert in a Miller or Byars hearing in South Carolina?

5 A. Yes.

6 MS. MAULDIN: Judge, at this point, I would
7 move for Dr. Knight to be recognized as an expert in
8 the field of clinical psychology and forensic
9 psychology for the Court.

10 MS. MAYES: No objection.

11 THE COURT: Okay, I am going to qualify her
12 as an expert.

13 THE WITNESS: Thank you, Your Honor.

14 MS. MAULDIN: Thank you, Your Honor.

15 BY MS. MAULDIN

16 Q. In coming to this case, how did you become
17 involved?

18 A. So your office contacted me about Ms. Sanchez's
19 upcoming sentencing hearing.

20 Q. And what did we retain you to perform?

21 A. Well, because of her age of 16 at the time of the
22 homicide, and because she was exposed to a potential life
23 sentence, you requested a consult on the Miller Byars
24 factors.

25 Q. Okay. And this was not the full scale evaluation

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1 that you have done in other cases, this was a consultation?

2 A. It was a consultation.

3 Q. Okay. And on which specific Miller factors did
4 you provide consultation?

5 A. All five factors, which we can detail -- I'll
6 detail those.

7 Q. Okay. And did you write any sort of report from
8 your findings?

9 A. No, just created the PowerPoint of my findings.

10 Q. All right. And what general methods and
11 procedures did you use as part of your consultation?

12 A. Clinical interviews, collateral interviews,
13 professional consultation. Looking at the relevant research
14 and literature in the area, those sorts of things.

15 Q. Are those the types of information that other
16 experts in your field would rely upon?

17 A. Yes.

18 Q. And did that information form the basis of your
19 finding?

20 A. Yes.

21 Q. And then I would like to start with the process in
22 more detail, and I would like to start with the records you
23 reviewed. What records did you review for Ms. Sanchez's
24 hearing?

25 A. Hundreds and hundreds of pages of discovery in

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1 this case. There was massive social media files, files in
2 this case with Ms. Sanchez and her codefendants and others.
3 And I looked at her psychosocial records, her medical
4 records, her DJJ file, her waiver file, her placement
5 records, DSS records, school records, those sorts of things.

6 Q. And in addition to the records review, did you do
7 interviews on the case?

8 A. Yes, I interviewed her parents separately for
9 about six hours. They require a translator; they don't
10 speak English. So I conducted their interviews in person
11 via a translator. And I called her aunt in Honduras who
12 helped raise her at that time, Aunt Karina, also using a
13 translator for that interview. I consulted with a Latin
14 studies expert at USC in the department of anthropology, Dr.
15 Simmons. And I consulted with Dr. Heidi Dawn with DJJ that
16 conducted the waiver evaluation.

17 Q. Was there anybody else that you attempted to
18 interview that you could not?

19 A. Yes, that was her, her older sister by seven years
20 was a very important source, potentially, for me to
21 interview. She lived with Ms. Sanchez in Honduras. She
22 immigrated with Ms. Sanchez to the United States and she
23 lived with her here within the family in the United States.
24 The family let me know that her sister was not willing to
25 speak with me. I did go to the sister's home with the

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1 translator to see if she would speak with me, she declined.
2 I never had contact with her.

3 And I also had an interview scheduled with a
4 maternal aunt, and that aunt didn't show for her interview.
5 And the family also told me that that aunt was not willing
6 to speak with me either.

7 Q. Do you know why her sister and her aunt declined
8 to participate in the interviews?

9 A. I can't say for sure. From what I gather through
10 the family is there is immigration issues and Visa issues.
11 There is also a lot of fear and anxiety around the case.
12 And I got the feeling they just did not want to be involved.

13 Q. And did you also interview Nicolle Sanchez
14 herself?

15 A. Yes.

16 Q. And how long did you interview her?

17 A. I interviewed her for about 15 hours across four
18 sessions.

19 Q. And what kind of data did you collect during those
20 interviews that you felt were important?

21 A. So the interviews are driven to collect
22 information to form each of the five Miller factors.

23 Q. Let's get into the Miller factors. You have the
24 device to advance this?

25 A. I do.

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1 Q. Okay. If you can use that. Okay. If you don't
2 mind, tell us about your findings.

3 A. Okay. So I think we have to start with the three
4 anchors. These are really the three pillars of juvenile
5 characteristics that the Court cites in all of their
6 sentencing decisions with juveniles, the recent decisions.
7 And that is -- these are in relation to adults.

8 So the first is immaturity. So you are, by
9 definition, less mature than adults, and that includes brain
10 development, psychosocial maturity, emotional maturity,
11 cognitive maturity.

12 And then the second element or pillar is
13 vulnerability. So as compared to adults, youth are just
14 more vulnerable to their environments. They are more
15 vulnerable to their peers certainly, and within the legal
16 system there is a greater vulnerability than adults.

17 The third pillar here is changeability. So in the
18 Court's language, children have a heightened capacity for
19 change. That is due to a lot of reasons. One is their
20 brains are not fully developed. They learn at a faster rate
21 than adults. And then their personality, their character,
22 is not well-formed, it is not settled, it is not final,
23 right. So they are not done developing. So they have this
24 heightened ability to change out of a teenager into an
25 adult, versus somebody who is 35 and their character is more

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1 settled.

2 Q. Let's go through each of the factors individually.
3 Can you start with the first factor, the chronological age
4 and the hallmark features of youth?

5 A. Yes. And those -- these are the five factors, and
6 those three pillars that I was mentioning, they are fully
7 enveloped and encapsulated within these five factors that
8 Miller sets out and then Byars adopts. Byars adopts these
9 factors as well.

10 So the first one is chronological age and hallmark
11 features of youth. Specifically, immaturity and
12 impetuosity, and failure to appreciate risks and
13 consequences. So when we talk about this factor,
14 particularly about chronological age, we are really talking
15 about adolescence here.

16 So adolescence is a distinct developmental stage.
17 Some experts define it as when puberty starts and then when
18 they become independent from the family and from the home.
19 But the most commonly cited age ranges are from ten to 19
20 with early puberty and protracted brain maturation, it can
21 be all the way up from nine to 26. Some organizations cite
22 that as well. But adolescence is staged. So there is early
23 adolescence, mid-adolescence, and late adolescence, right.
24 And there is also different categories of the emerging young
25 adulthood.

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1 During adolescence, there is some primary
2 developmental changes happening. One that we can all see is
3 growth. They have a growth spurt, right. They also develop
4 sexual characteristics, the secondary sexual
5 characteristics. Puberty is huge during adolescence, right.
6 In addition to that, the physical growth that we can see,
7 there is also this identity confusion. It is also called an
8 identity crisis during adolescence. They are really trying
9 to figure out who they are, where they fit in, where do they
10 belong, right. So there is a lot of exploration around that
11 adolescence trying to figure out who they are.

12 Their thought processes starts out really concrete
13 in childhood, and as adolescents age it gets a little bit
14 more abstract. They are able to consider things in a
15 different light. They are able to consider alternatives
16 slowly as they go through adolescence. And this improves
17 from early to late adolescence, this abstract thought.

18 There is a lot of dis-regulation of effect and
19 behavior during adolescence. Lots of emotions running high
20 that has to do with a lot of hormones during puberty, lots
21 of behavior dis-regulation that comes along with that. And
22 then really important, during adolescence there is this
23 initiation of independence and autonomy. So the child is
24 really trying to establish themselves as a separate entity
25 from their family. And that has a very specific biological

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1 purpose. If we didn't do that and we stayed with our
2 family, we would never establish our own relationships and
3 procreate outside of the family. So it really does have an
4 evolutionary purpose for that.

5 So adolescence is a time to become independent, to
6 acquire new skills to be able to leave the home eventually
7 and then to start families of their own. Some of these
8 behaviours that we will talk about, this risk taking, this
9 novelty seeking, pushing the limits, that all has a very
10 biological purpose, a very specific purpose evolutionarily
11 speaking.

12 Q. Thank you. Can you tell us about the hallmark
13 factors or the hallmark features of adolescence that are
14 referenced by Miller?

15 A. Sure. Miller specifically and -- oh, well,
16 actually this, just one more thing about adolescence. When
17 we talk about Miller, when we talk about Byars, we are
18 really talking about mid-adolescence. And that is because
19 the younger kids, a lot of times those kids are handled in
20 family court. Of course, 18 and up are not subject to
21 Miller or Byars. So we are really talking about that
22 mid-adolescence time. And the research is very clear on
23 this, the statistics are very clear that mid-adolescence,
24 when risk taking is at its peak, when prosilience is at its
25 peak, in other words wanting to belong to a peer group. And

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1 these are the children that are often waived to adult court
2 and they often have murder charges, obviously, for these
3 Miller and Byar cases. But that is really the stage that we
4 are talking about.

5 Q. And that is the category for which Ms. Sanchez was
6 in at the time?

7 A. So Ms. Sanchez, at age 16, would of course be in
8 mid-adolescence. And then the hallmark features that you
9 asked about, these are some that are cited throughout the
10 case law, and we know this from studying adolescence and
11 looking at the literature. Lots and lots of risk taking and
12 high risk behaviours. Again, push that edge, pushing that
13 envelope. Lots of sensation, thrill seeking. So what is
14 going on in adolescence in the brain is our reward
15 circuitry, where Dopamine resides and where other sorts of
16 hormones and neurochemicals that make things feel good, they
17 are at a peak during adolescence. So adolescents are
18 capitalizing on that. They are always seeking out new
19 experiences, new reward experiences. They are also pretty
20 impulsive compared to children and compared to adults.
21 Their emotions are sometimes volatile, right. And so they
22 don't have a good handle on their emotions. And that tends
23 to level out as they mature.

24 This underdeveloped future orientation, so
25 compared to adults adolescents have some difficulty seeing

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1 themselves in the future. So, if I do this now, what does
2 that mean for me five years down the road. They don't think
3 that well. They don't do that very well compared to adults.
4 So they have this underdeveloped thoughts about what could
5 happen in the future based on their conduct now. So, if
6 this, then that thinking is pretty limited in adolescence.

7 Their problem solving skills can be pretty
8 immature, as far as particularly recognizing alternatives.
9 So they look at what is right in front of them instead of
10 maybe drawing from other solutions that may not be right in
11 front of them. Again, that immediate situational solution
12 that they are looking for. They are overly focused on
13 rewards. They do recognize risk to some extent, but the
14 rewards are just greater for them. So where as an adult
15 might see a situation and take an action that avoids risk,
16 an adolescent may see the same situation and take an action
17 that capitalizes on the risk because that reward feels so
18 good to them.

19 And then, of course, the importance of peer
20 affiliation and acceptance. And we will get into that a
21 little bit later. And what we do know, very well
22 established in the literature and real life, that risk
23 taking is higher in the presence of peers. So if you -- if
24 we have an adolescent who is just learning to drive, just
25 got his driver's license and he is going to church with his

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1 parents and he is driving very well, he gets to church no
2 problem, gets home no problem. That same adolescent, on a
3 Friday night, with other 16-year-olds in the car, is going
4 to take a lot more risks, probably driving to a party,
5 right. It is just because of the presence of peers drive
6 that risk taking behavior. So those are, in a snapshot some
7 of the features that Miller references.

8 Q. So this all has something to do with the
9 adolescent brain?

10 A. Well, it does. This, before we get there, you
11 know, that risk taking that I'm talking about that is so
12 important during adolescence, we see it not only in the
13 laboratory, but we also see it in statistics. So DUIs peak
14 in adolescence, unplanned pregnancies peak, STDs, drug
15 overdoses, accidents, suicide, homicide, they all peak
16 during adolescence. And that is because the youth is
17 engaging in behaviors harmful to themselves and engaging in
18 behaviors harmful to other people and it just spikes these
19 risk taking behaviors. And the weight of the literature
20 really tells us that it is statistically abhorrent to
21 refrain from any risk taking during adolescence. Most
22 adolescents push some sort of limit. We probably all know
23 that from being teenagers, right, it is a common thing, but
24 we do see it in the numbers.

25 Q. It is unusual for a child not to engage in risk

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1 seeking?

2 A. Correct.

3 Q. Okay.

4 A. And then we can sort of see this risk taking chart
5 here. It really does peak at age 16 and 17. And then when
6 the individual transitions to late adolescence, that is at
7 age 18, starts, the risk taking behaviors really drop off.
8 They are not as vulnerable to peer influence anymore. And
9 it certainly drops off in one's mid 20s. And this was a
10 study that they did with over 900 adolescents, asking them
11 about risk preference. But we also see these statistics
12 matched in the real world as well.

13 Q. Okay. So that all has to do with the brain
14 development?

15 A. Yes. So what we know, and we know this from MRI
16 studies of adolescents, and they have done longitudinal
17 studies looking at the brain from childhood to adolescence
18 to adulthood. And what we know is that the brain develops
19 from the back to the front. So the brain stem all the way
20 to the front. And what happens in the brain is that the
21 things that really keep us alive and are really critical,
22 like breathing and respiratory and motor movements and
23 vision, those all develop first. And that pre-frontal
24 cortex is the last to develop, right here at the center of
25 our brain.

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1 And that is important for adolescents, because
2 that pre-frontal cortex is really the cognitive control
3 system. That is the CEO of the brain. That is the part of
4 our brain that says, slow down, think about this, let's
5 maybe make a different decision in this situation. It is
6 the part of the brain that uses reasoned judgment, uses
7 rational judgment. It plans out things. It is the part of
8 the brain that avoids risk. For example, if we are in a
9 risky situation and it can inhibit our responses, that is
10 the pre-frontal cortex. The problem is that it is not fully
11 online until one's mid 20s is what the scans are showing us
12 now, the MRI scans. So that is not fully online during
13 adolescence.

14 And then somebody at age 16, this is certainly
15 still under development, this pre-frontal cortex. And what
16 is -- a little bit more about what is happening there, it's
17 not that the pre-frontal cortex is growing. So the brain is
18 about the size it is going to be by the time that we are
19 five or six years old, right. It is really that the brain
20 is undergoing a rewiring, a remodeling. So what is
21 happening is the gray matter and white matter, they are
22 changing in the brain during adolescence.

23 The gray matter, or the neurons, they are being
24 pruned away; we are losing connection during adolescence.
25 But that is okay, because it makes the brain stronger. The

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1 connections that are left are the ones that we use the most,
2 are the strongest. So it is like pruning a tree and then
3 the tree gets stronger, right. The tree grows stronger.
4 That is what is going on with the gray matter.

5 The myelination, the white matter, that is a fatty
6 sheath that insulates neurons. And then neurons are
7 insulated, they transmit data very very quickly. And that
8 is going on throughout one's mid 20s. And that is really
9 important when we talk about connecting the different parts
10 of the brain, communication between different parts of the
11 brain. Without that myelination, our signals are a lot
12 slower. They are sort of bumbling around up there, and
13 sometimes we think with teenagers, Why did you do that, that
14 is such a -- you know, Why did you think that you could do
15 that. And that is part of that re-wiring in the brain that
16 is not fully developed yet.

17 So if we just look at an example of this. This is
18 the gray matter here. The pruning. So the five year old
19 brain there at the left, all the way up to the 20 year old
20 brain. The teen brain is there and you can see some of the
21 green. So the green is the parts of the brain that are
22 still really under development. And you can see in that
23 pre-frontal cortex of the teen brain, there is still a fair
24 amount of green. And you will notice in the middle, the
25 middle line, that is the corpus callosum, that is the part

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1 of the brain that communicates between hemispheres.

2 So the brain is not still mature as far as
3 communicating within itself. But then the 20 year old brain
4 is getting much more mature as we can see. And then just to
5 give you a visual on the myelination, on the right is a
6 nerve that has that white matter around it. It is
7 transmitting data much, much faster than the one on the
8 left. And that is going on, again, through the 20s.

9 So I guess the other -- one of the last things
10 that I want to point out about brain development in
11 adolescence is that, while this pre-frontal cortex is under
12 development, sort of lagging behind in adolescence, there is
13 a part of the brain that is developing much faster, much
14 quicker, and that is the lymphatic system. That is the seed
15 of our emotions. That is where when we make these impulsive
16 decisions we are acting on gut instinct, we are acting on
17 impulse. That part of the brain is ahead of itself during
18 adolescence. So we have this temporal gap of these systems.

19 And so if we compare them, we talked about the
20 cognitive control system there. That motivational system is
21 behind -- is ahead of itself. And when people go through
22 puberty, when adolescents go through puberty, that part of
23 the brain is sort of turbocharged based on a release of
24 Dopamine. There is lots of Dopamine that gets released in
25 adolescence in Oxytocin, which is another chemical that is

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1 involved in pleasure seeking, reward seeking. There is a
2 lot of that being released during puberty. And so that part
3 of the brain is much more developed in adolescence than this
4 pre-frontal cortex.

5 And there is something from Ms. Sanchez's records
6 that kind of sums this up. This is -- she is almost 16 here
7 in her William S. Hall records where she was in the
8 psychiatric hospital. And it says, you know, Nicolle reacts
9 in an emotional mind when things get escalated. So she is
10 using more of that emotional seed, that motivational system
11 to make the choices and behaviors, especially under heavy
12 emotions, especially under when things get escalated. But
13 that is just an example that jumped out at me from her
14 records that sort of illustrate these two mismatches of the
15 systems.

16 So if we just -- really, just to sum this up, that
17 motivational system is the gas peddle of the brain. That is
18 what makes us go, go, go. And that pre-frontal cortex is
19 the brakes of the brain. So the brakes are not fully online
20 during adolescence and that motivational system is much more
21 developed. And that is what, you know, in the literature
22 this is a good sort of summary of what is happening during
23 adolescence. It is really tremendous change, tremendous
24 growth. The brain development going on affects this growth
25 and social maturity and cognitive maturity and emotional

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1 maturity. And so there is a lot of opportunity and there is
2 a lot of risk during adolescence because of all of this
3 growth and this change.

4 Q. Coming back to Ms. Sanchez, has she demonstrated
5 some of that growth that you are talking about?

6 A. Yes. So with Ms. Sanchez, you know, obviously I
7 didn't see her at age 16, so when I interviewed her I asked
8 her to describe herself with her 16 year old brain. And she
9 says, well, I wasn't thinking past Tuesday. All right, so
10 really just very short-sighted, what is in front of her.
11 She's living day by day. She cited her feelings as being in
12 love, but really that felt lost and confused to her. She
13 just wanted to fit in. She just wanted to be loved is what
14 she told me. She never thought anything through. She was
15 living in the moment. She thought, in her 16 year old
16 brain, you only live once, why not do it, I am a kid, I
17 can't get in trouble.

18 And then I asked her to describe her 19 year old
19 self, which of course she's 19 now. And she said, you know,
20 now I know myself. I don't need love like she felt like she
21 needed it as a 16 year old. She tried to think before she
22 speaks. She tries to see how her actions and her words will
23 affect others. I think about how I have hurt others around
24 me. I remember and now I'm so grateful for forgiveness. I
25 want to change and be a better person.

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1 I am not sure that she was thinking like that so
2 much at age 16. At age 19, things are falling into place a
3 little bit more.

4 Q. All right. And let's move on to the second Miller
5 factor. The family and home environment, and if you could
6 tell us about that?

7 A. Sure. So this is the language from the case law.
8 Because, you know, this factor is included because children,
9 because adolescents, they are still very much part of their
10 family unit. They may run away, they may do other things,
11 but they are still tied as teenagers to their family in a
12 way that adults are not. They still don't have full
13 independence from their family and home environment. So the
14 first thing that I did, which I usually do in cases, is look
15 at the history of the parents. Because the history of the
16 parents can really drive what is going on with the family
17 and home environment. You know, what have the parents been
18 through and how has that affected their parenting. And then
19 how has that affected their family and home environment.

20 So with her father, he was born in a very rural
21 part of Honduras. He was raised in what we would consider
22 poverty. For them it was an agricultural way of life. He
23 did not have running water. He did not have electricity.
24 He, his family used mules to go down to the river to collect
25 water for their drinking. They bathed in the river. So

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1 very simple, agricultural, kind of poverty sort of
2 environment.

3 He said they had no cars and no roads either. And
4 he was one of ten children. Because he was working in the
5 fields, he was not really in school. So he doesn't have a
6 lot of schooling. He can't read or write. He is
7 illiterate. And he doesn't speak English, but he can't
8 write, read or write, in Spanish either. He left home at
9 age 17. And before he left home, his parents had already
10 abandoned the children. His mother left when he was a
11 toddler. His father left when he was born. And he was
12 raised by his grandparents who were also illiterate.

13 He left and went to the capital city. He had five
14 children by the time he was 23. He didn't raise any of
15 those children. And then he worked as a butcher at a local
16 market, and that is where he met Ms. Sanchez's mother. The
17 reason that he immigrated to the United States is because of
18 the Maras in Honduras. We would know them as MS13. They
19 were extorting the stalls at the market, charging higher and
20 higher rates and he couldn't pay them. He was very clear
21 with me, if he didn't pay them he would be killed. He
22 couldn't pay them, so he moved to the United States alone to
23 try to do something else to make a living. So that is his
24 background in a nutshell.

25 Q. Can you tell us something about the mother as

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1 well?

2 A. Sure. Her mother was raised more in the city, in
3 a very strict, religious family. She was one of eight
4 children. There was certainly corporal punishment within
5 her family. So I spoke with her and her sister who was
6 raised with her. There was lots of pinching of arms,
7 twisting, the children had to kneel on the floor holding
8 heavy objects above their head for discipline. They had to
9 kneel and write. And they were hit. And that was just part
10 of the family culture that was very much accepted. From
11 what I can tell, there is no social service agencies in
12 Honduras that would come in and see that there's a problem
13 with that. But that is how her mother was raised.

14 At age 16 she became pregnant with a married man
15 in his 40s. That is her sister's father. Again, the
16 culture, from what I understand in talking with them, that
17 is not against the law, that is not something you would
18 report to police. And they did tell me that the police are
19 corrupt anyways so they wouldn't bother to report that.
20 But that is the first time she had a child. And then at age
21 17 she met Ms. Sanchez's father and they moved in together
22 and were working at the market together until he left. But
23 before he left she -- Ms. Sanchez was born when she was age
24 25.

25 What is significant here is that she suffered a

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1 severe injury during birth, such that she couldn't walk for
2 9 to 12 months after giving birth to Ms. Sanchez. She
3 describes it as a paralysis of sorts. I understand the
4 legal team tried to obtain her medical records from Honduras
5 so we could see exactly what this injury was. But she was
6 hospitalized for a good 9 to 12 months because of this
7 injury. This really prevented bonding between the infant,
8 Ms. Sanchez, and her mother because she was in the hospital.
9 Ms. Sanchez was with other relatives at that time. She
10 wasn't seeing her very much, and when she was, she was in a
11 great deal of pain. So the bonding process between mother
12 and infant was certainly disrupted by this severe, disabling
13 injury.

14 Q. How about the other findings that you made of
15 mother, how did -- how are they relevant to this case?

16 A. So they are -- Ms. Sanchez had involvement with
17 DSS as a child when she came to the United States. Speaking
18 with her, speaking with her family, having learned how her
19 mother was raised, it seems to fall along the lines of some
20 pretty severe corporal punishment instead of physical abuse,
21 because that is how her mother was raised. That is how her
22 mother knew to discipline her when she started to become
23 rebellious as a teenager. She really didn't know of any
24 other way. She didn't fully appreciate that in the United
25 States that wasn't accepted.

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1 So I think when we look at Ms. Sanchez's later
2 history of having a DSS case, we can tie it to her mother's
3 history of corporal punishment when she was a child.

4 MS. MAULDIN: Judge, prior to this hearing we
5 had a conversation in chambers and I mentioned a
6 document that I would pass up. And I would like to
7 hand that up now.

8 THE COURT: Okay.

9 MS. MAULDIN: We ask that this be made a
10 Court's exhibit A.

11 THE COURT: All right, I am going to make
12 this, I think, Court's Exhibit No. 3. Do you have a
13 copy for the court reporter, or do you want me to use
14 this copy?

15 Well, I have a copy here and we will make
16 that Court's Exhibit No. 3.

17 MS. MAULDIN: Thank you, Your Honor.

18 *(Whereupon, Court's Exhibit No(s). 3 marked*
19 *for identification and received in evidence.)*

20 THE COURT: All right, Ms. Mauldin, I think
21 we are ready.

22 MS. MAULDIN: Thank you, Your Honor.

23 BY MS. MAULDIN

24 Q. And then you also looked at the early years that
25 Ms. Sanchez spent in Honduras too, correct?

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1 A. Yes. So I spoke about her mother's maternal
2 injury and how that resulted in poor bonding, poor
3 attachment with Ms. Sanchez, as she was left with relatives.
4 Her mother was out of the hospital when she was about a year
5 old, but then her mother left for the United States when she
6 was a year and a half old. So she didn't get much time with
7 her mother when her mother was out of the hospital.

8 Her father had already left for the United States
9 when she was five months old. So Ms. Sanchez was left in
10 the care of her maternal grandmother, and by all reports
11 that seemed to be a stable and positive environment for her.
12 Her maternal grandmother sounded very caring. Her maternal
13 grandmother had separated from her grandfather, so her
14 grandfather was not in the home.

15 So instead of her grandfather being her father
16 figure, his uncle, maternal uncle was her surrogate father.
17 This uncle had her name tattooed on his arm. He called her
18 daughter. He really took over the paternal duties because
19 her father was gone and the grandfather wasn't in the home.
20 When she was six years old this uncle was murdered by the
21 gangs, by the Maras because he didn't pay them. And it was
22 a very violent and sudden death. So she essentially lost
23 her father at that point.

24 Her grandmother, who was her surrogate mother, she
25 hadn't really known another mother, dies five months later,

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1 when she is age seven, in response to grief over her son's
2 death. So she lost her mother and her father pretty
3 suddenly within a span of five months when she was very
4 small. And then she was placed with her maternal Aunt
5 Karina. And I spoke with her Aunt Karina in Honduras, and
6 Karina told me that once those deaths were experienced, that
7 Ms. Sanchez really had some difficulty dealing with that and
8 everything changed with her. You know, I don't think that
9 they put her in any kind of counseling or anything like
10 that. She was just struggling to deal with it as a young
11 child.

12 Q. Tell us about more of those changes that she
13 experienced after living with her aunt.

14 A. Well one big difference for Ms. Sanchez at that
15 time, she moved out of her grandmother's neighborhood into
16 the neighborhood of her aunt. And her aunt told me that she
17 lived in a more violent neighborhood. The aunt did. So Ms.
18 Sanchez is going from a more safe environment to a more
19 criminalized, more violent neighborhood with her aunt. Her
20 sister, her older sister by seven years, stayed in
21 grandmother's home with other family members.

22 So the sisters were split at this time. It was
23 only Ms. Sanchez that went with this aunt. Her aunt told me
24 they never leave the home at nighttime. Her aunt told me
25 that Nicolle witnessed beatings on the street, people being

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1 beaten to death in the neighborhood. And there wasn't a lot
2 of authority. There wasn't a lot of law enforcement there
3 to do anything about these incidents. And then Aunt Karina
4 told me, you know, she still very much lives in this -- in
5 Honduras. And she said that Honduras is a bad place, we
6 can't go out of our homes, we are locked in a cage.

7 So essentially what she was communicating to me is
8 there is no real safety where they live unless they are
9 absolutely locked in their house all day. So that was one
10 big change for Ms. Sanchez when her grandmother died, to go
11 live with her aunt.

12 Q. What other changes would she experience?

13 A. She was in school at this time, and her aunt told
14 me -- this would have been first, maybe second grade, her
15 aunt told me that she was the subject of severe bullying.
16 She said she was bullied so badly at one point a group of
17 girls pushed her down the stairs, she fractured her arm.
18 Her aunt told me that her school supplies would be taken and
19 broken and thrown in the mud. They would call her ugly
20 monkey, because she was darker than the other children, she
21 had darker features. And when I spoke with the cultural
22 expert, she let me know that there was a lot of prejudice
23 around skin color in Central America, particularly Honduras.
24 So she was singled out because of that.

25 And the bullying was so bad that her aunt moved

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1 her to another school. Now, despite that, her -- I was
2 questioning her aunt around any conduct issues. It is
3 really important to know in these cases if the child is
4 experiencing early conduct issues around this age, and her
5 aunt told me that she was not. She did very well in school
6 as a student. She was involved in these extracurricular
7 activities such as theater and cheerleading and festivals.
8 They had big festivals in the street. And so the conduct
9 issues weren't there when I asked her aunt.

10 Q. Can you tell us why the neighborhood violence and
11 bullying is relevant to her case?

12 A. Well, you know, the neighborhood violence, that is
13 certainly witnessing trauma. And trauma can cause
14 difficulties in children, it can cause irritability,
15 sometimes even depression because the kid doesn't want to be
16 a victim also of the trauma, so sometimes they adopt a
17 tougher image. They can have difficulty sleeping,
18 difficulty just feeling safe. The bullying, in her school
19 records, she doesn't get along with the other kids very
20 well. That is very clear. She is called like a tough girl
21 or a mean girl in her school records.

22 When a kid has been through this kind of severe
23 bullying where a bone has been broken, they often try to
24 adopt a tougher image with their peers because they don't
25 want that to happen again. So I think some of that -- this

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1 history is important in looking at her school history. It
2 is also important to note that she was always the very
3 smallest child in her class. She is very small. She was
4 always the smallest child, and I think that contributed to
5 the bullying as well.

6 Q. Were there any indications of abuse during that?

7 A. So Ms. Sanchez does report sexual molestation by
8 an uncle. Her, like I had mentioned earlier, her
9 grandfather lived separate than the grandmother. And in the
10 grandfather's home was the youngest boy, his child, which
11 would have been her uncle, he was in late adolescence at the
12 time. Ms. Sanchez would be dropped off at this house to
13 visit with the grandfather and the uncle. There was no
14 female adult supervision. She would be left there until her
15 family members came to pick her up, and she reported that is
16 when the molestation would happen. He would touch her very
17 inappropriately. And this went on maybe for about several
18 months at least during that time.

19 I could not verify this with the family. So she
20 said that she told her her Aunt Karina about this and her
21 aunt didn't believe her. That is not that uncommon in
22 families. But I did ask Aunt Karina about that, and she
23 told me, you know, we just don't want to believe that is
24 what she said. And her parents, of course, are in the
25 United States at this time, so they have no knowledge or

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1 awareness of what is going on.

2 Q. You were unable to verify that information through
3 family members, so what indication do you have that it
4 actually happened?

5 A. So I don't know for sure. One thing that -- I do
6 a lot of sex offender assessments. I know that the
7 circumstances that she is describing, being a prepubescent
8 young girl, being left with older family members, especially
9 an adolescent male relative, that is a common situation. We
10 see that kind of abuse happen. She is not exaggerating it.
11 She doesn't say that he raped her or penetrated her. She is
12 saying that he touched her. So there's not this exaggerated
13 feel to the story. But I think most importantly in her
14 records there is a pattern of indiscriminate sexual behavior
15 as a child with other children. This started on the
16 playground when she immigrated to the United States at age
17 eight. It is in her DSS records at age nine she is trying
18 to peek in on her foster brother. She touched her younger
19 sister. It goes on at William S. Hall and DJJ.

20 This sort of indiscriminate sexual behavior with
21 younger children when the person is a child, we don't really
22 see that unless there's been some sort of sexual abuse. So
23 that was very consistent with her report. I can't verify it
24 100 percent, those are just things that I noticed in the
25 records.

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1 Q. In addition to the sexual abuse, was there any
2 physical abuse?

3 A. She describes physical abuse. So when she moved
4 to her Aunt Karina's, to live with her Aunt Karina after her
5 grandmother died, Aunt Karina had been raised with that
6 corporal punishment like her mother. And when I asked Aunt
7 Karina about this, she didn't deny the corporal punishment.
8 She said, you know, you have to raise rigor, meaning you
9 have to use the rod, right. She doesn't recognize that as
10 abuse. It felt like abuse to Ms. Sanchez. And apparently
11 it got so bad that the grandfather called Ms. Sanchez's
12 parents and said, Come get your child, she is being beaten.

13 And the parents told me about the call from the
14 grandfather. And that was the reason that they brought her
15 to the United States when they did, because they learned
16 about this abuse from the grandfather.

17 Q. Okay. So after they sent for her to put an end to
18 that abuse, can you tell us about how she made the trip to
19 the U.S. and how she got here?

20 A. So she did not choose to come to the United States
21 at age eight, her family paid a coyote to take her and her
22 sister to the United States. Her family dropped her off
23 with this individual, a man she didn't know, and he brought
24 them to the United States. Ms. Sanchez didn't have any
25 control over that. If you would have asked her, I think

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1 that she would have said, stay in Honduras. She didn't know
2 her parents. She didn't know what the United States was
3 like.

4 But the coyote took her and her sister with a
5 group of other people through Central America, up through
6 Mexico. They -- sometimes they were on buses, sometimes
7 they were running through fields. She mentioned having to
8 hide in the cemetery from the helicopters. Certainly they
9 were crossing rivers. And her parents told me when they got
10 to Mexico the two girls were held for a ransom. So this is
11 not uncommon, apparently, according to the parents. These
12 individuals called Ms. Sanchez's parent and requested ten to
13 15,000 for the children or they would be killed.

14 And they were very serious about this. And
15 because this is apparently very commonplace. This happened
16 in Mexico. They did pay the money, obviously, and the
17 children, including Ms. Sanchez, were dropped off in Texas
18 and they walked to a police station and were placed in
19 foster care.

20 Q. What do you find relevant about her family and
21 home environment once she was reunited with her family?

22 A. In talking with, with the sources, there was this
23 honeymoon period. She didn't know who they were. She had
24 really no memories of the father, he left at five months.
25 Her mother left at, you know, a year and a half. But she

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1 was excited to be here. She was excited to be with her
2 older sister, who she was very attached to at that point.

3 But over time this anger started to build. She
4 started to realize that this -- they had really abandoned
5 her in Honduras. They also had a very small child. They
6 had started a new family in the United States, so that when
7 she came and reunited with them she had a younger sister she
8 had never met. So there started to be feelings of anger and
9 abandonment that built over time. And these are some things
10 that she told me, that, you know, mom is a stranger. I
11 didn't bond with her, I didn't know who she was. Her mother
12 recognized this. Her mother told me, you know, Nicolle was
13 mad, we left her in Honduras and we had another child. So
14 they recognized the anger.

15 And then her father told me that when Ms. Sanchez
16 came to the United States, she would insist that he pick her
17 up because he had not carried her, really that she had ever
18 remember. And he -- and she only wanted him to carry her
19 and not her sister. Carry me. So really sort of craving
20 that parental affection that she had not had from her
21 parents in Honduras.

22 But certainly there is some seed of things that
23 would manifest later, as far as this anger towards her
24 parents when she came to the United States. And one of them
25 was the DSS case at age nine. Physical abuse by her mother.

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1 It was unfounded. I think that it likely falls along the
2 line of corporal punishment. In the DSS records her mother
3 does admit to hitting Ms. Sanchez. She does acknowledge the
4 physical altercation. I don't think that it came from a
5 place of an abusive parent, per se, but more likely corporal
6 punishment that the mother was raised in.

7 Q. And tell us about how this anger may have evolved
8 over time into her teen-age years?

9 A. We see this in her records, there is a clear
10 conflict between her and her parents; between her and her
11 home. When we talk about her family and home environment,
12 these are various things. One from her DJJ records in 2019,
13 she did not want to see her parents at William S. Hall.
14 There is a quote that she got into an argument with her
15 mother, she ran away. She said, We argue about everything.
16 And she was at William S. Hall because she had had an
17 altercation with her father and had threatened her father.
18 Her father was trying to get her into a car to leave a
19 party.

20 But she was very angry with her parents, and that
21 comes across in the records. At Epworth in 2020, those
22 records state that she doesn't feel part of a family. And
23 the day before she was going to leave and be discharged from
24 Epworth, in those records she says that she doesn't want to
25 move back to her mother, she would like to stay at Epworth.

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1 So she wanted to stay at the children's home rather than go
2 home. Unfortunately the next day they discharged her, and
3 instead of going home her boyfriend picked her up.

4 So there is -- these are just examples. There is
5 more examples from the records that that was conflict, just
6 anger at home all stemming from this abandonment when she
7 was a child.

8 Q. You mentioned her boyfriend picked her up; who was
9 that boyfriend?

10 A. Mr. Nelson.

11 Q. Okay. Thank you.

12 A. And I think these -- when I was speaking with Ms.
13 Sanchez and interviewing her around this, these were some
14 statements that she made that really jumped out at me, that
15 really illustrates this issue about anger towards her
16 parents. Towards her parents she was angry for so many
17 things that happened in Honduras; they were not there to
18 protect her. She comes to the United States, it is a new
19 world. She didn't know her parents. She started to become
20 depressed, but didn't like to show depression so instead she
21 would show anger. She didn't want to seem weak.

22 And then this last statement is pretty important.
23 As she became a teenager and started to rebel they did try
24 to control that, obviously as any parent would. But this
25 anger that had been building, this resentment that had been

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1 building made that all the more difficult for them to
2 discipline her.

3 Q. Can you tell us some more about that?

4 A. Well we see that, just in her pattern of behavior,
5 you know, right around puberty when we would expect the most
6 changes to happen she really starts to act out. Really at
7 age 14 it starts. Lots and lots of running away. I think
8 that is directly tied to the conflict in the home, the anger
9 towards the parent. You know her parents would say people
10 would pick her up and she was gone. You know, they couldn't
11 control this. And one thing her parents told me is that
12 they couldn't communicate with the parents of her friends.
13 Neither parent speaks English and so that placed Ms. Sanchez
14 in this role reversal almost. She has to translate for them
15 wherever they go and whatever they do.

16 There is an incident in her records in 2020 when
17 her house is shot up in a drive-by shooting. Cops show up
18 at her house and she is the child talking to the cops
19 telling them about the shooting, even though her parents are
20 home at the time. So there's a lot of examples where she's
21 stepping into an adult role with her parents that other
22 children without these cultural issues would necessarily
23 have. But I think that made it all the more difficult for
24 her to really recognize their authority, because she had to
25 take that adult role with them at times.

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1 Q. Okay. Let's move on to the third Miller factor,
2 the circumstances of a homicide. What did you initially
3 consider for this factor?

4 A. So when -- in these cases I always like to look at
5 the offense just broadly, just generally, to see if it's
6 consistent with adolescent offending in general. Because if
7 it's now, if it's an abhorrent sort of act, if it's
8 something that is really at odds with what we know about
9 adolescent offending, there could be something very
10 different about this adolescent that could tell us something
11 about rehabilitation or dangerousness.

12 This incident appeared to be in line with
13 adolescent offending. It is not only because it was
14 co-offending. Co-offending with peers. Most adolescents
15 offend in groups. They offend with their peers. That has
16 to do with all of that risk taking that we saw in
17 adolescents, right. It is very, very common. A solo
18 offender in adolescence is much less common, and that is not
19 what we have here. And so in the literature it is much more
20 developmentally normative and it is the predominant form of
21 deviant behaviour.

22 So that puts her still on this average with
23 adolescent offender track. In these cases, it is not
24 surprising that an accomplice liability theory is implicated
25 more so in juvenile cases than adult cases. And so we have

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1 a group of kids who may be doing different things, but of
2 course they get charged under the hand of one, hand of all
3 and they all get the same charges. And that is much more
4 common in juvenile cases, and that is of course what
5 happened in her case with the accomplice liability.

6 So what Miller and Byars directs is the extent of
7 the offender's participation. And I think part of the
8 Court's reasoning here is because the children, the kids,
9 are offending in groups but they are all getting the same
10 charges and the Court recognizes that. And they still want
11 to parse that out, even though they have the same charges
12 they still want to know, well, what was the extent of this
13 individual offender's participation, even if they are, you
14 know, convicted and charged under accomplice liability
15 theory.

16 So I think that is a part of where this comes
17 from, they recognize that that is so common in juvenile
18 cases. This is a really difficult task. This analysis is
19 very difficult, because at the end of the day we might not
20 know who did what, right. But Miller directs this kind of
21 inquiry. So what I try to do is go through the records and
22 I try to look at things that we know happened or things that
23 there is a -- you know, we can sort of prove that we know
24 happened.

25 With Ms. Sanchez there is no question that she

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1 stole the vehicle. And she likely did that without
2 coercion. She had stolen cars before. She was very open
3 about that. And we know that she lured the victim, Sanaa,
4 out of her house that day. We know that she knew the victim
5 would be questioned and likely assaulted. So it does appear
6 that her primary role is to set it up. Of course you can go
7 further, but those are the things that I know.

8 With her codefendant there's a little bit more
9 evidentiary evidence there. Things like asking for bullets
10 from their social media account. Asking for a shovel from
11 their social media account. Mr. Nelson did. We know that
12 on the drive out there, Ms. Sanchez's phone was still on.
13 Her codefendants phones were off. So that tells me that
14 they knew something that maybe she didn't know. Otherwise
15 why didn't she turn her phone off.

16 The pillowcase used at the scene matched that
17 found at a codefendant's house. The guns used in the
18 homicide matched those found in the codefendant's home. So
19 just looking at these things, kind of trying to weigh this
20 out and analyze it, again do I know for certain, no. No.
21 But this is -- in trying to remain within the spirit of
22 Miller and the extent of the participation, these are some
23 of the things that I looked at.

24 The other thing that I couldn't ignore, of course,
25 Mr. Adams interview with law enforcement. In his interview

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1 he is -- he is saying what Ms. Sanchez told him. Some of
2 that stuff we know is not true. So he said that she told
3 him that she went to the family celebration. She tried to
4 go -- she went to all of the events. I don't have any
5 evidence of that, that she was there. Those statements
6 don't appear to be true. He said that she did all of the
7 shooting. That seems to be an exaggeration based on what we
8 know. Again, I don't know for sure but it just calls into
9 question some of these statements.

10 It was significant to me that he had never seen
11 her with a gun and he saw her in the days after this
12 happened. It was significant to me that he said that Mr.
13 Nelson told him that Mr. Nelson and Mr. Wilson were
14 shooting, but did not say that Ms. Sanchez was shooting. So
15 he also says that she played her role and got it set up.
16 That appears very likely, compared to all of the data that
17 we have.

18 Q. And in assessing the extent of her participation,
19 did you interview Ms. Sanchez?

20 A. So I -- that would be part of my consultation in
21 these cases. And I certainly initiated that interview. I
22 requested your presence because I was going to be talking
23 about very sensitive issues with the homicide. We began
24 that interview and a couple of minutes into that interview
25 Ms. Sanchez requested to speak with you. I left the room.

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1 I am not sure what was said in the room between you. And
2 when I came back to the room she said that she didn't wish
3 to continue the interview about the details of the homicide.

4 I don't know why. I wasn't privy to the attorney
5 client privileged conversation between you, but she did seem
6 to become very uncomfortable the closer to the shooting that
7 I asked. As far as maybe not wanting to relive that again,
8 as far as being traumatized by that. But also I think she's
9 now much more protective about what she says. So she had
10 talked to authorities. She went through a full waiver
11 hearing, a full trial. She saw how that information was
12 used, how it came out in court. Now, at age 19, she's
13 thinking about that a little more. Should I really detail
14 this again. And she requested an attorney consult on that.

15 So, to answer your question, I attempted to do
16 that and I was not able to finish that interview.

17 Q. Okay. And did the fact that she stopped to talk
18 to me tell you anything else?

19 A. I think she's better able to utilize that attorney
20 client relationship. She didn't request an attorney when
21 she spoke to authorities about it. Now, at age 19, she is a
22 little more mature, she is a little bit more insightful.
23 She is asking more questions about what she should and
24 shouldn't do. So to reach out to you and to consult with
25 you showed me maturity in that area.

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1 Q. So, aside from wanting to talk to you about that
2 area, was she open to talk with you about everything else?

3 A. Yes.

4 Q. And so, this Miller factor, also directed looking
5 at the impact of peer pressure?

6 A. Yes.

7 Q. And what did you consider under that prong?

8 A. So it is to the extent of the offender's
9 participation and also how peer pressure may have affected
10 the juvenile. Just in general, we can look at this from a
11 general perspective and a very specific perspective.
12 Adolescents spend a great deal of time with their peers. It
13 is a time of peer exploration, individualizing themselves
14 from the family unit. And whatever peer group they
15 associate with, they ascribe the highest importance to what
16 those peers are doing. It becomes very, very important to
17 them. If they are doing delinquent activities, those become
18 very important. And so being part of that group, whatever
19 those norms are, becomes very salient in adolescence. Much
20 more than childhood and much more than an adult. So that is
21 the first thing here.

22 And, again, we talked about how that is
23 biologically driven. And Ms. Sanchez's parents confirmed
24 this for me, she would run away a lot. And they would look
25 for her. And they would usually find her with her peers.

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1 For example, they would find her in a house full of young
2 people is what they told me on occasion. So at the time
3 where adolescents seek favor from their peers, they try to
4 emulate their peers and they really crave belonging from
5 their peers.

6 So when they put peers together in tests and they
7 do studies, things like simulated driving tests, gambling
8 tests, if they are doing it alone one part of their brain
9 lights up. If you add a peer into the test, that reward
10 circuitry part of the brain really lights up. There's
11 something about having a peer involved in what they are
12 doing that makes things feel good, that they want to
13 continue that. So we know that from the laboratory.

14 And then we also know that most risk taking occurs
15 in the presence of peers. We looked at that. And another
16 report from her parents sort of illustrating this, that she
17 only seemed interested in her friends and to run the
18 streets. Running the streets, of course, means risk taking
19 behaviors. And what is very clear in the literature is the
20 association with deviant peers increases deviant conduct.
21 This is kind of logical, right, but we do see it in the
22 research. And these four factors here drive this even
23 higher.

24 If somebody is with deviant peers, the peers
25 approve of the bad act, they are closely attached, they

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1 spend a lot of time together, those sorts of things. And
2 they are also more likely to be involved in the deviant
3 conduct. All of those things fit Ms. Sanchez with Mr.
4 Nelson.

5 Q. Does that peer pressure stay with someone over the
6 course of his or her whole life?

7 A. No, so we -- research is very clear that we
8 develop peer resistance as we age. This, again, is not
9 surprising, but there is a lot of development between that
10 mid-adolescence of age 16 and that age of 19, of course,
11 that is late adolescence. So the ability to resist peers
12 exponentially increases as we age. This is important at
13 age -- in one's early 20s they have a lot more peer
14 resistance than when they are young teenagers.

15 Q. What is the second issue under this prong that you
16 addressed?

17 A. So that is the general issue, but the second issue
18 specific to Ms. Sanchez, in regards to how peer pressures
19 may have affected her with regard to the circumstances of
20 the homicide is Mr. Nelson. Mr. Nelson is definitely her
21 peer and he was her codefendant. But they were also engaged
22 in a relationship, an intimate relationship. By her
23 account, this was a controlling relationship, this was a
24 possessive, jealous relationship on both sides. It was a
25 toxic relationship. This is sort of one of those first love

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1 teen-age girl kind of very hot emotions, lots of anger and
2 jealousy that maybe we wouldn't see in somebody who is 30 or
3 35.

4 But I also asked Ms. Sanchez's parents about this
5 relationship, because I didn't want to just hear her account
6 about the relationship. And her parents told me numerous
7 incidents of when they saw Mr. Nelson pointing a gun at Ms.
8 Sanchez. She would come home and have bruises on her face,
9 a busted lip, lacerations on her head. They saw these
10 things. And she had given him, Mr. Nelson's driver's tag,
11 the car tag number and the license plate number and they had
12 cameras in front of their house and they would see Mr.
13 Nelson drive by. They would see him slow down. And he
14 would watch their house and they could tell this from the
15 cameras.

16 So at some point -- and this is a quote from, I
17 believe, the father, that they realized at some point that
18 he had absolute control and that they were no longer in
19 control. And they saw that she had fallen in love with him
20 and was very deeply attached to him.

21 Q. Was there anything else that you used to evaluate
22 the peer pressure from him?

23 A. Well, I looked at the records, and so just talking
24 to her and talking to her parents. I also looked at the
25 records to see what kind of events were happening during the

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1 course of their relationship, to look at this issue of
2 pressure with Mr. Nelson. And so what we see is they met
3 when she is 14 and I believe he is 16. They meet at
4 alternative school. They quickly become involved in a young
5 relationship. She's on an electronic monitor at the time.
6 She disables her monitor to be with Mr. Nelson according to
7 the records.

8 There is a quote in here, a couple of quotes in
9 2020. One that stands out to me is that they are both very
10 obsessed with each other. Like you would think of with
11 adolescents, right, with the young very volatile sort of
12 relationship.

13 In July of 2020 she lies about her father's sexual
14 abuse to be with Mr. Nelson. She thought that that would
15 mean that she could move in with him and his mother.
16 Obviously that didn't happen. They put her in foster care.
17 She ran away from foster care and she was found with Mr.
18 Nelson in a stolen car. Again, this is all according to the
19 records. They put her in a children's home, and she ran
20 away from the children's home to see Mr. Nelson. She did
21 come back, and then Mr. Nelson was found in her bed at the
22 children's home.

23 So, again, this picture of these two individuals
24 who really are having a hard time staying away from each
25 other in this sort of first relationship. He picks her up

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1 from Epworth Children's Home in October of 2020. She does
2 not return home until February of '21. And that was the
3 first time that she called the police on him. He assaulted
4 her on that occasion, but she told me that there was
5 something very different about the assault. He used a gun,
6 he had never done that before. He threatened her with a
7 gun.

8 And this is the language from the police report,
9 that he hit her on the left side of the head. Closed fist
10 in the stomach. Drew the pistol. And so that is what is in
11 the incident report. In their messages, though, after
12 this -- they seem to break up at this point. But in a
13 message to him after this, she said, you know, I'm sorry but
14 you really hurt my stomach. But she says, you deserve
15 better. That is a very classic thing that we would see from
16 a domestic violence victim, blaming herself that he really
17 deserves better.

18 And then fast forward to late March, she's
19 expressing these very strong attachments to him. She says
20 that she really loves him, that she would give her life away
21 for him. And he had been attempting to have her drop the DV
22 charges up til this point. And she messages him that she
23 will do that. And that is March 25th.

24 And before we from this slide, I don't think that
25 we covered it. But in that February 3rd incident, the

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1 police report indicates that he told her he would beat the
2 truth out of her when he assaulted her?

3 A. It does say that, yes.

4 Q. Okay. And then, can you tell us about another
5 assault on Mr. Nelson?

6 A. The next thing in the records is after -- well,
7 actually on March 31st he did pick her up from work. In the
8 interim between February 3rd and March 31st she had moved
9 home, she had gotten a job, she was employed. And he did
10 pick her up. This is voluntary; he didn't force her into
11 the car. But they got back together. And then April 3rd,
12 an arrest warrant is issued. He is noted to have violent
13 tendencies. And he had violated the bond conditions from
14 the original DV arrest.

15 And then on April 25th, which is of course the day
16 that this case broke open, she was assaulted by Mr. Nelson.
17 But it is striking to me, in the messages before that
18 assault he is very much trying to get her to meet him. And
19 he had not done that before in records. And she resists him
20 for hours with some of these statements. She says, I know
21 what you are capable of. You are trying to set me up. I am
22 not trying to die. You are with Kilo. You are going to do
23 something to me. I'm turning myself in.

24 So she was telling him that she is going to turn
25 herself in for this incident. She finally agrees to meet

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1 him after hours. And then she is assaulted by him, and
2 then, of course, we have those records where he incurs
3 charges of a sexual assault, kidnapping, and assault and
4 battery in a high and aggravated nature.

5 MS. MAULDIN: Your Honor, for the Court, I
6 passed up earlier a disc that contains the photographs
7 from Ms. Sanchez from the SANE exam that was performed
8 following that result -- or from that assault. And I
9 would just ask that that disc be made a Court's
10 exhibit.

11 THE COURT: Yes, that was the 31 photographs
12 that I viewed in chambers.

13 MS. MAULDIN: Yes, that is it, Your Honor.

14 THE COURT: All right. We are going to make
15 that disc a Court exhibit.

16 THE COURT REPORTER: Number 4, Judge.

17 THE COURT: Number 4.

18 MS. MAULDIN: Thank you, Your Honor.

19 *(Whereupon, Court's Exhibit No(s). 4 marked*
20 *for identification and received in evidence.)*

21 BY MS. MAULDIN

22 Q. And can you tell us what this time line is, and
23 those events, and what significance all of that has on the
24 peer pressure factor?

25 A. Well, he's her codefendant. And Miller directs

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1 this inquiry into the peer pressures around the homicide.

2 So he's her peer, he's her codefendant, they are involved in
3 this very toxic abusive relationship. Again, it can go both
4 ways, but there would be a certain amount of pressure that
5 wouldn't be present if they were just friends.

6 He has clearly assaulted her. And at times she's
7 scared of him. At times she's very willing to be with him.
8 So there's this back and forth. I think we have to view
9 this within the lens of a teen-age volatile relationship.
10 You know, emotions are running high, hormones are running
11 high, okay. This is first love for Ms. Sanchez is what she
12 told me. And she is very much obsessed in an unhealthy way.

13 Q. And you are aware of the love letter that she had
14 prepared but had not sent to Treveon while she was at DJJ.
15 What does that letter tell you about her?

16 A. Well, I discussed that letter with her. Obviously
17 it is concerning because she's writing it after the
18 homicide. At that time she just -- she was 17 years old. I
19 think that she had just turned 17. So she was 17 years and
20 maybe one month old at that time that the letter was found.
21 She was just still very much attached to him. Right. Still
22 very much in love with him.

23 So I question that, as far as now, has there been
24 any other contact with Mr. Nelson after this, and she said
25 no. She really seemed kind of disgusted with herself, that

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1 she had written the letter at age 17. And, of course, now
2 she's 19 looking back on this. She seemed to regret that
3 letter, that she didn't feel that way anymore, that she
4 still very much wanted to press charges on him for the
5 outstanding assault case. So all of that demonstrates a
6 maturity and some growth in that respect.

7 Q. All right. And let's move on to the fourth Miller
8 factor, the incompetency associated with youth. What did
9 you find related to this category?

10 A. So just to be clear, Ms. Sanchez was not found
11 incompetent during her case. I spoke with her family court
12 attorney, Ms. McGrady. She did not have competency
13 concerns, as far as strict competency Dusky kind of
14 concerns. She didn't refer her for a competency evaluation.

15 But Miller here is broadening this scope beyond
16 Dusky, beyond strict competent, and really looking at how
17 the juvenile is dealing with police officers. If they have
18 been offered a plea bargain, how are they reasoning through
19 that plea bargain, and how are they working with their
20 attorneys.

21 So some things that stood out to me in her case --
22 well, before we get to her case, just to note that the
23 American Academy of Child and Adolescent Psychiatry has
24 issued this warning when children -- when adolescents are
25 interviewed by police, that they may not fully understand or

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1 appreciate their rights. They may know some of what is
2 going on, but as compared to adults, they may not fully
3 understand. And that is because the part of the brain that
4 we use to imagine ourselves in the future, to imagine what
5 kind of decisions that we are making now impact our future,
6 those are just simply not as mature in juveniles.

7 So when they are in a police interrogation and
8 they choose to talk without their attorney, they may not be
9 thinking about how that could impact them down the line.
10 They are really thinking, how can I get out of this
11 situation right now and just tell them what they want to
12 hear.

13 So for Ms. Sanchez, she did not assert her rights.
14 She spoke with them for about three days before Miranda was
15 read to her. She deferred to their authority in the sense
16 that she talked with them a lot. And she made some legal
17 choices. And her legal choices were to speak with law
18 enforcement without consulting with an attorney. But beyond
19 that, it was her choice to lie to law enforcement. She lied
20 a lot, over and over again, to law enforcement.

21 I'm not sure an adult would have lied over three
22 days. At some point they would have consulted an attorney,
23 maybe, or just stopped talking. But I think her
24 youthfulness here comes into play because she really
25 couldn't envision how those lies were going to hurt her down

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1 the road. And they have. Her lying during the
2 interrogation has hurt her legally. Right.

3 When I spoke with her about this, she said, I was
4 just trying to get out of the room. I just wanted to go
5 home. I was just trying to get out of the situation. And
6 we hear that a lot from adolescents. They are just thinking
7 of the more immediate situation. So I don't think that she
8 really appreciated the risk in speaking without an attorney
9 and lying to the cops over and over again. She was also in
10 a highly charged emotional situation during the time of the
11 interrogation.

12 Q. Was she in that highly charged?

13 A. Yeah. Two things come to mind here. She -- that
14 is on April 27th. So the assault and the rape had happened
15 on April 25th. Her face is swollen. Her stomach is
16 swollen. The incident report says that she was bleeding
17 from the head. The face was extremely swollen. She had
18 facial trauma, scalp contusions, swelling. That is from her
19 medical records. And Lieutenant Carvajal notices these
20 injuries when they are interviewing her. And he says, you
21 know, let me see the injuries on your face. And I believe
22 she took her mask off to show him how bruised her face was.

23 So I think, for her, there was this unique set of
24 emotions while she is talking to the police because of this
25 recent assault. Again, adolescents are not able to think

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1 through decisions very well when they are experiencing a lot
2 of emotions. So she continued to talk and lie to law
3 enforcement during this time.

4 And then the other thing, when we talk about
5 highly charged emotions is some of this distress that she
6 seemed to experience at times -- this is on April 27th --
7 within the span of about 30 minutes, she really broke down
8 crying. This is when she told officers that Sanaa was
9 deceased in this sort of show of distress and emotional
10 distress.

11 Now she continues to lie, but it shows me that
12 she's experiencing some distress. Also we see this in
13 Detective Carvajal's interview. You can't see that. That
14 audio only. But he is speaking to her in Spanish. He is
15 calling her Neha. She becomes very emotional during that
16 interview as well. So we see that kind of distress. And
17 that is also the interview when she told them she knows
18 where Sanaa is. So these emotions seem to be coming into
19 play during these interviews at very key times.

20 Q. And what about when she was given the Miranda
21 warning?

22 A. April 28th, which is really the last day that she
23 gave an interview, she is administered Miranda. A couple of
24 things which stand out to me, I don't think that she had a
25 working concept of Miranda. Certainly teenagers may have

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1 heard of Miranda, but they may have never been able to --
2 they may not have had to apply it to their own situation in
3 the moment in an interrogation. She did not have much
4 experience at all with the legal system.

5 She was also with her parents at this time in the
6 home. I interviewed the parents separately and I asked them
7 to please explain the Miranda warnings to me. They had
8 never heard of Miranda. They don't have Miranda in
9 Honduras. They did not realize that she had a right to an
10 attorney. So her parents aren't advising her here because
11 they just simply don't know, given cultural differences.

12 Also in her records she has got low academic
13 performance that could have come into play. And, again, her
14 inexperience in the legal system. She doesn't ask them
15 questions about Miranda either. They read Miranda. She
16 says yes and they quickly move on. So I'm not sure that she
17 fully appreciated here the understanding of Miranda and able
18 to apply it to her own situation because of the issues here.

19 Q. Just to move on to the next Miller factor, the
20 possibility of rehabilitation.

21 A. So this is really where the crux of Miller and
22 Byars is. This is what the Court has to decide. Is this a
23 youth, and does this youth's crime reflect transient
24 immaturity, or does it reflect irreparable corruption. It
25 is the question before the Court. And this is encapsulated

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1 in this factor.

2 The courts don't define irreparable corruption.
3 And it is not a psychological term, it is a legal term of
4 art. We don't have a definition for it. They also don't
5 define transient immaturity, although that's a little easier
6 to understand. In the Court's decisions, though, they make
7 it very clear that the irreparable corrupt juvenile is all
8 but the rarest of children. So the word "rare" is used over
9 and over in Courts' decisions.

10 They also talk about how it is difficult for
11 anybody to really tell who that rare child is for two
12 different reasons. There are two factors. One is, the very
13 nature of juvenile development means they are not done, they
14 are unfinished, they have not developed fully. So that
15 maturation, of course, is not complete. There is lots of
16 different areas that still need to mature, and we talked
17 about some of those.

18 And their character is not well formed. It is not
19 settled. That is why we don't diagnose, as psychologists,
20 we cannot diagnose personality disorders in people under age
21 18, because their personality is not settled until after age
22 18, or even later. So in the case law, the courts are also
23 very clear then that a bad act committed as a juvenile or as
24 an adolescent is less reflective of character versus an
25 adult who may commit that same act at age 35. The

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1 juvenile's act is less reflective of that character because
2 of these, because of this immaturity, because of the
3 susceptibility to peer influence, because of all of the
4 things that they cite. And so that is -- that is one reason
5 that it is going to be the rare juvenile, is because
6 obviously most juveniles mature.

7 And then the second reason is the literature is
8 very very clear, most juveniles desist from criminal
9 activity and violence. They have looked at studies of
10 serious juvenile offenders and followed them for years, and
11 most desist from crime as they enter adulthood, as they
12 mature, as they take on adult roles.

13 And so there was one particular study of very
14 serious delinquents, and we still saw this pattern. And
15 they followed those individuals through the life course
16 through age 70. This desistence is very closely tied to,
17 with the age crime curve here. Crime peaks around one --
18 you know, 17/18 and late adolescence. It peaks and then it
19 falls off sharply. And then it just has a gradual decline
20 over the life course. And that is a very robust finding in
21 criminology. It is repeated with different cultural groups,
22 with males and females. It is a very regular and parable
23 finding in criminology.

24 So that closely follows with desistence, that most
25 adolescents desist because most are on this age crime curve

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1 and this dropping off of criminal activity.

2 Q. So what contributes to that desistence?

3 A. The research has shown that really normative
4 strides in psychosocial development is the major factor. So
5 the youth that followed a normative course of maturation.
6 In other words, the youth that had better control of their
7 impulses as they age, they could suppress their aggression
8 and deal with it in different ways as they age that develop
9 this future orientation.

10 All of these things naturally happens when one
11 ages and develops. Those are the youth that really fall off
12 the offending path. The youth that continue to offend don't
13 show the same strides of maturity. They remain relatively
14 immature as far as handling their aggression and things like
15 that. What they don't find in these studies is the nature
16 of the crime is not predictive of who will desist and who
17 will not. So it doesn't matter that the homicide or
18 robbery, the homicide don't predict additional offending
19 over other types of crimes. It is not tied to the type of
20 crime. It really is tied to this psychosocial maturity
21 course.

22 Q. So the more serious case does not mean that the
23 child is less likely to refrain from future criminal
24 behavior?

25 A. It is not a significant predictive variable when

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1 they do the statistical analyses of predictive variance, it
2 falls off.

3 Q. And has Ms. Sanchez demonstrated normative
4 strides?

5 A. Now I didn't evaluate her when she was 16, but in
6 speaking with her she seems a little bit more reasoned, a
7 little bit more reflective, a little bit more insightful
8 than she was at 16 when I read her records from that time.
9 The way that she's now thinking about her relationship with
10 Mr. Nelson, the way that she consulted with you when I tried
11 to talk about homicide. There is some -- yes, she does seem
12 like she's matured. Now she is still in late adolescence,
13 so she has a lot more maturing to do, but it does seem like
14 she's matured some past age 16.

15 Q. What did you find with regard to her future
16 dangerousness?

17 A. So the question here is not one that a
18 psychologist can answer. Because I do a lot of violence
19 risk assessments for adults. We have relatively good
20 measures, if the person is up for bond or probation, you
21 know, to let the Court know what kind of risk they may pose
22 to the public. Those measures may go out three years, maybe
23 five years. We can look at their risk of violence that they
24 present.

25 This question is very, very different. Here we

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1 are looking at the question over 30 plus years. What risk
2 will this person pose 30 plus years out. We don't have any
3 measures for that. We have no violence risk assessment
4 measures that go 30 plus years out. So it's impossible to
5 use the kind of measures that I would use in a different
6 kind of case. That length of time outdates any kind of data
7 that we have on these violence risk assessment measures.

8 So it's not really possible to do the traditional
9 dangerousness assessment in these cases. We would not use
10 juvenile risk assessment measures, because they are limited
11 to the time of adolescence. And of course we are talking
12 about when she's in her 40s or even older. So those fall
13 away; you can't use those.

14 And that is the issue here. When we are trying to
15 determine irreparable corrupt and transient. In maturity we
16 don't have the measures that we really need to show if the
17 person is going to be dangerous in the future or not.

18 Q. Okay. And you are aware of what has been
19 characterized as a hit letter from DJJ. Can you tell us how
20 that relates to future dangerousness?

21 A. That was found when she was 17. She was in DJJ at
22 the time. Reading her DJJ records, she had been given a
23 journal to journal her feeling in at the time. She was
24 having a lot of anger issues, acting out at DJJ, and they
25 thought that a journal may be helpful for that. And it is a

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1 very common thing to do with adolescents, to journal their
2 feelings. That is what she told me the journal was for.

3 I did talk with her about this page because it was
4 concerning. You can see in the journal, it is not torn out
5 of the journal. So she made no effort to take the page out.
6 She didn't put it in an envelope. She didn't mail it.
7 There are no phone recordings of her trying to get somebody
8 to hurt this individual. She was at DJJ with this
9 individual. There were no -- she didn't attack this other
10 girl. She described their relationship to me. It was
11 certainly on and off, kind of volatile, but there was no
12 fights or assaults.

13 So I think at that time, at age 17, it seems like
14 she was journaling some anger. But she didn't take any
15 steps to make any of that happen. It was also significant
16 to me that DJJ did an entire investigation and they deemed
17 it unfounded. They said no criminal activity had taken
18 place. She was not disciplined for this. She was not
19 charged with a crime. Had any of that happened, I think
20 that it would be a much more serious sort of data point.
21 But it was deemed unfounded.

22 So I wasn't quite sure what to do with that. It
23 was written in juvenile detention. She is 17. She is not a
24 30 year old writing this. But, yes, I did consider that
25 letter.

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1 Q. And what can you tell us about the rest of your
2 work related to future dangerousness?

3 A. Well, again, we don't have any kind of crystal
4 ball here. You know, psychologists don't -- we really don't
5 have a lot to offer on this question before the Court. The
6 only thing close to it that we have are these two
7 trajectories of offending. And these are the two primary
8 trajectories of reoffending in the research. Adolescent
9 limited and life course persistent. These are the two
10 groups, when they follow juveniles they essentially fall
11 into one of these two categories.

12 Most juveniles fall into adolescent limited. In
13 other words, their offending emerges at puberty. They are
14 seeking out independence and autonomy and they are trying to
15 reflect that. Running away, lying, stealing cars so they
16 can drive and be like adults. Having unprotected sex. In
17 the research, the vast majority of female offenders are
18 adolescent limited and they become antisocial soon after
19 puberty. And usually with male peers who are generally more
20 antisocial in general.

21 So with Ms. Sanchez, we do see her offending
22 emerge after puberty. She does have these types of offenses
23 that we would see in trying to establish independence. She
24 certainly ran away many times. She stole cars. She didn't
25 go to school. She had unprotected sex. Smoked marijuana.

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1 The life course persistent offender, there is kind of a
2 wording in the literature that there are few persistent and
3 pathological. This accounts for about 5 percent of youth,
4 that they do go on to offend over the life course. They
5 remain violent over much of their life course.

6 The one thing that really stands out with this
7 group is that we see early violence and aggression very
8 young, maybe age five, six, seven. There is animal cruelty.
9 There is cruelty with other children on the playground. And
10 they generally come from a very abusive environment at home.
11 Abusive to the point of injury sometimes. So these children
12 are extremely angry. They are oppositional. And, again,
13 the literature cautions us that there is a rarity of females
14 on this course. It is not unheard of, certainly not
15 impossible.

16 These are two models that we have in the
17 literature. I can't say with certainty which one Ms.
18 Sanchez fits. Right. I don't have, like I said, a crystal
19 ball. What we know about her, she seems to be more in line
20 with the adolescent limited category.

21 Q. So, in your opinion, she falls into that
22 adolescent limited?

23 A. I have more data and more evidence to put her into
24 that category than I do evidence of the other category.

25 Q. The life course?

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1 A. Yes.

2 Q. Thank you. And does SCDC offer any sort of
3 rehabilitative services that could be helpful to her?

4 A. Yes. So I evaluate inmates at SCDC for parole
5 evaluations and I'm familiar with most of their services.
6 These are some offerings that they have at the women's
7 facilities. I spoke to Ms. Sanchez about these, these
8 offerings. She was particularly interested in her GED. And
9 then when I talked to her about operation behind bars, she
10 was very interested in that. And this is what she told me
11 about that program, that she wants to essentially see if she
12 can help young girls not make the same decisions she did.
13 She was primarily referring to her relationship with Mr.
14 Nelson and how that just progressed into a toxic and abusive
15 relationship. And then, of course, actions around the
16 homicide. And that if she could be involved in a program
17 like operation behind bars, that would be something that she
18 would take advantage of. That is what she told me.

19 Q. And was there anything else that factored into
20 your findings on the possibility of rehabilitation factor?

21 A. Well, it's not exactly scientific. But I always
22 try to, try to assess, if I can, some sort of remorse, just
23 because we know from research that that bodes well for
24 rehabilitation. In her audio interview with Detective
25 Carvajal, he is speaking Spanish to her and really tapping

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1 into her emotions in a way that law enforcement just
2 couldn't in talking English to her. Just because it is her
3 native language, which we know that a lot -- people can
4 become more emotional and more in touch with their emotions
5 in their native language.

6 So he is asking her, you know, is it heavy on your
7 shoulders, Neha, is it. And she's just heard crying in the
8 interview, that she can't even sleep. And he offers to hold
9 her hand and offers to cry with her. And she can be heard
10 sobbing loudly in that clip. And that is April 28th. And
11 that is when she takes them to Sanaa's body.

12 When I asked Ms. Sanchez during my interview, you
13 know, how she feels about everything else, this is what she
14 told me: That how it affects her emotionally, mentally,
15 that she blames herself, and that, you know, she expressed
16 sorrow. So, you know, at least she's able to verbalize it.
17 Can I assess the genuine nature of that? No, I can't. But
18 she's able to verbalize that to me, and I saw that as well
19 in her interview with the detective.

20 MS. MAULDIN: Okay. Ms. Knight, please
21 answer any questions that the State has for you.

22 THE COURT: Why don't we -- this might be a
23 good time to take a break. It is 1:15. I have got the
24 court reporter, the clerk's office, I have got to give
25 these workers lunch. But we are going to take a short

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1 lunch. I want everybody back in the courtroom in
2 exactly one hour. I am going to tell you, Dr. Knight,
3 I hate to keep you here through lunch --

4 THE WITNESS: That is okay.

5 THE COURT: -- but you are under oath and not
6 allowed to talk to anyone about this case during lunch.

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: Okay. Let's do that. We will be
9 in recess for one hour.

10 (Lunch break taken at 1:16 p.m.)

11 THE COURT: Where did my witness go?

12 (Pause.)

13 THE COURT: Okay. Dr. Knight, I am going to
14 remind you, you are still under oath. And also, let me
15 ask you, did you speak with anyone about this case
16 during the break?

17 THE WITNESS: I did not.

18 THE COURT: Thank you. Ms. Mayes.

19 MS. MAYES: Yes, Your Honor. First I am
20 going to have a Court's exhibit, a photograph of the
21 home from Hammond Avenue. I believe that there is no
22 objection.

23 THE COURT: Okay. Are we making that a
24 Court's Exhibit No. 5?

25 MS. MAYES: It is actually Court's Exhibit

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1 No. 6, Your Honor. We have several that have been
2 marked.

3 THE COURT: Okay.

4 *(Whereupon, Court's Exhibit No(s). 6 marked*
5 *for identification and received in evidence.)*

6 CROSS EXAMINATION

7 BY MS. MAYES

8 Q. So taking a look here at this photograph, are you
9 familiar with the family home there on Hammond Avenue where
10 Nicolle grew up here in Lexington County?

11 A. No, I have never seen that picture.

12 Q. Have you ever visited the home? Is that where you
13 interviewed the parents?

14 A. No, they came to the public defender's office.

15 Q. Okay. So you never actually went to that
16 neighborhood there in West Columbia to see the home or that
17 environment?

18 A. No, that's correct.

19 Q. So I know of your background and history of the
20 parents in Honduras, and you made note of the fact that both
21 parents had grown up in poverty like conditions, correct?

22 A. Only her father.

23 Q. You noted without electricity, without running
24 water. Part of the historical background, the environmental
25 background for Nicolle Sanchez-Peralta here in West Columbia

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 is that she did have a home with running water?

2 A. Sure.

3 Q. Electricity?

4 A. Yes.

5 Q. Food?

6 A. Yes.

7 Q. Shelter, a roof over her head?

8 A. Yes.

9 Q. I believe you made note that there were actually
10 even security cameras that the family had set up to protect
11 the home?

12 A. That is what the father told me, yes.

13 Q. We see a fence there surrounding the home,
14 correct?

15 A. Correct.

16 Q. And while living in that neighborhood, Nicolle was
17 attending public schools until she became truant, correct?

18 A. Correct.

19 Q. So that was a very normal growing -- or
20 environment to grow up in there in West Columbia until she
21 became truant?

22 A. I can see the picture and it looks normal to me.
23 I didn't assess the home or go into the home. But, yes.

24 Q. And so when we talk about that home life, part of
25 what she did, in addition to choosing to become truant, to

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 stop going to school, repeatedly running away, as the
2 parents reported to you. But not only by your own reports,
3 documented by numerous police reports as well, correct?

4 A. Correct.

5 Q. Nicolle Sanchez-Peralta had actually come under
6 the knowledge of law enforcement back at age 14 as a
7 runaway?

8 A. Yes.

9 Q. There were times that she ran away for so long
10 that they would have to put her picture on the news as a
11 runaway, correct?

12 A. Correct.

13 Q. And that was before she ever met Treveon Nelson?

14 A. That's correct.

15 Q. And I believe that at one point when she was 14
16 she ran away with an older man -- his name was Seantavious
17 Taylor (phonetic); is that part of what your research
18 revealed?

19 A. Yes, correct, he was 25 years old.

20 Q. And when she ran away with Seantavious Taylor, she
21 also found herself involved in a stolen vehicle.

22 A. You mean the car that they were found in?

23 Q. Yes.

24 A. Yes.

25 Q. Drugs were also present?

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1 A. In the car, yes.

2 Q. And she actually -- in her possession; she was
3 charged with those drugs as well?

4 A. Correct.

5 Q. So all of that history occurred prior to her
6 meeting Treveon Nelson?

7 A. Correct.

8 Q. And I believe that ultimately she met Treveon
9 Nelson once she had been placed into one of the local
10 alternative schools?

11 A. That's my understanding.

12 Q. Over at the Pair School here in Lexington County?

13 A. Yes.

14 Q. And part of the reason that she had been placed
15 into that Pair School is because she had, again by her own
16 choice and volition, chosen to no longer attend school? She
17 could not go to public school?

18 A. Correct.

19 Q. There were bus routes that come to the home, and
20 she would not get on the bus?

21 A. Correct.

22 Q. According to the parents she would go to school
23 and then leave the school.

24 A. Right, and I believe that she was placed at the
25 alternative school after her incident with Seantavious.

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 Q. As part of her DJJ court ordered GED requirement?

2 A. Correct.

3 Q. Another thing that happened. After that contact
4 with Seantavious Taylor and her arrest, is that an ankle
5 monitor had been put on her?

6 A. Correct.

7 Q. And I believe that you noted in your report that
8 even with the ankle monitor, the parents could not
9 adequately keep tabs on her?

10 A. Well, there was -- she cut it off at one point.
11 Right. She disabled the monitor to be with Mr. Nelson.
12 That is documented in her school records, so correct.

13 Q. So even though she's living at home, she has been
14 released, she is not in DJJ custody, she is released by the
15 family court to be at home and be on this ankle monitor,
16 even under those conditions her parents could not maintain
17 her on that ankle monitor, or prevent her from running away
18 to be with Treveon Nelson?

19 A. That's correct. She ran away during that time.

20 Q. I want to take a look at just how many different
21 interactions there were with law enforcement during that
22 period of age 14 to age 16. I know that you said that you
23 have reviewed them. But it looks like September of 2018 she
24 was reported to the West Columbia Police Department as a
25 runaway. And she had run away with someone that the parents

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 described as a boyfriend but it was not Treveon Nelson?

2 A. Correct.

3 Q. And then a month later she's reported to the Cayce
4 Police Department as a runaway?

5 A. That's right.

6 Q. October 13th -- or October 23rd, 2018. Less than
7 two months later she's again reported to the West Columbia
8 Police Department. December 19th, 2018, her mother reports
9 that she did not return home from school?

10 A. Correct.

11 Q. She is located. They return her back home. And,
12 again, she repeats this cycle of leaving whenever she
13 chooses to leave. And I believe what she -- the word she
14 chose when she is describing it to you is, My parents wanted
15 to control me.

16 A. Correct.

17 Q. But, again, when we talk about parents and having
18 control, that was part of that DJJ court order that allowed
19 her to return home, wasn't it; that her parents were part of
20 the agreement, that the parents must keep tabs on her?

21 A. Correct.

22 Q. She was supposed to have a curfew?

23 A. Yes, there is no question that Ms. Sanchez had a
24 chronic history of running away as a teenager. The records
25 are very clear on that point.

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 Q. So when she used words to you like, my parents
2 wanted to control me, she's referring to the fact that they
3 have rules, that they are enforcing a curfew, that she is
4 supposed to be charging her ankle monitor?

5 A. Correct. Because she is -- at that time she is --
6 I was asking her how she felt at that time. So as a 14 year
7 old she started to rebel. This is when all of that behavior
8 starts. And she experienced that, as many adolescents do,
9 as many teenagers do, as control. That is a very common
10 thing for an adolescent to say when their parents have to
11 start moving in the direction of disciplining their
12 behavior. Which is what was happening with her at age 14.

13 Q. And her behavior is consistent with oppositional
14 defiance, she is defying her parents' curfew, she is defying
15 the court ordered ankle monitor by not charging it. You
16 agree with that?

17 A. She certainly, with her parents' rules, she's not
18 following her parents' rules, correct.

19 Q. And she uses that word with you, control, but you
20 are also familiar with the fact that when she was age 15,
21 her father took her phone away and she attempted, what she
22 claimed to have been at the time, some type of suicidal
23 attempt. It may have been superficial, but that is what was
24 re -- that is what resulted in her William S. Hall
25 assessment?

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 A. So actually that was incorrect. There was a time
2 that he found her in the bathroom on her phone and he took
3 her phone away or it was an electronic, maybe a tablet, and
4 she made superficial cuts to her wrists.

5 Q. Uh-huh.

6 A. They took her to Lexington Medical Center and they
7 discharged her. They didn't admit her. She was -- when
8 they admitted her to William S. Hall, that was a separate
9 occasion, under different circumstances.

10 Q. Okay. Thank you. So the first assessment done
11 you said was actually done at Lexington Hospital, because
12 her father took her phone away. Again, she was not supposed
13 to have the phone. He is trying to enforce the rules. He
14 takes the phone away. She cuts herself. And then the later
15 event when she was referred to William S. Hall, that was
16 actually due to her expressing homicidal statements towards
17 her father?

18 A. So her father found her at a motel party and was
19 trying to get her into the car to leave. He thought that,
20 he told me that she was under the influence of possibly
21 marijuana or something else, he is trying to get her into
22 the car and she makes threatening remarks to him. She is
23 hospitalized and then sent to William S. Hall.

24 Q. Okay. So she makes the threatening statements
25 towards her father, who is again trying to get her back

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1 home. And this is at age 15?

2 A. Yes.

3 Q. And then once she is at William S. Hall, you are
4 aware of statements that she made there that did at least
5 corroborate what the father reported about her having
6 threatening thoughts towards him?

7 A. That was the documented reason for the admission,
8 right, for the involuntary -- involuntary admit. Now,
9 quickly after that she says she was just angry and she was
10 venting her angry -- anger, that they -- that she didn't
11 mean that she was actually going to hurt her father. There
12 is no instances of her hurting her father. I spoke with her
13 father at length about this. He says he never felt
14 threatened by her, that she was just acting out as a
15 teenager, making these statements towards him.

16 So initially into William S. Hall, yes, that was
17 the situation. Very quickly after her admission, then it
18 sort of all falls apart. And this was a reaction to him
19 trying to get her in the car, trying to get her to go home.

20 Q. So you are referring to hurting him physically,
21 that even though she threatened to hurt him physically, she
22 did not actually carry out that threat?

23 A. I don't have any evidence that she hurt him
24 physically.

25 Q. So let's talk about the other way that she hurt

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1 her father significantly.

2 A. Uh-huh.

3 Q. She made a false allegation of sexual abuse
4 against him after this incident at William S. Hall. She had
5 threatened him physically. He brings her home. She
6 obviously didn't want to come home. He makes her come
7 anyway. She doesn't hurt him physically, but ultimately she
8 makes a very detailed allegation of sexual abuse against
9 him. She maintains that lie to caseworkers at Edward. She
10 maintains that lie to caseworkers with the Lexington County
11 Department of Social Services.

12 A. Uh-huh.

13 Q. It disrupts her family to the extent that her
14 younger sister was actually removed from the home to protect
15 her. Because if these allegations had been true, they
16 wanted to make sure that they were doing their job to
17 protect the other children.

18 A. Sure.

19 Q. Her father was facing, potentially, years and
20 years and years in prison as a result of these false
21 allegations of criminal sexual conduct?

22 A. And I spoke at length with Ms. Sanchez and her
23 father about the situation. So as a 19 year old, she
24 realizes now the jeopardy that could have occurred, that she
25 put him in. She wasn't thinking that way at the time. It

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1 was reactionary at the time to be with her boyfriend. Now
2 she -- at least she expressed to me that she understands
3 those lies hurt the family, those lies hurt her father.
4 She -- I asked her father if she had ever expressed that to
5 him and he stated, yes, that they had talked about it, that
6 she had asked for his forgiveness. This was, of course,
7 several years later. But they had had that conversation and
8 he had forgiven her for that. So there was some fences
9 mended around those.

10 Yes, it could have gone in a very bad direction.
11 She realizes that now. But she has come to a place to
12 realize that that was a very bad decision and that she did
13 hurt her father.

14 Q. Well it did go in a very bad direction, but again,
15 we are not talking about an allegation made over a course of
16 a day or a week. It went on for months and months, and the
17 family was disrupted. That little sister of hers was
18 removed from that home and put into foster care. You are
19 aware of that, correct?

20 A. Yes.

21 Q. You are aware that Nicolle was also being
22 interviewed repeatedly by DSS caseworkers and other
23 professionals in the field and that she maintained that lie
24 many times over the course of time. She was 16 and still
25 maintaining that lie. And then ultimately admits to DSS,

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1 after she is arrested on these charges, that she had made
2 the whole thing up so that, in her words, she could be with
3 Treveon Nelson?

4 A. Yes.

5 Q. And while she was placed at Edward, after having
6 made that false allegation of sexual abuse, it did give her
7 some type of advantage because she was allowed to see
8 Treveon Nelson under a much more lax circumstances. I
9 believe that they actually caught him in her bed at Edward,
10 correct?

11 A. She wasn't allowed to do that. He came in during
12 the night and entered her bed.

13 Q. So by being in Edward, the advantage that she had
14 is that there was apparently less school, less supervision
15 because she was able to maintain some contact with Treveon,
16 a lot more than she was able to maintain right there in her
17 own home at Hammond Avenue, correct?

18 A. Somehow he was able to get into the children's
19 home. She also ran away to see him at the children's home.

20 Q. Okay. So she is arrested on these charges May of
21 2021, and then it is sometime after that that the DSS
22 caseworker comes back out to the Department of Juvenile
23 Justice, and that is the first time that she admits and
24 clarifies to them that the entire thing about her father was
25 a lie?

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1 A. Correct. I believe that was in July of '21.

2 Q. So I think that we had last talked about a runaway
3 in 2018 when she did not come home from school. She returns
4 back home, but then the following month, in January of 2019,
5 there is a new runaway report to the West Columbia Police
6 Department, again from her parents, that she had not come
7 home from school. At this time they report that she was
8 with a boyfriend who was named either Kevin or Tee Tee, and
9 they pointed law enforcement to a nearby house where she may
10 be. Are you familiar with that?

11 A. Uh-huh. (Indicating affirmatively.)

12 Q. A month later, again, the West Columbia Police
13 Department, February 15th of 2019, received a report from
14 the parents, she was runaway again and she didn't return
15 home from school. One month later, again, March 17th of
16 2019, the West Columbia Police Department received a report
17 that she took out the trash, and when she took out the trash
18 she didn't come back inside the house. And she remained
19 missing that time for several weeks and was ultimately found
20 by the Cayce Police Department in April of 2019. But she
21 refused to cooperate or give her name.

22 A. So there is no question she had a chronic history
23 of running away documented in the records.

24 Q. So again, May 31st of 2019, a little over a month
25 later after she is found and returned back to the parents.

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1 She again runs away and does not return home from school
2 according to this report. At this point in time the parents
3 reported that she might be seeing a young man named Trey or
4 Treveon who is known to live on Decatur Street. Are you
5 familiar with that?

6 A. Correct.

7 Q. And this was also during the period of time where
8 she had the ankle monitor placed on her, but had allowed the
9 battery to go dead and was violated. Then the suicide
10 attempt that we spoke about in reference to the father
11 having taken her phone away, but again she becomes angry.
12 And I believe in the William S. Hall records, and also in
13 your records, you report that she made repeated references
14 to being angry and not being able to control that anger?

15 A. Correct.

16 Q. And it is when she is apparently angry with her
17 father about the phone, that is July of 2019, that she
18 places cuts on her arms. A month later, June of 2020 -- I'm
19 sorry, we are going to move forward to approximately a year
20 later, June of 2020. This is when she runs away by stealing
21 her parents' car?

22 A. Correct.

23 Q. That report was made to the West Columbia Police
24 Department. The mother reported that she went inside of a
25 store and had left Nicolle inside of the vehicle, but when

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1 she came outside the vehicle was gone. There was video
2 surveillance that verified that only Nicolle was inside the
3 car when the car was stolen. In other words, nobody else
4 came along and stole that car, it was Nicolle.

5 A. That's correct, but I did interview Ms. Sanchez
6 around that incident. She said she did acknowledge stealing
7 her mother's car.

8 Q. All right. And then July of 2020 she is reported
9 as a runaway. And this is when she's reported to be over on
10 Decatur Street. And Decatur Street is the home of Treveon
11 Nelson?

12 A. Correct.

13 Q. So now, July 2020 is when the police show up to
14 Decatur Street, they are trying to bring her back home from
15 Treveon Nelson's house. And this is when she says, oh, you
16 need to know that my father is sexually abusing me?

17 A. That's correct.

18 Q. So that was July 2020. And as I stated earlier,
19 she didn't clarify that that was a false allegation, she did
20 not make that recantment to DSS until after her arrest in
21 May 2021?

22 A. That's correct.

23 Q. We are talking about almost a year that that
24 family went through the scrutiny of a DSS investigation,
25 reports to law enforcement of sexual abuse, and their

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1 youngest child removed from that home because of her
2 allegations?

3 A. So the younger sister was not removed for that
4 year.

5 Q. The younger sister, you are saying was not removed
6 from the home?

7 A. Not for that year.

8 Q. Okay. Not for the entire year?

9 A. Correct.

10 Q. But there was a period of time that she was
11 removed for safety purposes?

12 A. Yes. Yes.

13 Q. Now, in February of 2021 she is still with Treveon
14 Nelson, and that is when the first allegation came about
15 that he had assaulted her?

16 A. Correct.

17 Q. She went back home briefly. But ultimately, by
18 the end of March, had run away again with Treveon Nelson.
19 She was working, I believe, at a local store, Treveon Nelson
20 picked her up and they left together?

21 A. Correct.

22 Q. She remained missing that entire time which leads
23 us into the time frame of the murder of Sanaa.

24 A. That is correct. So her parents told me that she
25 was assaulted on February 3rd and she returns home, the

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1 police bring her home on that date. And then she leaves
2 again on March 31st. So she's home for almost two months
3 before she leaves again on the 31st.

4 Q. And during that entire time, between the end of
5 March and when she's arrested in this case in May of -- or
6 the end of April of 2021, her parents really had no idea
7 where she was; you are aware of that?

8 A. Correct.

9 Q. She was with Treveon. They were sometimes at
10 Decatur Street and they were sometimes in motel rooms?

11 A. That's right.

12 Q. But they were able to move around at will and make
13 enough money to survive, however they were making money.
14 And you are aware of, there is at least one incident where
15 she stole the car on the morning of the murder?

16 A. Correct.

17 Q. And so the testing that you can ultimately
18 conduct -- you were saying that you conduct that testing on
19 juveniles, but not on persons who are 18?

20 A. What testing are you referring to?

21 Q. Any testing that would be significant in this
22 case. Testing such as the Risk-Sophistication-Treatment
23 Inventory or RSTI?

24 A. Yes, the RSTI, you can only administer it to
25 people up to age 18. So at 19 there is no norms for the

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1 RSTI. So I believe that the ages for the RSTI are 9 to 18.
2 So it is a juvenile measure, you don't administer it to
3 adults.

4 Q. And when did you first become involved in this
5 case?

6 A. I would have to check my notes on that. Possibly
7 late May, early June, but I would have to check my notes.

8 Q. Okay. She would have still been 18 in May,
9 correct?

10 A. I believe she would have turned 18 June 29th or
11 24th.

12 Q. Were you interested in conducting any of the tests
13 here to potentially assess her risk?

14 A. So, even if I had seen her at 17, the RSTI only
15 informs regarding juvenile risk for a couple of years out
16 after it's administered. So if you administer it to a 17
17 year old, it is a snapshot for the family court judge, do I
18 need to detain this juvenile, do I need to put them behind
19 the fence, can they go home with their family. And the risk
20 assessment is only good for a couple of years out. So in a
21 Miller case we are looking at 30 plus years out, so it
22 doesn't inform us about anything for a Miller case.

23 Q. Did you look at any of the testing that had been
24 done by the family court?

25 A. Dr. Don's evaluation?

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1 Q. Yes.

2 A. Correct.

3 Q. Do you agree or disagree with those assessment
4 findings?

5 MS. MAULDIN: Your Honor, I object, subject
6 to the prior hearing.

7 THE COURT: Yes, we weren't going to let that
8 in, so move on please.

9 BY MS. MAYES

10 Q. So what about other measures for rehabilitation?
11 When you look at her likelihood of rehabilitation, I believe
12 you did say that you have no way to measure that, because
13 you can either review or rely on the materials from when she
14 was under 18 or you have to just wait and see how she's
15 going to be later on? I mean, are you saying that there is
16 no proper measure for what type of dangerousness she poses
17 right now?

18 A. The question before me in a Miller evaluation is
19 not what kind of danger does she pose if she gets out of
20 jail tomorrow. The question is, what is her level of risk
21 for 30 plus years out.

22 Q. And you are saying you have no way to measure
23 that?

24 A. There are no risk assessment measures in
25 psychology that have that longitudinal time frame.

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1 Q. So it is impossible to predict. It is impossible
2 not only for you to predict, but also for peers in your
3 field to predict where somebody might be in 30 years?

4 A. So we don't have crystal balls, right, so I can't
5 look at Ms. Sanchez and say, this is what she is going to be
6 like when she is 46. What we can do is use the literature
7 and the research around when most juveniles desist from
8 criminal activity. That is a very powerful statistic that
9 we have. Most follow the age crime curve, such that they
10 are not so engaged in criminal activity and violence after
11 their mid 20s, for example. So we can use those sorts of
12 things.

13 But am I able to look at a particular juvenile and
14 say, this person will represent X amount of risk 30 plus
15 years into the future? It is just not possible.

16 Q. And so because you can't make that prediction, and
17 others in your field can't make that prediction, and others
18 in your field don't really even feel comfortable relying on
19 the testing that might make that type of prediction, you
20 have to look at what her actions are right now and see
21 whether or not there might be some type of pattern in place,
22 correct?

23 A. Again, that also sort of falls apart when you are
24 looking 30 plus years out. Ms. Sanchez is still 19 years
25 old, she is still in late adolescence. She is going to be

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1 different when she is 25. She is going to be a little bit
2 different when she is 30. Hopefully by then she will be the
3 adult that she's going to be. But we simply don't -- we
4 can't use juvenile behavior to predict adult behavior 35
5 years plus out. We just can't do that.

6 Q. Let's all agree, nobody here in this courtroom has
7 any idea what she will be like in 30 years. Nobody here in
8 the courtroom can make that prediction. But what we can do
9 is look at what she's doing right now and how she is
10 behaving right now, correct?

11 A. We can look at it, but I can't use that
12 information to make a prediction.

13 Q. Well, let's talk about it. Did you get copies of
14 her jail records to see how she is behaving at our Lexington
15 County Detention Center since she has been transferred
16 there?

17 MS. MAULDIN: Objection, Your Honor.

18 THE COURT: What is the objection?

19 MS. MAULDIN: Your Honor, we received some
20 jail records today from the Solicitor's office. I
21 would object to their coming in under Rule 5. The most
22 recent docket management order that requires
23 information to be provided early. I would object on
24 the basis that that infringes her right to due process
25 under the 5th and 14th Amendment of the U.S.

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1 Constitution and corresponding provisions of Article 1
2 Section 3 of the South Carolina Constitution, and her
3 right to effective assistance of counsel and our right
4 to present a defense under the 5th Amendment and 14th
5 Amendment of the U.S. Constitution and the
6 corresponding Article 1 Section 14 (SIC) of the South
7 Carolina Constitution. We have not had those records,
8 we got them just minutes before.

9 THE COURT: I understand. This is a
10 sentencing hearing. I'll be glad to hear from you, Ms.
11 Mayes.

12 MS. MAYES: Yes, Your Honor. And the reason
13 that we requested the records is because of what we
14 received over the weekend from the defense. We got
15 copies of this Defense's expert's opinion, or lack
16 thereof, on the likelihood of rehabilitation. We
17 requested the records this morning.

18 THE COURT: I am going to allow it. You
19 know, this isn't a -- this is not the trial, this is
20 sentencing. And anybody could have asked for these
21 records. So go ahead, Ms. Mayes.

22 BY MS. MAYES

23 Q. So is that a part of what you requested to try and
24 get a snapshot of how she's behaving now, even though we
25 can't predict the future?

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1 A. So I have seen her Wellpath records -- I am not
2 sure if that's what you are referring to -- from the
3 detention center.

4 Q. All right. These are marked as a Court's exhibit.
5 I'm going to hand them up to the Court now. We have Court's
6 Exhibit 4 and Court's Exhibit 5.

7 THE COURT: Do we already have a 4?

8 THE COURT REPORTER: Yes, ma'am, I do. The
9 31 photos on the disc is 4.

10 THE COURT: Number 4 is 7 now, okay. There
11 we go. Is No. 5 supposed to be 6?

12 MS. MAYES: Yes, Your Honor.

13 THE COURT: All right. Let me change that
14 right quick with the court reporter.

15 THE COURT REPORTER: I have 6 as the photo of
16 the home. Five is blank.

17 THE COURT: Okay, 5 we are moving. And 6 is
18 the photo of the home.

19 *(Whereupon, Court's Exhibit No(s). 5 marked*
20 *for identification and received in evidence.)*

21 *(Whereupon, Court's Exhibit No(s). 7 marked*
22 *for identification and received in evidence.)*

23 BY MS. MAYES

24 Q. So in May of this year, several months ago, she
25 had her murder trial, here in this very courtroom. You are

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1 familiar with that proceeding?

2 A. I knew that a trial occurred. I wasn't involved
3 in her trial.

4 Q. Okay. She was 18 years of age at that time.
5 Eighteen not being a juvenile under South Carolina legal
6 standards. There was an allegation of a violation at the
7 jail of forced sexual contact of another female inmate; were
8 you even aware of that?

9 A. I was aware that she was, quote, under PREA, if
10 that is what you are referring to?

11 Q. Yes.

12 A. Correct.

13 Q. Okay. So you are -- and that would be the Prison
14 Rape Enforcement Act?

15 A. Correct. I spoke with her about that. We did get
16 information from the jail about that to understand that
17 event better, if that's what you are referring to.

18 Q. Yes. Okay. So you are aware that she was
19 reported as the perpetrator in that event, correct?

20 A. Correct. Although they did not immediately
21 separate the two girls. They kept them on the same unit
22 because there was no issue there. And then the email from
23 the jail that we have is clear that policy dictated their
24 separation even though there's no issue. When I visited
25 with Ms. Sanchez and conducted her interviews, they put me

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1 back on that unit with that female there. The female would
2 come up to our door, wave at Ms. Sanchez and try to engage
3 her in conversation.

4 Q. Which female are you referring to?

5 A. The one that is subject to the PREA.

6 Q. All right. So there are two. One is someone that
7 she's involved in a consensual relationship with. The other
8 is an inmate who reported a forced sexual contact, but chose
9 not to pursue criminal charges. So I'm asking you which one
10 you are referring to.

11 Q. Well I only know her as a description instead of a
12 name. And it would be an African-American stocky female.

13 A. I believe that was the one that reported the
14 forced activity, didn't report it, and they kept them on the
15 same unit. There was no issues. She would come say hello
16 to Ms. Sanchez when I visited her for her interviews.

17 Q. All right. So I'm going to move on. And then we
18 are going to come back to that. You are also aware of
19 reported numerous violations when she had been arrested on
20 these charges and she was housed at the Department of
21 Juvenile Justice, correct?

22 A. Yes.

23 Q. Again, we are looking at the likelihood of
24 rehabilitation, whether or not there's a pattern, and things
25 of that nature. You are familiar with one of the reports

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1 being just a complete lack of empathy that Nicolle
2 Sanchez-Peralta expressed toward other persons being housed
3 at DJJ, correct?

4 A. There were multiple reports.

5 Q. Stealing food?

6 A. Correct.

7 Q. Verbally abusing other inmates, things of that
8 nature?

9 A. Correct.

10 Q. Other juveniles.

11 A. Usually these also involve other female peers as
12 aggressors as well.

13 Q. Someone that wouldn't be a female peer and an
14 aggressor would be Sergeant Johnson, one of the COs there
15 who was a breast cancer survivor, correct?

16 A. I believe that she was a friend of Sanaa's mother,
17 so there was some issues there with Sergeant Johnson and Ms.
18 Sanchez as far as the connection to the case.

19 Q. All right. You say issues. In other words, you
20 are saying that because someone at the Department of
21 Juvenile Justice happened to know the victim's family, that
22 that somehow justified Nicolle Sanchez-Peralta referring to
23 her as the cancer bitch?

24 A. I think there were other incidents between them if
25 I remember. There was a reported incident of Sergeant

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1 Johnson telling Ms. Sanchez to watch her back. There were
2 incidents of Sergeant Johnson telling other juveniles about
3 the case, that Ms. Sanchez overheard. So there seems to be
4 some --

5 Q. Is this self-reported?

6 A. There seems to be several incidents around
7 Sergeant Johnson.

8 Q. All right. Then how much of this was
9 self-reported to you by Nicolle Sanchez-Peralta?

10 A. I'm referring to the DJJ records.

11 Q. So you are familiar with her referring to Sergeant
12 Johnson as the cancer bitch when she walked by, correct?

13 A. I read that --

14 Q. There is a CO's report in that regard?

15 A. I read that incident report, yes.

16 Q. You are aware of a report made that she had
17 treated other youth poorly and taken their food and forced
18 them to smell her underwear?

19 A. I read that one, yes.

20 Q. You are familiar with the fact that when the
21 waiver hearing was being held, that there were officers who
22 responded to the subpoenas, not necessarily by choice but
23 because they were subpoenaed by the solicitor's office to
24 come to court and testify?

25 A. Correct.

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1 Q. So acting under subpoena, those officers came and
2 testified about reports made at the Department of Juvenile
3 Justice, and she then made verbal threats against those
4 officers after hours?

5 A. Correct.

6 Q. One of those threats being on May 6th of 2022,
7 after a family court proceeding here in this courtroom and
8 that officer testifying under subpoena, that she was going
9 to F up Sergeant Odom and Sergeant Johnson due to them
10 appearing in court and talking about incidents that occurred
11 at DJJ.

12 A. I am aware of that incident. I'm not aware of her
13 following through with any sort of action on those words.

14 Q. And so when we talk about that, on following
15 through with actions, let's take a look at Court's Exhibit
16 9.

17 MS. MAYES: I'll make this 9, Your Honor, but
18 this is going to be the journal entry.

19 *(Whereupon, Court's Exhibit No(s). 9 marked*
20 *for identification and received in evidence.)*

21 BY MS. MAYES

22 Q. I believe when you spoke earlier you referenced
23 that this was just something that was done out of anger?

24 A. Well I referenced it as a -- she had been given a
25 journal by DJJ as a way to journal her thoughts and her

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1 feelings. That is what I was referring to, if that is what
2 you mean.

3 Q. Well she was using it for other things, that is
4 why it is confiscated here. Do you know who the person is
5 up at the top that is Iona Daugherty? Did you see Ms.
6 Daugherty's name in some of these other records there at
7 DJJ?

8 A. So I spoke with Ms. Sanchez about her relationship
9 with Ms. Daugherty.

10 Q. And from the DJJ records that you reviewed, then
11 you knew that there had been some type of a disagreement or
12 I guess you could say a contention between she and Ms.
13 Daugherty in the past?

14 A. Correct. I also think that there was sexual
15 activity between them.

16 Q. And she, I believe you used the word, is making
17 notes in anger. She actually, in that letter that she was
18 sending Treveon, she was using the name of Iona Daugherty up
19 in the left-hand corner to identify to Treveon Nelson who
20 Iona Daugherty was. Were you familiar with that?

21 A. In the letter to Treveon?

22 Q. Yes.

23 A. I don't remember that specifically from that
24 letter.

25 Q. In the envelope for that letter. And after

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1 speaking with correctional officers, she admitted to
2 correctional officers that she was angry with Iona Daugherty
3 and that this was meant to be delivered to people who could
4 act on it. One of those being Treveon Nelson, even though
5 he was incarcerated at the time.

6 A. So, again, she didn't tear it out of the journal.
7 She didn't put it in the envelope to Trey. She didn't make
8 -- take any steps to make this happen. She didn't assault
9 Ms. Daugherty on the unit. They had access to each other.
10 So those are the kinds of things, as a psychologist, I'm
11 looking at what the intent, the action behind what she's
12 saying, what she's writing. You know, I agree with you that
13 it is concerning, but I don't see steps taken to make
14 anything happen.

15 Q. So are you aware that the letter to Treveon Nelson
16 and the envelope with Iona Daugherty's name on it were found
17 right there on top of the journal in her room when her room
18 undergoes a shakedown? So, again, this isn't just found
19 incidentally after sitting there for weeks. The shakedown
20 was conducted fairly shortly after that letter was written
21 and these journal entries would have been made.

22 A. So the journal entry was August 10th. The
23 shakedown was August 24th. So she had two weeks to mail it.
24 She didn't.

25 Q. Two weeks, but it is all the same month. Again,

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1 so you are saying that it is concerning, but because she had
2 not actually ripped it out and sent it yet, you don't
3 believe that she posed a threat to Iona Daugherty?

4 A. She didn't even put it in the envelope. She -- if
5 that was her intent, it seems like she would do that right
6 away so nobody would find it. She left it open, out in her
7 room. She left the envelope open. She didn't try to hide
8 it. She didn't -- again, she didn't even tear it out of the
9 journal that she was writing her feelings down in. So I
10 don't really --

11 Q. We are going to have to --

12 A. She didn't have intent.

13 Q. We are going to have to agree to disagree then on
14 whether or not she intended to hide it. Again, this is a
15 shakedown of her room. The journal is out and there is a
16 letter on top of it. And she has no idea that they are
17 going to come in there and conduct that search, correct?

18 A. I wouldn't think so.

19 Q. And she was living alone. At that point in time
20 she was isolated in her own unit there at DJJ. Now, let's
21 talk about the thoughts in her head. And if these are not
22 thoughts that are ever meant to leave that journal, let's
23 talk about the thoughts in her head. Kill season. Time of
24 death. Cause of death. Gun shot wound. F yo mama, she
25 dead. Laugh my Fing ass off. Where is the anger? That is

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 not anger. She is mocking Sanaa Amenhotep and her death.

2 A. So, I did not read it that way. Again, this may
3 be another point that we agree to disagree. That is an
4 angry letter to me. She's referencing things that one would
5 usually reference in anger.

6 Q. Laugh my Fing ass off about the cause of death
7 being gun shot wound. Are you aware that at this point in
8 time she would have already received discovery and her
9 attorney would have already received discovery from Sanaa
10 Amenhotep's murder, including her autopsy report?

11 A. I don't know when she received all of that
12 information.

13 Q. Have you ever heard language before, time of
14 death, cause of death, gun shot wound? Have you heard that
15 language before in reference to an autopsy report?

16 A. Sure. Sure.

17 Q. And you would have reviewed Sanaa Amenhotep's
18 autopsy report at some point in this case, correct?

19 A. Of course.

20 Q. So you are familiar with that exact language?

21 A. I can't testify that Ms. Sanchez had seen the
22 autopsy report by the time she wrote this letter. I don't
23 know when the autopsy report was received and I don't know
24 when it was shown to her. This was a full -- this was in
25 2021. I don't know if she would have seen it by then.

CROSS EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAYES

1 Q. And so then at the bottom, we see "shoot", which
2 she had drafted out in graphics. We see "you play, you
3 lay". "You play you lay." A reference to killing someone.

4 A. Uh-huh. (Indicating affirmatively.)

5 Q. And then the final line, as Bro would say, "lol,"
6 laugh out loud. Having seen the thoughts in her head you
7 still see those as thoughts of anger as opposed to mocking
8 and laughing about the crime that she had committed in
9 August, which is four months later?

10 A. There's no reference to Sanaa in the letter.
11 There is no direct reference there. So I would have to, you
12 know, speculate on that.

13 Q. Well she is in DJJ because she's been arrested for
14 the murder of her so-called best friend, correct?

15 A. Correct.

16 Q. Who died of gun shot wounds?

17 A. Correct.

18 Q. As Bro would say, lol. Do you remember seeing
19 that in the social media records?

20 A. Uh-huh. (Indicating affirmatively.)

21 Q. So, again, going back to the report made against
22 Nicolle Sanchez-Peralta by -- and I am not going to use the
23 name in the courtroom -- but by a 20 year old female who had
24 been an inmate and reported forced sexual contact with
25 Nicolle Sanchez-Peralta, you don't know the facts of what

REDIRECT EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAULDIN

1 occurred in that situation, correct? Do you personally know
2 the facts of what occurred in that situation?

3 A. I haven't seen a formal document on it, if that is
4 what you mean.

5 Q. Have you interviewed that 20 year old female?

6 A. No, of course not.

7 MS. MAYES: Nothing further.

8 THE COURT: Any redirect, Ms. Mauldin?

9 MS. MAULDIN: Yes, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. MAULDIN

12 Q. Would it help to see the incident report we got
13 this afternoon?

14 A. Sure. So this individual that the PREA complaint
15 is against is the individual that came to the door and was
16 very friendly with Ms. Sanchez when I went four times to
17 visit her on the unit.

18 Q. And let's back up a little bit. So she's housed
19 in the Lexington County Detention Center while this case has
20 been pending, correct?

21 A. Correct.

22 Q. And initially she was housed in the same pod as
23 this other person?

24 A. Correct.

25 Q. And after the PREA allegation was made, she was

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1 moved to the first floor of the jail. And so when you came
2 in to conduct your interview with her, she would be taken
3 back down to the other pod because there was a room in that
4 pod where you could sit and talk?

5 A. Correct.

6 Q. And so that person that was the subject of the
7 complaint, the one who made the allegations against her, was
8 coming to talk to her, she hadn't seen her in a while?

9 A. Correct. They were very friendly with one other.
10 It seemed like they conversed as friends.

11 Q. So that person didn't appear to be in any kind of
12 fear or harbor any ill will towards Ms. Sanchez?

13 A. No, and she had to come to us because we were
14 locked in the room. Ms. Sanchez didn't go to her.

15 Q. Okay, thank you. And the solicitor showed you the
16 photograph of the home. And certainly it looks like a
17 normal structure. Does that mean that it is a normal home
18 inside?

19 A. No.

20 Q. That it is a normal functioning family?

21 A. No.

22 Q. Have you had the opportunity to interview
23 juveniles inside the Department of Corrections?

24 A. In SCDC?

25 Q. Excuse me, inside the Department of Juvenile

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1 Justice?

2 A. Yes.

3 Q. In their facility?

4 A. Yes.

5 Q. Would you characterize those as calm and peaceful
6 places?

7 A. So DJJ is, you know, it's been in a bit of an
8 upheaval for the last several years. There's a lot of
9 things that happened at DJJ with staff, with the juveniles,
10 things that have been pretty well advertised.

11 Q. So it can be a very violent place?

12 A. Sure.

13 Q. There's sacrilegious?

14 A. Yes.

15 Q. And even in this case, there was an investigation
16 into staff members there?

17 A. Yes.

18 Q. Okay. Aside from this PREA complaint, are you
19 aware of any allegations of any physical violence by Ms.
20 Sanchez against anyone else?

21 A. No.

22 Q. And I'm excluding the PREA complaint that itself
23 does not seem to be characterized as a physically violent
24 act?

25 A. Correct.

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1 Q. Okay. And also, while she was in DJJ, do you
2 recall that there was a -- a write-up where it was noted
3 that she had apologized to another child for getting her in
4 trouble?

5 A. Yes.

6 Q. And does that apology tell you anything?

7 A. I think that she saw the juvenile get into trouble
8 for something that she told on and then she felt bad. I
9 think that is what that letter was about.

10 Q. Does that show any growth or remorse on her part?

11 A. I think she saw the child upset and she was --
12 that upset her from what I remember about that incident.

13 Q. Would you characterize that as an empathetic
14 response?

15 A. Sure.

16 Q. The solicitor went through a long list of
17 certainly alarming behavior with relation to making a false
18 report about her father and running away. Certainly that is
19 a lot of risk taking behavior that could have put her in a
20 lot of danger.

21 A. Well, yes, the running away, she could have been
22 trafficked or killed, or you know that definitely puts her
23 in danger as a 14 year old female on the streets.

24 Q. Those are other examples of risk taking behavior?

25 A. Sure.

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1 Q. And that list of episodes falls within
2 adolescence, correct?

3 A. Yes.

4 Q. So would you still consider her behavior,
5 including those incidents, as falling in the category of
6 adolescent limited or life-course-persistent behavior?

7 A. Again, the behaviors associated with the
8 adolescent limited group, they are trying to attain some
9 sort of independence. They are trying to attain some sort
10 of maturity that they don't have yet at age 14. So running
11 away from home is a classic example of trying to be an
12 adult, an independent, when they are not. Same thing as
13 stealing a car because they want to drive when they can't
14 really drive yet, those sorts of things. Pushing the bounds
15 of -- the limits of their independence.

16 Q. Okay. And does that letter that they -- or the
17 journal entry, does that strike you as something -- would
18 you characterize that as poor affect regulation?

19 A. Well, she's certainly not dealing with -- if she
20 has negative affect towards this other juvenile female, she
21 is not dealing with it well. But, again, she doesn't
22 assault her or attack her, and she could have. They were
23 housed together. So, again, as a psychologist I'm looking
24 at actions, and she didn't take it, physical action to hurt
25 this individual.

REDIRECT EXAMINATION OF DR. SUSAN KNIGHT BY MS. MAULDIN

1 Q. Okay.

2 MS. MAULDIN: No further questions, Your
3 Honor.

4 MS. MAYES: Nothing further.

5 THE COURT: Okay. Dr. Knight, let me ask you
6 something on this limited -- because you have got the
7 AL and the LCP. Are you telling me that one of them,
8 they are more than likely to be rehabilitated than the
9 other one?

10 THE WITNESS: Yes, because their offending
11 behavior drops off as they mature, and so they are able
12 to use their resources, their cognitive resources,
13 their emotional resources into more prosocial pursuits
14 versus a life of crime.

15 MS. MAYES: What page are you on, if you
16 could reference?

17 THE COURT: I'm going by my notes that I
18 wrote on here. Because this is what concerns me, they
19 have outlined that she started around 14 running away.
20 And I got it -- I get it. But she's been -- a jury
21 found her guilty of murder on one, that there was
22 testimony that she also shot. That was the testimony
23 that this Court heard. And then I hear that her
24 behavior continues on. Is there a point that it should
25 have dropped off? Is that normal? I mean, that is

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1 like the most serious crime, or one of the most serious
2 crimes that we have, and it just appears that she
3 continues on, it hasn't slowed her down.

4 THE WITNESS: And I hear what you are saying,
5 Your Honor. I don't know of any violence after the
6 homicide. Certainly there's been some incidents.

7 THE COURT: But I really didn't know about
8 the violence beforehand either.

9 THE WITNESS: Which violence?

10 THE COURT: I haven't heard any other than --

11 THE WITNESS: Oh, correct.

12 THE COURT: This crime that she might have
13 stole a car. She ran away.

14 THE WITNESS: Right.

15 THE COURT: And then, I mean, to accelerate
16 to murder, and she doesn't hit the brakes. She hasn't
17 hit them yet.

18 THE WITNESS: And I agree with you,
19 especially if she had been a solo offender with the
20 murder. Right. But we do have the influence of older
21 male peers in this case. And one of the peers, she was
22 in a very unstable relationship with. So I think those
23 are things that I look at when I look at the offense.
24 Yes, she's charged with a very -- or convicted of a
25 very serious offense. But I look at the circumstances

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1 of that offense as Miller directs me to. And part of
2 that is the peer pressure. That is one of the factors
3 for the Court. So, yes, concerning if she had been a
4 solo offender without any of those pressures, that
5 would be more concerning.

6 THE COURT: Well then let me ask you, because
7 I am with the peer pressure, I see kids all day long,
8 they think they are stronger as a group than one, they
9 would never do it without the others. But here she is
10 incarcerated after this and she continues on. Are you
11 saying that peer pressure is related to that behavior
12 also?

13 THE WITNESS: I don't know of any violence in
14 the jail or any -- there is this PREA incident, but it
15 seems to be -- the girl is not upset about it. There
16 is no -- they didn't even move them out of -- they
17 didn't even put them in separate units. They only did
18 so because policy dictated. I don't see any episodes
19 of violence towards officers, for example, or violence
20 toward other inmates at the jail. I haven't seen that.

21 THE COURT: So you still believe that she's
22 in that AL category and there's a possibility that she
23 could be rehabilitated?

24 THE WITNESS: Yes. And juveniles with
25 homicide are in that category all of the time. When

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1 they do these longitudinal studies, they use
2 seriousness of the offense as one of the predictor
3 variables to see if that affects the group that is
4 going to keep offending or not. And it doesn't have
5 any statistical value. It is the juveniles who don't
6 mature along this normative path that continue with
7 their offending. At 19 she seems to be maturing. She
8 is still in late adolescence.

9 THE COURT: And she is still offending.

10 THE WITNESS: Well, she hasn't received any
11 additional charges.

12 THE COURT: But her behavior has not been
13 conforming, I'll put it to you that way, I guess is a
14 good way if I look at these other reports on her.

15 THE WITNESS: Again, I don't -- I don't know
16 of any other incidents at the jail though. I don't
17 have any violence at the jail.

18 THE COURT: Well, I'm not going to wait for
19 her to commit a violent crime. You know, I am just
20 looking at these reports that -- this is 4-21 of '23.
21 The other one was 7-11 of, I guess, '22. It just seems
22 like it is just continuing. It might not be violent,
23 but this is certainly behavior that is alarming to me.

24 THE WITNESS: The other thing that I would
25 add is there's no programming at the jail. So there is

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1 nothing to involve -- there's no GED program, just as
2 an example. There is no groups to attend, things like
3 that, that they would have available to them at SCDC.

4 So there are rehabilitation offerings in a
5 prison that they just simply don't have -- a jail is a
6 pretrial holding unit and they don't really offer
7 rehabilitations there. In her DJJ records there are
8 incidents of very bad behavior, but she's also
9 attending groups very well. And that, I believe, was
10 testified to, that she's attending these offerings. So
11 she's engaging in rehabilitation, or trying to. At the
12 jail there are no such programs. At SCDC she will have
13 an opportunity for those programs. Now whether she
14 chooses to engage, that is on her. But at least they
15 are there and they are offered. She's expressed
16 interest to me in some of those programs.

17 THE COURT: Okay. Thank you, Dr. Knight.
18 May I excuse Dr. Knight?

19 MS. MAYES: Yes, Your Honor.

20 MS. MAULDIN: Your Honor, I would ask that
21 she hang around to hear the other testimony that is
22 going to be presented.

23 THE COURT: Sure. She is your expert. They
24 want you to hang around.

25 THE WITNESS: Thank you, Your Honor.

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1 THE COURT: All right. Let me see the
2 lawyers just for a moment.

3 (Off-the-record discussion held.)

4 THE COURT: All right. Ms. Mauldin.

5 CLOSING STATEMENT BY MS. MAULDIN

6 MS. MAULDIN: Your Honor, I won't rehash all
7 of the cases, but I would recite for the record -- for
8 the record that I am referring to Miller v. Alabama and
9 Aiken v. Byars and Montgomery v. Louisiana. Obviously
10 Alabama v. Miller banned mandatory life sentences for
11 juveniles. Byars says that it does more than ban
12 mandatory life sentences for juveniles, that it
13 established an affirmative requirement that the courts
14 fully explore the impact of the defendant's juvenility
15 on a sentence rendered.

16 And Miller says that the Court is required to
17 consider how children are different and how those
18 differences can -- again, can be sentencing them to
19 life in prison. And, Judge, those aren't our words,
20 they are not just a technicality. That is the mandate
21 and instruction from the Supreme Court and our State
22 Supreme Court.

23 THE COURT: Right.

24 MS. MAULDIN: And the point of all of those
25 is that life without parole for a juvenile should be an

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1 extremely rare event. They have the hallmark features
2 to use which is totally different from adult offenders
3 and have to be judged a different way.

4 The Montgomery case specifically uses the
5 language that the rare juvenile offender who exhibits
6 such irretrievably -- irretrievable depravity, that
7 rehabilitation is impossible and that life without
8 parole is justified. They are looking for irreparable
9 corruption. And from what you have heard from Dr.
10 Knight and her evaluation of Ms. Sanchez, we are not
11 there. And I am asking the Court not to impose a
12 mandatory life sentence upon her.

13 As you heard, her actions falls into that
14 adolescent limited category. The behavior is dropping
15 off and will continue. As you heard, she hasn't had
16 further violent behavior. She's had some problems at
17 the jail. It hasn't been ideal. It is not the
18 greatest environment or exactly a rehabilitative
19 environment, but nothing touching on any kind of
20 violence or anything that would cause the Court concern
21 for another like the one that she was convicted of.

22 Considering all of the factors together, and
23 considering that her actions are less reflective of her
24 full character, I would ask the Court to give her the
25 lowest sentence possible. I believe that her actions

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1 were based on transient immaturity and not irreparable
2 corruption.

3 I would like to go back over some of the
4 facts that we have heard. I do disagree with some of
5 the things that they have put forth. As you heard,
6 obviously, Nicolle was 16 at Sanaa's death. They had
7 met when they both lived at Edward. That is how they
8 met in the first place. They had been friends and in a
9 lot of ways I think were just normal teen-age girls.
10 In other ways they were both very much at risk. They
11 both had some problems at home. They were both drawn
12 to dangerous men, boyfriends in gangs.

13 So I'm not here to disparage anybody, but I
14 do think that they bonded over that and, you know, and
15 probably influenced each other in some ways as peers.
16 But the bottom line is, they were teen-age girls. And
17 I wanted to play just a short video of the two of them.

18 (Video playing.)

19 MS. MAULDIN: Judge, I think that shows the
20 relationship between these two ahead of time. I think
21 that it is just a tragic situation for so many reasons.
22 I mean, it's terrible that the two lives and even more
23 lives are ended in some ways.

24 In looking at the facts of the case, we know
25 that Nicolle took the car. We know that she called

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1 Sanaa away from her sister. We know that she
2 anticipated some sort of assault. We know that she was
3 in the car. And we know that she was at the scene. We
4 don't have reliable proof beyond that. You have heard
5 the State's theory about the gunshot in the pelvic
6 region and saying that that must have been from a
7 woman. I submit that that is an awfully big reach to
8 say that a man would not have shot a woman in the
9 pelvic region but a woman would. I think that is just
10 -- that is reaching.

11 The stuff about the tampon, I don't think
12 that, you know, whatever that material was, I don't
13 think that that's evidence of trying to get rid of gun
14 shot residue. Certainly it is there at the scene. It
15 looks like something was changed. But again, I don't
16 think that that is evidence that she was involved in
17 the actual shooting of Sanaa Amenhotep.

18 The solicitor talked about her admitting to
19 law enforcement that she shot. I disagree with that,
20 Your Honor. I don't think that there's any evidence
21 that she ever told law enforcement that she shot
22 anybody.

23 That leaves us with the testimony of Allon
24 Adams. He is the one that said that she fired the gun
25 and hit Sanaa. Dr. Knight touched on this earlier.

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1 There were things that he said that were just not true.
2 About going to Sanaa's family, that wasn't true. You
3 heard him on the witness stand in trial. One of the
4 first things that he got up and said was that he
5 learned about all of this when he felt like something
6 was wrong in the air and that he had that feeling
7 because it was close to where he lived. He started off
8 with just making things up that is just impossible. He
9 is just absolutely not a credible witness.

10 And even if the jury factored in his
11 testimony in its verdict, I would ask the Court to
12 consider the weight of his testimony and his
13 credibility in your sentence separately. I don't think
14 that what he said establishes that Nicolle fired a gun
15 at Sanaa. I don't think that we have that. Even when
16 he, as you heard from Dr. Knight, even when he, going
17 away from what he claimed Nicolle told him, when he
18 went into Trey's account and told police what Trey told
19 him, he didn't say that Trey had told him that Nicolle
20 had shot. So there is a discrepancy there as well.

21 And certainly he had a lot to lose. His
22 grandmother had come in and told him how dangerous
23 Sanaa's family was. Whether that was true or not, he
24 had a lot of reason to worry about his own safety. And
25 he also was close friends with Trey. That is how he

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1 was connected to this. He wasn't close with Nicolle.
2 He had a reason to implicate her and make her
3 involvement sound more serious than it was and more
4 than Trey's.

5 There is also no proof of this call. We have
6 all kinds of social media records, all kinds of text
7 messages, phone calls, whatever. He said that this
8 phone conversation happened on a call. We have no
9 record of any phone call between Nicolle and Allon
10 Adams. So I would ask the Court to consider that.

11 There is significant evidence of her
12 codefendants involvement in the shooting itself and all
13 of what was going on that night. We know that Trey's
14 home had been shot up by Sanaa's boyfriend. I think
15 that was the motive for shooting. We know that he was
16 mad. We know that he was looking for guns on social
17 media. Jaylen sent the message that, excuse me, that
18 shit has got to get handled.

19 We know that one of the other two drove to
20 the incident location. We seen how Nicolle drove.
21 She, she didn't drive all the way from Columbia all the
22 way to that field in Lexington County. The
23 codefendants phones were off, hers was on. Clearly she
24 wasn't in on that. She wasn't the one that was looking
25 for a shovel. There were no guns found on her or

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1 connected to her.

2 This pillowcase that was found, that came
3 from Jaylen. But even that is interesting. A
4 pillowcase seems to indicate that someone or something
5 would be concealed from somebody. It seems odd that
6 you would put a pillowcase over someone that you
7 intended to kill ultimately. So, even that seems to
8 leave open the possibility that she would not have been
9 killed, especially at the part of this planning stage,
10 or potentially that her identity was to -- that
11 somebody else's identity would be concealed from her
12 that could have been there and that is why there was a
13 pillowcase. The pillowcase is an odd fact. It came
14 from Jaylen, but I think that that also leaves open the
15 possibility that, you know, that Sanaa might not be
16 killed in this.

17 We know that Jaylen was very angry about what
18 happened with Trey's home. We heard earlier about, We
19 waxed your ho. We know what that means. There was no
20 evidence that Nicolle told them to go after Sanaa.
21 That is something that the solicitor is interpreting,
22 but there is no evidence of that, no proof that she
23 told them to do that.

24 Judge, another thing about this video. And
25 I'll show this to you. This shows the differences in

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1 their sizes. Trey was the one that was upset about
2 somebody shooting into his house, and he was the one
3 that was considerably larger than Nicolle. As you can
4 see in this picture, the injuries -- well, you can see
5 in the picture the differences in their sizes. We know
6 that Sanaa's body had the fractures to her face, the
7 orbital bone, the broken ribs. Those are not the kind
8 of injuries that a person Nicolle's size could have
9 inflicted. I submit that those are the kind of
10 injuries that somebody who gets angry could have
11 inflicted.

12 This theory about Nicolle being jealous and,
13 you know, that kind of being the motive for the murder
14 doesn't hold water. It doesn't make sense that
15 somebody like Trey or Jaylen, somebody their size would
16 be so angry that Trey had been involved with Sanaa and
17 Nicolle was jealous and that that was a factor. There
18 is no way that that jealousy would be the motivating
19 force to cause those kinds of injuries on Sanaa. And
20 we know that Nicolle couldn't have inflicted those.
21 She is just not big enough. That is not something that
22 she could have done.

23 And what I think is important about those
24 injuries too, Your Honor saw those photographs that I
25 showed you earlier from the SANE exam, so going back to

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1 those, we know that Sanaa's death occurred on April 5th
2 and those injuries that Trey inflicted on Nicolle were
3 on April 25th. The injuries that he inflicted on her,
4 I would submit, are similar to what Sanaa went through.
5 If you look at those photographs you will see an injury
6 to Nicolle's right cheek, an injury to her ear where
7 her ear is extremely swollen. There is an injury to
8 her left temple. And then a large bruise behind her
9 ear. She had marks on the rest of her body and her
10 abdomen is swollen.

11 We are talking about at least four shots to
12 the head to cause those injuries, and blows to her
13 stomach. Those are very similar to the injuries that
14 Sanaa sustained. Those look like injuries from
15 somebody that is angry, somebody that has inflicted a
16 beating on someone, similar to what Trey did to
17 Nicolle.

18 I think that it's also significant to think
19 about the February domestic violence case that Trey did
20 against Nicolle. She went to police. They didn't see
21 Trey at the scene. She talked to a detective who felt
22 her head and felt swelling on the side of her head. At
23 that point, this was well before anything had come up
24 about Sanaa or, you know, anything like that. In that
25 report she reported to police that he had a gun on her

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1 and that he told her he would beat the truth out of
2 her.

3 So that is the kind of thing that Trey did to
4 Nicolle that sounds very similar to what the
5 allegations in this case were, that they were trying to
6 get the truth out of Sanaa about how to find Javan. So
7 the motive for this was for Trey and possibly Jaylen to
8 find out about the shooting into his home, not any sort
9 of jealousy that Nicolle might have had with Nicolle --
10 excuse me, with Sanaa and Trey. And certainly Jaylen
11 had no reason to be involved in anything that was
12 retaliation for any kind of jealousy between Sanaa and
13 Trey. That just doesn't make sense.

14 Going back to the injuries that she sustained
15 too. Certainly when she first talked to the police it
16 would have been better if she would have come clean and
17 told the whole thing at that time. She didn't do that.
18 However, that was a couple of days after she had been
19 badly beaten by Trey that was treated as sexual
20 assault. Ms. Zmroczek has told us that that case is
21 being dismissed; however, I suspect that that might be
22 because he is going away.

23 Judge, she went to the hospital. She was
24 given a SANE exam. She had no genital injuries;
25 however, the police talked to a witness -- there was a

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1 witness that was there and saw it -- he described that
2 a man had dragged a woman into the woods. He went over
3 and kind of broke it up. The woman was on the ground.
4 If you look at those pictures you can see -- and he
5 described the young woman wearing light blue pants, and
6 if you look at those photographs I showed you, she has
7 got on light blue sweatpants. She has got grass and
8 dirt stains all over her pants. She has got leafs in
9 her hair.

10 She has got injuries all over her face and
11 her torso. That is clearly from an assault. That is
12 the same case. So when she talks to the police, that
13 is following right on the heels of that very brutal
14 assault that Trey conveyed against her. She is still
15 afraid. And she didn't come clean and she didn't tell
16 them.

17 And, Judge, you heard from Dr. Knight, you
18 know, kids don't tell things to the police in the most
19 logical ways, you know. Obviously part of it was that
20 she didn't want to get in trouble. We understand that.
21 But there were some other reasons for that too.
22 Regardless, she is the one who revealed to the police
23 where Sanaa was buried. And I think that is extremely
24 significant. At the end of the day, she did the right
25 thing and she ended that 22-day search for Sanaa.

CLOSING STATEMENT BY MS. MAULDIN

1 I'm not expecting any sort of award for that
2 or anything of that -- I'm not saying that. But,
3 Judge, I do think that she should be given some
4 consideration for the fact that she did the right thing
5 and put the search to rest. I think it is important to
6 point out that Mr. Nelson was a validated gang member.
7 He himself told law enforcement that he was an active
8 member of the Nine Trey Gangster Bloods and had been
9 since he was 16, and that he had been assaulted into
10 the gang. Again, a pattern of violence. And law
11 enforcement talked to other witnesses who said that he
12 was in the same gang too. We would ask you to consider
13 that.

14 Judge, in chambers Ms. Zmroczek also brought
15 up the life expectancy numbers. There is data on life
16 expectancy for people in the U.S. CDC reports that.
17 There was also a study that was done by epidemiologists
18 who were to analyze the life expectancy of men in SCDC.
19 She doesn't do a study of women, so I can't bring data
20 that shows you exactly what Nicolle's life expectancy
21 is. I would point out that for somebody going into the
22 Department of Corrections, a man has a significantly
23 lower life expectancy than your average man. So,
24 looking at the life expectancy chart for an average man
25 at 19, Nicolle's age, that person would live an

CLOSING STATEMENT BY MS. MAULDIN

1 additional 58.1 years. For a man going into SCDC, that
2 drops to 36.4 years. So my point is that there's a
3 significant loss of life expectancy for anybody that is
4 going behind bars. That drop, if my math is right,
5 would be from 77 to 55, or 21.7 year drop.

6 I don't have any results on Hispanic women in
7 SCDC or anything like that to show the Court. Women
8 have a shortly -- a slightly longer life span than men,
9 generally. Running the numbers on a Hispanic woman not
10 in SCDC, life expectancy is as high as 81.9, but that
11 is not in SCDC. So, I would ask the Court to consider
12 that.

13 I'm also asking the Court not to give the
14 functional equivalent of life. There is a case on
15 this, State v. Slocumb, that talked about the fact that
16 life sentences are basically given a number of years
17 that would be the equivalent to life. In that case a
18 young man received a sentence of 130 years. The Court
19 did not prohibit de facto life sentences. That is not
20 the holding. But they did make a few distinctions.
21 They said that in that case, it wasn't that he had
22 gotten one aggregate -- one lengthy sentence of 130
23 years, he had multiple offenses. I think the average
24 was about 26 years on the offenses and the aggregate
25 was 130. That is not what we have got here.

CLOSING STATEMENT BY MS. MAULDIN

1 They also in that case declined to extend
2 Federal constitutional protection. I'm asking the
3 Court to consider adding that in this case and
4 protecting her under the Federal Constitution, but also
5 on State Constitutional grounds. And I would base that
6 on the 8th amendment which prohibits cruel and unusual
7 punishment, and also Article 1 Section 15 of the South
8 Carolina Constitution. And I would ask you not to give
9 her what would be a de facto life sentence either.

10 I am asking for a term of years. And I am
11 asking for the minimum. Anything that you give her is
12 going to be a substantial sentence. She is going to
13 serve day for day, at least 30 years. I know that this
14 is a difficult case. And if the Court is not able to
15 give the minimum, I ask for the lowest sentence that
16 Your Honor can give.

17 I can tell you that you heard those messages.
18 I think that at that point when she's making the
19 threatening messages that the solicitor pointed out a
20 few times, I think that that shows someone who is going
21 through a lot. She's angry, she's involved in a very
22 difficult relationship. That was right after Sanaa's
23 death. Certainly that -- you know, somebody that had
24 witnessed that would not be reacting normally anyway.
25 I ask the Court to consider that.

CLOSING STATEMENT BY MS. MAULDIN

1 I can tell you that the young woman that is
2 in those messages is very different from the young
3 woman that I know today. I think that, in a lot of
4 ways she has been damaged by circumstances that were
5 totally out of her control. She had no say in the way
6 she was treated in Honduras, or the way that her
7 parents raised her or anything like that. Certainly
8 she did make some bad decisions. And she has aged.
9 Those decisions fell on her. But there were a lot of
10 things that really affected her growth and development
11 that I ask the Court to give her some consideration
12 for.

13 I can tell the Court that she has matured.
14 She is capable of kindness, reflection and learning,
15 and I know that because I have dealt with her now for
16 quite a while. I think that even as early as August
17 she had started to change her thinking about Trey. She
18 didn't send that letter to him. We don't have any
19 evidence to show that she has tried to reach out and
20 have any contact with him since this happened. I think
21 that she's realized that that wasn't love and that she
22 doesn't need to be in any kind of relationship like
23 that ever again.

24 Judge, I would also like to tell you, Ms.
25 Selek would like to address the Court. She has

CLOSING STATEMENT BY MS. MAULDIN

1 represented Nicolle since Nicolle was first charged in
2 family court. She's the only person that has been.
3 Nicolle has had seven different lawyers in my office as
4 we have lost people. But Haley has been that one
5 constant in her life since then.

6 And I think that that is probably her best
7 role model that she could have. And I think that by
8 seeing Haley, she has learned selflessness and kindness
9 and respect and honesty. And I think if she had
10 somebody like Haley years ago we wouldn't be here.

11 This is one nice picture. Nicolle with her
12 grandmother in Honduras. I think that this was the
13 last time that her life was really in a stable place.
14 And I am hoping that she will eventually find peace and
15 come back to a feeling of stability that I think she
16 had back then.

17 So, Your Honor, that is all that I have got.
18 I would ask you to hear from Haley. We are not putting
19 any family up. I neglected to tell you that, in
20 addition to any time that she will serve, since she's
21 an undocumented person, any time that she spends in the
22 Department of Corrections, once she's done she will
23 come out and be deported to Honduras.

24 THE COURT: There is a hold on her?

25 MS. MAULDIN: I'm sure that they do. And, I

CLOSING STATEMENT BY MS. MAULDIN

1 mean, she is -- with a conviction like this, I mean,
2 she's going back. Judge, at that point she is going
3 back to a place where she is completely unfamiliar with
4 the culture because she has grown up here. I don't
5 know that she would have any family there at the point
6 that she goes back at that age. So I would ask the
7 Court to consider that as well. But I would ask you to
8 hear from Haley.

9 THE COURT: Thank you, Ms. Mauldin.

10 MS. MAULDIN: I am sorry, one more thing.

11 THE COURT: Okay, go ahead. I didn't mean to
12 cut you short.

13 MS. MAULDIN: I am sorry, Judge. I told you
14 that I was done. Just for the record, I would just ask
15 the Court not to punish her for asserting her right to
16 a trial. Obviously her right to a trial is a
17 constitutional right under the 6th Amendment of the
18 U.S. Constitution, Article 1 Section 14 of the South
19 Carolina Constitution. And her right to due process
20 under the 5th and 14th of the U.S. and Article 1
21 Section 3 of the State. And certainly it would be
22 improper to punish her for that and raise that as
23 giving benefit to the others. She asserted her right
24 to a trial and that was her right, and I would just ask
25 the Court not to consider that.

CLOSING STATEMENT BY MS. SELEK

1 THE COURT: And I won't. Thank you.

2 Ms. Selek.

3 CLOSING STATEMENT BY MS. SELEK

4 MS. SELEK: Thank you, Your Honor. I am
5 definitely not going to be able to speak as eloquently
6 as Sarah did. As you heard, I have known Nicolle for
7 two and a half years now. I don't want to make a
8 practice of being emotional in court. But I believe
9 that as a person and an attorney, I have received a
10 great benefit by knowing her. Looking at her on paper,
11 Your Honor, and what she's been convicted of, I'm sure
12 some people think that I am crazy to say that she is a
13 great person, a kind person, a smart person, but she's
14 all of those things. And she is not defined by what
15 has happened to her and what she has done.

16 She has taught me a lot, just as much as I
17 have taught her, I'm sure. And most of what she's
18 taught me is about resiliency. I think that she is one
19 of the strongest, most resilient people that I know.
20 We have talked about what her future holds and what
21 that will be like for her. And I cannot fathom it.
22 But I told her that it's not any harder than things
23 that she's already gone through. And I mean that.

24 I ask you to consider giving her the minimum
25 30 years, Your Honor. I don't think that she is the

CLOSING STATEMENT BY MS. SELEK

1 same person that she was. I have seen a huge amount of
2 growth and maturity in the two and a half years that I
3 have known her. And I just ask that you take that into
4 consideration.

5 THE COURT: Thank you, Ms. Selek. Anything
6 else, Ms. Mauldin?

7 MS. MAULDIN: No, Your Honor.

8 THE COURT: Would your client like to address
9 the Court?

10 MS. MAULDIN: Your Honor, given the status of
11 the case and the potential appeal, I have asked her not
12 to speak. I don't think that she wants to.

13 THE COURT: Okay. The way that I have set
14 this up because I have three codefendants. We might
15 want to put this on the record. And I was keeping Ms.
16 Peralta's case separate because she's entitled to an
17 independent hearing under the Aiken v. Byars/Miller
18 cases. And I think that I have complied with that
19 rule.

20 However I have told -- and I have the family
21 here. I wasn't going to make them stand up and speak
22 three separate times in this case, so what I'm going to
23 do now, Ms. Mauldin, is I'm going to put your case on
24 hold for sentencing if you don't mind. Because I'm
25 going to sentence these defendants separately.

CLOSING STATEMENT BY MS. SELEK

1 But what I would like to do is hear from Mr.
2 Nelson's lawyer and then Jaylen's lawyer, Mr. Brunson,
3 and then I'm going to let the State -- and then I'm
4 going to hear from the witnesses. And I am going to
5 let the defense have the last go at it before I
6 sentence. Is that acceptable to everybody?

7 MS. MAULDIN: Yes, Judge.

8 MS. RUST: Yes, Your Honor.

9 THE COURT: And Mr. Brunson?

10 MR. BRUNSON: Yes, Your Honor.

11 THE COURT: For the State, do you have any
12 problem with that? I just thought that it would be
13 easier on the family and everybody else here. I am not
14 going to make them stand up and tell me three times how
15 they feel.

16 MR. BRUNSON: Thank you.

17 THE COURT: Okay. Then I am going to ask, do
18 I need to take a quick break? I need to swap those two
19 and put Mr. Nelson up here. Amy, y'all ready?

20 MS. RUST: Your Honor, can we have a quick
21 break?

22 THE COURT: Sure, let's take a very quick
23 break and be back in the courtroom at 4:00. We are
24 going to continue on.

25 (Short recess taken at 3:53 p.m.)

STATEMENT BY MS. ZMROCZEK

1 THE COURT: Okay.

2 MS. MAULDIN: Here is a copy of the exhibit I
3 handed the Judge earlier.

4 *(Whereupon, Court's Exhibit No(s). 8 marked*
5 *for identification and received in evidence.)*

6 THE COURT: We are going to move on. I have
7 set Ms. Peralta's case aside and I am moving on to
8 Treveon Nelson, which is 2021A3210201232, 3334, and 35,
9 I believe.

10 All right. Ms. Zmroczek, I will be glad to
11 hear from you.

12 MS. ZMROCZEK: Thank you, Your Honor. I want
13 to start off. I know that this is unusual, and I
14 understand the reasons why we are doing it. But I want
15 to -- as I start off my presentation, but I did mark
16 and make it a Court's exhibit. And I have cleared it
17 with the Solicitor's Office as well. And I gave you a
18 previous copy.

19 THE COURT: Your sentencing packet.

20 MS. ZMROCZEK: The sentencing memorandum
21 packet an exhibit.

22 THE COURT: I have it. I have got a copy of
23 it, yes, ma'am. All right. So, that is Court's
24 Exhibit No. 1 for Mr. Nelson.

25 MS. ZMROCZEK: It is.

STATEMENT BY MS. ZMROCZEK

1 *(Whereupon, Court's Exhibit No(s). 1 marked*
2 *for identification and received in evidence.)*

3 MS. ZMROCZEK: And, Your Honor, as I am doing
4 my presentation, and I know that I don't have to remind
5 you, but I think for the benefit of, you know,
6 especially Mr. Nelson's family who has been here all
7 day and they have been very concerned because all that
8 they have heard about is the unconvicted,
9 non-convictions of DVs and other csc allegations. And
10 I know that you have explained it to us in chambers as
11 well and pretty much on the record, but when you say
12 "individualized hearings," you are considering -- you
13 are not considering anything in other hearings except
14 for facts that are presented by the State and facts
15 that are presented by Mr. Nelson?

16 THE COURT: Right. I mean, this is a three
17 codefendant case where a young girl was murdered. Your
18 client has plead guilty to it. Ms. Peralta was found
19 guilty. And Mr. Wilson was also pled.

20 MS. ZMROCZEK: I think that he pled, yes.

21 THE COURT: I mean, in this case it's hard
22 not to consider the three as a whole because, you know,
23 according to all of the testimony they all had certain
24 roles and parts and participation. But as far as I did
25 not want to stand up here and sentence them all three

STATEMENT BY MS. ZMROCZEK

1 together, I wanted to do it separate. I wanted to hear
2 from each codefendant. I have got one family, because
3 I have got one victim. And I'm not going to make them
4 stand up here and tell me how they feel three different
5 times today. I'm not going to do it.

6 So I will make the State's presentation and
7 the victim impact from all -- for everybody's record,
8 but individualized, I am just trying to find out what
9 role everybody played. So I can figure out what is the
10 right thing for this Court to do and how to sentence.

11 MS. ZMROCZEK: Thank you. And I certainly am
12 aware of that, we appreciate it. And I think that
13 it'll ease everyone's mind.

14 THE COURT: Okay.

15 MS. ZMROCZEK: I wanted to put that out
16 there. And, Your Honor, as I get started with my
17 presentation I wanted to address something that I think
18 you just addressed. There is a deceased girl in this
19 case, and I know that it is -- I know that that is why
20 we are all here. And I know that that ramps up
21 everyone's emotions. And I think that the family
22 should be told, at least by us, about the remorse. And
23 I think that they will hear that, Your Honor. Because
24 no matter what happens from here on out, nothing that
25 anybody can do can bring this young lady back. And we

STATEMENT BY MS. ZMROCZEK

1 understand that and we are sincerely apologetic for it.

2 We, meaning the team for Mr. Treveon Nelson,
3 which is myself, of course, Brian Petrie (phonetic), my
4 private investigator. He works in my office now. And
5 Brie Rust who does -- we hired her as our mitigation
6 specialist.

7 THE COURT: Okay.

8 MS. ZMROCZEK: Your Honor, this team that we
9 have put together, and since the day that I was
10 appointed to Treveon, we have been trying to work
11 toward what is a just solution in this case. And, Your
12 Honor, in this case we believe, for Mr. Nelson, that 30
13 years on the murder day for day is a just sentence.
14 And I'll explain why.

15 And, Your Honor, as we talked about, Court's
16 1 which I gave you a copy of previously, which I know
17 it has been admitted, was our sentencing memorandum.
18 And I will be referring to a few things in there. But
19 the first of which that I think carries throughout the
20 day for all of the family members and for the State and
21 all of the work that they did is to know that this is a
22 tragedy, that nobody wins here. And it is difficult
23 and we know that. We know the differences of being
24 able to visit a family member in prison versus having
25 to go to a landmark or just praying. We understand

STATEMENT BY MS. ZMROCZEK

1 those differences.

2 Your Honor, there are some things that I do
3 want to talk about when it comes to Mr. Nelson. We
4 have been here all day on a Byars Miller hearing for
5 Ms. Peralta because she was 16 at the time. Mr. Nelson
6 was 76 days past his 18th birthday. Had this happened
7 70 days, 77 days, we would be having another family
8 court waiver hearing, another hearing.

9 And as I was listening to Dr. Knight testify
10 and just preparing the sentencing memorandum, as you
11 look at the sentencing memorandum you will see that it
12 follows the outline of the Aiken Miller, Aiken V Byars
13 and Alabama V Miller cases. Because, Your Honor, the
14 truth of the matter is, it is not like you turn 18 and
15 you all of a sudden gain all of this wisdom and all of
16 this maturity, and all of this knowledge. Because that
17 is clearly not what happened.

18 And if you look at Mr. Nelson's record,
19 particularly his school record, Your Honor, it talked
20 about the teachers identifying his immaturity in class,
21 in classrooms. Your Honor, he was -- and especially on
22 page three it talks about, you know, his school
23 attendance, how it was a problem, but also his records
24 reflect that he was often cited for immature and
25 short-sided offenses. So even though chronologically

STATEMENT BY MS. ZMROCZEK

1 he was 18, Your Honor, where he falls on that
2 adolescent scale is certainly closer to the adolescent
3 issues that you have heard about.

4 We being Mr. Petrie and I, spent hours and
5 hours and hours with Mr. Nelson when we first got
6 assigned this case, of course. And, Your Honor, one
7 thing that to me really made a change in this case is
8 when I first met with him and was able to sit down and
9 tell him that I was appointed to represent him, I was
10 his lawyer, and Mr. Petrie as well, he laid it out for
11 us. He laid it out for us what had happened. He
12 didn't tell that to the police because, quite honestly,
13 he was terrified. His mother had previously worked at
14 SCDC and had always told him, Wait until you get a
15 lawyer to talk to the police.

16 So, to say that he was not fully cooperative
17 in the beginning, is not necessarily true. He was
18 also, as you have heard, been accused of all of these
19 other charges with regards to one of his codefendants.
20 And I just wanted to address that very briefly. I'm
21 not going to harp on those issues. But, Your Honor, he
22 is not being convicted of any of those, criminal sexual
23 conduct, csc, abhan. And I know that, absolutely, I
24 made the representation as it was being made by the
25 Attorney General's Office, that it is not just because

STATEMENT BY MS. ZMROCZEK

1 he is getting a sentence, Your Honor. Your Honor, I
2 think that you have already been privy to some of the
3 other problems that they would have to overcome or
4 challenges in this case, so the AG's decision to not go
5 forward isn't totally based because he is getting
6 sentenced here today.

7 THE COURT: Was he cooperative in this case?

8 MS. ZMROCZEK: Your Honor, he was. He was
9 with me. He sat down -- they sat down with the State.
10 Your Honor, they ultimately chose not to use his
11 testimony. I think that -- so here is a unique thing
12 about this case, and I think a lot of cases, that there
13 were four people that know what happened that day.
14 There are four people. Three are here to tell about
15 it. Two have had fairly consistent statements, being
16 the two males involved in the case. Fairly consistent.
17 And, Your Honor, the other one we don't have any
18 information, a lot of information from. The one that
19 we do, the information that we have is unverifiable.

20 What he did tell them, Your Honor, was, you
21 know, what he knows about that day and what he did say.
22 I know that it is more interesting and exciting to talk
23 about how she was lured away and she was, you know,
24 kidnapped and then immediately -- I think that it was
25 referred to as a drive of death. And, Your Honor, I

STATEMENT BY MS. ZMROCZEK

1 don't necessarily think that it was in the moment as
2 nefarious as it seems. It is certainly easy to go back
3 and look and kind of make interpretations. But one
4 thing that I think that day started off with and the
5 scientific cellphones agreed with, is that they went to
6 a -- and toxicology -- they went to a sound recording
7 studio out in Batesburg Leesville and that they were
8 there, together, all of them, all four of them. And
9 that they were doing -- engaging in drugs.

10 Which, A, is also illegal. But, B, I think
11 added fuel to this immature adolescent brains. Where
12 if you throw drugs, they talked about using marijuana
13 and lean, which is a Codeine beverage that you can
14 drink, and some other anxiety pills that weren't
15 prescribed. And, Your Honor, what that does is,
16 certainly not providing any excuses for what happened,
17 but kind of, again, fueled the background as to how we
18 ended up here.

19 Mr. Nelson had been dating Ms. Peralta. And,
20 Your Honor, I think as you read through the memo what
21 you will see is that it was a toxic relationship. That
22 is one thing that we can agree on. But I think as you
23 read the memo and you understand that his family was
24 so -- they saw a change in him when he started to
25 interact with her. This was somebody who had not had a

STATEMENT BY MS. ZMROCZEK

1 ton of runaways, who had not had a ton of involvement
2 with police. And this is -- and although they want to
3 say that he is a verified gang member and involved in
4 gang stuff, Your Honor, that has not been provided to
5 us. I don't have a gang jacket. I don't have that
6 information. Obviously there were a lot of things that
7 were handed over. But regardless of this, Your Honor,
8 it just -- what his family saw is a change in him when
9 he got involved with Ms. Peralta.

10 And, Your Honor, that doesn't -- I'm not
11 blaming anybody, everybody makes their own decisions.
12 But to look at why he made the decisions he made, Your
13 Honor, I think that if you read especially around pages
14 --

15 THE COURT: Seven and eight.

16 MS. ZMROCZEK: Yes, seven and eight. His,
17 Your Honor, his desire to help Ms. Peralta and to try
18 to save her and help her out of this horrific situation
19 that she had told him that she had been living her
20 whole life I think really clouded his judgment. I
21 mean, for someone to be able to convince somebody to
22 break into the Epworth Home and get into their bed, I
23 mean, he would have done anything, Your Honor, for her.
24 And as we see as a result of this case, did get
25 involved.

STATEMENT BY MS. ZMROCZEK

1 And, Your Honor, I think what is so telling
2 about this is that in Mr. Wilson's statement, one of
3 the statements that he made that he was very consistent
4 on is, while they were at this recording studio, while
5 they were -- after they had all left Columbia, Your
6 Honor, he heard a fight between Ms. Nelson, my client,
7 and Ms. Peralta. And she was either accusing Ms.
8 Amenhotep of having an affair with him or of there
9 being feelings, so there was this jealousy rage fight
10 and I do believe that that played a part in what
11 happened.

12 Your Honor, he -- Treveon is someone who when
13 I first met him was obviously very quite and been
14 incarcerated, which Your Honor, I believe the number
15 that I wrote down, I think that he's up to 840 days
16 today, Your Honor, that he's been in jail. 840 days.
17 He's had one write-up, okay, one write-up. And you
18 know the conditions of that jail. It is not a pleasant
19 place to be.

20 He has spent the last 22,000 hours, quite
21 honestly, of being remorseful, trying to understand how
22 he, how he made the decision that ended him up in this
23 situation. And ultimately, Your Honor, which is why we
24 decided to go ahead and plea to the charges, to not
25 have to put the family through another grueling trial,

STATEMENT BY MS. ZMROCZEK

1 to not have to put his family. And, quite honestly,
2 and I know Your Honor has heard about it, and I'm
3 certainly not going to dwell on it, but there's been
4 other threats outside of that. The COs told him that
5 there is a 30,000-dollar bounty on his head. He, Mr.
6 Nelson, that scares him especially when, you know, he
7 knows that he will be going to SCDC and he realizes the
8 environment in SCDC is kill or be killed and he's
9 terrified.

10 And he has managed to do so well to keep to
11 himself, to make plans for himself, so that it is his
12 hope that when he goes to SCDC, that he can become the
13 person, Your Honor, that he knows that he is. And not
14 the person that has made these horrific decisions as an
15 adolescent, clouded by things he just wasn't prepared
16 to understand, engage in, and quite honestly, deal
17 with.

18 Your Honor, I think one of the things, again,
19 I'm not -- trying not to harp on it, but I do feel like
20 I have to address this, there's a pattern in the
21 evidence that was previously presented to you of
22 blaming Mr. Nelson for all of the problems in the
23 world. And, Your Honor, he certainly accepts his
24 responsibility as to what he did in this case.

25 THE COURT: You know, it is interesting, I

STATEMENT BY MS. ZMROCZEK

1 have sat here listening and nobody has told me anything
2 about what they have done. Nobody. Nobody.

3 MS. ZMROCZEK: Exactly. And that is why I'm
4 getting to that, Your Honor. Because I think that
5 that, to me, or as an avid detective, that is what you
6 want to know, what happened. And so, Your Honor, quite
7 honestly, what he told the State and what he told us
8 from the beginning is that, that they were all -- that
9 they were going to pick her up from Columbia and go to
10 the music facility. There were clearly problems. His
11 house had been shot up. Now he was told by somebody
12 that she had arranged it. We don't know who arranged
13 it, but that is what he was told, Your Honor.

14 THE COURT: Well, he was there.

15 MS. ZMROCZEK: Right. He had been told that
16 she -- right, right, right. But we don't know that she
17 arranged it is what I am saying, about his house
18 getting shot up. But that is what he was told by
19 Nicolle. So that is why, when you hear about those
20 things, that is what, Your Honor, I think that is what
21 they are talking about, that they -- Your Honor, they
22 were at the recording studio doing drugs. There were
23 -- there was a fight. There was a discussion. They
24 left. They went outside to an area right by the
25 recording studio. The two girls did engage into a

STATEMENT BY MS. ZMROCZEK

1 fight. Ms. Peralta pulled out a gun. She did shoot.
2 My client was there. Saw it. Was terrified at this
3 point. Had a gun himself, of course. You have seen
4 pictures of it.

5 I think that kids and the idea of a gun and
6 then using the gun is a different, is a different
7 reality. But what he saw was someone who had been
8 badly injured. She was badly injured. And, Your
9 Honor, he did ended it to, for lack of a better term,
10 to end that suffering. Because at that point calling
11 911 would not have made any difference. Certainly he
12 regrets not saying something right away. But, Your
13 Honor, he -- I mean, it would be easier, easier for me,
14 easier for the State if it was as calculated and
15 organized, but quite honestly adolescents just
16 aren't -- they are capable, but they are certainly
17 not --

18 THE COURT: I got it. I got it.

19 MS. ZMROCZEK: Your Honor, one of the I think
20 greatest things that I think that I have learned over
21 these last years, meeting with Mr. Nelson, is that he
22 has grown and has an appreciation and understanding of
23 what has happened and what, and what his behaviors did.
24 Judge, I know that you have heard the facts. And I
25 didn't sit through the whole trial, but what I do know

STATEMENT BY MS. ZMROCZEK

1 is that, Your Honor, a lot of the testimony -- there
2 were a lot more people I think that could have been
3 arrested and charged in the case. I think that there
4 were a lot more accessories than -- well, no one was
5 charged as an accessory to be quite honest.

6 So I think that a lot of statements that were
7 presented, at least in discovery, and I'm sure, quite
8 sure, were presented on the stand were in a way self
9 preserving, right. But Mr. Nelson, again, admitted to
10 what he did. Admitted to his role in being involved in
11 the death, and wasn't going to pretend like there was
12 some defensible case to that. He understands that.

13 Your Honor, on the other hand, though, I
14 don't -- and thereby accepting responsibility. And as
15 you know, it is a big responsibility because the time
16 that each of these carry, the strikes. I mean, it is
17 my, it is my hope that he has an opportunity to get out
18 and to face that life without parole strike if he would
19 get in trouble again, right. I think that is a problem
20 so far down the road, but I would want it to be a
21 problem that could happen.

22 Your Honor, I provided to you in the
23 sentencing memo. Excuse me, in the sentencing memo.
24 In the -- in the footnote four, what you can see are,
25 while he was going to school, Your Honor, as a younger

STATEMENT BY MS. ZMROCZEK

1 child and he was involved in a lot of things, what you
2 see in this family and what makes a difference I think
3 are the tragic realities that they have had to live
4 with. First was when he was six year old, Your Honor,
5 his older brother and -- his older brother was killed
6 in an ATV accident.

7 For him at six years old and for his mother,
8 that was a devastating loss. And she, in speaking with
9 the mitigation expert, Your Honor, had relayed numerous
10 times that, of course, all parents want to blame
11 themselves when something happens to their children and
12 she said, you know, should have had taken him to
13 counseling, I didn't deal with that grief.

14 THE COURT: I read that.

15 MS. ZMROCZEK: Yeah, and of course, we can
16 all reassure that, you know, hindsight is 20/20 when
17 you look back at life. But it is not one single thing
18 that changed it, but that certainly shaped who you
19 become. And I think what that did, Your Honor, at six
20 years old was see his mother so sad and so upset and
21 want to make her better and want to make her happy and
22 not knowing how. Which I think evolved into his
23 relationship when he gets older in wanting to help
24 people but not really being equipped to or not knowing
25 how to.

STATEMENT BY MS. ZMROCZEK

1 Your Honor, when he was nine his uncle, the
2 most significant at that point figure in his life,
3 killed his girlfriend and committed suicide. So before
4 the age of ten, Mr. Nelson had dealt with some pretty
5 significant losses. Then the family has to move, they
6 relocate to Columbia. We are talking about a low
7 socioeconomic family. Mom is working always, of
8 course, trying to provide the best she can. But
9 Treveon takes on that, that need to want to take care
10 of his family.

11 Your Honor, at 15 years old, 15 years old, he
12 walks into a McDonald's and applied for a job and they
13 are like, Yeah, we can't hire you, you are not 16. The
14 week of his 16th birthday, Your Honor, he starts
15 working at McDonald's. Has been working there almost
16 two years. Actually two years, Your Honor. And then
17 when he turns 18 he inquires about a raise but then
18 learns that Bojangles starts off at a higher rate, and
19 so he goes and he doesn't quit this job until he has
20 another job. And so he's working at Bojangles, and I
21 think that there are pictures both reflected in the
22 sentencing memo as well.

23 But it wasn't just the socioeconomic
24 pressures, Your Honor, of moving. It was the
25 differences of the schools. And I think that you

STATEMENT BY MS. ZMROCZEK

1 probably read that in the memo too. You see a school
2 where they are nurturing and where they are encouraging
3 students like -- one thing that, with Mr. Nelson, that
4 always surprises me is his level of maturity now and
5 the way that he can converse and the way that he can
6 express himself. And I think had he had the
7 opportunity to go to a school that continued that kind
8 of nurturing, again, he may have definitely made some
9 better decisions as well.

10 Your Honor, when you are looking at the facts
11 and trying to determine what to do in this case, I
12 know, like you said, nobody has really told you what
13 their role is. And it is difficult to stand up here
14 and to be able to provide a background up to that day
15 without providing a background that you have heard a
16 lot of from all of the people involved. It
17 unnecessarily disparages some people, and -- everybody,
18 quite honestly.

19 And I think that is another one of the
20 tragedies of this situation is that you have four young
21 people who didn't have the same guidance as you and I.
22 And they had different upbringings, and they had
23 different influences. And unfortunately they planted
24 these children in Epworth Home and special schools and
25 places that I think start to shape how we got here.

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1 The drug use, the violence that they witnessed the
2 violence in their own lives that I think really made a
3 difference in how we ended up here.

4 And so it is so hard to just single out this
5 one day and to not bring in the back story but then not
6 sound like you are making excuses for what happened.
7 Because regardless of anything that was involved, that
8 doesn't change that a lot of children or adolescents,
9 one literally lost their lives and three are facing the
10 rest of their lives. And so that is so hard.

11 Your Honor, I do want to acknowledge that in
12 the very back of the courtroom, on the right-hand side,
13 are multiple family members for my client. They are
14 not going to speak, quite honestly. They have
15 continued to receive threats and they are afraid. And
16 that is why we put initials in the sentencing memo.
17 But, Your Honor, his mother, his brothers the
18 stepfather figure for part of his life are all here.
19 His family friend, they are all here to support him as
20 he faces this next stage.

21 THE COURT: How about just raise your hand so
22 I'll know who you are.

23 MS. ZMROCZEK: They are all in the back row.

24 THE COURT: Okay. Thank you.

25 MS. ZMROCZEK: Your Honor, the truth is, this

STATEMENT BY MS. ZMROCZEK

1 was a toxic relationship with Ms. Peralta. You heard
2 for yourself the violence and the threats that he
3 received. And it was like this throughout, I think
4 throughout their relationship. So to say that this was
5 simply a retaliatory action, you know, for his house
6 getting shot up, Your Honor, I think that it goes --
7 like I said, there is so much more beyond that. There
8 is the jealousy. There is just the poor decision
9 making skills that we all have seen in the children
10 involved in this case.

11 Your Honor, I know my client does want to say
12 something, and I do have -- I do have a few more things
13 to say. I don't know how much -- if the State has more
14 of a presentation specifically. I'm just trying to
15 logistically figure out -- I'll let him speak now, Your
16 Honor, if that is okay.

17 THE COURT: Okay, well, I would love to hear
18 from him. I mean, this is his day in court.

19 MS. ZMROCZEK: Can we do it there?

20 THE COURT: And I will let -- and I will also
21 let you finish up after the State and I hear from the
22 victims. But, Mr. Nelson, I would love to hear from
23 you. You don't have to lean down, hold that thing up
24 for him. And talk -- you can look at me and talk to
25 me.

STATEMENT BY MS. ZMROCZEK

1 THE DEFENDANT: First and foremost, I want to
2 apologize for everything and send my condolences to the
3 family. Also I want to apologize to the people of the
4 community that were affected also. Due to the poor
5 decisions I have made, I not only let myself down, I
6 also have let others down. It has changed life for
7 everyone. I am profoundly and deeply sorry. Right now
8 I'm working on myself to improve and better my life
9 when I get into prison.

10 My goal is to educate myself and accept any
11 and all resources that are provided to me. I want to
12 be a better person. So if I'm given the opportunity, I
13 will not take life for granted.

14 THE COURT: Thank you, Mr. Nelson.

15 MS. ZMROCZEK: Your Honor, I know that that
16 was hard. He, obviously, is very nervous. But he
17 wanted to write it down to speak the words, because the
18 one thing that I haven't seen a lot of in a lot of my
19 cases, but I have seen a ton of in this case, is
20 remorse, that profound sadness for what you know you
21 have been involved in in taking away someone's life.
22 That really does affect you. And, Your Honor, it has a
23 really affected him. But in a way has affected him to,
24 to really look inward and to understand why and how
25 that happened, and obviously to not let it happen

STATEMENT BY MS. ZMROCZEK

1 again. Which I really don't think is an issue, but I
2 think to help maybe somebody understand, somebody maybe
3 in his position as a child or maybe a young adult, to
4 not make those, to not, to not make those decisions.
5 And I think that is what, for me, been so profound with
6 his behavior at the detention center is because I have
7 clients in there for far less charges than this and,
8 Your Honor, they can't stay out of trouble. They just
9 can't. But for someone who knows that they are facing,
10 potentially, a life sentence, I mean even 30 years with
11 the life expectancy scales, you know, the chances of
12 him getting out are very slim. And you would think
13 that somebody with the mentality is like, we are done,
14 what does it matter, my life is over anyway, but to see
15 him take the other path and say, okay, my life is going
16 to be different now, but it's not just going to be
17 different because of location, it is going to be
18 different because my brain and the things that I can do
19 better. And I think that that has been one of the
20 biggest things and one of the biggest reasons that we
21 are asking for what we are asking. I mean, it is
22 certainly not a slap on the wrist. And it comes with a
23 lot of punishment. And, Your Honor, I'll reserve the
24 rest and I'll sit down.

25 THE COURT: You may. Because I will let you

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1 speak again.

2 MS. ZMROCZEK: Okay.

3 THE COURT: I am going to ask that we move
4 Mr. Nelson over here to the side and at this time I am
5 going to hear, Mr. Brunson, from you and your client.

6 (Pause.)

7 THE COURT: All right, Ms. Mayes, I don't
8 have Mr. Brunson's indictment numbers, can you put them
9 on the record for me?

10 MS. ZMROCZEK: And, your Honor, I am sorry.
11 I just -- you said indictment and I think it reminded
12 me, I forgot to put on the record one thing, if that is
13 okay?

14 THE COURT: Sure. I put all of your
15 indictment numbers on for Mr. Nelson.

16 MS. ZMROCZEK: Yes, ma'am, it wasn't that.
17 It was -- there was an outstanding, we talked about it
18 in chambers, warrant, arrest warrant number
19 2021A4010201603, which is a Richland County warrant for
20 kidnapping that has not been served on Mr. Nelson. But
21 this is the one that we -- the State advised us that
22 that would be dismissed, the warrant would be withdrawn
23 and not served.

24 THE COURT: After this plea?

25 MS. ZMROCZEK: Yes.

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1 MR. HUBBARD: It was a -- initially Richland
2 County had brought a kidnapping. I had talked to the
3 solicitor over there. If we were taking it, he was
4 fine with that. So they actually had warrants for the
5 same kidnapping that we prosecuted her client on that
6 he plead guilty to.

7 THE COURT: Okay, they just happened to take
8 one out in Richland County also?

9 MR. HUBBARD: Right.

10 THE COURT: Got it.

11 MR. HUBBARD: We went ahead and handled that
12 case. That is resolved. So, yes, that has been
13 resolved.

14 MS. ZMROCZEK: Okay. Great.

15 MS. ZMROCZEK: Just sometimes when they go to
16 SCDC, they look to see and there is one more bench
17 warrant, even though he was in jail, for a DV-related
18 action. But I understand the State conflicted out of
19 it and the AG's Office and I will --

20 THE COURT: Because I know sometimes that
21 will affect classification.

22 MS. ZMROCZEK: Yes, that will. Your Honor,
23 that is why I wanted to put that on the record.

24 THE COURT: Okay.

25 MS. ZMROCZEK: Thank you.

STATEMENT BY MR. BRUNSON

1 THE COURT: Okay. Ms. Mayes, if you could
2 put Mr. Wilson's indictment numbers, now that we are
3 moving on to his mitigation.

4 MS. MAYES: Yes, Your Honor. As to the
5 charge of murder, that is Indictment No. 2021GS3203535.
6 As to the indictment for kidnapping, that is
7 2021GS3203464. As to the charge of criminal
8 conspiracy, that is Indictment No. 2021GS3203537. And
9 as to the charge of possession of a weapon during the
10 commission of a violent crime, that is 2021GS3203597.
11 We will be passing up the sentencing sheets, Your
12 Honor.

13 THE COURT: Thank you. All right. Mr.
14 Brunson, I will be glad to hear from you.

15 MR. BRUNSON: Thank you, Your Honor. May it
16 please the Court.

17 THE COURT: Yes, sir.

18 MR. BRUNSON: First, Your Honor, I would like
19 to begin by expressing my condolences to the family for
20 the loss of this beautiful soul. Your Honor, my client
21 Jaylen Wilson required that I say that first. And at
22 the appropriate time he is going to say it.

23 Your Honor, this has been a very tragic case
24 for obvious reasons. But it's been one of the most
25 difficult cases that I have handled. And if I had to

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1 sum it up, I would have to sum it up like this: Wrong
2 place, wrong time, doing the wrong thing with the wrong
3 people. Now, I know one of the biggest things that
4 Your Honor has wanted to hear throughout the arduous
5 task of having to preside over this difficult case is
6 exactly what happened. And counsel for Treveon Nelson
7 advised the Court what his version of it was. We shall
8 echo on that and shed a little light as we proceed.

9 But I wanted to first start by introducing
10 Mr. Jaylen Wilson to this proceeding. He stood before
11 this Court and he plead guilty. And he pled without
12 recommendation and without negotiations. And I tell
13 you, he did it because he was very remorseful and he
14 did not want to take this family or this judicial
15 system through it.

16 Now, Jaylen was 17 years of age at the time
17 of his arrest. He was born on July the 28th, 2003. He
18 was living as a young man in rural Lee County. Then he
19 moved to Columbia for a bit. Then he moved back to Lee
20 County to live with his grandmother, who is present in
21 the courtroom today. He attended Lee Central. And you
22 will see a note from his assistant principal at the
23 time. He went on to graduate from Lee Central Middle
24 School and went to Lee Central High.

25 In or around 2019, while he was in high

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1 school, he relocated from his grandmother's home in Lee
2 County to his mother's home in West Columbia. Now at
3 the time of his arrest he was enrolled still as a
4 student at Columbia High. He was attending school
5 virtually. But he was also gainfully employed. He was
6 working at Bojangles over on Sunset. And those two
7 factors kind of distinguishes him, before we get into
8 the rest of it, unlike a lot of the defendants that we
9 see standing here, this young man is different.

10 He is different in a number of particulars.
11 One, he's got the privilege of coming from a really
12 good family. Now, I didn't know Jaylen prior to being
13 retained on this case, nor did I know his immediate
14 family members. But I have certainly gotten to know
15 them over the course of my representation. We met a
16 number of times and we worked together as a team on
17 trying to decide how we were going to deal with and
18 handle this difficult case. I met with Jaylen. I met
19 with family. I met with a number of different family
20 members at a number of different times. So I wanted to
21 point this out, that he does have a lot of family
22 support. And I would briefly like to ask the members of
23 his family to please stand for a moment for you to see.

24 THE COURT: Thank you for coming.

25 MR. BRUNSON: So you see, Judge, this young

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1 man not only comes from a big family, but he comes from
2 a good family. A family who believes in supporting
3 him. A family who was shocked and devastated at the
4 news when they discovered that he had been arrested. A
5 family that was in shock and awe and said, There was
6 absolutely no way, not Jaylen. So, Your Honor, he's
7 got that family support and that is good.

8 Now, let's talk about relocation and why he
9 even came to Columbia. He was doing well in
10 Bishopville at Lee Central. He was making Bs and Cs.
11 He was living with grandmother there. And his mother
12 was living over here in West Columbia. So Jaylen has a
13 really close relationship with all of his family, but
14 specifically with his sister. Now, his sister had
15 developed a medical condition where she started to have
16 seizures.

17 And so Jaylen came from Lee County, West
18 Columbia, and started school so he could live in the
19 house with his little sister so his mother could go to
20 work.

21 I asked Jaylen about his father. Jaylen
22 said, I don't even know if I ever met him, if I did I
23 was too young. So he had to step up to the plate, or
24 to the best of his ability being a teenager. So he
25 relocated here. While his mother went to work he

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1 stayed at home and cared for his sister. When his
2 mother got off work, he went to school. He was
3 attending school online, so he did that at home. And
4 he went to work at Bojangles.

5 So, again, we add to who this young man is
6 and put it in perspective just a little bit more. And
7 he is a young man that stepped up to the plate. Now
8 the other thing that was unfortunate about his
9 transition from rural Lee County to Richland County was
10 that he was exposed, not only to some of the bad people
11 but to some of the bad things.

12 So when he got here in 2019 he began using
13 marijuana continuously. He was introduced to
14 prescription pills, Percocets to be exact. And on this
15 very sad day in April of 2021, he was certainly under
16 the influence of both marijuana and prescription drugs.
17 And we will get into that a little later. But he came
18 in contact with some old friends who were doing things
19 that he didn't know anything about.

20 And, of course, we heard from the expert who
21 talked about the impact of peer pressure on people who
22 are at the age of 17. I believe she indicated 16, 17
23 was the peak. And he is right at this peak. And he is
24 not only right at this peak where he's experiencing
25 profound peer pressure and wanting to fit in, coming

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1 from a rural city into the city County of Richland, he
2 is now being introduced to different people doing
3 different things, and now he's exposed to drugs.

4 But he's still maintaining his job. And he's
5 still enrolled in school. But, again, unlike a lot of
6 defendants that we see, Jaylen is different in another
7 way. He's different because Jaylen has never been
8 convicted of anything. Doesn't have a juvenile record.
9 In fact, Jaylen has never, ever even been arrested up
10 until this point. So, he has not dropped out of
11 school. He was -- he was basically a secondary
12 caregiver to his sister who at the time was seven. He
13 was trained in how to care for her medical needs, which
14 they weren't. I don't want to say she didn't need
15 medical attention every time she had a seizure, but
16 there was still protocol that he had to follow to make
17 sure that she was covered, and so he paid very close
18 attention to her.

19 He wasn't like other defendants. He was
20 active in his church. In fact, he was part of a youth
21 group in the church. And we have a correspondence from
22 his pastor who is -- who may be here today. She is
23 supposed to be on her way. And we will get into that a
24 little later. So he's not like other defendants, in
25 that he had a relationship with a pastor and a

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1 principal.

2 Now, I wanted to take you back a little bit,
3 because prior to today you did not know Jaylen Wilson.
4 And I want to show you a picture. This is a picture of
5 Jaylen and his little sister. This picture was taken
6 in August of 2014. So this first picture is about six
7 years before this incident. It is a little remote, but
8 this is a picture of him and his sister playing with
9 the camera and taking selfies. And this is the face of
10 a child.

11 This is a photo of Jaylen, his mother and his
12 little sister. This picture taken same time frame, six
13 years before this incident. They are at Chuck E.
14 Cheese. This is a kid.

15 I want to show you the third picture that is
16 included in this packet. Now this picture fast
17 forwards a bit, this picture was taken in 2016, July of
18 2016, at his grandmother's house in rural Lee County.
19 He and his sister on her front porch, just to express
20 the loving bond that this young man had for his sister.

21 Fast forward again, I'm going to show you a
22 picture of Jaylen pictured on the right, same little
23 sister on the left, but now they welcome a new addition
24 into the family. He has a brand new little sister who
25 is about two months old, as I have explained on this

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1 photo. And so, he is a family kid.

2 Fast forward another year, 2018. Now he's
3 still living in Lee County at the time. And this
4 picture is from January 2018 and we had a little bit of
5 snow. And this picture is designed to show who this
6 young man is three years before the arrest in this
7 case. He is the type of young man who not only cares
8 for his little sister, but he feels strongly as well.
9 I only have three pictures left to share with the
10 Court.

11 THE COURT: Take your time. Go on.

12 MR. BRUNSON: Beg the Court's indulgence.
13 Now, this photo is especially important to Jaylen.
14 This photo depicts Jaylen at the bottom in 2018. There
15 is his little sister clinging on to him as she always
16 does. That is his mother holding her baby, his
17 youngest sister. That is his grandmother in the white
18 dress. Both his mother and grandmother are present in
19 the courtroom today. And that is his uncle. He says
20 one of his favorite uncles. And this is when he
21 graduated from high school. And Jaylen is present at
22 this family event. And, again, this is in 2018. This
23 is when he is in Lee County. This is when he's with
24 his grandmother and when he's making Bs and Cs I'm
25 advised.

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1 And then I want to show you this. Now this
2 is Jaylen Wilson on a very, very special day. This
3 picture is from May the 31st, 2018. Why is this so
4 special? Because Jaylen accomplished one of his first
5 and main goals, he graduated successfully from middle
6 school. And so he's surrounded by his family. And it
7 is a joyous occasion. And so the young man that we are
8 talking about today is different from a lot of
9 defendants that I unfortunately have the responsibility
10 to represent.

11 Now we have got in the record, or we
12 mentioned earlier, that he had a relationship with his
13 pastor. And so I'm going to ask whether or not Ms.
14 Rufus is present today. Ms. Rufus advised, Judge, that
15 she had a funeral to preach this morning. But if it
16 pleases the Court, I provided the State with a copy of
17 pastor Pamela Rufus' correspondence. And the important
18 things that come from that are these: That he is a
19 member of her church, that he's part of a youth
20 program, that she was spiritually bound to him, that
21 she's still in touch with him to this day, and she
22 still has a relationship and is praying with him. And
23 she hopes to continue doing that. And she was going to
24 expound a bit on the growth that she's seen in him and
25 how this kid was forced to grow up and become a man

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1 early.

2 Also, Judge, we have got correspondence from
3 Mr. Randall Jackson. Mr. Randall Jackson was principal
4 at Jaylen's middle school, assistant principal. He
5 knew Jaylen. He knew Jaylen was quiet and shy but very
6 bright. He wanted to appear today to talk about Jaylen
7 and Jaylen's goals. He indicated that Jaylen's goals
8 were to go into the Air Force and to come back and to
9 possibly help mentor young people. And so Jaylen had
10 realistic goals, because so many of his family members
11 had gone into the military before him. I believe that
12 he has two family members today who are present in
13 uniform, including his uncle who he had that special
14 bond with.

15 So, Judge, we wanted to share those things
16 with the Court for the purpose of giving the Court an
17 idea of the young man who is seated before you, who has
18 plead guilty to these crimes and/or offenses.

19 Now, we heard from the State this morning and
20 the State made a presentation and they had a packet
21 that was contained -- that contained an abundance of
22 evidence. But I submit to you for the Court's
23 consideration, in that packet of things that they
24 submitted, they submitted three pages for Jaylen
25 Wilson. They included a message that said, "Just got

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1 home, Bae." And he got home at 3:00. We will explain
2 that in a minute. They included a Snapchat video of
3 Jaylen, a 17 year old, rapping a rap song. I submit to
4 the Court for consideration, those aren't lyrics that
5 Jaylen made up. Jaylen is not a rapper. When I asked
6 Jaylen about this, he told me who that was. He was
7 rapping a song that was sang by a rapper named SG
8 Batman. Is that correct? SG Batman? He was rapping
9 lyrics to a song, had nothing to do with this or
10 anything remotely close.

11 And then finally they have, as they offered
12 this Court in support of the sentencing hearing this
13 morning, a series of texts. Which I don't know how to
14 use this, so I'll stay away from it. But the texts
15 were from Jaylen and said, Something about, I ain't
16 fixing to keep calling y'all, got to get handled.
17 Okay, that was on April the 5th. Video call. Video
18 call.

19 And then April the 5th, a couple of minutes
20 later you hear Jaylen again, Y'all not making no sense,
21 if anything put hands on you. What we look like
22 shooting a place we used to call home. You sound
23 stupid. What we look like shooting at Mom Duke's
24 house? You think we would do something like -- some
25 shit like that. They are accusing Jaylen of being the

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1 one who shot up the house. He is responding to the
2 phone call where they were thinking that he did it.
3 And that is what was submitted this morning. And then
4 they talked a little bit about a pillowcase. Well,
5 talked a lot about a pillowcase. And we are going to
6 get into that in a moment.

7 So when we look back at the three things
8 contained in the State's packet this morning, we sought
9 to deal with them for the purposes of explaining to the
10 Court that my client didn't have a motive to kill
11 anyone. My client didn't steal cars. My client didn't
12 lure anybody out of a house.

13 When I first met Jaylen at Alvin S. Glenn he
14 was in the juvenile detention facility and I walked
15 back there and Jaylen was scared to the point where he
16 was shaking because he was in over his head. He had
17 gotten into something that he couldn't control, and now
18 he's here in front of you. Throughout the course of
19 the recitation, he has been very, very remorseful that
20 this happened. So he explained to me what happened
21 that night. And in a roundabout way, we heard from Mr.
22 Nelson's attorney who kind of told us.

23 Jaylen met with law enforcement and he said,
24 Look, I wasn't with them. I don't know what you are
25 talking about. Of course we know what children do,

STATEMENT BY MR. BRUNSON

1 they lie. Ultimately he explained to them he was in
2 the car. Picked me up, went and passed out in the car,
3 went to the studio. Did some drugs. They left, came
4 back and got me and brought me home. That was the
5 story that he gave law enforcement. Well, again, kids
6 lie a little bit.

7 But ultimately what we learned is that Jaylen
8 had a pillowcase. Jaylen also had guns and bullets in
9 his room. Well, the guns turn out to be guns used in
10 the crime. It turns out Jaylen was, in fact, keeping
11 the guns. Jaylen might have brought them out of the
12 house in a pillowcase, might have got in the car.
13 Never in a million years did he think that this young
14 lady would have been killed.

15 However, he knew and understood that
16 something was going to happen and that he was with his
17 friends and that it wouldn't go this far. But when
18 they got out to the house and smoked marijuana, popped
19 some -- he said he tried some Xanax pills this evening
20 and that -- well, you heard from Mr. Nelson's lawyer
21 who talked about when they went out to the field, you
22 heard from Mr. Nelson's lawyer as to what Nicolle did.
23 You also heard what Mr. Nelson did. And we know that
24 my client was brought back home with guns and without a
25 pillowcase, and that they were there when law

STATEMENT BY MR. BRUNSON

1 enforcement arrived.

2 Clearly we know that this is not the
3 intellect of a criminal mastermind. In fact, I
4 wouldn't have -- the guns were still in the house.
5 Quite frankly, could have disposed of them, didn't know
6 that he wanted to. I mean, that he could, especially
7 if they weren't his. So my client plead guilty because
8 he knew and understood that he has been a part from the
9 beginning of something bad, that he was present when
10 something bad happened, and that he held onto a lot of
11 bad things after it occurred. And so for that reason
12 we know and understand under the law that the evidence
13 was overwhelming, that he was involved to that extent.

14 Now, I just want to say this Judge: That my
15 client has been in jail for 852 days, and that this has
16 been absolutely, hands down, the most horrible time of
17 his life for a number of reasons. One is because every
18 night that he attempts to go to sleep he has to see the
19 events of that night. He knows that he could have
20 stopped it. Well, that he didn't stop it. Don't know
21 if he could have. And he knows that he contributed to
22 it. And he beats himself up all of the time.

23 And now he is before you, Your Honor, and
24 he's asking this Court to have mercy on him. I know
25 that his family members are here, but I think one of

STATEMENT BY MS. BOWMAN

1 them would like to address the Court at the appropriate
2 time.

3 THE COURT: I would love to hear from them.

4 MR. BRUNSON: Yes, ma'am.

5 (Pause.)

6 MR. BRUNSON: No one at this time?

7 THE COURT: They don't have to. I
8 acknowledge that they are all here.

9 MR. BRUNSON: Okay.

10 THE COURT: But if you would like to, this
11 would be your opportunity to do so now.

12 MR. BRUNSON: You don't have to, but you can
13 if you would like to.

14 THE COURT: Bring her up here with you, Mr.
15 Brunson, and get her to state her name for the record
16 please.

17 MR. BRUNSON: Yes, ma'am.

18 MS. BOWMAN: My name is Valerie Bowman.
19 Thank you so much for allowing us to say something
20 today.

21 THE COURT: Absolutely, Ms. Bowman.

22 MS. BOWMAN: First, I definitely want to
23 start at, I am definitely not a public speaker, but I
24 want to start to say today with, we show from our
25 family nothing but sympathy for this situation. This

STATEMENT BY MS. BOWMAN

1 is horrible. This is horrible. And we couldn't
2 imagine being Sanaa's mom sitting there, how we would
3 respond, how we would feel. So we totally understand
4 their anger and their frustration. We understand from
5 our family to this Court, to their family, to every
6 family that is involved, we show sympathy. And I pray
7 that this world gets better, because it's horrible.

8 I talk to Jaylen on a daily basis. We keep
9 in touch every day. I talked to him up until 11:00
10 last night. And I prayed with him, and I talked to
11 him. And he is still the same Jaylen that I have
12 always known. I raised up with him. Our kids were
13 raised like siblings. Our families were raised very
14 close. And we truly support any growth, any empathy or
15 sympathy that the Court would even have for our family,
16 for him. Because sometimes you know not what you do,
17 because you follow the crowd, because you follow people
18 that you don't even know. You think you want this
19 world, but you are not even ready for it.

20 And, Your Honor, from the day that I -- I
21 would even stand up here, this is total shock. We all
22 try to support -- you know, we all take up for people,
23 friends, family. I stand here today, nothing but
24 honesty, I would have never predicted this. I would
25 have stood up and spoke -- no, I would put my life on

STATEMENT BY MS. BOWMAN

1 the line, no, that is not him, no, that would have
2 never been him. This is not him. And I beg the Court,
3 I pray that God will speak to each and everyone of
4 them. But that is not him. He is not that person.

5 Please allow him, please allow our family to
6 show to this world, to this Court, that we can guide
7 him. We can help him to continue to grow and to be the
8 person that we know he can be in this world, that he
9 could show even the family. I know, you know, it is
10 hard to say and please don't take it any other way than
11 from my heart, that we want them to know that we really
12 can show him, can continue to raise him to show this
13 Court that that is not him. He had so many goals.

14 All of his -- the kids, the rest of the kids
15 in our family his age, they started college. That is
16 hard for them talking to him on a daily basis because
17 he is supposed to be in that group. He is that piece
18 of the puzzle that is missing now. He cries with us
19 all of the time. We do family group prayers daily,
20 weekly.

21 We beg the Court today to please have mercy
22 on him. Please allow us to prove to this world and
23 prove to this Court that he can make a difference and
24 that he will be different and continue to grow. And
25 anything else that I needed to say, I can't even

STATEMENT BY JAYLEN WILSON

1 remember at this point. But, again, thank you. And
2 our family sincerely shows sympathy.

3 THE COURT: Thank you, Ms. Bowman, I
4 appreciate it.

5 MS. BOWMAN: Thank you.

6 THE COURT: Mr. Brunson, anything else?

7 MR. BRUNSON: Your Honor, my client would
8 like to make a statement for the Court.

9 THE COURT: And I would love to hear from Mr.
10 Wilson.

11 THE DEFENDANT: First off, Your Honor, I want
12 to thank you for letting me speak on my behalf. Second
13 of all, I want to say to the Court and to the victim's
14 family that I'm truly heartbroken by this situation.
15 There is not a day that goes by that I'm not saddened
16 from this situation. And I hope that there isn't any
17 aggression or any anger towards me being so that
18 everything may not be as it seems. But, Your Honor,
19 I'm sorry that my name is even associated with this
20 situation. I just wanted to ask you before sentencing
21 me, I ask you to have mercy on me and show me a little
22 bit of sympathy.

23 Your Honor, I had so many goals that I didn't
24 finish, that I didn't see. I was 17 when I got locked
25 up. I still haven't been able to get my diploma, my

STATEMENT BY JAYLEN WILSON

1 driver's license. I have had dreams of joining the Air
2 Force and traveling the world and to see new things,
3 new people. And most important, I just want to get
4 home to my mama and my sister. I know that they need
5 me and it hurts. I talk to them on the phone and they
6 ask about my whereabouts, where I'm at, and I have to
7 make excuses to them, I don't know when I am going to
8 be home. That is all, Your Honor, thank you.

9 THE COURT: Thank you, Mr. Wilson. Anything
10 else, Mr. Brunson?

11 MR. BRUNSON: Your Honor, that is it for now.

12 THE COURT: Okay. And before I start with --
13 this is my plan. I'll hear from the State. I would
14 like to hear from the victims. And then I am going to
15 move into sentencing, starting with Ms. Peralta. Does
16 the State need a break? Does anybody here need a break
17 before we get started? Raise your hand. Got it.

18 MS. MAYES: Your Honor, I am going to pass up
19 the sentencing sheets for Mr. Nelson, Ms. Peralta, and
20 Mr. Wilson.

21 THE COURT: Okay. And I think the family
22 needs a break. I am going to give them a break real
23 quick and we will come back, and I know that it is
24 after 5:00. I would like to press on and finish today.
25 I know that I have a lot of people from out of state

STATEMENT BY MR. HUBBARD

1 and out of town.

2 Madam court reporter, are you okay staying
3 with us?

4 THE COURT REPORTER: Yes, ma'am.

5 THE COURT: Okay. So, if y'all are good with
6 that, we will go on and finish. But let's take a
7 quick, ten-minute break right quick. .

8 (Brief recess.)

9 THE COURT: All right. I have everybody. Is
10 the State ready?

11 MR. HUBBARD: The State is ready.

12 THE COURT: All right. Let me hear your
13 response. This is going to go to all three defendants.

14 MR. HUBBARD: That's correct, Your Honor.

15 THE COURT: Thank you.

16 MR. HUBBARD: That's correct. And I
17 appreciate you letting us do this. I know that it is
18 really an odd set-up. But we don't have a case like
19 this very often. In fact, I have never had one in the
20 33 years that I have been doing this, I have never seen
21 a case quite like this, as horrible as this. This is
22 just God awful.

23 And Your Honor asked in the beginning, I
24 would like to know what people say they did. Well, as
25 a prosecutor I have to stand in front of 12 people with

STATEMENT BY MR. HUBBARD

1 our team and present evidence on what we believe
2 happened and what we were able to show. There were 53
3 casings at this grave site all tied into this murder.
4 I didn't hear anything today from anyone talking about
5 how in God's name 53 shots were fired. Our victim, she
6 was hit at least 14 times. I didn't hear how she got
7 five ribs broken, an eye socket blown out, and she had
8 bleeding on the chest. I didn't hear any of that.

9 And no one has to come in here and make
10 admissions, I get that. I understand that. But I'm
11 bringing you back to the crime because that is why we
12 are really here. And it is horrible that you have got
13 three young people who have basically thrown their
14 lives away, and that they did it by deciding to take
15 the life of a 15 year old. And that is why we are
16 here.

17 Now, Mr. Nelson claims he cooperated, he pled
18 and cooperated. We sat down with him, but it was this
19 story that, it was all Nicolle. They go down there to
20 smoke dope in Batesburg/Leesville. The girls get in a
21 fight. Nicolle ends up at some point shooting the
22 victim. And then Treveon says for his part he finishes
23 it. Well, that doesn't begin to make sense.

24 First of all, our victim had no drugs in her
25 system. That is a fact. And that was presented at

STATEMENT BY MR. HUBBARD

1 trial. She didn't go anywhere and actually smoke. She
2 might have thought that she was going to leave and go
3 smoke somewhere, but it wasn't Batesburg or Leesville,
4 South Carolina. It wasn't out in the dark out in the
5 field. And she didn't go to get beaten up. It was
6 just unbelievable what he was telling us. We are not
7 going to put up something that is unbelievable. We
8 were fine if he wanted to plea and have whatever story
9 that he thought makes him guilty, that is fine. But it
10 is not the facts.

11 And Mr. Wilson seems to be buying into that
12 as well. I don't doubt, they have great families,
13 wonderful families. And that makes it even more tragic
14 because they gave that up to do what they did to this
15 15 year old girl. They chose to do that.

16 Another thing that Mr. Nelson revealed to
17 this Court is what we have been saying all along, the
18 information about the drive-by tying Sanaa Amenhotep to
19 that drive-by came from Nicolle. Nicolle was the one
20 that told him about the drive-by. And he tells us, Oh,
21 what happened that night didn't have anything to do
22 with the drive-by, the drive-by that occurred the night
23 before this killing.

24 Your Honor, it just was so unbelievable. And
25 that is exactly what Jaylen was saying as well. And

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1 then we hear Mr. Wilson saying, All right, the pillow
2 and the guns, well, I put the guns in the pillowcase,
3 that is how the pillowcase got there. Why were you
4 taking two pistols in a pillowcase to go see Sanaa
5 Amenhotep to just go hang out, make music, smoke dope?
6 Why do you need two pistols? Who do you need to sneak
7 them out in a pillowcase?

8 Your Honor, there was a plan here. There was
9 a plan. And when we talk about Nicolle and her
10 decision making and whether she is thinking of
11 consequences, it was made to appear that she is being
12 dragged along by these guys, and yet these guys are the
13 ones saying that she is at the crux of it all as well.
14 They are pointing fingers at one another.

15 It would be one thing, in looking at this
16 case with young people, if you said, There's three
17 people that planned, they planned to go rob like a
18 McDonald's. They are going to take guns. And somebody
19 ends up shooting one of the clerks at McDonald's, one
20 of the cooks. It wasn't planned. It is horrible.
21 They were not thinking, they are young, they are
22 stupid. They are going to get quick money and leave.
23 A lot of what you heard from Nicolle Sanchez-Peralta's
24 expert would have been made a lot more sense in a case
25 like that. This case, this case is so God awful

STATEMENT BY MR. HUBBARD

1 because of the planning involved.

2 It is a reaction to a drive-by shooting that
3 is clearly linked. The night before this happened,
4 before all this murder happens, there is drive-by,
5 multiple drive-bys at Treveon's house. He's linked up
6 with his best friend Jaylen. They pick up their best
7 girl, Treveon's girl, Nicolle. And Treveon lets you
8 know to today, that information about Sanaa Amenhotep
9 dropping the dime, letting Raeshaun know where I live,
10 it came from Nicolle. And they are just going to go
11 have a friendly little chat and smoke with Sanaa
12 Amenhotep? It makes no sense.

13 The plan was exactly what Nicolle had laid
14 out to Allon Adams. They had a role. She had a role.
15 They had a role to play. They planned this. When
16 Jaylen left his home he brought that pillowcase because
17 they knew what they were going to do with it. And if
18 he is the one that brought those guns, he knew what
19 they were going to do. And it might explain that he
20 brought them and that he took them back home, and why
21 we don't have a third one, because it was with the
22 other guy. There are three guns. Three. All used.
23 Fifty-three casings. This was an overkill. This was
24 just sheer hate.

25 Your Honor, this plan, the pillowcase, the

STATEMENT BY MR. HUBBARD

1 fear, to maximize that fear, the plan to maximize the
2 pain. Nobody explained the broken eye socket and the
3 five broken ribs. The horrible blood on the chest of
4 Sanaa and she was alive the whole time. There's no
5 explanation for that other than they did it, they did
6 do it. And it doesn't matter what each role, each
7 person played in this.

8 The hand of one is the hand of all. They all
9 put their hands in this, are you in. And the answer is
10 yes. That's why there's three guns. They all had to
11 pull the trigger. If you pull the trigger you are
12 going to be quiet. If you can't be quiet, we will make
13 sure that you are quiet because we will put you right
14 beside Sanaa. That is how this works. It is the thug
15 life.

16 And to hear each of them talk, they hung out
17 with thugs but they themselves aren't. Your Honor,
18 they embraced this life. They gave up families that
19 cared. Might have been disjointed and imperfect in so
20 many ways, including Nicolle's, but they cared.
21 Family, their parents, her parents who can't speak
22 English would follow her all over town trying to find
23 her. Would report her to law enforcement even though
24 they can't speak English, they would find a way to
25 report, Where is our daughter. She chose to leave

STATEMENT BY MR. HUBBARD

1 them. She chose the freedom of the thug life. And
2 part of the thug life is, if you violate the rules you
3 get beaten. And she had the audacity to say, My
4 injuries were like Sanaa's. She didn't have any broken
5 bones. She didn't get shot. She didn't die. She got
6 a thug beating to a fellow thug -- from a fellow thug.
7 It wasn't murder.

8 And what you saw, the video that Nicolle puts
9 up, Nicolle and Sanaa, shows you why Sanaa trusted
10 Nicolle. Surely she won't betray me. I'll get in the
11 car with her, she is my friend. She was lured. It
12 was -- Nicolle was bait and she wanted to be that bait.
13 And it wasn't, I know that she is going to go and get
14 assaulted. Your Honor, you don't beat and break
15 someone's bones and expect no consequences.

16 When we evaluate young people and how they do
17 things, they don't think about consequences, they were
18 thinking. You can't stop there. She has got parents.
19 Parents call the police. The police lock you up, you
20 are in trouble. Once you go down that road, you finish
21 it. And they were prepared to do that before they ever
22 got in that stolen car, before they ever stole that
23 car. All three put their hands in this. All three are
24 absolutely guilty.

25 Your Honor, I just -- I hope that as you

STATEMENT BY MR. HUBBARD

1 review this and consider this, you will see, it is
2 horrible that they are young but it doesn't matter at
3 the end of the day. What they did was God awful
4 regardless of who did it. They transcended any
5 relationship. They may be young in age, they can be
6 innocent in many ways, but they have a PhD in streets.
7 They know those streets better than anyone in this
8 courtroom, including the guys wearing badges. They can
9 run rings around them. They have a PhD out there.

10 Nicolle lived on her own on those streets,
11 the youngest of these three. She didn't need her
12 parents. She could find shelter, food, clothes. She
13 never lacked for any of those. She knew how to find
14 them. She just didn't want them at home.

15 Your Honor, just a quick discussion about
16 Allon Adams. Allon Adams, you heard what a liar he is
17 because of things he said we know weren't true, but
18 he's repeating what he was told by Nicolle. Her role.
19 But he also told law enforcement what Treveon said.
20 Nicolle got old girl in the car. Nicolle pushed up on
21 us. I got the car, I got the bitch, let's go do this
22 shit. That is Treveon telling Allon Adams what Nicolle
23 said to him. I got the car, I got the bitch, let's do
24 this shit. Allon Adams had nothing to gain from saying
25 any of this. He was a friend of Treveon's. He had a

STATEMENT BY MR. HUBBARD

1 bench warrant and he didn't talk about cutting any
2 deals with anyone. And the one thing that I can say
3 for sure, he ain't a murderer. I'll take his word over
4 any of the three involved in this case.

5 Your Honor, I would like to, at this point,
6 allow Ms. Mayes to present the family and let them
7 speak. So, Your Honor, I just want to end, from my
8 standpoint, saying that you have got three people that
9 have joined their hands knowing what was coming. And
10 the most innocent of all, this little 15 year old girl,
11 who might have at worst wanted to smoke some pot out
12 there in the car in a parking lot ended up dead. Her
13 phone was taken away six minute after getting in that
14 car. She wasn't going voluntarily at that point. And
15 that is when that ride turned to hell. And she wasn't
16 ever coming back and she knew it.

17 THE COURT: Let me ask you one thing, Mr.
18 Hubbard. How about Mr. Wilson, was there any
19 cooperation out of Mr. Wilson?

20 MR. HUBBARD: By the time -- well, let me --
21 no. But I will say this, initially before this trial
22 it looked like he was going to plead as well. But when
23 Mr. Nelson pled or spoke to us and gave this story,
24 that basically, hey, Jaylen is really not so involved,
25 all of a sudden the plea turned back into a trial and

STATEMENT BY MS. MAYES

1 it wasn't until the middle of our trial that I think
2 Mr. Brunson making sure that the family could see the
3 reality of what was coming, the train that was coming,
4 that it became a plea again. And so it was too late.

5 THE COURT: Well, I mean, I like to give
6 people credit if I know that they have cooperated with
7 law enforcement.

8 MR. HUBBARD: Nobody, nobody assisted us in
9 this case. We ran solo.

10 THE COURT: Okay.

11 MR. HUBBARD: Thank you, Your Honor.

12 THE COURT: Thank you. Ms. Mayes.

13 MS. MAYES: Yes, Your Honor. May it please
14 the Court. I would like to start by going back to
15 April of 2021 when Sanaa was missing. It's really
16 impossible to state the impact that that had on the
17 community, beginning with the Richland County
18 community, and then ultimately spreading here into
19 Lexington County when we received word that her body
20 was actually here. During that time that Sanaa was
21 missing, we were watching her family on the news. We
22 were watching multiple news reports that started
23 regionally and then those spread statewide, and then it
24 was reaching nationwide by the time we received a call
25 from Sergeant Miller who is here in the courtroom that

STATEMENT BY MS. MAYES

1 -- I was with Solicitor Hubbard when we received an
2 urgent call that Sanaa, who was known in the city,
3 Richland, they now believe was in Lexington and that
4 they were out looking for her body.

5 And from there Solicitor Hubbard and I were
6 available for any assistance they may need in that
7 search. And over the next 24 hours they recovered the
8 body. They informed the family, who of course was
9 devastated and held out hope for so long that she would
10 be found alive.

11 Your Honor, when we talk about the impact on
12 the community, as I said, it affected not only Richland
13 County, but ultimately many, many people who had gone
14 to school with Sanaa. And her mother is now very
15 active in community organizations against violence.
16 And so we are going to address that when you hear from
17 her family as well.

18 I would like to start by a statement, Your
19 Honor, from the assistant principal at Richland
20 Northeast High School. This is where Sanaa had last
21 attended high school. I'll also note that this past
22 June her family was awarded posthumously a diploma
23 given by Richland Northeast High School and School
24 District Two in Richland County on her behalf. So, her
25 family was there to receive her high school diploma.

STATEMENT BY MS. MAYES

1 This, Your Honor, is from assistant principal
2 Terrence Aldridge. "Your Honor, my name is Terrence
3 Aldridge. I am writing to provide a victim impact
4 statement on behalf of the students, faculty, and
5 community of Richland Northeast regarding the
6 devastating loss of our beloved student, Sanaa
7 Amenhotep. Sanaa's untimely and brutal death has left
8 a mark on our heart and have forever altered the lives
9 of those who knew her. Words can hardly express
10 profound grief and sorrow gripping our community since
11 Sanaa's tragic passing. She was a lovely student known
12 for her radiant smile, infectious laughter and
13 unwavering kindness."

14 "Her peers and teachers loved Sanaa for her
15 dedication and remarkable potential. Her loss has
16 created an irreplaceable void in our school and forever
17 altered our educational community's dynamics. The
18 emotional toll of Sanaa's murder extends far beyond our
19 school community. Her family, who should have
20 celebrated her accomplishments and watched her flourish
21 now bears the burden of grief. Their lives have been
22 forever altered."

23 "In the wake of the tragedy, our school has
24 made every effort to provide support and resources to
25 those affected; however, there are no counseling and

STATEMENT BY MS. MAYES

1 there is no assistance that can fully repair the damage
2 caused by such a heinous act. The scars left behind
3 are deep and will be forever be etched into the
4 collective memory of our students, teachers, and
5 community."

6 "Our school built a memorial to Sanaa to
7 honor her and provide a special place for our student
8 community. We have a tree planted which bears her
9 likeness in our guardian. Your Honor, I hope justice
10 is handled quickly and decisively in this case. Our
11 community looks to the Court for reassurance that such
12 acts of violence will not go unpunished, and that the
13 safety of our young men and women will remain a top
14 priority. We would like to ask you to consider the
15 gravity of this crime, its profound impact on our
16 community, and the need to hold the responsible parties
17 accountable for their actions."

18 "Finally I would like to express our deepest
19 condolences to Sanaa's family and friends whose lives
20 have been forever altered by this tragedy. We stand in
21 solidarity (inaudible) in pursuit of justice and
22 healing. And we will continue to remember Sanaa as the
23 vibrant, talented, and compassionate young woman she
24 was. Thank you for your attention and for allowing us
25 to voice our sentiments. We trust that your judgment

STATEMENT BY MS. PARKER

1 will reflect the gravity of the crime and offer solace
2 to all of those affected. Sincerely, Terrence
3 Aldridge, assistant principal Northeast Richland
4 Northeast High School."

5 THE COURT: Thank you.

6 MS. MAYES: And also, Your Honor, we have a
7 member of the community who is also a family friend.
8 She is Carol Parker.

9 MS. PARKER: Good afternoon.

10 THE COURT: Good afternoon.

11 MS. PARKER: Your Honor, when I initially was
12 giving -- we were preparing for what would have been
13 Sanaa's high school graduation, instead of preparing
14 for her graduation they were attending court for the
15 trial. I was made aware and I became involved in the
16 search for Sanaa on April 16th, 2021. When I initially
17 heard, days prior, I thought that it was just a
18 rebellious runaway like countless teens in this
19 country. That is always my silent hope when teenagers
20 go missing. I would learn shortly thereafter that that
21 was not the case for Sanaa. In April of 2021 I was a
22 parent to a 15 year old daughter, like Sanaa, but also
23 a 16 year old foster child. It was from my 16 year old
24 foster daughter that I learned where and how Sanaa met
25 Nicolle. I learned how she befriended Sanaa at Epworth

STATEMENT BY MS. PARKER

1 Children's Home. And that for me is the hardest part
2 of it to grasp, Sanaa trusted Nicolle and considered
3 her a friend, a friend that she truly wanted to help.

4 Ironically ten years ago to the date I sat in
5 a Richland County courthouse and I gave a victim impact
6 statement, as my best friend was murdered in a similar
7 fashion in what would be one of the worst domestic
8 violence cases in Richland County. It haunts me to
9 this day. Unlike Nicolle; however, I was not involved
10 in her death. I did not help her kill him, I did not
11 lure her to her killers. I would have died (inaudible)
12 that day before I would have some sympathy even as a
13 teenager.

14 In my opinion, Nicolle is the coldest of
15 Sanaa's killers. If it had not been for Nicolle and
16 for her introductions, we would not be here today. The
17 thought (phonetic) of the character of these three
18 people amounts to absolutely nothing. Listening to
19 what she did to her own father and family makes me
20 physically ill. She befriended Sanaa, but she was
21 never her friend. You were -- she was not her friend,
22 because she does not know what love is. Friendships
23 are measured in love, not in TikTok videos.

24 The complete disregard for human life, the
25 complete unwillingness to be held accountable is not

STATEMENT BY MS. PARKER

1 (inaudible). The social media presence both before and
2 after this horrific crime is a true depiction of who
3 these people are. In 30 years they will be exactly who
4 they are today, soulless and nothing. That is the
5 measure. They are sorry they got caught. And had they
6 not been caught, they would continue to be a
7 (inaudible) and menace to our society and community.

8 They had no desire or plans to ever become
9 productive members of our society. People fall, life
10 is hard, things happen. Things happen when you are 16.
11 Things happen when you are 30. Things happen when you
12 are 40. If everyone responded in the way that these
13 people did, there would be nobody in this courtroom if
14 that's how we handle trauma and hard knocks and things
15 that happen in our lives. Any redemption for them need
16 to happen while spending the rest of their lives in the
17 South Carolina Department of Corrections. This crime
18 was cold, it was cruel, and it was calculated.

19 And Nicolle, in my eyes, is the definition of
20 irretrievably broken. I'm asking that Nicolle be
21 sentenced to life without the possibility of parole.
22 Anything short of a life sentence gives her the hope of
23 the possibility of living a portion of her life that
24 she robbed Sanaa of. She doesn't deserve that
25 opportunity.

STATEMENT BY PASTOR BARRY

1 Sanaa will not get to graduate high school.
2 She won't get married. She won't have a career. She
3 won't have children. She won't get to go to Honduras
4 and start over. She doesn't get to have that. It is
5 time for us as a society and community to prove that we
6 will not tolerate this behavior. Thank you.

7 THE COURT: Thank you.

8 MS. MAYES: Also present, Your Honor, is a
9 minister who has known the family for some period of
10 time. He is known as Pastor Barry and he also wants to
11 address the Court.

12 PASTOR BARRY: Good afternoon, Your Honor.

13 THE COURT: Good afternoon.

14 PASTOR BARRY: Your Honor, this is very
15 heartbreaking and it is very tough. Because these
16 lives that have -- the life that has been taken and the
17 three lives that are before us, they have taken their
18 own lives. And as to viable death, we placed our hands
19 on a stage, for God so loved the world that he gave his
20 only begotten son, that whosoever believes in him shall
21 not perish but have everlasting life.

22 Sanaa was a member of our church. She was
23 working with my wife for the youth department. This
24 family and the family, the body of Christ, that we work
25 with for the community, to help the community to be a

STATEMENT BY PASTOR BARRY

1 beckon of life in this city, region, territory, we are
2 hurting. We are hurting. And this has got to stop.
3 It has to stop. And this Court today, this is a very
4 important case that will affect the city, the region,
5 the territory, and South Carolina, and across this
6 state, this nation.

7 Gun violence is real, but the fact that it is
8 young people. We all were young, we all made mistakes.
9 This is not a mistake. This was plotted. This reminds
10 me of Abraham when him and his wife -- women have
11 always -- there's always been a woman to devise, to
12 manipulate and control certain men. I'm not saying
13 that women are bad, but what I'm saying is this one,
14 this case and this young lady, the influence that she
15 put on these men.

16 Now, yes, they had choices. We all have
17 choices. We have to pay for our choices. But as I
18 have sat through this court, this trial, and I ask God,
19 now, what is going on here, the manipulation from this
20 young lady is what created this whole situation. Sanaa
21 will never raise children. She will never be fruitful
22 and multiply as the Bible says that we are to do. Her
23 parents will never see grandchildren from their
24 daughter because of this situation, because of this
25 manipulation, manipulation and control that has been

STATEMENT BY MS. FROST

1 going on from the beginning of time, starting with Adam
2 and Eve. And so this is nothing new, it is just a new
3 time and season in our lives.

4 And we as a society have to put a stop to it.
5 I can't speak for their motives, the young men's
6 motives, I can't speak for that. But what I have
7 heard, I'm speaking to the young lady. I don't want to
8 mention names, I don't even want to look, because three
9 souls, four souls now, are lost. Four people now will
10 not live to be fruitful and multiply upon the earth.

11 So I ask Your Honor, whatsoever you give,
12 give the max to this young lady and consider the
13 manipulation. As a man of God that loves souls it
14 hurts me to say what I just said, but a beautiful soul,
15 a beautiful family, is no longer beautiful. It is
16 tainted for the rest of their lives. And so I ask that
17 by the mercy of the Court, that you would do what your
18 heart is telling you to do. Thank you.

19 THE COURT: Thank you.

20 MS. MAYES: Ms. Frost. Your Honor, Ms. Frost
21 was a counselor who worked with Sanaa.

22 MS. FROST: Good afternoon -- evening. I
23 work at -- I worked at Upward Children's Home. So, I
24 knew Sanaa and I knew the defendant, the female
25 defendant. I knew that Sanaa loved and trusted the

STATEMENT BY MS. FROST

1 female defendant just by the way she acted when she was
2 around her. What happened to Sanaa Amenhotep is a
3 different type of pain. The day I found out about it,
4 I was at work and I couldn't show my true emotions
5 because I was around the other residents and I didn't
6 want them to see that side of me.

7 So that following day, I died spiritually. I
8 am a woman of faith, so I died spiritually knowing that
9 the female defendant is the reason why Sanaa is no
10 longer here. She had dreams. She was just a child.
11 This is difficult because she was just a child. I
12 never heard her speak bad about those she loved, or
13 anyone for that matter. She had a big heart. She had
14 a big spirit. She didn't die due to natural causes,
15 no, she was stolen from us.

16 The pain I felt the day I found out what
17 happened to her I couldn't put into words. I couldn't
18 wrap my mind around it and I couldn't -- I did not
19 understand it. I want to be honest, I was angry with
20 God because I couldn't understand how he could allow
21 this to happen to a child. For her fate for her
22 mother, her father, and her siblings, no family should
23 have to experience this type of pain, especially pain
24 from people that Sanaa trusted.

25 Sanaa was loved and she was still a child.

STATEMENT BY MS. FROST

1 She had so much to live for. And I remember having
2 conversations with Sanaa. She loved basketball. I
3 remember hearing her playing with the basketball around
4 the cottage that she lived in with other staff and
5 residents. She talked about going to the WNBA, and now
6 she can't because that has been stolen from her. She
7 talked about her sister. She talked about her father
8 and her love for her father being a Black Panther and
9 fighting for his community back in Jersey.

10 Your Honor, I believe that the defendant,
11 female defendant, should have the maximum sentence
12 because she stole a life from us, from her family and
13 from her friends. Thank you.

14 THE COURT: Thank you. Thank you for coming.

15 MS. MAYES: Denitrius (phonetic) Adams. Your
16 Honor, Ms. Adams is actually a resident of the area of
17 Lexington where you heard about during the trial
18 Sanaa's body was recovered along Rish Road. Obviously
19 this affected everyone in Lexington County, but that
20 area, that area was uniquely affected. And they have
21 built a shrine there in that area and that we have all
22 been to and seen. But that community was absolutely
23 horrified to know that this young person's murder
24 happened in their community.

25 THE COURT: I will be glad to hear from you.

STATEMENT BY MS. ADAMS

1 MS. ADAMS: My name is Denitrius Adams. I
2 live on Rish Road. We actually helped get Trey out of
3 the woods. My biggest part about this is, they had
4 every chance to tell somebody. And if she needed help,
5 she didn't ask for it. And I saw it with my own eyes.
6 This is not hearsay. I was there and saw all of this
7 stuff happen. Our house was surrounded by ATF, SLED,
8 Gang Task Force, Lexington County and Richland County.
9 And when it all happened, they made Allon look like the
10 worst person in the world, but he had been kidnapped
11 and he was being held hostage. And they had to go from
12 Lexington County to Lee County chasing him to try to
13 get him back. We didn't know what to do. On the
14 morning that they were called, or the day that they
15 were called my uncle saw Allon and Trey at Allon's
16 house on our property and he called the police. That
17 is how he was called. We don't care if that was our
18 family or if he had did it or not, if they did what
19 they did, they was going to jail. That is just how we
20 handled it. So all we knew was, go gather him up, he
21 was in the woods, go get him before everybody else had
22 came home, because if he had gotten in that road it
23 would have been worse. It didn't matter how or why it
24 happened, it happened. And it just made us look like
25 we were upholding of it. You feel me? And that wasn't

STATEMENT BY MS. ADAMS

1 the case. It makes me madder that, even after all of
2 this had been done that, and that the truth still
3 should be told, that they still try to say that she was
4 kidnapped. She was not. She was not coerced. She had
5 every chance to get out of the car with him whenever
6 they came to our property after this happened. She had
7 every chance. And I feel like she deserved --

8 MS. MAYES: Your Honor, just to clarify,
9 she's referencing Nicolle. Nicolle.

10 THE COURT: I got it.

11 MS. MAYES: One of the stories that she had
12 reported to law enforcement was that she had been
13 kidnapped or held under duress.

14 MS. ADAMS: They said that today, Allon
15 kidnapped her. They said that today. I have been here
16 since 9:30. They said that today.

17 MS. MAYES: And just to clarify, I think that
18 at the close of the trial we had presented evidence
19 that she was never actually at the home of Allon Adams
20 after this occurred, that that was a false statement.

21 MS. ADAMS: Thank you for verifying that.

22 THE COURT: And I remember.

23 MS. ADAMS: And it may not seem like anybody
24 cares, but I do. I do. Every day I go past that road.
25 For two years I have not been able to sleep in my house

STATEMENT BY MS. ADAMS

1 at night, not even for a tiny moment. And I go out
2 there and I keep it clean out there. I even planted
3 flowers, because I don't want them to have to go out
4 there and see a hole in the ground. I put African
5 Violets out there for her. And anybody that feels like
6 this is okay and making excuses, y'all need some
7 choices. Y'all made y'all's bed, y'all got to lay in
8 it. I want everybody to get the max, everybody.
9 Everybody had their hand in it. They can have
10 rehabilitation while they are on the inside. Get help
11 while they are on the inside. Because the outside
12 could not help them or they wouldn't have did what they
13 did to her and keep lying about it.

14 THE COURT: Thank you. Thank you for coming.

15 MS. ADAMS: Thank you.

16 MS. MAYES: Your Honor, on the overhead we do
17 have a photograph of the press, the press conference
18 that was held by Sheriff Lott that a manhunt was
19 underway for Treveon Nelson. I believe the community
20 member that you just heard from, Ms. Adams, was
21 addressing that. There were, out on Rish Road,
22 helicopters. There was a massive manhunt underway
23 looking for Treveon Nelson. That went on for some
24 period of time until he was ultimately apprehended.
25 And as she said, the community played a big role in

STATEMENT BY DETECTIVE BAUM

1 that. First, getting word out to his family that he
2 was wanted. And then, ultimately, finding him there in
3 the woods in that wooded area.

4 And next, Your Honor, we have from the
5 Lexington County Sheriff's Department Detective Pablo
6 Carvajal and Detective Kevin Baum, who both played a
7 key and lead role in this investigation.

8 DETECTIVE BAUM: Good afternoon, Your Honor.

9 THE COURT: Good afternoon.

10 DETECTIVE BAUM: I wrote it out so it is
11 going to be easier for me to just read it to you.

12 THE COURT: Okay. Well, you go right ahead.

13 DETECTIVE BAUM: So, Your Honor, I just want
14 to start by thanking you for giving us time to speak
15 today. With the amount of people that wish to stand up
16 here and speak, I am going to try to make it brief for
17 you. I would like to start by sharing my story, my
18 experiences very briefly. So I started my career in
19 2011 as a rookie police officer in the City of
20 Columbia.

21 So for the first decade of my career I was a
22 beat cop. I had a patrol area. Every shift I answered
23 the phone, services ranging from broken down vehicles
24 to someone desperate for help because they had just
25 been shot. Every day was a new experience and every

STATEMENT BY DETECTIVE BAUM

1 day my eyes opened further. I honestly believe most
2 people see the world with blinders on. I believe there
3 are personal acts of heroism and unspeakable acts of
4 evil. The best in us, and lastly the worst in us.

5 This case, Your Honor, I believe that this
6 case is about the absolute worst if you listen to
7 today's testimony and the overwhelming evidence leading
8 to these three pleading guilty of praying on the victim
9 in this case. Sanaa Amenhotep was a 15 year old girl
10 who was lured out of her home by her best friend,
11 kidnapped, stripped of her phone, and taken to a dark
12 field in the middle of nowhere. She was brutally
13 beaten, interrogated, and shot over and over and over
14 again. This wasn't a spur of the moment decision.
15 This was a violent crime, planned crime, laid down and
16 executed.

17 We are here today for you to impose a
18 sentence on these defendants for this crime, the loss
19 of life over what, Your Honor? Over nothing. Sanaa
20 actually did nothing to deserve this. I implore you to
21 not let the age of the defendants lessen the Court's
22 sentence of them. Nicolle Sanchez-Peralta was not a
23 helpless little girl who sat here in court and tried to
24 fool jurors to believe. They saw right through her and
25 I believe you did too.

STATEMENT BY DETECTIVE BAUM

1 Her own words to me when I interviewed her,
2 she would have never came forward about her best friend
3 being murdered, best friend she lured into a stolen
4 vehicle. Same vehicle she stole to be used in this
5 murder. She is not a victim, Your Honor. She is the
6 absolute worst.

7 Treveon Nelson, who only plead guilty after
8 his lawyers told him that they had seen the evidence
9 and knew there was no other way, no way they could make
10 the jury believe he isn't guilty. And then after
11 pleading guilty he sits down with us and went into a
12 lot about what happened that night. He put it all on
13 Nicolle and said Nicolle shot Sanaa over jealousy and
14 whooped up on Sanaa in a fight. He tried to tell us
15 Jaylen was not at the murder scene and he had no idea
16 that it had taken place. Lies, Your Honor. He is the
17 absolute worst.

18 Jaylen Wilson, the one who only plead guilty
19 after his lawyers sat through Nicolle's trial and heard
20 what evidence was being presented. He took no
21 responsibility to plea. He took the plea as instructed
22 by his lawyers. He used his own mother's linens to
23 wrap Sanaa's feet and drag her lifeless body to the
24 woods. He is the absolute worst, Your Honor.

25 And, Your Honor, I have had time to reflect

STATEMENT BY DETECTIVE BAUM

1 on this case and I have tried to put myself in Sanaa's
2 parents' shoes, having two children of my own I have
3 tried to imagine what it would be like to lose one.
4 The only thing I can come up with (inaudible). The
5 thought that I would never see my daughter's face again
6 or hear my son laugh was unbearable. In reality I
7 don't know what it is like and no one should. No
8 parent should ever outlive their children.

9 I know that today's proceeding is a
10 conclusion for us at the Sheriff's Department and
11 Solicitor's Office and the courtroom, but for Sanaa's
12 family, friends, and loved ones, I don't think it will
13 ever be over. They say all time -- they say time heals
14 all wounds. I honestly don't think that this wound
15 will ever heal. We are here for justice. And justice
16 is defined as ethical, philosophical idea that people
17 are treated partially, fairly, properly, and reasonably
18 by the law. Your Honor, in my opinion, there is only
19 one fair and proper outcome in this case, if justice
20 prevails, is going to be life in prison.

21 These defendants forfeited the right to live
22 in society when they kidnapped, beat, and shot a 15
23 year old girl, Sanaa Amenhotep. Thank you.

24 THE COURT: Thank you.

25 MS. MAYES: Detective Pablo Carvajal.

STATEMENT BY DETECTIVE BAUM

1 THE COURT: Detective.

2 DETECTIVE CARVAJAL: Good evening, Your
3 Honor. Nice to see you.

4 THE COURT: Nice to see you.

5 DETECTIVE CARVAJAL: I want to take a minute
6 to talk about Sanaa. Sanaa turned 18 years old 24 days
7 ago. Twenty-four days ago. At 18 she would have been
8 a senior graduating high school, maybe planning to
9 attend college or getting a job. At 18, maybe joining
10 the military was an option, or just travel. Obviously
11 none of that happened. Instead she's been dead for
12 over three years.

13 Two years ago I found Sanaa buried in a
14 shallow ditch in a dirty field in Leesville. A field
15 that is less traveled, no marker, no flowers, nothing
16 to remember who she was, who laid there in a simple
17 spot. That is how I found her. She was covered in a
18 brown pokey dotted blanket, one she brought from home
19 to keep her warm on the day she was killed. As I
20 walked the field I found her pink Crocs, typical color
21 for a 15 year old, destroyed at worst. I wondered,
22 maybe she would have liked that movie Barbie because of
23 her like for pink.

24 At her grave I asked the Lord to bless her.
25 And I told her, Sanaa, we will bring you home. For a

STATEMENT BY DETECTIVE BAUM

1 second I thought about my daughter and my heart
2 ruptured thinking what I would do if I lost her. Then
3 I thought of her house and the sadness we were about to
4 bring upon it. Within minutes a bunch of my
5 colleagues, who are all here, ascended on that field
6 and we worked it. We worked it. We worked that field
7 all night. On our hands and knees we sifted through
8 that dirt and brought her home.

9 I don't want to tell you what to do, Your
10 Honor, what should happen to the defendants. I don't
11 envy that responsibility that you have. I carry enough
12 weight on my shoulders. After all of these years in
13 investigating violent crimes, I still don't understand
14 how people, how kids can hurt each other so much. Now,
15 I want to speak to you like a dad. But what I do want
16 you to consider is what happened to Sanaa, and what is
17 happening to her family forever. The pain will never
18 dull. But maybe, maybe knowing that the people who
19 ripped their child from their heart will never see the
20 light of day, maybe it'll ease that pain. If it does,
21 they deserve that.

22 Your Honor, I trust that you will administer
23 and judge an appropriate sentence. Thank you.

24 THE COURT: Thank you Detective.

25 MS. MAYES: Judge, as you heard, Sanaa was a

STATEMENT BY DETECTIVE BAUM

1 native of New Jersey. That is where her father's
2 family is located. Actually when they came here to
3 South Carolina they thought that they were going to be
4 free of some of the violence that is often seen or
5 talked about in New York and the suburbs of that area,
6 and Newark being very close by.

7 Your Honor, following the murder of Sanaa, a
8 statement was released on behalf of the City of Newark
9 and Mayor Ras Baraka. As an official press release,
10 Your Honor, he states, "On behalf of the people of
11 Newark, I would like to express my sincere condolences
12 to Sharif Amenhotep on the tragic loss of his beautiful
13 and intelligent daughter, Sanaa Amenhotep, who was
14 kidnapped and murdered in South Carolina. Mr.
15 Amenhotep works tirelessly to increase justice and
16 reduce violence in our neighborhoods through our Brick
17 City Peace Collective helping us to reimagine our
18 public safety and prevent tragedy such as this from
19 taking place in our very own community."

20 "No parent should ever have to bury their
21 child. It is an inexplicable loss that defies
22 imagination. We hope that the South Carolina
23 authorities can bring the suspect in this case to
24 justice. Our entire city is joining with the Amenhotep
25 family in their grief and pain."

STATEMENT BY DETECTIVE BAUM

1 And as I stated, Your Honor, the family is
2 very well known in Newark, New Jersey for their work in
3 anti-violence programs. And Sanaa was a part of that
4 as a child growing up. And she grew up participating
5 in some of these community events asking to take
6 actions against violence. And there's a Youtube video
7 that we are going to share with the Court at this time.
8 This Youtube video was actually focused on Sanaa as a
9 student active at the young age of 12. And in this
10 video she speaks about what her goals are for the
11 future. And it is so compelling, Your Honor, to watch
12 this video and to realize that she's no longer here
13 with us now.

14 (Youtube video playing.)

15 MS. MAYES: Eleven years old, Your Honor.
16 Honored there as one hundred people in Newark, New
17 Jersey who is being recognized as part of that
18 campaign.

19 And now, Your Honor, we are going to ask her
20 family to come forward. First, Your Honor, there will
21 be a statement on behalf of her sister Shadae. Shadae
22 is here. She was in the courtroom earlier this
23 morning. Your Honor, she had to leave. She is not
24 going to be able to be in here for this. But she typed
25 her statement and I ask that we may read that on her

STATEMENT BY DETECTIVE BAUM

1 behalf.

2 THE COURT: Okay.

3 MS. MAYES: Your Honor, you heard from Shadae
4 during the trial. She's been very brave throughout
5 this, not only testifying in the general sessions
6 trial, but also testifying in that family court
7 proceeding. She was only 13 --

8 THE COURT: I remember.

9 MS. MAYES: -- when this happened. Thirteen
10 years old. She was the last person to see her sister
11 alive that night. She's haunted by everything that
12 occurred that night. And knowing that when Sanaa
13 walked away, not only is that the last time she would
14 ever see her, but she had no idea what was happening to
15 her.

16 Your Honor, as you heard, Shadae is here, but
17 Shadae asked me to express what she wanted to say to
18 the Court. Shadae was 13 the last time she saw Sanaa,
19 and she's 15 today. She continues to miss her sister
20 everyday. And she has to wake up to the realization
21 that she will continue everyday forward without her
22 sister. The words from Shadae, "My sister was a great
23 person with a big heart. She was my right hand, my
24 best friend, my go-to. She was my everything. She was
25 the one person I knew without a doubt would do anything

STATEMENT BY DETECTIVE BAUM

1 for me, and I could trust her with anything. The day I
2 lost her, I lost myself."

3 "She would most certainly do anything for the
4 people she loved. But she often loved and cared for
5 the wrong type of people. She was too good of a friend
6 to an evil, jealous-hearted monster who she thought
7 loved her and was a friend to her. I witnessed my
8 sister give Nicolle the clothes on her back, literally
9 gave her a place to stay. And even when my mom said
10 Nicolle needed to leave, Sanaa slept outside of our
11 apartment complex with her to make sure that she was
12 okay."

13 "Sanaa even got upset and argued with my
14 mother, with her own mother, when she thought that she
15 was not looking at Nicolle in the same light that Sanaa
16 did. And then in return this is what Nicolle does. I
17 always knew that she was jealous, but I didn't think
18 that she would take it this far. And the banterment
19 (phonetic) they did, it was vicious and cold."

20 "The other two, who are monsters as well, who
21 also participated in murdering my sister, they are just
22 as evil. Sanaa was 15 and did nothing to any of them.
23 And the fact they have no remorse just shows how wicked
24 and savagely they really are. People like them do not
25 deserve to be out in this world. I hope they never see

STATEMENT BY DETECTIVE BAUM

1 the light of day or their family ever again, just like
2 I will never see my sister, my other half." And that
3 is Shadae.

4 THE COURT: Thank you.

5 MS. MAYES: Your Honor, Sharif Amenhotep.

6 THE COURT: Good afternoon.

7 MR. AMENHOTEP: Good afternoon, Your Honor.

8 My name is Sharif Amenhotep. I'm the father of Sanaa
9 Mahari Amenhotep, my beautiful princess Sanaa. We
10 named her Sanaa, the work of art, the beautiful work of
11 art. And her middle name is Mahari, forgiver. And
12 Amenhotep means peace. The root word Amenhotep means
13 peace.

14 Myself for the past 20 years, I have been a
15 peace activist with the City of Newark, fighting
16 against violence, organizing hundreds of rallies in my
17 city. I never thought a day that I would be standing
18 before you speaking against my own and suffering the
19 tragedy that I have seen so many other families suffer
20 throughout this country.

21 This is not just a tragedy, this is a tragic
22 crime that is motivated by hate. It is a hate crime.
23 Not in the sense of someone targeted or killed because
24 of the color of their skin, but hate in the sense of
25 betrayal. The greatest loss that you can suffer is

STATEMENT BY DETECTIVE BAUM

1 when someone betrays you. Someone that you considered
2 as your friend, that you befriend, and motivated by
3 hate, motivated by jealousy.

4 And to look for remorse in this case and to
5 look for mercy in the case when my daughter pleaded for
6 her life. She pleaded for mercy. She pleaded for
7 remorse. And they had no remorse. They had no mercy
8 for her. When you look at crimes among young people,
9 this is top. I have never, ever witnessed the manner
10 in which my daughter was murdered and killed. I can
11 accept death, we all have to die some day, but the
12 manner in which my daughter was murdered I can never
13 accept and never wrap my head around that.

14 And my family is shattered for life. And now
15 Mahari, my oldest daughter, she had six younger
16 siblings, six younger sisters and two younger brothers
17 that looked up to her. She was the oldest and they
18 could all look up to her. And they will never be able
19 to see their sister again. She was just not a
20 daughter, she has community, family members that love
21 her. We will never get the opportunity like these
22 young men and women will to see their family again. We
23 will never be awarded that opportunity again. They
24 took that from us and shattered my life.

25 In doing this work, part of my job is I work

STATEMENT BY DETECTIVE BAUM

1 for the City of Newark, I work in the Office of Bias
2 Prevention and Trauma Recovery. This makes my job so
3 hard to now do the work. I become so discouraged after
4 this happened to me. Why me, why my family, why us?
5 When we look at violence, violence is a public health
6 issue. It is a disease that is in the hearts and minds
7 of young people all over the nation.

8 So you say justice, we look for justice, what
9 is going to be justice for us? Justice is them going
10 to prison for the rest of their life. Justice that
11 they can never, ever be able to inflict harm upon
12 another family to feel the pain that I feel as a father
13 who is supposed to be able to protect their daughters,
14 to keep them safe, and I wasn't able to do that.

15 But I'm here today to protect my daughter, to
16 make sure that she gets justice. Make sure that what
17 happens to her don't happen to another family. That is
18 what we ask for, that they cannot inflict their harm
19 and this pain and suffering on another people like they
20 have us. We have to endure this pain and sit in court
21 proceedings and trials. People don't know what it's
22 like. You know, this is the life that we live. The
23 pain, when does it stop? How does it stop?

24 Is jail the answer? Most people receive
25 corporal punishment for the crimes that they have

STATEMENT BY DETECTIVE BAUM

1 committed. But what frightens me is scary, but they
2 are not alone in this. There is hundreds of other
3 young people who are just like them. There are
4 hundreds of other killings that followed behind that.
5 So as a community we are wrapped around, not just
6 around tragedy, more proactive and revenge, to stop
7 this from happening, to stop these young people from
8 doing what they have done to my daughter.

9 But as for them, like, I can't see any mercy,
10 no remorse. They had no remorse for my daughter. She
11 pleaded and cried for her life. They beat her and
12 tortured her and murdered her. They buried her. Cold,
13 calculated, premeditated murder, nothing less. All
14 designed by a person that she considered to be her
15 friend. A friend would have never allowed those things
16 to happen. She could have prevented that from
17 happening.

18 She started this. She put those seeds of
19 hatred in their head. With no proof. How is this your
20 best friend and you gonna say that she's responsible
21 for this man's house being shot up? With no evidence.
22 This is your best friend. You put that in their heads.
23 How could you suggest that to them? But this is your
24 -- you say this is your friend. This is the greatest
25 tragedy. Someone that you considered your best friend

STATEMENT BY DETECTIVE BAUM

1 to take you out knowing what is going to happen to you
2 and murder you.

3 Those type of things that I can't reason
4 with. So send a message out to other young people
5 watching, call your friends, the people that you meet
6 in life, you can end up with not even just the wrong
7 decision, not one, but many that follow over and over
8 and over again. So we have to support it to make sure
9 that they never, ever be able to inflict this type of
10 pain and hurt on our family or any other family.
11 Protect society against this type of hate.

12 THE COURT: Thank you, Mr. Amenhotep.

13 MS. MAYES: Your Honor, Saleemah
14 Graham-Fleming, as you may be aware, has become very
15 active in the midland community in multiple
16 anti-violence programs. She's worked with the media
17 and done numerous podcasts and special presentations.
18 I believe she's been on probably every local TV station
19 talking about the youth initiative that she's a part of
20 across the midlands to prevent gun violence and youth
21 violence. She is also a member of Moms Demand Action.
22 We have many other members also present, and in the
23 courtroom and watching on live stream as well, Your
24 Honor. And Moms Demand Action is certainly devoted to
25 anti-violence and anti-gun violence within the

STATEMENT BY MS. GRAHAM-FLEMING

1 community. Saleemah Graham-Fleming, Your Honor.

2 THE COURT: I will be happy to hear from you.

3 MS. GRAHAM-FLEMING: Thank you. Your Honor,
4 I am going to try to keep my conversation just to you.

5 THE COURT: That will be fine, that is who
6 you are supposed to be talking to is me.

7 MS. GRAHAM-FLEMING: As you can see, I have a
8 black NOS t-shirt and blue jeans, pink Crocs and
9 blanket. This is what my daughter had on at 10:40 in
10 the evening of April 25th. I called the police, I was
11 frantic. I could feel that something was wrong, I knew
12 it. I didn't know the magnitude of what was wrong, but
13 I just knew that something was really wrong.

14 It would take law enforcement 16 days to
15 really know how serious it was. Looked for my daughter
16 for 24 days, 24 days. Going to work with your head on
17 a swivel hoping to see your kid walking down the curb.
18 The last time I saw Sanaa was the last time I saw
19 Sanaa. I never got to view her body. I didn't get to
20 ID her. When I shipped her body to New Jersey I
21 couldn't open the casket. I couldn't do it. When the
22 Coroners told me that my daughter was dead and that she
23 had been buried, they told me that nothing happened to
24 her face and I knew it was a lie. They told me that
25 all she did was get shot a number of times, and I knew

STATEMENT BY MS. GRAHAM-FLEMING

1 that that was a lie.

2 Because, unbeknownst to this Court, what was
3 not in testimony, was the things leading up to what
4 happened, how these defendants were in my home days
5 before they killed my daughter. How they did something
6 called baiting. I work with young people. You heard
7 that I work with DJJ, so I know that young people do
8 something called baiting. And what that is is they do
9 like this little tug of war thing to get people
10 comfortable. So Sanaa is missing and then she is on
11 her way home -- or I'm calling another incorrigible --
12 and then she's at the door.

13 One day, and I am going to try to put this
14 all in chronological order the best way I can. It is
15 really on my heart. Some of the dates are just etched
16 inside of me. Let me just talk about sixth grade when
17 Sanaa was diagnosed with dyscalculia. And if anybody
18 knows what that is, it is liken to dyslexia, right,
19 where the words are kind of jumbled, but with numbers.
20 Which means that Sanaa had problems with directions and
21 giving addresses. So when I heard the story about her
22 giving someone's address I knew that it was false.

23 One, because I came to South Carolina in
24 August of 2019. Sanaa went home to visit with her dad
25 in December of 2019 and didn't come back until right in

STATEMENT BY MS. GRAHAM-FLEMING

1 the middle of the pandemic, which was March 25th, 2020.
2 We were in quarantine, nobody could move. Sanaa didn't
3 go outside until late June.

4 How did she end up in Epworth Children's
5 Home? Sanaa and I had a physical altercation because I
6 was trying to stop her from going outside. Ironically
7 enough, it was a trigger of Sanaa because before we
8 moved to South Carolina Sanaa was sexually assaulted in
9 New Jersey. And that altercation happened a year to
10 the date. She was triggered and I didn't know it.
11 That altercation landed her in Epworth. Me not knowing
12 what to do and looking for resources, it was DSS's job
13 to assist me with my daughter.

14 I had to do a specialized interview at
15 Epworth. And they told me that my daughter had a
16 runaway history, that she couldn't stay there because
17 no one there had that history. Unbeknownst to me, so
18 one of the defendants in this case, same thing, but was
19 there with a runaway history. Up to that point my
20 daughter had never run away in the State of South
21 Carolina until she met the female defendant in this
22 case. They ran away together twice in the month of
23 September 2020. I pulled Sanaa out on October 1st of
24 2020.

25 Before the holidays can approach, I remember

STATEMENT BY MS. GRAHAM-FLEMING

1 meeting the female in this case. I remember learning a
2 little bit about some of the things she told Sanaa,
3 which really made Sanaa dear to her. I wrote a book
4 ten years ago called *When God was Effervescent*. I come
5 from some of that same harsh background, harsh
6 upbringing, that some of these people talk about coming
7 from being abused, being beaten unconscious, locked in
8 closets. Things like that happened to me. I wrote it
9 in a book. So, of course, Sanaa would be drawn to
10 someone telling her similar things, and feeling like in
11 some way she is vicariously helping her mother helping
12 a young person with similarities like those.

13 The week before Christmas, the female in this
14 case came to my door dressed in a little pair of shorts
15 and a white T-shirt, part of the reason why I was in it
16 earlier today. And I knew she was being deceitful.
17 She told a story about how she was getting victimized
18 by one of the male defendants here. Obviously the
19 older gentleman. I told Sanaa I would allow her to
20 stay, but she has to locate her parents. We tried and
21 tried and tried to get those parents on the phone, to
22 no avail. After forty-eight hours I told her she had
23 to go. Ironically she ended up back with the male
24 defendant in this case. At that point I told my
25 daughter to stay away from this individual. Something

STATEMENT BY MS. GRAHAM-FLEMING

1 in the midst wasn't clear.

2 This young person would come to my house
3 again and again, and then I would learn that all three
4 of these people would come to my house, coincidentally
5 when I'm not there. I told Sanaa, If these people
6 can't let me see them, you don't need to be around
7 them. Of course Sanaa wanted to help.

8 January between the 4th and the 7th, I looked
9 for Sanaa, she had never been gone for 15, 16 hours. I
10 looked for Sanaa. And right at the 15th hour she
11 called me on the phone and says, Mom, can you pick me
12 up from a hotel in West Columbia? I do such. It is at
13 that time that me and Sanaa had the baiting
14 conversation. Maybe two weeks after that, I came home
15 to find miss -- the female defendant at my house. I
16 had asked her to stay away from my daughter and to stay
17 away from the house.

18 I told my daughter to stay away. But every
19 time I wasn't around, I'm at work, I'm doing something
20 for the community, I'm at church, this individual will
21 come around and pull on Sanaa's heart strings. And
22 Sanaa will tell me one morning after leaving her, after
23 sleeping outside with her with blankets from my house,
24 Mom, you don't turn your back on your friend. And I
25 said, Sanaa, at 40 something years old I know who my

STATEMENT BY MS. GRAHAM-FLEMING

1 friends are, but that didn't come easy and friends
2 won't put you in compromising situations.

3 February, got a package, I was excited about
4 showing my daughter. Another call. Mom I'm stranded,
5 they won't bring me back. Sanaa, stop going over --
6 stop going with them. This is baiting. This is
7 baiting. But, Mom she was crying, she was hurting, she
8 was beaten. She would go again and again and again.
9 Friday before my girl was gone for good, they came
10 again. I sent an Uber to go and get my girl at 2:00 in
11 the morning, but she ended up back again.

12 When that phone rung and it went to the voice
13 mail and I never got a text, I knew something was
14 wrong, bad wrong, and I knew it. I still went to work.
15 I knew that I had to find the female defendant because
16 she was the last person that I saw my daughter with.
17 She called me on the phone two days after she killed my
18 daughter. I asked her where was Sanaa. Her response,
19 What you asking me for, your daughter get in the car
20 with anybody, any man. I cut her off. My daughter's
21 character is not on trial here. Where was my baby. I
22 said, You have got to understand, I am her mother.
23 Well, I don't know, I don't know, she was with a guy,
24 she was with her boyfriend, she was with her boyfriend.
25 That was always -- but she never felt sorry or even

STATEMENT BY MS. GRAHAM-FLEMING

1 concerned. I know she was behind it all. I know it.
2 I know it.

3 Forgive me if I'm not moving fast enough, but
4 you have got to understand I have been waiting for this
5 day for almost two and a half years, since the autopsy
6 report on October the 8th, 2021 to do right for my
7 baby. The nightmares, the medication, the back and
8 forth trauma, but what is worse is like, I found
9 Sanaa's body, and Shadae, I feel like I lost two kids
10 at one time. I looked at (inaudible), God bless, she
11 passed away two weeks ago. Her daughter was killed too
12 at 15. You never get over it. My baby said, Mama just
13 do it for me. Even though I knew that these people
14 were no good. She said, Mama.

15 And right before they killed my baby, we got
16 into one of those riffs that mothers and daughters get
17 in, and she said, I guess now you are not going to help
18 me. And I looked at my baby and said, Girl I will do
19 anything to help you. So that is why I'm in here.
20 Love makes you do some crazy things. And love can make
21 you get on TV. Make you have to learn that your
22 daughter is savagely murdered. Telling your story over
23 and over and over again, trying to help other girls
24 like my daughter, other kids that might be roaming
25 around with people like this, this type of psyche. The

STATEMENT BY MS. GRAHAM-FLEMING

1 lack of remorse hurt on top of it.

2 My mother used to say, Every tear is not
3 sincere. And you sit there and in the back of your
4 mind, You are only sorry that you got caught. Why, why
5 her? Why her? Why Sanaa? They knew other kids. They
6 know other girls. I was in my house walking around in
7 my bedroom right before they did it. They knew that
8 there were firearms present, even though violence
9 amongst our family, no violence, no history of it, and
10 she is from New Jersey, she doesn't know these woods,
11 nobody is going to be able to find her. That is why.

12 She was the youngest one out there and her
13 age -- she was the youngest person out there. And to
14 hear details about what was going to happen to you, I
15 know that she had to hear my voice. I heard testimony,
16 You are going to kill me anyway, just let me call my
17 mother. I have got to see this every day. I'm asking
18 you to give them the same mercy they gave my baby. My
19 baby slept outside while I paced the floor worrying.
20 She trusted them. He wasn't even a person to be mad
21 at.

22 I don't want to address these people. The
23 female defendant yells at the oldest male, Ain't good.
24 Nicolle, 17 year old, they came absent and rejection.
25 And whenever I think what they did was so callous. I

STATEMENT BY MS. GRAHAM-FLEMING

1 can't call them by their names. The only soldier out
2 there was my baby. I wonder how they know, a
3 16-year-old working at home, because I know they didn't
4 know that Sanaa had a fight with her about her
5 boyfriend she left out of my house with to sleep with
6 in his car. Maybe she is at the address, but because
7 he's -- and because the history is the female was a
8 stranger to her mother and (inaudible).

9 Maybe it wasn't just about somebody's child,
10 but jealousy has a funny way of being, I want what you
11 want, or I don't want what you want, I just don't want
12 you to have it. I ask that all of the -- I'm thankful
13 for this day, because there is so many parents that
14 don't get it. So many parents that don't get this day.
15 Thank you so much.

16 THE COURT: No, thank you, Ms. Fleming.

17 Thank you.

18 MR. HUBBARD: Your Honor, that is all that we
19 have.

20 THE COURT: All right. Let me get Mr.
21 Brunson, if y'all could move over, I am going to get
22 Ms. Peralta to come up, please.

23 MR. HUBBARD: Your Honor, one question. We
24 are fine, Your Honor.

25 THE COURT: All right. Ms. Mauldin, I'll

STATEMENT BY MS. GRAHAM-FLEMING

1 give you the opportunity to respond.

2 MS. MAULDIN: Thank you, Your Honor.

3 THE COURT: Thank you. We are going to move
4 on. I have set Ms. Peralta's case aside and I am
5 moving on to Treveon Nelson, which is 2021A3210201232,
6 3334, and 35, I believe.

7 All right. Ms. Zmroczek, I will be glad to
8 hear from you.

9 MS. ZMROCZEK: Thank you, Your Honor. I want
10 to start off. I know that this is unusual, and I
11 understand the reasons why we are doing it. But I want
12 to -- as I start off my presentation, but I did mark
13 and make it a Court's exhibit. And I have cleared it
14 with the Solicitor's Office as well. And I gave you a
15 previous copy.

16 THE COURT: Your sentencing packet.

17 MS. ZMROCZEK: The sentencing memorandum
18 packet an exhibit.

19 THE COURT: I have it. I have got a copy of
20 it, yes, ma'am. All right. So, that is Court's
21 Exhibit No. 1 for Mr. Nelson.

22 MS. ZMROCZEK: It is.

23 *(Whereupon, Court's Exhibit No(s). 1 marked*
24 *for identification and received in evidence.)*

25 MS. ZMROCZEK: And, Your Honor, as I am going

STATEMENT BY MS. GRAHAM-FLEMING

1 my presentation, and I know that I don't have to remind
2 you, but I think for the benefit of, you know,
3 especially Mr. Nelson's family who has been here all
4 day and they have been very concerned because all that
5 they have heard about is the unconvicted,
6 non-convictions of DVs and other csc allegations. And
7 I know that you have explained it to us in chambers as
8 well and pretty much on the record, but when you say
9 "individualized hearings," you are considering -- you
10 are not considering anything in other hearings except
11 for facts that are presented by the State and facts
12 that are presented by Mr. Nelson?

13 THE COURT: Right. I mean, this is a three
14 codefendant case where a young girl was murdered. Your
15 client has plead guilty to it. Ms. Peralta was found
16 guilty. And Mr. Wilson was also pled.

17 MS. ZMROCZEK: I think that he pled, yes.

18 THE COURT: I mean, in this case it's hard
19 not to consider the three as a whole because, you know,
20 according to all of the testimony they all had certain
21 roles and parts and participation. But as far as I did
22 not want to stand up here and sentence them all three
23 together, I wanted to do it separate. I wanted to hear
24 from each codefendant. I have got one family, because
25 I have got one victim. And I'm not going to make them

STATEMENT BY MS. GRAHAM-FLEMING

1 stand up here and tell me how they feel three different
2 times today. I'm not going to do it.

3 So I will make the State's presentation and
4 the victim impact from all -- for everybody's record,
5 but individualized, I am just trying to find out what
6 role everybody played. So I can figure out what is the
7 right thing for this Court to do and how to sentence.

8 MS. ZMROCZEK: Thank you. And I certainly am
9 aware of that, we appreciate it. And I think that
10 it'll ease everyone's mind.

11 THE COURT: Okay.

12 MS. ZMROCZEK: I wanted to put that out
13 there. And, Your Honor, as I get started with my
14 presentation I wanted to address something that I think
15 you just addressed. There is a deceased girl in this
16 case, and I know that it is -- I know that that is why
17 we are all here. And I know that that ramps up
18 everyone's emotions. And I think that the family
19 should be told, at least by us, about the remorse. And
20 I think that they will hear that, Your Honor. Because
21 no matter what happens from here on out, nothing that
22 anybody can do can bring this young lady back. And we
23 understand that and we are sincerely apologetic for it.

24 We, meaning the team for Mr. Treveon Nelson,
25 which is myself, of course, Brian Petrie (phonetic), my

STATEMENT BY MS. GRAHAM-FLEMING

1 private investigator. He works in my office now. And
2 Brie Rust who does -- we hired her as our mitigation
3 specialist.

4 THE COURT: Okay.

5 MS. ZMROCZEK: Your Honor, this team that we
6 have put together, and since the day that I was
7 appointed to Treveon, we have been trying to work
8 toward what is a just solution in this case. And, Your
9 Honor, in this case we believe, for Mr. Nelson, that 30
10 years on the murder day for day is a just sentence.
11 And I'll explain why.

12 And, Your Honor, as we talked about, Court's
13 1 which I gave you a copy of previously, which I know
14 it has been admitted, was our sentencing memorandum.
15 And I will be referring to a few things in there. But
16 the first of which that I think carries throughout the
17 day for all of the family members and for the State and
18 all of the work that they did is to know that this is a
19 tragedy, that nobody wins here. And it is difficult
20 and we know that. We know the differences of being
21 able to visit a family member in prison versus having
22 to go to a landmark or just praying. We understand
23 those differences.

24 Your Honor, there are some things that I do
25 want to talk about when it comes to Mr. Nelson. We

STATEMENT BY MS. GRAHAM-FLEMING

1 have been here all day on a Byars Miller hearing for
2 Ms. Peralta because she was 16 at the time. Mr. Nelson
3 was 76 days past his 18th birthday. Had this happened
4 70 days, 77 days, we would be having another family
5 court waiver hearing, another hearing.

6 And as I was listening to Dr. Knight testify
7 and just preparing the sentencing memorandum, as you
8 look at the sentencing memorandum you will see that it
9 follows the outline of the Aiken Miller, Aiken V Byars
10 and Alabama V Miller cases. Because, Your Honor, the
11 truth of the matter is, it is not like you turn 18 and
12 you all of a sudden gain all of this wisdom and all of
13 this maturity, and all of this knowledge. Because that
14 is clearly not what happened.

15 And if you look at Mr. Nelson's record,
16 particularly his school record, Your Honor, it talked
17 about the teachers identifying his immaturity in class,
18 in classrooms. Your Honor, he was -- and especially on
19 page three it talks about, you know, his school
20 attendance, how it was a problem, but also his records
21 reflect that he was often cited for immature and
22 short-sided offenses. So even though chronologically
23 he was 18, Your Honor, where he falls on that
24 adolescent scale is certainly closer to the adolescent
25 issues that you have heard about.

STATEMENT BY MS. GRAHAM-FLEMING

1 We being Mr. Petrie and I, spent hours and
2 hours and hours with Mr. Nelson when we first got
3 assigned this case, of course. And, Your Honor, one
4 thing that to me really made a change in this case is
5 when I first met with him and was able to sit down and
6 tell him that I was appointed to represent him, I was
7 his lawyer, and Mr. Petrie as well, he laid it out for
8 us. He laid it out for us what had happened. He
9 didn't tell that to the police because, quite honestly,
10 he was terrified. His mother had previously worked at
11 SCDC and had always told him, Wait until you get a
12 lawyer to talk to the police.

13 So, to say that he was not fully cooperative
14 in the beginning, is not necessarily true. He was
15 also, as you have heard, been accused of all of these
16 other charges with regards to one of his codefendants.
17 And I just wanted to address that very briefly. I'm
18 not going to harp on those issues. But, Your Honor, he
19 is not being convicted of any of those, criminal sexual
20 conduct, csc, abhan. And I know that, absolutely, I
21 made the representation as it was being made by the
22 Attorney General's Office, that it is not just because
23 he is getting a sentence, Your Honor. Your Honor, I
24 think that you have already been privy to some of the
25 other problems that they would have to overcome or

STATEMENT BY MS. GRAHAM-FLEMING

1 challenges in this case, so the AG's decision to not go
2 forward isn't totally based because he is getting
3 sentenced here today.

4 THE COURT: Was he cooperative in this case?

5 MS. ZMROCZEK: Your Honor, he was. He was
6 with me. He sat down -- they sat down with the State.
7 Your Honor, they ultimately chose not to use his
8 testimony. I think that -- so here is a unique thing
9 about this case, and I think a lot of cases, that there
10 were four people that know what happened that day.
11 There are four people. Three are here to tell about
12 it. Two have had fairly consistent statements, being
13 the two males involved in the case. Fairly consistent.
14 And, Your Honor, the other one we don't have any
15 information, a lot of information from. The one that
16 we do, the information that we have is unverifiable.

17 What he did tell them, Your Honor, was, you
18 know, what he knows about that day and what he did say.
19 I know that it is more interesting and exciting to talk
20 about how she was lured away and she was, you know,
21 kidnapped and then immediately -- I think that it was
22 referred to as a drive of death. And, Your Honor, I
23 don't necessarily think that it was in the moment as
24 nefarious as it seems. It is certainly easy to go back
25 and look and kind of make interpretations. But one

STATEMENT BY MS. GRAHAM-FLEMING

1 thing that I think that day started off with and the
2 scientific cellphones agreed with, is that they went to
3 a -- and toxicology -- they went to a sound recording
4 studio out in Batesburg Leesville and that they were
5 there, together, all of them, all four of them. And
6 that they were doing -- engaging in drugs.

7 Which, A, is also illegal. But, B, I think
8 added fuel to this immature adolescent brains. Where
9 if you throw drugs, they talked about using marijuana
10 and lean, which is a Codeine beverage that you can
11 drink, and some other anxiety pills that weren't
12 prescribed. And, Your Honor, what that does is,
13 certainly not providing any excuses for what happened,
14 but kind of, again, fueled the background as to how we
15 ended up here.

16 Mr. Nelson had been dating Ms. Peralta. And,
17 Your Honor, I think as you read through the memo what
18 you will see is that it was a toxic relationship. That
19 is one thing that we can agree on. But I think as you
20 read the memo and you understand that his family was
21 so -- they saw a change in him when he started to
22 interact with her. This was somebody who had not had a
23 ton of runaways, who had not had a ton of involvement
24 with police. And this is -- and although they want to
25 say that he is a verified gang member and involved in

STATEMENT BY MS. GRAHAM-FLEMING

1 gang stuff, Your Honor, that has not been provided to
2 us. I don't have a gang jacket. I don't have that
3 information. Obviously there were a lot of things that
4 were handed over. But regardless of this, Your Honor,
5 it just -- what his family saw is a change in him when
6 he got involved with Ms. Peralta.

7 And, Your Honor, that doesn't -- I'm not
8 blaming anybody, everybody makes their own decisions.
9 But to look at why he made the decisions he made, Your
10 Honor, I think that if you read especially around pages
11 --

12 THE COURT: Seven and eight.

13 MS. ZMROCZEK: Yes, seven and eight. His,
14 Your Honor, his desire to help Ms. Peralta and to try
15 to save her and help her out of this horrific situation
16 that she had told him that she had been living her
17 whole life I think really clouded his judgment. I
18 mean, for someone to be able to convince somebody to
19 break into the Epworth Home and get into their bed, I
20 mean, he would have done anything, Your Honor, for her.
21 And as we see as a result of this case, did get
22 involved.

23 And, Your Honor, I think what is so telling
24 about this is that in Mr. Wilson's statement, one of
25 the statements that he made that he was very consistent

STATEMENT BY MS. GRAHAM-FLEMING

1 on is, while they were at this recording studio, while
2 they were -- after they had all left Columbia, Your
3 Honor, he heard a fight between Ms. Nelson, my client,
4 and Ms. Peralta. And she was either accusing Ms.
5 Amenhotep of having an affair with him or of there
6 being feelings, so there was this jealousy rage fight
7 and I do believe that that played a part in what
8 happened.

9 Your Honor, he -- Treveon is someone who when
10 I first met him was obviously very quite and been
11 incarcerated, which Your Honor, I believe the number
12 that I wrote down, I think that he's up to 840 days
13 today, Your Honor, that he's been in jail. 840 days.
14 He's had one write-up, okay, one write-up. And you
15 know the conditions of that jail. It is not a pleasant
16 place to be.

17 He has spent the last 22,000 hours, quite
18 honestly, of being remorseful, trying to understand how
19 he, how he made the decision that ended him up in this
20 situation. And ultimately, Your Honor, which is why we
21 decided to go ahead and plea to the charges, to not
22 have to put the family through another grueling trial,
23 to not have to put his family. And, quite honestly,
24 and I know Your Honor has heard about it, and I'm
25 certainly not going to dwell on it, but there's been

STATEMENT BY MS. GRAHAM-FLEMING

1 other threats outside of that. The COs told him that
2 there is a 30,000-dollar bounty on his head. He, Mr.
3 Nelson, that scares him especially when, you know, he
4 knows that he will be going to SCDC and he realizes the
5 environment in SCDC is kill or be killed and he's
6 terrified.

7 And he has managed to do so well to keep to
8 himself, to make plans for himself, so that it is his
9 hope that when he goes to SCDC, that he can become the
10 person, Your Honor, that he knows that he is. And not
11 the person that has made these horrific decisions as an
12 adolescent, clouded by things he just wasn't prepared
13 to understand, engage in, and quite honestly, deal
14 with.

15 Your Honor, I think one of the things, again,
16 I'm not -- trying not to harp on it, but I do feel like
17 I have to address this, there's a pattern in the
18 evidence that was previously presented to you of
19 blaming Mr. Nelson for all of the problems in the
20 world. And, Your Honor, he certainly accepts his
21 responsibility as to what he did in this case.

22 THE COURT: You know, it is interesting, I
23 have sat here listening and nobody has told me anything
24 about what they have done. Nobody. Nobody.

25 MS. ZMROCZEK: Exactly. And that is why I'm

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1 getting to that, Your Honor. Because I think that
2 that, to me, or as an avid detective, that is what you
3 want to know, what happened. And so, Your Honor, quite
4 honestly, what he told the State and what he told us
5 from the beginning is that, that they were all -- that
6 they were going to pick her up from Columbia and go to
7 the music facility. There were clearly problems. His
8 house had been shot up. Now he was told by somebody
9 that she had arranged it. We don't know who arranged
10 it, but that is what he was told, Your Honor.

11 THE COURT: Well, he was there.

12 MS. ZMROCZEK: Right. He had been told that
13 she -- right, right, right. But we don't know that she
14 arranged it is what I am saying, about his house
15 getting shot up. But that is what he was told by
16 Nicolle. So that is why, when you hear about those
17 things, that is what, Your Honor, I think that is what
18 they are talking about, that they -- Your Honor, they
19 were at the recording studio doing drugs. There were
20 -- there was a fight. There was a discussion. They
21 left. They went outside to an area right by the
22 recording studio. The two girls did engage into a
23 fight. Ms. Peralta pulled out a gun. She did shoot.
24 My client was there. Saw it. Was terrified at this
25 point. Had a gun himself, of course. You have seen

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1 pictures of it.

2 I think that kids and the idea of a gun and
3 then using the gun is a different, is a different
4 reality. But what he saw was someone who had been
5 badly injured. She was badly injured. And, Your
6 Honor, he did ended it to, for lack of a better term,
7 to end that suffering. Because at that point calling
8 911 would not have made any difference. Certainly he
9 regrets not saying something right away. But, Your
10 Honor, he -- I mean, it would be easier, easier for me,
11 easier for the State if it was as calculated and
12 organized, but quite honestly adolescents just
13 aren't -- they are capable, but they are certainly
14 not --

15 THE COURT: I got it. I got it.

16 MS. ZMROCZEK: Your Honor, one of the I think
17 greatest things that I think that I have learned over
18 these last years, meeting with Mr. Nelson, is that he
19 has grown and has an appreciation and understanding of
20 what has happened and what, and what his behaviors did.
21 Judge, I know that you have heard the facts. And I
22 didn't sit through the whole trial, but what I do know
23 is that, Your Honor, a lot of the testimony -- there
24 were a lot more people I think that could have been
25 arrested and charged in the case. I think that there

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1 were a lot more accessories than -- well, no one was
2 charged as an accessory to be quite honest.

3 So I think that a lot of statements that were
4 presented, at least in discovery, and I'm sure, quite
5 sure, were presented on the stand were in a way self
6 preserving, right. But Mr. Nelson, again, admitted to
7 what he did. Admitted to his role in being involved in
8 the death, and wasn't going to pretend like there was
9 some defensible case to that. He understands that.

10 Your Honor, on the other hand, though, I
11 don't -- and thereby accepting responsibility. And as
12 you know, it is a big responsibility because the time
13 that each of these carry, the strikes. I mean, it is
14 my, it is my hope that he has an opportunity to get out
15 and to face that life without parole strike if he would
16 get in trouble again, right. I think that is a problem
17 so far down the road, but I would want it to be a
18 problem that could happen.

19 Your Honor, I provided to you in the
20 sentencing memo. Excuse me, in the sentencing memo.
21 In the -- in the footnote four, what you can see are,
22 while he was going to school, Your Honor, as a younger
23 child and he was involved in a lot of things, what you
24 see in this family and what makes a difference I think
25 are the tragic realities that they have had to live

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1 with. First was when he was six year old, Your Honor,
2 his older brother and -- his older brother was killed
3 in an ATV accident.

4 For him at six years old and for his mother,
5 that was a devastating loss. And she, in speaking with
6 the mitigation expert, Your Honor, had relayed numerous
7 times that, of course, all parents want to blame
8 themselves when something happens to their children and
9 she said, you know, should have had taken him to
10 counseling, I didn't deal with that grief.

11 THE COURT: I read that.

12 MS. ZMROCZEK: Yeah, and of course, we can
13 all reassure that, you know, hindsight is 20/20 when
14 you look back at life. But it is not one single thing
15 that changed it, but that certainly shaped who you
16 become. And I think what that did, Your Honor, at six
17 years old was see his mother so sad and so upset and
18 want to make her better and want to make her happy and
19 not knowing how. Which I think evolved into his
20 relationship when he gets older in wanting to help
21 people but not really being equipped to or not knowing
22 how to.

23 Your Honor, when he was nine his uncle, the
24 most significant at that point figure in his life,
25 killed his girlfriend and committed suicide. So before

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1 the age of ten, Mr. Nelson had dealt with some pretty
2 significant losses. Then the family has to move, they
3 relocate to Columbia. We are talking about a low
4 socioeconomic family. Mom is working always, of
5 course, trying to provide the best she can. But
6 Treveon takes on that, that need to want to take care
7 of his family.

8 Your Honor, at 15 years old, 15 years old, he
9 walks into a McDonald's and applied for a job and they
10 are like, Yeah, we can't hire you, you are not 16. The
11 week of his 16th birthday, Your Honor, he starts
12 working at McDonald's. Has been working there almost
13 two years. Actually two years, Your Honor. And then
14 when he turns 18 he inquires about a raise but then
15 learns that Bojangles starts off at a higher rate, and
16 so he goes and he doesn't quit this job until he has
17 another job. And so he's working at Bojangles, and I
18 think that there are pictures both reflected in the
19 sentencing memo as well.

20 But it wasn't just the socioeconomic
21 pressures, Your Honor, of moving. It was the
22 differences of the schools. And I think that you
23 probably read that in the memo too. You see a school
24 where they are nurturing and where they are encouraging
25 students like -- one thing that, with Mr. Nelson, that

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1 always surprises me is his level of maturity now and
2 the way that he can converse and the way that he can
3 express himself. And I think had he had the
4 opportunity to go to a school that continued that kind
5 of nurturing, again, he may have definitely made some
6 better decisions as well.

7 Your Honor, when you are looking at the facts
8 and trying to determine what to do in this case, I
9 know, like you said, nobody has really told you what
10 their role is. And it is difficult to stand up here
11 and to be able to provide a background up to that day
12 without providing a background that you have heard a
13 lot of from all of the people involved. It
14 unnecessarily disparages some people, and -- everybody,
15 quite honestly.

16 And I think that is another one of the
17 tragedies of this situation is that you have four young
18 people who didn't have the same guidance as you and I.
19 And they had different upbringings, and they had
20 different influences. And unfortunately they planted
21 these children in Epworth Home and special schools and
22 places that I think start to shape how we got here.
23 The drug use, the violence that they witnessed the
24 violence in their own lives that I think really made a
25 difference in how we ended up here.

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1 And so it is so hard to just single out this
2 one day and to not bring in the back story but then not
3 sound like you are making excuses for what happened.
4 Because regardless of anything that was involved, that
5 doesn't change that a lot of children or adolescents,
6 one literally lost their lives and three are facing the
7 rest of their lives. And so that is so hard.

8 Your Honor, I do want to acknowledge that in
9 the very back of the courtroom, on the right-hand side,
10 are multiple family members for my client. They are
11 not going to speak, quite honestly. They have
12 continued to receive threats and they are afraid. And
13 that is why we put initials in the sentencing memo.
14 But, Your Honor, his mother, his brothers the
15 stepfather figure for part of his life are all here.
16 His family friend, they are all here to support him as
17 he faces this next stage.

18 THE COURT: How about just raise your hand so
19 I'll know who you are.

20 MS. ZMROCZEK: They are all in the back row.

21 THE COURT: Okay. Thank you.

22 MS. ZMROCZEK: Your Honor, the truth is, this
23 was a toxic relationship with Ms. Peralta. You heard
24 for yourself the violence and the threats that he
25 received. And it was like this throughout, I think

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1 throughout their relationship. So to say that this was
2 simply a retaliatory action, you know, for his house
3 getting shot up, Your Honor, I think that it goes --
4 like I said, there is so much more beyond that. There
5 is the jealousy. There is just the poor decision
6 making skills that we all have seen in the children
7 involved in this case.

8 Your Honor, I know my client does want to say
9 something, and I do have -- I do have a few more things
10 to say. I don't know how much -- if the State has more
11 of a presentation specifically. I'm just trying to
12 logistically figure out -- I'll let him speak now, Your
13 Honor, if that is okay.

14 THE COURT: Okay, well, I would love to hear
15 from him. I mean, this is his day in court.

16 MS. ZMROCZEK: Can we do it there?

17 THE COURT: And I will let -- and I will also
18 let you finish up after the State and I hear from the
19 victims. But, Mr. Nelson, I would love to hear from
20 you. You don't have to lean down, hold that thing up
21 for him. And talk -- you can look at me and talk to
22 me.

23 THE DEFENDANT: First and foremost, I want to
24 apologize for everything and send my condolences to the
25 family. Also I want to apologize to the people of the

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1 community that were affected also. Due to the poor
2 decisions I have made, I not only let myself down, I
3 also have let others down. It has changed life for
4 everyone. I am profoundly and deeply sorry. Right now
5 I'm working on myself to improve and better my life
6 when I get into prison.

7 My goal is to educate myself and accept any
8 and all resources that are provided to me. I want to
9 be a better person. So if I'm given the opportunity, I
10 will not take life for granted.

11 THE COURT: Thank you, Mr. Nelson.

12 MS. ZMROCZEK: Your Honor, I know that that
13 was hard. He, obviously, is very nervous. But he
14 wanted to write it down to speak the words, because the
15 one thing that I haven't seen a lot of in a lot of my
16 cases, but I have seen a ton of in this case, is
17 remorse, that profound sadness for what you know you
18 have been involved in in taking away someone's life.
19 That really does affect you. And, Your Honor, it has a
20 really affected him. But in a way has affected him to,
21 to really look inward and to understand why and how
22 that happened, and obviously to not let it happen
23 again. Which I really don't think is an issue, but I
24 think to help maybe somebody understand, somebody maybe
25 in his position as a child or maybe a young adult, to

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1 not make those, to not, to not make those decisions.

2 And I think that is what, for me, been so profound with
3 his behavior at the detention center is because I have
4 clients in there for far less charges than this and,
5 Your Honor, they can't stay out of trouble. They just
6 can't. But for someone who knows that they are facing,
7 potentially, a life sentence, I mean even 30 years with
8 the life expectancy scales, you know, the chances of
9 him getting out are very slim. And you would think
10 that somebody with the mentality is like, we are done,
11 what does it matter, my life is over anyway, but to see
12 him take the other path and say, okay, my life is going
13 to be different now, but it's not just going to be
14 different because of location, it is going to be
15 different because my brain and the things that I can do
16 better. And I think that that has been one of the
17 biggest things and one of the biggest reasons that we
18 are asking for what we are asking. I mean, it is
19 certainly not a slap on the wrist. And it comes with a
20 lot of punishment. And, Your Honor, I'll reserve the
21 rest and I'll sit down.

22 THE COURT: You may. Because I will let you
23 speak again.

24 MS. ZMROCZEK: Okay.

25 THE COURT: I am going to ask that we move

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1 Mr. Nelson over here to the side and at this time I am
2 going to hear, Mr. Brunson, from you and your client.

3 (Pause.)

4 THE COURT: All right, Ms. Mayes, I don't
5 have Mr. Brunson's indictment numbers, can you put them
6 on the record for me?

7 MS. ZMROCZEK: And, your Honor, I am sorry.
8 I just -- you said indictment and I think it reminded
9 me, I forgot to put on the record one thing, if that is
10 okay?

11 THE COURT: Sure. I put all of your
12 indictment numbers on for Mr. Nelson.

13 MS. ZMROCZEK: Yes, ma'am, it wasn't that.
14 It was -- there was an outstanding, we talked about it
15 in chambers, warrant, arrest warrant number
16 2021A4010201603, which is a Richland County warrant for
17 kidnapping that has not been served on Mr. Nelson. But
18 this is the one that we -- the State advised us that
19 that would be dismissed, the warrant would be withdrawn
20 and not served.

21 THE COURT: After this plea?

22 MS. ZMROCZEK: Yes.

23 MR. HUBBARD: It was a -- initially Richland
24 County had brought a kidnapping. I had talked to the
25 solicitor over there. If we were taking it, he was

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1 fine with that. So they actually had warrants for the
2 same kidnapping that we prosecuted her client on that
3 he plead guilty to.

4 THE COURT: Okay, they just happened to take
5 one out in Richland County also?

6 MR. HUBBARD: Right.

7 THE COURT: Got it.

8 MR. HUBBARD: We went ahead and handled that
9 case. That is resolved. So, yes, that has been
10 resolved.

11 MS. ZMROCZEK: Okay. Great. Just sometimes
12 when they go to SCDC, they look to see and there is one
13 more bench warrant, even though he was in jail, for a
14 DV-related action. But I understand the State
15 conflicted out of it and the AG's Office and I will --

16 THE COURT: Because I know sometimes that
17 will affect classification.

18 MS. ZMROCZEK: Yes, that will. Your Honor,
19 that is why I wanted to put that on the record.

20 THE COURT: Okay.

21 MS. ZMROCZEK: Thank you.

22 THE COURT: Okay. Ms. Mayes, if you could
23 put Mr. Wilson's indictment numbers, now that we are
24 moving on to his mitigation.

25 MS. MAYES: Yes, Your Honor. As to the

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1 charge of murder, that is Indictment No. 2021GS3203535.
2 As to the indictment for kidnapping, that is
3 2021GS3203464. As to the charge of criminal
4 conspiracy, that is Indictment No. 2021GS3203537. And
5 as to the charge of possession of a weapon during the
6 commission of a violent crime, that is 2021GS3203597.
7 We will be passing up the sentencing sheets, Your
8 Honor.

9 THE COURT: Thank you. All right. Mr.
10 Brunson, I will be glad to hear from you.

11 MR. BRUNSON: Thank you, Your Honor. May it
12 please the Court.

13 THE COURT: Yes, sir.

14 MR. BRUNSON: First, Your Honor, I would like
15 to begin by expressing my condolences to the family for
16 the loss of this beautiful soul. Your Honor, my client
17 Jaylen Wilson required that I say that first. And at
18 the appropriate time he is going to say it.

19 Your Honor, this has been a very tragic case
20 for obvious reasons. But it's been one of the most
21 difficult cases that I have handled. And if I had to
22 sum it up, I would have to sum it up like this: Wrong
23 place, wrong time, doing the wrong thing with the wrong
24 people. Now, I know one of the biggest things that
25 Your Honor has wanted to hear throughout the arduous

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1 task of having to preside over this difficult case is
2 exactly what happened. And counsel for Treveon Nelson
3 advised the Court what his version of it was. We shall
4 echo on that and shed a little light as we proceed.

5 But I wanted to first start by introducing
6 Mr. Jaylen Wilson to this proceeding. He stood before
7 this Court and he plead guilty. And he pled without
8 recommendation and without negotiations. And I tell
9 you, he did it because he was very remorseful and he
10 did not want to take this family or this judicial
11 system through it.

12 Now, Jaylen was 17 years of age at the time
13 of his arrest. He was born on July the 28th, 2003. He
14 was living as a young man in rural Lee County. Then he
15 moved to Columbia for a bit. Then he moved back to Lee
16 County to live with his grandmother, who is present in
17 the courtroom today. He attended Lee Central. And you
18 will see a note from his assistant principal at the
19 time. He went on to graduate from Lee Central Middle
20 School and went to Lee Central High.

21 In or around 2019, while he was in high
22 school, he relocated from his grandmother's home in Lee
23 County to his mother's home in West Columbia. Now at
24 the time of his arrest he was enrolled still as a
25 student at Columbia High. He was attending school

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1 virtually. But he was also gainfully employed. He was
2 working at Bojangles over on Sunset. And those two
3 factors kind of distinguishes him, before we get into
4 the rest of it, unlike a lot of the defendants that we
5 see standing here, this young man is different.

6 He is different in a number of particulars.
7 One, he's got the privilege of coming from a really
8 good family. Now, I didn't know Jaylen prior to being
9 retained on this case, nor did I know his immediate
10 family members. But I have certainly gotten to know
11 them over the course of my representation. We met a
12 number of times and we worked together as a team on
13 trying to decide how we were going to deal with and
14 handle this difficult case. I met with Jaylen. I met
15 with family. I met with a number of different family
16 members at a number of different times. So I wanted to
17 point this out, that he does have a lot of family
18 support. And I would briefly like to ask the members of
19 his family to please stand for a moment for you to see.

20 THE COURT: Thank you for coming.

21 MR. BRUNSON: So you see, Judge, this young
22 man not only comes from a big family, but he comes from
23 a good family. A family who believes in supporting
24 him. A family who was shocked and devastated at the
25 news when they discovered that he had been arrested. A

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1 family that was in shock and awe and said, There was
2 absolutely no way, not Jaylen. So, Your Honor, he's
3 got that family support and that is good.

4 Now, let's talk about relocation and why he
5 even came to Columbia. He was doing well in
6 Bishopville at Lee Central. He was making Bs and Cs.
7 He was living with grandmother there. And his mother
8 was living over here in West Columbia. So Jaylen has a
9 really close relationship with all of his family, but
10 specifically with his sister. Now, his sister had
11 developed a medical condition where she started to have
12 seizures.

13 And so Jaylen came from Lee County, West
14 Columbia, and started school so he could live in the
15 house with his little sister so his mother could go to
16 work.

17 I asked Jaylen about his father. Jaylen
18 said, I don't even know if I ever met him, if I did I
19 was too young. So he had to step up to the plate, or
20 to the best of his ability being a teenager. So he
21 relocated here. While his mother went to work he
22 stayed at home and cared for his sister. When his
23 mother got off work, he went to school. He was
24 attending school online, so he did that at home. And
25 he went to work at Bojangles.

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1 So, again, we add to who this young man is
2 and put it in perspective just a little bit more. And
3 he is a young man that stepped up to the plate. Now
4 the other thing that was unfortunate about his
5 transition from rural Lee County to Richland County was
6 that he was exposed, not only to some of the bad people
7 but to some of the bad things.

8 So when he got here in 2019 he began using
9 marijuana continuously. He was introduced to
10 prescription pills, Percocets to be exact. And on this
11 very sad day in April of 2021, he was certainly under
12 the influence of both marijuana and prescription drugs.
13 And we will get into that a little later. But he came
14 in contact with some old friends who were doing things
15 that he didn't know anything about.

16 And, of course, we heard from the expert who
17 talked about the impact of peer pressure on people who
18 are at the age of 17. I believe she indicated 16, 17
19 was the peak. And he is right at this peak. And he is
20 not only right at this peak where he's experiencing
21 profound peer pressure and wanting to fit in, coming
22 from a rural city into the city County of Richland, he
23 is now being introduced to different people doing
24 different things, and now he's exposed to drugs.

25 But he's still maintaining his job. And he's

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1 still enrolled in school. But, again, unlike a lot of
2 defendants that we see, Jaylen is different in another
3 way. He's different because Jaylen has never been
4 convicted of anything. Doesn't have a juvenile record.
5 In fact, Jaylen has never, ever even been arrested up
6 until this point. So, he has not dropped out of
7 school. He was -- he was basically a secondary
8 caregiver to his sister who at the time was seven. He
9 was trained in how to care for her medical needs, which
10 they weren't. I don't want to say she didn't need
11 medical attention every time she had a seizure, but
12 there was still protocol that he had to follow to make
13 sure that she was covered, and so he paid very close
14 attention to her.

15 He wasn't like other defendants. He was
16 active in his church. In fact, he was part of a youth
17 group in the church. And we have a correspondence from
18 his pastor who is -- who may be here today. She is
19 supposed to be on her way. And we will get into that a
20 little later. So he's not like other defendants, in
21 that he had a relationship with a pastor and a
22 principal.

23 Now, I wanted to take you back a little bit,
24 because prior to today you did not know Jaylen Wilson.
25 And I want to show you a picture. This is a picture of

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1 Jaylen and his little sister. This picture was taken
2 in August of 2014. So this first picture is about six
3 years before this incident. It is a little remote, but
4 this is a picture of him and his sister playing with
5 the camera and taking selfies. And this is the face of
6 a child.

7 This is a photo of Jaylen, his mother and his
8 little sister. This picture taken same time frame, six
9 years before this incident. They are at Chuck E.
10 Cheese. This is a kid.

11 I want to show you the third picture that is
12 included in this packet. Now this picture fast
13 forwards a bit, this picture was taken in 2016, July of
14 2016, at his grandmother's house in rural Lee County.
15 He and his sister on her front porch, just to express
16 the loving bond that this young man had for his sister.

17 Fast forward again, I'm going to show you a
18 picture of Jaylen pictured on the right, same little
19 sister on the left, but now they welcome a new addition
20 into the family. He has a brand new little sister who
21 is about two months old, as I have explained on this
22 photo. And so, he is a family kid.

23 Fast forward another year, 2018. Now he's
24 still living in Lee County at the time. And this
25 picture is from January 2018 and we had a little bit of

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1 snow. And this picture is designed to show who this
2 young man is three years before the arrest in this
3 case. He is the type of young man who not only cares
4 for his little sister, but he feels strongly as well.
5 I only have three pictures left to share with the
6 Court.

7 THE COURT: Take your time. Go on.

8 MR. BRUNSON: Beg the Court's indulgence.
9 Now, this photo is especially important to Jaylen.
10 This photo depicts Jaylen at the bottom in 2018. There
11 is his little sister clinging on to him as she always
12 does. That is his mother holding her baby, his
13 youngest sister. That is his grandmother in the white
14 dress. Both his mother and grandmother are present in
15 the courtroom today. And that is his uncle. He says
16 one of his favorite uncles. And this is when he
17 graduated from high school. And Jaylen is present at
18 this family event. And, again, this is in 2018. This
19 is when he is in Lee County. This is when he's with
20 his grandmother and when he's making Bs and Cs I'm
21 advised.

22 And then I want to show you this. Now this
23 is Jaylen Wilson on a very, very special day. This
24 picture is from May the 31st, 2018. Why is this so
25 special? Because Jaylen accomplished one of his first

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1 and main goals, he graduated successfully from middle
2 school. And so he's surrounded by his family. And it
3 is a joyous occasion. And so the young man that we are
4 talking about today is different from a lot of
5 defendants that I unfortunately have the responsibility
6 to represent.

7 Now we have got in the record, or we
8 mentioned earlier, that he had a relationship with his
9 pastor. And so I'm going to ask whether or not Ms.
10 Rufus is present today. Ms. Rufus advised, Judge, that
11 she had a funeral to preach this morning. But if it
12 pleases the Court, I provided the State with a copy of
13 pastor Pamela Rufus' correspondence. And the important
14 things that come from that are these: That he is a
15 member of her church, that he's part of a youth
16 program, that she was spiritually bound to him, that
17 she's still in touch with him to this day, and she
18 still has a relationship and is praying with him. And
19 she hopes to continue doing that. And she was going to
20 expound a bit on the growth that she's seen in him and
21 how this kid was forced to grow up and become a man
22 early.

23 Also, Judge, we have got correspondence from
24 Mr. Randall Jackson. Mr. Randall Jackson was principal
25 at Jaylen's middle school, assistant principal. He

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1 knew Jaylen. He knew Jaylen was quiet and shy but very
2 bright. He wanted to appear today to talk about Jaylen
3 and Jaylen's goals. He indicated that Jaylen's goals
4 were to go into the Air Force and to come back and to
5 possibly help mentor young people. And so Jaylen had
6 realistic goals, because so many of his family members
7 had gone into the military before him. I believe that
8 he has two family members today who are present in
9 uniform, including his uncle who he had that special
10 bond with.

11 So, Judge, we wanted to share those things
12 with the Court for the purpose of giving the Court an
13 idea of the young man who is seated before you, who has
14 plead guilty to these crimes and/or offenses.

15 Now, we heard from the State this morning and
16 the State made a presentation and they had a packet
17 that was contained -- that contained an abundance of
18 evidence. But I submit to you for the Court's
19 consideration, in that packet of things that they
20 submitted, they submitted three pages for Jaylen
21 Wilson. They included a message that said, "Just got
22 home, Bae." And he got home at 3:00. We will explain
23 that in a minute. They included a Snapchat video of
24 Jaylen, a 17 year old, rapping a rap song. I submit to
25 the Court for consideration, those aren't lyrics that

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1 Jaylen made up. Jaylen is not a rapper. When I asked
2 Jaylen about this, he told me who that was. He was
3 rapping a song that was sang by a rapper named SG
4 Batman. Is that correct? SG Batman? He was rapping
5 lyrics to a song, had nothing to do with this or
6 anything remotely close.

7 And then finally they have, as they offered
8 this Court in support of the sentencing hearing this
9 morning, a series of texts. Which I don't know how to
10 use this, so I'll stay away from it. But the texts
11 were from Jaylen and said, Something about, I ain't
12 fixing to keep calling y'all, got to get handled.
13 Okay, that was on April the 5th. Video call. Video
14 call.

15 And then April the 5th, a couple of minutes
16 later you hear Jaylen again, Y'all not making no sense,
17 if anything put hands on you. What we look like
18 shooting a place we used to call home. You sound
19 stupid. What we look like shooting at Mom Duke's
20 house? You think we would do something like -- some
21 shit like that. They are accusing Jaylen of being the
22 one who shot up the house. He is responding to the
23 phone call where they were thinking that he did it.
24 And that is what was submitted this morning. And then
25 they talked a little bit about a pillowcase. Well,

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1 talked a lot about a pillowcase. And we are going to
2 get into that in a moment.

3 So when we look back at the three things
4 contained in the State's packet this morning, we sought
5 to deal with them for the purposes of explaining to the
6 Court that my client didn't have a motive to kill
7 anyone. My client didn't steal cars. My client didn't
8 lure anybody out of a house.

9 When I first met Jaylen at Alvin S. Glenn he
10 was in the juvenile detention facility and I walked
11 back there and Jaylen was scared to the point where he
12 was shaking because he was in over his head. He had
13 gotten into something that he couldn't control, and now
14 he's here in front of you. Throughout the course of
15 the recitation, he has been very, very remorseful that
16 this happened. So he explained to me what happened
17 that night. And in a roundabout way, we heard from Mr.
18 Nelson's attorney who kind of told us.

19 Jaylen met with law enforcement and he said,
20 Look, I wasn't with them. I don't know what you are
21 talking about. Of course we know what children do,
22 they lie. Ultimately he explained to them he was in
23 the car. Picked me up, went and passed out in the car,
24 went to the studio. Did some drugs. They left, came
25 back and got me and brought me home. That was the

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1 story that he gave law enforcement. Well, again, kids
2 lie a little bit.

3 But ultimately what we learned is that Jaylen
4 had a pillowcase. Jaylen also had guns and bullets in
5 his room. Well, the guns turn out to be guns used in
6 the crime. It turns out Jaylen was, in fact, keeping
7 the guns. Jaylen might have brought them out of the
8 house in a pillowcase, might have got in the car.
9 Never in a million years did he think that this young
10 lady would have been killed.

11 However, he knew and understood that
12 something was going to happen and that he was with his
13 friends and that it wouldn't go this far. But when
14 they got out to the house and smoked marijuana, popped
15 some -- he said he tried some Xanax pills this evening
16 and that -- well, you heard from Mr. Nelson's lawyer
17 who talked about when they went out to the field, you
18 heard from Mr. Nelson's lawyer as to what Nicolle did.
19 You also heard what Mr. Nelson did. And we know that
20 my client was brought back home with guns and without a
21 pillowcase, and that they were there when law
22 enforcement arrived.

23 Clearly we know that this is not the
24 intellect of a criminal mastermind. In fact, I
25 wouldn't have -- the guns were still in the house.

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1 Quite frankly, could have disposed of them, didn't know
2 that he wanted to. I mean, that he could, especially
3 if they weren't his. So my client plead guilty because
4 he knew and understood that he has been a part from the
5 beginning of something bad, that he was present when
6 something bad happened, and that he held onto a lot of
7 bad things after it occurred. And so for that reason
8 we know and understand under the law that the evidence
9 was overwhelming, that he was involved to that extent.

10 Now, I just want to say this Judge: That my
11 client has been in jail for 852 days, and that this has
12 been absolutely, hands down, the most horrible time of
13 his life for a number of reasons. One is because every
14 night that he attempts to go to sleep he has to see the
15 events of that night. He knows that he could have
16 stopped it. Well, that he didn't stop it. Don't know
17 if he could have. And he knows that he contributed to
18 it. And he beats himself up all of the time.

19 And now he is before you, Your Honor, and
20 he's asking this Court to have mercy on him. I know
21 that his family members are here, but I think one of
22 them would like to address the Court at the appropriate
23 time.

24 THE COURT: I would love to hear from them.

25 MR. BRUNSON: Yes, ma'am.

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1 (Pause.)

2 MR. BRUNSON: No one at this time?

3 THE COURT: They don't have to. I
4 acknowledge that they are all here.

5 MR. BRUNSON: Okay.

6 THE COURT: But if you would like to, this
7 would be your opportunity to do so now.

8 MR. BRUNSON: You don't have to, but you can
9 if you would like to.

10 THE COURT: Bring her up here with you, Mr.
11 Brunson, and get her to state her name for the record
12 please.

13 MR. BRUNSON: Yes, ma'am.

14 MS. BOWMAN: My name is Valerie Bowman.
15 Thank you so much for allowing us to say something
16 today.

17 THE COURT: Absolutely, MS. Bowman.

18 MS. BOWMAN: First, I definitely want to
19 start at, I am definitely not a public speaker, but I
20 want to start to say today with, we show from our
21 family nothing but sympathy for this situation. This
22 is horrible. This is horrible. And we couldn't
23 imagine being Sanaa's mom sitting there, how we would
24 respond, how we would feel. So we totally understand
25 their anger and their frustration. We understand from

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1 our family to this Court, to their family, to every
2 family that is involved, we show sympathy. And I pray
3 that this world gets better, because it's horrible.

4 I talk to Jaylen on a daily basis. We keep
5 in touch every day. I talked to him up until 11:00
6 last night. And I prayed with him, and I talked to
7 him. And he is still the same Jaylen that I have
8 always known. I raised up with him. Our kids were
9 raised like siblings. Our families were raised very
10 close. And we truly support any growth, any empathy or
11 sympathy that the Court would even have for our family,
12 for him. Because sometimes you know not what you do,
13 because you follow the crowd, because you follow people
14 that you don't even know. You think you want this
15 world, but you are not even ready for it.

16 And, Your Honor, from the day that I -- I
17 would even stand up here, this is total shock. We all
18 try to support -- you know, we all take up for people,
19 friends, family. I stand here today, nothing but
20 honesty, I would have never predicted this. I would
21 have stood up and spoke -- no, I would put my life on
22 the line, no, that is not him, no, that would have
23 never been him. This is not him. And I beg the Court,
24 I pray that God will speak to each and everyone of
25 them. But that is not him. He is not that person.

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1 Please allow him, please allow our family to
2 show to this world, to this Court, that we can guide
3 him. We can help him to continue to grow and to be the
4 person that we know he can be in this world, that he
5 could show even the family. I know, you know, it is
6 hard to say and please don't take it any other way than
7 from my heart, that we want them to know that we really
8 can show him, can continue to raise him to show this
9 Court that that is not him. He had so many goals.

10 All of his -- the kids, the rest of the kids
11 in our family his age, they started college. That is
12 hard for them talking to him on a daily basis because
13 he is supposed to be in that group. He is that piece
14 of the puzzle that is missing now. He cries with us
15 all of the time. We do family group prayers daily,
16 weekly.

17 We beg the Court today to please have mercy
18 on him. Please allow us to prove to this world and
19 prove to this Court that he can make a difference and
20 that he will be different and continue to grow. And
21 anything else that I needed to say, I can't even
22 remember at this point. But, again, thank you. And
23 our family sincerely shows sympathy.

24 THE COURT: Thank you, Ms. Bowman, I
25 appreciate it.

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1 MS. BOWMAN: Thank you.

2 THE COURT: Mr. Brunson, anything else?

3 MR. BRUNSON: Your Honor, my client would
4 like to make a statement for the Court.

5 THE COURT: And I would love to hear from Mr.
6 Wilson.

7 THE DEFENDANT: First off, Your Honor, I want
8 to thank you for letting me speak on my behalf. Second
9 of all, I want to say to the Court and to the victim's
10 family that I'm truly heartbroken by this situation.
11 There is not a day that goes by that I'm not saddened
12 from this situation. And I hope that there isn't any
13 aggression or any anger towards me being so that
14 everything may not be as it seems. But, Your Honor,
15 I'm sorry that my name is even associated with this
16 situation. I just wanted to ask you before sentencing
17 me, I ask you to have mercy on me and show me a little
18 bit of sympathy.

19 Your Honor, I had so many goals that I didn't
20 finish, that I didn't see. I was 17 when I got locked
21 up. I still haven't been able to get my diploma, my
22 driver's license. I have had dreams of joining the Air
23 Force and traveling the world and to see new things,
24 new people. And most important, I just want to get
25 home to my mama and my sister. I know that they need

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1 me and it hurts. I talk to them on the phone and they
2 ask about my whereabouts, where I'm at, and I have to
3 make excuses to them, I don't know when I am going to
4 be home. That is all, Your Honor, thank you.

5 THE COURT: Thank you, Mr. Wilson. Anything
6 else, Mr. Brunson?

7 MR. BRUNSON: Your Honor, that is it for now.

8 THE COURT: Okay. And before I start with --
9 this is my plan. I'll hear from the State. I would
10 like to hear from the victims. And then I am going to
11 move into sentencing, starting with Ms. Peralta. Does
12 the State need a break? Does anybody here need a break
13 before we get started? Raise your hand. Got it.

14 MS. MAYES: Your Honor, I am going to pass up
15 the sentencing sheets for Mr. Nelson, Ms. Peralta, and
16 Mr. Wilson.

17 THE COURT: Okay. And I think the family
18 needs a break. I am going to give them a break real
19 quick and we will come back, and I know that it is
20 after 5:00. I would like to press on and finish today.
21 I know that I have a lot of people from out of state
22 and out of town.

23 Madam court reporter, are you okay staying
24 with us?

25 THE COURT REPORTER: Yes, ma'am.

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1 THE COURT: Okay. So, if y'all are good with
2 that, we will go on and finish. But let's take a
3 quick, ten-minute break right quick. .

4 (Brief recess.)

5 THE COURT: All right. I have everybody. Is
6 the State ready?

7 MR. HUBBARD: The State is ready.

8 THE COURT: All right. Let me hear your
9 response. This is going to go to all three defendants.

10 MR. HUBBARD: That's correct, Your Honor.

11 THE COURT: Thank you.

12 MR. HUBBARD: That's correct. And I
13 appreciate you letting us do this. I know that it is
14 really an odd set-up. But we don't have a case like
15 this very often. In fact, I have never had one in the
16 33 years that I have been doing this, I have never seen
17 a case quite like this, as horrible as this. This is
18 just God awful.

19 And Your Honor asked in the beginning, I
20 would like to know what people say they did. Well, as
21 a prosecutor I have to stand in front of 12 people with
22 our team and present evidence on what we believe
23 happened and what we were able to show. There were 53
24 casings at this grave site all tied into this murder.
25 I didn't hear anything today from anyone talking about

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1 how in God's name 53 shots were fired. Our victim, she
2 was hit at least 14 times. I didn't hear how she got
3 five ribs broken, an eye socket blown out, and she had
4 bleeding on the chest. I didn't hear any of that.

5 And no one has to come in here and make
6 admissions, I get that. I understand that. But I'm
7 bringing you back to the crime because that is why we
8 are really here. And it is horrible that you have got
9 three young people who have basically thrown their
10 lives away, and that they did it by deciding to take
11 the life of a 15 year old. And that is why we are
12 here.

13 Now, Mr. Nelson claims he cooperated, he pled
14 and cooperated. We sat down with him, but it was this
15 story that, it was all Nicolle. They go down there to
16 smoke dope in Batesburg/Leesville. The girls get in a
17 fight. Nicolle ends up at some point shooting the
18 victim. And then Treveon says for his part he finishes
19 it. Well, that doesn't begin to make sense.

20 First of all, our victim had no drugs in her
21 system. That is a fact. And that was presented at
22 trial. She didn't go anywhere and actually smoke. She
23 might have thought that she was going to leave and go
24 smoke somewhere, but it wasn't Batesburg or Leesville,
25 South Carolina. It wasn't out in the dark out in the

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1 field. And she didn't go to get beaten up. It was
2 just unbelievable what he was telling us. We are not
3 going to put up something that is unbelievable. We
4 were fine if he wanted to plea and have whatever story
5 that he thought makes him guilty, that is fine. But it
6 is not the facts.

7 And Mr. Wilson seems to be buying into that
8 as well. I don't doubt, they have great families,
9 wonderful families. And that makes it even more tragic
10 because they gave that up to do what they did to this
11 15 year old girl. They chose to do that.

12 Another thing that Mr. Nelson revealed to
13 this Court is what we have been saying all along, the
14 information about the drive-by tying Sanaa Amenhotep to
15 that drive-by came from Nicolle. Nicolle was the one
16 that told him about the drive-by. And he tells us, Oh,
17 what happened that night didn't have anything to do
18 with the drive-by, the drive-by that occurred the night
19 before this killing.

20 Your Honor, it just was so unbelievable. And
21 that is exactly what Jaylen was saying as well. And
22 then we hear Mr. Wilson saying, All right, the pillow
23 and the guns, well, I put the guns in the pillowcase,
24 that is how the pillowcase got there. Why were you
25 taking two pistols in a pillowcase to go see Sanaa

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1 Amenhotep to just go hang out, make music, smoke dope?
2 Why do you need two pistols? Who do you need to sneak
3 them out in a pillowcase?

4 Your Honor, there was a plan here. There was
5 a plan. And when we talk about Nicolle and her
6 decision making and whether she is thinking of
7 consequences, it was made to appear that she is being
8 dragged along by these guys, and yet these guys are the
9 ones saying that she is at the crux of it all as well.
10 They are pointing fingers at one another.

11 It would be one thing, in looking at this
12 case with young people, if you said, There's three
13 people that planned, they planned to go rob like a
14 McDonald's. They are going to take guns. And somebody
15 ends up shooting one of the clerks at McDonald's, one
16 of the cooks. It wasn't planned. It is horrible.
17 They were not thinking, they are young, they are
18 stupid. They are going to get quick money and leave.
19 A lot of what you heard from Nicolle Sanchez-Peralta's
20 expert would have been made a lot more sense in a case
21 like that. This case, this case is so God awful
22 because of the planning involved.

23 It is a reaction to a drive-by shooting that
24 is clearly linked. The night before this happened,
25 before all this murder happens, there is drive-by,

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1 multiple drive-bys at Treveon's house. He's linked up
2 with his best friend Jaylen. They pick up their best
3 girl, Treveon's girl, Nicolle. And Treveon lets you
4 know to today, that information about Sanaa Amenhotep
5 dropping the dime, letting Raeshaun know where I live,
6 it came from Nicolle. And they are just going to go
7 have a friendly little chat and smoke with Sanaa
8 Amenhotep? It makes no sense.

9 The plan was exactly what Nicolle had laid
10 out to Allon Adams. They had a role. She had a role.
11 They had a role to play. They planned this. When
12 Jaylen left his home he brought that pillowcase because
13 they knew what they were going to do with it. And if
14 he is the one that brought those guns, he knew what
15 they were going to do. And it might explain that he
16 brought them and that he took them back home, and why
17 we don't have a third one, because it was with the
18 other guy. There are three guns. Three. All used.
19 Fifty-three casings. This was an overkill. This was
20 just sheer hate.

21 Your Honor, this plan, the pillowcase, the
22 fear, to maximize that fear, the plan to maximize the
23 pain. Nobody explained the broken eye socket and the
24 five broken ribs. The horrible blood on the chest of
25 Sanaa and she was alive the whole time. There's no

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1 explanation for that other than they did it, they did
2 do it. And it doesn't matter what each role, each
3 person played in this.

4 The hand of one is the hand of all. They all
5 put their hands in this, are you in. And the answer is
6 yes. That's why there's three guns. They all had to
7 pull the trigger. If you pull the trigger you are
8 going to be quiet. If you can't be quiet, we will make
9 sure that you are quiet because we will put you right
10 beside Sanaa. That is how this works. It is the thug
11 life.

12 And to hear each of them talk, they hung out
13 with thugs but they themselves aren't. Your Honor,
14 they embraced this life. They gave up families that
15 cared. Might have been disjointed and imperfect in so
16 many ways, including Nicolle's, but they cared.
17 Family, their parents, her parents who can't speak
18 English would follow her all over town trying to find
19 her. Would report her to law enforcement even though
20 they can't speak English, they would find a way to
21 report, Where is our daughter. She chose to leave
22 them. She chose the freedom of the thug life. And
23 part of the thug life is, if you violate the rules you
24 get beaten. And she had the audacity to say, My
25 injuries were like Sanaa's. She didn't have any broken

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1 bones. She didn't get shot. She didn't die. She got
2 a thug beating to a fellow thug -- from a fellow thug.
3 It wasn't murder.

4 And what you saw, the video that Nicolle puts
5 up, Nicolle and Sanaa, shows you why Sanaa trusted
6 Nicolle. Surely she won't betray me. I'll get in the
7 car with her, she is my friend. She was lured. It
8 was -- Nicolle was bait and she wanted to be that bait.
9 And it wasn't, I know that she is going to go and get
10 assaulted. Your Honor, you don't beat and break
11 someone's bones and expect no consequences.

12 When we evaluate young people and how they do
13 things, they don't think about consequences, they were
14 thinking. You can't stop there. She has got parents.
15 Parents call the police. The police lock you up, you
16 are in trouble. Once you go down that road, you finish
17 it. And they were prepared to do that before they ever
18 got in that stolen car, before they ever stole that
19 car. All three put their hands in this. All three are
20 absolutely guilty.

21 Your Honor, I just -- I hope that as you
22 review this and consider this, you will see, it is
23 horrible that they are young but it doesn't matter at
24 the end of the day. What they did was God awful
25 regardless of who did it. They transcended any

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1 relationship. They may be young in age, they can be
2 innocent in many ways, but they have a PhD in streets.
3 They know those streets better than anyone in this
4 courtroom, including the guys wearing badges. They can
5 run rings around them. They have a PhD out there.

6 Nicolle lived on her own on those streets,
7 the youngest of these three. She didn't need her
8 parents. She could find shelter, food, clothes. She
9 never lacked for any of those. She knew how to find
10 them. She just didn't want them at home.

11 Your Honor, just a quick discussion about
12 Allon Adams. Allon Adams, you heard what a liar he is
13 because of things he said we know weren't true, but
14 he's repeating what he was told by Nicolle. Her role.
15 But he also told law enforcement what Treveon said.
16 Nicolle got old girl in the car. Nicolle pushed up on
17 us. I got the car, I got the bitch, let's go do this
18 shit. That is Treveon telling Allon Adams what Nicolle
19 said to him. I got the car, I got the bitch, let's do
20 this shit. Allon Adams had nothing to gain from saying
21 any of this. He was a friend of Treveon's. He had a
22 bench warrant and he didn't talk about cutting any
23 deals with anyone. And the one thing that I can say
24 for sure, he ain't a murderer. I'll take his word over
25 any of the three involved in this case.

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1 Your Honor, I would like to, at this point,
2 allow Ms. Mayes to present the family and let them
3 speak. So, Your Honor, I just want to end, from my
4 standpoint, saying that you have got three people that
5 have joined their hands knowing what was coming. And
6 the most innocent of all, this little 15 year old girl,
7 who might have at worst wanted to smoke some pot out
8 there in the car in a parking lot ended up dead. Her
9 phone was taken away six minute after getting in that
10 car. She wasn't going voluntarily at that point. And
11 that is when that ride turned to hell. And she wasn't
12 ever coming back and she knew it.

13 THE COURT: Let me ask you one thing, Mr.
14 Hubbard. How about Mr. Wilson, was there any
15 cooperation out of Mr. Wilson?

16 MR. HUBBARD: By the time -- well, let me --
17 no. But I will say this, initially before this trial
18 it looked like he was going to plead as well. But when
19 Mr. Nelson pled or spoke to us and gave this story,
20 that basically, hey, Jaylen is really not so involved,
21 all of a sudden the plea turned back into a trial and
22 it wasn't until the middle of our trial that I think
23 Mr. Brunson making sure that the family could see the
24 reality of what was coming, the train that was coming,
25 that it became a plea again. And so it was too late.

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1 THE COURT: Well, I mean, I like to give
2 people credit if I know that they have cooperated with
3 law enforcement.

4 MR. HUBBARD: Nobody, nobody assisted us in
5 this case. We ran solo.

6 THE COURT: Okay.

7 MR. HUBBARD: Thank you, Your Honor.

8 THE COURT: Thank you. Ms. Mayes.

9 MS. MAYES: Yes, Your Honor. May it please
10 the Court. I would like to start by going back to
11 April of 2021 when Sanaa was missing. It's really
12 impossible to state the impact that that had on the
13 community, beginning with the Richland County
14 community, and then ultimately spreading here into
15 Lexington County when we received word that her body
16 was actually here. During that time that Sanaa was
17 missing, we were watching her family on the news. We
18 were watching multiple news reports that started
19 regionally and then those spread statewide, and then it
20 was reaching nationwide by the time we received a call
21 from Sergeant Miller who is here in the courtroom that
22 -- I was with Solicitor Hubbard when we received an
23 urgent call that Sanaa, who was known in the city,
24 Richland, they now believe was in Lexington and that
25 they were out looking for her body.

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1 And from there Solicitor Hubbard and I were
2 available for any assistance they may need in that
3 search. And over the next 24 hours they recovered the
4 body. They informed the family, who of course was
5 devastated and held out hope for so long that she would
6 be found alive.

7 Your Honor, when we talk about the impact on
8 the community, as I said, it affected not only Richland
9 County, but ultimately many, many people who had gone
10 to school with Sanaa. And her mother is now very
11 active in community organizations against violence.
12 And so we are going to address that when you hear from
13 her family as well.

14 I would like to start by a statement, Your
15 Honor, from the assistant principal at Richland
16 Northeast High School. This is where Sanaa had last
17 attended high school. I'll also note that this past
18 June her family was awarded posthumously a diploma
19 given by Richland Northeast High School and School
20 District Two in Richland County on her behalf. So, her
21 family was there to receive her high school diploma.

22 This, Your Honor, is from assistant principal
23 Terrence Aldridge. "Your Honor, my name is Terrence
24 Aldridge. I am writing to provide a victim impact
25 statement on behalf of the students, faculty, and

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1 community of Richland Northeast regarding the
2 devastating loss of our beloved student, Sanaa
3 Amenhotep. Sanaa's untimely and brutal death has left
4 a mark on our heart and have forever altered the lives
5 of those who knew her. Words can hardly express
6 profound grief and sorrow gripping our community since
7 Sanaa's tragic passing. She was a lovely student known
8 for her radiant smile, infectious laughter and
9 unwavering kindness."

10 "Her peers and teachers loved Sanaa for her
11 dedication and remarkable potential. Her loss has
12 created an irreplaceable void in our school and forever
13 altered our educational community's dynamics. The
14 emotional toll of Sanaa's murder extends far beyond our
15 school community. Her family, who should have
16 celebrated her accomplishments and watched her flourish
17 now bears the burden of grief. Their lives have been
18 forever altered."

19 "In the wake of the tragedy, our school has
20 made every effort to provide support and resources to
21 those affected; however, there are no counseling and
22 there is no assistance that can fully repair the damage
23 caused by such a heinous act. The scars left behind
24 are deep and will be forever be etched into the
25 collective memory of our students, teachers, and

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1 community."

2 "Our school built a memorial to Sanaa to
3 honor her and provide a special place for our student
4 community. We have a tree planted which bears her
5 likeness in our guardian. Your Honor, I hope justice
6 is handled quickly and decisively in this case. Our
7 community looks to the Court for reassurance that such
8 acts of violence will not go unpunished, and that the
9 safety of our young men and women will remain a top
10 priority. We would like to ask you to consider the
11 gravity of this crime, its profound impact on our
12 community, and the need to hold the responsible parties
13 accountable for their actions."

14 "Finally I would like to express our deepest
15 condolences to Sanaa's family and friends whose lives
16 have been forever altered by this tragedy. We stand in
17 solidarity (inaudible) in pursuit of justice and
18 healing. And we will continue to remember Sanaa as the
19 vibrant, talented, and compassionate young woman she
20 was. Thank you for your attention and for allowing us
21 to voice our sentiments. We trust that your judgment
22 will reflect the gravity of the crime and offer solace
23 to all of those affected. Sincerely, Terrence
24 Aldridge, assistant principal Northeast Richland
25 Northeast High School."

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1 THE COURT: Thank you.

2 MS. MAYES: And also, Your Honor, we have a
3 member of the community who is also a family friend.
4 She is Carol Parker.

5 MS. PARKER: Good afternoon.

6 THE COURT: Good afternoon.

7 MS. PARKER: Your Honor, when I initially was
8 giving -- we were preparing for what would have been
9 Sanaa's high school graduation, instead of preparing
10 for her graduation they were attending court for the
11 trial. I was made aware and I became involved in the
12 search for Sanaa on April 16th, 2021. When I initially
13 heard, days prior, I thought that it was just a
14 rebellious runaway like countless teens in this
15 country. That is always my silent hope when teenagers
16 go missing. I would learn shortly thereafter that that
17 was not the case for Sanaa. In April of 2021 I was a
18 parent to a 15 year old daughter, like Sanaa, but also
19 a 16 year old foster child. It was from my 16 year old
20 foster daughter that I learned where and how Sanaa met
21 Nicolle. I learned how she befriended Sanaa at Epworth
22 Children's Home. And that for me is the hardest part
23 of it to grasp, Sanaa trusted Nicolle and considered
24 her a friend, a friend that she truly wanted to help.

25 Ironically ten years ago to the date I sat in

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1 a Richland County courthouse and I gave a victim impact
2 statement, as my best friend was murdered in a similar
3 fashion in what would be one of the worst domestic
4 violence cases in Richland County. It haunts me to
5 this day. Unlike Nicolle; however, I was not involved
6 in her death. I did not help her kill him, I did not
7 lure her to her killers. I would have died (inaudible)
8 that day before I would have some sympathy even as a
9 teenager.

10 In my opinion, Nicolle is the coldest of
11 Sanaa's killers. If it had not been for Nicolle and
12 for her introductions, we would not be here today. The
13 thought (phonetic) of the character of these three
14 people amounts to absolutely nothing. Listening to
15 what she did to her own father and family makes me
16 physically ill. She befriended Sanaa, but she was
17 never her friend. You were -- she was not her friend,
18 because she does not know what love is. Friendships
19 are measured in love, not in TikTok videos.

20 The complete disregard for human life, the
21 complete unwillingness to be held accountable is not
22 (inaudible). The social media presence both before and
23 after this horrific crime is a true depiction of who
24 these people are. In 30 years they will be exactly who
25 they are today, soulless and nothing. That is the

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1 measure. They are sorry they got caught. And had they
2 not been caught, they would continue to be a
3 (inaudible) and menace to our society and community.

4 They had no desire or plans to ever become
5 productive members of our society. People fall, life
6 is hard, things happen. Things happen when you are 16.
7 Things happen when you are 30. Things happen when you
8 are 40. If everyone responded in the way that these
9 people did, there would be nobody in this courtroom if
10 that's how we handle trauma and hard knocks and things
11 that happen in our lives. Any redemption for them need
12 to happen while spending the rest of their lives in the
13 South Carolina Department of Corrections. This crime
14 was cold, it was cruel, and it was calculated.

15 And Nicolle, in my eyes, is the definition of
16 irretrievably broken. I'm asking that Nicolle be
17 sentenced to life without the possibility of parole.
18 Anything short of a life sentence gives her the hope of
19 the possibility of living a portion of her life that
20 she robbed Sanaa of. She doesn't deserve that
21 opportunity.

22 Sanaa will not get to graduate high school.
23 She won't get married. She won't have a career. She
24 won't have children. She won't get to go to Honduras
25 and start over. She doesn't get to have that. It is

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1 time for us as a society and community to prove that we
2 will not tolerate this behavior. Thank you.

3 THE COURT: Thank you.

4 MS. MAYES: Also present, Your Honor, is a
5 minister who has known the family for some period of
6 time. He is known as Pastor Barry and he also wants to
7 address the Court.

8 PASTOR BARRY: Good afternoon, Your Honor.

9 THE COURT: Good afternoon.

10 PASTOR BARRY: Your Honor, this is very
11 heartbreaking and it is very tough. Because these
12 lives that have -- the life that has been taken and the
13 three lives that are before us, they have taken their
14 own lives. And as to viable death, we placed our hands
15 on a stage, for God so loved the world that he gave his
16 only begotten son, that whosoever believes in him shall
17 not perish but have everlasting life.

18 Sanaa was a member of our church. She was
19 working with my wife for the youth department. This
20 family and the family, the body of Christ, that we work
21 with for the community, to help the community to be a
22 beckon of life in this city, region, territory, we are
23 hurting. We are hurting. And this has got to stop.
24 It has to stop. And this Court today, this is a very
25 important case that will affect the city, the region,

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1 the territory, and South Carolina, and across this
2 state, this nation.

3 Gun violence is real, but the fact that it is
4 young people. We all were young, we all made mistakes.
5 This is not a mistake. This was plotted. This reminds
6 me of Abraham when him and his wife -- women have
7 always -- there's always been a woman to devise, to
8 manipulate and control certain men. I'm not saying
9 that women are bad, but what I'm saying is this one,
10 this case and this young lady, the influence that she
11 put on these men.

12 Now, yes, they had choices. We all have
13 choices. We have to pay for our choices. But as I
14 have sat through this court, this trial, and I ask God,
15 now, what is going on here, the manipulation from this
16 young lady is what created this whole situation. Sanaa
17 will never raise children. She will never be fruitful
18 and multiply as the Bible says that we are to do. Her
19 parents will never see grandchildren from their
20 daughter because of this situation, because of this
21 manipulation, manipulation and control that has been
22 going on from the beginning of time, starting with Adam
23 and Eve. And so this is nothing new, it is just a new
24 time and season in our lives.

25 And we as a society have to put a stop to it.

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1 I can't speak for their motives, the young men's
2 motives, I can't speak for that. But what I have
3 heard, I'm speaking to the young lady. I don't want to
4 mention names, I don't even want to look, because three
5 souls, four souls now, are lost. Four people now will
6 not live to be fruitful and multiply upon the earth.

7 So I ask Your Honor, whatsoever you give,
8 give the max to this young lady and consider the
9 manipulation. As a man of God that loves souls it
10 hurts me to say what I just said, but a beautiful soul,
11 a beautiful family, is no longer beautiful. It is
12 tainted for the rest of their lives. And so I ask that
13 by the mercy of the Court, that you would do what your
14 heart is telling you to do. Thank you.

15 THE COURT: Thank you.

16 MS. MAYES: Ms. Frost. Your Honor, Ms. Frost
17 was a counselor who worked with Sanaa.

18 MS. FROST: Good afternoon -- evening. I
19 work at -- I worked at Upward Children's Home. So, I
20 knew Sanaa and I knew the defendant, the female
21 defendant. I knew that Sanaa loved and trusted the
22 female defendant just by the way she acted when she was
23 around her. What happened to Sanaa Amenhotep is a
24 different type of pain. The day I found out about it,
25 I was at work and I couldn't show my true emotions

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1 because I was around the other residents and I didn't
2 want them to see that side of me.

3 So that following day, I died spiritually. I
4 am a woman of faith, so I died spiritually knowing that
5 the female defendant is the reason why Sanaa is no
6 longer here. She had dreams. She was just a child.
7 This is difficult because she was just a child. I
8 never heard her speak bad about those she loved, or
9 anyone for that matter. She had a big heart. She had
10 a big spirit. She didn't die due to natural causes,
11 no, she was stolen from us.

12 The pain I felt the day I found out what
13 happened to her I couldn't put into words. I couldn't
14 wrap my mind around it and I couldn't -- I did not
15 understand it. I want to be honest, I was angry with
16 God because I couldn't understand how he could allow
17 this to happen to a child. For her fate for her
18 mother, her father, and her siblings, no family should
19 have to experience this type of pain, especially pain
20 from people that Sanaa trusted.

21 Sanaa was loved and she was still a child.
22 She had so much to live for. And I remember having
23 conversations with Sanaa. She loved basketball. I
24 remember hearing her playing with the basketball around
25 the cottage that she lived in with other staff and

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1 residents. She talked about going to the WNBA, and now
2 she can't because that has been stolen from her. She
3 talked about her sister. She talked about her father
4 and her love for her father being a Black Panther and
5 fighting for his community back in Jersey.

6 Your Honor, I believe that the defendant,
7 female defendant, should have the maximum sentence
8 because she stole a life from us, from her family and
9 from her friends. Thank you.

10 THE COURT: Thank you. Thank you for coming.

11 MS. MAYES: Denitrius (phonetic) Adams. Your
12 Honor, Ms. Adams is actually a resident of the area of
13 Lexington where you heard about during the trial
14 Sanaa's body was recovered along Rish Road. Obviously
15 this affected everyone in Lexington County, but that
16 area, that area was uniquely affected. And they have
17 built a shrine there in that area and that we have all
18 been to and seen. But that community was absolutely
19 horrified to know that this young person's murder
20 happened in their community.

21 THE COURT: I will be glad to hear from you.

22 MS. ADAMS: My name is Denitrius Adams. I
23 live on Rish Road. We actually helped get Trey out of
24 the woods. My biggest part about this is, they had
25 every chance to tell somebody. And if she needed help,

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1 she didn't ask for it. And I saw it with my own eyes.
2 This is not hearsay. I was there and saw all of this
3 stuff happen. Our house was surrounded by ATF, SLED,
4 Gang Task Force, Lexington County and Richland County.
5 And when it all happened, they made Allon look like the
6 worst person in the world, but he had been kidnapped
7 and he was being held hostage. And they had to go from
8 Lexington County to Lee County chasing him to try to
9 get him back. We didn't know what to do. On the
10 morning that they were called, or the day that they
11 were called my uncle saw Allon and Trey at Allon's
12 house on our property and he called the police. That
13 is how he was called. We don't care if that was our
14 family or if he had did it or not, if they did what
15 they did, they was going to jail. That is just how we
16 handled it. So all we knew was, go gather him up, he
17 was in the woods, go get him before everybody else had
18 came home, because if he had gotten in that road it
19 would have been worse. It didn't matter how or why it
20 happened, it happened. And it just made us look like
21 we were upholding of it. You feel me? And that wasn't
22 the case. It makes me madder that, even after all of
23 this had been done that, and that the truth still
24 should be told, that they still try to say that she was
25 kidnapped. She was not. She was not coerced. She had

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1 every chance to get out of the car with him whenever
2 they came to our property after this happened. She had
3 every chance. And I feel like she deserved --

4 MS. MAYES: Your Honor, just to clarify,
5 she's referencing Nicolle. Nicolle.

6 THE COURT: I got it.

7 MS. MAYES: One of the stories that she had
8 reported to law enforcement was that she had been
9 kidnapped or held under duress.

10 MS. ADAMS: They said that today, Allon
11 kidnapped her. They said that today. I have been here
12 since 9:30. They said that today.

13 MS. MAYES: And just to clarify, I think that
14 at the close of the trial we had presented evidence
15 that she was never actually at the home of Allon Adams
16 after this occurred, that that was a false statement.

17 MS. ADAMS: Thank you for verifying that.

18 THE COURT: And I remember.

19 MS. ADAMS: And it may not seem like anybody
20 cares, but I do. I do. Every day I go past that road.
21 For two years I have not been able to sleep in my house
22 at night, not even for a tiny moment. And I go out
23 there and I keep it clean out there. I even planted
24 flowers, because I don't want them to have to go out
25 there and see a hole in the ground. I put African

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1 Violets out there for her. And anybody that feels like
2 this is okay and making excuses, y'all need some
3 choices. Y'all made y'all's bed, y'all got to lay in
4 it. I want everybody to get the max, everybody.
5 Everybody had their hand in it. They can have
6 rehabilitation while they are on the inside. Get help
7 while they are on the inside. Because the outside
8 could not help them or they wouldn't have did what they
9 did to her and keep lying about it.

10 THE COURT: Thank you. Thank you for coming.

11 MS. ADAMS: Thank you.

12 MS. MAYES: Your Honor, on the overhead we do
13 have a photograph of the press, the press conference
14 that was held by Sheriff Lott that a manhunt was
15 underway for Treveon Nelson. I believe the community
16 member that you just heard from, Ms. Adams, was
17 addressing that. There were, out on Rish Road,
18 helicopters. There was a massive manhunt underway
19 looking for Treveon Nelson. That went on for some
20 period of time until he was ultimately apprehended.
21 And as she said, the community played a big role in
22 that. First, getting word out to his family that he
23 was wanted. And then, ultimately, finding him there in
24 the woods in that wooded area.

25 And next, Your Honor, we have from the

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1 Lexington County Sheriff's Department Detective Pablo
2 Carvajal and Detective Kevin Baum, who both played a
3 key and lead role in this investigation.

4 DETECTIVE BAUM: Good afternoon, Your Honor.

5 THE COURT: Good afternoon.

6 DETECTIVE BAUM: I wrote it out so it is
7 going to be easier for me to just read it to you.

8 THE COURT: Okay. Well, you go right ahead.

9 DETECTIVE BAUM: So, Your Honor, I just want
10 to start by thanking you for giving us time to speak
11 today. With the amount of people that wish to stand up
12 here and speak, I am going to try to make it brief for
13 you. I would like to start by sharing my story, my
14 experiences very briefly. So I started my career in
15 2011 as a rookie police officer in the City of
16 Columbia.

17 So for the first decade of my career I was a
18 beat cop. I had a patrol area. Every shift I answered
19 the phone, services ranging from broken down vehicles
20 to someone desperate for help because they had just
21 been shot. Every day was a new experience and every
22 day my eyes opened further. I honestly believe most
23 people see the world with blinders on. I believe there
24 are personal acts of heroism and unspeakable acts of
25 evil. The best in us, and lastly the worst in us.

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1 This case, Your Honor, I believe that this
2 case is about the absolute worst if you listen to
3 today's testimony and the overwhelming evidence leading
4 to these three pleading guilty of praying on the victim
5 in this case. Sanaa Amenhotep was a 15 year old girl
6 who was lured out of her home by her best friend,
7 kidnapped, stripped of her phone, and taken to a dark
8 field in the middle of nowhere. She was brutally
9 beaten, interrogated, and shot over and over and over
10 again. This wasn't a spur of the moment decision.
11 This was a violent crime, planned crime, laid down and
12 executed.

13 We are here today for you to impose a
14 sentence on these defendants for this crime, the loss
15 of life over what, Your Honor? Over nothing. Sanaa
16 actually did nothing to deserve this. I implore you to
17 not let the age of the defendants lessen the Court's
18 sentence of them. Nicolle Sanchez-Peralta was not a
19 helpless little girl who sat here in court and tried to
20 fool jurors to believe. They saw right through her and
21 I believe you did too.

22 Her own words to me when I interviewed her,
23 she would have never came forward about her best friend
24 being murdered, best friend she lured into a stolen
25 vehicle. Same vehicle she stole to be used in this

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1 murder. She is not a victim, Your Honor. She is the
2 absolute worst.

3 Treveon Nelson, who only plead guilty after
4 his lawyers told him that they had seen the evidence
5 and knew there was no other way, no way they could make
6 the jury believe he isn't guilty. And then after
7 pleading guilty he sits down with us and went into a
8 lot about what happened that night. He put it all on
9 Nicolle and said Nicolle shot Sanaa over jealousy and
10 whooped up on Sanaa in a fight. He tried to tell us
11 Jaylen was not at the murder scene and he had no idea
12 that it had taken place. Lies, Your Honor. He is the
13 absolute worst.

14 Jaylen Wilson, the one who only plead guilty
15 after his lawyers sat through Nicolle's trial and heard
16 what evidence was being presented. He took no
17 responsibility to plea. He took the plea as instructed
18 by his lawyers. He used his own mother's linens to
19 wrap Sanaa's feet and drag her lifeless body to the
20 woods. He is the absolute worst, Your Honor.

21 And, Your Honor, I have had time to reflect
22 on this case and I have tried to put myself in Sanaa's
23 parents' shoes, having two children of my own I have
24 tried to imagine what it would be like to lose one.
25 The only thing I can come up with (inaudible). The

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1 thought that I would never see my daughter's face again
2 or hear my son laugh was unbearable. In reality I
3 don't know what it is like and no one should. No
4 parent should ever outlive their children.

5 I know that today's proceeding is a
6 conclusion for us at the Sheriff's Department and
7 Solicitor's Office and the courtroom, but for Sanaa's
8 family, friends, and loved ones, I don't think it will
9 ever be over. They say all time -- they say time heals
10 all wounds. I honestly don't think that this wound
11 will ever heal. We are here for justice. And justice
12 is defined as ethical, philosophical idea that people
13 are treated partially, fairly, properly, and reasonably
14 by the law. Your Honor, in my opinion, there is only
15 one fair and proper outcome in this case, if justice
16 prevails, is going to be life in prison.

17 These defendants forfeited the right to live
18 in society when they kidnapped, beat, and shot a 15
19 year old girl, Sanaa Amenhotep. Thank you.

20 THE COURT: Thank you.

21 MS. MAYES: Detective Pablo Carvajal.

22 THE COURT: Detective.

23 DETECTIVE CARVAJAL: Good evening, Your
24 Honor. Nice to see you.

25 THE COURT: Nice to see you.

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1 DETECTIVE CARVAJAL: I want to take a minute
2 to talk about Sanaa. Sanaa turned 18 years old 24 days
3 ago. Twenty-four days ago. At 18 she would have been
4 a senior graduating high school, maybe planning to
5 attend college or getting a job. At 18, maybe joining
6 the military was an option, or just travel. Obviously
7 none of that happened. Instead she's been dead for
8 over three years.

9 Two years ago I found Sanaa buried in a
10 shallow ditch in a dirty field in Leesville. A field
11 that is less traveled, no marker, no flowers, nothing
12 to remember who she was, who laid there in a simple
13 spot. That is how I found her. She was covered in a
14 brown pokey dotted blanket, one she brought from home
15 to keep her warm on the day she was killed. As I
16 walked the field I found her pink Crocs, typical color
17 for a 15 year old, destroyed at worst. I wondered,
18 maybe she would have liked that movie Barbie because of
19 her like for pink.

20 At her grave I asked the Lord to bless her.
21 And I told her, Sanaa, we will bring you home. For a
22 second I thought about my daughter and my heart
23 ruptured thinking what I would do if I lost her. Then
24 I thought of her house and the sadness we were about to
25 bring upon it. Within minutes a bunch of my

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1 colleagues, who are all here, ascended on that field
2 and we worked it. We worked it. We worked that field
3 all night. On our hands and knees we sifted through
4 that dirt and brought her home.

5 I don't want to tell you what to do, Your
6 Honor, what should happen to the defendants. I don't
7 envy that responsibility that you have. I carry enough
8 weight on my shoulders. After all of these years in
9 investigating violent crimes, I still don't understand
10 how people, how kids can hurt each other so much. Now,
11 I want to speak to you like a dad. But what I do want
12 you to consider is what happened to Sanaa, and what is
13 happening to her family forever. The pain will never
14 dull. But maybe, maybe knowing that the people who
15 ripped their child from their heart will never see the
16 light of day, maybe it'll ease that pain. If it does,
17 they deserve that.

18 Your Honor, I trust that you will administer
19 and judge an appropriate sentence. Thank you.

20 THE COURT: Thank you Detective.

21 MS. MAYES: Judge, as you heard, Sanaa was a
22 native of New Jersey. That is where her father's
23 family is located. Actually when they came here to
24 South Carolina they thought that they were going to be
25 free of some of the violence that is often seen or

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1 talked about in New York and the suburbs of that area,
2 and Newark being very close by.

3 Your Honor, following the murder of Sanaa, a
4 statement was released on behalf of the City of Newark
5 and Mayor Ras Baraka. As an official press release,
6 Your Honor, he states, "On behalf of the people of
7 Newark, I would like to express my sincere condolences
8 to Sharif Amenhotep on the tragic loss of his beautiful
9 and intelligent daughter, Sanaa Amenhotep, who was
10 kidnapped and murdered in South Carolina. Mr.
11 Amenhotep works tirelessly to increase justice and
12 reduce violence in our neighborhoods through our Brick
13 City Peace Collective helping us to reimagine our
14 public safety and prevent tragedy such as this from
15 taking place in our very own community."

16 "No parent should ever have to bury their
17 child. It is an inexplicable loss that defies
18 imagination. We hope that the South Carolina
19 authorities can bring the suspect in this case to
20 justice. Our entire city is joining with the Amenhotep
21 family in their grief and pain."

22 And as I stated, Your Honor, the family is
23 very well known in Newark, New Jersey for their work in
24 anti-violence programs. And Sanaa was a part of that
25 as a child growing up. And she grew up participating

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1 in some of these community events asking to take
2 actions against violence. And there's a Youtube video
3 that we are going to share with the Court at this time.
4 This Youtube video was actually focused on Sanaa as a
5 student active at the young age of 12. And in this
6 video she speaks about what her goals are for the
7 future. And it is so compelling, Your Honor, to watch
8 this video and to realize that she's no longer here
9 with us now.

10 (Youtube video playing.)

11 MS. MAYES: Eleven years old, Your Honor.
12 Honored there as one hundred people in Newark, New
13 Jersey who is being recognized as part of that
14 campaign.

15 And now, Your Honor, we are going to ask her
16 family to come forward. First, Your Honor, there will
17 be a statement on behalf of her sister Shadae. Shadae
18 is here. She was in the courtroom earlier this
19 morning. Your Honor, she had to leave. She is not
20 going to be able to be in here for this. But she typed
21 her statement and I ask that we may read that on her
22 behalf.

23 THE COURT: Okay.

24 MS. MAYES: Your Honor, you heard from Shadae
25 during the trial. She's been very brave throughout

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1 this, not only testifying in the general sessions
2 trial, but also testifying in that family court
3 proceeding. She was only 13 --

4 THE COURT: I remember.

5 MS. MAYES: -- when this happened. Thirteen
6 years old. She was the last person to see her sister
7 alive that night. She's haunted by everything that
8 occurred that night. And knowing that when Sanaa
9 walked away, not only is that the last time she would
10 ever see her, but she had no idea what was happening to
11 her.

12 Your Honor, as you heard, Shadae is here, but
13 Shadae asked me to express what she wanted to say to
14 the Court. Shadae was 13 the last time she saw Sanaa,
15 and she's 15 today. She continues to miss her sister
16 everyday. And she has to wake up to the realization
17 that she will continue everyday forward without her
18 sister. The words from Shadae, "My sister was a great
19 person with a big heart. She was my right hand, my
20 best friend, my go-to. She was my everything. She was
21 the one person I knew without a doubt would do anything
22 for me, and I could trust her with anything. The day I
23 lost her, I lost myself."

24 "She would most certainly do anything for the
25 people she loved. But she often loved and cared for

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1 the wrong type of people. She was too good of a friend
2 to an evil, jealous-hearted monster who she thought
3 loved her and was a friend to her. I witnessed my
4 sister give Nicolle the clothes on her back, literally
5 gave her a place to stay. And even when my mom said
6 Nicolle needed to leave, Sanaa slept outside of our
7 apartment complex with her to make sure that she was
8 okay."

9 "Sanaa even got upset and argued with my
10 mother, with her own mother, when she thought that she
11 was not looking at Nicolle in the same light that Sanaa
12 did. And then in return this is what Nicolle does. I
13 always knew that she was jealous, but I didn't think
14 that she would take it this far. And the banterment
15 (phonetic) they did, it was vicious and cold."

16 "The other two, who are monsters as well, who
17 also participated in murdering my sister, they are just
18 as evil. Sanaa was 15 and did nothing to any of them.
19 And the fact they have no remorse just shows how wicked
20 and savagely they really are. People like them do not
21 deserve to be out in this world. I hope they never see
22 the light of day or their family ever again, just like
23 I will never see my sister, my other half." And that
24 is Shadae.

25 THE COURT: Thank you.

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1 MS. MAYES: Your Honor, Sharif Amenhotep.

2 THE COURT: Good afternoon.

3 MR. AMENHOTEP: Good afternoon, Your Honor.

4 My name is Sharif Amenhotep. I'm the father of Sanaa
5 Mahari Amenhotep, my beautiful princess Sanaa. We
6 named her Sanaa, the work of art, the beautiful work of
7 art. And her middle name is Mahari, forgiver. And
8 Amenhotep means peace. The root word Amenhotep means
9 peace.

10 Myself for the past 20 years, I have been a
11 peace activist with the City of Newark, fighting
12 against violence, organizing hundreds of rallies in my
13 city. I never thought a day that I would be standing
14 before you speaking against my own and suffering the
15 tragedy that I have seen so many other families suffer
16 throughout this country.

17 This is not just a tragedy, this is a tragic
18 crime that is motivated by hate. It is a hate crime.
19 Not in the sense of someone targeted or killed because
20 of the color of their skin, but hate in the sense of
21 betrayal. The greatest loss that you can suffer is
22 when someone betrays you. Someone that you considered
23 as your friend, that you befriend, and motivated by
24 hate, motivated by jealousy.

25 And to look for remorse in this case and to

STATEMENT BY MS. GRAHAM-FLEMING

1 look for mercy in the case when my daughter pleaded for
2 her life. She pleaded for mercy. She pleaded for
3 remorse. And they had no remorse. They had no mercy
4 for her. When you look at crimes among young people,
5 this is top. I have never, ever witnessed the manner
6 in which my daughter was murdered and killed. I can
7 accept death, we all have to die some day, but the
8 manner in which my daughter was murdered I can never
9 accept and never wrap my head around that.

10 And my family is shattered for life. And now
11 Mahari, my oldest daughter, she had six younger
12 siblings, six younger sisters and two younger brothers
13 that looked up to her. She was the oldest and they
14 could all look up to her. And they will never be able
15 to see their sister again. She was just not a
16 daughter, she has community, family members that love
17 her. We will never get the opportunity like these
18 young men and women will to see their family again. We
19 will never be awarded that opportunity again. They
20 took that from us and shattered my life.

21 In doing this work, part of my job is I work
22 for the City of Newark, I work in the Office of Bias
23 Prevention and Trauma Recovery. This makes my job so
24 hard to now do the work. I become so discouraged after
25 this happened to me. Why me, why my family, why us?

STATEMENT BY MS. GRAHAM-FLEMING

1 When we look at violence, violence is a public health
2 issue. It is a disease that is in the hearts and minds
3 of young people all over the nation.

4 So you say justice, we look for justice, what
5 is going to be justice for us? Justice is them going
6 to prison for the rest of their life. Justice that
7 they can never, ever be able to inflict harm upon
8 another family to feel the pain that I feel as a father
9 who is supposed to be able to protect their daughters,
10 to keep them safe, and I wasn't able to do that.

11 But I'm here today to protect my daughter, to
12 make sure that she gets justice. Make sure that what
13 happens to her don't happen to another family. That is
14 what we ask for, that they cannot inflict their harm
15 and this pain and suffering on another people like they
16 have us. We have to endure this pain and sit in court
17 proceedings and trials. People don't know what it's
18 like. You know, this is the life that we live. The
19 pain, when does it stop? How does it stop?

20 Is jail the answer? Most people receive
21 corporal punishment for the crimes that they have
22 committed. But what frightens me is scary, but they
23 are not alone in this. There is hundreds of other
24 young people who are just like them. There are
25 hundreds of other killings that followed behind that.

STATEMENT BY MS. GRAHAM-FLEMING

1 So as a community we are wrapped around, not just
2 around tragedy, more proactive and revenge, to stop
3 this from happening, to stop these young people from
4 doing what they have done to my daughter.

5 But as for them, like, I can't see any mercy,
6 no remorse. They had no remorse for my daughter. She
7 pleaded and cried for her life. They beat her and
8 tortured her and murdered her. They buried her. Cold,
9 calculated, premeditated murder, nothing less. All
10 designed by a person that she considered to be her
11 friend. A friend would have never allowed those things
12 to happen. She could have prevented that from
13 happening.

14 She started this. She put those seeds of
15 hatred in their head. With no proof. How is this your
16 best friend and you gonna say that she's responsible
17 for this man's house being shot up? With no evidence.
18 This is your best friend. You put that in their heads.
19 How could you suggest that to them? But this is your
20 -- you say this is your friend. This is the greatest
21 tragedy. Someone that you considered your best friend
22 to take you out knowing what is going to happen to you
23 and murder you.

24 Those type of things that I can't reason
25 with. So send a message out to other young people

STATEMENT BY MS. GRAHAM-FLEMING

1 watching, call your friends, the people that you meet
2 in life, you can end up with not even just the wrong
3 decision, not one, but many that follow over and over
4 and over again. So we have to support it to make sure
5 that they never, ever be able to inflict this type of
6 pain and hurt on our family or any other family.
7 Protect society against this type of hate.

8 THE COURT: Thank you, Mr. Amenhotep.

9 MS. MAYES: Your Honor, Saleemah
10 Graham-Fleming, as you may be aware, has become very
11 active in the midland community in multiple
12 anti-violence programs. She's worked with the media
13 and done numerous podcasts and special presentations.
14 I believe she's been on probably every local TV station
15 talking about the youth initiative that she's a part of
16 across the midlands to prevent gun violence and youth
17 violence. She is also a member of Moms Demand Action.
18 We have many other members also present, and in the
19 courtroom and watching on live stream as well, Your
20 Honor. And Moms Demand Action is certainly devoted to
21 anti-violence and anti-gun violence within the
22 community. Saleemah Graham-Fleming, Your Honor.

23 THE COURT: I will be happy to hear from you.

24 MS. GRAHAM-FLEMING: Thank you. Your Honor,
25 I am going to try to keep my conversation just to you.

STATEMENT BY MS. GRAHAM-FLEMING

1 THE COURT: That will be fine, that is who
2 you are supposed to be talking to is me.

3 MS. GRAHAM-FLEMING: As you can see, I have a
4 black NOS t-shirt and blue jeans, pink Crocs and
5 blanket. This is what my daughter had on at 10:40 in
6 the evening of April 25th. I called the police, I was
7 frantic. I could feel that something was wrong, I knew
8 it. I didn't know the magnitude of what was wrong, but
9 I just knew that something was really wrong.

10 It would take law enforcement 16 days to
11 really know how serious it was. Looked for my daughter
12 for 24 days, 24 days. Going to work with your head on
13 a swivel hoping to see your kid walking down the curb.
14 The last time I saw Sanaa was the last time I saw
15 Sanaa. I never got to view her body. I didn't get to
16 ID her. When I shipped her body to New Jersey I
17 couldn't open the casket. I couldn't do it. When the
18 Coroners told me that my daughter was dead and that she
19 had been buried, they told me that nothing happened to
20 her face and I knew it was a lie. They told me that
21 all she did was get shot a number of times, and I knew
22 that that was a lie.

23 Because, unbeknownst to this Court, what was
24 not in testimony, was the things leading up to what
25 happened, how these defendants were in my home days

One day, and I am going to try to put this all in chronological order the best way I can. It is really on my heart. Some of the dates are just etched inside of me. Let me just talk about sixth grade when Sanaa was diagnosed with dyscalculia. And if anybody knows what that is, it is liken to dyslexia, right, where the words are kind of jumbled, but with numbers. Which means that Sanaa had problems with directions and giving addresses. So when I heard the story about her giving someone's address I knew that it was false.

25 How did she end up in Epworth Children's

STATEMENT BY MS. GRAHAM-FLEMING

1 Home? Sanaa and I had a physical altercation because I
2 was trying to stop her from going outside. Ironically
3 enough, it was a trigger of Sanaa because before we
4 moved to South Carolina Sanaa was sexually assaulted in
5 New Jersey. And that altercation happened a year to
6 the date. She was triggered and I didn't know it.
7 That altercation landed her in Epworth. Me not knowing
8 what to do and looking for resources, it was DSS's job
9 to assist me with my daughter.

10 I had to do a specialized interview at
11 Epworth. And they told me that my daughter had a
12 runaway history, that she couldn't stay there because
13 no one there had that history. Unbeknownst to me, so
14 one of the defendants in this case, same thing, but was
15 there with a runaway history. Up to that point my
16 daughter had never run away in the State of South
17 Carolina until she met the female defendant in this
18 case. They ran away together twice in the month of
19 September 2020. I pulled Sanaa out on October 1st of
20 2020.

21 Before the holidays can approach, I remember
22 meeting the female in this case. I remember learning a
23 little bit about some of the things she told Sanaa,
24 which really made Sanaa dear to her. I wrote a book
25 ten years ago called ***When God was Effervescent.*** I come

STATEMENT BY MS. GRAHAM-FLEMING

1 from some of that same harsh background, harsh
2 upbringing, that some of these people talk about coming
3 from being abused, being beaten unconscious, locked in
4 closets. Things like that happened to me. I wrote it
5 in a book. So, of course, Sanaa would be drawn to
6 someone telling her similar things, and feeling like in
7 some way she is vicariously helping her mother helping
8 a young person with similarities like those.

9 The week before Christmas, the female in this
10 case came to my door dressed in a little pair of shorts
11 and a white T-shirt, part of the reason why I was in it
12 earlier today. And I knew she was being deceitful.
13 She told a story about how she was getting victimized
14 by one of the male defendants here. Obviously the
15 older gentleman. I told Sanaa I would allow her to
16 stay, but she has to locate her parents. We tried and
17 tried and tried to get those parents on the phone, to
18 no avail. After forty-eight hours I told her she had
19 to go. Ironically she ended up back with the male
20 defendant in this case. At that point I told my
21 daughter to stay away from this individual. Something
22 in the midst wasn't clear.

23 This young person would come to my house
24 again and again, and then I would learn that all three
25 of these people would come to my house, coincidentally

STATEMENT BY MS. GRAHAM-FLEMING

1 when I'm not there. I told Sanaa, If these people
2 can't let me see them, you don't need to be around
3 them. Of course Sanaa wanted to help.

4 January between the 4th and the 7th, I looked
5 for Sanaa, she had never been gone for 15, 16 hours. I
6 looked for Sanaa. And right at the 15th hour she
7 called me on the phone and says, Mom, can you pick me
8 up from a hotel in West Columbia? I do such. It is at
9 that time that me and Sanaa had the baiting
10 conversation. Maybe two weeks after that, I came home
11 to find miss -- the female defendant at my house. I
12 had asked her to stay away from my daughter and to stay
13 away from the house.

14 I told my daughter to stay away. But every
15 time I wasn't around, I'm at work, I'm doing something
16 for the community, I'm at church, this individual will
17 come around and pull on Sanaa's heart strings. And
18 Sanaa will tell me one morning after leaving her, after
19 sleeping outside with her with blankets from my house,
20 Mom, you don't turn your back on your friend. And I
21 said, Sanaa, at 40 something years old I know who my
22 friends are, but that didn't come easy and friends
23 won't put you in compromising situations.

24 February, got a package, I was excited about
25 showing my daughter. Another call. Mom I'm stranded,

STATEMENT BY MS. GRAHAM-FLEMING

1 they won't bring me back. Sanaa, stop going over --
2 stop going with them. This is baiting. This is
3 baiting. But, Mom she was crying, she was hurting, she
4 was beaten. She would go again and again and again.
5 Friday before my girl was gone for good, they came
6 again. I sent an Uber to go and get my girl at 2:00 in
7 the morning, but she ended up back again.

8 When that phone rung and it went to the voice
9 mail and I never got a text, I knew something was
10 wrong, bad wrong, and I knew it. I still went to work.
11 I knew that I had to find the female defendant because
12 she was the last person that I saw my daughter with.
13 She called me on the phone two days after she killed my
14 daughter. I asked her where was Sanaa. Her response,
15 What you asking me for, your daughter get in the car
16 with anybody, any man. I cut her off. My daughter's
17 character is not on trial here. Where was my baby. I
18 said, You have got to understand, I am her mother.
19 Well, I don't know, I don't know, she was with a guy,
20 she was with her boyfriend, she was with her boyfriend.
21 That was always -- but she never felt sorry or even
22 concerned. I know she was behind it all. I know it.
23 I know it.

24 Forgive me if I'm not moving fast enough, but
25 you have got to understand I have been waiting for this

STATEMENT BY MS. GRAHAM-FLEMING

1 day for almost two and a half years, since the autopsy
2 report on October the 8th, 2021 to do right for my
3 baby. The nightmares, the medication, the back and
4 forth trauma, but what is worse is like, I found
5 Sanaa's body, and Shadae, I feel like I lost two kids
6 at one time. I looked at (inaudible), God bless, she
7 passed away two weeks ago. Her daughter was killed too
8 at 15. You never get over it. My baby said, Mama just
9 do it for me. Even though I knew that these people
10 were no good. She said, Mama.

11 And right before they killed my baby, we got
12 into one of those riffs that mothers and daughters get
13 in, and she said, I guess now you are not going to help
14 me. And I looked at my baby and said, Girl I will do
15 anything to help you. So that is why I'm in here.
16 Love makes you do some crazy things. And love can make
17 you get on TV. Make you have to learn that your
18 daughter is savagely murdered. Telling your story over
19 and over and over again, trying to help other girls
20 like my daughter, other kids that might be roaming
21 around with people like this, this type of psyche. The
22 lack of remorse hurt on top of it.

23 My mother used to say, Every tear is not
24 sincere. And you sit there and in the back of your
25 mind, You are only sorry that you got caught. Why, why

STATEMENT BY MS. GRAHAM-FLEMING

1 her? Why her? Why Sanaa? They knew other kids. They
2 know other girls. I was in my house walking around in
3 my bedroom right before they did it. They knew that
4 there were firearms present, even though violence
5 amongst our family, no violence, no history of it, and
6 she is from New Jersey, she doesn't know these woods,
7 nobody is going to be able to find her. That is why.

8 She was the youngest one out there and her
9 age -- she was the youngest person out there. And to
10 hear details about what was going to happen to you, I
11 know that she had to hear my voice. I heard testimony,
12 You are going to kill me anyway, just let me call my
13 mother. I have got to see this every day. I'm asking
14 you to give them the same mercy they gave my baby. My
15 baby slept outside while I paced the floor worrying.
16 She trusted them. He wasn't even a person to be mad
17 at.

18 I don't want to address these people. The
19 female defendant yells at the oldest male, Ain't good.
20 Nicolle, 17 year old, they came absent and rejection.
21 And whenever I think what they did was so callous. I
22 can't call them by their names. The only soldier out
23 there was my baby. I wonder how they know, a
24 16-year-old working at home, because I know they didn't
25 know that Sanaa had a fight with her about her

COLLOQUY

1 boyfriend she left out of my house with to sleep with
2 in his car. Maybe she is at the address, but because
3 he's -- and because the history is the female was a
4 stranger to her mother and (inaudible).

5 Maybe it wasn't just about somebody's child,
6 but jealousy has a funny way of being, I want what you
7 want, or I don't want what you want, I just don't want
8 you to have it. I ask that all of the -- I'm thankful
9 for this day, because there is so many parents that
10 don't get it. So many parents that don't get this day.
11 Thank you so much.

12 THE COURT: No, thank you, Ms. Fleming.

13 Thank you.

14 MR. HUBBARD: Your Honor, that is all that we
15 have.

16 THE COURT: All right. Let me get Mr.
17 Brunson, if y'all could move over, I am going to get
18 Ms. Peralta to come up, please.

19 MR. HUBBARD: Your Honor, one question. We
20 are fine, Your Honor.

21 THE COURT: All right. Ms. Mauldin, I'll
22 give you the opportunity to respond.

23 MS. MAULDIN: Thank you, Your Honor.

24 THE COURT: Thank you.

25 MS. MAULDIN: I know that we have talked

COLLOQUY

1 about an individualized hearing for my client. I would
2 ask the Court to consider her individually, even though
3 you have heard a lot of testimony from other people and
4 from family addressing all three.

5 THE COURT: I can tell you I do, Ms. Mauldin;
6 I do consider her case individually.

7 MS. MAULDIN: Thank you, Your Honor. One
8 drawback to this as we have kind of gotten into a
9 situation where we are trying to determine each
10 person's share of the blame. And we are doing that in
11 court, and I would ask the Court to consider that as
12 well. I would ask the Court not to consider the fact
13 that she's not addressed the Court, has not made any
14 statements of remorse because she has an appeal that we
15 anticipate filing soon. And I would also ask the Court
16 to consider that when Dr. Knight testified she
17 mentioned remorse that she had felt over the whole
18 situation. So I would ask the Court to keep that in
19 mind. Since we have to assess each person's share of
20 the blame on this since we are in this now, I have to
21 address a couple of things that came up.

22 THE COURT: Absolutely.

23 MS. MAULDIN: First of all, I think that it
24 was in error to say Treveon was not cooperative and
25 then believe the story that it all came from Nicolle.

COLLOQUY

1 If he's not cooperative, he's not believable at all.
2 And Allon Adams was closely aligned with Treveon. He
3 was arrested in the same manhunt; a lot to gain from
4 spinning this. And he spun it to help his friend as
5 much as possible, as you heard. Discrepancy in what
6 he's said. And certainly he is not the appropriate
7 person to point to Nicolle as the shooter in this case.
8 There is no evidence of any sort of fight or any sort
9 of dispute between Nicolle and Sanaa. We have no
10 evidence of that whatsoever. I would ask the Court not
11 to give that any credence either.

12 You also heard that none of these people
13 assisted the Solicitor's office. I would point out
14 that Nicolle again was the person who told the police
15 where Sanaa was buried. When the police were out
16 looking, even after that first day when she got close
17 to the location and then got scared when she saw Allon
18 Adams and backed off of that, even then, they were out
19 looking in that area and they could not find her. They
20 were right there in that same area in that field and
21 couldn't find her. It wasn't until she came back the
22 next day and told her where Sanaa was that they found
23 her. I think that is important and I ask you to give
24 her consideration in that respect.

25 The solicitor said it doesn't matter that

COLLOQUY

1 they are beyond. That is not what the law said. The
2 law said that you have to consider youth. You heard
3 everything that Dr. Knight had to say about the factors
4 of youth, and Nicolle is not one of those irreparable
5 rare females. And any sentence that you give her is
6 going to be a lengthy, substantial, life-changing
7 sentence. I'm asking you to give her a chance.

8 We have seen signs that she is able to be
9 rehabilitated. And she has shown growth and change,
10 even over the last few years, and I think that that is
11 going to continue. And I'm asking you to give her that
12 share. And I think that Gaylon's (phonetic) word was
13 the best for the situation for them, he used the word
14 "heart-breaking" and "remorse" for the family. The
15 heartbreak that they felt. This is a situation that
16 has heartbreak for all four of these families. And it
17 is just -- such a horrible shame. I agree with that
18 word too, horrible that any of us are here trying to
19 sort this all out now.

20 But I know that it's been a long day, Judge,
21 and I thank you for hearing from us, and for hearing
22 from Dr. Knight. And I just ask you to consider
23 everything we have said.

24 THE COURT: All right. Thank you, Ms.
25 Mauldin. Anything else?

SENTENCING BY THE COURT/SANCHEZ-PERALTA

1 (No verbal response.)

2 THE COURT: All right. Ms. Peralta, if you
3 will please stand?

4 I'll tell you, Ms. Mauldin, I think that you
5 have done an excellent job for your client. I have
6 listened to your expert. And I thought that Dr. Knight
7 was very informative. And in this case, Ms. Peralta
8 was a juvenile at the time that this crime was
9 committed. And I have considered the factors in the
10 Byars and Miller cases. Just because this crime
11 carries a possibility of life.

12 I'll tell you, Ms. Peralta, the murder charge
13 is 30 to life. I must give you 30, no less. And I
14 could give you up to life. The kidnapping carries up
15 to 30 years. The murder charge itself is a strike, and
16 it is a violent and most serious charge. Any time that
17 I give you on the murder charge is a day for day
18 sentence. There is no good time. And it is a strike
19 against you. There's certain combinations of strikes
20 that can get you a life sentence. Should you get out
21 and get in trouble again, you could be facing a life
22 sentence. I'm sure that you have talked to your lawyer
23 about that; is that correct?

24 MS. SANCHEZ-PERALTA: Yes, Your Honor.

25 THE COURT: The kidnapping charge I think is

SENTENCING BY THE COURT/SANCHEZ-PERALTA

1 an 85 percent charge; is that correct, Mr. Hubbard? It
2 carries zero to 30. Whatever sentence I give on that,
3 you must serve 85 percent of it. Do you understand?

4 MS. SANCHEZ-PERALTA: Yes, Your Honor.

5 THE COURT: On top of that 85 percent charge,
6 if and when you are released, you will be on supervised
7 release. Have you talked to Ms. Mauldin and Ms. Selek
8 about that?

9 MS. SANCHEZ-PERALTA: Yes.

10 THE COURT: All right. Okay. I've listened
11 to your lawyer, Ms. Peralta. I have listened to Dr.
12 Knight. And I can tell you, I have considered your
13 age. And I recognize that you were 15 at the time of
14 this murder, and that most 15 year olds are immature
15 and they do not appreciate the risk and consequences of
16 their actions. I have listened to her explain that she
17 believes that you are in the mid-adolescent stage where
18 risk taking is at its peak. And during this stage most
19 adolescents can't avoid risk, where you would avoid
20 risk. And that this is due to adolescents' brains not
21 being fully developed.

22 I listened also about your family and home
23 environment, and I recognize that your childhood was
24 unfortunate. You were abused at a young age. You did
25 not have the opportunity to bond or attach with your

SENTENCING BY THE COURT/SANCHEZ-PERALTA

1 parents, which is really important. And you lived with
2 relatives at a young age. You suffered bullying at
3 school. And you witnessed violence in the neighborhood
4 that you lived in.

5 And you also had issues with your parents
6 over not taking you with them and leaving you when you
7 were really young. As far as competency associated
8 with you, I believe that you may not have fully
9 understood the consequences of speaking with counsel.
10 I know that your parents didn't. And I think that is
11 important because they couldn't advise you one way or
12 the other as to what to do.

13 On the possibility of rehabilitation, the law
14 states that only the rarest, or case law states that
15 children who are permanently incorrigible, I can tell
16 you that I had a tough time with this, Ms. Peralta. I
17 think that you are well on your way to being
18 permanently incorrigible. Your conduct and behavior
19 has been going on since you were 14 years old, chronic
20 runaway, don't follow your parents rules, and you make
21 false allegations. The consequences of which are just
22 tremendous to your family.

23 And then I find you involved in what you are
24 here in front of me for today. But even given that,
25 and your role in the offense, your role in the offense

SENTENCING BY THE COURT/SANCHEZ-PERALTA

1 is something that is a tragedy that we are going to
2 discuss in just a moment. But after considering all of
3 those factors and listening to your lawyer, I'm going
4 to decline to impose a life sentence.

5 However, let me tell you, this Court has
6 considered the violent and aggravating circumstances
7 surrounding Sanaa's death. It is apparent to me, and
8 from the testimony at trial, that your role was much
9 more than mere presence. There was testimony at the
10 trial that all three defendants took turns shooting the
11 victim. That included you. And I'm going to tell you
12 the thing that gets me the most is this autopsy report.
13 I read this thing two or three times this weekend.

14 This child suffered a broken eye socket,
15 femur, ribs four and six on the left side, rib seven on
16 the right side. Her left femur was fractured. So was
17 her tibia. So was the ulna, the bone that runs here,
18 which was more than likely a defensive wound. And even
19 all of that -- not to mention that she was shot at
20 least, at least 14 times. And then I look to where she
21 was shot. The left forearm, the right hand, the left
22 buttocks, the left thigh, the left thigh a couple of
23 times, the left knee. And let's see, the right leg.
24 And then finally two times to the chest.

25 I can't think of more torture than that child

SENTENCING BY THE COURT/SANCHEZ-PERALTA

1 went through, what y'all did to her. And you know, Ms.
2 Peralta, she was your friend. She was supposed to be
3 your best friend. She trusted you. She trusted you
4 when she got into that car and it cost her her life. I
5 don't believe you provided any mercy to Ms. Amenhotep
6 at all, and she was your friend. And you deserve no
7 mercy from this Court.

8 Mr. Amenhotep, don't give up on peace.
9 Please do not give up on peace. Sometimes you said the
10 magic word, how do you wrap your head around this kind
11 of violence. I can't. It is really hard. I don't
12 understand when you have a difference with somebody or
13 a problem with somebody, the answer is not picking up a
14 gun and, Let's kill them. It is not. And our youth is
15 killing each other. It is horrible. I sit up here all
16 of the time and I see it and I'm just going to tell
17 you, I can't wrap my head around it. So sorry for your
18 loss. I'm at a loss for words for you. I am.

19 MS. MAULDIN: Judge, may we approach?

20 THE COURT: You may.

21 (Off-the-record discussion held.)

22 THE COURT: There was a case that just came
23 down about two weeks ago that you can't sentence -- the
24 Court can't sentence on murder and kidnapping.
25 Kidnapping is supposed to be incorporated into the

MOTIONS BY THE DEFENSE

1 murder charge. I want y'all to understand that. It is
2 a brand new case that just came down. So what I will
3 do is just sentence on the murder charge. All right.
4 Anything else?

5 MS. MAULDIN: No, Your Honor.

6 THE COURT: Before I announce the sentence?

7 MR. HUBBARD: Not from the State.

8 THE COURT: Ms. Peralta, the sentence of the
9 Court is you be committed to the State Department of
10 Corrections for a period of 65 years. Thank you.

11 MS. MAULDIN: Your Honor, may I put a couple
12 of things on the record?

13 THE COURT: You may.

14 MS. MAULDIN: I would object to the sentence
15 as de facto life sentence in violation of the Eighth
16 Amendment prohibition and U.S. Constitution. Again,
17 cruel and unusual punishment. And Court state
18 provision as well under the South Carolina
19 Constitution.

20 And at this time I would also move for a new
21 trial based on all of our prior objections and motion
22 for a new trial previously made. And I would also
23 incorporate in that objection and in a motion for new
24 trial all of the objections and motions in the waiver
25 hearing and waiver to this Court.

STATEMENT BY MS. ZMROCZEK

1 THE COURT: I got it. And they are all
2 denied. Thank you. But so noted for the record.

3 All right. If I could have Mr. Nelson,
4 please.

5 (Pause.)

6 THE COURT: All right. I am going to tell
7 you, Ms. Zmroczek, I did the same thing since he pled
8 to kidnapping on his sentencing sheet, I left it blank
9 and put no sex offender registry on it.

10 MS. ZMROCZEK: Thank you.

11 THE COURT: Since it carries that.

12 MS. ZMROCZEK: Your Honor, that was on my
13 list to talk to you about. I see that case just came
14 out two weeks ago.

15 THE COURT: It did.

16 MS. ZMROCZEK: And it was after we had
17 entered into sentencing.

18 THE COURT: And we had already done a trial.

19 MS. ZMROCZEK: Yes.

20 THE COURT: So I am going to give you the
21 opportunity also to respond to anything that the
22 Solicitor's Office had said.

23 MS. ZMROCZEK: Thank you, Your Honor. And
24 just briefly. And kind of disjointed, but I know that
25 we are getting late into the evening. But also I don't

STATEMENT BY MS. ZMROCZEK

1 want to -- the Court knows that, obviously, each case
2 is important. Your Honor, the mention of no remorse
3 numerous times came up. And it is just simply not
4 true. It is just -- to be able to sit in the mind of a
5 now 20 year old and to know what they are feeling, he
6 is remorseful. Your Honor, I think that he has -- he's
7 shown that in many, many ways. The first of which was,
8 you know, by accepting responsibility for this.

9 Your Honor, he -- so there's one question
10 that they, that the State said specifically they didn't
11 have an answer to: How did she get beaten and broken.
12 And, Your Honor, I hate to have to bring this up, I'm
13 not trying to make anybody look bad, and that situation
14 was terrible, but the answer to that question is the
15 girls were actively, physically fighting.

16 The bruises, the pictures on the TV that you
17 see, those are from the fight that Ms. Peralta picked
18 or started and was losing with Ms. -- with Sanaa. And
19 that is why she introduced her gun into this, into this
20 case. So I don't know if the answer to that will make
21 anybody feel any better, but Your Honor it simply, it
22 was -- it was what it was.

23 Your Honor, looking just very briefly, some
24 of the things I didn't mention that are in the memo
25 that I know that you have read about Treveon's father,

STATEMENT BY MS. ZMROCZEK

1 his biological father's schizophrenia, which is how the
2 uncle played such an important role in his life when he
3 was growing up. But just, Your Honor, on Page 15, the
4 proportionality of sentences. And what this addresses,
5 looking at the proportionality of sentences to other
6 murder cases in this particular circuit, and was
7 provided to me by Justice 360. It is Page 15 of the
8 memo that we submitted, Your Honor.

9 But more importantly, we got these from the
10 website of the 11th Circuit Solicitor's Office. Okay.
11 Every murder is awful. Every murder has different
12 circumstances. We understand how awful this one was.
13 We know. But, Your Honor, in looking at his -- in
14 looking at how he was brought into this case, and then
15 looking at the last two years since this case occurred
16 of sentences wherein convicted offenders received
17 anywhere from 30 to 40 years, with 45 being the --
18 being the largest handed out. Your Honor, again, we
19 would reiterate everything that we have spoken about
20 about Mr. Nelson's involvement in this case and
21 continued --

22 THE COURT: That must be old, because I'm
23 sure that it hasn't encompassed my sentences.

24 MS. ZMROCZEK: It is the one that we got from
25 the website, Your Honor. So they are all just murder

STATEMENT BY MS. ZMROCZEK

1 sentences, so I don't know how many that you have done
2 but that is what we got from the website.

3 THE COURT: Okay.

4 MS. ZMROCZEK: Beg the Court's indulgence.

5 THE COURT: Sure.

6 (Pause.)

7 MS. ZMROCZEK: Yeah, sorry, Your Honor. And
8 so, yes, to clarify, those were non-LWOP sentences. So
9 obviously life has been given in this courtroom.

10 THE COURT: Right.

11 MS. ZMROCZEK: But these sentences were a
12 reflection of --

13 THE COURT: Let me ask you, how much time did
14 he spend in jail? And if Ms. Mauldin is back there, I
15 need that information from her. Do you know?

16 MS. ZMROCZEK: I do. I believe it is 840
17 days, if you will give me just one moment I can look it
18 up.

19 THE COURT: How about 844?

20 MS. ZMROCZEK: So according to the roster
21 sent out at 8:18 this morning, Your Honor, where it
22 gives the inmate's name and the number of days, he has
23 -- he, Treveon, has 850 days.

24 THE COURT: Okay, I'll give him 850 days.
25 Okay. Anything else, Ms. Zmroczek?

SENTENCING BY THE COURT/TREVEON NELSON

1 MS. ZMROCZEK: Your Honor, that would be the
2 remainder of our presentation.

3 THE COURT: All right. Mr. Nelson, I'm just
4 going to tell you, you heard me read the autopsy
5 report.

6 MR. NELSON: Yes, ma'am.

7 THE COURT: I mean, this girl was tortured.
8 All right. Sentence of the Court on the possession of
9 weapon during a violent crime, which carries up to five
10 years, is five years. Conspiracy, five years. It
11 carries up to five years. Those are not -- those
12 are -- I'm not real sure, 65 percent or less, I don't
13 know. I'll let the Department of Corrections figure
14 that out. But you heard me on murder, murder is
15 violent, murder is serious, any time that I give you,
16 you will spend every day of it. There is no good time.
17 It is also a strike on your record. Have you been over
18 all of that, Mr. Nelson, with your attorney?

19 MR. NELSON: Yes, ma'am.

20 THE COURT: Your case, Mr. Nelson, I am
21 giving you credit for the 850 days. Sentence of the
22 Court is 60 years. The others will go with -- run
23 concurrent.

24 MS. ZMROCZEK: Thank you, Your Honor.

25 THE COURT: Thank you.

STATEMENT BY MR. BRUNSON

1 Same thing, Mr. Brunson, on the kidnapping,
2 due to the new law, there is no sentence. And I am
3 writing, No sex offender registry on that case, on the
4 plea sheet, so there shouldn't be any question about
5 the kidnapping charge.

6 All right. I'm going to give you the
7 opportunity to respond to anything that the State said.

8 MR. BRUNSON: Your Honor, in response to the
9 State's position, we would like to bring up just a
10 couple of issues. My client has indicated remorse to
11 me over and over again, to his family, and today to
12 this Court, and to the family of the victim. Your
13 Honor, my client had never been arrested much less had
14 a criminal history. Your Honor, my client was 17 at
15 the time of his arrest and at the time of this
16 incident.

17 My client, Your Honor, has indicated his role
18 in this case, which is not being an individual with
19 motive to do anything harmful to this young lady.
20 There's no allegation that he was involved with her.
21 There are no allegations that his house was shot up,
22 Your Honor. There's no allegations that my client
23 would have motive or a reason to do any of this.
24 However, my client was aware of what happened
25 afterwards. And so, Your Honor, we take the position

STATEMENT BY MR. BRUNSON

1 that my client's role in this whole ordeal is more of
2 an accomplice or an accessory, and not someone with
3 depraved heart who actually inflicted any direct harm
4 to this young lady.

5 So for those reasons, Your Honor, and to
6 reflect on what was said by the expert, that this young
7 man, because of his delayed developments at 17, he had
8 compromised judgment and decision making. And when she
9 -- one thing in particular, when the expert talked
10 about approaching Nicolle, about what she did that day,
11 and she invoked her right and didn't give a statement
12 any further doesn't fall outside of the lines of what
13 Treveon said when he met with the State. Treveon told
14 them that Nicolle did this and that he did that, and
15 was silent as to what Jaylen did. And so we think that
16 that further underscores the fact that he was not
17 directly involved with what was happening in the field
18 that night.

19 So, Your Honor, for those reasons we
20 respectfully ask the Court to keep those things in
21 mind. And he understands that he has to suffer a
22 sentence for his admitted involvement. But we do want
23 the Court to understand and give him any credit that
24 you can give him for the fact that he did come forward,
25 that he did enter his guilty plea, and that he did not

SENTENCING BY THE COURT/JAYLEN S. WILSON

1 take this family through, again, another grueling court
2 case. And so he was responsible at that point for his
3 actions. And we would ask the Court to give him credit
4 for those things.

5 THE COURT: All right. Mr. Brunson, I have
6 him at 852 days; is that correct?

7 MR. BRUNSON: That is where I have him, Your
8 Honor.

9 THE COURT: Okay. I am going to give him
10 credit for his 852 days. Now let me tell you, I tried
11 this case. In fact, I listened to it for like a week
12 and a half, and I know that Mr. Wilson had the guns in
13 his home. The pillowcase was in his home. I know that
14 I heard testimony that all three participated in
15 shooting this young child. On top of that, and
16 somebody you can correct me if I am wrong, but I
17 believe that there was also testimony that Mr. Wilson
18 was the last one to shoot her. Stood over here and
19 said, I'm doing this for my friend Treveon Nelson. I
20 know I remember that testimony.

21 So I'm going to tell you, Mr. Brunson, I'm
22 treating him like the rest. I have given -- I'll tell
23 you, I gave Mr. Nelson credit for being the first to
24 come in. I think that is important, because I think
25 that it got Mr. Wilson to plea. And, Mr. Wilson, I'm

SENTENCING BY THE COURT/JAYLEN S. WILSON

1 considering that you don't have a prior record where
2 the other two did.

3 So the sentence of the Court on the
4 conspiracy charge is five years. All of this will run
5 concurrent. On the possession of a weapon during a
6 violent crime is another five years. However, and I
7 can't say it enough, this stuff has got to stop, and
8 I'm sending a message. Lexington County deserves
9 better than this. These guns are going one way or the
10 other. I mean, our youth is just killing our youth.
11 It is crazy. I have had enough of it. If you have got
12 a problem with somebody, go talk to them, don't pick up
13 a gun and kill them. Sentence on the murder, 60 years.
14 Good luck to you.

15 MR. HUBBARD: Thank you, Your Honor.

16 THE COURT: Thank you.

17 (Proceedings concluded.)

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REPORTER CERTIFICATE

1

2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF OCONEE:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 21st day of April, 2024.

9

10

11

Mona L. Manley /s/

12

MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 10th Circuit
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STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

State of South Carolina,

v.

Jaylen Shyir Wilson,

Defendant.

IN THE GENERAL SESSIONS COURT

ELEVENTH JUDICIAL CIRCUIT

Warrant No(s): 2021A3210201228-231

**NOTICE OF MOTIONS AND
MOTION FOR RECONSIDERATION
AND MOTION FOR NEW TRIAL**

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the above named Defendant will move before this Honorable Court, within ten (10) days after service hereof, excluding the day of service, for reconsideration of its decision issued on August 28, 2023 in the above captioned matter pursuant to SCRPC Rule 59(e) and a new trial.

The basis of the Motion is as follows: The Defendant was arrested and charged with murder, kidnapping, conspiracy, and possession of a firearm during commission of a violent crime on April 28, 2021. Bond was denied in this case and the Defendant has been in custody since his arrest. The trial in this case was scheduled to begin on May 22, 2023. A pre-trial conference was held in chambers prior to the commencement of the trial. During the discussions, counsel for the Defendant received information regarding sentencing in the event of a guilty plea. This information was conveyed to the Defendant and within an hour the Defendant entered a plea of guilty to all pending charges. The Defendant was not sentenced immediately following his guilty plea. On August 28, 2023, the Defendant appeared in Court with three co-defendants for a sentencing hearing. The Defendant presented mitigating information at the hearing and was sentenced to sixty (60) years in prison.

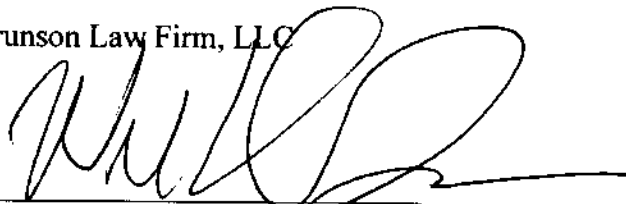
The Defendant contends that the sentence in this case is not consistent and excessive based on pre-trial representations. The Defendant relied on the representations when he entered

the guilty plea. The Defendant's right to a trial by Jury is protected by the United States Constitution and the South Carolina Constitution. That but for the representations made in pretrial conference, the Defendant would not have waived his Jury trial.

Therefore, the Defendant hereby requests a hearing in these matters.

RESPECTFULLY SUBMITTED BY:

Brunson Law Firm, LLC



Willie H. Brunson, Esquire
Attorney for the Defendant
Post Office Box 1507
425 N. Main Street
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(803) 774-3444

Sumter, South Carolina
August 30, 2023

1 State of South Carolina) Court of General Sessions
 2 County of Lexington) Eleventh Judicial Circuit
 3
 4 State of South Carolina,) Transcript of Record
 5 vs.) 2021-JU-32-00072
 6) 2022-GS-32-01995
 7) 2022-GS-32-01996
 8 Nazareth Nicolle Sanchez)
 9 Peralta,)
 10)
 11 Defendant.)
 12
 13 State of South Carolina,)
 14 vs.) 2021-GS-32-03464
 15 Jaylen Shyir Wilson,) 2021-GS-32-03535
 16) 2021-GS-32-03537A
 17 Defendant.)
 18
 19 Motion to Reconsider Sentence
 20
 21 September 28, 2023
 22 Lexington, South Carolina
 23
 24 B E F O R E:
 25 The Honorable Debra R. McCaslin, Judge
 26
 27 A P P E A R A N C E S:
 28 Samuel R. "Rick" Hubbard, III, Solicitor
 29 L. Suzanne Mayes, Deputy Solicitor
 30 On behalf of the State of South Carolina
 31
 32 Sarah H. Mauldin, Esquire
 33 David M. Mauldin, Esquire
 34 On behalf of Defendant Nazareth Nicolle Sanchez Peralta
 35
 36 Willie H. Brunson, Esquire
 37 On behalf of Defendant Jaylen Wilson
 38
 39 Stacy S. Johnson, RPR
 40 Circuit Court Reporter

I N D E X

PAGE

Certificate of Reporter

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E X H I B I T S

Court's 1

Motion for Reconsideration

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Court's 2

Post Aiken v. Byars Cases

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1 (The following proceedings were held September 28,
2 2023, beginning at 2:05 PM.)

3 THE COURT: All right. Are we ready to get started?

4 MR. HUBBARD: The State's ready. Yes, Your Honor.

5 MR. BRUNSON: The defense is ready, Your Honor.

6 MS. MAYES: Nicolle Sanchez Peralta. Jaylen Wilson.

7 THE COURT: All right. Ms. Mayes, so we're having
8 technical difficulties getting Mr. Amenhotep back on.

9 Let's see if we can get him.

10 MR. HUBBARD: Your Honor, if he could call in, he
11 can at least listen to the proceedings. If the issue's
12 on his end, maybe just calling in.

13 THE COURT: Right.

14 (Pause in proceedings.)

15 THE COURT: We're going to see what we can do to
16 accommodate, but if we're ready to get started, I'd like
17 to get started.

18 MR. HUBBARD: Thank you, Your Honor.

19 THE COURT: All right. Mr. Brunson, I've got your
20 motion to reconsider and I'll be glad to hear from you.

21 MR. BRUNSON: Thank you, Your Honor. May it please
22 the Court?

23 THE COURT: Yes, sir.

24 MR. BRUNSON: Your Honor, as we're all aware, we're
25 here today asking Your Honor to do two things. The first

1 thing is we're asking the Court to reconsider its
2 sentence. As we're all aware, my client was arrested
3 on or about April 28, 2021, and charged with murder
4 kidnapping, conspiracy and possession of a weapon during
5 a violent crime.

6 That his case had been scheduled for trial and we
7 had been preparing for that trial for a significant time
8 since I was retained. That his case was scheduled as the
9 second trial in a series of three.

10 THE COURT: That's correct, and you sat through the
11 first trial.

12 MR. BRUNSON: That is correct, Your Honor. And we
13 sat through the first trial of Ms. Sanchez Peralta and
14 his trial was scheduled to begin on May 22nd of 2023 and
15 so it's a fairly unique scenario when you can sit through
16 a trial and listen to the evidence from the State's
17 perspective as relates to your client.

18 Well, Mr. Wilson was also present in the courtroom
19 and he was updated from time to time with highlights
20 of the case. Mr. Wilson at one point had considered
21 entering a guilty plea and declined when there was an
22 introduction of new evidence that we had not heard;
23 specifically, there was a statement that we received
24 that had talked about Mr. Wilson not being actively
25 involved in the commission of the crime itself. So upon

1 that information Mr. Wilson declined to enter the plea
2 and we were set to go to trial.

3 On the date that we were set to select the jury,
4 Mr. Wilson asked me to determine what Your Honor would
5 do in the event that he pled. Well, of course, it was
6 explained to him that the minimum sentence that he could
7 receive would be thirty years for the murder, but that
8 the max was life potentially, and that it was totally
9 within Your Honor's discretion as to how his sentence
10 would -- would come down.

11 And so right before we selected the jury, Mr. Wilson
12 asked me to ask the Court if, in fact, it had an idea as
13 to what the sentence would be. So, of course, upon my
14 communication with the Solicitor's office, I requested a
15 meeting, a meeting in chambers, to discuss the possibility
16 of sentencing.

17 Now, of course, Mr. Wilson was fully apprised of
18 the fact that Your Honor has full discretion, but we
19 would -- we would talk about it. And so we entered
20 chambers and, of course, Solicitor Hubbard, Assistant
21 Solicitor Mayes, myself, Your Honor, we had the
22 discussion.

23 THE COURT: And my law clerk.

24 MR. BRUNSON: And your law clerk. And -- and we
25 had a discussion, Your Honor, in regard to sentencing

1 and, quite frankly, I did what my client asked me to
2 do. And, of course, at the time of our meeting we had
3 already heard the majority of all the facts in the case.
4 I believe the State had maybe one witness left, but it
5 was pretty well we were about to start our case.

6 So based on our communications in chambers, it was
7 expressed to me that he would not receive a minimum
8 sentence and, of course, we understand that. However,
9 the representation that was made to me was that he would
10 not receive a sentence that was much more over the
11 minimum.

12 Now after that communication was made, I requested
13 a brief recess to go and communicate this information
14 to my client, which I did. And so I went and I spoke
15 with my client, Mr. Wilson, and I communicated to him
16 what had been communicated to me, and -- and specifically
17 what I shared with him was that I was advised that if
18 you pled guilty that you would not receive a sentence
19 much more than the minimum.

20 And so armed with this new information, I spoke
21 with not only Mr. Wilson, I spoke with his family
22 members, who we had worked together as a team on this
23 case from the beginning, and I communicated to them that
24 per discussions in chambers if a guilty plea was entered
25 as indicted that he would not receive much more than the

1 minimum, and so collectively the group decided that it
2 was in his best interest to tender a plea.

3 So, of course, I confirmed this with Mr. Wilson,
4 came back and communicated in chambers with the same
5 group that based on the representations that I made to
6 him that were made to me that he was going to enter a
7 plea. So we left from our second caucus or meeting and
8 we came out in this very courtroom and my client pled
9 guilty to all the charges as indicted.

10 Now the sentence wasn't handed down that day. Of
11 course, his sentence was handed down on August the 28th
12 of this year, and so after we had an opportunity to
13 present our mitigating evidence and after the State had
14 an opportunity to present whatever they had to present
15 by way of sentencing, the -- his co-defendant received
16 a sentence of sixty-five years, my client received a
17 sentence of sixty years.

18 And so we request the Court at this time to
19 reconsider the sentence of sixty for a few reasons.
20 The first reason is that a 60-year sentence as given
21 to a 20-year old is the equivalent a -- the functional
22 equivalent of a life sentence. I think that my client
23 pled guilty and waived his constitutional right to a
24 jury because the representations were made to him that
25 he would get a sentence of not much more than the minimum,

1 and so he relied on that representation when he made his
2 decision.

3 And so I am respectfully asking the Court to issue
4 a new sentence that reflects the representations that
5 were made and communicated to him and reduce his sentence
6 of sixty to something in the neighborhood of or around
7 not more than thirty.

8 And so that's the first motion that we respectfully
9 submit to the Court for its consideration.

10 The second motion is a motion for a new trial, and
11 it's an alternative motion, and so we respectfully ask
12 the Court that if it does not see fit to reduce his
13 sentence to something in the range of not more than
14 thirty, that it allows him an opportunity to withdraw
15 his plea and have his constitutional right to a jury.

16 And so in summation, my client relied on the
17 representations that were made in making his decision
18 to give up his right to a trial.

19 THE COURT: So in the alternative what you're
20 saying is he would like to withdraw his plea of guilty?

21 MR. BRUNSON: In the alternative, yes. Yes, Your
22 Honor.

23 THE COURT: I just want to make sure. Thank you.

24 MR. BRUNSON: And so, Your Honor, as indicated, in
25 summation we respectfully ask the Court to reconsider

1 the 60-year sentence. We think that it is excessive
2 and we also think that it is outside of what was
3 represented and respectfully ask the Court to issue him
4 a sentence in the neighborhood of around not more than
5 thirty, which we anticipate to be less than thirty-five
6 years.

7 THE COURT: Okay. Mr. Hubbard, I'll be glad to
8 hear from you.

9 MR. HUBBARD: Thank you, Your Honor.

10 The facts that I've heard, I have a lot of
11 differences with what I've just heard; particularly this
12 what they believe to be thirty-five years. Your Honor
13 never mentioned a number ever in any discussion with me,
14 with Ms. Mayes, with any defense attorney on this case.

15 So let's start backing up. The first trial was
16 Ms. Sanchez Peralta, but we had a guilty plea before that,
17 and that was Treveon Nelson, who also was looking at the
18 same possible sentence, which was possible life, if he had
19 gone to trial.

20 THE COURT: All three of them.

21 MR. HUBBARD: All three of them.

22 And there's nothing, quite frankly, that says you
23 can't give life, but it just depends on the facts.
24 Treveon Nelson decided to plead guilty. There was no
25 offer. He pled straight up. Your Honor asked him all

1 the questions. Are you guilty? We gave the facts. He
2 accepted them all. And then he was afforded a chance to
3 cooperate.

4 He sat down with us, gave us a statement. I cut
5 it off because what he had to say was so absolutely
6 unbelievable I could disprove what he was saying. That
7 I'm not gonna put a liar on the stand to help a case.
8 Frankly, what he was doing was trying to protect his
9 friend, Jaylen Wilson. What he said was there was a
10 fight between this defendant and our victim and that's
11 how our victim, who was much bigger, got all these
12 horrible injuries; that this defendant, Ms. Peralta --
13 Sanchez Peralta fired a gun and then he went and fired
14 a gun, too. He doesn't explain anything else about the
15 case and it was so unbelievable we just stopped and said
16 you know what, we're done.

17 But per our duty we turned that over and when
18 Mr. Brunson got that he said his client didn't want to
19 plead guilty. That's fine. We had no problem with that.
20 We were prepared to try three defendants. We didn't
21 care if they pled or went to trial. The evidence was
22 there, and it was overwhelming.

23 So we went forward with Ms. Sanchez Peralta and
24 Mr. Brunson and his client's family sat and watched, and
25 I think it made a real impression upon them because part

1 of the evidence was the guilt of Mr. Wilson. The guilt
2 being the pillowcase that was used to drag the body of
3 our victim, Sanna Amenhotep, across a field and bury
4 her, was found at the burial. A pillowcase we can prove
5 came out of that house and in his bedroom were two of
6 the three guns that we know were involved in the murder
7 of this victim, Sanaa Amenhotep.

8 The evidence was overwhelming. We were at the end
9 of the trial with Nicolle Sanchez Peralta when Mr. Brunson
10 then approached and said hey -- you wanted to know, hey,
11 Mr. Brunson, are we gonna be getting a jury next week or
12 not? I need to know for scheduling. And we needed to
13 know, the State. He said I'm almost there. The next
14 morning he wanted to speak. He had two questions for me
15 in chambers. And I don't remember him having a question
16 for you. The two questions for me is the kidnapping
17 charge originally brought in Richland County, was that
18 gonna go away, and the answer was yes. The solicitor
19 there said he wasn't gonna prosecute it and he couldn't.
20 We were moving forward on that kidnapping here. You
21 can't get prosecuted for the same kidnapping in two
22 different counties. The other question was Solicitor,
23 are you gonna take a position on the sentence? I said
24 I'm not gonna ask specifically for life, and I explained
25 this to the family. Why add a lightning rod to this

1 case, but I was gonna ask for as much time as the Court
2 would give, and I was true to my word on that.

3 In fact, Your Honor, I made a point on the record,
4 and I'll make it again today, but for the age of these
5 defendants this would be a death penalty case. There
6 are people on death row right now for cases that aren't
7 nearly as atrocious as this one and the thought that this
8 would be a minimum sentence boggles my mind.

9 But anyway, we go back there and, Your Honor, when
10 it was all right, Your Honor, where are you, you kept
11 saying I don't know all the facts. I just know what
12 I'm hearing in the courtroom. You didn't know anything
13 about Mr. Wilson other than what we had presented in
14 Ms. Sanchez Peralta's case. That's all you knew. You
15 didn't know anything else we might be bringing out and
16 you basically said repeatedly even on other meetings
17 look, Solicitor, I'm kind of uncomfortable with life,
18 and I knew you would be because it's like putting a
19 lightning rod on this case for appellate purposes, but
20 you also made clear to every defense attorney involved
21 in this, this is not a minimum sentence case based on
22 the facts that were coming out, so if anybody wanted to
23 plead guilty they needed to know that and you set those
24 two goalposts and you gave nothing else.

25 Suzanne Mayes was in there with me. Nothing else.

1 You didn't say --

2 THE COURT: I think I told everybody I wanted to
3 know the role that they played before I would even think
4 about sentencing.

5 MR. HUBBARD: Right. And I know Your Honor kept
6 saying --

7 THE COURT: And I postponed sentencing for that
8 exact purpose.

9 MR. HUBBARD: Right. And during the sentencing
10 hearing you asked repeatedly and you said repeatedly I
11 want to know what everybody did. What -- what happened?
12 You knew what we had presented in trial, so you gave
13 everybody an opportunity to say here's what my role was
14 and why it was different from the other two defendants.
15 Nobody took you up on that.

16 Now I understand Ms. Sanchez Peralta had been
17 convicted, so she's not gonna come in here and say --
18 make an admission, but she still -- still the best she
19 was able to do was revert back to the story, and I'll
20 handle that one a little bit later, of I didn't know the
21 murder was gonna occur. That was as far down that road
22 we got there, but with Mr. Brunson's client, Mr. Wilson,
23 he said nothing. Nothing. Nothing about let me tell
24 you what my role really was and why it was different.
25 Yeah, I'm involved in this murder because, Your Honor,

1 when he pled guilty he stood in front of you and you
2 asked him based on the facts the State gave, the same
3 exact facts we proved before twelve people in this
4 courtroom, you asked him is this true? The answer was
5 yes. Are you guilty of murder? Yes. You let him know
6 at that time he could be looking at thirty to life. Do
7 you understand that? Yes. Have any promises or threats
8 been made to get you to plead? No. No. Your Honor,
9 that's on the record.

10 Nothing happened in that back room when we came out
11 that gave us the impression of the judge has a certain
12 sentence in mind. Nothing. Nothing you said. Nothing
13 you represented. Not just in that meeting, but what
14 you said in that meeting was the same you had said when
15 Ms. Mauldin was back there, when Aimee was back there as
16 well with her client, Treveon Nelson.

17 THE COURT: Ms. Zmroczek.

18 MR. HUBBARD: Zmroczek. Yes. All of a sudden my
19 brain just couldn't remember that last name. Why can't
20 I remember that last name? Your answer was the same.
21 It never wavered. Those are the goalposts. And it was
22 our job as prosecutors to lay out all of the facts,
23 here's what happened, we don't hide anything, and if
24 they wanted to seek to mitigate you gave them time to
25 do it and you specifically asked them in this courtroom

1 what was the role your client played. I want to know
2 what happened. You said it more than once. You said
3 it repeatedly, but you never said anything in chambers
4 about a number, about which way you were leaning. Never
5 committed. You didn't have enough information to do
6 that.

7 That's my memory. That's Ms. Mayes' memory. She's
8 here, too, if Your Honor has any questions about that,
9 but now as to a new trial, Your Honor, obviously I oppose
10 that, too, because that means every time a defendant gets
11 a sentence he doesn't like he's gonna come in here and
12 go you know what, I don't like this, I was expecting
13 something different, can I have a do-over, and I might
14 as well not waste my time taking any guilty pleas if
15 that's the world we're gonna live in and if I have to
16 try every case I could stop right here with my docket
17 and I have enough for the next ten years if no more
18 crimes are committed in our circuit. Your Honor, that
19 is just to me absolutely something that would just be
20 beyond consideration.

21 And this notion of the sentence is the equivalent
22 of life, actually it is not. It isn't. A life sentence
23 means life. You walk out of the courtroom with a
24 guarantee I'm gonna die in prison. Few people get to
25 know where they're gonna die, but everyone in South

1 Carolina with a life sentence knows I'm gonna die in
2 prison.

3 You gave a big sentence and there is no case in
4 this state, no case anywhere that says you can't do
5 that. You gave it based on facts and these facts called
6 out for that. Justice demanded a big sentence. Again,
7 if these -- if these folks had been older, I would have
8 been seeking death. Do you have a position? Yes, they
9 belong on death row. There are people on death row that
10 didn't do nearly as much as what these three individuals
11 did. The only thing by law that has saved them is their
12 age and to get a break now on top of that, Your Honor,
13 just would boggle my mind and would be an affront to
14 justice.

15 But going back to why we're here, you made no
16 commitment whatsoever and when we came out here even
17 for sentencing we had no clue what Your Honor was gonna
18 do, and I'm not sure Your Honor did because you hadn't
19 heard everything and you kept saying tell me, and you
20 sentenced based on what you heard, and we think that
21 sentence should stand.

22 THE COURT: Thank you. Anything else, Mr. Brunson?

23 MR. BRUNSON: Just very briefly, Your Honor, in
24 response to what Solicitor Hubbard indicates.

25 Your Honor, first, I just want to make sure that --

1 that we are very clear on the record that what he said
2 about the pillowcase and what he said about the guns,
3 we had already known that. That had already took place
4 before we even went in chambers. And he is correct. I
5 did have two questions for him and I had one question
6 for the Court. The two for him was what's gonna happen
7 to the Columbia charges as he indicated and where is he
8 gonna be on sentencing. He indicated in the affirmative
9 a few moments ago.

10 And then my third question was where is the Court
11 going to be on sentencing, and now this is where I
12 deviate from what he recalls. He stated a few moments
13 ago nothing more was said than not a minimum sentence
14 and that is just outright not true. What was said in
15 the presence of those in chambers was that yeah, this
16 is not a minimum sentence case, however, it will not be
17 much more than the minimum at which time I went and -- I
18 asked for leave and I communicated those things to my
19 client. Those are the two things that he asked me to
20 find out and those are the two things that I told him.
21 That it won't be at the minimum, but it won't be much
22 more, and so based on that information he made his
23 decision, and so I just wanted to clarify that for the
24 record, Judge.

25 Thank you.

1 THE COURT: Thank you.

2 MR. HUBBARD: One -- one final point on this not
3 much more than the minimum. If that had been said,
4 Your Honor knows me, you can tell by the way I talk
5 when I'm in court, I would have been saying what? Are
6 we back here arguing the sentence? Then let me have my
7 say because I made a point I wanted a lot and I would
8 have made my case, but I saved that for this courtroom
9 because you didn't give that representation.

10 THE COURT: Honestly, I think what I told the
11 lawyers is this is not a minimum case and I was not
12 inclined to give a life sentence; that if they pled I
13 would postpone their sentencing date until I could hear
14 from everybody. I wanted to know what their role was in
15 the events. Because let me tell you, and let me address
16 everybody in this gallery also, this was a horrendous
17 crime. Horrendous. I mean, this child was taken out
18 into a field. Her eye socket was broken. Both her legs
19 were broken. Her ulnar bone was broke in defense. On
20 top of that, not -- just about every single one of her
21 ribs were broken, and there was testimony that during
22 all this she was alive. And then she gets shot fourteen
23 times. At least. I'm looking -- I looked at this and
24 I said this in my sentencing. At least fourteen times.
25 Once in each leg, in the behind, in the neck, in the left

1 chest, the right hand, the left forearm, the left thigh.
2 Not once, but looks like three times. The knee. It was
3 also said that it appears like she was running when they
4 were shooting her. Running. Running for her life.

5 Now those lawyers who've appeared in front of me
6 know thirty is certainly not on my agenda in any case
7 on murder. It never has been. If I give a 30-year
8 sentence, it's not because of me, it's because somebody
9 negotiated it. This judge doesn't give thirty. I can't
10 think of one case that I've given thirty on other than
11 what has been negotiated. Usually my starting range is
12 forty-five. I take murder serious. It is the most
13 serious crime this state has. This was a 15-year-old
14 child and these are children who killed her in the most
15 horrendous way. So please don't thing that this is a
16 minimum sentence at all.

17 Mr. Brunson, I appreciate your motion. I think
18 you've done a good job for your client. I appreciate
19 you making it. I understand that he is a young man,
20 I do, but my sentence still stands. And I appreciate
21 everything you've done for your client. You've done
22 what you're supposed to do. And I appreciate the State
23 doing their job also.

24 All right. Anything else, Mr. Brunson?

25 MR. BRUNSON: Nothing further, Your Honor.

1 THE COURT: Thank you.

2 Mr. Hubbard?

3 MR. HUBBARD: Nothing else on this case, Your Honor.

4 THE COURT: Okay.

5 All right. Ms. Mauldin, I'll be glad to hear

6 Ms. Peralta's motion for reconsideration.

7 MS. MAULDIN: Thank you, Your Honor. If we could
8 have a moment to. . .

9 THE COURT: You can. Sarah, do you want me to give
10 you about ten minutes or so?

11 MS. MAULDIN: Oh, no, Judge. We're good. We just
12 need to move our stuff to the table.

13 THE COURT: Okay.

14 MS. MAULDIN: Your Honor, mine is a true motion to
15 reconsider. And, you know --

16 THE COURT: Thank you, Ms. Mauldin.

17 MS. MAULDIN: -- the trial was long.

18 THE COURT: It was.

19 MS. MAULDIN: I know there was time between the
20 trial and the sentencing hearing; however, the sentencing
21 hearing was a hearing that lasted all day long into the
22 evening, well after five. It was a heated and emotional
23 day.

24 THE COURT: And your client was a little bit
25 different than the other clients because she was subject

1 to the Aiken v. Byars factors because of her age at the
2 time of the crime, and it did take a little bit longer.

3 MS. MAULDIN: Yes, Judge.

4 And Your Honor took time to hear from everybody.
5 You took time to hear from us and from the co-defendants
6 and families and Sanaa's family, and we appreciate the
7 consideration that you gave then, but given that it was
8 such an emotional day and such a long, drawn out day,
9 I'm asking the Court to consider the sentence again with
10 maybe fresh eyes and with that cooling off time since
11 that day in the heat of everything that we heard that
12 day.

13 I'd first ask the Court to take again a look at
14 culpability in this case. And you talked about how you
15 wanted to know who did what, and I don't think we'll
16 ever have a definite answer as to who did what. I can
17 tell you that my client, although it took her a little
18 while to tell what happened to the police initially,
19 she did come forward and tell where Sanaa, where her
20 body was, and her version of what happened.

21 There is significant evidence that she played a
22 role in the beginning of this when the events were just
23 beginning to take place, but not later on in Sanaa's
24 actual death. The main evidence that she was involved
25 was the Solicitor's theory that since the bullet holes

1 were in the pelvic area that that indicated jealousy,
2 and I submit that that's not significant enough evidence
3 to paint her as the shooter in the case.

4 One thing as I've tried to figure out, you know,
5 how you came to your -- your sentence, one thing I've
6 tried to figure out is that maybe this was because there
7 were three guns and three people would mean that each
8 one had a gun. So we've brought one video that I don't
9 think you've seen yet. We'd like to show this. This
10 is a video that shows Treveon handling two guns. This
11 is not the only --

12 MR. HUBBARD: Is this something we have?

13 MS. MAULDIN: Yes. It was provided in discovery.

14 MR. HUBBARD: Okay. I mean, we didn't know we'd be
15 showing videos at this point.

16 (Video playing.)

17 MS. MAULDIN: This is not the only footage there is.
18 There's also a photograph that we received in discovery
19 with Treveon holding a gun in each hand. Apparently
20 that was a thing he did. So if that played a role in
21 the sentence that you gave, I wanted you to at least see
22 that and be aware of that.

23 As you've heard, and several times, there were two
24 guns that were found in Mr. Wilson's home. None found
25 on Nicolle. The pillowcase came from Mr. Wilson's home.

1 Nothing like that found on Nicolle. And what I think
2 is a significant fact, too, the fact that they had their
3 phones turned off and hers was still on. I think there
4 is evidence that she was involved in the beginning stages
5 of this, but not the -- the death of Sanaa, and I think
6 that that is a very relevant thing.

7 Your Honor, the other thing you heard a lot about
8 was the motivation of jealousy. I would just ask you to
9 consider -- I mean, there's just no reason that Treveon
10 would have carried out this shooting against Sanaa just
11 because his girlfriend was jealous of this girl and that
12 he would have killed her based on jealousy, and that's
13 the version that he tried to give the Solicitor, the
14 Solicitor who didn't believe anything else he said and
15 terminated the interview.

16 So I'd ask the Court to consider that this was in
17 retaliation for the boyfriend of Sanaa who shot into
18 Treveon's house. This is a retaliatory shooting and
19 that's why he did that.

20 Your Honor, I would just ask you again to consider
21 the known factors that Dr. Knight went through; her age,
22 the fact that at the age of 16, which she was at the
23 time, that it is more normal than not for teenagers
24 to engage in risk-taking behavior and impulsivity
25 and following their peers and not being able to see

1 consequences of their actions. Her tumultuous life up
2 until the time that she was sixteen, upheaval people in
3 her family, being abandoned in Honduras, her difficult
4 immigration here, being molested, having her -- basically
5 her parental figures killed in Honduras, the struggle
6 she went through to get here, and then, again, the abuse
7 that she experienced at the hands of Treveon Nelson once
8 she was here.

9 You've heard about that controlling relationship,
10 the different times that he had hurt her. You saw the
11 pictures of the bruises and the blood on her face that
12 he inflicted on her, injuries that were very similar
13 to the ones that Sanaa had on her face, which, again,
14 connects Treveon rather than Nicolle to those injuries
15 on Sanaa at her death.

16 The circumstances of her homicide. I've already
17 addressed those. Of course, the incompetencies of youth.
18 You know, it is maybe strange to think that she would
19 talk to the police and not tell them everything upfront.
20 Dr. Knight told you that that was a factor of youth and
21 -- and it's hard for children to make the decision that
22 yes, it's better to either own up to everything or remain
23 silent and wait until you talk to a lawyer, and that's
24 why she did that.

25 And, finally, the possibilities of rehabilitation.

1 She is certainly a young woman who now has the ability
2 to reflect. She has insight into what happened. She's
3 expressed remorse. She's mended her family relationships
4 to a degree. Your Honor, even since she's been at the
5 Department of Corrections she's been studying and working
6 on her GED. I can tell just talking to her that she's
7 in a very different frame of mind at her current age than
8 she was when she was that teenager that was so mixed up
9 back when this happened. She has truly grown.

10 As far as the representations that have been made,
11 I didn't know Mr. Brunson before this case and what I've
12 seen of him seems to me that he's very a deliberate
13 attorney, that he's very careful, and he has told me that
14 he had this pre-trial hearing. I was not a part of that
15 because it involved discussions of his client's plea,
16 and I didn't have a part in that, and I understand that.
17 I'm not saying I should have been there.

18 THE COURT: Right.

19 MS. MAULDIN: But after he filed his motion to
20 reconsider, I sent an e-mail to the Solicitor's office
21 asking them what representations were made. I never
22 got a response from that. They've told me today, you
23 know, essentially their side of that conversation, but
24 I didn't get a response at the time. So I called
25 Mr. Brunson to ask what he remembered from that, what

1 representations were made, and -- and he told me that
2 during that call that the representations were that the
3 Court would not go much over the minimum of thirty, and
4 that's certainly a very uncomfortable thing for a lawyer
5 to stand here and say, and so I appreciate that he's done
6 that.

7 And so I'm in the position of saying well, Judge,
8 that sentence was appropriate then. That was towards the
9 end of Ms. Sanchez's trial. Almost all of the evidence
10 was out at that point and so if that's the representation
11 that was made, that sentence would have been appropriate
12 then and it's appropriate now, so I'm asking the Court
13 to consider not much more than thirty at this point.
14 Certainly not more than double thirty.

15 Lastly, Your Honor imposed a sentence of five years
16 more for Ms. Sanchez than what Mr. Wilson or Mr. Nelson
17 received and if that was in any way a penalty for going
18 to trial, I would ask the Court to reconsider that. It
19 sounded as though Mr. Nelson was receiving some sort of
20 benefit and in Mr. Wilson's sentencing hearing the Court
21 made the comment that Mr. Nelson was the first one that
22 had come in and he was being given credit for that in
23 entering his plea. I submit that the reason he entered
24 that plea was because he thought he was gonna then sit
25 down with the Solicitor. He tried to do that, but when

1 he did it all fell apart and they didn't believe what
2 he said, so his scheme to try to kind of get one over
3 on them and get a better sentence didn't work.

4 And Mr. Wilson sat all the way through Nicolle's
5 trial, or his attorney did, and only made that decision
6 after having seen all the evidence. So if that was in
7 any way a penalty for exercising the right to a trial,
8 we would ask the Court to consider that she was not
9 situated much differently than they were. And, in fact,
10 she is the one who went to the police -- or I don't want
11 to mischaracterize that. They came to her, but she's
12 the one who talked to them and who told them where Sanaa
13 was, and so if there's any credit to be given for being
14 honest and revealing important information, it should go
15 to her because she's the one who took that step, so I'd
16 ask the Court to consider that.

17 Mr. Brunson touched on this, too. If the sentence
18 gave -- if the Court gave a sentence that was just a
19 number rather than the word "life" just to avoid the
20 scrutiny I think as the Solicitor put it that a life
21 sentence would give, I would submit that that's the
22 equivalent of -- that's a functional life sentence. She
23 is -- that would put her coming out at eighty-one. We
24 know that people don't live that long in the Department
25 of Corrections. That's a long shot and for her that is

1 the equivalent of life.

2 And, again, I would -- I objected to it before based
3 on the Eighth Amendment to the Federal Constitution and
4 Article 1, Section 15 of the South Carolina Constitution,
5 and I would renew those objections.

6 And, Your Honor, lastly, I'd like to pass up some
7 sentencing information on other Aiken v. Byars cases that
8 have come before different judges throughout the State
9 just -- just for the Court's information. I know that
10 you're not bound by any of this, but I'd like for you to
11 consider it.

12 This information has been provided to me by Justice
13 360, who maintains a database of the sentences that they
14 know about. So this is everything they have. They told
15 me they couldn't guarantee that this is every case that
16 -- that's because it's kind of hard to search for these,
17 but when they put out requests for information this is
18 the information they've gotten back.

19 And so when you look at these, you'll see that
20 most of the people who were sixteen and younger received
21 much lower sentences, so I'd ask the Court to consider
22 that. There was one 16-year-old who received a 50-year
23 sentence, a 15-year-old who received a 50-year sentence,
24 a 15-year old who received a 55-year sentence, and then
25 a 14-year-old who received an LWOP sentence, and these

1 are people who have been sentenced under Aiken v. Byars
2 since it's come back. These are not the resentencing.
3 These are new people who are young now, but I'd like
4 to pass that up to the Court, too, just for the Court's
5 information.

6 THE COURT: Sure.

7 Do they tell me what happened in those cases?

8 MS. MAULDIN: Your Honor, I don't have the -- the
9 information about the allegations came from the defense
10 attorneys. I didn't feel comfortable providing something
11 that had been provided to a defense-minded organization,
12 so I've taken that off, but I don't have --

13 THE COURT: Okay.

14 MS. MAULDIN: I can't tell you the allegations at
15 all.

16 THE COURT: I'm just curious because I think these
17 are pretty -- the case here is a pretty unusual set of
18 facts.

19 MS. MAUDLIN: And, Judge, I agree with you. It's a
20 terrible thing. It's a child who was killed and killed
21 by children.

22 THE COURT: It's worse than that. It's worse than
23 that. It is the aggravating circumstances surrounding
24 this child's death that she went through while she was
25 living. It's more than that.

1 MS. MAULDIN: Well -- and, Judge, without the --
2 and I don't have the facts on all of these anyway and,
3 you know, I said I'd taken off the ones because they
4 included information from the defense attorneys, but
5 certainly these are murders. None of these are -- are
6 easy cases.

7 THE COURT: Right.

8 MS. MAULDIN: So I would submit that.

9 And, Your Honor, just I would also like to
10 make a Court's exhibit of Mr. Brunson's motion for
11 reconsideration and new trial just so that it's part
12 of record for Nicolle's case, too.

13 THE COURT: Sure.

14 MS. MAULDIN: Judge, in closing you've -- I've done
15 this for seventeen years. You've known me for almost all
16 of that. I certainly -- I don't have a crystal ball. I
17 can't tell you that she's perfect or that she won't have
18 behavior problems in the future, but I think she's worth
19 saving and I'm asking you to give her chance.

20 THE COURT: Thank you.

21 Mr. Hubbard?

22 MR. HUBBARD: Yes, Your Honor.

23 Your Honor, just to pick up where we ended right
24 there, on these other cases, one of which was the
25 14-year-old in Anderson County who killed his father and

1 then goes to a school, an elementary school, and kills
2 one or more students, would have been a capital murder
3 case if that child had been older, and he got a life
4 sentence.

5 A life sentence would have been absolutely justified
6 for all three defendants in this case because it was
7 aggravated as Your Honor said. If I had sought death,
8 if they had been older, physical torture would have been
9 one of the elements because of the brutal nature, the
10 prolonged nature of deliberate infliction of suffering
11 on this child before they took her life from her.

12 The question that you asked what was is everybody's
13 role. What Nicolle Sanchez Peralta says her role was
14 she just was guilty at the front end. I lured my best
15 friend to a car knowing she's gonna be assaulted.

16 Your Honor, that doesn't even begin to make sense.
17 If they're gonna take this 15-year-old girl out to a
18 field and brutalize her, beat her, maybe even break
19 bones, and then no one's gonna get in trouble for that,
20 they're all gonna go home, Sanaa would go home, her mom
21 wouldn't ask any questions, her dad wouldn't ask any
22 questions, law enforcement wouldn't get involved, and
23 the point would have been made. That is so utterly
24 unbelievable. It is, quite frankly, a lie.

25 And going back to what Nicolle Sanchez Peralta did

1 when she was confronted -- she didn't go to the cops,
2 they went to her. She never -- even after she was
3 allegedly sexually assaulted by Treveon Nelson, she
4 never went to the cops. They came to her. They asked
5 her about this case and she lied and she lied and she
6 lied and she lied.

7 Your Honor, the only time she has come close to
8 anything purporting to be the truth is when she wrote
9 to Treveon Nelson, who is portrayed as her abuser.
10 Now she's free and clear, she's away from him, and she
11 writes him a letter about how he is the love of her
12 life, and here's what's really stunning. When she talks
13 about they both F'd up, and she uses the full worth, we
14 F'd up, Tre, we really did.

15 And she talks about how they were so busy trying to
16 get back at each other we both are hurt and now they took
17 you away from me. That wasn't they F'd up because they
18 killed Nicolle Sanchez Peralta's best friend. The F'ing
19 up was that they both got caught and they got caught
20 because Treveon was cheating on this jealous defendant
21 with another woman.

22 She turns and tells Allon Adams what they did. She
23 broke the code of silence from what three people did in
24 that field to that poor child, Ms. Amenhotep, and then
25 Allon Adams turns around and tells Treveon Nelson and

1 what does he do? He beats the heck out of this defendant.
2 But she doesn't leave him. That is part of the thug life,
3 which is also part of that letter.

4 Hold it down, Thug. It is the thug life. You
5 step out, you get beaten, but it is the life she
6 embraced. That is the truth. And it's only because
7 she was beaten that she was in the hospital. That's
8 how law enforcement found her and that was the first
9 interview on this murder. They both F'd up. If they
10 had not tried to hurt one another, they would have kept
11 it secret, and this poor mom would still be wondering
12 where's my baby.

13 That was what this person did, Ms. Sanchez Peralta.
14 Her role was leading a 15-year-old, beguiling her into
15 believing she was her best friend when she wasn't,
16 luring her into a car knowing that she's gonna be taken
17 out to a dark field away from her mom, no phone to call
18 for help, no way to get ahold of her dad. Either one
19 of them would have dropped the world to find their
20 baby daughter. They knew that and that poor child was
21 subjected to a prolonged horrific beating and was slowly
22 murdered.

23 And the key link of this defendant to this case is
24 that she gave the name of Sanaa Amenhotep. Treveon
25 Nelson said that before you when he was being sentenced.

1 That's the only link because Sanaa Amenhotep had nothing
2 to do with the drive-by shooting at Treveon's house.
3 The only thing linking her to these three folks in this
4 drive-by shooting is this young defendant who's right
5 here in this courtroom. She linked her knowing that
6 Sanaa Amenhotep had done nothing to raise a hand against
7 Treveon Nelson. She did nothing to set up a drive-by,
8 but she laid her out there knowing she was gonna be
9 beaten and brutally murdered for something she didn't do.

10 That's what separates Nicolle Sanchez Peralta from
11 her two co-defendants. They were out there to murder
12 somebody for revenge. The house is shot up, but hers,
13 far more sickening. That's what separated her.

14 THE COURT: I remember there being testimony to
15 that effect, that Mr. Wilson was the last to shoot her.

16 MR. HUBBARD: And Mr. Wilson -- she told Allon
17 Adams and so did Treveon Nelson of Mr. Wilson's behavior,
18 that he was the last one to shoot. There were three guns
19 out there, Your Honor. This was a group effort. And,
20 Your Honor, looking at it like that, that her story is
21 absolutely unbelievable. Like everything else she said
22 except when she thought she wasn't gonna get caught.
23 She didn't expect this to end up in my hands, this
24 letter. That's when she spoke to the truth.

25 Your Honor, that's what separates her from Treveon

1 Nelson and Jaylen Wilson. They got sentences they
2 deserved. If they'd gotten life, I would have be fine
3 with that. I wasn't gonna ask for it, but she deserved
4 more. This would not have happened -- none of this
5 would have happened but for Nicolle Sanchez Peralta. We
6 wouldn't be here but for her. Jaylen Wilson and Treveon
7 Nelson wouldn't have been before you but for her. That's
8 what separates her out. That's her role.

9 Thank you, Your Honor.

10 Oh, one final thing. And as to the statement that
11 Treveon Nelson made about -- to us, the statement that
12 we shut down immediately, what was his motive? Jaylen
13 Wilson is his brother, his gang brother. He is gonna
14 protect his gang brother. They're both in the same
15 gang, they're family, and like all the kids here they've
16 rejected their own families, they've embraced the thug
17 life.

18 Thank you.

19 THE COURT: Thank you.

20 Anything else, Ms. Mauldin?

21 MS. MAULDIN: Your Honor, if I can respond to that,
22 I think that proves my point, and that's one thing that
23 the Solicitor and I agree on. I do think that Treveon
24 Nelson was trying to protect Jaylen Wilson, but also
25 himself. The Solicitor has said that the link -- the

1 information that Nicolle put Sanaa's name in, this came
2 from Treveon Nelson, the person that we can't believe
3 enough to even listen to his whole statement. But, yes,
4 he is trying to protect his brother and obviously he was
5 trying to protect himself by getting a good sentence by
6 talking to the Solicitor. Of course, he's gonna try and
7 make Nicolle look bad and throw her under the bus.

8 Your Honor, I mean, you -- you want to know who did
9 what and at the end of the day we're -- you know, we're
10 still trying to connect dots on who did what. I don't
11 think that you can take from one letter Nicolle's role
12 in this, and I'm asking the Court to consider that. I
13 certainly don't think that you can take Treveon Nelson's
14 word for it.

15 THE COURT: No, and I don't. I take the testimony
16 that I heard at trial and I figure somewhere in between
17 lies the truth.

18 I hate it for the family. They'll probably never
19 know what really happened to their daughter other than
20 what the pathology report can tell them and the testimony
21 that they've heard in court. I do know that there was
22 testimony that all three took turns shooting her. There
23 was testimony that Jaylen Wilson was the last to shoot
24 her, then I also heard testimony that Nelson was the
25 last to shoot her, but it was your client who's the

1 one who told the story that they all three took turns
2 shooting her.

3 I'm gonna tell you, Ms. Mauldin, you've got a
4 tough job, and you do such a good job representing your
5 clients. You know, during sentencing I did listen to
6 -- I think it was Dr. Susan Knight. I went through the
7 Aiken v. Byars elements. I understand, but you have to
8 understand I'm -- I'm not so sure that anybody gets
9 how violent and aggravating this murder was. It was
10 horrible. Horrible. It was torture. You know, I even
11 remember the mom telling me that she came over to dinner
12 at her house afterwards. I made a note of it. When she
13 was still looking for her daughter knowing good and well
14 that she was in a grave somewhere that she helped put
15 her in.

16 So, you know, I'm gonna -- I'm gonna tell you-all
17 it's not easy to impose sentences on people. I take it
18 very, very seriously and, you know, my responsibility
19 is to impose a sentence, you know, that's not greater
20 than necessary to reflect the seriousness of the offense
21 charged, promote respect for the law and to provide
22 just punishment, and also to deter criminal conduct and
23 protect the citizens of Lexington County, and I think my
24 sentence does exactly that.

25 I'm sure there's many that disagree with me and

1 there's many that probably do agree with me, but I'm
2 telling you this is one of the most horrendous crimes,
3 the most aggravating, the most violent. Just downright
4 evil. Evil. My sentence still stands.

5 Thank you.

6 MR. HUBBARD: Thank you, Your Honor.

7 MS. MAULDIN: Thank you, Your Honor.

8 THE COURT: All right. Court's adjourned.

9 MS. MAULDIN: Your Honor, just for the record I
10 would ask to -- I would just move to renew all of my
11 prior objections and motions, including the new trial
12 motion.

13 THE COURT: Absolutely. Yes, ma'am. All -- all
14 noted for the record and all denied, but they're made.

15 MS. MAULDIN: Yes, Your Honor.

16 And may I make a Court's exhibit also of the
17 sentencing information I passed up to Your Honor?

18 THE COURT: Yes, you may.

19 MS. MAULDIN: Thank you, Your Honor.

20 (Court's Exhibit Number 1 and 2 were marked for
21 identification.)

22 (Whereupon, the proceedings were concluded at
23 3:02 PM.)

24

25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh 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 case in Circuit Court
on the 28th day of September, 2023.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

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

December 31, 2023

/s/ Stacy S. Johnson
STACY S. JOHNSON RPR
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

The State of S.C.

Vs.

Jaylen S. Wilson

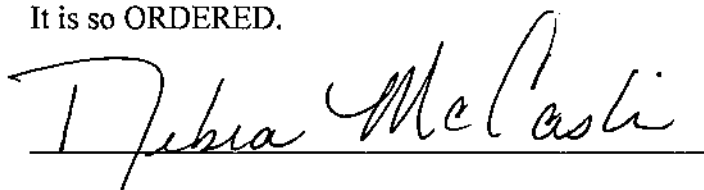
DefendantIN THE COURT OF GENERAL SESSIONS
ELEVENTH JUDICIAL CIRCUIT#2021-GS-32-03535; 2021-GS-32-03464;
2021-GS-32-03537; 2021-GS-32-03597**ORDER**

This matter was heard on September 28, 2023 upon a Motion by the defendant, Jaylen S. Wilson, for Reconsideration of Sentence and Motion for New Trial. The defendant was convicted of Murder, Kidnapping, Conspiracy, and Possession of a weapon during commission of a violent crime on May 19, 2023 following a guilty plea.

The defendant was represented at the guilty plea and at the hearing by counsel, Willie H. Brunson, Esquire. The State was represented by 11th Circuit Solicitor Rick Hubbard and Deputy Solicitor Suzanne Mayes. The Motion for Reconsideration of Sentence followed a lengthy presentation at the original sentencing hearing held on August 28, 2023, which included evidence in mitigation. The defendant was subsequently sentenced to 60 years on the charge of Murder, 5 years concurrent on the weapon charge, and 5 years concurrent on the conspiracy charge.

Upon hearing from all parties, and a review of evidence and testimony presented in this case, the Motion for Reconsideration of Sentence and Motion for New Trial is denied.

It is so ORDERED.



The Honorable Debra R. McCaslin
Judge of the Circuit Court
State of South Carolina

October 20, 2023

FILED
2023 OCT 20 PM 1:17
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

WITNESSES

Lexington County Sheriffs Department

Kevin L Baum

Law Enforcement Case #: 21007808

ARREST WARRANT NUMBER

2021A3210201231

ACTION OF GRAND JURY

JUROR

Sandra White H

Foreperson of Grand Jury
Date: 11/1/2021

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS3203535

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

VS.

Jaylen Shyr Wilson

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF LEXINGTON)

Murder

)

§ 16-03-0010

At a Court of General Sessions, convened on November 2021, the Grand Jurors of Lexington County present upon their oath:

That **Jaylen Shyir Wilson** did in Lexington County on or about April 5, through the early morning hours of April 6th, 2021, whether acting alone or in concert with another, unlawfully kill one Sanaa Amenhotep, with malice aforethought, either express or implied, to wit: Sanaa Amenhotep, age 15, was killed by gunfire, and furthermore, the murder of Sanaa Amenhotep occurred during the commission of a felony offense, being an unlawful kidnapping, to which Jaylen Wilson was a co-conspirator, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

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

Suzanne Mayo
DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Kevin L Baun

Law Enforcement Case #: 21007808

LSM

ARREST WARRANT NUMBER

2021A3240201228

DOCKET NO. 2021GS3203464

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

vs.

Jaylen Shyr Wilson

ACTION OF GRAND JURY

TRUE BILL

Sandra White Jr
Foreperson of Grand Jury

Date: 11/1/2021

VERDICT

CDR #: 0095

Indictment for

Kidnapping

§ 16-03-0910

S.R. Hubbard III, SOLICITOR

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Kidnapping
 § 16-03-0910

At a Court of General Sessions, convened on November 2021, the Grand Jurors of Lexington County present upon their oath:

That **Jaylen Shyir Wilson** did in Lexington County, South Carolina on or about April 5th, 2021 through the early morning hours of April 6th, 2021, whether acting alone or in concert with another; knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and/or carry away another person by any means whatsoever without authority of law, to wit: did confine, seize, and/or kidnap the victim, Sanaa Amenhotep, age 15, by any means whatsoever without authority of law, and without her consent, while in Lexington County, in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

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


 DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Kevin L. Baum

Law Enforcement Case #: 21007808

LSM

ARREST WARRANT NUMBER

2021A3210201229

DOCKET NO. 2021GS3203537A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2022

THE STATE

VS.

Jaylen Shyir Wilson

ACTION OF GRAND JURY

TRUE BILL

Quale Davis 06-13-22
Foreperson of Grand Jury

Date:

CDR #: 0049

Indictment for

Criminal Conspiracy

§ 16-17-0410

VERDICT

Foreperson of Petit Jury

Date:

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Criminal Conspiracy

§ 16-17-0410

At a Court of General Sessions, convened on June 2022, the Grand Jurors of Lexington County present upon their oath:

That **Jaylen Shyir Wilson** did in Lexington County, South Carolina, on or about April 5th, 2021 through the early morning hours of April 6th, 2021, knowingly and willfully unite, combine, conspire, confederate, agree and have tacit understanding with another person or persons, being one TreVeon Nelson and/or N.N.S.P. (DOB June 29, 2004), for the purpose of accomplishing a criminal or unlawful object and/or an object neither criminal nor unlawful but by criminal or unlawful means; to wit: criminal offenses committed against the victim, Sanaa Amenhotep, in Lexington County, including but not limited to, the unlawful kidnapping and/or Murder of Sanaa Amenhotep, age 15, in violation of the common law and punishable under Section 16 -17- 410 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.


 DEPUTY SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Kevin L Baum

Law Enforcement Case #: 21007808

LSM

ARREST WARRANT NUMBER

2021A3210201230

DOCKET NO. 2021GS3203597

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

THE STATE

VS.

Jaylen Shyr Wilson

ACTION OF GRAND JURY

TRUE BILL

Jordan Whitsett
Foreperson of Grand Jury

Date: *11/1/2021*

VERDICT

CDR #: 0549

Indictment for

Possession of a weapon during
commission of a violent crime

§ 16-23-0490

S.R. Hubbard III, SOLICITOR

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF LEXINGTON)

Possession of a weapon during commission of a
violent crime

§ 16-23-0490

At a Court of General Sessions, convened on November 2021, the Grand Jurors of Lexington County present upon their oath:

That **Jaylen Shyir Wilson** did in Lexington County, South Carolina on or about April 5, 2021 through the early morning hours of April 6th, 2021, knowingly and willfully, possess a firearm and/or visibly display what appeared to be a firearm, during the commission of a violent crime or attempt to commit a violent crime, to wit: whether acting alone or in concert with another, did possess a firearm while participating in the kidnapping and/or murder of Sanaa Amenhotep, such weapon described as a handgun, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

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


DEPUTY SOLICITOR

(30 - Lite)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Jaylen Shyr Wilson

AKA:

Race: Black Sex: M Age: 20

DOB: [REDACTED]

29169

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

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

 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:
Y. May

64191

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 60 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:2021-65-32-035372021-65-32-03597
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
85 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

STATE VS. Jaylen Shyir Wilson INDICTMENT/CASE#: 2021 - GS - 32 - 03535

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$25
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL \$ 125.00Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]Presiding Judge: [Signature]
Judge Code: 2769
Sentence Date: 8/24/23

(0-30)

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Jaylen Shyr Wilson

AKA:

Race: Black Sex: M Age: 20DOB: -2003 SS#: [REDACTED]City, State, Zip: West Columbia SC 29169DL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 32 - 03464AW#: 2021A3210201228Date of Offense: 4/5/2021S.C. Code §: 16-03-0910CDR Code #: 0095

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Kidnapping / KidnappingIn violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

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

ATTEST:

[Signature]

64191

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

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

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

The sentence shall run

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

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

STATE VS. Jaylen Shyr Wilson INDICTMENT/CASE#: 2021 - GS - 32 - 03464

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

\$14-1-206 (Assessments 107.5%)		\$
\$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	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Presiding Judge: Debra McCash
Judge Code: 2769
Sentence Date: 8/24/23

(0-5)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2021 - GS - 32 - 03537Jaylen Shyir WilsonAW#: 2021A3210201229

AKA:

Date of Offense: 4/5/2021Race: Black Sex: M Age: 20S.C. Code §: 16-17-0410

DOB: [REDACTED]

CDR Code #: 0049City, State, Zip: West Columbia, SC 29169

DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Conspiracy / Criminal Conspiracy, Common Law conspiracy definedIn violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

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

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

[Signature] 64191
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for ____

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

The sentence shall run

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

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

STATE VS. Jaylen Shyr Wilson INDICTMENT/CASE#: 2021 - GS - 32 - 03537

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL \$125

Clerk of Court/Deputy Clerk: Mona Manley
Court Reporter: Mona ManleyPresiding Judge: Dena McCaskie
Judge Code: 2169
Sentence Date: 8/24/23

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE#: 2021 - GS - 32 - 03597Jaylen Shyr Wilson

AKA:

A/W#: 2021A3210201230Race: Black Sex: M Age: 20Date of Offense: 4/5/2021DOB: -2003 SS#: [REDACTED]S.C. Code §: 16-23-0490Address: [REDACTED]CDR Code #: 0549City, State, Zip: West Columbia SC 29169DL#* [REDACTED] SID# [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

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

LSmayer 64191
 Solicitor SC Bar # Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

The sentence shall run

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

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

STATE VS. Jaylen Shyir Wilson INDICTMENT/CASE#: 2021 - GS - 32 - 03597

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

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

§14-1-206 (Assessments 107.5%)

§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

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$

§14-1-213 (Drug Court Surcharge)

\$150

\$

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$41

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

TBD

\$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

\$500

\$

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TBD

\$

TOTAL

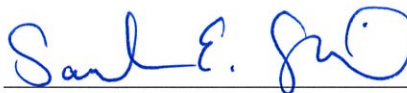
\$

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]Presiding Judge: [Signature]
Judge Code: 2769
Sentence Date: 8/24/23

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,



Sarah E. Shipe
Appellate Defender

RECEIVED

Jan 13 2025

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 13th day of January, 2025.

RECEIVED

Jan 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAYLEN S. WILSON,

APPELLANT

APPELLATE CASE NO. 2023-001555

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jaylen S. Wilson, #391863, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 13th day of January, 2025.



Sarah E. Shipe
Appellate Defender

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

ATTORNEY FOR APPELLANT