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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRAVONTAE JAHWAN MITCHELL,

APPELLANT

APPELLATE CASE NO. 2023-001323

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #27 (PHOTO OF PHONE SCREEN/FACEBOOK MESSAGES),
STATE’S EXHIBIT #32 (3715 WAYSIDE DRIVE DVD), STATE’S EXHIBIT #33 (3705
WAYSIDE DRIVE DVD), AND STATE’S EXHIBITS #55-60 (PHOTOGRAPHS OF
DEFENDANT).**

1 Q Long gun? About this big?

2 A Yes, sir.

3 Q He's the only person that had the AR-15?

4 A Yes, sir.

5 Q And no one else has a long gun; correct?

6 A No, sir.

7 Q Okay. The only person that recognized Jamie Johnson
8 was Tronahz; correct?

9 A Yes, sir.

10 Q No one else knew Jamie Johnson, to your knowledge?

11 A Yeah, nobody knew him.

12 Q Just Tronahz?

13 A Just Tronahz.

14 Q And you said you cleaned your fingerprints off your
15 9mm?

16 A Yes.

17 Q And you're saying you didn't shoot; correct?

18 A I didn't.

19 Q Why would you clean your fingerprints off a gun you
20 didn't shoot?

21 A Because I was holding it.

22 Q So you're saying you did have a 9mm, though;
23 correct?

24 A Yes, sir.

25 Q And you testified earlier it was Tronahz that killed

1 Jamie Johnson; correct?

2 A Yes, sir.

3 Q And you saw him fire the shot --

4 A Yes, sir.

5 Q -- that killed Jamie Johnson?

6 A Yes, sir.

7 Q And, once again, I know the prosecutor. You have
8 not been offered a plea deal; correct?

9 A No, sir.

10 Q So you're just testifying out of the goodness of
11 your heart?

12 A Yes, sir.

13 Q Tell the jury again what you have been charged with.

14 A Murder and three attempts.

15 Q And you stated earlier on direct you expect to be
16 let go for testifying?

17 A Yes, sir.

18 Q And it's only after you expect to be let go that you
19 have changed your testimony, correct, to police and the
20 prosecutor?

21 A It's the truth.

22 Q Well, you have lied at one point. How do we know
23 you're not lying here today? Why should we believe you?

24 A You tell me.

25 Q You're the one trying to save your own skin. You

1 tell us.

2 A I mean, I know I ain't have nothing to do with it.

3 Q But you were in the car that day?

4 A I was.

5 Q You had a 9mm?

6 A I did.

7 Q And you're wearing pants that are nearly identical
8 to what you point out my client -- you said my client was
9 wearing on the video?

10 A Yes, sir.

11 MR. PINKERTON: Your Honor, may I approach the
12 witness?

13 BY MR. PINKERTON:

14 Q Do you have a mole under your left eye?

15 A Yes, sir.

16 MR. PINKERTON: Your Honor, may I ask him to show
17 the jury his mole under his left eye.

18 THE COURT: All right.

19 MR. PINKERTON: I'll let the Court direct how you
20 want to do it.

21 THE COURT: Just turn and face the jury.

22 MR. PINKERTON: A little bit more, so they can all
23 see it.

24 BY MR. PINKERTON:

25 Q And that's an absolute distinguishing mark, a mole

1 under your left eye; correct?

2 A Yes, sir.

3 Q Thank you.

4 MR. PINKERTON: Court's indulgence, Your Honor.

5 THE COURT: All right.

6 MR. PINKERTON: No further questions, Your Honor.

7 THE COURT: Mr. Gardner?

8 MR. GARDNER: Thank you, Your Honor.

9 CROSS-EXAMINATION ON BEHALF OF DEFENDANT BROWN

10 BY MR. GARDNER:

11 Q Mr. McLeod, I don't really have too many questions.
12 But you weren't earlier -- I told the jury I did have a
13 question for you, and I feel that I'm going to keep my
14 word and ask that question. Okay?

15 A Yes, sir.

16 Q The solicitor went into it earlier, "What do you
17 want?" And your answer, I believe, was you want him to
18 let you go; is that right?

19 A Yes, sir. Yes, sir.

20 Q Okay. Fair statement.

21 But you're charged with murder and three attempted
22 murders; correct?

23 A Yes, sir.

24 Q And you know that the minimum sentence for those
25 four charges is 30 years day-for-day?

1 A Yes, sir.

2 Q Up to life without the possibility of parole?

3 A Yes, sir.

4 Q So how does he let you go?

5 A I mean -- what you mean, how does he let me go?

6 Q Well, if you're looking at 30 years minimum up to
7 life without parole, there's no letting you go in between
8 that range.

9 A I guess not.

10 Q He's going to have to dismiss the charge.

11 A Yeah.

12 Q And do you feel justified that -- in getting that
13 dismissed on your testimony today?

14 A Nah.

15 Q Okay. All right. Well, why did you ask for it
16 then?

17 A I mean, that's what I'm shooting for. I know I'm
18 going to get some time out of that.

19 Q Sir?

20 A I said, that's what I'm shooting for, but I know I'm
21 going to get some time out of that though.

22 Q You're going to get some time.

23 A Yes, sir.

24 Q But you're not going to get 30 years; right?

25 A Nah.

1 Q Okay. Thank you.

2 THE COURT: All right. Redirect?

3 MR. GARDNER: No questions, Judge. Sorry.

4 MR. HELMS: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. HELMS:

7 Q He just asked you if you think that's justified. So
8 you think it's fair that you would get some kind of
9 punishment for your involvement?

10 A Yes, sir.

11 Q Okay. Because you feel like your involvement --
12 what you have testified to, that was wrong?

13 A Yes, sir.

14 Q Okay. But you didn't shoot?

15 A No, sir.

16 Q Mr. Bouchette asked you if you were changing your
17 testimony. Do you remember that?

18 A Yes, sir.

19 Q He said you were changing your testimony today. But
20 that's not true, is it?

21 A No, sir.

22 Q You told law enforcement -- you had a conversation
23 with law enforcement before you ever testified; right?

24 A Yes, sir.

25 Q Do you remember that conversation?

1 A Not really.

2 Q Okay. Do you remember telling law enforcement that
3 you did, in fact, give your 9mm to Che Ransom?

4 A Yes, sir.

5 Q Okay. And that you did hand him a handgun?

6 A Yes, sir.

7 Q Do you remember telling law enforcement that Che,
8 Tip, and Nahz got out of the car?

9 A Yes, sir.

10 Q Okay. And then when you testified earlier this
11 year -- again, Mr. Bouchette said you changed your
12 testimony --

13 MR. HELMS: And, gentlemen, I'm on page 36 of the
14 transcript if you'd like to follow along, of the prior
15 testimony.

16 BY MR. HELMS:

17 Q I want you to look here with me.

18 MS. LIVESAY: Court's indulgence. Can I have just
19 one second, Judge?

20 This is the transcript.

21 MR. HELMS: Thank you, ma'am.

22 BY MR. HELMS:

23 Q You said, "So Jamie got to the stop sign, and we
24 jumped in front of him, and three of my codefendants got
25 out and started shooting."

1 I asked you, "Who?"

2 What did you answer when I asked you, "Who?"

3 A Nahz, Che Ransom, and Travontae.

4 COURT REPORTER: I'm sorry; can you say that again?

5 THE WITNESS: Tronahz, Che, and Travontae.

6 BY MR. HELMS:

7 Q Tronahz and Che who?

8 A Ransom.

9 Q And?

10 A Travontae.

11 Q That was your testimony at the prior trial; yes?

12 A Yes, sir.

13 Q And that was also what you told law enforcement
14 whenever you initially talked to them; yes?

15 A Yes, sir.

16 Q So you haven't changed your testimony, have you?

17 A No, sir.

18 Q And you know there's a price to pay for your
19 involvement in this; right?

20 A Yes, sir.

21 Q And that's fair; isn't it?

22 A Yes, sir.

23 Q Because you were involved?

24 A Yes, sir.

25 Q And so were all three of those gentlemen?

1 MR. BOUCHETTE: Objection to the leading.

2 THE COURT: Overruled.

3 Go ahead.

4 BY MR. HELMS:

5 Q Everyone was involved in the car, weren't they?

6 A Yes, sir.

7 Q Thank you, Mikkie.

8 THE COURT: All right. You may step down.

9 MR. HELMS: May he be released from his subpoena?

10 THE COURT: Any objection?

11 MR. BOUCHETTE: No, sir.

12 MR. PINKERTON: No objection, Your Honor.

13 MR. GARDNER: No objection, Your Honor.

14 THE COURT: All right. He's free to go.

15 MR. HELMS: Thank you.

16 THE COURT: The State can call your next witness.

17 MS. LIVESAY: Thank you, Judge. At this time, we
18 call Vera Martinez.

19 MR. HELMS: Your Honor, with respect -- may we have
20 a three-minute break?

21 THE COURT: All right. Let's go ahead and we'll
22 take about a 10-minute break. I'll excuse you back to the
23 jury room. Please do not discuss the case even among
24 yourselves at this point in time. Thank you very much.

25 Everyone else please remain seated while the jury is

1 THE COURT: All right. Ladies and gentlemen,
2 welcome back. The State can call your next witness.

3 MS. LIVESAY: At this time, the State calls Vera
4 Martinez.

5 VERA MARTINEZ,
6 after having been duly sworn, was examined and
7 testified to as follows:

8 THE CLERK: Just state your name and spell it for
9 the Court.

10 THE WITNESS: My name is Vera Martinez. V as in
11 "Victor" e-r-a M-a-r-t-i-n-e-z.

12 DIRECT EXAMINATION

13 BY MS. LIVESAY:

14 Q Ms. Martinez, where are you currently employed?

15 A I'm currently employed by Burlington Police in North
16 Carolina.

17 Q And, at some point, were you employed by the South
18 Carolina Law Enforcement Division?

19 A Yes, I was.

20 Q And when were you employed for SLED?

21 A I was there from October 1st of 2019 to October 15th
22 of 2021.

23 Q Okay. And, if you don't mind, tell these folks what
24 your responsibilities were at SLED.

25 A While I was at SLED, I was referred to as a forensic

1 technician. I was in evidence intake. We were
2 responsible in the crime lab for logging in evidence that
3 was brought in by all of the agencies in the state of
4 South Carolina for purposes of lab testing. I logged in
5 the evidence.

6 Q So it's agencies -- Horry County, whoever,
7 Charleston, Darlington -- brought up evidence for further
8 testing, and you took it in?

9 A Yes.

10 Q Now, would SLED -- if something looked like it had
11 been tampered with it, would SLED accept that evidence?

12 A No.

13 Q So the fact that you accepted it shows it had not
14 been tampered with up to that point?

15 A Correct.

16 Q Now, for this particular case, did you take in to
17 SLED and check in some shell casings?

18 A Yes, ma'am.

19 Q And can I show you these shell casings and you tell
20 me whether or not these are the shell casings dropped by
21 Horry County Police Department to SLED?

22 A Well, when we receive the package, we receive the
23 manilla envelope. We did not, in evidence intake, at any
24 time open the envelopes. So I received the manilla
25 envelope sealed with the contents inside.

1 Q Okay. So it has been opened, clearly, since you
2 accepted it and has been tested?

3 A Yes.

4 Q But when you received it from Horry County Police
5 Department, the envelope would have been sealed and
6 evidence tape would have sealed it?

7 A Correct.

8 Q Okay. And if that seal would have been broken, you
9 would not accept it?

10 A No.

11 Q Okay. And would you look at these shell casings and
12 tell me whether or not these are the casings accepted into
13 SLED?

14 A I can't tell you that. I can tell you the envelope
15 with the contents inside was collected.

16 Q Okay?

17 A But we logged in, as I said, the contained basis.

18 Q Okay. Perfect. So all you did was take this
19 evidence in?

20 A Correct.

21 Q Okay. You didn't know what was in it?

22 A Other than what was on the list identifying that
23 there were casings inside.

24 Q Okay. So you had something showing you shell
25 casings were in the sealed envelope?

1 A Correct.

2 Q Okay. And, at that time, you did not unseal the
3 envelope?

4 A No.

5 Q And you would not have been accepted it if it had
6 been unsealed when it came in?

7 A Correct.

8 MS. LIVESAY: No further questions for this witness,
9 Your Honor.

10 THE COURT: All right. Mr. Bouchette?

11 MR. BOUCHETTE: Your Honor, I don't have any
12 questions.

13 THE COURT: Mr. Pinkerton?

14 MR. PINKERTON: No, Your Honor.

15 MR. GARDNER: No, sir.

16 THE COURT: All right. You may step down.

17 THE WITNESS: Thank you.

18 MR. HELMS: May she be released?

19 THE COURT: Any objection?

20 MR. BOUCHETTE: No, sir.

21 MR. PINKERTON: No, Your Honor.

22 MR. GARDNER: No objection, Your Honor.

23 THE COURT: She's free to go. Thank you.

24 The State can call your next witness.

25 MS. LIVESAY: Thank you, Your Honor. At this time,

1 the State calls Laurie Shacker.

2 THE CLERK: Please raise your right hand and place
3 your left hand on the Bible.

4 LAURIE SHACKER,

5 after having been duly sworn, was examined and
6 testified to as follows:

7 THE CLERK: State your name and spell it for the
8 Court.

9 THE WITNESS: It's Laurie Shacker. First name is
10 L-a-u-r-i-e. Last name is S-h-a-c-k-e-r.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q Ms. Shacker, where are you currently employed?

14 A Currently, I'm not employed. I'm retired.

15 Q Okay. And were you, at one point, employed for the
16 South Carolina Law Enforcement Division?

17 A Yes, I was.

18 Q And when were you employed at SLED?

19 A I was employed at SLED from 1999 until June of 2021.

20 Q Okay. And what were your responsibilities while you
21 worked for SLED?

22 A First -- for about the first 15 years, I was in the
23 Toxicology Department as a forensic scientist, and then,
24 for about the last six or six-and-a-half years, I was the
25 Evidence Control supervisor.

1 Q Okay. And what were your responsibilities the last
2 six years in that spot?

3 A Well, the Evidence Control Department is the
4 department that logs in the evidence and then distributes
5 the evidence to the various forensic departments. And so,
6 I oversaw that department.

7 Q Okay. And while you were there, did you handle the
8 shell casings in the case that we're here today for?

9 A I believe so, yes. Is that Container A?

10 Q Yes.

11 A Yes.

12 Q Now, we just spoke with Vera Martinez. She said she
13 never unsealed the envelope. While it was your custody
14 and control, was the envelope unsealed?

15 A No, it was not.

16 Q Okay. And would you have accepted it if it had
17 appeared that it had been tampered with in any form or
18 fashion?

19 A No. We only handle sealed containers.

20 Q Okay. And so it would have had to have been sealed
21 with that evidence tape?

22 A Yes.

23 Q Okay. And after you handled it, who did you give
24 the shell casings to?

25 A Jana Weaver.

1 Q And who is Jana Weaver at South Carolina Law
2 Enforcement Division?

3 A She was a firearms analyst.

4 Q Okay. So she's the one that ultimately tests the
5 shell casings?

6 A That's correct.

7 Q Okay. And so you and Ms. Martinez are there to
8 ensure that it gets into the agency and to the person
9 testing it without any kind of tampering?

10 A Correct.

11 Q Okay. No further questions, Your Honor.

12 THE COURT: All right. Mr. Bouchette?

13 MR. BOUCHETTE: No, sir.

14 THE COURT: Mr. Pinkerton?

15 MR. PINKERTON: No, Your Honor.

16 THE COURT: Mr. Gardner?

17 MR. GARDNER: No, Your Honor.

18 THE COURT: All right. You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: Thank you.

21 MR. HELMS: May she be released, Your Honor?

22 THE COURT: Any objection to being her released?

23 MR. BOUCHETTE: No, sir.

24 MR. PINKERTON: No, sir.

25 MR. GARDNER: No, sir.

1 THE COURT: She's free to go.

2 All right. The State can call your next witness.

3 MS. LIVESAY: Thank you, Your Honor. At this time,
4 the State calls Jana Weaver.

5 THE CLERK: Please raise your right hand and place
6 your left hand on the Bible.

7 JANA WEAVER,

8 after having been duly sworn, was examined and
9 testified to as follows:

10 THE CLERK: Please state your name and spell it for
11 the Court.

12 THE WITNESS: Jana Weaver. W-e-a-v-e-r.

13 DIRECT EXAMINATION

14 BY MS. LIVESAY:

15 Q And, Ms. Weaver, where are you currently employed?

16 A I'm currently out at the Richland County Sheriff's
17 Department Forensics Laboratory in the Firearm and Tool
18 Mark Section.

19 Q Okay. And before you went to Richland County, were
20 you employed for South Carolina Law Enforcement Division?

21 A Yes, ma'am, for about eight-and-a-half years.

22 Q Okay. And what did you do at SLED?

23 A I was a firearms examiner in the Firearm and Tool
24 Mark Section there as well.

25 Q Okay. And if you don't mind, tell these folks what

1 that is.

2 **A** Firearms identification is a scientific discipline
3 in which we examine ammunition components and firearms;
4 try to determine if certain ammunition components were
5 fired by specific firearms, the same firearm, different
6 firearms. We do firearm functionality tests. I also did
7 serial number restorations. And then just examined
8 firearms to see if there are any issues with the firearm,
9 if it's requested.

10 **Q** And what kind of training have you undergone to do
11 that kind of testing and analysis?

12 **A** I have a Bachelor's of Science degree from Austin
13 Peay State University. I went through SLED's internal
14 firearm examiner training program. It was approximately
15 three years. That included extensive reading, research,
16 multiple modules that I had to go through, read countless
17 books. We did thousands of comparisons.

18 I worked under court-qualified firearms examiners,
19 watched them work cases and do examinations under them. I
20 also went to the Bureau of Alcohol, Tobacco, Firearm, and
21 Explosives, or the ATF's serial number restoration course
22 in Ammendale, Maryland.

23 I also went to the ATF's NIBIN or the National
24 Integrated Ballistics Information Network training as
25 well. At the end of that training course, we did a

1 comprehensive exam with multiple competency tests, like
2 mock cases, to make sure I was competent to do the work in
3 the parameters that were needed.

4 Q And when you look at shell casings or firearms and
5 you do whatever testing is requested, do you produce a
6 report?

7 A Yes.

8 Q Okay. And before that report goes out, is it peer
9 reviewed at SLED by some other individual?

10 A Yes. All of our examinations are 100 percent peer
11 reviewed prior to being released.

12 Q Okay. And if, for some reason, there was a
13 disagreement in the peer review, would that report be
14 released?

15 A No. Prior to that report being released, there's
16 policies in place that we would have to cover to either
17 come to an agreement, get our lieutenant involved -- the
18 supervisor -- to where there is an agreement prior to
19 releasing a report.

20 Q Okay. So before a report is released, the examiner
21 and the peer-review person has to be in agreement on the
22 results?

23 A Correct. And the peer review is done independently,
24 so without knowing the primary examiner's results.

25 Q Okay. And that's to keep kind of quality control?

1 A Correct.

2 Q And have you been qualified as an expert in South
3 Carolina?

4 A Yes.

5 Q How many times?

6 A 12.

7 Q And what court?

8 A Just General Sessions.

9 Q And what were you qualified as an expert in?

10 A Firearms identification.

11 MS. LIVESAY: At this time, the State asks that
12 Ms. Weaver be qualified as an expert in firearms
13 identification.

14 THE COURT: All right, Mr. Bouchette. Any questions
15 or challenges?

16 MR. BOUCHETTE: No objection.

17 THE COURT: Mr. Pinkerton?

18 MR. PINKERTON: No, Your Honor.

19 MR. GARDNER: No, Your Honor.

20 THE COURT: All right. I find this witness to be an
21 expert in the field of firearm identification.

22 Ladies and gentlemen, I'll give you some
23 instructions on expert testimony when I charge you on the
24 law in the case, but all you need to know at this point in
25 time is that, typically, witnesses can only testify to

1 their personal knowledge as far as what they observed,
2 what they smelled, what they heard, what they tasted,
3 things of that nature.

4 There is an exception for witnesses who are
5 qualified as experts which means that, in addition to any
6 personal observation, this witness is allowed to give an
7 opinion in the field in which she's qualified as an
8 expert.

9 All right. You can continue with your direct
10 examination.

11 MS. LIVESAY: Thank you, Judge.

12 BY MS. LIVESAY:

13 Q Now, did you receive shell casings from the Horry
14 County Police Department regarding the case we're here
15 today for?

16 A Yes, I did.

17 Q And did you examine those shell casings?

18 A Yes.

19 Q Okay. And just so we're all on the same page, when
20 you look at shell casings, you know, 9mm, five, six,
21 seven, however many shell casings, in the course of your
22 examination, can you determine if all the casings were
23 fired from one gun or more than one gun?

24 A Yes.

25 Q Okay. So you can determine, even though they're all

1 the same make and model, if they were all fired from one
2 gun or multiple guns?

3 A Typically, yes, we can determine if it's one,
4 multiple, or possibly come up with an inconclusive answer.

5 Q And, if you don't mind, tell these folks what you
6 are looking at on the casing to make that determination.

7 A When a firearm is fired, it leaves impressions or
8 striations or scratches on certain areas of the cartridge
9 case and bullet, and those scratches are very microscopic.
10 So we use a comparison microscope to compare those
11 cartridge cases to each other or bullets to each other to
12 look and see if we see any matching areas. It's a pattern
13 matching, if you will.

14 Q So similar to matching up fingerprints?

15 A This is correct.

16 Q Okay. And each gun has the ability to make their
17 own identifying marks on the casing?

18 A Each gun does have identifiable marks, and that can
19 come from manufacturing tool marks that are made, that can
20 come from wear and tear or different defects on the
21 firearm.

22 Q Okay. Now, if there was some sort of defect or you
23 couldn't perform the analysis, would you produce a report
24 that said that?

25 A Yes.

1 Q Okay. So you would let us know one way or the
2 other, either I can say or I can't say?

3 A That is correct, yes.

4 Q Okay. Now, did you look at the nine shell casings
5 submitted by Horry County Police Department in this case?

6 A Nine, you said?

7 Q I believe so, yes.

8 MS. LIVESAY: Can she look at her notes, Your Honor,
9 or the report?

10 THE COURT: Yes, that would be fine.

11 A Yes, there were nine.

12 MS. LIVESAY: Judge, if you don't mind, can she step
13 down?

14 THE COURT: Yes.

15 MS. LIVESAY: Do you want to bring your report with
16 you, Ms. Weaver, or whatever you need?

17 THE WITNESS: Yes.

18 BY MS. LIVESAY:

19 Q Now, I'm looking at these boxes. Now, they have, of
20 course, the Horry County number on it. What is that
21 written in red?

22 A That is the SLED lab number; SLED item number, which
23 can be different from an Horry County item number; and my
24 initials.

25 Q So that lab number and your initials indicated that

1 you opened up the box and examined these shell casings?

2 A Yes.

3 Q Okay. And did you look at all the shell casings?

4 A Yes, I looked at all of these.

5 Q Okay. And out of all these shell casings, were you
6 able to determine how many guns were fired?

7 A Yes, I was.

8 Q And tell these folks, out of all these shell
9 casings, how many guns were fired?

10 A I was able to determine there were three different
11 firearms fired.

12 Q Now, I'm looking at -- and you tell me -- I think
13 I'm going to have to depend on your item number. Where
14 would that be up here? Right there? Okay. Perfect.

15 So, if you don't mind, show me -- can you separate
16 out which bullets were fired by one gun, which were fired
17 by a second, and which were fired by a third?

18 A Okay.

19 Q Thank you.

20 A (Witness complies.)

21 Q Okay. So one, two, three, four, five, six 9mms were
22 fired by the same gun?

23 A Yes.

24 Q Okay. And these two long bullets that are 232s; am
25 I correct?

1 A 223s.

2 Q 223s. Thank you.

3 They were both fired by the same gun?

4 A That's correct.

5 Q And then there was one 9mm that was fired by a third
6 and separate gun?

7 A Yes.

8 Q So a total three guns were fired?

9 A Correct.

10 Q Now, do you have any -- was there any doubt -- was
11 there any confusion that three guns were fired?

12 A No, ma'am.

13 Q Okay. So all of these shell casings had identifying
14 marks on them?

15 A Yes, they did.

16 Q Okay. Thank you. If you don't mind, have a seat,
17 Ms. Weaver.

18 Now, two of the guns fired were 9mms; correct?

19 A Yes.

20 Q Okay. And one of the guns fired was a .223
21 Remington; is that correct?

22 A That is correct.

23 Q And the .223 Remington is a much longer bullet; is
24 that correct?

25 A The actual length of the cartridge and cartridge

1 case is longer than the 9mm Luger.

2 Q And I'm going to show these folks real quick. So
3 this is the -- let me show you first. This is the .223;
4 correct?

5 A Yes, ma'am.

6 Q And this is one of the 9mms; correct?

7 A Yes.

8 Q And the .223 is visibly a longer shell casing?

9 A Yes.

10 Q Okay. Now, let me make sure this one goes here,
11 goes here, and these are together.

12 And, certainly, a 9mm handgun can fire a 9mm bullet;
13 correct?

14 A It's designed to fire a 9mm cartridge.

15 Q So if I buy a 9mm, go in the gun store, they're
16 going to recommend 9mm bullets; correct?

17 A That is correct.

18 Q And can a long gun fire the .223? Is that possible?

19 A Yes. The .223 Remington caliber is typically found
20 in your AR-style long guns. There are pistols in that
21 caliber as well, but they're still a longer receiver.

22 Q Okay. So, normally, the .223 is going to be a
23 longer gun?

24 A Correct.

25 Q Ms. Weaver, I just wanted to make sure I'm clear.

1 There were two different 9mms that were fired; correct?

2 A That is correct.

3 Q Okay. And then one that used the .223, which is
4 traditionally the long gun?

5 A Correct.

6 Q Okay.

7 MS. LIVESAY: No further questions, Your Honor.

8 THE COURT: All right. Mr. Bouchette,
9 cross-examination?

10 MR. BOUCHETTE: Very briefly.

11 CROSS-EXAMINATION ON BEHALF OF DEFENDANT RANSOM

12 BY MR. BOUCHETTE:

13 Q Ms. Weaver, just to make sure, so we have got --
14 there were two total rounds that would have come from a
15 rifle; correct?

16 A Or a -- a rifle or a pistol, but typically, an AR
17 style.

18 Q All right. We keep using the phrases "long guns,"
19 "rifle," but two of the shots that would have been
20 consistent were being fired from an AR-style rifle; is
21 that correct?

22 A Correct, yes.

23 Q And the other rounds would have come from handguns,
24 9mm; correct?

25 A Typically. Again, there are AR styles that are

1 chambered for a 9mm Luger.

2 Q But more typically, it would be from the AR-style 15
3 -- or, excuse me, the AR-style rifle; correct?

4 A The .223s, yes.

5 Q That's right. And there were two of those?

6 A Correct.

7 Q No rounds from a .45; correct?

8 A I did not receive any cartridge cases from a .45.

9 Q All right. And you weren't on the scene, you aren't
10 here to testify as to where shell casings were located or
11 anything along those lines?

12 A That is correct. I was in the lab.

13 Q Okay. All right. Very good.

14 MR. BOUCHETTE: No further questions for this
15 witness, Your Honor.

16 THE COURT: All right. Mr. Pinkerton?

17 MR. PINKERTON: Yes, Your Honor, just very briefly.

18 CROSS-EXAMINATION ON BEHALF OF DEFENDANT MITCHELL

19 BY MR. PINKERTON:

20 Q To your knowledge, there was no fingerprints found
21 on any of the casings?

22 A I do not know. I didn't even look at a report, if
23 there was a report for fingerprints.

24 Q And also, to your knowledge, no DNA was found on any
25 of the casings?

1 A Again, same thing; I just did the firearms
2 examination.

3 Q Thank you.

4 MR. PINKERTON: No further questions, Your Honor.

5 THE COURT: All right. Mr. Gardner?

6 MR. GARDNER: No, sir, no questions.

7 THE COURT: Redirect?

8 MS. LIVESAY: Just one question.

9 REDIRECT EXAMINATION

10 BY MS. LIVESAY:

11 Q Ms. Weaver, these shell casings, just so I'm clear,
12 this is the portion that pops out of the gun; correct?

13 A That is correct.

14 Q Okay. This is when people bang, bang, you see them
15 filing out to the right; right?

16 A That is correct, yes.

17 Q Okay. And, in fact, what you're looking at is the
18 tool --

19 MR. BOUCHETTE: Objection. Beyond the scope of
20 cross.

21 MS. LIVESAY: I'm going somewhere. I promise,
22 Judge. Give me one more question.

23 MR. GARDNER: It's still beyond the scope of cross,
24 Your Honor. We join that objection.

25 MR. PINKERTON: We too, Your Honor.

1 THE COURT: All right. What is it in response to?

2 MS. LIVESAY: The fingerprints.

3 THE COURT: All right. I'll allow it. Go ahead.

4 BY MS. LIVESAY:

5 Q And, in fact, what you're looking at on the casing
6 is tool markings where the barrel of the gun or the slide
7 has created scratches, marks, tool markings on the shell
8 casing while it's ejecting; correct?

9 A Typically, during the whole cycle of firing. So,
10 yeah, ejecting is part of that cycle.

11 Q Okay. So, typically, when the gun is fired and the
12 shell casing pops out, it's kind of like an explosion that
13 causes the bullet to go out; correct?

14 A There's combustion, yes.

15 Q Okay. So a lot is going on?

16 A Yes.

17 Q Would you expect to find a fingerprint on a shell
18 casing that's already been popped out of the gun?

19 A That is a little bit beyond my -- what I'm
20 comfortable speaking on. I don't do fingerprints.

21 Q Okay. I understand. Let me ask you something: How
22 long have you been doing ballistics?

23 A Almost -- almost nine years.

24 Q Okay. And as part of that, they have ever
25 incorporated fingerprints in the shell casings?

1 A The latent print department takes care of the
2 fingerprints, so that is all done prior to us getting the
3 evidence. And it has gone through that process. The
4 results, I'm not aware of their results.

5 Q So you don't know if they're really able to obtain
6 them or not?

7 A Yes. I don't -- I can't speak on that.

8 MS. LIVESAY: No further questions, Your Honor.

9 THE COURT: All right. You may step down.

10 MS. LIVESAY: Your Honor, at this time the State
11 rests.

12 THE COURT: All right.

13 MR. BOUCHETTE: No objection to this witness being
14 released, Your Honor.

15 MR. PINKERTON: No objection, Your Honor.

16 MR. GARDNER: No, Your Honor, no objection.

17 THE COURT: She's free to go. Thank you.

18 MS. LIVESAY: Thank you, Judge.

19 THE COURT: All right. Ladies and gentlemen, the
20 State has rested their case, so now is the time of the
21 trial where I have to take up some matters of law with the
22 attorneys. So I'm going to excuse you back to the jury
23 room for a few minutes.

24 Do not discuss the case, even among yourselves.

25 We'll bring you back out in just a second. Thank you very

1 verdict for Don Brown is appropriate at this time, and I'd
2 respectfully ask you to grant that motion.

3 THE COURT: Likewise, I'm going to deny that motion.
4 I think there is evidence there that makes it a jury
5 issue.

6 All right.

7 MR. BOUCHETTE: One last thing, Your Honor. I think
8 I believe we're obligated to renew our prior motions for
9 the mistrial that we made during the course of this case.
10 I think there were three total. We don't need to go back
11 and re-argue them, but I just wanted to make sure the
12 Court has noted that we are renewing those motions at this
13 time, that is, the close of the State's case.

14 THE COURT: All right. Yeah, I'm going to stick by
15 my prior ruling on all prior motions.

16 MR. PINKERTON: Your Honor, I would also join in
17 with that. We renew all prior motions and objections for
18 Mr. Mitchell.

19 MR. GARDNER: If that's what's required, we will
20 protect the record, Your Honor, so we would renew any
21 motions and stand by whatever ruling you have already
22 made.

23 THE COURT: All right. I'm sticking by my prior
24 rulings. All right?

25 All right. Anything else? Do you want me to

1 testify in this case. You have the right to testify on
2 your own behalf; however, no one can make you testify.
3 This is a personal right, and no one can waive this right
4 except for you. If you decide to testify, you will be
5 subject to the same rules that govern other witnesses, and
6 you may be examined and cross-examined on any relevant
7 issue in this case.

8 In addition, if you have any convictions involving
9 dishonesty or false statement or for crimes punishable by
10 imprisonment for more than one year and this Court
11 determines that the probative value of admitting this
12 evidence outweighs its prejudicial effect to you, the
13 solicitor will be able to introduce your record to attack
14 your credibility.

15 Now, is there any criminal record against this
16 defendant?

17 MS. LIVESAY: No, sir, Your Honor. Mr. Mitchell was
18 a juvenile prior to this.

19 THE COURT: All right. If you decide to testify,
20 this decision on your part must be freely, voluntarily,
21 and intelligently made with the knowledge of the
22 protections given to you by the Fifth Amendment to the
23 United States Constitution and the consequences of your
24 decision to testify.

25 If you decide not to testify, I will instruct the

1 State before we bring the jury in?

2 MS. LIVESAY: No, sir.

3 THE COURT: Mr. Bouchette?

4 MR. BOUCHETTE: No, sir.

5 MR. PINKERTON: No, Your Honor.

6 MR. GARDNER: No, sir.

7 THE COURT: All right. Let's bring the jury in.

8 (The jury entered the courtroom at 11:39 a.m.)

9 THE COURT: All right. Ladies and gentlemen,
10 welcome back. Before we recessed, you heard the State
11 rest. Now is the time where the defendants can present a
12 defense if they choose to do so.

13 Mr. Bouchette, any defense to be presented by your
14 client, Mr. Ransom?

15 MR. BOUCHETTE: No, sir.

16 THE COURT: All right. Mr. Pinkerton?

17 MR. PINKERTON: No, Your Honor.

18 THE COURT: Mr. Gardner?

19 MR. GARDNER: No, Your Honor. Defendants rest.

20 THE COURT: All right. Ladies and gentlemen, all
21 the defendants have rested their case, and so the only
22 thing remaining will be for the attorneys to make their
23 closing arguments, I need to charge you on the law to be
24 applied in this case, and then for you to deliberate.
25 It's still too early for deliberations at this point in

1 means likely to produce death or great bodily injury."

2 And then I give the definition of great bodily injury.

3 Do y'all want to decide among yourselves?

4 MR. BOUCHETTE: Yeah, if the Court would allow us a
5 few minutes to confer to make sure I'm not missing
6 something that co-counsel --

7 THE COURT: All right. That will be fine.

8 (Counsel conferring off the record.)

9 MR. BOUCHETTE: Your Honor, we would request that
10 the charge not be included.

11 THE COURT: Okay. And now that I look back at it,
12 it says that the defendant unlawfully injured another
13 person and the act is accomplished by -- there was no
14 other injury except for the primary murder. So I'm
15 thinking that you might be right. There may not be --

16 MR. BOUCHETTE: You usually see that when there's an
17 injury, and you're inferring the attempt to kill from
18 there and so it makes sense. This one, I don't think
19 would --

20 THE COURT: Okay. All right. Then I'll just leave
21 the assault and battery of a high and aggravated nature
22 out. So it will just simply be guilty or not guilty on
23 murder and guilty or not guilty on each attempted murder.
24 That's correct?

25 MS. LIVESAY: Yes, sir.

1 arguments because this is not evidence of facts and it's
2 not a charge on the law. It's just their opinion or
3 contention as to what they think the facts are and the law
4 to be applied.

5 All right. Ms. Livesay?

6 MS. LIVESAY: Thank you, Your Honor.

7 CLOSING ARGUMENT ON BEHALF OF THE STATE

8 MS. LIVESAY: Good afternoon, ladies and gentlemen.
9 I know you have had a long week, and we are finally at
10 closing arguments on Thursday afternoon. Now, I want to
11 go ahead and tell everybody that I am from Tarboro, North
12 Carolina. Now, why is that important? Because I can't
13 talk fast and I can't tell a short story. So I want y'all
14 to bear with me. We have got a lot of evidence to go
15 over.

16 And just like Judge Culbertson said, we have got to
17 look at the evidence, and we have got to figure out what
18 it tells us. The evidence is what tells us whether or not
19 Che Ransom, Don Brown, and Travontae Mitchell are guilty.
20 That's what we have to look at.

21 Now, what are they charged with? They're charged
22 with murder and three counts of attempted murder.

23 Now, why murder? That's an easy one. That's why we
24 start with murder. Why? Because Jamie Johnson was shot
25 in the head, and he died on the streets of Horry County.

1 That young man laid out there -- you saw him in the
2 video -- and that young man lost his life on
3 September 12th of 2020. So that's why they're charged
4 with murder.

5 Now, attempted murder. Attempted murder is just
6 what you would think it is. It is not that someone has
7 died, but it is someone has acted in a way to attempt to
8 take the life of another individual.

9 Now, how did we get to three counts of attempted
10 murder? Just what you would think. Britney Milam was in
11 the car, Jacob Hill was in the car, and so was Orlin
12 Lopez. We are here to tell you shots were fired at that
13 Tahoe. When you shoot into a car that you know is
14 occupied by individuals, there is no other conclusion
15 other than attempted murder.

16 Now, let me explain it this way: If I walked into a
17 home, and there were three people in the closet hiding,
18 and I opened the door, then I shut the door back and I
19 fired nine shots, is anybody wondering whether or not I
20 have intent to kill the people in that closet? There can
21 be no other answer.

22 Now, Mr. Helms talked to you in opening about the
23 idea of a team. He talked to you about Tom Brady. He is
24 not a sports fan; I am a tremendous sports fan. Now, why
25 was he talking to you about that idea? Because that idea

1 of a team is also a legal, recognized, accepted law here
2 in South Carolina. What is it? It is the hand of one is
3 the hand of all.

4 What does that mean? That means if two people or
5 more than two people join together to commit a crime, they
6 are all equally guilty, whether you fire the fatal shot or
7 not. The judge is going to give you the jury
8 instructions, and he's going to read you "hand of one,
9 hand of all".

10 So what does that mean? That means if me and
11 Mr. Helms get in a car together and I'm driving and he's
12 got a gun and we ride -- I creep by Lacy Miller's house,
13 I'm riding slow, and Mr. Helms --

14 MR. GARDNER: Objection. Your Honor, I have an
15 objection.

16 THE COURT: Hold for a second.

17 What's your objection?

18 MR. BOUCHETTE: May I approach?

19 BENCH CONFERENCE

20 (The following bench conference was held outside the
21 hearing of the jury and others:)

22 MR. BOUCHETTE: Okay. So Ms. Livesay is showing on
23 one of the boards, there's a written-out statement of
24 "hand of one, hand of all," at least according to her.

25 Under it, it has some kind of example that's written

1 out that's indicative of applying the law to an example
2 that's being shown on the board that seems to be an
3 incorrect way to have written jury charges sent to the
4 jury. We don't send the jury charges back, Your Honor.

5 THE COURT: I'm going to overrule it. I'll allow
6 it.

7 MR. BOUCHETTE: Okay. Very good.

8 (Open court resumes as follows:)

9 THE COURT: All right. Overruled.

10 MS. LIVESAY: Now, before I was interrupted, we left
11 off at the hand of one is the hand of all. What does that
12 mean? That means, when I'm driving, creeping by, and
13 Chris rolls down the window and fires nine shots, we are
14 both equally guilty. I am just as guilty as the driver,
15 as Chris is as the one pulling the trigger. Why? Because
16 it takes both of us to accomplish the goal. So the hand
17 of one is the hand of all.

18 Now, right from the jury instructions, Judge
19 Culbertson is going to tell you if they are acting
20 together, if they are assisting each other in committing
21 the offense, then the act of one is the act of all.

22 So the question now is, are these six codefendants,
23 particularly the three on trial, are they acting together
24 and are they assisting each other in committing the
25 offense? That is the question. Because if we find that

1 they are, then there can be no other answer than they are
2 all equally guilty.

3 I remember one time when Tom Brady lost the Super
4 Bowl. His wife was walking out of the stadium and, of
5 course, everybody, the media is all on him, you know,
6 "Your husband lost." And she fired back and she said, "He
7 can't throw and catch the ball."

8 That's why this exists, because it takes everyone
9 acting together to accomplish ultimately the crime that
10 occurred.

11 Now, were they acting together? Were they assisting
12 each other? Let me tell you something, folks.
13 September 12th, 2020, was Saturday night. Now, let's
14 figure out, were the six of them all gathered up on
15 Saturday night? Had they already gathered up? They
16 weren't at the movies with their girlfriend, they weren't
17 over in Myrtle Beach going out to eat. Were the six of
18 them all gathered up right here in Conway? I'm going to
19 tell you they were.

20 The time is 9 -- of course the date is 9/12, and
21 it's 18:27. So we're looking, 6:27.

22 (Video plays.)

23 MS. LIVESAY: Can you hit me just a little forward?

24 Here's the car of course. Saturday night. Still
25 light outside. See this man walk over? De'Shon Samuel

1 tells you he's in the car here. Lo and behold, look who
2 else is walking over. One, two, three, four. Tronahz
3 Whittington is over here; he's the young man in the shorts
4 with no shirt.

5 In a split minute, you're going to see Shamontae
6 Graham walk over from the white car. Saturday night,
7 6:30.

8 Is there a question that they're all together?
9 There is no question. All these young men at this time
10 have already gathered together.

11 This is Mikkie McLeod. They all walk up together
12 and talk to De'Shon. They all walk off together and talk
13 to De'Shon. Already together on Saturday night, walking
14 up, walking back.

15 Here's Shamontae. He's running a little late. He's
16 going to walk up to the car as well and walk back.

17 Now, what are they doing? We know what they're
18 doing. It's Saturday night and they're borrowing
19 De'Shon's car.

20 Now, you're going to hear testimony, "Well, Tronahz
21 was the one that said 'Can I borrower your car?'" Well,
22 look, folks, six people, when somebody borrows your car, a
23 group, all six of them aren't saying, "Can I borrow your
24 car?" But there is no doubt all of them walked up to the
25 car, all of them walked away from the car. It is clear

1 all of them had a common interest in using this car.

2 Then you see them walking across the street.

3 Can you fast forward a little to show the car
4 leaving?

5 Now, lo and behold, once they talk to De'Shon, they
6 all walk over here, and lo and behold, a car pulls right
7 out and goes over in that direction.

8 (Video plays.)

9 Then he gets out a few minutes later. He's heading
10 right over to where the six codefendants are. So they
11 already are together. They're already meeting with the
12 owner of the car. They're already -- there's a plan here
13 when they're all getting in the car.

14 Now, what does the evidence show as to where the car
15 is next? Where do we see the car next? And I'm going to
16 tell you something, don't just pay attention to where the
17 car is. Pay attention to how quick the car is in that
18 area.

19 EME Apartments, folks -- I know this area. I used
20 to live in that section of Conway. So State's
21 Evidence 16, this is EME Apartments. Right here in
22 Conway. Some of you may know where it is. Some of you
23 may not, but it's on this part of Conway.

24 Now, the car leaves out. We just saw the video --
25 around 6:30. Okay? They haven't even gotten in the car.

1 That's just showing us that they have talked to De'Shon
2 and the car has left. 6:30.

3 Now, this is EME Apartments. Now, where is Wayside?
4 Wayside is all the way from this part of Conway -- and if
5 y'all need a reference point. So right here is 701. I
6 don't know how many people are familiar with Conway, but
7 this is 701 here. So they're all the way from this part
8 of town to Wayside Road, all the way across Conway. They
9 leave at 6:30.

10 (Video play.)

11 Can you hit me? 1911. 7:11. 7:11. The Tahoe is
12 right here. Okay? Horry County is one of the biggest
13 counties east of the Mississippi. Look how many roads are
14 just on this map for a portion of Conway. Jamie Johnson,
15 the victim, is on Wayside Drive, which is a back road.

16 Now, it's now 7:11. The windows are down. And
17 look, he's already behind him. Already behind him. They
18 leave, they borrow the car around 6:30. By 7:11 now --
19 not even 45 minutes later, they are across town, and they
20 are behind Jamie Johnson.

21 Now, do they know Jamie Johnson? They do. How do
22 you know? Because Che Ransom gave a statement saying, "I
23 saw him on Snapchat and he had weed and money."

24 Also don't forget, Shamontae Graham and Mikkie
25 McLeod testified that everybody had a gun when they got in

1 the car. All six of them are in the car armed and behind
2 the victim within 45 minutes.

3 That is a plan.

4 Now, Investigator Drew Edwards testified that Che
5 told him there wasn't a plan until in the car. Maybe
6 that's when the plan got more solid, but the evidence
7 shows, if you can make it behind the victim within 45
8 minutes, everybody's in the car, everybody's armed, that
9 ain't happenstance. There's a plan.

10 Now, Che says the plan developed. He told Drew
11 Edwards -- you can listen to any of his testimony that you
12 want to -- that the plan came up while they were in the
13 car. Let me tell you something, folks, maybe there's some
14 truth that it got solid in the car, but regardless, there
15 was a plan. Shamontae told you it was a plan. Che Ransom
16 told you it was a plan.

17 And the plan, they told you, was robbery. They told
18 you they were going to rob him. That's what Che says.
19 That's what Shamontae says. That's what the evidence of
20 them stalking behind him says, with four guns in the car.

21 Now, one camera -- you hardly ever get this, but now
22 everybody's got a Ring camera. Past the first 7:11.
23 Okay? Now we're down closer to D Street at 7:13, I
24 believe. Here it is right here. 19:13. So two minutes
25 later, he's our victim.

1 (Video play.)

2 Right in behind him. Right in behind him. This is
3 on video. Right in behind him, trying to figure out when
4 that opportunity is going to come.

5 Now, the evidence shows response to the scene was
6 around 7:19. The 911 call was at 7:16. Okay? So what
7 does that mean? It means we just watched the victim drive
8 by at 7:13. Okay? Less than three minutes later -- less
9 than three minutes later, they have gunned down Jamie
10 Johnson. That young man has lost his life. They have
11 already fired at least nine shots into his car. Wrap your
12 mind around, when we just saw that car -- the defendants'
13 car behind the victim's car, it was three minutes later.
14 That quick. And that young man was killed. They had
15 already jumped out of the car and fired nine bullets.
16 Three minutes, folks. Not a very long time.

17 That tells you there was a plan. That tells you
18 there was a plan.

19 Now, what happens? What happens at 7:16 for 911 to
20 be called? Shamontae told you, Jacob Hill told you,
21 Britney Milam told you, Orlin told you, and Mikkie McLeod.
22 Now, who are those people? Those are three people from
23 the victim's car and two people from the defendants' car.
24 And they all said the same thing. One boy jumped out of
25 the front -- before that even happens, though, let me back

1 up.

2 Their car passes the victim's car and cuts him off.
3 Let me tell you, that is acting together. That is
4 assisting. Don Brown is assisting when he trapped the
5 victim. Make no bones about it. Whether he got out of
6 the car or whether he had a gun, he actively assisted when
7 he trapped the victim, and the victim could not get away.

8 You can't rob somebody until you trap them. They
9 can get away. This -- Don Brown was instrumental. He was
10 the one that pulled right in front of him. Jamie was shot
11 moving the car, trying to get away, trying to back up. He
12 couldn't go forward and back, and he was shot in the back
13 of the head.

14 So whether Don Brown got out, the question of
15 whether or not he was assisting is clear. He trapped and
16 blocked those people off.

17 I don't know if any of you watched "The Godfather,"
18 but it's almost something out of a gangster movie. In
19 "The Godfather," one of the characters gets --

20 MR. GARDNER: Objection to reference to gangster and
21 anything about gangster movies, Your Honor.

22 THE COURT: Overruled.

23 Go ahead.

24 MS. LIVESAY: Thank you, Judge.

25 Now, before I was interrupted, in that movie, one of

1 the characters get trapped off. Three guys jump out of
2 the car and kill Sonny. Now, is anybody wondering if the
3 guy that trapped him off was an active participant?

4 If I try to get out of here and Lacy's got a gun and
5 Chris steps in front of me so I can't get away and she
6 kills me, he is actively assisting her.

7 And I cannot fathom what it felt like when he was at
8 the stop sign and that car pulled in front of him. And
9 you can't get away. And you're unarmed. And people get
10 out of the car. Specifically at least three fire. And
11 you're trapped, and they are just peppering your car.
12 [Snapping fingers.] I cannot fathom what that must feel
13 like. It's like being trapped in a box. You're in this
14 car. You can't get out because all these people are
15 shooting [snapping fingers]. You can't get out and run.
16 There's nowhere to go. There's no way to get away and
17 there's no way to defend yourself. I cannot imagine. I
18 can only think it feels almost like drowning. There's
19 nothing -- there's no flotation, there's no saviour,
20 there's no way to get away or defend yourself.

21 So Don Brown, rest your mind at ease, when he
22 trapped them, that was assistance. Not just any
23 assistance, but that was a big part of it.

24 And you say, "Well, how do you know?" Because
25 nobody got out of the car and did anything -- we saw it.

1 They were riding right along on Wayside Drive. Nobody did
2 anything until Don trapped the car off. Nobody was firing
3 at him on Wayside Drive. They weren't firing at 7:11.
4 They weren't firing two minutes later. No, they weren't
5 doing that. They weren't because the guns weren't [sic]
6 loaded; right? The guns were [sic] loaded. Nobody did
7 anything until Don had them trapped and they could not get
8 away.

9 If they pulled those guns out on Wayside Drive and
10 fired, they could have sped off. Nobody did anything
11 until they were trapped.

12 Now, who else was assisting? Who else was acting
13 together? Well, we know Che Ransom. Detective Edwards
14 told you -- I sat down and talked with him, and when I
15 talked to him at first he said, "I don't know anything."
16 And then his mama went in there and talked to him. And
17 then I talked to him again. What did he say? "I was in
18 the car. I got out. I tried to fire my gun. It jammed.
19 I unjammed it, and I popped two while we were leaving.
20 But I got in there and I unjammed it, and then I popped
21 two off."

22 Now, Mr. Bouchette is going to argue that, because
23 the two were fired in the air, that he was not assisting,
24 that he was not acting together. Okay?

25 First of all, when the gun jammed -- okay? -- and he

1 got back in the car, that was game time decision time.
2 Stay in the car. Keep right there in the car. The gun
3 had jammed. Things happen for a reason. Maybe this ain't
4 the time for you. But he got in there, unjammed the gun,
5 and fired off two shots.

6 Now, did he fire them up in the air? That's what he
7 says. Does it make him less guilty? Absolutely not.
8 Why?

9 How do I tell you that he is assisting each other?
10 Here's how. When you watch movies or somebody robs a bank
11 and they walk in, what is the first thing they do? Pow,
12 pow, get on the ground. And people do it. People do it.

13 I'm telling you, if Chris pulled his gun out and
14 fired up in the air twice, everybody in here would be down
15 on the ground.

16 So he was assisting. He was playing a part. When
17 he fired up twice, that's it. Everybody's head's down.
18 The victims told you, "We didn't pick our head up until
19 the gunshot stopped." Did it work? You better believe it
20 worked. Nobody got a license plate. Right? Nobody out
21 there -- even Peter Garland -- you see him on the video --
22 got a description. You know why? Because people hear
23 gunshots; they go down.

24 So he was doing his part in keeping everybody's head
25 down. Nobody got a license plate. Nobody got an active

1 description of who was in the car. You know why? Because
2 nobody picked their head up to move until after those
3 gunshots stopped.

4 And did it work? It did work. Nobody got a license
5 plate. Nobody got any defendant -- kind of descriptions
6 of everybody in the car. It worked, just like when
7 somebody walks in a bank and shoots up twice. You're
8 still keeping these people trapped. Nobody is doing
9 anything until the gun stops. So he was actively
10 participating.

11 Now, Travontae Mitchell, he's the last one. What
12 did he do? What was his role? He had a gun. He had a
13 gun. His brother said he had a gun. He didn't want to
14 say it. He was in here, his mama was in here, his brother
15 was in here, but lo and behold, he had to come off and
16 say, yeah, he did have a gun. He did have a gun.

17 And -- and he had to tell you ol' boy hoped out, got
18 out the car, and then got back in.

19 Let me tell you something: He got out for a reason.
20 He got out for a reason. He either fired and Mikkie
21 McLeod is telling you the absolute truth that it was
22 Tronahz Whittington, that it was Che Ransom, and that it
23 was Travontae, or he was getting out to be a lookout.

24 But you got people trapped in a Tahoe, you have got
25 three of your friends filing out of car, and you just file

1 out for no reason? No. You had a gun. You popped out
2 with a purpose. And Travontae Mitchell, I submit to you,
3 fired.

4 Now, they want to -- the defense wants to tell you
5 only a couple of shots were fired. Only a couple of shots
6 were fired. One, two, three, four, five, six, seven,
7 eight, nine. More than a couple of shots were fired.

8 If you are looking for specific intent, if you are
9 looking for malice when you kill somebody, if you are
10 looking at attempted murder, this is what it looks like.
11 There was not a hole in any of those mobile homes. There
12 wasn't a hole in any of the houses out there. All the
13 holes were in the Tahoe. One place: where all the victims
14 were.

15 They were not sprayed wide all over the place. They
16 were not. When you look at the video, there's a house
17 right here, a house behind this. It's a residential area.
18 They were not just out widely spraying bullets here and up
19 in the air and everywhere. No, that's not true. The
20 evidence -- it cannot be true. The evidence is all the
21 holes are in the victim's Tahoe.

22 If I came in here and told you that somebody walked
23 in that house, that closet we talked about before, there's
24 three or four people in there, and I shut the door and I
25 pow, pow, pow in the closet, and those are the only holes

1 in the house, is anybody wondering if I have specific
2 intent or if I have malice to kill the people in the
3 closet? Nobody is wondering it. If those are the only
4 holes is in the closet where the three people are crouched
5 down, that can be it. If there's no holes anywhere else
6 in the house, that shows you intent, it shows you malice,
7 it shows you somebody that is trying to end the life of
8 the people in the closet.

9 Now, there was some questions -- and we are now kind
10 of wrapping the evidence up. There was some questions by
11 Mr. Bouchette about the location of the shell casings.
12 Let me tell you something, folks. Let me get the -- and
13 you can look at the crime scene pictures as well. They
14 are all located in this area right here. You can go back
15 and look at the pictures. Look at whatever you want to.
16 There are not shell casings down the road here or down
17 this road. All the shell casings are in this vicinity
18 right here. That's because they were all standing in this
19 vicinity when the shots were fired. That's it. It's not
20 because they were riding down the road and Che fired two
21 off. That can't be true, because there's no shell casings
22 along in here. Everything they picked up was right here.
23 That's because all the shots were fired right here in
24 front of the Tahoe.

25 Now, one more thing to look at, but I have already

1 made Lacy here cue it up, so now I have got to show y'all.
2 Okay. Look at the time: 20:39. I'm terrible with
3 military time. Is that 8? Ms. Miller is better at it
4 than I am. She's questioning it too. I better get my
5 chart out.

6 Okay. Here we go. So the car rolls back. When did
7 the car actually roll in? 20:39? Okay. 20:39. So 8:39.
8 You know what that means? That means the police -- the
9 actual shooting happened around 7:16. That means that
10 these boys go to a friend of Tronahz Whittington's, have
11 the guns clean, call Shamontae Graham's baby mama to come
12 pick them up, which I think is a great idea because, after
13 a car is involved in a murder, who wants to get back in
14 and ride around town? That would not be smart.

15 So then they call Shamontae's baby mama, and she
16 comes from Myrtle Beach or eating a fish sandwich or
17 something, and she is back, they are dropped off, and
18 everybody is rolling back to EME Apartments by 8:40. The
19 boy is deceased at 7:16. The guns are cleaned. Don
20 Brown, Mikkie McLeod, and Che Ransom are dropped off
21 behind Walmart, and everybody is back at EME by 8:40,
22 before 9:00.

23 These boys started off at 6:30. They killed a man,
24 almost killed three other people, and they were back
25 before 9:00. And they want to tell you there's not a

1 plan. It can only be a plan.

2 These boys, they're not Navy Seal Team 5. Okay?
3 Not everybody hit the Tahoe. But none of these guys over
4 here are sharp shooters. Let's get real. They are
5 jumping out and in the midst, very quickly, firing off the
6 shots. The Tahoe is moving. There's people firing around
7 them. They are trying to do it as quick as they can
8 because it's broad daylight.

9 But you don't get extra credit and you don't get
10 anything for missing. You don't. Everybody played a
11 part, and they all played a part. Everyone is equally
12 guilty.

13 Now, they want to tell you my guy couldn't be
14 shooting at the Tahoe. It cannot be true. It cannot,
15 because there's only two or three shots on the Tahoe; they
16 had to be out there just wildly shooting. But that cannot
17 be true because there's no holes anywhere but in the
18 Tahoe. These guys were just efficient enough.

19 Now, the three attempted murders -- the murder is
20 for Jamie Johnson. Okay? You're going to get the
21 indictments back there. The attempted murder is for
22 Britney Milam because she was in the car. The attempted
23 murder was Jacob Hill because he was also trapped in the
24 car. And the third one was for Orlin Lopez.

25 Now, all are very serious charges. Okay? All of

1 them are. The murder, of course, is the most because a
2 young man has lost his life. And it's very frustrating
3 because I get up here, and there's no seat at the table
4 for Jamie Johnson or his family. You know? Chris and I
5 are there. Sometimes I get worried that people think the
6 story is over. The young man has been killed. Let me
7 tell y'all: the story is not over. And if you ask how do
8 you know or why do you say that, because these people
9 sitting here -- this lady is waiting --

10 MR. BOUCHETTE: Objection, Your Honor.

11 MS. LIVESAY: -- for the end of the story.

12 MR. BOUCHETTE: Objection. Approach.

13 MS. LIVESAY: That's what she's here waiting for.

14 THE COURT: Ms. Livesay, there's an objection. You
15 need to quit talking when there's an objection.

16 BENCH CONFERENCE

17 (The following bench conference was held outside the
18 hearing of the jury and others:)

19 MR. BOUCHETTE: Two things, Your Honor. One, I
20 think it's improper Golden Rule argument that she's making
21 to have the jury place themselves in the position of the
22 victim or the victim's family. Moreover, the reference to
23 the parents violates the Court's admonition in opening not
24 to point out and reference the mother that did -- that's
25 not in the record that didn't come in.

1 THE COURT: Okay. Well, these are closing
2 arguments. I'm going to allow her to do it.

3 MR. PINKERTON: Your Honor, we would join in
4 Mr. Bouchette's objection to that.

5 (Open court resumes as follows:)

6 THE COURT: Overruled. Go ahead.

7 MS. LIVESAY: This lady and her family are waiting
8 for the end of the story. The 12 of you -- all 12 -- get
9 a vote on how the story ends. I'm telling you, the facts
10 of this case lend only one right ending to this story, and
11 that can only be guilty on all the charges. That can only
12 be the right ending to this story.

13 So I'm asking you, all 12 of you, to go back there,
14 to look at the evidence, and come back out and give this
15 story the right ending. Thank you.

16 THE COURT: All right. Mr. Bouchette?

17 MR. BOUCHETTE: Thank you, Your Honor.

18 CLOSING ARGUMENT ON BEHALF OF DEFENDANT RANSOM

19 MR. BOUCHETTE: Ladies and gentlemen, good
20 afternoon. You never know exactly when these trials are
21 going to finish up, so we had to prepare our remarks here
22 fairly quickly. So if I take a little while to kind of
23 gather my thoughts, I'd ask that you please bear with me.
24 When I sit down, I don't get a chance to come back and
25 speak to you again. This is the last chance I have to get

1 any of my thoughts out to you, so like I said, I hope that
2 you bear with me and appreciate this decision that you're
3 about to make. It's a final decision.

4 Your view on the law of this case can never be
5 overturned. The judge tells you something wrong about the
6 law, he can appeal it. The lawyer does something wrong,
7 he can appeal that. Nobody is going to appeal your view
8 and your finding of how the facts are in this case. And I
9 want to thank you so much for your service.

10 As you can tell from the statements from the
11 solicitor, it's always difficult here on the defense side
12 to come in and ask a jury like you to put aside any
13 tendency you may have or the fact that we have somebody
14 who has tragically passed away. Obviously, there's a
15 desire to want to do something in response when the
16 solicitor is asking you to take some kind of action.
17 Sometimes the defense side will say that it's like
18 standing against the tide or standing on the shore of the
19 beach to try to brush back the tide.

20 But I have watched you-all during the course of this
21 case, and I think you have been attentive, and I think you
22 have kept an open mind, and you have watched all the
23 evidence come through, and I want to thank you so much for
24 doing that. I know it's been a long week, and there's
25 been a lot to digest.

1 I want to first talk about the charges themselves.
2 Again, the judge is going to tell you what the law is, so
3 if I misstate it or I say something that's not correct,
4 you listen to him, don't listen to me.

5 The defendant, along with the others, has been
6 charged first with murder. Now, what you're going to find
7 is that, to be convicted of murder, you can do one of two
8 things. You can cause the death of the defendant [sic] or
9 you can, under what's been called "hand of one, hand of
10 all," be held liable for a death, but under "hand of one"
11 -- or under aiding or abetting, you can't be merely
12 present. You have to aid, abet, or assist. You have to
13 provide assistance in causing of the death.

14 Now, usually that will -- getaway driver, bag man,
15 those kinds of circumstances that aid, abet, and assist.
16 I submit to you that the evidence is going to show that
17 Che Ransom, although you may not like the fact that he was
18 there, even though what he was doing afterwards and the
19 conduct and that kind of stuff was just not something we
20 condone, it doesn't rise to the level -- he did not aid
21 and abet and did not assist in the death of Mr. Johnson.

22 The solicitor pointed out this issue about firing
23 shots as you're leaving after the shoot-out, that somehow
24 that assisted. Well, he's already left by that point.
25 Even if you believe that that's what happened, that did

1 nothing to assist in the death of Mr. Johnson.

2 Moreover, when you go back in the jury room and we
3 ask for your verdict, you're going to be handed an
4 indictment. And I'm not going to show you this because
5 this is a copy, and you're going to get the original so I
6 don't want to publish that to you, but look on the
7 indictment. Look on the indictment for murder that the
8 solicitor took to the grand jury to bring these charges.
9 Look very closely. That indictment will not say that --
10 through aiding or abetting, through providing a
11 distraction or whatever it was that she described, he
12 aided and abetted and assisted in the death of
13 Mr. Johnson. That indictment will tell you or the
14 allegation will be that he willfully, feloniously, and
15 intentionally killed the victim.

16 So when you get that indictment sheet and the line
17 there is going to be guilty or not guilty, if you put
18 guilty then you have got to be signing off on this
19 allegation. And, folks, there is no evidence -- there's
20 no evidence that he killed Mr. Johnson. The evidence is
21 overwhelming that Tronahz Whittington killed Mr. Johnson.
22 At some point, they're in a position where they're asking
23 you not to believe their own witnesses.

24 They call Shamontae Graham as their witness. What's
25 the first thing he says? "Yeah, I was sitting right

1 there. I saw Mr. Whittington get out. I saw him point
2 the rifle. I saw him fire the shot. I looked and it went
3 through the window and I saw blood spatter."

4 And then they try to come back on cross-examination
5 and try to say, "Well, you couldn't really see it that
6 well. You can't really be sure." I mean, it's their
7 witness. Either we're to believe him or not.

8 I think you looked at him. I think you know what he
9 was telling you was the truth. It was traumatic. He saw
10 Mr. Whittington get out. He fired the shot, and he killed
11 him. And, again, he's been convicted for that.

12 This indictment alleges that Mr. Ransom
13 intentionally killed the victim, and that is not what the
14 evidence shows.

15 We told you in the opening statement that we believe
16 this case was an overreach. When I say "an overreach,"
17 I'm not saying that, in the giant stack -- and normally
18 that's sitting right here somewhere -- but this giant
19 stack of the Code of Laws of South Carolina, there could
20 be some crime that Mr. Ransom might be guilty of or that
21 what he was doing and who he was with and where he was to
22 be condoned, because that's not the case.

23 I said it was an overreach because they didn't
24 charge him with any of those. They charged him with
25 murder. Moreover, they charged him with three counts of

1 attempted murder. All right?

2 The judge is going to tell you that for -- to be
3 convicted of attempted murder, you must specifically
4 intend to kill the victim; in this case, three people.
5 Now, again, I submit to you evidence of an overreach.
6 There's no evidence that's been presented that more than
7 two shots were fired at the vehicle, but we have got three
8 counts of attempted murder.

9 I challenge you to go back through the entire
10 transcript and look through every photograph, look through
11 every piece of paper, go through it, pen through it, do
12 everything you can do and see if there's anything in this
13 record that shows more than two shots being fired in the
14 direction of the vehicle. There's not.

15 The analogy of -- Ms. Livesay mentions "The
16 Godfather," and I'm glad she mentioned it. That's one of
17 my favorite movies too. That movie is what they want you
18 to think happened. Like in opening statements, Mr. Helms
19 told you that the car was riddled with bullets, the car
20 shot was shot up. A lot of these witnesses have been
21 saying the car was shot up, the car was riddled with
22 bullets.

23 Well, in that movie, if you haven't seen it, there's
24 a machine gun, and they're literally what you might expect
25 -- and maybe what you perceive whenever you first heard

1 opening statements that that's what this was: everybody is
2 spraying bullets into the car. That is not what happened.

3 You heard that there were two shots fired from the
4 rifle closer in range to the vehicle. There are then
5 shots or shell casings at a further distance away from the
6 vehicle.

7 There was no more shots than the two rifle fires at
8 the vehicle. That was Tronahz Whittington. That's
9 clearly what that shows. There is no intent for any of
10 these boys to have committed murder.

11 Now, when you go back in the jury room, somebody may
12 bring up -- somebody may say, "Well, listen, I wonder why
13 the defendant didn't take the stand." The judge is going
14 to tell you that you're not to consider that against him
15 because they had no burden. They have no burden in this
16 case at all.

17 But, you know, more practically -- I mean, just
18 practically, folks -- we're now here on Thursday
19 afternoon, you have been here all week. We could -- we
20 could call four or five, six witnesses, go over the
21 before, the day of, what happened after. I mean, we could
22 do that and bring you here -- keep you here for that long,
23 but we don't need to because their witnesses have
24 confirmed everything that we have said. Their witnesses
25 have confirmed who fired the fatal shot. Their witnesses

1 have talked about the lack of any plan in advance, the
2 lack of anything happening until Mr. Whittington, that
3 cold-blooded killer, got it in his head and made the
4 decision within -- I think it was about 70 seconds, that
5 Mr. Graham said; that, from the time he identified the
6 vehicle until the shooting occurred, about 70 seconds.

7 So we could do that, but there's no need. Their
8 witnesses have confirmed everything I'm telling you.

9 Now, we heard from Mikkie McLeod. You know, folks,
10 the judge is going to tell you that you can believe all or
11 part or none of a jury [sic] says. Just the simplest
12 thing, I'm just going to tell you that I submit that you
13 should disregard pretty much whatever Mr. McLeod says.
14 Again, that's going to be up to you. But I'm pointing out
15 that he got charged with the same thing, and he becomes
16 the State's witness -- because you heard what he was
17 expecting. I mean, we can talk about whatever he's been
18 expressly promised or not. You heard what he's expecting.
19 He's expecting his charge is going to be dismissed, and
20 he's the one out there cleaning guns after the murder is
21 over.

22 Now, I might have misheard Ms. Livesay. I felt like
23 she said that our client was cleaning -- there's no
24 evidence of that. Him and Tronahz Whittington are
25 together after the murder, and yet, that's the person that

1 they put on the stand. That's the person that they call
2 as their witness.

3 You know, you hear some of this testimony, it's kind
4 of like, if you go to a restaurant and you order a salad
5 and there's a roach or two on it. You don't just, like,
6 flick it off; you send it all back. So that's the same
7 way with witnesses in this case. I submit that his
8 testimony, you just send it all back.

9 Now, in contrast, we heard from Shamontae Graham. I
10 think what he said was largely credible, and yet, the
11 State having called him is now -- they're trying to
12 impeach him, saying he didn't know who fired the shot, he
13 couldn't know. Well, the man told you he did. He came in
14 there, and he wants us to believe him. He was very clear
15 on that.

16 So, again, this feeling -- this overreach, this
17 desire to convict somebody to have these charges, you
18 know, for this death is just that: it's an overreach.

19 You know, she mentioned a moment ago that -- or
20 asked you, rather, to infer -- remember what I said
21 earlier in opening statements, because of that burden that
22 you have and that sleep that you want to make sure doesn't
23 get disrupted, that if they're asking you to infer
24 something, make sure you say, "Uh-uh, Solicitor." They're
25 asking you to infer that, when the car is speeding, that

1 that was when the plan or scheme got together to shoot or
2 rob Mr. Johnson. But that's speculation. They didn't
3 actually do that.

4 In fact, the testimony was overwhelming that, again,
5 approximately 70 seconds from the time Mr. Whittington
6 identified the vehicle until the time of the shooting. So
7 any plan lasted no longer than that: 70 seconds. It's an
8 overreach. They're asking you to infer and believe too
9 much. It's not there. It's not right.

10 I want to talk to you too -- and we touched on it a
11 moment ago -- this issue about firing at the vehicle. All
12 right? We have heard a number of these boys having guns.
13 We've heard why they did. Again, you don't have to
14 condone it, you don't have to -- but that's what it is.

15 Now, Ms. Livesay spends a lot of time pointing out
16 that there are no shots in the houses back behind the
17 vehicle. Well, that's important because all the resources
18 with the State of South Carolina and Horry County, nobody
19 found any other shells in a house, on the concrete,
20 anywhere nearby. Now, what's that tell you? That tells
21 you that, if I'm firing in the direction of the vehicle
22 but I have a miss and I go out here, I probably would hit
23 the house. Right? Or I might have anyway. I might have
24 shot on the other side and hit the other house if I just
25 missed. But I'm pointing in the direction of the vehicle

1 and I miss, that's where one of those shells are going to
2 be. But they weren't. That's not where any of them were.

3 Moreover, with only two shots into the vehicle, they
4 still want you to believe that -- again, two shots in the
5 vehicle, none anywhere else behind it, to the side, off to
6 the house, anywhere else -- they're still asking you to
7 believe these guys got out and fired those rounds at the
8 car.

9 Now, we heard the testimony that it was somewhere
10 around 15 feet, was the initial distance from when the car
11 first stopped and when the shots are fired. Again, using
12 "The Godfather" analogy, I agree these boys weren't
13 sharp-shooters, but listen, if you are to believe that
14 they got out and fired those rounds specifically with the
15 intent to shoot the vehicle, folks, they're either the
16 worst shots in the history of firearms or they weren't
17 shooting at the vehicle. Whatever vehicles -- whatever
18 shells got discharged, it wasn't directed at the vehicle.

19 In fact, if you look -- Ms. Livesay pointed out --
20 where am I at? Ms. Livesay pointed out the diagram --
21 what am I looking at? State's 39. But if you remember,
22 what did the officer say? It's not to scale.

23 I want you to go back and look at some of the
24 photographs that are going to be in evidence, and I'll
25 specifically mention Exhibit 66, 69, and 73. Look at the

1 distance, how far those shells are spread out. I submit
2 to you that what that shows is shots being fired as they
3 are leaving the scene.

4 Should that have happened? No. Is that murder?
5 No. Does it cause the death? No. Does it aid, abet, and
6 assist in causing the death? No. And, again, they're
7 asking you to believe the witness on the one hand and not
8 believe them on the other.

9 They called the investigator to put in Che Ransom's
10 statement to him, but yet then ask you to believe, "Well,
11 no, that's not really what he was doing, that's not really
12 what happened," because they know that's problematic for
13 what they're asking you to do, to find him guilty of
14 aiding, abetting, and assisting. It's an overreach. It's
15 too much.

16 I'm getting ready to -- I promise -- getting ready
17 to conclude my statements, but it's somewhat difficult to
18 walk away because, again, for the last, I guess, two
19 years, as his attorney, you know, that young man's largely
20 been in my care. And it's a big responsibility to have.

21 And as we conclude this portion of the case and
22 conclude the trial, I'm, to a large extent, handing him
23 over to you. He was 18. He's 19 now. I think he was 18
24 when I first got appointed to represent him. He's an
25 adult legally but barely. He's basically a child.

1 You know, whatever was happening, he's got the fear
2 of God in him, facing down a murder charge, life in
3 prison. He was thinking he was a tough guy or being with
4 people like that, being in that environment. No matter
5 what happens, I know that this experience has changed all
6 that.

7 And as I give him over to you and you begin your
8 deliberations, I ask that you go back and look at the
9 evidence, apply the law that the judge gives you,
10 including that burden of proof that we talked about
11 before. And once you do that, I ask that you look at that
12 indictment and mark "not guilty" and give him back to me.
13 I think he can be saved.

14 I ask that -- as I said earlier, it's kind of like
15 standing at the edge of the beach and trying to brush back
16 the tide. I ask that y'all be that tide that pauses and
17 let Che go home. It's the right thing. It's right under
18 the law. It's right under the facts. And I hope that you
19 have the courage to do that. Thank you so much for your
20 time.

21 THE COURT: All right. Mr. Pinkerton?

22 CLOSING ARGUMENT ON BEHALF OF DEFENDANT MITCHELL

23 MR. PINKERTON: Once again, thank y'all for being
24 here. I know it's been a long week. Y'all have heard a
25 lot of evidence, heard a lot of testimony.

1 Now, I'm not going to get up here and be
2 long-winded. Like I said in my opening, I like to stick
3 to the straight facts. The fact of this case is my
4 client, Mr. Travontae Mitchell, did not murder Mr. Jamie
5 Johnson. He did not attempt to murder Britney Milam. He
6 did not attempt to murder Orlin Lopez. He did not attempt
7 to murder Jacob Hill. And how do we know that? No one
8 identifies him. Nobody in the Tahoe identifies my client,
9 Mr. Mitchell.

10 If it was brought daylight and he was so close to
11 them, you would think he'd be identified. As a matter of
12 fact, the person who is identified is Tronahz Whittington.
13 He's the guy that jumped out with no shirt on. He was the
14 guy that, you've heard testimony, knew Mr. Johnson, had
15 beef with Mr. Johnson. And as you've heard testimony, he
16 is the man that ultimately killed Jamie Johnson, not
17 Travontae Mitchell. He is the man that attempted to
18 murder Britney Milam; he is the man that attempted to
19 murder Orlin Lopez; he is the man that attempted to murder
20 Jacob Hill, and not Travontae Mitchell.

21 Now, let's go back to what Shamontae Graham said.
22 You heard his testimony the other day. He stated my
23 client did not fire a weapon at all. In fact, he stated
24 that, as soon as Tronahz started shooting, my client
25 jumped back in the car. I mean, you have heard reference

1 to the State's own witness that my client didn't fire a
2 weapon.

3 As a matter of fact, the only person you heard that
4 even puts my client firing a weapon is Mr. Mikkie McLeod.
5 And you heard from his own statements. He just wants to
6 go home. He expects to get off of this for testifying for
7 the State. He's not testifying from the goodness of his
8 heart. He's not testifying because it's the right thing
9 to do so. He's up there lying to save his own -- save his
10 own butt and going to jail for the rest of his life. He
11 is the only person we've heard of that ever said my client
12 ever fired a shot.

13 As a matter of fact, when you step back and listen
14 to Ms. Livesay, she stated that one of the shooters had a
15 distinctive mark under his eye. As I pointed out to you,
16 through Mr. McLeod, he has a very distinctive mole under
17 his eye. I would argue, he was the person out there she
18 saw shooting, not my client. Once again, he has every
19 reason to lie. He was trying to save himself, trying to
20 cut a deal with the State and just wants to go home.

21 You also heard from several detectives. None of
22 them ever stated my client fired a gun, much less, he
23 tried to murder Mr. Johnson or commit three attempted
24 murders.

25 The State got up here and said the Tahoe was riddled

1 with bullets. It wasn't. We know that maybe one shot,
2 possibly two. But those came from a shooter who was
3 directly in front of the Tahoe, Tronahz Whittington, who
4 has already been guilty for all of this.

5 They said, "Oh, they were spraying, they were
6 spraying." Well, only two shots hit that Tahoe.
7 Obviously, the other shooters were not trying to hit the
8 Tahoe, of which my client was not a shooter. You heard
9 from the State's own witnesses that my client never fired
10 a shot. He was merely present. All he was trying to do
11 at the time was get a ride home with his older brother and
12 his older brother's friends. He didn't know this was
13 going down. There was no common scheme he was in on.
14 There was no plan he was a part of. He was a passenger.
15 He didn't know Mr. Johnson.

16 You have heard from the other people in the Tahoe,
17 they don't know who my client is. Never had any dealings
18 with him. The only person they knew was Tronahz, who was
19 the murderer.

20 So I would just ask you to keep an open mind when
21 reviewing the evidence and deliberating amongst
22 yourselves. Look at all the evidence, and I believe you
23 will conclude that my client did not fire a shot
24 whatsoever; therefore, he cannot be found guilty of murder
25 or three attempted murders. Thank you.

1 THE COURT: Mr. Gardner?

2 MR. GARDNER: Thank you, Judge.

3 CLOSING ARGUMENT ON BEHALF OF DEFENDANT BROWN

4 MR. GARDNER: Mr. Chairman, ladies and -- or Mr. --
5 ladies and gentlemen of the jury, it's been a long day; I
6 apologize.

7 I was afraid we were going to get to closings today.
8 This trial is a long trial and it had a lot of stuff in
9 it, and we have put stuff together as best we could for
10 our closing argument.

11 I had breakfast with my mom this morning, and I was
12 telling her the exact same thing. She asked me what kind
13 of case it was. I told her it was a mere presence case,
14 and I don't know what to start with. I said I really
15 believe we're going to get to it, but I don't know if
16 we're going to get to closing arguments or not. I said I
17 might want to start off with the fact that one of the
18 State's witnesses, who had the best view of anybody that
19 testified, said that the Tahoe wasn't trapped, that they
20 could have taken a right turn. Or I didn't know if I
21 should start with one of the State's witnesses who was a
22 co-defendant who testified that three boys were not
23 guilty.

24 And we talked, and my mom said just start at the
25 beginning. And a bulb came over my eyes, and I said let

1 me see if I can find my notes from the beginning because I
2 wrote it down. And I think it was three days or four days
3 ago or however long it was before we started. I read the
4 question to you because I wanted to make sure I got it
5 right. The question is whether a driver, merely present,
6 with no preplanning, with no premeditation, should be
7 found guilty, and at the end of this case, there's no only
8 answer: No. Don Brown is not guilty.

9 So I remember when I first started doing this, a
10 good gauge of what to do at a trial was look at opening
11 and look at closing, and see if whoever made the opening,
12 did they deliver, did they know what the case is about, is
13 this what the case is about. And I think we all agree --
14 and the judge will tell you what mere presence is -- that
15 this is a mere presence case.

16 And I'm going to go over a couple of things about
17 that and why I think that's important. But, like most
18 cases, when you hear somebody say something, you pop up
19 and you say, "I don't know about that. Hold on."

20 So the solicitor -- and I don't know if she misspoke
21 or not. What I heard her say was that all six
22 codefendants got in the car and they were armed. Well,
23 that's not correct. If she said that -- or maybe she
24 didn't say it, but that's what it sounded like she said,
25 but that's not true. There's no evidence in the record or

1 anywhere else that says that Don Brown was armed.

2 In fact, what I told you at the beginning of the
3 case was Don Brown did not have a gun, Don Brown did not
4 have any bullets, Don Brown did not shoot anybody, Don
5 Brown didn't have anything to do with shooting anybody.

6 So there may have been six people in the car. I
7 don't know who had guns, who didn't. That's none of my
8 business. I told y'all at the beginning I wouldn't be
9 asking a lot of questions, you wouldn't hear a lot from me
10 because Don didn't have anything to do with the shooting.

11 And I told you I wouldn't have any questions for
12 these people that talk about the different calibers, the
13 SLED agents and all those folks. You know? Because Don
14 didn't have anything to do with that and that didn't have
15 anything to do with Don.

16 I did tell you -- I promised you I was going to talk
17 to the two witnesses who testified, and I feel like I kept
18 my word because I did ask them about the leniency aspect
19 of the case.

20 But before we get into that, I listened to the
21 solicitor's closing, and she said about the trap thing.
22 And I dispute that and the evidence disputes that, when
23 she talked about the Tahoe being trapped, because her
24 witness, who had the best view -- he was in the first seat
25 -- it's a squatted car but he's in the front seat and he

1 had the best view -- said that vehicle could have taken a
2 right.

3 You heard from the 911 operator or the person
4 calling 911, said that the car that they were in took off
5 to Henry's, which would have been off to the left. So
6 it's clearly not trapped in there.

7 There's a good diagram, but it's not to scale, so it
8 really doesn't help us that much. But you will see that
9 D Street is a big -- and it's a big intersection. I don't
10 want anybody to make light of it. And it goes up, and
11 Henry's is off this direction. That's the direction the
12 car went to, and the Tahoe could have gone to the right.
13 So he's not trapped in.

14 I told you also -- I think I said something like you
15 have heard enough right now to make a decision, but you
16 have got to hold the solicitor to her burden. You've got
17 to put her to the test. And that right there, you have
18 got to hold her to that. When she says "trapped" and
19 there's evidence that it's not trapped, you can't let her
20 get away with that. Your verdict has to be not guilty on
21 murder and attempted murder on those cases.

22 But back to the opening. I have never seen such an
23 oversimplification of what I consider one of the most
24 complicated laws that we have: the law "the hand of one is
25 the hand of all." People have a tendency to make it

1 oversimplified. You ask a barbershop lawyer or a
2 jailhouse lawyer what does it mean, and they'll say,
3 "Well, it means everybody is guilty. Everybody that had
4 anything to do with it is guilty."

5 Well, that ain't the case, and the judge will tell
6 you that. If we were to adopt that, you could imagine how
7 perverse the results would be. Everybody at a football
8 game would be arrested for one person doing something.

9 So I'm not getting into sports stuff, I hope so.
10 But the judge will tell you what the law is, and it's a
11 little more complicated than that. The most important
12 thing about the hand -- it's not some -- when I was a kid,
13 there was a cartoon character -- I don't even remember
14 what it was called but he was, like, elastic. And I tried
15 a case one time -- I wish I had made this up, but I give
16 credit where credit is due; it's one of our judges. And
17 he said it's not like this elastic man who wraps his arms
18 around the world and pulls it into him. That's not the
19 "hand of one is the hand of all." You have got to meet
20 certain criteria.

21 And they didn't meet the criteria in this case
22 because it wasn't there. You have got to have acting in
23 concert. You've got to have a preplan. You've got to
24 have helping and aiding and abetting. There's none of
25 that in this case.

1 So it's an oversimplification. Listen to what the
2 judge says because he told you at the beginning that he's
3 in charge of the law and y'all are in charge of the facts.
4 Y'all are in charge -- y'all are the ones in charge.
5 Y'all are going to make the decision, and you're going to
6 make it based on the law that gives you what you saw here
7 from that stand.

8 So I have been doing this for 30 years. To the best
9 of my memory, I have never --

10 THE COURT: Excuse me for a minute, ladies and
11 gentlemen.

12 Let's get whatever that noise is and give it to the
13 security.

14 All right. Go ahead.

15 MR. GARDNER: Thank you, Judge.

16 Well, add one more thing; I have never been
17 interrupted by whatever that was.

18 But, to the best of my memory, I have never
19 interrupted another lawyer in a closing argument, but I
20 did, and I objected to whatever movie it was because I
21 didn't know what the movie was. But I'm glad the judge
22 overruled my objection because we got to hear that it
23 wasn't as the solicitor, once again, said it would be.

24 If I understood what she said, she was talking about
25 some movie where some car was riddled with bullet holes,

1 and I heard Jarrett say that ain't what this case is
2 about. And I have looked at this case and y'all have
3 looked at this case; that car is not riddled with bullet
4 holes. So that's another thing that y'all have got to
5 hold them to.

6 But I do watch movies. I wasn't going to bring this
7 up but since movies were brought up, I used to watch Perry
8 Mason when I was a kid. And the judge already told y'all
9 a bunch of things, but he told you these criminal trials
10 are kind of boring. They're not like you see on TV and
11 the movies and stuff like that.

12 And you may or may not be familiar with Perry Mason,
13 but -- and his came on every week. And always -- almost
14 always -- somebody from the audience would jump up and
15 confess to the crime. Perry Mason -- Hamilton Burger was
16 the prosecutor, and he never led his witnesses. He was
17 always prosecuting. Perry was always fighting, fighting,
18 fighting, and somebody would jump up and say, "I did it."

19 Well, that don't happen in real life. Okay? So we
20 don't have that. We don't have a-ha moments in real life,
21 but we did have two a-ha moments in this case. And I have
22 already referenced one. Maybe I referenced both of them.
23 The solicitor spent the vast majority of her time talking
24 about the Tahoe being trapped in. The Tahoe is trapped
25 in, the Tahoe is trapped, the Tahoe couldn't go anywhere.

1 We finally find out that later, through her own witnesses,
2 that wasn't true. The Tahoe could have gone right. So
3 she spent all that time -- that was an a-ha moment. Y'all
4 were watching her. She wasn't expecting that to be the
5 answer, but that was the truth. That was the witness that
6 she put up there and who was best friends with the
7 decedent, and he had the best view of where they could go
8 because he was in the passenger seat looking up front.

9 You heard testimony from people in the back. I have
10 never been in a squatted vehicle, but if you're aiming up
11 at the sun when you're driving down the road, I don't
12 think, if you're in the backseat, you've got an
13 unobstructed view through the windshield. I'm not going
14 to call it -- I'm just going to say that's probably
15 inaccurate, that he had an unobstructed view.

16 But whatever view he had, it was not as good as the
17 person sitting in the front, and that was Jacob Hill, and
18 he said he clearly could have gone to the right. So the
19 vehicle was not trapped. So the solicitor was putting all
20 her eggs in that basket. That basket fell apart. And
21 that's another reason why Don Brown is not guilty.

22 The other one was, they put up Shanaz [sic] Graham.
23 Shanaz [sic] Graham is working on trying to get a deal;
24 right? So he's going to testify in favor of whatever the
25 solicitor's story is, because if he does a good job and if

1 these three boys get convicted, then he wants to go home.
2 The other boy that testified actually said that. I mean,
3 I was shocked that he said that. He put it right out
4 there: "I want to go home" or "let me go" or something
5 like that. So that was an a-ha moment when Shanaz [sic]
6 Graham said these three boys are not guilty. I don't
7 think the solicitor was expecting that to be the answer
8 too.

9 So -- but we have the most important a-ha moment I
10 think of all. It wasn't a surprise to anybody. We did
11 have somebody jump up and said they did it, and they did
12 it in a different court and a different courtroom, but
13 that is Nahz, Tronahz Whittington. He's been found guilty
14 of this murder.

15 I wasn't going to get into the shooting and all that
16 stuff, but I did listen to the testimony just like y'all
17 did. One rifle was the one that fired the kill shot, not
18 three guys, so they're not aiding or abetting. They're
19 not doing the things that are required under the law for
20 you to have a guilty verdict.

21 And I'm not just saying the State didn't prove their
22 case. I'm saying they did the best they could. The
23 reason it's not guilty is because they are not guilty.
24 That's it. You know?

25 And another thing, I'm sorry for the victims, I'm

1 sorry for the families, I'm sorry for all that. I didn't
2 have anything to do with it. I wasn't there. I don't
3 know any of these people. I didn't even know these people
4 until I got appointed to represent Don Brown, but we
5 cannot substitute our sympathy, we cannot let passion tug
6 at our -- we can't let that do it. We can't convict
7 innocent people because somebody else was killed.

8 My biggest fear of this case, if y'all had been
9 trying Tronahz with these three, is that the innocent
10 people or not guilty people would get caught up in the
11 crossfire and be found guilty. We cannot lump everybody
12 in the car together and say, well, one guy did it, so they
13 all did it. The law doesn't allow that. The judge is
14 going to read you the law on that, and it's going to be --
15 you're going to understand it.

16 I do want to touch base on a couple of things that I
17 thought were important. I talked to you about the car
18 driver and Jacob Hill [sic] and Shamontae Graham. These
19 boys didn't take the stand. That's their decision. They
20 don't have to. I like to explain it to people, if they
21 want to testify, you can't stop them. If they don't want
22 to, you can't make them. But they don't have to in this
23 case. This case was laid out. There's nothing they could
24 add.

25 You have everything that you need to make the

1 decision, and because the law says they don't have to
2 prove anything, then they wouldn't add anything to it. I
3 hope I explained that right. You know?

4 And while I'm talking about that, I have tried a lot
5 of cases where I heard jurors say things like, "You know,
6 I thought that guy was not guilty, but he just didn't
7 prove it to me." Okay? That is completely wrong. That
8 is so wrong, I can't even come up with a better way of
9 explaining it. It stood the burden of proof on its head.
10 He doesn't have to prove anything. And if you have a
11 thought -- if you express your thought like that, then
12 that's what's called reasonable doubt, and that's what you
13 would report back to the judge as not guilty.

14 Real quick. I don't want to go too long. Mikkie
15 McLeod, another guy trying to work off his -- trying to go
16 home. That's what he said. So he wants to testify
17 whatever the solicitor wants him to. If he does, if he
18 gets the conviction, he gets to go home, etc., etc., etc.
19 One of the things he never said today -- never, ever said
20 anything about -- if I'm wrong, let me know I'm wrong --
21 we can play it back if we need to -- but he never said
22 anything about a plan. He never said anything about a
23 robbery. I wrote it down.

24 He said, "Nahz said 'There goes Jamie. He owes me
25 money' and he told Don" -- I think he called him Quan --

1 "to follow him."

2 Okay? This business about nicknames and stuff like
3 that, Quan -- this guy's name is Don Leequin Brown.
4 That's his name. That's his legal name. That's not a
5 nickname.

6 Y'all have heard people -- James may go by Jim or
7 Leequin go by Quan, Johnny/John, things like that. That
8 doesn't have anything to do with guilt or innocence. I
9 don't even know why that came up today.

10 But hold the State to their burden. Throw all this
11 stuff that's not relevant, not important out the window.
12 What is more important to help you make your decision?
13 You haven't heard one word about conspiracy. You heard
14 little things about maybe there was a plan, but you never
15 heard a plan.

16 I don't even like to go into it; it's so
17 speculative. Robbing somebody? No. I think the truth of
18 the matter was, what you heard from the last witness put
19 up by the State, it's uncontroverted, "There goes Jamie;
20 he owes me money." That's not illegal. "Follow him."
21 That's not illegal. Nothing is illegal about it.

22 Pulling over when Tronahz told Don to pull over --
23 you know, you heard the solicitor and everybody talking
24 about Tronahz had this big rifle. Well, pulling over is
25 still not against the law. And I'm not going to -- we're

1 not allowed to get into other people's shoes and violate
2 the Golden Rule and things like that, so I can't tell you
3 to do that, but I can tell you, when you're watching
4 somebody or the evidence about somebody who is driving a
5 car and somebody out there with a big gun who is a killer,
6 if you drive away, it would not be a leap of -- too far of
7 a leap of faith to say he could be turning on you and
8 shooting on you. So you can't hold that against him. You
9 can't put him in the penitentiary for the rest of his life
10 because somebody with a gun told him to drive or told him
11 to not drive.

12 So undisputed things? There's no testimony that
13 contradicts the fact that they said they were going to
14 Nahz's mother's house. There's no testimony that
15 contradicts the fact that Nahz was the only one that knew
16 the victim. Nobody else knew him. Don Brown didn't get
17 out of the car, didn't have a gun, didn't have a weapon of
18 any sort.

19 And this attempted robbery -- I mean, not attempted
20 robbery -- attempted -- what was it? Murder? I don't see
21 how -- and that's just -- I think Jarrett said it best,
22 that's an overreach. Look at the indictments. There's no
23 intention to shoot. I mean, how can you miss -- I don't
24 think there were -- to do an attempted murder, you have to
25 have a specific intent to try to kill somebody. So I

1 don't think there's any evidence that that's here.

2 So the last thing I want to talk about is the burden
3 of proof. Most people have a hard time explaining or
4 understanding that -- and explaining it too. The burden
5 of proof is beyond a reasonable doubt. What is a
6 reasonable doubt? What does that mean? And I know some
7 lawyers that don't know what it means, so I'm going to
8 take a minute to try to explain it to you the best way I
9 can.

10 The best way to explain it in a criminal case is
11 explain what it's not. In a civil case, most people that
12 come to court, unless they're on jury duty, come to court
13 because of civil cases. They're getting a divorce or they
14 got in a car wreck or somebody owes them money. And the
15 evidence of that, the burden of proof is the preponderance
16 of the evidence. Okay? 50.1 percent. They used to keep
17 the scales of justice in the courtroom, and I would say,
18 if you put all the evidence on one side in one scale and
19 all the evidence on the other side, whichever one tilted,
20 that one would win.

21 You can't really do that in a criminal case because,
22 in a criminal case, the State doesn't -- the defense
23 doesn't put anything up, but it's beyond a reasonable
24 doubt, so it wouldn't work anyway.

25 What does work is talking about all of them. And

1 the way you do that is you start with a scintilla of
2 evidence. Scintilla of evidence is one of my favorite
3 things -- one of my favorite United States Supreme Court
4 justices used to use it all the time. And what it means
5 it nothing. It means zero. And he would write, "There is
6 not a scintilla of evidence in this conviction or in this
7 case." So that means zero.

8 The next step is reasonable suspicion. If you watch
9 cop shows or movies, you probably heard that term, and all
10 that means is that's what a cop can pull you over for. He
11 has a reasonable suspicion, he'll pull you over and try to
12 find out what his suspicion was.

13 The next one is probable cause. That's still a very
14 low burden. And that's what -- you go down to the
15 magistrate and swear out a warrant against your neighbor
16 by telling the judge you have got probable cause. Okay?
17 Not a very high burden.

18 And the next one I already talked about is the civil
19 one: preponderance of the evidence. 50.01 percent.
20 That's for civil cases.

21 The next one above that is clear and convincing.
22 Clear and convincing is what the judge uses in a DSS case
23 when DSS takes your children away from you for the rest of
24 their lives. That's clear and convincing.

25 Higher than that, though, is in a criminal case

1 where the State is going to take away your life or your
2 liberty, and that's beyond a reasonable doubt. Not a
3 reasonable doubt; beyond a reasonable doubt.

4 The reason we don't discuss the case before the
5 judge lets us discuss it -- before the judge lets you
6 deliberate -- I have been practicing 30 years; it took me
7 20 years to learn this. I always thought it was to
8 protect the defendants or the solicitor. It's to protect
9 the jurors. Because, if I'm deliberating and I only have
10 half the story or part of the story and I make up my mind,
11 and later, I get the whole story or I hear the law from
12 the judge and I go, "What was I thinking?" it might be
13 hard for me to change my mind.

14 And if I told somebody, I think this but later
15 change my mind, human nature makes it harder for me to go
16 to that person and say, "You know, I was wrong."

17 So I'm glad that y'all have been paying attention,
18 and I know that y'all have been following the judge's
19 rules, but when he tells you to get in there and
20 deliberate, you'll be able to deliberate. You'll be able
21 to talk about everything we have talked about, but most
22 importantly, it's going to be what the judge tells you,
23 because the most important thing about this case is the
24 definition of "hand of one," which includes mere presence.

25 Merely being present, even knowing a crime is going

1 to occur, without more, is not guilty. Y'all are present
2 with me right now. If I pulled out a gun and said I'm
3 going to go over here and do whatever, y'all wouldn't be
4 guilty of that. You're present. You know -- I said I was
5 going to do it. Under the solicitor's theory, y'all would
6 be guilty, but that's not the law.

7 Listen to what the judge says. You've got to do
8 something to help do it. And Don driving that car is not
9 like the bank robber case. The bank robber case,
10 everybody has an agreement, we're going to go rob the
11 bank, you drive the car, I'll go in, I'll come back out
12 with a bag of money. That's a clearly different case.
13 They have a plan. They know what they're doing.
14 Everybody has a role. That is not the case here.

15 Don was driving the car, yes, not to go rob
16 somebody, because everybody was in the car. There's no
17 evidence that says that they had a plan before they got in
18 the car. There's no evidence they had a plan.

19 Somebody said that Nahz wanted to rob the guy, but
20 somebody also said Nahz -- that he owed Nahz money. It
21 doesn't matter what he said, because there's no plan.
22 There's no agreement to do anything. No agreement, he's
23 not guilty. Thank you very much.

24 MS. LIVESAY: Hey, Judge?

25 JUROR: Can we have a restroom break?

1 go ahead and bring the jury in.

2 (The jury entered the courtroom at 3:12 p.m.).

3 JURY CHARGE

4 THE COURT: All right. Ladies and gentlemen,
5 welcome back. All of the testimony and evidence in this
6 case has been presented to you. The attorneys have made
7 their closing arguments, and now is the time of the trial
8 when I charge you with the law to be applied in this case.

9 The indictments in this case charge each defendant
10 with several crimes. The indictments in this case charge
11 each defendant with murder and three separate counts of
12 attempted murder. I remind you that the fact the
13 defendants were arrested, charged, and indicted in this
14 case is not evidence in this case and cannot be considered
15 by you as evidence of guilt in this case, nor does the
16 defendants' arrest, charge, or indictment create any
17 presumption or inference of guilt. These documents are
18 simply the formal written instruments which contain the
19 charges made against the defendants. They are the formal
20 documents by which this case is brought into this court.

21 Each indictment charges a separate and distinct
22 defense. You must decide each indictment separately on
23 the evidence and the law applicable to it, uninfluenced by
24 your decision as to any other indictment.

25 A defendant may be convicted or acquitted on any or

1 all of the offenses charged. You'll be asked to write a
2 separate verdict of guilty or not guilty for each
3 indictment.

4 Also, I charge you that three defendants are on
5 trial in this case, each of whom is charged with murder
6 and three counts of attempted murder. The case of each
7 defendant and the evidence and the law concerning that
8 defendant should be considered separately and individually
9 from the evidence and law concerning the other defendants.
10 Your verdict does not have to be the same for all
11 defendants. The fact that you may find one defendant
12 guilty or not guilty should not control your verdict as to
13 the other defendants. Where more than one person is
14 charged with a crime, if the evidence warrants it, you may
15 convict one and acquit the other two, or you may convict
16 two and acquit the third, or you may acquit all three or
17 you may convict all three. Your verdict for each charge
18 against each defendant depends upon your view of the
19 testimony and evidence. You must take each defendant and
20 consider the evidence as to that defendant and my
21 instructions to you on the law. You will then write a
22 separate verdict of guilty or not guilty for each charge
23 against each individual defendant.

24 The defendants in this case have pled not guilty to
25 all indictments. That plea puts the burden on the State

1 to prove each defendant guilty. A person charged with
2 committing a criminal offense in South Carolina is never
3 required to prove his innocence. I charge you that an
4 important rule of the law is that the defendant in a
5 criminal trial, no matter what the seriousness of the
6 charge may be, will always be presumed to be innocent of
7 the crime for which the indictment was issued unless guilt
8 has been proven by evidence satisfying you of that guilt
9 beyond a reasonable doubt.

10 This presumption of innocence does not end when you
11 begin your deliberations, but it accompanies the defendant
12 throughout the trial until you reach a verdict of guilt
13 based on the evidence satisfying you of that guilt beyond
14 a reasonable doubt.

15 The presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the defendant,
17 which remains with the defendant until it has been
18 stripped from the defendant by evidence satisfying you of
19 the defendant's guilt beyond a reasonable doubt.

20 The presumption of innocence is not a mere legal
21 theory. It is not just a legal phrase. It is a
22 substantial right to which every defendant is entitled
23 unless you, the jury, are satisfied from evidence of the
24 defendant's guilt beyond a reasonable doubt.

25 Now, what is a reasonable doubt in the law? A

1 reasonable doubt is the kind of doubt that would cause a
2 reasonable person to hesitate to act. Proof beyond a
3 reasonable doubt is proof that leaves you firmly convinced
4 of the defendant's guilt. We know very few things in this
5 world with absolute certainty, and in criminal cases, the
6 law does not require proof that overcomes every possible
7 doubt. If, based on your consideration of the evidence,
8 you are firmly convinced that the defendant is guilty of
9 the crime charged, you must find that defendant guilty.

10 If, on the other hand, you think a real possibility
11 exists that the defendant is not guilty, you must give the
12 defendant the benefit of that doubt and find him not
13 guilty.

14 I remind you that, during this trial, you and I have
15 certain duties to perform. As the trial judge, my
16 responsibility is to preside over the trial of this case.
17 I also have the duty to rule on the admissibility of the
18 evidence offered during this trial. You are to consider
19 only the competent evidence before you. If any testimony
20 was ordered stricken from the record in this case during
21 this trial, you must disregard that testimony. You are to
22 consider only the testimony which has been presented from
23 the witness stand, any exhibits which have been made a
24 part of the record in this case, and any stipulations of
25 counsel.

1 I have the additional duty to charge you the law
2 applicable to this case. As the presiding judge, I am the
3 sole judge of the law of this case. Your duty as jurors
4 is to accept and apply the law as I now state it to you.
5 If you have any idea as to what the law is or what the law
6 ought to be and your idea is different from what I now
7 tell you the law is, you must disregard your idea of what
8 the law is or ought to be because you were sworn to accept
9 the law and apply the law exactly as I state it to you.

10 In every case tried in this court before a jury, the
11 jury is the sole and exclusive judge of the facts in a
12 case. A trial judge cannot intimate, state, comment on,
13 or make any statement to a trial jury about the facts in a
14 case. Since you, the jury, are the sole judge of the
15 facts in this case, you're not to infer from what I have
16 said during the progress of this trial in ruling upon the
17 admissibility of evidence or otherwise or anything that I
18 say now during the course of this instruction to you that
19 I have any opinion about the facts in this case. The law
20 does not allow me to have an opinion about the facts of
21 this case. This is a matter solely for you, the jury, to
22 determine.

23 As jurors, your duty is to determine the effect,
24 value, weight, and truth of the evidence presented during
25 this trial. Necessarily, you must determine the

1 credibility of witnesses who have testified in this case.
2 Credibility simply means believability.

3 Your duty as jurors is to analyze and to evaluate
4 the evidence and determine which evidence convinces you of
5 its truth. In determining the believability of witnesses
6 who have testified in this case, you may believe one
7 witness over several witnesses or several witnesses over
8 one witness. You may believe a part of the testimony of a
9 witness and reject the remaining part of the testimony of
10 that same witness. You may believe the testimony of a
11 witness in its entirety or reject the testimony of a
12 witness in its entirety. You may consider whether any
13 witness has exhibited to you any interest, bias,
14 prejudice, or other motive in this case. You may also
15 consider the appearance and manner of the witness while on
16 the witness stand.

17 The rules of evidence ordinarily do not permit
18 witnesses to testify to opinions or conclusions. An
19 exception to this rule exists for witnesses we call expert
20 witnesses, a witness who, by education and experience, has
21 become expert in some art, science, profession, or calling
22 may state an opinion as to the relevant and material
23 matter in which the witness claims to be an expert and may
24 also state the reasons for that opinion. You should
25 consider any expert opinion received in evidence in this

1 case and, like any other evidence, give it the weight you
2 think it deserves.

3 If you decide that the opinion of an expert witness
4 is not based on sufficient education and experience or
5 conclude that the reasons given in support of the opinion
6 are not sound or that the opinion is outweighed by other
7 evidence, you may disregard the opinion entirely.

8 An expert witness's testimony is to be given no
9 greater weight than that of other witnesses simply because
10 the witness is an expert. Further, you're not required to
11 accept an expert's opinion even though it is not
12 contradicted.

13 Now, I instruct you and emphasize that the fact that
14 a defendant did not testify in this case is not a factor
15 to be considered by you in any way in your deliberation
16 and in your consideration on the question of guilt or the
17 innocence of that defendant.

18 A defendant's decision not to testify must not be
19 considered by you in any manner whatsoever. A defendant
20 has the constitutional right to remain silent, and the
21 assertion of this right must not be considered by you in
22 your deliberations.

23 I repeat: Under your oath, you are to draw no
24 conclusion whatsoever from the fact that a defendant in
25 this case did not testify. The fact that a defendant did

1 not testify should not even be discussed in the jury room.

2 The burden of proof as I have stated to you is on
3 the State to prove a defendant's guilt. The defendant is
4 not required to prove his innocence. The burden of proof
5 remains on the State to prove guilt beyond a reasonable
6 doubt.

7 Now, a person who is present at the scene of a crime
8 and intentionally or through a common plan aids, abets, or
9 assists in the commission of that crime through some overt
10 act is guilty as an accomplice. To be liable and, thus,
11 guilty as an accomplice, the defendant must have knowledge
12 of the principal's criminal conduct.

13 Mere presence at the scene of a crime is not
14 sufficient to establish guilt as an accomplice.
15 "Intentionally" means willfully, intending the result
16 which actually occurs, not accidentally or involuntarily.

17 If a crime is committed by two or more people who
18 are acting together in committing a crime, the act of one
19 is the act of all. A person who joins with another to
20 commit an unlawful act is criminally responsible for
21 everything done by the other person which happens as a
22 probable or natural consequence of the acts done in
23 carrying out the common plan and purpose.

24 For example, two people can be guilty of bank
25 robbery when only one of the two goes into the bank, pulls

1 a gun on the teller, and runs out of the bank with a bag
2 full of money, while the other person waits in the car as
3 a lookout and acts as the getaway driver.

4 If two or more people are together, acting together,
5 assisting each other in committing the offense, the act of
6 one is the act of all, or as it is sometimes said, the
7 hand of one is the hand of all.

8 Prior knowledge that a crime is going to be
9 committed without more is not sufficient to make a person
10 guilty of that crime. Mere knowledge that another person
11 is going to commit a crime, even if the defendant is
12 present when the crime is committed, is not sufficient to
13 convict the defendant as a principal.

14 Guilt as a principal is shown by actual or
15 constructive presence at the scene as a result of a prior
16 arrangement; therefore, a finding of a prior arranged plan
17 or common scheme is necessary for a finding of guilt as a
18 principal. The State must prove beyond a reasonable doubt
19 by competent evidence the theory of the hand of one is the
20 hand of all.

21 A principal in a crime is one who either actually
22 commits the crime or who is present, aiding, abetting, or
23 assisting in committing the crime. When a person doesn't
24 act in the presence of and with the assistance of another,
25 the act is done by both or two or more people acting with

1 a common plan or intent are present at the commission of a
2 crime, it does not matter who actually commits the crime.
3 All are guilty. The hand of one is the hand of all.

4 Present at the commission of a crime means to be
5 sufficiently near, to aid and abet and assist in the
6 commission of the crime; however, mere presence at the
7 scene of a crime is not sufficient to convict one as a
8 principal on the theory of aiding and abetting.

9 Intent is also a necessary element of aiding and
10 abetting where there must have been a common design or
11 intent to commit the crime, and the crime must have been
12 committed pursuant thereto with the person aiding or
13 abetting by some overt act.

14 "Intent" means intending the result which actually
15 occurs, not accidentally or involuntarily. Intent may be
16 shown by acts and conduct of the defendant and other
17 circumstances from which you may naturally and reasonably
18 infer intent.

19 The State must prove these elements beyond a
20 reasonable doubt. In order to establish criminal
21 liability, criminal intent is required. Criminal intent
22 is always a matter that must be determined by the jury
23 from the circumstances surrounding the situation.
24 Criminal intent cannot be proven to a mathematical
25 certainty. Medical science cannot dissect a person's

1 brain and determine what the person had in mind, so the
2 law says that criminal intent may be inferred from the
3 circumstances shown to have existed. This is how you make
4 a determination of whether or not the element requiring
5 intent was present.

6 Intent does not have to be established by direct and
7 positive evidence. Intent may be established by inference
8 in the same way as any other fact, by taking into
9 consideration the acts of the parties and all the facts
10 and circumstances of the case.

11 Criminal intent is a mental state, a conscious
12 wrongdoing. You must determine what a defendant intended
13 to do based on the circumstances shown to have existed.
14 Criminal intent can arise from an action or a failure to
15 act. It may arise from negligence, recklessness, or an
16 indifference to duty, or to consequences that is
17 considered by the law to be an equivalent of criminal
18 intent.

19 As I had previously instructed you, mere presence at
20 the scene of a crime is not sufficient to prove someone
21 guilty of a crime. A defendant's presence where a crime
22 is being committed or mere association with a person who
23 commits a crime does not make a defendant an accomplice or
24 an aider and abetter of the person committing the crime.
25 The burden is on the State to prove every element of the

1 crime charged.

2 If you find, after referring all of the evidence,
3 that the State has proved that a defendant was only
4 present at the scene of a crime and that the State has not
5 proved beyond a reasonable doubt any other participation
6 in the crime, then you must find that defendant not
7 guilty. The law is that proof of a defendant being at the
8 scene of a crime and nothing more is not sufficient to
9 find someone guilty.

10 Statements alleged to have been made by two of the
11 defendants have been admitted into evidence in this case.
12 While the Court has determined that the statements are
13 admissible, I instruct you that you make the ultimate
14 decision of whether or not the defendants made the
15 statement. If the defendant did make the statement, you
16 must determine whether the statement was made by the
17 defendant voluntarily and of his own free will. This
18 means that the statement was not caused by pressure,
19 force, fear, threats, coercion, or intimidation, or by
20 hope or a promise of leniency or a reward of any kind.

21 In determining whether the statement was voluntary,
22 you should consider both the characteristics of the
23 defendant and the details of the question. Some of the
24 factors that you must consider are the age of the
25 defendant, the defendant's education or lack of education,

1 the defendant's mental ability or capacity, the
2 defendant's IQ or intelligence, the defendant's background
3 and environment, the place and length of detention, the
4 nature of the question, and the advice or lack thereof to
5 the defendant of his constitutional rights including, but
6 not limited to, the right to remain silent; that any
7 statement can be used against him in a court of law; the
8 right to have a lawyer present; that, if he could not
9 afford a lawyer, a lawyer would be appointed to represent
10 him without any cost; and that he could stop making a
11 statement at any time.

12 You must carefully consider all of the surrounding
13 circumstances before you give any weight to an alleged
14 statement.

15 The State has the burden of proving beyond a
16 reasonable doubt that the alleged statement was voluntary.
17 If you determine it was, you may give the statement any
18 further consideration that you deem proper. You must
19 decide what weight, if any, should be given to the alleged
20 statement. If you determine that an alleged statement was
21 not the free and voluntarily statement of the defendant,
22 you should not consider the statement at all.

23 Each defendant is charged with murder. To convict a
24 defendant of murder, the State must prove beyond a
25 reasonable doubt that the defendant killed another person

1 with malice aforethought.

2 Malice is hatred, ill will, or hostility towards
3 another person. It is the intentional doing of a wrongful
4 act without just cause or excuse and with an intent to
5 inflict an injury or under the circumstances that the law
6 will infer an evil intent.

7 Malice aforethought does not require that malice
8 exists for any particular time before the act is
9 committed, but malice must exist in the mind of the
10 defendant just before and at the time the act is
11 committed; therefore, a combination of both previous evil
12 intent and the act must exist.

13 Malice aforethought may be expressed or inferred.
14 These terms "expressed" and "inferred" do not mean
15 different kinds of malice but merely the manner in which
16 the malice may be shown to exist; that is, either by
17 direct evidence or by inference from the facts and
18 circumstances which are proved.

19 Expressed malice is shown when a person speaks words
20 which express hatred or ill will for another or when the
21 person prepares beforehand to do the act which was later
22 accomplished. For example, lying in wait for a person or
23 any other acts of preparation going to show that the deed
24 was within the defendant's mind would be expressed malice.

25 Malice may be inferred from conduct showing a total

1 disregard for human life. If facts are proved beyond a
2 reasonable doubt sufficient to raise an inference of
3 malice to your satisfaction, this inference simply would
4 be an evidentiary fact to be considered by you, along with
5 the other evidence in the case. You may give it the
6 weight you decide it should receive.

7 Each defendant is also charged with three counts of
8 attempted murder. To convict a defendant of this crime,
9 the State must prove that the defendant attempted to kill
10 another person with malice aforethought. Attempted murder
11 requires a specific intent to kill, not a general intent.

12 A specific intent to kill is an element of attempted
13 murder. "Intent" means intending the attempted result,
14 not accidentally or involuntarily causing the result. The
15 State must prove beyond a reasonable doubt that the
16 defendant intended to kill a specific person with malice
17 aforethought but failed in that attempt. In other words,
18 to convict a defendant in this case of attempted murder,
19 the State must prove beyond a reasonable doubt that the
20 defendant intended to kill with malice aforethought the
21 alleged victims in this case, Britney Milam, Orlin Lopez,
22 and Jacob Hill, but failed in that attempt.

23 The State is not required to prove that the
24 defendant knew the victims or the victims' names, only
25 that the victims were the persons that the defendant

1 intended to kill.

2 As I previously instructed you, intent may be shown
3 by acts and conduct of the defendants and other
4 circumstances from which you may naturally and reasonable
5 find intent. Evidence of the character of the fact, the
6 character of the instrument used, the manner in which it
7 was used, the purpose to be accomplished, and the
8 resulting wounds or injuries may be considered in
9 determining the intent with which the act was committed.

10 Intent may also be demonstrated by proving that the
11 defendant was voluntarily and willfully -- excuse me.

12 Intent may also be demonstrated by proving that the
13 defendant voluntarily and willfully commits an act, the
14 natural tendency of which is to take another's life.

15 You have heard testimony that another person was
16 convicted of these crimes in another trial. That person's
17 conviction is not evidence of guilt of any of these
18 defendants in this case and is not to be considered by you
19 as evidence of guilt in this case.

20 You have heard testimony considering the penalty a
21 person may serve for the crimes alleged in the indictments
22 in this case. In determining the guilt or innocence of a
23 defendant, you cannot consider any possible penalty for
24 any particular crime. The punishment for the crimes is a
25 matter for me to determine and should never be considered

1 by you in any way whatsoever in arriving at an impartial
2 verdict as to the guilt or innocence of a defendant.

3 Now, you must find one of two possible verdicts for
4 each indictment in this case. No significance is to be
5 given to the order in which I state these possible
6 verdicts to you; I simply must state one first and one
7 second. The possible verdicts for each indictment is
8 either guilty or not guilty.

9 As I previously instructed you, you must decide each
10 indictment against each defendant separately on the
11 evidence and law applicable to that indictment,
12 uninfluenced by your decision as to the other indictments.

13 Ladies and gentlemen, your verdict for each
14 indictment must be a unanimous one. Mr. Gardiner, as the
15 foreperson, when the jury agrees on a verdict, you will
16 write the verdict under the verdict portion of the
17 indictment and then sign your name and date the
18 indictment.

19 When the jury has reached a verdict for each
20 indictment and you have completed -- signed the
21 indictment, then knock on the door and tell the bailiff
22 that the jury has reached a verdict on all of the
23 indictments, and we'll bring you back into the courtroom
24 at that time.

25 Now, I'm going to excuse you to the jury room for

1 just a few minutes, but please do not begin your
2 deliberations yet. I need to check with the attorneys to
3 see if there are any additional charges I need to make or
4 if there's any corrections I need to make to the charges I
5 have given you.

6 If there are and I deem them appropriate, I'll bring
7 you back in and make whatever additional charges or
8 corrections are needed. If there are none, we will send
9 the indictments and all of the exhibits back to the jury
10 room, and the bailiff will instruct you to begin your
11 deliberations.

12 But please do not begin your deliberations until
13 you're instructed to do so by the bailiff. All right?
14 Thank you very much.

15 (The jury exited the courtroom at 3:38 p.m.)

16 THE COURT: All right. Any exceptions or additional
17 charges from the State?

18 MR. HELMS: I'm sorry, Your Honor?

19 THE COURT: Any exceptions or additional charges
20 from the State?

21 MR. HELMS: No.

22 THE COURT: All right. Mr. Bouchette?

23 MR. BOUCHETTE: Your Honor, I would just, for the
24 record purposes, renew my request regarding the earlier
25 inferred malice charge, but nothing further.

1 MR. PINKERTON: Your Honor, I would renew my request
2 along with Mr. Bouchette for that charge.

3 THE COURT: All right.

4 MR. GARDNER: Nothing from the defense, Your Honor.

5 THE COURT: All right. Let's leave the charges as
6 they are.

7 Let's make sure we have got all the exhibits. Here
8 are the indictments right here. Put those with the
9 exhibits.

10 THE COURT: All right. If you could bring
11 Ms. Crosby and Ms. Lewis, the two alternates, bring them
12 out.

13 COURT REPORTER: Do you want this on the record when
14 you're excusing them? Okay.

15 (Exhibit collection reviewed with the court reporter
16 and attorneys.)

17 THE COURT: Is that everything? All right.

18 Go ahead and take that back to them and tell them
19 they can begin their deliberations.

20 (Exhibits and indictments submitted to the jury at
21 3:43 p.m.)

22 THE COURT: Ms. Lewis and Ms. Crosby, this is part
23 of the trial I hate. As alternates, since we still have
24 our 12 jurors, the law says that you do not get to
25 participate in deliberations. I hate that because we made

1 THE COURT: Mr. Bouchette?

2 MR. BOUCHETTE: No, sir.

3 THE COURT: Mr. Pinkerton?

4 MR. PINKERTON: I would just renew all previous
5 motions and the objections made.

6 THE COURT: All right. Mr. Gardner?

7 MR. GARDNER: No, Your Honor, nothing.

8 THE COURT: All right. We'll be in recess until we
9 hear something from the jury. Thank you very much.

10 (A recess was taken from 3:44 p.m. to 4:20 p.m.
11 while the jury deliberates.)

12 JURY QUESTION/NOTE

13 THE COURT: All right. We have got a question from
14 the jury.

15 It says, "When did the defendants watch the
16 Snapchat? Date? Time? Charles P. Gardiner. May 25th,
17 2023."

18 I just wrote on here, "This is a fact to be
19 determined by the jury, if possible, from the evidence
20 presented at trial," and signed it.

21 What's the State's position?

22 MR. HELMS: I think that's the answer.

23 THE COURT: All right. Mr. Bouchette?

24 MR. BOUCHETTE: Beg the Court's indulgence, Your
25 Honor.

1 I know there's a reference to a Snapchat. I don't
2 know that there was -- I don't think the answer to that
3 was ever in the record, so I guess that would be the --
4 either to direct that it was not introduced or to -- maybe
5 that would be the correct way to respond if you would like
6 to respond to that, that information was not introduced.
7 It wasn't that it was introduced and they just don't
8 recall it. I don't think that was introduced.

9 MR. PINKERTON: I might be wrong; I believe the
10 Snapchat they're talking about, wouldn't that be between
11 Tronahz and Jacob Hill, not these defendants?

12 MR. HELMS: The fact that there's so much
13 conversation about what it is, interpretation, I think
14 your answer is the right one.

15 THE COURT: I mean, if y'all know the date and time,
16 I can give it to them. Or if you -- it sounds like we're
17 not even sure what they're asking about it. It's
18 definitely a fact issue for the jury if it's in dispute.

19 MR. BOUCHETTE: Correct.

20 MR. GARDNER: I didn't even understand the question,
21 Your Honor.

22 THE COURT: "When did the defendants watch the
23 Snapchat?"

24 MR. BOUCHETTE: I think --

25 MR. GARDNER: I don't think they did.

1 MR. BOUCHETTE: I guess the proper way -- and maybe
2 that's what Your Honor said earlier, so I apologize if I'm
3 going back on it -- would be to say that they have all the
4 evidence that's been introduced for their consideration,
5 so, basically, they can go back and sift through it or
6 request the transcript and try to determine that, if
7 that's a factual issue for them.

8 MR. HELMS: I can tell you this: The question's in
9 reference to Drew Edward's testimony. That is the
10 Snapchat video. He's the one that introduced evidence
11 regarding Snapchat.

12 So if they would like the answer to the question, if
13 there is an answer, it's in his testimony. However the
14 Court likes to propose, if we replay his testimony, it's
15 up to you.

16 MR. BOUCHETTE: As we talk through it, the initial
17 response, I think, is probably correct.

18 THE COURT: All right. Well, everybody has it on
19 the record what they think. I'm just going to leave it,
20 "This is a fact to be determined by the jury, if possible,
21 from the evidence presented at trial." All right?

22 MR. HELMS: Thank you.

23 THE COURT: All right. Let's put this in evidence
24 as -- what's this Court's --

25 COURT REPORTER: No. 1.

1 THE COURT: Court's Exhibit 1.

2 (Court's Exhibit No. 1, Jury Question/Note, as
3 marked for identification and received into the record.)

4 THE COURT: If you want to take this back to the
5 jury.

6 All right. Anything else from the State before we
7 recess?

8 MR. HELMS: No, Your Honor.

9 THE COURT: Mr. Bouchette?

10 MR. BOUCHETTE: No, sir.

11 THE COURT: Mr. Pinkerton?

12 MR. PINKERTON: No, Your Honor.

13 THE COURT: Mr. Gardner?

14 MR. GARDNER: No, sir.

15 THE COURT: All right. We'll be in recess until we
16 hear from the jury.

17 (A recess was taken from 4:23 p.m. to 5:04 p.m.
18 while the jury deliberates.)

19 THE COURT: All right. I understand the jury has
20 reached a verdict. Anything from the State before we
21 bring the jury in?

22 MR. HELMS: No, Your Honor.

23 THE COURT: Mr. Bouchette?

24 MR. BOUCHETTE: No, sir.

25 THE COURT: Mr. Pinkerton?

1 MR. PINKERTON: No, Your Honor.

2 THE COURT: Mr. Gardner?

3 MR. GARDNER: No, sir.

4 THE COURT: All right. Let's bring the jury in.

5 (The jury entered the courtroom at 5:07 p.m.)

6 VERDICT

7 THE COURT: All right, Mr. Gardiner. I understand
8 the jury has reached a unanimous verdict on all
9 indictments; is that correct?

10 JURY FOREMAN: Yes, sir.

11 THE COURT: Have you filled out the verdict portion
12 of the indictments and signed them?

13 JUROR FOREMAN: Yes, sir.

14 THE COURT: Would you please hand them to the
15 bailiff.

16 Thank you, sir.

17 (Pause in the proceedings while the Court reviews
18 documents.)

19 THE COURT: I'm going to ask the clerk if she would
20 please publish the verdict.

21 THE CLERK: Indictment No. 2023-GS-26-0266, the
22 State of South Carolina, County of Horry, versus Travonate
23 Jaquan Mitchell. As to the charge of attempted murder,
24 we, the jury, by unanimous consent, find this defendant
25 guilty.

1 Indictment No. 2023-GS-26-00277, the State of South
2 Carolina, County of Horry, versus Travontae Jaquan
3 Mitchell, we, the jury, by unanimous consent find this
4 defendant guilty.

5 Indictment No. 2023-GS-26-00278, the State of South
6 Carolina, County of Horry, versus Travontae Jaquan
7 Mitchell, as to the charge of attempted murder, we, the
8 jury, by unanimous consent, find this defendant guilty.

9 Indictment No. 2023-GS-26-00279, the State of South
10 Carolina, County of Horry, versus Travontae Jaquan
11 Mitchell, as to the charge of murder, we, the jury, by
12 unanimous consent, find this defendant guilty.

13 Indictment No. 2022-GS-26-02922, the State of South
14 Carolina, County of Horry, versus Don Leequin Brown, as to
15 the charge of attempted murder, we, the jury, by unanimous
16 consent, find this defendant guilty.

17 Indictment No. 2022-GS-26-02901, the State of South
18 Carolina, County of Horry, versus Don Leequin Brown, as to
19 the charge of attempted murder, we, the jury, by unanimous
20 consent, find this defendant guilty.

21 Indictment No. 2022-GS-26-02898, the State of South
22 Carolina versus Don Leequin Brown, as to the charge of
23 attempted murder, we, the jury, by unanimous consent, find
24 this defendant guilty.

25 Indictment No. 2022-GS-26-02891, the State of South

1 Carolina, County of Horry, versus Don Leequin Brown, as to
2 the charge of murder, we, the jury, by unanimous consent,
3 find this defendant guilty.

4 Indictment No. 2021-GS-26-05563, the State of South
5 Carolina, County of Horry, versus Che Leon Ransom, Jr., as
6 to the charge of attempted murder, we, the defendant -- or
7 we, the jury, by unanimous consent, find this defendant
8 guilty.

9 Indictment No. 2021-GS-26-05564, the State of South
10 Carolina, County of Horry, versus Che Leon Ransom, Jr., as
11 to the charge of attempted murder, we, the jury, by
12 unanimous consent, find this defendant guilty.

13 Indictment No. 2021-GS-26-05561, the State of South
14 Carolina, County of Horry, versus Che Leon Ransom, Jr., as
15 to the charge of attempted murder, we, the jury, by
16 unanimous consent, find this defendant guilty.

17 Indictment No. 2021-GS-26-05562, the State of South
18 Carolina, County of Horry, versus Che Leon Ransom, Jr., as
19 to the charge of murder, we, the jury, by unanimous
20 consent, find this defendant guilty.

21 Signed by foreperson Charles Gardiner, dated
22 May 25th, 2023.

23 Ladies and gentlemen of the jury, if this is your
24 verdict, so signify by raising your right hand.

25 (All jurors comply.)

1 THE CLERK: Thank you.

2 THE COURT: All right. Let the record reflect that
3 all jurors raised their right hand.

4 Mr. Bouchette, any polling of the jury by your
5 client?

6 MR. BOUCHETTE: No, Your Honor.

7 THE COURT: Mr. Pinkerton, any polling of the jury
8 by your client?

9 MR. PINKERTON: No, Your Honor.

10 THE COURT: Mr. Gardner, any polling of the jury by
11 your client?

12 MR. GARDNER: No, sir.

13 THE COURT: Ladies and gentlemen, I want to thank
14 you for your service in this case. That will conclude
15 your duty as jurors in this case but also concludes your
16 duty as jurors for the week, so we won't have any court
17 for you tomorrow. You're free to go for the remainder of
18 the week.

19 I thank you for your service. I know it's not a fun
20 thing to do but it is a necessary thing to do. You have
21 got a one-year disqualification from serving jury duty.
22 You've got a three-year exemption. I hope you don't
23 exercise your exemption because we do need good jurors.
24 And I want to thank you for your service for this week and
25 in this case. You're free to go at this time. Thank you

1 very much.

2 (The jury exited the courtroom at 5:13 p.m.)

3 THE COURT: All right. Mr. Bouchette, any
4 post-trial motions from your client at this time?

5 MR. BOUCHETTE: None at this time, Your Honor. We
6 do reserve our right under the rule.

7 THE COURT: Mr. Pinkerton?

8 MR. PINKERTON: No, Your Honor. We just renew all
9 previous motions and objections.

10 THE COURT: All right. Mr. Gardner?

11 MR. GARDNER: I'm with Mr. Bouchette and reserve the
12 right to make post-trial motions according to the rules.

13 THE COURT: All right. I'll allow you to do that.
14 I'll stick by my prior rulings on all previous motions.

15 Any reason we can't go ahead and impose sentencing
16 at this time?

17 MR. BOUCHETTE: Not that I can think of, Your Honor.

18 THE COURT: Are y'all getting the sentencing sheets?

19 MR. HELMS: As we speak, Judge.

20 THE COURT: Okay.

21 (Pause in the proceedings.)

22 THE COURT: I guess, while we're waiting on those
23 sentencing sheets, we can go ahead and get started.

24 Mr. Bouchette, anything in mitigation with regard to
25 your client?

1 MR. BOUCHETTE: Just one moment, Judge.

2 (Pause in the proceedings.)

3 MR. BOUCHETTE: Thank you, Your Honor. May it
4 please the Court? The jury has rendered its verdict. We
5 do wish to point out some mitigating factors, Your Honor.

6 The co-defendant in this case, Mr. Tronahz
7 Whittington, received -- was convicted back in February
8 and received a sentence of 45 years. Your Honor is aware
9 this carries 30 to life.

10 Judge, I think it's uncontroverted that the party
11 most culpable in this series of events was
12 Mr. Whittington. He received a sentence of 45 years.

13 Your Honor, Che is 20 years old. He just turned 18
14 when this occurred. As you have heard throughout, there's
15 no evidence indicating he set out to, at least in advance,
16 to have any kind of harm done to this victim.

17 Judge, I would argue that the low end of the range,
18 the 30-year sentence -- given the 45-year sentence for the
19 party that not only actually caused the death but had the
20 motive, had the desire, that put these things in place is
21 an appropriate sentence.

22 I would submit to the Court that a sentence even
23 commiserate with what Mr. Whittington received but
24 certainly one higher than that would be grossly
25 inequitable and grossly outside the bounds of punishment

1 for conduct.

2 Again, the jury has spoken, but even looking as to
3 sentencing, I submit to the Court that 30 years would be
4 an appropriate sentence for this series of events.

5 And, Your Honor, I know his mother, Crystal Vereen,
6 is present in the courtroom. I don't know if she wishes
7 to address the Court.

8 THE COURT: I'll hear from Mr. Ransom or anybody
9 that wants to speak on his behalf.

10 MR. BOUCHETTE: Just a moment, Your Honor.

11 THE COURT: She'll need to come to this podium over
12 here and give the court reporter her name.

13 THE COURT: I'll need you to face me, ma'am. Your
14 name?

15 MS. VEREEN: Felicia Vereen.

16 THE COURT: All right, Ms. Vereen. And what is your
17 relation to Mr. Ransom?

18 MS. F. VEREEN: I'm his aunt.

19 THE COURT: All right. What would you like to say?

20 MS. F. VEREEN: I would like to send my condolences
21 to the Johnson family, first and foremost.

22 And I just want you to -- excuse me. I just want
23 you to know, Che, he's not a bad child. I think that this
24 day, he was caught up in the wrong crowd. He's never been
25 in trouble. And I just ask that you be lenient as long as

1 you can on him because he's not a bad child. He's not a
2 child that's constantly in the streets. He's not a bad
3 kid. I think that he was just with the wrong crowd.

4 THE COURT: Thank you, ma'am.

5 MS. F. VEREEN: Thank you.

6 THE COURT: Ma'am, your name?

7 MS. C. VEREEN: My name is Crystal Vereen. I
8 can't --

9 Just please be lenient.

10 THE COURT: I'm sorry. I didn't get your name?

11 MS. C. VEREEN: Crystal Vereen. I'm shaking, Your
12 Honor.

13 THE COURT: How are you related to Mr. Ransom?

14 MS. C. VEREEN: I'm his mother.

15 THE COURT: All right. What would you like to say?

16 MS. C. VEREEN: I apologize for what happened to
17 Mr. Johnson, but my son is not no killer. He was in the
18 wrong place at the wrong time. I just ask for leniency on
19 my son. Give him a second chance. I know it wasn't
20 right, but he really don't deserve to be gone for the rest
21 of his life. And that's all I got to say.

22 THE COURT: All right. Thank you, ma'am.

23 Mr. Ransom wish to say anything?

24 DEFENDANT RANSOM: Yes, Your Honor.

25 THE COURT: All right.

1 DEFENDANT RANSOM: I just -- I'd like to apologize
2 to the family for the action I played in this situation.
3 I just want to let my mama know that I love them, and I
4 ask y'all to forgive me for everything that I did and
5 whatnot. And thank y'all for having the time and having
6 me in court. I really don't got nothing else to say, but,
7 I mean, if the judge can have leniency on me or whatever,
8 Your Honor, I really am -- that the crime I played in and
9 this crime or whatever that I'm being sentenced for was
10 not -- I didn't kill nobody. I didn't took -- kill
11 nobody. But, I mean, I understand it's one hands for all,
12 so I accept responsibility for my actions and accept
13 whatever time I'm going to receive. You know, what I'm
14 saying? That's it. That's all I got to say.

15 THE COURT: Thank you.

16 Mr. Bouchette, anything else from you or your
17 client?

18 MR. BOUCHETTE: No, sir.

19 THE COURT: Mr. Pinkerton, anything?

20 MR. PINKERTON: Yes, Your Honor. First, I would
21 like to extend my condolences to Mr. Jamie Johnson's
22 family for this.

23 Your Honor, when this occurred, my client was 16
24 years old. He was a juvenile. As we know, people's
25 brains aren't fully developed until they're at least 23,

1 24 years old, Your Honor.

2 He got wrapped up in a situation that absolutely got
3 out of hand, Your Honor. He was just trying to get home,
4 riding with his brother, and the situation got out of
5 control.

6 Your Honor, he has been incarcerated now since 2020.
7 He's not seen his family since then, Your Honor.

8 As you're well aware, the primary shooter, the
9 person that came up with this plan, was sentenced to 45
10 years just a few months ago, Your Honor.

11 My client is now 19. And as you know, any sentence
12 you can impose here today, even the mandatory minimum, is
13 longer than my client's even been on this planet, Your
14 Honor.

15 We'd respectfully ask if you would consider the
16 minimum on this case and show any kind of leniency you
17 can, Your Honor.

18 My client's mother would like to address the Court
19 if you would hear from her.

20 THE COURT: All right. She'll need to come forward
21 to the podium and give the court reporter her name.

22 And your name?

23 MS. GRAHAM: Kissie Graham.

24 THE COURT: I'm sorry?

25 MS. GRAHAM: Kissie Graham.

1 THE COURT: Can you spell your first name?

2 MS. GRAHAM: K-i-s-s-i-e.

3 THE COURT: All right, Ms. Graham. What would like
4 to say?

5 MS. GRAHAM: I would like to say, first of all --
6 first of all, I send my condolence to Ms. Johnson, the
7 family. And I'm sorry that I have -- my boy have to go
8 through this right here, but he's not no bad child. He
9 just in the wrong place at the wrong time. I just ask
10 that you forgive him for hanging with the wrong crowd,
11 doing what he did, whatever they did. I ask that you
12 please, Lord, just -- he's 19. He's not no bad boy. He
13 played baseball. He got himself baptized. Like he's not
14 no bad person to be killing nobody. He's not a killer.

15 I just ask that you be lenient on my boy and give
16 him another chance. Thank you.

17 THE COURT: Thank you, ma'am.

18 Mr. Pinkerton, does your client wish to say
19 anything?

20 MR. PINKERTON: No, Your Honor.

21 THE COURT: Mr. Gardner, anything in mitigation with
22 regard to your client?

23 MR. GARDNER: Yes, Your Honor. May Your Honor
24 please?

25 I have been representing Don for a while now. He

1 was out on bond, and he came to every appointment that I
2 ever asked him to come to. He cooperated with me.

3 At the time of this incident, he was 17 years old.
4 He was just a young guy, Judge. The sentence is going to
5 be almost twice his -- if you do 30 years, it will be
6 almost twice as old as -- as long as they have been alive.

7 It's a very serious incident, but we would
8 respectfully request that you consider the minimum
9 sentence for them based on their age.

10 Did you want to say anything to the judge?

11 I have explained everything to him and where we were
12 on this, and I believe that that's all we have at this
13 time, Your Honor.

14 THE COURT: All right. Does your client wish to say
15 anything or anybody want to speak on his behalf?

16 MR. GARDNER: Is your mother here?

17 THE COURT: Yes, ma'am. Your name?

18 MS. TUCKER: I apologize to the Johnson family.

19 THE COURT: Your name?

20 MS. TUCKER: Cathy Tucker.

21 THE COURT: All right, Ms. Tucker. What you would
22 you like to say?

23 MS. TUCKER: I want to apologize to the Johnson
24 family. My son was an A/B honor roll student. He's not a
25 killer. Please try to be lenient on him, please.

1 THE COURT: Thank you, ma'am.

2 Mr. Gardner, anything further from you or your
3 client?

4 MR. GARDNER: I don't know if he's in a position.
5 I think that's it, Your Honor.

6 THE COURT: All right. Does the victim wish to
7 speak or say anything?

8 MR. HELMS: Yes, Your Honor.

9 THE COURT: All right. Any victims that wish to
10 speak, you'll need to come forward to a microphone and
11 give the court reporter your name.

12 Yes, ma'am. Your name?

13 MS. JOHNSON: Lucinda Johnson.

14 THE COURT: All right, Ms. Johnson. What would you
15 like to say?

16 MS. JOHNSON: Jamie wasn't just some 19-year-old
17 boy. He was my first born. He is what made me a mama.
18 He was my whole world. He is a brother -- a big brother
19 to four other siblings. He was a boyfriend, a best
20 friend, a friend. He was a hard worker. He started
21 working at a very young age because he thought, for some
22 reason, that it was his responsibility as the oldest to
23 help me out. Sorry.

24 He had plans to go back to school and to get his
25 business degree because he had this huge dream that him

1 and his friends could get together and start their own
2 business. He had plans to marry his girlfriend and to
3 start a family. And the decision that these boys made
4 that day took all of that from us.

5 Your Honor, I'm asking that you would consider the
6 highest punishment possible that you would agree on
7 without parole. Thank you.

8 THE COURT: Thank you.

9 Any other victims wish to speak?

10 MR. HELMS: No, Your Honor.

11 THE COURT: All right. Do we have the sentencing
12 sheets?

13 MR. HELMS: I do.

14 THE COURT: Thank you.

15 MR. HELMS: Yes, sir.

16 THE COURT: All right. Any prior records?

17 MR. HELMS: No, Your Honor.

18 THE COURT: Anything further from the State?

19 MR. HELMS: Your Honor, you have heard the facts.
20 There's nothing else that we can add that you don't
21 already know about, Judge.

22 THE COURT: All right.

23 (Pause in the proceedings while the Court reviews
24 documents.)

1 THE COURT: All right. Gentlemen, I don't see any
2 justifiable reason to sentence you to any more than the
3 other codefendant who was found guilty. Likewise, I don't
4 see any justifiable reason to sentence you to any less
5 than the codefendant.

6 So, for each of you, the sentence of the Court on
7 the charge of murder is that you be confined to the State
8 Department of Corrections for 45 years. On each of the
9 attempted murder charges, sentence of the Court is that
10 you be confined to the State Department of Corrections for
11 30 years. All sentences will run concurrently. You'll be
12 given credit for any time served thus far.

13 [Emotional outburst from audience. Defendants
14 removed to the holding cell.]

15 THE COURT: All right. Let's have order.

16 THE BAILIFF: Quiet, please.

17 THE COURT: Let's have order.

18 All right. Anything further? It's going to take me
19 a while to get these sentencing sheets filled out.

20 MR. HELMS: No, sir.

21 THE COURT: All right. Thank you very much.

22 MR. HELMS: Thank you, Judge.

23 THE COURT: Court's adjourned.

24 MS. LIVESAY: Thank you, Judge.

25 (The above trial concluded at 5:35 p.m.)

1 CERTIFICATE OF COURT REPORTER

2 CASE NAME/NUMBER: State v. Ransom/Mitchell/Brown

3 DATE OF HEARING: May 22, 2023 - May 25, 2023

4 *****

5 I, Bobbi Fisher, do hereby certify that the
6 foregoing transcript is a true and correct record of the
7 recorded proceedings to the best of my ability, and that I
8 am neither counsel for, related to, nor employed by any of
9 the parties to this case, and I have no interest,
10 financial or otherwise, in its outcome.

11
12 14 /s/ Bobbi Fisher_____

15 Bobbi Fisher, RPR, Court Reporter III

16 Date Submitted: 1/7/2024

17 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT
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ORIGINAL

BEFORE: The Honorable Benjamin Culbertson

22 Official Court Reporter
Natalie Dahl, RPR

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Witnesses: Page

(NONE)

EXHIBITS

(None)

Transcript Legend

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
Phonetic (ph)	Indicates a phonetic word
(Inaudible)	Indicates word(s) are not discernable due to audio recording quality

1 P R O C E E D I N G S

2 MR. HELMS: Before you stands the State of
3 South Carolina, County of Horry, versus Travontae
4 Mitchell.

5 Your Honor, we're here before you today on
6 defense counsel's motion to reconsider the sentence
7 that this defendant was sentenced to by Your Honor
8 earlier this year.

9 Mr. Mitchell -- let me put this on the
10 record -- is charged under true bill Indictments
11 2023-GS-26-00266, an indictment for attempted
12 murder; 26-00277, attempted murder; 26-00278,
13 attempted murder; as well as 26-00279, murder.

14 Mr. Mitchell proceeded to trial in May of
15 this year. The jury found him guilty on all
16 charges, and Your Honor sentenced him simultaneous
17 with his two co-defendants to the same sentence
18 that all of the other co-defendants in the case
19 got. He was convicted under the
20 hand-of-one-hand-of-all theory, Your Honor.

21 Shortly thereafter, and within the ten-day
22 time frame, defense counsel, along with the
23 co-defendants, filed a timely motion to reconsider,
24 and that is what we're present for today.

25 Your Honor, the victim in this case -- the

1 deceased victim is survived by his mother. She was
2 present for the entire trial and all of the
3 hearings. She is here today and would like to
4 address the Court at the appropriate time.

5 THE COURT: All right.

6 Mr. Pinkerton, this is your motion?

7 MR. PINKERTON: Yes, Your Honor. This is a
8 motion to reconsider sentencing.

9 Mr. Mitchell was given 45 years at the end of
10 the trial. You did preside over the trial, Your
11 Honor. As you know, there were several mistrial
12 motions during that trial. There were a lot of
13 objections.

14 Your Honor, my client was 16 at the time. He
15 was waived up from juvenile court. Your Honor, as
16 far as the mistrial motions and objections, the
17 jury heard that my client was involved in a
18 separate shooting, over my objection, Your Honor.
19 The jury heard that my client was involved in a
20 gang, over my objection, Your Honor.

21 Your Honor did rule and tell the jury they
22 could not hear that, but the jury had heard it at
23 that point, Your Honor.

24 At the time, like I said, my client was 16
25 when this happened. He was waived up from juvenile

1 court. He was given 45 years. That is over half
2 -- that's literally more time than he's been on
3 this earth, Your Honor.

4 Your Honor, we would ask for any leniency you
5 might have, Your Honor. There was testimony --
6 only one person that even testified that my client
7 had a gun, and that was a cooperating State's
8 witness who was trying to save himself, Your Honor.
9 No one else even testified my client even had a gun
10 during this incident, Your Honor. We would ask for
11 any mercy you can have. We would respectfully, if
12 you will, consider a minimum of 30 versus the 45
13 you imposed at trial.

14 THE COURT: State's position?

15 MS. LIVESAY: Yes, Your Honor. The
16 contention of Mr. Pinkerton as to the objections
17 and the requests for a mistrial, the appropriate
18 venue for that will be the Court of Appeals to
19 decide whether or not Your Honor ruled correctly as
20 to those motions.

21 Of course the State's contention is that he
22 got a fair trial. He got a fair trial. One
23 co-defendant had already been tried prior to these
24 three and already convicted with the exact same
25 evidence.

1 The contention of Mr. Pinkerton as to
2 reconsideration of sentencing as to objections and
3 mistrial is not appropriate for a reconsideration
4 of sentencing. Everything that the Court heard on
5 the day that this young man was convicted still
6 stands today. Whether or not a ruling by this
7 Court was correct or incorrect will be decided by
8 the Court of Appeals. It should not, and legally
9 cannot, be remedied by a reduction in sentence;
10 that will be for the Court of Appeals, and those
11 will be the arguments Mr. Pinkerton can make at
12 that time.

13 But as to the facts of the case, this young
14 man, we alleged, was a shooter. He was a
15 participant, active participant. There were three
16 shooters: Tronahz Whittington, Travontae Mitchell
17 and Che Ransom. We agree the sentence was
18 appropriate.

19 Travontae Mitchell, the other co-defendant
20 that was a shooter, received 45. Che Ransom also
21 received 45.

22 The victims are here and present and they
23 want to be heard, if you want to hear from them,
24 but the State believes there has been nothing
25 different today than what was heard at the day of

1 the conviction, and we believe there is nothing new
2 to reconsider and 45 should stay the same.

3 THE COURT: And what were the allegations
4 from the State in this case? What happened?

5 MS. LIVESAY: So the allegations are, Your
6 Honor, on 2020 -- I don't know the exact time at
7 this point -- but while in Horry County, the jury
8 saw a video of this defendant, along with the other
9 five co-defendants, getting in a car, in a vehicle.

10 The next video that was played was from the
11 Ring camera. You then saw the same car with these
12 defendants get into 20 minutes earlier behind the
13 victim following him down the road.

14 The testimony then is that from the victim's
15 car, the three people that lived in the victim's
16 car, as well as the two cooperating co-defendants,
17 was that when the victim stopped at the stop sign,
18 the defendants took their car, went around him, and
19 pulled in front of the victim so he could not leave
20 the stop sign. They then got out and fired into
21 the Tahoe and shot Jamie Johnson in the head, which
22 was the cause of death.

23 They then testified -- the cooperating
24 co-defendants testified that they got in the car,
25 left, went back to another area where one of the

1 girlfriends picked them up. The girlfriend then
2 testified, I picked up Travontae Mitchell, Che
3 Ransom, Shamontae Graham, and Don Brown from a
4 location close to where the shooting happened, and
5 then I dropped him off. So those were the
6 allegations.

7 THE COURT: All right.

8 Mr. Pinkerton, anything in reply?

9 MR. PINKERTON: Yes, Your Honor, briefly.

10 As the State said, there were two
11 co-defendants who testified. The only person who
12 has even put a gun in his hand was one of the
13 qualifying co-defendants, who was trying to save
14 himself, Your Honor. No one else ever put a gun in
15 my client's gun.

16 As Your Honor knows, there was at least one
17 juror that was dismissed for knowing the family
18 during the trial, Your Honor. So we respectfully
19 ask that you reduce the sentence to 30 instead of
20 45.

21 I also simultaneously filed a motion for a
22 new trial. I don't know if that is on the docket
23 for today?

24 MR. HELMS: We have no objection to it being
25 heard.

1 MR. PINKERTON: If you would, Your Honor. It
2 goes back to my previous statements about the
3 mistrial motions, all of the objections. Your
4 Honor, we would respectively ask for a new trial,
5 also based on the fact that the jury heard improper
6 testimony that my client was in a gang, involved in
7 a shootout later that day, even over my objections,
8 Your Honor. We ask for a new trial on that basis.

9 THE COURT: I'm going to deny the motion to
10 reconsider the sentence, and deny the motion for a
11 new trial. It was a jury trial. It was a verdict
12 by the jury, and he got the same sentence as the
13 other co-defendants. All right. Thank you.

14 (Whereupon, the proceedings concluded.)
15
16
17
18
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20
21
22
23
24
25

DE 5/18/2023



Horry County Police Department

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 - Conway, SC 29526 - Tel: 843-915-5350 - Fax: 843-248-1886

637
NO A/D
NO P/D
Can R/W

Advisement of Miranda Rights

Subject's Name: <u>Chel'ean Ransom</u>	Date of Birth: <u>2012</u>	Case #.
Officer's Name: <u>DEdward</u>	Badge #: <u>441</u>	Date & Time: <u>9/22/2020</u>
Location: <u>2560 N Main St Conway, SC 29526</u>		

Advisement of Miranda Rights

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk with a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer one will be appointed to represent you at no cost to you, before any questioning, if you so desire.
5. If you make a statement or answer any questions, you have the right to stop at any time.

Do you understand these rights? Yes ✓ No _____

Subject's Printed Name: Chel'ean Ransom

Subject's Signature: Chel'ean Ransom

Officer's Signature: DEdward 441

Witness (Print & Sign): Iken Marcus S

638

Kissel Graham

Horry County Police Department

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 - Conway, SC 29526 - Tel: 843-915-5350 - Fax: 843-248-1886

Advisement of Miranda Rights

Graduate still in Year
Influ. A/D N R/W Y
Phys. Discomf. N

Subject's Name: <u>Travontae Jahwan Mitchell</u>	Date of Birth: <u> </u> 03	Case #: <u>2020086837</u>
Officer's Name: <u>DJ Dudley</u>	Badge #: <u>406</u>	Date & Time: <u>9-18-20 1102</u>
Location: <u>ML Brown Bldg</u>		

Advisement of Miranda Rights

- IM 1. You have the right to remain silent.
- IM 2. Anything you say can and will be used against you in a court of law.
- IM 3. You have the right to talk with a lawyer and have him present with you while you are being questioned.
- IM 4. If you cannot afford to hire a lawyer, one will be appointed to represent you at no cost to you, before any questioning, if you so desire.
- IM 5. If you make a statement or answer any questions, you have the right to stop at any time.

Do you understand these rights? Yes IM No

Subject's Printed Name: Travontae Mitchell

Subject's Signature: Travontae Mitchell

Officer (Print & Sign): DJ Dudley 406

Witness (Print & Sign): Sean W. [Signature] Sam [Signature]

(Updated 12/2019)

STATE'S NO. 51

DATE:
Bobbi Fisher, RPR

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
)
)

IN THE COURT OF GENERAL SESSIONS
 OF THE FIFTEENTH JUDICIAL CIRCUIT

Tickets: 2021A2610200908;
 2021A2610200907;
 2021A2610200906;
 2021A2610200905;

STATE OF SOUTH CAROLINA,)

-VS-

**NOTICE OF MOTION TO RECONSIDER
 SENTENCE**

TRAVONTAE MITCHELL

DEFENDANT)
)

TO: PRESIDING JUDGE: **Benjamin H. Culbertson**

CHRIS HELMS, SOLICITOR:

YOU WILL PLEASE TAKE NOTICE that the above named Defendant,
Travontae Mitchell in the above entitled matter, through his attorney, **Clay Pinkerton** ,
 moves before the Presiding Trial Judge of General Sessions Benjamin H. Culbertson
 and requests that a hearing to reconsider his sentence to be held at the earliest
 possible date.

 Benjamin H. Culbertson
 ADMINISTRATIVE JUDGE GENERAL SESSIONS
 FIFTEENTH JUDICIAL CIRCUIT

DATED: 6-1-2023

Clay V. Pinkerton
CLAY PINKERTON

Public Defender
 203 Laurel Street
 Conway, SC 29526
 Phone 843-915-5385

HORRY COUNTY
 2023 JUN - 1 A 11: 30
 RENEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
 STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
 OF THE FIFTEENTH JUDICIAL CIRCUIT

WARRANTS: 2021A2610200908;
 2021A2610200907; 2021A2610200906;
 2021A2610200905

-VS-

CERTIFICATE OF SERVICE BY MAIL

TRAVONTAE MITCHELL

DEFENDANT)
 _____)

I certify that on :

1st day of June, 2023

I served a copy of the attached Motion in this Criminal Matter on:

Chris Helms by:

depositing a copy of it in the United States Mail, postage prepaid on the above date
 address to the Horry County Solicitor listed above to the address listed as follows:

Chris Helms
 Assistant Solicitor
 Horry County Solicitor's Office
 P.O. Box 1276
 Conway, SC 29528

Clay V. Pinkerton

Clay Pinkerton
 Public Defender
 Horry County
 203 Laurel Street
 Conway, SC 29526
 Phone 843-915-5385

HORRY COUNTY
 2023 JUN - 1 A 11:30
 REHEE N. ELVIS
 CLERK OF COURT
 HORRY COUNTY, SC

DATE DOCUMENT PRINTED: June 01, 2023

Shaville Crawford

Employee Signature

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF GENERAL SESSIONS

ORDER IN A CRIMINAL CASE
WARRANT(S) 2020A2610200905 - 0908

641

INDICTMENT(S): 2023GS2600266, 0277-0279

State of South Carolina

TRAVONTAE MITCHELL
DEFENDANT(S)

This form order
submitted by:

Attorney for : ☐ State ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE

- ☐ **DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered. ☐ See below for additional information.
- ☐ **DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. ☐ See below for additional information.
- ☒ **MOTION: MOTION TO RECONSIDER SENTENCE / New Trial**
- ☐ GRANTED ☒ DENIED ☐ CONTINUED ☐ WITHDRAWN
- ☐ WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
- ☐ OTHER: _____

FILED
HORRY COUNTY
2023 AUG -9 A 11:26
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

IT IS ORDERED AND ADJUDGED: ☐ See Order of the Court below ☐ See attached order
☐ Formal Order to follow; to be prepared by: ☐ State ☐ Defendant ☐ Other: _____

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : _____

Immanuel Culbertson
Circuit Court Judge

2148
Judge Code

Aug. 9, 2023
Date

For Clerk of Court Office Use Only

This judgment was entered on this 10 day of **August, 2023** and a copy mailed first class or placed in the appropriate attorney's box on this 10 day of **August, 2023** to attorneys of record or to parties (when appearing pro se) as follows:

CHRIS HELMS/NANCY LIVESAY

CLAY PINKERTON

ATTORNEY(S) FOR THE STATE

Renee N. Elvis

Clerk of Court

Court Reporter:

FILED
Horry County
2023 AUG -9 A 11:26
RENEE N. ELVIS
CLERK OF COURT
Horry County, SC

WITNESSES

Kenneth A Marcus Horry County Police
Department

Sam Brantly

ARREST WARRANT NUMBER

2021A2610200905
CDR: 3410 16-03-0029
DOA: 4/28/2021

ACTION OF GRAND JURY

TRUE BILL

Mark
Foreperson of Grand Jury
Date: JAN 25 2023

VERDICT

GUILTY

Charles D. Anderson

Foreperson of Petit Jury

Date: May 25, 2023

DOCKET NO. 2023GSS2600266

The State of South Carolina

County of Horry

Christopher D. Helms
21H02118

COURT OF GENERAL SESSIONS

January, 2023 TERM

FILED
HORRY COUNTY

2023 JAN 25 P 4:01

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

THE STATE

VS.

Travontae Jahwan Mitchell
/ M

Conway, SC 29526-3452

DOB: 2003-

SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for

Attempted Murder

Jimmy A. Richardson, II, Solicitor

 **ORIGINAL**

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

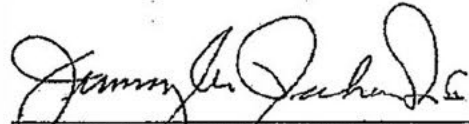
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Travontae Jahwan Mitchell did in Horry County on or about September 12, 2020 with intent to kill Britney Milam, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

645

WITNESSES

Kenneth A Marcus Horry County Police
Department

John Beatty

ARREST WARRANT NUMBER

2021A2610200906
CDR: 3410 16-03-0029
DOA: 4/28/2021

ACTION OF GRAND JURY

TRUE BILL

John J
Foreperson of Grand Jury
Date: JAN 25 2023

VERDICT

Guilty

Charles P. Henderson
Foreperson of Petit Jury

Date: May 25, 2023

DOCKET NO. 2023GSS2600277

The State of South Carolina
County of Horry

Christopher D. Helms
21H02118

COURT OF GENERAL SESSIONS

January, 2023 TERM

THE STATE

VS.

Travontae Jahwan Mitchell
/ M
Conway, SC 29526-3452
DOB: 2003
SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for
Attempted Murder

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2023 JAN 25 P 4:01

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

 **ORIGINAL**

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

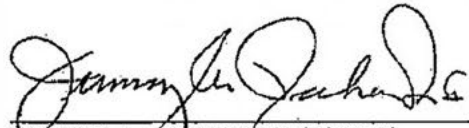
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Travontae Jahwan Mitchell did in Horry County on or about September 12, 2020 with intent to kill Jacob Hill, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Kenneth A Marcus Horry County Police
Department

John Beatty

ARREST WARRANT NUMBER

2021A2610200907

CDR: 3410 16-03-0029

DOA: 4/28/2021

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: *Jan 25 2023*

VERDICT

Guilty

Charles Phandani
Foreperson of Petit Jury
Date: *May 25, 2023*

DOCKET NO. 2023GGS2600278

The State of South Carolina

County of Horry

Christopher D. Helms
21H02118

COURT OF GENERAL SESSIONS

January, 2023 TERM

FILED
HORRY COUNTY

2023 JAN 25 P 4: 01

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM

GRAND JURY

THE STATE

VS.

Travontae Jahwan Mitchell
/ M

Conway, SC 29526-3452

DOB: 2003-

SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for

Attempted Murder

Jimmy A. Richardson, II, Solicitor

 **ORIGINAL**

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

INDICTMENT

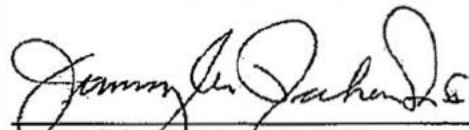
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Travontae Jahwan Mitchell did in Horry County on or about September 12, 2020 with intent to kill Orlin Lopez, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Kenneth A Marcus, Horry County Police
Department

Ken Beatty

ARREST WARRANT NUMBER

2021A2610200908
CDR: 0116 16-03-0010, 0020
DOA: 4/28/2021

ACTION OF GRAND JURY

TRUE BILL

MA
Foreperson of Grand Jury
Date: JAN 25 2023

VERDICT

Guilty

Charles D. Davidson
Foreperson of Petit Jury
Date: May 25, 2023

DOCKET NO. 2023GS2600279

The State of South Carolina

County of Horry

Christopher D. Helms
21HO2118

COURT OF GENERAL SESSIONS

January, 2023 TERM

THE STATE

VS.

Travontae Jahwan Mitchell
/ M

Conway, SC 29526-3452

DOB: 2003-

SSN: [REDACTED]

ATTORNEY: Clay Pinkerton

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

FILED
HORRY COUNTY

2023 JAN 25 P 4: 01

RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC

DATE RECEIVED FROM
GRAND JURY

 ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

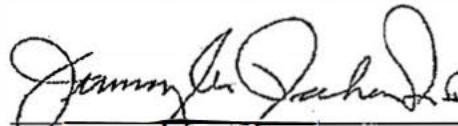
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Travontae Jahwan Mitchell did in Horry County, on or about September 12, 2020, willfully, feloniously, and intentionally kill the victim, Jamie D. Johnson, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

INDICTMENT/CASE#: 2023GS2600266Travontae Jahwan Mitchell

AKA:

A/W#: 2021A2610200905

Race:

Sex: MAge: 19Date of Offense: 9/12/2020DOB: 2003SS#: [REDACTED]S.C. Code §: 16-03-0029Address: [REDACTED]CDR Code #: 3410City, State, Zip: Conway, SC 29526-3452DL#: [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: Assault / Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ 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]
100116

SC102561

Helm, Christopher D. SC Bar # Defendant

Pinkerton, Clay
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed X yearsand/or to pay a fine of \$ X; provided that upon the service of X days/months/years/Time Served and or payment of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 5/25/2023☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing☐ The Defendant Shall be Released from County Detention Center.

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

RECEIVED
CLERK OF COURT
HORRY COUNTY
MAY 25 PM 1:01

STATE VS. Travontae Jahwan Mitchell INDICTMENT/CASE#: 2023GS2600266

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 6-25-2023

§14-1-206 (Assessments 107.5 %)	\$100	\$ <u>100.00</u>
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$12	\$ _____
§56-5-2995 (DUI Assessment)	\$25	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)	\$150	\$ _____
§14-1-213 (Drug Court Surcharge)	\$41	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$ _____
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$ _____
§56-5-2942(J) (Vehicle Assessment)	TBD	\$ <u>3.75</u>
3% to County (if paid in installments)	\$500	\$ _____
	TBD	\$ <u>40.00</u>
	TOTAL	\$ <u>168.75</u>

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/ Deputy Clerk: Renee ELVIS
Court Reporter: Bobbie FISHERPresiding Judge: Margaret Culbert
Judge Code: 2148
Sentence Date: May 25, 2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

Travontae Jahwan Mitchell

AKA:

Race:

Sex:

M

Age:

19

DOB:

2003

SS#:

Address:

City, State, Zip: Conway, SC 29526-3452

DL#:

SID#:

INDICTMENT/CASE#: 2023GS2600277A/W#: 2021A2610200906Date of Offense: 9/12/2020S.C. Code §: 16-03-0029CDR Code #: 3410

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: Assault / Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ 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:

100116

SC102561

Helms, Christopher D. SC Bar # Defendant

Pinkerton, Clay
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed X yearsand/or to pay a fine of \$ X; provided that upon the service of X days/months/years/Time Served and or payment of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 5/25/2023☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing☐ The Defendant Shall be Released from County Detention Center.

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

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
2023 MAY 5 P 6:27
HORRY COUNTY

STATE VS. Travontae Jahwan Mitchell INDICTMENT/CASE#: 2023GS2600277

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

HARRY COUNTY
2023 MAY 25 P 6:07
RICHIE N. ELVIS
CLERK OF COURT
HARRY COUNTY, SC.

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$25.00 Beginning 6-25-2023

§14-1-206 (Assessments 107.5 %)	\$100	\$100.00
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$25.00
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$
§56-5-2942(J) (Vehicle Assessment)	TBD	\$3.75
3% to County (if paid in installments)	\$500	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	TBD	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TOTAL	\$128.75

Clerk of Court/ Deputy Clerk: Richie Elvis
 Court Reporter: Bobbi Fisher

Presiding Judge: Margaret Culbertson
 Judge Code: 2148
 Sentence Date: May 25, 2023

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Travontae Jahwan Mitchell

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023GS2600278A/W#: 2021A2610200907Date of Offense: 9/12/2020S.C. Code §: 16-03-0029CDR Code #: 3410

AKA:

Race:

Sex: MAge: 19DOB: 2003SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Conway, SC 29526-3452DL#: [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: Assault / Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ 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]

100116

SC102561

Helms, Christopher D.

SC Bar #

Defendant

Pinkerton, Clay

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed X yearsand/or to pay a fine of \$ X; provided that upon the service of X days/months/years/Time Served and or paymentof \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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: 5/25/2023☒ 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.[REDACTED] 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.

 2023 MAY 25 P 01:01
 JENEE N. ELMS
 CLERK OF COURT
 HORRY COUNTY SC

STATE VS.

Travontae Jahwan Mitchell

INDICTMENT/CASE#:

2023GS2600278

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

HONORARY COUNTY
 2023 MAY 25 P 6:07
 JENNIFER N. ELVIS
 CLERK OF COURT
 HONORARY COUNTY, SC

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$25.00 Beginning 6-25-2023

§14-1-206 (Assessments 107.5 %)	\$100	\$100.00
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$25.00
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$
§56-5-2942(J) (Vehicle Assessment)	TBD	\$3.75
3% to County (if paid in installments)	\$500	\$
	TBD	\$
	TOTAL	\$128.75

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

 Clerk of Court/ Deputy Clerk: Renee Elvis
 Court Reporter: Bobby Fisher

 Presiding Judge: Immanuel Culbertson
 Judge Code: 2148
 Sentence Date: May 25, 2023

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Travontae Jahwan Mitchell

AKA:

Race: _____ Sex: M Age: 19DOB: 2003 SS#: _____

Address: _____

City, State, Zip: Conway, SC 29526-3452

DL#: _____ SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2023GS2600279A/W#: 2021A2610200908Date of Offense: 9/12/2020S.C. Code §: 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / Murderin violation of § 16-03-0010, 0020 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:

100116

SC102561

Helms, Christopher D. SC Bar # _____ DefendantPinkerton, Clay
Attorney for Defendant

SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 45 days/months/years/Time Served ☐ Youthful Offender Act not to exceed X yearsand/or to pay a fine of \$ X ; provided that upon the service of X days/months/years/Time Served and or payment of \$ X ; plus costs and assessments as applicable*, the balance is suspended with probation for X

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: 5/25/2023☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDoc. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

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

RENEE N. ELY
CLERK OF COURT
HORRY COUNTY, SC
2023 MAY 25 PM 07
HORRY COUNTY

STATE VS.

Travontae Jahwan Mitchell

INDICTMENT/CASE#:

2023GS2600279

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

HDRY COUNTY
2023 MAY 25 P 6:07
RENEE H. ELVIS
CLERK OF COURT
HORSER COUNTY, SC

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 6-25-2023

§14-1-206 (Assessments 107.5 %)	\$100	\$ <u>100.00</u>
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§14-1-211(A)(2) (DUI Surcharge)	\$12	\$
§56-5-2995 (DUI Assessment)	\$25	\$
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
§14-1-212 (Law Enforce. Funding)	\$150	\$
§14-1-213 (Drug Court Surcharge)	\$41	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$50	\$
§50-21-114(BUI Breath Test Fee)	\$40/ea	\$
§56-5-2942(J) (Vehicle Assessment)	TBD	\$ <u>3.75</u>
3% to County (if paid in installments)	\$500	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	TBD	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TOTAL	\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk: Renée ELVIS
Court Reporter: Bobbi Fisher

Presiding Judge: _____
Judge Code: _____
Sentence Date: May 25, 2023

Margaret Culbertson
2148
May 25, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

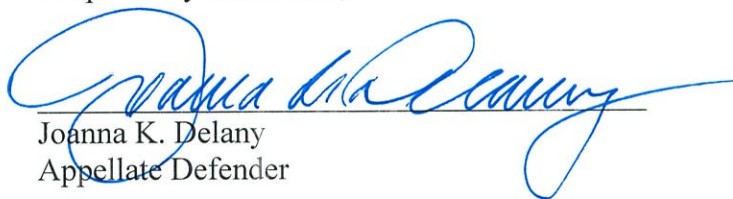
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised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

Respectfully Submitted,

RECEIVED

Jan 31 2025

SC Court of Appeals



Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 31st day of January, 2025.

RECEIVED

Jan 31 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

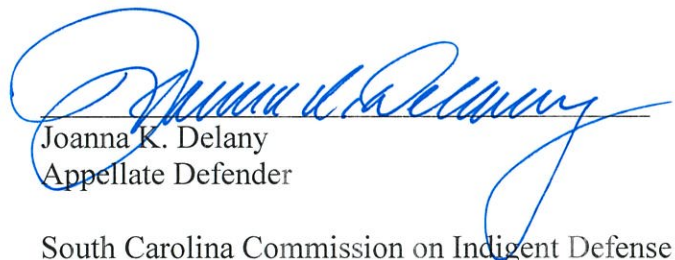
TRAVONTAE JAHWAN MITCHELL,

APPELLANT

APPELLATE CASE NO. 2023-001323

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 Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 31st day of January, 2025.



Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT