

# PREMIER

INVESTIGATIVE ASSOCIATES

4.

### AFFIDAVIT OF JASON M. GOURDINE:

I, Jason M. Gourdine, DOB [REDACTED] SSN [REDACTED], give this statement freely and voluntarily. No threats, force or promises of any kind have been made to me by anyone to give this statement.

Tarone Johnson and I were charged with the murder of Charles Bennett in 1997. I pled not guilty and was found not guilty at trial.

I still maintain my innocence today.

We departed the area of Easy Street, N Charleston, SC, after we were attacked. Tarone Johnson and I were not involved in any way in the murder of Charles Bennett.

I do not know who killed Charles Bennett and have not heard who did kill him.

Jason M. Gourdine  
Jason M. Gourdine

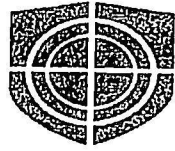
Sworn to before me this  
8th Day of September 2017

George W. Hawkins  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 7/27/2019

**RECEIVED**

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S.C. SUPREME COURT



# PREMIER

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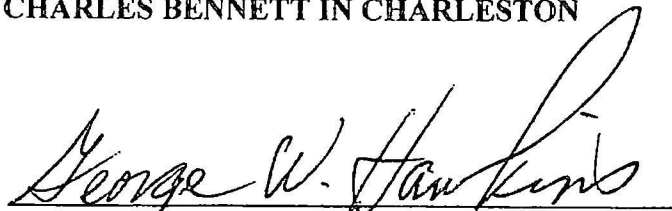
## INVESTIGATIVE ASSOCIATES

6.

MAY 15, 2018

TO WHOM IT MAY CONCERN:

- 1- IN APRIL, 2017 PREMIER INVESTIGATIVE ASSOCIATES (PIA) WAS RETAINED BY TARONE JOHNSON TO OBTAIN THE CRIMINAL DEFENSE FILE FOR THE CHARGE OF MURDER FROM HIS ATTORNEY, HARRY SHAW.
- 2- PIA WAS ALSO TASKED WITH THE ASSIGNMENT TO OBTAIN TARONE JOHNSON'S FILE FROM HIS ATTORNEY, DOUGLAS TRUSLOW WHOM HE HAD RETAINED IN NOVEMBER, 2001 TO ASSIST IN JOHNSON'S PCR HEARING AND TO OBTAIN HARRY SHAW'S FILE.
- 3- I CONTACTED DOUGLA TRUSLOW'S OFFICE ON APRIL 7, 2017 AND WAS INFORMED BY PARALEGAL MACKENZIE WOODWARD THAT THEY NO LONGER HAD THE JOHNSON FILE DUE TO THE AGE OF THE CASE.
- 4- ON OR ABOUT JULY 19, 2017 THE FILE WAS OBTAINED FROM HARRY SHAW AND PROVIDED TO THE CLIENT.
- 5- ON AUGUST 8, 2017 I OBTAINED A SIGNED, NOTARIZED AFFIDAVIT FROM JASON M. GOURDINE STATING THAT TARONE JOHNSON WAS INNOCENT AS TO THE HOMICIDE OF CHARLES BENNETT IN CHARLESTON COUNTY, S.C. IN 1997.

  
\_\_\_\_\_  
GEORGE W. HAWKINS  
INVESTIGATOR

SWORN TO BEFORE ME THIS  
15<sup>TH</sup> DAY OF MAY, 2018

  
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NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 8-18-26

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(The jury continued their deliberations.)

(Whereupon, the Court received a note at 7:50 from the jury.)

THE COURT: Counsel.

MR. SHAW: I have seen it.

THE COURT: Oh, you all have already seen it.

MR. BECK: Yes, sir.

THE COURT: Suggestions, Allen Charge or not or what? It is kind of confusing.

MR. BECK: I don't think they actually said they are deadlocked. They are saying it is possible that we are.

THE COURT: Well, they say we are not in agreement.

MR. BECK: But they haven't said they are deadlocked so I don't think it is the appropriate time for an Allen charge. I think the response would be, yes, it is possible to be deadlocked. Let us know.

THE COURT: If you are deadlocked, let the Court know.

MR. BECK: Yeah.

THE COURT: Do you agree?

MR. SHAW: Yes, sir.

1 THE COURT: It is possible to have a hung  
2 jury. If this is the case, please notify me.  
3 Everybody in agreement?

4 MR. BECK: Yes, sir.

5 THE COURT: I need your yes for the  
6 record.

7 MR. SHAW: Yes, sir. ✓

8 MR. BECK: I already said yes, sir.

9 THE COURT: All right.

10 (The Court received a note from the jury  
11 at 8:04 p.m.)

12 THE COURT: I'm going to give them an  
13 Allen charge. Bring in the jury.

14 (Whereupon, the following proceedings  
15 were held in the presence of the jury.)

16 THE COURT: Ladies and gentlemen, I got  
17 your note saying that you can't reach an agreement.  
18 The jury is hung. !!!

19 In this regard, I'm going to give you an  
20 additional charge. It has to do with reaching a  
21 verdict. Hopefully, you can reach a verdict in this  
22 case so I have some brief comments in that regard  
23 about your ability to reach a verdict.

24 As I have already told you, you are the  
25 sole judges of the facts in this case and the

1 offense.

2 I tell you while the law does not require  
3 that malice shall exist for any particular length of  
4 time before the commission of the act in question it  
5 must be aforethought, which means that malice must  
6 have been conceived in the mind of the Defendant and  
7 must have accompanied the act of killing. Malice is  
8 defined in the law of homicide as a term of art.  
9 That is a technical term importing wickedness and  
10 excluding just cause or legal excuse. It is  
11 something which springs from wickedness, from  
12 depravity, from a depraved spirit, from a heart  
13 devoid of social duty and fatally bent on mischief.

14 The words express or implied do not mean  
15 different kinds of malice but merely the manner or  
16 way in which the only kind of malice known to the law  
17 may be shown to exist that is either by direct or --  
18 direct evidence or inference. Malice may be  
19 expressed as where previous threats of vengeance or  
20 lying in wait or other circumstances show directly  
21 that an intent to kill was really entertained.  
22 Malice may also be implied as where though no  
23 expressed intent to kill is proved by direct evidence  
24 it is indirectly but necessarily inferred from facts  
25 and circumstances which are proved. Malice may be

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implied or inferred from the willful deliberate and intentional doing of an unlawful act without just cause or legal excuse.

If a person using a deadly weapon deliberately and intentionally and without just cause or legal excuse takes the life of another, malice may be inferred. If facts are proven beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be taken into considered by you the jury along with other evidence in the case and you may give it such weight as you determine it should have. In any event, any such implication or inference in no way lessens the burden on the State to prove malice beyond a reasonable doubt

In other words, the evidence of malice from the use of a deadly weapon is simply an evidentiary fact to be considered by you along with the other evidence in the case and give it such weight as you determine it should have including the right to reject any such inference.

Now, one cannot be convicted of any crime which is defined in terms of a result as in murder unless one's act is the proximate cause of the result which in murder is the death of the victim.

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25 All State's Exhibits were agreed upon by  
26 counsel without the need to formally move them  
27 into evidence except for State's 1 through 4  
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*All Exhibits were agreed upon. (The coins not mentioned.)*

1 Dr. Collins testified to you back on Wednesday about  
2 where Mr. Bennett was shot I submit to you that they  
3 hunted him down.

4 Ladies and gentlemen, this case is  
5 supported by the evidence and the testimony related  
6 to Sabrina Russ' neighbor Margie Miles who came in  
7 here and testified. She told you that she saw two  
8 black men in her backyard, not a single shooter, two  
9 men who jumped over the fence here to the back of  
10 Sabrina Russ' trailer.

11 Now, defense counsel said I don't know  
12 why, it doesn't make sense they would be over here.  
13 It doesn't have to make sense to him, ladies and  
14 gentlemen. The fact is she told you she saw them  
15 back there. Now, whether they were trying to hide  
16 back there to make sure that everything was all right  
17 as far as their plan of attack or if they were  
18 looking for the gun, I don't have that answer. But  
19 she saw two men there. When the police went to the  
20 spot where she directed them the next day, 21  
21 pennies, 21 pennies. She told you those weren't her  
22 pennies. Those pennies weren't in here yard before  
23 that night. And this Defendant just happened to pick  
24 up 153 pennies from North Charleston Police  
25 Department. Now, he can say they are Jason's or he



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1 were at 2128 Easy Street at least until 9:30, all of  
2 them. And Jason was there until about 20 minutes til  
3 10:00. That is when I believe the police officer got  
4 there, the phone call.

5 Next person is Patricia Nelson, and she  
6 was the record custodian over there at the North  
7 Charleston Police Department. They have a little  
8 sheet over here where -- and the solicitor is making  
9 a lot of noise about 21 pennies that got found over  
10 in Mrs. Miles' backyard and the fact that the  
11 evidence people returned to Tarone Johnson 153  
12 pennies. Well, yeah, it was 153 pennies and 37 dimes  
13 and four nickels and one quarter. I mean that's a  
14 lot of change. And I get accused and people laugh at  
15 me for always having a pocket full of change. But I  
16 swear I don't think I could even put 153 pennies, 37  
17 dimes, 4 nickels and 1 quarter in my pants pocket.  
18 It just ain't going to go.

19 What did Tarone say? Jason kept a bunch  
20 of change in his car. They searched the car. They  
21 took evidence from the car. They bagged it all  
22 together. When Tarone went over to get his stuff  
23 from the North Charleston Police Department, this was  
24 in February. He had been in jail since June. He  
25 went over to get his stuff out of the police