

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Horry County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICAH PRESSLEY,

APPELLANT

APPELLATE CASE NO. 2023-001799

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT #50 (VIDEO SURVEILLANCE FROM APT. COMPLEX);
DJJ WAIVER EVALUATION (UNDER SEAL)**

1 In looking at it light most favorable, there is zero
2 evidence, none, that they had consent. None. The fact
3 that there's a text message saying "I'm on my way" in no
4 way and in no world means you have consent.

5 If Mr. Wilson wants to argue to the jury that that
6 means consent, that's just what it is: A jury question.
7 But we can't get to the point where we have got two people
8 testifying, one directly says nobody was invited; the
9 other one says, I get in there, nobody opens the door, the
10 lights are off, everybody is asleep. That is certainly
11 both direct and circumstantial evidence that nobody had
12 invited them over or given them consent.

13 So I don't -- I guess maybe I need guidance from the
14 Court as to why or what is -- what is the issue as to when
15 we have got direct testimony, why now this is an issue
16 where we believe that a directed verdict -- because
17 there's just no evidence -- I think the case I saw where
18 they directed a verdict and the Court of Appeals or the
19 appellate court found it was appropriate was when there
20 was one fingerprint. They said, yeah, in that case when
21 there's one fingerprint and the guy has been around the
22 house, go on and direct the verdict.

23 But we are a far stretch from that. I mean, I
24 just -- and maybe I need guidance from the Court because I
25 don't know what else we could have other than the guy in

1 the house saying they weren't invited and the co-defendant
2 saying everybody in there was asleep. We never received
3 any text back saying we could come in. I don't know what
4 else we could really have more than that.

5 THE COURT: You could have a broken window, blood on
6 the broken window with DNA. You could have somebody shoot
7 the lock. You could have somebody kick the door in.

8 I'm not saying there's no evidence. I'm not saying
9 there's no circumstantial evidence. I'm just questioning
10 as to whether or not we have made it to the point of
11 substantial circumstantial evidence. There's been very
12 little talk in this trial at all about the burglary. The
13 whole thing has been about the shootings and the murders
14 and killings.

15 Let me hear from you, Mr. Wilson.

16 MR. WILSON: Judge, and I think one of the things
17 that the solicitor seems to forget is that the burden is
18 still on them. Yes, when we make the motion, then that
19 doesn't -- that does not alleviate the need for them to
20 create substantial -- how do I want to put this? They
21 still have to create substantial in the record regardless
22 of what my motion is.

23 And even though I make the motion -- and, yes, it
24 should be viewed in the light most favorable to the State,
25 but it's still viewed in the light most favorable to the

1 State in terms of whether or not the State has put up any
2 substantial circumstantial evidence, which is what they're
3 relying on.

4 And the solicitor says that Mr. Robinson says, "Oh,
5 well, this is my house." He never said this was his
6 house. In fact, what he said was he was asleep. He
7 didn't know who was coming. And the question to him
8 was -- do you know whether or not any of the other people
9 invited them? He said, "I don't know."

10 MS. LIVESAY: That's not what he said.

11 MR. WILSON: Well, you have got the transcript.

12 MS. LIVESAY: You have got the transcript. Here it
13 is.

14 MR. WILSON: Who did he say invited him -- didn't
15 invite him?

16 MS. LIVESAY: He said -- I said, "Had anybody, to
17 your knowledge, invited him there?"

18 And he said, "No."

19 "Had anybody, to your knowledge, invited anybody to
20 come over after y'all went to bed?"

21 "No."

22 MR. WILSON: That's what I said.

23 MS. LIVESAY: He's saying nobody been invited over.

24 MR. WILSON: No, he said he doesn't know.

25 THE COURT: He said he doesn't know.

1 MS. LIVESAY: That is not -- when we were in here,
2 he clearly meant that no, nobody had been invited over. I
3 mean, how --

4 THE COURT: . Go ahead and finish your motion,
5 Mr. Wilson.

6 MR. WILSON: Judge, my position is simple. The
7 State has not created substantial circumstantial evidence
8 to point to the fact that there was, in fact, a burglary.

9 Does she have a suspicion, in her opinion?
10 Absolutely. No question about that. But that ain't
11 evidence. The fact that she might think that in her mind
12 is not evidence.

13 And, in fact, the officer might think it ain't
14 evidence. There is no evidence of a break-in in this --
15 and to me, when I look at the video, they had a key that
16 got them inside the house. They didn't stand there -- and
17 not one piece of testimony about pry marks or about
18 kicking the door in or about anything other than you saw
19 them go to the door, put it in, and go in. That's it.

20 So, you know, there is no substantial circumstantial
21 evidence.

22 THE COURT: Mr. Rigney?

23 MR. RIGNEY: I just want to -- as you have said,
24 Your Honor, there was evidence on the video that we all
25 saw that they had a key and they were able to get in and

1 there's no forced entry. There's no evidence of any
2 forced entry.

3 The permission that was given -- now, Marion would
4 not know that someone else in the apartment had a text
5 sent to him or had agreed to come in or not. So I think
6 that's kind of irrelevant to this. I think everything
7 that we have got points to the fact that this is not a
8 burglary.

9 (Pause in the proceedings while the Court reviews
10 documents.)

11 THE COURT: I'm going to grant the directed verdict
12 in regard to the burglary only.

13 MR. WILSON: Thank you, Your Honor.

14 MR. RIGNEY: Thank you, Your Honor.

15 THE COURT: Any other motions?

16 MR. WILSON: I don't have any other motions at this
17 time. When we get ready to start with arguments and
18 charge, I do have a motion that I would like to take up
19 with the Court at that time.

20 THE COURT: Any motions at this time?

21 MR. RIGNEY: No, Your Honor.

22 THE COURT: Do you want me to question them about
23 their right to remain silent?

24 MR. WILSON: Yes, sir.

25 THE COURT: If both of you would stand up.

1 DEFENDANT RIGHTS

2 THE COURT: And, Mr. Neal, I'm going to have you
3 answer first, and Mr. Pressley, have you answer second.
4 Okay?

5 DEFENDANT NEAL: Yes, sir.

6 THE COURT: I want you to know that this is your
7 trial, and you can come over here and you can be sworn in
8 and you can testify if you'd like. However, I want you to
9 understand, if you do testify, you may be cross-examined
10 on any and all relevant issues in connection with your
11 case.

12 Furthermore, if you have a criminal record and it
13 involves crimes of dishonesty or false statements or
14 crimes that carry a punishment of more than one year and
15 the Court determines that the probative value of that
16 admission substantially outweighs its prejudicial effect,
17 then your criminal record will be introduced to attack
18 your credibility. Do you understand that?

19 DEFENDANT NEAL: Yes, sir.

20 THE COURT: Do you understand that?

21 DEFENDANT PRESSLEY: Yes, sir.

22 THE COURT: I want you to understand that,
23 furthermore, if you have a record that involves -- and I
24 can't remember if I said this -- dishonesty or false
25 statement, that that would come in as well. Do you

1 understand that?

2 DEFENDANT NEAL: Yes, sir.

3 THE COURT: Do you understand that?

4 DEFENDANT PRESSLEY: Yes, sir.

5 THE COURT: All right. I want you to understand
6 that you do have the constitutional right to remain
7 silent. You don't have to testify. Nobody can make you
8 testify. In fact, if you choose not to take the stand, I
9 will tell that jury that they cannot use that against you
10 in any way. I'll even tell that jury they can't talk
11 about that fact in the jury room.

12 Do you understand your right to remain silent?

13 DEFENDANT NEAL: Yes, sir.

14 DEFENDANT PRESSLEY: Yes, sir.

15 THE COURT: Do you have any questions about anything
16 I have said?

17 DEFENDANT NEAL: No, sir.

18 DEFENDANT PRESSLEY: No, sir.

19 THE COURT: Have both of you talked with your lawyer
20 about whether you wish to testify or not?

21 DEFENDANT NEAL: Yes, sir.

22 DEFENDANT PRESSLEY: Yes, sir.

23 THE COURT: And what decision have you made?

24 DEFENDANT NEAL: I'm not testifying.

25 DEFENDANT PRESSLEY: I'm not testifying.

1 THE COURT: All right. And do both lawyers agree
2 with that?

3 MR. WILSON: Yes, sir.

4 MR. RIGNEY: Yes, Your Honor.

5 THE COURT: All right. I'll make a finding that
6 they made that decision freely and intelligently and with
7 the advice of competent counsel.

8 All right. I have got the charge over here if you
9 want to look at it first --

10 MS. LIVESAY: Well, before we get there, Judge, can
11 we put the reasoning for the directed verdict on the
12 record?

13 THE COURT: The what?

14 MS. LIVESAY: Can we put the reasoning behind there
15 was a direct- --

16 THE COURT: I don't think there's substantial
17 circumstantial evidence that rises to the level to submit
18 that to a jury.

19 MS. LIVESAY: Okay. Do you believe there was any
20 direct evidence?

21 THE COURT: I don't recall hardly any evidence, to
22 be honest with you, at all.

23 MS. LIVESAY: Okay. So you don't believe the
24 witness testifying that nobody --

25 THE COURT: I'm telling you that I'm granting a

1 verdict -- directed verdict on their behalf. The record
2 speaks for itself. Period.

3 We're going forward on the murder now. I'm not
4 throwing that out. But it is what it is. And I have a
5 strong hunch that, if I went forward on the burglaries, we
6 would be right back here in two years from now doing this
7 thing again. So it is what it is.

8 Here's the charge. Y'all come look at it and see if
9 it meets with your approval.

10 (Attorneys meet to discuss the charge.)

11 (Pause in the proceedings.)

12 THE COURT: Is Defense good with it, for the most
13 part?

14 MR. WILSON: There's two pieces, Judge. The second
15 page where it talks about multiple charges --

16 THE COURT: I have already changed that part.

17 MR. WILSON: The other one --

18 MR. RIGNEY: The other one is the burglary, to
19 remove the burglary. I'm sure you have --

20 MR. HARRELSON: None besides that.

21 THE COURT: Yeah, okay.

22 MS. LIVESAY: Can we get a copy of this or no?

23 THE COURT: If they want to make you a copy, I'm
24 good with it.

25 MR. HARRELSON: That helps me preparing for

1 openings [verbatim].

2 THE COURT: I think that's the first time I have
3 been questioned on the record.

4 (Pause in the proceedings.) .

5 MOTION/MATTER OF LAW

6 THE COURT: All right. Is everybody good with the
7 charge?

8 MR. WILSON: Yes, sir.

9 Your Honor, I was going to ask the Court to consider
10 charging manslaughter. And it's a charge that I have
11 mixed emotions about because sometimes, with jurors, there
12 tends to be a compromise where it can go straight for
13 murder and then they may not go for murder, but, as a
14 compromise, choose manslaughter.

15 And the evidence that I think supports that comes
16 from Mr. Robinson. Mr. Robinson's testimony, as I recall
17 it, was that, when he was asleep and he heard some
18 tussling -- I think was the word he used -- and then a
19 gunshot and then somebody ran past him, according to him.

20 That, coupled with the fact that there are two guns
21 that have been talked about that were found at the scene
22 with blood or presumptive blood on it, I think when you
23 look at all those things in its totality, that those
24 things would lend itself to the argument anyway for
25 manslaughter, which is simply a lesser included than the

1 murder.

2 Additionally, I think that, from the testimony as I
3 understand it, too, one of the guns in the house that was
4 there could have fired one of the shots. And I understand
5 that the expert says -- the SLED expert says that it was
6 inconclusive, that he couldn't say that it did fire that
7 shot, but he couldn't say that it didn't, and that gun was
8 found inside the house, even though he's also claiming
9 that one of the guns that one of these defendants had was
10 also inclusive [verbatim] in having been able to fire or
11 could have fired one of the two bullets that was found
12 from the body of Mr. McPherson.

13 So I think, considering all of that, that there is
14 at least some evidence of a struggle or a tussle or a
15 fight or whatever you want to call it based solely on the
16 testimony of the State's primary witness, Mr. Robinson.
17 So I would ask the Court to consider manslaughter.

18 THE COURT: All right. What's the State have to
19 say? I mean, how could it be manslaughter?

20 MS. LIVESAY: The State has put up evidence clearly
21 where they have been identified to go into the apartment.
22 They have been identified by two different witnesses.
23 That's what we have got, Judge. You have been in here.

24 THE COURT: How could it be manslaughter, though?

25 MR. WILSON: If -- according to -- according to

1 Mr. Robinson -- and, again, his testimony is -- I'm not
2 saying it's credible, but his story was that, if I
3 remember correctly, was that he heard a tussle, which
4 meant that somebody was fighting or tussling in there and
5 then he heard the shot, covered his head up, somebody ran
6 past him, he doesn't know who it was.

7 So if there was a fight, then that's very different.
8 That is very different than if somebody walks in and just
9 shoots you. If you're laying on the bed and somebody
10 walks in and shoots you in the head, that's clearly --
11 would be murder.

12 On the other hand, if you're fighting with somebody
13 and somebody gets shot, then I think there at least is an
14 argument that it could be manslaughter.

15 THE COURT: Can we go back on the tape to exactly
16 where he said that?

17 MR. WILSON: Yes, sir.

18 THE COURT: Just to see exactly what he said.

19 MR. WILSON: I think he said it on the direct with
20 the solicitor.

21 THE COURT: Let's look it up.

22 COURT REPORTER: So what exactly now? Mr. Robinson?

23 MR. WILSON: Yes, ma'am. Mr. Robinson and his
24 statement -- they were questioning him about what
25 happened, so it would have been early on in his testimony.

1 COURT REPORTER: Tussling?

2 MR. WILSON: Tussling.

3 COURT REPORTER: Okay.

4 MS. LIVESAY: Just for the record, Your Honor, we
5 probably do need to put something on the record. The
6 testimony was that they were asleep, and when Marion pulls
7 down the blanket, our victim is trying to get off the
8 couch, and he's being held at gunpoint. If that's where
9 we're at with manslaughter...

10 THE COURT: Let's see what he said. I don't
11 remember exactly what he said. You don't need to say
12 anything. Let's just look it up.

13 (The court reporter played back the requested
14 portion.)

15 THE COURT: It's kind of hard to hear, but you said
16 it sounded like a tussle?

17 MR. WILSON: Yes, sir.

18 THE COURT: Let me look at manslaughter charge.
19 He's going to get it real quick. Let me think about it.

20 (Pause in the proceedings while the Court reviews
21 documents.)

22 THE COURT: You know, the manslaughter is certainly
23 the sudden heat of passion based on sufficient legal
24 provocation. Both heat of passion and sufficient legal
25 provocation must be prevalent.

1 Really, the only evidence we have is there are other
2 guns in the apartment -- obviously, they have blood on
3 them -- and there was a tussle. The key is, is that
4 enough to allow a jury to potentially have involuntary
5 manslaughter.

6 I mean, it's slim, but it sounds like the charge
7 could be applicable. But it's slim.

8 Anything y'all want to put on the record?

9 MR. HARRELSON: Your Honor, the State does not
10 believe that it would be appropriate for the facts in
11 which we have heard in this case. It's evident that these
12 defendants drove all the way from Florence, over an hour
13 and a half. They had malice aforethought. They had the
14 firearms on them. They went into the home, and they
15 murdered an individual in which they are going at a time
16 in which they believe that an individual would be asleep;
17 therefore, he cannot defend himself.

18 The State does not believe manslaughter would be
19 appropriate and that murder would be the most appropriate
20 to go to the jury.

21 THE COURT: And I agree with everything he said. I
22 mean, just making sure there are no facts that would
23 support this.

24 The question is: Do you want to not charge it and
25 risk having it reversed, or do you want to charge it and

1 do you feel confident that you can stand on your murder
2 conviction? I guess that's the way I look at it.

3 If we charge it and they come back with murder,
4 you're good. If we don't charge it, it possibly could be
5 an issue down the road.

6 With the idea of the guns and the blood and the
7 testimony about the tussle, I wouldn't even think about
8 charging them. It's slim.

9 (Pause in the proceedings while counsel confers.)

10 THE COURT: I think the fact that you're talking
11 about it that much probably tells me it should be charged.
12 Why don't we charge it and see what happens, out of an
13 abundance of caution.

14 MR. HARRELSON: I have no issue.

15 THE COURT: Are y'all ready to close?

16 MR. WILSON: We're ready.

17 MR. RIGNEY: Ready, Your Honor.

18 (The jury entered the courtroom at 2:20 p.m.)

19 THE COURT: All right. State's recognized for your
20 closing statement.

21 MS. LIVESAY: Thank you, Judge.

22 CLOSING ARGUMENT ON BEHALF OF THE STATE

23 MS. LIVESAY: Ladies and gentlemen of the jury, we
24 have been in here now for four days so y'all already know
25 who I am; I'm not going to introduce myself again.

1 Now, we are wrapping it up now. I know you guys are
2 tired. We have been here since Monday, but I ask you to
3 please give me your full attention right here at the end,
4 because this is where we're going to go over everything.
5 And this is important.

6 I think we can all agree that a young man was
7 killed. And this is important. And the truth is, his
8 family -- Ms. McPherson, Joshua's daddy, grandma -- all of
9 this crowd has been waiting for today. Been waiting for
10 today.

11 Joshua was killed that night, but his story is not
12 over. This story is not over. You twelve will get to
13 decide how this story ends.

14 When we look through the evidence, we're trying to
15 figure out who the good guys are and who the bad guys are.

16 Now, Mr. Wilson came in here on Day 1 in the opening
17 and said this young man, talking about the defendant, his
18 life or his fate is in your hands. I don't know if y'all
19 remember that or not. I thought I could throw up in my
20 mouth when I heard that. Right?

21 Micah Pressley and Fanotti Neal decide their fate,
22 and that's true for every one of us. Every one of us in
23 this courtroom, in this world are sowers and reapers. We
24 make our own choices. We make our own decisions. Those
25 choices and decisions decide our fate. We either sow good

1 decisions and we do good things and we reap the benefits,
2 or we sow evil ones, and we have to reap the consequences
3 of that. But that's on us. Whatever decisions we make
4 decide our fate.

5 You know, in this case, I feel like it's everybody's
6 fault but the killer's. You know, I deal with people all
7 the time that don't want to come forward, don't want to be
8 involved.

9 What we saw in the last four days is why. All of a
10 sudden, the guy that comes forward, the eyewitness, he's
11 the bad guy. All of a sudden, the police are liars.
12 Everybody is the bad guy but the guy running around in the
13 middle of the night. That's what Mr. Wilson wants you to
14 believe.

15 Let's look at what happened. And let me say this,
16 Micah Pressley and Fanotti Neal are to be evaluated
17 separately. So in this closing, we are going to look at
18 each one separately. When you go in the back, there will
19 be a not guilty/guilty for Micah Pressley and
20 not guilty/guilty for Fanotti Neal. So let's keep them
21 separate for now.

22 Now, 5:42 Sunday morning. Look what we got. Still
23 nighttime outside.

24 (Video plays.)

25 Stop. This guy here, hoodie, long pants. This guy

1 here, hoodie, long pants. And I want you to check out the
2 body language of these two when they're showing up.

3 (Video plays.)

4 Watch this guy, Micah Pressley.

5 (Video plays.)

6 Look it there. If you want to know what's on that
7 young man's mind, this right here is. 5:42, showing up to
8 the apartment, out there in a black hoodie. He ain't even
9 walked in yet and he's already doing his arm like this.
10 He's already telling you what's on his mind. And he's
11 already telling you why he's there.

12 (Video plays.)

13 We're going to come back to that. Let's just worry
14 about Micah Pressley right now. Now watch him. Look at
15 him digging in his shoe.

16 Hit pause.

17 They came up, Fanotti Neal knocked on the door.
18 They stood around out there probably 30 seconds. Micah
19 Pressley out there walking around, working himself up like
20 we all do before we're getting ready to get into
21 something, doing his arm like this, getting fired up
22 before he gets in there. Nobody ever comes to the door.

23 They drove an hour; right? Drove an hour. Drove
24 all the way here from Florence in the middle of the night.
25 Left at 4:30 in the morning. Had been up all night

1 worried about getting to Conway. So there's no turning
2 back now. Just because, knock-knock, nobody shows up.
3 Plan B. Go right to Plan B. We're not leaving. We drove
4 an hour. We're not leaving until we get in there. We
5 drove all this way. We had to steal a car and drive here
6 in the middle of the night. So we're not leaving. We're
7 not accepting no as an answer.

8 So he's going to dig in his shoe like you saw him
9 and he's going to break in. There ain't no doubt about
10 it. When we saw all those people show up before then,
11 everybody went to the door and used their key. Nobody is
12 sitting around digging in a shoe at any time, walking up
13 to the door.

14 He broke in. Clearly, he broke in. Nobody would
15 let them in, and they were getting into that apartment
16 that night. So you see him break in.

17 (Video plays.)

18 Stop. After he breaks in, he moves to the side.
19 He's done his part as far as right here goes. So he moves
20 to the side. He's broke into the door. And now the other
21 folks are going to follow him.

22 It's 5:43. What's going on in the room? We know
23 what's going on in the room. Fanotti Neal told us and so
24 did Charrel Floyd. The lights are off. The victim is on
25 the couch asleep. Marion Robinson is in the chair asleep.

1 Those two young men are doing everything they're supposed
2 to be doing. They're at home asleep with the lights out,
3 doing nothing wrong. Nothing wrong. When these people
4 show up at a time when they're the most vulnerable. The
5 most vulnerable. They didn't show up at 9:00 when they
6 were all up. They didn't show up at 12:00.

7 Hold right there for me.

8 Our people didn't even get back until 3:30 or 4:00.
9 They didn't show up when our people were moving around,
10 when Joshua McPherson was up, when Jalen was up. They
11 waited until the people were asleep and at their most
12 vulnerable moment.

13 Everybody from Fanotti Neal to Charrel Floyd to
14 Marion Robinson, the one thing everybody agrees on is
15 Joshua McPherson, our victim, was asleep on the couch.
16 Everybody agrees to that: The defendant and the people in
17 the house.

18 Stop it there.

19 5:50. These three people leave. They clearly know
20 something is getting ready to happen. Charrel said,
21 "Look, I left because everybody's in there asleep. Why am
22 I walking around when everybody is in there asleep?"
23 Right?

24 But if you're wondering who the one is with malice
25 and evilness in their heart, it's the one, Micah Pressley

1 and Fanotti Neal -- but we'll get to Fanotti in a minute.
2 They can't walk out of that apartment.

3 Charrel tells you, when she walks out, my victim --
4 our victim, Joshua McPherson, is asleep on the couch.
5 He's still alive. Micah Pressley could have walked out
6 with his friends. These are the three people you came
7 with. When they left, why wouldn't you leave?
8 Everybody's in there asleep. There's nothing left to do.

9 Because there was something left to do for Micah
10 Pressley. He had already got in the car, driven up here,
11 gotten the gun. All of these are choices. All of these
12 take planning. You can't just catch him at any time. You
13 have got to catch him when he's the most vulnerable. This
14 is when this young man was the most vulnerable. He was
15 away from home. He was here to celebrate his brother's
16 birthday. He was asleep, expecting nothing.

17 Choices. Sowing and reaping.

18 Micah Pressley could have walked out right behind
19 Charrel Floyd. If he had of, this woman would still have
20 her son. And we wouldn't be here today. That's all it
21 took. Choices. But that's not the choice he made.

22 Even after he drove all the way from Florence, he
23 could have let it go. He could have let that young man
24 live. He could have. That was his choice. When they
25 left, Joshua McPherson was alive. Micah Pressley could

1 have walked out and left that young man to live a full
2 life. And we wouldn't be here. But he couldn't. He
3 could not do it. Something was in his heart. Malice and
4 evil. And it would not let him leave. He could not leave
5 until he did what he came to do.

6 (Video plays.)

7 Choices. Look how long he's in there. All this
8 time he could have left, walked out. Nobody was there to
9 stop him.

10 (Video continues to play.)

11 Stop. He's standing there a minute. Got all that
12 time. Everybody's asleep. He could have left. Nobody
13 would have known the difference. He couldn't do it. He
14 could not do it. He could not do it until he killed that
15 young man.

16 Now, this gun. Looks just like this one. This gun
17 was found in Micah Pressley's house. And do you know the
18 one thing we know about this gun? The one thing, the only
19 thing in that report that was not inconclusive -- we got
20 one thing out that wasn't inconclusive and that's that,
21 out of every gun submitted, Mr. Wilson wants to talk about
22 these two guns in the victim's house. And we're going to
23 address it. But I want to tell you right now, it couldn't
24 have fired this bullet. This bullet that was collected
25 from her son's spine, the two guns in the apartment could

1 not have fired this bullet. The only gun that could have
2 fired this bullet that was submitted to SLED was the very
3 gun that was found in Micah Pressley's house, that matches
4 the very gun that he's running out with.

5 He brought the gun for a reason: To use it. Now,
6 what else is strikingly strange about this situation?
7 Because it's so weird how little things kind of hit us.
8 And the thing about this is, there was only one shell
9 casing, if you remember, found on the kitchen floor. One
10 shell casing. And, ironically, this gun jams. You shoot
11 it one time, and the shell casing gets stuck.

12 Isn't it strikingly strange that Micah Pressley is
13 running out with a black semiautomatic that looks just
14 like the one found at his house that shot the bullet that
15 killed a young man and, after one shot, the shell casing
16 gets caught? And there's only one casing in the house.

17 I'm sure when that casing got stuck, if he's
18 anything like me, it startles you, because you don't know
19 if the gun is going to blow up, if it's going to go off.
20 At least I do. My guess is, he didn't want to come
21 running out like this. See how he's holding it?

22 But the shell casing was jammed in here and he
23 wasn't going to put it back in his pocket. And he didn't
24 have time to dig that casing out to fire again.

25 So I'm sure, when it got jammed, his first reaction

1 was to look at it and then take off running. But he was
2 not going to put it back in his pocket with that bullet
3 laying up in there with the casing. He wasn't going to do
4 that. He made a good choice there for himself. He wasn't
5 going to make sure anything happened to him.

6 He didn't mind killing a 17-year-old young man, but
7 he weren't going to put this gun back in his pocket when
8 it jammed up.

9 Now, what else was found in his house? Say it ain't
10 so. The exact sweatshirt he was wearing the night of the
11 murder. Exact sweatshirt. And that's kind of his go-to
12 sweatshirt because I'm showing you State's Evidence 51 and
13 52. Here he is a month before the shooting wearing the
14 same sweatshirt.

15 So he runs out with a black gun, wearing a hoodie
16 sweatshirt, and those very items are found at his house
17 two days later. There's no doubt this defendant shot
18 Joshua McPherson. There's no doubt. He got in there. He
19 couldn't let it go, and he killed him.

20 Now, Mr. Wilson has come and tried to tell you,
21 "Well, how about there were two guns in the victim's
22 house?" Two guns in the victim's house. How about them?
23 How about them? Lord, if they find me dead in my house, I
24 am screwed because there's more than two guns in there. I
25 can assure you of that.

1 And this young man must not be like me, because I
2 keep one right under my pillow. Keep one there, beside
3 me. Because of this. This is what we're all afraid of.
4 This is our worst nightmare, to be somewhere where we're
5 comfortable, where we feel safe and have this happen.

6 There's two guns in the house of the victim's.
7 There's no doubt about it. And it's awful, it's sickening
8 that, now, somehow this has gotten twisted that the young
9 man asleep on the couch has done something wrong.

10 And let me tell you something, folks, if the young
11 man had fired a shot, he would have been in his well right
12 to fire one. And I'm telling you, if somebody breaks into
13 your house, go on and pull the trigger, because I can
14 assure you, if they're breaking in in the middle of the
15 night, this is what their intentions are. You cannot have
16 good intentions when you break into an occupied residence
17 at this hour. You cannot.

18 So this idea that there's two guns in the victim's
19 house, what if there is? Does that make this less guilty,
20 less wrong, okay? No. And we know this gun, without a
21 doubt, fired one of the shots. Could not have been the
22 gun from inside the house. Could not have been.

23 Now, if Mr. Wilson didn't persuade you with that,
24 when we were up here and the last lady that testified was
25 Dr. Riemer, something along that line, she was the

1 pathologist. She was up here telling you that the man was
2 shot twice. Two different bullets. Don't forget that.

3 The SLED guy came in here and said, without a doubt,
4 two different guns were used. One gun could not have
5 fired two bullets. So we know we have two shooters and
6 we've got two guns. And we know we pulled two out of the
7 victim so we know both hit him.

8 She was up here telling us how one of the bullets
9 went through his heart and his lung. That's rough. That
10 is a rough wound for a 17-year-old to have, to go through
11 the heart and the lung.

12 The other one went through his diaphragm. That's
13 what helps us breathe. And it hit his spine. When a
14 bullet hits your spine, you lose all feeling everywhere
15 down. The injuries he suffered to the diaphragm, the
16 heart, and the spine left him unable to breathe and unable
17 to walk.

18 After we heard that -- and she told us he had no
19 drugs in his system -- no drugs or alcohol -- Mr. Wilson
20 got up here and said, "Hey, how about this marijuana?"
21 You see this on the drug scan, the drug toxicology? She
22 said that doesn't mean he was smoking marijuana at the
23 time. It means he had he smoked it sometime previously.

24 So I guess if it doesn't matter that there are two
25 guns in the house, I guess he's hoping to you folks his

1 life is less valuable since he had that marijuana.
2 Somehow now this murder, the fact that he was shot, man
3 couldn't breathe, couldn't walk, couldn't move his legs,
4 what's important to him is that he had some marijuana in
5 his system.

6 It's hard to even listen to that kind of absolute
7 trash. This young man died a horrible death, and the fact
8 that he had marijuana metabolite means nothing. Nothing.

9 Now, if you're wondering if it's Micah Pressley, let
10 me go ahead and tell you, the first go-to move is it's not
11 him, but if it is him, he ain't the shooter, and if he is
12 the shooter, he did it self-defense. I promise you, it's
13 going to be everything under the sun.

14 There was no doubt, when you look at the evidence on
15 Micah Pressley, that he broke in and killed the young man.
16 The gun and all the clothes were at his house.

17 Now, let's talk briefly about Fanotti Neal because
18 we know -- we know Micah Pressley did it.

19 (Video plays.)

20 Can you just start it over for me? Thank you. I
21 apologize.

22 (Video plays.)

23 Now, look at him when he comes up to the door,
24 Fanotti Neal. Watch him. Look at him go up to the door.
25 Pop, pop, pop. He's ready. He's worked up. It's 5:30 in

1 the morning, and he's walking around like that, trying to
2 get in, worried about getting in.

3 Can you fast forward it just a tad? Thank you. Hit
4 pause.

5 Say it ain't so. Look right here in his waistband.
6 It ain't a black gun. When you look --

7 Can you hit the light for me just a little bit,
8 please, ma'am? Thank you. I appreciate you.

9 Look right here. Right where you would carry a gun.
10 And it's not black. It looks a lot like this color.
11 Isn't it strikingly strange he's popping on the door, got
12 something clearly tan in his waistband -- not black, not
13 orange, not red, something this color when he's knocking
14 on the door.

15 And you know what's strikingly strange about that?
16 SLED told you this could be one of the guns that fired the
17 bullet, the other bullet that shot the victim.

18 Isn't it strikingly strange that the two guns found
19 in Micah Pressley's house, one without a doubt fired the
20 gun, and this one he told you could have fired one.

21 My guess is Micah Pressley fired, the gun jammed.
22 Fanotti Neal fired, and the boy went down.

23 (Video plays.)

24 Fast forward it just a touch. Just take me to where
25 they were running out, please.

1 He ain't in there for about a minute. And look at
2 him. Pulling his face mask down. Can you pause it?

3 This. This right here is like a killer's kit right
4 here that Fanotti had. Now, both of them ran out. And do
5 we everyone need to question if that's Fanotti Neal?
6 Fanotti Neal said it was Fanotti. The girlfriend said it
7 was Fanotti. Marion Robinson said it was Fanotti.
8 Charrel Floyd said it was Fanotti. Is there any doubt
9 that that is Fanotti Neal? And, clearly, they're the only
10 two out of the five that are sprinting out.

11 Now, what did they leave behind?

12 Can you hit pause and go back just a hair and hit
13 pause? Hit pause.

14 Marion Robinson told us, when the young man was
15 shot, he was trying to get up off the couch. How do we
16 know -- how do we know if what Marion told us is true?
17 Because we know Fanotti Neal himself said he was there,
18 and we know from the video that the guy in the black
19 hoodie was there.

20 He says he felt somebody run out. Do we know that's
21 true? The video shows him running out. We know he was
22 telling the truth.

23 Now, he says he's getting off the couch. The victim
24 is trying to get off the couch. What does the evidence
25 show? Look at this young man. Right there at the couch

1 where Marion said. The two bullets -- and I don't know if
2 y'all caught this, but the two bullets had a downward
3 trajectory, which means the gun is at a higher level, and
4 the victim is kind of leaning over. Either way, it's a
5 downward trajectory.

6 Neither shot was in the arm or in the leg. Both
7 shots were kill shots. Both shots were right at this
8 young man's chest.

9 Now, Fanotti goes home. This young man, he's laying
10 here. They're sprinting out, trying to get away. Going
11 back to Florence. Pop, pop, pop, going back to Florence,
12 go right back to Florence. Fanotti changes his clothes.
13 Still got to keep the ski mask. Changes his clothes, does
14 all that, be-bopping around town. When he's stopped, he's
15 in the car with his girlfriend. Nothing bothering him.
16 And all the while, he just left this.

17 Now, the judge is going to read you murder. All it
18 is, is a killing of another with malice aforethought. Do
19 we have a killing of another? Look at him. Is there
20 malice? You see Micah Pressley out there doing like that.
21 That's malice. You see Fanotti Neal out there looking
22 around, bobbing around, trying to get in that door?
23 Malice.

24 But even then the real malice is when the three
25 people leave and they won't leave. Sow and reap. They

1 sowed the decision to stay behind and to kill that young
2 man. Today -- today is the time to reap.

3 Now, this young man has lost his life. The judge is
4 going to read murder, and he's going to read voluntarily
5 manslaughter. We indicted him for murder. I'm telling
6 you it's murder, but the Judge is going to read you
7 another option: Voluntary manslaughter.

8 What is voluntary manslaughter? It's heat of
9 passion. That's what it is. I come home, I see my
10 husband in bed with another woman, and I shoot him.
11 Voluntary manslaughter. Heat of passion. It's in that
12 moment of anger. I'm so angry, I can't even control
13 myself. This is not voluntary manslaughter. We can't
14 accept that. This is a cold-blooded killing.

15 These people didn't take one thing from that
16 apartment. They didn't steal anything. When you look
17 through the scene pictures, the young man's shoes and
18 everything is still there. The one they wanted was his
19 life. That's what they came to take, and they took it.
20 And they weren't leaving until they got it.

21 Now, you're going to hear a lot from the defense
22 attorneys about those other two guns. I'm telling you
23 folks, there ain't nothing to it. The two killers are
24 right there. The idea that his brother or somebody else
25 in that apartment killed him is beyond any kind of realm

1 of possibility. And there's no evidence of it. Everybody
2 in there is trying to help the young man. There's no bad
3 actors in the apartment.

4 The bad actors are the ones running out of their
5 home, putting their mask on, trying to unjam the gun.
6 Nobody in the apartment is doing anything wrong so don't
7 be fooled by that. Don't be fooled by that.

8 This whole trial has been nothing but trying to
9 tarnish everybody that's come in here to try to tell what
10 they know. Everybody is a horrible person according to
11 the defense but the killer. Everybody but them. We can't
12 accept that. Not in here.

13 When you go back in that room, you will decide how
14 this ends for Joshua McPherson and his family. We all
15 know right from wrong. We have all read enough books to
16 know that we want the story to end right. We want the
17 good guys to win and we want the bad guys to be punished.
18 That's how all of us grew up. Even in fairytale stories
19 for kids, it's also about sowing and reaping.

20 I'm asking the twelve of you to give this story of
21 Joshua McPherson the right ending. And there's only one
22 way to give it the right ending, and that's to come back
23 with a guilty verdict for murder. Sowing and reaping.

24 Mr. Pressley and Mr. Neal made their own decisions.
25 They didn't have to kill anybody. And damn if they didn't

1 work hard to kill this young man. And the determination
2 was relentless. So I'm asking you-all to come back with a
3 guilty plea. Thank you for your time.

4 THE COURT: Thank you.

5 Mr. Wilson?

6 MR. WILSON: Can we move this?

7 CLOSING ARGUMENT ON BEHALF OF DEFENDANT PRESSLEY

8 MR. WILSON: Mr. Foreman and ladies and gentlemen,
9 if there is probably any part of a trial that is useless,
10 it's probably this part where the lawyers get up to tell
11 you their opinion or their views on what you saw. The
12 truth of the matter is, you're a lot more capable, the
13 twelve of you, in making a decision about what you saw and
14 heard than any of us, because normally when something is
15 going on in the courtroom, I'm either trying to take notes
16 or trying to pay attention to who the next witness is or
17 I'm trying to listen to something the judge might be
18 saying and I miss things. But your sole job here today
19 and this week has been to listen. That's it. You don't
20 have any other responsibility.

21 And when we talked earlier, I said to you if you did
22 that, if you listened, if you paid attention, at the end
23 of that process, you're going to be in a position to
24 render a verdict that speaks the truth. That's all that
25 can be asked of you. You have no friends to reward. You

1 have no enemies to punish. Your job is not to have
2 sympathy. It's to find the truth.

3 And having said that, always understand that the
4 burden of proof is upon the State. The defendant -- I
5 don't care how serious the charge might be, no defendant
6 ever has the burden of proving himself innocent. Because
7 most of the time, that would be impossible. If I'm home
8 in my bed at 3:00 in the morning and the police knock on
9 my door and said, "There was a bank robbery down the
10 street, Mr. Wilson, and we think you're the guy who did
11 it," how am I going to defend myself? I was home by
12 myself.

13 "Well, somebody says that they saw you down there."

14 "Well, it wasn't me. I was home by myself."

15 "Well, do you have any proof that you were home by
16 yourself?"

17 "No, I was home by myself."

18 So it's impossible sometimes to prove that you did
19 not do something. That's why the State has the burden of
20 proof. They have to prove beyond a reasonable doubt that
21 you and no one else did the crime. Not that you're
22 suspicious. Not that, "Well, you know, it doesn't look
23 good." Not that "Well, you know, it's kind of funny."
24 No. That's not evidence.

25 Not one witness -- not one witness has come into

1 this courtroom and said to you I saw either of these young
2 men shoot anybody. The closest thing you got to that is
3 you have got Marion Robinson. So let's talk about Marion
4 Robinson for a minute.

5 Marion Robinson's story is that he was asleep and
6 that a person, is what he says -- one -- came to him, and
7 he said that was Mr. Fanotti, and he dapped him, meaning,
8 "Hey, what's going on," that kind of thing. And that he
9 then goes back under his covers and goes to sleep.

10 That he later says he hears some tussling, according
11 to him. He then hears a shot. And then he takes the
12 covers down and looks, and he sees a man with a black
13 hoodie on running out of the room.

14 Now, the question was: When did he come up with
15 that story about the man in the black hoodie? Because if
16 you'll remember, I asked him on the stand about the man in
17 the black hoodie and the fact that he hadn't told that
18 story until January of 2023, when this happened in May of
19 2022. The first time that he ever tells that story.

20 And he says, "Oh, no, no, no, I told the police that
21 night."

22 So then the police officer gets up. Right?
23 Remember that? He gets up and he testifies, "Oh, yes,
24 yes, he told me that." I said, "Okay, fine. Show me a
25 report where you put that in there that he told you that."

1 Have you heard a report yet where the police officer
2 got back up and says, "Oh, yeah, here's the report where
3 he told me that." Not one word. Because it didn't
4 happen. He never told the police about this until
5 January. And let me tell you why. Because they were on a
6 hunt for a particular person; that being Micah Pressley.

7 And he says -- that is, Mr. Robinson -- says that he
8 had met Mr. Pressley, I think, a month or two earlier at
9 some kind of a function, and he had on a blue hoodie like
10 this. This is not from the video of the people leaving
11 the apartment. This is from the video that they had some
12 months ago prior to this incident. This is State's
13 Exhibit 51. You'll have it back there. It is not from
14 the video.

15 And the other thing I want to tell you is look at
16 the video. When you get in the jury room, look at that
17 video. The man that opens the door that they claim is to
18 be Micah Pressley is not wearing this hoodie. The hoodie
19 that he has on is either gray or tan. Look at it when
20 he's coming down the hallway. Stop the video. Look at
21 it. It is not black.

22 The only reason they thought it was black was when
23 the man walks into the shadows, then it looks black. Look
24 at it when he gets to the light of the door. You will see
25 that that hoodie is not black. It's not black. It's a

1 fabrication.

2 Let me tell you this, talking about Mr. Robinson
3 again. Mr. Robinson -- and you think about this, how
4 incredible his story is. He says from this witness stand
5 -- and you heard it -- he says that he's sitting there,
6 that he heard some tussling, he heard a shot; that he
7 looked and saw a man walking out of the door with a black
8 hoodie on or something. And then I asked him, I said,
9 "Well, then what did you do?" He said nothing.

10 I said, "Well, did you go see him."

11 He said, "Well..."

12 "Did you go check on Mr. McPherson?"

13 He said, "Well, four or five minutes."

14 And I remember asking him, "Four or five minutes?"
15 I said, "Isn't that a long time? Why would you sit there
16 four or five minutes when you know your friend has been
17 shot? A friend you're in the house with, that you're on
18 the couch next to?"

19 Wait four or five minutes before he knocks on the
20 door of Mr. McPherson's brother. Why? Why? Is that
21 where that other gun comes from? Is that where it was? I
22 don't know. And you know the reason that we don't know?
23 Because they didn't tell us. That ain't my job.

24 Let me say this to you, too, folks: You know,
25 because the solicitor says she like to threw up when she

1 heard me say something. Well, I like to throw up when the
2 police go to a house and they find two weapons in the
3 house with blood on it in a murder and they do nothing.
4 If that don't make you throw up, I don't know what will.

5 And then, when the State tries to hide it from
6 you -- when they try to hide it from you, when they refuse
7 to bring it in here and show it to you and tell you about
8 it, what do you think they're trying to hide? This is not
9 a game.

10 The McPhersons lost their son. You've got two men
11 on trial for their life. And we're playing some kind of a
12 game, let's hide the evidence.

13 What if tomorrow or next week we find out that the
14 blood on the gun belongs to Mr. Robinson and the victim?
15 Then what? What do we do then? Say, "Oops, too late
16 now?" No.

17 The State has failed to prove their case. They have
18 to prove to you beyond a reasonable doubt what took place
19 in that room. And they have failed miserably to do that.

20 You shouldn't have to guess. You shouldn't have to
21 surmise. Let's -- for instance, let's talk about the guns
22 for a minute. The solicitor has been parading it around
23 forever. "Oh, well, you know, this gun here looks just
24 like the one that we saw on the video." Well, I tell you
25 what: I got two just like it. So come to my house

1 because you'll get these too. Just identical to it.

2 And you heard the guy from SLED. He said there are
3 thousands if not hundreds of thousands of these. There
4 are more guns in Horry County than people. But I guess
5 everybody's like me; they got four or five of them.

6 You know what else is interesting in this case?
7 They go to Micah Pressley's house, they say, but now, have
8 you heard anybody say who lived at that house, other than
9 the police officer? Does his mama live there? His cousin
10 live there? His brother live there? Who lived in that
11 house? And who did those guns belong to, if anybody?

12 Did you hear anybody come up here and tell you, "Oh,
13 well, yeah, we found that gun was registered to Micah
14 Pressley?" No. Because they don't know. Because they
15 didn't do their jobs.

16 And let me say this, when the State -- because see,
17 the difference between what I do as a defense lawyer, my
18 job -- I have the one job. My job is to defend my client
19 within the law to the best of my ability. That's the only
20 job I have.

21 The State has a different job. Their job is to be
22 fair both to the defendant and to the public, because
23 their job is to do justice. Mine is simply to defend my
24 client. That is the difference in what we do. They take
25 an oath to do just that.

1 Let me say, folks, that on the night -- well, let me
2 back up because I want to talk for a minute about
3 Ms. Charrel Floyd, I think was her name. Because that's
4 the other person they brought in here to try to say, "Oh,
5 yeah, the person with me was Micah Pressley. That's who
6 it was that was with me."

7 She's been in jail how long? A year and a half.
8 Year and a half. And I kept asking her about the story
9 she told. And you can tell she's lying. She brought up
10 stuff that we know she's lying about. Her sister came in
11 here, got on the witness stand, and said, "No, I didn't
12 give her permission to bring my car to Myrtle Beach."

13 And what did she tell you? A bald-faced lie. "Oh,
14 yeah, my sister said I could bring it right down to Myrtle
15 Beach. She had no problem with that."

16 If she'll lie to you about something that minor, you
17 think that she won't lie on who was with her if it means
18 that she's going to get out of jail sooner? Of course she
19 will.

20 And not only that, think about this: She didn't
21 come up with this story, folks, until when? A year and a
22 half later. And after how many meetings she had with the
23 solicitor? At least three. At least three. And not only
24 did she have meetings with them, what did they do? They
25 go over the video. "Do you know who this guy is right

1 here, the one with the black hoodie on?" even though it
2 ain't black. "Do you know who it is?"

3 "Yeah, that's -- that's..."

4 Because she knows -- she think about it. You think
5 she doesn't know whose been arrested and charged? You
6 think she doesn't know? You think Mr. Marion Robinson
7 didn't know? Of course they knew. Everybody goes on
8 social media these days. Anybody gets arrested, everybody
9 knows about it the next day, sometimes the same day
10 because your face is plastered all over social media.

11 So what happens? What happens? Ms. Floyd comes in
12 here, tells a lie about her sister. Says, "Oh, no, that
13 ain't true. And I didn't steal my sister's car. And I
14 didn't lie to the police." And then a little later on,
15 she says, "Well, yeah, I didn't tell them."

16 But she was honest about one thing when I asked her
17 whether or not she was doing this so she could get a
18 better deal. She said, "Yeah, yeah. I want to get me a
19 deal." And can you blame her? I mean, if you're locked
20 up and you're facing life in prison and you get a chance
21 to say something that might help the State and get you a
22 deal, you're not going to do it? Of course you are.

23 And I asked her, "How many visits have you had with
24 them? Three? Four?" And "How many times did they show
25 you the video and have you point out?" And I specifically

1 asked her this question: "Did they show you this guy and
2 ask you could you identify this particular guy?"

3 "Yeah. Yeah, they wanted to know who he was."

4 What are we doing, folks? What are we doing?

5 But they want you -- now, think about this for a
6 second because what the solicitor said doesn't make sense.
7 She wants you to believe that, okay, well, you ought to
8 convict -- you ought to convict Micah Pressley if you
9 believe that he was the person in that video because he
10 came out of there with that gun.

11 Now, remember, the SLED person testified that one of
12 the guns in the house was also one of the guns that fired
13 one of those shots or could have fired one of those shots.
14 But she says, "Well, everything is inconclusive, so I
15 really don't know."

16 And she says it's inconclusive about this gun.
17 Solicitor would have you believe -- she kept saying it
18 over and over again. I guess she thinks, if you say it
19 long enough to somebody, it will rub off on you.

20 Saying, "Oh, well, you know, that was the only gun."
21 The only gun. Not true at all. The SLED person testified
22 it was inconclusive. It was the only one that was
23 submitted that could possibly have done it, but -- and I
24 specifically asked, "Are you saying that this gun fired
25 that shot?"

1 "No."

2 Because she can't say because she didn't know.

3 So you -- they want you, based on innuendo and
4 suspicion, to send somebody to prison and it's wrong.

5 Let me ask you this: We have two guns. Now -- at
6 the house. Why do you think that the State didn't bring
7 either of those guns here? Why? Why do you think that
8 they didn't tell you about the blood on the guns? Why?
9 Why? I mean, if they're all innocent, test the guns, find
10 out whose blood it is on those guns. Come in here and
11 say, "Look, that blood was from a deer that he shot with
12 this pistol two years ago." Yeah, they don't want to know
13 the answer to that because it will mess up their case.

14 It's wrong, folks. It's wrong. And the solicitor
15 will say, "Well, you know, we want to know who the good
16 guys are and who the bad guys are." And I agree with that
17 wholeheartedly. We should always know who the good guys
18 are and who the bad guys are.

19 And when law enforcement and the solicitor's office
20 start hiding evidence and keeping it from you, then
21 they're not the good guys anymore. And when they refuse
22 to have weapons tested so that you can know who handled
23 those weapons, then they're not the good guys anymore.

24 I want to say this to you: I grew up in Horry
25 County right here in Conway. And my mom worked at an

1 insurance agency just down the street where Vanity Fair is
2 now, that hair salon. And I was a little boy, and at that
3 time, the old courthouse was here, and I would walk with
4 her down to the insurance office to clean up. And every
5 time I would pass this courthouse, every time, I would
6 just get chills because I always thought, "Man, that's
7 where justice is. That's where fairness is. That's a
8 courthouse. That's where we go to get justice and
9 fairness."

10 But then I grew up and I went to law school and I
11 came back. And I realized that it's not in the building.
12 It's not in the bricks and mortar of this building or the
13 old courthouse building, no matter how majestic they might
14 be. It's in the hearts and the minds of you, each of you
15 as you sit here today. Because if there is no justice in
16 your hearts, then it doesn't exist. It doesn't exist in
17 Horry County. It does not exist in this case on this day.
18 You're it. You're justice.

19 The other thing I tell people all the time is, when
20 we come to trial, you're not trying the defendants.
21 You're trying the State. You're trying to determine if
22 the State can satisfy you beyond a reasonable doubt that
23 they have a good case. That's what you're trying to do.

24 So in that sense, they're actually on trial. So the
25 question is: Are they guilty of not providing you with

1 what you need to make your decision? Because, understand,
2 when a jury speaks, the judge can't change what you do, I
3 can't change what you do, the solicitor can't change what
4 you do, because you're the sole judges of the facts in
5 this case and every case.

6 These defendants, this is their day in court. This
7 is their time to be heard. This is their time for you to
8 deliver justice to them.

9 And, see, justice is the same whether it's for the
10 victim or for the defendant. It don't matter. It's the
11 same. Justice is the same. It doesn't change. It
12 doesn't change. What's right is right and what's fair is
13 fair, and if they fail to prove to your satisfaction
14 beyond a reasonable doubt then you must acquit. Because
15 that is your duty, and you took an oath to do just that.
16 To do just that.

17 I want to say, before I sit down, that I thank you
18 very much for your attention. I will say that, for the
19 last four days, I have noticed that you have paid great
20 attention throughout this trial, and the only thing that I
21 ask is that you find Micah Pressley not guilty of this
22 charge. I thank you.

23 THE COURT: Mr. Rigney?

24 CLOSING ARGUMENT ON BEHALF OF DEFENDANT NEAL

25 MR. RIGNEY: Good afternoon. Thank you for staying

1 with us and for paying attention, and as Mr. Wilson just
2 said, I have been noticing that you-all have paid
3 attention throughout this, whether it was watching a video
4 or listening to witnesses. I have been watching you. And
5 I thank you. I know you're attentive -- very attentive to
6 everything.

7 There's no argument that what happened was tragic.
8 It's a terrible loss, a terrible loss of life, but we
9 cannot cure that by convicting someone who is not guilty.
10 Your job is to weigh that and determine what happened.

11 You get to decide what the facts are, and you get to
12 decide whether these young men are guilty or not, and that
13 is what you're here for. The burden is on the State,
14 always. They have to prove beyond a reasonable doubt
15 everything they have alleged. We believe they have failed
16 to do that for a number of reasons.

17 This case is based on speculation. They didn't do
18 all the things they should have done to investigate.
19 Speculation, incomplete investigation. The facts are
20 very, very weak. They can't tie things together.

21 You heard the testimony. You have heard all the
22 things. You have seen the evidence. You watched the
23 videos. It's nice that you get to see the videos because
24 you can see some of the things that are being alleged that
25 are absolutely wrong. They're just not what your eyes are

1 telling you you're seeing.

2 Now, let me remind you of this upfront, a couple of
3 items that I think are important. No one has ever alleged
4 that Fanotti Neal was wearing a hoodie. I don't think we
5 have any evidence of that at all. And in spite of what
6 the solicitor said, there wasn't any burglary. There
7 wasn't anybody -- you saw the video. There's nobody
8 breaking in and tearing things up and getting into the
9 place to cause damage and wreak havoc on the inside of the
10 place which, of course, didn't happen.

11 Now, the State's got the burden of proving in this
12 case murder, and in the murder, they need to show that our
13 clients, one or both, had engaged in an activity that
14 caused someone to die. And there's specific instructions
15 the judge will give to you to tell you what you have to
16 find in order to convict someone of murder.

17 The State in this case has failed to present you
18 with any evidence that Fanotti Neal, my client with the
19 white shirt, has acted together with anyone to cause the
20 death of anyone. The evidence is just not here. You've
21 been listening. You know they have not presented it.

22 When you go into looking at the way things started,
23 when Fanotti went into the apartment -- no doubt about
24 that -- but he didn't go in with guns blazing. He went in
25 and found someone he knew, woke him up, said hello, dap,

1 greeting. Is that the conduct of someone who is in there
2 to do harm, to go in and tell someone, "Here I am, take a
3 good look at me, because I'm going to mess this place up,
4 and I want to make sure you can identify me later"? It
5 just doesn't make sense. It defies common sense to think
6 about things like that.

7 And I know Mr. Wilson told you at the beginning of
8 this trial, bring your common sense with you and keep it
9 each and every day, because that is one of the most
10 important things that you have in the case and any other
11 that you might be a juror for.

12 Again, the case is based, in my opinion and as you
13 have seen, on speculation by the State.

14 What happened at that apartment? There were six
15 people inside. Early in the morning. And some other
16 people, five other people went in. Now, while they were
17 there, as I just told you, Mr. Fanotti Neal woke one of
18 the people up, greeted him; and then that guy went back to
19 sleep. The other people in the apartment didn't come out
20 of their bedrooms, no one came out. According to
21 Ms. Charrel Floyd, there's no -- nothing going on in
22 there. There's no fights. There's no one having any
23 arguments. There's nothing wrong.

24 And so, in the course of being in there, they had --
25 at some point, the three girls -- the two girls and one

1 guy left, and then there's only two people remaining.

2 Now, what Marion said -- Marion Robinson, you heard
3 him say that it was certainly not Fanotti Neal that shot
4 anyone. He gave you that assurance, it was not Fanotti
5 Neal.

6 Marion also told you that Fanotti Neal had no reason
7 to have a problem with anyone there. He knows him. They
8 have been together. He knows that they don't have any
9 problems with each other. Fanotti Neal knew the victim,
10 the victim's brother. Marion -- he actually worked with
11 Marion and the victim's brother previously. Nothing to
12 raise any alarms as to why Fanotti Neal would want to harm
13 anyone in there. Nothing in the past.

14 I'm convinced that you could not see Fanotti Neal
15 with a gun. You may have seen a belt buckle. There's
16 some glare from the light, but the detective was unable to
17 say conclusively that he saw a gun when he was watching
18 the video. And I think you have seen the video too, and
19 you can see what was in there.

20 You can tell by what you saw that you could not
21 determine with any kind of certainty that that was a gun.
22 And, again, it's a belt buckle perhaps. There's only one
23 person that comes out of the apartment with a gun that you
24 can actually see, and that was not Fanotti Neal.

25 Ms. Charrel Floyd and Marion Robinson have both told

1 us that, while Fanotti Neal was in the apartment, no one
2 was upset that he's there. No one is concerned, including
3 both of those -- both of them -- Marion and Ms. Charrel
4 Floyd. She wasn't upset that he's there. She wasn't
5 afraid of him. Marion, obviously, wasn't afraid of him;
6 he greeted him and went back to sleep.

7 So what they told us is that he was just there. He
8 wasn't there, that they could determine, to cause any harm
9 to anyone. He was, as you may have heard me say in the
10 questioning, he was merely present. And that's what she
11 agreed with. Marion and Ms. Floyd both agreed Fanotti
12 Neal was merely present in that apartment.

13 Now, no one knows really what happened there that
14 day, and that's part of the problem. We don't have video
15 evidence inside the apartment. We don't have any evidence
16 from a cellphone that can tell us what happened inside
17 that apartment. You have to rely on your common sense.

18 Now, the solicitor wants you to believe that the
19 story she's telling is what happened in there, but there's
20 no basis in fact for that. You have heard the testimony.
21 You know where this is.

22 Now, there's a lot of problems with the
23 investigation too, and the evidence that we have because a
24 lot of it wasn't tested, including the guns we don't have
25 with us today, and what we discovered is that there's

1 DNA, fingerprints, there were no tests to see about
2 gunshot residue.

3 Now, there's some testimony about it doesn't do any
4 good to do that because it disappears so quickly. But we
5 also heard that, if you can do it instantly, you can get
6 something out of it. And so when the police arrive at
7 that apartment, right after that event took place, they
8 had the opportunity to test everyone who was still there,
9 and if they had done that, perhaps they could have
10 excluded everyone in that apartment as having done
11 anything wrong in this case. But they didn't do that.
12 They just let people walk away. They didn't do a good job
13 of investigating what was going on there. That's the
14 police's job, the investigation. I don't get to
15 participate in that, nor does a defendant.

16 Now, when we have these arrests, what they did is
17 they write warrants, they arrest people, take them in,
18 take them out. With Fanotti Neal, no gun was found on him
19 at his arrest. No gun was found on Micah Pressley either.
20 No gun on either of them. Now, there were some guns found
21 at what the State's alleging is the home of Micah Pressley
22 but nothing on Fanotti Neal. No search warrants were even
23 issued for a search for Fanotti Neal's home. Absolutely
24 none. And nothing was found as a result of that.

25 So when you get back into the investigation, what

1 are we missing? We're missing the collection of DNA,
2 gunshot residue, and fingerprints from everyone in that
3 apartment that could have helped us solve the question
4 about what happened there perhaps. We have got no gun
5 found in the possession of Fanotti Neal or in any
6 residence that he was or any other automobile, nothing to
7 connect him. His DNA -- his fingerprints are not on
8 anything that was used in this crime. Nothing.
9 Absolutely nothing. No connection with him. There's
10 nothing on a weapon, on a shell casing. No fingerprints,
11 no DNA.

12 It seems like we can draw the conclusion there that
13 there's nothing that the State has presented to connect
14 Fanotti Neal to this crime because, in order to shoot
15 someone, it's impossible to do it without a gun. They
16 have not told us anything that he had. We don't see him
17 with a gun. He doesn't have any evidence -- there's no
18 evidence of a gun with Fanotti Neal. Absolutely.

19 The only thing we have got is speculation.
20 Speculation. Now, speculation doesn't get you very far
21 when you're faced with trying to figure out something
22 beyond a reasonable doubt. It doesn't help you out much.
23 You have got to do more than speculate. Let's offer some
24 evidence that you can use. And we got some evidence about
25 weapons. We know that there were -- there was a shell

1 casing and two bullets found in the victim.

2 Now, the weapons that were tested -- and there were
3 four. Even though we only see two here today, there were
4 four weapons tested. Not a single one of those was
5 determined to be with any certainty the one that did any
6 shot.

7 So you remember the firearms guy said there's four
8 possible outcomes. One is, yes, this is the gun. The
9 second one is, what we're testing is unsuitable for some
10 reason. It may have been deteriorated or whatever it may
11 be. The third one is inconclusive. And the last is no,
12 this is not the weapon that fired this shot.

13 Now, we have one weapon that was determined to be a
14 no. We have three that were inconclusive. Two of those
15 found at the home -- the alleged home of Micah Pressley.
16 The other was found in the apartment the same day that
17 this crime took place.

18 You heard throughout the last four days occasionally
19 some comments about this weapon was consistent with the
20 bullet that was fired. This weapon is the only one that
21 could have done it. None of that's right. It is
22 absolutely incorrect. Because, as the firearms guy
23 testified -- and you heard it -- nothing was above the
24 level of inconsistent or inconclusive. That's as far as
25 we go. Inconclusive means we don't know.

1 He also said that it could have been -- in each
2 case, every one of them, even when it was inconclusive, it
3 could have been another weapon of similar -- with similar
4 characteristics.

5 Just briefly about the investigation. We had
6 actually heard some testimony from an officer of the law
7 who was asked to identify one of the defendants who he
8 arrested. And you will remember that he couldn't do it.

9 We have had officers who were asked questions about
10 items in their reports. They couldn't remember them.
11 They couldn't find them. They weren't there. It must
12 have been a mistake.

13 We're dealing with the lives of two young men here,
14 and we deserve a better investigation than this. You
15 deserve that to help you decide what happened here. You
16 are the judges. You get to decide whether this evidence
17 is going to convict any of these -- either of those young
18 men beyond a reasonable doubt. And with the lack of a
19 proper investigation, you're kind of hamstrung on that.
20 You can't do a good job of it yet.

21 So beyond a reasonable doubt means that you need to
22 be really convinced of what's going on. If you don't have
23 evidence to help you be convinced, it's difficult to
24 overcome.

25 Now, I told you a couple of times that Fanotti Neal

1 was merely present in the room, and I believe you'll hear
2 the instructions from the judge that being merely present
3 is not a crime. When people are at a place and something
4 bad happens, not everybody is going to be guilty. If
5 someone came in here today and started shooting it up, you
6 would not be guilty because you're just here. You're
7 merely present.

8 This concept has been around for a long time. In
9 Genesis, Chapters 18 and 19 of the King James Version of
10 the Bible, there's a story about Sodom and Gomorrah, two
11 cities that were so horribly full of sin that God decided
12 he had to destroy them. Abraham went to God and said,
13 "This is not good. How about if I find you 50 righteous
14 people? Would you not destroy those cities?" And God
15 said yes. And Abraham couldn't find them, so he went
16 back. 45? "Yes," God said. He kept negotiating and got
17 all the way down to 10, and, apparently, God could not
18 find 10 righteous people in those cities. However, he
19 sent his angels to the house of a man named Lot and his
20 wife, and he had two daughters, and God instructed his
21 angels to tell Lot, "Get out of there, I'm destroying
22 those places where you live, those cities because they are
23 so sinful that we can't tolerate it anymore. I can't
24 tolerate it anymore." Lot and his wife and his daughters
25 were spared by God because they were merely present in

1 amongst a bunch of people who were sinners beyond belief.
2 So the concept of merely present has been around for
3 literally thousands of years.

4 And that's what I'm asking you to do today, to keep
5 in mind when you're thinking about Fanotti Neal. You
6 heard the testimony that he was just there. That's it.
7 He was there. He was merely present.

8 What would his motive have been to do anything like
9 this? Marion -- Marion Robinson told us that Fanotti Neal
10 didn't have any problems with the victim or the victim's
11 brother or with Marion. Ms. Floyd also said that he
12 didn't have any problems with her at the place and the
13 time. She was in there with him in that apartment. She
14 didn't see anything going on.

15 So what I'm going to ask you to do is to listen
16 carefully to the judge's instructions, and I believe that
17 Mr. Fanotti Neal -- when you listen to the Judge's
18 instructions, consider the evidence, and take into account
19 your good common sense and think about the reasonable
20 doubt, I'm going to ask you to find Mr. Fanotti Neal not
21 guilty. And I thank you for your attention.

22 Thank you, Your Honor.

23 THE COURT: Thank you.

24 JURY CHARGE

25 THE COURT: Members of the jury, it is now my duty

JURY CHARGE

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1 to instruct you on the law applicable to this case, and it
2 is your duty as jurors to accept and apply the law as I
3 now state it to you.

4 Furthermore, it is your exclusive duty to decide all
5 the issues of fact in this case and to determine the
6 effect and value and weight of the evidence presented.

7 Both the State and the defendant have the right to
8 expect that you will carefully consider and evaluate the
9 evidence and apply the law of this case to it so that, in
10 the end, both the State of South Carolina and these
11 defendants will have received a fair and impartial trial.

12 I want you to understand that when I use the word
13 "defendants," I am referring to Fanotti Neal and Micah
14 Pressley.

15 In this case, the State of South Carolina charges
16 the defendants with murder. To these charges, the
17 defendants have entered a plea of not guilty. These pleas
18 of not guilty places the burden of proof on the State to
19 prove the guilt of the defendant to you beyond a
20 reasonable doubt.

21 It is vital to understand that the defendant is
22 presumed under the law to be innocent of the charges. It
23 is the fundamental rule of our law that a defendant,
24 regardless of the seriousness of the charge against him,
25 is always presumed innocent of the crimes for he is

1 charged unless and until his guilt has been proven by
2 evidence that satisfies you beyond a reasonable doubt.

3 A presumption of innocence is not a mere legal
4 theory or legal phrase. A presumption of innocence is
5 very important, and you need to understand that this
6 presumption accompanies the defendant from the time of his
7 arrest and appearance in this court and continues with the
8 defendant even after you retire to the jury room to
9 deliberate.

10 In other words, the defendant receives the benefit
11 of the presumption of innocence until the very end of this
12 trial when you, the jury, will deliberate upon the
13 evidence and decide whether the State has proved his guilt
14 beyond a reasonable doubt.

15 Proof beyond a reasonable doubt is proof that leaves
16 you firmly convinced of the defendant's guilt. There are
17 few things in this world that we know with absolute
18 certainty, so even in criminal cases, the law does not
19 require proof that overcomes every possible doubt;
20 however, if, based on your consideration of the evidence,
21 you are firmly convinced that the defendant is guilty of
22 the crimes charged, you must find him guilty.

23 If, on the other hand, you think there's a real
24 possibility that he is not guilty, you must give him the
25 benefit of the doubt and find him not guilty.

JURY CHARGE

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1 Please understand that reasonable doubt may arise
2 from the evidence which has presented in this case or from
3 the lack of evidence in this case. It is your
4 responsibility to determine whether or not reasonable
5 doubt exists as to the guilt of this defendant -- these
6 defendants.

7 I charge you that the defendants are entitled to
8 every reasonable doubt arising in the whole case. If,
9 upon any offense -- upon any issue of fact essential to
10 conviction or a verdict of guilty, you have a reasonable
11 doubt as to how that issue would be resolved, it would be
12 your duty to resolve that reasonable doubt in favor of the
13 defendants.

14 Thus, in summary, it is important to understand that
15 the defendants are not required to prove their innocence.
16 Instead, the State is required by law to prove every
17 essential element of the charges against the defendants by
18 evidence which satisfies you of their guilt beyond a
19 reasonable doubt. Only then can you convict the
20 defendants and find them guilty.

21 During this trial, you and I have separate duties to
22 perform. As the trial judge, it is my responsibility to
23 preside over this trial. Therefore, I have the duty to
24 rule upon the admissibility of evidence offered during the
25 trial. In that regard, you are to consider only the

1 testimony which has been presented from this witness stand
2 together with any exhibits admitted into the record of
3 this.

4 In this trial, you are the sole and exclusive judge
5 of the facts, and I am the judge of the law. Do not infer
6 that I have any opinion about the facts in this case from
7 anything I have said during the course of this trial. In
8 this regard, the law simply does not permit me to have an
9 opinion about the facts.

10 As jurors, it is your duty alone to determine the
11 effect, the value, and the weight of the evidence
12 presented during the course of this trial.

13 Furthermore, it is your job as jurors to determine
14 the credibility and believability of the witnesses who
15 have testified in this case. You must evaluate the
16 evidence and determine which evidence convinces you.

17 In determining the believability of witnesses who
18 have testified in this trial, you may believe one witness
19 over many or many over one. You may believe a part of the
20 testimony of a witness and reject the remaining part. You
21 may believe the testimony of a witness in its entirety or
22 reject it in full. You may consider whether the witness
23 has an interest in the result of the trial, whether the
24 witness is prejudiced toward either party, the opportunity
25 for the witness to have seen the matters and things about

1 which the witness may testify, and the way the witness
2 acts on the witness stand.

3 Furthermore, there are two types of evidence which
4 are generally presented during trial: direct evidence and
5 circumstantial evidence. Direct evidence directly proves
6 the existence of a fact and does not require deduction.
7 Circumstantial evidence is proof of a chain of facts and
8 circumstances indicating the existence of a fact.

9 Crimes may be proven by circumstantial evidence.
10 The law makes no distinction between the weight or value
11 to be given to either direct or circumstantial evidence.
12 However, to the extent the State relies on circumstantial
13 evidence, all the circumstances must be consistent with
14 each other and, when taken together, point conclusively to
15 the guilt of the accused beyond a reasonable doubt.

16 If these circumstances merely portray the
17 defendant's behavior as suspicious, the proof has failed.
18 The State has the burden of proving the defendants guilty
19 beyond a reasonable doubt. This burden rests with the
20 State regardless of whether the State relies on direct
21 evidence, circumstantial evidence, or some combination of
22 the two.

23 I further instruct you the fact that the defendant
24 in this trial did not testify on his own behalf is not a
25 factor to be considered by you in any way in your

1 deliberations or in your consideration on the question of
2 guilt or innocence. In this regard, the defendants have
3 the constitutional right to remain silent. Any exercise
4 of this right must not be considered by you in your
5 deliberations. The fact that the defendants did not
6 testify should not even be discussed in the jury room.

7 A statement alleged to have been made by the
8 defendant has been admitted into evidence in this case.
9 While the Court has determined that the statement is
10 admissible, I instruct you that you make the ultimate
11 decision of whether or not the defendant made the
12 statement.

13 If the defendant did make the statement, you must
14 determine whether the statement was made by the defendant
15 voluntarily and of his own free will. This means that the
16 statement was not caused by pressure, force, fear, threat,
17 coercion, or intimidation or by hope or promise of
18 leniency or a reward of any kind.

19 In determining whether or not the statement was
20 voluntary, you should consider both the characteristics of
21 the defendant and the details of the question. Some of
22 the factors you must consider are the ages of the
23 defendants, the defendants' education or lack of
24 education, the defendants' mental ability or capacity, the
25 defendants' IQ or intelligence, the defendants' background

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1 and environment, the place and length of the detention,
2 and the nature of questioning. You must carefully
3 consider all the surrounding circumstances before you give
4 any weight to the alleged statement.

5 The defendant is charged with murder. The State
6 must prove beyond a reasonable doubt that the defendants
7 killed another person with malice aforethought. Malice is
8 hatred, ill will, or hostility towards another person. It
9 is the intentional doing of a wrongful act without just
10 cause or excuse and with the intent to inflict an injury
11 or under circumstances that the law would infer an evil
12 intent.

13 Malice aforethought does not require that malice
14 exists for any particular time before the act is committed
15 but malice must exist in the mind of the defendant just
16 before and at the time the act is committed. Therefore,
17 there must be a combination of the previous evil intent
18 and the act.

19 Malice aforethought may be expressed or implied.
20 These terms "expressed" and "implied" do not mean
21 different kinds of malice but merely the manner in which
22 malice may be shown to exist; that is either by direct
23 evidence or by inference from the facts and circumstances
24 which are proved.

25 Expressed malice is shown when a person speaks words

1 which express hatred or ill will for another or when the
2 person prepared beforehand to do the act which was later
3 accomplished. For example, lying in wait for a person or
4 any other acts of preparation going to show that the deed
5 was in the defendants' mind would be expressed malice.

6 Malice may be implied from the conduct showing a
7 total disregard for human life. If you find that the
8 State has failed to prove beyond a reasonable doubt that
9 the defendant committed murder, you may consider whether
10 the State has proved beyond a reasonable doubt that the
11 defendant committed voluntarily manslaughter.

12 To prove voluntary manslaughter, the State must
13 prove beyond a reasonable doubt that the defendant took
14 the life of another in the sudden heat of passion based on
15 sufficient legal provocation. Both heat of passion and
16 sufficient legal provocation must be present at the time
17 of the killing to constitute voluntary manslaughter.

18 Sudden heat of passion may, for a time, effect a
19 person's self-control and temporarily disturb a person's
20 reasoning. The sudden heat of passion must be the type
21 that would make an ordinary person unable to coolly reflect
22 on his actions and would produce an uncontrollable
23 influence to do violence.

24 Sufficient legal provocation must be the type that
25 would make a person of ordinary reason and caution to

1 become enraged and to lose control temporarily. The
2 provocation needed for voluntary manslaughter must come
3 from some act of or related to the victim.

4 Words alone, however, or insulting are not enough to
5 be legal provocation. Where death is caused by the use of
6 a deadly weapon, the words must be accompanied by some
7 overt threatening act which could have produced the heat
8 of passion.

9 The exercise of a legal right, no matter how
10 offensive it is to another, is never sufficient legal
11 provocation for voluntarily manslaughter. If the heat of
12 passion had cooled or if there was enough time between the
13 provocation, if any, and the killing for the passion of a
14 reasonable person were to cool, the killing would not be
15 voluntarily manslaughter.

16 In deciding whether a reasonable person would have
17 had enough time to cool off, you should consider all the
18 circumstances surrounding the killing. You may consider
19 the nature of the provocation, if any; the defendants'
20 mental and physical state; and the circumstances and
21 relationships between the parties.

22 If a crime is committed by two or more persons who
23 are acting together in committing a crime, the act of one
24 is the act of all. A person who joins with another to
25 accomplish an illegal purpose is criminally responsible

1 for everything done by the other person which occurs as a
2 natural consequence of the acts done in carrying out the
3 common plan or purpose.

4 For example, two persons -- two people can be guilty
5 of killing another person when only one of the two had a
6 gun, there was only one bullet, and only one of the two
7 fired the shot that caused the death. If two or more
8 people are together, acting together, assisting each other
9 in committing the offense, the act of one is the act of
10 all, or as it is sometimes said, the hand of one is the
11 hand of all.

12 Prior knowledge that a crime is going to be
13 committed without more is not sufficient to make a person
14 guilty of that crime. Mere knowledge that another person
15 is going to commit a crime, even if the defendant is
16 present when the crime is committed, is not sufficient to
17 convict the defendant as a principle.

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

25 A principal in a crime is the one who either

1 actually commits the crime or is present, aiding,
2 abetting, or assisting in committing the crime.

3 When a person does an act in the presence of and
4 with the assistance of another, the act is done by both.
5 Where two or more acting with a common plan or intent are
6 present at the commission of a crime, it does not matter
7 who actually committed the crime; all are guilty. The
8 hand of one is the hand of all.

9 Present at the commission of a crime means to be
10 sufficiently near to, aid and abet, and assist the
11 commission of the crime. However, mere presence at the
12 scene of the crime is not sufficient to convict one as a
13 principle on the theory of aiding and abetting. Intent is
14 also a necessary element, where there must have been a
15 common design or intent to commit the crime, and the crime
16 must have been committed pursuant thereto with the person
17 aiding and abetting by some overt act.

18 Intent means intending the result which actually
19 occurs, not accidentally or involuntarily. Intent may be
20 shown by acts and conduct of the defendant and other
21 circumstances from which you may naturally and reasonably
22 infer intent. The State must prove these elements beyond
23 a reasonable doubt.

24 Ladies and gentlemen, I'm now drawing near the end
25 of my charge, and I want you to clearly understand that

1 you are not partisans or advocates for the State or the
2 defendant. You do not serve as jurors to reward your
3 friends or your punish your enemies. In this regard, you
4 have been selected by both the State and the defendant to
5 be fair and impartial jurors. It is your duty by your
6 joint deliberations to determine the facts in this case,
7 giving the defendant the benefit of every reasonable doubt
8 on each and every issue.

9 Then, to the facts which you determine to be
10 correct, you should take and apply the law which has been
11 given to you by this Court and thus arrive at a verdict.
12 Thus, when you have accomplished these responsibilities,
13 you will have satisfied your oath as jurors and you will
14 have discharged your duty to this court.

15 Madam Clerk, if you would hand the foreman the
16 verdict form.

17 Now, Mr. Foreman, I've handed you the verdict forms.
18 When you arrive at the verdict in this case, you'll write
19 your verdict on each form for the charge. If the State
20 has failed to prove the guilt of the defendant beyond a
21 reasonable doubt, your verdict would be two words: not
22 guilty.

23 However, should the State have proved their case
24 against the defendants beyond a reasonable doubt, then, of
25 course, your word -- your verdict will be one word:

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1 guilty.

2 Mr. Foreperson, once a decision has been made, just
3 check whichever is your verdict on each verdict form and
4 sign it.

5 Also, please understand that the verdict that you
6 render in this case must be the verdict of each and every
7 juror. It must be your unanimous verdict. All twelve
8 jurors must agree on the verdict which you authorize the
9 foreperson to write for the jury.

10 Mr. Foreperson and members of the jury, I want you
11 to further understand that the order in which the choices
12 of verdict appear on the verdict form are not suggestive
13 of any verdict on the part of this Court. The verdict in
14 this case is to be determined by you and not the Court.

15 Furthermore, ladies and gentlemen, please understand
16 that, even though I have given the verdict form to the
17 foreman, it is not his verdict alone. It is the verdict
18 of all twelve of you, and I emphasis again: It must be
19 unanimous.

20 Now, you will retire to the jury room; however, I
21 would ask that you do not begin your deliberations at this
22 time. The law requires that I consult with the attorneys
23 first. After I have done so, the bailiff will bring in
24 the items of evidence and then instruct you to begin your
25 deliberations at that time.

1 Also, should you have any questions during your
2 deliberations, you must put them in writing and send them
3 to me by way of the bailiff. The court bailiff will be
4 placed immediately outside the jury room door to provide
5 security and assistance for you during your deliberations.

6 Once you have reached your verdict, please knock on
7 the jury room door and ask the bailiff to advise the Court
8 that you have reached the verdict, and we will return you
9 to the courtroom as promptly as possible thereafter.

10 Thank you. You may retire to the jury room but do
11 not begin your deliberations until told to do so.

12 (The jury exited the courtroom at 4:07 p.m.)

13 THE COURT: Any objections from the State?

14 MR. HARRELSON: No objections, Your Honor.

15 THE COURT: Any objections from the defense?

16 MR. WILSON: No objections, Your Honor.

17 MR. RIGNEY: No objection, no.

18 THE COURT: Check all the matters into evidence.
19 Make sure they're in order, and we'll send them back.

20 (A recess was taken from 4:07 p.m. to 4:18 p.m.)

21 THE COURT: Ma'am, I want to let you know you've
22 completed your job. You know how a football team has
23 twelve people on the field? And if someone gets hurt,
24 they've got to send in somebody on the sideline. You were
25 on the sideline, and luckily, nobody got hurt. So that

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1 jury is ready to work, and they're going to start playing
2 ball, and you're welcome to go. Thank you for being here.

3 ALTERNATE JUROR: You're welcome.

4 THE COURT: I hope you have a nice afternoon.

5 And tell them to begin.

6 (Jury deliberations began at 4:18 p.m.)

7 (The trial recommenced at 5:17 p.m.)

8 VERDICT

9 THE COURT: Everybody have a seat.

10 (Pause in the proceedings.)

11 THE COURT: All right. Let's go ahead and bring in
12 the jury.

13 (The jury entered the courtroom at 5:26 p.m.)

14 THE COURT: Madam Clerk, if you'll get the verdict
15 form.

16 (The clerk retrieved the verdict form and handed it
17 to the Court.)

18 THE COURT: I find the verdict forms are in order.
19 If the clerk would publish, please.

20 THE CLERK: The State of South Carolina, County of
21 Horry, versus Micah Pressley, as to the charge of murder,
22 we, the jury, unanimously find the defendant guilty.

23 Foreperson Brett Johnson, signed November 9th, 2023.

24 State of South Carolina, County of Horry, versus
25 Fanotti Neal, as to the charge of murder, we, the jury,

1 unanimously find the defendant guilty.

2 Signed by Foreperson Brett Johnson, November 9th,
3 2023.

4 THE COURT: Need for further polling from the
5 defense?

6 MR. WILSON: Nothing from the defense.

7 THE COURT: Mr. Rigney?

8 MR. RIGNEY: Nothing, Your Honor.

9 THE COURT: Members of the jury, I want to thank you
10 for your work. You have worked hard. You have been here
11 every day. You've been attentive and you've done your
12 job. And I cannot put into words how I appreciate you for
13 what you have done. You're excused.

14 You have earned a three-exemption by being here.
15 You'll get a little bit of money but it will, by no means,
16 pay you for the work you've put in here this week. But if
17 you don't like how much you got, tell that lady right
18 there, and she said she'd make up the difference.

19 I hope y'all have a good rest of the week and a good
20 weekend. Thank you for being here.

21 (The jury exited the courtroom at 5:28 p.m.)

22 MOTION/MATTER OF LAW

23 THE COURT: Any motions from the defense?

24 MR. WILSON: Yes, sir. Judge, I would ask for a
25 judgment of acquittal notwithstanding the verdict. I

1 believe that the evidence in this case does not support a
2 verdict of guilty of murder, and so I would ask the Court
3 to grant us a judgment of acquittal or, in the
4 alternative, to grant us a new trial.

5 THE COURT: Would you like to respond to that,
6 either one of the solicitors? Would you like to respond
7 to his motion?

8 MR. HARRELSON: Your Honor, I believe that the
9 evidence was appropriate and that it was adequate, and
10 there is no grounds for an acquittal. Evidently, the jury
11 had come back with a ruling, and I think it's suitable.

12 THE COURT: I'm going to deny the motion.

13 MR. WILSON: Thank you, Your Honor.

14 THE COURT: Mr. Rigney?

15 MR. RIGNEY: Your Honor, I would also request that
16 you give us a judgment notwithstanding the verdict, a
17 judgment of acquittal, and I do not believe that the
18 evidence supports this verdict, and in the alternative,
19 we'd request a new trial.

20 THE COURT: I think there was plenty of evidence to
21 support it, and I'm going to respectfully deny the motion.

22 Are you ready with the sentencing sheets?

23 MR. HARRELSON: Yes, Your Honor. We're currently
24 printing those out. However, due to Micah Pressley's age,
25 I believe the factors of Adkins may be appropriate. Just

1 bringing that to the Court's attention.

2 THE COURT: Thank you.

3 (Pause in the proceedings.)

4 SENTENCING

5 THE COURT: Is there anything the solicitor would
6 like to put on the record before sentencing?

7 MR. HARRELSON: Your Honor, there are three
8 individuals from the family that would like to speak.

9 THE COURT: Okay. Be glad to hear from them.

10 Yes, ma'am.

11 MS. MCPHERSON: My name is Alicia McPherson.

12 M-c-P-h-e-r-s-o-n. I am the mother of Joshua McPherson.

13 It's hard to put into words in how I feel; however,
14 this last year and four months has been an emotional
15 roller coaster. 17 years I had with my son. Every day
16 wasn't peachy. Every day wasn't, you know...

17 But one thing I can say, my son loved his mom, and
18 his mom loved his son -- and this mom loved her son. He
19 was robbed of being a father to his daughter. He was
20 robbed of being a brother to his siblings. He was robbed
21 of being a son to me and his father. He was robbed of
22 doing his dream of being an NFL player because of your
23 senseful act.

24 THE COURT: You need to talk to me, not them.

25 MS. MCPHERSON: Your senseless act. It was not

1 necessary. My son was not a threat to nobody. How can
2 you be a threat in your sleep? What could he have done so
3 awfully bad for you to rob -- come from Florence, South
4 Carolina, to Conway and do something like that to him? He
5 did not deserve it.

6 And because of that, he wasn't able to walk the
7 stage to receive his diploma. His father and I and his
8 daughter -- beautiful daughter had to walk the stage to
9 receive this.

10 I have been miserable. Even though I have three
11 other beautiful children, but I have been miserable
12 because he was the missing piece to my heart. God give
13 him to Him, and he was taken away brutally. He had no
14 chance.

15 And because I love God, because he's the only one
16 that helped me through this last year and four months, I
17 have to say I forgive you. I forgive the young men. I
18 do. I forgive each and every one of you. And may God
19 have mercy of each and every one of your souls. But just
20 know that my Joshua was loved tremendously by so many
21 people, and y'all took something so precious.

22 And that's all I have to say, Judge.

23 THE COURT: All right. Thank you.

24 MR. KELLY: Good evening. Marcus, last name Kelly.
25 K-e-l-l-y.

1 First off, I would like to say thank you to you guys
2 for representing my son. So I really appreciate that.

3 Second of all, when I first came here, especially
4 Monday, when I saw the young guys, to be honest with you,
5 I saw the devil. I wanted to put my hands on them, and I
6 thought about it: Is my life worth jumping across these
7 seats and doing anything crazy? And at that point, it was
8 worth it because I no longer have my son. But then I had
9 to think about it. I got other kids as well. So is it
10 worth me risking my life and then taking myself away from
11 kids that need their father? So I thought about it.

12 It's hard. I miss my son dearly. But I was young.
13 I made a lot of mistakes. I wasn't perfect. So I
14 understand to a certain extent but never to this extent.

15 You know, at the end of the day, what I could truly
16 say is I wanted justice for my son. Something that his
17 grandfather said when we first came here, my intention was
18 they ought to get life in prison, throw them under the
19 jail. That would be justice. But then he said, which he
20 is no longer with us either, but I remember what he said:
21 What is justice? Would that be justice? Because these
22 young men are losing their life too.

23 They got grandmothers, fathers, you know, things of
24 that nature as well. And I'm sorry to hear about Micah
25 Pressley losing his mother and father.

1 So, at the end of the day, just like Ms. Alicia
2 said, Joshua's mother, sincerely -- and I look -- if you
3 don't mind, I'm going to look these two young men dead in
4 the eye: I forgive y'all. Because at the end of the day,
5 I can't live my life having hatred for you guys if I want
6 to get to the promised land one day.

7 So, to the defense, even though things that I may
8 not agree with, I understand y'all have a job to do, and
9 that's to defend them, the innocent until proven guilty.

10 So, at the end of the day, I appreciate you guys.
11 Thank you.

12 To Micah, to the other young fellow, from the bottom
13 of my heart, I forgive you. I seriously do. May peace be
14 upon you. Have a good one. Thank you.

15 MR. GREGG: Hello. My name is Cynthia Gregg, Joshua
16 McPherson's grandmother.

17 I want to give honor to my Lord and Savior, Jesus
18 Christ, who kept me sustained, because if it wasn't for
19 Him, I don't know where I would be at today.

20 To the children that hurt not only my family, but
21 your family is suffering just like mine, and I do, in my
22 heart, forgive y'all. I ask that y'all take God with
23 y'all and pray and let no man take your heart from God,
24 because you're going to need Him just like we do.

25 Sons, y'all got to deal with Him, but God can

1 deliver y'all from it, from the pain that y'all caused, to
2 put Him first please, because y'all are going to need Him.

3 And to y'all family, I'll be praying for y'all, and
4 I wish y'all pray for us too, because we really do love
5 y'all. Y'all did nothing to us. Y'all raised good sons.
6 Y'all did good by your sons. Y'all did good. I promise,
7 y'all did good.

8 Keep God with y'all, just like we're going to keep
9 God in us. We do not hate y'all because y'all did nothing
10 to us. I don't even hate your sons. But I love y'all.
11 Take God with y'all.

12 And to the attorneys and to this staff, I love
13 y'all, and thank y'all for standing by us and working with
14 them.

15 And to the other attorney, y'all had to do your job.
16 Y'all did what y'all had supposed to do. And I ask that
17 y'all take God with y'all too and pray for us that we can
18 stay strong in the Lord and keep faith that God continue
19 to work in our heart and take this hurt out of our heart.
20 Forgive me for crying.

21 And, Your Honor, thank you for allowing us to speak
22 on behalf of my grandson, because I love my grandson
23 dearly. That was my heart. He was my heart. Because
24 when he come home from school, he comes to me. He comes
25 and find his grandma. And I loved that boy.

1 Y'all pray for me. Please pray for me. And thank
2 everybody that's in this courtroom.

3 THE COURT: Anything else from the solicitor?

4 MR. HARRELSON: Nothing further.

5 THE COURT: How about the records? Does he have any
6 kind of records?

7 MR. HARRELSON: Yes, Your Honor. The only record
8 was the juvenile record.

9 THE COURT: Thank you.

10 Mr. Wilson, anything else you want to say?

11 MR. WILSON: Yes, sir. Judge, I think I have
12 probably been in this courtroom and others like it around
13 this state hundreds of times, and I want to say at the
14 very beginning that I feel the pain that this family is
15 going through, the McPhersons, and I have yet, in all my
16 years, which is 44 now, to have a family come in and, out
17 of their hearts, want to forgive and want to try to move
18 forward and not have malice against people who are accused
19 of harming someone that they love. That speaks well of
20 them.

21 And I understand that, but there are no winners and
22 no losers here. The McPhersons lost their son. They
23 loved him. These two young men are going to be in jail
24 for a long, long time. They're never going to be even to
25 touch -- maybe even their entire life. They're never

1 going to be able to touch their family members either.
2 They're not going to be able to go home on Thanksgiving or
3 Christmas or Easter. They're going to be locked up in
4 some facility, probably being abused by other people who
5 are bigger and stronger than they are. That's a part of
6 our system and that's part of the way it works.

7 I would also say, Your Honor, having said all of
8 that, Micah was 15 years old when this happened. 15. You
9 know -- and I don't know what happened. I wasn't there.
10 What I can tell you is that Mr. McPherson didn't deserve
11 to die.

12 I can tell you that, at 15 years old, 4:00 in the
13 morning, 5:00 in the morning, he should have been home
14 with his family or his family should have had control of
15 him to the point that he was home that time of the
16 morning. I don't know what happened. I don't know what
17 went wrong. I don't know.

18 I know that three families are now going to be
19 alterably changed from this point on. It's never going to
20 be the same. And like Ms. McPherson said about her son
21 that he's never going to be able to be with his child
22 again, he's never going to have children again ever.
23 Because, best-case scenario, he'd be 50-some-years-old by
24 the time he gets out of prison, if then.

25 And I know, at 15, we make a lot of dumb mistakes,

1 and I was 15 once, it seems like ages ago and I'm sure it
2 was, but I made mistakes. Fortunately, for me, I didn't
3 make as drastic of a mistake as we have in this case.

4 But I do believe that there is hope for this young
5 man. And I want to say this too about him. He lost his
6 mother as well during this process. After he had been
7 arrested -- and I think part of the reason that she died
8 is because she was having a really difficult time dealing
9 with his incarceration and the charges that he had against
10 him and how serious they were. But I know that she loved
11 him, and I know that she wanted to -- the best for him.

12 She's the one that came and retained me to represent
13 him before she died. And then, of course, after she died,
14 his grandmother, who is seated here, and his aunt, they
15 have been, I guess, his support since that time.

16 I'd also say, Your Honor, at 15, I hope that the
17 Court would take that into consideration as one of the
18 factors in terms of his age, in terms of the fact that he
19 lost his mom and that he doesn't have any structure. When
20 I went back and looked at his school records, I mean, it
21 was abysmal. The last couple of years, which would have
22 been right after middle school -- I mean, his grades were
23 awful. He was out of school, wasn't attending. I mean,
24 he was out five times more than he was in. And I'm not
25 saying that that gives anybody a reason -- I don't want

1 anybody to think that I'm saying that that makes it okay
2 to do something like this. I'm not suggesting that
3 whatsoever.

4 What I am saying, though, is is that he has his own
5 struggles, and I just ask the Court to take all those
6 things into consideration when the Court decides to
7 sentence.

8 Lord knows, I have explained to him that the Court
9 can sentence him up to life in prison for this charge and
10 that the minimum sentence he can get is 30 years. He
11 understands that. And that he's going to serve all 30 of
12 those years, because that's the way our statute reads.

13 So I'd just ask the Court to have whatever mercy the
14 Court can find under these circumstances.

15 THE COURT: All right. Mr. Rigney?

16 MR. RIGNEY: Thank you, Your Honor. Mr. Neal is
17 also a very young man. He was 19 when this happened. And
18 he dropped out of school when he was in the 9th grade, and
19 he was out trying to make it on his own.

20 My experience with him is that he's a very nice
21 young man in my presence. He's always been polite and
22 kind and thoughtful. I think that he may have been in the
23 wrong place at the wrong time and something happened that
24 is going to impact him for the rest of his life.

25 But he's a good young man, and he's -- I hate to see

1 what happened here. Of course this was a tragedy, and I
2 can't apologize or bring anything back because of that,
3 but I would ask the Court to take into consideration his
4 age and his adjustments in life that he was making and ask
5 for whatsoever leniency Your Honor may have. Thank you.

6 THE COURT: All right. In reference to Fanotti
7 Neal, the sentence of the Court is that the defendant is
8 committed to the State Department of Corrections for a
9 term of 40 years.

10 In reference to Micah Pressley ---

11 DEFENDANT NEAL: What the fuck?

12 THE COURT: --- the sentence of the Court is he is
13 committed to the State Department of Corrections for a
14 term of 40 years.

15 MR. WILSON: Thank you, Your Honor.

16 MR. RIGNEY: Thank y'all.

17 (The trial adjourned at 5:50 p.m.)
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1 CERTIFICATE OF COURT REPORTER

2 CASE NAME/NUMBER: State v. Fanotti Neal (23GS260414)

3 State v. Michah Pressley (23GS261565)

4 DATE OF HEARING: November 6-9, 2023

5 *****

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

13 

15 /s/ Bobbi Fisher_____

16 Bobbi Fisher, RPR, Court Reporter III

17 Date Submitted: March 12, 2024

18 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT
19 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
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1085

STATE OF SOUTH CAROLINA)

COUNTY OF Horry)

INDICTMENT

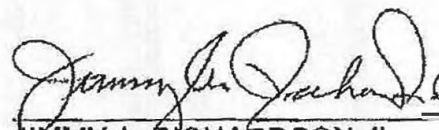
At a Court of General Sessions, convened on March 22, 2023, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Micah Pressley along with co-defendants did in Horry County, on or about May 29, 2022, willfully, feloniously, and intentionally kill the victim, [REDACTED] with malice aforethought, either express or implied, by means of shooting, and the victim died as a proximate result thereof on or about [REDACTED] 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

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,

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Apr 14 2025

SC Court of Appeals



Kathrine H. Hudgins
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT

This 14th day of April, 2025.

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Apr 14 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICAH PRESSLEY,

APPELLANT

APPELLATE CASE NO. 2023-001799

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 14th day of April, 2025.


Kathrine H. Hudgins
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