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**May 05 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from State Grand Jury

Honorable R. Ferrell Cothran, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MICHAEL JUAN SMITH,

APPELLANT

APPELLATE CASE NO. 2023-001893

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RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE’S EXHIBIT NO. 4 (MP4 CD OF VICON CAMERA FOOTAGE)]**



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1 ordinary courage would have had the same belief stabbing an  
2 unarmed man. I don't think a reasonably prudent person  
3 believes they would be in danger. Would they? And four, and  
4 he must be shown to have no other probable means of  
5 avoiding the danger. Read that again. He must be shown to  
6 have no other probable means of avoiding the danger. The  
7 duty to retreat. He has a duty. In South Carolina, the  
8 person striking the blow has a duty to try and avoid it, a  
9 duty. He had a duty to retreat. Is he retreating when he's  
10 chasing him down the walkway? Is he retreating when he's  
11 stabbing him down on the floor on the rock, of course not.  
12 He didn't retreat. And that is a prime element of self  
13 defense. That is self defense at its core. He could have  
14 turned around and gone somewhere else. That's the duty to  
15 retreat, he had a duty to turn around. He had a duty not to  
16 hurt this man. And he failed on that duty. Because the  
17 States submits he had many other probable means of avoiding  
18 the danger, many. First of being, he never should have got  
19 with that group in the first place when they ran upstairs.  
20 And then after Mr. McClary is stabbed ninety times he  
21 shouldn't have followed him down the stairs. He could have  
22 turned away. He shouldn't have gone down the stairs, he  
23 could have turned away. He shouldn't have struck him in  
24 the back on that first blow, he could have turned away. He  
25 shouldn't have punched him twice. He could have turned

1 away. He shouldn't have struck him the second time and  
2 stabbed him, he should have walked away. And he surely  
3 should have walked away before he stabbed him the third  
4 time. The State submits, he hasn't met any of them. He  
5 said he made one of them but the State submits he didn't  
6 make any of them. The State submits it is not self defense.  
7 He's also going to bring up a defense of others. His Honor  
8 is going to tell you what that is. Oh I was defending  
9 other people. Was he defending other people when he stabbed  
10 him on the floor? It's the same --- it's the exact same  
11 thing. Except the person that you are protecting has to  
12 have self defense. In this case, there's no one to protect  
13 him down there, nobody. He's in a group. He's in a mob.  
14 They're getting retaliation. They're not doing it in self-  
15 defense.

16 Now, I'm just going to briefly go over the facts.  
17 I know y'all are probably tired of hearing the facts.  
18 Probably tired of me talking about them. But just briefly.  
19 You know what happened? There was a riot in three. They  
20 got information in five about a riot in three. The Crips  
21 and Gangster Disciples in five retaliated. There's that  
22 word again. They retaliated because of what happened in  
23 three. They killed three Bloods. We've admitted that all  
24 along. One finds out about what happened in five and you  
25 have this confrontation. Now, as you can see from the

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1 tapes, the confrontation is beginning between the Bloods on  
2 one side, the Bloods are on one side of the dorm and the  
3 Gangster Disciples are over here. The Gangster Disciples  
4 are down here and you can see them they're all hunched  
5 together. And that's for a reason. They're all hunched  
6 together for defensive purposes. They're scared the Bloods  
7 are going to attack them. So they're down here. They're  
8 not hiding, but they're down there. There are strength in  
9 numbers. Well the Bloods out numbered them but there were  
10 more of them then there were Crips. So leaders from  
11 Gangster Disciples and leaders from the Bloods come out and  
12 apparently they find some kind of peace because those two  
13 sides they never attacked each other. The Gangster  
14 Disciples stayed down there in the corner the whole time.  
15 They don't attack anybody. Now, again, who's left out of  
16 that? The Crips, the Crips are. The Crips are left out.  
17 Because there's so few of them. They're hiding in cells.  
18 Hiding in cells. The Bloods they still want a retaliation  
19 of some type, so they decided to do the Crips, you know,  
20 we're going to attack the Crips. You saw them there. And  
21 again, just by happenstance, half of the Bloods start  
22 running toward where the Crips are. The other half go the  
23 other way to where the Crips are. That's just, I guess it's  
24 just by chance is what they're going to say. No, it was a  
25 plan of retaliation for what happened to their Blood gang

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1 members in F5. Crips were one of the two gangs that killed  
2 the three in F5. So they want retaliation. They go up, it's  
3 our understanding Mr. Smith goes up. He goes up, up the  
4 stairs all the way down to the end here. Now underneath him  
5 are the Gangster Disciples. So the Gangster Disciples are  
6 all underneath but the Crips about eighteen or twenty of  
7 them, you can count them if you want, go up the stairs and  
8 come in here. They go up the stairs and go all the way down  
9 to where the Crips are, the Bloods do, down where the Crips  
10 are. And what do they do? They start kicking the door,  
11 trying to donkey kick the door trying to open the door.  
12 Well, I asked him, well you ran up there to open the door.  
13 Yeah, I did. We thought they had some of our gang members,  
14 Blood gang members trapped in there. That's why we're  
15 trying to get in. You remember? In fact, first I thought he  
16 said Ray Ray. Ray Ray, we know Ray Ray wasn't in there  
17 because he went up the stairs the other way to go get a  
18 Crip. To go hunting Crips. He went the other way. So they  
19 get up there, they you know look for a minute or two trying  
20 to kick the door in. Mr. Smith is up there with him trying  
21 to help kick the door in. He doesn't actually kick but he's  
22 there apart of the mob. A disturbance happens on the other  
23 end. Mr. Smith runs and hears the disturbance, turns and  
24 runs all the way to here, somewhere around here.

25 Now, Mr. Smith claims that at the time he wasn't

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1 armed. Instead, the first time he testified to it, he said  
2 he borrow a shank from one of his friends to try and go and  
3 protect Ray Ray. Remember? Well, unfortunately the State  
4 submits, that can't be true. Because at 9:37, 23 minutes  
5 before Mr. McClary is stabbed, 23, he's seen, Mr. Smith, is  
6 seen with a shank in his hand. We showed that. Take a look  
7 at it if you want. He has a shank in his hand. So we know  
8 that's not true. We know it's not true. He had that shank  
9 well before. So he gets up there. He says Ray Ray, you know  
10 McClary's stabbing Ray Ray, Ray Ray's already gone by the  
11 time he gets over there. Ray Ray is down the stairs and by  
12 the time you see McClary and the rest of that mob stabbing  
13 him, Ray Ray's out the door but yet he says I saw Ray Ray  
14 getting stabbed and then he threatened me. So he wants you  
15 to believe that is McClary with twenty Bloods around them  
16 because we saw them run up there or at least a large number  
17 specifically while he's defending himself, I guess, I don't  
18 know what he's doing, looks at Mr. Smith and goes you're  
19 next. Do you believe that? Do you believe Mr. McClary, who  
20 has been stabbed ninety times, do you believe that he could  
21 have looked at someone and gone you're next? The State  
22 submits, no. No, this is clear retaliation. They kept Mr.  
23 McClary out of his cell and the rest is history.

24 So, he claims he comes up here gets a knife from  
25 one of his friends and they follow, they stab Mr. McClary

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1 about ninety times, ninety times up here and you will have  
2 these pictures, they are defensive wounds. Mr. McClary ---  
3 kept going I'm shanking, I'm shanking. I'm shanking. He's  
4 getting stabbed. It's up close and personal. It's not  
5 getting shot. He's looking at somebody to stab him and  
6 feeling it feeling that shank in his body. That didn't  
7 bother Mr. Smith. He's following --- Mr. McClary is trying  
8 to get out there and the State submits Mr. McClary was  
9 trying to get out there to get to safety. And safety is  
10 where those eleven Crips were packed into a room, into a  
11 cell the other side couldn't get in to. He's going that  
12 way. He's chased down there by four or five individuals.  
13 Mr. Smith is in the back of that group. He basically falls  
14 down the stairs but he's still standing. Mr. Smith, we will  
15 show you on the tape pushes his way to the front. Pushes  
16 his way to the front. Not turning around and running like  
17 he has to do for self defense but pushes his way to the  
18 front, down the stairs he goes. And as I said before  
19 stabbed him in the back, two punches, two more stabs. Mr.  
20 McClary then tries to go up the stairs. He tries to go up  
21 these stairs, he tries to go up these stairs to to get to  
22 that safety. He's trying to get to safety sanctuary where  
23 those other Crips were. And what happens? He gets kicked,  
24 pushed down the stairs by other mob members, pushed back  
25 down so that the other parts of the mob that are still

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1 there can have at him again. Have at him again. They  
2 weren't done with him. So he's kicked back down the stairs  
3 and attacked the whole time. He stumbles over here falls  
4 and that's where he dies. That's where he dies. He was  
5 pronounced dead two hours later at the hospital. Self  
6 defense or retaliation?

7 I've set through these four days just like y'all  
8 have, listened to the testimonies, listened to the lawyers  
9 and, you know it struck me, Ms. Zmorczek attacked --- She  
10 attacked the Department of Corrections. She attacked  
11 Officer Lopez, the CO who is stuck in there, trapped in  
12 there and she attacked SLED. She attacked SLED. Well SLED  
13 didn't do forensics. If there were forensics to do. First,  
14 the Department of Corrections, they were understaffed.  
15 Yeah, it sounded like it to me. They can only do what they  
16 can do. They can only do what the legislation gives them.  
17 They try and hire people. Who would want to work there as a  
18 CO, with that kind of danger. But suffice it to say the  
19 Department of Corrections is not the one telling Mr. Smith  
20 to hack away. The Department of Corrections is not the one  
21 who told the Bloods to attack the Crips. No. Those were the  
22 Bloods that did that. And to think that she's going to  
23 blame the Department of Corrections for those stab wounds  
24 that he, down here that he admits to, is not fair. They  
25 didn't stab him. Do they have some liability, probably,

1       yeah, probably but they didn't force him to do this. They  
2       didn't force a Blood to do this.

3                 Now, she also attacked Clyde Lopez. Correctional  
4       Officer Lopez came up here to testify and I found it ironic  
5       that she's attacking Clyde Lopes because it didn't do a  
6       better job of protecting the inmates. He's one guy. He's  
7       one man put in a situation that I can't even describe it.  
8       He's' not only --- he had to be in fear for his life and he  
9       was. And she then attacks him and attacks him and attacks  
10      him about well, you didn't go back there and why. You  
11      didn't do this. You didn't do that. You locked yourself  
12      into a room. Yeah he did. He made a conscious decision that  
13      he could not stop it and he got out of there and went to  
14      the other side and locked himself in there. Yeah with other  
15      inmates. So, you know, I don't think Ms. Zmroczek or  
16      anybody can judge the actions of Clyde Lopez. We've never  
17      been in that situation. And trust me, he now has and he's  
18      never going to forget it. The third group that Ms. Zmroczek  
19      attacked was SLED. SLED didn't do this. They didn't do  
20      that. Agent Shaw who you saw testify made all these  
21      mistakes. They didn't follow up on Ray Ray. They didn't do  
22      this. They didn't do that. The State submits, they did a  
23      lot. They were the ones that helped bring these cases to  
24      the court, all of them. They did a lot. And they had to  
25      identify people on the tape and they did. SLED did a great

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1 identify people on the tape and they did. SLED did a great  
2 job. We wouldn't be here today if SLED hadn't done that.

3 Now in a minute I'm gonna sit down and Ms.  
4 Zmroczek is going to have an opportunity to talk to you,  
5 but before I do I want you to take a look at the tape in  
6 slow motion. And I want you to remember one thing. This is  
7 the actions of Mr. Smith. Mr. Smith is saying, I'm a man of  
8 peace? Let's see if that's what happened. Stop. There are  
9 the Gangster Disciples. See them grouped up down there? And  
10 here are the Bloods and the war cry is already gone out so  
11 half the Bloods are going up there. Go ahead. There they  
12 go. And there is Mr. Smith, he's in front. And they go down  
13 there and they're kicking the door in. Would you stop it  
14 for just a second. They're kicking the door in Mr. Smith  
15 says because they thought one or two of the Bloods were  
16 trapped in there. Right? You'll see at the end  
17 Mr. Smith goes up there again. They kick at the door a  
18 couple of more times and then this person is supposed to be  
19 there. There, about twenty of them. Mr. Smith, now we're  
20 gonna change the camera angle to follow Mr. Smith and  
21 whoever he's running with toward the other end. There he  
22 goes. Now switchback. There he is. Stop. Now, he gets back  
23 there and it's not, it's not long before they come out  
24 chasing Mr. McClary. Stop. Mr. McClary falling basically,  
25 still standing up, falling down the stairs. Mr. Smith back

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1 here. Mr. Smith gets in front and comes down. Stop. So  
2 Mr. Smith goes from the back to the front and chases Mr.  
3 McClary down. That's Mr. McClary over there leaning against  
4 the wall bleeding. Whack, whack, whack. And he and his -  
5 There he is. He and his cohorts --- he and his cohorts keep  
6 slashing Mr. McClary because as they were in fear of their  
7 lives as they say.

8           And Ladies and Gentlemen, you'll have these  
9 pictures, State's Exhibits number six and State's Exhibit  
10 number seven, and he admits that's him stabbing him in the  
11 back. He said yeah that's me. I was scared for my life.  
12 Remember? And he stabbed him again and he hits him.  
13 I was in fear. So go ahead. Here it comes down the stairs  
14 again. That's Mr. McClary. Now watch. He throws the trash  
15 can, he's up against the wall. Mr. Smith, stabs him. Mr.  
16 Smith hits him. Mr. Smith's stabs him again in the back. He  
17 stabs him at least twice in the back because he's scared.  
18 He's scared. It's self defense. I'm scared. Scared for my  
19 life. I'm a man of peace. Is that it? Okay, one more shot.  
20 Mr. McClary, Mr. Smith, his mob members, here he is right  
21 here. Now look. Stop right there. One, two, three, four  
22 guys are in front of Mr. Smith at this point. Go ahead.  
23 They push him down the stairs I thought he ran. He's  
24 pushed. Now, Mr. Smith has gotten in front of all those  
25 guys because he wants to retaliate. He wants to finish it.

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1           The fourth element of self defense. Duty to  
2           retreat. He's not retreating. He's attacking. There he  
3           goes. Here he comes. Whack. Whack. He's got his back to  
4           him. He's got both hands up. And he said I thought he was  
5           armed. Remember yesterday? I thought he was armed. He's got  
6           his hands up. Whack. There he is. Hits him again in the  
7           back, again. The State submits that is not self defense,  
8           none of it is or defense of others. Could you back up? Now  
9           after this Mr. McClary goes back and collapses. Mr. Smith  
10          who the State submits lacks credibility. I forget what the  
11          quote was. Something like we deleted the target. Remember  
12          that? Target might not have been deleted but something to  
13          that effect though. He called it a target. So we didn't  
14          need to stab him anymore. The target was dead. What  
15          happens? If you look real close where he falls, down there,  
16          there's a gang of Gangster Disciples there who they've  
17          already made peace with. They're not going down there they  
18          might start something with them. He's within, the body is  
19          within five feet of that gang of Gangster Disciples. Now do  
20          they help Mr. McClary? No. But they're down there. Isn't  
21          that more rational understanding why they don't go down  
22          there. The State submits it is, but Mr. Smith isn't done  
23          yet. Mr. Smith runs upstairs again like 10:02 back to where  
24          he was originally, remember? They're trying to save one of  
25          the Bloods that they thought was trapped in there being

1 held hostage by the Crips. He runs back up and over to  
2 where they're kicking the door in. And guess what, there  
3 are a couple of guys still up there. He talks to him. You  
4 know they donkey kick the doors once or twice and then they  
5 give up. Take a look at that. So they're all scared and  
6 worried about this friend, Blood being taken hostage by the  
7 Crips and that's why they're attacking the door. If that's  
8 a fact, why did they leave? Why did they walk off? They  
9 walked off because they can't get in the door and they're  
10 not worried about another Crip being in there. I mean  
11 another Blood being in there. They're not worried about  
12 that. Because there wasn't one in there. Because the attack  
13 was planned. Because the attack was premeditated and  
14 because the attack was after the Crips. Why did you walk  
15 away if you think your friend is in there? Look, they did  
16 because it's not true. That whole statement he made. It's  
17 just not true.

18           Now I'm going to sit down but I always feel like  
19 I need to tell the jurors this. There are a lot of people  
20 involved in this. A lot of people charged. They are all  
21 going to have their day in court just like Mr. Smith. The  
22 victim in this case was an inmate in the Department of  
23 Corrections. It's doesn't mean that he can be killed by the  
24 Bloods or whatever gang wants to do that. This guy named  
25 Ernest Hemingway wrote a book and in that book he quoted a

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1 English poet by the name of John Donne. The phrases that he  
2 used, I remember a long time ago and it's about, it starts  
3 the book out. John Donne wrote this years before, centuries  
4 before this book but in England the only way you could get  
5 information was by horse or to walk to the nearest church.  
6 Every time someone would die. Every time someone in the  
7 community died, the bell was rung. It would ring. It would  
8 ring. And that told everybody in the neighborhood, and  
9 throughout the town that somebody had died. The quote from  
10 John Donne, No man is an island, entire of itself; every  
11 man is a piece of the continent, a part of them main. He's  
12 part of society. Every man's death diminishes me, us,  
13 because I am involved in mankind. So do not ask who the  
14 bell is, it tolls for me. And every time somebody dies,  
15 woman, child, everyone is diminished. Every one of us is  
16 diminished. Mr. McClary's death diminishes all of us.

17 Ladies and Gentlemen of the jury, his death  
18 diminishes. Ladies and Gentlemen of the jury, please, State  
19 submits, do not fall for this defense of self defense. He  
20 meets none of the elements and he has to meet all four. He  
21 met none. You have a lot of power. You have the power, the  
22 jury has the power of guilt and innocence by the facts  
23 according to the law but you don't have the power to bring  
24 the victim back. I ask you give Mr. McClary justice and  
25 justice is a guilty verdict. Thank you.

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1 THE COURT: Does the jury need a break? You do?  
2 Okay. We need to switch over some electronics anyway. One  
3 thing you can do when you get back there is select a  
4 foreperson. I don't know any of you. So you've been  
5 together this week. So that foreperson has no greater  
6 reward. It needs to be from one of the jurors. The  
7 alternates can't be a foreperson. But if y'all can decide  
8 that during this break I will get you back out.

9 (Jury break)/(Court Break)

10 THE COURT: Thank you. You may be seated. Are you  
11 ready for the jury?

12 MS. ZMROCZEK: Yes, Your Honor.

13 MR. GIESE: The State's ready.

14 THE COURT: Brings us the jury.

15 (Jury enters courtroom)

16 THE COURT: Mr. Smith, I understand that you've  
17 been selected as the foreperson?

18 JUROR 201: Yes, Your Honor.

19 THE COURT: Thank you. Ms. Zmroczek:

20 MS. ZMROCZEK: Thank you, Your Honor. May it  
21 please the Court. Five years, four prosecutors, three  
22 dorms, two witnesses that actually were in those dorms and  
23 not one person to testify about this planned conspiracy.  
24 Ladies and gentlemen, that's not justice. Mr. Giese says oh  
25 Ms. Zmroczek is attacking everybody. You're darn tootin'

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1 because that is what the constitution requires and expects  
2 of me. And I will do that every day for every individual  
3 that I'm appointed to represent. I will do it zealously. I  
4 would do it thoroughly because that is what is required  
5 under our Constitution and I'm not embarrassed for that. I  
6 am proud to do that. Ladies and Gentlemen, hopefully in a  
7 little bit of time, each and every one of you are going to  
8 get this case and I hope you take that passion, that  
9 passion that this country was founded on and you take that  
10 with you into that jury room because the Judge, Judge  
11 Cothran, is going to tell you that Michael Smith is  
12 innocent until proven guilty beyond a reasonable doubt. Not  
13 only that but he's going to tell you all the law in this  
14 case that applies. He's going to tell you that the state  
15 has to disprove, disprove beyond a reasonable doubt. It's a  
16 double negative. It's a little confusing sometimes, but  
17 they have to disprove self defense. They have to, beyond a  
18 reasonable doubt, disprove what was in his mind. We are  
19 here for justice. I said it in the beginning and I'll say  
20 it again the loss of life is always tragic but in a  
21 preventable lose of life, to me that's the worst kind of  
22 tragedy. You're darn right I'm going to blame SCDC. We  
23 should have never ever been here.

24 The good thing that I --- the good things that we  
25 have established Ladies and Gentlemen are that you twelve

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1 competent --- I keep walking around. I know that these  
2 screens are important but it's important that you listen  
3 and I know you are. I've seen y'all sitting here all week.  
4 And it's important to take these facts and the evidence  
5 that they have provided and you want to --- You're going to  
6 have the videos, all the F, what we call the F1 dorm  
7 videos. You're going to have all of them. You can watch  
8 them all. I would hope that you watch the important ones  
9 because ladies and gentleman, we have spent four days  
10 watching less than two minutes, less than two minutes of  
11 that night and that's not the whole story. That's not the  
12 whole story. There's no plan here and if I get called out  
13 for attacking, I'll take it because Ladies and Gentlemen  
14 the Judge is also going to tell you that innocent until  
15 proven guilty means that you look at the case not from the  
16 state's side, you have to look at it from the defense side.  
17 And the way I like to break that down is say --- so a  
18 perfect example, Agent Wilson testified that he sees these  
19 inmates climbing over a razor wire fence to avoid be  
20 slaughtered by two groups that have come together, the  
21 Crips and the Gangster Disciples. And I'll tell you why  
22 that's important because as Mr. Giese likes to keep  
23 pointing out, those Gangster Disciples were all gathered  
24 down there in that corner. Maybe he insinuated that they  
25 were afraid. Those are the ones that busted in that dorm

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1 room where they did belong welding weapons. I'll show it to  
2 you and you can look for it yourself. Those are the ones  
3 that have gathered together, the other group, and  
4 slaughtered three friends that Michael knew personally that  
5 night. And how did Michael know that? Because they had  
6 pictures coming over cell phones of their friends  
7 slaughtered. I submit, ladies and gentleman, that a bell  
8 was tolled three times for his three friends. And that bell  
9 toll throughout that prison and throughout that F1 dorm  
10 where Michael was locked in, as well as Officer Lopez.

11 How is it that Officer Lopez can be in fear but  
12 not Mr. Smith. That's not what innocent until proven guilty  
13 is. To say he wasn't in fear, Ladies and Gentlemen, you'll  
14 get to see these videos because this is what they knew.  
15 This is just one of the pictures. What you don't get to see  
16 but what Michael told you he did see was the full picture  
17 of this body and two others of his friends that were  
18 slaughtered. Slaughter and they were told coming for you.  
19 By eight o'clock that evening, they were coming for you.  
20 The judge in his charge is going to tell you likely that  
21 you don't lose your common sense when you walk into this  
22 courtroom and you get selected for this jury, you get to  
23 sit on this jury, you don't lose your common sense. You  
24 still individually get to analyze all the evidence, all the  
25 videos, all the testimony and you get to say, does that

1 make sense? Does that make sense? Ladies and Gentleman if  
2 these Bloods are so revengeful and they had their hearts  
3 set on retribution then ask yourself this, why would they  
4 wait three hours and wait for a whole group of people to  
5 break into their dorm to seek retaliation? That makes no  
6 sense. That doesn't make any sense. It's because they  
7 didn't. I'm going to show you some of the videos. Outside,  
8 I'll show you --- I'll show you the two minutes or less  
9 than two minutes that we keep seeing over and over in slow  
10 motion but that's not how it was. This didn't happen in  
11 slow motion Ladies and Gentlemen. First, we have three ---  
12 Well, as Michael testified to, he knew about it around 8:00  
13 we have two hours that he knows that his friends have been  
14 killed by two groups that have joined together. That's what  
15 he knew at that time. And he's sitting here and you'll get  
16 I mean the video that they provided that they put evidence,  
17 the video is from 7 pm which is as we know right before  
18 this all starts and the video goes until 4:00, 5:00, 6:00  
19 in the morning, you can watch that. It doesn't provide any  
20 evidentiary value, but for the number of hours that it took  
21 for anyone to come in there and save Mr. McClary and save  
22 Michael and save Ray Ray, who the State after five years  
23 although now can identify through video won't tell you his  
24 name. He's bleeding on the floor. The video will also sadly  
25 show Mr. McClary who is alive on that floor. You heard Dr.

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1 Ross' testimony, hours. That's what she put on her official  
2 report. They say it could have been minutes. No, no. You've  
3 got the minutes. You can watch the minutes because he's  
4 lying there moving. And why wasn't he slaughtered like the  
5 other people? Is because Michael said stop, he can't hurt  
6 us anymore. Get away. There's no audio on video but you get  
7 to see it. I'm going to show it to you. But you get to see  
8 it.

9 I want to talk about that video because there are  
10 several angles. What's interesting to me and I hope to you  
11 is that when the SCDC camera guy came up and testified and  
12 he said --- and he's talking about all, and he shows you  
13 were all the cameras are and he shows you or tells you that  
14 they collected all the video. Now they tell you there's a  
15 problem with the video in F3, in dorm F3. Okay? I  
16 understand that. But when you get that video Ladies and  
17 Gentleman, and I'll go ahead and pull it up because it's  
18 important. It's an important piece of information. When you  
19 get that video, it's gonna be in mp4 format and should play  
20 and there are people a lot smarter than me to figure out  
21 that technology. But they have all of the cameras  
22 identified. We have the F1 entry doors, there's two of  
23 those, A and B. We saw multiple of those. We have the  
24 little PTC cameras and tilt them to get the exact clip, but  
25 we've got both cameras that move so that you can see and

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1 they can zoom in. And then we've got some on the doors. I'm  
2 going to show you something Ladies and Gentlemen. Do I need  
3 to turn this on? I can't figure out how to turn it on  
4 sorry. Thank you. Okay. That'll come up eventually. But so  
5 as you can see, you'll have all of these identifiers,  
6 right? We have F1(B) entry. And I'm going to show you some  
7 clips from some of those just because I think it's  
8 important like Paul Harvey said, to get the whole story. So  
9 you've got the entry doors, we've got these are on the  
10 outside these entry doors are on the inside. And so that's  
11 the view that we're looking at now. We've got --- we've got  
12 some yard videos, Okay? We didn't see these. We didn't see  
13 these during the trial but they're in evidence and so I  
14 wanted to show you them. The reason I wanted to show you  
15 them is look at that view. Ladies and Gentlemen, look at  
16 what that camera shows. And then ask the State, why don't  
17 we have any camera footage after a certain time? Because if  
18 we did, then we could have seen just what Michael testified  
19 to. That they said we have --- they had one of their  
20 friends. That's what they believed. Is that belief  
21 reasonable? That's for you to decide. Is it reasonable to  
22 know in your mind, what you've seen and what you are seeing  
23 in real time. Not only do we get to go back and slow it  
24 down and play those same two minutes over and over and over  
25 we're talking real time. But why don't we have --- look at

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1 this view. Look at that. Hallways, stairways. And you'll  
2 get to see the times up top. Because they wouldn't want  
3 them to play and point out and go into Mr. CO Lopez's fear  
4 in dorm A and he threw the keys and even was able to subdue  
5 that gentleman. But Ladies and Gentlemen, does this look  
6 like a mob with murder on their minds with retaliation?  
7 They are just doing their time and trying to live.

8 Mr. Giese wants to point out over and over that  
9 Michael is not peacemaker. Michael is a problem. And what  
10 you have to do and what the law requires of you, and what I  
11 know you will do, and common sense will do and you have to  
12 get to and you get the honor to defend our constitution.  
13 You get the honor to look at these videos, and to get in to  
14 what was happening, to get to the facts, and to the truth  
15 because what they saw out those doors and what they heard  
16 all forms the mentality of why he had to do what he had to  
17 do. I mean it's 20:09 we're nowhere near, right. Now,  
18 let's get to the times that matter. Let's get to the times  
19 that matter right here on the yard door which again  
20 couldn't be open. They want to talk about the --- they want  
21 to talk about, oh we can disprove self defense. We know  
22 Michael didn't bring on the difficulty. He didn't start  
23 this. He didn't start this time slot. And then they --- and  
24 they have to prove beyond a reasonable doubt that he  
25 started it. Otherwise they can't pass that. And then they

1 say well his fear wasn't reasonable. And a reasonable  
2 person wouldn't have been scared. But then they say Ladies  
3 and Gentlemen, that he had a duty to retreat. Duty to  
4 retreat. Even though Officer Lopez told you how he himself  
5 was locked in that dorm. The inmates have a secret key to  
6 get out that we don't know about? Is it reasonable to  
7 retreat when you're trapped in this Shark Tank as he  
8 described? Michael could even climb over the razor  
9 wire fence like these guys were doing because he was  
10 trapped.

11 He wants to point out about that mob and the door  
12 and how they didn't do anything. Michael doesn't know that.  
13 What he knows is there are two gangs that are trying to  
14 kill him and his friends. And that one gang bust in through  
15 the door wielding knives, axes, we have pictures of them  
16 and weapons because each and every inmate in that facility  
17 was afraid for their lives but especially these people. And  
18 they're looking out these doors and they hear the screams  
19 of their friends even one of the most honest witnesses I've  
20 ever seen in my fifteen year career was that associate  
21 warden. I respect everything that man does and says. He  
22 got up there and he said the truth. He said they weren't  
23 funding us. Is that blame? Is that me blaming SCDC? It's  
24 just providing background and information and facts that  
25 even Agent Tisdale told you. You can hear the inmates

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1       scream for help. Help, help, help us. Sure, I'm a little  
2       hard on CO Lopez and I'm going to show you why. I don't  
3       want to be a hero. No need to be a hero. Be a decent human  
4       being. The pathologist Dr. Ross told you had he, had he,  
5       McClary, gotten help within a reasonable time that we  
6       wouldn't be here. And they talked about how Officer Lopez  
7       was so in fear. I'm going to show you that fear. Eight to  
8       nine minutes after he comes back in B Pod and McClary is  
9       just bleeding to death over here. He's so in fear he's  
10      dapping inmates. And he's walking around, not once does he  
11      pick up that radio and say you guys have got to get here,  
12      doesn't pick up a phone. Sure he didn't, he didn't start  
13      this fire either. But it's not just about the little bits  
14      and pieces that they want to show. That doesn't make the  
15      factual basis. It's the whole story. And the whole story is  
16      these men were trapped and they're looking, look at them,  
17      looking out the window and you're saying no Ms. Zmroczek  
18      that wasn't Michael but you'll see him on here. It was  
19      interesting Mr. Giese says he's just armed himself with a  
20      weapon yet the screenshot that was up there for the longest  
21      time when he's running upstairs, you can see both of his  
22      hands because he's you know, stopped. We get the benefit  
23      of stopping reality. But he's stopped and look at those  
24      hands. The only testimony that they want you to believe  
25      from Michael is that he had a knife. The judge will

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1 instruct you that you're free to believe parts or all or  
2 none but watching this video will help you get there. I  
3 want to go to inside the dorms, inside of B1. 19:21 these  
4 look like men that have revenge and retaliation and murder  
5 on their minds? They're mopping the floors. Well inmates  
6 weren't doing what they were supposed to do if they had  
7 been locked down in their rooms then we wouldn't have been  
8 here. Well then lock them down. Then lock them down. I  
9 pray that they would've been locked down because each and  
10 every one of those souls would have been saved. It's  
11 getting closer to the time. Meanwhile, they know and they  
12 can hear the things that are going on but look at them.  
13 They're just doing their things except what's up here  
14 Ladies and Gentlemen? What's up here? We heard a ton of  
15 times these Crips were scared. They were scared. These men  
16 that went and slaughtered Michael's friends were scared and  
17 they went hiding into their rooms. You have the video. You  
18 get to watch what time they shut that door. They were  
19 scared. They weren't scared. They were planning. He wants  
20 to talk about a war cry. First of all, there's no, no  
21 evidence of a war cry. He wants to say after Michael stops  
22 people once the threat is neutralized he's pushing people  
23 back and raises his hand "touchdown" or "war cry". No. What  
24 he's doing is if you watch the whole video, Ladies and  
25 Gentleman, what he's saying is get back, get back, get

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1 back. There's no war cry. I submit there is a war cry and  
2 you'll see it on this video. 19:50 the doors still open  
3 19:54, 19:55. Everybody's still working. Then we get closer  
4 and closer to the time. 20:00 they're still going in and  
5 out of rooms. And look who --- and look who these inmates  
6 are. Look who these inmates are. Those aren't the Bloods.  
7 Because you know what the Bloods are doing? They're hiding.  
8 They're walking around trying to figure out where to go.  
9 Retreat, retreat to A. They tried that. And then look over  
10 here at A. What's he doing over there. He had no business  
11 there. He couldn't get to his room because that's where  
12 they were blocking them. And I know I'm doing just portions  
13 of these videos and it's because what I want when you get  
14 back into that jury room and you get to deliberate and you  
15 get to watch these backwards and forwards, slow and fast  
16 they're all there. They're all at your fingertips. Because  
17 they do show the whole story. And so then you get to let's  
18 get to the closer in time where we are. Okay 20:45 you're  
19 seeing some people talking. But look at here still see  
20 these people standing on the walls, standing guard. Let's  
21 go a little faster, 20:53. Okay, we're still nine o'clock  
22 now. 21:00 alright. They've known, at least Michael, at  
23 this point, he has known for one hour about the death. And  
24 not just one death. And it wasn't just that they knew they  
25 weren't just showing these --- they weren't just sending

1       them pictures to say hey look what we did. They were  
2       sending those pictures as a warning. As a warning, Ladies  
3       and Gentlemen, we are coming for you. That's the last  
4       video. This is the last video of the yard dorm that we are  
5       provided. Okay? The time that this video goes to is well  
6       this was 21:02, there's a different one. But we get to  
7       Yeah, that's the last time 21:02 so exactly one hour of  
8       video that we could have had. That we could have seen just  
9       what Michael testified to. Which was the Crips are  
10      screaming and you got to remember Ladies and Gentlemen this  
11      is an environment that we've never been in. Okay but with  
12      these videos and with the testimony we can transport there  
13      because that's what the law is going to require when you're  
14      making these legal determinations. And right before 10  
15      o'clock they say we've got one. We've got one. That's why  
16      they run up there. I find it comical, sad really, that five  
17      years and not knowing who Ray Ray is all of a sudden in the  
18      middle of trial they're like well that's Ray Ray, he's  
19      going up the stairs. You were wrong. Well sure with the  
20      benefit of hindsight and video. And do we know that that's  
21      Ray Ray? Nobody positively identified him because you can't  
22      see his face.

23                So let's go back to --- and they want to tell you  
24      how scared officer Lopez was, no doubt, no doubt in my mind  
25      that he was scared. No doubt that everybody was scared in

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1 there, right? But they say well look at Michael's  
2 mannerisms, does he look scared? How are they any different  
3 from Officer Lopez's whose down there walking back and  
4 forth? And the reason I do remark on that, Ladies and  
5 Gentleman, is because again, it was their responsibility to  
6 protect these inmates. I agree Mr. Giese and I agree on  
7 another thing. All of these inmates were humans that  
8 deserved better. Okay, but here we are at 21:36. Okay, this  
9 is when and we're here in the center area, you know, where  
10 everybody congregates by the guard shack you can see it  
11 right here this guard shack. Right? All of these Gangster  
12 Disciples have come in wielding knives. Oh well all these  
13 Bloods were gaining together because you know why, because  
14 there are safety in numbers. They've already killed three.  
15 Safety in number. Let's go to a different angle where you  
16 can see them bust in the dorm and let's see what Michael  
17 does. You can --- there's nothing exciting on the outside  
18 videos --- Well, okay, I lied. There are two things that  
19 are exciting in my opinion. There are two cats. It's been a  
20 long time coming so if you want to see it you can see it,  
21 but what's more important, Ladies and Gentlemen, is the  
22 time that they finally alert the State and all these expert  
23 teams to get in there because it's 3:00 that they are  
24 trapped in this cell, in this yard with no help and screams  
25 and the pictures that's what was on his mind. Retaliation,

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1 that's not on his mind. So let's get downstairs. You can't  
2 see it from that angle. Let's get down. Okay, here we go,  
3 perfect. Alright now --- alright, so what we see up here,  
4 we see that corner of the dorm area that we talked about  
5 but I want to point out a few things that are really  
6 important to you. You know this is what they like to call  
7 the Crips, you know, the retreat. Okay, so you get to look  
8 at this video and you get to watch these gentlemen,  
9 inmates, whatever, they're people, you get to watch them  
10 and the groups that go in and out that door and the weapons  
11 that they bring and then right before all of these Bloods  
12 run up the stairs to attack, what you'll see is a Crip  
13 member kicking the wall. You want to talk about a war cry,  
14 Ladies and Gentlemen, that was the war cry. It didn't come  
15 from the Bloods. It came from the people that had been  
16 killing them all night. So 20:38 mopping floors, but  
17 remember and I'm gonna use my little mouse if you can see  
18 it. This dorm right here where I'm pointing, okay, it's  
19 right here. I'm on the wrong side, 1213 right here, 1213.  
20 That is Michael's room. That's what they want to argue he  
21 had a duty to retreat to. Even though he couldn't have  
22 gotten through the door. That's what they want to say, oh,  
23 his argument of self defense fails. The judge when he  
24 charges you on self defense he's going to talk about it has  
25 to be reasonable. He had nowhere to retreat. I assure you

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1 that when you watch the videos, you will feel, and see real  
2 time what's going on because if Michael could have climbed  
3 that fence and risked being shot, risked being cut with  
4 razor wire, he absolutely would have done it. He couldn't  
5 even get outside. See, this is the door right here where my  
6 little mouse is, okay? That's the room that they that they  
7 want to talk about. Okay, 21:22 and you just see all the  
8 activity. I'm not going to play it all because we'll be  
9 here all day and y'all have dedicated enough time and I  
10 know that you want to have the opportunity to look at what  
11 you want to look at but I just want to show you where to  
12 look. Okay, we'll go to the next video. They're done in so  
13 many of, you know, twenty or thirty minute segments and so  
14 you just have to keep moving. All of the cameras continue  
15 to go through except for that one that shows what we want  
16 to see. 21:28 Alright, here we go, 21:32 9:32. Okay. Oh,  
17 and as you're watching these videos, you see where that  
18 young gentleman is right there, you'll get to see Mr. Smith  
19 coming in and out of his room. You get to see it. Check his  
20 hands. Check to see if he's meeting with Blood leaders and  
21 gang leaders and coming up with a plan because he wasn't.  
22 The plan was to live. The plan was to live. Okay? And then  
23 what you get is, oh but this is not Michael. And it's hard  
24 because, you know, oh, a lot of these people are wearing  
25 the same kind of clothes. Okay, but look at what's --- look

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1 at what's coming in the door. Okay, look at what's coming  
2 in the door. And I want you to watch this gentleman right  
3 here. This one. Okay, this Gangster Disciple, right here in  
4 the corner. Okay, we're talking 9:35. Okay? And all these  
5 people look at all --- I really wanted to do a jury view  
6 the logistics were impossible because I'm curious as to how  
7 many people could fit in that room because it was filled  
8 with Crips and they coming in and out but look at that guy.  
9 Look at him right there. You see him? You see that butcher  
10 knife in his hand? He raises it to show he's got more.  
11 Those of the people that came into his house, his dorm,  
12 unfortunately it's his house. That's where they came and  
13 they said you're next. They'd been preparing for two hours  
14 that they were coming for them. And guess what? At 9:36  
15 here they come flashing their weapons screaming. Gosh I  
16 wish we had audio. Screaming. I mean, but look at him,  
17 look how aggressive this is. But I want you to keep  
18 watching because it becomes very important. Okay, you see  
19 all of them. Wait wait, but who's this? Who is that right  
20 here going get back, get back? Well he's been pointed out  
21 enough on every other video so y'all should know by now who  
22 that is because it's Michael Smith. Oh he's a peacekeeper?  
23 He is a peacekeeper. He's saying get out. Get out. We don't  
24 want you to see that part of the video which is why it's  
25 important that I showed it. Look at every single one of

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1 those inmates in that video right there. You can see long  
2 knives in their hands. I would love to know when they're  
3 going to have their day in court. We don't need to worry  
4 about that right now because what we need to worry about is  
5 Michael. Right?

6           You see his room he can't --- see this is the  
7 same gentleman that not only was carrying that giant  
8 butcher knife but lifted his shirt to show he's got more.  
9 Michael can't retreat to his room. He doesn't fail that  
10 duty, he doesn't fail that element. Okay, these guys do not  
11 want any more bloodshed. They don't want to die. They don't  
12 want their friends to die. They are the last bit of reason  
13 that we have. Okay? After they have been sitting for hours  
14 and hours knowing what's coming. Knowing that they're going  
15 to be just like their friends who's foot you can see here  
16 in the dirt. That's what they know. That's what's on their  
17 mind. It's not revenge, it is fear. And they just keep  
18 piling in and they're coming closer and closer. Mr. Giese  
19 likes to point out just seconds before all of it right over  
20 here happens, oh well y'all were all ganged up in the  
21 corner. Yeah they were because you know why, because look  
22 at them, look at them coming into their dorms with their  
23 knives. It's a natural reaction. It's common sense. If  
24 someone is coming at you, you back up. Until --- until you  
25 have to stop it. And that's why we're here. Okay? He can't

1 even get to his room. Alright? So that's 9:38 all right  
2 look at the scared Crips, their doors still open. I wish I  
3 could show you the other end of the hallway where the other  
4 Crips were gathered with Mr. McClary, but I can't because  
5 for whatever reason with no explanation we don't have that  
6 video. I assure you if we did Ladies and Gentlemen, we  
7 wouldn't be here today because Michael Smith would have  
8 never been charged. Oh is that a war cry? Is that a  
9 touchdown? You know, anytime anybody raises their hands.  
10 You have to in order to understand these facts and apply  
11 them to the law, you have to go back to this time five  
12 years ago. I remember when Officer Lopez was testifying and  
13 there's videos of him throwing his hands up. I'm a hand  
14 person too but just because we so something doesn't mean  
15 you get to assume. You don't get to assume the worst. In  
16 fact, the Judge is going to tell you and the constitution  
17 is going to tell you, that we founded our country on not  
18 assuming that. We founded our country by asking, why? What  
19 did that mean? And look, they aren't just knives and  
20 homemade shanks. Look at this. What is this? What is this  
21 gentleman carrying around? I mean, they are using  
22 everything that they can to hurt and to defend. And here's  
23 the --- here's the --- and I'll talk about reasonable doubt  
24 later. But here's the kicker of reasonable doubt, either  
25 they were hurting or they were defending. But if the state

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1 can't prove to you beyond a reasonable doubt that they were  
2 doing the hurting then the law makes this case very easy  
3 for you Ladies and Gentlemen. He says that you must find  
4 him not guilty, him not guilty. So where my little mouse is  
5 over here, had we had that other camera angle than we could  
6 have seen what else was going on, what Michael testified  
7 to. Michael the only one in the dorm at that time that this  
8 happened. The only testimony that the State wants you to  
9 say yeah, I just don't believe him. Of course he's gonna  
10 say that. Well of course he's going to say that because  
11 it's the truth.

12           Alright, we're getting closer. It's 20 minutes.  
13 Look at this movement, look. Again door open, number of  
14 people coming in and out. I'm gonna speed up a little bit  
15 because like I said, y'all are gonna have that back there  
16 with you. We're gonna get closer 59, 51, 52, 53, look how  
17 scared they are. Look at those hand signals up there those  
18 Crips are doing. Look at them. Look how terrified they are.  
19 You know who they were talking to? The other group of Crips  
20 that gets Ray Ray. And I want to talk to y'all about the  
21 ninety stab wounds you know, because we get to keep seeing  
22 --- we get to see that. I don't count ninety. You get to  
23 count them. Because you know why because there was a whole  
24 attack that we don't have beforehand that Michael saw and  
25 that Michael heard. It's still 21:33 Look at doors opening

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1 Oh, look at all these groups. Look somebody's congregating.  
2 Is Michael in there? Nope. We don't know what they're  
3 saying but the State wants to keep harping over and over  
4 Gangster Disciples didn't do anything. We don't know what  
5 they're talking about. Michael doesn't know what they're  
6 talking about. He doesn't know if they're saying look we're  
7 going to be outnumbered. Let's just get out of here. Let's  
8 just not participate because this is a bad idea because  
9 people are going to get hurt, our people are going to get  
10 hurt. We don't know what they're saying, you know, and we  
11 can't assume. But, Ladies and Gentlemen does that look like  
12 a friendly position to you in front of Michael's door where  
13 they want him to retreat? Does that look safe? Use your  
14 common sense. Because the answer is no. His fear was  
15 reasonable and it was imminent. But five minutes before  
16 this, that door is still open and people are going in and  
17 out. And we got this group down here, the group that's  
18 already busted in wielding weapons and coming in to the  
19 dorm that they have no business being in.

20 Okay, here we go, 21:59, 9:57 doors still open.  
21 Look at all these doors. You know who's cowering over here  
22 in the corner or let's take it from the State's level.  
23 Who's gathering over here in the corner on the other side?  
24 You can see it on the other video. The Bloods are like,  
25 we're going down we're gonna die. We're gonna die. It's

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1 going to happen tonight. We're gonna die. The law doesn't  
2 say you have to wait until the knife is in you to defend  
3 yourself. 9:58, look at those terrified Crips up there in  
4 the corner getting their weapons. Now they shut their door  
5 because let's go a little bit back, because you can see  
6 them, you can see them moving. They've got his friends or  
7 at least that's what they screamed. You see them? You see  
8 it you hear them? I mean you can't hear them, but you see  
9 them. You hear what they say. Or you see them say  
10 something, but you know who does hear what they say?  
11 Michael. And, no, we're not going to die. We're not going  
12 to do it. It's interesting to me because during the first  
13 part of the testimony, it was Michael was kicking down the  
14 door but then when they went back to watch the video,  
15 Michael's not kicking down the door. That's not Michael.  
16 Oh, but that's his mob of friends trying to get their  
17 friend out. And then Michael told you, they were tricked  
18 and they hear Ray Ray's scream. They hear his scream from  
19 the other groups of Crips that have him and that's where  
20 they go. And Ladies and Gentlemen, that's when the Judge is  
21 going to tell you that the law of self defense is just the  
22 same as when you're defending others and this is the other.  
23 They want to say oh well the attack, oh, he couldn't have  
24 seen the attack on Ray Ray it was already over. No it  
25 wasn't. 10 o'clock. 10 o'clock. Ray Ray and McClary are in

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1 it. I wonder if some of those --- some of those wounds that  
2 Mr. McClary had came from the fight where he was taking  
3 down, trying to take down Ray Ray. Ray Ray who you'll see  
4 laying on the floor with his throat slashed a little bit  
5 later on. This is the angry mob. No, this is the fear. This  
6 is a we got to get there. Look and they're still trying to  
7 keep this other group from coming in.

8 Ladies and Gentlemen, this is the reality of what  
9 was going on in that dorm. And yes, I will say it and I  
10 will say it until I'm blue in the face, I will say it that  
11 SCDC caused this. How is 2018 and now even 2023, you have  
12 to go and manually lock every door? That is unacceptable.  
13 That is unacceptable. Okay? I want to I want to show that  
14 little part again because, you know, they keep --- Again  
15 talking about Michael's actions and how he just had revenge  
16 and retaliation. If you were retaliating, does this make  
17 sense to you? If you were retaliating for the slaughter of  
18 three of your friends, are you going to stop it when the  
19 person is down, but not dead? No, no. That's not  
20 retaliation. Retaliation is you're going to end it just  
21 like they ended his friends, but that's not what Michael  
22 does. Michael says alright, he can't hurt us anymore. Okay,  
23 and here's another thing. Mr. Giese wants to say oh he, he  
24 Mr. McClary was trying to run away but in Michael's mind,  
25 where is Mr. McClary running to? He's running to the other

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1 gang that helps him with the weapons in their hands. How  
2 was Michael supposed to know that they had decided in their  
3 own minds not to attack. How was he supposed to know that?  
4 He isn't. This man is walking around. He is injured, yes.  
5 He is walking around and Michael is the one who said don't  
6 end him. He's pulling his friends off. That's not  
7 retaliation. That's not revenge. You see him and it's awful  
8 and it's horrible that we have to look at that because  
9 Ladies and Gentlemen, I think when you do this long enough,  
10 you become immune to it. And thankfully, each and every one  
11 of you, are not. And I know that this is emotional and the  
12 Judge is going to tell you we can't base it off of  
13 sympathy. But do I have sympathy? Yes. Did Michael have  
14 sympathy? Yeah. Did he stop the slaughter? Yes. Also he's  
15 laying right there in front of 1213. Okay, they back out.  
16 Okay the retaliation is over. Ladies and Gentlemen, if  
17 there was retaliation this wouldn't have stopped. They  
18 wouldn't have just got one person. If we're going to do an  
19 eye for an eye, let's get three. Let's get them all let's  
20 keep this from happening. This was not retaliation. It's  
21 not what the evidence shows. These are much later in the  
22 day. You can go a little further. Also yeah, did I, did I  
23 attack SLED, attack, did I attack SLED for not after five  
24 years given us the evidence? Who sat right here and got  
25 questioned as to why he didn't turn in his bloody uniform?

1 We all have duties. We all have duties. And just to do our  
2 job, right? We all have to do our job so that the right  
3 decisions can be made. Ask how many pictures not off of  
4 this video were put into evidence? Okay, this didn't ---  
5 these weren't taken in the dorms. How many weapons, how  
6 many weapons did they collect from F1 that night? How many  
7 how many pieces of evidence --- they keep saying was  
8 covered in Mr. McClary's blood. He didn't see Ray Ray.  
9 Okay. Okay, if that's your position that's your position  
10 and your burden and your burden, State of South Carolina  
11 then collect the uniform. Test the blood. Oh 20 --- 22:14.  
12 Let's go back just a little bit. Oh I attacked Officer  
13 Lopez, no, frustration, confusion, lack of understanding as  
14 to why at 22, does this look like people are celebrating?  
15 Does this look like, yeah? When they lost everything,  
16 Ladies and Gentlemen, that's when the true pictures come  
17 through. No, and I'll show you a little bit in a minute  
18 because they're like oh, he goes back upstairs. Yeah. He  
19 goes back upstairs because after he gets McClary off of Ray  
20 Ray --- No, he didn't see where he went. He didn't know he  
21 had been carried downstairs. So the first thing he does is  
22 he goes back upstairs to see his friend. To see if he's  
23 okay. That's why he went upstairs. Oh, well it has to be  
24 this way. There's certainly more than one explanation and

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1 until and unless and until they prove otherwise, then the  
2 law says you have to side with Mr. Smith.

3 Finally there's an inmate on the phone calling to  
4 the --- calling to the central. Help us. Help us. Help  
5 us. And yes, here is some frustration I will say it and I  
6 will continue to question as to why at eight minutes. No,  
7 he didn't do this. No, I'm not saying that Officer Lopez  
8 did this. Okay, but remember Officer Lopez is in fear for  
9 his life just like Michael. Okay there he is in fear. Help  
10 us. Help us. Look, look, look they are telling him he  
11 needs help. That's what they're telling him, he needs help.  
12 You have a radio. You're in charge. You're the boss of us,  
13 help him. And look and he's like, well, I can't because  
14 there's lots of people. Okay, well get them back. Is that  
15 reasonable? Is that a reasonable account of what is going  
16 on right here? Whatever. Then is it reasonable I can't do  
17 anything I'm not gonna call anybody I'm just gonna let that  
18 man who I'm looking at, remember he testified that he had  
19 never saw him but he's looking at him, bleed to death for  
20 hours. It's not okay. It's not justice. It's not right. Is  
21 it reasonable that after the threat is neutralized Michael  
22 and his friends, the mob, the gang, is it reasonable that  
23 when the threat is neutralized, they don't do anything else  
24 except stay out of it? It's reasonable, it's justified and  
25 it's what happened in this case.

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1           When you're evaluating self defense, and defense  
2 of others, you get to watch and you get to look at each and  
3 every one of these actions. And what you'll see is that  
4 they are supported by the evidence that the state put in.  
5 Look there they are. Look, they want to tell you that you  
6 can't see people outside of that door. Ladies and  
7 Gentlemen, every one of you has their own two sets of eyes.  
8 Sometimes I've got told I have four sets of eyes because I  
9 can't see from a distance, but you get to evaluate the  
10 evidence. You don't get to listen to what I say. You don't  
11 have to listen to what they say. You have to make your each  
12 own individual decision. Do you see people out there? Is it  
13 reasonable that those people are slaughtered and covered in  
14 blood and asking for help? Is it reasonable? And when you  
15 play all these you'll see who all goes down there and  
16 you'll see Michael. But more importantly what you'll see is  
17 here we go 9:55, 9:58. Look they're trying to get out there  
18 I don't know what they're doing. Is it reasonable that  
19 they're trying to get out the door? Is that a logical or  
20 reasonable explanation or is it something from outer space  
21 that I'm just creating because that's what defense  
22 attorneys do? That's up to you to decide, Ladies and  
23 Gentlemen. But let's go to, you know, their favorite part  
24 of the story which is, well, Ray Ray was already over  
25 there. Okay, and remember, it wasn't just --- so there it

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1 is. At 10:01:15 Ray Ray is being helped around the corner  
2 to lay on that floor. Well, you'll get to see how long if  
3 you watch all the videos. When they finally come in and  
4 start helping these inmates. Okay? And it's not just Ray  
5 Ray, look at look at all of these inmates, bleeding,  
6 bleeding out. And just like Mr. McClary, Ray Ray goes down,  
7 but he had help. He had somebody to put their hands --- to  
8 take off their clothes and to put their hands on this man's  
9 throat so he doesn't bleed out. But the State wants to tell  
10 you that Michael, no way he could have been acting in self  
11 defense. And he's going back upstairs. I assume they're  
12 trying to say that he's going back upstairs to fight? Nope  
13 because Ray Ray's bleeding on the ground. Michael has gone  
14 upstairs at this point, if you call that from the other  
15 video, ideally, I would like to have all of these playing  
16 simultaneously. Unfortunately, I'm just not that  
17 technologically challenged or unchallenged. Right? But what  
18 you recall, and you can go back and verify what I say or  
19 contest it. But at this point, Michael has pushed everybody  
20 away and is gone upstairs, but what he does next, Ladies  
21 and Gentlemen, what he does next tells you that his story  
22 has merit even if it is coming from an inmate. So bad with  
23 this little timer. Because there he was. That's him right  
24 there. Blood on his uniform and all. Is it reasonable to  
25 say that he was acting in self defense and defense of

1 others? Is that reasonable? When you watch the whole video,  
2 does that go to his state of mind? I'm going to turn this  
3 off now Ladies and Gentlemen, and I have squawked on long  
4 enough. When the judge talks to you about self defense,  
5 excuse me, when the Judge talks to you about reasonable  
6 doubt and again I'm just going to tell you they have to  
7 disprove these defenses beyond a reasonable doubt. It's  
8 done that way for a reason, Ladies and Gentlemen, I could  
9 have sat at that table this entire time and not said one  
10 word, and not put in one piece of evidence and the State  
11 would still have that burden. And that's done so for a  
12 reason. It's the most important principle in American  
13 jurisprudence, and that is that the State always has that  
14 burden. And in this case, in this time, with these facts  
15 and this evidence, they have not met that burden. They  
16 cannot disprove that Michael was acting in self defense or  
17 defense of others. Because the evidence is that he was. And  
18 Ladies and Gentlemen that is why when the Judge gives you  
19 the law and you apply the facts, we're going to ask you to  
20 find him not guilty. Now, what's about to happen is the  
21 worst part of my career and that is I have to sit down and  
22 shut up and I don't enjoy that because the State gets a  
23 chance, because they have that burden, to come up and to  
24 rebut things that I say. Okay? Because the burden is on  
25 them and always on them. And I can't get back up and say

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1 but what about this? Let me ask you a question to the  
2 prosecutor that comes up. I can't do that. But Ladies and  
3 Gentlemen, each and everyone of you can. Thank you. Under  
4 the law that requires you and I know that you will do that  
5 because under these facts, in this case, Michael Smith, was  
6 acting in self defense and defense of others. And the law  
7 says that you must find him not guilty. Thank you.

8 MS. SCOTT: Ladies and gentlemen, we all just sat  
9 here, listened to the defense just now. We all heard what  
10 their argument boils down to and that would be the blame  
11 game. They are sitting here trying to blame other people  
12 for Michael Smith's actions. The blame game. They are  
13 trying to say everyone else is responsible for his actions  
14 except himself. They're trying to blame SCDC, SLED, every  
15 other officer that was working that night, Officer Lopez  
16 who was surrounded by all these inmates that were armed, he  
17 was in fear for his own safety, they are trying to blame  
18 the victim himself. A man that is unarmed, alone, running  
19 away from a an angry mob of Blood members, and being  
20 viciously stabbed in the back over and over. They're trying  
21 to blame those actions on everyone else, but the one  
22 person, the one person who was responsible. The one person  
23 that's accountable and that's Michael Smith, the defendant  
24 right here. He is the one to blame. He is the one that  
25 stabbed Cornelius McClary over and over again, an unarmed

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1 man running away. He's the one that ran across the entire  
2 F1(B) unit, you saw it in this videotape, jumped over three  
3 or four of his friends just so he could get his shots in.  
4 He wanted to get his shots in and then he continued that  
5 attack down the stairs. He continued that attack all the  
6 way across the rock with his fellow mob gang members. He  
7 continued that attack because he is the one that is guilty.  
8 He is the one that is to blame, Ladies and Gentlemen and  
9 I'm asking you don't play the blame game. That's not what  
10 we're here for. We are here for Michael Smith, and hold him  
11 accountable for those actions.

12 Now, Mr. Zmroczek went over a couple of things,  
13 and I will be brief up here. I know y'all are probably  
14 tired of listening to all of us talk but there are a few  
15 things I wanted to address that she brought up. She sat up  
16 here and said well, how can Lopez be in fear but Smith  
17 can't. Well, Ladies and Gentlemen, CO Lopez is surrounded  
18 by armed angry 200 something inmates, he has no weapon on  
19 him. Mr. Smith why can't he be scared? Well, he's armed  
20 himself. He's surrounded by forty something Blood member  
21 friends, his best friend, Ladies and Gentlemen, do you  
22 remember he sat up there and these are his friends that  
23 he's part of this gang with and he can't remember a single  
24 name. Did that seem interesting to any of you? That's why  
25 he wasn't scared but Lopez was. She also brought up that

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1 Dr. Ross said that he could have been saved. Now, my  
2 recollection of the testimony, Dr. Ross testified that  
3 about twenty minutes or so nothing else would have changed.  
4 That was that was the testimony from Dr. Ross. She, Ms.  
5 Zmroczek, is mischaracterizing the evidence. She keeps  
6 talking about Michael's friends, Michael friends. People  
7 that kill Michael's friends. Ladies and Gentlemen, we're  
8 here for what happened in F1. No one in F1 killed Michael's  
9 friends. The only one in F1 who killed someone is Michael  
10 and his friends. That's what we're here for. She also said  
11 that the Bloods are hiding. The Bloods are hiding. They're  
12 not hiding in that corner. They're scheming. They're coming  
13 up with their plan. They're coming up with their plan to  
14 execute and go find these members of another gang. They're  
15 hiding. They are planning their attack. Another thing she  
16 kept mentioning and showing this video on and on, you see  
17 in the top you have the top floor and then the bottom  
18 floor, she kept talking about all those people downstairs.  
19 The testimony was those were the Gangster Disciples, not  
20 the Crips. The Crips are upstairs hiding in that one room,  
21 and then you had your lone other Crip in the other corner  
22 that were hiding themselves. Cornelius McClary was up in  
23 his cell hiding from this angry mob of Blood members. You  
24 know, another thing that I found interesting, she asked,  
25 well, this isn't retaliation, you know, if it was why

1 didn't he finish him off, he's trying to help them. Ladies  
2 and Gentlemen that is ridiculous. You know why? They're  
3 wanting him to suffer. I think one hundred and one stab  
4 wounds, they pretty much finished him off there. They're  
5 wanting him to suffer on the floor. Leave him there.

6 Ms. Zmroczek, she describes this case, as a self  
7 defense case. And you heard Mr. Giese I tell you the  
8 elements of self defense, I'm not gonna go through all that  
9 again. But as you know you have to prove not one, not  
10 two, not three, but all four.

11 MS. ZMROCZEK: Your Honor ...

12 MS. SCOTT: I'm sorry.

13 MS. ZMROCZEK: ... I object.

14 MS. SCOTT: I will withdraw. We have to ...

15 MS. ZMROCZEK: I would ask that that be stricken.

16 If we may approach?

17 THE COURT: Yes.

18 (Attorneys have side bar off the record)

19 THE COURT: Ladies and Gentlemen of the jury.  
20 It's the burden of the State to establish reasonable doubt.  
21 The defendant does not have to prove. Okay. You may  
22 proceed.

23 MS. SCOTT: Thank you, Your Honor. As I was  
24 saying, self defense, we have to, there are four elements  
25 that have to be showed for self defense.

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1 MS. ZMROCZEK: Again, Your Honor.

2 MS. SCOTT: I'm talking about the law. I'm  
3 discussing the law of the case.

4 THE COURT: I understand. Your objection is noted,  
5 overruled.

6 MS. SCOTT: Thank you, Your Honor. As I said, self  
7 defense, he does not show any of them. Self defense, he has  
8 to be without fault. Not true. He has to be in imminent  
9 fear of his life. Not true. A reasonable person would be in  
10 fear of his life. And a duty to retreat. You saw in this  
11 video there are all these other places he could have gone,  
12 he could have chosen any other way than what he chose that  
13 night. He chose to participate. To jump over all these  
14 other people and stab McClary in the back over and over and  
15 over again. This is not a self defense case, Ladies and  
16 Gentlemen. He wasn't scared that night, he was on the  
17 prowl. You know what this case really is about? What this  
18 case really boils down to, it's about the hunter and the  
19 hunting, pursuer and the pursued, predator and prey. That's  
20 what this case is about. You've heard that in F1 that  
21 night you had to two categories of people. You had your  
22 predators, those who were out to seek harm and do harm to  
23 other people and then the prey. Those who were hiding,  
24 trying to save their lives. Unfortunately, Mr. McClary that  
25 night, fell in that category of prey. Fell category to that

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1 prey category that Mr. Smith was the predator in. He was  
2 in that group of predators, that angry mob that was  
3 searching for their target, searching for someone to harm  
4 that night. Cornelius McClary was hunted down and savagely  
5 stabbed multiple times by a mob of killers. A mob in which  
6 the defendant was part of. And Ladies and Gentlemen, I  
7 submit to you that is shown by all the evidence we've  
8 presented. It's shown by this video. This video that you  
9 have seen over and over and over again. These pictures  
10 showing that they are running after him, chasing him. But,  
11 you know, what else is also important? How we know that  
12 Cornelius McClary was a target? The defendant's own words.  
13 You heard him up here yesterday testifying. Taking the  
14 stand talking about the victim and how the events occurred  
15 that night. You heard him. He described it as to what  
16 happened to eliminate the target. Eliminate the target.  
17 Those are his words. He himself called the victim a target.  
18 Yes, McClary was a target. He was the target of this man's  
19 range, this man's violence. And Ladies and Gentlemen, I  
20 know we've gone over these pictures multiple times and  
21 you've seen this but McClary was a target. They targeted  
22 him one hundred and one times. They stabbed him one hundred  
23 and one times. They stabbed him in the back. They stabbed  
24 an unarmed man. They stabbed a man that was running away  
25 trying to defend himself. Because he was a target of this

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1 group. He was prey to this predator. Now, there is a quote  
2 that I think is applicable in this case, it's by Voltaire.  
3 And in that quote is, To the living we owe respect but to  
4 the dead and we owe only the truth. And Ladies and  
5 Gentlemen, I submit to you the truth in this case, is shown  
6 by the evidence. That there was an angry mob of Blood  
7 members that gathered together, they schemed, they planned  
8 and they executed that plan by finding their target in Cor  
9 Cornelius McClary and killing him. Stabbing him to death  
10 one hundred and one times.

11 Ladies and gentlemen, I ask that you look at this  
12 case for what it really is. You have the direct evidence  
13 you have this videotape. All these other things that you're  
14 hearing about, use your common sense. See the evidence for  
15 what it is. Michael Smith was a predator that night. He is  
16 accountable. No one else is to blame but himself. I'm going  
17 to ask that you render the only verdict in this case that  
18 is the truth. The only verdict that shows justice and that  
19 is guilty on all charges. Thank you.

20 THE COURT: Ladies and Gentlemen, I need to take a  
21 short matter of law up with the attorneys in this case. I'm  
22 going to send you to the jury room for a few minutes. I'll  
23 bring you back out, charge you the law and give you this  
24 case to decide. Don't discuss the case yet. If you will go  
25 to the jury room.

1 (Jury Break 12:28)

2 THE COURT: Okay Ladies and Gentlemen, the defense  
3 has requested a charge of necessity. I gave y'all a copy  
4 of that charge. That is a charge that came out of my charge  
5 book given to me by the Supreme Court. Do y'all both agree  
6 that that charge is a current law in this State?

7 MS. ZMROCZEK: When I checked last night when I  
8 asked for it, that's ...

9 THE COURT: So you think the defendant has the  
10 burden of proving necessity?

11 MS. ZMROCZEK: So --- And that, I guess, I didn't  
12 read so I didn't have your charge last night. Let me get  
13 them out.

14 THE COURT: In that charge it says the defense has  
15 raised the charge of necessity. In order to dispute a  
16 crime on the grounds of necessity, the defendant must show  
17 by preponderance or greater weight of the evidence three  
18 things.

19 MS. ZMROCZEK: So I ...

20 THE COURT: So the burden is shifting to the  
21 defendant. I just want to be sure that y'all agree that  
22 that's the law.

23 MR. GIESE: Yes.

24 MS. ZMROCZEK: I think that's a law but what I  
25 think we need to --- Well, so but it's only --- I only ---

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1 I can only raise that for that one charge. You see what I'm  
2 saying?

3 THE COURT: It only applies to the charge  
4 possession of a weapon.

5 MS. ZMROCZEK: Possession of a weapon. I think  
6 that's the only --- I think that's the only. Don't you  
7 agree that that's the only case?

8 THE COURT: Yes. I mean the cases that I have  
9 read.

10 MS. ZMROCZEK: I just can't hear that's why ...

11 THE COURT: I'm sorry. The cases that I have read  
12 that deal with this charge, the Supreme Court is saying  
13 that there was a question and the judge should have charged  
14 it and reversed it because he didn't but I can't find any  
15 recent cases that deal with the burden shifting in this  
16 charge, which is usually, you know, in the last decade or  
17 so been getting away with the burden. The defendant has no  
18 burden ...

19 MS. ZMROCZEK: And we can't --- I know that we had  
20 a bench conference and just so the record was clear that  
21 that's what we had argued. And I believe the court  
22 corrected it. Because we had a bench conference.

23 THE COURT: Okay, so the charge that I gave you  
24 that's in my book, y'all agree that that's the current law

1 and the burden for the defendant to prove by a  
2 preponderance of greater weight of the evidence?

3 MS. ZMROCZEK: I agree that it is, Your Honor, but  
4 I think that we need to and I think Barney would agree we  
5 need to make sure that the jury understands that that is  
6 for that one charge.

7 THE COURT: Okay.

8 MS. ZMROCZEK: You see what I'm saying?

9 THE COURT: Okay so I'll say this. Under the  
10 charge of possession of a weapon by an inmate that the  
11 defendant has raised the defense of necessity ...

12 MS. ZMROCZEK: For that charge.

13 MR. GIESE: For that charge.

14 THE COURT: Okay.

15 MS. ZMROCZEK: And I think that that will be more  
16 clear.

17 MR. GIESE: Your Honor, and my memory was that  
18 necessity was normally used for escapes and arming  
19 themselves and that type thing.

20 MS. ZMROCZEK: Right, right, right.

21 MR. GIESE: And that was a, I don't like to say a  
22 affirmative defense, but they had to prove that and I know  
23 that was the law but I know what you're saying.

24 MS. ZMROCZEK: No, it's the words and I ...

25 MR. GIESE: I know what you're saying.

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1 THE COURT: They may change that.

2 MS. ZMROCZEK: They may and so I think, I mean, I  
3 think it is the law as it stands now but I think that in  
4 order to prevent that proof, you know, to go, I think if we  
5 can just ... Yeah.

6 THE COURT: Okay.

7 MS. ZMROCZEK: Thank you.

8 THE COURT: Is there anything else we need to deal  
9 with before I charge the jury?

10 MS. ZMROCZEK: May I go to the restroom very  
11 quickly?

12 THE COURT: Yes. We will take a five minute  
13 break.

14 MS. ZMROCZEK: Okay.

15 THE COURT: Then I'll get the jury back out.

16 MS. ZMROCZEK: Thank you.

17 (There was a break in the court proceedings)

18 (Jury enters courtroom 12:37)

19 THE COURT: Okay, now Ladies and Gentleman, you  
20 have heard the closing arguments from the state and the  
21 defense in this case. And now I'm going to explain to you  
22 the law that's going to apply in this case. Under our  
23 constitution and code of laws, the jurors are the finders  
24 of the facts of the case. I told you earlier, I'm not  
25 permitted to have an opinion about the facts. So if I've

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1 said anything or done anything in this trial that you think  
2 I have an opinion about a fact, you are to disregard that  
3 because you and only you will determine what the facts are  
4 in this case. That same constitution and code of law that  
5 makes you the exclusive judge of the facts makes me the  
6 exclusive judge of the law. So if you have an idea of what  
7 you think the law is or what the law should be and it  
8 differs from what I now tell you the law is, under your  
9 oath you are to disregard your ideas and accept the law  
10 exactly as I've given it to you.

11           The fact that this defendant was arrested and  
12 charged and indicted in this case is not evidence in this  
13 case. It cannot be considered by you as evidence of guilt.  
14 It does not create any presumptions or inference of guilt.  
15 The indictment is simply a formal legal instrument which  
16 contains the charges against this defendant and serves as  
17 the indictment that processes this through the court  
18 system. The defendant has entered a plea of not guilty to  
19 this indictment and that plea cast a burden on the State of  
20 South Carolina to prove each and every element of that  
21 indictment to you beyond a reasonable doubt. A person  
22 charged with a criminal defense in South Carolina is never  
23 required to prove himself or herself innocent. It is an  
24 important rule of law, in this country, that the defendant  
25 in a criminal trial will always be presumed innocent of the

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1 crime for which he or she is charged, unless and until his  
2 guilt has been proven by evidence that satisfies you of  
3 that guilt beyond a reasonable doubt.

4           The presumption of innocence is not a mere legal  
5 theory. It is not just a legal phrase. It is a substantial  
6 constitutional right to which every defendant is entitled.  
7 This presumption of innocence accompanies the defendant  
8 from the time he is charged, throughout the trial, until  
9 you reach a verdict of guilt based on evidence that  
10 satisfies you of that guilt beyond a reasonable doubt. A  
11 reasonable doubt, is a doubt which makes a honest, sincere,  
12 conscientious juror in search of the truth to hesitate to  
13 act. Proof beyond a reasonable doubt, must be proof of such  
14 a convincing character that a reasonable person would not  
15 hesitate to rely and act upon it. The most important of his  
16 or her affair. Proof beyond a reasonable doubt can also be  
17 described as proof that leaves you firmly convinced of the  
18 defendant's guilt. There are very few things in this world  
19 that we know with absolute certainty. And in a criminal  
20 case, the law does not require proof that overcomes every  
21 possible doubt. If based on your consideration of the  
22 evidence you are firmly convinced that the defendant is  
23 guilty of the crime charged, you must find him guilty. On  
24 the other hand, if there's a real possibility he's not

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1 guilty, you must give him the benefit of that doubt and  
2 find him not guilty.

3 Now, in determining the facts of the case, you  
4 must necessarily pass upon the credibility which simply  
5 means the believability of the witnesses and the value and  
6 weight to be given to their testimony. You alone must  
7 decide the force and effect and the truth of this testimony  
8 in making these decisions. There are many things that you  
9 should take into consideration, such as the appearance or  
10 the manner of the witness on the stand, sometimes referred  
11 to as the demeanor of the witness. Was the witness  
12 forthright or hesitant? Was the witness's testimony  
13 consistent, or did it contain discrepancies? What were the  
14 ability of the witness to know the facts by which he or she  
15 testified? Did the witness have a cause or reason to be  
16 biased and prejudiced in favor of the testimony he or she  
17 gave? Was the testimony of the witness corroborated, made  
18 stronger by other testimony or other evidence or was it  
19 made weaker or impeached by other such evidence or  
20 testimony?

21 Now, the rules of evidence do not ordinarily  
22 permit a witness to testify to opinions or conclusions. An  
23 exception to this rule exists from witnesses we call expert  
24 witnesses. A witness whom by education and experience has  
25 become an expert in some part of science or profession or

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1 calling may state an opinion as to relevant and material  
2 matters in which the witness claims to be an expert. It  
3 may also state the reasons for that opinion. You should  
4 consider an expert opinion received as evidence in this  
5 case like any other evidence. You give it the weight that  
6 you think it deserves. If you decide that an opinion of an  
7 expert is not based on sufficient education and experience  
8 or if you conclude that the reasons given in support of  
9 that opinion are not sound or that the opinion is  
10 outweighed by other evidence you make disregard that  
11 opinion in its entirety. An expert opinion is to be given  
12 no greater weight than that of any other witness simply  
13 because the witness is an expert. Further, you're not  
14 required to except an expert's opinion, even though it is  
15 not contradicted. As jurors, you have a right to believe a  
16 small portion of the witness's testimony and disregard or  
17 vice versa. You may believe all of the witness's testimony  
18 or none. You may believe the testimony of a single witness  
19 against that of many or the other way around.

20 Now criminal intent is a necessary element of  
21 each crime and it must be proven by the State beyond a  
22 reasonable doubt. Criminal intent is always a matter that  
23 must be determined by the jury and the circumstances  
24 surrounding the situation. There is no way to prove intent  
25 to a mathematical certainty. There's no way medical science

1 can dissect a persons brain and determine what he or she  
2 had in mind. So, the law states criminal intent may be  
3 inferred from the circumstances shown to exist both before  
4 and after the fact. This is how you the jury make a  
5 determination of whether or not the elements required  
6 intent was present. Criminal intent is a state of mind that  
7 operates jointly as an act or a commission of an act or  
8 crime. Criminal intent is a mental state of conscious  
9 wrongdoing. So it is up to you, the jury, to determine what  
10 the defendant's intent was based on the circumstances shown  
11 to have existed. And I tell you, criminal intent must be  
12 proven beyond a reasonable doubt just as every other must  
13 be proved beyond a reasonable doubt by the State of South  
14 Carolina.

15 Now, there are two types of evidence that are  
16 generally presented in a trial. Direct evidence and  
17 Circumstantial evidence. Direct evidence directly proves  
18 the existence of a fact and does not require a deduction.  
19 Circumstantial evidence is proof of a chain of facts and  
20 circumstances indicating the existence of a fact. Crimes  
21 may be proven by circumstantial evidence, and the law makes  
22 no distinction between the weight or value given to either  
23 direct or circumstantial evidence. However, to the extent  
24 that the state relies on circumstantial evidence, all of  
25 the circumstances must be consistent with each other. And

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1 when taken together only conclusively to the guilt of the  
2 accused beyond a reasonable doubt. If these circumstances  
3 merely portray the defendant's behavior as suspicious, the  
4 proof has failed. The state has the burden of proving the  
5 defendant's guilt beyond a reasonable doubt and this burden  
6 rest with the State regardless of whether the State relies  
7 on direct evidence, circumstantial evidence, or a  
8 combination of the two.

9 Now the defendant has raised the defense of self  
10 defense. Self defense is a complete defense. And if it is  
11 established you must find that the defendant is not guilty.

12 The State has the burden of disproving self defense by  
13 proof beyond a reasonable doubt. If you have a reasonable  
14 doubt of the defendant's guilt after considering all of the  
15 evidence, including the evidence of self defense, then you  
16 must find the defendant not guilty. On the other hand, if  
17 you have no reasonable doubt of the defendant's guilt after  
18 considering all of the evidence, including the evidence of  
19 self defense, you must find the defendant guilty. Now, the  
20 following elements are required to establish self defense.  
21 First, the defendant must be without fault in bringing on  
22 the difficulty. If the defendant's conduct was the type  
23 which was reasonably calculated to and did revoke a deadly  
24 assault, the defendant would be at fault in bringing about  
25 the difficulty and would not be entitled to an acquittal

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1 based on self defense. The second element of self defense  
2 is that the defendant was actually in imminent danger of  
3 death or serious bodily injury or that the defendant had to  
4 believe he was in imminent danger of death or serious  
5 bodily injury. If the defense was actually in imminent  
6 danger, it must be shown that the circumstances would have  
7 warranted a person ordinary firmness and courage to strike  
8 the fatal blow to prevent death or serious bodily injury.  
9 If the defendant believed he was in imminent danger of  
10 death, or serious bodily injury, it must be shown that a  
11 reasonable, prudent person of ordinary firmness and courage  
12 would have had the same belief. In deciding whether the  
13 defendant actually was or believed he was in imminent  
14 danger of death or serious bodily injury, you should  
15 consider all the facts and circumstances surrounding the  
16 crime, including the physical conditions and  
17 characteristics of the defendant and the victim. The  
18 defendant does not have to show that he was actually in  
19 danger, it is enough the defendant believed he was in  
20 imminent danger and a reasonably prudent person of ordinary  
21 firmness and courage would have had the same belief. The  
22 defendant has a right to act on appearances even though the  
23 defendant's belief may have been a mistake. If you decide -  
24 -- I'm sorry, whether the defendant's fear of imminent  
25 danger of death or serious bodily injury would have been

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1 felt by an ordinary person in the same situation. Threats  
2 made by the victim may be considered in determining whether  
3 the defendant actually was or believed he was in imminent  
4 danger. And finally, the final element of self defense is  
5 that the defendant had no other probable way to avoid the  
6 danger or death, I'm sorry, the danger of death or serious  
7 bodily injury than to act as the defendant did in this  
8 particular incident. A person cannot be required to make  
9 an effective calculation as to the degree or amount of  
10 force which may be needed to avoid death or serious bodily  
11 injury. Therefore, self defense the defendant has a right  
12 to use the force needed to avoid death or serious bodily  
13 harm. The force used in self defense does not have to be  
14 limited to the degree or amount of force used by the  
15 victim. The defendant has a right to use so much force as  
16 appears to be necessary for complete self protection in  
17 which a person of ordinary reason and firmness would have  
18 believed to be needed to prevent death or serious bodily  
19 injury. If a defendant is justified in defending himself or  
20 others then the defendant is also justified in continuing  
21 until it is apparent that the danger of death or serious  
22 bodily injury has completely ended.

23 Now, under the law of self defense, the defendant  
24 may take another's life in the defense of others. The right  
25 to intervene to protect another person is subject to the

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1 same rights and limitation as the right of self defense.  
2 The defendant may take a life of a person who assaulted a  
3 friend, relative, or bystander if that friend, relative, or  
4 bystander would have had the right of self defense  
5 themselves. To show that a person, being the defendant had  
6 a right to self defense it must first be shown that the  
7 person being defended and the defendant would have both  
8 been without fault, I'm sorry, if the person that they are  
9 defending and the defendant were without fault in bringing  
10 on the difficulty. If the conduct of the person defended or  
11 the defendant reasonably calculated to and did provoke  
12 deadly assault, then the person would be at fault for  
13 bringing on the difficulty. He would not have had the right  
14 to self defense. Therefore the defendant would not have the  
15 right to use deadly force in defending that person. The  
16 defense of another is excusable if the defendant had a  
17 reasonable ground to believe, and in good faith did  
18 believe, that the person being defended was in imminent  
19 danger of death or serious bodily injury from the victim.  
20 In deciding whether the person defended actually was or  
21 that the defendant actually believed the person was in  
22 imminent danger of death or serious bodily injury, you  
23 should consider all the facts and circumstances surrounding  
24 the crime, including the physical condition and  
25 characteristics.

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1           Now, the defendant is charged with conspiracy.  
2           The state must prove beyond a reasonable doubt that the  
3           defendant combined with one or more persons for the purpose  
4           of committing an unlawful act or of committing a lawful act  
5           by unlawful means. There must be mutual understanding,  
6           agreement, or common intention and plan. Mere passive  
7           knowledge or consent to the criminal conduct of another is  
8           not enough to make a person a conspirator. There must be  
9           guilty knowledge and participation. Similarly, the mere  
10          fact that a person may have associated with another person  
11          or met with another person and discussed common aims and  
12          interests does not necessarily establish proof of the  
13          existence of a conspiracy or that the defendant was  
14          involved in a conspiracy.

15                 On the other hand, it is not necessary that the  
16          agreement be a formal one or that it be in writing or that  
17          the persons holding a meeting and expressly state the terms  
18          of the common plan, or that the agreement be stated in  
19          words between them. The agreement of a criminal conspiracy  
20          may come into being through an implied, mutual  
21          understanding. The willful, intentional and knowing  
22          adoption by two or more persons of a common plan is  
23          sufficient. No overt act needs to be done to establish a  
24          conspiracy. A conspiracy may be shown by circumstantial  
25          evidence and the conduct of the parties. In order to

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1 convict the defendant of conspiracy, the State must prove  
2 beyond a reasonable doubt not only that defendant knew of  
3 the unlawful conduct, but that the defendant agreed to  
4 combine with the other persons for the purpose of  
5 accomplishing the unlawful conduct.

6 Now, the defendant is also charged with assault  
7 and battery by mob in the first degree. In order to prove  
8 assault and battery by mob in the first degree, the State  
9 must prove beyond a reasonable doubt that an act of  
10 violence was committed by a mob on the body of a person  
11 which results in the death of the person. A mob is the  
12 gathering of two or more persons, without color or  
13 authority of law, for the premeditated purpose and with the  
14 premeditated intent to committ an act of violence on  
15 another person.

16 Now, the defendant is also charged with carrying  
17 a weapon by an inmate in a prison. It is unlawful for an  
18 inmate of a State correctional facility or of a local  
19 detention center facility to carry on his person or to have  
20 in his possession a dirk, slingshot, metal knuckles, razor,  
21 firearm, or any object, homemade or otherwise, that may be  
22 used for the infliction of personal injury upon another  
23 person, or to willfully conceal any weapon within any  
24 Department of Corrections facility or other place of  
25 confinement.

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1           Now as far as the charge of an inmate carrying a  
2           weapon is concerned. This defendant has raised the defense  
3           of necessity. In order to excuse the crime, perhaps through  
4           necessity, the defendant must show by a preponderance or  
5           greater weight of the evidence three things. One, there was  
6           a present and imminent emergency which arose without fault  
7           on the part of the defendant. Two, the emergency was of the  
8           type that would cause a well rounded fear of death or  
9           serious bodily injury, if the act was not done and there  
10          was no other reasonable alternative other than to commit  
11          the crime to avoid the threat of harm. If you find the  
12          defendant has proved the defense of necessity, by the  
13          preponderance of the evidence, you must find the defendant  
14          not guilty as to the crime of the inmate carrying a weapon  
15          in the correctional facility. That only applies to that one  
16          charge.

17                 Now, Ladies and Gentlemen, you are not partisans  
18                 or advocates for the state of South Carolina of this  
19                 defendant. You do not serve as jurors to reward your  
20                 friends or punish your enemies. You have been selected by  
21                 both the state and this defendant to be fair and impartial  
22                 jurors and it's your duty by the majority of the  
23                 deliberations to determine the facts of this case, you give  
24                 the defendant the benefit of every reasonable doubt on each  
25                 and every issue. And then to the facts you determine to be

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1 the truth you are to apply the law that I have given you  
2 and reach a verdict in this case. Now, that verdict must be  
3 unanimous, all twelve of you must agree to this verdict  
4 before you sign it. Mr. Foreperson I will give you a  
5 verdict form. And it must be unanimous, all twelve of you  
6 must agree on it. Now I've had my law clerk print up this  
7 verdict form. It simply has the caption of this case, State  
8 of South Carolina versus Michael Juan Smith. And there are  
9 three possible verdicts on this form. These are  
10 independent. You must take each one separately, consider  
11 each one separately.

12           Number one, we the jury unanimously find the  
13 defendant Michael J. Smith guilty of conspiracy or not  
14 guilty of conspiracy.

15           Number two, we the jury unanimously find the  
16 defendant Michael J. Smith guilty of assault and battery by  
17 mob first degree or not guilty of assault and battery by  
18 mob first degree.

19           Number three, we the jury unanimously find the  
20 defendant Michael J. Smith guilty of a prisoner carrying or  
21 concealing a weapon or not guilty of a prisoner carrying or  
22 concealing a weapon.

23           When you have reached a verdict on these three,  
24 you will sign the bottom of the verdict form. You date it.  
25 You knock on the door and we will bring you out and receive

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1 the verdict. On each count you consider separately and  
2 your verdict must be unanimous, all of you must agree. In  
3 the order we put these in, you should draw no conclusion  
4 from that whatsoever. We just had to put them in some  
5 order. Now, if one of you needs to be excused to go to the  
6 restroom or you need to be excused for any reason then you  
7 have to stop talking. You can only talk about the case when  
8 all twelve of you are in the room together. Okay. I'm  
9 going to go over my charges with the lawyers. I may have  
10 left something out. If I have left something out, I will  
11 bring you back out and charge you further with the law. If  
12 I have covered everything then I will send this verdict  
13 form into the jury room as well as the evidence in this  
14 case and once you receive this you can begin your  
15 deliberation. Now, you will be sent a way to play videos  
16 back there. Hopefully at least one of you will have the  
17 technical skills to play it. If you can't, then you need to  
18 let the bailiff know and we can get somebody to get in  
19 there and we can play whatever evidence y'all need to see  
20 in this case.

21 Now, if you have a question for me, you have to  
22 write that question on a piece of paper. I cannot answer  
23 the questions of fact. I can only answer questions on the  
24 law. I can explain the law to you. I can recharge you. I  
25 can do that. I can't reopen the case and all of the

1 testimony. If you have a question of fact, I can't answer  
2 that. But if you have a legal question, I can bring you  
3 back and answer that legal question. So, if you will go to  
4 your jury room. I need my two alternates to stay. I just  
5 need the twelve of you go into the jury room. I'll either  
6 get you back out in a minute or two or I'll send all this  
7 evidence to you. Okay? When you reach a verdict, be sure to  
8 knock on the door and let me know when you have received a  
9 verdict. I was a part of a case one time where the judge  
10 forgot to tell the jury that. They sat there all day  
11 because they didn't know what to do.

12 (Jury exits the courtroom 1:05)

13 THE COURT: Are there any exceptions or additions  
14 on behalf of the State?

15 MR. GIESE: No, Your Honor.

16 MS. ZMROCZEK: None from the defense, Your Honor.  
17 I think we both have reviewed the evidence and ...

18 THE COURT: Okay. If y'all will get everything  
19 together with my Court Reporter we will send it back. The  
20 alternates, any objection if I release them?

21 MS. ZMROCZEK: I don't think there's an issue.

22 MR. GIESE: None from the State.

23 (The alternates were released from court)

24 (Jury enters courtroom at 2:06 p.m.)

25 THE COURT: Mr. Forema, have you reached a

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1 verdict?

2 FOREMAN: Yes, Your Honor.

3 THE COURT: Is it unanimous?

4 FOREMAN: Yes, Your Honor, it is.

5 THE COURT: You can pass it to the Clerk. You  
6 ma,y publish the verdict.

7 CLERK: Okay. In the case of State of South  
8 Carolina versus Michael Juan Smith.

9 Number One, we, the jury, unanimously find the  
10 defendant, Michael Juan Smith, guilty of conspiracy.

11 Number Two, we, the jury, unanimously find the  
12 defendant, Michael Juan Smith, guilty of assault and  
13 battery by mob first degree; and

14 Number Three, we, the jury, unanimously find the  
15 defendant, Michael Juan Smith, guilty of a prisoner  
16 carrying a concealed weapon.

17 THE COURT: Okay. Anything from the State before I  
18 release the jury?

19 MR. GIESE: No, Your Honor.

20 THE COURT: Anything from the defense?

21 MS. ZMROCZEK: We would as that the jury be  
22 individually polled now.

23 THE COURT: Okay. We can poll the jury.

24 CLERK: I'm going to call out your names and when  
25 I do I'm going to need you go stand up. I'm going to ask

1       you two questions.

2               Kenneth Holland. Is this your verdict and still  
3 your verdict?

4               MR. HOLLAND: Yes.

5               CLERK: Thank you sir.

6               CLERK: Luther Smith. Is this your verdict and  
7 still your verdict?

8               MR. SMITH: Yes sir, it is.

9               CLERK: Ella Anderson. Is this your verdict and  
10 still your verdict?

11              MS. ANDERSON: Yes sir.

12              CLERK: Latoya Joe. I think I've got the wrong  
13 name. Juror 124 isn't on this list. Pamela Atkinson, is  
14 this your verdict and still your verdict?

15              Ms. Atkinson: Yes, Your Honor.

16              CLERK: Okay. Jane Stokes.

17              MS. STOKES: Yes, Your Honor.

18              CLERK: Is this your verdict and still your  
19 verdict?

20              MS. STOKES: Yes, Your Honor.

21              CLERK: Katrina Fleming, is this your verdict and  
22 still your verdict?

23              MS. FLEMING: Yes, Your Honor.

24              CLERK: Thank you. Rebecca Hayden, is this your  
25 verdict and still your verdict?

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1 MS. HAYDEN: Yes, Your Honor.

2 CLERK: Okay. Raven Carraway, is this your  
3 verdict and still your verdict?

4 MS. CARRAWAY: Yes, Your Honor.

5 CLERK: Harmon Jenkins, is this your verdict and  
6 still your verdict?

7 MR. JENKINS: Yes, Your Honor.

8 CLERK: Laura Legrant, is this your verdict and  
9 still your verdict?

10 CLERK: Yes, Your Honor.

11 CLERK: Okay. Sharedia Simon, is this your  
12 verdict and still your verdict?

13 MS. SIMON: Yes, Your Honor.

14 CLERK: Okay. Cameron Contreras, is this your  
15 verdict and still your verdict?

16 MR. CONTRERAZ: Yes, Your Honor.

17 CLERK: Okay. Is there anyone I missed?

18 THE COURT: Okay. The jury has been polled. Is  
19 there anything else before I dismiss the jury?

20 MS. ZMROCZEK: Nothing further.

21 MR. GIESE: No, Your Honor.

22 THE COURT: Ladies and gentleman, I want to thank  
23 you for your service this week. I've been telling you you  
24 can't talk about this case and now you can talk about it to  
25 anyone you want to. You don't have to. That card you have,

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1 your compensation will be on that. If you need a work  
2 excuse, she will provide that to you as well. Thank you  
3 for your service.

4 (Jury was dismissed for the week)

5 THE COURT: Do y'all have a sentencing sheet?

6 MS. SCOTT: No we do not but we will get one  
7 together quickly.

8 THE COURT: Y'all superstitious about that?

9 MS. SCOTT: Yes, sir.

10 MS. ZMROCZEK: Your Honor, while they are doing  
11 that can I enter my motion for mistrial?

12 THE COURT: Sure.

13 MS. ZMROCZEK: Okay. Your Honor, obviously we  
14 would, due to the quickness of the verdict, and the amount  
15 of video evidence that was clearly not reviewed, we would  
16 ask that the verdict be set aside.

17 THE COURT: Anything else?

18 MS. ZMROCZEK: No sir.

19 THE COURT: Okay. Well I think there's sufficient  
20 evidence in this record that the jury could reach the  
21 verdict they reached and would respectfully deny your  
22 motion. Has the victim's family in this case been notified?

23 MR. GIESE: Yes, sir. I have a statement from the  
24 victim's mother, I'd like to read.

25 THE COURT: Okay.

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1 MR. GIESE: I do have a victim impact that I  
2 would like to read at some point.

3 THE COURT: Okay.

4 MR. GIESE: The statement of Mary Wilson the  
5 mother of Cornelius McClary, I am unable to attend this  
6 hearing today as I have had so many unanswered questions  
7 and cannot bare to see those responsible for what happened  
8 to my child five years ago. I've been thinking of my son  
9 all day with teary eyes and my heart pounding rapidly. I  
10 suffer from the pain, anxiety and depression as my only  
11 child was taken from me. My grandson and I want peace. As a  
12 mother, I cannot sleep at night. I suffer from panic  
13 attacks and have broken into pieces. You cannot know the  
14 pain I feel daily, especially on holidays and days around  
15 my son's birthday. This mother is lonely. Not one day, or  
16 one month but my heart hurts every single day. My grandson  
17 must grow up without the dad he loves so much. My son's  
18 father is also broken because of the loss of Cornelius. All  
19 that remains are the memories of my son and the grandson  
20 left fatherless. I keep asking how someone could be so  
21 cruel to take a life like that. My child is no animal to be  
22 slaughtered the way the media portrayed the horrible events  
23 that happened that day. I have no sympathy at all for those  
24 who took my son's life. Because of these here guilty today,  
25 my son is resting eternally. My heart goes out to the

1 parents of the other seven lives that were taken as well.  
2 And really hope these men realize what they contributed to  
3 was so very wrong. Your parents and loved ones were  
4 probably devastated when they learned what you did. You  
5 acted like animals to do such a thing without a thought.  
6 Death is eternal and all that contributed to this should be  
7 punished as possible. There will be plenty of time to sit  
8 and think about what you've done until your death just know  
9 that there's a God that sits on high and he's ultimately in  
10 control. I don't know what the outcome will be but I pray  
11 justice will be served to all that caused the loss of so  
12 many lives. I also pray for peace of mind for myself and my  
13 grandson who I must raise not only his grandmother, but as  
14 an absent father as well. May you never see the rise or  
15 setting of the sun again for what you have done. Please,  
16 Your Honor, give my son justice. Your Honor, as to his  
17 prior record.

18 THE COURT: Okay.

19 MR. GIESE: I think you know it but just for the  
20 record, I'll put it on there.

21 MS. SCOTT: Yes, Your Honor. In 2010, he has  
22 possession of marijuana. He has a burglary second degree in  
23 2010. In 2013, he has a burglary second degree violent and  
24 a grand larceny. He has entry onto land after notice in  
25 2013. And then in 2015, he has a possession of a weapon  
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1 by a person convicted of a violent felony.

2 THE COURT: Okay. Anything else from the State?

3 MR GIESE: Yes sir, Your Honor. Very briefly. I'm  
4 old school. I leave it up to the judge as to what sentence  
5 you give. For the mob he's looking at 30 to life. I will  
6 say this is a very brutal case. I believe Mr. Smith had no  
7 right to take his life. And I just ask you to sentence him  
8 accordingly.

9 THE COURT: Okay.

10 MR. GIESE: Yes, sir.

11 THE COURT: You think it's 30 to life? I thought  
12 it was a maximum of 30.

13 MS. SCOTT: No, Your Honor. It's 30 years to life.

14 MR. GIESE: It's a minimum of 30, I think.

15 MS. SCOTT: It is.

16 MS. ZMROCZEK: It's what?

17 MR. GIESE: Minimum of 30, right?

18 MS. SCOTT: Yes, Your Honor. It's minimum 30 years  
19 to life.

20 THE COURT: Okay.

21 MS. ZMROCZEK: Thank you, Your Honor. I'm gonna  
22 hand up some photos. I don't know that the court has seen  
23 them. And I think that they're appropriate especially for  
24 mitigation. Your Honor, you have sat through this trial  
25 and you have seen the conditions at the prison. Putting

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1 people in prison and treating them like that is not  
2 appropriate. We're wasting valuable time, energy and  
3 resources worrying about locking people up and then we're  
4 not taking care of them. That's not the definition of a  
5 civilized society. In addition, Your Honor, for the last  
6 five years, Mr. Smith who was acquitted or who was, excuse  
7 me, his case was overturned so he's been getting dead time  
8 in prison or in jail at the Alvin S. Glenn Detention Center  
9 where they have rats, riots. The conditions are --- the  
10 FEDs are even investigating that at this point. These are  
11 the pictures that you're looking at of his friends that he  
12 was sent that evening along with threats, their jackets  
13 hanging over the fences, the barbed wire, bodies were being  
14 having pulled down. Your Honor, I understand that the  
15 prison didn't want this information to come out but it is  
16 relevant to why we're here. I think that had they had any  
17 control over those inmates that we wouldn't have those  
18 kinds of shanks that we saw and those kinds of weapons for  
19 people to have to have those things when we are detaining  
20 them is simply unacceptable. Additionally, Your Honor, the  
21 thing that I think is most frustrating is that even if he  
22 gets the minimum today, he still has ten years of federal  
23 time that nobody would let him go do. He has ten years of  
24 federal time I asked for a bond so that he could do his  
25 federal time while we were waiting. Nope. Denied, denied,

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1 denied, not by Your Honor. Denied, denied, denied. He has  
2 ten years of federal time that he has gotten zero credit  
3 form so that is also hanging over his head. We would ask  
4 that the court give the mandatory sentences available in  
5 this case.

6 THE COURT: Okay.

7 MR. ZMROCZEK: The minimum, excuse me.

8 MR. GIESE: And just one thing about the  
9 possession of a weapon, Your Honor. That is a consecutive  
10 sentence.

11 THE COURT: I understand that.

12 MR. GIESE: Yes, sir. Just to make sure.

13 MS. ZMROCZEK: And Your Honor, his family has been  
14 here obviously to support him. He is 31 years old, I think  
15 as you heard on the stand. This is someone who,  
16 unfortunately, has spent, at this point, almost more of his  
17 life in prison and just as a society I think that that is  
18 something that we should all reevaluate so hopefully maybe  
19 with the information that gets out to the public now that  
20 we can make some changes.

21 THE COURT: Is he getting any credit for any time  
22 served?

23 MR. GIESE: Well Your Honor, he was indicted in  
24 2021.

25 MS. ZMROCZEK: He was indicted on the seventh of

1 November of 2019.

2 MR. GIESE: Was that the first indictment? I'll  
3 get it, Your Honor. And then his case was overturned. He  
4 would get credit for it.

5 MS. ZMROCZEK: I would argue though that that was  
6 instituted after he was arrested.

7 THE COURT: I understand that. And having said  
8 that, I can write down a number and give it to the  
9 Department of Corrections. The fact that his other sentence  
10 was overturned, whether he would get credit or not ... so  
11 I'm not going to write down anything. I will just check  
12 the box and let them determine if he gets credit for time  
13 served.

14 MS. ZMROCZEK: Right, right.

15 MR. GIESE: Right.

16 MS. ZMROCZEK: And we will follow up on that.

17 MR. GIESE: I mean once, when was his case  
18 overturned?

19 MS. ZMROCZEK: 2020 when he was indicted for this.  
20 I mean they served him in jail.

21 MR. GIESE: I know.

22 MS. ZMROCZEK: He wasn't in prison.

23 THE COURT: Okay. The sentence on assault and  
24 battery by mob, first degree. The defendant is committed  
25 to the State Department of Corrections for the term of 30

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1 years. On the crime of possession of a weapon by a  
2 prisoner, the sentence of the court is, the defendant is  
3 committed to the State Department of Corrections for a term  
4 of 10 years. It is consecutive to assault and battery by  
5 mob, first degree. And on the crime of criminal conspiracy,  
6 the sentence of the court is, he is committed to the State  
7 Department of Corrections for a term of 5 years. It is  
8 concurrent with his other two sentences.

9 MS. SCOTT: Thank you, Your Honor.

10 MR. GIESE: Thank you.

11 MS. ZMROCZEK: Thank you, Your Honor.

12 **(End of Trial)**

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1 State of South Carolina )

2 ) CERTIFICATE

3 COUNTY OF LEE )

4  
5  
6  
7 Be it known that I, the undersigned Melissa R.  
8 Singletary, Certified Verbatim Reporter, for the State of  
9 South Carolina, do hereby certify that the foregoing  
10 transcript represents a true, accurate and complete  
11 transcript of record of all the proceedings had and  
12 evidence introduced in the trial of the captioned case,  
13 before the court of General Sessions for Lee County,  
14 Bishopville, South Carolina, so given on December 7 and 8,  
15 2023, to the best of my skill and ability;

16 That I am not related to nor an employee of any of the  
17 parties hereto, nor a relative or employee of any attorney  
18 or counsel employed by the parties hereto, nor interested  
19 in the outcome of this action.

20 IN WITNESS WHEREOF I have here unto set my hand this  
21 20<sup>th</sup> day of March, 2024.

22 *Melissa R. Singletary*23 \_\_\_\_\_  
24 Melissa R. Singletary, CVR

25 Certified Verbatim Reporter



JUN 17 2021

STATE GRAND JURY OF SOUTH CAROLINA

JAMES R. PARKS  
CLERK, STATE GRAND JURY

STATE OF SOUTH CAROLINA

CASE NO.: 2020-GS-47-20

V.

STEPHEN J. GREEN,  
 (A/K/A "TANK");  
 MICHAEL JUAN SMITH,  
 (A/K/A "FLAME");  
 ANDRE T. BOONE,  
 (A/K/A "FANG");  
 MICHAEL ANTONIO WILLIAMS,  
 (A/K/A "MIKEY");  
 JERELL RASHAUN JACKSON;  
 KEON DAUNTE MOORE;  
 RICO M HICKMAN;  
 MIKE SMALLS;  
 TYRONE LEWIS, Jr.,  
 TERON HIKEEN JACKSON,  
 (A/K/A "TERON HAKEEN JACKSON");  
 (A/K/A "2-5");  
 JACOBY JAMAR GREGORY;  
 SHAWN ROSEBERRY BISNAUTH;  
 ARSENIO DONTA CHARLE COLCLOUGH;  
 TOREY ROBERT BLACKWELL,  
 (A/K/A "ZAY");  
 RAHIM F. CARTER  
 (A/K/A "ZILLA")  
 MONTEZ LAVARREY RUTLEDGE  
 (A/K/A "BOOGER RAT")  
 RICARDO LABRUCSE JOSEPH,  
 (A/K/A "TOWNHEAD");  
 DANIELLE LAMAR PEAY,  
 (A/K/A "P");  
 HAROLD LEON JUNES III,  
 (A/K/A "RED");  
 (A/K/A "SNIPES"),  
 (A/K/A "SNIPESO");  
 JEFFREY SAMUELS;  
 KEVIN TYRONE BRYANT,  
 (A/K/A "KB");  
 JODY LOVONTE GARY,  
 (A/K/A "DEEK")  
 (A/K/A "DIRT")  
 JORDAN RUSSELL WALL,  
 (A/K/A "CHUCKY");

SECOND SUPERSEDING INDICTMENT  
 FOR CONSPIRACY, MURDER, ASSAULT  
 AND BATTERY BY MOB FIRST DEGREE  
 (DEATH RESULTS), ASSAULT AND  
 BATTERY BY MOB SECOND DEGREE  
 (SERIOUS BODILY INJURY RESULTS),  
 PRISONER CARRYING OR  
 CONCEALING A WEAPON AND ARMED  
 ROBBERY

CHAN SOHEAP BUN, )  
     (A/K/A "BUN C"); )  
 CHRISTOPHER DEVAUL LOVELY, )  
     (A/K/A "P-90"); )  
 DERRICK JERROD RICE, )  
     (A/K/A "9-0"); )  
 ANTWAN DOMINIQUE GRAYSON )  
 DAVID FORBES, )  
     (A/K/A "DIESEL"); )  
 KENDRICK LITTLEJOHN, )  
     (A/K/A "TWO GUNZ"); )  
 ALONZO HARVIN, )  
     (A/K/A "ZULU"); )  
 DOMINIC WILLIAMS, )  
     (A/K/A "NEEK"); )  
 BILAL HARRIS, )  
     (A/K/A "YOSHI"); )  
 CARSON MARTIN Jr., )  
     (A/K/A "BJ"), )  
 MONTRE BROWN; )  
     (A/K/A "TREY 5") )  
     (A/K/A "TRIGGER") )  
 DAVID JAMAR BENJAMIN, )  
     (A/K/A "KILLA"); )  
 LARRY WHITE, )  
     (A/K/A "LOCO"); )  
 DAMIEN RIVERS, )  
     (A/K/A "DAME G"); )  
 BYRON TAYLOR; )  
 DETREION TOMLIN, )  
     (A/K/A "FLUTIE"); )  
 ANTHONY ARCHIE; )  
 DAVID DOZIER; )  
 KEASTON KINARD, )  
     A/K/A "K"; )  
 CLINTON FOLKES; )  
 CAMARA JORDAN; )  
 KENDRAIL RANKIN; )  
 \_\_\_\_\_ )

At a session of the State Grand Jury of South Carolina, convened in Columbia, SC, on June 15,

2021, the State Grand jurors present upon their oath:

**COUNT ONE  
CONSPIRACY  
S.C. Code Ann. §16-17-0410  
CDR Code: 0049**

That STEPHEN J. GREEN (A/K/A "TANK"), MICHAEL JUAN SMITH (A/K/A "FLAME"), ANDRE T. BOONE (A/K/A "FANG"), MICHAEL ANTONIO WILLIAMS (A/K/A "MIKEY"), JERELL RASHAUN JACKSON, KEON DAUNTE MOORE, RICO HICKMAN, MIKE SMALLS, TERON HIKEEN JACKSON (A/K/A TERON HAKEEN JACKSON) (A/K/A "2-5"), SHAWN ROSEBERRY BISNAUTH, TOREY ROBERT BLACKWELL (A/K/A "ZAY"), DETREION TOMLIN (A/K/A "FLUTIE"), ANTHONY ARCHIE, DAVID DOZIER, and other persons known and unknown to the State Grand Jury, did in Lee County, South Carolina on or about April 15, 2018, unlawfully, willfully, and knowingly unite, combine, conspire, confederate, agree, and have a tacit understanding with one or more persons for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: The named defendants did conspire and combine for the purpose of engaging in violence against other inmates at the Lee Correctional Institution.

All in violation of S.C. Code Ann. §16-17-410, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWO  
CONSPIRACY  
S.C. Code Ann. §16-17-0410  
CDR Code: 0049**

That RICARDO LABRUCE JOSEPH (A/K/A "TOWNHEAD"), DANIELLE LAMAR PEAY (A/K/A "P"), HAROLD LEON JUNES III (A/K/A "RED") (A/K/A "SNIPES") (A/K/A "SNIPESO"), KEVIN TYRONE BYRANT (A/K/A "KB"), , DAVID FORBES (A/K/A "DIESEL"), KENDRICK LITTLEJOHN (A/K/A "TWO GUNZ"), ALONZO HARVIN (A/K/A "ZULU"), CARSON MARTIN Jr. (A/K/A "BJ"), MONTRE BROWN (A/K/A "TREY 5") (A/K/A "TRIGGER"), DAVID JAMAR BENJAMIN (A/K/A "KILLA"), JODY GARY (A/K/A "DEEK") (A/K/A "DIRT"), BILAL HARRIS (A/K/A "YOSHI"), BYRON TAYLOR, and other persons known and unknown to the State Grand Jury,

did in Lee County, South Carolina on or about April 15, 2018, unlawfully, willfully, and knowingly unite, combine, conspire, confederate, agree, and have a tacit understanding with one or more persons for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: The named defendants did conspire and combine for the purpose of engaging in violence against other inmates at the Lee Correctional Institution.

All in violation of S.C. Code Ann. §16-17-410, and such conduct not having been and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THREE  
CONSPIRACY  
S.C. Code Ann. §16-17-0410  
CDR Code: 0049**

That JORDAN RUSSELL WALL (A/K/A "CHUCKY"), CHAN SOHEAP BUN (A/K/A "BUN C"), RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), JOSHUA PHILLIPS, DERRICK JERROD RICE (A/K/A "9-0"), LARRY WHITE (A/K/A "LOCO"), DAMIEN RIVERS (A/K/A "DAME G"), and other persons known and unknown to the State Grand Jury, did in Lee County, South Carolina on or about April 15, 2018, unlawfully, willfully, and knowingly unite, combine, conspire, confederate, agree, and have a tacit understanding with one or more persons for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: The named defendants did conspire and combine for the purpose of engaging in violence against other inmates at the Lee Correctional Institution.

All in violation of S.C. Code Ann. §16-17-410, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FOUR  
CONSPIRACY  
S.C. Code Ann. §16-17-0410  
CDR Code: 0049**

That DOMINIC WILLIAMS (A/K/A "NEEK"), and other persons known and unknown to the State Grand Jury, did in Lee County, South Carolina on or about April 15, 2018, unlawfully, willfully, and

knowingly unite, combine, conspire, confederate, agree, and have a tacit understanding with one or more persons for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: The named defendants did conspire and combine for the purpose of engaging in violence against other inmates at the Lee Correctional Institution.

All in violation of S.C. Code Ann. §16-17-410, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIVE  
MURDER  
S.C. Code Ann. §16-3-0010  
CDR Code: 0116**

That STEPHEN J. GREEN (A/K/A "TANK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did, with malice aforethought, unlawfully kill CORNELIUS MCCLARY.

All in violation of S.C. Code Ann. §16-3-10, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIX  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That STEPHEN J. GREEN (A/KA "TANK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVEN**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That STEPHEN J. GREEN (A/K/A "TANK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person. All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHT**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That MICHAEL JUAN SMITH (A/K/A "FLAME"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That MICHAEL JUAN SMITH (A/K/A "FLAME"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility,

did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That ANDRE T. BOONE (A/K/A "FANG"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-02 10(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ELEVEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That MICHAEL ANTONIO WILLIAMS (A/K/A "MIKEY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)) such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWELVE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JERELL RASHAUN JACKSON, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTEEN**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That JERELL RASHAUN JACKSON, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FOURTEEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That KEON DAUNTE MOORE, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C.

Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTEEN**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That KEON DAUNTE MOORE, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTEEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That RICO M. HICKMAN, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-02 10(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTEEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That MIKE SMALLS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTEEN**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That MIKE SMALLS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETEEN**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That TYRONE LEWIS Jr., on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That TERON HIKEEN JACKSON (A/K/A TERON HAKEEN JACKSON) (A/K/A "2-5"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-ONE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That JACOBY JAMAR GREGORY, on or about April 15, 2018 at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-TWO**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That SHAWN ROSEBERRY BISNAUTH, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-THREE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That ARSENIO DONTA CHARLE COLCLOUGH, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person. All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-FOUR**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That TOREY ROBERT BLACKWELL (A/K/A "ZAY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-FIVE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That RAHIM F. CARTER (A/K/A "ZILLA"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-SIX  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That MONTEZ LAVARREY RUTLEDGE (A/K/A "BOOGER RAT"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-SEVEN  
MURDER  
S.C. Code Ann. §16-3-0010  
CDR Code: 0116**

That RICARDO LABRUCE JOSEPH (A/K/A "TOWNHEAD"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did, with malice aforethought, unlawfully kill DAMONTE RIVERA.

All in violation of S.C. Code Ann. §16-3-10, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-EIGHT  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That RICARDO LABRUCE JOSEPH (A/K/A "TOWNHEAD"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMONTE RIVERA, and DAMONTE RIVERA'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT TWENTY-NINE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That RICARDO LABRUCE JOSEPH (A/K/A "TOWNHEAD"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY  
MURDER  
S.C. Code Ann. §16-3-0010  
CDR Code: 0116**

That DANIELLE LAMAR PEAY (A/K/A "P"), on or about April 15, 2018, at Lee located in Lee County, South Carolina, did, with malice Correctional Institution aforethought, unlawfully kill DAMONTE RIVERA.

All in violation of S.C. Code Ann. §16-3-10, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-ONE  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DANIELLE LAMAR PEAY (A/K/A "P"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMONTE RIVERA, and DAMONTE RIVERA'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-TWO  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That DANIELLE LAMAR PEAY (A/K/A "P"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as

defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RANDY MAST, and such act of violence did result in serious bodily injury to RANDY MAST.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-THREE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That DANIELLE LAMAR PEAY (A/K/A "P"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-FOUR**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That HAROLD LEON JUNES III (A/K/A "RED") (A/K/A "SNIPES") (A/K/A "SNIPESO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of ANTHONY LAMAR FRASER, and such act of violence did result in serious bodily injury to ANTHONY LAMAR FRASER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-FIVE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That HAROLD LEON JUNES III (A/K/A "RED") (A/K/A "SNIPES") (A/K/A "SNIPESO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-SIX  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That JEFFREY SAMUELS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-SEVEN  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That JEFFREY SAMUELS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann.

§16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-EIGHT**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That JEFFREY SAMUELS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT THIRTY-NINE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That KEVIN TYRONE BRYANT (A/K/A "KB"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That KEVIN TYRONE BRYANT (A/K/A "KB"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-ONE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That KEVIN TYRONE BRYANT (A/K/A "KB"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-TWO**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That JODY LOVONTE GARY (A/K/A "DEEK") (A/K/A "DIRT"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a

mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-THREE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That JODY LOVONTE GARY (A/K/A "DEEK") (A/K/A "DIRT"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-FOUR**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That JODY LOVONTE GARY (A/K/A "DEEK") (A/K/A "DIRT"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-FIVE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DAVID FORBES (A/K/A "DIESEL"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMONTE RIVERA, and DAMONTE RIVERA's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-SIX**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DAVID FORBES (A/K/A "DIESEL"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of EDDIE GASKINS, and EDDIE GASKINS death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That DAVID FORBES (A/K/A "DIESEL"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of

DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-EIGHT**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That ALONZO HARVIN (A/K/A "ZULU"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMONTE RIVERA, and DAMONTE RIVERA's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FORTY-NINE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That ALONZO HARVIN (A/K/A "ZULU"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of EDDIE GASKINS, and EDDIE GASKINS death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That ALONZO HARVIN (A/K/A "ZULU"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-ONE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That ALONZO HARVIN (A/K/A "ZULU"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JAMES WILLIAMS, and such act of violence did result in serious bodily injury to JAMES WILLIAMS.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-TWO**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That BILAL HARRIS (A/K/A "YOSHI"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JAMES WILLIAMS, and such act of violence did result in serious bodily injury to JAMES WILLIAMS.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-THREE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That BILAL HARRIS (A/K/A "YOSHI"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-FOUR**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DOMINIC WILLIAMS (A/K/A "NEEK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as

defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of MICHAEL MILLEDGE, and MICHAEL MILLEDGE's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-FIVE  
ARMED ROBBERY  
S.C. Code Ann. §16-11-0330(A)  
CDR Code: 0139**

That DOMINIC WILLIAMS (A/K/A "NEEK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did rob MICHAEL MILLEDGE while armed with a deadly weapon or while alleging by action or with words he was armed with a deadly weapon while using a representation of an object that a person present at the armed robbery could reasonably believe was a deadly weapon.

All in violation of S.C. Code Ann. §16-11-0330(A) and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-SIX  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That DOMINIC WILLIAMS (A/K/A "NEEK"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That CARSON MARTIN Jr. (A/K/A "BJ") on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-EIGHT**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That CARSON MARTIN Jr. (A/K/A "BJ") on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT FIFTY-NINE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That CARSON MARTIN Jr. (A/K/A "BJ"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That MONTRE BROWN (A/K/A "TREY 5") (A/K/A "TRIGGER"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-ONE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That MONTRE BROWN (A/K/A "TREY 5") (A/K/A "TRIGGER"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons

in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-TWO**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That MONTRE BROWN (A/K/A "TREY 5") (A/K/A "TRIGGER"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-THREE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That KENDRICK LITTLEJOHN (A/K/A "TWO GUNZ"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-FOUR**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DAVID JAMAR BENJAMIN (A/K/A "KILLA"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of EDDIE GASKINS, and EDDIE GASKINS death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-FIVE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That DAVID JAMAR BENJAMIN (A/K/A "KILLA") on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-SIX**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That BYRON TAYLOR, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann.

§16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That BYRON TAYLOR, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-EIGHT**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That BYRON TAYLOR, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SIXTY-NINE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JORDAN RUSSELL WALL (A/K/A "CHUCKY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JORDAN RUSSELL WALL (A/K/A "CHUCKY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10 (A)), such mob did inflict an act of violence upon the body of RAYMOND ANGELO SCOTT and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-ONE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JORDAN RUSSELL WALL, (A/K/A "CHUCKY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a

mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-TWO  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That JORDAN RUSSELL WALL, (A/K/A "CHUCKY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-THREE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That JORDAN RUSSELL WALL (A/K/A "CHUCKY"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-FOUR**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That CHAN SOHEAP BUN (A/K/A "BUN C"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-FIVE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-SIX**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon

the body of RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JOSHUA JENKINS and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-EIGHT**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT SEVENTY-NINE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That RICHARD DEWAYNE LYLES (A/K/A "WHITE BOY LYLES"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JOSHUA PHILLIPS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-ONE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JOSHUA PHILLIPS on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-TWO**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That JOSHUA PHILLIPS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-THREE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That JOSHUA PHILLIPS, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-FOUR**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That JOSHUA PHILLIPS on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-FIVE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That CHRISTOPHER DEVAUL LOVELY (A/K/A "P-90"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-SIX**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That CHRISTOPHER DEVAUL LOVELY (A/K/A "P-90"), on or about April 15 at Lee Correctional Institution, located in Lee County, South Carolina, did 2018 assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of

RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That CHRISTOPHER DEVAUL LOVELY (A/K/A "P-90"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)) such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-EIGHT**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That CHRISTOPHER DEVAUL LOVELY (A/K/A "P-90"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT EIGHTY-NINE**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That CHRISTOPHER DEVAUL LOVELY (A/K/A "P-90"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity

**COUNT NINETY**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DERRICK JERROD RICE (A/K/A "9-0"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-ONE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DERRICK JERROD RICE (A/K/A "9-0"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of

RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-TWO**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That DERRICK JERROD RICE (A/K/A "9-0"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-THREE**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That DERRICK JERROD RICE (A/K/A "9-0"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-FOUR**  
**PRISONER CARRYING OR CONCEALING A WEAPON**  
**S.C. Code Ann. §24-13-0440**  
**CDR Code: 0441**

That DERRICK JERROD RICE (A/K/A "9-0"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-FIVE**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That LARRY WHITE (A/K/A "LOCO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-SIX**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That LARRY WHITE (A/K/A "LOCO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-SEVEN**  
**ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)**  
**S.C. Code Ann. §16-3-0210(B)**  
**CDR Code: 3431**

That LARRY WHITE (A/K/A "LOCO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-EIGHT**  
**ASSAULT AND BATTERY BY MOB 2nd DEGREE**  
**(SERIOUS BODILY INJURY RESULTS)**  
**S.C. Code Ann. §16-3-0210(C)**  
**CDR Code: 3432**

That LARRY WHITE (A/K/A "LOCO"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT NINETY-NINE  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DAMIEN RIVERS (A/K/A "DAME G"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of COREY SCOTT, and COREY SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DAMIEN RIVERS (A/K/A "DAME G"), on or about April 15 at Lee Correctional Institution, located in Lee County, South Carolina, did 2018 assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)), such mob did inflict an act of violence upon the body of RAYMOND ANGELO SCOTT, and RAYMOND ANGELO SCOTT's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND ONE  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DAMIEN RIVERS (A/K/A "DAME G"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-02 10(A)) such mob did inflict an act of violence upon the body of JOSHUA JENKINS, and JOSHUA JENKINS'S death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B) , and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND TWO  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That DAMIEN RIVERS (A/K/A "DAME G"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of RASHAWN CARTER, and such act of violence did result in serious bodily injury to RASHAWN CARTER.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND THREE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That ANTWAN DOMINIQUE GRAYSON, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND FOUR  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DETREION TOMLIN (A/K/A "FLUTIE") on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND FIVE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That DETREION TOMLIN (A/K/A "FLUTIE"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND SIX  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That ANTHONY ARCHIE, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND SEVEN  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That ANTHONY ARCHIE, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND EIGHT  
ASSAULT AND BATTERY BY MOB 1st DEGREE (DEATH RESULTS)  
S.C. Code Ann. §16-3-0210(B)  
CDR Code: 3431**

That DAVID DOZIER, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of CORNELIUS MCCLARY, and CORNELIUS MCCLARY's death resulted from such act of violence.

All in violation of S.C. Code Ann. §16-3-0210(B), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND NINE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That DAVID DOZIER, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession

and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND TEN  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That KEASTON KINARD (A/K/A "K"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of NICHOLAS SHEPPARD SMITH, and such act of violence did result in serious bodily injury to NICHOLAS SHEPPARD SMITH.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND ELEVEN  
ASSAULT AND BATTERY BY MOB 2nd DEGREE  
(SERIOUS BODILY INJURY RESULTS)  
S.C. Code Ann. §16-3-0210(C)  
CDR Code: 3432**

That KEASTON KINARD (A/K/A "K"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, did assemble with other persons in a mob (as defined by S.C. Code Ann. §16-3-0210(A)), such mob did inflict an act of violence upon the body of DAMAN PAUL STRICKLAND, and such act of violence did result in serious bodily injury to DAMAN PAUL STRICKLAND.

All in violation of S.C. Code Ann. §16-3-0210(C), and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND TWELVE  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That KEASTON KINARD (A/K/A "K"), on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND THIRTEEN  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That CLINTON FOLKES, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

**COUNT ONE HUNDRED AND FOURTEEN  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That CAMARA JORDAN, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

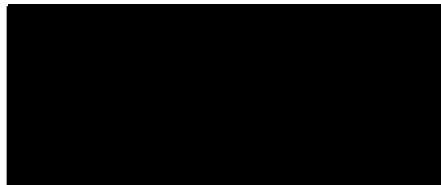
**COUNT ONE HUNDRED AND FIFTEEN  
PRISONER CARRYING OR CONCEALING A WEAPON  
S.C. Code Ann. §24-13-0440  
CDR Code: 0441**

That KENDRAIL RANKIN, on or about April 15, 2018, at Lee Correctional Institution, located in Lee County, South Carolina, and while an inmate of a state correctional facility, did have in his possession and carry on his person and/or conceal an object, homemade or otherwise, that could be used to inflict personal injury upon another person.

All in violation of S.C. Code Ann. §24-13-0440, and such conduct not having been authorized by law; and such conduct involving a criminal gang activity or a pattern of criminal gang activity.

All counts against the peace and dignity of the State and contrary to the statute in such case made and provided.

A True Bill



FOREMAN

*[Handwritten signature]*

*[Handwritten signature]*  
ALAN WILSON (jbc)  
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lee

**FILED**

STATE

DEC 08 2020

INDICTMENT/CASE# 2020-GS-47-20

VS.

MARGARET J. SELF  
CLERK, SC STATE GRAND JURY

Michael Juan Smith

AKA: \_\_\_\_\_ )  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ )  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_ )  
Address: \_\_\_\_\_ )  
City, State, Zip: \_\_\_\_\_ )  
DL#\* \_\_\_\_\_ SID# \_\_\_\_\_ )

Date of Offense: 4/15/18  
S.C. Code §: 24-13-0440  
CDR Code #: 0441

**SENTENCE SHEET**

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Possession of Weapon by Prisoner

In violation of § 24-13-440 of the S.C. Code of Laws, bearing CDR Code # 0441


NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

  
Solicitor \_\_\_\_\_ SC Bar # 101017 Defendant

  
Attorney for Defendant \_\_\_\_\_ SC Bar # 27193

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 10 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years

and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with **probation** for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. \_\_\_\_\_ days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. \_\_\_\_\_ INDICTMENT/CASE#: \_\_\_\_\_ -GS- \_\_\_\_\_ - \_\_\_\_\_

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

**RESTITUTION:**    **Deferred**    **Def. Waives Hearing**    **Ordered**

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$	_____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	25
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	18.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	500
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	_____
<b>TOTAL</b>		\$	1043.75

Clerk of Court/Deputy Clerk: Maryann J. Selig  
Court Reporter: Melissa Singletary

Presiding Judge: [Signature]  
Judge Code: 2144  
Sentence Date: Dec. 8, 2023

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lee

DEC 08 2023

STATE

VS.

INDICTMENT/CASE# 2020-GS-47-20

MARGARET J. SELF  
CLERK, SC STATE GRAND JURY

Michael Juan Smith

AKA: FLAME

A/W#:

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Offense: 4/15/2018

DOB: \_\_\_\_\_ SS#: \_\_\_\_\_

S.C. Code §: 16-3-210(B)

Address: \_\_\_\_\_

CDR Code #: 3431

City, State, Zip: \_\_\_\_\_

SENTENCE SHEET

DL#\* \_\_\_\_\_ SID# \_\_\_\_\_

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS

TO: Assault + Battery by Mob - 1<sup>st</sup> degree

In violation of § 16-3-210(B) of the S.C. Code of Laws, bearing CDR Code # 3431

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

W. D. J. 2019  
Solicitor SC Bar # Defendant

[Signature]  
Attorney for Defendant SC Bar # 77193

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of 30 days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years

and/or to pay a fine of \$\_\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment

of \$\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with **probation** for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. \_\_\_\_\_ days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. \_\_\_\_\_ INDICTMENT/CASE#: \_\_\_\_\_ -GS- \_\_\_\_\_ - \_\_\_\_\_

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

**RESTITUTION:**     **Deferred**     **Def. Waives Hearing**     **Ordered**

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>18.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ <u>500</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		\$ <u>643.75</u>

Clerk of Court/Deputy Clerk:  
Court Reporter:

*Margaret J. Self*  
*Melissa Singletary*

Presiding Judge:  
Judge Code:  
Sentence Date:

*[Signature]*  
2144  
Dec. 8, 2023

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lee

DEC 08 2023

STATE

VS.

MARGARET J. SELF CLERK, SC STATE GRAND JURY Direct P.

INDICTMENT/CASE#: 2020-GS-47-20 count 1

Michael Juan Smith

A/W#: Direct Presentment
Date of Offense: April 15, 2018
S.C. Code §: 16-17-0410
CDR Code #: 0049

AKA:
Race: Sex: Age:
DOB: SS#:
Address:
City, State, Zip:
DL#\* SID#

SENTENCE SHEET

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Criminal conspiracy

In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Stephen Lunsford 101550
Solicitor SC Bar # Defendant

Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 5 days/months/years/Time Served Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Michael Juan Smith

INDICTMENT/CASE#: 2020 -GS- 47 - 2021

**SPECIAL CONDITIONS:**

**PTUP** after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

**RESTITUTION:**     **Deferred**     **Def. Waives Hearing**     **Ordered**

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
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§56-1-286 (DUI Breath Test)	\$25	\$ _____
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§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>18.75</u>
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ <u>500</u>
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
<b>TOTAL</b>		\$ <u>643.75</u>

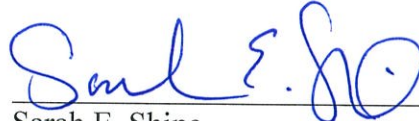
Clerk of Court/Deputy Clerk: Maryann J. Self  
 Court Reporter: Melissa Singletary

Presiding Judge: [Signature]  
 Judge Code: 2144  
 Sentence Date: Dec. 8, 2023

**CERTIFICATE OF COUNSEL FOR APPELLANT**

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

Respectfully Submitted,



Sarah E. Shipe  
Appellate Defender

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

ATTORNEY FOR APPELLANT

**RECEIVED**

**May 05 2025**

**SC Court of Appeals**

This 5<sup>TH</sup> day of May, 2025.

**RECEIVED**

**May 05 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from State Grand Jury

Honorable R. Ferrell Cothran, Circuit Court Judge

\_\_\_\_\_  
THE STATE,

RESPONDENT,

V.

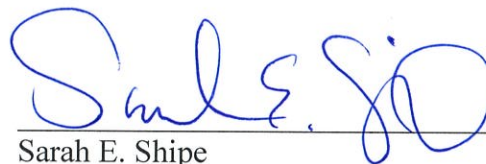
MICHAEL JUAN SMITH,

APPELLANT

APPELLATE CASE NO. 2023-001893

\_\_\_\_\_  
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 J. Benjamin Aplin, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 5th day of May, 2025.



\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

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

ATTORNEY FOR APPELLANT