

**VOLUME II OF II**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Aug 08 2025**

**SC Court of Appeals**

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

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## INDEX

|                                                        |          |
|--------------------------------------------------------|----------|
| INDEX .....                                            | i        |
| <b>TRIAL TRANSCRIPT DATED DECEMBER 4-8, 2023 .....</b> | <b>1</b> |
| JURY SELECTION.....                                    | 15       |
| OPENING STATEMENT BY MR. TUCKER .....                  | 21       |
| OPENING STATEMENT BY MS. PARHAM.....                   | 30       |
| <b>TESTIMONY</b>                                       |          |
| LIZZIE ROBERTSON                                       |          |
| Direct Examination by Mr. Tucker .....                 | 35       |
| Cross-Examination by Ms. Parham .....                  | 39       |
| THOMAS HERMAN                                          |          |
| Direct Examination by Mr. Tucker .....                 | 41       |
| Cross-Examination by Ms. Parham .....                  | 50       |
| STATE’S MOTION TO SUPPRESS BODY CAMERA FOOTAGE .....   | 60       |
| DEFENSE’S RESPONSE TO STATE’S MOTION .....             | 61       |
| COURT’S RESPONSE TO STATE’S MOTION .....               | 72       |
| <b>TESTIMONY</b>                                       |          |
| THOMAS HERMAN                                          |          |
| Cross-Examination by Ms. Parham (Continued) .....      | 73       |
| Redirect-Examination by Mr. Tucker .....               | 76       |
| ETHAN BOSMAN                                           |          |
| Direct Examination by Mr. Tucker .....                 | 79       |
| Cross-Examination by Ms. Parham .....                  | 83       |
| Redirect-Examination by Mr. Tucker .....               | 87       |
| COTY THIBODEAU                                         |          |
| Direct Examination by Mr. Tucker .....                 | 90       |
| Cross Examination by Ms. Parham.....                   | 94       |
| HOWARD WYNN                                            |          |
| Direct Examination by Mr. Tucker .....                 | 97       |
| Cross Examination by Ms. Parham.....                   | 104      |



|                                          |     |
|------------------------------------------|-----|
| CARLOS JACKSON                           |     |
| Direct Examination by Mr. Tucker .....   | 106 |
| Cross Examination by Ms. Parham.....     | 112 |
| Redirect Examination by Mr. Tucker ..... | 129 |
| ANGELA ROBINSON                          |     |
| Direct Examination by Mr. Tucker .....   | 132 |
| Cross Examination by Ms. Parham.....     | 144 |
| Redirect Examination by Mr. Tucker ..... | 157 |
| STEPHEN STARLING                         |     |
| Direct Examination by Mr. Tucker .....   | 160 |
| Cross Examination by Ms. Parham.....     | 196 |
| KEITH VON LUTCKEN                        |     |
| Direct Examination by Mr. Tucker .....   | 201 |
| GLORIA WHITEHEAD                         |     |
| Direct Examination by Mr. Tucker .....   | 206 |
| Cross Examination by Ms. Parham.....     | 223 |
| Redirect Examination by Mr. Tucker ..... | 242 |
| DEANDRA WHITEHEAD                        |     |
| Direct Examination by Mr. Tucker .....   | 245 |
| Cross Examination by Ms. Parham.....     | 256 |
| Redirect Examination by Mr. Tucker ..... | 270 |
| KANISHA ALLEN                            |     |
| Direct Examination by Mr. Tucker .....   | 272 |
| Cross Examination by Ms. Parham.....     | 282 |
| Redirect Examination by Mr. Tucker ..... | 286 |
| TANISHA TIMMONS                          |     |
| Direct Examination by Mr. Tucker .....   | 288 |
| Cross Examination by Ms. Parham.....     | 299 |
| Redirect Examination by Mr. Tucker ..... | 306 |
| JUROR IS EXCUSED.....                    | 310 |
| ALTERNATE JUROR IS SELECTED.....         | 311 |



**TESTIMONY****JAMARES ROBINSON**

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Mr. Tucker .....   | 312 |
| Cross Examination by Ms. Parham.....     | 324 |
| Redirect Examination by Mr. Tucker ..... | 333 |

**BRIANNA ROBINSON**

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Mr. Tucker .....   | 336 |
| Cross Examination by Ms. Parham.....     | 345 |
| Redirect Examination by Mr. Tucker ..... | 357 |

**STEPHEN BANISTER**

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Mr. Tucker .....   | 360 |
| Cross Examination by Ms. Parham.....     | 377 |
| Redirect Examination by Mr. Tucker ..... | 407 |

**FRANK MIZELL**

|                                        |     |
|----------------------------------------|-----|
| Direct Examination by Mr. Tucker ..... | 416 |
|----------------------------------------|-----|

**JENNIFER BARTMAN**

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Mr. Tucker .....   | 422 |
| Cross Examination by Ms. Parham.....     | 431 |
| Redirect Examination by Mr. Tucker ..... | 432 |

**CHAD SMITH**

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Mr. Tucker .....   | 436 |
| Cross Examination by Ms. Parham.....     | 457 |
| Redirect Examination by Mr. Tucker ..... | 462 |

**THOMAS BEAVER**

|                                        |     |
|----------------------------------------|-----|
| Direct Examination by Mr. Tucker ..... | 465 |
| Cross Examination by Ms. Parham.....   | 477 |

|                   |     |
|-------------------|-----|
| STATE RESTS ..... | 479 |
|-------------------|-----|

|                                                        |     |
|--------------------------------------------------------|-----|
| DEFENSE MOTION FOR DIRECTED VERDICT BY MS. PARHAM..... | 480 |
|--------------------------------------------------------|-----|

|                                            |     |
|--------------------------------------------|-----|
| STATE’S RESPONSE TO DEFENSE’S MOTION ..... | 480 |
|--------------------------------------------|-----|

|                                               |     |
|-----------------------------------------------|-----|
| STATE DISMISSES ATTEMPTED MURDER CHARGE ..... | 481 |
|-----------------------------------------------|-----|

|                                          |     |
|------------------------------------------|-----|
| COURT’S RULING TO DEFENSE’S MOTION ..... | 481 |
|------------------------------------------|-----|

|                                                 |     |
|-------------------------------------------------|-----|
| WITNESS COLLOQUY FOR WITNESS MEASHA JOYNER..... | 484 |
|-------------------------------------------------|-----|



## TESTIMONY

### STEPHEN BANISTER

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Ms. Parham.....    | 488 |
| Cross Examination by Mr. Tucker.....     | 498 |
| Redirect Examination by Ms. Parham ..... | 501 |

### STEPHEN STARLING

|                                       |     |
|---------------------------------------|-----|
| Direct Examination by Ms. Parham..... | 507 |
|---------------------------------------|-----|

|                     |     |
|---------------------|-----|
| DEFENSE RESTS ..... | 511 |
|---------------------|-----|

|                                                                |     |
|----------------------------------------------------------------|-----|
| RENEWED DEFENSE MOTION FOR DIRECTED VERDICT BY MS PARHAM ..... | 512 |
|----------------------------------------------------------------|-----|

|                                               |     |
|-----------------------------------------------|-----|
| COURT’S RULING TO RENEWED DEFENSE MOTION..... | 512 |
|-----------------------------------------------|-----|

|                         |     |
|-------------------------|-----|
| CHARGE CONFERENCE ..... | 512 |
|-------------------------|-----|

|                                     |     |
|-------------------------------------|-----|
| CLOSING ARGUMENT BY MR. TUCKER..... | 531 |
|-------------------------------------|-----|

|                                      |     |
|--------------------------------------|-----|
| CLOSING ARGUMENT BY MS. PARHAM ..... | 559 |
|--------------------------------------|-----|

|                                              |     |
|----------------------------------------------|-----|
| REBUTTAL CLOSING ARGUMENT BY MR. TUCKER..... | 578 |
|----------------------------------------------|-----|

|                                                |     |
|------------------------------------------------|-----|
| DEFENSE MOTION FOR MISTRIAL BY MS. PARHAM..... | 581 |
|------------------------------------------------|-----|

|                                                          |     |
|----------------------------------------------------------|-----|
| STATE’S RESPONSE TO DEFENSE’S MOTION BY MR. TUCKER ..... | 581 |
|----------------------------------------------------------|-----|

|                                          |     |
|------------------------------------------|-----|
| COURT’S RULING TO DEFENSE’S MOTION ..... | 582 |
|------------------------------------------|-----|

|                              |     |
|------------------------------|-----|
| JURY CHARGE ON THE LAW ..... | 595 |
|------------------------------|-----|

|                    |     |
|--------------------|-----|
| JURY NOTE #1 ..... | 614 |
|--------------------|-----|

|                                        |     |
|----------------------------------------|-----|
| COURT’S RESPONSE TO JURY NOTE #1 ..... | 620 |
|----------------------------------------|-----|

|                    |     |
|--------------------|-----|
| JURY NOTE #2 ..... | 622 |
|--------------------|-----|

|                                        |     |
|----------------------------------------|-----|
| COURT’S RESPONSE TO JURY NOTE #2 ..... | 623 |
|----------------------------------------|-----|

|               |     |
|---------------|-----|
| VERDICT ..... | 625 |
|---------------|-----|

|                                                    |     |
|----------------------------------------------------|-----|
| DEFENSE MOTION FOR TIME SERVED BY MS. PARHAM ..... | 633 |
|----------------------------------------------------|-----|

|                  |     |
|------------------|-----|
| SENTENCING ..... | 637 |
|------------------|-----|



|                                                                               |     |
|-------------------------------------------------------------------------------|-----|
| STATE’S EXHIBIT #118 (SLED LAB REPORT).....                                   | 640 |
| COURT’S EXHIBIT 2 (NOTE FROM JURY).....                                       | 645 |
| INDICTMENT AND SENTENCE SHEETS.....                                           | 647 |
| ORDER DENYING CREDIT FOR TIME SERVED WHILE MONITORED<br>ON HOUSE ARREST ..... | 654 |
| CERTIFICATE OF COUNSEL .....                                                  | 656 |

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT #2 (EMAILED PHOTO), DEFENSE EXHIBIT #1 (VIDEO),  
AND DEFENSE EXHIBIT #8 (SCHILTZ VIDEO)**



1 MS. PARHAM: Yes, thank you.

2 REDIRECT EXAMINATION

3 BY MS. PARHAM:

4 Q That switch coming in and out of the door is an up  
5 and down switch, correct?

6 A It's right outside the door. It's been so long since  
7 I been there. I can't honestly remember. I haven't been  
8 in that room in over three and a half years, but I know  
9 it's directly outside the door. Now, one switch that you  
10 see on inside that was just a light switch.

11 Q Right. So the switch to turn the video on and off is  
12 outside the door?

13 A Yes.

14 Q And so the -- when you're leaving, the video is  
15 running before you even leave the door. So what you're  
16 saying -- in other words, the video is still running. The  
17 video is running before you leave the room?

18 A Well, what I thought it was running, but now we know  
19 it wasn't.

20 Q A piece of it is literally running before you leave  
21 the room. So if that were the case about switching the  
22 switch, it's running before you leave the room?

23 A Well, it's on the outside exiting the room when I hit  
24 the button and we're not speaking any more from what I  
25 saw. If you like to play it again, I can better explain,

1 but I'm a little confused of what you're asking. The  
2 interview was over and I was leaving the room. And I have  
3 to at least be outside the room to hit the switch.

4 Q Right, that's what I'm saying. And so how did the  
5 interview spontaneously begin to record while you're in  
6 the room before you left the room. In other words, if you  
7 were doing opposite if you're turning it on when you go in  
8 you and you turned it off, then how does the interview  
9 actually record you in the room before you leave to turn  
10 it off?

11 A I don't know. I don't know if there was a delay if  
12 it runs. I don't know how it didn't record in the first  
13 place, so that I couldn't testify. I have no idea. I  
14 just know the process of what we're suppose to do and I  
15 thought I was doing it correctly.

16 Q Right. Well, so -- and on the Robinsons why don't we  
17 at least have that. I mean, if that's the case, then if  
18 it didn't record you, didn't hit the button right, but we  
19 don't have anything on the Robinsons at all the three of  
20 them?

21 A I have no idea what took place.

22 Q But we have Demarcus Bluett after the Robinsons,  
23 correct?

24 A Yeah.

25 Q He was later that day. Right. Now, Mr. Tucker asked

1 you if they testified substantially to the same way they  
2 testify here today?

3 A Yes.

4 Q So did -- sorry getting my names mixed up. Did  
5 Ms. Robinson -- Angela Robinson did she tell you that she  
6 saw my client only shoot three times?

7 A Ms. Angela Robinson?

8 Q Yes.

9 A Did she tell me she stated she shot three times?

10 Q Yes.

11 A I don't remember her -- I can remember we having a  
12 discussion about Ms. Gloria Whitehead.

13 Q Right, but you recall that -- you just were asked if  
14 they testified substantially the same as they ---

15 A I see what you mean.

16 Q Right. So did she tell you the same thing she told  
17 off this witness stand that she only saw my client shoot  
18 three times?

19 A Well, none of the statements were exact to each  
20 other, but there was consistencies where the meat of each  
21 conversation was close to each other.

22 Q Well, that's not what I'm asking. What I'm asking is  
23 you told Mr. Tucker that they testified the same as they  
24 had interviewed with you years ago. What I'm asking is  
25 about the specifics of the interview. Did she say that

1 she only saw my client shoot three times?

2 A If Ms. Angela Robinson said that?

3 Q Yes.

4 A My notes do not see where she said they fired or they  
5 fired three times.

6 Q And did she say that her daughter was driving?

7 A No.

8 Q When they left?

9 A Not in my statement.

10 Q Okay. Did her daughter say -- I mean, I can't  
11 remember, but did her daughter say who was driving the mom  
12 or the daughter?

13 A During my interview, I was told that she was driving  
14 -- the mother was driving.

15 Q Okay. So the daughter and the mother both said --  
16 the mother was driving?

17 A During that time, I just had the mother driving and  
18 then like I noted in my notes that Ms. Brianna Robinson  
19 said the same account. So I would say that she also went  
20 along with the fact that her mom was driving like the  
21 testimony.

22 Q But you'll recall that the testimony in this  
23 courtroom is different about who was driving? It's  
24 opposite?

25 A Yes.

1 Q Correct?

2 A Yes.

3 Q So that's not consistent with what they told you?

4 A No.

5 Q And did Brianna Robinson tell you in the interview  
6 years ago that she was outside in this parking lot when  
7 shooting began or did she say she was in the car with her  
8 mother?

9 A She said she was in the car with her mother.

10 Q And so that is also inconsistent with her testimony  
11 this week where she said that she was in the parking lot  
12 when the shooting began, correct?

13 A Yes.

14 Q And so my point is, you know, Mr. Tucker just gets up  
15 here and says wasn't it true that all their testimony is  
16 consistent with what they said five years ago and you just  
17 said yes?

18 MR. TUCKER: Your Honor, I would object to the  
19 characterization. I believe my question to Investigator  
20 Banister was was their testimony substantially the same as  
21 not the exact, not verbatim but substantially.

22 MS. PARHAM: But the bottom line is -- I'm  
23 sorry, Judge.

24 THE COURT: Go ahead and ask your question.

25

1 BY MS. PARHAM:

2 Q But the bottom line is, Detective Banister, that we  
3 don't know because we don't have the benefit of having  
4 those recorded interviews?

5 A No, we do have the benefit of them testifying here in  
6 court.

7 Q Correct.

8 A Yes.

9 Q But we don't have the benefit to know what they said  
10 exactly four years ago right after this incident happened?

11 A No, we do not.

12 MS. PARHAM: That's all.

13 THE COURT: All right. Mr. Banister, you can  
14 step down. Thank you, sir.

15 (WHEREUPON, the witness leaves the witness  
16 stand.)

17 THE COURT: Ms. Parham.

18 MS. PARHAM: Thank you, Judge. We would call  
19 Stephen Starling.

20 THE CLERK: Please place your left hand on the  
21 Bible and raise your right hand. Do you swear or affirm  
22 the testimony you give in this case to be the truth, the  
23 whole truth, and nothing but the truth so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Please be seated again and state

1 your full name for the record.

2 THE WITNESS: Stephen Starling.

3 WHEREUPON,

4 Stephen Starling,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. PARHAM:

8 Q If you will remind the jury what your role and duties  
9 are at the police department?

10 A Captain of the administrative service division over  
11 IT and administrative services.

12 Q All right. Tell this jury when y'all began wearing  
13 body cameras?

14 A I'm sorry when we began wearing body cameras?

15 Q Approximately.

16 A I believe it was somewhere around 2015 if that is  
17 correct.

18 Q All right. And so what happens after an officer  
19 finishes doing his or her shift and how are those body  
20 cameras data how is it maintained?

21 A So we have what we prefer as docking stations at our  
22 head quarters when officers are done with their shifts for  
23 the day assuming they're not on the opposite side of town  
24 still working after their shift. They will bring a camera  
25 into our station, put it in the dock. And then that dock

1 is connected to our server in house. And it uploads  
2 electronically to that server where it's store under their  
3 name and time and date in reference.

4 Q And so since y'all implemented the body camera  
5 system, are those business records that you maintained at  
6 the Florence County police department?

7 A Yes, we main those records on site.

8 Q And are you right now the custodian of those records?

9 A I am.

10 Q And do you believe that in the manner and method in  
11 which the Florence police department keeps those records,  
12 that it's a trust worthy source of the body camera  
13 footage?

14 A You're asking our policy and procedures are accurate?

15 Q Yes.

16 A I do.

17 Q Okay. Now, prior to us come into the courtroom, did  
18 you have the ability to review Defense Exhibits 7, 8, 9  
19 and 11?

20 A I did.

21 Q And are these what you would believe to be true and  
22 accurate pieces of body camera footage that has been  
23 collected and kept at the Florence police department as  
24 part of your business records?

25 A It is.

1 MS. PARHAM: All right. Judge, I would offer  
2 these I believe without objection from the State.

3 THE COURT: Is that right?

4 MR. TUCKER: No objections to the integrity with  
5 the Florence police department, your Honor.

6 THE COURT: All right, sir. That's Defense  
7 Exhibit 7, 8 and 9 and 11.

8 MS. PARHAM: Yes, sir.

9 THE COURT: All right.

10 (WHEREUPON, Defendant's Exhibits Nos. 7, 8, 9  
11 and 11 were admitted into evidence.)

12 MS. PARHAM: And, Judge, we would like to  
13 publish these for the jury. And there is one, Judge, it's  
14 a glitch and it doesn't play smoothly. And so we will  
15 just play that with their permission off of Drop Box. And  
16 we'll replace it before the jury deliberates with one that  
17 is not glitchy.

18 THE COURT: Any objection?

19 MR. TUCKER: No objections, your Honor.

20 THE COURT: All right.

21 MS. PARHAM: Permission to publish these to the  
22 jury?

23 THE COURT: Yes, ma'am.

24 MS. PARHAM: All right. We're now publishing  
25 Defense Exhibit 7.

1 MS. PARHAM: Permission to publish these to the  
2 jury?

3 THE COURT: Yes, ma'am.

4 MS. PARHAM: All right. We're now publishing  
5 Defense Exhibit 7.

6 (WHEREUPON, Defendant's Exhibit 7 played for the  
7 jury.)

8 MS. PARHAM: And now we would like to publish  
9 Defendant's Exhibit 8. This is the one that has the  
10 problem we will move forward and we'll come back to it on  
11 Drop Box and Defense Exhibit 9.

12 (WHEREUPON, Defendant's Exhibit 9 played for the  
13 jury.)

14 MS. PARHAM: Defendant's Exhibit 11.

15 (WHEREUPON, Defendant's Exhibit 11 played for  
16 the jury.)

17 MS. PARHAM: Then the last one Defendant's  
18 Exhibit 8 from Drop Box.

19 (WHEREUPON, Defendant's Exhibit 8 played for the  
20 jury.)

21 MS. PARHAM: And, Judge, just to make sure -- I  
22 like to make sure that I've offered Defense Exhibit Number  
23 1, which is Herman's body camera without objection.

24 THE COURT: You're doing it now?

25 MS. PARHAM: I just want to make sure it's into

1 evidence correctly. I just couldn't remember. I just  
2 want to double check.

3 THE COURT: It is. Yeah, I have it in.

4 MS. PARHAM: Okay. Thank you. The defense  
5 would rest, Judge.

6 THE COURT: All right. Is there any reply?

7 MR. TUCKER: No, your Honor.

8 THE COURT: All right. Ladies and gentlemen,  
9 you've now heard all the evidence that you're going to  
10 hear in this case. We are going recess for the remainder  
11 of the day. We're going to ask that you be back here at  
12 nine o'clock in the morning. All there is left to do in  
13 this matter now at this point is to hear closing arguments  
14 from the counsel and the charge on the law from myself,  
15 okay. And then after that, you would begin your  
16 deliberations. Now, ordinarily when we begin deliberating  
17 in a case, you can't leave the courthouse, so please keep  
18 that in mind. If we need to, we'll have your lunch here  
19 available. But thank you again for your time and  
20 attention and your patience throughout this trial. Please  
21 don't discuss this matter with anybody until it's time to  
22 do so, until you're told to do so by the Court, okay.  
23 Thank you very much. I trust that you will have a good  
24 evening. We'll see you back -- we're going to start at  
25 nine o'clock in the morning. Thank you.

1 (WHEREUPON, the jury is excused for the day.)

2 THE COURT: Captain Starling, you're free to go.

3 (WHEREUPON, the witness leaves the witness  
4 stand.)

5 THE COURT: All right. Is there anything we  
6 need to put on the record before we recess for the day?

7 MS. PARHAM: I would like to renew my objections  
8 and renew my motion for a directed verdict at this time.

9 THE COURT: I understand. And respectfully I'm  
10 going to maintain the same ruling. And so, I guess, at  
11 this time it would be a good opportunity to have a charge  
12 conference.

13 MS. PARHAM: Yes, sir.

14 THE COURT: Okay.

15 MS. PARHAM: And I think at some point the jury  
16 needs to be told that the attempted murder charges are  
17 dismissed.

18 MR. TUCKER: I don't know that they need to be  
19 told that your Honor other than they are to consider the  
20 indictments that are -- the charges that are submitted.

21 MS. PARHAM: Well, y'all told them during jury  
22 selection that she's charged with attempted murder two  
23 counts and so I think that needs to be rectified.

24 THE COURT: All right. I'll think about the  
25 proper way to do that or whether or not we'll do that

1       overnight and I'll let you know in the morning.

2               MS. PARHAM:   Okay.

3               MR. TUCKER:   Okay.

4               THE COURT:   You object to that, Mr. Solicitor?

5               MR. TUCKER:   Well, your Honor, like I said, I  
6       think the proper way to handle it will be just to submit  
7       the charges and they are to consider the charges that were  
8       submitted to them.   So, I mean, I think that handles that.  
9       They are to consider the murder charge and any lesser and  
10      then the possession of a weapon during the commission of a  
11      crime of violence, that's all they need to consider the  
12      charges that were submitted to them for deliberations.

13              MS. PARHAM:   Well, my response to that will be  
14      that the Solicitor's office has the choice on what charges  
15      to proceed on before jury selection.   And he made the  
16      choice to announce all these charges at jury selection and  
17      so you granted a directed verdict on those two charges.  
18      And I think that needs to be in front of the jury.

19              THE COURT:   No, I didn't grant a directed  
20      verdict.

21              MS. PARHAM:   They were dismissed excuse me at  
22      the directed verdict conference, but I think those --  
23      somehow they need to know that those charges are gone  
24      because they were told at jury selection that she's  
25      charged with this.

1           THE COURT: Okay. I'll consider that over the  
2 break this afternoon. I have a couple copies of proposed  
3 charges if you all want to -- I mean, these are just  
4 obviously before anybody's argued anything, so please  
5 don't think that's not able to be changed or fixed. I  
6 also have a verdict form. You want to see this. And I  
7 got three of them. You all can keep those.

8           MS. PARHAM: I think the not guilty should be  
9 first.

10          MR. TUCKER: It's up to the judge what order he  
11 puts it.

12          THE COURT: All right, so we can let's just go  
13 through what I have there for you all. And so we'll start  
14 with just the customary closing arguments of counsel,  
15 general posttrial charge, the charge, arrest, indictment's  
16 not evidence, presumption of innocence, reasonable doubt,  
17 direct and circumstantial evidence, credibility of  
18 witnesses, expert witnesses charge, charge on failure of  
19 the defendant to testify, criminal intent, spoliation of  
20 evidence. And then I have murder charge and possession of  
21 a weapon during the commission of a violent crime charge.  
22 And I did alter that charge somewhat and I'm happy to have  
23 a discussion about that, but the statute is possession of  
24 a weapon during the commission of or the attempt to commit  
25 a violent crime. I felt like since -- I don't know, I'm

1 open to suggestions about that. I took out all the  
2 language that has to do with the attempt to commit because  
3 I'm not sure it's applicable in this set of facts so.

4 MR. TUCKER: I would tend to agree with you your  
5 Honor. I think as it is it's perfectly fine.

6 MS. PARHAM: I'm sorry I'm not following. Where  
7 did you take it out, Judge?

8 THE COURT: It might easier if you come see what  
9 the original charge was, that's the one that's not been  
10 altered at all. And the one you have is ---

11 MR. TUCKER: He move the attempt language.

12 THE COURT: It's throughout the charge too.

13 MR. TUCKER: I certainly think the one you had  
14 with out the attempt language is preferrable.

15 THE COURT: My thought was is that there could  
16 be a scenario whereby they have found her not guilty of  
17 murder and guilty of attempting to commit a violent crime  
18 and I'm not sure those are consistent verdicts.

19 MR. TUCKER: Right. And I would take the  
20 position your Honor if they find her not guilty of the  
21 underlying violent crime, they have to find her not guilty  
22 of possession of a weapon of a commission of a violent  
23 crime.

24 THE COURT: Ms. Parham, do you have any  
25 position?

1 MS. PARHAM: I'm fine with the way y'all written  
2 it. I would like to ask for charges for voluntary and  
3 involuntary manslaughter, Judge.

4 THE COURT: What's the State's position?

5 MR. TUCKER: And your Honor I take the position  
6 I think there may be evidence because again there was a  
7 fight and then this happened close thereafter. I think  
8 certainly voluntary might appropriate. I do not think  
9 involuntary applies again, but voluntary deals with the  
10 commission of a lawful act, but it's done in such an  
11 unlawful way in terms of gross negligence that it rises to  
12 the level of criminal culpability. I don't think it taken  
13 the evidence in the like most favorable to the State that  
14 the evidence supports that shooting a loaded firearm at a  
15 crowd of people is a lawful act done in an unlawful  
16 manner. So certainly I don't think involuntary is  
17 appropriate, but certainly I would suggest -- I think  
18 there's evidence in the record to support a lesser of  
19 voluntary.

20 MS. PARHAM: Judge, involuntary manslaughter is  
21 the result of an unintentional killing of another without  
22 malice but while engaged unlawful activity that does not  
23 usually tend to cause death or great bodily harm or while  
24 engaged in lawful activity with reckless disregard for the  
25 safety of others. In other words, the offender accidentally

1 kills someone while being careless. I do believe that  
2 there is a -- they could choose to believe this witness on  
3 -- there's body cam footage where people say she was  
4 shooting into the air. And so I do think there is --  
5 there are factual scenarios where they could believe some  
6 witnesses and not others and believe that she was shooting  
7 into the air rather than pointing a gun at someone.

8 MR. TUCKER: And certainly I would take the  
9 position your Honor that pointing a gun, you know, up in  
10 the air at a crowd of people certainly is an unlawful act.  
11 And, again, with discharging a firearm in proximity of  
12 people certainly produces that result. So in other words,  
13 it would be an appropriate charge given the facts and  
14 circumstances of this case.

15 MS. PARHAM: But if that were the case, we  
16 wouldn't have involuntary manslaughter charges in gun  
17 cases, shooting cases which we do.

18 MR. TUCKER: Certainly, we do your Honor in  
19 terms of self defense cases where we're talking about  
20 involuntary. Again, a person can be defending themselves  
21 under the letter of the law hits someone unintentional and  
22 that would be an involuntary manslaughter, but they would  
23 otherwise be acting lawfully or they would be using a  
24 firearm in an lawful manner in an unintended consequence  
25 occurred. Here we're talking about a person who gets into

1 a fight and then leaves and then points a gun and then  
2 fires into a crowd of people. One of those rounds hitting  
3 a young lady in the head, so I don't think involuntary  
4 applies under these circumstances at all.

5 THE COURT: I certainly agree with voluntary,  
6 but also believe there is evidence in this record if from  
7 nothing else the final video we saw indicates that she  
8 thought that there was -- I mean, and correct me if I  
9 heard it wrong, but I thought she said that the victim  
10 side began firing first.

11 MS. PARHAM: She did, Judge. And that's ample  
12 in Herman's. We didn't play the whole body camera of  
13 Herman, but that's in there too that the victim side fired  
14 first.

15 THE COURT: Now, I certainly don't have -- it's  
16 not my decision as to what the facts are in the case, but  
17 if that were true, would that not justify the defendant's  
18 actions if she was the one who shot back?

19 MR. TUCKER: Well, your Honor I think the  
20 overwhelming ---

21 THE COURT: But still with it being reckless  
22 which would satisfy potentially an involuntary.

23 MR. TUCKER: I do not believe so, your Honor. I  
24 believe the facts are such that she fired and that, again,  
25 she was firing at a crowd of people. And one whom was

1 hit, but I don't think that involuntary applies under  
2 these situations. Certainly, the ballistics do not  
3 support the statement that was captured on body cam.

4 Again, I know the existence of evidence is what the Court  
5 needs to be concerned about with regards to, but I think  
6 the overwhelming majority of the evidence points that this  
7 was something other than involuntary and that it was Ms.  
8 Joyner who started firing first. And, of course, again,  
9 she was firing at a crowd of people as she was leaving the  
10 parking lot.

11 THE COURT: But that's a disputed question of  
12 fact. I mean, wouldn't you agree with that or you don't  
13 think so?

14 MR. TUCKER: Well, again, insofar as that last  
15 video seems to suggest that's what she -- but, again, she  
16 didn't I saw that way. She saying I think this is what  
17 happened, so, again, I don't think that that is enough to  
18 justify an involuntary manslaughter.

19 THE COURT: But aren't we -- don't we have to  
20 operate on the existence of a fact of evidence? I mean, I  
21 want to use the term because I'm not a fact finder but ---

22 MR. TUCKER: Right. And I know the Court is  
23 concerned about the existence of any evidence that  
24 supports a lesser included, but, again, you know, even if  
25 you take it in that direction. I mean, they're people

1 firing at one another. I take the position it doesn't  
2 matter who fired at who first. You know, these people are  
3 firing, but certainly she's engaged in activity she's  
4 firing back at a crowd of people regardless. So I take  
5 the position that that's an intentional act on her part.  
6 The fact that you chose to use a firearm even if you're  
7 acting under self defense, which is not the case here.  
8 This was the only suggestion of self defense or that she  
9 was fired upon first as been in the entire trial, but  
10 certainly she fires that weapon. She has a responsibility  
11 to fire the weapon in response.

12 THE COURT: I don't mean to argue with you, but  
13 talk through with me the scenario about what somebody's  
14 firing justifiably in self defense and strikes an innocent  
15 bystander. Is that voluntary or involuntary manslaughter?

16 MR. TUCKER: I guess, it would be incredibly  
17 dependent upon the facts your Honor. Again, the facts as  
18 we see here I don't think support the involuntary under  
19 that scenario. But, again, if a person is otherwise in a  
20 place that they are suppose to be and they were otherwise  
21 obeying the law, then certainly I think that it could  
22 apply, but I don't think the facts -- when we're talking  
23 about stand your ground, we're talking about self defense.  
24 They're incredibly fact driven and each different on their  
25 set of circumstances, but I think here just that one

1     assertion by that person I don't think rises given the  
2     facts as we understand them to be support an involuntary  
3     manslaughter charge. Certainly, I would be fine with a  
4     voluntary, but I don't think involuntary applies. And I  
5     would at least ask the Court to do this with regards to  
6     that your Honor if I can look at a few things and then  
7     hold that open and maybe we can ---

8             THE COURT: I'm not going to rule right now. I  
9     want to look and make sure I'm right too. I'm just  
10    trying -- but it seems to me that everybody acknowledges  
11    that at least credibility of its not in question for  
12    purposes of this hearing.

13            MR. TUCKER: Yes, sir.

14            THE COURT: But at least there is evidence that  
15    suggest that as a possibility.

16            MR. TUCKER: And I would agree your Honor in  
17    terms of it's been raised, but, again, if you can just  
18    hold it open and maybe I can take a look at a few things  
19    and we'll go from there.

20            THE COURT: All right, Ms. Parham, is there  
21    anything?

22            MS. PARHAM: I would just like to point out that  
23    there's some other things on Herman's body camera I think  
24    we played at the very beginning of the trial that tends to  
25    suggest that shoots were fired first. And even if you

1 take their witnesses, I mean, I believe they're biased and  
2 I believe they're inconsistent and all that, but even  
3 they, you know, it's the timing of it. It's almost  
4 element self serving. But they acknowledge shots were  
5 fired first. They just disagree on the timing of it  
6 because it's convenient for them, but, yes, I think that  
7 this video is powerful. I think that there's some things  
8 in Herman's body camera that are powerful. And I think  
9 there's ample evidence that shots were fired the victim's  
10 friends first.

11 THE COURT: All right. Well, certainly we'll  
12 take a look at that. And does everybody agree that the  
13 standard here is the existence of evidence as it relates  
14 to charging lesser-included offenses?

15 MR. TUCKER: The State does, your Honor. Yes,  
16 your Honor.

17 MS. PARHAM: Yes, your Honor.

18 THE COURT: Is there anything further?

19 MR. TUCKER: Nothing from the State, your Honor.

20 MS. PARHAM: No, your Honor.

21 THE COURT: All right. So I will say that the  
22 inclusion of voluntary manslaughter I think is without  
23 objection, is that right?

24 MR. TUCKER: That is correct, your Honor.

25 THE COURT: All right. And what's under

1       advisement is the inclusion of involuntary manslaughter?

2               MR. TUCKER:   Yes, sir.

3               THE COURT:   All right.

4               MS. PARHAM:   Thank you, Judge.

5               THE COURT:   Please understand I intend to start  
6       nine o'clock in the morning, so we probably need to put  
7       this on the record about ten minutes till.

8               MR. TUCKER:   Yes, sir.

9               THE COURT:   8:50.   All right.   Thank you.

10              MR. TUCKER:   Thank you, your Honor.

11              (WHEREUPON, the proceedings were concluded for  
12       the day to be reconvened on December 8, 2023.)

13              THE COURT:   All right.   So after -- I'll just  
14       let you know where I am as far as some of the rules that  
15       were out there understanding there might be something else  
16       we need to take up, but based on what's in the evidence in  
17       this case, I find that that is proper for murder,  
18       voluntary manslaughter and involuntary manslaughter and  
19       then the possession of a weapon during a violent crime.   I  
20       do not think that the fact that the Solicitor dismiss the  
21       attempted murder charges as a -- that's not a fact that's  
22       in evidence in this case before this jury, and it's not  
23       proper to argue before this jury for any purpose and  
24       simply I think the correct thing to do is to just carry  
25       forward.   That won't be mentioned during any close

1 arguments. And at the end of my charge when I get to the  
2 charges, that I'm going to charge, I will certainly tell  
3 them that these are the only remaining charges. And I'll  
4 be happy to tell them that the other charges contained in  
5 the indictment were resolved in a different manner. But  
6 that's not before the jury as far as evidence in this  
7 case. And so I don't think it's proper to any other way  
8 for the jury to consider that. All right.

9 MS. PARHAM: I would rather you not say resolved  
10 in a different manner because I don't want them to think  
11 she pled to those.

12 THE COURT: Okay.

13 MS. PARHAM: However, you want to say it or not  
14 say it. I don't know.

15 THE COURT: I mean, I'm happy with saying -- and  
16 I'm satisfied with just saying these are charges that you  
17 are to consider in this case at this time. You're to  
18 consider in this case.

19 MR. TUCKER: And your Honor I certainly  
20 understand his honor's ruling with regards to the  
21 involuntary charge being admitted. With he regards to the  
22 spoliation charge your Honor, I handed a case State vs.  
23 Hoover a copy of which I gave to Ms. Parham. That case  
24 although it says no precedential value, it was instructed  
25 with regards to defining the issue. Now, in that case,

1 there was some surveillance footage that apparently that  
2 was there and that wasn't in the police's custody. And,  
3 of course, you know, the defense ask for spoliation charge  
4 and the Court refused.

5 In there, it pointed out that the State did not  
6 act in bad faith and here it's the same thing. The videos  
7 in question really never existed. It's not like the  
8 videos existed. And then they were lost or somehow  
9 deleted and there was bad faith on the part of the police  
10 department. Here the testimony was that they went into  
11 the interview room, he hit the record button and for  
12 whatever reason those three videos with the Robinsons were  
13 not recorded. So it's not as if they exist and then they  
14 were lost of inadvertence or bad faith.

15 With regards to the video with regards to  
16 Tanisha Timmons, Investigator Banister testified he  
17 flipped the switch on as he normally goes in and it  
18 catches them going in. Then he flipped it and then, of  
19 course, there was nothing until he goes and he flips the  
20 switch again. So, again, there was no bad faith on his  
21 part other than just a technology glitch.

22 The videos never really existed and were not  
23 destroyed. And, again, there was no bad faith. I asked  
24 Investigator Banister several times about whether or not  
25 he deleted the videos on purpose or whether, you know, he

1 just failed to record on purpose and he indicated he did  
2 not. So I don't think the facts as they are in this case  
3 rise to the level of spoilage. And I would object to that  
4 charge going to the jury.

5 THE COURT: I understand that. I mean, the  
6 problem -- and I've read the case you handed up State vs.  
7 Hoover was a South Carolina Court of Appeals case from  
8 2021. The difference in that case and this is that case  
9 dealt with a surveillance video from some that originated  
10 outside of a police station that was just I would think --  
11 you know, that was a shoplifting case. And I think that  
12 must have been the surveillance video from some store or  
13 some other public place. That differing from what we have  
14 here.

15 And I've also considered the spoliation charge  
16 and certainly I think what's clear from the evidence is  
17 that we don't really know what happened. And I'm not  
18 arguing with you at all. I don't know that there's any  
19 evidence either way as to what happened if it was just a  
20 technology failure or it's lost or what. I have no idea.  
21 And I think what's the evidence supports, but the fact  
22 that there is portions of those videos. And as Ms. Parham  
23 pointed out on cross or either direct examination -- it  
24 seem to come on and off with the inside switch, but then  
25 there's testimony that the outside switch is what

1 activates the camera and so I don't about that. I feel  
2 like the spoliation is proper under the circumstances, but  
3 certainly able to be argued either way with merit, but  
4 then, again, the Court's not determiner of the facts in  
5 case, so I think it's a question for the jury to consider.  
6 Anything further?

7 MR. TUCKER: Not from the State, your Honor.

8 MS. PARHAM: I would just like to see the  
9 charges on the other two.

10 THE COURT: Voluntary and involuntary, all  
11 right. You're welcome to approach.

12 (WHEREUPON, a bench conference was held.)

13 MS. PARHAM: Judge, I was wondering about the  
14 appropriateness of any kind of justification charge if  
15 someone's fire at you you have the right to fire back.

16 THE COURT: What are you asking for?

17 MS. PARHAM: The law of justification if you are  
18 being fired upon you not acting unlawfully if you fire  
19 back.

20 THE COURT: Mr. Tucker.

21 MR. TUCKER: Well, your Honor, I think that's  
22 tantamount to self defense and I don't think there's been  
23 any evidence other than an offhand comment made on a body-  
24 worn camera to support that, so I would oppose any  
25 justification charge or anything of the like. Again, all

1 the evidence that the State has adduced as directly  
2 rebutted any kind of justification on the part of the  
3 defendant or that she was sufficiently provoked. All the  
4 evidence has suggested that she fired first other than  
5 this one offhanded comment. So I don't think that alone  
6 satisfies any of the elements that would be required for  
7 that particular charge.

8 MS. PARHAM: It's not an offhanded comment. It  
9 is a body cam with a -- it's made by an eyewitness before  
10 ambulance even gets there that it was shoot out and that  
11 the victim's friends started first.

12 MR. TUCKER: Well, your Honor, again, that  
13 doesn't rise to the level of self defense. It doesn't  
14 rise to the level of justification in that regard. Again,  
15 I think the facts are what they are and the jury is free  
16 to make of them what they will.

17 THE COURT: I mean, I recognize the issue. Do  
18 you have a proposed charge?

19 MS. PARHAM: I can get one. I just when I  
20 looked at your charge on murder and voluntary manslaughter  
21 it just dawned on me that particularly with end of the  
22 charge that it should be some kind of charge on  
23 justification.

24 MR. TUCKER: And your Honor I'm being quite  
25 frank with you I never heard of a justification charge. I

1 always heard a self defense ---

2 MS. PARHAM: Well, we can do self defense.

3 MR. TUCKER: But, again, I don't think -- there  
4 are many elements of self defense if someone saying that I  
5 think they fired first is not anywhere near the elements  
6 that satisfied for self defense. I mean, the defendant  
7 has to be without fault. They had the duty to retreat.  
8 And, I mean, certainly, you know, I think that there's no  
9 element there that they've satisfied other than the  
10 comment that the victim's friends fired first, so I don't  
11 think self defense would be appropriate in this case. If  
12 that was the defense that Ms. Parham wanted to raise, she  
13 had the entire trial to do that and the State would have  
14 been in a position to rebut that. And I think we done  
15 that, but certainly there's been no reference. There's  
16 been no mentioning of self defense at any juncture in this  
17 trial by the defense.

18 THE COURT: What you say to that, Ms. Parham?

19 MS. PARHAM: Okay. I was just looking for the  
20 justification charge that I was thinking about.

21 THE COURT: Let's take a brief recess. I will  
22 be right back.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Okay. All right. I have determined  
25 that the charge of necessity is probably -- is proper in

1     this case if you all want to take a look at that. I don't  
2     find that it's a self defense case. Self defense has not  
3     been alleged in this case. Then behind it is just  
4     preponderance.

5             MS. PARHAM: Okay.

6             THE COURT: Is there any objection to that?

7             MR. TUCKER: Well, your Honor, I do object. I  
8     understand your ruling however of the justification for  
9     it, but I will object for the record.

10            THE COURT: All right. And certainly I  
11   understand that. I just find that the evidence in this  
12   case demands that such a charge is included, okay.

13            MR. TUCKER: Yes, your Honor.

14            THE COURT: All right. Anything further?

15            MR. TUCKER: Nothing from the State, your Honor.

16            MS. PARHAM: No, Your Honor.

17            THE COURT: Now, the defense has introduced  
18   evidence in this case, so give me you alls understanding  
19   of exactly how closing arguments will go because I don't  
20   want there to be any confusion on that.

21            MR. TUCKER: Your Honor, I would open in full.  
22   Ms. Parham will go next and then I would reply after that.

23            THE COURT: Ms. Parham, you agree with that?

24            MS. PARHAM: Yes, sir.

25            THE COURT: All right. Can we have the jury

1 please. To anybody that's in the courtroom if you need to  
2 leave, now is the time. You can't leave and go during  
3 this process, okay, or come and go.

4 (WHEREUPON, the jury came into open court.)

5 THE COURT: Okay. Thank you, ladies and  
6 gentlemen, for being back this morning. I really  
7 appreciate your patience. I understand there was a short  
8 delay this morning, but we're ready to go now. As you  
9 know, the parties have presented their evidence in this  
10 case. And it is now time for the attorneys to make their  
11 closing arguments. Please understand the arguments of the  
12 attorneys are not evidence in this case. Their statements  
13 and arguments are meant to help you understand the  
14 evidence and to apply the law to the evidence in this  
15 case. You should disregard any remarks, statement or  
16 argument, which is not supported by the evidence that's  
17 been presented during this trial or the law that I will  
18 explain to you after their arguments, all right. So  
19 please give your close attention to Mr. Tucker at this  
20 time.

21 (WHEREUPON, State's Exhibit 1, a 9-1-1 call,  
22 played for the jury.)

23 MR. TUCKER: The young lady went to the car, got  
24 a gun and shot the young lady in the head. You heard the  
25 9-1-1 call and it put the focus of this case in complete

1 clarity. Folks, I told you Tuesday this is a case about a  
2 senseless tragedy. It's about needless violence, but  
3 ultimately, ladies and gentlemen, this is a case about a  
4 life cut short by a person who got a gun and fired into a  
5 crowd of people with total disregard for human life.

6           The fight was over. There was no evidence  
7 whatsoever that anybody pursued Measha Joyner or Jolica  
8 Joyner to the car. There was no evidence that anybody was  
9 harassing her after the fight was over. She could have  
10 just left quietly, but she chose not to. She could have  
11 left peacefully. She chose not to. She could have just  
12 rolled away, but she chose not to. What she chose to do  
13 was to take a gun in the backseat of Tanisha Timmons' car  
14 and lean out and fired at least eight rounds at a crowd of  
15 people and she struck Chelsea Plowden in the forehead over  
16 what. She could have just rolled away, but she had to  
17 have the last word and boy did she.

18           Now, his honor will define murder as the willful  
19 felonious killing of a human being with malice  
20 aforethought, that malice being either expressed malice or  
21 implied malice. Malice defined as hatred or ill will, the  
22 wrongful intent to injury another person. Malice does not  
23 necessarily mean ill will toward the individual, but  
24 signifies a depraved or wicked spirit with intent on doing  
25 wrong.

1           Malice may be conceived at the very moment of  
2 the act when it occurs. Ill will, she took a loaded gun.  
3 She stuck it out of a window and she kept firing for at  
4 least eight times with total disregard for the safety of  
5 others. Folks, that is malice in one's heart, that is  
6 malice of one's hand when you pull the trigger that many  
7 times knowing that there are a crowd of people at the  
8 other end of that barrel. And Chelsea Plowden who was 23  
9 years old had done nothing to her. She hadn't bothered  
10 her. She hadn't harassed her. She hadn't fought with  
11 her. She had done nothing to her. And she took a gun and  
12 she shot and killed her.

13           Express malice is a deliberate intention to  
14 unlawfully take the life of another. Folks, when you  
15 stick a gun out of a window and you pull the trigger not  
16 once, not twice, not three, not four, not five, not six,  
17 not seven, but at least eight times at a crowd of people  
18 your intention couldn't be any clearer. Implied malice  
19 when circumstances demonstrate a wonton or reckless  
20 disregard for human life. It is on full display with the  
21 facts of this case, ladies and gentlemen. When Chelsea  
22 Plowden stepped out of that Quick Stop and she walked up  
23 to Gloria Whitehead and she said what are they fighting  
24 and then got one right in the head. Malice doesn't get  
25 any clearer then the facts of this case illustrate.

1           Now, you will have the choice between several  
2 charges back there and his honor will instruct you on  
3 voluntary manslaughter taking the life of another in the  
4 sudden heat of passion upon sufficient legal provocation.  
5 Both heat of passion and sufficient legal provocation must  
6 be present at the time of the killing to constitute  
7 voluntary manslaughter. Sudden heat of passion may for a  
8 time affect a person's self control and temporarily  
9 disturb a person's reason. The sudden heat of passion  
10 must be the type that would make an ordinary person coolly  
11 reflect on his actions and will produce an uncontrollable  
12 impulse to do violence.

13           Folks, I submit to you it's murder. You heard  
14 the testimony of the witnesses that came into this  
15 courtroom got in that chair and after taking an oath on  
16 that Bible and they subjected themselves to direct  
17 examination by me and a vigorous cross-examination by  
18 Ms. Parham. They came in here told you what they saw and  
19 what they heard that night. And despite Ms. Parham's best  
20 efforts, she wasn't able to sway them from that notion.  
21 She wasn't able to catch them in a lie.

22           Now, there were some inconsistencies sure we'll  
23 talk a little bit about that, but on the salient fact, on  
24 the most important fact, they were all consistent. When  
25 asked who fired those rounds at Chelsea Plowden and the

1 other crowd of people, they were all amazingly consistent.  
2 Measha Joyner from the backseat of Tanisha Timmons' car.  
3 And what did they tell you Gloria Whitehead and Tanisha  
4 Timmons told you they both put Measha Joyner in the car.  
5 Now, do I think one of them is lying, no. I think, it's  
6 is possible that Gloria Whitehead walked Measha Joyner  
7 over to the car. And I think Tanisha Timmons come right  
8 behind her and put her in the backseat, but everybody saw  
9 Measha Joyner in the backseat of Tanisha Timmons's car.  
10 And then it was minutes before they were able to get  
11 Jolica to come to the car and get in the front passenger  
12 seat. Every witness that was there just about told you  
13 that. And what do you think Measha Joyner is thinking  
14 about in the backseat of that car while her sister is  
15 still back there arguing, while she is still talking and  
16 before she comes and gets in the passenger seat and before  
17 Tanisha Timmons gets in the driver seat, what do you think  
18 is going through Measha Joyner's mind.

19 She's going to pull a gun. She's going to stick  
20 it out that window, and she's going to fire it at that  
21 crowd of people at the edge of that parking lot. She is  
22 going to get the last word. She is going to be the last  
23 person that's going to be tended to that night. She gets  
24 the last word. That time frame that she is in the  
25 backseat deciding what she's going to do before she does

1 it is what we refer to as malice aforethought. It's  
2 premeditation and as his honor will tell you it can occur  
3 just like that. It doesn't have to be five minutes. It  
4 doesn't have to be five hours, but if you find that she  
5 acted in heat of passion and that the fight occurred and  
6 that she got in the car and acted there. You can still  
7 find her guilty of voluntary manslaughter.

8 Now, you will also be charged with involuntary  
9 manslaughter, which is essentially an accident or  
10 unintentional. And folks this is an act of anything  
11 except an unintentional accidental shooting. She made a  
12 the decision to stick a gun out of a window and she fired  
13 it at least eight times at a crowd of people and one of  
14 those rounds killed a 23-year-old girl who had done  
15 nothing to her, hadn't bothered her, hadn't fought with  
16 her, hadn't done anything to her, hadn't threatened her  
17 and for her efforts, she got killed. I mention to you  
18 Tuesday death seems to have a: Sense of irony because  
19 that night that birthday celebration was to celebrate the  
20 birth of two people Carlos Jackson Stew and Gloria  
21 Whitehead. And now it will be forever remembered for the  
22 death of one person 23-year-old Chelsea Plowden.

23 Now, this case comes down to several things.  
24 One of the most important things that this comes down to  
25 is the credibility of witnesses. And folks you must

1 determine the credibility of witnesses who have testified  
2 in this case. Credibility simply means believability. It  
3 becomes your duty as jurors to analyze and evaluate the  
4 evidence and determine which evidence convinces you of its  
5 accuracy. Keep in mind folks, that every witness the  
6 State put up came into this courtroom, got into that chair  
7 after taking an oath on that Bible and they put their  
8 credibility and issue for you to decide. And the judge  
9 will instruct you further about what you can look for in  
10 terms of assessing credibility, but they were all willing  
11 to come in here and subject themselves to my questioning  
12 and that of Ms. Parham. Every one of them.

13 And two, we'll talk about more in detail, but I  
14 want you to keep in mind Gloria Whitehead got emotional  
15 and this happened four and a half years ago. When Angela  
16 Robinson testified, she got emotional. And then you  
17 remember what she said as she started to get emotional, I  
18 thought I was over this. Some things it seems folks  
19 there's no getting over and I suggest that this is one of  
20 them.

21 Now, Carlos Jackson or Stew now he was  
22 celebrating a birthday in style. He was wearing a crown.  
23 I got to admit I like the idea. I think my next birthday  
24 I might wear one because I tell you if you get to wear a  
25 crown on any day, it should be your birthday. Now, he

1 knew just about everybody at the party especially Jolica  
2 Joyner. They had a child together and he recognized her  
3 sister Measha. But one person that nobody seen to know  
4 was Tanisha Timmons most people hadn't seen her before  
5 that night. But everybody at that party essentially knew  
6 one another. And, again, Ms. Parham had made a big deal  
7 about, well, the Robinsons and the Whiteheads are all  
8 friends. They grew up together. Well, I don't know about  
9 you, but in terms of inviting people to a birthday  
10 celebration, I'm going to invite friends and family. I'm  
11 not going to be inviting complete strangers people I don't  
12 like.

13 Now, he was inside and came out to fire a single  
14 40 round caliber pistol in the air to break up the fight.  
15 Now, again, there was some testimony about Ms. Parham went  
16 to great lengths and we'll talk about it a little bit more  
17 in detail when we get to Gloria Whitehead, but that Gloria  
18 Whitehead when she was talking to Investigator Banister  
19 went boom, boom, boom. Now, she didn't say three times.  
20 She said he fired up in the air boom, boom, boom as  
21 signifies a pistol works. Everybody else heard one shot  
22 essentially. And how do we know that's accurate when we  
23 talk about the physical evidence we'll get more in detail  
24 but because there was one 40 caliber round found, one, not  
25 three, not four, not five, one. And how do we know it

1     came from Carlos Jackson's gun because the ballistic  
2     expert said so.

3             Carlos Jackson came the next day and handed his  
4     gun in and he gave statement. He told what he knew and  
5     what he saw. Now, again, there may be some dispute about  
6     whether he says he goes back inside or whether he stayed  
7     outside or he had the crown on, whether he had the crown  
8     off, but, again, he told what he knew. If he's in some  
9     elaborate frame job, I don't you think he would have been  
10    right along with everybody else who's outside say, hey, I  
11    saw Measha Joyner. He said I didn't see what happened  
12    after I fired the shot in the air I went back inside. He  
13    told the truth. Now, the same pistol matched the single  
14    40 caliber shell casing found at the scene, but it did not  
15    match the projectile taken from the body of Chelsea  
16    Plowden. We can rule that gun out, that gun did not fire  
17    that projectile. But how do we know that's the gun he had  
18    in his possession that early morning because it matched  
19    the 40 caliber shell casing found at the scene and I will  
20    get a little more in detail when I cover it.

21            But that gun fired one shell casing that was  
22    recovered and it was found in a general area where he said  
23    he was despite all of those people who had been in the  
24    crime scene before law enforcement got there to lock it  
25    down. It pretty much was found right where everybody said

1 he was standing when he fired the shot. Remember when the  
2 fight was occurring, it was up toward the front of the  
3 building. It was found in that general area, but more  
4 importantly that is not the gun that fired the fatal blow  
5 that struck Chelsea Plowden in the head.

6 Gloria Whitehead she also was celebrating her  
7 birthday. Now, she didn't have a crown on, but she was  
8 there to celebrate. She said that she was at home about  
9 nine o'clock her daughter Deandra called and said, hey,  
10 you need to come get a plate. And she went begrudgingly  
11 and she stayed. But what did she tell you beyond that she  
12 knew practically everyone at the party too. Everybody  
13 knew everybody. Everybody got along. It's important to  
14 note that while you are back there deliberating keep this  
15 in mind, there wasn't a single problem at that party until  
16 who showed up, until the Joyner sisters showed up.  
17 Everybody was getting along with everybody until they  
18 showed up.

19 Now, she tried to break the fight up and  
20 actually walked the defendant to Tanisha Timmon's car and  
21 pleaded with her to just leave because, again, Measha was  
22 fighting with her daughter Deandra, but when they got  
23 separated she asked her to just leave. And she was  
24 emphatic when she said that on the stand, just leave if  
25 only she had. If only she had gotten into her car and

1 left like Gloria's daughter Deandra did and Kanisha Allen  
2 because when Gloria told them, hey, you need to leave  
3 before there's more trouble, they did just that. They got  
4 in their car along with two other people and they just  
5 left. They just left. Now, they didn't pull out of the  
6 parking lot and stick a gun out the back window and start  
7 firing at everybody. They just left. Now, she stated  
8 emphatically that Measha Joyner was in the backseat. Now,  
9 she actually said she walked over there and put her in the  
10 back of the car.

11 Now, folks bear in mind that when these  
12 witnesses were testifying this four and a half years later  
13 and also it was a very traumatic incident for them, so,  
14 again, who was standing exactly where, whether someone was  
15 in a car that was next to the mother or not. Some things  
16 can kind of get fuzzy when you undergo a traumatic  
17 experience like that. Gloria Whitehead actually said that  
18 after she knew that Chelsea had been shot, she walked down  
19 the street to where she knew Chelsea lived and try to  
20 inform Chelsea's family. And that she walked back and she  
21 didn't see the police.

22 We know, of course, obviously that the police  
23 who had to be there or they arrived a short minute  
24 thereafter you heard Thomas Herman testified that he  
25 practically heard the shot. And they were there within a

1 couple minutes. But when it comes to the things that  
2 matter, Gloria Whitehead was amazingly consistent. She  
3 said that Measha Joyner was in the backseat of that car  
4 and as it started to pull away, she saw Measha Joyner  
5 stick a gun out the backseat of that car and fire. And  
6 that Chelsea Plowden was standing virtually right next to  
7 her. She's alive one moment and then when Measha Joyner  
8 starts firing out the back of that car, she is on the  
9 pavement bleeding from a wound to her head. A wound that  
10 she would not recover from. And why. Because she had to  
11 have the last word.

12 Now, again, Gloria Whitehead had your daughter  
13 there. She knew everybody, but assess their credibility  
14 when she got on the stand. She was emphatic about what  
15 she saw. And she pointed to Measha Joyner and said that's  
16 the woman I saw in the backseat of that car firing that  
17 gun. She was amazingly consistent in both what she told  
18 Investigator Banister in the early morning hours after  
19 this thing happened and she was amazingly consistent with  
20 what she said on the stand. But she came into this  
21 courtroom and got in that witness chair, raised her hand,  
22 took an oath and she told you what she saw and what she  
23 heard.

24 Deandra Whitehead fought with Measha Joyner  
25 outside in the parking lot, saw Kanisha Allen fight with

1 Jolica Joyner in the parking lot. She left the Quick Stop  
2 minutes before the shooting with Kanisha Allen and two  
3 others. Now, she said that when her mother called her  
4 after she had dropped the other two people off and said  
5 Jojo shot Chelsea. And what did she tell you. She said,  
6 mom, that doesn't make any sense. I was just there.  
7 Chelsea wasn't even fighting with anybody. And, of  
8 course, we know that Gloria Whitehead meant Jojo sister  
9 Measha. And she said that when she was asked by  
10 Ms. Parham she said, hey, I know that when I went into the  
11 Quick Stop and said Jojo shot Chelsea. She said I meant  
12 to say Jojo's sister. And why did she say she said that I  
13 was practically in shock. I was trying to get myself  
14 together who wouldn't be under those circumstances. But  
15 she knew Measha Joyner from Jolica Joyner and she told who  
16 she saw. Now, again, she was a little confused at the  
17 time in terms of what she said, but she saw Measha Joyner  
18 do exactly that what she saw her do, which was stick a gun  
19 out the back window fire it until it practically ran dry  
20 at least eight times. But, again, she was amazingly  
21 consistent. And she admit it if she's in on this  
22 elaborate frame job of convicting Measha Joyner don't you  
23 think she would have said, yeah, we stayed around for the  
24 whole thing too, but she didn't and she admitted that was  
25 part of a fight.

1           But the fight was over and she just left. If  
2           only Measha Joyner had done likewise. Kanisha Allen she  
3           says pretty much the same thing as Deandra Whitehead. She  
4           says we were together. We got into a fight with the  
5           Joyner sisters and we left. And she corroborated pretty  
6           much what Deandra Whitehead said that they took two other  
7           people and dropped them off over near Frances Marion. And  
8           then they got a call and then went straight to the  
9           hospital after being told what happened. And it was there  
10          that they encountered Investigator Banister and it was  
11          there that Investigator Banister started looking at the  
12          suspect Measha Joyner. Again, they were able to connect  
13          Investigator Banister to Gloria Whitehead who was an  
14          actual eyewitness.

15               Now, Jamares Robinson he knew everybody at the  
16          party as well. He saw his sister and mother in  
17          attendance. He was out front when the fight started and  
18          he was present when Stew or Carlos Jackson fired a single  
19          shot into the air. Chelsea Plowden was behind them when  
20          the gun fire started.

21               Now, from the back window, he could see Tanisha  
22          Timmons. He could see the gun because he kept saying --  
23          and he was pretty specific. And what happens when a gun  
24          is fired, it's a flash. It's a muzzle flash and he says  
25          he saw it. And he said he saw it right where Measha

1 Joyner was sitting in the backseat of that car. Again, if  
2 he's going to lie, if he's going to try to implicate  
3 somebody other than the actual shooter, don't you think he  
4 would have said, yeah, I saw her. I saw her face. All he  
5 said was I saw the gun come out the window and I saw the  
6 flash. And what did he tell you he did after that. He  
7 tried to push people away. And he said he actually tried  
8 to push Chelsea down. And I think it's one of these  
9 things where I think Chelsea had probably already been  
10 hit. And I think he thought he was pushing her down when  
11 he wasn't, but, again, it's the small details that Ms.  
12 Parham's going to try to focus on to say that's why you  
13 can't believe anybody that was there that testified. But  
14 I tell you it's exactly explainable to undergo something  
15 like that and then to be able to say second by second I  
16 moved here. I was standing here two inches over and I was  
17 there. It's impossible under those circumstances, but on  
18 the facts that matter on the big item who shot the gun, he  
19 said it was Measha Joyner in the backseat of that car  
20 because that's where she was sitting.

21 Brianna Robinson she went to the party with her  
22 mother. She sees her brother there later. Now, she was  
23 outside with her mother to see who was fighting. In fact,  
24 she even said, you know, we went outside to see the fight  
25 or see who was fighting. And when she was asked why did

1     you do that, we were being nosey. Now, she want to go out  
2     and see who was fighting. Now, she's outside with her  
3     mother. She saw both fights. She heard one shot and then  
4     heard another shot later to break the fight up. Now, who  
5     knows what that other shot was. Maybe, it could be she  
6     heard the echo of the shot that actually broke the fight  
7     up, but she was in an eyewitness position to see what  
8     happens after that.

9             She says her mother went to the car. She was  
10    just outside the car, but close enough to duck into it  
11    when the gun fire started. Now, Angela Robinson testified  
12    that they were both in the car together, but Brianna said  
13    she was close enough that when the gun fire started when  
14    she saw where it was coming from and who was firing, she  
15    ducked into the car. Because I think Ms. Parham asked  
16    her, well, what did you do then when the gun fire started,  
17    I ducked, which is what a normal person would do.

18            Now, are these ladies lying, no, I think they're  
19    both telling the truth in terms of she's looking out the  
20    windshield or Angela does and she see her daughter out  
21    there. Brianna's close to the car because they were both  
22    walking out together. Perceptions in moments like that  
23    sometimes can get little foggy, but she was crystal clear  
24    on who she saw coming out the back of that window and  
25    firing right where they were standing right where Chelsea

1 Plowden was Measha Joyner. And when I asked her to point  
2 out Measha Joyner in this courtroom, she did. That's the  
3 person she saw firing the gun. And it's important to note  
4 that when she saw them or her firing the gun, nobody else  
5 was firing at that point. Her brother was standing right  
6 there. She said they only pulled the gun and started  
7 firing after.

8 Angela Robinson, Brianna's mom, she got  
9 emotional testifying four and a half years later after the  
10 incident occurred. She was inside her car when she saw  
11 Measha Joyner get into the backseat of Tanisha Timmons'  
12 car. And, again, remember where that was we will go over  
13 a little bit more in detail, but she had a perfect view of  
14 what was going on. Now, she saw Measha Joyner shooting a  
15 gun towards the crowd where Chelsea was standing as the  
16 car pulled away. Now, she went immediately to the front  
17 of the Quick Stop because what did she tell you. While  
18 she couldn't see her son and she heard gunfire coming from  
19 that area, she knew her son had a gun. But she went to  
20 check on her son to make sure he wasn't hit with the gun  
21 fire. And Brianna Robinson she went there with her  
22 because, again, that's when they both see Chelsea.

23 And remember how choked up Angela got because  
24 she was in the medical profession. She said there was  
25 nothing I could do for her. Now, they both said they got

1 to the car and then they left before police arrived, but,  
2 again, in the video, you can see that at least Angela  
3 Robinson is still there. Now, is Angela Robinson lying.  
4 No, she just mistaken about that fact. Again, remember  
5 what this woman had just gone through, remember what  
6 Gloria Whitehead had just gone through. But when it comes  
7 to who she saw fire the gun, she and Brianna along with  
8 Gloria Whitehead were amazingly consistent. And Tanisha  
9 Timmons she wanted an evening out and drove Measha Joyner  
10 and Jolica to the party. Now, she was having a good time  
11 until the fight started. Now, she put Measha Joyner in  
12 the backseat of the car. Now, again, Gloria Whitehead  
13 said she did. Do I think they're both lying, no. I think  
14 they may be mistaken about who put whom in the car, but  
15 they were both crystal clear in who was sitting in that  
16 backseat.

17 Now, she put Jolica Joyner in the front  
18 passenger seat. Now, as she starts to pull away, what  
19 does she testify to, it was then that she heard gun fire  
20 not before then. Then she hears gun fire. And it was  
21 coming from her backseat. And when I asked her did you  
22 see who was firing, well, no, I turn -- I knew the gun  
23 fire was coming from my backseat, who was in the backseat,  
24 Measha Joyner and only Measha Joyner. When I asked  
25 Tanisha Timmons did Jolica Joyner did she fire. No, she

1 was sitting right next to me. The gun fire was coming  
2 from the backseat. It was coming from the area that  
3 Measha Joyner was sitting. And this was her own car.

4 And folks she is a person who has no allegiance  
5 to anybody. She didn't know anybody at the party. She  
6 wasn't friends with Gloria Whitehead and her family. She  
7 wasn't friends with Angela Robinson and her family. She  
8 only was there because she knew Jolica Joyner and she  
9 wanted a night out. Again, she just given birth about six  
10 months earlier and demands of motherhood being what they  
11 are, she was looking forward to a night out. And it was  
12 one that she's never going to forget. But she doesn't  
13 have allegiances to anyone. Why would she lie. She  
14 wouldn't. And what she says is amazingly consistent with  
15 what the other eyewitnesses say, that Measha Joyner fired  
16 first and that Measha Joyner was shooting out the backseat  
17 of that car not Jolica Joyner, not Tanisha Timmons, Measha  
18 Joyner, the defendant, in this case.

19 So if you believe that Tanisha Timmons is  
20 telling the same lie as the other people, then you would  
21 have to believe that they all got together and decided to  
22 do so. And, again, Tanisha Timmons doesn't know them from  
23 adam. They don't know Tanisha Timmons, but they all tell  
24 the same story in terms of who was in the backseat of the  
25 car when the gun fire started. It is amazingly

1 consistent.

2 Now, she drives home. She contacts law  
3 enforcement the next day as soon as she finds out that her  
4 car's been mentioned as being involved in this case and  
5 that somebody's actually hurt. She didn't wait until law  
6 enforcement contacted her. She got in touch with law  
7 enforcement and she came straight away to talk to  
8 Investigator Banister. And she told him the same thing  
9 that she told you good folks here in this courtroom this  
10 week. Measha Joyner was the one who fired not Jolice and  
11 she was in the backseat of the car. And this is somebody  
12 who knows the Joyners. And this is somebody who was  
13 sitting within arm's length to both of them. If anybody  
14 had a bird's eye view to see who was firing at whom, it  
15 was her.

16 Dr. Thomas Beaver how do we know that the  
17 gunshot came from a distance. What did Dr. Beaver tell  
18 you. Now, the gunshot wound that killed Chelsea Plowden  
19 was high on her forehead and importantly there was no soot  
20 or stippling around the gunshot wound. What did that  
21 signify. He said that typically when a gun is fired at a  
22 person if they're in proximity to them or close to them,  
23 you will see soot. And if the gun is close, you will see  
24 stippling around the wound. He saw none of those things.  
25 Now, again, he did add that, well, the soot can sometimes

1 be washed away as the body is being handled, but there was  
2 no stippling. No stippling indicating that a person was  
3 further away consistent with what the witnesses said.

4 Now, manner of death was in the hands of another  
5 and folks it was a homicide. Death at the hands of other.  
6 Now, important on this is that gunshot wound was to the  
7 front. If the gunshot had come from behind Chelsea  
8 Plowden, don't you think that would have been to the back,  
9 it wasn't. It was to the front. And Gloria Whitehead and  
10 everybody else who saw Chelsea Plowden come out of that  
11 club says the same thing. She walked out, was looking in  
12 that direction and ask what's going on, why are they  
13 fighting. And then didn't get to finish before a round  
14 hit her right in the forehead and it came from Tanisha  
15 Timmons' car specifically from the backseat, specifically  
16 from Measha Joyner. How do we know that the witnesses are  
17 consistent, how do we know that they are with telling the  
18 truth.

19 Now, law enforcement got there fairly quickly  
20 within a couple minutes. And even though they were there  
21 quickly, there were still people on the crime scene. They  
22 got them out quickly as best they could. But look at  
23 where the shell casings are. Number one is the 40 caliber  
24 shell casing Carlos Jackson's gun right there. Two blood  
25 stains, this is where Chelsea Plowden fell. Look where

1 everyone says the car was this direction, so the bullet  
2 almost made a straight line right to her as they were  
3 pulling away. Brass nine millimeter shell casing in fact  
4 there were two items three and four. Now, that ultimately  
5 was determined to come from Jamares Robinson nine  
6 millimeter. Now, what did he say when the gunshots were  
7 fired at him, Chelsea Plowden was behind him and then he  
8 started firing. And then he started to move towards the  
9 car firing as he did so. Amazingly consistent with what  
10 he told.

11           There was an aluminum 380 shell casing. Now,  
12 the 380 is from Demarcus Bluett's gun. Now, again, this  
13 is number five and it's over here. Again, this is all  
14 people moving and firing after Measha Joyner had shot  
15 Chelsea Plowden and she's taken off. Another brass nine  
16 millimeter shell casing item six over here, so, again, it  
17 could have been that he said this wasn't -- we think these  
18 were fired first and this was last. He said this is just  
19 the order in which we went to them, so one, two, three,  
20 four, five, six, seven. So, again, this very well could  
21 have been one of the first ones and somebody could have  
22 kicked it out this way or could have just pinged off of  
23 something, but it is amazingly still consistent with what  
24 Jamares Robinson said he did once the shoots were fired.

25           Now, three aluminum casing 380 bullets, now

1 these weren't fired, but they were found over here as if  
2 somebody's gun jammed and you heard Chad Smith from SLED  
3 say, you know, you sometimes you can rack a gun. And  
4 sometimes you get extractor marks on the 380 live shell  
5 casings. He goes, but they were consistent with the shell  
6 casings. So they were the same manufacturer and the same  
7 head stamp on them. So, again, these are all amazingly  
8 consistent with what the evidence shows in this case.  
9 Now, eight, nine, ten, 11, 12, 13, 14, and 15 these are  
10 all aluminum nine millimeter shell casings and look where  
11 they are. If the car was here as it pulls away, the first  
12 shots bang, bang, bang, bang, bang. And as Tanisha  
13 Timmons told you she turned left hard and went down Sumter  
14 Street.

15           These shell cases are almost exactly where you  
16 would expect to find them if you went by what witness'  
17 testimony was alone. They are right where the car went  
18 almost as if somebody were hanging out the back of that  
19 passenger backseat and firing from an open window as  
20 they're pulling away just like every witness told you she  
21 did. None of these shell casings were fired by the guns  
22 that were submitted by Carlos Jackson, Jamares Robinson,  
23 Demarcus Bluett, that were collected by Stephen Banister.  
24 How do we know that because Chad Smith with SLED told us  
25 an expert in the field of firearms identification. None

1 of these shell casings were fired by the three guns that  
2 were submitted. And they are in evidence right here. And  
3 just as importantly none of those guns fired the  
4 projectile that killed Chelsea Plowden.

5 And Chad Smith said that the projectile was  
6 consistent with a 380 or nine millimeter. And at best  
7 guess, he thought nine millimeter. But the projectile  
8 came apart where they tried to analyze it, but he was  
9 still able to determine that none of those guns fired that  
10 projectile that killed Chelsea Plowden. So if Chelsea  
11 Plowden was hit by gun fire from Carlos Jackson, from  
12 Jamares Robinson or Demarcus Bluett where's the proof of  
13 it. In fact, the proof points the exact opposite way.  
14 All these shell casings over here we can account for every  
15 firearm that fired a shot that night, that was turned in  
16 except one. The one that fired these bullets.

17 And how do we know that those were the guns, you  
18 might hear that, well, how do we know Carlos Jackson turn  
19 in the gun he was shooting there that morning. Well,  
20 because Carlos Jackson's gun matches the 40 caliber that  
21 was found there. How do we know Jamares Robinson handed  
22 them the nine millimeter he was shooting because the shell  
23 casings matched his firearm. And how do we know that the  
24 gun Demarcus Bluett handed in matches the one that he  
25 fired there the 380 because the shell casing proves it

1 was. So those things cannot be true.

2 Chelsea Plowden could not have been shot  
3 accidentally or otherwise by anybody firing a gun back  
4 here. And if it was somebody else with a phantom gun,  
5 where is proof of that. No other shell casings other than  
6 one rusty one that was found over here and you heard the  
7 officer on the body-worn camera said it looks rusty looks  
8 like it's been there a while. And then the only reference  
9 to another possible shell casing was when Patrolman  
10 Boseman looks down and say that it looks like a 45 without  
11 bending down, without picking it up, without manipulating  
12 it in any way, he didn't say it was a 45. He said it  
13 looks like a 45 from where his advantage point was, but  
14 there were no 45 shell casings found. He was mistaken  
15 about that, but, again, a 40 caliber might look like a 45  
16 under those conditions. But we know that every round was  
17 accounted for. We know that every shell casing was  
18 accounted for except over here.

19 While I've got the map up, when Angela Robinson  
20 testified, she said she was backed in right here. She had  
21 the perfect advantage point. And the small details  
22 sometimes that they can recall amazingly so, but every  
23 witness told you that Tanisha Timmons' car was backed in.  
24 Now, one witness said it may be over here. Another one  
25 said it was parked more closely over here, but, again,

1     that's not that big of a distance. Do we honestly expect  
2     to hold people to that kind of specificity under those  
3     conditions, but the important things are amazingly  
4     consistent. They're almost identical in that respect when  
5     asked who shot from that backseat of that car as it was  
6     turning out and going this way everyone said Measha  
7     Joyner.

8                 Now, there was some talk about maybe the gun was  
9     going off and she was firing up in the air. And, of  
10    course, while there were no bullet holes in all these  
11    cars, she fired eight times, where did those rounds go.  
12    Folks, if you've ever fired a firearm, a firearm when you  
13    pull the trigger, it goes up in the air and that's when  
14    you got both feet on the ground. You got both hands on  
15    it. You really have to grip it hard to keep or minimize  
16    what's called a muzzle flip, a muzzle rise.

17                Now, imagine if you're firing from the backseat  
18    with one hand hanging out with nothing holding you on the  
19    ground with your body weight not behind it, you fire one  
20    round you know what happens to that gun, up it goes. And  
21    you keep firing up, and up, and up it goes and because you  
22    aren't able to grip it sufficiently. You aren't able to  
23    get your body weight behind it. You aren't able to get  
24    two hands on it. You don't have your feet on the ground.  
25    That is consistent with what the evidence shows and what

1 the testimony was. It was almost like Chelsea Plowden got  
2 hit with that first round. She got hit high on the  
3 forehead. And then the next rounds were probably over her  
4 head as the gun started to rise up like that. She wasn't  
5 firing up in the air to warn or scare people. She was  
6 firing in the air because she couldn't control the pistol.  
7 She was hanging out the back or she's got her arm out the  
8 back of that window and she can't get a good grip on it,  
9 but everything lines up.

10 Tanisha Timmons, you know, when I asked her how  
11 would you not see who was in the backseat or who was  
12 firing. Well, I know who was in the backseat it was  
13 Measha and that was the only place gun fire was coming  
14 from. But why she couldn't see is because, again, as she  
15 pulls out the gun fire starts, she's having to turn a hard  
16 left and go this way. So she's keeping her eyes on the  
17 road, but she knows what's going on. Because what did she  
18 say when as soon as the gun fire started, what did you do,  
19 but she knew who was in her backseat and she knew who was  
20 firing.

21 Everything is amazing consistent. When we talk  
22 about shell casings and the shell casings that they  
23 collected within a day, they are able to execute a search  
24 warrant on the residence of Jolica Joyner. Now, Jolica  
25 Joyner amongst other things she had a box of Federal

1     ammunition aluminum case and there were 12 missing. And  
2     what did Chad Smith tell you, they had the same head  
3     stamp. They were the same brand that shared  
4     characteristics and they were consistent with the shell  
5     casings found there at the scene right here all eight of  
6     them. And it begs to question why would you have nine  
7     millimeter shell casings or cartridges, but not a nine  
8     millimeter pistol. It was because that pistol was already  
9     back in Columbia because Measha Joyner took it with her.

10           Now, Ms. Parham may argue, well, hey, that was  
11     found in Jolica Joyner's house. What did Tanisha tell you  
12     about how Measha would come and she would stay. I asked  
13     would she stay there often. Yeah, she was there a lot.  
14     Well, where would she stay did she stay her. Well, they  
15     were sisters. So she was in there a good bit and she was  
16     there that day before this happened that Saturday that  
17     night, that's where she was. She was staying with Jolica,  
18     but she had access to that ammunition, but it beg to  
19     question why would you have a nine millimeter ammunition  
20     consistent with a projectile that they pulled out of the  
21     head of Chelsea Plowden, but not have a nine millimeter  
22     pistol to go with it. Where did it go.

23           Ladies and gentlemen, I submit that was Measha  
24     Joyner that shot that night, that was the gun she used to  
25     take the life of Chelsea Plowden and she didn't do so out

1 of necessity. She didn't do it out of self defense. She  
2 didn't do it because she had to. She did it because she  
3 wanted to have the last word.

4           Folks, in a courtroom sometimes when you're in  
5 there by yourself, you're the last one out, when you're  
6 quiet, when nobody else in there making noise, it is  
7 almost like the courtroom talks to you. It is almost like  
8 victims from cases past kind of bear down on you. And if  
9 you're still enough and if you're quiet enough, you could  
10 almost hear what they say. I would ask you to do that in  
11 this case because in that quiet moment when you shut your  
12 eyes and lean forward, you can almost hear Chelsea Plowden  
13 and she's saying I was 23 year olds and I had my whole  
14 life ahead of me until that woman shot and killed me. I  
15 was 23 year olds. I had hopes and I had dreams until that  
16 woman shot and kill me. My name was Chelsea Plowden and I  
17 had friends and I had family who love me until the  
18 defendant Measha Joyner shot and killed me.

19           THE COURT: Ms. Parham.

20           MS. PARHAM: May it please the Court.

21           THE COURT: Yes, ma'am.

22           MS. PARHAM: Mr. Prosecutor. Ladies and  
23 gentlemen, good morning. I appreciate y'all's time this  
24 week. I know it's been long and hard, but we tried to  
25 make things simple and move quickly not to waste your

1 time, but it is very important and I appreciate your  
2 attention. I know y'all paid attention to detail. Detail  
3 is very important in this case. It's important in every  
4 case. It's especially important in this case. And  
5 Mr. Tucker says they had every gun accounted for. You  
6 know, they have a narrative. And they're trying to  
7 squeeze everything into this narrative because it's hard,  
8 you know, because facts get in the way of narratives. We  
9 have every gun accounted for. How about the gun that the  
10 man in the white Mercedes fired and said I'm going to  
11 light this bitch up. You heard that yesterday from Jamie  
12 Zimmerman and that is credible credible evidence because  
13 the ambulance hadn't even gotten there.

14 You know, in the law, we call those things  
15 excited utterances and present sense impressions. And the  
16 reason -- they're kind of like 9-1-1 calls, but the reason  
17 they're really more inherently reliable is because they  
18 are not bias. They don't have time to go get their story  
19 straight. They don't -- you know, she was distraught. I  
20 mean, it was a painful video to watch, but it's so  
21 telling. And, you know, she's ringing her hands she's  
22 like officer I need to talk to you about something. I'll  
23 play it for you again and you'll have it back there in the  
24 jury room. But she says her friends and she's facing  
25 actually the victim when she says -- when she's saying,

1 her friends, she's talking about the victim. She does her  
2 hands like this. When she talks about the other girls  
3 when she's talking about Joyners' car, she says -- she  
4 goes like this and she says, you know, they were shooting  
5 in the air. She says this was a shoot out. She got  
6 caught in the middle. This was a shoot out, ladies and  
7 gentlemen, that's what this was.

8 She said this man in a white Mercedes shot. I  
9 am scared one of her friends shot her. You know, I am  
10 going to light this bitch up, that's how this started.  
11 But none of their witnesses want to tell you that none of  
12 them. None of them talk about Demarcus Bluett shooting  
13 and where is he. But where could that white Mercedes be  
14 very easily right here. You know, the fight was going on  
15 here. They are trying to pull away, that white Mercedes  
16 I'm going to light this bitch up.

17 You know, there's a rusty shell casing where  
18 they say it's either -- if you listen to that video, he  
19 says it either is run over or rusted. It looks old. They  
20 should toss it. They don't collect it. I mean, you know,  
21 last time I checked rusted bullets still fire, okay, but  
22 there's a rusted bullet there. There's also these three,  
23 three live rounds, and I agree with them guns do jam.  
24 They jam all the time. He wants you to believe that these  
25 three live rounds, you know, had to be from this other 380

1 up here. I'm telling you this was a shoot out. There are  
2 tons of people shooting bullets around here tons of gun  
3 shooting. And you got a 380. What if the guy in the  
4 white Mercedes shot a 380, which we know the bullet that  
5 killed the victim could have been a 380 and drops three  
6 rounds. And more importantly, ladies and gentlemen, you  
7 know, this is assuming that this is accurate. And don't  
8 let them fool you into believing that this is accurate.

9 And let me remind you that the lack of evidence  
10 is evidence, so I want to say that the lack of evidence is  
11 evidence. And that's important to remember in this case  
12 because this -- and you can see it from the body cams.  
13 And I do have Herman's body cam it's long, but you'll have  
14 it back there in the jury room. You can look at all of  
15 it. I mean, this was chaotic. It was not preserved. It  
16 was trounced upon. It was not roped off. People were  
17 coming and going. You can see all that, but, you know,  
18 even from their own witnesses, which I'll get into them.

19 They did not tell you the truth, but even if you  
20 take them as trustworthy, this is not accurate because  
21 Jamares Robinson says I fired at least six shoots. I  
22 can't remember he talked about how many rounds. I can't  
23 remember. It could have been seven. I fired at least six  
24 rounds. And they're saying the gun he turned in had three  
25 rounds. And, you know, Carlos Jackson they bend and they

1 break. And they try to make everyone say it was one shot,  
2 one shot, one shot, but before they have all that  
3 information, Gloria Whitehead twos days after this says  
4 boom, boom, boom. You know, because they're trying to  
5 make the people's testimony fit and it just doesn't fit.

6 I mean, Carlos Jackson fired shots and who knows  
7 where that shot is that Brianna Robinson is talking about  
8 that she felt the heat from, but all their witnesses want  
9 to totally sanitize this and that's why they're not  
10 believable, but Jamie Zimmerman is believable. She says  
11 officer here's my number, call me. I'm going to tell you  
12 who all the shooters are. This is a shoot out. It  
13 started over here with her friends and I'm going to light  
14 that bitch up. And tells that my client's car was  
15 shooting in the air. She is reliable.

16 Detective Banister never calls her, never speaks  
17 to her, no interview of her. I asked him that. You will  
18 see other people on this. They didn't review the body cam  
19 footage. What they do instead is they go to the hospital.  
20 And before I back away from this on who could have been  
21 shooting in the white Mercedes I'm going to light this  
22 bitch up, I submit to you it could have been Deandra  
23 Whitehead. It could have been. Could Deandra Whitehead  
24 been mistaken for a man, yes. And isn't it interesting  
25 that Deandra Whitehead continues to try to put time

1     between them, Carlos Jackson's gunshot and when the other  
2     shooting occurred. If you believe Zimmerman, which you  
3     should because she is right there and she's telling the  
4     truth and all that. This is a shoot out. It's bam, bam,  
5     bam, bam, bam, shot, shoot, shoot, shoot. You believe  
6     these girls Deandra and Kanisha Allen.

7             You know, at first they're like, oh, we were on  
8     our way back from Frances Marion. You know, and that's  
9     another thing that's interesting, but so they keep putting  
10    more and more time. And I submit to you they could have  
11    been there. They could have been there and that's motive  
12    for Gloria Whitehead. And I'll submit to you all of her  
13    untruths and we'll get to her in a moment. But why would  
14    these girls say, you know, Gloria Whitehead says there's  
15    15 to 20 minutes between the first shots and these other  
16    shots, that is not how a shoot out happens. It's not how  
17    this happened. It's not how this happened. And you need  
18    to believe Jamie Zimmerman on that. If you believe Jamie  
19    Zimmerman, all these other people are lying to you and  
20    they are.

21            But why would Gloria Whitehead put 15 to 20  
22    minutes between it and painstakingly say her daughter  
23    left. And then these girls are like, oh, yeah, we were  
24    gone. We're on our way back from Frances Marion, that is  
25    just not true. And then you have the missing Robinson

1 interviews. All three of them are missing. You know why  
2 because they contradict. They can -- and these are family  
3 and friends of each other y'all. These are -- Demarcus  
4 Bluett is the father of Carlos Jackson's nephew. And  
5 Gloria Whitehead -- they're all like mothers and sisters  
6 and brothers to each other. And so, yeah, do they get  
7 their story together and say Measha Joyner was the  
8 shooter.

9           Eventually, yeah, they do, but that night here,  
10 that night Gloria Whitehead is by her own admission still  
11 at the crime scene. And there are police officers  
12 everywhere. And unlike Ms. Zimmerman who goes and talks  
13 to the cops and say I want to tell you what happened.  
14 Gloria Whitehead didn't go to the cops. She doesn't tell  
15 them anything. In fact, she's walking around this  
16 building saying Jolica Joyner was the shooter. And she is  
17 telling her daughters, if you believe them, you know, that  
18 they really were on the way back from Frances Marion,  
19 which is inconsistent with their being 30 minutes between  
20 these shots. But if you believe them their mom call and  
21 said Jolica Joyner. I mean, so Gloria Whitehead is going  
22 around saying that. She also says boom, boom, boom with  
23 Carlos Jackson, but that's inconvenient now because that  
24 doesn't match one shell casing. Then there have to be  
25 three from Carlos Jackson. So these little facts are kind

1 of inconvenient for them, but why. Why would these girls  
2 try to distance themselves. And they had every motivation  
3 to quote light that bitch up, every motivation.

4 And what's even more important is you've got the  
5 firearms expert who says there is absolutely no proof and  
6 remember the lack of evidence is evidence. There is no  
7 proof that these shell casings that match one another  
8 fired the autopsy bullet. There is no proof of that. In  
9 fact, he gives you a list of all these other guns over  
10 hundreds of guns that could have fired the autopsy bullet  
11 including a 380, which we have these live rounds down  
12 here. And please remember, ladies and gentlemen, these  
13 are just the shell casings that were found.

14 You know, there could have been tons of people  
15 shooting guns. They're obviously missing shell casings  
16 even if you take their statements -- and revolvers don't  
17 leave shell casings and the ballistics testified. This  
18 autopsy bullet could have been a revolver, and also,  
19 ladies and gentlemen, if Ms. Zimmerman is right and  
20 there's a man shooting from a Mercedes, then shell casings  
21 can be hitting back in the car. There's no reason -- you  
22 have to think that all these shell casings are either, you  
23 know, all going to be here. They can be picked up. They  
24 can fire back in cars. You know, revolvers don't leave  
25 shell casings. There are hundreds of things that could

1 have happened, but these people -- so Ms. Whitehead does  
2 not talk to cops there. She -- and then when Detective  
3 Banister goes and talks to her the wee hours of the  
4 morning based on his conversation with her, which we don't  
5 have the benefit. We don't have a recording. We don't  
6 have notes. He gets two warrant for attempted murder, two  
7 warrants against Jolica and Measha based on her statement,  
8 okay.

9 Now, if she told him about this firing out the  
10 window and all that stuff, I submit to you he wouldn't  
11 have gotten two warrants on two girls for the exact same  
12 charge. And he says all their testimony is consistent.  
13 It's not. Gloria Whitehead said the window was half down.  
14 She never said that Measha Joyner was hanging out window.

15 But let's talk about the Robinsons because their  
16 testimony is completely inconsistent with Whitehead and  
17 them because the Robinson crew that might be why they're  
18 videos are missing because, you know, if it didn't fit the  
19 narrative, it is not here any more and I can understand.  
20 I can understand missing one video. I can maybe  
21 understand that. In a murder case, it's hard to believe.  
22 But for four videos to be gone, three are gone and one  
23 just chops the middle. And the one that chops the middle  
24 is Tanisha Timmons the driver. It would have been nice to  
25 see what she said back then. And I'll correct Mr. Tucker.

1 Ms. Timmons I asked her did you ever see my client with a  
2 gun. Did you ever see my client shoot a gun no and no.

3 Now, she did say she heard shots coming from the  
4 backseat. She did say that, but when you ask if she saw a  
5 gun. And he wants you to take her testimony as truthful.  
6 Well, we'll take it as truthful. She says that they were  
7 leaving this party. She had food in her hand and they  
8 were leaving this party. And my client and he sister were  
9 jumped, that's what she says. She says they were jumped.  
10 So then this game on fight and then when the girls start  
11 -- then it becomes a shoot out. You know, there's no 20  
12 or 30 minutes between shots, that's inconsistent and the  
13 Robinsons don't even say that. They say minutes. They  
14 say minutes. Jamares says minutes.

15 The Robinsons say minutes, but let's talk about  
16 these Robinsons because Angela Robinson you will remember  
17 she says that she and her daughter were in the car  
18 watching all this. The daughter says she was here, but  
19 then runs to the car. But, you know, the devil is in the  
20 details because when you ask questions that they have been  
21 prepared for, you know, they have a 50-50 shot of getting  
22 this one right who was driving. Brianna says her mom was  
23 driving. Her mom says Brianna was driving, but you will  
24 recall Angela Robinson did you leave before the police got  
25 there. She said yes. I left -- which way did you go.

1 And we painstakingly went through the way. Did she ever  
2 past any police officers, no. Did you come back, no. She  
3 left she says before the police officers get there.

4 And one of the videos I showed yesterday on the  
5 publishing and I'll play it again is Officer Gregg's body  
6 cam and it is 50 seconds. But Officer Gregg walks over  
7 here. He parks his car. He walks through here and it is  
8 important these body cams to show how many cars are in  
9 this parking lot. And even -- but let me just finish with  
10 the other thought -- sorry for skipping around. So  
11 Officer Gregg walks through here. He turns. The  
12 ambulance has not even take away the victim's body. And  
13 he turns and standing right here in a row are Carlos  
14 Jackson, Jamares Robinson and Angela Robinson they're on  
15 his body cam. They're standing there.

16 Carlos Jackson is wearing a crown on his head.  
17 so she lied. She lied. You're going to base -- you're  
18 going to base a verdict on her testimony. Gloria  
19 Whitehead lied. You know the Robinsons lied. She didn't  
20 leave. We went through this. She said she left before  
21 the cops got there and that she didn't even see any cops  
22 going there. And guess who's not standing there. And I  
23 submit to you I really don't know that she was present  
24 because I think if I remember correctly Carlos Jackson did  
25 not remember her being at his party was Brianna. She is

1 not standing there. There are so many inconsistencies and  
2 lies and remember the lack of evidence is also evidence.

3 The other thing we don't have, ladies and  
4 gentlemen, is we don't have any measurements whatsoever.  
5 And we can't go back and recreate that and that's not our  
6 problem, that's their problem. But you look at these 100  
7 pictures or whatever, there's not one measurement. And it  
8 is offensive to me because all it takes is a measuring  
9 tape. And this by way is not to scale. They acknowledge  
10 that. This is for demonstrative purposes. There's  
11 nothing about this that's scale. So this is to  
12 demonstrate to you, but we don't know whether these yellow  
13 circles are in the right place. We don't know that.

14 And you'll see in these pictures it's important.  
15 You can look through these pictures. When you look at  
16 these pictures and you see these things eight, nine and  
17 ten, you can see curbs that they're next to and sidewalk  
18 pass the grass. But if you took a true aerial photograph  
19 of this and this wasn't blurry like this, you would be  
20 able to see exactly where they should be because if this  
21 weren't blurry and it looked like this, you could tell  
22 from those photos exactly where these should be kind of  
23 based on the sidewalk and the indentation of the parking  
24 lot things like that. But the perfect thing would be to  
25 take a tape measure and measure from one point of

1 reference so that you have a graft. So that you know  
2 could it even be possible. We don't even know that,  
3 ladies and gentlemen.

4 I mean, first of all, we got I'm going to light  
5 her ass up and all these shooters. And all these  
6 witnesses that aren't telling the truth, but we don't even  
7 know if it's possible. And it's consistent with what  
8 Zimmerman says that this car was shooting at in the air  
9 because the officers if you listen to Herman's body cam,  
10 they're amazed that nothing got hit and the officers talk  
11 about it on the body cam. They're like, well, that's  
12 because, you know, the witnesses say that this car was  
13 shooting in the air. And you'll see it on the video.

14 None of these cars are hit with bullets. In  
15 fact, you don't even have measurements, so you don't know  
16 really if these are placed exactly correctly. And you  
17 don't know if it's even possible for that to have happened  
18 at all. You know, I don't know that expert marks man -- I  
19 mean, you'll see for yourself on these pictures, but  
20 there's just no evidence of that. And Jamares Robinson  
21 says he was running, shooting until he got to his car.  
22 You know, he says he fired six or seven shots. So this is  
23 a demonstrative exhibit that they use, but there's no  
24 measurement. We don't have a crime scene measurement. We  
25 don't even know if it's humanly possible for this story

1 that they're trying to sell you to have happened.

2 Again, we -- when officer -- when Detective  
3 Banister, you know, starts investigating this case he goes  
4 to the hospital. He meets with friend and biased people  
5 who could have been participants in this and he gets an  
6 arrest warrant. And then he goes to the bond hearings and  
7 he meets with the girlfriend of Chelsea Plowden and says,  
8 yeah, I need these other people to come forward. He never  
9 watches the body camera. He never interviews Ms.  
10 Zimmerman. We have all these missing interviews.

11 The other thing is everyone should be treated as  
12 a suspect until they are not a suspect. You know, he  
13 interviewed Deandra Whitehead and her girlfriend together  
14 in an interview room. I mean, who does that. You can't  
15 get people's story when you do that, that's just like 101  
16 detective. You don't do that. You separate people. You  
17 interview people and figure out what the truth is.

18 He charge these girls before he even had the  
19 ballistics. You'll see the report of the firearms expert  
20 it came out a year later. I mean, you got rounds here.  
21 You know, those weren't excluded at the time, but it was  
22 kind of like this is what I'm going with case closed and  
23 anything else that doesn't align, you know, we're not  
24 going to pay attention to it, but you don't interview  
25 people separately. And also isn't it a red flag that no

1 one, no one mentions Demarcus Bluett shooting a gun.  
2 Well, he obviously did at least once we don't know. We  
3 have one round that they say came from a gun that he  
4 turned in where is he.

5 Where is Latricee Graham who one witness said is  
6 arm and arm with the victim. Where is she. You know,  
7 where is this crime scene measurement. Where is that. I  
8 mean, they want you to take the word of Gloria Whitehead  
9 who lied to you and there is 30 minutes between these  
10 shots. And they want you to take the word of Angela  
11 Robinson who said she left here and I have her on video  
12 she lied to you.

13 All these people that had knowledge that they  
14 never talk to law enforcement on scene, never felt -- you  
15 know, they get up here and cry or so call cry and act like  
16 they care, but they didn't care enough about this girl who  
17 lost her life to tell law enforcement what happened that  
18 night and tell the truth. You know, where were they.  
19 Where were they that night. They weren't telling anything  
20 because they didn't know what they were going to say.  
21 They had to get their story straight.

22 We also know that from the ballistics examiner  
23 that now they have even a more detailed process of getting  
24 DNA off shell casings. You can get DNA off of shell  
25 casings by soaking them in that bath. They could have

1     done that on any of this. They didn't. Again, ladies and  
2     gentlemen, it is important ballistically that there is no  
3     proof whatsoever that these shell casings fired that  
4     autopsy bullet. There is no proof of evidence whatsoever.

5             The judge is going to charge you on spoliation  
6     of evidence and it's important. He's going to tell you  
7     that in this case there's allegations of destruction of  
8     evidence. The State not only has the burden to prove  
9     guilt, but it also has the burden of producing evidence  
10    which could establish the innocence of the defendant. And  
11    the reason it's important is because you can see from my  
12    cross-examination of certain witnesses that I did have  
13    their recorded interviews from years earlier, that I can  
14    point out inconsistencies. So it prevents the State from  
15    being able to coach and to be able to prepare people to  
16    say, you know, exactly what they want to say and so those  
17    things are gone. And so the judge is going to charge that  
18    when evidence is lost or destroyed by a party, you may  
19    infer that the evidence which was lost or destroyed would  
20    have been adverse to that party. You can infer that. And  
21    if you find that the evidence was spoiled or destroyed and  
22    if you further find that evidence could help establish the  
23    innocence of the defendant, then you may consider those  
24    facts in deciding whether the State's met its burden of  
25    proof.

1           The judge is also going to charge you on murder,  
2 manslaughter and involuntary manslaughter. This is not an  
3 intentional killing at all. There's no evidence that my  
4 client fired any round that killed the defendant. There's  
5 as much evidence in this record that her sister fired  
6 rounds as it was her.

7           This is not a provocation case either. The  
8 evidence from Tanisha Timmons is that they were leaving  
9 the party and were jumped. But more importantly, ladies  
10 and gentlemen, I told you from the beginning that my  
11 client's the scapegoat for everyone else's bad behavior  
12 this night. You know, I'm not condoning any kind of shoot  
13 out, but there were multiple guns fired with multiple  
14 people and multiple shell casings and bullets. And a lot  
15 of guns that are shot don't even leave shell casings  
16 revolvers don't. I mean, there a hundred different things  
17 that could have happened this night.

18           And the absence of evidence is evidence and it's  
19 evidence of doubt. And we're all going to leave here.  
20 Y'all are going to make a decision on this case. And  
21 eventually we're going to leave and you're going to go  
22 back to your homes and -- but I would just ask that any  
23 doubt you have needs to be had today because people are  
24 going to ask you about your service on this jury whether  
25 it's next week or next month or five months or ten years.

1 But if you have doubt, it needs to be today because five,  
2 ten years, 30 years from now, it's too late for Measha  
3 Joyner. So I would ask -- the State wants you to see what  
4 they do have. I would ask you to ask what they don't  
5 have. And I would ask that you do not put any credence in  
6 the testimony of the people who lied to you. And all  
7 these witnesses have lied to you. They have not talked  
8 about this being a shoot out, which is what it was.

9 And I like to publish just a few things to you  
10 that I was talking about just so that you can see. And  
11 then, of course, there's a lot of body cam footage that  
12 further explains some things. Herman's body camera there  
13 other witnesses that talk about the Joyner car firing in  
14 the air. There's another witness that talks about this  
15 white Mercedes. The police officers talk about how it's  
16 consistent because no bullets hit any of these cars.  
17 There is talk on Herman's body camera about their being 45  
18 rounds and 380 rounds. You know, 45 rounds were not taken  
19 into evidence. Again, the rusted bullet wasn't taken into  
20 evidence. And so all that's apparent, but I would leave  
21 you with several of these videos. The first one let's  
22 show you is Officer Gregg's. And this is the end of  
23 Officer Gregg. You can see Angela Robinson and Jmares  
24 Robinson and Carlos Jackson standing together, which is  
25 completely contradictory to what she testified to.

1 (WHEREUPON, body cam video played for the jury.)

2 MS. PARHAM: Completely inconsistent with what  
3 you she told you. What she told you was a lie. What  
4 Gloria Whitehead to you is a lie. The next video is  
5 Officer Boseman. And what it shows -- it does a pretty  
6 good of showing -- he's picking up one of these. And it  
7 just shows a view of how far away everything is and how  
8 many cars are in between.

9 (WHEREUPON, body cam video played for the jury.)

10 MS. PARHAM: Because it shows the distance and  
11 how many cars are in between. And they go on to talk  
12 about, you know, why the officers talk about 45's. And  
13 there are no 45's in evidence, so that's hard to  
14 understand. And I just want to touch on one thing about  
15 the soot or stippling. Y'all will remember from the  
16 medical examiner. Mr. Tucker was talking about that on  
17 closing. He said it has to be under 16 inches to cause  
18 that. There's no contention, you know, even that anyone  
19 would have shot that closely. So, I mean, that does not  
20 preclude this guy in the white Mercedes from firing the  
21 fatal shot at all. And so I'll leave you with Jamie  
22 Zimmerman, again, who's never interviewed by law  
23 enforcement. They didn't watch these videos. And I  
24 submit to you that she is the most important witness.

25 (WHEREUPON, body cam video played for the jury.)

1 MS. PARHAM: And so unbelievably, you know,  
2 Carlos Jackson was not even interviewed by law enforcement  
3 that night despite the fact that multiple tell him on body  
4 camera tell officers he was one of the people shooting.  
5 It also turns out he's the 9-1-1 caller. And he testified  
6 under oath he was inside not outside during the shooting.  
7 And I think you'll remember the 9-1-1 operator asked  
8 several times for his name and he refuses doesn't give his  
9 name. And so the point is is that the people who've  
10 testified have all lied, but they don't tell you about the  
11 two shooters. They don't tell you about the man in the  
12 white Mercedes. They don't tell you about Demarcus  
13 Bluett. The only one that tells you about Mr. Robinson is  
14 his mother, but the other ones leave him out. I say did  
15 you see any other shooters. No, no, we didn't. They  
16 minimize and so they don't own up to the fact that this  
17 was a shoot out and what happened. I would ask that you  
18 not believe any of them. And I would ask that you find my  
19 client not guilty. Thank you.

20 THE COURT: Any reply?

21 MR. TUCKER: Yes, your Honor. Folks, Jamie  
22 Zimmerman listen to the video not once did she say I was  
23 standing right here and I saw this. She says I believe.  
24 And when she says about the people that must have shot  
25 Chelsea Plowden, she says must have been friends because

1 they were right next to her. Well, the problem with that  
2 is is it doesn't match the physical evidence. We know  
3 that the people standing next to her didn't shoot her.  
4 They were eliminated in terms of their guns.

5 Carlos Jackson fired a gun. His gun sits right  
6 there and it was checked by SLED. It did not fire the  
7 projectile that killed Chelsea Plowden. Jamares Robinson  
8 his nine millimeter is right there in that box. It was  
9 turned in. It was checked by SLED. It was eliminated as  
10 a possible murder weapon. It did not fire the projectile  
11 that killed Chelsea Plowden. Demarcus Bluett's 380 right  
12 there. It was checked by a SLED firearms expert. It did  
13 not fire the projectile that killed Chelsea Plowden. All  
14 three of those firearms were eliminated. Their shell  
15 casings are all accounted for.

16 Now, Ms. Parham wants to make a big deal about  
17 Jamares Robinson. We know that law enforcement must have  
18 screwed up the scene because he said he fired six times  
19 and they only found three of his shell casings. Now, when  
20 it's convenient for her law enforcement and people all in  
21 there must have kicked shell casings, but she doesn't  
22 leave open the room for maybe it was kicked. There were  
23 actually six and three were kicked. I submit to you that  
24 Jamares Robinson may have been mistaken about how many  
25 times he fired. It was a situation that was chaotic. It

1 was a situation that was stressful. It was a situation  
2 that cause traumatic experiences for people.

3 Now, Ms. Parham also characterize Gloria  
4 Whitehead as a liar. She was sitting right there in that  
5 chair. You had an opportunity to assess her credibility,  
6 her demeanor. Did that lady look like she was lying to  
7 you. Did it look like those tears weren't real that she  
8 was shedding for Chelsea Plowden. And the same for Angela  
9 Robinson. Did it look like when she got emotional that  
10 that was somehow an act, that was genuine grief that they  
11 feel four and half years later because they went through  
12 this. And because someone mistakenly tells one thing  
13 about, well, I was standing here, but I was standing  
14 there. The car was here, but it was over there does not  
15 mean that they were lying. It simply means that they were  
16 mistaken, but at least they came in here and got on the  
17 witness stand and subjected themselves to  
18 cross-examination. Jamie Zimmerman the video no one ask  
19 the follow up questions ---

20 MS. PARHAM: Objection, your Honor, he just  
21 shifted the burden, which is impermissible.

22 MR. TUCKER: Your Honor, I don't believe I did  
23 that. All I said was Jamie Zimmerman she was not ask  
24 questions on the body-worn camera video, which is what I  
25 was about to go into. I merely stated my witnesses

1 testified from the stand.

2 MS. PARHAM: May we approach?

3 (WHEREUPON, a bench conference was held in the  
4 presence of the jury, but out of the hearing of the  
5 jury.)

6 THE COURT: Ladies and gentlemen, would you step  
7 to your jury room for just a moment. Please don't discuss  
8 this matter. We'll have you right back out. Thank you so  
9 much.

10 (WHEREUPON, the jury retired to the jury room.)

11 THE COURT: All right, Ms. Parham.

12 MS. PARHAM: Thank you, Judge. In his closing  
13 argument, Mr. Tucker just said, you know, that those look  
14 like real tears at least they, you know, came in here and  
15 swore under oath and took the witness stand. And I could  
16 ask the court reporter to read it back exactly, but he  
17 emphasized the word they and came in here to took an oath  
18 and testified, which is an impermissible burden shifting.  
19 And it highlights the fact that my client chose not to  
20 testify and it's highly inappropriate. It's prejudicial  
21 and I'd ask for a mistrial.

22 MR. TUCKER: And your Honor, if I could respond,  
23 they meaning the witnesses that I put up Gloria Whitehead,  
24 Angela Robinson, Brianna Robinson, Jamares Robinson,  
25 Tanisha Timmons. They meaning them was not in reference

1 to her failure to testify. I'm highlighting the  
2 difference between their testimony from the stand being  
3 cross-examined versus Jamie Zimmerman who was not about to  
4 be asked a question or nobody ever asked her where she was  
5 standing, what she saw, when she saw it. Again, that was  
6 my next thing out of my mouth was Jamie had nothing to do  
7 with Ms. Joyner whatsoever.

8 THE COURT: All right. I'm going to  
9 respectfully deny your motion.

10 MS. PARHAM: Thank you. Please note my  
11 objection.

12 THE COURT: Certainly, the record notes your  
13 objection. Now, we're going to take just a few minutes  
14 since the jury is out and that way we can go straight into  
15 charging after they come back, okay.

16 MR. TUCKER: Thank you, your Honor.

17 (WHEREUPON, a break was taken.)

18 THE COURT: All right. We ready for the jury?

19 MR. TUCKER: State's ready, your Honor.

20 MS. PARHAM: Yes, your Honor.

21 THE COURT: All right, can we have the jury  
22 please.

23 (WHEREUPON, the jury came into open court.)

24 THE COURT: All right, Mr. Tucker.

25 MR. TUCKER: Thank you, your Honor. Folks, as I

1 was saying, Jamie Zimmerman is never asked any hard  
2 penetrating questions out there. She was never asked  
3 where were you standing exactly when it started, who were  
4 you standing next to. She never answered or she never  
5 ask that. She says I think it happen this way because of  
6 the way she was hit. She never says I saw it. All she  
7 says is I think or I believe it happen this way, but now I  
8 don't think anybody ever asked Jamie Zimmerman whether she  
9 was a forensic pathologist or a trained investigator  
10 either. But when she's asked when she mentions the guy in  
11 the white Mercedes when she asked, well, what's his name,  
12 what did she say, well, I don't know. You got a card I  
13 have to call you tomorrow. I got to go back and look on  
14 Facebook. I don't know these people. We're Facebook  
15 friends.

16 This is their best evidence. This is the one  
17 that Ms. Parham wants you to believe over Gloria  
18 Whitehead, over Angela Robinson, over Brianna Robinson,  
19 over Jamares Robinson, Carlos Jackson and over Tanisha  
20 Timmons. Jamie Zimmerman who's Facebook friends with  
21 people, but she does say a couple of things that I  
22 completely agree with when she says it was senseless, that  
23 girl wasn't involved in any of it. By that girl, she  
24 meant the victim in this case Chelsea Plowden. She wasn't  
25 involved in any of it. But how do we know that Jamie

1 Zimmerman if she thought that the bullet that killed  
2 Chelsea Plowden came from one of the people that was  
3 standing next to her Carlos Jackson, Demarcus Bluett or  
4 Jamares Robinson. And those were the only people any  
5 witnesses told you they saw out there.

6 The bullet, the projectile that killed Chelsea  
7 Plowden did not come from their weapons. It came from the  
8 weapon that fired these shell casings right here and this  
9 is the exact direction in which Tanisha Timmons' car went.  
10 And if you follow it out, you would almost follow somebody  
11 in the backseat firing back in this direction striking  
12 Chelsea Plowden once. And then the rest of the rounds as  
13 I said more than likely when she was pulling the trigger  
14 the gun went up because she was not able to get a grip on  
15 it and the rest of those rounds probably sailed high,  
16 which no bullet damage to any of the cars that were  
17 standing there, that first round is what got her. And  
18 even if you believe Jamie Zimmerman -- and, again, she  
19 tells nothing in there that's corroborated. She doesn't  
20 say where she was standing. She doesn't give names. She  
21 only knows people by Facebook. She's not able to give  
22 context. Nobody asked her, well, how much time from when  
23 this happened to when that happened. She's not asked any  
24 penetrating questions like some of the others that got on  
25 the stand and testified.

1           Now, Ms. Parham would have you believe that  
2   Angela Robinson should have said Brianna Robinson. Now, I  
3   just heard one gunshot get your watch out and mark the  
4   time until the next one. Now, I need you to keep track of  
5   time in terms of how much time we're here until we leave.  
6   And I need you to take the names of everybody that we see  
7   before we do. Life doesn't happen that way.

8           There were shots fired. Yes, there were shots  
9   from the car and, yes, there were shots back towards the  
10   car. It was a traumatic situation. Someone that they  
11   knew and they love and they cherish lay dying right there.  
12   It was a chaotic-traumatic experience for them to have to  
13   suffer through. And four and a half years later, they  
14   came in here and told you all about it and you saw how  
15   emotional they got, but the physical evidence corroborates  
16   their stories. And it doesn't corroborate what Jamie  
17   Zimmerman said. And, again, Jamie Zimmerman doesn't give  
18   the name of anybody. She doesn't say where she was  
19   standing. She doesn't say how many shots she fired or she  
20   heard. All she says is just some general things, but  
21   Ms. Parham wants you to believe her over all the witnesses  
22   that we put up and that you heard and told you what they  
23   experienced and where they were.

24           Now, again, is it possible that they got some of  
25   the details wrong in recollection. Yes, the small stuff.

1 Now, again, if you went through what they went through,  
2 it's possible that you be at the scene and not remember  
3 it, yeah. But now look at that video just because  
4 Ms. Parham says that's Angela Robinson there doesn't make  
5 it so. There's a lot of light bouncing off of that.  
6 Again, it was not one person who testified that that was  
7 Angela Robinson, just because Ms. Parham says it's so  
8 doesn't make it so. And to be honest with you, I don't  
9 know.

10 Gloria Whitehead when she went there, it's  
11 almost impossible to believe that Gloria Whitehead wasn't  
12 there when law enforcement got there based on how long she  
13 was there. And when she came back and how quickly law  
14 enforcement arrived. Is it possible that Gloria Whitehead  
15 doesn't remember seeing the police officers, absolutely,  
16 because what did she tell you when Ms. Parham asked, well,  
17 did you speak to law enforcement. You remember what she  
18 said. I had to get myself together. Meaning, I was  
19 emotional. I was upset. And she even went to great  
20 lengths to say I had just gone down to Chelsea Plowden's  
21 house and I had to tell her people that she got shot. She  
22 was laying up there in the parking lot. She had to tell  
23 family what no family ought to ever have to hear and  
24 coming back from that having just experienced all of that  
25 she had to get herself together.

1           Now, law enforcement in this case, Investigator  
2 Banister he's got 20 years of experience investigating  
3 crimes. When he's notified, he's on the way from  
4 Hartsville as he testified. He hears that they've gone to  
5 the hospital and he talks to one of the officers. He goes  
6 straight to the hospital because at this point Chelsea  
7 Plowden is still alive. He does not know her condition.  
8 Now, when he gets there as he testified, it was obvious  
9 that she was not going to be in a position to tell him  
10 anything not then and tragically and unfortunately not  
11 ever.

12           What does he say he did though. Deandra  
13 Whitehead was there along with Kanisha Allen. He speaks  
14 to them. And then they put him in touch with Gloria  
15 Whitehead to whom he speaks. And then he's able to go to  
16 where Gloria Whitehead is immediately almost after that  
17 conversation. Now, he's talk to firsthand eyewitness who  
18 saw the whole thing.

19           And from there, he gets context and by one  
20 o'clock that same morning into the afternoon of that same  
21 day he speaks to Tanisha Timmons. Remember what Tanisha  
22 Timmons told you, ladies and gentlemen. She was driving  
23 the car. Now, Ms. Parham ask, well, how do we know Jojo  
24 didn't fire the gun because Tanisha Timmons told you so.  
25 She was sitting right next to her in the car. When asked

1 repeatedly who fired the shots, again, she didn't say she  
2 saw Measha, but she told you emphatically and with  
3 convincing fashion the gun fire came from her backseat.  
4 Who was the only person in your backseat, Ms.  
5 Timmons, what did she say Measha Joyner, that's how we  
6 know because we have credible witnesses who tell you that.  
7 And she doesn't have the old expression a dog in the  
8 fight. She doesn't know the Robinsons. She doesn't know  
9 the Whiteheads. You know, she knows Jolica Joyner  
10 because they're neighbors, but she doesn't have a dog in  
11 the fight. What motivation would she have for lying and  
12 for that matter what motivation would the Whitehead's have  
13 for lying, what motivation would the Robinsons have for  
14 lying. They wouldn't. Who are they covering for. We  
15 know the guns and the shell casings. Those guns put those  
16 shell casings there, but we know those guns didn't fire  
17 these cartridges. And we know that those guns none of  
18 them fired the projectile that killed Chelsea Plowden, so  
19 who are they covering for.

20 She would almost have you believe that the  
21 Whiteheads and the Robinsons manufactured this whole thing  
22 when they told law enforcement to implicate Measha Joyner  
23 when Tanisha Timmons clearly puts Measha Joyner in the  
24 backseat firing the rounds. Don't you think the Robinsons  
25 and the Whiteheads will want to bring the person

1 responsible for this to justice, absolutely, that's why  
2 they were willing to come in here four and a half years  
3 later and testify. It was a traumatic experience that  
4 they suffered through and that they witness that night and  
5 that morning. Do they have some details wrong, probably.  
6 I would be stunned if they came in and their stories  
7 matched exactly identically because then there might be  
8 some basis to say that they all got together and cooked up  
9 a story. If all the details matched perfectly even the  
10 smallest ones, the insignificant ones, but these people  
11 experience something and everybody's perception is  
12 different, but they are all the same. And they were all  
13 consistent when it came to what mattered. When it came to  
14 the question of who fired the shot that killed Chelsea,  
15 Plowden Measha Joyner.

16 Now, going back to spoliation issue that  
17 Ms. Parham raised about Investigator Banister, she would  
18 have you believe that Investigator Banister either just  
19 recorded those interviews from the Robinsons, and by the  
20 way they were all done right behind the other and then  
21 deleted them or destroyed them. And when ask Detective  
22 Banister would you like to have those interviews, you bet  
23 because they were extremely helpful.

24 Remember by the time he talks to the Robinsons,  
25 he spoken to Gloria Whitehead and he spoken to Tanisha

1 Timmons and he has a good handle on what went on. And  
2 when I asked him was what the Robinsons told you  
3 consistent with how they testified, yeah. I wish I had  
4 those interviews. Why aren't the videos here as he told  
5 you, it was a new recording system. And unfortunately for  
6 whatever reason that particular block, it was recorded or  
7 it got deleted things happen unfortunately. And with  
8 Tanisha Timmons, her interview he told you I flipped the  
9 switch, it might have been on. When I thought it was on,  
10 I actually turned it off. And when I turned it back off,  
11 it actually turned back on, which is why it appeared the  
12 way it did.

13 I ask Investigator Banister do you wish you had  
14 that interview, you bet you, but bear in mind folks,  
15 Angela Robinson, Brianna Robinson, Jamares Robinson and  
16 Tanisha Timmons came into this courtroom and they got in  
17 that witness chair and they told you what happened. So,  
18 again, we don't need the interviews. Would it be nice to  
19 have them, absolutely, but nobody deleted anything.  
20 Nobody got rid of anything because there was some  
21 inconsistencies on there. If that were the case, all the  
22 videos would have been gone because as Ms. Parham pointed  
23 out, there were some inconsistencies with the videos that  
24 do exist. So if that were the point and that were a plan,  
25 they would all be gone and everybody stories would have

1     been identical. Even down to the smallest detail, but  
2     they weren't because that's not what happens in real life,  
3     but particularly when you are dealing with a situation  
4     like this. Folks, the evidence only points one way  
5     because it only happened one way.

6             Ms. Parham talks about, well, how do we know  
7     this is accurate, how do we know that this is correct.  
8     There are crime scene photos right there and I  
9     painstakingly walked Stephen Starling through it. And I  
10    hate to put you folks through it because sometimes when  
11    you're having to go through one picture right after  
12    another and it looks to be four pictures of the same  
13    thing, but that's the kind of detail that they put into  
14    this thing in terms of processing the scene and  
15    photographing everything. And what did Stephen Starling  
16    tell you, what did Coty Thibodeau tell you, I took cones  
17    out and put it over the items that I saw. And when  
18    Stephen Starling got there, he took the cones up and put  
19    placards down then and he took photos. He took one far  
20    back. He took one medium and then he took one close up,  
21    so look at those.

22             And from those photos Stephen Starling made this  
23    map. So this map is exactly how the evidence was found by  
24    Stephen Starling when he processed that scene within an  
25    hour of this thing happening. Now, do you wish you could

1 have gotten crime scene right there as it happened before  
2 anybody start walking through, yes. But just because  
3 Ms. Parham thinks that there was another person shooting  
4 another gun over here and that perhaps there was -- you  
5 know, somehow -- those cartridges got moved away before  
6 law enforcement got there doesn't make it so.

7 And that brings me to the next topic of  
8 reasonable doubt. Folks, reasonable doubt is not beyond  
9 all doubt, beyond a shadow of a doubt. His honor will  
10 describe what reasonable doubt is to you.

11 But folks the eyewitness testimony is all  
12 consistent. All of the physical evidence which doesn't  
13 have a bias, which doesn't get things wrong. It is what  
14 it is. And the ballistics information and the forensics  
15 information from the pathologist all tell you the same  
16 thing. None of those guns fired the bullet that killed  
17 Chelsea Plowden. And those guns are accounted for based  
18 on the shell casings, so there's no way that Carlos  
19 Jackson, Jamares Robinson, Demarcus Bluett had one gun  
20 used it to kill Chelsea Plowden, left, ditch that gun and  
21 then brought back another gun and that's what we tested.  
22 Do you know how we know that because the ballistics expert  
23 said these shell casing a combination were all fired by  
24 these three weapons. So all three of those weapons were  
25 fired there just like they told you, just like the

1     eyewitnesses told you. And they didn't need Facebook to  
2     go home and get names. They didn't need Facebook to tell  
3     them who they were. They knew everybody. There was no  
4     trouble there until they showed up.

5             Now, Deandra Whitehead told you as did Kanisha  
6     Allen they were gone. They had left by minutes. Everyone  
7     witness that you heard from that was there said Deandra  
8     and Kanisha they left and they were gone. Ms. Parham  
9     wants to put them back at the scene. They were coming  
10    back from Frances Marion when they got the call and they  
11    went straight to the hospital. They had already left.  
12    The fight was over and they simply left. If only she had  
13    done the same, but she didn't and that's why we're all  
14    here today, ladies and gentlemen.

15            Now, the possession of a weapon charge, again,  
16    there's no doubt that she had a weapon. There were  
17    witnesses who put it in her hand. There were shell  
18    casings to suggest the weapon was a revolver. There were  
19    bullets found at residence. Her sister's residence, but  
20    she was staying with her. So I want you to go back and I  
21    want you to find her guilty of murder. And I want you to  
22    find her guilty of possession of a weapon during  
23    commission of a crime of violence.

24            Now, if you think that it's somehow the State  
25    hasn't proved murder, then I want you to find her of

1 voluntary manslaughter. I think that premeditation is  
2 there as I told you. What she was thinking about in  
3 minutes before her sister got in the car and before  
4 Tanisha Timmons got in there and started to drive off,  
5 tells you what she was thinking, what she was going to do.  
6 And the minute that that car started to pull off, she got  
7 the last word. It will be no more words for Chelsea  
8 Flowden. She would never say anything ever again.

9 And folks the last thing I want to leave you  
10 with Chelsea Flowden was completely innocent of anything  
11 that went on that night. She did not fight with Measha  
12 Joyner. She did not fight with Jolica Joyner. She didn't  
13 fight with Deandra Whitehead. She didn't fight with  
14 Kanisha Allen. She didn't fight with anybody. She didn't  
15 threaten anybody. She didn't bother anybody. All this  
16 poor 23-year-old girl did was walk outside from inside  
17 here, stand right there, and ask Gloria Whitehead what's  
18 going on, what are they fighting for and got that out of  
19 her mouth and those were the last words she would ever  
20 speak.

21 Measha Joyner made sure of that as she pulled  
22 out and fired that weapon, the first round hitting her,  
23 and, again, not being able to control that weapon, and not  
24 being able to grip it properly, hanging out the backseat  
25 of a car started to go up. It only happen one way. The

1 evidence suggest it only happen one way. And the  
2 witnesses told you the way it happened. It's time to hold  
3 Measha Joyner responsible for her actions that night. And  
4 I want to ask you to find her guilty for the best of  
5 reasons because she is and she did it.

6 THE COURT: Mr. Tucker, could you take down ---

7 MR. TUCKER: I'm sorry.

8 THE COURT: Thank you. All right, ladies and  
9 gentlemen, I remind you that during this trial you and  
10 I've had certain duties to perform. As trial judge, it is  
11 my responsibility to preside over the trial of this case  
12 and I also have the duty to rule on the admissibility of  
13 the evidence that's been offered during this trial. And  
14 you are only to consider the evidence that's before you.

15 You must -- you are to consider only the  
16 testimony which has been presented from this witness stand  
17 and any exhibits that have been made part of the record in  
18 this case and also any stipulations of counsel. I have  
19 the additional duty to charge you the law applicable to  
20 this case. And it's your duty as jurors to accept and  
21 apply the law as I now state it to you. If you think you  
22 have any idea as to what the law is or what the law should  
23 be and it doesn't agree with what I tell you the law is,  
24 then you must forget those ideas because you're sworn to  
25 accept the law and apply the law exactly as I state it to

1     you now.

2             In every case tried in this court before a jury,  
3     the jury becomes the sole and exclusive judges of the  
4     facts of the case. The trial judge can't comment or make  
5     any statement about the facts in the case. And since  
6     you're the sole judges of the facts, please don't think  
7     that by anything I've said or done during this trial that  
8     I have any opinion about the facts in this case. The law  
9     doesn't allow me to have any opinion about the facts in  
10    this case.

11            Now, I remind you the fact that this defendant  
12    was arrested, charged and indicted in this case is not  
13    evidence in this case and can't be considered by you as  
14    evidence of guilt in this case and it doesn't create any  
15    presumption or inference of guilt. It's simply the  
16    document which is the formal written instrument which  
17    contains the charge made against the defendant and it's  
18    the formal document by which this case was brought into  
19    this court for trial. Now, the defendant has pled not  
20    guilty to this indictment and that plea puts the burden on  
21    the State to prove the defendant guilty.

22            A person charged with committing a criminal  
23    offense in South Carolina is never required to prove  
24    themselves innocent. I charge you that is an important rule  
25    of law that the defendant in a criminal trial no matter

1 the seriousness of the charge, I will always be presumed  
2 to be innocent of the crime for which the indictment was  
3 issued unless guilt has been proven by evidence satisfying  
4 you, the jury, of that guilt beyond a reasonable doubt.  
5 This presumption of innocence doesn't end when you begin  
6 your deliberations. It accompanies this defendant  
7 throughout this trial and until you reach a verdict of  
8 guilt based on evidence satisfying you of that guilt again  
9 beyond a reasonable doubt.

10 The presumption of innocence is like a robe of  
11 righteousness placed about the shoulders of the defendant  
12 which remains with the defendant until it's been stripped  
13 from the defendant by evidence satisfying you of the  
14 defendant's guilt beyond a reasonable doubt. The  
15 presumption of innocence is not a mere legal theory. It's  
16 not just a legal phrase. It's a substantial right to  
17 which every defendant is entitled unless you, the jury,  
18 are satisfied from the evidence of the defendant's guilt  
19 beyond a reasonable doubt.

20 Now, what is a reasonable doubt. A reasonable  
21 doubt is the kind of doubt that would cause a reasonable  
22 person to hesitate to act to do something. The State has  
23 the burden of proving the defendant guilty beyond a  
24 reasonable doubt. Some of you may have served as jurors  
25 in civil cases or you were told that it is only necessary

1 to prove that the fact is more likely than not such as by  
2 the greater weight or preponderance of the evidence, but  
3 in criminal cases, the State's proof must be more powerful  
4 than that. It must be beyond a reasonable doubt.

5 Proof beyond a reasonable doubt is proof that  
6 leaves you firmly convinced of the defendant's guilt.  
7 There very few things in this world that we know with an  
8 absolute certainty. And in criminal cases, the law  
9 doesn't require proof that overcomes every possible doubt.  
10 If based on your consideration of the evidence, you are  
11 firmly convinced that the defendant's guilty of the crimes  
12 charged, then you must find the defendant guilty. If on  
13 the other hand, you think there's a real possibility that  
14 the defendant's not guilty, you must give the defendant  
15 the benefit of the doubt and find her not guilty.

16 Now, there's two types of evidence which are  
17 generally presented during a trial. We have direct  
18 evidence and we have circumstantial evidence. Direct  
19 evidence is the testimony of a person who claims to have  
20 actual knowledge of a fact such as an eyewitness.  
21 Circumstantial evidence is proof of a chain of facts and  
22 circumstances indicating the existence of a fact. The law  
23 makes absolutely no distinction between the weight or  
24 value given to either direct or circumstantial evidence  
25 nor is a greater degree of certainty require

1 circumstantial evidence then of direct evidence. You  
2 should weigh all of the evidence in this case. And after  
3 weighing all the evidence if you're not convinced of the  
4 guilt of the defendant beyond a reasonable doubt, then you  
5 must find the defendant not guilty.

6 Necessarily, you must determine the credibility  
7 of witnesses who have testified during this trial. Now,  
8 the credibility simply means their believability. It  
9 becomes your duty as jurors to analyze and to evaluate the  
10 evidence and determine which evidence convinces you of its  
11 accuracy and determine the believability of witnesses who  
12 have testified in this case. You may believe one witness  
13 over several witnesses. You may believe several witnesses  
14 over one witness. You may believe a part of the testimony  
15 of a witness and reject the remaining part of the  
16 testimony of that same witness. You might believe the  
17 testimony of a witness in its entirety or reject the  
18 testimony of a witness in its entirety. You may consider  
19 whether any witness has exhibited to you any interest,  
20 bias, prejudice or other motive to testify in this case.  
21 And you may also consider the appearance and the manner of  
22 the witness while the witness was on the witness stand.

23 Now, the rules of evidence ordinarily do not  
24 permit witnesses to testify to opinions or conclusions.  
25 An exception to this rule is for witnesses we call expert

1 witnesses. A witness who by education and experience has  
2 become some expert in some art, science, profession or  
3 calling may state an opinion as to the relevant and  
4 material matter in which the witness claims to be an  
5 expert and may also state the reasons for that opinion.  
6 You should consider any expert opinion received in  
7 evidence in this case and like any other evidence give it  
8 the weight you think it deserves.

9 If you decide that the opinion of an expert  
10 witness is not based on sufficient education and  
11 experience or if you conclude that the reasons given in  
12 support of the opinion are not sound or that the opinion  
13 is outweighed by other evidence, then you may disregard  
14 that opinion entirely. An expert witness' testimony is to  
15 be given no greater weight than that of any other witness  
16 simply because that witness is an expert. Further, you're  
17 not required to accept an expert's opinion even though  
18 that opinion might not be contradicted at all.

19 Now, I instruct you and emphasize that the fact  
20 that the defendant did not testify in this trial is not a  
21 factor to be considered by you in any way in your  
22 deliberation and in your consideration on the question of  
23 the guilt or innocence of this defendant. It must not be  
24 considered by you in any manner whatsoever. A defendant  
25 has a constitutional right to remain silent and the

1     assertion of this right must not be considered by you in  
2     your deliberations. I repeat under your oath you are to  
3     draw no conclusion whatsoever from the fact that this  
4     defendant did not testify in this trial. The fact that  
5     this defendant did not testify should not even be  
6     discussed in the jury room. The burden of proof as I have  
7     stated to you is on the State of South Carolina and the  
8     defendant is not required to prove her innocence. The  
9     burden of proof remains on the State to prove guilt beyond  
10    a reasonable doubt.

11           Now, in order to establish criminal liability,  
12    criminal intent is required. For example, the mental  
13    state required to be proven by the State for a particular  
14    crime might be purpose, intent, knowledge, recklessness or  
15    criminal negligence. Criminal intent must be proven by  
16    the State beyond a reasonable doubt. Criminal intent is  
17    always a matter that must be determined by the jury from  
18    the circumstances surrounding the situation.

19           There is no way to prove intent to a  
20    mathematical certainty. There is no way medical science  
21    can dissect a person's brain and determine what that  
22    person had in mind. So the law says that criminal intent  
23    may be inferred from the circumstances shown to have  
24    existed. This is how you make a determination of whether  
25    or not the element requiring intent was present. It's not

1 necessary to establish intent by direct and positive  
2 evidence, but intent may be established by inference in  
3 the same way as any other fact by taking into  
4 consideration the acts of the parties and all the facts  
5 and circumstances of the case.

6 Criminal intent is a mental state. It's a  
7 conscious wrong doing. It is up to you to determine what  
8 the defendant intended to do based on the circumstances  
9 shown to have existed. Criminal intent can arise from  
10 action or a failure to act. It may arise from negligence,  
11 recklessness or an indifference to duty or to consequences  
12 that's considered by the law to be the equivalent of  
13 criminal intent.

14 Now, in this case their allegations of  
15 spoliation or destruction of evidence. The State not only  
16 has the burden proof of guilt, but also has the burden of  
17 producing evidence which can establish the innocence of  
18 the defendant. When evidence is lost or destroyed by a  
19 party, you may infer that that evidence which was lost or  
20 destroyed by the party would have an adverse -- would have  
21 been adverse to that party. If you first find that the  
22 evidence was spoiled or destroyed and if you further find  
23 that the evidence could help establish the innocence of  
24 the defendant, you may then consider those facts in  
25 deciding whether or not the State has met its burden of

1 proof.

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

10 Malice aforethought does not require that malice  
11 is for any particular time before the act is committed,  
12 but malice must exist in the mind of the defendant just  
13 before and at the time the act is committed. Therefore,  
14 there must be a combination of the previous evil intent  
15 and the act. Malice aforethought may be expressed or  
16 inferred. These terms express and inferred do not mean  
17 different kinds of malice, but merely the manner in which  
18 malice may be shown to exist. That is either by direct  
19 evidence or by inference from the facts and circumstances  
20 which are proved.

21 Express malice is shown when a person speaks  
22 words or which express hatred or ill will for another or  
23 when the person prepared beforehand to do the act which  
24 was later accomplish. For example, lying in wait for a  
25 person or any other acts of preparation going to show that

1 the deed was within the defendant's mind would be express  
2 malice. Malice may be inferred from the conduct showing a  
3 total disregard for human life. If facts are proved  
4 beyond a reasonable doubt sufficient to raise an inference  
5 of malice to your satisfaction, this inference will be  
6 simply an evidentiary fact to be considered by you. The  
7 jury along with other evidence in this case and you may  
8 give it the weight you decide it deserves.

9 Now, if you find that the State has fail to  
10 prove beyond a reasonable doubt that the defendant  
11 committed murder, you may consider whether the State has  
12 prove beyond a reasonable doubt that the defendant  
13 committed voluntary manslaughter. To prove voluntary  
14 manslaughter, the State must prove beyond a reasonable  
15 doubt that the defendant took the life of another in the  
16 sudden heat of passion based on sufficient legal  
17 provocation. Both heat of passion and sufficient legal  
18 provocation must be present at the time of the killing to  
19 constitute voluntary manslaughter. Sudden heat of passion  
20 may for a time affect a person's self control, temporarily  
21 disturb a person's reason. The sudden heat of passion  
22 must be the type that would make an ordinary person unable  
23 to coolly reflect on his or her actions and were produce  
24 an uncontrollable impulse to do violence.

25 Sufficient legal provocation must be the type

1     that would make a person of ordinary reason and caution to  
2     become enraged and to lose control temporarily. The  
3     provocation needed for voluntary manslaughter must come  
4     from some act of or related to the victim. Words alone,  
5     however, vulgar, insulting are not enough to be legal  
6     provocation where death is caused by the use of a deadly  
7     weapon that words must be accompanied by some  
8     overt-threatening act which could have produced the heat  
9     of passion.

10             The exercise of a legal right no matter how  
11     offensive it is to another is never sufficient legal  
12     provocation for voluntary manslaughter. If the heat of  
13     passion had cooled or if there was enough time between the  
14     provocation, if any, in the killing for the passion of a  
15     reasonable person to cool, the killing will not be  
16     voluntary manslaughter. In deciding whether a reasonable  
17     person would have had enough time to cool off, you should  
18     consider all the circumstances surrounding the killing.  
19     You may consider the nature of the provocation, if any,  
20     the defendant's mental and physical state and the  
21     circumstances and relationships between the parties.

22             If you find that the State's failed to prove  
23     beyond a reasonable doubt that the defendant committed  
24     voluntary manslaughter, you may consider whether the State  
25     has prove beyond a reasonable doubt that the defendant

1 committed involuntary manslaughter. To prove involuntary  
2 manslaughter, the State must prove beyond a reasonable  
3 doubt that the defendant unintentionally killed the victim  
4 without malice, but while engaged in an unlawful activity  
5 not naturally tending to cause death or great bodily harm  
6 or that the defendant unintentionally killed the victim  
7 without malice while engaged in a lawful activity with  
8 reckless disregard for the safety of others.

9 Unintentional means that the defendant did not  
10 intend for anyone to be killed or seriously injured.  
11 Reckless disregard for the safety of others is more than a  
12 mere negligence or carelessness. And mere negligence or  
13 carelessness is the failure to use -- is the failure to  
14 use the care that a person of ordinary reason would use  
15 under the same circumstances. Recklessness is a conscious  
16 failure to use ordinary care. Reckless disregard for the  
17 safety of others means that you are not interested in the  
18 consequences of your acts or the rights and safety of  
19 others. If a person who knows or should know that  
20 ordinary care requires certain precautions to be taken for  
21 the safety of others when using a dangerous  
22 instrumentality such as a gun, but that person fails to  
23 use those precautions without concern. The person's  
24 actions are considered reckless. The State must also  
25 prove beyond a reasonable doubt that the defendant's act

1 was the proximate cause of the death.

2           Proximate cause is the direct cause. It is the  
3 immediate cause. It is the officiate cause. It is that  
4 cause without which the death of the victim would not have  
5 resulted. There must be a chain of causation from the  
6 time of the injury inflicted by the defendant until the  
7 time of the victim's death. Proximate cause is not  
8 necessarily mean that it occurred immediately prior to  
9 death. There may be more than one proximate cause. The  
10 acts of two or more persons may combine together to be  
11 approximate cause of the death of a person. The  
12 defendant's act may be regarded as proximate cause if it's  
13 contributing cause of the death of the victim. The fact  
14 that other causes also contribute to the death of the  
15 victim does not relieve the defendant from responsibility.  
16 The defendant's act need not be the sole cause of the  
17 death, but must be approximate cause contributing to the  
18 death of the victim.

19           Now, the defendant has raised the defense of  
20 necessity. In order to excuse the crime on the ground of  
21 necessity, the defendant must show by a preponderance or  
22 greater weight of the evidence three things. Number one,  
23 that there was a present and a mediate -- and imminent  
24 emergency which arose without fault on the part of the  
25 defendant. The emergency was the type which would cause a

1 well grounded fear of death or serious bodily harm if the  
2 act was not done.

3 And finally there was no other reasonable  
4 alternative other than committing the crime to avoid the  
5 threat of harm. If you find that the defendant has proved  
6 the defense of necessity by a preponderance of the  
7 evidence, you must find the defendant not guilty.

8 Now, preponderance of the evidence simply means  
9 the greater weight of the evidence. It's the evidence  
10 which as a whole shows the facts sought to be proved is  
11 more likely true than not true.

12 Now, the defendant's also charged with  
13 possession of a weapon during the commission of a violent  
14 crime. The State must prove beyond a reasonable doubt  
15 that the defendant was in possession of a firearm during  
16 the commission of a violent crime. A firearm means any  
17 machine gun, automatic riffle, revolver, pistol or any  
18 weapon which will as designed to or may be readily  
19 converted to expel a projectile. In order to find the  
20 defendant guilty of possession of a weapon during  
21 commission of a violent crime, you must first find the  
22 defendant guilty of committing a violent crime.

23 Now, as a matter of law, I'll tell you that the  
24 charge of murder and the charge of voluntary manslaughter  
25 are violent crimes. So the State must prove beyond a

1 reasonable doubt that the weapon further advanced or  
2 helped in the commission of a violent crime.

3 All right, ladies and gentlemen, that brings us  
4 to the jury verdict. All right. After deliberating and  
5 the jury reaches a verdict, that verdict must be  
6 unanimous. In other words, all 12 members of the jury  
7 must agree on what the verdict is. Now, I'm going to  
8 appoint a foreperson. Now, please understand the  
9 foreperson has no more power than any member of the 12  
10 jurors that are part of this case. Simply what the  
11 foreperson does is fill out the verdict form, preside over  
12 deliberations, brings any matters to the Court's attention  
13 or any questions to the Court's attention, okay.

14 Now, I'm going to go over the verdict form with  
15 you. The verdict form has four questions. And they're in  
16 no particular order and each question ask whether or not  
17 you find the defendant guilty or not guilty. Please don't  
18 infer that the order of which guilty or not guilty means  
19 anything at all because it doesn't. One simply has to  
20 come before the other. So for example the very first  
21 question as to the charge of murder, we, the jury,  
22 unanimously find the defendant either guilty or not  
23 guilty. And then after that question, there is -- it says  
24 if you find the defendant guilty of question one, then  
25 skip to question four. If you define -- find the

1 defendant not guilty of question one, then please answer  
2 question number two. So as you go, there's specific  
3 instructions on how fill out this verdict form, okay. And  
4 if there's any issues or questions or problems, then the  
5 foreperson of the jury will let the Court know and we can  
6 address that, okay. But otherwise I think it's self  
7 explanatory and it has to be filled out. And it has to be  
8 signed by the foreman, and, again, your verdict must be  
9 unanimous, okay. Now, at this time what we're going to do  
10 is we're going to ask that you go to your jury room, okay.  
11 The clerk of court is going to come and get your order for  
12 lunch, okay. And then we're going to give you an  
13 opportunity if you need to step outside to smoke or  
14 whatever the case may be, give you a few minutes to do  
15 that while that lunch order is being taken. And at the  
16 same time, I'm going to resolve any matters of law that  
17 might be present. And also we're going to have to undergo  
18 the task of making sure that all of this evidence that's  
19 been introduced in this trial is combined and will be  
20 brought to you in the jury room for deliberation.

21 At that time when the bailiff brings you the  
22 evidence in this case and the verdict form, then you can  
23 begin deliberating, all right, but until then, it'll just  
24 be a few minutes. Please don't discuss this case, all  
25 right. Now, also keep in mind that during your

1 deliberations, all 12 members have to be present when  
2 you're talking about this case, okay. You can't talk  
3 about this case unless you talk about it with all 12  
4 members of the jury present, all right. So, again, thank  
5 you for your time, your patience and your attention.  
6 Mr. Matthews, is that you? You're, Mr. Matthews. Well,  
7 I'll tell you what what's your name?

8 JUROR: Guthrie.

9 THE COURT: Mr. Guthrie?

10 JUROR: Uh-huh.

11 THE COURT: All right. You've sat all week  
12 maybe unknowingly in the chair that the foreman usually  
13 sits in, and so I appreciate your attention. And we're  
14 going to appoint you as the foreman of this jury. And,  
15 again, please understand that doesn't give you any more  
16 power than anybody else has, but somebody has to do it,  
17 okay, and I appreciate, okay. All right, so if you will  
18 retire to your jury room and wait for the evidence before  
19 you begin deliberations, okay.

20 (WHEREUPON, the jury retire to the jury room.)

21 THE COURT: Okay. Are there any objections to  
22 the charge from the State?

23 MR. TUCKER: No, your Honor.

24 THE COURT: From the defense?

25 MS. PARHAM: No, your Honor.

1           THE COURT: All right. And will the attorneys  
2 please come forward and let's figure out the evidence.  
3 Also, we need to decide -- I'm not going to send ammo and  
4 guns in the jury.

5           MR. TUCKER: These are strapped to the box. I  
6 didn't open it for a reason, but, however, you want --  
7 they want to see them just ask to see them and take the  
8 ammo out be fine with me.

9           THE COURT: Is that fine, Ms. Parham?

10          MS. PARHAM: Yes.

11          (WHEREUPON, a pause in the proceedings.)

12          THE COURT: I'm considering sending this charge  
13 back. What do you all say?

14          MR. TUCKER: Your Honor, my experience with that  
15 is they tend to over analyze it if they're looking at. I  
16 think ---

17          THE COURT: Can we have order please. We got to  
18 put something on the record just real quick. Thank you.

19          MR. TUCKER: My experience your Honor is that  
20 they can kind of over analyze it when it's in writing. My  
21 preference will be not to send it back. And if they have  
22 a question, if they want to be recharged on something,  
23 they can ask and you can do that.

24          THE COURT: All right. What's the defenses  
25 position?

1 MS. PARHAM: Whatever y'all want to do is fine  
2 with me?

3 THE COURT: We'll just wait and we'll address it  
4 if it becomes an issue, okay.

5 MR. TUCKER: Yes, sir.

6 THE COURT: So here's the verdict form.

7 MR. TUCKER: I've looked at that already, your  
8 Honor.

9 (WHEREUPON, a pause in the proceedings.)

10 THE COURT: All right. Is there any objection  
11 to releasing the alternate from service at this time from  
12 the State?

13 MR. TUCKER: None, your Honor.

14 THE COURT: And from the defense?

15 MS. PARHAM: No, your Honor.

16 THE COURT: All right. Ma'am, thank you so much  
17 for your time and your attention and your service this  
18 week. Certainly, we can't pay you what all that was  
19 worth, but I know that they will have something for you.  
20 If you need any excuse or anything, check with the clerk  
21 and they can provide that for you, okay. But thank you so  
22 much. And you're free to go, all right or you're free to  
23 hang out whatever you want to do.

24 (WHEREUPON, the jury began deliberations at  
25 12:01 p.m.)

1           THE COURT: We got a note on our trial. The  
2 jurors are asking -- and we got Ms. Parham and Mr. Tucker  
3 here. The jurors are asking to watch the flash drives and  
4 to listen to the 9-1-1 call disk, that's into evidence.  
5 And then they also want the definition of voluntary and  
6 involuntary manslaughter and murder signed by the  
7 foreperson. I assume it's signed by the foreperson.

8           MR. TUCKER: I believe the flash drives are back  
9 there. Do they know if it's one?

10          THE COURT: Well, it doesn't matter. I mean, we  
11 got to provide them with something some way to watch those  
12 on.

13          MR. TUCKER: I assume that they're going to be  
14 brought in here playing just like ---

15          THE COURT: Yeah, we can do that.

16          MS. PARHAM: Well, they I think they should be  
17 able to watch whichever ones they want in private. We  
18 don't have any kind of player.

19          MR. TUCKER: Every time this has ever come up  
20 your Honor it's always they come out and we play it in  
21 here.

22          MS. PARHAM: I think they ought to be able to  
23 watch what they want back there, that's why we send them  
24 back there. They ought to be able to discuss it, rewind  
25 it, and do that without us watching. That's why we put

1       them on a flash drive.

2               MR. TUCKER: Well, Judge, I'm not sure if  
3       there's anything back there they can watch it on. And if  
4       it goes back with a computer, you know, are they going to  
5       stick to that or something else can pop up, that's why  
6       it's a very controlled environment.

7               MS. PARHAM: It's a flash drive. Any kind of  
8       flash drive reader you can stick in watch.

9               THE COURT: All right. Well, I don't know if we  
10      have one.

11              MS. PARHAM: Really, the Court doesn't have  
12      nothing for the jury to watch any kind of stuff on?

13              THE COURT: Yeah, we do. They're out here in  
14      the courtroom.

15              MS. PARHAM: Well, I mean, I just think they  
16      ought to be able to rewind, play ---

17              THE COURT: Well, I understand that. I don't  
18      think they have the capability. And so I think the proper  
19      thing to do at this time is to -- I mean, I don't know of  
20      any other way to do it if we don't have -- I mean, it's  
21      not the Court. Do we have any way to provide them with  
22      something to play?

23              THE CLERK: We always bring them back in the  
24      courtroom. To my knowledge, we don't have anything we can  
25      send back there.

1 MS. PARHAM: Well, Herman's flash drive is hours  
2 long. I mean, they ought to be able to play, rewind,  
3 play.

4 MR. TUCKER: Judge, if they want to watch it  
5 after they watch it the first time, they can ask to watch  
6 it again. Again, I'm not sure if there's any other way to  
7 do it than here to bring them out here.

8 MS. PARHAM: That defeats the whole purpose of  
9 having a computer stuff in evidence if they can't peruse  
10 it in private.

11 MR. TUCKER: Well, if they have nothing on which  
12 to peruse, then therein lies the rub.

13 MS. PARHAM: I mean, we can go to Best Buy to  
14 ---

15 THE COURT: All right.

16 (WHEREUPON, a pause in the proceedings.)

17 THE COURT: Let me ask you this, is there any  
18 objection to just sending back the law on manslaughter --  
19 murder, manslaughter, involuntary manslaughter.

20 MS. PARHAM: No objection to sending the whole  
21 charge if you want to because we talked about it earlier.

22 MR. TUCKER: Well, they only ask for that your  
23 Honor, so I would just submit that back to them.

24 THE COURT: You know, I think there's a case  
25 that says if we give them the charge, you have to give

1       them all the charge.

2               MR. TUCKER:   Okay, so your preference is to send  
3       it back.

4               MS. PARHAM:   No objection to sending that back.  
5       And, Judge, I was just trying to remember how other  
6       courthouses have done it.  I know with regard to federal  
7       court the court provides a laptop computer prepared  
8       specifically for electronic exhibit laptop computer that's  
9       been prepared specifically electronic and send it to the  
10      jury.  The laptop doesn't have any internet access and  
11      internet browse capability nor tools for opening files  
12      that are not specific to viewing or hearing evidence.  I  
13      just feel pretty strongly that a jury ought to be able to  
14      look at computer evidence rewind, fast forward and talk  
15      about things in private without having to do that under --  
16      with us watching them do it.

17              THE COURT:   My position is is that I don't have  
18      a problem with that as long as we know they can't get in  
19      the internet and they can't do anything else.  We just  
20      don't have that capability.

21              MR. TUCKER:   Right, and, your Honor, therein  
22      lies the problem.  I don't think that's going to be  
23      possible.  I think that the only way to do it from this  
24      point is to bring them out like we normally done and let  
25      them do it here.  And if they want to watch it again, they

1 send another note out say, hey, we need to see it one more  
2 time or we need to see certain portions of it. And then  
3 that way we can play that, that way we can be assured but  
4 that they're not accessing anything or somebody else  
5 doesn't have something they're going to try to do on it is  
6 the best way to do it.

7 MS. PARHAM: But if the Court had a laptop that  
8 has no internet or browsing capabilities, they would be  
9 able to watch that.

10 THE COURT: We don't have one.

11 MS. PARHAM: Well, I'm happy to donate one or  
12 somebody can go to Best Buy to get one. Some of these  
13 videos are hours long.

14 MR. TUCKER: Well, and, again, your Honor, she  
15 put them in. And if they want to watch them -- she told  
16 them they could, so, again, if that requires us to sit out  
17 here for as long as they want to watch them then ---

18 THE COURT: I understand. All right. My  
19 position is if we have such a tool we would use it. If I  
20 don't have such a tool, we're not going to use it, so we  
21 have to bring them out here and watch it. Now, if that  
22 changes and I'm satisfied with, you know, whatever they  
23 can use back there is not going to be anything else, then  
24 so be it, but that's not where we stand right now at this  
25 moment.

1           I do understand that the food for these jurors  
2   is going to be here and we got court staff everybody's got  
3   to eat have lunch. And so I'm not getting into watching  
4   all the videos before they eat. But so I suppose we could  
5   do and I always like to have everybody on the same page  
6   with this as possible send them the charge. We could  
7   actually maybe bring the foreman out, give him the charge  
8   and then tell him that right now the possibility of  
9   watching the exhibits are that the jury has to come in the  
10  courtroom and watch them. Please -- and then tell them  
11  that they're about to get the food. And then once they're  
12  finished with their food, we'll actually set it at a  
13  certain time I guess would be the best thing for us. And  
14  then they can let us know exactly what they want to watch  
15  and we can bring them out here and watch it if we don't  
16  have any other alternative.

17           MR. TUCKER: Yes, sir, no objection to that at  
18  all.

19           MS. PARHAM: I'll be happy to call and see the  
20  capability of getting something if it's -- I don't want to  
21  waste my time.

22           THE COURT: You got your lunch hour, that's  
23  really all we have.

24           MS. PARHAM: Okay.

25           MR. TUCKER: But the problem with that your

1 Honor somebody from the clerk of court's office or  
2 somebody from IT staff's going to have to go through that  
3 thing and absolutely make sure that there's no other way  
4 -- again, I think it creates more problems than it's  
5 going to alleviate.

6 THE COURT: Well, like I said, I'm not going to  
7 consider that until it's a possibility.

8 MR. TUCKER: Yes, sir.

9 MS. PARHAM: Thank you.

10 THE COURT: Can I have the foreman please.  
11 While we're waiting on the foreman, there is a footnote on  
12 one of these charges, that I'm just going to cut off.

13 MR. TUCKER: Yes, sir.

14 MS. PARHAM: With regard to the spoliation civil  
15 cases? I think it's on spoliation charge.

16 MR. TUCKER: Civil remedy for that I believe,  
17 your Honor.

18 (WHEREUPON, jury foreman out in the courtroom at  
19 1:09 p.m.)

20 THE COURT: How you doing I'll be right with  
21 you.

22 JUROR: Yes, sir.

23 THE COURT: All right, sir. We've gotten your  
24 note and understand the situation. What we are going to  
25 do we're going to give you the charge that I read to the

1 jury.

2 JUROR: Yes, sir.

3 THE COURT: The entire charge that includes what  
4 you're asking for as far as definition of voluntary and  
5 involuntary manslaughter and murder. So you all will have  
6 that to deliberate with in your jury room. Right now, the  
7 only options we have as far as watching the exhibits and  
8 flash drives is to bring the jury back to the courtroom  
9 and just watch what you want to watch. And you can watch  
10 as many times as you want watch it, okay, but we also have  
11 your food should be here in a minute. And everybody has  
12 to have an opportunity to eat the court staff and  
13 everybody. So once you get your food, we're going to give  
14 you an hour. And then at that point in time if you need  
15 to watch any of the videos just send us out a note and  
16 tell us exactly what you want to watch or whatever it is  
17 and then we'll bring you out and watch the videos, okay.

18 JUROR: Yes, sir.

19 THE COURT: All right.

20 JUROR: Are we still deliberating while we're  
21 eating or we're taking an hour break?

22 THE COURT: You can as long as everybody's  
23 there. Now, if somebody needs to take a break or  
24 whatever, you know, then you to just have stop talking  
25 about it while all 12 members are not present.

1 JUROR: Yes, sir.

2 THE COURT: Okay. All right. Thank you, sir.

3 (WHEREUPON, the jury foreperson retired back to  
4 the jury room at 1:11 p.m.)

5 THE COURT: Is that ---

6 MS. PARHAM: Thank you.

7 MR. TUCKER: No objections from the State, your  
8 Honor.

9 MS. PARHAM: No objection.

10 THE COURT: So we're going to give them an hour  
11 as soon as they get their food.

12 THE CLERK: It should be soon.

13 (WHEREUPON, Court's Exhibit No. 1 was marked for  
14 the record.)

15 (WHEREUPON, court is at ease.)

16 (WHEREUPON, Court's Exhibit No. 2 was marked for  
17 the record.)

18 THE COURT: So while we were at lunch we had a  
19 note and it just says -- you're welcome to come see it. I  
20 marked it as Court's Exhibit Number 2 says murder dash  
21 hostility towards another person question mark, meaning a  
22 specific person or person's in general. And then it's  
23 dated and signed. I don't know. I mean, I'll take  
24 suggestions. I've prepared a response just saying that  
25 the Court can provide no further explanation and I can

1 staple that and send it back in or we can just go ahead  
2 and bring the foreperson out and ask him about the video  
3 situation and also address this at the same time.

4 MR. TUCKER: Whatever the Court's preference is  
5 there, your Honor.

6 THE COURT: Ms. Parham.

7 MS. PARHAM: Whatever you want to do is fine  
8 with me as well.

9 THE COURT: All right. I'll just staple this  
10 response and send it back. And maybe I'll also send back  
11 the question or just a statement saying please let us know  
12 if you need to watch a video.

13 MR. TUCKER: Yes, sir, that'll be acceptable.

14 MS. PARHAM: That's fine.

15 THE COURT: Thank you. All right. So we'll  
16 just be around and monitor the situation and see what they  
17 need.

18 MR. TUCKER: Your Honor, you want us to just  
19 hang out here?

20 THE COURT: I mean, don't go too far.

21 MR. TUCKER: I am just going back to the office.

22 THE COURT: Just give that to them.

23 (WHEREUPON, court is at ease.)

24 THE COURT: All right. I understand that the  
25 jury's reached a verdict. And they sent out a note and

1 I'll just mark this. It just says we're ready. I just  
2 ask the clerk of court inquire as to what that meant and  
3 they said they had a verdict.

4 (WHEREUPON, Court's Exhibit No. 3 was marked for  
5 the record.)

6 THE COURT: Now, everybody certainly has a right  
7 to be in here. This is a public place, but I'll tell you  
8 now under no circumstances will there be any reaction to a  
9 verdict in this case. If there is reaction to the verdict  
10 in this case, then those people will be taken into custody  
11 or that person will be immediately taken into custody.  
12 We'll have to deal with that. It's not anything that  
13 anybody wants to do. So if there's anybody in here that  
14 thinks they can't receive this verdict and not react, then  
15 now is your opportunity to personally remove yourself from  
16 this situation, okay. All right. If we can have the jury  
17 please. Jury.

18 (WHEREUPON, the jury came into open court at  
19 2:48 pm with a verdict.)

20 THE COURT: All right. Mr. Foreman, has the  
21 jury reached a verdict?

22 JUROR: Yes, your Honor.

23 THE COURT: And is that verdict unanimous?

24 JUROR: Yes, your Honor.

25 THE COURT: All 12 members of the jury agree?

1 JUROR: Yes, sir, your Honor.

2 THE COURT: Okay. If you'll please hand that to  
3 the clerk. All right. Madam clerk, will you publish the  
4 verdict please.

5 THE CLERK: The State of South Carolina County  
6 of Florence in the Twelfth Judicial Circuit, The State of  
7 South Carolina vs. Measha Jaquetta Shawnic Joyner  
8 indictment number 2019-GS-21-01040 as to the charge of  
9 murder, we, the jury, unanimously find the defendant not  
10 guilty. As to the charge of voluntary manslaughter, we,  
11 the jury, unanimously find the defendant guilty. As to  
12 the charge of possession of a weapon during the commission  
13 of a violent crime, we, the jury, unanimously find the  
14 defendant guilty. Dated December 8th 2023, signed James  
15 Guthrie foreperson. Members of the jury, if this is your  
16 verdict please raise your right hand?

17 (WHEREUPON, all 12 jurors raised their right  
18 hand.)

19 THE CLERK: That's everyone, Judge.

20 THE COURT: All right. Thank you. All right.  
21 Ladies and gentlemen, that concludes your jury service for  
22 this week. I want to thank you for your time, your  
23 patience, your attention your juror service this week.  
24 It's taken most all of the week. And this matter was very  
25 important to everybody involved. And I can only thank you

1     for your time. And certainly you're going to receive  
2     whatever it is from the county for your service. And I  
3     know it's not going to be enough, but I don't have  
4     anything to do with that, so please don't hold that  
5     against me. But at this time, you're free to go or you're  
6     free to stay. What's left to do in this matter is have a  
7     sentencing hearing. You're free as I say to leave, go  
8     about your business. If you need any work excuse or  
9     anything from the clerk's office, that's downstairs on  
10    first floor. They'll be happy to provide that to you.  
11    She's got them here. And, again, thank you so much. At  
12    this time you can talk to anybody you want to about this  
13    case or you don't want to talk to anybody at all. And  
14    that certainly your decision. If you have any issue with  
15    that, you can let the court know and we can help you that,  
16    okay. Thank you so much for your time and your patience.  
17    I will ask you to just go ahead go through this door. If  
18    want to be here for sentencing, you just come back in  
19    through the main hallway, okay. We'll give you a few  
20    minutes to make up whatever decision you like to make up.  
21    Thank you so much.

22                   (WHEREUPON, the jury was dismissed.)

23                   MR. TUCKER: And your Honor Mr. White went to  
24    the office to get a sentencing sheet. He should be back  
25    momentarily with those.

1 THE COURT: Okay. And is there anything that  
2 either side would like to place on record at this time?

3 MR. TUCKER: Nothing from the State, your Honor.

4 MS. PARHAM: Just to renew all the motions and  
5 objections we made during the trial.

6 THE COURT: I understand. Thank you. And  
7 certainly the record reflects that, okay. We can move  
8 right into sentencing, which is what we typically do, but  
9 if there's any reason why you don't want to do that, I'll  
10 be happy to hear you.

11 MR. TUCKER: I'll be happy to. Your Honor, may  
12 it please the Court. The jury now has spoken. And, of  
13 course, the defendant has been convicted of voluntary  
14 manslaughter, which carries up to 30 years. She's also  
15 been convicted of possession of a weapon during the  
16 commission of a violent crime, which carries five years.  
17 Your Honor, you heard the facts of this case. I want  
18 belabor the point. I would take what time I would  
19 normally spend and ask I believe we have at least one  
20 family member who would like address the Court. And I  
21 would like the Court to hear from that person. I would  
22 just simply state your Honor as the facts indicated ---

23 THE COURT: Well, I'll tell you what let's just  
24 in case the jury wanted to come around let's just them  
25 just a brief moment.

1 MR. TUCKER: Sure.

2 (WHEREUPON, a pause in the proceedings.)

3 MR. TUCKER: And your Honor if I may approach,  
4 here are the sentencing sheets one for voluntary  
5 manslaughter and one for possession of a weapon during the  
6 commission of a crime of violence.

7 THE COURT: All right. Ms. Parham, if y'all  
8 will come around to the podium. All right. Mr. Tucker,  
9 I'll be happy to hear from you.

10 MR. TUCKER: Your Honor, may it please the  
11 Court. Your Honor, I would just remind the Court that the  
12 victim in this case was Chelsea Plowden. She was 23 years  
13 old. Here in the courtroom is her mother Wanda Davis  
14 Wilson KeeKee Allen who is -- was Ms. Plowden's  
15 significant other.

16 Your Honor, by all accounts, Chelsea Plowden was  
17 somebody who was loved dearly. And it wasn't just  
18 hyperbole when I told the jury that. They have been  
19 involved in this since four and a half years. Ms. Allen  
20 would call me religiously as would Ms. Davis everybody  
21 spoke highly of her. As you can see some of the people  
22 who testified were family friends are here today as well.

23 I would just simply tell you it was senseless  
24 violent crime. Didn't have to happen. Ms. Plowden came  
25 outside to see what was going on was shot by the

1 defendant. Again, all she had to do is just not do that  
2 and just ride away. Tanisha Timmons was pulling away and  
3 she decided that, again, she was going to pull a gun and  
4 start firing. It's a wonder there weren't more people  
5 hurt then there were. And, again, just not engaging in  
6 hyperbole, but had she not had one hand on it, she had  
7 both and had her feet on the ground and could keep the  
8 muzzle from flipping up on her, it would have been  
9 probably three or more people hurt or possibly killed. So  
10 this was just a senseless crime. And again your Honor, I  
11 would just ask the Court to take that into consideration  
12 when fashioning a sentence.

13 In terms of a prior record, she has record that  
14 goes back to 2008 looks like she had a possession of a  
15 marijuana charge, looks like she had a conviction for DUS  
16 third offense in 2011, 2013 another possession of  
17 marijuana, look likes a possession of a schedule two  
18 substance in 2013, looks like a possession again of  
19 marijuana in 2014, 2015 possession of other control  
20 substance, looks like she was convicted of possession with  
21 intent to distribute schedule one, two or three substance,  
22 that was in 2018. And then also at the same time unlawful  
23 carrying of a weapon. Then it looks like there was in --  
24 looks like she got probation. Then looks like there was  
25 one another in 2018 as well. And then the incident

1 offenses, which bring us here today. So certainly she's  
2 no stranger to the criminal justice system, your Honor,  
3 and I would ask that you take that into consideration when  
4 fashioning a sentence for her as well one just speaks to  
5 the senseless nature of the crime. And, again, just sheer  
6 nature of pulling a gun and firing into a crowd of people.  
7 And your Honor I would simply ask you to hear from the  
8 family members who wish to speak at the appropriate time.

9 THE COURT: Okay. I'll be happy to hear from  
10 them. And your name, ma'am.

11 KEEKEE ALLEN: KeeKee Allen. Good afternoon,  
12 Judge. Her name was Chelsea Plowden 23 years old with her  
13 whole life ahead of her. She was someone's daughter,  
14 granddaughter, sister, my daughter, but to me, she was my  
15 fiancé. Someone that I plan my whole life out with. She  
16 went to a party thinking it was just a night out for fun  
17 not knowing that would be her last second, minute or hour  
18 on earth.

19 I will never forget that night slash morning I  
20 received that phone call. I was miles away in New York no  
21 train, plane or bus was moving at that time of night for  
22 me and my daughter to get to her. I had to wait hours and  
23 hours and hours wondering if she was okay or if she was  
24 going to make it. I couldn't bear anything negative. I'm  
25 sorry.

1           I couldn't wait to touch her and tell her that I  
2   love her. I had to see her with her mother crying nonstop  
3   because she had to see her only, her only daughter laying  
4   in that bed not talking, not moving. Her mother prayed,  
5   prayed and prayed asking for a miracle. But the actions  
6   of Measha Joyner have greatly affected all of our lives.  
7   Since, this unexpected tragedy and a crime she committed,  
8   we're still not unable to sleep. It's not fair that her  
9   mom gets to her see her every day, but we have to go to a  
10   grave and see Chelsea, nothing but a tomb stone birthdays  
11   and holidays will never be the same. Ms. Wanda won't be  
12   able to see her only daughter finish school, walk down the  
13   aisle or have grand kids, hug her or his kiss her.

14           No one took the time out to even apologize to  
15   the family. Even though that won't bring Chelsea back,  
16   it's about it would bring some type closure and to show  
17   that they did care. Come into the courtroom all they do  
18   is stare us down and roll their eyes like we are nobody's.  
19   It's also been times they walked out the courtroom  
20   laughing like nothing ever happened. Measha took away our  
21   humming bird our best friend, the life any party, but the  
22   one that can give you a smile and some encouraging words  
23   to make you feel better, so much better. So, Judge, I ask  
24   that you convict her of whatever you see fit and we just  
25   asking for justice. Thank you.

1 THE COURT: Thank you. Is there anything?

2 MR. TUCKER: I believe that may be all, your  
3 Honor. Oh, I'm sorry. Ms. Whitehead would like to  
4 address until we dismissed that. I would just ask the  
5 Court to indulge me and let Ms. Whitehead speak as well.

6 THE COURT: All right.

7 GLORIA WHITEHEAD: Gloria Whitehead and she's a  
8 friend of my children. I would just like to take out the  
9 time to say to you MeeMee that you change my birthday  
10 forever.

11 THE COURT: Ms. Whitehead, you're going to just  
12 be able to just address the Court, okay.

13 GLORIA WHITEHEAD: The family, friends all of us  
14 that was affected by this situation that night, it is  
15 undescribable. And I hate this happen to us not just her  
16 mom, but us. And I'll never forget it. I never get the  
17 last look in her eyes as she looked at me when she fell to  
18 the ground in front of me.

19 THE COURT: Thank you, ma'am. Anything further  
20 from the State?

21 MR. TUCKER: Nothing, your Honor.

22 THE COURT: All right. Ms. Parham.

23 MS. PARHAM: May it please the Court, your  
24 Honor.

25 THE COURT: Yes, ma'am.

1 MS. PARHAM: Measha is 33 years young. She  
2 played basketball at West Florence high school. She went  
3 to Allen University and played basketball there. She  
4 studied mathematics and engineering. She has never been  
5 to prison before. It's pretty nominal drug charges. A  
6 lot marijuana cases in her last conviction, Judge, is 2018  
7 I believe. She has been -- she served 20 months in jail  
8 on this. And she has been on home confinement with  
9 electronic monitoring for three years. And we would ask  
10 that the Court within its authority to give her credit for  
11 that time because it's not just been electronic  
12 monitoring. It's also been home confinement.

13 Judge, I take a little bit of an issue with the  
14 thing comment about laughing and stuff. She and her  
15 family have taken this case very seriously from the very  
16 beginning. I've not seen smiling faces coming in and out  
17 the courtroom much less laughing. Everyone mourns the  
18 lost Chelsea Plowden, everyone.

19 Your Honor heard the evidence. There are a lot  
20 of people and some people in this courtroom who were at  
21 fault that night. There were a lot of wrongs. And,  
22 Judge, this was not just -- this was senseless violence as  
23 the witness describes on the body cam. This witness was a  
24 shoot out, Judge. And you heard the evidence. And so  
25 there are a lot of people at fault. And certainly my

1 client is so sorry for everything that happened. And I  
2 know her mom wants to address the Court. And I know she  
3 would like to address the court. We would ask for as much  
4 leniency as you could given the fact that she has never  
5 served prison time before and any amount of time you  
6 imposed is going to be very significant.

7 THE COURT: All right. I'll be happy to hear  
8 from the family.

9 ALISA GRAHAM: Good evening, Judge. My name is  
10 Alisa. I am the mother of Measha.

11 THE COURT: Your last name?

12 ALISA GRAHAM: Alisa Graham.

13 THE COURT: Graham. Thank you.

14 ALISA GRAHAM: She is the youngest of my three  
15 daughters that I have. She has changed tremendously. We  
16 all make mistakes in life. We young as we grow up in  
17 middle age whenever we all make mistakes. I terribly feel  
18 bad for what has happen. We don't know who did what like  
19 they said it was a crowd of people. I'm so sad for the  
20 lost of the family. It hurts us deeply. I'm asking for  
21 leniency.

22 Like I said, people done wrong all their life,  
23 within their life. There has been a big change. Don't  
24 look at what she done in the past, let's look at her  
25 growth as she has grown tremendously from the time she was

1 release she was on ankle monitor. All she did she turn  
2 her life over to God. People say people do that when they  
3 in jail. No, she did a tremendous big change. And I  
4 promise you none -- nothing like this ever was apart of  
5 her life. So I know you all have the wrong person. I  
6 know that within my heart, if you all would have just  
7 listen deeply into the witnesses and whatnot. I'm asking  
8 for mercy. I'm asking for leniency. I'm asking you to  
9 listen to the ears of God, listen to the words of God, let  
10 him lead you in making the decision.

11 THE COURT: Thank you, ma'am.

12 MS. PARHAM: Is there anyone else from the  
13 family who would like to speak? Judge, she has been  
14 working from home doing customer service since she's been  
15 on home confinement, so she has been applying herself and  
16 actual working.

17 THE COURT: Okay.

18 MS. PARHAM: And I know my client would like to  
19 address the Court.

20 THE COURT: Ms. Joyner.

21 THE DEFENDANT: How you doing, your Honor?

22 THE COURT: All right.

23 THE DEFENDANT: First, I just want to say that I  
24 am sorry for the innocent life was taken. Like my mother  
25 said, you know, things did happen that night. We don't

1 know who, but I am deeply sorry that an innocent life was  
2 taken. I changed my life completely, completely. So I  
3 want say to the family, again, I am sorry that an innocent  
4 life was taken, just asking that you please show mercy.

5 THE COURT: All right. Anything further,  
6 Ms. Parham?

7 MS. PARHAM: No, sir.

8 MR. TUCKER: And your Honor, with regards to  
9 credit for time served, she is entitled to the 20 months  
10 that she did serve pretrial confinement. I would object  
11 to any home detention time being applied. While she was  
12 out on bond, she picked up a charge of trafficking  
13 narcotics in Richland County. I think the charge was  
14 ultimately dismissed, but in fact, she was charged. So,  
15 again, it didn't seem to slow her down when she got on  
16 bond with home detention and ankle monitoring from  
17 engaging in at least from a probable cause standpoint  
18 additional criminal behavior.

19 MS. PARHAM: Judge, that was completely  
20 dismissed quickly and that was -- that was not founded and  
21 it was dismissed.

22 MR. TUCKER: But, again, it does speak to the  
23 fact that she was charged and wasn't at home and out while  
24 she was wearing the ankle monitor. So certainly it didn't  
25 slow her down from leading a life, again, while she was on

1 home detention. So your Honor I would object to any home  
2 detention time being applied to this. Certainly, she's  
3 entitled to the 20 months that she served already.

4 THE COURT: All right. Who was the monitoring  
5 company, do we know?

6 MR. TUCKER: It was some company I believe not  
7 from the Pee Dee if I'm not mistaken, your Honor.

8 THE COURT: All right. I think what I like to  
9 do on that matter is to take that under advisement and I  
10 ask for some sort of monitary report and let me see if  
11 there were any violations or allege violations. And we'll  
12 keep that under consideration as far as time for any  
13 credits for time for any time served on an electronic  
14 monitor under home detention.

15 MR. TUCKER: Yes, sir.

16 THE COURT: All right, and 20 months?

17 MR. TUCKER: Twenty months of pretrial  
18 confinement, your Honor.

19 THE COURT: All right. I've taken into  
20 consideration everything that's been said here today. And  
21 I certainly want the record to reflect that there's more  
22 than enough evidence in this record to support the  
23 conviction and the verdict that was reached by the jury.  
24 And as a result on 2019-GS-21-1040 for the manslaughter,  
25 voluntary manslaughter committed to the state department

1 of corrections for a term of 25 years, given credit for 20  
2 months. On the possession of a weapon during the  
3 commission of a violent crime committed to the state  
4 department of corrections for a term of five years, given  
5 credit for 20 months. And I will allow those two  
6 sentences to run concurrent with each other. And I will  
7 consider any evidence that's produced as it relates to  
8 what's under advisement as far as credit for time served  
9 for any home detention while on electronic monitoring.

10 MR. TUCKER: Yes, your Honor, and I'll try to  
11 get started on that next week and see if I can't get that  
12 to your Honor next week.

13 MS. PARHAM: Thank you, your Honor.

14 THE COURT: Thank you.

15 MR. TUCKER: Thank you, your Honor.

16 END OF REQUESTED TRANSCRIPT  
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25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA           )  
                                                  )  
COUNTY OF FLORENCE                )

I, Keshia Reed, Court Reporter and Notary Public in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 694, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Florence County, South Carolina, on the 4-8 day of December, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 4th day of November 2024.

  
-----  
Keshia Reed, Court Reporter

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER  
Governor



MARK A. KEEL  
Chief

October 19, 2020

Stephen Starling  
Florence Police Department  
324 West Evans Street  
Florence, SC 29501

**FIREARMS DEPARTMENT**  
SLED LAB: L19-07595  
Your Case No: 2019002574  
Incident Date: 3/24/2019  
[V-Deceased] Chelsea Plowden  
[S] Measha Joyner  
[S] Jolicia Joyner

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief  
South Carolina Law Enforcement Division

### ITEMS OF EVIDENCE:

- Item: 1** One FMK Model 9C1 G2 Elite Plus semiautomatic pistol, 9mm Luger caliber, serial number BB13492, with magazine, fifteen unfired 9mm Luger caliber cartridges, and accessory.  
*Please note that the accessory was not listed on the submission documents.*  
**RESULTS:**  
Item 1 was physically examined. The pistol was test fired using the submitted magazine and was found to be in working order. The unfired cartridges were the correct caliber for use in the pistol. No analysis was performed on the accessory.
- Item: 1.1** Test specimens fired by the Item 1 pistol using Laboratory supplied ammunition.  
**RESULTS:**  
Test specimens were packaged for return to your Agency for long term storage as evidence.
- Item: 2** One Hi-Point Model CF semiautomatic pistol, 380 Auto caliber, serial number P700155, with magazine and ten unfired 380 Auto caliber cartridges.  
**RESULTS:**  
Item 2 was physically examined. The pistol was test fired using the submitted magazine and was found to be in working order. The unfired cartridges were the correct caliber for use in the pistol.



**Item: 2.1** Test specimens fired by the Item 2 pistol using Laboratory supplied ammunition.

**RESULTS:**

Test specimens were packaged for return to your Agency for long term storage as evidence.

**Item: 3** One Smith & Wesson Model SD40 VE semiautomatic pistol, 40 S&W caliber, serial number FBE2694, with magazine and twelve unfired 40 S&W caliber cartridges.

**RESULTS:**

Item 3 was physically examined. The pistol was test fired using the submitted magazine and was found to be in working order. The unfired cartridges were the correct caliber for use in the pistol.

**Item: 3.1** Test specimens fired by the Item 3 pistol using Laboratory supplied ammunition.

**RESULTS:**

Test specimens were packaged for return to your Agency for long term storage as evidence.

**Item: 4** One fired bullet, listed on submission documents as "...collected from autopsy." *Please note that during decontamination, two portions of jacket material separated from the bullet core; therefore, Item 4 was returned as three pieces.*

**RESULTS:**

Item 4 was physically and microscopically examined. Item 4 was also microscopically compared with test bullets fired by the Item 1 – 3 pistols. From these examinations and comparisons, it was concluded that:

- Based on its remaining observable physical characteristics, Item 4 was most consistent with bullets loaded into some nominal 38 caliber cartridges, which include 9mm Luger caliber and 380 Auto caliber cartridges, among others.
- Due to damage and a lack of individual identifying characteristics, Item 4 may not be suitable for identification with other firearms related evidence.
- Based on differences in class characteristics, Item 4 was not fired by the Item 1 pistol, by the Item 2 pistol, or by the Item 3 pistol.
- Based on the remaining general rifling characteristics found on Item 4, possible makes and/or origins of firearms in 9mm Luger caliber and 380 Auto caliber that could have fired this Item include, but may not be limited to, the following:

9mm Luger caliber:

AGRAM  
 ARMALITE  
 BELGIUM  
 BROWNING  
 CESKA ZBROJOVKA  
 CZ  
 DIAMONDBACK  
 ENGLAND/UK  
 FEG

AMERICAN EAGLE  
 ASTRA  
 BERETTA  
 CALICO  
 CHINA (PRC)  
 CZECHOSLOVAKIA  
 DWM  
 FABRIQUE NATIONALE  
 FM

ARCUS  
 AUSTRALIA  
 BERGMANN  
 CARACAL  
 COLT  
 DAEWOO  
 EAA CORP.  
 FEDERAL ENGINEERING  
 FMJ



|                           |                    |                    |
|---------------------------|--------------------|--------------------|
| FMJ (COBRAY)              | FN/BROWNING        | FOX CO.            |
| FRANCE                    | GERMANY            | GIRSAN             |
| GLOCK                     | HECKLER & KOCH     | HUNGARY            |
| IMI (UZI)                 | IMP                | INDUST. ARGENTINA  |
| INGRAM (MAC)              | INTERDYNAMIC       | INTRATEC           |
| JOHN INGLIS               | KAHR ARMS          | KASSNAR            |
| KELTEC                    | KSN INDUSTRIES     | LÜGER              |
| MASTERPIECE ARMS          | MAUSER             | MAVERICK ARMS INC. |
| MK ARMS INC.              | MOSSBERG           | NAVY ARMS          |
| NEW FRONTIER ARMORY       | NORINCO            | NOVA MODUL         |
| PALMETTO STATE ARMORY     | PLETTER            | POLYMER80          |
| RADOM                     | REMINGTON          | RUGER              |
| SAMSUN YURT SAVUNMA (SYS) | SAR ARMS/SARSILMAZ | SARDIUS            |
| SCHMEISSER                | SHADOW SYSTEMS     | SIG SAUER          |
| SMITH & WESSON            | SPRINGFIELD INC.   | STEN               |
| STERLING ARMS             | STEYR              | STEYR-MANNLICHER   |
| STOEGER ARMS              | SWD INC.           | SWISS IND. GESELL  |
| TANFOGLIO                 | TANFOGLIO (EAA)    | TAURUS             |
| TISAS                     | TOKAREV            | VOLUNTEER/FOLSOM   |
| VULCAN ARMAMENT           | WALTHER            | WILKINSON ARMS     |
| ZASTAVA                   |                    |                    |

380 Auto caliber:

|                      |                 |                 |
|----------------------|-----------------|-----------------|
| BERETTA              | BERSA           | CHARTER ARMS    |
| CZECHOSLOVAKIA       | DIAMONDBACK     | ECHASA          |
| ERMA                 | FEG             | FI INDUSTRIES   |
| FIE                  | FIEL            | FMJ (COBRAY)    |
| GRENDL               | HUNGARY         | IVER JOHNSON    |
| KELTEC               | LILIPUT         | LLAMA           |
| MAGNUM RESEARCH INC. | MAUSER          | ORDNANCE MANUF. |
| SAUER & SOHN         | SIGARMS         | SWD INC.        |
| TANFOGLIO            | TANFOGLIO (EAA) | WALTHER         |

*These lists are not all-inclusive and are provided for investigative assistance only. If a non-listed firearm is recovered, contact the examiner listed below prior to submitting the firearm for examination.*

- Item: 7 One fired 40 S&W caliber cartridge case, listed on packaging as "Marker 1..."  
 Item: 8 One fired 380 Auto caliber cartridge case, listed on packaging as "Marker 5..."

**RESULTS:**

See Item 20 results.

- Item: 9 Three unfired 380 Auto caliber cartridges, listed on packaging as "Marker 7..."

**RESULTS:**

The Item 9 unfired cartridges were physically examined and were found to be the correct caliber for use in the Item 2 pistol and in other firearms chambered for 380 Auto caliber cartridges.



Item: 10 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 3..."  
 Item: 11 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 4..."  
 Item: 12 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 6..."  
 Item: 13 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 8..."  
 Item: 14 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 9..."  
 Item: 15 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 10..."  
 Item: 16 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 11..."  
 Item: 17 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 12..."  
 Item: 18 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 13..."  
 Item: 19 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 14..."  
 Item: 20 One fired 9mm Luger caliber cartridge case, listed on packaging as "Marker 15..."

**RESULTS:**

Items 7, 8, and 10 – 20 were physically and microscopically examined. These Items were also microscopically compared with test cartridge cases fired by the Item 1 – 3 pistols, where appropriate. From these examinations and comparisons, it was concluded that:

- Item 7 was fired by the Item 3 pistol based on matching individual identifying characteristics.
- Item 8 was fired by the Item 2 pistol based on matching individual identifying characteristics.
- Items 10 – 12 were fired by the Item 1 pistol based on matching individual identifying characteristics.
- Items 13 – 20 were all fired by the same firearm based on matching individual identifying characteristics. Based on differences in class characteristics and/or individual identifying characteristics, Items 13 – 20 were not fired by the Item 1 pistol, by the Item 2 pistol, or by the Item 3 pistol. Items 13 – 20 may be suitable for identification with other firearms related evidence.

**Item: 21** Forty-two unfired 380 Auto caliber cartridges (received in Remington brand fifty cartridge capacity ammunition box).

**RESULTS:**

The Item 21 unfired cartridges were physically examined and were found to be the correct caliber for use in the Item 2 pistol and in other firearms chambered for 380 Auto caliber cartridges.

**Item: 22** Thirty-eight unfired 9mm Luger caliber cartridges (received in Federal brand fifty cartridge capacity ammunition box). *Please note that three of these cartridges were used for test specimens (see Item 22.1); therefore, only thirty-five cartridges were returned as Item 22.*

**RESULTS:**

The Item 22 unfired cartridges were physically examined and were found to be the correct caliber for use in the Item 1 pistol and in other firearms chambered for 9mm Luger caliber cartridges.



**Item: 22.1** Three of the unfired cartridges submitted as Item 22 test fired in the Item 1 pistol.

**RESULTS:**

These test specimens were used for comparison purposes and were packaged for return with the other evidence.

Items 1, 2, 3, and 13 were entered into the Integrated Ballistics Identification System (IBIS). These exhibits will automatically be correlated with exhibits from SC, GA, NC, and VA. Should any investigative leads be developed, your Agency will be notified. Please retain the evidence for a minimum of two years in order to maintain its availability for future comparisons related to IBIS activity.

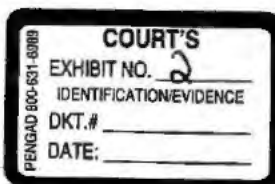
*This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.*

*Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.*



Chad M. Smith  
Forensic Scientist





Murder -

Hostility towards  
another person?

- meaning a specific  
person or persons  
in general?

12-8-23

The court can  
provide no further  
explanation.

Thanks,

Judge DeBerry

\* Please let us know if  
you want to see video exhibits.

## WITNESSES

Stephen A Banister      Florence Police Department

DOCKET NO. 2019-GS-21-01040

The State of South Carolina

County of

FLORENCE

## COURT OF GENERAL SESSIONS

AUGUST      TERM      2019

Todd Tucker

THE STATE

## ARREST WARRANT NUMBER

2019A2120200571      2019A2120200570  
 2019A2120200601  
 2019A2120200602      2019A2120200603  
 2019A2120200604

vs.

JOLICIA DANIELLE JOYNER

MEASHA JAQUETTA SHANIC JOYNER

## ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 8/24/2019

## VERDICT

Indictment for

ACCESSORY AFTER THE FACT A,B,C OR

MURDER,

MURDER,

ATTEMPTED MURDER (3 COUNTS,)

POSSESSION OF WEAPON DURING

VIOLENT CRIME

Foreperson of Petit Jury

Date:

FILED

2019 AUG 22 PM 3:37

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )

## INDICTMENT FOR

ACCESSORY AFTER THE FACT A,B,C OR MURDER  
 MURDER  
 ATTEMPTED MURDER (3 COUNTS)  
 POSSESSION OF WEAPON DURING VIOLENT  
 CRIME

At a Court of General Sessions, convened on AUGUST 22, 2019 the Grand Jurors of FLORENCE County present upon their oath:

**COUNT ONE- ACCESSORY AFTER THE FACT A,B,C OR MURDER**

CDR: 2413

16-01-0055

That JOLICIA DANIELLE JOYNER did in Florence on or about March 24, 2019, unlawfully and intentionally render assistance after the fact to a felon, namely, Measha Jaquetta Joyner, who, on or about March 24, 2019, committed the felony of murder. in violation of the crime of the Common Law of South Carolina and Section 16-01-0055, S.C. Code of Laws, 1976, as amended.

**COUNT TWO- MURDER**

CDR: 0116

16-03-0010,0020

That MEASHA JAQUETTA SHANIC JOYNER did in Florence County, on or about March 24, 2019, unlawfully and intentionally with malice aforethought kill one, Chelsea Plowden, by means of shooting her in the head with a firearm and that the said Chelsea Plowden did die as a proximate result thereof on or about in Florence County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976. as amended.

**COUNT THREE - ATTEMPTED MURDER**

CDR: 3410

16-03-0029

That MEASHA JAQUETTA SHANIC JOYNER did in Florence County on or about March 24, 2019, unlawfully and intentionally with malice aforethought either express or implied attempt to kill one, Gloria Whitehead, by means of shooting her with a firearm, in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR ACCESSORY AFTER THE FACT TO FELON, MURDER, ATTEMPTED MURDER (3 COUNTS) AND POSSESSION OF WEAPON DURING VIOLENT CRIME, WITH THE AFORESAID NAMES(S) OF JOLICIA DANIELLE JOYNER AND MEASHA JAQUETTA SHANIC JOYNER SHOWN THEREON:

**COUNT FOUR-**

CDR: 3410 16-03-0029

That MEASHA JAQUETTA SHANIC JOYNER did in Florence County on or about March 24, 2019, unlawfully and intentionally with malice aforethought either express or implied attempt to kill one, Jamar Robinson, by means of shooting her with a firearm, in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

**COUNT FIVE-**

CDR: 3410 16-03-0029

That MEASHA JAQUETTA SHANIC JOYNER did in Florence County on or about March 24, 2019, unlawfully and intentionally with malice aforethought either express or implied attempt to kill one, Demarcus Bluett, by means of shooting her with a firearm, in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

**COUNT SIX- POSSESSION OF WEAPONE DURING VIOLENT CRIME**

CDR: 0549 16-23-0490

That MEASHA JAQUETTA SHANIC JOYNER did in Florence County, on or about March 24, 2019, unlawfully and intentionally have in her actual or constructive possession a weapon, to-wit: a handgun, which she used during the commission of violent crimes, to-wit: Murder and Attempted Murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



---

**E.L. Clements, III**  
TWELFTH CIRCUIT SOLICITOR

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

COUNTY OF Fl orence

STATE

VS.

INDICTMENT/CASE#: 2019-GS-21-01040Measha Jaquetta Shawnic JoynerAW#: 2019A2120200570

AKA:

Date of Offense: 3/24/2019Race: Black Sex: F Age: 33S.C. Code §: 16-03-0010; 16-03-0020DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0116Address: [REDACTED]City, State, Zip: [REDACTED]DL#\* [REDACTED] SID# [REDACTED]

## SENTENCE SHEET

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Manslaughter / Voluntary manslaughterIn violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217☐ 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. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 12601

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 25 days/months/years Time Served ☐ Youthful Offender Act not to exceed     yearsand/or to pay a fine of \$    ; provided that upon the service of     days/months/years Time Served and or paymentof \$    ; plus costs and assessments as applicable\*; the balance is suspended with probation for    

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:    ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.20 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. Measha Jaquetta Shawnic Joyner INDICTMENT/CASE#: 2019-GS-21-01040**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   | \$ 100.00 |
| §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    | \$ 25.00  |
| §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     | \$ 3.75   |
| <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   | \$        |
| <input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund                                                                     | TBD     | \$        |
| <b>TOTAL</b>                                                                                                                                                            |         | \$ 128.75 |

Clerk of Court/Deputy Clerk: [Signature]  
Court Reporter: [Signature]Presiding Judge: N. Stene DeBarys  
Judge Code: 2271  
Sentence Date: 12-8-2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Florence

STATE

VS.

INDICTMENT/CASE#: 2019-GS-21-01040Measha Jaquetta Shawnic JoynerAW#: 2019A2120200604

AKA:

Date of Offense: 3/24/2019Race: Black Sex: F Age: 33S.C. Code §: 16-23-0490DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0549Address: [REDACTED] Ave Apt BCity, State, Zip: Columbia, SC 29204-4124DL#\* [REDACTED] SID# [REDACTED]

## SENTENCE SHEET

\*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathIn violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45  
 (CSC w/minor 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. [REDACTED] (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

T. L. Smith 13601  
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 5 days/months/years Time Served ☐ Youthful Offender Act not to exceed     yearsand/or to pay a fine of \$   ; provided that upon the service of     days/months/years/Time Served and or paymentof \$   ; plus costs and assessments as applicable\*; the balance is suspended with probation for    

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

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:    ☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.20 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. Measha Jaquetta Shawnic Joyner INDICTMENT/CASE#: 2019-GS-21-01040**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%)                                                                                                                                          |         | \$        |
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| §56-5-2995 (DUI Assessment)                                                                                                                                             | \$12    | \$        |
| §56-1-286 (DUI Breath Test)                                                                                                                                             | \$25    | \$        |
| §14-1-212 (Law Enforce. Funding)                                                                                                                                        | \$25    | \$ 25.00  |
| §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     | \$ 3.75   |
| <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   | \$        |
| <input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund                                                                     | TBD     | \$        |
| <b>TOTAL</b>                                                                                                                                                            |         | \$ 128.75 |

Clerk of Court/Deputy Clerk: [Signature]  
Court Reporter: [Signature]Presiding Judge: [Signature]  
Judge Code: 2771  
Sentence Date: 12-8-2023

Apr 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NO.:  
2019-GS-21-01040

STATE OF SOUTH CAROLINA,

vs.

MAESHA JAQUETTA SHANIQ  
JOYNER,

Defendant.

**ORDER DENYING CREDIT FOR TIME  
SERVED WHILE ON MONITORED  
HOUSE ARREST**

Here before the court comes a motion for credit for time served while on monitored house arrest. The Defendant received a bond following her charges which placed her on monitored house arrest until resolution of the pending charges. At issue is whether the Defendant is entitled to credit for time served while on monitored house arrest.

Section 24-13-40 of the South Carolina Code is the sentencing statute in this matter. The statute reads, "In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and may be given for any time spent under monitored house arrest." 24-13-40 of the South Carolina Code.

Here the statute clearly and plainly vests the presiding Judge the authority to either grant or deny credit for time served if the Defendant is placed on monitored house arrest. The court considered the a report from the monitoring company of the defendant that contained no violations. However, it was also brought to the court's attention that the Defendant was arrested and charged while on monitored house arrest in this matter with a drug trafficking charge that was later dismissed prior to this trial.

KLS/A

CERTIFIED: A TRUE COPY  
*Wanda R. Moore*  
 CLERK OF COURT C.P. & G.S.  
 FLORENCE COUNTY S.C.

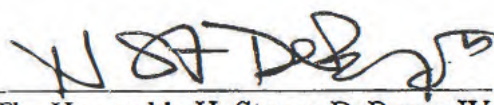
FILED

2024 APR -4 PM 3:32

CLERK OF COURT  
FLORENCE COUNTY S.C.

After taking all of this information into consideration and having presided over the trial, and in light of the sentence imposed, I respectfully deny the motion and decline to give credit for time the defendant served while on monitored house arrest.

**IT IS SO ORDERED.**

  
The Honorable H. Steven DeBerry, IV

Florence, South Carolina  
4/4, 2024

FILED

2024 APR -4 PM 3:32

COURT REPORTER  
603 603 603  
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**CERTIFICATE OF COUNSEL FOR APPELLANT**

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

Respectfully Submitted,



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Jordan Wayburn  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8<sup>th</sup> day of August, 2025.



STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

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CERTIFICATE OF SERVICE

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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 Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 8<sup>th</sup> day of August, 2025.

  
\_\_\_\_\_  
Jordan Wayburn  
Appellate Defender

South Carolina Commission on Indigent Defense  
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PO Box 11589  
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ATTORNEY FOR APPELLANT