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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LORENZO BOLES,

APPELLANT

APPELLATE CASE NO. 2023-001824

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 34 (DVD), STATE’S EXHIBIT NO. 200 (911 CALL), STATE’S
EXHIBIT NOS. 254-260 (PHOTOGRAPHS), AND STATE’S EXHIBIT NO. 263
(PHOTOGRAPH).**

1 body fluid? Are they looking for DNA left
2 behind from someone maybe wearing a tee-shirt?
3 And after I evaluate the item for what is
4 requested by the agency, and then move forward
5 with the actual process of examining the item,
6 this could involve doing a visual exam for
7 bodily fluids, and then it can also involve
8 altering the item in such a way that I may
9 remove stains from the item, by cutting it, and
10 could potentially also collect swabs off the
11 item, just depending on the type of fluid, or
12 DNA, that is being requested that I look for.
13 After I've completed examinations of the item,
14 any cuttings, or swabs, that I have taken, are
15 packaged into the envelopes, and then securely
16 sealed up into either, like, a plastic pouch, or
17 a box, and then it will usually move forward,
18 further, into the DNA department, where
19 eventually, a DNA analyst would then pick up the
20 swabs and cuttings, and take them for actual DNA
21 analysis.

22 Q Okay, so you see physical items, right?

23 A Yes.

24 Q Not -- or you correct me if I'm wrong,
25 you don't receive swabs that folks at the scene

1 might have taken?

2 A I can, but I don't always. It depends on
3 the case scenario, and what has been requested
4 from the agency.

5 Q This could go straight to DNA, or it
6 could come to you --

7 A Uh-huh.

8 Q -- but, if it's a physical item that
9 needs DNA, it always goes to you?

10 A Yes, if it is a larger -- basically, an
11 item that is larger than a swab, or a small
12 cutting of a fabric or something, it needs to
13 come to me first, so that I can pair down,
14 basically, the area of interest, because DNA
15 does not need a whole tee-shirt. So I'm going
16 to isolate any potential DNA that may be there,
17 and that would be in a much smaller form, like a
18 small stain, or like I said, swab collected off
19 of the item.

20 Q Okay, so you could pass on a variety of
21 different -- what do you call them, sub-items,
22 is that --

23 A Yes, they're referred to, in our system,
24 and in our lab as sub-items. So that would be a
25 cutting, or a swab, or something that was

1 removed off of the original item. So if the
2 original item is a tee-shirt, any subsequent
3 evidence that's removed from this tee-shirt
4 becomes, what we know as, and what we refer to
5 as a sub-item. So it could be the tee-shirt is
6 item 1, the swab from the tee-shirt is item then
7 1.1, and so on.

8 Q Okay. Getting into the specifics of this
9 case, do you recall -- how did you become
10 involved in this case that we're here about
11 today, L18-04391?

12 A May I refer to my notes?

13 Q Sure.

14 MR. GIBBES: No objection.

15 BY WITNESS:

16 A Yes, I did handle evidence from this
17 case.

18 Q All right, and when was the first time
19 that you were presented with evidence in this
20 case? Did you receive items on multiple
21 occasions, and generate multiple reports?

22 A Yes, I did receive items of evidence at
23 several different times, and issued several
24 different serology reports.

25 Q All right. Let's talk about your

1 analysis from April 6th, 2018. What did you
2 receive on that occasion, and what did you do
3 with it?

4 A I received SLED item 2, which was a rifle
5 with 2 magazines, and unfired rounds.

6 Q All right. I'm gonna interrupt you
7 briefly. Do you recognize State's Exhibit 2?
8 It's already marked.

9 A Uh-huh. Yes, I do recognize it, based
10 off of some of the identifiers that were given
11 about the item.

12 Q And State's Exhibit, already known as,
13 2.10?

14 A I believe so, yes.

15 Q Okay. Those the same as you received at
16 the time, it was item 2, on April 6th, 2018?

17 A So I originally took them into my custody
18 on a different time.

19 Q Sure, I apologize. That's the date of
20 the report, so that's the date in my head, but
21 those are the ones that you received early on?

22 A Yes, that's correct.

23 MR. EVANS: May I approach the witness,
24 Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. EVANS:

2 Q I'm gonna pass you, what's been marked,
3 but not entered yet, as State's Exhibit 2.11,
4 written as that.

5 A I do recognize this. These are the
6 unfired rounds that were inside of one of the
7 magazines that was submitted with item 2.

8 Q Okay. Those are the same rounds that you
9 received as part of item 2, along with the gun,
10 Exhibit 2, and the magazine, Exhibit 2.10, which
11 are already in evidence?

12 A Yes.

13 Q You viewed those personally, yourself?

14 A Yes.

15 Q And did you seal them up, and put them
16 back in the chain of custody when you were
17 through?

18 A Yes. When I was finished with all my
19 examinations, I resealed the evidence into the
20 packaging it came in, and made sure that I
21 initial, and dated, the outer packaging, just to
22 ensure that the seals are intact, before it was
23 passed on for further examination.

24 MR. EVANS: Your Honor, the State would
25 move this bag and its contents in as State's

1 Exhibit 2.11.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No objection.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: No objection.

6 THE COURT: All right, admitted without
7 objection.

8 MR. EVANS: Thank you, Your Honor. The
9 Court's indulgence.

10 (State's Exhibit 2.11 was admitted into
11 evidence.)

12 BY MR. EVANS:

13 Q All right. I'm going to pass you as
14 well, something that's been marked, well, not
15 pre-marked as an Exhibit, but do you recognize
16 this, this container?

17 A Yes, I recognize this container.

18 Q Okay.

19 A It has the SLED lab number, that is
20 correct, and then my name, and date, and things
21 on the outside of the packaging.

22 Q What are the contents of that container?

23 A The contents of this container are swabs
24 that were collected from item 2.

25 Q Okay, and how do you collect those swabs?

1 What's that process?

2 A There can be different kinds of
3 collection with swabs. It depends on what you
4 are trying to collect. So if I am looking for
5 DNA that might be left behind from touching an
6 item, that would involve just using a wet swab,
7 followed by a dry swab. The swab is moistened
8 with sterile water, and the areas of interest
9 are swabbed vigorously, in order to try and pick
10 up any DNA that may be left behind from someone
11 touching an item.

12 If I'm looking to collect something that
13 could be a body fluid, what I would do first is,
14 I would look at any areas, basically, that may
15 look like they need to be tested. They have,
16 you know, the visual signs of a potential bodily
17 fluid. I would perform a test, and if the test
18 is positive for that area, I would then collect
19 that specific area with another still wet swab,
20 followed by a dry swab, to pick up any of the
21 stain that may be present.

22 Q All right, and did you create sub-item
23 numbers for each of the areas that you swabbed
24 on State's Exhibit 2, and 2.10?

25 A Yes, I did.

1 Q All right. What were those sub-item
2 numbers?

3 A The sub-item numbers that I created were
4 item 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8.

5 Q All right. Are all those -- do they all
6 appear to be in the contents of that container?

7 A From what I can see through the
8 container, yes, it appears that there are the
9 right number of envelopes on the inside.

10 Q All right, and then, other than the
11 envelopes, what are the little plastic tubes
12 that we see there?

13 A So, the plastic tubes that are here in
14 the back, these are actually the physical DNA
15 extracts that have come from the DNA analyst.
16 So that just means that any remaining product
17 from DNA analysis is contained into these tubes.

18 Q Okay.

19 MR. EVANS: Your Honor, the State would
20 move the contents of the envelope into evidence
21 as State's Exhibit 2.1, 2.2, 2.3, 2.4, 2.7, and
22 2.8.

23 THE COURT: Mr. Gibbs, Mr. Johnson?

24 MR. JOHNSON: No objection.

25 THE COURT: All right, moved without

1 objection. Yes, sir.

2 (State's Exhibits 2.1 - 2.8 were admitted
3 into evidence.

4 BY MR. EVANS:

5 Q Ms. Thompson, would you be able, if I
6 gave you a pair of scissors, do we have some
7 scissors up there, to mark the respective item
8 numbers with their new Exhibit numbers, which
9 should match; is that possible?

10 A Yes.

11 Q All right. I'm gonna ask you to do that
12 for 2.1, 2.2, 2.2, 3, 4, 7, and 8.

13 A Okay.

14 THE COURT: All right, while she does that,
15 I want my jury to stand up --

16 MR. EVANS: Yes, sir.

17 THE COURT: -- and stretch, all right?
18 Stand up and take a stretch. You'all can too if
19 you want to, all right. All right, thank you,
20 ladies and gentlemen.

21 BY MR. EVANS:

22 Q All right, are you ready to continue?

23 A Yes, sorry.

24 Q Okay. And you said the remaining
25 portions are the remains, and the extracts,

1 which would be more important for the analyst to
2 testify about; Is that fair to say?

3 A Yes, that's something that I would not
4 have had any interaction with, from my portion
5 of this case.

6 Q Okay. Let's, before we move onto the
7 next set of exhibits, why don't we talk about
8 the results of these exhibits, which I've placed
9 in front of the jury, the swabs that you took
10 from, again, item 2, and 2.10.

11 A Yes.

12 Q Let's talk about 2.1.

13 A 2.1 were swabs from the grip, trigger,
14 and trigger guard, of the rifle.

15 Q Would you mind, I'll try to move the lens
16 out of the way. Could you take up Exhibit 2,
17 and show us what you mean by that?

18 A Just one second.

19 Q Yes, ma'am, take your time.

20 A So, items 2.1 are swabs from the grip,
21 the trigger, and the trigger guard of this item.

22 Q Okay, and would you prefer to show the
23 swabs of the rest of the gun, show the areas of
24 the gun one at a time, and then hit the results,
25 so I don't have to ask you to pick it up over,

1 and over again?

2 A Sure.

3 Q How about 2.2, just the areas that you
4 swabbed?

5 A 2.2 are the swabs from the remaining
6 middle portion of the gun, so that's just
7 excluding the grip, the trigger, and the trigger
8 guard.

9 Q All right, 2.3 then?

10 A 2.3 are from this wooden grip area on the
11 front of the rifle.

12 Q And 2.4?

13 A 2.4 are from the barrel for the rifle.

14 Q Is that it from Exhibit 2 itself?

15 A Yes.

16 Q How about -- oh, go back and do this one.

17 A It was near this front area, right here.

18 Q Okay, how about Exhibit 2.10, and I'll
19 retrieve Exhibit 2, so it's no longer in the
20 way?

21 A 2.10, so this is from, swabs from the
22 magazine, from the exterior of the magazine.

23 Q Okay, and the swab from Exhibit 2.10 is
24 items 2.7, and 2.8. Do I have that right?

25 A Yes, 2.7, and 2.8, yes.

1 Q Which are now Exhibits 2.7, and 2.8?

2 A Yes.

3 Q Okay. So, we've got our definitions of
4 all the items for this round of serology,
5 correct?

6 A Yes.

7 Q Can you tell us about what you found, and
8 I think let's talk a little bit more of the
9 physical process once you have a swab, what do
10 you do with it to get a result, in serology, and
11 then tell us what each of those results were?

12 A So based on my examination of the item, I
13 determined there were areas that looked like
14 potential blood stains, and in order to know
15 whether or not that was something that should be
16 collected as a potential blood stain, I need to
17 test it.

18 So what I usually do, is collect the
19 potential staining of interest, and then test
20 those swabs, and if they're positive, then I
21 will send them forward for DNA analysis.

22 Q All right, and what did you find
23 regarding sub-item 2.1, which is now Exhibit
24 2.1, from the grip, and trigger?

25 A Item 2.1, from the grip, trigger, and

1 trigger guard, was presumptively positive for
2 the presence of blood.

3 Q How about item 2.2, Exhibit 2.2?

4 A This one was also positive for the
5 presumptive presence of blood.

6 Q How about 2.3, Exhibit 2.3?

7 A It was also positive for the presumptive
8 presence of blood.

9 Q How about item 2.4, Exhibit 2.4?

10 A Also positive, presumptively, for the
11 presence of blood.

12 Q How about 2.10, which is items, the swabs
13 from that are 2.7, and 2.8?

14 A 2.7, the swabs from the exterior of the
15 magazine, test presumptively positive for the
16 presence of blood.

17 Q Is that this, sort of, sides, right here?

18 A That's gonna be, yes, the outside of the
19 magazine.

20 Q Did you go all over it?

21 A Yes.

22 Q Okay, and that was gain? I'm sorry.

23 A It was positive, presumptively, for the
24 presence of blood.

25 Q For blood. How about 2.8?

1 A 2.8 are swabs from the unfired rounds
2 that came from the magazine.

3 Q Would that be these here, Exhibit 2.11?

4 A Yes, that is correct, and then the
5 interior of the magazine, as well.

6 Q Okay. I don't know if I know how to, but
7 you went inside this part.

8 A Yes, up to a certain point, just to
9 ensure that there was not a potential staining
10 that was missed, something maybe on the inside
11 of the magazine, but it was not all the way down
12 into the magazine, but up to a certain point,
13 just to make sure that anything that could have
14 been on the outside, because of the staining to
15 the outside. Just checking the inside as well.

16 Q Okay, and the inside, essentially,
17 included the Exhibit 2.11?

18 A Uh-huh, yes.

19 Q Because that's where you found these,
20 originally?

21 A Yes, and for processing purposes, I
22 unloaded the magazine, and then packaged them
23 like that, so they could move on to the firearms
24 department for further analysis.

25 Q Okay, and the results from Exhibit 2.8,

1 swabs from Exhibit 2.11 were?

2 A The swabs form 2.8 were presumptively
3 negative for the presence of blood.

4 Q Negative for blood, on the inside of
5 this. All right, is that everything that you
6 tested in the report dated April 6th, 2018? Oh,
7 actually, I'll just ask, that's everything for
8 items 2.1, 2.2, 2.3, 2.4, 2.7, and 2.8?

9 A Yes, that is the conclusion.

10 Q Any other positive blood results from
11 that initial report?

12 A No, that was all of the presumptive
13 positive results.

14 Q Okay, and you generated another report at
15 a later time in this same case, same lab number?

16 A Yes, I did.

17 Q Okay. What were the items that you
18 received for that second report?

19 A For the second report, which involved
20 examination of additional items of evidence, I
21 received item 7, SLED item 7, which was a
22 cartridge case collected from marker 1.

23 Q Okay.

24 A And then, subsequently, there were more
25 cartridge cases. So SLED items 8, 9, 10, 11,

1 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,
2 24, 25 and 26, were all cartridge cases.

3 Q All right.

4 A And then, items 27, 28, 29, 30 and 31,
5 were projectiles, but I did not perform any
6 analysis on the projectiles.

7 Q So let's just talk about the items -- I
8 understand -- well, I'll first ask why you
9 didn't perform an analysis on the projectiles?

10 A There was, I believe, no request for DNA
11 on those projectiles. I will double-check the
12 request. That's a typical -- that's typical to
13 see though, for projectiles, as typically, they
14 are often times removed from somebody, and so
15 the DNA source would be obvious, if it was taken
16 out from an individual.

17 Q Excuse me. All right, how about the
18 cartridge casings that you received. Did you
19 analyze all of them for serology, or a portion
20 of them?

21 A The cartridge cases that I had in my
22 custody were either processed separately, or
23 some of them were grouped together for
24 processing, depending on where they were
25 located, and if it met the criteria,

1 essentially, to be grouped together.

2 Q Okay, and did you create sub-items from
3 any of these cartridge casings?

4 A Yes, I did create sub-items from the
5 cartridge cases.

6 Q All right. What are those item numbers?

7 A The sub-items that I created from this
8 round of evidence examination is item 7.1, item
9 20.1, item 25.1, and item 26.1.

10 Q Okay. Why, what's the distinction?
11 What's the reason for 4 sub-items, when you've
12 got, you know, close to 25 casings that you've
13 presented? Can you explain that for us, who
14 aren't serologists?

15 A Sure. So cartridge cases are usually a
16 smaller type of item, and we don't always see a
17 lot of DNA left behind on them, and so in order
18 to do our best effort to develop a DNA profile,
19 cartridge cases of the same caliber, and
20 location, may be grouped together for
21 processing, in an attempt to combine any
22 potential DNA that could be left behind by the
23 person handling those cartridges, and so if an
24 item is not grouped together for processing, in
25 this particular instance, it is because they

1 were suspected body fluid stains, potential
2 blood stains, on those items.

3 Q Okay. All right.

4 MR. EVANS: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. EVANS:

8 Q Ms. Thompson, I'm going to pass you
9 something that's been marked container N. Do
10 you recognize container N?

11 A Yes, I do recognize container N.

12 Q All right, what is container N?

13 A Container N is the container that is
14 holding some of the sub-items from, dated from
15 this report, from this round of evidence
16 examination.

17 Q It's similar to what we've already talked
18 about from your earlier report, just the swabs
19 and the DNA extracts?

20 A Yes,

21 Q Okay. Does it contain some of the sub-
22 items that we've just been discussing,
23 concerning cartridge casings?

24 A Yes, it did.

25 Q All right. Those again, would be, no

1 that's fine, 7.1; do I have that right?

2 A Yes.

3 Q 20.1?

4 A Yes.

5 Q 25.1, is that right?

6 A Yes, that's correct.

7 Q And 26.1?

8 A Yes, 26.1.

9 Q Those are all in container N?

10 A Yes, they are.

11 Q And they are, again, swabs that you took
12 from various items, which were handed to you as
13 cartridge cases from the scene?

14 A Yes, they were.

15 Q Your Honor, the State would move these
16 swabs in as State's Exhibits 7.1, 20.1, 25.1,
17 and 26.1.

18 THE COURT: Any objection, Mr. Gibbes?

19 MR. GIBBES: No objection.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: No objection, Your Honor.

22 THE COURT: All right, admitted without
23 objection. Yes, sir.

24 (State's Exhibits 7.1, 20.1, 25.1, and 26.1
25 were admitted into evidence.)

1 BY MR. EVANS:

2 Q And same as before, Ms. Thompson, I
3 apologize for asking you to do my work for me,
4 but we've got some other items that we haven't
5 discussed yet in that same container; is that
6 right?

7 A Yes, there are additional items in there.

8 Q All right. Would you please be so kind
9 as to mark, and I've got stickers for you, 7.1,
10 20.1, 25.1, and 26.1? All right, thank you.
11 Now, these which I've put up here, these are
12 already in evidence, do you recognize State's
13 Exhibit 7, State's Exhibit 20, and State's
14 Exhibit 26? And I'll pass up 25 as well.

15 A Yes, I do recognize these items. My
16 initials, and the date, are on the exterior
17 packaging associated with these items.

18 Q Are those the cartridge casings, which
19 resulted in the swabs that I'm holding in my
20 hand, and which you just entered into evidence?

21 A Yes.

22 Q Okay.

23 A They are some of them.

24 Q Some of them. All right, let's talk
25 about the results of these swabs, if you don't

1 mind. Starting with 7.1.

2 A 7.1 were swabs that were collected from
3 the exterior of the cartridge case, and the
4 result for this is that presumptive testing for
5 the presence of blood was positive.

6 Q Positive for 7.1, correct?

7 A Yes.

8 Q How about 20.1?

9 A These were also swabs from the exterior
10 of the cartridge case 20.1, and it was also
11 positive for the presumptive presence of blood.

12 Q Okay, 20.1, positive. What about 25.1?

13 A 25.1 are swabs from previously mentioned
14 items, 8 through 19, and then 21 through 25, so
15 these were items that, based off my visual exam,
16 I did not notice any type of potential blood
17 staining on them, so they were grouped together
18 for potential touch DNA analysis.

19 Q Okay, that's 25.1. How about 26.1?

20 A 26.1 is also swabs from the exterior of
21 the cartridge case 26, which was also
22 presumptively positive for the presence of
23 blood.

24 Q So, of the 4, 3 presumptive positive,
25 7.1, 20.1, 26.1?

1 A Yes, that is correct.

2 Q And then 25.1 was not presumptive
3 positive, but you forwarded it to DNA?

4 A Yes, it was still forwarded for DNA
5 analysis.

6 Q Okay. What else did you analyze besides
7 shell casings in your report dated April 7th,
8 2019? Did you get any other items? I guess
9 what was item 71? That's what I wanted to say.

10 A Yes, item 71 was a Nike brand, black in
11 color, hoodie.

12 Q Okay.

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. EVANS:

17 Q I'm showing you what's been previously
18 entered into evidence as State's Exhibit 71. Do
19 you recognize that Exhibit?

20 A Yes, I do recognize the exhibit. It has
21 the correct SLED lab number, item number, my
22 initials, and the date that I received the item.

23 Q All right, so is Exhibit 71 the same as
24 item 71 that you just mentioned?

25 A Yes, I believe so.

1 Q All right, so this is similar to 71?

2 A Yes, it should be.

3 Q All right. Would you mind taking that
4 out, and showing us what you did with it when
5 you, I realize we're not in the lab, but sort of
6 antitime it?

7 A Would it be okay if I step down?

8 Q Do you want to step down?

9 MR. EVANS: Is that okay?

10 THE COURT: Oh, absolutely.

11 BY WITNESS:

12 A Thank you.

13 Q Would you like for me to hold it?

14 A So this should be the front -- this is
15 the front of the hoodie, the arms are tucked on
16 the inside, but the areas of interest were
17 circled and then tested. The corresponding test
18 result was marked on the item to indicate if it
19 was positive or negative. In this item, I was
20 looking for potential blood stains.

21 So if an area has a negative sign beside
22 it, such as that one, that means the test was
23 negative, and then I didn't collect it. For
24 this one, right here, there is a hole in the
25 item. That is because this is a positive result

1 that I collected, which is the sub-item 71.1.
2 It was a cutting from the exterior front of the
3 hoodie. Additionally, I took this cutting as
4 well, and this was, it's jumping ahead a little,
5 but 71.4, was another cutting that I took from
6 this hoodie. In addition to screening for
7 blood, the additional request was for ownership
8 DNA, and that refers to DNA left behind by
9 someone wearing a particular item.

10 When I'm processing an item for ownership
11 DNA, I'm trying to isolate the areas that are
12 gonna be considered high touch, high contact,
13 with the skin. This is kind of known as an
14 outer item of clothing, so the areas of interest
15 for doing ownership processing are actually
16 going to be the cuffs, the interior of each cuff
17 of the hoodie, and then the actual neckline on
18 the interior of the hoodie as well. This
19 process that I use is one where I take a
20 sterile, one-time use, scraper, and agitate the
21 areas that I'm going to collect, with this
22 plastic scraper.

23 It can, basically, loosen up any DNA that
24 might be, kind of down, and into the fibers of
25 the hoodie itself, and then after those areas

1 have been roughed up with the scraper, I go back
2 behind, and swab vigorously with a swab that's
3 been moistened with sterile water, and collect
4 from all of those areas on one swab, in an
5 attempt to concentrate DNA that could
6 potentially be there from somebody who's worn
7 this item. This is the scraper that I used on
8 this item.

9 We keep it with the item, so to ensure that
10 it's never used on another item, and to just
11 demonstrate that this is the particular tool
12 that was utilized. In addition to scraping an
13 item, we can also collect hair that might be
14 deposited on this item and identify any
15 potential root material. Root material on a
16 hair is crucial for DNA analysis, because the
17 root material is where the DNA is housed, for
18 the type of DNA analysis that SLED does. If the
19 hair does not have a root on it, we can't send
20 it forward for further analysis, so I looked for
21 potential hair with root material on this item
22 as well, and recorded any hairs that met the
23 criteria for our DNA purposes.

24 Q All right. Now, when you're generating
25 an area of interest, talking about 71, number

1 71.1, and 71.4, how do you determine what's an
2 area of interest that you want to test?

3 A It's going to be based, most of the time,
4 on visual examination. I've looked at many
5 items, evidence, clothing, and just all kinds of
6 items, at this point, for different blood
7 stains, and so, I have familiarity with what I
8 believe I think a blood stain should look like,
9 and so, it may be something that right away I
10 know for sure, I think that it's a blood stain,
11 I think I should test it, and it could be
12 something where, I'm not sure, but I would like
13 to circle it, test it, and I want to know, so I
14 don't overlook anything.

15 So that's why there's a lot of other areas
16 that are circled, that indicate a negative
17 result, because I want to make sure that I'm
18 thorough, and not missing over anything, just
19 because it might not look like blood right away.
20 I want to ensure that I have tested the areas
21 that I think are going to potentially meet the
22 criteria for a possible blood stain.

23 Q Okay, when you tell, in this case, with
24 this Exhibit, item in Exhibit 71, you had a
25 number of negative results?

1 A Yes, I did have negative results.

2 Q And you had some positive results?

3 A That's correct, I did.

4 Q Those are the ones that you generated the
5 cuttings from?

6 A Yes, the positive results are the ones
7 that were removed from the item, and then placed
8 into an envelope, like so, on the banister
9 there, and they both, with the item number, and
10 everything, so that it could be identified for
11 the DNA analyst later on, what kind of items
12 they're dealing with.

13 Q Okay, let's return this to the packaging,
14 and then let's talk about those items. So, Ms.
15 Thompson, you mentioned some cuttings that you
16 generated from item/Exhibit 71. Are those in
17 container N, as in Nancy?

18 A Yes, they are in container N.

19 Q And what are, I think you already
20 mentioned, when you were showing the actual
21 Exhibits, but what are the sub-item numbers
22 again?

23 A The sub-item numbers are going to be
24 71.1, which was the cutting from the front of
25 the hoodie, 71.2, which is of the swab from

1 scraping the interior neck, and cuffs of the
2 hoodie, 71.3, which is hair collected from the
3 hoodie, and then 71.4, which is the additional
4 cutting from the exterior front of the hoodie.

5 Q Now, I noticed that you physically, with
6 a pen or something, marked on the hoody, which
7 one was 71.1, and which one was 71.4, because
8 they have a similar description, right?

9 A Yes, they do.

10 Q Can you remind us, just for the benefit
11 of the record, in words, which is 71.1, and
12 which is 71.4?

13 A The one that was 71.1 was a little higher
14 up, on the exterior front of the hoodie. The
15 one that was 71.4 was a little bit closer to the
16 bottom, and it was a little bit of a smaller
17 size of cutting as well.

18 Q All right, and those cuttings are
19 contained in container N?

20 A Yes, they are.

21 Q How about 71.3, and 71.2, are they the
22 hair, and the scraper, is that right?

23 A Yes, 71.2, and 71.3, are also inside
24 container N.

25 MR. EVANS: Your Honor, the State would

1 move into evidence State's Exhibit 71.1, 71.2,
2 71.3, and 71.4.

3 THE COURT: Mr. Gibbes?

4 MR. GIBBES: No objection.

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: All right, admitted without
7 objection. Yes, sir.

8 (State's Exhibits 71.1 - 71.4 were admitted
9 into evidence.)

10 BY MR. EVANS:

11 Q Ms. Thompson, would you please mark those
12 as well? I should have the appropriate stickers
13 here.

14 A Could you pass me more gloves?

15 Q Absolutely, and tell us why you're doing
16 that, why you need fresh gloves.

17 A I wear gloves, not just to protect
18 myself, but because this is biological evidence,
19 and I would not want to accidentally deposit any
20 of my own DNA on any of these items, and while
21 I'm in the process of actually doing the
22 evidence examinations, as you can see, sometimes
23 evidence can be, it can have lots of biological
24 material on it, lots of stains, lots of things
25 like that, so I'm protecting myself, as well as

1 any future preservation of DNA evidence.

2 Q Thank you. And I think you already
3 tested that, but what were the results for 71.1,
4 the upper cutting from the front.

5 A Yes, the results for 71.1 was that it was
6 positive for the presumptive presence of blood.

7 Q And 71.4? Also from the front of the
8 hoodie, but lower.

9 A 71.4 was also, presumptive testing for
10 blood was positive.

11 Q All right, and 71.2, and 3, you're just
12 serving as a collector, not an analyst for those
13 items?

14 A That's correct. That's correct, so they
15 were collected, and preserved, essentially, by
16 me, in the envelopes, but then they were sealed
17 up, and eventually passed on to the DNA analyst
18 for actual DNA analysis.

19 Q Can you tell us about the conditions that
20 you're doing all of this analysis in? Tell us
21 about your lab up there. I know you're in a new
22 one since 2018, but tell us about it.

23 A The lab is designed in order for
24 processing to be efficient. The area that I
25 always work in is clean, every single time I go

1 into it. It is cleaned in between opening items
2 of evidence, and in between cases. I only have
3 1 item of evidence open at a time. This is to
4 ensure that I keep the evidence correct, and
5 straight, and also to prevent any type of
6 contamination between evidence, as we could be
7 dealing with evidence from multiple people,
8 places and events. So care is taken to ensure
9 that cleaning measures are always followed. I
10 always wear protective equipment like lab coat,
11 gloves, masks, and sometimes eyewear, in order
12 to keep myself safe, and to also keep myself
13 from contaminating any potential evidence, and
14 then we use different methods like sterile, one
15 time use, scrapers, sterile water, sterile
16 swabs, things that we're trying to use to
17 decrease any type of contamination, or
18 introducing any type of things that we do not
19 want to be on the DNA evidence.

20 MR. EVANS: I beg the Court's indulgence.

21 BY MR. EVANS:

22 Q Did you follow all those procedures, as
23 you're now assisting us to, in this case?

24 A Yes, I did.

25 Q All right. Can you do anything about

1 potential cross-contamination with the items
2 before they come to you?

3 A No, I can't control anything that happens
4 outside of the laboratory environment, and I am
5 often not aware of how an item was treated
6 before it was submitted to the laboratory. I
7 only can control what happens to it once it's in
8 my custody, and when I do my best to maintain
9 the integrity of the item while working with it.

10 Q What do you do if you find that say the
11 packaging in a particular item is defective, or
12 something like that? What do you do in that
13 case?

14 A If it appears that the evidence integrity
15 has been compromised in any way, I will not
16 perform any type of processing or analysis on
17 the item, until I can document what I have seen.
18 I usually will have to then contact the agency
19 that submitted it, and we will have to ensure
20 that the evidence integrity has still been
21 maintained, if there is some sort of
22 discrepancy, and then if it is to the point
23 where we cannot do analysis on it, it would be
24 noted.

25 Q All right. Any issue of packaging of any

1 of these items, before they were reached to you?

2 A No, I did not have any signs of
3 tampering, or loss of integrity, of any of the
4 evidence.

5 Q And when you were through with your part
6 of the analysis, you did what with everything?

7 A After I was done with everything, if it
8 was one of the items that came from outside to
9 SLED, I packaged it in the packaging it came in,
10 sealing it up, initialing, and dating it, as
11 somebody who held the item, had the item in
12 their custody, and then any of the swabs or
13 cuttings that were collected, would have been
14 sealed in the envelopes with my initials, and
15 the date, on the back, and then sealed into
16 these corresponding pouches, which have the SLED
17 lab number, the initials, and date, from myself,
18 and the corresponding either container, letter,
19 or item number, that needs to be on there.

20 Q All right, and sent onto other
21 departments?

22 A Yes, it could be forwarded onto another
23 department for additional analysis, or it could
24 be passed on directly to a DNA analyst for their
25 portion of the laboratory work. There is a

1 different case load, depending on what's
2 happening.

3 Q All right.

4 MR. EVANS: I beg the Court's indulgence.

5 THE COURT: All right.

6 BY MR. EVANS:

7 Q Ms. Thompson, those are all the questions
8 I have. Please answer any questions these
9 gentlemen may have.

10 THE COURT: All right, Mr. Johnson, do you
11 have any questions, sir?

12 MR. JOHNSON: Your Honor, I have no
13 questions.

14 THE COURT: All right, Mr. Gibbes, do you
15 have any questions?

16 MR. GIBBES: No questions.

17 THE COURT: All right, then does anybody
18 object to this witness being excused?

19 MR. EVANS: No, sir.

20 THE COURT: All right. Thank you so much
21 for coming in, I appreciate it.

22 WITNESS: Thank you.

23 THE COURT: All right, I think now we will
24 go ahead, and Mr. Foreman, ladies and gentlemen,
25 we're gonna break for lunch. I'd ask that you'd

1 be back at 2 o'clock. I think it's ten until
2 1:00. I ask that you be back at 2 o'clock.
3 Please do not talk about the case.

4 Have a great lunch and be back at 2
5 o'clock. Everybody else remain seated, please.

6 (Jury exits the courtroom.)

7 THE COURT: All right, anything from the
8 State before we break for lunch?

9 MR. EVANS: No, sir.

10 THE COURT: Anything from the defense, Mr.
11 Gibbes?

12 MR. GIBBES: No, Your Honor.

13 THE COURT: Mr. Johnson?

14 MR. JOHNSON: I have nothing, Your Honor.

15 THE COURT: All right. We'll see you'all
16 back at 2 o'clock, okay?

17 MR. EVANS: Yes, sir.

18 THE COURT: All right, thank you.

19 (Luncheon recess)
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PROCEEDINGS CONTINUED

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THE COURT: And I understand what the agreement is on those autopsy photographs and diagrams that were agreed to, and I've also looked at the ones that are those that haven't been agreed to. I will be the first to admit that I think that these proposed photographs of the Solicitor are perhaps as sanitized and as clean as any autopsy photographs that I've seen in going on two or three years that I've been on

1 the bench. I have, however, looked at the Jones
2 case, which is a brand new case that came out,
3 that was dealing with autopsy photographs. And
4 really, to me, looked to try to make a
5 distinguished -- the admissibility of these
6 photographs in situations where they're quite
7 frankly was little probative value, little to
8 gain from the photographs.

9 I conclude in this case that I think there
10 is little to gain in the photographs. I don't
11 think that there's any -- who was killed, as to
12 the manner of death, and the other cases are
13 dealing with disputes of how somebody died, or
14 whether this entry was from or not from the
15 injury, or whether this injury resulted in the
16 death, and I don't think there's any of that
17 here. So what I'm gonna do is, I'm going to
18 exclude those photographs, Mr. Evans --

19 MR. EVANS: Yes, sir.

20 THE COURT: -- the ones that are in
21 controversy; however, what I would say is this,
22 in the course -- and I think you've got a
23 diagram, and certainly you can use your DOR
24 system, or whatever you might need to enlarge
25 the photographs that you've got, so that the

1 pathologist can present her evidence to the
2 jury.

3 If we can into this, Mr. Evans, and the
4 pathologist, for some reason, is having
5 difficulty making her case, or presenting her
6 testimony to the jury with the absence of those
7 photographs --

8 MR. EVANS: We can do that.

9 THE COURT: -- then we will re-evaluate the
10 matter, if the pathologist is unable to
11 adequately inform the jury of her findings
12 without the use of those photographs. So unless
13 that issue comes up, I'm going to -- I would
14 reconsider, but for now I'm going to grant the
15 Defendant's request, but I'm going to take those
16 two photographs in each one of the deaths that
17 were contested, or --

18 MR. EVANS: Two for each gentlemen, and for
19 Ms. Warren?

20 THE COURT: Yes, yes, and more for Ms.
21 Wilson?

22 MR. EVANS: Warren.

23 THE COURT: Warren, I apologize, Ms.
24 Warren, okay. Do you understand my ruling, sir?

25 MR. EVANS: Yes, sir.

1 THE COURT: Not that you agree with it, but
2 you understand it?

3 MR. EVANS: Yes, sir, I do.

4 THE COURT: All right. Gentlemen, do you
5 follow me?

6 MR. JOHNSON: Yes, Your Honor.

7 THE COURT: Mr. Gibbes?

8 MR. GIBBES: Yes, we do, Your Honor.

9 THE COURT: All right. I understand that
10 the jury has taken a few final moments to
11 prepare their menu lunch selections for
12 tomorrow.

13 MR. EVANS: May I check on which of our --
14 I know --

15 THE COURT: Absolutely.

16 (Recess)

17 MR. EVANS: Judge, we're ready for the
18 jury.

19 THE COURT: All right. Gentlemen, one
20 other thing. My Law Clerk has supposed jury
21 instructions. I have not even had a chance to
22 look at them. Before we break for the day I
23 would like you two to kind of get a copy. He
24 may have emailed them to you, but I'd prefer to
25 have them in-hand. He also prepared some

1 verdict forms. I also want you to look at
2 those, because I know Mr. Evans has, but for the
3 benefit of the gentlemen, who have not tried a
4 case in front of me, what I do is in my charge
5 conference, tonight if there are things that
6 you've got a problem with, or additional charges
7 that you want, you need to email them to my Law
8 Clerk, do not email them to me. I mean you can,
9 but he's gonna be the one dealing with that, not
10 me, okay?

11 Now, when we meet tomorrow, we're gonna
12 meet first thing, 9:15 sharp. And what we will
13 do is, we will have a charge conference. And
14 what I will do at that point is, I will go
15 through and I will basically say, is there any
16 objection to my initial charge? No, yes. If
17 there is, then we'll make a decision there
18 whether or not I'm gonna exclude it, or I'm just
19 gonna go ahead and charge it, regardless of your
20 objection, and I'll go through each one. And
21 then we'll have an agreement on what those
22 charges are, and also, I will have you agree as
23 to the verdict form.

24 Now, again, if we can't come to an
25 agreement, then we will note that on the record,

1 but that's what we'll do tomorrow morning first
2 thing. I plan on bring the jury in, assuming we
3 finish everything today, I plan on bringing the
4 jury in probably at 9:45, because I think the
5 charge conference should probably take us no
6 more than 30 minutes, all right? Solicitor, is
7 that fine?

8 MR. EVANS: Yes, sir, Your Honor.

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: Yes, sir, Your Honor.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: That's fine.

13 THE COURT: All right, anything from the
14 State before we bring the jury in?

15 MR. EVANS: Not from the State.

16 THE COURT: Mr. Gibbes?

17 MR. GIBBES: No, sir.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: Nothing, sir.

20 THE COURT: All right, let's get the jury

21 BAILIFF: Yes, sir.

22 (Jury enters the courtroom.)

23 THE COURT: Ladies and gentlemen, welcome
24 back. We are ready to proceed. Solicitor, you
25 can call your next witness.

1 MR. EVANS: The State calls Aaron Stokes.

2 THE COURT: All right.

3 **

4 AARON STOKES,

5 BEING DULY SWORN TESTIFIED AS FOLLOWS:

6 ***

7 THE COURT: Hi, Mr. Stokes.

8 WITNESS: How you doing?

9 THE COURT: Doing great. Yes, sir.

10 MR. EVANS: thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. EVANS:

13 Q Good afternoon, Mr. Stokes.

14 A Good afternoon.

15 Q Would you please identify yourself, and
16 spell your last name for our Court Reporter,
17 sir?

18 A My name is Aaron Stokes, my last name is
19 spelled S-T-O-K-E-S.

20 Q And, Mr. Stokes, where do you live, sir?

21 A In Bluffton, South Carolina.

22 Q Did you used to live here in Hampton?

23 A Yes.

24 Q All right, were you living here in 2017
25 and 2018?

1 A Yes.

2 Q Do you know a Mr. Cameron Davis?

3 A I do.

4 Q How do you know him?

5 A He's my cousin.

6 Q All right. Did you ever purchase
7 anything from Cameron Davis?

8 A Yes.

9 Q What did you purchase from him?

10 A I believe it was a .9mm Glock.

11 Q Okay.

12 MR. EVANS: Beg the Court's indulgence.

13 BY MR. EVANS:

14 Q A firearm, a handgun --

15 A Yes.

16 Q -- is that right?

17 A Yes.

18 Q Okay. Do you remember approximately when
19 you made that purchase from him?

20 A No, I can't quite remember the exact
21 date.

22 Q Uh-huh. Did you create any kind of
23 record of that on paper, or anything like that?

24 A I believe we did, we did a receipt.

25 Q Okay. Just between the two of you

1 though? You didn't tell the government about
2 it, or any --

3 A No.

4 Q You didn't get it at the store?

5 A No.

6 Q All right.

7 MR. EVANS: May I approach the witness,
8 Your Honor?

9 THE COURT: Yes, sir.

10 BY MR. EVANS:

11 Q I'm passing you what's been previously
12 entered into evidence as State's Exhibit 249.
13 Have you ever seen this before?

14 A I have.

15 Q Okay, can you tell me what that name
16 there is?

17 A Cameron Dwayne Davis.

18 Q All right, that's the gentleman that
19 you've been discussing?

20 A Yes.

21 Q All right, and what does this say up
22 here?

23 A A Glock 23, .40 caliber.

24 Q Does that sound like the gun that you
25 purchased from him?

1 A Yes, sir.

2 Q And can you tell -- I know there's a
3 watermark there, but can you tell what that says
4 by purchase date?

5 A February 18th, 2017.

6 Q Okay. That's the Cameron Davis that you
7 bought the gun from?

8 A Yes.

9 Q Does that sound like the same gun that he
10 originally --

11 A Yes.

12 Q -- sold to you?

13 A It does.

14 Q Okay.

15 MR. EVANS: May I approach the witness,
16 Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. EVANS:

19 Q I'm gonna pass you what's been previously
20 entered into evidence as a part of State's
21 Exhibit 2, or State's Exhibit 1, I'm sorry. Do
22 you recognize this?

23 A I do.

24 Q What is this?

25 A A Glock, .40.

1 Q You can tell that this is the same?

2 A Yes.

3 Q How can you tell that?

4 A Because it has my initials and the date I
5 logged it in.

6 Q All right. When's the last time you saw
7 this gun?

8 A In 2017.

9 Q Do you remember what day in 2017?

10 A Could be around December, close to
11 Christmas time.

12 Q What happened around Christmas of 2017?

13 A I went and visited my parents, I came
14 back the next morning, and my girlfriend called
15 and told me there were two guns missing.

16 Q Did you inform law enforcement about
17 that?

18 A I did.

19 Q Okay, do you remember who the officer
20 was?

21 A I believe it was Casey.

22 Q With which agency?

23 A Hampton Police Department.

24 Q All right. You told him about it?

25 A Yes.

1 Q Did you ever hear any follow-up from
2 that?

3 A No.

4 Q All right. Did you ever hear about this
5 case that we're talking about here today?

6 A Yes.

7 Q All right. Are you involved in this
8 case?

9 A No, sir.

10 Q Did anybody tell you that this gun that
11 was stolen from you was involved in this case?

12 MR. GIBBES: Your Honor, objection.

13 MR. EVANS: I'll withdraw that.

14 THE COURT: Yeah, I'll sustain that.

15 BY MR. EVANS:

16 Q Did you know Frank Johnson?

17 A Yes.

18 Q Ghazi Duckett?

19 A Yes.

20 Q Lamekia Warren?

21 A No.

22 Q Okay. Did you kill Frank Johnson or
23 Ghazi --

24 A No.

25 Q -- Duckett?

1 A No, sir.

2 Q Did you kill Lamekia Warren?

3 A No, sir.

4 Q All right. Those are all the questions I
5 have Mr. Stokes, please answer any questions
6 these gentlemen may have.

7 THE COURT: Mr. Gibbes?

8 MR. GIBBES: No questions.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: No questions, Your Honor.

11 THE COURT: All right. Can he be released
12 from subpoena --

13 MR. EVANS: I would ask --

14 THE COURT: -- from the State?

15 MR. EVANS: Yes, sir.

16 THE COURT: Gentlemen?

17 MR. JOHNSON: No objection.

18 MR. GIBBES: No objection.

19 THE COURT: All right, have a great day,
20 sir, thanks for coming in.

21 WITNESS: You're welcome.

22 THE COURT: The State calls Sara Goodman.

23 **

24 SARA GOODMAN,

25 BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. EVANS:

Q Good afternoon.

A Hello.

Q Would you please identify yourself, and spell your last name for our Court Reporter?

A Yes, my name is Sara Goodman, G-O-O-D-M-A-N.

Q And what do you do for a living, Ms. Goodman?

A I work as a DNA Analyst at the Greenville County Department of Public Safety.

Q Okay, and how long have you been doing DNA work for Greenville?

A For about four months.

Q All right, and did you do it anywhere else, before you went there?

A Yes.

Q Okay, and for whom and for how long?

A I worked at the South Carolina Law Enforcement Division, commonly known as SLED, and I was there for approximately eight years.

Q All right. Are you doing the same kind of work at Greenville as you did at SLED?

1 A Yes.

2 Q Is that your hometown?

3 A No.

4 Q Okay. You just chose to go to the
5 Upstate?

6 A Yes.

7 Q All right. Tell us about the education,
8 training and experience that you have, that
9 allows you to do this kind of work, please.

10 A Sure. So I have a Bachelor of Science
11 degree in biology from Erskine College, as well
12 as a Masters of Science in forensic science from
13 Arcadia University in Pennsylvania. And then
14 upon my employment at SLED, I went through about
15 a year and a half training program with another
16 qualified analyst, which included a combination
17 of literature reading and written learning, as
18 well as laboratory practical learning. And at
19 the end of that training, I successfully
20 completed a series of constant -- competency
21 test, excuse me, to be qualified as a DNA
22 Analyst, and every year we are also required to
23 get at least eight hours of continuing education
24 in the field of DNA, and I am undergoing a
25 similar training program now at Greenville.

1 Q Okay. And how many times have you been
2 qualified as an expert in the courts in this
3 state or other states?

4 A 36 times.

5 Q 36 times in the field of DNA analysis?

6 A Yes.

7 MR. EVANS: Your Honor, the State would
8 tender Ms. Goodman as an expert in DNA analysis.

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: No objection.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: All right, so I will deem the
14 witness an expert in the field of DNA analysis,
15 and she can give opinion testimony as a result
16 thereof.

17 MR. EVANS: Thank you, Judge, and I did
18 forget a few more foundation questions.

19 BY MR. EVANS:

20 Q Do you also do serology as a DNA Analyst?

21 A Yes, I'm also trained in serology.

22 Q Did you do some of that in this case?

23 A I did, yes.

24 Q Okay, and did you undergo the same sort
25 of training, and is that sort of standard for

1 SLED DNA analysts to also be trained in
2 serology?

3 A Yes, every analyst is trained in serology
4 as well.

5 Q Been qualified as an expert in serology
6 in prior cases?

7 A Yes, a few times.

8 MR. EVANS: And I apologize for taking two
9 bites of the apple, Judge, but I'll tender her
10 as an expert in serology as well, based on some
11 of these results?

12 THE COURT: Any objection?

13 MR. JOHNSON: No objection.

14 MR. GIBBES: No objection.

15 THE COURT: All right, she's going to be an
16 expert in the field of serology also. Thank
17 you.

18 MR. EVANS: Thank you, Your Honor, I
19 appreciate it.

20 BY MR. EVANS:

21 Q All right, Ms. Goodman, tell us how you
22 became involved in this case.

23 A So we at SLED received a request to mark
24 some DNA items in this case, and the case was
25 assigned to me, so I did the DNA analysis on

1 items in this case.

2 Q All right, and so as you and I have done
3 before, we're gonna need a little bit of crash
4 course in what DNA is, and how you do your work.
5 And I know we're gonna talk about two different
6 methods, but let's just start with the original,
7 the 2018 version first, if that's okay by you,
8 and we'll take up STRmix later; is that all
9 right?

10 A Yes.

11 Q Okay. Tell us what DNA is.

12 A So DNA is a chemical that's present in
13 your body in almost every single cell. You get
14 half of your DNA from your biological mother,
15 and half from your biological father. It
16 essentially just -- it makes up who you are, and
17 how your body functions, what you look like,
18 things like that. And with the exception of
19 identical twins, no two people have the exact
20 same DNA profile.

21 Q Okay, what are the some of the sources of
22 DNA that come into your lab in the course of
23 your work?

24 A So some common sources of DNA are body
25 fluids of blood, semen, saliva, sweat, as well

1 as touch DNA, which is the skin cells that you
2 leave behind when you touch or handle an item.

3 Q Okay, so is there a difference in the DNA
4 that comes from touch, versus blood, or sweat,
5 or saliva?

6 A There's not a difference, in terms of
7 what the DNA is, but there can be a difference
8 in the amount of DNA. Typically, body fluids
9 have a lot more DNA than just skin cells that
10 you might leave behind on something.

11 Q Do they require a different process, in
12 order to create the samples and the profiles
13 that you use?

14 A No, it would be the same process.

15 Q Okay. And how do you, under the previous
16 method, how do you create a profile, prepare one
17 profile to the other, take us through that part
18 of your work.

19 A So when we receive the evidence in our
20 lab, I will take the -- all the items for the
21 case into my custody, and one at a time open
22 each item and take a small sample from the item.
23 Once I've done that, I will take it through
24 several differences processes in our laboratory,
25 that just separate the DNA off of whatever item

1 it's on and purify it, and then tell us about
2 how much DNA we have there.

3 And from there we make many copies of the
4 DNA to a level that our instruments can detect,
5 and then we run it through a machine that
6 separates out the DNA that gives us our DNA
7 profiles. So we do that for every item of
8 evidence that we have a request on, as well as
9 for known standards, which are from a known
10 individual. And if we are able to use our
11 evidence profiles for comparison, then we will
12 compare them to all the known standards that we
13 have in the case, to try to determine whether or
14 not we can determine whether someone's DNA may
15 or may not be there.

16 Q So what's a quick definition of a known
17 standard?

18 A So it's typically either a blood sample
19 or a swab from the inside of someone's mouth,
20 and it just is a sample that we know came from a
21 certain individual.

22 Q Because you have a witness who is the
23 person that took it?

24 A Yes.

25 Q All right. And why do you need that to

1 do this kind of work?

2 A In terms of -- typically, for the most
3 part we are trying to do comparison between
4 evidence and people, to see whether or not a
5 certain person could be contributing DNA to an
6 item or a crime scene.

7 So it's important for us to have that
8 person's known standard, because, otherwise, we
9 don't know what their DNA profile is, and won't
10 be able to compare them to any of the evidence.

11 Q You're gonna try to compare one profile
12 against another?

13 A Yes.

14 Q So you need one that you know where it
15 came from to say?

16 A Yes.

17 Q Okay. And how -- in very layman's terms,
18 what is the process of actually doing that
19 comparison?

20 A So once we have all of our DNA profiles
21 from both the evidence and the known standards
22 that we've generated, we will do our own
23 analysis, based off of our training and
24 experience, to determine how many people there
25 are in that DNA profile, whether there's one or

1 more than one, which would be a mixture. And
2 then once we've determined that, we do our
3 interpretation, as far as is this profile able
4 to be used for comparison based off of our
5 standards and procedures; and if it is, then we
6 will look at the known DNA profiles from the
7 known standards, and do different analyses,
8 basically, and statistics to see whether or not
9 it would make sense that their DNA is in that
10 item or not.

11 Q Okay. And I know the newer method that
12 we're gonna get into a bit later, that has a
13 name. Is there a name for this, you know, I
14 don't want to say traditional, but the previous
15 method that you'all used? What would you refer
16 to that as?

17 A So as far as everything leading up to
18 generating the DNA profiles are still, and has
19 always been the same. What changed is how we
20 calculate our statistics. So when we make those
21 comparisons, if someone could be included in the
22 item, we calculate statistics to give a weight
23 to what that conclusion means, and essentially
24 help you understand like how much of their DNA
25 could be there or not.

1 So our original method that I used in this
2 case, is calculating probabilities. So kind of
3 like when you would say, if I flip a coin six
4 times, what are the chances that I would get a
5 heads two times? That's a probability. And
6 then later on we use a new program called
7 STRmix, that calculates a different type of
8 statistic.

9 Q Well, we're gonna give multiple sets of
10 results over the course of your testimony; is
11 that right?

12 A Yes.

13 Q Okay, we'll explain that when we get
14 there, but I appreciate you planting the seed,
15 okay? So I think we're ready to start getting
16 into some of your 2018 results. Do you feel
17 like we're ready? And let me first ask you, did
18 you receive a large number of pieces of
19 evidence, swabs and other things in --

20 A Yes.

21 Q -- this case?

22 A Yes, I believe it was close to 60 items.

23 Q Okay, and did you test all of those in
24 2018, all of them in 2021? How did that work?
25 Did you get some of them at one point and others

1 later?

2 A Yes. So I have three different reports
3 in this case. So some of that is me receiving
4 additional items later, after I had already done
5 one report, so I did a supplemental report, and
6 some of it is doing additional interpretation.

7 Q Did you receive certain known standards
8 later on in the process?

9 A Yes.

10 Q Okay, and did that necessitate an
11 additional report?

12 A Yes.

13 Q Okay. So I'm gonna ask you about certain
14 of these items that you tested, and I'm gonna
15 ask you to identify certain items that have not
16 yet come into evidence.

17 A Okay.

18 Q I think that's it, all right.

19 MR. EVANS: Beg the Court's indulgence.

20 May I approach the witness, Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. EVANS:

23 Q Ms. Goodman, I'm gonna start by passing
24 you three items that have been previously
25 marked, but not yet admitted, as State's

1 Exhibits 50, 51 and 52. Do you recognize those
2 items?

3 A Yes.

4 Q What are those?

5 A These are some of the known standards,
6 some buccal swabs that I received in this case.

7 Q All right.

8 A Sorry.

9 Q That's okay, what are they?

10 A So they are a known blood spot from Frank
11 Johnson, which was State's Exhibit 50, 51 is a
12 blood spot from Lamekia Warren, and 52 is a
13 blood spot from Ghazi Duckett.

14 Q All right, and you received all those?

15 A Yes.

16 Q You don't go to the scene, or anything
17 like that, or to autopsies? You don't do that,
18 do you?

19 A No.

20 Q Okay, but is this your understanding of
21 known standards from the victims in this case?

22 A Yes.

23 Q All right.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q All right, this, Ms. Goodman, has already
4 been entered as State's 3, 4, 5 and 6, so that
5 is already in evidence. Can you tell me what
6 that is?

7 A Yes, so these are some of the evidence
8 items that I received in the case. So item 3
9 would be a swab from the trigger of a Glock 23,
10 item 4 is a swab from the handle and grip of a
11 Glock 23, item 5 is a swab from the trigger of a
12 Glock 38, and item 6 is a swab from the handle
13 and grip of a Glock 38.

14 Q All right, and as I said, they're already
15 in evidence, but is this how you received them,
16 in a secured container such as this?

17 A Yes.

18 Q Well, not such as this, this actual
19 container; is that right?

20 A Yes, this actual container was sealed.

21 Q All right, and then did you open it up,
22 and then reseal it when you were done?

23 A I did.

24 Q All right. I'm gonna ask you to open it
25 up, and then our evidence numbers are the same

1 as the item numbers.

2 A Okay.

3 Q Will you please label the appropriate
4 item number to its respective evidence number?
5 Okay, I'm looking for where they got to.

6 A Okay.

7 Q Thank you, and all those item numbers are
8 the same as the exhibit numbers? Will you put
9 stickers on it for me?

10 A Yes.

11 Q I'm also passing you -- these are already
12 in evidence, State's Exhibit 2.2 and 2.7. Do you
13 recognize those?

14 A Yes, these are also swabs that I worked
15 in the case from a rifle.

16 Q All right. Now, you don't receive the
17 actual rifle in this case; is that right?

18 A That's correct, I just receive the swabs
19 from the rifle.

20 Q Those are provided to you by somebody
21 previously in the chain?

22 A Yes.

23 Q In this case, Courtney Thompson?

24 A Yes.

25 Q All right. Concerning the -- all right,

1 let's talk about the results in your report
2 dated April the 6th, 2018, beginning with item,
3 which is now Exhibit 2.2.

4 A Okay.

5 Q What did you find when you looked at item
6 2.2?

7 A So for item 2.2, which were swabs from
8 the remaining metal exterior of a rifle, my
9 results were that the DNA profile matches the
10 DNA profile of Frank Johnson; and the
11 probability of randomly selecting an unrelated
12 individual having a DNA profile matching this
13 item is approximately one in 29 nonillion.

14 Q And would you mind holding up
15 item/Exhibit 2.2?

16 A Yes.

17 Q All right.

18 A This item.

19 Q That's one of those swabs in the coin
20 envelope?

21 A Yes.

22 Q And that's Frank Johnson?

23 A Correct.

24 Q It being somebody else's is one in 29
25 nonillion?

1 A Yes.

2 Q How about some of the other swabs from
3 that rifle? Because you received a few more; is
4 that right?

5 A I did.

6 Q In April of 2018, were you able to
7 calculate anything else with any thick, thick
8 matched to known standard, like your result in
9 item 2.2?

10 A Only for item 2.7.

11 Q Let's talk about item 2.7.

12 A Okay. 2.7 was swabs from the exterior of
13 a magazine labeled B, that was packed with the
14 rifle. And my results for this item were that
15 the DNA profile is a mixture of at least three
16 individuals. A partial DNA profile of the major
17 contributor matches the DNA profile of Frank
18 Johnson; and the probability of randomly
19 selecting an unrelated individual having a DNA
20 profile matching he major contributor to the
21 mixture is, approximately, one in 160
22 quintillion.

23 Q All right. Now, let's talk about --
24 we're gonna have to talk a lot, of course, your
25 testimony about mixtures, so let's introduce

1 that concept. What does that mean?

2 MR. GIBBES: Excuse me, Your Honor.

3 THE COURT: Yes, sir.

4 MR. GIBBES: Could we approach, please?

5 THE COURT: Sure.

6 (Bench conference.)

7 THE COURT: All right, we'll proceed.

8 MR. EVANS: Thank you, Your Honor.

9 BY MR. EVANS:

10 Q Tell us what is a mixture in DNA in
11 layman's speak?

12 A So a mixture just means that there's DNA
13 from more than one person.

14 Q Okay. And under the old methods was it
15 harder to work with those?

16 A Sometimes it could be harder to interpret
17 them, yes.

18 Q So when you say that in item 2.7 you were
19 able to identify a major contributor?

20 A Yes.

21 Q And you were able to say that it matches
22 the known standard of Frank Johnson?

23 A That's correct.

24 Q What does that mean? What's a major
25 contributor?

1 A So a major contributor is just
2 contributing more DNA to that item than the
3 other contributor. So in this case there were
4 three, Frank Johnson being the major
5 contributor, means he was contributing the most
6 DNA out of those three people.

7 Q All right. And, again, the chances that
8 it was someone else was a major contributor were
9 what in the results?

10 A One in 160 quintillion.

11 Q And that was for item 2.7 swabs from the
12 exterior magazine labeled B?

13 A That's correct.

14 Q How about item 3? You have that up there
15 as well, right?

16 A Yes, that would be these.

17 Q What is item 3?

18 A Item 3 is a swab from the trigger of
19 Glock 23.

20 Q All right.

21 MR. EVANS: Beg the Court's indulgence.
22 May I approach the witness, Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q I'm going to pass you two items that have

1 been entered into evidence --

2 A Okay.

3 Q -- but I'm still gonna ask you, if you
4 can identify them? They are State's Exhibit 61
5 and State's 111.

6 A Okay.

7 Q What are those, ma'am?

8 A Exhibit 61 is buccal swabs from Tyrase
9 Collins, and 111 is buccal swabs from Lorenzo
10 Boles.

11 Q All right, and did you understand those
12 to be known standards of persons of interest in
13 this case?

14 A Yes.

15 Q Did you receive -- did you have Mr.
16 Boles' standard back in April of 2018, when you
17 were doing these results we're talking about
18 right now?

19 A No, that was not received or on my report
20 until June of 2021.

21 Q Okay, so we'll get into him later, but
22 did you have the other known standard from Mr.
23 Collins --

24 A Yes.

25 Q -- back in 2018?

1 A Yes.

2 Q All right. Did that come into play in
3 some of your analysis of these items that are
4 before you right now?

5 A Yes. Since I had that known standards,
6 in this original report I used that for
7 comparisons, if I could.

8 Q All right, now, tell us about your
9 results from item 3, and remind us what the
10 description of item 3 is.

11 A Okay. Item 3 is a swab from the trigger
12 of a Glock 23. My result is that the DNA
13 profile is a mixture of at least four
14 individuals. The partial DNA profile of the
15 major contributor matches the DNA profile of
16 Tyrase Collins. The probability of randomly
17 selecting an unrelated individual having a DNA
18 profile matching the major contributor is
19 approximately one in 3.4 septillion.

20 Q All right. You said a Glock 23?

21 A Yes.

22 Q Okay. And it's a mixture?

23 A It is.

24 Q But you, again, use that word major
25 contributor, so just one more time, remind us

1 what that means.

2 A So that just means that that person is
3 contributing the most DNA to that mixture.

4 Q And what does it mean when there's a
5 match in the old process?

6 A So a match means that the DNA profile
7 that we're comparing from the evidence is
8 essentially the same as a DNA profile from that
9 person.

10 Q All right, and what is a septillion?

11 A So a septillion is -- I guess to put it
12 in perspective, there's around 7 billion people
13 in the world. A billion has 9 zeros behind it,
14 and a septillion would have 24 zeros behind it.

15 Q Okay. That was for item 3 again?

16 A Yes.

17 Q Now, items 4, 5 and 6, were you able to
18 get any, I guess, noticeable results when you
19 tested these back in 2018?

20 A From all of those items I also developed
21 mixtures, but was not able to use them for
22 comparisons.

23 Q All right, but you held onto them? Yes
24 or no?

25 A Yes.

1 Q Okay. When you create a profile, is that
2 a physical thing, is it a computer file? How is
3 it stored?

4 A It's a computer file. So we do print
5 them out physically for our case files, but it's
6 stored on the computer, so once we've generated
7 that we keep it within the case records forever.

8 Q So you don't need to -- if, as in this
9 case, you have to do further analysis, you don't
10 need to get those items or the known standards
11 back in your physical presence at the lab?

12 A No.

13 Q Oh okay. Did you have any other results
14 in 2018 that were something other than what you
15 expected them to be, based on the descriptions I
16 guess? Maybe just run through some of those
17 victim results.

18 A So I had some swabs from a seat cushion
19 that was under the male mix victim Johnson.
20 That profile matched Frank Johnson. There were
21 swabs from the bedroom floor in between the
22 female victim and the bedroom door, and that
23 profile matched Ghazi Duckett.

24 And then there were swabs from a white in
25 color comforter near the female victim Warren,

1 and that matched the DNA profile of Lamekia
2 Warren.

3 Q Okay, so the known standard that you had
4 matched the description, and those results bore
5 out

6 A Yes.

7 Q Okay. Is that more or less it for the
8 April 6th, 2018 report? Am I missing anything?

9 A Yes, I think that we've gone through
10 everything.

11 Q All right. You had a second report in
12 this case; is that correct?

13 A Yes.

14 Q When was that?

15 A That's --

16 Q I know there's a date on the report, and
17 it probably takes more than one day to do this
18 work, but --

19 A The second report was published on May
20 4th of 2018.

21 Q All right, so not too long after your
22 first crack at this?

23 A No.

24 Q Okay. Did you have any new known
25 standards at that point?

1 A I did. I received buccal swabs from a
2 Rashina Collins.

3 Q Okay. Did you also have any from Mr.
4 Harris?

5 A Yes.

6 Q All right. I'm gonna turn your attention
7 in that report to item 71.1. Do you have that
8 handy?

9 A Yes.

10 Q And it'll be a sequence, so 71.1 and
11 71.2. What were those items?

12 A 71.1 was a cutting from the front
13 exterior of a hoodie, and 71.2 was a swab from
14 scraping the neck and cuffs of the hoodie.

15 Q All right. What was the results of item,
16 which is now Exhibit 71.1, cutting from the
17 front of the hoodie?

18 A Yes, so the DNA profile is a mixture of
19 at least two individuals. The DNA profile of
20 the major contributor matches the DNA profile of
21 Tyrase Collins. And the probability of randomly
22 selecting an unrelated individual having a DNA
23 profile matching the major contributor is,
24 approximately, one in 130 octillion.

25 Q All right. And we're still saying match

1 at this point?

2 A Yes.

3 Q Okay. So Tyrase Collins' known standard
4 that's in 71.1 is the shorthand of your analysis
5 from that one?

6 A Yes.

7 Q How about 71.2?

8 A So that was the swab from scraping the
9 neck and cuffs of the hoodie. The DNA profile
10 is a mixture of at least three individuals. The
11 partial DNA profile of the major component is
12 consistent with being a mixture of two
13 individuals.

14 Tyrase Collins is included as a possible
15 contributor to the major component. And the
16 probability of randomly selecting an unrelated
17 individual who could have contributed to the
18 major component is approximately one in 4.3
19 billion.

20 Q How about 71.3?

21 A So 71.3.1 in my report is a hair from the
22 hoodie and no human DNA was detected from the
23 hair.

24 Q Okay, and 71.4, did you analyze that as
25 well?

1 A Yes, that was a cutting from the exterior
2 front of the hoodie. The DNA profile is a
3 mixture of at least three individuals. The
4 partial DNA profile of the major component is
5 consistent with being a mixture of two
6 individuals. Tyrase Collins is included as a
7 possible contributor to the major component, and
8 the probability of randomly selecting an
9 unrelated individual who could have contributed
10 to the major component is approximately one in
11 1.6 trillion.

12 And the other known standards that I had in
13 this case were all excluded from the major
14 component.

15 Q All right. Okay. All right, Ms.
16 Goodman, did you receive some items starting
17 with 89, that you did not have back in April of
18 2018, when you did your analysis in May of 2018?

19 A I did.

20 Q Okay.

21 MR. EVANS: May I approach the witness,
22 Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q I'm gonna pass you some containers that

1 are marked as P and Q. Do you recognize those?

2 A Yeah, so container P contains my items 89
3 through 96, and container Q contains my items 97
4 through 104.

5 Q Any reason for the two containers, other
6 than just a lot of items?

7 A Yeah. Typically, if they're items from
8 the same area, or similar items, we package all
9 the envelopes together just to minimize the
10 amount of packaging.

11 Q Okay. And what was your understanding
12 from the prior investigation, you know, before
13 it came to you about what those items were and
14 where they came from?

15 A So they were items from a car, from
16 different areas of the car.

17 Q And did you use these in your analysis in
18 May of 2018?

19 A I did.

20 Q Were you able to develop profiles from
21 them?

22 A Yes.

23 Q All right, and are these the same -- are
24 there indications on there, markings made by you
25 to indicate that these are the same that you're

1 looking at here today that you had back in 2018?

2 A Yes, they're all labeled with my item
3 numbers and the item description, as well as my
4 initials.

5 Q All right, and did you seal them up after
6 you were through with them?

7 A I did.

8 Q Put them back in the chain of custody?

9 A Yes.

10 Q Okay.

11 MR. EVANS: Your Honor, the State will move
12 in some, but not all of these, items 91, 92, 96,
13 97 and 99 through 104 as the same exhibit
14 numbers.

15 THE COURT: All right.

16 MR. GIBBES: No objection.

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: Yes, sir, admitted without
19 objection.

20 BY MR. EVANS:

21 Q And would you do the same thing as you
22 did before, just open them up, and affix the
23 appropriate exhibit number to the item?

24 A Okay.

25 Q I appreciate you're helping me with that.

1 Back in 2018 were you able to get any clear
2 results for items 89 through 94, or actually 95?

3 A So all of those items I developed DNA
4 profiles that were mixtures, but could not make
5 any comparisons.

6 Q Okay, and why was that in the case of
7 these particular items?

8 A So for all of them it was due to our
9 inability to calculate a statistic. So
10 essentially it didn't meet our standards to be
11 able to use it for a comparison to calculate a
12 statistic.

13 Q Okay, but you have a profile?

14 A Yes.

15 Q And that profile is saved in case you
16 need to use it later?

17 A Yes.

18 Q All right. Let's jump to item, which is
19 now Exhibit 96.

20 A Okay.

21 Q What were you able to determine about 96
22 in May of 2018 what the descriptor is.

23 A Yes, 96 was swabs from the rear driver's
24 door latch on the interior of the car. The DNA
25 profile is a mixture of at least two

1 individuals. The partial DNA profile of the
2 major contributor is from unidentified male
3 individual B. And then I could not do any
4 further interpretation on the rest.

5 Q So does that mean you had a clear result

6 A Yeah, so that means -- well, the major
7 contributor belonged to a male individual, but
8 not any of the known standards that I had.

9 Q You did not have a known standard for
10 identified male individual B at that time?

11 A Correct.

12 Q All right. How about item now Exhibit
13 97?

14 A That was swabs from the rear passenger
15 door armrest handle on the interior of the car.
16 The DNA profile is a mixture of at least three
17 individuals. The partial DNA profile of the
18 major contributor matches the DNA of Frank
19 Johnson. And the probability of randomly
20 selecting an unrelated individual having a DNA
21 profile matching the major contributor is,
22 approximately, one in 4.7 billion.

23 And then Tyrase Collins is included as a
24 possible minor contributor to the mixture, and
25 the probability of randomly selecting an

1 unrelated individual who could have contributed
2 to the minor is approximately one in 75.

3 Q All right, and did you have any
4 exclusions with 97 back in 2018?

5 A Yes. So Harris, Lamekia Warrant, Ghazi
6 Duckett and Rashina Collins were all excluded as
7 contributors.

8 Q All right. How about item -- and, again,
9 that's 97 from the rear passenger door's armrest
10 arm handle?

11 A Yes.

12 Q All right, how about item 99? And I
13 notice when you're getting into DNA, we've also
14 got -- it looks like a serology result with that
15 as well; is that right?

16 A Yes.

17 Q Can you tell us about that?

18 A So 99 was swabs from the rear passenger's
19 armrest from the interior of the car. For this
20 item presumptive testing for blood was positive.

21 Q Now, are you doing serology on it when it
22 gets to you, or are you going off of Mr.
23 Denizard's results in the field, when you're
24 talking about item 99 and the others in this
25 area?

1 A I am doing my own testing, so any
2 serology that I have in my report is testing
3 that I did.

4 Q Okay, so can you tell us about that
5 testing briefly, because you're doing, you know,
6 one before the other; is that right?

7 A Yes.

8 Q Okay.

9 A So if we're doing an serology tests, we
10 do that before we generate DNA profiles. So for
11 our blood test it's called Phenolphthalein, but,
12 essentially, it is a color change test. So we
13 will swab the item, apply the chemicals. If it
14 turns a bright pink color, that means that it's
15 presumptively positive for blood. If there's no
16 color change, it would be negative.

17 Q And you did that for item 99, as well as
18 several others I'm about to ask you about?

19 A Yes.

20 Q Okay, did you see what kind of results?

21 A The presumptive testing for blood was
22 positive.

23 Q Okay. For item 99?

24 A Yes.

25 Q So on the rear passenger's armrest?

1 A Yes.

2 Q All right. Then did you go onto do DNA
3 analysis for that same item, now Exhibit Number
4 99?

5 A I did.

6 Q And what were the results of that
7 testing?

8 A The DNA profile is a mixture of at least
9 individuals. The DNA profile of the major
10 contributor matches the DNA profile of Frank
11 Johnson; and the probability of selecting an
12 unrelated individual having a DNA profile
13 matching the major contributor is approximately
14 one in 29 nonillion.

15 Q All right, that was for Exhibit 99?

16 A Yes.

17 Q How about Exhibit 100?

18 A That was swabs from the rear passenger
19 window button from the interior of the car.
20 Again, presumptive testing for blood was
21 positive, and this was a mixture of at least
22 three individuals. The partial DNA profile of
23 the major contributor matches the DNA profile of
24 Frank Johnson. And, again, the probability of
25 randomly selecting an unrelated individual

1 having a DNA profile matching that major
2 contributor is 480 quintillion.

3 Q Now, when you're talking about -- and
4 that's item 100, Exhibit 100?

5 A Correct.

6 Q All right. When you're talking about
7 you've got a swab that presumptive for positive
8 blood, but it's also a mixture --

9 A Uh-huh.

10 Q -- are you able, as an expert in serology
11 and DNA, are you able to go into that profile
12 and determine -- into the mixture and say, this
13 part over here is blood, and this part over here
14 is touch, or I mean --

15 A No.

16 Q Okay. Why or why not?

17 A So for our analyses we can tell you
18 whether or not we are generating a DNA profile,
19 but we have no way of knowing what cells that
20 DNA has come from. So we can't tell you that
21 all of the DNA came from blood, or touch, or
22 whatever, we can just say that there is DNA
23 there, and whether or not someone may or may not
24 be contributing.

25 Q Okay. You can say that it came from

1 multiple sources?

2 A People, yes.

3 Q Of people, yes.

4 A Yes.

5 Q Yeah, but you can't say this person is
6 the blood, and this person is something else?

7 A That's correct.

8 Q Okay. And that's true for all of these
9 exhibits, obviously, right?

10 A Yes.

11 Q All right, how about 101?

12 A That was swabs from the rear passenger
13 door below the window. Presumptive testing for
14 blood was positive, and the DNA profile was a
15 mixture of at least three individuals. A
16 partial major contributor matches Frank Johnson,
17 and the probability of randomly selecting an
18 unrelated individual having a profile matching
19 that major is approximately one in 6 septillion.

20 Q All right, for Exhibit 101?

21 A Yes.

22 Q How about Exhibit 102?

23 A That was swabs from the rear passenger's
24 armrest handle on the interior of the car.

25 Presumptive testing for blood was positive, and

1 the DNA profile was a mixture of at least two
2 individuals. The major contributor matches the
3 DNA profile of Frank Johnson, and that
4 probability of having someone else matching the
5 major contributor is approximately one in 29
6 nonillion.

7 Q All right, that's 102. How about 103?

8 A That was swabs from the rear passenger's
9 door below the window on the interior of the
10 car. The DNA profile matches the DNA profile of
11 Frank Johnson, and the probability of someone
12 else matching that profile is one in 250
13 octillion.

14 Q That was 103?

15 A Yes.

16 Q All right, 104 is the last one for 2018.

17 A That was swabs from the rear passenger
18 door armrest near the window button on the
19 interior, and the partial DNA profile matches
20 the DNA profile of Frank Johnson. And then the
21 probability of randomly selecting another
22 individual that matches that item is
23 approximately one in 1.2 quintillion.

24 Q So in May of 2018 you've got Frank
25 Johnson's known standard appearing in at least

1 seven of these swabs, which you were informed
2 were from an automobile?

3 A Yes.

4 Q Okay. Now, we're gonna fast forward,
5 right? Okay, so tell us about STRmix, what it
6 is, and why we use that now, as opposed to your
7 old methods?

8 A So STRmix is a computer program that aids
9 us in our interpretation in calculating
10 statistics. And so it calculates a different
11 type of statistics called likelihood ratios.
12 So, essentially, for STRmix, if the DNA profile
13 was a puzzle that it's trying to solve, as far
14 as how many people are here, who is
15 contributing, what parts of the DNA do they
16 belong to a certain person versus another one.
17 The DNA profile is kind of like the picture you
18 have of the puzzle, you know what it's supposed
19 to look like. And so STRmix is taking that
20 picture and trying to break it down, and figure
21 out what pieces go into that puzzle to make up
22 that big picture.

23 So it's -- we'll do that analysis, and once
24 it has figured out where those pieces go, then
25 we will input the profiles from the known

1 standards, and it will compare those pieces of
2 the puzzle to the known standards to see if some
3 of those pieces could be from that person or
4 not. And so for STRmix it's a different type of
5 statistic that we're calculating the likelihood
6 ratio. And, essentially, it's comparing two
7 different explanations for where those -- what
8 those puzzle pieces could be, essentially.

9 So we're looking at two different
10 explanations. Typically, one will be one of the
11 known standards, or more than one are
12 contributing, versus if it was just other random
13 unrelated individuals in the population. And
14 then the result tells you which of those
15 explanations for the puzzle pieces would be more
16 likely.

17 Q So instead of -- it's the odds of
18 somebody else being this profile is one in
19 whatever.

20 A Uh-huh.

21 Q We express results in a different way
22 now?

23 A Yes, so it's, essentially, that statistic
24 that we calculated in the original version, it's
25 comparing two of those statistics. So it's

1 comparing whether that person could be
2 contributing, or whether another person could be
3 contributing, and then telling you which of
4 those probabilities is the more likely one.

5 Q Okay, so you're presenting a scenario in
6 a number, is that way of saying it?

7 A Essentially, yes.

8 Q Okay.

9 A Yeah.

10 Q It's either this, or it's this, and this
11 is more likely by how many times, is that kind
12 of how it works?

13 A Absolutely, yeah.

14 Q Okay. Now, why did SLED put this new
15 protocol in, and when did they do it?

16 A So SLED went online, or started using
17 STRmix in casework in September of 2018. And
18 the reasoning behind that is because STRmix and
19 the type of statistics that it calculates was
20 becoming widely accepted within the forensic DNA
21 community, as a way to be able to use more of
22 the DNA profile than we were able to before. So
23 because STRmix can, within its mathematical
24 calculations, can account for some of the DNA
25 profile that we beforehand weren't able to fully

1 use for comparisons, that aided us in our
2 interpretations further than our previous
3 methods.

4 Q Okay, is it better for mixes?

5 A Typically, yes. We can use it for
6 single-source, but it typically is more helpful
7 for mixtures.

8 Q So are some of these results, which you
9 had already done in 2018, are they going to be
10 affected, particularly, the mixtures that you
11 found earlier, and all you can say is that was a
12 mixture. Is STRmix gonna give a different
13 result, or --

14 A Yes.

15 Q -- a different way of looking at it?

16 A Some of them might be different. In
17 terms of some of them, I -- without original
18 methods were not able to use them to calculate
19 statistics. But with STRmix it did meet our
20 standards, because we can use more of that
21 information.

22 So some of them I will have a statistic,
23 some of them I'd had a statistic for the major,
24 but couldn't interpret the minor, and so for
25 STRmix I re-interpreted items that were

1 requested --

2 Q Okay.

3 A -- for me to reach.

4 Q And you don't regenerate profiles; is
5 that right?

6 A No.

7 Q Okay. Why or why not?

8 A Because we don't need to. So like I said
9 before, whenever we generate that DNA profile,
10 it is saved on our electronic copy of the case
11 file forever. And so none of that, the process
12 of generating that profile, even when we came
13 online with STRmix did not change at all, it's
14 just our interpretation, in terms of comparing
15 different profiles and calculating a statistic.

16 Q Okay. Now, when you did your STRmix
17 analysis in 2021 for this case, did you have any
18 new known standards at that point?

19 A I did. So I received additional known
20 standards from Lorenzo Boles and from Albert
21 Crittington, Jr.

22 Q All right, and you did not have those
23 back in 2018, so they were not reflected in the
24 2018 results?

25 A That's correct.

1 Q So did you have to generate profiles,
2 based off the known standards for those
3 gentlemen?

4 A Yes.

5 Q All right, including Mr. Boles?

6 A Yes.

7 Q All right. Okay.

8 THE COURT: I'll tell you what, let's take
9 a --

10 MR. EVANS: Yes, sir.

11 THE COURT: -- little break. I'm gonna let
12 you'all go back, take a stretch, and we'll get
13 you back in here in about ten minutes, okay?
14 Thank you. Don't talk about the case.

15 (Jury exits the courtroom.)

16 THE COURT: All right, I just noticed that
17 one of our jurors perhaps -- maybe had too big
18 of a lunch, and so wanted to give him an
19 opportunity to maybe stretch or grab a Coke, or
20 what have you. I don't normally like to do that
21 during the middle of an examination, but I
22 thought it was appropriate in this case. Let me
23 ask for the record, they're sworn in, correct?

24 CLERK: Yes, sir.

25 THE COURT: Yeah, I thought so. So to that

1 extent, Ms. Goodman, I'm happy for you to step
2 down, you just can't talk to the Solicitor about
3 your testimony, okay?

4 WITNESS: Okay.

5 THE COURT: All right, thank you. We'll be
6 at ease for about ten minutes.

7 (Recess)

8 **

9 **PROCEEDINGS CONTINUED**

10 Q Okay, so we're still presumptive positive
11 for blood. I'm not gonna go back through every
12 -- but a number of these items and exhibits?

13 A Yes, that wouldn't have changed.

14 Q That wouldn't have changed, all right.
15 How about item now Exhibit 102?

16 A That is swabs from the armrest handle of
17 the interior, with STRmix this was interpreted
18 as a mixture originating from two individuals.
19 The DNA profiles approximately 160 octillion
20 times more likely of Frank Johnson. An
21 unidentified individual contributor, there are
22 two unidentified individuals contributed, and
23 everyone else was excluded.

24 Q And that's swabs from the rear passenger
25 armrest handle interior?

1 A Yes.

2 Q Okay. That is 102. I'm gonna backtrack
3 just a moment, bear with me.

4 MR. EVANS: May I approach, Your Honor?

5 THE COURT: Yes.

6 BY MR. EVANS:

7 Q How about item 97?

8 A This -- that was swabs from the rear
9 passenger's door armrest handle on the interior.
10 With STRmix it was originate, excuse me,
11 interpreted as a mixture originating from two
12 individuals. The DNA profile is approximately
13 85 octillion times more likely if Frank Johnson
14 and an unidentified individual contributed, than
15 if two unidentified individuals contributed.
16 And the DNA profile is, approximately, 920
17 sextillion times more likely that Tyrase Collins
18 and an unidentified individual contributed
19 versus two other individuals, and then every
20 other standard was excluded.

21 Q 85 octillion times more likely to have
22 Frank Johnson?

23 A Yes, versus two others.

24 Q Versus two unknowns?

25 A Uh-huh.

1 Q 92 sextillion times more likely to have
2 Tyrase Collins?

3 A Yes.

4 Q How about proposition set two, and,
5 again, define what a proposition set two is for
6 us, please.

7 A Yes, so proposition set two is comparing
8 whether Frank Johnson and Tyrase Collins could
9 be contributing to that mixture together, or
10 whether it would be two unrelated, unidentified
11 individuals. So that result is the DNA profile
12 is approximately 440 sexdecillion times more
13 likely if Frank Johnson and Tyrase Collins
14 contributed to the mixture, than if two
15 unidentified, unrelated individuals contributed.

16 Q 440 sexdecillion times more likely that
17 the two of them are together in Exhibit 97 than
18 that neither of them are?

19 A Yes, if there were two other individuals,
20 yes.

21 Q How many zeros in sexdecillion?

22 A 51.

23 Q And I want to go back very quickly, and
24 then I'm gonna turn you over to -- Exhibit 3
25 from 2018, in 2021 you had a mixture of up to

1 five individuals; is that right?

2 A Yes.

3 Q But the 2018 results, those are still
4 valid?

5 A Yes.

6 Q Who is the major contributor to item
7 three?

8 A The major contributor matches the DNA
9 profile of Tyrase Collins.

10 Q And those are swabs from the Glock 23?

11 A Yes.

12 Q Thank you, Ms. Goodman, those are all the
13 questions that I have. Please answer any
14 questions these gentlemen may have.

15 THE COURT: All right, Mr. Johnson, do you
16 have any questions, sir?

17 MR. JOHNSON: Yes, sir.

18 THE COURT: Yes, sir.

19 **

20 **CROSS-EXAMINATION**

21 BY MR. JOHNSON:

22 Q Good afternoon, again.

23 A Good afternoon.

24 Q I'll start off with a couple of questions
25 for you.

1 A Okay.

2 Q Please explain to the jury about
3 longevity, as far as it relates to DNA. You
4 can't -- how long can DNA be left at a spot or
5 location?

6 A I can't really say for sure, it depends
7 on a lot of different factors, like
8 environmental conditions, heat can degrade DNA,
9 water can wash it away, you know, different --
10 so I can't ever really say exactly how long the
11 DNA has been there.

12 Q Could you say a year?

13 A It could be possible.

14 Q Two years?

15 A It's possible.

16 Q Three years?

17 A It could be possible.

18 Q Four years?

19 A It's possible, yes.

20 Q So you could go and I could touch this,
21 then someone could come back five years after me
22 and touch that same spot, you do a swab --

23 A Uh-huh.

24 Q -- and you would be saying one sextillion
25 of chance that my DNA from five years ago, and

1 another person's DNA from present time would be
2 the same result, correct?

3 A That could be a possibility that it would
4 still be there.

5 Q Okay. So when you give the jury your
6 explanation today about the results on these,
7 you're not saying that they were placed there at
8 the same time?

9 A No, not necessarily.

10 Q And you're not saying that my client, Mr.
11 Collins, placed Mr. Johnson's DNA there,
12 correct?

13 A Yes, I can't really determine when the
14 DNA got there.

15 Q So Mr. Johnson could have sat in that car
16 two years --

17 A Yes.

18 Q -- before Mr. Collins, my client, sat in
19 the car, and you would be telling the same
20 results you do now?

21 A That could be possible, yeah.

22 Q Okay. Let's talk about when you give
23 your results, let me find one example for you.
24 Let's go to the hoodie.

25 A Okay.

1 Q Do you have the results of that?

2 The hoodie, I'll hold it up to make sure it
3 matches the end results.

4 A Yes, that matches that right there.

5 Q Now, this is a hoodie that was found in
6 my client's bedroom in his trailer, not at this
7 crime scene.

8 A Okay.

9 Q Tell the jury your results from that.

10 A From which report?

11 Q Either one.

12 A Okay.

13 Q In 2018, or you can do the STRmix.

14 A Okay.

15 Q I think they're almost identical.

16 A Yes. So from the front exterior of the
17 hoodie, the major contributor matches Tyrase
18 Collins. From scrapings from the neck and cuffs
19 of the hoodie, it was a very strong likelihood
20 that Tyrase Collins and two unidentified
21 individuals contributed versus three
22 unidentified individuals.

23 Q All right. It didn't match any other
24 individuals that you was given what you call the
25 standards for?

1 A That's correct.

2 Q It didn't match any of those, right?

3 A It didn't.

4 Q There were nowhere on that hoodie
5 anywhere -- well, on the results that you
6 checked?

7 A Yes, they were all excluded from my
8 results.

9 Q The only one that it matched was Tyrase
10 Collins?

11 A Yes.

12 Q And because that's his hoodie, is that
13 unusual?

14 A It wouldn't be unlikely.

15 Q And when you check for stuff, you try to
16 find connections, right? Like between two
17 individuals, find another blood stain on there
18 for say somebody that was killed. If you found
19 on there it was Mr. Collins' jersey, you would
20 be in here saying that that person that was
21 killed was connected to that jersey as well? He
22 could have touched it, or been around it,
23 correct?

24 A Potentially. I'm mostly just saying what
25 DNA I found, and whether or not any of the known

1 standards could be contributing, not anything
2 about the circumstances.

3 Q So in this case, as it relates to a crime
4 that happened somewhere, where you have
5 standards from the three individuals that was
6 killed, that jersey would have no relevance at
7 all to this case, does it.

8 A I can't really answer its relevancy.

9 Q Do you have any other -- anything that
10 connects this jersey to this murder?

11 A That's not really what my interpretation
12 is for.

13 Q From your exam, you're an expert,
14 correct?

15 A Yes.

16 Q Do you have any evidence from that jersey
17 that connects it to the crime?

18 A I --

19 Q You examined it.

20 A Yes, but I am not connecting things based
21 off of circumstances, I'm just telling you what
22 the DNA results are.

23 Q Okay. You answered it for me, thank you.
24 Now, in the same results, where you read,
25 according to the jersey, you said it's 1

1 trillion?

2 A 3.3 quadrillion.

3 Q Could you read the whole thing out? I
4 think you put something about unrelated.

5 A Yes, so 3.3 quadrillion times more likely
6 that Tyrase Collins and two unidentified,
7 unrelated individuals contributed, than if three
8 unidentified, unrelated individuals contributed.

9 Q You always say unrelated, what's the
10 importance of unrelated to your analysis?

11 A So the reason we say unrelated is for
12 this analysis we are assuming, or I guess not
13 assuming that no one could be related, but if
14 people are related, they tend to share some
15 amount of DNA, so the numbers could potentially
16 change.

17 So for our purposes, we're saying we're not
18 accounting for whether or not the other
19 contributors could be related to each other.

20 Q So in all your examinations, where you
21 give trillions of a chance that it was my
22 client's results, they're based on -- your
23 analyses are based on your examination of not
24 having anybody related, I guess, make sure I put
25 it right, anybody related to your examination,

1 as far as that?

2 A Yes, essentially, so it's that we would
3 get this number, assuming that none of the other
4 contributors are related. It doesn't mean that
5 they couldn't be, it just means that for this
6 number, that's what we're exhibiting. If Mr.
7 Collins' brother, not half-brother, but full-
8 brother, had touched that trigger guard, how
9 would it affect, and when you did your
10 examination without knowing it, you compared Mr.
11 Collins' standard to that trigger guard, would
12 it come back positive?

13 A I can't say for sure about having that
14 standard. It could, I can't say whether or not
15 it actually would.

16 Q Well, you being an expert, not me, people
17 who are brothers have similar DNA, correct?

18 A They typically share some amount of DNA,
19 it's not always the same amount that they share,
20 but --

21 Q I mean there'll be some difference --

22 A Yes.

23 Q -- but you could look at it and say these
24 people are related.

25 A Yes, for my purposes I can usually tell

1 that they're somewhat related.

2 Q But you would have to have the other
3 person to tell. So if you had DNA on the
4 trigger guard, you would need the other
5 brother's standard to basically tell you which
6 one touched that item, correct?

7 A The result for what I have, in terms of
8 whether or not they're included when it changed,
9 but it could be possible that the brother would
10 also be contributing.

11 Q Right. So if the brother touched that
12 trigger guard, and you took the exam from my
13 client, Mr. Collins, you could possibly be wrong
14 when you say that that was his DNA on that
15 trigger guard, because you're giving estimates,
16 right?

17 A Not really. So it's not just an
18 estimate. That that overall result would not
19 change, even if his brother would be
20 contributing together, but the overall result of
21 him contributing would still be --

22 Q Suppose you did not have --

23 THE COURT: Hold on, hold on.

24 MR. JOHNSON: I'm sorry.

25 THE COURT: I don't know if she was

1 finished with the question.

2 BY WITNESS:

3 A I was just gonna say the overall result
4 would still be the change, excuse me, the same,
5 just the number could change.

6 Q The number would change, right?

7 A It could.

8 Q So you don't know -- what I'm trying to
9 get to is that it's possible, under your
10 analysis, that if Mr. Collin's brother was the
11 actual person that touched that trigger, you
12 would still have a positive result, and you
13 could still be sitting here, if you didn't have
14 the brother's standards, you just have Mr.
15 Collins' standards, and you compared it to that
16 trigger guard, you could still get a positive
17 result? The numbers might change, but you still
18 said that there's a lesser number possibly that
19 that's Mr. Collins, my client, standards on that
20 trigger, right?

21 A I'm so sorry, I'm not sure what you're
22 asking.

23 Q Okay.

24 A Could you rephrase it?

25 Q If you compared the standard that you

1 have from Tyrase Collins --

2 A Uh-huh.

3 Q -- to the trigger guard --

4 A Uh-huh.

5 Q -- that was touched by his brother --

6 A Okay.

7 Q -- isn't it possible that you could say
8 that the DNA you got off that trigger guard was
9 touched by Tyrase?

10 A If his -- if Tyrase Collins' DNA profile
11 aligns with that profile, then, yes, I would say
12 that he could be contributing.

13 Q And his brother's profile aligns with
14 Tyrase Collin's profile, not completely, but a
15 substantial amount?

16 A I can't really say how much. I could be
17 similar, but it wouldn't be exactly the same
18 unless they're identical twins.

19 Q Right. And under your mathematical
20 calculations it would just reduce the percentage
21 of - the percentage would be the same?

22 A It could change, it could stay the same.
23 I can't say without doing the calculation.

24 Q Okay.

25 THE COURT: Hold on, yes, ma'am? You all

1 right?

2 JUROR: No, I'm not.

3 THE COURT: All right, well, hold on, let's
4 everybody go back to the jury room. You want to
5 stay right -- you don't feel well?

6 JUROR: Uh-uh.

7 THE COURT: All right, let's do this,
8 ladies and gentlemen, let's go back to the jury
9 room, and -- yes, ma'am, hold on one second. Do
10 you need EMS?

11 JUROR: No.

12 THE COURT: No?

13 JUROR: Just some cold water.

14 THE COURT: Some cold water? All right,
15 let's get her some.

16 Let's go back to the jury room. If you
17 want to stay there, while we get you some water,
18 go right ahead. All right, get her some cold
19 water.

20 Folks, go back to the jury room for a
21 minute.

22 Don't talk about the case please, thank
23 you.

24 (Jury exits the courtroom.)

25 THE COURT: Well, uh, we'll just be at ease

1 for a minute. Let's just give her a minute.

2 CLERK: Okay.

3 THE COURT: And if she doesn't feel like
4 she can continue, then I suggest we replace her
5 with an alternate.

6 THE COURT: Mr. Evans, Solicitor?

7 MR. EVANS: I think that's an accepted
8 agreement.

9 MR. GIBBES: I'm okay, I mean I was hoping
10 that she can, and, you know --

11 THE COURT: Well, I hope she does too, but
12 I don't want to -- yes, sir.

13 BAILIFF: She said she got real hot.

14 THE COURT: All right.

15 BAILIFF: And so I got her some cold water
16 and some ice in there.

17 THE COURT: All right, well, let's just
18 take a break for a few minutes. Solicitor and
19 counsel approach.

20 (Bench conference.)

21 THE COURT: You can step down, ma'am, you
22 can't talk to the Solicitor about your
23 testimony, okay?

24 WITNESS: Thank you.

25 THE COURT: All right.

1 (Recess)

2 **

3 PROCEEDINGS CONTINUED

4 BAILIFF: All rise, the Court's back in
5 session.

6 THE COURT: All right, you can be seated.
7 All right, let me get the -- do you want to me
8 bring that chair around, if she feels like she's
9 able to move forward, Solicitor?

10 MR. EVANS: I think that'll probably be the
11 best approach.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: Yes.

14 THE COURT: Do we know the juror's name?

15 MR. JOHNSON: Ms. Williams.

16 THE COURT: Ms. Williams?

17 MR. JOHNSON: Yes, sir.

18 THE COURT: Okay, see if Ms. Williams can
19 come see me, okay?

20 THE BAILIFF: Yes, sir.

21 THE COURT: Ms. Williams, let me ask you,
22 do you feel okay to move forward?

23 JUROR: Yeah, it's just too hot in here.

24 THE COURT: Well, we've turned them --
25 we've done everything we can to get it cooled

1 down, but we've got a little bit more we need to
2 do today. Are you gonna be able to stick it out
3 with us today?

4 JUROR: I can't.

5 THE COURT: Okay, great. Well, come on, if
6 you want to, you can have a seat, I'm gonna get
7 the jury. Anything before we bring the jury in?

8 MR. EVANS: No, sir.

9 THE COURT: All right, let's get the jury
10 in here.

11 (Jury enters the courtroom.)

12 THE COURT: All right, ladies and
13 gentlemen, we've got the air turned down I think
14 as best as we can, and it's working, but we've
15 got a little bit more to push forward for the
16 day, and I think everybody feels up to doing
17 that, so we're gonna try to do that.

18 So go ahead, Mr. Johnson.

19 MR. JOHNSON: Thank you.

20 BY MR. JOHNSON:

21 Q We already talked about the jersey. The
22 other item was a trigger guard, and certain
23 spots within the car. And as I stated before,
24 your findings are based on statistical analysis
25 and mathematician type stuff. I used to put M

1 in a box, and they said, "What does that mean?"
2 I said, "Magic," because I don't know what they
3 do with that, so we just called it magic, but
4 it's not an exact science, correct?

5 A As far as the statistics are calculating?

6 Q Correct.

7 A I would say that there is accurate
8 science, but as far as the numbers themselves
9 they could change slightly.

10 Q Correct. And analysis -- so you have to
11 have -- if all of the factors are being perfect,
12 then it could be perfect, but if one thing gets
13 thrown off. As I said, the difference between
14 my client's DNA and his brother's DNA it could
15 throw off your analysis of the result that you
16 find, correct?

17 A It could potentially change some of the
18 numbers, the overall result of whether or not
19 they're included or excluded for it to change.

20 Q But don't you think it would be important
21 if his brother was located at his house, where
22 these items were found, with his brother's, be
23 important to helping you make a decision about
24 whether that standard belonged to my client or
25 his brother?

1 A Not necessarily, because unless they're
2 identical twins, the fact of whether or not
3 someone is included would it change? Like the
4 actual statistic I calculate might change, and
5 the brother could also be contributing, but
6 unless they're identical twins it wouldn't be --
7 like it could be that brother is the
8 contributor.

9 Q But how would you know if you didn't have
10 the brother's standard?

11 A Because if they're not identical twins,
12 they won't have the exact same standard profile.
13 So like I said, the brother could be
14 contributing, but it won't change the overall
15 results of what I have.

16 Q Okay. So in your STRmix --

17 A Yes.

18 Q -- they just used STRmix now, instead of
19 the old standard, correct?

20 A Yes, blood test.

21 Q And the reason that they use the STRmix,
22 because STRmix is the better -- gets better
23 results?

24 A It can use more of the data than we're
25 able to report.

1 Q Right. So SRTmix is better?

2 A It's not necessarily better or worse,
3 it's just you use more information.

4 Q All right, as it relates to my client in
5 the STRmix results, you did not find his DNA on
6 the trigger guard, correct?

7 A I'm sorry, is your question --

8 Q On Mr. Collins.

9 A Mr. Collins?

10 Q Tyrase Collins, he was one of the people
11 that was excluded.

12 A From which item was that?

13 Q Let me get my -- I think it's 7 -- let me
14 get it right. The trigger guard would be 2.1,
15 2.3.

16 A So those items -- for 2.3 I couldn't make
17 any comparison, so I can't say whether or not he
18 is contributing.

19 Q Right.

20 A And, again, 2.1 I just couldn't make a
21 comparison, so I can't say whether or not he is
22 contributing.

23 Q Correct, so you have no evidence
24 connecting my client to this crime in your
25 STRmix results?

1 A I can't really say whether or not he's
2 connected to any of these items, sir.

3 Q Okay, okay, okay. All right. Then on
4 STRmix items 100, 101, 102, 103 and 104 you have
5 a list of people that is excluded from being in
6 that mix, right

7 A Yes.

8 Q You mentioned two or three people, but
9 you left one person out, when you was telling
10 the jury who was excluded. Do you see an
11 important person's name on that list that I
12 would want the jury to know?

13 A I don't --

14 Q Tyrase Collin, I'll tell you.

15 A Right, I just said that everyone except
16 Frank Johnson was excluded.

17 Q I know, but you -- like I said, I just
18 want you to tell the jury and use his name. You
19 used his name when you found him positive, use
20 it --

21 A Yes.

22 Q -- when he's not there.

23 A Tyrase Collins --

24 Q Say Tyrase Collins.

25 A -- is excluded.

1 Q Tyrase Collins?

2 A Yes, he is excluded.

3 Q So he's not on any of those lists, right?

4 A Not the ones that you listed.

5 Q And you checked and he was excluded?

6 A Yes.

7 Q And you found Frank Johnson as being on
8 those things, didn't you?

9 A Yes.

10 Q Okay. Then the other one is the door
11 handles, 92, 97 and 99.

12 A Uh-huh.

13 Q You found his DNA on that, correct?

14 A 92 has 450,000 times more likely it's
15 Tyrase Collins than to individuals.

16 Q Okay, and what is that item?

17 A That is swabs from the passenger door
18 handle.

19 Q So if a person was to get in the backseat
20 of a car and touch that on numerous times, his
21 DNA would probably be there, correct?

22 A It could be, yes.

23 Q And that doesn't mean that his DNA was
24 put on there the same time Frank Johnson's DNA
25 was put on there, does it?

1 A Not necessarily, no.

2 Q And it wouldn't be unusual if he got in
3 the backseat to ride in the car, correct?

4 A It wouldn't be unusual, no.

5 MR. JOHNSON: One second, Your Honor.

6 THE COURT: Uh-huh, yes, sir.

7 BY MR. JOHNSON:

8 Q And, in fact, -- let me see if I can get
9 my numbers right on that one, again. 2.1, 2.3,
10 especially 2.3 I think, or 2.1, the trigger
11 guard.

12 A 2.1 was swabs from the --

13 Q Oh.

14 A -- trigger guard of the weapon.

15 Q The one I'm looking for I guess would be
16 number 5. That's the --

17 A Yes, from the trigger guard -- or from
18 the trigger of Glock 38.

19 Q Right, that's the Glock, right?

20 A A Glock 38, yes.

21 Q And you found Mr. Johnson's previously on
22 that, correct?

23 A Yes, sir, it's 170 billion times more
24 likely, if he and three individuals were
25 contributing rather than four other individuals.

1 Q See if I missed anything, I think I'm
2 through.

3 MR. JOHNSON: I have no other questions,
4 Your Honor.

5 THE COURT: All right. Mr. Gibbes?

6 MR. GIBBES: No questions, Your Honor.

7 THE COURT: Solicitor?

8 MR. EVANS: Thank you, Your Honor.

9 **

10 **REDIRECT-EXAMINATION**

11 BY MR. EVANS:

12 Q Mr. Johnson asked you some questions
13 about some of the SLED sub-items, right, when
14 we're dealing with the decimals; is that what
15 you call them?

16 A Yes.

17 Q Okay. And he was talking about trigger
18 guard 2.3 and some of the others in that
19 sequence?

20 A Yes, 2.3 is actually swabs from the grip
21 of the rifle.

22 Q Okay. And when you're talking about a
23 SLED sub-item, the first number in the sub-item
24 was does that relate to?

25 A So we would call that the parent item, so

1 in this case the rifle would be the parent item,
2 and all the sub-items came from either the rifle
3 or what it was packaged with.

4 Q Okay, so item 2, which is not Exhibit 2
5 that I'm holding in my left hand, that's the
6 parent item for 2.3?

7 A Yes.

8 Q Okay. And all the other sub-items too?

9 A Yes.

10 Q Okay. He was asking you about how long
11 touch DNA can stay on a surface; do you remember
12 that line of questioning?

13 A Yes.

14 Q With regard to a number of the swabs that
15 were presented to you?

16 A Uh-huh.

17 Q Because, again, you don't go to the
18 scene; is that right?

19 A I do not.

20 Q You don't review the entire case file; is
21 that right?

22 A We typically read the incident report,
23 but in terms of anyone else's case file, no.

24 Q Okay, you don't go to interviews?

25 A No.

1 Q So you don't know the full scope of the
2 case that this jury has heard this week?

3 A No, I don't.

4 Q All right, but the ones in the 90s, they
5 were presented to you as being from a car?

6 A Yes.

7 Q Okay. And you had presumptive positive
8 blood results on a number of those swabs?

9 A I did, yes.

10 Q Is that correct?

11 A Yes.

12 Q Were those item 95? No, I'm sorry, I'm
13 sorry, I got it wrong, item 96. No, that's not
14 that one either.

15 A I believe 98 --

16 Q There we go.

17 A -- is where the presumptive blood test --

18 Q And that's where the presumptive positive
19 blood starts with item 98?

20 A Yes.

21 Q Did you have any with 99?

22 A Yes.

23 Q Do you have it with item 100?

24 A Yes.

25 Q Do you have it in item 101?

1 A Yes.

2 Q And 102?

3 A Yes.

4 Q And are a number of those also very
5 strong support for Frank Johnson?

6 A Yes.

7 Q And I think you touched on this earlier,
8 but can you distinguish between DNA profiles of
9 siblings, so long as they're not identical
10 twins?

11 A Yes.

12 Q All right, what about cousins?

13 A Yes. So their DNA might be somewhat
14 similar. They might share some of the
15 characteristics. If they're twins, they won't
16 be exactly the same, so we would be able to
17 distinguish somewhat --

18 Q Unless there's an identical twin, every
19 person has their own unique DNA profile?

20 A Yes.

21 Q Okay. And you identified a major
22 contributor on the swabs of the Glock 23 in
23 2018?

24 A I'm sorry, could you repeat the number?

25 Q Sure, item 3.

1 A Yes, a major contributor of that match,
2 Tyrase Collins.

3 Q And I know it's not the same phraseology
4 as STRmix, but I mean colloquially could we say
5 that that's very strong support, 3.4 sextillion
6 I think, is that the number? 3.4 sextillion -
7 one in 3.4 sextillion?

8 A Yes. So that, again, would be 24 zeros.

9 Q All right, and there are how many people
10 roughly on earth?

11 A 7 billion, which is nine zeros behind
12 that.

13 Q Okay. So if you were asked to compare a
14 sibling of Mr. Collins with item now Exhibit 3,
15 you testified on cross-examination that it could
16 affect those results?

17 A Yes, it could affect the number, but the
18 overall results of whether or not Tyrase Collins
19 was contributing to that shouldn't change
20 significantly.

21 Q Would it affect your opinion that he was
22 the major contributor to that swab?

23 A Most likely not, no.

24 Q Impossible to say without having the --

25 A Yes.

1 Q Mr. Johnson was asking you if Mr. Collins
2 had been excluded from a number of items using
3 STRmix; is that correct?

4 A Yes.

5 Q All right. Which, if any of those items
6 in your STRmix report, he was asking about the
7 item 2 sub-items.

8 A Uh-huh.

9 Q Is he excluded from this?

10 A No. No, because some of the item 2, some
11 items I couldn't make any comparison, so I can't
12 say whether or not any of the known standards
13 are there.

14 Q That's not the same as an exclusion, is
15 it?

16 A It is not. It just means I can't even
17 tell whether they're excluded or included.

18 Q And the end result?

19 A Essentially, yes.

20 Q Okay.

21 How about item 2.7, the very one we started
22 with when we got into STRmix?

23 A He is -- his result was one million times
24 more likely it's Tyrase Collins than to
25 individuals who contributed, the three other

1 individuals.

2 Q And that 2.7 was marked as a swab from a
3 magazine?

4 A Uh-huh. Yes, the magazine.

5 Q All right, thank you.

6 Ms. Goodman, those are all the questions I
7 have at this time.

8 THE COURT: All right. Anything else, Mr.
9 Johnson? Hold on, Mr. Johnson, anything else?

10 MR. JOHNSON: Nothing else.

11 THE COURT: All right, Mr. Gibbes?

12 MR. GIBBES: Just a quick follow-up
13 question.

14 **

15 **CROSS-EXAMINATION**

16 BY MR. GIBBES:

17 Q Ms. Goodman, I want to make sure I heard
18 you right. Did you say you don't go to the
19 scene?

20 A I do not.

21 Q Okay, but you analyze evidence from the
22 scene --

23 A It was submitted for analysis, yes.

24 Q Okay, was there any evidence submitted to
25 you with all the casings, and all the things the

1 Solicitor referenced, was any of that evidence
2 submitted to you for DNA process?

3 A I would have to have my information about
4 where the items were collected.

5 Q That's no problem, just while you're
6 looking at your notes, because I know we're
7 talking a lot about the vehicle and ■ Crews.
8 We're talking about all these other places where
9 the --

10 A Right.

11 Q -- actual murders never took place, and I
12 think it's important for the jury to know, since
13 you're the DNA analyst, what, you know, evidence
14 from the actual scene did you analyze, if any at
15 all?

16 A I'm sorry, I'm not really sure what's
17 from the scene and what's not. I don't have
18 that in my notes with me.

19 Q Okay, but none of the evidence that's
20 been presented to you this afternoon is related
21 from the actual scene, correct?

22 A I am not sure. I'm not sure where any of
23 the -- I'm not sure where they were collected
24 from, because I don't really know what was
25 considered the scene. I wasn't at the crime

1 scene, and I don't have their notes with me.

2 Q Okay, well, the car was not at the murder
3 scene.

4 A Okay.

5 Q Okay. What other evidence did you
6 analyze from the State?

7 A There were swabs from different firearms.

8 Q And we can stop right there. Where were
9 those firearms located?

10 A I do not have that information where they
11 were collected.

12 Q Of course, not at the scene, correct?

13 A I am not sure.

14 Q Okay.

15 MR. GIBBES: No further questions.

16 THE COURT: All right, anything else,
17 Solicitor?

18 MR. EVANS: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: Nothing, Your Honor.

21 THE COURT: All right, thank you so much,
22 ma'am.

23 WITNESS: Thank you.

24 THE COURT: All right, Solicitor, you can
25 call your next witness.

1 MR. EVANS: Thank you, Your Honor. Before
2 we do that, I think now would be an appropriate
3 time for -- we have a stipulation that we agreed
4 to, and I'm gonna ask the Court to admit it as
5 State's Exhibit --

6 THE COURT: All right.

7 MR. EVANS: -- 106. Would you like me to
8 publish that, or would you like to publish that?

9 THE COURT: I'll publish that. Ladies and
10 gentlemen, a stipulation, basically, is an
11 agreement between the parties, and so to that
12 extent they are going to -- I'm gonna have the
13 Solicitor now publish that agreement to you, all
14 right?

15 MR. EVANS: Thank you, Your Honor. The
16 State and the Defendants, Tyrase Collins and
17 Lorenzo Boles, by and through their undersigned
18 attorneys do hereby stipulate to the following
19 facts, that the remains examined by Dr. Cynthia
20 Schandl were those of Frankie Johnson, Jr.,
21 Ghazi A. Duckett, and Lamekia M. Warren, signed
22 by myself, Mr. Johnson and Mr. Gibbs.

23 THE COURT: All right, we'll make that a
24 Court's exhibit. Thank you very much.

25 MR. EVANS: I ask for it to be in as

1 State's Exhibit 106, but if you --

2 THE COURT: That's fine.

3 MR. EVANS: Okay.

4 THE COURT: Any objection to that
5 gentlemen?

6 MR. JOHNSON: No, sir.

7 MR. GIBBES: No, Your Honor.

8 THE COURT: All right, great, thank you.

9 MR. EVANS: The State calls Dr. Cynthia
10 Schandl.

11 THE COURT: Okay.

12 **

13 **CYNTHIA SCHANDL, M.D.**

14 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

15 ***

16 **DIRECT EXAMINATION**

17 BY MR. EVANS:

18 Q Good afternoon.

19 A Hi.

20 Q Would you please identify yourself, and
21 spell your last name for our Court Reporter?

22 A Yes, I'm Cynthia Anna Schandl, S-C-H-A-N-
23 D-L.

24 Q Schandl, and I just butchered your name
25 when I called you in here, okay, so I apologize,

1 it's pronounced Schandl?

2 A That's correct.

3 Q All right. Dr. Schandl, what do you do
4 for a living?

5 A I'm an anatomic pathologist, a clinical
6 pathologist, a forensic pathologist, and a
7 molecular genetic pathologist. I'm a professor
8 with tenure at the Medical University of South
9 Carolina.

10 Q And what is pathology generally, and what
11 is forensic pathology specifically?

12 A Pathology is the study of disease, so
13 it's a medical specialty, so I'm a medical
14 doctor. And so forensic pathology is a
15 subspecialty in pathology, so it's where we're
16 studying disease, which includes injuries, of
17 course, in those cases where there may be some
18 kind of a legal implication, so that's the
19 forensic part.

20 So a study of disease and injury, where
21 there might be an implication.

22 Q All right, and how long have you been
23 doing this line of work?

24 A I've been doing forensic pathology cases
25 since 1999.

1 Q Have you ever been qualified as an expert
2 in forensic pathology with the courts of the
3 State?

4 A Yes, I have.

5 Q Approximately, how many times?

6 A More than a hundred.

7 Q Okay.

8 MR. EVANS: Your Honor, the State would
9 tender Dr. Schandl as an expert in the field of
10 forensic pathology.

11 THE COURT: Any objection, gentlemen?

12 MR. JOHNSON: No objection.

13 MR. GIBBES: No objection.

14 THE COURT: All right. Go back to the jury
15 room, please don't talk about the case.

16 (Jury exits the courtroom.)

17 THE COURT: All right, so we'll just stay
18 at ease for a few minutes, and you can step
19 down, you just can't talk about the case, okay?

20 (Jury enters the courtroom.)

21 THE COURT: All right, let me see the
22 lawyers in my chamber.

23 MR. EVANS: Yes, sir.

24 (Recess)

25 BAILIFF: All rise.

1 THE COURT: All right, I want to go back on
2 the record. I'm going to go ahead and remove
3 this witness from the jury panel, and I will --

4 MR. EVANS: The juror?

5 THE COURT: The juror.

6 MR. EVANS: Not a witness.

7 THE COURT: A witness? Oh okay, not the
8 Doctor, I'm gonna go ahead and remove this juror
9 from the panel. And, in fact, I want to get her
10 removed from the jury room as soon as possible,
11 so I'm gonna go ahead and have the Bailiff
12 escort her to another room.

13 If she needs to wait on a ride, or if she
14 needs help, but I need her to go to another
15 room, and at this point I don't want any of the
16 other jurors to have a lot of contact with her,
17 because I don't know what's wrong with her, and
18 so we need to get her separated from the jury
19 pool, okay?

20 BAILIFF: The lady --

21 THE COURT: I'm sorry?

22 BAILIFF: The lady sitting beside her is a
23 nurse, and she told me that that girl said she
24 was a diabetic, I don't know if --

25 THE COURT: Okay, well, I'm not -- what I

1 want is, I don't want -- I want Ms. Williams
2 separated from the jury.

3 BAILIFF: Right.

4 THE COURT: She's got to be out of the jury
5 room --

6 BAILIFF: Yes, sir.

7 THE COURT: -- and someplace else. If she
8 needs somebody to come get her, or if she needs
9 EMS, we'll accommodate her. I want you to take
10 care of that.

11 BAILIFF: Yes, sir.

12 THE COURT: But I do not want her with the
13 jury, because I just don't know what her
14 situation is. And as soon as we get finished
15 here, then we'll bring the jury back in, all
16 right? Before we do that, we'll pick an
17 alternate.

18 So we need her separated from the jury.
19 Any objection to that, Solicitor?

20 MR. EVANS: No, sir.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: Yes, Your Honor, I'd just put
23 my objection on the record.

24 THE COURT: Go ahead.

25 MR. GIBBES: You know, like I said, I

1 certainly understand where Your Honor is coming
2 from.

3 THE COURT: Your objection is what, sir?

4 MR. GIBBES: That I would prefer to have
5 the juror continue to serve, but I certainly
6 understand Your Honor's ruling.

7 THE COURT: You understand the juror just
8 vomited; is that right?

9 MR. GIBBES: I do, Your Honor.

10 THE COURT: You still want her here,
11 despite the fact that she just vomited in front
12 of the jury panel?

13 MR. GIBBES: Well, respectfully, Your
14 Honor, I think you just asked -- the question
15 was, you know, my opinion, and like I said --

16 THE COURT: Do you think she's able to
17 continue to serve?

18 MR. GIBBES: Your Honor, I think the
19 passion of how she wanted to serve, I think
20 those are the type of people we need in this
21 jury box for a very serious, you know, trial.
22 And I, you know, say as a second string running
23 back at the Citadel, I know how it is when you
24 are not expecting to go into the game. Sometime
25 you're not paying attention, and so I'm just not

1 the biggest fan of alternates. And for that
2 reason, you know, I just wanted to respectfully,
3 you know, state my position.

4 THE COURT: All right.

5 MR. GIBBES: I understand the Judge's
6 position.

7 THE COURT: Yes, sir, and I certainly
8 understand that. Anything else?

9 MR. EVANS: I have nothing.

10 THE COURT: I understand that, okay, so
11 we're going to discharge her from the panel, and
12 you've got the record protected. Thank you.

13 BAILIFF: The juror she's got her own car
14 here, and she says she can drive home.

15 THE COURT: Yeah. All right.

16 BAILIFF: Do you want me to bring her in?

17 THE COURT: Can you bring her in here?

18 BAILIFF: Yes, sir.

19 THE COURT: And I'm going to thank her for
20 her service.

21 (Juror enters courtroom.)

22 THE COURT: Ms. Williams, thank you so much
23 for your service, but what I'm gonna do at this
24 point, I'm gonna discharge you from the panel
25 and replace you with an alternate. I hope you

1 feel better.

2 I'm sorry it's been so hot in here, and I
3 know you've paid attention, and I know you hate
4 to leave, but I'm gonna go ahead and discharge
5 you at this time, okay?

6 JUROR: Thank you.

7 THE COURT: And you're finished for the
8 week, and you're good for three years, okay?

9 JUROR: Okay.

10 THE COURT: Have a great holiday, okay?

11 JUROR: You too.

12 THE COURT: Yes, ma'am. All right, we'll
13 be at east for just a few more minutes.

14 (Recess)

15 THE COURT: Can I get my Clerk back in
16 here, and I think our names are actually still
17 in the cup. So what we'll do is, we'll shake
18 those names up, and pull one of those names out,
19 and then they will become a juror. Any
20 objection to that process from the State?

21 MR. EVANS: No, sir.

22 MR. GIBBES: No, sir.

23 THE COURT: Mr. Gibbes, as it relates to
24 that process?

25 MR. GIBBES: No objections from me hereon

1 out.

2 THE COURT: Noted, Mr. Gibbes, you're doing
3 your job, sir. I don't have a problem with
4 that. All right, Mr. Johnson, any objections?

5 MR. JOHNSON: No objection, Your Honor.

6 THE COURT: All right, let's see if we can
7 get Ms. Nettles, and we'll pick an alternate.
8 All right, so we've got a cup, and the cup still
9 has four names in it, Ms. Nettles?

10 CLERK: Yes, sir.

11 THE COURT: Any objection to the Clerk
12 pulling the name out?

13 MR. EVANS: No, Your Honor.

14 MR. GIBBS: No, Your Honor.

15 THE COURT: Mr. Johnson, any objection?

16 MR. JOHNSON: No objection, Your Honor.

17 THE COURT: All right, don't look in there.

18 CLERK: I'm not.

19 THE COURT: I'm just teasing.

20 CLERK: I'm not looking.

21 THE COURT: All right, who we got?

22 CLERK: Lynn Corbin.

23 THE COURT: L-Y-N-N, Corbin?

24 CLERK: Yes, sir, she would be juror number

25 42.

1 THE COURT: All right, so anything further
2 from the State before we bring the jury back in?

3 MR. EVANS: No, Your Honor.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: No, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: No, Your Honor.

8 THE COURT: All right, I'm just gonna tell
9 them that I discharged a juror, that certainly
10 she was trying to battle through the day, and we
11 appreciate that, but thought it'd be best to go
12 ahead and send her home, and that Ms. Corbin now
13 is going to be the 12th juror, okay? All right,
14 let's get them in, and allow them, the folks
15 that are on that side, can certainly walk around
16 that way, and so we can just go ahead and
17 continue.

18 BAILIFF: Yes, sir.

19 CLERK: Judge, make that an exhibit? Okay.

20 THE COURT: Yes, make that an exhibit.

21 We're going to make that a Court's exhibit.

22 COURT REPORTER: Yes, sir, Court's Exhibit
23 5.

24 THE COURT: Thank you.

25 (Court's Exhibit 5 was admitted into

1 evidence.)

2 (Jury enters the courtroom.)

3 THE COURT: All right, Mr. Chairman, Mr.
4 Foreman, and ladies and gentlemen, you can be
5 seated. Mr. Foreman, ladies and gentlemen, I'll
6 tell you, Ms. Williams still wanted to stay and
7 participate, that's how bad she wanted to be a
8 juror, and certainly was paying attention all
9 day, or all week, and despite not feeling well
10 this afternoon.

11 And so to that extent though I thought it
12 was gonna be best to go ahead and relieve her,
13 and tell her that she has fulfilled her
14 obligations to her County, and to this
15 community, and that she was good for three
16 years. At some point, I'm gonna be able to tell
17 you'all that, okay, but I went ahead and decided
18 it best to release her at this time. And so now
19 through a great long standing right of passage,
20 that is dumping the alternates names in a
21 Styrofoam cup, shaking it up and pulling one
22 out, the winner is Ms. Lynn Corbin. Ms. Corbin?
23 All right, you are now one of the 12 jurors,
24 okay? And so I just wanted to let you know
25 that.

1 And so I think at this point we are ready
2 to proceed. Before I go any further, any
3 objection, or anything that I may have left out
4 in comments --

5 MR. EVANS: No, sir.

6 THE COURT: -- I made to the jury from the
7 State?

8 MR. EVANS: No, sir.

9 THE COURT: Mr. Gibbes?

10 MR. GIBBES: No, Your Honor.

11 THE COURT: Mr. Johnson?

12 MR. JOHNSON: I have nothing, Your Honor.

13 THE COURT: All right, let's go right
14 ahead.

15 MR. EVANS: Thank you.

16 BY MR. EVANS:

17 Q Doctor, I'm gonna try to pick up the
18 pace, because you've been very patient, and
19 these folks, obviously, have had a very long
20 day.

21 A Absolutely.

22 Q Okay. Did you, in 2018, have occasion to
23 conduct autopsies on the victims in FA18244, 245
24 and 246?

25 A Yes, sir.

1 Q And the FA number that I gave you, what's
2 that?

3 A That's the way we number our forensic
4 autopsy cases, and they're just, you know,
5 marked number 1 from the beginning of the year,
6 and then just 1, 2, 3, 4, 5.

7 Q Okay. And were those Ghazi Duckett,
8 Frankie Johnson, Jr. and Lamekia Warren,
9 respectively?

10 A Yes, sir, that is correct.

11 Q All right. And when you do an autopsy,
12 what do you do, just generally?

13 A Absolutely. So the individual who has
14 died, the County Coroner will tell my office,
15 the Forensic Pathology Division, the
16 circumstances surrounding the death, and then
17 the Coroner will also bring those individuals,
18 in this case, those three individuals from the
19 scene to -- down to Charleston, South Carolina.
20 And then as soon as is practical, the forensic
21 pathologist will perform an autopsy. So we'll
22 bring the bodies from the morgue up into the
23 autopsy room, and then the autopsy will consist
24 of many different medical and surgical
25 procedures, including an examination of the

1 body, radiology, we'll take samples for
2 toxicology. We'll, of course, do what is
3 typically considered the autopsy, which is the
4 line incision and look inside of the body, look
5 at each and every organ, look for any kinds of
6 injuries as well.

7 And then at the end of the day we will
8 write a report, which is what all this good
9 stuff is here, based upon all of our findings,
10 and provide that back to the Coroner. The idea
11 of doing these autopsies is to determine both
12 the cause of death, so what was it that killed
13 the individual? And then also the manner of
14 death. The manners are determined based upon
15 state rules. So in our state we have five to
16 choose from. We have undetermined, natural,
17 suicide, homicide and I'm missing one, accident.
18 Did I say accident?

19 Q Not yet.

20 A Accident, yes. So we have those five to
21 choose from. So the autopsy is meant to
22 determine both of those things, the cause of
23 death and the manner, each of those five things
24 that you can choose from.

25 Q All right, and you did that with each of

1 these three individuals

2 A That's correct.

3 Q Can we start with Mr. Duckett? I think
4 he's at page 244, 18244.

5 A We absolutely may.

6 Q All right. Did you document your
7 examination of Mr. Duckett's remains with an x-
8 ray and a diagram?

9 A Yes. Yes, so when there are gunshot
10 wounds involved, which involves all three of
11 these deceased, or dead individuals, we will
12 routinely do x-rays. That is to assure that we
13 are able to identify that there are or are not
14 projectiles or bullets that are in the body,
15 which then comes my responsibility to retrieve
16 those from the body, so that they can then be
17 transferred to law enforcement as evidence, so
18 that's one of the things that we do.

19 Q Okay. And how about the diagram, what's
20 that?

21 A Yes, absolutely. So one of the way that
22 I will look at the injuries is, to also diagram
23 them on a piece of paper, that has a flat person
24 facing one way, and then the other way, so that
25 both -- I will be able to draw those things that

1 might lead to identifying features, such as
2 tattoos, and scars, and how tall are they, and
3 those sorts of things? But then also whether or
4 not I see injuries, an approximation of where I
5 see those injuries. And so, yes, absolutely,
6 diagrams are very useful as well.

7 MR. EVANS: May I approach the witness,
8 Your Honor?

9 THE COURT: Yes, sir

10 BY MR. EVANS:

11 Q I'm gonna pass you what's been previously
12 marked though not entered yet as State's Exhibit
13 270 and 271. Can you tell me what those are,
14 ma'am?

15 A Yes, I can. So what we have here,
16 State's 270 is an x-ray of the person's head,
17 and then State's 271 is a diagram of a person's
18 head.

19 Q All right. Do these appear to be the
20 diagrams from Mr. Duckett's autopsy?

21 A Yes, they do.

22 Q All right, and would it help you in your
23 testimony today to have those entered into
24 evidence, and be able to refer to them in front
25 of the jury?

1 A Yes, it would

2 MR. EVANS: Your Honor, the State would
3 move these documents into evidence as State's
4 270 and 271.

5 THE COURT: All right, any objection?

6 MR. GIBBES: No objection.

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: All right, moved without
9 objection.

10 (State's Exhibits 270 - 271 were admitted
11 into evidence.)

12 BY MR. EVANS:

13 Q And we're gonna publish, Doctor, using
14 the screen here. Can you see that okay?

15 A I can.

16 Q Let me make sure the jury can. How's
17 that? Still okay for you, Doctor?

18 A Okay, thank you, yes.

19 Q And we'll go through this process for all
20 three, but the first two I don't think will take
21 terribly long.

22 A Very good.

23 Q What do we have here in State's Exhibit
24 270?

25 A Okay, so this is an x-ray, and what we

1 call a lateral x-ray, so from one side to the
2 other of this individual's head. You can see
3 the name up here, so that tells us that is that
4 individual, Ghazi Duckett. And so what we're
5 seeing here, well, is the skull.

6 You can see that there's a little fragment,
7 so that is a fragment of the bullet, and then
8 you can see sort of an outline of where one of
9 the defects in the skull is what the bullet
10 created as it traveled through the head. And
11 then these lines coming out here are fracture
12 lines that resulted from that bullet as it
13 passed through Mr. Duckett's head.

14 Q All right, and so did he have an entrance
15 as well as an exit wound?

16 A Yes. So when we're talking about gunshot
17 wounds, this man has two gunshot wounds, but one
18 is an entrance, and one is an exit. So one
19 bullet made both of those gunshot wounds coming
20 in and then going out.

21 Q All right, and then moving to Exhibit
22 271, is this the diagram that you referenced?

23 A Yes, this is the diagram that I
24 referenced. And so in this diagram what we're
25 showing is once you -- so you shave the hair a

1 ways, so you can see the outline of the defect,
2 or the gunshot wound on the skin. And this is a
3 drawing of what I saw on the entrance wound,
4 which we just called A, because we just kind of
5 go from A to B to C to D.

6 And then on the other side of his head, on
7 the right side of his head, this is what the
8 exit wounds sort of looked like from my drawing.
9 So what you're seeing here is that the bullet
10 entered Mr. Duckett's head around this area, and
11 exited right around over here.

12 Q Is there anything, other than the fact
13 that he had been shot in the head, is there
14 anything remarkable about Mr. Duckett?

15 A What an odd question.

16 Q Okay.

17 A I mean as far as injuries go, that was
18 the only injury --

19 Q I guess that's a better way to put it.

20 A Yes, yes.

21 Q Okay.

22 A That is true.

23 Q No other contributing factors to his
24 death?

25 A That is true to say.

1 Q During the course of your autopsy of all
2 these individuals, did you help with the
3 collection of any physical evidence, like blood
4 stain evidence?

5 A Yes, absolutely. So part of -- again,
6 it's a very detailed process. And one of the
7 things that we do collect are little drops of
8 blood on paper, and those drops of blood on
9 paper can then be used to look at the DNA. And
10 so that's certainly one of the things that we
11 will also pass along as evidence.

12 Q I'm gonna pass you what's been previously
13 marked as State's Exhibit 52. I know you
14 haven't seen it in this condition before, but
15 can you tell what's inside that envelope, based
16 on the description?

17 A Well, based on the description I can.
18 So, again, this is when I would have given the
19 little blood circle to law enforcement, that
20 would have been way before this, because now
21 we've got sort of the downstream --

22 Q Sure.

23 A -- stuff. So what it says though is,
24 Hampton County Sheriff's Office, Evidence
25 Locker, and then it's got somebody's number on

1 it, L1804391.

2 Q Okay.

3 A Oh good question. Victim Ghazi Duckett
4 collected at MUSC-Charleston, there's how we
5 connect it.

6 MR. EVANS: Your Honor, the State would
7 move this into evidence as State's Exhibit 52.

8 MR. GIBBES: No objection.

9 MR. JOHNSON: No objection, Your Honor.

10 THE COURT: All right, moved without
11 objection.

12 MR. EVANS: All right.

13 (State's Exhibit 52 was admitted into
14 evidence.) .

15 BY MR. EVANS:

16 Q Okay, let's move on. I think it'll be
17 more efficient if you start talking about Mr.
18 Johnson. You did an autopsy on Frankie Johnson
19 as well?

20 A Frankie Johnson, Jr. I think.

21 Q Junior.

22 A Yes.

23 Q Okay, and that was FA18245?

24 A I did, that's correct.

25 Q And did you create an x-ray and a diagram

1 for him as well?

2 A Yes.

3 Q I'm going to pass you a few more
4 documents, and ask you if these are the x-rays
5 and diagram of Mr. Johnson?

6 A Yes, they are.

7 Q All right, and they've been previously
8 marked as State's Exhibits 265 and 267. Would
9 these assist you in your testimony concerning
10 his autopsy?

11 A Yes, sir.

12 MR. EVANS: Your Honor, the State would
13 move these into evidence as 265 and 267.

14 THE COURT: Okay, any objection?

15 MR. GIBBES: No objection.

16 MR. JOHNSON: No objection, Your Honor.

17 THE COURT: All right, moved without
18 objection.

19 (State's Exhibits 265 - 267 were admitted
20 into evidence.)

21 BY MR. EVANS:

22 Q And we'll publish these up here as well.
23 Tell us what you see.

24 A All right, so you're seeing something
25 very similar. So this is, again, a lateral x-

1 ray of a head, and this one is Frank Johnson,
2 that's how we had his name when submitted to us.
3 And so what you're seeing here is another
4 fragment of the bullet, and then, again, you can
5 kind of see that round outline that would
6 represent one of the entrance or the exit wound,
7 and then fracture lines radiating out from that
8 area.

9 Q Similar injury as Mr. Duckett?

10 A It is similar, yes.

11 Q All right.

12 A You can also see here though that there
13 are little tiny fragments over here, which is
14 over on the right side of the face, which will
15 make sense in a moment.

16 Q Uh-huh. And let's go to the diagram.

17 A All right, so this particular gunshot
18 wound started in a similar place, but it went
19 more forward, and the exit wound was here in the
20 face.

21 So that here is what the entrance looked
22 like, and I'm drawing the exit to look like.

23 Q All right, and similar as with Mr.
24 Duckett. Was this a survivable injury?

25 A No, no, this was not survivable. This,

1 again, it'd go through his brain, and different
2 parts of the brain that are vital for survival.

3 Q Were there any other injuries to Mr.
4 Johnson?

5 A No.

6 Q All right, I'm gonna pass you another
7 document that's been previously marked as
8 State's Exhibit 56, and this will be a little
9 easier for you to see. Can you tell us what
10 that is?

11 A Yes, I can. So this is indeed from our
12 autopsy office, so there's our autopsy number,
13 this is our little envelope. And inside this
14 envelope it's marked to have a jacket fragment
15 from Mr. Johnson, FA18345.

16 Q And did you turn that into the Coroner?

17 A That would have gone back to law
18 enforcement.

19 Q Eventually to law enforcement, okay.

20 A Correct.

21 Q You sent it off for other people to --

22 A That's correct. So I retrieved these
23 items as evidence, and then transferred them.

24 MR. EVANS: Your Honor, the State would
25 move the fragment contents of the envelope in as

1 State's Exhibit 56.

2 THE COURT: No objection?

3 MR. JOHNSON: No objection.

4 MR. GIBBES: No objection, Your Honor.

5 MR. EVANS: All right.

6 THE COURT: All right, entered without
7 objection.

8 (State's Exhibit 56 was admitted into
9 evidence.)

10 BY MR. EVANS:

11 Q And as before, I'm gonna pass you State's
12 Exhibit 50, and after opening it up, are you
13 able to read any of that descriptor?

14 A Yes. This is, again, Hampton County
15 Sheriff's Office, victim Frank Johnson,
16 collected at MUSC-Charleston, containing known
17 blood spot, there we go.

18 Q All right.

19 As with Mr. Duckett, you collected a spot
20 of what you knew was his blood, to pass it along
21 to law enforcement?

22 A That's correct. Again, you can use that
23 to look for DNA, and compare it to other things.

24 MR. EVANS: Your Honor, the State would
25 move this SLED bag and its contents in as

1 State's Exhibit 50.

2 THE COURT: Any objection?

3 MR. JOHNSON: No objection, Your Honor.

4 MR. GIBBES: No objection, Your Honor.

5 THE COURT: Admitted without objection.

6 MR. EVANS: Thank you, Your Honor.

7 (State's Exhibit 50 was admitted into
8 evidence.)

9 BY MR. EVANS:

10 Q So let's go to Ms. Warren.

11 A May I get my notes?

12 Q Yes.

13 A This is a little bit more --

14 Q If you want to return to the stand.

15 MR. EVANS: May I approach the witness,
16 Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. EVANS:

19 Q Did you also have the occasion to perform
20 an autopsy on Lamekia Warren?

21 A Yes, sir.

22 Q And is she FA18246; is that right?

23 A That is correct.

24 Q Okay. Would you take a look at the
25 documents in that folder that I've handed to

1 you?

2 A Okay, in this folder there are multiple
3 x-rays, and then multiple photographs of
4 bullets, and then a copy -- a representation of
5 the body diagram.

6 Q Okay, and do these correspond with the
7 autopsy performed on Ms. Warren?

8 A Yes, I do.

9 Q All right. The photographs, do they
10 fairly and accurately depict the way that the x-
11 rays and the projectiles appeared when you
12 viewed them?

13 A Yes, they do.

14 Q All right, and the diagram, is that based
15 on your own observations and notetaking?

16 A That is correct.

17 MR. EVANS: Your Honor, the State would
18 move all these documents in at this time. I'll
19 publish the numbers; I don't think I did that
20 just yet.

21 THE COURT: All right.

22 MR. EVANS: They are State's 272, 273 --
23 I'm sorry, Madam Court Reporter, I'll slow down.
24 272, 273, 274, 275, 276, 277, 278, 279, 280,
25 286, 287, 288, 289, 290, 291 and 292.

1 THE COURT: All right, any objections?

2 MR. GIBBES: No objection.

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: All right, moved without
5 objection, yes, sir.

6 (State's Exhibits 272-280, 286-292 were
7 admitted into evidence.)

8 BY MR. EVANS:

9 Q And we are gonna publish these once again
10 on the screen. If you want to step down -- I am
11 going to ask you to step down when we get into
12 the diagrams, so it's up to you, if you --

13 A Yeah, I may as well.

14 Q May as well, all right. All right, so
15 272.

16 A So --

17 Q Go ahead.

18 A Yeah. So we're gonna go through a series
19 of x-rays. So in this case there were many
20 gunshot wounds. In fact, there were 66 holes in
21 her body, and throughout my procedure I
22 determined that there were 35 gunshot wounds.
23 Now keeping in mind that some of those are going
24 through and through, and some of those are
25 resulting in us finding a bullet and retrieving

1 a bullet.

2 So these are the x-rays that we took prior
3 to dissection to see where those projectiles,
4 those bullets might be, to assure that we would
5 be able to retrieve them. So this one, what
6 we're looking at is, this is the -- her left
7 hip, so her -- this is her pelvis, and then her
8 femur going down here, and you can see some
9 bullet fragments here on the left.

10 Q Okay, and Exhibit 273?

11 A This is her left arm. You can see some
12 sort of fluffy stuff here, that's where one of
13 the gunshots wounds was that went through and
14 through, and then here you can see a bullet that
15 we did retrieve. And this gunshot wound did
16 lead to a fracture of the humerus, to the left
17 upper arm bone.

18 Q That projectile, did you make mention of
19 that?

20 A Yes, we did.

21 Q And preserved it for evidence?

22 A That is correct.

23 Q All right, we'll get into that with the
24 photos. State's 274?

25 A This we're seeing again the left arm.

1 This happens to be a bullet that was behind the
2 clavicle on the right-hand side from a gunshot
3 wound to the neck.

4 Q All right.

5 A And, yes, we did retrieve this bullet.

6 Q Okay, State's 275?

7 A This is her right shoulder and arm, and
8 so you can see that this is the same bullet that
9 we saw in the previous one, and then you can see
10 three more here, plus one here. And you can
11 also appreciate that there is a fracture of this
12 upper arm bone. This humerus on the right-hand
13 side as well.

14 Q State's 276.

15 A This is the right lower leg, so this
16 would be the shin bone, and then this is the
17 smaller bone, the side of the tibia, and you can
18 see that there was a fracture of this bone, and
19 this was a through and through gunshot wound.

20 Q State's Exhibit 277?

21 A This is her right foot. There were
22 fractures to her heel bone, her calcaneus, that
23 bone right on her heel that were associated,
24 again, with a through-and-through gunshot wound
25 here?

1 Q State's Exhibit 278?

2 A We are now seeing just a different view
3 of the one that went into her neck and behind
4 her clavicle, and one of the ones in the right
5 shoulder.

6 Q State's Exhibit 279?

7 A This is the left leg, which was also
8 affected by multiple gunshot wounds, and you can
9 see some fragments in the leg.

10 Q State's Exhibit 280?

11 A This is the right pelvis and femur.
12 Again, there were gunshot wounds in this area,
13 but we didn't see anything that looked like it
14 could be retrieved.

15 Q Okay. And that should be the last of the
16 x-rays. Let's take a look at State's Exhibit
17 286.

18 A So as was mentioned, each one of those
19 bullet fragments that you saw that was found
20 were retrieved. And then what I do when I pull
21 those -- when I retrieve them from the body is,
22 number them, and so they're just numbered in the
23 order that I am finding them in the body. And
24 then, you know, label them, give them a number,
25 and then photograph them and measure them, to

1 make sure that we have the right projectiles for
2 each one.

3 Q Okay, so you're documenting with a photo
4 that what you are physically collecting, and
5 sending it back?

6 A That is correct.

7 Q Okay. State's Exhibit 287?

8 A So this is our fragment shot -- our
9 bullet number two, and, again, pictures to
10 demonstrate what it looks like.

11 Q State's Exhibit 288?

12 A Bullet number 3.

13 Q 289?

14 A Bullet number 4.

15 Q 290?

16 A Bullet number 5.

17 Q And all these so far -- I mean you're
18 obviously indicating different numbers, but
19 these are the distinct bullets that you removed
20 from her person?

21 A That is correct, so these are all of the
22 bullets that were removed --

23 Q Yes.

24 A -- that we found during the course of the
25 autopsy.

1 Q All right, so 291, so there's one more;
2 is that it?

3 A That is correct.

4 Q All right, and you said you collected
5 those physically, and sent them out to law
6 enforcement?

7 A That's correct.

8 Q All right.

9 A Yes.

10 Q All right. I'm cutting open an envelope,
11 which has been previously marked, but not
12 entered as State's Exhibits 62 through 67.

13 MR. EVANS: Do you guys want to take a
14 look?

15 MR. JOHNSON: Yeah.

16 BY MR. EVANS:

17 Q Doctor, can you take a look at this, and
18 tell me is it the same bullets that you saw in
19 those photographs?

20 A Absolutely. Okay, so these are little
21 containers that we put our bullets in, and you
22 can see them wandering around in here. And
23 each of these does have the appropriate label
24 from our autopsy room, and they're each called
25 number 1, bullet number 2 through bullet number

1 6. These are indeed those same bullets.

2 Q All right, it's got your signature and
3 your MUSC indicators?

4 A Yes, that is correct.

5 MR. EVANS: Your Honor, the State would
6 move these bullets into evidence as State's
7 Exhibit 62 through 67.

8 THE COURT: Any objection?

9 MR. GIBBES: No objection.

10 MR. JOHNSON: No objection.

11 THE COURT: All right, admitted without
12 objection.

13 (State's Exhibits 62 - 67 were admitted
14 into evidence.)

15 MR. EVANS: And I'll label those, Judge, if
16 it's all right, and I'll pass you them after
17 she's done.

18 THE COURT: Yes, sir. There's no objection
19 to that, is there gentlemen?

20 MR. GIBBES: No objection.

21 MR. JOHNSON: No objection.

22 BY MR. EVANS:

23 Q One more physical exhibit, Doctor, the
24 same as before. Did you collect a blood
25 standard from the victims?

1 A Yes, sir.

2 Q All right, is this a good blood standard
3 that's been previously marked as State's Exhibit
4 51?

5 A This one is, again, Hampton County
6 Sheriff's Office, containing known blood spot
7 from victim, Lamekia Warrant, collected at MUSC-
8 Charleston, yes, sir.

9 Q All right.

10 MR. EVANS: Your Honor, the State would
11 move this into evidence as State's Exhibit 51.

12 THE COURT: All right, any objection?

13 MR. GIBBES: No objection.

14 MR. JOHNSON: No objection.

15 THE COURT: All right, no objection, then
16 it will be admitted without objection. Thank
17 you.

18 (State's Exhibit 51 was admitted into
19 evidence.)

20 BY MR. EVANS:

21 Q And we moved this in already, Doctor, is
22 that correct, State's 292?

23 A I believe so.

24 Q All right. Does that appear to be the
25 diagram that you did?

1 A Yes.

2 Q All right. Does this appear to be a
3 larger version of that same diagram?

4 A Yes, sir.

5 Q Would this assist you in your testimony
6 today?

7 A Yes, that should help.

8 Q Doctor, if you don't mind using this
9 diagram, just walk us through a little bit --

10 A All right.

11 Q -- of what you found in this woman?

12 A Absolutely. So what we're looking at
13 here are clearly just a flat representation of
14 this individual. Each one of these letters, or
15 series of letters represents a defect in the
16 skin.

17 So as I mentioned, there were 66 defects in
18 the skin, which took us through the alphabet
19 two, almost three times. So that's why
20 sometimes you'll see, you know, a triple E, or a
21 triple D. We started at A, B, C, D, E, F, G,
22 all the way through the alphabet, and back at
23 AA, BB, CC, so that's how these are lettered.
24 And so what I did was, basically, just start
25 here, and work my way all the way around and up

1 and down, until there were no more.

2 Q You can't say which order any of these
3 injuries occurred in?

4 A No, you can't. So the only place on the
5 body, where you might be able to do that is, if
6 you're shot in the head.

7 So if you're shot once in the head, and it
8 makes the -- as you saw in those x-rays, that
9 those radiating fractures occurred. Well, if
10 you're shot a second time, the second radiating
11 fracture is gonna stop when it hits the first
12 radiating fracture, so that's one way you can
13 tell, but not on soft tissue, and not in the
14 body itself. You can't tell which one came
15 first.

16 Q But can you distinguish between an
17 entrance and an exit wound?

18 A In most cases you can distinguish, based
19 upon the -- what it looks like. So as a bullet
20 goes into a body, the entrance wound is at least
21 classically going to be quite circular. It
22 looks like there will be some skin actually
23 missing from it, whereas, when it's coming back
24 out, the skin kind of opens up. So those exit
25 wounds often you can pull them back together,

1 whereas, the entrance wounds they just seem --
2 there's no way to put them back together, it's
3 like a hole.

4 So that's definitely one way that you can
5 tell, in most cases, which one is your entrance,
6 and which one is your exit.

7 Q And what did you find? Let's go as
8 quickly as we can, please.

9 A Absolutely. So we'll sort of look at
10 this by areas of the body. So you remember the
11 one that was to the neck, and that ended up with
12 a bullet behind the clavicle, so that's one that
13 was to the neck, and we did retrieve a bullet.
14 In the torso, so we're talking about this area
15 here.

16 We had 10 to the chest and abdomen, so ten
17 gunshot wounds to the chest and abdomen. From
18 those 10 there was perforation of the heart and
19 the lung, with leading around the heart and into
20 the space around the lung. And then if we move
21 to the left arm, this arm here you can see this
22 was a through and through, and then this one was
23 the one that broke that humerus, and we did
24 recover a bullet from there.

25 If we move onto the right arm, you can see

1 there were quite a few gunshot wounds there. I
2 counted nine, and, again, we did have a fracture
3 of that upper arm, the humerus. There were
4 several bullets that were right in this area,
5 and it was difficult to determine exactly which
6 gunshot they went with, but as you remember,
7 that one x-ray with the several bullets in this
8 area, those are all from this area here on her
9 body. If we move onto the left leg here, there
10 were six gunshot wounds to the left leg. And
11 then, finally, to the right leg there were seven
12 gunshot wounds to the right leg.

13 Q Okay. You said that there were -- I
14 think you used number 66 different actual
15 wounds, and you were able to determine 35
16 gunshots?

17 A Right.

18 Q -- what those numbers were.

19 A So what we're looking at here, so we know
20 that six of the gunshot wounds went into the
21 body, and we were able to retrieve a bullet. So
22 then you're also looking at, well, how many do
23 we have that have entrances and exits. And so
24 each one of those are put together, and here's
25 my little thing I can show you, but -- so, for

1 example, with the left arm, A went to B. And so
2 that's one gunshot wound, but two defects to the
3 skin.

4 Now, sometimes it can go in the body and
5 out the body, and into the body, so your count
6 isn't always going to be even, because sometimes
7 you'll have a grazed wound, sometimes you'll
8 have an entrance and then an exit, and then a
9 re-entrance. So those kinds of things are what
10 make it -- end up being -- but, yeah, so it's
11 all very well diagramed here.

12 Q Did you find any re-entries then with Ms.
13 Warren, where in, out and then in a different
14 part of the body?

15 A Yes, yes, and just because of the number
16 of gunshot wounds that I must tell you, so, for
17 example, if this -- see this wound is through
18 and through, right? So what if that arm was
19 here, or here, or here? Well, there's certainly
20 a possibility that that same bullet also is
21 represented in the rest of the diagram, because
22 I can't tell you where her arm was when the
23 bullet went through it. So these numbers are
24 based upon my best ability to put them together,
25 as far as this is an entrance, this is an exit,

1 and these go together.

2 I can go as far as telling you that, again,
3 for example, in that case that that bullet
4 didn't continue to travel to some other part of
5 her body.

6 Q So the science allows you to determine a
7 number of distinct gunshot wounds, based on
8 entrances, but not the number of gunshots; is
9 that what you're saying?

10 A That's correct.

11 Q Okay.

12 A They don't have to match up. Just
13 because, for a bad example, that one gunshot
14 could have made four holes, right, or,
15 theoretically, even more.

16 Q And with the number as high as Ms.
17 Warren's, are you able to say, oh, this is the
18 mortal injury, versus that's a survival one? I
19 mean is it --

20 A Right.

21 Q -- even possible with this number?

22 A Well, it's not possible, but I can
23 suppose that the gunshot wound that we're
24 calling M here in the middle that came out
25 through MM here on the back, was one of the

1 causes, if not one of the main causes, simply
2 because that's the one that did hit her heart
3 and her lung; but considering the amount of soft
4 tissue trauma all over her body, any one of
5 those, or any proof of those could have been
6 fatal.

7 Q I see.

8 MR. EVANS: Beg the Court's indulgence.

9 BY MR. EVANS:

10 Q All right, Doctor, I'll ask you to return
11 to the stand, and then we'll wrap up with you.
12 Doctor, you defined these terms earlier for us,
13 when you were introducing your whole field, but
14 do you have an opinion, to a reasonable degree
15 of medical certainty, as to the cause and manner
16 of death of Mr. Duckett?

17 Actually, just for all three.

18 A Yes, sir. And what I'll do is actually
19 read it, so that I am not misquoting myself.
20 Mr. Ghazi Duckett FA18244, cause of death,
21 gunshot wound to the head, manner of death,
22 homicide.

23 Q And for Mr. Johnson?

24 A Mr. Frankie Johnson, Jr., FA18245, cause
25 of death, gunshot wound to the head, manner of

1 death, homicide.

2 Q And for Ms. Warren?

3 A Ms. Lamekia Warren, FA18246, cause of
4 death, multiple gunshot wounds to the neck,
5 torso and extremities, manner of death,
6 homicide.

7 Q Doctor, those are all the questions that
8 I have. Please answer any questions these
9 gentlemen may have.

10 A Thank you, sir.

11 THE COURT: Do you have any questions?

12 MR. GIBBES: No questions.

13 MR. JOHNSON: No questions.

14 THE COURT: All right, I need counsel to
15 approach for one second, please.

16 (Bench conference.)

17 BY MR. EVANS:

18 Q Doctor, I'm just gonna ask you a few
19 quick questions.

20 A Yes, sir.

21 Q We were talking before we broke about
22 your qualifications.

23 A Yes, sir.

24 Q You've been doing this for a very long
25 time?

1 A Yes, sir.

2 Q And you've been trained in forensic
3 pathology, and testified as an expert before?

4 A Yes, sir.

5 Q And how many times, approximately, have
6 you testified in forensic pathology?

7 A More than a hundred.

8 MR. EVANS: Your Honor, the State would
9 tender Dr. Schandl as an expert in the field of
10 forensic pathology.

11 THE COURT: Any objection?

12 MR. JOHNSON: No objection.

13 MR. GIBBES: No objection.

14 THE COURT: All right, then I will qualify
15 her as an expert in the field of forensic
16 pathology.

17 I'm just not sure if we did that before Ms.
18 Williams got sick, so I wanted to go ahead and
19 cover that, so --

20 MR. EVANS: And I appreciate the Court
21 bringing that to my attention, but I do not have
22 any additional questions.

23 THE COURT: She is, in fact, an expert, all
24 right? Anything else?

25 MR. JOHNSON: No, Your Honor.

1 MR. GIBBES: I have nothing.

2 THE COURT: Doctor, thank you so much,
3 appreciate your trip down.

4 WITNESS: Thank you, sir.

5 MR. EVANS: Beg the Court's indulgence?

6 THE COURT: Yes, sir.

7 MR. EVANS: Your Honor, the State rests.

8 **

9 **STATE RESTS**

10 THE COURT: All right, the State rests.
11 Ladies and gentlemen, the State has rested their
12 case, and so at this time it would be an
13 appropriate time for us to adjourn for the day.
14 I'm gonna ask that you be back at 10 o'clock
15 tomorrow morning.

16 There's several matters, we got a little
17 slowed up here this afternoon, but there's
18 several matters that I'm gonna have to take up
19 with the parties, and so we'll do that first
20 thing, so, hopefully, we'll be able to move
21 straight into what's going to apply to you guys
22 tomorrow morning.

23 So I'll see you all at 10 o'clock, and
24 please don't talk about the case.

25 Have a great evening. I appreciate

1 everybody being here.

2 (At 6:11 p.m. the proceedings were
3 continued until the following day without
4 interruption.

5 **

6 **END OF VOLUME III**

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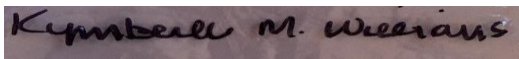
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CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 9th Day of November, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

This, the 9th day of August, 2024.



Kymberlee M. Williams, CSR/RPR

STATE OF SOUTH CAROLINA	IN THE GENERAL SESSIONS COURT
	2018-GS-25-00215, -00219
COUNTY OF HAMPTON	
-----)	
State of South Carolina)	
)	
Plaintiff,)	
vs.)	TRANSCRIPT OF JURY TRIAL
)	VOLUME IV
Tyrase Akil Collins and)	(PAGES 673 - 875)
Lorenzo Boles,)	
)	
<u>Defendants.)</u>	

November 10, 2023
Beaufort, South Carolina

B E F O R E:

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1 PROCEEDINGS CONTINUED

2 **

3 FRIDAY, NOVEMBER 10, 2023

4 HAMPTON, SOUTH CAROLINA

5 **

6 (The following proceedings were held in open
7 court. All parties were present.)

8 THE COURT: Good morning, folks. Thanks for
9 being here today. I appreciate you working
10 through a holiday. Certainly, that is what our
11 jury unanimously wanted to do.

12 At this point, I think the State has
13 presented all of its evidence. As a result, I
14 am happy to entertain any motions.

15 Mr. Gibbes, do you have any motions that
16 you want to make on behalf of Mr. Boles, sir?

17 MR. GIBBES: Yes, Your Honor.

18 THE COURT: I am happy to hear from you
19 sir,

20 MR. GIBBES: Your Honor, I would like to
21 make a motion for a directed verdict. I didn't
22 know, because the way the charge was set up,
23 Your Honor. Would you like me to go first?

24 THE COURT: I don't really care.

25 Mr. Johnson, do you want to go first?

1 MR. JOHNSON: I will go last.

2 THE COURT: I am happy to hear from you.
3 Go right ahead.

4 MR. GIBBES: Your Honor, we would like to
5 make a move for directed verdict. The State,
6 they have not put forth any evidence, Your
7 Honor, in regard to the elements for accessory
8 before the fact.
9 There was no evidence whatsoever that my client
10 advised, encouraged, suggested, or even wanted
11 anybody to be murdered. That is one of the
12 first elements with regard to accessory bedroom.
13 There is no evidence whatsoever that my client
14 advised, urged, or assisted in any way with
15 regard to these murders.

16 On the other charges, Your Honor, that
17 has been put forth against my client. In
18 addition to that, Your Honor, as Your Honor well
19 knows, there is evidence that was actually put
20 up by the State with regard to -- to suggest
21 that my client was actually at the scene of the
22 murder.

23 They went through extensive testimony, I
24 believe the witness -- the mother of the victim,
25 she testified that on the night of the murder,

1 she saw my client's vehicle going in the
2 direction of Pricilla Lane, your Honor.

3 In viewing that evidence in the light
4 favorable to the State, that puts my client at
5 the scene.

6 Your Honor, for these reasons and more,
7 we believe that -- for multiple reasons there is
8 no evidence whatsoever that my client advised,
9 counseled, assisted in any way in these murders,
10 nor -- there is evidence that he -- they are
11 suggesting that he was actually at the scene.

12 For these reasons, Your Honor, we would
13 respectfully request that these charges be
14 dismissed

15 THE COURT: I take it you don't have
16 anything to add to his arguments as it relates
17 to Mr. Boles, Mr. Johnson?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: Solicitor, let me hear from
20 you, sir. I understand the charge that I would
21 be reading to the jury -- we haven't had a
22 charge conference yet. I suspect that the
23 charge that I propose is straight from my charge
24 book and perhaps a modification of whatever
25 statute. In order to prove the crimes, the

1 State must prove beyond a reasonable doubt,
2 Solicitor, that the defendant advised, agreed,
3 urged, counseled, hired, or in some way aided or
4 abetted another person to commit a crime and
5 that the defendant was not present when the
6 crime was committed.

7 Is that the charge?

8 MR. EVANS: Yes, sir. We are not in the
9 charge conference, but I have no quarrel with --

10 THE COURT: We're not in the charge
11 conference. I am just asking you to help me
12 outline your argument.

13 MR. EVANS: The short answer is yes.

14 THE COURT: Go ahead. I am happy to hear
15 from you.

16 MR. EVANS: Thank you, Your Honor.

17 Mr. Gibbes points out correctly that at
18 this you are supposed to take the evidence in
19 the light most favorable to the nonmoving party.

20 THE COURT: Yes, sir.

21 MR. EVANS: What I disagree with him
22 about -- he is trying to say take the evidence
23 of Mr. Boles being at the scene, as if that is
24 what I am trying to prove.

25 I understand that absence from the scene

1 is an element in South Carolina law for
2 accessory before the fact. Your Honor, there
3 has been no testimony of Mr. Boles' presence at
4 the scene. We are talking about his vehicle.

5 THE COURT: Would you agree with the
6 Solicitor that there has been zero evidence that
7 Mr. Boles himself was at the scene?

8 MR. GIBBES: Your Honor, I think they
9 showed the video with my client, 30 hours after
10 the actual murders in the vehicle. They
11 provided the testimony with regard to the DNA.
12 There was evidence that on multiple occasions
13 that he was seen going to the scene and coming
14 from the scene in the direction of the scene.

15 Our position is that there is some
16 evidence, Your Honor, with regard to that
17 matter.

18 THE COURT: All right.

19 Go ahead.

20 MR. EVANS: Thank you, Your Honor. There
21 was no witness that testified that they could
22 identify the driver of the vehicle or any
23 passengers in the vehicle, only the vehicle
24 itself. I would submit at this stage if I could
25 indict a vehicle -- and you were permitted to

1 direct a verdict of convictions, which of course
2 is impossible under the law. There is proof
3 beyond a reasonable doubt that this vehicle was
4 involved in this murder. Full stop. No
5 questions.

6 THE COURT: Go ahead.

7 MR. EVANS: Mr. Johnson's blood is
8 present in Mr. Boles' car.

9 THE COURT: Right.

10 MR. EVANS: Period. I would submit that
11 that is going to be proven beyond a reasonable
12 doubt. That is one of the many stars in the
13 constellation. There is no question, I think,
14 at this stage of the proceedings that this
15 vehicle was involved in this offense.

16 Mr. Gibes talked about me putting in --
17 the State -- putting in a security camera video
18 as if that is us trying to prove that he was at
19 Pricilla.

20 THE COURT: I agree with you, Solicitor.
21 I agree with you to this extent. As I look at
22 this evidence and as I look at it in the light
23 most favorable to you, Sir, I submit there is no
24 evidence that shows that the defendant was
25 present.

1 One of the elements here was that the
2 defendant was no present when the offense was
3 committed.

4 There has been no evidence that shows he
5 was present.

6 MR. EVANS: Yes, sir.

7 THE COURT: I agree with you, there.
8 That is what you are saying. There is no
9 evidence of that. Is that correct?

10 MR. EVANS: Yes, sir.

11 THE COURT: I am with you there.

12 MR. EVANS: As far as advisement -- all
13 these elements that he listed, these are not and
14 elements. These are or elements.

15 THE COURT: I am with you.

16 MR. EVANS: There is no question, Judge,
17 at this stage of the proceedings that this
18 vehicle was involved; that Mr. Boles operates,
19 controls this vehicle. This vehicle served as
20 assistance in this offense.

21 We put up some DNA to show that his DNA
22 is present in the car back seat. If his DNA was
23 present in the front seat, the driver's side, he
24 may very well have been indicted for murder
25 rather than accessory before the fact. There is

1 his DNA on the magazine.

2 THE COURT: There was some evidence to
3 indicate that Mr. Boles had some control over
4 the vehicle, not necessarily that night, but
5 that is his vehicle. Not his vehicle but you
6 have evidence of people saying he drove it all
7 the time or his brother did. His brother was in
8 Texas. Maybe his mom drove it, but it was
9 mainly his vehicle.

10 Are you arguing that the vehicle that was
11 involved was intricately involved in this crime.
12 As a result of the vehicle's involvement, Mr.
13 Boles having substantial connections with the
14 vehicle, that that gives rise to some evidence
15 of his aiding in this matter?

16 That is your argument?

17 MR. EVANS: That's my argument. We also
18 have him fleeing, Judge. Consciousness of
19 guilt. Fleeing from [REDACTED] Crews on March 26th.

20 Mr. Solomon's testimony was not quite as
21 a direct link as perhaps we might have expected.
22 Mr. Gibbes in his cross-examination of Mr. Clapp
23 asked some questions that implied that indeed it
24 was Mr. Boles fleeing. He was found in
25 Savannah, Georgi, and he was in the area of [REDACTED]

1 Crews just minutes before the search warrant was
2 executed, and many people were seen fleeing from
3 the scene.

4 There is some evidence -- light most
5 favorable to the nonmoving party at this stage
6 to send it to the jury that he has conscious of
7 guilt. He is fleeing from the [REDACTED] Crews scene
8 the day following the murder. Judge, I started
9 to argue, and I want to correct myself. I was
10 about to say that there is evidence of Mr.
11 Boles' DNA on the magazine from the Draco. I
12 was getting him confused with Mr. Collins. It
13 was Mr. Collins and Mr. Johnson on that
14 magazine, not Mr. Boles.

15 I want to make it very clear for you and
16 the record that I am not arguing that.

17 THE COURT: Is that your argument?

18 MR. EVANS: Yes, sir. That is the gist
19 of it.

20 THE COURT: Mr. Gibbes, what else, sir?

21 MR. GIBBES: Again, we just haven't
22 gotten off the first element. There is no
23 evidence whatsoever that my client gave anyone
24 any guns, any keys to a vehicle that was not
25 registered in his name. That he wanted anyone

1 to be shot or robbed. There is absolutely no
2 evidence. Absolutely none. All we are dealing
3 with is pure speculation.

4 As Your Honor knows, in State v. Arnold,
5 the Supreme Court says that if all they are
6 putting forth is mere speculation, directed
7 verdict is the appropriate ruling.

8 Your Honor, that is the first element.
9 Again, I know that Your Honor proposed jury
10 charge for accessory before the fact. It lists
11 two of the elements. It does not include the
12 third element, which includes that the principal
13 committed the crime. There is no evidence
14 whatsoever that my client advised, suggested,
15 encouraged, or even directed a principal to
16 commit any murders or robberies on his behalf.
17 That is the third element that is essential to
18 this whole case for accessory before the fact.

19 So Your Honor, our position, in addition
20 to the first element, which we have not gotten
21 past, which there is absolutely no evidence. No
22 one, no statements, no one testified that there
23 is any evidence that Lorenzo Boles even wanted
24 these individuals killed, even wanted these
25 individuals robbed.

1 THE COURT: Mr. Gibbes, sir, with all due
2 respect, I am going to deny your motion. Let me
3 tell you what my reasoning is as it relates to
4 it. I am looking for the existence of any
5 evidence at this point. I have to look at the
6 light most favorable to the nonmoving party.

7 When I looked at the charge -- we haven't
8 had a charge conference, but I don't see
9 anything wrong with the charge that I have
10 provided.

11 In order to prove the crime, the State
12 must prove beyond a reasonable doubt that the
13 defendant -- that is another issue and something
14 you could certainly argue as it relates to the
15 high standard of reasonable doubt or whether
16 it's enough evidence. That's another matter.

17 What it says here, sir, as I read it,
18 they have to prove that the defendant advised,
19 agreed, urged, counseled, hired or in some way
20 aided.

21 What I think, sir, when I look at this,
22 there is evidence that he in some way aided.
23 When I look down, aid means to promote -- to
24 help promote the course of or accomplishment to
25 give support or to give assistance to.

1 When I look at the evidence in the light
2 most favorable to the State, the evidence could
3 be viewed to show that he allowed the use of a
4 vehicle to which he had substantial control
5 over. And as a result, I believe that that
6 could be considered giving support to or to give
7 assistance to. And clearly they have got to --
8 and that the defendant was not present. I don't
9 know that that there is any evidence that he was
10 present at the scene.

11 So I'm gonna adopt the arguments of the
12 Solicitor, incorporate those into the statements
13 that I have just made, and so for that reason, I
14 will respectfully deny your motion.

15 MR. GIBBES: Thank you, Your Honor.

16 THE COURT: Yes, sir.

17 MR. GIBBES: I have one --

18 THE COURT: Yes, sir, go right ahead.

19 MR. GIBBES: Of course, I respectfully --

20 THE COURT: Sure, go ahead.

21 MR. GIBBES: -- appreciate, Your Honor,
22 providing his ruling. I would just have to
23 state for the record that we have not had the
24 charge conference yet, and he got to the
25 elements, it includes three elements, which

1 includes the third element, a principal who
2 committed the crime. That's the third and
3 important element that, otherwise, who was he
4 encouraging? Who was he advising? Who was he
5 aiding, if there is not a third element of an
6 actual principal who has committed the crime.

7 So, again, I you know, respect Your Honor's
8 ruling, but I just would like to note for the
9 record that the third element was not included
10 in there.

11 THE COURT: Well, I think that -- and I
12 appreciate that, but I think the third element
13 in this case, I think there's evidence that the
14 jury can conclude that the Defendant Collins was
15 involved in this matter, and to that extent, I
16 think his DNA was found in the car also.

17 Was his DNA, Collins' DNA, found in the
18 car?

19 MR. EVANS: Yes, sir.

20 THE COURT: And the car was at his house,
21 and the car, as I said, I think the evidence
22 shows that there was, certainly, there was
23 evidence that it was involved in this, and I
24 think from all of those circumstances, there's
25 enough circumstantial evidence; and when I say

1 enough, and, again, I'm looking for the
2 existence, sir, for those three pieces.

3 I think you've adequately protected the
4 record, and that would be my ruling, all right?

5 MR. GIBBES: Yes, sir, thank you.

6 THE COURT: Thank you.

7 All right, let me hear from you, Mr.
8 Johnson. I know you probably have some motions
9 that you'd like to make, sir.

10 MR. JOHNSON: Yes, I do, Your Honor.

11 THE COURT: Go right ahead.

12 MR. JOHNSON: I probably will make my
13 motions one charge at a time.

14 THE COURT: Absolutely.

15 MR. JOHNSON: As related to the possession
16 of a weapon during a violent crime, there's
17 opposition, such as you've heard before, there's
18 no evidence that my client possessed a weapon
19 during the violent crime. At best, the State's
20 evidence indicates that he might have touched
21 the weapon, but there was no evidence that the
22 crime happened at a particular location, the
23 trailer, I mean Priscilla.

24 THE COURT: Yes, sir.

25 MR. JOHNSON: There's no evidence that my

1 client was ever at Priscilla. There's no
2 evidence my client was in a car that was at
3 Priscilla. There's evidence of the DNA that the
4 Court referred to, just to say that at some
5 point my client was in a car, which the State's
6 own witness states that he hasn't been in that
7 car for years. Therefore, that requires a jury
8 to make determinations, requires a jury to
9 speculate, and as stated by counsel here.

10 The State is required to show that.
11 There's no showing of no evidence, that there's-
12 - the State put up a DNA, the person that
13 collected DNA, he stated that he collected DNA
14 all over the scene. There's no DNA evidence
15 connecting my client, even at the scene. All
16 DNA is where my client lives, where you would
17 expect to find DNA related to my client. The
18 DNA is in a car that my client rides in, in the
19 back seat, where you would expect him to sit.
20 There's no evidence that he, for instance, these
21 are location specific crimes. They're crimes of
22 possessing a deadly weapon during a violent
23 crime, had to have happened at Priscilla's.

24 The State has no evidence that there was
25 any evidence connecting my client to that

1 location at any time, no witnesses, no one.
2 Therefore, on the possession of a weapon during
3 a violent crime, we submit to the Court, that
4 the only way to find my client guilty, would be
5 to speculate, which the jury is not allowed to
6 do. Next charge is armed robbery. The State,
7 in the charge, I mean in their indictment, which
8 the State said that my client, Tyrase Akil
9 Collins, while at 146 Priscilla Lane, must,
10 again, location specific. The State did not put
11 up any evidence that my client was at 146
12 Priscilla Lane. They have no evidence of how he
13 got there, no evidence of anybody seeing him
14 there.

15 As a matter of fact, there was evidence
16 that somebody else was there, given by the
17 State. Once again, there's no evidence of even
18 getting to the other evidence. If they can't
19 prove that my client was at that scene,
20 everything else is moved. That there is no
21 evidence given by the State that my client was
22 ever at 146 Priscilla. As it relates to the
23 murder charge, before we even go any further
24 there, they have to prove he's at 146 Priscilla.

25 There's no evidence he was there, no DNA

1 evidence, no nothing. The only DNA evidence
2 they have, what they stated yesterday, were 3
3 things, which was a gun, which they also give
4 conflict in evidence that the trigger guard,
5 that the initial evidence by DNA, I think was
6 the first test that they did, they admitted that
7 there was some evidence of DNA on the trigger.
8 The second evidence given by the State, said
9 that my client was not even attached to that
10 trigger, on that evidence, but once again, Your
11 Honor, I could argue those cases, but it's all
12 moot, if they can't prove he was at the scene,
13 and there's no evidence he was at the scene.

14 And I think that's sufficient enough for a
15 directed verdict, because everything else calls
16 for the jury to have to speculate, and I rest
17 this on those issues.

18 THE COURT: All right. Thank you, sir.

19 MR. EVANS: Thank you, Your Honor. I think
20 this -- I appreciate Mr. Johnson's spirited
21 arguments, but I think they're a significant
22 mischaracterization of the evidence. First, as
23 regards to PWDVC offense, there is utterly no
24 reason not send this to the -- I mean I think
25 we're kind of taking it backwards, but that is

1 the lowest indictment number, and that's the
2 first one he argued, but there's no way to
3 commit these crimes without the possession of a
4 firearm. It's just scientifically impossible.
5 You can't pick up one of these bullets and throw
6 it.

7 So as far as I'm aware, there's no case
8 that requires us -- I mean we've charged this
9 statute many times, where the murder weapon is
10 not recovered, and in this case, we have one of
11 the two murder weapons recovered, and with Mr.
12 Collins' DNA on the trigger. So I'm gonna
13 bounce -- I know he went charge-by-charge, I
14 have to bounce around a little bit, because he
15 says that his client was excluded in 2021 from
16 the swab, which is Exhibit 3, when it was run
17 through STRmix. That is a mischaracterization
18 completely, of Ms. Goodman's testimony.

19 She testified that in 2018, using the
20 previous protocols, the -- let me get the
21 language right, that the major contributor
22 matches the profile of Tyrase Collins. The
23 probability of randomly selecting an unrelated
24 individual having a profile matching a major
25 contributor is one in 3.4 septillion. She said

1 that that result remains valid. What happens
2 with STRmix, is that it finds that the mixture
3 is larger than previously determined, and it
4 can't offer -- it can't compute a calculation in
5 the manner in which they express these new --
6 it's a totally new language of results, Judge,
7 and I've had -- I think this is my third case
8 with it. I'm not sure how many you've had, or
9 Mr. Johnson's had before, but it takes some
10 getting used to, and when you're dealing with a
11 case that has both, it's particularly vexing, I
12 understand that.

13 He'll be able to argue some of this
14 evidence in his favor, as I argue it in my
15 favor. That's what we have juries for, but
16 there's no question that there is a scientific
17 expert opinion, DNA connection, between Mr.
18 Collins, his touch DNA, the major contributor on
19 the trigger guard of Exhibit 1, which as we
20 know, is one of the murder weapons, as testified
21 to by Ms. Eichenmiller, full stop.

22 THE COURT: All right, so your argument is
23 that, obviously, this is a circumstantial case?

24 MR. EVANS: Yes.

25 THE COURT: And that the Defendant,

1 Collins' DNA was found on one of the murder
2 weapons --

3 MR. EVANS: Yes, sir.

4 THE COURT: -- and that murder weapon was
5 found --

6 MR. EVANS: In his room.

7 THE COURT: -- in his room, I understand
8 all about that, in his room, the next day?

9 MR. EVANS: That is correct.

10 THE COURT: And so --

11 MR. EVANS: That was 29 hours later, and I
12 understand Mr. Johnson will argue --

13 THE COURT: Of course.

14 MR. EVANS: -- it was his home, and they
15 stored it.

16 THE COURT: Hold on one second.

17 MR. EVANS: Yes, sir.

18 THE COURT: No, no, and I just want to make
19 sure, that I'm -- I'm not trying to cut you off
20 at all, Solicitor. I just want to make sure
21 that I understand.

22 MR. EVANS: Yes, sir.

23 THE COURT: That I get it right.

24 MR. EVANS: Yes, sir.

25 THE COURT: And that is what your argument

1 is, as it relates to placing him at the crime,
2 is when you put -- is that what you're saying?

3 MR. EVANS: That's one of my arguments.

4 THE COURT: All right, go ahead then. I
5 didn't mean to cut you off.

6 MR. EVANS: It's okay, Judge. We also have
7 Exhibit 2.7. That's a swab from the magazine,
8 which was attached to the Draco. The Draco is
9 not a murder weapon. I understand from Mr.
10 Gibbes' opening, and some of his cross, that
11 they were concerned that we might be trying to
12 scare them into thinking it was the murder
13 weapon.

14 I'm gonna make very clear in my closing,
15 should we get there, that it's not a murder
16 weapon, it's a spoil of war. It's what they
17 went there to get, but it came from Frankie
18 Johnson, because his blood is found on all the
19 swabs from that weapon, every single one. I
20 should clarify, not the interior of the
21 magazine, or the live rounds, but every exterior
22 swab has Frankie Johnson's presumptive positive
23 testing for blood and DNA. The magazine, swabs
24 from the exterior magazine, labeled B, that's
25 Exhibit 2.7. That swab is 1 billion times more

1 likely than not to contain Mr. Collins' DNA.
2 Turning to Exhibit 79, and actually I got that
3 backwards, 97, swabs from the rear passenger's
4 door armrest of the Dodge Charger. That's a
5 mixture of 2, no more than 2 DNA profiles,
6 Judge. It is 920 sextillion times more likely
7 that Mr. Collins' DNA is one of the 2 in the
8 mix. It is 85 octillion times more likely that
9 Mr. Johnson's DNA is in that mix, and when
10 STRmix puts them together, it's 440 sexdecillion
11 times more likely that the mix is the 2 of them,
12 one of our victim's, and 1 of our Defendants,
13 then that it's neither of them. The reason the
14 blood is on the Draco is because it was near Mr.
15 Johnson when he was shot.

16 That's why the scene photos, which Your
17 Honor allowed us to put in, in black and white,
18 were so important, because his blood is
19 everywhere. We have his blood showing up with
20 the presumptive positive testing that Mr.
21 Denizard did. Some of that blood comes out as a
22 mist, as we've heard about in other cases, that
23 doesn't show up red, because it's so fine.
24 That's why we do the testing, and it pops up
25 blue or violet, when they affix those chemicals

1 to it.

2 THE COURT: All right.

3 MR. EVANS: We have photos of that. We
4 have results for that. Mr. Johnson's blood is
5 mixed in with Mr. Collins' blood. I understand
6 that Mr. Johnson, Mr. Charlie Johnson, not Mr.
7 Frankie Johnson, is going to argue that touch
8 DNA can stay on a surface for a long time. Of
9 course, he's free to argue that, we can't say
10 that the science tells us that that's not what
11 it is, but it's arguable either way, Judge, and,
12 again, that's why we have juries.

13 THE COURT: All right, anything else, Mr.
14 Johnson?

15 MR. JOHNSON: Once again, Your Honor, my
16 argument is, there's no evidence that he was at
17 the scene of the crime. That the State cannot
18 argue, if he's not at the scene of the crime,
19 Your Honor, he can't commit a crime. In the
20 State's argument to you just now, he just argued
21 that there's evidence of DNA on an item that was
22 found at my client's house, where he lives.
23 There's probability of transfer DNA, secondary
24 DNA --

25 THE COURT: Right.

1 MR. JOHNSON: -- which still requires a
2 jury to speculate, but the State still has to
3 prove that he was at Priscilla, but there is no
4 evidence, and the State admits, there is no
5 evidence --

6 THE COURT: There's no direct evidence.

7 MR. JOHNSON: There's no indirect evidence,
8 Your Honor.

9 THE COURT: Well, I mean, there could be.
10 What else do you want to tell me? Because
11 I --

12 MR. JOHNSON: Your Honor, like I said, if
13 the State can't prove that he was at Perscilla,
14 the other evidence is moved.

15 THE COURT: All right. All right. Mr.
16 Johnson, a lot of what I'm gonna tell you is
17 substantially similar to what I've told Mr.
18 Gibbes, and I certainly understand, and I
19 appreciate your argument, but, again, I'm
20 looking for the existence of evidence; and, sir,
21 I do believe that evidence exists,
22 circumstantial evidence should exist, that would
23 allow a jury to conclude, possibly, beyond a
24 reasonable doubt, that he was in fact there, and
25 he did in fact commit these crimes.

1 I think that the evidence is outlined by
2 the Solicitor. I think that the fact that, that
3 his DNA is in the evidence, that they've
4 produced evidence. I'm not passing any
5 judgement on the strength of the evidence. It's
6 not my job, and that's not the issue of this
7 Court.

8 You've given me --you've provided me a lot
9 of information, Mr. Johnson, which I believe
10 goes to the strength of the evidence, or the
11 lack of evidence, but at this point, I'm charged
12 with looking at the existence of evidence, and I
13 believe that evidence exists, based on what's
14 been provided, that a jury could conclude, based
15 upon the evidence, that the evidence was amongst
16 other things, that your client's DNA was found
17 on one of the murder weapons, that it was the
18 very next day, that it was in his bedroom, at
19 his home, at [REDACTED] Cruise Street, or Avenue.

20 MR. EVANS: Street.

21 THE COURT: And I think that's enough, sir,
22 to allow this matter. Now, there's other
23 evidence that the Solicitor's gotten into, that
24 he says that they provided, but I just think
25 that -- I think based on those facts alone, I'm

1 gonna adopt his arguments, incorporate those
2 into what I've just said, but I believe there is
3 enough for the case to go forward.

4 Again, I think that the strength, I agree
5 with you, it's -- but I'm not looking to the
6 strength of evidence, or whether the evidence
7 contradicts itself. I'm looking does any
8 evidence exist, and I think evidence does exist
9 at this point, and so with all due respect, sir,
10 I'm gonna deny the motion, all right?

11 MR. GIBBES: Yes, sir.

12 THE COURT: All right, gentlemen, I believe
13 that now would be the appropriate time to advise
14 your clients of their rights to testify, or not
15 testify. Would that be appropriate, sir? Mr.
16 Gibbes?

17 MR. GIBBES: I'm gonna be trying the same
18 question, but he --

19 THE COURT: Sure, but there's --

20 MR. GIBBES: So he doesn't want to testify.

21 THE COURT: Right, and so -- and I probably
22 thought that, but. as you know, Mr. Gibbes,
23 there's a colloquy that I need to go through
24 with him concerning his right to testify, and so
25 what I'd like to do is to go through that now.

1 I think now would be the appropriate time for me
2 to discuss with him, place him under oath, and
3 then go through this, as it relates to his
4 rights to testify. Is -- I believe now would be
5 the appropriate time, Mr. Gibbes?

6 MR. GIBBES: Yes, Your Honor.

7 THE COURT: Okay.

8 MR. GIBBES: If Your Honor would like to do
9 that.

10 BY THE COURT:

11 Q Yeah, well, what I'd like to do is, I'd
12 like to go ahead and, Mr. Boles, could you stand
13 up for me, please?

14 A Sure.

15 Q Would you raise your right hand? Mr.
16 Boles, do you swear to tell the truth, the whole
17 truth, and nothing but the truth, so help you
18 God?

19 A Yes.

20 Q All right, thank you, Mr. Boles. You can
21 sit down, Mr. Boles. All right, would you state
22 your name for me, sir?

23 A Lorenzo Boles.

24 Q All right, and, Mr. Boles, you've got to
25 speak up. I'm sorry, I'm a little hard of

1 hearing.

2 A Lorenzo Boles.

3 Q Thank you, Mr. Boles. All right, Mr.
4 Boles, at this time I'm going to explain to you
5 your rights. If you do not understand anything
6 I say, please let me know, okay, Mr. Boles? All
7 right. I want you -- if you want me to explain
8 anything in more detail, please let me know. Do
9 you understand me, Mr. Boles?

10 A Yes.

11 Q All right, Mr. Boles, we've now reached
12 the stage of the trial where you may present
13 your defense. You have a right to claim the
14 protections given to you, Mr. Boles, by the
15 Fifth Amendment to the Constitution of the
16 United States, and the amendment, in part, reads
17 sir, "That no person shall be compelled in any
18 criminal case to be a witness against
19 themselves." This means that you cannot be
20 required to testify in this case. You have the
21 right to testify on your own behalf, however, no
22 one can make you testify. Do you understand
23 that, Mr. Boles?

24 A Yes.

25 Q Mr. Boles, this is a personal right, and

1 one that no one can waive, except you. If you
2 decide to testify, you will be subject to the
3 same rules that govern other witnesses, and you
4 may be examined and cross-examined on any
5 relevant issue in the case, Mr. Boles. In
6 addition, if you have any convictions involving
7 dishonesty, or false statements, or for crimes
8 punishable by imprisonment for more than one
9 year, and the Court determines that the
10 probative value of admitting this evidence
11 outweighs it's prejudicial effect to you, Mr.
12 Boles, the Solicitor would be able to introduce
13 your record to attack your credibility. Now,
14 Mr. Boles, if you decide to testify, this
15 decision on your part, sir, must be freely,
16 voluntarily, and intelligently made, with the
17 knowledge of the protections given to you by the
18 Fifth Amendment, and the consequences of your
19 decision to testify.

20 Now, Mr. Boles, if you decide not to
21 testify, I want you to know this, I will
22 instruct the jurors that they cannot give the
23 fact that you did not testify any consideration
24 whatsoever, and that there is to be absolutely
25 no prejudice to you, because you did not

1 testify. It's left entirely up to you whether
2 or not you testify. You may talk with you
3 attorney, your family, friends, anyone else, but
4 the final decision will be left entirely up to
5 you, Mr. Boles. Mr. Boles, do you understand
6 what I've explained to you, sir?

7 A Yes.

8 Q All right, Mr. Boles, do you have any
9 questions about what I've explained to you, sir?

10 A No.

11 Q Mr. Boles, have you discussed with your
12 lawyer, whether you should or should not,
13 testify, sir? Have you talked with your lawyer
14 about that?

15 A Yes.

16 Q All right, and, Mr. Boles, do you need
17 any additional time to talk with your lawyer
18 about that issue at this point?

19 A No.

20 Q All right. Mr. Boles, do you wish to
21 testify?

22 A No.

23 Q All right, thank you, Mr. Boles.

24 THE COURT: All right, Mr. Johnson, I
25 would like to go through the same colloquy with

1 your client.

2 BY THE COURT:

3 Q And so I would ask, thank you for
4 standing, Mr. Collins. Mr. Collins, can you
5 raise your right hand for me? Mr. Collins, do
6 you swear to tell the truth, the whole truth,
7 and nothing but the truth, so help you God?

8 A Yes.

9 Q Thank you, Mr. Collins, you can have a
10 seat. All right, can you state your full name
11 for me, sir?

12 A Tyrase Collins.

13 Q All right, Mr. Collins, at this time, I'm
14 going to explain to you your rights. If you
15 don't understand anything I say, please let me
16 know. If you want me to explain anything in
17 more detail, please let me know. Do you
18 understand me, Mr. Collins?

19 A Yes.

20 Q All right. Now, Mr. Collins, we've now
21 reached the stage of the trial where you may
22 present your case. You have a right to claim
23 the protections given to you by the Fifth
24 Amendment to the Constitution of the United
25 States, and the amendment again, reads in part,

1 "No person shall be compelled in any criminal
2 case to be a witness against themselves." This
3 means, Mr. Collins, that you cannot be required
4 to testify in this case. Mr. Collins, you have
5 the right to testify on your own behalf,
6 however, no one can make you testify, Mr.
7 Collins. This is a personal right, sir, and one
8 no one can waive except for you, okay. If you
9 decide to testify, you'll be subject to the same
10 rules that govern other witnesses, and you may
11 be examined and cross-examined on any relevant
12 issue in the case.

13 Mr. Collins, in addition, if you have any
14 convictions involving dishonesty, or false
15 statement, or for crimes punishable by
16 imprisonment for more than one year, and this
17 Court determines that the probative value of
18 admitting this evidence outweighs its
19 prejudicial effect to you, sir, the Solicitor
20 may be able to introduce your record to attack
21 your credibility.

22 Now, Mr. Collins, if you decide to testify,
23 this decision on your part, sir, must be freely,
24 voluntarily, and intelligently made with the
25 knowledge and the protections given to you by

1 the Fifth amendment, and the consequences of
2 your decision to testify.

3 Mr. Collins, if you decide not to testify,
4 again, I want to make sure you understand, I
5 will instruct the jurors that they cannot give
6 the fact that you did not testify any
7 consideration whatsoever, and that there is to
8 be absolutely no prejudice to you, because you
9 did not testify.

10 Mr. Colins, it is left entirely up to you,
11 whether or not you testify. You may talk with
12 your attorney, family, friends, anyone else, but
13 the final decision is yours, sir.

14 Mr. Collins, do you understand what I've
15 explained to you, sir?

16 A Yes.

17 Q All right. Mr. Collins, do you have any
18 questions about what I've explained to you?

19 A No.

20 Q Mr. Collins, have you been able to
21 discuss with your lawyer, whether you should, or
22 should not testify?

23 A Yes.

24 Q All right. Do you need any additional
25 time with your lawyer, Mr. Collins?

1 A No.

2 Q All right. Mr. Collins, do you wish to
3 testify?

4 A No.

5 Q All right, thank you very much.

6 THE COURT: All right, at this point, what
7 I'd like to do, is to let's go through some of
8 these jury charges, and did you give him a copy
9 of the -- I went through and made some
10 corrections, and so I know that each of you have
11 proposed some additions, and we'll get into that
12 in just a moment, but what I'd like to do is to
13 go through these charges, and let's make sure
14 we've got a handle on those.

15 I mean, I know you'all had an opportunity
16 to review them, but what I wanted to do is, if
17 you look to the jury charge, I've got a jury
18 charge, and on page 1, 2 and 3, of the jury
19 charge I have some general introductory
20 language, and what I did do is change on the
21 newest, is that, it says, "When I refer to Mr.
22 Tyrase Collins, or Defendants, I refer to Mr.
23 Tyrase Collins, and Mr. Lorenzo Boles. It's
24 furthermore important to understand that the
25 State of South Carolina charges Mr. Tyrase

1 Collins with the offenses known as possession of
2 a weapon during a violent crime, armed robbery,
3 the murder of Frank Johnson Jr., the murder of
4 Gazzi A. Duckett, and the murder of Lamekia M.
5 Warren. Then with Mr. Boles, I put down with
6 the offenses known as accessory before the fact
7 of a felony, the armed robbery of, now hold on,
8 is Mr. Boles charged with armed robbery?

9 MR. EVANS: He's charged with accessory
10 before the fact --

11 THE COURT: Okay.

12 MR. EVANS: -- of the armed robbery--

13 THE COURT: All right.

14 MR. EVANS: -- of Frank Johnson.

15 THE COURT: All right. It was accessory
16 before the fact of a felony. Okay, okay, I'm
17 sorry, I read it wrong. He's known to be
18 charged with accessory before the fact of a
19 felony to wit the armed robbery of Frank Johnson
20 Jr., accessory before the fact of a felony to
21 wit the murder of Frank Johnson Jr., accessory
22 before the fact to a felony to wit the murder of
23 Ghazi Duckett, and accessory before the fact to
24 a felony to with the murder of Lamekia Warren.

25 Let me ask you, is there any objection? I

1 believe that's outlining by name, each of the
2 charges that each of the Defendants have against
3 them. Any objection to my charge, introductory
4 language, found on page 1, 2, and 3, Mr. Gibbes?

5 MR. GIBBES: No, Your Honor.

6 MR. JOHNSON: No, Your Honor.

7 THE COURT: Okay, great. All right,
8 gentlemen, you'll see on page, you should have
9 on page 4, I've got charges, and, again, I don't
10 read the headers, okay, charge, arrest, and
11 indictment, not evidence. Any objection from
12 the State concerning page 4, charge, arrest, and
13 indictment, not evidence?

14 MR. EVANS: No, sir.

15 THE COURT: Any objection, Mr. Gibbes?

16 MR. GIBBES: No, sir.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: All right. All right,
20 gentlemen, this was changed, if you've got a
21 copy of what we had last night, I actually had
22 my clerk go back and put in multiple charges.
23 On page 5 and 6, what you'll see is, I've got
24 basically listing the charges for Mr. Collins,
25 possession of a weapon during a violent crime,

1 armed robbery of Frank Johnson Jr., the murder
2 of Frank Johnson Jr., the murder of Ghazi
3 Duckett, murder of Lamekia Warren.

4 And then for Mr. Boles, accessory before
5 the fact of a felony to with armed robbery of
6 Frank Johnson Jr., again, the murder of Frank
7 Johnson Jr., accessory before the fact of felony
8 to wit the murder of Ghazi Duckett, and then
9 number 4, accessory before the fact of a felony
10 to wit the murder of Lamekia Warren. And then,
11 of course, I have the language as each
12 indictment charged a separate distinct offense,
13 which you must determine independent of each
14 other. Is there any objection to 5 and 6, from
15 the State?

16 MR. EVANS: Not from the State.

17 THE COURT: Mr. Gibbes?

18 MR. GIBBES: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: No, Your Honor.

21 THE COURT: All right, thank you gentlemen.
22 All right, on page 7, 8, I've got language
23 concerning duties of the Judge. That hasn't
24 changed at all, as it relates to what you may
25 have looked at last night. Let me ask you, is

1 there any objection from the State, as it
2 relates to my charge concerning the duties of a
3 Judge, found on page 7 and 8?

4 MR. EVANS: Not from the State, Your Honor.

5 THE COURT: Mr. Gibbes?

6 MR. GIBBES: No, Your Honor.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: No, Your Honor.

9 THE COURT: All right, gentlemen, on page 9
10 and 10, I've got a charge on credibility of the
11 witnesses. Does the State have any objections
12 to the credibility of a witnesses charge?

13 MR. EVANS: No, sir.

14 THE COURT: Mr. Gibbes?

15 MR. GIBBES: No, sir.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: All right, on page 11 and 12,
19 gentlemen, I also have a charge concerning
20 expert witnesses. Any objection from the State
21 concerning my expert witness charge?

22 MR. EVANS: No, sir.

23 THE COURT: Mr. Gibbes?

24 MR. GIBBES: No, Your Honor.

25 THE COURT: Mr. Johnson?

1 MR. JOHNSON: No, Your Honor.

2 THE COURT: All right, this is a little bit
3 -- my clerk isn't sure sometimes, and I'm glad
4 he does this, and so it's kind of highlighted on
5 here, but on page 13 --

6 THE CLERK: Their copies aren't
7 highlighted.

8 THE COURT: Oh your copies aren't
9 highlighted, okay. On page 13, you should have
10 a charge of prior record of a witness. I
11 believe there was a witness that a prior record
12 was explained, so I think that that would be
13 appropriate. Any objection from the State for
14 the brief charge concerning prior record of a
15 witness?

16 MR. EVANS: No, sir, Your Honor.

17 THE COURT: Mr. Gibbes?

18 MR. GIBBES: No, Your Honor.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: No, Your Honor.

21 THE COURT: All right, on page 14 and 15,
22 there is a presumption of innocence charge that
23 I have. Let me ask you Solicitor, do you have
24 any concern, or any objection, to my presumption
25 of innocence charge?

1 MR. EVANS: No, sir.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No, Your Honor.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: No, Your Honor.

6 THE COURT: All right, on page 16 and 17, I
7 have a reasonable doubt charge. Gentlemen, are
8 there any objections to my reasonable doubt
9 charge, from the State?

10 MR. EVANS: No, sir.

11 THE COURT: Mr. Gibbes?

12 MR. GIBBES: Yes, Your Honor, I do.

13 THE COURT: Yes, sir?

14 MR. GIBBES: You know, the standard,
15 obviously, beyond a reasonable doubt, and so I
16 would just object to that.

17 THE COURT: To what, I'm sorry?

18 MR. GIBBES: Your Honor, specifically it
19 says down here, "However if based on your
20 consideration of the evidence you are firmly
21 convinced that the Defendants are guilty of the
22 crimes charged, you must find them guilty." So
23 I would just object to it, Your Honor.

24 THE COURT: You object to that language?

25 MR. GIBBES: With the language, proposed

1 language, being beyond a reasonable doubt.

2 THE COURT: Okay, I'm sorry. Your concern
3 is the sentence that says, "However if based on
4 your consideration of the evidence, you're
5 firmly convinced that the Defendants are guilty
6 of crimes charged, you must find them guilty."
7 Is that what your objection is?

8 MR. GIBBES: Yes, Your Honor, in addition
9 to the fact that standard of beyond a reasonable
10 doubt, and so this mentions reasonable doubt, as
11 opposed to beyond a reasonable doubt. Thank
12 you, Your Honor.

13 THE COURT: Well, I say, "Proof beyond a
14 reasonable doubt is proof that leaves you firmly
15 convinced of the Defendant's guilt.", and so
16 I'll not your objection on that. I'm not
17 inclined to change this charge. Mr. Johnson?

18 MR. JOHNSON: Your Honor, I have no
19 objection.

20 THE COURT: All right. I'll note your
21 objection, Mr. Gibbs, for the record, okay.

22 MR. GIBBES: Thank you, Your Honor.

23 THE COURT: Sure, and when I go back, and
24 if I ask, "All right, are we ready?", or "Any
25 objections?", you'll always have that reserved.

1 I consider that always reserved once you make
2 it, okay. All right, direct and circumstantial
3 evidence. I've got a direct and circumstantial
4 evidence, my charge, I believe is below the
5 charge, where I put, "However the State relies
6 on circumstantial evidence, all of the
7 circumstances must be consistent with each
8 other, and when taken together, point
9 conclusively to the guilt of the accused beyond
10 a reasonable doubt." Any objection to my direct
11 and circumstantial evidence charge from the
12 State?

13 MR. EVANS: Not from the State.

14 THE COURT: Mr. Gibbes?

15 MR. GIBBES: No, sir.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: All right. I've got on page 20
19 and 21, my intent charge. Any objection to my
20 intent charge from the State?

21 MR. EVANS: No, sir.

22 THE COURT: From the defense, Mr. Gibbes?

23 MR. GIBBES: No, Your Honor.

24 THE COURT: Mr. Johnson?

25 MR. JOHNSON: I have none, Your Honor.

1 THE COURT: Thank you. All right, I have
2 included a mere presence charge. This is a mere
3 presence charge that I have used, and it comes
4 from, dating back to some of the earlier present
5 language in State v. Green. Any objection from
6 the State, concerning the mere presence charge?

7 MR. EVANS: No, Your Honor, but when it
8 comes to my requested charge, I think the
9 inclusion of this is related to that, but I
10 understand we're going to take those up later.

11 THE COURT: Yes, sir. We will, but as it
12 relates to --

13 MR. EVANS: Not as it relates to --

14 THE COURT: --the wording of this charge?

15 MR. EVANS: No, sir. No, sir.

16 THE COURT: Any objection as to the wording
17 of this charge, the mere presence charge, which
18 Mr. Johnson had mentioned, and at this point, I
19 will say that I am inclined to include? Any
20 objection, Mr. Gibbes?

21 MR. GIBBES: No, Your Honor.

22 THE COURT: All right, any objection, Mr.
23 Johnson?

24 MR. JOHNSON: I have none.

25 THE COURT: All right, failure of the

1 Defendant to testify in the Court. I do not say
2 they, or defendants to testify, because that
3 kind of puts everything in a negative light, but
4 I've got -- I instruct for it not to be a
5 factor, not to be considered, not to be
6 mentioned in the jury room, on page 23. Any
7 objection from the State, concerning my failure
8 of defendant to testify charge?

9 MR. EVANS: No, sir.

10 THE COURT: Mr. Gibbes?

11 MR. GIBBES: No, sir.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: No, sir.

14 THE COURT: All right. All right, on page
15 24 and 25, I've got my murder charge. Any
16 objection from the State concerning my murder
17 charge, on 24 and 25?

18 MR. EVANS: No, sir.

19 THE COURT: Mr. Gibbes?

20 MR. GIBBES: No, Your Honor.

21 THE COURT: Mr. Johnson?

22 MR. JOHNSON: No, Your Honor.

23 THE COURT: All right, on page 26 I've got
24 the charge concerning possession of a weapon
25 during a violent crime. Anything from the State

1 concerning that?

2 MR. EVANS: Judge, I would just note that
3 armed robbery is also a violent crime.

4 THE COURT: Yes, sir. All right let me ask
5 you, Mr. Gibbes?

6 MR. GIBBES: No objection, Your Honor.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: Your Honor, were you adding
9 something to it, or this is how it's gonna be?

10 THE COURT: Well, what is it that you want?

11 MR. JOHNSON: Well, no, I thought the State
12 mentioned something about --

13 THE COURT: Oh, yes, sir. I'm sorry. Yes,
14 sir. I understand exactly what you're, sir,
15 what the Solicitor pointed out to me is if you
16 go down toward the bottom, it says murder is a
17 violent crime.

18 MR. JOHNSON: Correct.

19 THE COURT: Okay, he also informed me that
20 armed robbery is a violent crime.

21 MR. JOHNSON: Correct.

22 THE COURT: And so I think that the charge
23 would be correct then, if I say murder and/or
24 armed robbery are considered violent crimes.

25 MR. JOHNSON: Okay.

1 MR. EVANS: The and/or worries me a bit,
2 Judge.

3 THE COURT: I can word it --

4 MR. EVANS: Murder and/or armed robbery.

5 THE COURT: -- or, I'll put murder--

6 MR. EVANS: I would submit murder and armed
7 robbery are both violent crimes.

8 THE COURT: Mr. Johnson?

9 MR. JOHNSON: I have no objection.

10 THE COURT: All right. I'll put murder and
11 armed robbery are violent crimes.

12 MR. EVANS: Very good. Thank you, Judge.

13 THE COURT: I think that'd be correct. All
14 right, I have on page 27, I've got an armed
15 robbery charge, and actually what I'm gonna do
16 is, I'm gonna put the armed robbery charge after
17 the murder charge, but before the possession of
18 a weapon charge, because I'm giving them the
19 charge of armed robbery.

20 I don't want to give them the charge of
21 armed robbery after I give them the charge of
22 possession of a weapon, when I'm telling them
23 that armed robbery is a violent crime, and I
24 haven't given the elements of armed robbery yet.

25 MR. JOHNSON: Okay.

1 THE COURT: Mr. Johnson, is that okay? You
2 see what I'm saying? I give them murder, then I
3 give the possession of a weapon.

4 MR. JOHNSON: Right.

5 THE COURT: And then I give them armed
6 robbery. It seems that the appropriate order
7 ought to be perhaps, the murder, the armed
8 robbery, and then the possession of a weapon.

9 MR. JOHNSON: Okay.

10 THE COURT: Because I'm giving them the
11 definition. I'm telling them that both of those
12 are violent charges. Is that okay?

13 MR. JOHNSON: Yes.

14 THE COURT: So that will change, but as it
15 relates to the armed robbery charge, any
16 objection from the State, for 27 and 28?

17 MR. EVANS: Not an objection, Judge, but I
18 think for Mr. Boles' benefit, on the murder
19 charge, you have the Defendant, Tyrase Collins
20 is charged, etcetera, I think that would be
21 appropriate with the armed robbery as well,
22 since Mr. Boles is not - he's charged with
23 accessory, not with actual armed robbery.

24 In fact, they have no actual charges that
25 are identical. So I think with each charge, it

1 would be appropriate to include the names.

2 THE COURT: All right. Gentlemen, would
3 you agree with that? I would think that would
4 make it more specific as to each Defendant.

5 MR. GIBBES: I have no objection to that,
6 your Honor.

7 MR. JOHNSON: I'm not quite sure I've got
8 you.

9 THE COURT: Sure. Like for instance, when
10 I'm giving the charge, it says the Defendant is
11 charged, and perhaps, I think he's saying I
12 should say, the Defendant, Tyrase Collins, is
13 charged with armed robbery.

14 MR. JOHNSON: Okay.

15 THE COURT: In other words, we're just
16 delineating who's charged with what.

17 MR. JOHNSON: Okay.

18 THE COURT: Because really, there's no
19 overlapping charges, and so we don't want the
20 jury to get confused, as it relates to that.

21 MR. EVANS: And you have it earlier in the
22 charge, Judge, where you lay them out --

23 THE COURT: Yes.

24 MR. EVANS: -- in the beginning, but I just
25 think, you know, out of an abundance of caution,

1 it would be appropriate for them to be repeated.

2 THE COURT: All right, will that be
3 satisfactory, gentlemen?

4 MR. GIBBES: Yes, for me, Your Honor.

5 MR. JOHNSON: Yes, Your Honor.

6 THE COURT: All right. Now, I've got on
7 page 29, I've got the accessory before the fact
8 to a felony to with murder, and I've got Mr.
9 Boles, the charge there. Any objection to page
10 29, 30?

11 MR. EVANS: No, sir, not from the State.

12 THE COURT: Anything, Mr. Boles? Mr.
13 Gibbes?

14 MR. GIBBES: Yes, Your Honor.

15 THE COURT: Yeah, go ahead.

16 MR. GIBBES: The objection would be that it
17 includes 2 elements, and for accessory before
18 the fact, there's 3 elements, Your Honor.

19 THE COURT: All right. So do you have the
20 charge for me on that?

21 MR. GIBBES: Yes, sir. Your Honor, I
22 submitted it to you.

23 THE COURT: What about this third element,
24 Solicitor?

25 MR. EVANS: Let me pull his email, Judge.

1 I didn't get to yesterday. I apologize.

2 THE COURT: Solicitor?

3 MR. EVANS: Yes, sir. I agree.

4 THE COURT: It looks like that might be a
5 fair statement of the law.

6 MR. EVANS: Yes, sir, and I'm looking at
7 the case that he cited. I agree with the
8 general proposition of the third element. I
9 would just note in the State v. Smith opinion,
10 our Supreme Court said, the State need only
11 prove, in italics, their emphasis, it says,
12 "Some principal committed the crime, he has to
13 be accessory."

14 I think it's important, Judge, and, again,
15 this sort of jumps ahead to my request, the
16 charge, that it be emphasized that they do not
17 need to converse, that your verdict form is
18 going to, I assume for Mr. Collins, indicate
19 that they can't find him guilty of PWDVC without
20 first, finding him guilty of one of the violent
21 crimes, which would be entirely appropriate.

22 THE COURT: Well, in fact, the one that I,
23 one of the things that I pointed out to my
24 clerk, is that we need to tell them that if they
25 find him not guilty of all of the charges, then

1 they have to find him not guilty of that charge.

2 MR. EVANS: That is correct, they can't
3 even proceed to the question, and I'm going
4 to --

5 THE COURT: Okay.

6 MR. EVANS: --completely agree with the
7 Court on that. I'm only using that by way of
8 example.

9 THE COURT: Go ahead.

10 MR. EVANS: Because it would not be an
11 accurate statement of the law to say that the
12 jury must first, convict Mr. Collins, in order
13 to proceed onto Mr. Boles, and you indicate that
14 in other parts of the charge, but when it comes
15 down to the actual elements of accessory before
16 the fact, yes, Mr. Gibbes is correct.

17 We need to prove that a principal committed
18 the crime. I think they've conceded that from
19 the beginning, in our opening statement, these
20 people were murdered. So I have no quarrel with
21 that being a part of the elements. I just want
22 to make sure that it's clear that we don't have
23 to specifically prove Tyrase Collins, himself,
24 and no others, you know, as a matter of law,
25 before they move onto consider that element, as

1 it pertains to Mr. Boles.

2 Am I making my argument clear?

3 THE COURT: Yes, sir.

4 MR. GIBBES: Your Honor, and -- yeah, so
5 again, I mean no one's, we're not saying that
6 you have to prove that Collins was the actual
7 principal that committed the crime. We're
8 simply saying that one, that's the third
9 element, and that is truly one of the most
10 essential elements to accessory before the fact,
11 because if there is no principal that committed
12 a crime, that he encouraged, that he motivated,
13 that he assisted to commit the crime --

14 THE COURT: So let me ask you this,
15 Solicitor, have you seen his proposed charge?

16 MR. EVANS: Yes, sir, and I will clearly
17 agree that it doesn't include Mr. Collins' name.
18 I suppose perhaps, if we substituted the word
19 "the", before principal, in the second
20 paragraph --

21 THE COURT: Are you, okay, hold on. So let
22 me ask you this, Solicitor. So the first
23 paragraph, you don't have a problem with that,
24 or? I mean, I think the first paragraph
25 probably is an accurate statement of the law.

1 MR. EVANS: Yes, sir, and that appears to
2 be a more or less direct quote. He obviously
3 doesn't include their emphasis with the word
4 "some", but it does include the word "some",
5 just not --

6 THE COURT: All right. So what's your
7 problem with the second one, sir?

8 MR. EVANS: I'm not saying I have a
9 problem, Judge. I'm just suggesting that
10 perhaps it would be appropriate to substitute
11 where he has the words, "the principal", at the
12 end of that paragraph, with just "some" again,
13 "some principles".

14 THE COURT: All right. What about that?

15 MR. GIBBES: Well, Your Honor, I just
16 wanted to clear up, I think the Solicitor is
17 indicating that simply by proving that a murder
18 took place, that it somehow, that satisfies the
19 third element, and that is not accurate, and --

20 THE COURT: Well, he's got to show that
21 there's been some type of collusion, some type
22 of assistance.

23 MR. EVANS: That relates to his earlier,
24 his other, he's talking about an element saying,
25 the fact that the crime is completed by some

1 principal.

2 THE COURT: All right, what about --

3 MR. EVANS: We know that.

4 THE COURT: -- let me -- the only thing he
5 wants to change in the second paragraph is by
6 "the principle", put, "some principle".

7 MR. GIBBES: Your Honor, we would, you
8 know, object to that.

9 THE COURT: Okay.

10 MR. GIBBES: Because I think it suggests
11 that, just there being a killing, that, you
12 know, that's going to satisfy that element, and
13 I think it's going to be confusing to the jury,
14 because, again, we're talking about accessory
15 before the fact.

16 He had to have counseled, encouraged, or
17 had someone kill these individuals on his
18 behalf, and that has to be a principal, and you
19 can't simply just point at dead bodies, without
20 pointing at the specific principal. So I think,
21 just to put --

22 THE COURT: Hold on.

23 MR. GIBBES: -- just to put a principal,
24 without saying the principal, you have to say
25 who is "the", and that goes to my point, Your

1 Honor, that is the most essential part of the
2 accessory before the fact. Who is the
3 principal? Who is the individual that killed
4 these individuals on his behalf? Who is the
5 individual --

6 THE COURT: All right.

7 MR. GIBBES: -- that he assisted.

8 MR. EVANS: Your Honor, may I?

9 THE COURT: Yeah. I've got your argument
10 on that.

11 MR. EVANS: I'm very sorry to interrupt,
12 but that is a complete mischaracterization of
13 accessory law. He can be tried. He could've
14 been tried on his own. There has never been a
15 requirement that a principal must be convicted
16 in a separate trial before a trial for an
17 accessory, or even in the same trial.

18 MR. GIBBES: And that's not what we're
19 saying.

20 MR. EVANS: Yes, you are, Mr. Gibbs.

21 THE COURT: Hold on. Argue with the Court,
22 not each other.

23 MR. GIBBES: Your Honor, we are not saying
24 that a principal has to be sentenced before, or
25 after. We're saying you cannot simply charge

1 someone with accessory before the fact --

2 THE COURT: All right.

3 MR. GIBBES: -- and not have a principal to
4 point to, and say, this is the individual.

5 THE COURT: All right. What about the
6 third paragraph? Solicitor?

7 MR. EVANS: I have no issue with the --

8 THE COURT: Other than the "the", I would
9 assume you'd have to say, say an objection that
10 you'd want.

11 MR. EVANS: I would substitute "a", or
12 "some", there. I think that would be
13 appropriate.

14 MR. GIBBES: And, Your Honor, for the
15 Court's reference, I would reference State v.
16 Massey, a Supreme Court case, 1976, where they
17 specifically address this point about, there has
18 to be a principal that a specific individual.
19 You can't just say, "Well, somebody committed
20 these murders.", and that somehow satisfy that
21 third element.

22 THE COURT: Okay. Well, what I'm gonna do
23 is, I'm gonna use his charge, but I'm gonna put
24 "the" to "a".

25 MR. EVANS: Very good, sir.

1 THE COURT: A principal, okay?

2 MR. GIBBES: Thank you, Your Honor.

3 THE COURT: That's what then, and I'll
4 note, and I'm assuming you want to object, and
5 I'll note that for the record; is that okay?

6 MR. GIBBES: Thank you, Your Honor.

7 THE COURT: Yes, sir. All right, so we'll
8 do that, and that is the accessory before the
9 fact of murder. And then I still think I may
10 include what aid, and what abet means. Do we
11 use that? We were just talking about aid and
12 abet, right?

13 MR. EVANS: I have no issue.

14 THE COURT: Mr. -- and you've got no dog in
15 this one?

16 MR. JOHNSON: I have no dog in that one.

17 THE COURT: All right, so let me ask you,
18 thank you, Mr. Johnson. Mr. Gibbes, I think
19 I'm gonna still include that aid means to help,
20 promote. I think I'm still gonna include the
21 definitions of aid. Does it, Mr. Gibbes, define
22 in the definition, in the charge that Mr. Gibbes
23 gives us, does he use aid or abet? I'm assuming
24 he does.

25 MR. GIBBES: I'm sorry, Your Honor? Well,

1 in the jury charge that he provided, Your Honor,
2 included in there that to be found guilty of
3 accessory before the fact, the State must also
4 prove, beyond a reasonable doubt, that the
5 Defendant, Boles, knew a crime was going to be
6 committed by the principal.

7 THE COURT: Well we -- the third paragraph?

8 MR. GIBBES: Correct, Your Honor.

9 THE COURT: Yeah, I'm using the third
10 paragraph, except that in both places, in the
11 second paragraph, and the third paragraph,
12 instead of "the principal", I'm putting "a
13 principal". You with me?

14 MR. GIBBES: Okay.

15 THE COURT: All right. Now, and you
16 objected to that?

17 MR. GIBBES: Correct, correct, I
18 understand.

19 THE COURT: And I understand that. My next
20 comment is this, you define, sir, you define,
21 you mention aid and abet in your charge, but
22 your charge does not give a definition of aid,
23 or abet.

24 MR. GIBBES: Correct.

25 THE COURT: And so what I'm gonna do is, in

1 my charge, I'm gonna include the language of aid
2 and abet. In other words, I'm gonna include,
3 aid means to help promote the course of,
4 accomplish of, to give support, or to give
5 assistance to.

6 MR. GIBBES: Your Honor, can we --

7 THE COURT: He doesn't use abet?

8 MR. GIBBES: -- include the principal?

9 THE COURT: No, I'm not including the
10 principal, anywhere today.

11 MR. GIBBES: Okay.

12 THE COURT: What I'm gonna -- and the other
13 thing is, yours doesn't say abet. The accessory
14 before the fact requires someone either, advise,
15 plead, urge, aid in. We can put aided or
16 abetted. I'm gonna include abetted, sir.

17 MR. GIBBES: I'm okay with that, Your
18 Honor.

19 THE COURT: So go ahead, back in Mr.
20 Gibbes' portion, and put, "aided, or abetted",
21 okay? And, in fact, in Mr. Gibbes' first
22 paragraph, it says, "some principal".

23 MR. EVANS: Yes, sir, and may I argue just
24 a little bit, concerning, not concerning, I want
25 to make clear that the Court understands, and

1 Mr. Gibbes understands, as an accessory, I'm
2 quoting here, or paraphrasing, "an accessory can
3 be convicted, even if the principal is unknown,
4 if there is evidence that there was some
5 principal, who committed the primary offense,"
6 that State v. Prince 316SC53

7 THE COURT: All right.

8 MR. EVANS: From 1993.

9 THE COURT: I'm with that.

10 MR. EVANS: I want to make sure he doesn't
11 argue that they have to convict, that they have
12 to find that Mr. Collins committed the murder.

13 MR. GIBBES: Excuse me, Your Honor, I think
14 I keep saying that. I'm not --

15 THE COURT: He's not going to argue that.

16 MR. GIBBES: Yeah.

17 THE COURT: That would be an improper
18 argument.

19 MR. EVANS: Thank you, Your Honor.

20 MR. GIBBES: We're saying that for
21 accessory before the fact, who is the principal
22 of the individual that he aided?

23 MR. EVANS: I do not --

24 THE COURT: Okay. We're not going back and
25 forth. I'm not concerned about anything, except

1 this charge right now.

2 MR. EVANS: Yes, sir.

3 THE COURT: And, Mr. Gibbes, you even say
4 "some", in your first paragraph, and then you
5 want "the" in the second and third. In the
6 first paragraph, what you gave me, sir, you say,
7 "some principal". Doesn't it say "some
8 principal"?

9 MR. GIBBES: Some other person.

10 THE COURT: Some other person.

11 MR. GIBBES: Right, Your Honor, and if you
12 look at -- then, again, when you say paragraphs,
13 I want to make sure we're looking at the same
14 portion.

15 THE COURT: Mr. Gibbes, that's why you
16 print things. I'm gonna be honest, that's why
17 we print things out, because I don't like to
18 look at things on a computer. If you go, where
19 it says, "Accessory regarding showing, 1)
20 advised or in some way some other persons commit
21 the offense". Okay, and so my point is, if
22 you're using "some" in the first paragraph, why
23 don't you say, "some principle", in the second
24 paragraph, and "some principle", in the third
25 paragraph. What's the difference?

1 MR. GIBBES: Your Honor, when you say
2 paragraph, you mean sentence?

3 THE COURT: Come on around here.

4 MR. GIBBES: Because the paragraph says --

5 THE COURT: That's why we printed things
6 out. Here's your first paragraph, that's the
7 second paragraph, that's the third paragraph.

8 MR. GIBBES: Uh-huh.

9 THE COURT: All right. Right here, "some
10 other person". That's the principle, right?
11 The other person.

12 MR. GIBBES: Yes, Your Honor.

13 THE COURT: Some. Hold on, in here, you
14 don't want to use "some". Why can't you just
15 put "some principle" here, and "some principle"
16 there. Why are you using "some" here, but want
17 "the" in the second and third paragraph? You
18 follow me? That's what I'm asking.

19 MR. GIBBES: And Your Honor, you
20 respectfully, pointed at the first sentence,
21 paragraph, in the third sentence. I'm saying
22 with the third paragraph that you were just
23 pointing at.

24 THE COURT: Yes.

25 MR. GIBBES: All right, the third

1 paragraph, I am perfectly fine with the "some",
2 so long as it includes everything that we
3 mentioned, which includes that third paragraph,
4 not just the third sentence. You understand
5 what I'm --

6 THE COURT: Well, they may be one sentence
7 paragraphs. In other words, there's space, and
8 so I don't --

9 MR. GIBBES: At the bottom, at the bottom,
10 Your Honor, it says, "it is not enough for the
11 State to prove that Defendant Boles unwittingly
12 assisted the principle in a commission of a
13 crime, instead, the State must prove the
14 Defendant Boles acted with criminal intent".
15 That's the third paragraph.

16 THE COURT: Right, and so my question is,
17 why can't it say "some principle"?

18 MR. GIBBES: And I'm saying, Your Honor,
19 I'm perfectly fine with that, so long as we are
20 including the third paragraph.

21 THE COURT: Sir, the third paragraph is,
22 yes.

23 MR. GIBBES: Thank you, Your Honor.

24 THE COURT: Well, the third paragraph
25 reads, "It is not enough for the State to prove

1 that the Defendant Boles unwittingly assisted
2 the principle in the commission of a crime,
3 instead, the State must prove the Defendant
4 Boles acted with criminal intent". Do you read
5 that as the third paragraph, sir?

6 MR. GIBBES: Yes, Your Honor.

7 THE COURT: Okay. So my point is, one of
8 the things that you were objected to is, the
9 Solicitor wanted to say, the third paragraph,
10 take out "the principle". In other words, we
11 would read the third paragraph, and put "some
12 principle"; is that correct, Solicitor?

13 MR. EVANS: Yes, sir.

14 THE COURT: And so my question is, you
15 objected to that, correct?

16 MR. GIBBES: Your Honor, they were taking
17 it, out of arguing, you know, back and forth.
18 Your Honor, as long as with that third paragraph
19 is included, I am okay with it being "some".

20 THE COURT: Okay.

21 MR. GIBBES: Thank you, Your Honor.

22 THE COURT: All right, sure.

23 MR. EVANS: Thank you, Your Honor.

24 THE COURT: No problem. All right, so
25 we're gonna put "some". I'm going to put "some"

1 in the second, and I'm gonna read everything.
2 I'm just taking "the", and putting "some", okay,
3 and I'm adding abet, and I'm adding the
4 definitions to it. All right, I'll print out a
5 copy. All right, what about multiple defendants
6 charge? I've got a multiple defendants charge,
7 all right. Any objection to my multiple
8 defendants charge, from the State?

9 MR. EVANS: No, sir.

10 THE COURT: Mr. Gibbes?

11 MR. GIBBES: No, sir.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: I have no arguments, Judge.

14 THE COURT: All right, and what about the
15 conclusory language I've got on page, I think,
16 like, 34, 35, 36? Any objection to that, from
17 the State?

18 MR. EVANS: No, sir.

19 THE COURT: Mr. Gibbes, anything about the
20 language at the end, sir?

21 MR. GIBBES: No, sir.

22 THE COURT: All right, Mr. Johnson?

23 MR. JOHNSON: I have no argument, Your
24 Honor.

25 THE COURT: All right. All right, so what

1 I want to do is, I think, okay, what is it you
2 want added?

3 MR. EVANS: Yes, sir.

4 THE COURT: Go ahead.

5 MR. EVANS: Mr. Johnson has asked for a
6 mere presence charge. You've indicated that
7 you're going to include that charge.

8 THE COURT: Uh-huh.

9 MR. EVANS: That is, I think it's
10 appropriate, whether he had asked for that mere
11 presence charge, or not, to include at least as
12 to Mr. Collins, and I'm happy for Your Honor to
13 craft it in such a way that this does not apply
14 to Mr. Boles, but I think the hand of one is the
15 hand of all. It is entirely appropriate for Mr.
16 Collins.

17 Mr. Johnson is asking, and the Court is
18 going to instruct the jury that if they find he
19 was merely present at the scene, while
20 essentially, others were committing the acts,
21 that that does not make him guilty of the crimes
22 with which he is charged. There is a lot of
23 evidence in this case, Judge. We have not tried
24 to hide from it. We have presented evidence in
25 this case all the way from the very first, or

1 very second, witness, Judge, that there are
2 multiple shooters involved, and only one shooter
3 is charged, and present before this Jury today.
4 It is extremely important that the Jury knows
5 that if Mr. Collins participated in a meaningful
6 way in the overall crime, that it does not
7 matter whether he fired the fatal shots, as to
8 each of the 3 victims. The hand of one is the
9 hand of all. We have a mix. I use a
10 demonstrative to make clear that Ms.
11 Eichenmiller's testimony show that there were 2
12 different guns used at the scene. Only 1 of the
13 2 guns was recovered. That gun has Mr. Collins'
14 DNA on it. I understand there's going to be
15 argument about what that DNA means, but that is
16 evidence in the case.

17 There is another gun, which also has a
18 connection to Mr. Collins, geographically,
19 because it can be shown through Ms.
20 Eichenmiller's testimony that all the remainder
21 of the shells, the casings, which were not fired
22 by Exhibit 1, were fired by the same gun. That
23 same gun fired those shells, the casings, that
24 were found at Mr. Clapp at ■ Cruz Street.

25 So what it shows, very clearly, Judge, is

1 that there are 2 guns. It's an indication, as
2 was the testimony of the second witness, Kadaja,
3 the survivor, that multiple voices were heard.
4 We also have testimony, most of the testimony
5 about cars has been concerning the Dodge
6 Charger, because that one was actually found,
7 but there was testimony about a second vehicle.
8 There's testimony and DNA evidence concerning
9 Albert Crittington.

10 There's testimony about Mr. Harris. They
11 are going to bring these names up. What's
12 important to remember, and especially for the
13 jury to hear, is that, if they find that there
14 is evidence tending, in their minds, to
15 implicate other people, it does not, by default,
16 absolve Mr. Collins.

17 We are going to emphasize in our closing
18 argument that other people, there's evidence
19 against other people, that the jury can find
20 that evidence compelling, but their job is to
21 evaluate the evidence against Mr. Collins. So
22 I, again, this is sort of the, the flipside of
23 the coin, for mere presence, Judge, I think they
24 really do go hand-in-hand. If he wants the jury
25 to understand that just because he is present,

1 doesn't mean he's a participant, then they also
2 need to understand that if he is a participant,
3 in some of the crimes, in a meaningful way, that
4 he is a participant in all of the crimes. Thank
5 you, Judge.

6 THE COURT: Mr. Johnson, sir.

7 MR. JOHNSON: Thank you, Your Honor. Your
8 Honor, the State has submitted to the jury,
9 through their full case, that it was Mr.
10 Collins. They did not put up any evidence that
11 it was someone else. As a matter of fact, when
12 I brought up evidence of someone else, the
13 officer testified that they dropped the charges,
14 and they didn't think it was prevalent. The
15 State can't come back now and argue that it
16 wasn't that person, or any other person.

17 They can't argue both ways. The State's
18 put up their own evidence of this just being Mr.
19 Collins, and we agreed that evidence was small,
20 but still, as the Court stated earlier, there
21 was some evidence put up that it was just Mr.
22 Collins.

23 The State put up no evidence, or submitted,
24 no evidence, that it was anybody else that they
25 knew about. They can't now come and say that

1 the hand of one is the hand of all. The reason
2 I'm able to get the mere presence, is,
3 basically, that's all the evidence the State has
4 against my client, some mere presence. They
5 can't prove that my client assisted anybody.
6 There's no evidence he assisted anybody, he
7 aided, or abetted, anybody, and to be allowed to
8 argue the hand of one is the hand of all, is
9 basically to say, "Well, this unknown person,
10 who we have no evidence, even exists, or that we
11 know about, that we can give to the Jury." And
12 once again, as I stated before, it causes the
13 jury to speculate, which the Jury's not allowed
14 to do.

15 THE COURT: All right, anything else?

16 MR. EVANS: Yes, Your Honor. Just as, and
17 I hate -- I realize I'm asking for this only as
18 it pertains to Mr. Collins, but just by way of
19 analogy, just as I don't have to prove who the
20 principle is, as it pertains to Mr. Boles, I
21 don't have to prove who the other shooters are
22 to prove that Mr. Collins is a shooter; but for
23 Mr. Johnson to say that we've presented no
24 evidence of other people's participation, that
25 is a mischaracterization of the evidence.

1 There is testimony as to more than one car.
2 He can't drive 2 cars at a time, and, in fact,
3 our evidence indicates he was in the backseat of
4 the car, of the Dodge Charger. He potentially
5 could fire more than one gun at a time, but the
6 fact remains, the evidence --

7 THE COURT: There's even trials, been
8 trials, concerning one person with all sorts of
9 guns.

10 MR. EVANS: I'm not sure of the trial that
11 you're referring to, Judge.

12 THE COURT: I'm just saying, that yeah,
13 somebody could have more than one gun.

14 MR. EVANS: Oh, the high-profile trial, the
15 bar, Circuit Judge?

16 MR. COURT: Somebody could have more than
17 one gun.

18 MR. EVANS: Yes, sir, they could, but it's
19 also evidence, which Mr. Johnson, I expect is
20 going to use to argue that there's somebody else
21 out there whom we don't know, through that
22 second set of shell casings testified to by Ms.
23 Eichenmiller, and we don't have that gun.

24 We can't put Mr. Collins' DNA on that gun,
25 because the gun is MIA, and, again, right from

1 the start, Judge, testimony, both the witnesses
2 who testified about seeing the Dodge Charger
3 said there was a second vehicle right behind.
4 So all along, I never indicated at any point in
5 my opening argument, or through any question to
6 any witness. I mean we have no eyewitnesses.
7 We have an ear witness, who said multiple
8 voices. Again, a second witness. Now, she
9 named a person who is no longer charged, because
10 the evidence is weak against him, but that
11 doesn't mean that there weren't more than 2, 3,
12 4, 5.

13 I mean, Judge, it's just as important that
14 they understand that if he's culpable as to some
15 of the events, the actual crimes, I'm not
16 talking about being merely present, of course,
17 but if he's culpable as to one murder, he's
18 culpable as to all 3.

19 THE COURT: All right. Okay, you'all go
20 ahead and freshen up, and use the bathroom, do
21 whatever you need. When I get back, we'll try
22 to get this finished.

23 (Recess)

24 **
25

PROCEEDINGS CONTINUED

1
2 THE COURT: All right, I'm not gonna charge
3 the hand of one, hand of all. I don't think
4 it's applicable in this case. Thank you.

5 All right, you may be seated. All right,
6 we're ready to go with closing arguments. Well,
7 let me ask you this, you gentlemen have anything
8 to put on? Mr. Gibbes?

9 MR. GIBBES: I'm sorry, Your Honor?

10 THE COURT: You have a case to put on? Are
11 you going to put forth any evidence?

12 MR. GIBBES: No, Your Honor.

13 THE COURT: So that when I would bring the
14 jury out, and you'd rest?

15 MR. GIBBES: Can you say that again?

16 THE COURT: Yes, sir. I would bring the
17 Jury out, I'd say, "All right, Mr. Gibbes?", and
18 you'd say, "The defense rests."?

19 MR. GIBBES: No, Your Honor. So we will be
20 doing a closing argument.

21 THE COURT: Oh, correct. All right, and
22 then, likewise, Mr. Johnson?

23 MR. JOHNSON: Yes.

24 THE COURT: You would rest. And,
25 typically, at that point, you gentlemen would

1 have some motions that you would want to renew,
2 correct?

3 MR. JOHNSON: Yes.

4 THE COURT: All right. Would there be any
5 objection to moving forward, straight with the
6 closing arguments, and allowing you to put your
7 motions on the record at the conclusion of the
8 arguments?

9 MR. JOHNSON: That's fine, Your Honor.

10 THE COURT: Is that okay, Solicitor?

11 MR. EVANS: Yes, sir.

12 THE COURT: All right, because what it will
13 do is, that will avoid having to take the jury
14 right back out, and then bring them right back
15 in, okay?

16 MR. JOHNSON: And, Your Honor, just for
17 clarification, this is Mr. Gibbes' first
18 criminal trial.

19 MR. GIBBES: Well, I mean --

20 MR. JOHNDSON: So --

21 THE COURT: Well, number one, Mr. Gibbes --

22 MR. GIBBES: I don't know how to answer the
23 question.

24 MR. JOHNSON: Well -

25 THE COURT: -- I would have never thought

1 that in a million years. You shouldn't have had
2 Mr. Johnson let the cat out of the bag, sir.

3 MR. GIBBES: Well, I do personal injury,
4 it's not my first trial.

5 THE COURT: Well, no, no, no.

6 MR. GIBBES: Thank you.

7 MR. JOHNSON: All right, appreciate it, and
8 so for that I would want to congratulate you.

9 MR. GIBBES: And just, Your Honor, while on
10 the topic of housekeeping matters, I just want
11 it to be clear, I know Mr. Johnson, he was going
12 to be doing his closing argument first, and --

13 THE COURT: All right, however you'all want
14 to do it. Mr. Solicitor, let me ask you one
15 other thing, sir, the hand of one, the hand of
16 all.

17 MR. EVANS: Yes, sir.

18 THE COURT: One of the things that bothered
19 me about it is this. How would you propose that
20 I present a hand of one hand of all charge,
21 because am I saying, "As it relates only to
22 Defendant, Collins, I charge you that." I mean
23 because, you know, that's the other thing, is it
24 really kind of like grabs him.

25 MR. EVANS: Mr. Boles is charged under a

1 different principle of accomplice liability, and
2 that's why I was suggesting that as a way to
3 make sure that it's clear that the hand of one
4 hand of all does not apply to him as an
5 accessory. It would only apply to the people,
6 because I have to prove that he was not at the
7 scene. It would only apply to the people who
8 are at the scene where these murders, and armed
9 robbery took place.

10 THE COURT: So how would you suggest that
11 the charge, then be read? Because that's one --
12 yeah, you'all can sit down, I'm sorry. That's
13 one of the things I got a real concern about.

14 MR. EVANS: I understand the concern,
15 Judge.

16 THE COURT: So what's your proposals?

17 MR. EVANS: Well, as I understand, you've
18 ruled against me, Judge.

19 THE COURT: Well --

20 MR. EVANS: I'm trying to craft an answer.

21 THE COURT: You know --

22 MR. EVANS: -- so --

23 THE COURT: -- that's one of the things,
24 you know, I mean I don't want to be in a rush,
25 we've got a jury waiting, and we've been working

1 hard since 9:15 this morning, and, you know

2 MR. EVANS: I suppose, Judge, perhaps, if
3 without saying his name, if we say, "persons
4 charged as the principals", or something along
5 those lines, by way of introduction. I
6 understand the Court's concern.

7 THE COURT: And my concern is that, you
8 know, I've got a hand of one, hand of all
9 charges that you gave me, and I pulled my hand
10 of one, hand of all charge, that I've got them
11 charged with, and if it's filled up with
12 principle, aid and abet in the one I have.

13 MR. EVANS: Yes, sir.

14 THE COURT: Which, you know, that's just
15 gonna get into all sorts of different confusion,
16 because all of a sudden now, we've got
17 principles, aiding, and abet, language
18 addressing Mr. Collins, when all of our
19 principle, aid, and abet, language has been
20 addressing Mr. Boles, right?

21 MR. EVANS: I understand.

22 THE COURT: But I'm trying to --

23 MR. EVANS: But we have, you know, distinct
24 sections of the charge that apply to each
25 Defendant. May I ask the Court, am I free to

1 argue that Mr. Collins is responsible for all
2 the deaths at the scene, if the jury finds that
3 he's responsible? Am I free to argue hand of
4 one, hand of all, whether or not you charge it?

5 THE COURT: Yeah, I think absolutely you
6 can argue, he killed 1, or he killed 3. I mean
7 if that's what you're asking me.

8 MR. EVANS: And that they can find if he's
9 a participant in the overall crime at [REDACTED]
10 Priscilla, that they can find him, not that they
11 must, but that they can find him guilty of all.

12 MR. GIBBES: Your Honor, no, he can't argue
13 that, that's not the law.

14 THE COURT: He can, and I will.

15 What's the law, that he can't go and argue?
16 I mean he can argue that he killed all 3, or
17 just 1.

18 MR. GIBBES: Your Honor, you just ruled
19 that --

20 THE COURT: Well, I'm reconsidering my
21 ruling. So let me hear from you. This is kind
22 of important, not to be deliberate, and
23 considerations here, because now we've got
24 arguments about how can we make our closing
25 argument.

1 I mean this has just morphed into -- I've
2 got different people wanting to make different
3 closings, and stuff, and so I'm just gonna give
4 it all the time in the world. Let me hear from
5 you.

6 MR. GIBBES: Your Honor, I'm not gonna pre-
7 argue what I'm gonna say in my closing for the
8 prosecution to hear.

9 THE COURT: Yeah, but you just said that he
10 can't argue what it is he wants to argue.

11 MR. GIBBES: Well, if he argues something
12 in closing I disagree with, the proper procedure
13 is that I object to it at that time, not that we
14 discuss it prior to closing.

15 THE COURT: Well, there's some truth to
16 that.

17 MR. GIBBES: And, therefore, I'm not gonna
18 sit here and tell the prosecution what I'm gonna
19 argue in closing.

20 THE COURT: I understand that.

21 MR. GIBBES: To the Court, it's not
22 appropriate to even argue this at this time.

23 MR. EVANS: I wouldn't dream of asking him
24 to --

25 THE COURT: Yeah, and if I --

1 MR. EVANS: It's gonna be his argument, but
2 I'm happy --

3 THE COURT: I did not mean to be asking you
4 what you were arguing, I apologize.

5 MR. EVANS: They're going to hear mine,
6 before they get into theirs.

7 THE COURT: Right, but you -- what you'll
8 argue, and he's objecting to it, and so what --

9 MR. EVANS: Yes, sir.

10 I'm inquiring that if your determination
11 that you are not going to charge it in your
12 charge to the jury, the principle, hand of one,
13 hand of all, is that a ruling that I am barred
14 from raising it in my closing arguments?

15 THE COURT: I would not, and I will not.

16 MR. EVANS: And I understand completely.

17 THE COURT: You could object. You could
18 object at the appropriate time before.

19 MR. EVANS: Yes, and I certainly agree with
20 Mr. Johnson that, you know, we've all been
21 objected to an openings and closings before.
22 It's what I can't heal, but it's what they need
23 to do to preserve, obviously, their arguments
24 for down the line. I have no quarrel with that.
25 We'll take it up if, and when it happens. I

1 understand that.

2 I want to make the Court, and the record,
3 clear about that. I was just trying to make
4 sure I understood the full context of your
5 ruling, as to the charge, if that was an
6 instruction for me not to argue it.

7 THE COURT: Yes, sir.

8 MR. EVANS: And you can take it up, and if
9 you change your mind later on, you can strike
10 it.

11 THE COURT: My concern with the charge is
12 that I'm having, you know, I've been placed in a
13 situation, where I could have been presented
14 with a charge, then in essence, we want to apply
15 to only one that fit it, and I haven't been
16 provided with, nor do I think it's fair, to sit
17 now, and try to craft some type of charge that
18 may be acceptable, and that's why I had a real
19 concern with it, and how to approach, and make
20 that cross over the river, such as would apply
21 to this charge.

22 MR. EVANS: No, it's not --

23 THE COURT: So for that reason, I'm gonna
24 keep this charge out.

25 MR. EVANS: Do I understand the Court then,

1 that it's not so much a disagreement with the
2 principal of law, that if Mr. Collins goes over
3 there with another person, as there is evidence
4 of, he kills one, or even he robs only Mr.
5 Johnson, and the other person -- I mean we have
6 abundant evidence of multiple guns being fired
7 on this warrant.

8 THE COURT: I think that that is a
9 probative, closing argument.

10 MR. EVANS: Thank you, Your Honor.

11 THE COURT: Okay, but I just can't make a
12 transition as it relates to the charge, sir,
13 because the charge is not there at this
14 juncture, at 11 o'clock --

15 MR. EVANS: I can --

16 THE COURT: -- hitting me with this, and
17 then going back, and I mean I looked at my
18 charge, and my charge, the charge would be too
19 convoluted, and under these circumstances,
20 particularly, when we're dealing with somebody
21 who's only charged with accessory, it's not
22 appropriate, but your argument, sir, I think
23 that's fair of arguing.

24 And, certainly, Mr. Johnson, I never meant
25 to do, sir, to give us any of your closing

1 strategy or argument, and I apologize if you
2 thought that that's what I was asking. I didn't
3 do a good job of explaining myself right as I
4 should, and if there's anything that you want to
5 object to, either one of you, I certainly
6 understand that, and respect both of you, all
7 three of you'all, the job that you'all have done
8 for your respective clients in this matter, all
9 right. So no objection to them renewing their
10 motions after they're finished?

11 MR. EVANS: No, sir.

12 THE COURT: So is that all right gentlemen?
13 We'll just renew your motions, so that
14 basically, we won't have to send the jury right
15 back out; is that all right?

16 MR. GIBBES: That's all right, and Your
17 Honor, to get some clarification, since we did
18 not put up any evidence, it is my understanding
19 we get last argument; is that correct?

20 THE COURT: That would be my understanding.

21 MR. EVANS: Yes, sir.

22 THE COURT: So my understanding is that you
23 actually want to argue first, or how do you'all
24 want to do it?

25 MR. GIBBES: I mean, when we did the

1 openings, the principal went first, and it's
2 just for reasons for my client.

3 MR. JOHNSON: That's fine.

4 THE COURT: Okay, I mean, if you'all can't
5 agree, then I'll decide, but if you'all, you'll
6 go?

7 MR. JOHNSON: I have no problem.

8 THE COURT: All right, Mr. Johnson, great.
9 So we can bring the jury in? The State?

10 MR. EVANS: Yes, sir, Your Honor.

11 THE COURT: From defense? We ready?

12 MR. GIBBES: Yes, Your Honor.

13 THE COURT: Mr. Johnson, are we ready?

14 MR. JOHNSON: I'm ready.

15 THE COURT: Okay, great, thank you'all.

16 (Jury enters the courtroom.)

17 THE COURT: Mr. Foreperson, good morning.

18 I want you'all to know that Ms. Williams is
19 gonna fight. We checked on her this morning,
20 and she is doing well, and so that is certainly
21 a good thing, and wanted to let you'all know,
22 because I know that everybody wasn't certain.

23 So what we have done, Mr. Foreman, is we
24 have been working on several matters outside of
25 your presence this morning.

1 We've all been working on those, and now
2 are in a position to move forward with the case.
3 So, Mr. Gibbes, yes, sir.

4 MR. GIBBES: The defense rests, Your Honor.

5 **

6 **DEFENSE RESTS**

7 THE COURT: All right. The defense, Mr.
8 Boles, has rested, and so let me ask you, Mr.
9 Johnson, happy to hear from you, sir.

10 MR. JOHNSON: Your Honor, on behalf of Mr.
11 Collins, the defense rests.

12 THE COURT: All right, the defense has
13 rested. All right, ladies and gentlemen, one
14 second. All right, folks, you have heard all of
15 the evidence in this case, and it's now time for
16 the attorneys in the case to make their closing
17 arguments to you.

18 Now, the arguments of the attorneys, I've
19 said this before, and I'll say it again, they
20 are not evidence in the case. They're
21 statements and arguments are meant to help you,
22 ladies and gentlemen, understand the evidence,
23 and apply the law to the evidence. You should
24 disregard any remark, statement, or argument,
25 which is not supported by the evidence presented

1 during the trial, or the law that I will explain
2 to you after the arguments, all right.
3 Solicitor, yes, sir.

4 MR. EVANS: Thank you, Your Honor. May it
5 please the Court?

6 THE COURT: Yes, sir. Good morning.

7 **

8 **CLOSING ARGUMENT BY MR. EVANS**

9 MR. EVANS: Good morning, Mr. Gibbes,
10 ladies and gentlemen of the jury, I know it's
11 been a long week. Yesterday, in particular, a
12 long day, a stressful day. Thank you upfront
13 for doing exactly what I asked you'all
14 Wednesday, paying close attention, taking it all
15 in, withholding decision, being fair to Mr.
16 Boles, and Mr. Collins, and to the State of
17 South Carolina.

18 I told you that at the end of the case, I
19 would have a chance to speak with you, and put
20 all those puzzle pieces together, and, boy, did
21 you get a lot of puzzle pieces. You must of
22 heard me say, "Now the State moves such and such
23 into evidence", 100 times, and we have well over
24 100 reasons, a lot of puzzle pieces, a lot of
25 testimony, a lot of names.

1 Now it's time for us to put all those
2 puzzle pieces together. When we're done, you're
3 gonna see Lorenzo Boles, guilty of accessory
4 before the fact to armed robbery of Frankie
5 Johnson, the murder of Frankie Johnson. I just
6 want to make sure I clarify, because you look
7 for the fact of the armed robbery of Frankie
8 Johnson, accessory before the fact to murder of
9 Frankie Johnson.

10 Accessory before the fact to the murder of
11 Ghazi Duckett, and accessory before the fact to
12 the murder of Lamekia Warren. Not of the
13 murders themselves, he's an accessory. So let's
14 talk about that. I'm confident you're also
15 going to find that Mr. Collins is guilty of the
16 armed robbery of Frankie Johnson, of the murder
17 of Frankie Johnson, of the murder of Ghazi
18 Duckett, of the murder of Lamekia Warren, and of
19 possession of a weapon during a violent crime.
20 Now, let's talk about the burden of proof.
21 We're gonna, I'm gonna introduce a few of these
22 concepts.

23 Now, the Judge is going to define these
24 concepts, these legal doctrines for you. That's
25 his charge on the law. He is the judge of the

1 law, as you are the judge of the facts. I'm
2 merely an advocate. What I think the Judge is
3 going to tell you, is that proof beyond a
4 reasonable doubt, does not mean an impossible
5 doubt, does not mean all doubt. It's proof that
6 leaves you firmly convinced. He's going to tell
7 you that you have to assess each of those
8 charges.

9 You've got a lot of work ahead of you. I
10 won't sugar coat it, and again, I thank you for
11 being here on holiday, but you're going to have
12 to assess all those charges, one-by-one. He's
13 going to tell you that if you have proof, which
14 leaves you firmly convinced of the Defendant's
15 guilt, and each charge, one-by-one, that's proof
16 beyond a reasonable doubt.

17 If on the other hand, you have doubts which
18 cause you to hesitate acts, then you must find
19 the defendants not guilty, but. again, you have
20 to assess each charge on it's own, all right?
21 That's what you're gonna do back in the jury
22 room. He's gonna talk to you ab out credibility
23 of witnesses. Credibility just means
24 believability. So you're going to evaluate each
25 one of the witnesses that testified. Were they

1 believable? Did they have some reason to make
2 up what they were saying, or were they telling
3 the truth? He's going to talk to you about the
4 difference between direct and circumstantial
5 evidence. Direct evidence just means something
6 that a person sees, or hears, maybe, not in this
7 case, maybe smells, or tastes, or touches.
8 Something you've observed in your own senses,
9 that's direct evidence, evidence that comes from
10 the memory, or personal witness. Circumstantial
11 evidence is evidence which gives you rise to a
12 sequence.

13 Let me give you an example. This doesn't
14 happen around here, Hampton County, very often,
15 but let's just say we were trying this case in
16 Boston, okay. You might go to bed tonight, or
17 last night, no snow on the ground outside. You
18 wake up in the morning, you see a foot of snow
19 on the ground.

20 Well, you didn't see the snow fall, you
21 didn't hear it, taste it, touch it, or smell it,
22 but you know that it snowed overnight. Why?
23 Because there's snow on the ground. That
24 circumstance, that's circumstantial evidence,
25 that lets you know that it snowed overnight,

1 even though you didn't see it. It's a fact that
2 can rise to a series of other conclusions, okay.
3 The law makes no distinction between the value,
4 the weight, of direct versus circumstantial
5 evidence. Now, in ordinary conversation you
6 might hear somebody on TV, or maybe chatting
7 with your friends maybe, well that's just
8 circumstantial. That might be how we talk
9 outside of this courtroom, but the law makes no
10 distinction, and you heard a lot of
11 circumstantial evidence in this case.

12 We're gonna go through that, all right? So
13 what are we charging them with? What do you
14 have to decide? You have to decide whether
15 Tyrase Collins was responsible for the murders
16 of these 3 people, for the armed robbery of
17 Frankie Johnson, you have to decide, and of
18 possessing a weapon during the commission of
19 those crimes.

20 Let's just get that one right out of the
21 way. That's the easiest decision you have to
22 make all day. Okay? As the Judge is going to
23 tell you, it's going to be on the verdict form,
24 if you don't find him guilty of any of the
25 murders, or the armed robbery, Mr. Collins, then

1 you don't even take up the gun question, because
2 he has to be convicted of a violent crime, in
3 order to be guilty of possession of a weapon
4 during a violent crime, but this is live TV, and
5 You can't commit a murder of shooting somebody
6 through the head without possessing a firearm,
7 all right? So that's one. We've got a lot of
8 work ahead of us.

9 So let's talk about what we know. First
10 things first, was this a murder? We know this.
11 we know that Frankie Johnson, Ghazi Duckett, and
12 Lamekia Warren were murdered, and it might sound
13 strange, because we already know they're dead,
14 but the Judge is going to define each of these
15 charges for you, and he's going to tell you what
16 the elements of the charges are here.

17 All right, the elements are just like parts
18 of a math equation. This, plus this, plus this,
19 equals this, okay? Murder is defined in the
20 law, as the unlawful killing of another person
21 with malice aforethought. Malice, he's gonna
22 define that for you as well. That means hatred,
23 or ill-will, bad intent. These gentlemen, to
24 their credit, acknowledged in their opening
25 statements that this a murder case.

1 This is not some kind of self-defense, some
2 kind of accident. This is not a what happened.
3 This is a who did it. This is malice right
4 here. Shooting someone in the head, executing
5 them while they're playing video games in their
6 home, that's malice. This is malice, shooting
7 someone in their bed, before dawn, in their
8 home, over, and over and over again, that's
9 malice. We don't have a photo of Mr. Duckett,
10 simply because he was taken away, in noble
11 efforts to try to save him, but he was executed
12 as well, shot in the head.

13 This is a murder, pre-murderous attack.
14 Malice is not an issue. It is in a lot of
15 cases, so we've got that out of the way. This
16 is a murder case. What else do we know? The
17 Dodge Charger was seen coming and going from the
18 area of the incident, [REDACTED] Priscilla, San Ridge
19 area in Varnville.

20 This distinctive car with front-facing
21 tags, not something you see very often in South
22 Carolina. Texas, Virginia, New Jersey, that
23 wouldn't mean much, but around here, that is
24 incredibly distinctive. We have multiple
25 witnesses who saw this video. That's Ms.

1 Fields, you might say, "Well, that's the
2 victim's mother. She could have made that up."
3 Maybe, but let's talk about another lead
4 concept, corroboration. She's corroborated by
5 Michael Smith, Assistant Chief in Varnville PD.
6 Law enforcement, yes, but he doesn't have a
7 personal dog in the fight, so to speak. It's
8 not even his agency's case.

9 Veteran, not a veteran like Veteran's Day,
10 but veteran law enforcement, all right, a highly
11 credible witness, and his testimony that he saw
12 this vehicle leaving the area minutes, mere
13 minutes, after these murders occurred, that
14 corroborates her story, and we know this.

15 And what else do we know about this? We
16 know that it's Lorenzo Boles' car, he drives it
17 regularly. There was no testimony he was
18 driving it that night to and from the murder
19 scene, and that's actually important, because
20 he's charged as an accessory, and you have to
21 find that he was not present, but he had control
22 over his car. We had testimony that this man,
23 Gregg Collins, that's his brother, but he drives
24 it.

25 We know he was driving it the next day,

1 because that receipt led Mr. Clapp to Dollar
2 General. While Mr. Boles was driving the red
3 Charger, he made a purchase just minutes before
4 the search warrant was executed at ■ Cruz
5 Street, where they found what? The same Dodge
6 Charger. Several people were seen fleeing the
7 area. I'm not sure if Mr. Boles was one of them
8 from the direct evidence, but he was in the
9 area. He was at Dollar General with his car,
10 just minutes, and minutes before, the execution
11 of the search warrant, and they found him in
12 Savannah, Georgia.

13 Now, was he running from a warrant, or an
14 animal at large, or was he running because he
15 knew about his part in these horrible deaths?
16 What else do we know about ■ Cruz? Tyrase
17 Collins lives there, lived there. It's
18 indicated with documents with his name on them.
19 In his room, we have direct evidence. We know
20 from Viola Collins, it's his house, it's his
21 room. What'd they find in there? 3 guns, 2
22 handguns, 1 larger. This is State's Exhibit 1,
23 he had a box with all his guns in it.

24 A Glock 23, .40 caliber, serial number
25 ZCSN899, found in this bag in his room. State's

1 Exhibit 115, it's secured in the box, so I'll
2 hold it this way, a Glock 38, .45 caliber,
3 different size rounds, found in the same bag in
4 his room. State's Exhibit 2, a Draco, a big
5 scary one. Now, I want to make clear this is
6 not the murder weapon. This is a trophy. This
7 is what they went there to get, because it's
8 big, scary, it's heavy, it's cool. It comes
9 loaded, a large clip -- that clip in there for
10 obvious reasons, and, of course, you can see,
11 because these are gonna go back with you to the
12 jury room, they're all safe and secure, all
13 right? Why is it cool? That's what it fires.
14 3 guns found.

15 What do we know about those guns? That
16 this is what they robbed Frankie. What is
17 robbery? Robbery is taking something of value
18 from someone else, by force. Armed robbery is
19 using a weapon as that force. How do we know
20 they took this from Frankie? 2.1, 2, 3, 4, 2.7,
21 2.8. They swabbed all over this gun, from this
22 magazine. They found blood here, here in this
23 area, here on the trigger, and trigger guard,
24 they found it on the upper metal, they found it
25 on the wood, they found it on the barrel.

1 Blood, all over a gun, as elaborate, as
2 impressive as this.

3 If you've got this gun, you own it, you
4 think you're leaving your blood all over it?
5 That blood came from the bullet that went into
6 his head, and then they took it from him. Blood
7 on this magazine too, not inside. There were
8 these swabs. What else did they find in these
9 swabs? Not only is it blood, it's DNA, it's
10 Frankie's blood, Mr. Johnson.

11 They took it from him. We also know about
12 paperwork that it was Frankie's gun. This is
13 more -- this paperwork is circumstantial
14 evidence, but the testimony of Rasheeda was
15 direct evidence, the fact that it was in
16 Frankie's possession. Why? Because she bought
17 it for him February 13th, 2018, and she gave it
18 to him, and around a month and 12 days later he
19 was gone. He got a cool little gun, pretty
20 neat, might be something somebody wants.

21 What do we know about State's Exhibit 115?
22 Glock 38, serial number VHH952. You can compare
23 the serial number. This gentleman, Samuel
24 Sheppard, testified to you that he gave that gun
25 to Ghazi Duckett. He wasn't sure of the date,

1 he ballparked it, but it was within a few
2 months. He said either late 2017, or early 2018
3 is when he loaned it to Mr. Duckett, and he had
4 seen it in Mr. Duckett's possession, in his own
5 custody, on another occasion between the loan
6 and Mr. Duckett's death. And this gun was found
7 and Tyrase Colins.

8 Going back to number 1, this is a murder
9 weapon. You heard expert testimony, from
10 Michelle Eichenmiller, because what do they do?
11 They do apples-to-apples, that's right. They
12 have to get casings that they fired at a lab,
13 that they can compare against casings that are
14 found at the scene. Cartridge casings 8, 9, 10,
15 11, 12, 13, 14, 15, 20, and 21, correspond to
16 markers 2, 3, 4, 5, 6, those go for 8 through
17 12, right? We had slightly different numbers.
18 We tried to match them up for you.

19 We put these stickers up, so that you'all
20 could understand which gun fired these shells,
21 yellow, I think you'll find the numbers match.
22 Shells fired by this weapon. Murder weapon,
23 now, is it the only murder weapon? We're gonna
24 get into that. 7, 8, 9, Exhibit 1 is
25 responsible for those as well, all the way up to

1 13, 14, 15, 20 and 28 all over here. What do we
2 know about this right here? A trigger, of
3 Exhibit 1, again, you're gonna have this in the
4 jury room.

5 You can see what Mr. Clapp wrote on it,
6 when he took this swab, created a chain of
7 custody, secure, so that experts could analyze
8 it later. What does it say? Trigger, Glock 23.
9 This is a Glock 23. This is a Glock 38.
10 Trigger, Glock 23, Exhibit 1. Swab is Exhibit
11 3. What did we learn from Sara Goodman
12 yesterday? When she took that swab, and
13 analyzed it for DNA, remember, she had a known
14 standard for all the people. She got some of
15 them early, some of them later, but when she
16 analyzed it in a report dated April 6th, 2018,
17 she had Mr. Collins' known DNA standard.

18 She found that Mr. Collins was the major
19 contributor to the trigger of this gun that
20 fired 8, 9, 10. These are Exhibit numbers, not
21 the number of shots. Exhibits 8, 9, 10, 11, 12,
22 13, 14, 15, 20. She brought us some more
23 pictures of all the shells they fired. On the
24 probability, randomly selecting an unrelated
25 individual, with a matching profile in this swab

1 being someone other than Tyrase Collins, is 1 to
2 3.4 septillion.

3 That's 3.4 septillion for you there on the
4 bottom of the screen. That's what it looks like
5 as an actual number, not a word. And Mr.
6 Johnson, the victim, not the attorney, he made
7 some arguments for Ms. Goodman, or he asked her
8 a few questions I should say, and I expect he'll
9 bring those back up in his argument about how
10 they didn't have DNA, couldn't match it, change
11 the numbers. Yes, she said it could change the
12 numbers, but it would not change who is a major
13 contributor.

14 She can distinguish between profiles of
15 siblings, so long as they are identical twins,
16 that they are not, sorry, that they are not
17 identical twins. No evidence that this is
18 Tyrase's identical twin. In fact, we saw the
19 sign in a video, so you could take another look
20 at it, and be sure that that's the case, but in
21 any event, it would not change who is the major
22 contributor on this trigger, not the stock, not
23 the grip, not the barrel, the trigger of the
24 murder weapon, a murder weapon, because what
25 else do we know? There was another murder

1 weapon.

2 You notice all the guns right up here
3 before you. This Glock is not the second murder
4 weapon, the caliber is different. All the
5 casings collected at [REDACTED] Priscilla, the .40
6 caliber, described as .45's. This is another
7 trophy, okay, but what can Ms. Eichenmiller do
8 if she has cartridge casing, even without the
9 gun? You can create the test casings. She can
10 compare them against one another.

11 What did she tell you the expert opinion
12 about Exhibits 7, 16, 19, 22, 23, 24, 25, and
13 26? Which is for reference, are markers 1, by
14 Mr. Johnson, 10 to 13, 16, 17, 24, 5, and 6,
15 which they didn't get placards down for. She
16 told you that all of those cartridge casings
17 were fired by one gun, which was not State's
18 Exhibit 1, all by the same gun.

19 What else? She looked at State's Exhibit
20 70, one Exhibit, multiple items. We try and
21 keep the items and the Exhibits matching, but
22 these are sealed up together, so we had to count
23 it as all one. These are the casing that Mr.
24 Clapp found. Where? Outside [REDACTED] Cruz, where
25 Tyrase Collins lived, and they were fired by the

1 same gun, not near there, out there in the world
2 somewhere, the same gun fired Exhibit 7, 16, 17,
3 18, 19, 22, 23, 24, 25, 26, the same gun.

4 Now, did Tyrase fire that? We don't know.
5 Let's talk for a moment about what your job is.
6 Your job, as jurors, is not to decide whether
7 this was a perfect investigation. It wasn't,
8 because there's no such thing. Your job is not
9 to determine whether all the people responsible
10 for this heinous act are here in this courtroom,
11 awaiting your judgment, very likely, they're
12 not.

13 We know that multiple cars came away from
14 the scene. We know that multiple voices were
15 heard. We heard other names mentioned. Their
16 guilt or innocence does not bear on Mr. Collins
17 or Mr. Boles' guilt or innocence. Your job is
18 to evaluate the evidence against these two. If
19 Mr. Collins participated in these heinous acts,
20 he is responsible for all of them. What else do
21 we know? Again, these are things that we know,
22 not things we're arguing.

23 We know that Frank Johnson's blood is in
24 Lorenzo Boles' car. It's all over the back
25 passenger seat area. Presumptive positive

1 results for blood from Exhibits 99, 100, 101,
2 102, 103, and 104. It didn't come back for what
3 you can see with the naked eye, some of it,
4 right? It shows up, remember about the
5 presumptive positive tests, they spray it down
6 with these chemicals and it pops up, a little
7 violet, an indicator of blood. And where did
8 these swabs go next? Those initials here, SGG,
9 belong to Sara Goodman, and she learned Frankie
10 Johnson's DNA is all over this area, where
11 there's also blood.

12 Now, she can't look into a profile, and
13 separate molecule-by-molecule, and say this
14 DNA's definitely from blood, versus this DNA's
15 definitely from touch, all right? This is part
16 of your job, is to make logical connections. If
17 there's presumptive positive blood everywhere,
18 and they're sure of it, there is an excellent
19 chance that the DNA is from the blood.

20 This, again, he let out an awful amount of
21 blood, and some of it wasn't visible to the
22 naked eye, which we've seen these LCV photos,
23 right? Murder is messy. When you shoot someone
24 in the head, blood comes out. Blood gets
25 everywhere. It got all over this gun, which was

1 not in these photos, because it was already
2 gone.

3 They took these photos on the morning of
4 the 25th. They found this gun the next day,
5 right? It had blood all over it. Where do you
6 think the blood came from? How do you think the
7 blood got in the car that was found at the same
8 house with this gun? Because the killer took it
9 with him. He might not have even realized he
10 was doing it. It's early morning, it's dark,
11 some of his blood is more like a mist, might
12 even say a fountain, but it comes with you when
13 you leave.

14 Let's talk, in particular, about item 97.
15 This is a DNA swab from this area, and the
16 description, I want to get it exactly right,
17 rear passenger's door rest arm handle depicted
18 in that photo, which is in evidence, interpreted
19 as a mix, not 5, not 10, not even a 3, a mix of
20 2, 2 profiles. Remember, they express the
21 results differently. It's not a 1 in X number
22 of chance anymore. A new way of phrasing
23 results, likelihood ratios.

24 I know it was tough to listen to Sara, it
25 was her job. She's, obviously, extremely

1 intelligent. This is hard stuff to wrap your
2 head around for the first time, but it's talking
3 about probability. What is more likely than
4 not? So when you're looking at a mix like this,
5 the first comparison is, say it's a mix of 2,
6 what are the chances that Frank Johnson is in
7 the mix with somebody else against, the other
8 scenario, what are the chances that 2 people we
9 don't know are in that mix? It is 85 octillion
10 times more likely than not, that Frank Johnson
11 is in the mix, in item 97.

12 Next step, take another person of interest,
13 you have to know the standard. Tyrase Collins,
14 let's take a look at the mix between is it him
15 and another person, versus is it 20 other
16 persons. It is 920 sextillion times more likely
17 that Tyrase is in the mix, than that he is not.
18 Last step, remember, we don't always reach
19 these. She didn't testify about all of them,
20 because sometimes if you have very weak support,
21 like 2 or 3 times more likely, and they say,
22 "Well, put more emphasis on the big one", but
23 here we've got 2 big numbers.

24 All right, we had a mix of 2. The third
25 scenario, comparing a mix of Tyrase and Frankie,

1 against a mix of 2 unknowns, is 440 sexdecillion
2 times more likely that it's both of them, than
3 that it's not. What in the world is 440
4 sexdecillion? It's 4.4 with the zeros to the
5 third power times more likely than not. This
6 is, she's not allowed to say this, all right?
7 She expresses in terms of probabilities.

8 I'm arguing to you based on that evidence,
9 this is a mix of the victim, Frankie Johnson,
10 and the Defendant, Tyrase Collins, and the car
11 seen leaving the scene found in the same
12 property, the same home, that Tyrase lived in,
13 where the murder weapon was found, where Ghazi's
14 gun was found, where the trophy, the Draco, was
15 found. He put that mix in there when he closed
16 the door, grabbed it, and closed it, that's what
17 the handle is. Let's talk about some other
18 evidence. Mr. Johnson did not contest, on that
19 weight, this is his client's hoodie.

20 We know it's got his DNA. We also know
21 it's presumptive positive, also found in his
22 home, coming from a hoodie, so positive,
23 presumptive positive for blood 0.14 positive for
24 blood -- positive, very strong support for Mr.
25 Collins' DNA. We also know Mr. Boles, he had

1 some DNA in the car, but it's his car, we know
2 that. It's his known standard.

3 We need this to get these numbers, because
4 they have to have something to compare it to,
5 whether they know where it came from. No
6 question, that this was properly obtained by law
7 enforcement from Mr. Collins, this is his DNA,
8 Item/Exhibit Number 61. Now, I expect these
9 gentlemen are gonna raise a lot of other names
10 that you've heard already through the course of
11 this trial. One of those names is gonna be
12 Albert Crittington, and, yes, there is very
13 strong support for Albert Crittington, again,
14 this evidence is supported.

15 There's also strong support for 2,000 times
16 more likely for who? For Tyrase Collins.
17 Again, on this trophy. In fact, from Mr. Frank
18 Johnson. We got testimony in on cross-
19 examination about someone in which Albert
20 Crittington is seen hoisting this gun in the air
21 in celebration. It's a trophy. There's very
22 strong support that Mr. Collins had this same
23 gun as well. The gun found in his home that
24 came from the murder scene, but, again, it is
25 not your job here today to decide, did Albert

1 Crittington commit this murder?

2 Did Mr. Harris commit this murder? Did
3 Rasheeda Collins commit this murder? She was
4 there too. Multiple voices, multiple cars,
5 multiple guns. This was about action, but your
6 job is to evaluate the evidence against Tyrase
7 Collins and Lorenzo Boles for different charges.
8 You can consider the evidence against these
9 other people, but if we had brought charges
10 against them in front of you today, you
11 essentially heard the case.

12 No Albert Crittington DNA on State's
13 Exhibit 2, only one man named, it's a mix, yes,
14 but the main major contributor. These results
15 are still valid. STRmix makes them a little
16 tricky.

17 Mr. Johnson may try to argue that this
18 point is excluded, but remember what did I ask
19 Ms. Goodman? Does STRmix change the validity of
20 the original results? No, it does not. The lab
21 says it needs more of the DNA. It does not
22 change the fact that he is a match, and a major
23 contributor, is what remains. You know what
24 would be nice?

25 If we didn't have to put these physical

1 exhibits before you, ask the experts to testify
2 to you, and force you to do this hard work. It
3 is going to be hard in that jury room, making
4 these connections. It would be nice if we had a
5 witness who could sit on that stand, and tell
6 you, "I know what happened, because I saw it
7 with my own two eyes". We don't have that. We
8 don't have that, because they're dead. We have
9 an ear witness, who was hiding, you'all all know
10 that. How did she describe this sheet?

11 I am all the way back in the closet, and
12 the witnesses told you where the bodies were
13 positioned, approximately. Frankie, roughly,
14 here, Lamekia here, Ghazi around here, before he
15 was taken. She's hiding all the way back here.
16 Is it strange that she wasn't alarmed by the
17 sound of gunfire at first? Yes. She said
18 that's what happens out there. Remember, this
19 is a hard-to-find place.

20 I mean we're in a little town, but this is
21 out of town, okay? So she wasn't alarmed at
22 first. She heard multiple voices, and she
23 almost came out, and so we almost had that
24 eyewitness, except she wouldn't have been an
25 eyewitness, if she'd come past that sheet.

1 She would have been the fourth victim.
2 What she testified to, you saw her break, you
3 saw the power of her memories. Her seeing her
4 boyfriend shot in the head, the brutality of
5 seeing these - this is a marker showing that
6 shots went through the door. They're firing
7 from all over those first couple of minutes.
8 Remember the shells don't necessarily land
9 precisely where they're fired from. It's a
10 ballpark, but it can depend on a variety of
11 things. Shooting from above into bedroom 1,
12 from the other room. Shooting shots so
13 powerful, they're going through the floor after
14 they've gone through Lamekia, through the walls,
15 outside, more going outside, through the whole
16 house.

17 That's what these bullets do to the home,
18 to the walls. Imagine what they did to Lamekia,
19 what they did to Frankie, when they shot him one
20 time, executed him, not survivable, shot Ghazi,
21 one time, executed him, un-survivable, through
22 his brain. And then they turned on her, and
23 they shot her, they shot her, and they shot her,
24 over and over and over again. They told you
25 that, because one shot can cause multiple

1 wounds. She can't tell you which one killed
2 her, exactly, but they did though, and then they
3 kept doing it, over, and over, and over again,
4 as they dropped shells from both those guns all
5 over bedroom 1. That's malice. That's murder.
6 That's what Tyrase Collins did, and he did it
7 with the help of Lorenzo Boles, in that car.
8 They brought trophies of blood evidence back to
9 his house. Lorenzo helped him by being in that
10 car, and Tyrase went over and them, and they
11 lost their lives for that. That's robbery,
12 that's murder, that's murder, that's murder.
13 Find him guilty.

14 THE COURT: All right, thank you,
15 Solicitor.

16 THE COURT: If you'all want to get up and
17 take a stretch while they do that. I tell you
18 what, I'm gonna send you back to the jury room
19 for just a moment. Do not talk about the case,
20 until we here the closing arguments, and my
21 instructions charged on the law. Don't speak of
22 it, all right. Thank you.

23 (Jury exits the courtroom.)

24 THE COURT: All right, we'll be at ease for
25 a few moments.

1 (Recess)

2 BAILIFF: All rise.

3 **

4 PROCEEDINGS CONTINUED

5 THE COURT: All right, I want to go back on
6 the record. I have provided a verdict form in
7 Mr. Boles' case. It's 2 pages long, and I've
8 shown it to the State, and I've shown it to Mr.
9 Gibbes, but I understand that there is no
10 objection.

11 It's basically 4 questions, not guilty, and
12 guilty, as it relates to the accessory before
13 the fact of murder of Frank Johnson, accessory
14 before the fact of murder of Ghazi Duckett,
15 accessory before the fact to felony murder of
16 Lamekia Warren, and then the last question would
17 be, basically accessory before the fact of armed
18 robbery of Frank Johnson Jr., guilty, or not
19 guilty. You'all have seen these. Any
20 objections from the State?

21 MR. EVANS: Not from the State, Your Honor.

22 THE COURT: Mr. Gibbes?

23 MR. GIBBES: No objection, Your Honor.

24 THE COURT: All right. That's the form
25 that I would use. And also I've provided the

1 verdict form on Tyrase Collins, and basically
2 going through, there are 5 questions.

3 The jury finds the murder of Frank Johnson
4 Jr. guilty, or not guilty, Mr. Duckett, guilty,
5 or not guilty, not guilty, or guilty, Lamekia
6 Warren, not guilty, and guilty, and then Frank
7 Johnson Jr. on the armed robbery charge, not
8 guilty, and guilty, and then, of course, in
9 bold, if the answer is not guilty to 1 through
10 4, the answer to question 5 must be not guilty.
11 Any objection from the State?

12 MR. EVANS: Not from the State.

13 MR. GIBBES: No objection, Your Honor.

14 THE COURT: Thank you very much. Those are
15 the forms you'all can use it. You ready to
16 bring the jury back in? Mr. Johnson, are you
17 ready?

18 MR. JOHNSON: I'm ready, Your Honor.

19 THE COURT: All right, Mr. Gibbes, you
20 ready?

21 MR. GIBBES: Yes, Your Honor.

22 THE COURT: Solicitor, I know you're ready.

23 MR. EVANS: The State's ready.

24 BAILIFF: Bringing in the jury.

25 THE COURT: All right, that'd be great.

1 All right, I had a feeling they haven't had time
2 to cycle through the bathroom yet.

3 MR. EVANS: Your Honor, may I?

4 THE COURT: Of course.

5 MR. EVANS: Thank you.

6 (Jury enters the courtroom.)

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 **

11 **CLOSING ARGUMENT BY MR. JOHNSON**

12 MR. JOHNSON: Good afternoon, I want to
13 start off by thanking you for being here all
14 week. It took a lot of time and effort to be
15 here, and I was watching carefully, and you'all
16 seem to be attentive, and watching what's going
17 on. I'm not gonna spend a lot of time going
18 over everything item-by-item, because you was
19 here. You watched it, just as I did.

20 The only thing I tried to do was to show
21 you all of the evidence. You see this is not -
22 - a criminal case is not a case about win or
23 lose, you know, team A beat team B, prosecution
24 beat the defense, defense beat prosecution.
25 That young man that I represent, life is on the

1 line. This is for real. This is not a game.
2 This case has already been going on for 5
3 years. That man was 3 months away from
4 graduating with honors. Since then he's been
5 charged with a murder. Now, you wasn't there,
6 I wasn't there, the only way that you can
7 decide what went on, is to look at the facts,
8 but to be given some of the facts, and not all
9 of the facts, that's not right either. That's
10 why I'm here.

11 The prosecution is gonna show you facts
12 that favors what he is trying to prove, that my
13 client did it, and if I wasn't here, and wasn't
14 serious about what I'm doing, you wouldn't get
15 all the facts. People say all the time, "Well,
16 he got off on a technicality." I want you to
17 think about this. The State has police, the
18 chief, they have DNA experts, they've got
19 psychiatrists, the FBI, SLED, all of these
20 people to prove that young man guilty.

21 All that young man has is me, and with all
22 those things that they have, if they can't
23 convict that young man, what's wrong with that?
24 That means that they did not prove he did it.
25 So don't think about this, listen, this family,

1 they've lost 3 people, they're dead. Does it
2 make it fair that you unjustly send somebody
3 else to jail, so that this family can get some
4 peace? This family shouldn't feel peace,
5 unless they get the right person. That young
6 lady that was on the stand, that was afraid to
7 testify, she wasn't afraid of this young man.
8 She's afraid of the person out there that did
9 it, that she told me he did it. He's still out
10 there walking around, and we're in here for the
11 last week, for the last five years, trying to
12 convict an innocent person, and this is why I
13 say this, let's go over the facts.

14 The first witness was the lady from, I
15 think it was the 911 dispatch. Remember she
16 came in and said she couldn't even identify
17 whether the tapes were the actual tapes. She
18 couldn't even tell you the time. Think how
19 important that would be, to know what time
20 somebody called. They don't have that. They
21 put the tape up. The young lady said, called,
22 and was identifying what was going on. Don't
23 you think it would be important to know the
24 exact time? Did they take it seriously?

25 The second witness was an actual young lady

1 that was present at the scene, Ms. Williams.
2 She was the one hiding in the closet. She told
3 you the person that she heard, and that she
4 identified. It was not my client. The police
5 tells you that because he say he didn't do it,
6 they let him go.

7 Think about that, a person identified a
8 person that was in the house, that killed a
9 person, and he's out here walking around these
10 streets to this day, and they said they closed
11 the case, but that young man, who was in
12 school, making an honest living, is sitting
13 over here fighting for his life. This is what
14 you gotta think about. It ain't about winning.
15 It ain't about sending somebody away. It's
16 about sending the right person away. That's
17 what this about.

18 You represent the community you live in,
19 that's why you was elected. Do you want your
20 community to be like that? Michael Smith, the
21 third person, he was an officer. He said he
22 saw a car, a red car, around 5:00, 5:45. Well,
23 he got a notice that somebody was killed at
24 5:00, around 5:30, 5:45.

25 Remember, the mother of the victim said

1 that she saw the car pass her sometime around
2 5:15, 5:30, going there. Now, he gets a call
3 at 5:30 saying somebody was dead. If she saw
4 that car, those people was dead already. So
5 how can that car kill somebody, whoever was in
6 the car, which we don't even know who was in
7 the car. These things matter, that's why times
8 matter, but we don't have exact evidence,
9 because nobody took the time to write down
10 details, but they still want you to convict
11 him.

12 Stacy Loadholt, the investigator, remember
13 when I asked him if he had any evidence that my
14 client was at the scene? He tried to change,
15 or tried to word it in such a way, that he
16 couldn't say it. I mean why is it hard to tell
17 the truth? They have no evidence. There is no
18 -- all this DNA evidence, but there's no
19 evidence that put my client at the scene. If
20 you're not at the scene, how can you kill
21 somebody? No evidence. Every evidence, every
22 piece of DNA they got, was at my client's
23 house, or in the yard, of my client's yard,
24 where his DNA would be.

25 Remember they went to the house, and the

1 police kind of give you pieces. First, it was
2 were there 2 people in the yard, but remember
3 when the Chief came? He said it was 10 to 13
4 people in the yard, but we don't know, because
5 they won't give you all the evidence, because
6 see, it doesn't help the evidence to tell you
7 how many people was there, when you trying to
8 convict one person.

9 The person that ran in the house, in my
10 client's bedroom, up under his bed, where the
11 guns was found, was not my client. It was Mr.
12 Crittington, who the police admits that they
13 have a picture of him, standing there holding
14 the long gun, and the murder weapon, and the
15 only way he could've got the long gun, and the
16 murder weapon, when half of the people were
17 dead, but my client is guilty?

18 At the beginning of the case I told, you'd
19 get the opportunity to do something you rarely,
20 seldom, get to do. You get to use your own
21 mind and think for yourself. Solicitor is
22 trying to tell you what you can't do. I'm
23 telling you, you the jury, you can do whatever
24 you want to do, following the Judge's
25 instructions.

1 I'm not trying to stop you from thinking.
2 If after everything that I've shown you during
3 the trial, and you still think my client is
4 guilty, convict him, because I've done all I
5 can do, but I believe that if you look at the
6 evidence, in a light more favorable to my
7 client. I'm not asking you to release him,
8 because under the law, he's already innocent.
9 I'm asking you not to find him guilty, because
10 they haven't proved it.

11 There's no -- you've seen those smoke and
12 mirrors, there's no three-card monte, as my co-
13 counsel mentioned, none of that happened. All
14 I want to do is for you to have all the facts.
15 I made sure you got all the facts, then you
16 make the decision, but do not make it with
17 this.

18 This is for real. That young man's life is
19 on the line. Hold the police accountable to do
20 their job. Go find the person, who they know
21 did it, do the background, do the search. I
22 used to be a prosecutor myself, and my main
23 argument with the police was, 99 percent of the
24 time they're gonna get the right person. I
25 mean I grew up in a small community, now

1 Dorchester County, and when something go wrong,
2 you know the area to go to, to find out what
3 you want to find. We all know about that.

4 We just don't know who did it, but we kind
5 of know the area to go to. So the police went
6 there, got all these people, and they did a
7 net, they just pick up everybody, then they
8 arrest somebody. Then they go back and get the
9 evidence to prove that person did it. That
10 ain't how it's supposed to go.

11 You're supposed to take your time, collect
12 evidence, and possibly look at evidence, and
13 then determine who did it, then go arrest that
14 person, but we do stuff backwards, because, you
15 know, we want to be fast now. That's why
16 people get high all the time, because see you
17 can get high on crack in 2 seconds, but to get
18 that same high by going to school, and getting
19 a degree in America, having children, it takes
20 time, and nobody wants to wait.

21 Everybody wants to sign off everything but
22 can't do it. It don't work like that. And
23 when we work fast we make mistakes, and when we
24 make mistakes, we hurt people. All I ask you
25 to do is take your time. look at the evidence,

1 make your own decision. Do not worry about,
2 "Oh, I got to go this afternoon".

3 That boy's life is on the line. Take this
4 very serious. I'm not asking you to make up
5 anything, but I'm sure if you look at the
6 evidence that I saw in this trial, there's no
7 way he's guilty. It's just that simple.
8 There's no need for me to cool any pull any
9 stuff off. They took a hoodie.

10 Now, you want to talk about profiling? You
11 go into a person's house, he's got all his
12 clothes in there, and the only thing you grab
13 is a hoodie. Think about this, a hoodie, and
14 then you find stuff on it that look like blood,
15 which turned out to be his own, my client's
16 blood, of a hoodie that he owned in his house,
17 in his closet, and now they got this in
18 evidence that he supposedly is guilty of some
19 crime.

20 What is the crime? He owns a hoodie?
21 There's no other evidence on him connected to
22 the crime. Why is a hoodie in evidence? They
23 done cut it up into little pieces, took little
24 spots out of it, found my client's blood on it,
25 my client's DNA on it, on a hoodie that was in

1 his closet, and they got this in evidence that
2 he killed somebody 6 miles down the street, and
3 he has enough nerve to pick it up, and put it
4 in here, and tell you that it's evidence.

5 That's what profiling is. You go down,
6 somebody got a hood on, somebody got a hoodie,
7 you grab the person with the hoodie.

8 It doesn't matter, the person with a
9 hoodie. It matters, you have their hoodies.
10 The gun, he talks about the gun that got DNA on
11 it. Remember there's different types of DNA.
12 You have pictures. Look at the pictures.
13 There's no blood in those pictures.

14 Look at the long rifle that he was picking
15 up with his hand just now. You talk about
16 blood all over it. Where's the blood on it?
17 Blood all over the place. Well, assuming
18 there's blood all over the place, and it could
19 go all the way back to my client's house and be
20 found, why can't my client's DNA be found at
21 the scene of the crime? There's no DNA
22 evidence of my client at that house, none.
23 There's nothing to say that my client ever set
24 foot in that house where the murder happened,
25 nothing. All of this supposed DNA. There's so

1 much, it can get all over the car, all in my
2 client's house, but where's his DNA at the
3 place where it happened?

4 You cannot be charged and found guilty of
5 killing someone where you've never been, and
6 let's be realistic about this, this poor young
7 lady, she was shot 32 times. That's personal.
8 That's somebody she know, that's an ex-
9 boyfriend, ex-girlfriend, somebody she knew,
10 killed her.

11 My client didn't know her. My client went
12 to school with her. You can't find anybody
13 that say that my client had anything harsh, or
14 bad to say, about anybody, they testify to
15 that. That was personal. Whoever went there,
16 they didn't go there to kill the young men.
17 They went there to kill her.

18 THE COURT: All right, she's got to leave
19 the courtroom. Hold on one second. Hold on
20 one second, Mr. Johnson.

21 Ladies and gentlemen, go ahead. Hold on
22 one second. Hold on one second, Mr. Johnson.
23 Ladies and gentlemen, hold on one second, I
24 think we -- Mr. Johnson, please continue, sir.

25 MR. JOHNSON: Ladies and gentlemen, there's

1 a lot of hurt and pain in this courtroom, and
2 there deserves to be. These people lost a
3 loved one. Three people have been killed.

4 My client is sitting her for the last 5
5 years, accused of shooting someone. Since
6 we're speaking the truth, the only reason my
7 client was arrested and charged is because they
8 wanted him to tell on somebody else. They
9 thought that they could charge him, and because
10 he was around all of these people, that he
11 would slip and tell, and when he didn't tell,
12 he's the only one left, because they were too
13 lazy to go back and get the people that did it.
14 I could go on and on, but it's not useful.

15 It's your turn to do the right thing for
16 him. This family wants someone convicted, I
17 understand, I respect that, but it does not --
18 it serves no one, to convict anybody just to
19 convict. And if you look at this evidence, as
20 it pertains to this trial, heard what this
21 officer said, what he did and didn't do, who
22 did what, and look at the evidence, there's no
23 way, in my belief, that you could find my
24 client guilty. Thank you.

25 THE COURT: All right, thank you, Mr.

1 Johnson.

2 Mr. Gibbes?

3 **

4 **CLOSING ARGUMENT BY MR. GIBBES**

5 MR. GIBBES: Good afternoon, ladies and
6 gentlemen. You know, when we started earlier
7 this week, I told you that you would have an
8 opportunity to put the power in your hands and
9 see how this case is gonna go. Now, these are
10 very, very, very, serious charges that we're
11 dealing with, very serious charges, but I want
12 you all to understand something. Throughout
13 this whole week, did it ever occur to any one
14 of you, why have we waited 5 years to present
15 this?

16 It's the State's fault, it's their fault.
17 They went through all of this evidence, DNA
18 analyst, and individuals coming back and forth
19 and testifying, Exhibit A, Exhibit Z, this gun
20 shell, this casing. Then, you forget where we
21 at, where we at in the case. They're talking
22 about evidence, or calling it evidence, that
23 was never at the scene.

24 Ladies and gentlemen, this is nothing but a
25 travesty for this family. That's the sad part.

1 That's the sad part, and we understand the
2 emotions. We understand the emotions. You
3 cannot be a man, and I say this as a father of
4 a daughter who was born a few days before this
5 actual incident, and husband. You cannot be a
6 man, and not feel some sort of passion, when
7 you see a woman go out of the courtroom and cry
8 like that.

9 It makes you want blood. It makes you want
10 revenge. That's not the job here. That's the
11 State's goal. That's their goal, to present
12 evidence, show big, elaborate guns, that was
13 never used in a crime. They are charging my
14 client with accessory before the fact to
15 committing a murder. Who did he help? Who did
16 he encourage? Who did he aid? Nobody knows.
17 We spent 5 days. Nobody knows.

18 They spent 5 years. Nobody knows, but they
19 got all these big guns put right here, put it
20 right there. Take all the evidence, put it in
21 the bag. Hopefully somebody gets the emotional
22 appeal and say somebody has to go to jail.
23 Just take him. Let's take him. Take him to
24 jail. This is nothing but a three-card monte
25 to trick, to confuse, and take advantage of the

1 people, Hampton County, specifically, the 12
2 jurors in these seats, to have you think, well,
3 we've got DNA, we've got evidence here.

4 Well, let's talk about the DNA. They
5 literally -- the poor lady had to be rushed out
6 of here yesterday, because she had to take her
7 medication of some sort. They literally went
8 back and forth about DNA, and DNA on this
9 person, on a vehicle that even they themselves
10 said my client drives, that's the evidence?
11 And listen to what they're saying, the DNA,
12 Frank Johnson -- positive for blood. What does
13 that mean? It's a presumption, it's an
14 assumption, it's not blood. This is Hampton
15 County, we had to pull two jury pools just to
16 get you'all here. Why? Because everybody is
17 related, everybody knows each other. This
18 vehicle, everybody is in and out of the
19 vehicle.

20 You think Frank Johnson was never in his
21 vehicle before for his DNA. They told you
22 about transfer DNA. She didn't mention that to
23 you'all initially. They went into detail about
24 transfer DNA. I can shake your hand, you can
25 go to a car, open the door, my DNA is on the

1 car that I never touched. This is actually
2 scary. This is scary, because you can be right
3 there, why? Because somebody who's emotional,
4 "I thought I saw his car speed past me. It was
5 going so fast it rocked my car. I was coming
6 back from a club." She said it was 6:00 a.m.

7 The officer himself said the murder was
8 already committed at 5:45. Well, guess what?
9 Who speeds to go commit a crime? In Hampton
10 County who speeds to go commit a crime?
11 There's no evidence of any fingerprints or DNA,
12 that my client ever gave anyone any bullets, or
13 all of those casings they found at the scene.
14 They even said it was a messy scene.

15 There were some hitmen that did this?
16 Where's the DNA? Where's my client's DNA? For
17 someone who believed they saw his vehicle
18 heading in that direction, and coming from that
19 direction. Oh, that's pretty convenient,
20 because if that's the case, guess what, you can
21 charge him for accessory before the fact, put
22 it in front of 12 people and have them think,
23 hey, was accessory before the fact.

24 You honestly probably don't even really
25 know. It's intentional. What did the

1 prosecutor himself say? "Oh, we charged him
2 for that intentionally. It's intentional we
3 didn't want him back at the scene." Oh, but
4 you're presenting evidence that he's going to
5 the scene? He said that, not me. He looked at
6 you'all, and said, "Well, it's intentional that
7 we said that he was at the scene, because if we
8 placed him at the scene, he could be charged
9 with accessory before the fact.

10 They presented all this evidence, yet we
11 saw nobody drives his vehicle but him. Nobody
12 drives his vehicle except for Lorenzo Boles.
13 We saw him going, and we saw him coming. This
14 is insulting to the family, to you, and it is
15 scary to everyone -- it should be scary to
16 everyone on this jury. Why? Because someone
17 can sit here in Hampton County after everything
18 that's nationally going on here around the
19 world, and how people who live in Hampton
20 County, and look you in your face and say,
21 "Hey, you know, it was intentional we didn't do
22 that."

23 Well, why are you saying his car's gone?
24 And why are you specifically saying that nobody
25 drive the vehicle but him. The Solicitor

1 himself cross-examined his -- re-examined his
2 own witness, and said, "Yeah, but the brother
3 was out of town, right, he's in Texas?" He
4 asked Mr. Fields that. Nobody else can drive
5 the vehicle, so he's at the scene. You can't
6 have your cake and eat it too, but I guess in
7 Hampton County they think you can.

8 Five years and this is what they're present
9 to you'all. I told you accessory before the
10 fact. Accessory before the fact. Who is the
11 principal? Who is the person that he helped,
12 aided, assisted in any way? Who got on the
13 stand -- what we should call the stage, because
14 this was theatrical. Who got on the stand and
15 said, "Yes, Lorenzo Boles told so and so that
16 he wanted this people killed, he wanted these
17 people robbed?" How do we know it's a robbery?
18 Over a \$700 gun that we don't even know that's
19 there? They said themselves this was personal,
20 this was personal.

21 You see this with all the holes in there?
22 It's personal. Not for a \$700 gun that we
23 don't even know was there, but must charge
24 people, to see if they'll start telling, and
25 that's how we make our case. Well, you can't

1 tell anything, if you don't know anything. And
2 you can't convict somebody with accessory
3 before the fact, if, if there is no agreement.
4 Nobody sat on that stage and said -- we don't
5 know the motive. Let's be honest, we don't
6 know why we're here. We've got some people
7 that died, but we don't know why. We don't
8 even know who killed them.

9 Guess what? They specifically set the cars
10 in that manner so you won't know. They don't
11 want to say. I'm not saying that they know who
12 the person is, but they don't want to say,
13 because there's no evidence to say my client
14 assisted, directed, aided and helped this
15 principal commit a crime, but he's charged with
16 accessory before the fact.

17 And as I close, ladies and gentlemen, I'll
18 remind you that the Solicitor, himself, with as
19 much as respect that I have for this young man,
20 he is a great lawyer, and I think you'all can
21 agree to that; but he looked at you'll in your
22 eyes today, and said, "It was intentional," but
23 he's the only one that drives the car. The
24 vehicle was his.

25 Ladies and gentlemen, truly, thank you for

1 spending time with us this week. And I'm
2 confident that you'll do the right thing, and
3 find that my client, Lorenzo Boles, is not
4 guilty on any of the charges made against him.
5 Thank you, ladies and gentlemen.

6 THE COURT: All right, ladies and
7 gentlemen, stretch for one minute, then I'm
8 gonna read you my charge on the law, okay?

9 **

10 **JURY CHARGE**

11 THE COURT: All right, ladies and
12 gentlemen, Mr. Foreman, it is now duty as a
13 trial judge, under the Constitution of the State
14 to charge and instruct you to the law applicable
15 to the case. It's your duty, as jurors, to
16 accept and apply the law, ladies and gentlemen,
17 now as I state it to you.

18 Furthermore, it is your exclusive duty to
19 decide all issues of fact of this case, and to
20 determine the effect, the value, and the weight
21 of the evidence. Both the State and the
22 Defendants have a right to expect that you will
23 carefully consider and evaluate the evidence,
24 and apply the laws of this case to it, so that
25 in the end both the State of South Carolina and

1 Defendants will receive a fair and impartial
2 trial. I want you to understand, folks, that
3 when I use the word Defendant, I'm referring to
4 Mr. Tyrase Collins and I am referring to Mr.
5 Lorenzo Boles.

6 Furthermore, it's important to understand
7 that the State charges Tyrase Collins with the
8 offenses known as possession of a weapon during
9 the commission of a violent crime, armed
10 robbery, the murder of Frank Johnson, Jr., the
11 murder of Ghazi A. Duckett, and the murder of
12 Lamekia M. Warren.

13 Ladies and gentlemen, the State of South
14 Carolina charges Mr. Lorenzo Boles with the
15 offenses known as accessory before the facts of
16 a felony, the armed robbery of Frank Johnson,
17 Jr., and accessory before the fact to a felony
18 to wit the murder of Frank Johnson, Jr.,
19 accessory before the fact to a felony to wit the
20 murder of Ghazi Duckett, and accessory before
21 the fact to a felony to wit the murder of
22 Lamekia M. Warren.

23 To the charges, ladies and gentlemen, the
24 Defendants have entered a plea of not guilty.
25 And this plea places the burden of proof on the

1 State, ladies and gentlemen, to prove guilt of
2 the Defendants to you, the jury, beyond a
3 reasonable doubt. Now, folks, I want to remind
4 you that the fact that the Defendants were
5 arrested, charged and indicted in this case is
6 not evidence in this case, and cannot be
7 considered by you, as evidence of guilt in this
8 case, nor does it create any presumption or
9 inference of guilt.

10 The indictment, again, is simply the formal
11 written instrument that contains a charge made
12 against the Defendant, it's the formal document,
13 which brings this matter before the Court. Now,
14 I want to make sure you understand, ladies and
15 gentlemen, the indictments in the case allege
16 several different offenses for the Defendant.
17 For Mr. Collins the indictment allege possession
18 of a weapon during a violent crime, armed
19 robbery of Frank Johnson, Jr., murder of Frank
20 Johnson, Jr., murder of Ghazi Duckett, and
21 murder of Lamekia M. Warran.

22 The charges, as it relates to Mr. Boles
23 are, accessory before the fact to a felony to
24 wit the armed robbery of Frank Johnson, Jr.,
25 accessory before the fact to a felony to wit the

1 murder of Frank Johnson, Jr., accessory before
2 the fact, ladies and gentlemen, to a felony to
3 wit the murder of Ghazi Duckett, and, finally,
4 ladies and gentlemen, accessory before the fact
5 to a felony to wit the murder of Lamekia M.
6 Warren.

7 Now, I want you to know, folks, that each
8 indictment charges a separate and distinct
9 offense. You must decide each indictment
10 separately on the evidence and the law
11 applicable to it uninfluenced by your decision
12 to any other indictment.

13 Now, during the trial, I know I talked
14 about this earlier in the week, during the trial
15 you and I have had separate duties to perform.
16 As Trial Judge, it's my responsibility to
17 preside over the trial, and I also have the duty
18 to rule upon the admissibility of evidence
19 offered during the process of the trial.

20 And in that regard, you are only to
21 consider the competent evidence before you, and
22 you are to disregard from your mind any
23 testimony ordered stricken from the record in
24 this case during the progress of the case, if
25 there was any, and you are to consider only the

1 testimony which has been presented from the
2 witness stand, together with any exhibits
3 admitted into the record of this case, any
4 stipulations of counsel that were made. Now,
5 furthermore, I have the additional duty to
6 charge you on the applicable law of the case,
7 and in that regard, I'm the sole judge of the
8 law in the case. It's your duty to accept and
9 apply the law as I state it to you.

10 If you have any preconceived ideas, as to
11 what the law is, or what it ought to be, and it
12 doesn't agree with what I tell you, ladies and
13 gentlemen, you're obligated under your oath to
14 abandon these preconceptions, because you are
15 sworn to accept the law as I present it to you.

16 Now, ladies and gentlemen, in this trial
17 you are the sole and exclusive judge of the
18 fact, and I'm the judge of the law. Do not
19 infer that I have an opinion about any of the
20 facts in this case from anything that I've said
21 during the course of the trial, in ruling on the
22 admissibility evidence or otherwise, or from
23 anything that I say during the course of this
24 charge to you.

25 In this regard, the law simply does not

1 allow me to have an opinion about the facts. As
2 jurors, it's your duty alone, folks, to
3 determine the effect, the value and the weight
4 of the evidence presented during the course of
5 this trial.

6 Now, to determine what the facts in this
7 case, are you must judge the credibility, which
8 simply means the believability of the witnesses
9 and the value and weight to be given to their
10 testimony. You alone must decide the force,
11 ladies and gentlemen, the effect of the
12 testimony.

13 And in making this decision, there are many
14 things that you may and should take into
15 consideration, such as the appearance and manner
16 of the witness on the witness stand, a
17 characteristic often referred to as the demeanor
18 of the witness. Was the witness forthright?
19 Was the witness hesitant? Was the witness'
20 testimony consistent, or did it contain
21 discrepancies?

22 What was the ability of the witness to know
23 the facts about which he or she testified? Did
24 the witness have cause or reason to be biased
25 and prejudiced in favor of the testimony he or

1 she gave? Was the testimony of the witness
2 corroborated, or made stronger by other
3 evidence, or was it made weaker or impeached by
4 other such testimony and evidence? Now, as
5 jurors, I want you to understand something, you
6 have the right to believe a small portion of a
7 witness' testimony, and disregard the larger
8 portion, or vice versa.

9 You may believe all of a witness' testimony
10 or none. You may believe the testimony of a
11 single witness against that of many witnesses,
12 or the other way around.

13 In exercising your mental processes in
14 attempting, ladies and gentlemen, to decide the
15 verdict, the law simply requires that you
16 exercise, folks, your good judgment, your common
17 sense, your sense of logic, and your reason and
18 experiences in life. You then apply those
19 attributes, folks, to the evidence and the law
20 as I state it to you, and thus arrive at a
21 verdict.

22 Now, ladies and gentlemen, we talked about
23 this a little bit, but it's important, and I
24 want to go over it again. The rules of evidence
25 normally do not allow a witness to testify to

1 opinions or conclusions. An exception to this
2 rule exists for witnesses we call expert
3 witnesses. A witness, who by education,
4 experience has become an expert in some art,
5 science, profession or calling, may state
6 opinions to relevant and material, in which the
7 witness claims to be an expert, and may also
8 state the reasons for the opinion.

9 Now, folks, you should consider any expert
10 opinion received in evidence in this case like
11 any other evidence. That is, you give it the
12 weight you think it deserves, you decide, ladies
13 and gentlemen, if the opinion of the expert
14 witness is not based on sufficient education or
15 experience, or if you conclude that the reasons
16 given in support of the opinion are not sound,
17 or that the opinion is outweighed by other
18 evidence. You may disagree with the opinion in
19 its entirety. An expert witness' testimony is
20 given no greater weight than that of any other
21 witness, simply because the witness is an
22 expert.

23 Further, you are not required to accept an
24 expert's opinion, even though it may not be
25 contradicted.

1 Now, this came up during the trial, and I
2 want you to know this, a person who has a past
3 criminal record is competent, I repeat, is
4 competent to testify during a trial. A past
5 record does not affect the ability of that
6 witness to testify. The past record may only be
7 considered by you, if at all, in determining the
8 witness' believability.

9 Now, I want you to understand this, it is
10 vital to understand it, in fact, that the
11 Defendants in this case are presumed, under the
12 law, to be innocent of these charges.

13 The Defendants have no obligation to prove
14 their innocence. It's a fundamental rule of our
15 law that Defendants, irrespective of the
16 seriousness of the charges against them, are
17 always presumed innocent of the crimes for which
18 they are charged, unless and until their guilt
19 has been proven by evidence that satisfies you,
20 the jury, beyond a reasonable doubt. The
21 presumption of innocence is not a mere legal
22 theory, or a legal phrase.

23 The presumption of innocence is very
24 important, and you need to understand, folks,
25 that this presumption accompanies the Defendants

1 from the time of their arrest and appearance in
2 this Court and continues with the Defendants
3 even after you retire to the jury room to
4 deliberate. In other words, the Defendants
5 receive the benefit of the presumption of
6 innocence until the very end of the trial, when
7 you, the jury, will deliberate upon the
8 evidence, and decide whether the State has
9 proven their guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, what is a
11 reasonable doubt in the law? A reasonable doubt
12 is the kind of doubt that would cause a
13 reasonable person to hesitate to act. Proof
14 beyond a reasonable doubt is proof that leaves
15 you, the jury, firmly convinced of the
16 Defendants' guilt.

17 Now, folks, there are few things in this
18 world that we know with absolute certainty. So
19 even in criminal cases, the law does not require
20 proof that overcomes every possible doubt.
21 However, if based upon your consideration of the
22 evidence, you're firmly convinced that the
23 Defendants are guilty of his crimes charged, you
24 must find him guilty.

25 If on the other hand, you think there is a

1 real possibility the Defendants are not guilty,
2 you must give them the benefit of the doubt and
3 find him not guilty. Jurors, please understand
4 that reasonable doubt may arise from evidence
5 that has been presented in the case, or from
6 lack of evidence in the case. It's your
7 responsibility, ladies and gentlemen, to
8 determine whether or not reasonable doubt
9 exists, as to the guilt of the Defendants.

10 I charge you, ladies and gentlemen, that
11 the Defendants are entitled to every reasonable
12 doubt arising in the whole case. If upon any
13 issues, ladies and gentlemen, of fact essential
14 to conviction and a verdict of guilty, you have
15 a reasonable doubt as to how that issue should
16 be resolved, it would be your duty to resolve
17 that reasonable doubt in favor of the
18 Defendants.

19 Thus, in summary, it's important to
20 understand that the Defendants are not required
21 to prove their innocence, instead, ladies and
22 gentlemen, the State is required by law to prove
23 every essential element of the offenses charged
24 against these Defendants, by evidence which
25 satisfies you, ladies and gentlemen, of their

1 guilt beyond a reasonable doubt. Only then can
2 you convict the Defendants and find them guilty.

3 Now, I want you to know this, there are two
4 types of evidence that is generally presented
5 during a trial, direct evidence and
6 circumstantial evidence. Direct evidence
7 directly proves the existence of a fact, it does
8 not require deduction.

9 Circumstantial evidence is a chain of facts
10 and circumstances indicating the existence of a
11 fact. Crimes may be proven by circumstantial
12 evidence. The law makes no distinction between
13 the weight or the value to be given to either
14 direct or circumstantial evidence; however
15 slight, the State relies on circumstantial
16 evidence, all of the circumstances must be
17 consistent with each other, and when taken
18 together point conclusively to the guilt of the
19 accused beyond a reasonable doubt.

20 If the circumstances show the Defendants'
21 behavior are suspicious, the proof has failed.
22 The State has the burden of proving the
23 Defendants' guilt beyond a reasonable doubt, and
24 this burden rests with the State, regardless of
25 whether the State relies on direct evidence,

1 circumstantial evidence, or some combination of
2 the two.

3 Now, ladies and gentlemen, in order to
4 establish criminal liability, criminal intent is
5 required. Intent must be proven by the State
6 beyond a reasonable doubt. Criminal intent is
7 always a matter to be determined by the jury
8 from the circumstances surrounding the
9 situation.

10 Now, I want you folks to know that there's
11 no way to prove intent to a mathematical
12 certainty. There is no way medical science can
13 dissect a person's brain and determine what the
14 person had in mind. So the law says that
15 criminal intent must be inferred from the
16 circumstances shown to have existed.

17 This is how you make a determination of
18 whether or not the element requiring intent was
19 present. It is not necessary to establish
20 intent by direct and positive evidence, but
21 intent may be established by inference in the
22 same way as any other fact, by taking into
23 consideration the acts of the parties, and all
24 the facts and circumstances of the case.
25 Criminal intent is a mental state, a conscious

1 wrongdoing, and it's up to you, ladies and
2 gentlemen, to determine what the Defendants
3 intended to do, based on the circumstances shown
4 to have existed.

5 Now, I want you to know that mere presence
6 at the scene is not sufficient to prove someone
7 guilty of a crime.

8 A Defendant's presence, where a crime is
9 being committed, or a mere association with a
10 person who commits a crime does not make a
11 defendant an accomplice or an aider and imbedder
12 of the person committing the crime. The burden
13 is on the State to prove every element of the
14 crime charged.

15 If you find after reviewing all of the
16 evidence, the State has proved that the
17 Defendant was only present at the scene of the
18 crime, then they have not proved beyond a
19 reasonable doubt any other participation in the
20 crime, then you must find the Defendant not
21 guilty. The law is a proof of the Defendant at
22 the scene is not sufficient to find someone
23 guilty.

24 I also want you to know this, I instruct
25 and I emphasize the fact that the Defendants in

1 this case did not testify, and that is not a
2 factor to be considered by you in any way in
3 your deliberations, okay? I'm gonna read that
4 again, I want you to know, I instruct you and
5 emphasize the fact that the Defendants did not
6 testify is not a fact to be considered by you in
7 any way in your deliberations, and in your
8 consideration on the question of guilt or
9 innocence of the Defendants.

10 It must not be considered by you in any
11 manner whatsoever. The Defendants have the
12 constitutional right to remain silent, and the
13 assertion of this right must not be considered
14 by you in your deliberations. I repeat, under
15 your oath, you are to draw no conclusion
16 whatsoever from the fact that the Defendants in
17 this case did not testify.

18 The fact that these Defendants did not
19 testify should not even be discussed in the jury
20 room. The burden of proof, as I have stated to
21 you, is on the State, and the Defendants are not
22 required to prove their innocence. The burden
23 of proof remains on the State to prove guilt
24 beyond a reasonable doubt.

25 Now, folks, I want you to know the

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

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

20 These terms expressed and inferred do not
21 mean different kinds of malice, but merely the
22 manner in which malice may be shown to exist,
23 either by direct evidence or by inference from
24 the facts and circumstances which are proven.
25 Expressed malice is shown when a person speaks

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

8 Malice may be inferred from conduct showing
9 a total disregard for human life.

10 Defendant, Tyrase Collins is charged with armed
11 robbery. In order to prove this defense, the
12 State must first prove beyond a reasonable doubt
13 that to personal property or residence of
14 another.

15 Property is in the presence of another person,
16 if it is within the person's reach, inspection,
17 observation or control, so that the person
18 could, if not overcome with violence, or
19 prevented by fear or keep possession of the
20 property. The State must also prove beyond a
21 reasonable doubt that the Defendant carried away
22 the property intending to permanently deprive
23 the owner of the property, and to keep the
24 property from the defendant's own use, for the
25 defendant's own use, excuse me.

1 The slightest removal of the property, or the
2 complete possession of the property, even for an
3 instant by the defendant is sufficient to show a
4 taking and carrying away of the property. The
5 taking and carrying away of the property must
6 have been done with violence, or by putting the
7 owner of the property in fear of violence. And,
8 finally, the State must prove beyond a
9 reasonable doubt that the Defendant was armed
10 with a deadly weapon during the robbery.

11 A deadly weapon is any article, instrument or
12 substance, which is likely to cause death or
13 great bodily harm. Whether an instrument has
14 been used as a deadly weapon, depends on the
15 facts and circumstances of each case.

16 The following are examples of instruments, which
17 may be deadly weapons, a pistol, a shotgun, a
18 rifle, a dirk, a dagger, knife, a slingshot,
19 metal knuckles, a razor, gasoline, a firebomb, a
20 Molotov cocktail and lighter fluid.

21 Ladies and gentlemen, a gun may be a deadly
22 weapon, even if it is not operated.

23 Now, I want you to know that the Defendant,
24 Tyrase Collins is also charged with possession
25 of a weapon during the commission of a violent

1 crime. The State must prove beyond a reasonable
2 doubt that the Defendant was in possession of a
3 firearm, or visibly displayed what appeared to
4 be a firearm during the commission of a violent
5 crime. A firearm means any machine gun,
6 automatic rifle, revolver, pistol or any other
7 weapon which will or is designed or may be
8 converted to expel a projectile.

9 In order to find the Defendants guilty of
10 possession of a weapon, or the Defendant, excuse
11 me, guilty of possession of a weapon during the
12 commission of a violent crime, you must first
13 find the Defendant guilty of committing a
14 violent crime. Ladies and gentlemen, I instruct
15 you that murder and armed robbery are violent
16 crimes.

17 The State must prove beyond a reasonable
18 doubt that the weapon further advanced or helped
19 the commission of the crime.

20 Now, Mr. Boles, ladies and gentlemen, is
21 charged with accessory before the fact of murder
22 and armed robbery. Accessory before the fact
23 requires a showing that the accused either, one,
24 was either advised and agreed, urged or in some
25 way aided or abetted some other person to commit

1 the offense, two, was not present when the
2 offense was committed, and, three, that some
3 principal committed the crime.

4 The State must prove each of these elements
5 beyond a reasonable doubt. To be found guilty
6 of accessory before the fact, the State must
7 also prove beyond a reasonable doubt that
8 Defendant, Boles, knew a crime was going to be
9 committed by some principal. It's not enough
10 for the State to prove that Defendant Boles in
11 the commission of the crime, instead the State
12 must prove Defendant, Boles, acted with criminal
13 intent. Aid means to help, promote the course
14 or accomplishment of, to give support to, or
15 give assistance to. Abet means to encourage or
16 appear to favor or support.

17 Now, I want you to know a couple other
18 things. I charge you that there are two
19 Defendants in this case, Mr. Tyrase Collins,
20 who, again, is charged with possession of a
21 weapon during a violent crime, the armed robbery
22 of Frank Johnson, the murder of Frank Johnson,
23 Jr., the murder of Ghazi Duckett, Jr., and the
24 murder of Lamekia Warren.

25 And Mr. Boles, who is charged with

1 accessory before the fact of a felony to wit the
2 armed robbery of Frank Johnson, Jr., accessory
3 before the fact of a felony to wit the murder of
4 Frank Johnson, Jr., accessory before the fact a
5 felony to wit the murder of Ghazi Duckett, and
6 accessory before the fact of a felony to wit the
7 murder of Lamekia Warren.

8 The case of each Defendant, ladies and
9 gentlemen, and the evidence, and the law
10 concerning that defendant should be considered
11 separately and individually. Your verdict does
12 not have to be the same for both Defendants.
13 The fact that you may find one Defendant guilty
14 or not guilty should not control your verdict as
15 to the other Defendant.

16 Where more than one person is charged with
17 a crime, if the evidence warrants it, you may
18 convict one and acquit the other, or you may
19 acquit both, or you may convict both. It will
20 depend on your view of the testimony and the
21 evidence. You must take each Defendant and
22 consider the evidence against that Defendant,
23 and my instructions to you on the law, and you
24 will write a separate verdict of guilty or not
25 guilty for each Defendant.

1 Ladies and gentlemen, I've got a few more
2 remarks for you, okay, before you begin your
3 deliberations. And I want you to clearly
4 understand that you are not partisans or
5 advocates for the State of South Carolina or the
6 Defendants. It is your duty, by your joint
7 deliberations, to determine the facts in this
8 case, giving the Defendants the benefit of every
9 reasonable doubt on each and every issue.

10 Then to the facts that you determine to be
11 true, ladies and gentlemen, you should take and
12 apply the law which has been given to you by
13 this Court, and thus arrive at a verdict in the
14 case.

15 Thus when you have accomplished these
16 responsibilities, you will have satisfied your
17 oath, ladies and gentlemen, as jurors, and you
18 will have discharged your duty to this Court.
19 Once you retire to the jury room, the Bailiff
20 will give you the verdict forms, or give the
21 verdict forms to the Foreperson. When you, the
22 jury, arrive at your verdict, as to the offenses
23 charged in this case, the Foreperson will select
24 the verdict as to that offense on the verdict
25 form. If the State's failed to prove guilt of

1 the Defendants beyond a reasonable doubt, your
2 verdict will be not guilty.

3 Likewise, if the State has proven the guilt
4 of the Defendants beyond a reasonable doubt,
5 your verdict will be guilty. Once a decision
6 has been made the Foreperson will check
7 whichever choice is the verdict of the jury, as
8 to the offenses charged.

9 The verdict that you render in this case
10 must be the verdict of each and every juror. It
11 must be your unanimous verdict. All 12 jurors
12 must agree on the verdict, which you authorize
13 the Foreperson to write for the jury. Ladies
14 and gentlemen, I want you to further understand
15 that the order in which the choices appear on
16 the verdict form are not suggestive of any
17 verdict on the part of the Court.

18 A verdict in this case is to be determined
19 by you, ladies and gentlemen, the jury, and not
20 the Court. Furthermore, ladies and gentlemen,
21 please understand that even though I will give
22 the verdict form to the Foreperson, it's not his
23 verdict alone, it's the verdict of all 12 of
24 you, and, again, your verdict must be unanimous.

25 You must consider the instructions that

1 I've given you as a whole, and not follow some
2 and ignore others.

3 Now, in just one minute I'm gonna ask that
4 you retire to the jury room, but when you do, I
5 do not want you to begin your deliberations
6 until you are told to do so. The law requires
7 that I consult with the attorneys, to make sure
8 that I haven't left anything out of those
9 instructions.

10 And after I've checked with the attorneys,
11 then the Bailiff will bring you the verdict form
12 and instruct you to begin your deliberations.
13 Also, should you have any questions during your
14 deliberations, you must put them in writing and
15 send them to me by the Bailiff.

16 The Court Bailiff will be placed
17 immediately outside the jury room during
18 deliberations. If you have a question, please
19 do not write a breakdown of your vote on the
20 paper that you give the Bailiff. Don't ever
21 write down the breakdown of your vote, okay?

22 So if you have a question, just don't
23 include that, you certainly can write down what
24 the question is. Once you've reached a verdict,
25 please knock on the jury room door, and the

1 Bailiff will advise the Court that you've
2 reached a verdict, and we will return you to the
3 courtroom as promptly as possible, okay? And so
4 what I also want to do is take one second, and
5 show you this form. I've got two separate
6 verdict forms, okay? And I've got one verdict
7 form right here. Basically, what it does is,
8 this is the verdict form concerning Mr. Boles,
9 all right?

10 Ladies and gentlemen, this is gonna go back
11 with you, but I just want to go over it a little
12 bit if you have questions. So, for instance,
13 "We, the jury, in the above-captioned case on
14 the charge of accessory before the fact of a
15 felony, that is the murder of Frank Johnson,
16 Jr.," you find the Defendant not guilty, guilty,
17 and so the Foreperson shall check one, all
18 right, but whatever the jury decides he will
19 check one.

20 Then you go to two, or whatever order you
21 want to do, quite frankly, as it relates to Mr.
22 Boles, actually, that's up to you, so then
23 question two, "We, the jury, in the above-
24 captioned charge with accessory before the fact
25 to a felony with the murder of Ghazi Duckett, we

1 find the Defendant not guilty, guilty."

2 Again, "We, the jury, in the above-
3 captioned case on the charge with accessory
4 before the fact of a felony with the murder of
5 Lamekia Warren, not guilty, guilty," you'll
6 check. And then, finally, "We the jury in the
7 above-captioned charge with accessory before the
8 fact of a felony, the armed robbery of Frank
9 Johnson, Jr., not guilty or guilty." And then
10 I'd ask the Foreperson to sign his name here,
11 okay?

12 Now, as it relates to Mr. Collins, again,
13 "We, the jury, in the above-captioned in the
14 murder of Frank Johnson, Jr., we find the
15 Defendant," and it would be not guilty or
16 guilty.

17 And, again, as to the murder of Ghazi
18 Duckett, not guilty or guilty. As to the murder
19 of Lamekia M. Warran, not guilty or guilty.
20 Finally, as to the armed robbery of Frank
21 Johnson, Jr., not guilty or guilty. Now, one
22 change here, right here in bold, in the event
23 you answer not guilty to questions one through
24 four, okay? So if one through four are not
25 guilty, then I would instruct you that the

1 answer five must be not guilty, okay?

2 So if one through four is not guilty, five
3 is, "We, the jury, in the above-captioned charge
4 of possession of a weapon during the commission
5 of a violent crime find the Defendant guilty, or
6 not guilty." But, again, if you find him not
7 guilty of one through four, you must find him
8 not guilty of number five, okay?

9 So I'm gonna send this back to you, along
10 with other evidence that will come back to you
11 in just a moment, but I'm gonna ask that you go
12 and retire to the jury room.

13 Do not begin discussing the case yet,
14 because I've got to make sure I haven't left
15 anything out. And if that's the case, then
16 we'll get everything back to you, and then the
17 Bailiff will tell you you can begin your
18 deliberations, okay?

19 So please do not talk about the case until
20 you hear from the Bailiffs.

21 (Jury exits the courtroom.)

22 THE COURT: Exceptions, problems, any
23 possible omissions, as it relates to the jury
24 charges I have prepared and read to the jury
25 from the State?

1 MR. EVANS: Not from the State.

2 THE COURT: Mr. Gibbes?

3 MR. GIBBES: No, sir.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: I have nothing, Your Honor.

6 THE COURT: All right, and then any
7 objection as it relates to the language that I
8 provided them concerning instructions on the
9 verdict form from the State?

10 MR. EVANS: Not from the State.

11 THE COURT: Mr. Gibbes?

12 MR. GIBBES: No, Your Honor.

13 THE COURT: Mr. Johnson?

14 MR. JOHNSON: No, your Honor.

15 THE COURT: What I would like to do is a
16 couple of housekeeping matters. Number one, I'm
17 assuming that when we get ready to send the
18 verdict form back, or whatever evidence that you
19 want to go back, number one, I want you'all to
20 have agreed as to what's going back, okay?

21 So I want my counsel to make sure that
22 whatever's going back, everybody agrees that
23 those are what's in evidence, and they get what
24 they're supposed to get.

25 When that goes back, the verdict forms will

1 go back with it. At that point I'm assuming
2 that what we want to do is, we want to basically
3 pull the two alternates -- okay, we've got three
4 alternates?

5 CLERK: Three alternates.

6 MR. EVANS: Three.

7 THE COURT: We've got three alternates
8 left. I think what our law requires us to do at
9 this point is for me to remove them from the
10 panel, and thank them, and then excuse them. Is
11 that your understanding, Solicitor?

12 MR. EVANS: Yes, sir, once we agree on the
13 evidence, yes, sir.

14 THE COURT: All right. Once you've agreed
15 on the evidence. Will that be satisfactory, Mr.
16 Gibbes?

17 MR. GIBBES: Yes, Your Honor.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: That's fine, Your Honor.

20 THE COURT: All right, so why don't you
21 gentlemen spend a few minutes and let's make
22 sure we've got what's gonna go back.

23 Defense, Mr. Gibbes, are you satisfied with
24 what's going back?

25 MR. GIBBES: Yes, Your Honor.

1 MR. JOHNSON: I'm satisfied, Your Honor.

2 THE COURT: All right, great, so then we
3 can tell the Bailiff to --

4 MR. EVANS: I'd say first bring the
5 alternates, then on his way back he can take the
6 exhibits.

7 THE COURT: What I want to do is, I want
8 him to pull the three alternates out, and at the
9 same time he pulls them out, he can hand them
10 that and tell them to continue deliberations,
11 okay?

12 BAILIFF: Okay.

13 THE COURT: They need to bring everything
14 they've got, food, and all that good stuff.
15 Thank you, Ms. Nettles.

16 (Alternate jurors enter the courtroom.)

17 THE COURT: Folks, the good news is, you're
18 finished, you can leave, you can grab whatever
19 you want and go. The bad news is, you sit here
20 all week, you participate, all three of you were
21 involved, listening,

22 and as interested in this matter as any
23 other jurors. The problem is that the law only
24 allows 12 jurors in the jury room, and the law
25 also describes that I must discharge the

1 alternate jurors when the case begins the
2 deliberation.

3 I can't tell you how -- I hope it's been an
4 educational experience. We deal with important
5 matters up here at court, and it's important to
6 the State, it's important to the defense, and
7 like I said, I hope you take this with you, and
8 I promise we're not up here goofing around about
9 keeping you waiting.

10 Being here and honoring your summons is
11 something you do for your community. Nobody
12 makes you live in Hampton, I mean truly, you
13 live here, this is your home, this is where you
14 want to be, and serving on a jury is a real
15 service to your community and to your fellow
16 citizens, and so I just want to thank you.

17 I know -- and I don't know if it's a huge
18 steak dinner that they've got back there, but I
19 can't even let you eat it with the jurors, with
20 the jury, but if you'all want to take it with
21 you, eat it somewhere else here in the
22 courthouse.

23 I appreciate you spending this holiday with
24 us, and it means a lot to me, it means a lot to
25 the lawyers that are involved in this case, and

1 to everybody here. You're good to go for three
2 years, okay, that's all. That's all? Three
3 years, and of course that doesn't count for
4 federal court, magistrates court, or city court.
5 So it doesn't count for those, but it only
6 counts for circuit court, criminal, and civil
7 here, which would be -- which is big court here
8 at the courthouse for three years. So thank you
9 so much.

10 I'm gonna discharge you at this time. I
11 would ask one other thing. Throughout the week
12 I told you, please don't talk about the case.
13 What I will tell you is this. Now that this
14 matter is almost concluded, you can talk about
15 it. If you want to talk to somebody about the
16 case, great, whatever you want to do. If you
17 don't want to talk to somebody about the case,
18 and they come up to you and want to talk about
19 the case, and they won't leave you alone, I
20 don't think that's gonna happen, but if it did,
21 you call her, she calls me, they don't bother
22 with you, okay.

23 All right, so if you want to talk about the
24 case, you can. I would ask, however, if you
25 could wait until the jury reaches their verdict.

1 The other thing I want to let you know is this,
2 if you want to stick around and see what they
3 do, happy to have you, okay, and that would be
4 you just go back and sit in the gallery,
5 whatever you want to do. Sometimes jurors want
6 to stick around because they're curious, but if
7 you want to stick around you may, and if you
8 want to do that, they will show you where to
9 sit. Those of you that are ready to get out of
10 here, I understand that too. Thank you so much.
11 You'all have a good rest of your Friday.

12 If you need a work excuse, you can stop by
13 my office downstairs. There's somebody there
14 that's already got the form for us.

15 THE COURT: All right, we'll be at ease
16 then.

17 MR. EVANS: Thank you, Your Honor.

18 (Recess)

19 **

20 **PROCEEDINGS CONTINUED**

21 THE COURT: Folks, we've got a question
22 from the jury. It says, "Jury requests the
23 large poster of the yellow/green," it looks like
24 shell, but shell was scratched through,
25 "casings," or actually, "bullet casing

1 dispersion picture," okay? And so that's the
2 question.

3 What I'm gonna do is, I'm gonna hand this
4 down, I'm gonna make this a Court's exhibit, but
5 I am going to hand this down. I want each of
6 you to come up and review this and make sure
7 I've read that correctly.

8 MR. EVANS: Yes.

9 THE COURT: All right, and so I'm not sure,
10 what's that gonna be?

11 COURT REPORTER: 6.

12 THE COURT: 6.

13 MR. EVANS: Judge, this was a
14 demonstrative. I initially entered it as an
15 exhibit, then with the defense counsel's
16 agreement, converted the document in its
17 unaltered form, we printed out the 8 1/2x11
18 version, and made that an actual exhibit, they
19 have that. The poster then became converted
20 back to demonstrative, as I originally intended,
21 and that was before Ms. Eichenmiller's
22 testimony. So, no, in its current form it is
23 not an exhibit, which has been entered into
24 evidence, as a demonstrative exhibit.

25 THE COURT: That's what I thought. Would

1 you gentlemen agree that it is a demonstrative
2 exhibit, the exhibit as it exists with green and
3 yellow stickers?

4 MR. EVANS: Yes, sir.

5 THE COURT: Would you agree with that's
6 admitted not as evidence, but right now, as
7 we're discussing, it's a demonstrative exhibit?

8 MR. GIBBES: Yes, Your Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Yes.

11 THE COURT: All right, so what's your
12 position, Solicitor?

13 MR. EVANS: Judge, I don't think it would
14 be inappropriate for them to review it again,
15 since they've done so during closing, but I do
16 think it would be appropriate to take it back to
17 the jury.

18 THE COURT: What do you say? I mean I
19 don't know why they're concerned, or why they
20 want it, or who knows which way it could cut,
21 but what do you say, Mr. Gibbes?

22 MR. GIBBES: Your Honor, I'll agree that
23 the Solicitor is correct in regards to not going
24 back to them, but I have a further problem with
25 that --

1 THE COURT: I would agree with the fact
2 that it shouldn't go back, it's not in evidence.

3 I can't ask them why they need it, that's
4 invading the province of the jury, so the
5 question is, I think we all could agree that
6 it's not in evidence, and as a result, and the
7 Foreman has the dots on it, it's not in
8 evidence, so I would agree it's not appropriate
9 to go back.

10 The issue is, because it's demonstrative,
11 and was used in reference to the closing, it is
12 appropriate for them to look at. In other
13 words, come out here and look at the exhibit
14 without anything being said and go back in, that
15 I guess is the issue. What do you say?

16 MR. JOHNSON: I would say no.

17 THE COURT: All right. All right, let them
18 come out and look at it. I don't think it was
19 entered into evidence.

20 About bringing in the jury but just to
21 allow them to see it. I don't think that's
22 appropriate. I don't know why they'd want it.
23 I'm certainly not going to inquire why they want
24 it, and so -- can I see that statement again,
25 please?

1 Would it be appropriate to refer to that as
2 the yellow and green dots? Were they dots?
3 What do you call those things?

4 MR. EVANS: They're stickers, Judge.

5 THE COURT: Okay, how about I just refer to
6 the yellow/green stickers.

7 MR. EVANS: Certainly. And they were --
8 technically, they were placed on two
9 demonstratives, and those demonstratives have,
10 obviously, if you're asking how to reference
11 them for the record --

12 THE court: What I'm gonna do is, if it's
13 okay, I think I'll just put the posters with the
14 yellow/green, because that's what they referred
15 to it, yellow/green --

16 MR. EVANS: Yes, sir.

17 THE COURT: -- stickers. Were not entered
18 into evidence -- how about I'll put, "Were used
19 as a demonstrative exhibit."

20 MR. EVANS: Or perhaps aid, because the
21 word exhibit might confuse them, and make them
22 think, well, if it's an exhibit why is it not
23 here?

24 THE COURT: How about, "The posters with
25 the yellow/green stickers as a demonstrative

1 aid, therefore, the Court is unable to provide
2 it to you."

3 MR. EVANS: That suits me, Judge.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: Yes, Your Honor.

6 THE COURT: All right.

7 MR. JOHNSON: I agree, Your Honor.

8 THE COURT: All right.

9 To make sure I've done everything I can do.
10 You know on those things I always make sure
11 everybody gets on board --

12 MR. EVANS: Yes, sir.

13 THE COURT: -- or at least have an
14 opportunity to. All right, why don't you guys
15 take a look at this. All right so that note,
16 State?

17 MR. EVANS: Yes, sir.

18 THE COURT: Mr. Gibbes?

19 MR. GIBBES: Oh, yes, sir.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: That's fine, Your Honor.

22 THE COURT: So what we'll do is make a copy
23 of that. I want to mark that. I'll give the
24 jury the copy, the original we'll mark and put
25 as a Court's exhibit; is that satisfactory?

1 MR. EVANS: Yes, Your Honor.

2 THE COURT: Mr. Johnson?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: Mr. Gibbes?

5 MR. GIBBES: Yes, Your Honor.

6 THE COURT: All right, great, we're gonna
7 mark it yellow as an exhibit. Now, where's my
8 Bailiff?

9 (Court's Exhibit 6 was admitted into
10 evidence.)

11 CLERK: He's at the doorway.

12 THE COURT: All right, just go ahead, if
13 you would give him that, and you can give that
14 to the jury, okay?

15 BAILIFF: Yes, sir.

16 THE COURT: All right.

17 (Recess)

18 BAILIFF: All rise.

19 THE COURT: All right, you may be seated.

20 Folks, I'm informed that the jury has
21 reached a verdict, so I believe we're ready to
22 receive the verdict. Now, that having been
23 said, I want everyone in this courtroom to know
24 that there's gonna be folks who are happy,
25 there's gonna be some folks who are upset, but I

1 understand that; but I will tell regardless of
2 where the verdict falls, I want everyone in the
3 courtroom to know that I'm not gonna tolerate
4 outbursts, I'm not gonna tolerate any type of
5 emotion, because it's just not -- right now, in
6 this courtroom, that's not the place for it. I
7 want everyone to know that I have the ability to
8 hold any person who's disruptive of the court in
9 immediate contempt, which also potentially means
10 immediate penalties associated with that
11 contempt, and so I want to say that. Is there
12 anybody that can't, or don't -- questions,
13 whether they can keep their emotions intact? I
14 want to tell them they need to leave the
15 courtroom right now.

16 I see no one's leaving, so I've given
17 everybody that warning. Anything before we
18 bring the jury in to receive the verdict from
19 the State?

20 MR. EVANS: Not from the State, Your Honor.

21 THE COURT: Mr. Gibbes?

22 MR. GIBBES: No, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: I have nothing, Your Honor.

25 THE COURT: All right, let's bring the jury

1 in, please.

2

**

3

READING OF THE VERDICT

4

THE COURT: I heard we have reached a
5 verdict.

6

(Jury enters the courtroom.)

7

MR. FOREPERSON: Yes, sir.

8

THE COURT: All right, if you could hand
9 that to the Bailiff, who will hand it to me.

10

Thank you, sir. All right folks, I'm gonna hand
11 the verdict form to the Clerk, and I would ask
12 that the Clerk please publish the verdict. The
13 Defendants please rise.

14

THE CLERK: The State of South Carolina,
15 County of Hampton v. Tyrase Collins, Indictment
16 Number 2018GS25130 through 134, we, the jury, in
17 the above-captioned case on the charge of murder
18 of Frank Johnson Jr. find the Defendant guilty.
19 Number 2, we, the jury, in the above-captioned
20 case on the murder of Mr. Duckett, I don't know
21 how to say the first name.

22

THE COURT: Ghazi.

23

THE CLERK: Ghazi Duckett, we find the
24 Defendant guilty. We, the jury, in the above-
25 captioned case on the charge of murder of

1 Lamekia Warren, we find the Defendant guilty.

2 We, the jury, in the above-captioned case
3 on the charge of armed robbery of Frank Johnson
4 Jr., we find the Defendant guilty.

5 We, the jury, in the above-captioned case
6 on the charge of possession of a weapon during
7 the commission of a violent crime, find the
8 Defendant guilty, signed by the Foreperson,
9 Conrad Grant.

10 THE COURT: All right, thank you.

11 THE CLERK: The State of South Carolina,
12 County of Hampton v. Lorenzo Boles in Indictment
13 Numbers 2018GS25215, 216, 218, and 219, we, the
14 jury, in the above-captioned case on the charge
15 of accessory before the fact of the felony, the
16 murder of Frank Johnson Jr., find the Defendant
17 guilty.

18 We, the jury, in the above-captioned case
19 on the charge of accessory before the fact for
20 the murder of Ghazi Duckett find the Defendant
21 guilty.

22 We, the jury, in the above- captioned case
23 on the charge of accessory before the fact of a
24 felony, the murder of Lamekia Warren, find the
25 Defendant guilty.

1 We, the jury, in the above-captioned case
2 on the charge of accessory before the fact of
3 the felony of the armed robbery of Frank Johnson
4 Jr., find the Defendant guilty.

5 Signed by the Foreperson, Conrad Grant.

6 THE COURT: All right, thank you, Madam
7 Clerk. All right, gentlemen, you can be seated.
8 Let me ask you this, before I will discharge the
9 jury, Mr. Gibbes do you have any motions or any
10 matters that need to be taken up before I
11 discharge the Jury, sir?

12 MR. GIBBES: No, Your Honor. I think we
13 already reserved our motions previously.

14 THE COURT: All right, counsel approach.
15 (Bench conference.)

16 THE COURT: All right, Mr. Gibbes, as it
17 relates to your client, sir, do you have any
18 motions, or anything that you would like me to
19 address before I discharge the Jury?

20 MR. GIBBES: Well, Your Honor, at this
21 point I'd poll the jury.

22 THE COURT: You want to poll the jury?

23 MR. GIBBES: Yes, sir.

24 THE COURT: Okay, Madam Clerk, I'd ask if
25 you'd please poll the Jury, as it relates to the

1 Defendant, Lorenzo Boles, if you would poll them
2 in Mr. Boles' case, please.

3 THE CLERK: Okay. When I call your name if
4 you would stand, and I'm gonna ask you 2
5 questions. You'll need to answer each question.
6 Conrad Grant, was this your verdict?

7 MR. GRANT: Yes.

8 THE CLERK: And is it still your verdict?

9 MR. GRANT: Yes.

10 THE CLERK: Charles Sanders, was this your
11 verdict?

12 MR. SANDERS: Yes.

13 THE CLERK: And is it still your verdict?

14 MR. SANDERS: Yes.

15 THE CLERK: Montoya Daniels, was this your
16 verdict?

17 MR. DANIELS: Yes.

18 THE CLERK: And is it still your verdict?

19 MR. DANIELS: Yes.

20 THE CLERK: Jerry Rucker, was this your
21 verdict?

22 MR. RUCKER: Yes.

23 THE CLERK: And is it still your verdict?

24 MR. RUCKER: Yes.

25 THE CLERK: D.S. Deloache, was this your

1 verdict?

2 MS. DELOACHE: Yes.

3 THE CLERK: And is it still your verdict?

4 MS. DELOACHE: Yes.

5 THE CLERK: Michelle Robinson, was this
6 your verdict?

7 MS. ROBINSON: Yes.

8 THE CLERK: And is it still your verdict?

9 MS. ROBINSON: Yes.

10 THE CLERK: Cindy Williams, was this your
11 verdict?

12 MS. WILLIAMS: Yes.

13 THE CLERK: And is it still your verdict?

14 MS. WILLIAMS: Yes.

15 THE CLERK: Kelvin Fennell, was this your
16 verdict?

17 MR. FENNELL: Yes.

18 THE CLERK: And is it still your verdict?

19 MR. FENNELL: Yes.

20 THE CLERK: Donald Lewis, was this your
21 verdict?

22 MR. LEWIS: Yes.

23 THE CLERK: And is it still your verdict?

24 MR. LEWIS: Yes.

25 THE CLERK: Nile Elmquist, is this your

1 verdict?

2 MR. ELMQUIST: Yes.

3 THE CLERK: And is it still your verdict?

4 MR. ELMQUIST: Yes.

5 THE CLERK: Lynn Corbin, was this your
6 verdict?

7 MS. CORBIN: Yes.

8 THE CLERK: And is it still your verdict?

9 MS. CORBIN: Yes.

10 THE CLERK: Fay Gerald, was this your
11 verdict?

12 MS. GERALD: Yes.

13 THE CLERK: And is it still your verdict?

14 MS. GERALD: Yes.

15 THE COURT: Thank you, Madam Clerk.

16 Mr. Gibbes, anything further?

17 MR. GIBBES: No, Your Honor.

18 THE COURT: Thank you. All right, Mr.
19 Johnson, anything before the Court would release
20 the jury, sir?

21 MR. JOHNSON: Yes, as I said before, the
22 jury be polled.

23 THE COURT: Yes, sir. All right, Madam
24 Clerk, if you could please poll the jury in
25 regards to Mr. Tyrase Collins please.

1 Thank you.

2 THE CLERK: Okay. Mr. Grant, is this your
3 verdict?

4 MR. GRANT: Yes.

5 THE CLERK: And is it still your verdict?

6 MR. GRANT: Yes.

7 THE CLERK: Charles Sanders, is this your
8 verdict?

9 MR. SANDERS: Yes.

10 THE CLERK: And is it still your verdict?

11 MR. SANDERS: Yes.

12 THE CLERK: Montoya Daniels, is this your
13 verdict?

14 MR. DANIELS: Yes.

15 THE CLERK: And is it still your verdict?

16 MR. DANIELS: Yes.

17 THE CLERK: Jerry Rucker, is this your
18 verdict?

19 MR. RUCKER: Yes.

20 THE CLERK: And is it still your verdict?

21 MR. RUCKER: Yes.

22 THE CLERK: D.S. Deloache, is this your
23 verdict?

24 MS. DELOACHE: Yes.

25 THE CLERK: And is it still your verdict?

1 MS. DELOACHE: Yes.

2 THE CLERK: Michelle Robinson, is this your
3 verdict?

4 MS. ROBINSON: Yes.

5 THE CLERK: And is it still your verdict?

6 MS. ROBINSON: Yes.

7 THE CLERK: Cindy Williams, is this your
8 verdict?

9 MS. WILLIAMS: Yes.

10 THE CLERK: And is it still your verdict?

11 MS. WILLIAMS: Yes.

12 THE CLERK: Kelvin Fennell, is this your
13 verdict?

14 MR. FENNELL: Yes.

15 THE CLERK: And is it still your verdict?

16 MR. FENNELL: Yes.

17 THE CLERK: Donald Lewis, is this your
18 verdict?

19 MR. LEWIS: Yes.

20 THE CLERK: And is it still your verdict?

21 MR. LEWIS: Yes.

22 THE CLERK: Nile Elmquist, is this your
23 verdict?

24 MR. ELMQUIST: Yes.

25 THE CLERK: And is it still your verdict?

1 MR. ELMQUIST: Yes.

2 THE CLERK: Glenn Corbin, is this your
3 verdict?

4 MS. CORBIN: Yes.

5 THE CLERK: And is it still your verdict?

6 MS. CORBIN: Yes.

7 THE CLERK: And Faye Gerald, is this your
8 verdict?

9 MS. GERALD: Yes.

10 THE CLERK: And is it still your verdict?

11 MS. GERALD: Yes.

12 THE COURT: All right, anything else, Mr.
13 Johnson?

14 MR. JOHNSON: Not at this time.

15 THE COURT: Well, as it relates to the jury
16 though, anything else concerning the jury, sir?

17 MR. JOHNSON: Not anything for the jury

18 THE COURT: All right. Ladies and
19 gentlemen, thank you for your service this week.
20 We deal with very important matters up here, and
21 I hope this has been an educational experience,
22 and I promise you when we're keeping you a
23 little late, or getting started late, it's not
24 because we're in here goofing off.

25 We're trying to do what we need to do, so

1 that we can move forward with the cases and be
2 as conscious of your time as we can. I hope you
3 enjoyed your lunch. My hamburger was actually
4 pretty darn good, and I thank Ms. Nettles for
5 that.

6 Folks, the service that you provided to
7 your County, your citizens, this week, you know,
8 can be compensated with a small check, which
9 you're gonna be getting from the County.

10 All I can tell you is, this is where you
11 choose to live. You make this your home, and
12 this is part of the duty, serving on a jury.
13 It's something that you've got to do, and you've
14 honored your summons, and I appreciate you being
15 here. The good news is this, you're good for 3
16 years. For three years, you don't have to come
17 back into this courtroom. You don't have to
18 come back for jury duty, and you served in
19 court. However, that doesn't include
20 magistrates court, city court, or federal court.
21 They may still get you, but we're not gonna get
22 you here for at least 3 more years, so you're
23 good there.

24 What I want to tell you is gonna happen now
25 is this. There are gonna be some motions that

1 are heard, and then I expect that we probably
2 will go to directly into sentencing, perhaps
3 after those motions, and so to that extent, I
4 will tell you this, if you are ready to get out
5 of here, I don't blame you.

6 You've been here all week, or most all
7 week. If you want to stick around, you
8 certainly can, and the Bailiff will show you
9 where you can go back in, and come back into the
10 gallery. Whatever you want to do, it's up to
11 you, it doesn't matter to me. I know sometimes
12 folks are interested in what happens next, and
13 if you want to stick around you can. If you
14 don't, I certainly understand you're ready to go
15 home and negatively start the weekend an hour or
16 two early, okay.

17 So finally, I told you all week don't talk
18 about the case. How many times have I said it?
19 Don't talk about the case. You want to talk
20 about the case now, you can. You don't want to
21 talk about the case, that's fine too. That's up
22 to you, and if anybody says, hey, they want to
23 talk about the case, and you don't want to talk
24 about the case, if they bother you or persist,
25 and I don't think they will, I say this in every

1 trial, I don't think they will, but if they do,
2 you just call the Clerk, she calls me. I
3 promise you they will abide, okay.

4 So with that having been said, I thank you
5 so much. I'm discharging you. You have
6 fulfilled your oath to this Court, your duty to
7 this Court, and I thank you for your time this
8 week, and I hope you have a good rest of your
9 Veterans Day, and a good weekend. Thank you so
10 much.

11 And we've got some work excuses there.

12 THE CLERK: It doesn't have your end time
13 for this afternoon, so if you'all will just fill
14 that in. I trust you to put the right box.

15 THE COURT: All right. We are going to be
16 at ease for about 5 minutes.

17 (Jury exits the courtroom.)

18 THE COURT: All right, we'll be at ease for
19 about five minutes.

20 (Recess)

21 **

22 PROCEEDINGS CONTINUED

23 **

24 SENTENCING HEARING

25 THE COURT: All right, are there any post-

1 trial motions from the State?

2 MR. EVANS: Not from the State.

3 THE COURT: Mr. Gibbes, post-trial motions,
4 sir?

5 MR. GIBBES: Yes, Your Honor, I just wanted
6 to renew.

7 THE COURT: All right, go ahead.

8 MR. GIBBES: I move for a directed verdict,
9 Your Honor.

10 THE COURT: All right. And, again,
11 respectfully, sir, for the same reasons that I
12 denied those motions earlier, I would again deny
13 those motions for the same reason. Mr. Johnson,
14 anything you want to tell me, a post-trial
15 motion, sir?

16 MR. JOHNSON: Your Honor, as I said, I
17 renew my trial motions, directed verdict
18 notwithstanding the verdict, I still believe
19 that there was insufficient evidence to go
20 forward, that this case did not prove location
21 and we ask the Court to grant our motion.

22 THE COURT: All right, well, in each case
23 as it relates to that, I would submit, you know,
24 that we kind of thoroughly patched over these
25 issues, when I entertained your motions before

1 the case went to the jury, and again, sir, I
2 think that there was sufficient evidence to send
3 the case to the jury, and I outlined my reasons
4 for that, and, quite frankly, I think that the
5 jury took the evidence, weighed the evidence.
6 It's clear that they gave deliberate and careful
7 consideration to this case.

8 The jurors deliberated for the biggest part
9 of, I would imagine, two plus hours. They asked
10 for a particular exhibit, so they were thinking
11 about things. We weren't able to provide them
12 that as we discussed, and I believe it was
13 appropriate that they didn't have it, because it
14 wasn't admitted into evidence, but I just don't
15 see anything that was -- I think that they
16 considered it.

17 I think they spent time considering it. It
18 appears to me, based on the request they
19 delivered, and in their deliberations based upon
20 the information they received, and so for those
21 reasons, I think the evidence was there, that
22 they believed that the State proved their case
23 beyond a reasonable doubt, and I think the
24 evidence was there for them to do that.

25 So with all due respect, I would deny your

1 post-trial motion. Let me ask you something,
2 and, I'm sorry, Solicitor, I don't mean to
3 exclude you, is there anything you want to add
4 to the response of those motions, the motions
5 that were made by, anything that you want to add
6 or put on the record?

7 MR. EVANS: No, sir.

8 THE COURT: Okay, and I didn't mean to
9 exclude you, sir. I just need to make sure.
10 All right, let me ask you something, Mr.
11 Johnson. At the time that this offense was
12 committed, sir, was your client under the age of
13 18?

14 MR. JOHNSON: Yes, he was, Your Honor. He
15 was 17.

16 THE COURT: All right, as a result of that
17 Solicitor, with the Aiken and Miller cases,
18 don't I have to look at and evaluate different
19 criteria, if I'm gonna to entertain a life
20 without the possibility of parole sentence, sir?

21 MR. EVANS: Well, he was not eligible for
22 life without the possibility of parole, Your
23 Honor. He does not have a prior record, and we
24 didn't notice any before that.

25 He is eligible for life, not life without

1 the possibility of parole, but I think I
2 understand Your Honor's larger point.

3 THE COURT: Are you saying I don't have the
4 ability to sentence him to life? When I
5 sentence to life, that means life, correct?

6 MR. EVANS: Yes, sir, but when you use that
7 specific phrase, in which it removes Your
8 Honor's discretion, based on a prior most
9 serious offense, or two prior serious offenses.

10 THE COURT: Okay, yeah.

11 MR. EVANS: I apologize. I'm not talking
12 about that.

13 MR. EVANS: I apologize.

14 THE COURT: Yes, sir.

15 MR. EVANS: Yes, sir. Okay, well that's --
16 when I hear without possibility of parole,
17 that's what comes to mind.

18 THE COURT: No, what I'm referring to, sir,
19 is that if I'm looking at a life sentence, I
20 believe that under the Miller and Aiken
21 decision, are there certain criteria that I have
22 to look at?

23 MR. EVANS: I believe you're right Judge,
24 because I'm not prepared for this issue today,
25 because I was focused --

1 THE COURT: All right.

2 MR. EVANS: -- on obviously the trial. I
3 would say that if Your Honor is comfortable with
4 deferring sentencing for Mr. Collins, that would
5 be entirely appropriate. The State would have
6 no issue with that. I'm sure that we can
7 schedule an appropriate time.

8 THE COURT: Mr. Johnson, I think that there
9 may be some additional consideration set forth
10 in the Supreme Court, which I think is the Aiken
11 case, and I think the State's interpretation of
12 the Miller case, and so what I want to do is,
13 because your client was under the age of 18 at
14 the time, I think there are some additional
15 considerations that I've got to give if I
16 entertain, assuming I'm gonna entertain a life
17 sentence, and so to that extent, because in
18 South Carolina, of course, in this situation
19 life means life, and so I think that what I'm
20 gonna do, I'm going to, I'm not going to
21 sentence your client today, sir.

22 What I'd like to do is to have a couple of
23 things. Number one, I would like to give each
24 of you the opportunity to review those two
25 cases, and any additional case log that may need

1 to be brought to my attention as I look at and
2 evaluate sentencing. Because also, some of
3 those criteria, I think they take some
4 additional time, sir, as it relates to
5 information that you may need to gather to
6 provide to this Court.

7 So there may be some information I think --

8 MR. EVANS: I think that mitigation is
9 particularly important.

10 THE COURT: -- the big deal I think in
11 some of those case log deals with mitigation,
12 and so what I want to do is, I want to make sure
13 that we have a record of the mitigation, and
14 that I give you an opportunity to put that
15 mitigation together, sir. Okay.

16 MR. EVANS: I understand.

17 THE COURT: So what I want to do, sir, is
18 I'm going to -- your client, basically, I'm just
19 going to defer sentencing, and what I'd like to
20 do is to probably give each of you, do you think
21 two weeks would be enough?

22 Well, let's do this, why don't you look
23 into it, and we'll get back together with a
24 status conference, and we'll decide perhaps get
25 a little bit of a map, as to what we need to do.

1 MR. EVANS: He's facing mandatory minimum
2 of 30 years regardless Judge, I understand
3 everybody wants a result, but I think we could
4 leave it open-ended, so I appreciate the Court's
5 patience.

6 THE COURT: Yeah, I'm --

7 MR. EVANS: Mr. Clapp and I are in trial
8 next month in Allendale.

9 THE COURT: I'm gonna work with you'all as
10 it relates to postponing the sentence. I'm not
11 trying to kick the can around the room.

12 MR. EVANS: Understood.

13 THE COURT: It's just because Mr. Collins
14 was under the age of 18 at the time. I want to
15 make sure that we get this right, and so I would
16 rather go and give you an opportunity to make
17 sure we've got it right, and that any
18 information concerning mitigation in his case,
19 specifically, because he's under the age of 18,
20 sir, at the time, I want to get that done.

21 Now, what we will do of course, is we will
22 make certain, a) that the hearing, when there is
23 a sentencing, it will be in open court, it will
24 be with much month notice, and so everybody will
25 be aware of when that sentencing is gonna take

1 place, but I'm not comfortable doing it today,
2 as it relates to Mr. Collins, because of his
3 age. All right, so have we got that square,
4 Solicitor?

5 MR. EVANS: Yes, sir, Your Honor.

6 THE COURT: Mr. Johnson?

7 MR. JOHNSON: Yes, Your Honor.

8 THE COURT: All right. I am able to move
9 forward in Mr. Boles sentencing today, and so
10 let me hear from the Solicitor on that.

11 MR. EVANS: Just one moment Judge. I did
12 have a typo on one of his sentences. I just
13 want to make sure I fix it. May I approach,
14 Your Honor?

15 THE COURT: Yes, sir.

16 MR. EVANS: All right, Your Honor. I'm not
17 going to belabor our proceedings here today.
18 The victim's family has -- they're the most
19 important folks, and they have informed me that
20 they do not wish to, I'll double check.

21 Have you changed your mind? They've
22 informed me that they do not need to address the
23 Court at this time. They understand how closely
24 Your Honor paid attention to the evidence, as do
25 I. I don't think anything I could say right

1 now, other than getting a directive, which I
2 will in a moment, would do a better job than the
3 actual evidence did.

4 Mr. Boles does have a prior criminal record
5 beginning in 2001, sale to possession by a
6 certain person for a stolen pistol, he served
7 three years suspended and 2 years probation in
8 that case. In 2005 he was convicted of assault
9 and battery of aggravated nature.

10 Also in 2005, simple possession of
11 controlled substances, schedule 1-5, first
12 offense.

13 2015, possession of cocaine, first offense.
14 Judge, that's all the convictions that I am-

15 THE COURT: I'm sorry Solicitor. Could you
16 give me those convictions again? I apologize.

17 MR. EVANS: Yes, sir. It's okay. I beg
18 the Court's indulgence.

19 THE COURT: That's all right.

20 MR. EVANS: I'll look back. While I'm
21 pulling it up, I'll let the Court know that Mr.
22 Boles is in federal custody at the moment for a
23 pending matter.

24 I've already advised the assistant U.S.
25 Attorney -- our contact person with that office.

1 I don't know if she's directly over his
2 prosecution or not, but it's Ms. Henderson, who
3 I'm sure you're familiar with, Judge.

4 THE COURT: Sure.

5 MR. EVANS: I've advised her on the verdict
6 today. She's just asked to learn what the
7 sentence is, which I'll inform her later. So
8 she's the expert on those sort of issues, about
9 where he'll be serving.

10 I imagine most likely his SCDC time will
11 begin, but he will be serving it still under
12 federal custody until he faces those charges.

13 THE COURT: Right. What was that record
14 again?

15 MR. EVANS: Yes, sir. I'm sorry. I was
16 trying to double-check.

17 THE COURT: It's okay.

18 MR. EVANS: I'll look back. All right,
19 Your Honor, beginning in 2001, sale to
20 possession of by a certain person a pistol.
21 That may have been a possession by a minor of a
22 pistol, but stolen gun is all under the same
23 statute, so the rap sheet doesn't make quite
24 clear, but in any event, received three years,
25 three years suspended to two years probation for

1 possession of a gun in 2001.

2 THE COURT: Okay.

3 MR. EVANS: Then, in 2005 he was convicted
4 of assault and battery of a high and aggravated
5 nature. Received another probationary sentence,
6 as well as possession of other controlled
7 substances, schedule 1-5, first offense, and in
8 2015 possession of cocaine, first offense.

9 THE COURT: All right, thank you.

10 MR. EVANS: Thank you, Your Honor.

11 THE COURT: All right, we've had the
12 Foreperson escape without signing the
13 indictments, so we'll have to chase him down,
14 and all he will do is, of course, write guilty,
15 and sign his name.

16 All right, what else? Anything else,
17 Solicitor?

18 MR. EVANS: No, sir.

19 THE COURT: All right, Mr. Gibbes. Let me
20 hear from you, sir. I'd be happy to.

21 MR. GIBBES: Your Honor, we heard the
22 record. Your Honor, we have no objection to
23 attest the record, the prior record of my
24 client. We just would, you know, just
25 respectfully submit to the Judge that, you know,

1 Mr. Boles, his mom who is present, she has
2 stepped out.

3 Your Honor, obviously, you know our
4 position on the directed verdict, and we respect
5 your position. We just would ask that Your
6 Honor would have consideration and seek a
7 sentence that would not be as excessive, Your
8 Honor.

9 THE COURT: All right, and your client's
10 39.

11 MR. GIBBES: Correct.

12 THE COURT: Is that correct, right? Is
13 this a 85 percenter?

14 MR. EVANS: Judge, accessory before the
15 fact, the penalty is the same as for the
16 substantive offense.

17 THE COURT: So is it day-per-day?

18 MR. EVANS: Yes, sir, at least as to the
19 mandatory minimum, and for murder I believe it
20 is life for each sentence. So the one
21 distinction, and I know I've reflected it on the
22 sentencing sheet, but I don't remember the
23 indictment number. He does have one where the
24 range is 10 to 30 years.

25 THE COURT: All right, we'll be at ease for

1 a moment.

2 MR. EVANS: Yes, sir.

3 (Recess)

4 THE COURT: All right, you can be seated.

5 All right, in case number 2018-GS-2500-215,
6 that's the State v. Lorenzo Boles, on the charge
7 of accessory before the fact to a felony, sir,
8 I'm going to sentence you to the Department of
9 Corrections for a term of 45 years, and that's
10 gonna run concurrent with the other sentences
11 that I'm passing judgment on.

12 I'm gonna give you credit for any time
13 served.

14 MR. EVANS: With the charge which was
15 maximum is 30 years.

16 THE COURT: I will give him 30 years on
17 that.

18 MR. EVANS: Very good, sir.

19 THE COURT: Yes, sir. All right, in case
20 number 2018-GS-2500-216, that's the accessory
21 before the fact of felony, again, sir, I'm going
22 to sentence you to the term of 45 years at the
23 Department of Corrections, running everything
24 concurrent, giving you credit for your time
25 served.

1 Sir, in the case of 2018 -- that's
2 accessory before the fact, and this is the 10 to
3 30 years, so I'm going to assume, Solicitor,
4 this is the armed robbery charge?

5 MR. EVANS: Yes, sir, I checked the
6 indictment.

7 THE COURT: So what the sentence for you,
8 sir, to the State Department of Corrections for
9 a period of 30 years, running everything
10 concurrent, and giving you credit for time
11 served.

12 And, finally, sir, in 2018-GS-2500-219,
13 sir, I'm going to sentence you on accessory
14 before the fact, I'm going to sentence you, sir,
15 to the State Department of Corrections for a
16 period of 45 years, running that concurrent, and
17 giving you credit for all of your time served.

18 All right, I believe that should bring this
19 matter to a conclusion. Anything further from
20 the State?

21 MR. EVANS: Not from the State.

22 THE COURT: We will sentence Mr. Collins'
23 case later?

24 MR. EVANS: Yes, sir.

25 THE COURT: All right.

1 Anything further, Mr. Gibbes?

2 MR. GIBBES: No, Your Honor, thank you.

3 THE COURT: Sir?

4 MR. JOHNSON: I have nothing.

5 THE COURT: All right.

6 Thank you very much.

7 This will conclude this matter for today's
8 purposes.

9 (At 6:04 p.m. the proceedings were
10 concluded.)

11 **

12 **END OF VOLUME IV**

13 **

14

15

16

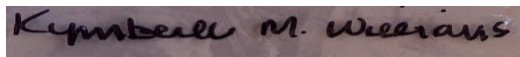
17

CERTIFICATE OF REPORTER*******

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 10th Day of November 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 9th day of August 2024.



Kymberlee M. Williams, CSR/RPR

**DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER**

Phone: (800) 788-7133 Fax: (800) 578-7223

Print Date: March 27, 2018



FIREARMS TRACE SUMMARY

Trace Number: T20180100415 Request Date: March 26, 2018 Completion Date: March 26, 2018

WILLIAM JARRELL
HAMPTON COUNTY SHERIFF OFFICE
P.O. BOX 633
HAMPTON, SC 29924
PHONE: (803) 914-2200 Ext:
FAX (803) 914-2213

Badge No: A-2
Investigation No: SO-18001686

FIREARM INFORMATION

Manufacturer: GLOCK GMBH
Model: 23
Caliber: 40
Serial Number: BCSN899
Type: PISTOL
Country: AUSTRIA
Importer: GLOCK INC, SMYRNA GA
Obliterated:
Identifying Marks:
NIBTN
Gang Name:

RECOVERY INFORMATION

Recovery Date: 03/26/2018
Time to Crime: 401 days

53 CREWS ST
VARNVILLE, SC 29944

Possessor:

DOB:

POB:

PURCHASER INFORMATION

Purchase Date: 03/18/2017

CAMRON JERMAINE DAVIS
341 GRAYSON ST APT 471
ESTILL, SC 29918

DOB: [REDACTED]/1987

POB: HAMPTON, SC UNITED STATES

Race: BLACK

Sex: Male

ID 1: SOCIAL SECURITY: [REDACTED]

ID 2: SC DRIVER'S LICENSE: [REDACTED]

Contact the local ATF office for additional information.

ADMINISTRATIVE INFORMATION

DEALER INFORMATION

FFL: 15704196

PLANTATION IRON LLC
1217 MAY RIVER RD
BLUFFTON, SC 29910

Phone: (843) 384-6555
Ext:

Ship-To-Date: 10/06/2016

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

Additional Remarks:

ON THE ATF FORM 4473, THE PURCHASER MARKED HIS ETHNICITY AS "NOT HISPANIC OR LATINO".

The information in this report must be validated prior to use in any criminal proceedings.



**DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER**

Phone: (800) 788-7133 Fax: (800) 578-7223

Print Date: March 27, 2018

FIREARMS TRACE SUMMARY



Trace Number: T20180100408 Request Date: March 26, 2018 Completion Date: March 27, 2018

WILLIAM JARRELL
HAMPTON COUNTY SHERIFF OFFICE
P.O. BOX 633
HAMPTON, SC 29924
PHONE: (803) 914-2200 Ext:
FAX (803) 914-2213

Badge No: A-2
Investigation No: SO-18001686

FIREARM INFORMATION

Manufacturer: GLOCK GMBH
Model: G38
Caliber: 45
Serial Number: VHH952
Type: PISTOL
Country: AUSTRIA
Importer: GLOCK INC, SMYRNA GA
Obliterated:
Identifying Marks:
NIBIN:
Gang Name:

RECOVERY INFORMATION

Recovery Date: 03/26/2018
Time to Crime: 469 days

53 CREWS ST
VARNVILLE, SC 29944

Possessor:

DOB:

POB:

PURCHASER INFORMATION

Purchase Date: 12/12/2016

SAMUEL LEO SHEPARD III
226 RANGE RD
VARNVILLE, SC 29944

DOB: [REDACTED] 1994

POB: WILMINGTON, DE UNITED STATES

Race: BLACK

Height: 5 ft 8 in

Sex: Male

Weight: 175 lbs

ID 1: SOCIAL SECURITY: [REDACTED]

ID 2: DRIVER'S LICENSE: [REDACTED]

Contact the local ATF office for additional information.

DEALER INFORMATION

FFL: 15701126

HAVE GUN WILL SELL
3570 YEMASSEE HWY
VARNVILLE, SC 29944

Phone: (803) 943-0747
Ext:

Ship-To-Date: 12/05/2013

ADMINISTRATIVE INFORMATION

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

Additional Remarks:



The information in this report must be validated prior to use in any criminal proceedings.

877

WITNESSES

M. Clapp, HCSO

DOCKET NO. 2018GS2500215

The State of South Carolina

County of Hampton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2018

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2018A2510300017

Date of Arrest: June 8, 2018

THE STATE

vs.

Lorenzo Boles

ACTION OF GRAND JURY

Indictment For

Accessory Before the Fact to Felony

SC Code: 16-1-40

CDR Code: 0002

TRUE BILL

Foreperson of Grand Jury

Date:

NOV 15 2018

Defendant

VERDICT

Guilty

Witness:

Foreperson of Petit Jury

Date: 11-10-23
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2018GS2500215

At a Court of General Sessions, convened on November 15, 2018, the Grand Jurors of Hampton County present upon their oath:

Accessory Before the Fact to Felony

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Lorenzo Boles, did aid in the commission of a felony, to wit: the murder of victim Lamekia M. Warren; all in violation of Section 16-1-40, et al. of the Codes of Law of South Carolina, (1976 as amended):

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



Solicitor

TRUE BILL

FILED

NOV 16 2018
CLERK OF COURT
HAMPTON COUNTY, SC

WITNESSES

M. Clapp, HCSO

DOCKET NO. 2018GS2500216

The State of South Carolina
County of Hampton

COURT OF GENERAL SESSIONS

November Term 2018

THE STATE

vs.

Lorenzo Boles

Indictment For

Accessory Before the Fact to Felony

SC Code: 16-1-40

CDR Code: 0002

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2018A2510300018

Date of Arrest: June 8, 2018

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

NOV 15 2018

VERDICT

Guilty

Defendant

Witness:

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

11-10-23

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

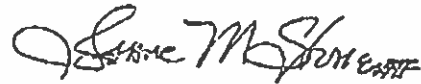
INDICTMENT
2018GS2500216

At a Court of General Sessions, convened on November 15, 2018, the Grand Jurors of Hampton County present upon their oath:

Accessory Before the Fact to Felony

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Lorenzo Boles, did aid in the commission of a felony, to wit: the murder of victim, Frank Johnson, Jr., all in violation of Section 16-1-40, et al. of the Codes of Law of South Carolina (1976, as amended).

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



Solicitor

TRUE BILL



WITNESSES

M. Clapp, HCSO

DOCKET NO. 2018GS2500218

The State of South Carolina

County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2018

hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2018A2510300021

Date of arrest: June 8, 2018

THE STATE

vs.

Lorenzo Boles

ACTION OF GRAND JURY

Indictment For

Accessory Before the Fact to Felony

SC Code: 16-1-40

CDR Code: 0002

TRUE BILL

Foreperson of Grand Jury

Date:

NOV 15 2018

Defendant

VERDICT

Guilty

Witness:

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

10-10-23

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2018GS2500218

At a Court of General Sessions, convened on November 15, 2018, the Grand Jurors of Hampton County present upon their oath:

Accessory Before the Fact to Felony

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Lorenzo Boles, did aid in the commission of a felony, to wit: the armed robbery of the victim Frank Johnson, Jr.; all in violation of Section 16-1-40, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE COPY

WITNESSES

M. Clapp, HCSO

DOCKET NO. 2018GS2500219

The State of South Carolina

County of Hampton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2018

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2018A2510300022

Date of Arrest: June 8, 2018

THE STATE

vs.

Lorenzo Boles

ACTION OF GRAND JURY

Indictment For

Accessory Before the Fact to Felony

SC Code: 16-1-40

CDR Code: 0002

TRUE BILL

Foreperson of Grand Jury

Date:

NOV 15 2018

Defendant

VERDICT

~~Not~~ Guilty

Witness:

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

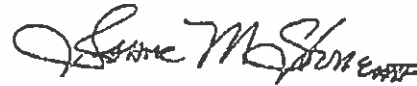
INDICTMENT
2018GS2500219

At a Court of General Sessions, convened on November 15, 2018, the Grand Jurors of Hampton County present upon their oath:

Accessory Before the Fact to Felony

That in Hampton County, South Carolina, on or about March 25, 2018, the Defendant, Lorenzo Boles, did aid in the commission of a felony, to wit: the murder of Victim, Ghazi Duckett; all in violation of Section 16-1-40, et al. of the Codes of Law of South Carolina, (1976), as amended.

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



Solicitor

LANE BURT

30 years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Lorenzo Boles

AKA:

Race: Black Sex: Male Age: 39DOB: /1983 SS#:

Address:

City, State, Zip:

DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500215A/W#: 2018A2510300017Date of Offense: 03/25/2018S.C. Code §: 16-1-40CDR Code #: 0002

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: Accessory before the fact to a Felony, general provisionIn violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # 0002☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A. Evans 79925
 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 45 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. 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. AM/PM

NOV 10 2023

 MYLINDA D NETTLES
 CLERK OF COURT
 HAMPTON COUNTY, SC

STATE VS. LORENZO BOLESINDICTMENT/CASE#: 2018GS2500215

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ <u>128.75</u>

 Clerk of Court/Deputy Clerk: My Linda D. Nettles
 Court Reporter: Rymerlee Williams
Presiding Judge: Fred E. SmithJudge Code: 2778Sentence Date: 11/10/23
 FILED
 AM/PM

NOV 10 2023

 MYLINDA D NETTLES
 CLERK OF COURT
 HAMPTON COUNTY, SC

30 years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Lorenzo Boles

AKA:

Race: Black Sex: Male Age: 39DOB: 1983 SS#:

Address:

City, State, Zip:

DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500216A/W#: 2018A2510300018Date of Offense: 03/25/2018S.C. Code §: 16-1-40CDR Code #: 0002

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: Accessory before the fact to a Felony, general provisionIn violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # 0002
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A. Evans 79925

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 45 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 SCDOP. 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.

FILED
AM/PM

NOV 10 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. LORENZO BOLESINDICTMENT/CASE#: 2018GS2500216

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100			\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100			\$ _____
§56-5-2995 (DUI Assessment)	\$12			\$ _____
§56-1-286 (DUI Breath Test)	\$25			\$ _____
§14-1-212 (Law Enforce. Funding)	\$25			\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150			\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41			\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50			\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea			\$ _____
3% to County (if paid in installments)	TBD			\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500			\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD			\$ _____
TOTAL				\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____My Linda D. Nettles
Kimberlee WilliamsPresiding Judge: _____
Judge Code: _____
Sentence Date: _____27700
11/10/23FILED
AM/PM

Page 2 of 2

NOV 10 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

10-30 years

~~30 years to life~~

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Lorenzo Boles

AKA:

Race: Black Sex: Male Age: 39DOB: [REDACTED]/1983 SS#: [REDACTED]

Address:

City, State, Zip:

DL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500218A/W#: 2018A2510300021Date of Offense: 03/25/2018S.C. Code §: 16-1-40CDR Code #: 0002

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: Accessory before the fact to a Felony, general provisionIn violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # 0002☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A Evans 79925

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 30 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. 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. AM/PM

NOV 10 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. LORENZO BOLESINDICTMENT/CASE#: 2018GS2500218

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$
§56-5-2995 (DUI Assessment)		\$12	\$
§56-1-286 (DUI Breath Test)		\$25	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25
§14-1-213 (Drug Court Surcharge)		\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$
§50-21-114 (BUI Breath Test Fee)		\$50	\$
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$
3% to County (if paid in installments)		TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$
TOTAL			\$ 128.25

Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

Presiding Judge: *[Signature]*Judge Code: 2170Sentence Date: 11/10/23

FILED
 AM/PM

30 years to life

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

STATE

VS.

Lorenzo Boles

AKA:

Race: Black Sex: Male Age: 39DOB: 1983 SS#:

Address:

City, State, Zip:

DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS2500219A/W#: 2018A2510300022Date of Offense: 03/25/2018S.C. Code §: 16-1-40CDR Code #: 0002

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: Accessory before the fact to a Felony, general provisionIn violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # 0002
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Reed A. Evans 79925
 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 45 days/months/0 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. 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.

FILED
5:20 AM/PM

NOV 10 2023

MYLUNDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. LORENZO BOLESINDICTMENT/CASE#: 2018GS2500219

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

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

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____		\$ _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ <u>3.25</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

TOTAL \$ 128.75Clerk of Court/Deputy Clerk: My Linda D. Nettles
Court Reporter: Kymberlee WilliamsPresiding Judge: _____
Judge Code: _____
Sentence Date: 11/10/23FILED
AM/PM

CERTIFICATE OF COUNSEL FOR APPELLANT

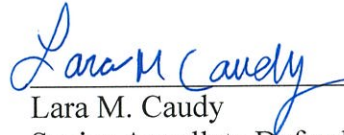
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised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

Respectfully Submitted,

RECEIVED

Aug 25 2025

SC Court of Appeals



Lara M. Caudy
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT

This 25th day of August, 2025.

RECEIVED

Aug 25 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

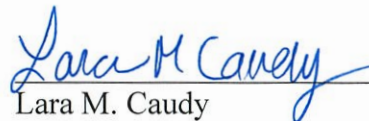
LORENZO BOLES,

APPELLANT

APPELLATE CASE NO. 2023-001824

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Andrew D. Powell, Esquire, at his primary email address listed in the Attorney Information System (AIS), this 25th day of August, 2025.



Lara M. Caudy
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT