

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Sumter County

Honorable Grace Gilchrist Knie, Circuit Court Judge

MALIK JABREE SINGLETON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000502

APPENDIX

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1 STATE OF SOUTH CAROLINA IN THE THIRD JUDICIAL CIRCUIT
2 COUNTY OF SUMTER GENERAL SESSIONS

3 -----x

4 STATE OF SOUTH CAROLINA,)
5 Plaintiff,)
6 vs.)
7 MALIK J. SINGLETON,)
8 Defendant.)

Transcript of Record
2015-GS-43-1075

9 -----x

10 January 14 - 17, 2019
Sumter, South Carolina

11 B E F O R E:

12 The Honorable George McFaddin, Judge.

13
14 A P P E A R A N C E S:

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Attorney for the State

16
17 Jason Bridges, Esq.
Attorney for the Defendant

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19
20
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22
23
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25 Transcribed by: Bobbi J. Fisher, RPR, from digital recording.

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P R O C E E D I N G S

(Whereupon, the following proceedings started at 11:35 a.m.)

THE COURT: Are we ready, gentlemen?

MR. MEADORS: The State's ready.

MR. BRIDGES: Defense is ready.

MR. MEADORS: May it please the Court?

THE COURT: Yes, sir.

MR. MEADORS: Your Honor, at this time, the State does call the State of South Carolina versus Malik Singleton, Sumter County true bill of indictment No. 2017-GS-43-1075. The defendant is present with his attorney, Mr. Jason Bridges. This is an indictment for attempted murder and possession of a weapon during the commission of a violent crime.

If I may approach, please.

THE COURT: Yes, sir.

Anything, Mr. Bridges?

MR. BRIDGES: Nothing from the defense, Your Honor.

THE COURT: Now, I am going to ask the panel some questions to narrow down the jurors for this trial. Have the jurors -- they were sworn earlier; correct?

THE BAILIFF: Yes, sir, they have.

THE COURT: Regarding answering my questions. Okay. Good.

Now, members of the panel, some of these questions are going to be redundant because I'm working from my list and

1 their list, and I may miss the elimination of a question, so
2 bear with me and be patient with me, please.

3 You have been sworn earlier to tell the truth when
4 answering questions thus far, and the Solicitor has announced
5 the case to be tried. So I'll begin. Is any member of the
6 jury panel related by blood or marriage to any local, state,
7 or federal law enforcement agent or official or does any
8 member of the panel have a family member who is a close
9 personal friend employed by any local, state, or federal law
10 enforcement agency? If so, please stand.

11 All right. We have got four.

12 In the far-left corner back here -- in the far-left
13 corner, sir.

14 JUROR NO. 56: My name is Chad Gainey. I'm Juror 56. My
15 friend Corey Withstein (ph) and J.B. August (ph) are cops,
16 close friends of his.

17 THE COURT: Sir, does that give you any reason why you
18 could not be fair and impartial to both sides in this case?

19 JUROR NO. 56: I would be more fair towards the victim
20 than I would be the...

21 THE COURT: Okay. All right. So --

22 JUROR NO. 56: I'm sorry. I just --

23 THE COURT: That's okay. That's all right. But in all
24 candor, basically, you're saying that --

25 JUROR NO. 56: Anything to do with murder or anything

1 like any murder, I would probably plead guilty [verbatim].

2 THE COURT: All right, sir. You're number what? Six?

3 JUROR NO. 56: 56.

4 THE COURT: 56? All right.

5 In the -- it's hard for me to see -- the green, I think
6 it is? Green? You may be seated, sir.

7 I tell you what, Mr. Bailiff, why don't y'all bring these
8 people forward. I have a hard time seeing past the lighting
9 in here.

10 THE BAILIFF: Your Honor, Juror No. 80.

11 THE COURT: Just bring them all forward at one time and
12 they can just stand right over here. That would be fine.

13 All right. On my left, your number, please?

14 JUROR NO. 80: 80.

15 THE COURT: What's your connection, ma'am? What's your
16 answer to that question?

17 JUROR NO. 80: My father and brother are police officers.

18 THE COURT: Now, ma'am, I'm going to ask you a question
19 as I would ask all of you. All I need is a yes-or-no answer.
20 Okay? Let's don't go beyond that. All right?

21 Ma'am, does that give you any reasons -- or let me ask
22 you this, said differently: Can you be fair and impartial to
23 both sides in this case?

24 JUROR NO. 80: Yes.

25 THE COURT: All right. Thank you, ma'am. You may be

1 seated.

2 Your number, ma'am?

3 JUROR NO. 83: 83.

4 THE COURT: And your name?

5 JUROR NO. 83: Martha Kelly.

6 THE COURT: Kallen?

7 JUROR NO. 83: Kelly.

8 THE COURT: Kelly. Ma'am, what's your situation
9 regarding that question?

10 JUROR NO. 83: I have a nephew that's a deputy sheriff
11 and I have a nephew that's a prison guard at the federal
12 prison.

13 THE COURT: Does that -- said differently: Can you be
14 fair and impartial to both sides in this case?

15 JUROR NO. 83: Yes.

16 THE COURT: All right. Thank you, ma'am.
17 Hey, ma'am.

18 JUROR NO. 12: I'm No. 12, Alexis Blanding.

19 THE COURT: And, ma'am, your connection?

20 JUROR NO. 12: My uncle, Dexter Blanding, is the sheriff.

21 THE COURT: In Sumter County?

22 JUROR NO. 12: Yes.

23 THE COURT: Can you be fair and impartial to both sides
24 in this case?

25 JUROR NO. 12: Yes, sir.

1 THE COURT: All right. Thank you.

2 Yes, ma'am?

3 JUROR NO. 36: I'm No. 36. My name is Candace Corbitt.

4 THE COURT: All right. Ms. Corbitt, what's your
5 connection?

6 JUROR NO. 36: Close friend of -- the Godfather of my
7 kids is the sheriff, Ernest Hampton.

8 THE COURT: What county?

9 JUROR NO. 36: Sumter County.

10 THE COURT: Ma'am, can you be fair and impartial to both
11 sides in this case?

12 JUROR NO. 36: Yes.

13 THE COURT: Thank you, ma'am.

14 UNIDENTIFIED SPEAKER: Your Honor, I apologize.
15 (Indiscernible; coughing).

16 THE COURT: A deputy sheriff in Sumter County?

17 JUROR NO. 36: Yes.

18 THE COURT: In Sumter County.

19 JUROR NO. 36: His name is Ernest Hampton.

20 THE COURT: Thank you, ma'am.

21 Yes, sir.

22 JUROR NO. 56: I'm Juror 56, Chad Gainey.

23 THE COURT: And you just answered my question a while
24 ago; right?

25 JUROR NO. 56: Yes.

1 THE COURT: And I'll just, for the sake of continuity
2 here, can you be fair and impartial to both cases -- both
3 sides in this case?

4 JUROR NO. 56: I could.

5 THE COURT: All right. Thank you, sir.

6 Yes, ma'am?

7 JUROR NO. 26: My name is Martha Choice. And I'm
8 (indiscernible) Doors. (Indiscernible) Cleaning. I mean --

9 THE COURT: How are you connected with law enforcement?

10 JUROR NO. 26: Huh?

11 THE COURT: Do you have a close personal friend or
12 relative who is involved in law enforcement?

13 JUROR NO. 26: No, but I'm -- I'm -- (indiscernible)
14 Malik.

15 THE COURT: You're a friend?

16 UNIDENTIFIED SPEAKER: Your Honor, I think she said she
17 was related to the defendant.

18 THE COURT: Oh, I see. Maybe I hadn't gotten there or
19 maybe I did; I don't know.

20 Ma'am, to what degree are you related?

21 JUROR NO. 26: Huh?

22 THE COURT: How is he your -- how are you related to this
23 person?

24 JUROR NO. 26: They said he's my cousin.

25 THE COURT: They said he's your cousin?

1 JUROR NO. 26: Mm-hmm.

2 THE COURT: Okay.

3 JUROR NO. 26: My husband's cousin.

4 THE COURT: Okay. Can you be fair and impartial in this
5 case?

6 JUROR NO. 26: No.

7 THE COURT: Okay. Thank you, ma'am. Your number, ma'am?

8 JUROR NO. 26: 26.

9 THE COURT: All right. Thank you so much.

10 JUROR NO. 26: All right.

11 THE COURT: May I speak with the attorneys, please.

12 (A bench conference was held outside of the hearing of
13 the jury panel and all others.)

14 THE COURT: No. 56 and No. 26 -- I think those are the
15 correct numbers -- may be excused from this trial.

16 (Juror Nos. 56 and 26 were excused.)

17 THE COURT: The next question: Is any member of the jury
18 panel related by blood or marriage to any local, state, or
19 federal prosecution official? Or does any member of the jury
20 panel have a family member or close personal friend employed
21 by any local, state, or federal prosecution agency? If so,
22 please stand.

23 Mr. Meadors?

24 MR. MEADORS: Judge, I apologize. Could we just ask for
25 the reciprocal on that also with the public defender's office?

1 I didn't address that earlier.

2 THE COURT: Yes, sir.

3 MR. BRIDGES: Yeah, I have no objection to that.

4 THE COURT: Okay. Is any member of the jury panel
5 related by blood or marriage to any public defender?

6 Mr. Meadors, is that suitable?

7 MR. MEADORS: Yes, sir. Thank you.

8 THE COURT: Or do any member of the jury panel have a
9 family member or close personal friend employed by any local,
10 state, or federal public defender agency? If so, please
11 stand. (No response.)

12 Does any member of the jury panel contribute money to the
13 South Carolina Law Enforcement Officers Association, South
14 Carolina Troopers Association, the Fraternal Order of Police,
15 or any other law enforcement support organization? If so,
16 please stand. (No response.)

17 Does any member of the jury panel contribute money to or
18 volunteer time to any victims support organization? Please
19 stand.

20 Yes, ma'am. Your number?

21 JUROR NO. 60: 60.

22 THE COURT: Yes, ma'am?

23 JUROR NO. 60: My sister is a counselor for Sexual Trauma
24 Services of Midlands here in town. I volunteer for them
25 occasionally.

1 THE COURT: Ma'am, does that -- let me ask it a different
2 way. Can you be fair and impartial to both sides knowing that
3 and doing that?

4 JUROR NO. 60: Yes, sir.

5 THE COURT: Thank you.

6 Has any member of the jury panel, their immediate family
7 or close friend ever been the victim of an armed -- victim of
8 an assault or crime of violence or been charged with such a
9 crime? If so, please stand.

10 Yes, sir?

11 JUROR NO. 183: Yes. In 2004, my older brother was
12 murdered.

13 THE COURT: Okay. Your number, sir?

14 JUROR NO. 183: 183.

15 THE COURT: One what, sir?

16 JUROR NO. 183: 183.

17 THE COURT: 183. I'm sorry; I couldn't hear you.

18 Can you be fair and impartial to both sides, sir?

19 JUROR NO. 183: Yes, sir.

20 THE COURT: All right. Thank you.

21 Now, Mr. Bridges, you had a note at the end of that
22 question about further discussion about that. Do you want me
23 to follow through with that?

24 MR. BRIDGES: I believe that juror sufficiently answered
25 the question.

1 THE COURT: All right. Thank you.

2 Has any member of the panel seen, heard, or read any news
3 reports of this case, whether it be by newspaper, television,
4 radio, or any other media outlet?

5 Mr. Meadors, Mr. Bridges, I guess I need to slow down and
6 maybe let you give a little bit of a narrative about this
7 possibly, if you wish to do so.

8 MR. MEADORS: Your Honor, it occurred on December 14th,
9 2016, at or near [REDACTED] Parkway.

10 THE COURT: All right, sir.

11 MR. BRIDGES: That's a sufficient narrative, Your Honor.

12 THE COURT: All right. If that applies to any member in
13 the panel, would you please stand. (No response.)

14 Is any member of the jury panel so opposed to the
15 ownership or use of guns that they cannot give both side a
16 fair trial? If so, please stand. (No response.)

17 Is any member of the jury panel a friend or follower on
18 Facebook, Twitter or other social media of any of the
19 witnesses or victims in this case? Let me read you their
20 names: Investigator Charles Bonner, Travis Dow, Investigator
21 Michael McCauley, Lieutenant Rodney Ragin, Deputy Paul Gay,
22 Shirlene Skipper, Jimmy Dow, TD [REDACTED], JK [REDACTED], Brandy
23 Dow.

24 Any other names, gentlemen?

25 MR. BRIDGES: That's sufficient, Your Honor.

1 THE COURT: Does that apply to anybody? If so, please
2 stand.

3 Yes, sir?

4 JUROR NO. 98: I'm a follower of Paul Gay's.

5 THE COURT: Okay. Can you be fair and impartial to both
6 sides, sir?

7 JUROR NO. 98: Yes, sir.

8 THE COURT: Thank you.

9 UNIDENTIFIED SPEAKER: Can you ask for his name and
10 number?

11 THE COURT: Your name and number, sir? Sorry.

12 JUROR NO. 98: Matthew McLeod, No. 98.

13 THE COURT: All right, sir. Thank you.

14 Mr. Meadors, Mr. Bridges, I have gone through my
15 questions now. Could you please stand and introduce
16 yourselves to the jurors, and any other associates that you
17 might want to mention.

18 MR. MEADORS: May it please the Court.

19 THE COURT: Yes, sir.

20 MR. MEADORS: My name is John Meadors. I'm an assistant
21 solicitor here in Sumter County. I work for your elected
22 Solicitor, Ernest A. Finney, III. Tom Miller is here with my
23 investigator. Mr. Bonner is the investigator with the
24 sheriff's department. Thank you.

25 THE COURT: Mr. Bridges?

1 MR. BRIDGES: Good morning, ladies and gentlemen. I'm
2 Jason Bridges from the Sumter County Public Defender's Office.
3 I'm assisted by my colleague, Mr. Phillip Little. I represent
4 Mr. Malik Singleton.

5 Stand up.

6 Thank you.

7 THE COURT: Has any member of the jury panel ever been
8 represented by any of the lawyers introduced in this case? If
9 so, please stand. (No response.)

10 Is any member of the jury panel related by blood or
11 marriage or have a close personal or social relationship with
12 any of the attorneys involved with this case? Please so
13 stand. (No response.)

14 Has any member of the jury panel formed or expressed an
15 opinion about any issue or matter involved in this case? If
16 so, please stand. (No response.)

17 Is any member of the jury panel aware of any bias or
18 prejudice toward either the State or the defendant in this
19 case? If so, please stand. (No response.)

20 Is there any member of this jury panel who is or was a
21 member of a grand jury panel that issued the indictment in
22 this case? Please stand. (No response.)

23 And, lastly, does any member of this jury panel know of
24 any reason whatsoever why he or she should not serve as a
25 juror in this case with particular emphasis being placed on

1 your ability to be fair and impartial to both the State and
2 the defendant? If that applies to anybody, simply stand. (No
3 response.)

4 All right. Any other questions, gentlemen?

5 MR. MEADORS: Judge, can we approach, please?

6 (A bench conference was held outside of the hearing of
7 the jury panel and all others.)

8 THE COURT: Folks, I missed one. Is anyone here today
9 related by blood or marriage or have a close personal
10 relationship with the defendant? If so, please stand. (No
11 response.) No one does.

12 Gentlemen, I have no more questions. Do you?

13 MR. MEADORS: Nothing from the State.

14 MR. BRIDGES: Nothing from the defendant.

15 THE COURT: All right. Do you need a few minutes?

16 MR. MEADORS: State's ready.

17 THE COURT: Are you ready, Mr. Bridges?

18 MR. BRIDGES: The defense is ready, Your Honor.

19 THE COURT: All right. Mr. Bailiff, I'll turn it over to
20 you.

21 Five and five; right, gentlemen?

22 MR. MEADORS: Yes, sir.

23 MR. BRIDGES: That's correct, Your Honor.

24 (Pause in the proceedings.)

25 THE BAILIFF: Your Honor, may it please the Court.

1 THE COURT: Yes, sir.

2 THE BAILIFF: Ladies and gentlemen of the jury panel, I'm
3 going to be calling you by your juror number and also be
4 calling you with your name and your number. What I would like
5 you to do is, when you step across one another, be very
6 careful because we don't want no one to fall. We haven't had
7 an accident yet, but anything's possible. What I would like
8 you to do is bring all your belongings, come in front of the
9 podium and, as they say in the military, do an about-face,
10 face the back door.

11 Juror No. 40, Jordon Dennis.

12 What say the State?

13 MR. MEADORS: Please excuse the juror.

14 THE BAILIFF: Return back to the panel members, sir.

15 Juror No. 67, Julia Hair.

16 What say the State?

17 MR. MEADORS: Please present the juror.

18 THE BAILIFF: What say the defense?

19 MR. BRIDGES: Please present the juror.

20 THE BAILIFF: Ma'am, have a seat in the jury box up there
21 to the left.

22 Juror No. 103, Tracy Miller.

23 What say the State?

24 MR. MEADORS: Please present the juror.

25 THE BAILIFF: What say the defense?

1 MR. BRIDGES: Please excuse the juror.

2 THE BAILIFF: You're excused, ma'am. Turn back to the
3 panel.

4 Juror No. 182, Jarelle Grant.

5 What say the State?

6 MR. MEADORS: Please present the juror.

7 THE BAILIFF: What say the defense?

8 MR. BRIDGES: Please present the juror.

9 THE BAILIFF: Have a seat in the jury box, sir.

10 Juror No. 161, Ashton Taylor.

11 What say the State?

12 MR. MEADORS: Please present the juror.

13 THE BAILIFF: What say the defense?

14 MR. BRIDGES: Please present the juror.

15 THE BAILIFF: Have a seat in the jury box, sir.

16 Juror No. 36, Candace Corbitt.

17 What say the State?

18 MR. MEADORS: Please present the juror.

19 THE BAILIFF: What say the defense?

20 MR. BRIDGES: Please excuse the juror.

21 THE BAILIFF: Excused. Return back to the panel at this
22 time, ma'am.

23 Juror No. 46, Nathan Dye.

24 What say the State?

25 MR. MEADORS: Please present the juror.

1 THE BAILIFF: What say the defense?

2 MR. BRIDGES: Please present the juror.

3 THE BAILIFF: Have a seat in the jury box, sir.

4 Juror No. 87, Metrics Leneau.

5 What say the State?

6 MR. MEADORS: Please excuse the juror.

7 THE BAILIFF: Sir, return back to the panel.

8 Kate -- correction on that. Juror No. 140, Kiate

9 Richburg.

10 JUROR NO. 140: Kiate.

11 THE BAILIFF: Sorry about that, sir.

12 What say the State?

13 MR. MEADORS: Please present the juror.

14 THE BAILIFF: What say the defense?

15 MR. BRIDGES: Please present the juror.

16 THE BAILIFF: Have a seat in the jury box, sir.

17 Juror No. 70, Karl Heyward.

18 What say the State?

19 MR. MEADORS: Please present the juror.

20 THE BAILIFF: What say the defense?

21 MR. BRIDGES: Please present the juror.

22 THE BAILIFF: Have a seat in the jury box, sir.

23 Juror No. 94, Ashley Martin.

24 What say the State?

25 MR. MEADORS: Please present the juror.

1 THE BAILIFF: What say the defense?

2 MR. BRIDGES: Please present the juror.

3 THE BAILIFF: Have a seat in the jury box, ma'am.

4 Juror No. 42, Keith Coker. Sorry; Kenneth Coker. Sorry
5 about that.

6 What say the State?

7 MR. MEADORS: Please present the juror.

8 THE BAILIFF: What say the defense?

9 MR. BRIDGES: Please present the juror.

10 THE BAILIFF: You may be seated in the jury box.

11 Juror No. 48, Mallory Edwards.

12 What say the State?

13 MR. MEADORS: Please present the juror.

14 THE BAILIFF: What say the defense?

15 MR. BRIDGES: Please present the juror.

16 THE BAILIFF: Have a seat in the jury box, ma'am.

17 Juror No. 157, Jennifer Smith.

18 What say the State?

19 MR. MEADORS: Please present the juror.

20 THE BAILIFF: What say the defense?

21 MR. BRIDGES: Please excuse the juror.

22 THE BAILIFF: You're excused. Step back to the panel,
23 ma'am.

24 Juror No. 43, Robert Dubose.

25 What say the State?

1 MR. MEADORS: Please present the juror.

2 THE BAILIFF: What say the defense?

3 MR. BRIDGES: Present the juror.

4 THE BAILIFF: Have a seat in the jury box, sir.

5 Juror No. 10, Michael Bess.

6 What say the State?

7 MR. MEADORS: Please excuse the juror.

8 THE BAILIFF: Go back to the panel at this time, sir.

9 Juror No. 164, Sylvia Trapp.

10 What say the State?

11 MR. MEADORS: Please present the juror.

12 THE BAILIFF: What say the defense?

13 MR. BRIDGES: Please excuse the juror.

14 THE BAILIFF: You're excused, ma'am. Return back to the
15 panel.

16 Juror No. 71, Raymond Hodge.

17 What say the State?

18 MR. MEADORS: Please present the juror.

19 THE BAILIFF: What say the defense?

20 MR. BRIDGES: Please present the juror.

21 THE BAILIFF: Have a seat in the jury box, sir.

22 Jury No. 156, Danny Smalley.

23 What say the State?

24 MR. MEADORS: Please present the juror.

25 THE BAILIFF: What say the defense?

1 MR. BRIDGES: Please present the juror.

2 THE BAILIFF: Have a seat in the jury box, sir.

3 Alternate jurors. Juror No. 11, Jack Bickley.

4 What say the State?

5 MR. MEADORS: Please present the juror.

6 THE BAILIFF: What say the defense?

7 MR. BRIDGES: Please present the juror.

8 THE BAILIFF: Have a seat in the panel box, sir.

9 THE COURT: One alternate?

10 MR. MEADORS: Judge, whatever -- that's fine with the
11 State.

12 THE COURT: Let's go with one. Okay.

13 THE BAILIFF: Your Honor, the panel's been selected.

14 THE COURT: All right, sir.

15 May I speak to the attorneys, please.

16 (A bench conference was held outside of the hearing of
17 the jury panel and all others.)

18 THE COURT: For those of you not yet chosen, you may
19 return -- and we ask that you please return at 10 a.m. in the
20 morning next door in courtroom 3A.

21 Right, Mr. Meadors, Mr. Bridges?

22 MR. MEADORS: Right.

23 MR. BRIDGES: Yes, sir.

24 THE COURT: 3A. Courtroom 3A. All of you back there,
25 not chosen, 10 a.m. tomorrow morning there. And you may be

1 excused now until then.

2 (All perspective jurors excused.)

3 THE COURT: Now, you who remain, I'll ask that you be
4 back in the morning -- I prefer to start at 9:30. How many of
5 you have to take children to school in the morning? One? All
6 right. Does 9:30 give you time to do that and get back here,
7 sir?

8 JUROR: Yes. May be about a minute but, you know, I
9 got -- I can pull it.

10 THE COURT: Okay. Well, if you're not precisely at 9:30,
11 we're not going to fuss at you, but is that reasonably
12 possible?

13 JUROR: Yeah.

14 THE COURT: Okay. All right. Folks, I will see all of
15 you at 9:30.

16 Now, you say, Well, what in the world is McFaddin going
17 to do now? I have got legal matters to take up with the
18 jury -- I mean, the lawyers. We've got to talk about a few
19 things now that you can't be a part of. From here on out,
20 there will be a division here: You deal with the facts; I
21 deal with the law.

22 Now, when I ask you to come back at 9:30 in the morning,
23 this gentleman here, Mr. Haynesworth, he will show you in just
24 a few minutes where to report to in the morning.

25 Now, until then and until told otherwise, do not discuss

1 this case with anyone or among yourselves. If anyone outside
2 of the jury panel tries to talk to you or your jury tries to
3 talk to you, you cannot do that. Don't seek any information
4 about this case, don't do any research about it. Just isolate
5 yourself from anything about this case from that point
6 forward.

7 So, thank you for your patience with me, and I really
8 do -- Mr. Haynesworth, if you'll show them where to go, sir.

9 MR. HAYNESWORTH: Yes, sir.

10 (Jurors exit the courtroom at 12:13 p.m.)

11 THE COURT: Now, gentlemen, this matter that I need to
12 view this afternoon, how many hours is it? Did you say six?

13 MR. BRIDGES: It's -- the whole video is four hours and
14 ten minutes. A portion of the interrogation is probably -- we
15 can condense that down to probably about three hours.

16 THE COURT: Okay. Well, that's fine. For some reason, I
17 had in my mind six hours, which would put us here sort of
18 late.

19 MR. MEADORS: Judge, I've actually spent all weekend
20 going over it and got notes, so I'm hoping we're going to make
21 it streamlined of where it won't take that long.

22 THE COURT: That's fine.

23 MR. MEADORS: But that is the --

24 MR. BRIDGES: That is the total length.

25 THE COURT: What time would you-all like to come back

1 today to start this?

2 MR. BRIDGES: 2:00?

3 THE COURT: Did you say 2:00?

4 MR. MEADORS: Mr. Bridges said 2:00? That would be fine
5 with the State.

6 THE COURT: 2:00 is fine.

7 MR. BRIDGES: And just for the record, I have no
8 objection to the jury selection.

9 THE COURT: Okay.

10 MR. MEADORS: For the record, I have no objection either.
11 No Batson either way. Thank you.

12 THE COURT: Good. Very good.

13 All right, gentlemen. I'll see you at 2:00.

14 MR. MEADORS: Thank you.

15 MR. BRIDGES: Thank you.

16 And just a brief matter about my client. Can he remain
17 on -- I mean, his bond is now extinguished because his case
18 wasn't called, but he knows the trial could start in his
19 absence and he could get a warrant if he doesn't show up to
20 the proceedings.

21 THE COURT: That's all right. That's fine. See you all
22 then, folks.

23 MR. MEADORS: And Your Honor, we may address that after
24 this afternoon and this evening to let Your Honor hear that
25 matter -- with the trial -- if I could just address that

1 letter.

2 THE COURT: Yes, sir. Yes, sir.

3 MR. MEADORS: Thank you.

4 (A lunch recess was taken from 12:15 p.m. to 2:10 p.m.)

5 THE COURT: Mr. Bridges?

6 MR. BRIDGES: Thank you, Your Honor. I have two
7 pre-trial motions I'd like to make. First is the general --
8 tomorrow -- to have the witnesses sequestered, other than, of
9 course, the investigator and the victim, I know, are allowed
10 to be in the room the whole time.

11 Two would be a Jackson v. Denno hearing. In this case,
12 Malik Singleton, while in police custody and in police
13 interrogation, gave a recorded statement. I'm not sure how
14 much or if any of the statement is introduced, but if they are
15 introduced, I will change the voluntariness of the statement.

16 THE COURT: Yes, sir.

17 MR. BRIDGES: As a housekeeping matter -- I discussed
18 this with Solicitor Meadors -- the very first part of the
19 video, Mr. Singleton is in the room without an investigator.
20 He is making some general comments but it's not -- he's not
21 Mirandized yet, and the officer, in fact, tells him, "You need
22 to wait until the investigator gets in here." So that's about
23 30 minutes I'm okay with cutting out, if the Solicitor is okay
24 with that. I don't think that's a problem.

25 And then, at the end, after he writes his statement, when

1 he's arrested, he makes some statements about him being
2 currently on probation and also some statements about lie
3 detectors and stuff, and those are things we would not -- both
4 sides would maybe not want in front of the jury.

5 So I have a cutoff point of -- a start point at 5:24 and
6 maybe a cutoff point at 8:56. And that's the time of day, not
7 the playing of the video.

8 THE COURT: Yes, sir.

9 MR. MEADORS: That's approximately correct. We may have
10 a little addition to that, but I think that's generally
11 correct.

12 THE COURT: Okay.

13 MR. BRIDGES: And then, I guess, I'll get Investigator
14 Bonner and question him about the interview.

15 THE COURT: Okay. All right. Let me go back to this
16 motion, the sequestration motion. Mr. Meadors, any objection
17 to that?

18 MR. MEADORS: No, sir. Bonner is the chief investigator.
19 It's just the victim here and his dad. I know that's in the
20 Court's discretion. His dad, I guess, would be a fact
21 witness. His son went to him after the incident and made an
22 excited utterance that "Malik shot me" and then they -- he
23 called 9-1-1. But I don't think it's --

24 MR. BRIDGES: Well, for the pre-trial motion, that's not
25 an issue. For his testimony tomorrow, that's when I really

1 want the sequestration.

2 THE COURT: Okay. Why don't you just review it in the
3 morning, then, and deal with it then.

4 MR. BRIDGES: Thank you.

5 MR. MEADORS: But we will make sure that we comply with
6 that, Judge.

7 THE COURT: Yes, sir.

8 JACKSON V. DENNO HEARING

9 MR. MEADORS: Investigator Bonner.

10 THE BAILIFF: Put your hand on the Bible. State your
11 name.

12 THE WITNESS: Charles Bonner.

13 INVESTIGATOR CHARLES BONNER,

14 the witness, after having been duly sworn, was examined and
15 testified to as follows:

16 THE BAILIFF: State your name for the record and spell
17 your last name, please.

18 THE WITNESS: Charles Bonner. B-o-n-n-e-r.

19 DIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q Investigator, how long have you been with the sheriff's
22 department?

23 A With the sheriff's office for a little over five years.

24 Q And how many years in law enforcement?

25 A Thirteen.

1 Q In December of 2016, what were you doing for Sheriff
2 Dennis?

3 A In what year? I'm sorry.

4 Q In 2016.

5 A '16? I was an investigator for the sheriff's office.

6 Q In December -- specifically December of 2016, were you
7 the lead investigator in this case?

8 A Yes, sir, I was.

9 Q Now, before I ask you about the -- we're here to talk
10 specifically about the time you spent with the defendant on
11 December 14th of 2016, but prior to that time, what knowledge
12 had you gained about this case prior to seeing the defendant
13 at the sheriff's department?

14 A I went out to the scene and saw the actual scene itself.
15 I was the investigator on-call, like you said, where I got
16 called out to the location of a said shooting.

17 Q And where was that?

18 A That was at [REDACTED] Parkway, I believe is the
19 address.

20 Q And at that point, did you take any statements from
21 anybody?

22 A Yes, sir, I did.

23 Q Who was that?

24 A I spoke with several people, but what I got some written
25 statements were from JK [REDACTED], a TD [REDACTED] -- and I'm probably

1 going to butcher her name -- TD .

2 Q TD ? TD ?

3 A Okay. Yes, ma'am -- yes, sir.

4 Q So TD ?

5 A Correct. Ms. --

6 Q JK ? Is that also JK ?

7 A Yes, sir. JK .

8 That was on the scene where I had written statements.

9 And after that, that's when I went to the hospital and got a
10 statement from the victim.

11 Q So just very briefly and generally, as a result of those
12 statements, did you have a suspect?

13 A Yes, sir, I did.

14 Q Who was that?

15 A Mr. Malik.

16 Q Singleton?

17 A Yes, sir.

18 Q And after that -- and again, what day was this on?

19 A This was on December 14th, 2016.

20 Q And about what time of day was this?

21 A 2:46 in the morning.

22 Q Is that when y'all responded? Y'all being the sheriff's
23 department.

24 A Yes, sir.

25 Q So you go to the incident location; correct?

1 **A** Yes, sir.

2 **Q** And then you -- do you take these statements? You got a
3 suspect developed. Then where do you go?

4 **A** Then I go to the hospital, Palmetto Health Tuomey, which
5 I'm not sure if it was Palmetto Health Tuomey yet. At the
6 time, it was Tuomey Hospital. I talked with the victim.
7 Speak with him. He was, I believe, just out of somewhat of a
8 surgery where he had some staples in his head from the
9 injuries, which then I talked to him about who the suspect was
10 that shot him.

11 **Q** This is Mr. Travis Dow? You talked to him at the
12 hospital?

13 **A** Yes, sir, I did.

14 **Q** Did you take pictures of his injury?

15 **A** I did, yes, sir.

16 **Q** And had he received a shot to the head or a flesh wound?

17 **A** Yes, sir.

18 **Q** Thank you.

19 And did you take a written statement from him?

20 **A** Yes, sir, I did.

21 **Q** Did he identify who shot him?

22 **A** He did.

23 **Q** What did he say?

24 **A** He said, "Malik Wright had the gun, shot me." And
25 there's a word that I didn't understand. "At my sister's

1 house" -- or "sister house."

2 Q And was he -- he was in the hospital when you took the
3 statement?

4 A Yes, sir, he was.

5 Q And had he been treated?

6 A Yes, sir. Or being in the scene of being treated.

7 Q And did you determine that Malik Wright was Malik
8 Singleton?

9 A Yes, sir. Afterwards, I did find out that that was the
10 same person as Malik Singleton.

11 Q Since you had him as a suspect, please tell the judge,
12 were you able to talk with Malik Singleton?

13 A Yes, sir, I was.

14 Q And where -- tell the judge where that happened.

15 A That happened at the Sumter County Sheriff's Office where
16 he was picked up by patrol officers.

17 Q And do you know where they picked him up?

18 A The actual location, I'm not sure. If you give me one
19 second...

20 At [REDACTED] Street.

21 Q Please tell the judge specifically in the sheriff's
22 department where you met with -- or where you had the
23 opportunity to talk with the defendant.

24 A Yes, sir. The patrol officers, after picking up
25 Mr. Singleton and taking him to the sheriff's office, took him

1 to the investigator's interview room, which I was -- they were
2 waiting on me to get there because I was at the hospital
3 speaking with the victim. That's whenever I got done talking
4 with Mr. Dow, I went to the sheriff's office and spoke with
5 Mr. Singleton there at our -- in one of our interview rooms.

6 Q And we're going to see that on tape in a minute, but is
7 that -- is that room equipped for a video?

8 A Yes, sir.

9 Q If I were or the judge were to walk in there, is there
10 some kind of notification that or a warning that you're being
11 videotaped?

12 A Absolutely, in English and in Spanish.

13 Q And where is it?

14 A It's on either side wall. So no matter what part of the
15 room you're sitting on, you're seeing this really big red sign
16 that says that you're being videoed -- audio and video
17 recorded.

18 Q Now, when you got there -- approximately what time did
19 you get there?

20 A I don't have the exact time, sir.

21 Q Okay. Well, what is your custom and practice when you
22 come in contact with a suspect?

23 A If we go there to talk to a suspect about a case, we'll
24 start with a Miranda -- Miranda form, waiver of rights.

25 Q And do you have yours with you?

1 **A** Yes, sir, I do.

2 MR. MEADORS: Your Honor, while he's looking at that, we
3 have marked a copy of State's 1 for identification.

4 THE COURT: Yes, sir.

5 (State's Exhibit 1 was marked for identification.)

6 **Q** Did you have an opportunity to read Mr. Singleton his
7 rights on December 14th?

8 **A** Yes, sir, I did.

9 **Q** And this sheet -- do you keep this sheet with you, the
10 Miranda warnings, waiver of rights?

11 **A** Yes, sir.

12 **Q** And will you read them now, as you did.

13 **A** Yes, sir. And just a side note: Every time I read a
14 line, I put my initials on the left-hand side of each number,
15 showing me that I have read that line. So while I'm reading
16 it, I initial -- same time reading it, you can see it in the
17 video.

18 Number one says, "You have the right to remain silent."

19 Number two is, "Anything you say can and will be used
20 against you in a court of law."

21 Number three is, "You have the right to talk to an
22 attorney and have him or her present with you while you're
23 being questioned."

24 Number four is, "If you cannot afford to hire an
25 attorney, one will be appointed to represent you before any

1 questioning, if you wish."

2 Number five is, "You can decide at any time to exercise
3 these rights, not answer any questions, or make any
4 statements."

5 Q And that "CB" beside that, is that --

6 A That's correct. That's my -- Charles Bonner is my -- is
7 my name, so "CB" is next to all those.

8 Under that, it says, "I understand each of these above
9 rights, which have been read and explained to me by
10 Investigator C.S. Bonner of the Sumter County Sheriff's Office
11 at" -- where it says CS -- SCSC0, which is Sumter County
12 Sheriff's Office. And it shows 5:24 a.m.

13 Q And did you sign that?

14 A I signed -- no, sir, I did not sign his name. I signed
15 my name. Before I have him sign his name or I sign my name, I
16 put an X -- you'll see an X right where his name is. I'll put
17 an X there, an X on the lines below it. Before I have him
18 sign any of it, I also read the waiver of rights, which reads,
19 "Having been advised of my rights and fully understand my
20 rights, I do wish to answer questions at this time, and I do
21 not wish to have my attorney present. My decision to answer
22 questions now without an attorney is made freely and it is of
23 my own choice. No one has threatened me in any way or
24 promised me anything."

25 That's when I show him the paper with my signature -- I

1 mean, with my, you know, initials on it, explain to him each
2 of the lines, and say, "If you understand each of these lines,
3 put your initials by each of the lines and then sign it and
4 then also sign the waiver of rights if you understand and
5 agree with it."

6 Q And so were you present when he signed M.S.?

7 A Yes, sir.

8 Q On 1 through 5?

9 A Yes, sir.

10 Q And then did he also sign, "I understand each of the
11 above rights"?

12 A Yes, sir.

13 Q And underneath that, you witnessed it?

14 A Yes, sir.

15 Q And then the waiver of rights, did Mr. Singleton sign
16 that?

17 A Yes, sir, he did.

18 Q And what time were the waiver of rights -- you read the
19 rights, asking if he had any questions, and then I guess,
20 after the waiver of rights is when he signed there. What time
21 was that?

22 A Correct, yes, sir. To go back out from your question,
23 you'll see a time that says -- above that where it says,
24 "Investigator C.S. Bonner, 5:24 a.m."

25 So he's writing the time of December 14th, 2016, 5:26.

1 So he actually wrote that time down whenever he signed that
2 piece of paper.

3 Q So approximately two minutes?

4 A Yes, sir, for me to talk all through that.

5 Q Now, any time during the reading of these rights, did
6 Mr. Singleton say to you, "Investigator, I don't want to talk
7 to you"?

8 A No, sir.

9 Q Did he say, "I want a lawyer"?

10 A No, sir.

11 Q Did you, any time during the reading of these rights or
12 the reading of the waiver of rights, did you ever threaten him
13 or coerce him?

14 A No, sir.

15 Q Hold out any hope of reward?

16 A No, sir.

17 Q And did he tell you, "I understood"?

18 A Yes, sir.

19 Q In addition to signing it, did he say, "I understand"?

20 A I believe he did.

21 MR. MEADORS: Your Honor, at this time, I would ask
22 Mr. Miller if he would play what I guess for the record we can
23 mark as State's 2, I guess, this folder, for identification.

24 THE COURT: Yes, sir.

25 (State's Exhibit 2 was marked for identification.)

1 MR. MEADORS: This should be approximately 5:23 on
2 State's 2 for identification, the CD.

3 (Playing video.)

4 Q Is that you walking in the door? Can you see it?

5 A No, sir.

6 MR. MEADORS: Judge, can you see it?

7 THE COURT: No, sir.

8 THE BAILIFF: You have to turn yours on.

9 THE COURT: Turn it on?

10 THE BAILIFF: Yes, sir.

11 THE COURT: You're asking me to turn it on?

12 THE BAILIFF: Oh, I'll turn it on, Your Honor.

13 THE COURT: Maybe I'll let you do it.

14 THE BAILIFF: Yes, sir.

15 UNIDENTIFIED SPEAKER: It says, "No video input. Please
16 check cable."

17 MR. MEADORS: Got one out of the two now, Judge. It was
18 just playing a minute ago.

19 THE COURT: That's all right.

20 MR. MEADORS: Sorry.

21 (Pause in the proceedings.)

22 MR. MEADORS: Judge, I'm sorry.

23 THE COURT: That's fine.

24 MR. MEADORS: We have got IT coming.

25 THE WITNESS: Your Honor, is it okay if I step down and

1 get some water?

2 THE COURT: Yes, sir.

3 So we're waiting on IT now; is that right?

4 MR. MEADORS: Afraid so.

5 THE COURT: That's all right. I'm in no rush. Oh, no,
6 don't apologize. Be glad I'm not trying to do it.

7 THE WITNESS: Thank you, sir.

8 THE COURT: Folks, I'm going to step out just a minute
9 while we're waiting on IT.

10 MR. MEADORS: Yes, sir. Thank you.

11 (A brief recess was taken from 2:31 p.m. to 2:41 p.m.)

12 MR. MEADORS: I thank you for your patience, Judge. I
13 think we're ready.

14 THE COURT: Yes, sir. No problem with me.

15 MR. MEADORS: I have got people (indiscernible).

16 Mr. Miller.

17 BY MR. MEADORS:

18 Q Can you see him, Investigator?

19 A Yes, sir.

20 Q Is that you in the video?

21 A That's a larger size of me, yes, sir.

22 Q And you have lost 70 pounds since then?

23 A 75 pounds.

24 Q Congratulations.

25 A Thank you.

1 (Video plays.)

2 Q Now, did you hear him say "yes, sir"?

3 A Yes, sir.

4 Q Right after that? Okay.

5 (Video continues to play.)

6 Q Is there any question -- he's in custody; correct?

7 A Correct.

8 I'm just seeing if they can move the key to the handcuffs
9 to the front so he can sign this paperwork and be a little bit
10 more comfortable.

11 (Video continues to play.)

12 Q So is he responding to you "yes, sir" as you're going on,
13 "If you understand these rights, sign your name here"?

14 A That's correct, yes, sir.

15 Q And did you have any trouble understanding him?

16 A No, sir.

17 Q And did he appear to be under the influence of alcohol,
18 drugs, or any other intoxicants?

19 A No, sir, he didn't.

20 Q Were his answers -- specifically now at this point during
21 his reading of his rights and waiver of rights, were they
22 timely? Did he respond in an appropriate time?

23 A Yes, sir, he did.

24 Q Were they subject matter correct? If you asked him a
25 question, would his answer be appropriate --

1 **A** Yes, sir.

2 **Q** -- subject matter?

3 **A** Yes, sir.

4 **Q** Did you have any trouble understanding him?

5 **A** I don't believe so. At that point right there, I did --
6 the microphone is a little far away. It's on the wall. So, I
7 mean, he's sitting, you know, two or so feet away from me, so
8 I mean, it was very low, clear for me.

9 **Q** Did he appear to understand your question, based on his
10 answers?

11 **A** It appeared so, yes, sir.

12 (Video continues playing.)

13 **Q** And that's the handcuff making that sound?

14 **A** Yes, sir, it is. As he's moving, his hand -- put his
15 initials.

16 **Q** So he's initialling and signing?

17 **A** Yes, sir. 1 through 5, his initial, and then he signs --
18 and he signs again.

19 (Video continues playing.)

20 **Q** For these purposes, I can ask you this too also: Were
21 you aware he was on probation?

22 **A** No, sir.

23 **Q** Okay. So that didn't -- he had been through the system,
24 but as far as him understanding his rights and all, you didn't
25 know that?

1 **A** I did not know that, no, sir.

2 **Q** Now, Investigator, once you read him his rights and he
3 waived his rights, approximately -- that was at 5:23, and
4 according to my notes I took this weekend, this went on from
5 5:23 to 8:59; correct? Approximately.

6 **A** Yes, sir.

7 **Q** Give or take on that.

8 **A** Yes, sir.

9 **Q** After you talked with the defendant for awhile, did
10 another officer come in to talk to him?

11 **A** I believe so, yes, sir.

12 **Q** And who was that?

13 **A** Lieutenant Rodney Ragin.

14 **Q** And did Lieutenant Ragin know him?

15 **A** From what I understand, he did.

16 **Q** Okay. And -- so he came in and he started interrogating,
17 questioning the defendant with you?

18 **A** I would have to look at the video again. I believe so,
19 yes, sir.

20 **Q** But he was there during this process?

21 **A** Yes, sir, he was.

22 **Q** Did you inform Lieutenant Ragin that he had been read his
23 rights, he understood his rights, and he waived them?

24 **A** I believe so, yes, sir.

25 **Q** So Lieutenant Ragin knew he had already been read his

1 rights?

2 A Oh, absolutely, yes, sir.

3 Q Now, during this time period, that whole three-hour time
4 period, did he ever say, "I don't want to talk to you" or tell
5 Lieutenant Ragin, "I don't want to talk to you"?

6 A No.

7 Q In his presence -- in your presence?

8 A In my presence, no, sir.

9 Q Okay. Did you offer to give him any -- or did he ask to
10 use the bathroom?

11 A I don't believe so.

12 Q If he had, would you have allowed him to?

13 A Oh, absolutely.

14 Q Okay. And if he had asked for any food or beverages,
15 would you have made those available?

16 A For as much as I could. I mean, we have maybe a little
17 vending machine, if I had some spare change or something.

18 Q But if somebody -- just based on your practice, if
19 somebody wants something to drink, you usually give it to
20 them?

21 A Oh, absolutely. If they want some water, we can
22 definitely give them some water.

23 Q But he was not free to leave; correct?

24 A No, sir, he was not.

25 Q As a matter of fact, you tell him that several times

1 during the procedure, "You're not free to go"?

2 A (No audible response.)

3 Q At any time in this, in your opinion, did you or
4 Lieutenant Ragin threaten or coerce him in to talking to you?

5 A No, sir, I did not.

6 Q Now, you had seen the victim in the hospital?

7 A Yes, sir.

8 Q And tell the judge his condition.

9 A He was shot in the head. From what I was told at the
10 time and what it looked like, the bullet actually grazed his
11 scalp in the front -- I guess the -- I'm not a doctor so I
12 don't know, the lobal [verbatim] area of the head, but right
13 where it pretty much parts, there was where the bullet grazed
14 and went into his skin and actually -- it didn't pierce his
15 skull or anything, I don't believe, but they had to staple the
16 skin together of where the bullet was.

17 Q And you took pictures of that?

18 A Yes, sir, I did.

19 Q Now, during this process, did you or Lieutenant Ragin
20 tell the defendant that the victim may die or it's a
21 possibility?

22 A He possibly could, yes, sir.

23 Q And it's possible you told him that?

24 A Yes, sir.

25 Q Is it a fair summary for these purposes to say that the

1 defendant went from denying the charges, denying being there
2 to then placing himself at the scene; correct?

3 A Yes, sir.

4 Q And at that point, did you and/or Lieutenant Ragin
5 suggest or ask if it was an accident, say it was an accident?

6 A We might have suggested that, yes, sir.

7 Q And is that normal or operating procedure?

8 A Yes, sir.

9 Q And from that point on, did the defendant change his
10 story basically from "I was there" to "it was an accident"?

11 A I believe so, yes, sir.

12 Q And at one point, did he say that the defendant -- excuse
13 me, the victim shot himself?

14 A I believe so, yes, sir.

15 Q And did he ultimately admit that he did shoot him?

16 A Yes, sir.

17 Q Specifically at 8:27:30, the question was, "When you
18 shot, you didn't know if you hit him; right?" And the answer
19 was, "Right." Would you dispute that? I know you haven't
20 looked at this, but would you dispute that's a question and
21 answer?

22 A No, sir.

23 Q And at 8:42, "I'll be honest with you, TJ shot himself."
24 Your testimony is he never asked for a lawyer?

25 A Correct.

1 Q Did he ever say, "Bonner, quit talking to me"?

2 A No, sir.

3 Q Did he say, "Ragin, quit talking to me; I don't want to
4 talk to you"?

5 A Not that I believe, no, sir.

6 Q If he had said, "Don't talk to me" or he said, "I want a
7 lawyer," what would you have done?

8 A I'd say thank you, but I still would have taken him to
9 jail and charged him for the charge, but we would end up
10 stopping the interview.

11 Q You wouldn't exit the interview?

12 A No, sir.

13 Q So he never said that; correct?

14 A That's correct.

15 Q Did you and Ragin ever hit him?

16 A No, sir.

17 Q Everything involved in this interrogation is shown on
18 that video?

19 A Yes, sir.

20 Q And throughout the whole three hours or however many
21 hours, did you ever have trouble understanding him?

22 A I don't believe so, no, sir.

23 Q Did he appear to understand you?

24 A Yes, sir.

25 Q And is that the individual that gave you and Lieutenant

1 Ragin -- sitting at the table -- the defendant there? Would
2 you point -- is that him; for the record?

3 A Yes, sir. Yes, sir. Appears to be him.

4 Q Mr. Singleton?

5 A Yes, sir.

6 Q Did you specifically tell him several times "You're going
7 to jail"? I mean, there never was an issue that y'all
8 arrested him; correct?

9 A Correct.

10 Q Is it part of law enforcement, do you present scenarios
11 sometimes?

12 A Yes, sir.

13 Q Kind of get defendants an out, if you will, in your
14 search for the truth?

15 A Yes, sir.

16 Q And why do you do that?

17 A Well, just to give -- if I know what the outcome answer
18 is, you know, I'll give, you know, them, you know, the ability
19 to be truthful with us. I mean, it's their story. They want
20 to tell it. If law enforcement already knows what the answer
21 is and we can prove what it is, but I give them an out on what
22 to say. It's their story.

23 Q Now, when you got -- towards the end of the interview at
24 some point, did he provide a written statement?

25 A Yes, sir, he did.

1 Q And do you have that with you?

2 A Yes, sir.

3 Q Do you have your copy?

4 A Yes, sir.

5 (State's Exhibit 3 was marked for identification.)

6 Q Investigator Bonner, I'm going to show you what's marked
7 Court's 3 -- State's 3 for ID at this point. Do you recognize
8 that?

9 A Yes, sir.

10 Q And the top, it's got "Singleton, Malik," and then the
11 date, September 4th. Who filled that in?

12 A He did.

13 Q Okay. So he was able to write and --

14 A Yes, sir.

15 Q At your direction, your request?

16 A Yes, sir.

17 Q Okay. And who wrote the body of --

18 A He did.

19 Q Okay. So that's his handwriting?

20 A That's his handwriting, yes, sir.

21 Q And at the bottom, it's got December 14th, 2016, at 8:57?

22 A Yes, sir.

23 Q Did he put that time in or you?

24 A Yes, sir, he did.

25 Q And then next -- above "signature," is that Malik

1 Singleton there?

2 A That is.

3 Q And your signature to the left?

4 A Yes, sir.

5 Q All right. And did you force, coerce, or make him write
6 this?

7 A No, sir, I did not.

8 Q And this is basically he's saying I'm sorry, but somebody
9 else did it; right?

10 A Yes, sir. That's pretty much it, yes, sir.

11 MR. MEADORS: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 Q Occasionally, do y'all misrepresent some things in order
14 to get to the truth?

15 A Yes, sir.

16 MR. MEADORS: Okay. That's all we have. Thank you.

17 THE COURT: Mr. Bridges.

18 MR. BRIDGES: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. BRIDGES:

21 Q Good afternoon, Investigator Bonner.

22 A Good afternoon, sir.

23 Q I'm just going to play a brief period of this video and
24 then I'll be back to you for questions. Okay?

25 (Video plays.)

1 Q Investigator Bonner, before you had came to that station
2 to talk to Malik, you talked to Mr. Dow at the hospital;
3 correct?

4 A That's correct.

5 Q And he was conscious?

6 A Yes, sir.

7 Q And he was able to answer your questions?

8 A Yes, sir.

9 Q So he did not take a turn for the worse?

10 A As we're alluding to this part right here, Mr. Singleton
11 is the one that brought up, saying that he was the one that
12 was killed, that he -- that someone killed the victim. So
13 that's where I ran with him, believing that Mr. Dow was
14 killed.

15 Q But did you not avail him of the notion that TJ's life
16 was on the line or that he was dying or that he might be dead;
17 correct?

18 A I did not reveal that he was fine.

19 Q And in a stable condition.

20 A Correct.

21 Q So this first part, it's about 30 minutes. I don't know
22 if you remember exactly, but at first, it's just you and Malik
23 in the room.

24 A Okay.

25 Q And do you remember that Malik asked to be tested for

1 gunshot residue or you asked to test him for gunshot residue?

2 A I can't remember if he asked or if I asked.

3 Q That's okay. I'm just going to fast-forward it a little
4 bit.

5 (Video plays.)

6 Q Okay. Because you have gloves here. Is that -- is that
7 where you're doing the gunshot residue test?

8 A That's correct, yes.

9 Q Okay. And then you say one more thing in here where it's
10 just you that I wanted to highlight.

11 (Video plays.)

12 Q At this point, Malik had denied doing this; correct?

13 A Yes, sir.

14 Q And he never once said it could have been an accident.
15 That wasn't an explanation that he said?

16 A Up to that point, I don't believe so.

17 (Video plays.)

18 Q So what did you mean by "30 to life"? That's the penalty
19 for murder; correct?

20 A Correct.

21 Q And you had talked to Mr. Dow. You knew he was alive.
22 So it wasn't a possibility that Malik could be charged with
23 murder?

24 A Again -- and not to be smart with him, he brought up the
25 part where -- that he thought that the victim was passed away

1 and also, you know, things could happen where somebody could
2 sustain injuries later on from an injury and pass away from
3 something. So that's -- I was talking about the 30 to life
4 for a potential murder case.

5 Q And while still just you and him, does Malik start to
6 mention that he might know who had done it and he starts
7 providing you with some names or at least offered to provide
8 some information?

9 A I believe so.

10 Q Okay. And then we're getting to -- this is -- and this
11 is, I think, while you're doing the GSR test on him. So we
12 get to a point where --

13 (Video plays.)

14 Q All right. So, at that point, you had GSR tested him.
15 Where did you go? I mean, do you remember why did you leave
16 the room there?

17 A I think I went to my desk. So outside that door is our
18 cubicles, so I went to my desk to probably put the GSR kit
19 there so it was not going to be, you know, tampered with right
20 there where he can tamper with it if I left it out. I
21 collected my notes, talked to the officers a little bit more,
22 and got more information.

23 Q And you told him that we would be done in a second. Is
24 that -- what did you mean by that?

25 A I didn't know it was going to take several more hours

1 longer, but --

2 Q Yeah. Because that was my next question. He was in that
3 room for several hours.

4 A Yeah. I didn't know it was going to take that long.

5 Q And you're going to come back in the room in a couple of
6 minutes with Lieutenant Ragin.

7 A Okay.

8 Q Why was Lieutenant Ragin brought in on that case?

9 A Well, he advised me that he knew of him or of the family;
10 that he can maybe help out a little bit. I'm not proud -- I'm
11 not too proud to say that I'll take help anywhere I can get
12 it, so....

13 Q And Lieutenant Ragin did not Mirandize Malik when he
14 entered the room?

15 A Correct.

16 Q And you did not Mirandize him again other than that
17 initial one at 5:23, I believe -- 5:26?

18 A That's correct.

19 Q Okay. And now I'm going to start playing a clip from
20 when Lieutenant Ragin's in the room.

21 (Video plays.)

22 Q So that statement that Ragin is saying that TJ said was
23 an accident, you had just spoken with TJ at the hospital. He
24 was not saying it was an accident; correct?

25 A Correct.

1 Q And Malik did not, in that first 30 minutes you were in
2 there with him, he never said anything about it being an
3 accident?

4 A Correct.

5 Q So that idea came from Lieutenant Ragin or it came from
6 you?

7 A Well, I can't answer that on what Lieutenant Ragin came
8 up with.

9 Q So I'm going to fast-forward a little bit. But this
10 discussion continues about what various people are saying
11 happened. And now we're getting to where I think he's given a
12 piece of paper and the opportunity to write a written
13 statement, and then Ragin says the following.

14 (Video plays.)

15 Q And that was another individual he was saying that was
16 there; correct?

17 A Correct.

18 (Video plays.)

19 Q So Ragin is giving him the opportunity to write down and
20 apologize and said, if it was an accident, that it would be
21 different. What does that mean?

22 A I'll assume -- of course I can't assume -- I can assume
23 all day, but I guess he was just wanting to get a statement
24 from Mr. Singleton there.

25 Q But that -- I mean, you were in the room. You agree it

1 was strong pressure for him to say that it was an accident;
2 correct? He was strongly indicating that he should say it was
3 an accident?

4 A No. He said, if it was an accident, write it down if it
5 was an accident.

6 Q And that discussion continues about it may or may not be
7 an accident for a while; correct?

8 A Okay. I --

9 Q I'm trying to not play the whole video.

10 A Yeah, yeah. Oh, yeah.

11 Q But, yeah -- because I'm going to fast-forward -- because
12 you actually have, yourself, have something to say about this
13 being an accident in a second.

14 A Okay.

15 (Video plays.)

16 Q So, at that point, you're clarifying that -- because,
17 right, you told him that he could be facing murder; correct?

18 A Right.

19 Q But you're also telling him, if he says it's an accident,
20 he could face a different set of possibilities?

21 A Right. So if he was, you know -- and this is all to get
22 clarification on what took place, all to get clarification
23 from the information that we already know beforehand, the four
24 of us stepping in there, taking pictures, being on the scene,
25 talking with the victim, to get his side of the story on what

1 he's saying. If he's saying it's an accident, we'll hear his
2 story to see what he says.

3 Q But this is also at the backdrop of these punishments
4 that are being told to him about murder charges; correct?

5 A Right. Anybody can look up what murder charges are.

6 Q But you make him aware of what --

7 A Correct.

8 Q -- a murder charge carries; correct?

9 A Yes.

10 Q All right. So this continues. Now, there's going to be
11 a third officer at the door in a second. I'm going to ask you
12 about him.

13 A Okay.

14 (Video plays.)

15 Q Okay. Do you see him leaning against the door there?

16 A Yes, sir.

17 Q Do you remember who that is?

18 A Unfortunately, I don't. I don't believe he works for the
19 sheriff's office anymore. If he does, then he's one of those
20 faces that I don't see.

21 Q So he's not -- you don't think he's currently with the
22 sheriff's office?

23 A I don't think he's -- currently, no, sir.

24 Q Okay. So now, just to give a summary on this, you and
25 Ragin talked to Malik the whole time and still getting kind of

1 frustrated because there's not really any progress made in
2 this conversation at this point. I mean, this isn't the point
3 yet where you would say you have him confess. I mean, if you
4 watch the video, at this point, he hasn't said that he was the
5 shooter or anything like that.

6 Now, when we get to this point at 7:23, you'll see an
7 officer in the doorway starts to play a role here.

8 (Video plays.)

9 Q So did you -- I don't know if you remember that, but that
10 officer at the door clearly said, "30 years to life for
11 accident, true story, fake story." What -- I mean, could you
12 even guess what he meant by that or what was being --

13 A I mean, I could guess. You know, my personal own opinion
14 is, you know, I didn't like that, but it is what it is.

15 Q And he was in the uniform of a sheriff's department
16 deputy.

17 A That is correct.

18 Q And Malik -- you can see in the video Malik is aware of
19 what he's saying, he's looking at him.

20 A Correct. We had the door open just so it can air out. I
21 usually don't like to have the door open just because it makes
22 it more private, but we wanted the door open so it can be, you
23 know, fresh air coming in.

24 (Video plays.)

25 Q And I would have to go back through the video, but did

1 Ragin -- they were saying TJ shot himself, it could have been
2 accidental or something to that effect?

3 A Yeah. And what he's saying with the accident, you know,
4 did you accidentally shoot him, not as in, you know, accident
5 as in, you know, something else happened. And that's where
6 he -- Lieutenant Ragin is saying, if it is an accident, tell
7 us it's an accident because, in reality, if this was a true
8 accident, it's a different -- like I said in the thing, it's a
9 different set of charges.

10 Q But he also gave the possibility an accident could mean
11 TJ shot himself as part of this. I believe he's said that.

12 A Okay.

13 Q I can replay it, if you'd like.

14 A I mean, I believe you if that's what --

15 Q No, and I have to look back. I don't know if that's the
16 first time that was mentioned, but it was mentioned by
17 Lieutenant Ragin in there as well.

18 A Okay.

19 (Video plays.)

20 Q So Malik there asked if he was going to get bonded out or
21 not?

22 A Yes.

23 Q And then Ragin said, Well, if it's murder, you can't -- I
24 think he summarized it that only a circuit court can set that
25 charge.

1 **A** Correct, yeah.

2 **Q** But then he says, if it's an accident, that's a different
3 story or that's a different way to approach it.

4 **A** Correct.

5 **Q** So was he giving Malik an option to say it was an
6 accident?

7 **A** I don't believe so, no, sir. He's telling him, if it's
8 an accident, if it's truly an accident, then let us know it's
9 truly an accident and let us investigate it through that way.

10 **Q** Now, at this point -- because by my notes, Ragin came in
11 about 6:02. He's been in the room about an hour and a half at
12 this point. And most of the discussion is focused on whether
13 or not it could be an accident and whether or not Malik is
14 going to give anymore information; correct?

15 **A** Right.

16 (Video plays.)

17 **Q** So when he said, "I don't want any high charges," you
18 think he was attempting to bargain with you or to get some
19 kind of exchange of information?

20 **A** That, I don't think that's -- I think he's just saying I
21 don't want to get, like, a murder charge. "I don't want to
22 get anything --" that's the way I take it.

23 (Video plays.)

24 **Q** So do you think that -- was he being explained that the
25 statement was something he could tell the family or did -- how

1 was that statement told to him, the statement he was going to
2 write? Was he told that that was what he wanted to tell the
3 family or that is his account of what happened that night?

4 A Yeah. So I don't believe so. The statement that I just
5 said, "What do you want -- do you want to let the family know
6 or what do you want us to tell your family?" that's something
7 that, you know, Hey, we can pass along to the family. As of
8 where the statement goes, I mean, obviously, it's going to go
9 to everybody here in court today.

10 Q But you didn't mean it as the written statement --

11 A Yes, that's not going to go to them.

12 Q This isn't a direct communication to his family.

13 A Correct.

14 Q Okay. Because that -- when we discuss the statement
15 later, he does kind of write that as a letter --

16 A To them, yeah.

17 Q -- to his family; correct?

18 A Exactly, yeah.

19 Q And then Malik continues to talk about other potential
20 suspects throughout this. And I think Ragin tells them that,
21 no, they said nobody else was there. There's a back and forth
22 about that.

23 So now we're going to fast forward a little bit.

24 (Video plays.)

25 Q So you left the room briefly at this point.

1 **A** Do you know whose feet those are?

2 **Q** Let's follow -- it looks like you might be on the outside
3 of the door there.

4 **A** No, I --

5 **Q** Actually, you might be in the --

6 **A** I'm right there in the corner.

7 **Q** So you are present when this discussion happens.

8 **A** Okay.

9 (Video plays.)

10 **Q** Okay. So at that point, Lieutenant Ragin is saying that
11 the next person who's going to interview him is from the FBI?

12 **A** That is from what I heard, yes, sir.

13 **Q** This is not a federal case; correct?

14 **A** Absolutely not.

15 **Q** And there are no FBI agents involved?

16 **A** No, sir.

17 **Q** So that was completely an empty threat.

18 **A** At the -- from his mouth, yes, sir.

19 **Q** Okay. And now, this actually gets to the -- I'm just
20 going to let this play for a few minutes, because I think this
21 gets probably what the State would deem the confession part of
22 it.

23 MR. BRIDGES: Judge, just for the -- prior to this part,
24 he had admit -- I think you can tell by his actions there --
25 he now placed himself there.

1 THE COURT: Yes, sir.

2 MR. BRIDGES: So that's --

3 MR. MEADORS: Yeah, and -- and, yeah, for the record, at
4 this point, there's varying stories about how many people were
5 involved, but Malik does say now he's on the scene when this
6 happens.

7 (Video plays.)

8 Q So that part again, there's no FBI agent that's going to
9 come talk to him after this.

10 A Correct.

11 Q But Malik does not know that at this point.

12 A I would assume so.

13 (Video plays.)

14 Q So there, he just said, "I just wanted y'all to help me."
15 You didn't take that as him trying to create -- make a deal or
16 him trying to enter into some kind of bargain?

17 A No, sir.

18 (Video plays.)

19 Q So there, Malik said, "I really want to get out of this."
20 You did not take that as a request for him to end the
21 interview?

22 A No, sir. I'm taking that "I don't want to be charged
23 with anything."

24 Q As "I want to get out of this" --

25 A "I want to go home."

1 Q Out of this investigation.

2 A Correct.

3 (Video plays.)

4 Q Now, at this point, Malik had been in the room over three
5 hours, because he was there at 4:50, before you got --

6 A Okay.

7 Q As far as you know, he wasn't let out of the room anymore
8 or he never requested, I guess, to leave the room.

9 A Correct.

10 Q But he had not left the room, and his emotional state at
11 the time, as we see in the video, he was quite emotionally
12 upset during parts of his questioning; correct?

13 A I believe he -- Lieutenant Ragin even alluded to he
14 was -- you know, crying is not going to help bring him -- or
15 help, you know, whatever the case is.

16 Q So he had cried, and he mentioned his -- you know, he
17 didn't do it, on his baby's life. That was something he said
18 repeatedly.

19 A Yeah.

20 Q I mean, he was very emotional throughout this; correct?

21 A Correct.

22 Q Okay.

23 (Video plays.)

24 Q Did Malik actually say he did? It's hard to pick up the
25 audio there. But judging from reactions -- I'll play it a

1 little bit more.

2 (Video plays.)

3 Q But did Malik actually say he pulled the trigger or was
4 he kind of -- did he make, like, a nod or --

5 A It's not only that. It's not what he did not say as
6 well.

7 Q But did you guys take that as him saying that he was the
8 shooter at that point?

9 A I believe so, yes, sir. I'd have to look further into
10 the video as well.

11 Q And I'm going to let it play a little bit more.

12 A Okay.

13 (Video plays.)

14 Q Let me move forward a little bit, because basically, at
15 that point, it's just questions about where the gun was and
16 what happened on the scene.

17 A And what's he answering?

18 Q I can -- I mean, I can just play it back from there.

19 (Video plays.)

20 Q So Malik, he mentioned that he had a son, you know,
21 throughout the interview, and he had another child on the way.
22 Did Ragin say right there, "Do you think your baby mama would
23 want you around your son after this?"

24 A I believe so, from what I heard, yes, sir.

25 Q Okay.

1 (Video plays.)

2 Q So -- actually, I'll play a little bit more.

3 (Video plays.)

4 Q So there, was Lieutenant Ragin giving him the option
5 still to say it was an accident?

6 A I'm sorry? What's the --

7 Q Lieutenant Ragin there said, If it's an accident, it's an
8 accident. Was he implying that there's less punishment if he
9 says it's an accident?

10 A I don't know what he's implying, but that's what it
11 appears to be.

12 Q Okay. And this is before Malik is starting to write his
13 statement yet; correct?

14 A I believe so, yes, sir.

15 Q Okay.

16 (Video plays.)

17 Q And that's -- Quany (ph) was a person that Malik said was
18 there.

19 A Correct.

20 Q And Ragin just said nobody said he was there, quit saying
21 he was there, basically.

22 Okay. Now I'm going to fast forward a little bit,
23 because it's...

24 (Video plays.)

25 Q So Malik said there that "y'all aren't trying to help me

1 out" or something?

2 A (No audible response.)

3 Q But you still don't think he's trying to create a deal or
4 a bargain with you guys at that point?

5 A Not from what I'm picking up, no, sir.

6 (Video plays.)

7 Q So, again, you and Ragin are both alluding that Malik
8 could be charged with murder here.

9 A Correct. This is from a -- because there was another
10 incident that was -- that he was supposedly up with, with this
11 situation, and that's where the malice -- or the pretense to
12 the murder.

13 Q But there's not degrees of murder in South Carolina.

14 A I'm sorry?

15 Q There's not degrees of murder in South Carolina.

16 A Oh, correct, yes.

17 Q And Ragin is still saying that this -- the possibility
18 that this could be an accident or that this is an accidental
19 shooting; correct?

20 A From what he's saying there, yes, sir.

21 (Video plays.)

22 Q So, you know, that's just going to Malik's emotional
23 state. He's clearly very upset.

24 Did -- at this time still, you don't think he was trying
25 to enter into a deal with you guys for bringing information or

1 any kind of cooperation agreement?

2 A No, sir.

3 Q Okay.

4 (Video plays.)

5 Q And when he's saying he would do anything to see his son
6 again, is that what he's --

7 A That's what it sounds like.

8 Q Okay. I'm going to fast forward a little bit. So this
9 is starting to wind down. Did you give him time to write his
10 statement out?

11 A Yes, sir.

12 (Video plays.)

13 Q And so that is Malik now saying that it was an accident,
14 basically, giving an account of being there and it being
15 accidental?

16 A That's him saying that, yes, sir.

17 Q Yeah, yeah. No, that's -- yeah. But he does give an
18 account, too, where he says it's an accident?

19 A Correct. And where he's pulling the trigger, yes, sir.

20 (Video plays.)

21 Q Okay. So it looks like Lieutenant Ragin left to go to
22 the restroom. It looks like you left, too, to take a break.
23 Is this when Malik starts writing some of his statement?

24 A I believe so. I'd have to see it, but I believe so.

25 Q Yeah, let me --

1 MR. BRIDGES: Your Honor, let me check with the Solicitor
2 real quick.

3 All right. I'm going to play more of the video. I was
4 just conferring with the Solicitor.

5 THE COURT: All right.

6 Q Now, some of this is just Malik in the room by himself.
7 And then he is writing the statement there.

8 (Video plays.)

9 Q Is that when you mentioned you thought his mother was out
10 there or something?

11 A Yeah, I think he said that he thinks that's his aunt
12 crying out there.

13 Q Yeah.

14 A I think that's what he said.

15 Q And I think you said it was somebody on the radio.

16 A Or somebody else, yeah.

17 Q And I don't know if -- you know, nobody was out there, as
18 far as you know?

19 A I can't remember.

20 Q But as far as you know, it wasn't his aunt or his mom
21 were out there trying to see him or anything?

22 A No, I don't remember.

23 Q Okay.

24 A I don't believe so.

25 (Video plays.)

1 Q And then when you said it took four hours, that's a
2 pretty accurate representation of how long -- I mean, we have
3 skipped over parts of it --

4 A Yes, sir.

5 Q -- for convenience, but it was about a four-hour process
6 being in that room?

7 A Give or take, yes, sir.

8 Q Yes.

9 (Video plays.)

10 Q I know this is a long time ago, but do you know why you
11 left the room at that point?

12 A No, sir.

13 Q Okay.

14 A No, sir.

15 (Video plays.)

16 Q So at this point, you and Lieutenant Ragin leave the room
17 and then he writes the rest of his statement.

18 A Okay.

19 Q And his statement, you have seen his written statement;
20 correct?

21 A Correct, yes, sir.

22 Q He does not admit to the shooting in that statement;
23 correct?

24 A That is correct.

25 Q And he does not say it's an accident? I think he says it

1 might be an accident, but he doesn't place him as the one that
2 pulled the trigger during it?

3 A Correct. Yeah, he mentions sorry about the accident
4 but....

5 Q Okay. Now, I'm going to play -- now, he's written his
6 statement, and when the officers return to the room.

7 MR. BRIDGES: Looks like we're having technical
8 difficulties here, Your Honor.

9 Q And this is the part -- this is just -- Investigator
10 Stewart, he -- Malik starts, like, beating on the wall to get
11 another piece of paper, and Investigator Stewart comes in and
12 just says we'll give you a piece of paper. That's all that's
13 in there. I'm not contesting that that part was an
14 un-Mirandized statement or anything. It's not relevant to
15 anything.

16 Yeah, the State has told me -- we'll review this part
17 past 8:50 but for right now, we're focusing on his statement
18 from when he was Mirandized to when he writes the statement.
19 So just a few final questions, Detective Bonner.

20 So Malik was in that room for over four hours; correct?

21 A I believe so, yes, sir.

22 Q And he never once left that room?

23 A Correct.

24 Q And he was told that he could be charged with murder?

25 A Correct.

1 Q And he was told that he could face 30 years to life?

2 A Correct.

3 Q He was also told that he could say it was an accident?

4 A If it was an accident, correct.

5 Q But he was repeatedly told he could say it was?

6 A If it was, correct.

7 Q Yes.

8 And he did -- among the many things he did, he did, at
9 one point, say it was an accident?

10 A Right.

11 Q And he repeatedly asked to see his son, and then at one
12 point, he asked about trying to get a bond. And you explained
13 to him, you know, if he was charged with murder, he would not
14 get a bond.

15 A Correct.

16 MR. BRIDGES: No further questions.

17 REDIRECT EXAMINATION

18 BY MR. MEADORS:

19 Q Our bond would be at the big court, I think is what you
20 told him; right?

21 A Yes, sir.

22 (Video plays.)

23 Q Now, who was that saying, "We want you to tell the
24 truth"?

25 A That was me.

1 Q That's what you told him you wanted him to say?

2 A Yes, sir.

3 (Video plays.)

4 Q Was that Ragin saying, "Tell the truth"?

5 A Yes, sir.

6 (Video plays.)

7 Q Does he tell you there that TJ shot himself?

8 A That's what he just said, yes, sir.

9 (Video plays.)

10 Q Was he describing there, based on your observation and
11 listening, the shooting at the door?

12 A Yes, sir.

13 MR. MEADORS: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 Q In the statement that Mr. Bridges asked you about, he
16 didn't admit he shot him, did he, in his statement?

17 A No, sir.

18 Q In the written statement.

19 A Correct.

20 MR. MEADORS: Thank you. That's all.

21 THE COURT: Mr. Bridges?

22 MR. BRIDGES: I have no further questions for Detective
23 Bonner.

24 Thank you for your time today.

25 THE COURT: Thank you, sir.

1 THE WITNESS: Thank you. Thank you, Judge.

2 MR. BRIDGES: Judge, did you want to hear arguments now?

3 THE COURT: Can I have about ten minutes?

4 MR. BRIDGES: Sure.

5 THE COURT: And check with her before --

6 MR. BRIDGES: Thank you.

7 THE COURT: Let's make it 4:30.

8 (A brief recess was taken from 4:17 p.m. to 4:32 p.m.)

9 THE COURT: Mr. Bridges?

10 MR. BRIDGES: Thank you, Your Honor.

11 I have no other witnesses to call. I'd like to hand you
12 up -- and I gave a copy of this to Mr. Meadors. This is the
13 State of South Carolina versus Robert Peak (ph). It deals
14 with coerced confessions. It deals with when the State makes
15 a promise for leniency and the defendant basically gives a
16 statement as a condition of that promise. That's when it
17 becomes an inducement and rendered -- it would render the
18 confession involuntary.

19 And my contention is, as you have heard the video, if you
20 look at the totality of circumstances as you do in a Jackson
21 v. Denno situation, Malik Singleton did not come up with the
22 idea for it being an accident. That was placed by Lieutenant
23 Ragin. He was offered to say it was an accident. I think
24 it's pretty strong, especially when you see the third officer
25 in the door say "30 years to life accident, real story, fake

1 story," that, in Malik's mind, you know, he could consider
2 that they were trying to make a deal with him, and they're
3 trying to get him to say it was an accident in exchange for
4 leniency. Malik repeatedly asked to try to get help, to try
5 to find some way to help himself. I think him being in that
6 room for four hours -- more than four hours without getting
7 out, that that was a promise of leniency to him, and he
8 accepted it by saying it was an accident, which was one of the
9 things that he said.

10 So my contention would be that this is not a voluntary
11 statement due to the fact that he was promised leniency by the
12 detectives, in particular when they said, you know, he was
13 either going to be charged with murder -- they essentially
14 boiled it down to he was going to be charged with murder or he
15 was going to have to say it was an accident.

16 So that's our contention, and we think, under Jackson v.
17 Denno, the statement should be excluded as involuntary, Your
18 Honor:

19 THE COURT: Mr. Meadors?

20 MR. MEADORS: May it please the Court.

21 Judge, I don't know how many different statements he gave
22 from "I wasn't there," "I didn't do it," "I was there but
23 wasn't involved," "It was an accident," names of other people.
24 He had more misrepresentations and was kind of -- do it in
25 reverse, was trying to see what kind of information the police

1 had.

2 They never threatened him. The difference in Peak (ph)
3 was a death penalty case where they specifically said they
4 wouldn't seek the death penalty. I don't think there was any
5 specific promise here in this case. They said, Well, this
6 could be -- and, again, I think it's important that he brought
7 up at the first outset that he was told that the victim was
8 dead. They ran with that a little bit. But there was never a
9 promise -- as a matter of fact, throughout, they kept saying,
10 "You're going to be charged." I mean, that was one thing
11 Ragin and Bonner kept saying, "You're going to be charged.
12 You're not going home."

13 There's a case out of, I believe, Horry County, State
14 versus Ken Register -- it was actually a book, "An Hour to
15 Kill," written about it, but in that case, there were
16 misrepresentations made by the police, and the Court held that
17 if the defendant's will was never ever born, due to his fear
18 of extraneous adverse consequences, in that case, the
19 statement was voluntary -- held to be voluntary.

20 And, Judge, I think it's somewhat relevant, especially
21 that his final written statement he doesn't say "I did it."
22 He said, "I'm sorry," you know. But he doesn't come out and
23 say "I did it" there. So I think the police might have been
24 trying to get information with him. I don't believe his will
25 was ever born. I don't believe he was directly promised

1 anything or threatened, and I believe he was just as much
2 playing with the police. I know that's not the issue here,
3 but we do believe that the statement was voluntary. It's all
4 on tape. And at one point, he says -- you know, "he shot
5 himself." You know, "he just shot himself." And that -- that
6 wasn't put in his mind by the police. He just said, you know,
7 he shot himself.

8 We do think at this point that the statement is --
9 respectfully, the State has proven that it was freely and
10 voluntarily given. It didn't threaten or coerce him. Didn't
11 hold out any hope or reward specifically at all. It mentioned
12 potential charges, but then said he was going to be charged.
13 There is some case law, too, that if your cooperation will be
14 made known, that that's okay. I think that's somewhat in
15 here. But I don't believe his will is ever born.

16 And, Judge -- and I don't believe there's any threats --
17 threats of violence -- and I just don't think there is any
18 implied promises, Judge, respectfully, on here about what's
19 going to happen to you, what sentence you're going to get, and
20 definitely nothing like Peak (ph) where you won't get the
21 death penalty, in my opinion.

22 And, Your Honor, some of these things, I think, if you
23 handed me another case, a lot of the practices about potential
24 sentences and all can't go to the jury, but I think some of
25 he's talking about, a jury argument. You know, if he wants to

1 argue to the jury, you know, that they planted it in his mind
2 and that's why he did it, I think it's proper jury argument,
3 but at this point, I think, respectfully, we would argue the
4 State met its burden about voluntariness. Thank you.

5 MR. BRIDGES: Just to briefly reply, Your Honor.

6 THE COURT: Sure, yes, sir.

7 MR. BRIDGES: We would have to go through and check the
8 transcript again, but I believe Lieutenant Ragin does also
9 mention the possibility of Mr. Dow shooting himself as well.
10 We'd have to check to see who says that first. I know Peak
11 gives the death penalty case. He does talk in general about
12 a -- the benefit of, you know, a promise being inducement when
13 the basis of the -- when -- a statement induced by promise of
14 leniency is involuntary only if so connected to the inducement
15 as being a consequence of the promise.

16 And I just go back to the officer in the doorway saying,
17 "30 years, accident. Real story, fake story." They're making
18 it very clear that he was going to -- you know, to Malik's
19 mind, that he was about to be charged with murder, but if he
20 said it was an accident, they had -- they didn't go into
21 specifics with leniency, I will concede that, but I think
22 there's definitely an implied promise of leniency that they
23 held out and that Malik took when, you know, he placed himself
24 there and he said that it was an accident, Your Honor.

25 THE COURT: Yes, sir.

1 MR. MEADORS: And one point that you missed too, Your
2 Honor, I think there was a colloquy between the defendant and
3 one of the officers who said, well, look, they said he was
4 fine. I talked to my mom afterwards and said he was fine. I
5 think there was an argument, too, he knew he was fine, the
6 victim, because he talked to them about, "Well, I just talked
7 to him. He was -- my mom or somebody said he was okay." I
8 don't think that was played and that is on there, for whatever
9 that's worth.

10 MR. BRIDGES: Yeah, I think -- actually, I think that's
11 at the beginning when Bonner was talking to him originally
12 about his condition, and he says, "Well, my mom said he was
13 doing okay." And then Bonner says, "Well, what if he took a
14 turn for the worse?" I believe that's the sequence.

15 THE COURT: All right, folks. I took a lot of notes. I
16 did watch all of it, listened to it, and the phrase that keeps
17 coming back to me is the totality of circumstances. Saw a lot
18 back in family court, setting alimony. No one factor decides
19 alimony, and here, no one factor decides, in my view, whether
20 something is excluded or not. It's that proverbial totality
21 of the circumstances.

22 I find more clearly it was a Miranda setting. He was in
23 custody. Miranda was given. Rights were given. I don't find
24 anything improper about any of that.

25 Things that I like to pick up on the note were body

1 language, cues. Here, for the most part, they were either all
2 sitting together, facing each other, or all standing together,
3 facing each other. No one was behind the defendant during any
4 questioning. It wasn't that ubiquitous TV scene where they're
5 in a dark room and a light's hanging over his head. None of
6 that Hollywood drama going on.

7 The defendant was very responsive and alert to the
8 questioning. I never saw any indications of being
9 intimidated, confused. He may have been in the room for four
10 hours, but I don't ever recall him asking to go to the
11 restroom or to step outside. The door was open the entire
12 period of time. I don't remember any threats being made by
13 law enforcement.

14 So I get to the point that Mr. Bridges is talking about
15 this implied promise. And the first thing, Mr. Bridges, you
16 did a good job. I thought you asked a lot of very good
17 questions, and I appreciate this case you handed up to me.
18 But that being said, I don't find that the videotape should be
19 excluded.

20 Now, as to the statement, he never admits he did it
21 there. That's sort of a sideline to me. But considering all
22 the factors and that old phrase "totality of the
23 circumstances," I'm going to allow it to go into evidence,
24 Mr. Bridges, Mr. Meadors.

25 MR. MEADORS: Thank you, Your Honor.

1 THE COURT: All right.

2 MR. MEADORS: Judge, as far as the bond issue, I know his
3 bond is up. The jury's not sworn yet, but his family
4 situation, I just -- I have always asked, so at this point,
5 I'd ask that Your Honor consider revoking bond during this
6 trial.

7 MR. BRIDGES: In response to that, Your Honor,
8 Mr. Singleton's always had good contact with me. He's always
9 come to court when asked. He's actually been in drug court
10 through the duration of this. He's always showed up to drug
11 court. He's on probation. If he doesn't show up, there's
12 consequences beyond this courtroom. He knows the trial could
13 proceed in his absence. He knows a warrant could be issued.
14 I would just request that you give him the chance to remain on
15 his own recognizance through the duration of this trial.

16 And as far as I know, there's been no reports of witness
17 harassment or intimidation or anything like that.

18 MR. MEADORS: I think he was on a surety bond. Was that
19 the bond?

20 MR. BRIDGES: Yeah, it was 30,000 surety, 25,000. 28.

21 THE COURT: Now, his bond is no longer in effect, though;
22 right?

23 MR. BRIDGES: That is correct, Your Honor.

24 THE COURT: So if I allow him to go home, he's on his
25 own; right?

1 MR. BRIDGES: Yes. But he's aware that the trial could
2 proceed in his absence, and he also would face consequences of
3 warrants and everything else if he doesn't show up.

4 THE COURT: But things have changed now. We have a trial
5 in the gun sight, so to speak. No pun intended either. And
6 we are going to start at 9:30 in the morning. So out of an
7 abundance of caution -- because I don't want any trouble with
8 any duration in this case -- I'm going to have him in custody
9 overnight, Mr. Bridges.

10 MR. BRIDGES: We will have the opportunity to revisit
11 that tomorrow?

12 THE COURT: Yes, sir. Yes, sir.

13 MR. BRIDGES: Depending on how the trial goes?

14 THE COURT: Yes, sir. Certainly. Certainly. I'm
15 just -- I don't want any problems. That's not a statement
16 against him or the victim, but I -- circumstances have changed
17 now. We have a trial.

18 Gentlemen, I'll see y'all at 9:30 in the morning.

19 MR. MEADORS: Thank you very much.

20 (At 4:45 p.m., the proceeding on Trial Day 1 concluded
21 until January 15, 2019, at 9:50 a.m.)

22 * * * * *

23 (On January 16, 2019, at 9:50 a.m., Trial Day 2 commenced
24 as follows:)

25 THE COURT: Any matters before we begin, gentlemen?

1 MR. BRIDGES: Just renew my motion to sequester the
2 witnesses. And it looks like the State has already abided by
3 that.

4 THE COURT: Okay.

5 MR. MEADORS: I think there's some family members of the
6 defendants in here, but they're not on the witness list. Even
7 if they replied, they wouldn't --

8 MR. BRIDGES: Yeah, I don't have his mother as a
9 potential witness in this case, so...

10 THE COURT: All right. Motion's granted then.
11 Anything else, gentlemen?

12 MR. MEADORS: No, sir.

13 MR. BRIDGES: Nothing from the defense, Your Honor.

14 THE COURT: All right. Would you bring the jury in.

15 (The jury entered the courtroom at 9:51 a.m.)

16 THE BAILIFF: The jurors are all seated, Your Honor.

17 THE COURT: Thank you, sir.

18 Would you give them their oath, please.

19 THE BAILIFF: Your Honor, may it please the Court?

20 THE COURT: Yes, sir.

21 THE BAILIFF: Ladies and gentlemen of the jury, will you
22 stand, please, and raise your right hand.

23 (The jury was duly sworn.)

24 THE BAILIFF: You may be seated.

25 THE COURT: Ladies and gentlemen, part of my job now is

1 to read to you and tell you certain things as on outline for
2 preliminary information about this trial. The case we're
3 about to start is the one he mentioned: State versus Malik
4 Singleton. What I will now say is intended to serve as an
5 introduction to the trial of this case. These remarks are not
6 a charge on the law in this case. I will instruct you on the
7 law at the end of the trial, before you return to consider
8 your decision in this case.

9 Before the trial begins, I want to explain to you the
10 procedures that we will follow so that you can better
11 understand what is happening in this trial. You have been
12 selected as fair and impartial jurors whose purpose it is to
13 find and determine the facts in this case. You are the sole
14 judge of the facts. If, at any time, I make any comment
15 regarding the facts of this case, you must disregard what I
16 say.

17 You are to determine the facts from the testimony you
18 hear and any other evidence that is presented. You should not
19 be influenced by any opinions or statements you may have heard
20 outside the courtroom. It is especially important that you
21 perform your duty of determining the facts diligently and
22 conscientiously, because ordinarily, there's no way to correct
23 an erroneous determination of the facts by a jury.

24 When you comply with your oath to impartially determine
25 the facts of this case, you will have fulfilled your duty as

1 jurors, and no one will have the right to criticize your
2 verdict. On the other hand, and with equal emphasis, the same
3 law that makes you the judge of the facts makes me the judge
4 of the law. The law as given by the Court is the only law you
5 may consider. You must accept and follow it, even though you
6 may disagree with it. I cannot tell you what the facts are,
7 and you cannot disagree with me about what the law is or
8 should be. Your job is to make the law as I give it to you
9 and apply it to the facts as you find them from the testimony
10 of the witnesses and any other evidence that is presented.

11 After doing that, you will render your verdict -- a true
12 and just verdict -- under the solemn oath you just took as
13 jurors. Until I advise you to begin your deliberation, you
14 must not discuss this case with anyone, including your fellow
15 jurors, friends, family members, and anyone involved in this
16 case. This includes discussions face-to-face and those by
17 telephone or any other device; by mail, by text, or any other
18 method of communication. You may not use a computer, cellular
19 phone or other electronic device with communication
20 capabilities at any time while in the courtroom or during
21 deliberations or during the breaks, from me or otherwise.

22 If necessary, you may use these devices, however, you
23 must not use these devices to send or receive information
24 about this case, and this includes information about the
25 party, a witness, an attorney, or a court officer; information

1 about news accounts of the case or any research on any topics
2 raised, any topics you may think would be helpful in deciding
3 this case or any testimony presented by any witness.

4 And during the trial, do not read, listen to, or watch
5 any news reports about this case, if any. This includes
6 anything that may be in the newspapers or on the television or
7 internet or radio. You must not consider anything that you
8 may have heard or read about this case outside the courtroom,
9 whether before or during the trial.

10 After the case is submitted to you, you must discuss it
11 only in the jury room with your fellow jurors. The attorneys
12 and the parties in this case have been advised and know that
13 they are not allowed to talk to you at all. So if you see one
14 of those persons and they do not speak, that's what they're
15 supposed to do. They're not being unfriendly; they're just
16 following the instructions.

17 It is important that you keep an open mind and not decide
18 any issue in this case until all of the evidence has been
19 presented, the parties have made their closing arguments, and
20 I have instructed you on the law in the case.

21 Now, in just a moment, the Solicitor will make what is
22 called an opening statement in which the Solicitor will
23 explain to you the issues in this case or at least what the
24 Solicitor thinks the issues are in this case. The attorney
25 for the defendant will also make an opening statement. What

1 the attorneys tell you during their opening statements is not
2 evidence in this case. It is only their contention as to what
3 the issues are. The evidence in this case will be presented
4 to you by the testimony or of sworn witnesses from the witness
5 stand and/or by exhibits that may be introduced into evidence.

6 From time to time during the trial, you may hear one of
7 the lawyers say something like, "Your Honor, I believe we have
8 a question of law or a matter we ought to discuss with you."

9 I'm having to straighten out a sentence that was a little
10 bit convoluted here.

11 And I myself might find it necessary to excuse you from
12 the courtroom for a short period of time to discuss such legal
13 matters with the attorneys. The reason for this is because
14 you are the judges of the facts in this case, and sometimes
15 when I am discussing matters of law with the lawyers, it may
16 be necessary for me to make some comment as to the facts in
17 connection with a ruling of whether or not a particular law
18 applies. I am not supposed to tell you what I think of the
19 facts, whatever they are, so I will excuse you when that
20 happens.

21 In determining what the true facts are in this case, you
22 must decide whether or not the testimony of the witnesses is
23 reliable or believable. It will be my responsibility to rule
24 as a matter of law as to whether certain evidence or testimony
25 is admissible at all or not, but once that testimony is

1 admitted, whether or not you believe it is solely for you to
2 determine.

3 In deciding whether to believe a witness, you have a
4 right to consider whether the witness has an interest in the
5 result of the trial, whether the witness is prejudiced toward
6 either the State or -- either the defendant or the State; the
7 opportunity for the witness to have seen the matters and
8 things about which the witnesses may testify, and the way the
9 witness acts on the witness stand. You have a right to
10 consider anything that is in the record that will help you
11 evaluate the testimony of witnesses. That means it is your
12 duty to pay close attention to the witnesses, to observe them,
13 to listen to them, and to pay close attention to the attorneys
14 and to the Court. Don't let your thoughts wander but pay
15 strict attention to the testimony in this case so that, at the
16 end of the trial, you will be able to determine what the facts
17 are, to apply the law to those facts, and render a true and
18 just verdict.

19 It is your added duty, when I appoint a foreperson, to
20 serve as that foreperson as instructed later.

21 Gentlemen, I have reached the end of this preliminary
22 charge. Is there anything that you wish to say or add or
23 object to?

24 MR. MEADORS: Nothing from the State.

25 MR. BRIDGES: Nothing from the defense, Your Honor.

1 THE COURT: Thank you very much.

2 All right. We will now hear from the attorneys.

3 MR. MEADORS: May it please the Court.

4 THE COURT: Yes, sir.

5 MR. MEADORS: Mr. Bridges, Mr. Little.

6 OPENING STATEMENT

7 MR. MEADORS: This is Travis Dow, the victim in this
8 case. He was in an auto accident and got a settlement
9 December of 2016. That word got around Wedgefield, where he's
10 from. He had some money.

11 As a result of that, his cousin, the defendant, Malik
12 Singleton, came and tried to rob him and then shot him in the
13 head -- thank God it grazed him -- in an attempt to rob him.
14 That's what this case is about. It's not complicated, but
15 this is important. It's not going to be all that long. But
16 this is important of a case as we'd be trying in this
17 courtroom or in any courtroom in this state this week,
18 important to the defendant, important to the victim, Travis
19 Dow.

20 Ladies and gentlemen, good morning.

21 JURORS: Good morning.

22 MR. MEADORS: Good morning. Thank you all for being
23 here. My name is John Meadors. I got introduced to y'all
24 yesterday. I work for your elected Solicitor, the Honorable
25 Ernest A. "Chip" Finney, III, if you remember who was sitting

1 here yesterday. I'm here today representing the people of the
2 State of South Carolina, the people of Sumter County against
3 the defendant, Malik Singleton, who is represented by
4 Mr. Jason Bridges and Mr. Phillip Little.

5 Y'all have heard what the charges are. His Honor so
6 eloquently told you, but I'm going to briefly tell you what
7 the charges are, what the elements are. As His Honor said --
8 he said it yesterday, I think. It's kind of divided up from
9 this point forward. He's the law. He is the law in this
10 courtroom. He decides what the law is. He makes sure that we
11 make sure we follow the law. He instructs y'all on what the
12 law is.

13 But you're also a judge -- respectfully to His Honor --
14 you're also a judge. And as Your Honor said, you're the judge
15 of the facts. You tell the judge, us, the world, y'all decide
16 what the facts are based on the law the judge tells you. And
17 that's why this system is so beautiful. Individuals from the
18 community who come in, listen to the evidence, and decide what
19 the truth is, based on the law that the judge gives you, it
20 doesn't get any purer than that. And that's all we can ask
21 you to do.

22 The defendant is charged with attempted murder. Well,
23 what's attempted murder? Well, the intent is kind of -- it's
24 really kind of simple. It's an intent -- the intent to kill
25 somebody, to try to kill somebody. And for attempted murder,

1 the State must show that you intended to kill somebody. An
2 intent to kill somebody with the intent and that it was with
3 malice aforethought, expressed or inferred.

4 But what's malice? We have all heard it on TV and maybe
5 seen it in life, because malice is a meanness, an evilness, a
6 wickedness that one person chose to another. It's just bad.
7 Really not much worse. The word "malice" even sounds that
8 way, doesn't it?

9 Now, malice can be expressed like "I'm going to kill
10 you" -- like the words "I'm going to kill you." Or it's
11 permissible under certain circumstances. And in this case,
12 we'll be asking you to infer it from the use of a deadly
13 weapon. But that's what the State must show you: An intent
14 to kill someone with an intent to kill with malice
15 aforethought.

16 Now, malice does not have to exist any amount of time.
17 There's no premeditation. If he had ended up killing him, if
18 that bullet had gone just a little bit more to the right, it
19 would be murder, and we'd still have to prove malice, but
20 malice does not -- we don't have premeditation in this state.
21 Some states do. You don't have to plan to kill somebody for a
22 murder or an attempted murder to prove malice. Malice can
23 exist in the instant that the trigger is pulled. Right then.
24 "I don't care. I'm going to shoot, and I don't care where it
25 hits you on your body." That's malice.

1 Now, the other charge is pretty much self-explanatory.
2 If you were to find him guilty, the other charge is possession
3 of a weapon during the commission of a violent crime, which
4 attempted murder, as the judge will tell you, is classified
5 under the laws of our state as a violent crime.

6 Well, what's the burden that we need -- the State must
7 prove to you? What's the burden that we must reach for y'all
8 to consider the defendant guilty? We all know it, and I know
9 you're thinking it right now. You want to tell me but you
10 can't. It's beyond a reasonable doubt. We must prove to you
11 that the defendant is guilty beyond a reasonable doubt.
12 Beyond a doubt that makes reasonable folks hesitate to act.

13 I have been doing this over 30 years, given definitions
14 as I get older. Y'all know what it is. Beyond a reasonable
15 doubt. Beyond a doubt that makes reasonable folks hesitate to
16 act.

17 The judge will tell you, in the end, that the State
18 doesn't have to prove beyond all doubt. That's impossible.
19 We would have never built this courthouse and had this
20 wonderful technology we now have from the folks in Columbia
21 that's going on now. We wouldn't need any of that if the
22 burden was beyond a reasonable degree -- I mean, beyond all
23 doubt, because you could never prove anything beyond all
24 doubt. But it's beyond a reasonable doubt. I call it common
25 sense. That will be up to y'all.

1 There are different types of evidence. As Your Honor has
2 told you very briefly, there's direct evidence, there's
3 evidence an individual gathers with their senses -- they
4 either heard it or smelled it or tasted it or touched it.
5 They come in here and they take an oath and go on that witness
6 stand and tell you, the jurors, "This is what I heard, what I
7 felt, what I tasted, what I touched." That's called direct
8 evidence.

9 There's circumstantial evidence, which is evidence of a
10 fact or another fact and another fact which leads to a fact in
11 question. You didn't necessarily see it, but the
12 circumstances are such, if you prove two facts, well, this had
13 to have happened. It's starting to get cold -- the classic
14 example is, you go to bed last night and there wasn't snow on
15 the ground. You wake up, there's snow. Well, you know it
16 snowed. You didn't see it, but logically and common sense,
17 that's -- it snowed.

18 Finally, you'll see some documentary evidence, pictures.
19 You're going to see a video -- I'm going to tell you about
20 that in a minute -- of the defendant being questioned by law
21 enforcement. The judge has determined initially that y'all
22 are allowed to hear that. We're going to play that. But
23 that's not the type of evidence that you're going to be able
24 to watch and see what happened.

25 And, finally, what every case -- every case, every single

1 case boils down to, without question -- I don't care what the
2 charge is -- it's credibility and believability. The
3 cornerstone of our system. That's what this is all about.
4 What's the truth? Who is telling the truth?

5 It's true in life, isn't it, too? That's what really
6 everything boils down to: Credibility and believability. And
7 the only evidence that you can consider is the evidence you
8 hear coming from this witness stand. Folks are going to take
9 an oath to tell the truth. Evidence from that witness stand
10 or any other documents or video-type evidence the judge allows
11 in, that's the only type of evidence you'll be able to
12 consider.

13 And what do you use to decide what the truth is?
14 Mr. Campbell didn't put you in juror school, didn't have time
15 to do that Monday, but you have been in juror school your
16 whole life. Every one of you have. We all have. It's called
17 life. Living. School, work, evaluating people. Who's full
18 of it, who isn't. It's just life and your common sense, and
19 you bring that in here. That's why you qualified to be
20 jurors. That's beautiful, isn't it?

21 So you'll decide what the truth is based on your own
22 experiences, but you have got to decide it based on what comes
23 out here. Who is telling the truth?

24 Look at -- listen to the words. Look at body language.
25 But that will be up to y'all what the truth is, and use it

1 by -- you decide it by using your common sense and listening
2 and looking.

3 What happened? Well, on December 2016, like I say, I
4 believe the evidence will show Mr. Dow got a settlement from a
5 car wreck. Out in the community of Wedgefield, that word kind
6 of spread, he had some cash. Through Mr. Dow, the victim in
7 this case, we're going to take you back to the day before
8 December 14th when this happened, to December 13th, at [REDACTED]
9 [REDACTED] Parkway here in Sumter County, that being the
10 residence of Mr. Dow's sister. He stays there a lot.

11 His father, Mr. Jimmy Dow, who you're also going to hear
12 from, lives shortly -- doesn't live too far from there. But
13 on December 13th of 2016, Mr. Dow -- and he's going to get up
14 and tell you where he's been working and what he does. And
15 watch him when he testifies and listen to him. He's going to
16 say he was in the backyard of his sister's house at [REDACTED]
17 [REDACTED] Parkway, and he sees somebody in the backyard, and he
18 hears them say, "Give it up. Give it up."

19 And he said, "Malik, is that you?"

20 And he says the person tries to change his voice, "No,
21 it's no Malik."

22 But he didn't give it up. Went inside and told some
23 folks what happened. Sees him with the gun. That was on the
24 14th. Excuse me, the 13th. I apologize.

25 We go to the next day, the 14th. Travis is with his

1 sister and some of their family members in the house. And
2 this is approximately at 2:45 in the morning on December 14th.
3 Listen to the times that the defendant tells you, Investigator
4 Bonner here with the sheriff's department, when law
5 enforcement responded. Travis Dow was there. He's in his
6 house. And he's going to tell you and we believe the evidence
7 will show that the defendant came in his house, somebody else
8 with him. They started tussling. He's going to say, "The
9 defendant had a mask on but it was my cousin. I knew my
10 cousin. I had seen him the night before. I've known him my
11 whole life. Talked to him. Trying to hide, but that was my
12 cousin."

13 They're struggling. He's struggling with Malik and the
14 gun. He then heads towards the door to get out of there.
15 It's going to be his testimony, we believe. And then Malik,
16 who is behind him, and this other person who is behind Malik
17 goes, "Shoot him. Shoot him." And the evidence is going to
18 show that Malik Singleton shot him. He shot him. And the
19 pictures are going to show he got shot in the head. And we
20 believe the evidence is going to show "he shot me in the
21 head."

22 What does he do? What does Travis Dow do? He runs. He
23 runs to his daddy's house, who doesn't live that far from
24 there, Jimmy Dow. Jimmy is going to take the stand and tell
25 you, when he came over there, what happened.

1 Under the rules of sequestration, they're not allowed to
2 be in here until after they testify, so that's why you don't
3 see some of these folks that aren't -- that aren't here now.
4 But they can be here after they testify.

5 Law enforcement is called. Law enforcement responds to
6 Mr. Dow's house; I don't have that address on the top of my
7 head right now. I apologize, but it will come out. It's
8 right near [REDACTED] -- I think it's [REDACTED]-something -- anyway. It's
9 right near that house.

10 Law enforcement takes a statement from the defendant's
11 sister and from the victim's niece. As a result of that,
12 Investigator Bonner -- Investigator Bonner actually talks
13 to -- he then goes to the hospital to see Travis Dow. Travis
14 Dow tells him Malik Singleton -- no, no, that's not right. He
15 says, "Malik Wright shot me." He knew him as Wright. His
16 mama's name was Wright. But it was my cousin, Malik
17 Singleton. And that will be explained to you. It was Malik
18 who shot him.

19 He's in the hospital, getting treated, and he writes a
20 statement, "Malik shot me."

21 About 5:30-something in the morning on December 14th of
22 2016, Malik and law enforcement are at the sheriff's
23 department. And this will be a large portion of this trial
24 timewise. It's what we met on yesterday afternoon. We
25 weren't -- as the judge told you, we weren't playing around.

1 Judge had us working until close to 5:00, as we should have
2 been. And it was dealing with what y'all are going to see.
3 And we're going to take you to where Investigator Bonner,
4 Lieutenant Rodney Ragin interviewed the defendant at the
5 Sumter County Sheriff's Office. You're going to be able to
6 see it. You're going to be able to hear it. You're going to
7 be able to look at it on your screens right here, all the
8 screens. You'll be able to see it.

9 What we believe that will show -- y'all will make the
10 determination -- is that, over that couple of hours,
11 several-hour interviews, the defendant goes from "I wasn't
12 there; I don't know anything about it," "I was there; I didn't
13 do anything," "Well, I was in the house, but I didn't do
14 anything," "Well, I was in the house and we tussled, but I
15 didn't do anything," "Well, I was in the house, and I'm going
16 to tell you the truth" -- and I think this will be at 8:08:25,
17 I think -- he said, "I'm going to tell you the truth," we
18 believe the evidence will show, "Travis shot himself."

19 So later on, we said we were together, we tussled, and
20 the gun accidentally went off. You're going to be able to
21 hear all that, and you make a determination. That's up to
22 you.

23 And then, finally, he gives a written statement -- and
24 you'll watch him do it -- where he says, "I'm sorry. I didn't
25 do it. Somebody else did it."

1 But that's this case. It's not going to be long, but
2 it's important. It's important for the defendant. It's
3 important to the victim.

4 When you walk into the Richland County courthouse -- and
5 I'm going to put a piece of paper out here in this courthouse.
6 I told them outside yesterday, I'm going to take a piece of
7 tape and just tape it up there, and when you walk into the
8 Richland County courthouse, right by the elevators, there's a
9 sign that says: "Justice will direct thy course." Justice
10 will direct thy course. I love that.

11 And that's all -- all we want. Justice needs to direct
12 your course. And I don't mean to say it flippant. It's
13 important. This is important. Y'all got an important job,
14 and we thank you for being here.

15 But all we can do and all the judge can do is let justice
16 direct your course. And we believe after you have heard all
17 the evidence, we will have proved beyond a reasonable doubt
18 that, on December 14th, 2016, the defendant, along with
19 somebody else, were in the victim's -- defendant's residence
20 and wanted that money that he had gotten from an accident.
21 They were going to steal it from him. They didn't get the
22 money, but he shot him in the head, and he fled. He meant to
23 shoot him, and we're going to ask you to find the defendant
24 guilty of attempted murder. Thank you.

25 THE COURT: Mr. Bridges?

1 MR. BRIDGES: Thank you, Your Honor. May it please the
2 Court.

3 THE COURT: Yes, sir.

4 OPENING STATEMENT

5 MR. BRIDGES: Good morning, ladies and gentlemen. My
6 name is Jason Bridges. I introduced myself yesterday, but I
7 work for the Sumter County Public Defender's Office, and my
8 client is Mr. Malik Singleton. My colleague, Mr. Little, is
9 also assisting me on this case.

10 As Mr. Meadors mentioned to you, and the important thing
11 to keep in mind about this trial is the State has the burden
12 of proving beyond a reasonable doubt the charges against
13 Mr. Singleton. That means I don't have to prove
14 Mr. Singleton's innocence. I don't have to solve the case for
15 you. That's not what this is about. The State has to prove
16 each element of the offense of attempted murder of beyond a
17 reasonable doubt that my client was involved in it -- that my
18 client, in fact, shot Mr. Dow with the specific intent to kill
19 him.

20 Now, I believe, if you pay attention to the evidence and
21 you weigh the credibility as Mr. Meadors instructed, you will
22 find that there are many inconsistencies, many reasons to
23 doubt this case. One, let's start with the victim, TJ Dow.
24 You'll see that he gave multiple accounts about who shot him,
25 who was there, who was involved. You'll hear a 9-1-1 call

1 from his father where he says, "My son says he doesn't know
2 who shot him." You'll hear, at the hospital, how he did not
3 identify the second person that was there. There's
4 inconsistencies, ladies and gentlemen of the jury. That's
5 what you keep in mind when you weigh the witnesses'
6 credibility.

7 And then you might also hear about an underlying family
8 dispute between the father here and Malik and his side of the
9 family. And you'll hear all these things, and you get to
10 weigh a witness's bias and their credibility, and you'll get
11 to see the physical evidence and the lack of physical
12 evidence. And I'll just invite you to keep in mind, you know,
13 that the State has to prove each element of this offense
14 beyond a reasonable doubt that my client, Malik Singleton, did
15 this.

16 And I'd like to extend my thanks. I've represented Malik
17 now for almost two years. This case is over two years old.
18 This is the most important week of his life, and it's also an
19 extremely important week for the victim and for the system,
20 and the system would not work without the dedicated work of
21 the jurors. I know the jury duty is not within the top 50
22 things you probably want to do today, but this would not be
23 possible without you.

24 And as this case continues, I'd just encourage you to pay
25 attention. Weigh everything through the lens that the State

1 has the burden. When we get to this confession video, there's
2 a lot of factors involved. You understand Malik was 20 years
3 old, extremely scared. He was in the room for over four
4 hours. The police told him they were going to charge him with
5 murder. They told him that he could say -- they introduced
6 the idea that it was an accident. They introduced the idea
7 that TJ shot himself. And only after this very long process
8 does, you know, Malik make some statements, but you'll be able
9 to see his character and his temperament and his emotion and
10 how extremely upset he is. And you factor all these things
11 in, and you determine if that's -- if you think that's
12 credible or not.

13 So I would just encourage that, the whole time, you keep
14 that in mind for any evidence you see, that the State has the
15 burden and you get to decide if you believe -- you get to
16 decide who's credible, you get to decide does this witness
17 have a bias or reason for saying what they're saying.

18 So, again, I thank you for your time and attention, and
19 it's my privilege to be able to practice in front of you.
20 Thank you.

21 MR. MEADORS: Travis Dow.

22 THE BAILIFF: Sir, place your left hand on the Bible.
23 Left hand. Raise your right hand. Raise your right hand.
24 Raise your right hand. Place your left hand on the Bible and
25 raise your right hand.

1 TRAVIS DOW,
2 the witness, after having been duly sworn, was examined and
3 testified to as follows:

4 THE BAILIFF: Step around.

5 State your name for the record and spell your last name,
6 please.

7 THE WITNESS: Travis Dow.

8 DIRECT EXAMINATION

9 BY MR. MEADORS:

10 Q Good morning, Travis.

11 A Good morning.

12 Q Did you have a hard time understanding that he was saying
13 put your hand on the Bible and raise your right hand?

14 A Nah.

15 Q Okay. If you would just talk into here, please, sir.
16 Okay?

17 A Mm-hmm.

18 Q You need to say yes or no just so they can take this
19 down -- well, so it can be taken down here. Okay?

20 A All right.

21 Q Travis, I want you to tell these folks about Travis Dow.
22 Where are you from?

23 A I'm from [REDACTED] Parkway, and I work at McEntire Produce
24 in Columbia.

25 Q Where did you go to school?

- 1 **A** Lakewood High School.
- 2 **Q** When did you get out of Lakewood, Travis?
- 3 **A** '02.
- 4 **Q** And what did you do after that?
- 5 **A** After I graduated, I worked at the commissary and
- 6 Goodwill.
- 7 **Q** Worked where?
- 8 **A** The commissary on Shaw.
- 9 **Q** Yes, sir. How long did you work there?
- 10 **A** About 13 years.
- 11 **Q** And what did you do after that?
- 12 **A** After that, I worked at the Carolina Furniture, too.
- 13 **Q** What did you do at Carolina Furniture, Travis?
- 14 **A** I cleaned up furnitures and stuff and machines and stuff.
- 15 **Q** Did you ever work at LGS Solutions?
- 16 **A** Yes, sir. I used to work there too.
- 17 **Q** When did you do that?
- 18 **A** Last -- no, two years.
- 19 **Q** What did you do at LGS Solutions?
- 20 **A** Stacked doors and stuff.
- 21 **Q** And are you working now?
- 22 **A** Yeah, I work now.
- 23 **Q** Okay. Tell these folks where you're working now.
- 24 **A** McEntire's in Columbia.
- 25 **Q** And what do you do at McEntire?

1 **A** I'm a dry operator with carrots and stuff, putting the
2 machine and dry them and dump them.

3 **Q** And your boss knows you're here today; right?

4 **A** Yes, sir.

5 **Q** Travis, Malik Singleton, is he related to you?

6 **A** Yes, sir.

7 **Q** Tell us how he is.

8 **A** His mom and myself is first cousins, so he would be my
9 second cousin.

10 **Q** And I know this may sound crazy, but how long have you
11 known him?

12 **A** All my life.

13 **Q** Y'all grow up together?

14 **A** You can say that, yeah.

15 **Q** You have seen him a whole bunch?

16 **A** Not too much, no.

17 **Q** How often would you see him?

18 **A** Off and on.

19 **Q** Where does Malik live?

20 **A** He's living on Grenada Park.

21 **Q** Here in Sumter?

22 **A** Mm-hmm.

23 **Q** And you have to say yes or no for them.

24 **A** Yes, sir.

25 **Q** Now, in December of 2016, Travis, where were you living?

1 **A** I was living [REDACTED] Parkway with my mom and dad.

2 **Q** Okay. And what's your mom and dad's name?

3 **A** Jimmy Dow and Evelyn Dow.

4 **Q** That's [REDACTED]. How far is that from [REDACTED], from where your
5 sister lived?

6 **A** Right next. Right next to each other.

7 **Q** Would you stay at your sister's some too?

8 **A** Sometimes.

9 **Q** Who else stayed at your sister's house in December of
10 2016, if you can remember?

11 **A** My niece, **TD** [REDACTED], **SS** [REDACTED], and her and that's it.

12 **Q** And **TD** [REDACTED], what's her real name?

13 **A** That is her real name. I mean, really, **TD** [REDACTED].

14 **Q** **TD** [REDACTED]?

15 **A** Yeah.

16 **Q** And she goes by **TD** [REDACTED]?

17 **A** Uh-huh.

18 **Q** And say yes -- not for me, for this --

19 **A** Okay. Yes, ma'am. [verbatim]

20 **Q** -- reporter. Thank you.

21 Now, when did you get -- or did you get a recovery from
22 an auto accident? Did you get some money from a wreck you
23 were in?

24 **A** Yes, sir.

25 **Q** And how much of that money did you keep?

1 **A** I keep at least like -- I say like 200 something.

2 **Q** What happened to the rest of it?

3 **A** I put the rest of it in the bank.

4 **Q** And did your daddy help you do that?

5 **A** Yes, sir.

6 THE COURT: Mr. Meadors, he said "two hundred." Is that
7 200 --

8 **Q** \$200?

9 **A** Yeah, \$200.

10 **Q** Cash?

11 **A** Yeah, cash. Yes, sir.

12 **Q** Thank you. And you put the rest in the bank?

13 **A** Mm-hmm.

14 **Q** Say "yes" again. I'm sorry.

15 **A** Yes, sir. Yes, sir. Yes, sir.

16 **Q** Okay. You don't have to say "sir."

17 **A** Okay.

18 **Q** Now, the day before this incident happened, okay, did you
19 see somebody in your backyard?

20 **A** Yes, sir.

21 **Q** Okay. Tell us about that.

22 **A** I was outside smoking a cigarette, and I see somebody
23 coming out the woods. And I said, "Malik, that's you?" And
24 he had the gun on me, and I said I wouldn't give it up. So
25 after I finished my cigarette, I went back in the house --

1 Q After you what?

2 A I said, after I finished my cigarette, I went back in the
3 house and locked the door. And I wake my sister up, and my
4 sister was still asleep, so I waited until the next morning
5 and talked to her.

6 Q What had -- you said it was Malik. What did he say to
7 you in the backyard?

8 A He said -- he said, "Give it up. Give it up."

9 And I said, "Malik, that's you?"

10 "No, nah, nah, nah, this ain't Malik."

11 Q Did you know it was Malik?

12 A Mm-hmm.

13 Q And again you have to say --

14 A Yes, sir. Yes, ma'am.

15 Q I'm sorry.

16 How did you know it was Malik?

17 A Because he had on a green mask on with a hoodie.

18 Q You recognized him?

19 A Mm-hmm. Yes, sir. Yes, ma'am. Yes, ma'am.

20 Q Got this new system here and they got to take it down.

21 A Yes, sir.

22 Q So that was Malik out there, your cousin?

23 A Yes, ma'am.

24 Q And when he said "give it up," what did you think he
25 meant?

1 **A** He was trying to take my money. I said I ain't going to
2 do it.

3 **Q** Did you want to give him your money?

4 **A** No, sir.

5 **Q** All right. So what did you do after that? And you said
6 he had a gun?

7 **A** Mm-hmm.

8 **Q** And what type of gun was it?

9 **A** The kind like a nine.

10 **Q** Was there anything blocking your view of it? Could you
11 see it?

12 **A** Yeah, I see it.

13 **Q** Were you scared?

14 **A** A little bit, but I ain't going to give up my money. I
15 just went back in the house and locked the door -- both of the
16 doors.

17 **Q** And what time of the evening was that; do you know?

18 **A** I said 1:00.

19 **Q** Did you end up going to bed that night?

20 **A** Not really.

21 **Q** What happened the next day?

22 **A** Now, that next day, he called my niece, "TD", do you
23 want to make a little extra money?"

24 MR. BRIDGES: Object to hearsay.

25 **Q** Don't say what anybody else said, but --

1 THE COURT: Sustained.

2 Q -- what did you do the next day?

3 A Oh, the next day, I went home to my mom and dad, and I
4 told them, I said, "Mom, Malik had a gun on me." And they
5 said they'll talk to Doretha about that.

6 Q Talk to who?

7 A My auntie, Doretha.

8 Q Is she in the courtroom?

9 A I know she here, though. She in the --

10 Q Now, going to the early morning hours of December 14th,
11 2016, did you have an occasion to see Malik again at your
12 sister's house?

13 A That night I did. Yes, ma'am.

14 Q Can you tell us about that?

15 A That night, he calling somebody and they say, you know,
16 he came out the back door, him and his friend. And I was
17 watching TV, and I got up, trying to grab the gun from him,
18 and I couldn't, so I ran through the front -- the front door,
19 trying to unlock it. And the other guy said, "Shoot him.
20 Shoot him." That when the bullet hit me and hit the screen
21 door.

22 Q So where were you in the house?

23 A I was in the kitchen.

24 Q You were you in your sister's house?

25 A Yes. Yes, ma'am.

1 Q And did you say you were watching TV?

2 A Mm-hmm.

3 Q And, again, you have got to say "yes." I'm sorry.

4 A Yes, ma'am.

5 Q Don't have to say "ma'am." Just please say "yes."

6 A Sir. Yes, sir.

7 Q You're nervous, I know.

8 A Yeah. Yes, sir.

9 Q That's okay. So you were watching TV?

10 A Mm-hmm, yes, sir.

11 Q And then what happened?

12 A Next thing you know, he came out the back door. I
13 thought the door was unlocked.

14 Q You thought it was unlocked?

15 A I mean, I thought it was locked, but he opened -- I mean,
16 they came out the back door. So I got up and grabbed the gun
17 from him.

18 Q Who came in the back door?

19 A Malik.

20 Q Okay. Any doubt in your mind that was Malik?

21 A That was Malik, yes, sir.

22 Q What did he do?

23 A What did he do? He was trying to shoot me, but I just --
24 I just let go of the gun and I ran. Trying to unlock the door
25 and trying to get out of there.

1 Q What door were you trying to get out of?

2 A The front.

3 Q You said there was somebody else there with him. Who was
4 that?

5 A His name, Jamel. I didn't know his last name, so....

6 Q Did Jamel have a gun?

7 A Yeah, he had a gun too.

8 Q So did you tussle with Malik for a while?

9 A Not really. Yeah, for a little bit, but I couldn't hold
10 it, so I had ran.

11 Q And when you were tussling or whatever, how were you
12 doing it?

13 A Like this (indicating).

14 Q How about use me as a --

15 MR. MEADORS: Your Honor, can I approach?

16 THE COURT: Yes, sir. Yes, sir.

17 Q Show these folks how you were -- if I'm Malik, you do
18 what you did.

19 A I did this right here, like this (indicating). So I
20 couldn't, so I just ran.

21 Q Were you this close to it?

22 A Mm-hmm.

23 Q Was he -- so that was Malik?

24 A Mm-hmm.

25 Q You knew it was your cousin?

- 1 **A** Mm-hmm.
- 2 **Q** No doubt in your mind?
- 3 **A** No, sir.
- 4 **Q** What was he wearing?
- 5 **A** Army clothing and a green mask on.
- 6 **Q** But you could see him?
- 7 **A** Mm-hmm.
- 8 **Q** And I can smell your breath right now. Were you that
- 9 close to him where you could smell his breath?
- 10 **A** Mm-hmm.
- 11 **Q** Okay. You have to say yes.
- 12 **A** Yes, sir.
- 13 **Q** I'm sorry.
- 14 So after that struggle, you went where?
- 15 **A** To my mom and dad house, sir.
- 16 **Q** That's a terrible question. How did you get out of the
- 17 house?
- 18 **A** Hmm? How did I get out the house?
- 19 **Q** Yes, sir.
- 20 **A** I had unlocked the front door and was trying to get out.
- 21 **Q** Okay. You went out the front door?
- 22 **A** Uh-huh. Then the bullet hit the screen door, and I ran
- 23 to my mom and daddy house.
- 24 **Q** The bullet hit the screen door?
- 25 **A** Mm-hmm. And it -- yeah. It grazed me and hit the screen

1 door.

2 Q So show the folks how you -- you're leaving out of the
3 house. Are you running or walking or what you doing?

4 A I'm -- I be running to my mom and daddy house. He shoot
5 inside my sister house.

6 Q Okay. Did you look back as you were leaving or --

7 A Yeah, I looked back. I did look back, sir.

8 Q And how far was Malik from you when he shot you?

9 A About like two feet, sir.

10 Q Was his hand out like that (indicating)?

11 A Right side. Yeah, that hand.

12 Q This is the right side.

13 A Yeah. Yes, sir.

14 Q When you left -- was this at your sister's house?

15 A Yes, sir.

16 Q Was that [REDACTED] Parkway -- [REDACTED] Parkway?

17 A What it is, sir?

18 Q [REDACTED]?

19 A Yeah, yeah, sir.

20 Q That's in Sumter County, isn't it?

21 A Yes, sir.

22 Q And how long did it take you to get from there to your
23 mom and daddy's house?

24 A Probably like two seconds.

25 Q Okay. And what happened when you went to your mom and

1 daddy's house?

2 A I bang on the door, bang on the door. I'm bleeding. My
3 little brother open the door for me, sir, and next thing you
4 know, my brother pass out, my mama pass out, and my daddy was
5 asleep. Then he called 9-1-1. And I said, "Mom, I'm shot.
6 I'm shot."

7 Q Your daddy called 9-1-1?

8 A Yes, sir.

9 Q Did you tell him what happened?

10 A Mm-hmm.

11 Q Again, you have to --

12 A Yes, sir.

13 Q I'm sorry.

14 A Yes, sir.

15 Q For this thing.

16 A Yes, sir.

17 Q And what did you tell him?

18 A I said, "Dad" -- no, my dad said, "Who shot you? Who
19 shot you?" I said, "Malik. Malik. Malik did it. Malik did
20 it," sir.

21 Q And did the ambulance come there?

22 A Yes, sir.

23 Q To your mom and daddy's house?

24 A Yeah. Yes, sir.

25 Q And do you know what time it was?

1 **A** I say like about -- I say like about 2:30, something like
2 that, sir.

3 **Q** In the morning, a.m.?

4 **A** Yes, sir.

5 **Q** On December 14th, 2016?

6 **A** Yeah. December 14th, 2016, sir.

7 MR. MEADORS: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 **Q** Mr. Dow, look at these and tell me if you recognize them.
10 Okay? State's 4, State's 5 --

11 **A** Yes, sir.

12 **Q** -- State's 6 --

13 **A** Mm-hmm, yes, sir.

14 **Q** -- State's 7 --

15 **A** Yes, sir.

16 **Q** -- and State's 8. Do you recognize all these?

17 **A** Yes, sir.

18 **Q** Do they relate to your testimony you're telling the jury
19 right now?

20 **A** Yes, sir.

21 MR. MEADORS: Your Honor, we'd offer State's 4 through 8
22 without objection.

23 THE COURT: Yes, sir.

24 (State's Exhibits 4 through 8 was marked for
25 identification and received into evidence.)

1 Q Mr. Dow, State's No. 4, what is that?

2 A That's where I got shot, sir.

3 Q Where you got shot?

4 A Yes, sir.

5 Q Is that your sister's house trailer?

6 A Yes, sir.

7 Q And State's 5, is that another picture of it?

8 A Yes, sir.

9 Q And State's 6?

10 A Yes, sir.

11 MR. MEADORS: Your Honor, we'll use those later. I just
12 have a few now.

13 THE COURT: Yes, sir.

14 Q And State's 7, is that a picture of the door?

15 A Yes, sir, screen door.

16 Q And is that glass broken or -- in that door?

17 A Yes, sir.

18 Q Okay. And how did that get broken?

19 A The gun.

20 Q The gun?

21 A Yes, sir.

22 Q And Mr. Dow, last is State's No. 8.

23 A Yes, sir.

24 Q Who is that a picture of?

25 A That's me, sir.

1 Q Is that your head?

2 A Yes, sir.

3 MR. MEADORS: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 Q Is that another picture of your trailer at night, the
6 house trailer?

7 A Yes, sir.

8 MR. MEADORS: Your Honor, State's 9 without objection.

9 THE COURT: Yes, sir.

10 (State's Exhibit 9 was marked for identification and
11 received into evidence.)

12 Q Now, Mr. Dow, after you went to your mom and daddy's
13 house and EMS came, where did you go after that?

14 A To my mommy room, sir.

15 Q Okay. That was a -- and after you left their house --
16 that was -- where did you go from that house?

17 A I ran to the front of my mom and daddy house, sir.

18 Q Okay. And after 9-1-1 was called and you -- EMS came,
19 where did you go after that?

20 A Where did I go after that? They send me -- they put me
21 to the hospital, sir.

22 Q Okay. Thank you.

23 You went to the hospital?

24 A Yes, sir.

25 Q Is that where they worked on you?

1 **A** Yes, sir.

2 **Q** We saw State's No. 8. That's your head; right?

3 **A** Yes, sir.

4 **Q** While you were at the hospital, do you remember --

5 MR. MEADORS: We'll mark this for identification.

6 (State's Exhibit No. 10 was marked for identification.)

7 May I approach again, Judge?

8 THE COURT: Certainly.

9 **Q** Mr. Dow, when you were at the hospital, do you remember
10 seeing or talking to this man right here, Investigator Bonner?

11 **A** Yes, sir.

12 **Q** Okay. And do you remember -- did you tell Mr. Bonner who
13 shot you?

14 **A** Yes, sir, I did. I said, "Malik shot me."

15 **Q** And look at this, what's marked for just identification,
16 State's 10 for identification now. Is that your name at the
17 top?

18 **A** Yes, sir. Travis Dow.

19 **Q** Okay. And who wrote that name in there?

20 **A** Me. Yes, sir.

21 **Q** All right. And at the bottom, is that your signature,
22 Travis Dow?

23 **A** Yes, sir.

24 **Q** What time -- what date was this written on?

25 **A** December 14th, sir.

- 1 Q Of what year?
- 2 A 2016, sir.
- 3 Q What time did you give this statement?
- 4 A 5:06, sir.
- 5 Q In the morning?
- 6 A In the morning.
- 7 Q Okay. All right. What did you refer to Malik as his
- 8 last name there? What did you say, Malik who?
- 9 A Malik Wright.
- 10 Q And what do you know him as?
- 11 A Malik Singleton.
- 12 Q All right. And why did you put Malik Wright on there?
- 13 A Oh, because I thought his last name was Wright, sir.
- 14 Q Okay. And what was his mama's last name?
- 15 A Wright, sir.
- 16 Q So that's why you put Malik Wright on there?
- 17 A Yes, sir.
- 18 Q But you meant -- that's the same person you know as Malik
- 19 Singleton?
- 20 A Yes, sir.
- 21 Q Okay. Any doubt in your mind about that?
- 22 A No, sir.
- 23 MR. MEADORS: Beg the Court's indulgence.
- 24 THE COURT: Yes, sir.
- 25 Q Mr. Dow, I just got a couple more questions for you,

1 please, sir.

2 A Yes, sir.

3 Q When you saw the individual, you said -- you described as
4 Malik in the backyard the day before this --

5 A Yes, sir.

6 Q -- can you tell these folks what he was wearing then?

7 A In the backyard, that was like this afternoon. He was
8 walking down the railroad track.

9 Q In the backyard you're talking about before when he
10 pulled the gun on you?

11 A Yeah, yeah, yeah. Yeah. He had on, like, black pants
12 and he had on a brown coat on. And he said, "Give it up.
13 Give it up."

14 And I said, "Malik, that's you?"

15 "Nah, nah, nah, nah. Nah, nah. This ain't Malik. This
16 ain't Malik. This ain't Malik."

17 I know how his voice is.

18 Q You recognize his voice?

19 A Yes.

20 Q Any doubt in your mind it was Malik?

21 A No doubt, sir. That was him, sir.

22 Q Did he have a mask on then?

23 A Yeah, he had a mask on then.

24 Q What kind of mask was it?

25 A He had a black mask on, sir.

- 1 Q Now, when he came in your house the next --
- 2 A The next --
- 3 Q -- the 14th --
- 4 A Yes.
- 5 Q -- what was he wearing then?
- 6 A He had on an army coat on and a green mask on, sir.
- 7 Q Any doubt in your mind, then, who it was that shot you?
- 8 A Yes, sir, I know who it was, sir.
- 9 Q Who was it?
- 10 A Malik Singleton.
- 11 Q And you got -- how close did you end up getting to him
- 12 when you were tussling with him?
- 13 A About right here, sir (indicating). Yeah.
- 14 Q So the person that you saw in the back -- is the person
- 15 you saw in the backyard the day before this happened in this
- 16 courtroom, who pointed at you and said "Give it up," is he in
- 17 the courtroom?
- 18 A Yes, sir.
- 19 Q Would you point him out for the jury and the judge.
- 20 A Can I stand up?
- 21 Q If it will make it easier for you.
- 22 A Malik Singleton.
- 23 Q All right. And is the person that came in your sister's
- 24 residence around 2:30 something, you said, and had a gun,
- 25 along with another fellow that had a gun and you tussled with

1 and who shot, after somebody said "Shoot him," is that person
2 in the courtroom? The person that shot you, is that person in
3 the courtroom?

4 A Yes, sir.

5 Q Would you point him out for the jury.

6 A Malik Singleton, sir.

7 Q That's your cousin?

8 A My cousin, second cousin.

9 Q Did you have the money on you? Where do you keep your
10 cash?

11 A I always put my money in my pocket, sir.

12 Q In your front pocket? Do you have a wallet or where do
13 you carry --

14 A Oh, I ain't had no wallet. I couldn't find my wallet, so
15 I had put my money in my pocket, sir.

16 MR. MEADORS: Judge, thank you. That's all.

17 THE COURT: Yes, sir.

18 Mr. Bridges?

19 MR. BRIDGES: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. BRIDGES:

22 Q Good morning, Mr. Dow.

23 A Good morning.

24 Q You stated to the Solicitor you have known Malik his
25 whole life.

- 1 **A** Yes, sir.
- 2 **Q** You're a little bit older than him; correct?
- 3 **A** Yes, sir.
- 4 **Q** Does -- when was the last time before this happened that
- 5 you hung out with him?
- 6 **A** Last time me and him hung out, that was like 2015.
- 7 **Q** And --
- 8 **A** We was at a pool hall, shooting pool together, me and
- 9 him, joking around and stuff.
- 10 **Q** Okay. And nothing happened then?
- 11 **A** And nothing happened, sir.
- 12 **Q** Okay. And you're sure -- so that was the last time you
- 13 hung out with him?
- 14 **A** Mm-hmm. Yes, sir.
- 15 **Q** So you're sure he wasn't -- because this happened at your
- 16 sister, Brandy's house; correct?
- 17 **A** Yes, sir, that's correct.
- 18 **Q** And you're sure he doesn't go over there sometimes to
- 19 hang out with Brandy?
- 20 **A** Sometimes. Sometimes.
- 21 **Q** Are you there sometimes?
- 22 **A** Yeah, I be there sometimes too.
- 23 **Q** And when he's there?
- 24 **A** Yeah, when he's there, yeah.
- 25 **Q** So that wasn't really the last time you saw him, then,

1 was in 2015?

2 A Yeah, I been seeing him before then, though, sir.

3 Q But after -- after 2015, did he come to Brandy's house a
4 few times?

5 A I mean, yeah.

6 Q And you were there too?

7 A Yeah, I was there too.

8 Q Okay. That night that you said that you got shot, was he
9 supposed to come over there to hang out with Brandy?

10 A No, sir.

11 Q Are you sure you didn't invite him?

12 A No. No, sir.

13 Q Are you sure it wasn't to remember your friend Hito?
14 That night, there wasn't a gathering of people over there?

15 A Oh, yeah. Yes, sir.

16 Q There was? So there was a gathering of people at
17 Brandy's house?

18 A Yes, sir, but -- but Malik wasn't there, though.

19 Q You're saying Malik wasn't there, but was Malik supposed
20 to be there?

21 A Oh, I don't know. It was me and Brandy --

22 Q Okay. So Brandy might have invited him but you don't
23 know?

24 A Yeah, I don't know.

25 Q Okay. Is there any issue with Malik being at Brandy's

1 house? Do you know -- that usually not allowed?

2 A Really, sir, I mean, he ain't supposed to be at my sister
3 house, so....

4 Q But why is that? Is that because your father doesn't
5 like him?

6 A I don't know. Must be, sir.

7 Q Must be. So your father doesn't particularly care for
8 his -- I guess that's his nephew or --

9 A Yes, sir, his nephew, yeah. Yes, sir.

10 Q He doesn't like his -- Malik's mother either; correct?

11 MR. MEADORS: Your Honor, I'm going to object if --
12 unless he knows.

13 A I don't know, sir.

14 THE COURT: Sustained. Sustained.

15 Q So you had that car accident in early December?

16 A Yes, sir.

17 Q And you got money. You got more than \$200; correct?

18 A I got more than 200. I put it in the bank.

19 Q So is it your bank account you put it into?

20 A It really is my dad's bank account.

21 Q Your dad's bank account.

22 Why wasn't it in your own bank account?

23 A Huh?

24 Q Did you -- do you have a bank account to put it into?

25 A Yeah, I got a bank account.

1 Q Why did you put it in your dad's bank account?

2 A Because he knows how to keep my money safe, sir.

3 Q So he kind of manages that kind of stuff for you?

4 A Yes, sir.

5 Q Okay. So let's go to the night before this happened. So
6 you're outside your house on the porch.

7 A Smoking a cigarette.

8 Q Smoking a cigarette.

9 And that's where you say you see somebody. Are they in
10 the trees?

11 A Coming out the woods.

12 Q About how close do they get to you? And you can -- I'm
13 just going to --

14 MR. BRIDGES: May I approach, Your Honor?

15 THE COURT: Sure.

16 Q Tell me if I need to back up for step forward.

17 A Just back up a little bit.

18 Q About right here?

19 A A little bit. Right there.

20 Q Okay. And that's where you said you saw -- you said you
21 thought it was Malik. You said he was wearing Army clothes
22 that night?

23 A No, it --

24 Q Oh, there was two different --

25 A Yeah, the two, yeah.

- 1 Q What was he wearing that night?
- 2 A He had a black coat on.
- 3 Q And you said he had some kind of mask?
- 4 A Yes, sir.
- 5 Q Okay. And did he actually pull a gun out where you could
- 6 see the gun?
- 7 A Yes, sir.
- 8 Q And you were standing -- you were sitting right where you
- 9 are?
- 10 A I'm standing, like, in the porch. The back porch.
- 11 Q Okay. Then you went inside your house and locked the
- 12 door.
- 13 A Yes, sir, I did.
- 14 Q Did you ever call 9-1-1 or think to tell the police about
- 15 this?
- 16 A No, sir. I was trying to wake my sister up.
- 17 Q But, I mean, he had just pulled a gun on you; correct?
- 18 A Yes, he pointed a gun at me. He was by his self.
- 19 Q But he was armed; correct?
- 20 A Yes, sir.
- 21 Q And you didn't feel the need to call the police?
- 22 A No, sir, I didn't call the police.
- 23 Q And you called your -- you told your -- I think you said
- 24 your sister or your mom about it the next day?
- 25 A My sister -- yeah, I talked to my mom the next day.

1 Q And you don't know if anybody had actually ever called
2 the police about that?

3 A No, sir.

4 Q Okay. And nothing like that had ever happened before
5 with Malik, correct? I mean, he had never pulled a gun on you
6 or anything like that?

7 A I mean, that was -- pulled a gun on me, yeah.

8 Q But, I mean, before that night, nothing like that had
9 ever happened with Malik?

10 A No, sir.

11 Q So your cousin, who you have known his whole life, just
12 decides to hang outside your house and pull a gun on you, and
13 you don't feel the need to call the police?

14 A Talking about that first night, sir?

15 Q Yes.

16 A No, I didn't think about -- I had to lock all the doors.

17 Q So -- and was that at Brandy's house or was that at your
18 house?

19 A Brandy house, sir.

20 Q Okay. And then you returned to her house the next day.

21 A Yes, when I wake up.

22 Q What time of night did you get there?

23 A No, I wake up in the morning and went home.

24 Q Okay. I mean, when you went to Brandy's house the next
25 night, though, what time did you get there?

1 **A** I say like about 9:00, something like that, sir.

2 **Q** Okay. And were you there to spend the whole night or
3 were you going to go back to your house later? This is before
4 this happened.

5 **A** No, I just go over there, you know, and spend time with
6 my niece and stuff.

7 **Q** Okay. Were you drinking any while you were there?

8 **A** I had one shot and that's it, sir.

9 **Q** Okay. Shot of what?

10 **A** Paul, sir.

11 **Q** Is that a gin or what --

12 **A** No, sir. Brown liquor, sir.

13 **Q** Okay. And so you're there watching TV.

14 **A** Mm-hmm, yes, sir.

15 **Q** And do you see how Malik gets in the house or do they
16 just walk in the room where you're watching TV?

17 **A** They come out the back door, sir.

18 **Q** Okay. And as far as you know, he wasn't invited that
19 night? Or you don't know if he was invited or not?

20 **A** I don't know, sir.

21 **Q** And then you start tussling with him?

22 **A** Yes, sir, I did.

23 **Q** You land some -- do you start punching him or kicking him
24 or anything?

25 **A** No, I didn't push him or kick. I was trying to wrestle

1 with the gun. I was trying to grab the gun from him, but I
2 couldn't.

3 Q So you're grabbing him --

4 A Yeah, and he was trying to pull the trigger, so the other
5 dude that came in with him, and that's why I ran, sir.

6 Q Okay. And there was another man with him?

7 A Yes, sir.

8 Q Okay. And then you're running towards --

9 MR. BRIDGES: Permission to approach, Your Honor?

10 THE COURT: Yes, sir.

11 Q You were running towards --

12 A The front door, yeah.

13 Q -- the front door.

14 And that's -- there's glass in that door; correct?

15 A Mm-hmm.

16 Q Now, when you hit this door, is the glass -- does the
17 glass break? Did that glass shatter at some point that night?

18 A No. When he shoot it with that gun, I try and open that
19 door and open the screen door, that would -- he pulled the
20 trigger and hit -- grazed my head and hit the screen door.

21 Q So the -- you think the bullet hit the screen door or hit
22 the glass door? Which one?

23 A The screen door.

24 Q Okay. But it did break the glass?

25 A Yes, sir.

- 1 Q And there was glass everywhere?
- 2 A Everywhere. Blood everywhere.
- 3 Q Did you have glass on you?
- 4 A I had glass a little bit on me.
- 5 Q Okay. Was any --
- 6 A But I had blood and stuff, sir.
- 7 Q On your hair?
- 8 A Yes, sir.
- 9 Q Where were you actually looking when you ran out the
- 10 door? Were you still looking back, when the gun went off?
- 11 A No. I'm going to keep on running. I'm going to keep on
- 12 running. I ain't looked back when the bullet --
- 13 Q Did you see the gun go off?
- 14 A That? No -- yes, I see the gun go off.
- 15 Q You said no and yes there.
- 16 A No, it's yes, I see the gun.
- 17 Q Okay. So you did see the gun go off?
- 18 A Yes, sir.
- 19 Q And that's as you were running towards the door?
- 20 A Yeah.
- 21 Q And you said Malik was behind you?
- 22 A No, Malik wasn't behind me. He was still in the house
- 23 while he shot me, in the house.
- 24 Q But you're running towards the door, so how would he --
- 25 A Yeah, I opened the door.

1 Q Okay.

2 A And I try and -- I try and open the screen door. That
3 why his friend said, "Shoot him, Malik. Shoot him." And
4 that's why I opened the screen door. It grazed my head, hit
5 the screen door, and that's when the screen door bust.

6 Q And where was Malik, though, when that was going on? He
7 was right behind you? Because you demonstrated to the
8 Solicitor he was, like, right in your face.

9 A No, he was not -- he was --

10 MR. MEADORS: Judge, that's out of context. I would
11 object to that.

12 Q All right. You can just answer where it was --

13 THE COURT: Yeah, just -- just kind of back up a little,
14 Mr. Bridges, and clarify that.

15 Q As you said you were getting shot and leaving the house,
16 where was Malik?

17 A I didn't know where -- I didn't know where Malik was at.
18 I was trying to leave out the house. He -- he was probably
19 still there. You know how they were saying -- he shot me.
20 That's why I ran to my mom and dad's front door, sir. I ran
21 all the way home to my mom and dad's door.

22 Q Okay. And then you went to your parents' house?

23 A Yes, sir.

24 Q And did you speak to your father about what happened?

25 A Yes, sir, I did.

1 Q And I think you just testified earlier, you told your
2 father at that time that Malik shot you?

3 A I told him that night.

4 Q That night. But was it when you were at the house?

5 A Yeah, I was at the house, bleeding. My mama was holding
6 me and stuff.

7 Q So before your --

8 A Yes, sir.

9 Q -- father called 9-1-1, did you tell him?

10 A Yes, sir.

11 Q And you told him that Malik shot you before he called?

12 A Yes, sir, I did.

13 Q And then they take you to the hospital. How long -- now,
14 I know, you know, you're not a doctor and --

15 A No, sir.

16 Q -- you don't need to give me specifics, but were you able
17 to leave the hospital later that day?

18 A That day, they released me around about like -- I'd say
19 almost like 7 or 7:30 in the morning, sir.

20 Q Okay. And you got there at about 5 -- 4:30, 5:00? Or a
21 little earlier?

22 A Yeah, a little bit early, yes, sir.

23 Q Okay. And you -- as far as you know, you never blacked
24 out where you lost consciousness or anything like that?

25 A Yes, sir, I did a little bit, sir, yeah.

1 Q A little bit. Okay.

2 And you know -- and so, again, you're not a doctor but,
3 to this day, you don't -- right now, you never lost vision or
4 hearing or anything like that as part of this?

5 A Yes, sir.

6 Q So you can still move around and get around okay.

7 A Yeah, I can still move, sir.

8 Q Okay. And they treated -- after they treated that wound,
9 did it eventually -- did the scarring -- do you still have a
10 scar?

11 A Mm-hmm, yes, sir.

12 Q Okay. You didn't suffer from headaches or anything after
13 that, did you?

14 A That next day, I did, sir.

15 Q The next day but not repeatedly?

16 A Yeah.

17 Q Okay. And you testified earlier Investigator Bonner
18 talked to you at the hospital?

19 A Yes, sir, he did.

20 Q In your statement, you didn't mention anything about the
21 other guy being there, about -- you said his name was Jamal?

22 A No, Jamal.

23 Q Jamal.

24 A I didn't know his last name, but yes, sir.

25 Q You didn't mention that to Investigator Bonner in that --

- 1 **A** No, see, because I thought I was going to die, so...
- 2 **Q** But, I mean, if you thought you were going to die, didn't
- 3 you want to get everybody involved in this?
- 4 **A** No, I didn't say that, sir. I just -- I put his name.
- 5 **Q** But -- well, why didn't you mention the other guy being
- 6 there?
- 7 **A** Because I knew he did it, sir.
- 8 **Q** The other guy was involved --
- 9 **A** Malik, yeah.
- 10 **Q** But Jamel was involved in it too.
- 11 **A** Yeah, he was involved in it too.
- 12 **Q** You said he had a gun too.
- 13 **A** Yeah, he had a gun. He had a nine too, sir.
- 14 **Q** Okay. And you did not mention that to Mr. Bonner at the
- 15 hospital?
- 16 **A** No, I didn't, sir.
- 17 **Q** And did you speak to any other police officers before you
- 18 spoke to Mr. Bonner?
- 19 **A** Yes, sir. Yeah, I did, sir.
- 20 **Q** Do you remember what you told him?
- 21 **A** He want me to write a statement -- I mean, to write a
- 22 statement. I said I put Malik Wright.
- 23 **Q** But not Investigator Bonner. It was another -- was there
- 24 another one?
- 25 **A** Yeah, another officer, though.

1 Q Okay.

2 A Sir.

3 Q And you told him -- what did you tell him?

4 A And he said -- I told him, I said, Malik shot me.

5 Q Okay. But that's what you told Investigator Bonner?

6 A Yes, sir.

7 Q Okay. And did anybody ever get any money out of this?

8 A No, they never did, sir.

9 Q Okay. So they didn't take the money from you?

10 A They didn't, sir.

11 Q And this was about 2:00 when this happened; right?

12 A About 2-something. About 2-something, though, yeah.

13 Q So you were intending to go back home at some point?

14 A Yeah. I mean, I'm intending to go home, but I was
15 waiting on my sister and them to come back so I can -- I was
16 with her and her kids and stuff, so yeah, sir.

17 Q And before these two days in December, you and Malik
18 never had any problems about -- and you said the last time you
19 remember hanging out with him, you guys shot pool together.
20 There was no problems; is that correct?

21 A No, there was no problems.

22 Q Okay.

23 MR. BRIDGES: No further questions.

24 THE COURT: Yes, sir?

25 MR. MEADORS: A couple of brief ones.

REDIRECT EXAMINATION

BY MR. MEADORS:

Q He just asked you about when were you going back home, and I think your answer was you were waiting on the kids to get back?

A Yeah, but I had my little nieces with me, though.

Q I understand. Had somebody gone somewhere?

A I know my sister, she said she was going to McDonald's that night.

Q Okay. And McDonald's is open 24/7; right?

A Yes, sir. 24/7.

Q All right. So had your sister gone to McDonald's while this happened?

A Yeah, yeah, she was gone. She didn't know nothing about that, sir.

Q All right. So they were gone, and then this happened?

A Mm-hmm, yes, sir.

Q Okay. And when they got back, it had already happened?

A It already happened, sir.

Q So you were questioned earlier, you were going to wait until your sister got back, and what was your plan then about where you were going to sleep?

A I was going to go back home, sir.

Q How long after they left did this thing happen, to go to the store?

1 **A** She left, like, almost, like, 2 -- I'd say at least 2:32,
2 sir. Something like that. 2:32. 2:32, sir.

3 **Q** You remember 2:32?

4 **A** I remember, though. It wasn't almost -- it wasn't 3:00
5 yet.

6 **Q** Okay. So how long after they left did he come in the
7 door? I'm not asking for a --

8 **A** About --

9 **Q** -- a definite time.

10 **A** Yeah, yeah.

11 **Q** How long was it?

12 **A** I'd say, like -- I'd say, like, about four minutes or
13 five minutes, sir.

14 **Q** Four or five minutes?

15 **A** Yes, sir.

16 **Q** And he asked about being in the hospital. State's 10 for
17 ID. Did Bonner ask you who shot you?

18 **A** Yes, sir.

19 **Q** And what did you tell him?

20 **A** I said Malik, sir.

21 **Q** And you're in the hospital room?

22 **A** Yes, sir.

23 **Q** How many sentences are on it? How many lines did you
24 fill out? Is it two lines?

25 **A** Yeah, two lines, sir.

1 MR. MEADORS: That's all. Thank you.

2 THE COURT: Mr. Bridges?

3 MR. BRIDGES: No recross.

4 THE COURT: All right. You may be seated.

5 THE WITNESS: Thank you, sir.

6 THE COURT: Gentlemen, we have been at this since the
7 outset at 9:15, about an hour and 15 minutes now -- maybe an
8 hour and 20 minutes. Let's take a short break for
9 approximately 15 minutes, more or less, and I'll ask the jury
10 to go in the jury room. Again, I'll ask that you not discuss
11 this case. Don't begin your deliberations, please. We'll be
12 back shortly. Thank you.

13 (The jury exited the courtroom at 11:10 a.m.)

14 THE COURT: May I speak to the lawyers, please.

15 BENCH CONFERENCE

16 (A bench conference was held outside of the hearing of the
17 jury and others.)

18 (Open court resumes:)

19 THE COURT: All right, gentlemen. Are we ready?

20 MR. MEADORS: Yes, sir.

21 MR. BRIDGES: Yes, sir.

22 (The jury entered the courtroom at 11:45 a.m.)

23 THE BAILIFF: Jury is all seated, Your Honor.

24 THE COURT: Yes, sir. Thank you.

25 Mr. Meadors?

1 MR. MEADORS: May it please the Court. Your Honor, the
2 State of South Carolina does call TD
3 T-r-e-z-a-r-i-a.

4 THE BAILIFF: Ma'am, place your left hand on the Bible
5 and raise your right hand. State your name.

6 THE WITNESS: TD ow.

7 TD ,

8 the witness, after having been duly sworn, was examined and
9 testified to as follows:

10 THE BAILIFF: State your name for the record and spell
11 your last name and talk into the mic, please.

12 THE WITNESS: TD . TD .

13 DIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q Good morning, TD .

16 A Good morning. Good morning.

17 Q Just getting close.

18 Am I pronouncing your name right: TD "?

19 A Yes, sir.

20 Q What do you go by?

21 A TD .

22 Q TD . Okay.

23 Where are you in life? Are you in school now?

24 A Yes, sir.

25 Q Where are you?

1 A High school.

2 Q What high school do you attend?

3 A Lakewood.

4 Q What year are you in, TD ?

5 A I'm a senior.

6 Q And the school knows you're here under subpoena, don't
7 they?

8 A Yes, sir.

9 Q What's your relationship to Travis?

10 A He's my uncle.

11 Q He's your uncle.

12 And do you know Malik Singleton?

13 A Yes, sir.

14 Q What relation is he to you, TD ?

15 A My cousin.

16 Q Can you tell these folks where do you live. Where do you
17 stay?

18 A I stay on ██████ Parkway.

19 Q What's the address?

20 A ██████ Parkway.

21 Q How long have you been there, TD ?

22 A I'd say about three years.

23 Q And who do you stay with there?

24 A My mother.

25 Q And what's your mother's name?

1 A Brandy.

2 Q Brandy Dow?

3 Who else stays there?

4 A My little sister.

5 Q What's her name?

6 A SS.

7 Q SS?

8 Does anybody else stay there, TD?

9 A No, sir.

10 Q Does Travis ever stay there?

11 A From time to time he does.

12 Q And do his parents live near where y'all stay?

13 A Yes, sir.

14 Q TD, we'll go back to December of 2016, what we're
15 all here about. Okay?

16 A Yes, sir.

17 Q And do you remember being at your residence that night at
18 ?

19 A Yes, sir.

20 Q Okay. The day before this incident happened, did you
21 hear from your cousin, Malik Singleton?

22 A Yes, sir.

23 Q Can you tell the ladies and gentlemen about that? What
24 happened?

25 A He asked if I wanted to make \$100.

1 MR. BRIDGES: I'm going to object to hearsay.

2 A And --

3 MR. MEADORS: This is the defendant, Your Honor.

4 THE COURT: Sir?

5 MR. MEADORS: This is the defendant that's stating it.

6 THE COURT: Overruled. Go ahead.

7 Q What did Malik say?

8 A He asked if I wanted to make \$100. I said, Depending on
9 what. He said, Just let me know when TJ get home. I said,
10 No.

11 Q Just let him know when TJ get home?

12 A Yes, sir.

13 Q And does Travis have a nickname?

14 A TJ.

15 Q Does his middle name begin with a J?

16 A Yes, sir.

17 Q Now, this conversation you had with Mr. Singleton, did he
18 call you?

19 A No. This was face-to-face.

20 Q Okay. Where was it?

21 A In my front yard.

22 Q All right. He asked you if you wanted to earn \$100 --

23 A Yes, sir.

24 Q -- to tell him when TJ got there?

25 A Yes, sir.

1 Q And you told him no?

2 A Yes, sir.

3 Q Did Mr. Singleton talk to you again in any way, either by
4 phone or by text, after that initial request?

5 A He was texting me, but I wasn't responding, because I was
6 trying to go to sleep for school.

7 Q When was he texting you?

8 A I'll say around 12:00 that night.

9 Q Was this after the first conversation you had with him?

10 A Yes, sir.

11 Q And when you say "12:00 that night," do you mean the
12 night right before this incident happened?

13 A Yes, sir.

14 Q Okay. And what was he saying when he text you?

15 MR. BRIDGES: I'm going to object. We don't have the
16 records of these text messages for authentication purposes.

17 MR. MEADORS: Your Honor, he can cross her.

18 THE COURT: Yes, sir. Overruled.

19 Q Was that his number?

20 A I guess it was the phone he was using around that time.

21 Q What did the text message say?

22 A He was asking me if TJ was home, and I didn't respond.

23 Q You didn't respond?

24 A Yes, sir.

25 Q And was that the same request he said he'd give you \$100

1 for earlier?

2 A Yes, sir.

3 Q How long did those text messages go on?

4 A It was probably about two or three minutes, I guess.

5 Q Do you know how long that was before this thing happened,
6 this shooting?

7 A Two hours before.

8 Q Do you remember what time you went to bed that night,

9 TD ?

10 A It was a little before 12:30.

11 Q And you got your own room?

12 A Yes, sir.

13 Q Anybody else stay there with you?

14 A No, sir.

15 Q What do you remember after that?

16 A I was sleeping. I heard some rumbling. I thought it was
17 the kids playing around, so I was like, Y'all shut up; I'm
18 trying to sleep. And not even two minutes after I said it, I
19 heard a gunshot.

20 Q Were you in bed?

21 A Yes, sir. I hid under the covers because I was scared.

22 Q How long did you stay under the covers?

23 A I'd say about two, three minutes.

24 Q Then what did you do?

25 A I got up to see what was going on, and I was told to put

1 some shoes on, because it was a lot of glass on the floor. So
2 when I went to go put some shoes on, I saw a bunch of glass,
3 some blood, and TJ's phone.

4 Q And when you got up and went into the main part of the
5 house, was TJ there?

6 A No, sir.

7 Q Okay. Was Malik there?

8 A No, sir.

9 Q Was anybody else there besides family?

10 A No, sir.

11 Q Okay. So who all else was there at that point?

12 A It was just my little cousin and my little sister.

13 Q Well, Brandy is who?

14 A My mother.

15 Q Her last name is Dow?

16 A Yes, sir.

17 Q Was she out there then?

18 A No, sir.

19 Q Where was she?

20 A Well, after I found out everything, I was told she went
21 to McDonald's.

22 Q So when you got up after the gunshot, you came out and
23 Brandy wasn't there?

24 A No, sir.

25 Q Had anybody else gone with her to McDonald's?

1 A Probably our cousins. I mean, I don't know.

2 Q Do you remember this fellow right here, Investigator
3 Bonner?

4 A No, sir.

5 Q Okay. He was a lot heavier then.

6 A Oh, okay.

7 Q That's why --

8 A Oh, okay.

9 MR. MEADORS: May I approach the witness?

10 THE COURT: Yes, sir.

11 Q I'm going to show you what's marked as State 11 just for
12 identification, TD. Do you remember giving a
13 statement to law enforcement, even if you don't remember that,
14 though?

15 A Yes, sir.

16 Q And I want to show you what's State's 11 for ID. Is that
17 your name at the bottom?

18 A Yes, sir.

19 Q And is that your name at the top: TD?

20 A Yes, sir.

21 Q How old were you then?

22 A 15.

23 Q When this happened?

24 A Yes, sir.

25 Q Okay. And how old are you now?

1 A 17.

2 Q What time does it say that you gave that statement?

3 A 3:58 a.m.

4 Q 3:58 a.m. On what day?

5 A December 14th, 2016.

6 Q And where were you when you gave the officer this
7 statement?

8 A I was in the front yard of my house.

9 Q And did you fill in -- I mean, did you actually write
10 your name and address in here?

11 A I did. He asked me to.

12 Q So that's your handwriting?

13 A Yes, sir.

14 Q And your handwriting in here also?

15 A Yes, sir.

16 Q If I asked you this before, I sincerely apologize. How
17 often would Malik Singleton come to y'all's house?

18 A Whenever his mother was there.

19 Q Would she be there a lot?

20 A Kind of.

21 Q Did she stay there some, at your residence?

22 A Sometimes.

23 Q You and your cousin don't have any bad blood or anything,
24 do you?

25 A No, sir. I love him. That's my cousin.

1 Q And it's not easy for you to be here today.

2 A No, sir.

3 Q And is this the person that you said asked you that he'd
4 give you \$100 if you let him know when TJ was there? Is that
5 him?

6 A Yes, sir.

7 MR. MEADORS: Let the record reflect Mr. Singleton.
8 Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 MR. MEADORS: TD, thank you.

11 Thank you, Judge. That's all we have. Thank you.

12 THE COURT: Mr. Bridges.

13 MR. BRIDGES: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. BRIDGES:

16 Q Good morning, TD.

17 A Good morning.

18 Q I'll try not to keep you too much longer up there.

19 You said you had spoken to Malik the night and he had
20 mentioned something about giving you \$100?

21 A Yes, sir.

22 Q Are you sure that wasn't anything about money for
23 Christmas or anything else?

24 A I -- you know, I don't know.

25 Q So you're not really sure what he meant with that request

1 to give you \$100?

2 A No.

3 Q And you said Malik is your cousin, and you have spent
4 some time with him.

5 A Yeah.

6 Q And you testified just now, you never had any problems
7 with him.

8 A No.

9 Q The State showed you --

10 MR. BRIDGES: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 Q The State showed you the statement you wrote there. The
13 part you wrote about the scaring TJ with a mask and a gun, did
14 TJ tell you that happened?

15 A Yes, sir.

16 Q You were not -- were you there when that happened?

17 A I was asleep.

18 Q So you did not see that part you said about the mask and
19 the gun. And this is the night before, where he said he was
20 scared with a mask and a gun. You were not there when that
21 happened; correct?

22 A Yes, sir, I was asleep.

23 Q And then when all this was happening the next night, you
24 were asleep?

25 A Yes, sir.

1 Q So you didn't see that -- the shooting take place or
2 anything like that?

3 A No, sir. I only heard it.

4 Q And by the time you got to the living room, everybody was
5 gone?

6 A Basically.

7 MR. BRIDGES: No further questions. Thank you very much.

8 THE COURT: Mr. Meadors?

9 REDIRECT EXAMINATION

10 BY MR. MEADORS:

11 Q I don't believe I asked you, but he just asked you about
12 an incident. I believe he referred to "but last night, he had
13 been scaring the victim with a ski mask and a gun. The
14 suspect is Malik Singleton."

15 When did the defendant tell you that? Excuse me. When
16 did Travis Dow tell you that?

17 A The next -- like after that happened, the next day, like
18 when we actually woke up to hear --

19 Q He told -- okay. I'm sorry.

20 A -- to actually hear what he was saying.

21 Q So when you woke up the next morning, he told you that
22 had happened the night before?

23 A Yes, sir.

24 Q And you told the police that on 12/14?

25 A Yes, sir.

1 Q And you also put it in about him offering you money?

2 A Yes, sir.

3 Q And you turned \$100 down?

4 A Yes, sir.

5 Q And Mr. Bridges asked you, but he said was it for
6 Christmas or something. Did he ask you to call him when TJ
7 showed up? Is that what he wanted to pay you \$100 for?

8 A Yes, sir.

9 Q And you said no?

10 A (No audible response.)

11 MR. MEADORS: Your Honor, we'd offer State's 11 at this
12 point.

13 THE COURT: Mr. Bridges?

14 MR. BRIDGES: No objection from us.

15 (State's Exhibit 11 was marked for identification and
16 received into evidence.)

17 MR. MEADORS: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 MR. MEADORS: That's all. Thank you.

20 THE COURT: Mr. Bridges?

21 MR. BRIDGES: Briefly.

22 RECROSS-EXAMINATION

23 BY MR. BRIDGES:

24 Q TD, you mentioned there was texts -- you had text
25 messages from Malik on your phone?

1 A Yes.

2 Q You never shared those with law enforcement or anybody
3 else, did you?

4 A The phone broke.

5 Q The phone broke. Okay.

6 MR. BRIDGES: Thank you. No further questions.

7 MR. MEADORS: Could TD be released from her subpoena
8 so she can get back to school?

9 MR. BRIDGES: I have no objection to that.

10 THE COURT: Yes, sir.

11 Ma'am, have a good day. Thank you.

12 MR. MEADORS: Could we approach?

13 THE COURT: Yes, sir.

14 (A bench conference was held outside of the hearing of the
15 jury and others.)

16 THE COURT: Members of the jury, we will now break for
17 dinner or lunch. I live out in the country; I call it dinner.
18 My point is this: We'll come back at 1:30. So be back in
19 your jury room at 1:30, please.

20 Mr. Smalley? Is there a Mr. Smalley here?

21 It's not bad, Mr. Smalley. I'm going to appoint you as
22 the foreperson of the jury, sir.

23 JUROR NO. 156: Yes, sir.

24 THE COURT: More about that later.

25 Folks, during your time away and in your jury room, do

1 not discuss this case, do not begin your deliberations yet,
2 please. And thank you for your attention.

3 (The jury exited the courtroom at 12:04 p.m.)

4 THE COURT: All right, folks. See you at 1:30.

5 (A lunch recess was taken.)

6 THE COURT: Ready, gentlemen?

7 MR. MEADORS: Yes, sir.

8 MR. BRIDGES: Yes, Your Honor.

9 THE COURT: Bring them in.

10 (The jury entered the courtroom at 1:55 p.m.)

11 THE BAILIFF: The jurors are seated, Your Honor.

12 THE COURT: All right, sir.

13 Members of the jury, I wanted to start at 1:30, yet,
14 we're not starting at 1:30. It's 25 minutes later. That is
15 not the fault of any other person in this room. I had a very
16 personal matter I had to deal with. So if you're chagrined
17 and aggravated, perhaps you should be. Blame me, not them.

18 Gentlemen, ready?

19 MR. MEADORS: Yes, sir.

20 MR. BRIDGES: Yes, Your Honor.

21 MR. MEADORS: May it please the Court, the State would
22 call Investigator C. Scott Bonner.

23 THE BAILIFF: Place your left hand on the Bible and raise
24 your right hand. State your name.

25 THE WITNESS: Charles Bonner.

1 INVESTIGATOR CHARLES BONNER,
2 the witness, after having been duly sworn, was examined and
3 testified to as follows:

4 THE BAILIFF: Thank you. Step around. Have a seat.
5 State your name for the record and spell your last name,
6 please.

7 THE WITNESS: Charles Scott Bonner. B-o-n-n-e-r.

8 DIRECT EXAMINATION

9 BY MR. MEADORS:

10 Q Good afternoon, Investigator Bonner.

11 A Good afternoon.

12 Q Please tell the ladies and gentlemen about Charles Scott
13 Bonner. Where are you from, your background, your education,
14 and in particular, your education and training in law
15 enforcement, please.

16 A Yes, sir. Born and raised here in Sumter. Went to
17 Lakewood, and I graduated from Lawrence Bennett (ph). Went to
18 college here. Went to CCC -- CCTC, then to St. Leo.
19 Thereabouts went to Columbia Police Department, back here to
20 Sumter Police Department, then Sumter County Sheriff's Office.
21 I currently am with the investigative division. I am working
22 with the Special Victims Unit, working child cases, child
23 sexual cases, and in particular, with the Attorney General's
24 Office in child pornography cases.

25 Q In December of 2016, what was your position with Sheriff

1 Dennis?

2 A Yes, sir. Then, I was still assigned with the
3 Investigator Division, as I am now. I was the on-call
4 investigator. That means that any time after we close our
5 doors at 5:00, there is an investigator who is always on-call
6 24 hours a day, so if something happens, you can call an
7 investigator out and come to that crime. So I was the night
8 call investigator for that week.

9 Q So when did you learn about this incident at [REDACTED]
10 Parkway here in Sumter?

11 A It was -- I got a phone call from the -- I believe it was
12 either the shift supervisor, the sergeant, or the lieutenant
13 around -- I think it was, like, 2:40, 2:50, close to 3:00 in
14 the morning on December 14th.

15 Q And as a result of that, where did you go?

16 A I went to [REDACTED] Parkway.

17 Q And was that in Sumter County?

18 A Yes, sir, it is.

19 Q And is that the location of where this incident we're all
20 here about happened?

21 A That is correct.

22 Q Who did you -- was the victim, Travis Dow, there when you
23 got there?

24 A No, sir, he was not.

25 Q Was Malik Singleton there when you got there?

1 A No, sir.

2 Q Who were you able to talk to, if anybody, when you got to
3 [REDACTED] Parkway, Investigator?

4 A Yes, sir, I spoke with several people. As customarily,
5 usually, if they can give us a statement on anything that took
6 place, we usually like to get a written statement from people.
7 I talked to several people, but moreover, I got some
8 statements from TD [REDACTED], the young lady who was just up here
9 not too long ago.

10 MR. MEADORS: Judge, may I approach the witness?

11 THE COURT: Yes, sir.

12 Q I'm going to show you what's now entered as State's No.
13 11. Is that the statement you're referring to?

14 A Yes, sir, it is.

15 Q Okay. So you took that from TD [REDACTED]?

16 A Yes, sir.

17 Q And where were you when you took that statement?

18 A We was in the front yard. Moreover, I remember it being
19 actually in my vehicle because it was -- due to it being
20 December. Got in my vehicle, since it was warm.

21 Q Okay. And I believe it's testified -- what time was it
22 written down she gave that statement?

23 A 3:58 in the morning.

24 Q So it's possible you -- you tried to get as much
25 information as you can as close as you can to when the

1 incident occurred?

2 A Yes, sir.

3 Q Did you talk to anyone else?

4 A Yes, sir, I did.

5 Q Who else did you talk with at [REDACTED] --

6 A I also talked --

7 Q -- [REDACTED] Parkway?

8 A -- talked to a JK [REDACTED] as well.

9 Q Okay. Where did you talk to her?

10 A Same location. At the residence. And I believe that was
11 also in my car after I talked with TD [REDACTED].

12 (State's Exhibit 12 was marked for identification.)

13 Q I'm going to show you what's marked State's 12 just for
14 identification. Is this the statement you were referring to?

15 A Yes, sir, it is.

16 Q And at the top, whose name is that?

17 A JK [REDACTED].

18 Q And what time did you take that statement from JK [REDACTED]?

19 A She signed it at 4:15 a.m. that day.

20 Q Still at the scene at [REDACTED]?

21 A That is correct.

22 Q And were you able to determine what relationship she was
23 to the defendant?

24 A I believe it was aunt or cousin or something like that.

25 Q Could it have been sister?

1 A Could have, yes, sir.

2 Q Okay. Some relative of the defendant?

3 A Absolutely, yes, sir.

4 Q After you gathered information at [REDACTED], what did you do?

5 A After the information, I also called out the crime scene
6 investigator to come out. I took some preliminary pictures of
7 the incident while waiting on Crime Scene to get there. Crime
8 Scene arrived. You know, I described what I had, what I had
9 going on, what I would like to have pictures done, and what
10 information I would like to have. That's when I went to the
11 Palmetto Health Tuomey to meet with the victim.

12 Q Now, did you develop a suspect before you left [REDACTED]
13 [REDACTED] Parkway?

14 A Yes, sir.

15 Q And who was that?

16 A Mr. Singleton.

17 Q Did you actually go inside [REDACTED]?

18 A Yes, sir.

19 Q Investigator, you said you developed a suspect. Where
20 did you go -- I'm sorry. Where did you go after you left the
21 parkway -- [REDACTED] Parkway?

22 A Yes, sir. Right after contacting the crime scene CSI, I
23 went to the hospital to speak with the victim.

24 Q And where was the victim specifically when you got there?

25 A I believe in one of the trauma rooms.

1 Q And were you able to talk with him?

2 A Yes, sir.

3 Q What did you ask him?

4 A I pretty much -- just basic questions of what happened,
5 who did it, who, why, what, when and where.

6 Q Where was he specifically? Was he in a hospital bed?

7 A Yes, sir. Yes, sir, he was.

8 Q Was he being treated?

9 A Yes, sir, on and off. As I was there, I would stop
10 talking with him. Obviously, medical needs are more important
11 at the time, but a lot of his treatment had already been done
12 because, when I got there, he had already had staples in his
13 head.

14 Q Showing you what's marked State's 10 for identification.
15 Do you recognize that?

16 A Yes, sir, I do.

17 Q What is that?

18 A That is Mr. Dow's voluntary statement.

19 Q And when you asked him could he identify who shot him,
20 what did he tell you?

21 A Yes, he can.

22 Q And did he identify that person?

23 A Yes, sir.

24 Q And who did he identify?

25 A He wrote in his statement Malik Wright.

1 Q Through your investigation, were you able to determine
2 who Malik Wright was?

3 A Yes, sir. I determined that was Malik Singleton.

4 Q And Mr. Singleton's mother's name is what?

5 A Last name is Ms. Wright.

6 Q I believe this is already in evidence as State's 8. Or I
7 know it's in evidence as State's 8. Did you take a picture of
8 the defendant's head?

9 A Yes, sir.

10 Q Excuse me; the victim's head. I apologize.

11 A Yes, sir.

12 Q Is that it?

13 A Yes, sir, that's it.

14 Q So you've been to [REDACTED] Parkway. You've gone to the
15 crime scene. You have gone to Tuomey. What do you do next?

16 A While speaking with Mr. Dow, I had been receiving phone
17 calls saying that the deputies had then went to an address and
18 picked up Mr. Singleton.

19 Q And where did the deputies take Mr. Singleton?

20 A They took him to the Sumter County Sheriff's Office.

21 Q So you were on call. That's why you got this case?

22 A Yes, sir.

23 Q Now, when you arrived at the Sumter County Sheriff's
24 Department, is it your practice and did you have an occasion
25 to read the defendant what's known as Miranda warnings?

1 **A** Yes, sir.

2 **Q** I'm going to show you what's been marked previously as
3 Court's -- excuse me, State's No. 1 for identification. Do
4 you recognize that?

5 **A** Yes, sir, I do.

6 **Q** Explain to the jury what Court's [verbatim] 1 for
7 identification is at this point.

8 **A** This is a sheet from the Sumter County Sheriff's Office.
9 This is the Miranda warning/waiver of rights. This piece of
10 paper, we advise everyone that we are questioning in a crime
11 of their waiver of rights. We read -- there's five sentences
12 to this waiver of rights. We read every single one of them
13 and also explain if they need to be explained, to each one of
14 those.

15 **Q** And we're going to see the video, but can you just tell
16 the jury what you did and what your practice is using that
17 form when you explained the rights, in this case, to
18 Mr. Singleton?

19 **A** Yes, sir. My personal practice is -- and I don't know if
20 you guys will actually see this piece of paper, but there's
21 five lines, numbered 1 through 5. Every time I read a line, I
22 will put my initials to the left-hand side of that line,
23 showing not only to myself but to future court endeavors that
24 I have actually read that line to that person.

25 So every after line, I have my initials to the left of

1 it. After the sentence is over, there's a block -- a line for
2 the person I'm interviewing to put their initials, that they
3 have read and understood it as well. Under that is also a set
4 of signatures, the time as well, of when that statement was
5 signed.

6 Q So you have advice of rights that you advise him. You
7 put your initials to the left.

8 A Yes, sir.

9 Q There's also a waiver of rights?

10 A There is a waiver of rights underneath the initial "You
11 have the right to remain silent" rights, advising that they
12 don't need to talk to me if they don't want to; that they can
13 have their attorney present; and they haven't been threatened
14 in any way or promised anything, which he did sign as well and
15 date -- and date and time.

16 Q Did he tell you "I understood my rights"?

17 A Yes, sir, he did.

18 Q Did he initial that he understood his rights?

19 A Yes, sir.

20 Q On each line that you had signed?

21 A Yes, sir. Every line.

22 Q And did he initial that he understood his waiver of
23 rights?

24 A Yes, sir.

25 Q Did he sign it also? Or did he sign his waiver of rights

1 or did he sign that he understood his rights?

2 A He understood -- he signed that he understood his rights
3 and signed his waiver of rights, that he understood both.

4 Q And, again, this is what we're on this afternoon, but did
5 he appear to understand you when you read him your [verbatim]
6 rights?

7 A Yes, sir.

8 Q And when you asked him if he understood it, was his
9 answer timely?

10 A Yes, sir.

11 Q Was it subject matter appropriate?

12 A Yes, sir, it was.

13 Q And were all of his answers subject matter appropriate
14 during this interview?

15 A Yes, sir.

16 Q Did he appear to be under the influence of alcohol or
17 drugs or any other intoxicants?

18 A He did not.

19 Q And I know I said subject matter appropriate, but if you
20 asked him a certain question, did he give you a question
21 [verbatim] that kind of related to that?

22 A Yes, sir.

23 Q Okay. And as far as timeliness, did he appear to
24 understand your questions based on time that he answered it?

25 A Yes, sir.

1 Q Did you have any trouble understanding his answers?

2 A I did not.

3 Q Did he appear to be have any trouble understanding your
4 questions based on his answers?

5 A No, sir.

6 Q At any time during the reading of his rights and the
7 waiver of his rights -- or the whole interview -- did you
8 threaten or coerce him into giving you a statement?

9 A No, sir, I did not.

10 Q Did anybody else involved in it, in your presence --
11 Lieutenant Ragin or anyone -- force the defendant to give a
12 statement?

13 A No, sir.

14 Q Did the defendant ever tell you, either during the
15 reading of his rights or waiver of rights or during the whole
16 interview, that Scott -- "Scott Bonner, I don't want to talk
17 to you"?

18 A No, sir.

19 Q Did he ever say, "I want a lawyer"?

20 A No, sir.

21 Q If he had, what would you have done?

22 A I would have stopped talking with him.

23 Q If the defendant had wanted to go to the bathroom, would
24 you have allowed him to go to the bathroom?

25 A Yes, sir.

1 Q If he wanted something to eat and was hungry and he asked
2 you if I could have something to eat or drink, would you have
3 provided that?

4 A Yes, we make our accommodations.

5 Q Say that last thing again.

6 A We'll make our accommodations, yes, sir.

7 Q So you would have given him something to drink if he
8 wanted it?

9 A Yes, sir.

10 MR. MEADORS: Your Honor, at this time, we would offer
11 State's No. 1, the advice of rights.

12 MR. BRIDGES: No objection.

13 THE COURT: Without objection.

14 (State's Exhibit 1 was received into evidence.)

15 BY MR. MEADORS:

16 Q Now, he signed his name -- you didn't force him? He
17 signed it himself?

18 A That's correct.

19 Q And I notice on here it's got -- what time was it you
20 read him his rights?

21 A 5:26 a.m.

22 Q Okay. When --

23 A Oh, when I read him, it was 5:24 a.m. My apologies.

24 Q That's fine.

25 And the waiver of rights, it's got December 14th at 5:26.

1 Who actually put that in there?

2 A Mr. Singleton wrote that.

3 (State's Exhibits 14 through 21 were marked for
4 identification.)

5 Q I'm going to show you what's marked 14 through 21,
6 starting in reverse order. There's 14, 15, 16, 17, 18, 19,
7 20, 21. Do you recognize those?

8 A Yes, sir, I do.

9 Q And do they relate to this case and your investigation?

10 A Yes, sir.

11 MR. MEADORS: Your Honor, I believe 14 through 21 are
12 without objection.

13 THE COURT: Mr. Bridges?

14 MR. BRIDGES: No objection.

15 THE COURT: All right. Thank you very much. Without.
16 (State's Exhibits 14 through 21 were received into
17 evidence.)

18 BY MR. MEADORS:

19 Q This is State's 14. Can you tell the jury what that is.

20 A It's a picture of the living room of the incident
21 location.

22 Q And is that [REDACTED] Parkway?

23 A Yes, sir.

24 Q State's 15? What is that?

25 A That is the living room, looking at the front door of the

1 residence.

2 Q Just with your eyes, what do you see in State's 15?

3 A Broken glass.

4 Q And to the right, the bottom right, what does that appear
5 to be?

6 A A TV or a computer screen.

7 Q Would it be fair to say it looks in disarray?

8 A Yes, sir, it does.

9 Q State's 16?

10 A That is a coffee table that's in the living room. And
11 you see some glass on the top right-hand corner on the door.

12 Q State's 17?

13 A That is looking at the front door, glass on the ground
14 and blood as well on the ground.

15 Q 18?

16 A That is looking in the living room. The front door would
17 be to the right-hand side of this picture, with blood and
18 glass on the ground.

19 Q 19? State's 19?

20 A That is looking from the outside of the house into the
21 house, showing the door that is -- of the glass that's busted
22 out.

23 Q And up on -- what's this right here?

24 A That is a TV. I believe, yes, sir, that's the flat panel
25 TV.

1 Q No. 20? State's 20?

2 MR. BRIDGES: No objection to that.

3 Q State's 20?

4 A I believe that's -- I really can't see with the glare.

5 Q I'm just going to have you repeat State's 21.

6 A Okay. That's looking at the front door, with glass and
7 blood on the ground.

8 MR. MEADORS: Your Honor, here's State's 22 without
9 objection.

10 THE COURT: Yes, sir.

11 (State's Exhibit 22 was marked for identification and
12 received into evidence.)

13 Q State's 22 may be a clearer picture of that other one you
14 were looking at. What is that?

15 A That is ground, the living room floor with the glass and
16 then some blood. And also the identifying markers, which you
17 see No. 2, 3 and then the top of No. 4.

18 Q And those -- what are 3 and 4? What is that?

19 A That was what Investigator McCauley with the Crime Scene,
20 he was the one that took these specific pictures while I was
21 on the way to the hospital. So that would be -- he would have
22 to --

23 Q Let me ask you a common sense: Does it appear to be
24 broken?

25 A Yes, sir.

1 Q Okay.

2 MR. MEADORS: Your Honor, State's 23 without objection.

3 THE COURT: Yes, sir.

4 (State's Exhibit 23 was marked for identification and
5 received into evidence.)

6 Q And this may be a closer-up picture of State 4. Can you
7 describe that? Is that a close-up picture of State's 22?

8 A Yes, sir.

9 Q Is it the card of No. 4?

10 A Yes, sir.

11 Q Let's go back to the sheriff's department.

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

13 Your Honor, based on your ruling yesterday and with the
14 agreement of where it will be redacted, we offer State's 2,
15 which is the video of the interview with the defendant.

16 MR. BRIDGES: I'd just like to reassert my pre-trial
17 objection.

18 THE COURT: Yes, sir. Yes, sir.

19 (State's Exhibit 2 was received into evidence.)

20 BY MR. MEADORS:

21 Q Just take these folks to the -- this interview happened
22 where?

23 A At the Sumter County Sheriff's Office.

24 Q And everybody knows where it is, I'm sure, but where is
25 it?

1 **A** That's 1281 North Main Street. As you go towards
2 Bishopville, you pass McLaughlin Ford on the left, go under
3 378. When the four lanes turn to two, probably half a mile
4 after that, and then it's on the right-hand side. Where the
5 old jail used to be.

6 **Q** Relatively new facility; correct -- or building, the last
7 few years?

8 **A** Past five -- seven years.

9 **Q** This room -- interview room is inside the sheriff's
10 department?

11 **A** Yes, sir. It's inside Investigations Division.

12 **Q** Now, is it -- when you're talking with someone, in this
13 case, a potential suspect, is the room equipped for video and
14 audio?

15 **A** Yes, sir.

16 **Q** Now, if I were to walk in there or His Honor were to walk
17 in there, is it -- are you on notice that you're under -- that
18 you're being videoed and recorded?

19 **A** Yes, sir. Inside the -- inside our interview rooms, not
20 only can you see the cameras in the corner wall, but there's
21 two big red signs -- one in English and one in Spanish --
22 saying that you are being video- and audio-recorded.

23 **Q** And that is inside of whoever comes in the room?

24 **A** Yes, sir. It's on opposite sides of the wall. They're
25 on a steady recording system.

1 MR. MEADORS: Your Honor, if you'll allow Mr. Miller to
2 approach.

3 THE COURT: Yes, sir.

4 (Pause in the proceedings while working on recording
5 equipment.)

6 Q Mr. Singleton was there a while before you got there;
7 right?

8 A Yes, sir. While I was interviewing the victim at Tuomey,
9 he was there waiting.

10 Q And nobody else -- or did anybody else question the
11 defendant before you got there?

12 A I don't believe so, no, sir.

13 Q At approximately 5:23, that's when -- did you arrive?

14 A I'd have to see -- yes, sir.

15 (Video plays.)

16 Q Can you see the notice in this video of "you're being
17 recorded"?

18 A Yes, sir, I can. That's that red sign in white
19 lettering.

20 Q Okay. Will this be you walking in?

21 A Yes, sir. Well, not that moment. The next one.

22 Q That wasn't you?

23 A No, sir.

24 Q Now, is the defendant in custody at this point?

25 A Yes, sir.

1 Q Is he handcuffed?

2 A Yes, sir.

3 (Video plays.)

4 Q Now, did he just answer -- when you said, "Do you
5 understand these rights as they have been read to you," did he
6 just say "yes"?

7 A Yes, sir, that's correct.

8 (Video plays.)

9 Q I may have skipped a segment. I won't do that again.
10 Sorry.

11 (Video plays.)

12 Q Did you just read him the waiver of rights?

13 A Yes, sir.

14 And I have asked them to see if they can take the
15 handcuffs and put them in front of him for two reasons: To
16 make him more comfortable and then also for him to sign the
17 piece of paper.

18 (Video plays.)

19 Q And I was not trying to be funny earlier when you said
20 you looked different. Have you lost 75 pounds since this?

21 A Yes, sir, I have.

22 Q Thank you.

23 (Video plays.)

24 Q Is he signing on the right of what I'm holding up now,
25 State's No. 1?

1 **A** Yes, sir.

2 MR. MEADORS: Judge?

3 THE COURT: Yes, sir.

4 MR. MEADORS: May I please sit down during some of this?

5 THE COURT: Sure, yes. By all means.

6 (Video plays.)

7 **Q** So the first part of this interview, is he saying, "The
8 first I heard about it, when I was at my mom's house"?

9 **A** That's correct.

10 **Q** And he wasn't even there?

11 **A** Correct.

12 **Q** And something about he heard that TJ might be dead?

13 **A** Yes, sir. He said that someone killed or that TJ was
14 dead.

15 (Video plays.)

16 **Q** Did he just say he was waiting for y'all to come to talk
17 to him at his mama's?

18 **A** At his grandma's, at the location where the patrol
19 officers picked him up at.

20 (Video plays.)

21 **Q** And he said, "I was present when they did it"?

22 **A** Yes, sir.

23 (Video plays.)

24 **Q** Did he just say, "I wasn't even there"?

25 **A** Yes, sir.

1 (Video plays.)

2 Q Did he say earlier his mom and Brandy couldn't have say
3 he did it because they weren't there? Is that what he said a
4 little while ago?

5 A He slipped up and said that they could have -- they could
6 have said that, because he was there, that he did it. He
7 actually slipped up and said that he actually did it, and they
8 could have said that he was there.

9 Q I didn't hear that. All right.

10 A He corrected himself right afterwards.

11 (Video plays.)

12 Q He said that, "My mom and Brandy can't tell you that I
13 did it because I wasn't even there."

14 A That's right, yeah, because I misunderstood that he said
15 that he was. My apologies.

16 Q Right. But he said, "My mom and Brandy can't tell you I
17 didn't do it because I wasn't even there"; correct?

18 A Correct.

19 Q And did you develop information that they went to
20 McDonald's when this happened?

21 A That's correct, yes, sir.

22 Q The mom and Brandy?

23 A Correct.

24 (Video plays.)

25 Q Now, at this point, does another officer come in?

1 **A** Yes, sir.

2 **Q** Okay. And who is that?

3 **A** That's Lieutenant Ragin.

4 **Q** All right. And you also -- are you also present?

5 **A** Yes, sir.

6 **Q** Why did Lieutenant Ragin come in?

7 **A** He told me, through the course of this, that he knows
8 either him or the family. He's aware of them and has had
9 previous interactions with them.

10 **Q** And you didn't have any problem with somebody assisting
11 you?

12 **A** No, sir, not at this time because, if he said he knows
13 [verbatim] him, he had a good rapport with him, he maybe can
14 share a little bit more information because, as you can see,
15 it was going nowhere with that information.

16 **Q** That's fine.

17 MR. MEADORS: Your Honor, nothing has happened since the
18 last time. I just saved a minute and a half.

19 THE COURT: Yes, sir.

20 (Video plays.)

21 **Q** Did he just say, "I never was there when TJ was at the
22 house"?

23 **A** That's correct.

24 (Video plays.)

25 **Q** He didn't say Quany and TJ got into an altercation?

1 **A** Yes, sir.

2 (Video plays.)

3 **Q** And he said, "I was present but they did it"?

4 **A** Yes, sir.

5 (Video plays.)

6 MR. MEADORS: Judge, do you want to take a break right
7 here?

8 THE COURT: Sir?

9 MR. MEADORS: Can we approach?

10 (A bench conference was held outside of the hearing of
11 the jury and others.)

12 THE COURT: We will now take a break until approximately
13 4:00, maybe a little after but not much. So the jury may
14 return to its room. Do not discuss this case. Do not
15 deliberate this case yet, please. Thank you.

16 (The jury exited the courtroom at 3:45 p.m.)

17 THE COURT: And, sir, as you know, you cannot talk to
18 anybody.

19 THE WITNESS: Correct, yes, sir.

20 THE COURT: Especially your attorneys. All right, sir?

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. Be back shortly, y'all.

23 (A brief recess was taken.)

24 (The jury entered the courtroom at 4:08 p.m.)

25 THE BAILIFF: The jury is all seated, Your Honor.

1 THE COURT: All right, sir.

2 Members of the jury, these attorneys have talked to me,
3 and we've got approximately two more hours on this tape, which
4 means that it will take till about 6:00 to finish today. I
5 don't like to keep juries past 5 o'clock. But by the same
6 token, we're not going to finish it today anyway. And we can
7 come back in the morning at 9:30. Be here at 9:30. We will
8 start at 9:30 tomorrow, because we will finish this case
9 tomorrow.

10 So that being said, you may be excused until 9:30 in the
11 morning. Do not discuss this case with anyone within your
12 group or without. Do not deliberate in any way in this case
13 yet. We will see you at 9:30. Thanks for your patience.

14 (The jury exited the courtroom at 4:10 p.m.)

15 THE COURT: And Investigator Bonner, you know this but
16 I'll tell you for the sake of the record: No discussions with
17 your attorneys. You are an active witness and just don't do
18 it.

19 THE WITNESS: Yes, sir.

20 THE COURT: Gentlemen, anything else before we stop?

21 MR. MEADORS: No, sir. Thank you, Your Honor.

22 THE COURT: I'll see you at 9:30 in the morning.

23 MR. BRIDGES: On my client's behalf, he would like to
24 request that he be released from custody. His family has been
25 in attendance today. They assured me they would help him get

1 to court. We would just request that he be released from
2 custody.

3 THE COURT: Mr. --

4 MR. MEADORS: Judge, we respectfully ask that he be held.
5 We've only got one more day. We've put him in jail. His
6 family related. Whatever the outcome will be tomorrow, it is
7 what it is. There's only one more night.

8 THE COURT: Yes, sir. That's my concern here, gentlemen.
9 This is -- cannot predict the future. I'm not saying he's
10 going to do anything bad, but I don't want anything from
11 either direction to happen here.

12 So only one more night to go, Mr. Bridges. Request is
13 denied.

14 MR. BRIDGES: Thank you.

15 THE COURT: Thank y'all. See you in the morning.

16 MR. MEADORS: Yes, sir.

17 MR. BRIDGES: Thank you, Your Honor.

18 (At 4:12 p.m., the proceeding on Trial Day 2 concluded
19 until January 17, 2019, at 9:30 a.m.)

20 * * * * *

21 (On January 17, 2019, at 9:52 a.m., Trial Day 3 commenced
22 as follows:)

23 THE COURT: Gentlemen, are we ready to bring the jury in?

24 MR. MEADORS: Yes, sir.

25 MR. BRIDGES: Yes, Your Honor.

1 (The jury entered the courtroom at 9:52 a.m.)

2 THE BAILIFF: All jurors are present, Your Honor.

3 THE COURT: Members of the jury, I had another hearing
4 that I had to hear this morning; thus, we are running behind.
5 It wasn't planned, but it happened. So, once again, aim your
6 ire at me, not at the attorneys.

7 Are you ready, Mr. Meadors?

8 MR. MEADORS: May it please the Court.

9 THE COURT: Yes, sir.

10 MR. MEADORS: Your Honor, we'll continue with this
11 interview.

12 THE COURT: The record will reflect that Investigator
13 Bonner is still under oath from yesterday.

14 MR. BRIDGES: And just for the record, I renew my
15 objection -- pre-trial objection.

16 THE COURT: Yes, sir. Yes, sir.

17 (Video plays.)

18 INVESTIGATOR CHARLES BONNER,
19 the witness, after having been previously duly sworn, was
20 continued to be examined and testified to as follows:

21 CONTINUING DIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q Investigator, at this point, has he put himself inside
24 the residence when the shot was fired?

25 A Yes, sir, he has.

1 Q And was there discussion about whether or not he would be
2 paid?

3 A Yes, sir.

4 MR. MEADORS: Can we approach?

5 THE COURT: Yes, sir.

6 BENCH CONFERENCE

7 (A bench conference was held outside of the hearing of the
8 jury and others.)

9 (Open court resumes:)

10 THE COURT: Ladies and gentlemen, we have got a little
11 bit more ways to go here. We will now take a break for
12 approximately 15 minutes. Do not discuss this case. Do not
13 begin your deliberations.

14 Officer Bonner -- Investigator Bonner, you're still an
15 active witness and cannot speak to the attorneys.

16 THE WITNESS: Yes, sir.

17 THE COURT: Thank y'all very much.

18 (The jury exited the courtroom at 11:21 a.m.)

19 (A brief recess was taken.)

20 MR. MEADORS: Your Honor, thank you. Your Honor, we have
21 basically taken out the next reference to the lie detector.
22 So at this point, there's been a reference to both sides,
23 because I think it's fair to both sides.

24 MR. BRIDGES: Yeah, and when we get to the jury
25 instruction stage, we'll discuss that in the jury instruction

1 or not.

2 THE COURT: Okay.

3 MR. BRIDGES: But I know, in the Jackson v. Denno, we
4 agreed to cut out the main part of the lie detector
5 discussion, which is later in the video.

6 THE COURT: Okay. Ready for the jury?

7 MR. MEADORS: Yes, sir, thank you.

8 MR. BRIDGES: Thank you, Your Honor.

9 (The jury entered the courtroom at 11:47 a.m.)

10 THE BAILIFF: The jury is seated, Your Honor.

11 THE COURT: Thank you, sir.

12 MR. MEADORS: Your Honor, after confirming with Your
13 Honor, we have agreed that there's a certain portion of this
14 which would not be admissible.

15 THE COURT: Yes, sir.

16 MR. MEADORS: So we are deleting that portion.

17 THE COURT: All right, sir.

18 MR. MEADORS: In a minute.

19 THE COURT: Yes, sir.

20 (Video plays.)

21 BY MR. MEADORS:

22 Q And he said, "Just to be honest with you, TJ shot
23 himself"?

24 A Yes, sir.

25 (Video plays.)

1 Q He said, "You can go ahead and put me down for it"?

2 A Yes, sir.

3 (Video plays.)

4 MR. MEADORS: Your Honor, again, for the record, there
5 was a reference that both sides agree would not be
6 appropriate --

7 THE COURT: Yes, sir.

8 MR. MEADORS: -- after consultation with you.

9 THE COURT: Yes, sir.

10 (Video plays.)

11 MR. MEADORS: And, Your Honor, after consultation with
12 counsel, I think what we're skipping is just nothing.

13 THE COURT: Yes, sir.

14 (Video plays.)

15 MR. MEADORS: Thank you, everyone, for your patience.

16 BY MR. MEADORS:

17 Q After -- just in summary, from you listening to that and
18 being there, did the defendant go from not being there to
19 being present to being in the house to being in the tussle to
20 actually firing the shot?

21 A Yes, sir.

22 Q And did -- and you heard and did he say on there -- were
23 questions asked about "how many bullets did you fire"? I
24 think y'all asked him.

25 A Right.

1 Q And did he say he fired it once?

2 A He said he fired one.

3 Q After that -- and after another ten minutes and with the
4 Court's permission and agreement between counsel, it just
5 shows him finish writing that statement --

6 A Yes, sir.

7 Q -- that we are now going to ask to put into evidence. So
8 I think it would be -- looking, if you would -- if may I
9 approach -- please look at what's marked State's 3 for
10 identification at this point. What is that?

11 A That's Mr. Singleton's statement.

12 Q And do you actually see them in there -- and maybe it's
13 right there on the camera. Is that it right there?

14 A Yes, sir.

15 Q His statement that you're holding in your hand?

16 A Yes, sir.

17 Q And I believe he had started writing a letter earlier in
18 the interview; right?

19 A That's correct. It's the first paragraph, is what he
20 started with.

21 Q And then, after that, did he finish that when y'all were
22 out of the room?

23 A Yes, sir.

24 Q Okay. And did he fill in the top?

25 A Yes, sir, he filled in the top.

1 Q And the bottom?

2 A Yes, sir. Date, time, and signed.

3 Q And what's the time at the bottom?

4 A The time that he signed was 8:57 a.m.

5 Q And he put that time on it. So that's roughly 20 minutes
6 after this?

7 A Yes, sir.

8 Q And is that about how long that that went on and then
9 y'all came back through there during that process?

10 A Yes, sir.

11 Q Any other interviewing go on after that, I guess is
12 what --

13 A I don't believe so.

14 Q Okay. And we can watch the whole thing, but I was -- did
15 you witness this?

16 A Yes, sir. I signed my name there.

17 Q And what does he say in this statement?

18 A The first paragraph is, "I have been there. I have been
19 to the house at 1:00." Someone's name says "over there."

20 MR. MEADORS: And I guess, Your Honor, for the record, I
21 believe without objection, State's --

22 MR. BRIDGES: Well, that's subject to my pre-trial
23 objection.

24 THE COURT: Yes, sir. Yes, sir.

25 A He was there to chill with Brandy. And it's -- "My

1 mother -- the van was gone so I left."

2 And then, after that, the next paragraph where he's
3 writing here, he's talking about, "I'm sorry about the
4 accident."

5 Q Go ahead and tell us.

6 A Okay. [As read:] "I'm sorry about the accident. I know
7 who did it, but they not listening. I was there on -- and I'm
8 sorry for what happened. I love you. It was an accident.
9 I'm sorry. I swear I'm sorry. Cory (ph) shot him, I swear.
10 Please. I had nothing to do with it, but I was there.
11 Please, Auntie, I'm telling the God honest truth. I love you.
12 I came there earlier to apologize to you, but you wasn't home.
13 But it was an accident. They was fighting. TJ grabbed the
14 gun and Cory (ph) shot TJ. Y'all know I would never do that
15 to TJ. Please bail me out. The Lords know I don't -- I
16 didn't do it. I swear. Please help me. I'm sorry. They did
17 that. Please. I have a son, one years old, and I will go to
18 church with you and clean. Please, I'm sorry that it
19 happened. Please bail me out, Auntie. I would never shoot
20 TJ. Look how long I know TJ. Please help me. Come, please.
21 My son. Please tell me -- please tell my mother I didn't do
22 it. Cory (ph) did and Treyvon, I didn't even -- I didn't even
23 was around them. I was" -- I'm going to assume that's
24 "trying" -- "I was trying to get them off TJ. Please call my
25 baby mother --"

1 Q Let me stop you there. At the request of defense
2 counsel, he would ask that the number not be read.

3 A That's fine.

4 Q The phone number not be read. You can just finish.

5 A That's right.

6 MR. BRIDGES: I request that that number be redacted
7 before its placed into the jury room.

8 THE COURT: Yes, sir. Certainly.

9 Q Go ahead and read the rest of it.

10 A [As read:] "And tell it wasn't me. It was somebody
11 else. Please -- please, I swear on my babies. Auntie, I
12 didn't do it. Please talk to you -- talk to me and forgive
13 me. I swear I didn't do it."

14 Q And he wrote that last part after he had -- after y'all
15 were out of the room and he wrote this. And after he told
16 y'all he did do it, that he fired one shot?

17 A Correct.

18 Q Okay. And this was -- his auntie, is that referring to
19 TJ's mother?

20 A I believe so, yes, sir.

21 Q Just a few brief questions, Investigator Bonner. This
22 isn't a murder case. He wasn't going to be charged with
23 murder; correct?

24 A That's correct.

25 Q It's not a 30-to-life case; correct?

1 **A** No, sir.

2 **Q** Who was the first person that brought up murder?

3 **A** Mr. Singleton.

4 **Q** And did you kind of go with that? Or why did you use
5 that in your process? Explain that.

6 **A** Yes, sir. He brought it up that -- that TJ was killed,
7 so I ran with that notion that he was killed.

8 **Q** What was the purpose of the interview process? I know it
9 sounds crazy, but it's a long interview. We all -- I mean, we
10 saw it all. What's your goal when you interview somebody?

11 **A** To get the truth. That's the overall goal. To find
12 closure, especially in this instance, to get answers for
13 questions that the family has, why did this happen, what was
14 the overall goal for this whole episode. So, that way, we can
15 give the family some answers to their questions that they
16 have.

17 **Q** And do you always tell a suspect everything that you
18 know?

19 **A** Oh, no, sir.

20 **Q** And perhaps sometimes -- it's legal and do you sometimes
21 tell them something that may or may not be the case just to
22 get a reaction?

23 **A** That's correct.

24 **Q** And is that part of the interview process?

25 **A** Yes, sir.

1 Q Did y'all ever hit or threatening to do any harm to the
2 defendant?

3 A No, sir.

4 Q Everything we saw is on the paper?

5 A Yes, sir.

6 Q Was there any other interviewing of the defendant besides
7 what we saw?

8 A No, sir.

9 Q And did the door remain open most of the time or not all
10 the time?

11 A Whenever he was writing his statement, so he could have,
12 you know, quiet there to write his statement, it was open the
13 whole time.

14 Q And based on your observation, even back then two years
15 ago -- and I think one time he said, "And I'm not done";
16 right?

17 A Yes, sir.

18 Q Did he appear to understand what was going on?

19 A Absolutely, yes, sir.

20 Q And I think probably somebody asked him if you had -- if
21 he shot anybody, and he said, no, that y'all shot somebody?

22 A Yes, sir.

23 Q And at 8:35, I have on my notes, he said, "I'll just be
24 real and take the blame." Do you remember that?

25 A Yes, sir, I do.

1 Q And is the person in this courtroom that you interviewed
2 on that time and gave that written statement, is he in the
3 courtroom?

4 A Yes, sir, he is.

5 Q Please point him out to the jury for the record.

6 A (Indicating).

7 Q Are you pointing -- is this Mr. Singleton?

8 A To Mr. Singleton, yes, sir.

9 Q What's he wearing?

10 A A white shirt.

11 MR. MEADORS: We'd ask to let the record to reflect that
12 he's pointing to Mr. Singleton.

13 THE COURT: Yes, sir.

14 MR. MEADORS: Thank you. That's all.

15 MR. BRIDGES: Your Honor, may me and Mr. Meadors
16 approach?

17 THE COURT: Yes, please.

18 BENCH CONFERENCE

19 (A bench conference was held outside of the hearing of the
20 jury and others.)

21 (Open court resumes:)

22 THE COURT: Ladies and gentlemen of the jury, we will now
23 break for dinner, as I call it; lunch, you may call it. Be
24 back, please, in your room at 2 o'clock. Do not discuss this
25 case. Do not begin deliberations.

1 Mr. Bonner, you're still an active witness.

2 THE WITNESS: Yes, sir.

3 THE COURT: Don't discuss anything with your attorneys.

4 THE WITNESS: Yes, sir.

5 (The jury exited the courtroom at 12:35 p.m.)

6 (A lunch recess was taken.)

7 THE COURT: Mr. Bridges, ready?

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

9 THE COURT: Go ahead and bring the jury in.

10 THE BAILIFF: Yes, sir.

11 (The jury entered the courtroom at 2:19 p.m.)

12 THE BAILIFF: Your Honor, the jury is present.

13 THE COURT: All right. Ladies and gentlemen of the jury,
14 once again, I take the full blame for being late in starting
15 with you. I have some family matters to deal with this week,
16 and I got back in time in just enough time to choke down some
17 nabs and a Coca-Cola, so to speak. So blame me one more time.

18 I'm ready, gentlemen.

19 MR. BRIDGES: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. BRIDGES:

22 Q Good afternoon, Investigator Bonner.

23 A Good afternoon.

24 Q Investigator Bonner, were you the chief or the lead
25 investigator on this case of Malik Singleton?

1 **A** Yes, sir.

2 **Q** Were you -- did you go to the house at [REDACTED] Parkway?

3 **A** Yes, sir, I did.

4 **Q** What -- were there other officers with you?

5 **A** Yes, sir.

6 **Q** Which officers were you with, if you remember?

7 **A** I know Investigator McCauley came. He was with Crime
8 Scene. After I called him to arrive, I believe Lieutenant
9 Ragin might have been there. I'm not really sure. I know
10 Sergeant Gay was out there, I believe. And I can't be too
11 determined on the other officers there. I was pretty much
12 focused on the actual crime scene itself.

13 **Q** Did you speak with Mr. Travis Dow when you were out
14 there? Did you have a chance to do that?

15 **A** Is that the father?

16 **Q** No, that's the son, TJ, Travis.

17 **A** I'm not sure.

18 **Q** Did you create an investigative report as part of your
19 investigation?

20 **A** Yes, sir.

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

22 THE COURT: Yes, sir.

23 **Q** And this has been marked for Defense, ID 1. Is that your
24 report?

25 **A** Yes, sir. Look over this.

1 (Defendant's Exhibit 1 was marked for identification.)

2 A Mr. Dow was already transported to the hospital before I
3 got there.

4 Q So, therefore, somebody contacted Mr. Dow and spoke to
5 him before he was transported?

6 A Yes, sir. I believe that was Sergeant Gay.

7 Q And that statement was not -- was not a statement you
8 took or anything like that?

9 A Correct. That first initial paragraph on the
10 investigative report was pretty much based on the report that
11 the reporting officer took on-scene about pretty much the meat
12 and potatoes, so to speak, of the incident.

13 Q But you did include that in your report; correct? You
14 reduced that into your report?

15 A Correct, yes.

16 Q Now, that statement, does Mr. Dow mention anything about
17 Malik Singleton?

18 A In this -- when I spoke with him?

19 Q Not when you spoke with him. The earlier statement.

20 A That would be Sergeant Gay that spoke with him.

21 Q And then you were at the house and then you went to
22 Palmetto Health Tuomey; correct?

23 A Correct, yes, sir.

24 Q And you spoke with TJ at the hospital ; correct?

25 A That's correct.

1 Q Did any other officers go with you to the hospital; do
2 you remember?

3 A I don't remember if they did or not.

4 Q And you saw Mr. Dow testify --

5 A That's correct.

6 Q -- earlier.

7 When you spoke with him, did he mention anything about
8 there being a second gunman or anything like that?

9 A Not that I recall, no, sir.

10 Q And he -- all the detail he gave here today about he
11 wearing a mask and stuff the day before, was any of that
12 mentioned by Mr. Dow?

13 A I believe that there might have been something with the
14 mention of a mask, but I do remember him saying, though,
15 without a doubt, that it was his cousin.

16 Q But he didn't go into detail about how it happened or the
17 layout of the house like he did here; correct?

18 A Not into too much detail, due to his injuries and the
19 location of where he was at.

20 Q And he didn't mention anything about -- I think he called
21 him Jamal or Jamel, about a second individual being there with
22 a gun?

23 A Not that I recall.

24 Q Was this the first time you heard about it today or
25 yesterday when he testified?

1 **A** Yes, sir.

2 **Q** Okay. And you never had any follow-up interviews with
3 him after that initial one?

4 **A** No, sir.

5 **Q** So you never had a chance to ask him about another
6 individual being there or anything like that?

7 **A** No, sir.

8 **Q** Okay. Now, let's fast forward to the sheriff's
9 department. I'm not going to play the entire video or
10 anything like that, but I am going to ask you some questions
11 about your interrogation.

12 So at this point, you had talked to Mr. Dow at the
13 hospital, correct --

14 **A** This --

15 **Q** -- by the time you're sitting down with him.

16 **A** Yes, sir, that's correct.

17 (Video plays.)

18 **Q** Okay. So that was you -- Malik was saying that he heard
19 might be TJ was dead or that he was shot, and then you asked
20 him, "You don't know what happened to TJ?" And then he
21 affirmatively says he doesn't know.

22 **A** Correct.

23 **Q** And then you tell him, he took a turn for the worse?

24 **A** I said, "You don't know if he took a turn for the worse."

25 **Q** But, at that time, you had spoken with him at the

1 hospital?

2 A Correct.

3 Q And you knew his injuries were non-fatal?

4 A At that current time, I knew that they were not fatal.

5 Q And he was able to speak with you at the hospital?

6 A Correct. I mean, I'm pretty sure injuries can go on and
7 end up take a turn for the worse --

8 Q But you're not a doctor so --

9 A That's correct.

10 Q -- I'm not going to ask you about that.

11 A That's correct.

12 Q He had not -- it had not gotten any worse from the
13 standpoint of that his death was imminent or anything like
14 that; correct?

15 A Correct.

16 Q And this interview all occurred in that room. You
17 testified to that -- to Mr. Meadors that Malik was in that
18 room the whole time?

19 A Yes, sir.

20 Q And, in total, it was about a little bit over four hours?

21 A I believe so, yes, sir.

22 Q And he didn't leave. I mean, we saw the video. He
23 didn't ask for a bathroom. He never left that room for any
24 reason while he was there.

25 A Correct.

1 (Video plays.)

2 Q I believe you mentioned, when you spoke with Mr. Meadors,
3 you spoke to a JK [REDACTED], I believe, and a TD [REDACTED]. Did
4 you ever speak to Brandy?

5 A I'm not sure. I know I did not get a statement from her.

6 Q Okay. And you never spoke to -- also, later -- well, you
7 saw the interrogation. Later on, there was mention of his
8 little brother -- Malik's little brother. Maybe it was a
9 little brother. Did you ever talk to him or did anybody ever
10 talk to him?

11 A We might have, but I know I did not get a statement from
12 him.

13 Q Okay. Now, but about the first 30 minutes or so, it's
14 just you and Malik in that room; correct?

15 A Yes, sir.

16 Q And what you're doing here with your gloves and his hands
17 out, that's a gunshot residue test?

18 A Yes, sir.

19 Q Could you briefly explain to the jury what a gunshot
20 residue test is.

21 A It's a test to collect gunshot residue off of someone's
22 hands. It's pretty much just a sticky pad. It indicates
23 whether it's for right hand, left hand, palm or the back of
24 your hand. And all it is is just collects whatever the
25 residue of your hand is, and then you seal it back up and then

1 send it in.

2 Q And as the video shows, Malik was tested for that?

3 A That's correct.

4 Q And what were the results of that test?

5 A I believe -- I sent it in to Crime Scene, and I don't
6 believe we sent it in past that.

7 Q So there's no indication that he had gunshot residue?

8 A That's correct. Due to the gunshot residue, powder does
9 go everywhere whenever a gun is shot, so it can actually be
10 everywhere.

11 Q Well, that's what I want to ask you. Was Mr. Dow -- was
12 Travis Dow tested for gunshot residue?

13 A No, sir.

14 Q Was his head or his -- gunshot residue cannot just only
15 be on your hands; correct? It can be on other parts of your
16 body?

17 A That's correct.

18 Q And he was never tested for gunshot residue?

19 A That's correct.

20 Q And that wouldn't necessarily mean he was firing a gun,
21 but that could mean he was in close proximity to a gun;
22 correct?

23 A That's correct, which that indicated, a gunshot wound to
24 his head, he was definitely close to it.

25 Q And as -- there's been pictures of the scene shown.

1 There was, I believe, a blood sample taken on the scene or
2 some kind of blood that was collected?

3 A That would be Investigator McCauley with Crime Scene.

4 Q But as far as you know, that blood or any physical, you
5 know, fingerprints and blood, there's no connection to Malik
6 that was found on that scene; correct?

7 A That, I don't know. I don't know if we had any results
8 back from SLED with that.

9 Q You certainly did not hear about any results being a
10 positive hit for Malik Singleton?

11 A Not of yet. I know they take years to come back.

12 Q Well, it's been over two years.

13 A Yeah, I agree.

14 Q So Malik takes this test, and then I believe you
15 briefly -- well, you tell him that this is going to be over
16 soon, and you leave the room. Why did you tell him that it
17 was going to be over soon at that time?

18 A I didn't realize it was going to take four hours, ten
19 minutes, and 50 seconds for this interview, so that's why I
20 figured that it would hopefully be over soon, but didn't
21 realize four hours.

22 Q So now, at this point, I have fast forward a little bit,
23 and you see that Lieutenant Ragin is in the room. As far as
24 you know, did Lieutenant Ragin ever speak with Travis Dow?
25 Was he with you at the hospital?

1 **A** I don't believe so.

2 **Q** Okay. And do you know if he spoke to the people that
3 were at the scene, at the house or anything?

4 **A** I don't know if he might have or not. Like I said, I was
5 pretty much focused on the people I needed to speak to and
6 then getting the initial pictures and getting Crime Scene out
7 there as well.

8 **Q** I'm going to play a little bit here.

9 (Video plays.)

10 **Q** Now, that's Lieutenant Ragin saying that it could have
11 been an accident that happened or there's accidents that
12 happen. Before that, we watched a little video earlier.
13 Malik did not -- he was not the first person -- he did not
14 mention that an accident happened?

15 **A** No, sir.

16 **Q** And Mr. Dow testified here and in his -- when you talked
17 to him, he never said that this was an accident either?

18 **A** Correct.

19 **Q** So why would you guys introduce that question to Malik?

20 **A** I can't answer why. Lieutenant Ragin introduced that
21 question of why. The only thing I can think of is, you know,
22 Hey, if this was an accident, you know, let us know this was
23 an accident. If you guys were fighting over a gun, let us
24 know. Whatever the truth is, let us know.

25 **Q** But from your investigation, Mr. Dow did not say it was

1 an accident?

2 A Correct, from what I know at that point.

3 (Video plays.)

4 Q So he mentioned, you know -- there was many questions
5 asked about where was the gun or who had the gun. A gun was
6 never recovered in this case; correct?

7 A That's correct.

8 Q And there was no bullet shell, cartridges, bullet casing,
9 anything found at the house; correct?

10 A That's correct.

11 Q And a bullet was not extracted from Mr. Dow at the
12 hospital, as far as you know; correct?

13 A That is correct.

14 Q So there was no physical ballistic evidence in this case?

15 A That is correct.

16 Q And this is kind of a minor detail, but --

17 (Video plays.)

18 Q Is that -- did you say that that looks like stuff that
19 was over at [REDACTED] Parkway?

20 A That's correct.

21 Q Did you run any kind of soil sample or soil testing at
22 all?

23 A No, sir.

24 Q Then what was your basis for saying that, if you hadn't
25 seen the soil out there?

1 **A** Because I was out there.

2 **Q** But you said you didn't test the soil or know what it
3 looked like or anything like that.

4 **A** He didn't ask if I knew what the soil looked like.

5 **Q** But when you said that looked like the soil at [REDACTED]
6 Parkway, did you actually, in fact, know what the soil looked
7 like on [REDACTED] Parkway?

8 **A** The dirt that I was walking on, yes, sir.

9 **Q** But that -- you didn't match that to anything that was
10 found --

11 **A** Scientifically, no, sir.

12 **Q** Okay. That's what I was getting at.

13 **A** Oh, yeah. No, no, sir.

14 **Q** And you never tested anything on Malik's shoes or
15 anything?

16 **A** No, sir.

17 **Q** Okay. And Malik -- you saw -- I mean, you were in the
18 presence of Mr. Singleton for many hours that night. Did he
19 have any injuries or abrasions on his person that you noted?

20 **A** No, sir.

21 **Q** He didn't have any cuts or lacerations that you could
22 see?

23 **A** Not that I could see, no, sir.

24 **Q** And throughout this, Malik names the names of some
25 individuals, but he keeps going back to TJ said it was just

1 you there that night and that it might be an accident. That's
2 what's being said back and forth between -- we watched -- we
3 all watched the video. Throughout this time, Malik is saying
4 the names of other individuals; correct?

5 A Correct.

6 Q And you and Ragin are saying, No, Mr. Dow is saying it's
7 just you there.

8 A Correct.

9 Q Okay. Now, there's a third officer against the wall
10 there. Who is that? Do you know who that is?

11 A If I can pronounce his name: Deputy Bronchado.

12 Q Okay. And he -- I think maybe he was the one that
13 transported Malik there from his house or something like that?

14 A Possibly so, yes, sir.

15 Q Okay. There was two other officers. Another officer
16 with the gray hair, Deputy Adams, so I'm not sure which one
17 might have actually done the transport for him.

18 (Video plays.)

19 Q So, just to be clear, that Officer Broncho -- is that his
20 name?

21 A Bronchado or --

22 Q Bronchado?

23 A Yeah, something like that.

24 Q He's saying, "30 years to life, accident." 30 years to
25 life, that's a punishment for murder; correct?

1 **A** That's correct.

2 **Q** Mr. Dow was not -- you talked to him at the hospital. As
3 far as you knew, his condition wasn't fatal.

4 **A** That's correct.

5 **Q** Did you do anything to make Malik aware that he was not
6 going to be charged with murder?

7 **A** Not at this time, no, sir.

8 **Q** In fact, did you repeatedly say he was going to be
9 charged with murder or he very well could be charged with
10 murder?

11 **A** That he could be charged with murder, yes, sir.

12 **Q** And now, you weren't the officer saying that, but he says
13 "30 years to life, accident." And it goes along with you and
14 Lieutenant Ragin saying that TJ was saying it was an accident.

15 **A** TJ didn't say it was an accident.

16 **Q** But Lieutenant Ragin told Malik repeatedly that TJ was
17 saying it was an accident; correct? I mean, I can play that.

18 (Video plays.)

19 **Q** Did Lieutenant Ragin just say there it accidentally
20 happened?

21 **A** I didn't catch it. I heard "the accident," "an
22 accident," "an accident."

23 (Video plays.)

24 **Q** Did you just say that's a different charge for murder if
25 an accident happened?

1 **A** Correct.

2 **Q** Okay. So Malik was being told that this situation might
3 be an accident, or at least somebody was saying that was an
4 accident?

5 **A** If it was an accident, let us know that it was an
6 accident.

7 **Q** But did not come from him. He did not say -- he was not
8 the first person to say that it could have been an accident;
9 correct?

10 **A** That's correct.

11 (Video plays.)

12 **Q** So there was some -- you heard Mr. Dow testify that he
13 thought this was an attempted robbery, for his money, and you
14 have also heard that maybe Malik entered this house through
15 some way that -- TJ testified he wasn't aware of how he got in
16 the house. As a lead investigator, can you -- do you make the
17 initial charging decision on somebody and you decide what
18 arrest warrant to put out on them?

19 **A** Yes, sir.

20 **Q** In this case, why did you not seek an arrest warrant for
21 robbery or burglary?

22 **A** We just went for the fact of just attempted murder.
23 There was no money taken. Just a lot of stipulations on
24 whether -- whether to do the robbery.

25 **Q** Did you not think there was sufficient facts for having

1 to support those other two charges?

2 A Yes, sir.

3 (Video plays.)

4 Q Is that Lieutenant Ragin saying that the next man that's
5 going to come in there is the FBI?

6 A That's correct.

7 Q Was there, in fact, no FBI involvement or investigation
8 into this at all?

9 A No, sir, there wasn't.

10 Q This is a state charge and not a federal charge?

11 A That is correct.

12 Q And that was just completely empty rhetoric by Mr. Ragin?

13 A Yes, sir.

14 (Video plays.)

15 Q Does that sound like Malik saying that he wanted you to
16 help him out?

17 A Yes, sir.

18 Q Do you think Malik was trying to --

19 MR. MEADORS: Objection to what Malik thought.

20 MR. BRIDGES: This is just his impression of what Malik
21 thought.

22 THE COURT: Sustained.

23 Q Did you ever think that -- that was not the first and
24 only time when Malik said he wanted some sort of help or he
25 wanted a way out of that situation; correct?

1 **A** I don't believe that's -- that was the first time, no,
2 sir.

3 **Q** And we saw throughout the whole video, there was points
4 in this where he was quite upset emotionally, crying -- he
5 mentioned his children a lot; correct?

6 **A** Yes, sir.

7 **Q** And Lieutenant Ragin has told him, you know, that an
8 accident is an accident. And you said yourself, too, that an
9 accident is different than murder; correct?

10 **A** That's correct.

11 **Q** And at this point, he's told he could be charged with
12 murder?

13 **A** That's correct, he could be.

14 **Q** But that was an action that was not a possibility because
15 Mr. Dow was, in fact, alive?

16 **A** At that time, yes, sir.

17 **Q** Well, he's alive today too?

18 **A** He still is, yes, sir.

19 **Q** So at the conclusion of this -- this goes on another 30,
20 40 minutes. Malik writes -- produces a written statement;
21 correct?

22 **A** Yes, sir.

23 **Q** He does not admit to doing the shooting in that
24 statement; correct?

25 **A** In the statement, no, sir.

1 Q And he maintains there are other individuals there that
2 perpetrated it; correct?

3 A Yes, sir.

4 Q If he had said -- what was the purpose of telling him
5 that it could have been an accident?

6 A To get the truth out. Like I said, to get answers for
7 the family, to get answers for our investigation. Really
8 pretty much to get answers out of what truly happened.

9 Q Giving a person an out, why do you think that produces an
10 honest answer?

11 A Well, it produces answers that will then eventually,
12 hopefully, lead to an honest answer.

13 Q But the accident narrative was not the honest assessment
14 of your investigation?

15 A At that time, no, sir.

16 MR. BRIDGES: I have no further questions.

17 THE COURT: Mr. Meadors.

18 MR. MEADORS: Just direct follow-up.

19 REDIRECT EXAMINATION

20 BY MR. MEADORS:

21 Q He asked you if you had talked to Mr. Dow prior to going
22 to see Mr. Singleton. Had you also had an occasion to talk to
23 JK and TD?

24 A Before seeing Mr. Singleton? Yes, sir.

25 Q TD. I'm sorry.

1 MR. MEADORS: That's all. Thank you.

2 MR. BRIDGES: No redirect.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 MR. MEADORS: The State calls Lieutenant Rodney Ragin.

6 THE BAILIFF: State your name.

7 THE WITNESS: Rodney Ragin.

8 LT. RODNEY RAGIN,

9 the witness, after having been duly sworn, was examined and
10 testified to as follows:

11 THE BAILIFF: Step around. Watch your step.

12 State your name for the record and spell your last name,
13 please.

14 THE WITNESS: Rodney Ragin. R-a-g-i-n.

15 DIRECT EXAMINATION

16 BY MR. MEADORS:

17 Q What's your rank, sir? Well, good afternoon.

18 A Good afternoon.

19 Q You're Lieutenant Rodney Ragin?

20 A Yes.

21 Q Lieutenant, tell these folks how long you have been in
22 law enforcement.

23 A Been in law enforcement now 23-and-a-half years.

24 Q And what are the different areas you work in the
25 departments. Give us a little background on your history and

1 training, please, sir.

2 **A** Okay. Been with the Sumter County Sheriff's Office since
3 1997. While there, I have served on patrol,
4 community-oriented policing, investigations, and currently,
5 I'm a lieutenant on patrol.

6 **Q** So your entire time has been with the Sumter County
7 Sheriff's Office?

8 **A** I have had experience with the public safety department
9 in Columbia.

10 **Q** You said that. I apologize.

11 Back when this happened, Lieutenant, in December of 2016,
12 what was your job for Sheriff Dennis?

13 **A** At that time, I was a lieutenant on patrol for A shift.

14 **Q** On patrol for what? A shift?

15 **A** A shift, which is --

16 **Q** A?

17 **A** Yes.

18 **Q** What is A shift?

19 **A** A shift is one of the four shifts that are on patrol for
20 the Sumter County Sheriff's Department.

21 **Q** Is that a certain time?

22 **A** We -- time varies. Every two months, you switch, but
23 it's either day shift or night shift.

24 **Q** And at my request, had you looked at some videos that you
25 were involved in a couple of years ago today? Have you had a

1 chance to look through them?

2 A Yes.

3 Q And prior to that, you had not reviewed them since it
4 happened, had you?

5 A No.

6 Q And did you have an occasion to go out to the scene --
7 [REDACTED]?

8 A Yes, I did.

9 Q When this incident happened?

10 A Yes.

11 Q And was that prior to you taking part in this interview
12 of the defendant?

13 A Yes, sir.

14 Q And did you have an occasion to talk to anybody at the
15 scene, Lieutenant?

16 A Yes. Spoke with several individuals at the scene. Can't
17 remember all of the names, but there are a lot of family
18 members.

19 Q As a result of that, was a suspect developed?

20 A Yes.

21 Q As far as you were concerned?

22 A Yes.

23 Q And when you got back to the sheriff's department, had
24 this interview already started with Investigator Bonner and
25 the defendant, Malik Singleton?

1 **A** At the time when I got back before taking care of
2 paperwork for my shift, I was there, I believe, before they
3 got there. But when I went round to investigations, they were
4 in the room.

5 **Q** Had you been around a long time? And I don't mean that
6 bad.

7 **A** I have been around a little while.

8 **Q** So you already had an interest in this case?

9 **A** Yes.

10 **Q** An involvement, I think it was.

11 **A** Yes.

12 **Q** And did you offer to assist Investigator Bonner in the
13 interview?

14 **A** Yes, I did.

15 **Q** And tell these folks -- I mean, you're in investigations.
16 You're a lieutenant now?

17 **A** Yes.

18 **Q** When you're interviewing someone, a potential suspect, I
19 mean, what's your -- how do you do it? What's your objective?

20 **A** My objective is, at that point, to find out as much as I
21 can about the involvement of the suspect or individual that
22 I'm questioning at the time. In this particular case, going
23 to the scene, witnessing -- talking to the witnesses that were
24 there at the time of the incident, I had some knowledge of
25 facts in the case, one being that it put the suspect there by

1 talking to his siblings and also the victim.

2 Q So if you're interviewing someone and they deny any
3 involvement whatsoever and you believe there is involvement,
4 just based on your training and whatever you have done to be
5 involved in that case, do you introduce possibilities to them?

6 A Yes.

7 Q Is that standard?

8 A That is standard. That is producing little information
9 to gain as much as you can from the suspect that you're
10 requesting at that time, giving them very little information
11 of what your knowledge is of the case.

12 Q In an attempt to get what from the suspect?

13 A In attempt to get the truth from the suspect.

14 Q And that's what you're trying to get: The truth;
15 correct?

16 A Yes.

17 Q And as a part of the interview process -- and under the
18 law -- are you allowed to misrepresent every now and then?

19 A Yes. And what you're doing is trying to bluff the
20 suspect into telling you more of the truth once you develop
21 that -- what he's telling you is not based on the information
22 that you got.

23 Q And introducing of intentional accident in a case, why
24 would you do that?

25 A At that time -- sometimes the suspect will tend to give

1 you more information, especially if you give them a way out,
2 as if their involvement of the incident could be an accident,
3 because, at that point, you only got the side of the story
4 from the victim. You don't have the suspect's side of it.
5 And in their mindset, they may think that what they did was
6 called for.

7 Q As a part of your job and in this case, if he said he
8 wasn't there, you were attempting, if you felt he was there,
9 for him -- to give him a way to say, Hey, I was there?

10 A Yes, you are.

11 Q Is that what you were doing?

12 A Yes.

13 Q You want the truth to come out?

14 A Yes.

15 Q And, in fact, over this -- and I don't know how much you
16 got to see of this; it's been two years. But over this four-
17 to five-hour period, did the defendant change his story?

18 A Several times.

19 Q Did he change from not being there to being there?

20 A Yes, he did.

21 Q From being outside to being inside?

22 A Yes.

23 Q From not having a gun to having a gun?

24 A Yes.

25 Q From the defendant shooting himself --

1 A Yes.

2 Q -- until -- did he admit to you, around 8:20:11 on the
3 tape that, yes -- do you remember when you asked him how many
4 guns were -- how many bullets were in the gun?

5 A Yes.

6 Q And do you remember asking him how many times he fired?

7 A Yes.

8 Q And do you remember him saying, yes, that he fired one
9 time?

10 A Yes.

11 Q He told you, "I fired the gun"?

12 A Yes.

13 Q And when you first started with him, he said he wasn't
14 even there.

15 A Exactly.

16 Q Did you make him say that?

17 A I did not.

18 Q Tell these folks, did you want him to say something he
19 didn't -- that wasn't true?

20 A No, I did not. The only thing I was demanding was the
21 truth.

22 Q Now, there was something on there -- I think it was just
23 played; I know it was played earlier. I don't think he'd ask
24 about it if it wasn't played. You mentioned that the FBI was
25 outside.

1 **A** Yes, I did.

2 **Q** And was that true?

3 **A** That was not true. That was an attempt -- because at
4 that time, he was on the road -- on the verge of going ahead
5 and telling or giving more to leading him to be there. After
6 having all the knowledge and information from this victim and
7 also witnesses, with him finally putting himself there at the
8 scene himself and being involved with the fight, with the
9 victim, at that time, I felt it was time to go ahead for him
10 to finally tell the truth, whether it was telling him that we
11 had others outside to talk to him or not.

12 **Q** Let me ask you: Did you have any trouble, during this
13 interview, understanding him?

14 **A** No.

15 **Q** Did he appear to understand you when you were asking
16 questions?

17 **A** Yes.

18 **Q** And I think -- do you remember him one time saying, "I'm
19 not dumb"? If you don't, that's fine.

20 **A** I don't.

21 **Q** Did he appear to you to what was going on?

22 **A** Yes. And at one time, he called me back into the room.
23 I exit the room. He called me back into the room to talk to
24 me.

25 **Q** And do you remember -- you may not -- if you hadn't -- do

1 you remember when you asked him or you were asking him, "Did
2 we shoot?" or "Did I shoot?" Do you remember what his
3 response was?

4 A No.

5 Q You don't remember saying, "Well, y'all have shot
6 people." Do you remember him telling you that?

7 A Yes.

8 Q But who was playing with who there?

9 A He was playing with me the whole time.

10 MR. BRIDGES: Let me object. That's speculation.

11 THE COURT: Sustained.

12 Q Do you remember asking him if he got any money or needed
13 any money and that's why he did this?

14 A Yes.

15 Q Do you remember him saying "I'll give you some money if
16 you need it"?

17 A Yes.

18 Q "I'll give you money."

19 A Yes. He said his family had plenty of money and he had
20 money.

21 MR. MEADORS: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 Q Is the individual you interviewed on that video in the
24 courtroom?

25 A Yes, he is.

1 Q Would you please point him out.

2 A The gentleman sitting in the white shirt. (Indicating).

3 MR. MEADORS: Thank you. That's all.

4 THE COURT: Mr. Bridges?

5 MR. BRIDGES: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. BRIDGES:

8 Q Good afternoon, Lieutenant Ragin.

9 A Good afternoon.

10 Q While we have the video cued up, your involvement in the
11 Malik Singleton case, did you have the chance to actually
12 speak with Mr. Travis Dow?

13 A Yes.

14 Q The young gentleman that was allegedly shot?

15 A Yes. TJ?

16 Q Yes.

17 A Yes.

18 Q Where did you speak with him at?

19 A I spoke with him in his parents' house.

20 Q In his parents' house.

21 A Yes.

22 Q You actually had the separate encounter with him that was
23 not at the hospital. Because you weren't able to see --
24 Detective Bonner testified that he spoke with Mr. Dow at the
25 hospital.

1 A Okay. I spoke with him at the residence.

2 Q At his house. Okay.

3 A At his parents' house. Well, at the house. The brick
4 house. I'm assuming it's his parents'.

5 Q And he didn't give you a written statement or anything at
6 that time?

7 A No, he didn't give me one.

8 Q And he didn't mention anything -- you didn't hear this,
9 but he testified that there was actually two people at that
10 house there were armed. He didn't mention any multiple
11 individuals who he spoke to; correct?

12 A No.

13 Q Okay. And then you went from the house, I guess, back to
14 the sheriff's department, and that's where you joined in on
15 this interrogation with Detective Bonner; correct?

16 A Left the house and went to the scene, which is right next
17 door.

18 Q [REDACTED] Parkway?

19 A Yes.

20 Q Yeah. Did you ever speak with a -- his name is not
21 directly mentioned, but Malik says his little brother was
22 there. Did you ever speak with his little brother or a young
23 male individual that was there?

24 A I believe I did, the little male and a female that was
25 there.

1 Q There was no recorded statements with the little brother.

2 A I don't recall.

3 Q There was no written statements or anything like that?

4 A None that I recall.

5 Q Okay. So now we're -- and when you spoke with TJ at his
6 father's house, he didn't mention anything about this being an
7 accident?

8 A No, he did not.

9 Q And Malik did not tell you before you -- Malik did not
10 bring up the fact that it was an accident. You were the one
11 that came in and said TJ is saying it's an accident; is that
12 correct?

13 A I asked him could it have been an accident, I believe, in
14 my statement. And if it was, to let me know if it was an
15 accident.

16 Q I'm going to play that part of the video.

17 (Video plays.)

18 Q Okay. So you said to Malik there, he's saying it was an
19 accident. Who was the "he" you were referring to?

20 A I was referring to Malik trying to get -- referring to
21 the victim, trying to get out of him whether it was an
22 accident or not.

23 Q That does not sound like -- you said he's saying it was
24 an accident.

25 A I said so he's saying it's an accident.

1 Q As in TJ is saying it?

2 A Yes.

3 Q Okay. So you told Malik that TJ was saying it was an
4 accident?

5 A Yes, sir.

6 Q And TJ did not say it was an accident?

7 A No, he didn't say it was an accident.

8 Q Okay.

9 (Video plays.)

10 Q Did you just say, "If TJ shot himself accidentally"?

11 A Yeah, "If TJ shot himself accidentally, then say it."

12 Q And I don't know how much of this video you have seen,
13 but that's the first time this is introduced that TJ shot
14 himself. Malik does say later, but it's about an hour later,
15 just to -- is that accurate, from your watching the video too?

16 A Yes.

17 Q Okay.

18 (Video plays.)

19 Q Did you say that you wanted him to own up to accidentally
20 shooting his cousin?

21 A "If you own up to you accidentally shooting your cousin."
22 I didn't say you did.

23 (Video plays.)

24 Q Was that in reference to Malik's child?

25 A What was that again now?

1 Q Did you say -- oh, there's reference that -- Malik, I
2 think, is expressing concern that he's not going to be able to
3 say -- see his child again. And do you there say somebody
4 else is going to help raise that child?

5 A I said, "Could someone else possibly raise your child," I
6 believe I said.

7 Q Why would you reference his children like that?

8 A He brought his child up, and I was just inquiring about
9 it.

10 Q Inquiring about it?

11 A Yeah.

12 Q It sounds like you were asking -- you're telling him that
13 somebody else is going to raise it.

14 A Play it back.

15 Q Sure.

16 (Video plays.)

17 Q You testified earlier that your object here is to tell --
18 is to try to get the truth.

19 A Yes.

20 Q So how does telling false things to the defendant produce
21 that?

22 A It's bluffing.

23 Q So there's an element of deceit on the part of law
24 enforcement in these practices?

25 A It's all -- it's all a game in trying to get the person

1 to tell us the truth. The same game that they're playing with
2 us, we're playing with them.

3 (Video plays.)

4 Q So there, you ask him how many bullets were in the gun.

5 A Yes.

6 Q And before he answers, you say you only pulled the
7 trigger one time so that doesn't mean you intended to kill
8 him; correct?

9 A Yes.

10 Q Okay.

11 (Video plays.)

12 Q And he's asking for help, and several times throughout
13 this, he makes a statement that he wants help or he wants you
14 to help him out or something like that; correct?

15 A Play it back again now.

16 Q Well, just the fact that Malik asked, you know, for help
17 at the end of that --

18 A He was asking for God for help a few times, you know.

19 Q So he was making general statements. And I asked
20 Detective Bonner about this. On the video, he's emotionally
21 upset at various times in this interview; correct?

22 A Yes.

23 Q And he's crying, and he's making references to his
24 children as well?

25 A Yes.

1 Q Okay.

2 A It's called remorse.

3 Q And he -- just two questions. And, again, I don't know
4 if you have seen the entirety of the video, but the first
5 mention of this being an accident was from you?

6 A Yes. Following a tactical to try to get him just to
7 admit to being there or pulling the trigger.

8 Q And the first mention that TJ could have possibly shot
9 himself was from you as well?

10 A Yes, mm-hmm.

11 Q No further questions, Lieutenant Ragin.

12 THE COURT: Mr. Meadors?

13 REDIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q Did he bring up his children first?

16 A Yes.

17 (Video plays.)

18 Q Did he say, "I'd do anything to pull that bullet back up
19 I put in my cousin's head"?

20 A Yes, sir.

21 (Video plays.)

22 Q Did he say six?

23 A Yes.

24 (Video plays.)

25 Q In your time with him, he has gone from not knowing a

1 thing about it to being present?

2 A Yes, sir.

3 Q To being there when somebody else shot to actually
4 inflicting a wound himself?

5 A Yes, sir.

6 MR. MEADORS: Thank you. That's all.

7 THE COURT: Mr. Bridges?

8 MR. BRIDGES: Just extremely briefly. Just one question.

9 RECROSS-EXAMINATION

10 BY MR. BRIDGES:

11 Q So you're saying that's him saying "six bullets"?

12 A Listen to it again.

13 Q Oh, yeah.

14 (Video plays.)

15 Q Are you saying that's him saying "six"?

16 A Sounds like he was saying "six" to me.

17 Q Okay. You clearly heard "six."

18 A I heard "six."

19 Q You didn't hear him say "I didn't"?

20 A No, I didn't hear him say "I didn't."

21 MR. BRIDGES: No further questions.

22 THE COURT: Mr. Meadors?

23 MR. MEADORS: That's all.

24 THE COURT: Thank you.

25 MR. MEADORS: We'd ask the lieutenant to be excused,

1 please.

2 MR. BRIDGES: No objection to that, Your Honor.

3 THE COURT: Thank you, sir.

4 MR. MEADORS: Your Honor, if I can get the next witness,
5 just one second.

6 THE COURT: Yes, sir.

7 (Pause in the proceedings.)

8 MR. MEADORS: I'm going to get the next few witnesses
9 lined up. Investigator McCauley.

10 THE BAILIFF: Left hand on the Bible. Raise your right
11 hand. State your name.

12 THE WITNESS: Michael Thomas Mark McCauley.

13 INVESTIGATOR MICHAEL McCAULEY,
14 the witness, after having been duly sworn, was examined and
15 testified to as follows:

16 THE BAILIFF: Watch your step coming up the ramp.

17 State your name for the record and spell your last name,
18 please.

19 THE WITNESS: Michael Thomas McCauley. Last name is
20 M-c-C-a-u-l-e-y.

21 DIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q Good afternoon, Investigator.

24 A Hello.

25 Q Sergeant now?

1 **A** Yes, sir.

2 **Q** Briefly, tell me about yourself and your background and
3 training in law enforcement, please.

4 **A** Okay. I was born in Inola, Oklahoma. My dad was Air
5 Force. He eventually transferred here. He liked it here. I
6 graduated from high school, went to the University of South
7 Carolina. Following that, I was a security guard for two
8 years. A job came open at the sheriff's office. I was hired
9 in 2004.

10 I was in uniform patrol until 2014, doing ten years in
11 uniform patrol. I have been in the Crime Scene Unit since
12 2014. And since last spring, I have been the commander of the
13 Crime Scene Unit.

14 **Q** And in December of 2016, did you have an occasion to go
15 to [REDACTED] Parkway?

16 **A** I did.

17 **Q** And we have had some --

18 MR. MEADORS: May I approach, Judge?

19 THE COURT: Yes, sir.

20 **Q** We have had some pictures of just -- I'm showing you a
21 couple of them. There's State's 4. Does that look like the
22 scene that you went to?

23 **A** Yes, it does.

24 **Q** Okay. And these pictures have already been entered --
25 and this is State's 5. Did you take these pictures?

1 **A** I did.

2 **Q** And just looking at State's No. 6 for you, what does it
3 appear is outside that doorway?

4 **A** That is broken glass from, I believe, the storm door.

5 **Q** And does it appear it's coming from inside out?

6 **A** Yes. It was blown out.

7 **Q** Say that last word you just said.

8 **A** It was blown out.

9 **Q** And State's No. 7, what is that?

10 **A** That is the actual glass frame of the storm door itself.

11 **Q** Now, did you go inside?

12 **A** I did.

13 MR. MEADORS: Judge, can I get him to come down? It
14 might be easier just to -- and he'll speak up -- please.

15 THE COURT: Yes, sir. Yes, sir.

16 **Q** If you'll just speak near a mic. It doesn't matter where
17 you stand now, I guess. State's No. 15, Sarge, what is that?

18 **A** That's the glass from the inside as well.

19 **Q** And down on the bottom left of 15, what does that appear
20 to be?

21 **A** Bottom left? That's actually the glass shards.

22 **Q** Bottom right. I'm sorry.

23 **A** That's a -- looks like a computer monitor or flat screen
24 TV and a backpack.

25 **Q** Okay. And down on the bottom left, as you said, the

1 shards, explain that.

2 A That's just from the door closing, would bring more glass
3 down.

4 Q But you said it was a blowout, without question?

5 A That's what it looks like from there. Normally, it blows
6 out, depending on the weight of the glass was bowed from
7 whatever struck it to make it shatter.

8 Q Okay. Now, does it appear, based on you looking at this
9 room and every day living and maybe your living room, describe
10 this room. Does it appear to be in disarray?

11 A More or less. That stuff looks like it was put there
12 fairly recently.

13 Q And State's 14.

14 A That will be the living room from the other angle.
15 (State's Exhibit 13 was marked for identification.)

16 Q And there's a State's 13, which appears to be some
17 objects -- pink objects there. Can you tell us why you took a
18 picture of those?

19 A It seemed out of place. That was a porcelain cat that
20 had fallen and broken. The head was already up on the cushion
21 there, which means that it had probably been moved.

22 Q And State's 18, is that a closer view of what you just
23 described?

24 A It is.

25 Q And why are you taking a picture of this?

1 **A** It seemed significant at the time.

2 **Q** That appeared to be broken?

3 **A** Yes.

4 **Q** State's 21, what is that?

5 **A** That is suspected blood at the foot of the door.

6 **Q** And State's 17, it's got a placard No. 2 there.

7 **A** Yes. Same thing from a different angle with an actual
8 marker to designate what it is.

9 **Q** And including your investigation of this, how many people
10 were injured in this incident?

11 **A** To my knowledge, just the one.

12 **Q** Which would be who?

13 **A** The victim.

14 **Q** And looking at State's 17, based on your training and
15 experience -- I'm sorry --

16 MR. MEADORS: You got a problem with the cat coming in?

17 MR. BRIDGES: Oh, no.

18 **Q** Could you tell what direction these bloods appeared to be
19 going -- blood drops?

20 MR. BRIDGES: I need -- I think this requires maybe an
21 expert on blood spatter to answer that question. I don't know
22 if Sergeant McCauley's been qualified to answer that question.

23 THE COURT: Mr. Meadors?

24 **Q** Do you have any training in blood spatter?

25 **A** Just the basics from basic crime scene.

1 Q Does that appear to be blood?

2 A Yes, sir.

3 Q Does it appear to be in the door?

4 A Yes, sir.

5 Q Okay.

6 A It is on the inside.

7 THE COURT: I'll allow that.

8 MR. BRIDGES: Okay. Thank you.

9 MR. MEADORS: Your Honor, State's 24, I believe, without
10 objection.

11 THE COURT: All right.

12 (State's Exhibit 24 was marked for identification and
13 received into evidence.)

14 Q What is State's 24?

15 A This would be the porcelain cat that was photographed
16 earlier.

17 Q And that's shown as State's 18?

18 A Yes, sir.

19 Q Thank you. You can take a seat back.

20 A Yes, sir.

21 Q Were those swabbed?

22 A Swabbed, sir?

23 Q Yes.

24 A No, sir. Neither for gunshot residue nor any form of
25 DNA.

1 Q Were any prints attempted to be located?

2 A Yes, sir. I would have to check my notes, but within
3 about three days of the incident itself, the cat itself was
4 treated with cyanoacrylate fuming, which is a fancy word for
5 being put in a Super Glue chamber. The Super Glue fumes
6 adhere to, enhance, and preserve the prints and make it a lot
7 easier to lift. After that, they were dusted with silk black
8 powder, which is just regular black fingerprint powder. And I
9 took several lifts from it and submitted them to AFIS.

10 Q And were they negative results?

11 A Yes. They didn't come back to anybody that was in the
12 system.

13 Q But you tried?

14 A Yes, sir.

15 Q Was gunshot residue submitted in this case?

16 A No, it was not.

17 Q Do you know if it was lifted by Investigator Bonner?

18 A To my knowledge, no gunshot residue was collected at all.

19 Q Tell us a little bit about that. You got that -- how
20 long does gunshot residue stay on your hands?

21 A That's largely circumstantial. After -- a rule of thumb
22 is, after approximately about an hour, it's not worth taking
23 it from anybody simply due to wear and tear. People have
24 touched themselves or put their hands on their pants, any kind
25 of -- any liquids or anything they touch or handle will wipe

1 that gunshot residue off, and it just makes the test rather
2 infeasible.

3 Q If you were to wash your hands, would that take residue
4 off?

5 A That would absolutely necessitate not taking the test.

6 Q Or if you took a shower?

7 A Yes.

8 Q You wipe your hands?

9 A Yes.

10 Q If a gun --

11 MR. MEADORS: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 MR. MEADORS: Thank you. That's all.

14 MR. BRIDGES: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. BRIDGES:

17 Q Good afternoon, Sergeant McCauley.

18 A Hello, sir.

19 MR. BRIDGES: May I approach the witness real quick, Your
20 Honor?

21 THE COURT: Yes, sir.

22 Q Sergeant McCauley, these blood droplets found on the
23 scene --

24 A Yes, sir.

25 Q -- were they sent for testing, for DNA?

1 **A** No, sir. They were swabbed, but at the time, there was
2 nothing to compare it to besides the victim, so we were told
3 to hold off on sending it to SLED, to prevent tying up SLED.

4 **Q** And that was never cross-checked with anybody else that
5 it could be --

6 **A** No.

7 **Q** -- a sample or nothing like that?

8 **A** No.

9 **Q** I believe you testified to Mr. Meadors that that cat
10 figurine was tested for latent fingerprints?

11 **A** Yes, sir.

12 **Q** And there was no hits in the system for --

13 **A** None, whatsoever.

14 **Q** So as far as you know during the course of your
15 investigation, the blood and the fingerprints, there was no --
16 none of that was linked to Mr. Malik Singleton?

17 **A** That is correct.

18 **Q** Okay. And you did not find a gun on the scene?

19 **A** I did not.

20 **Q** You did not find any bullets, shell casings, or anything
21 like that?

22 **A** I did not.

23 **Q** And you said the window was blown out. So there was no
24 bullet holes in the walls or anything like that?

25 **A** Nothing that could be seen.

1 Q Thank you, Sergeant. No further questions.

2 THE COURT: Mr. Meadors?

3 REDIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q And based on your experience, is that unusual? Do you
6 always find a weapon?

7 A Only occasionally. And when we do find the weapon, it's
8 usually a homeowner's weapon that just happens to be out and
9 about.

10 MR. MEADORS: Thank you. That's all.

11 MR. BRIDGES: No redirect.

12 THE COURT: Thank you, sir.

13 May he be excused?

14 MR. BRIDGES: Yes, sir.

15 THE COURT: Have a good day, sir.

16 THE WITNESS: Yes, sir.

17 MR. MEADORS: Jimmy Dow.

18 THE BAILIFF: Place your left hand on the Bible and state
19 your name.

20 THE WITNESS: Jimmy Dow.

21 JIMMY DOW,

22 the witness, after having been duly sworn, was examined and
23 testified to as follows:

24 THE BAILIFF: Step around.

25 State your name for the record and spell your last name,

1 please.

2 THE WITNESS: Jimmy Dow. Last name, D-o-w.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q Good afternoon, Mr. Dow.

6 A How you doing?

7 Q Where are you from?

8 A Sumter, South Carolina.

9 Q Born and raised?

10 A Sumter, South Carolina.

11 Q Where did you go to school?

12 A Delane (ph).

13 Q What did you do when you got out?

14 A Worked.

15 Q Okay. Where do you work?

16 A I went to Columbia Iron Steel in Columbia for two years.

17 I worked at Santee (indiscernible) for ten. I left there and
18 went to Cutler Hamel for 30.

19 Q Okay. Did you retire from there?

20 A Yes, sir.

21 Q Are you still working on and off now?

22 A A little bit.

23 Q And where do you reside? Where do you live?

24 A [REDACTED] Parkway.

25 Q Who lives at [REDACTED] Parkway?

1 **A** My daughter, Brandy Dow.

2 **Q** And did you provide that residence from you and your
3 wife?

4 **A** Yes, sir.

5 **Q** Your wife's in the courtroom?

6 **A** Yes, sir.

7 **Q** With her permission, will you raise your hand? Not your
8 permission. Okay. Is that her?

9 **A** Yes, sir.

10 **Q** And how many children do y'all have?

11 **A** Five.

12 **Q** What's your relation to Travis?

13 **A** That's my son.

14 **Q** Where does he live?

15 **A** My son?

16 **Q** Yes, sir.

17 **A** He live with me but sometimes he do stay with my daughter
18 sometime behind us.

19 **Q** Okay. And how old is he?

20 **A** My son?

21 **Q** Yes.

22 **A** I have got five of them so...

23 I'm going to say I think he's 35. 34, 35, something like
24 that.

25 **Q** And he's working? We have already heard from him, but

1 he's working; right?

2 A Yes, sir.

3 Q Now, when this incident happened, December 16, 2016, were
4 you at your residence on [REDACTED] Parkway?

5 A Yes, sir.

6 Q Tell these ladies and gentlemen of the jury -- please
7 tell the ladies and gentlemen of this jury when you first
8 found out about this. What's the first thing that -- how did
9 this come into your world?

10 A With my son?

11 Q Yes, sir.

12 A Well, we was -- it was -- I was asleep. My son, Mario,
13 opened the door for my son, Travis. He come into the house.
14 And Mario and my son came down the hall running, and all I
15 could hear him saying, "Daddy, daddy, TJ shot. Daddy, daddy,
16 TJ shot."

17 So I jump up -- me and my wife -- and I say, "What going
18 on? What going on?" My son be bleeding like a pig, and I
19 jump up. And I said, "Son, who did this? Who did this?"

20 He said, "Dad, I'm going to die. Dad, I'm going to die.
21 Dad, I'm going to die."

22 I said, "Son, please stop that. Please stop that."

23 He, "Dad, I'm going to die. I'm going to die. Daddy, he
24 shot me. They shot me, daddy. Daddy, they shot me."

25 So I went -- I went and I grabbed my gun. I'm going to

1 admit, I did grab my gun. And my wife asked me not to go
2 outside. She said, "Jimmy, they out there. Don't go out
3 there. They out there. Whoever did it, they out there."

4 So I grab my phone, and I called 9-1-1. And the lady on
5 the phone asked me what going on, and I told her my son was
6 shot. I said I need an ambulance, I need the police, please.
7 And she start to question me about who did it. I said,
8 "Ma'am, I don't know at this time who did it," I said, "But,
9 listen, let's deal with this later." I said, "Just send me --
10 get the ambulance, get the police here. My son is bleeding
11 out the head like a pig. I need a doctor. He need to go to
12 the hospital."

13 Q Where was he bleeding from?

14 A The head.

15 Q All right. Who was staying at your daughter's trailer
16 then?

17 A Well, with my knowledge, supposed to be nobody staying at
18 my daughter's trailer but my daughter and her kids.

19 Q And your daughter is staying there. What's her name?

20 A Brandy Dow.

21 Q All right. What are the kids' names that are supposed to
22 be staying there?

23 A With Brandy?

24 Q Yes, sir.

25 A SS [REDACTED], which is my granddaughter, and TD [REDACTED],

1 Brandy's daughter.

2 Q [REDACTED] -- you call her [REDACTED]?

3 A Ma'am -- sir?

4 Q [REDACTED]?

5 A [REDACTED].

6 Q Okay.

7 MR. MEADORS: Your Honor, at this time, we would offer to
8 publish the 9-1-1 tape, which would be State's 25. Without
9 objection.

10 MR. BRIDGES: No objections from the defense.

11 THE COURT: Thank you, sir.

12 (State's Exhibit 25 was marked for identification and
13 received into evidence.)

14 (9-1-1 recording plays.)

15 Q Now, Jimmy -- Mr. Dow, is that you?

16 A Yes, sir.

17 Q Now, Mr. Dow --

18 A Yes, sir.

19 Q -- do you know the defendant?

20 A Sir?

21 Q Do you know the defendant, Malik Singleton?

22 A Yes, sir.

23 Q You said, "I don't know nobody named Malik," but you do
24 know Malik Singleton?

25 A Well, I didn't know his -- I know -- I didn't know his --

1 I didn't know -- I didn't know his last name. I know Malik,
2 but I didn't know his last name.

3 Q And how do you know Malik?

4 A Because that's my niece son.

5 Q That's your niece son?

6 A That's my niece son through marriage.

7 Q So you have known him your whole life?

8 A No, sir. No, sir.

9 Q Known him his whole life?

10 A Yes, sir.

11 Q Did Travis tell you who shot him?

12 A That night, later on, yes, he did.

13 Q What did he tell you?

14 A He told me Malik shot him.

15 Q Did you know who he was talking about?

16 A Yes, sir, I did.

17 Q Do you remember when these deputies got -- well, do you
18 remember seeing that fellow right there, Investigator Bonner?

19 A I didn't see him, but I saw the other -- the deputy
20 sheriff. I talked to him.

21 Q Black man or white man?

22 A Black guy.

23 Q Lieutenant Ragin?

24 A Sir?

25 Q Lieutenant Ragin?

1 **A** Yes, sir. Yes, sir. Yes, sir.

2 **Q** Did you talk to him?

3 **A** Yes, sir.

4 **Q** Did you tell him what --

5 **A** Yes, sir, I did.

6 **Q** (Indiscernible)?

7 **A** Yes, sir, I did.

8 **Q** Did you tell him who your son said that shot him?

9 **A** Yes, sir.

10 **Q** Did you ever go down -- you said you went to get your
11 gun. Did you ever go out of your house with your gun?

12 **A** Yes, sir, I did.

13 **Q** Did you --

14 **A** But I -- sir?

15 **Q** Did you go to your daughter's trailer?

16 **A** No, sir, I didn't.

17 **Q** You didn't see anybody when you went outside?

18 **A** No, sir, I didn't.

19 **Q** And how did Travis get to the hospital?

20 **A** The ambulance.

21 MR. MEADORS: That's all. Thank you.

22 MR. BRIDGES: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. BRIDGES:

25 **Q** Good afternoon, Mr. Dow.

1 **A** How you doing, sir?

2 **Q** I'm doing all right.

3 **A** Good.

4 **Q** You say you have known Malik his whole life. He's
5 related to you; correct?

6 **A** Yes, sir, but he didn't always live in South Carolina.

7 **Q** Was he -- was he allowed to go to your daughter, Brandy's
8 house?

9 **A** We asked him not to come.

10 **Q** You asked him not to come?

11 **A** Yes, sir.

12 **Q** And you can just answer me with a yes or no here, but you
13 were not on good terms with Malik at the time; correct?

14 **A** I had no problems with him. I just asked him not to come
15 to my daughter house.

16 **Q** Okay. You didn't want -- you didn't want him around
17 there.

18 **A** I didn't want him around my daughter's house.

19 **Q** All right. But he did go over there sometimes?

20 **A** Sometimes -- well, I guess. I can't say yes or no, but I
21 asked him not to come.

22 **Q** And on this -- we just played the 9-1-1 tape. You tell
23 the 9-1-1 operator that your son says he doesn't know who shot
24 him.

25 **A** Well, I didn't talk to my son. When my son was bleeding

1 like that, I just didn't sit there and just talk to my son. I
2 was very upset at that time. If you had a child that come
3 into your house bleeding from the head --

4 Q All right. I'll stop you there. I ask the questions.

5 A Okay. Okay. Okay.

6 MR. MEADORS: But he can finish his answer, Judge.

7 MR. BRIDGES: He was asking me questions.

8 THE COURT: I know.

9 Q But you say on the tape that he is talking a little bit.

10 A Yes, he was. But my wife was talking to him more than I
11 was.

12 Q And he said that them boys were around the house.

13 A Yes.

14 Q And they were looking for somebody named Malik?

15 A That's what they said. That's what he said.

16 Q That's what he said.

17 A Yeah.

18 Q So your son initially told you he didn't know who shot
19 him?

20 A At first he did. At first.

21 Q And the -- and he thought it was a group of boys?

22 A I don't know, sir.

23 Q Because, later -- did he tell you just that Malik shot
24 him by himself or there was anybody else there?

25 A Sir?

1 Q When -- your son later told you that Malik shot him;
2 correct?

3 A Yes, sir.

4 Q Okay. Did he say that it was just Malik or did he say
5 there was other boys there?

6 A He just told me Malik shot him.

7 Q It was just Malik. Okay.

8 And you -- on the phone, they asked you do you know
9 Malik, and you said no.

10 A Yes, sir.

11 Q Was that -- were you confused by their question or --

12 A Well, I was confused -- I was -- yes, I was. It was 2:00
13 in the morning. Me and my wife were asleep.

14 Q And just to reiterate, the first time TJ told you who
15 shot him, you said he didn't know who shot him?

16 A Sir? Say that again.

17 Q Just to bring back around to what I asked the first time,
18 TJ told you who shot him. He said he didn't know who shot
19 him.

20 A He wasn't talking to me a lot.

21 Q But on the tape, you said that he was talking.

22 A A little bit, to my wife. I wasn't -- I didn't sit
23 there -- I didn't stay there and talk to him the whole time.
24 My wife did.

25 Q But he was saying that he didn't know who shot him when

1 he was talking to you at first; correct?

2 A Yes.

3 Q Okay. And he said it was some boys that came by the
4 house?

5 A That's what he said.

6 Q No further questions, Mr. Dow. Thank you.

7 A Thank you.

8 THE COURT: Mr. Meadors?

9 MR. MEADORS: No further questions. Thank you.

10 THE COURT: Thank you, Mr. Dow.

11 MR. MEADORS: JK .

12 THE BAILIFF: Place your left hand on the Bible. Raise
13 your right hand. State your name.

14 THE WITNESS: JK .

15 JK ,

16 the witness, after having been duly sworn, was examined and
17 testified to as follows:

18 THE BAILIFF: Don't shake your head. Just --

19 THE WITNESS: Yes.

20 THE BAILIFF: There you go.

21 Walk around. State your name for the record and spell
22 your last name, please. And talk into the mic. Turn around.

23 THE WITNESS: My name, JK . JK .

24 DIRECT EXAMINATION

25 BY MR. MEADORS:

- 1 Q Good afternoon, JK. And if you'll just talk into
2 here so the people can take it down and these folks can you
3 hear you, please.
- 4 Can you tell these folk about you? How old are you?
- 5 A Seventeen.
- 6 Q Are you in school?
- 7 A (No audible response.)
- 8 Q And you have to say yes. Not for me --
- 9 A Yes.
- 10 Q -- but just so she can take it down and they can hear it,
11 please.
- 12 A Yes.
- 13 Q Where do you go to school?
- 14 A Lakewood High School.
- 15 Q And what year are you?
- 16 A Year?
- 17 Q What grade are you in?
- 18 A 11th.
- 19 Q 11th grade?
- 20 A (No audible response.)
- 21 Q All right. And who -- how do you know Travis?
- 22 A That my cousin.
- 23 Q Travis Dow?
- 24 A (No audible response.)
- 25 Q And the defendant is your what? Mr. Singleton.

1 A Oh, that my brother.

2 Q That's your brother.

3 And on the night all this happened, where were you
4 staying?

5 A I wasn't in.

6 Q You weren't there?

7 A (No audible response.)

8 Q You weren't there at all, is that what you're saying?

9 A (No audible response.)

10 Q You have to say no.

11 A Hmm?

12 THE COURT: Ma'am, you need to say yes or no.

13 THE WITNESS: Yes.

14 Q Do you remember giving a statement to Investigator Bonner
15 at 4:15 that morning at that residence? Do you remember
16 giving him the statement?

17 A Yes.

18 Q And is your name JK ?

19 A Yes, sir.

20 Q Is that your name down there at the bottom?

21 A Mm-hmm.

22 Q And you have to say yes. Not for me --

23 A Yes.

24 Q I do this for everybody. It's not just you, I promise.

25 And up here at the top, is that JK ?

1 A Yes.

2 Q Did you write that in there?

3 A No, that right there ain't my handwriting.

4 Q That's not your handwriting?

5 A No. That is.

6 Q Is that your handwriting here? Is that the statement you
7 gave?

8 A Yes.

9 Q So you were there that night?

10 A No.

11 Q Okay. So you deny saying you were there that night?

12 A (No audible response.)

13 Q You have to say you denied it.

14 A Yes. Yes.

15 Q So you deny that you said you were there that night;
16 right?

17 A (No audible response.)

18 Q And did you see Malik with a gun that night?

19 A No. My brother don't got a gun.

20 Q Did you see Malik in a struggle with TJ or --

21 A No, sir.

22 Q So you deny that you told that to Mr. Bonner?

23 A Yes, sir.

24 Q Okay.

25 MR. MEADORS: Your Honor, under 16-13-B, I think I'm now

1 allowed to ask her about this as extrinsic evidence of the
2 State that she gave that she was there, with your permission.

3 THE COURT: That's fine.

4 Q I'm going to show you what's marked State's No. 12.
5 Okay? And you said you signed that; right? It says, "Me and
6 my mama and Brandy was coming back from the store. I got out
7 in the car and went in the house, and Brandy and my mama left
8 and went to McDonald's." Do you remember that?

9 A No.

10 THE COURT: Ma'am, please say yes or no.

11 A No, sir.

12 Q So that's not your handwriting?

13 A It is, but I don't remember, like, saying that stuff.

14 Q Okay. "And I was standing in the kitchen --"

15 A But we did, I went to McDonald's.

16 Q "I heard noises on the front porch, and that was when I
17 left out and opened the door." Do you remember saying that?

18 A Yeah.

19 Q "That's when him and Malik started fighting." Do you
20 remember saying that?

21 A No, because they didn't ever fight.

22 Q "And soon as I seen Malik pull out his gun, I took off
23 and ran into the room."

24 A No.

25 Q Now, that's your words you wrote, isn't it?

1 A Yeah, but I don't remember, like, saying all of that.

2 Q Well, what time does it say you did say that? 4:15?

3 That's 4:15, isn't it? Is that right, by your name?

4 A No, sir.

5 Q Look at -- this isn't even being here, is it?

6 A (No audible response.)

7 Q And you're here under subpoena, aren't you? I mean, you
8 didn't choose to be here, did you?

9 A No, sir.

10 Q After it says, [As read:] "I see Malik pull out his gun,
11 I took off and ran in the room and that Malik was gone and --"
12 what's that say there? Looks like part of it's scratched out.

13 A "And saw."

14 Q "And saw?"

15 A Saw.

16 Q "And saw" -- is that all? "Saw was TJ"? "All I seen was
17 glass and blood."

18 A Yeah.

19 Q And that hadn't been there -- was that there before the
20 gunshot?

21 A Like -- okay, look. When we went to McDonald's and came
22 back, it was, like -- it wasn't even long. When we parked in
23 the backyard and we went -- I went in the house, and my mama
24 and Brandy was still outside. When I went in the house, it
25 was, like, glass and blood, like, by the front door.

1 When we left, all the little kids, like everybody was
2 sleeping in the living room. We left and went to get the kids
3 food anyway because they was hungry. My mama and them ain't
4 never came back to get them. So I called them and told them
5 to bring us some food. And then they didn't bring us no food.
6 They just came to get me so I could go get the food and bring
7 it back.

8 And then when I went back in the house, I seen, like,
9 blood and stuff that was at the front door. So I went and
10 opened the front door, and I ain't had seen nobody. And I
11 started asking TD and them -- I asked them, like, Y'all
12 ain't hear no gunshot or nothing? They was like, No.

13 MR. BRIDGES: Objection to hearsay. Well, TD's
14 already testified, but she can't testify to what anybody else
15 has said.

16 THE COURT: Sustained.

17 A What did he say?

18 Q You can't say what somebody else said unless it's Malik.
19 I mean, if you --

20 All right. But, in here, you said these are your
21 handwriting, and you saw Malik with the gun. Now, Malik with
22 the gun -- Malik wasn't there when they went to McDonald's;
23 right?

24 A No, nobody was there.

25 Q He came in after they went to McDonald's, didn't he?

1 **A** I don't know if he was there, but they told -- like,
2 after -- like, when the policeman was there, they was
3 asking -- the man asking me -- some fat man, he was like, "Is
4 Malik your brother?" And I was like, "Yes."

5 And then he told me that, "Well, you know, everybody" --
6 and he's like, "You know, everybody is saying that's your
7 brother and stuff like that."

8 MR. BRIDGES: Objection to hearsay.

9 THE COURT: Sustained.

10 **Q** Let me just ask you then. "I seen Malik pull out a gun."
11 You had to be in the house to see that, didn't you?

12 **A** (No audible response.)

13 **Q** Is that a yes?

14 **A** Yes, sir.

15 **Q** Okay. "I took off and ran in the room and all I seen was
16 glass and blood." That's where we left off before; right?
17 Right?

18 **A** Yes, sir.

19 **Q** And these are your letters you wrote with your hand;
20 right?

21 **A** (No audible response.)

22 **Q** "Earlier that day, he had asked me and **TD** -- and he
23 said did we want to make \$100 and I was like, What is it? And
24 he said, It good but then it's not good. So I was like, No,
25 I'm good. A few hours passed, and he called **TD** phone

1 asking for it, and I told him that I was busy."

2 Is that when he asked you and TD to let him know when
3 TJ was there, and y'all said, I'm not going to do that?

4 A No. He had asked us, like, did we want to make \$100
5 first.

6 Q And you turned down making \$100?

7 A Yeah.

8 Q What was the \$100 for?

9 A I don't know.

10 Q You didn't even ask him what it was for?

11 A No.

12 Q But you don't deny that it's your words that wrote, "He
13 had a gun. They were tussling, and I see Malik pull out his
14 gun and I took off in the room"? Those are your words?

15 A I write that, but...

16 MR. MEADORS: Your Honor, we'd offer State's 12.

17 THE COURT: Yes, sir.

18 MR. BRIDGES: No objection.

19 THE COURT: All right, sir.

20 (State's Exhibit 12 was received into evidence.)

21 Q And is Malik, your brother, with the white shirt on?

22 A (No audible response.)

23 MR. MEADORS: Thank you. That's all I have.

24 MR. BRIDGES: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. BRIDGES:

2 Q Good afternoon, JK .

3 A Hey.

4 Q So what you're saying today is you did not see Malik at
5 the house that night?

6 A No. I only, like, say he was there because, like, when
7 it happened, they, "Oh, TJ dead." And his brother, "Oh, Malik
8 did it. Malik did it." And I just was like....

9 Q Okay. But when you saw the blood and glass, that was
10 after everybody left? Is that what you're saying?

11 A No. Like, when we came back from McDonald's and I went
12 in the house to get them the food, that's when I saw the glass
13 and blood.

14 Q But you yourself never saw Malik and TJ fight?

15 A No.

16 Q And you never saw Malik with a gun?

17 A No.

18 Q Okay.

19 MR. BRIDGES: Thank you. No further questions.

20 THE COURT: Mr. Meadors?

21 MR. MEADORS: That's all we have.

22 THE COURT: Thank you, ma'am.

23 MR. MEADORS: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 Ma'am, you may have a seat. You're through.

1 MR. MEADORS: Your Honor, the State of South Carolina
2 rests.

3 MR. BRIDGES: We have matters of law to attend to, Your
4 Honor.

5 THE COURT: All right, sir.

6 Members of the jury, I'm going to ask you to return to
7 your jury room while I deal with some legal matters. I ask
8 you please not to discuss this case. Do not yet begin your
9 deliberations. We will be with you shortly. Thank you.

10 (The jury exited the courtroom at 3:42 p.m.)

11 THE COURT: Mr. Bridges?

12 MOTION FOR DIRECTED VERDICT

13 MR. BRIDGES: I was making sure that door is closed.
14 Your Honor, at this time, defendant moves for a directed
15 verdict under Rule 19.

16 From the evidence that was presented, there was no
17 medical evidence about a firearm being used. There was
18 witness testimony, but there was no physical recovery of a
19 firearm. There was certainly differing accounts about what
20 happened, inconsistent statements from the victim himself.

21 He would just contend that the -- there's been a lack of
22 sufficient evidence presented for this case to go to the jury,
23 and we'd request a directed verdict on the attempted murder
24 charge, Your Honor.

25 THE COURT: Yes, sir.

1 Mr. Meadors.

2 MR. MEADORS: May it please the Court, Your Honor. And
3 under the rule, my evidence -- there's ample evidence or
4 direct evidence from the victim that the defendant shot him.
5 Several other witnesses that, at least circumstantially, he
6 called and asked them to tell them when he could come outside.

7 Judge, under the law, there don't have to be the injuries
8 (ph) for attempted murder. As far as intent, this is a "hand
9 of one, hand of all" case. You have got co-defendant --
10 uncharged co-defendant yelling "shoot him, shoot him." He
11 shoots him, and he shoots him in the head. There's the
12 inference of malice from the use of a deadly weapon.

13 The defendant also admits, although he says it's an
14 accident, even though an accident, we don't think, would even
15 be appropriate in this case because he admits that he's with
16 some folks, attempting to rob him, which would throw accident
17 out the door, but he admits to shooting him.

18 But we do think there's a -- under any evidence, there's
19 evidence of an intent to kill -- a specific intent to kill of
20 somebody who is running out the door and one of the
21 individuals involved in the crime says "shoot him," and this
22 defendant shoots him. He's identified. And then the
23 inference from malice, we do, respectfully, think there's
24 enough to go forward on an attempted murder at this time.

25 Thank you.

1 THE COURT: Any reply, Mr. Bridges?

2 MR. BRIDGES: If you seek to deny my motion, I would just
3 request that you consider a lesser-included jury charge of the
4 assault and battery statute, which is allowed under the
5 statute of South Carolina.

6 THE COURT: Yes.

7 Well, by all means, Mr. Bridges, I would have made the
8 same motion if I were you. However, I do find there's enough
9 evidence for it to go to the jury, so I do, with all respect
10 to you, sir, deny the motion.

11 Now, gentlemen -- Mr. Bridges --

12 MR. BRIDGES: Yes, sir. I think it's probably time to do
13 the colloquy with my -- with Mr. Singleton.

14 THE COURT: Okay. Mr. Singleton, stand up, sir.

15 Mr. Singleton, you are the defendant in this trial, and
16 you have the right to remain silent. You do not have to take
17 the stand, but you may if you want to.

18 Have you discussed this with your very good lawyer about
19 what you wish to do? Sir?

20 THE DEFENDANT: Yes, sir. Yes, sir.

21 THE COURT: All right. Now, do you understand, if you
22 take the stand, your lawyer gets to ask you questions?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: But so does the State's lawyer, the
25 prosecutor, Mr. Meadors. He gets to ask you questions also.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And they get to take turns at you.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, have you made a decision about whether
6 or not you wish to testify? And by the way, sir, I have an
7 instruction to the jury here that if you choose to not
8 testify, that they're not to hold that against you in any way,
9 to make no inference about it whatsoever.

10 THE DEFENDANT: Yes, sir. I'm probably not going to
11 testify.

12 THE COURT: Sir? I can't --

13 THE DEFENDANT: No, sir. I'm not going to testify.

14 THE COURT: You do not wish to testify. All right.

15 Mr. Bridges, have you and your attorney -- your client
16 talked about this, sir?

17 MR. BRIDGES: Yes, Your Honor, both today and in previous
18 days and in some weeks before this trial. We have discussed
19 it at length.

20 THE COURT: All right. Mr. Bridges, are there any
21 questions that you would like to ask your client about this
22 decision?

23 MR. BRIDGES: No, I'm comfortable that we have discussed
24 this issue thoroughly.

25 THE COURT: Back to you, Mr. Singleton. Is this what you

1 wish to do?

2 THE DEFENDANT: Not testify? Yes, sir.

3 THE COURT: All right. Is anybody forcing you to not
4 testify?

5 THE DEFENDANT: No, sir. Just want the truth to come
6 out.

7 THE COURT: All right. And you're making this decision
8 freely, voluntarily, and knowingly? In other words, you know
9 you had the right to testify if you want to; right?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Or not testify. Correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right, sir. Thank you very much.

14 Mr. Bridges, anything along those lines? Anything else?

15 MR. BRIDGES: Oh, no, that's the final one. Thank you.

16 THE COURT: Okay. Mr. Bridges, do you plan to call
17 anybody to the stand?

18 MR. BRIDGES: No, Your Honor. I had --

19 You can have a seat.

20 I had Mr. Jimmy Dow under subpoena, but the State called
21 him, so I will rest when we resume. I think we're only on the
22 question of jury charge now at this point, Your Honor.

23 THE COURT: Okay. I have, from probably the best law
24 clerk in South Carolina, a stack of charges here, but I want
25 y'all to look over it first. And then make any additional

1 arguments about that. That's my method. I'd rather get y'all
2 together outside of the courtroom and let you look at it
3 together.

4 In fact, why don't we do that now and then, when you get
5 through doing that, let's talk in the back here. All right?

6 MR. BRIDGES: Yes, sir.

7 MR. MEADORS: Yes, sir, Your Honor.

8 THE COURT: Here you go. And I'll be in my room. And
9 we'll stand at ease.

10 (A brief recess was taken from 3:58 p.m. to 4:16 p.m.)

11 (The jury entered the courtroom at 4:17 p.m.)

12 THE COURT: Would you go tell those lawyers I need -- if
13 they would come here.

14 THE BAILIFF: The lawyers?

15 THE COURT: Yes, sir, please. They're in my room.

16 (Pause in the proceedings.)

17 THE COURT: I simply wanted y'all present.

18 Members of the jury, I have some legal matters I need to
19 address with these very good lawyers so -- and I don't want to
20 start something and stop it in midstream. So we're going to
21 let you go for today, but I need you back in the morning at
22 9:30 when you will hear from them, you'll hear from me, and
23 then you will decide this case. 9:30.

24 Do not talk about the case with anyone. Do not
25 deliberate. Don't discuss it with anyone, please. Thank you.

1 (The jury exited the courtroom at 4:19 p.m.)

2 THE COURT: Thank you, y'all. See you in the morning.

3 Oh, Mr. Bridges, he's still in custody.

4 (At 4:20 p.m., the proceeding on Trial Day 3 concluded
5 until January 18, 2019, at 9:30 a.m.)

6 * * * * *

7 (On January 18, 2019, at 9:53 a.m., Trial Day 4 commenced
8 as follows:)

9 THE COURT: Mr. Meadors and Mr. Bridges, do y'all want to
10 review the "hand of one, hand of all" charges?

11 (Pause in the proceedings.)

12 THE COURT: Mr. Meadors, Mr. Bridges, would y'all look
13 over the verdict form, please.

14 (Pause in the proceedings.)

15 THE COURT: Gentlemen, are we ready for the jury?

16 MR. BRIDGES: Your Honor, I think the only matter of
17 business, when the jury first comes in, is I have to renew my
18 motion and then rest on the record.

19 THE COURT: Okay.

20 MR. BRIDGES: So, yeah, that's all that's going to happen
21 from my end.

22 THE COURT: All right. You can get the jury.

23 (The jury entered the courtroom at 10:09 a.m.)

24 THE BAILIFF: The jury is all present, Your Honor.

25 THE COURT: All right. Ladies and gentlemen of the jury,

1 I'm going to give you another chance to be angry with me.
2 Despite my best intentions to start at 0930 this morning, let
3 me tell you why we didn't. I don't believe you should be kept
4 in the dark about things -- and it's a personal matter -- but
5 I have got to go to school later today, tomorrow, and Friday.
6 What's today? Wednesday?

7 THE BAILIFF: Thursday, Your Honor.

8 THE COURT: Well, I have got to go today and tomorrow.
9 So I have a puppy that I couldn't leave at home alone, so I
10 contacted a certain boarding place here locally and was told,
11 Sure, we'll take him but it's -- he won't be in a kennel;
12 he'll be mixed in with all the other dogs. And I said, No,
13 we're not doing that. I'm not going to leave my puppy with a
14 yard full of or fence full of dogs much, much bigger than he
15 is. He's only 12 pounds. He's a Dachshund. So I couldn't
16 take that risk.

17 So I did find a kennel that separates by animal. So I
18 rushed out and did that. Then I get back and all of a sudden,
19 through no one's fault, had to hear a probation violation that
20 I had to hear just now.

21 So I'm sorry we're starting late, but blame me. Don't
22 blame the lawyers or anybody else, but blame me. There's an
23 old adage about courthouses, kind of like what I heard about
24 the military: Hurry up and wait. So I'm sorry.

25 Mr. Bridges.

1 MR. BRIDGES: Thank you, Your Honor. At this time, I
2 renew all my pre-trial and during-trial motions and
3 objections.

4 THE COURT: Yes, sir.

5 MR. BRIDGES: At this time, the defense rests, Your
6 Honor.

7 THE COURT: All right. Mr. Bridges, again, I, with all
8 due respect, deny your motions, sir, for the reasons already
9 stated.

10 Gentleman, ready?

11 MR. MEADORS: Yes, sir. May it please the Court.

12 THE COURT: Yes, sir.

13 CLOSING ARGUMENT

14 MR. MEADORS: Mr. Bridges, Mr. Little.

15 If it had been that much farther, he'd be dead. It
16 doesn't get any more serious than this case. He's not dead,
17 thank God, but now it's time for y'all to decide what happened
18 and is anybody responsible.

19 Ladies and gentlemen, thank you and good morning. Thank
20 you for being here these last few days. Thank you for your
21 attention. Being a juror is not an easy job, but without all
22 of you, we wouldn't have the system we have. Thank you for
23 being here. Thank you for your attention.

24 I didn't sit there and stare at y'all during the trial.
25 I'm not a jury watcher, try to read you. I don't do that.

1 But when I did glance over, I saw that everybody was
2 listening. And it may not have been easy to sit for hours and
3 look at that tape, but y'all did. You looked at it and you
4 evaluated it. And now, you're going to decide what it all
5 means. So thank you for being here. Thank each and every one
6 of you.

7 My job now is -- this is called closing arguments, and
8 I'll try to be as brief as I can. When I get through,
9 Mr. Bridges will come up and be allowed to talk to you.
10 Closing arguments gives us a chance to tell you what the law
11 is, and again, His Honor is the law and will instruct you on
12 the law when we finish. And it also allows us to argue the
13 reasonable -- the facts and the reasonable inferences from
14 those facts and what we think they mean. But y'all know who
15 finally decides what they mean, is all of you. You decide on
16 what the facts mean and what they establish.

17 And you do that, as I said, through your ears, your eyes
18 in watching, and what developed in this courtroom. And you
19 know. I think you-all know now, but the law will tell you and
20 the judge will tell you, you can't make up your mind or decide
21 until you-all go back there in the jury room, after you have
22 been charged the law, and then you'll be able to discuss the
23 case. Because you haven't been able to discuss it yet. And I
24 know that's going to be tough. And these closing arguments, I
25 have always thought the name was crazy because that implied an

1 argument. And you might say, Well, John, what about this?
2 What about that? Well, it's not.

3 But when y'all get back there, y'all will be able to
4 discuss all of it. It's called presumption of innocence. I'm
5 going to talk about it in my end, too. And it's a beautiful
6 body of law. The defendant, as all defendants are, are
7 presumed innocent unless and until you, the jury, find the
8 State has met their burden beyond a reasonable doubt. And
9 that presumption of innocence stays -- it's like a blanket
10 when it gets cold, like a coat. It stays with the defendant
11 all the time, all until you get back to the jury room. And
12 then the jury, you, as you start evaluating the evidence,
13 begin to take off that cloak of innocence, that blanket, if
14 you will, as you go over the evidence and you decide if the
15 State has met its burden. And when the blanket's off, the
16 State has met its burden, if you so find it.

17 Now, you weren't told this at the outset but I'm going to
18 tell you now: The defendant is charged with attempted murder,
19 but there are also some other what's called lesser-included
20 offenses that, under the law, you're going to be able to
21 consider. I want to be clear: The State believes there's
22 only one charge that's appropriate, and that's attempted
23 murder. That's what we're asking you to come back with.
24 That's what we believe the evidence will show.

25 But you're going to have the option, the right, to

1 consider some other charges. It's your decision. But as I'm
2 going over this, I won't give you any indication that I think,
3 based on the evidence, it's anything other than attempted
4 murder. But that's going to be y'all's decision.

5 What's attempted murder? Attempted murder is the
6 intentional killing -- excuse me. An intent to kill another
7 person. It almost was a killing. But it's an intent to
8 kill -- an intent to kill another person with the intent to
9 kill them. And the law -- we can't -- we can't cut open his
10 mind, his skull, and look in the brain -- you can't do that of
11 anybody -- and see what their intent was. That's impossible.
12 But the law says, in attempted murder cases, we have to prove
13 to you specific intent. The judge will charge you that, that
14 on December 14th, he intended -- Malik Singleton intended to
15 kill Travis Dow and that he did it with malice. And that's
16 what you have got to consider.

17 He's in the house of somebody else. It's not his house.
18 He's trying to rob him. Somebody yells "shoot." And what
19 does he do? He shoots. His finger, his mind, his finger, his
20 mind told him to pull, and he pulled the trigger. That's
21 all -- malice has existed just in that instant. You don't
22 have to plan it. It's that instant. "Shoot," and he does it.

23 Is that specific intent? Didn't shoot him in the leg.
24 Didn't shoot him in the foot. Didn't shoot him in the
25 buttocks. Shot him in the head. Do you have to be aiming up

1 to shoot somebody in the head? Raising your arm and pointing
2 and shooting right there? Is that specific intent?

3 You can never look in somebody's mind. But he said he
4 was a few feet behind him, and look where that bullet -- he's
5 heading out the door, opening the door, looking around. Thank
6 goodness he looked around. If he just went at him, he might
7 have got shot in the back of the head. I'm glad he's still
8 here. That doesn't lessen what he did. He shot him in the
9 head.

10 We think that shows specific intent. That's going to be
11 up to y'all. And the law does not require that, for intent to
12 murder, you be hurt to any extent. It doesn't matter what
13 your injuries are, if any. You don't have to be hurt at all.
14 I'm going to kill you or I'm shooting at you and I miss. If
15 you believe we have an intent to kill and we missed, that's
16 enough for attempted murder. You don't have to have big
17 injuries. I don't know if they'll even argue that, but you
18 don't have to have injuries at all.

19 Thank goodness they weren't worse. That's nothing he
20 did. Whatever kept that going to his head, I don't know.
21 That's attempted murder. That will be up to y'all.

22 You also are going to be allowed to consider assault and
23 battery of a high and aggravated nature. The judge, again, is
24 the law. And I'm going to be very brief on this, but assault
25 and battery of a high and aggravated nature is the unlawful

1 injury of another person and great bodily injury to another
2 person results or -- you don't have that -- the act is
3 accomplished by means likely to produce death or great bodily
4 injury. Likely to produce. Shooting somebody in the head
5 with a gun? Yes. If it would have been just a little bit
6 more, he'd be dead or seriously injured. Doesn't have to be
7 great bodily injury. That is not the law. If it could have
8 or likely could have. Not in his foot. Not in his rear.

9 That's assault and battery of a high and aggravated
10 nature. The State submits it's attempted murder, but you're
11 going to be able to consider ABHAN, if you consider anything
12 at all.

13 The judge will also charge you assault and battery in the
14 first degree. You know what that is? Unlawfully injuring
15 another person. There's one part where this doesn't apply:
16 Unlawful touching of another. But that's not the case here.

17 It occurred during the commission of a robbery, burglary,
18 kidnapping, or -- and this is an attempted robbery -- wasn't
19 charged with it, doesn't have to be charged with it. They
20 were there to rob him. So it occurred during a robbery. They
21 didn't get any money. That doesn't lessen the fact they were
22 there trying to get money. He fought back. He tussled.
23 That's the only reason they didn't get the money.

24 Unlawful injuring another person in the act occurred
25 during the commission of a robbery, burglary, or kidnapping

1 or -- or -- I know this is crazy -- attempting -- offering or
2 attempting to injure another person with the present ability
3 to do so, and the act is accomplished by means likely to
4 produce death or great bodily injury. Shot him in the head.
5 Clearly this applies. Clearly this is it, but we're saying
6 this isn't it. We're saying this is attempted murder. But
7 you'll be able to consider these lesser offenses.

8 And I have to tell you this: I don't know if they'll
9 argue it or not: Or unlawfully injuring another person and
10 the act occurred during the commission of a robbery, burglary,
11 kidnapping. So it fits a couple of three in there: Unlawful
12 injuring another, present ability to do it, likely to cause
13 great bodily injury, or it occurred during a robbery. So
14 that's aggravated burglary.

15 MR. BRIDGES: Your Honor, I would -- I have an objection
16 to -- this is not a robbery case. There's not a robbery
17 charge. And I think you can make that inference.

18 MR. MEADORS: Your Honor, this is a robbery case. He
19 tried to rob him. He didn't charge him. That doesn't matter.
20 He tried --

21 Use your common sense. What did they go there for?

22 THE COURT: I'm going to overrule it.

23 MR. MEADORS: Oh, I'm sorry. I apologize.

24 How many times did he say, finally, Well, we talked about
25 it, heard he has money. They went over there -- well, I

1 didn't know at first, but then I talked to him about it.
2 Yeah, but I didn't realize they were talking about him. They
3 were going to rob him. That's A and B first.

4 And then finally -- and please don't -- you're going to
5 do what you want to do, and I respect the system and I thank
6 y'all for listening. I just don't want to keep -- I think --
7 we think the evidence shows attempted murder, but you're also
8 going to be able to show -- consider A and B second. If you
9 think it's A and B second, let him go. That's up to y'all.
10 That's up to y'all.

11 A and B second, unlawful injuring or an offering or
12 attempting to injure another person with the present ability
13 to do so and moderate bodily injury to another person results
14 or could have resulted. Those are the options you're going to
15 have.

16 And not guilty. That's the other option you have. You
17 believe that this didn't happen, that he didn't shoot him,
18 that he was there to cause harm, to try to rob him, then your
19 other option is not guilty. Attempted murder. Assault and
20 battery of a high and aggravated nature. Assault and battery
21 first degree. Assault and battery second degree. Not guilty.
22 That's what you'll be able to consider. And it's got to be
23 unanimous. It's got to be unanimous.

24 And all we ask is, when you get back there, is use your
25 common sense when you're discussing, when you're looking at

1 the evidence, when you're considering the evidence. Beyond a
2 reasonable doubt is the State's burden. You can never prove
3 anything beyond a reasonable doubt. Sometimes questions are
4 just questions. It doesn't mean they're reasonable degree.
5 If a witness wasn't called, use your common sense. Use your
6 common sense if there are questions out. Just because of a
7 question doesn't mean they're reasonable doubts. You don't
8 come here looking for reasonable doubts. You don't come here
9 looking to convict. You're like Lady Justice. You're blind.
10 You're looking -- and like in Richland County, you want
11 justice to direct your course.

12 Now, you'll drop that little blindfold sometime and watch
13 body language -- there's a lot of it in this trial -- to see
14 the body language, to see -- you can tell sometimes, I think.
15 Respectfully, I think you can tell. Where? Through body
16 language. But you saw all that. And that's what you'll
17 decide.

18 That's what the law is. And the judge will tell you much
19 more eloquently than I just did all those that you'll have a
20 right to consider. There's also something else in the law
21 called the "hand of one is the hand of all." If two or more
22 people, with a common -- with a plan, agree to go do an
23 unlawful act, the act of one is the act of all. We believe it
24 was shown beyond a reasonable doubt he's the shooter. He
25 finally admitted to it. I'll go over that in a minute.

1 But if somebody is out there and says, Well, what if
2 somebody else shot? He's just as guilty. He shot him. Tried
3 to say somebody else -- tried to say he wasn't even there.
4 But if somebody else was there and shot and he was part of the
5 plan to rob him, he's just as guilty. He's guilty under that
6 theory as the theory he shot him. The hand of one is the hand
7 of all. The act of one is the act of all.

8 You can't go help commit a criminal act and be a part of
9 it and then say, Woah, I didn't actually do it, so you can't
10 hold me accountable. Well, yes, sir, yes, ma'am, you are,
11 under the law. He did it this time. I'm not saying that
12 applies. But if somebody says, "Well, what if somebody else
13 did it?" If you proved he was a part of it, the plan, he's
14 just as guilty. The classic -- classic example is, if you go
15 to rob a place and there's a lookout outside and the person
16 goes in to rob and they end up killing the person behind the
17 counter, both people are guilty of murder, if a jury believes
18 it. You're just as guilty of the consequences of an unlawful
19 act. That's another body of -- another charge, as the judge
20 will tell you about.

21 I don't know if I have ever had a case where the
22 credibility was more the key issue in a case than this one.
23 Y'all have seen it all. You have seen it all. Now, Travis --
24 this case is about choices, accountability, and
25 responsibility. Choices, accountability, and responsibility.

1 My dad taught me when I was little, your greatest power is
2 your power to choose. That's what we all have. We choose
3 what we do. How we treat each other, how we treat our wives,
4 how we treat our children, what we do in life. Do we drink
5 too much? Do we do something wrong? You got the power to
6 decide. Are you nice to people? But you have got to suffer
7 the consequences too.

8 Choices, accountability, responsibility, that's what this
9 case is about. He made a choice to go rob him. Didn't want
10 to accept responsibility. He did a little bit here then, at
11 the end, he tried to back up again. Robbing his own family.
12 Robbing his own family.

13 Now, Travis is not sophisticated, and I don't mean that
14 in any bad way towards him. Don't mean that in any bad way.
15 He works hard. Cleans produce. Been working his whole life.
16 Got a little money. Got a little money from an auto accident.
17 That word got around Wedgefield. Travis has got a little
18 money. Don't know if Travis talked about it or not. Where
19 you got it? I keep it in my pocket.

20 The defendant, at least one of his friends, decides
21 they're going to rob him the night before. This happened on
22 December 14th, 2016. The night before, Travis says he sees
23 the defendant outside. "Give it up." "Malik, is that you?"
24 He says he changes his voice. "Oh, that's not Malik." And I
25 think Mr. Bridges asked him, "Did you call the police?" What

1 did he do? "I went and locked the door. I was scared."

2 That's how he handled it. "I went and locked the door."

3 Did he tell somebody else about it? Yeah, told TD
4 the next day. That's in the statement you'll have back there.
5 He came up there in a mask, trying to get the money.

6 "Was it your cousin?"

7 "That was my cousin."

8 He's thinking about it the day before, was there the day
9 before. Yeah, that was my cousin out there. "Why didn't you
10 call the police?" "I locked the door." That's the way he
11 handled it.

12 He's a little -- he's just -- that's the way he handled
13 it. Don't hold that against him that he didn't call the
14 police. He locked the door and went inside. Told his niece
15 about it the next day.

16 Well, let's go to the next day. Family's at the house.
17 And what happened -- we don't have to prove premeditation, but
18 I can't -- this goes to that intent, I think. That's up to
19 y'all. And you can't make this up, we submit. He's calling
20 TD -- and I'm sorry; I can't pronounce her name --

21 TD, and saying, "Hey, I'll give you \$100. Let me know
22 when he's there." Says he's texting her the next day. "Let
23 me know when he's there." I mean, why he is doing that?
24 Ain't he and his friend going to come rob him? "Let me know
25 when he's there." "No, I'm not -- I'm not going to do that."

1 I'm not going to take \$100?

2 And his sister, she's just, "Yeah, me and JK -- trying
3 to get me and JK both to let him know when TJ was there."
4 Now, JK backs up on that -- and I'll get to that a little
5 bit later -- but she said, "I don't even know what the \$100
6 was about." Are you kidding me? You're in high school and
7 somebody is going to offer you \$100? I'll take \$100 right now
8 if somebody says -- I'm going to ask you what's it for. She
9 knew what it was for, and they weren't going to do it. But
10 he's thinking about it and planning it and trying to plan the
11 robbery.

12 Well, with Brandy -- somebody else left to go to
13 McDonald's. And do you remember what TD -- I'm sorry,
14 if you're in the courtroom, the family -- I said, "TD ,
15 how long was it after they went to McDonald's that they came
16 in?" It wasn't long. Four minutes. Do you think they were
17 pacing it out and as soon as his mama left, that's when they
18 came in? Does that make sense? That's that circumstantial
19 evidence.

20 TD ain't making anything up. Did you see her?
21 She's not lying. She's not moving around saying one thing and
22 then another thing. That's what happened. "Is it tough for
23 you to be here?" "Yeah." She said, "I love him." Did y'all
24 hear that? "I love him." But I'm going to tell what
25 happened. At 3:58 on 12/14 -- excuse me, 3:58, a little while

1 after this thing happened, she tells the police on the scene,
2 "Yeah, I was asleep and I heard some rumbling, so I was like,
3 'Y'all shut up.' And then I heard a gunshot. So I hid under
4 my covers for, like, two minutes and got up. And I saw a
5 bunch of glass on the floor, some blood. The suspect asked me
6 and JK earlier did we want to make \$100, and me and JK
7 kept telling him no. But last night, he had been scaring the
8 victim with a ski mask and a gun. The suspect is Malik
9 Singleton, my cousin. One hour after it happened. That's who
10 tried to get you to tell him when he was there. I wouldn't do
11 it. And I wouldn't take \$100."

12 That's good evidence, ladies and gentlemen. That's good
13 evidence. He's thinking about it. He's intending to do it.
14 He's wanting to do it, wanting to rob him. Your question is,
15 does that go into attempted murder or one of those other
16 lesser things? Y'all got to decide it.

17 Within in 24 hours, they come in. Defendant comes in
18 with a mask. Somebody else comes in. I got up here close --
19 you may remember -- to Travis. I said, "How close were you to
20 him?" "Well, I started tussling with him. He had a gun." He
21 wasn't going to give him his money. He works for his money.
22 He got in a wreck and he earned that. That was his -- it was
23 not his money. He works for his money. "No, you're not
24 taking it. No, I'm not giving it up."

25 "How close were you to him?"

1 "We were this close."

2 "Could you see him?"

3 "Yeah."

4 "Could you smell him?"

5 "Yeah."

6 "Was that your cousin?"

7 "That's my cousin. I grew up with him."

8 This is family on family. That's why he had a mask
9 coming in there. Did he think that would -- that was my
10 cousin you're robbing. That's eyewitness direct testimony.
11 He had the gun there and he was trying to rob him.

12 "I start heading out the door." And then what happens?
13 I want to yell it out loud but y'all know it. This other
14 fellow says "shoot him." "Shoot him." Hand of one is the
15 hand of all. The voice of one is the voice of all.

16 And what does he do? He shoots him. He shoots his
17 cousin as he lays. Did he have to? No. Why did he let him
18 run? Didn't even get the money.

19 He leaves and goes to the house. He runs. Flight. You
20 know, flight is in evidence. I can argue that. He flees.
21 What do we do when something wrong? You leave. I got four
22 kids. They do something wrong, they leave. You just go. I'm
23 out of here, I wasn't here. That's evidence of guilty.

24 He goes to his daddy, Jimmy, right there, and his mama.
25 There's his mama. Raise your hand, mama. Right there beside

1 him. Bleeding. Calls 9-1-1. Woke up daddy. Said, "My son's
2 been shot." There's some boys over there looking for Malik or
3 I don't know who Malik is. He said he just woke up. But they
4 were over there, and my son's shot. That's all I know.

5 Well, did he tell you who shot him? "Yeah, he told me
6 Malik shot him." Was he going to argue something about that
7 that means anything? He's not good with names? It was Malik.
8 He told him later it was Malik. At 2:46 in the morning when
9 he says on there, "Well, I don't even know a Malik," he just
10 woke up. That's not reasonable doubt. Don't let him make you
11 think that's a reasonable doubt.

12 Malik shot him. They go and talk to JK. Well, when we
13 get back. He's at the house. Malik is developed as a
14 suspect. They call 9-1-1. They have got folks over there,
15 they have got Malik there. He goes to EMS.

16 Law enforcement gets called. Malik's gone. Malik's
17 gone. Law enforcement gets called. Lieutenant Ragin goes to
18 the scene and Bonner goes to the scene. They talk to
19 TD. I have already talked about that. And they talked
20 to JK, his sister.

21 Remember what he said in there at one point on the video
22 before he finally said what happens? "Well, I know they
23 weren't there. Brandy and --" yeah, you did, because that's
24 when you waited to go in there.

25 But JK: "Me and my mom and Brandy was coming back from

1 the store. I got out of the car and went in the house, and
2 Brandy and my mama left and went to McDonald's." This is at
3 4:15, an hour after it happened. This is realtime. They
4 leave. "I was standing in the kitchen. I heard noises on the
5 front porch, and that's when I left out and opened the door.
6 That's when him and Malik started fighting."

7 For three hours, he denied being there, denied fighting,
8 denied tussling. His sister's telling they were fighting. "I
9 saw them fighting, tussling." That's how law enforcement got
10 it in their mind. They weren't making that up. His sister
11 told them that.

12 "And as soon as I see Malik pull his gun, I took off and
13 ran in the room." His own sister, she didn't want to be here.
14 Says he pulled his gun out. I ran. She knew something bad
15 was going to happen. She ran into a room. She knew. She
16 told them that night.

17 And after that, Malik was gone and so was TJ. "All I
18 seen was glass and blood. Earlier that day, he had asked
19 me -- he had asked me and TD do we want to make \$100. And
20 I was like, What is it? And he said, It's good but then it's
21 not good. So I'm like, no, I'm good. A few hours passed, and
22 he called TD phone asking for her."

23 You know, that kind of corroborates TD, doesn't it?
24 He tries to get in touch with her later too. His sister
25 corroborates TD that they're trying to get them -- that's

1 corroborating evidence, that he was trying to get them to tell
2 them when TJ was going to be there so they could come rob him.

3 "Asking for it, and I told him that I was busy."

4 Now, she took the stand and denied it. Credibility in
5 this case. She took the stand, and said, "I didn't say that."
6 She did say, "No, it was a fat man who gave me a statement."
7 I don't mean that bad, but you know, that's kind of
8 corroborating. He was overweight then. And I'm not trying to
9 be funny. That kind of puts her there, doesn't it? And maybe
10 she didn't realize he had dropped 75 pounds. That's a
11 circumstantial evidence. He dropped 75 pounds. She didn't
12 see it. She doesn't know he did, but we know now that's the
13 same guy. So she actually put herself there with that officer
14 down there and didn't know it. She was with him, gave that
15 statement, but now, she says, No, no, I didn't say it. No, I
16 didn't see him with a gun. No. And that's her brother. Do
17 we understand that? We do.

18 But that night, she had him there, had him tussling, and
19 had him with the gun. It corroborates everything Travis said.
20 Family knows. Family knows family. Choices, accountability,
21 responsibility.

22 Malik shot him. Bonner is taking the statements and
23 Lieutenant Ragin is there talking to folk people. He goes to
24 the hospital. Talks to Malik. Malik is getting stitches in
25 his head. He's in the hospital. "Who shot you?" Out of all

1 the people in the world -- out of all the people in Sumter
2 County, he says Malik. Now, he says Malik Wright. I don't
3 think there will be any argument on that, I don't know.
4 That's his mama's last name. He knew him as Malik. It's
5 Malik.

6 "Who shot you?"

7 "Malik shot me."

8 The next scene in this story of this crime is at the
9 Sumter County Sheriff's Department. And I was going to play
10 it and go back and forth. Y'all have seen that tape. Y'all
11 want to look at it again, y'all can. You'll have to come back
12 in here. And that's up to y'all.

13 But he goes down to the Sumter County Sheriff's
14 Department and went to see Bonner. In the State's 1, you saw
15 Bonner go over. You hear the defendant, I understand. You
16 see the defendant actually goes and initials his rights.
17 You'll have this back there with you. He signs it.

18 "You have a right to remain silent. Anything you say can
19 and will be used against you in a court of law. You have the
20 right to talk to an attorney and have him or her present with
21 you while you're being questioned. If you cannot afford to
22 hire an attorney, one will be appointed to represent you
23 before any questions, if you wish. You can decide at any time
24 to stop, to exercise these rights and not answer any questions
25 or make any statements. Do you understand that?"

1 "I do."

2 He signs it. Puts his initials on the side. Y'all saw
3 that. Didn't always see this. I have been doing this 30
4 years. They tape it now. I'm glad they tape it. You got to
5 see it. Didn't force him to sign. Didn't make him sign. "I
6 understand these rights as I sign it."

7 And then the waiver of rights, "Having been advised of my
8 rights and understanding my rights, I do wish to answer
9 questions at this time, and I do not wish to have an attorney
10 present. My decision to answer questions now without an
11 attorney is made freely and is my choice."

12 Choice, responsibility, accountability.

13 "No one has threatened me in any way or promised me
14 anything." And he signs that. He ain't dumb. He told
15 you-all that -- told us all that. He ain't dumb. He knows
16 what's going on. He understood this. He signed it.

17 And then we start the interview process. I think
18 Lieutenant Ragin may have said, I was playing him, and him me.
19 I think he was trying to find out what they knew. Lieutenant
20 Ragin had information -- he was at the scene -- from the
21 victim, from his sister. And he said, "Yeah, sometimes we
22 misrepresent. We try to find out what happened. We got
23 somebody shot in the head, and I want to find out what
24 happened."

25 And we got it on tape for you jurors to come watch it,

1 not just somebody sitting up here and saying all this what
2 happened. You got to watch it. And then it will be up to
3 y'all.

4 Do you think that statement was freely and voluntarily
5 given? You saw it. He understood his rights. He sat there
6 and talked to him for how many of those hours?

7 One time, Lieutenant Ragin said, "Would you -- did I
8 shoot? Did you shoot? Did you shoot? Y'all do shoot
9 people." I mean, who is playing with who?

10 "Do you need some money?"

11 "Man, I don't need any money. I'll give you money, if
12 you want."

13 Well, that's the real Malik Singleton. You got to decide
14 if you think Lieutenant Ragin and Bonner was too much. We
15 respectfully submit that's good law enforcement out on the
16 street. It's real. It's trying to find out who shot somebody
17 in the head. It's all on tape. The door was open. Nobody is
18 getting thrown around or chairs thrown at them. He's asking
19 questions of them. They're trying to get him to admit he was
20 there. And he was. And y'all got to see it.

21 And that's what -- if you believe the tape and believe it
22 was freely and he knew what he was doing, I think he's going
23 to try to suggest they put that in his mind so he said it.
24 No, ma'am. You watch his body, you watch his language. They
25 go all the way -- and I'm convinced this -- "I'm not even

1 there, y'all. I'm not even there. I didn't have nothing to
2 do with it. I was there earlier at 8:00, but I wasn't there
3 that night." Credibility.

4 I mean, you realize the first few hours was a lie. So
5 when you -- in life and in here, you're trying to tell if
6 somebody is telling the truth, well, you evaluate their
7 credibility. You evaluate their credibility. Their body --
8 he lies the whole time. And then he tries to -- well, what
9 does he say next?

10 And I'm cutting through this. Oh, there was something
11 about the gunshot residue. I don't know if he even mentioned
12 it. They take the gunshot residue off his hands. McCauley
13 said it's not good after an hour or so. He got in there --
14 depending on what you have done with your body and the
15 elements, he got in there at 5-something. No, that was never
16 tested. That's not a reasonable doubt. He puts himself in
17 there. He says later, "I took a shower." "Well, I did take a
18 shower." That would take it off.

19 Credibility, believability, for those first few hours,
20 he's showing, "You can't believe me. You can't believe me."
21 So what does he say next? Well, next, he says, "Well, I came
22 there about 11:30." And then he says, "You know, I found out
23 about the robbery when mama told me, when she came home."
24 He's just not telling the truth. That's what you have got to
25 decide on.

1 Quany and TJ got in an altercation. Quany and Treyvon
2 did. That's two years ago. Where did he get that name from?
3 Quany and Treyvon do.

4 And then, at about 6:35 in the interview, and they have
5 been telling your families there, your family told you -- said
6 you were there, your family says you did it. "Well, I was in
7 the presence, but Treyvon and Quany did it." So we have gone
8 from "I wasn't even there," "I heard it back --", "Well, I was
9 there but I didn't do it." Is that law enforcement's fault?
10 Are they making him say that? That's up to you.

11 Text him beforehand, calling them, "let me know where he
12 was," there the night before. What's in his mind? And now,
13 he's playing with law enforcement. That's up to y'all.

14 "All I heard was boom, boom. I heard a pow, but I didn't
15 go inside."

16 "Well, I was there. Somebody else did it."

17 "I didn't know who shot him. Mom came and told me."

18 And then we go into the scenario, well, there was talk
19 out there that TJ was the one talking about how much money he
20 had, and I talked to these fellas, and I said, "Well, we're
21 going to go do it." That's the plan. The hand of one, hand
22 of all, if anybody believes he didn't shoot him. He's just as
23 guilty if somebody else did. But it's all beyond all doubt,
24 we submit, that he shot him. But that's up to y'all.

25 What does he say? "Well, I was going to go with him and

1 do something, but I didn't know it was TJ they were going to
2 rob." Are you kidding me? Credibility, believability.

3 Chilling, 7:48:02. "Heard TJ got money and showing it.
4 Knock on the front door. They didn't tell me it was TJ.
5 Trevor (verbatim), Quany, and TJ, they ran to the back door.
6 I was at the front door." So there, he's trying to -- Well,
7 okay, if y'all got me there, I was there, but I wasn't doing
8 anything. We talked about doing this, but I didn't know it
9 was TJ, but now I'm at the house. I'm at the house, but I
10 didn't do it. Credibility. Believability.

11 He even demonstrated it at 7:51:25, how others went in.
12 "We discussed the robbery but didn't know it was to --"

13 "We discussed the robbery." "We discussed the robbery."
14 7:25. "I didn't know it was going to be TJ." Choice,
15 responsibility, accountability.

16 "I'm going to be honest with y'all. I'm going to be
17 honest with y'all. He shot himself." Now, he's going to try
18 to argue they put that in his mind? Are you kidding me?

19 "Well, he shot himself."

20 He's getting there. He don't want to admit maybe to the
21 family. I know sequestration on the family couldn't be here,
22 but everybody got to see that video. Yeah, he robbed his own
23 family. Yeah, I saw him admit to it. Thank God he didn't
24 kill him.

25 But it's time for accountability. It's time. "He shot

1 himself." Well, at 8:11, "We were tussling. I thought I was
2 shot. Glass window already busted out. We were beside the
3 front door." Well, he puts himself beside the front door
4 then. You got the blood there and going out, the glass is
5 busted out. That's what McCauley said. That blood is down
6 there. I don't think there will be any argument, but if there
7 is, whose blood is that? That's TJ's. Was there anybody else
8 there bleeding, any of it? No.

9 TJ's leaving. Corroborating evidence. He got shot, when
10 he's running away. Intent to kill. He's leaving.

11 Okay. He wasn't going to give it up. Just let him go.
12 Just let him go. No, I'm going to shoot him. "Shoot him,"
13 and he did. That blood right there is credible evidence of TJ
14 trying to get out that door, trying to get out that door, and
15 he shoots him.

16 And then we get to around 8:20, and he says, "I shot
17 him."

18 "How many bullets in that gun?"

19 I heard -- I think I heard "six."

20 "How many times did you shoot?"

21 "One." "I shot --" those were his words.

22 "Did you shoot him once?"

23 "I shot him one time."

24 And Lieutenant Ragin will say, "Well, that's going to
25 show you didn't intend to kill him, because if you wanted to

1 intend to kill him, you would have shot more than once."

2 "Yeah, that's right. But I shot him once."

3 Well, Lieutenant Ragin is not on the jury, and he was
4 trying to get him to finally take responsibility for what he
5 did. And I think he did at that moment. I think he did. But
6 it's up to you whether he intended to kill him, not Lieutenant
7 Ragin. That's up to y'all, based on the totality of the
8 facts. Planning -- he's saying he shot him in the head?
9 That's y'all's decision.

10 But the import of that -- and I think that's good police
11 work. I think it's great police work. "Yeah, I shot him."

12 MR. BRIDGES: Objection. He needs to submit his own
13 opinion about the police work. He's not happy (indiscernible)
14 the police.

15 THE COURT: I'll overrule that.

16 Proceed, sir.

17 MR. MEADORS: Did you --

18 THE COURT: I overruled it.

19 MR. MEADORS: And State's -- based on the video,
20 fantastic police work. And he admits that "I shot him."
21 Finally, he takes responsibility at that moment. But then it
22 was an accident.

23 Folks, I'm not going to talk as long, and I apologize if
24 I talked this long, but I can't help it. At 8:35, he said,
25 "I'll just be real. I'll take the blame." And then he starts

1 crying. First time he cried was after Bonner said, "Well,
2 you're not even showing emotion." And then he put it on
3 mighty thick. And I don't know if -- I hope nobody gets mad
4 at me saying, but I have seen him turn it on and off when he
5 wants to. Somebody says they're crocodile tears.

6 At 5:44, he's talking to him about something and he stops
7 crying on a dime. On a dime. And then at the end, when he
8 puts his children into this -- not Bonner -- he's talking
9 about having a child and a child on the way, trying to get
10 sympathy with the officers, trying to convey to them, "Well, I
11 shot him but I got all this."

12 And then Ragin says that about -- what he did about his
13 children. He put his children there, and he starts crying.
14 He's not crying for his children. He's not crying for his
15 children. He's crying for Malik. He's crying for Malik.
16 That's who he's crying for.

17 He wasn't crying when he tried to rob this man. He
18 wasn't crying when he put a bullet to the side of his head.
19 And then he started lying, he started lying, he started lying,
20 he started lying. Then he started crying. And then, finally,
21 when he got toward the end and they gave him a piece of paper,
22 he doesn't accept responsibility again. "Well, I know I have
23 told y'all that, but I'm sorry, it's an accident, but I didn't
24 do it." So he still -- it ends trying to back up. You'll
25 have this back there. "I'm sorry. I'm sorry, Auntie. You

1 know I wouldn't do that." Yeah, he would. He didn't want to
2 admit to it. Yeah, you went in that house. Yeah, you're
3 wearing a mask. Yeah, your sister caught you. Yeah, you
4 called TD [REDACTED], give her \$100 to -- yeah, you told JK [REDACTED] to
5 have -- I'll give you \$100 if you tell me." "No, we're not
6 going to do that."

7 Credibility, believability, it's up to you.

8 Ladies and gentlemen, sometimes when you hesitate --
9 where's the gun? He hesitates for a minute. What were they
10 wearing? Hesitates. (Indiscernible). Credibility,
11 believability.

12 Ladies and gentlemen, when you go back there, I mentioned
13 presumption of innocence. And then I'll stay with you until
14 you go back there. But when you go back there, you'll start
15 talking about the video, talking about the eyewitness
16 testimony, talking about credibility, believability. And we
17 submit to you, when you do that, all of you, look at each
18 other and talk to each other, you'll start taking off that
19 blanket of innocence. We think the evidence, respectfully,
20 has done that. It gives you the information to do that.

21 And when you take it all off, we believe you'll find he's
22 guilty. We think it's attempted murder. It's up to y'all
23 what y'all come back with. Not guilty. A and B second. A
24 and B first. Assault and battery of high and aggravated
25 nature. Attempted murder. That's up to y'all. The power the

1 jury has. I mean, it's beautiful. That's the way it should
2 be. Justice over (indiscernible). It's beautiful. Our
3 system is so great. Y'all get to decide. But you have to
4 follow the law and you have to do justice, which is has the
5 State proven its case beyond a reasonable doubt. Because you
6 take that blanket off, as we respectfully submit you will,
7 when you come back in here with your verdict, whatever it
8 is -- whatever it is, we submit it should be guilty. Bring
9 that -- symbolically, bring that blanket in here, and with
10 your verdict, let that blanket cover --

11 MR. BRIDGES: Your Honor, he's --

12 MR. MEADORS: -- Mr. Dow, because Mr. Dow is the truth --
13 did you object?

14 MR. BRIDGES: Can we approach, Your Honor?

15 THE COURT: Yes, sir.

16 BENCH CONFERENCE

17 (A bench conference was held outside of the hearing of the
18 jury and others.)

19 (Open court resumes:)

20 MR. MEADORS: With your verdict, bring that blanket back
21 in and let it symbolically cover Travis Dow, because he's the
22 innocent one in this case. Thank you.

23 THE COURT: And for the record, Mr. Bridges made an
24 objection there, and I have overruled it, but it's noted for
25 the record.

1 Mr. Bridges?

2 MR. BRIDGES: Thank you, Your Honor.

3 CLOSING ARGUMENTS ON BEHALF OF THE DEFENDANT

4 MR. BRIDGES: Ladies and gentlemen of the jury, again, my
5 opening argument on Tuesday, I said pay attention to the
6 testimony, pay attention to inconsistencies in this case,
7 inconsistencies that are going there when the State witnesses
8 testify and when you see the State's evidence.

9 So let's start with the first thing, and the first
10 report -- it's actually the last thing we heard, and really
11 the first thing that (indiscernible), it was the 9-1-1 call
12 from his father, Jimmy Dow. The 9-1-1 caller repeatedly
13 asked, "Who shot your son?" Mr. Dow says, "Well, my son is
14 talking. He's talking to his mom. He says he doesn't know
15 who shot him." He says that multiple times. The 9-1-1
16 operator really tries to get into "Well, who does it?" He
17 says there was some boys at the house, but he doesn't know who
18 shot him.

19 Now, the State says, well, that's just because they're in
20 a state of panic, and that, you know, in an emergency
21 situation. But that's not the only time he said that. When
22 Mr. Dow testified on Tuesday, he specifically said, "I told my
23 dad Malik shot me before I went to the hospital." The tape
24 shows that's not true, that he did not -- yeah, at that point,
25 he didn't know who shot him. It wasn't until he got to the

1 hospital and Investigator Bonner talked to him, that's when he
2 said Malik shot him. So there's an inconsistency right there.
3 And it's actually the first thing that TJ had to say about
4 this.

5 And then, now he gets on the stand, two years later --
6 more than two years later. Now, he says Malik and there's
7 another person -- Jamal or Jamel -- that he's never mentioned
8 in two years, all of a sudden, out of thin air, another man
9 was there and did it. Didn't mention that to Detective
10 Bonner. Didn't mention that to his father. Now, all of a
11 sudden, he's -- here's Jamal there, and he's the one that says
12 "shoot."

13 Now, ladies and gentlemen, that's a major inconsistency
14 in this story. And I submit to you that the first thing he
15 has to say about this was he didn't know who shot him. That's
16 a major gap in his case that, Oh, it was Malik that shot me.
17 And then there's another major gap when he comes in here and
18 testifies two years later and says, Oh, it was Malik and this
19 other guy named Jamal. You never heard Jamal's name anywhere
20 from any other witness, from the detective, even in the
21 statement in Malik's interrogation. Nobody said there was
22 this guy named Jamal there. But he's the one saying, Oh, he
23 was there and he said "shoot him" and he had a gun. That's a
24 major inconsistency, and it's coming from Mr. Dow.

25 And another thing that was very unusual about Mr. Dow's

1 statements, he couldn't give a very coherent story about what
2 happened and what people were where. And he said, Well, I was
3 sitting there watching TV and then I was getting chased
4 throughout the house. There was a struggle. I was running
5 out the back door. And that's when he said he got shot.

6 Now, you can look from the photos that are in evidence,
7 there's glass, there's sharp objects, busted, broken all over
8 this house, there's blood on the floor. Detective Bonner
9 testified Malik -- and they got Malik just a few hours after
10 this happened. Didn't have any scratches on him, didn't have
11 any injuries, no blood, no lacerations, no anything.

12 And furthermore, you have seen a photo of Mr. Dow's
13 injury, but you have heard no medical testimony at all about
14 what caused this. He's saying there was a gun. They never
15 found a gun. They never found a bullet. Never found shell
16 casings.

17 So I submit to you, they haven't even proven what's
18 caused that beyond a reasonable doubt. There's no gun, no
19 bullet holes. They tested Malik for gunshot residue. There
20 wasn't any. They tested him for fingerprints and for --

21 MR. MEADORS: Your Honor, objection, that is not correct,
22 that there wasn't any.

23 THE COURT: Wasn't any what?

24 MR. MEADORS: Gunshot residue. That is correct. That
25 wasn't brought forward. There was no evidence that there

1 wasn't any gunshot residue.

2 THE COURT: Or that there was. Right?

3 MR. BRIDGES: Well, they tested Malik for gunshot
4 residue, and it didn't come back that he had gunshot residue
5 on his hands. That's been testified to.

6 THE COURT: I agree. I agree. Proceed.

7 MR. BRIDGES: Malik did not have gunshot residue on
8 him --

9 MR. MEADORS: Your Honor, I object. It was never sent
10 off. That is an incorrect statement of the -- I apologize.

11 MR. BRIDGES: And then they tested for fingerprints --

12 THE COURT: Hold on, hold on, hold on. Let me talk to
13 y'all.

14 BENCH CONFERENCE

15 (A bench conference was held outside of the hearing of the
16 jury and others.)

17 (Open court resumes:)

18 THE COURT: Proceed, sir.

19 MR. BRIDGES: They tested -- Malik asked to be tested in
20 that video, and they never submitted it for testing. They
21 tested for fingerprints, they tested for -- well, they had his
22 blood sample. They didn't submit that for testing.

23 I asked the deputies and the detective was there any
24 evidence that that was Malik's fingerprints or blood, and he
25 said no, they did not find that.

1 So you have an extreme lack of physical evidence in this
2 case. There's no gun, no bullet, nothing -- it's found that
3 Malik doesn't have scratches on him. Malik doesn't look like
4 he was in a tussle. There is glass, sharp objects all over
5 the house. If he was in that house, I would submit to you he
6 would have injuries, especially if the story that Mr. Dow
7 told, that they were wrestling around, he was right behind him
8 when he shot. There's glass blown everywhere in this living
9 room right here. But there was no injuries on Malik.

10 And then Mr. Dow said the story of the day before, a
11 rather fantastic story that he's out smoking a cigarette, and
12 Malik just comes out of the tree line with a gun. And I
13 have -- I had him pace back so we could gauge, "And I was
14 about right here, and Mr. Dow was right there." And he said,
15 "He had a gun on me. He said give it up." And he just calmly
16 goes inside the house and locks the door and doesn't call
17 9-1-1. Tells his little sisters about it, but no -- he
18 doesn't do anything about it, doesn't in any way raise any
19 concern to authorities that something's going to happen. Just
20 doesn't make any sense, that he was -- that somebody would be
21 two feet in front of you with a gun and a mask. You know,
22 what he's saying is a very scary situation. He comes in and
23 doesn't notify him -- doesn't notify the authorities. That's
24 a major -- just doesn't add up in what he has to say.

25 And then he gave varying accounts of what kind of mask he

1 had and what kind of clothes he was wearing. The police
2 didn't find any of those things on Malik when he was arrested
3 or at his residence, or you haven't seen anything in evidence
4 about, Oh, these are suspicious clothes.

5 And then you heard from TD and JK, and what you
6 heard from them on the stand, neither of them saw this happen.
7 TD was asleep, and she, obviously, was afraid to come
8 out of the room, but she didn't see who was there, what
9 happened. JK says she wasn't even there. She said that she
10 got to the house after it happened.

11 And this thing about the \$100 has been mentioned. In the
12 video, Malik says, "I just got a job. I was going to try to
13 give them \$100 for Christmas." They both testified they
14 didn't know what the \$100 was for. They said they had text
15 messages, but they didn't produce them. You never saw a phone
16 or any text messages or anything like that.

17 I submit to you that they can't back up that claim beyond
18 a reasonable doubt that there was any plan for any kind of
19 robbery. And why would he cut his two younger sisters, who
20 were 15 years old, at the timeline? It does not make any
21 sense.

22 So you have conflicting testimony from Mr. Dow. You have
23 the two witnesses that the State said, you know, can bolster
24 this up. Didn't see it happen. Didn't know what was going on
25 in the house. And then you have lack of physical evidence,

1 lack of a gun, lack of medical testimony about the nature of
2 that injury. And you have Mr. Dow himself say he was out of
3 the hospital later that day. Nobody testified here was a
4 doctor. He, apparently, was coherent enough to give several
5 statements. In that time, he never mentions there being a
6 second gunman. Nothing about Jamal until he gets here, over
7 two years later. Police don't follow up on it. Those are
8 inconsistencies in the stories. Those are reasonable doubts.
9 They're gaps in the State's theory. And there are many gaps
10 in the State's theory.

11 And now we get to the interrogation video, that I thank
12 you for your patience in watching. That was over four hours.
13 I know it was very tedious to watch. And Malik was 20 years
14 old when that happened. He was in that room for over four
15 hours. They told him, right after they talked to TJ at the
16 hospital, right after they knew he was okay, they told him he
17 was going to die. They told him he was going to be charged
18 with attempted murder. They did nothing to avail that. They
19 fed right into it.

20 Malik told him, Well, I heard a rumor -- you know, I
21 heard from my mom maybe he was dead or something was bad.
22 They ran with that. And, in fact, if you go to 7:23, if you
23 care to watch that video again, it's very succinctly described
24 to them. 30 years to life, accident. True story, fake story.

25 And the accident story, as Lieutenant Ragin testified,

1 was made up by them. As you saw TJ testify, he never said it
2 was an accident. They were giving him an out because they
3 wanted to give him -- they wanted to lead him to the
4 information that they wanted to get, and they were prepared to
5 be deceitful, and they were deceitful repeatedly.

6 I find it hypocritical that the police can say, Oh, it's
7 their job to find the truth, in these tactics, when they lie
8 to him over and over again. They say, Oh, that's tactics.
9 That's a bluff. It simply wasn't true. They told him, Oh,
10 the family is not going to let you come to the funeral. They
11 knew TJ wasn't going to die. They had just spoken with him at
12 the hospital.

13 "We're going to charge you with murder." They knew they
14 couldn't charge him with murder, because TJ wasn't going to
15 die. "Oh, TJ said it was an accident." "TJ might have shot
16 himself." They introduced those things to Malik. Malik was
17 in way over his head. He was 20 years old. He was desperate.
18 You saw his emotional state throughout that video. He was
19 crying multiple times. He mentions his kid -- they even had
20 to say, "You're not going to be around to raise your kid.
21 Somebody else is going to raise your baby."

22 Is that great police work? Is that something that we
23 think produces a credible result? And this goes on for hours
24 and hours. I mean, it's not like he comes in right away and
25 says, okay, you know -- it's gone on for hours and hours, and

1 they give him the out of saying 30 to life or accident. 30 to
2 life or accident. True story, fake story.

3 And under tremendous pressure, he starts to tell them
4 what they want to hear. But, again, it's not -- it's not like
5 it's all very coherent and they play a lot of games with him
6 about, "Well, we weren't there. I didn't shoot him. He
7 didn't shoot him. Then who else did?" I mean, they keep
8 doing little games like that. You know? And then they say,
9 oh, you know, he's saying he was there. He said, you know,
10 six bullets and all that.

11 Well, then he actually gives a written statement at the
12 end of that, and he says, you know, I didn't do this. It
13 didn't happen. Because they made it very clear to him, he was
14 about to be charged with murder, he was about to get 30 to
15 life. But if he says it's an accident, well, he has an out.

16 So I submit to you that that -- because credibility is
17 something very important. I'll agree with the Solicitor with
18 this, is that the credibility of everybody that testified is
19 very important. I don't think that process produced a
20 credible confession. I do not think that was a confession. I
21 think he, under tremendous pressure, at four hours, after
22 being repeatedly told false information, told the police what
23 he wanted to hear because he wanted to get out of that
24 situation.

25 As the judge will instruct you -- he's going to instruct

1 you very soon on the law and the charge in this case. As I
2 mentioned in opening, the State has the burden of proof beyond
3 what happened -- what happened beyond a reasonable doubt. I
4 submit to you that they have not met their burden. Again,
5 it's not my job to prove Malik's innocence to solve the case,
6 and it's not your job to do that either. It's your job to
7 prove that the State, for these specific charges, against this
8 specific defendant, they're trying to say, Well, there was
9 another guy there that yelled "shoot him." You haven't heard
10 any testimony about that.

11 They're saying "hand of one, hand of all." This case
12 wasn't a robbery. I asked Investigator Bonner, you know, why
13 didn't you charge him with robbery? He said he didn't have
14 sufficient evidence. Because the second person that was
15 there, nobody knew about him until TJ testified today. So now
16 he's trying to say something that nobody's heard about, is the
17 one that said "shoot," that's where they get intent to kill,
18 that's where this deadly weapon comes from.

19 First of all, it's not been established beyond a
20 reasonable doubt that there was a deadly weapon. They never
21 found the gun. Never found any bullet holes. There's been no
22 measurable testimony about what caused TJ's injury. There's
23 been multiple inconsistencies in TJ's statements. He
24 originally couldn't identify who shot him. Then when he did
25 say it was Malik, he didn't say anything about what happened

1 with the other person or any details about what happened that
2 day, and now, he says there's another person there. Those are
3 inconsistencies. Those are reasonable doubts.

4 The two girls that testified, they did not see what
5 happened. They did not attest of there being any kind of
6 grand conspiracy for them to get money for this to happen.
7 There was no text message that was presented.

8 And then you have the interrogation that, as we have
9 discussed, was a young man under tremendous pressure given an
10 out by law enforcement, ideas that were planted by law
11 enforcement. And then in his written statement, you know, he
12 still maintains that he didn't do it.

13 So I submit to you, with all that factored in, the State
14 has not proven beyond a reasonable doubt that Malik committed
15 attempted murder nor to any of the other assault and battery
16 charges. It was just not sufficient evidence that Malik is
17 the one that did this or that there was -- Malik was involved
18 in a plot to do this. There's not a conspiracy charge here.
19 This isn't a robbery case. This is attempted murder. And
20 from what's been submitted to you, the State has not met their
21 burden, and because the State has not met their burden, the
22 only verdict that can be returned is not guilty on all
23 charges.

24 Thank you very much, ladies and gentlemen.

25 THE COURT: Anything in reply?

1 MR. MEADORS: No, sir.

2 JURY CHARGE

3 THE COURT: Ladies and gentlemen of the jury, you have
4 heard all of the evidence and testimony in this case. It is
5 now my duty to tell you what the law is to apply to this case.
6 The indictment charges the defendant with attempted murder and
7 possession of a weapon during a violent crime. I remind you
8 that the fact that the defendant was arrested, charged, and
9 indicted is not evidence in this case and cannot be considered
10 by you as evidence of guilt in this case nor does it create
11 any presumption or inference of guilt.

12 This document is simply the formal, written instrument
13 which contains the charges made against the defendant. It is
14 the formal indictment or document by which this case is
15 brought into this court.

16 I remind you that, during this trial, you and I have and
17 had certain duties to perform. As the trial judge, it is my
18 responsibility to preside over the trial of the case and also
19 have the duty to rule on the admissibility of evidence during
20 the trial. You are to consider only the competent evidence
21 before you. You are to consider only the testimony which has
22 been presented from the witness stand and any exhibits which
23 have been made a part of the record in this case.

24 I have the additional duty to charge you on the law
25 applicable to this case. As presiding judge, I am the sole

1 judge of the law in this case, and it is your duty as jurors
2 to accept and apply that law as I now state it to you. If you
3 already have any idea as to what the law is or what the law
4 ought to be and it does not agree with you, what I now tell
5 you the law is, you must abandon that idea because you are
6 sworn to accept the law and apply it to the facts exactly as I
7 give it to you.

8 In every case tried in this court before the jury, the
9 jury becomes the sole and exclusive judge of the facts in a
10 case. A trial judge cannot intimate, state, comment on or
11 make any statement to a trial jury about the facts in a case.
12 Since you, the jury, are the sole judge of the facts in this
13 case, you are not to infer from what I have said during the
14 progress of this trial in ruling upon any admissibility of
15 evidence or otherwise or anything that I say now during this
16 course of this instruction to you that I had any opinion about
17 the facts in this case. The law does not allow me to have an
18 opinion about the facts. This is a matter solely for you, the
19 jury, to determine. As jurors, it is your duty to determine
20 the effect, value, weight, and truth of the evidence presented
21 during this trial.

22 There are two types of evidence which are generally
23 presented during a trial: Direct evidence and circumstantial
24 evidence. Direct evidence is the testimony of a person who
25 claims to have actual knowledge of a fact such as an

1 eyewitness. It is evidence which immediately establishes the
2 main fact to be proved. Circumstantial evidence is proof of a
3 chain of facts or circumstances indicating the existence of a
4 fact. It is evidence which immediately establishes collateral
5 facts from which the main fact may be inferred.

6 Circumstantial evidence is based on inference and not on
7 personal knowledge or observation.

8 The law makes absolutely no distinction between the
9 weight or value to be given to either direct or circumstantial
10 evidence nor is a greater degree of certainty required of
11 circumstantial evidence than direct evidence. You should
12 weigh all of the evidence in this case. After weighing all
13 the evidence, if you are not convinced of the guilt of the
14 defendant beyond a reasonable doubt, you must find the
15 defendant not guilty.

16 The defendant has pled not guilty to this indictment, and
17 that plea puts the burden on the State to prove the defendant
18 guilty. A person charged with committing a criminal offense
19 in South Carolina is never required to prove himself innocent.
20 I charge you that it is an important rule of the law that the
21 defendant, in a criminal trial, no matter what the seriousness
22 of the charge may be, will always be presumed to be innocent
23 of the crime for which the indictment was issued unless guilt
24 has been proven by evidence satisfying you that guilt beyond a
25 reasonable doubt.

1 His presumption of evidence does not end when you begin
2 your deliberations, but it accompanies the defendant
3 throughout the trial until you reach a verdict of guilt based
4 on the evidence satisfying you of the evidence that guilt was
5 established beyond a reasonable doubt.

6 The presumption of innocence is not mere legal theory.
7 It is not just a legal phrase. It is a substantial right to
8 which every defendant is entitled unless you, the jury, are
9 satisfied from the evidence of the defendant's guilt beyond a
10 reasonable doubt.

11 What is a reasonable doubt in the law? What is that? It
12 is the kind of doubt for which you can give a reason. It's
13 also described as a kind of doubt that would cause a
14 reasonable person to hesitate to act.

15 Proof beyond a reasonable doubt is proof that leaves you
16 firmly convinced of the defendant's guilt. There are very few
17 things in the world that we know with absolute certainty, and
18 in criminal cases, the law does not require proof that
19 overcomes every possible doubt.

20 If, based on your consideration of the evidence, you are
21 firmly convinced that the defendant is guilty of this crime
22 charged, you must find the defendant guilty. If, on the other
23 hand, you think there is a real possibility that the defendant
24 is not guilty, you must give the defendant the benefit of the
25 doubt and find him not guilty.

1 Necessarily, you must determine the credibility of
2 witnesses who have testified in this case. Credibility simply
3 means believability. It becomes your duty as jurors to
4 analyze and to evaluate the evidence and to determine which
5 evidence convinces of its truth.

6 In determining the believability of witnesses who have
7 testified in this case, you may believe one witness over
8 several witnesses or several witnesses over one witness. You
9 may believe a part of the testimony of a witness and reject
10 the remaining part of the testimony of that same person. You
11 may believe the testimony of a witness in its entirety or
12 reject the testimony of a witness in its entirety. You may
13 consider whether any witness has exhibited to you any
14 interest, bias, prejudice, or other motive in this case. You
15 may also consider the appearance and manner of the witness
16 while on the witness stand.

17 I instruct you and emphasize that the fact that the
18 defendant did not testify is not a factor to be considered by
19 you in any way in your deliberations and in your consideration
20 of the questions of guilt or innocence of the defendant. It
21 must not be considered by you in any manner whatsoever.

22 A defendant has the constitutional right to remain silent
23 and the assertion of this right must not be considered by you
24 in your deliberation. I repeat, under your oath, you are to
25 draw no conclusion whatsoever from the fact that the defendant

1 in this case did not testify. The fact that this defendant
2 did not testify should not even be discussed in the jury room.

3 The burden of proof, as I have stated, is on the State.
4 The defendant is not required to prove his innocence. The
5 burden of proof remains on the State to prove beyond a
6 reasonable doubt.

7 The defendant is charged with attempted murder. In order
8 to prove this crime, the State must prove the defendant with
9 the intent to kill, attempted to kill another person with
10 malice aforethought. Malice is hatred, ill will, or hostility
11 towards another person. It is the intentional doing of a
12 wrongful act without just cause or excuse and with an intent
13 to injure another and indicates a wicked or depraved spirit,
14 intent on doing wrong. Malice aforethought does not require
15 that malice exists for any particular time before the act is
16 committed. Malice must exist in the mind of the defendant at
17 the time of the act and cannot develop after the fact
18 occurred. Therefore, there must be a combination of the
19 previous evil intent and the act.

20 Attempted murder can be committed on when the defendant's
21 act or acts are accompanied by expressed malice or malice in
22 fact. Expressed malice is the deliberate and specific intent
23 of the defendant to unlawfully kill another with hatred, ill
24 will, or hostility, without just cause or excuse. It is the
25 performance of an act or acts which tend, but fail, to kill a

1 human being.

2 Specific intent means that the defendant consciously
3 intended the completion of the killing of another but failed
4 to do so. If you, the jury, find the State has proven beyond
5 a reasonable doubt that it was the defendant's specific intent
6 to kill another with expressed malice, then you must find the
7 defendant guilty. If you find that the State has failed to
8 prove that the defendant is guilty of attempted murder, you
9 must then decide whether the State has proved that the
10 defendant is guilty of the lesser-included offenses of assault
11 and battery of a high and aggravated nature.

12 A person commits the offense of assault and battery of a
13 high and aggravated nature if a person unlawfully injures
14 another person and great bodily injury to another person
15 results or the act is accompanied by means likely to produce
16 death or great bodily injury. Great bodily injury means
17 bodily injury which causes a substantial risk of death or
18 which causes serious permanent disfigurement or protracted
19 loss or impairment of the function of a bodily member or
20 organ.

21 If you find that the State has failed to prove that the
22 defendant is guilty of assault and battery of a high and
23 aggravated nature, you must then decide whether the State has
24 proved that the defendant is guilty of a lesser-included
25 offense of assault and battery first degree.

1 A person commits the offense of assault and battery in
2 the first degree if a person is unlawfully offers or attempts
3 to injure another person with the present ability to do so and
4 the act is accompanied by means likely to produce death or
5 great bodily injury.

6 Great bodily injury means bodily injury which causes a
7 substantial risk of death or which causes serious permanent
8 disfigurement or protected loss or impairment of the function
9 of a bodily member or organ. If you find that the State has
10 failed to prove that the defendant is guilty of assault and
11 battery in the first degree, you must then decide whether the
12 State has proven that the defendant is guilty of the
13 lesser-included offense of assault and battery in the second
14 degree.

15 A person commits the offense of assault and battery in
16 the second degree if the person unlawfully injures another
17 person or offers or attempts to injure another person with the
18 present ability to do so and either moderate bodily injury to
19 another person results or moderate bodily injury to another
20 person could have resulted.

21 Moderate bodily injury means physical injury that
22 involves prolonged loss of consciousness or that causes
23 temporary basis or moderate disfigurement or temporary loss of
24 the function of a bodily member or organ or injury that
25 requires medical treatment when the treatment requires the use

1 of regional or general anesthesia.

2 Moderate bodily injury does not include one-time
3 treatment and subsequent observations or scratches, cuts,
4 abrasions, bruises, burns, splinters, or any other minor
5 injuries that do not ordinarily require extensive medical
6 care.

7 The defendant is charged with possession of a weapon
8 during the commission of or attempt to commit a violent crime.
9 The State must prove beyond a reasonable doubt that the
10 defendant was in possession of a firearm or visibly displayed
11 what appeared to be a firearm during the commission of a
12 violent crime. A firearm means any machine gun, automatic
13 rifle, revolver, pistol, or any other weapon which is -- which
14 will or is designed to or may be readily converted to expel a
15 projectile.

16 In order to find the defendant guilty of possession of a
17 weapon during the commission of a violent crime, you must
18 first find the defendant guilty of either committing a violent
19 crime or attempting to commit a violent crime.

20 Attempted murder is a violent crime, as is assault and
21 battery of a high and aggravated nature. The State must prove
22 beyond a reasonable doubt that the weapon further advanced or
23 helped in the commission of the crime.

24 If a crime is committed by two or more people who are
25 acting together in committing a crime, the act of one is the

1 act of all. A person who joins with another to commit an
2 unlawful act is criminally responsible for everything done by
3 the other person, which happens as a probable or natural
4 consequence of the acts done in carrying out the common plan
5 or purpose.

6 For example, two people can be guilty of killing another
7 person when only one of the two had a gun, there was only one
8 bullet, and only one of the two fired the shot that caused the
9 death.

10 If two or more people are together, acting together,
11 assisting each other in committing the offense, the act of one
12 is the act of all, or as it is sometimes said, the hand of one
13 is the hand of all.

14 Prior knowledge that a crime is going to be committed
15 without more is not sufficient to make a person guilty of that
16 crime. Mere knowledge that another person is going to commit
17 a crime, even if the defendant is present when the crime is
18 committed, is not sufficient to convict the defendant as a
19 principal. Guilt as a principal is shown by actual or
20 constructive presence at the scene as a result of prior
21 arrangement. Therefore, a finding of a prior arranged plan or
22 common scheme is not -- is necessary for a finding of guilt as
23 a principal. The State must prove beyond a reasonable doubt
24 by competent evidence that the theory of the hand of one is
25 the hand of all.

1 A principal in a crime is one who either actually commits
2 the crime or who is present, aiding, abetting, or assisting in
3 committing the crime. When the person does an act in the
4 presence of another and with the assistance of another, the
5 act is done by both. Where two or more acting with a common
6 plan or intent are present at the commission of the crime, it
7 does not matter who actually commits the crime. All are
8 guilty. The hand of one is the hand of all.

9 Present at the commission of the crime means to be
10 sufficiently near, to aid and abet and assist in the
11 commission of the crime. However, mere presence at the scene
12 of a crime is not sufficient to convict one as a principal on
13 the theory of aiding and abetting.

14 Intent is also a necessary element, for there must have
15 been a common design or intent to commit the crime, and the
16 crime must have been committed pursuant thereto with a person
17 aiding and abetting by some overt act. Intent means intending
18 the result which actually occurs, not accidentally or
19 involuntarily.

20 Intent may be shown by acts and conduct of the defendant
21 and other circumstances from which you may naturally and
22 reasonably infer an intent. The State must prove these
23 elements beyond a reasonable doubt.

24 Gentlemen, before I present the guilty forms -- or
25 verdict forms here to the jury, any exceptions to the charge?

1 MR. MEADORS: No, sir.

2 MR. BRIDGES: No, sir.

3 THE COURT: All right. Mr. Smalley?

4 FOREPERSON: Yes, sir.

5 THE COURT: Now, your job as the foreperson begins. I
6 have in my hand here verdict forms. There are two. On the
7 first verdict form, which is longer: No. 1, as to the charge
8 of attempted murder, we, the jury, unanimously find the
9 defendant either guilty or not guilty.

10 Now, the format of this form and how it's laid out has
11 nothing to do with your decision. I have to put these at some
12 point on this form. Now, if the jury finds him not guilty of
13 attempted murder, then you go to Question No. 2:

14 As to the lesser-included offense of assault and battery
15 of a high and aggravated nature, we find the defendant guilty
16 or not guilty. If not guilty, go to No. 3:

17 As to the lesser-included offense of assault and battery
18 in the first degree, we, the jury, find the defendant guilty
19 or not guilty. If not guilty, you go to the next one, No. 4:

20 As to the lesser-included offense of assault and battery
21 in the second degree, we find the defendant guilty or not
22 guilty.

23 The other form is regarding the possession of a weapon
24 during the commission of a violent crime. You find the
25 defendant guilty or not guilty. Your verdict must be

1 unanimous.

2 If there is any questions before you reach your verdict,
3 I will ask that Mr. Smalley contact the bailiff with a note to
4 pass to me so that I may share it with the attorneys, and then
5 I will make a decision about that.

6 Gentlemen, anything else?

7 MR. MEADORS: Nothing for the State.

8 MR. BRIDGES: Might just want to advise them that we have
9 the recordings in here if they'd like to watch them.

10 THE COURT: Yes, sir. Y'all heard what he said.

11 If you would take them to the jury room, and we'll make
12 sure we got all the exhibits while they're out.

13 Do not begin your deliberations until I formally
14 introduce those by way of the bailiff.

15 (The jury exited the courtroom at 11:29 a.m.)

16 THE COURT: I'm going to ask the bailiff, would you bring
17 Mr. Bickley back in, please.

18 THE BAILIFF: Mister who?

19 THE COURT: Mr. Bickley.

20 Y'all want to look over these things to make sure they're
21 all ready and everything there's there.

22 (Mr. Bickley entered the courtroom at 11:31 a.m.)

23 THE COURT: Mr. Bickley?

24 JUROR NO. 11: Yes, sir.

25 THE COURT: You're the alternate, right?

1 JUROR NO. 11: Yes, I am.

2 THE COURT: You are now relieved. You made it to the
3 finish line.

4 JUROR NO. 11: All right.

5 THE COURT: Thank you for your service.

6 (Mr. Bickley exited the courtroom at 11:31 a.m.)

7 (A brief recess was taken from 11:31 to 1:47 p.m. while
8 jury deliberates.)

9 JURY QUESTION

10 THE COURT: Y'all want to approach, please?

11 BENCH CONFERENCE

12 (A bench conference was held outside of the hearing of
13 the jury and others.)

14 (Open court resumes:)

15 THE COURT: Would you go bring Mr. Smalley in, please,
16 sir.

17 THE BAILIFF: Just bring him in?

18 THE COURT: Yes, sir.

19 (Mr. Smalley entered the courtroom at 1:49 p.m.)

20 THE COURT: Mr. Smalley, sir, how are you?

21 FOREPERSON: All right, sir.

22 THE COURT: Just for the sake of my edification here:
23 Please identify when the defendant answered about the number
24 of bullets that were in the gun on the video. You mean what
25 time in the interview?

1 FOREPERSON: Do you want me to tell you or do you want me
2 to sit down?

3 THE COURT: I don't mind if you tell him. I need to
4 know. I want him to hear too, now.

5 FOREPERSON: So the question is when the law is written
6 that you gave us, if by the video --

7 THE COURT: Okay. But I don't want to know what you --

8 FOREPERSON: No, no, no --

9 THE COURT: -- deliberating. I just --

10 FOREPERSON: So we just want to know, on the information,
11 if the defendant said how many was in there, identifying
12 whether or not --

13 THE COURT: Okay. Can we readily find that on the video,
14 gentlemen?

15 MR. MEADORS: Your Honor, give us just a minute or two.
16 I think so.

17 THE COURT: Now, while he does that, you said, Please
18 identify the conditions to be met for each charge. Are you
19 talking about the long list of ingredients of these charges
20 that I read to you?

21 FOREPERSON: Correct, sir.

22 THE COURT: Okay.

23 FOREPERSON: I'm familiar with it, and --

24 THE COURT: Well, I can do one of two things. What I
25 read to you is exactly what -- how it's given to me to give to

1 you.

2 FOREPERSON: Okay.

3 THE COURT: And I can -- unless these lawyers object, I
4 can give them that part of the charge to take back with you.

5 MR. MEADORS: If I understand, they want a recharge on
6 the law.

7 THE COURT: Right.

8 MR. MEADORS: Beg the Court's --

9 THE COURT: Yes, sir.

10 Are you talking about the attempted murder charge and all
11 those after that that I talked about?

12 FOREPERSON: Yes, sir. Those four.

13 THE COURT: Okay. If y'all came back in, all I can do is
14 read to you-all over again what I did, which I don't mind
15 doing. Or, unless the lawyers object, I'll give you exactly
16 what I did read. Because I can't vary from this.

17 FOREPERSON: I know. And that's --

18 THE COURT: So would you rather -- prefer to take this
19 with you?

20 FOREPERSON: I can take it. Yes, sir.

21 THE COURT: Any objection?

22 MR. BRIDGES: Are you handing it back?

23 THE COURT: Yeah, straight from the charge that y'all
24 have read and what I read today.

25 MR. MEADORS: I trust your judgment.

1 THE COURT: It's all right here, sir. Attempted murder
2 and then the other remaining charges behind it. You're
3 talking about the charges now?

4 FOREPERSON: Yes, sir.

5 THE COURT: The things he can be found guilty of.

6 FOREPERSON: Correct.

7 THE COURT: Okay. Here's attempted murder, the other
8 charges, and the possession of the weapon. Okay. Yes, sir.

9 Let the record reflect that I'm giving to the foreperson
10 those parts of the charge that were read verbatim to him. And
11 did we find out anything on the tape or video?

12 MR. MEADORS: Your Honor, if you give us a minute, we
13 could --

14 THE COURT: Okay.

15 MR. MEADORS: I think we could get it relatively shortly.

16 THE COURT: That's fine.

17 MR. MEADORS: And I don't know if the jury wanted to go
18 back to the jury room while we -- or whatever you think. I'm
19 not trying to -- we may have to play around with it to get
20 it --

21 THE COURT: That's right. If you would, sir --

22 FOREPERSON: I can go back.

23 THE COURT: And we'll bring you back in when they find
24 it. All right, sir?

25 FOREPERSON: Yes, sir.

1 MR. MEADORS: Thank you, sir.

2 (Mr. Smalley exited the courtroom at 1:54 p.m.)

3 (Pause in the proceedings.)

4 THE COURT: Bring them on in.

5 THE BAILIFF: Your Honor, everyone?

6 THE COURT: Yes, sir.

7 (The jury entered the courtroom at 1:56 p.m.)

8 THE BAILIFF: The jurors are seated, Your Honor.

9 THE COURT: Mr. Smalley, the attorneys have told me they
10 have isolated on the video that portion which you made
11 reference to in your question from the jury about "Please
12 identify when the defendant answered about the number of
13 bullets that were in the gun." Is that correct?

14 FOREPERSON: Yes, sir.

15 THE COURT: Yes, sir.

16 (Video plays.)

17 THE COURT: Mr. Smalley?

18 FOREPERSON: Back up a little bit. One more time,
19 please.

20 THE COURT: Can you replay it, sir.

21 (Video plays.)

22 THE COURT: Mr. Smalley, good?

23 FOREPERSON: Yes, sir.

24 THE COURT: Okay. Now, members of the jury, Mr. Smalley
25 asked me -- the question was or is: Please identify the

1 conditions to be met for each charge. What I gave to him,
2 with the consent of both attorneys, is the precise and exact
3 information that I read from when I talked to you about that
4 earlier. I could read it all over again, but it's the same
5 thing that I have given to him. I can't vary from it. I
6 can't paraphrase it. It's exactly what you have in
7 Mr. Smalley's hands. All right?

8 Mr. Smalley, is that suitable?

9 FOREPERSON: That's good, sir.

10 THE COURT: All right, sir. Thank you-all.

11 If you would return to your room and continue to
12 deliberate. Thank you very much.

13 (The jury exited the courtroom at 2:00 p.m.)

14 THE COURT: All right, folks. Stay close.

15 (A brief recess was taken pending jury verdict.)

16 THE COURT: Are they ready?

17 THE BAILIFF: Yes, sir.

18 THE COURT: Okay.

19 THE BAILIFF: Waiting on you.

20 THE COURT: Oh, I'm sorry. I'm sorry.

21 THE BAILIFF: Yes, sir. Yes, sir.

22 (The jury entered the courtroom at 3:54 p.m.)

23 THE BAILIFF: All jurors are present, Your Honor.

24 THE COURT: Mr. Smalley, do we have a verdict, sir?

25 FOREPERSON: Yes, sir, we do.

1 THE COURT: All right, sir. Would you pass it to the
2 bailiff, please.

3 Mr. Smalley, the verdict form has not been completed,
4 sir. It's not been completed. Let me speak to the two
5 attorneys here.

6 BENCH CONFERENCE

7 (A bench conference was held outside of the hearing of the
8 jury and others.)

9 (Open court resumes:)

10 THE COURT: Ma'am --

11 THE BAILIFF: Stay right there.

12 BENCH CONFERENCE

13 (A bench conference was held outside of the hearing of the
14 jury and others.)

15 (Open court resumes:)

16 THE BAILIFF: Come to order and remain seated.

17 THE COURT: Mr. Smalley, may I ask that you and the jury
18 return to your room and address and complete the verdict form,
19 please, sir.

20 (The jury exited the courtroom at 3:57 p.m.)

21 THE COURT: As the group class asked: Should I stay or
22 should I go? I'll be right back. Just let me know. Okay?

23 (A brief recess pending jury verdict.)

24 THE COURT: All right. As best as I can tell, the
25 foreperson --

1 THE BAILIFF: Your Honor.

2 THE COURT: Oh, hold on one second. What's that? The
3 foreperson is asking to tell him what else to do with the
4 verdict form. Where is that verdict form now?

5 MR. BRIDGES: I think they have it back there.

6 MR. MEADORS: They do.

7 THE COURT: Okay. I think I'll tell them to follow the
8 instructions on Questions No. 1 and No. 2 and keep going until
9 you're done.

10 MR. BRIDGES: And you have to finish for each charge.

11 THE COURT: That's right.

12 Yes, sir. I need the verdict form, too, please.

13 THE BAILIFF: All right, sir.

14 THE COURT: May I have the verdict form, please?

15 (Mr. Smalley entered the courtroom at 4:10 p.m.)

16 THE COURT: Mr. Smalley, my understanding of the question
17 from the jury is: Please advise what areas are needed to
18 complete. Is that right? Or what is your question, sir?

19 FOREPERSON: So --

20 THE COURT: Let me just say this: Here's the verdict
21 form. No. 1, if you decide not guilty, you go down to
22 Question No. 2.

23 FOREPERSON: Correct.

24 THE COURT: You know, folks, this robe came along with
25 cleaning instructions, and I have made a mistake because it

1 has been done right. In my haste to check it for
2 completeness, I was wrong. I made a mistake. So I'm the one
3 who made a mistake, not you. Okay?

4 FOREPERSON: Yes, sir.

5 THE COURT: And it appears that you have done it
6 correctly.

7 That being the case, would you bring the jury in, please.

8 THE BAILIFF: Yes, sir.

9 MR. MEADORS: Is it completed all the way?

10 THE COURT: It is completed.

11 (The jury entered the courtroom at 4:12 p.m.)

12 THE BAILIFF: All jurors are present, Your Honor.

13 THE COURT: All right. Members of the jury, I beseech
14 you. I made a mistake, not you and not Mr. Smalley. I made
15 the mistake. And I have to own up to it. And I do.

16 I will read the verdict to the jury -- to the courtroom.

17 VERDICT

18 THE COURT: In the case of the State of South Carolina
19 versus Malik Singleton, in Case No. 2017-GS-43-0175, the
20 verdict form, as to the charge of attempted murder, we, the
21 jury, unanimously find the defendant not guilty.

22 As to the lesser-included offense of assault and battery
23 of a high and aggravated nature, we, the jury, unanimously
24 find the defendant guilty, thus, stopping or ending the
25 examination of that verdict.

1 The same case, verdict form, as to the charge of
2 possession of a weapon during the commission of a violent
3 crime, we, the jury, unanimously find the defendant guilty.

4 Mr. Smalley, is your verdict unanimous, sir?

5 FOREPERSON: Yes, sir, it is.

6 THE COURT: All right. Does anybody wish to poll the
7 jury?

8 MR. MEADORS: Nothing for the State.

9 MR. BRIDGES: Nothing from the defense, Your Honor.

10 THE COURT: Mr. Smalley and to your fellow jurors, y'all
11 have been extremely attentive throughout this trial. I get to
12 watch you during the trial. Your questions have been
13 appropriate at times, and I so apologize for baffling you as
14 to what you did wrong earlier because I'm the one that did it.
15 So please forgive me for my mistake.

16 As I told you in your charge earlier, at the outset, once
17 you have done your duty as your jurors -- as jurors, no one
18 can find fault with you.

19 Anything further before I release them, gentlemen?

20 MR. MEADORS: No, sir. Thank you.

21 THE COURT: Thank y'all so very much.

22 And does the clerk -- how do you --

23 THE BAILIFF: We have a form for them.

24 THE COURT: You got them?

25 THE BAILIFF: Yes, sir.

1 THE COURT: All right, folks. Have a good weekend.
2 You're through for the week. Thank you very much.

3 MR. MEADORS: Judge, just give us a minute to get the
4 sentencing sheet ready.

5 THE COURT: Yes, sir.

6 (Pause in the proceedings.)

7 MR. MEADORS: It's on its way. Sorry.

8 THE COURT: That's all right. Take your time.

9 (Pause in the proceedings.)

10 MR. MEADORS: Thank you, Judge.

11 THE COURT: All right, gentlemen.

12 SENTENCING

13 MR. MEADORS: If it please the Court.

14 THE COURT: Yes, sir.

15 MR. MEADORS: First of all, for the record, I want to
16 thank the jury for their verdict. I know it was tough to
17 listen to that tape, and they did listen, and I want to thank
18 them.

19 I want to thank law enforcement for their job in this
20 case. And I also want to thank Mr. Dillard and Ms. Harrison.
21 And I want to thank Lieutenant Ragin who is here, Ms. Gwinhair
22 (ph), Barbara, everybody.

23 Judge, I also want to thank the victim's family for being
24 here with us.

25 It's -- all these cases are tough. When you're dealing

1 with a family member, it makes it even more tough on everybody
2 and makes it even more harder to believe sometimes. This was
3 a serious case. Just an inch, and he could have been dead.
4 Thank God he isn't, and thank God he's here.

5 Judge, as far as a prior record, possession of marijuana
6 in March of 2016 and breaking and entering, I believe, a
7 vehicle in 2016 -- June of 2016. Got five years suspended,
8 five years probation. So I guess he was on -- unless I'm
9 corrected -- probation when this occurred. Entry of the lands
10 of another, two of 2016. Breach of peace, August of 2016.
11 Looks like his parole was violated. He has another pending
12 charge of neglect, which we'll deal with later.

13 Judge, I think that's all on that. I don't know if
14 Investigator Bonner wants to say anything. Judge, I have
15 talked to the family. They also echo a thank you to the jury
16 for their verdict. I have dealt with many a victim over my
17 life, and I'm not just saying that. This young man, TJ, was
18 probably one of the most straight-forward and credible
19 witnesses I have ever dealt with. Thank you.

20 THE COURT: Yes, sir.

21 Mr. Bridges?

22 MR. BRIDGES: Thank you, Your Honor.

23 Thank you for your patience with us over these last four
24 days. It's been a very hard and emotional trial for everybody
25 involved.

1 Mr. Singleton is 22 years old. He has two children that
2 are very young. He has a son who is --

3 THE DEFENDANT: Three years old.

4 MR. BRIDGES: -- who is three, and he has a daughter, who
5 I think is 18 months.

6 THE DEFENDANT: One year's old.

7 MR. BRIDGES: A little bit over one year old.

8 His only prior general sessions conviction is that B&E
9 auto that he's on probation for. I have spoken with
10 probation. I think they'll be able to handle this matter
11 internally after sentencing.

12 He does have strong family support. If you-all would
13 show up -- if y'all would stand up. That's his mother and his
14 step dad and his fiancée, the mother of his kids. And his
15 grandmother was here earlier.

16 This is a serious charge he's facing. We'd just request,
17 due to his age and his lack of a record, that you consider to
18 show mercy, consider some leniency, and give him time credit
19 for the 104 days he's already served, Your Honor.

20 And I think my client would like to briefly address you.

21 THE COURT: Yes, sir.

22 THE DEFENDANT: I just want everybody to know that, you
23 know, you and the family -- my family and my girlfriend and my
24 mother and my stepfather, you know, and you guys, I really
25 want to let you know, you know, I'm sorry, you know. It was

1 not -- you know, I just want you guys to know that I'm sorry.

2 THE COURT: I have never taken pleasure in sentencing
3 anybody. I didn't find it pleasurable when I was a magistrate
4 or in family court when people didn't pay child support. I
5 don't brag about it. I really don't like to do it.

6 On the gun charge, that's a five-year sentence and it's
7 consecutive to the other charge. If applicable, credit for
8 any time served.

9 On the remaining charge, assault and battery of high and
10 aggravated nature, sentence of the Court is Department of
11 Corrections for 20 years suspended to 15 years of active time
12 for a total of 20 years.

13 I'm giving you something of a break, Mr. Singleton.
14 That's two decades looking at you in prison. And part of me
15 tugs at me saying, Well, thank goodness he wasn't killed. But
16 that's not the point. The point of it here is the -- how I
17 described in writing it down, the predacious and ravaging
18 savagery. To go to someone's house or a house where that
19 person is, as this jury believed you did, armed to take away
20 from somebody else something they lawfully possess because you
21 wanted it and willing to shoot them, too, to get it.

22 So, without further ado or comment, that is the sentence
23 of the Court.

24 Now, I applaud all of you for your patience with me. I
25 get so aggravated with myself by trying to get ahead of myself

1 sometimes, which is what I did on that jury verdict form, and
2 I apologize for that. The jury got it right; I didn't.

3 Anyway, I wish you-all the best, and thank you.

4 MR. MEADORS: Thank you, Your Honor.

5 MR. BRIDGES: Thank you, Your Honor.

6 (At 4:30 p.m., the trial of the matter of the State vs.
7 Malik Singleton concluded.)

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1 CERTIFICATE OF TRANSCRIBER

2 CASE/NO.: State vs. Malik Singleton

3 2017-GS-43-1075

4 DATE OF PROCEEDING: January 14 - 17, 2019

5
6 I, Bobbi J. Fisher, do hereby certify that the
7 foregoing transcript is a true and correct record of the
8 recorded proceedings; that said proceedings were transcribed
9 to the best of my ability from the audio recording and
10 supporting information; and that I am neither counsel for,
11 related to, nor employed by any of the parties to this case,
12 and I have no interest, financial or otherwise, in its
13 outcome.

14
15 Bobbi Fisher
16

17 Bobbi J. Fisher, SC Official Court Reporter,

18 NCRA Registered Professional Reporter/Transcriber
19
20
21
22
23
24
25

COUNTY OF Sumter

IN THE COURT OF COMMON PLEAS

335

Malik Singleton

RECORDED

CIVIL ACTION COVERSHEET

Plaintiff(s)

2022 FEB 25 PM 2:19

-CP-

CERTIFIED TRUE COPY
OF ORIGINAL FILE

vs.

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.South Carolina

Defendant(s)

DEPUTY CLERK OF COURT

SUMTER COUNTY
SOUTH CAROLINA

2022 CP-43-310

Submitted By: Malik Singleton # 378332

SC Bar #:

Address: Lee Correction Institution

Telephone #:

990 WISACKY HIGHWAY 172A-2126

Fax #:

Bishopville, South Carolina 29010

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts	Torts - Professional Malpractice	Torts - Personal Injury	Real Property
☐ Constructions (100)	☐ Dental Malpractice (200)	☐ Conversion (310)	☐ Claim & Delivery (400)
☐ Debt Collection (110)	☐ Legal Malpractice (210)	☐ Motor Vehicle Accident (320)	☐ Condemnation (410)
☐ General (130)	☐ Medical Malpractice (220)	☐ Premises Liability (330)	☐ Foreclosure (420)
☐ Breach of Contract (140)	Previous Notice of Intent Case #	☐ Products Liability (340)	☐ Mechanic's Lien (430)
☐ Fraud/Bad Faith (150)	20 <u>-NI-</u>	☐ Personal Injury (350)	☐ Partition (440)
☐ Failure to Deliver/ Warranty (160)	☐ Notice/ File Med Mal (230)	☐ Wrongful Death (360)	☐ Possession (450)
☐ Employment Discrim (170)	☐ Other (299)	☐ Assault/Battery (370)	☐ Building Code Violation (460)
☐ Employment (180)		☐ Slander/Libel (380)	☐ Other (499)
☐ Other (199)		☐ Other (399)	
-
Inmate Petitions	Administrative Law/Relief	Judgments/Settlements	Appeals
☒ PCR (500)	☐ Reinstate Drv. License (800)	☐ Death Settlement (700)	☐ Arbitration (900)
☐ Mandamus (520)	☐ Judicial Review (810)	☐ Foreign Judgment (710)	☐ Magistrate-Civil (910)
☐ Habeas Corpus (530)	☐ Relief (820)	☐ Magistrate's Judgment (720)	☐ Magistrate-Criminal (920)
☐ Other (599)	☐ Permanent Injunction (830)	☐ Minor Settlement (730)	☐ Municipal (930)
	☐ Forfeiture-Petition (840)	☐ Transcript Judgment (740)	☐ Probate Court (940)
	☐ Forfeiture-Consent Order (850)	☐ Lis Pendens (750)	☐ SCDOT (950)
	☐ Other (899)	☐ Transfer of Structured Settlement Payment Rights Application (760)	☐ Worker's Comp (960)
		☐ Confession of Judgment (770)	☐ Zoning Board (970)
Special/Complex/Other	☐ Pharmaceuticals (630)	☐ Petition for Workers Compensation Settlement Approval (780)	☐ Public Service Comm. (990)
☐ Environmental (600)	☐ Unfair Trade Practices (640)	☐ Other (799)	☐ Employment Security Comm (991)
☐ Automobile Arb. (610)	☐ Out-of State Depositions (650)		☐ Other (999)
☐ Medical (620)	☐ Motion to Quash Subpoena in an Out-of-County Action (660)		
☐ Other (699)	☐ Pre-Suit Discovery (670)		
☐ Sexual Predator (510)			
☐ Permanent Restraining Order (680)			

Submitting Party Signature: _____

Date: _____

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

County of SumterMalik Simbleton

2022 FEB 25 PM 2:19

Full name and prison number (if any) of Applicant

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

2022-CP-43-310

v.

APPLICATION FOR

State of South Carolina

POST-CONVICTION RELIEF

CERTIFIED TRUE COPY
OF ORIGINAL FILEBarbara Anapen
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Lee Correction Institution / 990 Wisconsin Highway
Bishopville, South Carolina 29010
2. Name and location of Court which imposed sentence Sumter County General
Sessions Court
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 17-GS-43-1075 (ABHANI)
 - (b) _____

(c) _____

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5. The date upon which sentence was imposed and the terms of the sentence:

(a) January 17th, 2019

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty ✓

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. Court Of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. affirmed

ii. _____

iii. _____

(c) the date of each such result:

i. December 8th, 2021

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. 2614-UP-DDD124

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) _____

(b) _____

Ineffective Assistance of Counsel

1. Failure To Object

A) Counsel did not object to the trial court jury instruction of attempt murder that "the state must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought."

B) Counsel did not object to the testimony of text messages, was a Brady violation, as such, there was no way to authenticate this information

C) Counsel did not object to sentence, that was imposed by court when the facts show the defendant should not have received a felony sentence but a misdemeanor charge.

2. Prosecutorial Misconduct

A) Prosecutor comments about uncharged robbery denied applicant a fair trial as the state never charged applicant with this offense.

B) Prosecutor comments during closing about "Good Police Work" constitutes improper vouching

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) _____
- (b) _____
- (c) _____ *See Attached Sheets*
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (c) _____ *See Attached Sheets*
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? ND
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? ND
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? ND
- (d) any other petitions, motions or applications in this or any other Court? ND
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. N/A
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. N/A
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. N/A
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. N/A
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____ *N/R*
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? *Yes*
 (c) your sentencing? *Yes*
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? *Yes*
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. *Jason Bridges*

ii. *Adam S. Ruffin*

South Carolina Appellate Defense

iii. _____

(b) the proceedings at which each such attorney represented you:

i. *Trial / Sentencing*

ii. *Appeal*

iii. _____

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19. State clearly the relief you seek in filing this application:

Vacate conviction

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Sumter)

VERIFICATION

I, Malik Singleton, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Malik J. Singleton

SWORN to and subscribed before me this 23
day of Feb, 2022.

Debra Eastredge
Notary Public

(L.S.)

My Commission Expires: 3/3/2026

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Malik Singleton JAMES C. CAMPBELL, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Malik J. Singleton
Applicant

SWORN or affirmed to and subscribed before me this

23 day of Feb, 2022.

Debra Eastledge
Notary Public

My Commission Expires: 3/3/2024



RECORDED
2023 OCT -5 PM 4: 01
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

ALAN WILSON
ATTORNEY GENERAL

October 4, 2023

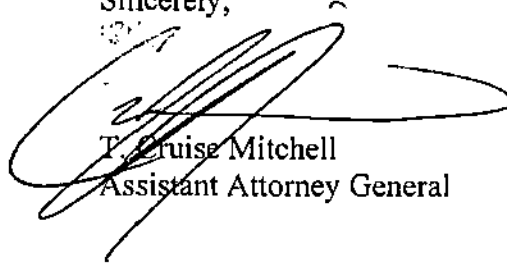
The Honorable James C. Campbell
Sumter County Clerk of Court
Sumter County Judicial Center
215 North Harvin Street
Sumter, SC 29150-4974

Re: Malik Singleton, #378882 v. State of South Carolina
2022-CP-43-00310

Dear Mr. Campbell:

Enclosed for filing please find Respondent's original Return to the Application for Post-Conviction Relief of the above-captioned case. Please let me know if anything additional is needed at this time.

Sincerely,



T. Cruise Mitchell
Assistant Attorney General

TCM/bm
Enclosure

cc: Michael H. Lifsey, Esquire

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Malik Singleton, SCDC #378882,

Case No. 2022-CP-43-00310

Applicant,

v.

RETURN
(COUNSEL APPOINTED)

State of South Carolina,

Respondent.

RECORDED
2023 OCT -5 PM 4:01
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

In response to the post-conviction relief (PCR) action commenced by Malik Singleton (Applicant) on February 25, 2022, the State makes this return¹:

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Sumter County Clerk of Court. During its October 2017 term, the Sumter County Grand Jury indicted Applicant for attempted murder (2017-GS-43-1075, count 1) and possession of a weapon during the commission of a violent crime (2017-GS-43-1075, count

¹ Respondent's return to the application were due to be filed within ninety days of receipt. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.") Applicant originally filed this PCR application while his direct appeal was still pending. The Remittitur from his direct appeal was issued on September 8, 2022. Now, having completed the returns required in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of the delay, Respondent respectfully asks this Court to accept these returns as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

2). Applicant was represented by Jason Bridges, esquire. The case was prosecuted by John P. Meadors, esquire.

On January 14 – 17, 2019, Applicant proceeded to trial before the Honorable George M. McFadden, and a jury. The jury found Applicant guilty of the lesser included offense of assault and battery of a high and aggravated nature, and possession of a weapon during the commission of a violent crime. On January 17, 2019, Judge McFadden sentenced Applicant to twenty (20) years imprisonment suspended to fifteen (15) years active time for assault and battery of a high and aggravated nature, and a consecutive five (5) year sentence for the weapons charge.

Applicant filed a timely notice of appeal. The appeal was perfected by Appellate Defender Adam Ruffin of the South Carolina Commission on Indigent Defense, Appellate Division. The South Carolina Court of Appeals affirmed Applicant's convictions and sentence in an unpublished opinion. State v. Malik J. Singleton, Unpub. Op. No. 2021-UP-437 (Ct. App. filed December 8, 2021). Applicant filed a petition for rehearing which was denied on January 26, 2022.

On February 25, 2022, Applicant filed a petition for writ of certiorari in the South Carolina Supreme Court. On September 8, 2022, The South Carolina Supreme Court denied Applicant's petition by written order. The remittitur was issued on September 8, 2022.

FACTS

In December of 2016, the victim received a settlement from a motor vehicle collision lawsuit. Applicant was aware of this and tried to rob Victim. Applicant shot Victim in the head during the attempted robbery. The gunshot grazed Victim's head and the wound was not fatal. (Trial Tr. p. 90).

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to “object to the trial counsel jury instruction of attempt murder that ‘the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought.’”
 - b. Counsel failed to “object to the testimony of text messages, was a Brady violation as such, there was no way to authenticate this information.”
 - c. Counsel failed to “object to sentence that was imposed by court when the facts show the defendant should not have accused a felony sentence but misdemeanor charge.”
2. Prosecutorial Misconduct
 - a. “Prosecutor comments about uncharged robbery denied a fair trial as the state never charged Applicant with this offense.”
 - b. “Prosecutor comments during closing about ‘Good Police Work’ constitutes improper vouching.”

Applicant requests relief as follows:

“Vacate conviction.”

Attached to this return and incorporated by reference are the Sumter County Clerk of Court records regarding the subject convictions, Applicant’s records from the South Carolina Department of Corrections, the trial transcript, the records from Applicant’s direct appeal, and the records of the current PCR action. The State reserves the right to amend this return upon receipt of any relevant materials.

RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of

such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction or sentence. 466 U.S. at 687. First, the applicant must show that counsel’s performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” Padilla v. Kentucky, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel’s representation fell below an objective standard of “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, “does not guarantee perfect representation[—]only a ‘reasonably competent attorney.’” Harrington v. Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel’s conduct “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is “no expectation that competent counsel

will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” Harrington, 562 U.S. at 110.

Accordingly, “[j]udicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel’s defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable.” Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 6 (2003) (“The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.”). Thus, the question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690).

Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time. Id. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a “strong presumption that counsel’s conduct falls within the wide range of reasonable professional assistance.” Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Reviewing courts “must judge the reasonableness of counsel’s challenged conduct on the facts of the particular case, viewed at the time of counsel’s conduct.” Strickland, 466 U.S. at 690. An applicant making a claim of ineffective assistance “must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment.” Id. The

reviewing court must then “determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance.” Id.

The Strickland standard must be applied with scrupulous care, lest “intrusive post-trial inquiry” threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; see also Harrington, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel’s representation is a most deferential one. Harrington, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690) (emphasis added).

The second, or “prejudice” prong of Strickland is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. Id. at 691–92. In order to prove prejudice, an applicant must demonstrate counsel’s deficient performance prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability “sufficient to undermine confidence in the outcome.” Strickland, 466 U.S. at 694. Thus, it is not enough “to show the errors had some conceivable effect” on the outcome of the proceeding—counsel’s errors must be “so serious as to deprive the defendant of a fair trial.” Id. at 687 (emphasis added).

The performance and prejudice standards, however, “do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” Strickland at 696. Moreover, “there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one.” Strickland at 697. The court “need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. Id. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. Id.”

Failure to Object to Attempted Murder Jury Instruction

Applicant alleges Counsel was ineffective for failing to object to the trial court’s jury instruction on attempted murder. Specifically, Applicant is alleging Counsel should have objected to the trial court’s instruction that in order to prove attempted murder, “the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought.” (Trial Tr. p. 311). Respondent submits this allegation is without merit.

“In reviewing jury charges for error, this Court must consider the circuit court’s jury charge as a whole in light of the evidence and issues presented at trial.” State v. Simmons, 384 S.C. 145, 178, 682 S.E.2d 19, 36 (Ct. App. 2009). The South Carolina Supreme Court has established that specific intent to kill is an element of attempted murder. State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017). “A finding of malice in an attempted murder proceeding can be express or implied, and the jury may look at a defendant’s actions and imply or infer from those actions that the defendant had the specific intent to kill required for attempted murder.” State v. Taylor, 434 S.C. 365, 862 S.E.2d 924 (Ct. App. 2021).

Here, with respect to attempted murder, the trial court instructed the jury that:

In order to prove this crime, the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought. Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to injure another and indicates a wick or depraved spirit, intent on doing wrong. Malice aforethought does not require that malice exists for a particular time before the act is committed. Malice must exist in the mind of the defendant at the time of the act and cannot develop after the fact occurred. Therefore, there must be a combination of the previous evil intent and the act.

Attempted murder can be committed on when the defendant's act or acts are accompanied by expressed malice or malice in fact. Expressed malice is the deliberate and specific intent of the defendant to unlawfully kill another with hatred, ill will, or hostility, without just cause or excuse. It is the performance of an act or acts which tend, but fail, to kill a human being.

Specific intent means that the defendant consciously intended the completion of the killing of another but failed to do so. If you, the jury, find the State has proven beyond a reasonable doubt that it was the defendant's specific intent to kill another with expressed malice, then you must find the defendant guilty. If you find the State has failed to prove that the defendant is guilty of attempted murder, you must then decide whether the State has proved that the defendant is guilty of the lesser-included offense of assault and battery of a high and aggravated nature.

(Trial Tr. pp. 311 – 312).

The trial court correctly instructed the jury that the State is required to prove specific intent to kill is an element of attempted murder. Additionally, the trial court correctly instructed the jury regarding malice. Therefore, Counsel was not deficient for failing to object to the jury instruction regarding attempted murder.

Furthermore, Applicant was acquitted of attempted murder so any error in the jury charge would be rendered harmless. Accordingly, this allegation should be denied.

Failure to Object to Admission of Text Messages

Applicant alleges Counsel was ineffective for “failing to object to the testimony of the text messages was a Brady violation, as such, there was no way to authenticate this information.”

Respondent submits this allegation is without merit. Trial counsel did in fact object to the admission of testimony regarding the text messages for lack of authentication. (Trial Tr. p. 146). Thus, this allegation should be denied.

Failure to Object to Sentence

Applicant alleges Counsel was ineffective for failing to object to the sentence imposed “when the facts show the defendant should not have accused a felony sentence but misdemeanor charge.” Respondent submits this allegation is without merit. A person convicted of assault and battery of a high aggravated nature must be imprisoned for not more than twenty years. S.C. Code Ann. § 16-3-600. A person convicted of possession of a weapon during the commission of a violent crime “must be imprisoned five years, in addition to the punishment provided for the principal crime.” S.C. Code Ann. § 16-23-490. “The court may impose this mandatory five-year sentence to run consecutively or concurrently.” *Id.* Assault and battery of a high and aggravated nature is classified as a Class C felony. S.C. Code Ann. § 16-1-90. Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years active time, and a five (5) year consecutive sentence for possession of a weapon during the commission of a violent crime. Both sentences are perfectly legal; thus, Counsel had no meritorious reason to object. Accordingly, this allegation should be denied.

RESPONSE TO ALLEGATIONS OF PROSECUTORIAL MISCONDUCT

Prosecutorial Misconduct – Prosecutor Improperly Commented on Prior Unrelated Robbery Charge²

Applicant alleges the “prosecutor comments about uncharged robbery denied a fair trial as the state never charged Applicant with this offense.” Respondent submits this allegation is without

² Allegation 2(a)

merit. Respondent believes Applicant is referring to comments Solicitor Meadors made during closing argument in which he states:

It occurred during the commission of a robbery, burglary, kidnapping, or – and this is an attempted armed robbery – wasn't charged with it, doesn't have to be charged with it. They were there to rob him. So it occurred during a robbery.

(Trial Tr. p. 271).

Counsel objected to this comment but was overruled by the trial court. (Trial Tr. p. 272). Counsel properly objected to this comment; thus, this issue should have been raised on direct appeal. These issues are improper for post-conviction relief because they could have been raised on direct appeal and are procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief.

Furthermore, Solicitor made this comment in the context of explaining the elements of the lesser included offense of assault and battery first degree. This was a correct statement of the law. Additionally, the jury found Applicant guilty of assault and battery of a high and aggravated nature which does not require the State to prove the act occurred during the commission of a robbery. Thus, Applicant cannot meet his burden establishing prejudice in this regard.

Prosecutorial Misconduct – Prosecutor's Comments Constituted Improper Vouching of a

Witness

Applicant alleges “prosecutor comments during closing about ‘Good Police Work’ constitutes improper vouching.” During closing argument, while Solicitor was discussing the testimony of Lieutenant Ragin, he made this comment:

But the import of that - - and I think that's good police work. I think its great police work.

(Trial Tr. p. 291).

This comment was objected to by counsel and overruled by the trial court. (Trial Tr. p. 291). Counsel properly objected to this comment; thus, this issue should have been raised on direct appeal. These issues are improper for post-conviction relief because they could have been raised on direct appeal and are procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief.

For these reasons and pursuant to Rule 12(b)(6), SCRCP, the Court should dismiss this allegation for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

Conclusion and Action Requested

For the above-reasons, Applicant cannot satisfy either requirement of Strickland. To the extent Applicant's allegations are not conclusively refuted by the record, the State requests an evidentiary hearing be held to fully resolve those issues. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to Love v. State, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. Id. at 245, 834 S.E.2d at 203 (Kittredge, J., dissenting) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRCP; see also Rules 15(a)-(b), SCRCP. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. See Rule 15(a), SCRCP.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. The State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

GENERAL DENIAL

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

CONCLUSION

WHEREFORE, the State respectfully requests an evidentiary hearing be held on the claims of ineffective assistance of counsel and prosecutorial misconduct.

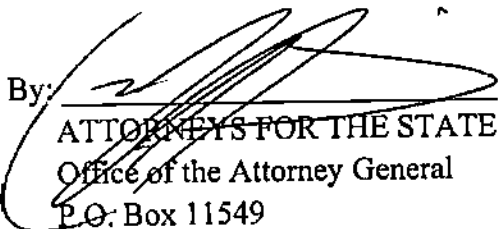
Respectfully submitted,

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By: 
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October 4, 2023

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Malik Singleton, #378882

Applicant,

v.

State of South Carolina

Respondent,

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-43-00310

Certificate of Service by Mail

2023 OCT -5 PM 4:01
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

RECORDED

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return to the Application for Post-Conviction Relief in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Michael H. Lifsey, Esquire
PO Box 548
Chester, SC 29706

DATED this 4th day of October, 2023.



Blake Means, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA

DOCKET NO.

2022-CP-43-00310

IN THE SOUTH CAROLINA CIRCUIT COURT 3

COUNTY OF SUMTER

MALIK SINGLETON,

Plaintiff,

v.

STATE OF SOUTH CAROLINA,

Defendant.

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07/24/2024 Motion Hearing

B E F O R E:

The HONORABLE GRACIE GILCHRIST KNIE,

Circuit Court Judge

C O U R T:

Sumter County Circuit Court 3

T R A N S C R I B E R:

Tina M. Steinmetz, Transcriber

- 1 -

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JULY 24, 2024 - MOTION HEARING

THE COURT: Please be seated. Okay. We are on the record. We are on the record with regard to the matter of Malik Singleton versus the State. This is a civil matter, a PCR matter, and this is Civil Action Number 22-CP-43-310. I am Judge Knie. It is my sincere pleasure to be with you all this morning. I am from the 7th Circuit, which is Spartanburg and Cherokee Counties in the Upstate.

Let me have counsel first identify themselves for the record, starting with counsel for the Applicant.

MR. GRIFFITH: Attorney Timothy Griffith of the Sumter Bar representing the Applicant, Your Honor.

THE COURT: Good morning.

MR. GRIFFITH: Good morning.

MR. MITCHELL: I am Assistant Attorney General Cruise Mitchell, on behalf of the State of South Carolina.

THE COURT: Okay. Thank you. Alright. And sir, you are Malik Singleton?

MR. GRIFFITH: Stand up.

MR. SINGLETON: Yes, Ma'am.

THE COURT: Okay. I think it will pick you up without having to lean down like that.

1 MR. SINGLETON: Okay.

2 THE COURT: But I need to have you sworn in by
3 the Clerk, alright?

4 MR. SINGLETON: Yes, Ma'am.

5 CLERK: Raise your right hand, sir. State your
6 full name.

7 MR. SINGLETON: Malik Jabree Singleton.

8 CLERK: Do you solemnly swear and affirm to
9 your testimony to this Court to be the whole truth,
10 and nothing but the truth, so help you God?

11 MR. SINGLETON: Yes, sir.

12 CLERK: Thank you.

13 THE COURT: Okay. Please be seated. Okay. I
14 have been provided a paper copy of the file that was
15 sent to me electronically about ten days ago from the
16 State. And so, at this time, do you all have anything
17 else to add to the paper file?

18 MR. MITCHELL: Nothing from the State, Your
19 Honor.

20 MR. GRIFFITH: Nothing from Defense, Your Honor.

21 THE COURT: Okay. And so, Mr. Griffith, are
22 you ready to proceed?

23 MR. GRIFFITH: I am Your Honor.

24 THE COURT: Do you object to Mr. Mitchell giv-
25 ing me a very brief procedural history before we begin?

1 MR. GRIFFITH: No objection, Your Honor.

2 THE COURT: Mr. Mitchell.

3 DEFENSE STATEMENT OF THE CAS

4 MR. MITCHELL: May it please the Court, Your
5 Honor?

6 THE COURT: Yes, sir.

7 MR. MITCHELL: During its October 2017 term, the
8 Sumter County Grand Jury indicted Applicant for at-
9 tempted murder and possession of a weapon during the
10 commission of a violent crime. Applicant was repre-
11 sented by Jason Bridges, *Esquire*. The case was pros-
12 ecuted by John P. Matters, *Esquire*.

13 On January 14th through the 17th, 2019, Applicant
14 proceeded to a jury trial before the Honorable George
15 M. McFadden. The jury found Applicant guilty of the
16 lesser included offenses of assault and battery of a
17 high and aggravated nature, and possession of a weapon
18 during the commission of a violent crime.

19 On January 17th, 2019, Judge McFadden sentenced
20 Applicant to twenty years imprisonment, suspended to
21 fifteen years active time for assault and battery of
22 a high, aggravated nature and a consecutive five year
23 sentence for the weapons charge.

24 Applicant filed a timely Notice of Appeal. The
25 appeal was perfected by appellate defender Adam Ruffin

of the South Carolina Commission on Indigent Defense,
Appellate Division.

The South Carolina Court of Appeals affirmed Applicant's conviction and sentence in an Unpublished Opinion.

Applicant then filed a Petition for Re-Hearing, which was denied on January 26th, 2022.

On February 25th, 2022, Applicant filed a Petition for Writ of Certiorari in the South Carolina Supreme Court.

On September 8th, 2022, the South Carolina Supreme Court denied Applicant's Petition by written order. The Remitter was issued on September 8th, 2022.

And with that, Your Honor, I'll turn it over to Mr. Griffith.

THE COURT: Okay. Mr. Griffith, I'm happy to hear from you, sir.

APPLICANT/PLAINTIFF'S ARGUMENT

MR. GRIFFITH: Please the Court, Your Honor. Before we move on, I always like to make sure that the Applicant, and he and I have talked quite a bit, but understands the results of the PCR is that he would be allowed to go after trial with the charges he had before he went to trial.

1 In this case, however, he went to trial and the
2 charge of attempted murder and -- was -- he was tried
3 there for that and evidently the jury found him guilty
4 only of assault and battery of a high and aggravated
5 nature. So, that would be what he would be on trial
6 for, along with the weapon.

7 The way I understand, the murder charge couldn't
8 be brought back again. Is that the way you would
9 understand it, Your Honor?

10 THE COURT: Well, not exactly. But let me
11 hear from Mr. Mitchell.

12 MR. MITCHELL: Your Honor, it's my understanding
13 that since he was acquitted of attempted murder, he
14 could not be brought back on those charges. He would
15 have to -- he could only be brought back on the charges
16 he was convicted of.

17 THE COURT: Okay.

18 MR. MITCHELL: So, Mr. Griffith is correct that
19 if he's successful here today, the only charge that
20 could be brought back would be assault and battery of
21 a high and aggravated nature, and not the attempted
22 murder.

23 THE COURT: And the possession of a weapon?

24 MR. MITCHELL: And possession of a weapon, yes,
25 Your Honor.

1 THE COURT: Okay.

2 MR. GRIFFITH: Yeah. Because he was convicted of
3 both.

4 THE COURT: Okay. Mr. Singleton, sir, if
5 you'll please stand? Do you understand what Mr. Grif-
6 fith just stated?

7 MR. SINGLETON: Yes, Ma'am.

8 THE COURT: Alright. Do you have any ques-
9 tions about that?

10 MR. SINGLETON: No, Ma'am.

11 THE COURT: Okay. And do you wish to go for-
12 ward?

13 MR. SINGLETON: Yes, Ma'am.

14 THE COURT: Alright. Thank you. Alright.
15 Mr. Griffith, I'm happy to hear from you.

16 MR. GRIFFITH: Thank you, Your Honor. If it
17 please the Court, I would call Malik Singleton to the
18 stand.

19 THE COURT: Okay. Mr. Singleton, you've al-
20 ready been sworn, but I need for you to come up here.
21 Just take your time, okay?

22 MR. SINGLETON: Yes, Ma'am.

23 THE COURT: Watch your step.

24 MR. SINGLETON: Yes, Ma'am.

25 BAILIFF: State your full name and spell your

1 last name for the record, please, sir.

2 MR. SINGLETON: Malik Jabree Singleton. My last
3 name is S-I-N-G-L-E-T-O-N.

4 THE COURT: Okay. Thank you, sir. Make your-
5 self comfortable, okay?

6 MR. SINGLETON: Yes, Ma'am.

7 THE COURT: You can sit back if you want to,
8 a little bit. This is direct examination.

9 MR. GRIFFITH: Thank you, Your Honor.

10 **DIRECT EXAMINATION OF MALIK JABREE SINGLETON**

11 **BY MR. GIFFITH**

12 **Q.** Mr. Singleton, when exactly were you charged with the
13 attempted murder and attempted robbery?

14 **A.** In 2016.

15 **Q.** Okay. And then, you went to trial in 2019, isn't that
16 correct?

17 **A.** Yes, sir.

18 **Q.** And -- you re -- you remember the trial pretty good?

19 **A.** Yes, sir. I remember it pretty good.

20 **Q.** Okay. And before the trial, you were appointed an
21 attorney. And what was his name?

22 **A.** Jason Bridges.

23 **Q.** Okay. And was he your only attorney?

24 **A.** Yes, sir.

25 **Q.** Okay. And did you -- did you have plenty of time to

1 talk to Mr. Bridges?

2 **A.** No. No, sir.

3 **Q.** Okay. About how often did he have a chance to talk to
4 you?

5 **A.** I mean, before we went to trial, I didn't get -- I
6 really didn't -- I really didn't know anything about
7 a trial until January. This is like a couple years
8 later.

9 **Q.** Okay. So, you were out on bond, isn't that right?

10 **A.** Yes, sir.

11 **Q.** Okay. Did you try to contact your attorney at times?

12 **A.** Not really because I didn't know, you know, it -- it
13 was years later.

14 **Q.** Okay. Now, in your application, you said that you
15 filed -- one of the grounds was ineffective assistance
16 of counsel because you didn't have time to talk to
17 your attorney?

18 **A.** Yes.

19 **Q.** Is that -- why don't you tell us a little bit more
20 about that?

21 **A.** Yes, sir. I haven't had time to -- to go over anything
22 with my attorney about this. When I went - the first
23 time that he called me, he said that I had to come up
24 to sign some papers. So, I came to sign papers, but
25 it was the same day also that I went up for -- to start

1 my trial - the first day of trial. And I didn't go
2 home from there.

3 Q. Okay. So, in other words, the only time you got to
4 talk to him was the day of the trial, is that correct?

5 A. The day -- yes, sir, the day of the trial.

6 Q. Okay. Did you have a chance to go over all of the
7 evidence before the trial?

8 A. No, sir. We didn't have time to -- basically, when we
9 first did that he said there wasn't really no evidence
10 above -- about the crime.

11 Q. Okay.

12 A. The first day I was there.

13 Q. Okay. Did he say that there wasn't any evidence, or
14 did he say that he hadn't yet gotten any evidence?

15 A. He said he -- that -- that was also the part. He said
16 there wasn't any. He said there -- did they call for
17 him -- I guess they have -- they say that they have
18 somebody and they didn't -- they never turned it in.

19 Q. Okay. So, when you came on the day you came and --
20 and went to trial, did he show you evidence then?

21 A. No, sir.

22 Q. Okay. Another one of the grounds that you stated in
23 your application is ineffective assistance of counsel
24 because you wanted to testify, but your attorney told
25 you no, you couldn't testify. Is that right?

1 **A.** Yes, sir. I heard everyone else's side of the story,
2 and you know, the -- and every -- everyone else's story
3 wasn't true, you know? The only one that knows the
4 story is me, you know, so, I -- I feel that if I had
5 the freedom -- the freedom of speech to speak for
6 myself, you know, maybe the jury wouldn't have found
7 me guilty on that charge.

8 **Q.** Well, of course, you know that you have a right to
9 remain silent when you're --

10 **A.** Yes.

11 **Q.** -- and the -- and the Judge explained that to you?

12 **A.** Yes, sir.

13 **Q.** Okay. And did the Judge give you the opportunity to
14 speak? To be -- come up to the stand?

15 **A.** I already had talked to my attorney and he told me,
16 you know, they would use my background against me.
17 That's why I didn't even try to speak. And me being
18 young, I didn't have no bad background.

19 **Q.** Okay. How -- did you have some convictions before
20 this one?

21 **A.** Yes, sir. Probably like trespassing and lieu -- my
22 first breaking and entering charge, a motor vehicle.
23 That was when I was younger.

24 **Q.** Okay.

25 **A.** But it wasn't [Inaudible -- muffled/muted].

1 Q. But if you had the opportunity to do it over, you would
2 want to testify, is that what you're telling the Court?

3 A. If I had an opportunity to do it over, yes, sir.

4 Q. Okay. What else can you tell us would be a good reason
5 why you deserve a new trial?

6 A. Because I -- like I said, I was -- I was young, you
7 know, and there wasn't any evidence or anything stating
8 that I did this crime. You know, there wasn't no gun
9 involved. They -- they say they checked me for residue
10 the same day. They say they checked the house where
11 the gun supposedly had went off inside the house. They
12 say they found fingerprints that didn't belong to me,
13 but led to somebody who wasn't in the system.

14 And you know, I -- I -- I feel that it was wrong,
15 you know, because I didn't do this crime from years
16 later.

17 Q. Alright. Okay. Answer any questions that the Attorney
18 General or the Judge may have for you, okay?

19 A. Yes, sir.

20 THE COURT: Okay. Cross-examination?

21 MR. MITCHELL: Your Honor, the State has no ques-
22 tions for this witness.

23 THE COURT: Okay. Mr. Singleton?

24 MR. SINGLETON: Yes.

25 THE COURT: Is there anything else you want me

1 to know?

2 MALIK JABREE SINGLETON ADDRESSES THE COURT

3 MR. SINGLETON: Yes, Ma'am. I did -- if I can --
4 if -- if I can -- do I have the right to speak or
5 anything?

6 THE COURT: Yes, -- yes, sir. That's why
7 you're here today.

8 MR. SINGLETON: Yes, Ma'am.

9 THE COURT: Anything else you want me to know?
10 There's no jury here.

11 MR. SINGLETON: Yes, Ma'am. I did close to six
12 years in Lee County since I was -- since I was young.
13 All the way -- I'm twenty-seven years old now.

14 This crime here that they dee -- that they say
15 that I -- that they say that I committed, I really did
16 not commit this crime, you know? Me being young and
17 the age I am now, while I was in Lee County, I reha-
18 bilitated myself, you know? I -- I have a couple of
19 classes that I made when I was in programs.

20 I've -- I've been in two or three programs at Lee
21 County and I even made classes for parents and their
22 children and for people in the military, like things
23 to do. I even have -- it's -- it's called tangibles
24 that I have over there in my folder. I have certifi-
25 cates. I also have a job. I've been working in the

1 kitchen, and I don't have a valid record by me being
2 inside of Lee County Institution.

3 THE COURT: Okay. Okay. Okay. Thank you,
4 sir.

5 MR. SINGLETON: Yes, Ma'am. Thank you.

6 THE COURT: Thank you. Anything else, Mr.
7 Griffith?

8 MR. GRIFFITH: Nothing, Your Honor. I would
9 rest.

10 THE COURT: Okay. Okay. Mr. Mitchell?

11 MR. MITCHELL: Your Honor, the State calls Mr.
12 Jason Bridges to the stand.

13 THE COURT: Okay. Please come forward.

14 BAILIFF: [Inaudible -- muffled/muted] that han-
15 dle, raise your right hand and state your full name.

16 MR. BRIDGES: Jason Edward Bridges.

17 BAILIFF: Do you solemnly swear and affirm that
18 your testimony to this Court will be the whole truth,
19 and nothing but the truth, so help you God?

20 MR. BRIDGES: I do.

21 BAILIFF: Step around, sir. State your full name
22 and spell your last name for the record please, sir.

23 MR. BRIDGES: Jason Edward Bridges. B-R-I-D-G-
24 E-S.

25 THE COURT: Okay. Direct examination?

DIRECT EXAMINATION OF JASON BRIDGES

BY MR. MITCHELL

Q. Good morning, Mr. Bridges.

A. Good morning, Mr. -- Mr. Mitchell.

Q. Did you represent Mr. Singleton in the underlying claim -- case?

A. I did. And I also represented Mr. Singleton; he picked up a -- I believe it was unlawful conduct towards a child charge during this time span as well. And I was his attorney on that as well.

Q. And were you appointed or retained in this case?

A. I was appointed. I was an employee of the Sumter County Public Defender's Office at the time.

Q. And do you remember when you were appointed?

A. It would have been in 2016. I mean, I started at the Sumter Public Defender's Office in August 2016, and I believe this crime happened towards the end of the -- of that year. So, it would have been probably after the arrest.

Q. And this trial was in 2019?

A. That's correct. In January of 2019.

Q. And during your time, did you meet with Mr. Singleton?

A. I did. At first it was just kind of -- we had docket appearances every once in a while. There wasn't much substantive discussion then, it was just a -- because

1 Mr. Singleton was on bond and he was working. So, it
2 -- that was just, you know, check-ins. But I was
3 informed it -- in the lead up to January of 2019 that
4 that case would be high on the trial list.

5 So, at that point, I had at least two meetings
6 that I can remember with Mr. Singleton in my office.
7 One was very lengthy; that's where we reviewed the
8 evidence in this case.

9 **Q.** So, you -- you did review the discovery with Mr.
10 Singleton?

11 **A.** Yes. And the primary evidence in this case, there was
12 almost a five hour interrogation of Mr. Singleton with
13 law enforcement. And I played that video for him, and
14 we discussed it. And, in fact, it was at this court-
15 house because the Public Defender's Office is in the
16 bottom floor of this courthouse. We stayed past 5:00
17 because I remember I had to escort him out the side
18 door here because the security had closed the front
19 door.

20 So, it was -- that was lengthy. We -- we re-
21 viewed, you know, everything that I had at that point.
22 I told him, you know, that the case could be called
23 for trial the next, you know, the following week, and
24 that's when he appeared as he described, that, you
25 know, the trial commenced.

1 Q. And did the -- did the victim testify in this case?

2 A. Yes, he did.

3 Q. And did he identify Mr. Singleton as the shooter?

4 A. He did. Well, yeah, he -- either he or another indi-
5 vidual that shot at his direction; I -- sometimes I
6 get confused. I know it was [Inaudible -- muf-
7 fled/muted] involved. But yeah, he basically affirmed
8 that Mr. Singleton was involved and either directed or
9 fired the shot that injured him.

10 Q. And did you contest the admissibility of the statement
11 prior to trial?

12 A. I did, very strongly. That was the State's main
13 evidence in this case, in my opinion. Of course, you
14 had the testimony of the victim, and you had some other
15 kind of very circumstantial things; but the State
16 deemed that a confession. They deemed that Mr. Sin-
17 gleton first lied about where he was and then admitted
18 to being on scene and then admitted to ultimately doing
19 it and then retracting it.

20 I felt that there was a lot of issues with that
21 confession and I felt there might have been inducements
22 from the State, just the length of it. I felt they
23 might have fed him information. We had a -- a full
24 Jackson v. Denno hearing where that was litigated.

1 Ultimately, trial judge ruled against me and we pro-
2 ceeded to trial.

3 **Q.** And you made those arguments to the jury during trial?

4 **A.** Absolutely. I believe I -- I specifically highlighted
5 in my closing that I did not feel that that was good
6 police work that led to a credible confession because
7 the video - Mr. Singleton was highly emotional in it.
8 You know, they -- they talked about his children at
9 the time. They told him that the victim was going to
10 die and they were going to charge him with murder when,
11 in fact, he had kind of a superficial injury and they
12 -- you know, he was fully conscious.

13 And I believe they told him he needed to write a
14 letter that was going to be read at the funeral. I
15 mean, it was very emotional stuff and -- and so, I
16 pointed it out to the jury and obviously, the jury did
17 not convict him of attempted murder.

18 **Q.** So, Mr. Singleton was acquitted of attempted murder?

19 **A.** That is correct.

20 **Q.** Will you explain your discussions regarding whether or
21 not Mr. Singleton was going to testify or not?

22 **A.** Yes. My recollection of that is we were both in
23 agreement that that as not a good idea. The jury had
24 already hurled -- hold -- heard a almost four, you
25 know, four or five hour statement from him where he

1 had changed his story like three or four different
2 times. And we felt additional testimony there would
3 just give the State so much impeachment opportunity
4 that anything he could say would not be helpful.

5 Plus, he had a -- he was currently on YOA proba-
6 tion that would have been an admissible conviction of
7 a felony that could have been brought up. Strategi-
8 cally, I just felt like that wouldn't add anything to
9 the trial and could potentially hurt us. And it was
10 my recollection that Mr. Singleton agreed with my as-
11 sessment at the time.

12 **Q.** So, was -- was it ultimately Mr. Singleton's choice?

13 **A.** It was. And Judge McFaddin did the colloquy with him,
14 like you do at any trial. And -- and he stated that
15 it was his decision not to testify.

16 **Q.** And just to recap, Mr. Bridges, you did -- you did
17 meet with Mr. Singleton more than just the day of
18 trial?

19 **A.** Yes. And one of those times was extensive. Like I
20 said, we -- we watched essentially the entirety of his
21 statement to law enforcement, which would have been
22 four or five hours. And I remember that we -- it was
23 late because I had to let him out the side. So, I
24 mean, I -- I'm -- I'm not sure, you know, he's saying
25 he wasn't aware, you know, I'm not sure if he -- if he

1 was aware of the entirety of the evidence against him
2 or not; but certainly that confession video, we watched
3 and discussed before the trial was called. And he was
4 aware that was going to be the State's main evidence.
5 I mean, I told him my intentions to -- to try to
6 suppress it, but that was certainly something we dis-
7 cussed.

8 Q. And the admissibility of the statement was -- was that
9 the direct appeal issue in this case?

10 A. Yes. I think that was the primary direct appeal issue.
11 Mr. Bridges, I have no further questions. Thank you.

12 THE COURT: Cross-examination, Mr. Griffith?

13 MR. GRIFFITH: Thank you, Your Honor.

14 CROSS-EXAMINATION OF JASON BRIDGES

15 BY MR. GRIFFITH

16 Q. Good morning.

17 A. Good morning.

18 Q. Mr. Bridges, you're -- you're no longer with the Public
19 Defender's Office, is that correct?

20 A. That is correct.

21 Q. Where do you work now?

22 A. Now I work for the Attorney General's Office.

23 Q. Alright. You're talking about the fact that you had
24 spoken with Mr. Singleton prior to the day of trial.
25 The Public Defender's Office generally has software

1 where they -- you put in your time and all that, right?

2 A. Yeah.

3 Q. Did you bring any of that with you today?

4 A. That is not in my possession anymore, but that would
5 be in those records, if those records were checked.

6 Q. Okay. So, you don't have any with you today, you just
7 said, right?

8 A. Yes. Yeah. I -- I don't -- I don't have access to it
9 anymore.

10 Q. Okay. I have no further questions then.

11 A. Thank you.

12 THE COURT: Any redirect?

13 MR. MITCHELL: No redirect, Your Honor.

14 THE COURT: Okay. Any objection to Mr.
15 Bridges being excused?

16 MR. MITCHELL: No objection, Your Honor.

17 MR. GRIFFITH: No objection, Your Honor.

18 THE COURT: Okay. Thank you.

19 MR. BRIDGES: Thank you, Your Honor.

20 THE COURT: Alright. Okay. Anything else?
21 Any other witnesses, Mr. Mitchell?

22 MR. MITCHELL: No, Your Honor. The State rests.

23 THE COURT: Okay. Anything by way of reply,
24 Mr. Griffith?

25 MR. GRIFFITH: Nothing, Your Honor.

1 THE COURT: Okay. Would you all like to make
2 a summation? You're not required to. But you may.

3 MR. GRIFFITH: I don't need to.

4 **DEFENSE SUMMATION**

5 MR. MITCHELL: Your Honor, I would just say,
6 based on the testimony, Mr. Bridges did meet with Mr.
7 Singleton. Mr. Singleton claims there was no evidence
8 in this case. He gave a lengthy statement which im-
9 plicated him in this crime, as well as the victim's
10 identification.

11 Mr. Bridges tried to exclude the statement from
12 evidence. It was unsuccessful. It was preserved for
13 appeal and it was a direct appeal issue.

14 Furthermore, he has not met his burden showing
15 prejudice because he hasn't offered any evidence of
16 what further meetings or review of the evidence would
17 have led to a different outcome at trial.

18 So, for that reason, this Application should be
19 denied.

20 **APPLICANT/PLAINTIFF'S SUMMATION**

21 MR. GRIFFITH: Your Honor, our only statement
22 would be that Mr. Bridges did not provide any proof
23 that he met with Mr. Singleton, and we would -- we
24 would have like to have seen that. And without any

1 proof, of course, you would weigh the evidence, of
2 course as spoken.

3 MR. MITCHELL: Your Honor, I would say the burden
4 is on the Applicant; it's not on the -- to prove the
5 case.

6 COURT ADDRESSES THE PARTIES

7 THE COURT: Okay. Thank you both. And Mr.
8 Singleton, I want to direct these comments to you,
9 okay?

10 Counsel already know this because they have ap-
11 peared in front of me throughout the week. But I am
12 going to review everything I have been provided with.
13 I'll show you everything so you understand. It was
14 emailed to me prior to my term here this week.

15 But I have this much stuff that I'm going to
16 review in your -- in your file, okay?

17 MR. SINGLETON: Yes.

18 THE COURT: And I've got my notes about the
19 testimony today. And I want to make sure that I un-
20 derstand everything about the trial, you were -- that
21 was before Judge McFaddin, I think?

22 MR. SINGLETON: Yes, Ma'am.

23 THE COURT: And so, I will issue an order in
24 writing, instructions for the order probably, to the
25 lawyers. And I'll do that as quickly as I can. I do

1 try to rule on these in the order that I hear them.
2 And so, you're mid-week, so it may take a little bit
3 longer on yours than the ones that I heard earlier,
4 okay?

5 MR. SINGLETON: Yes, Ma'am.

6 THE COURT: Okay. Sir, I do wish you the best
7 in the future.

8 MR. SINGLETON: Yes, Ma'am. Thank you.

9 THE COURT: Okay. Thank you all. That will
10 conclude the hearing.

11 MR. GRIFFITH: Alright. Alright. Good luck.

12 MR. SINGLETON: Yes, sir. Thank you.

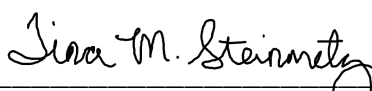
13 **(End of Proceeding)**

CERTIFICATE

I, Tina M. Steinmetz, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in Circuit Court 3 for Sumter County, South Carolina, on the 24th day of July 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 11, 2025



Tina M. Steinmetz, Transcriber



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

Grace Gilchrist Knie
Judge

180 Magnolia Street
Spartanburg, SC 29306
Phone: (864) 596-2285
Fax: (864) 562-4234
gkniesc@sccourts.org

September 17, 2024
Via USPS

Sumter County Clerk of Court
Attn: Common Pleas Division
215 North Harvin Street
Sumter, SC 29150-4974

Dear Clerk:

Please see the attached Order of Dismissal on Malik Singleton v. State 2022-CP-43-0310.
Once you receive this Order and have clocked it in please email me a copy for our records at
gkniesc@sccourts.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ashley B. Searcy".

Ashley B. Searcy
Administrative Assistant to
The Honorable Grace G. Knie
S.C. Circuit Court Judge
7th Judicial Circuit

RECORDED
SEP 20 AM 8:23
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Malik Singleton, SCDC #378882,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2022-CP-43-00310

ORDER OF DISMISSAL

RECORDED
2024 SEP 20 AM 8:23
CLERK OF COURT
SUMTER COUNTY, S.C.

I. INTRODUCTION

The matter before this Court is an action for post-conviction relief (PCR) commenced by Malik Singleton ("Applicant") on February 25, 2022. On July 24, 2024, a hearing into the matter was convened before the Honorable Grace Gilchrist Knie at the Sumter County Courthouse. Applicant was present and represented by Timothy L. Griffith, Esquire. Assistant Attorney General T. Cruise Mitchell represented the State.

After hearing the testimony at the PCR hearing and upon full review of the record, this Court finds Applicant's allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court denies relief and dismisses this action with prejudice.

II. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Sumter County Clerk of Court. During its October 2017 term, the Sumter County Grand Jury indicted Applicant for attempted murder (2017-GS-43-1075, count 1) and possession of a weapon during the commission of a violent crime (2017-GS-43-1075, count

2). Applicant was represented by Jason Bridges, esquire. The case was prosecuted by John P. Meadors, esquire.

On January 14–17, 2019, Applicant proceeded to trial before the Honorable George M. McFadden, and a jury. The jury found Applicant guilty of the lesser included offense of assault and battery of a high and aggravated nature, and possession of a weapon during the commission of a violent crime. On January 17, 2019, Judge McFadden sentenced Applicant to twenty (20) years imprisonment suspended to fifteen (15) years active time for assault and battery of a high and aggravated nature, and a consecutive five (5) year sentence for the weapons charge.

Applicant filed a timely notice of appeal. The appeal was perfected by Appellate Defender Adam Ruffin of the South Carolina Commission on Indigent Defense, Appellate Division. The South Carolina Court of Appeals affirmed Applicant's convictions and sentence in an unpublished opinion. *State v. Malik J. Singleton*, Unpub. Op. No. 2021-UP-437 (Ct. App. filed December 8, 2021). Applicant filed a petition for rehearing which was denied on January 26, 2022.

On February 25, 2022, Applicant filed a petition for writ of certiorari in the South Carolina Supreme Court. On September 8, 2022, The South Carolina Supreme Court denied Applicant's petition by written order. The remittitur was issued on September 8, 2022.

III. STATEMENT OF FACTS

In December of 2016, Travis Dow (Victim) recovered money from an auto accident he was in. (Trial Tr. p.107). On December 13, 2016, Victim witnessed Applicant in his backyard with a gun. (Trial Tr. p.108). Victim believed Applicant wished to rob him of his settlement money. (Trial Tr. p.109–110). The following day, Victim was watching TV at his sister's house when Applicant broke in the back door. (Trial Tr. p.111). Victim ran to the front door in an attempt to escape. As Victim was escaping out of the front door, Applicant shot through the screen door and grazed

Victim. (Trial Tr. pp.114–115). While speaking with law enforcement at the hospital, Victim identified Applicant as the person who shot him. (Trial Tr. p.162). Applicant was subsequently apprehended by law enforcement. (Trial Tr. p.163).

IV. CURRENT APPLICATION

Applicant commenced this PCR application on February 25, 2022. In his application Applicant alleged he was entitled to relief based on the following grounds:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to “object to the trial counsel jury instruction of attempt murder that ‘the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought.’”
 - b. Counsel failed to “object to the testimony of text messages, was a Brady violation as such, there was no way to authenticate this information.”
 - c. Counsel failed to “object to sentence that was imposed by court when the facts show the defendant should not have accused a felony sentence but misdemeanor charge.”
2. Prosecutorial Misconduct
 - a. “Prosecutor comments about uncharged robbery denied a fair trial as the state never charged Applicant with this offense.”
 - b. “Prosecutor comments during closing about ‘Good Police Work’ constitutes improper vouching.”

At the evidentiary hearing, Applicant raised and only went forward on the following allegations:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to review discovery and the State’s evidence with Applicant.
 - b. Counsel would not allow Applicant to testify at trial.

V. INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRPC. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of "were outside the wide range of competence" demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Id.* Significantly, "the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696.

VI. FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. After hearing the testimony presented and considering the legal arguments by counsel, as well as the record in this action incorporated by way of the State's return, this Court finds Applicant's claims to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented.

Failed to Adequately Consult and Review Discovery with Applicant

Applicant contends Counsel was ineffective for failing to adequately consult with him. This Court finds this allegation is without merit.

Applicant suggests a failure to adequately meet with him prior to trial. Additionally, Applicant contends Counsel failed to review discovery with him. This Court finds Counsel's credible testimony refutes this allegation. There is no established "minimum number of meetings between counsel and client prior to trial necessary to prepare an attorney to provide effective assistance of counsel." *United States v. Olson*, 846 F.2d 1103, 1108 (7th Cir.1988) (there is no constitutional minimum number of meetings between attorney and client and observes that an experienced attorney may get more out of a single meeting than a neophyte); *Moody v. Polk*, 408 F.3d 141, 148 (4th Cir. 2005); *Campbell v. Polk*, 447 F.3d 270, 279, n.2 (4th Cir. 2006) ("we cannot conclude that the fact that Campbell's counsel only met with him five times before trial made them ineffective."). "[B]revity of consultation time between a defendant and his counsel, alone, 'cannot support a claim of ineffective assistance of counsel.'" *Davis v. State*, 44 So. 3d 1118, 1130 (Ala. Crim. App. 2009) (quoting *Murray v. Maggio*, 736 F.2d 279, 282 (5th Cir. 1984)); *White v. Godinez*, 301 F.3d 796, 800 (7th Cir. 2002) ("A brief consultation does not by

itself establish that counsel's performance was inadequate.”); *Chavez v. Pulley*, 623 F. Supp. 672, 685 (E.D. Cal. 1985) (“brevity of consultation time between a defendant and his counsel alone cannot support a claim of ineffective assistance of counsel,” especially where the defendant “fails to allege what purpose further consultation with his attorney would have served and fails to demonstrate how further consultation with his attorney would have produced a different result”). Applicant testified Counsel failed to review discovery with him and only met with him once prior to trial. Counsel testified he met with Applicant at least twice with one of those meetings being very lengthy. Counsel testified the primary evidence against Applicant was the hours long interrogation of Applicant. This Court finds Counsel’s testimony credible. Counsel filed a motion to suppress the statement and argued against its admissibility at a lengthy *Jackson v. Denno* hearing. (Trial Tr. pp.28–81). This Court finds Counsel adequately reviewed discovery with Applicant and was prepared for trial. Thus, this Court finds Counsel was not deficient in his consultations with Applicant.

Furthermore, Applicant has failed to specify what, if anything, could have been achieved had Counsel spent more time with him in consultation regarding his case. *See Smith v. State*, 404 S.C. 493, 500–01, 745 S.E.2d 378, 382 (Ct. App. 2012) (noting that an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief). Thus, Applicant has failed to meet his burden establishing prejudice as to this allegation.

Accordingly, this allegation is DENIED.

Counsel Failed to Allow Applicant to Testify

Applicant contends Counsel was ineffective for failing to allow him to testify. This Court finds this allegation is without merit.

At the evidentiary hearing, Applicant explained he wanted to testify at trial, but Counsel would not allow him. Applicant admitted he was advised of his right to testify. Counsel testified they were both in agreement it would not be a good idea for Applicant to testify. Counsel testified it was Applicant's decision whether to testify or not. The record from Applicant's trial corroborates Counsel's testimony:

The Court:...Mr. Bridges, have you and your attorney - - your client talked about this, sir?

Mr. Bridges: Yes, Your Honor, both today and in previous days and in some weeks before this trial. We have discussed it at length.

The Court: All right. Mr. Bridges, are there any questions that you would like to ask your client about this decision?

Mr. Bridges: No, I'm comfortable that we have discussed this issue thoroughly.

(Trial Tr. p.261).

"A defendant's decision to testify or not must be made with knowledge of the consequences of either choice". *Brown v. State*, 340 S.C. 590, 533 S.E.2d 308 (2000). "On-the-record waiver of constitutional or statutory right is but one method of determining whether defendant knowingly and intelligently waived that right". *Brown v. State*, 317 S.C. 270, 453 S.E.2d 251 (1994). Here, the trial court engaged in a thorough colloquy with Applicant explaining his right to testify or not and the consequences of either choice. (Trial Tr. pp.260-262). Applicant affirmed, under oath, he understood his rights and had previously discussed those rights with Counsel. (R. p.260). Upon further questioning, Applicant again affirmed he was freely, voluntarily, and knowingly waiving his right to testify. (Trial Tr. p.262). This Court finds, based on the record and Counsel's credible

testimony, Applicant was properly advised of right to testify and voluntarily chose not to.

Accordingly, this allegation is DENIED.

Failure to Object¹

Applicant makes various allegations that Counsel was ineffective for failing to object.

Attempted Murder Jury Instruction

First, Applicant contends Counsel was ineffective for failing to object to the trial court's jury instruction on attempted murder. Specifically, Applicant is alleging Counsel should have objected to the trial court's instruction that in order to prove attempted murder, "the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought." (Trial Tr. p.311). This Court finds this allegation is without merit.

"In reviewing jury charges for error, this Court must consider the circuit court's jury charge as a whole in light of the evidence and issues presented at trial." *State v. Simmons*, 384 S.C. 145, 178, 682 S.E.2d 19, 36 (Ct. App. 2009). The South Carolina Supreme Court has established that specific intent to kill is an element of attempted murder. *State v. King*, 422 S.C. 47, 810 S.E.2d 18 (2017). "A finding of malice in an attempted murder proceeding can be express or implied, and the jury may look at a defendant's actions and imply or infer from those actions that the defendant had the specific intent to kill required for attempted murder." *State v. Taylor*, 434 S.C. 365, 862 S.E.2d 924 (Ct. App. 2021).

Here, with respect to attempted murder, the trial court instructed the jury that:

In order to prove this crime, the State must prove the defendant with the intent to kill, attempted to kill another person with malice aforethought. Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to injure another and indicates a

¹ No testimony was presented at the evidentiary hearing regarding these allegations.

wick or depraved spirit, intent on doing wrong. Malice aforethought does not require that malice exists for a particular time before the act is committed. Malice must exist in the mind of the defendant at the time of the act and cannot develop after the fact occurred. Therefore, there must be a combination of the previous evil intent and the act.

Attempted murder can be committed on when the defendant's act or acts are accompanied by expressed malice or malice in fact. Expressed malice is the deliberate and specific intent of the defendant to unlawfully kill another with hatred, ill will, or hostility, without just cause or excuse. It is the performance of an act or acts which tend, but fail, to kill a human being.

Specific intent means that the defendant consciously intended the completion of the killing of another but failed to do so. If you, the jury, find the State has proven beyond a reasonable doubt that it was the defendant's specific intent to kill another with expressed malice, then you must find the defendant guilty. If you find the State has failed to prove that the defendant is guilty of attempted murder, you must then decide whether the State has proved that the defendant is guilty of the lesser-included offense of assault and battery of a high and aggravated nature.

(Trial Tr. pp. 311 – 312).

The trial court correctly instructed the jury that specific intent to kill is an element of attempted murder. Additionally, the trial court correctly instructed the jury regarding malice. Therefore, Counsel was not deficient for failing to object to the jury instruction regarding attempted murder.

Furthermore, Applicant was acquitted of attempted murder, so he has failed to prove he was prejudiced by any alleged error. Accordingly, this allegation is DENIED.

Text Messages

Next, Applicant alleges Counsel was ineffective for “failing to object to the testimony of the text messages was a Brady violation, as such, there was no way to authenticate this information.” This Court finds this allegation is without merit. Counsel did object to the admission of testimony concerning the text messages based on lack of authentication. (Trial Tr. p. 146). Thus, Counsel was not deficient.

Additionally, Applicant has failed to offer any evidence or testimony that the prosecution failed to disclose the text messages that were admitted at his trial. Therefore, he has failed to meet his burden showing a *Brady* violation occurred.

Accordingly, this allegation is DENIED.

Sentence

Applicant alleges Counsel was ineffective for failing to object to the sentence imposed “when the facts show the defendant should not have accused a felony sentence but misdemeanor charge.” Respondent submits this allegation is without merit. A person convicted of assault and battery of a high aggravated nature must be imprisoned for not more than twenty years. S.C. Code Ann. § 16-3-600. A person convicted of possession of a weapon during the commission of a violent crime “must be imprisoned five years, in addition to the punishment provided for the principal crime.” S.C. Code Ann. § 16-23-490. “The court may impose this mandatory five-year sentence to run consecutively or concurrently.” *Id.* Assault and battery of a high and aggravated nature is classified as a Class C felony. S.C. Code Ann. § 16-1-90. Applicant was sentenced to twenty (20) years imprisonment suspended to fifteen (15) years active time, and a five (5) year consecutive sentence for possession of a weapon during the commission of a violent crime. Applicant was convicted of a felony offense at trial and was sentenced within the statutory range for both offenses. Counsel had no meritorious reason to object to Applicant’s sentence; thus, Counsel was not ineffective for failing to object.

Accordingly, this allegation DENIED.

Allegations of Prosecutorial Misconduct

Applicant alleges prosecutorial misconduct in his PCR application. This Court finds these allegations to be without merit. Applicant did not present any testimony or evidence regarding

allegations of prosecutorial misconduct at the evidentiary hearing. Because of the lack of evidence presented, this Court is not entirely sure which alleged comments he is referring to in his PCR application. Thus, Applicant has failed to meet his burden establishing any claim of prosecutorial misconduct.

However, to the extent Applicant is referring to comments Solicitor Meadors made during closing argument in which he states:

It occurred during the commission of a robbery, burglary, kidnapping, or – and this is an attempted armed robbery – wasn't charged with it, doesn't have to be charged with it. They were there to rob him. So it occurred during a robbery.

(Trial Tr. p.271).

Counsel objected to this comment but was overruled by the trial court. (Trial Tr. p. 272). Applicant further alleges “prosecutor comments during closing about ‘Good Police Work’ constitutes improper vouching.” During closing argument, while Solicitor was discussing the testimony of Lieutenant Ragin, he made this comment:

But the import of that - - and I think that's good police work. I think its great police work.

(Trial Tr. p. 291).

This comment was objected to by counsel and overruled by the trial court. (Trial Tr. p.291). Counsel properly objected to both allegedly improper comments; thus, these issues should have been raised on direct appeal. These issues are improper for post-conviction relief because they could have been raised on direct appeal and are procedurally barred by S.C. Code Ann. §17-27-20(b). Post-conviction relief is not a substitute for a direct appeal. *Simmons v. State*, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. *Ashley v. State*, 260 S.C. 436, 196 S.E.2d 501 (1973).

Applicant could have raised this issue at trial or on appeal. His failure to do so has waived this allegation as a ground for relief.

This Court finds Applicant has failed to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act. Additionally, Applicant has failed to present sufficient evidence or testimony regarding any allegation of prosecutorial misconduct; thus, Applicant has failed to meet his burden regarding these claims.

Accordingly, these allegations are DENIED.

[Signature Page Follows]

VII. CONCLUSION

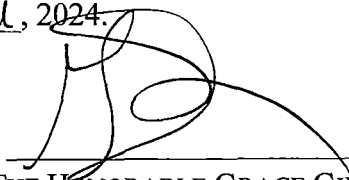
Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. This Court finds Counsel was not deficient in any manner, nor was Applicant prejudiced by Counsel's representation. Therefore, this Court denies relief on all allegations and dismisses this PCR action with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of the State.

AND IT IS SO ORDERED this 17th day of September, 2024.



 THE HONORABLE GRACE GILCHRIST KNIE
 Presiding Judge
 Third Judicial Circuit

Spartanburg, South Carolina

WITNESSES

C S Bonner
Sheriff

Sumter County

G. Herold

ARREST WARRANT NUMBER

2016A4310100875

2016A4310100876

ACTION OF GRAND JURY

TRUE BILL

David Dato

Foreperson of Grand Jury

Date: 10/5/17

VERDICT

400

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-43-1075

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

October

TERM

2017

THE STATE

vs.

MALIK JABREE SINGLETON

Indictment for

Attempted Murder/Possession of a
Weapon during the Commission of a
violent Crime

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)

INDICTMENT FOR

Attempted Murder/Possession of a Weapon
 during the commisiion of a violent Crime

At a Court of General Sessions, convened on October 5, 2017 the Grand Jurors of
 SUMTER County present upon their oath:

CERTIFIED TRUE COPY
 OF GRAND JURY FILE
Barbara L. Cooper
 DEPUTY CLERK OF COURT
 SUMTER COUNTY
 SOUTH CAROLINA

COUNT ONE

ATTEMPTED MURDER

That Malik Jabree Singleton did in Sumter on or about 2016-12-14, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Malik Jabree Singleton did with intent to kill, attempt to kill another person, to wit: Travis Dow, with malice aforethought, either express or implied, by shooting the victim in the head with a handgun

COUNT TWO

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That Malik Jabree Singleton did in Sumter County, on or about December 14, 2016, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

:

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

Solicitor

Ernest A. Finley III

COUNTY OF Sumter

STATE VS.

Malik Jabree Singleton

AKA:

Race: Black Sex: M Age: 22

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Sumter, SC 29154

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Assault / Assault & Battery of a High & Aggravated Nature

INDICTMENT/CASE#: 2017-GS-43-1075

A/W#: 2016A4310100875

Date of Offense: 12/14/2016

S.C. Code §: 16-03-0600

CDR Code #: 3410

SENTENCE SHEET

SUMTER COUNTY
SOUTH CAROLINA☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0600 (B) (2) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ 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. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

John P. Meador
Solicitor10429
SC Bar#

Defendant

Jern Page
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of 15 days/months/years and/or payment

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: one sentence to state☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

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

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk James C. Campbell

Court Reporter: CT monitor

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2259

Sentence Date: 13 July 18

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

0-5

COUNTY OF Sumter
STATE VS.

Malik Jabree Singleton

AKA:

Race: Black Sex: M Age: 22

DOB: SS#:

Address:

City, State, Zip: Sumter, SC 29154

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

INDICTMENT/CASE#: 2017-GS-43-1075

A/W#: 2016A4310100876

Date of Offense: 12/14/2016

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

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

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

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

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

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: other sentence to state☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2259

Sentence Date: 17 Aug 19

James C. Campbell
OT monitor