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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable G. Thomas Cooper, Circuit Court Judge
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CRAIG LEE LEGETTE,

APPELLANT

APPELLATE CASE NO. 2024-000565

RECORD ON APPEAL

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1 A I was at SLED.

2 Q And how long were you with SLED?

3 A For about 8-1/2 years.

4 Q What department did you work with within SLED?

5 A I was in the Firearms Department in the forensic
6 laboratory.

7 Q All right. What type of -- please tell this jury
8 what type of training did you have to complete and do in
9 order to work in that department?

10 A When I initially started, I started as an NIBIN
11 technician, so the National Integrated Ballistics
12 Information Network. It's just a database ran by the ATF.

13 And then I was promoted, if you will, to a firearms
14 examiner. For that position, the training included --
15 it's about a two- to three-year extensive in-house
16 training program with numerous examinations -- written,
17 oral, practicals, practices -- probably thousands of
18 comparisons -- working under court-qualified firearms
19 examiners to get accustomed to case work, the policies and
20 procedures.

21 During that training period, I also completed a
22 serial number restoration course at the Bureau of Alcohol,
23 Tobacco, Firearms, and Explosives, or ATF's laboratory in
24 Annandale, Maryland.

25 I've completed multiple GLOCK armorers courses as

1 well as the basic law enforcement Class 3 at South
2 Carolina Criminal Justice Academy.

3 Q And I know you said you're with Richland County now,
4 but how long did you work as a firearms analyst for SLED?

5 A Firearms analyst was about 6-1/2 years.

6 Q Okay. And I'm sure your training touched on it, but
7 what were your responsibilities in that department and in
8 that role?

9 A As a firearms examiner, we examine ammunition
10 components and firearms, try to determine whether the
11 ammunition components were fired by one firearm, multiple
12 firearms, by a specific firearm. We also did serial
13 number restorations, and we also did destruction of
14 firearms for agencies around the state.

15 Q And as part of those abilities and duties, have you
16 ever been qualified as an expert in a court of law?

17 A I have.

18 Q In what areas have you been qualified as an expert
19 in?

20 A Firearms identification.

21 Q How many times have you been qualified as an expert?

22 A I believe it's about 15.

23 Q What courts specifically?

24 A Oh, General Sessions.

25 Q In the State of South Carolina?

1 **A** State, yes.

2 MR. OSKIN: Your Honor, at this time, we would ask
3 that Ms. Weaver be recognized as an expert in firearms
4 analysis.

5 THE COURT: What says the defense?

6 MR. FOX: I'm sorry. I missed at the very end. The
7 State seeks to have her qualified exactly in what field?

8 MR. OSKIN: Firearms and ballistics.

9 THE COURT: Firearms and ballistics.

10 MR. FOX: No questions and no objection.

11 THE COURT: All right. So ordered.

12 BY MR. OSKIN:

13 **Q** Let me show you what's been referenced here a lot
14 this morning. Grab that however you will.

15 Did you examine those shell casings that I'm showing
16 you and that we're here for today?

17 **A** So when we examine evidence, we put the lab number,
18 item number, and our initials on the evidence, so that's
19 what I'm looking for, just to make sure these are the
20 items that I did examine.

21 They are also still in the clear Ziploc bag that is
22 sealed with my initials and date as well. Yes, these are
23 the cartridge cases that I examined.

24 **Q** When you examine shell casings, can you determine if
25 they were fired from the same gun or a different gun?

1 A That's what we try to determine. Sometimes we are
2 unable to, due to damage, inconsistent markings, things of
3 that nature.

4 Q Tell me about those examinations and how you're able
5 to make those determinations, please.

6 A When we receive evidence, first, we'll document
7 everything, and then, getting into the comparison part of
8 it with cartridge cases, we'll look at class
9 characteristics. Caliber is a big thing. We'll kind of
10 group all the same caliber together and then we'll go into
11 a little more in-depth of the class characteristics,
12 firing pin shapes, the breech face marks, firing pin
13 aperture shapes, things of that nature, and we'll group
14 them together. And when we get our groups together, then
15 we look at those under a comparison microscope, and a
16 comparison microscope allows us to look at two items
17 together under one ocular piece, and we can change the
18 magnification as needed and lighting as well to look at
19 the microscopic markings left when a firearm fires, and
20 that's how we compare evidence to try to determine whether
21 or not they were fired by the same firearm.

22 Q Ms. Weaver, with the Court's permission, I'm going
23 to have you step down and show this jury how you
24 identified that these were the casings you saw. I know
25 you did up here; I just want the jury to be able to see

1 it.

2 THE COURT: Agent Weaver, just speak up a little bit
3 louder since you're away from the microphone. Okay?

4 A Okay. So this here -- actually, might be able to
5 see a little easier. I wrote with a black Sharpie on the
6 side of the cartridge case, and then when we mark the
7 evidence, it's with an electric scribe, so it will show up
8 a little easier in that black area on the cartridge cases.

9 It's also still in the bag with the box that I
10 received it in, and the bags are sealed with my initials
11 and date as well.

12 BY MR. OSKIN:

13 Q Does that apply to all the casings there that you're
14 holding?

15 A Yes. They are all still in the sealed bags.

16 Q Thank you so much, Ms. Weaver. I'll have you return
17 to your seat to finish your testimony.

18 And just so I clarify the point, you know that you
19 examined those particular shell casings?

20 A Yes.

21 Q And that includes the caliber?

22 A Yes.

23 Q And what was that caliber?

24 A Those are .380 auto caliber cartridge cases.

25 Q All right. And what were the characteristics of

1 those that -- or how are you able to tell us they're .380?
2 I might not be asking that the right way. What are the
3 caliber characteristics that you examined?

4 A On a cartridge case or a cartridge -- any typical
5 ammunition cartridge, it will have the caliber written on
6 the head stamp, the top area, if you will, to tell you
7 what caliber it is. There are a few exceptions to that,
8 but these say .380 auto on the head stamp.

9 Q And can those casings have individual
10 characteristics?

11 A Yes.

12 Q Do they have any here?

13 A They did, yes.

14 Q Based off -- were you able to tell if those casings
15 were fired from one gun or not?

16 THE WITNESS: May I open this?

17 THE COURT: Sure.

18 BY MR. OSKIN:

19 Q And real quick, Ms. Weaver -- I'm glad you asked
20 that. When you're referencing these notes -- you've had a
21 lot of cases since 2020; is that correct?

22 A Yes.

23 Q And, in fact, you switched departments or taken a
24 promotion to Richland County?

25 A Yes.

1 Q And so these notes just help you recall
2 information -- the most accurate -- and people in your
3 position, when you're reviewing the notes --

4 A Yes, that is correct.

5 Q Thank you. I just wanted to clarify that for the
6 jury.

7 A I did reach the conclusion that the four fired .380
8 auto caliber cartridge cases were fired by the same
9 firearm.

10 Q When you say "the same firearm," that means there's
11 one firearm?

12 A One, yes. Correct.

13 Q And that's your opinion regarding the shell casings
14 that were submitted to you?

15 A Yes.

16 Q And the last question I have is: Was the gun that
17 fired those -- I know a bullet has a projectile and the
18 casing. Was the bullet that fired those casings or
19 discharged from, was that gun ever sent to SLED?

20 A I did not receive a firearm to examine or that
21 identify with these cartridge cases, no.

22 Q Nothing further from me. Please answer any
23 questions from Mr. Fox.

24 THE COURT: Mr. Fox, any examination?

25 MR. FOX: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. FOX:

Q Ms. Weaver, so you're able to, in your opinion, determine that one gun fired the four casings but you did not have a gun to compare those casings to; correct?

A That is correct.

Q Okay. And no other -- you would have -- shell casing would be with the bullets inside; right? We think of -- like myself, we think of a bullet, we think of the whole thing, but a bullet has a jacket or a casing around it; correct?

A Typically, the more modern ammunition does. The bullet is the projectile that goes down the -- goes out of the gun.

Q Okay. And you had no bullets to test in this case. You were not given any bullets to test. You just had the four spent casings; correct?

A Yes, sir.

Q Okay. And you don't know -- might seem like an obvious question, but it's not your role to know where those bullets or casings came from. In other words, you have a case file associated with them. You know they were submitted by Horry County Police Department, but in terms of any other details of the case, that's not your purview, it's not your job; correct?

1 A That is correct. We work all the cases the same
2 way.

3 Q Thank you. No further questions.

4 THE COURT: Any redirect?

5 MR. OSKIN: Just very briefly.

6 REDIRECT EXAMINATION

7 BY MR. OSKIN:

8 Q Showing you what's been numbered as Defendant's
9 Exhibit 1. I believe that's referenced as Item 12 on your
10 report?

11 A Would you like me to open it?

12 Q No, ma'am.

13 A Oh, okay.

14 Q Are you able to tell -- basically what I want to ask
15 is, did Item 12 fire those casings?

16 A Item 12, pistol that I received, did not fire those
17 cartridge cases.

18 Q Thank you.

19 MR. OSKIN: Nothing further from the State, Your
20 Honor.

21 THE COURT: Okay. You were referring to that
22 exhibit as 12?

23 MR. OSKIN: No, sir. Defendant's 1.

24 THE COURT: Oh, it's Defendant's 1. I thought you
25 said Defendant's 12.

1 MR. OSKIN: I may have mumbled that. I apologize.
2 It was Item 12 in her report.

3 MR. FOX: Exactly, Your Honor. That's the SLED Item
4 12.

5 THE COURT: I gotcha. I gotcha.

6 MR. OSKIN: Yeah, I didn't want to confuse her with
7 our exhibits.

8 THE COURT: Thank you.

9 You can step down, ma'am. Thank you. You're free
10 to leave the courthouse. More than welcome to remain with
11 us.

12 MS. LIVESAY: Jennifer Nates, Your Honor.

13 THE COURT: Who?

14 MS. LIVESAY: The State calls Jennifer Nates.

15 THE COURT: Okay.

16 THE CLERK: Please raise your right hand and place
17 your left hand on the Bible.

18 JENNIFER NATES,

19 after having been duly sworn, was examined and
20 testified to as follows:

21 THE CLERK: State your name and spell it for the
22 Court.

23 THE WITNESS: Jennifer Nates. N-a-t-e-s.

24 DIRECT EXAMINATION

25 BY MS. LIVESAY:

1 Q And, Ms. Nates, if you don't mind, tell these folks
2 where you're employed.

3 A I'm employed by the South Carolina Law Enforcement
4 Division in the Trace Evidence Section of the forensic
5 laboratory.

6 Q And how long have you been -- and South Carolina Law
7 Enforcement Division is also known as SLED; correct?

8 A That is correct.

9 Q That's the short terminology.
10 How long have you been at SLED?

11 A I have been employed at SLED for 27 years.

12 Q 27 years?

13 A Yes, ma'am.

14 Q You got retirement time.

15 A Two years ago.

16 Q Oh, wow.

17 We have talked on the phone. I think this is the
18 first time we have met; am I right?

19 A No, I have had other trials here years back.

20 Q Okay. Sorry, sorry.

21 So you've been at SLED. Have you always done trace
22 evidence?

23 A I have not. My first year at SLED, I was employed
24 in the Drug Analysis Department, and then, after a year of
25 drug analysis work, I then transferred into trace

1 evidence.

2 Q Okay. So, for the most part, you have done trace
3 evidence?

4 A Yes.

5 Q Okay. And if you don't mind, tell these folks what
6 is trace evidence?

7 A Trace evidence is one of the labs in the forensic
8 laboratory, and the department is responsible for many
9 different types of analysis. Our department is
10 responsible for the analysis of gunshot residue, paint,
11 fiber analysis, glass analysis, explosives, arson evidence
12 or fire debris analysis, physical fit analysis, and
13 general chemical unknowns and identifications.

14 Q So trace encompasses a lot?

15 A It does.

16 Q Okay. And it does encompass gunshot residue?

17 A Yes.

18 Q Now, for the particular case we're here for today
19 for the gunshot residue kit for Kentrell Ferguson, did you
20 touch that kit?

21 A I did.

22 Q Okay. And where did you get it from?

23 A For GSR evidence, the technician would prepare the
24 evidence for the analyst. So that means that they would
25 open the evidence; carbon coat it, if necessary; check all

1 the paperwork, make sure all the item numbers were correct
2 and that all the descriptors were correct. They would
3 then place that evidence into a secure location for the
4 analyst to pull from for our analysis. We would do batch
5 runs with GSR, so we would pull a number of kits from the
6 secured location to start the analysis.

7 Q Okay. And tell these folks what you did with the
8 kit for the victim, Kentrell Ferguson, for his gunshot
9 residue.

10 A So for the gunshot residue kit, I would take the
11 evidence into my custody. I would then verify that the
12 lab numbers and item numbers on that kit matched what was
13 in the LIMB system for where that evidence was logged
14 into. I then take that evidence. I will initial and date
15 the evidence and the packaging. I then set up the
16 instrument for analysis.

17 So gunshot residue, when we analyze for gunshot
18 residue, we're looking for very tiny particles. To put it
19 into perspective, a human hair is approximately 100
20 microns across. GSR particles are about one micron each.
21 So you can fit 100 of these particles across a human hair,
22 so you can't see them with your naked eye.

23 We have to use what is called a scanning electron
24 microscope with an energy dispersive X-ray spectrometer on
25 it.

1 So what this instrument does is I will set it up. I
2 put my samples in it. I then set up an automated
3 analysis. So I tell the instrument which areas needs to
4 be analyzed, which samples are on each area, and then how
5 the analysis should proceed.

6 So the scanning electron microscope uses a tungsten
7 filament. I'm sure all of you are familiar with a light
8 bulb, and, when you turn it on, the filament glows and
9 then you see light. A scanning electron microscope will
10 use a tungsten filament to generate a beam of electrons.
11 So it sends a beam onto the sample. This beam will scan
12 over the sample and then any particles that are detected
13 that meet the parameters I set that potentially could be
14 GSR, it will flag that particle. It takes a very quick
15 image of that particle and then it will take a very quick
16 X-ray of the particle.

17 The automation then will categorize that particle
18 and put it into a category, and it continues on, each
19 particle lift in each sample, including all the quality
20 control samples that are on that stage at the same time.

21 So once the analysis is complete, then the analyst,
22 which in this case was me, I go back and I look at the
23 categories. So I look at the category that says these are
24 characteristic of GSR. I scan through those particles.
25 If I find any that are GSR, I then relocate to that

1 position, magnify the particle, take an image of it, and
2 then I take a longer X-ray to verify what that particle
3 is.

4 We also will look at the categories that have some
5 of the components of GSR in it because, since it is
6 automation, it can miscategorize a particle. So we verify
7 that all the components that possibly were in GSR, we look
8 at those categories to rule out that it wasn't misplaced.

9 So once I compile all this data, I then would upload
10 the data to a server -- a secured server, and then the
11 analyst who is responsible for issuing the report, they
12 would then take that data, compile a case file, and report
13 the results.

14 Q Okay, perfect. Now, I didn't ask you -- and I
15 should have -- tell these folks what -- we call it gunshot
16 residue, but what is gunshot residue?

17 A So we call it gunshot residue but gunshot residue is
18 any and all residue that's produced when a firearm is
19 discharged. Laboratories, including ours, usually analyze
20 for what is called primer gunshot residue.

21 Primer gunshot residue is specific to the primer
22 composition in the cartridge. So primer gunshot residue
23 consists of three elements in one molten particle, and
24 that is barium, antimony, and lead. So that is what we
25 are analyzing for when we are analyzing for gunshot

1 residue. We're looking for a molten microscopic particle
2 that contains those three components.

3 Q And that's the powder that's inside the bullet;
4 correct?

5 A It is the powder that is underneath the firing pin
6 or the firing cap. Where the firing pin hits, it's under
7 there.

8 Q Okay. Okay. And when you finished doing your part
9 of the analysis and uploading that information, where does
10 that information go or who looks at it next?

11 A What information?

12 Q The analysis that you do, once you load it to the
13 server, who looks at it next?

14 A The analyst that is going to issue the GSR report
15 will then look at all that information. They will
16 actually remote into a computer that has all the data
17 uploaded to it. So they will physically review all of the
18 particles that I looked at and either confirm or did not
19 confirm.

20 So they will look at all that data. Then they will
21 compile it into a case file, which includes all the
22 information for the case so that, once they compile
23 everything and generate a draft report, all of that is
24 sent to a technical reviewer who then reviews everything
25 and signs off that the case is good to go.

1 Q Okay. And who did the report in this particular
2 case regarding Kentrell Ferguson?

3 A In this case, the report was issued by a senior
4 analyst in the department, Megan Fletcher.

5 Q Okay. And is every report from SLED peer reviewed?

6 A Currently, yes. Every report that we send out in
7 the Trace Department is peer reviewed.

8 Q No further questions, Ms. Nates.

9 THE COURT: Ms. Fox?

10 CROSS-EXAMINATION

11 BY MR. FOX:

12 Q Well, let's talk about that. So, currently, peer
13 reviewed. Were they being peer reviewed in 2020 when this
14 test was done?

15 A Yes, sir. When I worked at the drug department in
16 '97, we had a percentage peer reviewed, but at this time,
17 everything is peer reviewed.

18 Q Everything is peer reviewed. Okay.

19 And so you mentioned Megan Fletcher. Is she the
20 person ultimately, then, responsible in this case for the
21 report and final determinations?

22 A She is.

23 Q Okay. And I don't mean -- I'm going to use a word
24 -- I don't mean it to slight you in any way. You're the
25 technician that prepares and runs the machine and sends

1 that information on for an analyst to review and kind of
2 make the ultimate determination; is that a fair
3 description?

4 A No. I'm actually the lieutenant of the department,
5 and I'm an analyst in the department as well. We would
6 try to -- we try to do process for trying to have a higher
7 production for case work, and it worked out well to have
8 one analyst analyze the evidence on the instrument and
9 then have another analyst actually compile everything and
10 write up the data. We were able to generate many reports
11 in a certain timeframe.

12 Q I understand.

13 A So I could have written it up.

14 Q Gotcha. Thank you.

15 Multiple batch runs, that means multiple tests are
16 run at the same time on the same machine?

17 A Yes, that is correct.

18 Q What steps do you take to ensure that that machine,
19 before you run the test, is in good working order at the
20 time you do the test -- do the batch run?

21 A For the scanning electron microscope, I will load
22 the samples on, I view the chamber to make sure there's no
23 dirt or debris in the chamber, which there usually is not.

24 I then have a worksheet that has slots on it or
25 shows me, like, the different positions for the state so

1 that I have a certain sample in each position.

2 We then do quality checks on the instrument to show
3 that it's in working order. I set up a brightness and
4 contrast level, and then I set up -- excuse me -- we run a
5 check to make sure it has the correct counts per second
6 and the correct dead time, which are requirements for that
7 type of analysis.

8 Once all of this is shown that it's in working
9 order, I then start the analysis. During the analysis,
10 every 10 minutes and every 15 minutes, we go back and run
11 quality checks during the time of the run.

12 Q Thank you.

13 And I assume that would be documented, then,
14 somewhere along the way, the data for a particular sample,
15 that that check and those quality -- those updated quality
16 checks would be documented somewhere to show it was done
17 in each particular case?

18 A In each particular batch run, it shows that it went
19 back and did these tests. And, also, for each run, we run
20 what is called a positive QA to show that the instrument
21 is detecting gunshot residue particles, and we run a blank
22 QA to show that there was no contamination within the
23 chamber during the analysis.

24 Q Thank you.

25 MR. FOX: That's all the questions for this witness,

1 Your Honor.

2 THE COURT: Any redirect?

3 MS. LIVESAY: No, sir, Your Honor.

4 THE COURT: You can step down, ma'am. You're free
5 to leave the courthouse or more than welcome to remain
6 with us.

7 Let's take a morning break, a few minutes.

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

9 THE COURT: Ladies and gentlemen, if you'll go back
10 to the jury room. We'll get you back out shortly.

11 (The jury exited the courtroom at 10:48 a.m.)

12 (A recess was taken from 10:48 a.m. to 11:04 a.m.)

13 THE COURT: All right. Solicitor, ready for the
14 jury?

15 MR. OSKIN: Yes, sir, we are.

16 THE COURT: Okay. Let's bring the jury out, please.

17 (The jury entered the courtroom at 11:06 a.m.)

18 THE COURT: Let the record reflect the jury is back
19 in.

20 The State ready?

21 MR. OSKIN: Yes, sir, Your Honor.

22 Your Honor, the State would next call Megan
23 Fletcher.

24 THE COURT: Okay.

25 THE CLERK: Please raise your right hand and place

1 your left hand on the Bible.

2 MEGAN FLETCHER,

3 after having been duly sworn, was examined and
4 testified to as follows:

5 THE CLERK: State your name and spell your last name
6 for the Court.

7 THE WITNESS: Megan Fletcher. F-l-e-t-c-h-e-r.

8 DIRECT EXAMINATION

9 BY MR. OSKIN:

10 Q Good morning. Thanks for making the drive with your
11 colleagues down here for us.

12 A No problem. Good morning.

13 Q Where do you work, ma'am?

14 A I'm employed by the South Carolina Law Enforcement
15 Division in the Forensic Services Laboratory in the Trace
16 Evidence Department.

17 Q How long have you been with the Law Enforcement
18 Division?

19 A 16-1/2 years.

20 Q And I believe you said it but what department
21 specifically?

22 A The Trace Evidence Department.

23 Q And what type of training do you have to go through
24 to be in that department?

25 A So I have my bachelor's degree from Chatham College

1 in biochemistry and English. I also have my master's in
2 forensic science from Marshall University, emphasizing in
3 computer forensics and forensic chemistry.

4 Once I obtained my employment at SLED, I underwent
5 in-house and outside training for each one of the
6 disciplines in which I perform analysis. So that would be
7 everything in trace evidence; as Lieutenant Nate said,
8 explosives, fiber, gunshot primer residue, paint, fibers,
9 glass, pressure-sensitive tapes, and physical fit
10 analysis.

11 Q Well, first off, Go Herd. But does that training --
12 that lead to what your responsibilities are, what the
13 departments are as well?

14 A Yes. So my master's helped me get in the door
15 basically, but my -- the bulk of my training happened at
16 SLED in about an eight-year training program to be trained
17 in everything that I do.

18 Q And you have worked with the Trace Department how
19 long -- or Trace Evidence how long?

20 A 16-1/2 years.

21 Q So the bulk of your time with SLED?

22 A All of my forensic employment has been with SLED.

23 Q Thank you for clarifying that for me.

24 Have you ever been qualified as an expert in a court
25 of law before?

1 A Yes, sir, I have.

2 Q What have you been qualified as an expert in?

3 A Trace evidence or gunshot primer residue.

4 Q And about how many times have you been qualified?

5 A For gunshot primer residue, it is 60 times, I
6 believe.

7 Q And what courts have you been qualified in?

8 A State courts and federal.

9 Q In South Carolina?

10 A Yes.

11 MR. OSKIN: Your Honor, at this time, I would seek
12 to have Ms. Fletcher be ruled an expert in the field of
13 GSR, trace evidence.

14 THE COURT: Mr. Fox?

15 MR. FOX: No questions, no objection, Your Honor.

16 THE COURT: All right. So ordered.

17 MR. OSKIN: Thank you.

18 BY MR. OSKIN:

19 Q And for this particular case, did you test GSR kits
20 for the case we're here for? I think the victim is
21 Kentrell Ferguson.

22 A I did not actually test the kit. What I did was
23 compile the data that was provided to me from Lieutenant
24 Nate from her analysis of the GSR kit from the victim.

25 Q Okay. And, again, just tell this jury what GSR is.

1 A So gunshot primer residue are the microscopic,
2 molten particles that contain lead, barium, and antimony.
3 Those come from a primer cup from a cartridge.

4 Gunshot residue is everything else that comes out of
5 a gun when it's discharged. So we're only looking for
6 those microscopic, molten particles.

7 Q Okay. But, to your knowledge, Mr. Ferguson's hands
8 were tested in this kit?

9 A May I refer to my notes?

10 Q Yes, please.

11 A The GSR kit was collected from Kentrell Lamont
12 Ferguson.

13 Q And then how do you collect that?

14 A A GSR kit typically includes samples to be dabbed
15 over a person's hands. So they'll have a vial for the
16 right hand of an individual, and they'll use that stub
17 with a sticky surface to dab along the palm and the back
18 of a hand for the right hand and for the left hand. So
19 they'll do the palm and the back. And then they submit
20 those in an envelope with a GSR kit information form that
21 has the person's name and what time the incident was and
22 what time the collection was.

23 Q And I think we spoke about this in preparing for
24 today. Would it make a difference if someone was running
25 away from where a bullet was fired as far as where GSR

1 would go?

2 A So gunshot residue is going to come out of a gun the
3 same way, typically every time for a semiautomatic weapon.
4 The majority of the gunshot primer residue is coming out
5 of the muzzle of the gun and going towards the target
6 outwards of about 60 feet. It can also come out of the
7 ejector port from a semiautomatic or cylinder gaps in a
8 revolver. From that area, it's more specifically going
9 two to three feet to either side and two to three feet
10 behind the shooter.

11 Q And, for this particular kit involving Mr. Ferguson,
12 what was the result of that examination?

13 A No particles characteristic of gunshot primer
14 residue were detected. The absence of primer residue on
15 the hands is consistent with, but not limited to, the
16 following scenarios: The individual not having discharged
17 a firearm four to six hours passing between firing and
18 sampling; normal physical activity between firing and
19 sampling; the individual washing the hands, wiping the
20 hands or sweating profusely; the individual wearing gloves
21 during the discharge of a firearm; excessive blood or
22 debris on hands; environmental factors, including wind and
23 rain; the ammunition discharged, not producing particles
24 characteristic of the conventional primer residue, and
25 finally, the firearm not producing primer residue on the

1 hands when discharged.

2 Q Thank you so much, Ms. Fletcher. Please answer any
3 questions of the defense.

4 THE COURT: Mr. Fox?

5 CROSS-EXAMINATION

6 BY MR. FOX:

7 Q Ms. Fletcher, that list you just read, I think it
8 prefaced with "the absence is consistent with but not
9 limited to the" -- so the scenarios you just read is not
10 necessarily a complete list of situations where you may
11 not be able to detect gunshot residue?

12 A Correct. This list isn't all-inclusive but it does
13 cover the main ones.

14 Q And it's possible, when you say the firearm not
15 producing any primer residue, I mean, is that a scenario
16 that exists, fire a gun and there's just no --

17 A So depending on how clean the gun is, how well taken
18 care of that gun is, it is possible for somebody to shoot
19 a gun and have a GSR kit collected immediately after and
20 no primer residue be present on those samples that were
21 collected from that person's hands. It's not typical but
22 it is possible.

23 Q Would it be useful -- and I know you didn't and
24 maybe don't typically. Would it be useful to have a
25 weapon to compare to, to determine if this weapon was

1 fired, whether you did that analysis or not? In other
2 words, you have done the analysis and say this individual,
3 we don't find any gunshot residue; right?

4 A Okay.

5 Q Would it be useful to have the gun to compare to see
6 if, in fact, because the characteristics of the gun, there
7 was no residue?

8 A I don't believe so. And the reason is that there's
9 so many variables that can happen with that gun, the type
10 of ammunition, how many times it's been fired since the
11 original firing. So there's just so many variables that
12 we couldn't account for. It would be more valuable to
13 test the type of ammunition if we thought there was a
14 different type of ammunition.

15 Q Understood.

16 Y'all don't do -- SLED doesn't do the collection.
17 In other words, you described the process whereby any
18 material is collected and sent to you. You-all don't do
19 that part; correct?

20 A We don't do it from individuals' hands, but we will
21 collect from inanimate objects, such as clothing.

22 Q But that wasn't -- in this instance, SLED did not do
23 the collecting. This was from the hands of Mr. Ferguson;
24 correct?

25 A That's correct. We did not do the testing.

1 Q Is the manner in which it is collected important?
2 Can that affect outcome?

3 A It could. You have to be pretty thorough when
4 you're dabbing that particle lift across an individual's
5 hands. My results only reflect what was on the particle
6 lift at the time of collection.

7 Q Okay. And you wouldn't have any way to go back
8 after the fact and determine whether it was properly
9 collected?

10 A I would not have any knowledge of that.

11 MR. FOX: Thank you. No further questions.

12 THE COURT: Any redirect?

13 MR. OSKIN: Just real quick.

14 REDIRECT EXAMINATION

15 BY MR. OSKIN:

16 Q Ms. Nates was present, she indicated there was no
17 particles found, and you have reviewed this kit, and it's
18 your testimony that no particles of GSR were found in this
19 kit?

20 A Correct. I reviewed the data that was provided to
21 me from the automated analysis. I used the same software
22 that Lieutenant Nates used, and I reviewed her data, and I
23 did not find any particles of gunshot primer residue in
24 the samples that were collected from Kentrell Lamont
25 Ferguson.

1 Q Thank you.

2 MR. OSKIN: Nothing further from this witness, Your
3 Honor. We'd ask that she be released from her subpoena.

4 THE COURT: You may step down. You're free to leave
5 the courthouse or more than welcome to remain with us if
6 you'd like.

7 MS. LIVESAY: Christopher Cook is going to be the
8 State's next witness.

9 THE COURT: Okay.

10 CHRISTOPHER COOK,

11 after having been duly sworn, was examined and
12 testified to as follows:

13 THE CLERK: Please state your name and spell it for
14 the Court.

15 THE WITNESS: Christopher Cook.

16 C-h-r-i-s-t-o-p-h-e-r C-o-o-k.

17 DIRECT EXAMINATION

18 BY MS. LIVESAY:

19 Q And, Mr. Cook, where are you employed?

20 A Semper Fi Property Management.

21 Q Okay. So you're employed where?

22 A Semper Fi Property Management.

23 Q Okay. What do you do there?

24 A I'm the operations supervisor. Basically, we
25 operate four HOAs, homeowners associations, and annual

1 rentals.

2 Q Okay. And as part of your operations, do you have
3 security cameras at some of these neighborhoods?

4 A Yes.

5 Q Okay. And we met Ryan Keefe yesterday who talked to
6 us about the video footage from Fountain Pointe. Do you
7 know him?

8 A Yes.

9 Q And how do you know him?

10 A He actually installs our security cameras on
11 multiple properties that we have, Fountain Pointe being
12 one of them.

13 Q Okay. And do you also operate and are able to get
14 off footage from some of these surveillance cameras?

15 A Yes.

16 Q And is that part of your everyday responsibility?

17 A Yes.

18 Q Okay. And as part of your property management
19 responsibilities, are you out at these properties doing
20 certain things here and there?

21 A At least four times a week on each property.

22 Q And Fountain Pointe in particular, are you familiar
23 with Fountain Pointe?

24 A Yes.

25 Q Okay. And is your operation one that has cameras at

1 Fountain Pointe?

2 A Yes.

3 Q I'm going to show you what's State's Evidence
4 No. 13. Do you recognize this?

5 A Yes.

6 Q And is this encompassing Fountain Pointe?

7 A Yes.

8 Q And do the buildings at Fountain Pointe have camera
9 systems?

10 A Yes, ma'am.

11 Q Okay. And are you familiar with how the camera
12 system works, watching the camera system, that sort of
13 stuff?

14 A I am.

15 Q Okay. So from time to time, you have to get footage
16 off the camera system?

17 A I do.

18 Q For different purposes?

19 A Yes.

20 Q Okay. Now, for the case that we're here for today,
21 the shooting that happened in front of 111, do you know
22 anything about that?

23 A Yes, ma'am.

24 Q Okay. And did you assist with getting some of that
25 camera footage?

1 A I did.

2 Q Okay. And when you assisted, did you actually watch
3 the camera footage right there at the building?

4 A I did.

5 Q Okay. And when you watched it, was the police
6 department present -- somebody from the police department?

7 A Yes.

8 Q Okay. And at that time did the police department
9 say, "Hey, I'm going to need that"?

10 A Yes.

11 Q And at that time did you copy it and provide it to
12 the police department?

13 A No, I did not.

14 Q Okay. How did that go?

15 A Once they contacted us, we then contacted Security
16 Vision, which is Ryan that you talked about earlier. He
17 meets with either Horry County's tech, whoever they send
18 out, and they download it.

19 Q Okay. And what was your part in all of that?

20 A Prior to them downloading it, the officer they
21 brought out -- I don't know his name; it was three years
22 ago -- we actually watched the footage of it to try to
23 find out the timeline that we could, and that's when we
24 found it and stopped it there, and that's the time when we
25 ended it and that's when he contacted Ryan to come

1 download it.

2 Q Okay. So you went out to the building and actually
3 found "Hey, this is the time and date of when the shooting
4 happened"?

5 A Yes.

6 Q And then you gave that information to Ryan?

7 A Yes.

8 Q And Ryan was the tech guy that downloaded it?

9 A Correct.

10 Q Okay. Perfect.

11 And have you seen State's Evidence No. 3?

12 A I have.

13 Q Okay. And there's a lot of initials on there. Are
14 your initials on there?

15 A They are.

16 Q Okay. Good.

17 And does that indicate that you watched the video
18 footage?

19 A It does.

20 Q And the video footage included the shooting that
21 happened at Fountain Pointe?

22 A Yes.

23 Q And is it the same footage that you watched right
24 there in the building initially right after the shooting
25 happened?

1 A Yes, it is.

2 Q Okay.

3 THE COURT: Solicitor, we're looking at State's
4 Exhibit 3; correct?

5 MS. LIVESAY: Yes.

6 MR. FOX: Your Honor, may we approach?

7 THE COURT: Sure.

8 BENCH CONFERENCE

9 (The following bench conference was held outside the
10 hearing of the jury and others:)

11 MR. FOX: I'm going to object to playing this again.
12 It's been played. It's in evidence. This is just
13 cumulative at this point, so I'm going to object Under 402
14 to playing it again.

15 THE COURT: Okay. Well, the purpose for playing it
16 with this witness would be what?

17 MS. LIVESAY: To show that it is the same; Mr. Fox
18 made a big deal about editing it. As well as the
19 gentleman goes to the property so he's going to be able to
20 say, "I'm out there every day. At this point in the
21 video, I know that this much distance is between the
22 shooter and the victim."

23 MR. FOX: He said all that. He just testified about
24 all these things. I think that he also said, "I had a
25 chance to review this before and it's the same."

1 THE COURT: For him to identify the video, what he
2 watched after the shooting, do you have to play the whole
3 thing again?

4 MS. LIVESAY: No, we're just playing the shooting.

5 THE COURT: Okay. And he's going to testify as to
6 distances?

7 MS. LIVESAY: Yes. And he's going to testify, "I
8 watched it. I was the first one that watched it and this
9 is the same."

10 MR. FOX: And he can testify to all that without.
11 He can say I watched it and this is my estimate of the
12 distances. Judge, it may be relevant, but 402, and that's
13 the basis of my objection, says even relevant evidence can
14 be -- it's not excluded because it's in evidence but not
15 used --

16 THE COURT: Okay. Let's do this: Just have him
17 identify, yes, that's the video that I watched.

18 MS. LIVESAY: One more time, Judge.

19 THE COURT: Just get him to identify, yes, that's
20 the video ---

21 MS. LIVESAY: Okay. I will.

22 THE COURT: --- that we got, and that's what I
23 watched the date of the shooting or the day after the
24 shooting. And then ask him, "Is it necessary for you to
25 view the portion of the video that includes the shooting

1 to testify as to distances?" And if he says yes, then
2 just say that portion. If he says no, then don't need to
3 play it.

4 MS. LIVESAY: Sounds good. Thank you, Judge.

5 THE COURT: Okay. Thank you.

6 [Open court resumes:]

7 BY MS. LIVESAY:

8 Q Mr. Cook, have you watched this video before?

9 A Yes.

10 Q Okay. And did you watch the portion where it showed
11 the actually shooting take place?

12 A Yes.

13 Q And once you watched that portion, were you able to
14 determine how much distance was between the shooter and
15 the victim when the first shot was fired?

16 A From the video, a guesstimation, yes.

17 Q Okay. And, in fact, you took me out to this very
18 location; correct? We met out there?

19 A Yes.

20 Q Okay. And we had the video playing on an iPad,
21 didn't we?

22 A Yes.

23 Q And you showed me, "This is when the first shot was
24 fired"; correct?

25 A Yes.

1 Q And you showed me -- took me out there and said,
2 "This is where the shooter was, this is where the victim
3 was, and this is how much space is in between"?

4 A Correct.

5 Q Okay.

6 MR. FOX: Your Honor -- Your Honor, we just had the
7 conference. He answered yes to the question that we
8 discussed. We can discuss this again but he answered,
9 yes, that he can make -- can we approach?

10 BENCH CONFERENCE?

11 (The following bench conference was held outside the
12 hearing of the jury and others:)

13 THE COURT: I didn't hear -- did you ask ---

14 MR. FOX: Yes. I'm sorry.

15 THE COURT: --- "Do you need to look at the video to
16 determine the distance?" I mean, right now, I know he's
17 looking at the video to make that determination.

18 MS. LIVESAY: Okay. But here's my thing: I feel
19 like the burden is on me, and I should be able to present
20 the evidence I want. I want to be able to pause the video
21 so he can say this is the part I'm talking about and this
22 is how much distance is between these two people at this
23 time.

24 THE COURT: All right. I'll allow that but no more
25 of the video.

1 MS. LIVESAY: Okay. I gotcha. I gotcha. Thank
2 you, Judge.

3 MR. FOX: Judge, just for the record -- just for
4 purposes -- I understand what you said -- when we were up
5 here a moment ago, you instructed to ask the question can
6 he estimate, from what he previously reviewed, has he seen
7 it? "Yes, I have." "Can you estimate the differences
8 from the video you've seen before?" And if the answer is
9 yes, don't play it. He answered yes.

10 THE COURT: Yeah, yeah. I'm just going to allow
11 just this one portion.

12 MS. LIVESAY: Okay. Thank you, Judge.

13 [Open court resumes as follows:]

14 BY MS. LIVESAY:

15 Q Mr. Cook, in looking at this video, if Ms. Beam
16 stops it at the wrong time, you tell us. Okay? Because
17 you know when the first shot was fired by the video;
18 correct?

19 A Yes.

20 Q And, if you don't mind, step down.

21 MS. LIVESAY: Can he step down, Judge?

22 THE COURT: Yeah, sure.

23 BY MS. LIVESAY:

24 Q Okay. You tell Ms. Beam when to pause that video as
25 to when the first shot was fired. Can you do that?

1 A I can.

2 Q Thank you.

3 (Video playing.)

4 A Stop.

5 Q Is that correct?

6 A Correct.

7 Q Okay. And you watched this video -- right? -- with
8 the police; correct?

9 A I did.

10 Q And this is exactly how it looked then?

11 A It is.

12 Q Okay. And this is when the first shot was fired?

13 A Yes.

14 Q Okay. And did you measure out there from how far
15 the shooter was to the victim when the first shot was
16 fired?

17 A I did.

18 Q And how far is that?

19 A 20 feet.

20 Q And did we use a measuring thing just like this?

21 A We did.

22 Q And if you don't mind, I'm going to hold this, and
23 I'm going to go to this end and you tell me -- show this
24 crowd 20 feet.

25 A Stop.

1 Q Okay. Did I hit the button? Mr. Cook, I should
2 have done it over here, but we're all right right here, I
3 think.

4 So, if you don't mind, stand up at the end.

5 And so, when you went out there and measured, after
6 seeing where the shooter was and where the victim was,
7 this is how much space was between the two when the first
8 shot was fired?

9 A Correct.

10 Q Okay. And you're out there every day?

11 A Every day.

12 Q And you know this property like the back of your
13 hand?

14 A Yes.

15 Q And is there any doubt in your mind that there was
16 20 feet between the shooter and the victim when the first
17 shot was fired?

18 A None.

19 Q So this much room right here?

20 A Yes, ma'am.

21 Q Okay. Thank you, sir. If you don't mind, Mr. Cook,
22 have a seat.

23 And you're familiar with those buildings; correct?

24 A Yes, ma'am.

25 Q Fountain Pointe?

1 A Yes.

2 Q Okay. So you tell me and these folks in the court,
3 when that first shot is fired, is he closer to the door or
4 is he closer to the victim?

5 A Closer to the door.

6 Q Okay. And the portion that we just watched, that is
7 the meat and potatoes of it; correct?

8 A Yes.

9 Q And is there anything different about it today than
10 when you first looked at it?

11 A No.

12 MS. LIVESAY: Okay. No further questions, Your
13 Honor.

14 THE COURT: Mr. Fox, cross-examination?

15 MR. FOX: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. FOX:

18 Q Mr. Cook, what's your training in law enforcement
19 investigation techniques?

20 A Zero.

21 Q You're a property manager?

22 A Correct.

23 Q So you are not a crime scene reconstruction
24 specialist?

25 A I am not.

1 Q Zero training or experience in that?

2 A Correct.

3 Q Okay. So you know the layout of Fountain Pointe
4 Apartments?

5 A I do.

6 Q Thank you. No further questions.

7 THE COURT: You can step down, sir.

8 Do you have some redirect, Solicitor?

9 MS. LIVESAY: Hold on, Judge. I do have a question.
10 Thank you.

11 THE COURT: Take your time.

12 REDIRECT EXAMINATION

13 BY MS. LIVESAY:

14 Q Mr. Fox asked you about if you were Crime Scene; do
15 you remember that?

16 A I remember that.

17 Q Okay. Well, let me ask you something: Can you use
18 this measuring tape?

19 A Sure can.

20 Q And how often do you use a measuring tape?

21 A Daily.

22 Q And did it require any special training to use it?

23 A It does not.

24 MS. LIVESAY: Thank you. No further questions, Your
25 Honor.

1 THE COURT: Now, you can step down, sir. Thank you.
2 Next?

3 MS. LIVESAY: Dr. Proctor, Your Honor.

4 THE COURT: We can get about 50 minutes? Do you
5 anticipate longer than that?

6 MS. LIVESAY: Did you say 50 or 15?

7 THE COURT: 50.

8 MS. LIVESAY: I don't think it should, no, sir. But
9 if you feel any kind of --

10 THE COURT: No, no, that's fine.

11 Come on around, Doctor.

12 DR. EDWARD PROCTOR JR.

13 after having been duly sworn, was examined and
14 testified to as follows:

15 THE CLERK: Please state your name and spell it for
16 the Court.

17 THE WITNESS: I am Edward Proctor Jr. And that's
18 P-r-o-c-t-o-r.

19 (State's Exhibit No. 50, Diagram of Entrance Wounds,
20 was marked for identification.)

21 MS. LIVESAY: You got any objection to this, Eric?

22 MR. FOX: No. Not to the thing itself.

23 DIRECT EXAMINATION

24 BY MS. LIVESAY:

25 Q Dr. Proctor, tell me a little bit about your

1 education.

2 A I am a pathologist by training. I started as four
3 years of college at Clemson and then four years of medical
4 school at the Medical University of South Carolina; four
5 years of pathology training at Walter Reed Army Medical
6 Center in Washington, D.C., during which time I became
7 board certified in anatomic and clinical pathology,
8 followed with additional training and became certified in
9 forensic pathology.

10 And from 1982 to '86 was in the United States Army
11 at Fort Bragg, North Carolina, and from '86 until the
12 current time, I have been here.

13 Q Okay. And you worked at Grand Strand Medical
14 Center; correct?

15 A I was an independent contractor, but we did work at
16 Grand Strand.

17 Q Okay. And you are also a contract employee by the
18 Horry County Coroner's office to assist with autopsies;
19 correct?

20 A That's correct.

21 Q And tell these folks, what is a forensic
22 pathologist?

23 A A forensic pathologist is a pathologist who has had
24 basic pathology training, but forensic training is
25 additional training in the medical/legal investigation of

1 death, during which time we take the history given to us
2 by the coroners or law enforcement, and then we do a
3 physical -- a gross examination, internal examination of a
4 body, produce microscopic slides as well as draw fluids,
5 blood, other body fluids for toxicologic evaluation. We
6 take all of that data, evaluate it, put it together, and
7 formulate a cause and manner of death.

8 Q And when we're talking about a forensic pathologist,
9 you talked a little bit about law enforcement training,
10 that sort of thing. So when we're talking about forensic
11 pathology, are we talking about topics like defensive
12 wounds?

13 A Yes.

14 Q Are we talking about things like stippling?

15 A Yes.

16 Q And, if you don't mind, tell this crowd what a
17 defensive wound is.

18 A A defensive wound in an autopsy examination would be
19 a wound usually on the hands, forearms, sometimes someone
20 turning to ward off a blow or any sort, and you look for
21 wounds like from knife wounds, blunt objects that can
22 break bones or causing bruising and that kind of thing.

23 Q So if somebody is coming at and you kind of --

24 A (Indicating). That's correct. Put your hands up.

25 Q Or like this?

1 A Mm-hmm.

2 Q And tell these folks what stippling is.

3 A Stippling is, when a firearm is discharged, is the
4 powder and all the residue that comes out of the end of
5 the barrel. When it comes out of the end of the barrel,
6 it is actually hot, embers flaming, and you get the smoke
7 and you get the actual burning powder coming out of the
8 end of the barrel that can hit the victim and cause
9 microscopic burns as well as the soot residue from the
10 smoke.

11 Q Okay. So stippling is the little burns from the
12 gunpowder?

13 A That's correct.

14 Q And you can see that with the naked eye?

15 A Yes.

16 Q Okay. And how close do you have to be for there to
17 be stippling, those little burns?

18 A Depends on the type of firearm. Shotgun is a little
19 bit further but handguns -- usually you will see stippling
20 up to 3 to 4 maybe sometimes 5 feet.

21 Q Okay. So now you tell me 5 feet?

22 A 5 feet. That would be if I -- if I discharged a
23 pistol, that would be about the max, probably less than
24 that but usually --

25 Q At the most, 5 feet?

1 A Yes, ma'am.

2 Q So any further than 5 feet -- right here so we can
3 get a little range there -- anything further than this,
4 you're not going to see stippling; correct?

5 A That's correct.

6 Q Because it only travels so far with the bullet?

7 A With the -- hot enough to actually burn the skin.

8 Q Okay. Hot enough to burn the skin. So it's going
9 to have to be further than this, and you're not going to
10 see stippling?

11 A That's correct.

12 MS. LIVESAY: Okay. So, first of all, can we
13 qualify Mr. -- Dr. Proctor as a forensic pathologist?

14 THE COURT: Mr. Fox?

15 MR. FOX: Yes. Know him well. No objections.

16 THE COURT: Okay. So ordered.

17 MS. LIVESAY: Thank you.

18 BY MS. LIVESAY:

19 Q And I forgot to ask you earlier Dr. Proctor, tell
20 those folks how many times you have qualified as an
21 expert.

22 A In this courtroom, probably several hundred.

23 Q I would say so. Quite a few with me, in fact.

24 A Yes.

25 Q Now, when you testify, you can testify to the

1 injuries and to the forensic part -- correct? -- about
2 stippling in items like that to contribute to show what
3 happened?

4 A That's correct.

5 Q Okay. Good. And did you do the autopsy for
6 Kentrell Ferguson, the victim for this case?

7 A I did an autopsy on one Kentrell Ferguson on August
8 the 27th of 2020.

9 Q Okay. And we have already talked a little bit about
10 Kentrell Ferguson's wounds but you're the doctor. I want
11 you to tell these folks the wounds that the victim
12 suffered.

13 A Mr. Ferguson had two wounds: one was a
14 through-and-through wound to his foot, and the other was a
15 gunshot wound to the midline back area, upper back, that
16 traversed the body posterior, anterior, right to left,
17 slightly upward, with an exit in the left shoulder. So
18 there were two wounds: one through and through in the foot
19 and one through and through in the chest.

20 Q And did you determine that both wounds were gunshot
21 wounds?

22 A Yes, ma'am.

23 Q And, if you don't mind, can you mark on this board,
24 which is State's Exhibit No. 50, the entrance wound?

25 A Yes, ma'am.

1 Q Come on down.

2 MS. LIVESAY: Can he come down?

3 THE COURT: Oh, sure. Yeah.

4 MS. LIVESAY: Thank you.

5 THE COURT: Just be sure to speak up a little louder
6 since you're away from the microphone.

7 BY MS. LIVESAY:

8 Q And if you don't mind, Dr. Proctor, I just want the
9 entrance wound. I'm going to mark at the top "entrance"
10 so we know.

11 A Okay. All right. The entrance wound would be in
12 the right midline upper back, about this area right here.
13 And the other wound would be a through and through of the
14 right foot. So this would be -- facing this would be
15 right -- this is his right. Right there.

16 Q And were you able to determine the entrance wound on
17 the foot?

18 A Yes. It was on the dorsum of the foot through and
19 through.

20 Q Okay. Perfect.

21 And the question that I have now, that we have
22 discussed stippling and determined some distance, was
23 there any stippling on the wound around Kentrell Ferguson?

24 A No, ma'am, did not see that.

25 Q So it definitely had to be at least more than 5 feet

1 away?

2 A That's correct.

3 Q Okay. Thank you, Dr. Proctor. If you don't mind,
4 have a seat.

5 Now, we know that he has two gunshot wounds, and you
6 talked earlier that blood is also sent off; correct?

7 A That's correct.

8 Q And did you look at what came from the blood
9 results?

10 A I did.

11 Q And did you look at all the wounds?

12 A Yes, ma'am.

13 Q And after looking at all of that, were you able to
14 determine a cause of death?

15 A I was.

16 Q And what was the cause of death?

17 A Okay. The gunshot wound to the right upper back
18 traversed the body posterior to anterior. It went out the
19 left shoulder. It penetrated the superior aspect of the
20 right lung on its way through, leading to a tremendous
21 amount of internal hemorrhage in the chest cavity. And
22 the cause of death in this gentleman was the gunshot wound
23 with extensive hemorrhaging.

24 Q Okay. So it wasn't the foot wound; correct?

25 A It was not. It was the wound to the upper back.

1 Q Okay. What killed him was the gunshot wound to the
2 back?

3 A That is correct.

4 Q Okay. And if -- I know this is probably maybe
5 calling for speculation. I don't know. I'm going to ask;
6 you tell me. About how long would he have survived after
7 sustaining such a wound?

8 A It's variable, but he had a wound through the tissue
9 of the lung, which is very vascular, and the more he may
10 have run or the more he moved around, the faster blood
11 would have pumped out through that wound. So it's
12 variable, but it's minutes at best.

13 Q Okay. And was there anything else that you saw that
14 at all contributed to his death other than the gunshot
15 wound?

16 A No, ma'am.

17 Q And we talked a little bit about defensive wounds,
18 because we see those sometimes in more hand-to-hand
19 altercations, assaults. Did you see any kind of defensive
20 wounds?

21 A I did not.

22 Q Okay. Did you see any other kind of wounds, period,
23 as far as these type, other than the two gunshot wounds?

24 A No, ma'am.

25 MS. LIVESAY: No further questions, Your Honor.

1 THE COURT: Mr. Fox, do you have any
2 cross-examination of Dr. Proctor?

3 MS. LIVESAY: One second, Your Honor. If I didn't
4 put it in evidence, at this time, the State is asking to
5 put 50 into evidence, which is the picture marked on by
6 Dr. Proctor.

7 THE COURT: Any objection by the defense?

8 MR. FOX: No.

9 THE COURT: 50 in evidence for the State.

10 MS. LIVESAY: Thank you.

11 (State's Exhibit No. 50 was received into evidence.)

12 MR. FOX: I don't have any questions for this
13 witness, Your Honor.

14 THE COURT: All right, Dr. Proctor. You can step
15 down. You're free to leave the courthouse or more than
16 welcome to remain with us.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Let me see the lawyers for just a
19 minute.

20 BENCH CONFERENCE

21 (The following bench conference was held outside the
22 hearing of the jury and others:)

23 MR. OSKIN: Your Honor, we're going to rest.

24 THE COURT: How many more witnesses do you have?

25 MR. OSKIN: We're about to rest on the record.

1 THE COURT: Oh, I didn't know. I thought maybe the
2 investigator who is sitting at the table --

3 MR. OSKIN: No.

4 THE COURT: All right. All right. We'll go ahead
5 and rest on the record, and then I'll go ahead and send
6 the jury on for...

7 MR. OSKIN: You're a five-minute walk to Bonfire.
8 You're a two-minute drive in the rain.

9 THE COURT: Oh, yeah. I got plenty of time on that.
10 Probably what I'll do is get you to rest and then I'll
11 send the jury back to the jury room, and then we'll figure
12 out what you're going to do.

13 MR. OSKIN: Yes, sir.

14 THE COURT: Okay. All right.

15 (Open court resumes as follows:)

16 THE COURT: All right, Solicitor. Any further
17 witnesses?

18 MR. OSKIN: No, sir, Your Honor. At this time, the
19 State rests.

20 THE COURT: All right. Very good. Thank you.

21 All right. Ladies and gentlemen, what I want you to
22 do is go back to the jury room. More than likely we're
23 going to go ahead and break for lunch now, do a little
24 early lunch break, but I need to talk with the lawyers
25 first. So go back to the jury room. Hopefully we can get

1 you back out shortly. Okay?

2 (The jury exited the courtroom at 11:44 a.m.)

3 THE COURT: Okay. Defense have any motions to put
4 on the record?

5 MOTION FOR DIRECTED VERDICT

6 MR. FOX: Yes, Your Honor. At this time, Defense
7 would move for a directed verdict. Well, initially, I
8 would say we renew all previously made objections.

9 THE COURT: Sure.

10 MR. FOX: And just with particularity -- I'm not
11 going to re-argue the whole thing, but with particularity,
12 the determination by the Court of Mr. Legette's competence
13 to even be able to stand trial this week, so we definitely
14 renew that. I feel that was an error; that he should have
15 been declared incompetent, and therefore, not able to come
16 to trial this week. Renew all other motions.

17 THE COURT: Sure.

18 MR. FOX: And then we would -- and also as part of
19 that, of course the decision to allow Dr. Maddox to
20 testify over our objection.

21 However, we move for a directed verdict based on our
22 position that the State has not met the burden of proof to
23 prove each element of both the crimes charged, murder and
24 possession of a weapon during the commission of a violent
25 crime.

1 THE COURT: Thank you. Viewing the evidence in the
2 light most favorable to the State, the Court does find
3 that there is sufficient direct evidence and -- well,
4 sufficient direct evidence to justify sending the case to
5 the jury. We do have two witnesses who actually, after
6 viewing the video, identified the shooter as the
7 defendant. So I will deny your motion for a directed
8 verdict.

9 All right. Let's just -- and, of course, I'm going
10 to have to examine Mr. Legette in just a minute about his
11 rights to testify or not to testify.

12 We do not have a final draft of a charge. Here's
13 what I'm thinking and I want to make sure you guys are
14 good with it. Assuming the defense does not put up a
15 case, arguing charge in the morning. Give me enough time
16 to get a charge prepared to you for y'all's review and
17 then argue and charge in the morning. Can the State live
18 with that?

19 MS. LIVESAY: I'm sorry, Judge.

20 MR. OSKIN: Court's indulgence.

21 THE COURT: Okay. Y'all talk. Y'all talk.

22 (Pause in the proceedings.)

23 MR. OSKIN: Your Honor, we're prepared to move
24 forward this afternoon, but it's certainly --

25 THE COURT: Well, since I don't have a charge yet, I

1 want to work on that this afternoon, and I always give a
2 draft to the lawyers for your comments, additions,
3 subtractions, and that sort of thing. So I would probably
4 just prefer to argue and charge in the morning.

5 MR. OSKIN: It's your courtroom, sir.

6 MR. FOX: That's perfectly fine with me, Your Honor.

7 THE COURT: All right. So here's what we are going
8 to do. We're going to bring the jury --

9 MS. LIVESAY: Yes, sir, but I just wanted to make
10 sure. But if he wants to testify, we'll do that this
11 afternoon?

12 THE COURT: Right. Yeah. Here's what we're going
13 to do is, while the jury is out, I'm going to go ahead and
14 read the script to him, so kind of give him an idea in
15 advance of what I'm going to be doing about his right to
16 testify or not testify.

17 MS. LIVESAY: Okay.

18 THE COURT: And then he can -- they can let me know
19 whether or not he plans to testify, Mr. Fox can let me
20 know whether or not they intend to put up a case. I will
21 then make a ruling on the issue of the .40 caliber gun.
22 So just go ahead and explain to him what we're doing and
23 let me pull that up.

24 MR. FOX: And Your Honor --

25 THE COURT: Should know it by heart as many times as

1 I have read it.

2 MR. FOX: And, Your Honor, just as we're discussing
3 how we're going to proceed, very briefly, I would like to
4 comment on the issue of the gun and whether it was
5 published, but it will be ten seconds.

6 THE COURT: Sure. That's fine.

7 (Mr. Fox confers with the defendant.)

8 THE COURT: Give me just one minute, please.

9 (Pause in the proceedings.)

10 DEFENDANT'S RIGHTS

11 THE COURT: Mr. Legette, would you please stand. I
12 need to have you sworn in.

13 Madam Clerk?

14 THE CLERK: Please raise your right hand.

15 CRAIG LEE LEGETTE,

16 after having been duly sworn, was examined and
17 testified to as follows:

18 THE COURT: Just remain standing. Put your hand
19 down, sir.

20 At this time, I'm going to explain to you certain of
21 your rights. If you do not understand anything I say,
22 please let me know that. If you want me to explain
23 anything in more detail, please let me know that as well.
24 Okay? Fair enough?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Sir?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: We have now reached the stage of the
4 trial where you may present your defense. You have the
5 right to claim the protections given to you by the Fifth
6 Amendment to the Constitution of the United States. This
7 amendment reads in part, "No person shall be compelled in
8 any criminal case to be a witness against themselves."
9 This means no one, including myself, can force you to
10 testify in this case. You have the right to testify on
11 your own behalf; however, no one can make you testify.

12 This is a personal right, and no one can waive this
13 right except you. If you decide to testify, you'll be
14 subject to the same rules that govern witnesses, and you
15 may be examined and cross-examined on any relevant issue
16 in the case.

17 In addition, if you have any convictions involving
18 dishonesty or false statement or for crimes punishable by
19 imprisonment for one more than year and this Court
20 determines that the probative value of admitting this
21 evidence outweighs its prejudicial effect, the solicitor
22 would be able to introduce your record to attack your
23 credibility if you decide to testify.

24 If you decide to testify, this decision on your part
25 must be freely and voluntarily and intelligently made by

1 you with knowledge of the protections given to you by the
2 Fifth Amendment and the consequences of your decision to
3 testify.

4 If you decide not to testify, this also must be
5 freely, voluntarily, and intelligently made by you, and if
6 you decide not to testify, I will specifically instruct
7 the jurors that they cannot give the fact that you did not
8 testify any consideration whatsoever and that there's to
9 be absolutely no prejudice to you because you did not
10 testify. This decision is left entirely up to you whether
11 or not you testify. And I'm sure you have already talked
12 with your attorneys, maybe some of your family members and
13 other people, but the final decision is left up to you.

14 Now, have you understood what I have explained to
15 you about testifying or not testifying?

16 THE DEFENDANT: Yeah.

17 THE COURT: Okay. Have you -- are you in a position
18 to tell me now whether you'll testify or not testify?

19 THE DEFENDANT: No.

20 THE COURT: Are you planning to testify? Or not
21 testify?

22 THE DEFENDANT: No.

23 THE COURT: All right. You have decided not to
24 testify in your case; is that correct?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. All right. And is that decision
2 made by you after consulting with your attorney and family
3 members and anybody else?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. All right. Do you have any
6 questions about what I have just discussed with you?

7 THE DEFENDANT: No.

8 THE COURT: Okay. Thank you, sir. You can have a
9 seat.

10 Okay. Now, Mr. Fox, is it the defense plan to put
11 up -- again, I realize we have the issue involving the
12 gun, and we'll get to that, but is it your plan to put up
13 any case?

14 MR. FOX: No, but I would like to, since we're going
15 to have a lunch break, I will come back and give a final
16 answer if that's okay with the Court.

17 THE COURT: Sure.

18 MR. FOX: I do not anticipate that.

19 THE COURT: Well, here's what we'll do. Since you
20 don't anticipate it -- and, certainly, if you decide
21 otherwise -- but since you don't anticipate it, let's just
22 go ahead --

23 MR. FOX: And, Your Honor -- I'm sorry, I don't mean
24 to interrupt. I'm thinking of the jury. I apologize for
25 talking over you.

1 THE COURT: I can have them -- what we can do is I
2 will send them on for an early lunch -- well, it's really
3 not early; it's 12:00 -- have them come back, and if all
4 we do is that you rest on the record, then we'll send them
5 on and tell them we're going to argue and charge in the
6 morning.

7 MR. FOX: That will work.

8 THE COURT: Will that work for you?

9 MR. FOX: Yes, sir. I appreciate it.

10 THE COURT: And then I'll still make the decision
11 about Defense No. 1.

12 All right. So let's bring the jury in, and I'll
13 probably just have them come back at 2:00 and then we can
14 decide what the defense is going to do.

15 (The jury entered the courtroom at 11:57 a.m.)

16 THE COURT: All right. Let the record reflect the
17 jury is back in.

18 Ladies and gentlemen, we're going to go ahead and
19 take a lunch break. It's going to be a little bit longer
20 than normal. I want you back here at 2:00. Okay? So
21 have a good lunch break.

22 As I mentioned to you yesterday, if you go to a
23 local restaurant, make sure your juror badges are visible,
24 so if anybody is in there talking about the case, they'll
25 know not to talk so loud that you can hear. So be sure to

1 keep that visible for me.

2 We'll see you back at 2:00. Okay? Have a good
3 lunch.

4 (The jury exited the courtroom at 11:58 a.m.)

5 THE COURT: Okay. All right. Everybody have a good
6 lunch.

7 (A lunch recess was taken from 12:00 a.m. to 2:05
8 p.m.)

9 THE COURT: Okay. We are back on the record.

10 And, Mr. Fox, what's the defense plan as far as this
11 case?

12 MR. FOX: Well, Judge, first, I know you have
13 already discussed with Mr. Legette his options about
14 testifying or not, and he's indicated he would not and
15 that has not changed. So I'll start with that.

16 THE COURT: Okay.

17 MR. FOX: He's not changed his mind. And we do not
18 anticipate calling any witnesses.

19 THE COURT: Okay. All right. So when I bring the
20 jury out, I'll just turn it over to you -- and you've done
21 this enough -- and you'll just say, "Defense rests."

22 MR. FOX: Yes, sir.

23 THE COURT: Now, my ruling on the gun, I think it
24 was more of an inadvertent kind of showing of the gun, and
25 I'm not going to penalize the defense for doing that.

1 Maybe not giving a whole lot of thought when holding the
2 box -- I mean, I'm not being critical -- so I'm not going
3 to penalize the defense, and therefore, the .40 caliber
4 gun is not coming into evidence.

5 MR. FOX: Yes, sir.

6 THE COURT: All right. So here's the plan: We'll
7 bring the jury out and cut them loose until 9:30 or 10:00
8 in the morning. If y'all can either hang around or come
9 back maybe in an hour at tops, I'll be able to give you a
10 draft charge, and we can either talk about it informally,
11 put on the record whatever we need to put on the record or
12 we can do that in the morning. It's just whatever y'all
13 want to do. I mean, I'm available this afternoon, but I
14 can also be available in the morning to discuss the charge
15 after you have had a chance to look at the draft charge.

16 MR. FOX: Yes, sir.

17 THE COURT: So I'll let y'all make that decision.
18 Okay? All right. Let's bring the jury out, please.

19 (The jury entered the courtroom at 2:08 p.m.)

20 THE COURT: All right. Let the record reflect the
21 jury is back in.

22 Mr. Fox?

23 MR. FOX: Your Honor, at this time, the defense
24 rests.

25 THE COURT: All right. Very good.

1 Ladies and gentlemen, what we have left to do in
2 this case is the lawyers will make their closing arguments
3 to you, and then I will charge you the law that you are to
4 apply to the facts as you find those facts to be.

5 What I typically do -- I give the lawyers an
6 opportunity to have some input into my charge, and if they
7 make some suggestions and I like their suggestions, then
8 I'll include them. And so we're in that process of
9 working on the charge and it's not completed yet.

10 So the plan is this -- I know you just came back,
11 but we didn't know whether or not the defense was going to
12 put up a case. They don't have to, because they have no
13 burden of proof whatsoever. The burden of proof is on the
14 State. So they have made the decision not to put up a
15 case.

16 So I'm going to go ahead and send you on home for
17 the rest of the day and then come back at 10:00 in the
18 morning. The lawyers will make their closing arguments to
19 you. I will charge you the law that you are to apply to
20 the case and maybe even feed you lunch while you're here.
21 And so that's kind of the plan.

22 Remember all my instructions I have given you.
23 Don't discuss it among yourselves. Don't discuss this
24 case with anybody you come into contact with this
25 afternoon or this evening. No internet or social media.

1 And have a good evening, and we'll see you back at 10:00
2 in the morning. Okay?

3 (The jury exited the courtroom at 2:10 p.m.)

4 THE COURT: All right. So, like I said, no more
5 than an hour and we'll be ready to hand you a copy of the
6 draft or you can tell me then. If you want to just wait
7 until in the morning and talk about it or talk about it
8 this afternoon.

9 MR. OSKIN: We'll be happy to talk about it this
10 afternoon.

11 MR. FOX: Absolutely.

12 THE COURT: All right. We'll see you in a little
13 bit then.

14 (The trial adjourned for the day at 2:11 p.m., to be
15 resume on April 4, 2024, at 9:30 a.m.)
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1 CERTIFICATE OF COURT REPORTER

2 CASE NAME/NUMBER: State v. Craig Legette

3 2021-GS-26-02637

4 DATE OF HEARING: April 3, 2024 (DAY 3)

5 *****

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

12
13 

14 _/s/ Bobbi Fisher_____

15 Bobbi Fisher, RPR, Court Reporter III

16 Date Submitted: 7/29/24

17
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STATE OF SOUTH CAROLINA * GENERAL SESSIONS
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-----X
STATE OF SOUTH CAROLINA, *
State, *
vs. * Case No. 2021-GS-26-02637
2021-GS-26-02638
2021-GS-26-02634
CRAIG LEE LEGETTE, *
Defendant. *
-----X

April 4, 2024
Volume 4 of 4

JURY TRIAL

B E F O R E:

The Honorable Donald B. Hocker, Presiding Judge; and a jury.

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

Nancy Livesay, Esq.
Seth Oskin, Esq.
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Eric Fox, Esq.
Clay Pinkerton, Esq.
Attorneys for the Defendant

Court Reporter: Bobbi Fisher, RPR
SC Official Court Reporter III

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P R O C E E D I N G S

(10:07 a.m.)

THE COURT: Okay. We are back on the record. And let the record reflect, I had an informal charge conference with the lawyers yesterday afternoon, and by consent, there were some changes made to the charge, and so everybody is good with it as I understand it.

State?

MS. LIVESAY: Yes, sir.

THE COURT: Defense?

MR. FOX: Yes, Your Honor.

THE COURT: All right. Anything we need to put on the record before State closes in full and then the defense closes in full?

MR. FOX: No, sir.

THE COURT: All right. Thank you very much.

Let's bring the jury out.

And I think I mentioned this to Solicitor Oskin yesterday: I don't put time limitations on length of closing. I always encourage lawyers to kind of recognize a little brevity when they make their closing arguments, but I don't put any time limits on it, so have at it.

MR. FOX: Thank you, Your Honor.

Not like Judge Floyd, who would tap his pencil.

THE COURT: I won't do that to you.

1 MR. FOX: Thank you.

2 (The jury entered the courtroom at 10:09 a.m.)

3 THE COURT: Let the record reflect the jury is back
4 in.

5 Good morning, ladies and gentlemen. Hope you got
6 some good rest and ready to get back to work.

7 As I told you yesterday when we broke for the day,
8 what we have left to do is, the lawyers will make their
9 closing arguments to you -- the State will go first and
10 then the defense -- and then, more than likely, take a
11 little short break, and then I'll give you the charge on
12 the law.

13 Now, the closing arguments, this is the last time
14 that these fine lawyers have to advocate for their
15 respective sides so please give them your undivided
16 attention.

17 Is the State ready?

18 MS. LIVESAY: Thank you, Judge.

19 CLOSING ARGUMENT ON BEHALF OF THE STATE

20 MS. LIVESAY: Good morning, ladies and gentlemen.
21 I'm not going to reintroduce myself. We have been in
22 together for four days. We all know each other now at
23 this point. We're kind of past that first date when you
24 show up.

25 So let's talk. This is going to be the last time I

1 get to talk with you before you go back and make a
2 decision. The first thing I want to say is this case is
3 extremely important. I know I don't need to say it, but I
4 feel like I've got to say it. Kentrell Ferguson, a young
5 man, lost his life. And that's something in this world
6 that we can't get back, and it's something that the
7 richest man in the world can't buy another day on this
8 earth.

9 So when somebody loses their life, that's it.
10 That's the biggest thing that can happen to any of us,
11 because there is no second chance. And Mr. Ferguson lost
12 his life, and that's why we're here today. And he didn't
13 lose it sitting around his family and friends. He lost it
14 in a car, trying to get help.

15 What Dr. Proctor told you was the bullet went
16 through his back, hit his lung, came out the shoulder.
17 And something else that he told you that I didn't dwell on
18 at the time but I want to talk about it now, when it hit
19 his lung, the more he ran, the more he moved, the more
20 blood pumped into his lungs, which means he can't get air.
21 He's drowning.

22 That's how Mr. Ferguson died. He was in his car,
23 drowning. He could not get air. His lungs were filling
24 up with blood. He wasn't around his family. He wasn't
25 around his friends.

1 And that's why we're here, because something
2 terrible has happened. Something unnatural has happened.
3 And the question is -- we know that, but is it a crime?
4 First -- that's the first question. Is this man a victim
5 of murder? We have got to figure that out right off the
6 bat.

7 I remember when I lost my mom. I could not have
8 been more tortured. And she looked at me and she said,
9 "This is the natural progression of life. I'm not
10 supposed to bury you."

11 But Kentrell Ferguson, something unnatural happened,
12 and his parents had to bury him. But was it a crime?

13 And I got this to keep myself on track. The first
14 question is: Is this a murder?

15 What is murder? It's a killing of another with
16 malice aforethought. I got that board right here for us.

17 Is there a killing? This gunshot to the back tells
18 us that it was a killing. This board that Dr. Proctor
19 came in here and showed us, entrance wound, right there in
20 the back.

21 So the question, "Is this a killing?", that's
22 answered. Of another. Kentrell Ferguson. So we have got
23 those two right off the bat. With malice aforethought.

24 We saw the video. This young man was walking away.
25 Hands up, walking away. And how far was he when he was

1 shot in the back? He was 20 feet away. When Chris Cook
2 came in here and measured with a measuring stick --
3 20 feet, let's see. Keep on going. Keep on going. Hit
4 me right there.

5 This is how far he was away. This is how far he was
6 away when he was shot in the back, leaving. Is that
7 malice? 110 percent it is malice. He fired four times.
8 Four times. And shot him twice. From this far away.

9 Now, what did Dr. Proctor tell you? Because, you
10 know, Mr. Fox wants to tell you that Chris Cook, he's not
11 Crime Scene. He don't know how to work a tape measure.
12 So Dr. Proctor came in here and told you there was no
13 stippling. Stippling is when you're burned because you're
14 so close to the bullet when it's fired. The powder is
15 still hot coming out of the barrel. And he told you,
16 because there's no stippling, physically, he had to be
17 more than 5 feet. He couldn't tell you if it was 8 feet,
18 10 feet, but no doubt, it was more than 5 feet.

19 So Dr. Proctor says, by looking at the autopsy --
20 the man never even saw the video -- he told you it had to
21 be at least this far. At least. Or the young man would
22 have had burns from the powder.

23 So there's no doubt this is a murder. This man was
24 not a threat. He could have left that apartment and lived
25 another day. But, for whatever reason, Craig Legette was

1 not going to let that happen, and he fired four times.
2 And the man was unarmed. You see him on the video,
3 holding his hands up. Then you see him running. And he
4 actually grabs -- oh, he's falling down from the gunshot,
5 taking both hands, grabbing the pavement and running.
6 Completely unarmed.

7 And as he's running, filling his lung up with blood
8 so he's drowning in it, you see Craig Legette walk back in
9 the apartment and slam the door, to add insult to injury
10 after that young man was shot in the back.

11 Is it malice? 110. When you shoot somebody in the
12 back, running away, who is unarmed, it is malice. That
13 man was gunned down like an animal right there in the
14 parking lot in Myrtle Beach.

15 So we know -- we know that a murder has occurred.
16 We can all agree on that. You cannot shoot somebody in
17 the back 20 feet away who is unarmed, running away from
18 you.

19 Now, the next question that's got to be answered is
20 "Who did it?" We know the man was murdered. The next
21 question we have to decide is "Who did it?"

22 Now, Craig Legette is on trial. It's his day and
23 it's Kentrell Ferguson's day. We know that Craig Legette
24 lives at [REDACTED] Fountain Pointe. Without a doubt. That's
25 110. This is going to go back to the jury room with you.

1 He wrote it on this document. This is from the jail. And
2 when they book you in, they get an address, phone number,
3 all the requisite information. He told them, "I live at
4 [REDACTED] Fountain Pointe."

5 So you're going to get this documentation. He's the
6 one that says, "I live at [REDACTED] Fountain Pointe." Right
7 there. That's where he lives. That's where the crime
8 happened.

9 Now, Fountain Pointe's got surveillance footage. So
10 what's important to us today? To figure out whether or
11 not Craig Legette is indeed the killer. What went on at
12 111 -- right? -- and what went on at [REDACTED], his apartment.

13 This is 111. This is Building 111. This is,
14 without a doubt, the shooter. We can all agree on that.
15 It's on video. He's the shooter. You see him with his
16 arm up. Pop, pop, pop. This is, without a doubt,
17 Kentrell Ferguson, running away, the young man that was
18 found.

19 We know from the video that this is a Black male,
20 and we know his clothing is this distinctive striped shirt
21 and dark pants. We know that. So we have already got a
22 description of the shooter. So now we're trying to figure
23 out where the shooter came from and how we can identify
24 him.

25 Does he live right out here? Does he not live right

1 out here? What's going to give us the information to know
2 that this is Craig Legette? Right here, striped shirt,
3 Black male, dark britches. You can see a little bit the
4 hair kind of up in a little ponytail.

5 So did this guy come out of [REDACTED]? Because that's
6 Craig Legette's address. That's one thing we need to
7 know.

8 Say it ain't so. Right here. Black male, dark
9 pants --

10 Could you pause it just a second? Go ahead and play
11 it through.

12 (Video continues to play.)

13 Here he is walking up to his apartment. There's his
14 striped shirt. Here is he going into his apartment at
15 [REDACTED]. [REDACTED] is written right here on the parking spot.

16 Here he comes out of his apartment. Striped shirt.
17 Dark pants. Hair up. Dreads up in a ponytail. Getting
18 in a white car. This is [REDACTED] right here.

19 Now, where does he go? Right? Where does this guy
20 go that looks and dressed like the shooter? Does he go to
21 the crime scene? Does he go to the mall? Does he go to
22 the Pizza Inn? We got to find out. That way, we know
23 whether or not this is indeed the killer. So we follow
24 the car. 111. See it on the parking spot.

25 (Video continues to play.)

1 Same striped shirt. Dark pants. Black male. Hair
2 up in dreads.

3 Can you hit pause?

4 So we already know this matches the description.
5 This is the killer here. Right? There's no doubt about
6 it. This guy is the killer. And we know where he came
7 from. He didn't just show up out of anywhere. He didn't
8 show up out of the blue. He didn't show up from a
9 neighborhood in Conway. He showed up from [REDACTED]. He showed
10 up from his house. We saw him walk up to the apartment.
11 He got something out of the apartment. He came back down.
12 He got in his car and he drove back over here to 111, to
13 the crime scene.

14 So if we're wondering if it's Craig Legette, he come
15 from Craig Legette's house. Jeanette Deshields told us
16 Craig Legette and his girlfriend had a white car. He's
17 driving a white car. So we know he came from Craig
18 Legette's house, driving Craig Legette's car, and he drove
19 it right over here to the crime scene. And we know he's
20 wearing the same clothes. He literally walked right out
21 of here and walked to the crime scene.

22 Myrtle Beach -- Horry County is one of the biggest
23 counties east of the Mississippi, and it's one of the
24 fastest growing counties. Everywhere you go now, they're
25 building houses. Okay? We're talking now the population,

1 I think, is around 350,000, somewhere. Hitting between
2 there and 400,000. So we're talking about a big
3 population, we're talking about a lot of land, and we're
4 talking about, out of everywhere in Horry County, the
5 killer come from right here, from [REDACTED] Fountain Pointe,
6 right where the defendant lived, wearing the same clothes
7 that he was wearing when he showed up.

8 Can you hit that for me?

9 (Video continues to play.)

10 These are the things that locked this defendant in
11 and he can't get away from it as to why he did it. First,
12 [REDACTED] Fountain Pointe. He drove right from his house, drove
13 his car over there to the crime scene. His clothing and
14 the car match the shooter. Craig Legette, wearing the
15 same clothes, driving his white car, driving from his
16 house, right to the crime scene.

17 And if you look over there -- and it may be
18 uncomfortable -- but if you look over there at Craig
19 Legette, at the defendant, you will see a Black male,
20 medium build, with dreads tied back, matching the
21 description of the man on the tape. He came from his
22 house wearing the same clothes, driving the car, and
23 matches the description of the killer. All this is lined
24 up right here. It's not like we're watching a tape with a
25 white guy on it -- right? -- with a shaved head, and we

1 have got Craig Legette over there and we're trying him.
2 No. We got the guy that came from [REDACTED] Fountain Pointe
3 wearing the same clothes as the shooter, driving the same
4 car as the shooter -- Craig Legette's car -- that matches
5 the description of the shooter. He didn't come from just
6 anywhere. He came from right there.

7 Now, he, without a doubt -- now, the question is, he
8 matches the description; right? Black male, medium build,
9 dreads. That's just what it is. I honestly thought he
10 was going to come in here; I was stunned that he came in
11 here with dreads. But the description matches.

12 But I can't look at that video and tell you
13 100 percent that's Craig Legette. I have not seen Craig
14 Legette anymore than you folks have seen him right in
15 here. I don't know Craig Legette outside of this setting.

16 Seth Oskin is my co-counsel. I have met his wife
17 twice. I can tell you right now, she's a wonderful
18 person. I can tell you right now, if Hannah came walking
19 out of the Hilton in Myrtle Beach late at night and
20 surveillance called, I don't know that I could tell you
21 that's Hannah. I don't. I have seen her twice. I don't
22 know that I feel comfortable telling you that. But I am
23 100 that this man, if he saw the tape, he could tell you
24 whether or not it's him.

25 Like all of us, when I don't know somebody that

1 well, I see them on surveillance, "Hey, that might be
2 him," but I can assure you, I can pick my dad out. I can
3 assure you, I can pick my significant other out. I think
4 most of us could. I mean, cheaters has made a lot of
5 money off of it.

6 When we know somebody and we live around them -- we
7 know how they walk, we know the clothes they wear -- then
8 we can look up there and say, "Yeah, I know that's my
9 significant other" or "I know that's my dad."

10 One of my neighbors that lives in my neighborhood,
11 we're very good friends. He's worked for the fire
12 department. I see him on a regular basis. I could tell
13 you if that was him on surveillance footage.

14 If we know the person, we have been around them, we
15 know their mannerisms, we know what they wear, we can tell
16 you that's them or not. That's just -- that is life.

17 Could I tell you -- could I get up here and tell you
18 that's Craig Legette? No. He matches the description is
19 what I can tell you. I think we're all comfortable with
20 that. But I don't know Craig Legette. I've seen him like
21 y'all have seen him. That's why we brought in these three
22 people that do know Craig Legette. All three of these
23 people know him. Brian Scales came up here and said,
24 "Yes, I know him, I know Ryan Keefe, I know Chris Cook, I
25 know all kind of people in the community, and I know

1 that's him."

2 Melanie Smith came in here, the young lady with the
3 long hair. She said, "I know Craig Legette. I have
4 watched this video, and I'm 100 percent sure that that's
5 him."

6 Then I went out and met with Jeanette Deshields.
7 She is the lady that lives here where the crime happened.
8 She told you, "I have known him for three years. Him and
9 his girlfriend live out in Fountain Pointe, and they drive
10 a white car." Everything she told you was dead 100 that
11 showed up right over there.

12 And what else did she tell you? "I know that's
13 Craig Legette." She has no axe to grind. That's somebody
14 that lived out in his neighborhood, known him for three
15 years, and saw him three times a week, has no bearing one
16 way or the other, and she came in here and told you, "I
17 know him and that's Craig Legette."

18 She could have easily said, "I don't know." She
19 could have easily said, "I can't tell you." She could
20 have easily said, "I don't want to be involved." But she
21 didn't. She came in here and said, "Look, I know this
22 man. He came over my house and that's him." She was 100
23 on it.

24 And when Mr. Fox said, "How about these people?"
25 She said, "I recognize this one, I recognize that one, I

1 do not recognize the victim," is what she said. But she
2 recognized just about everybody, and she came in here and
3 said just that.

4 Now, what he's going to want you to believe is,
5 "Yeah, I came in here and asked if she knew those other
6 people, and she said yes." And you can believe that. But
7 what you can't believe is that she knew Craig Legette.
8 You can believe she knew these other people on the video,
9 but what you can't believe is she knew Craig Legette. She
10 knew everybody on the video. She named everybody on the
11 video but the victim. 110. Every single one of them,
12 110, that that was Craig Legette. The video is unbiased.
13 Every single one of these people were unbiased.

14 You saw Mr. Fox question them. They never blinked
15 an eye. They never showed any hesitation. They knew who
16 they were looking at, and they told you who they were
17 looking at, and there was no evidence from any three of
18 these people to the contrary that it was anybody else.
19 And, in fact, Mr. Fox said, "Don't you know" -- I can't
20 remember the name. He said, "Don't you remember
21 so-and-so? He had dreads and a shirt." And what did
22 Jeanette tell you? "No. Uh-uh. No." She came in here
23 and she was honest and she told the truth.

24 The video and the witnesses were all unbiased. None
25 of these people wavered. Not one of them. All of them

1 were 110, this is Craig Legette.

2 And the reason I showed you this, that he came from
3 [REDACTED] was to corroborate everything these folks told you.
4 That's him. Well, how do we know? Came from his house,
5 he's driving his car. The clothing matched. The
6 description matches. That's how you know it's him.

7 That's the white t-shirt that we've looked at today.
8 Right there. Tall, slender fellow. Same shirt. Same
9 dark shorts. He's fallen down. And look at Craig Legette
10 go back in the apartment, slam the door. "Bam."

11 He went out the back where there's no cameras.
12 Right? I asked Ryan Keefe, "Did you have any cameras back
13 there?" "No." We would have wanted the camera footage,
14 obviously, because we would have come in here and showed
15 you.

16 Is that important? Yes, it's important. Why is it
17 important? Because I didn't know that -- I wouldn't know
18 they had cameras at Fountain Pointe because I don't live
19 out there. I don't spend a lot of time out there. But
20 Craig Legette knew there was cameras at Fountain Pointe
21 because he lives out there. And he knew he was not coming
22 back out that front door. He knew that. And that's why
23 he went out the back way where there are no cameras.

24 The rest of the video shows two women come get the
25 car. Right? He don't come back out and get the car.

1 They come and get the car, take it back to [REDACTED], and we
2 never see him again on the camera.

3 Now, this is all footage. I introduced it. Mr. Fox
4 had some concerns. We're just showing what parts we
5 wanted to show. It's all in there. Show whatever he
6 wants to show. But you're going to see Craig Legette on
7 that video again after he kills Kentrell Ferguson. He
8 goes around the back, and he's never seen again on the
9 video, and we never recovered the weapon. All we know is
10 that all these casings came from the same gun which
11 corroborates what we see on the video.

12 Now, I want to talk to you a little bit about what's
13 been brought up. Now, you saw the defense attorney ask
14 about the fact that the victim had a gun in the car. Had
15 a .40 caliber in the car. Now, when I got up and
16 questioned Dennis Lewis, who was the crime scene guy about
17 it, I was probably a little hot. Maybe, maybe not. I
18 don't know. My boss is not in here so I'm going to say
19 probably.

20 Here's why I'm hot, folks. And I don't know if
21 you're hot or not but you should be. Kentrell Ferguson
22 had a gun fully loaded in his car. He had the right to
23 have the gun. There's no evidence -- there's not one .40
24 shell casing in this box. And the lady told you that the
25 gun, that .40 he showed you or that he put in as the

1 defendant's exhibit didn't fire these shell casings. And
2 we know he was unarmed. But now we have got to get in
3 here that a man was deceased and try to kick him a little
4 bit, "Oh, he had a gun in the car and it was loaded."

5 So is it now self-defense? Is that what he's trying
6 to tell you? Really, that's all there can be. I don't
7 know why else it would be relevant. Either he's trying to
8 tell you that it's self-defense or he's trying to tell you
9 somehow, if you legally carry a gun in your car, then,
10 somehow, this is okay, this is less -- it's not as bad now
11 because he had a gun in the car.

12 The gun was never fired. You never saw the gun in
13 the video in the man's hands. And he tried to ask Dennis,
14 "Well, it's loaded. Don't you load a gun to fire it?" If
15 he had the gun, you have seen the video, don't you think
16 that would have been the time to fire? Don't you think
17 that would have been the time to pull it out, when he's
18 looking back and he sees the gun? And he would have been
19 justified in doing it.

20 He's running away. If he had that gun, that would
21 have been time to use it. But you never saw the gun. And
22 he's running, falling down. The gun is never on the
23 pavement. Never fell out of his pocket. Never fell
24 anywhere. That's because he didn't have the gun. It was
25 in his car in an enclosed compartment. Never fired.

1 But he brought that up to you to somehow kick at
2 Kentrell. And -- and get this: Kentrell had the legal
3 right to carry it. That man wasn't a felon. He had the
4 right to carry a gun. He wasn't doing anything wrong.
5 But somehow we have got to bring it up to throw a little,
6 I guess, tarnish on him or to act like this murder is
7 mitigated by that.

8 Now, let me tell this quick little bit. I have a
9 gun in my car. I don't know if y'all do or not. I carry
10 a gun in my car. Most people tell me it's not doing me
11 any good in the car and that's probably true. But I used
12 to all the time run at Busbee Lake. That was my little
13 thing. I loved to get out there and run in the
14 afternoons, and I had that gun in my car. I was always
15 back before it got too dark.

16 But I'd be out there running -- and I ain't gonna
17 lie; I've been doing this a while -- and I would think,
18 "God, do not let anything happen to me out here, because
19 if it does, somebody like Eric Fox is going to be in here
20 saying 'Well, she had a gun in the car. She had a gun in
21 the car.'" I'd be out there running, get killed, and
22 that's what would come up in here, as if that was some
23 tarnish on me or my character.

24 So I tell you, don't -- don't bother with this.
25 This is nothing. This is nothing but a kick and a tarnish

1 at a young man that is nothing but a victim, who was doing
2 nothing wrong and leaving and unarmed. So don't let this
3 worry you.

4 The second thing is, Percy Deshields, when Jeanette
5 came up here and said, "My husband has passed away, and
6 I'm up here -- I lived in that apartment. I know these
7 people, here's who they are," y'all may or may not
8 remember, "Well, didn't Percy like to smoke weed? Didn't
9 Percy like to smoke marijuana?" was the question that was
10 asked by Mr. Fox.

11 How is that even relevant? That is nothing again
12 but a means to get up here and try to distract you from
13 the fact that his client killed somebody. And now we've
14 got to get up here and kick him and a man that's deceased.
15 And people want to know why people don't want to come to
16 court. Here's why they don't want to testify: Because
17 you come in here and this is the kind of nonsense you have
18 got to put up with and it's ridiculous. It shouldn't be
19 allowed but it is.

20 But ask yourself: Why is this in here, other than
21 to try to kick at Jeanette Deshields for coming in here
22 and telling the truth? Do you know why none of the people
23 on the video are in here? I'll tell you why. Because I
24 didn't call them. You know why I didn't call them?
25 Because if I had of, they would have been subjected to the

1 same nonsense. He would have been in here asking him,
2 "Weren't you smoking weed that night? Weren't you
3 drinking that night? You didn't know who you were looking
4 at." Then that's the kind of stuff you would have to
5 listen to, and somehow those people would be put on trial.

6 That's why I brought three people in here. There's
7 no doubt, every single one of them got a look at him.
8 They were not impaired. They were not under the
9 influence. They were not smoking weed. They were
10 completely of their sound mind and they knew what they
11 were looking at, and they told you it was Craig Legette.

12 There was no way -- well, you know, still he tried
13 to tarnish Jeanette Deshields, but there was no way to get
14 in here and tarnish their character. That's why we
15 brought these three people in. They're unbiased. There's
16 no doubt that identification was solid, and there was no
17 way for Mr. Fox to get in here to try to tarnish them.
18 "Why were you over there that night? Why were you out at
19 9:00?" Just nonsense that doesn't matter.

20 Now, what do we know about the victim? Because he
21 brought in that the victim had the gun. We know there
22 were 16 -- the gun held 16 and there were 16 bullets in
23 it. We know this young man had not a spit of gunshot
24 residue on his hands. And that witness did wonderful.
25 You know, maybe the machine was broke. Nope, we test it

1 every ten minutes. We put up there that has GSR, one that
2 doesn't, and we make sure the machine is working
3 correctly. So no GSR on his hands which means no sign
4 that he fired a gun, touched a gun, or anything like that
5 to get gunshot residue on his hands.

6 No stippling. He was shot in the back, and he was
7 20 feet away. This right here tells you this is not a guy
8 looking for trouble. This is a guy trying to get away.

9 Now, we already talked about this stuff. The
10 witnesses we called were unbiased. They were not under
11 the influence. And every single one of them knew Craig
12 Legette and was 100 percent sure that was him. You know,
13 how convinced do you have to be? How convinced do you
14 have to be to say that Craig Legette is guilty?

15 In openings, you were told by the defense counsel
16 beyond a reasonable doubt. It is the highest burden in
17 the land. That is true, it's the highest burden in the
18 land and it should be. What is also true is all beyond a
19 reasonable doubt means is firmly convinced. It does not
20 mean beyond all doubt. There are very few things in this
21 world any of us know beyond all doubt. You have to be
22 firmly convinced.

23 If you go outside -- yesterday, it rained. When you
24 wake up in the morning and go outside and there's water
25 everywhere, you didn't see it rain but you know it rained.

1 You're firmly convinced that it rained because that's what
2 the evidence shows.

3 You were asleep. You didn't hear it. You didn't
4 see it. But when you wake up, there's no doubt that it
5 rained. And that principle is true in here. None of us
6 saw the murder; right? There's never a time a juror was
7 there present, saw the murder. We have to depend on the
8 evidence that we have. And if that evidence leaves you
9 firmly convinced that Craig Legette did it -- and there's
10 no evidence to the contrary, none -- then he is guilty.

11 Kentrell Ferguson has lost his life but that doesn't
12 mean the story is over. His story is not over until you
13 come back. His family is sitting behind this TV. They're
14 here. This young lady is sitting with my victim advocate.
15 That's his family. They're here. They're here because
16 it's not over until you come back. You get to make the
17 decision how the story of Kentrell Ferguson ends.

18 These people -- I hate that the TV is there because
19 you can't see them -- but they're here because they want
20 justice. They want the story for Kentrell Ferguson to end
21 forever. They want that young man to get justice for
22 being brutally gunned down and murdered. All of us like
23 books, all of us like movies, and most of us like the ones
24 at the end where the end ends right. Right? We don't
25 want the bad guys to win. We don't want them to win in

1 the end. We want justice. We want the right thing.
2 That's what I'm asking from all of y'all. We picked you
3 because you live in Horry County. This is your community.
4 This is my community. You folks decide what you're
5 willing to put up with. And if you're willing to put up
6 with this, with Craig Legette gunning down a guy who is
7 running away, this is your community, you decide the
8 community that we live in and if that's okay or not. I'm
9 telling you it's not okay, and I'm telling you that's not
10 the kind of community that we want to live with.

11 When you go back there and look at everything, I'm
12 asking you to come back with a guilty verdict for murder
13 because that's what this is, and that right there is the
14 man that did it. Thank you for your time.

15 THE COURT: Thank you, Solicitor.

16 Mr. Fox, are you ready, sir?

17 MR. FOX: I am, Your Honor. And just -- I'll put
18 that on the record later.

19 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

20 MR. FOX: Thank you, ladies and gentlemen.

21 Going second sometimes seems like an advantage and
22 sometimes it seems like a burden because I hear things
23 that the solicitor has said, and I can't always help
24 myself from taking the bait. So -- and I have to respond.
25 This is also my last chance to talk to you, so I do have

1 to respond to certain things she said. I'll try not to
2 overdo it.

3 It will be the first time I've ever compared myself
4 to Michael Jordan in anything, but I take offense to being
5 criticized for doing my job. I'm not picking at these
6 individual witnesses. I'm picking at the State's case.
7 They have brought the full power of the State of South
8 Carolina -- the indictment says, "The State of South
9 Carolina versus Craig Legette." And they mean it; right?
10 It's not Nancy Livesay and Seth Oskin versus Craig
11 Legette. It's the State of South Carolina. It's every
12 member of Horry County Police. It's the people that are
13 property managers. Not that they're -- I'm not saying
14 these property managers are against Craig Legette, but
15 they're being mobilized and they're being used and they're
16 being witnesses, "Hey, come out and help me do an
17 investigation."

18 SLED. State Law Enforcement Division. SLED is not
19 a neutral agency. Again, that doesn't mean I think they
20 framed Craig Legette. It simply means the full power of
21 the State of South Carolina versus Craig Legette. And
22 you're damn right, I'm going to stand up and pick at the
23 case, and I'm going to do it right now. But that's not
24 the same as picking at any individuals.

25 I cautioned you at the beginning: You have no

1 friends to reward or enemies to punish. Everybody in this
2 courtroom feels an ache in their heart for Mr. Ferguson's
3 family. It's horrible to lose a loved one. But that is
4 not to be the basis of your verdict, whatever it may be.
5 Your sympathy for anyone cannot direct your verdict. You
6 swore an oath that it wouldn't. And, frankly, I think
7 it's improper to even suggest it. But that's a different
8 matter for a different time.

9 Now, the evidence in this case: Mr. Legette does
10 live at Fountain Pointe. Okay. Great. Why? Why the
11 shooting? There's been no testimony about any kind of
12 beef between Mr. Ferguson and Mr. Legette. There's been
13 no testimony that these people know each other or ever
14 met. There's been no testimony that this was a jealous
15 lover or a drug deal gone wrong. There's none of that.

16 Now, I will tell you the State doesn't have to prove
17 to you a motive. It's not required. But I think you're
18 right to sit there and wonder why do we really think Craig
19 Legette just took it up and said, "I think I'll shoot this
20 man in the back."

21 They like to talk about cameras, "He knows there's
22 cameras so he went out the back." Well, if he knows there
23 are cameras, why is he standing out in front of his
24 friend's apartment, in effectively broad daylight,
25 shooting? That don't make sense either, does it?

1 There are real questions over the "who." We'll get
2 to the "what" later, but there's real questions over the
3 "who."

4 Look at the video. You can't see a face when that
5 shooting is going on. You can't tell who that is. Fine.
6 A couple of witnesses came in and say, "I know him, I'm
7 sure." But you judge for yourselves. You judge. And I
8 would have liked to have been a fly on the wall when that
9 was presented, because there's a big difference from the
10 police or the solicitor, let those witnesses review that
11 tape, because there's a big difference in the question of
12 "Is that Craig Legette?" or "Do you know who that is?"
13 Because if you ask a person, "Is that Craig Legette?" it
14 suggests an answer, just like when the solicitor asked
15 them, "Are you 100 percent sure?" They didn't say that
16 until they were prompted; right? 100 percent? "I'm 100
17 percent sure that came" -- that's called a leading
18 question. I didn't object to that because she could have
19 just rephrased it. There's ways to get there, but that's
20 a leading question that suggests the answer.

21 "Who is that?"

22 "I think it's Craig Legette."

23 "Are you 100 percent sure?"

24 "Why, yes, I am."

25 That suggests an answer.

1 Now -- but you decide. You look at the tape, and
2 you decide.

3 So there's no motive. I promise -- well, I won't
4 promise you. The solicitor said, oh, I didn't bring
5 Niesha Thomas, Niecy (ph) or the woman that's coming out
6 of the apartment being she's identified by Jeanette
7 Deshields, so she's the woman that leaves the apartment
8 just shortly before the shooting happened. And I didn't
9 get Earnest Vereen, who is also identified, because I
10 wanted to spare them from mean, old Mr. Fox. Please.
11 Please. She is worried about what they would say. I
12 don't know what they would say for sure, but they weren't
13 here. You don't have that.

14 Don't you know, without a shadow of a doubt, that
15 law enforcement went, they looked at these videos, they
16 were able to identify not just the person shooting but
17 they were able to say, "Hey, that's the Deshields'
18 apartment. Maybe we should go talk to Percy." Do you not
19 think someone went to go talk with Percy? Do you not
20 think someone didn't think to go talk to Niecy Thomas? Do
21 you not think someone didn't think to go talk to Earnest
22 Vereen? Good lord, even Barney Fife would know that to
23 do. And I'm not saying they are Barney Fife because I
24 know they did do that. You know they did. You know they
25 did.

1 What happened in that apartment? What was going on?
2 What was the motive behind it? Do you know? None of
3 that. You got none of that.

4 Lack of witnesses that can provide key information
5 in this case that you should have in determining what went
6 on and who.

7 And you know -- again, the State can try their case,
8 they can decide. I don't get to tell them who they have
9 to bring up here. They can call as many or as few
10 witnesses as they want. They had 62 listed. I never
11 expected them to call 62, but they called exactly 17.
12 They touched all the bases they felt they needed to, but
13 you know that there were more officers out there than
14 Perkins, who was the first person who showed up, right,
15 and the first one over in Claypond, and then he responded
16 and was directed to go over to Fountain Pointe. Somebody
17 told him to go there, another officer. You know there are
18 other officers there. Detectives. One of them had been
19 sitting in the courtroom all week.

20 But you know darn good and well there was more than
21 just Officer Perkins and the crime scene guy, Officer
22 Lewis. Right? You know somebody went and talked to the
23 people that were inside that apartment. You know somebody
24 walked around and canvassed or went to different
25 apartments nearby. "Did you hear anything? Did you see

1 anything?"

2 TV gets a lot of things wrong, crime shows, but the
3 one thing they get right is the crime scene. Right? You
4 know, in a killing -- and that's what they're
5 investigating -- that there would have been swarms of
6 officers, lights flashing, tape up, the whole bit, people
7 wondering, coming out of their apartments, looking out the
8 window or standing at the door, "What's going on?" So you
9 know that happened, but we didn't have anything. And I
10 don't know if there's anything they would have found
11 important.

12 The eye in the sky. Well, the eye in the sky can
13 only show you what they tell it to. In other words, we
14 have heard lots of testimony about every one of these
15 buildings --

16 And I apologize. I meant to take all their
17 demonstrative evidence down because this is not evidence.
18 This is argument that they can use, but that's not
19 evidence.

20 Anyway, we have heard lots of testimony about how
21 Fountain Pointe is just covered with cameras. Well, why
22 is there no cameras showing and no testimony about where
23 this person that was shot at ran to? You see him come out
24 of the apartment. You see someone shoot at him. You see
25 him run off -- I guess it would be your left. Right?

1 Where did that person go? There are more buildings down
2 there. Right? It's not just the camera looking at
3 Building 111. That would be [REDACTED] looking across the
4 parking lot. It's not just that.

5 And, by the way, when you're looking at that video
6 again, that's a good distance. Think about the distance
7 from there across the way. But you can see what's going
8 on. But he stumbles. Someone is shooting at him. He
9 runs off camera. And that's the last time you see that
10 person.

11 They would have you believe he went, got in the car,
12 drove down Claypond and crashed, and that was that. Well,
13 where is the video of him getting into his car? Where was
14 his car? When did he get in it? What happened? It might
15 be relevant. Don't know. You don't know. Might be
16 something that would be very important to know.

17 I'm not picking or kicking at Kentrell Ferguson when
18 I point out that they were very careful to describe the
19 condition of the car that he was found in and him, but
20 they didn't bother to mention that he had a gun. I
21 frankly don't care if it was legal or not. A person who
22 is lawfully allowed to carry a gun cannot commit unlawful
23 acts with it. I mean, it can be a legal gun, but that
24 doesn't give you the right to rob or do anything. I don't
25 know if he did anything. That's why it would have been

1 nice to know what went on in the apartment if there was
2 anything. I would agree, it sure doesn't look like
3 there's any gun in the hands of the person that was
4 running. Don't know it wasn't somewhere else, but it
5 would have been nice to know.

6 So my point isn't, "Oh, he had a gun, he's a bad
7 person." No. But the fact that the gun is legal don't
8 mean that something bad couldn't have happened with the
9 gun. It's context, is what I'm getting at, ladies and
10 gentlemen. Context.

11 Same thing, picking at witnesses. I'm not picking
12 at Chris Cook when he says -- and it was his words, is the
13 reason I asked him, why is it -- you know, "I picked out
14 what was relevant and got it for the police." Well, okay.
15 But he's not law enforcement. That's not his job. Maybe
16 there's something that a law enforcement officer or a
17 solicitor or a lawyer might see that is relevant that he
18 wouldn't know would be relevant. He can't be the one who
19 is making that decision. That's my point. It can't be
20 his decision. It's not that I think he created anything
21 or tried to trick anybody or frame anybody. It's just he
22 ain't the right guy to be making those decisions.

23 There is no weapon, no physical evidence connecting
24 Mr. Legette to this shooting. You would have to guess
25 could he have done this, could he have done that, but

1 that's not what you're here for. You're here to go and
2 base your verdict on the evidence that's you've been
3 presented, not on speculation. Again, this is part of
4 your oath, to try this case and render your verdict based
5 on the evidence -- evidence is the physical evidence and
6 testimony from the witness stand. It's not maybe this
7 happened or maybe that happened, it could have been like
8 this. That's guessing. We don't do guessing in this
9 courtroom. That's not how it works.

10 Mr. Legette's got a family too. They're right over
11 there. Don't guess before you send their son and brother
12 and husband to prison. No guessing.

13 As far as -- well, I'm not going to worry about
14 Ms. Deshields and the marijuana.

15 Let me get to the last thing. And this is why
16 details matter. You have seen that video over and over
17 and over but -- and you'll have it available to look at
18 yourself. It's in evidence and you can look at it and you
19 can look at what you need to and want to.

20 They told you a cause of death. They told you where
21 Mr. Ferguson was found, the car on Claypond Road nearby
22 Fountain Pointe but not one person -- not Officer Perkins,
23 not Officer Lewis, the two cops, not Chris Cook or
24 Mr. Keefe, not Ms. Deshields, not Melanie Smith, not
25 Officer Scales, not a single witness said that man that's

1 running in the video -- very clearly there was a shooting.
2 I mean, you can see. You can see. But he's running and
3 stumbles. Not one person said that man is the man that
4 was found in the car. And that's why having the video
5 showing the man running, where he ended up, is very
6 important. There is a missing link there. And that's not
7 a crazy thing. There's not even testimony that the man in
8 front of 111, who is running through the parking lot, even
9 got hit by a bullet. Someone is shooting at him. He
10 stumbles. Did he stumble because he got shot or did he
11 stumble because he stumbled? Not one person -- seems like
12 an easy thing.

13 How about Officer Perkins? You know, "I saw him in
14 the -- I saw him." Or Officer Lewis of CSI, "I saw him in
15 the ambulance. I took pictures of him. I looked at the
16 video, hey, that's the same guy."

17 Nobody told you that. They have not established
18 maybe the most important thing they have to establish,
19 which is the person that's being, we believe, shot at, at
20 Fountain Pointe, is the same person that's in the car.

21 How long is the car in the ditch there? Where did
22 it come from? Where is the Chevy? Did anyone see it come
23 out of Fountain Pointe? Did anyone tell you it came out
24 of Fountain Pointe? Did anyone see the man running, get
25 in that Chevy Traverse and drive down Claypond? Not a

1 person. Not a one.

2 So reasonable doubt, the judge will tell you, is
3 defined several ways, but it's a doubt for which you can
4 give a reason. Y'all don't have to agree on the reason;
5 right? One juror's doubt doesn't have to be another's.
6 If you have that doubt, the only verdict you can return is
7 not guilty.

8 Another way to express that is a doubt which would
9 cause a person to hesitate to act in their everyday life.
10 That doesn't mean if you deliberate and go back there and
11 discuss and debate back and forth, that doesn't mean
12 that's that kind of hesitation, but when it comes time to
13 vote, when it comes time to raise your hand yes or no,
14 guilty or not guilty, and you're hesitating, you're not
15 sure, you're not firmly convinced, then, by your oath, you
16 must return a verdict of not guilty, and that's exactly
17 what I'm going to ask you to do.

18 THE COURT: All right. Thank you, Mr. Fox.

19 All right, ladies and gentlemen. What we're going
20 to do is take a short break, and then we'll bring you back
21 out, and I will give you the charge on the law. So go
22 back to the jury room and we'll get you back out shortly.
23 Okay?

24 (The jury exited the courtroom at 11:11 a.m.)

25 THE COURT: Okay. We'll be in a short break. If I

1 could get y'all to move this.

2 MS. LIVESAY: We will, Judge.

3 THE COURT: Okay. Thank you.

4 Nancy, you were 41 minutes, and Eric, you were 19
5 minutes. I always time the closing and let the lawyers
6 know, for whatever reason.

7 (A brief recess was taken from 11:12 a.m. to 11:26
8 a.m.)

9 THE COURT: Okay. We're back on the record, and I
10 understand that, for the jury, the solicitor's office has
11 a clean laptop that can be used to play -- in this case,
12 we have got the surveillance video, we have got the 911
13 call. I don't think there's anything else. But I'm
14 certainly fine. I would rather for them, if they want to
15 look at that stuff, let them do it back in the jury room
16 as opposed to coming out here.

17 Is the State okay with that?

18 MR. OSKIN: Yes.

19 THE COURT: Defense?

20 MR. FOX: Yes, I am, Your Honor.

21 THE COURT: Okay. All right. Well, I will explain
22 to them that that will be back there. I guess it's back
23 there now or will be back there, and that they can use it
24 for whatever use that they feel like is important. So
25 I'll be sure to tell them that.

1 All right. I'm ready to do the charge, if y'all are
2 ready.

3 MR. FOX: Yes, sir.

4 THE COURT: All right. Let's bring the jury out.

5 (The jury entered the courtroom at 11:28 a.m.)

6 JURY CHARGE

7 THE COURT: Let the record reflect the jury is back
8 in.

9 Mr. Foreman, ladies and gentlemen of the jury, I now
10 charge you the law that applies to this case. You must
11 consider the charge as a whole and not focus on some
12 portions to the exclusion of others.

13 The indictments charge the defendant with murder and
14 possession of a weapon during the commission of a violent
15 crime. I remind you: The fact that the defendant was
16 arrested, charged, and indicted in this case is not
17 evidence in this case and cannot be considered by you as
18 evidence of guilt in this case.

19 These documents are simply the formal written
20 instruments which contain the charges made against the
21 defendant. These are the formal documents by which this
22 case is brought into this court.

23 Once again, the indictments in this case allege two
24 different offenses against the defendant. The charges
25 are: In Indictment 2021-GS-26-02634 for murder and

1 Indictment 2021-GS-26-02638, possession of a weapon during
2 the commission of a violent crime.

3 Each indictment charges a separate and distinct
4 offense, and you'll be asked to write a separate verdict
5 of guilty or not guilty for each indictment.

6 The defendant has pled not guilty to these
7 indictments and that plea of not guilty puts the burden on
8 the State to prove the defendant guilty. A person charged
9 with committing a criminal offense in South Carolina is
10 never required to prove themselves innocent.

11 I charge you that it is an important rule of the law
12 that the defendant in a criminal trial, no matter what the
13 seriousness of the charge may be, will always be presumed
14 to be innocent of the crime for which the indictment was
15 issued unless guilt has been proven by evidence satisfying
16 you of that guilt beyond a reasonable doubt.

17 Now, this presumption of innocence does not end when
18 you begin your deliberations but it accompanies the
19 defendant throughout the trial unless you reach a verdict
20 of guilt based on evidence satisfying you of that guilt
21 beyond a reasonable doubt.

22 Now, the presumption of innocence is like a robe of
23 righteousness placed about the shoulders of the defendant
24 which remains with the defendant unless it has been
25 stripped from the defendant by evidence satisfying you of

1 the defendant's guilt beyond a reasonable doubt.

2 Now, this presumption of innocence is not mere legal
3 theory, it's not just a legal phrase that we use, it is a
4 substantial right to which every defendant is entitled
5 unless you, the jury, are satisfied from the evidence of
6 the defendant's guilt beyond a reasonable doubt.

7 Now, concerning the reasonable doubt, some of you
8 may have served previously as jurors in a civil case where
9 you were told that it is only necessary to prove that a
10 fact is more likely true than not true, such as by the
11 greater weight or the preponderance of the evidence. In
12 criminal cases, the State's proof must be more powerful
13 than that. It must be beyond a reasonable doubt.

14 Proof beyond a reasonable doubt is proof that leaves
15 you firmly convinced of the defendant's guilt. Now, there
16 are very few things in this world, ladies and gentlemen,
17 that we know with absolute certainty, and in criminal
18 cases, the law does not require proof that overcomes every
19 possible doubt.

20 If, based on your consideration of the evidence,
21 you are firmly convinced that the defendant is guilty of
22 the crime charged, you must find the defendant guilty.

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

1 not guilty.

2 Now, ladies and gentlemen, I remind you that, during
3 this trial, you and I have had certain duties to perform.
4 As the trial judge, it has been my responsibility to
5 preside over the trial of this case and I've also had the
6 duty to rule on the admissibility of evidence offered
7 during this trial.

8 You are to consider only the competent evidence
9 before you. You are to consider only the testimony which
10 has been presented from the witness stand and any exhibits
11 which have been made a part of the record in this case and
12 any stipulation of counsel, if there were any.

13 I have the additional duty, ladies and gentlemen, to
14 charge you the law that applies to this case. As the
15 presiding judge, I am the sole judge of the law in this
16 case, and it is your duty as jurors to accept and apply
17 the law as I now state it to you.

18 If you already have any idea as to what the law is
19 or what the law ought to be and it does not agree with
20 what I now tell you what the law is, you must abandon your
21 idea because you are sworn to accept the law and apply the
22 law exactly as I state it to you.

23 In every case tried in this court before a jury, the
24 jury becomes the sole and exclusive judge of the facts of
25 the case. A trial judge cannot intimate, state, comment

1 on, or make any statement to a trial jury about the facts
2 of the case. Since you, the jury, are the sole judge of
3 the facts in this case, you are not to infer from what I
4 have said during the progress of this trial in ruling upon
5 the admissibility of evidence or otherwise or anything
6 that I say now during the course of this instruction to
7 you that I have any opinion about the facts in this case.
8 The law does not allow me to have an opinion about the
9 facts in this case. This is a matter solely for you, the
10 jury, to determine.

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

14 Now, Mr. Foreman, ladies and gentlemen of the jury,
15 there are two types of evidence which are generally
16 presented during a trial: direct evidence and
17 circumstantial evidence. Direct evidence directly proves
18 an existence of a fact and does not require deduction.
19 Circumstantial evidence is proof of a chain of facts and
20 circumstances indicating the existence of a fact.

21 Crimes may be proven by circumstantial evidence.
22 The law makes no distinction between the weight or value
23 to be given to either direct or circumstantial evidence;
24 however, to the extent the State relies on circumstantial
25 evidence, the circumstances must be consistent with each

1 other, and, when taken together, point conclusively to the
2 guilt of the accused beyond a reasonable doubt. If the
3 circumstances merely portray the defendant's behavior as
4 suspicious, the proof has failed.

5 The State, once again, has the burden of proving the
6 defendant guilty beyond a reasonable doubt, and this
7 burden rests with the State regardless of whether the
8 State relies on direct evidence, circumstantial evidence,
9 or some combination of the two.

10 Necessarily, ladies and gentlemen, you must
11 determine the credibility of witnesses who have testified
12 in this case and the evidence presented. Credibility
13 simply means believability. It becomes your duty as
14 jurors to analyze and to evaluate the witnesses and the
15 evidence and determine the credibility of the witnesses
16 and evidence in this case.

17 In determining the credibility of witnesses who have
18 testified in this case, you may believe one witness over
19 several witnesses or several witnesses over one witness.
20 You may believe a part of a testimony of a witness and
21 reject the remaining part of the testimony of that same
22 witness. You may believe the testimony of a witness in
23 its entirety or reject the testimony of a witness in its
24 entirety. You may consider whether any witness has
25 exhibited to you any interest, bias, prejudice, or other

1 motive in this case. You may also consider the appearance
2 and manner of a witness while on the witness stand.

3 Now, ladies and gentlemen, in order to establish
4 criminal liability, criminal intent is required. For
5 example, the mental state required to be proven by the
6 State for a particular crime might be purpose, intent or
7 not. Criminal intent must be proven by the State beyond a
8 reasonable doubt. Criminal intent is always a matter that
9 must be determined by the jury from the circumstances
10 surrounding the situation.

11 Now, there's no way to prove intent to a
12 mathematical certainty. There's no way medical science
13 can dissect a person's brain and determine what the person
14 had in mind, so the law says that criminal intent may be
15 inferred from the circumstances shown to have existed.
16 This is how you make a determination of whether or not the
17 element requiring intent was present. It's not necessary
18 to establish intent by direct and positive evidence, but
19 intent may be established by inference in the same way as
20 any other fact, by taking into consideration the acts of
21 the parties and all facts and circumstances of the case.

22 Criminal intent is a mental state, a conscious
23 wrongdoing. It is up to you to determine what the
24 defendant intended to do based on the circumstances shown
25 to have existed.

1 Now, we have had several expert witnesses testify in
2 this case. The Rules of Evidence ordinarily do not permit
3 witnesses to testify to opinions or conclusions. An
4 exception to this rule exists for witnesses we call expert
5 witnesses, a witness who, by education and experience, has
6 become an expert in some art, science, profession, or
7 calling, may state an opinion as to relevant and material
8 matters in which the witness claims to be an expert and
9 may also state the reasons for the opinion.

10 You should consider any expert opinion received in
11 evidence in this case and, like any other evidence, give
12 it the weight you think it deserves. If you decide that
13 the opinion of an expert witness is not based on
14 sufficient education and experience or if you conclude
15 that the reasons given in support of the opinion are not
16 sound or that the opinion is outweighed by other evidence,
17 you may disregard it entirely.

18 An expert witness's testimony is to be given no
19 greater weight than that of other witnesses simply because
20 the witness is an expert. Furthermore, you're not
21 required to accept an expert's opinion even though it is
22 not contradicted.

23 Now, Mr. Foreman, ladies and gentlemen of the jury,
24 I instruct you and emphasize that the fact the defendant
25 did not testify is not a factor to be considered by you in

1 any way in your deliberation and in your consideration on
2 the question of the guilt or the innocence of the
3 defendant. It must not be considered by you in any manner
4 whatsoever. A defendant has a constitutional right to
5 remain silent, and the assertion of this right must not be
6 considered by you in your deliberations.

7 I repeat: Under your oath, you are to draw no
8 conclusion whatsoever from the fact that the defendant in
9 this case did not testify. The fact that this defendant
10 did not testify should not even be discussed in the jury
11 room. The burden of proof, as I have stated to you
12 several times, is on the State. The defendant is not
13 required to prove his innocence. The burden of proof
14 remains on the State to prove guilt beyond a reasonable
15 doubt.

16 Now, once again, the first charge that the defendant
17 is charged with is murder. The State must prove beyond a
18 reasonable doubt that the defendant killed another person
19 with malice aforethought. Malice is hatred, ill will, or
20 hostility towards another person. It is the intentional
21 doing of a wrongful act without just cause or excuse and
22 with an intent to inflict an injury.

23 Malice aforethought does not require that malice
24 exists for any particular time before the act is
25 committed, but malice must exist in the mind of the

1 defendant just before and at the time of the act is
2 committed; therefore, there must be a combination of the
3 previous evil intent and the act.

4 Malice may be shown by words, threat, conduct, or
5 act showing a total disregard for human life based upon
6 evidence from the facts and circumstances in this case.
7 Again, the State has the burden of proof to prove malice
8 beyond a reasonable doubt.

9 The second offense that the defendant has been
10 charged with is possession of a weapon during the
11 commission of a violent crime. The State must prove
12 beyond a reasonable doubt that the defendant visibly
13 displayed a weapon during the commission of a violent
14 crime. In order to find the defendant guilty of
15 possession of a weapon during the commission of a violent
16 crime, you must first find the defendant guilty of either
17 committing a violent crime or attempting to commit a
18 violent crime.

19 Murder is a violent crime. The State must prove
20 beyond a reasonable doubt that the weapon further advanced
21 or helped in the commission of the crime.

22 Now, Mr. Foreman, ladies and gentlemen of the jury,
23 there are two possible verdicts for each charge: guilty
24 and not guilty. The order that the two verdicts have been
25 placed on the verdict form, which I'm going to show you in

1 just a minute, is of no significance.

2 Your verdict in this case must be unanimous among
3 the 12 of you. And when you have reached a unanimous
4 verdict, then you are to notify the bailiffs, and we will
5 receive you back into the jury room [verbatim] to receive
6 your verdict.

7 If, at any time, Mr. Foreman, there is a division in
8 the votes between the 12 of you, I do not want to know at
9 any time that a division and the type of division if one
10 does exist. Okay?

11 Now, I'm going to come down, and before I do, I'm
12 going to tell you that, what I have just read to you, I'm
13 going to provide you with a copy for your use in whatever
14 manner that you feel like you need to use it, if any. I
15 realize what I have just read to you these last 20, 25
16 minutes was a mouthful, and so I will provide this to you.

17 I will also provide to you a verdict form which,
18 like I said, I'm going to come down and explain to you how
19 to complete.

20 Also, back in the jury room will be a computer. It
21 is -- calling it a clean computer. There's nothing on it,
22 but it does give you the capability -- and I think there's
23 a hard drive too -- that, if you want to -- it's solely up
24 to you -- if you want to look at the surveillance video
25 that has been played during the course of this trial; the

1 911 call, if you want to listen to that -- I don't think
2 there are any other CDs or anything, but if you want to
3 use that computer to do that, totally up to you guys.
4 Okay?

5 Just keep your seat. This is just what we call the
6 caption of the case: State of South Carolina versus Craig
7 Lee Legette. These are the two indictment numbers that I
8 read to you, and the first is: "We, the jury, unanimously
9 find the defendant, on the charge of murder, either not
10 guilty or guilty." Whichever your verdict is, you put
11 your initials -- okay? -- on the appropriate line.

12 If you were to find the defendant not guilty on the
13 charge of murder, then don't go to the second charge. But
14 if you were to find the defendant guilty on the charge of
15 murder, then you would go to the second charge, and "We,
16 the jury, unanimously find the defendant, on the charge of
17 possession of a weapon during the commission of a violent
18 crime," and, again, put your initials on the appropriate
19 line representing the verdict not guilty or guilty and
20 sign on the signature line and put today's date.

21 Now, what I want you to do, I want all 14 of you to
22 go back to the jury room. Do not begin your deliberations
23 yet. I want to talk with the lawyers one more time to
24 make sure that there are no corrections or additions that
25 I need to make in the charge. I don't anticipate that to

1 be the case, but I want to give them one more opportunity
2 to talk with me about that.

3 If that's not needed, then when the bailiff brings
4 to you the verdict form, a copy of the jury charge, and
5 all the exhibits in this case, then that will be your cue
6 for two things to happen: I'll need the two alternates to
7 exit the jury room and come back into the courtroom for
8 further instructions, and secondly, you can begin your
9 deliberations.

10 Now, I anticipate lunch will be coming shortly, and
11 if you want to stop your deliberations and eat your lunch
12 and then start back, that's fine. If you want to engage
13 in your deliberations while you're eating, that is fine,
14 too. That's totally up to y'all. Okay? But don't start
15 your deliberations yet. So 14 of you go back to the jury
16 room.

17 (The jury exited the courtroom at 11:46 a.m.)

18 THE COURT: The State have any exception to the jury
19 charge?

20 MR. OSKIN: No, sir, Your Honor.

21 THE COURT: Defense?

22 MR. FOX: None, Your Honor.

23 THE COURT: Thank you very much.

24 Go off the record and we'll make sure we have got
25 all the exhibits together.

1 (A recess was taken from 11:50 a.m. to 1:50 p.m.)

2 THE COURT: Back on the record. My understanding,
3 we've got a -- the jury has reached a verdict.

4 Anything we need to put on the record before we
5 receive the verdict?

6 MR. OSKIN: No, sir, Your Honor.

7 THE COURT: Defense?

8 MR. FOX: No, Your Honor.

9 THE COURT: Okay. All right. Before -- wait one
10 second. I know we got a lot of family members. Both
11 sides of the aisle. And certainly it goes without saying
12 this is a very emotional case, but, you know, if you feel
13 like you may have some difficulty controlling your
14 emotions, which is understandable -- I'm not being
15 critical at all, but if you feel like you may cannot
16 contain your emotions after the verdict is announced, then
17 I'm going to have to ask you to exit the courtroom now
18 because I don't want any outbursts or any signs of emotion
19 or anything of that nature after the verdict is announced.
20 Okay. All right.

21 Now, we're ready for the jury.

22 (The jury entered the courtroom at 1:52 p.m.)

23 THE COURT: Let the record reflect the jury is back
24 in.

25 Mr. Foreman, without telling me what the verdict is,

1 have you, the jury, reached a unanimous verdict in this
2 case?

3 JUROR NO. 187: Yes, Your Honor.

4 THE COURT: All right. And if I could get one of my
5 bailiffs to come and get the verdict form and then hand it
6 to me, please. Thank you.

7 Madam Clerk, would you publish the verdict, please.

8 Mr. Legette, if you'd please stand.

9 VERDICT

10 THE CLERK: Indictment No. 2021-GS-26-02634 and
11 2021-GS-26-02638, State of South Carolina, County of
12 Horry, versus Craig Lee Legette. We, the jury,
13 unanimously find the defendant, on the charge of murder,
14 guilty.

15 We, the jury, unanimously find the defendant, on the
16 charge of possession of a weapon during the commission of
17 a violent crime, guilty.

18 Signed by Foreman Terry Hitt, dated April 4th, 2024.

19 Ladies and gentlemen of the jury, if this is your
20 verdict, so signify by raising your right hand.

21 THE COURT: Okay. Let the record reflect 12 hands
22 have been raised.

23 Does the defense request individual polling of the
24 jury?

25 MR. FOX: Yes, Your Honor.

1 THE COURT: Okay. Madam Clerk, can you handle that
2 for me, please?

3 THE CLERK: Please stand when I call your juror
4 number. I will ask you two questions. Once you answer
5 them, you may be seated.

6 Juror No. 187. Is this your verdict?

7 JUROR NO. 187: Yes, it is.

8 THE CLERK: Is it still your verdict?

9 JUROR NO. 187: Yes, it is.

10 THE CLERK: Juror No. 408. Is this your verdict?

11 JUROR NO. 408: Yes.

12 THE CLERK: Is it still your verdict?

13 JUROR NO. 408: Yes.

14 THE CLERK: Juror No. 15. Is this your verdict?

15 JUROR NO. 15: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR NO. 15: Yes.

18 THE CLERK: Juror 253. Is this your verdict?

19 JUROR NO. 253: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR NO. 253: Yes.

22 THE CLERK: Juror No. 272. Is this your verdict?

23 JUROR NO. 272: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR NO. 272: Yes.

1 THE CLERK: Juror No. 17. Is this your verdict?

2 JUROR NO. 17: Yes.

3 THE CLERK: Is it still your verdict?

4 JUROR NO. 17: Yes.

5 THE CLERK: Juror No. 136. Is this your verdict?

6 JUROR NO. 136: Yes.

7 THE CLERK: Is it still your verdict?

8 JUROR NO. 136: Yes.

9 THE CLERK: Juror No. 192. Is this your verdict?

10 JUROR NO. 192: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR NO. 192: Yes.

13 THE CLERK: Juror No. 85. Is this your verdict?

14 JUROR NO. 85: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR NO. 85: Yes.

17 THE CLERK: Juror No. 13. Is this your verdict?

18 JUROR NO. 13: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR NO. 13: Yes.

21 THE CLERK: Juror No. 96. Is this your verdict?

22 JUROR NO. 96: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR NO. 96: Yes.

25 THE CLERK: And Juror No. 184. Is this your

1 verdict?

2 JUROR NO. 184: Yes.

3 THE CLERK: Is it still your verdict?

4 JUROR NO. 184: Yes.

5 THE CLERK: Thank you.

6 THE COURT: Thank you, Madam Clerk.

7 Ladies and gentlemen, let me thank you for your jury
8 service. The verdict that you reached in the case does
9 not matter to me. What matters to me is that you, my
10 jury, performs your duties officially, conscientiously,
11 and you have done that, I believe. You have been very
12 alert and attentive. I have kept my eyes on you
13 throughout the entire trial, and you have taken your
14 responsibilities as a member of the jury very seriously.

15 What I'd like to do before I excuse you for the
16 remainder of the week, I'd like you to go back in the jury
17 room, and what I do is I'm going to come back there, along
18 with my clerk, and just -- not talk to you about the case
19 but just find out some things that you think we may do
20 well, maybe some things that we need to improve on,
21 because we're always wanting constructive criticism, and
22 we want to have the best judicial process that we can
23 here.

24 So just go back to the jury room, and I'll be back
25 there in just a few minutes. Okay?

1 (The jury exited the courtroom at 1:57 p.m.)

2 THE COURT: Okay. We'll go into the sentencing
3 phase in just a little bit.

4 If you'll go ahead and take Mr. Legette into
5 custody, please.

6 (Pause in the proceedings from 1:58 p.m. to 2:11
7 p.m.)

8 THE COURT: I didn't know if you -- you have got the
9 paperwork ready?

10 MR. OSKIN: Yes, sir, thank you.

11 THE COURT: Okay. Y'all can bring Mr. Legette out,
12 please.

13 (The defendant enters the courtroom at 2:12 p.m.)

14 THE COURT: Okay. We are back on the record for the
15 sentencing phase in the case of State of South Carolina
16 versus Craig Lee Legette. I'll hear from the State first
17 and anything you want to discuss concerning sentencing.

18 If there's anybody that you want to address the
19 Court, I'll be more than happy to hear from them as well,
20 and then I'll turn it over to the defense and give the
21 defense the same opportunity.

22 MR. OSKIN: Thank you, Your Honor. As you're aware,
23 this jury has convicted the defendant, Craig Legette, of
24 murder after our three-day trial here for the killing of
25 Mr. Kentrell Ferguson. That charge in itself does carry

1 30 years to life maximum imprisonment, as well as the
2 five-year possession of a weapon, which, I guess, correct
3 me if I'm wrong, unnecessary if Your Honor is to sentence
4 him to life.

5 THE COURT: If he gets life, then case law says that
6 you just note on the sentencing sheet found guilty but no
7 corresponding sentence.

8 MR. OSKIN: Yes, sir, that's our understanding as
9 well.

10 So just to give you everything -- without rehashing
11 the entire trial -- Your Honor sat here. You've seen all
12 the evidence presented to this jury and why they made the
13 decision they did.

14 I do want to talk about his prior criminal record.
15 2003: assault and battery of a high and aggravated nature;
16 2007: assault and battery of a high and aggravated nature;
17 2009: simple assault; as well as a 2019 possession of a
18 firearm by a convicted felon that went, part and parcel,
19 with a dueling conviction.

20 THE COURT: And what year was that, Solicitor?

21 MR. OSKIN: That was from 2019, sir.

22 THE COURT: '19. Okay.

23 MR. OSKIN: Yes, sir. And this event occurred in
24 August of 2020, the trial that was before you.

25 We do have some family members of Mr. Ferguson that

1 would like to address the Court ---

2 THE COURT: Sure.

3 MR. OSKIN: --- and I'll ask that you hear from them
4 now. And they'll state their name for the court reporter
5 for the record.

6 THE COURT: And concerning the two ABHANS, do you
7 know what the sentence was on those, just for my
8 information?

9 MR. OSKIN: I believe they were suspended sentences
10 to probation. I think one was about 180 days' time
11 served.

12 THE COURT: Gotcha, gotcha. Okay. All right.

13 MR. OSKIN: And I know the dueling was as well.

14 THE COURT: All right. Thank you.

15 Yeah, I'll be glad to hear from anybody from this
16 side who wants to address the Court. I'll need to have
17 you sworn in.

18 Madam Clerk, if you'll just swear them in at the
19 same time.

20 THE CLERK: Please raise your right hand.

21 SHAQUAN FERGUSON and JESSICA YOAMAN,
22 after having been duly sworn, was examined and
23 testified to as follows:

24 THE COURT: Okay. Who wants to go first?

25 MS. FERGUSON: I'll go first.

1 THE COURT: Okay. Give me your name, please, ma'am.

2 MS. FERGUSON: Shaquan (ph) Ferguson.

3 THE COURT: Okay. I'll be glad to hear from you.

4 MS. FERGUSON: I just want to let the Court know
5 what my family has to live with every day. The day
6 Kentrell got shot, he did call his cousin, Anthony, for
7 help. And that's just something that we got to live with
8 every day. He called him as soon as he got shot. He told
9 him he was shot. He didn't know where he was and he's
10 dying. And that's just something that replays in our
11 family's head every day. That's something that we've got
12 to live with for the rest of our life. He's never coming
13 back, and I just hope one day that God can make my family
14 strong enough to forgive.

15 THE COURT: So sorry for your loss, ma'am.

16 MS. FERGUSON: Thank you.

17 THE COURT: And, ma'am, would you just switch
18 places?

19 MS. FERGUSON: Can I stand here?

20 THE COURT: Yeah, that's fine. And give me your
21 name, please, ma'am.

22 MS. YOAMAN: Jessica.

23 THE COURT: Jessica?

24 MS. YOAMAN: Yoaman.

25 THE COURT: And what would you like to tell me,

1 ma'am?

2 MS. YOAMAN: I debated on whether to come up here
3 and say anything at all, but I felt it was necessary to
4 explain how I felt losing Kentrell and how it affected the
5 kids and I.

6 The last three, almost four years, it's just been
7 the worst. Kentrell and I have been together what would
8 have made 17 years this year. We have four kids together.

9 On August 26th, 2020, our lives changed
10 dramatically. I went from giving him a kiss and telling
11 him -- and him telling me "I'll be right back" to me
12 picking out a funeral home for him.

13 We moved to South Carolina to start a better life.
14 We took advantage of me being on maternity leave to try it
15 out. And I had to move back to New York because that's
16 where my family is and I needed all the support that I
17 could get.

18 I had to start from scratch with four kids, who each
19 kid grieved differently. Completely differently. Our
20 daughter, Paris, completely shut down. She grew major
21 anxiety. She didn't like to be around large crowds,
22 especially in school. She used to cry and ask me, "Why
23 did he have to leave me the day after my birthday?"
24 because her birthday was the day before he passed away.

25 Our son, Dominick, had separation anxiety. It was

1 hard to even get him inside the school. In the morning --
2 one morning, he ran around the schoolyard and everybody
3 was chasing him, and all he was screaming was, "I didn't
4 want my mommy to leave me like my daddy did."

5 I put all of them in therapy. It did help a lot.
6 My oldest and I is just angry and didn't know how to
7 control her anger, especially inside the school.

8 Our youngest, who was just only six months at the
9 time, it was just hard for her to understand, and she asks
10 me all the time, "Why is Daddy in heaven and not here with
11 me?" How do you respond to that? All I just tell her is
12 that he loves her and misses her very much.

13 My two youngest have abandonment issues. I notice
14 my two youngest cling onto people they spend time with,
15 and if they leave, it's like they left forever. They
16 don't know how to separate. Sorry.

17 THE COURT: That's okay.

18 MS. YOAMAN: I can't even express the struggle that
19 it's been. Every day, I try to make it as normal as
20 possible for my four kids. Once I felt like my kids were
21 mentally -- in a mental space where they were okay, I went
22 back to work. I worked in Lincoln Hospital in New York
23 where me and Kentrell also worked together. Work wasn't
24 easy either. They changed my hours, which I had to work
25 nights, and every time I bumped into somebody, it was

1 either, "Oh, how's Kentrell?" or "Where is Kentrell?" and
2 I was the one who had to break the news to them, or it was
3 either they already knew and I got the sympathy, "Hey, how
4 are you? How are you doing? How is everything?"

5 Everywhere I went, it reminded me of him, and I
6 didn't even make it -- it didn't make it easy with the
7 change of schedule. So, at the time, I had to resign, and
8 it was -- everything is just all overwhelming.

9 These last few years for me haven't been pretty, and
10 every day, it kills me to know that I will never be able
11 to spend the rest of my life with the love of my life.
12 That's it.

13 THE COURT: So sorry for your loss, ma'am.

14 Anything further from the State?

15 MR. OSKIN: No, sir, Your Honor.

16 THE COURT: Okay. Thank you.

17 Okay. From the defense? Be glad to hear from the
18 attorneys. Anybody -- family or whoever on this side of
19 the courtroom would like to address the Court?

20 MR. FOX: Yes, sir. And, Your Honor, first of all,
21 I neglected to do this prior to Your Honor leaving to go
22 discuss with the jury, but I do need to, at this time, at
23 the conclusion of the case and after the verdict has been
24 announced, renew all previous motions.

25 THE COURT: Sure.

1 MR. FOX: Renew -- including any pretrial motions
2 relating to competence, obviously any motions and
3 objections raised during the trial, and renew our directed
4 verdict motion, so I do that at this time.

5 THE COURT: And, certainly, Mr. Fox, if you deem it
6 necessary to file any post-trial additional motions,
7 you've got ten days to do that.

8 MR. FOX: Yes, sir.

9 THE COURT: If you need that time.

10 MR. FOX: Thank you, Your Honor.

11 Judge, in terms of sentencing, I meant what I said
12 at the beginning of the trial to the jury: It's been my
13 privilege to represent Mr. Legette for well over 3-1/2
14 years. And despite time when he was following advice of
15 others and didn't wish to speak with me, I never felt that
16 was personal, and for the vast majority of our
17 attorney-client relationship, we have had a good
18 relationship. And man-to-man, I have appreciated it with
19 him, and I told him that this morning.

20 He's 41 years old. He's a native of Horry County,
21 born and raised here, lived here his whole life. He's
22 married. His family is here. His wife, Yvonne, and his
23 sister -- I know you have noticed his wife and sister --
24 Monique Alston and Jessica Legette. And these are other
25 family members and friends that have been her throughout.

1 He's got a large family that love him very much and care,
2 of course, very deeply for his well-being. He's got three
3 children.

4 Judge, I know you have heard -- and I'm not going to
5 go all the way back through the competency issues, but
6 just to reiterate some of the things and maybe fill in a
7 few gaps, he was diagnosed and identified as being
8 disabled really from birth. In speaking with the family,
9 the mother was aware of issues really from the beginning,
10 even before he hit school. It became more obvious when he
11 hit school and that has been his lifetime experience.

12 Your Honor's heard some of the details about that,
13 and, you know, it doesn't mean that he can't do anything
14 and doesn't understand anything, but it has affected --
15 he's never really held a job. At one point, he tried to
16 work with his father in the furniture business, but that
17 didn't work, so he's never worked any kind of meaningful
18 work because he doesn't really have that capability. And
19 I don't offer that as an excuse for anything. Mr. Legette
20 certainly understands right from wrong, and he's here
21 being sentenced for wrong in this case.

22 But there's a lot more to this man than this
23 episode. I don't know if any family members wish to
24 address the Court or not.

25 I would point out, Judge, he's been in jail since

1 his arrest. He turned himself in a couple of days later.

2 THE COURT: Do you have a number?

3 MR. FOX: I do, Judge. It's 1,312 is the number.

4 THE COURT: Okay. All right.

5 MR. FOX: So, obviously, we'd ask for --

6 THE COURT: And I trust the State does not disagree
7 with that number.

8 MR. OSKIN: No, sir.

9 THE COURT: Okay. All right. Very good. Thank
10 you.

11 MR. FOX: I just calculated it from September 1st,
12 2020, when he turned himself in.

13 THE COURT: Gotcha.

14 MR. FOX: So I don't know if Mr. Legette wishes to
15 address Your Honor or any family members.

16 THE COURT: Why don't you take a couple of minutes
17 and talk to your client, talk to the family members, and
18 just see if anybody wants to address the Court. Take your
19 time.

20 (Pause in the proceedings.)

21 MR. FOX: I don't believe Mr. Legette does, Your
22 Honor.

23 (Pause in the proceedings.)

24 MR. CRAWFORD: Hi, Your Honor.

25 THE COURT: Just kind of maybe at the corner of

1 that. And I need to have both of you sworn in.

2 Madam Clerk, would you handle that, please.

3 THE CLERK: Please raise your right hand.

4 TRAVIS CRAWFORD and CHRISTINA JOHNSON,
5 after having been duly sworn, was examined and
6 testified to as follows:

7 THE COURT: Who wants to go first?

8 MR. CRAWFORD: I will.

9 THE COURT: And your name, sir?

10 MR. CRAWFORD: Travis Crawford.

11 THE COURT: Be glad to hear from you, sir.

12 MR. CRAWFORD: Well, first, I would like to
13 apologize to their family, and I understand exactly what
14 y'all are saying of losing a loved one. On behalf of him,
15 which I just want to say that, out of all my grandmama
16 kids, he's the last one, and I'm the only one in the
17 family now. I would like it, Your Honor, where I can see
18 him again in society, in the world. That's it, Your
19 Honor.

20 THE COURT: All right. Thank you, sir. Sorry for
21 your loss.

22 Ma'am, could you step over by the microphone and
23 give me your name.

24 MS. JOHNSON: Christina Johnson.

25 THE COURT: And, Ms. Johnson, what would you like to

1 tell me?

2 MS. JOHNSON: I would like to say he is my first
3 cousin, and he's -- he was like the whole of his family.
4 If he would go away for just a little time, it won't
5 really hurt us. I would like to see him again. It just
6 hurts to know what he did was wrong, but I ask that you go
7 light on him, since he was the one that held us together.
8 It's just been so much strain in our family. That's all.

9 THE COURT: Thank you. I'm sorry for your loss as
10 well.

11 Mr. Fox, anything further from your side?

12 MR. FOX: No, Your Honor.

13 THE COURT: Okay. Everybody be at ease for just a
14 moment, please.

15 (Pause in the proceedings.)

16 SENTENCING

17 THE COURT: These kind of cases are just so tragic
18 for many reasons. Certainly it's a tragedy for a loss of
19 a loved one, and, again, please accept my condolences.

20 So it's a tragedy there. It's also a tragedy on
21 this side, too, because this family is losing a loved one
22 as well. There's certainly absolutely no winners in these
23 kind of cases. So sad. So very sad.

24 And just for the benefit of the people out here,
25 certainly the lawyers know this, for conviction of murder,

1 the minimum that can be given is 30 years, and the maximum
2 that can be given is life in prison without parole.

3 Now, Mr. Legette, you're age 41. Any sentence I
4 give you is, for the most part, a life sentence just
5 because of your age and the difficulties of prison life
6 added to that.

7 The charges -- I mean, the sentences for both cases
8 will run concurrent and both will receive the credit of
9 pre-trial confinement of 1,312 days.

10 On the possession of a weapon during the commission
11 of a violent crime, that will be a five-year sentence in
12 the State Department of Corrections. On the murder
13 conviction, that will be a sentence of 45 years.

14 Good luck to you.

15 This hearing is adjourned.

16 (The trial concluded at 2:30 p.m.)
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF COURT REPORTER

2 CASE NAME/NUMBER: State v. Craig Legette

3 2021-GS-26-02637

4 DATE OF HEARING: April 4, 2024 (DAY 4)

5 *****

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

12
13 14 /s/ Bobbi Fisher

15 Bobbi Fisher, RPR, Court Reporter III

16 Date Submitted: 7/29/24

17
18 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT
19 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
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23 THIS REPORTER AT BFISHER@SCCOURTS.ORG.
24
25

636

WITNESSES

Kenneth A Marcus Horry County Police
Department

POSTW SMELL

JAMES FLETCHER

JAMES SODA

ARREST WARRANT NUMBER

2020A2610201818

CDR: 0116 16-03-0010, 0020

DOA: 9/1/2020

ACTION OF GRAND JURY

TRUE BILL

[Signature]
For person of Grand Jury

Date:

JUN 16 2021

VERDICT

Guilty

[Signature]
For person of Petit Jury

Date:

4/4/2024

DOCKET NO. 2021GS2602634

The State of South Carolina

County of Horry

Nancy Livesay

20H04465

COURT OF GENERAL SESSIONS

June, 2021 TERM

THE STATE

vs.

Craig Lee Legette

/ M

ATTORNEY: J. Eric Fox

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

ORIGINAL

RECEIVED

APR 08 2024

SC Court of Appeals

FILED
HORRY COUNTY
2021 JUN 16 A 11:25
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM
GRAND JURY

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INDICTMENT

At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Craig Lee Legette did in Horry County, on or about August 26, 2020, willfully, feloniously, and intentionally kill the victim, Kentrell Ferguson, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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

Jimmy A. Richardson, II
 JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR
 Horry County, SC

CERTIFIED COPY
 JENNIFER ELVIS
 CLERK OF COURT
 Horry County, SC

638

WITNESSES

Kenneth A Marcus Horry County Police
Department

ROBIN SMELL
JAMES HETCHEN
JARED SOUAI

ARREST WARRANT NUMBER

2020A2610201820
CDR: 0549 16-23-0490
DOA: 9/1/2020

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date:

JUN 16 2021

VERDICT

GUILTY

[Signature]
Foreperson of Petit Jury
Date:

4/4/2024

DOCKET NO. 2021GS2602638

The State of South Carolina

County of Horry

Nancy Livesay

20H04486

COURT OF GENERAL SESSIONS

June, 2021 TERM

THE STATE

vs.

Craig Lee Legette
/ M

ATTORNEY: J. Eric Fox

Indictment for

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

Jimmy A. Richardson, II, Solicitor

ORIGINAL

RECEIVED

APR 08 2024

SC Court of Appeals

GRAND JURY

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC
DATE RECEIVED FROM

2021 JUN 16 A 11:25

FILED
HORRY COUNTY

CERTIFIED COPY
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

INDICTMENT

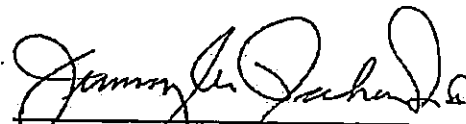
At a Court of General Sessions, convened on June 16, 2021, the Grand Jurors of Horry County present upon their oath:

**POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

CDR: 0549 16-23-0490

That Craig Lee Legette did in Horry County, on or about August 26, 2020, 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.



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

CERTIFIED COPY
RENEE N. ELYS
CLERK OF COURT
HORRY COUNTY, SC



Forensic Psychiatry Program
 Department of Psychiatry and Behavioral Sciences
 29C Leinbach Drive
 Charleston, SC 29407
 Tel 843.792.1461
 Fax 843.792.2254
 forensicpsychiatry@musc.edu

March 30, 2022

Eric Fox, Esquire
 P. O. Box 1666
 Conway, SC 29526

Dear Attorney Fox:

A court ordered evaluation for **Craig L. Legette** DOB [REDACTED] 83 is scheduled for **Wednesday, April 13, 2022 at 9:00 A.M.** at the Medical University of South Carolina, Forensic Psychiatry Program, 29-C Leinbach Drive, Charleston, SC 29407. The officers must stay in the building until the evaluation is completed.

Competence to stand trial evaluations may include questions about potential evidence and limited discussion of the alleged offense(s). Criminal responsibility evaluations may include extensive discussion of the alleged offense(s). Consequently, some defendants decline to participate before consulting with their attorney or ask that their attorney attend the evaluation. Therefore, we ask that you speak with your client prior to this appointment to advise him or her of the non-confidential nature of the evaluation and how to proceed. **We also ask that you do not forward this letter directly to your client or to the client's family. Please note, due to security concerns and space constraints, we ask that you limit accompanying parties during the evaluation process. Contact our office in advance, should you require special accommodations.**

Because we do not provide transportation, please arrange for your client to be transported. If your client is in jail, you may need to obtain a transport order that directs a detention facility or sheriff's department to bring your client to the appointment.

Additionally, if you have any information that may be relevant to this defendant's past or current mental health, which you have not yet discussed with us or forwarded to us, please do so immediately. Our telephone number is (843) 792-1461. Our fax number is (843) 792-2254.

Thank you.

Sincerely,

Allison Floyd
 Forensic Administrative Assistant

cc: Nancy Livesay, Esquire
 Tamika Daniels, DMH
 Horry County Detention Transport



Forensic Psychiatry Program
 Department of Psychiatry and Behavioral Sciences
 29C Leinbach Drive
 Charleston, SC 29407
 Tel 843.792.1461
 Fax 843.792.2254
 forensicpsychiatry@musc.edu

April 22, 2022

Eric Fox, Esquire
 P. O. Box 1666
 Conway, SC 29526

Dear Attorney Fox:

A court ordered evaluation for **Craig L. Legette** DOB [REDACTED] 83 is scheduled for **Wednesday, May 25, 2022 at 9:00 A.M.** at the Medical University of South Carolina, Forensic Psychiatry Program, 29-C Leinbach Drive, Charleston, SC 29407. The officers must stay in the building until the evaluation is completed.

Competence to stand trial evaluations may include questions about potential evidence and limited discussion of the alleged offense(s). Criminal responsibility evaluations may include extensive discussion of the alleged offense(s). Consequently, some defendants decline to participate before consulting with their attorney or ask that their attorney attend the evaluation. Therefore, we ask that you speak with your client prior to this appointment to advise him or her of the non-confidential nature of the evaluation and how to proceed. **We also ask that you do not forward this letter directly to your client or to the client's family. Please note, due to security concerns and space constraints, we ask that you limit accompanying parties during the evaluation process. Contact our office in advance, should you require special accommodations.**

Because we do not provide transportation, please arrange for your client to be transported. If your client is in jail, you may need to obtain a transport order that directs a detention facility or sheriff's department to bring your client to the appointment.

Additionally, if you have any information that may be relevant to this defendant's past or current mental health, which you have not yet discussed with us or forwarded to us, please do so immediately. Our telephone number is (843) 792-1461. Our fax number is (843) 792-2254.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Allison Floyd".

Allison Floyd
 Forensic Administrative Assistant

cc: Nancy Livesay, Esquire
 Tamika Daniels, DMH
 Horry County Detention Transport



Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

June 21, 2022

Eric Fox, Esquire
PO Box 1666
Conway, SC 29526

Re: The State of South Carolina v. Craig L. Legette
Department of Mental Health: # 963-6255
Horry County, Court of General Sessions

Dear Attorney Fox:

In accordance with the court order issued by the Honorable Benjamin H. Culbertson, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health pursuant to S.C. Code Ann. §44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This **ten** page attached report is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410.

A handwritten signature in cursive script that reads "Allison Floyd". The signature is written in black ink and is positioned above a horizontal line.

Allison Floyd
Forensic Administrative Assistant

cc: Nancy Livesay, Esquire
Tamika Daniels, DMH

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
COMPETENCY TO STAND TRIAL EVALUATION

Examinee: Craig Legette

DOB: [REDACTED] 1983

DMH#: [REDACTED]

Dates of Evaluation: 4/13/2022, 5/25/2022 (attempted), 6/13/2022 (attempted)

First Examiner: Emily Gottfried, PhD

Second Examiner: Jared McCarthy, LISW-CP

Report Date: 6/21/2022

Charges: Murder; Possession of a Weapon during a Violent Crime, if not also sentenced to Life without Parole or Death; and Sale or Delivery of a Pistol to, and Possession by, Certain Persons Unlawful, Stolen Pistol

IDENTIFYING DATA: Mr. Craig Legette is a 39-year-old man currently charged with Murder; Possession of a Weapon during a Violent Crime, if not also sentenced to Life without Parole or Death; and Sale or Delivery of a Pistol to, and Possession by, Certain Persons Unlawful, Stolen Pistol for the alleged events occurring on 8/26/2020. An evaluation of his competency to stand trial was ordered on 3/15/2022 by the Honorable Benjamin H. Culbertson of the Horry County Court of General Sessions pursuant to S.C. Code Ann. 44-23-410 (1976). The basis for the order reads: "Counsel for Defendant indicates that, even after numerous lengthy attempts, he has been unable to educate Defendant on criminal proceedings, his rights, and the roles of various court personnel including the judge, jury, solicitor and defense counsel. Counsel for Defendant therefore has serious concerns about Defendant's ability to understand the criminal proceedings against him or to assist with his defense." Mr. Legette is currently detained in the J. Reuben Long Detention Center in Horry County and was seen via Doxy.me, which is secure, HIPAA-compliant, telemedicine software that includes audio and video, for the evaluation on 4/13/2022. However, he prematurely terminated the evaluation on that date. Evaluations were scheduled for 5/25/2022 and 6/13/2022, but Mr. Legette refused to be seen.

OPINION/COMPETENCY TO STAND TRIAL: *Per S.C. Code Ann. 44-23-410 (1976), an individual "...is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity...."*

No opinion: Because Mr. Legette refused to answer questions to assess his competency to stand trial, no opinion can be rendered.

SOURCES OF INFORMATION:

1. Email from Corporal Maxim of the J. Reuben Long Detention Center, dated 5/25/2022.
2. Attempted clinical interview of Mr. Legette on 4/13/2022 for approximately 50 minutes via Doxy.me.
3. Fax coversheet from Waccamaw Center for Mental Health, indicating that no records were located for Mr. Legette, dated 4/13/2022.
4. J. Reuben Long Detention Center records, dated 4/20/2014 to 4/13/2022.
5. Fax coversheet from Columbia Area Mental Health, indicating that no records were available for Mr. Legette as they exceeded their 10-year record retention policy, dated 4/6/2022.
6. South Carolina Department of Mental Health Episodes of Care form, dated 3/23/2022.
7. Order for Competency to Stand Trial Evaluation signed the Honorable Benjamin H. Culbertson of the Horry County Court of General Sessions dated 3/15/2022.
8. Bureau of Alcohol, Tobacco, Firearms and Explosives document titled Firearms Trace Summary, dated 2/12/2021 and 2/22/2021.
9. Horry County Police Department records, to include:
 - a. Evidence Record, dated 2/22/2021.
 - b. Criminal History report, dated 2/15/2021.
 - c. Search Warrant, dated 9/2/2020.
 - d. Media/Cell Phone Forensic Exam Request, dated 9/2/2020.
 - e. Affidavit of Detective Marcus, dated 9/2/2020.
 - f. Witness Statement, dated 9/1/2020.
 - g. Photo Index Log, dated 9/1/2020.
 - h. Evidence Record, dated 8/31/2020.
 - i. Driving Record, dated 8/31/2020.
 - j. Photo Index Log, dated 8/31/2020.
 - k. Consent to Search, dated 8/29/2020.
 - l. Evidence Record, dated 8/29/2020.
 - m. Witness Statement, dated 8/28/2020.
 - n. Vehicle Impound/Tow Record, dated 8/27/2020.
 - o. Search Warrant, dated 8/27/2020.
 - p. Return, dated 8/27/2020.
 - q. Evidence Record, dated 8/27/2020.
 - r. Anatomical Pathology Autopsy, dated 8/27/2020.
 - s. Affidavit of Detective Marcus, dated 8/27/2020.
 - t. Affidavit of Detective Scales, dated 8/27/2020.
 - u. Media/Cell Phone Forensic Exam Request, dated 8/27/2020.
 - v. Photo Index Log, dated 8/27/2020.
 - w. Email correspondence, dated 8/27/2020.

- x. SCIBRS Homicide Worksheet, dated 8/26/2020.
- y. Photo Index Log, dated 8/26/2020.
- z. Evidence Record, dated 8/26/2020.
- aa. Incident, Booking, Narrative, and Supplemental Reports for Case #2020080486, dated 8/26/2020 to 2/22/2021.
- bb. Voluntary Statements, dated 8/26/2020.
- cc. Crime Scene Worksheet, dated 8/26/2020.
- dd. Witness Statement, dated 2/11/2020.
- ee. Vehicle Inventory Worksheet, undated;
- ff. Evidence Worksheet, undated;
- gg. Crime Scene Sketch Worksheet, undated;
- hh. Additional Victims, Witnesses and Defendants, undated;
- 10. State of South Carolina County of Horry Court, to include:
 - a. Certificate of Representation, dated 1/22/2021.
 - b. Affidavit of Indigency and Application for Counsel, dated 12/21/2020.
 - c. Arrest Warrants and Affidavits for 2020A2610201818 to 820, dated 8/27/2020.
 - d. Plea Disposition Worksheet, undated;
- 11. Conway Medical Center records, dated 11/10/2018 to 5/03/2020.
- 12. Grand Strand Regional Medical Center records, dated 12/6/2008-3/29/2017.
- 13. South Carolina Department of Corrections records, dated 11/14/2007 to 5/6/2010.

DISCLOSURE OF NON-CONFIDENTIALITY: Mr. Legette was informed of the nature and purpose of the evaluation prior to the interview. Specifically, he was informed that the judge in his case had ordered a forensic evaluation regarding his competency to stand trial. It was explained that any observations and information he provided would not be held confidential, and would be included in a written report submitted to the court and disseminated to the judge and attorneys for both the defense and prosecution. Mr. Legette was also informed that these evaluators may be asked to provide oral testimony. He was shown the notification form via the screenshare function of Doxy.me and asked to follow along as the form was read to him. He was asked to reiterate the content of the notification form in his own words and asked, "What do you mean?" Mr. Legette described the purpose of the meeting as, "I guess you're trying to answer some questions about why I'm here." He was provided with additional information about the nature and purpose of the evaluation. When asked if the information obtained during the evaluation would be kept secret, he stated, "You said it was a secret, I think." He was reminded that a report would be written and asked to identify the parties who would receive copies of the evaluation report. Mr. Legette identified "my lawyer" would receive a copy and when asked who else would, asked, "What do you mean who else?" With encouragement, he identified that the "judge" and the "DA" would also receive copies. When asked if he had any questions, Mr.

Legette asked, "Why am I on video [i.e., Doxy.me]?" Additional information was provided. He indicated that he did not have any other questions.

BACKGROUND HISTORY: *Unless otherwise noted, the following information has been synthesized from a clinical interview with Mr. Legette and is based upon his self-report.*

Mr. Legette was born and raised in Conway, South Carolina by his mother and grandmother along with an older brother and younger sister. He said he "sometimes" had contact with his father. When asked if he had enough food, clothing, and other necessary resources during his youth, Mr. Legette said, "Yeah, I guess." When assessed for a history of physical abuse, he said he "ain't got no comment on that," and repeated that phrase when asked about a history of sexual abuse.

Regarding his highest level of education, Mr. Legette said, "I don't know, I stay getting in trouble," and said he "can't say" the last grade he completed. He received special education services "all the way out," but when asked the reason for the services, he said, "I don't know, can't really say." He "don't know" if he was ever retained in a grade. He was suspended from school "a lot" for "all kinds of things," and endorsed getting into fights in school. He said he thought his first suspension occurred during elementary school, but he "can't say [for sure]." He was expelled from school "more than once" for "cutting up, all kinds of things." He has not received his General Education Development (GED).

Mr. Legette has been employed "moving furniture." When asked if he was ever fired from a position, he said, "I've only had one job," which he said he "quit." Regarding the last time he worked, Mr. Legette said, "I can't even say, years." He said he collected disability benefits from the Social Security Administration as both a child and an adult for "mental," but did not know his specific disability. He reported his sister was his payee. He has never served in the military.

Mr. Legette has never been married. He has three children. When asked where he was living prior to his arrest for the alleged offenses, Mr. Legette said, "Home," which he described as being in "Conway, wherever." When asked for additional information, he said he lived "anywhere."

Regarding his general medical history, Mr. Legette reported he has diabetes and is prescribed medication for this condition. When asked if he had any other medical conditions, Mr. Legette said, "I have a lot of things wrong with me," including "bullet holes" from being "shot up," and hypertension (i.e., high blood pressure). He underwent a "couple" surgeries for "all kinds of things." Mr. Legette said he "can't count" the number of head injuries he has sustained and "can't say" how many times he has been rendered unconscious. His head injuries were secondary

to “getting hit” during physical altercations. He said he received medical treatment for these injuries at “Conway and Grand Strand,” but “don’t know” if he sustained a head injury. When asked if he ever experienced seizure activity, Mr. Legette said, “I don’t know about that.”

Mr. Legette endorsed having a family history of mental illness and stated that his mother has a mental illness but he “don’t know the type.” When asked if he ever received mental health treatment, Mr. Legette said, “I refuse. I don’t want to talk to nobody.” He was asked if he was ever diagnosed with a mental illness and said, “I don’t know what the diagnosis is.” When asked if he was psychiatrically hospitalized, he said, “Not that I know of.” Mr. Legette said he “don’t know” if he ever attempted suicide.

Regarding his substance use history, Mr. Legette said he “don’t know” when he first consumed an alcoholic beverage. When asked about his alcohol use prior to his most recent arrest, he said, “Sometimes [he consumed alcohol], I can’t say, it depends, I don’t know.” When asked if alcohol ever caused him problems, he said, “Some people might say it has.” When asked if he would say it has, Mr. Legette said, “I don’t know.” He first smoked cannabis as a “teenager.” He reported smoking cannabis “every day” in the community, but that he “can’t say” the amount he smoked per day. When asked if cannabis caused him any problems, Mr. Legette said, “I don’t think so.” He reported using ecstasy “when I can get it.” He did not endorse other illicit substance use and said he never received treatment for substance use.

Regarding his criminal history, Mr. Legette said he was in a Department of Juvenile Justice (DJJ) facility when he was “young, like a teenager,” but “can’t remember” the number of times he went to DJJ or was arrested. As an adult, he has been arrested “a couple [of times], I guess.” He “believes” he has served two prison sentences.

COLLATERAL RECORDS:

Waccamaw Center for Mental Health: Although the records exceeded the retention period, the South Carolina Department of Mental Health (SCDMH) Episodes of Care form indicated that Mr. Legette was in their system from 9/16/1996 to 12/3/1996 and his diagnosis was listed as adjustment disorder with mixed emotions and conduct.

Columbia Area Mental Health: Although the records exceeded the retention period, the SCDMH Episodes of Care form indicated that Mr. Legette was in their system from 5/24/2000 to 6/21/2001 and the diagnosis was “deferred.”

South Carolina Department of Corrections: Records from 11/14/2007 to 5/06/2010 included no record of mental health issues or treatment. Mr. Legette had multiple encounters with medical personnel for routine medical needs.

Grand Strand Regional Medical Center: Mr. Legette was seen in the emergency department on 12/6/2008, presenting with "Multiple gunshot wounds." He reported that he believed someone put pills in his alcoholic beverage, possibly containing ecstasy. Mr. Legette was noted to have gunshot wounds to his upper left chest, right hand, and right lower extremities. He suffered acute respiratory failure after a "significant surgery" and was placed on a ventilator. The record provided detailed information about Mr. Legette's multiple surgeries and recovery while in the hospital recovering from his gunshot wounds. Mr. Legette was seen again on 1/13/2009 due to leg pain associated with his gunshot wounds and recovery from surgery. He was seen in the emergency department again on 4/10/2009 after being transported by a "jail security guard" for the removal of a bullet retained after a gunshot wound. Mr. Legette had multiple hospital visits for pain in his extremities and other general medical treatment.

Conway Medical Center: Mr. Legette was seen at the medical center for numerous medical issues. He presented to the emergency department on 11/10/2018 due to pain in his hand sustained after punching a wall. On 5/3/2020, it was noted that emergency medical services (EMS) were called to his home for knee pain. At discharge on the same date, Mr. Legette was diagnosed with cannabis and alcohol use disorders.

COURSE OF PREVIOUS AND CURRENT PERIODS OF DETENTION:

Mr. Legette has had multiple incarcerations prior to his current course of detention. An admission note that was dated 4/20/2014 indicated that he reported having a leg injury. He reportedly became agitated when informed that he was not to obtain medications on an as-needed basis, but rather as it was prescribed, Mr. Legette stated that "his attorney [*sic*] would ensure that he gets all of his pain medication." Mr. Legette was seen again for a receiving screening on 7/29/2019 and reported smoking cannabis daily prior to his arrest and did not endorse any mental health problems. During a medical encounter after he complained of abdominal pain on 9/5/2019, Mr. Legette was noted to be "swearing" and "yelling." He reportedly stated, "Nah man when I'm in pain someones [*sic*] ganna [*sic*] come ya feel me, all I gatta [*sic*] do is lawyer up and yall [*sic*] are ganna [*sic*] come when I ask." He "also stated that he goes to the hospital for everything and when 'they try and do stuff man I wanna [*sic*] have them fix me and I just leave cuz [*sic*] I gatta [*sic*] liquor and smoke up. I know I should but ya know man I be stupid sometimes." In a medical admission note dated 9/9/2019, Mr. Legette did not endorse a history of treatment for mental health problems.

After his arrest for the alleged offenses, Mr. Legette was booked on or around 9/1/2020. He has had multiple medical appointments to follow-up with a left leg injury sustained prior to his arrest. On 2/23/2021, he was attempted to be seen for a sick call, but he "became belligerent yelling stating 'Your gonna let me see the doctor and give me a fucking extra blanket you stupid bitch.'" On 3/28/2021, Mr. Legette complained of "chest pain and throwing up." On 7/10/2021, he reported that Cymbalta (nerve pain and antidepressant medication) was making him feel "weird." On 9/24/2021, Mr. Legette reported he was "having a stroke" and that he "can't move." When assessed by medical personnel, he said, "I think I have heat stroke" and "does admit to not drinking enough water." He was "able to walk to the water fountain by himself and fill up cups of water." On 11/24/2021, he complained of chest pains. On 2/17/2022, amitriptyline (nerve pain and antidepressant medication) was "restarted" and the dose was increased on 3/18/2022. There were no mental health treatment notes or psychiatric diagnoses listed.

BEHAVIORAL OBSERVATIONS AND MENTAL STATUS EXAMINATION:

A formal mental status exam was conducted with Mr. Legette on 4/13/2022. He is a 39-year-old man who was dressed in standard detention center attire. There were no apparent problems noted in his hygiene or grooming. His eye contact appeared to be appropriate for an evaluation conducted via remote video. He did not appear to be responding to internal stimuli. His thoughts appeared to be linear and organized. Mr. Legette appeared to be oppositional and answered, "I don't know," or "I can't say" to many questions. When attempting to specifically assess his competency to stand trial, Mr. Legette indicated he did not want to answer any questions about his case. Despite being provided with rationale for the questions and being informed that we would need to reschedule the evaluation and could not render an opinion without discussing his case, Mr. Legette said he was finished answering questions. Therefore, the evaluation was terminated.

Mr. Legette was scheduled for another Doxy.me appointment on 5/25/2022 but refused to come to the computer monitor for the evaluation. An email from a corporal at J. Reuben Long Detention Center dated 5/25/2022 noted, "Inmate Craig L. Legette refused to participate with his scheduled Mental Evaluation this morning per our conversation. He stated that he is in the process of terminating his legal counsel and obtaining the services of a new attorney. He does not wish to speak to anyone until this process is completed." On 6/13/2022, Mr. Legette again did not come to the monitor and told correctional staff he still had not hired a new attorney and did not wish to participate.

On 4/13/2022, when asked if he thought he had a mental illness, Mr. Legette said, "I don't know. I hear people say things, but I don't know. I can't really say." He was asked if he ever experienced "voices" and said, "Yes, when I was young." Regarding the content of what he

heard, Mr. Legette said, "All kinds of things. People talking to me. I don't know." The frequency is "all the time." When asked if the voices were ever command in nature, Mr. Legette said, "I have no comment." When asked if he ever experienced "visions," Mr. Legette said, "Yes," and noted he experienced this as "a kid, too." The content was described as "dead people and blood." When asked to describe the frequency, Mr. Legette said, "A couple times. They go and come." This last occurred "a day or two ago." Mr. Legette was asked if his mind ever "played tricks" on him. He said, "Yes," and when asked to elaborate, he said, "Like, I don't know. I can't speak on that." Regarding whether he ever felt like he could read others' minds, he said, "Yeah, I do." He said this occurred "a lot" and said he could "read yours [i.e., could read Dr. Gottfried's mind]." When asked if he had any other special powers or gifts, Mr. Legette said, "I don't know." He was asked if he experienced problems with mood swings and said "Yes, everybody does." The speed at which his moods change was described as "it depends." He endorsed experiencing depression and when asked how long his depressed mood typically lasted, Mr. Legette said, "It depends on the moment, I guess." When asked if he ever experienced episodes during which he had a decreased need for sleep and increased energy, Mr. Legette said this occurred "any time" and lasted for "a day or two sometimes." When asked if he noticed any other symptoms occurring at the same time, he said, "Other things I don't want to talk about." He endorsed experiencing nightmares, but said he "can't really say" how often these occurred. When asked if he avoided anything that reminded him of a traumatic event, Mr. Legette nodded his head yes and simultaneously shrugged his shoulders.

When asked if he was prescribed medication at the detention center, Mr. Legette said, "Yeah," but he "don't know" the type of medication. He said he "sometimes" took his medication for diabetes. He said he has not seen a mental health provider at the detention center. When asked if he wanted to receive mental health treatment, he said, "It depends." When asked to describe his current mood, Mr. Legette said, "I don't know. It be everywhere." His observed mood appeared to be irritated and his outward emotional expression was consistent with his observed mood. When asked to describe his current sleep, Mr. Legette asked, "What you mean?" before stating, "I can't say." Regarding recent changes in his appetite, he said, "All the time. Sometimes I'm hungry, not [hungry] sometimes." He said he gained "a lot" of weight secondary to being "diabetic." When assessed for current suicidal thoughts, Mr. Legette said, "No comment." He was provided with rationale for the question and stated, "I don't think about hurting myself." When asked about homicidal thoughts, he said, "I don't hurt nobody."

Mr. Legette was oriented to person, place, time, and situation. In other words, he was aware of whom he was; that he was currently in a "jail in Conway, South Carolina;" the day, month, and year; and the reason for the evaluation. He said he "don't know" the name of the current President of the United States as he "don't keep up with it," but knew the name of the immediate past President. Mr. Legette recalled three out of three words immediately after presentation.

After a brief delay, he spontaneously recalled two of the three words and recalled the remaining word when the correct answer was provided in a multiple-choice format. To assess his working memory (i.e., the ability to hold and manipulate things in one's mind), Mr. Legette was asked to repeatedly subtract the number seven from the number 100. He stated, "I don't want to." Instead, he was asked to list the days of the week in reverse order and did so correctly. He correctly completed simple addition, subtraction, and multiplication problems; he did not correctly solve a simple division problem. He correctly spelled his first name, but when asked to spell it backwards, he said, "G-a-i-c." He accurately spelled the word "cat" forward and backward. In order to test Mr. Legette's common-sense judgment to hypothetical situations, he was asked what he would do if he observed smoke and flames coming from the window of his neighbor's house, he said, "I don't know; ain't none of my business what's going on in their house." When asked what he would do if he woke up five minutes before he was expected to be at an appointment across town, Mr. Legette said, "Not go, I guess." His abstract reasoning abilities (i.e., ability to apply theoretical and complex concepts which are not directly tied to concrete objects) appeared intact. For example, he described a nickel and a dime as similar because they are "money." He said he "can't say" the definition of common proverbs (e.g., "Don't judge a book by its cover").

DIAGNOSTIC FORMULATION:

During the current evaluation, Mr. Legette appeared oppositional and did not provide information for many of the questions. Although he reported hearing "voices" and seeing "visions," his descriptions of these experiences were very vague. He did not appear to be responding to internal stimuli during the current evaluation. There were no mental health treatment records from the detention center or other collateral sources. He may have personality pathology, such as traits of antisocial personality disorder, but this was difficult to assess due to his oppositional nature and lack of collateral records. He did not appear to be experiencing symptoms of a major mental illness, but again, this is not possible to say with certainty due to his approach to the evaluation.

EVALUATION OF COMPETENCY TO STAND TRIAL:

Mr. Legette refused to answer any questions to assess his competency to stand trial. Despite multiple attempts to provide rationale and explanations that an opinion could not be rendered without this information, he did not participate. He was rescheduled for two additional dates but refused to come to the computer monitor for the evaluation. Thus, his competency to stand trial could not be assessed.

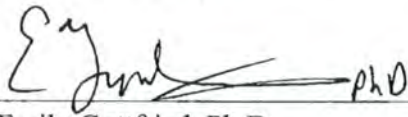
CLINICAL IMPRESSIONS REGARDING COMPETENCY TO STAND TRIAL:

Because Mr. Legette refused to answer questions to assess his competency to stand trial, no opinion can be rendered.

SUMMARY:

Mr. Craig Legette is a 39-year-old man currently charged with Murder; Possession of a Weapon during a Violent Crime, if not also sentenced to Life without Parole or Death; and Sale or Delivery of a Pistol to, and Possession by, Certain Persons Unlawful, Stolen Pistol for the alleged events occurring on 8/26/2020. Because Mr. Legette refused to answer questions to assess his competency to stand trial, no opinion can be rendered.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Emily Gottfried', followed by a horizontal line and the letters 'PhD'.

Emily Gottfried, Ph.D.

Licensed Clinical Psychologist

Associate Professor of Psychiatry and Behavioral Sciences

Medical University of South Carolina

Constance Holloway
Interim State Director/General Counsel
 Janet Brock Priest
Associate State Director
Operations
 Lori Manos
Associate State Director
Policy
 Harley T. Davis, Ph.D.
Chief Administrative Officer
 Quincy Swygert
Chief Financial Officer
 Greg Meetze
Chief Information Officer



**South Carolina
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 and Special Needs**

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April 3, 2023

Renee Elvis, Clerk of Court
 Horry County Courthouse
 1301 Second Avenue
 Conway, South Carolina 29526

Re: **Craig Legette**
 Warrant(s): 2020A2610201818-1820

Dear Ms. Elvis

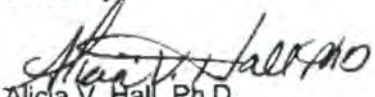
In accordance with the Court Order issued by the Honorable Benjamin H. Culbertson Judge of the Fifteenth Judicial Circuit, General Sessions Court, an evaluation on the above-named individual was conducted jointly by the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Mental Health.

Please find the enclosed Forensic Evaluation with the Court.

Please contact me at 803-898-9694 should you have any questions or need additional information.

This six (6) page document is hereby certified to be the original court ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410 or 17-24-10 (1976) et. seq.

Sincerely,


 Alicia V. Hall, Ph.D.
 Office of Clinical Services
 Division of Operations

Enclosure

cc: Nancy Liversay, Horry County Solicitor
 Eric Fox, Defense Counsel
 Allison Floyd, MUSC Forensic Services
 Constance Holloway, DDSN General Counsel
 DDSN File

Constance Holloway
Interim State Director/General Counsel
Janet Brock Priest
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Lori Manos
Associate State Director Policy
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**South Carolina
 Department of Disabilities
 and Special Needs**

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JOINT SCDDSN/DMH FORENSIC EVALUATION

Name:	Craig Lee Legette	Gender:	Male
County:	Horry	Race:	African-American
Date of Evaluation:	March 24, 2023	Date of Birth:	██████████ 1983
Place of Evaluation:	MUSC	Age:	40 years

Examiners: Alicia V. Hall, PhD - DDSN Examiner
 Abby L. Mulay, PhD- DMH Examiner

Charge(s): Murder,
 Possession of a Weapon During Violent Crime
 Possession of Weapon by Unlawful Person

Purpose of Evaluation:

This evaluation was conducted pursuant to an order dated January 9, 2023 (received by DDSN on January 13, 2023) and signed by the Honorable Benjamin H. Culbertson, Presiding Circuit Court Judge of the Horry County Court of General Sessions. The order required that Mr. Legette be evaluated by the Department of Disabilities and Special Needs (and if necessary the Department of Mental Health), to determine his competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and Section 44-23-410, Code of Laws of South Carolina (Supp. 2012). Mr. Legette's charges stemmed from alleged incidents in 2020.

Limits of Confidentiality:

Before the interview started, Mr. Legette was advised of the purpose of the evaluation, and that the results and content of the evaluation would be communicated to his defense counsel, the prosecution, and the court. In addition, he was informed of the possibility that the examiner(s) might be called to testify regarding the content and results of the evaluation. He demonstrated an adequate understanding of the purpose of the evaluation. Mr. Legette agreed to proceed with the interview.

Summary of Evaluation Results:

Presence of Intellectual Disability	Yes, Provisional
Presence of Mental Illness	Yes
Competency to Stand Trial	No

ALH

Evaluation Procedures:

Mr. Legette was initially interviewed on January 26, 2023 at the J. Rueben Long Detention Center via a telemedicine platform. He refused to participate in the interview stating he did not feel comfortable being examined "on the internet." The interview was terminated and rescheduled at his request. Mr. Legette was interviewed in person on March 24, 2023 for approximately 120 minutes by the undersigned and Dr. Mulay, who concurs with opinions in this report.

Sources of Information

1. Interview of the defendant on March 24, 2023 for approximately 2 hours;
2. Court order for competency to stand trial evaluation dated January 9, 2023;
3. Records from Horry Consolidated School District 5 including:
 - a. Psychological Report dated May 8, 1991;
 - b. Psychological Report dated February 20, 1994;
 - c. Psychological Report dated December 18, 1996;
 - d. Individualized Education Plan (IEP) dated May 31, 1999;
4. Records from J. Rueben Long Detention Center dated September 3, 2019 - February 8, 2023;
5. The defendant's National Crime Information Center criminal history record;
6. Information from Horry County pertaining to his current charges including:
 - a. Arrest warrants 2020A26101818 to 2020A26101820;
 - b. Incident and supplemental reports;
 - c. Crime scene photos;
 - d. Witness statements.

Relevant History:

History in this section is as provided by the defendant in the interview on Friday, March 24, 2023, and supplemented by information available in other records. Mr. Legette is a 40-year-old, African-American male, who was born on [REDACTED] 1983. He reported he was raised by his mother in Conway, SC. He stated he was the middle child of three children. Mr. Legette reported prior to his arrest he was living with his girlfriend in Myrtle Beach, SC. He stated he and his girlfriend had only been living together "for a couple of months." He reported he lived with his grandmother before moving to Myrtle Beach. He reported he is single and has two sons. Mr. Legette is currently detained in J. Rueben Long Detention Center.

Educational History

Mr. Legette reported he attended high school, but did not graduate. He reported he did not recall in what grade dropped out, but believed it was when he was serving time in a DJJ group home. He stated he was enrolled in Special Education classes because "I was hearing voices." According to Horry County Schools, Mr. Legette was a special education student. He was classified as an Educable Mental Disabled student (now referred to as Mild Intellectual Disability). He was placed in a self-contained program because of his educational and behavioral needs.

Employment History

Mr. Legette reported prior to being arrested he was unemployed. His longest length of employment was for two months with a moving company. He was hired as a favor to his father who also worked for the company. Mr. Legette stated that he relies on his grandmother to help him meet his activities of daily living (e.g. cooking, cleaning, laundry). He said his sole source of income is disability. He stated he has a payee on his account.

ACH

Medical History

Mr. Legette reported he has been diagnosed with hypertension and diabetes. He stated he has been prescribed oral medication to manage his conditions. He denied a history of seizures, strokes, or other serious medical conditions. He recalled being hit in the head during an altercation that resulted in a brief loss of consciousness. Mr. Legette reported he has "been shot a lot of times." He stated he was previously shot in the leg (he raised his pant leg to show the scars). He indicated he still has residual effects from the injury.

Records from J. Rueben Long Detention Center indicate he has received standard medical care including a radiographs of the hand (February 18, 2023) that indicated "diffuse arthritic changes noted throughout the hands and digits."

Substance Use History

in regards to substance use, Mr. Legette reported a history of drug abuse. He said prior to his arrest, he smoked cannabis, every day, in order to "keep calm." He stated his mother and girlfriend expressed concern he was smoking cannabis too much. He reported he experienced increased tolerance to cannabis. He denied using other drugs.

Mental Health History

According to Mr. Legette, he has no history of psychiatric hospitalizations. He recalled receiving outpatient mental health treatment when he was in the DJJ group home for anxiety. He denied a history of suicidal or homicidal thoughts. He reported he tends to keep to himself because he is worried that people will tease him for "being stupid or call me retarded." He has no history of visual and auditory hallucinations.

Records from J. Rueben Long Detention Center (September 3, 2019 - February 8, 2023) indicate Mr. Legette has not received mental health services while detained. During this evaluation, there were no indications of the presence of mental illness.

DDSN History

According to the SCDDSN Consumer Data Support System, Mr. Legette was a DDSN consumer. He was determined eligible for DDSN services on March 29, 1999 under the Intellectual Disability category. His services were terminated in 2005 because the family moved and "could not be located."

Psychological Test Results:

The results of previous psychological testing indicate Mr. Legette's intellectual functioning is in the extremely low range.

(Horry County School District)

05/08/1991	Wechsler Intelligence Scale for Children-R	Full Scale IQ	75
		Verbal IQ	84
		Performance IQ	70
	Vineland Adaptive Behavior Scale	Adaptive Behavior Composite	58
		Communication	54
		Daily Living	62
		Socialization	75
02/20/1994	Stanford-Binet Intelligence Scale-IV	Full Scale IQ	53
		Verbal	56

AMH

		Abstract Reasoning	50
		Quantitative Reasoning	76
		Short Term Memory	54
	Vineland Adaptive Behavior Scale	Adaptive Behavior Composite	59
		Communication	53
		Daily Living	60
		Socialization	70
12/18/1996	Wechsler Intelligence Scale for Children-III	Full Scale IQ	67
		Verbal IQ	63
		Performance IQ	75
	Vineland Adaptive Behavior Scale	Adaptive Behavior Composite	55
		Communication	50
		Daily Living	60
		Socialization	70

Behavioral Observations and Mental Status

Mr. Legette was seen at the MUSC Forensic Psychiatry Program on 3/24/2023. He was transported to the evaluation by law enforcement. He is a 40-year-old, African-American man who presented with adequate hygiene. He was cooperative and exhibited appropriate eye contact throughout the evaluation. He correctly identified the date, day of the week, and location. The rate, volume, and tone of his speech were within normal limits. He presented with goal-directed, linear thinking and did not demonstrate difficulties with attention or concentration. He exhibited memory deficits as evidenced by his inability to recall three words after a short delay without cues. He correctly identified the commonality between two concepts, demonstrating the ability to think abstractly. Mr. Legette reported his mood as "regular" but acknowledge he was sad and homesick. Mr. Legette then shared he has experienced a lot of loss in his family since he has been detained. He also stated his mother is very ill and he is worried about her prognosis. He began to cry. Mr. Legette was offered time to collect himself but he stated he wanted to continue. Over the course of the interview, he demonstrated appropriate affect (i.e., observed expression of emotion). He denied current suicidal ideation and homicidal ideation. Mr. Legette denied visual and auditory hallucinations (e.g. hearing voices), and delusions (i. e., false fixed beliefs).

Evaluation for Competency to Stand Trial

Mr. Legette required education on the criminal justice system. He was educated verbally and using a courtroom diagram. This section reflects his knowledge base after education.

Mr. Legette stated his formal charges as "Murder and gun charges." He was able to stated that he was accused of "killing somebody." He appeared unable to articulate the meaning of the weapons charges. He was able to provide some details about the charges, such as when and where alleged incidents occurred. Mr. Legette knew that his charges are serious and he was in trouble because of the charges. He was able to describe the seriousness of his charge in relation to a more serious and a less serious charge. Mr. Legette was unaware of the penalty he could receive if he was convicted of the charges, but guessed he was facing "a lot of time." However, he knew his attorney was his best source of information regarding possible/likely sentences.

When asked for his lawyer's name, Mr. Legette stated "Fox." He stated he has met with his lawyer "a couple" regarding this case. Mr. Legette stated he trusts his lawyer and they could work together in his case. He indicated he has given his lawyer his side of the story. He was aware of the confidential nature

AMH

of the communication between him and Mr. Fox. Mr. Legette stated he had not experienced difficulties communicating with his lawyer. However, he was concerned his was not being as available to him as he would like. He stated his lawyer's role was "to be for me," but he was concerned Mr. Fox would "talk against me, because he don't talk to me the right way." Mr. Legette was unable to clarify what he meant by "talk to me right." He knew his lawyer was for him and hoped Mr. Fox wanted him to be found not guilty.

Mr. Legette was educated on the pleas and consequences of the pleas available in court. He was able to correctly define the pleas in his own words. He defined guilty as "You did it" and not guilty as "You ain't did it." Mr. Legette knew that pleading guilty means "They give you time." He stated he did know what not pleading not guilty means. After a lot of education, he still appeared to confuse a not guilty verdict and a not guilty plea. He repeatedly stated pleading not guilty means "I go home."

Mr. Legette struggled with the use of evidence and witnesses in his court case. He defined evidence as "video camera, fingerprints." Mr. Legette define a witness as "somebody that say they seen something." He appeared to be unable to articulate how someone could be called to be a witness. Nor could he name anyone who could be a possible witness against him. Moreover, Mr. Legette was unable to demonstrate he knew how to evaluate the importance of evidence and witnesses. However, he knew his lawyer was his best source of information regarding possible evidence and witnesses in his case.

Mr. Legette was unfamiliar with the roles of the various court officials. He was educated about the roles of the judge, the solicitor, and the jury. After education, he was unable to demonstrate he understood the adversarial nature of the courtroom situation. He stated the solicitor was for him, but stated he would want him to be found *guilty*. But he also stated the judge would be against him. He was educated again on these roles. After the third round of education, Mr. Legette stated the judge's responsibility was "to do punishment." However, he stated it would be the solicitor or his lawyer who would determine if he was guilty or not. He could name some of the penalties at the judge's disposal (prison time and house arrest). However, he was unable to provide more than minimal details about how these sentences would be carried out and what his responsibilities would be if he was sentenced to probation or/and house arrest.

Mr. Legette was able to state the importance of appropriate courtroom behavior.

Conclusion:

Mr. Legette appears to meet the criteria for a diagnosis of Intellectual Disability, which requires concurrent deficits in intellectual and adaptive functioning, present during the developmental period. He was educated in a self-contained special education class for students with Intellectual Disability. In addition, he receives SSDI Benefits. The diagnosis is provisional because Mr. Legette has not been reevaluated by DDSN to confirm his eligibility for DDSN services.

Mr. Legette endorsed using cannabis "a lot." He reported having difficulty quitting and used more than he intended to use. Consequently, a diagnosis of Cannabis Use Disorder, in a controlled environment; is offered at this time. The specifier "in a controlled environment" is appropriate when access to substances is limited due to incarceration.

Regarding his capacity to understand the proceedings against him, Mr. Legette appeared able to demonstrate an understanding of his charges. He knew there is potential punishment associated with the charges. However, Mr. Legette lacked rational understanding of the legal proceedings, plea options, and the ability to weigh evidence to inform decisions. He was unable to rationally weigh the strength of the

evidence in his case, such as potential witnesses and whether he made a statement to the police. Moreover, he was unable to identify and weigh evidence without significant prompting and leading from the examiners to discuss the advantages and disadvantages of possible pleas and plea bargains. More often than not, he was unable to demonstrate comprehension and/or retention and recall of newly-presented information that was broken down into simple explanations.

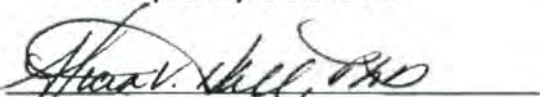
Regarding Mr. Legette's capacity to assist his attorney in his defense, despite considerable effort at providing simple factual information about competency-related matters, more often than not, he did not demonstrate the ability to retain newly-presented material. Mr. Legette's inability to comprehend or retain newly-presented material impairs his capacity for reasoned decision-making regarding plea options and/or plea bargains. These deficits indicate Mr. Legette lacks sufficient ability to rationally consider defense strategies, which would impair his ability to adequately assist his attorney in his defense.

While Mr. Legette appears to appreciate the gravity of his legal situation, he appeared unable to demonstrate even a rudimentary understanding of legal proceedings due to his Intellectual Disability. He was unable to demonstrate an ability to learn and understand the new information presented to him. In addition, he was unable to exhibit the ability to use information to make reasonable decisions. Thus his ability to cooperate with his attorney in his defense and to participate meaningfully in a trial is compromised. Given his lack of improvement during the education sessions in the evaluation and his level of intellectual functioning, it is opined Mr. Legette is not competent to stand trial and it is unlikely he will be restored in the near future.

We therefore respectfully offer the following opinions:

Presence of Intellectual Disability/ Related Disability
Presence of Mental Illness
Competency to Stand Trial

Yes, Provisional
Yes
No



Alicia V. Hall, Ph.D.
Chief Psychologist
State-Level Psychological Examiner
SC License # 1068
SCDDSN Central Office

Date signed: 4/3/2023



Declaration of Donna S. Maddox, M.D.
July 19, 2023

1. I am a Forensic Psychiatrist licensed to practice medicine in the State of South Carolina.
2. I have been qualified as an expert in Forensic Psychiatry in South Carolina Courts of General Sessions and Common Pleas approximately 850 times.
3. I was contacted by Solicitor Nancy Livesay of the 15th Judicial Circuit in May of 2023 to review reports, discovery and other documents regarding defendant Craig Legette.
4. I asked to evaluate Mr. Legette but was informed by Ms. Livesay that my request was initially denied.
5. A hearing was held before the Honorable G. Thomas Cooper and an order was issued granting permission for the undersigned to evaluate Mr. Legette at the J Reuben Long Detention Center in Horry County.
6. A 90-minute evaluation of Mr. Legette occurred on 7/19/23. His attorney Eric Fox was present for the evaluation.
7. I reviewed the following documents:
 - a. Driver's license and 3-year driver record
 - b. Transcript of record 8/11/22
 - c. Report of Investigation 8/26/20. Det. Ken Marcus
 - d. Investigation report Jeanette Deshields 6/14/13
 - e. Investigation report Akira White 6/14/23
 - f. Investigation report Agent Melanie Smith 6/14/23
 - g. Investigation report Oneal Williams 6/14/23
 - h. Arrest warrants Armed Robbery, Kidnapping, ABHAN and Possession of a weapon 2009 (victim Oneal Williams)
 - i. Sentencing Sheets ABHAN 2010 Possession Weapon, 2010, Unlawful Possession of a Pistol 12/4/19, and Dueling 12/4/19.
 - j. Warrant Violation of Probation November 4, 2011
 - k. Affidavit Violation of Probation 8/31/15 (A Smith, not pay fees).
 - l. Termination of Probation 9/10/15.
 - m. Rap Sheet
 - n. Axon Body 2 cam video_2019-0109_1629
 - o. Video footage of shooting
 - p. Autopsy Kentrell Ferguson 8/27/21
 - q. DDSN/DMH Forensic Evaluation 4/3/23
 - r. Recorded jail telephone Calls to Roger Legette
 - s. Reports for misconduct in detention 11/9/21 (chair, threatening staff) , 2/2/13 (fight)
 - t. Email from Emily Gottfried, Ph.D. 4/3/22
 - u. Report of Emily Gottfried, Ph.D. 6/21/22
 - v. Transcript guilty plea 12/4/19
 - w. DDSN competency to stand trial instrument 3/24/23
 - x. Transcript of record 8/11/22
8. I interviewed Mr. Legette's second cousin, Ernest Vereen on 6/20/23.

9. I interviewed Mr. Legette's former probation officer, Agent Melanie Smith on 6/23/23.
10. I interviewed Mr. Legette's former probation officer, Agent Anthony Smith on 6/23/23.
11. I listened to a 7-minute recorded telephone conversation between Monique Alston and Investigator Brad Townsend.
12. Mr. Legette has had extensive prior experience in the legal system. He even had an alias.
13. He had interactions with Family Court including a CDV charge in 1999, a Burglary first charge in 1998 and a Truancy charge in 1996.
14. In her report dated 6/21/22, Dr. Emily Gottfried reported that Mr. Legette reported numerous fights and suspensions from school. He provided similar history to the undersigned. He added that he was picked on in school which lead to the fighting. He stated other students called him "stupid" and "retarded."
15. He initially reported to the undersigned that he could not read or write but then later mentioned that he reads the Bible. He added he knows some words.
16. Review of his Rap sheet indicates he was convicted of ABHAN and sentenced to 5 years, suspended to 3 years' probation on 5/29/03.
17. He was convicted of ABHAN on 11/14/07 and sentenced to 160 days.
18. He was found guilty of Simple Assault on 1/28/09 after a Bench Trial.
19. He was convicted of ABHAN and Possession of a Weapon on 3/10/10 and sentenced to 10 years, suspended to 3 years and 5 years' probation.
20. Records from 2010 indicate Jerome Sherman (aka Craig Legette) was sentenced to 10 yrs suspended to 3 years and 5 years' probation by the Honorable Larry Hyman. He pleaded guilty to ABHAN and Possession of an Unlawful Weapon. His attorney was James Galmore. The victims were Oneal Williams and Tyrone Moore. The offense occurred on 12/6/08. The warrants indicate he and a codefendant held a knife to Mr. Williams' throat and stole \$20, cigarettes and a Pepsi.
21. Records from 2011 indicate Mr. Legette violated the terms of his probation. He was in arrears on funds and had failed to report since April 2011.
22. He violated the terms of his probation again in 2015. Agent Anthony Smith reported Mr. Legette had not paid his fees. His probation was reduced to time served and his fee was waived on 9/10/15.
23. His Rap sheet indicates he was charged with Possession of a Weapon (1/9/19) and sentenced to 5 years, suspended service of 128 days and 3 years of probation.
24. His Rap sheet indicates he was charged with Dueling and Possession of a Weapon (5/24/19) and sentenced to 5 years, with suspended service of 128 days and 3 years of probation.
25. He has been reported while detained including threatening to throw a chair at female staff because recreation was 8 minutes late (11/9/21) and a fight where he injured another detainee (2/2/13).
26. During his detention, Mr. Legette made numerous calls to Roger Legette. In call 10.61.0.214ff7, Mr. Legette reports he feels he is being rushed to trial, he is getting evaluated again on Monday, said his lawyer looked bad in the bond hearing, discussed his 100k bond, said the police department has a vendetta against him and that his lawyer said he might win his case based on a lack of evidence. His affect was angry but not depressed, contrary to the depressive symptoms he reported to the DDSN examiners

the following week. In a call F520, Mr. Legette discussed concerns about people cooperating with the investigation and asked Roger to call Pops. Mr. Legette was careful enough to not provide information that could be recorded, but inquired whether he Pops should give an affidavit. On call 97b8, he stated he had **been reading** and wanted to know what probable cause they had to search his residence. He also stated the judge committed perjury. On call 37c8, he discussed his motion to release counsel. On 5850, he discussed that Horry uses facial recognition. He discussed this in context of identifying him in the video footage. He discussed the still shot they had of him. On call 64fb, he discussed a friend who was charged with murder and had five codefendants. In a call to Roger Legette on 6/15/22, he discussed being served with an Indictment for Possession of a Stolen Firearm. He discussed his use of claiming jurisdiction will cause him to be placed in handcuffs and taken to court.

27. Mr. Legette frequently stated he did not understand the proceedings which is not the usual presentation for individuals with Intellectual Disability. More commonly, individuals with Mild Intellectual Disability try to hide their deficits.
28. While Mr. Legette was cooperative, he gave a poor effort on two tests including the Luria exam and a test of memory. He feigned a wrong answer on the memory test.
29. Mr. Legette was depressed and tearful in the interview. He reported feeling **overwhelmed that other detainees with similar charges have received lighter sentences than 25 years.** He also reported confusion when his brother advises him one way and his attorney another.
30. Mr. Legette has symptoms of Post-Traumatic Stress Disorder secondary to a gunshot wound and witnessing the death of a cousin. He reports feeling "nervous" in certain circumstances. He stated he once jumped from a two-story building and fractured his right ankle because he became "nervous" and thought someone would harm him. He reported he felt "nervous" on the evening of the offense.
31. Mr. Legette does not want medications for his depression or PTSD. He stated the medications make him feel dizzy.
32. Mr. Legette has a number of significant environmental stressors including the deaths of multiple family members, the current mental state of his brother who has been his legal advisor, and his report that one of the witnesses who could help him has died.
33. During his evaluation, he demonstrated the capacity to learn new information and apply it to his circumstance.
34. He remains self-protective.
35. He understands the adversarial nature of the proceedings. He reported his lawyer helps him, and the solicitor "keeps" him. He did report a mistrust of judges, except Judge Culbertson, whom he remembered by name.
36. **he clearly understands the concept of plea bargaining.**
37. During his evaluation, he collaborated with his attorney, demonstrating a capacity to assist in his defense.

Conclusions:

1. Mr. Legette's legal history dates back to 1996.

2. He has previously been through numerous court proceedings during his adulthood. He has pleaded guilty to numerous felonies without his competency being an issue.
3. He had a bench trial in 2009, and therefore has prior experience with trial proceedings.
4. He has remained self-protective throughout his legal history. He exercised his Miranda rights after turning himself in on 8/31/20.
5. Collateral information obtained during his present detention indicates he has much more capacity to rationally understand these proceedings and to assist in his defense than was demonstrated during his DDSN/DMH evaluation on 4/3/23.
6. He has clearly had a pattern of conduct that has been grounds for arrest, and he has been extremely aggressive as evidenced by his numerous ABHAN convictions and **present detention center records**. He clearly has adult antisocial behavior.
7. Mr. Legette has been receiving legal counsel from his brother, Roger Legette. His brother has instructed him not to participate. Mr. Leggett has discussed jurisdiction, facial recognition, probable cause for a search, bonds, perjury, motions to dismiss counsel and obtaining affidavits of potential witnesses. During his evaluation, he reported that his brother has been moved to Kirkland because he was smoking K2. Mr. Legette stated his family told him his brother is mentally ill although he did not notice.
8. Mr. Legette does have active symptoms of mental illness including Depression and PTSD which need treatment.
9. He has a rational and factual understanding of the proceedings and the capacity to assist in his defense.

Donna S. Maddox M.D.

Donna S. Maddox, MD

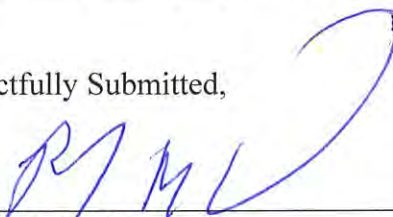
Consulting Forensic Psychiatrist

CERTIFICATE OF COUNSEL FOR APPELLANT

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

RECEIVED**Feb 05 2025****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 5th day of February, 2025.

RECEIVED

Feb 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County
Honorable G. Thomas Cooper, Circuit Court Judge
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CRAIG LEE LEGETTE,

APPELLANT

APPELLATE CASE NO. 2024-000565

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Craig Lee Legette, #325112, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 5th day of February, 2025.



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT