

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Hampton County

S.C. SUPREME COURT

Honorable J. Derham Cole, Circuit Court Judge

JOHNNIE LEE MCKNIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000106

APPENDIX

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11. continued,

(c)(5) Defendant informed counsel that Shamond Ling robbed him at a nightclub in Jasper County and that an incident report was available with law enforcement.

(6) After the State failed to provide the defense with this evidence counsel failed to hire the personnel needed to secure the evidence.

(7) After the State failed provide the defense with this evidence counsel failed to secure this evidence from Verizon Wireless.

(8) After the State failed to provide the defense with this evidence counsel failed to secure this evidence from Verizon Wireless.

(9) The State did not have a return of warrant for the HP Laptop computer and the Samsung Galaxy S6 and counsel failed to contest the evidence the State used from these devices.

(10) Counsel did not obtain the body camera videos of the two Estill Police Department officers. Cpl. Pouchprom admit that the body camera was activated from the time of the stop involving the two juveniles throughout the interview with there parents and throughout the duration of the shooting incident. R. 153, LL. 9-18.

(11) Counsel did not follow-up with EPD to obtain the names, addresses and statements of the parents of the juveniles even though they can be seen on video from the police cruiser camera.

(12) Counsel did not hold a pretrial conference with defendant regarding Gladys Roberts' testimony and she did not provide defendant with a copy of the incident report.

(13) Defendant informed counsel that Shamond Ling was arrested for a firearm and that an incident report and/or other records existed of the arrest, but counsel failed to investigate.

(14) Counsel did not attempt to secure Alydia Ling's medical records.

(15) The DSS report indicate that Alydia Ling was sexually assaulted by Wayne Ritter and counsel failed to follow-up on this issue.

(16) Counsel failed to research Dr. Schandl and failed to cross-examine her.

(17) Counsel seated Juror No. 30 whose uncle is a Chief of Police in Cottageville. R. 69, LL. 2-4; R. 78, LL. 15-17.

(18) Counsel failed to object to the State inferring that the case is about criminal sexual conduct with a minor; the context of an improper opening statement and the State eliciting the same type of testimony.

(19) Counsel failed to object to the State inferring that the case is about criminal sexual conduct with a minor in the context of an improper closing argument.

(20) Counsel failed to object to the State entering the four .223 shell casings.

11. continued,

- (c)(21) Counsel failed to object to the State entering the fired projectile purportedly from Shamond Lings Chevy Impala. The State failed to produce a proper chain of custody nor did the State provide a body camera video documenting the collection of this evidence. R.221, L.1-222, L.9; R.292, L.9-293, L.9.
- (22) After unsuccessfully arguing about the purported prior difficulty and that Gladys Roberts' testimony should be excluded, counsel failed to make a contemporaneous object during trial.
- (23) After the Court ruled on the purported prior difficulty, the State did elicit details of the purported incident and counsel failed to object to the detailed testimony. R.113, L.9-14; R.243, L.25-244, L.21.
- (24) Counsel failed to cross-examine Gladys Roberts. R.242, L.1-246, L.14.
- (25) Counsel initially objected to the use of all evidence from the blue Honda Accord but failed to make a contemporaneous object during trial. R.107, L.2-112, L.10.
- (26) Counsel made statements that indicates she did not want to represent the defendant. R.126, L.3-24.
- (27) Counsel failed to motion the Court to quash the indictment due to pre-indictment delay.
- (28) Counsel failed to object to the Court allowing the State to use the text messages without authentication or establishing a source. R.30,2-33, L.30.
- (29) Counsel failed to object to the Court allowing the State to use the text messages which constituted prior bad act propensity evidence. R.30,2-33, L.3.
- (30) Counsel failed to object to the Court allowing the state to use a photo of Alydia Ling laying in a puddle of blood with her stomach showing.
- (31) Counsel failed to object to the Court allowing the State to use a video of Alydia Ling laying in a puddle of blood with her stomach showing.
- (32) Counsel questioned Shamond Ling about his ability to see the blue Honda Accord turn around at the stop sign but failed to confront him with the photos to prove that it was impossible for him to see what he claimed from his vantage point at that time. R.191, L.1-17.
- (33) Debra Ling stated during trial "when the accident happened?" and counsel failed to expand on that testimony. R.197, L.1-2.
- (34) Counsel went through an extensive amount of questioning about the location and positioning of Alydia Ling and Debra Ling when they were in the house and established the location and position of both when Alydia Ling was purportedly shot, but failed to prove that the testimony was not true. R.206, L.8-211, L.35.
- (35) Captain Williams mentioned something about he was looking for the jacket off of the bullets on the body camera video when he was poking his finger in what appears to be bullet holes. Counsel failed to question Williams about this.

11. continued,

- (c) (36) Counsel failed to renew the motion to sequester witnesses. Cpt. Williams used other witnesses' testimony to assist in his own testimony. R. 12, L. 23-13, L. 19.; R. 306, L. 8-307, L. 1.
- (37) The photo of the fired projectile is not the same bullet that was entered as evidence at trial, but counsel failed to contest the admissibility of the fired projectile. R. 414, L. 2-9.
- (38) Counsel failed to question SLED Agent Smith about the jacketed rounds.
- (39) Counsel failed to question Agent Smith about comparing the photo of the fired projectile to the bullet entered as evidence to determine if they were the same.
- (40) Counsel completely failed to cross-examine Officer Manor.
- (41) Counsel completely failed to cross-examine Stuart Atkinson even though he mentioned the cell phone during his testimony on direct examination. R. 258, L. 14.; R. 259, L. 3.
- (42) Counsel failed to check the videos to see if Shamond Ling was truthfully. R. 185, L. 14-186, L. 17.
- (43) Counsel failed to object to the Court's improper opening statement and jury charge pressuring the jurors to reach a verdict. R. 88, L. 8-14.; R. 437, L. 25-438, L. 2.; R. 438, L. 17-20.
- (44) Counsel failed to object to the Solicitor's improper closing argument about Counsel.
- (45) Counsel failed to object to the Solicitor eliciting testimony and its improper closing argument naming the deceased unborn fetus. R. 348, L. 21-22.; R. 352, L. 25.; R. 354, L. 2-3.; R. 364, L. 24.; R. 365, L. 13.
- (46) Counsel failed to object to the Court's improper charge to jurors naming the deceased unborn fetus.
- (47) Counsel completely failed to cross-examine Dr. Schandl.
- (48) Counsel completely failed to cross-examine Dr. Schandl.
- (49) Counsel failed to motion for a mistrial and/or a new trial.
- (50) During closing argument counsel admitted to the State's contentions. R. 411, L. 4-420, L. 8.
- (51) Counsel failed to object to the State shifting the burden of proof on the defense to prove self-defense. R. 408, L. 2-410, L. 9.
- (52) Counsel failed to cross-examine Michelle Bryan about "grazes" and bullet "holes". R. 166, L. 17-22.
- (53) Counsel completely failed to cross-examine eight of the State's witnesses.
- (54) Counsel failed to request any additional jury charges when asked by the Court. R. 384, L. 24-385, L. 3.; R. 400, L. 17-24.; R. 441, L. 9-16.
- (55) Counsel failed to request any additional jury charges when asked by the Court. R. 384, L. 24-385, L. 3.; R. 400, L. 17-24.; R. 441, L. 9-16.

11. continued,
- (c) (56) Counsel failed to request any additional jury charges when asked by the Court, R. 384, LL. 21-23.; R. 400, LL. 17-24.; R. 441, LL. 9-16.
- (57) Counsel failed to object to the improper sentence imposed. R. 457, LL. 4-10.; R. 457, L. 25-458, L. 4.
- (58) Counsel failed to object to the improper implied malice jury charge. R. 430, L. 20-432, L. 20.; R. 433, L. 25-437, L. 4.
- (59) Counsel failed to object to the State's improper closing argument whereby the Solicitor changed the testimony of witnesses. R. 131, LL. 17-22.; R. 132, L. 21-133, L. 8.; R. 166, LL. 17-22.; R. 171, LL. 19-23.; R. 182, LL. 14-17.; R. 403, LL. 5-14.; R. 404, LL. 22-24.; R. 405, L. 12.
- (60) Counsel failed to object to the State's improper closing argument inferring that the defendant did not put self-defense evidence on the record; commenting on the defendant's right, not to testify and/or to remain silent. R. 408, L. 2-410, L. 9.
- (61) Appellate Counsel failed to brief the violation of defendant's due process rights to a fair trial. R. 384, LL. 11-18.
- (62) Appellate Counsel failed to brief the inadmissibility of the photo of an assault rifle. R. 107, L. 24-112, L. 10.
- (63) Appellate Counsel failed to brief the inadmissibility of all evidence from the blue Honda Accord. R. 107, L. 24-112, L. 10.
- (64) Appellate Counsel failed to brief the issue of the Court allowing the State to enter a photo of the victim. R. 165, LL. 16-166, L. 8.
- (65) Appellate Counsel failed to brief the imposition of the improper five year sentence. R. 457, LL. 4-10.; R. 457, L. 25-458, L. 4.
- (66) Trial counsel failed to request an immunity hearing.

16. continued,

(a) because trial counsel failed to make a contemporaneous objection during trial to properly reserve these issues for appeal.

(b) these grounds were not presented because trial counsel failed to make a contemporaneous objection during trial to properly reserve these issues for appeal.

(c) professional norms; 1-60, these grounds were not presented because ineffective assistance of counsel can not be raised for the first time on direct appeal.

(c) Appellate Counsel's performance was deficient and fell below professional norms; 61-65, these grounds were not presented because ineffective assistance of appellate counsel can not be raised for the first time on direct appeal.

August 19, 2022

Johnnie McKnight # 268238
McCormick Corr. Inst. F3A-278
386 Redemption Way
McCormick, S.C. 29899

Hampton County Clerk of Court
P.O. Box 7
1 Courthouse Square, Elm Street
Hampton, S.C. 29924

RE: Post-conviction Relief Application

Dear Clerk:

Enclosed please find a printout of my inmate account. I apologize as I failed to send this document with my Post-conviction Relief application, and in forma pauperis application. Please accept and file this document. Thanks for your time, patience, and assistance in this matter, I remain.

Sincerely,

Johnnie McKnight
Johnnie McKnight

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	FOURTEENTH JUDICIAL CIRCUIT
Johnnie Lee McKnight, #268238,	)	Case No. 2022-CP-25-00238
Applicant,)	
v.	)	RETURN AND PARTIAL
State of South Carolina,	)	MOTION TO DISMISS
Respondent.	)	(Counsel already appointed)

FILED
AM/PM
NOV 20 2023
MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

In response to the application for post-conviction relief (PCR) filed by Johnnie Lee McKnight (Applicant) on August 24, 2022, Respondent makes the following return and partial motion to dismiss:¹

FACTS & PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a life sentence. In September 2018, the Hampton Grand Jury indicted Applicant for two counts of murder (2017-GS-25-455, -462), three counts of attempted murder (2017-GS-25-456, -457, -458), discharging a firearm into a dwelling (2017-GS-25-459, and possession of a weapon during the commission of a violent crime (2017-GS-25-460). These charges arose from the fatal shooting of Alydia Ling and her unborn baby on August 31, 2017.²

On February 4-6, 2019, Applicant proceeded to a jury trial before the Honorable Carmen T. Mullen, where he raised self-defense. Assistant Public Defender Trasi Campbell represented

¹ Respondent's return was due to be filed within ninety days of service. See Rule 12(a), SCRPC ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within . . . 90 days if it arises out of a trial."). Having now completed the return in this matter, and in light of no demonstrable prejudice to Applicant as a consequence of any delay, Respondent respectfully asks this Court to accept this return as timely filed. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond); *Guinyard v. State*, 260 S.C. 220, 195 S.E.2D 392 (1973) (holding the statutory timeframe for filing a return is discretionary, not mandatory, and the circuit court may extend the time for filing).

² DNA testing indicated Applicant was the father of Ling's unborn baby.

Applicant, and Assistant Solicitor Hunter Swanson prosecuted the case. The jury convicted Applicant as indicted, and Judge Mullen sentenced him concurrently to life for each murder conviction, thirty years for each attempted murder conviction, ten years for discharging a firearm into a dwelling, and five years for the remaining weapon charge.

Applicant filed a direct appeal. Chief Appellate Defender Robert Dudek filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising the following issue:

Did the trial court err by admitting remote, more than two-month-old text messages between Applicant and the victim when they were going to confuse the jury, since some of them threatened the decedent while others showed a warm relationship, and which invited undue prejudicial speculation?

The Court of Appeals dismissed pursuant to Anders. Applicant filed a pro se Petition for Rehearing, which was denied. Applicant also filed a pro se Petition for Writ of Certiorari, which was dismissed. The remittitur was sent September 24, 2021.

SUMMARY OF TRIAL TESTIMONY

At trial, Officer Marcus Miller testified he responded to a shooting on August 31, 2017. He recalled hearing a series of shots in "rapid succession." When he arrived, Shamond Ling, the victim's brother, was outside yelling, "He shot my sister. He shot my sister. . . . It was Johnnie Mack." (Tr. 134-35). Officer Zatch Pouchprom testified he also responded to the scene and spoke with Ling, who stated Applicant was driving a blue Honda and had "opened fire" in front of the Ling home. (Tr. 151-56). Police recovered several shell casings from the scene. (Tr. 162). Michelle Bryan, a paramedic, testified she responded and found a young pregnant woman lying on her back in the door of the home; she did not have a pulse. (Tr. 164).

Ling testified he lived with his mother and the sixteen-year-old victim. (Tr. 170-71). He recalled standing outside that evening when Applicant pulled up in a blue Honda and told the victim

to get in the car. Ling stated he told the victim to go outside. He testified Applicant pulled away but then returned "yelling and raging" and began shooting. (Tr. 171).

The victim's mother, Deborah Ling, testified the victim had been in a relationship with Applicant, who was much older than the victim. (Tr. 197-99). She testified Applicant passed their home in a Blue Honda; thereafter, he returned to their home and began cursing outside. She stated she was standing near her "not far from the door" when she was shot. (Tr. 202-03).

Officer Alex Williams testified law enforcement located Applicant's Honda, which had a bullet hole in the right driver's side door. (Tr. 282-83). Jennifer Nates, an expert in trace analysis and gunshot residue analysis, testified she found particles of gunshot residue on the Honda's gear shift, driver's door, and steering wheel. (Tr. 340-41).

Gladys Roberts, a close family friend, testified about a prior altercation between victim and Applicant. According to Roberts, she and the victim were sitting outside when Applicant pulled up. (Tr. 244). Thereafter, Applicant ran through the house arguing with the victim. He grabbed her hair and swung about three times before Roberts intervened. Roberts stated Applicant retrieved a black gun from his car, pointed it at Roberts, and threatened to kill her. (Tr. 243-244).

Dr. Cynthia Schandl, the forensic pathologist, testified the victim had a single gunshot wound that entered her left cheek and exited the side of her neck, severing her spinal cord. (Tr. 349). Dr. Schandl was unable to determine the position of the body. She opined that based on the absence of skin abrasions or soot, the gun was either three feet or more from the victim or it went through an intermediate object before hitting the victim. (Tr. 349-51).

Agent Viann Brantley recovered text messages from Applicant's phone. The texts included messages such as, "We done, yo. That crack head can have you."; "Die, birth; die, bit**."; "I hate you, bit**."; and "Bit**, you done." (R. 323-26). On cross-examination, Brantley identified other

messages that read, "Somewhere loving you," "Good morning, my beautiful lady," and "Bae, I love you" (R. 328-30).

CURRENT PCR APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following:

a. Trial Court abused its discretion by:

1. Denying Applicant's right to self-representation;
2. Denying Applicant's Motion to Dismiss despite making the trial unfair through *inter alia* obstruction of justice by the State's main witness, lack of integrity in the investigation, loss and/or destruction of evidence, and Brady violations;
3. Partially granting motion to sequester witnesses but refusing to sequester all witnesses;
4. Failing to conduct proper inquiry of purported prior difficulty and allowing State to elicit detailed testimony;
5. Failing to rule on or conduct proper inquiry into State's lack of establishing chain of custody on blue Honda Accord and allowing State to use evidence from said vehicle;
6. Failing to rule on or conduct proper inquiry into the State's lack of establishing source for or authenticity of photo of firearm – ie proof it is an actual firearm and not a toy, proof the photo was taken by defendant's phone and not downloaded from the internet or forwarded from another source;
7. Failing to conduct proper inquiry into State's lack of establishing the source for or authenticating text messages and allowing the State's use of those messages;
8. Failing to conduct an on-the record analysis of prior bad act evidence in the form of text messages and allowing the State's use of those text messages;
9. Making an improper reference in jury charge by naming the deceased unborn fetus "Baby Boy Ling," thereby arousing the passion, sympathy, and prejudice of the jurors;

10. Making numerous improper references in opening statement and jury charge; the Court having already ruled that such language should be removed because it suggests that a verdict be reached by impermissible basis;
11. Giving an improper implied malice charge to jurors that should be excluded when a self-defense charge is given;
12. Making several improper statements pressuring jurors to reach a verdict by suggesting that once they reached an unanimous verdict, only then could they leave.
13. Allowing the State to use a very horrendous photo calculated to arouse the passion, sympathy, and prejudice of the jury;
14. Allowing the State to use a very horrendous video calculated to arouse the passion, sympathy, and prejudice of the jury.
15. Improperly sentencing defendant to five years for possession of a firearm during a violent crime despite sentencing him to life for murder, in violation of section 16-23-490(A) of the South Carolina Code;
16. Failing to order the State to produce all pertinent evidence, specifically, a purportedly lost cell phone, phone records, fired projectiles from the Ling residence, and a fired projectile from the blue Honda Accord that has a significant role in defendant's defense, said evidence being material to innocence or guilt;

b. Prosecutorial Misconduct:

1. Violating Brady by failing to provide defendant with the body camera video of Officer Marcus Miller; and the names and statements of the witnesses (i.e. parents of juveniles) on the video; and the video of Corporal Zatch Pouchprom;
2. Violating Brady by failing to provide defendant with records from a phone that the State purportedly lost;
3. Violating Brady by failing to provide defendant with records from Verizon Wireless for a phone the State purportedly lost;
4. Violating Brady by failing to provide defendant with records from Alydia Ling's phone;
5. Violating Brady by failing to provide defendant with records from Verizon Wireless for Alydia Ling's phone;
6. Making improper opening and closing argument about Alydia Ling's age and relationship with defendant, defendant's age and

paternity of unborn fetus, all calculated to arouse the passions, sympathy, and prejudice of the jury;

7. Eliciting testimony from several witnesses about Alydia Ling's age and purported relationship with defendant, and paternity of unborn fetus and defendant's age, all calculate to arouse the passions, sympathy, and prejudice of the jury;

8. Unnecessary pre-indictment delay of over one year from defendant's arrest until he was indicted;

9. Making improper reference in closing argument by naming the deceased unborn fetus "Baby Boy Ling," calculated to arouse the passions, sympathy, and prejudice of the jury;

10. Eliciting detailed testimony from Gladys Robert about a purported prior difficulty after the Court ruled that the details should be excluded;

11. Making improper statements during closing argument changing the testimony of witnesses and confusing jurors, thereby causing a verdict on impermissible basis of incorrect information;

12. Making improper references during closing argument that denigrates the integrity of trial counsel and impugning the institutional role of defense counsel with statements about counsel's devious intentions to mislead the jurors;

13. Making several improper references in closing argument that shifted the burden of proving self-defense to the defendant;

14. Making several improper references in closing argument about what is not in evidence; a direct comment toward or inference to the defendant not testifying because defendant was the only person who could put self-defense testimony into evidence;

15. Entering a horrendous and prejudicial photo of Alydia Ling calculated to arouse the passions, sympathy, and prejudice of the jury;

16. Entering a horrendous and prejudicial video of Alydia Ling calculated to arouse the passions, sympathy, and prejudice of the jury;

17. Losing or destroying evidence, i.e. a purportedly lost cell phone, fired projectiles from the Ling's residence, a fired projectile from the blue Honda Accord and the two body camera videos from Estill Police Department in bad faith; said evidence having exculpatory value that was apparent before the evidence was lost or destroyed and the defendant cannot obtain other evidence of comparable value by other means;

18. Violating Brady by failing to provide defendant with the fired projectiles from the Ling's residence and the fired projectile from the blue Honda Accord and/or the test results therefrom;

c. Ineffective assistance of counsel:

1. Failing to interview witnesses from the area of the incident and specifically 911 callers;
2. Failing to hire the appropriate personnel to secure fired projectiles from the Ling's residence;
3. Failing to hire the appropriate personnel to secure the fired projectiles from the blue Honda Accord;
4. Failing to conduct a thorough pretrial conference with the defendant in preparation of trial;
5. Failing to investigate an incident whereupon Shamond Ling robbed the defendant at a nightclub and obtain a copy of the incident report;
6. Failing to hire the appropriate personnel to conduct an extraction of Alydia Ling's I-phone;
7. Failing to obtain records from Verizon Wireless for Alydia Ling's I-phone;
8. Failing to obtain records from Verizon Wireless for a cell phone number purported to be defendant's cell phone number;
9. Failing to contest the admissibility of evidence obtained from a Samsung Galaxy S6 an HP Laptop computer on the ground that the State lacked a return of the warrants;
10. Failing to obtain the body camera videos of Officer Marcus Miller and Corporal Zatch Pouchprom from the interviews with the parents of the juveniles at the Estill Police Department;
11. Failing to interview and obtain statements from the witness (i.e., the parents of the juveniles) and subsequently having subpoenas issued for these witnesses' presence at trial;
12. Failing to confer and provide the defendant with a copy of the incident report of Gladys Roberts about a purported prior difficulty;
13. Failing to investigate an incident whereupon Shamond Ling was arrested in connection with the unlawful carrying or possession of a firearm and obtain a copy of all records associated with this incident;
14. Failing to investigate and subpoena Alydia Ling's medical record;

15. Failing to investigate and obtain any information on Wayne Ritter;
16. Failing to investigate Dr. Cynthia Schandl and review prior cases for which she testified;
17. Selecting a juror who is partial to law enforcement; which has a close relative in law enforcement;
18. Failing to object to the State's opening statement that improperly referenced Alydia Ling's age and purported relationship with the defendant, and defendant's age and paternity of unborn fetus, inferring the case being about the aforementioned, all calculated to arouse the passions, sympathy, and prejudice of the jury;
19. Failing to object to the State's closing argument that improperly referenced Alydia Ling's age and purported relationship with defendant, and defendant's age and paternity of unborn fetus, inferring the case being about the aforementioned, all calculated to arouse the passions, sympathy and prejudice of the jury;
20. Failing to object to the State entering the four .223 shell casings into evidence because of the contaminated crime scene and an improper chain of custody;
21. Failing to object to the State entering the fired projectile purportedly retrieved from near Shamond Ling's Chevy Impala because of the contaminated crime scene and an improper chain of custody;
22. Failing to object to the testimony of Gladys Robers on the grounds that the Court failed to conduct an on-the-record analysis of this purported prior difficulty, which constitutes a prior bad act; the testimony was more prejudicial than probative; and confuses the issues before the jury;
23. Failing to object to the State eliciting the details from Gladys Roberts about a purported prior difficulty after the Court ruled that the details should be excluded;
24. Failing to cross-examine Gladys Roberts in an attempt to mitigate, refute, or contest the testimony about a purported prior difficulty;
25. Failing to object to and/or renew objection to the use of, mentioning of, or the entering of all evidence from the blue Honda Accord on the ground that the State failed to establish a chain of custody on the vehicle;

26. Making an improper opening statement and closing argument implying that Trasi Campbell did not want to represent the defendant but that she was forced to do so;
27. Failing to motion the Court to quash the indictment for the State's unnecessary and unreasonable pre-indictment delay of over one year from defendant's arrest until he was indicted;
28. Failing to object to the Court allowing the State to use text messages without the Court conducting a proper inquiry into the State's lack of establishing the source for or authenticating the text messages;
29. Failing to object to the State's use of text messages on the ground that the Court failed to conduct an on-the-record analysis of this prior bad act evidence; the text messages confuses the issues before the jury; and they were more prejudicial than probative; prior bad act propensity evidence;
30. Failing to object to the State entering a very horrendous, irrelevant, unnecessary and severely prejudicial photo of Alydia Ling calculated to arouse the passions, sympathy, and prejudice of the jury;
31. Failing to object to the State entering a very horrendous, irrelevant, unnecessary and severely prejudicial video of Alydia Ling calculation to arouse the passions, sympathy, and prejudice of the jury;
32. Failing to confront Shamond Ling with photos that proves he lied about his ability to see the blue Honda Accord turn around at the stop sign, thereby committing perjury;
33. Failing to address and/or expand on, during cross-examination of Debra Ling about her testimony regarding an accident happened;
34. Bolstering the State's case by asking if Alydia Ling was shot while in the house but failing to establish that it was impossible for Alydia to have been shot through the left side from the angle indicated by Debra Ling;
35. Failing to question Captain Williams about jacketed rounds that he mentioned in a body camera video;
36. Failing to renew motion to sequester witnesses and object to Captain Williams' prepared testimony after he heard other witnesses' testimony, which allowed him to use their testimony to assist in his own testimony and helped to bolster the State's case;

37. Failing to object to and contest the admissibility of a fired projectile purportedly from the Ling's residence that is different from the fired projectile photographed at the scene;
38. Failing to cross-examine SLED Agent Smith about jacketed rounds (ammunition);
39. Failing to cross-examine SLED Agent Smith about comparing Exhibit 44 (i.e., the purported fired projectile from the Ling's residence) to the photograph of the fired projectiles to be the same; considering the visual lands and groves on the photographed fired projectile versus no lands and groves being visible on the fired projectile entered as Exhibit 44;
40. Failing to cross-examine a material fact witness (Officer Manor) and especially about if he was wearing a body camera and recorded the collection of a fired projectile;
41. Failing to cross-examine a material fact witness (Stuart Atkinson), especially about the location of a cell phone that the State has a photograph of but claims not to have the phone or knowledge of its location;
42. Failing to re-analyze body camera videos to ascertain if Shamond Ling was truthful about the location of where he claims to have placed his gun and shoulder holster in his room;
43. Failing to object to the Court's improper jury charge pressuring jurors to reach a verdict by suggesting that once they reached a unanimous verdict by all twelve jurors, only then would they be allowed to leave;
44. Failing to object to the State making improper references during closing argument that denigrates the integrity of trial counsel and impugns the institutional role of defense counsel with statement's about counsel's devious intentions to mislead the jurors;
45. Failing to object to the State's improper closing argument whereupon the solicitor named the deceased unborn fetus "Baby Boy Ling," calculated to arouse the passions, sympathy, and prejudice of the jury ;
46. Failing to object to the Court's improper charge to jurors, whereupon the judge named the deceased unborn fetus "Baby Boy Ling," calculated to arouse the passions, sympathy, and prejudice of the jury;

47. Failing to cross-examine Dr. Cynthia Shandl, especially about if fragments of jacketed round was found in the bullet wound during Alydia Ling's autopsy;
48. Failing to cross-examine Dr. Cynthia Shandl, especially about the discrepancy with the pregnancy of Alydia Ling being more than nine months of gestation (i.e., 38-39 weeks);
49. Failing to move for a mistrial and/or a new trial based upon the cumulative error doctrine due to the numerous errors before and during trial;
50. Bolstering the State's case by doing the equivalent of testifying for the defendant during closing argument, admitting to the State's contentions and theory and also failing to establish the record to support any facts that even suggest self-defense;
51. Failing to object to the State making several improper references in closing argument that shifts the burden of proving self-defense to the defendant;
52. Failing to object to or mitigate or refute improper, speculative testimony from Michell Bryan about "grazes" or bullet "holes" in the screen door and doorframe of the Ling's residence; she is not law enforcement nor an expert on such;
53. Failing to cross-examine, refute, contest, or mitigate eight of the State's witnesses;
54. Failing to request an adverse inference jury charge because of the loss and/or destroyed evidence by the State;
55. Failing to request a charge on spoliation because of the loss and/or destroyed evidence and the contaminated crime scene;
56. Failing to request an involuntary and voluntary manslaughter charge of the jury;
57. Failing to object to the imposition of a five years sentence for possession of a firearm during a violent crime despite the Courts sentencing the defendant to murder, which violates section 16-23-490(A) of the South Carolina Code;
58. Failing to object to the Court improperly charging the jurors on implied malice with should be excluded as a jury charge when self-defense is charged to the jury;
59. Failing to object to the State making improper statements during closing argument changing the testimony of witnesses and confusing

jurors, thereby causing the jury to reach a verdict on an impermissible basis of incorrect information;

60. Failing to object to the State making several improper references in closing argument about what is not in evidence; a direct comment toward or inference to the defendant not testifying because defendant was the only person who could put direct self-defense testimony into evidence;

61. Failing to request and/or motion the Court for an immunity hearing.³

d. Ineffective assistance of appellate counsel:⁴

1. Failing to brief on appeal the violation of Defendant's' right to a fair trial was severely impaired due to the lack of integrity in the investigation, loss, and/or destroyed evidence, obstruction of justice by the State's main witness, and Brady violations, even though trial counsel renewed pretrial motions and the Court ruled on the motions;

2. Failing to brief on appeal the inadmissibility of a photo of an assault rifle from a micro SD card without said photo being authenticated and/or establishment of a source for the photo; even though counsel made an objection, renewed said objection, and the Court made a ruling;

3. Failing to brief on appeal the inadmissibility of all evidence obtained from the blue Honda Accord due to the lack of the State establishing a chain of custody for the vehicle; even though trial counsel made an objection and the Court made a ruling;

4. Failing to brief on appeal the Court allowing the State to enter a photo as evidence of Alydia Ling laying in a puddle of blood with her stomach showing; even though trial counsel made an objection and the Court made a ruling;

5. Failing to brief on appeal the Court's improper imposition of a five-year sentence for possession of a firearm during a violent crime despite the Court sentencing the defendant to life for murder, which violates section 16-23-490(A), even though the Court of Appeals allows leniency to address this issue without preservation of the issue.

³ This is listed as allegation 10(c)(66) in the application.

⁴ These are listed as allegations 10(c)(61)-(65) in the application.

As relief, Applicant requests his conviction and sentence be vacated, and/or a new trial. Attached to this return and incorporated by reference are the Hampton County Clerk of Court records regarding the subject convictions; Applicant's records from the South Carolina Department of Corrections; and Applicant's appellate records, including the trial transcript. The State reserves the right to amend this return upon receipt of any relevant materials.

PARTIAL MOTION TO DISMISS

Respondent moves pursuant to Rule 12(b)(6), SCRPC, to dismiss Applicant's claims related to trial court error. PCR is "not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction." S.C. Code Ann. § 17-27-20(b). "Allegations of trial error are not cognizable on post-conviction relief." Roscoe v. State, 345 S.C.16 546 S.E.2d 417 (2001). "[PCR] is not a substitute for appeal or a place for asserting errors for the first time which could have been reviewed on direct appeal." Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant's claims related to trial court error do not constitute a cognizable claim for PCR; thus, Respondent moves to summarily dismiss them.

INEFFECTIVE ASSISTANCE OF COUNSEL

In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that

counsel's performance was deficient. *Id.*; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Failure to Investigate

Many of Applicant's claims relate to counsel's investigation and preparation for trial. "A criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State." McKnight v. State, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008). "[W]hile the scope of a reasonable investigation depends on a number of issues, at a minimum, counsel has the duty to interview potential witnesses and to make an independent investigation of the facts and circumstances of the case." Ard v. Catoe, 372 S.C. 318, 331-32, 642 S.E.2d 590, 597 (2007). "In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Strickland, 466 U.S. at 691.

To prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses

applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46. Furthermore, an applicant must present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. at 75-76, 659 S.E.2d at 145-46. Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496,498,458 S.E.2d 538, 540 (1995)).

Reviewing courts should not lose sight of the reasonableness standard regarding counsel's duty to investigate. Ard, 372 S.C. at 331,642 S.E.2d at 597 (noting that "this duty is limited to a reasonable investigation"). Reviewing courts "should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case." Strickland, 466 U.S. at 690. Thus, in applying the Strickland standard to a claim of failure to investigate, counsel's decision not to undertake a particular investigation must be evaluated with heavy deference to counsel's judgment. Bagwell v. State, 410 S.C. 259,265,763 S.E.2d 630, 633-34 (Ct. App. 2014).

Failure to Object

Many of Applicant's claims also relate to the failure to object during trial. "Where...counsel articulates a valid reason for employing [a] certain strategy, such conduct will not be deemed ineffective assistance of counsel." Brown v. State, 375 S.C. 464, 481, 652 S.E.2d 765, 774 (Ct. App. 2007) (quoting Stokes v. State, 308 S.C. 546, 548, 419 S.E.2d 778, 779 (1992); see Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992) ("Courts must be wary of second-guessing counsel's trial tactics.")). Counsel's strategy will be reviewed under "an objective standard of reasonableness." 375 S.C. at 481, 652 S.E.2d at 774 (citing Ingle v. State, 348 S.C. 467, 470, 560 S.E.2d 401, 402 (2002)).

Leaving an issue unpreserved does not automatically constitute ineffective assistance of counsel. See Millidge v. State, 422 S.C. 366, 374, 811 S.E.2d 769, 800-01 (2018) (stating an applicant must prove both deficiency and prejudice to establish ineffective assistance of counsel for failing to preserve an issue); see also id. at 380, 811 S.E.2d at 804 (“[T]he proper inquiry for determining prejudice...is whether there is evidence in the record to support the trial court’s finding.... If so, an appellate court would necessarily have affirmed the trial court’s [ruling]....”).

Similarly, “[a]n ineffective assistance claim based on a failure to object is tied to the admissibility of the underlying evidence.” Hough v. Anderson, 272 F.3d 878, 898 (7th Cir. 2001). “If evidence admitted without objection was admissible, then the complained of action fails both prongs of the Strickland test: failing to object to admissible evidence cannot be a professionally ‘unreasonable’ action, nor can it prejudice the defendant against whom the evidence was admitted.” Id.; see Miller v. Keeney, 882 F.2d 1428, 1434 (9th Cir. 1989) (noting that if a petitioner challenges a futile objection, he fails both Strickland prongs); U.S. ex rel. Link v. Lane, 811 F.2d 1166, 1170 (7th Cir. 1987) (finding no there is no prejudice from failure to object unless there is a legally supportable argument for exclusion of the evidence).

Additionally, an appellant bears “the burden of proving he did not receive a fair trial because of [an] alleged improper argument.” Simmons v. State, 331 S.C. 333, 338, 503 S.E.2d 164, 166 (1998) (citing Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997)). “Improper comments do not automatically require reversal if they are not prejudicial to the defendant.” Id.; State v. Copeland, 321 S.C. 318, 468 S.E.2d 620 (1996). “The relevant question is whether the prosecutors’ comments ‘so infected the trial with unfairness as to make the resulting conviction a denial of due process.’” Darden v. Wainwright, 477 U.S. 168, 181, 106 S. Ct. 2464, 2471 (1986).

Request for evidentiary hearing

Respondent's allegations of ineffective assistance of counsel likely raise questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983) (providing an evidentiary hearing shall be held when a PCR application "alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court").

INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

Applicant has also made many allegations regarding appellate counsel's performance. Just as a defendant is entitled to effective representation during his general sessions proceeding, a defendant is also entitled to effective assistance of appellate counsel. Tisdale v. State, 357 S.C. 474, 476, 594 S.E.2d 166, 167 (2004) (citing Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999)). To prevail on a claim of ineffective assistance of appellate counsel, an applicant must establish both deficiency and prejudice as outlined above. Southerland, 337 S.C. at 616, 524 S.E.2d at 836. If an applicant can establish both deficiency according to professional norms and prejudice to the extent that he would have been successful on appeal, he is entitled to a new trial. Ezell v. State, 345 S.C. 312, 316, 548 S.E.2d 852, 854 (2001); Southerland, 337 S.C. 615-16, 524 S.E.2d at 836; see also Simpkins v. State, 303 S.C. 364, 401 S.E.2d 142 (1991) (post-conviction relief of a new trial granted based on appellate counsel's failure to raise an issue on appeal that constituted reversible error).

Although ineffective assistance of appellate counsel claims for failure to raise a particular issue on direct appeal can be successful, the United States Supreme Court has reiterated that it is "difficult to demonstrate that counsel was incompetent." Smith v. Robbins, 528 U.S. 259, 288 (2000). While appellate counsel is required to provide effective assistance of counsel, "appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302

S.C. 535, 539, 397 S.E.2d 523, 526 (1990) (citing Jones v. Barnes, 463 U.S. 745 (1983)). "For judges to second-guess reasonable professional judgments and impose on . . . counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy . . ." Jones, 463 U.S. at 754. Additionally, our South Carolina Supreme Court has expressly rejected the notion that appellate counsel has an obligation to raise all meritorious issues on appeal. Tisdale, 357 S.C. at 476, 594 S.E.2d at 167. "Generally, only when ignored issues are clearly stronger than those presented, will the presumption of effective assistance of counsel be overcome." Smith, 528 U.S. at 288 (quoting Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986)).

Respondent submits that this ground for relief is without merit; however, these allegations probably raise questions of fact that are not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this ground for relief.

PROSECUTORIAL MISCONDUCT

Additionally, Applicant has made several allegations of prosecutorial misconduct under Brady.⁵ Brady requires the State to disclose evidence in its possession favorable to the accused and material to guilt or punishment. Clark v. State, 315 S.C.385, 388, 434 S.E.2d 266, 268 (1993). A Brady claim is based upon the requirement of due process. Such a claim is complete if the accused can demonstrate (1) the evidence was favorable to the accused, (2) it was in the possession of or known to the prosecution, (3) it was suppressed by the prosecution, and (4) it was material to guilt or punishment. Gibson v. State, 334 S.C. 515, 524, 514 S.E.2d 320, 324 (1999). Impeachment or exculpatory evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. Clark, 315 S.C. at 388, 434 S.E.2d at 268 (citing U.S. v. Bagley, 473 U.S. 667 (1985)).

⁵ Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.E.2d 215 (1963).

Respondent submits that this ground for relief is without merit; however, these allegations probably raise questions of fact that are not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this ground for relief.

FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY

Respondent requests Applicant specify any claims he intends to raise at the evidentiary hearing in advance of the hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCF.

Pursuant to section 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

ALL OTHER ALLEGATIONS

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

[Conclusion and signature page follows]

CONCLUSION

WHEREFORE, the State respectfully requests this Court convene an evidentiary hearing be held on Applicant's allegations of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

DANIELLE DIXON
Assistant Attorney General

By:  _____

Danielle Dixon
ATTORNEYS FOR RESPONDENT
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P.O. Box 11549
Columbia, S.C. 29211

November 17, 2023

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HAMPTON)
)
)
)
 Johnny Lee McKnight, #268238)
)
)
)
 Applicant,)
)
 vs)
)
 State of South Carolina,)
)
)
 Respondent,)
)
 _____)

IN THE COURT OF COMMON PLEAS

2022-CP-25-00238

CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Respondent’s Return and Partial Motion to Dismiss in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Chelsey Faith Marto, Esquire
The Law Office of Chelsey F. Marto
Post Office Box 8795
Columbia, SC 29201

DATED this 17th day of November, 2023.



 Vickie Hall, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
2022-CP-25-00238

Johnnie McKnight,)
)
 Plaintiff,)
)
 vs.)
)
 State of South Carolina,)
)
 Defendant.)
-----)

TRANSCRIPT OF HEARING

May 7, 2024
Beaufort, South Carolina

B E F O R E:

The Honorable Derwin Cole, Judge Presiding

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

For the Applicant -
Chelsea Marto, Esquire

For the State -
Danielle Dixon, Esquire

Cathy L. Young, CVR-M
Official Circuit Court Reporter
Post Office Box 4604
Beaufort, South Carolina 29903

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No exhibits were introduced.

1 P R O C E E D I N G S

2 * * * * *

3 THE COURT: Ms. Dixon?

4 MS. DIXON: May it please the Court?

5 THE COURT: Yes.

6 MS. DIXON: I'm Danielle Dixon, Assistant
7 Attorney General for the State of South Carolina.
8 This is the case of Johnnie Lee McKnight v. State,
9 Docket Number 2022-CP-25-238. Mr. McKnight is
10 currently serving a life sentence. In September
11 2018, he was indicated by the Hampton County Grand
12 Jury for two counts of murder, those are Indictment
13 numbers 2017-GS-25-455 and 462; and three counts of
14 attempted murder, those are Indictment Numbers 2017-
15 GS-25-456, 457 and 458. He was also indicted for
16 discharging a firearm into a dwelling, that's
17 Indictment Number 2017-GS-25-459, and possession of
18 a weapon during the commission of a violent crime,
19 which is 2017-GS-25-460. These charges arose from
20 the fatal shooting of his girlfriend at the time,
21 Alydia Ling and her unborn baby on August 31st,
22 2017. He proceeded to a jury trial February 4th
23 through 6th, 2019, before the Honorable Carmen T.
24 Mullen, and he argued self-defense. He was
25 represented by Trasi Campbell, and Solicitor Hunter

1 Swanson prosecuted the case. He was convicted as
2 indicted and sentenced to life. He filed a direct
3 appeal which was perfected by Chief Appellate
4 defender, Bob Dudek, who filed a brief pursuant to
5 *Anders v. California*. It was dismissed pursuant to
6 *Anders*, and the remittitur was sent September 24th,
7 2021. He has now filed this application for PCR,
8 Your Honor. In his original pro se application
9 raised, by my best count, more than 100 allegations.
10 He has now filed an amended application raising
11 various claims of ineffective assistance of counsel,
12 prosecutorial misconduct and ineffective assistance
13 of appellate counsel.

14 MS. MARTO: Judge, we would call Ms. Trasi
15 Campbell to the stand.

16 THE COURT: You're still sworn.

17 THE WITNESS: Thank you, Your Honor.

18 **Trasi Campbell,**
19 **having previously been sworn,**
20 **testifies as follows:**

21 * * * * *

22 **DIRECT EXAMINATION**

23 BY MS. MARTO:

24 Q. Good afternoon.

25 A. Hello.

1 Q. So you represented Mr. McKnight at
2 trial, right?

3 A. Correct.

4 Q. Okay. And how long did you have this
5 case before it went to trial?

6 A. So my file was opened on September 3rd,
7 2017.

8 Q. And how many times roughly did you meet
9 with Mr. McKnight?

10 A. Generally, I took very good notes, and
11 because my box was brought over here by the Public
12 Defender's Office, I can tell you that I met with
13 him eight times prior to his trial.

14 Q. Now ---

15 A. He was originally housed at the
16 Charleston County Detention Center, I met with him
17 twice there, the remainder of the times at the
18 Beaufort County Detention Center.

19 Q. And now did Mr. McKnight ever indicate
20 to you that he wanted to proceed forward pro se?

21 A. We had some conversations about that.

22 Q. And how did that -- like what did that
23 consist of, and what was the result of that?

24 A. We talked about what that would mean in
25 terms of what he would want to do or need to do.

1 Ultimately, he decided for me to represent him.

2 Q. Was this ever brought up on the record
3 in terms of ---

4 A. Not to my memory, no.

5 Q. Now, did you review the discovery with
6 Mr. McKnight?

7 A. Actually I did. I also have a copy of
8 the letter that I always provided to my clients here
9 where it says, "Please find enclosed all the
10 discovery in your case," and so that I have a record
11 that I've given them everything.

12 Q. What's the date on that letter?

13 A. February 5th, 2018.

14 Q. And do you have anything indicating
15 that you gave him Gladys Roberts' police report
16 specifically?

17 A. I don't have a specific reference to
18 that, I just know that I have a practice, again,
19 that my clients received all of their discovery.

20 Q. And so based upon your general
21 practice, you have no reason to believe that you
22 didn't give them everything; is that fair?

23 A. Correct.

24 Q. Okay, but you also have no specific
25 recollection of what was given in this case, right?

1 A. There, again, that's why I did the
2 letters, that's why I gave them everything, because,
3 generally, handling all the murders in the
4 Fourteenth Circuit, there were -- there were
5 thousands and thousands and thousands of pages of
6 materials. I can't remember a single page or two.

7 Q. Now, what did you do concerning
8 investigating the case?

9 A. Well, one of the first things my
10 investigator -- I had a -- an investigator, Bob
11 Harris, assigned just to me, again, because I was
12 handling all the murders in the Circuit for many,
13 many years. He and I went out to the location where
14 Olivia had been shot and killed, and we -- I have
15 all the photographs that Bob and I took the day we
16 were out there. We did measurements, I stood on the
17 porch trying to single the angle with which Shamond
18 could have seen Mr. McKnight coming back and forth
19 down the street. We had the Estill PD escort us
20 there, so we had a presence there. We were given
21 permission to view the home. So we spent almost an
22 entire day working at the crime scene itself, and
23 then I know that I spent an entire morning at the
24 Estill Police Department going through the boxes of
25 evidence that they had there to ensure that I had

1 everything and everything was accounted for.

2 Q. Did you investigate various
3 eyewitnesses from the general area that night?

4 A. I'm sorry, did you say eyewitnesses?

5 Q. Yeah.

6 A. Yes, I investigated those individuals
7 that were identified as being eyewitnesses, yes.

8 Q. Did you investigate the 9-1-1 callers?

9 A. You know, I listened to the 9-1-1
10 calls, and I have a note here that says they were
11 not helpful.

12 Q. They were not helpful for the defense;
13 is that correct?

14 A. That would be my interpretation of my
15 note, correct.

16 Q. Okay. Did you investigate information
17 concerning a Mr. Wayne Ritter?

18 A. Wayne?

19 Q. Yeah.

20 A. Yes.

21 Q. And what did you do concerning him in
22 particular?

23 A. Well, Wayne -- if I'm reading the
24 transcript correctly, Wayne didn't even show up for
25 trial. He was the boyfriend of Alydia's mother, and

1 he was sitting on the back porch when the shots came
2 through the house.

3 Q. Do you think he would have been ---

4 A. I don't -- no, he didn't actually see
5 the shooting taking place in the -- on the front
6 porch, and in the area right in front of the house
7 between Mr. McKnight's vehicle and Shamond Ling, the
8 victim's brother, from the porch and car area.

9 Q. Are you familiar with Dr. Cynthia
10 Schandl, I think is the way she ---

11 A. The pathologist? I am.

12 Q. And did you do any work reviewing prior
13 cases she testified in?

14 A. No. I had no reason to believe that
15 she was not a forensic expert in pathology. I
16 reviewed her CV and found her to be credible.

17 Q. Have you personally ever had her in
18 other trials that you've done?

19 A. You know, I don't -- probably.

20 Q. Yeah.

21 A. I just don't remember. I know I didn't
22 -- had no reason to consider there would be
23 something shady that might be -- you know, cast some
24 dark light upon her testimony.

25 Q. Did you obtain Alydia Ling's medical

1 records?

2 A. I have looked through the files. I
3 have EMS records, I have the Coroner's report, I
4 have the DSS records, and so those are the records
5 medically that I had and that I obtained. I don't
6 know that I had her OBGYN records from the
7 pregnancy. Again, Mr. McKnight happily admitted
8 paternity of the child.

9 Q. Now, do you have any knowledge of
10 Shamond Ling's prior robbery of applicant at the
11 nightclub?

12 A. I don't know about a prior robbery. I
13 know that Mr. McKnight and Mr. Ling had a
14 disgruntled history between the two of them, which I
15 think was brought out at trial, which was only
16 exacerbated by Mr. McKnight fathering the 15, 16-
17 year-old Alydia Ling's child. There was no love
18 loss between the two.

19 Q. Did you do any work investigating his
20 prior UCP arrest?

21 A. I'm sorry, his what?

22 Q. His prior unlawful carrying of a pistol
23 arrest?

24 A. I did. I don't have any information
25 that supports that.

1 Q. Do you think that if you had had that
2 information, it would have impacted trial?

3 A. If he'd been convicted of it.

4 Q. What conversations did you have with
5 Mr. McKnight about his decision to testify at trial?

6 A. They would have been along the same
7 lines, in other cases that I would have talked about
8 whether or not he wanted to get on the stand, open
9 himself up to cross-examination by the State. I was
10 fairly positive where we stood at the end of this
11 particular case, although we had to fight for a
12 little bit that we were going to get, because our
13 premise had always been that he had acted in self-
14 defense, that we were going to get a self-defense
15 charge. And so he waived the factors, I guess, that
16 we talked about, benefits and risks, and made his
17 decision.

18 Q. Now, you stated that the defense at
19 trial was self-defense, correct?

20 A. Correct.

21 Q. Did you request or have an immunity
22 hearing held?

23 A. No, and -- and you don't have to. And
24 if I had held an immunity hearing every -- hopefully
25 surprise that we might have had the State would have

1 been revealed, and then they would have been
2 prepared at trial.

3 Q. So is it your typical practice not to
4 seek out immunity hearings in self-defense cases?

5 A. I don't make a practice of anything.
6 I'm a prosecutor now, so I definitely don't do that,
7 but what I'm saying is, is that assessing our
8 situation individually in this case, that was not
9 something that I did.

10 Q. Now, you -- now, you didn't object to
11 the testimony of Gladys Roberts coming in, did you?

12 A. I think we had a proffer. I think we
13 proffered her testimony, and fully flushed out what
14 the heck Gladys was going to testify to, and -- and
15 then it was deemed admissible, and we went forward
16 from there.

17 Q. Do you recall if you contemporaneously
18 objected?

19 A. I don't remember if I did.

20 Q. Would you say that the transcript is
21 the best resource?

22 A. Oh, yeah.

23 Q. Okay.

24 A. The transcript would -- would -- I
25 would rely on that.

1 Q. Now, Mr. McKnight's also claiming that
2 one of the big issues in this case that came out was
3 that he was the father of the 15 or 16-year-old
4 child, right?

5 A. Yes.

6 Q. And so she was, what, nine months
7 pregnant when this happened?

8 A. Very pregnant, almost ready to have the
9 baby any day now, uh-huh.

10 Q. There was great mention of the fact
11 that she was under age, and that there was a great
12 age gap between the two, and a lot of references
13 made to the child as being Baby Boy Ling; would you
14 agree?

15 A. I would agree that the child was
16 referred -- the unborn child was referred to as Baby
17 Boy Ling. I would agree that the facts of her age
18 and his age were part of the record of her case. I
19 don't know that there was an extraordinary, you
20 know, focus on that, but the facts were the facts.

21 Q. Did you pursue a motion in limine
22 before the trial or at all object to that
23 information coming out as being prejudicial?

24 A. No.

25 Q. Do you think it would have been

1 successful?

2 A. No.

3 Q. Now, Mr. McKnight's also claiming
4 failure to object to the State entering four .224
5 shell casings and the fire projectile found near the
6 Chevy; do you have any recollection on that?

7 A. I do.

8 Q. And is there a specific reason why you
9 didn't object to that?

10 A. Because every piece of evidence worked
11 for us, just like it worked for the State. So
12 whatever was coming in evidence, we had a mechanism
13 with which we intended to use that evidence to
14 support his self-defense.

15 Q. So ultimately the question at trial was
16 self-defense versus murder?

17 A. Correct.

18 Q. And so is that the reason why you
19 didn't object to the fired projectile as well?

20 A. Correct.

21 Q. And is there -- do you recall the text
22 messages that came in at trial?

23 A. I do, and I argued them in my closing.
24 I -- some 800 pages of text messages we went
25 through, and as I said to the jury then, you know,

1 there were a few messages that were -- difficulties
2 between Alydia and -- and Mr. McKnight, or Johnnie,
3 you know, as -- as he was referred to during the
4 trial, but the majority of the text messages were
5 endearing and kind, and demonstrated a relationship
6 between the two of them where he had just purchased
7 a piece of land. He had a -- a settlement from a
8 car wreck. He took that money and he bought them a
9 piece of land. He bought a camper, you know, for
10 them to live in. And so whatever angst that the
11 State intended to draw out from a couple of text
12 messages, the balance of them were not negative, and
13 worked to -- to support our position that he had
14 zero reason to want to shoot and kill Alydia.

15 Q. Now, photographs and videos of Ms. Ling
16 were entered at trial as well, right?

17 A. I believe so, yes.

18 Q. Is there a reason why you didn't object
19 to those?

20 A. Again, it all -- it was all part of the
21 relationship that was a kind and caring relationship
22 between Mr. McKnight and the mother of his child.

23 Q. And then, I guess, same for the
24 evidence gathered off the blue Honda, the lack of
25 chain of custody; is that fair?

1 A. Right. Well, the blue Honda is an
2 interesting situation, because we always had a
3 position and a theory that Shamond Ling had to have
4 been firing in a different location from where he
5 told law enforcement he was firing from. And I did
6 cross-examine him about that, because the tire --
7 the two front tires on the blue Honda had been
8 completely shredded; and so our position was that
9 they had been shot out, so we did not object to
10 anything to do with the blue Honda. We felt that it
11 worked for Mr. McKnight.

12 Q. Now, Captain Williams, I think, was
13 permitted to sit in the courtroom throughout the
14 trial; is that correct?

15 A. As the lead investigator, yes, which
16 would be the proper procedure.

17 Q. So you don't think that an objection to
18 that would have been successful?

19 A. I do not.

20 Q. Now, did you object to testimony from
21 Michael Bryan about grazes or bullet holes in the
22 screen door doorframe?

23 A. I don't know that I objected to that,
24 but I certainly cross-examined on that, and -- and a
25 lot of the cross was about trajectory, again,

1 because we had a -- a theory as to how Alydia had
2 gotten shot, and who shot her. So I didn't object
3 to it, but I certainly -- it was a part of the
4 theory of our case, the grazes and the bullet holes
5 in the screen door and the door frame, and the
6 blood, where the blood was located by the front
7 door.

8 Q. Now, Mr. McKnight was given a five-year
9 sentence on weapons possession after being given
10 life imprisonment for the murders; is that correct?

11 A. Yes.

12 Q. And is that proper under the law?

13 A. I don't believe so.

14 Q. Okay. Did you object to that?

15 A. I did not.

16 Q. Is there any reason why you wouldn't
17 have?

18 A. I can't recall, I'm sorry.

19 Q. And then he's also raising the claim
20 that the Court -- that you should have objected to
21 the Court charging the jury on implied malice?

22 A. I read the jury charge. I thought that
23 Judge -- I think it was Judge Mullen, had a proper
24 jury charge, and no basis for objection.

25 Q. Did you move to quash the indictment in

1 this case?

2 A. No, ma'am.

3 Q. Do you think it would have been
4 successful?

5 A. I do not.

6 Q. Now, do you recall the jury makeup in
7 this case?

8 A. Ma'am?

9 Q. Do you recall the jury makeup in this
10 case?

11 A. I have my notes here about jury
12 selection, if you can give me a second, I can find
13 them.

14 Q. Mr. McKnight's alleging that a juror
15 was selected who is partial to law enforcement; do
16 you have any recollection ---

17 A. Do we have -- do we know anything more
18 about a juror? Like I do have them, they're in my
19 box down there, but do we have a juror number?

20 Q. Mr. McKnight's saying the person that
21 was ---

22 A. And I don't remember -- here we go.
23 All right, here's the voir dire notes. All right, I
24 have law enforcement involved juror 31, 103, 30 and
25 143.

1 Q. Is there a reason why you wouldn't have
2 struck somebody that is partial to law enforcement?

3 A. I don't know that there would be a
4 blanket reason. I mean I know in this case I had
5 used nine of my strikes, and I still had folks on
6 the panel, the side panel, in which I did not, and
7 he did not want on this jury, so it may be that I
8 had to, you know, put someone on there, rather than
9 risk getting someone on the absolutely not call on
10 the jury. I -- I can't say for sure.

11 Q. Now, after he was found guilty at
12 trial, what did you do, if anything, to mitigate the
13 sentence?

14 A. I had worked with his mother, and --
15 and she was preparing to speak on his behalf, and
16 give a -- I liked for a family member to be prepared
17 to talk about the person outside of what, you know,
18 we had just spent four or five days dealing with and
19 talking about, but when -- she left, and we couldn't
20 get a -- get a phone -- get a response, and the
21 Court was ready to proceed with sentencing, and
22 there was nothing that I could do at that point,
23 because I could not get her back in the courthouse.

24 Q. Did you request a voluntary or an
25 involuntary manslaughter charge in this case?

1 A. I did not.

2 Q. Is there a specific reason why?

3 A. I didn't think the evidence supported
4 that.

5 Q. Now, Mr. McKnight is claiming that you
6 didn't, I guess, properly cross-examine several
7 witnesses, and we'll just kind of run through those.
8 What was your strategy when it came to cross-
9 examining Ms. Roberts?

10 A. I don't think I asked her any
11 questions. We can look at the transcript if we want
12 to because when she testified in the proffer, and I
13 cross-examined her, I knew she was going to be
14 dynamite, and it was better to -- and -- and, again,
15 her testimony was not too terribly damaging. If I
16 had asked her a single or series of questions,
17 there's no telling what would have come out of her
18 mouth, and she was gonna testify. So, once again,
19 once the State got finished with her during the
20 actual trial, I was not about to allow her an
21 opportunity, because she was clearly not a fan of
22 Mr. McKnight, to damage our case.

23 Q. Did you think there was anything you
24 could have cross-examined her on that would have at
25 all been helpful?

1 A. If I had cracked the door open for her,
2 she would have run through it to hurt him, and it
3 was not worth it.

4 Q. Now, did Mr. McKnight ever, I guess,
5 question during your conversations with him whether
6 the blue car was his or not? Was there anything
7 about ---

8 A. It was registered to somebody in
9 Walterboro maybe, but I mean I don't think we were
10 ever disputing that he was driving the blue Honda
11 that night at Alydia's.

12 Q. Now, do you recall Officer Manor and
13 some type of issue with his body camera where he
14 fell and the camera got lost or destroyed or
15 crushed, or something to that effect?

16 A. Is this a -- an individual who would
17 have had his body camera on in the aftermath on-
18 scene; is that what you're talking about?

19 Q. Marcus Miller, his body camera, he
20 jumped over a banister, fell, and the camera was
21 destroyed; do you have any recollection of that at
22 all?

23 A. I'm not really following you.

24 Q. Okay.

25 A. No, I'm sorry.

1 Q. Understood. Now, did you ever cross-
2 examine Stuart Atkinson about the location of a cell
3 phone?

4 A. Let me look at the transcript. Did you
5 say Atkinson?

6 Q. Yes, Stuart Atkinson, he starts around
7 page 246.

8 A. I'm getting there, I'm sorry.

9 Q. Yeah, you're good.

10 A. So this is the fellow who was the
11 manager at Groton Plantation where Mr. McKnight's
12 father was employed. All right, I'm ---

13 Q. And it looks like there was no cross-
14 examination of him, correct?

15 A. If the -- if -- well, I'm, you know,
16 I'm looking at -- so he looks to be providing
17 information about Mr. McKnight's father working
18 there, and then where Groton Plantation was in
19 location to Highway 3. And I would rely on the
20 transcript, I think -- I don't have any notes here
21 of cross-examination, no.

22 Q. Okay. Do you have any specific
23 recollection of what you could have cross-examined
24 him on?

25 A. Well, that's just -- I highlighted here

1 a couple of things, and, no, there's nothing that
2 would have worked to the benefit of Mr. McKnight on
3 cross-examination.

4 Q. Now, SLED Agent Smith, did you cross-
5 examine him about jacketed rounds and comparing exit
6 40 -- or Exhibit 44 to the photographs of the fired
7 projectiles?

8 A. So, yes, I went around and around with
9 Chad Smith about the firearms evidence in this case,
10 and I do think that I cross-examined him
11 extensively. And I hope and I feel like I certainly
12 did my best to be effective in my cross-examination
13 of -- of him.

14 Q. And did you question Captain Williams
15 about those jacketed rounds?

16 A. Captain ---

17 Q. Williams.

18 A. -- Williams? What would I -- I'm not
19 sure what I would have asked him about the jacketed
20 rounds.

21 Q. It was your understanding that that
22 wasn't really what he was involved with as much as
23 it was the SLED Agent?

24 A. It was what?

25 Q. Was he involved with dealing with the

1 jacketed rounds? Do you have any recollection on
2 that?

3 A. Are you talking about the -- the -- the
4 round that was pulled out of the wall inside the
5 house? Because if that's what you're talking about,
6 that was important to our defense, because it had no
7 biological material on it, and that is the round
8 that, if I recall correctly, that the State would
9 have taken the position it went through Alydia's
10 head. And so, yes, so it was central to -- and --
11 and -- and I feel cross-examined everyone, you know,
12 that had something to do with that, in terms of the
13 fact that it was void of any blood or -- or, you
14 know, biological material.

15 Q. Now, do you recall what your approach
16 with cross-examining Cynthia Schandl was?

17 A. Well, trajectory, I guess. I have
18 notes -- several notes in -- in there about the
19 autopsy and front to back and up and down, so, yes,
20 trajectory. That was -- because, again, we had a
21 position, and our argument was that there was no
22 way, from this -- the downward position of the -- of
23 the blue Honda in the street, that it could have
24 lined up for Mr. McKnight to have been the
25 individual who fired the fatal shot.

1 Q. Did you question her specifically about
2 fragments and jacketed rounds?

3 A. I'd have to rely on the transcript.

4 Q. Okay.

5 A. I'm -- I'm sorry.

6 Q. That's okay. Now, when it came to
7 Debra Ling, did you cross-examine her about
8 testimony regarding an accident?

9 A. Right, so she I think initially during
10 direct examination called it an accident. And so I
11 knew I was going to use that in my closing, and I
12 was not going to allow her an opportunity to explain
13 what she meant. And she's obviously Alydia's
14 mother, she's not at all helpful to the defense.

15 Q. Now, did you -- do you recall cross-
16 examining Shamond Ling with -- by using photographs
17 that would show he lied about his ability to see the
18 blue Honda clearly?

19 A. I feel like in my review of the
20 transcript, I cross-examined Shamond Ling on every
21 point that was possible. I have the written cross-
22 examination, and I checked everything off, so, yes,
23 I think I did.

24 Q. Now, did you renew the motion to
25 sequester in this case?

1 A. I don't think so.

2 Q. Okay. Do you recall any reason why you
3 would have, but ---

4 A. No.

5 Q. -- didn't? Okay.

6 A. I don't -- I believe the witnesses were
7 properly sequestered throughout the trial.

8 Q. Did you request an adverse inference
9 jury charge because of lost or destroyed evidence?

10 A. I did not.

11 Q. Do you think that would have been
12 successful?

13 A. No.

14 Q. Now, did you reanalyze any of the body
15 camera footage regarding whether Shamond Ling was
16 truthful about where he placed his gun and holster?

17 A. I went through those boxes this
18 morning, and I have 20 pages of notes here from
19 watching all of the body cameras from the officers
20 after and during the investigation of the crime
21 scene, so -- so, yes, I spent many hours pouring
22 over those bodycams for many reasons, but, you know,
23 one of them was to determine what they had done and
24 not done properly.

25 Q. Now, did you ever consider moving for a

1 mistrial or a new trial based upon the cumulative
2 error doctrine?

3 A. No, I did not.

4 Q. Okay.

5 MS. MARTO: One moment, Your Honor.

6 BY MS. MARTO:

7 Q. Now, what was the goal or theme you
8 decided to go with when it came to opening and
9 closing statements?

10 A. Well, again, I rely on the transcript,
11 but I'm a little wary in openings for promising
12 things that I don't necessarily know I can deliver
13 on, so I'd say that I would have tried to keep my
14 opening more -- I might have quoted, you know, John
15 Adams, or Thomas Jefferson, or something, but now in
16 the closing, at that point I think we -- we would
17 make it very clear what -- what we thought had
18 happened. And -- and I -- I read -- I read the
19 transcript again, and I think that we -- I know Mr.
20 McKnight and I discussed it many times. And I think
21 we delivered, you know, as best we could to put
22 forward his self-defense argument to the jury.

23 Q. Do you recall if you made any comments
24 to the jury in opening and closing, stating that you
25 were forced to represent Mr. McKnight, or that you

1 did not want to represent Mr. McKnight?

2 A. I did not say that. He may have been
3 confused when I talked about John Adams and the
4 British soldier story that I sometimes tell a jury
5 about how they were -- well, I tell that story.

6 Q. Was it your intent to convey that you
7 didn't want to represent Mr. McKnight?

8 A. No, it was my intent -- well, it's
9 noble, you know, when you take up the case of
10 someone who has been, you know, my position
11 wrongfully accused, and it's not something that just
12 happened yesterday, it's been happening, you know,
13 for 200 years.

14 Q. Do you recall if you made any
15 concessions when it came to your opening or closing
16 statements to what the State, you know, was trying
17 to show?

18 A. Well, in this case I would assume as in
19 other cases that I had, I would concede something
20 that worked for us. If it benefitted me, then I
21 would say, of course, that's -- that is a fact, if
22 it was a fact that assisted in the defense.

23 Q. Do you think you made any concessions
24 that were detrimental to Mr. McKnight's case?

25 A. I don't think so.

1 Q. But you would agree the transcript's
2 the best resource when it comes to ---

3 A. Of course.

4 Q. -- everything? Okay. Now, did you
5 ever challenge the placement of the people on the
6 scene? So you had Ms. Ling, but you also had Mr.
7 Ling shooting cross-fire, right, Mr. McKnight
8 somewhere else. Did you ever challenge whether or
9 not these shots could have, you know, gone the way
10 the State was trying to protrude?

11 A. That's absolutely what we did
12 throughout the trial, yes.

13 Q. Now, you moved for a directed verdict
14 in this case, correct?

15 A. I did.

16 Q. Okay. And is there a specific reason
17 why you didn't also add that the State didn't meet
18 their burden of proof by proving what weapon was the
19 murder weapon in this case?

20 A. I'm not sure that was necessary to do
21 that.

22 Q. Did you renew your motion to dismiss
23 for spoliation after you initially made it?

24 A. I did not. I don't think so.

25 Q. Do you think it would have been

1 successful?

2 A. No.

3 Q. Now, you stipulated to the chain of
4 custody in this case; do you recall that?

5 A. I -- you know, I read the transcript
6 and I did see that. I know that the State took a
7 witness out of order, we stipulated at that time,
8 but all of the evidence as it was coming in, I
9 didn't see any issue with any chain of custody.
10 They were not biological items -- well, most of the
11 time it wasn't firearms evidence and the cell
12 phones.

13 Q. Now, were you able to obtain cell phone
14 records in this case?

15 A. I did not obtain cell phone records. I
16 used the information that the State had provided for
17 the defense of Mr. McKnight.

18 Q. Did you do any independent
19 investigation of any of that?

20 A. Into ---

21 Q. Additional phone ---

22 A. Additional phone records?

23 Q. -- records that weren't already
24 provided?

25 A. No.

1 Q. Would you typically do that in a case
2 like this?

3 A. Not typically, no.

4 Q. Now, were there any witnesses that you
5 wish you had called in retrospect in Mr. McKnight's
6 defense?

7 A. No, ma'am.

8 Q. Now, Mr. McKnight's also raising
9 ineffective assistance of counsel for failure to
10 hire appropriate personnel to secure fire
11 projectiles from the Ling residence, the Honda
12 Accord, and to conduct an extraction of Ms. Ling's
13 phone? Did you feel like that was necessary in this
14 case?

15 A. No, ma'am.

16 Q. Is that something you would typically
17 do in a case like this?

18 A. No, ma'am.

19 Q. Now, did you do a pretrial conference
20 with Mr. McKnight?

21 A. I did. I met with him many times to
22 discuss his case and to talk about what to expect at
23 trial.

24 Q. Did you contest the admissibility of
25 evidence from the Samsung Galaxy or the HP laptop

1 for lack of warrants?

2 A. I have that there was a search warrant
3 for the HP laptop; is that what you're talking
4 about?

5 Q. For the lack of returned warrants.

6 A. I'm sorry, what?

7 Q. He's contesting or saying that counsel
8 was ineffective for failure to contest the
9 admissibility of evidence obtained from the phone
10 and HP laptop for lack of returned warrants.

11 A. I'm sorry, I just saw warrants. No, I
12 -- I -- I did not.

13 Q. Okay. And you -- we touched on failure
14 to get the body camera footage from Officer Miller
15 before, but also he's alleging failure to obtain
16 footage from Corporal Pouchprong (Ph) from
17 interviews of parents of juveniles at the Police
18 Department; do you have any recollection of that?

19 A. I do not. I'm sorry.

20 Q. Okay.

21 A. Sorry.

22 Q. So is it your typical practice to just
23 get the discovery from the State, and unless there's
24 a gap presume that that's a complete copy of the
25 discovery; is that more or less the approach?

1 A. I don't like the term typical practice,
2 but, of course, I would receive what the State had,
3 talk with my client, and determine if there were
4 gaps, and what those were, and what we needed to do,
5 you know, to fill those gaps, or make, you know,
6 further inquiry, so it wasn't sort of a one size
7 fits all. So I don't think it was a standard
8 practice. Every case was different for sure.

9 Q. Okay. So did you have those
10 conversations with Mr. McKnight about potential
11 gaps?

12 A. We did.

13 Q. Okay.

14 A. Certainly.

15 Q. Do you recall Mr. McKnight saying he
16 thought anything was missing?

17 A. He thought what?

18 Q. Thought something was missing or needed
19 to be investigated further?

20 A. No.

21 Q. Okay.

22 A. And if he did, we talked about it and
23 figured it out, yeah.

24 MS. MARTO: One moment, Your Honor.

25 BY MS. MARTO:

1 Q. Mr. McKnight says that there was a -- I
2 guess, arraignment where I guess he attempted to
3 proceed forward pro se and was denied that in Court
4 and was appointed a public defender instead; do you
5 have any recollection of that?

6 A. I don't have any recollection of that.
7 I can tell you that when this case first came into
8 our office, I just -- I have September 3rd, 2017.
9 And I've looked back through my handwritten notes,
10 and I just don't see any -- any other -- any other
11 court dates.

12 Q. So you don't recall a court date where
13 that was discussed on October 19th, 2017?

14 A. I don't -- I don't have any notes on
15 that. No, I don't.

16 Q. Okay.

17 A. That's -- I mean, again, I was fairly
18 consistent in taking notes and putting them in the
19 file, and I don't have anything on that at all.

20 MS. MARTO: No further questions, Your
21 Honor.

22 MS. DIXON: May it please the Court?

23 **CROSS-EXAMINATION**

24 BY MS. DIXON:

25 Q. Ms. Campbell, how are you doing today?

1 A. Fine, thank you.

2 Q. And can you just kind of give us a
3 brief overview of the State's evidence?

4 A. So on -- I guess it was getting towards
5 night, it was darker in -- in the evening, when
6 Alydia -- Mr. McKnight had come to the house to try
7 to pick up Alydia. Her mother was there, her
8 mother's boyfriend was there, but he was on the back
9 porch, and Alydia's brother, Shamond, was there at
10 the house. And there was some sort of words
11 exchanged between Shamond and Mr. Knight --
12 McKnight, and I think Alydia was told, you know,
13 "Get back in the house, you're not going with him."
14 And then Mr. McKnight drove down the street and came
15 back down the street -- turned around and came back,
16 and, of course, the State's position was that he
17 began then firing at the house, shooting and killing
18 Alydia and the unborn child, and that Shamond Ling
19 fired at Mr. McKnight, of course, in self-defense.
20 And we had exactly the opposite version, you know,
21 of how it happened, so to speak. That Mr. McKnight
22 drove down the street, heard the shots, 'cause it
23 was Shamond Ling firing at him, came back to check
24 on the mother of his child and his unborn child, and
25 wound up shooting in self-defense.

1 Q. And did you discuss with him this
2 theory of self-defense, and how y'all would proceed
3 with that at trial?

4 A. We did.

5 Q. Okay. And then in terms of developing
6 that, there's been a lot of talk about trajectory of
7 bullets today. Can you kind of explain how you used
8 the State's evidence in your case to kind of develop
9 that theory?

10 A. Right. So, you know, there were two
11 bullet holes in the Mercedes, one in the Chevy. I
12 just didn't feel like the -- the -- what they had
13 matched up with what we could see in the pictures.

14 Q. Okay.

15 A. And so we talked about being able to
16 use that to our benefit. Also, we had the whole
17 situation with Shamond who never told law
18 enforcement, you know, that -- that he was firing
19 that night, and then he -- when he finally admitted
20 that he was firing, you know, I just feel like his
21 lack of honesty to begin with helped Mr. McKnight.

22 Q. Okay. And then going back to the
23 testimony of Gladys Roberts, who was the -- I think
24 the state was putting him up to test -- or her up to
25 testify about a prior altercation between the ---

1 A. Johnnie and Alydia.

2 Q. Between -- yeah, Alydia ---

3 A. Correct.

4 Q. Correct. And y'all did proffer that,
5 and what was your impression of her as a witness
6 overall?

7 A. As I said before, she was a bit of a
8 loose cannon. She did not like the Defendant at
9 all, and, you know, approach with caution, I guess,
10 would be how I would view her.

11 Q. Gotcha. And then in terms of
12 mitigation, you said you had the mother ready and
13 she left. Did you try to call her after she left to
14 get her back?

15 A. Yes, my investigator, Bob Harris.

16 Q. All right.

17 A. Yes.

18 Q. Let's see.

19 MS. DIXON: Just one moment, Your Honor.

20 BY MS. DIXON:

21 Q. Going to the issue about the juror
22 partial to law enforcement, can you kind of explain
23 how you would go about, when you have a jury pool
24 and you're getting ready to make selection, how you
25 go about determining who you might strike, who you

1 might not strike? What's your process for that?

2 A. Well, obviously, I have very detailed
3 notes from every jury selection I've ever done.
4 There are standard, I guess, feelings that I would
5 have about someone who might be inclined to be
6 sympathetic to the State or might be sympathetic to
7 the defense. It wouldn't necessarily preclude you
8 from being placed on a jury with me as the defense
9 attorney if you had someone or association with law
10 enforcement. As I said before, particularly, if I'm
11 putting you on that jury because I cannot use a
12 final strike, and we did use nine strikes, and
13 without a juror number I can't tell you anymore
14 specifically.

15 Q. Right, right, but there -- but you did
16 have a thought process that ---

17 A. Yes, ma'am.

18 Q. -- you were considering ---

19 A. I always do.

20 Q. -- when picking the jury. Okay. And
21 then in terms of there was an allegation that you
22 stipulated to a chain of custody, and I think you
23 said the State took a witness out of order. Did you
24 have the chain of custody forms?

25 A. Yes. I mean I had no qualms or

1 questions about the chain of custody not being
2 complete for the items of evidence.

3 Q. And to your knowledge, did the State
4 have the people necessary to develop that chain?

5 A. Yes.

6 Q. And so if you would have objected, what
7 do you think would have been the outcome?

8 A. I don't think I would have been
9 successful if that makes sense.

10 Q. And then just -- I think this might be
11 wrapping it up -- well, I do want to go back to --
12 he's got an allegation that he was denied his right
13 to go pro se. And just to be clear, you have no
14 recollection of any hearing on that, that ever took
15 place prior to trial?

16 A. I don't, no.

17 Q. And then, let's see, they've raised an
18 issue about not contesting the admissibility of
19 evidence obtained from a Samsung Galaxy SX, which I
20 believe was the phone, and then the HP laptop for
21 lack of warrants. Now, I think you said that there
22 were warrants for those items?

23 A. Right. In the contents of my trial
24 notebook I have -- I have a search warrant for the
25 silver HP laptop here. And then what was the other

1 one? S Galaxy S6. Samsung Galaxy S6.

2 A. Yeah, and that's number 13, so this was
3 for the silver Samsung Galaxy S6. So, yes, I had --
4 I had the search warrants for both of those items,
5 and I would have reviewed them and would not have
6 seen any basis for an objection.

7 Q. Okay. And then, of course, I think you
8 testified on direct that you were able to use the
9 text messages from that cell -- cell phone, to
10 develop your defense theory; is that correct?

11 A. We did.

12 Q. And then I think this will be the final
13 issue. Did you ever have issues getting discovery
14 from the State?

15 A. No.

16 Q. And in this case did you have any
17 issues with surprise evidence, or late evidence, or
18 anything coming in at the last minute?

19 A. No.

20 Q. All right.

21 MS. DIXON: One moment.

22 (PAUSE)

23 MS. DIXON: Nothing further.

24 MS. MARTO: No redirect.

25 THE COURT: Thank you, step down.

1 MS. MARTO: Is Mr. Bob Dudek on the Webex?
2 Pull him up.

3 THE COURT: I see him.

4 MS. MARTO: Hey, Bob, can you hear us? We
5 can't hear you.

6 MR. DUDEK: Now can you?

7 MS. MARTO: Yeah, we can hear you now.

8 MR. DUDEK: Okay, sorry about that.

9 MS. MARTO: Do you want him to be sworn, or
10 are we considering him already sworn?

11 THE COURT: Do you solemnly swear to tell
12 the truth?

13 MR. DUDEK: Yes, Your Honor, I do.

14 THE COURT: Thank you.

15 **Robert Dudek,**
16 **having been duly sworn,**
17 **testifies as follows:**

18 * * * * *

19 **DIRECT EXAMINATION**

20 BY MS. MARTO:

21 Q. Good afternoon, sir.

22 A. Good afternoon.

23 Q. So you prepped an Anders brief for Mr.
24 McKnight, right?

25 A. That's correct.

1 Q. Okay. And what is your typical
2 procedure when it comes to finding appealable
3 issues?

4 A. Again, I read the entire transcript, I
5 take notes, witness-by-witness notes, and either on
6 a separate page or here at the top of my legal pad,
7 I keep an ongoing list of all objections and
8 motions. And also we order the exhibits from the
9 trial court, and I already have those in my file at
10 the time I'm reading the transcripts.

11 Q. Now, Mr. McKnight is alleging that you
12 failed to raise two different issues on appeal. The
13 first one is raising the issue that he was
14 erroneously deprived of his right to proceed forward
15 pro se. Did you see anything in the record
16 indicating he wanted to go pro se?

17 A. No, I did not. As a matter of fact, I
18 -- when that came up the other day, I went back and
19 checked my records, and I had a email from Trasi
20 Campbell to my administrative assistants saying
21 there were no other motions hearings held outside of
22 the trial date. So, obviously, I mean -- frankly,
23 this is the first I've ever heard of a Faretta issue
24 in this case, but I had no indication of Mr.
25 McKnight wanting to represent himself, or there ever

1 being a separate hearing on that issue.

2 Q. If that was flushed out on the record
3 before the trial, would you have considered raising
4 it on appeal?

5 A. Oh, yes, I mean that was always -- that
6 would always be an issue one way or another whether
7 he was denied his right to represent himself, or,
8 you know, and conversely, if he was erroneously
9 allowed to represent himself, where he shouldn't
10 have been. So either way it could have been a legal
11 issue.

12 Q. The other issue he's requesting you
13 brief on appeal was to challenge the admissibility
14 of evidence obtained from the blue Honda due to the
15 lack of chain of custody. Did you ever consider
16 that?

17 A. I don't have a -- I don't have a memory
18 -- a good memory of that. I looked back in my
19 notes, and I see I have on page 286, State's 35,
20 that being brought up, and then I went back and
21 looked at the transcript on page 110, and there was
22 an objection on a chain of custody on the gray
23 Honda, which I understand Mr. McKnight was
24 apparently driving on the night of this incident
25 happened, but, no, I don't -- I frankly don't

1 remember seriously raising that as an issue at all.
2 So if I missed it, I missed it, but I have no
3 recollection of ever thinking about raising that as
4 an issue.

5 Q. And page 110, was that pretrial; do you
6 recall?

7 A. No, but I'm looking at that transcript
8 now, and I think it was pretrial.

9 Q. Okay.

10 A. Obviously, the transcript stands for
11 itself, but anyway.

12 Q. And your records don't reflect that
13 there was a contemporaneous objection on that, do
14 they?

15 A. No, ma'am, but just to be absolutely
16 sure, let me look back. Yes, on that, on page 286,
17 the Judge says, "Subject to prior objection."

18 Q. Okay. So that issue could have been
19 raised on appeal, you just elected not to do so; is
20 that correct?

21 A. I think that's fair from looking back
22 at the transcript.

23 MS. MARTO: One moment, Your Honor.

24 BY MS. MARTO:

25 Q. Sir, did you consider raising the issue

1 of, I guess, the Court erroneously denied the
2 defense's motion to dismiss for spoliation of
3 evidence?

4 A. No. I mean I have in my notes from
5 page 19 to 27 dismissed, which would have been the
6 motion to dismiss, but, again, I -- I don't remember
7 seriously entertaining raising it, but in the final
8 analysis I obviously did not, so I did not think it
9 was a meritoneous -- meritorious or winning issue,
10 or I would have raised it.

11 Q. So in your review of the file, because
12 you filed an Anders brief, you couldn't find a
13 single issue that you thought was meritorious?

14 A. That's correct.

15 MS. MARTO: One moment, Your Honor.

16 BY MS. MARTO:

17 Q. Now, did you consider briefing the
18 issue of whether or not Applicant's due process
19 rights to a fair trial were denied just generally?

20 A. No, I do not.

21 Q. And did you consider raising the issue
22 of a directed verdict and whether or not that was
23 erroneously denied?

24 A. Again, I -- I -- I did not raise it,
25 obviously, and I don't remember seriously

1 considering that. I mean it was a, you know, the
2 jury was charged on self-defense. I don't -- I mean
3 the short answer's no, I did not seriously remember
4 raising directed verdict as an issue.

5 MS. MARTO: No further questions, Your
6 Honor.

7 MS. DIXON: Just briefly.

8 **CROSS-EXAMINATION**

9 BY MS. DIXON:

10 Q. Mr. Dudek, do you recall -- I think you
11 testified that you communicated with Ms. Campbell
12 around the time you got this case to see whether
13 there were any additional transcripts or hearings?

14 A. No, let me clarify, now, that is done
15 by my administrative assistant, at the time that was
16 Paula Murdock (Ph). In other words, we get with
17 trial counsel on every case to try and be sure we
18 have all the trial dates, and any pretrial, post-
19 trial hearing dates, and then there was an email
20 between Trasi, February 19th, 2019, 12:09 p.m. And
21 Trasi wrote Paula, "There were no motions held
22 outside of the trial dates." And that was in
23 response to Paula Murdock's earlier email. It's a
24 form email that says, "Please let us know of any
25 pretrial or post-trial hearings, Jackson v. Denno

1 identification, other motion hearings, other than
2 bond or preliminary hearings outside of the main
3 trial dates." And that's what Trasi responded to --
4 Ms. Campbell, I'm sorry, saying there were no
5 motions held outside of the trial dates.

6 MS. DIXON: Nothing further. Thank you.

7 MS. MARTO: No redirect, Your Honor.

8 THE COURT: All right. Thank you, Mr.
9 Dudek, you're excused.

10 THE WITNESS: Thank you, Your Honor.

11 MS. MARTO: We would call Ms. Swanson.

12 * * * * *

13 **Hunter Swanson,**
14 **having been duly sworn,**
15 **testifies as follows:**

16 * * * * *

17 **DIRECT EXAMINATION**

18 BY MS. MARTO:

19 Q. Good afternoon. So you prosecuted this
20 case, correct?

21 A. I did.

22 Q. Okay. And were you on this case from
23 the case's inception?

24 A. I believe so.

25 Q. Now, at trial you made references to

1 the fact that Ms. Ling was underage, and that she
2 was pregnant with Mr. McKnight's child, and referred
3 to the baby as Baby Boy Ling; do you recall that?

4 A. I did state her age, that Mr. McKnight
5 was the father, and I did refer to Baby Boy Ling,
6 that is how the baby was referred to in the autopsy
7 report.

8 Q. Did you think that making these
9 references was appropriate at the trial?

10 A. They were facts.

11 Q. Now, you entered photographs and videos
12 of Ms. Ling at the trial, correct?

13 A. I believe so. The video that you're
14 referring to, I believe, is two-minute clip of a
15 body-cam from one of the responding officers from
16 when they first responded to show the state of the
17 scene that police got to. It wasn't specifically of
18 the victim. I believe there were photographs of the
19 victim because we were arguing trajectory and whose
20 bullet would have hit the victim; and so it would
21 have been entered for that purpose, not to inflame
22 the passions of the jury.

23 Q. And it's your understanding that the
24 video didn't show Ms. Ling's body, or was that just
25 incidental?

1 A. No. I mean it would have shown the
2 front of the house, and she was laying in the -- in
3 the doorway. She had been shot through the screen
4 door, it was the front door. I'm -- I'm saying it
5 was a two-minute bodycam clip, but it wasn't just of
6 the victim, it was of the scene and what they came
7 across. The victim was in it, I believe.

8 Q. Now, do you recall how long it took
9 from this case, Mr. McKnight originally being
10 charged with this case, and when it went to trial?

11 A. Not specifically, but I don't believe
12 it was any longer than a normal, double homicide
13 case.

14 Q. So from that we can gather that it
15 usually takes some time for those cases to be ready
16 for trial?

17 A. Yes. I mean I would say anywhere
18 between one and three years is when my homicide
19 cases go to trial.

20 Q. And when was he indicted; do you
21 recall?

22 A. I don't specifically recall.

23 Q. Okay. And do you recall anything, I
24 guess, unexpected happening in terms of timeline
25 when it came to the indictments themselves?

1 A. No. I mean my general practice is I do
2 wait on a complete case file for the most part. I
3 don't indict off of warrants because I don't know at
4 that point if I can prove my case.

5 Q. Now, do you recall why you called Ms.
6 Gladys Roberts in this case, what role she played?

7 A. Yes. Just to show prior difficulties
8 between the parties, to show animus in a homicide
9 case.

10 Q. Do you recall her testifying concerning
11 prior difficulties with Mr. McKnight?

12 A. Yes.

13 Q. Because there was some history between
14 all the players there, correct?

15 A. Yes.

16 Q. Okay. And did you think there was
17 anything inappropriate in that, eliciting prior
18 incidences testimony?

19 A. No, and we had a whole pretrial hearing
20 and 404(b) analysis on that.

21 Q. Now, there was some evidence that, for
22 whatever reason, wasn't collected in this case; is
23 that correct?

24 A. I -- I think you might be referring to
25 the projectiles that were lodged in Ms. Ling's --

1 the walls of her residence. And the reason law
2 enforcement didn't go in and try and get those is
3 they didn't want to rip her house apart. So there
4 were possibly projectiles that were not recovered
5 from the victim's residence, and that was a judgment
6 call that was made. They had just lost their 16-
7 year-old daughter who was pregnant.

8 Q. Now, do you recall -- I guess several
9 cell phones were confiscated in this case, right?

10 A. Two, I believe.

11 Q. Okay. Ms. Ling's and Mr. McKnight's,
12 is that correct?

13 A. Right.

14 Q. Okay. And was there a third cell phone
15 that was confiscated; do you recall?

16 A. Not that I'm aware of, but I mean if
17 there's something in the transcripts that indicate
18 that, then I could be mistaken.

19 Q. Now, you received, I think, an
20 extraction report from Mr. McKnight's phone,
21 correct?

22 A. Yes.

23 Q. Did you receive one for Ms. Ling's?

24 A. I don't know that I did. I know that
25 we were using his -- his extraction, because I

1 called the SLED witness who did the extraction.

2 Q. Now, did you -- what did you do to try
3 and get an extraction report, if anything?

4 A. From what?

5 Q. From Ms. Ling's phone.

6 A. I -- I don't know that I would have
7 done anything.

8 Q. So do you just take the evidence as
9 it's given to you; is that ---

10 A. Sometimes, I mean if -- if I had a
11 reason to think that there was something on that
12 phone that I needed, then I could have sought to
13 independently get that extracted, but we didn't --
14 if there was no extraction given to us in this case,
15 I don't think we -- we did not independently get an
16 extraction from the victim's phone.

17 Q. And do you recall some, I guess, video
18 footage potentially being lost or destroyed in this
19 case from officers?

20 A. I do not. I actually have notes from
21 Marcus -- from three bodycam videos from Marcus
22 Miller. I know that we had a spoliation motion, but
23 I'm -- I'm still a little unclear as to what was
24 alleged to have been lost or destroyed. At the end
25 of the day, I do know that there was no bad faith

1 found, and that motion did not go anywhere, but it
2 was litigated pretrial.

3 Q. Now, what did you attempt to argue in
4 closing argument? Like what was the central
5 narrative that you came out with when it came to the
6 case?

7 A. That Johnnie McKnight killed Alydia
8 Ling. Two months before he had sent her a series of
9 27 text messages that said, "Die, bitch." She
10 actually responded, "If I die, the baby dies too."
11 Just two months later that's exactly what happened
12 at the hands of Mr. McKnight, so that was certainly
13 one thing that I argued. This was a very toxic
14 relationship as testified to by other people
15 involved in their lives. You know, he was violent
16 with her. He was the one that committed this
17 murder. There's no way that Shamond Ling from where
18 he was standing, there's no way his bullets could
19 have hit the victim. There were a ton of rounds
20 that were fired by Mr. McKnight. And then, of
21 course, I had to argue that the defense failed on
22 self-defense and why, and so I went through all of
23 those elements in closing.

24 Q. Now, do you recall, I guess,
25 incorrectly stating the evidence or speaking on

1 things that weren't entered into evidence?

2 A. I do not. If you can point me to
3 something.

4 Q. And did you ever intend to mislead the
5 jury when it came to your closing argument?

6 A. No. I argue what is in evidence.
7 Obviously, I knew what was in evidence well, because
8 I presented the case, and I was responsible for
9 putting all of that evidence up. There was no
10 defense case.

11 MS. MARTO: No further questions.

12 MS. DIXON: Just briefly.

13 **CROSS-EXAMINATION**

14 BY MS. DIXON:

15 Q. They've alleged a Brady violation it
16 looks like. Can you tell me, first of all, what you
17 did in your investigation of this case in terms of
18 investigating what law enforcement may or may not
19 have to help this case?

20 A. Initially, we -- law enforcement puts
21 everything that they have into evidence.com. We
22 send that link over to defense attorneys. That
23 usually includes body camera footage, photographs,
24 incident reports, SLED reports, things of that
25 nature. I also, in this particular case, went with

1 my investigator, over to Estill PD because it's such
2 a small agency, and they have literally one
3 investigator, Alex Williams, and had him pull his
4 file, and had him pull all the physical evidence to
5 make sure that we had everything that was in his
6 case file. So, you know, my practice is either me
7 and my investigator do it or my investigator does.
8 In this particular case, both of us did it and sat
9 down with Captain Williams.

10 Q. And then did you disclose everything to
11 the defense?

12 A. I did.

13 Q. Okay. And then I think there was
14 testimony about they're alleging that you destroyed
15 or didn't collect all the evidence, some bullets in
16 the walls. Just to kind of, I guess, further paint
17 the picture, what kinds of weapons did they believe
18 were used in this case?

19 A. It was something -- an AR with a 30-
20 round clip.

21 Q. Okay. So -- and do you recall -- and
22 was this a situation where he had a -- like a
23 revolver, and shot two or three rounds, or was it
24 lots and lots of rounds?

25 A. No, it was lots and lots, and that was

1 exemplified by just the -- the ballistics, the
2 holes, the -- also the 911 calls, and what the
3 witnesses recalled.

4 Q. And so in order to recover every
5 cartridge, it wouldn't be as simple as, you know,
6 would you agree that it would, you testified I think
7 on direct, require tearing the walls apart?

8 A. Right.

9 Q. And is that due to the number of
10 casings that were ---

11 A. Correct.

12 Q. Okay.

13 A. They -- they collected what they could
14 without destroying the house.

15 Q. Okay. And then they talked about phone
16 records. Did you feel like you needed to get an
17 extraction from the victim's phone?

18 A. I didn't. You know, her -- her text
19 messages were in his phone as well.

20 MS. DIXON: Nothing further, thank you.

21 MS. MARTO: No redirect. We'd call Mr.
22 McKnight.

23 THE COURT: All right, step down. Let's
24 take a break before you do that.

25 MS. MARTO: Okay, sounds good, thank you,

1 sir.

2 THE COURT: We'll be at ease 15 minutes.

3 (15-MINUTE RECESS)

4 MS. MARTO: We'll call Mr. Johnnie
5 McKnight.

6 (Witness sworn.)

7 THE WITNESS: I will, as long as it doesn't
8 infringe on any of my constitutional rights.

9 THE COURT: Excuse me, what was that?

10 THE WITNESS: I said as long as it doesn't
11 infringe upon my constitutional rights. For
12 example, the Fifth Amendment Right.

13 THE COURT: Well, am I understanding you to
14 say you will not tell the truth?

15 THE WITNESS: I will tell the truth, and I
16 will answer -- she said will I answer all the
17 questions.

18 THE COURT: Oh, okay.

19 THE WITNESS: I said as long as they don't
20 infringe upon my constitutional rights.

21 THE COURT: I see, okay.

22 * * * * *

23 **Johnnie McKnight,**
24 **having been duly sworn,**
25 **testifies as follows:**

1 * * * * *

2 DIRECT EXAMINATION

3 BY MS. MARTO:

4 Q. Good afternoon, sir. So what were you
5 charged with?

6 A. Two counts of murder, three counts of
7 attempted murder, possession of a firearm during a
8 violent crime, and shooting into an occupied
9 dwelling.

10 Q. And who were you represented by at
11 trial?

12 A. Ms. Trasi Campbell.

13 Q. And who was the main solicitor in the
14 case?

15 A. The solicitor or assistant solicitor?

16 Q. Whoever prosecuted you at trial, sir.

17 A. It was Hunter Swanson.

18 Q. And then who was your appellate
19 counsel?

20 A. Mr. Robert Dudek.

21 Q. And you've raised allegations against
22 all three, correct?

23 A. That's correct.

24 Q. Now, concerning trial counsel, how many
25 times roughly did you meet with counsel?

1 A. She said it was about eight times, that
2 might be right.

3 Q. And what did y'all discuss during those
4 conversations?

5 A. Well, initially, we'd start off
6 discussing the case, but then it veers off into her
7 talking about her family, and her mother being sick
8 and raising her daughter's daughter as her child,
9 and, you know, personal things, more so than my
10 case.

11 Q. And Ms. Campbell was really the only
12 defense attorney you had representing you at that
13 trial, correct?

14 A. That is correct. Ms. Stephanie, I
15 think, Gittings Smart, or Smart Gittings, she sat on
16 the chair beside me, and we discussed some things
17 while the trial was going on, but I don't think she
18 had -- I couldn't say she had participated in the
19 trial. She was present.

20 Q. Now, did you review discovery with Ms.
21 Campbell before the trial?

22 A. Some of it.

23 Q. Some of it? What discovery did you see
24 before the trial?

25 A. Well, looking back, now that I have

1 more than I had back then, it was about three DVDs,
2 but I didn't view them in their entirety, just small
3 clips that she looked over and decided that was
4 appropriate for me to see. So you said the evidence
5 -- all the evidence, that's what you asked me,
6 right? She told me about certain witnesses that
7 would be present to testify. Some of the physical
8 evidence as far as GSR, bullets that was fired,
9 projectiles that were reportedly found, and I don't
10 think much else, 'cause there wasn't much in the
11 case to begin with.

12 Q. Did you get a copy of Ms. Roberts'
13 police report?

14 A. If you're speaking about the incident
15 where she claims I pulled a gun on her, no, I did
16 not.

17 Q. Okay. Now, do you think counsel did an
18 adequate job investigating the case?

19 A. Absolutely not.

20 Q. What do you wish she investigated but
21 did not?

22 A. Well, there's a list of things now,
23 everything is not included in here, because I
24 decided to forgo a lot of stuff. Well ---

25 Q. Do you wish she talked to eyewitnesses

1 in the area more?

2 A. You say more as if she did so.

3 Q. Okay.

4 A. She didn't talk to anyone.

5 Q. Do you wish she investigated your, I
6 guess, prior altercations, and Mr. Shamond Ling's
7 criminal history?

8 A. Right. Well, there was a incident
9 where he robbed me at the club, and there was an
10 incident report done with Jasper County Sheriff's
11 Department. I explained that to her and asked her
12 to retrieve a copy of that -- that incident report,
13 she never did. That Mr. Ling testified that he
14 never owned or possessed an assault rifle. I
15 explained to Ms. Campbell that he works at the VFW,
16 and -- another club, and he's always walking around
17 in the parking lot with an assault rifle. So -- and
18 also he was arrested with the same assault rifle
19 that he claimed he does not have -- he did not have
20 -- he did not have that. It wasn't illegally
21 possessed, it was he didn't have his permit with him
22 at the time he was stopped for speeding, and there's
23 a record of his speeding violation which would
24 indicate the exact date that he was arrested for the
25 assault rifle, and she failed to do obtain that

1 information.

2 Q. Now -- and you've also raised an
3 allegation that she did not investigate Ms. Ling's
4 medical records?

5 A. Correct.

6 Q. And she didn't investigate information
7 concerning Mr. Wayne Ritter?

8 A. Correct. He was also arrested for
9 molesting Alydia Ling. She was placed in foster
10 care for that reason. He was issued a court order,
11 restraining order. He wasn't supposed to be at the
12 residence, that's why he didn't testify at trial.
13 And that's why he claims -- Ms. Ling claims that he
14 was only visiting when she testified, 'cause he
15 wasn't supposed to be but a certain amount of feet
16 Alydia.

17 Q. And you wanted her to further
18 investigate Dr. Cynthia Schandl and to review prior
19 cases she testified in?

20 A. That's right.

21 Q. Okay.

22 A. I believe my premise on that was Ms.
23 Campbell explained to me, which I later found out
24 not to be true, that there was no expert that would
25 testify to bullet wounds. And I later found out

1 that there was another forensic pathologist who did
2 testify that they could determine what kind of gun
3 was used based on the bullet wounds. And I think
4 that would have been a major role in my case because
5 they really never proved what bullet struck her. I
6 mean based on the trajectory of the bullet and the
7 fact that, how will I say this, someone throws a
8 rock out of their hand, you do something wrong, you
9 go run and hide and you try to cover up what he did,
10 so I feel that that would play a major role in my
11 case, because as I said they never proved what
12 bullet struck Alydia Ling.

13 Q. Now, you indicated in your application
14 that you wanted to proceed forward pro se; is that
15 correct?

16 A. That is correct.

17 Q. Okay. And what came of that?

18 A. On October the 19th, 2017, well, let me
19 back up. Ms. Campbell came to see me once. She
20 said she saw me twice at the Charleston County Jail,
21 she only saw me once at the Charleston County Jail.
22 It was the initial time we came in contact with each
23 other, she had one of her assistants with her, and
24 she was being patronizing. And the look on my face
25 said it all, but she wasn't paying me attention, so

1 her assistant noticed it, and said -- whispered
2 something to her, and then that's when she was like
3 what's wrong? And I explained to her that I
4 represented myself in federal court, so I'm familiar
5 with the process, and that I was representing myself
6 at the moment, and I was wondering why she was even
7 there. So we had a disagreement about whether the
8 Court appointed me, and I was like, "Well, I don't
9 see how they appointed you if I'm representing
10 myself." "Well, we'll let the Judge decide." So
11 October the 19th, 2017, at my arraignment, which
12 they're not saying that that happened, at my
13 arraignment before Judge Buckner, a partial Faretta
14 hearing was conducted. And he asked me questions
15 like what was my educational level, have I ever had
16 any dealings with the law, am I familiar with court
17 procedures, and that sort of thing, and he denied me
18 the right to represent myself. But backing up, the
19 day I was arrested, magistrate judge, I think her
20 name is McKinney, I believe that's the name that's
21 on these records that I have, I -- I can't really
22 tell what name is on here, but I have -- I do have,
23 you know, how they fill out the paperwork for
24 arraignment and bond hearing and all that stuff. So
25 I was in the holding cell, and I expressed my desire

1 to represent myself at that time. She also gave me
2 the warnings that's required through the Faretta
3 hearing, and I still elected to represent myself. I
4 stayed at the Hampton County Jail about five days.
5 I was then transferred to the Charleston County
6 Jail. From that moment forward, I was receiving all
7 discovery directly from the Estill Police
8 Department. I have a certified return receipt
9 proving that Alex Williams was sending it directly
10 to me because I was representing myself. He came
11 and did a DNA swab on me to collect DNA to determine
12 the paternity of the unborn child, and -- and I'm
13 assuming for touch DNA and the Ford F-150. And
14 during that time he explained to me that he could
15 not interview me unless I requested it because I was
16 representing myself. So my desire was to represent
17 myself from the beginning.

18 Q. Is your argument basically that counsel
19 didn't protect that right?

20 A. Well, she argued against it, so I would
21 assume she would have put on the record that I had a
22 desire to represent myself.

23 Q. Now, you also allege that counsel told
24 you it wasn't in your best interest to testify; is
25 that correct?

1 A. That is correct.

2 Q. Okay. And do you think that that was
3 an error?

4 A. I do because the attorney that was up
5 here a minute ago, he said when you're presenting a
6 self-defense defense, it's best to testify, and he
7 said the guy chose not to testify. Well, I was
8 advised not to testify. And if you look at the
9 record, you can see where I explained to the Judge,
10 that, Your Honor, I need a moment to discuss this
11 with counsel to determine whether I want to testify
12 or not. And he gave us a short recess. We went to
13 the holding cell. I spoke with Ms. Smart and Ms.
14 Campbell, and they explained to me that I would be
15 impeached with my prior criminal record, and that it
16 would look bad in front of the jury because it would
17 show that I've been convicted of other crimes. And
18 I explained to them that they want to hear my story,
19 they want to hear my side of things. So they
20 explained to me that it wouldn't be in my best
21 interest, so I took that advice to heart and decided
22 not to testify.

23 Q. Now, and you also didn't have an
24 immunity hearing in this case; is that correct?

25 A. That's correct.

1 Q. Do you think that one would have been
2 helpful?

3 A. I do because once again it would allow
4 me the opportunity to tell my story without
5 affecting the jury, without prejudicing myself in
6 front of the jury.

7 Q. Now, at trial there was a lot of
8 mention of the fact that Ms. Ling was underage, the
9 fact that y'all had a relationship and she was
10 pregnant with your child, and reference to the baby
11 boy as Baby Boy Ling; do you recall that?

12 A. That is correct. Those are two
13 separate issues though.

14 Q. Okay. Well, there was still reference
15 of that by ---

16 A. That's correct.

17 Q. -- the prosecutor, and I think a little
18 bit by counsel as well.

19 A. Correct.

20 Q. And do you think counsel was
21 ineffective for making these references?

22 A. I do, because it -- it made the trial
23 more about our relationship than the actual murder
24 charge. From the onset, it's, hey, he didn't have
25 any business dating this girl in the first place.

1 So the jury was like, oh, I know he's guilty. Well,
2 yeah, so it prejudiced me dearly.

3 Q. So it tainted your character before the
4 jury; is that what you're saying?

5 A. Exactly.

6 Q. Okay. And there was also mention of
7 using photographs and videos of Ms. Ling to inflame
8 the passions of the jury.

9 A. Video and photo.

10 Q. And you think counsel was ineffective
11 and there was prosecutorial misconduct for that,
12 correct?

13 A. Correct.

14 Q. And what did the -- the -- what did
15 that video and those photos show?

16 A. It showed her laying in a pool of blood
17 with her shirt off with her stomach exposed.

18 Q. And did counsel ever object to any of
19 that?

20 A. She did not.

21 Q. Okay.

22 A. She specifically said, "No objections."

23 Q. Now, you also stated that you thought
24 counsel should have, I think, contemporaneously
25 objected to the testimony of Gladys Roberts,

1 correct?

2 A. That is correct.

3 Q. And why do you think that that should
4 have been done?

5 A. Well, if you think of doing a proffer
6 that her credibility wasn't -- her credibility was
7 in question from the outset when she initially went
8 to the cops and said, "Hey, this guy pulled a gun on
9 me." And the cops didn't believe it, then it took
10 enough to -- for one, like I said, that's pointing
11 and presenting a firearm, that's possession of a
12 firearm by a convicted felon, and that's possession
13 of a firearm during a violent crime. That's three
14 felony offenses that I could have been charged with
15 that they did not -- the chose not to pursue. So if
16 you chose not to pursue it, you didn't think it was
17 a valid issue to begin with. Now you want to -- as
18 she said, you want to come back later and say, "Hey,
19 we want to put this lady up to testify," when you
20 don't even respect her credibility to begin with to
21 even charge me with a crime.

22 Q. Now, you also wanted counsel to object
23 to the State entering the four .224 shell casings
24 and fired projectile found near the Chevy, correct?

25 A. Correct.

1 Q. And why did you want her to object to
2 that?

3 A. Because they were found under a
4 vehicle. I'm not familiar whether it was a cop car
5 or a pedestrian -- I mean a civilian, but in any
6 event, there were a lot of undocumented civilians
7 walking around at the crime scene, poking their
8 fingers in bullet holes and touching stuff, kicking
9 things around, and who knows, they could have dug in
10 their pocket and dropped those on the ground. We
11 don't know where they came from. And also if you
12 said there was 30 rounds shot, why are there only
13 four shell casings?

14 Q. You also wanted her to object to the
15 fired projectiles; is that correct?

16 A. That's correct.

17 Q. And why did ---

18 A. Which one? I think there was two of
19 them that I ---

20 Q. Well, address both, sir.

21 A. Okay. The one from the house, there's
22 a photo of it, and it doesn't look like a .223
23 bullet to me. And they showed us a baggy with the
24 bullet in it, a evidence bag, with the supposed
25 projectile that they found from the house. And if

1 you compare that to the picture that he take -- took
2 at the scene, they do not look alike. They're not
3 the same bullets, so I don't know where they got
4 that from.

5 Q. You wanted counsel to object to the
6 imposition of a five-year sentence for the weapons
7 possession charge?

8 A. That is correct.

9 Q. And why did you want her to object to
10 that?

11 A. Because the law states that -- now, I'm
12 not saying it verbatim, but the law states that if
13 you're given a life sentence for a violent crime,
14 you cannot be given five years for possession of a
15 firearm during a violent crime.

16 Q. And you wanted her to object to Captain
17 Williams testifying after he had a chance to observe
18 everyone else testify?

19 A. Right. He used someone else's
20 testimony to further his testimony. I feel like if
21 he was sequestered as we requested initially, then
22 he wouldn't have been able to point to, hey, she
23 just said this.

24 Q. And is that also why you wanted counsel
25 to renew the motion to sequester?

1 A. Correct.

2 Q. Now, you wanted counsel to object to
3 the evidence gathered off the blue Honda for lack of
4 chain of custody. So she objected in pretrial, but
5 to the best of your knowledge did she
6 contemporaneously object?

7 A. I believe she did later, I'm not for
8 sure, but in any event there wasn't -- there was --
9 they did not elaborate on why the objection was
10 made, so I'm assuming that's why Mr. Dudek didn't
11 appeal that. Nevertheless, I don't even think the
12 Judge ruled on it at pretrial. From my reading of
13 the transcript, she never ruled on it. That's why I
14 wanted her to reiterate and renew the objection.

15 Q. And you want -- you stated that you
16 wanted counsel to object to the text messages; is
17 that correct?

18 A. That is correct.

19 Q. Did counsel not object to the text
20 messages?

21 A. We had a pretrial -- I believe it was a
22 pretrial hearing on it. Yeah, we did discuss it at
23 pretrial, and -- well, for one, it wasn't -- that
24 none of it was authenticated. So they basically
25 downloaded some messages off of a phone, and said,

1 "Hey, this is him," but there's no proof that that's
2 even me texting anyone.

3 Q. Did you want ---

4 A. And if I'm not mistaken, the number --
5 the number they had down as being the suspect's
6 number is not the number that they had down for
7 those text messages.

8 Q. Did you want counsel to object to the
9 Court's charge on implied malice?

10 A. That is correct.

11 Q. And why did you want her to object to
12 that?

13 A. As the law states now, when you're
14 presenting a self-defense defense, implied malice
15 should not be charged.

16 Q. You wanted her to object to Michael
17 Bryan about grazes or bullet holes in the screen
18 door and doorframe?

19 A. I think that's Michelle, if I'm not
20 mistaken, ---

21 Q. Okay.

22 A. -- it's EMS, and she was testifying
23 that she saw grazes and bullet dents or something in
24 the doorframe, I'm like grazes and grooves I believe
25 she said, and she's not an expert to testify to

1 anything like that. She's an EMS.

2 Q. So do you think that counsel should
3 have objected because she was offering an expert
4 opinion?

5 A. Exactly.

6 Q. Now, you wanted counsel to charge on
7 voluntary and involuntary manslaughter, correct?

8 A. That's correct.

9 Q. Did counsel charge -- request those
10 charges?

11 A. She did not.

12 Q. And how do you think that impacted your
13 case?

14 A. Well, as far as I see, they didn't
15 prove murder to begin with, so the charge of murder
16 wasn't warranted. So I would assume that
17 involuntary or voluntary would be warranted.

18 Q. Did you want her to move for a
19 mistrial, or a new trial, based upon the cumulative
20 error doctrine?

21 A. That's correct.

22 Q. And why do you -- why did you want her
23 to do that?

24 A. Well, based on the motion to dismiss,
25 the inconsistencies and the testimony between Debra

1 Ling, Shamond Ling. The fact that he lied about not
2 shooting that night, hid his gun. Had to step over
3 his dying sister, so I'm assuming she wasn't dead at
4 the time, because this was right at -- they said it
5 took her about five minutes to die, if I'm not
6 mistaken. So at the time when you step over her to
7 go take your gun and put it in the room, she was
8 probably gasping for air, and you felt the need to
9 go past her, step over her, put your gun in the room
10 -- your gun and your shoulder holster in the room,
11 and then come back, step back over her, and be
12 outside yelling bloody -- bloody murder, "Oh, and by
13 the way I wasn't shooting."

14 Q. Now, you are claiming counsel was
15 ineffective for failure to request an adverse
16 inference charge because of the lost or destroyed
17 evidence; is that correct?

18 A. That's correct.

19 Q. And you're claiming prosecutorial
20 misconduct because of the lost and destroyed
21 evidence?

22 A. That's correct.

23 Q. Okay. Now ---

24 A. May I elaborate on that?

25 Q. Yeah.

1 A. That excuse about, "I didn't want to
2 damage their house," that -- that is no excuse at
3 all, that is no excuse. That doesn't excuse the
4 lack of integrity in the investigation. They had
5 the resources available. The fact that he said, "I
6 didn't have the tools. I didn't want to damage
7 their house," I -- I believe that's bad faith. That
8 established bad faith at that moment, because you
9 elected not to obtain this evidence, you elected not
10 to collect this evidence deliberately, and that's
11 all that's required to prove bad faith. And you
12 also -- you also admit that you had the resources
13 available to you in the form of SLED. You chose not
14 to call them to collect it for you if you did not
15 have the proper tools, that's bad faith. So the
16 lost and destroyed evidence was the product of the
17 State or State actors, so an adverse inference
18 charge would have been appropriate.

19 Q. And you also wanted counsel to renew
20 that motion to dismiss for spoliation, correct?

21 A. Correct, after he testified that he
22 deliberately did not collect the evidence, that
23 established bad faith, and that's what was required
24 for the motion to dismiss based on the lost or
25 destroyed evidence.

1 Q. Now, did you ---

2 A. Also, let me -- let me say one more
3 thing. It -- it was -- if I'm not mistaken, it's
4 also required that it be exculpatory. So in the
5 sense of murder, it is exculpatory, because in the
6 process of elimination, okay, this bullet didn't
7 kill her, this bullet didn't kill her, this bullet
8 didn't kill her, that creates the exculpability
9 [sic].

10 Q. Now, you also wanted counsel to move to
11 quash the indictment, correct?

12 A. That's right.

13 Q. And what was the basis for that?

14 A. I believe that was because of the
15 speedy trial violation, while not necessarily a
16 speedy trial, but the right to a speedy indictment,
17 because I think it took them 13 months to indict me.

18 Q. And you're also claiming prosecutorial
19 misconduct because of that delay, correct?

20 A. That is correct.

21 Q. Now, you're claiming ineffectiveness
22 assistance of counsel for selecting a juror who was
23 partial to law enforcement?

24 A. That is correct.

25 Q. And can you elaborate on that, please?

1 A. I believe it was juror number 31, if
2 I'm not mistaken, and I think it's juror number 30
3 also, who states that their husband was the Chief of
4 Police, and the other one was my uncle as the Chief
5 of Police, and they are related, I'm assuming,
6 because they're both saying they're from
7 Cottageville, South Carolina. And I'm assuming
8 they've only got one chief, so she must be his aunt.

9 Q. Now, you mentioned that you felt like
10 counsel rose an opening and closing argument that
11 she was forced to represent you, and didn't want to
12 represent you, correct?

13 A. That's what I read into it, because she
14 said something about -- I forget the -- it was John
15 Adams and the British soldiers and some civilians,
16 and they don't know who fired the first shots, and
17 they were -- said John Adams states that he was
18 forced to represent these individuals, and she said,
19 "Likewise, I was called upon to represent Mr.
20 McKnight the same way John Adams was." I took that
21 to mean she's saying the exact same thing John Adams
22 said, "I was forced to represent these soldiers," I
23 was forced to represent Mr. McKnight.

24 Q. And you thought that was inappropriate?

25 A. I did, very inappropriate.

1 Q. What message do you think that that
2 conveyed to the jury?

3 A. That he's guilty, and I don't want to
4 be the one representing him.

5 Q. Now, you've raised, I think, kind of a
6 slew of failure to cross-examine witnesses issues,
7 correct?

8 A. Right ---

9 Q. So we'll just ---

10 A. I think it's about eight.

11 Q. -- run through those. How do you think
12 she should have cross-examined Ms. Roberts?

13 A. Well, for one, Ms. Roberts stated
14 something about, "Yeah, he came over here in that
15 little, blue Honda." Okay, I wanted her to
16 establish what blue Honda? Because if it's the
17 Honda that's in question in this case, that Honda
18 purported, as the record shows, was not in my
19 possession until the month prior to this incident,
20 so how can I have that same Honda a year prior? And
21 I believe the State knew that and elicited this
22 testimony.

23 Q. And you wanted her to cross-examine
24 Captain Williams about jacketed rounds; is that
25 correct?

1 A. Right. He's on a video poking his
2 finger inside bullet holes, talking about he's
3 looking for the jacket off of the rounds.

4 Q. And what do you wish she brought out
5 more, just that?

6 A. The -- the -- the purpose of it was, if
7 -- if there are jackets on the round, then there
8 would be fragments off the jackets in the wound,
9 which further exonerates me, because if there are no
10 jackets, then she wasn't shot by an assault rifle
11 that you proposed -- you say I have, you claim I had
12 -- that I allegedly had.

13 Q. And you wanted her to cross-examine Dr.
14 Cynthia Schandl concerning fragments of jacketed
15 rounds, and ---

16 A. Right, that was ---

17 Q. -- because of Ms. Ling's pregnancy?

18 A. Yes. She has down that she's between
19 -- how many months? Basically, what I was getting
20 at is by her calculation she would be over nine
21 months pregnant, at 39 weeks. I think they said 39
22 weeks.

23 Q. And so you wanted counsel to cross-
24 examine her on that to discredit her?

25 A. Right.

1 Q. Now, you wanted her to cross-examine
2 Debra Ling about testimony concerning an accident?

3 A. Correct.

4 Q. And can you elaborate on that, please?

5 A. Okay. Counsel gave me some paperwork
6 breaking down things in layman terms. And part of
7 that is about Ms. Ling, Debra Ling, saying it was an
8 accident, and if you claim that the Defendant killed
9 your child, you wouldn't call it an accident, you
10 would say, "He murdered my baby," but if your son
11 did it, you'd say, "Oh, it was an accident, he
12 didn't mean to do it," so that was the purpose,
13 because she said it was an accident, which is the
14 same as saying my son did it, but it was an
15 accident.

16 Q. And you wanted Shamond Ling to be
17 cross-examined with photographs that would show he
18 lied about his ability to see the blue Honda Accord
19 clearly?

20 A. Right. As she stated, she went to the
21 residence, took pictures. There's a big tree,
22 right, like a bush that -- right beside the porch,
23 and there's a house that extends out past their
24 house. So she specifically asked him, "And you saw
25 this blue Honda Accord go down to the road to the

1 stop sign, turn around and come back?" And -- and
2 she said you -- specifically -- she specifically
3 asked him, "You saw this from the porch?" He said,
4 "Yes." It's impossible to see down that road from
5 where he was. You would have to come all the way
6 out to the sidewalk to see down the road, to see
7 somebody go down the road and turn around and come
8 back. So the -- the -- the whole premise behind
9 this is, he claims, "It didn't feel right, so I went
10 and armed myself 'cause I knew he was coming back to
11 do something. He went -- and I saw him go down the
12 road and turn around. I knew he was coming back to
13 do something." That -- that means he was unarmed,
14 or he's gonna come back and start shooting, so let
15 me go arm myself. But he's lying because you can't
16 see down the road to see nobody turn around and come
17 back, therefore, you had no reason to arm yourself.

18 Q. And you wanted Officer Miller cross-
19 examined about what happened to his body camera?

20 A. Correct. Well, I -- I never said he --
21 it was destroyed, I said, "They never provided us
22 with the video." And if I'm not mistaken, I believe
23 Ms. Campbell specifically asked for that video
24 because they provided us with a video from the
25 cruiser, and even though it's not cranked or it's

1 just sitting there, it -- it's still recording. And
2 you can see him running and jump over a banister,
3 and when he lands, his body camera falls off his
4 chest and hits the ground. He picks it up and he's
5 running -- he runs in the police station and he
6 comes back out, gets in the car and he takes off.
7 Also Corporal Pouchprong, I think that's how you
8 pronounce his name, he testified that his body
9 camera was running the entire time of his
10 interaction with the juvenile and the parents. And,
11 likewise, Marcus Miller's body camera was also
12 active during that time. That body camera would
13 have picked up the shots. Also those witnesses
14 would have heard those shots, which makes them
15 witnesses to the sound of fire -- gunfire. If the
16 premise is self-defense, you have to prove that he
17 shot first, and then purportedly I shot second. So
18 if that's your defense, then it would make sense to
19 have some type of evidence to put forth that he did
20 indeed shoot first, and questioning those witnesses
21 and obtaining that body camera would have prove
22 that.

23 Q. And you wanted SLED Agent Smith to be
24 further questioned about the jacketed rounds and
25 about comparing Exhibit 44 to the photographs?

1 A. Right.

2 Q. Okay. Can you elaborate on that,
3 please?

4 A. I -- I wanted him to look at the photo
5 of the item 5, that they claim is the actual bullet
6 that was in that evidence bag and tell me do we
7 believe those are the same bullets because we had a
8 discussion about that, and it's not in the
9 transcript, so there was no record. We also
10 discussed a lost phone, that's not in the
11 transcript. They had a picture of a phone, and even
12 the prosecution stated in the transcript that there
13 was another phone we wasn't able to get into. I
14 don't know what phone that was, but she did state
15 that.

16 Q. And your alleging ineffective
17 assistance of counsel for essentially making some
18 concessions during closing argument; is that what
19 you're saying?

20 A. What -- what number is that?

21 Q. By admitting to some of the State's
22 contentions and theory, and feelings for the defense
23 with the self-defense argument?

24 A. Well, I -- I believe she essentially
25 testified for me. She created some story that I

1 didn't tell her about. She got up here and she --
2 she stated the same thing, "Oh, he drove up, said
3 something, went down the road. Heard a gunshot,
4 turned around, came back." I never told her none of
5 that. I -- I didn't tell her anything, so I'm
6 trying to understand where she got this whole story
7 from, because I didn't talk to her about this whole
8 case until the day of trial, the second day of
9 trial, after some of the other people testified, and
10 I start seeing all the lies, and I'm like, "Okay,
11 well, you know, maybe it's time for me to tell my
12 story." So prior to that I don't know where she got
13 that notion from.

14 Q. You're alleging that counsel should
15 have reanalyzed body camera footage regarding
16 whether Shamond Ling was truthful about where he put
17 the gun and holster?

18 A. That is correct. He -- she even stated
19 during trial that, "So you're telling me if I go
20 back and review these videos, I will see that gun on
21 that dresser where you say it is?" He said, "Yeah."
22 So I'm assuming she would have done that, she did
23 not. Because she -- she basically accused him of
24 hiding the firearm. He said, "I didn't hide it, it
25 was sitting on my dresser."

1 Q. And you're saying counsel was
2 ineffective for bolstering the State's case by
3 asking Ms. Ling if Ms. Ling was shot while in the
4 house, but failing to show that it was impossible to
5 be shot from the angle described?

6 A. Correct. There was a demonstration
7 done in Court and Ms. Campbell and Ms. Ling, she was
8 like, "Can she step down from the bench?" And they
9 were -- she was showing her how she was holding
10 Alydia when they were in the house, which put her
11 right side to the direction of the supposed where
12 the bullets was coming from, so it was impossible
13 for her to get hit on her left cheek from the right
14 side.

15 Q. And you don't think counsel brought
16 that out?

17 A. No, she did not. All she did was
18 establish that there were -- they never -- they were
19 never facing the door, they were always facing in
20 towards the inner portion of the house inward, which
21 put their -- like I said, puts their right sides to
22 the direction of the projectiles, which makes it
23 impossible for her to get hit in her left check from
24 the right side.

25 Q. And you also wanted her to argue that

1 the State hasn't proved what the murder weapon was,
2 a directed verdict, and motion for a new trial?

3 A. Right. As I said before, they never
4 proved what bullet struck her. And that when
5 there's a -- someone is struck by a bullet, there's
6 blood splatter. The bullet is going to have
7 biological matter on it. And if it was in the
8 direction of the house or in the house, then there
9 would be blood splatter in the house. There was no
10 blood splatter in the house, which destroys the
11 contention that she was shot in the house.
12 Likewise, on the porch there was no blood splatter
13 on the porch, which alleviates the contention that
14 she was shot on the porch. There's only one other
15 place she could have been shot, which means she was
16 in the yard.

17 Q. Now, you wanted counsel to do a
18 pretrial conference with you?

19 A. That's correct.

20 Q. And what did you want to come out of
21 that conference?

22 A. We -- we spoke about different things,
23 and I also explained this same contention with her.
24 And we also talked about they claimed that there was
25 some bullet grazes on the doorframe, and that they

1 believe she was standing at the door and a ricochet
2 hit her. And the direction it would have been
3 traveling in, there's a big window on the door,
4 because the door swung inward in this direction,
5 which means it puts her left side to the direction
6 of the bullets, which would put her at the right
7 direction, but not the right angle, because the
8 bullet was traveling downward. However, if it would
9 have struck her in the house, it would have hit that
10 window, and there would have been a bullet hole in
11 that window, there was none. So there -- there was
12 a few other things we spoke about, but, mainly, it
13 was about the trajectory of -- it's impossible for
14 someone to be standing up on a porch, and someone to
15 be in a car, and hit somebody in the cheek and the
16 bullet is going downward. It's impossible.

17 Q. And you wanted her to contest the
18 admissibility of the evidence obtained from the
19 Samsung Galaxy and the HP laptop, correct?

20 A. Correct.

21 Q. And ---

22 A. There was no return on the warrants,
23 which we don't know if it was processed properly,
24 and that's the -- that's where they got all those
25 text messages, and I believe that's also where they

1 got that picture of an assault rifle that even the
2 SLED agent said might be a toy, which also they
3 never authenticated that either, that photo.

4 Q. And you wanted counsel to hire
5 personnel to secure the fired projectiles and
6 evidence from the scene, correct?

7 A. That's correct, as I said prior,
8 through the process of elimination, once you prove
9 that none of those bullets struck Alydia Ling, then
10 it exonerates me, if that's the State's contention
11 that she was shot in the house, so where's the
12 projectile, where's the blood splatter?

13 Q. And you wanted her to obtain cell phone
14 records from Ms. Ling in particular, right?

15 A. Correct. I was on the phone with
16 Alydia during the time of the incident. Who is on
17 the phone with somebody that they would want to
18 kill?

19 Q. And concerning appellate counsel, you
20 wanted them to raise the issue that you were
21 erroneously denied your right to proceed forward pro
22 se, correct?

23 A. That's correct.

24 Q. You wanted them to raise the issue of
25 failure to brief on appeal the admissibility of all

1 evidence obtained from the blue Honda Accord?

2 A. Because of the lack of the chain of
3 custody. Ms. -- Ms. Campbell made that pretrial
4 motion, but like I said, I don't think the Judge
5 actually ruled on it. And I think she renewed that
6 objection, but they did not elaborate on it
7 specifically as to why she was objecting to those
8 pictures being entered into evidence of the firearm
9 that was taken off as the Micro SD Card.

10 Q. And you wanted them to raise the issue
11 of the motion for spoliation, right?

12 A. Right.

13 Q. Yeah. Is there anything else that you
14 think that we missed?

15 A. Also on that chain of custody, that
16 there was a GSR, which is -- I think it's called
17 fungible evidence, and -- or non-fungible, I can't
18 remember which one, but I think that's where they
19 got some of the clothing. And all of that would
20 fall under that same objection as far as chain of
21 custody for the blue Honda, because they claim they
22 towed a green Honda Accord, and I don't see how you
23 can mistake a blue Honda Accord for a green one, and
24 that was the premises of her objection. Maybe they
25 towed the wrong car. Captain Williams said he

1 wasn't present, and he was the lead investigator, he
2 should have been there supervising. And I don't
3 think they obtained a warrant to tow that vehicle.

4 Q. Are there any other issues that you
5 think you've missed?

6 A. Oh, yes, I have a SLED report that
7 shows that they were able to get into Alydia's
8 Ling's phone and chose not to do an extraction on
9 it, but they did an extraction on the other phones.
10 And I believe there's exculpatory evidence on that
11 phone, and the State is withholding that
12 information.

13 MS. MARTO: No further questions, Your
14 Honor.

15 MS. DIXON: Nothing from the State.

16 THE COURT: You may step down.

17 MS. MARTO: No further witnesses, Your
18 Honor.

19 MS. DIXON: Nothing from the State.

20 THE COURT: All right, arguments?

21 MS. MARTO: Judge, just briefly.

22 **CLOSING ARGUMENTS BY MS. MARTO**

23 BY MS. MARTO:

24 We've raised quite a number of issues
25 today. We would just rest at that point on

1 testimony that was given. We'd just request you
2 find Mr. McKnight credible in terms of everything
3 that he's testified to when it comes to each and
4 every one of those issues, and grant relief on the
5 issues raised today. Thank you.

6 MS. DIXON: Just briefly, Your Honor.

7 **CLOSING ARGUMENTS BY MS. DIXON**

8 BY MS. DIXON:

9 We do concede with the five-year sentence
10 for the possession of a weapon wasn't proper in
11 light of the light sentence. We do concede that
12 issue. Everything else we would submit he has not
13 met his burden of proof. There was testimony that
14 counsel had -- had his mother available to mitigate,
15 she left. Counsel tried to call her. There's been
16 nothing else about that issue. Counsel testified
17 about the discovery that she reviewed. She
18 testified about her strategy, about the trajectory
19 of the bullets as in challenging that in order to
20 help establish her self-defense claim. That is all
21 borne out by the record as well. In terms of the
22 inferred malice charge that they raised, and,
23 obviously, if the Court had charged that malice
24 could be inferred by the use of a deadly weapon, it
25 would have been improper; however, here, if you go

1 to page 431 where that charge is, there is nothing
2 about inferring it from the use of a deadly weapon.
3 The charge about inferred malice just simply says,
4 "Malice may be inferred from conduct that is so
5 reckless and wanton as to indicate a depravity of
6 mind and general disregard for human life," and that
7 is a proper charge under the law. There's been some
8 issues raised about him being denied his right to
9 proceed pro se, and the testimony from both
10 appellate defender Bob Dudek and Trasi Campbell, who
11 was his trial lawyer, is that there was no hearing
12 on that. Nothing was ever raised to the Court about
13 that issue. In terms of the Brady -- alleged Brady
14 violation, there was testimony by both -- by the
15 prosecutor, that she turned over all the evidence.
16 The defense lawyer testified there was nothing late
17 and nothing new that came out at trial. And in
18 terms of the spoliation, she did argue that as part
19 of a motion to dismiss on page 14 of the trial
20 transcript, so that was litigated at this trial.
21 Finally, he did raise an issue, and there's many
22 more, I would submit that the remaining haven't been
23 proven; but I do want to point out one more thing.
24 Whenever he was talking about the juror issue, he
25 specifically referenced jurors 31 and 30, and I did

1 check the trial transcript, and Ms. Campbell
2 actually struck both of those jurors, so that's on
3 pages 77 and 78. We would submit that they haven't
4 met any of the claims.

5 MS. MARTO: Nothing further, Your Honor.

6 THE COURT: All right, I'll review it and
7 issue an order.

8 MS. MARTO: Thank you, Judge.

9 MS. DIXON: Thank you.

10 (Whereupon, the hearing was concluded.)

11 - - -END OF TRANSCRIPT- - -

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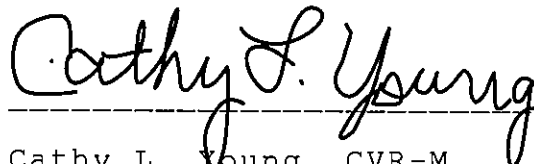
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CERTIFICATE OF REPORTER

I, Cathy L. Young, CVR-M, for the
Fourteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete Transcript of Record of
introduced in the hearing of the captioned case,
relative to appear, in the Circuit Court for
Beaufort County, South Carolina, on the 7th day of
May, 2024.

I do further certify that I am neither of
kin, counsel nor interest to any party herein.



Cathy L. Young, CVR-M

Court Reporter and Notary

Public in and for South Carolina

My Commission expires: 3-28-2029

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
)	
)	
Johnnie McKnight, #268238,	)	Case No.: 2022-CP-25-00238
Applicant,)	
v.	)	APPLICANT'S AMENDED APPLICATION
State of South Carolina,)	
Respondent.)	
)	

NOW COMES Applicant, Johnnie McKnight, amending his application filed August 24, 2022. In addition to the allegations raised in his initial application. Mr. McKnight, through PCR Counsel, submits the following:

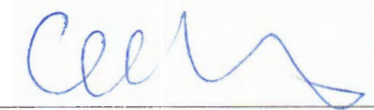
1. Ineffective Assistance of Trial Counsel for:
 - a. Failing to mitigate the sentence.
 - b. Failing to review discovery with Applicant.
 - i. Failing to give Applicant a copy of the Gladys Roberts police report.
 - c. Failure to investigate:
 - i. Witnesses from the area, including the 911 callers.
 - ii. Shamond Ling's prior robbery of Applicant at a night club and Ling's prior UCP arrest.
 - iii. Alydia Ling's medical records.
 - iv. Information concerning Wayne Ritter.
 - v. Dr. Cynthia Schandl and review prior cases she testified in.
 - d. Failing to object to:
 - i. The State's opening and closing statements addressing their involving things not in evidence, things that misinterpreted the evidence and testimony, burden-shifting of the self-defense defense, the victim's and defendant's ages, their prior relationship, the paternity of the fetus, and for referring to the fetus as "Baby Boy Ling".
 - ii. The State entering four .224 shell casings and the fired projectile found near the Chevy into evidence.
 - iii. The testimony of Gladys Roberts.
 - iv. The evidence gathered off the blue Honda for lack of chain of custody.
 - v. The text messages.
 - vi. Photographs and videos of Ms. Ling used to inflame the passion of the jury.
 - vii. Captain Williams' testimony after he observed everyone else testify.
 - viii. The fired projectile.
 - ix. The Court's improper charge pressuring the jury to reach a decision by saying that they can leave once the verdict is unanimous and its mention of "Baby Boy Ling".

- x. Testimony from Michael Bryan about grazes or bullet holes in the screen door and doorframe.
- xi. The imposition of a five-year sentence for the weapons possession charge when Applicant was already sentenced to life.
- xii. The Court charging the jury on implied malice.
- e. Failure to cross-examine:
 - i. Ms. Roberts effectively.
 - ii. SLED Agent Smith about the jacketed rounds and about comparing Exhibit 44 to the photographs of the fired projectiles to the same.
 - iii. Officer Manor about if he was wearing a body camera.
 - iv. Stuart Atkinson about the location of a cell phone.
 - v. Shamond Ling with photographs that would show he lied about his ability to see the blue Honda Accord clearly.
 - vi. Debra Ling about her testimony regarding an accident.
 - vii. Captain Williams about jacketed rounds.
 - viii. Dr. Cynthia Shandl regarding fragments of jacketed rounds and the discrepancy with Ms. Ling being more than nine months pregnant.
- f. Failing to request an adverse inference jury charge because of the lost or destroyed evidence.
- g. Failing to request a voluntary or involuntary manslaughter charge.
- h. Failing to move for a mistrial or a new trial based on the cumulative error doctrine.
- i. Bolstering the State's case during closing argument by admitting to some of the State's contentions and theory and failing to support the defense with a self-defense argument.
- j. Failure to re-analyze body camera footage regarding whether Shamond Ling was truthful about where he placed his gun and holster.
- k. Failing to renew the motion to sequester.
- l. Bolstering the State's case by asking if Ms. Ling was shot while in the house but failing to show that it was impossible for Alydia to have been shot through the left side from the angle described.
- m. Making improper opening and closing statements indicating that she was forced to represent Applicant.
- n. Failing to move to quash the indictment.
- o. Selecting a juror who is partial to law enforcement.
- p. Failing to renew Applicant's motion to proceed forward *pro se*.
- q. Discouraging Applicant from testifying.
- r. Stipulating to the chain of custody.
- s. Failing to properly impeach and cross-examine the State's witnesses.
- t. Failing to add the fact that the State did not meet their burden of proof in proving what weapon was the murder weapon in her directed verdict motion and motion for a new trial.
- u. Failing to renew the motion to dismiss for spoliation and for failing to move to dismiss the evidence both on the basis of bad faith and because the evidence was exculpatory.
- v. Failing to request an immunity hearing.

- w. Saying in opening arguments that she was essentially forced to represent Applicant.
 - x. Failing to pursue a pre-trial motion in limine to exclude mention of the victim being underage and mention of the infant as “Baby Boy Ling”.
 - y. Failing to hire appropriate personnel to secure fired projectiles, from the Ling residence and the Honda Accord, and to conduct an extraction of Ms. Ling’s phone.
 - z. Failing to conduct a thorough pre-trial conference with Applicant.
 - aa. Failing to obtain records from Applicant’s and Ms. Ling’s cell phones.
 - bb. Failing to contest the admissibility of evidence obtained from Samsung Galaxy S6 and the HP laptop for lack of warrants.
 - cc. Failing to obtain body camera footage of Officer Miller and Corporal Pouchprom from interviews of parents of juveniles at the Estill Police Department.
 - dd. Failing to interview and obtain statements from witnesses and subsequently having subpoenas issued for those witnesses.
2. Prosecutorial Misconduct for:
- a. Violating *Brady* by failing to provide Applicant with evidence, including:
 - i. The body camera video of Officer Marcus Miller.
 - 1. The names and statements of witnesses on the video.
 - ii. The video of Corporal Zatch Pouchprom.
 - iii. The records from Defendant’s phone.
 - iv. The records from Alydia Ling’s phone.
 - v. The fired projectiles from the Ling’s residence.
 - b. Making improper references throughout the trial, including opening, closing, and from State’s witnesses regarding Ling’s relationship with Applicant, Applicant’s and Ling’s respective ages, the paternity of the fetus, and by referring to the fetus as “Baby Boy Ling.”
 - c. The unnecessary delay from Applicant’s charge to when he was indicted.
 - d. For eliciting detailed testimony concerning a prior difficulty from Gladys Roberts.
 - e. Making improper statements and references in closing argument that constituted burden shifting, involved statements related to things not in evidence, involved incorrect statements or information, or statements that implicated Counsel’s alleged intention to mislead the jury.
 - f. Losing or destroying evidence.
 - g. Entering photographs and videos of Ms. Ling that inflamed the passions of the jury.
3. Ineffective Assistance of Appellate Counsel for:
- a. Failing to raise the issue that Applicant was erroneously deprived of his right to proceed forward *pro se*.
 - b. Failing to brief on appeal the inadmissibility of all evidence obtained from the blue Honda Accord due to the lack of chain of custody.

Conclusion

Based upon the above, Mr. McKnight requests that this Court grant relief, vacate the convictions, and remand the case to the court of general sessions for a new trial.



Chelsey F. Marto
Attorney at Law
S.C. Bar No. #104191

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P.O. Box 8795
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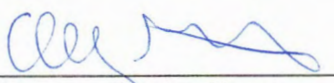
For Applicant Johnnie McKnight

May 2, 2024

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
)	
)	
Johnnie McKnight, #268238,	)	Case No.: 2022-CP-25-00238
Applicant,)	
v.	)	Affidavit of Service by Mail
State of South Carolina,)	
Respondent.)	
)	

1. I am the attorney for Applicant in the above-captioned matter.
2. Regular communication by mail exists throughout the state of South Carolina and this is a proper circumstance of service by mail.
3. I have this day served a copy of the Amended Application on the above-captioned matter on the following person by depositing the same in the United States mail with the proper postage affixed thereto:

Office of the Attorney General
Attn: Danielle Dixon, Esquire
PCR Division
P.O. Box 11549
Columbia, SC, 29211



 Attorney for Applicant


 _____, 2024

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

IN THE COURT OF COMMON PLEAS

Johnnie Lee McKnight, #268238,)
)
Applicant)

ORDER

v.

FILED
AM/PM

**VACATING FIVE-YEAR SENTENCE
AND DISMISSING ALL REMAINING CLAIMS**

JAN - 6 2024

State of South Carolina,)
)
Respondent.)

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

Civil Action No. **2022-CP-25-00238**

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Johnnie Lee McKnight (Applicant) on August 24, 2022. On May 7, 2024, an evidentiary hearing was held with Applicant present and represented by Chelsey F. Marto, Esquire. Assistant Attorney General Danielle Dixon represented the respondent. Applicant testified and called as witnesses trial counsel Trasi Campbell and Assistant Circuit Solicitor Heather Swanson. Following a thorough review of the records before this Court and the testimony and evidence presented at the hearing, this Court finds the five-year sentence for Possession of a Weapon During the Commission of a Violent Crime should be vacated pursuant to S. C. Code Ann. Section 16-23-490(A) due to the imposition of a life sentence for the accompanying violent crime of Murder. As to the remaining allegations, this Court finds them to be without merit. Relief as to those allegations should be and are therefore denied and the application dismissed with respect to those claims.

FACTS & PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a life sentence. In September 2018, the Hampton Grand Jury indicted Applicant for two counts of Murder (2017-GS-25-00455 and 00462), three counts of Attempted Murder (2017-GS-25-00456, 00457, 00458), Discharging a Firearm Into a Dwelling (2017-GS-25-00459), and Possession of a Weapon During the Commission of a

Violent Crime (2017-GS-25-00460) arising from the fatal shooting of Alydia Ling (Victim) and her unborn baby on August 31, 2017.¹

On February 4-6, 2019, Applicant proceeded to trial before Circuit Judge Carmen T. Mullen and a jury before whom he raised the defense of “Self-defense”. Assistant Public Defender Trasi Campbell represented Applicant. Assistant Circuit Solicitor Hunter Swanson prosecuted the case. The jury convicted Applicant as indicted, and Judge Mullen sentenced him concurrently to life in prison for each Murder conviction, thirty years for each Attempted Murder conviction, ten years for Discharging a Firearm Into a Dwelling, and five years for the weapon charge.

Applicant filed a direct appeal. Chief Appellate Defender Robert Dudek filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising the following issue:

Did the trial court err by admitting remote, more than two-month-old text messages between Applicant and the victim when they were going to confuse the jury, since some of them threatened the decedent while others showed a warm relationship, and which invited undue prejudicial speculation?

The Court of Appeals dismissed pursuant to Anders. Applicant filed a pro se Petition for Rehearing, which was denied. Applicant also filed a pro se Petition for Writ of Certiorari, which was dismissed. The remittitur was sent September 24, 2021.

SUMMARY OF TRIAL TESTIMONY

At trial, Officer Marcus Miller testified he responded to a shooting on August 31, 2017. He recalled hearing a series of shots in “rapid succession.” When he arrived, Shamond Ling, the victim’s brother, was outside yelling, “He shot my sister. He shot my sister. . . . It was Johnnie Mack.” (Tr. 134-35). Officer Zatch Pouchprom also responded to the scene and spoke with Ling, who stated Applicant was driving a blue Honda and had “opened fire” in front of the Ling home. (Tr. 151-56). Police recovered several shell casings from the scene. (Tr. 162). Michelle Bryan, a paramedic, testified she responded and found a young pregnant woman lying on her back in the door of the home; she did not have a pulse. (Tr. 164).

¹ DNA testing indicated Applicant was the father of Ling’s unborn baby.

Ling testified he lived with his mother and sixteen-year-old Victim. (Tr. 170-71). He recalled standing outside that evening when Applicant pulled up in a blue Honda and told Victim to get in the car. Ling stated he told Victim to go outside. He testified Applicant pulled away but then returned "yelling and raging" and began shooting. (Tr. 171).

Victim's mother, Deborah Ling, testified Victim had been in a relationship with Applicant, who was much older than Victim. (Tr. 197-99). She testified Applicant passed their home that evening in a Blue Honda; thereafter, he returned and began cursing outside. Deborah testified she was standing near Victim "not far from the door" when she was shot. (Tr. 202-03).

Officer Alex Williams testified law enforcement located Applicant's Honda, which had a bullet hole in the right driver's side door. (Tr. 282-83). Jennifer Nates, an expert in trace analysis and gunshot residue analysis, identified particles of gunshot residue taken from the Honda's gear shift, driver's door, and steering wheel. (Tr. 340-41).

Gladys Roberts, a close family friend, testified about a prior altercation between Victim and Applicant. According to Roberts, she and Victim were sitting outside when Applicant pulled up and ran through the house arguing with Victim. Roberts stated Applicant grabbed Victim's hair and swung about three times before Roberts intervened. She testified Applicant retrieved a black gun from his car, pointed it at Roberts, and threatened to kill her. (Tr. 243-244).

Dr. Cynthia Schandl, a forensic pathologist, testified Victim died of a single gunshot wound that entered her left cheek and exited the side of her neck, severing her spinal cord. (Tr. 349). Dr. Schandl could not determine the position of Victim's body at the time of the shooting. She opined that based on the absence of skin abrasions or soot, the gun was three feet or more from Victim or the bullet passed through an intermediate object before hitting Victim. (Tr. 349-51).

Agent Viann Brantley recovered text messages from Applicant's phone. The texts included messages such as, "We done, yo. That crack head can have you."; "Die, birth; die, bit**."; "I hate you, bit**."; and "Bit**, you done." (R. 323-26). On cross-examination, Brantley identified other messages that read, "Somewhere loving you," "Good morning, my beautiful lady," and "Bae, I love you" (R. 328-30).

CURRENT PCR APPLICATION

On August 24, 2022, Applicant filed this PCR application raising sixteen allegations of trial court error; eighteen allegations of prosecutorial misconduct; sixty-one allegations of ineffective assistance of trial counsel; and five allegations of ineffective assistance of appellate counsel. As relief, Applicant requested his conviction and sentence be vacated, and/or a new trial. Thereafter, Applicant filed an amended application alleging:

I. Ineffective assistance of Trial Counsel for:

- a. Failing to mitigate the sentence.
- b. Failing to review discovery with Applicant, including failing to provide Applicant a copy of the Gladys Roberts police report.
- c. Failure to investigate:
 - i. Witnesses from the area, including the 911 callers;
 - ii. Shamond Ling's prior robbery of Applicant at a night club and Ling's prior UCP arrest;
 - iii. Alydia Ling's medical records;
 - iv. Information concerning Wayner Ritter;
 - v. Dr. Cynthia Shandl and review prior cases she testified in.
- d. Failing to object to:
 - i. The States' opening and closing statements addressing their involving things not in evidence, things that misinterpreted the evidence and testimony, burden shifting of the self-defense defense, the victim's and defendant's ages, their prior relationship, the paternity of the fetus, and for referring to the fetus as "Baby Boy Ling.";
 - ii. The State entering four .224 shell casings and the fired projectile found near the Chevy into evidence;
 - iii. The testimony of Gladys Roberts;
 - iv. The evidence gathered off the blue Honda for lack of chain of custody;
 - v. The text messages;
 - vi. Photographs and videos of Ms. Ling used to inflame the passion of the jury;
 - vii. Captain Williams' testimony after he observed everyone else testify;
 - viii. The fired projectile;
 - ix. The Court' improper charge pressuring the jury to reach a decision by saying thy can leave once the verdict is unanimous and its mention of "Baby Boy Ling";
 - x. Testimony by Michal Bryan about grazes or bullet holes in the screen door and door frame;

- xi. The imposition of a five-year sentence for the weapons possession charge when Applicant was already sentenced to life;
 - xii. The Court charging the jury on implied malice;
- e. Failure to cross-examine:
- i. Ms. Roberts effectively;
 - ii. SLED Agent Smith about the jacketed rounds and about comparing Exhibit 44 to the photographs of the fired projectiles to the same;
 - iii. Officer Manor about if he was wearing a body camera;
 - iv. Stuart Atkinson about the location of a cell phone;
 - v. Shamond Ling with photographs that would show he liked about his ability to see the blue Honda Accord clearly;
 - iv. Debra Ling about her testimony regarding an accident;
 - vii. Captain Williams about jacketed rounds;
 - viii. Dr. Cynthia Schandle regarding fragments of jacketed rounds and the discrepancy with Ms. Ling being more than nine months pregnant;
- f. Failing to request an adverse inference charge because of the lost or destroyed evidence;
- g. Failing to request a voluntary or involuntary manslaughter charge;
- h. Failure to move for a mistrial or new trial based on the cumulative error doctrine;
- i. Bolstering the State's case during closing argument by admitting to some of the State's contentions and theory and failing to support the defense with a self-defense argument;
- j. Failure to re-analyze body camera footage regarding whether Shamond Ling was truthful about where he placed his gun and holster;
- k. Failing to renew the motion to sequester;
- l. Bolstering the State's case by asking if Ms. Ling was shot while in the house but failing to show that it was impossible for Alydia to have been shot through the left side from the angle described;
- m. Making improper opening and closing statements indicating she was forced to represent Applicant;
- n. Failing to move to quash the indictment;
- o. Selecting a juror who is partial to law enforcement;
- p. Failing to renew Applicant's motion to proceed forward pro se;
- q. Discouraging Applicant from testifying;
- r. Stipulating to the chain of custody;

- s. Failing to properly impeach and cross-examine the State's witnesses;
- t. Failing to add the fact that the State did not meet their burden of proof in proving what weapon was the murder weapon in her directed verdict motion and motion for new trial;
- u. Failing to renew the motion to dismiss for spoliation and failing to move to dismiss the evidence both on the basis of bad faith and because the evidence was exculpatory;
- v. Failing to request an immunity hearing;
- w. Saying in opening argument that she was essentially forced to represent Applicant;
- x. Failing to pursue a pre-trial motion in limine to exclude mention of the victim being underage and mention of the infant as "Baby Boy Ling";
- y. Failing to hire appropriate personnel to secure fired projectiles from the Ling residence and the Honda Accord, and to conduct an extraction of Ms. Ling's phone;
- z. Failing to conduct a thorough pre-trial conference with Applicant;
- aa. Failing to obtain records from Applicant's and Ms. Ling's cell phone;
- bb. failing to contest the admissibility of evidence obtained from Samsung Galaxy S6 and the HP laptop for lack of warrants;
- cc. Failing to obtain body camera footage of Officer Miller and Corporal Pouchprom from interviews of parents of juveniles at the Estill Police Department;
- dd. Failing to interview and obtain statements from witnesses and subsequently having subpoenas issued for those witnesses.

2. Prosecutorial Misconduct:

- a. Violating Brady by failing to provide Applicant with evidence, including:
 - i. The body camera video of Officer Marcus Miller and names and statements of witnesses on the video;
 - ii. The video of Corporal Zatch Pouchprom;
 - iii. The records from Defendant's phone;
 - iv. The records from Alydia Ling's phone;
 - v. The fired projectiles from the Ling's residence;
- b. Making improper references throughout the trial, including opening, closing, and from State's witnesses regarding Ling's relationship with Applicant, Applicant's and Ling's respective ages, the paternity of the fetus, and by referring to the fetus as "Baby Boy Ling";

c. The unnecessary delay from Applicant's charge to when he was indicted;

d. For eliciting detailed testimony concerning a prior difficulty from Gladys Roberts;

e. Making improper statements and references in closing argument that constituted burden shifting, involved statements related to things not in evidence, involved incorrect statements or information, or statements that implicated counsel's alleged intention to mislead the jury;

f. Losing or destroying evidence;

g. Entering photographs and video of Ms. Ling that inflamed the passions of the jury.

3. Ineffective Assistance of Appellate Counsel :

a. Failing to raise the issue that Applicant was erroneously deprived of his right to proceed forward pro se;

b. Failing to brief on appeal the inadmissibility of all evidence obtained from the blue Honda Accord due to the lack of chain of custody.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Hampton County Clerk of Court records of the subject convictions; Applicant's records from the South Carolina Department of Corrections; and Applicant's appellate records, including the trial transcript. This Court has further had the opportunity to observe the witnesses presented at the evidentiary hearing, closely pass upon their credibility and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code.

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When the application alleges ineffective assistance of counsel, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland, 466 U.S. 668 (1984); Butler, 286 S.C.

at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. at 687-88. First, an applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, a PCR applicant must prove that counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Failed to mitigate the sentence (1)(a)

Applicant contends counsel was ineffective for failing to mitigate the sentence. At the PCR hearing, counsel testified she spoke with Applicant's mother who was prepared to speak on his behalf; however, Applicant's mother left before sentencing, and counsel attempted to call her but could not get a response. Based on counsel's credible testimony, this Court finds counsel's conduct was reasonable under prevailing professional norms and not deficient. Further, based upon this Court's review, counsel's mitigation was reasonable under prevailing professional norms and not deficient. (Tr. 454-56). Applicant failed to offer any additional mitigation or additional witness at the PCR hearing that likely would have changed the sentence imposed. Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to review discovery (1)(b)

Applicant next contends trial counsel as ineffective for failing to review discovery with him. Specifically, he contends counsel failed to provide Applicant a copy of the Gladys Roberts police report. This Court finds Applicant did not prove this ground.

At the PCR hearing, counsel testified she met with Applicant eight times prior to trial and reviewed discovery with him. (PCR Tx. 5-6). When questioned specifically about Roberts' police report, counsel testified she did not specifically recall that report, but her practice was to provide clients all the discovery. (PCR Tx. 6-7). Applicant agreed that counsel's testimony that they met about eight times "might be right" but asserted they discussed personal things more than his case. He recalled, however, reviewing discovery, including clips from three DVDs, witnesses that would testify against him, and physical evidence, including GSR and projectiles recovered from the scene.

This Court finds credible counsel's testimony that she met with Applicant eight times and provided him discovery, and it was her practice to provide all discovery to clients. This Court finds counsel's meetings with Applicant and discussion of discovery was reasonable under prevailing professional norms and not deficient. Further, Applicant's argument as to how the police report could have been used (set forth more fully in section (1)(d)(iii) below) is tenuous at best, and Applicant has not overcome the presumption that counsel's decision-making here was reasonable under prevailing professional norms. Finally, Applicant did not produce Roberts' police report at the PCR hearing—leaving this Court to speculate about whether it exists and what impact it would have on the trial. Applicant did not set forth any other specific discovery counsel should have further reviewed that would have reasonably changed the outcome of trial. Applicant thus did not prove deficiency or prejudice. This claim is without and relief denied.

Failed to investigate²

Applicant next contends counsel was ineffective for failing to investigate. Specifically, he contends counsel failed to investigate witnesses from the area, including the 911 callers; Shamond Ling's prior robbery of Applicant at a night club and Ling's prior arrest; Alydia Ling's medical records; information concerning Wayner Ritter; and Dr. Cynthia Shandl, including reviewing prior cases she testified in. Applicant also contends counsel was ineffective for failing to obtain records from Applicant's and Victim's cell phone; obtain

² This section combines allegations (1)(c)(i-v), (1)(aa), (1)(cc), and (1)(dd), as set forth above.

body camera footage of Officer Miller and Corporal Pouchprom from interviews of parents of juveniles at the Estill Police Department; and obtain statements from witnesses and issue subpoenas for those witnesses.

At the PCR hearing, Applicant testified counsel failed to obtain a copy of Roberts' police report; talk to witnesses; investigate an incident where Shamond robbed him at a club or obtain that incident report; investigate Victim's medical records; or investigate information that Wayne Ritter was arrested for molesting Victim and was not supposed to be at the home. He further averred Shamond frequently carried an assault rifle and had been arrested for it, and he alleged counsel should have investigated whether Shamond owned an assault rifle to impeach his testimony that he never owned or possessed one. Regarding Dr. Schandl, Applicant alleged the State could not prove which bullet struck and killed Victim, and he believed counsel should have sought an expert forensic pathologist to determine the type of gun used based on the bullet wounds. Finally, Applicant alleged Victim's cell phone records would have shown he was on the phone with Victim prior to the shooting.

Initially, Applicant did not present any witnesses at the PCR hearing that counsel would have uncovered by further investigation. Applicant did not introduce (1) Robert's police report, (2) credible evidence that Shamond had previously robbed Applicant or been arrested; (3) Victim's medical records; (4) credible evidence or information about Ritter; (5) any prior cases or evidence regarding Dr. Shandl; (6) body camera footage; (7) witness statements; or (8) cell phone records.³ Without such evidence, this Court is left to speculate about what impact (if any) any such evidence would have had on the trial or whether such evidence even exists. Applicant thus did not prove prejudice.

Applicant likewise did not prove deficiency. Initially, based on counsel's credible testimony about her investigation, this Court finds counsel's investigation was reasonable under prevailing professional norms and not deficient. Counsel credibly testified she visited the home and took photos and measurements; investigated the individuals that were identified as eyewitnesses; listened to the 911 calls but determined they were not helpful to the defense; and investigated Ritter but determined he did not see the shooting. (PCR Tx. 7-9).

³ In another allegation, Applicant complains that counsel did not object to the admissibility of his cell phone records.

Counsel further credibly testified she reviewed Dr. Schandl's CV, found her credible, and had no reason to believe she was not a forensic pathologist. (PCR Tx. 9). Regarding Victim's medical records, counsel credibly testified she obtained EMS records, the coroner's report, and DSS records; and Applicant "happily admitted paternity of the child." This Court thus finds obtaining Victim's OBGYN or any other medical records would not have been beneficial in any way. Based on the foregoing, this Court finds counsel's investigation of these matters was not deficient.

Regarding the incident with Shamond, counsel credibly testified she knew Shamond and Applicant had a disgruntled history, but she was unaware of a prior robbery. Counsel likewise credibly testified she investigated Shamond's alleged prior unlawful carrying arrest but did not have any information to support that conviction. Based on the foregoing, counsel's investigation of Shamond was reasonable under prevailing norms and not deficient.

Regarding Victim's cell phone records, this Court finds evidence that Applicant and Victim were on the phone prior to the shooting would not have aided his self-defense theory—especially here where Shamond testified that Applicant had initially pulled up to the home and told Victim to get in the car. (Tr. 171-72). In other words, no one disputed that Victim and Applicant spoke before the shooting.⁴ Applicant's remaining allegations about counsel's alleged deficiencies in the investigation are tenuous as to how such evidence could have change the outcome. Applicant has failed to prove deficiency or prejudice related to counsel's investigation. This claim is without merit and relief denied.

Failed to object – State's opening and closing (1)(d)(i)

Applicant asserts counsel was ineffective for not objecting to the State's opening and closing statements addressing their involving things not in evidence, things that misinterpreted the evidence and testimony, burden shifting of the self-defense defense, the victim's and defendant's ages, their prior relationship, the paternity of the fetus, and for referring to the fetus as "Baby Boy Ling." This Court finds

⁴ This Court notes the cell phone data expert testified he was unable to extract information from the pink cell phone belonging to Victim—making counsel's failure to obtain this information reasonable under prevailing professional norms.

Applicant did not prove counsel was ineffective in this regard. This Court finds Applicant has failed to set forth specific, objectionable portions of the State's opening and closing argument. More specifically, this Court finds referencing the ages of the parties, their relationship, the paternity of the fetus, and calling the fetus Baby Boy Ling was not objectionable here. Applicant has not met his burden of proving deficiency or prejudice. This claim is without merit and relief denied.

Failed to object – admission of shell casings and fired projectile⁵

Applicant asserts counsel was ineffective for not objecting when the State entered four .224 shell casings and a fired projectile found near the Chevy. At the PCR hearing, Applicant elaborated on why he believed counsel should have objected to the casings:

Because they were found under a vehicle. I'm not familiar whether it was a cop car or a pedestrian—I mean a civilian, but in any event, there were a lot of undocumented civilians walking around at the crime scene, poking their fingers in bullet holes and touching stuff, kicking things around, and who knows, they could have dug in their pocket and dripped those on the ground. We don't know where they came from. And also if you said there was 30 rounds shot, why are there only four shell casings?

(PCR Tx. 70). He further asserted counsel should have objected to the fired projectile recovered from the house because “it doesn't look like a .223 bullet to me. And they showed us a baggy with the bullet in it, a evidence bag, with the supposed projectile that they found from the house. And if you compare that to the picture that he take—took at the scene, they do not look alike. They're not the same bullets, so I don't know where they got that from.” (PCR Tx. 70-71). Counsel testified she did not object “[b]ecause every piece of evidence worked for us, just like it worked for the State. So whatever was coming in evidence, we had a mechanism with which we intended to use that evidence to support his self defense.

Initially, this Court finds that based on counsel's foregoing testimony, which this Court finds credible, counsel articulated a valid strategic reason for not objecting in that she was able to use that evidence to support her self-defense theory. This Court further finds not credible any insinuation by Applicant that the State manufactured evidence or otherwise entered into evidence a projectile that was not recovered from the crime

⁵ This section combines allegations (1)(d)(ii) and (1)(d)(viii) as set forth above.

scene. Finally, this Court finds Applicant failed to set forth a valid, legal objection counsel could have made to the admissibility of the shell casings and fired projectile recovered from the scene. To the extent Applicant is concerned about crime scene contamination, this Court finds counsel raised that issue vigorously throughout trial. Further, any argument regarding spoliation or contamination is not, in and of itself, a basis to exclude evidence; rather, it is something counsel can bring out in cross-examination. Applicant has failed to articulate a valid, legal objection counsel should have made to this evidence and thus did not prove deficiency or prejudice.

Failed to object - testimony of Gladys Roberts (1)(d)(iii)

Applicant next contends counsel was ineffective for not objecting to the testimony of Gladys Roberts. Applicant likewise contends counsel should have obtained Roberts' police report. Applicant has not met his burden. At the PCR hearing, Applicant testified Roberts' credibility was questionable. He asserted Roberts had previously told police that Applicant pulled a gun on her, and based on that statement, he (Applicant) could have been charged with pointing and presenting a firearm, possession of a firearm by a convicted felon, and possession of a firearm during the commission of a violent crime. Applicant stated he was never charged with those crimes, which meant police did not believe Roberts. He thus asserted counsel should have objected when the State called Roberts as a witness because police didn't "even respect her credibility to begin with to even charge me with a crime."

In essence, Applicant seems to believe his tenuous allegation regarding Roberts' lack of credibility was a basis to object to her being called as a witness. This is simply not true. The fact police may or may not have believed her allegations against Applicant on a different, unrelated occasion has no bearing on whether she was being truthful about the underlying murder. To the extent Roberts lacked credibility as a witness, the proper remedy was impeachment—not objecting to her being called as a witness in the first place. This Court finds Applicant has not set forth any viable basis to object to her being called as a witness and thus has not proven deficiency or prejudice. Further, this Court finds Applicant's argument as to how the police report could have been used is tenuous at best, and Applicant has not overcome the presumption that counsel's decision-making here was reasonable under prevailing professional norms. Finally, Applicant did not produce Roberts'

police report at the PCR hearing—leaving this Court to speculate as to whether it exists and what impact it would have on the trial. Applicant thus did not prove deficiency or prejudice. This his claim is without merit and relief denied.

Failed to object – Evidence from Blue Honda (1)(d)(iv)

Applicant contends counsel was ineffective for not objecting to the evidence gathered off the blue Honda for lack of chain of custody. He acknowledged counsel made a pretrial objection to evidence from the Honda. When asked if counsel contemporaneously objected, Applied replied, “I believe she did later, I’m not for sure, but in any event . . . they did not elaborate on why the objection was made, so I’m assuming that’s why [appellate counsel] didn’t appeal that. Nevertheless, I don’t even think the judge ruled on it at pretrial. . . . That’s why I wanted her to reiterate and renew the objection. (PCR Tx. 72). Regarding a photo of a weapon that was extracted from a camera in the Honda, Applicant asserted

There was no return on the warrants, which we don’t know if it was processed properly, and that’s . . . where they got all those text messages, and I believe that’s also where they got that picture of an assault rifle that even the SLED agent said might be a toy, which also they never authenticated that either, that photo.

(PCR Tx. 89). Counsel credibly testified

[T]he blue Honda is an interesting situation, because we always had a position and a theory that Shamond Ling had to have been firing in a different location from where he told law enforcement he was firing from. And I did cross-examine him about that, because the tire—the two front tires on the blue Honda had been completely shredded; and so our position was that they had been shot out, so we did not object to anything to do with the blue Honda. We felt that it worked for Mr. McKnight.

(Tr. 16). Based on counsel’s foregoing testimony, which this Court finds credible, counsel articulated a valid reason for not objecting to evidence from the blue Honda in that much of it was helpful to the defense theory; thus, Applicant did not prove deficiency. Further, the only item from the Honda that Applicant complained about was the picture of the weapon from a camera that was found in the Honda. However, counsel *did* object to the picture, but that objection was overruled.⁶ (Tr. 108-12, 286). Additionally, based on the trial transcript,

⁶ Counsel objected when the photograph was entered, thus preserving that objection for appeal. (Tr. 286).

the warrant to search the camera where the photo was recovered *did* contain a return (Tr. 286), and this Court finds Applicant's testimony that the warrant did not contain a return to be NOT credible. Applicant did not articulate any other viable legal objection that would have reasonably led to the exclusion of the photo (or any other evidence in the car) and thus did not meet his burden of proving deficiency or prejudice in this regard.

*Failed to object – Text messages*⁷

Applicant next contends counsel was ineffective for not objecting to the text messages extracted from a Samsung Galaxy S6 that was recovered from Applicant at the detention center. Specifically, he avers counsel should have objected based on lack of authenticity and lack of warrants.⁸ At the PCR hearing, he elaborated,

There was no return on the warrants, which we don't know if it was processed properly, and that's . . . where they got all those text messages, and I believe that's also where they got that picture of an assault rifle that even the SLED agent said might be a toy, which also they never authenticated that either, that photo.

(PCR Tx. 89). This Court finds counsel articulated a valid strategic reason for not objecting to the text messages in that she used the messages as part of her closing argument, and “whatever angst that the State intended to draw out from a couple of text messages, the balance of them were not negative, and worked to—to support our position that he had zero reason to want to shoot and kill Alydia.” (Tx.. 416; PCR Tx. 14-15). This Court further finds there is no likelihood the text messages would have been excluded based on lack of authenticity here where the messages were extracted from a phone recovered from Applicant at the detention center. (Tr. 137, 322-23). Finally, Applicant did not present credible evidence of any deficiency in the search warrant for the phone, nor did he articulate any other viable legal objection that would have reasonably led to the exclusion of the text messages. Applicant thus did not meet his burden of proving deficiency or prejudice. This claim is without merit and relief denied.

Failed to object – photographs of Victim (1)(d)(vi)

⁷ This section combines allegations (1)(d)(v) and (1)(bb), as set forth above.

⁸ Applicant also contends counsel was ineffective for not objecting to the admissibility of evidence from an HP laptop; however, no evidence from that laptop was introduced at trial.

Applicant contends counsel was ineffective for failing to object to photographs and videos of Victim used to inflame the passion of the jury. Specifically, at the PCR hearing, Applicant testified the pictures and video showed Victim “laying in a pool of blood with her shirt off with her stomach exposed.” He stated counsel specifically stated, “No objection.” However, counsel *did* object to the photo of Victim at trial. (Tr. 165-66). Further, Applicant did not introduce that picture—or any other picture—at the PCR hearing, leaving this Court to speculate as to the prejudicial impact of the picture. Ultimately Applicant failed to prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to object - Captain Williams testimony⁹

Applicant contends counsel was ineffective for not objecting to Captain Alex Williams’ testimony on the basis that he observed everyone else testify. Likewise, he avers counsel was ineffective for not renewing the motion to sequester. At the PCR hearing, Applicant clarified his allegation related to counsel’s failure to renew the motion to sequester was directly related to the fact Captain Williams was able to testify after being in the courtroom during trial. This allegation lacks merit. At trial, counsel moved to sequester all witnesses—including law enforcement. In response, the solicitor requested the lead investigator be permitted to remain at the table with her, and the court ruled it would allow the lead investigator to remain. (Tr. 12-13). Captain Williams was the lead investigator, and it was within the trial court’s discretion to permit Captain Williams to remain. See State v. Tisdale, 338 S.C. 607, 616, 527 S.E.2d 389, 394 (Ct. App. 2000) (“A party is not entitled to have witnesses sequestered as a matter of right. The decision to sequester witnesses is left to the sound discretion of the trial judge.”). Counsel did, in fact, raise this issue, and once the court ruled, there was no basis for counsel to renew the motion to sequester at the start of Captain Williams’ testimony. Applicant has not shown counsel’s actions here fell below prevailing professional norms and thus has not proven deficiency. Likewise, there is no reasonable probability the trial court would have excluded Captain Williams from testifying had counsel renewed her motion to sequester at the start of his testimony. This claim is without merit and relief denied.

⁹ This section combines allegations (1)(d)(vii) and (1)(k).

Failed to object – Court's comments to jury (1)(d)(ix)

Applicant contends counsel was ineffective for not objecting to the Court's improper charge pressuring the jury to reach a decision by saying they can leave once the verdict is unanimous and its mention of "Baby Boy Ling." Initially, this Court finds calling the fetus "Baby Boy Ling" was not objectionable. Additionally, Applicant failed to specify the portion of the charge he believed was objectionable due to the court "saying the can leave once the verdict is unanimous." This Court has reviewed the jury charge (Tr. 421-40) and did not find any objectional language instructing the jury it could leave when it reached a unanimous verdict. Applicant has not shown deficiency or prejudice. This claim is without merit and relief denied.

Failed to object – Testimony by Michelle Bryan (1)(d)(x)

Applicant contends counsel was ineffective for not objecting to testimony by State witness Michelle Bryan about grazes or bullet holes in the screen door and door frame. Specifically, Applicant averred Bryan was a paramedic and was not qualified as an expert to testify about "grazes and bullet dents" or "grazes and grooves" in the doorframe. This allegation lacks merit.

At trial, the following exchange occurred during paramedic Bryan's direct examination:

Q. Did you notice anything about that screen door?

A. Maybe not specifically the screen door, but I noticed that there were nicks around the door facing, where we walked in.

Q. Okay. Nicks. Do you mean grazes or holes?

A. That's what it looked like to me.

(Tr. 166). Counsel testified she cross-examined witnesses about the grazes, and much of her cross-examination was about trajectory. She elaborated, "[I]t was a part of the theory of our case, the grazes and the bullet holes in the screen door and the door frame, and the blood, where the blood was located by the front door." (PCR Tx. 17).

Critically, the foregoing was proper testimony because it was rationally based on Bryan's perception, helpful to a clear understanding of the determination of a fact, and did not require special knowledge, skill, experience, or training. See Rule 701, SCRE ("If the witness is not testifying as an expert, the witness'

testimony in the form of opinions or inferences is limited to those opinions or inferences which (a) are rationally based on the perception of the witness, (b) are helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) do not require special knowledge, skill, experience or training.”). Thus, counsel’s failure to object on this basis was reasonable under prevailing professional norms and not deficient. Likewise, counsel articulated a valid basis for not objecting in that she used evidence of grazes and bullet holes to further her theory about the trajectory of the bullets. Further, because this was not improper testimony, it is not reasonably probable the testimony would have been excluded had counsel objected. Finally, testimony that the doorframe had nicks or holes was cumulative to other evidence from trial—including pictures of the doorframe—and it is patently undisputed that there were multiple bullet holes in the side of the home.¹⁰ Thus, there is no reasonable probability the outcome would have been different had counsel objected to (and successfully excluded) the foregoing testimony. This claim is without merit and relief denied.

Failed to object – Sentence (1)(d)(xi)

Applicant contends counsel was ineffective for failing to object to the imposition of a five-year sentence for the weapons possession charge when Applicant was already sentenced to life. Applicant is correct, and the State has conceded this issue. See S.C. Code Ann. § 16-23-490(A). Thus, Applicant’s *sentence* for the weapon charge is hereby vacated.¹¹

Failed to object – Implied malice charge (1)(d)(xii)

Applicant contends counsel was ineffective for not objecting when the court charged the jury on implied malice. At the PCR hearing, he averred South Carolina law prohibits an implied malice charge when a defendant proceeds on self-defense. Under the law that existed at the time of trial, a trial court could not charge the jury that malice could be inferred *from the use of a deadly weapon* if evidence was presented to

¹⁰ In fact, several of Applicant’s current allegations center on his contention that law enforcement or counsel should have extracted additional bullets that remained lodged in the home.

¹¹ Since this is a challenge to the sentence alone and not the conviction itself, the possession of a weapon conviction shall remain.

reduce, mitigate, excuse, or justify the homicide. See State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009), *overruled by* State v. Burdette, 427 S.C. 490, 832 S.E.2d 575 (2019). However, the trial court's inferred malice charge here did not include language related to a deadly weapon.¹² The charge was a correct under the law that existed at the time of trial,¹³ and Applicant has not shown deficiency or prejudice from counsel's failure to object. This claim is without merit and relief denied.

Failed to cross-examine Roberts (1)(e)(i)

Applicant contends counsel was ineffective for not effectively cross-examining Roberts. At the PCR hearing, he averred counsel should have cross-examined Roberts on the following:

Ms. Roberts stated something about, Yeah, he came over here in that little, blue Honda.' Okay, I wanted her to establish what blue Honda? Because if it's the Honda that's in question in this case, that Honda purported, as the record shows, was not in my possession until the month prior to this incident, so how can I have that same Honda a year prior? And I believe the State knew that and elicited this testimony.

(PCR Tr. 79). Counsel testified she did not cross-examine Roberts because she had cross-examined her during the proffer and "knew she was going to be dynamite." She further averred Roberts' "testimony was not too terribly damaging," and she was concerned that if she "asked her a single or series of questions, there's not telling what would have come out of her mouth." Counsel explained Roberts "was clearly not a fan of Mr. McKnight," and counsel was concerned Roberts would damage their case. (PCR Tx. 20-21). Counsel further explained the Honda itself was registered in somebody else's name, but they never disputed that Applicant was driving the Honda that night. Based on counsel's foregoing credible testimony, this Court finds counsel articulated a valid strategic reason for not cross-examining Roberts. Further, Applicant's suggested line of questioning about the Honda is not material to whether he was acting in self-defense, and Applicant has not set forth a valid line of cross-examination that counsel should have employed. Applicant thus did not prove deficiency. Finally, it is speculative as to what Roberts would have said had she been cross-examined about

¹² The trial court charged, "Malice may be inferred from conduct that is so reckless and wanton as to indicate a depravity of mind and general disregard for human life." (Tr. 430).

¹³ Burdette was decided *after* Applicant's trial. Nonetheless, the charge here is also proper under Burdette.

whether Applicant had the Honda a year before the murder. Applicant has not shown deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Agent Smith (1)(e)(ii)

Applicant contends counsel was ineffective for not cross-examining SLED Agent Smith about the jacketed rounds and about comparing Exhibit 44 to the photographs of the fired projectiles. He testified,

I wanted him to look at the photo of the item 5, that they claim is the actual bullet that was in that evidence bag and tell me do we believe those are the same bullets because we had a discussion about that, and it's not in the transcript, so there was no record. We also discussed a lost phone, that's not in the transcript. They had a picture of a phone, and even the prosecution stated in the transcript that there was another phone we wasn't able to get into. I don't know what phone that was, but she did state that.

(PCR Tx. 84). Counsel testified she “went around and around with [Agent] Smith about the firearms evidence” and averred she cross-examined him extensively. (PCR Tr. 23). This Court agrees with counsel’s assessment that she cross-examined Agent Smith extensively and finds her cross-examination was reasonable under prevailing professional norms and not deficient. (Tr. 231-41). Applicant has not set forth a viable line of cross-examination that counsel should have employed in addition to her cross-examination and thus has failed to prove deficiency or prejudice. Likewise, without more, this Court can only speculate about what Agent Smith would have said upon further cross-examination. Applicant thus did not prove this ground.

Failed to cross-examine Officer Miller¹⁴ (1)(e)(iii)

Applicant contends counsel was ineffective for not cross-examining Officer Miller about whether he was wearing a body camera. At the PCR hearing, he testified he never received a video from Officer Miller’s body camera. However, they received a video from a police cruiser, and Applicant asserted you could see Officer Miller in that video “running and jump over a banister, and when he lands, his body camera falls off his chest and hits the ground. He picks it up and he’s running—he runs in the police station and he comes back out, gets in the car and he takes off.” (PCR Tr. 83). Applicant averred Officer Pouchprong’s body camera was

¹⁴ Although the application states Officer Manor, based on context it appears Applicant is referencing Officer Miller. Officer Manor did not respond to the scene the night of the murder but rather went to the home the next day to collect a bullet. (Tr. 221-22).

running, “[a]nd, likewise, Marcus Miller’s body camera was also active during that time.” He further asserted the camera would have picked up the shooting, and it would have supported his self-defense theory “to have some type of evidence to put forth that he did indeed shoot first, and questioning those witnesses and obtaining that body camera would have prove[n] that.” (PCR Tr. 83). This allegation lacks merit. Initially, counsel *did* question Officer Miller about a body cam video, but Officer Miller indicated that video was from Officer Pouchprom’s body cam. (Tr. 138-49).¹⁵ Applicant has not presented credible evidence that counsel was in possession of a video from Officer Miller’s body cam that she neglected to use. Applicant likewise did not enter any video at the PCR hearing—leaving this Court to speculate as to whether one existed and what value it would have on cross-examination. Applicant thus did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Stuart Atkinson (1)(e)(iv)

Applicant contends counsel was ineffective for not cross-examining Stuart Atkinson about the location of a cell phone. However, Applicant did not set forth specifically at the PCR hearing what counsel should have cross-examined Atkinson about.¹⁶ Further, counsel credibly testified that based on her review of her notes, she did not see any line of cross-examination that would have benefited the defense. Ultimately, Applicant has not proved deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Shamond Ling (1)(e)(v)

Applicant contends counsel was ineffective for not cross-examining Shamond Ling with photographs that would show he lied about his ability to see the blue Honda Accord clearly. Specifically, he testified Shamond testified at trial that he armed himself because he knew Applicant was returning, but Shamond lied when trial counsel asked him if he “saw this from the porch?” and he responded, “Yes.” Applicant explained

¹⁵ This video was played for the jury during Officer Pouchprom’s testimony. (Tr. 154-55).

¹⁶ Atkinson testified (1) Applicant’s father worked for Atkinson, (2) Atkinson had seen Applicant driving a blue Honda, (3) Atkinson saw the blue Honda on the side of the road the morning he learned about the murder, (4) someone had stolen a F-150 from his property that day, which police later recovered; and (5) his employee had left a .22-caliber rifle in truck, which Atkinson recovered from law enforcement. (Tr. 246-59). Atkinson did not reference a cell phone, and it is not clear from the transcript or Applicant’s PCR testimony what he believed counsel should have cross-examined Atkinson about.

there was a big tree and bushes beside the porch, making it impossible for Shamond to see down the road from the porch. He asserted trial counsel had visited the home before trial and taken pictures, and she should have used the pictures to cross-examine Shamond about whether he could actually see the car from the porch. This contention lacks merit. (PCR Tx. 81-82). Counsel testified she believed she cross-examined Shamond on everything possible. This Court finds counsel's cross-examination of Shamond was reasonable under prevailing professional norms and not deficient. (Tr. 183-05). This Court further finds there is no reasonable probability the outcome would be different had counsel used pictures to further cross-examine Shamond as Applicant described. Critically, the car was moving—meaning any shrubbery that may have obscured Shamond's view would not have obscured it during the time Applicant was in front of the home. Finally, this Court can only speculate as to what Shamond would have said had he been cross-examined about whether shrubbery obscured his view.¹⁷ Ultimately Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Debra Ling (1)(e)(vi)

Applicant contends counsel was ineffective for failing to cross-examine Debra Ling about her testimony regarding an accident. At the PCR hearing, he clarified,

Debra Ling, saying it was an accident, and if you claim that the Defendant killed your child, you wouldn't call it an accident, you would say, "He murdered my baby," but if your son did it, you'd say, "Oh, it was an accident, he didn't mean to do it," so that was the purpose, because she said it was an accident, which is the same as saying my son did it, but it was an accident."

(PCR Tr. 81). Applicant did not meet his burden. Initially, counsel credibly testified that when Debra referred to the shooting as an accident on cross-examination, counsel "knew I was going to use that in my closing, and I was not going to allow her an opportunity to explain what she meant." (PCR Tr. 25). She further explained Debra was Victims' mother and was "not at all helpful to the defense." Counsel articulated a valid strategic reason for not cross-examining Debra on this point and thus was not deficient. Further, although Debra recalled seeing Applicant drive by shortly before the shooting, she testified she heard (and did not see) the shooting.

¹⁷ Applicant did not introduce any pictures at the PCR hearing, leaving this Court to speculate as to whether the shrubbery in fact would have obscured Shamond's view.

Thus, if pressed about this, it is unlikely she would have said Shamond (rather than Applicant) shot Victim.¹⁸ Finally, this Court finds counsel's cross-examination of Debra was reasonable under prevailing professional norms and not deficient. (Tr. 206-15). Applicant has not set forth any additional reasonable basis that counsel should have used to cross-examine Debra and has failed to prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Captain Williams (1)(e)(vii)

Applicant contends counsel was ineffective for not cross-examining Captain Williams about jacketed rounds. At the PCR hearing, he testified Captain Williams was seen in video footage "poking his finger inside bullet holes, talking about he's looking for the jacket off of the rounds." He elaborated, "[I]f there are jackets on the round, then there would be fragments off the jackets in the wound, which further exonerates me, because if there are no jackets, then she wasn't shot by an assault rifle that you proposed—you say I have, you claim I had—that I allegedly had." (PCR Tr. 80). Applicant did not prove this claim.

This Court finds counsel's cross-examination of Captain Williams was reasonable under prevailing professional norms and not deficient. (Tr. 291-311, 313-14). This Court further finds questioning Captain Williams about whether there were fragments of jacket rounds in Victim's wounds would not exonerate Applicant. Applicant has not set forth any additional reasonable basis that counsel should have used to cross-examine Captain Williams. Further, this Court can only speculate as to what Captain Williams would have said had he been cross-examined about jacket rounds. Applicant has thus failed to prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to cross-examine Dr. Schandl (1)(e)(viii)

Applicant contends counsel was ineffective for not cross-examining forensic pathologist Cynthia Schandl regarding fragments of jacketed rounds and the discrepancy with Victim being more than nine months pregnant. At the PCR hearing, he clarified he wanted counsel to discredit Dr. Schandl by cross-examining her as follows: "She has down that she's between—how many months? Basically, what I was getting at is by her

¹⁸ This Court can only speculate as to what Debra would have said had she been pressed about this issue.

calculation she would be over nine months pregnant, at 39 weeks. I think they said 39 weeks.” (PCR Tx. 80). This allegation patently lacks merit. This Court finds there is no material distinction between indicating a pregnant woman is 39 weeks pregnant and nine weeks pregnant. Applicant has failed to set forth any reasonable basis that counsel should have used for cross-examining Dr. Schandle and has thus failed to meet his burden of proving deficiency or prejudice. Relief is denied.

Failed to request adverse inference charge (1)(f)

Applicant contends counsel was ineffective for failing to request an adverse inference charge because of the lost or destroyed evidence. When questioned about this at the PCR hearing, counsel testified she did not believe such a charge would have been provided. This Court agrees with counsel’s assessment and finds counsel was not deficient. This Court further finds Applicant did not set forth any legal basis to support such a charge and failed to prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to request voluntary or involuntary manslaughter charge (1)(g)

Applicant contends counsel was ineffective for failing to request a voluntary or involuntary manslaughter charge. At the PCR hearing, when questioned about this issue, he merely testified, “[T]hey didn’t prove murder to begin with, so the charge of murder wasn’t warranted. So I would assume that involuntary or voluntary would be warranted.” However, counsel testified she did not request the charges because she did not believe the evidence supported them. After reviewing the evidence in this case, this Court agrees the evidence does not support voluntary or involuntary manslaughter. Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failed to move for mistrial or new trial (1)(h)

Applicant contends counsel was ineffective for failing to move for a mistrial or new trial based on the cumulative error doctrine. When questioned about this issue at the PCR hearing, Applicant elaborated,

[B]ased on the motion to dismiss, the inconsistencies and the testimony between Debra Ling, Shamond Ling. The fact that he lied about not shooting that night. Had to step over his dying sister, so I’m assuming she wasn’t dead at the time, because this was right at—they said it took her about five minutes to die, if I’m not mistaken. So at the time when you step over her to go take your gun and put it in the room, she was probably gasping for air, and you felt the need to go past her, step over her, put your gun in the room—your gun

and your shoulder holster in the room, and then come back, step back over her, and be outside yelling bloody—bloody murder, ‘Oh, and by the way I wasn’t shooting.’

(PCR Tr. 74-75). This Court finds the foregoing, which is effectively Applicant’s perceived inconsistencies in Shamond trial testimony, does not set forth a valid, legal basis for a mistrial or a motion to dismiss. Applicant has not met his burden of proving deficiency or prejudice. and This claim is without merit and relief denied.

Bolstering State’s case during closing argument (1)(i)

Applicant contends counsel was ineffective for bolstering the State’s case during closing argument by admitting to some of the State’s contentions and theory and failing to support the defense with a self-defense argument. At the PCR hearing when questioned about this issue, Applicant testified counsel

created some story that I didn’t tell her about. She got up here and she—she stated the same thing, ‘Oh, he drove up, said something, went down the road. Heard a gunshot, turned around, came back.’ I never told her none of that. I—I didn’t tell her anything, so I’m trying to understand where she got this whole story from

(PCR Tr. 84-85). Counsel testified she had reviewed her closing argument and did not believe she made any concessions that were detrimental to Applicant’s case. She explained her strategy was to challenge the State’s theory regarding the placement of people at the scene and the direction of the bullets. This Court finds Applicant has not met his burden of proving deficiency or prejudice. This Court finds counsel’s closing argument was reasonable under prevailing professional norms and not deficient. Further, Applicant has not pointed to any specific portion of counsel’s closing argument that was deficient or prejudicial. This claim is without merit and relief denied.

Body camera footage (1)(j)

Applicant contends counsel was ineffective for failing to re-analyze body camera footage regarding whether Shamond Ling was truthful about where he placed his gun and holster. At the PCR hearing, he testified,

[S]he even stated during trial that, ‘So you’re telling me if I go back and review these videos, I will see that gun on that dresser where you say it is?’ He said, ‘Yeah.’ So I’m assuming she would have done that, she did not. Because she . . . basically accused him of hiding the firearm. He said, ‘I didn’t hide it, it was sitting on my dresser.’

(PCR Tr. 85). Applicant did not prove this ground.

Critically, Applicant did not enter the body camera footage at the PCR hearing—leaving this Court to speculate about whether it would have impeached Shamond’s testimony. This Court further finds counsel was questioning Shamond about a collateral matter—whether the video would show his *shoulder holster* on the bed, which is where he testified he placed it *after* the shooting. (Tr. 185-86). Thus, introducing this video for the purpose of impeaching Shamond on this point would have been improper. See *State v. Passio*, 440 S.C. 1, 3, 889 S.E.2d 584, 585 (2023) (“[A] witness may not be impeached by extrinsic evidence of a collateral matter.”). Additionally, even though the video would have been improper for impeachment of a collateral matter, this Court notes Officer Pouchprom’s body cam video *was* introduced at trial—thus, the jury had it to consider during its deliberation.¹⁹ (Tr. 154-55). Finally, counsel’s cross-examination of Shamond was reasonable under prevailing professional norms and not deficient. (Tr. 183-94). Applicant did not meet his burden of proving deficiency or prejudice. This claim is without merit and relief denied.

Bolstering State’s case during cross-examination (1)(l)

Applicant contends counsel was ineffective for bolstering the State’s case by asking whether Victim was shot while in the house but failing to show that it was impossible for Victim to have been shot through the left side from the angle described. At the PCR hearing, he testified,

There was a demonstration done in Court and Ms. Campbell and Ms. Ling, she was like, ‘Can she step down from the bench?’ And they were—she was showing her how she was holding Alydia when they were in the house, which put her right side to the direction of the supposed where the bullets was coming from, it was impossible for her to get hit on her left cheek from the right side.

(PCR Tx. 86). When asked why he believed counsel did not elicit that information, he replied,

All she did was establish that there were—they never—they were never facing the door, never facing in towards the inner portion of the hose inward, which put their—like I said, puts their right sides to the direction of the projectiles, which makes it impossible for her to get hit in her left cheek from the right side.

¹⁹ Although Applicant speculated Officer Miller also had a body cam video, he did not prove the existence of any such video at the PCR hearing.

(PCR Tx. 86). Applicant did not prove this ground. Counsel's strategy throughout trial focused on discrediting the State's theory about where individuals were located at the time of the shooting and the direction of the bullets. Counsel was attempting to discredit the State's theory to support Applicant's self-defense theory. This was valid strategy, and counsel's attempts throughout trial to discredit the State's theory were reasonable under prevailing professional norms and not deficient. Applicant has likewise not set forth what counsel should have done differently that would have reasonably changed the outcome. Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

*Opening statements*²⁰

Applicant contends counsel was ineffective for making improper opening and closing statements indicating she was forced to represent Applicant. At the PCR hearing, he elaborated on what he believed was objectionable:

[I]t was John Adams and the British soldiers and some civilians, and they don't know who fired the first shots, and they were—said John Adams states that he was forced to represent these individuals, and she said, 'Likewise, I was called upon to represent Mr. McKnight the same way John Adams was.' I took that to mean she's saying the exact same thing John Adams said, 'I was forced to represent these soldiers,' I was forced to represent Mr. McKnight.

(PCR Tx. 78). This contention lacks merit. This Court finds counsel's opening argument, including the reference to Adams (Tx. 126-27), was reasonable under prevailing professional norms and not deficient. Specifically, this case involved the fatal shooting of a pregnant minor, and Applicant proceeded self-defense. Counsel here was attempting to appeal to the jurors' logic, rather than their emotion, in asking them to weigh the evidence critically and return a verdict of self-defense—even if their emotion led them to want a different outcome. This was not deficient conduct. Further, due to the evidence presented at trial, it is not reasonably likely this story about Adams is what prompted the jury to convict Applicant of Murder. This claim is without merit and relief denied.

Indictments (1)(n)

²⁰ This section combines allegations (1)(m) and (1)(w), as set forth above.

Applicant contends counsel was ineffective for not moving to quash the indictments. Counsel, however, averred she did not believe a motion to quash the indictments would have been successful. This Court agrees with counsel's assessment. This Court finds the indictment were sufficient to put Applicant on notice of the charges against him. See State v. Gentry, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005) ("The indictment is a notice document."); id. at 102-03, 610 S.E.2d at 500 ("If the objection is timely made, the circuit court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense that is intended to be charged."). Thus, there was no basis to move to quash the indictment, and Applicant did not prove deficiency or prejudice in this regard.

At the PCR hearing, Applicant asserted counsel should have moved to quash the indictments based on pre-indictment delay. Specifically, he averred it took the State thirteen months to indict him. Solicitor Hunter Swanson testified she did not recall anything unusual about the indictments in this case, and her general practice is to wait until she has sufficient information to indict someone. This Court finds Swanson's testimony credible. This Court further finds Applicant did not establish any pre-indictment delay that violated any right to a speedy trial, nor did Applicant prove any resulting prejudice from any pre-indictment delay. Applicant thus did not prove deficiency by counsel or resulting prejudice. This claim is without merit and relief denied.

Juror (1)(o)

Applicant contends counsel was ineffective for selecting a juror who was partial to law enforcement. Specifically, he testified counsel should have objected to either juror 30 or juror 31, who "states that their husband was the chief of police, and the other one was my unclw as the Chief of Police, and they are related, I'm assuming, because they're both saying they're from Cottageville, South Carolina."²¹ (PCR 77-78). This allegation patently lacks merit because counsel exercised preemptory strikes as to both juror 30 and juror 31, and as a result neither juror was seated. (Tr. 77-78). This claim is without merit and relief denied.

²¹ Juror 30 told the court his uncle was Chief of Police in Cottageville, and Juror 31 told the court her husband was Chief of Police in Cottageville.

Failed to renew motion to proceed pro se (1)(p)

Applicant contends counsel was ineffective for failing to renew his motion to proceed pro se. Applicant did not prove this claim.

At the PCR hearing, Applicant testified he and counsel had a disagreement about whether the court appointed her, and he informed her that he was representing himself. He recalled going before Judge Buckner at his arraignment and Judge Buckner conducting a partial *Faretta* hearing. However, he stated Judge Buckner denied his request to represent himself. Applicant stated when he was in the holding cell, he expressed his desire to proceed pro se, and thereafter the Estill Police Department sent him discovery directly. When asked whether he was alleging counsel did not protect his right to proceed pro se, he replied, "Well, she argued against it, so I would assume she would have put on the record that I had a desire to represent myself." In contrast, counsel testified she did not have any recollection of Applicant being denied his right to proceed pro se in court. She clarified she had reviewed her file, and the only notes she had about a hearing occurred September 3rd, 2017. Counsel specifically testified he notes did not indicate Applicant had a court date on October 19, 2017.

This Court finds Applicant's testimony in this regard not credible. This Court further finds counsel's testimony here credible. Applicant did not prove he had a hearing on this issue, nor did he prove counsel had any indication he wanted to proceed pro se. This claim is without merit and relief denied.

Discouraging Applicant from testifying (1)(q)

Applicant contends counsel was ineffective for discouraging him to testify. Applicant did not prove this ground. At the PCR hearing, Applicant testified counsel advised him not to testify. He stated she explained that he would be impeached with his prior criminal record if he testified, which would look bad to the jury. Applicant testified he explained to counsel that the jury would want to hear his side of the story. However, he stated he took her advice to heart and decided not to testify.

In contrast, counsel testified she would have discussed with Applicant whether he wanted to testify and explained that doing so would open him up to cross-examination. She stated she believed they had

sufficient evidence for a self-defense charge,²² and ultimately Applicant weighed the risks and benefits and made his decision. This Court finds credible counsel's foregoing testimony that she discussed with Applicant the pros and cons of testifying, and Applicant chose not to testify. Based on this credible testimony, this Court finds counsel's performance was reasonable under prevailing professional norms and not deficient. This Court further notes the trial court advised Applicant of his right to testify and gave him an opportunity to discuss that with counsel prior to making his decision. Ultimately it was Applicant's decision not to testify, and he waived his right to testify on the record. (Tr. 376-81). Finally, this Court finds Applicant did not offer credible testimony at the PCR hearing that would have likely changed the outcome of trial had he testified and thus did not meet his burden of proving prejudice. This claim is without merit and relief denied.

Chain of Custody (1)(r)

Applicant asserts counsel was ineffective for stipulating to the chain of custody, presumably for the four shell casings (Exhibit 43) and two spent projectiles (Exhibits 40 and 44). Applicant did not prove this ground.

At trial, the State offered to call Lieutenant Williams prior to firearms expert Chad Smith's testimony solely to establish the chain of custody for shell casings and projectiles Smith tested; then call Smith; then recall Lieutenant Smith to offer additional testimony as the lead investigator. Trial counsel indicated she would stipulate to the chain rather than requiring the State to call Lieutenant Williams twice. (Tr. 219). At the PCR hearing, counsel testified she did not see any issues with the chain of custody. (PCR Tr. 30). Based on counsel's foregoing testimony, which this Court finds credible, this Court finds counsel's decision to stipulate to the chain of custody rather than require the State to take a witness out of order was reasonable under prevailing professional norms and not deficient. Applicant likewise did not prove prejudice, as he did not set forth *what* he believed was deficient with the chain of custody other than a general allegation that counsel should have challenged it.²³ Further, because the State had Lieutenant Williams available at that time to establish the chain,

²² The Court charged the jury on self-defense. (Tr. 434-37).

²³ In fact, Lieutenant Williams *did* testify to retrieving the casings and projectiles.

it is not reasonably likely an objection would have changed the outcome. Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failing to properly impeach and cross-examine the State's witnesses (1)(s)

Applicant generally alleges counsel was ineffective for failing to properly impeach and cross-examine the State's witnesses. This Court has already addressed Applicant's specific allegations regarding counsel's cross-examination of various witnesses and finds Applicant did not prove counsel was ineffective in any of these regards. Applicant has not set forth any specific witness counsel failed to properly impeach or cross-examine and thus did not meet his burden of proof. This claim is without merit and relief denied.

Directed verdict motion (1)(t)

Applicant asserts counsel was ineffective in her directed verdict motion and motion for new trial for failing to argue the State did not meet their burden of proof in proving what weapon was the murder weapon. Specifically, he testified the State never proved what bullet struck Victim. He further averred that the bullet that hit Victim would have biological matter on it, and

if it was in the direction of the house or in the house, then there would be blood splatter in the house. There was no blood splatter in the house, which destroys the contention that she was shot in the house. Likewise, on the porch there was no blood splatter on the porch, which alleviates the contention that she was shot on the porch. There's only one other place she could have been shot, which means she was in the yard.

(PCR Tx. 87). This allegation lacks merit. The State presented direct evidence Applicant drove by Victim's home shooting toward the home. (Tr. 171-175-76). The State further presented evidence that four recovered cartridges were .223 Remington caliber; the two recovered bullets were consistent with .223 Remington or .556 Nato caliber; and Shamond Ling did not own or fire an AR-15 or use .223 shell casings. (Tr. 171, 175-76, 228). The State presented more than sufficient evidence for the jury to find Applicant fired the fatal shots. Thus, Applicant did not prove deficiency or prejudice in this regard. This claim is without merit and relief denied.

Failing to renew motion to dismiss (1)(u)

Applicant contends counsel was ineffective for failing to renew the motion to dismiss for spoliation and failing to move to dismiss the evidence both on the basis of bad faith and because the evidence was

exculpatory. Specifically, he contends law enforcement and/or the solicitor acted in bad faith by not removing all of the cartridge casings that were embedded inside of the victims' home after this shooting. He avers such evidence would be exculpatory because "in the process of elimination, okay, this bullet didn't kill her, this bullet didn't kill her, this bullet didn't kill her, that creates the exculpability [sic]." (PCR Tx. 76). This Court finds counsel argued vigorously for dismissal based on an alleged contaminated crime scene and renewed her motion post-trial. (Tr. 453). Thus, counsel was not deficient. This Court further finds the State did not act in bad faith in neglecting to remove cartridge casings from Victim's home, nor did Applicant prove such evidence would be exculpatory. Applicant has not set forth a valid, legal objection to the admissibility of this evidence and thus did not prove deficiency or prejudice. This claim is without merit and relief denied.

Failing to request immunity hearing (1)(v)

Applicant contends counsel was ineffective for failing to request an immunity hearing. At the PCR hearing, Applicant averred an immunity hearing would have been helpful because "it would allow me the opportunity to tell my story with out affecting the jury, without prejudicing myself in front of the jury." In contrast, counsel testified she did not request an immunity hearing because if she had, every "surprise that we might have had the State would have been revealed, and then they would have been prepared at trial." This Court finds counsel articulated a valid reason for not requesting an immunity hearing in that she did not want to provide the State a preview of her case, and Applicant thus did not prove deficiency. Further, based on the trial transcript and the evidence presented by the State, this Court finds there is no reasonable probability the court would have granted immunity had counsel requested an immunity hearing. Finally, although Applicant testified at the PCR hearing, he did not specify what he would have testified to at trial or in an immunity hearing. Ultimately Applicant did not prove deficiency or prejudice. This claim is without merit and relief denied.

Motion in Limine (1)(x)

Applicant contends counsel was ineffective for not pursuing a pre-trial motion in limine to exclude mention of Victim being underage and mention of the infant as "Baby Boy Ling." This allegation lacks merit. At the PCR hearing, Applicant complained that references to Victim being underage and being pregnant with

Applicant's baby, as well as calling the baby "Baby Boy Ling," "made the trial more about our relationship than the actual murder charge" and prejudiced him before the jury. Counsel acknowledged "the unborn child was referred to as Baby Boy Ling" and agreed "that the facts of her age and his age were part of the record of her case," although she did not believe there was extraordinary focus on that. Counsel did not believe a motion in limine on this issue would have been successful.

This Court agrees with counsel's assessment that a motion in limine on to exclude these facts would not have been successful. This Court finds calling the unborn, deceased infant "Baby Boy Ling" was not objectionable; rather, it was a descriptive term for the unborn, deceased infant. This Court likewise finds Applicant did not set forth a valid, viable objection counsel should have raised to the fact Victim was a minor or to the parties calling the unborn, deceased infant "Baby Boy Ling." Ultimately these were facts that were central to the case since Applicant was being tried for the murder of Baby Boy Ling. Because Applicant has not set forth a viable, valid objection to the mention of these facts, he has failed to prove deficiency in this regard. Applicant likewise has not set forth a viable, valid objection to these facts (other than the fact he did not like them) and thus did not meet his burden of proving prejudice. This claim is without merit and relief denied.

Failing to hire investigators/expert (1)(y)

Applicant contends counsel was ineffective for failing to hire appropriate personnel to secure fired projectiles from the Ling residence and the Honda Accord, and to conduct an extraction of Ms. Ling's phone. At the PCR hearing, he averred that if counsel had hired personal to secure the fired projectiles from the walls of Victim's home, then "through the process of elimination, once you prove that none of those bullets struck Alydia Ling, then it exonerates me, if that's the State's contention that she was shot in the house, so where's the projectile, where's the blood splatter?" (PCR Tx. 89). This contention patently lacks merit. This Court finds extracting the additional casings from the walls of Victim's home would not exonerate Applicant. This Court further finds counsel's investigation of this case was reasonable under prevailing professional norms and not deficient. Finally, Applicant did not produce an expert at the PCR hearing or any evidence that counsel would

have uncovered upon a further investigation that would have reasonably change the outcome and thus did not prove prejudice. This claim is without merit and relief denied.

Failing to communicate (1)(z)

Applicant contends counsel was ineffective for failing to conduct a thorough pre-trial conference with Applicant. At the PCR hearing, Applicant agreed counsel's testimony that they met about eight times "might be right" but asserted they discussed personal things more than his case. He recalled, however, reviewing discovery with counsel, including clips from three DVDs, witnesses that would testify against him, and physical evidence, including GSR and projectiles recovered from the scene. When asked what he would have wanted to discuss at a pretrial conference, he testified,

[W]e spoke about different things, and I also explained this same contention with her. And we also talked about they claimed that there was some bullet grazes on the doorframe, and that they believe she was standing at the door and a ricochet hit her. And the direction it would have been traveling in, there's a big window on the door, because the door swung inward in this direction, which means it puts her left side to the direction of the bullets, which would put her at the right direction, but not the right angle, because the bullet was traveling downward. However, if it would have struck her in the house, it would have hit that window, and there would have been a bullet hole in that window, there was none. So there . . . was a few other things we spoke about, but, mainly it was about the trajectory of—it's impossible for someone to be standing on a porch, and someone to be in a car, and hit somebody in the cheek and the bullet is going downward. It's impossible.

(PCR Tx. 87-88). Applicant did not prove this ground. This Court finds credible counsel's testimony that she met with Applicant eight times and reviewed discovery with him. Based on this testimony, counsel's discussions with Applicant were reasonable under prevailing norms and not deficient. This Court further finds Applicant did not set forth what they could have discussed at an additional meeting that they did not already discuss and that was not brought out at trial. Applicant thus did not prove deficiency or prejudice. This claim is without merit and relief denied.

PROSECUTORIAL MISCONDUCT

Brady violation

Applicant contends the State violated Brady by failing to provide Applicant with evidence, including the body camera video of Officer Marcus Miller and names and statements of witnesses on the video; the video

of Corporal Zatch Pouchprom; the records from Applicant's phone and Victim's phone; and the fired projectiles from the Ling residence. Applicant has not shown a Brady violation.

At the PCR hearing, Applicant testified the SLED report indicated "they were able to get into [Victim's] phone and chose not to do an extraction on it, but they did an extraction the other phones. And I believe there's exculpatory evidence on the phone, and the State is withholding that information." (PCR Tx. 91). This was consistent with trial testimony, and this Court finds Applicant did not establish a Brady violation based on this issue. Specifically, Applicant did not present credible evidence that the State withheld body cam footage or witness statements; and the video of Corporal Pouchprom and the records from Applicant's phone *were* introduced at trial, and there is no evidence the State withheld this evidence until the last minute. As to the projectiles, this Court finds the State did not act in bad faith in not extracting all of the cartridges from Victim's home when doing so would destroy the home, and the cartridges themselves had little probative value (because they were cumulative to other recovered casings, and no one disputed that Applicant fired a weapon in this self-defense case). Finally, this Court finds credible trial counsel's testimony that she did not have any issues obtaining evidence from the State. This Court further finds Applicant did not prove a Brady violation in *any* regard, nor did he prove any of this evidence was exculpatory. This claim is without merit and relief denied.

Improper comments

Applicant contends the prosecutor made improper references throughout the trial, including opening, closing, and from State's witnesses regarding Victim's relationship with Applicant, Applicant's and Victim's respective ages, the paternity of the fetus, and by referring to the fetus as "Baby Boy Ling." He further contends the solicitor made improper statements and references in closing argument that constituted burden shifting, involved statements related to things not in evidence, involved incorrect statements or information, or statements that implicated counsel's alleged intention to mislead the jury. This lacks merit. As set forth above, the references to the parties' ages, relationship, paternity of fetus, and calling the fetus Baby Boy Ling were not improper. Further, Applicant did not set forth what portion of the States' closing argument he believed were improper statements and references that constituted burden shifting, involved statements related to things

not in evidence, involved incorrect statements or information, or implicated counsel's alleged intention to mislead the jury. Applicant did not prove any misconduct here. This claim is without merit and relief denied.

Pre-indictment delay

Applicant contends the State violated his right to a speedy trial due to the unnecessary delay from Applicant's charge to when he was indicted. At the PCR hearing, he testified it took the State thirteen months to indict him. Solicitor Hunter Swanson testified she did not recall anything unusual about these indictments, and her general practice is to wait until she has sufficient information to indict someone. This Court finds Swanson's testimony credible. This Court further finds Applicant did not establish any pre-indictment delay that violated any right to a speedy trial, nor did Applicant prove any resulting prejudice from any pre-indictment delay. Applicant thus did not prove any constitutional violation. This claim is without merit and relief denied.

Eliciting 404(b) evidence

Applicant contends the solicitor improperly elicited detailed testimony concerning a prior difficulty from Gladys Roberts. This contention lacks merit. The remedy for this alleged improper evidence was an objection based on Rule 404(b), which counsel made at trial. Once the court ruled the evidence was admissible, it was not improper for the solicitor to elicit it. This claim is without merit and relief denied.

Losing or destroying evidence

Applicant contends the State lost or destroyed evidence. Specifically, he pointed to testimony that law enforcement did not remove all the cartridge casings from the side of the victim's home and averred the State acted in bad faith by not removing this evidence. Applicant asserted this evidence would be exculpatory because "in the process of elimination, okay, this bullet didn't kill her, this bullet didn't kill her, this bullet didn't kill her, that creates the exculpability [sic]." (PCR Tx. 76). As set forth above, Applicant did not meet his burden of proving the State lost or destroyed evidence. Applicant likewise did not show how such evidence would be exculpatory. This claim is without merit and relief denied.

Entering photos of Victim (1)(g)

Applicant alleges the prosecutor engaged in misconduct by entering photographs and video of Victim that inflamed the passions of the jury. This allegation patently lacks merit. Here, counsel *did* object to photographs of Victim, but her objection was overruled. It was not prosecutorial misconduct for the solicitors to then enter the photographs at trial. Applicant has not shown prosecutorial misconduct in this regard. This claim is without merit and relief denied.

INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL

Right to proceed pro se

Applicant contends appellate counsel was ineffective for failing to raise the issue that Applicant was erroneously deprived of his right to proceed forward *pro se*. This lacks merit. At the PCR hearing, Chief Appellate Defender Bob Dudek testified he reviewed the records in this case and did not have any indication a *Faretta* hearing ever occurred of Applicant had ever requested to the Court to move *pro se*. This Court finds the foregoing testimony credible. Based on the foregoing, appellate counsel articulated a valid reason for not raising this issue in that he had no indication it had ever even been raised. This claim is without merit and relief denied.

Evidence obtained from Honda Accord

Applicant contends counsel was ineffective for failing to brief on appeal the inadmissibility of all evidence obtained from the blue Honda Accord due to the lack of chain of custody. Specifically, he contends trial counsel “made that pretrial motion, but like I said, I don’t think the Judge actually ruled on it. And I think she renewed that objection, but they did not elaborate on it specifically as to why she was objecting to those pictures being entered into evidence of the firearm that was taken off as the Micro SD card.” (PCR Tx. 89-90). He elaborated,

Also on that chain of custody, that there was a GSR, which is—I think it’s called fungible evidence, and—or non-fungible, I can’t remember which one, but I think that’s where they got some of the clothing. And all of that would fall under that same objection as far as chain of custody for the blue Honda, because they claim they towed a green Honda Accord, and I don’t see how you can mistake a blue Honda Accord for a green one and that was the premises [sic] of her objection. Maybe they towed the wrong car. Captain Williams said he wasn’t present, and he was the lead investigator, he should

have been there supervising. And I don't think they obtained a warrant to tow that vehicle.

(PCR Tx. 90-91).

Initially, to the extent Applicant avers this was an unpreserved issue, counsel cannot be ineffective for not raising it. Further, this Court finds that even if preserved, it is not reasonably likely the appellate courts would have reversed this conviction based on this issue. Ultimately, the issue in this case was whether Applicant was acting in self-defense; thus, the GSR evidence in and of itself would not have created a reversible issue—even if an objection to it was properly preserved. As to the picture of the weapon itself (which this Court finds was properly preserved), this Court finds that under the facts of this case, there is no reasonable probability the appellate courts would have reversed based solely on the admission of this picture. This claim is without merit and relief denied.

Spoliation

At the PCR hearing, Applicant asserted for the first time that appellate counsel was ineffective for not raising the issue of the motion for spoliation. Appellate counsel asserted he did not believe it was meritorious, and he did not seriously entertain raising it. This Court agrees with counsel's assessment and finds counsel was not deficient. Further, this Court finds that although this issue was argued at trial, there is no reasonable probability the appellate courts would have reversed the trial court's denial of a motion to dismiss based on counsel's argument that the crime scene investigation was sloppy. Applicant thus did not prove deficiency or prejudice. This claim is without merit and relief denied.

CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations (other than the vacation of the five-year sentence on the weapon charge) that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.


Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C.


453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCP. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. Applicant's five-year sentence for the weapon charge shall be vacated²⁴;
2. The remaining allegations are without merit and relief denied and application dismissed with prejudice; and
3. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 23rd day of December, 2024.

 , South Carolina



J. Derham Cole
Presiding Judge
Fourteenth Judicial Circuit

²⁴ The conviction itself, however, shall remain intact.



STATE OF SOUTH CAROLINA
THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT

J. DERHAM COLE
JUDGE

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December 23, 2024

The Hon. Mylinda D. Nettles
Hampton County Clerk of Court
PO Box 7
Hampton, SC 29924-0007

Re: 2023-CP-25-00238
Johnnie Lee McKnight, SCDC #268238 v. The State of South Carolina

Dear Clerk;

Enclosed please find for filing an order(s) with reference to the above-captioned case(s). Upon entry of the order(s), please serve notice upon the affected parties in accordance with *Rule 77(d) of the South Carolina Rules of Civil Procedure*. Thank you in advance for your usual and capable assistance in this matter.

With kindest personal regards, I remain,

Sincerely yours,

J. Derham Cole
Resident Judge
The Seventh Judicial Circuit

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WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500455

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Hampton

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200107

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

TRUE BILL

Defendant

Foreperson of Grand Jury

Date: *[Signature]* SEP 20 2018

VERDICT

Witness:

Guilty
Rodnessa Brown
2-10-2019

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

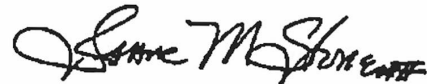
INDICTMENT
2017GS2500455

At a Court of General Sessions, convened on September 20, 2018, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, with malice aforethought, kill Alydia Ling and Alydia Ling did die as a proximate result of Johnnie Lee McKnight's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE BILL

30 to Life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

vs. Johnnie Lee McKnight

INDICTMENT/CASE#: 2017-GS-25-0455

AW#: 2017AZ520200107

Date of Offense: 8/31/2017

S.C. Code §: 16-3-10

CDR Code #: 0116

AKA:

Race: B

Sex: M

Age: 39

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Murder

CONVICTED OF or PLEADS

In violation of § 16-3-10 of the S.C Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lawd Act)

The charge is: As indicted. Lesser Included Offense. Defendant Waives Presentment to Grand Jury (def.'s initials)
The plea is: Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State

ATTEST

[Signature] #72934
Socitor SC Bar #

[Signature] 15149
Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of life days, months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S C Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135 Pursuant to 18 U.S.C. Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp _____

Recipient: _____

May serve W/E beginning Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Probation)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ 3.75

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts of \$ _____ Beginning \$ _____ Paid to Public Defender Fund

Other: _____

TOTAL \$ 128.75

Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk *[Signature]*
Court Reporter: *[Signature]*

Presiding Judge *[Signature]*
Judge Code: 2142
Sentence Date: 2-10-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500456

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Hampton

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200108

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For
Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

TRUE BILL

Defendant

Foreperson of Grand Jury
Date: *[Signature]*

SEP 20 2018

VERDICT

Witness:

Guilty
Rodnesson Brown
2.6.2019

Foreperson of Petit Jury
Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2017GS2500456

At a Court of General Sessions, convened on September 20, 2018 the Grand Jurors of Hampton County present upon their oath:

Attempted Murder

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, with intent to kill and with malice aforethought, attempt to willfully kill Shamond Jakane Ling, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE BILL

0-904rs.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

vs Johnnie Lee McKnight

INDICTMENT/CASE#: 2017 GS-25 0456

AW#: 2017A2520200108

Date of Offense: 8/31/2017

S.C. Code §: 16-3-29

CDR Code #: 3410

AKA:

Race:

ex.

DOB:

SS#:

Address

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Attempted Murder

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

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

(CSC w/minor 1st or Lewd Act)

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

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

Attorney for Plaintiff 72934 Defendant 15149 Attorney for Defendant

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

for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____, provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on.

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

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

Total. \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning Substance Abuse Counseling

*Fine: \$ _____

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Melinda D. Nantz

Presiding Judge: CMS

Court Reporter: Wanda [Signature]

Judge Code: 2142

Sentence Date: 2-6-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500457

The State of South Carolina
County of Hampton

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200109

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For
Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

TRUE BILL

Defendant

Foreperson of Grand Jury
Date:

SEP 20 2018

VERDICT

Witness:

Guilty
Rodrigo Brown
2.10.2019

Foreperson of Petit Jury
Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2017GS2500457

At a Court of General Sessions, convened on September 20, 2018, the Grand Jurors of Hampton County present upon their oath:

Attempted Murder

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, with intent to kill and with malice aforethought, attempt to willfully kill Debra W. Ling, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE BILL

0-30yrs.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampden

STATE

INDICTMENT/CASE#: 2017-GS-25-0457

VS. Johannie Lee McKnight

AW#: 2017A2520200109

AKA:

Date of Offense: 8/31/2017

Race:

S.C. Code §: 16-3-29

DOB:

CDR Code #: 3410

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

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

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTORNEYS:

[Signature] #72934 [Signature] #15745
SC Bar # Defendant Attorney for Defendant SC Bar #

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

for a determinate term of 30 days under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and or payment

of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms _____

Obtain GED

Set by SCOPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning
Substance Abuse Counseling

*Fine	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Probation)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ <u>3.75</u>

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

TOTAL \$ 128.75

Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Mylicia D. Nicks
Court Reporter: Wanda Nelson

Presiding Judge: [Signature]
Judge Code: 2192
Sentence Date: 2-6-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500458

The State of South Carolina
County of Hampton

677
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200110

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For
Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

TRUE BILL

Foreperson of Grand Jury

Date: *[Signature]* SEP 20 2018

Defendant

VERDICT

Witness:

Guilty

Rodney Alonzo

2-6-2019

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

678

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

INDICTMENT
2017GS2500458

At a Court of General Sessions, convened on September 20, 2018, the Grand Jurors of Hampton County present upon their oath:

Attempted Murder

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, with intent to kill and with malice aforethought, attempt to willfully kill Wayne Ritter, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE BILL

0-30 yrs

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

INDICTMENT/CASE#: 2017 -GS-25 - 0458

vs
Johnnie Lee McKnight

AW#: 2017A2520200110

AKA:

Date of Offense: 8/31/2017

Race: B

Sex: M

Age: 39

S.C. Code §: 16-3-29

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 3410

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#

SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Attempted Murder

CONVICTED OF or PLEADS

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC w/minor 1st or Lewd Act) §17-25-45

The charge is As indicted. Lesser Included Offense. Defendant Waives Presentation to Grand Jury (def.'s initials)
The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

ATTEST: [Signature] #12934 [Signature] [Signature] #15149
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCOPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
Proviso 61.6 (Public Def/Probation)	\$500	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	\$	\$ 3.75

Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

TOTAL \$ 128.75

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Melinda D. Nettles
Court Reporter: Wanda Nelson

Presiding Judge: [Signature]
Judge Code: 2142
Sentence Date: 2-6-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500459

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Hampton

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200111

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For

Discharging a Firearm into a Dwelling

SC Code: 16-23-440(A)

CDR Code: 0052

TRUE BILL

Foreperson of Grand Jury
Date: *[Signature]*

SEP 20 2018

Defendant

VERDICT

Witness:

Guilty
Rodneya Brown
2.6.2019

Foreperson of Petit Jury
Date:
INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

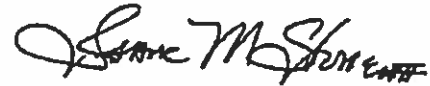
INDICTMENT
2017GS2500459

At a Court of General Sessions, convened on September 20, 2018 the Grand Jurors of Hampton County present upon their oath:

Discharging Firearms into a Dwelling

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, discharge or cause to be discharged unlawfully, firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons (to wit; residence located at 861 5th St in Estill); all in violation of SC Code 16-23-440(A).

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



Solicitor

TRUE BILL

0-10yrs

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

vs. Johnnie Lee McKnight

INDICTMENT/CASE#: 2017 GS-25-0459

AW#: 2017A2520200111

Date of Offense: 9/31/2017

S.C. Code §: 16-23-440(A)

CDR Code #: 0052

AKA:

Race: D

Sex: M

Age: 39

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Discharging firearms into a Dwelling

In violation of § 16-23-440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

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

(CSC w/minor 1st or Lewd Act)

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def's initials)

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

TEST

Solicitor *[Signature]* \$12934 Defendant *[Signature]* Attorney for Defendant *[Signature]* SC Bar # 15145

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

for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years

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

of \$ _____; plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

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

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp _____

Recipient: _____

May serve W/E beginning Substance Abuse Counseling

*Fine: _____ \$ _____

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____

Other: _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk *[Signature]*

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees. *[Signature]*

Court Reporter: *[Signature]*

Presiding Judge Judge Code: 2142

Sentence Date 2-6-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500460

The State of South Carolina

County of Hampton

683
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200112

THE STATE

vs.

Johnnie Lee McKnight

ACTION OF GRAND JURY

Indictment For

Possession of Weapon During Violent Crime

SC Code: 16-23-490

CDR Code: 0549

TRUE BILL

Foreperson of Grand Jury

SEP 20 2018

Date:

VERDICT

Defendant

Witness:

Guilty

Rodnessa Brown

2. 6. 2019

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2017GS2500460

At a Court of General Sessions, convened on September 20, 2018 the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime and Johnnie Lee McKnight was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, to wit: Murder and/or Attempted Murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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



Solicitor

TRUE BILL

5yrs.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

Johnnie vs. Lee McKnight

INDICTMENT/CASE#: 2017-GS-25-0460

AW#: 2017A2520200112

Date of Offense: 8/31/2017

S.C. Code §: 16-23-490

CDR Code #: 0549

AKA:

Race: B

Sex: M

Age: 39

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO:

Poss of a Weapon During a Violent Crime

In violation of §

16-23-490

of the S.C. Code of Laws, bearing CDR Code #

0549

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Mandatory GPS

§17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is:

As indicted,

Lesser Included Offense,

Defendant Waives Presentation to Grand Jury

(def's initials)

The plea is

Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

TEST:

Deputy Attorney General #72934

Attorney for Defendant #15149

WHEREFORE, the Defendant is committed to the

State Department of Corrections

County Detention Center.

for a determinate term of

5 days/months/years or

under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

;

provided that upon the service of days/months/years and or payment

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

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

CONCURRENT or CONSECUTIVE to sentence on:

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

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION:

Deferred

Def. Waives Hearing

Ordered

PTUP

Total: \$

plus 20% fee:

\$

\$

days/hours Public Service Employment

Payment Terms

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient

May serve W/E beginning

Substance Abuse Counseling

*Fine:

§14-1-206 (Assessments 107.5%)

\$

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

\$

100.00

§14-1-211 (A)(2)(DUI Surcharge)

\$100

\$

§56-5-2995 (DUI Assessment)

\$12

\$

§56-1-286 (DUI Breath Test)

\$25

\$

Proviso 61.6 (Public Def/Probation)

\$500

\$

§14-1-212 (Law Enforce. Funding)

\$25

\$

25.00

§14-1-213 (Drug Court Surcharge)

\$150

\$

§50-21-114 (BUI Breath Test Fee)

\$50

\$

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

\$

3% to County (if paid in installments)

\$

3.75

TOTAL

\$

128.75

Clerk of Court/Deputy Clerk

Court Reporter: Wanda Nelsone

Melinda D. Nelsone

Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date

2-6-19

WITNESSES

Alex Williams- Estill PD

DOCKET NO. 2017GS2500462

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina
County of Hampton

Defendant

COURT OF GENERAL SESSIONS

September Term 2018

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2017A2520200114

THE STATE

vs.

Johnnie Lee McKnight

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

SEP 20 2018

Date:

VERDICT

Defendant

Witness:

Guilty

Rednessa Glover

2.6.2019

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2017GS2500462

At a Court of General Sessions, convened on September 20, 2018, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about August 31, 2017, the Defendant, Johnnie Lee McKnight, did, with malice aforethought, kill Baby Boy Ling and Baby Boy Ling did die as a proximate result of Johnnie Lee McKnight's actions, to wit: shot Alydia Ling, mother of unborn Baby Boy Ling, causing his death, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

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



Solicitor

LANE BILT

30 to Life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

vs
Johnnie Lee McKnight

INDICTMENT/CASE#: 2017 GS-25 - 0462

AW#: 2017A2520200114

Date of Offense: 8/31/2017

S.C. Code §: 16-3-10

CDR Code #: 0116

AKA:

Race

Sex: M

DOB:

SS#:

Address

City, State, Zip

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO:

Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

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

(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (def. initials)

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

ATTEST

[Signature] # 72934
Solicitor

[Signature]
Defendant

[Signature] 15749
Attorney for Defendant

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

for a determinate term of Life days/months/years or under the Youthful Offender Act not to exceed _____ years

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

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

CONCURRENT or CONSECUTIVE to sentence on:

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

Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP _____

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

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning
Substance Abuse Counseling

*Fine \$ _____

Random Drug/Alcohol Testing

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees

Clerk of Court/Deputy Clerk *[Signature]*

Presiding Judge *[Signature]*

Court Reporter: *[Signature]*

Judge Code: 2192

Sentence Date: 2-6-19

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment No.: 2017GS2500455 - 460
2017GS2500462

The State of South Carolina,)

FILED
AM/PM

v.)

VERDICT

FEB - 6 2019

Johnnie Lee McKnight,)

Defendant.)

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

As to the charge of **Murder of Alydia Ling**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.

 Not Guilty.

As to the charge of **Murder of Baby Boy Ling**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.

 Not Guilty.

As to the charge of **Attempted Murder of Shamond Ling**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.

 Not Guilty.

As to the charge of **Attempted Murder of Debra Ling**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.

 Not Guilty.

Please continue to page 2.

As to the charge of **Attempted Murder of Wayne Ritter**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.
 Not Guilty.

As to the charge of **Discharging a Firearm into a Dwelling**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.
 Not Guilty.

As to the charge of **Possession of a Weapon During a Violent Crime**, we, the jury, find the Defendant, Johnnie McKnight:

 ✓ Guilty.
 Not Guilty.

I certify that this is the unanimous decision of the jury.

Rodnessa Glover
FOREPERSON

February 6, 2019
Hampton, South Carolina

FILED
 AM/PM

FEB - 6 2019

When you have completed, please notify the bailiff.

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC