

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**  
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**SC Court of Appeals**

Appeal from Horry County

Honorable Benjamin Culbertson, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

TAI'YUAN JA'REL JACKSON,

APPELLANT

APPELLATE CASE NO. 2025-000769

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RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE’S EXHIBITS NOS. 42 (PHOTO ON BACK OF #43), 43 (POSTER: GROUP OF  
PEOPLE PHOTO) AND 234 (ZOOMED-IN PARKING LOT VIDEOS)]**



1 Thank you for your time.

2 MR. HOFFMEYER: Your Honor, we have been at it an hour.  
3 Can we take a brief break?

4 THE COURT: All right. Ladies and gentlemen, we'll take  
5 about a ten-minute break and then we'll come back and resume.  
6 Leave your notepads in the jury box.

7 (The jury exited the courtroom at 11:50 a.m.)

8 THE COURT: All right. Anything from the State?

9 MS. LIVESAY: No, sir.

10 THE COURT: Mr. Hoffmeyer?

11 MR. HOFFMEYER: No, sir, Your Honor.

12 THE COURT: All right. Mr. Rigney? We're going to take  
13 a short break ---

14 MR. RIGNEY: No, Your Honor.

15 THE COURT: --- and then we'll come back and resume.

16 (A brief recess was taken at 11:51 a.m.)

17 THE COURT: Anything from the State before we bring the  
18 jury in?

19 MS. LIVESAY: No, sir.

20 THE COURT: Mr. Hoffmeyer?

21 MR. HOFFMEYER: No, sir, Your Honor. Thank you.

22 THE COURT: Mr. Rigney?

23 MR. RIGNEY: No, Your Honor.

24 THE COURT: All right. Let's bring the jury in.

25 (The jury entered the courtroom at 12:07 p.m.)

1 THE COURT: All right, ladies and gentlemen. Welcome  
2 back. Make sure you have your own notepads and no one else's  
3 notepads.

4 Mr. Hoffmeyer?

5 MR. HOFFMEYER: Thank you, Your Honor.

6 CLOSING ARGUMENT ON BEHALF OF DEFENDANT JACKSON

7 MR. HOFFMEYER: Ladies and gentlemen, I told you earlier  
8 on, a few days ago now, that we appreciate the time and  
9 attention you give us in this case, and perhaps you understand  
10 that even more now why we would appreciate that so much,  
11 because y'all have had to go and come and go and come and wait  
12 on us, and I know that's not an easy thing for y'all to do.  
13 But in addition, of course, these are very serious matters  
14 that you are tasked to listen to and then talk about and reach  
15 a decision in this case. And as I indicated to you also,  
16 Mr. Jackson desperately needed you here.

17 If this verdict was just going to be about the tragedy,  
18 then there's no doubt there was a tragedy. If this verdict  
19 was just about the fact that a good young man is no longer  
20 here, then clearly, that's something everybody can agree on  
21 that that should not have happened. It's heartbreaking. It  
22 was heartbreaking for me to watch that video. If it was just  
23 about that, this would be simple. But each of y'all knows  
24 that it's much more than about that because, when it comes to  
25 being accused of these things, then of course my client

1 Tai'Yuan has to be proven guilty beyond a reasonable doubt.  
2 It also -- or would be or could be, if you were to find him  
3 guilty, a tragedy as well when they haven't met their burden  
4 of proof.

5 But we know y'all will remember that despite the  
6 compassion and the empathy that everybody in here feels for  
7 those folks.

8 Now, as far as the law of the case -- and His Honor is  
9 going to tell you-all about it, and I touched on it a little  
10 bit toward the beginning -- or at the beginning, rather, of  
11 the trial -- and His Honor is going to tell you that, when it  
12 comes to each of these young men, the fact that they did not  
13 testify, the fact that they did not introduce evidence in this  
14 case cannot be considered by any of you at all during your  
15 deliberations. That would be improper. And he's going to  
16 tell you that. And I know you will follow that.

17 I think sometimes it's human inclination to think, well,  
18 surely, they would tell us something. But no, that's not the  
19 way it works. And that's appropriate, as I touched on earlier  
20 as well. Many times you're not guilty, you couldn't  
21 necessarily prove it, but beyond that, our law says that. And  
22 I know you take this law and this case very seriously, and  
23 you're not going to let that infect or inflict something that  
24 is inappropriate in your deliberations in this case.

25 Now, along with that is the fact that, because we have

1 Tai'Yuan on trial and we have the co-defendant on trial, we  
2 always worry that maybe you think, well, find one guilty,  
3 you've got to find the other guilty. But His Honor is going  
4 to tell you that's not the way it works, and I know y'all will  
5 follow that as well. It's -- each of them, in essence, with  
6 you here in this courtroom, is having their own separate  
7 trial.

8 So when it comes to Tai'Yuan Jackson, who was 19 when  
9 this tragedy occurred out there, this young man, we know that  
10 you will hold the State to the burden of proof as to him  
11 irregardless of Mr. Hickson.

12 Now, you have heard everyone speak about reasonable doubt  
13 and, as I told you previously, that is the highest burden in  
14 the law, and it should be. Liberty is at stake here. The  
15 highest burden in the law. It can't be based upon suspicion  
16 or "I think" or "it seems like" or "probably" or anything like  
17 that, things like, "Well, this photograph sure is suspicious  
18 with these young men out there doing all that; that must mean  
19 they're guilty."

20 You know, one thing each of y'all bring into this  
21 courtroom is common sense. Sometimes I don't have much of  
22 it -- probably most of the time -- but y'all bring it in here,  
23 and y'all know that young people post all kind of stuff, on  
24 the internet and otherwise, that quite frankly looks crazy,  
25 and for my generation, looks really crazy. But that's

1 suspicion. That doesn't make somebody guilty of someone [sic]  
2 because they're putting their hands in a certain position or  
3 hanging out with their buddies and acting stupid. If hanging  
4 out with your buddies and acting stupid meant someone was  
5 guilty of something, then I've certainly been guilty a lot.  
6 But that's suspicious kind of stuff. It doesn't prove  
7 anything.

8 We talked about suspicion as well, which you can't base  
9 your verdict on. The stickers aren't there. So that must  
10 mean they had to have done it. Had to have done it because  
11 the stickers weren't there. Does that prove something beyond  
12 a reasonable doubt? Of course not. It's suspicious.

13 The fact that -- the State wants to indicate, "Oh, well,  
14 they were cranking their cars up, cranking their cars up.  
15 They had to have been up to no good. They had to have been  
16 planning." Well, you crank your cars up and listen to music  
17 so that your battery don't die, and you're out there hanging  
18 out with your buddies. You crank your car up sometimes to  
19 warm it up, in your older Tahoes, to get ready to leave. You  
20 crank your car up when you're worried that these other people  
21 out there could be a problem. Maybe some of those other  
22 people out there that shot all those other shots. You crank  
23 your car up when those things go on too. Suspicion. But they  
24 focused on them, and so, all of a sudden, suspicious stuff  
25 becomes "that means they did it. Had to have done it." But

1 that's why you folks are here, because y'all don't base  
2 verdicts on suspicion.

3 Now, in addition to that, His Honor will tell you the  
4 law. And the State touched on voluntary manslaughter. That's  
5 part of the law when it comes to a lesser included offense.  
6 That is something that the law can require in cases for y'all  
7 to consider. Y'all consider it as you will.

8 But the important thing is that -- when it comes to this  
9 case is that when it comes to the burden of proof as to the  
10 murder and, quite frankly, to the voluntary manslaughter as  
11 well, the State has not met that burden. And we'll talk more  
12 about that.

13 But what the State wants to do, and I guess it makes  
14 sense when a lot of this is suspicion and speculation, is they  
15 want to say, "Jury, well, something heartbreaking happened."  
16 We agree with them. But beyond that, Jury, we want to say the  
17 'hand of one is hand of all' which, to me, is a fancy way of  
18 saying somebody did something, so blame the people that were  
19 there. Somebody did something, so blame the people that were  
20 there. Somebody did something, so blame the people that were  
21 there. That's not the way it works.

22 Because you're also going to hear His Honor say that mere  
23 presence -- being somewhere doesn't make you guilty of  
24 anything. Proof beyond a reasonable doubt requires much more  
25 than that, and you'll hear that later in the judge's charge.

1           Now, as we -- so I've touched a little bit on the  
2 evidence, and y'all will remember this evidence, and I'm not  
3 very fancy so I can't put it up there; I'm going to have to  
4 talk to you about it. But one thing about that kind of stuff  
5 is -- putting it up there is nice, writing it up in notes is  
6 nice, but y'all are the ones that remember the evidence.  
7 Y'all are the ones that put the evidence to the test. So we  
8 can count on y'all whether I'm using fancy stuff or not.

9           Now, we heard from three young ladies: Ms. Goodman,  
10 Ms. Hickson, and Ms. McAlister. And it's clear that they  
11 heard shots. And by the way, if someone experienced an event  
12 where shots were going off and they heard shots going on and  
13 they went back to a hotel room and said, this is what we  
14 heard, did you believe that, pop-pop-pop, does that mean they  
15 were the ones doing the shooting or they were talking about  
16 what they heard? That's suspicious, if it's even suspicious.  
17 I guarantee you if I was somewhere and there was a loud  
18 explosion or something along those lines or, in this case, the  
19 pop-pop-pop, I'm going back to my friends, "Did y'all hear  
20 that ka-boom?" That doesn't prove anything.

21           Now, Ms. Goodman, Ms. Hickson, and Ms. McAlister. They  
22 tell us they heard these shots, saw some flashes, had no idea  
23 where it was coming from. They didn't see anyone. Didn't see  
24 my client Tai'Yuan -- 19 at the time, on trial for his  
25 liberty -- didn't see him shoot.

1           There are other people out there. Look at all those  
2 cars.

3           Now, the State has the burden. With all the resources  
4 they have -- brought an FBI agent in here to blow up 300  
5 percent, 475 percent, 700 percent for y'all. All the  
6 resources the State has, and they didn't bring anybody else in  
7 here that tell you what they saw, what they claim occurred,  
8 with all their resources?

9           And that brings up another interesting point, and of  
10 course, it's their burden, as you very well know. The State  
11 says clearly the Malibu must have been the intended target.  
12 Clearly. And that's going to corroborate what we want you to  
13 believe. Where are the people from the Malibu? Where are  
14 they? There had to be people in there if they claimed they  
15 were the targets. Why aren't they here in this courtroom  
16 telling you what they saw? It's their burden. Subpoena  
17 power? Of course they got that. They're not here.

18           Now, Tai'Yuan. 19 years old at the time. So he's at  
19 Circle K. They make -- like to find out what's going on for  
20 sure, all that shooting going on, tragedy going on. Wondering  
21 what's going on. Sure. That's a natural reaction.

22           Then he -- he's handcuffed. He's out there for -- I  
23 think that was around 1:00. Whatever y'all remember the  
24 evidence showed, if it gave us the time. I was asking the  
25 officer about that related to his statement: Well, how long

1 was he out there? I don't know.

2 Don't you think that would be important to know when  
3 you're going to question somebody about the tragedy that  
4 occurred and it could affect their liberty? Wouldn't you like  
5 to know how long he had been in handcuffs, how long he'd been  
6 in custody, his intellectual ability, and all these things?

7 But irregardless of that, we know that Mr. Tai'Yuan  
8 Jackson, this 19-year-old, did not have to cooperate with  
9 them. He didn't have to. But he went to that annex, after  
10 being handcuffed for hours, sat there, 19, scared and alone,  
11 and talked to the officer.

12 Now, another interesting part about that, you reckon that  
13 was recorded at that annex? You reckon that maybe it was  
14 audio recorded? You reckon maybe it was video recorded? They  
15 didn't show you the statement. They had the investigator tell  
16 you what he said, tell you what he said from his perspective;  
17 in other words, his portrayal of what Mr. Jackson said. But  
18 we don't disagree that Mr. Jackson said some of that, but the  
19 way that they use it and infer certain things after he was  
20 confronted with the evidence -- you didn't see him being  
21 confronted with the evidence in a video statement.

22 He said he shot once. Didn't believe him. So I presume  
23 so -- kept questioning. We didn't get to see that interplay,  
24 a 19-year-old and two officers in a room questioning him. We  
25 didn't get to see any of that. They didn't show you that. I

1 guess it's much easier to get the officer's version to y'all.

2 Now, he admits he shot in the air. Admits he may have  
3 shot twice. And of course, that's where the gunshot residue  
4 came from. And I'm sure they thought they got him then  
5 because, well, he's admitted he shot. In fact, that's been  
6 talked about. He admitted he shot.

7 Beyond a reasonable doubt? Are you sure that's not true?  
8 Shoot one time in the air? Sure, that could have happened.  
9 In fact, it did happen. Maybe twice. All that going out on  
10 there, and he does that. That's where the gunshot residue  
11 comes from. But it doesn't mean he intended or pointed or  
12 participated with anybody else in trying to harm somebody.

13 Now, I mentioned the clothing where the gunshot residue  
14 was found, the green clothing that the State has made such a  
15 big deal out of. If this young man was trying to hide  
16 evidence and get out of this, as the State seems to like to  
17 say over and over and over, don't you think he would have  
18 gotten rid of that clothing? No. He put it with the rest of  
19 his clothes. Going home. Put it with the rest of his  
20 clothes. That's what he did with it.

21 Now, at this scene that had numerous vehicles, we have  
22 information provided by the SLED fellow -- I believe his last  
23 name was Green; y'all will remember better than I -- that  
24 there were four other guns firing out there. Four other guns.  
25 And we're a little bit back to "hand of one is the hand of

1 all." Somebody did something awful that day. He didn't, and  
2 he didn't intend anything and he didn't cohort with anybody to  
3 do it. But he was there, and something tragic happened.  
4 These four other guns are going off, so therefore, we can  
5 establish he's there, he's guilty.

6 Y'all aren't going to let it go like that because they've  
7 got to prove more than that. They have got to prove more than  
8 he's merely present. But we find out about these four other  
9 guns, 18 other casings around there. And goodness, we don't  
10 even know if they found them all that could have come from  
11 other guns. But be that as it may, they want to focus on this  
12 direction that purportedly the gunfire had to come from. But  
13 there's all these other guns that are out there, there's other  
14 casings that are further away. There are perhaps other  
15 casings they haven't found. There's traffic in and out of  
16 that place. Casings aren't five-pound-type objects. They  
17 move around.

18 And, in fact, when the fellow testified about the  
19 direction that he believes the projectiles came from, based  
20 upon the fancy laser, he said that it came from the general  
21 direction -- excuse me -- that that projectile possibly came  
22 from that general direction. Possibly came. Possibly came.  
23 That's not beyond a reasonable doubt, ladies and gentlemen.  
24 Possibly came from a general direction. Possibly. Remember,  
25 we're not dealing with possibilities here. We're not dealing

1 with probablies here. We're dealing with beyond a reasonable  
2 doubt.

3 So when it comes to the gun that tragically took this  
4 young man's life, we do know that the fragment that was found  
5 did not come from the gun that they put on my client. But  
6 even beyond that, the State hasn't shown that there was this  
7 plan he participated in and he purposefully and willfully  
8 joined in it and did what they claimed he did.

9 The State finds the gun and, as always is the case when  
10 there are problems with evidence for the State, they know it,  
11 so they say, Jim is going to get up here and talk about that.  
12 Well, of course I am, because there are problems with the  
13 evidence, and the evidence is what it takes to convict  
14 someone. So, sure, the defense attorney is going to get up  
15 here and talk about that. You bet -- sure I am, because it's  
16 important. It's not to try and muddy the waters. It's to try  
17 and talk about evidence that is very, very important.

18 So they don't have any DNA, any fingerprints on this gun.  
19 They don't have any DNA, any fingerprints on any of these  
20 clips that they want to say that my client was apparently  
21 using all this time. They don't have any of that for you.  
22 But, oh, well, he's going to talk about that. Sure, because  
23 it's evidence that they should have, but they don't. And his  
24 liberty is at stake.

25 Now, we don't even know who had access to that vehicle

1 all together before they found that gun. We don't know that.  
2 They couldn't tell us that.

3 Another part of the State's case deals with these videos.  
4 And I have touched on it and I'll keep touching on it because  
5 it's very important. Being present -- being merely present  
6 doesn't make you guilty.

7 Now, when you look at those videos, you will see the  
8 green. They want to claim it shows him on his tiptoes. I  
9 don't see that, but y'all can view that for yourself. He's  
10 out there kind of moving around, like young people do, at  
11 break. Not really knowing anything is going to happen. And  
12 they say that this video largely is the end all-be all of this  
13 thing.

14 Ladies and gentlemen, if my client Tai'Yuan was out there  
15 firing 20 times -- 20 times they keep telling you -- I don't  
16 know how many times I heard that -- do you think that would  
17 have shown up on the video? Of course it would. Now, maybe  
18 you shoot one time in the air because you're scared, don't  
19 know what's going on. You might not see that. Even two  
20 times. But 20 times -- 20 times -- and you don't see that?  
21 That's the evidence they have given you. And it's fine that  
22 they gave you that evidence, but then don't say he was  
23 shooting 20 times when clearly, if you're going to put all  
24 your stock in that, it clearly doesn't show that.

25 So, you know, the evidence helps the defense too, and I

1 know you know that. I know you just don't take the State's  
2 version of evidence. I know that each and every one of you  
3 individually, and then collectively when you go back to that  
4 jury room and share it with one another, talk about it with  
5 one another, worry over it with one another, I know each of  
6 you will consider: What about the defendants? What about  
7 these young men? We can't erase the tragedy, but we will not  
8 compound the tragedy by convicting someone when they have not  
9 met their burden.

10 Ladies and gentlemen, I'm about to sit down, and I'm sure  
11 that suits y'all fine. Y'all have had to listen to a lot and  
12 you have been very patient. I hope -- well, I'll tell you  
13 this: When I do sit down, and y'all -- some of y'all may have  
14 experienced this too -- when you're telling something or  
15 sharing something or want to let somebody know how important  
16 something is to someone, Tai'Yuan in this case, after you have  
17 shared it, after you've talked about it and your turn is over,  
18 you go back there and sit down -- and I will go out there and  
19 sit down and think of a gazillion things that I wish I had  
20 pointed out to y'all, I wish I had told y'all related to this  
21 case on his behalf. But I won't get the opportunity to do  
22 that again. So when I go over there and worry, I won't be  
23 able to come back before you and talk to you about it.

24 But I do know -- I'm certain -- that although I may have  
25 to sit down, when y'all are in that jury room -- I can't stand

1 up again, but when y'all are back there in that jury room,  
2 some of y'all will stand up on behalf of Mr. Jackson, and  
3 perhaps more importantly, it's not standing up just for him,  
4 but it's standing up for the fact that justice in this case  
5 requires that the State meet their burden of proof beyond a  
6 reasonable doubt, and we will not find someone guilty when the  
7 State has not done that.

8 So in this case, you won't. Thank you each, individually  
9 and collectively, for all the time you have given me.

10 THE COURT: Mr. Rigney?

11 MR. RIGNEY: Thank you, Your Honor.

12 CLOSING ARGUMENT ON BEHALF OF DEFENDANT HICKSON

13 MR. RIGNEY: Back in the 1860s in Gettysburg,  
14 Pennsylvania, I believe, there was an afternoon when our  
15 president and some other people went there to speak, and one  
16 of the most famous speakers in the country was there, and his  
17 name was -- I believe his name was Edwin [sic] Everett. And  
18 he spoke for more than two hours. And the next day, the  
19 newspapers just praised him with what a great speech it was.  
20 And you may have heard of the other fellow's speech. He was a  
21 guy named Abraham Lincoln, and he gave a very short speech and  
22 he just addressed the facts that he needed to address that  
23 day. And we all remember Mr. Lincoln's address, but nobody  
24 knows much about what Mr. Everett said. In fact, I don't  
25 know; I couldn't quote a word for it.

1 I'm intending to be a little more like Mr. Lincoln today,  
2 and I want to just explain to you the facts and the  
3 information that I think you need to know about this case and  
4 that I can share with you.

5 The first thing I'd like to say is that the solicitor  
6 took some great liberties with explaining what her version of  
7 the events were. I think it might have been a best seller,  
8 but I don't think that matches the facts of this case as you  
9 have seen them.

10 When I got here on Monday, when I first got to talk with  
11 you, I asked you to pay attention, watch the videos, listen to  
12 the evidence, listen to the testimony, and keep in touch with  
13 your common sense. Just because somebody tells you something  
14 that's on a screen doesn't mean that that's what it is if you  
15 can see something different. You have to trust yourself with  
16 your own life experiences and your own common sense to see  
17 what you see and make decisions based on that.

18 Now, my client, Jerelle Hickson, has been with us every  
19 day, and you have been seeing him sitting there. And he and I  
20 have talked and we have both watched you, as you have watched  
21 us, and what we have seen is that you have paid attention so  
22 closely. You have watched what's going on in this courtroom,  
23 and we're very appreciative of that, very grateful for that,  
24 because that's what we depend on from you in order to get  
25 justice, is that you watch what happens here not only on the

1 videos, the pictures, things like that, but listen to the  
2 testimony and make sure that you are making a decision based  
3 on testimony that you hear, you understand, and you use your  
4 common sense to work with.

5       So we have talked a little bit -- everyone has talked so  
6 far about the burden of proof, so I'll go ahead and hit that  
7 too. "Firmly convinced" is a word that I'd like to share with  
8 you about the burden of proof. Now, the judge is going to  
9 tell you all about that in a few minutes, and you listen to  
10 his charges with respect to everything. The burden of proof  
11 is so important in this case. The State has the complete  
12 burden of proof to prove everything beyond a reasonable doubt  
13 which comes to that "firmly convinced" that I just mentioned.  
14 So I want you to take that into consideration with every piece  
15 of these charges against these young men, and my client,  
16 Mr. Jerelle Hickson, in particular. I think that, when you  
17 get to the end of this case, you're going to determine that  
18 there is not sufficient evidence here to convict Jerelle  
19 Hickson of murder or voluntary manslaughter.

20       No doubt it's a tragic case. Nobody is going to argue  
21 that at all. Told you in the beginning, people in the parking  
22 lot having fun, gunshots rang out, and suddenly, there's  
23 chaos, confusion, uncertainty, speculation. All of that has  
24 extended right up to today. The police investigation,  
25 everything related to this case, there is so much confusion,

1 speculation, chaos, uncertainty.

2 I want to talk a little bit about some witnesses. You  
3 got to see a lot of witnesses. Basically two different kinds.  
4 A lot of them were law enforcement or people related in some  
5 way to law enforcement. And then there are other people that  
6 are regular, ordinary folks that have jobs doing a variety of  
7 things, not law enforcement, that came in.

8 Shakira Hickson said she heard gunshots, she was scared,  
9 but she couldn't identify Jerelle Hickson as someone who did  
10 the shooting. She couldn't do that.

11 There's a lot of things that she couldn't remember. Now,  
12 the solicitors, as you may recall, worked really hard to get  
13 her to say certain things and look at things and say this is  
14 what you're seeing. She couldn't convince her to do that  
15 because Shakira Hickson was telling the truth.

16 Damonni Clayton came in. Now, my understanding is that  
17 she was a friend of the victim, but she -- even so, you would  
18 think maybe she'd want to help out the family of the friends.  
19 She didn't see anything. She couldn't tell us anything about  
20 what happened.

21 But to me, the more interesting person is Nikera  
22 McAlister. Very interesting young lady. She was 15, as the  
23 solicitor said, when this happened. The first thing she told  
24 us was that she's got a bias against my client, Jerelle  
25 Hickson. What do I mean by that? Well, she said she doesn't

1 even know -- she never knew Jerelle Hickson until she saw him  
2 at this day of the incident. So she didn't know anything  
3 about him. But I believe she's got a family, a friend, she  
4 has a sister maybe that knows the other defendant. So there's  
5 some built-in bias there because maybe she's trying to do  
6 something. Maybe she's trying to convince people of something  
7 that someone else didn't do, putting it on someone else.

8 But some of the best parts about this is that she made a  
9 statement almost immediately after this incident. She was  
10 interviewed by the police. And she couldn't remember  
11 anything. She didn't see anything. She didn't know anything.

12 So for the next -- that was in April of 2022. We're now  
13 in April of 2025. For almost three years she didn't tell  
14 anything different to anyone. That was her testimony right  
15 here. When did she change her story? Not two years ago, not  
16 one year ago. When did she change it? Friday. Not Friday a  
17 month ago. Friday before this trial started. Last week.

18 Who did she tell it to? Her mother. Who else did she  
19 tell it to? A solicitor and an investigator. I believe  
20 that's the ones that were there.

21 Why did they need to talk to her the weekend -- with only  
22 a weekend between then and trial if they are ready to have a  
23 trial and put these two young men in jail for murder? Why  
24 would they need to do that?

25 I believe it's because they realized that they weren't

1 going to have any witnesses come in here and testify that  
2 Jerelle Hickson shot somebody. This is the only person that  
3 did it. This is the only person that told him -- told us --  
4 told you that Jerelle Hickson did the shooting. She's the  
5 only one.

6 While she was on that witness stand, she admitted to  
7 lying because she told a different story than what she had  
8 told three years -- almost three years earlier. She's not  
9 believable. You should discredit anything that she said.  
10 Whatever she says is just totally unbelievable.

11 I don't think that you can get to beyond a reasonable  
12 doubt based on the lie of a person who knows that she lied.  
13 You know she lied because she told you she did. Even the  
14 solicitor got her to explain that she was telling a different  
15 story. And she didn't really give a reason for telling her  
16 different story. Was she forced into it? Was she scared?  
17 Was she about to get charged with something if she didn't tell  
18 a story? She did tell a different story. She admitted she  
19 lied. She's not credible. Jerelle Hickson did not shoot.  
20 That's the only basis you have for that. That is the  
21 definition of reasonable doubt. And you're hearing from an  
22 admitted liar.

23 Let's talk a little about the video. That video that we  
24 saw, whether they expanded it 300 percent, 475, 700, it's  
25 still not good enough to convict somebody of murder. You saw

1 it. I couldn't see shooting. I saw the flashes of something.  
2 Was that headlights from somebody starting their car and  
3 getting ready to go somewhere, those flashes? You have got  
4 people in there that are doing things, that are walking  
5 around. Well, they're walking around, so they're in a joint  
6 venture to kill someone. I don't think that adds up right.

7 The video is grainy, blurry, whatever you'd like to call  
8 it. No matter how many times you look at it, no matter how  
9 large you blow it up to, it's still the same video that  
10 doesn't show you what happened. You saw it. You all saw it.  
11 You saw it here and you saw it blown up, regular size. No  
12 matter how much we do that, no matter how many times you watch  
13 it, I don't think it's going to show you Jerelle Hickson  
14 shooting at someone.

15 The State tried to get various people to say what they  
16 saw on the video. Now, what someone else sees on that video  
17 is not important to you because you're able to see it  
18 yourself. You may have heard me say somewhere along the trial  
19 here the video speaks for itself. I want you to remember that  
20 and think about that when you're looking at it.

21 The video, I do not believe, can get you beyond a  
22 reasonable doubt. It's just not clear enough to send someone  
23 away, lock them up. It cannot be. That is the definition --  
24 much of this case should be in a book defining what  
25 constitutes reasonable doubt because these things that they

1 presented to you do not get us beyond a reasonable doubt.

2 So I'm asking you to reject the theory of the State, and  
3 what they have been trying to tell you this whole time, that  
4 you can plainly see people in there shooting with the  
5 intention of jointly working together to kill someone. It's  
6 just not right.

7 The crime scene itself. What we heard initially was that  
8 there's a couple of guns that were involved. Two. Maybe a  
9 third one too. The State didn't tell us about the other two  
10 that might have been there. Why not? What else didn't the  
11 State tell us?

12 Well, we don't really know, do we? The State -- as  
13 Mr. Hoffmeyer said, the State has got resources to get these  
14 things. They brought somebody in here from the FBI to blow up  
15 a video for 15 minutes while she was testifying. The State  
16 can do a lot of things. Where are the witnesses that the  
17 State didn't give us? Where are they?

18 I ask you to take that into consideration. The State  
19 really needs to show you everything that they can. And what  
20 they have shown you is a video and, "Trust me, that's what  
21 happened because I said it happened." I don't think that's  
22 good enough. That's not beyond a reasonable doubt.

23 Now, the law enforcement -- one of the law enforcement  
24 officers that was here absolutely, as Mr. Hoffmeyer said also,  
25 could not say specifically where the shooting came from. It's

1 possibly a general direction. That is reasonable doubt. That  
2 is not any way to get to beyond a reasonable doubt.

3 Now, let me talk a little bit about Jerelle Hickson and  
4 his connection, or I should say lack of a connection, to  
5 anything involved in this case.

6 One person said she saw him shooting. I have already  
7 explained she's a liar. I didn't even have to explain that to  
8 you. You got to see it yourself. She knew she was a liar.  
9 Why was she upset so bad on the witness stand? What's the  
10 reason for that? We don't know. Maybe because she's feeling  
11 really bad about trying to send some people to jail that she  
12 knows didn't do it. Maybe that's what she's crying about.  
13 She got to the point where she couldn't talk. I don't know  
14 what upset her, but that's a possibility.

15 She's certainly not a credible witness, not after what we  
16 saw there.

17 There's more about Jerelle Hickson. The State has all  
18 this ability to gather evidence. Where is the DNA? Is there  
19 any connection to him with any evidence that they showed you  
20 where they told you Jerelle Hickson's DNA is on this? A shell  
21 casing? A shirt? A firearm? Nothing. Nothing to connect  
22 him to this. Not a single thing.

23 What about fingerprints? That's been going on for a long  
24 time. No mention. No mention of that in relation to  
25 anything.

1           You heard about gunshot residue. But we didn't hear  
2 about gunshot residue with Jerelle Hickson. Not one word  
3 about gunshot residue with Jerelle Hickson. I think if he was  
4 there, they would have told you about it?

5           Did they find the gun on Jerelle Hickson? I didn't hear  
6 that in the testimony. Because they didn't. No gun.

7           He was not in the Tahoe when the gun was found, even. He  
8 was already out of town. He went home. He was at home.  
9 That's where he was found later.

10          Didn't hear any interviews about him with the police  
11 either. So we don't have any evidence of him doing anything.  
12 Nothing that can connect him to all these different things.

13          We had projectiles over here, and fragments. You got to  
14 see all those things. Nothing to connect any of that to  
15 Jerelle Hickson. We were waiting for that. Now, the State,  
16 as you know, and has been explained here, the State has the  
17 burden of proving all of these things beyond a reasonable  
18 doubt. They have the burden of firmly convincing you that  
19 what they're alleging happened. I don't think they have done  
20 that. I don't think they have done that with the "hand of  
21 one, hand of all." There's no evidence that these guys did  
22 anything jointly. No evidence at all.

23          As to the murder, I don't think that the State has  
24 convinced you or has provided sufficient evidence for you to  
25 find beyond a reasonable doubt that they committed these

1 crimes. I also don't think that the State has presented  
2 evidence sufficient to convince you beyond a reasonable doubt  
3 that Jerelle Hickson committed the crime of voluntary  
4 manslaughter.

5 So on all of the allegations by the State, I'm going to  
6 ask you to consider every piece of evidence that you have  
7 seen -- everything -- but don't forget all the evidence you  
8 didn't see that the State could have presented if they had had  
9 any evidence that he did any of this. I'm going to ask you to  
10 find him not guilty on all the charges.

11 Thank you.

12 MR. RIGNEY: Thank you, Your Honor.

13 THE COURT: Thank you.

14 JURY CHARGE

15 THE COURT: Ladies and gentlemen, all of the evidence in  
16 this case has been presented to you. The attorneys have made  
17 their closing arguments, and now is the time of the trial when  
18 I charge you with the law to be applied in this case.

19 In this case, the State is prosecuting two different  
20 defendants. Both are charged with murder and one is charged  
21 with the additional crime of possession of a weapon during the  
22 commission of a violent crime. I remind you that the fact the  
23 defendants were arrested, charged, and indicted in this case  
24 is not evidence in this case and cannot be considered by you  
25 as evidence of guilt in this case; nor does the defendants'

1 arrest, charge, or indictment create any presumption or  
2 inference of guilt. These documents are simply the formal  
3 written instruments which contain the charges made against the  
4 defendants. They are the formal documents by which this case  
5 is brought into this court.

6 Also, the case of each defendant and the evidence and the  
7 law concerning that defendant should be considered separately  
8 and individually. Your verdict does not have to be the same  
9 for both defendants. The fact that you may find one defendant  
10 guilty or not guilty should not control your verdict as to the  
11 other defendant. Where more than one person is charged with a  
12 crime, if the evidence warrants it, you may convict one and  
13 acquit the other or you may acquit both or you may convict  
14 both. Your verdict as to each defendant will depend upon your  
15 view of the testimony and evidence. You must take each  
16 defendant and consider the evidence as to that defendant and  
17 my instructions to you on the law. You will be asked to  
18 decide the guilt or innocence of each defendant on each  
19 indictment.

20 The defendants plead not guilty to these indictments, and  
21 that plea puts the burden on the State to prove the defendants  
22 guilty.

23 A person charged with a committing a criminal offense in  
24 South Carolina is never required to prove his innocence. I  
25 charge you that an important rule of the law is that the

1 defendant in a criminal trial, no matter what the seriousness  
2 of the charge may be, will always be presumed to be innocent  
3 of the crime for which the indictment was issued unless guilt  
4 has been proven by evidence satisfying you of that guilt  
5 beyond a reasonable doubt.

6 This presumption of innocence does not end when you begin  
7 your deliberations, but it accompanies the defendant  
8 throughout the trial until you reach a verdict of guilt based  
9 on evidence satisfying you of that guilt beyond a reasonable  
10 doubt. The presumption of innocence is like a robe of  
11 righteousness placed about the shoulders of the defendant  
12 which remains with the defendant until it has been stripped  
13 from the defendant by evidence satisfying you of the  
14 defendant's guilt beyond a reasonable doubt.

15 The presumption of innocence is not a mere legal theory.  
16 It is not just a legal phrase. It is a substantial right to  
17 which every defendant is entitled unless you, the jury, are  
18 satisfied from the evidence of the defendant's guilt beyond a  
19 reasonable doubt.

20 Now, what is a reasonable doubt in the law? A reasonable  
21 doubt is the kind of doubt that would cause a reasonable  
22 person to hesitate to act. Proof beyond a reasonable doubt is  
23 proof that leaves you firmly convinced of the defendant's  
24 guilt. We know very few things in this world with absolute  
25 certainty. And in criminal cases, the law does not require

1 proof that overcomes every possible doubt. If, based on your  
2 consideration of the evidence, you are firmly convinced that a  
3 defendant is guilty of the crime charged, you must find that  
4 defendant guilty. If, on the other hand, you think a real  
5 possibility exists that the defendant is not guilty, you must  
6 give the defendant the benefit of that doubt and find him not  
7 guilty.

8 I remind you that, during this trial, you and I have  
9 certain duties to perform. As the trial judge, my  
10 responsibility is to preside over the trial of this case. I  
11 also have the duty to rule on the admissibility of the  
12 evidence offered during this trial. You are to consider only  
13 the competent evidence before you. If any testimony was  
14 ordered stricken from the record in this case during this  
15 trial, you must disregard that testimony. You are to consider  
16 only the testimony which has been presented from the  
17 witnesses, any exhibits which have been made a part of the  
18 record in this case, and any stipulations of counsel.

19 I have the additional duty to charge you the law  
20 applicable to this case. As the presiding judge, I am the  
21 sole judge of the law of this case. Your duty as jurors is to  
22 accept and apply the law as I now state it to you. If you  
23 have any idea as to what the law is or what the law ought to  
24 be, and your idea is different from what I now tell you the  
25 law is, you must disregard your idea of what the law is or

1 ought to be because you are sworn to accept the law and apply  
2 the law exactly as I state it to you.

3 In every case tried in this court before a jury, the jury  
4 is the sole and exclusive judge of the facts in a case. A  
5 trial judge cannot intimate, state, comment on, or make any  
6 statement to a trial jury about the facts in a case. Since  
7 you, the jury, are the sole judge of the facts in this case,  
8 you are not to infer from what I have said during the progress  
9 of this trial in ruling upon the admissibility of evidence or  
10 otherwise, or anything that I say now during the course of  
11 this instruction to you, that I have any opinion about the  
12 facts in this case. The law does not allow me to have an  
13 opinion about the facts of this case. This is a matter solely  
14 for you, the jury, to determine.

15 As jurors, your duty is to determine the effect, value,  
16 weight and truth of the evidence presented during this trial.

17 Now, two types of evidence are generally presented during  
18 a trial: direct evidence and circumstantial evidence. Direct  
19 evidence is the testimony of a person who claims to have  
20 actual knowledge of a fact, such as an eyewitness. It is  
21 evidence which immediately establishes the main fact to be  
22 proved.

23 Circumstantial evidence is proof of a chain of facts and  
24 circumstances indicating the existence of a fact. It is  
25 evidence which immediately establishes collateral facts from

1 which the main fact may be inferred.

2       Circumstantial evidence is based on inference and not on  
3 personal knowledge or observation. Crimes may be proven by  
4 circumstantial evidence. The law makes no distinction between  
5 the weight or value to be given to either direct evidence or  
6 circumstantial evidence, nor is a greater degree of certainty  
7 required of circumstantial evidence than of direct evidence.  
8 However, to the extent the State relies on circumstantial  
9 evidence, all of the circumstances must be consistent with  
10 each other and, when taken together, point conclusively to the  
11 guilt of the accused beyond a reasonable doubt.

12       If the evidence merely portrays the defendant's behavior  
13 as suspicious, the proof fails, and you must find the  
14 defendant not guilty. The State has the burden of proof of  
15 proving the defendant guilty beyond a reasonable doubt. This  
16 burden rests with the State regardless of whether the State  
17 relies on direct evidence, circumstantial evidence, or some  
18 combination of the two. You should weigh all of the evidence  
19 in the case. After weighing all the evidence, if you are not  
20 convinced of the guilt of the defendant beyond a reasonable  
21 doubt, you must find that defendant not guilty.

22       On the other hand, after weighing all the evidence, if  
23 you are convinced of the defendant's guilt beyond a reasonable  
24 doubt, you must find that defendant guilty. Now, necessarily,  
25 you must determine the credibility of witnesses who have

1 testified in this case. Credibility simply means  
2 believability. Your duty as jurors is to analyze and to  
3 evaluate the evidence and determine which evidence convinces  
4 you of its truth. In determining the believability of  
5 witnesses who have testified in this case, you may believe one  
6 witness over several witnesses, or several witnesses over one  
7 witness. You may believe a part of a testimony of a witness  
8 and reject the remaining part of the testimony of that same  
9 witness. You may believe the testimony of a witness in its  
10 entirety or reject the testimony of a witness in its entirety.  
11 You may consider whether any witness has exhibited to you any  
12 interest, bias, prejudice, or other motive in this case. You  
13 may also consider the appearance and manner of a witness while  
14 on the witness stand.

15 Evidence has been presented that a witness made prior  
16 statements which are not consistent with the witness's present  
17 testimony. You may use this evidence to decide whether to  
18 believe the witness. You may also use evidence of the earlier  
19 contradictory statements to determine the truth of those  
20 statements. You are to decide whether to believe the earlier  
21 statements or the testimony given at trial. If a witness is  
22 shown to have knowingly testified untruthfully concerning any  
23 material matter, you may consider this in determining whether  
24 to trust the witness's testimony as to other matters. You may  
25 reject all testimony of that witness or give all or a part of

1 the testimony the weight you think it deserves.

2 The Rules of Evidence ordinarily do not permit witnesses  
3 to testify to opinions or conclusions. An exception to this  
4 rule exists for witnesses we call expert witnesses. A witness  
5 who, by education and experience, has become expert in some  
6 art, science, profession, or calling may state an opinion to a  
7 relevant and material matter in which the witness claims to be  
8 an expert and may also state the reasons for the opinion. You  
9 should consider any expert opinion received in evidence in  
10 this case and, like any other evidence, give it the weight you  
11 think it deserves.

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

21 I instruct you and emphasize that the fact the defendants  
22 did not testify is not a factor to be considered by you in any  
23 way in your deliberation and in your consideration on the  
24 question of the guilt or the innocence of the defendant. A  
25 defendant's decision not to testify must not be considered by

1 you in any manner whatsoever. A defendant has the  
2 constitutional right to remain silent, and the assertion of  
3 this right must not be considered by you in your  
4 deliberations. I repeat: Under your oath, you are to draw no  
5 conclusion whatsoever from the fact that the defendants in  
6 this case did not testify. The fact that the defendants did  
7 not testify should not even be discussed in the jury room.  
8 The burden of proof, as I have stated to you, is on the State.  
9 The defendants are not required to prove their innocence. The  
10 burden of proof remains on the State to prove guilt beyond a  
11 reasonable doubt.

12 Now, if a crime is committed by two or more people who  
13 are acting together in committing a crime, the act of one is  
14 the act of all. A person who joins with another to commit an  
15 unlawful act is criminally responsible for everything done by  
16 the other person which happens as a probable or natural  
17 consequence of the acts done in carrying out a common plan or  
18 purpose.

19 For example, two people can be guilty of burglary when  
20 only one of the two enters a dwelling and steals property  
21 while the other waits outside the house as a lookout and  
22 assists in the crime. If two or more people are together,  
23 acting together, assisting each other in committing the  
24 offense, the act of one is the act of all or, as it is  
25 sometimes said, "the hand of one is the hand of all."

1 Prior knowledge that a crime is going to be committed  
2 without more is not sufficient to make a person guilty of that  
3 crime. Mere knowledge that another person is going to commit  
4 a crime, even if the defendant is present when the crime is  
5 committed, is not sufficient to convict the defendant as a  
6 principle. Guilt as a principle is shown by actual or  
7 constructive presence at the scene as a result of a prior  
8 arrangement. Therefore, a finding of a prior arranged plan or  
9 common scheme is necessary for a finding of guilt as a  
10 principle.

11 The State must prove beyond a reasonable doubt by  
12 competent evidence the theory of "the hand of one is the hand  
13 of all." A principal in a crime is one who either actually  
14 commits the crime or who is present, aiding, abetting, or  
15 assisting in the committing of the crime. When a person does  
16 an act in the presence of and with the assistance of another,  
17 the act is done by both. Where two are more, acting with a  
18 common plan or intent, are present at the commission of a  
19 crime, it does not matter who actually commits the crime; all  
20 are guilty. The hand of one is the hand of all.

21 "Present at the commission of a crime" means to be  
22 sufficiently near to aid and abet and assist in the commission  
23 of the crime; however, mere presence at the scene of a crime  
24 is not sufficient to convict one as a principal on the theory  
25 of aiding and abetting. Intent is also a necessary element

1 for there must have been a common design or intent to commit  
2 the crime, and the crime must have been committed pursuant  
3 thereto with the person aiding and abetting by some overt act.

4 "Intent" means intending the result which actually  
5 occurs, not accidentally or involuntarily. Intent may be  
6 shown by acts and conduct of the defendant and other  
7 circumstances from which you may naturally and reasonably  
8 infer intent. The State must prove these elements beyond a  
9 reasonable doubt.

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

18 There is no way to prove intent to a mathematical  
19 certainty. Medical science cannot dissect a person's brain  
20 and determine what the person had in mind. So the law says  
21 that criminal intent may be inferred from the circumstances  
22 shown to have existed. This is how you make a decision of  
23 whether or not the element requiring intent was present.  
24 Intent need not be established by direct and positive  
25 evidence, but intent may be established by inference in the

1 same way as any other fact, by taking into consideration the  
2 acts of the parties and all the facts and circumstances of the  
3 case.

4 Criminal intent is a mental state, a conscious  
5 wrongdoing. You must determine what the defendant intended to  
6 do based on the circumstances shown to have existed.

7 As I previously stated, mere presence at the scene of a  
8 crime is not sufficient to prove someone guilty of committing  
9 a crime. The defendant's presence where a crime is being  
10 committed or mere association with a person who commits a  
11 crime does not make a defendant an accomplice or an aider and  
12 abettor of the person committing a crime. The burden is on  
13 the State to prove every element of the crime charged. If you  
14 find, after reviewing all the evidence, that the State has  
15 proved that a defendant was only present at the scene of a  
16 crime and that they have not proved beyond a reasonable doubt  
17 any other participation by that defendant in the crime, then  
18 you must find the defendant not guilty.

19 The law is that proof that someone was only at the scene  
20 of the crime by itself is not sufficient to find someone  
21 guilty.

22 Now, both defendants are charged with murder. To convict  
23 a defendant of murder, the State must prove beyond a  
24 reasonable doubt that the defendant killed another person with  
25 malice aforethought. Malice is hatred, ill will, or hostility

1 towards another person. It is the intentional doing of a  
2 wrongful act without just cause or excuse and with an intent  
3 to inflict an injury or under circumstances that the law will  
4 infer an evil intent. Malice aforethought does not require  
5 that malice exists for any particular time before the act is  
6 committed, but malice must exist in the mind of the defendant  
7 just before and at the time of the act or at the time the act  
8 is committed. Therefore, there must be a combination of the  
9 previous evil intent and the act.

10 Malice aforethought may be expressed or inferred. These  
11 terms, "express" and "infer," do not mean different kinds of  
12 malice, but merely the manner in which malice may be shown to  
13 exist; that is, either by direct evidence or by inference from  
14 the facts and circumstances which are proved.

15 Express malice is shown when a person speaks words which  
16 express hatred or ill will for another, or when the person  
17 prepared beforehand to do the act which was later  
18 accomplished. For example, lying in wait for a person or any  
19 other acts of preparation going to show that the deed was  
20 within the defendant's mind would be express malice.

21 Malice may be inferred from conduct showing a total  
22 disregard for human life. If facts are proved beyond a  
23 reasonable doubt sufficient to raise an inference of malice to  
24 your satisfaction, this inference would be simply an  
25 evidentiary fact to be considered by you along with the other

1 evidence in the case, and you may give it the weight you  
2 decide it should receive.

3 If the defendant, with malice aforethought, attempts to  
4 kill another person but, by mistake, kills a different person,  
5 the defendant still has the intent to kill. The intent to  
6 kill is merely transferred from the original person the  
7 defendant attempted to kill to the actual person killed. The  
8 defendant would be guilty of murder just as if the intent had  
9 resulted in the death of the person the defendant attempted to  
10 kill.

11 If you find that the State has failed to prove beyond a  
12 reasonable doubt that a defendant committed murder, you may  
13 consider whether or not the State has proved beyond a  
14 reasonable doubt that the defendant committed voluntary  
15 manslaughter. Included within the offense of murder is the  
16 lesser offense of voluntary manslaughter. To convict the  
17 defendant of voluntary manslaughter, the State must prove  
18 beyond a reasonable doubt that the defendant took the life of  
19 another in the sudden heat of passion based on sufficient  
20 legal provocation. Both heat of passion and sufficient legal  
21 provocation must be present at the time of the killing to  
22 constitute voluntary manslaughter.

23 Sudden heat of passion may for a time affect a person's  
24 self-control and temporarily disturb a person's reasoning.  
25 The sudden heat of passion must be the type that would make an

1 ordinary person unable to coolly reflect on his actions and  
2 would produce an uncontrollable impulse to do violence.  
3 Sufficient legal provocation must be the type that would make  
4 a person of ordinary reason and caution become enraged and to  
5 lose control temporarily. The provocation needed for  
6 voluntary manslaughter must come from some act of or related  
7 to the victim. Words alone, however vulgar or insulting, are  
8 not enough to be legal provocation. Where death is caused by  
9 a use of a deadly weapon, the words must be accompanied by  
10 some overt threatening act which could have produced the heat  
11 of passion. The exercise of a legal right, no matter how  
12 offensive it is to another, is never sufficient legal  
13 provocation for voluntary manslaughter.

14 If the heat of passion had cooled or if there was enough  
15 time between the provocation, if any, and the killing for the  
16 passion of a reasonable person to cool, the killing would not  
17 be voluntary manslaughter. In deciding whether a reasonable  
18 person would have had enough time to cool off, you should  
19 consider all the circumstances surrounding the killing. You  
20 may consider the nature of the provocation, if any, the  
21 defendant's mental and physical state, and the circumstances  
22 and relationships between the parties.

23 The defendant, Tai'Yuan Ja'Rel Jackson, is also charged  
24 with possession of a weapon during the commission of a violent  
25 crime. To convict the defendant of that crime, the State must

1 prove beyond a reasonable doubt that the defendant was in  
2 possession of a firearm or visibly displayed what appeared to  
3 be a firearm during the commission of a violent crime.

4 A firearm means any weapon which will, is designed to, or  
5 may readily convert to expel a projectile. In order to find  
6 the defendant guilty of possession of a weapon during the  
7 commission of a violent crime, you must first find the  
8 defendant of either committing a violent crime or attempting  
9 to commit a violent crime. Murder and voluntary manslaughter  
10 are violent crimes.

11 Also, the State must prove beyond a reasonable doubt that  
12 the weapon furthered, advanced, or helped in the commission of  
13 the crime.

14 Now, as to the indictments charging the defendants with  
15 murder, you may find one of three possible verdicts. No  
16 significance is to be given to the order in which I state  
17 these possible verdicts to you. I simply must state one  
18 first, one second, and one third. The possible verdicts for  
19 each indictment for murder are: We, the jury, find the  
20 defendant guilty of murder; or we, the jury, find the  
21 defendant guilty of voluntary manslaughter; or we, the jury,  
22 find the defendant not guilty.

23 As to the indictment charging the defendant, Tai'Yuan  
24 Ja'Rel Jackson, with possession of a weapon during the  
25 commission of a violent crime, you may find the defendant

1 either guilty or not guilty. However, you cannot find the  
2 defendant, Tai'Yuan Jackson, guilty of possession of a weapon  
3 during the commission of a violent crime unless you also find  
4 him guilty of murder or voluntary manslaughter.

5 As stated before, you must decide the guilt or innocence  
6 of each defendant on each indictment against him. Ladies and  
7 gentlemen, your verdicts must be a unanimous one. Ms. Ray, as  
8 the foreperson, when the jury agrees on a verdict, you'll  
9 check the appropriate box. When the jury has reached a  
10 verdict on all charges on all indictments, you'll then sign  
11 your name, knock on the door, and let the bailiff know that  
12 the jury has reached a verdict, and we'll bring you back into  
13 the courtroom at that time.

14 Now, you have been allowed to take notes during this  
15 trial if you wanted to take notes. Now I will allow you to  
16 take your notes with you into the jury room while you  
17 deliberate. However, please remember that note-taking is not  
18 required and some people can recall matters without taking  
19 notes as well as others who do take notes. You are to  
20 consider the recollections of all jurors and give no greater  
21 weight to a juror's notes than to the recollections of other  
22 jurors.

23 Also, we have got lunch here for you, and you can do one  
24 of two things: You can eat your lunch and then begin your  
25 deliberations, or you can deliberate while you eat lunch. The

1 only requirement is that everybody must do the same thing.  
2 You cannot have some jurors deliberate while other jurors  
3 choose not to deliberate. But whatever you agree to do, you  
4 can do that. If you want to eat and deliberate at the same  
5 time or if you want to finish your meal before you begin your  
6 deliberations, you can do that as well.

7 Now, I'm going to excuse you back to the jury room, but  
8 I'm going to ask that you not begin your deliberations at this  
9 time. I have got to check with the attorneys to see if there  
10 are any additional charges that need to be made or any  
11 corrections to the charges I just made to you. If there are  
12 and I deem them appropriate, I'll bring you back into the  
13 courtroom and make those additional charges or corrections.  
14 If there are none, then all of the exhibits will be brought  
15 back to you with the verdict forms, and the bailiff will  
16 instruct you to begin your deliberations.

17 Please do not begin your deliberations until you're told  
18 to do so by the bailiff. Okay? Thank you very much.

19 (The jury exited the courtroom at 1:23 p.m.)

20 THE COURT: All right. Any exceptions or additional  
21 charges from the State?

22 MR. LEASURE: No, Your Honor.

23 THE COURT: All right. Mr. Hoffmeyer, any that have not  
24 already been raised?

25 MR. HOFFMEYER: Your Honor, only those that I previously

1 raised before.

2 THE COURT: And I have already ruled on those.

3 MR. HOFFMEYER: Yes, sir.

4 THE COURT: All right. Mr. Rigney, any additional  
5 charges that have not been raised?

6 MR. RIGNEY: No, Your Honor.

7 THE COURT: All right. Thank you very much. Let's make  
8 sure we have got all of the exhibits here. While you're doing  
9 that, if you can go and get Mr. Floyd and Mr. Smith, our  
10 alternate jurors.

11 (The alternate jurors entered the courtroom at 1:26 p.m.)

12 THE COURT: Mr. Floyd and Mr. Smith, this is the part of  
13 trial that I never like. Since we have our 12 jurors, the law  
14 says that, as alternates, you're not allowed to participate in  
15 the deliberations. I hate that, because we make you sit  
16 through the entire trial, do everything that the jury does,  
17 but then we don't allow you to participate in the  
18 deliberation. So that will conclude your duties as jurors for  
19 this case and for this week. I want to thank you. You can do  
20 whatever you want. If you want to stay and see the outcome,  
21 you can do that. Stay, eat your lunch, you can do that. If  
22 you want to wait awhile and leave, you can do that. Of if you  
23 want to go now, you can do that as well.

24 Do either of you have anything in the jury room?

25 JUROR NO. 129: Yes, cell phone.

1 JUROR NO. 349: Likewise.

2 THE COURT: All right. I'm going to send the bailiff in  
3 there to get your cell phones and bring them back out to you.  
4 And as I said, we have got lunch here for you. You can do  
5 what you'd like. If you want to leave, you can. If you want  
6 to stay, you can do that. If you want to stay for a little  
7 while -- whatever you want to do.

8 You have got a one-year disqualification from serving  
9 jury duty. You have got a three-year exemption. I hope you  
10 don't exercise your exemption, because we do need good jurors,  
11 and I want to thank you for your service. Okay? All right.  
12 Thank you very much.

13 I guess, if you would just wait right there in the  
14 hallway and they'll direct you -- oh, here he comes right  
15 here. He'll direct you, if you want to stay, where you can  
16 wait; if you want to eat your lunch, where you can eat your  
17 lunch; or if you want to go, he'll get your phones and allow  
18 you to go ahead and leave. Thank you very much.

19 (Alternate jurors exit the courtroom at 1:27 p.m.)

20 THE COURT: All right. Let's make sure we have got all  
21 of the exhibits here before we send them back to the jury, and  
22 then we'll be in recess until we hear something.

23 (Reviewing exhibits.)

24 THE COURT: All right. Anything before we recess for  
25 lunch?

1 MR. HOFFMEYER: No, Your Honor.

2 MR. RIGNEY: No, sir, Your Honor.

3 THE COURT: All right. We'll be in recess until we hear  
4 from the jury.

5 (A recess was taken from 1:34 p.m. to 3:14 p.m. while the  
6 jury deliberates.)

7 THE COURT: Is your client coming?

8 MR. HOFFMEYER: Yes, sir, I believe he's on his way.

9 THE COURT: All right.

10 JURY QUESTION

11 THE COURT: All right. We have got two questions from  
12 the jury. No. 1: Is "hand of one, hand of all" a law that  
13 has to be followed? No. 2: Where in the parking lot was the  
14 Accord?

15 I was just going to put in here -- "Is the 'hand of one,  
16 hand of all' a law that has to be followed?" I was going to  
17 put, "Yes."

18 And "Where in the parking lot was the Accord?" "This is  
19 a fact that the jury must determine."

20 What's the State's position?

21 MS. LIVESAY: I think that's fair.

22 THE COURT: All right.

23 MR. HOFFMEYER: Your Honor, our position would be that  
24 the jury should be charged that, if they find the "hand of  
25 one, hand of all" is appropriate under the facts and evidence

1 of the case, it has to be followed.

2 THE COURT: How about if I put, "Yes, if the State  
3 proves -- proves it beyond a reasonable doubt"?

4 MR. HOFFMEYER: That would be fine, yes, sir.

5 THE COURT: All right.

6 MR. RIGNEY: Yes, sir.

7 THE COURT: Ms. Livesay, any position?

8 MS. LIVESAY: I think what we probably need to tell them  
9 is, listen, everything that was charged to you is the law and  
10 it has to be followed. That's just it. Everything that was  
11 read to you as part of the jury instructions has to be  
12 followed, including "hand of one, hand of all." But I think  
13 they need to know everything in the jury instructions,  
14 including that portion, has to be followed.

15 THE COURT: All right. What if I just put that: "All  
16 charges on the law by the Court have to be followed"?

17 MS. LIVESAY: I think that's appropriate.

18 MR. HOFFMEYER: Your Honor, I take the same position as  
19 my first comment in terms of -- or what Your Honor suggested  
20 as to the reasonable doubt. If the jury finds from the  
21 evidence in this case that the State has met their burden of  
22 proof beyond a reasonable doubt that the "hand of one, hand of  
23 all" applies, then you must apply it.

24 MR. RIGNEY: Since they asked the question, Your Honor, I  
25 think -- I agree with Mr. Hoffmeyer. They don't understand it

1 as written, apparently; that's why they asked the question.  
2 So I think --

3 THE COURT: I don't know what they're saying. I don't  
4 know whether they're asking for me to comment on the evidence  
5 presented by the State or whether they have the option to  
6 choose it or not choose it. That's why I was thinking of just  
7 putting on there, "You must follow all the law -- you must  
8 follow all charges on the law by the Court."

9 MS. LIVESAY: That's right.

10 MR. LEASURE: The law as charged.

11 THE COURT: Yeah.

12 MS. LIVESAY: I think it says that in the jury  
13 instructions. You have to -- if you think different, you have  
14 to apply what I'm giving you.

15 THE COURT: Well, that's what I charged them ---

16 MS. LIVESAY: Right.

17 THE COURT: --- even if you disagree with the law or if  
18 you have some idea as to what the law is or the law ought to  
19 be, you must disregard your idea of what the law is or ought  
20 to be because you're sworn to follow the law as I give it to  
21 you.

22 MS. LIVESAY: That's right.

23 THE COURT: What about if I do that? If I just say, "You  
24 must follow the law as ---

25 MS. LIVESAY: As I charged you.

1 THE COURT: --- as charged to you by the Court"?

2 MS. LIVESAY: Yes.

3 MR. HOFFMEYER: Your Honor, would you consider charging  
4 them similarly to what you charged, that they are the judges  
5 of the facts and you are the judge of the law, so they  
6 determine the facts, and they have to follow the law as you  
7 have given it to them?

8 THE COURT: I have already done that. Like I say,  
9 they're asking me one of two things. They're asking me, do  
10 they have to follow it or do they have the option not to  
11 follow it? Or they're asking me to comment on whether or not  
12 I think the State has proved it beyond a reasonable doubt.  
13 And I don't know which one they're asking me.

14 MR. HOFFMEYER: And the second one is the one that  
15 concerns me, obviously. We don't know --

16 THE COURT: That's why I don't want to put in there,  
17 "Yes, you have to follow it," and them think I'm telling them  
18 the State has proved it beyond a reasonable doubt. And I  
19 don't want to put in there, "Yes, you have to follow it if the  
20 State has proved it beyond a reasonable doubt," because then  
21 they might be saying, "Well, according to him, he thinks the  
22 State has proven it." That's why I'm just -- I'm thinking the  
23 State's position is probably more accurate that says, "You  
24 must follow the entire -- you must follow all of the law as  
25 charged by the Court."

1 MR. LEASURE: Correct.

2 MR. HOFFMEYER: I stand by my position, Judge. I have  
3 indicated what I think the jury should be charged. I'm really  
4 concerned that they're hung up on the facts and that they're  
5 going to take that -- that charge in that fashion.

6 THE COURT: All right. Mr. Hoffmeyer and Mr. Rigney, I  
7 understand your objection, but what I'm going to do, I'm just  
8 going to put: "You must follow the law as it was charged to  
9 you by the Court." And leave it at that. All right?

10 MR. RIGNEY: Thank you, Your Honor.

11 MR. HOFFMEYER: Thank you, sir.

12 THE COURT: Thank you.

13 All right. Let's mark that Court's Exhibit --

14 THE COURT STENOGRAPHER: No. 1.

15 THE COURT: -- No. 1. If y'all want to come -- y'all are  
16 going to want to take a look at that so you can see what I'm  
17 sending back to them.

18 (Court's Exhibit No. 1, Jury Question/Note, was marked  
19 for identification and received into the record.)

20 THE COURT: All right. If I could get -- take this back  
21 to the jury.

22 All right. Anything from the State?

23 MS. LIVESAY: No, sir.

24 THE COURT: Mr. Hoffmeyer?

25 MR. HOFFMEYER: No, sir, Judge.

1 THE COURT: Mr. Rigney?

2 MR. RIGNEY: No, sir.

3 THE COURT: All right. We'll be in recess until we hear  
4 from the jury.

5 (A brief recess was taken from 3:24 p.m. to 5:00 p.m.)

6 THE COURT: All right. I understand the jury has reached  
7 a verdict. Anything from the State before we bring the jury  
8 in?

9 MS. LIVESAY: No, sir.

10 THE COURT: Anything from the Defendant Jackson?

11 MR. HOFFMEYER: No, sir, Your Honor.

12 THE COURT: Anything from the Defendant Hickson?

13 MR. RIGNEY: No, Your Honor.

14 THE COURT: All right. Now, ladies and gentlemen, the  
15 jury is about to come in with their verdict. Regardless of  
16 what the verdict is, there is to be no display of emotion one  
17 way or the other. I don't want this jury to feel bad about a  
18 decision one way or the other. And I simply say that to let  
19 you know that, if you're unable to control your emotions, you  
20 need to excuse yourself from the courtroom now. Because  
21 anybody who displays any emotion one way or the other will be  
22 subject to contempt of court. So I let you know that now just  
23 in case you feel that you will not be able to control your  
24 emotions. All right?

25 All right. Let's bring the jury in.

1 (The jury entered the courtroom at 5:06 p.m.)

2 THE COURT: All right, ladies and gentlemen. Welcome  
3 back.

4 Ms. Ray, I understand the jury has reached a verdict; is  
5 that correct?

6 JUROR NO. 317: Yes, Your Honor.

7 THE COURT: Have you completed the verdict forms?

8 JUROR NO. 317: I have, Your Honor.

9 THE COURT: All right. If you would please give them to  
10 the clerk.

11 JUROR NO. 317: Thank you.

12 THE CLERK: Thank you.

13 (The Court reviews the verdict form.)

14 THE COURT: All right. I'll ask the clerk to please  
15 publish the verdicts.

16 VERDICT

17 THE CLERK: Indictment Nos. 2023-GS-26-00403 and  
18 2023-GS-26-00396, the State of South Carolina, County of  
19 Horry, versus Tai'Yuan Ja'Rel Jackson: We, the jury, find the  
20 defendant guilty of voluntary manslaughter and possession of a  
21 weapon during the commission of a violent crime.

22 Signed by foreperson Kristin Ray, dated April 10th, 2025.

23 Indictment No. 2023-GS-26-03150, the State of South  
24 Carolina, County of Horry, versus Jerelle Hickson: We, the  
25 jury, find the defendant, Jerelle Hickson, guilty of voluntary

1 manslaughter.

2 Signed by foreperson Kristin Ray, dated April 10th, 2025.

3 Ladies and gentlemen of the jury, if this is your  
4 verdict, please so signify by raising your right hand. Thank  
5 you.

6 THE COURT: All right. Let the record reflect that all  
7 jurors raised their right hand.

8 Mr. Hoffmeyer, any polling of the jury by the Defendant  
9 Jackson?

10 MR. HOFFMEYER: Yes, sir, Your Honor. Would you please  
11 poll the jury?

12 POLLING OF THE JURY

13 THE COURT: All right. Ladies and gentlemen, I'm going  
14 to poll the jury, which means that when I call your jury  
15 number, I'm going to ask that you stand. And when you stand,  
16 I'm going to ask you two questions. First, I'm going to ask  
17 you if this is your verdict, and then I'm going to ask you if  
18 it is still your verdict. So please listen up and, as I call  
19 your number, please stand.

20 Juror No. 341, is this your verdict?

21 JUROR NO. 341: Yes, Your Honor.

22 THE COURT: Is it still your verdict?

23 JUROR NO. 341: Yes, Your Honor.

24 THE COURT: Thank you.

25 Juror No. 357, is this your verdict?

1 JUROR NO. 357: Yes, Your Honor.  
2 THE COURT: Is it still your verdict?  
3 JUROR NO. 357: Yes, Your Honor.  
4 THE COURT: Thank you.  
5 Juror No. 317, is this your verdict?  
6 JUROR NO. 317: Yes, Your Honor.  
7 THE COURT: Is it still your verdict?  
8 JUROR NO. 317: Yes, Your Honor.  
9 THE COURT: Thank you.  
10 Juror No. 36, is this your verdict?  
11 JUROR NO. 36: Yes, Your Honor.  
12 THE COURT: Is it still your verdict?  
13 JUROR NO. 36: Yes, Your Honor.  
14 THE COURT: Thank you.  
15 Juror No. 127, is this your verdict?  
16 JUROR NO. 127: Yes, Your Honor.  
17 THE COURT: Is this still your verdict?  
18 JUROR NO. 127: Yes, Your Honor.  
19 THE COURT: Thank you very much.  
20 Juror No. 403, is this your verdict?  
21 JUROR NO. 403: Yes, Your Honor.  
22 THE COURT: Is this still your verdict?  
23 JUROR NO. 403: Yes, Your Honor.  
24 THE COURT: Thank you.  
25 Juror No. 69, is this your verdict?

1 JUROR NO. 69: Yes, Your Honor.  
2 THE COURT: Is this still your verdict?  
3 JUROR NO. 69: Yes, Your Honor.  
4 THE COURT: Thank you very much.  
5 Juror No. 414, is this your verdict?  
6 JUROR NO. 414: Yes, sir.  
7 THE COURT: Is this still your verdict?  
8 JUROR NO. 414: Yes, sir.  
9 THE COURT: Thank you.  
10 Juror No. 321, is this your verdict?  
11 JUROR NO. 321: Yes, sir.  
12 THE COURT: Is it still your verdict?  
13 JUROR NO. 321: Yes, sir.  
14 THE COURT: Thank you.  
15 Juror No. 250, is this your verdict?  
16 JUROR NO. 250: Yes, sir.  
17 THE COURT: Is this still your verdict?  
18 JUROR NO. 250: Yes, Your Honor.  
19 THE COURT: Thank you.  
20 Juror No. 287, is this your verdict?  
21 JUROR NO. 287: Yes, Your Honor.  
22 THE COURT: Is it still your verdict?  
23 JUROR NO. 287: Yes, Your Honor.  
24 THE COURT: Thank you.  
25 And Juror No. 31, is this your verdict?

1 JUROR NO. 31: Yes, sir.

2 THE COURT: Is this still your verdict?

3 JUROR NO. 31: Yes, sir.

4 THE COURT: Thank you very much.

5 All right. Ladies and gentlemen, that will conclude your  
6 duties as jurors in this case. It will also conclude your  
7 duties as jurors for the week. We don't have anything else  
8 that will be going forward.

9 And I want to thank you for your service. I know jury  
10 duty is not an easy job, but it is a vital job. And you've  
11 done it well, and I want to thank you for your service.  
12 You've got a one-year disqualification from serving jury duty  
13 in state circuit court. You've got a three-year exemption. I  
14 hope you don't exercise your exemption, because we do need  
15 good jurors, and I want to thank you for your service.

16 That will conclude your duties. Those of you who want to  
17 be excused can be excused. Those of you who want to remain  
18 for the remainder of these proceedings can stay in the jury  
19 box, whichever you wish to do. Thank you very much.

20 (The jury exited the courtroom at 5:11 p.m.)

21 MOTION FOR DIRECTED VERDICT

22 THE COURT: All right. Any post-trial motions at this  
23 time?

24 MR. HOFFMEYER: Yes, sir, Your Honor. At this time, we  
25 renew our Motion for a Directed Verdict based upon the

1 arguments that I made to the Court at the end of the State's  
2 case. We renew those.

3 THE COURT: All right. I'm going to deny that motion.  
4 I'm going to let my prior ruling stand on that.

5 MR. HOFFMEYER: Yes, sir, I understand.

6 And in the alternative, Your Honor, we move for a new  
7 trial. We move for a new trial on the basis of the evidence  
8 that was admitted over our objection related to the Motion to  
9 Suppress the items from the vehicle, that being the shirt and  
10 the gun, and also our Motion to Suppress the statement of  
11 Mr. Jackson. We believe that those should not have been  
12 admitted, and he's entitled to a new trial.

13 In addition, on our Motion for a New Trial, Judge, we  
14 believe that this trial should have been severed from that of  
15 the co-defendant, and we believe that it was borne out -- the  
16 jury was wrestling with the "hand of one is the hand of all"  
17 and having two defendants in here on trial at the same time,  
18 it created certain issues for this jury, and therefore, we  
19 move for a new trial on that basis as well.

20 In addition, we move for a new trial on the basis that  
21 there was a photograph admitted into evidence which showed the  
22 young men purportedly acting as if they were shooting a weapon  
23 and other type signs, and we believe that that should not have  
24 been admitted and was highly prejudicial. It also fed into  
25 the State's theory of the "hand of one is the hand of all" and

1 their actions -- I think premeditation in that case was one of  
2 the State's points -- but more than that, their actions and  
3 their actions together.

4 In addition to that, Judge, on the "hand of one, hand of  
5 all" issue, which greatly impacted this case, I requested a  
6 certain charge of the Court after the jury had the question  
7 which was denied, and we believe, based upon the issues the  
8 jury was having with the "hand of one is the hand of all,"  
9 another reason that severance would have been appropriate,  
10 should have been granted, but all that leads to the fact that  
11 a new trial should be granted in this case. And that's all I  
12 have at this time, Judge.

13 THE COURT: All right. I have already made a decision on  
14 those issues, and I'm going to let the prior decisions stand,  
15 so I'm going to deny your motion for a new trial.

16 All right. Anything else from the Defendant Jackson at  
17 this time?

18 MR. HOFFMEYER: No, sir, Your Honor. Thank you.

19 THE COURT: All right. Mr. Rigney, anything from your  
20 client?

21 MR. RIGNEY: Yes, Your Honor. First of all, we want to  
22 renew our Motion for a Directed Verdict based on the  
23 insufficiency of the evidence.

24 THE COURT: All right. I'm going to let my prior ruling  
25 stay on that one. I'm going to deny the motion.

1 MR. RIGNEY: In addition to that, Your Honor, we would  
2 move for a new trial. And this is going to be based on, first  
3 of all, the denial of the Motion to Sever which gave rise to  
4 various questions and complications, the "hand of one, hand of  
5 all," and our initial motion pretrial to get this motion -- to  
6 get the trial severed -- we would base that on the entire  
7 Motion to Sever pretrial.

8 We also had a question about the videos, not only the  
9 entire suppression of the videos before trial, pretrial, but  
10 also as to the admission of the evidence of the altered  
11 videos. And we had also joined in the motion regarding the  
12 "hand of one, hand of all" question from the jury, as well as  
13 the instruction to the jury about the "hand of one, hand of  
14 all," the sufficiency of the evidence to support such an  
15 instruction. And so, therefore, Your Honor, we ask for a new  
16 trial on those grounds.

17 THE COURT: All right. As with Mr. Jackson's motions, I  
18 think I have already addressed all those issues. I'm going to  
19 stand by my prior rulings, so I deny the motion for a new  
20 trial.

21 MR. RIGNEY: Thank you, Your Honor.

22 THE COURT: Anything further from the Defendant Hickson  
23 at this time?

24 MR. RIGNEY: No, Your Honor.

25 THE COURT: All right. Any reason we cannot go ahead and

1 impose a sentence at this time?

2 Do y'all have sentencing sheets?

3 MR. LEASURE: Yes, Your Honor. I believe she's working  
4 on it, Your Honor.

5 THE COURT: All right.

6 (Pause in the proceedings.)

7 MITIGATION

8 THE COURT: All right. Mr. Hoffmeyer, Mr. Rigney --  
9 we'll go with Mr. Rigney first. Anything in mitigation with  
10 regard to Mr. Hickson before I impose sentencing?

11 MR. RIGNEY: Yes, Your Honor. Mr. Hickson is 19 years  
12 old now and, when this incident took place, he was 16 years  
13 old only. He has about an 8th grade education. And as we  
14 made you aware in pretrial hearing, he has significant  
15 learning disabilities and he has trouble in various aspects of  
16 his life due to those things. He's also had some difficulties  
17 in his home life in that his parents have not lived together  
18 during most of his time.

19 In my interactions with this young man, he's always been  
20 very respectful, very polite, and acted very appropriately in  
21 all instances I have been with him. I have been impressed  
22 that -- he's been in various -- I've met him in various ways,  
23 all the way back to the juvenile facility in Columbia, and I  
24 got to talk to him on many different levels and go through --  
25 many different interviews that he had to go through in the

1 process of getting waived up from the juvenile courts and the  
2 family courts. And he has impressed me as a person who --  
3 maybe he's done some things that he shouldn't have done. He  
4 realizes that he can do better with his life, and I would ask  
5 for leniency in order to give him a chance to actually get on  
6 with his life and do better with it, Your Honor. Thank you.

7 THE COURT: All right. Mr. Hickson, anything you want to  
8 say? Or anyone want to speak on your behalf?

9 DEFENDANT HICKSON: No, sir.

10 THE COURT: All right.

11 Mr. Hoffmeyer, anything in mitigation on behalf of your  
12 client?

13 MR. HOFFMEYER: Thank you, Your Honor. This obviously is  
14 a terribly tragic situation. There aren't words to describe  
15 how tragic it is. It's tragic for this family to Your Honor's  
16 right. It's tragic for this family to Your Honor's left. And  
17 I know my client is remorseful, but it can't be undone.

18 Judge, he was 19. That's a very immature time. And  
19 beyond immature, these young people -- it's hard for  
20 us-that-are-older to understand, but they get involved in  
21 these things that ruin people's lives. But I know that my  
22 client appreciates the devastation that this has caused.

23 He had been in no trouble before. So, Judge, any  
24 leniency you can give and certainly run that five years  
25 concurrent -- it's all part of the same course of conduct --

1 we would greatly appreciate it.

2 THE COURT: Mr. Jackson, anything you want to say or  
3 anyone want to speak on your behalf?

4 DEFENDANT JACKSON: Yes, sir. I just want to -- I don't  
5 know if I can look at the family or -- I just want to let the  
6 family know that I'm sorry, that I just hope they can allow --  
7 and to put it in their heart that they forgive me and to  
8 always keep me in their prayers because every night, I always  
9 pray for them. I do. And I know they probably don't believe  
10 me, but I truly am sorry. And I always ask God to pray for  
11 you and me, too. And I just ask that you may have mercy on  
12 me.

13 THE COURT: All right. Thank you.

14 DEFENDANT JACKSON: Yes, sir.

15 VICTIM STATEMENTS

16 THE COURT: Any victims wish to speak?

17 MS. LIVESAY: Yes, sir.

18 THE COURT: You need to come forward to the microphone  
19 and give the court reporter your name. And your name?

20 MS. JONES: My name is Eunique Jones. J-o-n-e-s.

21 THE COURT: And your first name?

22 MS. JONES: Eunique, E-u-n-i-q-u-a.

23 THE COURT: All right. Ms. Jones -- and what -- excuse  
24 me. What is your relation to the victim?

25 MS. JONES: I'm his older sister.

1 THE COURT: Okay. What would you like to say?

2 MS. JONES: My brother was young, bright. I like to say  
3 he's the nicer of the two of us. He always had a smile, and  
4 he always was willing to help others. He had no intentions of  
5 losing his life that night, and he had no intentions of  
6 hurting anyone.

7 I hope this moment changes their lives forever because  
8 it's changed ours. We have sat here and been strong and held  
9 on, but it's been hard. Three years, we have had to look at  
10 pictures and videos and remember who he was aside from seeing  
11 him in a casket. It wasn't fair. He didn't deserve this.  
12 And I -- I can't understand why. And I don't think we ever  
13 will know why. But I think it's fair to say that they didn't  
14 have any remorse for anybody in that parking lot that night.  
15 And it could have been anybody who lost their life, not just  
16 my brother, but several others. And I think it's fair to say  
17 that leniency isn't needed. Thank you.

18 THE COURT: Thank you.

19 MS. OUTLAW: Shaquita Outlaw.

20 THE COURT: I need you to spell your first name, please.

21 MS. OUTLAW: Sir?

22 THE COURT: Could you spell your name, first and last  
23 name?

24 MS. OUTLAW: S-h-a-q-u-i-t-a, O-u-t-l-a-w.

25 THE COURT: And your relationship to the victim?

1 MS. OUTLAW: The mother.

2 THE COURT: All right. Ms. Outlaw, what would you like  
3 to say?

4 MS. OUTLAW: I would like to say they did not just hurt  
5 South Carolina, the community, or North Carolina. They also  
6 hurt a loving family, mother, father, siblings. This is  
7 something that's going to hurt me all of my life. I feel  
8 that -- no one can tell me how to feel about my child. What  
9 they done was wrong. I wake up to a disturbing call. I'm  
10 losing time out of work. I'm here every time since this been  
11 going.

12 THE COURT: Thank you, ma'am.

13 MR. HARRIS: My name is Pastor Jeffrey Harris, and this  
14 is my wife, Gwen Harris.

15 THE COURT: And your relationship to the victim?

16 MR. HARRIS: We're the grandparents.

17 THE COURT: All right. Mr. and Mrs. Harris, what would  
18 you like to say?

19 MR. HARRIS: I would like to say this: I don't know the  
20 defendants. I don't know them. I don't know the family. But  
21 I do know that we lost a grandson, and I know we will never  
22 see him again. And also I do know this, that we have to find  
23 a better way to solve our differences. I don't hate anybody  
24 in this courtroom. I pastor a church of all different kinds  
25 of people, but I believe today that the justice system have

1 done its job, and I'm grateful for it, and I thank the Court  
2 for doing what they're supposed to do, and Ms. Livesay for  
3 representing the State and Mr. Delbert -- I really thank you  
4 all for that. So we made a decision that, from this day  
5 forward, we're moving on with our lives. Regardless of what  
6 the outcome was, we already said that we're moving forward  
7 with our lives. So we just want to say thank you all so much  
8 for allowing us to move on.

9 THE COURT: Thank you.

10 MS. HARRIS: I'm Gwen Harris, and I'm his grandmother.  
11 And I just want to say that Quay -- to explain him, my point  
12 of view of him, he just was a big loving teddy bear and  
13 everybody loved him. You know? And -- I mean, school loved  
14 him. He had a future. He was an all-around sport player. I  
15 mean, he just loved sports and he loved to play with little  
16 children, you know, like, you know, wrestle with them and  
17 stuff like that. And he just was -- every time you saw him,  
18 he smiled. That's what I miss about him, his smile, you know.  
19 And -- he just loved everybody. And when he went there, he  
20 was expected to come back home. But he didn't come back home.  
21 So the only thing now I got to look at, like my granddaughter  
22 said, is his picture and -- to remember him.

23 THE COURT: Thank you.

24 MR. HARRIS: Thank y'all so much.

25 THE COURT: Thank you.

1           Your name, sir?

2           MR. JONES: My name is Daryl Jones. D-a-r-y-l. This is  
3 my wife, Larissa Person Jones.

4           THE COURT: And your relationship to the victim?

5           MR. JONES: I'm his father.

6           THE COURT: All right, sir. What would you like to say?

7           MR. JONES: For a while, this trial been proceeding.  
8 This is my first time speaking on the whole situation. My  
9 son, you know, he was full of life. With -- that has been  
10 snatched from him. We all loved him, just like I know their  
11 family loves them too. We all took a loss here, as the parent  
12 of the deceased, parent of the defendants. Don't nobody want  
13 to see none of their kids in this situation.

14           First of all, to Mr. Jackson, I appreciate your apology,  
15 man, I really do, for letting me know you had some type of  
16 remorse about the situation regardless of the outcome or the  
17 situation you're in now. If we -- I forgive you. I mean, we  
18 all do, but finally and foremost, like you said, God forgives  
19 you.

20           DEFENDANT JACKSON: Thank you.

21           MR. JONES: He's always going to be forgiving. I just  
22 hope we all learn a lesson from this, and whatever the outcome  
23 be, just make sure that it be a learning situation, so  
24 whenever you do, both of y'all, come back home, come back home  
25 with a different mindset. I love y'all, brothers, man. I

1 love my son. No matter what the situation may be or what the  
2 outcome be, Quay ain't coming back.

3 So with that being said, I want to thank Ms. Livesay for  
4 representing and standing for my son, representing him while  
5 he's not here, and the family for being here, everybody that  
6 was here. And -- I mean, Your Honor, it's left in your hands  
7 now. And all I can say, you know, just whatever the outcome  
8 be, y'all just make sure y'all come back with a different  
9 mindset. That's it, man. You know -- we know what can happen  
10 when -- you know, not pointing fingers, but whenever guns are  
11 involved, somebody can get hurt, and unfortunately, you know,  
12 an innocent life was taken [sic]. But, hey, you know, like I  
13 said, Quay ain't coming back. But -- you know, that's all I  
14 wanted to say, Your Honor. I don't know if my wife has  
15 nothing to say. But, you know, my heart go out for my son and  
16 go out for y'all just as well, bro. I promise you that.

17 THE COURT: Thank you, sir.

18 Your name?

19 MS. JONES: My name is Larissa, L-a-r-i-s-s-a, Person,  
20 P-e-r-s-o-n, Jones, J-o-n-e-s. And I just want to piggy-back  
21 off what my husband said. Mr. Jackson, we have been coming to  
22 Court for three years now, and this is the first time that we  
23 have heard someone who was apologetic sincerely about what  
24 happened on April the 24th. And for three years our family  
25 has been battling with the loss of my son. And it's painful.

1 It hurts. And we just -- we're trying to hold on. And like  
2 my husband says, we do accept your apology. We forgive you  
3 for what you have done. But it still is a process. We're  
4 still trying to move past only having the memories of Quay.

5 So on behalf of our family, we just want to let you know  
6 thank you for that sincere apology.

7 DEFENDANT JACKSON: Yes, ma'am.

8 MR. JONES: Quay already forgave them both.

9 DEFENDANT JACKSON: Thank you.

10 THE COURT: Anyone else?

11 Anything further from the State?

12 MS. LIVESAY: Nothing further from the State, Your Honor.

13 THE COURT: All right. And I think we have already  
14 covered this. No prior criminal records?

15 MS. LIVESAY: That's correct.

16 SENTENCING

17 THE COURT: All right. Mr. Hickson, Mr. Jackson, both of  
18 you have been found guilty by a jury of your peers.

19 Mr. Jackson, on the charge of voluntary manslaughter, the  
20 sentence of the Court is that you be confined to the State  
21 Department of Corrections for 30 years. On the charge of  
22 possession of a weapon during the commission of a violent  
23 crime, the sentence of the Court is that you confined to the  
24 State Department of Corrections for five years. These  
25 sentences will run concurrently. You will be given credit for

1 any time served thus far.

2 Mr. Hickson, on the charge of voluntary manslaughter, the  
3 sentence of the Court is that you be confined to the State  
4 Department of Corrections for 30 years. You'll receive credit  
5 for any time served thus far.

6 All right. Thank you very much.

7 Anything further from the State?

8 MATTER BEFORE THE COURT

9 MS. LIVESAY: Your Honor, just that we have this  
10 information, if the Court wants it, regarding the photograph  
11 that was taken --

12 THE COURT: Let's have order. We're still in court.  
13 Still in session. You have got what, now?

14 (Counsel conferring.)

15 THE COURT: These were the pictures that appeared on  
16 social media?

17 MS. LIVESAY: Yes, sir. Here's the social media thing.  
18 And then, as you can see here, there's the profile. And it's  
19 my understanding that this is the young lady --

20 Where is Riley at? Can you get Riley to come up here?

21 That's the young lady that appears to have posted it.

22 THE COURT: I mean, is that from the victim's family? Or  
23 from --

24 MS. LIVESAY: Defendant's.

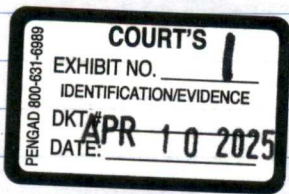
25 MR. RIGNEY: Who is posting about whom? Is it the

① is Hand of one, Hand  
of all a law  
that has ~~to be~~ followed

- you must follow the law as it was  
charged to you by the court.

② where in the parking  
lot was the Accord  
- This is a fact that the jury  
must determine.

Minority Cultbution  
judge



**WITNESSES**

Christopher B White Myrtle Beach Police  
Department

*Asia Samuel*

**ARREST WARRANT NUMBER**

2022A2620600901

CDR: 0116 16-03-0010, 0020

DOA: 4/25/2022

**ACTION OF GRAND JURY**

TRUE BILL

*[Signature]*  
Foreperson of Grand Jury

Date: JAN 25 2023

**VERDICT**

570 Foreperson of Petit Jury

Date:

DOCKET NO. 2023GS2600403

**The State of South Carolina**

**County of Horry**

Nancy Livesay

22H02053

**COURT OF GENERAL SESSIONS**

**January, 2023 TERM**

**THE STATE**

**vs.**

Tai'Yuan Ja'Rel Jackson

/ M

DOB: 2002

SSN: [REDACTED]

**ATTORNEY: W. James Hoffmeyer**

**Indictment for**

**Murder**

**Jimmy A. Richardson, II, Solicitor**

 **ORIGINAL**

FILED  
HORRY COUNTY

2023 JAN 25 P 4: 04

RENEE M. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

STATE OF SOUTH CAROLINA     )  
                                                       )  
 COUNTY OF HORRY                     )

# INDICTMENT

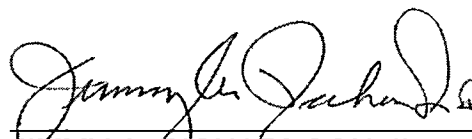
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

## MURDER

CDR: 0116 16-03-0010,0020

That Tai'Yuan Ja'Rel Jackson did in Horry County, on or about April 24, 2022, willfully, feloniously, and intentionally kill the victim, Dyquavyon Dickens-Jones, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about April 24, 2022 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II  
 FIFTEENTH CIRCUIT SOLICITOR

**WITNESSES**

Christopher B White Myrtle Beach Police  
Department

*Assia Saoud*

**ARREST WARRANT NUMBER**

2022A2620600895  
CDR: 0549 16-23-0490  
DOA: 4/25/2022

**ACTION OF GRAND JURY**

TRUE BILL

*[Signature]*  
Foreperson of Grand Jury  
Date:

JAN 25 2023

**VERDICT**

572  
Foreperson of Petit Jury  
Date:

DOCKET NO. 2023GS2600396

**The State of South Carolina**  
**County of Horry**

Nancy Livesay

22H02053

**COURT OF GENERAL SESSIONS**

**January, 2023 TERM**

**THE STATE**

**VS.**

Tai'Yuan Ja'Rel Jackson

/ M

Effingham, SC 29541

DOB: 2002

SSN:

**ATTORNEY: W. James Hoffmeyer**

**Indictment for**

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

**Jimmy A. Richardson, II, Solicitor**

FILED  
HORRY COUNTY

2023 JAN 25 P 4: 03

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

 **ORIGINAL**

STATE OF SOUTH CAROLINA     )  
                                                           )  
 COUNTY OF HORRY                    )

# INDICTMENT

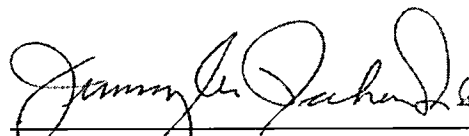
At a Court of General Sessions, convened on January 25, 2023, the Grand Jurors of Horry County present upon their oath:

## POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Tai'Yuan Ja'Rel Jackson did in Horry County, on or about April 24, 2022, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

**CERTIFICATE OF COUNSEL FOR APPELLANT**

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

**RECEIVED**

**Dec 15 2025**

**SC Court of Appeals**

Respectfully Submitted,



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W. Chandler Norville  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 15th day of December, 2025.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
\_\_\_\_\_

Appeal from Horry County

Honorable Benajmin Culbertson, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

TAI'YUAN JA'REL JACKSON,

APPELLANT

APPELLATE CASE NO. 2025-000769  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 15th day of December, 2025.



\_\_\_\_\_  
W. Chandler Norville  
Appellate Defender

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

ATTORNEY FOR APPELLANT

**RECEIVED**  
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**SC Court of Appeals**